

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

MEETING MINUTES

Wednesday, March 26, 2014 – 7:00 P.M.

Call to Order

The Town of Milliken Board of Trustees convened a regular session on Wednesday, March 26, 2014 at 7:00 p.m. Those present: Mayor Milt Tokunaga, Mayor Pro Tem Julie Cozad; Trustees: Linda Beck, Reid Hobler, Jordan Jemiola, Linda Measner and Lois Ann Onorato. Also present: Town Administrator/Police Chief Jim Burack, Town Clerk Cheryl Powell, Treasurer & Accounting/Finance Director Patrick Murphy, Community Development Director Anne Johnson, Public Works Director Jason Fowler, Parks and Outdoors Director Josh Roseberry, Town Attorney Bruce Fickel and Assistant Town Attorney Sunita Sharma
Absent: Community Engagement Specialist Sandy Freeo

Pledge of Allegiance

Mayor Tokunaga called the meeting to order.

Agenda Approval

Town Clerk Powell requested to add a Work Session item after the regular meeting. Trustee Hobler requested that Action Item #2 be moved to the Consent Agenda. Mayor would like to keep this item on the Action Agenda in order to provide information to the residents in attendance.

Citizen Comments

Mr. Greg Winkler with the Department of Local Affairs (DOLA) introduced two members of the Colorado Department of Homeland Security and Emergency Management to the Town Board. Mr. Steve Boand and Jody Horn are State Recovery Liaisons, Jody Horn is an expert in public assistance. Mr. Boand's background is in finance. They started their positions three weeks ago. They would be providing the Town with support and information regarding the upcoming opportunities, such as the Hazard Mitigation Grant Program (HMGP).

Mr. Winkler also introduced Shantel Unfug and Rachel Harlow with DOLA. Shantel thanked the Town Board for their partnership with DOLA. Mayor thanked DOLA for their help in funding the Storm Water Management Grant and

for numerous other projects.

MS Pattye Fontaine, who resides at 108 S. Frances, and who is a six year Milliken resident, asked if there was an interpreter for those who are not English speaking. She had promised members of the community that there would be an interpreter. Silvia Calvillo, who is staff with the Town of Milliken, was on hand to provide Spanish interpretation for the duration of the meeting.

Minutes of Previous Meeting

- March 12, 2014

Minutes approved with correction.

Acknowledgement of the Paid List of Bills

March 24, 2014 List of Bills.

Trustee Onorato asked about the payment to Antonio Johnson. Town Administrator Burack explained that Mr. Johnson is a reserve officer with the Town and was an escort for the crew that was conducting the seismic testing in Town. The amount was fully reimbursed to the Town.

CONSENT AGENDA

1. Consideration and Approval of a Water Lease Agreement with Big Foot Turf Farms, Inc.

To consider for approval a Water Lease with Big Foot Turf Farms, Inc. to lease "excess credits" from the Town of Milliken's Plan for Augmentation.

Jason Fowler, Public Works Director

Trustee Hobler moved to approve the Consent Agenda. Trustee Beck seconded.

Discussion: Mayor Tokunaga commented that he did have a question and had spoken to Public Works Director Fowler in regard to the water. Director Fowler explained that JE Enterprises has a lease with the Town for additional Augmentation Water and has the first right of refusal.

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

ACTION AGENDA

1. Public Hearing and Consideration and Approval of Ordinance 693, Amending Ordinance 688 "Colorado Floodplain Damage Prevention Article"

Public Hearing Opened at: 7:16 P.M

Community Development Director Anne Johnson asked the Town Board to consider for approval the adoption of a new floodplain map based on updated topography, hydrology and hydraulic data, and current field survey work. Director Johnson explained to the Town Board that this new mapping is a result of the impact that the Town sustained due to the September 2013 flood event. She described that the impact was due from the flood waters carried by the Little and Big Thompson Rivers, local irrigation ditches and the South Platte River. During the September flood residential, industrial, commercial and municipal properties were damaged.

