AGENDA
TOWN OF HUDSON - BOARD OF TRUSTEES
REGULAR MEETING
February 4, 2015 - 6:00 P.M.

PLEDGE OF ALLEGIANCE

CALL TO ORDER AND ROLL CALL

ADDITIONS TO AGENDA

CITIZEN'S COMMENTS

1) **CONSENT AGENDA**
(Consent Agenda Items are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion of Consent Agenda Items unless a Board member or Citizen so requests, in which case the item may be removed from the Consent Agenda and considered at the end of the Regular Agenda.)

a. Board of Trustees Minutes – Regular Meeting, January 21, 2015

b. Payment of Bills

2) **GENERAL BUSINESS**

a. Discussion – Tim Pippin, Impact Fee Adjustments

b. Discussion – Discharge of Firearms in Town Limits

c. Resolution 15-11, A Resolution authorizing the Mayor to sign an annexation petition for the CR 12.5 right-of-way

3) **STAFF REPORTS**

EXECUTIVE SESSION:

a. To determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(e) – negotiations for proposed annexation

4) **ADJOURNMENT**

MINUTES
TOWN OF HUDSON - BOARD OF TRUSTEES
REGULAR MEETING
January 21, 2015 - 6:00 P.M.

PLEDGE OF ALLEGIANCE

CALL TO ORDER AND ROLL CALL

Mayor Patch called the meeting to order at 6:00 p.m.

ROLL CALL

Mayor, Raymond Patch - Present
Trustee, Ed Rossi - Absent
Trustee, Matt Cole – Present
Trustee, Laura Hargis – Present
Trustee, Christine Hamilton – Present
Trustee, Tiffany Sanders – Present
Trustee, Terri Davis - Present

Town Clerk, Linnette Barker took roll call, and a quorum of the Mayor and (5) Trustees were present.

Town Staff Present:

Town Administrator – Joe Racine
Town Attorney – Corey Hoffmann
Town Clerk – Linnette Barker
Public Works Director – Ron Allen
Utility Director – Hunter Fobare
Economic Development Director – Dan Hamsmith

ADDITIONS TO AGENDA

CITIZEN'S COMMENTS

Mark and Lori Skoglund were present and introduced themselves reporting that they are from West Bend, Iowa and are building a home in this area. They have operated their own meat processing plant in Iowa for 37 years and intend to start a restaurant business in Hudson. They are interested in starting a pizza restaurant and intend to work with Kersey Pizza for a franchise agreement. They are interested in the town-owned lot by Love's Travel Stop. The building they intend to build would match the existing Love's décor. They are ready to start the preliminary plans as soon as possible.

Joe Racine, Town Administrator, reported that Mr. and Mrs. Skoglund have submitted a purchase offer for the 1.2-acre parcel. Town staff can prepare a purchase and sale agreement with a closing date after the approval of the site plan.

The consensus of the Board of Trustees is to continue with the purchase offer.

Carol Bryant and Sally Harms, Hudson Public Library Board of Trustees, were present to introduce themselves and report that they are very happy to continue on the Library Board. They reported that they are very excited about the new Library building.

1) CONSENT AGENDA

(Consent Agenda Items are considered routine and will be enacted by one motion and vote. There will be no separate discussion of Consent Agenda Items unless a Board member or Citizen so requests, in which case the items may be removed from the Consent Agenda and considered at the end of the Regular Agenda.)

a. Board of Trustees Minutes, Regular Meeting, January 7, 2015
b. Payment of Bills
c. Additional Payment of Bills – Acme Construction Services, LLC, $22,570.00

Trustee Cole made a motion, seconded by Trustee Hargis to approve the Consent Agenda.

The vote was as follows:
Aye: Trustees Cole, Hargis, Sanders, Hamilton, Davis and Mayor Patch
Nay - None
Mayor Patch declared the motion carried.

2) PUBLIC HEARING

a. Service Plan for LLA Metropolitan District No. 1

b. Service Plan for LLA Metropolitan District No. 2

c. Service Plan for Eastern Corridor Metropolitan District

Mayor Patch opened the combined Public Hearing for the Service Plan for LLA Metropolitan District No. 1, the Service Plan for LLA Metropolitan District No.2 and the Service Plan for Eastern Corridor Metropolitan District at 6:20 pm.

Joe Racine, Town Administrator, reported that one of the key provisions of the Lloyd Land Airport Annexation Agreement was that the Town would agree to the formation of Metropolitan Districts for constructing public improvements.

Mr. Racine reported that the versions of the three services plans in the Board packet for the LLA Metropolitan District No. 1, LLA Metropolitan District No.2 and the Eastern Corridor Metropolitan District have some minor amendments that were distributed separately to the Board of Trustees:

1. Section V.A.6 of the LLA Metro District No. 1 and the LLA Metro District No. 2 inclusion - limitation addition to the language is to add, "that is also within the Town".

2. Section V.A.1 of the LLA Metro District No. 1 and the LLA Metro District No. 2 –the word "residential" in the last sentence. The districts are not in a position to provide direct municipal services to end users within the town regardless of use classification.

3. Section V.C. of the Eastern Corridor Metropolitan District Service Plan, Ownership and Operation of Improvements amend the first sentence to read: Except for Public Improvements utilized by the District to provide bulk water service to Customers within and outside the Town and sanitation service outside the Town, it is anticipated that, upon completion, all other Public Improvements constructed by the District within the Town will be conveyed to the Town for ongoing ownership, operation, maintenance, repair and replacement.

4. A P.O. Box for the town address has been included in the Intergovernmental Agreements for LLA Metropolitan Districts 1 and 2.

Mr. Racine reported that the issues before the Board this evening are the approval of three service plans for three separate metropolitan districts and two intergovernmental agreements between the Town of Hudson and two of the three metropolitan districts.

Corey Hoffmann, Town Attorney, reported that criteria for approving the Resolutions for the Service Plans is for the Board to consider and determine if there is a need for services to be provided by the Districts. Districts are a mechanism for financing future public improvement construction on this property. Operation of the water and sewer districts is based on the language of the proposed service plans. The districts are the proposed mechanism to finance, construct Districts public improvements and operate the water depot. Listening to the evidence, the Board is asked to determine if there is a need for the financing public improvements through metro districts as part of the annexation agreement.

MaryAnn McGeady from McGeady Sisneros, representing Lloyd Land, reported that they have been working on refining the service plans that were originally attached as exhibits to the Annexation Agreements. These plans needed to have details completed and clarification of what each of these districts would do Financing for improvements, operations, and maintenance only improvements that would not be dedicated to the Town.

Ms. McGeady presented a power point presentation explaining that the development project is a mixed-use development of approximately 638 acres. The purpose of the metropolitan districts is to finance and construct public improvements necessary to serve property within the development. Except for the water depot, all public improvements will be conveyed to the Town and the Town will provide all municipal services. The Eastern Corridor Metropolitan District is authorized to own, operate, and maintain the water depot, which is being constructed to provide bulk water service within and outside the Town, but will not provide municipal water service to end users.

Mayor Patch, inquired if the East Corridor Metropolitan District would provide any public improvements within the annexed portion other than the water depot. Ms. McGeady reported that if they are, they would be cost sharing those improvements through an agreement with the LLA Districts.

Ms. McGeady reported that Title 32 Metropolitan Districts are important and critical to the success of development projects in Colorado's competitive market and particularly with these kinds of large properties that need major infrastructure installation. They are the most cost effective and cost efficient mechanisms to pay for public infrastructure and provide developers and investors in development with certainty that there are adequate financing mechanisms in place. Traditionally and currently how these

metro districts work is they cannot issue bonds day one, because the bonds would need to be sold with the speculation of what revenues would come in the future on land that is now just dirt. As development begins and continues the districts are going to be relying on developers to advance money. When those dollars are advanced, developers are looking at the district's service plans and the possibilities of the district's being able to pay them back when the growth is there to pay them. Elected Boards of Directors govern the Metropolitan Districts. In the beginning, the elected Board of Directors is populated by nominees of the original property owners. The developer will control LLA Metropolitan District No. 1. Over time, when residents begin to inhabit and others own property within the LLA Metropolitan District 2, a transition to residents will be on the Board of Directors. The developer continues to control the Boards of the LLA Metropolitan District No. 1, until the development is complete on the East Corridor Metropolitan District.

The Eastern Corridor Metropolitan District would be able to finance, construct, operate and maintain water and sewer systems outside of the Town. The Eastern Corridor Metropolitan District would, contract with other governments to provide services to residential end users, with bulk water users and buyers outside of the town, and to construct and operate the water depot.

The LLA Metropolitan District No 1 would be a management district that coordinates the construction and financing of infrastructure through intergovernmental agreements with LLA Metropolitan District No. 2. LLA Metropolitan District No. 2 would be taxing, collecting fees from the property as development occurs, and contract with the Eastern Corridor Metropolitan District.

The Eastern Corridor Metropolitan District is less than an acre and will expand service areas over time to include properties in Weld and Adams County. The LLA Metropolitan District No. 1 is less than an acre and will serve properties in town, within the inclusion area, pursuant to agreements with LLA Metropolitan District No. 2. LLA Metropolitan District No. 2 is 422 ½ acres and is anticipated to include the rest of the property within the service area that is 640 acres.

The Enclave parcel is not currently in the town but is in the service area for the district. The districts cannot include the Enclave property~~. U~~until after it has been included within ~~a district's~~ the Town's boundaries. When property is within a service area, but it has not been included within a district it cannot be taxed but could be served. That distinction with regard to the Enclave property is it is in the service area and is eligible to be taxed only if it is included in the future. The Enclave property cannot be taxed before it is included within the Town, but it can be included in the District without additional processing through the town if annexed in the future. Other parcels outside of the initial boundaries would have to come back to the Board of Trustees to be included in the LLA Districts.

The Eastern Corridor Metropolitan District is not intended to tax. It is a water and sanitation service provider. Its revenue comes from water and sewer fees. Its service area potentially Weld and Adams County and would expand by agreements with commercial users or agreements with other governments. It can enter into those agreements and provide those services without coming back to the town for consent. If it were to go to counties other than Weld and Adams, it would need to come back to the town for consent.

The LLA Metropolitan Districts are organized to provide water, sewer, streets, and mosquito control. LLA Metropolitan District No 1 is organized to provide water, sewer, streets, mosquito control, park/rec, transportation, TV relay and fire protection.

The bonds would be for the portion of improvements that benefit Lloyd Land Annexations. It will reserve capital fees and user charges paid by users in LLA. Eastern corridor Metropolitan District may enter into agreements to serve property outside of the town and outside of the Lloyd Land Airport Annexations. The revenues received from water and sewer fees from other intergovernmental agreements would provide revenues to pay for those services.

Property taxes for property owners in LLA Metropolitan District No 2 are limited to 50 mills and are subject to Gallagher adjustment for future increases. The district is able to impose fees, rates, tolls and charges for its services.

Mayor Patch inquired if the property taxes in LLA 1 would be taxed at a different property tax then the citizens of Hudson.

Corey Hoffmann, Town Attorney, reported that this is an additional governmental entity that will have whatever the mills are payable for the properties within that area.

Ms. McGeady reported that the only way additional properties can be subject to tax by LLA Metropolitan District No 2 is if the property goes through an inclusion process. The inclusion process is a petition and public hearing by the District Board, then the approved Resolution of Inclusion goes through the court process of recording. The Lloyd Land Airport Annexations can only include properties that are within service area boundaries. If another property owner in Hudson wanted to petition for inclusion it would have to come back to the town for consent. No one outside that area would ever be subject to the district tax unless it went through the inclusion process.

A 10 mill Regional Mill Levy was requested to be included in the service plan by town staff. The intention of the 10 mills of tax collected and remitted for a regional project that the town would define in the future.

