

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

MEETING MINUTES**

Wednesday, December 12, 2012 - 7:00 P.M.

Call to Order

The Town of Milliken Board of Trustees convened a regular session on Wednesday, December 12, 2012 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 Attorney Bruce Fickel, Assistant Attorney Sunita Sharma, Public Works Director Jason Fowler, Parks and Outdoors Director Josh Roseberry, and Community and Economic Development Director Steve House.

Pledge of Allegiance

Mayor Tokunaga called the meeting to order.

Agenda Approval

Town Clerk Powell responded there were no staff additions to the Agenda.

Citizen Comments

None

Recognition

Town Administrator Jim Burack recognized Community and Economic Development Director Steve House for his five (5) years of service to the Town of Milliken. Director House is retiring at the end of December.

Trustee Jemiola thanked the Town's Public Works and Parks Staff for their effort with the Town's Festival of Lights celebration held on December 7th.

Minutes of Previous Meeting – November 28, 2012 meeting.

Minutes approved as distributed.

CONSENT AGENDA

There are no items.

ACTION AGENDA

1. Public Hearing and Consideration of Approval of Resolution # 12-37, and Ordinance # 673, Alice Avenue and Inez Boulevard Annexation

Community and Economic Director Steve House asked the Town Board for consideration and approval of Resolution 12-37, determining whether the area proposed to be annexed complies with the applicable requirements and is eligible for annexation and for consideration and approval of Ordinance 673, approving the annexation of certain territory to the Town of Milliken, to be known and designated as the "Alice Avenue and Inez Boulevard Annexation".

Annexation of both streets will help to clarify the issues of Highway User Trust Fund (HUTF) monies, ownership and maintenance of the streets.

Director House said the Surveyor found two (2) other property owners that own right-of-way and staff is pursuing their signatures for the petition. Staff recommended approving the Resolution and Ordinance with the stipulation that the petition is signed by all landowners.

Public Hearing Opened at: 7:12 P.M.

Public Hearing Closed at: 7:13 P.M.

Mayor Pro Tem Cozad moved to approve Resolution # 12-37 and Ordinance 673, approving the Alice Avenue and Inez Boulevard annexation with the condition that the minor technical corrections be made and the addition of the R-1, Single Family Residential Zone District be made to the annexation map and annexation petitions be signed by Lot Holding Investments, LLC, Binder Family Farms, the Kleins and Gochis prior to filing of the annexation map with the Weld County Clerk and Recorder. Trustee Hobler seconded.

Discussion: None

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

2. Public Hearing and Consideration of Approval of Ordinance # 674 to Approve the Zoning of the Property Known as the Alice Avenue and Inez Boulevard Annexation

Community and Economic Development Director Steve House asked the Town Board to review and approve the zoning for the Alice Avenue and Inez Boulevard annexation.

Public Hearing opened at: 7:15 P.M.

Mayor Tokunaga asked if the late discovery of the other landowners who own part of the right-of-way would have any impact on the zoning. Director House replied it would not and Assistant Town Attorney Sunita Sharma concurred.

Public Hearing closed at: 7:17 P.M.

Trustee Chavez moved to approve Ordinance # 674 zoning of the annexed property, known as the Alice Avenue and Inez Boulevard Annexation, to R-1, Single Family Residential District, with the condition that technical corrections be made to the zoning map prior to filing of the zoning map with the Weld County Clerk and Recorder. Trustee Onorato seconded.

Discussion: None.

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

3. Consideration and Approval of an Agreement with Northern Colorado Water Conservancy District for Participation in the 2012-2013 Regional Treatment and Transmission (RT²) Project

Town Administrator Jim Burack asked the Town Board to consider for approval an agreement with Northern Colorado Water Conservancy District to participate in the Regional Treatment and Transmission Project (RT²). The study will be completed by the Farnsworth group and will cost \$130,000, which will be split evenly between all participating entities. Northern Colorado Water Conservancy District has agreed to be the Contract Administrator for this phase. There are eleven (11) participants in the project. Central Weld County Water District and Little Thompson Water District are also participating.

On October 1, 2012 the Town's Water, Wastewater and Drainage Utility Advisory Commission recommended participation in the RT² Project.

Mayor Tokunaga asked when the project would be completed. Town Administrator Burack replied he believes it would be the third quarter of 2013, but is not certain.

Trustee Jemiola moved to approve the Agreement with Northern Colorado Water Conservancy District for participation in the 2012-2013 Regional

Transmission and Treatment (RT²) Project in an amount not to exceed \$11,818.00. Mayor Pro Tem Cozad seconded.

Discussion: None.

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

4. Consideration and Approval of an Agreement with Ketterling, Butherus, & Norton Engineers, LLC (KBN) to Update the Milliken Water/Wastewater Master Plan of 2006

Town Administrator Burack asked the Town Board to review and consider for approval a Professional Service Contract with KBN to update the Milliken Water/Wastewater Master Plan from 2006. The Milliken Water, Wastewater and Drainage Advisory Commission concluded that it is in the best interest of the Town to update the 2006 Water/Wastewater Master Plan.

