

Call to Order

The Town of Milliken Board of Trustees convened a regular session on Wednesday, March 23, 2011 at 7:00 p.m. Those present: Mayor Janie Lichtfuss, Mayor Pro Tem Julie Cozad. Trustees: Bob Carnahan, Ted Chavez, Doug Kehr, Monica Martens 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.

Pledge of Allegiance

Mayor Lichtfuss called the meeting to order.

Agenda Approval

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

Citizens Comments

None.

Remembrance

Mayor Lichtfuss spoke in remembrance of Ira (Gordon) Cook, September 17, 1922 to March 14, 2011. Mr. Cook was Acting Postmaster in Milliken from October 1954 and was then appointed by President Eisenhower as permanent Postmaster in May 1956 until he retired in January 1988. Mr. Cook also served for more than 30 years on the Milliken Volunteer Fire Department. Mayor Lichtfuss requested a moment of silence.

Proclamation

Mayor Lichtfuss presented and read the National Poetry Month Proclamation, proclaiming April 1 through April 30, 2011 as the 15th annual National Poetry Month.

Karen Griffiths, a retired teacher from the RE-5J School District and a long time published freelance writer, spoke to the Board about National Poetry Month and explained the Proclamation is to recognize the 15th annual National Poetry Month. The local poetry group "Voices of Poetry" was founded two (2) years ago.. Deborah Gottner who is an English teacher at Roosevelt High school joined Karen Griffiths this year to help promote National Poetry Month in the Johnstown- Milliken area. Ms. Gottner's students designed the flyer for "Voices of Poetry". A poetry event will be held in Johnstown on Friday, April 8th from 7:00 to 9:00pm at 3 J's in Johnstown. Gary and Maureen Shoe from Milliken will be performing at this event. On Saturday, April 9th from 4:00-6:00pm an event will be held at The Mousepad in Johnstown and this will be an open mic event. Ms. Griffiths read to the Town Board and audience an amusing poem about "Outhouses".

Minutes of Previous Meeting – March 9, 2011 meeting.

Minutes approved as distributed.

CONSENT AGENDA

1. **List of Bills**

List of Bills for March 23, 2011.

2. **Consideration of Approval of a Proposed Intergovernmental Agreement with the City of Greeley and Weld County**

To review and consider approval of an Intergovernmental Agreement (IGA) with the City of Greeley and Weld County to access and use the criminal justice records information system which is operated by the City of Greeley and Weld County, for the benefit of the Milliken Police Department.

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

Vote: All in favor, none opposed.

ACTION AGENDA

1. **Public Hearing and Consideration of Approval and Adoption of Ordinance 644, for the Milliken Research Park Use by Special Review and Site Plan**

Community Development Director Steve House asked the Town Board to consider for approval an ordinance approving the proposed Milliken Research Park Use by Special Review (USR) and Site Plan. The owner of the CAP Farm property, Lot Holding Investments, LLC, has requested approval of a Use by Special Review and site plan for the eventual development of the CAP Farm parcel as a research park. The Planning Commission approved the USR and Site Plan on March 9, 2011 but their approval included two conditions. The condition changes had been made on the documents that are now before the Town Board.

Mayor Pro Tem Cozad asked if the USR and Site Plan went out to any referral agencies and if there were any referral comments. Community Development Director House responded one referral was received by the Town's Public Works department in regard to surfacing for the secondary access.

Discussion topics included the berm on the property and how high the berm will be. Mr. Bret Hall with Hall-Irwin Corporation responded the berm/buffer is part of a landscape plan that Lot Holdings, LLC intends to submit to the Town Board at a later date.

Mayor Pro Tem Cozad asked where the flood plain is located on the property. Community Development Director House responded that under the project narrative on the USR and Site Plan it notes the current recorded flood plain information does not appear to fit the existing conditions on the proposed site. This information will be included at a later date on the landscape plan. Mr. Bret Hall also responded saying a flood plain study has been conducted and there are multiple locations where the flood plain could be moved to. The flood plain will be included in the open space area on the site and once the landscape study is complete and the work is done it will be included as a revision on the map.

