

AGENDA
TOWN OF HUDSON - BOARD OF TRUSTEES
REGULAR MEETING
March 18, 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, March 4, 2015
- b. Payment of Bills

2) PUBLIC HEARINGS

- a. Ordinance No. 15-03, 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) GENERAL BUSINESS

- a. Discussion: Sale of Lot 3, Bison Highway Minor Subdivision
- b. Ordinance No. 15-02, Second 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
- c. Ordinance No. 15-03, Second 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
- d. Ordinance No. 15-04, First Reading, Weld County Road 12.5 Annexation
- e. Ordinance No. 15-05, First Reading, An Ordinance Amending Article 7 of Chapter 4 of the Hudson Municipal Code to Provide for Impact Fee Credits for Development Anticipated to Produce Above Average Tax Revenues
- f. Ordinance No. 15-06, First Reading, An Ordinance Vacating Portions of Hickory Street and 10th Avenue
- g. Discussion: Proposed Intergovernmental Agreement with Weld County Regarding the WCR49 Access Control Plan
- h. Notice of Inquiry from Weld County – Brad Gutknecht Property
- i. Notice of Inquiry from Weld County – Lily Farm Fresh Skin Care Products
- k. Approval – Dock at Fishing Pond

4) STAFF REPORTS

5) ADJOURNMENT

MINUTES
TOWN OF HUDSON - BOARD OF TRUSTEES
REGULAR MEETING
March 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 - Present
Trustee, Christine Hamilton – Present
Trustee, Tiffany Sanders – Present
Trustee, Terri Davis – Absent

Town Clerk Pro-Tem, Becky Utecht took roll call, and a quorum of the Mayor and (4) Trustees were present.

Town Staff Present:

Town Administrator – Joe Racine
Town Attorney – Corey Hoffmann
Town Clerk Pro-Tem – Becky Utecht
Public Works Director – Ron Allen
Utility Director – Hunter Fobare
Economic Development Director – Dan Hamsmith

ADDITIONS TO AGENDA

No Additions.

CITIZEN'S COMMENTS

Ken Gabrielson, Hudson Fire District Chief, reported that the upstairs remodel on the Hudson Fire Station should begin in April or May and completion should occur within 90 days. He reported that the fire department has been on 122 calls to date. He reported that the Strategic Planning meetings have been going great.

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, February 4, 2015
- b. Board of Trustees Minutes, Regular Meeting, February 18, 2015
- c. Payment of Bills

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

The vote was as follows:

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

Nay - None

Mayor Patch declared the motion carried.

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

Joe Racine, Town Administrator, reported that this ordinance would amend the current prohibition on discharge of firearms, including air guns and bows and arrows, to provide for circumstances where discharge would be allowed. He reported that 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 shooting ranges; and it provides for use of air guns and bows and arrows on private property if done in a safe manner. He reported that the ordinance does not require a permit from the town, only compliance with the state law.

Trustee Hargis made a motion, seconded by Trustee Rossi to approve 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

The vote was as follows:

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

Nay - None

Mayor Patch declared the motion carried.

- 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

Joe Racine, Town Administrator, reported that this ordinance would amend the current land development code 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. He reported that 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.

Joe Racine, Town Administrator, reported that the second amendment of the proposed ordinance relates to sign height. He reported that the current code does not allow for signage over 15' high and when such signage is requested it requires an approved variance from the Board of Adjustments. He reported that a developer is required to present a site plan with signage included to both the Planning Commission and Board of Trustees prior to development. He reported that if the Planning Commission and Board of Trustees approve this site plan - it is redundant to take this to the Board of Adjustments. He reported that this ordinance would add the site plan process as an alternative to a variance for a sign to be in excess of 15' high.

Trustee Hargis made a motion, seconded by Trustee Rossi to approve 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

The vote was as follows:

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

Nay - None

Mayor Patch declared the motion carried.

4) STAFF REPORTS

Joe Racine, Town Administrator, asked the board of June 13, 2015 would work for everyone for the Board Retreat.

Tiffany Sanders, Trustee, reported that weekend would not work for her. Mayor Patch reported that May 12, 2015 through the end of the month would not work for him.

Joe Racine, Town Administrator, reported he would email out dates that would work for the potential speaker, Kathie Novak and he would like everyone to reply to this email if they can or cannot attend on that date(s). The Board asked for a date in late July and early August.

Joe Racine, Town Administrator, reported that the Weld County RE-3J School Board recently held a community forum Mayor Patch, Dan Hamsmith, and Becky Utecht attended. He reported that the number one item on the Board's power point discussion was the possibility of the closure of the Hudson Academy of Arts and Sciences. He suggested that the number one goal of the district should be to keep the school open. The Town of Hudson must be proactive because the closure of this elementary school could be catastrophic to the Town of Hudson.

Corey Hoffmann, Town Attorney, reported that there is an option, but the Town of Hudson would have to be a Home Rule municipality. A few other Home Rule towns and cities have implemented a school sales tax.

Dan Hamsmith, Economic Development Director, reported that the School Board will be asking for another Mill Levy override and possible Bond on the 2015 election or the 2016 election. He reported that his suggestion in the community forum meeting was that the Board needed to better educate the community and present the reasoning behind their request more clearly.

Mayor Patch suggested the Board of Trustees invite the School Board to a dinner meeting to discuss the current issues at hand. The Board of Trustees agreed that a joint dinner meeting was appropriate.

Ron Allen, Public Works Director, reported that BNSF is currently working on replacing the crossings. He reported that they will also be starting the siding extension this month.

Ron Allen, Public Works Director, reported that he would like the Board of Trustees comments on getting new welcome signs and thank you for visiting the town sign. He reported that these would be approximately 18 x 24 and would be located at entrance to town.

Hunter Fobare, Utility Director, reported that the wastewater treatment plant recently had some state violations. He reported that these are not serious violations but the state requires an explanation of what occurred. He reported this is due to low flow.

Hunter Fobare, Utility Director, reported that he is waiting on a bid for a new, high efficient vertical pump.

Dan Hamsmith, Economic Development Director, reported that he has been in contact with Mark and Laurie Scoglund's builder and architect for the proposed pizza restaurant.

Joe Racine, Town Administrator, reported that the Scoglund's would be at the next board meeting.

Matt Cole, Trustee, reported that he would like to know who enforces snow removal from sidewalks in the Town of Hudson. Joe Racine, Town Administrator, reported that there is not an ordinance that addresses snow removal from sidewalks.

Laura Hargis, Trustee, requested that the town get a speed sign that registers a driver's speed when leaving or entering town on the east side on State Hwy 52. She reported that this might at least aid in slowing drivers down.

Laura Hargis, Trustee, reported that the evergreens are dying throughout town. She asked that an arborist examine the trees.

ADJOURNMENT

The meeting adjourned at approximately 6:47p.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
03/11/2015	50445	1216	Blue Tarp Financial Inc.	32404924	Scaffolding for Water and WW Plants	70-68-6735	370.92
03/11/2015	50445	1216	Blue Tarp Financial Inc.	32404924	Scaffolding for Water and WW Plants	75-68-6735	370.92
Total 50445:							741.84
03/11/2015	50446	1123	Cardmember Service - 2	022015-7755	Online Software Subscription	10-64-7733	249.00
Total 50446:							249.00
03/11/2015	50447	536	Verizon Wireless	9740330756	Police Cell Phone Service	10-66-6411	32.05
03/11/2015	50447	536	Verizon Wireless	9740330756	Ops Cell Phone Service	10-68-6411	95.59
03/11/2015	50447	536	Verizon Wireless	9740330756	Water Cell Phone Service	70-64-6411	37.09
03/11/2015	50447	536	Verizon Wireless	9740330756	Water Ops Cell Phone Service	70-68-6411	21.68
03/11/2015	50447	536	Verizon Wireless	9740330756	Wastewater Cell Phone Service	75-68-6411	29.25
Total 50447:							215.66
03/12/2015	50449	4	Andersen's Star Market	030215	WWTP Operating Supplies	75-68-6710	12.70
Total 50449:							12.70
03/12/2015	50450	46	CarQuest Auto Parts Stores	2057-347685	Parts - Caliper	10-68-6633	140.17
03/12/2015	50450	46	CarQuest Auto Parts Stores	2057-347694	Parts - 1999 F-150	10-68-6633	46.98
Total 50450:							187.15
03/12/2015	50451	1041	Caselle Inc.	64014	Contract Support and Maintenance - April 2015	10-64-6633	525.00
Total 50451:							525.00
03/12/2015	50452	36	Colorado Analytical Laboratories I	150212062	Water Samples	70-68-6633	194.40
03/12/2015	50452	36	Colorado Analytical Laboratories I	150218038	Wastewater Samples	75-68-6633	111.60
03/12/2015	50452	36	Colorado Analytical Laboratories I	150224033	Wastewater Samples	75-68-6633	124.20
03/12/2015	50452	36	Colorado Analytical Laboratories I	150303085	Water Samples	70-68-6633	39.40
Total 50452:							469.60
03/12/2015	50453	212	Dana Kepner Company Inc.	1394801-00	Water Meter Test	70-68-6710	60.00
Total 50453:							60.00
03/12/2015	50454	369	Display Sales Company	INV-000451	Bulbs for Christmas Light Pole Displays	10-69-6710	151.25
Total 50454:							151.25
03/12/2015	50455	1194	Envirotech Services Inc.	CD20151151	Ice Slicer	10-68-6710	2,554.92
Total 50455:							2,554.92
03/12/2015	50456	503	Flowmation Inc.	3470	Scada Alarm System	75-68-7732	1,800.00

Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Description	Invoice GL Account	Check Amount
Total 50456:							1,800.00
03/12/2015	50457	57	Front Range Internet	1376246	Website Hosting and Maintenance	10-64-6415	122.90
Total 50457:							122.90
03/12/2015	50458	1074	Frontier Truck Equipment	31028	Light Package for New Truck	70-68-6652	885.00
03/12/2015	50458	1074	Frontier Truck Equipment	31032	Light Package for New Truck	10-68-6633	885.00
03/12/2015	50458	1074	Frontier Truck Equipment	31078	Light Package for New Truck	10-68-6633	1,330.00
Total 50458:							3,100.00
03/12/2015	50459	396	Gator Rubbish	284014	Trash Service - WW Treatment Plant	75-68-6633	100.00
Total 50459:							100.00
03/12/2015	50460	19	Grainger	9675392816	Lights for Plant	75-68-6710	115.38
03/12/2015	50460	19	Grainger	9675392824	Lights for Plant	75-68-6710	532.20
03/12/2015	50460	19	Grainger	9678017659	WWTP Bulbs	75-68-6415	647.58
Total 50460:							1,295.16
03/12/2015	50461	22	Hayes Phillips Hoffmann & Carber	022815-4080	Legal Services - Administration	10-64-6630	3,192.00
03/12/2015	50461	22	Hayes Phillips Hoffmann & Carber	022815-4080	Legal Services - Community Development	10-64-6630	231.00
03/12/2015	50461	22	Hayes Phillips Hoffmann & Carber	022815-4080	Legal Services - Municipal Court	10-62-6630	396.00
Total 50461:							3,819.00
03/12/2015	50462	210	Humane Society of Weld County	7295	Contract Billing for Month of February 2015	10-68-6633	126.31
Total 50462:							126.31
03/12/2015	50463	1047	JE-CO Equipment	1W1001247	Tires for Mack Truck	10-68-6633	4,999.29
03/12/2015	50463	1047	JE-CO Equipment	1W1001250	Spare Tires for Freightliner	10-68-6633	813.49
03/12/2015	50463	1047	JE-CO Equipment	1W1001304	Freightliner Plow Repair	10-68-6633	221.85
03/12/2015	50463	1047	JE-CO Equipment	1W1001309	Freightliner Repairs	10-68-6633	54.38
Total 50463:							6,089.01
03/12/2015	50464	276	Joe Racine	030215	Mileage	10-64-6213	34.50
03/12/2015	50464	276	Joe Racine	030215	Computer, Camera, Phone	10-64-6633	50.00
03/12/2015	50464	276	Joe Racine	030215	Medicare Reimbursement	10-64-6110	149.90
03/12/2015	50464	276	Joe Racine	030215	Conference Parking	10-64-6212	27.00
Total 50464:							261.40
03/12/2015	50465	853	Love's Travel Stops & County Stor	636947052	Fuel - PW Department	10-68-6416	1,633.86
03/12/2015	50465	853	Love's Travel Stops & County Stor	636947052	Fuel - Water Department	70-68-6416	150.62
03/12/2015	50465	853	Love's Travel Stops & County Stor	636947052	Fuel - WW Department	75-68-6416	76.26
Total 50465:							1,860.74
03/12/2015	50466	1150	Mountain State Processing and R	335366-00	Library Meter	70-68-6710	128.00
03/12/2015	50466	1150	Mountain State Processing and R	335972-00	1" Meter - Barn Store Car Wash	70-68-6710	265.40

Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Description	Invoice GL Account	Check Amount
Total 50466:							393.40
03/12/2015	50467	1187	Pinnacle Bank - 2	030115-4076	Easter Egg Hunt - Candy Filled Eggs	10-69-6730	240.00
03/12/2015	50467	1187	Pinnacle Bank - 2	030115-4076	Economic Development Conference	10-65-7103	250.00
03/12/2015	50467	1187	Pinnacle Bank - 2	030115-4076	Economic Development Training/ Conference	10-65-7103	60.00
03/12/2015	50467	1187	Pinnacle Bank - 2	030115-4076	IEDC Training Conference	10-65-7103	435.00
03/12/2015	50467	1187	Pinnacle Bank - 2	030115-4076	Design and Letter Cutting Machine	10-69-6730	287.40
03/12/2015	50467	1187	Pinnacle Bank - 2	030115-4076	Upstate Colorado ED Annual Meeting	10-65-7103	25.00
03/12/2015	50467	1187	Pinnacle Bank - 2	030115-4076	Economic Development Conference - Hotel	10-65-7103	110.00
Total 50467:							1,407.40
03/12/2015	50468	1188	Pinnacle Bank - 3	030115-4050	Blower Oil	75-68-6710	212.49
Total 50468:							212.49
03/12/2015	50469	1189	Pinnacle Bank - 4	030115-4043	Postage	10-64-6722	99.30
03/12/2015	50469	1189	Pinnacle Bank - 4	030115-4043	Water for BOT Meetings	10-61-6212	10.37
Total 50469:							109.67
03/12/2015	50470	1190	Pinnacle Bank - 5	030115-4068	Office Supplies	10-68-6720	90.54
03/12/2015	50470	1190	Pinnacle Bank - 5	030115-4068	Snow and Ice Meals	10-68-6210	99.03
03/12/2015	50470	1190	Pinnacle Bank - 5	030115-4068	Meal for Snow Removal Crew	10-68-6710	67.98
03/12/2015	50470	1190	Pinnacle Bank - 5	030115-4068	Sign Brackets and Z Bar	10-68-6712	812.05
03/12/2015	50470	1190	Pinnacle Bank - 5	030115-4068	Oil for Jetter	75-68-6416	87.24
Total 50470:							1,156.84
03/12/2015	50471	1195	Pinnacle Bank - 6	030115-4027	Conferences - CCCMA and RMLUI	10-64-6210	835.00
03/12/2015	50471	1195	Pinnacle Bank - 6	030115-4027	ICMA and Impact Fee Meeting	10-64-6212	56.95
03/12/2015	50471	1195	Pinnacle Bank - 6	030115-4027	Recording	10-64-6720	1.00
Total 50471:							892.95
03/12/2015	50472	466	Professional Management Solutio	83978	Financial Consulting and Audit Preparation	10-64-6632	3,675.00
Total 50472:							3,675.00
03/12/2015	50473	509	Quill Corporation	1893379	Office Supplies - File Folders and Paper	10-64-6720	314.67
03/12/2015	50473	509	Quill Corporation	1895582	Folders	10-64-6720	31.00
Total 50473:							345.67
03/12/2015	50474	1146	Rebecca Utecht	030915	Mileage - Bank Deposits and PC Packets	10-64-6213	42.55
Total 50474:							42.55
03/12/2015	50475	1151	RH Water & Wastewater LLC	40	Water Contract Ops	70-68-6633	125.00
03/12/2015	50475	1151	RH Water & Wastewater LLC	40	Wastewater Contract Ops	75-68-6633	125.00

Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Description	Invoice GL Account	Check Amount
Total 50475:							250.00
03/12/2015	50476	1205	RLH engineering inc.	14087-02	Asbestos Monitoring and Removal - Old PW Shop	22-71-7713	80.00
Total 50476:							80.00
03/12/2015	50477	1182	Stephanie Fleming	030915	Restitution - 15-3123	10-42-4210	100.00
Total 50477:							100.00
03/12/2015	50478	976	Stonehouse Signs	191467	Signs	10-68-6712	691.88
03/12/2015	50478	976	Stonehouse Signs	191655	Signs	10-68-6712	234.41
Total 50478:							926.29
03/12/2015	50479	1217	Theresa West	031015	Water Deposit Refund	70-00-2030	25.43
Total 50479:							25.43
03/12/2015	50480	934	Tim's Car Clinic	4127	GMC Repair	10-68-6633	127.00
Total 50480:							127.00
03/12/2015	50481	285	Town of Hudson	030115-1006	Water & Sewer - 509 Cherry Street	10-68-6418	41.06
03/12/2015	50481	285	Town of Hudson	030115-2018	Water & Sewer - 557 Ash Street	10-64-6418	51.97
03/12/2015	50481	285	Town of Hudson	030115-3043	Water & Sewer - 258 5th Avenue	10-68-6418	44.75
03/12/2015	50481	285	Town of Hudson	030115-4061	Water & Sewer - RO Plant	70-68-6418	5,627.73
03/12/2015	50481	285	Town of Hudson	030115-4062	Water & Sewer - 650 Cherry Street	10-69-6418	971.73
Total 50481:							6,737.24
03/12/2015	50482	800	Treatment Technology	169301	Wastewater Chemicals	75-68-6710	904.00
Total 50482:							904.00
03/12/2015	50483	131	Tribune The	3964619	Public Hearing - Land Development	10-64-6620	3.51
03/12/2015	50483	131	Tribune The	3987762	Publishing - Land Development Code	10-64-6620	17.42
Total 50483:							20.93
03/12/2015	50484	5	United Power	021715 - 866	Electric - RO Plant - 1175 6th Street	70-68-6413	2,091.01
03/12/2015	50484	5	United Power	022415-1519	Hudson Street Lighting	10-68-6414	1,228.91
03/12/2015	50484	5	United Power	022415-1519	Ball Park Lights - 650 Cherry Street	10-69-6413	18.24
03/12/2015	50484	5	United Power	022415-1519	Ball Park Lights - 650 Cherry Street	10-69-6413	16.00
03/12/2015	50484	5	United Power	022415-1519	Street Lighting - Well 22900 Service Rd.	70-68-6413	152.39
03/12/2015	50484	5	United Power	022415-1519	Street Lighting - 509 Cherry Street	10-68-6413	66.42
03/12/2015	50484	5	United Power	022415-1519	Street Lighting - 1100 5th Avenue	70-68-6413	79.95
03/12/2015	50484	5	United Power	022415-1519	Street Lighting - 800 E WCR 16	70-68-6413	646.55
03/12/2015	50484	5	United Power	022415-1634	Electric - WWTP 8249 WCR 47.5	75-68-6413	5,161.88
03/12/2015	50484	5	United Power	022415-1690	Electric - 21507 Hwy 52	75-68-6413	2,013.53
03/12/2015	50484	5	United Power	022415-9314	Electric - Hudson Pump Station	70-68-6413	686.80
03/12/2015	50484	5	United Power	030315-1800	Electric - 258 5th	10-68-6413	226.74

Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Description	Invoice GL Account	Check Amount
Total 50484:							12,388.42
03/12/2015	50485	1082	University of Colorado at Boulder	246314	DOT Physical - Lee Walhus	10-68-6415	75.00
Total 50485:							75.00
03/12/2015	50486	99	USA BlueBook	577680	WWTP Lab Supplies	75-68-6415	341.49
03/12/2015	50486	99	USA BlueBook	577720	WWTP Lab Supplies	75-68-6415	157.93
Total 50486:							499.42
03/12/2015	50487	18	Utility Notification Center of Color	21502373	Locates	70-68-6633	140.14
Total 50487:							140.14
03/12/2015	50488	293	Virulent Solutions Inc.	H150302JOE	Repair Joe's Computer	10-64-6633	332.50
Total 50488:							332.50
Grand Totals:							54,583.98

Report Criteria:

Report type: GL detail

Check.Type = {<>} "Adjustment"

PUBLIC HEARING

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

March 18, 2015

MAYOR:

I WOULD LIKE TO OPEN THE PUBLIC HEARING FOR THE PROPOSED AMENDMENT TO THE LAND DEVELOPMENT CODE: (STATE TIME)

MAYOR:

WILL THE CLERK STATE THE PURPOSE OF THE HEARING.

CLERK:

A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING ORDINANCE NO. 15-03, AMENDING CHAPTER 16 OF THE HUDSON MUNICIPAL CODE TO DEFINE THE LOCATION OF ZONING DISTRICT BOUNDARIES WITHIN STREET RIGHTS OF WAY AND TO PROVIDE FOR MAXIMUM HEIGHT OF SIGNS ON SITE PLANS.

