

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

MEETING MINUTES

Wednesday, February 27, 2013 – 7:00 P.M.

Call to Order

The Town of Milliken Board of Trustees convened a regular session on Wednesday, February 27, 2013 at 7:00 p.m. Those present: Mayor Milt Tokunaga, Mayor Pro Tem Julie Cozad; Trustees: Linda Beck, Ted Chavez, Reid Hobler, Jordan Jemiola, and Lois Ann Onorato. Also present: Town Administrator/Police Chief Jim Burack, Town Clerk Cheryl Powell, Treasurer & Accounting/Finance Director Patrick Murphy, Town Planner/Building Department Director Anne Johnson, Town Attorney Bruce Fickel, Assistant Attorney Sunita Sharma, Parks and Outdoors Director Josh Roseberry and Public Works Director Jason Fowler. Absent: None.

Pledge of Allegiance

Mayor Tokunaga called the meeting to order.

Agenda Approval

Town Clerk Powell said there were no staff additions to the Agenda. Mayor Pro Tem Cozad asked to add an item to the Discussion Agenda.

Citizen Comments

No Comments.

Minutes of Previous Meeting – February 13, 2013 meeting.

Minutes approved as distributed.

Acknowledgement of the Paid List of Bills

February 2013 List of Bills.

CONSENT AGENDA

There are not any items.

ACTION AGENDA

1. Consideration and Approval of Ordinance 679, an Ordinance Extending the Franchise Agreement with Baja Broadband, LLC

Town Attorney Bruce Fickel asked the Town Board to consider for approval an ordinance extending the Franchise Agreement between the Town of Milliken and Baja Broadband, LLC until September 18, 2013 or approval of a long-term negotiated Franchise Agreement. Town Attorney Fickel will address items he has concerns with along with the requests from the Town Board in regard to the Franchise Agreement with Baja Broadband, LLC.

Trustee Chavez moved to approve Ordinance No. 679 for a six (6) month extension on the Franchise Agreement between the Town of Milliken and Baja Broadband, LLC. Trustee Onorato seconded.

Discussion: Trustee Hobler asked how many times the Town had extended the Franchise Agreement with Baja Broadband, LLC. Town Attorney Fickel responded approximately three (3) times. He further explained that the Town of Johnstown was already in their Franchise negotiations with Baja Broadband and he determined that it would be fiscally reasonable to await the outcome of their negotiations and to modify their template. The agreement that is currently being used is the same agreement that the Town had with U.S. Cable, the previous cable company that provided service to Milliken.

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

2. Consideration and Approval of Resolution 13-03, a Resolution Authorizing the Execution of the Application to Northern Colorado Water Conservancy District

Town Attorney Bruce Fickel asked the Town Board for consideration and approval of Resolution 13-03 for an annually renewable perpetual water contract for right to use Colorado-Big Thompson Project Water under C.R.S. 37-45-131. Town Attorney Fickel explained that in order to establish consistency, Northern Colorado Water Conservancy District (NCWCD) believes that converting the temporary use permits to the annually renewable water contract would assist the administration of the water plus potentially provide NCWCD a financial remedy for those who have been paying a lesser amount for the temporary use permits.

Mayor Pro Tem Cozad moved to approve Resolution 13-03 authorizing the execution of the application to Northern Colorado Water Conservancy District for annually renewable perpetual water contract for right to use Colorado-Big Thompson Project Water under C.R.S. 37-45-131. Trustee Hobler seconded.

Discussion: None.

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

3. **Consideration and Approval of a Consulting Contract with Steve House for Planning Management Services for the South Platte River Corridor Master Plan**

Town Administrator Jim Burack asked the Town Board for consideration and approval of a consulting contract with Steve House, the Town's former Director of Community Development, for professional services to provide Planning Management Services for the South Platte River Corridor Master Plan. Town Administrator Burack explained that Mr. House has an established relationship with all the entities involved and that some of the project funders and potential project partners are located in the Denver metro area where Mr. House resides. Mr. House will be reporting directly to the Town's Community Development Director Anne Johnson by supplying weekly reports. Having Mr. House as the consultant on this project for the remainder of this year will provide Director Johnson time to become familiar with the project.

Mayor Pro Tem Cozad requested a change in Section V of the contract. The start date should be changed from February 1, 2013 to February 27, 2013 and the contract should have an end date of December 31, 2013. It was requested that the motion include this language.

Mayor Tokunaga asked why the current Community Development Director does not immediately transition into the South Platte River Corridor project. Town Administrator Burack explained that Mr. House has background on this project, relationships with those involved and will be seeking additional funding through grants.

Trustee Jemiola suggested the use of grant writers through the Colorado Municipal League (CML) and is also concerned about seeing tangible results through the work accomplished by Steve House.

Director Johnson explained she had attended a meeting regarding this project a few weeks ago and explained all the intricacies of the process, such as meeting the property owners, reviewing the alignments, right-of-way, extra infrastructure, forging partnerships, etc. Director Johnson also explained that she currently is involved in, and focusing on, establishing the Great Outdoors Milliken (GOMILL) Committee, the Downtown Design project and focusing on additional grants, etc. Director Johnson believes having Mr. House involved at this time would be her recommendation. Trustee Jemiola indicated that he would like Director Johnson to have full knowledge of the project by the time of the end date.

