

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

MEETING MINUTES

Wednesday, November 14, 2012 - 7:00 P.M.

Call to Order

The Town of Milliken Board of Trustees convened a regular session on Wednesday, November 14, 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.

Citizen Comments

None

Minutes of Previous Meeting – October 24, 2012 meeting.

Minutes approved as distributed.

CONSENT AGENDA

There are no items.

ACTION AGENDA

1. Public Hearing and Consideration of Approval for the Daniels School House Annexation, Zoning and Use by Special Review

Community and Economic Development Director Steve House announced to the Town Board that at the November 7, 2012 Planning Commission meeting the Commissioners decided to postpone the Public Hearing until November 21, 2012.

2. Public Hearing and Consideration of Approval of a Variance Request for Number of Signs and Waiver of Application Fee for 3 Coffee and Roastery

Community and Economic Development Director Steve House asked the Town Board to consider a request from 3 Coffee & Roastery for a variance to the sign code to allow for two (2) awning signs and two (2) wall signs (menu boards) exceeding the maximum allowed of one (1) awning sign and one (1) wall sign. Director House explained that the owners of 3 Coffee and Roastery are not requesting a waiver of application fees.

Public Hearing opened at: 7:03 P.M.

Trustee Hobler referred to the Town of Milliken's Land Use Code citing Section 16-3-520(j)(2). Trustee Hobler has concerns that not all the criteria stated in this section have been met. Town Attorney Fickel responded that most variances do not meet all the requirements that are cited. He explained "3 Coffee & Roastery's" request for an additional awning, stating that there are two (2) windows on that side of the building and only having one awning, may not be aesthetically pleasing. He explained that the building was not originally constructed by "3 Coffee & Roastery". Attorney Fickel further explained that the Town Board sits in an "equitable position" as to whether the additional awning satisfies the Town Board's vision of what the downtown area is striving to look like. The standards are what the law is, and if the Town Board were to object to a variance this gives the Board a lot of substantive law to support their decision. It allows the Town Board some latitude.

Mayor Pro Tem Cozad stated that in Section 16-3-520(j)(2) five (5) out of the eight (8) criteria are clearly defined and the other three (3) are up to interpretation.

Public Hearing closed at: 7:10 PM

Trustee Hobler moved to approve the variance to allow for one additional wall sign (menu board) and one additional awning sign on the east façade of the building at 1109 Broad Street subject to a written agreement between the

applicant/tenant and the Town and at least five (5) out of the eight (8) criteria have been met. Mayor Pro Tem Cozad seconded.

Discussion: None

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

3. Consideration of Approval of a Lease Amendment with 3 Coffee and Roastery

Finance and Accounting Director Patrick Murphy asked the Town Board to consider for approval an amendment to the current lease with "3 Coffee and Roastery at Milliken" to expand the "Use" provision in the Lease to include the nominal headquarters for the tenant's cleaning business and an Addendum to the Lease to clarify ownership of the awnings added to the building as part of the \$storefront\$ Program.

Mayor Tokunaga would like to ensure that there would not be any issues with the Health Department with the storage of cleaning supplies in the facility. Mr. Raul Cruz who manages "3 Coffee and Roastery" did not believe there would be any conflict with Health Department regulations to store the supplies, but will verify with the state.

Trustee Chavez moved to approve the proposed Lease Amendment to Section 8 of the Lease with '3 Coffee & Roastery' to expand the use of the premises to include the operation and administration of an outside cleaning service and the Lease Addendum clarifying ownership of the awnings attached to the building as part of the \$storefront\$ Program . Trustee Onorato seconded.

Discussion: None.

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

4. Public Hearing on Proposed 2013 Budget

Finance and Accounting Director Patrick Murphy spoke to and presented a Power Point presentation explaining to the public and Town Board information regarding the revenues and expenses in each of the Town's funds for the proposed 2013 budget. Director Murphy also included in his presentation prior years' property tax/mill levy information.

Public Hearing opened at: 8:02 P.M.

Stacey Glazier, 304 S. Marjorie Ave., Milliken, asked what types of businesses would help bring revenue diversity to the community. Ms. Glazier

works for a chiropractor as a massage therapist in Loveland. Mayor Tokunaga explained that the Town is seeking businesses that provide services and sales tax revenue such as retail stores, grocery stores, mixed use stores, etc. Director Murphy explained that property tax revenue from commercial properties would also help diversify the Town's property tax base. Mayor Pro Tem Cozad would like the Town to attract primary employment which would create a need for restaurants, stores, etc. She also explained that zoning a property accordingly to attract businesses is beneficial. Mayor Tokunaga explained that enhancing the appearance of the downtown area will help attract both residential home buyers/developers and commercial businesses.

Brandon Glazier, 304 S. Marjorie Ave., Milliken, asked the Town Board if the infrastructure for the annexed property is included within the 2013 budget. Director Murphy responded that it was not included in the budget. Director Murphy explained that the Town's capital improvement funds will be prioritized by the Town Board in order for the Town to receive the best return on investment for the community. Mr. Glazier also complimented the Town Board for investing funds in 2013 for park improvements.