Mike Ketterling with KBN was present to answer any questions that the Town Board had.

Trustee Hobler asked what new information the update would provide that is different from the 2006 plan. Mike Ketterling responded that the original plan was recommended to be updated every five (5) years. Mr. Ketterling explained that the population growth numbers of 65,000 in the 2006 Master Plan were unrealistic and they are proposing the use of an anticipated population of 19,580 by the year 2035 .

Mayor Pro Tem Cozad asked about the ten (10) and twenty (20) year capital improvements plan and will there be recommendations made for the next five (5) years. Mr. Ketterling responded they will have a better idea when they are going through the process. The 2006 Master Plan was done based on the Town's old Comprehensive Plan and this will be revised based on the new Comprehensive Plan.

Mayor Tokunaga asked if other utilities are also being looked at during this process, such as fiber optic lines. The study will cover only "wet utilities". Some larger communities have separate commissions that cover those areas, known as dry utilities.

Trustee Beck moved to approve the Agreement with Ketterling, Butherus & Norton Engineers, LLC (KBN) for the purpose of updating the Milliken Water/Wastewater Master Plan of 2006 in an amount not to exceed \$31,772 and whereas, additional expenses shall be presented to the Town Board in writing prior to inception for approval. Trustee Hobler seconded.

Discussion: None.

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

5. Consideration and Approval of an Agreement with SAFEbuilt Colorado, Inc. for Building Department Services

Accounting and Finance Director Patrick Murphy asked the Town Board to review and consider for approval an agreement with SAFEbuilt Colorado, Inc. to provide building department services for the Town of Milliken in 2013, as requested in Request for Proposal (RFP) # 15-2012.

The Town received seven (7) requests for the RFP document, including one from Colorado Inspection Connection, during the bid period. On November 27, 2012, the Town received two (2) proposals: from SAFEbuilt Colorado, Inc. of Loveland and Charles Abbott Associates, Inc., of California, with offices in Westminster, CO. A proposal was not received from the Town's current building department services provider, Colorado Inspection Connection.

Mr. Scott Martin and Russ Weber, representatives of SAFEbuilt, were present to answer questions.

Mayor Pro Tem Cozad asked what other services they provide that the Town currently does not have in place. Russ Weber replied that SAFEbuilt provides permitting software and explained how the software operates.

Mayor Tokunaga asked if it is a web-based software or proprietary. Mr. Weber replied it is both and explained that all their inspectors carry iPads and have instant access to the applicant's permit and that it also reduces paperwork. Applicants can also be notified via email whether their inspection passed or failed. Certificates of Occupancy (C.O. s) are automatically generated after the final inspection.

Mayor Tokunaga asked if the setback requirements are setup in the system. SAFEbuilt replied that the Building Permit Technician with the Town will place the setbacks in the original permit application.

Mayor Pro Tem Cozad asked if the software will track expired permits. Mr. Weber and Mr. Martin with SAFEbuilt replied, the software does track these. They also explained that the municipalities who are utilizing this program can generate monthly reports to track the permits. When the permit is near the expiration date, staff can notify the customer prior to the expiration.

Accounting and Finance Director Patrick Murphy suggested the Town review its current valuation per square foot, since the Town currently has one of the lowest valuations in Northern Colorado. Mayor Pro Tem Cozad suggested reviewing all the fees such as impact fees, etc.

Mayor Tokunaga asked what other municipalities SAFEbuilt is currently serving. Mr. Weber and Mr. Martin responded they currently serve 32 municipalities in Colorado.

Trustee Onorato moved to approve the Agreement by and Between the Town of Milliken and SAFEbuilt Colorado, Inc. for Building Department Services for 2013. Trustee Chavez seconded.

Discussion: None.

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

6. Consideration and Approval of Resolution #12-35, Adoption of the Town of Milliken's 2013 Budget and Amending the 2012 Budget

Accounting and Finance Director Patrick Murphy asked the Town Board to review and consider for approval Resolution #12-35 to adopt and appropriate the 2013 Town of Milliken revenues, expenses and transfers for each fund. The budget year begins January 1, 2013 and ends December 31, 2013. The resolution also adopts the "Estimate" column in the 2013 Budget as the Revised Budget for 2012.

Discussion from the Board was to ensure that the transfers of funds were made to the Water and Sewer funds for the 2012 budget. Director Murphy replied the transfers have been reflected in the revised Budget for the 2012 fiscal year.

Trustee Chavez moved to approve Resolution 12-35 recognizing revenues, appropriating expenditures, and transferring funds for the 2012 and 2013 budget. Mayor Pro Tem Cozad seconded.

Discussion: Mayor Tokunaga commended Director Murphy on how well he conducted the budget process.

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

7. Consideration of Approval of Resolution #12-36, 2012 Mill Levy for 2013 Property Tax Revenue

Accounting and Finance Director Patrick Murphy asked the Town Board to consider for approval Resolution #12-36, to set the Mill Levy for General Governmental Operations and Debt Service on the 2007 bonds issued to fund the construction of the Police Building and Meeting House. The Mill Levy must be certified to Weld County by December 15th of each year.

