

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

MEETING MINUTES

Wednesday, July 9 2014 – 7:00 P.M.

Call to Order

The Town of Milliken Board of Trustees convened a regular session on Wednesday, July 9, 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, Community Development Director Anne Johnson, Treasurer & Accounting/Finance Director Patrick Murphy, Community Engagement Specialist/Planner Seth Hyberger, Administrative Assistant Gale Amaya, Public Works Director Jason Fowler, Parks and Outdoors Director Josh Roseberry, 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

Interim Town Administrator/Town Clerk Powell indicated that staff did not have any changes to the Agenda.

Citizen Comments

None

Minutes of Previous Meeting

- June 25, 2014 - Approved as distributed.

CONSENT AGENDA

"This institution is an equal opportunity provider and employer."

1. **Consideration and Approval of a Water Lease with Bernhardt Farms, LLC**

To consider for approval a Water Lease Agreement with Bernhardt Farms, LLC expiring on October 31, 2014.

Jason Fowler, Public Works Director

2. **Consideration and Approval of a Special Event Liquor License for the Town's Annual Beef 'N Bean Day Celebration on August 9, 2014**

To consider for approval a Special Event Liquor License to provide a Beer Garden at the Town's Annual Beef 'N Bean Day Celebration on August 9, 2014.

Trustee Jemiola moved to approve the Consent Agenda. Trustee Ehrlich seconded.

Discussion: None

Vote: All in favor, none opposed.

ACTION AGENDA

1. **Consideration and Approval of an Authorization to Award and Execute the Heritage House Site Improvements Contract**

The Town's Contract Engineer Omar Herrera asked the Town Board to consider for approval the authorization of the Interim Town Administrator to execute a contract for the completion of the site improvements at the Heritage House for an amount not to exceed \$110,000. The entire amount budgeted for this project, which includes the site improvements, landscape and irrigation, is approximately \$150,000. The purpose of this request is to expedite the construction of site improvements and ensure the landscape and irrigation installation is complete this fall.

Discussion:

Mayor Tokunaga commented that the project total came in lower than anticipated. Town Engineer Omar Herrera said that the site improvements should start in September allowing for October landscaping. Herrera explained that the time for completion is 60 days after bid has been accepted.

Mayor Pro Tem Measner moved to authorize the Interim Town Administrator to approve the selection of the contractor for the construction of the site improvements at the Heritage House in accordance with RFP 09-2014, and to

execute a contract with the selected contractor that does not exceed \$110,000. Trustee Onorato seconded.

Trustee Kidd would like to amend the motion to include Trustee Ehrlich and Trustee Beck review the bid application.

Vote: All in favor, none opposed.

2. **Consideration and Approval of a Contract with Lutey's Landscaping, Incorporated**

Parks and Outdoors Director Josh Roseberry asked the Town Board to consider for approval the contract with Lutey's Landscaping, Inc. to provide irrigation installation and landscaping services for the Town of Milliken's Windmill Gateway. The total cost of the contract includes: Irrigation install, crusher fines, road base, edging, mulch, weed barrier, backflow repair, landscaping, rock placements and labor. The not to exceed amount is \$64,480.00 which falls below the \$150,000 budgeted in the Capital Improvement Fund for Windmill Gateway Improvements.

Trustee Ehrlich asked when the sign will be completed and installed in the Windmill Gateway. Director Roseberry said it would be about four (4) weeks.

Trustee Beck moved to authorize the Interim Town Administrator to sign the contract with Lutey's Landscaping, Incorporated to provide the Town of Milliken's Windmill Gateway with irrigation installation and landscaping services, not to exceed \$64,480.00. Mayor Pro Tem Measner seconded.

Interim Town Administrator Powell said that Trustee Ehrlich and Trustee Beck have reviewed two bids of the bids received and approved the bid from Lutey's.

Discussion: Mr. Hobler asked if the Irrigation goes all the way around the squiggle sidewalk or just Windmill Gateway. Director Roseberry said it was only Windmill Gateway with a stub-out leading to the squiggle sidewalk.

Vote: All in favor, none opposed.

3. **Property Appraisals**

Community Engagement Specialist/Planner Seth Hyberger asked the Town Board to consider for approval appraisals needed for participation in the FEMA Hazard Mitigation Grant Program with property owners who are willing sellers. Hyberger explained that these appraisals will include the second appraisal on two properties, and bids to complete the first and second appraisals on the residential properties.

Community Engagement Specialist/Planner Seth Hyberger said that they have to submit the Notice of Intent by August 29, 2014 in order for the application approval for the twenty-four (24) parcels. The requirement for the two appraisals for fair market value comes from the State of Colorado.

Trustee Beck moved to approve the Town entering into appraisal contracts to perform additional appraisals needed for participation in the FEMA Hazard Mitigation Grant Program with property owners who are willing sellers and authorize the Interim Town Administrator to execute such contracts to keep the project moving due to the tight deadlines established by the State and FEMA. Mayor Pro Tem Measner seconded.

Discussion: None

Vote: All in favor, none opposed

DISCUSSION AGENDA

1. Mobile Home Park Vacancy Base Fees

Finance Director Patrick Murphy brought to the Town Board a request to discuss from the Town's Mobile Home Park owners, regarding a waiver of Utility Base Fee's.

