

**TOWN OF MILLIKEN
BOARD OF TRUSTEES
MILLIKEN MEETING HOUSE, 1201 BROAD STREET**

MEETING MINUTES

Wednesday, July 25 2012 - 7:00 P.M.

Call to Order

The Town of Milliken Board of Trustees convened a regular session on Wednesday, July 25, 2012 at 7:00 p.m. Those present: Mayor Milt Tokunaga, Mayor Pro Tem Julie Cozad; Trustees: Linda Beck, Ted Chavez, Jordan Jemiola, and Lois Ann Onorato. Also present: Town Administrator/Police Chief Jim Burack, Town Attorney Bruce Fickel, Public Works Director Jason Fowler, Community Development Director Steve House, Town Clerk Cheryl Powell, Parks and Outdoors Director Josh Roseberry and Assistant Attorney Sunita Sharma. Absent: Trustee Reid Hobler

Pledge of Allegiance

Mayor Tokunaga called the meeting to order.

Agenda Approval

Town Administrator Burack responded there were no staff additions to the Agenda. Town Attorney Bruce Fickel requested an Executive Session, C.R.S. 24-6-402(4)(b) and C.R.S 24-6-402(4)(e).

Presentation

The Keep Milliken Beautiful (KMB) Committee presented two (2) "You Make a Difference Awards" one to Heather Morgan, 200 S. Ethel Avenue and the other to Rick Jaruzel and Laura Aquilions, 204 S. Ethel Avenue. These awards were given due to the exterior renovations on these homes.

Citizens Comments

T.J. and David Boyer, 240 E. Juneberry Street, which is in close proximity to Mountain View Park, are concerned with vandalism on their street, kids hanging out late at night at Mountain View Park, the lack of police patrol on the street or at the park, the bathrooms in the park not being locked at night and the need for additional trash cans near the basketball court. Mr. Boyer is also concerned about cars using excessive speeds down the street and asked if additional stop signs or some other deterrent could be put in place.

Jerimah White, 105 N. Norma Avenue, sees 21+ year olds hanging out at Mountain View Park, people with drugs in the park and is concerned that things are getting out of hand.

Rick Jaruzel, 204 S. Ethel Avenue, suggested that police officers walk the neighborhoods once a week so that they get to know the people in the neighborhoods. Mr. Jaruzel is also concerned and worried for safety reasons about the house located at 222 S. Ethel Avenue that had burned down. He would like to know what is going to happen with it.

Minutes of Previous Meeting – July 11, 2012 meeting.

Minutes approved as distributed.

Acknowledgement of the Paid List of Bills

July 2012 List of Bills

CONSENT AGENDA

There were no items.

ACTION AGENDA

1. Public Hearing and Consideration and Approval of Resolution # 12-21, Ordinance Numbers 659, 660 and 661 or 662.

Community Development Director Steve House asked the Town Board for consideration and approval of Resolution # 12-21 to determine whether the area proposed to be annexed complies with the applicable requirements and is eligible for annexation. Consideration and approval of Ordinance 659, an ordinance amending Article III of the Milliken Municipal Code (MMC), Ordinance 660, an ordinance approving the annexation of certain territory to the Town of Milliken, to be know and designated as “Bernhardt Farms Annexation” to the Town of Milliken; Ordinance 661, an ordinance amending Section 16-3-440 of the MMC, relating to zoning regulations for “Bernhardt Farms Annexation” to the Town of Milliken and or Ordinance 662, an ordinance allowing the continuation of agricultural use of “Bernhardt Farms Annexation” as a grandfathered use.

Mayor Pro Tem Cozad asked for a map of the proposed annexation to be displayed for public viewing.

The Public Hearing Opened at 7:33 PM

Mr. Jim Gardner, 801 Forest Street, Milliken asked whether this property, if annexed will be taxed as industrial or agricultural property. He feels that if it is assessed as agricultural it will not cover its cost for annexing. Town Attorney Fickel replied that the property is assessed according to its use, agricultural or industrial. The property tax rate will be assessed by the Assessor's Office.

Mayor Pro Tem Cozad asked if there is currently a plan for this property. Danna Ortiz who is the consultant/planner for the Bernhardt Annexation responded there is currently not a definite user for this property, but there has been interest.

