

AGENDA
TOWN OF HUDSON - BOARD OF TRUSTEES
REGULAR MEETING
March 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, February 4, 2015
- b. Board of Trustees Minutes – Regular Meeting, February 18, 2015
- c. Payment of Bills

2) GENERAL BUSINESS

- a. Ordinance No. 15-02, First Reading, An Ordinance Repealing and Reenacting Section 10-55 of the Hudson Municipal Code to Create Exceptions to the Ban on the Discharge of Firearms Within the Town
- b. Ordinance No. 15-03, First Reading, An Ordinance Amending Land Development Code Section 16-41(b) to Define Zoning District Boundaries Within Street Rights of Way, and Section 16-116(a) to Provide for Maximum Height of Signs to be Specified on Site Plans

3) STAFF REPORTS

4) ADJOURNMENT

MINUTES
TOWN OF HUDSON - BOARD OF TRUSTEES
REGULAR MEETING
February 4, 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 - Present
Trustee, Matt Cole – Present
Trustee, Laura Hargis - Absent
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

Item 2.d. – Addendum 8 to KBN Engineering for Professional Services for the Beech Street project.

CITIZEN'S COMMENTS

Ken Gabrielson, Hudson Fire District Chief, delivered the 2014 Annual Report from the Hudson Fire Protection District. The report is a summary of the 2014 Hudson Fire Protection District activities, including calls for service, training, personnel, demographics, budget and additional community events and involvements. Mr. Gabrielson reported that the Fire Department will begin business inspections and will be offering safety recommendations to provide safety for business occupants and will give the district a familiarity with business floor plans. Construction should be completed this summer on the interior of the second floor of the Hudson Fire Station.

Judy McGill, representing the Hudson Events Committee, displayed posters for each event in 2014. The posters will be displayed at the Library. The Events Committee is starting to plan events for 2015 and need volunteers.

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 21, 2015
- b. Payment of Bills
- c. Additional Payment of Bills – Farm & Home Lumber, \$5,000.00

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

The vote was as follows:

Aye: Trustees Cole, Hamilton, Rossi, Sanders, Davis and Mayor Patch

Nay - None

Mayor Patch declared the motion carried.

2) GENERAL BUSINESS

- a. Discussion – Tom Pippin, Impact Fee Adjustments

Joe Racine, Town Administrator, reported that impact fees are a way for new development to help cover the costs of new facilities, street improvements, and parks that would be needed to serve the development. The original impact fee ordinance was developed based on a report prepared by Tom Pippin, an economics consultant. Mr. Pippin has prepared a 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.

Tom Pippin, Economics Consultant, reported that 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. Such reductions could help the Town attract new development. The Town of Hudson depends 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.

The Board of Trustees consensus is to prepare a Ordinance to provide for credits for high performing development.

- b. Discussion – Discharge of Firearms in Town Limits

Joe Racine, Town Administrator, reported that the Lloyd Land property has historically had hunting and trap shooting on the property. The property is newly annexed into Town and discharge of firearms in town is prohibited. Due to its remote location, this type of activity might not present a hazard to the community.

The Board of Trustees consensus is to prepare a Ordinance that would allow for discharge of firearms following the State Hunting without the need for a new permit system.

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

Joe Racine, Town Administrator, reported that this Resolution is to authorize the mayor to sign an annexation petition for a segment of County Road 12.5 that is part of the frontage road realignment.

Trustee Rossi made a motion, seconded by Trustee Cole to approve Resolution 15-11, authorizing the Mayor to sign a petition for annexation of a segment of Weld County Road 12.5

The vote was as follows:

Aye: Trustees Rossi, Cole, Sanders, Davis, Hamilton and Mayor Patch

Nay - None

Mayor Patch declared the motion carried.

- d. Addendum 8 to KBN Engineering for Professional Services for the Beech Street project

Trustee Rossi made a motion, seconded by Mayor Cole to approve Addendum 8 to KBN Engineering for Professional Services for the Beech Street project not to exceed \$7,445.00.