Trustee Hobler would like to ensure that when the contract ends this year with Mr. House that Director Johnson is transitioned and able to take the project over.

Trustee Beck explained to the Town Board that she and Trustee Chavez attend the South Platte River Corridor meetings and she is confident that Mr. House will submit his reports to Director Johnson as required.

Town Administrator Burack explained that depending on whether the Town receives additional funding through Great Outdoors Colorado (GOCO), Greenway Foundation, etc. it may be feasible for the Town to continue services through Mr. House or another consultant. Trustee Hobler responded that if the outcome of using Mr. House proves to be favorable by obtaining grants, etc. it may be beneficial to continue Mr. House's services.

Mayor Pro Tem Cozad suggested a report at the end of the contract to help the Town Board decide whether they would like to continue services with Steve House.

Mayor Tokunaga asked Director Johnson how much of the project had been explained to her prior to Mr. House's departure from his employment with the Town. Director Johnson explained that she attended the internal meeting and with all the key stakeholders, has seen the mapping of the project, has collected information for the project. Mr. House has kept her apprised of his progress regarding the project.

Mayor Pro Tem Cozad moved to approve the agreement between the Town of Milliken and Steve House for professional services to assist with the management of the contract between DHM Design and the Town for the South Platte River Corridor Master Plan, and to change the date within the contract in Section V to February 27, 2013, and to add a schedule, an end date, a required final report at contract completion and regular contact with the Community Development Director and direct the Town Administrator to sign on behalf of the Town. Trustee Hobler seconded.

Discussion: None

Prior to the vote the Mayor explained his reason why he is not voting for the contract. He said if a grant writer is needed then the Town should acquire one. Since it is an ongoing project and relationships need to be developed/maintained, he said the Town and the Community Development Director should be engaged in this.

Vote: Roll call vote requested by Mayor Pro Tem Cozad.

Trustee Hobler vote: Yes, Trustee Onorato vote: Yes, she feels there needs to be a transition. Trustee Jemiola vote: No, waste of Towns money to enter into an agreement that doesn't have any tangibles as part of the agreement. Mayor Pro Tem Cozad vote: Yes, there needs to be a transition period and after this contract would like to transition to town staff; the tangible will be if Mr. House provides the Town with additional grant(s). Mayor Tokunaga vote: No, for the reasons cited above plus he thinks it preferable it is brought in-house with Director Johnson who will have an overall perspective of all projects. If it is just going to be strictly grant writing there are grant writers who know how to seek funds that are available. Trustee Beck vote: Yes, primarily to provide the new Community Development Director Anne Johnson some assistance and help in the transition. Trustee Chavez vote: Yes, Director Johnson has been with the Town for two (2) months and has jumped in on many projects the Town is currently doing and is certain she is doing other projects that he does not know of. Director Johnson should continue attending the South Platte River Corridor meetings to become familiar with the project. He also suggested staff review consultant House's weekly reports to ensure they are adequate.
Motion passed.

DISCUSSION AGENDA

1. Upstate Delegation

Mayor Pro Tem Cozad reported on the meeting with Upstate Colorado. Eric Berglund with Upstate Colorado informed the Upstate Board that he has received a letter from Governor Hickenlooper and is taking a delegation of people to Edmonton and Calgary, Canada to speak to the business community and the energy sector to talk about how Canada and Colorado can work together. Colorado is a major exporter of energy to Canada. The three (3) people who were selected to go were herself, a County Commissioner and Eric Berglund. Mayor Pro Tem Cozad is seeking some funding from the Town to attend this delegation.

Mayor Pro Tem Cozad will provide the Town Administrator with an approximate budget for this trip and it will be brought to the meeting on March 13, 2013 for consent from the Town Trustees.

Updates on Staff Assignments

Director Fowler reported on his investigation regarding the monitoring of water when pulled from the Town's system by commercial or oil and gas industry users so it does not affect pressure during peak consumption times or system costs. Director Fowler explained that additional items, such as when it is prohibited to

pull water from the system, have been added to the agreement on hydrant rentals. Mayor Tokunaga asked if the Town will have additional restrictions if there are restrictions due to drought conditions. Director Fowler responded we could tell these customers that they cannot pull water from our system if those conditions exist.

Director Fowler provided information on how much water the oil & gas companies used and paid in 2012.

Other Business

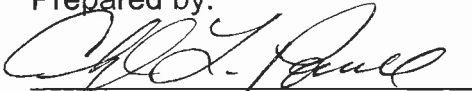
Summary of Meeting (Review of Action Items, Staff Assignments & Schedule)

Mayor Pro Tem Cozad will supply an approximate budget amount to the Town Administrator for the Upstate Colorado trip to Edmonton and Calgary Canada and the item will be brought to the Town Board of Trustees for their consent on March 13, 2013.


Adjournment

Hearing no further business, the Mayor adjourned the meeting at 8:06 P.M.

Prepared by:


Cheryl L. Powell, Town Clerk

Approved by:


Milt Tokunaga, Mayor