Joe Racine, Town Administrator, reported that a regional mill levy would be for a larger area with participation by major landowners that could potentially be doing commercial/industrial development. If transportation or other improvements would be built outside of the boundaries of the district but would be of mutual benefit to all of those landowners, improvements could be paid through the additional regional mill levy. These other areas would voluntarily participate so this would be a way of pulling resources from multiple landowners to build regional improvements.

Ms. McGeady reported that for reference the regional mill levy is a concept that has been used by the City of Aurora to have a revenue source for future transportation improvements. When approved by the City of Aurora they had a add on mill levy they require for this purpose. The City and County of Denver has done this for major storm drainage improvements.

The applicant asked for approval of our service plans and for approval of the intergovernmental agreements. The districts will be approving intergovernmental agreements for LLA Metropolitan District

No. 1 and LLA Metropolitan District No. 2. When they have the organizational meetings after their elections.

There is a revenue share of property tax anticipated if the Enclave Property annexes to the town. The Enclave Property, in the middle of the service area, is also referred as the Xcel Property. The negotiation during the annexation was when the districts are organized and if the Enclave Property is annexed to the town, 50% of the property tax would be shared with the metropolitan districts. The obligation of the districts is to spend that money only on public improvements and to spend it within a 7-year period from the time the dollars are collected. Shared tax revenue that is not spent for public improvements within seven years will be returned to the town. The period for sharing that money is 35 years.

Corey Hoffmann, Town Attorney, reported that revenue share money has to be spent on eligible costs for public improvements, and cannot be stockpiled. The Town is under no obligation to annex the Enclave Property ~~does not have to be annexed it is if the Enclave property is annexed~~. It is eligible for annexation involuntarily in 3 years: It is eligible for annexation immediately if the property owner wanted to petition. There is no obligation for the Town to annex~~.~~ ~~T~~the Enclave Property because ~~the town could agree because~~ this Town Board cannot compel the board 3 years from now to make that determination. The Town may annex the Enclave Property someday by petition or involuntarily. But it is "if" not a "when."

Ms. McGeady reported that the commitment is to share revenue only if the Enclave Property is annexed.

Joe Racine, Town Administrator, reported that the revenue share funds must be used for public improvements.

Ms. McGeady reported that public improvements would include streets, water lines and extensions, sewer lines and extensions, park development and drainage improvements. Not the water depot.

Mayor Patch, inquired if the district would have to provide an accounting to the town for the 7-year expenditure cycle.

Mr. McGeady reported that the districts have a reporting requirement to the town regardless. The districts will provide annual reports, financial statements, audits and budgets. If the revenue share money is not spent within the 7-year cycle, the funds go back to the town.

Corey Hoffmann, Town Attorney, reported that the districts are local governments. They are subject per state law to have annual budgets and audits.

Ms. McGeady reported that the debt authorization limits for the East Corridor Metropolitan District is $500 million. The debt authorization for the LLA Metropolitan District 1 and LLA Metropolitan District No. 2 combined is $220 million. The debt authorization amounts are what potentially all of the public improvements could be, including the cost of financing and depending on the number of years: Build out costs might increase over time.

The Easter Corridor Metropolitan District is authorized to operate and maintain water and sewer improvements including the water depot. Within the town, they can only manage the bulk water service.

Within the town, any other water or sewer improvements that are constructed are going to be conveyed to the Town for operation and maintenance. LLA Metropolitan District 1 and LLA Metropolitan District 2 are not authorized to operate or maintain any public improvements within the Town without the written agreement from the Town.

The anticipated operation and maintenance costs of the districts are anticipated to be paid from a 2-mill levy. The 2-mill levy is an estimate and is not within the mill levy cap. Leaving it to the future residents of the project to manage, administrate and maintain with the budget they provide.

Joe Racine, Town Administrator, reported that any public improvements built by the districts within the Town of Hudson must be built to the Town of Hudson standards.

Ms. McGeady reported that under common law for Special Districts they do have the power to build to their standards. The service plan agreement limits the districts to build to the Town of Hudson standards within the boundaries. They have to follow the Town of Hudson permitting process.

Trustee Hargis, inquired regarding the East Corridor Metropolitan District water and sanitation how far outside of the Town is their service area.

Ms. McGeady reported that the focus of the East Corridor Metropolitan District is to provide wholesale water service. Intergovernmental agreements with other service providers, like other special districts or municipalities that need supplemental water service, or commercial users such as farmers or oil & gas producers.

Michael Diehl, representative of Xcel Energy, was present and reported his concerns and objections to the special districts. He objected to taxation without representation. The Enclave property is anticipated to finance the development of property around it through these special districts, without going through notice requirements and without a hearing in Weld County. The service plans provide for the issuance of up to $220 million and requires Xcel to pay some of this without representation, as required under the Special District Act. The effect of this contractual agreement would be to take away these rights. These are invalid special districts for the development of private land and not for the public. Xcel receives no benefit from the public improvements that would be considered by these special districts. Under the Annexation Agreements and service plans, the Town of Hudson would be contractually obligated to include the Enclave Property into these districts. Presuming that future Town Boards would include Enclave Property. Procedurally, a hearing in Weld County has been foreclosed and the Town has no right to enter into a contract to annex in 3 years and include Xcel in the District. Xcel will be taxed on development of this land on private property. This violates the rights of due process without benefit.

Ms. McGeady reported that per special district statues, only under very limited circumstances can a Metropolitan District issue bonds with unlimited mill levy pledges. At certain times, unlimited pledges can be issued on service plan limits, limiting the ability of the districts to issue debt that is backed by property tax pledge to 50 mills with a Gallagher adjustment. LLA Metropolitan District 1 and LLA Metropolitan District No. 2 could never issue bonds that would end up in a bankruptcy scenario, because the growth did not occur, because of the 50-mill limit on the debt. There is a specific statue on bankruptcy for special districts and it needs to have commitment to impose a pledge of 100 mills to pay debt if it comes due to

qualify for bankruptcy. Municipal bankruptcy is a platform to negotiate with creditors there is no need for that with the ones being considered based on the mill levy pledge capped at 50 mills.

Ms. McGeady reported that tonight's hearing was published in the newspaper and notices were sent to the taxing authorities within a 3-mile radius of the property. Weld County is included on the list that was noticed about this public hearing.

Joe Racine, Town Administrator, reported that no comments were received from any noticed jurisdiction.

Ms. McGeady reported that the Enclave Property is not a part of the boundaries of any of these districts today. Approving the Service Plans is not giving the authority to the districts as of today to tax that property. It is giving the authority to include those properties in the future, but not until that property is annexed into the Town of Hudson.

Corey Hoffmann, Town Attorney, reported that at the time of the Annexation Agreement negotiation regarding the Enclave Property, this was a significant issue from the Towns prospective. The Town did not contract to annex and is not obligated to annex the Enclave Property. The language in the Annexation Agreement is clear that when it becomes eligible for involuntary annexation in 3 years, the Hudson Board of Trustees can make that decision. The owners of the property could come in with a petition to annex to the Town and the Town could say no. There is no obligation one-way or the other.

Ms. McGeady reported that in the future, if the Enclave property is annexed into the Town and becomes a part of one of these districts, the location of the property is in the middle of the service area. At that time if it became a part of the tax base, it would be sharing in the costs of roads, water, sewer, which is in the middle of the development. It is not outside the benefited area of the improvements that are being installed.

Trustee Hargis, requested clarification regarding the Enclave Property being included in the service area when and if it is annexed into the Town they automatically become part of the Metropolitan District.

Ms. McGeady reported that regarding the 50% revenue share, taxes imposed on that property by the Town would be the same as any other property in the Town. The contractual commitment made by the Town is if that ever happens then the Town would agree to share 50% of the taxes.

Trustee Hamilton, inquired what the need was to have the East Corridor Metropolitan District.

Ms. McGeady explained that the water depot project and the construction of the improvements to get water to the water depot project, to lease or acquire water that would go to the water depot project, and the ability of that water depot project to serve outside the Town boundaries in addition to inside the Town boundaries.

Trustee Hamilton, inquired about the water depot project serving inside and outside of Town.

Ms. McGeady reported that the water depot would serve farmers, oil & gas producers and other bulk water users. The water depot cannot serve municipal water unless approved by the Town.

Joe Racine, Town Administrator, reported that this process should not come as a surprise to Xcel. In good faith, the Town met with Xcel Executives in Denver and went through all of this early in the process.

Trustee Hamilton, inquired about the impact on the Town of Hudson from Metropolitan Districts.

Corey Hoffmann, Town Attorney, reported that the rest of the Town does not assume the burden imposed by a metropolitan district on the area within the metropolitan district. It may be more expensive to own property within the metropolitan district of the mill levy to pay off the debt associated with the construction of the infrastructure. That is part of what you buy into if you buy property within a metropolitan district.

Joe Racine, Town Administrator, reported that one of the reasons that metropolitan districts are attractive to developers is that financing is available through metropolitan districts and is preferable to the financing that might be available in the commercial market. Interest rates might be lower with tax-exempt bonds, which are attractive to those purchasing those bonds. Metropolitan Districts reduce the cost of public improvements because the finance costs are somewhat less. If you buy a lot in a subdivision that was financed commercially by a developer you are paying the same costs for the public improvements but through the initial purchase price of the property rather than spread over time through the metropolitan districts mill levies.

Mayor Patch closed the Public Hearing at 7:12 pm.

3) GENERAL BUSINESS

a. Resolution No. 15-06, Service Plan for LLA Metropolitan District No. 1

Trustee Cole made a motion, seconded by Trustee Hargis to approve Resolution No. 15-06, Service Plan for LLA Metropolitan District No. 1.

The vote was as follows:
Aye: Trustees Cole, Hargis, Hamilton, and Mayor Patch
Nay – Trustee Davis, and Trustee Sanders
Mayor Patch declared the motion carried.

b. Resolution 15-07, Service Plan for LLA Metropolitan District No. 2

Trustee Cole made a motion, seconded by Mayor Patch to approve Resolution 15-07, Service Plan for LLA Metropolitan District No. 2

The vote was as follows:
Aye: Trustees Cole, Hamilton, Hargis, and Mayor Patch
Nay – Trustee Davis and Trustee Sanders
Mayor Patch declared the motion carried.

c. Resolution 15-08, Service Plan for Eastern Corridor Metropolitan District

Trustee Cole made a motion, seconded by Trustee Hargis to approve Resolution 15-08, Service Plan for Eastern Corridor Metropolitan District.

The vote was as follows:
Aye: Trustees Cole, Hargis, Hamilton, and Mayor Patch
Nay – Trustee Davis and Trustee Sanders
Mayor Patch declared the motion carried.

d. Resolution 15-09, Intergovernmental Agreement with LLA Metropolitan District No. 1

Trustee Cole made a motion, seconded by Trustee Hargis to approve Resolution 15-09, Intergovernmental Agreement with LLA Metropolitan District No. 1.

The vote was as follows:
Aye: Trustees Cole, Hargis, Hamilton, and Mayor Patch
Nay – Trustee Davis and Trustee Sanders
Mayor Patch declared the motion carried.

e. Resolution 15-10, Intergovernmental Agreement with LLA Metropolitan District No. 2

Mayor Patch made a motion, seconded by Trustee Cole to approve Resolution 15-10, Intergovernmental Agreement with LLA Metropolitan District No. 2.

The vote was as follows:
Aye: Trustees Cole, Hamilton, Hargis, and Mayor Patch
Nay – Trustee Davis and Trustee Sanders
Mayor Patch declared the motion carried.

f. Approval of County Road 49 Access Control Plan as supplement to Hudson Comprehensive Plan

Joe Racine, Town Administrator, reported that the Planning Commission held a public hearing on December 10, 2014 and on January 14, 2015 passed resolution PC Res 15-01 approving the County Road 49 Access Control Plan with amendments as a supplement to the Town's Comprehensive Plan.

