

RECORD OF PROCEEDINGS

Hotchkiss Board of Trustees

April 9, 2020

NOTE: This meeting was held virtually using Zoom video-teleconferencing technology. As duly announced and publicly noticed, the Council previously approved this format in order to continue with normal business and respond to the COVID-19 Pandemic and the related public emergency orders promulgated by the President of the United States, Governor of Colorado and the Town of Hotchkiss Board of Trustees.

1. CALL THE MEETING TO ORDER

Mayor Wilkening called the meeting to order at 6:36 p.m. Roll call was taken and those present were Mary Hockenbery, John Marta, Sheila Maki, Patrick Webb, Esther Koontz and newly elected Trustee, Jim Wingfield. Absent was Pat Medina. Mayor Wilkening stated the rules and procedures for the Public Virtual Meeting.

PLEDGE OF ALLEGIANCE

Those present recited the Pledge of Allegiance.

2. CONSENT AGENDA

MINUTES FOR MARCH 12, 2020

Esther Koontz wanted clarification in item #10 on the name change that Delta County Economic Development had. Mayor Wilkening clarified that they are now called One Delta County-An Economic Alliance.

Mary Hockenbery moved to approve the minutes for March 12, 2020 with the above noted clarification, seconded by John Marta. A verbal vote was taken with all trustees voting in favor. Motion passed.

MINUTES FOR MARCH 24, 2020

Sheila Maki moved to approve the minutes as presented, seconded by Esther Koontz. A verbal vote was taken with all trustees voting "Yay". Motion passed.

3. CONSIDERATION OF BILLS

Engineer Joanne Fagan added a bill for Ford Construction in the amount of \$246,173.11. She will send the Pay Request to the Town Clerk in the morning.

Esther Koontz moved to approve payment of the bills as presented with the above noted addition, seconded by John Marta. A verbal vote was taken with all Trustees voting in favor. Motion passed.

4. PUBLIC COMMENT

Terry O'Brien congratulated all of the winners of the recent election.

5. OLD BUSINESS

BUILDING CODE UPGRADE UPDATE

Mayor Wilkening told the Board that the Ordinance should be ready for a possible first reading at the May meeting.

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6. PUBLIC HEARINGS

BOUNDARY ADJUSTMENT REQUEST FOR 120 & 140 W MAIN STREET-DON FOSTER
Mayor Wilkening read the rules to be followed during the Public Hearing.

At this time, Trustee Mary Hockenbery recused herself from this section of the meeting. Don Foster is her neighbor.

Don Foster explained his request to the Board. He purchased these buildings together and one of the boundaries goes through the center of the mobile home at 140 W Main Street. It is an odd division and shifting the boundary to the East will give each their own property lines and give some flexibility in dealing with both of these properties.

Mayor Wilkening told the Board that the Planning Commission requested that a 10 (ten) foot setback be placed between the two lots, ten (10) feet from the end of the commercial building and eight and a half feet (8 1/2) from the end of the trailer. Mr. Foster complied with this request. There is also a sewer easement that belongs to the Town of Hotchkiss that runs under the Mobile Home. Mr. Foster understands the easement and is fine with it.

Mayor Wilkening opened the Public Comment Section of this Hearing at 7:00 p.m.

Tom Wills of 159 W Main Street stated that he opposed this adjustment. He submitted written comment as well. One of his concerns is that no variance request has been submitted to handle the setbacks of these nonconforming lots.(Attached to the original minutes)

Mary Hockenbery of 188 N 1st Street stated that she has no objection to this adjustment.

Terry O'Brien of 176 E Orchard Street asked Attorney Nerlin was the options would be and if this can be approved without a variance request for setbacks.

Attorney Nerlin said that there are three different approaches that the Board can take concerning this request.

- 1) Approve the request as it is presented
- 2) Deny the request and ask for the variance to the setbacks be done first
- 3) Approve the request with the stipulation of getting a variance request for the set back requirements in the future.

Mayor Wilkening said that this Public Hearing is to address the boundary adjustment not the variance request for setbacks.

Mayor Wilkening closed the Public Comment Section of this hearing at 7:15 p.m.

The Board of Trustees discussed the boundary adjustment at length.

