

RECORD OF PROCEEDINGS

Hotchkiss Board of Trustees

May 11, 2017

- 1) Mayor Koontz called the meeting to order at 6:28 p.m. with a quote from Thomas Jefferson. Those present were Larry Jakubiak, Tom Wills, Jim Roberts, Lindee Cantrell and John Marta. Absent was Mary Hockenbery.
- 2) Those present recited the Pledge of Allegiance.
- 3) Minutes for April 6, 2017
Jim Roberts moved to approve the minutes as presented. Tom Wills seconded and the motion passed with all in favor.
- 4) Special Events Liquor Licenses
Delta County Memorial Hospital (DCMH)
Chris Cox represented DCMH to ask for a Special Events Liquor License for a fundraiser that they are having at Heritage Hall on Saturday, June 10 from 2:00 p.m. to 6:00 p.m. There was a discussion about the discrepancy between the Liquor License Application and the letter from the County about the time. DCMH has to go by the time noted on the Liquor License Application. Larry Jakubiak moved to approve the above noted Special Events Liquor License for the DCMH. Jim Roberts seconded and the motion passed with all in favor.

North Fork Chapter of the Rocky Mountain Elk Foundation
Mayor Pro Tem took over the meeting at this time while Mayor Wendell Koontz represented the North Fork Chapter of the Rocky Mountain Elk Foundation. Wendell Koontz said that this is the 7th year of holding the fundraiser and the 6th year of having it at Heritage Hall. The auction and dinner fundraiser will be held on August 19th from 4:00 p.m. to 12:00 a.m. and the insurance for the event will be delivered to the Town as soon as it is received by the Rocky Mountain Elk Foundation.
John Marta moved to approve the above noted Special Events Liquor License for the North Fork Chapter of the Rocky Mountain Elk Foundation. Jim Roberts seconded and the motion passed with all in favor.
5. Liquor License Renewal-Taco Hut
Tom Wills moved to approve the Liquor License Renewal for Taco Hut. Larry Jakubiak seconded and the motion passed with all in favor.
6. Street Closure Request-First State Bank of Colorado
Don Chance represented the Bank to request a street closure of First Street from Bridge Street to the alley for their customer appreciation lunch. They will be serving hamburgers and hot dogs tomorrow, May 12, and would like to close the street from 8:00 a.m. to 4:00 p.m. The Bank served over 500 people last year and this is a 30 year tradition.
Lindee Cantrell moved to approve the above noted street closure for the First State Bank of Colorado. Jim Roberts seconded and the motion passed with Larry Jakubiak opposed.

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7. **Lee Byrum-Use of Willow Heights Park**
Lee Byrum represented the West Elk Family Church to let the Town know that they are requesting to use the Willow Heights park again this year for their annual Day Camp. The Camp will be from July 1st through July 4th and July 17th through July 24th. The Church has insurance and will be hosting volunteers from Houston to help with the Day Camp. They will have medical staff on hand as well. This is the 4th year for this event and the park will still be open to other citizens in Town.
Lindee Cantrell moved to approve the use of the Willow Heights Park by the West Elk Family Church. Larry Jakubiak seconded and the motion passed with all in favor.
8. **Alan Todd-Out of Town Water Tap Request**
Alan Todd is requesting an out of Town water tap for 714 Maple Drive. He will take over the current water tap owned by his brother and put this one in place for his brother's use.
Tom Wills moved to approve the out of Town water tap request for 714 Maple Drive. Jim Roberts seconded and the motion passed with all in favor.
9. **Dave Mitchell-Transportation for the DCMH Fundraiser**
Dave Mitchell said that the DCMH Fundraiser on June 10 will also include an Open House so that everyone can tour the new clinic from 3:00 p.m. to 5:00 p.m. They would like to have "Horses R Us, LLC" provide two stagecoaches that will shuttle people from Heritage Hall to the new clinic on Hotchkiss Avenue. The route will go from Heritage Hall, up Park Drive, onto Hotchkiss Avenue, turn the stagecoach around on 3rd Street and travel the same route back to Heritage Hall. Horses R Us, LLC is insured and bonded through the State of Colorado.
Jim Roberts moved to approve the request for DCMH to allow Horses R Us to use their stagecoaches to shuttle people between the locations of Heritage Hall and West Elk Family Clinic on June 10 from 3:00 p.m. to 5:00 p.m. Larry Jakubiak seconded and the motion passed with all in favor.
10. **Street Light Discussion at 2nd Street and the Railroad Tracks**
A petition was brought to the Town of Hotchkiss by some of the residents stating that, "I fully support the placement of shields to be placed on the city lamp post that is located on 2nd Street just North West of the railroad tracks in Hotchkiss, CO. Also, 1 block to the East on North 3rd by the railroad tracks is too bright."
Public Works Director Mike Owens showed the Board pictures of the street light in question at the North end of 2nd Street. Delta Montrose Electric Association (DMEA) does not have shields that they can put on the lights. These lights shine straight down so the options would be to remove the light or put in less wattage. Since the street light is right over the railroad tracks, Mike hates to do anything that could endanger people that come down that one way at night. DMEA measured from the light to the back of the house in question and it was 272 feet. After several minutes of discussion this item was tabled until the June 8, 2017 meeting.