Barbara Kirkmeyer, Weld County Commissioner, was present and reported that Keenesburg, Kersey and Weld County have already adopted the County Road 49 Access Control Plan. The Town of Hudson amendments are not part of the original plan and could possibly be worked into an Intergovernmental Agreement later. Weld County will follow the guidelines presented in the plan as is and will not take into consideration the amendments from the Town of Hudson at this time.

Corey Hoffmann, Town Attorney, reported that by statute amendments to the Comprehensive Plan do not require ratification by the Board of Trustees. The Planning Commission has already approved the plan amendment.

Trustee Cole made a motion, seconded by Trustee Davis to remand the County Road 49 Access Control Plan back to the Hudson Planning Commissioners to consider the County's concerns.

The vote was as follows:
Aye: Trustees Cole, Davis, Sanders, Hamilton, Hargis, and Mayor Patch
Nay – None
Mayor Patch declared the motion carried.

4) STAFF REPORTS

Joe Racine, Town Administrator, inquired if any of the Board of Trustees would like to go to the CML Conference this year, if so hotel reservations should be made, Trustee Hargis and Trustee Hamilton would like to attend the conference.

Joe Racine, Town Administrator, reported that the 2015 adopted Budget accounts for the Sales Tax Capital Fund to be closed with the ½-cent capital sales tax being moved to the Capital Reserve Fund. We are unable to phase out the Sales Tax Capital Fund because of specific language in the Municipal Code.

Joe Racine, Town Administrator, reported that tomorrow he has a meeting scheduled with Mike Ketterling from KBN Engineering to look at the access right in right out access at Love's Travel Stop.

Corey Hoffmann, Town Attorney, reported that he distributed a memo about the possibilities for hunting regulations in the Town limits. Currently discharging firearms in the Town limits is not allowed, but it is possible to allow by regulating distances from roadways and residences. The consensus of the Board of Trustees was to review and discuss at the next Regular Board of Trustees meeting.

Corey Hoffmann, Town Attorney, reported that the "Tributary" newspaper appears to qualify as a legal publication newspaper. It has been a weekly publication since 2008.

Trustee Cole made a motion, seconded by Trustee Hargis to stay with the Greeley Tribune as the legal publication for the Town of Hudson.

The vote was as follows:
Aye: Trustees Cole, Hargis, Sanders, Hamilton, Davis, and Mayor Patch
Nay – None
Mayor Patch declared the motion carried.

Ron Allen, Public Works Director, reported that they will be hauling dirt from the Public Works Facility for the new public works building. The shorter distance that the dirt has to be hauled will save money. The Pepper Pod Campground and the Pepper Pod Restaurant both would take the dirt.

The Board of Trustees consensus was that they did not have any issues delivering the dirt to the Pepper Pod Campground or the Pepper Pod Restaurant.

Hunter Fobare, Utility Director, reported that they have been working on regulating the augmentation water at the deep well for a steady flow. The wastewater treatment plant is down to running one train, which should have some financial savings.

5) EXECUTIVE SESSION

a. To determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiator, pursuant to C.R.S. § 24-6-402(e) – negotiations for proposed annexation.

Trustee Hargis made a motion, seconded by Trustee Cole to enter into executive To determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(e). Motion carried unanimously.

Mayor Patch asked to let the record show that the motion passed. The board entered into Executive Session at 8:22 p.m.

Mayor Patch reconvened the regular meeting of the Hudson Town Board of Trustees at 8:41 pm.

ADJOURNMENT

The meeting adjourned at approximately 8:41p.m.

TOWN OF HUDSON, COLORADO

_____
Mayor

ATTEST

_____
Town Clerk

Report Criteria:
Report type: GL detail
Check.Type = {<>} "Adjustment"

Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Description	Invoice GL Account	Check Amount
01/27/2015	50333	803	Key Bank	012715	H.S.A. Employer Contribution	10-67-6110	4.00
01/27/2015	50333	803	Key Bank	012715	H.S.A. Employer Contribution	10-68-6110	136.00
01/27/2015	50333	803	Key Bank	012715	H.S.A. Employer Contribution	10-69-6110	20.00
01/27/2015	50333	803	Key Bank	012715	H.S.A. Employer Contribution	70-68-6110	30.00
01/27/2015	50333	803	Key Bank	012715	H.S.A. Employer Contribution	75-68-6110	10.00
Total 50333:							200.00
01/30/2015	50336	1079	4Rivers Equipment	1449482	Oil	10-68-6633	344.15
Total 50336:							344.15
01/30/2015	50337	2	Atmos Energy	011215-4001	Natural Gas Utilities - 258 5th Ave.	10-68-6412	111.54
01/30/2015	50337	2	Atmos Energy	011315-3014	Natural Gas Utilities - 509 Cherry Street	10-68-6412	494.70
01/30/2015	50337	2	Atmos Energy	020215-3014	Natural Gas Utility - 557 Ash Street	10-64-6413	114.71
01/30/2015	50337	2	Atmos Energy	020215-3014	Natural Gas Utility - 557 Ash Street	70-64-6412	114.71
Total 50337:							835.66
01/30/2015	50338	1210	B.E.K.T. Trucking Inc.	5502	Freight for Stone	10-69-6710	880.00
Total 50338:							880.00
01/30/2015	50339	1208	BBR	2524	Demo Removal of old PW Shop	21-71-7713	3,337.40
Total 50339:							3,337.40
01/30/2015	50340	1167	BlueLine Rental	1743947-000	Equipment for Demo of Old PW Facility	21-71-7713	2,651.50
Total 50340:							2,651.50
01/30/2015	50341	1104	Bomgaars	58041386	WWTP Dog Food	75-68-6710	44.97
Total 50341:							44.97
01/30/2015	50342	1206	Brad Rossi	010615	Water Deposit Refund - 17 Sunset Court	70-00-2030	17.51
Total 50342:							17.51
01/30/2015	50343	46	CarQuest Auto Parts Stores	2057-354545	Anti Gel	10-68-6633	27.48
01/30/2015	50343	46	CarQuest Auto Parts Stores	2057-354907	Oil and Misc Parts	10-68-6633	664.00
01/30/2015	50343	46	CarQuest Auto Parts Stores	2057-354908	Oil Clean Up	10-68-6633	18.98
01/30/2015	50343	46	CarQuest Auto Parts Stores	2057-356079	Oil	10-68-6633	46.52
Total 50343:							756.98
01/30/2015	50344	1202	CASI Asphalt & Concrete	0039505	Cold Patch - Pot Hole Patching	10-68-6710	305.00
Total 50344:							305.00

M = Manual Check, V = Void Check

Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Description	Invoice GL Account	Check Amount
01/30/2015	50345	313	CCCMA	01012015	Conference Registration	10-64-6210	225.00
Total 50345:							225.00
01/30/2015	50346	36	Colorado Analytical Laboratories I	150106067	WW Reg 85 Samples	75-68-6633	267.30
01/30/2015	50346	36	Colorado Analytical Laboratories I	150113035	Wastewater Samples	75-68-6633	111.60
01/30/2015	50346	36	Colorado Analytical Laboratories I	150120050	Wastewater Samples	75-68-6633	111.60
Total 50346:							490.50
01/30/2015	50347	1194	Envirotech Services Inc.	CD20150657	Ice Slicer	10-68-6710	2,593.29
01/30/2015	50347	1194	Envirotech Services Inc.	CD20150657	Ice Slicer	10-68-6710	2,580.84
Total 50347:							5,174.13
01/30/2015	50348	53	Farm & Home Lumber	196663	Overexcavation Prep of New PW Shop	22-71-7713	22,570.00
01/30/2015	50348	53	Farm & Home Lumber	196664	Upgrade Exposure and Steel Building	22-71-7713	59,143.33
Total 50348:							81,713.33
01/30/2015	50349	503	Flowmation Inc.	3465	Modem Repair at WWTP	75-68-7732	60.00
01/30/2015	50349	503	Flowmation Inc.	3465	Tank Probe	70-68-7820	975.00
Total 50349:							1,035.00
01/30/2015	50350	54	Fort Lupton City of	FIN2015018	Share of O&M for Joint Facility	70-68-6515	4,448.69
Total 50350:							4,448.69
01/30/2015	50351	1074	Frontier Truck Equipment	31018	Truck 3 - Emergency Lights	70-68-6652	885.00
Total 50351:							885.00
01/30/2015	50352	396	Gator Rubbish	280259	Trash Service - 258 5th Avenue	10-68-6633	48.00
01/30/2015	50352	396	Gator Rubbish	280302	Trash Service - 509 Cherry Street	10-68-6633	48.00
01/30/2015	50352	396	Gator Rubbish	281287	Trash Service - WW Treatment Plant	75-68-6633	48.00
01/30/2015	50352	396	Gator Rubbish	281463	Winterize Portable Toilet	10-69-6415	198.00
Total 50352:							342.00
01/30/2015	50353	19	Grainger	9638225780	Repair VFD Fan	70-68-6710	83.07
Total 50353:							83.07
01/30/2015	50354	1047	JE-CO Equipment	1W1001136	Skid Steer Repair	10-68-6633	668.14
01/30/2015	50354	1047	JE-CO Equipment	1W1001151	Freightliner Repairs	10-68-6633	255.39
01/30/2015	50354	1047	JE-CO Equipment	1W1001159	Mack Truck Repairs	10-68-6633	270.88
01/30/2015	50354	1047	JE-CO Equipment	1W1001162	Oil	10-68-6633	91.62
Total 50354:							1,286.03
01/30/2015	50355	276	Joe Racine	010115	Mileage	10-64-6213	76.47
01/30/2015	50355	276	Joe Racine	010115	Computer, Camera Phone	10-64-6633	50.00
01/30/2015	50355	276	Joe Racine	010115	Medicare Reimbursement	10-64-6110	45.00
01/30/2015	50355	276	Joe Racine	010115	Chamber Luncheon	10-64-6212	10.00

Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Description	Invoice GL Account	Check Amount
Total 50355:							181.47
01/30/2015	50356	840	Ketterling Butherus & Norton Engi	5318	Engineering - WCR 12 1/2	10-64-6640	1,083.65
01/30/2015	50356	840	Ketterling Butherus & Norton Engi	5318	Engineering - Library	10-64-6640	363.50
01/30/2015	50356	840	Ketterling Butherus & Norton Engi	5318	Engineering - Water	70-64-6640	52.00
01/30/2015	50356	840	Ketterling Butherus & Norton Engi	5318	Engineering - Wastewater	75-64-6640	78.00
01/30/2015	50356	840	Ketterling Butherus & Norton Engi	5319	Hickory Street Vacation	60-68-6640	2,257.50
Total 50356:							3,834.65
01/30/2015	50357	1203	Liberty Heating & Air Conditioning	WO-165	Repair Air Conditioner at PW Trailer	10-68-6633	599.33
Total 50357:							599.33
01/30/2015	50358	1204	Longmont Ford	6061043/1	2013 F-150 Tire Repair, Maintenance and Bumper Repair	10-68-6633	681.15
Total 50358:							681.15
01/30/2015	50359	6	Office Depot	1747925385	Office Supplies - PW	10-68-6720	91.01
01/30/2015	50359	6	Office Depot	1749471731	Tax Forms	10-64-6720	51.47
Total 50359:							142.48
01/30/2015	50360	509	Quill Corporation	9414350	WWTP Printer Ink	75-68-6710	73.96
Total 50360:							73.96
01/30/2015	50361	1146	Rebecca Utecht	012815	Mileage - Office Depot	10-64-6213	11.50
01/30/2015	50361	1146	Rebecca Utecht	012815	Postage	10-64-6722	10.36
Total 50361:							21.86
01/30/2015	50362	1205	RLH engineering inc.	14087-01	Asbestos Monitoring and Removal - Old PW Shop	10-68-6640	2,523.44
Total 50362:							2,523.44
01/30/2015	50363	1207	Sarah Strider	012115	Water Deposit Refund - 506 Cherry Street	70-00-2030	100.00
Total 50363:							100.00
01/30/2015	50364	1209	Sprague Stone	008	Landscape Rock	10-69-6710	1,150.00
Total 50364:							1,150.00
01/30/2015	50365	800	Treatment Technology	168888	Wastewater Chemicals	75-68-6710	904.00
01/30/2015	50365	800	Treatment Technology	168981	WW Chemicals	75-68-6710	1,520.57
Total 50365:							2,424.57
01/30/2015	50366	131	Tribune The	3917538	Ordinance Publishing - 15-01	10-61-6620	26.82
01/30/2015	50366	131	Tribune The	3917539	Hudson Bills - December	10-64-6620	158.40

Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Description	Invoice GL Account	Check Amount
Total 50366:							185.22
01/30/2015	50367	5	United Power	012315-1519	Hudson Street Lighting	10-68-6414	1,228.91
01/30/2015	50367	5	United Power	012315-1519	Ball Park Lights - 650 Cherry Street	10-69-6413	18.12
01/30/2015	50367	5	United Power	012315-1519	Ball Park Lights - 650 Cherry Street	10-69-6413	16.00
01/30/2015	50367	5	United Power	012315-1519	Well Lighting - 22900 Service Rd.	70-68-6413	183.69
01/30/2015	50367	5	United Power	012315-1519	Street Lighting - 509 Cherry Street	10-68-6413	75.37
01/30/2015	50367	5	United Power	012315-1519	Street Lighting - 1100 5th Avenue	70-68-6413	86.32
01/30/2015	50367	5	United Power	012315-1519	Lighting - Water Pump Station - 800 E WCR 16	70-68-6413	901.46
01/30/2015	50367	5	United Power	012315-1690	Electric - Lift Station	75-68-6413	2,442.40
01/30/2015	50367	5	United Power	012315-8669	Electric - RO Plant - 1175 6th Ave.	70-68-6413	2,046.29
01/30/2015	50367	5	United Power	012315-9314	Electric - Hudson Pump Station	70-68-6413	838.85
Total 50367:							7,837.41
01/30/2015	50368	27	United States Postal Service	013015	Utility Billing Postage	70-64-6722	69.19
01/30/2015	50368	27	United States Postal Service	013015	Utility Billing Postage	75-64-6722	69.19
Total 50368:							138.38
01/30/2015	50369	99	USA BlueBook	540935	Ops Supplies	75-68-6710	311.12
Total 50369:							311.12
01/30/2015	50370	536	Verizon Wireless	9738634430	Admin Cell Phone Service	10-64-6411	30.30
01/30/2015	50370	536	Verizon Wireless	9738634430	Police Cell Phone Service	10-66-6411	32.05
01/30/2015	50370	536	Verizon Wireless	9738634430	Ops Cell Phone Service	10-68-6411	74.82
01/30/2015	50370	536	Verizon Wireless	9738634430	Water Cell Phone Service	70-64-6411	80.25
01/30/2015	50370	536	Verizon Wireless	9738634430	Water Ops Cell Phone Service	70-68-6411	34.86
01/30/2015	50370	536	Verizon Wireless	9738634430	Wastewater Cell Phone Service	75-68-6411	36.60
Total 50370:							288.88
01/30/2015	50371	293	Virulent Solutions Inc.	H150120	Computer, Server Updates and Maintenance	10-64-6633	815.00
01/30/2015	50371	293	Virulent Solutions Inc.	H150121201	Fix Computer	10-64-6633	190.00
Total 50371:							1,005.00
01/30/2015	50372	120	Weld County Treasurer	W6720486	Water Assesment	70-64-6633	18.90
01/30/2015	50372	120	Weld County Treasurer	W6720686	Water Assesment	70-64-6633	162.72
01/30/2015	50372	120	Weld County Treasurer	W6721086	Water Assesment	70-64-6633	162.00
Total 50372:							343.62
01/30/2015	50373	1122	Zamar Screen Printing Inc.	14831	Shirts	10-68-6710	482.30
01/30/2015	50373	1122	Zamar Screen Printing Inc.	14951	Shirt / Embroidery	10-68-6710	816.42
Total 50373:							1,298.72
Grand Totals:							128,197.18

MEMORANDUM

2.a.

To: Board of Trustees

From: Joe Racine, Town Administrator

Date: February 4, 2015

Subject: Discussion, Impact Fee Adjustments

Attachments

In 2008 the Board approved Ordinance No. 08-13, setting impact fees to be charged to new development to help cover the cost of new facilities, street improvements, and parks that would be needed to serve the development. Each year that fee schedule is adjusted according to the construction cost index published in the *Engineering News Record.* A copy of the current fee schedule is attached.

Since the ordinance was adopted, we have not had a significant amount of new development to which the fees would be assessed. But that might be changing with the amount of oil and gas activity we've seen recently.

New development generates revenue to the Town over a wide range. The question arises as to whether impact fees should be assessed equally to all new development, regardless of the relative amount of tax revenue produced by the development over time.

The original impact fee ordinance was developed on the basis of a report prepared by Tom Pippin, an economics consultant. Tom's report and the resulting ordinance conformed to Colorado's impact fee statutes. At my request, Tom has prepared the attached report that provides a systematic way to reduce impact fees for new development that is anticipated to produce an above-average amount of property tax and sales tax. This is intended to be fair and to eliminate fees that might be a disincentive for new investment.

Also attached is a spreadsheet template that is based on Tom's report that could be used by staff in calculating any warranted reduction in impact fees for new development.

Tom will be on hand at the meeting to participate in this discussion with the Board. With the Board's direction, we will implement a fee adjustment system.

IMPACT FEES

	2014 ENR change	Fees on 1/1/15
	0.00%	
Residential/Unit		
Parks		$ 87.43
Facilities		$ 368.61
Streets		$ 3,021.87
Commercial/Sq. Ft.		
Parks		$ -
Facilities		$ 0.18
Streets		$ 4.16
Industrial/Sq. Ft.		
Parks		$ -
Facilities		$ 0.18
Streets		$ 1.09

Thomas A. Pippin

Memo

To: Joe Racine, Town of Hudson

From: Tom Pippin

Date: July 15, 2014

Re: Impact Fee Revised Draft Report

This revised draft report contains the results of my investigations into Hudson's impact fee system. It will be edited and finalized based on feedback from the Town.

This report draws on various data and exhibits from the Town's original September 2008 impact fee study. Where appropriate, footnotes refer the reader back to the relevant portions of that study.

The remainder of this report is divided into the following sections:

- Summary of Findings
- Current Impact Fee Schedule
- Economic Development Fee Reductions
- Implementation

Each section follows in turn below.

Summary of Findings

The Town of Hudson should consider formula-based reductions for any new development expected to generate above average sales tax and/or property tax for the Town (Exhibits 2 through 4 below document the potential reductions).

While Hudson is not required to adjust its impact fees in this manner, such reductions could help the Town attract more and more varied new development.

Current Impact Fee Schedule

The Town first adopted impact fees effective January 1st, 2009 via Town Ordinance 08-13, and has periodically updated them for inflation using the Engineering News Record Cost Index as recommended in the original impact fee study.

The Town of Hudson currently charges impact fees on new development for three categories of infrastructure: parks, public facilities and streets. The fees are assessed to residential development on a per unit basis, and to commercial and industrial development on a per square foot basis.

Exhibit 1 below summarizes the Town's current fee schedule.

Exhibit 1. Town of Hudson
Current Impact Fee Schedule

		Amounts
Parks Fees		
Residential/Unit	$	87.43
Commerical/Square Foot		NA
Industrial/Square Foot		NA
Public Facilities Fees		
Residential/Unit	$	368.61
Commerical/Square Foot	$	0.18
Industrial/Square Foot	$	0.18
Streets Fees		
Residential/Unit	$	3,021.87
Commerical/Square Foot	$	4.16
Industrial/Square Foot	$	1.09
Total Fees		
Residential/Unit	**$**	**3,477.91**
Commerical/Square Foot	**$**	**4.34**
Industrial/Square Foot	**$**	**1.27**

Economic Development Fee Reduction

As it typical for Colorado municipalities, the Town of Hudson depends heavily on sales tax and property tax for its revenue. When new development occurs in Hudson, the Town's sales and property tax collections increase accordingly. If these new developments generate above average amounts of sales and/or property tax for the Town, it gives Hudson the flexibility to consider reducing its impact fees for economic development purposes.

Retail Sales Tax Adjustment. Hudson generates Capital Facilities sales tax revenue by applying its combined 2.5 percent Capital Facilities sales tax rate[1] to retail sales occurring within the Town's boundaries. The 2014 budget includes $255,000 in Capital Facilities sales tax revenue. This assumes $10.2 million in retail sales taxed at the Town's Capital Facilities sale tax rate.

The original 2008 Impact Fee Study estimated that 272,250 commercial square foot existed in Hudson.[2] This square footage encompasses both retail and office development. If roughly 1/3 of this amount is assumed to be retail, then Hudson now has approximately 100,000 square feet of sale tax-producing space.

Based on the above data, it is possible to estimate the average sales per square foot of retail establishments in Hudson. The first step is to divide Hudson's $10.2 million in 2014 budgeted retail sales by the 100,000 estimated square feet of retail space. This calculation results in an average of $102 in retail sales per square foot.

If a new retail project is expected to yield more than $102 in sales per square foot, Hudson would then have several options: 1) save the above average revenue for a future "rainy day," 2) increase municipal service levels, and/or 3) use the above average revenue for economic development purposes such as reducing or waiving impact fees.

Exhibit 2 below demonstrates how a potential impact fee reduction system could be structured for new retail development that yields above average amounts of sales tax. The last column on the exhibit demonstrates how much "incremental sales tax" would be available for use in reducing the Town's impact fees.

Exhibit 2. Town of Hudson
Impact Fee Sales Tax Adjustments

New Development Sales/SF	Baseline Sales/SF	Incremental Sales/SF	Capital Facilities Sales Tax Rate	Incremental Sales Tax/Year	3-Year PV Sales Tax
$110	$102	$8	0.025	$0.20	$0.54
$115	$102	$13	0.025	$0.33	$0.89
$120	$102	$18	0.025	$0.45	$1.23
$125	$102	$23	0.025	$0.58	$1.57
$130	$102	$28	0.025	$0.70	$1.91
$135	$102	$33	0.025	$0.83	$2.25
$140	$102	$38	0.025	$0.95	$2.59
$145	$102	$43	0.025	$1.08	$2.93
$150	$102	$48	0.025	$1.20	$3.27
$155	$102	$53	0.025	$1.33	$3.61

[1] This sales tax rate consists of 2 cents for Paving Sales Tax Fund 12 and 0.5 cents for Capital Reserve Fund 60

[2] See Exhibit 1, *Town of Hudson Impact Fee Study*, September 26th, 2008.

For example, a new retail project yielding $155 in sales/square foot (i.e. approximately 50 percent more than the current average) would generate $3.61/square foot in "credit" which could be used to off-set a large portion of Hudson's current Commercial impact fee of $4.34/square foot.

