

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

MEETING MINUTES

Wednesday August 24, 2011 - 7:00 P.M.

Call to Order

The Town of Milliken Board of Trustees convened a regular session on Wednesday, August 24, 2011 at 7:00 p.m. Those present: Mayor Janie Lichtfuss. Trustees: Bob Carnahan, Ted Chavez, Doug Kehr, Lois Ann Onorato and Peggy Wakeman. Also present: Town Administrator/Police Chief Jim Burack, Town Attorney Bruce Fickel, Public Works Operations Mngr. & Water/Wastewater Superintendent Jason Fowler, Community Development Director Steve House, Finance Director Mitzi McCoy, Co-Clerk Cheryl Powell and Co-Clerk Betty Rangel. Absent: Mayor Pro Tem Julie Cozad.

Pledge of Allegiance

Mayor Lichtfuss called the meeting to order.

Agenda Approval

Town Administrator Jim Burack responded there were no staff additions to the agenda. Town Attorney Bruce Fickel requested an Executive Session for legal advice to be added after the last agenda item.

Citizens Comments

Fire Chief Ron Bateman invited the Town Board to attend a 9/11 memorial service Sunday morning, September 11th at 8:15 a.m. The service will be located at the new plaza on the north end of Parish Avenue in Johnstown.

Minutes of Previous Meeting – August 10, 2011 meeting.

Minutes approved as distributed.

CONSENT AGENDA

1. List of Bills

List of Bills for August 24, 2011.

Trustee Chavez moved to approve the consent agenda. Trustee Carnahan seconded the motion.

Vote: All in favor, none opposed.

ACTION AGENDA

1. **Consideration of Approval and Adoption of Ordinance 649, an Ordinance Extending the Franchise Agreement with U.S. Cable**

Town Co-Clerk Powell asked the Town Board to consider for approval an ordinance extending the Franchise Agreement between the Town of Milliken and U.S. Cable until March 2012 or sooner. U.S. Cable's attorney in New Jersey is in possession of the most recent Franchise Agreement Draft that was completed by Staff several months ago. In addition, U.S. Cable is in the process of being purchased by Baja Broadband which may explain why there has been a delay in the review by U.S. Cable of the Franchise Agreement.

Trustee Kehr moved to approve ordinance 649 for a six (6) month extension on the Franchise Agreement between the Town of Milliken and U S Cable. Trustee Onorato seconded.

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

2. **Consideration of Approval and Adoption of Ordinance 650, an Ordinance Extending the Franchise Agreement with Poudre Valley Rural Electric Association, Inc.**

Town Co-Clerk Powell asked the Town Board to consider for approval an ordinance extending the Franchise Agreement between the Town of Milliken and Poudre Valley Rural Electric Association, Inc. (Poudre Valley REA) until March 2012 or sooner.

Town Attorney Bruce Fickel explained that the contact person with whom he had spoken to at Poudre Valley REA has recently retired. He has re-started the negotiation process with that person's replacement. Town Attorney Fickel would like to negotiate expanding the 1% underground cabling fee to connections inside future facilities. In addition he would like to incorporate into the Franchise Agreement a section that would allow the Town to run its own municipal electric system, if it desires in the new areas of Milliken. The Town would require the developer in these areas to install the underground electrical utilities and transformers and have another entity operate the

system. Town Attorney Fickel explained the Franchise Agreement is for twenty-five (25) years and the Town doesn't want to miss any opportunities it can foresee. Town Attorney Fickel expects to have a response back from Poudre Valley within the next few weeks.

Trustee Onorato moved to approve Ordinance 650 for a six (6) month extension on the franchise agreement between the Town of Milliken and Poudre Valley Rural Electric Association, Inc. Trustee Carnahan seconded the motion.

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

3. For Consideration and Approval of Resolution 11-13 Authorizing Certain Individuals to Act on Behalf of the Town in Business with Colorado Community Bank and Other Financial Matters.

Finance Director McCoy asked the Town Board to approve Resolution 11-13 authorizing new signature cards that must be completed to remove Finance Director Mitzi McCoy from the Town accounts at Colorado Community Bank. The attached resolution will preclude Finance Director McCoy from acting on behalf of the Town in business with Colorado Community Bank and other financial matters. Finance Director McCoy explained this will further segregate the duties and implement a greater level of internal control.

Trustee Carnahan moved to approve resolution 11-13 and authorized the Mayor to sign. Trustee Kehr seconded.

