

## RECORD OF PROCEEDINGS

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Hotchkiss Board of Trustees

January 13, 2022

1. CALL THE MEETING TO ORDER

Mayor Wilkening called the meeting to order at 6:30 p.m. A verbal roll call was taken, present were Mary Hockenbery, Pat Medina, Sven Edstrom, Patrick Webb, Jim Wingfield, and John Marta.

Those present recited the Pledge of Allegiance.

At this time the Board needed to amend the agenda to move Officer Thompson, under new business, as an addition to the beginning of the meeting and a deletion at the end of the meeting. Mary Hockenbery moved to amend the agenda with the above noted change, seconded by Patrick Webb. A verbal vote was taken with all Trustees voting in favor. Motion passed.

The room was cleared for the Executive Session.

### EXECUTIVE SESSION

John Marta moved to go into an Executive Session for a conference with the Town Attorney for the purpose pursuant to C.R.S. 24-6-402 (4)(b) and 24-6-402(4)(e) for the purpose of receiving legal advice and matters that are subject to negotiation regarding the Town of Hotchkiss-Officer Julia Thompson Trainee Contract, seconded by Jim Wingfield. A verbal vote was taken with all Trustees voting in favor. Motion passed. The time was 6:34 p.m.

At 6:36 p.m. the recording was turned off due to Attorney/Client privilege.

### RETURN TO OPEN MEETING

The recording of the meeting was turned back on at 6:53p.m.

Mayor Larry Wilkening read the following.

The time is now 6:54 p.m., and the executive session has been concluded. The participants in the executive session were Mayor Larry Wilkening, Patrick Webb, Mary Hockenbery, Jim Wingfield, Pat Medina, John Marta, Sven Edstrom, Chief Scott Green, Attorney Bo Nerlin, Town Clerk Ginger Redden and Deputy Town Clerk Karen Laing.

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....

### POSSIBLE MOTION FROM THE EXECUTIVE SESSION

No motion made.

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2. CONSENT AGENDA  
MINUTES FOR DECEMBER 9, 2021  
Mayor Wilkening said that on page four (4) under number eight (8) Fork needs a “k” on the end. right now, it states North For.  
Mary Hockenbery moved to approve the minutes with the above noted changes, Patrick Webb seconded. A verbal vote was taken with all Trustees voting in favor. Motion passed.
3. CONSIDERATION OF BILLS  
Town Clerk Ginger Redden read the additional bills. Jim Wingfield moved to approve payment of all bills as presented, John Marta seconded. A verbal vote was taken with all Trustees voting in favor. Motion passed.
4. PUBLIC HEARINGS  
NEW LIQUOR LICENSE REQUEST-BLUE HARROW, LLC-171 E BRIDGE STREET  
Mayor Wilkening read the rules of the Public Hearing to all present.

### STAFF PRESENTATION

Town Clerk Ginger Redden told the Board that all paperwork is in order for this application.

### APPLICANT PRESENTATION

William Frantz, part owner of 171 E Bridge Street told the Board that they are going to have a butcher shop with a deli and prepared food and a bar outside. They have a second offsite permit that they are working on as well.

Mayor Wilkening told the Board that this is the old Coyote building.

They are going to keep the building and redo the inside. Lissa distributed a map of where the alcohol will be served. They will start out with a food truck for the serving of food and renovate as they get more money from the business.

### PUBLIC COMMENT

Public Comment was opened at 7:08 p.m.

Kim Shay, owner of Gambles said that she was very happy that something is going to be done in that building.

Tom Wills, 159 W Main Street, stated that this is a great idea. He had some procedural concerns about having a butcher shop. He was assured that no killing of animals would be happening at this location.

Tim Gonzales, owner of Back Country Goods is supportive of this idea.

The Public Comment was closed at 7:11 p.m.

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4. PUBLIC HEARINGS (cont.)  
BOARD DELIBERATION

The Board had several minutes of discussion about this business and that it will be nice to have that space utilized.

Jim Wingfield moved to approve the liquor license request for 171 E Bridge Street, Pat Medina seconded. A verbal vote was taken with all Trustees voting in favor. Motion passed.

Mary Hockenbery moved to approve the takeout and delivery application for the above noted address, seconded by Jim Wingfield. A verbal vote was taken with all Trustees voting in favor. Motion passed.

VARIANCE REQUEST-KEEPING OF SHEEP-533 CEDAR DRIVE-JOEL AND CARRIE ANN REED

Mayor Wilkening reiterated the rules for Public Hearings.

STAFF PRESENTATION

Staff presentation will be at the end of this hearing.

APPLICANT PRESENTATION

Joel Reed told the Board that he would like to keep sheep at his residence in Town at one (1) sheep for every .52 acres. He would like to do this for his religious considerations. Jesus is a good shepherd, and he would like to explore this further. He also noted that miniature donkeys were kept on that property at one time.

Joel said that he would like to have four (4) sheep. Joel has six (6) children and would also like to sell some items made from the sheep they are keeping.

John Marta noted that in the request application, Joel only asked for two (2) sheep.

PUBLIC COMMENT

Public Comment was opened at 7:22 p.m.

