

MINUTES
TOWN OF HUDSON TOWN COUNCIL
REGULAR MEETING
October 3, 2018 - 6:00 P.M.

PLEDGE OF ALLEGIANCE

CALL TO ORDER AND ROLL CALL

Mayor Haynes called the meeting to order at 6:02 p.m.

ROLL CALL

Mayor, Dwayne Haynes – Present
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 (7) 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
Town Planner – Sayre Brennan
Assistant to the Town Manager – Matt Hirschinger

ADDITIONS TO AGENDA

RESOLUTION 18-26: MINOR SUBDIVISION PLAT, LOGISTICS CENTER HUDSON, FILING NO. 1. FIRST READING ONLY
RESOLUTION 18-27: A RESOLUTION APPROVING THE VACATION AND REPLAT OF HUDSON INDUSTRIAL PARK FILING NO. 1, FIRST AMENDMENT

CITIZEN'S COMMENTS

Tami Botelho, 442 Birch Street, reported that she was able to get 90 download speed at her home. She was told by Century Link that those speeds will go east to Prospect Valley. She stated that they are trying to bring faster speeds to Hudson. Her second issue is with Resolution 18-25. She reported that since the council packets are not in the notebook up front there is no access to the packet and no way to read it. She said it needs to be available for comments or concerns on things.

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, September 19, 2018
- b. Payment of Bills
- c. Liquor License Renewal – Old Buffalo Liquors

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

The vote was as follows:

Aye: Councilmembers Hamilton, Stadler, Hargis, Chavez, Cole, Hammock and Mayor Haynes.

Nay - None

Mayor Haynes declared the motion carried.

2) GENERAL BUSINESS

a. RESOLUTION 18-24: A RESOLUTION EXPRESSING OPPOSITION OF PROPOSTION 112 (“SETBACK REQUIREMENT FOR OIL AND GAS DEVELOPMENT”)

Guy Patterson, Town Manager, reported that this resolution that was discussed at the last meeting it talks about the damage that this might do.

Mayor Haynes made a motion, seconded by Councilmember Hargis to approve Resolution 18-24 A resolution expressing opposition of proposition 112 (“Setback requirements for oil and gas development”).

The vote was as follows:

Aye: Councilmembers Stadler, Hargis, Hammock, Cole, Chavez and Mayor Haynes.

Nay – Councilmember Hamilton

Mayor Haynes declared the motion carried.

b. RESOLUTION 18-25: A RESOLUTION ADOPTING THAT CERTAIN ELECTED AND/OR APPOINTED OFFICIALS OF THE TOWN OF HUDSON SHALL BE DEEMED NOT TO BE “EMPLOYEES” WITHIN THE MEANING OF THE WORKERS’ COMPENSATION LAWS.

Charity Young, Acting Town Clerk, reported that since the board of adjustments and the housing authority board members are not paid they do not fall under worker’s compensation laws.

Councilmember Cole made a motion, seconded by Councilmember Hammock to approve Resolution 18-23 A resolution accepting conveyance of real property.

The vote was as follows:

Aye: Councilmembers Hamilton, Stadler, Hargis, Hammock, Cole, Chavez and Mayor Haynes.

Nay – None

Mayor Haynes declared the motion carried.

- c. **ORDINANCE NO. 18-09: AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TOWN-OWNED PROPERTY LOCATED IN WELD COUNTY. SECOND READING.**

Corey Hoffmann, Town Attorney, reported that this ordinance, if approved, will complete the annexation of the property that was conveyed by BNSF through DPC Industries to improve the Rail Road. They conveyed it directly to the Town. This is part of the BNSF development. The Town can annex the prop by an ordinance.

Councilmember Hamilton asked where the property is located.

Corey Hoffmann reported that it is located at the very edge of the logistics center property and will be one of the roads and secondary access points.

Lacy Kreger, with BNSF, reported that they purchased 11 acres from DPC and it will be the northern access road to the property.

Mayor Haynes asked if it will cut down the traffic through town.

Corey Hoffmann reported that it is one piece of a larger roadway network. This portion would be owned by the Town.

