



AGENDA
SPECIAL
HAYDEN TOWN COUNCIL

TUESDAY, OCTOBER 25, 2016
7:00 P.M.
HAYDEN TOWN HALL – 178 WEST JEFFERSON AVENUE

SPECIAL MEETING 7:00 P.M.

- 1a. CALL TO ORDER
- 1b. OPENING PRAYER
- 1c. PLEDGE OF ALLEGIANCE
- 1d. ROLL CALL
2. OLD BUSINESS
 - A. Decision: Plant Investment Fees
3. EXECUTIVE SESSION
 - A. for discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees.
4. ADJOURNMENT

NOTICE: Agenda is subject to change. If you require special assistance in order to attend any of the Town's public meetings or events, please notify the Town of Hayden at (970) 276-3741 at least 48 hours in advance of the scheduled event so the necessary arrangements can be made.



Town Council Agenda Item

MEETING DATE: October 25th, 2016

AGENDA ITEM TITLE: Plant Investment Fees (Con't)

AGENDA SECTION: Old Business

PRESENTED BY: Greg Tuliszewski

CAN THIS ITEM BE RESCHEDULED: Preferred Not

BACKGROUND REVIEW:

At the Oct. 6th, 2016 Town of Hayden Council Meeting the discussion of plant investment fees as it relates to warehouse type building permits was tabled. During the interim time, staff has tried to find other baselines that municipalities use as it relates to wholesale marijuana grow facilities.

There is not a great deal of information as it relates to this specific topic. Most municipalities either determine water taps based upon pipe size (3/4", 1", 1 1/2" etc) or by square footage, similar to the Town's current formula or a variation of these two. None of the municipalities that were contacted or researched had a specific marijuana water tap fee. Many municipalities did have various economic development incentives that could be negotiated with the municipality which could range from tax incentives to permit incentives.

The closest designation that staff felt the proposed wholesale cultivation facilities may have fit into under the current Plant Investment Fee Designation was a Warehouse Business classification. However given the specific and limited use of this conditional use permit, it is the conclusion of staff that the current fee structure does not adequately allow for accurate classification of these proposed facilities.

Town Code 13.08.011 states *'Customers not Covered by Classification in Section 13.08.010: The Town Board of Trustees will set the Plant Investment Fee for any customer which is not covered by the classification in Section 13.05.010'*.

There is a balance between encouraging an environment in which businesses start and thrive and being responsible for the public good.

MANAGER RECOMMENDATION/COMMENTS:

I would recommend that the Town Council adopt the attached resolution which amends the current Tap Fee Schedule Plant Fees to include a designation of 'Wholesale Cultivation Facility' with a water tap fee of \$12,740.00 (\$7300.00 base tap fee + \$5440.00 Wholesale Cultivation designation) and a sewer tap fee of \$7260.00 (\$5900.00 base sewer tap fee + \$1360.00 Wholesale Cultivation Designation) for a total tap fee of \$20,000.00. This will apply for newly constructed facilities designated and planned for as Wholesale Cultivation Facilities.

I would further recommend that the Town Council direct the Town Manager, *on a case by case basis*, discretion to delay the collection of the entire plant fee at permit time. In all cases the Town Manager (or designee) must collect the base water and sewer tap fees of \$13,200.00 prior to ANY permit being issued. The Town must receive the remainder of the Wholesale Cultivation Facility plant fee of \$6800.00 prior to any Certificate of Occupancy being issued or allowed.

RESOLUTION NO. 2016-31

A RESOLUTION OF THE TOWN OF HAYDEN, COLORADO ADOPTING A FEE SCHEDULE MODIFICATION

RECITALS

1. On October 6, 2005, the Board of Trustees passed an Ordinance establishing rate, fees and charges for the Town of Hayden.
2. The Ordinance provided that a Fee Schedule may be adopted by Resolution and be amended as needed from time to time by Resolution.
3. The Town Codes (13.08.011) states and directs that the Town of Hayden Town Council will set the Plant Investment Fees for any customer which is not covered by the classification in Section 13.05.010
4. Changes to the 2016 Fee Schedule Appendix A reflect an additional classification to be added to the Public Works Fee Schedule, wherein there will be added a sub-category titled "Wholesale Cultivation Facility" that reflects a water tap fee of \$12,740.00 (\$7300.00 base tap fee + \$5440.00) and a sewer tap fee of \$7260.00 (\$5900.00 base sewer tap fee + \$1360.00) for a total tap fee of \$20,000.00. These fees are to be collected at the time that the base tap fees are collected for a total water/sewer tap fee for Wholesale Cultivation Facilities of \$20,000.00.
5. The Town Council also recognizes that while it is not the Town's responsibility to develop businesses within the Town, it is the Town's goal to provide an environment that encourages businesses to start, develop and grow in Hayden. In order to facilitate this goal, the Town Council allows and directs the Town Manager, on a case by case basis, as it applies to Wholesale Cultivation Facilities, the ability to delay the collection of the subcategory 'Wholesale Cultivation Facility Tap Fees' until just prior to the Issuance of the Certificate of Occupancy.
6. In all cases, the Town's base Water and Sewer (Plant) Fees shall be collected at the time that building permits are applied for. In all cases the Wholesale Cultivation Facility Tap Fee will be collected by the Town prior to the issuance of any Certificate of Occupancy.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO THAT:

Section 1. An amended 2016 Fee Schedule, Appendix A and Appendix B: *Fees, Rates and Charges Imposed Pursuant to the Hayden Town Code*, and attached hereto, are hereby adopted.

Section 2. This Resolution shall be in full force and effect upon its adoption.

PASSED, APPROVED AND RESOLVED THIS 25th DAY OF October, 2016.

James M. Haskins, Mayor

ATTEST:

Sharon Johnson, Town Clerk