Director Johnson stated that the Town's current guiding documents include an August 1, 1979 FEMA FIRM Community Panel and a 1980 Storm Water Management Plan. There have been subsequent Special Flood Hazard Area Studies conducted from property surrounding Milliken after 1979, however a comprehensive understanding of the local hydrology has never been completed for the Town. The Town has worked closely with Weld County to coordinate the application of updated flood plain mapping. The Town and Weld County have collaborated on the language in the Ordinance stating "Be it further resolved, upon application to FEMA for the revision of flood hazard areas, including but not limited to an application for a Letter of Map Revision, all submitted data shall exclude areas of land located in unincorporated Weld County at the time such application is made." A joint work session with the Town Board and Planning Commission was held on February 5, 2014, a Community Open House was held on February 20, 2014 where over 130 mailings were sent and a Planning Commission hearing on March 5, 2014.

Director Johnson explained that the Planning Commission had a Public Hearing on March 5, 2014 and approved the mapping because it is consistent with the Comprehensive Plan, the Land Use Code and Article 8 of the Land Use Code, particularly with Section 16-1-50 which states as follows: Encourage the most appropriate use of land through the Town, Provide protection from geologic, flood and fire hazards and other dangers; and Promote the health, safety, morals and general welfare of Milliken residents. She explained that this map provides the best available data.

Director Johnson explained that Omar Herrera the Town's Engineer and Troy Carmann with ICON Engineering are present to answer any questions.

Mayor Pro Tem Cozad asked if the Board decides not to update this map and there is flooding this spring or sometime in the future what impact will this have

on the Town and its residents. Director Johnson explained that the areas that are in blue on the map are already in FEMA's flood plain area, the areas in green are the areas that would be recognized by the Town as within the flood hazard overlay district. If the Town decides not to adopt the map nothing will change for those who are currently in the floodplain area. For the areas in green, an opportunity will be missed to help these property owners best plan for flood proofing their future development and investment.

Trustee Jemiola asked Troy from ICON about the area where the berm is located at the northwest corner of State Highway 257 and 60, and if the berm caused a shift the direction of the water flow. Troy Carmann with ICON answered that the current topography included the berm were evaluated with the post flood analysis since 1979 and are included in the map. What the map reflects is the difference in the terrain. The blue boundary is the 1979 FEMA mapping and includes updates from subsequent areas of special flood study. Trustee Jemiola asked if the berm did not exist, would the change in the proposed map exist. Mr. Carmann said no. Mr. Carmann indicated the map it is the combination of the two flood hazard areas. Trustee Jemiola asked if the property owner of the berm ever got a grading permit from the County since it was more than one acre. Director Johnson will investigate this question in the property file in order to provide the correct information. Trustee Jemiola asked how this will impact insurance rates for those property owners and those property owners that are in proximity of the flood area. Director Johnson indicated those in the blue area should be carrying flood insurance as they are within a FEMA recognized flood hazard overlay district. Those in the green area are not required to carry the insurance since it is not a FEMA map, but a Town map. If a letter of map revision goes to FEMA and the green areas are recognized by FEMA as being in the flood hazard overlay district. Director Johnson indicated that she understands anyone in the green area can acquire flood hazard insurance prior to it being a FEMA recognized floodplain area, and the insurance is at a less expensive than after it is deemed a floodplain area by FEMA.

Trustee Hobler asked if the adoption of the map is a Town adoption with the purpose of ensuring whatever growth happens in that area is engineered properly, if and when it ever floods again. Director Johnson responded yes and added by adopting this map, it does not mean you cannot develop, but develop it in a way that minimizes loss.

Mayor Tokunaga asked what would be the ramifications if the map is not adopted by the Town and the Town knows that the data exists. Is there responsibility from the Town to preclude any further development to occur? Director Johnson indicated this data is the best available data that was provided by the Colorado Water Conservation Board. The map is an extra mechanism that any developer can use to protect them from any further loss or damage on their property. If the map is not adopted when the Town knows this data is available, this may be a question to ask the Town's attorneys. There are individuals that own commercial

property along Hwy 257, that want the data so when they develop their property, their investment will be flood proofed.

