

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

**MEETING MINUTES**

**Wednesday, October 10, 2012 - 7:00 P.M.**

**Call to Order**

The Town of Milliken Board of Trustees convened a regular session on Wednesday, October 10, 2012 at 7:00 p.m. Those present: Mayor Milt Tokunaga, Mayor Pro Tem Julie Cozad; Trustees: Linda Beck, Ted Chavez, Reid Hobler, Jordan Jemiola, and Lois Ann Onorato. Also present: Town Administrator/Police Chief Jim Burack, Town Clerk Cheryl Powell, Treasurer & Accounting/Finance Director Patrick Murphy, Town Attorney Bruce Fickel, Assistant Attorney Sunita Sharma, Public Works Director Jason Fowler, Community and Economic Development Director Steve House. Absent: Parks and Outdoors Director Josh Roseberry

**Pledge of Allegiance**

Mayor Tokunaga called the meeting to order.

**Agenda Approval**

Town Clerk Powell responded there were no staff additions to the Agenda.

**Citizen Comments**

Mrs. Peggy Wakeman, former Town Trustee, spoke to the audience and Town Board regarding a 2012 Town Board goal project regarding community pride. Mrs. Wakeman instituted a signage project promoting school pride in the Milliken and Johnstown area. Mrs. Wakeman has spoken to the Johnstown Town Council and the RE-5J School District Board and they are also participating along with Milliken in obtaining the school pride signs. The signs will be erected in major entrances within the Milliken and Johnstown communities. Mrs. Wakeman's daughter, Kristen Eidson, read a proclamation, proclaiming Rider Country.

Mrs. Janie Lichtfuss, former Mayor of Milliken, read a statement to the Town Board regarding an article written by the on-line newspaper, the Milliken Post. Mrs. Lichtfuss stated the conversation she had was not an interview nor was she asked if she could be quoted. This conversation took place when she spoke to the Town Board at its previous meeting as a representative of the Milliken

Housing Authority (MHA) regarding possible funding for the MHA in the Town's 2013 budget. Mrs. Lichtfuss said she refuses to be included in a personal agenda that has as its intent to malign and discredit the Town Administrator and Town Staff. Mrs. Lichtfuss believes the paper should write about the positive events that have taken place due to the Town Board and Town Staff.

**Acknowledgement of Receipt by the Town Board of the 2013 Proposed Budget**

Accounting/Finance Director Patrick Murphy provided to the Town Board copies of the proposed 2013 budget during the Work Session on Wednesday, October 10, 2012

The Town Board acknowledged receipt the 2013 proposed budget.

**Notification of Contract Award**

Town Administrator Jim Burack notified the Town Board that Coulsen Excavation will be awarded the contract for RFP 13-2012 Streets Improvement Project for the Town of Milliken. Town Administrator Burack explained that the paving of Alice Avenue and WCR 46 was part of the 2012 capital improvements budget. Town Administrator Burack also informed the Town Board that this project bid is under the amount budgeted in the 2012 budget and that the procurement policy in the Town's financial policies had been followed.

The Town Board requested the final project contract be reviewed at the next Town Board meeting and the Mayor asked to clarify the Town's policy on contract approval.

**Minutes of Previous Meeting** – September 26, 2012 meeting.

Minutes approved as distributed.

**CONSENT AGENDA**

There were no items.

**ACTION AGENDA**

- 1. Consideration and Approval of a Waiver to the Zoning Ordinance Regarding Side Yard Setback**

Community and Economic Development Director Steve House explained to the Town Board that Mr. Gary Clark, who is building a home located at 2156 Country Club Parkway, has requested a waiver from the side yard setback requirement of the Zoning Ordinance for a new home. The setback requirement for a new house in the R-1-E, Single-Family Estate Residential District is 15 feet. The site plan provided to staff shows a setback of 13 feet and 1 inch. The letter of request for the waiver and signatures from some neighbors in the vicinity of 2156 Country Club Parkway had been included in the Town Boards meeting packet.

Mayor Tokunaga asked if the recorded setback is 10 feet. Community and Economic Development Director House explained there is utility easement of 10 feet, but the Milliken Municipal Code setback requirement is 15 feet. Director House explained that the building permit has not been approved or issued, nor any fee paid, but the Building Official has allowed the excavation in order to facilitate getting the building erected and enclosed before the winter. Director House explained that during the zoning review, the setback was determined to be deficient.

Mr. Clark stated in the waiver letter provided to the Town Board, he has requested a 10 foot setback, as recorded on public record in Weld County. Mayor Pro Tem Cozad explained that utility easements and setback requirements are two different things.

Mayor Pro Tem Cozad asked Town Attorney Fickel about the waiving of zoning regulations. Town Attorney Fickel explained that in Section 16-3-530 of the Milliken Municipal Code the Board of Trustees may authorize to waive the procedures and regulation requirements.

Trustee Jemiola moved to approve a waiver to the 15 feet setback requirement of the Zoning Ordinance allowing for a 13' 1" side yard setback at 2156 Country Club Parkway. Mayor Pro Tem Cozad seconded.

Town Attorney Fickel stated to the Town Board that not all the surrounding home/lot owners have signed the consent form and it would be appropriate if the Town Board would bind that the standards that are required in the Town's code have been met. Attorney Fickel advised the Town Board to amend the motion to include the following language: "Requirements in the code with respect to the waiver of the variance have been satisfied based upon the evidence that has been presented to the Town Board." Mayor Pro Tem Cozad who had seconded the motion agreed to include the additional language.

