

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

**MEETING MINUTES
Wednesday, April 27, 2022**

The Town of Milliken Board of Trustees convened a regular session on Wednesday, April 27, 2022, at 6:30 P.M. Those present: Mayor Austin and Mayor Pro Tem Ehrlich and Trustees: Heather Beckman, Dan Dean, Brian Lane, and Peggy Wakeman. Also, Present: Town Administrator Cheryl Powell, Town Clerk Caree Rinebarger, Finance/Accounting Director Wade Nickerson, Water/Wastewater Director Don Stonebrink, Parks and Open Space Director Keith Staggs, Streets and Facilities Director Jon Rabas, Finance Manager Courtney Diller, Community Development Director Pepper McClenahan and Town Attorney Matt Gould.

Absent: Trustee Nichole Rodriguez and Police Chief Benito Garcia.

Pledge of Allegiance

Mayor Austin called the meeting to order at 6:30 P.M.

Roll Call

Trustee Beckman, Trustee Dean, Trustee Lane, Mayor Pro Tem Ehrlich, and Mayor Austin.

Absent: Trustee Nicole Rodriguez

Agenda Approval

Mayor Pro Tem Ehrlich requested the agenda be amended to add an action item prior to the swearing in for the purpose of appointing a new trustee.

Mayor Pro Tem Ehrlich moved to amend the agenda as amended. Trustee Beckman seconded.

Roll Call Vote: Trustee Dean - Yes, Trustee Lane – Yes, Trustee Beckman - Yes, Mayor Pro Tem Ehrlich – Yes and Mayor Austin - Yes

Motion Carried.

Citizen Comments

There were none.

Minutes of Previous Meetings – April 13, 2022 – Existing Board

Trustee Lane moved to approve the minutes of April 13, 2022, meeting one as distributed. Trustee Beckman seconded.

Roll Call Vote: Trustee Lane – Yes, Trustee Beckman - Yes, Trustee Dean - Yes, Mayor Pro Tem Ehrlich – Yes and Mayor Austin - Yes

Motion Carried.

Minutes of Previous Meetings – April 13, 2022 – 2022 Elected Officials

Trustee Dean moved to approve the minutes of April 13, 2022, meeting two as distributed. Trustee Beckman seconded.

Roll Call Vote: Trustee Beckman - Yes, Trustee Dean - Yes, Trustee Lane – Yes, Mayor Pro Tem Ehrlich – Yes and Mayor Austin - Yes

Motion Carried.

a. Nomination and Appointment of Trustee

The Board of Trustee interviewed two candidates for Trustee at the Work Session. Mayor Austin opened the floor to accept a nomination to appoint.

Trustee Beckman moved to appointment Peggy Wakeman. Trustee Dean seconded.

Roll Call Vote: Trustee Dean - Yes, Trustee Lane – Yes, Trustee Beckman - Yes, Pro Tem Ehrlich – No and Mayor Austin - Yes

Motion Carried.

b. Swearing In Ceremony

Town Clerk Rinebarger swore in Margaret 'Peggy' Wakeman as a Board of Trustee.

Acknowledgement of Paid List of Bills for April 2022

Finance Director Nickerson reviewed with the Board of Trustees two (2) questions he had received earlier this week from Trustee Rodriguez.

The first question was regarding the payment to Jake Bachman. Director Nickerson explained that this was the refund for the remainder of his deposit for a Conditional Use Review/Application for a drive-through restaurant.

The second question was regarding a Visa charge for \$149.99 to Whiteside Boots. This charge was for one of our new parks employees to cover the cost of the required safety boots.

The Town Board acknowledged the paid list of bills for April 2022.

Town Administrator's Report

- Broadband – The four (4) towns will be meeting with Allo representatives on Monday May 2nd to discuss agreements and right of way permitting. Allo representatives have indicated to the Towns that they remain committed to building fiber in all four (4) communities.
- Weld RE5J– Mayor Austin and Administrator Powell attended a School Board Work Session to discuss a Long-Range Task Force. Shannon Bingham, the District Demographer, spoke and explained his role with the Task Force. The Task Force will include Community Stakeholders and other representatives of the Community that would be ideal on the Committee. Administrator Powell will keep the Trustees apprised of any further information on the Task Force.
- Streets – The sidewalk repairs have begun work on the trip hazards around Town. The crews are starting with the grinding. This is the first phase of a five year phased

- plan.
- Parks – Crews have started sprinkler checks and inspecting as well as weed maintenance to prepare for mowing to begin.
- Arbor Day – On Friday, April 15th the Town celebrated Arbor Day by planting three (3) trees at Lola Park. Administrator Powell along with Greg Zausen for the Colorado State Forest Service assisted with the planting. Milliken is a Tree City, and we do this every year and it's a lot of fun to be out with the guys planting trees.