Trustee Hobler asked if the Town is going to be forced to use this map if FEMA adopts this floodplain map or a similar map. Director Johnson responded that if FEMA prepares a map, the Town or County can always challenge the map. FEMA and the State are aware that the Town has received severe flooding. The Town is not proceeding with a LOMR at this time.

Trustee Jemiola asked about the added language in the Ordinance in regard to the LOMR. He is also interested in hearing from the County's representative Tom Parko who is the Weld County Director of Planning Services. Tom Parko appreciates Milliken's cooperation and thanked Director Johnson and the Town Administrator and Town Staff for working with the County. The County Commissioners expressed concern and asked for the note on the map acknowledging the Town does not have jurisdiction over parcels in unincorporated Weld County, and if the town pursues a LOMR the portion of Unincorporated Weld County will be removed from the LOMR. They do not want to place any undue burden on the citizens of Unincorporated Weld County.

Trustee Beck wants to understand that whether the Town adopts this map or not, if FEMA will come back and help the same people that had been effected by the last flood. Director Johnson believes FEMA would come back and help families whether the Town approves this map or not. Trustee Beck stated that this map is a referral product. Director Johnson responded yes. Trustee Jemiola wants to know the impact that the berm had on the CAP Farm. Director Johnson said the current property owner understands that a LOMR is needed. The property on the east and west side of SH257 and north side of 60 is already in the blue area.

Mayor Tokunaga asked if future properties are annexed into the Town, would the mapping change. Director Johnson responded yes the shading on the map would change to represent a new Town boundary.

Trustee Jemiola asked if it is standard practice for someone who would create a berm to submit FEMA and local permits. Director Johnson responded yes, but was not aware of any permits submitted since the work was done before she arrived.

Patty Fontaine 108 S. Frances Ave. said there are a lot of concerns due to a lot of inconsistencies. The Storage Unit business sustained damage and McCutters Liquor also sustained damage and they are not in the flood area. She encouraged the Town Board to not vote the map in.

Trustee Jemiola asked where McCutters Liquor and the Storage facility are on the map. Director Johnson showed the areas on the map. Trustee Hobler asked Mr. Carmann from ICON why they were not included on the map. Mr. Carmann

indicated the FEMA effective hydrology was run through their model to create this map. The analysis is still ongoing and any changes will be brought back to the Trustees.

Mayor asked if it was a 99-plus year flood, will the map encompass more of an area that is currently impacted. Mr. Carmann indicated for data purposes this is the best available data and as more data becomes available based on additional information received the maps may need to be adjusted. That process can take months and years to obtain.

John Vega, 103 N. Josephine #32, asked where the mobile home park is on the map. The reason he is asking is if there is a way to engineer how water flows through in the mobile home park. He explained he was rejected by his insurance company due to the flood and due to the fire by the irrigation ditch.

Mayor Pro Tem Cozad asked if it is changed to a floodplain area, would this not help homeowners acquire flood insurance. Assistant Attorney Sharma explained a personal situation she had where once her personal property was designated in a flood hazard overlay district, obtaining insurance was easier.

Mr. Carmann indicated the insurance issue is a piece of the National Floodplain Insurance Program. The green area is not required, but the blue area does have federal mandate. Trustee Jemiola explained that if FEMA adopts the mapping and the green area would become blue, the properties would be required to carry insurance.

Mr. Vega explained his personal situation, and wants to know who he can go to get insurance. Autumn Dean, 103 Josephine Ave. # 6, explained that she had the same situation and had to have her home reappraised in order to acquire flood insurance.

Tim Solomon, owner of Evergreen Mobile Home Park, explained that he is concerned with the inconsistencies, the map before the Trustees is one of three different maps he has reviewed. The maps are changing and shouldn't the Town receive more information prior to adopting a map. Director Johnson communicated there have been three renditions of the map. The first map was provided at the community open house. The second map was handed out at the Planning Commission hearing is only different in color due to the unincorporated areas, a title block, and language regarding the fact that the Town does not have jurisdiction over land in unincorporated Weld County.

Trustee Hobler asked if adopting the map will help our chances obtaining funding to acquire properties. Director Johnson indicated there are funding resources available not only for the mobile home park, but for those commercial areas that are wanting to sell. The Stormwater Management Plan will reveal which properties should be acquired for stormwater management and drainage.

