

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

**MEETING MINUTES**

**Wednesday, October 12, 2011 - 7:00 P.M.**

**Call to Order**

The Town of Milliken Board of Trustees convened a regular session on Wednesday, October 12, 2011 at 7:00 p.m. Those present: Mayor Pro Tem Julie Cozad. 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, Co-Clerk Betty Rangel and Parks, Trails, Trees, ROW and Open Space Mngr. Josh Roseberry. Absent: Mayor L. Jane Lichtfuss.

**Pledge of Allegiance**

Mayor Pro Tem Cozad 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 time during the discussion agenda to inform the Town Board concerning a couple of items.

**Citizens Comments**

Mr. Jim Gardner who resides at 811 Broad St., Milliken spoke to the Town Board regarding the forty-five (45) day limitation on political signs prior to election. Mr. Gardner feels that since mail-in ballots are sent out approximately twenty (20) days prior to the actual election date the timeframe for the political signs should be extended to incorporate this. He also suggested that Milliken could institute the unlimited timeframe for political signs the same as Weld County.

Mr. Joseph Butler, a Battalion Chief with the Milliken Fire Protection District, 101 S. Irene Avenue, came before the Town Board on behalf of Milliken Fire Chief Ron Bateman. Mr. Butler extended an invitation to any interested citizen to the Fire Station on Thursday, October 13<sup>th</sup> at 5:30pm where a Work Session will be held to discuss the Fire Districts budget issues.

## **Receipt by the Town Board of the 2012 Proposed Budget**

Finance Director Mitzi McCoy provided the Town Board with the amended 2012 budget for their review.

Mayor Pro Tem Cozad commented to the public that the Town Board has held four (4) budget retreat meetings which have been noticed and that the public has been welcome to attend. Finance Director McCoy announced there will be two (2) Public Hearings held in November 2011 and a third in December. The first Public Hearing will be held on November 9<sup>th</sup>. Mayor Pro Tem Cozad announced that copies of the 2012 budget are available at the front desk at Town Hall and that there is a message on the Towns website stating this.

## **Minutes of Previous Meeting** – September 28, 2011 meeting.

Minutes approved as distributed.

## **CONSENT AGENDA**

### **1. List of Bills**

List of Bills for October 12, 2011. Trustee Onorato requested the List of Bills be moved to the Action Agenda.

### **2. Renewal of Retail Liquor Store License for Milliken Liquors**

Town Co-Clerk Powell explained to the Town Board that Jim Gardner submitted the Renewal Application and paid the required fees to renew the Retail Liquor Store License for the period of January 09, 2012 until January 09, 2013.

Trustee Chavez moved to approve the consent agenda minus the List of Bills. Trustee Carnahan seconded the motion.

Vote: All in favor, none opposed.

## **ACTION AGENDA**

### **1. List of Bills**

List of Bills for October 12, 2011.

Trustee Onorato questioned the Public Works vehicle repair at Spradley Barr Ford. Director Jason Fowler explained the repairs were for the heater unit and mileage tracker unit for a Parks truck. Trustee Onorato asked if any of the local vehicle repair garages were contacted to do the repair work. Director Fowler explained that historically Spradley Barr Ford was the repair shop that the vehicles had been taken to for this type of work. Trustee Onorato stated she would like Town vehicles taken to the local repair shops, if appropriate to perform the work.

Trustee Carnahan moved to approve the list of bills. Trustee Kehr seconded.

Vote: All in favor, none opposed.

**2. For Consideration and Approval of Agreement with Ground Engineering Consultants, Inc. for the Quality Assurance Materials Testing Services as Part of the Safe Routes to School Grant Project**

Project Manager Caree Rinebarger asked the Town Board to consider for approval an agreement with Ground Engineering Consultants, Inc. for the purpose of providing quality assurance materials testing services as part of the Safe Routes to School Grant project. The contract amount is for \$4,905.00 which will be reimbursed through the Town's grant.

Mayor Pro Tem suggested the inclusion of additional language in the motion for the contract not to exceed \$4,905.00.

Trustee Kehr moved to approve the agreement with Ground Engineering Consultants, Inc. for the purpose of providing Quality Assurance Materials Testing Services as part of the Safe Routes to School Grant project and authorize the Town Administrator to sign the contract not to exceed \$4,905. Trustee Chavez seconded.