Discussion: Trustee Hobler asked Director House about the waiver letter that Mr. Clark submitted to the Town Board requesting a 10 foot setback and the waiver request brought to the Town Board is requesting a 13 foot 1 inch

setback. Director House explained that the site plan submitted with the building permit shows a setback of 13' 1" shown. Staff's suggestion is the 13' 1" setback.

Mayor Pro Tem Cozad believes that the setback of 13' 1" meets health, safety and welfare requirements and it is a minimal change and there may be some offsets on the adjacent property. Trustee Jemiola echoed Mayor Pro Tem Cozad and said he does not believe it would diminish the values of any adjacent properties.

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

**2. Consideration and Approval of Ordinance # 670, an Ordinance Amendment to the Zoning Ordinance – Accessory Building Setbacks**

Community and Economic Development Director Steve House asked the Town Board to consider for approval an ordinance to amend the Zoning Ordinance to change the setback requirements for accessory buildings in the R-1, R-1E, R-2 and R-3 zone districts. Director House provided a survey of accessory building setback requirements in other surrounding municipalities.

Mayor Tokunaga questioned whether this change should have gone to the Planning Commission. Director House believes this was a graphical error in the Milliken Municipal Code. Mayor Tokunaga suggested that if this ordinance is approved the Planning Commission ought to be notified.

Assistant Town Attorney Sunita Sharma believes that if this were a substantive change it would be initiated with the Planning Commission. However this appears to be a typographical or technical error.

Building Official Ken Kidd provided copies to the Town Board of the Milliken Zoning Code that was adopted and amended in 1999, showing reduced setbacks that would suggest it is the typographical error.

Trustee Beck moved to approve Ordinance # 670 amending the Zoning Ordinance, thereby reducing the required setbacks for accessory buildings in the R-1, R-1E, R-2, and R-3 zone districts. Trustee Chavez seconded.

Discussion: None

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

**3. Consideration and Approval of the Water Commission's Recommendation to Participate in the Regional Treatment and Transmission (RT<sup>2</sup>) Project**

Milliken Water, Wastewater and Drainage Utility Chairman Rich Ekwall asked the Town Board to consider for approval the recommendation of the Milliken Water, Wastewater and Drainage Utility Advisory Commission to participate in the Regional Treatment and Transmission (RT<sup>2</sup>) planning project. The cost of this study is approximately \$130,000. The cost to the Town of Milliken would be approximately \$13,000. There are approximately nine (9) other participants in this study. Chairman Ekwall also advised the Town Board of other areas the commission has been addressing. Subcommittees have been created to assist in the interviewing of an engineering firm to help with water and sewer issues and another to review the water, sewer and tap fees.

Discussion from the Town Board was whether the Town would be financially committed any further than just to contribute to the study. Chairman Ekwall explained that the Town could get out of the project at any time but may have a difficult time getting back in. Mayor Tokunaga asked if the study is strictly location, feasibility or distribution to other jurisdictions. Chairman Ekwall explained it is all of these items. The goal of the study is to begin in November 2012 and it will be a six (6) to seven (7) month study.

Trustee Onorato motioned that the Town Board accept and approve the Milliken Water, Wastewater and Drainage Utility Advisory Commission recommendation to participate in the Regional Treatment and Transmission (RT<sup>2</sup>) Study Project coordinated by Northern Colorado Water Conservancy District. Trustee Jemiola seconded.

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

## **DISCUSSION AGENDA**

### **1. 3 Coffee/High Plains Library Computer Center Hours of Operation**

Mayor Tokunaga suggested a subgroup to discuss the hours of operation.

Town Administrator Burack explained that the Glen A. Jones Library Board will be discussing this issue at their meeting on October 16<sup>th</sup>. Administrator Burack has spoken to Pat Betz, the Director with the library, and discussed if the library could make a proposal of how the Library Computer Center may be staffed.

Accounting/Finance Director Murphy also explained to the Town Board that a meeting had been held with the Johnstown-Milliken Chamber and they are facing the same concerns with having volunteers to staff the Library Computer Center.

### **2. Budget Session Meeting Date**

Town Clerk Powell asked the Town Board for consideration of a meeting date for the budget session following the session scheduled for October 16, 2012.

The Town Board agreed upon a budget session meeting date of Monday, October 29, 2012 at 6:00pm.

Mr. Gary Clark, whose item was presented to the Town Board during the action portion of the agenda, asked the Town Board to reconsider the setback on his property since he had indicated in his waiver request letter a setback of 10 feet, not 13 feet 1 inch. Community and Economic Development Director Steve House indicated that the site plan submitted with Mr. Clark's building permit indicated a 13 foot 1 inch setback and that is what Staff is recommending.

Town Attorney Fickel asked the Town Board for a motion to reopen this action item. There was not a motion. Motion failed.

#### **Updates on Staff Assignments**

There were no staff assignment updates due.

#### **Other Business**

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

Town Administrator Burack will present the Coulsen Excavation Contract for street improvements to the Town Board.

Director House will bring Ordinance # 670 regarding accessory building setbacks to the Planning Commission for their review.


The Town Attorney will provide a information to the Town Board regarding procurement and contract approval.

Town Administrator Burack will update the Town Board on the Glen A. Jones Library Board's discussion on staffing of the Library Computer Center.

#### **Adjournment**

Hearing no further business, the Mayor adjourned the meeting at 8:33 p.m.

Prepared by:

  
Cheryl L. Powell, Town Clerk

Approved by:

  
Milt Tokunaga, Mayor