Brian Cambria, 509 Cedar (out of Town) said that he is in favor of the sheep and welcomed Joel to the Town.

Kim Shay, owner of Gambles said that she would discourage the raising of males since they tend to wander more and are more aggressive than females.

Tim Gonzales said that they moved out of Town so that they could keep livestock. He said to make sure that the genders are the same and says sheep would be a good lesson for the kids.

Tom Wills, 159 West Main Street, says there is a procedural issue in that this says it is for the temporary raising of sheep but giving a variance for permanent raising changes the content.

The Public Hearing was closed at 7:28 p.m.

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4. PUBLIC HEARINGS (cont.)  
BOARD DELIBERATION

Mayor Wilkening told the Board that the Livestock Ordinance for the Town of Hotchkiss is very cut and dried. This application does not meet any of the requirements set forth. The Ordinance states that at least 5 agricultural acres are needed with no more than one (1) residence. This lot is only two (2) acres total. Mayor Wilkening said that he is not a voting member of the Board so he cannot express an opinion but can state the facts of the Ordinance.

The Board had several more minutes of discussion.

Jim Wingfield moved to deny the Variance Request for the keeping of sheep at 553 Cedar Drive, John Marta seconded. A verbal vote was taken with all Trustees voting in favor. Motion passed.

5. OLD BUSINESS

ORDINANCE 2021-03 FENCING PERMIT-2ND READING, POSSIBLE ADOPTION

Tom Wills asked if he could present some options to the Board regarding this Ordinance. Tom said that he went through this Ordinance line by line and noted that it was a safety issue when it was started but has since turned into a comprehensive fencing Ordinance. He then voiced several of his concerns to the Board.

A letter from Karl and Heather Derrah was discussed as well.

It was noted that this Ordinance was first and foremost for safety.

After several more minutes of discussion Jim Wingfield and John Marta volunteered to meet with Building Inspector Bruce Stanley and bring this back to the Board in the February meeting.

RESOLUTION 2021-11- RATIFICATION OF PARK TIME REVISION

Mayor Wilkening told the Board that this Resolution was approved at the December meeting, but the Resolution was not available at that time.

John Marta moved to ratify Resolution 2021-11, a Resolution of the Board of Trustees setting the hours of operation for the Town Parks stating that the Town Parks are open from the period of sunrise to sunset, seconded by Jim Wingfield. A verbal vote was taken with all Trustees voting in favor. Motion passed.

HOTCHKISS CHAMBER OF COMMERCE UPDATE/ONE DELTA COUNTY UPDATE-  
KIM SHAY

CHAMBER OF COMMERCE

Kim Shay said that she and the new Vice President of the Chamber will be alternating meetings. The museum will be extending its hours to 10:00 a.m. to 2:00 p.m. on Tuesdays and Thursdays. Chamber meetings are the last Thursday of the month at the museum.

The Fair Board is being reorganized and they are trying to make Heritage Hall livelier. They would like to schedule more events there.

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5. OLD BUSINESS (cont.)

ONE DELTA COUNTY UPDATE

Members are being recruited. Gary Peebles is the Chair and Kim is the Vice Chair.

Dues invoices will be coming out soon.

They are discussing holding the meetings around the County instead of only in one location.

NEW PLANNING COMMISSION BOARD MAKE UP DISCUSSION

The make up of the Planning Commission was changed from seven (7) members to five (5) members. It was decided that John Marta would stay on the Planning Commission Board and Jim Wingfield would be off until after the election in April. That would be a make up of two (2) Board members, the Mayor and John, and three (3) citizens of the Town, Roger Christian (Chair), Rich Kramer and Sean Cantrell.

ELECTION 2022 INFORMATION

PUBLICATION BY HEADLINE ONLY BALLOT QUESTION

Town Clerk Ginger Redden told the Board that publishing Ordinances in the paper can be very costly to the Town. A change in how Ordinances are published must go to a vote of the citizens. The clerk's office would like to have a ballot question asking that the Town be able to publish the Ordinance's title only. This would save the Town money and the full Ordinance can be viewed at the Town Hall during business hours. Attorney Nerlin stated that he would help write up the ballot question.

Pat Medina moved to approve the placement of a ballot question on the April ballot asking the citizens if the Town can publish Ordinance's by headline only, seconded by Jim Wingfield. A verbal vote was taken with all Trustees voting in favor. Motion passed.

6. PUBLIC COMMENT

Mary Hockenbery attended the Fair Grounds Master Plan meeting last night. She handed out surveys to the Board and asked them to take the survey online. There has only been seventy (70) responses to the survey so far.

Kim Shay told the Board, in regard to the previously discussed fencing Ordinance, that electric fencing should not be prohibited, and neither should barb wire with respect to livestock owners.

Tim Gonzales said safety should be the priority in the fencing Ordinance.

At this time a five (5) minute recess was taken.

7. MAYOR'S REPORT

There are two (2) employee birthdays this month; Trustee Pat Medina and Public Works Technician Jordan Redden.

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7. MAYOR'S REPORT (cont.)