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11. Resolution 2017-4-Town Fees
Deputy Clerk Ginger Redden explained the Resolution. Larry Jakubiak said that it would seem unfair to vendors coming into Town to have to get a Vendor Permit along with paying for their table in the festival and having a sales tax license. Town Clerk Marlene Searle said that it was discussed at the work session that vendors coming to Town for an event such as a Craft Fair or a Festival would be exempt from getting the vendor license on top of everything else. This part of the discussion did not make it into the resolution. Mayor Koontz also had concerns about charging the on/off fee for water and wondered what would constitute an emergency. After several minutes of discussion Resolution 2017-4 was tabled until the June meeting.
12. Town Attorney Report
Attorney Bo Nerlin stated that the residential assessment rate for property tax came back better than anticipated. The rate only dropped from 7.96% to 7.29% so it was not as big of a loss that was feared.
Attorney Nerlin also stated that he will update the Town Code for Marijuana Possession to match what the State has and he will have it for a first reading at the June meeting.
13. Farm to Fiddle Festival Update/Colorado Main Street Program Update
Lynda Cannon said that the Main Street Program has come up with a name and it will be called Revitalize Hotchkiss. The Farm to Fiddle Festival proceeds will go toward the Colorado Main Street Program to help with the revitalization process.
Adam Camacho will be hosting an outdoor expo to go along with the Festival on August 11th and 12th. Lynda is requesting a street closure from 8:00 a.m. to 8:00 p.m. on these days to set up for vendor and outdoor expo use. There were some major concerns about the closures by Public Works Director Mike Owens and Town Marshal Dan Miller. After several minutes of discussion it was decided that Mayor Pro-Tem Larry Jakubiak, Mike Owens, Marshal Miller, Lynda Cannon and Marsy Moore would get together to discuss options and come back with a possible solution at the June meeting.
14. Five Minute Public Appearance
None
15. Master Plan Survey Update
Tom Wills said that he received another print out of the results of the online surveys. Tom thinks that it is the younger citizen's filling it out online and the older citizen's turning in the hard copies. Tom is doing the tabulations and the Planning Commission will go through them.
16. North Fork Valley Creative Coalition Update
None.

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17. **Town Engineer Report**
Joanne Fagan said that the report for the water tank is ready to submit and they have executed the \$10,000 planning grant. An Open Meeting will be held during the June meeting so that the public has a chance to weigh in on the process.
The Sanitation Line plans have to be in to the Department of Local Affairs (DOLA) in August. Colorado Department of Transportation (CDOT) is waiting on advertising of the French Drain before approving the permit.
18. **Delta County Housing Task Force Update**
There will be a meeting held at the end of this month.
19. **Leroux Creek Planning Update**
Tom Wills said that last month they discussed the Bone Mesa Subdivision and will discuss two other subdivisions at the meeting next week.
20. **Department Reports**
Public Works Director Mike Owens said that the SternPac that was order ran \$30,000 but is cheaper than the last time and the budget is on track for the year. DCMH settled on a 1 1/2 inch tap for the new clinic being built and a fire hydrant needs to be installed in that area.
The Public Works Crew is looking at doing street work on Lorah Avenue, Main and Orchard between 3rd and 4th this summer.
Elevate has hit the ground running and are working hard to get Broadband in place. They are hoping to have everything complete by mid-June and go live by the end of July.