Mr. Dave Bernhardt, 23809 WCR 25, Milliken, stated that Upstate Colorado staff has stated that they will not "list" the property unless it is annexed into Milliken and zoned appropriately.

The Public Hearing Closed at 7:41PM

Mayor Pro Tem Cozad moved to approve Ordinance 659 amending the zoning ordinance in Sections 16-3-430, 440, 450 and 480 to allow agricultural uses in industrial zone districts. Trustee Jemiola seconded.

Discussion: Mayor Pro Tem Cozad would like to see the property use continued as agricultural until it is developed. Upstate Colorado does look at properties that are ready with zoning. It's an ideal use for the property due to the railroad.

Vote: All in favor, none opposed. Motion passed.

Trustee Jemiola moved to approve Resolution 12-21 concerning the annexation to the Town of Milliken, CO of a certain area designated as "Bernhardt Farms Annexation" and setting forth findings of fact and conclusions based thereon as required by the Colorado Constitution and by State Statute. Trustee Onorato seconded.

Discussion: The Town Board has reviewed the Findings of Fact regarding this annexation and it meets the requirements.

Vote: All in favor, none opposed. Motion passed.

Trustee Chavez moved to approve Ordinance 660 annexing the property known as the Bernhardt Farms Annexation. Mayor Pro Tem Cozad seconded.

Discussion: None.

Vote: All in favor, none opposed. Motion passed.

Trustee Onorato moved to approve Ordinance 661, zoning the annexed property, known as the Bernhardt Farms Annexation, to I-2, Medium Industrial District. Mayor Pro Tem Cozad seconded.

Discussion: None

Vote: All in favor, none opposed. Motion passed.

2. Public Hearing and Consideration and Approval of a Use by Special Review (USR) for a Child Care Center

Community Development Director Steve House asked the Town Board for consideration and approval of a child care center located at 1015 E. Elm Street, Milliken. The property has been previously used as a child care center.

The Public Hearing Opened at 7:51PM

Mr. Dennis Griffith who owns and operates Young Peoples Learning Center started his business thirty-four (34) years ago in Fort Collins. Mr. Griffith stated since there is currently not a child care facility operating in Milliken/Johnstown he felt this would be an ideal place to open a new facility. The hours of operation will be from 6:30 AM until 6:30 PM Monday through Friday. Mr. Griffith relayed to the Town Board the types of programs they will be offering at this facility.

Discussion from the Town Board pertained to what requirements the state requires of the operators and the facility, how many facilities Mr. Griffith operates and how many people will be working at this facility. Mr. Griffith responded the State thoroughly investigates them and their employees and does a thorough inspection of the facility. Mr. Griffith owns two (2) facilities but operates and has licenses in four (4) different locations. Mr. Griffith's employee of six (6) years will function as the Director of the Milliken facility along with three (3) current employees will transfer. He anticipates an additional six (6) – eight (8) more employees will be needed to operate the Milliken facility.

Martin Hamilton with the Johnstown Breeze asked when the facility will open. Mr. Griffith responded they would like to be open by August 13th. An Open House is scheduled for Saturday, August 4th.

Mr. Ken Kidd, 2280 Birdie Way, Milliken addressed the Town Board in regard to the previous zoning requirement in the Land Use Code prior to the opening of “Kids in Motion”, the previous occupant of 1015 E. Elm Street and Mr. Kidd handed out a copy of a section in the Land Use Code regarding mixed use districts.

The Public Hearing Closed at 8:12 PM

Mayor Pro Tem Cozad moved to recommend approval of the Use by Special Review for a child care center to be located at 1015 Elm St., Milliken. Trustee Chavez seconded.

Discussion: The Town Board concluded that if it were determined later that the zoning regulations currently in place allow a child care center as a Use by Right the application fees will be refunded.

Vote: All in favor, none opposed. Motion passed.

3. Public Hearing and Consideration and Approval of Ordinance # 663, and Ordinance Vacating Property Dedicated for Streets or Alleys

Community Development Director Steve House asked the Town Board for consideration and approval of Ordinance # 663, an ordinance vacating property dedicated for streets or alleys. Director House explained that the property owner of the Western International Grain site – Hall-Windsor Family Partnership, LLP – has requested that the street and alley right-of-way (ROW) be vacated as designated on the Town of Milliken plat.

Mr. Bret Hall spoke as a representative of the Hall-Windsor Family Partnership and explained to the Town Board that this process is one more step in cleaning up the Grain site property to prepare it for future use, sale or development.

