

## RECORD OF PROCEEDINGS

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### Hotchkiss Board of Trustees

July 13, 2017

1. Mayor Wendell Koontz called the meeting to order at 6:30 p.m. with two quotes from Theodore Roosevelt. Those present were Mary Hockenbery, Jim Roberts, Tom Wills, Larry Jakubiak and John Marta. Absent was Lindee Cantrell.
2. Those present recited the Pledge of Allegiance
3. Minutes for June 8, 2017  
Tom Wills wanted clarification on number 23 that Orchard City is considering how to regulate tiny houses but does not have an Ordinance in place yet.  
Jim Roberts moved to approve the minutes with the clarification. Tom Wills seconded and it passed with all in favor.
4. Public Hearings
  1. Setback Variance Request-First Baptist Church, 203 W. Main Street  
Mayor Koontz opened the first public hearing at 6:34 p.m. Pastor Jake Defield told the Board that he has been Pastor of the First Baptist Church for eight years. The church would like to request a variance on the setback regulation from 25 feet to 4 feet. The building was built in 1904 and there is no room to build except up and the church is in dire need of ADA (American's with Disabilities Act) bathrooms and a nursery.  
There were no public comments for or against the request. Mayor Koontz closed the public hearing at 6:43 p.m.  
Tom Wills stated that the Planning Commission recommended the approval of the request and noted that the building is zoned R2 but is adjacent to C2 zoning. C2 zones can build up to the property line.  
Tom Wills moved to approve the above stated variance request. Larry Jakubiak seconded and the motion passed with all in favor.
  2. Land Disconnection Request-Charlene and Timothy Thoman  
John Qualls, son in law of Charlene and Timothy, spoke along with Dave Mitchell, a local realtor, to the Board. The Thoman's are requesting to disconnect from the Town in order to build three homes on the property without being restricted by the Town's subdivision requirements. The property is 26 acres and is surrounded by the County on three sides by agricultural land. When they first looked at the property it was believed to be out of Town and then they found out that it was in Town. The property is close to the Town's water tank. They also stated that now they are hoping to build two homes instead of the originally stated three homes.  
Mayor Koontz opened the meeting to Public Comment at 6:59 p.m. There were no pro comments for the disconnect. The con comments were:
    - 1) It was presented as a minor subdivision with 1 home to the Planning Commission.
    - 2) Now there are two homes planned and the plans keep changing.
    - 3) What is the real plan for the property?
    - 4) Where will the property be accessed from?

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4. (cont.) Hearing no further discussion, Mayor Koontz closed the public comment part of the meeting at 7:01 p.m.  
Attorney Bo Nerlin said that a disconnect from the Town would cause the boundary to not be contiguous and may cause a problem with the Town's easements. He also stated that the property would become an island and his office would have to look into the impact of how it would affect the Town.  
Tom Wills read a letter of opposition from Libby and George Schovajsa whom live at 891 Ryan Court. (Attached)  
Mayor Koontz stated that he has a conflict of interest since he lives on Ryan Court as well so he will refrain from comment. (Certificate attached)  
Public Works Director Mike Owens stated that he is not for the disconnect and is also against granting a lot of variances to the new owners as well.  
Mary Hockenbery stated that she has heard three different versions of the plans for this property and has concerns that it keeps changing.  
After much discussion, Larry Jakubiak moved to reopen the meeting to public comment at 7:16 p.m. Jim Roberts seconded and the motion passed with all in favor.  
Dave Mitchell said that the plan at first was to have three homes built on the property for the Thoman's as well as their children and families to live there. Since coming here, one of the children has bought a property with two homes on it. Now the plan would be to have two homes built on the property. Access to the property would be off of Clara Vista or Barrow Mesa Road.  
Dave Mitchell asked the Board to consider tabling this discussion until next month when they would present the final plan to the Board.  
Esther Koontz stated that she keeps hearing different plans and would like to know what will really be done with the property.  
The public comment part of the hearing was closed again at 7:26 p.m.  
After much discussion about tabling this item until next month, Tom Wills stated that he did not agree with tabling it and spending more money on legal fees when the Planning Commission recommended against the disconnection of this property.  
After several minutes of further discussion, Tom Wills moved to deny the disconnection request. Larry Jakubiak seconded the motion and it passed with all in favor.
5. Special Events Liquor License-Jamaica Outreach  
Pam Bliss told the Board that on Monday, July 17 from 6:00 to 7:30 p.m. the Kids Pasta Project is having a fundraiser at Shadescapes and they would like a liquor license for the event.  
Larry Jakubiak moved to approve the above mentioned Special Events Liquor License. Jim Roberts seconded and it passed with all in favor.

