

MINUTES  
TOWN OF HUDSON TOWN COUNCIL  
REGULAR MEETING  
August 15, 2018 - 6:00 P.M.

PLEDGE OF ALLEGIANCE

CALL TO ORDER AND ROLL CALL

Mayor Pro-Tem Hargis called the meeting to order at 6:00 p.m.

ROLL CALL

Mayor, Dwayne Haynes – Absent  
Mayor Pro-Tem, Laura Hargis – Present  
Councilmember, Matt Cole – Present  
Councilmember, Christine Hamilton – Present  
Councilmember, Joe Hammock – Present  
Councilmember, Maria Chavez – Present  
Councilmember, Sarah Stadler – Present

Acting Town Clerk, Charity Young took roll call and (6) Councilmembers were present.

Town Staff Present:

Town Manager – Guy Patterson  
Acting Town Clerk – Charity Young  
Town Marshal – Brent Flot  
Public Works & Utilities Director – Hunter Fobare

ADDITIONS TO AGENDA

None

CITIZEN'S COMMENTS

None

**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 Meeting Minutes, August 1, 2018
- b. Payment of Bills

Councilmember Hamilton made a motion, seconded by Councilmember Stadler to approve the Consent Agenda.

The vote was as follows:

Aye: Councilmembers Hamilton, Stadler, Hammock, Chavez, Cole and Mayor Pro-Tem Hargis.

Nay - None

Mayor Pro-Tem Hargis declared the motion carried.

## 2) PRESENTATION

### a. **POTENTIAL DEVELOPMENT IN THE HUDSON AREA**

Roy Fronczyk, Town Planner, reported that the Town has been busy with a lot of development inquiries. This presentation is a preview of what has been talked about. The Town does not recruit development. These projects are from the owner approaching the Town to develop. A few of these are in process and we have received applications for them.

The Pioneer development is the largest development that could occur in the Town. The Town received an application. The size is 3400 acres, that will be annexed along County Road 49. Currently little or no activity is on the property except for 52 oil wells on the site. The proposed annexation will include County Road 49, 22, 24, 26, and 28. There will be 11,400 dwellings, with 33,000 people coming into Town compared to Brighton's population of 38,000 people and Englewood with 34,000 people and Wheat Ridge is 31,000. There is an estimated 6,700 school aged children. Proposed will be 6 elementary school, a high school and a middle school. This will require over 50 cops and 13 more vehicles and offices that fill the size of Town Hall now. The estimated build out is 35 years. This annexation has been evaluated by Town staff and consultants. This will be coming back for review.

The Shaklee Center was annexed in 2009. It consists of 830 acres north of I76 and has one access point on County Road 49. The approved development plan was adopted in 2009. This development has evolved. It contains 25 approved oil and gas well sites. The box elder creek flood plain restricts use on Weld County Road 49.

The Willard Property, who are also the new owners of the Ziggi's coffee shop are coming up with ideas for development. They have investigated residential, industrial and commercial uses. This is currently in the communication stage with no applications turned in.

The Rocky Mountain Energy Center power plant will be annexed into Town by the end of this year. This will bring benefits to the Town with its annexation.

The BNSF logistics center was the Hudson Industrial Park. This property has been platted, there are roads along with water and sewer. Burlington Northern purchased this property and are creating a logistics center. There will be a loop track that will come off the main railroad line and circle the entire site. There will be sixteen individual sites within the park. Logistics means trans loading, goods will come in on a rail

car get stored loaded and get shipped within the Denver metro region. Improvements include straightening out County Road 49 on the north side. The development application is coming in next month. It is scheduled for planning commission meeting on September 12th and Council will see it on September 19<sup>th</sup>.

Hudson Terminal Railroad has been promising to annex into Town. They have been talking with the Town for 4 years now. They are looking to apply for annexation and to expand their operation. This is all oriented toward income and employment generated businesses.

Hudson Hills 2 will have their final approval coming shortly. This will include 70 additional lots. They will be the same size as Hudson Hills first filing. There is a school site dedicated for a school or park. With the filing there is an approved oil and gas well site.

