

MINUTES
TOWN OF HUDSON TOWN COUNCIL
REGULAR MEETING
August 3, 2016 - 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
Mayor Pro-Tem, Laura Hargis – Present
Councilmember, Matt Cole – Present
Councilmember, Christine Hamilton – Present
Councilmember, Julia Stell – Absent
Councilmember, Joe Hammock – Present
Councilmember, Maria Chavez - Present

Town Clerk Pro-Tem, Becky Utecht took roll call, and a quorum of (5) Councilmembers were present.

Town Staff Present:

Town Manager – Joe Racine
Town Attorney – Corey Hoffmann
Town Clerk Pro-Tem – Becky Utecht
Economic Development Director – Dan Hamsmith
Utility and Public Works Director – Hunter Fobare
Town Marshal – Brent Flot

ADDITIONS TO AGENDA

Item 2g under General Business was moved to the end of the Agenda after Staff Reports.

CITIZEN'S COMMENTS

Mark Woodward, 19886 WCR 8, claimed that the drainage off WCR 8 from the Outpost RV Storage facility is causing erosion on WCR 41. It is running so hard it backs up into his lot. The drainage is not adequate and is running backwards on the south side of WCR 8.

Joe Racine, Town Manager, reported that he would have the Utility and Public Works director for the Town look at this.

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 Councilmember 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. Town Council Minutes, Regular Meeting, July 20, 2016
- b. Payment of Bills

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

The vote was as follows:

Aye: Councilmembers Hargis, Cole, Hammock, Chavez, Hamilton, and Mayor Patch

Nay - None

Mayor Patch declared the motion carried.

2) **GENERAL BUSINESS**

a. Contract Addendum, Fransen Pittman, Town Hall Guaranteed Maximum Price

Joe Racine, Town Manager, reported that our owner's representative, Kevin Gibbs, is here this evening to answer any questions. The Town is at the point in the Town Hall project where we are proposing a contract addendum to set the guaranteed maximum price (GMP) of the project. The total GMP is currently at \$3,083,210.00.

Kevin Gibbs, Owner's Representative, reported that the mobilization of the project is to occur on August 12, 2016, although the contractor has already fenced in the work area and staked it out. The estimated certificate of occupancy date is April 2017.

Councilmember Hargis made a motion, seconded by Councilmember Hamilton to approve the Contract Addendum, Fransen Pittman, Town Hall Guaranteed Maximum Price

The vote was as follows:

Aye: Councilmembers Hargis, Hamilton, Cole, Hammock, Chavez, and Mayor Patch

Nay - None

Mayor Patch declared the motion carried.

b. Discussion – Eastridge Estates Drainage

Laura Hargis, Councilmember, recused herself from the discussion.

Joe Racine, Town Manager, reported that there is nothing more to report on the research into the Eastridge Subdivision drainage issue. He spoke with Jason Murray, the engineer who prepared the original drainage report for the project. Jason is with a different company now and has nothing in his files on this project. He also spoke with Rick Gonzalez from RG Engineering, the Town Engineer at the time of the development. HE said that they did not have any records from that time.

Corey Hoffmann, Town Attorney, reported that he looked at the Town's file and plat. The Town Board approves plats with subdivision agreements, which explains public improvements. The subdivision agreement was never recorded. It is unclear if this is a public improvement or not. He reviewed his records and the engineering timeline and there was nothing on the drainage. This type of improvement is sometimes the responsibility of the municipality and sometimes it is the responsibility of the developer. The Town could undertake this improvement if needed, although there is nothing that says the Town is legally responsible to do so. Steps that will need to occur to make this improvement will first be the design. Secondly, what will the costs associated with this project be, acquisitions of needed land and easements, and finally, bidding and construction.

Joe Racine, Town Manager, reported that the design of the project would determine the positioning of the easements and a detention pond. He reported that at the direction of the Council he would ask Jason Murray to provide the engineering design to the Town.