:

MAYOR:

WAS THE NOTICE FOR THIS EVENINGS HEARING PUBLISHED IN THE LOCAL NEWSPAPER?

ADMINISTRATOR:

THE CODE AMENDMENT HEARING WAS ADVERTISED IN THE FEBRUARY 24, 2015 EDITION OF THE GREELEY TRIBUNE

MAYOR:

I WILL FIRST RECOGNIZE THE TOWN ADMINISTRATOR TO

PRESENT STAFF COMMENTS ON THE PROPOSED CODE AMENDMENT AND TO RESPOND TO QUESTIONS. I WILL THEN RECOGNIZE MEMBERS OF THE AUDIENCE WHO WISH TO SPEAK TO THE COMMISSIONERS REGARDING THE PROPOSAL. ALL WISHING TO SPEAK MAY COME FORWARD, ONE AT A TIME, TO THE PODIUM, SIGN IN AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

DOES THE TOWN ADMINISTRATOR HAVE A PRESENTATION FOR THE COMMISSION?

(STAFF PRESENTATION)

MAYOR:

IS THERE ANY MEMBER OF THE PUBLIC WHO WISHES TO ADDRESS THE PLANNING COMMISSION ON THIS MATTER?

IF SO, PLEASE SIGN IN AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

(PUBLIC COMMENTS)

MAYOR:

DO ANY OF THE COMMISSIONERS HAVE ANY REMAINING QUESTIONS OF STAFF ON THIS MATTER?

THERE BEING NO FURTHER DISCUSSION, I DECLARE THE PUBLIC HEARING IS CLOSED AT (STATE TIME).

MAYOR:

THE COMMISSION WILL CONSIDER A RECOMMENDATION TO THE BOARD OF TRUSTEES ON THIS MATTER LATER IN THE AGENDA.

NEXT AGENDA ITEM

MEMORANDUM

3.a.

To: Board of Trustees
From: Joe Racine, Town Administrator
Date: March 18, 2015
Subject: Discussion: Sale of Lot 3, Bison Highway Minor Subdivision

On January 21st, Lori and Mark Skoglund appeared at a meeting of the Board of Trustees to discuss their desire to purchase the Town-owned Lot 3 of the Bison Highway Minor Subdivision for the purpose of building and operating a pizza restaurant. The proposal was well received, however the Board asked that Mr. and Mrs. Skoglund assemble a design team and schedule a follow up meeting with the Board to introduce that team before moving ahead with a real estate purchase agreement.

Since the January meeting, the Skoglunds have been working with an engineering and architecture firm and have been preparing a business plan. This meeting will be the opportunity to continue the conversation with the Skoglunds, to meet their architect, and to decide how to proceed with the purchase agreement. If so directed by the Board, staff can finalize negotiations with the Skoglunds and prepare a purchase agreement for the Board's consideration at a meeting in April.

MEMORANDUM

3.b.

To: Board of Trustees
From: Joe Racine, Town Administrator
Date: March 18, 2015
Subject: Ordinance No. 15-02, Second Reading, Discharge of Firearms

Attachments

On March 4th the Board approved Ordinance No. 15-02 on first reading. The Ordinance, presented for second and final reading at this meeting, would change the Town's outright ban on discharging firearms within the Town, and allow such discharges for hunting and recreational purposes when done so in compliance with state law. A detailed memo from Corey Hoffmann, detailing statutory provisions, is attached again for the Board's convenience.

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 waterfowl 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

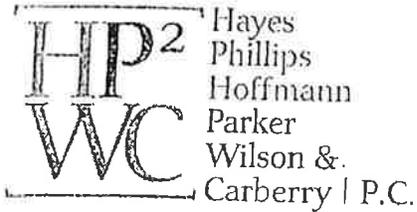
Raymond Patch, Mayor

ATTEST:

Linnette Barker, CMC, Town Clerk

APPROVED AS TO FORM:

Corey Y. Hoffmann, Town Attorney



Corey Y. Hoffmann
Kendra L. Carberry
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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

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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.

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(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

3.c.

To: Board of Trustees
From: Joe Racine, Town Administrator
Date: March 18, 2015
Subject: Ordinance No. 15-03, Public Hearing, Second Reading, ROW Zoning, Sign Height

Attachments

Ordinance No. 15-03 is presented for consideration on second and final reading at this evening's meeting. The ordinance, approved on first reading on March 4th, 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 or both sides. There is no Town zoning to apply to the portion of the right-of-way bordering such unincorporated land, leaving that portion of the street right-of-way 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. It would apply the zoning of the nearest district within the town to annexed street segments that are bounded on both sides by land in the unincorporated County. These provisions would preclude the need for a separate, cumbersome zoning process for a street.

The second amendment in the ordinance relates to sign height. Currently, the code sets the maximum height of a sign at 15 feet, unless the Board of Adjustment has approved a variance. The issue was raised in the case of an anticipated site plan application for a

MEMORANDUM

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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.

The proposed ordinance would add the site plan process as an alternative to a variance for a sign that is proposed 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.

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

MEMORANDUM

3.d.

To: Board of Trustees
From: Joe Racine, Town Administrator
Date: March 18, 2015
Subject: Ordinance No. 15-04, First Reading, Annexation of CR12.5

Attachments

Ordinance No. 15-04, presented for consideration on first reading, would annex the segments of CR12.5 that are not within the Town, beginning at the intersection with Highway 52 at the west end of the wastewater lagoon property, east to the I-76 frontage road. The resolution of substantial compliance, setting a public hearing for April 1st, was approved by the Board on February 18th.

The continuous right-of-way can be viewed as three unique segments (see attached map):

1. The segment from Highway 52 along the north edge of the wastewater lagoon site to the old Hickory Street right of way. This segment is improved with a gravel road surface. This right-of-way segment will provide a secondary access to: the lagoon property that has been reclaimed and is ready for commercial development; the wastewater lift station; the Public Service Company gas piping facility at the SE corner of CR12.5 and Hickory; and the gate into the neighboring Rothrock property.
2. The 20' wide segment along the north edge of the right-of-way between the old Hickory Street and the old Cedar Street. This full right-of-way is 100' wide, but only the south 80' is currently within the Town, having been part of the original Town incorporation. Including this 20' in this ordinance will bring the entire 100' right-of-way into the Town.
3. The segment between the old Cedar Street and the I-76 ROW. Annexation of this segment is a provision of the intergovernmental agreement with Weld County by which the County participated in the funding of the frontage road realignment in 2014. This segment is bounded on both sides by land in the unincorporated County.

Weld County has deeded the entire right-of-way to the Town, precluding the need for the County to petition for annexation. The Town owns the property.

Zoning

Land that is annexed into the Town must be also zoned within 90 days of the annexation. Ordinance No. 15-03, considered at this meeting on second reading, provides for zoning rights-of-way that adjoin land in the unincorporated County by interpreting the district boundaries rather than going through a cumbersome separate zoning process. Under the provision of that

MEMORANDUM

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ordinance, the entire length of this right-of-way annexation will be automatically zoned C-1 Commercial.

Vacation

Ordinance No. 15-06, proposed for consideration on first reading at this meeting, provides for vacation of no longer needed street rights-of-way that are remnants from the frontage road realignment. Part of the right-of-way being annexed by this ordinance will be vacated, that being the segment between the old Hickory Street and the new frontage road. The full right-of-way needs to be within the Town in order for the Town to vacate it. (See "Vesting Parcels 1, 2 and 3" on the vacation map in item f. in the meeting packet.)

Street Naming

According to the Town's street naming and numbering system, the newly annexed segment along the north edge of the wastewater lagoon site will become "10th Avenue." The segment that constitutes part of the realigned frontage road will be just that, "I-76 Frontage Road."

If approved on first reading, the ordinance will be placed on the April 1st agenda for public hearing and consideration on second reading.

ORDINANCE NO.

15-04

Series of 2014

TITLE: AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF PROPERTY KNOWN AS THE WELD COUNTY ROAD 12.5 ANNEXATION UPON PETITION BY THE OWNER OF THE PROPERTY

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to and filed with the Board of Trustees of the Town of Hudson, Colorado, written petition for annexation to and by the Town of Hudson, Colorado, of that property described in attached **Exhibit A**, being contiguous unincorporated territory situated, lying and being in the County of Weld, State of Colorado; and

WHEREAS, the Board of Trustees of the Town of Hudson, Colorado, has conducted a public hearing on April 1, 2015, as required by law to determine the eligibility for annexation of that property described in attached Exhibit A; and

WHEREAS, the Board of Trustees of the Town of Hudson, Colorado, has satisfied itself concerning the eligibility for annexation of that property described in attached Exhibit A and concerning the conformance of the proposed annexation to the applicable law in the annexation policy of the Town of Hudson, Colorado; and

WHEREAS, the Board of Trustees of the Town of Hudson, Colorado, by resolution determined that the applicable parts of C.R.S. §§ 31-12-104 and 31-12-105 have been met, that an election is not required under C.R.S. § 31-12-107(2), and that no additional terms and conditions are to be imposed; and

WHEREAS, it is the opinion of the Board of Trustees that it is desirable and necessary that the property described in the attached Exhibit A be annexed to the Town; and

WHEREAS, it is in the best interest of the Town and its citizens to annex said parcel.

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

Section 1. The annexation by and to the Town of Hudson, State of Colorado, of that property described in attached **Exhibit A**, situated, lying and being in the County of Weld, State of Colorado, meets all requirements of law and the annexation policy of the Town of Hudson, and therefore, said annexation is hereby approved and made effective.

Section 2. The owner of more than fifty percent (50%) of the area of the property described in attached Exhibit A petitioned for annexation with the Town Board of Trustees by filing a Petition for Annexation, together with four (4) copies of the annexation map, as required by law.

Section 3. The Board of Trustees, by resolution at a properly noticed meeting on February 18, 2015, accepted said Petition and found and determined that the applicable parts of the Municipal Annexation Act of 1965, C.R.S. § 31-12-101, *et seq.*, as amended, have been met and further determined that an election was not required under the Act and that no additional terms and conditions were to be imposed upon said annexation.

Section 4. Upon the effective date of this Annexation Ordinance, all lands within the area to be annexed shall become subject to the Municipal Laws of the State of Colorado pertaining to towns and to all ordinances, resolutions, rules and regulations of the Town of Hudson.

Section 5. Considering all of the foregoing, and based on the conviction that annexation of this property to the Town of Hudson will serve the best interests of the Town of Hudson and the owner(s) of the territory to be annexed, the unincorporated territory described in Exhibit A, which is attached hereto and made a part hereof, is hereby annexed to the Town of Hudson, Colorado.

Section 6. Upon passage of this Ordinance, the Town Clerk shall file for recording three (3) certified copies of the Annexation Ordinance and three (3) copies of the Annexation Map with the Clerk and Recorder of the County of Weld, State of Colorado, and shall keep one (1) copy of the annexation map along with the original of this Annexation Ordinance in the Town Clerk's office.