The vote was as follows:

Aye: Trustees Rossi, Cole, Davis, Sanders, Hamilton and Mayor Patch

Nay - None

Mayor Patch declared the motion carried.

4) STAFF REPORTS

Joe Racine, Town Administrator, reported that Mark and Lori Skoglund were present at the last meeting and are interested in purchasing a town-owned lot by Love's Travel Stop for a pizza restaurant. They were informed that the Town was interested but did not want to enter into a purchase agreement until they had a design team in place. Mr. and Mrs. Skoglund inquired if the Town would hold the property for them because it could be April before they can have a team in place.

The Board of Trustees consensus was to work with Mr. and Mrs. Skoglund but not to pull the property off the market.

Joe Racine, Town Administrator, reported that asphalt for alley maintenance is included in the 2015 Budget. The property owners will be polled and if 2/3 of the block agrees 2" lift of asphalt will be added to the alleyway.

Joe Racine, Town Administrator, reported that he will be meeting with the owners of 200 acres located south of Lloyd Land property. The owners are interested in forming a metropolitan district and possible annexation.

Joe Racine, Town Administrator, reported that Anadarko is moving forward with the wells on the Shaklee property.

Ron Allen, Public Works Director, reported that the public works department put up the signs for the recycle bin and the park playground equipment.

Ron Allen, Public Works Director, reported that the foundation for the new Town Shop is being dug out and new base material hauled in.

Hunter Fobare, Utility Director, reported that the wastewater treatment plant is operating with one train.

Hunter Fobare, Utility Director, reported that a transfer switch at the Industrial Park generator failed. It will require a micro switch repair.

Dan Hamsmith, Economic Development Director, distributed the 2014 East Colorado SBDC Advisory Board Meeting report.

Linnette Barker, Town Clerk/Treasurer, inquired if the Board of Trustees would approve annual plants at the Veterans Memorial and the replacement of some of the grasses with poppies and perennial flowers. The 2015 Budget includes \$2,500.00 to replace the plants, but the annuals would need to be replaced each year.

The Board of Trustees consensus was to plant the annuals this year and re-address next year.

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 Rossi 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 7:47 p.m.

Mayor Patch reconvened the regular meeting of the Hudson Town Board of Trustees at 8:10 pm.

ADJOURNMENT

The meeting adjourned at approximately 8:10p.m.

TOWN OF HUDSON, COLORADO

Mayor

ATTEST

Town Clerk

MINUTES
TOWN OF HUDSON - BOARD OF TRUSTEES
REGULAR MEETING
February 18, 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 - Present
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 (6) Trustees were present.

Town Staff Present:

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

ADDITIONS TO AGENDA

CITIZEN'S COMMENTS

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. Payment of Bills
- b. Liquor License Renewal – Pepper Pod Restaurant

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

The vote was as follows:

Aye: Trustees Hargis, Rossi, Cole, Sanders, Hamilton, Davis and Mayor Patch

Nay - None

Mayor Patch declared the motion carried.

2) GENERAL BUSINESS

- a. Resolution 15-12, Substantial Compliance, Annexation of portions of Weld County Road 12.5

Joe Racine, Town Administrator, reported that this resolution is a required stop in the annexation process, is a finding that the annexation meets the requirement of the state's annexation statutes, and it sets the date for the Board's public hearing on April 1, 2015.

Trustee Rossi made a motion, seconded by Trustee Davis to approve Resolution 15-12, A Resolution accepting the petition for annexation and establishing April 1, 2015 as the date of public hearing on the requested annexation of a parcel of unincorporated territory located in the County of Weld (Weld County Road 12.5 Annexation).