Interim Town Administrator Powell told the Town Board that there are approximately 305 rental units in the Town. Mayor Pro Tem Measner asked if there would be a waiver available to those rentals in Town. Interim Town Administrator Powell explained that on a foreclosed property, the base fees are still paid even though there is no water usage. In order to stop all fees, it would require the meter to be pulled. Finance Director Murphy explained that base fees cannot be waived. Property owners or a Mortgage Company pays the base fees, if these fees are not collected, the Town assesses the properties taxes for the amounts owed. If a waiver is granted, the Town's General Fund has to reimburse the Town's Water and Sewer Fund.

After continued discussion from the Town Board, it was agreed that none of the restrictions on this property were Town imposed so the request was denied.

Jerry Solomon questioned why she is still having to pay for the two (2) vacant spaces with taps. Interim Town Administrator Powell explained that the Town Board allowed for the same number of Mobile Homes to be brought into the Mobile Home Park, that were present during the flood and that the Municipal Code states that only manufactured homes were to replace the Mobile Homes. Prior to the flood there were thirty-three (33) mobile homes were affected.

According to the code they could bring in two (2) manufactured homes to fill the vacancies.

Town Attorney Fickel said that one solution is that if they don't want to pay the base fee, the taps could be pulled and forfeited to the Town and they would no longer have to pay for the base fees. Ms. Solomon said she is not willing to forfeit those two taps.

INFORMATIONAL AGENDA

1. Street Improvement Request for Proposal (RFP)

Public Works Director Jason Fowler informed the Town Board about the Street Improvement RFP maintenance the Milliken Streets Improvement Project is part of our incorporating annual streets improvement. Director Fowler explained that the RFP was created several different items, such as mill and fill on a variety of streets in Milliken. The bid went out in June and the following companies pulled bids. Coulson Excavating, Foothills Paving, McGraw Hill Bid Center, Nor Concrete, A-1 Chip Seal. Three (3) were not returned. Only one company, A-1 Chip Seal bid the project.

Mayor Tokunaga asked about Irene Avenue, by the Fire Department. The additional amount of wear and tear that has occurred because of the Fire District and school buses. Director Fowler indicated it would be 2 inch mill and fill overlay. Town Engineer Omar Herrera stated that he and Director Fowler have discussed the issue of breakage in the road and they have been in contact with CTL Thompson to conduct core sampling of this particular roadway and also on the integrity of the intersections. The Board will be notified of the results.

Mayor Tokunaga stated that if we issue the bid and find that there are additional problems will it be an appropriate bid since it could be a change order. Trustee Beck asked if this RFP included a per item cost. Director Fowler explained that it is listed per item and we can negotiate the final items and put it in the contract. The contract will be brought to the next board meeting.

Trustee Jemiola asked if the infrastructure in the roadway has been checked. He would rather have funds to spend on road repairs instead of alleys. Trustee Jemiola would like the nine thousand (\$9,000) allocated to the alleys spent on the streets rather than alley ways.

Director Fowler explained the difference of Mill and Fill which will fix the street, to slurry which will only cover the cracks, but not fix the problem.

Trustee Beck asked why other companies did not submit a bid and who the other company was that just submitted a bid. Director Fowler explained that Asphalt Specialties asked if they could submit a late bid. Trustee Onorato wanted to know who conducted the maintenance on the Mad Russian roads last year. Director Fowler said it was A-1 Chip Seal.

Trustee Ehrlich asked where the Town stand if we let someone else come in and bid. Attorney Fickel said that our contract says that we can reject any and all bids for any reason and re-negotiate any and all prices, but you would be setting a bad precedent. The Town Boards job is to look after the taxpayers, legally you can go and get another bid and make an exception in this case.

2. Heritage House Landscaping RFP

The Town's Contract Engineer Omar Herrera informed the Town Board regarding the Landscaping RFP and the completion of the landscaping project. Proposal will be due on July 21st and this will complete the onsite improvements at the Heritage House. Trustee Ehrlich and Trustee Beck will review the bids.

3. Information Regarding Grants the Community Development Department is Pursuing

Community Development Director Johnson informed the Town Board of grant opportunities that are being pursued.

1. Anne Johnson said that the 1st GOCO grant application for the Heritage House was not approved. A shuffle board is now planned for the Heritage House along on a music garden and there will be a cash match required from the Grant Fund.
2. A Resolution will come before the Board in two (2) weeks for a DOLA Energy Mineral Impact Fund Grant. It can be used for construction projects, infrastructure projects and community buildings. The maximum request is for (2) two million with a twenty five (25) percent match. Director Johnson and Interim Town Administrator Powell will meet with Don Sandoval on Thursday to talk about what kind of project will be right for that type of fund.
3. No-match grant from the national to do a master plan for the Fort. Saint Vrain/Gilcrest Reservoir Site.
4. Engineer Omar Herrera has been working with the Spaur and Purvis and the design of the Johnstown Milliken Trail and the site is about 75 percent done. It can take up to a year because of the historical barn on the Spaur Farm on south side of county road 46 ½. We are also looking at the possibility of going around the barn.

5. **Notice of Intent (NOI) Updates**

Community Engagement Specialist/Planner Seth Hyberger provided the Town Board with an update regarding the NOI's (Notice of Intent) that have been submitted.

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.

Mayor Pro Tem Measner moved to go into an Executive Session. Trustee Onorato seconded.

Discussion: None

Vote: All in favor, none opposed.

Executive Session commenced at: 8:23 p.m.

Regular Meeting Resumed

The regular meeting resumed at: 9:28 p.m.

ASSIGNMENT AND PROJECT UPDATE(S)

Other Business

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

Adjournment

Hearing no further business, the Mayor adjourned the meeting at 9:30 P.M.

Prepared by:

Approved by:


Gale Amaya, Admin. Assistant


Milt Tokunaga, Mayor