Section 7. The Town Clerk shall request that the Weld County Clerk and Recorder shall file one (1) certified copy of the Annexation Ordinance and one (1) copy of the Annexation Map with the Division of Local Governments of the Department of Local Affairs in addition to filing one (1) certified copy of the Annexation Ordinance and one (1) copy of the Annexation Map with the Colorado Department of Revenue

Section 8. The Annexation Map showing the boundaries of the newly annexed territory as above described shall be kept on file in the office of the Weld County Clerk and Recorder.

Section 9. Effective Date. By operation of C.R.S. § 31-12-113(2), the annexation and this ordinance will not become effective until the Town Clerk completes the filings required by statute. For the purpose of general taxation, this ordinance shall become effective on January 1st of the next succeeding year following its passage.

INTRODUCED, READ IN FULL, AND ADOPTED this 18th day of March, 2014.

TOWN OF HUDSON, COLORADO

Raymond Patch, Mayor

ATTEST:

Linnette Barker, Town Clerk

PASSED ON SECOND AND FINAL READING this 1st day of April, 2015, AND
ORDERED PUBLISHED ONCE IN FULL.

TOWN OF HUDSON, COLORADO

Raymond Patch, Mayor

ATTEST:

Linnette Barker, Town Clerk

APPROVED AS TO FORM:

Corey Y. Hoffmann, Town Attorney

Exhibit A
Property Description

WCR 12.5 ANNEXATION TO HUDSON

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 (±).

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

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

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



DATE: _____
REVISIONS: _____

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

PROPERTY 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 being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2007, 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 Northeastly line of that parcel of land described in that deed recorded April 1, 1968;

THENCE along said Northeastly 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 Northwesterly 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 Northwesterly 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 Northwesterly 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 1-76 Annexation to the Town of Hudson recorded January 24, 1956 as Reception No. 2473142 of the Records of Weld County;

The next three (3) courses are along the Westerly lines of said North 1-76 Annexation:

THENCE South 09°20'53" 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 851.83 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 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, lessholders, and holders of any ownership interest as defined by the Town of Hudson, of the land described herein, 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 _____ day of _____, 20____.

OWNER: Town of Hudson

NOTARIAL CERTIFICATE

STATE OF _____
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

NOTARIAL CERTIFICATE

STATE OF _____
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 #34955

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 herein. (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 2664.11 feet with all other bearings contained herein relative thereto.

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

LINE	BEARING	LENGTH
L1	S00°09'02"W	50.00'
L2	S00°08'33"E	10.00'
L3	S09°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°20'55"E	30.00'

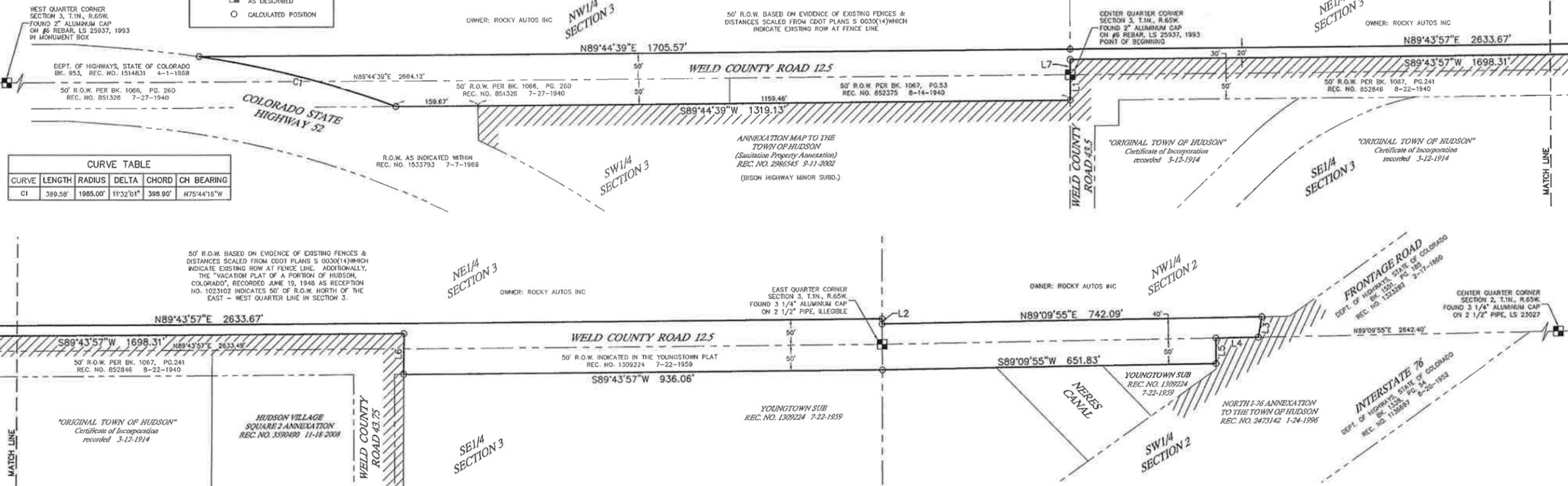


VICINITY MAP
(NOT TO SCALE)

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
CI	399.58'	1985.00'	11°32'01"	398.90'	N75°44'16"W

MEMORANDUM

3.e.

To: Board of Trustees
From: Joe Racine, Town Administrator
Date: February 4, 2015
Subject: Ordinance No. 15-05, Impact Fee Adjustments

Attachments

Ordinance No. 15-05 is presented at this meeting for consideration on first reading. It is an economic development measure that would provide some systematic means of relieving developers of some or all of the cost of impact fees in defined circumstances. It is intended to preclude the need for unique, open-ended negotiation of impact fees for new development.

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. A warehouse might occupy the same amount of land as an office building, but the impacts, positive and negative, might be very different. 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 prepared a report, presented to the Board at an earlier meeting, 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. The goals of this project were to provide an up-front economic development incentive in the form of fee reduction; to ensure that the town's infrastructure needs were met from other revenues; and to be consistent in the way that incentives were provided.

If approved on first reading, the ordinance will be presented for final reading at the April 1st meeting.

ORDINANCE NO.

NO. 15-05
Series of 2015

TITLE: AN ORDINANCE AMENDING ARTICLE 7 OF CHAPTER 4 OF THE HUDSON MUNICIPAL CODE TO PROVIDE FOR IMPACT FEE CREDITS FOR DEVELOPMENT ANTICIPATED TO PRODUCE ABOVE AVERAGE TAX REVENUES

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

Section 1. Section 4-120 of the Hudson Municipal Code is hereby amended by the addition of a new subsection (b.5) that reads as follows:

(b.5) The Town is hereby authorized to approve credits, reducing the amount of impact fees payable for new development, when such development is anticipated to produce town sales tax and/or town property tax revenue over a period of the first three years after initial occupancy in excess of the average sales tax and/or property tax revenue produced by similar development within the town during such three year period (the "Excess Tax"). An applicant for impact fee reduction must submit a written request for a reduction of impact fees on forms provided by the Town upon or before application for a building permit for the structure for which impact fee credits are requested. The written request for reduction of impact fees must include a competent and well-documented forecast of sales tax generation and/or property valuation to be used in calculating anticipated tax revenues. The total amount of impact fee credit shall be equal to the anticipated Excess Tax, as determined by the Town Administrator after examination of the application and supporting documentation, or the total amount of impact fees due, whichever is lesser.

Section 2. Section 4-120(c) of the Hudson Municipal Code is hereby amended by the addition of a new subsection (3) that reads as follows:

(3) The Town Administrator shall annually calculate: the average property tax per residential unit received by the town in the previous year; the average property tax per square foot received by the town for categories of commercial and industrial buildings; and the average sales tax per square foot of building area received by the town for sales tax producing commercial buildings. The total amount of impact fee credit shall not exceed the total amount of impact fees paid.

Section 3. Section 4-120(c) of the Hudson Municipal Code is hereby amended by the addition of a new subsection (4) that reads as follows:

(4) Impact fee credits shall reduce the amount of impact fees payable to each impact fund by equal percentages.

Section 4. Section 4-120(d) of the Hudson Municipal Code is hereby amended by the addition of a new subsection (3) that reads as follows:

(3) Approved credits for anticipated Excess Tax shall become effective at such time as impact fees are payable to the town.

Section 5. 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 6. 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 7. Effective Date. This Ordinance shall become effective thirty (30) days after final publication.

INTRODUCED, READ IN FULL, AND ADOPTED this 18th day of March, 2015.

TOWN OF HUDSON, COLORADO

Raymond Patch, Mayor

ATTEST:

Linnette Barker, CMC, Town Clerk

PASSED ON SECOND AND FINAL READING this 1st day of April, 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
IMPACT FEE CALCULATOR

Updated: 12-16-14

<i>(office use only)</i>		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

COMMERCIAL

Square Feet

Expected Average Annual Taxable Sales / Sq. Ft.

Expected Market Value / Sq. Ft.

INDUSTRIAL

Square Feet

Average Market Value / Sq. Ft.

Town of Hudson, Impact Fee Adjustment Table
Section 4-122(j)

IMPACT FEES

	Pre-Adjustment Fees on 1/1/10	2009 ENR change 6.86%	Fees on 1/1/10	2010 ENR change 0.85%	Fees on 1/1/11	2011 ENR change 7.65%	Fees on 1/1/12	2012 ENR change 1.35%	Fees on 1/1/13	2013 ENR change 0.48%	Fees on 1/1/14	2014 ENR change 0.87%	Fees on 1/1/15
Residential/Unit													
Parks	\$ 74.00		\$ 79.08		\$ 79.75		\$ 85.85		\$ 87.01		\$ 87.43		\$ 88.19
Facilities	\$ 312.00		\$ 333.40		\$ 336.24		\$ 361.96		\$ 366.85		\$ 368.61		\$ 371.81
Streets	\$ 2,557.80		\$ 2,733.27		\$ 2,756.50		\$ 2,967.37		\$ 3,007.43		\$ 3,021.87		\$ 3,048.16
Commercial/Sq. Ft.													
Parks	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -
Facilities	\$ 0.15		\$ 0.16		\$ 0.16		\$ 0.17		\$ 0.18		\$ 0.18		\$ 0.18
Streets	\$ 3.52		\$ 3.76		\$ 3.79		\$ 4.08		\$ 4.14		\$ 4.16		\$ 4.19
Industrial/Sq. Ft.													
Parks	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -
Facilities	\$ 0.15		\$ 0.16		\$ 0.16		\$ 0.17		\$ 0.18		\$ 0.18		\$ 0.18
Streets	\$ 0.92		\$ 0.98		\$ 0.99		\$ 1.07		\$ 1.08		\$ 1.09		\$ 1.10

MEMORANDUM

3.f.