The Cromwell property that is immediately located to the west of the Hudson Hills development. This would primarily be an extension of Hudson Hills type development. There has not been anything concrete yet. There is also the Fehr Property. It contains 40 acres on the west side of 76. It will include industrial storage for plumbing contractors. This property needs to annex and needs to be zoned.

Guy Patterson, Town Manager, reported that he requested this presentation for a couple of reasons. First was because of the development pressures the Town currently faces. The second reason was to be able to reach out to other entities such as the school district. Having a large-scale development like Pioneer, the post office would need to be aware of the resources they need. Those are the reasons we are having this presentation.

**b. PRESENTATION – FISCAL YEAR 2017 AUDIT.**

Dawn Priday with Hinkle and Company reported that the first comment in the audit is related to internal controls. In smaller entities it's harder to have a complete segregation of duties. There have been no changes to your financial statements this year. She reported that some account records were missing when we first started looking at your finances. The staff is working to fix this, and we would like to see this fixed.

Guy Patterson reported that the Clerk and the Consultant will be working on those issues. Internal controls are something we take seriously. Piecing together old records is a lot work, but it is being addressed.

Lorraine Trotter, Town Accountant, reported that she has been talking with the Town Manager and she will walk through the audit with you to address any questions. The analysis discussion page explains what the numbers mean. The Town's 1 net position increased by two million dollars in 2017. Governmental funds were over ten million which was a good increase, primary by the Library. The water and wastewater fund did decrease. The audit did include the completion of the new Town Hall. The rest of the management discussion and analysis shows charts and graphs with revenues vs expenditures. Each fund has a different role providing for revenues and expenditures. Section V. shows the revenues by source of governmental activities. This includes police operation and building inspection or planning. The bottom line of these funds is to keep providing those services. Section VIII are the funds for the Hudson Public Library. This is intergovernmental. Property through the High Plains Library District on page 8 shows all the main funds that are the governmental fund types. On the bottom of page 8 shows the fund balances at the start of the

year and it ended at -\$300,071. Each fund for the Town is tracked separately. This includes revenue and expenditures for water and waste water business type funds that are not taxed based. Both funds changed in a negative. That reflected a depreciation expense for the capital assets. That is not cash out, nor is it a cash loss. Lorraine recommended that council should know what is in the audit and how it's organized. She also reported that this should be the starting point of next year's budget.

### **3) GENERAL BUSINESS**

- a. **RESOLUTION NO. 18-20** – A RESOLUTION ADOPTING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN AND WELD COUNTY REGARDING THE CONDUCT OF THE COORDINATED ELECTION TO BE HELD WITH WELD COUNTY ON NOVEMBER 6, 2018.

Charity Young, Acting Town Clerk, reported that the language has changed since the first agreement was signed and this is just making sure we have the most up to date contract signed with the County.

Councilmember Hamilton made a motion, seconded by Councilmember Hammock to approve Resolution No. 18-20.

The vote was as follows:

Aye: Councilmembers Hamilton, Cole, Hammock, Stadler, and Mayor Pro-Tem Hargis.

Nay - None

Mayor Pro-Tem Hargis declared the motion passed.

- b. **RESOLUTION NO. 18-21** – A RESOLUTION OF THE TOWN OCOUNCIL OF THE TOWN OF HUDSON, COLORADO, APPROVINGTHE SERVICE PLAN FOR ANDREWS FARM METROPOLITAN DISTRICT.
- c. **RESOLUTION NO. 18-22** – A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HUDSON COLORADO, APPROVING THE AMENDED AND RESTATED SERVICE PLAN FOR HUDSON HILLS METROPOLITAN DISTRICT.

Corey Hoffmann, Town Attorney, reported that both 3b and 3c could be discussed together since they are both set for public comment.

Matt Ruhland, with Collins, Cockrel & Cole reported that when he was here a month ago he went over Metro districts. He reported that he did not want to rehash these items. In the time between then and now they had sent out letters to the homeowners in Hudson Hills. He reported that he has dealt with a handful of calls with the homeowners. How is this going to impact any taxes is it will not. He reported that they are not seeking their mill levy increase at all from the 2004 service plan, and they are not looking for an additional 50 mills. There will be no additional taxes from what is already allowed for in the service plan. The goal for the amended service plan is to try to have Andrews Farm and Hudson Hills have a shared development to pay for public improvements at a lower interest rate. They are looking to have a district structure. They want to increase the rooftops and increase the assessed value of the district. They want to

keep all the original protections and limitation on the districts from 2004.

