

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

MEETING MINUTES

Wednesday, February 09, 2011 - 7:00 P.M.

Call to Order

The Town of Milliken Board of Trustees convened a regular session on Wednesday, February 09, 2011 at 7:00 p.m. Those present: Mayor Janie Lichtfuss, Mayor Pro Tem Julie Cozad. Trustees: Bob Carnahan, Ted Chavez, Doug Kehr and Peggy Wakeman. Also present: Town Administrator Jim Burack, Town Attorney Bruce Fickel, Community Development Director Steve House, Finance Manager Mitzi McCoy, Co-Clerk Cheryl Powell, Co-Clerk Betty Rangel and Public Works Director Mike Woodruff. Absent: Trustee Monica Martens.

Pledge of Allegiance

Mayor Lichtfuss called the meeting to order.

Agenda Approval

Town Administrator Jim Burack responded there were no additions or deletions to the agenda.

Appointment of Planning Commissioner

The Town's newly appointed Planning Commissioner Janet Carter was sworn in by Town Co-Clerk Beatriz Rangel.

Citizens Comments

There were none.

CONSENT AGENDA

1. List of Bills

List of Bills for February 9, 2011

2. Renewal of Beer and Wine Liquor License for Mad Russian Café, LLC

Katherine Ehrlich had submitted the renewal application and paid the required fees to renew the Beer and Wine Liquor License for the period of March 24, 2011 until March 24, 2012.

Trustee Chavez moved to approve the consent agenda. Mayor Pro Tem Cozad seconded the motion.

Vote: All in favor, none opposed.

ACTION AGENDA

1. Consideration and Approval of Adoption of Resolution 11-02, a Resolution Supporting the Memorandum of Understanding Concerning Library Services at the High Plains Library at Milliken Public Computer Center

Community Project Manager Caree Rinebarger asked the Town Board to consider for approval a resolution to support the Memorandum of Understanding ("MOU") to enter into an agreement by and between the High Plains Library District, the Glenn A. Jones M.D. Memorial Library and the Town of Milliken to locate a Public Computer Center in the Historic Police Building at 1109 Broad Street. Rinebarger explained that on page two (2) of the MOU document it lists the obligations of the District, Library and the Town. Rinebarger updated the Town Board concerning the renovation of the Historic Police Building.

Discussion topics included a possible contest to name the library, building renovation completion date, additional tenants in the building, identification of a construction contractor and the status of a Request for Proposal (RFP) to obtain a contractor. Community Project Manager Rinebarger responded that part of the Roles and Responsibilities of the Library is to provide signage and the center will be called "High Plains Library District Computer Center at Milliken", but additional signage can be installed. The completion of the renovation and the grand opening of the Library will take place in June 2011.

The other possible tenant in the building will be a coffee shop and an area will be designated for Historical Society exhibits or wall displays. The RFP for a construction contractor has not been released yet since the Town is waiting for the construction drawings from Architect Roger Thorp.

Trustee Carnahan moved to approve Resolution No. 11-02, supporting the Memorandum of Understanding concerning library services at the High Plains Library at Milliken Public Computer Center. Trustee Kehr seconded.

Vote: All in favor, none opposed.

2. Review and Consideration of Approval of an Intergovernmental Agreement (IGA) with Weld County to Retain the Professional Services of Bill Jerke to Increase the Residency Count for the Purposes of State Severance Tax and Federal Mineral Lease Distributions

Town Administrator Jim Burack asked the Town Board to review and consider approval of an Intergovernmental Agreement (IGA) with Weld County engaging the professional services of Mr. Bill Jerke of LaSalle to provide consulting services to improve compliance by energy sector employers with the provision of accurate employee residency data to the Colorado Department of Local Affairs to generate additional revenue to the Town. If the number exceeds the 2009 count of 34 employees living in Milliken the Town will pay 5% of the additional Severance Tax collected to Mr Jerke.

Mayor Pro Tem Cozad asked why Mr. Jerke's contract would be through Weld County since previously the Town contracted with him directly. Town Administrator Burack will contact Mr. Jerke and report back to the Board at the next Town Board Meeting to report on why the change occurred.