The vote was as follows:

Aye: Trustees Rossi, Davis, Cole, Hargis, Sanders, Hamilton and Mayor Patch

Nay - None

Mayor Patch declared the motion carried.

b. Discussion – Amendments to the Municipal Code regarding discharge of firearms

Joe Racine, Town Administrator, and Corey Hoffmann, Town Attorney, presented a proposed Ordinance that would allow for discharge of firearms following the State Hunting Regulations without the need for a new permit system.

The Board of Trustees consensus, was to prepare the Ordinance and to include the use of any bow and arrow or air gun in shooting galleries or in any private grounds or residences under circumstances when such instrument can be fired, discharged or operated in such a manner as not to endanger persons or property and also in such manner as to prevent the projectile from traversing any grounds or space outside the limits of such gallery, grounds or residence.

c. Resolution No. 15-13, Amendment to Restrictive Covenant, Lloyd Land Airport Annexation

Joe Racine, Town Administrator, reported that part of the annexation agreement for the Land Airport Annexation the Town agreed to request and take assignment of the existing restrictive covenant on a portion of the annexed property and to amend the covenant to recognize that the land had been zoned within the Town with certain land use limitations as listed in the annexation agreement. This is the last meeting to approve a covenant amendment with the timeframe specified in the annexation agreement.

Trustee Hargis made a motion, seconded by Trustee Rossi to approve Resolution 15-13, A Resolution approving the amended and restated restrictive covenant for a portion of the Lloyd Land Airport Annexation.

The vote was as follows:

Aye: Trustees Hargis, Rossi, Davis, Sanders, Cole, Hamilton and Mayor Patch

Nay - None

Mayor Patch declared the motion carried.

d. Resolution 15-14, A Resolution setting court costs pursuant to section 2-114 of the Town of Hudson Municipal Code

Trustee Hamilton made a motion, seconded by Trustee Hargis to approve Resolution 15-14, A Resolution setting court costs pursuant to section 2-114 of the Town of Hudson Municipal Code.

The vote was as follows:

Aye: Trustees Hamilton, Hargis, Sanders, Davis, Rossi, Cole and Mayor Patch

Nay - None

Mayor Patch declared the motion carried.

4) STAFF REPORTS

Joe Racine, Town Administrator, distributed a Letter of Engagement with RKG, Inc. for consulting services for the new Public Works Facility for 5 hours per week for six weeks.

The Board of Trustees consensus was to approve the Letter of Engagement with RKG, Inc.

Joe Racine, Town Administrator, inquired about a Board of Trustee/Town Staff retreat to discuss the Comprehensive Plan prior to the update, Economic Development and goal setting.

The Board of Trustees consensus was to have a retreat and ask Kathy Novak to facilitate.

Joe Racine, Town Administrator, distributed a DRAFT proposal to the Weld County Sheriff's Department for Code Enforcement and Animal Control.

The Board of Trustees consensus was to send the DRAFT proposal to the Weld County Sheriff for Code Enforcement and Animal Control.

Joe Racine, Town Administrator, reported that the 2015 Budget includes \$400,000 for a complete re-build on Hudson Drive. With the possibility of a Pizza Restaurant and Hotel, the Frontage Road project on Hwy 52 could be more important with the amount of traffic. Mr. Racine inquired if the Board would be interested in scaling back the Hudson Drive project to a over-lay and put the remaining funds toward Hwy 52 if CDOT would agree to complete the acceleration and deceleration lanes on Hwy 52.

The Board of Trustees consensus was to try to negotiate with CDOT.

Joe Racine, Town Administrator, reported that Planning Commission did not change the amendment of conditions for the WCR 49 Access plan. Mr. Racine will be working on a draft IGA to negotiate with Weld County and specify the access terms.

Ron Allen, Public Works Director, reported that the public works department has started street sweeping and sewer line jetting.