Daniel Warren, 220 Foxtail Drive, reported that he is the homeowner rep for the HOA. He reported that he has had several conversations with Matt Ruhland. He reported that they are currently at 35.27 mills and will increase 33 dollars per month. If this continues to go up it can go up to 600 dollars per month. He reported a lot of the estimates are overpriced and the homeowners want to see some actual costs instead of brad estimates. He reported there are 35 homes in the current community. He stated that 55 of us paying for substantial community and park we don't want to be paying for this that the rest of the community did not contribute to. I would like council to consider those things for future issues.

Matt Ruhland reported that he did speak with Daniel and Adam from the HOA and he hopes they get involved in the next cycle of elections. He reported that 49.75 on their mill levy they could impose 55.277 mills. They have just been historically been charging that. The service plan must show the maximum the 55.277 that is allowable in the current service plan. Cost of the improvements it is an art as much as it is a science. Same development is 11 with Andrews farm costs have gone up use engineers who do their best to project the numbers/ 50 homeowners paying for everyone else. That is where the cap is from. If we issue debt now and development stops they will pay off the current mills and not add to it. Protections are already here.

Keith Nolf, 545 Foxtail Drive, reported that his biggest concern is the checks and balances in the tax district. He reported that he is just a construction worker, but he spent an hour on google and noticed the amount of nepotism within in the metro district. He reported he saw the same name over and over. I have a hard time with this. I'm not a \$300 mouth piece, this is my welcome to Hudson. I have assessor records for Hudson Hills 2 and their share is the same as mine.

Matt Ruhland reported that there was an opportunity of many of 2018 we did publish a notice and we have a vacancy on the board right now. In 2020 they will want to get on the board. The Carlson's are all over they are the property owners of the development and they were the only ones allowed as more homeowners come in they will have the opportunity to be involved.

Renee Mikes, 605 Remington Drive, reported that a vote in May of 2018 and how many of us were asked about special tax rates in the district and we were all lied to. We were not told correct information.

Matt Ruhland reported that it is a very large concern across the state in general. The Carlson's sold to the homebuilder and the builder sold to the end user. It is not as clear as mud for someone who doesn't know districts. It is on the homebuilder and the realtors. We did not get any calls and say we were not in the district. We don't have control over information as the district. We record notice on the property when the title comes they have the heads up.

Mayor Pro-Tem Hargis stated that homeowners get the title after it is purchased.

A resident who lives at 20969 CR 6 reported that you know more bout this than these people don't, compare you to all of them.

Ernest Bond, 225 Wyatt Drive, reported that I don't know what your normal attendance is but there is an

obvious necessity for all of us to come here. Things were not being disclosed and we can go on and on about them. Since you have such a large audience it should be obvious to you. Look into future matters and in property values go down because of dissatisfaction of living here it is going to impact the Town of Hudson.

Keith Nolf, 545 Foxtail Drive, reported that a couple of examples he found on Google of his notification ran in the Sky-High news in Winter Park, and the call for nomination ran in the Windsor Tribune. He reported that two Carlson's if not more all from the same address

Cindy Cogan, 545 Remington Drive, reported that she is the escrow officer for these homes and she needed everyone to know you whoever said the commandment or policy isn't given until after the home closes is not true. The exception is recorded and given at the time of title documentation. It is up to the new owner and realtor to go through the closing documents.

Matt Ruhland reported that it is required for all statutory notifications are required to post.

Corey Hoffmann reported that council has to be satisfied the resolution has the findings that the council needs to make a decision and you have to pay special attention to the findings of a financing mechanism for public improvements and is seeking your approval for the service plan

Councilmember Statler asked for raise of hands that are for all that are against this resolution.

Matt Ruhland asked if the approval of the Hudson Hills metro district be separate from the Andrews farm.