The impact fee reductions in Exhibit 2 give new development credit for the Present Value (PV) of three years worth of above average sales tax.[3] This time horizon seems appropriate for two reasons. First, it is difficult to project the future performance of retail businesses for a much longer of a time period. Second, there are three years remaining in Hudson's planning horizon for the 2008-2017 Capital Improvement Plans (CIPs) on which its impact fees are based.

Residential Property Tax Adjustment. The Town generates Capital Facilities property tax revenue by applying its 15.966 Capital Facilities mill levy to the assessed value of each property.[4] Hudson's current residential assessed value is $3.54 million which equates to $44.42 million in market value (i.e., $3.54/.0796 residential assessment ratio).[5]

The next step is to divide this amount by the approximately 570 residential units reported in the original 2008 impact fee study (this number has been rounded up from 561 to account for the limited amount of new development over the last 5 years).

This calculation results in an estimated market value of $77,900 per residential unit. If a new residential project is expected to be worth more than $77,900 per unit, the Town would then have several options: 1) save the above average revenue for a future "rainy day," 2) increase municipal service levels, and/or 3) use the above average revenue for economic development purposes such as reducing impact fees.

Exhibit 3 below demonstrates how a potential impact fee reduction system could be structured for new residential development with above average property values. The last column on the exhibit demonstrates how much "incremental property tax" would be available for use in reducing the Town's impact fees.

---

[3] The discount rate for the Present Value calculations is assumed to be 5% which is common assumption to reflect the Town's risk, uncertainty of these projections and cost of borrowing.

[4] Under Colorado State Law, residential property is assessed at 7.96 percent of its market value and commercial and industrial property is assessed at 29 percent of its market value. For example, a $100,000 house would yield $127 in annual property tax for Hudson (i.e., $100,000 * 7.96 residential assessment ration * 15.966 mill levy) while a similarly-valued business would yield $463 in annual property tax (i.e., $100,000 * 29 percent commercial assessment ration * 15.966 mill levy).

[5] Colorado Department of Revenue, 2012 Cities & Towns Assessed Value by County.

Exhibit 3. Town of Hudson
Impact Fee Residential Property Tax Adjustments

New Development Value/Unit	Baseline Value/Unit	Incremental Value/Unit	Capital Facilities Property Tax Rate	Incremental Property Tax/Year	3-Year PV Property Tax
$80,000	$77,900	$2,100	0.015966	$33.53	$91
$85,000	$77,900	$7,100	0.015966	$113.36	$309
$90,000	$77,900	$12,100	0.015966	$193.19	$526
$95,000	$77,900	$17,100	0.015966	$273.02	$743
$100,000	$77,900	$22,100	0.015966	$352.85	$961
$105,000	$77,900	$27,100	0.015966	$432.68	$1,178
$110,000	$77,900	$32,100	0.015966	$512.51	$1,396
$115,000	$77,900	$37,100	0.015966	$592.34	$1,613
$120,000	$77,900	$42,100	0.015966	$672.17	$1,830
$125,000	$77,900	$47,100	0.015966	$752.00	$2,048
$130,000	$77,900	$52,100	0.015966	$831.83	$2,265
$135,000	$77,900	$57,100	0.015966	$911.66	$2,483
$140,000	$77,900	$62,100	0.015966	$991.49	$2,700
$145,000	$77,900	$67,100	0.015966	$1,071.32	$2,917
$150,000	$77,900	$72,100	0.015966	$1,151.15	$3,135
$155,000	$77,900	$77,100	0.015966	$1,230.98	$3,352

For example, a new residential project with homes valued at $155,000 (i.e. roughly twice the current average) would generate $3,352 in "credit" which would be almost enough to off-set Hudson's entire current Residential impact fee of $3,477/unit.

Similar to prior Exhibit 2, the impact fee reductions in Exhibit 3 give new development credit for the Present Value of three years worth of above average residential property tax.

Commercial and Industrial Property Tax Adjustment. Finally, Hudson's commercial and industrial assessed value is $26.22 million which equates to $90.4 million in market value (i.e., $26.22 million/.29 commercial assessment ratio).[6]

As above, the first step is to divide this amount by the approximately 1.3 million square feet of commercial and industrial space reported in the original 2008 impact fee study (this number has been rounded up from 1.26 million to account for the limited amount of new development over the last 5 years).

This calculation results in an estimated market value of $70 per commercial and industrial square foot. If a new commercial or industrial project is expected to be worth more than $70 per square foot, the Town budget will have above average revenue.

[6] Colorado Department of Revenue, 2012 Cities & Towns Assessed Value by County.

As with both the sales tax and residential property tax scenarios described above, Hudson would then have several options: 1) save the above average amount for a future "rainy day," 2) increase municipal service levels, and/or 3) use the above average amount for economic development purposes such as reducing impact fees.

Exhibit 4 below demonstrates how a potential impact fee reduction system could be structured for new commercial or industrial development with above average property values. The last column on the exhibit demonstrates how much "incremental property tax" would be available for use in reducing the Town's impact fees.

Exhibit 4. Town of Hudson
Impact Fee Commercial Property Tax Adjustments

New Development Value/SF	Baseline Value/SF	Incremental Value/SF	Capital Facilities Property Tax Rate	Incremental Property Tax/Year	3-Year PV Property Tax
$75	$70	$5	0.015966	$0.08	$0.22
$80	$70	$10	0.015966	$0.16	$0.43
$85	$70	$15	0.015966	$0.24	$0.65
$90	$70	$20	0.015966	$0.32	$0.87
$95	$70	$25	0.015966	$0.40	$1.09
$100	$70	$30	0.015966	$0.48	$1.30
$105	$70	$35	0.015966	$0.56	$1.52
$110	$70	$40	0.015966	$0.64	$1.74
$115	$70	$45	0.015966	$0.72	$1.96
$120	$70	$50	0.015966	$0.80	$2.17
$125	$70	$55	0.015966	$0.88	$2.39
$130	$70	$60	0.015966	$0.96	$2.61
$135	$70	$65	0.015966	$1.04	$2.83
$140	$70	$70	0.015966	$1.12	$3.04

For example, a new commercial or industrial project with construction valued at $140 per square foot (i.e. twice the current average) would generate $3.04 per square foot in potential impact fee reductions.

As in prior Exhibits 2 and 3, the impact fee reductions in Exhibit 4 give new development credit for the Present Value of three years worth of above average commercial or industrial property tax.

Implementation

If Hudson decides to consider an impact fee reduction program, several implementation questions merit further discussion:

- Does the Town want to amend its Impact Fee Ordinance 08-13 to allow for both potential types of fee reduction -- sales tax-based and property tax-based -- or only certain types of reductions?

- If the Town adopts a fee reduction program, will new retail development be allowed to claim "credits" for both sales tax and property tax, or whichever method yields the larger reduction?

- If the Town adopts a fee reduction program, will the reductions be granted at the time of building permit based on estimated future sales tax and/or assessed valuation, or paid to the developer retroactively after actual data is received?

- Does the Town want to limit the impact fee reduction program to "$0 fees owed" or, in the case of extraordinarily valuable new development, allow actual net reimbursements to the project?

TOWN OF HUDSON
IMPACT FEE CALCULATOR
Updated: 12-16-14

(office use only)	Unit Impact Fee	Base Impact Fees	Credit	Total Impact Fees Due
RESIDENTIAL / UNIT				
Parks*	$ 87.43	$ -	$ -	$ -
Facilities*	$ 368.61	$ -	$ -	$ -
Streets*	$ 3,021.87	$ -	$ -	$ -
TOTAL IMPACT FEES DUE				$ -
COMMERCIAL / SQ. FT.				
Facilities*	$ 0.18	$ -	$ -	$ -
Streets*	$ 4.16	$ -	$ -	$ -
TOTAL IMPACT FEES DUE				$ -
INDUSTRIAL / SQ. FT.				
Facilities*	$ 0.18	$ -	$ -	$ -
Streets*	$ 1.09	$ -	$ -	$ -
TOTAL IMPACT FEES DUE				$ -

Average Residential Value / Unit*	$ 77,900.00
Average Comm'l-Industrial Value / Sq. Ft.*	$ 70.00
Average Commercial Taxable Sales / Sq. Ft.*	$ 102.00

* Update Annually

PROPOSED DEVELOPMENT

(ENTER developer data)

RESIDENTIAL	
Residential # of Units	
Average Market Value / Unit	
COMMERC IAL	
Square Feet	
Expected Average Annual Taxable Sales / Sq. Ft.	
Expected Market Value / Sq. Ft.	
INDUSTRIAL	
Square Feet	
Average Market Value / Sq. Ft.	

MEMORANDUM

2.b.

To: Board of Trustees

From: Joe Racine, Town Administrator

Date: February 4, 2015

Subject: Discussion, discharge of firearms in town

Attachment

Annexation of the Lloyd Land property has raised the issue of the current blanket prohibition on discharge of firearms in town. There has historically been hunting and trap shooting on the property. In view of its relatively remote location, this type of activity might not present any hazard to the community.

Attached is an excerpt from the code and a memo from the Town Attorney (distributed also at the last meeting). This meeting will be an opportunity to discuss the issue and to gain direction from the Board as to how to proceed with preparation of a code amendment.

Sec. 10-55. Discharge of firearms.

It is unlawful for any person, except a law enforcement officer in performance of his or her duties, to fire or discharge within the town any firearm, revolver or pistol of any description, shotgun or rifle which may be used for the explosion of cartridges or shells, or any air gun, gas-operated gun, spring gun or bows and arrows. This section shall not apply to persons discharging such weapons in lawful defense of person or property. (Ord. 90-2 §1, 1990)

HP² WC Hayes Phillips Hoffmann Parker Wilson & Carberry | P.C.

Corey Y. Hoffmann
Kendra L. Carberry
Jefferson H. Parker
M. Patrick Wilson

Of Counsel
Herbert C. Phillips
J. Matthew Mire

Denver Office
1530 16th Street, Suite 200
Denver, CO 80202-1468
(303) 825-6444

Fairplay Office
675 Main Street, P.O. Box 1046
Fairplay, CO 80440
(719) 836-9005

Ryan S. Malarky
Kelly L. Donlon
Elizabeth R. Cross
Charissa A. Johnston
T. Damien Zumbrennen
Kathryn M. Sellars

John E. Hayes (Retired)

TOWN OF HUDSON MEMORANDUM

TO: MAYOR AND BOARD OF TRUSTEES
JOE RACINE, TOWN ADMINISTRATOR

FROM: COREY Y. HOFFMANN, TOWN ATTORNEY
KELLY L. DONLON, ESQ.

DATE: JANUARY 20, 2015

RE: REGULATION OF THE DISCHARGE OF FIREARMS WITHIN TOWN LIMITS FOR HUNTING PURPOSES

This memorandum addresses the question of whether the Town of Hudson as a statutory town has the ability to amend its Municipal Code (the "Code") to allow for the discharge of firearms for hunting purposes within newly annexed rural areas in Town. In short, the Town is able to make such an amendment to its Code and we have provided examples of other municipalities' exceptions to their firearm discharge ordinances below.

For your reference, Code Section 10-55 currently controls the discharge of firearms within Town limits and reads as follows:

> It is unlawful for any person, except a law enforcement officer in performance of his or her duties, to fire or discharge within the town any firearm, revolver or pistol of any description, shotgun or rifle which may be used for the explosion of cartridges or shells, or any air gun, gas-operated gun, spring gun or bows and arrows. This section shall not apply to persons discharging such weapons in lawful defense of person or property.

State Law Concerning Firearms and Hunting

Despite a statewide regulatory scheme regarding firearms, the statutes do not directly address the regulation of the discharge of firearms. More specifically, there is no state law that would preclude the Town from allowing hunting within Town limits. However, the statutes and regulations discussed below do require limitations the Town must consider when making any amendments to the Code.