Trustee Wakeman asked about the proposed tank farm and what type of tanks will be installed. Mr. Bret Hall responded the tanks would be similar to an oil tank although probably smaller.

Mayor Pro Tem Cozad asked if the future expansion area or the area not shown as developed were to change would those changes come back as a site plan change to the Town Board. Director House responded the review process for any changes would be done through the building permit process. Bret Hall explained this was the reason the twenty (20) acres with the landscape buffer was included in the site plan. Further discussion included if there will be covenants on the building facades since the building options indicate a range of possible materials including masonry up to metal buildings. Mr. Hall indicated that the buildings could consist of all of those types listed.

Public Hearing opened at 7:40pm.

Mr. Art Griffiths, 9216 WCR 48 ½, Johnstown, CO owns the land surrounding the CAP Farm property. Mr. Griffiths asked when the zoning was changed from light industrial to heavy industrial. Community Development Director House responded the area was re-zoned I-2, medium industrial, over a year ago. Mr. Griffiths asked if there will be an environmental impact statement filed since chemicals will be used to produce plastics or pharmaceuticals. Mr. Hall responded he does not know what type of chemicals will be used. Whatever is used must fall within State and Federal guidelines and there will not be any discharge into the soil or air, with admissions contained on site. Mr. Griffiths inquired if there will only be one manufacturing company on the property. Mr. Hall responded only one (1) company will be on the property and that the company exports products out of the country. Mr. Hall explained the first three (3) phases are scheduled for a ten (10) year build out. Mr. Griffiths asked about a strip of land on the west side of the property between the sewage lagoons and his property. He inquired whether there would be an option or would he be allowed to farm on that area which is approximately twenty (20) acres. Mr. Hall responded this is something that needs to be discussed with the future land users of the property and requested that Mr. Griffiths leave his contact information with him to forward on to the future users.

Trustee Martens asked if Hall-Irwin intends to sell the property and asked if it is common practice to not disclose who the property is being sold to or who the user of the property will be. Mr. Hall responded this is common practice and Hall-Irwin had signed a non-disclosure form with the future purchasers/users. Mr. Hall explained there have been approximately ten (10) different users or potential buyers for the property.

Martin Hamilton with the Johnstown Breeze wanted to know why it is being called a Research Park, not an Industrial Park. Mr. Hall explained there will be research being done and scientists on the property.

Community Development Director House responded to an earlier question from Mayor Pro Tem Cozad that there were two (2) other referrals, one from The Colorado Department of Health and Environment and the other from Weld County Department of Public Health. A statement in the site plan states per these referrals that the user would get all the necessary permits through the State and local governments regarding public health issues which includes air and water discharge permits.

Public Hearing was closed at 7:48pm.

Trustee Chavez moved that the Milliken Research Park Use by Special Review and Site Plan dated March 9, 2011 be approved. Trustee Kehr

seconded the motion.

Vote: All in favor, none opposed.

Following the next item on the agenda Trustee Wakeman pointed out Ordinance 644 for the Milliken Research Park was not officially acted upon.

Trustee Wakeman moved to approve Ordinance 644 approving the proposed Milliken Research Park Use by Special Review and Site Plan, Town of Milliken, County of Weld, State of Colorado. Mayor Pro Tem Cozad seconded.

Vote: All in favor, none opposed.

Discussion: Mayor Pro Tem Cozad stated she is very excited about the potential of this property. This could possibly enable citizens in Town to obtain local employment minimizing the distance citizens have to travel for employment.