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

DISCUSSION AGENDA

Economic Development

Mark Radtke with the Colorado Municipal League (CML) thanked the Board for their annual survey submittal to CML. Mr. Radtke explained that 90% of Towns ranging in size from 4,000 to 19,000 are participating in some form of economic development. Last year the number one (1) reported item was streetscape projects and other aesthetic improvements to downtown areas. The number two (2) item was tourism, especially in the mountain communities. The third area was tax incentives and building incentive packages for enticing new businesses or expanding existing businesses in the community. Mr. Radtke explained that buy-local marketing campaigns have become popular. Some cities and towns are offering coupons or rebates for buying items from local businesses. The City of Durango

employees received \$100 in buy-local bucks as a bonus. He explained the importance of infrastructure improvements in order for businesses to thrive. The City of Salida has an incubator program that helps start-up businesses by providing staff and space. Steamboat Springs and Fort Collins are also doing this.

Mr. Radtke mentioned that in June 2011 a small scale survey was conducted to measure sales tax revenue for the first four (4) months of the year. The average was a 6.5% increase in sales tax across the state. The survey also asked what types of new businesses are being seen. The number one (1) response was retail, number two (2) were restaurants, and number three (3) were expanded or new medical facilities. There was also school construction, a limited amount of new or expanded manufacturing and special events that bring people to the municipality for the day or weekend has become one of the growth industries of economic development. Mr. Radtke stated there was very little residential construction.

Mr. Radtke announced what was new in economic development for 2011. Commerce City is opening a Cummings engine rebuilding facility that will employ over 50 people. The City of Fort Lupton has an expansion of the Halliburton facility. The Town of Windsor has a new Bobcat equipment dealer that took over a vacated auto dealership lot. The Town of Frederick has a new urgent care facility. The City of Dacono has a large PUD development that was approved for commercial and residential building. The Town of Bennett will have a LUVS truck stop opening with a couple of restaurants and the Town of Buena Vista is opening a distillery.

Mr. Radtke explained the role municipal government's play in economic development is essentially the most important role. Municipal governments can offer zoning, site preparation, infrastructure, water and sewer. There have been some municipalities that have offered permit and fee waivers, tax incentives, small grants to encourage expansion of local business and urban renewal which is the most powerful municipal tool.

Mr. Radtke congratulated the Board on the streetscaping that has taken place in Milliken and on the Governor's Award for the Police Station/Meeting House from Downtown Colorado, Inc.

Community Development Director House asked Mr. Radtke about enterprise zones and their incentives. Mr. Radtke responded that the legislature has tightened up to make sure there is actual new job creation from the business in the enterprise zone that offers tax incentives to encourage businesses to locate and expand in these areas.

Mr. Larry Burkhardt with Upstate Colorado Economic Development whose office is located at 822 7th Street, Suite 550 Greeley, CO explained that

Upstate Colorado serves 4,000 square miles and 31 communities in Weld County. He explained that Milliken is sitting in the metropolitan statistical area that led Colorado in job creation in 2010. He stated this is an area of extreme opportunity.

Mr. Burkhardt gave a brief overview to the Town Board about Upstate Colorado. It is a public/private partnership charged with enhancing/building the local economy. The method by which they build the local economy is by supporting the creation, retention and expansion of primary jobs. He stated that primary jobs have nothing to do with the size of the business. The definition of primary jobs is based on where the revenue comes from by selling a product or service outside the community. The revenue that comes back into a community by selling that product is what sparks the economy. In short, without primary employment there isn't a healthy economy.

Mr. Burkhardt explained that Upstate's organization is governed by a Board of Directors that represents local government, business and education. They have several programs that are built around industry attraction, retention and expansion. Weld County is one of the places along the Front Range that is now seeing new job growth with such as companies like Vestas, Abound Solar, Laprino Foods and Boulder Scientific. There will be more growth due to the oil and gas industry boom that is occurring in this area.

Mr. Burkhardt explained that Upstate Colorado is funded by private and public sources. On the private side there are approximately 100 companies of various sizes that provide funding to Upstate and on the public side, the County government and approximately 23 municipalities help support Upstate. Upstate's most important tools are their website and the new addition of a GIS vendor where Upstate can build a detailed profile of each community, where a community can list all their major employers, government officials, department heads and their contact information. It also lists the tax policies, demographics, recent activity with new companies coming in, parks and labor profiles so a site selector can place this on a comparison sheet for their clients. One of the key benefits with belonging to Upstate Colorado is that they interface with the Metro Denver Economic Development Corporation. This expands the opportunity for businesses outside of this region to obtain information regarding communities such as Milliken.

