

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

CALL TO ORDER AND ROLL CALL

Mayor Neal Pontius called the meeting to order at 7:03 p.m.

ROLL CALL

Mayor, Neal Pontius - Present
Trustee, Barb Baker - Present
Trustee, Isidro Guardado - Present
Trustee, John Honnold - Present
Trustee, Matt Cole - 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
Town Attorney – Corey Hoffmann
Public Works Director – Tim Hopwood
Management Assistant – Dan Hamsmith

ADDITIONS TO AGENDA

CITIZEN'S COMMENTS

Josh Rockwell, co-owner Guardian Security, reported that Guardian Security is a company that specializes in private security in regards to property protection and civilian safety. Mr. Rockwell explained that the uniformed security guards are trained to act as a criminal deterrent; the guards are an approachable source of information to patrons, residents and businesses.

Sean Sawyer, co-owner Guardian Security, reported that they could be the eyes and ears for the community and its property, a local resource for citizens and community, fast response times and peace of mind. The guards are highly trained uniformed armed agents available 24/7 with the sheriff's office.

Corey Hoffmann, Town Attorney, inquired if any of the agents were post-certified police. Mr. Rockwell clarified that none of the agents are post-certified, but they can witness and take action under citizen's arrest.

Mr. Rockwell explained that Guardian Security is insured, covering the guards, operations on duty. The guards are bonded. The agents could be unarmed if the Board of Trustees preferred.

Trustee McCain inquired how the Security guards detain until the sheriff arrives. Mr. Rockwell explained that anyone that sees a crime can legally detain under citizen's arrest until the police arrive. The security company would physically stop that person and not let them leave until the police arrive. If life

threatening, they would handcuff until the police arrive.

Mayor Pontius explained he had wanted a neighborhood watch. This could be a paid neighborhood watch program.

Trustee Honnold inquired about the liability to the Town contracting through Guardian Security if allowed to be armed. If there was gunfire, how the Town could be held liable. Corey Hoffmann, Town Attorney explained that if they are armed and detaining people it is different if acting on behalf of a private home owner versus representing a public entity, there would be a high potential liability to the Town.

Trustee Patch inquired if verifying insurance would indemnify the Town. Corey Hoffmann, Town Attorney explained that this is something that has risk beyond the scope, and no insurance would protect in the event of a worst-case scenario.

Corey Hoffmann, Town Attorney, reported that he is confident they could get insurance for being the “eyes and ears,” unarmed. Could not recommend as a matter of liability beyond that.

Mr. Rockwell reported they could customize the contract to unarmed.

Mayor Pontius will discuss with Guardian Security and possibly bring back a proposal.

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 item may be removed from the Consent Agenda and considered at the end of the Regular Agenda.)

- a. Board of Trustees Minutes – November 3, 2010
- b. Payment of Bills

Trustee McCain made a motion, seconded by Trustee Honnold to approve the Consent Agenda.

The vote was as follows:

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

Nay - None

Mayor Pontius declared the motion carried.

2) PUBLIC HEARING

- a. 2011 Budget
- b. 2010 Budget, Supplemental Appropriation

Mayor Pontius opened the Public Hearing for the 2011 Budget and the 2010 Supplemental Appropriations at 7:25 pm. The Clerk announced the purpose of the hearings is to receive comments on the 2011 budget published in the Greeley Tribune on November 5, 2010 and to receive comments on the supplemental budget appropriations for the 2010 budget published in the Greeley Tribune on November 12, 2010.

Joe Racine, Town Administrator, explained the proposed \$12,000 supplemental budget appropriation for the 2010 budget in the Paving Sales Tax Fund 12. Expenses include payment for the paying agent fee for the paving revenue bonds. Town staff is negotiating asphalt patching on the Town's portion of the Kersey road. The supplemental appropriation of \$12,000 should allow for miscellaneous charges in this fund.

Joe Racine, Town Administrator, explained the proposed 2011 Budget has been discussed in detail during Board Work Sessions. The four changes based on the workshop and implemented in the 2011 proposed budget are:

- Fund 15, Hudson Industrial Park LOC, this fund is from the letter of credit to complete improvements in the Hudson Industrial Park, these funds have been transferred to the Wastewater Capital Fund to be used for sewer collection lines within the park.
- Transfer \$80,000 to the Water Capital Fund from the Property Tax Special Revenue Fund for the water well control building and the pump for the Booster Station.
- New mower purchased in 2010 from the Conservation Trust Fund instead of the Capital Fund in 2011.
- Remove the town hall pool vehicle from the Capital Improvement Plan.

The 2010 budget projections were updated, based on the actual financials through October 2010.

The Capital Improvement Plan may be adjusted, based on the immediate need to overlay the Kersey Road. The reconfiguration of Hwy 52 and Dahlia could be deferred until 2012.

A Budget memo and summary sheet with fund balances is included in the Board packet.

No public comment.

Mayor Pontius closed the public hearings at 7:43 pm.

3) GENERAL BUSINESS

- a. Resolution No. 10-41, A Resolution enacting a supplemental budget and appropriation for the 2010 Budget of the Town of Hudson

Trustee Honnold made a motion, seconded by Trustee Patch to approve Resolution no. 10-41, A Resolution enacting a supplemental budget and appropriation for the 2010 Budget of the Town of Hudson.

The vote was as follows:

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

Nay - None

Mayor Pontius declared the motion carried.