Councilmember Hargis made a motion, seconded by Councilmember Cole to approve Ordinance 18-09 an Ordinance approving and accomplishing the annexation of contiguous unincorporated Town-owned property located in Weld County.

The vote was as follows:

Aye: Councilmembers Hamilton, Stadler, Hargis, Hammock, Cole, Chavez and Mayor Haynes.

Nay – None

Mayor Haynes declared the motion carried.

d. **ORDINANCE NO. 18-10: AN ORDINANCE ZONING THE NEWLY ANNEXED TOWN-OWNED PROPERTY. SECOND READING**

Corey Hoffmann reported that this is zoning the property the Town just annexed and it will include the Town property within the larger development.

Councilmember Chavez made a motion, seconded by Councilmember Stadler to approve Ordinance 18-10, an ordinance zoning the newly annexed Town-owned property.

The vote was as follows:

Aye: Councilmembers Hamilton, Hargis, Stadler, Hammock, Chavez, Cole and Mayor Haynes.

Nay -None

Mayor Haynes declared the motion passed.

e. **ORDINANCE NO. 18-11: AN ORDINANCE VACATING INTERNET AVENUE, DACOTAH COURT, TECHNOLOGY PARKWAY AND CHEM-TECH AVENUE AS SET FORTH ON THE FINAL PLAT OF HUDSON INDUSTRIAL PARK FILING NO. 1, TOWN OF HUDSON, COUNTY OF WELD, STATE OF COLORADO. SECOND READING.**

Corey Hoffmann reported this ordinance, if adopted, would vacate the roadways in the old Hudson Industrial Park that is being re-platted and re-zoned later in the meeting. This is the ordinance that would accomplish that.

Councilmember Hamilton made a motion, seconded by Councilmember Hammock to approve Ordinance 18-11, an ordinance vacating Internet Avenue, Dacotah Court, Technology Parkway and Chem-Tech Avenue as set forth on the final plat of Hudson Industrial Park filing no. 1, Town of Hudson, County of Weld, State of Colorado.

The vote was as follows:

Aye: Councilmembers Hamilton, Cole, Hargis, Hammock, Stadler, Chavez and Mayor Haynes.

Nay - None

Mayor Haynes declared the motion passed.

f. **RESOLUTION NO. 18-26 – MINOR SUBDIVISION PLAT, LOGISTICS CENTER HUDSON, FILING NO. 1. FIRST READING**

g. **ORDINANCE NO. 18-11, AN ORDINANCE VACATING INTERNET AVENUE, DACOTAH COURT, TECHNOLOGY PARKWAY AND CHEM-TECH AVENUE AS SET FORTH ON THE FINAL PLAT OF HUDSON INDUSTRIAL PARK FILING NO. 1, TOWN OF HUDSON, COUNTY OF WELD, STATE OF COLORADO. FIRST READING.**

h. **RESOLUTION NO. 18-27 – A RESOLUTION APPROVING THE VACATION AND REPLAT OF HUDSON INDUSTRIAL PARK FILING NO. 1, FIRST AMENDMENT**

Corey Hoffmann reported that he what I would suggest you open a public hearing for the ordinance and listen to the presentation for BNSF.

Mayor Haynes opened the public hearing at 6:19 pm.

Lacy Kreger, with the BNSF economic development team reported that she is the project manager for logistics center in Hudson. She thanked everyone in Hudson for helping BNSF get to the point where we are today. They plan to offer a logistics center and industrial park for customers that they have not been able to identify to date. They plan to invest in the Town of Hudson. The logistics center is currently 450 acres. They hear from their customers that there is lack of rail service in the Denver area. Weld County's oil and gas industry is crucial to their customers. BNSF has a main rail line in Hudson with accessibility to the connections. The logistics center is a rail-serve industrial park. It is not owned by a private developer or a Town, BNSF controls it and owns it. They will lease the lots and not sell them, and there will be no port containers. It will be a direct rail or cargo network. BNSF is predicting one manifest train a day coming through at full build out around 2029 or 2030. All unit trains will be coming from the east and go back to the east, not crossing Highway 52. They look to build 15 manifest train sites, 1-unit site and a 15-power train loop. All the tracks will be aligned by the dispatcher in Ft. Worth. They would have their own individual track depending on their needs and the sites will vary. She reported that the buildout will not look like the conceptual design. No customer will need exactly what the lots look like now. BNSF plans to straighten out part of County Road 49 in phase one of the project. They listened to comments from the Town and traffic engineer and conducted a traffic study to see how they can make the improvements needed to the roads around the project.

