

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

MEETING MINUTES

Wednesday, November 28, 2012 - 7:00 P.M.

Call to Order

The Town of Milliken Board of Trustees convened a regular session on Wednesday, November 28, 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, Parks and Outdoors Director Josh Roseberry, and Community and Economic Development Director Steve House.

Pledge of Allegiance

Mayor Tokunaga called the meeting to order.

Agenda Approval

Town Clerk Powell responded there were no staff additions to the Agenda. Mayor Tokunaga requested that the letters received by the Town Board from the Planning Commission and the Water, Wastewater and Utility Commission be added to the Discussion Agenda.

Citizen Comments

None

Minutes of Previous Meeting – November 14, 2012 meeting.

Minutes approved as distributed.

Acknowledgement of the Paid List of Bills – November 2012

The List of Bills was acknowledged by the Town Board.

CONSENT AGENDA

There are no items.

ACTION AGENDA

1. Public Hearing and Consideration of Approval of Resolution # 12-32, and Ordinance # 671, Daniels School House Annexation

Community and Economic Development Director House asked the Town Board for consideration and approval of Resolution 12-32, determining whether the area proposed to be annexed complies with the applicable requirements and is eligible for annexation. For consideration and approval of Ordinance 671, approving the annexation of certain territory to the Town of Milliken, to be known and designated as the "Daniels School House Annexation". Director House explained there are a few technical corrections that need to be made and suggests that the Town Board adopt the Resolution and Ordinance with the understanding that the actual map is not committed to a Mylar for signature until the technical corrections are made.

Director House indicated that Mr. and Mrs. Daniels and their attorney were present to answer any questions that the Town Board may have.

Public Hearing Opened at: 7:14 P.M.

Mayor Tokunaga asked for better clarification regarding the water and sewer connections since the map was not well-defined. Director House explained the map shows how the sewer would tap into Center Drive and move east across the ditch to serve both the School House and the Teacherage. Director House explained that the Planning Commission had thoroughly investigated this issue.

Mayor Pro Tem Cozad asked about the road access to the property. Director House responded that the Colorado Department of Transportation (CDOT) has requested the petitioner to apply for an access permit application. The site use that is being proposed is a substantially different use, since the site has not seen activity for a long time. Mayor Pro Tem Cozad asked if the Planning Commission minutes state that Mr. Bernhardt, as a member of the public, would allow joint access through his property. Director House responded yes, the Planning Commission minutes reflect this statement. Mayor Tokunaga asked if the access permit would be part of the development process. Director House responded it would.

Public Hearing Closed at: 7:19 P.M.

Mayor Pro Tem Cozad moved to approve Resolution 12-32 and Ordinance # 671 approving the Daniels School House Annexation No. 1 and No. 2, and

that minor typographical errors are fixed prior to the signing of the Ordinance. Trustee Chavez seconded.

Discussion: None

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

2. Public Hearing and Consideration of Ordinance # 672, Approval of Zoning of the Property Known as the Daniels School House Annexation

Community and Economic Development Director House asked the Town Board to consider and to decide upon the zoning for the Daniels School House Annexation, No. 1 and No. 2. The proposed use for the Schoolhouse is a special events center. Director House explained that the annexation map document is under review by the Town's surveyor and there may be minor technical corrections. He requests that prior to the Mayor signing the map that the technical corrections be made.

Public Hearing opened at: 7:21 P.M.

Public Hearing closed at: 7:23 P.M.

Trustee Beck moved to approve Ordinance # 672 zoning of the annexed property, known as the Daniels School House Annexation No. 1 and Daniels School House No. 2, to C-1 Office District. Trustee Onorato seconded.

Discussion: Mayor Pro Tem Cozad asked if the stipulations that are in the Use by Special Review (USR) should also be included in this motion. Director House indicated that they should.

Trustee Beck moved to amend the motion to include the following language: "Conditioned upon any necessary utility easements or access easements from adjoining property owners, the Big Thompson and Platte River Ditch Company, and DCP; compliance with health and building codes; an access permit from CDOT; a boring license agreement with ditch companies and technical corrections to legal descriptions." Trustee Onorato seconded.