- b. Ordinance No. 10-10, Series of 2010, An Emergency Ordinance approving the interim financing agreement with Municipal Financing Corporation for Phase 2 of the Wastewater Treatment Project; and Declaring an Emergency.

Removed from Agenda at this time.

- c. Ordinance No. 10-11, Series of 2010, First Reading, A Bill for an Ordinance Amending Chapter 10 to include Article 10 Regarding Possession of Marijuana.

Corey Hoffmann, Town Attorney, explained currently if the Weld County Sheriff's Department cites someone for possession of marijuana or drug paraphernalia, the ticket is written into Weld County Court because the Town does not have this as an offense for Municipal Court. If someone is cited in Town for possession of 2 oz. or less of marijuana or drug paraphernalia it could be written into Municipal Court.

Trustee Patch made a motion, seconded by Trustee Cole to approve Ordinance No. 10-11, Series of 2010, First Reading, A Bill for an Ordinance Amending Chapter 10 to include Article 10 Regarding Possession of Marijuana.

The vote was as follows:

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

Nay - None

Mayor Pontius declared the motion carried.

- d. Resolution No. 10-40, Ratification of Appointment of Cecilia Aichleman as a Commissioner of the Hudson Housing Authority.

Trustee Honnold made a motion, seconded by Trustee Guardado to approve Resolution No. 10-40, Ratification of Appointment of Cecilia Aichleman as a Commissioner of the Hudson Housing Authority for a five-year term, expiring December 31, 2015.

The vote was as follows:

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

Nay - None

Mayor Pontius declared the motion carried.

- e. Resolution No. 10-39, A Resolution approving the Fourth Amendment for the Employment Agreement between Town Administrator, Joseph Racine and the Town of Hudson.

Trustee Patch made a motion, seconded by Trustee McCain to approve Resolution No. 10-39, A Resolution approving the Fourth Amendment for the Employment Agreement between Town Administrator, Joseph Racine and the Town of Hudson.

The vote was as follows:

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

Nay - None

Mayor Pontius declared the motion carried.

f. Industrial Park Letter of Credit, close Money Market Bank Account

Trustee Baker made a motion, seconded by Trustee Honnold to close the Industrial Park LOC money market bank account no. 129500233.

The vote was as follows:

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

Nay - None

Mayor Pontius declared the motion carried.

4) STAFF REPORTS

Joe Racine, Town Administrator, reported that the paving Company on Beech Street is having trouble getting machinery and a crew. The schedule for excavation, fabric, back-fill and box-crew first lift should be completed this Friday. The top lift should be completed the first week in December weather permitting.

Joe Racine, Town Administrator, reported that the Board of Trustees authorized the purchase of three lots from Guarantee Bank for \$7,500, which was negotiated through Corey Hoffmann, Town Attorney and the Attorney for Guarantee Bank. The bank will not honor the deal without the Town also putting a storm sewer in Dahlia Street as part of the agreement.

Mayor Pontius inquired about condemnation of the property.

Corey Hoffmann, Town Attorney, explained condemnation of this property might cost more than the storm drain. Explaining the Town would have to pay appraisal costs and negotiations if the fair market value price is in excess of \$5,000.00. If challenged and the final value is greater than 130% of the final offer from the Town, the Town would have to pay the Banks Attorney fees.

Corey Hoffmann, Town Attorney, will discuss with Guarantee Bank's Attorney and report at next meeting.

Joe Racine, Town Administrator, reported that 2014 will be the Centennial for the Incorporation of the Town of Hudson. Would like to discuss the forming of a Centennial Committee or Commission to do a project for the Centennial Celebration. The Board would like to schedule for discussion after the first of the year.

Tim Hopwood, Public Works Director, reported that the Town of Poncha Springs has a sewer jetter for sale. The jetter has 16 ½ hours, in good shape, no leaks and ran fine. Asking price is \$28,000.00 new price is \$34,000.00.

Joe Racine, Town Administrator, explained the 2010 budget has \$20,000 for contracted sewer jetting and the CIP has \$25,000 budgeted in 2011 and 2012 for sewer jetting.

Trustee Patch made a motion, seconded by Trustee Cole to negotiate for the purchase of the sewer jetter from Poncha Springs not to exceed \$28,000.00.

The vote was as follows:

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

Nay - None

Mayor Pontius declared the motion carried.

Weld County Sheriff Deputy, Chris Cruz, reported that the west side in the Hudson Hills Subdivision is becoming a dumping ground please let the Sheriff's Office know if you see anything.

Trustee Honnold, inquired about the 2011 payment to UPSTATE Colorado, would like to pay the \$50.00 per million assessed valuation and not the \$100.00 per million. Joe Racine, Town Administrator suggested waiting until invoiced and make correction with the bills to be paid.

Trustee Patch, requested that during construction on Beech Street and 4th Ave. no parking allowed on the west side of Beech Street so the buses can turn.

Mayor Pontius, reminded the Board of Trustees about the employee Christmas bonus.

Trustee Patch made a motion, seconded by Trustee Honnold to approve a Christmas bonus for Town employees consistent with last year's bonus which included 50% for part-time regular employees.

The vote was as follows:

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

Nay - None

Mayor Pontius declared the motion carried.

ADJOURNMENT

The meeting adjourned at approximately 8:27 p.m.

TOWN OF HUDSON, COLORADO

Mayor

ATTEST

Town Clerk