2. Consideration of Approval and Adoption of Ordinance 645, an Ordinance Extending the Franchise Agreement with U.S. Cable

Town Co-Clerk Cheryl Powell asked the Town Board to consider for approval an ordinance extending the Franchise Agreement between the Town of Milliken and US Cable until September 2011 or sooner. US Cable's attorney in New Jersey is in possession of the most recent Franchise Agreement Draft that was completed by Staff. U.S. Cable requested at least three (3) months to allow for legal review, at which time the agreement will come before the Board for review. Co-Clerk Powell explained the original agreement was six (6) pages and this agreement is fifty-three (53) pages. During earlier negotiations, Staff inquired about US Cable supplying equipment to allow closed circuit broadcasting at the Town Hall or Meeting House and also about cabling in Frontier Commercial that would service the Public Works Facility and the Wastewater Plant. US Cable refused the requests, but Town Staff has formed a good relationship with US Cable's State Manager Dave Kavanagh, and they are working jointly outside the agreement to provide cabling to the Public Works Facilities. Staff has also asked for an increase in franchise fees from three percent to five percent in the revised franchise agreement.

Trustee Carnahan asked what the monetary difference is between three percent and five percent. Finance Manager McCoy responded it is approximately \$3,000-\$5,000 annually. Further discussion included the length of the franchise agreement the Town is requesting of US Cable. Town Attorney Bruce Fickel responded the length of the agreement is eight (8)

years. Town Administrator Burack explained the Town is also investigating the possibility of moving service for data and phone to US Cable.

Trustee Martens moved to approve Ordinance No. 645 for a six (6) month extension of the Franchise Agreement between the Town of Milliken and US Cable. Mayor Pro Tem Cozad seconded.

Vote: All in favor, none opposed.

3. Oil and Gas Safety and Security Check Fees

Town Attorney Bruce Fickel asked the Town Board to review and discuss issues related to the Oil and Gas Well Safety and Security Check fees as requested by Noble Energy.

Town Attorney Fickel asks that this be continued to the April 13th Board Meeting. Town Attorney Fickel explained that Noble Energy must file a monthly extension with the courts and the courts will want this matter to be settled expeditiously.

DISCUSSION AGENDA

1. Discussion of a Community Foundation for the Town of Milliken

Community Development Director Steve House asked the Town Board to discuss the idea of establishing an “affiliate” relationship with the Greeley and Weld County Community Foundation. As an affiliate, the Town could set up a “Milliken Community Foundation” that could function as its own foundation and, for a small fee, take advantage of the fiscal and administrative resources of the Greeley Weld County Foundation. The Town could also use the Foundation status as a 501(c)3 to apply for funding from grantors that require grantees to have the 501(c)3, non-profit status.

Trustee Martens asked how the foundation would be staffed. Town Administrator Burack responded the Town would be charged a minimal management fee for office support by the Greeley Weld Community Foundation. Further discussion by the Town Board was whether the Town would need to hire a part time staff person for approximately ten (10) hours per week. Town Administrator Burack explained he intends to have a conversation with Ft. Lupton and Windsor in regard to how they manage their affiliation with the Foundation but he thought that current staff would be utilized to perform this task. Town Administrator Burack explained there

have been grants that the Town has been unable to apply for since we currently do not have a 501(c)3 status.

Mayor Lichtfuss encouraged staff to further investigate and pursue obtaining an affiliation with the Greeley Weld County Foundation.

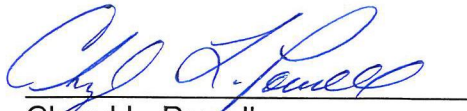
Mayor Lichtfuss mentioned the recent passing of Town Attorney Bruce Fickel's father, Dr. (Doc) Robert Bruce Fickel, and wanted to extend condolences from the Town Board.

Michael Job with Lot Holding, LLC explained to the Town Board that Lot Holding has recently purchased Western International Grain and discussion has begun in regard to extending sewer services out to that location and the Milliken Research Park. Lot Holding will be working on beautifying the area by removing signs and the grain elevators. They currently have two (2) users who are interested in either leasing or purchasing the property.

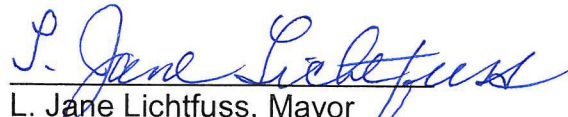
Adjournment

Hearing no further business, the Mayor adjourned the meeting at 8:16 p.m.

Prepared by:


Cheryl L. Powell,
Town Co-Clerk

Approved by:


L. Jane Lichtfuss, Mayor