

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

**MEETING MINUTES**

**Wednesday, October 26, 2011 - 7:00 P.M.**

**Call to Order**

The Town of Milliken Board of Trustees convened a regular session on Wednesday, October 26, 2011 at 7:00 p.m. Those present: Mayor L. Jane Lichtfuss, 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, Water/Wastewater and Infrastructure Director Jason Fowler, Community Development Director Steve House, Finance Director Mitzi McCoy, Co-Clerk Cheryl Powell, and Parks, Trails, Trees, ROW and Open Space Director Josh Roseberry. Absent: Co-Clerk Betty Rangel.

**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.

**Citizens Comments**

There were none.

**Minutes of Previous Meeting** – October 12, 2011 meeting.

Minutes approved as distributed.

**CONSENT AGENDA**

**1. List of Bills**

List of Bills for October 26, 2011.

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

Vote: All in favor, none opposed.

## **ACTION AGENDA**

1. **For Consideration and Approval of Resolution 11-17, a Resolution Initiating Annexation Proceedings for the Hoffschneider Annexations No. 1 and No. 2**

Community Development Director Steve House presented the Town Board a resolution regarding the annexation petitions, initiating annexation proceedings, and setting public hearing dates for the Hoffschneider No. 1 and No. 2 annexations. Director House described the location of this property as bordering the Gilcrest Reservoir, formally known as Platte Sand and Gravel. He explained there are two petitions: one for the property and one for the adjoining road, Weld County Road (WCR) 38. The resolution for this annexation also suggests a public hearing date for the Planning Commission on December 7, 2011 and the Town Board on December 28, 2011.

Trustee Wakeman moved to approve Resolution 11-17, a resolution of the Board of Trustees initiating annexation proceedings for the Hoffschneider Annexations No. 1 and No. 2. Mayor Pro Tem Cozad seconded.

Vote: All in favor, none opposed.

2. **For Consideration and Approval of Resolution 11-18, a Resolution Supporting the Application for Exclusion from the 5.5% Limit of Assessed Valuation Attributable to New Primary Oil or Gas Production**

Finance Director Mitzi McCoy asked the Town Board to consider for approval a resolution supporting an application for exclusion from the statutory 5.5% revenue limitation to recognize additional growth from new oil and gas production. Director McCoy explained that under Colorado Revised Statutes (CRS) §29-1-301 the Town's revenues are restricted each year and the Town can only exceed 5.5% additional revenue over the preceding year. She explained there is a statutory exception which requires the Town to apply through the Department of Local Affairs (DOLA) for any additional primary oil and gas production for the last assessment year. In 2010 the Town's new primary oil and gas production was \$4.3 million. Filing of this application with DOLA would enable the Town to estimate the mill levy at approximately 20.706 mills as an alternative to the Town's potential 19.199 mills. This adjustment would create an increase in revenue of approximately \$96,000.

The application also requires the Town to establish a causal relationship between the funds and where the funds will be used. Based on discussions during the budget meetings, the causal relationship in this case has been determined as road maintenance due to the wear and tear to the roads from oil and gas trucks going in and out of the production sites. Director McCoy explained if the application is approved, a separate fund will need to be set up restricting the revenue received and the direct expenses that correspond and there will be necessary reporting due at the end of the year.

Trustee Chavez moved to approve Resolution 11-18 supporting the application for exclusion from the 5.5% limit of assessed valuation attributable to new primary oil or gas production. Trustee Kehr seconded.

Mayor Pro Tem Cozad wanted to clarify that the funds were not project specific to certain roads. Finance Director McCoy explained they were not since we have oil and gas wells throughout the Town.

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

**3. For Consideration and Approval of Ordinance 651, an Amendment to Chapter 13 of the Town of Milliken Municipal Code, Amending Ordinances 529, 602, 615 and 642 Updating Revenues Related to Water Services Provided by the Town of Milliken**

Finance Director Mitzi McCoy asked the Town Board to consider for approval an ordinance to continue the established base standby charges and water usage charges for single family, multi-family, commercial, industrial and all other users. This current structure has been in place for all of 2010 and 2011. Director McCoy stated that during tonight's work session she had shown a Power Point presentation and had explained that 2010 is the first year that the water fund has been operationally in the black (in the last eight (8) years). She is asking for an extension of the current rates so the water fund can continue to operate in the black and perhaps build up the funds necessary for capital improvements and infrastructure replacements as deemed necessary.

Trustee Onorato moved to approve and adopt Ordinance 651 to amend Chapter 13 of the Town of Milliken Municipal code, updating revenues related to water services. Trustee Carnahan seconded.

Mayor Pro Tem Cozad explained that based on what the Water and Utility Study Group is investigating and based on the water rate study, there may be an opportunity to reduce water rates sometime in the future based on the committee's findings.

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

## DISCUSSION AGENDA

### 1. Poudre Valley Rural Electric Association (REA) Franchise Agreement Update

Town Attorney Fickel explained that during tonight's work session a presentation was made by Mr. Jay Pratz, a representative with the Poudre Valley REA. Mr. Pratz addressed the Franchise Agreement and answered questions asked by the Town Board. Town Attorney Fickel will respond accordingly to Poudre Valley REA based on the discussion during the work session and bring Poudre Valley's response to the changes back to the Town Board when received.

### 2. November 23, 2011 and December 28, 2011 Town Board Meetings

Due to Holidays the November 23<sup>rd</sup> meeting will change to Tuesday, November 22<sup>nd</sup>. The December 28<sup>th</sup> meeting shall remain the same.

#### Executive Session

C.R.S. 24-6-402(4)(f), to discuss personnel matters (except if the employee who is the subject of the session has requested an open meeting or if the personnel matter involves more than one employee, and all of the employees have requested an open meeting); Personnel matters do not include discussion of other council members or appointment of elected or appointed officials or the Town's personnel policies.

Mayor Pro Tem Cozad moved to go into Executive Session per C.R.S. 24-6-402(4)(f), to discuss personnel matters. Trustee Onorato seconded.

Vote: All in favor, none opposed.

The time is 7:26pm.

#### Resume Regular Meeting

Mayor Lichtfuss stated: "The time is now 8:30 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.


### 3. Expenses for 417 Broad Street

Town Administrator Jim Burack explained to the Town Board the unrelated expenses that may be incurring due to the relocation of 417 Broad Street. There may be some expenses directly related to the design of the property that may be covered under the Community Development budget. There are some contingency items, one of which would be a drawing prepared by an architect depicting what the property will look like after renovation at approximately \$500. There needs to be survey work done on a drainage plan costing approximately \$400, which is required for the building permit. He explained there will be some expense incurred for the demolition of concrete and flat work and some additional flat work will need to be installed for the senior garden. This is an informational item only to list costs that may be incurred and will be covered within the approved Community Development budget.

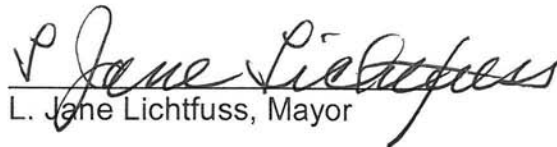
**Adjournment**

Hearing no further business, the Mayor adjourned the meeting at 8:32 p.m.

Prepared by:

  
Cheryl L. Powell  
Town Co-Clerk

Approved by:

  
L. Jane Lichtfuss, Mayor