To: Board of Trustees
From: Joe Racine, Town Administrator
Date: March 18, 2015
Subject: Ordinance No. 15-06, First Reading, Vacation of Portions of 10th Avenue and Hickory Street

Attachments

Ordinance No. 15-05 is presented at this meeting for consideration on first reading. It is an economic development measure that would provide some systematic means of relieving developers of some or all of the cost of impact fees in defined circumstances. It is intended to preclude the need for unique, open-ended negotiation of impact fees for new development.

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. A warehouse might occupy the same amount of land as an office building, but the impacts, positive and negative, might be very different. 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 prepared a report, presented to the Board at an earlier meeting, 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. The goals of this project were to provide an up-front economic development incentive in the form of fee reduction; to ensure that the town's infrastructure needs were met from other revenues; and to be consistent in the way that incentives were provided.

If approved on first reading, the ordinance will be presented for final reading at the April 1st meeting.

ORDINANCE NO.

15-06
Series of 2014

TITLE: AN ORDINANCE VACATING PORTIONS OF HICKORY STREET AND 10TH AVENUE

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

Section 1. Pursuant to C.R.S. § 43-2-303, the Town of Hudson hereby vacates those portions of Hickory Street and 10th Avenue, formerly known as Weld County Road 12.5, as more particularly described in **Exhibit A**, Property Descriptions, and **Exhibit B**, Vacation and Easement Dedication Map, which are attached hereto and incorporated by this reference (collectively, the “Vacated Property”).

Section 2. Pursuant to C.R.S. § 43-2-303(3), the Town hereby reserves for continued use an easement for utility purposes within the property described in **Exhibits A and B**, and thus no permanent structures that prevent access to such utilities may be constructed within the Vacated Property.

Section 3. Title is hereby vested to the property owners adjacent to **Exhibits A and B**, which conveyance shall be by Quit Claim Deed and in accordance with C.R.S. § 43-2-302(1).

Section 4. 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 5. 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 6. Effective Date. This Ordinance shall become effective thirty (30) days after final publication.

INTRODUCED, READ IN FULL, AND ADOPTED this 18th day of March, 2014.

TOWN OF HUDSON, COLORADO

Raymond Patch, Mayor

ATTEST:

Linnette Barker, Town Clerk

PASSED ON SECOND AND FINAL READING this 1st day of April, 2015, AND ORDERED
PUBLISHED ONCE IN FULL.

TOWN OF HUDSON, COLORADO

Raymond Patch, Mayor

ATTEST:

Linnette Barker, Town Clerk

APPROVED AS TO FORM:

Corey Y. Hoffmann, Town Attorney

Exhibit A
Property Descriptions

VACATION VESTING PARCEL #1

A parcel of land being a portion of the Northeast Quarter of Section Three (3) Township One North (T.1N.), Range Sixty-five West (R.65W.), Sixth Principal Meridian (6th P.M.), Town of Hudson, County of Weld, State of Colorado more particularly described as follows:

BEGINNING at the Center Quarter Corner of said Section 3 and assuming the North line of the Southeast Quarter of said Section 3 as bearing North 89°43'57" East a distance of 2633.49 feet with all other bearings contained herein relative thereto:

THENCE North 00°20'55" West along the West line of the Northeast Quarter of said Section 3 a distance of 50.00 feet to the North line of the vacated 10th Avenue Right of Way;
THENCE North 89°43'57" East along the North line of the vacated 10th Avenue Right of Way a distance of 783.12 feet to the beginning point of a curve non-tangent to this course;
THENCE along the arc of a curve concave to the Southeast a distance of 246.88 feet, said curve has a Radius of 640.00 feet, a Delta of 22°06'08" and is subtended by a Chord bearing South 77°58'27" West a distance of 245.36 feet to the endpoint of said curve on the South line of the Northeast Quarter of said Section 3;
THENCE South 89°43'57" West along the South line of the Northeast Quarter of said Section 3 a distance of 542.85 feet to the **POINT OF BEGINNING**;

Said described vacated Right of Way contains 31,204 sq. ft. or 0.716 acres, more or less.

VACATION VESTING PARCEL #2

A parcel of land being a portion of the Southeast Quarter of Section Three (3) Township One North (T.1N.), Range Sixty-five West (R.65W.), Sixth Principal Meridian (6th P.M.), Town of Hudson, County of Weld, State of Colorado more particularly described as follows:

COMMENCING at the Center Quarter Corner of said Section 3 and assuming the North line of the Southeast Quarter of said Section 3 as bearing North 89°43'57" East a distance of 2633.49 feet with all other bearings contained herein relative thereto:

THENCE North 89°43'57" East along the North line of the Southeast Quarter of said Section 3 a distance of 94.64 feet to the **POINT OF BEGINNING**;
THENCE North 89°43'57" East continuing along the North line of the Southeast Quarter of said Section 3 a distance of 448.21 feet to the beginning point of a curve non-tangent to this course;
THENCE along the arc of a curve concave to the Southeast a distance of 107.91 feet, said curve has a Radius of 640.00 feet, a Delta of 09°39'37" and is subtended by a Chord bearing South 62°05'34" West a distance of 107.78 feet to the endpoint of said curve on the South line of the vacated 10th Avenue Right of Way;
THENCE South 89°43'57" West along the South line of the vacated 10th Avenue Right of Way a distance of 352.73 feet to the Northeast corner of the Public Service parcel;

THENCE North 00°16'03" West a distance of 50.00 feet to the **POINT OF BEGINNING**;

Said described vacated Right of Way contains 19,860 sq. ft. or 0.456 acres, more or less.

VACATION VESTING PARCEL #3

A parcel of land being a portion of the Southeast Quarter of Section Three (3) Township One North (T.1N.), Range Sixty-five West (R.65W.), Sixth Principal Meridian (6th P.M.), Town of Hudson, County of Weld, State of Colorado more particularly described as follows:

BEGINNING at the Center Quarter Corner of said Section 3 and assuming the North line of the Southeast Quarter of said Section 3 as bearing North 89°43'57" East a distance of 2633.49 feet with all other bearings contained herein relative thereto:

THENCE North 89°43'57" East along the North line of the Southeast Quarter of said Section 3 a distance of 94.64 feet;

THENCE South 00°16'03" East a distance of 50.00 feet to the South line of the vacated 10th Avenue Right of Way;

THENCE South 89°43'57" West along the South line of the vacated 10th Avenue Right of Way a distance of 47.00 feet to the East line of the vacated Hickory Street Right of Way;

THENCE South 00°09'02" West along the East line of the vacated Hickory Street Right of Way a distance of 50.00 feet;

THENCE North 89°50'58" West a distance of 48.00 feet to the West line of the Southeast Quarter of said Section 3;

THENCE North 00°09'02" East along the West line of the Southeast Quarter of said Section 3 a distance of 99.65 feet to the **POINT OF BEGINNING**;

Said described vacated Right of Way contains 7,132 sq. ft. or 0.164 acres, more or less.

VACATION VESTING PARCEL #4

A parcel of land being a portion of the Southeast Quarter of Section Three (3) Township One North (T.1N.), Range Sixty-five West (R.65W.), Sixth Principal Meridian (6th P.M.), Town of Hudson, County of Weld, State of Colorado more particularly described as follows:

COMMENCING at the Center Quarter Corner of said Section 3 and assuming the North line of the Southeast Quarter of said Section 3 as bearing North 89°43'57" East a distance of 2633.49 feet with all other bearings contained herein relative thereto:

THENCE South 00°09'02" West along the West line of the Southeast Quarter of said Section 3 a distance of 99.65 feet to the **POINT OF BEGINNING**;

THENCE South 89°50'58" East a distance of 48.00 feet to the East line of the vacated Hickory Street Right of Way;

THENCE South 00°09'02" West along the East line of the vacated Hickory Street Right of Way a distance of 316.46 feet to the Southwesterly prolongation of the Northerly line of that Right of Way dedicated by the Hudson Village Square, Amendment No. 1;

THENCE South 46°08'45" West along the Southwesterly prolongation of said Right of Way a distance of 66.73 feet to the West line of the Southeast Quarter of said Section 3;
THENCE North 00°09'02" East along the West line of the Southeast Quarter of said Section 3 a distance of 362.82 feet to the **POINT OF BEGINNING**;

Said described vacated Right of Way contains 16,303 sq. ft. or 0.374 acres, more or less.

VACATION VESTING PARCEL #5

A parcel of land being a portion of the Southeast Quarter of Section Three (3) Township One North (T.1N.), Range Sixty-five West (R.65W.), Sixth Principal Meridian (6th P.M.), Town of Hudson, County of Weld, State of Colorado more particularly described as follows:

COMMENCING at the Center Quarter Corner of said Section 3 and assuming the North line of the Southeast Quarter of said Section 3 as bearing North 89°43'57" East a distance of 2633.49 feet with all other bearings contained herein relative thereto:

THENCE South 00°09'02" West along the West line of the Southeast Quarter of said Section 3 a distance of 573.69 feet to the Southwesterly prolongation of the Southerly line of that Right of Way dedicated by the Hudson Village Square, Amendment No. 1 and to the **POINT OF BEGINNING**;

THENCE South 48°08'51" East a distance of 64.29 feet to the East line of the vacated Hickory Street Right of Way;

THENCE South 00°09'02" West along the East line of the vacated Hickory Street Right of Way a distance of 540.15 feet to the Southwest corner of Lot 1, Block 1 of the Hudson Village Square;

THENCE North 45°26'43" West along the Northwesterly prolongation of the Southwesterly line of said Lot 1 a distance of 67.19 feet to the West line of the Southeast Quarter of said Section 3;

THENCE North 00°09'02" East along the West line of the Southeast Quarter of said Section 3 a distance of 535.90 feet to the **POINT OF BEGINNING**;

Said described vacated Right of Way contains 25,825 sq. ft. or 0.593 acres, more or less.

VACATION VESTING PARCEL #6

A parcel of land being a portion of the Southwest Quarter of Section Three (3) Township One North (T.1N.), Range Sixty-five West (R.65W.), Sixth Principal Meridian (6th P.M.), Town of Hudson, County of Weld, State of Colorado more particularly described as follows:

COMMENCING at the Center Quarter Corner of said Section 3 and assuming the North line of the Southeast Quarter of said Section 3 as bearing North 89°43'57" East a distance of 2633.49 feet with all other bearings contained herein relative thereto:

THENCE South 00°09'02" West along the West line of the Southeast Quarter of said Section 3 a distance of 807.45 feet to the **POINT OF BEGINNING**;

THENCE South 00°09'02" West continuing along the West line of the Southeast Quarter of said Section 3 a distance of 327.48 feet to the Southeasterly prolongation of the Southwesterly line of Lot 3 of the Bison Highway Minor Subdivision;

THENCE North 43°38'21" West along said prolonged line a distance of 118.80 feet to the Southeasterly line of said Lot 3;

THENCE North 46°21'09" East along the Southeasterly line of said Lot 3 a distance of 97.27 feet to the West line of the vacated Hickory Street Right of Way;

THENCE North 00°09'02" East along the West line of the vacated Hickory Street Right of Way a distance of 174.39 feet to the Northeasterly line of Lot 3 of the Bison Highway Minor Subdivision;

THENCE South 89°50'58" East a distance of 12.00 feet to the **POINT OF BEGINNING**;

Said described vacated Right of Way contains 8,789 sq. ft. or 0.202 acres, more or less.

