

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

**MEETING MINUTES**

**Wednesday, September 24, 2014 – 7:00 P.M.**

**Call to Order**

The Town of Milliken Board of Trustees convened a regular session on Wednesday, September 24, 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 Cheryl Powell, 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 and Assistant Town Attorney Sunita Sharma.

Absent: Milliken Town Attorney Bruce Fickel

**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 Powell asked the Town Board to add a contract for DeFalco Construction to be placed on the Agenda. This contract had been discussed during the Work Session.

Trustee Jemiola requested that the DeFalco Contract be placed on the Consent Agenda

**Citizen Comments**

Reid Hobler, who resides at 800 Mill Iron Road, inquired about an update on the Gateway Park on the west side of Town. Mr. Hobler wondered when the project will be completed. Director Roseberry informed Mr. Hobler that on Monday, September 29<sup>th</sup> Schlosser Sign will be digging a hole for the foundation and CDI Thompson will also be at the park testing for the compaction rate and that is

tentatively scheduled for Wednesday. CDI will then conduct the final grade, and Lutey's Landscape will be able to complete the rest.

Patty Fontaine would like to thank the Town for re-opening the Tree Limb Disposal Center. Director Fowler said that access is now available with a permit and it is open two (2) Saturdays a month. Staff will also be available to assist people during the week when given prior notice.

Trustee Kidd asked Johnstown Breeze Reporter Zant Reyez to introduce Nick Vallejo. Zant introduced Nick to the Town Board and explained he is a Senior at Roosevelt High School who is interested in journalism.

### **Minutes of Previous Meeting**

- September 10, 2014 – Approved as distributed

### **List of Paid Bills**

Mayor Pro Tem Measner questioned the United States Postal Service payment for WW Filters & Gas Detector. Director Murphy said it was a typing error, it was for utility billing postage. Mayor Pro Tem Measner asked who the WW Filters & Gas Detectors were paid to. Director Murphy will investigate and inform the Board.

Trustee Kidd expressed that he was very glad that Ireon and Hilda Pentico finally received a raise.

## **CONSENT AGENDA**

### **1. Approval of proposal from DeFalco Construction for the repair of gravel roads damaged by the 2013 floods**

To award a contract to DeFalco Construction Company for grading and the placement of approximately 2690 tons of class 5 road base on the three sections of county roads that were affected by the September 2013 floods. This is part of the Towns FEMA claims.

Mayor Pro Tem Measner moved to approve that the Board of Trustees authorize the Interim Town Administrator to accept the proposal from DeFalco Construction Company in the amount not to exceed \$68,282 for the placement of 2690 ton of class 5 road base on the three roads (Cty. Rd. 23 north, Cty. Rd. 23 south and Cty. Rd. 46 west) that were most affected by the September 2013 floods. Trustee Jemiola seconded.

Discussion: None

Vote: All in favor, none opposed.

Assistant Town Attorney Sharma noted that since this is an addition to the Consent Agenda, copies will be available through the Town Clerk.

## **ACTION AGENDA**

### **1. Consideration and Approval of Resolution 14-29, Supporting the Application for Exclusion of New Primary Oil and Gas**

Finance Director Murphy explained that with the guidance of the Board of Trustees through the budget discussions regarding the Mil Levy, it was again determined the Town would apply to the Department of Local Affairs (DOLA) for an exclusion from the 5.5% property tax revenue limitation. There is statutory of limitation in a Town such as ours. The Town has an opportunity for first year assessments on new oil and gas well production. These funds help enhance the revenue for street improvements, maintenance and repairs, which helps offset the impact the oil and gas industry has on our Town roads. The exemption will be around \$93,000, which will be moved to the Towns Streets Fund. The Town Board needs to approve the formal application to DOLA to request the exemption, and it requires all Town Trustees signatures.

Mayor Pro Tem Measner moved to approve Resolution 14-29, supporting the application for exclusion of the Assessed Valuation Attributable to New Primary Oil and Gas Production from the 5.5% Property Tax Revenue Limitation. Trustee Onorato Seconded

Discussion: None

Vote: All in favor, none opposed.

### **2. Consideration and Approval of a Contract for Property Mineral Rights Appraisals**

Community Engagement Specialist Hyberger asked the Town Board to consider for approval a contract with an appraisal company that performs mineral rights appraisals, in order to fulfill the procedures established by FEMA and the State of Colorado for participation in the FEMA Hazard Mitigation Grant Program.

Specialist/Planner Hyberger explained that there are 19 properties that the Town is looking to acquire with Hazard Mitigation Grant Program dollars. Hyberger indicated that it came to his attention that a clear title needs to be obtained, which means mineral rights need to be included with the purchase

of the land. Hyberger is requesting an additional \$40,000 to conduct the mineral rights appraisals.

Hyberger explained that the Town is following the procedures for appraisals established by FEMA and the State of Colorado. The Town is eligible for reimbursement of 87.5% of the appraisal costs. The cost for the appraisals will be reimbursable either through the State of Colorado's Advance Assistance program or through HMGP pre-award costs if Milliken is successful in obtaining HMGP Funding through the Town's August 29, 2014 application.

Trustee Ehrlich questioned how many property owners and mineral right owners are the same person. Specialist/Planner Hyberger explained that is still in the process of being determined. There will be (2) two appraisals done and that money will be used to hire the Landman so they can do the adequate title search and to make sure that no mineral rights were severed. Specialist/Planner Hyberger will not have that complete information until the title searches are complete. Mayor Tokunaga asked if this was just the appraisal portion, and does this complicate the matter if the mineral rights are severed and the rights to drill in the flood plain. Specialist/Planner Hyberger said that it would complicate matters if someone owns the land and someone else has the mineral rights. Some of the property owners have current leases, and that some of the leases expire in a year.

Trustee Beck moved to approve the Town entering into appraisal contracts to perform additional mineral rights 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 forward. Mayor Pro Tem Measner seconded.

Discussion: None

Vote: All in favor, none opposed.

### **DISCUSSION AGENDA**

There were not any items.

### **INFORMATIONAL AGENDA**

There were not any items.

### **ASSIGNMENT AND PROJECT UPDATE(S)**

**Other Business**

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

**Executive Session – 7:15 pm**

Trustee Jemiola motioned to go into Executive Session to CRS 24-6-402 4E for determining positions relative to matters that may be subject to negotiations developing strategy for negotiations and instructing negotiators and CRS 24-6-402 F1 to discuss personnel matters. Trustee Ehrlich seconded.

Discussion: None

Vote: All in favor, none opposed.

The Executive Session Ended at 9:24 P.M.

**Regular Meeting Resumed**

The Regular Meeting resumed at 9:25 P.M.

**Adjournment**

Hearing no further business, the Mayor adjourned the meeting at 9:25 P.M.

Prepared by:

  
Gale Amaya, Admin. Assistant

Approved by:

  
Milt Tokunaga, Mayor