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

3. Public Hearing and Consideration of Approval of a Use by Special Review Permit (USR) for a Residence in a C-1, Office District

Community and Economic Development Director House asked the Town Board to consider for approval a Use by Special Review for a residence in a C-1, Office District at 12257 Highway 60. The applicant is requesting to make the teacherage into a residence for one or two people. Director House

explained that the teacherage is on the National Register of Historic Structures, which has a mitigating effect on building codes. The life safety code standards do need to be met. The zoning code allows a residence in a commercial zone district if a USR for a residence is approved. The requirement for a minimum floor space of 1100 square feet can be lowered to the 331 square feet of the teacherage, by means of the USR process and with an approval of the USR. The Planning Commission has recommended approval of the use of the teacherage as a residence and has recommended the conditions as set forth in the motion.

Mayor Tokunaga voiced concern that the sewer easement was not expressly addressed within the Ordinance. Director House indicated that part of the condition included in the motion specifies any necessary utility easements.

Public Hearing opened at: 7:29 P.M.

Mr. Eric Carlson who is the Daniel's attorney responded that the plan includes sewer for both of the buildings.

Mayor Pro Tem Cozad asked what the vision is for the house since the house is small. Mrs. Madeline Daniels responded, saying that having a resident at the teacherage would provide some security for the schoolhouse. Mrs. Daniels feels the house could accommodate one to two people, since at one time it was occupied by Mr. Daniels' teacher and her two (2) children.

Public Hearing closed at: 7:38 P.M.

Trustee Onorato moved to approve the Use by Special Review for a residence to be located in the teacherage at 12257 Highway 60 conditioned upon any necessary utility easements or access easements from adjoining property owners, the Big Thompson and Platte River Ditch Company, and DCP; compliance with health and building codes; an access permit from CDOT; a boring license agreement with ditch companies; and proof of a water tap with the Little Thompson Water District. Mayor Pro Tem Cozad seconded.

Motion was amended by Trustee Onorato to include a sewer permit. Mayor Pro Tem Cozad seconded.

Discussion: Mayor Pro Tem Cozad thanked the Daniels for going through the annexation process and welcomed them to the Town of Milliken.

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

4. Public Hearing and Consideration of Approval of a Variance Request for a Setback at 2156 Country Club Parkway

At the November 21, 2012 Planning Commission meeting the Commissioners decided to postpone the Public Hearing until a future date to be determined. According to Community and Economic Development Director Steve House, this item is due to come before the Planning Commission on December 19, 2012 and then come before the Town Board on January 9, 2013.

5. Public Hearing on Proposed 2013 Budget

This is the Town's second Public Hearing in regard to the proposed 2013 budget. Finance and Accounting Director Patrick Murphy was present to provide the public with information and to receive public input regarding the Town's proposed 2013 budget. Director Murphy indicated that he has not had any inquiries since the first Public Hearing. The approval of the proposed 2013 budget will come before the Town Board at the December 12, 2012 meeting.

Public Hearing opened at: 7:41 P.M.

Public Hearing closed at: 7:42 P.M.

Discussion: None.

6. Consideration of Approval of a Contract with Coulson Excavating for the Purpose of Paving, Patching and Striping of Various Locations within the Town of Milliken

Town Administrator Jim Burack asked the Town Board to consider for approval a contract with Coulson Excavating for the purpose of paving, patching and striping various streets within the Town of Milliken. Town Administrator Burack explained that the prior contract with Coulson Excavating, that had been approved by the Town Board on October 24, 2012, resulted in less asphalt usage than what was originally projected to complete Alice Ave., Inez Blvd. and Irene Ave. Due to this reduction in material use, there is an estimated amount of \$49,070.31 left from the original budgeted amount of \$389,070.31. He explained that staff has studied other critical areas in Town that would benefit from paving, patching and/or striping that could still be completed this year. Some of these areas include patching and striping of County Road 378 and patching various other locations in Town, including Inez Blvd. between Marjorie and Quentine Avenues and Mad Russian Blvd. The paving of Green St. between Irene and Harriett, will improve pedestrian and traffic safety around the Middle School for both students and their parents.

Mayor Tokunaga asked if the request is to be able to utilize the remainder of amount that was originally intended for the prior Coulson Excavating Contract

and this contract is not to exceed that remainder amount. Town Administrator Burack responded yes.