VACATION VESTING PARCEL #7

A parcel of land being a portion of the Southwest Quarter of Section Three (3) Township One North (T.1N.), Range Sixty-five West (R.65W.), Sixth Principal Meridian (6th P.M.), Town of Hudson, County of Weld, State of Colorado more particularly described as follows:

COMMENCING at the Center Quarter Corner of said Section 3 and assuming the North line of the Southeast Quarter of said Section 3 as bearing North 89°43'57" East a distance of 2633.49 feet with all other bearings contained herein relative thereto:

THENCE South 00°09'02" West along the West line of the Southeast Quarter of said Section 3 a distance of 807.45 feet to the **POINT OF BEGINNING**;

THENCE North 89°50'58" West a distance of 12.00 feet to the intersection of the West line of the vacated Hickory Street Right of Way with the Northeasterly line of Lot 3 of the Bison Highway Minor Subdivision;

THENCE North 00°09'02" East along the West line of the vacated Hickory Street Right of Way a distance of 222.17 feet to the Southwesterly prolongation of the Southerly line of that Right of Way dedicated by the Hudson Village Square, Amendment No. 1;

THENCE North 46°08'45" East along the Southwesterly prolongation of said Right of Way a distance of 16.68 feet to the West line of the Southeast Quarter of said Section 3;

THENCE South 00°09'02" West along the West line of the Southeast Quarter of said Section 3 a distance of 233.76 feet to the **POINT OF BEGINNING**;

Said described vacated Right of Way contains 2,736 sq. ft. or 0.063 acres, more or less.

VACATION VESTING PARCEL #8

A parcel of land being a portion of the Southwest Quarter of Section Three (3) Township One North (T.1N.), Range Sixty-five West (R.65W.), Sixth Principal Meridian (6th P.M.), Town of Hudson, County of Weld, State of Colorado more particularly described as follows:

COMMENCING at the Center Quarter Corner of said Section 3 and assuming the North line of the Southeast Quarter of said Section 3 as bearing North 89°43'57" East a distance of 2633.49 feet with all other bearings contained herein relative thereto:

THENCE South 00°09'02" West along the West line of the Southeast Quarter of said Section 3 a distance of 175.08 feet to the **POINT OF BEGINNING**;

THENCE South 00°09'02" West along the West line of the Southeast Quarter of said Section 3 a distance of 287.39 feet to the Southwesterly prolongation of the Southerly line of that Right of Way dedicated by the Hudson Village Square, Amendment No. 1;

THENCE South 46°08'45" West along the Southwesterly prolongation of said Right of Way a distance of 16.68 feet to the West line of the vacated Hickory Street Right of Way;

THENCE North 00°09'02" East along the West line of the vacated Hickory Street Right of Way a distance of 298.98 feet to the Southeast corner of Lot 4 of the Bison Highway Minor Subdivision;

THENCE South 89°50'58" East a distance of 12.00 feet to the **POINT OF BEGINNING**;

Said described vacated Right of Way contains 3,518 sq. ft. or 0.081 acres, more or less.

VACATION VESTING PARCEL #9

A parcel of land being a portion of the Southwest Quarter of Section Three (3) Township One North (T.1N.), Range Sixty-five West (R.65W.), Sixth Principal Meridian (6th P.M.), Town of Hudson, County of Weld, State of Colorado more particularly described as follows:

COMMENCING at the Center Quarter Corner of said Section 3 and assuming the North line of the Southeast Quarter of said Section 3 as bearing North 89°43'57" East a distance of 2633.49 feet with all other bearings contained herein relative thereto:

THENCE South 00°09'02" West along the West line of the Southeast Quarter of said Section 3 a distance of 175.08 feet to the **POINT OF BEGINNING**;

THENCE North 89°50'58" West a distance of 12.00 feet to the West line of the vacated Hickory Street Right of Way and the Southeast corner of Lot 4 of the Bison Highway Minor Subdivision;

THENCE North 00°09'02" East along the West line of the vacated Hickory Street Right of Way a distance of 125.00 feet to the Northeast corner of said Lot 4;

THENCE South 89°50'58" East a distance of 12.00 feet to the West line of the Southeast Quarter of said Section 3;

THENCE South 00°09'02" West along the West line of the Southeast Quarter of said Section 3 a distance of 125.00 feet to the **POINT OF BEGINNING**;

Said described vacated Right of Way contains 1,500 sq. ft. or 0.034 acres, more or less.

HICKORY STREET AND 10TH AVENUE UTILITY EASEMENT DEDICATION

A parcel of land being a portion of Section Three (3) Township One North (T.1N.), Range Sixty-five West (R.65W.), Sixth Principal Meridian (6th P.M.), Town of Hudson, County of Weld, State of Colorado more particularly described as follows:

BEGINNING at the Center Quarter Corner of said Section 3 and assuming the North line of the Southeast Quarter of said Section 3 as bearing North 89°43'57" East a distance of 2633.49 feet with all other bearings contained herein relative thereto:

THENCE North 00°20'55" West along the West line of the Northeast Quarter of said Section 3 a distance of 50.00 feet to the North Right of Way line of 10th Avenue;

THENCE North 89°43'57" East along the North Right of Way line of 10th Avenue a distance of 783.12 feet to the beginning point of a curve non-tangent to this course;

THENCE along the arc of a curve concave to the Southeast a distance of 354.79 feet, said curve has a Radius of 640.00 feet, a Delta of 31°45'46" and is subtended by a Chord bearing South 73°08'38" West a distance of 350.27 feet to the endpoint of said curve on the South Right of Way line of 10th Avenue;

THENCE South 89°43'57" West along the South Right of Way line of 10th Avenue a distance of 399.73 feet to the East Right of Way line of Hickory Street;

THENCE South 00°09'02" West along the East Right of Way line of Hickory Street a distance of 1106.95 feet to the Southwest corner of Lot 1, Block 1 of the Hudson Village Square, a plat recorded June 7, 2007 as Reception No. 3481958 of the Records of Weld County;

THENCE North 45°26'43" West along the Northwesterly prolongation of the Southwesterly line of said Lot 1a distance of 67.19 feet to the West line of the Southeast Quarter of said Section 3;

THENCE South 00°09'02" West along West line of the Southeast Quarter of said Section 3 a distance of 25.34 feet to the Southeasterly prolongation of the Southwesterly line of Lot 3 of the Bison Highway Minor Subdivision, a plat recorded January 26, 2012 as Reception No. 3820807 of the Records of Weld County;

THENCE North 43°38'21" West along said prolonged line a distance of 118.80 feet to the Southeasterly line of said Lot 3;

THENCE North 46°21'09" East along the Southeasterly line of said Lot 3 a distance of 97.27 feet to the West Right of Way line of Hickory Street;

THENCE North 00°09'02" East along the West Right of Way line of Hickory Street a distance of 931.76 feet to the Northeast corner of Lot 4 of said Bison Highway Minor Subdivision;

THENCE South 89°50'58" East along a line perpendicular to the West Right of Way line of Hickory Street a distance of 12.00 feet to the West line of the Southeast Quarter of said Section 3;

THENCE North 00°09'02" East along the West line of the Southeast Quarter of said Section 3 a distance of 50.09 feet to the **POINT OF BEGINNING**;

Said described vacated Right of Way contains 125,680 sq. ft. or 2.885 acres, more or less.

Exhibit A
Hickory Street and 10th Avenue Right of Way Vacation and Easement Dedication Map

HICKORY STREET AND 10TH AVENUE RIGHT OF WAY VACATION AND EASEMENT DEDICATION

Multiple Parcel Situated In The Section 3, Township 1 North, Range 65 West Of The 6th P.M.,
Town Of Hudson, County Of Weld, State Of Colorado