Mayor Pro Tem Cozad moved to approve Resolution 12-36 establishing the 2012 Mill Levy for the 2013 Budget and a correction needs to be made after the second whereas: there was an extra comma in a number. Trustee Jemiola seconded.

Discussion: None.

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

8. Consideration and Approval of Bond Release Letters for Noble Energy

Accounting and Finance Director Patrick Murphy asked the Town Board to release from any further obligation of Noble Energy, Inc., related to the drilling of eight (8) oil wells in the Town in 1994, and the installation and construction of pipelines in the Town of Milliken's Right-of-Way(s) in 1997. A representative from Noble Energy was present for any questions.

Trustee Beck moved that the Town approve the release of Performance Bond #536921, dated July 13, 1994, and #5908092, dated October 17, 1997, by way of sending the proposed Bond Release letters to Noble Energy, Inc., signed by the Mayor. Trustee Onorato seconded.

Discussion: None.

Vote: Mayor Tokunaga, Trustee Beck, Trustee Chavez, Trustee Hobler, Trustee Jemiola and Trustee Onorato in favor. Mayor Pro Tem Cozad abstained from the vote. Motion passed.

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

Accounting and Finance Director Patrick Murphy asked the Town Board to consider for approval the IGA with Weld County engaging the professional services of Mr. Bill Jerke to provide consulting services to improve compliance by energy sector employers with the provision for providing accurate employee residency data to the Colorado Department of Local Affairs to generate additional revenue to the Town. Director Murphy explained that this is a combination fee arrangement that requires the Town to pay it pro-rata share of 50% of half of Mr. Jerkes \$20,000 (\$10,000) base payment, which for 2013 amounts to \$262.05. A bonus payment of 5% of the per-employee revenue that is calculated by the Department of Local Affairs (DOLA) that is attributable to the increase in the number of employees over the number counted in 2012.

Trustee Chavez asked if an employee who resides in Milliken but works in North Dakota would be counted for Milliken. Director Murphy replied technically, it does not matter where the employee works, as long as the oil and gas employee resides in the Town and the state collects the data. Director Murphy explained that Mr. Jerke has had great success seeking out these individuals and has significantly increased residency reporting for the Town's State Severance Tax and Federal Mineral Lease Distributions.

Trustee Chavez moved to approve the Intergovernmental Agreement with Weld County for 2013 to engage the professional services of Mr. Bill Jerke to increase the residency count for State Severance Tax and Federal Mineral Lease Distributions, and direct the Mayor to sign on behalf of the Town. Trustee Beck seconded.

Discussion: None.

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

10. Consideration and Approval of an Agreement Between the Town and DHM/Greenway Team for the South Platte River Corridor Master Plan Services

Community and Economic Development Director Steve House asked the Town Board to approve a contract, in the amount of \$93,000, with DHM/Greenway Team (DHM) to provide planning services for the purpose of master planning the South Platte River Corridor from Platteville to Milliken. Director House explained the process and identified those who had served on the committee to select the recommended candidate.

Mayor Pro Tem Cozad asked for clarification on the Town's portion of the monetary match for the project. Director House explained that the grant amount received from Great Outdoors Colorado (GOCO) was \$70,000, the Town's portion of the \$22,500 residual amount is \$17,500 and the Town of Platteville's portion is \$5,000.

Mayor Pro Tem Cozad moved to approve the agreement between the Town of Milliken and DHM/Greenway Team not to exceed \$93,000 with the Town's portion of the cash match of \$17,500 and authorize the Mayor to sign. Trustee Hobler seconded.

Discussion: None.

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

11. Consideration and Approval of a Water Lease Agreement with Bestway Concrete for 2013

Town Administrator Jim Burack asked the Town Board to consider and approve the lease of 23.31 acre feet of water to Bestway Concrete to the Bernhardt Pit for the 2013 season. The Water Commission has recommended this to the Town Board for their approval. Town Administrator Burack explained that the Town has leased water annually to Bestway for approximately the last three (3) years.

Mayor Pro Tem Cozad asked if this water was augmentation water. Public Works Director Jason Fowler replied that he understands that to be correct.

Trustee Onorato moved to approve and authorize the Mayor to sign the 2013 Water Lease Agreement with Bestway Concrete. Mayor Pro Tem Cozad seconded.

Discussion: None.

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

DISCUSSION AGENDA

There are not any items.

Updates on Staff Assignments

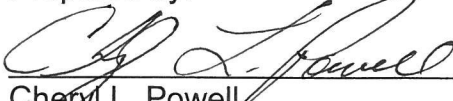
Other Business

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

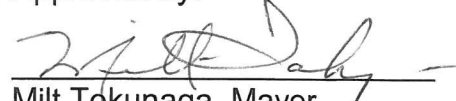
Adjournment

Hearing no further business, the Mayor adjourned the meeting at 8:22 P.M.

Prepared by:


Cheryl L. Powell
Town Clerk

Approved by:


Milt Tokunaga, Mayor