

## RECORD OF PROCEEDINGS

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Hotchkiss Board of Trustees

June 10, 2010

1. Mayor Koontz called the meeting to order at 6:30 p.m. Those present were Sheila Maki, Marlin McCracken, Kelley Harper, George Brauneis, Lindee Cantrell, and Dustyn Foster.
2. Those present recited the Pledge of Allegiance.
3. Sheila Maki moved to approve the minutes for May 13, 2010 with the following addition; Paragraph # 5 add Leagues after baseball and softball, seconded by George Brauneis, with all in favor. Sheila Maki moved to approve the minutes for May 17, 2010, seconded by Kelley Harper, with all in favor.
4. Public Hearing  
Special Zoning Use Review – 385 N 3<sup>rd</sup> Street, Terry Calhoun  
This review was tabled at the Hotchkiss Planning Commission until June 23, 2010.
5. Bill Murray – Concrete Pad at 609 W. Bridge Street  
Mr. Murray was not present.
6. Dale Maxwell – Property Rights-Trails  
Dale Maxwell, 196 HWY 133, Space #1, stated he appreciated the work completed behind his home, but felt the communication with the Town was poor and the bill for the inlet box was too high. He offered to pay \$ 300.00 of the \$ 600.00 bill.  
Mike Owens explained the pipe for the drainage had to be installed per CDOT regulations to the fence behind Mr. Maxwell's property. Mr. Maxwell asked the contractor to fill in the whole at the back of his property. Extreme installed the box for Mr. Maxwell on his side of the fence. Mike stated he had met with Mr. Maxwell at least twice and they talked about the cost of the box. The contractor, Extreme Construction, installed the box and did cleanup on Mr. Maxwell property without a charge to Mr. Maxwell or the Town. Trustee Foster asked if the Town should be dealing with the property owner since Mr. Maxwell is a renter. Attorney Briscoe stated that the Town has a right-of-way to work on the ditch.  
Kelley Harper moved to accept \$ 530.00 from Mr. Maxwell, which is one half of the inlet box cost not including installation or cleanup, seconded by Marlin McCracken. Motion passed with Sheila Maki abstaining. Mr. Maxwell stated he would pay \$ 150.00 now and the remainder within 90 days.
7. Building Code Update – Mark Sprinkle  
Mark reported the Town has 25 building code applications this year. Eight are still active and five are still active from 2009.  
George Brauneis asked Mark if he had met with Terry (Dych) Calhoun about her property for the zoning review. Mark said he had not met with her, but he did an inspection on the house when she purchased it and at that time the house had two kitchens and the entries are separate. You can not access the upstairs and downstairs from inside the home. Mark will inspect the house and complete a written report for the Trustees and Planning Commission.
8. Dog Ordinance Amendment  
The Trustees discussed the amendment presented several weeks ago by Marshal Miller and Clerk Searle. The Trustees general consensus was as follows;  
A two dog limit with additional dogs with approval of Trustees,  
Leach law with the exception of working, stock or service dogs,  
Penalties as presented in draft amendment,  
Grandfather in all dogs at the passing of amendment (with letter to all residents).  
The Trustees asked Marshal Miller and Attorney Briscoe to revise the amended ordinance and present it for a vote of the Trustees in July.
9. Porta Potty Discussion  
Marlin McCracken told the Trustees he had called four companies and Double J Disposal offered the best price for one porta potty/cleaned weekly at the Willow Heights Park.  
Marlin McCracken moved to have Double J Disposal provide one porta potty at the Willow Heights Park for a three (3) month trial period, seconded by Sheila Maki. Motion passed with Kelley Harper opposed.