ADJOURNMENT

The meeting adjourned at approximately 7:20p.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
02/26/2015	50383	313	CCCMA	01012015	Conference Registration	10-64-6210	225.00- V
Total 50383:							225.00-
02/19/2015	50417	1213	Harvey N. McPeek	021915-R	Impact Fee Refund	61-46-4610	1.00
02/19/2015	50417	1213	Harvey N. McPeek	021915-R	Impact Fee Refund	61-41-4119	85.85
02/19/2015	50417	1213	Harvey N. McPeek	021915-R	Impact Fee Refund	62-46-4610	1.43
02/19/2015	50417	1213	Harvey N. McPeek	021915-R	Impact Fee Refund	62-41-4119	361.96
02/19/2015	50417	1213	Harvey N. McPeek	021915-R	Impact Fee Refund	63-46-4610	6.66
02/19/2015	50417	1213	Harvey N. McPeek	021915-R	Impact Fee Refund	63-41-4119	2,967.37
Total 50417:							3,424.27
02/19/2015	50418	1214	John A. Marottek	021915-RIF	Refund Impact Fees	61-46-4610	1.00
02/19/2015	50418	1214	John A. Marottek	021915-RIF	Refund Impact Fees	61-41-4119	87.01
02/19/2015	50418	1214	John A. Marottek	021915-RIF	Refund Impact Fees	62-46-4610	.77
02/19/2015	50418	1214	John A. Marottek	021915-RIF	Refund Impact Fees	62-41-4119	366.85
02/19/2015	50418	1214	John A. Marottek	021915-RIF	Refund Impact Fees	63-46-4610	3.00
02/19/2015	50418	1214	John A. Marottek	021915-RIF	Refund Impact Fees	63-41-4119	3,007.43
Total 50418:							3,466.06
02/26/2015	50421	1103	Ablao Law LLC	641	Judicial Services - February 2015 Court	10-62-6633	300.00
Total 50421:							300.00
02/26/2015	50422	2	Atmos Energy	020915-4001	Natural Gas Utilities - 258 5th Ave.	10-68-6412	.68
02/26/2015	50422	2	Atmos Energy	021015-3014	Natural Gas Utility - 557 Ash Street	10-64-6412	67.51
02/26/2015	50422	2	Atmos Energy	021015-3014	Natural Gas Utility - 557 Ash Street	70-64-6412	67.50
02/26/2015	50422	2	Atmos Energy	021015-3014	Natural Gas Utilities - 509 Cherry Street	10-68-6412	258.67
Total 50422:							394.36
02/26/2015	50423	683	Bratton's Office Equipment Inc.	30162031	Canon IRC 3080 - Contract	10-64-6633	30.00
02/26/2015	50423	683	Bratton's Office Equipment Inc.	30162032	Canon IRC Meter Charge	10-64-6633	619.28
Total 50423:							649.28
02/26/2015	50424	46	CarQuest Auto Parts Stores	2057-356506	Lights and Scraper	10-68-6633	39.17
Total 50424:							39.17
02/26/2015	50425	30	Century Link	020715-442B	Telephone Service - 303-536-4003	75-68-6410	99.46
02/26/2015	50425	30	Century Link	020715-447B	Telephone/Fax Service - 303-536-4753	10-64-6410	63.41
02/26/2015	50425	30	Century Link	020715-466B	Telephone Service - 303-536-9311	10-64-6410	74.15
02/26/2015	50425	30	Century Link	020715-466B	Telephone Service - 303-536-9311	70-64-6410	74.14
02/26/2015	50425	30	Century Link	020715-818B	Telephone Service - 303-536-9365	70-68-6410	52.37
Total 50425:							363.53

Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Description	Invoice GL Account	Check Amount
02/26/2015	50426	36	Colorado Analytical Laboratories I	150203077	Wastewater Samples	75-68-6633	111.60
02/26/2015	50426	36	Colorado Analytical Laboratories I	150210063	Wastewater Samples	75-68-6633	242.10
Total 50426:							353.70
02/26/2015	50427	578	Cummins Rocky Mountain	001-61908	Generator Repairs - Water	70-68-6652	1,206.19
Total 50427:							1,206.19
02/26/2015	50428	53	Farm & Home Lumber	020415-8671	Additional Engineering	22-71-7713	5,000.00
02/26/2015	50428	53	Farm & Home Lumber	021315-8720	Batteries	10-64-6710	16.65
02/26/2015	50428	53	Farm & Home Lumber	021315-8720	WWTP Supplies	75-68-6710	12.24
02/26/2015	50428	53	Farm & Home Lumber	021315-8720	Shop Supplies - Hydrant, Frame Hammer	10-68-6735	150.30
Total 50428:							5,179.19
02/26/2015	50429	54	Fort Lupton City of	FIN2015040	Share of O&M for Joint Facility	70-68-6515	4,743.10
Total 50429:							4,743.10
02/26/2015	50430	396	Gator Rubbish	282774	Trash Service - 258 5th Avenue	10-68-6633	48.00
02/26/2015	50430	396	Gator Rubbish	282817	Trash Service - 509 Cherry Street	10-68-6633	48.00
02/26/2015	50430	396	Gator Rubbish	283804	Trash Service - 557 Ash Street	10-64-6633	38.00
02/26/2015	50430	396	Gator Rubbish	283810	Trash Service - WW Treatment Plant	75-68-6633	48.00
02/26/2015	50430	396	Gator Rubbish	283914	Portable Toilet - January 2015	10-69-6415	396.00
Total 50430:							578.00
02/26/2015	50431	466	Professional Management Solutio	83976	Financial Consulting - 2013 J/E, Caselle, GL, W-2's, Fixed Assets	10-64-6632	341.25
Total 50431:							341.25
02/26/2015	50432	509	Quill Corporation	1265536	Meeting Expenses	10-61-6212	22.26
02/26/2015	50432	509	Quill Corporation	1347111	Meeting Expenses	10-61-6212	18.85
02/26/2015	50432	509	Quill Corporation	1414906	Receipt Books and Mailing Labels	10-64-6720	62.36
Total 50432:							103.47
02/26/2015	50433	49	SAFEbuilt Inc	0019360-IN	Code Enforcement Services - January 2015	10-66-6632	935.00
02/26/2015	50433	49	SAFEbuilt Inc	0019388-IN	Building Permit Fees	10-65-6642	371.50
Total 50433:							1,306.50
02/26/2015	50434	800	Treatment Technology	169122	Wastewater Chemicals	75-68-6710	904.00
Total 50434:							904.00
02/26/2015	50435	5	United Power	021015-1553	Electric - Town Hall	10-64-6413	95.26
02/26/2015	50435	5	United Power	021015-1553	Electric - Town Hall	70-64-6413	95.26
Total 50435:							190.52
02/26/2015	50436	1082	University of Colorado at Boulder	121114-5928	LTAP Class	10-68-6210	30.00

Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Description	Invoice GL Account	Check Amount
Total 50436:							30.00
02/26/2015	50437	1215	Veris Environmental	J001063	Sludge Hauling	75-68-6633	7,190.00
Total 50437:							7,190.00
02/26/2015	50438	293	Virulent Solutions Inc.	H150218	Computer, Server Updates and Maintenance	10-64-6633	617.50
Total 50438:							617.50
02/26/2015	50439	13	Weld County Sheriff's Office	020915	Weld County Sherrif's Patrol Time	10-66-6632	10,923.25
Total 50439:							10,923.25
Grand Totals:							42,078.34

Report Criteria:

Report type: GL detail

Check.Type = {<>} "Adjustment"

MEMORANDUM

2.a.

To: Board of Trustees
From: Joe Racine, Town Administrator
Date: March 4, 2015
Subject: Ordinance No. 15-02, First Reading, Discharge of firearms in town

Attachment

Ordinance No. 15-02 is presented for consideration on first reading at this evening's meeting. The ordinance would amend the current outright prohibition on discharge of firearms, including air guns and bows and arrows, to provide for circumstances where such discharge would be permitted.

