

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

**MEETING MINUTES**

**Wednesday, April 13, 2011 - 7:00 P.M.**

**Call to Order**

The Town of Milliken Board of Trustees convened a regular session on Wednesday, April 13, 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 Director 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.

**RECOGNITION**

Mayor Lichtfuss presented Monica Martens with a certificate of appreciation for her service as a Trustee on the Milliken Town Board from September 9, 2009 – April 4, 2011. Mayor Lichtfuss wished Monica Martens and her husband well on their move to Texas and informed Monica she will receive a plaque from the Town to commemorate her service.

**Minutes of Previous Meeting** – March 23, 2011 meeting.

Minutes approved as distributed.

**CONSENT AGENDA**

**1. List of Bills**

List of Bills for April 13, 2011.

Mayor Pro Tem Cozad requested the List of Bills be moved to the Action Agenda.

**2. Transfer of Ownership of the Sport Zone, LLC Tavern Liquor License to The Dawg House Saloon**

Sport Zone, LLC has submitted a liquor license transfer to The Dawg House Saloon and The Dawg House Saloon has paid all required fees.

**3. Renewal of Retail Liquor Store License for McCutters Liquor Store**

Melissa McLavey of McCutters LLC has submitted the renewal application and paid the required fees to renew the Retail Liquor Store License for the period of June 16, 2011 until June 16, 2012.

**4. Renewal of Intergovernmental Agreement (IGA) with Weld County to Control Designated Noxious Weeds on Specific Rural Municipal Roads**

To review and consider for approval a renewal of an IGA with Weld County engaging their Public Works Department to control designated noxious weeds on specific rural municipal roads within the boundaries of the Town of Milliken.

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

Vote: All in favor, none opposed.

**ACTION AGENDA**

**1. List of Bills**

Mayor Pro Tem Cozad recused herself from voting since there was a payment on the list to Tetra Tech who is her employer.

Trustee Wakeman moved to approve the List of Bills. Trustee Kehr seconded.

Vote: All in favor, none opposed.

**2. License Agreement with Public Service Company of Colorado to use the Transmission Corridor for a Public Dog Park**

Community Development Director Steve House asked the Town Board to consider for approval a License Agreement with the Public Service Company of Colorado to use the transmission corridor for the purpose of a public dog park if the Town receives a grant that has been applied for from Great Outdoors Colorado (GOCO).

Trustee Kehr asked if Public Service Company would have any problems with the Town erecting signage or obstacles on the property. Community Development Director House indicated he had spoken to Public Service Company and there would not be a problem with any of the items Trustee Kehr mentioned and they would also approve construction of a fence.

Trustee Kehr moved to approve the License Agreement with Public Service Company of Colorado to use the transmission corridor for the purpose of constructing a public dog park and direct the Town Administrator to sign on behalf of the Town. Trustee Carnahan seconded the motion.

Vote: All in favor, none opposed.

**3. Review of Letter from Noble Energy Reference the Oil & Gas Check Fee**

Town Administrator Jim Burack asked the Town Board to review an offer to settle litigation on behalf of Noble Energy in reference to the Town's oil & gas safety and security check fee.

Mayor Pro Tem Cozad recused herself from the vote and discussion since Noble Energy is a client of hers.

Town Attorney Bruce Fickel discussed the letter received from Noble Energy's attorney. He explained to the Town Board through discussions with Noble Energy's attorney he would recommend a settlement on the oil & gas safety and security check fee to the Town Board. The letter received from Noble Energy indicates a different settlement amount than the one Town Attorney Fickel negotiated with Noble Energy. The amount in the letter stated Noble Energy would pay for thirty-nine (39) well-sites at \$300.00 per well site and Town Attorney Fickel negotiated an amount of \$350.00 per well-site for an annual amount of \$13,650.00. The five (5) prior years of 2005, 2006, 2007, 2008 and 2009 that are currently owed to the Town, Noble Energy will pay the \$350.00 per well-site totaling an amount of \$68,250.00. The original amount the Town litigated for was \$126,400.00 without interest and penalties, and \$185,000.00 with interest and penalties. Town Attorney Fickel explained the formula that the Town used to calculate the original fee which was \$400.00 per well-site. Noble Energy has requested that the Town and Noble

Energy create a Memorandum of Understanding (MOU) or a contract stating these negotiated amounts. Town Attorney Fickel explained to the Town Board if they would like to discuss this negotiation further he would suggest the Board go into executive session.

Trustee Chavez moved to go into executive session. Trustee Carnahan seconded.

Vote: All in favor, none opposed.

Executive Session commenced at 7:30 p.m.