Mayor Pro Tem Cozad asked if there was any risk due to the seasonal time of the year. Town Administrator responded that if the contract were approved the preparation work would begin Thursday and paving on Friday, and that the project would only take a few days. Discussion from the Town Board asked what would occur if the weather changed prior to completion of the project. Town Administrator Burack responded that staff will heed the advice given by Mr. Bill Schrader with Coulson Excavating.

Trustee Chavez moved to approve the contract with Coulson Excavating for the purpose of paving Green Street between Irene and Harriett Avenues, and patching and striping various locations within the Town for an amount not to exceed \$49,070.31. Trustee Onorato seconded.

Discussion: Trustee Hobler asked how the contract fits into the sole source procurement paragraph in the Financial Policies. Finance Director Murphy explained that, due to the timing of the contract, and that Coulson will extend the pricing that was recently competitively bid, Staff felt that this qualified as a sole-source procurement under the Financial Policies.

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

7. Consideration of Approval of the Engagement Proposal for the Audit of the Town's Basic Financial Statements for the Fiscal Year Ended December 31, 2012

Accounting and Finance Director Patrick Murphy asked the Town Board to consider for approval the acceptance of the Engagement Proposal from Anton, Collins, Mitchell, LLP. Director Murphy explained that the firm of Anton, Collins, Mitchell has provided auditing services to the Town for the last several years. During discussions with the auditing firm, Director Murphy requested a commitment that the same audit staff that worked on the statements for 2011 return to accomplish the audit for 2012. In addition, the Town will receive additional involvement from the Partner-in Charge.

Mayor Tokunaga expressed concerns about how the 2011 audit engagement progressed. He expressed that the use of new audit staff each year caused unnecessary delays, particularly after the departure of the previous Finance Director.

Mr. Randy Watkins with Anton, Collins, Mitchell, LLP spoke to the Town Board explaining the process and the occurrences that transpired during the audit of the 2011 Financial Statements. Mr. Watkins does not foresee the same obstacles for completing the 2012 audit.

Mayor Tokunaga asked for a definitive date that the 2012 audit will be presented to the Town Board. Mr. Watkins responded that the presentation will take place at the second meeting of June 2013.

Trustee Beck moved that the Town approve the proposed Engagement Letter from Anton Collins Mitchell, LLP for performing the required audit of the Town's basic Financial Statements for December 31, 2012. Trustee Chavez seconded.

Discussion: Mayor Pro Tem Cozad appreciates that Anton, Collins, and Mitchell has reduced their fee for the upcoming audit and hopes that the process goes better this year.

Vote: Mayor Pro Tem Cozad, Trustee Beck, Trustee Chavez, Trustee Hobler and Trustee Onorato in favor. Trustee Jemiola opposed. Mayor Tokunaga abstained from the vote. Motion passed.

DISCUSSION AGENDA

1. Milliken Housing Authority

The Milliken Housing Authority would like to discuss with the Town Board the 417 Broad Street property for potential donation to the Milliken Housing Authority (MHA) and the waiving of tap fees for future construction of Senior Housing.

Mrs. Janie Lichtfuss who resides at 1546 W. 29th St., Loveland, 80538, stated that the MHA has been exploring opportunities to expand the Senior Housing due to increased senior population. The current location of the MHA senior housing is Dove Valley in which there are an additional 10 acres for housing to be built. Unfortunately, the MHA cannot afford the price of the land at that location. The MHA spoke about the property at 417 Broad St., where the Anna Flood home was formerly located. They feel this property would be ideal for additional senior housing, as the property is close to Town and the services that are available downtown. The zoning is already in place for various types of housing, including manufactured housing, and there is already a water and sewer tap on the property. The MHA suggested they could either purchase or lease the property for a nominal amount. The cost of this project is unknown and the MHA is requesting the help of the Town to determine these costs. Areas in which the Town could help fund this project may be the possibility of waiving water and sewer tap fees. The MHA would like the Town Board to give consideration to these requests.

Michelle Wyatt, the Sales Manager for All American Homes, has spoken to the MHA and provided information to them regarding the type of home/homes and the costs associated.

The MHA needs direction from the Milliken Town Board if they should continue investigating this possibility.