Mr. Burkhardt stated that the infrastructure a municipality provides to properties allows businesses to come in and spend their money in your community. He said "When a company comes to invest in your community they want to see a community who is willing to invest in itself, otherwise why would they want to invest in your community".

Mr. Burkhardt thanked the Board for their partnership and informed them that Upstate Colorado has created an economic development workshop for Board members and senior staff which are held twice a year.

Mr. Dave Bernhardt asked if Upstate would ever refer prospective employers to look at agricultural land that could be developed. Mr. Burkhardt responded that companies are risk-adverse and look for areas that are already zoned appropriately, are shovel-ready and can be operational within 18 to 24 months.

Executive Session

The time is 7:49

Trustee Onorato moved to go into Executive Session according to 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. Trustee Wakeman seconded

Vote: All in favor, none opposed.

Resume Regular Meeting

Mayor Lichtfuss stated: "The time is now 7:58 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.

Department of Local Affairs

Town Administrator Burack announced that Don Sandoval and Executive Director Reeves Brown will be in Milliken for a meeting with the Town Board on Wednesday, September 7th.

Legislative Task Force Testimony

Town Administrator/Police Chief Burack announced that he testified today with the Attorney General in front of a state legislative task force on school discipline that was comprised of state senators, legislators and other experts.

Safe Routes to Schools

Town Administrator Burack updated the Town Board on the Safe Routes to School project. The FIR/FOR meeting was held with CDOT to review the final set of plans. There are minor details that need to be fixed. The engineers have an estimated cost for the total scope of the project which exceeds the budget by \$29,000 that includes a 15% contingency. He explained that when the support resolution was done for the grant, it required the Town to pay for any project costs that exceeded the \$110,000 grant. In discussion with Finance Director McCoy they believe there is enough money in the budget so they will not have to ask the Board for an additional appropriation. Nevertheless CDOT requires that the Town reiterate that it is prepared to pay the additional money to complete the project. Town Administrator Burack explained a decision had been made to remove one portion of the project which is on the North side of Elm St. where there is already a parking lot on the north side of the Middle School. Because there seems to be limited value to that sidewalk segment this deletion will reduce the Town's cost exposure. Administrator Burack explained that the portion of sidewalk planned for the north side of Broad St. between Quentine Ave. and Olive Ave. north of the Elementary School is an important component of the project. Because Xcel has agreed to relocate those power lines at no cost to the Town per the franchise agreement, leaving that element within the project scope makes sense.

Finance Director McCoy feels there may be existing funds in the budget to use, but stated from a financial perspective if the Town needs to invest \$20,000 with a return of \$110,000 it would be considered a good return on their investment. Town Administrator Burack commented that since the project has not yet gone out for bid, it is difficult to tell what the bids may come in during this economic climate. Other recent projects have come in for less than what was anticipated. He explained that the geotech estimate came in around \$4,000 instead of the original budgeted amount of less than \$2,000.

Trustee Wakeman asked if the Town is replacing any existing sidewalk. Town Administrator Burack replied no, but there may be a couple of ADA ramps that need to be modified. If there are certain sidewalks that need to be replaced, that is the homeowner's responsibility. He stated that there are sidewalks in Town that are uneven that need to be repaired. Trustee Wakeman believes that the roots of trees along Broad Street may be causing some of the unevenness in the panels of downtown sidewalks.

Broad Street Parking

Community Development Director Steve House spoke about the Planning Commission's review of parking and their recommendation of striping of the parking stalls along Broad Street.

Joint Meeting with Planning Commission

Town Administrator spoke about the joint meeting between the Town Board and the Planning Commission that was originally set for September 7th. Due to the conflict that has occurred with DOLA's visit, the joint meeting will be postponed until October 5, 2011 at 5:30 p.m.

Adjournment

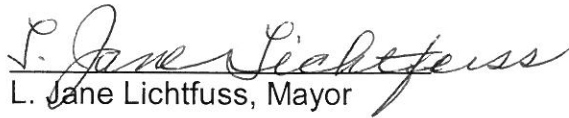
Hearing no further business, the Mayor adjourned the meeting at 8:20 p.m.

Prepared by:



Cheryl L. Powell
Town Co-Clerk

Approved by:



L. Jane Lichtfuss, Mayor