Trustee Wakeman asked if there was a time frame for the fiber to be installed. Administrator Powell explained that the Town will know more after the meeting on the 2nd. The initial plan is to start this fall and could take 36 months to complete, however many things will need to be factored in, such as weather and the ability to get supplies.

Consent Agenda

a. Frontier Water Systems SeHAWK Nutrient Purchase

To allow the Town Administrator to approve purchase orders for BioElix Nutrient used in the Frontier Water Systems (FWS) SeHAWK Bioreactor at the Reverse Osmosis Water Treatment Plant (ROWTP).

Mayor Pro Tem Ehrlich moved to approve the consent agenda. Trustee Beckman seconded.

Roll Call Vote: Trustee Beckman - Yes, Trustee Dean - Yes, Trustee Lane – Yes, Trustee Wakeman - Yes, Mayor Pro Tem Ehrlich – Yes and Mayor Austin - Yes

Motion Carried.

Action Agenda

a. Weld County Road 23 ¾ Rehabilitation Improvement Project

Administrator Powell asked the Board of Trustees for their consideration and approval of a proposal from TAIT and Associates for the roadway and drainage design along Weld County Road 23 ¾, north of Highway 60 including the intersection of East Ash Street; and to authorize the Town Administrator to sign said agreement. This project has been on our Goals List for some time.

When the road was initially installed, it was installed without any curb and gutter. The road was not built to sustain the type of vehicles that utilize it, which include Oil & Gas industry vehicles. Our Public Works crews have had to build the east side corner of the road up with asphalt for many years.

In August of 2021 at Administrator Powell's request, the Town received a proposal of \$146,710 for Planning and Engineering Services for WCR 23 ¾ Street Rehabilitation Improvements from the Town's Engineers, Tait & Associates. This proposal included a design for the possible installation of a signal light on Hwy 60 and WCR 23 ¾. Unfortunately, we do not meet the Warrants for a signal light at this time.

The cost of the updated proposal for engineering services is \$99,160. The Town was successful in obtaining a grant from the Department of Local Affairs (DOLA) for \$25,000, which will be applied against the \$99,160. In the 2022 budget, staff proposed \$1,500,000

for this project which included the signalization. Staff is planning to apply for a Tier II DOLA grant once the engineering has been completed for additional funding.

Trustee Lane asked if East Ash would remain gravel. Administrator Powell explained it would.

Trustee Wakeman asked if we had any projections for total costs for the project at this time. Finance Director Nickerson explained that engineering is generally 10% of the total cost. Based on the availability and the rising costs of materials that cost may increase substantially.

Trustee Beckman asked how long the project will take. Administrator Powell explained that at time we do not have an estimated time frame to complete. The first step is to complete the engineering and go from there.

Trustee Dean moved to authorize the Town Administrator to sign the Proposal from Tait & Associates for Planning and Engineering Services for the WCR 23 ¾ Street Rehabilitation Improvements. Trustee Beckman seconded.

Roll Call Vote: Trustee Lane – Yes, Trustee Wakeman - Yes, Trustee Beckman - Yes, Trustee Dean - Yes, Mayor Pro Tem Ehrlich – Yes and Mayor Austin - Yes

Motion Carried.

b. Tolling Agreement with Stanek Construction, Inc. and Frontier Water Systems, LLC

Attorney Gould asked the Board of Trustees for their consideration and approval of a tolling agreement with Stanek Construction, Inc and Frontier Water Systems, LLC regarding the Town's Reverse Osmosis Plant. To "toll" statutes of limitation that may be pertinent to issues that have arisen regarding the Town's reverse osmosis plant.

Issues have arisen with the operation of the Town's reverse osmosis water treatment plant. These issues were discussed with the Board during the work session held on April 13, 2022.

In order to allow additional time for the Town to negotiate a resolution with the project contractor and its subcontractor, a "tolling agreement" has been negotiated with those parties. The tolling agreement would effectively delay the running of statutes of limitation (that have not expired before the agreement's effective date) in order to allow time for the parties to resolve the issues without litigation. The proposed agreement "tolls" pertinent statutes of limitation by two years but can be terminated on thirty days' notice by any party. Thirty days should allow sufficient time to commence legal action, if necessary.

Mayor Pro Tem Ehrlich moved that the Board approve and authorize Mayor Austin to sign the Tolling Agreement with Stanek Constructors, Inc., and Frontier Water Systems LLC, proposed by the Town Attorney. Trustee Lane seconded.

Roll Call Vote: Trustee Wakeman - Yes, Trustee Beckman - Yes, Trustee Dean - Yes, Trustee Lane – Yes, Mayor Pro Tem Ehrlich – Yes and Mayor Austin - Yes

Motion Carried.

c. Request from the Milliken Events Committee

Mayor Austin recused herself as she is the President of the Milliken Events Committee.