Angela Sharp, Bartlett and West Development Consultant, commended staff for collaborating with them through this process. She reported that the documents before council are the annexation, zoning of annexed property and the vacation of public roads for access and rail sites. BNSF will be maintaining the roadways inside the park. This will require easements instead of road rights of way inside the plot. After working with staff, the best vehicle to accommodate that is vacating the current roadways. Chemical and Metal Industries will remain in their current plot. Once construction is complete of the overall park Chem-Tech Ave will then be vacated. She reported that the minor plat is the vehicle to accommodate the one lot of ownership of BNSF dedicating that lot and the public streets. Emergency vehicles will have access on the private streets inside the park. This is the planned development plan and the zoning piece for overall improvements. The planned development plan is the same overall graphic because it is the same overall layout of the existing roads. The allowable uses are the uses from the industrial zoning district. There are uses by right, like added cold storage facilities. The uses by special review will first be reviewed by BNSF prior to a site plan coming to the Town. There could be uses that we are not aware of that could be coming in.

Councilmember Hammock asked if all the traffic from County Road 49 goes up to Interstate 76, how will they address the fact that County Road 49 does not connect to Interstate 76.

Angela Sharp reported that they are looking at adding a left turn lane on Highway 52 and an interchange at County Road 49 and interstate 76.

Councilmember Hammock reported that the Town needs plans to work on that since it takes a lot of traffic already. The semis pull out in front of you and they think they have the right of way. He stated less traffic would be best.

Angela Sharp reported that they have discussed this with CDOT.

Councilmember Hargis reported that the intersection of County Road 49 and Interstate 76 would not be first project, did BNSF get an idea of when they would be doing that.

Lacy Kreger reported that it was more of an update for CDOT to let them know we are moving forward and hoping to have all our approvals soon. She stated that they are on the front range planning list right now, but it is not on the top of the list. It's a big undertaking so they want to improve the roads that will be traveled on today.

Councilmember Chavez asked if BNSF will maintain County Road 49 as well.

Lacy Kreger stated that because it is a County Road it will be maintained by Weld County.

Councilmember Hamilton reported that she did not see all the concerns, comments and conditions from the Planning Commission and wanted to know if everything is going to be resolved.

Sayre Brennan, Town Planner, reported that he spoke with Lacy before the meeting, and before the 17th they should have everything wrapped up.

Bernie Boos, 22501 Highway 52, reported that he lives the area of Highway 52 and County Road 47. He stated that this is new to him since he lives in unincorporated Weld County and he wanted to know how much truck traffic would be brought in by this.

Josh Hooper, HDR project engineer, reported that with the project our 30-year projected traffic within an hour is 96 vehicles in year 2048. He stated that there should be some improvements to Interstate 76 and County Road 49 by then.

Councilmember Stadler asked if they would you have to widen the road to make the turn lanes.

Josh Hooper reported that they would, and they did a road widening in Bennett recently. It was a 6-week construction project.

Matt James, 545 Ash Street, reported that cars on Highway 52 with kids going to school and adding 96 more vehicles in 30 years is BS. There is no cross walk to get to the park and more traffic. Going down 52 is not a good idea for my kids. There is no access for us to get down to the main road and must cross the tracks to get to the other side.

Mayor Haynes closed the public hearing at 6:55pm.

Councilmember Cole made a motion, seconded by Councilmember Hargis to approve Resolution No. 18-27 – A Resolution approving the vacation and replat of Hudson Industrial Park Filing No. 1, First Amendment

The vote was as follows:

Aye: Councilmembers Hamilton, Hargis, Chavez, Cole and Mayor Haynes

Nay – Councilmembers Hammock and Stadler

Mayor Haynes declared the motion passed.