Mayor Pro Tem Cozad moved to postpone the review of the Intergovernmental Agreement with Weld County for 2011 to engage the professional services of Mr. Bill Jerke to increase the residency count for State Severance Tax and Federal Mineral Lease Distributions, until February 23, 2011. Trustee Carnahan seconded.

Vote: All in favor, none opposed.

3. Review of Draft Lease Agreement with Lot Holding LLC Granting use of the Milliken Water Works Pool Complex and Centennial Lake for Recreational Purposes

Town Administrator Jim Burack asked the Town Board to review and consider for approval a lease with Lot Holding Investments granting Lot Holding and a future tenant the use of the Milliken Water Works Pool Complex and

Centennial Lake for recreational purposes. He explained that a condition of this lease was a permanent release by Lot Holding, of any pledged revenue owed by the Town to Lot Holding for construction of the pool, an amount currently in excess of \$1.6 million.

Mayor Pro Tem Cozad requested five (5) minutes to review the newest lease draft that was handed out during the Work Session. Mayor Lichtfuss requested Town Attorney Bruce Fickel to highlight and explain the differences from the newest version of the lease and the draft that was circulated previously in the Board packet.

Town Attorney Fickel explained the language differences between the two (2) versions, which included changes in the following sections: Premises, Term, Rent, Permitted Uses, Tenant's Right to Make Improvements, Pool Operation, Maintenance of Premises, Insurance, Condemnation, Authority, Default/Cure/Mediation and Severability.

Michael Job with Lot Holding LLC handed out to the Town Board a revised version of Item #7 "Pool Operation".

The Mayor directed the Town Board to take the next ten (10) minutes to review the newest version of the lease.

At 7:45 the Mayor called the meeting back to order.

Mr. Bret Hall with Hall-Irwin Corporation addressed the Town Board and thanked them for their consideration regarding the lease. Mr. Hall also thanked Town Staff and the attorneys on both sides for their time spent on the lease agreement.

Trustee Wakeman asked Mr. Hall if Thompson Rivers Parks and Recreation (TRPR) had knowledge of this transaction. Mr. Hall did not know if TRPR had knowledge of the proposed lease agreement. Mr. Hall did say that the subtenant of the Water Works Pool would contact TRPR and discuss with them how the pool will be operated.

Town Administrator Burack explained to the Town Board that there has been staff discussion with TRPR since pool operating figures had to be obtained from TRPR for release to Lot Holding LLC.

Trustee Wakeman referred the Board and Staff to Section 12 on the lease agreement and pointed out that the last sentence was not complete. Town Attorney Fickel explained that this sentence should be removed since it is covered under Section 13.

Mr. Michael Job with Lot Holding, LLC commended Town staff for their cooperation, hard work, effort and availability that they have extended to working with Lot Holding. Lot Holding, LLC would appreciate the Town Boards consideration of this proposed lease.
Trustee Wakeman moved to approve the long-term lease agreement with Lot Holding Investments of the Milliken Water Works Pool Complex and Centennial Lake for recreation purposes and directing the Mayor to sign on behalf of the Town. Trustee Carnahan seconded.

Vote: All in favor, none opposed.

4. Consideration and Approval of Adoption of Resolution 11-03, a Resolution Supporting Colorado House Bill 11-1082 Related to the Vehicle Inspection Program Applicable to Milliken

Mayor Lichtfuss asked the Town Board to consider for approval a resolution to support HB 11-1082 that would provide relief to Milliken and Weld County from participation in the required Vehicle Emission Inspection Program.

Mayor Pro Tem Cozad moved to approve Resolution 11-03, a resolution supporting Colorado House Bill 11-1082 related to the vehicle inspection program applicable to Milliken. Trustee Chavez seconded.


Vote: All in favor, none opposed.

DISCUSSION AGENDA


Adjournment

Hearing no further business, the Mayor adjourned the meeting at 8:01 p.m.

Prepared by:


Cheryl L. Powell,
Town Co-Clerk

Approved by:


L. Jane Lichtfuss, Mayor