

MINUTES
TOWN OF HUDSON - BOARD OF TRUSTEES
REGULAR MEETING
FEBRUARY 17, 2010 - 7:00 P.M.

CALL TO ORDER AND ROLL CALL

Mayor Neal Pontius called the meeting to order at 7:01 p.m.

ROLL CALL

Mayor, Neal Pontius - Present
Trustee, Barb Baker - Present
Trustee, Isidro Guardado - Present
Trustee, John Honnold - Present
Trustee, Dwayne Haynes – Present
Trustee, Tammy McCain - Present
Trustee, Raymond Patch - Present

Town Clerk Linnette Barker took roll call, and a quorum of the Mayor and (6) Trustees were present.

Town Staff Present:

Town Administrator – Joe Racine
Deputy Clerk / Treasurer – Judy McGill
Town Attorney – Corey Hoffmann
Town Clerk – Linnette Barker
Public Works Director – Tim Hopwood
Management Assistant – Dan Hamsmith
Town Planner – Jerry Starling

ADDITIONS TO AGENDA

CITIZEN'S COMMENTS

CONSENT AGENDA

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 – February 3, 2010
- b. Payment of Bills

Town Administrator, Joe Racine, reported on the Payment of Bills the payment to Quality Paving for the street paving project, invoice for \$205,008.83 should not be paid yet. He recommended removing this item from the payment of bills. He also mentioned that there would be discussion of wastewater treatment plant bills during staff reports.

Trustee McCain made a motion, seconded by Trustee Honnold to approve the Consent Agenda removing the \$205,008.83 invoice from Quality Paving from the payment of bills report.

The vote was as follows:

Aye: Trustees McCain, Honnold, Haynes, Patch, Guardado, Baker and Mayor Pontius

Nay - None

Mayor Pontius declared the motion carried.

2) Public Hearing

- a. Rezoning from R-1, Residential, to C-1 Commercial – Robert Jones, North Star Self-Storage – 258 Fifth Ave.

Mayor Pontius opened the Public Hearing at 7:06 pm. The Town Clerk announced the purpose of the hearing is to receive comments on the rezoning of lots 1 through 4 and lots 17 through 30, block 58, Town of Hudson, except any portion thereof conveyed to the State Highway Commission of Colorado by instrument recorded July 17, 1952 in book 1335, page 171, County of Weld, State of Colorado.

Joe Racine, Town Administrator, explained that the zoning issue was advertised in the January 18, 2010 edition of the Greeley Tribune.

Joe Racine, Town Administrator, explained this issue is only the rezoning of the property to C-1 Commercial Zoning. The conceptual site plan in the meeting packet is for the boundaries of the rezoning. The intent of applicant to present in the future to the Planning Commission and the Board of Trustees a site plan application for a self-storage business. If approved the property would be rezoned to C-1 Commercial Zoning and the property would be eligible for any business C-1 Commercial business defined in the Municipal Code.

Town Planner, Jerry Starling, explained the applicant, Robert Jones, has requested the rezoning of a 1.11-acre parcel of land located at 258 Fifth Ave, from R-1 Residential to C-1 Commercial. An older, existing house and several outbuildings are currently located on the property. The existing house faces Fifth Ave. On the north side of Fifth Ave. is unimproved land, and the Pepper Pod Restaurant, both currently zoned C-1 Commercial. East of the Fir Street right-of-way is an existing RV Park, zoned B Business. Two small, undeveloped lots, zoned R-1 Residential, are located south of the property. South of these lots is Fourth Avenue and a Mobile Home Park. A 16' platted alley borders most of the west side of the subject property except the northwest corner where an I-76 frontage road is directly adjacent. West of the platted alley are three single-family homes zoned R-1 Residential. This land use is compatible with the surrounding uses, and the C-1 Commercial use is compatible with the Town of Hudson Comprehensive Plan. The Planning Commission recommended approval of the rezoning from R-1 Residential to C-1 Commercial.

Bob Jones, Applicant, introduced himself and volunteered to answer any questions.

Matt Quintana, resident 406 Grape Street, inquired about several concerns asking the Board to keep in mind that this approval from Residential to Commercial will affect the three neighboring single-family homes. He asked about what rezoning to Commercial will do to the property values of the residential homes and what type of Commercial Business could occupy this property such as a convenience store, restaurant, grocery store that could create additional lighting, additional hours of operation and traffic. The road around the Pepper Pod is in need of repair.

Kim Swartz, Resident 358 Grape Street, agrees with Matt Quintana. Mrs. Swartz asked that if the property is rezoned to Commercial that it be passed with conditions, and voiced her concerns about drainage and water issues.