In general, the ordinance does three things:

- it recognizes the standards contained in state law and regulations as being sufficient to ensure safe use of firearms in town;
- it provides for site planning and inspections of shooting ranges;
- and it provides for use of air guns and bows and arrows on private property if done in a safe manner.

Annexation of the Lloyd Land property and the historic use of the property for water fowl hunting and trap shooting 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.

The ordinance does not require a permit from the town, only compliance with state law. Attached for your reference is a memo from the Town Attorney that was distributed at an earlier meeting, outlining state law in this regard. Site plans for commercial shooting ranges would need to include requirements for safe operation, thereby enabling the town to enforce the site plan if, on inspection, it was determined that unsafe conditions existed.

ORDINANCE NO.

NO. 15-02
Series of 2015

TITLE: AN ORDINANCE REPEALING AND REENACTING SECTION 10-55 OF THE HUDSON MUNICIPAL CODE TO CREATE EXCEPTIONS TO THE BAN ON THE DISCHARGE OF FIREARMS WITHIN THE TOWN

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF HUDSON, COLORADO, THAT:

Section 1. Section 10-55 of the Hudson Municipal Code is hereby repealed and reenacted to read as follows:

Sec. 10-55. Discharge of firearms.

(a) It is unlawful for any person to fire or discharge within the Town any firearm. For purposes of this Section, *firearm* includes any 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.

(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 the lawful defense of person or property.

(3) The discharge of a firearm during the act of lawful hunting pursuant to State law, including the Rules and Regulations of the Colorado Parks and Wildlife.

(4) The discharge of a firearm at a private shooting range or gallery specifically authorized for operation by the Town Board of Trustees by resolution as follows:

A. It shall be unlawful for any owner or operator of a private shooting range or gallery to allow or permit the discharge of a firearm at such range or gallery without having first received approval of a site plan by resolution from the Board of Trustees. Such approval

shall include as a condition of such approval that the Town is authorized to conduct reasonable inspections of any such range or gallery to determine it is being operated and maintained in a safe manner consistent with the site plan approval.

B. Nothing contained in this Section shall prevent the use of any bow and arrow or air gun in a private shooting range or gallery, or in any private grounds or residences under circumstances when such instrument can be fired, discharged, or operated in such a manner as not to endanger persons or property and also in such manner so as to prevent the projectile from traversing any grounds or space outside the limits of such range, gallery, grounds or residence.

Section 2. Safety Clause. The Town Board of Trustees hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the Town of Hudson, that it is promulgated for the health, safety, and welfare of the public, and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. Effective Date. This Ordinance shall become effective thirty (30) days after final publication.

INTRODUCED, READ IN FULL, AND ADOPTED this _____ day of _____, 2015.

TOWN OF HUDSON, COLORADO

Raymond Patch, Mayor

ATTEST:

Linnette Barker, CMC, Town Clerk

PASSED ON SECOND AND FINAL READING this _____ day of _____,
2015, AND ORDERED PUBLISHED ONCE IN FULL.

TOWN OF HUDSON, COLORADO

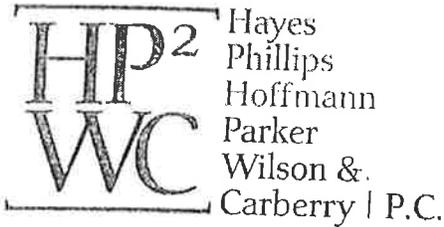
Raymond Patch, Mayor

ATTEST:

Linnette Barker, CMC, Town Clerk

APPROVED AS TO FORM:

Corey Y. Hoffmann, Town Attorney



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 *CH*
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.

January 20, 2015

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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.b.