The Fair Grounds Master plan deadline for the draft copy is March 31, 2022, and the final draft is May 22, 2022. The next meetings will be February 12<sup>th</sup> in Delta, February 27<sup>th</sup> at Heritage Hall in Hotchkiss and a third meeting, the date yet to be determined that may be held in Surface Creek. The County Commissioners would like to have a Town Representative attend these meetings. Sven Edstrom said that he would be happy to represent the Town and report back.

Twenty-three (23) Business License Applications have been turned in so far.

Mayor Wilkening is working with ERO, a local business, that will do a proposal for possible mitigation for the old Public Works Shop building.

The CDOT (Colorado Department of Transportation) reconstruction of Bridge Street/Highway 92 will not be the rip off the band aid option. This option will cause too much damage to the Town's side streets. They will fix one lane at a time allowing for one lane traffic. CDOT is now slated to start the work on May 18<sup>th</sup> and be done around July 14<sup>th</sup>. The ADA (Americans with Disabilities Act) ramps will be completed before the reconstruction starts. The Contractor that CDOT hires will be in contact with the businesses before and during construction.

### DEPARTMENT REPORTS PUBLIC WORKS

Public Works Director Mike Owens told the Board that he had everything in his written report unless there were questions.

### POLICE DEPARTMENT

Chief Green said he has a posting out to fill the Officer position vacated by Julia Thompson.

8. NEW BUSINESS

### RESOLUTION 2022-01 RESOLUTION FOR PUBLIC NOTICE LOCATION AND PUBLIC NOTICE

Mary Hockenbery moved to approve Resolution 2022-01a Resolution of the Board of Trustees of the Town of Hotchkiss, Colorado, designating the official public notice location and the official newspaper of general circulation for the Town of Hotchkiss, Colorado, seconded by Pat Medina. A verbal vote was taken with all Trustees voting in favor. Motion passed.

### SPONSORSHIP REQUEST-HOTCHKISS SHEEP CAMP STOCK DOG TRIALS-GORDON HEBENSTREIT

Gordon Hebenstreit is the president of the Hotchkiss Sheep Camp Stock Dog Trials. He thanked the Board for the past support and sponsorship. The Trials are held every year over Mother's Day Weekend and last year was the best that they ever had. Handlers came from most of the Western United States. They must limit the number of handlers to eighty (80) due to running out of daylight.

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8. NEW BUSINESS (cont.)  
SPONSORSHIP REQUEST-HOTCHKISS SHEEP CAMP STOCK DOG TRIALS-GORDON HEBENSTREIT  
Attendance at the Trials was over one thousand (1,000). This year the Trials will be held May 6<sup>th</sup> through May 8<sup>th</sup>.  
Pat Medina moved to approve the sponsorship request for the Hotchkiss Sheep Camp Stock Dog Trials in the amount of \$500, seconded by John Marta. A verbal vote was taken with all Trustees voting in favor. Motion passed.

### LIQUOR LICENSE RENEWAL-PAT'S BAR AND GRILL

Pat Medina recused herself to represent Pat's Bar and Grill.

Jim Wingfield moved to approve the liquor license renewal for Pat's Bar and Grill, seconded by Sven Edstrom. A verbal vote was taken with all Trustees voting in favor. Motion passed.

Pat returned to the table.

### DELTA HEALTH SUPPORT LETTER DISCUSSION

Mayor Wilkening told the Board that Julie Huffman, lawyer for Delta Health, approached him about a letter of support from the Town. They are applying for Sole Community Hospital Status which would help with the income that is received. Eighty percent (80%) of their funding now comes from Medicare and Medicaid and changing the status will help generate more income.

John Marta moved to approve the letter of Support for Delta Health in their request to have Sole Community Hospital Status, seconded by Jim Wingfield. A verbal vote was taken with all Trustees voting in favor. Motion passed.

### OVERLAND WATER SHARES LEASE DISCUSSION

Mayor Wilkening told the Board that the Overland water shares were not leased last year due to possible water shortage and the bids not coming in high enough. Public Works Director Mike Owens told the Board that he was approached by David Kuntz. Mr. Kuntz would like to talk to discuss the Town's shares. Mayor Wilkening said that the Board can choose to put these shares out for bid this year or wait to hear what Mr. Kuntz says before deciding. The Board would like to hear what Mr. Kuntz has to say. Mike Owens said that he will tell David Kuntz to come to a Board meeting. Attorney Nerlin supported this idea.

Public Works Director Mike Owens said that Paul Schmucker told him that there are some Fire Mountain water shares that will be coming up for sale and Rogers Mesa would like to buy and put through the Town's water plant for treatment. Mike let Paul know that Fire Mountain water tends to be dirtier than the Leroux Creek water that it currently treats for Rogers Mesa. The membranes will have to be changed sooner and the cost of the water treatment may go up. The Board asked Mike to set up a time with Paul for a Work Session to discuss this further.

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### ADJOURNMENT

Pat Medina moved to adjourn at 8:56 p.m., seconded by Jim Wingfield. A verbal vote was taken with all Trustees voting in favor. Motion passed.

Respectfully Submitted,

Ginger R. Redden, Town Clerk