Rod Mulkey, Resident 434 Grape Street, is concerned about property values, lighting, security, hours of operation, noise, traffic and road condition. Concerned if this is not a storage-unit what other Commercial business would be allowed.

Joe Racine, Town Administrator, explained that before any business is approved for this property they would have to come in with a site plan detailing drainage, traffic, hours of operation the surrounding properties will receive notices for this meeting.

Mayor Pontius closed the Public Hearing at 7:34 pm.

Corey Hoffmann, Town Attorney, explained that C-1 Commercial zoning allows for several type of businesses including anything allowed in the B - Business District such as; post offices, banks, barber and beauty shops, restaurants, motels, car washes. C-1 Commercial allows; building supplies, cold storage lockers, meat processing, mobile home, travel trailer, boat, motorcycle, tractor, trailer, camper and motor vehicle display and sales, car washes, garages and/or motor fuel filling stations, rental agencies, ambulance service, auction house, taxidermists, veterinary hospital, manufacturing, construction repair, fabrication, packaging, warehousing, storage and/or industrial operations. These uses become uses by right if zoned C-1 Commercial. The Town could mitigate the impact on the neighbors by imposing conditions on the site plan to ensure compatibility with the neighbors.

3) **GENERAL BUSINESS**

- a. Ordinance No. 10-04, Second Reading, an Ordinance Rezoning Certain Property with the Town of Hudson from Residential One District (R-1) to Commercial One District (C-1), known as the Jones Rezoning.

Trustee Honnold made a motion, seconded by Trustee Guardado to approve Ordinance 10-04, Second Reading, and an Ordinance Rezoning Certain Property within the Town of Hudson from Residential One District to Commercial One District, known as the Jones Rezoning.

The vote was as follows:

Aye: Trustees Guardado, Baker, Patch and Mayor Pontius

Nay – Trustees Honnold, Haynes and Trustee McCain

Mayor Pontius declared the motion carried.

Mayor Pontius explained he voted to approve this rezoning because it is consistent with the Town of Hudson Comprehensive Plan.

- b. Ordinance 10-05, Second Reading, an Ordinance creating a New Article 5 within Chapter 8 of the Hudson Municipal Code, Establishing a Traffic Violations Bureau.

Corey Hoffmann, Town Attorney, explained this Ordinance allows people cited for certain violations into Hudson Municipal Court to mail in their fine for their ticket, not appear in Court, and receive an automatic point reduction. The Officer in the case would have the ability to require a mandatory appearance.

Trustee Baker made a motion, seconded by Trustee Honnold to approve Ordinance 10-05, Second Reading, an Ordinance creating a new Article 5 within Chapter 8 of the Hudson Municipal Code, establishing a Traffic Violations Bureau.

The vote was as follows:

Aye: Trustees Baker, Honnold, Haynes, McCain, Patch, Guardado and Mayor Pontius

Nay - None

Mayor Pontius declared the motion carried.

- c. Resolution No. 10-06, A Resolution Approving an Agreement between Safebuilt of Colorado and the Town of Hudson for building inspection services.

Joe Racine, Town Administrator, explained that the last agreement with Safebuilt Colorado was approved in 2001, this agreement is an updated version of the same agreement without any significant changes, and the fees for inspection services stay the same.

Trustee Honnold made a motion, seconded by Trustee Guardado to approve Resolution 10-06, A Resolution approving an agreement between Safebuilt of Colorado and the Town of Hudson for building inspection services.

The vote was as follows:

Aye: Trustee Honnold, Guardado, McCain, Baker, Haynes, Patch and Mayor Pontius

Nay - None

Mayor Pontius declared the motion carried.

- d. Approval to pay for refurbishing street sweeper

Tim Hopwood, Public Works Director, explained that the street sweeper is in need of repairs and refurbishing. The quote received is to flush the water system, refurbish the hydraulic leaks and replace the main broom including transportation the cost is \$3,523.88.

Trustee Haynes made a motion, seconded by Trustee Patch to approve the refurbishing of the street sweeper not to exceed \$3,523.88.

The vote was as follows:

Aye: Trustees Haynes, Patch, Baker, Guardado, Honnold, McCain and Mayor Pontius

Nay - None

Mayor Pontius declared the motion carried.

e. Discussion – Agreement with Boulder County to purchase trees

Dan Hamsmith, Management Assistant, explained that Bolder County has a tree farm being reverted to its original land classification. The trees on this property are available for transplanting and are at a reduced cost. Cost for the trees range from \$32 - \$42 per tree, tree size and species vary. Soil samples from Hudson Memorial Park have been analyzed by CSU, we have asked for tree species recommendation for the Park.

f. Resolution No. 10-08, Approving the 2009 Northeast Colorado Hazard Mitigation Plan.