Corey Hoffmann reported that Hudson Hills is the amended and re-stated if it's not approved it still exists it will just be under the original service plan. He recommended to make a motion and vote.

Corey Hoffmann reported that can we amend the service plan for the Andrews Farm

Mayor Pro-Tem Hargis reported that she would like to see that

Corey Hoffmann reported that it could come back on September 5th.

Guy Patterson, Town Manager, reported that he would need something in writing on the 30th of August.

Councilmember Cole made a motion, seconded by Mayor Pro-Tem Hargis to continue Resolution 18-21 A resolution approving the service plan for Andrews Farm metropolitan district.

The vote was as follows:

Aye: Councilmembers Hamilton, Stadler, Hammock, Chavez and Mayor Pro-Tem Hargis.

Nay – Councilmember Cole

Mayor Pro-Tem Hargis declared the motion carried.

Councilmember Hamilton made a motion, seconded by Councilmember Stadler to approve Resolution 18-22 A resolution approving the amended service plan for Hudson Hill metropolitan district.

The vote was as follows:

Aye: None

Nay – Councilmembers Hamilton, Stadler, Hammock, Chavez, Cole and Mayor Pro-Tem Hargis

Mayor Pro-Tem Hargis declared the motion failed.

- d. **ORDINANCE NO. 18-06, AN ORDINANCE APPROVING THE SALE OF TOWN-OWNED PROPERTY LOCATED AT 405 BIRCH STREET.**

Guy Patterson reported that a couple months ago council directed staff to sell the Lot at 405 Birch Street. It was advertised and bid. The best bid the Town received was a \$50,000 original offer to be paid in two parts. That bid was kicked back so the Town would receive all the money up front with the condition of a stick-built home. This will require two readings.

Corey Hoffmann reported that when the Town sells property it is required that there is not specific finding for government purpose.

Guy Patterson reported that the builder already has a buyer for the home.

Councilmember Hamilton asked what lot is this?

Councilmember Cole reported that it is vacant lot by my house that has been condemned, the house was dozed, and the Town acquired the lot.

Councilmember Cole where are the proceeds from this are going.

Guy Patterson reported that the fiscal notes on the cover state it is going into 10-48-4929 sale of fixed assets.

Councilmember Cole made a motion, seconded by Councilmember Hamilton to approve the first reading on Ordinance No. 18-06 An Ordinance approving the sale of 405 Birch Street

The vote was as follows:

Aye: Councilmembers Hamilton, Stadler, Hammock, Chavez, Cole and Mayor Pro-Tem Hargis

Nay – None

Mayor Pro-Tem Hargis declared the motion passed.

e. APPROVAL OF CASELLE CONTRACT FOR REGULAR SERVICES.

Charity Young reported that the Town needs to upgrade to Caselle Connect due to all the payroll laws that are going into effect January 2019. The cost will go from \$610 per month to \$785 per month.

Councilmember Hamilton made a motion, seconded by Councilmember Stadler to approve the Caselle contract for regular services.

The vote was as follows:

Aye: Councilmembers Hamilton, Stadler, Hammock, Chavez, Cole and Mayor Pro-Tem Hargis

Nay – None

Mayor Pro-Tem Hargis declared the motion passed.

f. APPROVAL OF CONTRACT BETWEEN THE TOWN OF HUDSON AND RISK REMOVAL, LLC FOR THE PROVISION OF ASBESTOS REMOVAL AT THE OLD TOWN HALL

Guy Patterson reported that this is first in the process in tearing down the old Town Hall. When the Town first talked to the engineer we were told to hold off on the bid process. The Town has \$50,000 budgeted this year for the project and the bid came in around \$17,000. If something comes in and they have to remove a wall, we will set this aside and be removed in the demo process. Staff will go over and remove anything that we need to keep and bring to the new Town Hall. He reported that this has been approved by legal counsel and approved to form.

Councilmember Stadler made a motion, seconded by Councilmember Hammock to approve the Risk Removal, LLC contract for asbestos removal at the old Town Hall.



The vote was as follows:

Aye: Councilmembers Hamilton, Stadler, Hammock, Chavez, Cole and Mayor Pro-Tem Hargis

Nay – None

Mayor Pro-Tem Hargis declared the motion passed.