Town Clerk Rinebarger stated that the Milliken Events Committee is seeking permission from the Board of Trustees to use Town owned property for the purpose of a beer garden/liquor areas for various events which is a requirement of the Special Events Liquor License Application.

LaNette Orebaugh with the Milliken Events Committee and Mill Haus Coffee stated the Events Committee would be hosting a beer/wine garden during corn hole tournaments that will be held the first Friday of every month through October and for two paint and sips she will be holding at Mill Haus. Since the corn hole is played outside on the back patio, they are asking for permission to use this area and the building in which Mill Haus is located. The Events Committee will ensure there is proper security fencing to ensure the alcohol does not leave the area approved.

Trustee Dean asked if this is an event that has been held before or if this is the first time. Mayor Pro Tem Ehrlich explained that we have issued Special Events Licenses to the Events Committee before for Beef N Bean Day, however, this is the first time we are approving the use of our facility for these new events.

Mayor Pro Tem Ehrlich asked if there will be a requirement for TIPS Certified Servers. Mrs. Orebaugh stated that both her and her husband are TIPS Certified and will be the servers.

Trustee Lane moved to grant permission to the Milliken Events Committee and to approve the use of Town owned property for the purpose of a beer garden/liquor areas for various events. Trustee Wakeman seconded.

Roll Call Vote: Trustee Beckman - Yes, Trustee Dean - Yes, Trustee Lane – Yes, Trustee Wakeman - Yes, and Mayor Pro Tem Ehrlich – Yes.

Motion Carried.

Mayor Austin returned to the meeting.

Discussion Agenda

a. Discussion of Upcoming Trash and Recycling Request for Proposals (RFP)

Finance Director Nickerson discussed with the Board of Trustee about the upcoming RFP, including desired changes to services provided.

The current contract for trash and recycling with Waste Management expires April 30, 2023. Included for reference is the RFP that was awarded in 2018. Staff is requesting feedback now in order to provide adequate time for posting, staff review, and formal acceptance of a new proposal.

The Board discussed their desire and the importance of ensuring that at least one cleanup day is included in the RFP process. Director Nickerson stated that there are a few ways they could accomplish this, the first is by keeping our traditional cleanup day or to look to bulk curb side pickup. It was decided that we should ask the companies proposing to include 'al a cart' price for both so that the Town can make a decision that is not only

beneficial for residents but also cost effective. The Board also discussed the options of holding on days other than Saturday, hazardous waste and volunteer pick up for those who don't have the means of participating in cleanup day.

Another important thing the Board would like to see in the RFP is an emphasis on customer service and education for the residents. Educating residents on recycling programs, the do's and don'ts and what it means to participate.

Staff would like to start the RFP process as soon as possible in order to build in any extra time that may be required should a new vendor be selected. Last time we completed an RFP only Waste Management submitted a bid.

The RFP should include trash and recycle, clean up days with a bid for standard clean up days and one for curb side bulk, and need customer education and outreach. At this time, we do not see the need to ask for a bid for composting.

b. Front Yard Landscaping

Town Administrator Powell discussed with the Board of Trustees a current program that the City of Greeley has started, that encourages residents to change to xeriscaping. They must meet certain criteria and then the city pays them a small fee. After a recent discussion with a resident, Mayor Austin and Administrator Powell thought it would be a good idea to discuss with the Board and see if there is a desire for the Town to review our current code and see if there are areas that we could improve or provide more allowance or encourage more xeriscaping.

Community Development Director McClenahan explained to the Board that our current landscape code, which was part of Planning for Hazards Grant, encourages water efficient landscaping be installed and only requires 50% of the front yard be live material. She also explained that of that 50%, residents/builders can count mulch if there are live plantings inside the mulched area.

Options to consider would be providing information or education to our residents and future home buyers on watering and how it effects water bills, working with contractors/new homebuilder to provide more options to their purchaser for landscaping or the possibility of not making the installation of landscaping be a requirement for the issuance of a Certificate of Occupancy and possible changes to our code that gives more flexibility for better water conservation.

Director McClenahan asked the Board to email her any thoughts or ideas on recommendations for changes and maybe they could add this item to a work session to vet out more ideas.

Informational Agenda

Community Development Director McClenahan provided the Board of Trustees a written report for March 2022.

Adjournment

Hearing no further business, Mayor Pro Tem Ehrlich motioned to adjourn the meeting. Trustee Lane seconded.

The meeting was adjourned at 7:42 P.M.

Prepared by:



Caree Rinebarger, Town Clerk

Approved by:



Elizabeth Austin, Mayor