Omar Herrera asked Mr. Carmann if a sensitivity analysis had been completed. Mr. Carmann did complete a sensitivity analysis on the terrain and the floodplain only increased marginally. Additional surveys on the railways, roadways and the berm will provide more data. This is the best available data at this time. One of the first analysis that the state required ICON to do had a slightly larger floodplain area.

Mr. Solomon wants to know what the additional engineering fees would be and what data is available to him regarding how high the water was as they are trying to elevate the Mobile Home pads. Mr. Solomon stated the additional fees and costs to the project are redundant. The drainage is going to remain the same. By adopting the map it will only increase costs.

Mayor Pro Tem asked Mr. Solomon that if by adopting the flood map, would the safety of residents within the flood hazard overly district be increased. Mr. Solomon said possibly yes.

Trustee Hobler realizes that Mr. Solomon will do right by his residences by elevating the property to keep his residents safe according to data provided through this map. If the map is not adopted, his concern is that other landowners may not do the same thing. There are requirements to protect the property and the people of the Town. Mr. Solomon indicated that more data needs to be acquired. He is not disagreeing that the map should not be passed at some time, but more data is needed.

Trustee Jemiola is still concerned with the Berm and how that impacted the flood waters.

Trustee Beck wants to know if the data will change that much within 6 months to a year. Troy indicated that they are not yet contracted with the State. They have done everything they can to retrieve the current data and are moving as quickly as they can in retrieving the data. Director Johnson explained that the information available now can help landowners like Solomons providing information on how much an area would need to be elevated and to what levels.

Mayor Pro Tem Cozad asked if these maps effect existing homes. Director Johnson responded the map does not affect existing homes, or those who have acquired building permits.

Mayor Pro Tem Cozad asked Mr. Parko what the County is doing regarding floodplain mapping. Mr. Parko responded that in 2013 FEMA came through with a D-FIRM. The county is systematically going through these maps. The County is going through an appeal process with FEMA. Mayor Pro Tem Cozad asked if the County was doing this D-FIRM review prior to the flood. Mr. Parko said the County isn't doing anything different due to the flood. Director Johnson indicated

the Town's current map is from 1979 and there are more current maps available to the County.

Mayor asked for a 10 minute break the time is now 9:11pm

Meeting resumed at 9:26 P.M.

Sharon Watermullen, who resides on 210 S. Josephine, indicated that no one asked what the insurance rate will be going up to. Her insurance in Florida went up \$1200.00 per year after she was impacted by a storm event. Those that live in the Mobile home park are elderly and on a fixed income. The Town Board needs to look at the community as a whole.

The Public Hearing Closed at: 9:29 P.m.

Mayor Pro Tem Cozad moved to find that the flood plain map of the Town of Milliken along the Little and Big Thompson Rivers as prepared by ICON Engineering for the Colorado Water Conservation Board is consistent with the Land Use Code and the Comprehensive Plan, and move to approve Ordinance 693, adopting the updated flood plain map identifying the special hazard flood areas within the Town of Milliken. Trustee Beck seconded.

Discussion: Mayor Pro Tem Cozad explained her reasoning for making the motion. There are always pros and cons in making a decision. The floodplain maps are basically for new construction. The Town has the information and if something should happen, the Town would have some responsibility. She has a concern with this year's snow pack and this Spring's anticipated run off.

Vote: Mayor Pro Tem Cozad, Trustees: Hobler, Onorato, Beck and Measner in favor. Trustee Jemiola, opposed. Motion passed.

2. Consideration and Approval of the Expenditure of Funds and the Selection of Novogradac & Company, LLP to Perform a Housing Needs Assessment for the Town of Milliken

Director Johnson asked the Town Board to consider for approval an expenditure of funds and to accept a bid proposal from Novogradac & Company, LLP to do a Housing Needs Assessment for the Town of Milliken and the Milliken Growth Area for the amount of \$20,000, of which \$10,000 is being funded by an Administrative Grant through the Department of Local Affairs (DOLA), Energy Impact Grant. This assessment could be used as a tool for developers.