Mayor Pro Tem Cozad clarified that this property is on Broad Street and Hwy 257 and is located on the northeast corner. Mr. Hall acknowledged that this was correct.

The Public Hearing Opened at 8:15 PM

The Public Hearing Closed at 8:17 PM

Trustee Jemiola moved to approve Ordinance 663 vacating property dedicated for streets and alleys on the Western International Grain Company Property and it is in compliance with vacation of right-of-way criteria. Trustee Beck seconded.

Discussion: None.

Vote: All in favor, none opposed. Motion passed.

4. Consideration and Approval of Resolution 12-22 for the Use of Fireworks at the Annual Beef 'N Bean Day Event

Community Project Manager Caree Rinebarger asked the Town Board for consideration and approval of Resolution 12-22 allowing Tri-State Fireworks to provide a public fireworks display during the Town's annual Beef 'N Bean Day celebration on August 11, 2012. Approval has been granted by the Weld County Sheriff's Office and approval has been given by Tom Binder whose farm abuts Lola Park and a courtesy notification has been sent to the Klein family whose farm is also in close proximity to Lola Park. The Fire District has also been notified.

Trustee Onorato moved to approve Resolution 12-22 allowing Tri-State Fireworks to provide a public fireworks display during the Town's annual Beef 'N Bean Day event on August 11, 2012. Mayor Pro Tem Cozad seconded.

Vote: All in favor, none opposed. Motion passed.

5. Consideration and Approval of a Special Events Permit Application to Provide a Beer Garden at Beef ' N Bean Day

Town Clerk Cheryl Powell asked the Town Board for consideration and approval of a special events liquor permit allowing the VFW Post 2895, to provide a beer garden during the Town's annual Beef 'N Bean Day celebration on August 11, 2012.

Trustee Chavez moved to approve the Special Events Application for the purpose of a beer garden at the 2012 Beef 'N Bean Day on August 11, 2012 at Lola Park. Trustee Jemiola seconded.

Discussion: Mr. Jim Gardner, 801 Forest Street, expressed concern that the VFW is not located in Milliken and business will be taken away from other liquor establishments in Milliken. He also stated that businesses in Milliken pay considerably more for their license fees than what is being required of the VFW for the one day event. Mr. Gardner is also concerned that there may be excess trash in the park due to the Beer Garden. The Town Board responded that next year other non-profit organizations such as the Milliken-Johnstown Chamber, could be solicited for their interest in hosting the beer garden.

Vote: All in favor, none opposed. Motion passed.

6. Consideration and Approval of a Tavern Liquor License Transfer from the Dawg House Saloon, LLC to Lalo's Cantina

Town Clerk Powell asked the Town Board for consideration and approval of a Tavern Liquor License transfer from the Dawg House Saloon, LLC to Lalo's Cantina located at 1007 ½ Broad Street, Milliken.

Mr. Charles Parks, who is a Town resident and owner of the Milliken Post, questioned whether the tavern license is still valid since the 90 days after the license expiration has passed. Town Clerk Powell will verify this prior to submitting the application to the state. Mr. Parks also questioned whether the Town needs a third facility in Town that serves alcohol.

Mr. Jim Gardner would like to see the Board to approve this license since this will be another business in Town and this location has been a tavern for many years in the Town.

Mayor Pro Tem Cozad moved to approve the transfer of the Tavern Liquor License from Lalo's Cantina conditional on the validity of the license located at 1007 ½ Broad Street, Milliken, CO. Trustee Onorato seconded.

Discussion: None

Vote: All in favor, none opposed. Motion passed.

7. Consideration and Approval of the Revised Guidelines for the \$storefront\$ Grant Program

Community Development Director House asked the Town Board to review and consider for approval the revised guidelines for the \$storefront\$ grant program.

There was discussion regarding improvements placed on private property that will remain property of the Town of Milliken. Town Attorney Fickel responded that there is a potential problem if you start giving away property that was purchased by the Town. One suggestion would be to sell the removable property, i.e. bench, etc. to the owner of the building based upon the depreciated amount. Another suggestion was a signed lease on the removable property that was provided through a grant by the Town. Further discussion was on potential development standards along Broad Street so there is consistency along the main corridor.

Trustee Jemiola moved to postpone the revisions of the \$storefront\$ grant program until the next meeting. Mayor Pro Tem Cozad seconded.

