

RECORD OF PROCEEDINGS

Hotchkiss Board of Trustees

November 14, 2024

1. CALL THE MEETING TO ORDER

Mayor Pro Tem Patricia Medina called the meeting to order at 6:32 p.m. A verbal roll call was taken. Those present were Jim Jorgensen, Randy Thalmann, Custer McLeod, and Sven Edstrom. Absent was Mayor Jim Wingfield and Roger Christian.

Those present recited the Pledge of Allegiance.

2. CONSENT AGENDA
MINUTES FOR OCTOBER 10, 2024

Sven Edstrom moved to approve the minutes as presented, Custer McLeod seconded. A verbal vote was taken with all Trustees voting in favor. Motion passed.

3. CONSIDERATION OF BILLS

Town Clerk Ginger Redden read off the additional bills.

Custer McLeod moved to pay the bills; Jim Jorgensen seconded. A verbal vote was taken with all Trustees voting in favor. Motion passed.

4. NORTH FORK MINERS STUDENT COUNCIL-UPDATE ON HIGH SCHOOL HAPPENINGS

No one was present to represent the North Fork High School.

5. PUBLIC COMMENT

There was no public comment.

6. STAFF COMMENT

There were no staff comments.

7. PUBLIC HEARINGS

RICK AND JEAN DEANE-161 AND 165 SECOND STREET-LOT SPLIT/BOUNDARY ADJUSTMENT

BOARD DELIBERATION

Jim Jorgensen asked about the boundary to split this property and if this is something that the Board wanted to continue. He stated that the Town would be setting a precedence. Custer McLeod said that he disagreed with the previous statement and that this would open more opportunities within the Town. Sven Edstrom asked about the small barn on one half of the property. It was clarified that the building will be removed.

APPLICANT PRESENTATION

Yvon Gorsch, representing the Deane's, said that he explained it pretty clearly in the Planning Commission Meeting. Their thought would be to open a small business on the second property.

There was no public comment for this hearing.

RECORD OF PROCEEDINGS

Hotchkiss Board of Trustees

Page 2
11/14/2024

7. PUBLIC HEARING (cont.)
RICK AND JEAN DEANE-161 AND 165 SECOND STREET-LOT SPLIT/BOUNDARY ADJUSTMENT
Custer McLeod motioned to approve the Lot Split/Boundary Adjustment between 161 and 165 Second Street, Sven Edstrom seconded. A verbal vote was taken with all Trustees voting in favor. Motion passed.
- VARIANCE REQUEST FOR THE LOT SIZE DUE TO LOT SPLIT/BOUNDARY ADJUSTMENT-RICK AND JEAN DEANE-161 AND 165 SECOND STREET
STAFF PRESENTATION
There was no presentation from Staff.
- APPLICANT PRESENTATION
There was no presentation from the applicant.
- There were no public comments for this hearing.
- Custer McLeod made a motion to approve the Variance Request for the lot size due to the Lot Split/Boundary Adjustment at 161 and 165 Second Street, Sven Edstrom seconded. A verbal vote was taken with all Trustees voting in favor. Motion passed.
- VARIANCE REQUEST TO BYPASS THE FIRE SUPPRESSION SYSTEM REQUIRED BY THE 2018 IBC AND IRC BUILDING CODE-130 WEST BRIDGE STREET-KARL AND HEATHER DERRAH
STAFF PRESENTATION
Mayor Pro Tem Pat Medina talked about the floor plans. There is one (1) bathroom and no kitchen for there to be two (2) apartments. Building Inspector Robert Reynolds stated that you need one (1) bathroom and one (1) kitchen per living space. Randy Thalmann said that there is a bathroom downstairs but that is planned to be for business. Pat Medina said that the pictures that were provided were from 2014, before the building was purchased by the Derrah's. She stated with the information that was presented to them by the Building Inspector Robert Reynold and the Hotchkiss Fire Department Chief Doug Fritz has been very helpful in understanding the request. Sven Edstrom asked if the potential buyer was looking to remodel the building. Robert Reynolds stated that the case was presented and that the seller/buyer is looking to get an open Variance. Sven Edstrom stated that it didn't make sense to give an open Variance and that the future buyers should abide by the building code. Pat Medina and Jim Jorgensen agreed with Sven Edstrom with added concern for neighboring buildings. Sven Edstrom also stated that the egress is a challenge and to bypass safety measures would make matters worse.

RECORD OF PROCEEDINGS

Hotchkiss Board of Trustees

Page 3
11/14/2024

7. PUBLIC HEARING (Cont.)
VARIANCE REQUEST TO BYPASS THE FIRE SUPPRESSION SYSTEM REQUIRED BY THE 2018 IBC AND IRC BUILDING CODE-130 WEST BRIDGE STREET-KARL AND HEATHER DERRAH

APPLICANT PRESENTATION

Karl Derrah said that the building is one hundred and seventeen (117) years old. The building had been in the process of remodeling for a long time. He and his wife have done a lot of work in the building as well. He stated that the future buyer is looking to continue the remodel and that the building has always had two (2) apartments. He told the Board that the Delta County has two (2) addresses and that there are two (2) water taps for the upstairs portion. He said that safety is a relative term as the building is so old and that it should be held under the International Existing Building Code. He explained that there are a few common buildings in the Town that are like this with a business below and residence above. He told the Board that he had reached out to multiple sprinkler system companies, the quotes that he received were unbelievably expensive and that they suggested using alarms and surveillance systems instead.