Corey Hoffmann reported that this is the first and only reading on Resolution 18-26. It is a single record; this new plat will create on new lot for BNSF.

Councilmember Hargis made a motion, seconded by Councilmember Chavez to approve Resolution No. 18-26 – A Resolution approving the minor subdivision plat of the logistics center Hudson, Filing No. 1, and approving the subdivision improvement agreement between the Town and BNSF Railway Company.

The vote was as follows:

Aye: Councilmembers Hamilton, Hargis, Chavez, Cole and Mayor Haynes

Nay – Councilmembers Hammock and Stadler

Mayor Haynes declared the motion passed

Corey Hoffmann reported that typically the Town would have the public hearing on second hearing. This ordinance is re-zoning the property and changes the planned development zoning to accommodate the logistics center.

Councilmember Hamilton reported that she wanted to go on record as stating, “I’m concerned you are not far enough along with CDOT and negotiations and more progress made with them instead of 20 years down the road we have a huge traffic problem”.

Corey Hoffmann reported that he wanted to address one thing. The Town has access permit authority each time a planned development comes in. If the current projections are wrong the Town has a second opportunity at site plan to address those.

Councilmember Chavez made a motion, seconded by Councilmember Stadler to approve Ordinance No. 18-12 - Planned Development Plan, Logistics Center Hudson. First Reading

The vote was as follows:

Aye: Councilmembers Hamilton, Hargis, Chavez, Cole and Mayor Haynes

Nay – Councilmembers Hammock and Stadler

Mayor Haynes declared the motion passed

3) PRESENTATION

Jacob McIntosh, owner South Platte Operations, reported that he was appreciative for Council letting him present his case again. He stated that he was born and raised south of Brighton on a dairy farm. He is not a politician or public speaker. He stated that he has no fancy prep school education. He is just trying to figure what is going on with the Town, and he didn’t see any of this going down when he purchased the property 6 or 7 months ago. He reported that his building in Brighton, that he was leasing, was burglarized twice. He was going back and forth with the landlord on that property and the purchase of it fell through.

Jacob reported that he looked out in this area because it is a small town, blue collar working class, and it seemed like a good fit. He reported that he tried to get as much permitting and paperwork done as he could because he had a business, employees and needed to make the transition into Hudson as smooth as possible so he could get opened as soon as possible. He stated that he talked to the Town Planner at the time, spoke with Becky Utecht, and went up and down main street to make sure there would be no conflicts. He stressed that he fills out federal paperwork on a daily basis. He reported that he received his business license and sales tax license and his federal paperwork in March. He stated

that none of the initial remodel required anything major. Paint, flooring, lighting and sagging ceiling tiles were what needed fixed. In that process he stated that he did everything he could to maintain communication with the Town. He felt the Town was privy and understanding of how things were going.

Jacob reported that his only other experience with business licensing was with the city of Brighton. Before he opened he had an inspection with the Fire department. He asked the fire department if there was anything else he needed to do and was told to contact SAFEbuilt. Russ Weber from SAFEbuilt came and went through the building. Russ wrote up 6 minor issues that needed to be fixed. Those issued included the handicap entrance, floor plan, doors to remain unlocked when the building is occupied, deadbolts, and his exit access. Jacob reported that he went through the list went to Home Depot, took care of everything and emailed Russ. He reported that in Russ's words in Russ stated that a CO will be issued by that time. Jacob stated that he has many businesses he operates out of that building. He admitted that he leaves his car parked at the building. The zoning for the building provides for overnight sleeping.