DATE: 11/20/2014
FILE NAME: 2012072B-VAC-DED
SCALE: 1"=60'
DRAWN BY: CSK
CHECKED BY: SAL

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

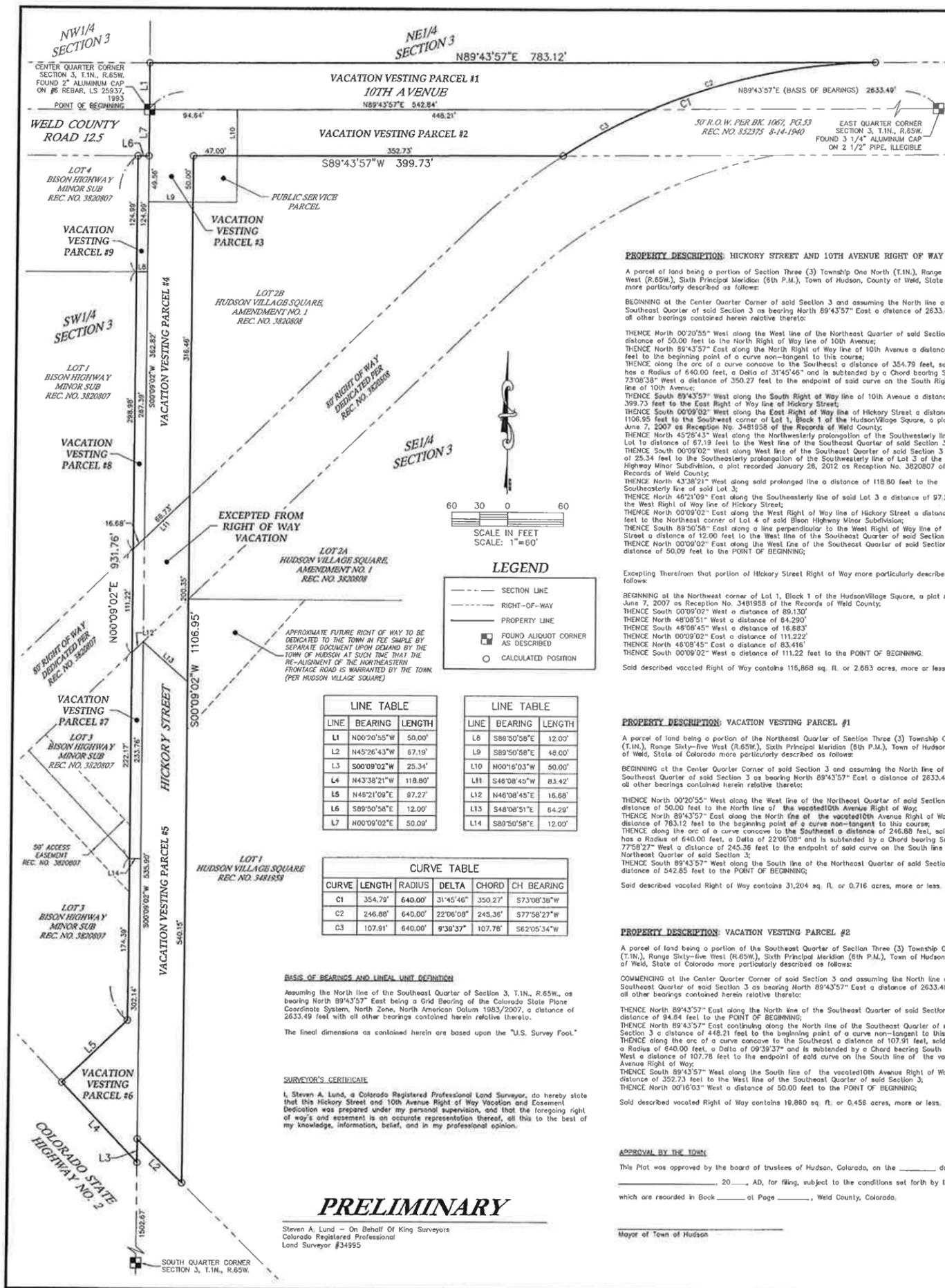


DATE: _____

REVISIONS:

HICKORY STREET AND 10TH AVENUE
RIGHT OF WAY VACATION AND
EASEMENT DEDICATION
FOR
KBN ENGINEERS, 820 8TH ST., GREELEY, CO 80631

PROJECT #: 2012072-B
1
SHEET 1 OF 1



PROPERTY DESCRIPTION: HICKORY STREET AND 10TH AVENUE RIGHT OF WAY VACATION
A parcel of land being a portion of Section Three (3) Township One North (T.1N.), Range Sixty-five West (R.65W.), Sixth Principal Meridian (6th P.M.), Town of Hudson, County of Weld, State of Colorado more particularly described as follows:
BEGINNING at the Center Quarter Corner of said Section 3 and assuming the North line of the Southeast Quarter of said Section 3 as bearing North 89°43'57" East a distance of 2633.49 feet with all other bearings contained herein relative thereto:
THENCE North 00°20'55" West along the West line of the Northeast Quarter of said Section 3 a distance of 50.00 feet to the North Right of Way line of 10th Avenue;
THENCE North 89°43'57" East along the North Right of Way line of 10th Avenue a distance of 783.12 feet to the beginning point of a curve non-tangent to this course;
THENCE along the arc of a curve concave to the Southeast a distance of 354.79 feet, said curve has a Radius of 640.00 feet, a Delta of 31°45'46" and is subtended by a Chord bearing South 73°08'38" West a distance of 350.27 feet to the endpoint of said curve on the South Right of Way line of 10th Avenue;
THENCE South 89°43'57" West along the South Right of Way line of 10th Avenue a distance of 399.73 feet to the East Right of Way line of Hickory Street;
THENCE South 00°09'02" West along the East Right of Way line of Hickory Street a distance of 1106.95 feet to the Southwest corner of Lot 1, Block 1 of the Hudson Village Square, a plot recorded June 7, 2007 as Reception No. 3481958 of the Records of Weld County;
THENCE North 45°26'43" West along the Northwesterly prolongation of the Southerly line of said Lot 1 a distance of 67.19 feet to the West line of the Southeast Quarter of said Section 3;
THENCE South 00°09'02" West along the West line of the Southeast Quarter of said Section 3 a distance of 25.34 feet to the Southeasterly prolongation of the Southerly line of Lot 3 of the Bison Highway Minor Subdivision, a plot recorded January 26, 2012 as Reception No. 3820807 of the Records of Weld County;
THENCE North 43°38'21" West along said prolonged line a distance of 118.80 feet to the Southeasterly line of said Lot 3;
THENCE North 45°21'09" East along the Southeasterly line of said Lot 3 a distance of 97.28 feet to the West Right of Way line of Hickory Street;
THENCE North 00°09'02" East along the North Right of Way line of Hickory Street a distance of 931.76 feet to the Northeast corner of Lot 4 of said Bison Highway Minor Subdivision;
THENCE South 89°50'58" East along a line perpendicular to the West Right of Way line of Hickory Street a distance of 12.00 feet to the West line of the Southeast Quarter of said Section 3;
THENCE North 00°09'02" East along the West line of the Southeast Quarter of said Section 3 a distance of 50.09 feet to the POINT OF BEGINNING;

Excepting Therefrom that portion of Hickory Street Right of Way more particularly described as follows:
BEGINNING at the Northwest corner of Lot 1, Block 1 of the Hudson Village Square, a plot recorded June 7, 2007 as Reception No. 3481958 of the Records of Weld County;
THENCE South 00°09'02" West a distance of 89.130'
THENCE North 45°08'45" West a distance of 64.290'
THENCE South 45°08'45" East a distance of 16.683'
THENCE North 00°09'02" East a distance of 111.222'
THENCE North 45°08'45" East a distance of 83.416'
THENCE South 00°09'02" West a distance of 111.222 feet to the POINT OF BEGINNING.

Said described vacated Right of Way contains 115,868 sq. ft. or 2.683 acres, more or less.

PROPERTY DESCRIPTION: VACATION VESTING PARCEL #1
A parcel of land being a portion of the Northeast Quarter of Section Three (3) Township One North (T.1N.), Range Sixty-five West (R.65W.), Sixth Principal Meridian (6th P.M.), Town of Hudson, County of Weld, State of Colorado more particularly described as follows:
BEGINNING at the Center Quarter Corner of said Section 3 and assuming the North line of the Southeast Quarter of said Section 3 as bearing North 89°43'57" East a distance of 2633.49 feet with all other bearings contained herein relative thereto:
THENCE North 00°20'55" West along the West line of the Northeast Quarter of said Section 3 a distance of 50.00 feet to the North line of the vacated 10th Avenue Right of Way;
THENCE North 89°43'57" East along the North line of the vacated 10th Avenue Right of Way a distance of 783.12 feet to the beginning point of a curve non-tangent to this course;
THENCE along the arc of a curve concave to the Southeast a distance of 246.88 feet, said curve has a Radius of 640.00 feet, a Delta of 22°06'08" and is subtended by a Chord bearing South 72°58'27" West a distance of 245.16 feet to the endpoint of said curve on the South line of the Northeast Quarter of said Section 3;
THENCE South 89°43'57" West along the South line of the Northeast Quarter of said Section 3 a distance of 542.85 feet to the POINT OF BEGINNING;

Said described vacated Right of Way contains 31,204 sq. ft. or 0.716 acres, more or less.

PROPERTY DESCRIPTION: VACATION VESTING PARCEL #2
A parcel of land being a portion of the Southeast Quarter of Section Three (3) Township One North (T.1N.), Range Sixty-five West (R.65W.), Sixth Principal Meridian (6th P.M.), Town of Hudson, County of Weld, State of Colorado more particularly described as follows:
BEGINNING at the Center Quarter Corner of said Section 3 and assuming the North line of the Southeast Quarter of said Section 3 as bearing North 89°43'57" East a distance of 2633.49 feet with all other bearings contained herein relative thereto:
THENCE North 89°43'57" East along the North line of the Southeast Quarter of said Section 3 a distance of 94.84 feet to the POINT OF BEGINNING;
THENCE North 89°43'57" East continuing along the North line of the Southeast Quarter of said Section 3 a distance of 448.21 feet to the beginning point of a curve non-tangent to this course;
THENCE along the arc of a curve concave to the Southeast a distance of 107.91 feet, said curve has a Radius of 640.00 feet, a Delta of 09°39'37" and is subtended by a Chord bearing South 62°05'34" West a distance of 107.78 feet to the endpoint of said curve on the South line of the vacated 10th Avenue Right of Way;
THENCE South 89°43'57" West along the South line of the vacated 10th Avenue Right of Way a distance of 352.73 feet to the West line of the Southeast Quarter of said Section 3;
THENCE North 00°16'03" West a distance of 50.00 feet to the POINT OF BEGINNING;

Said described vacated Right of Way contains 10,860 sq. ft. or 0.456 acres, more or less.

APPROVAL BY THE TOWN:
This Plot was approved by the board of trustees of Hudson, Colorado, on the _____ day of _____, 20____ AD, for filing, subject to the conditions set forth by the board which are recorded in Book _____ at Page _____, Weld County, Colorado.
Mayor of Town of Hudson _____

PROPERTY DESCRIPTION: VACATION VESTING PARCEL #3
A parcel of land being a portion of the Southeast Quarter of Section Three (3) Township One North (T.1N.), Range Sixty-five West (R.65W.), Sixth Principal Meridian (6th P.M.), Town of Hudson, County of Weld, State of Colorado more particularly described as follows:
BEGINNING at the Center Quarter Corner of said Section 3 and assuming the North line of the Southeast Quarter of said Section 3 as bearing North 89°43'57" East a distance of 2633.49 feet with all other bearings contained herein relative thereto:
THENCE North 89°43'57" East along the North line of the Southeast Quarter of said Section 3 a distance of 94.84 feet;
THENCE South 00°16'03" East a distance of 50.00 feet to the South line of the vacated 10th Avenue Right of Way;
THENCE South 89°43'57" West along the South line of the vacated 10th Avenue Right of Way a distance of 47.00 feet to the East line of the vacated Hickory Street Right of Way;
THENCE South 00°09'02" West along the East line of the vacated Hickory Street Right of Way a distance of 50.00 feet;
THENCE North 89°50'58" West a distance of 48.00 feet to the West line of the Southeast Quarter of said Section 3;
THENCE North 00°09'02" East along the West line of the Southeast Quarter of said Section 3 a distance of 99.65 feet to the POINT OF BEGINNING;

Said described vacated Right of Way contains 7,132 sq. ft. or 0.164 acres, more or less.