Trustee Jemiola asked about the type of home since All American Homes had been mentioned and that they only build manufactured homes. He asked if that would be the type of home that would be placed at the 417 Broad Street property? Mrs. Lichtfuss explained that it all depends if the Town Board approves. She further explained that since this lot is in Old Town, that type of home is allowed. Trustee Jemiola asked that if the MHA owned the land would the manufactured home company finance the home. Mrs. Lichtfuss did not know the answer. Trustee Jemiola wondered who suggested the acquisition of the lot to the MHA. Mrs. Lichtfuss responded she had heard about it as a former Town Board member and from numerous sources.

Mayor Tokunaga explained that the Town Board has not had an opportunity to discuss what they would like to do with the property and would like the opportunity to do this. He suggested perhaps a committee of a few Board members, MHA members and staff members could meet at the beginning of the year. He also suggested that there may be other areas in Town that may be available to the MHA. Mrs. Lichtfuss explained that the pricing received from All American Homes is only good for ninety (90) days.

Mayor Tokunaga asked if the proposal was for a single family or multiple-family home. Mrs. Lichtfuss explained it was for either a three (3) unit or a four (4) unit construction. Town Administrator Burack explained that Mr. Rich Ekwall with the Loveland Housing Authority suggested three (3) units would be preferable.

Mayor Pro Tem Cozad expressed that she would like to explore other properties including this property with a committee. Mayor Pro Tem Cozad would like to see a financial analysis regarding this. She explained that the 417 Broad St. property had originally been considered for sale to offset some of the costs of the downtown revitalization.

Mayor Tokunaga suggested an early date in January to meet. Mayor Pro Tem Cozad and Trustee Jemiola would like to be a part of the committee as well as the Town's Accounting and Finance Director Patrick Murphy. Town Administrator Burack will schedule the meeting.

2. Letters from the Planning Commission and Water Commission to the Town Board

Mayor Tokunaga suggested meeting with either the Planning Commission or a few members of the Planning Commission to address the concerns of the letter from the Planning Commissioners.

Mayor Pro Tem suggested someone facilitate the meeting with the Planning Commission. She suggests the Planner facilitate the meeting. Discussion from the Town Board suggested putting together a list of topics from both the Planning Commission and the Town Board and what the roles of the Planning Commission and Town Board are.

Town Administrator Burack suggested meeting with the Planning Commission during one of their meeting nights and to perhaps meet prior to their meeting time of 7:00 p.m.

Mayor Tokunaga suggested asking the Water, Wastewater, Utility Commission Chair Rich Ekwall attend a Town Board meeting to explain the letter in more detail.

Town Administrator Burack suggested that Mayor Tokunaga and Mayor Pro Tem Cozad meet in December with the Chair and Vice Chair of the Water Commission to discuss the letter.

3. December 26th Meeting

Town Clerk Powell asked the Town Board if they would like to change the date or time of the meeting for December 26th. The Town Board decided they will hold the Town Board meeting at 5:30 P.M. on December 26th to acknowledge the list of bills or any other pertinent items that cannot wait until the first meeting in January 2013.

4. Festival of Lights

Mayor Pro Tem Cozad inquired about how the Trustees were going to meet to ride the float in the parade. Parks and Outdoors Director Josh Roseberry explained that Dallas Mulvin who is the Town's Event Coordinator will be sending an email to all the Trustees with instructions.

5. December 24th Early Closing for Town Hall

Town Clerk Powell informed the Board that the Town intended to close at noon on Christmas Eve. in order for employees to prepare for the Christmas holiday. The Town Board acknowledged the information.

Updates on Staff Assignments

Other Business

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

Forming a committee in regard to the request from the Milliken Housing Authority (MHA) and meeting in January to discuss the 417 Broad Street property and/or discussing another potential property for additional senior housing.

Schedule a meeting with the Planning Commission Chair and Vice Chair with the Mayor and Mayor Pro Tem to discuss a letter received from the Planning Commission.

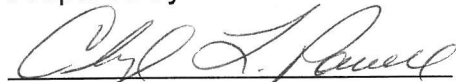
Schedule a joint meeting between the Town Board and Planning Commission in January with the Town Planner as the facilitator.

Schedule a meeting with Water, Wastewater and Utility Chair and Vice Chair between the Mayor and Mayor Pro Tem to discuss letter received from the Commission.

Adjournment

Hearing no further business, the Mayor adjourned the meeting at 8:39 P.M. in order to return to the Work Session.

Prepared by:



Cheryl L. Powell
Town Clerk

Approved by:



Milt Tokunaga, Mayor