The Town Council authorized the staff to move forward with the design.

c. Weld County Notice of Inquiry – Sparboe Farms

Joe Racine, Town Manager, reported that the Town’s “Coordinated Planning Agreement” with Weld County provides for a notice to the Town when development is planned in the defined Urban Growth Area (UGA). The Town has the option to require annexation when “development” occurs in the UGA. On July 21st we received a “Notice of Inquiry” from Weld County regarding a redevelopment proposal from Sparboe Farms to demolish 12 barns on their property and to replace them with eight new cage-free barns. This would increase the capacity of the facility by over 400,000 chickens. The question asked by the Notice is “Do you wish to annex the property?” The Town has until August 11th to respond to the County. If we do not respond by that date, the County is free to continue with consideration of the development.

Tim Naylor, representing Sparboe Farms on behalf of Ag Professionals, reported that this is just a minor amendment to the existing USR Permit. The request is to add a foundation to an existing modular home and to replace 12 existing barns on north side of property with eight larger, cage-free barns. The project will start in approximately 1-2 years and increase their capacity. This would prevent Sparboe from having to truck in cage-free bird eggs. Sparboe Farms is continuing negotiations on purchasing water from the Town of Hudson. He recommended that the Town and Sparboe enter into an access/road maintenance agreement in which Sparboe pays the Town a yearly maintenance fee. If any road damage occurs beyond the agreement and is deemed the responsibility of Sparboe Farms that would be an additional cost.

Corey Hoffmann, Town Attorney, reported that he does not recommend pre-annexation agreements. They are not useful if the plan is not set to occur in the near future. This is not the type of land use typically found within towns. The entity that regulates Sparboe Farms also deals with any of their complaints.

The Town Council and Town Staff had no objections to this request. Staff will send a letter that there is no desire to annex at this time and ask that Weld County approval include a requirement for a road maintenance agreement.

d. Resolution 16-18, Broadband ballot question

Joe Racine, Town Manager, reported that the attached Resolution No. 16-18 would submit a ballot question to voters this November regarding authority for the Town to provide high speed internet and cable TV services, either directly or with partners. This would be the “opt out” ballot question regarding Senate Bill 05-152 that placed restrictions on local governments’ ability to provide these services.

Councilmember Cole made a motion, seconded by Councilmember Chavez to approve the Resolution 16-18, Broadband ballot question

The vote was as follows:

Aye: Councilmembers Cole, Chavez, Hargis, Hamilton, Hammock, and Mayor Patch

Nay - None

Mayor Patch declared the motion carried.

e. Discussion – Resolution 16-19, Lodging Tax

Joe Racine, Town Manager, reported that Resolution 16-19 would submit a ballot question to voters this November regarding establishment of a lodging tax in Hudson. The proposed 3% tax would be assessed on top of normal sales taxes for hotel rooms or accommodations. To date the Council has had no discussions regarding the tax rate to propose nor the purpose for which revenues from the tax should be earmarked. The resolution only says that the tax will be used for general governmental purposes. If Council decides to pursue this ballot question in November, we should resolve those questions at this meeting. Taxes should be used for the benefit for those paying the tax, something like transportation improvements on roadways serving the motel or facilities benefitting the motel guests might be appropriate. He provided a rough preliminary estimate on the Best Western Plus motel based on 87 rooms with a 75% average occupancy rate, a tax rate of 3% and average room rent of \$129.00. The estimated annual gross tax revenue based on these figures would be \$92,169.00.

Laura Hargis, Councilmember, reported that she had done some research on other municipalities lodging tax rates and their purpose. Brighton has a lodging tax of 3%, Longmont has a lodging tax of 2% and Denver has a lodging tax of 10.75%. In Denver, the lodging tax is used to support economic development and tourism. In Longmont, the lodging tax is used for tourism and acquiring facilities.

Corey Hoffmann, Town Attorney, reported they could do a draft ordinance for the Municipal Code explaining lodging taxes if the Council would like. This ordinance could state that the purpose of the revenue could be for tourism, promotion and other governmental purposes. He could also draft the ordinance to exempt campgrounds from being subject to this tax.