PROPERTY DESCRIPTION: VACATION VESTING PARCEL #4
A parcel of land being a portion of the Southeast Quarter of Section Three (3) Township One North (T.1N.), Range Sixty-five West (R.65W.), Sixth Principal Meridian (6th P.M.), Town of Hudson, County of Weld, State of Colorado more particularly described as follows:
BEGINNING at the Center Quarter Corner of said Section 3 and assuming the North line of the Southeast Quarter of said Section 3 as bearing North 89°43'57" East a distance of 2633.49 feet with all other bearings contained herein relative thereto:
THENCE South 00°09'02" West along the West line of the Southeast Quarter of said Section 3 a distance of 99.65 feet to the POINT OF BEGINNING;
THENCE South 89°50'58" East a distance of 48.00 feet to the East line of the vacated Hickory Street Right of Way;
THENCE South 00°09'02" West along the East line of the vacated Hickory Street Right of Way a distance of 50.00 feet to the Southeast corner of Lot 1, Block 1 of the Hudson Village Square, a plot recorded June 7, 2007 as Reception No. 3481958 of the Records of Weld County;
THENCE North 45°26'43" West along the Northwesterly prolongation of the Southerly line of said Lot 1 a distance of 67.19 feet to the West line of the Southeast Quarter of said Section 3;
THENCE South 00°09'02" West along the West line of the Southeast Quarter of said Section 3 a distance of 25.34 feet to the Southeasterly prolongation of the Southerly line of Lot 3 of the Bison Highway Minor Subdivision, a plot recorded January 26, 2012 as Reception No. 3820807 of the Records of Weld County;
THENCE North 43°38'21" West along said prolonged line a distance of 118.80 feet to the Southeasterly line of said Lot 3;
THENCE North 45°21'09" East along the Southeasterly line of said Lot 3 a distance of 97.28 feet to the West Right of Way line of Hickory Street;
THENCE North 00°09'02" East along the North Right of Way line of Hickory Street a distance of 931.76 feet to the Northeast corner of Lot 4 of said Bison Highway Minor Subdivision;
THENCE South 89°50'58" East along a line perpendicular to the West Right of Way line of Hickory Street a distance of 12.00 feet to the West line of the Southeast Quarter of said Section 3;
THENCE North 00°09'02" East along the West line of the Southeast Quarter of said Section 3 a distance of 50.09 feet to the POINT OF BEGINNING;

Said described vacated Right of Way contains 16,303 sq. ft. or 0.374 acres, more or less.

PROPERTY DESCRIPTION: VACATION VESTING PARCEL #5
A parcel of land being a portion of the Southeast Quarter of Section Three (3) Township One North (T.1N.), Range Sixty-five West (R.65W.), Sixth Principal Meridian (6th P.M.), Town of Hudson, County of Weld, State of Colorado more particularly described as follows:
BEGINNING at the Center Quarter Corner of said Section 3 and assuming the North line of the Southeast Quarter of said Section 3 as bearing North 89°43'57" East a distance of 2633.49 feet with all other bearings contained herein relative thereto:
THENCE South 00°09'02" West along the West line of the Southeast Quarter of said Section 3 a distance of 573.69 feet to the Southeasterly prolongation of the Southerly line of that Right of Way dedicated by the Hudson Village Square, Amendment No. 1;
THENCE South 45°08'45" West along the Southeasterly prolongation of said Right of Way a distance of 68.73 feet to the West line of the Southeast Quarter of said Section 3;
THENCE North 00°09'02" East along the West line of the Southeast Quarter of said Section 3 a distance of 362.82 feet to the POINT OF BEGINNING;

Said described vacated Right of Way contains 25,825 sq. ft. or 0.593 acres, more or less.

PROPERTY DESCRIPTION: VACATION VESTING PARCEL #6
A parcel of land being a portion of the Southeast Quarter of Section Three (3) Township One North (T.1N.), Range Sixty-five West (R.65W.), Sixth Principal Meridian (6th P.M.), Town of Hudson, County of Weld, State of Colorado more particularly described as follows:
BEGINNING at the Center Quarter Corner of said Section 3 and assuming the North line of the Southeast Quarter of said Section 3 as bearing North 89°43'57" East a distance of 2633.49 feet with all other bearings contained herein relative thereto:
THENCE South 00°09'02" West along the West line of the Southeast Quarter of said Section 3 a distance of 807.45 feet to the POINT OF BEGINNING;
THENCE South 00°09'02" West continuing along the West line of the Southeast Quarter of said Section 3 a distance of 327.48 feet to the Southeasterly prolongation of the Southerly line of Lot 3 of the Bison Highway Minor Subdivision;
THENCE North 43°38'21" West along said prolonged line a distance of 118.80 feet to the Southeasterly line of said Lot 3;
THENCE North 45°21'09" East along the Southeasterly line of said Lot 3 a distance of 97.28 feet to the West line of the vacated Hickory Street Right of Way;
THENCE North 00°09'02" East along the West line of the vacated Hickory Street Right of Way a distance of 174.39 feet to the Northwesterly line of Lot 3 of the Bison Highway Minor Subdivision;
THENCE South 89°50'58" East a distance of 12.00 feet to the POINT OF BEGINNING;

Said described vacated Right of Way contains 8,789 sq. ft. or 0.202 acres, more or less.

NOTES:
1. 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)
2. Colorado Statutes C.R.S. 43-2-302 (2014), 1(a) in the event that a roadway which constitutes the exterior boundary of a subdivision or other tract of land is vacated, title to said roadway shall vest in the owners of the land abutting the vacated roadway to the same extent that the land included within the survey be commenced more than ten years from the date of the certification shown hereon. (13-80-105 C.R.S. 2012)
3. Colorado Statutes C.R.S. 43-2-303 (2014), 2(c) If any roadway has been established on a municipal street or any line, such street shall not be vacated by any method other than an ordinance approved by the governing body of the municipality.

LINE TABLE

LINE	BEARING	LENGTH
L1	N00°20'55"W	50.00'
L2	N45°26'43"W	67.19'
L3	S00°09'02"W	25.34'
L4	N43°38'21"W	118.80'
L5	N45°21'09"E	97.27'
L6	S89°50'58"E	12.00'
L7	N00°09'02"E	50.09'

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD	CH BEARING
C1	354.79'	640.00'	31°45'46"	350.27'	S73°08'38"W
C2	246.88'	640.00'	22°06'08"	245.36'	S77°58'27"W
C3	107.91'	640.00'	9°39'37"	107.78'	S62°05'34"W

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

PRELIMINARY
Steven A. Lund - On Behalf Of King Surveyors
Colorado Registered Professional
Land Surveyor #34955

L:\2012072B-VAC-DED\2012072B-VAC-DED.dwg, 11/20/2014, 1:39:29 PM

MEMORANDUM

3.g.

To: Board of Trustees
From: Joe Racine, Town Administrator
Date: March 18, 2015
Subject: Discussion, CR49 Access Control Plan IGA

Attachment

On December 10th the Planning Commission conducted a public hearing on the matter of adoption of the Weld County Road 49 Access Control plan as a supplement to the Town's Comprehensive Plan. On January 14th, after tabling the matter in December, the Commission approved the Plan with conditions. At a subsequent Board of Trustees meeting, representatives of Weld County raised objections to the conditions. On February 11th, at the request of the Board, the Planning Commission considered the County's request that the conditions on the Commission's approval of the CR49 Access Control Plan be rescinded. The Commission did not choose to delete nor to alter the conditions. Since that time the Board of Trustees has not considered the matter of ratification of the Plan adoption.

In a related matter, the County has expressed a desire for the four parties to preparation of the Plan (Weld County, Hudson, Keenesburg and Kersey) to enter into an IGA regarding administration of the Plan. The preference expressed by the Board has been to consider the ratification of the Plan only in conjunction with an IGA.

The County's preference is for an IGA that would include all four parties. An option, discussed with the County, is for each of the three towns to enter into two-party agreements with the County. Attached is a DRAFT IGA, prepared by Corey Hoffmann, which has been offered to the County as a negotiation tool. This meeting will be an opportunity for the Board and staff to discuss issues related to the IGA.

The County has well-founded concerns that towns that have annexed or will annex segments of the roadway not adopt restrictions or install unnecessary traffic control devices that would reduce the functional integrity of the roadway. With an investment of about \$3 million per mile, the County has a lot at stake in ensuring that the anticipated heavy traffic be managed safely and appropriately. An IGA is a tool to provide some assurance to the County that the road will remain functional for all traffic, from end to end.

The County has requested a special meeting of the CR49 Access Control Plan Policy Committee for March 25th to discuss ongoing issues with the plan and the IGA. This meeting of the Board will be an opportunity to provide insights and guidance prior to the meeting on the 25th.



MEMORANDUM

TO: Board of Trustees, Town of Hudson
FROM: Roy Fronczyk thru Joe Racine
DATE: March 12, 2015
SUBJECT: Notice of Inquiry – Brad Gutknecht Property

I. PLANNING COMMISSION PUBLIC MEETING

At the regular March 11, 2015 Planning Commission meeting the Notice of Inquiry from Weld County concerning the Gutknecht property was discussed. At the meeting a staff report was presented and is attached, the applicant was available for questions and an action was taken by the Planning Commission.

II. PLANNING COMMISSION ACTION

The Planning Commission voted unanimously that property should be annexed to the Town, but not at this time. This process would take the form of a “pre annexation agreement” which would require that the property would be annexed at a future time when certain conditions are met. This is a new concept for the Town and needs further definition.

The Planning Commission concluded that this matter be referred to the Board of Trustees in that it involves an annexation policy decision.

III. APPLICANT RESPONSE

As indicated earlier, Mr. Gutknecht was present at the meeting and expressed that he was unsure and did not completely understand the concept of a “pre annexation agreement”. He wants to develop a portion of his property into an RV, boat and trailer storage facility to be processed in Weld County and is concerned how this as yet undefined process affects his ability to develop.

Mr. Gutknecht indicated that he will attend this evenings Board of Trustees meeting.



MEMORANDUM

TO: Board of Trustees, Town of Hudson
FROM: Roy Fronczyk thru Joe Racine
DATE: March 12, 2015
SUBJECT: Notice of Inquiry – Lily Farm Fresh Skin Care Products

I. PLANNING COMMISSION PUBLIC MEETING

At the regular March 11, 2015 Planning Commission meeting the Notice of Inquiry from Weld County concerning the Lily Farm Fresh Product project was discussed. At the meeting a staff report was presented and is attached, the applicant Ms. Lily Morgan was available for questions and an action was taken by the Planning Commission.

II. PLANNING COMMISSION ACTION

The Planning Commission voted unanimously that property should be annexed to the Town, but not at this time. This process would take the form of a “pre annexation agreement” which would require that the property would be annexed at a future time when certain conditions are met. This is a new concept for the Town and needs further definition.

The Planning Commission concluded that this matter be referred to the Board of Trustees in that it involves an annexation policy decision.

III. APPLICANT RESPONSE

As indicated earlier, Ms. Lily Morgan was present at the meeting and indicated that the recommendation to eventually be part of the Town is unacceptable and a “deal breaker”. She feels that being part of the Town would be detrimental to the “farm fresh” branding of her product and sees no reason to have Town services and utilities on the site. The rationale presented in the staff memo identifies reasons why the site should, at some time be part of the Town.

Ms. Morgan indicated that she will attend the Board of Trustees meeting.