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10. **Medical Marijuana Dispensary Discussion**  
Attorney Briscoe reported the new Federal law will go into effect July 1<sup>st</sup>. Local control is very board. The new law will require local and State licensing, limitations on distances from schools and childcare facilities, some very limited home delivery, and background checks. The Town needs to discuss and decide what they want in the local regulations. Wendell asked Attorney Briscoe to put together the frame work and bullet items for the Trustees. The Trustees will discuss them and decide if they need a worksession.
11. **Resolution 2010-4 FEMA Flood Damage Prevention**  
Attorney Briscoe told the Trustees that this resolution updates one the Town adopted in 1978. The reason for the resolution is to allow Town residents to apply for and receive flood insurance if needed. Sheila Maki moved to adopt Resolution 2010-4 for Flood Damage Prevention, seconded by Kelley Harper, with all in favor.
12. **Electronic Mail, Open Meetings Law, Public Record Act – Attorney Briscoe**  
Attorney Briscoe gave the Trustees a memorandum to read and to discuss at a later meeting. He reminded the Trustees to send all e-mails to the Town Clerk or him to circulate to the other Trustees. He advised the Trustees not discuss Town business with more than one other Trustee at a time, more than two constitutes a meeting.
13. **Housing Authority Alternate**  
Clerk Searle volunteered to attend Housing Authority meetings if Trustee Sheila Maki could not attend.
14. **Water Plant Update**  
Mike Owens reported one compressor at the new water plant was not working and a representative will come here to repair it. Waiting on Pall to give the Town a date to do plant start up.
15. **Hotchkiss High School Water Line**  
Clerk Searle met with the DOLA representative and the Town is still on track to receive funding in August of this year. The amount is still to be determined. The Town still has the zero interest loan from Water and Power Authority. At this time the Town staff is talking with Water and Power Authority about a complete or partial debt forgiveness (stimulus money) for that loan.  
Engineer Fagan reported that the CORP said they would do the wetlands delineation, but if the stimulus money comes in the delineation may need to be completed before the CORP and get to it.  
After discussion, Sheila Maki moved to give Engineer Fagan the authority to hire a contractor to perform the wetlands delineation, if needed, at a cost of not more than \$ 1,800.00, seconded by George Brauneis, with all in favor.
16. **Enhancement Project Update**  
The Clerk gave the Trustees a Thank You letter from Mike McMillan, Delta County School District.  
Engineer Fagan report the wetlands delineation process on the Orlando trail is substantial and will not be completed until next year.  
Mayor Koontz questioned the best use of the money for trails and maybe there is a better location within Town for a trail. The Trustees will have a work session in August to discuss trails and the new marijuana regulations.  
There was money left over from the middle school trail and Mike and Joanne feel extra railing should be placed on the handicap access on that trail.  
Kelley Harper moved to spend the remaining \$5,500 to place additional hand rails, seconded by Sheila Maki, with all in favor.  
Sheila Maki moved to approve a change order to increase the contract by \$ 6,566.37 for the middle school trail, seconded by George Brauneis, with all in favor.
17. **Five Minute Public Appearance**  
Tom Wills reported he is repainting the side of the Public Works building. He is asking the Trustees for a donation to purchase supplies.  
Sheila Maki moved to donate \$ 100.00, after an amendment from \$ 50.00, seconded by Kelley Harper, with all in favor.

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18. Five Minute Public Appearance – continued  
Bruce Bertram reported to the Trustees he is still on the County board to monitor drilling of oil and gas wells in Delta County. The Town of Hotchkiss' watershed map is included in the rules of protection for Delta County. If the Town has questions they can contact him. Mayor Koontz thanked Bruce for coming to the meeting and asked him to keep the Town informed.
19. Hotchkiss Planning Committee  
Chairperson George Brauneis reported he is working with Tom Wills on a sidewalk/trail plan for the Town and will he will give it to the Trustees in an ordinance form.
20. County Land Use Update  
There was not a meeting in May.
21. Department Reports  
Mike Owens asked if there were questions on his written report. There were none.  
Sheila Maki thanked Leonard and Don for the work on the planter in the parking lot, it looks nice.  
Mike reported there was not any information concerning the hydro plant.  
  
Marshal Miller asked if there were questions on his written report. There were none.  
The Marshal reported he had purchased a small freezer to store DNA evidence.
22. Chamber of Commerce Update  
Marshal Miller reported the Chambers now has 82 members.
23. Neighborhood Watch Information  
Sheila Maki reported the Willow Heights neighborhood is interested in having a block party. She will be talking to Deputy Featheringill.
24. 2010 Census Update  
Sheila Maki would like to thank the Town for the use of the Chambers and a phone for 2010 Census. Phase one is nearly complete and they will be starting Phase two.
25. Mayor's Report  
FORE Alliance – Community Energy, Mayor Koontz will report on this at the July meeting.
26. Upcoming Events/Schedule  
Mike Ehredt, Project America Run, will be in Town on July 1<sup>st</sup>,  
Micro Hydro Conference will be June 18<sup>th</sup> in Ouray,  
Pioneer Days June 12<sup>th</sup> & 13<sup>th</sup>,  
Hotchkiss Planning Committee meeting on June 23<sup>rd</sup>,  
Creamery Arts Center Reception on June 18<sup>th</sup>,  
Joe Cocker Concert on July 6<sup>th</sup>,  
Delta County Fair August 8<sup>th</sup> – 14<sup>th</sup>.
27. New Business  
Trustee Lindee Cantrell said the weeds are growing up in the walkways at the Willow Heights Park.
28. Consideration of Bills  
Sheila Maki moved to pay all bills, seconded by George Brauneis, with all in favor.
29. George Brauneis moved to adjourn the meeting, seconded by Kelley Harper, with all in favor.

Respectfully Submitted,  
Marlene Searle, Town Clerk

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