To: Board of Trustees
From: Joe Racine, Town Administrator
Date: March 4, 2015
Subject: Ordinance No. 15-03, First Reading, Land Development Code Amendments

Attachment

Ordinance No. 15-03 is presented for consideration on first reading at this evening's meeting. The ordinance would amend the current land development code (Chapter 16) to clarify the zoning of street rights of way when such rights of way constitute a municipal boundary, and to specify the permitted height of commercial signs through the site plan process.

Staff keeps a running list of amendments to the land development code with the purpose of periodically compiling the proposed changes into a single ordinance. However, current issues have made it necessary to propose two changes in advance of the more complete revision ordinance.

The annexation of County Road 12.5 right of way, part of the frontage road realignment project, brings with it the statutory requirement that the annexed property be zoned. While zoning of street right-of-way in itself makes no sense, the fact that County Road 12.5 borders the edge of the municipal boundary raises a practical difficulty. Currently, the zoning code specifies zoning district boundaries as being the centerlines of rights of way. If, for example, a street is along the boundary between R-1 and C-1 districts, the half street bordering the R-1 zoned property would automatically be zoned R-1, and the half bordering the C-1 zoned property would be zoned C-1. The problem arises when a street borders unincorporated land on one side. There is no Town zoning to apply to the half of the right-of-way bordering such unincorporated land, leaving that half street un-zoned and technically in violation of state law.

The proposed ordinance would apply the zoning of adjoining land within the town to the entire width of the right-of-way in such cases where the street is along a municipal boundary, precluding the need for a separate zoning ordinance for a half street.

The second amendment relates to sign height. Currently, the code sets the maximum height of a sign, unless the Board of Adjustment has approved a variance. We anticipate a site plan application for a commercial development that will request a sign in excess of 15' high. That developer will already have to submit a site plan to be approved by both the Planning Commission and the Board of Trustees. The site plan will include a detail of the proposed sign. It would be redundant to also request a variance from the Board of Adjustment if the sign has already been approved by both the Planning Commission and the Board of Trustees.

MEMORANDUM

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The proposed ordinance would add the site plan process as an alternative to a variance for a sign to be in excess of 15' high. Please note that this does not address the 15' height limit in itself. That is a standard that might be revisited if the Town revises the entire sign code one day.

If approved on first reading, the ordinance will be placed on the March 11th Planning Commission meeting for public hearing and then return to the Board with a Planning Commission recommendation for a hearing on March 18th.

ORDINANCE NO.

15-03

Series of 2015

TITLE: AN ORDINANCE AMENDING LAND DEVELOPMENT CODE SECTION 16-41(b) TO DEFINE ZONING DISTRICT BOUNDARIES WITHIN STREET RIGHTS OF WAY, AND SECTION 16-116(a) TO PROVIDE FOR MAXIMUM HEIGHT OF SIGNS TO BE SPECIFIED ON SITE PLANS

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF HUDSON, COLORADO, THAT:

Section 1. Section 16-41(b) of the Hudson Municipal Code is amended to read as follows:

(b) Zoning district boundaries are intended to be property ownership lines or lot lines; centerline of streets, alleys or extensions thereof, channelized waterways or similar right-of-way; the centerline of blocks; section or township lines; municipal corporate boundaries; the centerline of stream beds; or other lines drawn approximately to scale on this official Hudson Zoning Map. In the event that such boundaries are abutting a dedicated street, alley, highway or right-of-way and the zoning status of the street, highway, alley or right-of-way is not indicated, the boundaries shall be construed as running to the middle of the street, highway, alley or right-of-way or to the full extent of such right-of-way if such right-of-way is the municipal corporate boundary of the town, or if the right-of-way is within the town and adjacent to unincorporated land, such right-of-way shall be included in the town zoning district most proximate to such right-of-way. In the event that a zoning district boundary is unclear or is disputed, it shall be the responsibility of the town administrator to determine the intent and actual location of the district boundary.

