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

MEETING MINUTES

Wednesday, February 11, 2015 – 7:00 P.M.

Call to Order

The Town of Milliken Board of Trustees convened a regular session on Wednesday, February 11, 2015 at 7:00 p.m. Those present: Mayor Milt Tokunaga, Mayor Pro Tem Linda Measner; Trustees: Linda Beck, LeRon Ehrlich, Jordan Jemiola, Ken Kidd and Lois Ann Onorato. Also present: Town Administrator Kent Brown, Town Clerk Cheryl Powell, Treasurer & Accounting/Finance Director Patrick Murphy, Community Development Director Martha Perkins, Community Engagement Specialist/Planner Seth Hyberger and Town Attorney Bruce Fickel. Absent:

Pledge of Allegiance

Mayor Tokunaga called the meeting to order.

Roll Call

Trustee's: Ehrlich, Onorato, Jemiola, Mayor Pro Tem Measner, Mayor Tokunaga, Trustee Beck and Trustee Kidd.

Agenda Approval

Trustee Jemiola requested the HMGP Grant update to be added to the Informational Agenda. Town Attorney Bruce Fickel requested an Executive Session at the end of the meeting citing C.R.S 24-6-402(4)(b to confer with an attorney for the Town for the purposes of receiving legal advice on specific legal questions. Town Administrator Brown requested Resolution 15-6 to be added to the Action Agenda.

Trustee Jemiola motioned to add Resolution15-6 to the Action Agenda. Mayor Pro Tem Measner seconded.

Vote: All in favor, none opposed.

Citizen Comments

Weld County Commissioner Julie Cozad who resides at 1817 Saddleback Drive,

Milliken, attended the meeting to introduce herself to the Town Board. She explained that she is visiting all ten (10) of the municipalities in her district. Commissioner Cozad explained that she will be attending Board meetings throughout the year and would like to stay informed of all events that the Town will be having. Commissioner Cozad asked Town Clerk Powell to send her contact information at the County to all the Town Board members.

Commissioner Cozad explained that she will be having office hours every 4th Friday from 8am to 11:15am, she is out of the office until approximately 1:15 and is there until 5:00 p.m. She requests that anyone wanting to see her in the morning to make an appointment, in the afternoon people can just stop in.

Commissioner Cozad explained that she also has "Coffee with Cozad", which is the 1st Friday of the month at the Blue Mug in Greeley from 7:30am until 9:00am. She will be alternate between Johnstown, Milliken and Platteville and those dates will be the 2nd Friday of each month. The first one will be at Bee's coffee in Johnstown on March 13, 2015 from 7:30am – 9:00am.

Commissioner Cozad will be attending at least three (3) Town Board meetings each year. The dates of the following meetings in Milliken will be May 13th, August 12th and November 11th.

Cozad is the Coordinator for Human Services for Weld County. She explained to the Town Board that there are over 70,000 people in Weld County that are on Medicaid or Medicare. She explained that if people qualify for Medicaid they cannot be on another State Health Plan. She is working on some items with Legislators trying to save taxpayer dollars at all levels.

Cozad met with Kent and Martha regarding the Coordinated Planning Agreement (CPA) with Weld County. The County has made some changes to the agreement, since there were areas that didn't work well for the Town. The Agreement with the County would allow Milliken the first right of refusal. If there is development happening around Milliken's Urban Growth Boundary the referral will be sent to the Mayor and Town Administrator. The County now has a separate agreement regarding the Urban Renewal Authorities and the TIFS. The County can come back and speak to the Board in regard to this type of agreement.

Commissioner Cozad spoke about a couple of bridge projects, one is on CR13 and CR 44 and this area will be closed for a while. The County is in the process of applying for a grant, so this project will not be occurring until later. The other is at CR 19 and CR 46 1/2 where there will be extensive bridge repairs done. She also spoke about the County's Facebook page, they list road closures, etc. on this page. Cozad offered any assistance she could provide with Town.

Trustee Jemiola thanked her for the update and past service as Mayor Pro Tem

with Milliken and wished her the best of luck.

Mayor Tokunaga has scheduled a breakfast meeting with the Commissioner and mentioned to the Board if there are any items that the Board would like him to bring to her to let him know.

Minutes of Previous Meeting

- January 28, 2015 – Approved as distributed.

CONSENT AGENDA

1. **Renewal of a Beer and Wine Liquor License for the Mad Russian Cafe**

   Katherine Ehrlich has submitted the Renewal Application for the Mad Russian Café, LLC and paid the required fees to renew the Beer and Wine Liquor License for the period of March 24, 2015 until March 24, 2016.

   Trustee Onorato moved to approve the Consent Agenda. Mayor Pro Tem Measner seconded.