C.R.S. § 18-9-106 defines disorderly conduct, and in relevant part states a person commits disorderly conduct if he or she intentionally, knowingly, or recklessly "not being a peace officer, discharges a firearm in a public place except when engaged in lawful target practice or hunting..." (emphasis added). As such, no one can be charged with disorderly conduct, as long as the hunting that takes place within Town limits is lawful.

C.R.S. § 33-6-122 makes it unlawful for any person to hunt or take wildlife in a careless manner or to discharge a firearm in a careless manner, which endangers human life or property. "Careless" means "failing to exercise the degree of reasonable care that would be exercised by a person of ordinary prudence under all existing circumstances in consideration of the probable danger or injury or damage." *Id.*

There are additional sections within Article 6 of Title 33 that place restrictions on using a firearm when hunting. It is unlawful to hunt under the influence of alcohol or drugs (C.R.S. § 33-6-123); to hunt from or with a motor vehicle (C.R.S. § 33-6-124); to shoot a firearm from, upon or across a public road (C.R.S. § 33-6-125); to utilize any artificial light as an aid in hunting (C.R.S. § 33-6-127); or to hunt any wildlife from a snowmobile (C.R.S. § 33-14-117).

Additionally, the Code of Colorado Regulations places the following restrictions on using a firearm for hunting purposes. It is unlawful to discharge a firearm or bow within designated parking, camping or picnic areas. 2 CCR 406-9. It is also unlawful to possess the following types of ammunition and/or firearms: tracer rounds, armor-piercing rounds, military hardened rounds with explosive substances, .50 caliber BMG rounds, or fully automatic firearms. *Id.*

Finally, the Code of Colorado Regulations places specific restrictions on waterfowl hunting. Such hunting is prohibited within 50 yards on each side of the center line of any public road, and within 150 yards of any dwelling, including the air space directly above the closure, without first obtaining the permission from the owners, occupant or person in charge of the dwelling. 2 CCR 406-5. The following are the legal methods for hunting waterfowl: shotgun; hand-held bow; blinds; hawking or falconry; and decoys, dogs and calls. *Id.* It is illegal to use a shotgun larger than 10 gauge, that fires more than a single slug, and that holds more than 3 shells in the magazine and chamber combined. *Id.*

Other Municipal Firearm Discharge Ordinances

A brief survey of Colorado local government municipal codes has revealed other ordinances that allow for numerous exceptions to the prohibition on discharging a firearm within municipal limits. Similar wording to these ordinances can be used if the Town wants to create a hunting exception in its Code.

For example, the Town of Mead's ordinance contains a hunting exception and states:

> It is unlawful to discharge a projectile from a firearm or gas-operated or mechanically operated gun, except:
>
> (1) At a target range designated by the Town for the specific type of weapon involved; or
>
> (2) During the act of hunting on lands designated by the Town as being in agricultural production and subject to an annual permit issued by the Town to the property owner. Application for an annual migratory waterfowl and game bird hunting permit shall be made to the Town Clerk, together with the payment of the twenty-dollar permit fee. The designation of lands as being in agricultural production and the issuance of the permit shall be reviewed and approved on a case-by-case basis by the Board of Trustees. Permits issued shall be for the benefit of the property owner or his or her invitees and shall be only for the taking of migratory waterfowl and game birds in accordance with all state and federal regulations.

See Mead Municipal Code Section 10-10-20 (emphasis added).

The Town of Winsor gives the Town Board authority, by resolution, to allow the discharge of firearms within town limits for hunting or target shooting:

> (a) Except as specifically provided herein, it shall be unlawful for any persons to discharge any firearms, BB guns, pellet guns, bow and arrow or crossbows in the Town. This prohibition shall not apply to peace officers engaged in the lawful execution of their duty or to peace officers engaged in firearms training. Additionally, this prohibition shall not apply to any persons lawfully defending their person or property in accordance with the laws of the State.
>
> (b) The Town Board may, by resolution containing such conditions as may be appropriate, designate certain areas of the Town wherein firearms, BB guns, pellet guns, bow and arrow or crossbows may be discharged for the purpose

> of hunting or target shooting. Any such resolution so adopted shall be subject to all statutes and regulations of the State pertaining to the discharge of firearms, BB guns, pellet guns, bow and arrow or crossbows.

See Windsor Municipal Code Section 10-4-90 (emphasis added).

Likewise, the Town of Milliken gives the Chief of Police authority to give permission to discharge a firearm:

> (a) It is unlawful for any person, except a law enforcement officer in the performance of his or her duties, to fire or discharge within the Town a revolver or pistol of any description, shotgun or rifle which may be used for the explosion of cartridges or shells, or any air gun, gas-operated gun, spring gun, sling shot or bow and arrow.
>
> (b) Permission to discharge a firearm or weapon for public health or safety purposes may be granted in writing by the Chief of Police. Such permission shall be granted annually at the request of the petitioner and shall limit the time and place of such firing and specifically set forth the purpose and limitations for which such permission to discharge a firearm or weapon has been granted. When the firing of a firearm or weapon is within the authorized limits, it shall not be deemed a violation hereof. Permission may be revoked at any time in the discretion of the Chief of Police.

See Millikin Municipal Code Section 10-9-90.

The Town of Firestone's discharge weapon ordinance gives numerous exceptions, and reads:

> A. It is unlawful for any person to fire or discharge within the Town any firearm, airgun, BB gun, bow and arrow or any toy gun projecting lead or missiles.
>
> B. Subsection A of this Section shall not apply to:
>
> 1. A private shooting range or gallery specifically designated for such purpose by the Town pursuant to an annexation agreement and Outline Development Plan.
>
> 2. Private hunting on a single parcel exceeding one hundred forty acres if such use is specifically designated for such purpose by the Town pursuant to an annexation agreement and Outline Development Plan.

3. Any officer of the law discharging a firearm in the performance of his duty.

4. Any person from discharging a firearm or other weapon when lawfully defending persons or property.

5. Such activities within St. Vrain State Park as part of a shooting event or activity sanctioned by the state agency having jurisdiction over state parks and in accordance with state statutes and regulations concerning the possession, carrying or discharge of firearms and other weapons in state parks, provided that the Town shall be given advance notice of such event or activity.

C. Subsection A of this Section and Section 9.16.130 of this Code shall not apply to any person discharging from a shotgun of 12 gauge or smaller a shell containing a timed pyrotechnic report projectile, commonly referred to as a "bird bomb" or "shell cracker," without lead or shot, solely when discharged for the purpose of scaring waterfowl, on private property of not less than one hundred acres under single ownership and only pursuant to and in full compliance with a written permit issued upon approval of the Board of Trustees, which permit shall be for a term prescribed by the Board.

See Firestone Municipal Code Section 9.24.020 (emphasis added).

Lastly, the City of Dacono also has numerous exceptions to its firearm discharge ordinance:

(a) It is unlawful for any person to fire or discharge within the City any firearm. For purposes of this Section, *firearm* includes any device designed and intended to expel a projectile by action of gunpowder, any other explosive, compressed air, compressed gas or mechanical device. By way of example and not limitation, items that are to be considered firearms under this Section include guns, pistols, rifles, shotguns, BB guns, pellet guns, air rifles, bows and arrows, paintball guns and paintball rifles.

(b) Exceptions. This Section shall not apply to:

(1) The discharge of a firearm by a law enforcement officer or military personnel acting within the line of duty, including but not limited to active operations, training exercises and ceremonies.

(2) The discharge of a firearm in lawful defense of person or property.

> (3) The discharge of paintball guns or paintball rifles within a paintball establishment located within the I-1 district for which City Council has approved a paintball field pursuant to Article 7 of Chapter 16 of this Code.
>
> (4) The discharge of a firearm in shooting galleries or at indoor shooting ranges located within the I-1 district for which City Council has approved such gallery or range pursuant to Article 7 of Chapter 16 of this Code, where such firearm may be discharged so as not to endanger persons or property and the projectile from such firearm is prevented from traversing any grounds or space outside such gallery or range, and where such gallery or range operates pursuant to rules and regulations regarding safety and patron conduct at the range that have been submitted to and approved by the Chief of Police. It shall be unlawful for any owner or operator of a shooting gallery or range to allow or permit the discharge of any firearm at such gallery or range without having first received approval from the Chief of Police of such rules and regulations, or in violation of such rules and regulations.

See Dacono Municipal Code Section 10-84.

Conclusion

To conclude, it is permissible for the Town to amend Code Section 10-55 to allow for a hunting exception, and/or any of the other exceptions seen above. Please let us know if you would like us to prepare a draft ordinance on this subject.

As always, if you have any questions, please do not hesitate to contact us.

MEMORANDUM

2.c.

To: Board of Trustees

From: Joe Racine, Town Administrator

Date: February 4, 2015

Subject: Resolution No. 15-11, Authorization to sign annexation petition

Attachment

Attached is Resolution No. 15-11, authorizing the mayor to sign an annexation petition for a segment of County Road 12.5 that is part of the frontage road realignment. There are three distinct portions of the annexation that are included:

1. The segment from the intersection of CR12.5 with Highway 52 to the old Hickory Street at the northeast corner of the wastewater lift station property. This is a 100' wide right-of-way.
2. A 20' wide segment from the old Hickory Street to the platted Cedar Street. This annexes the remaining 20' of this segment. Only 80' was part of the original Town incorporation.
3. The 100' wide segment from Cedar Street to the CDOT frontage road.

Our agreement with Weld County for joint funding of the frontage road project included an agreement to annex the third segment above. The County has deeded the entire area within the proposed annexation to the Town. The annexation is, therefore, entirely of town-owned land.

The first step in the process of annexation would be for the Mayor to sign an annexation petition. Action by the Board would authorize that petition. If the process stays on track, the final reading of the annexation ordinance would be on April 1st.

The annexation is proposed to be considered concurrently with the associated vacation of no longer needed segments of road right of way that are no longer needed as a result of the road realignment.

WELD COUNTY ROAD 12.5 ANNEXATION

To The Town Of Hudson

Situate In A Portion Of Section 3 And The West Half Of Section 2,
Township 1 North, Range 65 West Of The 6th P.M., County Of Weld, State Of Colorado

PROPERTY DESCRIPTION

A parcel of land being a portion of Section Three (3) and the West Half of Section Two (2), Township One North (1.1N.), Range Sixty-five West (R.65W.) Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado

BEGINNING at the Center Quarter Corner of said Section 3 and assuming the North line of the Southwest Quarter of said Section 3 as bearing South 89°44'39" West being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2007 a distance of 2684.11 feet with all other bearings contained herein relative thereto.

