

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

MEETING MINUTES

Wednesday, January 11, 2012 - 7:00 P.M.

Call to Order

The Town of Milliken Board of Trustees convened a regular session on Wednesday, January 11, 2012 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, Co-Clerk Betty Rangel and Parks and Outdoors Director Josh Roseberry.

Pledge of Allegiance

Mayor Lichtfuss called the meeting to order.

Agenda Approval

Mayor Lichtfuss requested the Town Administrator's evaluation be moved from the action agenda to the discussion agenda. Town Administrator Jim Burack responded there were no staff additions to the agenda

Citizens Comments

Mr. Jim Gardner, owner of Milliken Liquors at 811 Broad Street, who resides at 801 Forest Street Milliken, had concerns regarding the plowing of the Town's streets during the last three (3) snow storms. He doesn't feel the roads have been plowed adequately. The parking areas in front of his establishment have not been plowed and the sidewalks in front of his store were not cleared until after 10:00am. Mr. Gardner stated that this has been a continual problem for over five (5) years. He also has concerns about the street water drainage in front of his store. If customers cannot gain access to his establishment he losses revenue. Mr. Gardner stated that he pays for these services from the Town through the taxes he pays.

Mr. Gardner asked for a budget cost analysis from the Town concerning the \$317,000 that is allocated in the 2012 budget for the moving and renovation of 417 Broad Street.to the Town Square location. His concern is this is taxpayer

dollars, not grants that will fund this project and he would like an explanation on how the Town can afford this type of project given the economic climate. Mr. Gardner feels that museums cost more to operate than what they gain in revenue. He would like to see this project placed on hold until further analysis is completed.

Mr. Gardner commented on the Town's newsletter article that stated Town businesses have four (4) hours to clear their sidewalks after a snow. He questioned the properties that are owned by the Town and whether they are considered businesses or residences since the snow has not been cleared in front of these properties.

Minutes of Previous Meeting – December 28, 2011 meeting.

Minutes approved as distributed.

CONSENT AGENDA

1. List of Bills

List of Bills for January 11, 2012.

2. Resolution 12-01, Posting of Notices

A Resolution establishing locations for posting of notice for meetings of the Board of Trustees of the Town of Milliken as required annually by C.R.S. §24-6-402(2).

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

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

ACTION AGENDA

1. Ratification of an Intergovernmental Agreement (IGA) with Weld County to Retain the Professional Services of Bill Jerke to Monitor the Residency Count for the Purposes of State Severance Tax and Federal Mineral Lease Distributions.

Town Administrator Burack asked the Town Board to review and consider approval of an Intergovernmental Agreement (IGA) with Weld County engaging the professional services of Mr. Bill Jerke of LaSalle to provide consulting services to maintain compliance by energy sector employers with the provision of accurate employee residency data to the Colorado Department of Local Affairs to generate revenue to the Town. This is the third

year the Town has utilized the services of Mr. Jerke to perform this service and the Town has benefited from Mr. Jerke's findings during the last two (2) years. The cost of this service to the Town of Milliken in 2012 will be \$210.27.

Mayor Pro Tem Cozad moved to ratify the Intergovernmental Agreement (IGA) with Weld County for 2012 to engage the professional services of Mr. Bill Jerke to monitor the residency count for State Severance Tax and Federal Mineral Lease Distributions. Trustee Onorato seconded.

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

2. Ratification of a Contract with eFORCE Records Management Systems (RMS) for the Police Department

Town Administrator/Police Chief Jim Burack asked the Town Board to ratify a contract with eFORCE to provide a computerized records management system to compile and file police records of crime and incidents for the Milliken Police Department. This contract allows for the purchase and licensing of the software and the first year of maintenance. This purchase is allocated in the approved 2012 budget.

Town Administrator Burack explained that Weld County and the City of Greeley will be moving to a new records management system called Spillman beginning February 1, 2012. The Town has contracted with Weld County for the last six (6) or seven (7) years for records management system services and were given the option of contracting with them to continue this service under the new system. Weld County is asking for a contracted amount of \$14,000 per year for this service compared to the \$7,500 per year amount the Town has paid in the past. As a cost saving effort, the Town of Milliken along with the Town of Johnstown (Platteville did several years ago) decided to obtain the records management system services of eFORCE. The initial cost of the eFORCE contract is \$25,790.00 which will be paid in two installments in 2012 and 2013. Going forward there will be an annual cost of approximately \$3,000.00 per year for annual support and updates.

Trustee Wakeman asked if the agreement was completed in December 2011. Town Administrator Burack responded that in order to have a system operating by February 1, 2012 and to receive the pricing and to take advantage of the training held in Johnstown the Town needed to move forward on this agreement. He explained it was essential for the Police Department to have a system in place before the February 1st date.

Trustee Chavez moved to ratify the contract with IntelliChoice for eFORCE Police Records Management system software and support. Trustee Carnahan seconded.

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

Mayor Pro Tem Cozad asked Finance Director McCoy what the percentage of the property tax revenue that the Town receives from oil and gas production. Finance Director McCoy responded the Town will receive approximately forty (40) percent in 2012.

