

RECORD OF PROCEEDINGS

Hotchkiss Board of Trustees

March 12, 2020

1. CALL THE MEETING TO ORDER

Mayor Wilkening called the meeting to order at 6:30 p.m. Roll call was taken and those present were Mary Hockenbery, Sheila Maki, Esther Koontz, Patrick Webb, John Marta and Pat Medina.

Those present recited the Pledge of Allegiance.

2. CONSENT AGENDA

MINUTES FOR FEBRUARY 13, 2020

Mary Hockenbery moved to approve the minutes as presented. Seconded by Sheila Maki, motion passed.

3. CONSIDERATION OF BILLS

Esther Koontz moved to approve payment of all bills as presented. Seconded by John Marta, motion passed.

4. PUBLIC COMMENT

None

5. OLD BUSINESS

BUILDING CODE UPGRADE ORDINANCE-POSSIBLE FIRST READING

Mayor Wilkening received the first draft of the Ordinance from Attorney Nerlin. Having no time to look it over he requested that it be tabled until the April 9th meeting.

ORDINANCE 2020-01-ORDINANCE AMENDING MOBILE HOME USE REGULATIONS-SECOND READING

It was noted that the Amendment for this Ordinance was concerning Chapter 10, Article 7. Sheila Maki moved to approve Ordinance 2020-01 an Ordinance of the Board of Trustees of the Town of Hotchkiss, Colorado, amending certain sections of Chapter 10, Article 7 of the Town Code. Seconded by Mary Hockenbery, motion passed.

6. PUBLIC HEARINGS

BOUNDARY ADJUSTMENT REQUEST-120 & 140 W MAIN STREET-DON FOSTER

At this time, Mary Hockenbery recused herself from the meeting since Don Foster is her neighbor. Mayor Wilkening explained the rules to be followed during the public hearing.

Don Foster told the Board that the Planning Commission heard his request on February 26th.

These are two (2) nonconforming parcels that he would like to adjust the boundaries for. Parcel A is a commercially zoned shop/warehouse and Parcel B is a forty (40) foot by thirty five (35) foot mobile home. Don originally asked to adjust the boundary between these two (2) properties by thirty two (32) feet, five (5) inches. The Planning Commission suggested adjusting it to leave a ten (10) foot setback for the 120 W Main Property and he made that adjustment before this meeting.

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6. (cont.) PUBLIC HEARINGS

BOUNDARY ADJUSTMENT REQUEST-120 & 140 W MAIN STREET-DON FOSTER

Don Foster also addressed the letter of objection presented to him by Tom Wills before the start of this meeting. Don stated that there is logic to the separation and adjustment of these properties. Don Foster also stated that he had no intentions of selling the mobile home but would eventually like to sell the shop.

Tom Wills stated at this time that he did not receive notification about this public hearing as noted in the Town Ordinance that all neighbors within two hundred (200) feet should be notified. He also noted that his property is only one hundred (100) feet from Don Fosters. Tom also stated that he looked at the Planning Commission agenda and it was stated as an "informational" meeting so he decided not to attend. Deputy Town Clerk Ginger Redden pulled the Planning Commission agenda at this time and it was noted that it was advertised as a "Public Hearing". Mayor Wilkening opened the hearing for Public Comment at 6:54 p.m.

Tom Wills, address of 159 W Main Street, read a letter of opposition that he distributed to the Board and to Don Foster before the meeting. The letter opposed the Boundary Adjustment as well as several other aspects of the adjustment. (Letter attached to the original minutes.)

Terry O'Brien, address of 176 E Orchard Street, asked if the parcels were bought together and also asked if Don Foster would mind postponing the adjustment.

Mayor Wilkening closed the Public Hearing at 7:01 p.m.

Mayor Wilkening told the Board that the Planning Commission recommended approval of this Boundary Adjustment with the stipulation that Don Foster already complied with. Mayor Wilkening also noted that these properties were built long before the Town of Hotchkiss had Zoning Rules in place.

After several minutes of discussion amongst the Board, Attorney Andrew Boyko (filling in for Attorney Bo Nerlin) told the Board that while Mr. Wills was not notified, he certainly found out about the public hearing and had his say so the Board could approve this if they so chose. However, if the Board feels that there are other neighbors that did not receive notifications, they are within their rights to postpone this to the April meeting.

Esther Koontz moved to postpone the Boundary Adjustment request for 120 and 140 Main Street to the April meeting to ensure that all neighbors are notified. Sheila Maki seconded with an amendment that everyone be notified again to make sure that anyone that was missed be notified and that staff would handle the re-notification as if it were the first hearing.

Motion passed.

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6. (cont.) PUBLIC HEARINGS
VARIANCE REQUESTS (2)-417 WILLOW DRIVE-MICHELLE AND RACHEL COLE
At this time, Mary Hockenbery returned to the meeting and Sheila Maki recused herself.
Michelle and Rachel Cole are her neighbors.

This Public Hearing was divided into two (2) parts to address each variance request separately.

Michelle Cole represented herself and her sister, Rachel. Michelle told the Board that she and her sister are taking care of their mother at this time. Hospice has been called in so they are not sure how much longer that this situation will last.

The first variance being requested is for the number of dogs allowed by Ordinance in the Town of Hotchkiss. Deputy Sparks visited 417 Willow and told Michelle and Rachel that they needed to come before the Board since they have more than allowed. The Ordinance allows for three (3) dogs per household and they currently have five (5). Michelle has two (2) big dogs and Rachel has three (3) Corgis. Since Deputy Sparks visited the fences have been strengthened and an effort has been made to control the dogs barking so much.

Mayor Wilkening opened the Public Comment portion of this hearing at 7:22 p.m.