Marshal Dan Miller said that this weekend is the start of their busy season. The Police Department will not be looking for a Reserve Officer anytime soon.
21. **Hotchkiss Planning Commission Update**
Tom Wills said that the minutes for the last meeting were in the Trustee packets. There were discussions with a couple of people wanting to discuss possible subdivisions. Mayor Koontz said that in further discussions he will excuse himself since one of the possible subdivisions is by his home and he may have an interest in it.
22. **Hotchkiss Chamber Update**
None.

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23. Mayor's Report
Mayor Koontz reported that the roadside clean up with the schools went well and he commended Deputy McDonald for helping. There were a lot of kids involved and they actually finished early. The Town Meeting at the High School went really well.
The Mayor, Mayor Pro Tem and the Department Heads met to go over financials and everything looks good.
Delta County Master Plan meetings are coming up in Paonia on May 15th and in Hotchkiss on May 22nd and he encouraged everyone to attend.
The Department Heads were reminded about employee reviews.
24. Town Clerk Report
None.
25. Upcoming Events/Schedules
Sheep Dog Camp Trials are this Weekend
First State Bank of Colorado Customer Appreciation Lunch Tomorrow
Free Entrance into the Museum During The Sheep Dog Camp Trials
Graduation May 21st
Mother's Day This Sunday
26. New Business
None
27. Possible Items for the Next Agenda
Marijuana Possession Town Code Update
Public Meeting for the Water Tank
Public Hearing for a New Liquor License
Ordinance for ATV Use on Town Streets
28. Consideration of Bills
Larry Jakubiak moved to pay all bills as presented. Jim Roberts seconded and it passed with all in favor.
29. Executive Session
Tom Wills had questions for the Attorney about what could be made public about an Executive Session when meeting with the Attorney receiving legal advice. After discussion about what was public and what was not under the C.R.S. and noting that at the end of the Executive Session the Board may move to disclose what was discussed in the Executive Session with 2/3 of the quorum approving the disclosure. Attorney Nerlin stated that it is important to protect the Attorney/Client privilege involved in an Executive Session.
NOTE: Tom Wills clarified this section stating he asked why Town did not follow State law to give actual reason for executive session instead of just sighting the C.R.S. section.

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30. (cont.) Larry Jakubiak moved to go into an executive session at 8:30 p.m. for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402 (4)(b). Lindee Cantrell seconded and the motion passed with all in favor. A five minute break was taken before the Session continued.

31. Returned to Open Meeting.
Mayor Koontz read the following;
The time is now 9:18 p.m., and the executive session has been concluded. The participants in the executive session were; Mayor Koontz, Tom Wills, Lindee Cantrell, Larry Jakubiak, Attorney Nerlin, John Marta, Jim Roberts, Marlene Searle, Ginger Redden, Joanne Fagan and Mike Owens.
For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record. Seeing none, the next agenda item is fees discussion for Big B's Encroachment.

32. Encroachment Discussion for Big B's
The Board had a discussion on whether or not the Town should charge Big B's an encroachment fee for being on the Town right of way. Attorney Nerlin stated that the Town could run into a problem with them feeling like they are being singled out. Lindee Cantrell said that if we do it for one encroachment we should do it for all of them. Larry Jakubiak said that there should not be a fee charged. Tom Wills said that this item should be treated the same as it has been treated in the past. Attorney Nerlin said that the encroachment policy can be revisited and revised at some point so that it will all be uniform for everyone.
The provisions for the encroachment of Big B's on Town property will be discussed further without adding any fees.

33. Adjournment
Lindee Cantrell moved to adjourn the meeting at 9:30. Larry Jakubiak seconded and the motion passed with all in favor.

Respectfully Submitted,

Ginger R. Redden, Deputy Town Clerk