THENCE South 00°09'02" West along the East line of the Southwest Quarter of said Section 3 a distance of 50.00 feet to the North line of that parcel of land annexed to the Town of Hudson in an Annexation Map recorded September 11, 2002 as Reception No 2986545 of the Records of Weld County,

THENCE South 89°44'39" West along said North line a distance of 1319.13 feet to the beginning point of a curve, non-tangent to this course on the Southerly prolongation of the Northeasterly line of that parcel of land described in that deed recorded April 1, 1968 ;

THENCE along said Northeasterly line and along the arc of a curve concave to the Southwest a distance of 388.56 feet, said curve has a Radius of 1985.00 feet, a Delta of 11°32'01" and is subtended by a Chord bearing North 75°44'16" West a distance of 98.81 feet to a line parallel with and 50.00 feet Northerly of, as measured at a right angle to the South line of the Northwest Quarter of said Section 3,

THENCE North 89°44'39" East along said parallel line a distance of 1705.57 feet to a line parallel with and 50.00 feet Northerly of, as measured at a right angle to the South line of the Northeast Quarter of said Section 3;

THENCE North 89°43'57" East along said parallel line a distance of 2633.67 feet to the West line of the Northwest Quarter of said Section 2;

THENCE South 00°08'23" East along the West line of the Northwest Quarter of said Section 2 a distance of 10.00 feet to a line parallel with and 40.00 feet Northerly of, as measured at a right angle to the South line of the Northwest Quarter of said Section 2;

THENCE North 89°09'55" East along said parallel line a distance of 742.09 feet to the Westerly line of Parcel 3 of the North I-76 Annexation to the Town of Hudson recorded January 24, 1996 as Reception No. 2473142 of the Records of Weld County;

The next Three (3) courses are along the Westerly lines of said North I-76 Annexation:

THENCE South [illegible] West a distance of [illegible] feet;

THENCE South 89°08'58" West a distance of 83.30 feet;

THENCE South 00°21'27" East a distance of 49.98 feet to a line parallel with and 50.00 feet Southerly of, as measured at a right angle to the North line of the Southwest Quarter of said Section 2;

THENCE South 89°09'55" West along said parallel line a distance of 651.83 feet to a line parallel with and 50.00 feet Southerly of, as measured at a right angle to the North line of the Southeast Quarter of said Section 3;

THENCE South 89°43'57" West along said parallel line a distance of 936.06 feet to the Easterly line of the Hudson Village Square 2 Annexation recorded November 18, 2008 as Reception No 3590490 of the Records of Weld County;

THENCE North 00°09'17" East along said East line a distance of 80.00 feet to the Northerly line of said Hudson Village Square 2 Annexation;

THENCE South 89°43'57" West along said Northerly line a distance of 1698.31 feet to the West line of the Northeast Quarter of said Section 3;

THENCE South 00°20'15" East along the West line of the Northeast Quarter of said Section 3 a distance of 30.00 feet to the POINT OF BEGINNING.

TOTAL ANNEXED AREA for the Weld County Road 12.5 Annexation is 7.765 acres, more or less (±).

ACKNOWLEDGEMENT OF OWNERSHIP INTEREST

Know all men by these presents that the undersigned, being all the owners, mortgagees, and holders of any ownership interest as defined by the Town of Hudson, of the land described hereon, have caused such land to be annexed and master planned as indicated on this plat under the name of WELD COUNTY ROAD 12.5 ANNEXATION in compliance with Town of Hudson regulations and by contractual agreement, the landowners shall bear all expenses involved in improvements.

In witness whereof, we have hereunto set our hands and seals this the ________ day of ____________________, 20____

OWNER: Town of Hudson

By: ______________________________ As: ______________

NOTARIAL CERTIFICATE

STATE OF ____________)
) ss
COUNTY OF ____________)

The foregoing instrument was acknowledged before me by ____________ as ____________ of ____________ this ________ day of ____________, 20____

My commission expires ____________________

Witness my hand and official seal. (SEAL)

____
Notary Public

OWNER: Rocky Autos Inc

By: ______________________________ As: ______________

NOTARIAL CERTIFICATE

STATE OF ____________)
) ss
COUNTY OF ____________)

The foregoing instrument was acknowledged before me by ____________ as ____________ of ____________ this ________ day of ____________, 20____

My commission expires ____________________

Witness my hand and official seal. (SEAL)

____
Notary Public

CERTIFICATE OF APPROVAL BY THE BOARD OF TRUSTEES

This annexation map is approved and accepted by Ordinance No ____________ passed and adopted at the regular meeting of the Board of Trustees of the Town of Hudson, Colorado held on

____________________, 20____

______________________ Mayor Attest: ______________________ Town Clerk

SURVEYOR'S STATEMENT

I, Steven A. Lund, a Colorado Registered Professional Land Surveyor do hereby state that this map of land proposed to be Annexed to the Town of Hudson, County of Weld, State of Colorado was prepared under my direct supervision from existing documents of record, and that the same is true and correct to the best of my knowledge, information and belief.

I further state that not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous to the boundary line of the Town of Hudson, County of Weld, State of Colorado.

PRELIMINARY

____
Steven A. Lund On Behalf of King Surveyors
Colorado Registered Professional
Land Surveyor #34995

NOTICE

According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon. (13-80-105 C.R.S. 2012)

BASIS OF BEARINGS AND LINEAL UNIT DEFINITION

Assuming the North line of the Southwest Quarter of said Section 3 as bearing South 89°44'39" West being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2007, a distance of 2684.11 feet with all other bearings contained herein relative thereto.

The lineal dimensions as contained herein are based upon the "U.S. Survey Foot."

SCALE IN FEET
SCALE: 1"=100'

VICINITY MAP
(NOT TO SCALE)

LINE TABLE		
LINE	BEARING	LENGTH
L1	S00°09'02"W	50.00'
L2	S00°08'23"E	10.00'
L3	S00°28'03"W	40.66'
L4	S89°08'58"W	83.30'
L5	S00°21'27"E	49.98'
L6	N00°09'17"E	80.00'
L7	S00°20'15"E	30.00'

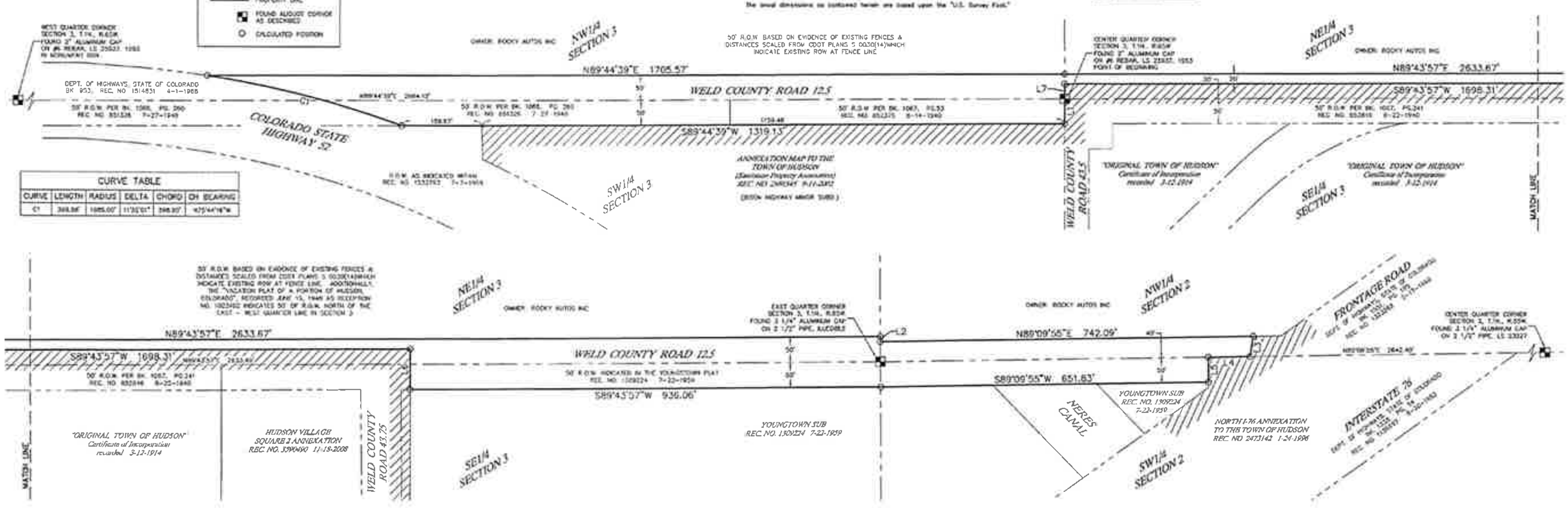
CONTIGUOUS BOUNDARY = 10430.18 L.F.
TOTAL BOUNDARY = 3331.38 L.F.
RATIO = 1 : 3.131
AREA = 7.765 ACRES

//////// DENOTES CONTIGUOUS BOUNDARY

LEGEND

- SECTION LINE
- RIGHT-OF-WAY
- PROPERTY LINE
- FOUND ALIQUOT CORNER AS DESCRIBED
- CALCULATED POSITION

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CH BEARING
C1	388.56'	1985.00'	11°32'01"	398.97'	N75°44'16"W



KING SURVEYORS
650 E. Garden Drive | Windsor, Colorado 80550
phone: (970) 686-5011 | email: info@KingSurveyors.com

DATE: 9/2/2014
FILE NAME: 2012072A-ANX
SCALE: 1"=100'
DRAWN BY: CSK
CHECKED BY: SAL

REVISIONS: | DATE:

WELD COUNTY ROAD 12.5 ANNEXATION
TO THE TOWN OF HUDSON
FOR
KBN ENGINEERS
820 8TH STREET, GREELEY, CO 80631

PROJECT # 2012072-A

1

SHEET 1 OF 1

RESOLUTION NO.

15-11

TITLE: AUTHORIZING THE MAYOR TO SIGN A PETITION FOR ANNEXATION OF A SEGMENT OF WELD COUNTY ROAD 12.5

WHEREAS, a segment of Weld County Road 12.5 right-of-way, described in Exhibit A, (the "Right-of-Way") is contiguous with the boundary of the Town of Hudson; and

WHEREAS, the Board of Trustees finds that annexation of the Right-of-Way is in the public interest.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Hudson, Colorado, that the Mayor is authorized to sign the petition for annexation of the Right-of-Way as shown in Exhibit B into the Town of Hudson.

INTRODUCED, READ AND ADOPTED THIS 4th day February, 2015

TOWN OF HUDSON, COLORADO

Raymond Patch, Mayor

SEAL

ATTEST

Linnette Barker, Town Clerk

Exhibit A to Resolution No. 15-11

Right-of-Way Boundary Description

A parcel of land being a portion of Section Three (3) and the West Half of Section Two (2), Township One North (T.1N.), Range Sixty-five West (R.65W.), Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado:

BEGINNING at the Center Quarter Corner of said Section 3 and assuming the North line of the Southwest Quarter of said Section 3 as bearing South 89°44'39" West a distance of 2664.11 feet with all other bearings contained herein relative thereto:

THENCE South 00°09'02" West along the East line of the Southwest Quarter of said Section 3 a distance of 50.00 feet to the North line of that parcel of land annexed to the Town of Hudson in an Annexation Map recorded September 11, 2002 as Reception No. 2986545 of the Records of Weld County;
THENCE South 89°44'39" West along said North line a distance of 1319.13 feet to the beginning point of a curve, non-tangent to this course on the Southerly prolongation of the Northeasterly line of that parcel of land described in that deed recorded April 1, 1968 ;
THENCE along said Northeasterly line and along the arc of a curve concave to the Southwest a distance of 399.58 feet, said curve has a Radius of 1985.00 feet, a Delta of 11°32'01" and is subtended by a Chord bearing North 75°44'16" West a distance of 98.91 feet to a line parallel with and 50.00 feet Northerly of, as measured at a right angle to the South line of the Northwest Quarter of said Section 3;
THENCE North 89°44'39" East along said parallel line a distance of 1705.57 feet to a line parallel with and 50.00 feet Northerly of, as measured at a right angle to the South line of the Northeast Quarter of said Section 3;
THENCE North 89°43'57" East along said parallel line a distance of 2633.67 feet to the West line of the Northwest Quarter of said Section 2;
THENCE South 00°08'33" East along the west line of the Northwest Quarter of said Section 2 a distance of 10.00 feet to a line parallel with and 40.00 feet Northerly of, as measured at a right angle to the South line of the Northwest Quarter of said Section 2;
THENCE North 89°09'55" East along said parallel line a distance of 742.09 feet to the Westerly line of Parcel 3 of the North I-76 Annexation to the Town of Hudson recorded January 24, 1996 as Reception No. 2473142 of the Records of Weld County;
The next Three (3) courses are along the Westerly lines of said North I-76 Annexation:
THENCE South 09°28'03" West a distance of 40.66 feet;
THENCE South 89°08'58" West a distance of 83.30 feet;
THENCE South 00°21'27" East a distance of 49.98 feet to a line parallel with and 50.00 feet Southerly of, as measured at a right angle to the North line of the Southwest Quarter of said Section 2;

THENCE South 89°09'55" West along said parallel line a distance of 651.83 feet to a line parallel with and 50.00 feet Southerly of, as measured at a right angle to the North line of the Southeast Quarter of said Section 3;
THENCE South 89°43'57" West along said parallel line a distance of 936.06 feet to the Easterly line of the Hudson Village Square 2 Annexation recorded November 18, 2008 as Reception No. 3590490 of the Records of Weld County;
THENCE North 00°09'17" East along said East line a distance of 80.00 feet to the Northerly line of said Hudson Village Square 2 Annexation;
THENCE South 89°43'57" West along said Northerly line a distance of 1698.31 feet to the West line of the Northeast Quarter of said Section 3;
THENCE South 00°20'55" East along the West line of the Northeast Quarter of said Section 3 a distance of 30.00 feet to the **POINT OF BEGINNING**;

TOTAL ANNEXED AREA for the WCR 12.5 Annexation is 7.765 acres, more or less (±).