   Discussion: None

   Vote: Mayor Tokunaga, Mayor Pro Tem Measner, Trustees: Onorato, Jemiola, Beck and Kidd in favor. None opposed. Trustee Ehrlich abstained from the both the discussion and the vote. Motion passed.

ACTION AGENDA

1. **Consideration and Approval of Resolution 15-06, to Authorize the Town Administrator to Purchase/Lease Water Rights**

   Finance and Accounting Director Murphy asked the Town Board to consider for approval Resolution 15-06, which would authorize the Town Administrator to purchase and lease water rights on the open market within certain guidelines. Director Murphy explained that the Town collects funds for cash-in-lieu fees and these fees are used to purchase water rights. He explained that with the current volatility of the water market both in price and availability, it is important to be able to respond quickly to secure any available shares needed or desired as part of the Town's water-supply management strategy.

   Director Murphy indicated that the Town has become aware of five (5) shares of C-BT that may be available at a rate that is less than the cash-in-lieu fee. The Town's water resource engineer, Forrest Leaf, has recommended that the Town purchase these shares. He further explained that the Town

Administrator be granted the authority to make future acquisitions without waiting for approval by the Board, which may cause delay in securing the water rights in a fast-moving market.

Trustee Jemiola moved to adopt Resolution 15-06 authorizing the Town Administrator to purchase and lease water rights on behalf of the Town as needed and within the guidelines stated in the Resolution. Trustee Ehrlich seconded.

Discussion: None

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

DISCUSSION AGENDA

There were not any items.

INFORMATIONAL AGENDA

1. **HMGP Grant Update**

Community Engagement Specialist/Planner Seth Hyberger gave an update to the Town Board regarding the status of the Town's FEMA Hazard Mitigation Grant Program (HMGP) Land Acquisition and Josephine Storm Water Improvements Project that was submitted on August 28, 2014. Hyberger responded to a Request for Information from the State of Colorado Division of Homeland Security and Emergency Management and AMEC to State's HMGP consultant. The initial application combined both the land acquisition and the Josephine Avenue Stormwater Improvements project. The AMEC consultants advised the Town to file two (2) separate applications with one being for acquisition and one being for the stormwater improvements. They were concerned about whether or not a combined project caused there to be a duplication of benefits concerning the benefits cost analysis.

Hyberger explained that a project needs to have a cost benefit ratio of 1.0 or greater to be eligible for FEMA funding. A project at the minimum must produce one dollar in future project saving benefits for each dollar spent on project costs. The current cost for the land acquisition project is estimated to be up to $2,234,100 with $424,000 slated for relocation expenses for the 25 households currently residing in the Town's two mobile home parks. Hyberger originally had less allocated for the relocation expenses, but was instructed to raise these costs. The project is still in the state review phase and there are no guarantees that the project will be funded.

The current cost for the Josephine Stormwater Improvements project is anticipated to be in the $1.5 million to $2 million dollar range. The drainage improvements will convey water safely through pipes, culverts and channels along Josephine Avenue from Lola Park to the Little Thompson River. The project will also provide flood protection for up to a 100 year event for the two mobile home parks, 50 homes in north east Milliken, and downtown businesses along Broad Street. The project is still in the state review phase and there are no guarantees that the project will be funded.

Trustee Jemiloa asked if the state is steering the Town to the stormwater project more than the acquisition project. Hyberger responded that he believes that is correct. Mayor Tokunaga asked if the combination of the two projects gave the Town the cost benefit ratio. Hyberger will investigate this.

Hyberger provided the Town Board with an exhibit that shows the potential stormwater improvements.

Mayor Tokunaga asked about the timeframe with the stormwater management project and the difficulties involving the railroad. The Mayor was also concerned that the state was only looking at up to a 100 year flood event. Trustee Jemiola spoke about safety to the flood impacted areas and if the Town was only going to pursue one grant, the stormwater management grant should be the one they apply for. He stated that funding could be sought in a different manner for the land acquisitions.

Mayor Pro Tem Measner would like staff to pursue both the acquisition and the storm water drainage project.

Trustee Ehrlich asked about the relocation cost and if staff had not estimated enough for this expense. Hyberger responded that the state advised him to increase the relocation cost. Trustee Ehrlich would like to pursue both projects.

Hyberger explained he needs to have two separate applications and cannot combine the projects. Each application would have to stand on their own.

Trustee Kidd asked if the mobile home parks would be protected from a flood. Hyberger said up to a 100 year flood.

Mayor questioned whether both the applications would be reviewed at the same time with the same group. Hyberger explained he would be submitting them at the same time.