This assessment will help to identify gaps in housing, and the kinds of housing needed to fill those gaps. The Town needs to find solutions to the ever growing problem of housing for seniors, low income and workforce populations in the Town of Milliken.

Mayor asked if Novogradac will provide more detail than RG and Associates. Director Johnson said that the RG & Associates bid requested more time than what is available to complete the project.

Town Attorney Fickel explained to the Town Board that there needs to be some adjustments to the contract that will not affect the contract amount.

Trustee Measner moved to approve the expenditure of funds and the acceptance of the bid from Novogradac & Company, LLP to perform a housing needs assessment, in the amount of \$20,000 and authorize the Town Administrator to sign after the Town attorney makes adjustments to the contract. Trustee Jemiola seconded.

Discussion: Mayor Pro Tem Cozad asked when the assessment would be completed. Director Johnson explained that she believes in May.

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

3. Consideration and Approval of a Lease Agreement Between the Town of Milliken and the Johnstown-Milliken Chamber of Commerce and the Milliken Business Association (MBA) for use of the Historic Town Hall/Police Station

Town Administrator Burack asked the Town Board to consider for approval the Lease Agreement between the Johnstown-Milliken Chamber of Commerce and the MBA for use of the Historic Town Hall/Police Station located at 1109 Broad Street. The Chamber and the MBA have jointly created a concept plan for a Community Welcome Center, Event Information Center, and Community Group Meeting Center and venue for small business development classes. The MBA and Chamber will jointly manage the project. The facility will also continue to house the High Plains Library District's Public Computing Center (PCC). The venue will also allow the Small Business Development Center (SBDC) based at UNC to hold meetings and classes to support local small business. This is a testament of the Town's commitment to provide support to our local businesses.

Chamber President Tracey Betz and Milliken Business Association member Kathy Woodcock sat and worked together examining the contract.

Trustee Jemiola thanked those representatives.

Tim Woodcock who is the president of the MBA spoke to the Town Board and explained that they are working through the processes.

Tracey Betz president of the Chamber indicated that they have added the Town as an additional insured on their policy.

Trustee Jemiola moved that the Town approve the proposed Lease Agreement with the Johnstown-Milliken Chamber of Commerce and Milliken Business Association, of the Historic Town Hall, 1109 Broad Street, and direct the Town Administrator to sign on behalf of the Town. Trustee Measner seconded.

Discussion: None.

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

DISCUSSION AGENDA

1. Draft Lease Between the Town of Milliken and the Milliken Historical Society

To review the draft lease between the Town and the Milliken Historical Society for the use of the Heritage House facility located at 102 N. Grace Avenue.

The Town Boards consensus was to bring the lease back to the next meeting as a discussion on April 9, 2014.

INFORMATIONAL AGENDA

Updates on Staff Assignments

Other Business

1. Announcement of the Safe Routes to School Grant Award

Community Development Director Anne Johnson announced to the Town Board the award of a \$219,200 no match grant for Safe Routes to School.

The grant will cover the construction of the trail/sidewalk from the west end of the squiggle sidewalk on the south side of SH 60 all the way to the southwest portion of Windmill Gateway. The award will also cover cross walks and push button stops at all four corners of SH60 and 257. This project represents the first phase of the SH 257 trail. This grant will reduce the Britina construction estimate substantially as their estimate included the sidewalk construction.

Director Johnson explained that the Town's contracted Grant Writers were instrumental in receiving the grant.

Executive Session

Mayor Pro Tem Cozad motioned to go into Executive Session, C.R.S. 24-6-402(4)(e), for determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators. Trustee Hobler seconded.

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

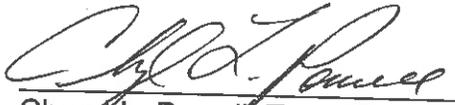
Summary of Meeting (Review of Action Items, Staff Assignments & Schedule)

Resume Regular Meeting

Adjournment

Hearing no further business, the Mayor adjourned the meeting at approximately 10:05 P.M.

Prepared by:


Cheryl L. Powell, Town Clerk

Approved by:


Milt Tokunaga, Mayor