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6. **Street Lights Discussion at 2nd Street and Railroad Tracks**

Matthew Kottenstette of 188 E Orchard Street said that the street lights in the area shine into his house from all directions and he is requesting that the Town put a shade around them to concentrate the light down more toward the ground. He also noted that in other Towns the lights are focused down more and some places have shaded lights as well.

Jim Roberts asked how far away from the light his house was and Matthew said 100 to 120 yards but the light is still really bright.

Marshal Dan Miller said that there are a lot of safety concerns in this area. There is an unmanned railroad crossing there and the light helps people coming off of the hill to see if there is a train or other obstacle on the tracks.

Public Works Director Mike Owens said that in talking with DMEA (Delta Montrose Electric Association) they only have one more wattage down that is available to use and they do not offer shades. The less wattage is still really bright but a dimmer light will increase the danger at the RR crossing. It was pointed out that a petition was submitted and that a lot of the signers were not even close to the lights or the address at 188 E Orchard Street.

Mike Owens said that a voltage regulator could be a possibility but is very expensive to implement.

Matthew asked for the Board to table this discussion until the August Meeting and he will do more research on the subject.

After several more minutes of discussion this item was tabled until the August meeting.
7. **Delta County Memorial Hospital Clinic Update-Jan McCracken**

Jan McCracken said that progress is being made on the West Elk Clinic on Hotchkiss Avenue. Tile and the doors are being placed and they are hoping to have a soft opening on September 5. They applied for and received a grant for \$250,000 to help finish the building. They will have two full time doctors, one part time doctor and a Physician's assistant once the building is open. Jan thanked the Town for all of their help.

Public Works Director Mike Owens said that there will be a fire hydrant placed on the corner of Hotchkiss Avenue and Second Street.
8. **North Fork Pool and Recreation District-New Baseball Field Information and  
A Request to Extend Current Water Line for a New Water Fountain**

Lenore Cambria and Katherine Oxford represented the Pool and Recreation District and Terry Pagone represented Hotchkiss Home Plate with drawings of the plans for the new ball fields that will be built. Lenore said that the baseball program has over 100 kids and they are practicing in many different places and playing at the Dust Bowl behind the Fairgrounds. The new fields will be very beneficial and they are planning on building softball fields as well. Lenore said that they currently have two taps and wondered if they could run a line from one of them for the new water fountain, or if they would have to buy a third tap. Public Works Director Mike Owens said that they could tap into the office building tap for a drinking fountain without too much of a problem.

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8. (cont.) Hotchkiss Home Plate president Terry Pagone said that they will be applying for a \$350,000 grant. They already have the matching funds and would like the Town to write a letter of support. Terry said that this is for Phase I of the plans for the new baseball and softball fields. Phase II may include another concession stand and more bathrooms. Lenore added that in kind work from the Town would also be very much appreciated.  
John Marta moved to approve the addition of a single spout drinking fountain to the North Fork Pool and Park recreation district property coming off of the water tap in the office area. Jim Roberts seconded and it passed with all in favor.
9. Possible Adoption of 2017-02-Marijuana Possession in Town  
Attorney Nerlin said that this is a second reading of the Ordinance with a slight change of what was written for the first reading. There was a House Bill passed that lowered the amount of plants that could be grown from 18 to 16. The first reading stated 18 plants and the Ordinance can still be passed that way without being against the State Law. Attorney Nerlin wanted the Trustees to have a choice as to which way they would like to pass the Ordinance. Mary Hockenbery moved to approve Ordinance 2017-02 using the cap of 18 plants being the maximum amount that can be grown per household, an Ordinance regulating the possession of marijuana in the Town of Hotchkiss, Colorado. Larry Jakubiak seconded and the motion passed with all in favor.
10. Possible Adoption of Ordinance 2017-03-Operation of Off Highway Vehicles in Town  
Larry Jakubiak moved to approve Ordinance 2017-03, an Ordinance regulating the operation of off-highway vehicles on the roads in the Town of Hotchkiss, Colorado. Tom Wills seconded and the motion passed with all in favor.
11. Approval of DOLA Grant Application and Authorization of Signatures  
Larry Jakubiak moved to approve the Mayor and the Town Clerk as authorized signers for the DOLA (Department of Local Affairs) application for the grant to be used for the water tank project. Mary Hockenbery seconded and the motion passed with all in favor.
12. Change of Date for August Meeting-Fair Week  
Larry Jakubiak moved to approve the moving of the August meeting date from August 10th to August 17th due to the week of the 10th being Fair Week. Mary Hockenbery seconded and the motion passed with all in favor.
13. Approval of Employee 2017 Pay Increases  
Tom Wills moved to approve the employee raises as budgeted in the Town budget for 2017. Mary Hockenbery seconded and the motion passed with all in favor.
14. Town Attorney Report  
None given.