Hyberger also explained that the culverts would be buried underground and discharge to the river which would alleviate some of the problems at the mobile home parks.

Trustee Jemiola explained that the water was mainly on Highway 60 and is concerned that the berm on the property northwest of Town helped create this issue. Town Attorney Fickel explained that the owners of the property are currently in the process through the municipal court to address this concern.

The Town Board instructed Hyberger to revise the original application into two project applications. The projects will be submitted to the state prior to March 26, 2015. FEMA shall then begin their review of the projects after the resubmittal. The FEMA review process could take an additional 3-6 months.

1. **Proposal for Stormwater Utility Phase 2 & 3**

Community Engagement Specialist/Planner Seth Hyberger explained that the Town has recently established a Stormwater Utility Enterprise fund through the passage of an ordinance in December 2014. The next step is to establish the Storm Water Utility Fee. Jon Sorenson with ICON Engineering, Inc. and Storm Group I have put together a proposal to assist the Town with the implementation of the Utility Fee.

Hyberger spoke of the proposal received from Mr. Sorenson and explained to the Town Board that this proposal is a grand version. Hyberger explained that not all facets of this proposal need to be done and areas of the proposal could be accomplished by staff. He indicated that one of the first and most important processes would be educating the public about the Stormwater Fee prior to its implementation. Hyberger explained a few options that could be used for possible rate structures, such as all residential property being assessed one fee and commercial, industrial, etc. being assessed a fee based on impervious square footage.

Town Administrator Brown explained that there are some tasks that are included in the Preliminary Draft Proposal supplied by ICON Engineering and StormGroup 1 that can be done in-house, but some areas need to be done by a consultant's involvement. Trustee Jemiola suggested speaking with Milliken's neighboring communities and asking what their Storm Water Utility Fees are and how they assessed these amounts.

Mayor Tokunaga asked which areas (tasks) need to be done. The Mayor asked which areas need to be accomplished by an outside source. Town Administrator Brown explained that whatever dollar amount the Town wants to charge the residents, businesses, etc. these charges need to have justification. Mayor Tokunaga asked staff to review the preliminary draft proposal, see which areas are needed, which areas staff can accomplish, and bring the revised proposal back to the Town Board for their review.

Discussion between the Town Board and staff was in regard to educating the public as to why this fee is needed, what it will be used for and how the fee

amount was determined. Trustee Ehrlich asked if the Town Board would set the amount for the Stormwater Fee. Hyberger replied, yes. Mayor Pro Tem Measner stated that the Board would need to have the criteria in order to set the fee.

Trustee Ehrlich questioned whether this fee needs to be set up right away and was it set up in order to receive the grant. Hyberger replied that the Fund was formulated to collect the stormwater utility fees and these fees could be used as matching funds for any future stormwater drainage improvements. Finance Director Murphy explained that the Stormwater Utility Fund was setup as a condition of the grant that DOLA provided to the Town for the Stormwater Master Plan. The Fund needed to be established in order to receive the remaining money for the grant. Mayor Pro Tem Measner explained that the Fee was supposed to be established already, due to prior stormwater grant funds that the Town received from DOLA.

Director Murphy indicated that it is important that this utility fee is formulated by an outside third party in order to explain the criteria used to calculate the fee so it isn't viewed upon by the residents as a tax. A tax needs to be brought to the voters, whereas a fee does not. The fee needs to be justified by a study demonstrating that a service the residents are going to be receiving is tied to the fee imposed.

Town Attorney Fickel explained our code already requires new subdivisions and newer subdivisions to retain the water on their property and release it in historic amounts. He is concerned about subjecting the same fee to the people in the newer areas as the people in the older areas of Town. The newer areas have retention ponds, etc. You need to be able to show the people that they are receiving a benefit for the fee. Fickel suggests that the flood problem areas, the causation of the flood need to be reviewed and addressed. Once the cost and who is causing the problem is determined it can then be determined who should be paying the fee.

Executive Session

Mayor Pro Tem Measner moved to go into Executive Session according to C.R.S. 24-6-402(4)(b), to confer with an attorney for the Town for the purposes of receiving legal advice on specific legal questions. Trustee Jemiola seconded.

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

Trustee Jemiola requested a 10 minute recess prior to the commencement of the Executive Session.

Executive Session commenced at approximately 8:26 P.M.

Executive Session ended at 9:05 P.M.

Regular Meeting Resumed – The time is approximately 9:05 P.M.

ASSIGNMENT AND PROJECT UPDATE(S)

Other Business

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

Adjournment

Hearing no further business, the Mayor adjourned the meeting at approximately 9:06 P.M.

Prepared by:

Cheryl Powell, Town Clerk

Approved by:

Milt Tokunaga, Mayor