DISCUSSION AGENDA

Town Administrator's Evaluation

Mayor Lichtfuss commented on the evaluation form used for the Town Administrator and stated there is very little on the form that asks how well this job was performed. She asked the Town Attorney to review this form and to possibly revise it before the next evaluation. Town Attorney Fickel responded that changes will be made to the form.

Mayor Pro Tem Cozad suggested a method which is used on the Board of the Metropolitan Planning Organization (MPO). The Executive Director of the MPO is a position similar to the Town Administrator's and this position is required to provide a self-evaluation. She suggested the use of a self-evaluation form plus a list of goals, accomplishments and concerns that arose throughout the year and how they were addressed. Town Attorney Fickel concurred with the proposed suggestions of the revised evaluation.

Town Administrator Burack commented on the evaluation form and agreed that changes are needed and it is currently more of a character/personality evaluation instead of a performance evaluation. He suggested that the self-evaluation and performance evaluation mirror the current evaluation used by the rest of the Town of Milliken staff.

Town Administrator Burack presented a review over the last three (3) years in which he has been permanently in the position of Town Administrator:

- Town debt for pledged revenue eliminated, i.e. street debt, pool debt of 1.6 million dollars.
- Mill levy certification error corrected from prior administration.
- Frontier Commercial Loop completed by using a Department of Local Affairs (DOLA) grant that required a 50% match which eliminated the street fee debt.
- Staff reorganization by placing the right staff in the right positions. The elimination of positions and of staffing levels and dual tasking of certain employees which has yielded a cost savings to the Town.
- The Police Station and Meeting House project was accomplished by a combination of the bond issued for the building, grants from DOLA, USDA,

VALE, OPS (Colo. Dept. of Labor), Colo. Div. of Criminal Justice USDOJ ARRA and GOCO for the Kids & Cops Park in the amount of \$80,000. Town Administrator took a major role in obtaining the grants and as a project manager provided the Town a cost savings in consulting fees. The facility has gained national notoriety for the Town of Milliken.

- There has been a successful partnership agreement with TRPR for the Senior Program. This partnership has generated cost savings and added value to organization.
- The focus over the last three (3) years has been on Economic development upon direction from the Town Board. Staff has been supportive in the relationship with Upstate Colorado, DOLA and the Milliken Business Association (MBA). Staff has worked with Hall-Irwin Corporation to facilitate the rezoning of the CAP Farm property for the benefit of an economic development opportunity.
- The Safe Routes to Schools grant application which resulted in \$110,000 of funding from the Colorado Department of Transportation (CDOT).
- The purchase of the Grain Elevator which resulted in Open Range Communications leasing and the Town receiving over \$30,000 in revenue from that lease. \$20,000 was received by a federal grant to provide repairs to the facility created by tornado damage. There has been lease interest in possible uses for this facility, much like the reuse of the revitalized Town Hall/Police Station.
- Weld County Road 21 has been paved by providing a temporary solution to the road until further development occurs in that area. The residents of Wild Cat Acres have been pleased with this solution.
- There have been accomplishments regarding water. The Hillsboro water change case has been concluded. The formulation of the Water and Utility Study Group whose concept was initiated with the Administrator and led by the Town Board.
- The sewer fund has been stabilized. Sewer options have been formally studied regarding the Highway 257 corridor.
- There has been a formulation of a new relationship between staff and the Town Attorney by integrating counsel into operational staff by attending weekly staff meetings.
- The Centennial celebration was successful. This was a true partnership requiring the combined effort of Town Board, staff and community.
- The old Town Hall/Police Station reuse with the library & coffee shop. The Town Board took some risk in the investment which will pay large dividends in rebuilding/revitalization of the downtown area.
- There has been an appointment of a Treasurer. The formation of Board/Staff committees encourages better communication.
- The completion of the Mission, Vision, Values process that was started approximately four (4) years ago. There has been a more sophisticated goal setting process put in place with the assistance of Don Sandoval with DOLA.

- The Water Fund has financial stability for the first time in several years through Board action and cost containment.
- There are no Medical Marijuana Dispensaries operating in Town due to coordinated and proactive staff work with the Planning Commission and Town Board, with the Town Attorney, to preclude dispensaries from operating in Town.
- The Community Court, funded by a \$300,000 four-year grant for programming, is unique to this area of the country and is a potential economic development factor since it brings national notice to Milliken.
- Veterans Memorial creation.
- Emergency Siren that was grant funded
- Emergency Generator for Town Hall that was grant funded.
- Wakeboarding arrived on Centennial Lake.
- Trash Fund restructuring by trying to cut costs for our residents and setting up Trash Fund to show real costs.
- Energy Audit where the Town received a nearly \$40,000 grant that provided new energy efficient windows and water heater for the old Town Hall/Police Station and new roof-top heating air conditioning unit for Town Hall.
- There has been economic improvement at Highways 60 and 257. A new relationship with Hall-Irwin and Lot Holding has been established.