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

**3. For Consideration and Approval of a Contract with Thoutt Brothers Concrete for Concrete Construction Services as Part of the Safe Routes to School Grant Project**

Project Manager Caree Rinebarger asked the Town Board to consider for approval a contract agreement with Thoutt Brothers Concrete to provide concrete construction services for the Safe Routes to School Grant project. Project Manager Rinebarger has included in the Town Board Packet a bid tabulation showing the bid amounts that had been submitted for the project. The bid amount from Thoutt Brothers concrete was the lowest amount received at \$55,613.71 which will be completely reimbursed by the Safe Routes to School grant.

Mayor Pro Tem Cozad asked Project Manger Rinebarger why the bid amount from Thoutt Brothers came in much lower than other bids submitted. Project Manager Rinebarger explained that the unit price for concrete came in lower than the Safe Routes to Schools project manager Ketterling, Butherus and Norton (KBN) Engineers estimated as well as the other companies that had submitted a bid. She also stated that there is a confirmation letter from KBN Engineers that confirms they are in agreement and that Thoutt Brothers have met all requirements needed for the project.

Mayor Pro Tem Cozad explained that during the Town Board's work session a letter had been handed out to the Trustees from the Colorado Department of Transportation (CDOT) stating their approval and they agreed that Thoutt Brothers met the criteria for the project.

Trustee Chavez moved to approve the agreement with Thoutt Brothers Concrete for the purpose of providing Concrete Construction Services as part of the Safe Routes to School Grant project and authorize the Town Administrator to sign the contract. Trustee Wakeman seconded.

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

**4. For Consideration and Approval of an Agreement to Release the Letter of Credit to Advantage Bank**

Town Attorney Bruce Fickel asked the Town Board to consider for approval an agreement to release Advantage Bank from future responsibilities to comply with the terms of the Development Agreement by releasing its Letter of Credit to the Town of Milliken. Town Attorney Fickel explained that staff is in the process of finding a resident or residents at the Peregrine Creek subdivision to ensure the landscaping is maintained once it is installed.

Town Administrator Burack explained that there is a Request for Proposal (RFP) ready to be circulated, but the Town is waiting until it is certain that there is someone who resides at the subdivision who will ensure all the vegetation is watered and how the water usage will then be paid to the Town.

Trustee Onorato moved to approve the agreement to release the letter of credit and authorize the Mayor to sign. Trustee Carnahan seconded.

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

## DISCUSSION AGENDA

### Oil and Gas Well Safety and Security Check Fee Issue

Attorney Fickel has sent a settlement proposal to Kerr-McGee that has neither been accepted nor rejected by them. He explained that they are in the process of disclosing witnesses and exhibits and that the court date could be as soon as January or February 2012. Town Attorney Fickel will keep the Town Board apprised of any further discussions.

### Avila Park

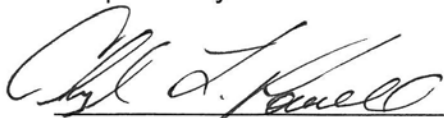
Town Attorney Bruce Fickel spoke to the Avila Family attorney today and the family would like more information in regard to the change in use for the park and confirmation that the Avila family will be recognized in this development.

Town Attorney Fickel explained the original agreement with the family stated the property donated to the Town would remain a park until 2047. If the Town changed the use of the park, the land would revert back to the Avila Family. Attorney Fickel has sent recent photos of the downtown area along with a description of the proposed use of the property to the family for their review. There will be more information sent to the family to clarify the use.

### Adjournment

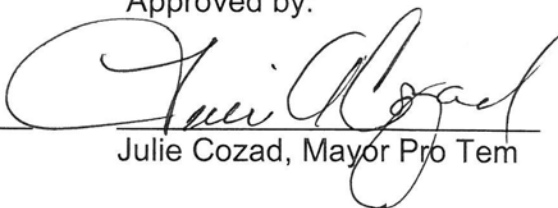
Hearing no further business, the Mayor Pro Tem adjourned the meeting at 7:27p.m.

Prepared by:



Cheryl L. Powell  
Town Co-Clerk

Approved by:



Julie Cozad, Mayor Pro Tem