The unanimous consensus of the Council was to hold off on this ballot question at this time.

f. Resolution 16-20, Memorandum of Intergovernmental Agreement for Conduct of Coordinated Elections

Joe Racine, Town Manager, The Intergovernmental Agreement for Conduct of Coordinated Election is due to the Weld County Elections office before August 30, 2016. This agreement would include a ballot question from the Town of Hudson on broadband.

Councilmember Cole made a motion, seconded by Councilmember Chavez to approve Resolution 16-20, Memorandum of Intergovernmental Agreement for Conduct of Coordinated Elections.

The vote was as follows:

Aye: Councilmembers Cole, Chavez, Hamilton, Hammock, Chavez, and Mayor Patch

Nay - None

Mayor Patch declared the motion carried.

3) STAFF REPORTS

Joe Racine, Town Manager, reported CML has asked for an appointment to the policy committee. Consensus from Council was for him to continue serving on that committee. He has been speaking with Kathy Novak regarding the planning of the upcoming Town Council Retreat, scheduled for September 10, 2016. Some discussion items will include the disposition of the current Town Hall building and revising and/or adding fees. He is still looking for more discussion ideas. Survey's will be going out to citizens soon. He received a call from the BNSF engineer regarding the Industrial Park and they have a meeting scheduled. The Town Hall groundbreaking is Saturday, August 6, 2016 from 10 am – 1 pm. The actual ceremonial event will be at 11 am.

Corey Hoffmann, Town Attorney, reported that the executive session will be to discuss the High Plains Library District. There have been recent changes regarding municipal court laws. One is in regard to transporting defendants in custody, which does not pertain to the Town of Hudson Municipal Court. The other was initiated and passed by the ACLU which does not allow municipalities to put someone in jail for non-payment of fees and fines. He is currently drafting a new ordinance that would allow the Town to issue community service in lieu of payments and if they do not complete their community service obligation they can be jailed for that.

Brent Flot, Town Marshal, reported that they had been on 151 calls in July and 29 of those were on-call dispatches. He helped Weld County with driver's training and that went well. He is currently working with other agencies to get everyone to become instructors so that training can be done in-house.

Hunter Fobare, Utility and Public Works Director, reported that the shallow well building is finally complete, but there are a few small items to be repaired. He asked the councilmembers if he could purchase a skid steer. The general contractors need one during the construction of the new Town Hall and the Town only owns one. It is more cost efficient to purchase another one versus renting. After the Town Hall is built the old one can be sold. The cost is approximately \$22,000.00.

Councilmember Cole made a motion, seconded by Councilmember Hargis to approve the purchase of new skid steer, not to exceed \$25,000.00.

The vote was as follows:

Aye: Councilmembers Cole, Hargis, Chavez, Hamilton, Hammock and Mayor Patch

Nay - None

Mayor Patch declared the motion carried.

4) EXECUTIVE SESSION

- a. To hold a conference with the Town's attorney to receive legal advice on specific legal questions, pursuant to C.R.S. §24-6-402(b)(4) regarding High Plains Library District.

Councilmember Hargis made a motion, seconded by Councilmember Cole to enter into executive session to hold a conference with the Town’s attorney to receive legal advice on specific legal questions, pursuant to C.R.S. §24-6-402(b)(4) regarding High Plains Library District. Motion carried unanimously.

Mayor Patch asked to let the record show that the motion passed. The Council entered into Executive Session at 7:18 p.m.

Mayor Patch reconvened the regular meeting of the Hudson Town Council at 7:37 pm.

g. Resolution 16-21, High Plains Library District

Councilmember Hargis made a motion, seconded by Councilmember Hamilton to approve Resolution 16-21, High Plains Library District.

The vote was as follows:

Aye: Councilmembers Hargis, Hamilton, Cole, Chavez, Hammock, and Mayor Patch

Nay - None

Mayor Patch declared the motion carried.

ADJOURNMENT

The meeting adjourned at approximately 7:38 p.m.

TOWN OF HUDSON, COLORADO

Mayor

ATTEST

Town Clerk Pro-Tem