Town Administrator Burack commented on all the items that have been accomplished and the risks taken by staff and Board to see these items through to fruition. He is proud of what has been accomplished and reiterated staff's commitment to following the Town Board's guidance.

Mayor Lichtfuss complimented the manner that the Town Administrator presented his evaluation by matching the accomplishments to the Town Board goals.

Trustee Wakeman asked if Town Administrator could review the concerns that were addressed in the evaluation and if he could respond to these concerns and whether some of these concerns could be unfounded. Mayor Lichtfuss believes some of the concerns have already been addressed. Trustee Wakeman requested that if possible by the next meeting, that the Administrator provide a summary of these concerns and how he has or will handle these issues.

Mayor Pro Tem Cozad would like a response to a concern regarding loss of staff and how this is going to be addressed within the next one (1) to two (2) years, primarily the Public Works department. The concern is whether the Town Administrator is stretching himself too thin due to the loss of staff.

Mayor Lichtfuss commented that staff was asked to cut back on expenditures and to be very frugal due to the economic climate. Mayor Pro Tem Cozad's

concern is the level of service that citizens are requesting and are they being met.

Trustee Carnahan commented that the Town Administrator has made himself available for meetings requested by Trustees. Trustee Carnahan asked whether a concern that had been previously mentioned during the evaluation process has been addressed and that was police bullying and whether this is founded or unfounded. Trustee Carnahan's concern is also that the Town Administrator is stretched too thin in all that he does for the Town. Town Administrator Burack responded that he along with staff and Board are very busy and when an opportunity is seen we go out and grab it. An example of this is grant application work. Staff provides this service in-house where a lot of communities will either pass the grants by or hire an outside source to go through the application process. The present town staff are committed and dedicated, many of which have grown within their employment with the Town, including himself. The addition of Philip Waggoner, who was provided by a DOLA grant, will provide additional assistance by helping staff with projects.

Town Administrator Burack responded to the concern of police bullying. There will always be some people who are upset due to an interaction with the police. This police department partners with the community and the police officers are integrated into the community court concept. When the Chief of Police feels a need to make a change with police personnel, he makes it. Sometimes a police hire turns out not to be a good fit for the Town and then changes are made. Trustee Carnahan responded that he is very proud of the police department and its Chief.

Trustee Onorato complimented the Town Administrator on re-establishing the communication/relationship between the Town Board and staff with Hall-Irwin.

Trustee Chavez appreciated the years-in-review since there were some items he had forgotten about. He concurs with what prior Board members have commented on.

Town Administrator responded to comments from Mr. Jim Gardner and that additional staff is being hired for Public Works which will address some of the issues.

Town Attorney Fickel stated he will be sending out the Town Administrator's employment agreement. The employment agreement was initiated on April 14, 2010 and by its terms is for three (3) years. Attorney Fickel that explained that the last full year of the agreement is the time to evaluate it.

Mayor Pro Tem Cozad commented that she appreciates the Town Administrator's commitment and leadership to the Town.

Trustee Wakeman had concerns regarding the completion of the evaluation and employment agreement prior to the potential change in Board in April 2012. Town Attorney Fickel stated that since this is the Board that knows the Administrator best, it would probably be in the best interest to complete this process before the change in April 2012.

There was additional discussion among the Board regarding having ample time to discuss items during the work session.

Purchasing and Preferred Vendors

Mayor Pro Tem Cozad had a question regarding the List of Bills in regard to vendors. She suggests having a list of preferred vendors, preferably vendors that are in the Town of Milliken. Finance Director McCoy explained the new purchasing system and that staff has centralizing purchasing by having the Town's Accounting Technician, Courtney Diller, put together a preferred vendor list and a rating system of the vendors. Courtney has also been calling various vendors requesting pricing of materials and services. All purchases will be made through Courtney except in emergency situations when time is of the essence.

Trustee Wakeman needed a clarification on a situation regarding a business competitor. The business competitor is not located in a commercial area in Town but is located in a residential area performing service. It may be a violation of the Town's zoning regulations in regard to that type of business occurring in a residential area. This is not sending out a good message to the community when the Town utilizes services for those in violation. She also spoke about the Town purchasing items in other towns when these items could be purchased in this Town.

Town Administrator Burack commented on Trustee Wakeman's concern and the cost of doing business in Town compared to the cost of doing business in another town. Product cost may be less but with the added personnel costs for transit time, etc. there may not be any savings. There have been discussions with staff about what a legitimate home occupation is and what is not. This is currently being investigated.

Adjournment

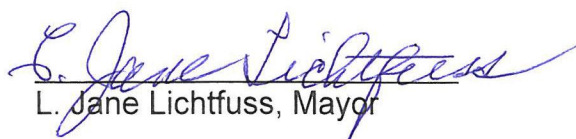
Hearing no further business, the Mayor adjourned the meeting at 8:48 p.m.

Prepared by:



Cheryl L. Powell
Town Co-Clerk

Approved by:



L. Jane Lichtfuss, Mayor