

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

MEETING MINUTES

Wednesday, April 23, 2014 – 7:00 P.M.

Call to Order

The Town of Milliken Board of Trustees convened a regular session on Wednesday, April 23, 2014 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: Interim Town Administrator/Town Clerk Cheryl Powell, Treasurer & Accounting/Finance Director Patrick Murphy, Community Development Director Anne Johnson, Administrative Assistant Gale Amaya, Public Works Director Jason Fowler, Parks and Outdoors Director Josh Roseberry, Assistant Town Attorney Sunita Sharma Adm. Assistant /Receptionist Ashley Hunt. Absent: Town Attorney Bruce Fickel

Pledge of Allegiance

Mayor Tokunaga called the meeting to order.

Roll Call

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

Agenda Approval

Interim Town Administrator/Town Clerk Powell explained that a revised Resolution 14.17 has been distributed to the Trustees.

Revised Revision does not appoint the Assistant Town Attorney. The Heritage Lease has been removed from the Discussion Agenda. Parks Director Josh Roseberry asked that the Luteys Landscaping, Incorporated contract be removed from the Consent Agenda.

Citizen Comments

Mr. Jim Gardner who resides at 801 Forest, Business owner on Broad Street commented to the Town Board that in the April 17th Johnstown Breeze it mentioned that the Town took an additional \$25,000 out of the sewer fund for the storm water utility fund, out of the enterprise fund.

Mayor Tokunaga explained that the Storm Drainage Utility Fund was supposed to be set up a long time ago. In order to get the grant funding from DOLA we are to set up a Storm Drainage Utility Fee. A resolution is being drafted by Finance Director Pat Murphy to move the money from Impact Fee Fund to the Grant Fund. The Town's match for the Grant is \$45,000, which will come from the Impact Fee Fund. Finance Director Patrick Murphy assured Mr. Gardner that at the next Board meeting there will be a Resolution re-aligning where this money comes from.

Ron Blackmer – Martin Trailer Park. Since the Flood he is concerned about the water and sewer payments. Mr. Blackmer shared that by the end of April he has paid 2141.00 in fees, and he has received only \$2400.00 in rent. His profit for the four (4) months is \$258.00. He is asking the Board to consider reducing the Water and Sewer base fees. He asked for additional relief until they have people back in the trailers. Mayor Tokunaga, The Town Administrator and Finance Director Patrick Murphy will work on an answer for Mr. Blackmer and will bring it to the next work session.

Trustee Kidd asked if it would also be for Evergreen Park. Finance Director Patrick Murphy stated it would.

Minutes of Previous Meeting

- April 9, 2014- Approved with Corrections
- April 9, 2014 – Second Meeting

Acknowledgement of the Paid Bills –

Trustee Onorato questioned the payment to Log Me In. Interim Town Administrator/Town Clerk Powell indicated that there are four staff members that can access their computers from home with this service.

Trustee Kidd questioned payment to Blue Line Renter for an Excavator. Public Works Director Jason Fowler explained that the payment is for the rental of equipment used to clear the Town's ditches.

Trustee Kidd also questioned the fence repair at the shooting range. Public Works Director Jason Fowler explained that this repair was paid for by the Towns Insurance CIRSA.

Trustee Kidd also questioned the payment to Brendemihl Builders for staining the dock at Ehrlich Lake.

Parks Director Josh Roseberry explained that the dock was to be stained in the Fall of 2013 but due to the September flood the work was not complete.

Trustee Kidd questioned if anyone was keeping track of the SAFEbuilt Code Enforcement costs. Finance Director Patrick Murphy responded yes.

CONSENT AGENDA

1. Renewal of Retail Liquor Store License for McCutters Liquor

Melissa McLavey of McCutters, LLC has submitted the Renewal Application and paid the required fees to renew the Retail Liquor Store License for the Period of June 16, 2014 until June 16, 2015.

Cheryl Powell, Town Clerk

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

All in favor, motion passed

ACTION AGENDA

1. Consideration and Approval of Resolution 14-17, a Resolution Appointing Treasurer, Town Attorney, Assistant Town Attorney, Judge and the Town Clerk for the Town of Milliken

To consider for approval Resolution 14-17, to appoint individuals to fill the positions in accordance with C.R.S. Title 31, Article 4, Part 3 per the Milliken Municipal Code Article III, Section 2-3-10.

Mayor Pro Tem Measner moved to adopt Resolution 14-17, appointing Town Treasurer, Town Attorney, Judge and Town Clerk for the Town of Milliken. Trustee Beck seconded.

Discussion: Trustee Jemiola asked if any of the appointments could be changed. Assistant Town Attorney Sunita Sharma responded yes except for the Judge, which needs to be for cause.

All in favor, none opposed. Motion passed.