Jacob reported that Russ forwarded his email to everyone from the Town Clerk and even the Marshals. He waited a few days and never heard from anyone. He went down to the Town hall to meet with Sayre for the first time. Jacob reported that Sayre suggested they have a meeting. Jacob reported that he met with Sayre and Eric Bee, the new building official, at the gun store. They went through the building to verify all 6 issues were done. He reported that he needed to put the handicap placard on the door and needed to provide a drawn-out floorplan of the building. Jacob stated that situation got interesting, and Sayre demands that I remove my gas grill because it is impeding the public right of way. His grill is 18" wide and it is on the public right of way on land that he paid good money for. After the meeting on the 21st he reported that he received an email from Sayre and it states that once we have SAFEbuilt's OK, he can pick up the certificate of occupancy. That was two months ago. He stated that he has had an approval from SAFEbuilt twice by now and Sayre has said he will get him the certificate of occupancy.

Jacob reported that Sayre told him the sequence of events didn't go the way they were supposed to. Sayre had told him that he needs a building permit. He submitted the building permit and at the time they were discussing in the future of getting a different occupancy. Jacob reported that he wanted a mercantile occupancy for one side and residential-2 on the other side of the building to convert the corner of the building to a residence so he can have a Hudson address. Jacob reported that he has done everything he can to integrate into the community. He stressed that he wants to vote in local elections. His goal is to be a bigger part of the community. He had received his building permit back from Sayre with the back of lot line and setbacks. The south wall of his building is on the lot line, and his west building face is 8'7". Jacob felt that the Town was requiring him to cut off part of his building. The problem them came up that even though he is a member of McIntosh Farm Company, he is not the authorized agent on it. The building permit could not be processed because his dad's lawyer had to authorize him to fill out the building permit.

Jacob reported that when he brings up the lot lines at the next meeting, which was an interesting meeting, Sayre treated him like he was dumb. He came to this last meeting with an additional building permit, and he just needs his mercantile occupancy that has already been approved.

Jacob had his dad sign another building permit for the sake of permitting and not building anything. He stated that it may or may not get approved. He reported that he has left out a whole bunch of ridiculous bureaucracy. He asked what in the Town of Hudson has broken so far that they don't want businesses to come in and make money and pay their sales tax check. If this situation continues or gets any more ridiculous he will be putting the building up for sale and go somewhere else that encourages local business without the bureaucracy. He can't say that he is asking for anything, he just wanted to let Council know what is going on.

4) STAFF REPORTS

Guy Patterson, Town Manager, reported that he attended the ICMA conference last week. He also attended a seminar about broadband hosted by the City of Ft. Collins. He has turned that information over to Matt. He is also attending the CML district meeting tomorrow. There was a meeting this morning for the High School stoplight. Lochbuie, Keenesburg and School district were all in attendance. CDOT has done a study, and they are working on gathering all the relevant potential data for growth and go back to CDOT to let them know the report was lacking. All the stakeholders are all on board with the idea of a light at that intersection. He also reported that Adam Richter has pulled out of the race for council and the Town has cancelled the candidate forum.

Mayor Haynes asked Corey Hoffmann to elaborate on the other ballot initiative the Town has to be careful about.

Corey Hoffmann reported that Amendment 74, if passes, the Town will be paying if they approve or deny any land use decision. The lawyers will get rich and the Town's services will suffer.

Hunter Fobare, Public Works and Utilities Director, reported that his crew is making themselves available for the haunted house. His new staff is great help, and the Council should see them out crack sealing roads and sweeping, taking care of the fall road maintenance before they start snow plowing.

Brent Flot, Town Marshal, had to leave on a call. Guy Patterson did report that the person they hired to work in the office is working out well. The coverage and help at the front desk is working well.

Sayre Brennan, Town Planner, reported that the next planning commission meeting on October 10th will include the Excel Power Plant annexation. He also reported that there is a potential applicant for the Denver Plastics. He will be out of the office from October 4th until the 7th.

Councilmember Cole asked where are we at with the occupancy for South Platte Operations?

Guy Patterson reported that there has been no action taken on the grill and his plans are at SAFEbuilt under review. He has a license to operate the business.

Eric Bee, Building Official with SAFEbuilt, reported that the plans examiner is working on reviewing his plans and Jacob will have it within the 10-day turnaround. Eric stated that he started with SAFEbuilt on July 30th. He felt that turnover and miscommunication from our discussions gave Jacob the impression that he was under a business license inspection more so than a change in occupancy. Eric reported that he didn't realize there was a change of occupancy at the time, and Sayre was doing his due diligence. There was never a building permit that was submitted. He stressed that he didn't know how it got to this point.