Discussion: None.

Vote: All in favor, none opposed. Motion passed.

DISCUSSION AGENDA

No items.

Updates on Staff Assignments

1. Operations Agreement – Water Works Pool

Town Administrator Burack discussed a potential Milliken Water Works Pool operations agreement extension between Thompson Rivers Parks and Recreation (TRPR), Lot Holding, LLC and Town. The agreement is complicated due to a requirement for the Town's consent as well as Lot Holding, LLC and TRPR. A longer term lease would provide stability and certainty for the Town. A longer term lease would provide TRPR with certainty since they intend to invest additional resources in the pool. Lot Holding, LLC has some pending improvements on the east side of the pool building they would like to move forward on, but these are contingent on Metro District funding. Staff will continue to work with TRPR, Lot Holding and Town Attorney Fickel to provide a longer term agreement.

Administrator Burack explained that the pool is almost ten (10) years old and there are going to be maintenance issues and all entities involved with the pool will be a part of ensuring that the pool is well maintained.

Town Administrator Burack will provide an update in four weeks. Town Attorney Fickel has already compiled a draft agreement to extend the lease.

2. Water Works Pool Status: Staff Completed

Walk- through inspection of facility to anticipate any repairs/maintenance expenses that should be included in 2013 budget.

Public Works Director Jason Fowler and Parks and Outdoors Director Josh Roseberry handed out a Pool walk-through check list of items that need to be repaired or replaced. Director Fowler explained the items on the list to the Town Board and will provide cost estimates for these items.

Other Business

Mayor Pro Tem Cozad informed the Town Board that at an Upstate Colorado meeting it was mentioned that Cornerstone Hotels likes to build hotels in small communities and they are looking for small communities to put hotels

in. Eric Burgland will be sending Mayor Pro Tem Cozad additional information. Mayor Pro Tem Cozad believes this would be a great opportunity for Milliken.

Mayor Pro Tem Cozad also mentioned that the Southwest Weld County meetings will be held the 3rd Thursday of each month at the Bella Rosa Restaurant located at the Bella Rosa Golf Course in Frederick. Trustee Onorato is interested in attending these again.

Summary of Meeting (Review of Action Items, Staff Assignments & Schedule)

Town Administrator/Police Chief Burack will follow up on concerns voiced by residents who spoke during the Citizens Comments portion of the agenda regarding the situation at Mountain View Park, excessive speeds on Juneberry Street, and the vacant house located at 222 S. Ethel Ave that burned earlier in the year.

Town Clerk will speak to the Liquor Licensing Authority and to the applicants of Lalo's Cantina in regard to the expiration of the Dawg House Saloon's liquor license and whether it is still transferable.

Community Development Director Steve House will bring the \$storefront\$ program revisions back to the Town Board with suggested changes.

Executive Session

Mayor Pro Tem Cozad moved to go into executive session C.R.S. 24-6-402(4)(b) to confer with an attorney for the purposes of receiving legal advice on specific legal questions and C.R.S 24-6-402(4)(e), for determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators. Trustee Jemiola seconded.

The time is 9:33 PM

Vote: All in favor, none opposed. Motion passed.

Executive session ended at 9:48 PM

Regular Meeting

Town Attorney Fickel wanted Town Board approval as to whether or not to file the appeal and to whether or not continue with negotiations with Kerr-McGee and Anadarko.

Trustee Jemiola moved to not pursue the appeal. No second. Motion failed.

Mayor Pro Tem Cozad recused herself from the discussion and left the meeting room.

Discussion was regarding the appeal and its cost and the potential cost if the Town does not appeal.


Trustee Beck motioned to continue the appeal and continue the negotiations. Trustee Onorato seconded.

Vote: Mayor Tokunaga, Trustees Beck, Chavez, and Onorato in favor. Trustee Jemiola opposed. Motion passed.

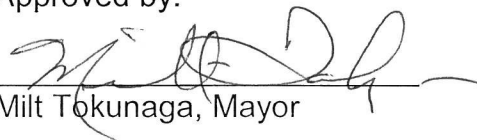
Adjournment

Hearing no further business, the Mayor adjourned the meeting at 10:06 p.m.

Prepared by:


Cheryl L. Powell
Town Clerk

Approved by:


Milt Tokunaga, Mayor