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15. Farm to Fiddle Update  
Mayor Koontz read an email from Lynda Cannon. Lynda said that planning is progressing smoothly. Volunteers are still needed. People interested in volunteering can contact Marsy Moore at the Delta County Federal Credit Union.
16. Colorado Main Street Program Update  
None given.
17. Five Minute Public Appearance  
Matthew Kottenstette turned in a letter of interest for the Trustee seat that will be vacated by Larry Jakubiak in August.
18. Master Plan Survey Update  
Tom Wills said people are slow at turning the survey in. Deputy Chad Lloyd took some of the surveys around while he was on duty and hopefully those people will turn them in. There have only been 30 or 31 turned in by residents so far and the latest online results are still needed and will be looked over.
19. North Fork Valley Creative Coalition Update  
Mary Hockenbery said that the Creative Coalition is still working with DCMH (Delta County Memorial Hospital) on choosing art to display in their new clinic. The Kids Pasta Project fundraiser that was held sold out.
20. Town Engineer Report  
Engineer Joanne Fagan said that they are working on the storm component for the sewer project. The survey has been done on the site for the new tank and was determined to be a great site for the structure. The water tank will be a project in 2018 and the grants and loans are being applied for.
21. Delta County Housing Task Force Update  
None.
22. Leroux Creek Planning Update  
Tom Wills said there was a meeting held in June and he covered everything at the last meeting.
23. Department Reports  
Marshal Miller said that there has been no reduction in the amount of VIN inspections since implementing the fees on July 1st. Vacations and trainings that are happening leaves the Marshal's Office shorthanded. Mayor Koontz said that three officers are not enough and the Town could use one more.

Public Works Director Mike Owens said that the water plant is having electrical issues.

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23. (cont.) The back flow prevention violation has been resolved for 2016 and they are working to be compliant in 2017. Mike explained that the back flow devices do not allow used water back into the fresh water system. All buildings with the exception of single family residences need one in place. Larry Jakubiak asked how they were tested and Mike told the Board that a plumber that is certified is the only one that can test it and there are two in Town, Great Western Plumbing and J & M Plumbing.
24. Hotchkiss Planning Commission Update  
Tom Wills said that the survey is still being discussed and Dan Bolton is considering doing a subdivision but has not turned in the paperwork.
25. Hotchkiss Chamber Update  
None.
26. Mayor's Report  
Mark Kurtz from DMEA said that Elevate started to light up the fiber for Broadband on July 10th to residents in Hotchkiss.  
Rod Tribble passed away and his funeral was attended by over 400 people.
27. Town Clerk Report  
Deputy Town Clerk Ginger Redden stated appreciation for all of John Marta's hard work on trimming the hedges and cleaning up the trees and weeds around the Town Hall.
28. Upcoming Events/Schedule  
July 17th-Kids Pasta Project at Shadescapes  
July 22nd-Creamery Arts Concert  
August 6-12 Fair Week  
August 11th & 12th- Farm to Fiddle Festival  
August 17th- Hotchkiss Town Meeting
29. New Business  
None.
30. Possible Items for the Next Agenda  
Street Lights Discussion  
New Trustee Discussion
31. Consideration of Bills  
Larry Jakubiak moved to pay all bills as presented. Jim Roberts seconded and the motion passed with all in favor.

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31. (cont.) Tom Wills moved to approve the Town Clerk to pay all of the bills for the month of August due to the change of the meeting date and to ratify them at the meeting on August 17th. Larry Jakubiak seconded and the motion passed with all in favor.
32. Executive Session  
At 8:50 p.m. Jim Roberts moved to go into an Executive Session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy of negotiation, and/or instructing negotiators, under C.R.S. Section 24-6-402 (4)(e) and for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402 (4)(b). Larry Jakubiak seconded and the motion passed with all in favor.
33. Returned to Open Meeting  
Mayor Koontz stated, the time is now 9:28 p.m. and the executive session has been concluded. The participants in the executive session were: Jim Roberts, Tom Wills, Wendell Koontz, Ginger Redden, Larry Jakubiak, John Marta, Mary Hockenbery, Bo Nerlin 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...
34. Adjournment  
Larry Jakubiak moved to adjourn the meeting at 9:28 p.m. John Marta seconded and the motion passed with all in favor.

Respectfully Submitted,

Ginger R. Redden, Deputy Town Clerk