Section 2. Section 16-116(a) of the Hudson Municipal Code is amended to read as follows:

(a) Sign height. Except as provided below, signs are restricted to a maximum height of fifteen (15) feet unless otherwise provided for in an approved site plan in the town. A variance to the maximum height of a sign may also be requested from the board of adjustment, in accordance with section 16-31 of this chapter.

Section 3. Safety Clause. The Town Board of Trustees hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the Town of Hudson, that it is promulgated for the health, safety, and welfare of the public, and that this ordinance is necessary for the preservation of health and safety and for the protection of public

convenience and welfare. The Board of Trustees further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 4. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 5. Effective Date. This Ordinance shall become effective thirty (30) days after final publication.

INTRODUCED, READ IN FULL, AND ADOPTED this 4th day of March, 2015.

TOWN OF HUDSON, COLORADO

Raymond Patch, Mayor

ATTEST:

Linnette Barker, CMC, Town Clerk

PASSED ON SECOND AND FINAL READING this 18th day of March, 2015, AND ORDERED PUBLISHED ONCE IN FULL.

TOWN OF HUDSON, COLORADO

Raymond Patch, Mayor

ATTEST:

Linnette Barker, CMC, Town Clerk

APPROVED AS TO FORM:

Corey Y. Hoffmann, Town Attorney



TOWN OF HUDSON

557 Ash Street, P.O. Box 351, Hudson, CO 80642

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MEMORANDUM

To: Mr. Mayor and Members of the Town Board

CC: Joe Racine, Town Administrator
Corey Hoffman, Town Attorney
Becky Utecht, Town Clerk, Treasurer and Court Clerk

From: Teresa Ablao, Municipal Judge

Date: February 24, 2015

RE: Hudson Municipal Court Report – February 20, 2015

Dear Mayor and Board Members:

Thank you for the recent resolution confirming the costs and fees for Municipal Court. I want to update you on the activities of the Hudson Municipal court since my December 19, 2014 session report. Please do not hesitate to let me know if you have any questions or if there is different or additional information you would like to have presented after each Court session.

February 20, 2015 Docket:

There were twelve (12) cases on for arraignment. Each Defendant was first advised of their rights in general and of the specific charge(s) against them. They are then given the opportunity to speak with the Town Attorney or enter a plea.

Case Types:

- 6 Traffic violations
- 3 Animal violations
- 1 Disturbing the Peace/Discharge firearms -
- 2 code violations/Junk and Debris-

Dispositions:

- Traffic: 1 continuance, 1 default judgment issued, 1 failed to appear and a bench warrant issued, 3 pled guilty at arraignment
- Disturbing the Peace/ Discharge Firearms: set for trial to the court on the April court session.

- Code Violations: 1 dismissal without prejudice, 1 set for trial to the court on the April court session
- Animal cases:
 - 1 defendant pled guilty in a very tragic case in which the defendant's dog bit and killed another dog. The victim made a statement to the court regarding the dangerousness of the animal and her desire to see it removed from the Town. The defendant was sentenced to the maximum fine with all of it suspended on the condition that she pay \$969.50 in restitution to the victim, and remove the blue heeler from the Town by 5pm, as well as have no animal violations for one year.
 - 1 defendant with 2 cases failed to appear and was issued a default judgment. On request of the Town Attorney, the dog was also ordered removed from the Town due to an outstanding order from previous cases (different defendant) that if the dog was found at large again, it would be removed.

After court was over, the animal case defendant who defaulted appeared and was informed of the default judgment and order for removal of the animal. The stepson of the defendant surrendered possession of the dog to the Town. The Clerk of the Court issued a minute order specifying the order for removal so that the dog could be taken to the Humane Society.

I appreciate the opportunity to serve the Town as your judge. As always, please feel free to contact me anytime if you have any questions or concerns.

Respectfully submitted,

Teresa Ablao

Teresa Ablao
Municipal Judge