### **Executive Session**

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

### **Resume Regular Meeting**

Mayor Lichtfuss stated: "The time is now 7:52 p.m. and the Executive Session has been concluded. If any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I ask that you state your concerns now."

There were no concerns.

Trustee Chavez moved to approve the settlement offer made on behalf of Noble Energy to resolve litigation brought by the Town to recover fees for oil and gas well safety and security check fees. Trustee Carnahan seconded.

Town Attorney Fickel notified the Town Board that the Town will be receiving a formalized agreement from Noble Energy settling this claim and waiving other claims.

Vote: All in favor, none opposed.

## DISCUSSION AGENDA

The Mayor announced there is an extra ticket for the Upstate Colorado Annual meeting on April 28, 2011 and asked the Town Board if anyone would like to attend.

The Mayor discussed the Budget Retreat and would like to reach an agreeable date for all the Trustees to be able to attend. Mayor Pro Tem Cozad suggested April 27<sup>th</sup> which is a regular board meeting night. The budget retreat could begin at 4:00 p.m. and adjourn at 7:00 p.m. when the Board meeting would commence. Discussion among the Board was whether the budget retreat should be held prior to the replacement of the vacant Trustee position. It was decided that this particular budget retreat will be held without the seventh member in order to begin the budget process. Further discussion by the Board in regard to the vacant Trustee position was setting the deadline for applications as April 30, 2011. Interviews could be held on May 11<sup>th</sup> during the timeframe normally scheduled for the work session. If an applicant is chosen he/she can be appointed either at the meeting on May 11<sup>th</sup> or May 25<sup>th</sup>.

Mayor Pro Tem Cozad asked about the April 2<sup>nd</sup> tornado siren drill that was to happen at 10 a.m. She did not hear it at her home in Colony Pointe so she was not sure if the testing took place. Mayor Lichtfuss responded that she heard it at her home in at the Mad Russian and Co-Clerk Betty Rangel heard it at her home in Frank Farms. Town Administrator Burack explained due to atmospheric conditions and the fact the Town has only one siren this could potentially happen at various areas within the Town.

Town Administrator Burack announced to the Town Board that the Beer Bill did not pass in the state legislature which would have allowed full-strength beer to be sold at convenience stores.

Town Administrator Burack informed the Board that Department Directors preformed a two (2) hour clean-up along Highway 257 on Wednesday, April 6<sup>th</sup>.

Lois Ann Onorato announced that the 9Health Fair will be held at TRPR located at 110 S. Centennial Drive in Milliken on April 23<sup>rd</sup> from 7 a.m. until noon.

Mayor Lichtfuss reminded the Board that it is time for another clean-up to occur along Quentine Avenue. The Board decided on May 14<sup>th</sup> at 9 a.m. with Board Members meeting at Far Better Convenience (FBC).

Trustee Wakeman asked about progress on the Safe Routes to School grant. Town Administrator Burack explained that all design engineer proposals are

due on April 14<sup>th</sup> and hopefully the project will be completed by the start of next year's school session. Trustee Wakeman was concerned regarding the length of time this project is taking. Town Administrator explained that the Town did not receive a signed contract from the Colorado Department of Transportation (CDOT) until June 2010 for this project. The Town staff has also been working with CDOT in regard to including the design portion of the project as part of the grant in order to save the Town approximately \$25,000 of general fund money for the design project.

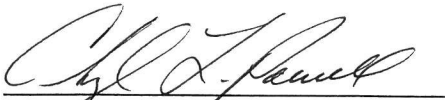
Trustee Wakeman requested that we place the Safe Routes to School progress on the work session agenda once a month to keep the Town Board updated.

Trustee Carnahan asked if a tenant has yet been chosen for the Coffee Shop that will be sharing a portion of the retired Town Hall/Police Station building with the new Library. Town Administrator Burack explained proposals for the Coffee Shop are due on April 18<sup>th</sup> and he also explained there have been serious inquiries in regard to potential renters. Town Administrator Burack expects to have a proposed lease for the Town Board to consider by the April 27, 2011 Town Board meeting. Clarification was made that regardless if we have a coffee shop tenant the library will still open when scheduled.

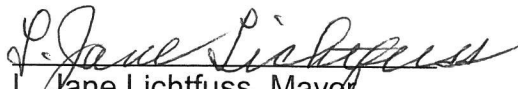
### **Adjournment**

Hearing no further business, the Mayor adjourned the meeting at 8:25 p.m.

Prepared by:

  
Cheryl L. Powell,  
Town Co-Clerk

Approved by:

  
L. Jane Lichtfuss, Mayor