Esther Koontz moved to approve the boundary adjustment for 120 and 140 W Main Street with the condition that a variance request be made for the setbacks in the future. Sheila Maki seconded. A verbal vote was taken with all Trustees voting in favor. Motion passed.

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THANK YOU TO SHEILA MAKI

At this time, Mary Hockenbery returned to the meeting.

At this time all Trustees and the Mayor thanked Sheila Maki for her time served as a Trustee and wished her luck in the future.

Sheila thanked the Board and congratulated the newly elected Trustee Jim Wingfield and returning Trustees Patrick Webb and John Marta.

7. NEW BUSINESS

REPORT OF THE ELECTION RESULTS

Mayor Wilkening read the results of the election held on April 7, 2020.

There were a total of 185 votes casted.

The results were:	John Marta	139 votes
	Jim Wingfield	121 votes
	Patrick Webb	105 votes
	Terry O'Brien	68 votes

Mayor Wilkening thanked all of the candidates and congratulated the winners.

SWEAR IN NEWLY ELECTED TRUSTEES

At this time Deputy Town Clerk Ginger Redden swore in the new Trustees.

APPOINTMENT OF TOWN ATTORNEY, TOWN JUDGE, TOWN CLERK & MAYOR PRO TEM

Mayor Wilkening said that he spoke with Mary Hockenbery and she is happy to continue being the Mayor Pro Tem.

John Marta moved to approve the appointments of Town Attorney-Bo Nerlin, Town Judge-Lynn French, Town Clerk-Marlene Searle and Mayor Pro Tem-Mary Hockenbery, seconded by Esther Koontz. A verbal vote was taken with all Trustees voting in favor. Motion passed.

TRUSTEE TRAINING DATE DISCUSSION

Jim Wingfield moved to table this item to the May meeting, seconded by Mary Hockenbery. A verbal vote was taken with all Trustees voting in favor. Motion passed.

RESOLUTION 2020-3

Mayor Wilkening explained the need for this Resolution, due to COVID-19.

Esther Koontz moved to adopt Resolution 2020-3, a Resolution of the Town of Hotchkiss, Colorado, on emergency and/or virtual meetings due to Coronavirus (COVID-19) disaster declaration, seconded by Mary Hockenbery. A verbal vote was taken with all Trustees voting in favor. Motion passed.

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7. (cont.) NEW BUSINESS
RESOLUTION 2020-4

Mayor Wilkening explained that this Resolution ratifies the extension of the Disaster Declaration that was handled in the meeting on March 24th. The extension goes until May 15th and a copy will be sent to the County Emergency Management.

Having a Resolution in place will allow the Town of Hotchkiss to be eligible for any economic recovery funds that become available if the Town needs it. There was several minutes of discussion for and against this Resolution.

John Marta moved to adopt Resolution 2020-4, a Resolution declaring a local disaster in and for the Town of Hotchkiss and ratifying the extension of the Declaration of Disaster to May 15, 2020, seconded by Mary Hockenbery. A verbal vote was taken with four (4) Trustees voting in favor and one (1) Trustee voting against. Motion passed.

8. EXECUTIVE SESSION

Esther Koontz 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 John Marta. A verbal vote was taken with all Trustees voting in favor. Motion passed.

At this time, all Trustees paused and muted their Zoom hosted virtual meeting and called in on a conference call. The time was 7:48 p.m.

RETURN TO OPEN MEETING

At 8:21 p.m., all Trustees ended the conference call and returned to the Zoom hosted virtual meeting.

Mayor Larry Wilkening read the following;

The time is now 8:23 p.m., and the executive session has been concluded. The participants in the executive session were; Mayor Larry Wilkening, Patrick Webb, Mary Hockenbery, Esther Koontz, Jim Wingfield, John Marta, Attorney Bo Nerlin, Deputy Town Clerk Ginger Redden, Town Clerk Marlene Searle, 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....

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9. ADJOURNMENT

John Marta moved to adjourn the meeting at 8:23 p.m., Mary Hockenbery seconded. A verbal vote was taken with all Trustees voting in favor. Motion passed.

Respectfully Submitted,

Ginger R Redden
Deputy Town Clerk