2. Consideration and Approval of Ordinance 694, an Ordinance Amending the Milliken Municipal Code, Chapter 18, Article 1, Regarding the Payment of Fees

Finance Director Patrick Murphy asked the Town Board to consider for approval an Ordinance amending the Milliken Municipal Code allowing for the deferral of certain building permit and cash-in-lieu fees related to new construction. Director Murphy explained that due to the recent and dramatic increases in the cost of Colorado-Big Thompson (C-BT) water units, the Town's Water Commission recommended, and the Town Board approved to substantially adjust the Town's Cash-in-Lieu Fee. This has caused some concerns among the building community with regards to the substantial cash outlay required to commence construction. In an effort to mitigate the cash burden on builders and property owners during construction, Town Staff requested the Town Board to consider deferring the Cash-in-Lieu Fee in a manner similar to the current practice of deferring water and sewer tap fees, as has been the practice since the adoption of Ordinance 613, in 2009. Further prior discussion with the Town Board suggested that the Town defer impact fees, which do not take effect until the issuance of a Certificate of Occupancy (CO).

Trustee Jemiola has concerns regarding why the Town is not purchasing water when the Town receives the Cash-In-Lieu for water. Finance Director Patrick Murphy responded that one (1) unit of water is not generally available for purchase, it is typically sold in larger units. He suggested asking the Water Commission to investigate when the best time is to purchase water with the funds that are allocated.

Trustee Jemiola would like to see a quarterly review from Water Commission on the availability of the water shares.

Finance Director Patrick Murphy commented that the Water Fund does not have a lot of money to buy water. The Town has approximately \$60,000 to purchase water at the moment.

Trustee Beck said the Water Commissions concern is about when to purchase and how much water to acquire.

Mr. Duane Flack, Vice Chair of Water Commission said that the Water Commission does not have the authority to purchase the water, they can only advise.

Mayor Tokunaga suggested asking the Water Commission, the most expeditious way to obtain units of water. Finance Director Patrick Murphy said that the Water Commission is compiling a plan.

After further discussion the Town Board suggested calling the deferral fee a processing and documentation fee, that the ordinance should only apply to Residential Properties and that the ordinance should expire in two years.

Trustee Beck moved to adopt Ordinance 694, amending Chapter 18 of the Milliken Municipal Code by amending Article 1, regarding the payment of fees. The ordinance was amended to apply to Residential construction only and to expire in April, 2016. Trustee Ehrlich seconded.

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

3. Consideration and Approval of a Contract for Services with ICON Engineering to Update the Town's Stormwater Master Plan and Storm Drainage Criteria Manual

Community Development Director Anne Johnson asked the Town Board to consider for approval a contract with ICON Engineering to update the Town's Stormwater Master Plan and Storm Drainage Criteria Manual.

Director Johnson explained that, as our community continues to grow due to population increases and industrial growth related to the oil/gas support services industry, an update to the Town's 34-year-old Stormwater Master Plan and Storm Drainage Criteria Manual is necessary to guide improvements to our infrastructure and future developments consistent with the findings and recommendations of the plans. The updates will be vehicles used to guide future development by providing developers with current data to consult and incorporate into their master drainage planning and development efforts. The result will be unified stormwater drainage plans throughout the Town and future development of lands outside of identified special flood hazard areas. Once the Town has received revised Floodplain mapping and the supporting data, the next logical step for the Town to take is to update the Stormwater Master Plan. By doing so, the Town will have empirical data to support the following anticipated outcomes:

- Maintenance Plan:
 - Work plan, budget and cost-benefit analysis for projects requiring immediate attention
- Enhancement Plan:
 - Work plan, budget, cost-benefit analysis and funding options for immediate and long-term projects which enhance the current system
 - The need to acquire specific properties is an anticipated outcome
- Performance Benchmarks to evaluate the implementation of the Maintenance and Enhancement Plans
- Development of a Storm water utility
 - Rate study from other Northern Colorado communities
 - Implementation Plan
 - Rationale

Six consultant teams responded to the Town's Request for Qualifications. A selection panel composed of Trustee Jemiola, Jason Fowler, Omar Herrera and

myself reviewed the RFQs and selected one firm, ICON Engineering. The contract with DOLA has been executed.

Mayor Pro Tem Measner moved to approve the contract with ICON Engineering, Inc. to update the Town's Stormwater Master Plan and Storm Drainage Criteria Manual and authorize the Interim Town Administrator to execute the contract/agreement. Trustee Onorato seconded.

Discussion: None.

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

DISCUSSION AGENDA

None

INFORMATIONAL AGENDA

There are not any items.

Executive Session

Mayor Pro Tem Measner moved to go into Executive Session under 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 Jemiola seconded.

Discussion: None.

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

The time is 7:50 pm

Updates on Staff Assignments

Other Business

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

Resume Regular Meeting

The regular meeting resumed at: 9:07 P.M.

Adjournment

Hearing no further business, the Mayor adjourned the meeting at 9:08 P.M.

Prepared by:

Approved by:



Gale Amaya, Admin. Assistant



Milt Tokunaga, Mayor