Councilmember Cole reported that he was not concerned who dropped the ball, but when he is going to get the Certificate of Occupancy.

Sayre Brennan reported that there was a change in occupancy, and like he told Jacob he can't waive a wand and make it better. He reported that it could be several weeks, and it could be months.

Councilmember Hammock reported that he was surprised that this has gone on for so long.

Guy Patterson reported that this is the first time we have had a change of use in this community in quite some time. The Town put the cart before the horse on this one. In this instance this community has not done this in quite some time with change in staff. On the Town side we learned very good lessons on this. We have a schematic that the Town must follow.

Charity Young, Acting Town Clerk, reported that the Town has received a petition for annexation from Meadow Ridge Holdings. She also reported that she has been looking into more efficient pay portal software and will be bringing a presentation to Council next meeting.

Councilmember Chavez reported that the recreation committee is moving forward with the GOCO grant and there are some steps that they still need to go through. She also reported that the Trunk or Treat event is moving along and they have donations coming in from the community.

Mayor Haynes wanted to congratulate new board members and the new mayor.

5) CITIZEN'S COMMENTS

Daniel Warren, 220 Foxtail Drive, reported that there was an issue that happened in our community. There was a vehicle that was stolen at 2:20 in the morning and it was caught on camera. They have 5 street lights that are out in our neighborhood. He inquired on what steps they needed to take to get them fixed.

Guy Patterson told him to let the Town know and the Town will contact the provider.

Bernie Boos, 22501 Highway 52, reported that he doesn't live in Hudson, but he is concerned about the Jake Brake problem on the Highway. The Town Marshal did help but it's not enough and he wanted to know why there is no deceleration coming into Town. He asked for the Town's help. He had called up CDOT, and explained the situation to him. CDOT had told him that it is Hudson's problem.

Councilmember Cole reported that the County has tried to lower the speed limit and the last time a study was done CDOT raised the speed limit.

Michelle Gray, a resident from outside of Town, stated that she wanted to make sure in the future when a business comes in they don't need to go through this rigmarole. I don't want to hear another month from now that he must take 5 feet off his building.

Adam Richter, 155 Foxtail Drive, reported that he was recruited by Amazon and could no longer dedicate the time to be on Council. He wanted to speak in support of South Platte Operations. He was worried that the Town may not have the right talent for the Town. He was glad BNSF didn't stay for Jacob's presentation. He felt the Town needs to consider proper solutions even if those are extreme.

Ron Redden, 200 Beech Street, reported that he has lived here for a quarter of a century. He has seen multiple Mayors and Managers. He has worked in construction. He felt that what happened to Jacob is not even close. Hudson already has a reputation for being hard to build here and to run a business here. He stated that Jacob should have a waiver for a non-conforming building. He wants to make sure it is a fair process.

Herman Utecht, 725 Grape Street, want to thank Councilmember Cole for calling these people out on the carpet. He served on the planning commission, when the Town Manager was also the Planner. The Town staff are an embarrassment. People call the Town Hall and they get a smart-ass answer or no response. The charter is the bylaw, does the Town Manager have a contract?

Corey Hoffmann reported that the Manager's contract is consistent with the charter.

Herman Utecht reported that the whole damn Town is mad. His daughter was canned by the Manager because she was friends with the Mayor and too close to the community. With the railroad annexation I think it's fine but they need to go under the railroad at County Road 49. He didn't hear anyone talk

about that. He also stated that the motel tax the last election we had here it was voted down and now it's back again. The budget is also a joke with the library in the budget.

Julie Norten, 357 Birch Street, reported that we need help in our area and within the whole Town with Speeders. They are coming in here at 60mph and she would like to see the cops out patrolling more.

ADJOURNMENT

The meeting adjourned at approximately 8:23 pm.

TOWN OF HUDSON, COLORADO



Mayor Pro-Tem



ATTEST



Acting Town Clerk