Linda Meek, address of 425 Willow Drive stated that she lives next door and has not had any problems with the dogs that Michelle and Rachel have.

Terry O'Brien, address of 176 E Orchard Street, stated that this is a special situation and he feels the variance should be allowed.

Mayor Wilkening closed the Public Comment portion of the hearing at 7:25.

The Board discussed the request at length.

John Marta moved to deny the variance as requested for the dogs.

Mayor Wilkening read the Ordinance to the Board. Mary Hockenbery said that this is a special case and they should be allowed to keep all of the dogs unless a complaint is made.

John Marta rescinded the motion that he previously made.

After several more minutes of discussion, it was determined that Michelle knew about the Ordinance but did not do anything to remedy the situation.

John Marta moved to deny the request and stay within the parameters of the Ordinance. Seconded by Esther Koontz the motion passed with a vote of four (4) in favor and one (1) opposed.

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6. (cont.) PUBLIC HEARINGS

VARIANCE REQUESTS (2)-417 WILLOW DRIVE-MICHELLE AND RACHEL COLE

The second variance requested by Michelle and Rachel is a variance for camper use. Michelle stated that she uses the camper as a place to be alone. She does not have water or sewer attached to the camper, only electricity. The house is small and Michelle likes to go to the camper when it feels cramped in the house. Michelle and Rachel take turns caring for their mother and when it is Rachel's turn, Michelle often leaves Town, but when they are all there together the camper is a nice refuge.

Mayor Wilkening opened the Hearing for Public Comment at 7:48 p.m.

Linda Meek, address of 425 Willow Drive stated that she would rather Michelle have a camper there than a tent. She supports the use of the camper for Michelle.

Marshal Miller stated that he did receive a complaint from someone saying that Michelle was living there but has found no violation as far as he can tell.

Mayor Wilkening closed the Hearing for Public Comment at 7:51 p.m.

The Board discussed the request at length.

Esther Koontz moved to approve the variance request for the utilization of the camper with no water or sewer hooked up, only electricity for three (3) months. If there is a need for an extension, Michelle and Rachel will need to come back before the Board.

Mary Hockenbery seconded with a point of clarification that no black or grey water be used and that only family be allowed to spend the night in the camper as needed. Motion passed.

7. NEW BUSINESS

None

8. STAFF REPORTS

TOWN ENGINEER REPORT

Engineer Joanne Fagan told the Board that Pitt Construction will be on site in a month to finish piping the water tank and then Doughty will be able to clean and sanitize it. They are hopeful that it will be in use by Memorial Day.

The shop is actually starting to look like a building. The Board was encouraged to visit the site and touring the site before the April meeting was discussed. Engineer Joanne Fagan said that an Executive Session will be needed at the end of this meeting.

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8. (cont.) STAFF REPORTS
TOWN MARSHAL'S REPORT
Marshal Miller reported that a mock accident will be held at the High School on April 19th and encouraged everyone to come out and watch.
The Marshal's office is gearing up for the Sheep Dog Trials in May.
The Schools may be closed down due to Corona Virus which will delay Julia's graduation.

TOWN PUBLIC WORKS REPORT
Public Works Director Mike Owens said that the sewer is being piped into the new shop building. Once that is complete the road will be worked on.

TOWN CLERK'S REPORT
None
9. COMMITTEE REPORTS
Patrick Webb gave a report on the Building Permits for the month of February.

John Marta reported that there will be three (3) more new houses built in the North Ridge Subdivision.
John also reported that the Senior Center is still open for meals with eighteen (18) to twenty four (24) meals being delivered.
10. MAYOR'S REPORT
The feasibility study requires weekly conference calls on Tuesdays.
A work shop was held on February 25th to reach potential new business for the Town.
One Delta County- An Economic Alliance is making progress and should have formal documents by the end of March.
A CDOT (Colorado Department of Transportation) meeting was held to discuss enhancing Federal Land access.
The candidate forum was held on Tuesday. There was not a lot of people in attendance but there were a variety of questions asked.
Richard Bailey passed away recently. Richard was the founder of the Hotchkiss Sheep Camp Stock Dog Trials.
11. UPCOMING EVENTS
DuckWorks customer appreciation lunch is tomorrow
Creamery Arts Center is hosting an event tomorrow
Mary Hockenbery encouraged everyone to participate in the Census.

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12. POSSIBLE ITEMS FOR THE NEXT AGENDA

Boundary Adjustment Request-Don Foster
Building Code Upgrade Ordinance-Possible First Reading
April 15th not April 19th Mock Accident at the High School (Marshal Miller amended)
St Patrick's Day dinner at the Elks
Gary Violet's 80th Birthday Saturday at the Maloney House

13. EXECUTIVE SESSION

Mary Hockenbery 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 negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402 (4)(e) pertaining to the Public Works Shop Project. Seconded by Sheila Maki, motion passed. The time was 8:35 p.m.

RETURN TO OPEN MEETING

Mayor Larry Wilkening read the following;

The time is now 9:08 p.m., and the executive session has been concluded. The participants in the executive session were; Mayor Larry Wilkening, Patrick Webb, Pat Medina, Mary Hockenbery, Esther Koontz, John Marta, Sheila Maki, Attorney Andrew Boyko, Deputy Town Clerk Ginger Redden, Public Works Director Mike Owens, and Engineer Joanne Fagan.

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....

CONSIDERATION OF BILLS

Sheila Maki moved to authorize the Town staff to continue negotiations with Ford Construction and pay the bill once finalized. Seconded by Mary Hockenbery, motion passed.

14. ADJOURNMENT

Pat Medina moved to adjourn at 9:09 p.m. Seconded by Esther Koontz, motion passed.

Respectfully Submitted,

Ginger R. Redden, Deputy Town Clerk