- g. APPROVAL OF CONTRACT BETWEEN THE TOWN OF HUDSON AND ROGERS & SONS, INC.  
FOR ANNUAL TOWN HALL HVAC MAINTENANCE.

Guy Patterson reported that this is a lovely new Town Hall that is LEED certified and it is technologically advanced. With the AC issue a couple of months ago staff realized it is a complicated HVAC system that we are not comfortable monkeying with. This is for the more complicated issues and will be a quarterly checkup budgeted next year and totals \$5,000.

Councilmember Stadler made a motion, seconded by Councilmember Hammock to approve the Rogers & Sons, Inc contract for regular HVAC maintenance at the new Town Hall.

The vote was as follows:

Aye: Councilmembers Hamilton, Stadler, Hammock, Chavez, Cole and Mayor Pro-Tem Hargis

Nay – None

Mayor Pro-Tem Hargis declared the motion passed.

### 3) STAFF REPORTS

Guy Patterson, Town Manager, reported that a lot of things he was working on the past two weeks was for the retreat on August 25<sup>th</sup>. Council and staff will be meeting at 9 am. Don Sandoval our local DOLA rep will be facilitating the retreat. We will be reviewing what staff requested, what council deems important and budget interview. He reported that things have been hectic, things are getting done. He reported that Monday September 10<sup>th</sup> he is planning a strategic plan focus group.

Corey Hoffmann, Town Attorney, reported update on the opioid litigation, the agreement will be on the Sept 5<sup>th</sup> meeting. No risk or cost to the Town. Remediation going forward to with the impacts from distributors.

Marshal Flot reported that he is getting his policies and procedures back together from Lexipol and a lot of them are not needed. The new cars will be here September 15, or October or November. Decals were ordered, and the estimated ship date is the 20<sup>th</sup> of this month. School traffic is less congested than last year.

Hunter Fobare, Public Works and Utilities Director, reported that he restriped down Town. The school paint got tracked all over the school, the department was sent field marking paint instead. He reported that he has a new employee starting tomorrow and he has a second gentleman starting on Monday. He reported that his staff is fully staffed for the first time in three years. He reported that he is working on a list of surplus equipment to be put up for bid to thin the herd out.

Guy Patterson reported that the reason we made the decision to add the second employee was after weeks of ads we ended up with two good candidates, and next year he would ask for another employee. Staff went ahead and got get them both on the staff.

Sayre Brennan, Town Planner, reported that he thought Roy did a good job tonight and he is excited to be here and work with you guys.

Charity Young, Acting Town Clerk, reported on her training with Caselle.

Councilmember Cole reported that he and Councilmember Hargis will be attending a meeting tomorrow night with CDOT about the HWY 52 project from Hudson to Erie. There is another meeting set up with Hudson, CDOT, and Weld County on September 17th in Greeley specifically for HWY 52 & I-76. He also asked what happened to the park contest??

Hunter Fobare reported that dropped. He needs to be in a better place at that park before we look at that again. He has given up on the manufacturer and needs to investigate other options. Next year towards the end of the school year would be a better time naming that park.

Councilmember Hamilton reported that she went to the school opening. The building is incredible, and for those that are newer to Town, they had a prospect of getting the school shut down. Thank Maria for representing us with the school board.

Councilmember Chavez apologized for missing the last meeting. She was excited to get a tour of the school and she is planning another meeting for recreation committee for the Halloween carnival at the new school.

Councilmember Stadler wanted to let everyone she won't be at the retreat.

Mayor Pro-Tem Hargis reported that the fire department will let us use station no 2 for a haunted house. She suggested to have Trunk or Treat at the park, maybe there is more room over by the park.

**4) CITIZEN’S COMMENTS**

Adam Richter, 155 Foxtail Drive, reported that it is his first time at a council meeting. He would like to express gratitude for advancing the community, library, park, and having a good Marshal presence in our community and taking our neighborhood and citizens seriously.

**ADJOURNMENT**

The meeting adjourned at approximately 7:29 pm.



TOWN OF HUDSON, COLORADO

  
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Mayor

ATTEST

  
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Acting Town Clerk