Exhibit B to Resolution No. 15-11

Petition for Annexation of the Right-of-Way

PETITION FOR ANNEXATION

TO: THE BOARD OF TRUSTEES OF THE TOWN OF HUDSON, COLORADO

RE: PROPERTY KNOWN AS THE **Weld County Road 12.5 Annexation**

The undersigned owners of more than fifty percent (50%) of property proposed to be annexed, exclusive of streets and alleys, which property is described in Exhibit "A", attached hereto and made a part of, hereby petition the Town of Hudson, Colorado for annexation of the property described in Exhibit "A" (the "Property"), in accordance with the provisions of Title 31, Article 12, Part 1, C.R.S.

In support of this petition, petitioners further state:

1. That it is desirable and necessary that the Property be annexed to the Town of Hudson, Colorado.

2. The requirements of the applicable provisions of Sections 31-12-104 and 31-12-105, C.R.S. exist or have been met.

3. Not less than one-sixth (1/6) of the perimeter of the Property is/will be contiguous with the existing boundaries of the Town of Hudson, Colorado.

4. A community of interest exists between the Property and the Town of Hudson, Colorado.

5. The Property is urban or will be urbanized in the near future.

6. The Property is integrated or is capable of being integrated with the Town of Hudson, Colorado.

7. In establishing the boundaries of the Property, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate has been divided into separate parts or parcels without the written consent of the landowner unless separated by a dedicated street, road, or other public way.

8. No land held in identical ownership comprising twenty (20) acres or more and which, together with the buildings and improvements situated thereon, has a valuation for assessment in excess of $200,000.00 for ad valorem tax purposes for the preceding tax year has been included in boundary of the Property without the written consent of the landowner or landowners.

9. No annexation proceedings have been commenced for the annexation to another municipality of part or all of the territory proposed to be annexed.

10. Annexation of the Property will not result in the detachment of area from any school district and the attachment of same to another school district.

11. Upon the effective date of the Annexation Ordinance, all lands within the Property shall become subject of all ordinances, resolutions, rules and regulations of the Town of Hudson.

12. Petitioners are owners of more than fifty percent (50%) of the territory included in the area proposed to be annexed, exclusive of streets and alleys, and comprise more than fifty percent (50%) of the landowners of such area, and are, in fact owners of one hundred percent (100%) of the area proposed to be annexed, exclusive of streets and alleys and said owners attesting to the facts and agreeing to the conditions herein will negate the necessity of an annexation election.

13. Accompanying this petition are four (4) copies of an annexation map showing the seal of a registered engineer or land surveyor, containing:

a. A written legal description of the boundaries of the area proposed to be annexed;

b. A map showing the boundary of the Property and the boundary of the Property continuous with the Town of Hudson and any other municipality abutting the Property;

c. The location of each ownership tract of unplatted land, and, with respect to any area which is platted, the boundaries and the plat numbers of plots or lots and blocks;

d. The total acreage, more or less, of the Property;

e. The total length of the perimeter of the boundary of the Property and the length of the boundary of the Property contiguous with the Town of Hudson.

14. No part of the area proposed to be annexed is more than three (3) miles from a point on the municipal boundary, as such was established more than one year before this annexation will take place.

15. The area proposed to be annexed is located within Weld County, Weld County School District Re 3 (J), Hudson Fire Protection District, and the following districts: Weld Library; Aims College; Central Colorado Water, Lost Creek Ground Water and Central Colorado Water Conservation.

16. The mailing address of each signer, the legal description of the land owned by each signer and the date of signing of each signature are all shown on this Petition.

17. The territory to be annexed is not presently a part of any incorporated city, city and county, or town.

18. Petitioners understand that connection to the water system of the Town requires inclusion into the Northern Colorado Water Conservancy District, and the Municipal Subdistrict, Northern Colorado Water Conservancy District. Failure to provide such services to the Property shall not be cause for disconnection of the Property at any future time.

19. As an express condition of annexation, landowner consents to inclusion of the area described in Exhibit "A" into the Northern Colorado Water Conservancy District ("District") pursuant to Section 37-45-136 (3.6), C.R.S. Landowner acknowledges that, upon inclusion in the District, landowner's property will be subject to the same mill levies and special assessments as are levied or will be levied on other similarly situated property in the District at the time of inclusion of landowner's lands. Landowner agrees to waive any right to an election which may exist to require an election pursuant to article X, ' 20 of the Colorado Constitution before the District can impose such mill levies and special assessments as it has the authority to impose. Landowner also agrees to waive, upon inclusion, any right which may exist to a refund pursuant to article X, ' 20 of the Colorado Constitution.

20. As an express condition of annexation, landowner consents to inclusion of the area described in Exhibit "A" into the Municipal Subdistrict , Northern Colorado Water Conservancy District ("Subdistrict") pursuant to Section 37-45-136 (3.6), C.R.S. Landowner acknowledges that, upon inclusion in the Subdistrict, landowner's property will be subject to the same mill levies and special assessments as are levied or will be levied on other similarly situated property in the Subdistrict at the time of inclusion of landowner's lands. Landowner agrees to waive any right to an election which may exist to require an election pursuant to article X, ' 20 of the Colorado Constitution before the Subdistrict can impose such mill levies and special assessments as it has the authority to impose. Landowner also agrees to waive, upon inclusion, any right which may exist to a refund pursuant to article X, ' 20 of the Colorado Constitution.

21. No vested rights to use or to develop the Property in any articular way, as defined in Section 24-68-101 et seq., C.R.S. have been requested by Petitioners from any governmental entity. Petitioners waive any vested land use rights attached to any or all of the Property.

22. The petitioners acknowledge that upon annexation of the Property to the Town, the Property, the owners thereof, and uses thereon will be subject to all taxes and fees imposed by the Town. Provided however, petitioner Colorado Department of Transportation shall not be subject to taxes or fees levied by the Town from which they are exempt by Colorado law. The Property, the owners hereof and the uses thereon are also bound by any voter authorization under Art. X, ' 20 adopted prior to annexation of the Property. The petitioners waive any claims they may have under Art. X, ' 20 of the Colorado Constitution related to such taxes and fees.

Therefore, your petitioners respectfully request that the Board of Trustees of the Town of Hudson, Colorado, approve the annexation of the Property.

AFFIDAVIT OF CIRCULATOR

The undersigned, being of lawful age, who being first duly sworn upon oath, deposes and says:

That (he or she) was the circulator of the foregoing Petition for Annexation of lands to the Town of Hudson, Colorado, consisting of **five (5)** pages, including this page and that each signature thereon was witnessed by your affiant and is the true signature of the person whose name it purports to be.

_____
Circulator

STATE OF COLORADO)
) ss.
COUNTY OF _____)

The foregoing Affidavit of Circulator was subscribed and sworn to before me this ___ day of _____, 199__, by _____.

My Commission expires: _____

[S E A L]

_____
Notary Public

PETITION:_____

Signature of Landowner	Date of Signature	Mailing Address of of Landowner	Legal Description of Land Owned

EXHIBIT "A" to Annexation Petition

Legal Description:

A parcel of land being a portion of Section Three (3) and the West Half of Section Two (2), Township One North (T.1N.), Range Sixty-five West (R.65W.), Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado:

BEGINNING at the Center Quarter Corner of said Section 3 and assuming the North line of the Southwest Quarter of said Section 3 as bearing South 89°44'39" West a distance of 2664.11 feet with all other bearings contained herein relative thereto:

THENCE South 00°09'02" West along the East line of the Southwest Quarter of said Section 3 a distance of 50.00 feet to the North line of that parcel of land annexed to the Town of Hudson in an Annexation Map recorded September 11, 2002 as Reception No. 2986545 of the Records of Weld County;
THENCE South 89°44'39" West along said North line a distance of 1319.13 feet to the beginning point of a curve, non-tangent to this course on the Southerly prolongation of the Northeasterly line of that parcel of land described in that deed recorded April 1, 1968 ;
THENCE along said Northeasterly line and along the arc of a curve concave to the Southwest a distance of 399.58 feet, said curve has a Radius of 1985.00 feet, a Delta of 11°32'01" and is subtended by a Chord bearing North 75°44'16" West a distance of 98.91 feet to a line parallel with and 50.00 feet Northerly of, as measured at a right angle to the South line of the Northwest Quarter of said Section 3;
THENCE North 89°44'39" East along said parallel line a distance of 1705.57 feet to a line parallel with and 50.00 feet Northerly of, as measured at a right angle to the South line of the Northeast Quarter of said Section 3;
THENCE North 89°43'57" East along said parallel line a distance of 2633.67 feet to the West line of the Northwest Quarter of said Section 2;
THENCE South 00°08'33" East along the west line of the Northwest Quarter of said Section 2 a distance of 10.00 feet to a line parallel with and 40.00 feet Northerly of, as measured at a right angle to the South line of the Northwest Quarter of said Section 2;
THENCE North 89°09'55" East along said parallel line a distance of 742.09 feet to the Westerly line of Parcel 3 of the North I-76 Annexation to the Town of Hudson recorded January 24, 1996 as Reception No. 2473142 of the Records of Weld County;
The next Three (3) courses are along the Westerly lines of said North I-76 Annexation:
THENCE South 09°28'03" West a distance of 40.66 feet;
THENCE South 89°08'58" West a distance of 83.30 feet;
THENCE South 00°21'27" East a distance of 49.98 feet to a line parallel with and 50.00 feet Southerly of, as measured at a right angle to the North line of the Southwest Quarter of said Section 2;

THENCE South 89°09'55" West along said parallel line a distance of 651.83 feet to a line parallel with and 50.00 feet Southerly of, as measured at a right angle to the North line of the Southeast Quarter of said Section 3;
THENCE South 89°43'57" West along said parallel line a distance of 936.06 feet to the Easterly line of the Hudson Village Square 2 Annexation recorded November 18, 2008 as Reception No. 3590490 of the Records of Weld County;
THENCE North 00°09'17" East along said East line a distance of 80.00 feet to the Northerly line of said Hudson Village Square 2 Annexation;
THENCE South 89°43'57" West along said Northerly line a distance of 1698.31 feet to the West line of the Northeast Quarter of said Section 3;
THENCE South 00°20'55" East along the West line of the Northeast Quarter of said Section 3 a distance of 30.00 feet to the **POINT OF BEGINNING**;

TOTAL ANNEXED AREA for the WCR 12.5 Annexation is 7.765 acres, more or less (±).