Public Hearing closed at: 8:12 P.M.

Discussion: Mayor Tokunaga announced that the next Public Hearing on the 2013 proposed budget is on November 28, 2012. The budget is going before the Town Board on December 12, 2012 for approval and depending on the November 28th Public Hearing, the December 12th meeting may or may not include a Public Hearing.

5. Consideration of Approval Accepting the Annexation Petition and Resolution 12-29 Setting the Public Hearing Dates for the Alice Avenue and Inez Blvd. Annexation

Community Development Director Steve House asked the Town Board to consider for approval Resolution 12-29 accepting the annexation petition, initiating annexation proceedings, and setting the public hearing dates for the Alice Avenue and Inez Blvd. annexation. The Public Hearing date scheduled for the Planning Commission is on December 5th and the Public Hearing for the Town Board is scheduled for December 12th.

Mayor Pro Tem Cozad moved to approve Resolution 12-29, accepting the annexation petition for the Alice Avenue and Inez Blvd. annexation and initiating annexation proceedings and setting the Public Hearing for the Planning Commission on December 5, 2012 and Board of Trustees on December 12, 2012. Trustee Hobler seconded.

Discussion: Mayor asked Director House if there are any other areas in Town that may be similar to this type of annexation. Mayor Tokunaga asked if staff would review roads that are within the Town's limits next year to ensure they have been annexed into Milliken.

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

6. Consideration of Approval of a Grant Agreement with Great Outdoors Colorado (GOCO), Resolution 12-30, and an Intergovernmental Agreement (IGA) with the Town of Platteville for the South Platte River Corridor Master Plan Funding

Community and Economic Development Director Steve House asked the Town Board to consider for approval Resolution 12-30 in support of entering into a grant agreement with the State Board of the Great Outdoors Colorado (GOCO) Trust Fund for funding of the South Platte River Corridor Master Plan – Platteville to Milliken and approval of an IGA with the Town of Platteville. Director House explained that the Town of Platteville had approved the IGA at their November 6, 2012 meeting.

Mayor Pro Tem Cozad asked if the Town is working with Weld County since this project incorporates areas of the County. Director House responded yes and property owners along the corridor have been spoken to.

Trustee Onorato moved to approve Resolution # 12-30 and the IGA with the Town of Platteville regarding the South Platte River Corridor Master Plan – Platteville to Milliken. Trustee Chavez seconded.

Discussion: None

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

DISCUSSION AGENDA

TruGreen Contract

Director Murphy explained to the Town Board that after investigating the TruGreen Contract, he found that Staff had not exceeded the \$15,000 threshold requiring Board approval for the signing of the contracts. There had been a separate transaction purchasing grass seed outside of the contracted amount.

Trustee Jemiola responded that he had concerns with section 2.2.5(b) in the Town's Financial Policies, stating that all purchases or contracts for services for the sum of \$5,000 to \$50,000 shall be secured on a competitive bid basis.

This must be accomplished by securing at least three written informal bids or through the formal bid process. He commented that this amount was over the \$5,000 threshold. Director Murphy will investigate and report back to the Town Board. Trustee Jemiola also cited section 2.2.6(d) "Purchasing Authority" saying that within this section is states that "It shall be considered a violation of the Purchasing Policy to circumvent the approval process by using multiple purchase requisitions to complete a purchasing transaction." Director Murphy indicated this was not a multiple purchasing transaction, but will relay all pertinent information to the Town Board.

The time is: 8:37 P.M.

Executive Session

C.R.S. 24-6-402(4)(b), to confer with an attorney for the Town for the purposes of receiving legal advice on specific legal questions and 24-6-402(4)(e), for determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators.

C.R.S. 24-6-402(4)(e), developing strategy for negotiations.

Mayor Pro Tem Cozad motioned to go into executive session according to C.R.S 24-6-402(4)(b) and C.R.S 24-6-402(4)(e). Trustee Beck seconded.

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

Executive Session ended at: 9:26 P.M.

Regular meeting resumed

The time is: 9:26 P.M.

Updates on Staff Assignments

Other Business

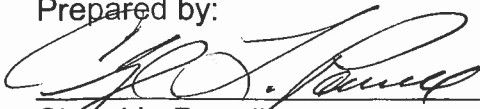
Summary of Meeting (Review of Action Items, Staff Assignments & Schedule)

Staff should investigate in 2013 whether there are any roads or portions of roads within the Town of Milliken's limits that should be annexed into the Town. This information needs to be directed to Director House's replacement as Town Planner, as he is retiring at the end of 2012.

Adjournment

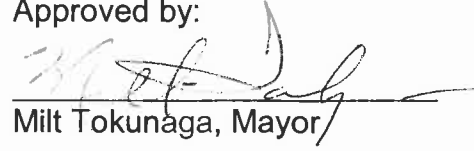
Hearing no further business, the Mayor adjourned the meeting at 9:27 P.M.

Prepared by:



Cheryl L. Powell
Town Clerk

Approved by:



Milt Tokunaga, Mayor