Dan Hamsmith, Management Assistant, explained that the 2009 multi-jurisdiction plan received approval from FEMA in December 2009. This federal approval allows participating jurisdictions that have adopted the plan to be eligible for all Hazard Mitigation Assistance Grant Programs should the need arise following a natural hazard event. The complete plan is 562 pages in length.

Trustee Honnold made a motion, seconded by Trustee Patch to approve Resolution No. 10-08, A Resolution approving the 2009 Northeast Colorado Hazard Mitigation Plan.

The vote was as follows:

Aye: Trustees Honnold, Patch, Haynes, Guardado, McCain, Baker and Mayor Pontius
Nay - None

Mayor Pontius declared the motion carried.

g. Resolution No. 10-07, appointing Shirley Sellers to the Planning Commission.

Town Administrator, Joe Racine, explained that the Planning Commission interviewed Shirley Sellers for the vacant Planning Commission seat. After the interview, the Planning Commission recommends to the Board of Trustees that this appointment be approved.

Mayor Pontius made a motion, seconded by Trustee Haynes to approve Resolution No. 10-07, appointing Shirley Sellers to the Planning Commission.

The vote was as follows:

Aye: Trustees Haynes, Guardado, McCain, Patch, Baker, Honnold and Mayor Pontius
Nay - None

Mayor Pontius declared the motion carried.

4) **STAFF REPORTS**

a. Paving Update

Jim Jones, Jones Engineering, reported that the curb and gutter should be finished this week. Paving should begin Monday of next week, completing the 1st lift. The punch list will still need to be completed.

Joe Racine, Town Administrator, reported that getting close to the completion of this project, retainage fees will have to be worked-out. The citizens had a wide range of reactions. Some additional costs for concrete patching work to repair driveways, tree removal etc.

b. Wastewater Treatment Plant Update

Tim Holbrook, P.E., IFE Project Manager, reported that completion of the new wastewater treatment plant is progressing, working on the electrical modification, drywall, phone line and the generator is up and working. Continuing to work with the USDA for the loan and grant for Phase 2, responded to USDA technical comments by a new USDA Engineer. USDA loan and grant decision for Phase 2 is expected in March.

Tim Holbrook, P.E., IFE Project Manager, requested a change order for the wastewater treatment plant project for some electrical modification, modifying the screen enclosure and for some additional circuit breakers. The total amount of the change order is \$2,785.48.

Mayor Pontius made a motion, seconded by Trustee Haynes to approve the wastewater treatment plant change order not to exceed \$2,800.00.

The vote was as follows:

Aye: Trustees Haynes, Baker, Guardado, Honnold, Patch, McCain and Mayor Pontius

Nay - None

Mayor Pontius declared the motion carried.

Joe Racine, Town Administrator, reported that he has been working on the end of project wastewater financing, explaining that the financing for Phase 1 of the wastewater treatment facility is a combination of tap fees, loan and grant money. The total project revenues to date equal \$4,611,033. Total estimated end of project expenses equal \$5,159,423. This project shortfall is due to the shortfall in CRWPDA loan, prison building permit valuation lower than projected and Phase 2 easement and acquisition related expenses. Current negotiations with the USDA for the refinancing of Phase 1 will lower the financed payments and the new grant/loan for Phase 2 will finalize the financing of Phase 2. In the meantime, we will have to bridge the gap in financing. This can include water fund capital money or a general fund contribution, both would be temporary until the new wastewater plant financing is secured. He recommended a temporary transfer of funds from the water fund tap fees to the wastewater fund to cover the wastewater-related bills at tonight's meeting for \$273,000.

Mayor Pontius made a motion, seconded by Trustee McCain to approve the inter-fund transfer of \$273,000 from the water fund to the wastewater fund, and as funds become available to repay the borrowed funds.

The vote was as follows:

Aye: Trustees McCain, Haynes, Patch, Guardado, Honnold, Baker and Mayor Pontius

Nay - None

Mayor Pontius declared the motion carried.

STAFF REPORTS

Tim Hopwood, Public Works Director, reported that Ismael Gomez, who has tested for his D wastewater license and will be testing for his D water license, has filled the Utility Operator I position.

ADJOURNMENT

The meeting adjourned at approximately 9:07 p.m.

TOWN OF HUDSON, COLORADO

Mayor

SEAL
ATTEST

Town Clerk