PUBLIC COMMENT

Mary Hockenbery, 188 N 1st Street, told the Board that she was surprised that with all the work that went into adopting the Building Codes that this request would even be brought to the Board. Mary stated that she is against this Variance.

Myles Roberts, he stated that the floor plans were computer generated and that the plans didn't include everything. He said that he believes that this doesn't require having to acquire a variance. That the building hasn't changed use and has always been two (2) apartments.

BOARD DELIBERATION

Sven Edstrom asked Pat Medina if she knew who was in the building previously; Pat Medina stated that she wasn't completely sure. Custer McLeod asked the Building Inspector if the systems that were suggested to the Derrah's were to suffice for the building code. Robert Reynolds told the Board that those systems are already required and that they would work to replace the suppression. Jim Jorgensen agreed with Mary Hockenbery and that this request shouldn't be left as an open variance. Sven Edstrom said that the Board didn't have enough information about the building or its previous tenants to be able to make a sound decision for this variance. He also said that it should be up to the future buyer to take this task on and that coming into code with remodels is a part of investing in Real Estate. He stated that there could be resources or grants that the Fire Chief could assist them with.

Sven Edstrom made a motion to deny the Variance Request to bypass the fire suppression required by the 2018 IBC and IRC Building Code for the address of 130 West Bridge Street, Jim Jorgensen seconded. A verbal vote was taken with all Trustees voting in favor. Motion passed.

RECORD OF PROCEEDINGS

Hotchkiss Board of Trustees

Page 4
11/14/2024

7. PUBLIC HEARING (Cont.)
ORDINANCE 2024-01 CHAPTER 17 SECOND READING-POSSIBLE ADOPTION
Attorney Bo Nerlin told the Board that there were a few updates made to Chapter 17 resulting from a meeting with Chief Scott Green. He suggested that this hearing be continued to the December meeting.

Custer McLeod made a motion to continue Ordinance 2024-01 Chapter 17 to the December meeting, Randy Thalmann seconded. A verbal vote was taken with all Trustees voting in favor. Motion passed.

ORDINANCE 2024-02 WATER LOAN TO SANITATION PAYMENT FORGIVENESS- SECOND HEARING-POSSIBLE ADOPTION

Attorney Bo Nerlin explained that the Town made a loan from the Water Fund to the Sanitation Fund on request of the Auditor. With the Water Fund being very healthy, it has been requested that the loan for the Sanitation Fund be forgiven.

Custer McLeod made a motion to approve Ordinance 2024-02 Water Loan to Sanitation Payment Forgiveness, Sven Edstrom seconded. A verbal vote was taken with all Trustees voting in favor. Motion passed.

8. OLD BUSINESS
BUDGET WORK SESSION UPDATE
The Trustees scheduled a Budget Work Session for Wednesday, November 20, 2024, at 6:30 p.m.

BILL HEDDLES HANDOUT

Town Clerk Ginger Redden explained that this would be a yearly fee that the Town would pay so that the Employees, Trustees and Families would get discounted rates for memberships at the Bill Heddles Recreation Center in Delta.

Custer McLeod made a motion to approve the yearly Town fee for Bill Heddles, Sven Edstrom seconded. A verbal vote was taken with all Trustees voting in favor. Motion passed.

GUNNISON BASIN ROUNDTABLE REPRESENTATIVE UPDATE

Pat Medina said that the Board needed more information on this subject on if it needs to be a Board Member or a resident of Hotchkiss. Ginger Redden read the letter that was given to her from Delta County Commissioner Wendell Koontz. Engineer Joanne Fagen said that William Tedrow applied for the position through the City of Delta for the Roundtable.

BRUIN WASTE RECYCLING UPDATE

Ginger Redden told the Board that there was a glitch in the system when the bins were being manufactured, which put the timeline to start the program in a delay. She said that Bruin Waste

RECORD OF PROCEEDINGS

Hotchkiss Board of Trustees

Page 5
11/14/2024

8. OLD BUSINESS (cont.)
BRUIN WASTE RECYCLING UPDATE
is still asking that we get more people to sign up for the service. There are thirty-one (31) that have signed the recycling contract so far and that Commercial rates have been provided.

9. MAYOR'S REPORT
Mayor Pro Tem Pat Medina said that the voter turnout in this election was a total of 82%.

POLICE DEPARTMENT
Chief Scott Green said that he included a graph for Natural Medicine in the packets with the boundary from the school. He asked the Board if they wanted any further information on the matter. Attorney Bo Nerlin told the Board that the Town of Cedaredge was considering the prohibition of Natural Medicine being in residential districts. He asked if the Board would like to follow along in the same direction. He went further to explain the different facilities that could be established. The Town cannot do dual licensing with Natural Medicine. The Town can create restrictions with zoning and operating hours. Pat Medina said that it is a good idea to keep the practice of Natural Medicine out of residential zoning and keep to commercial. Bo Nerlin told the Board that if they adopt the restrictions to residential zoning, it will then be sent off to the Colorado Department of Revenue, who then wouldn't issue a license to those restricted zones. Chief Scott Green said that he remained natural but that he didn't know how he was going to regulate Natural Medicine if it was allowed in residential zoning. Bo Nerlin suggested to the Board that it be brought to the Planning Commission for their input and then back to the Board. Chief Scott Green told the Board that Kathy Steckel received EMS of the year.

PUBLIC WORKS
Department Head Marvin Jackson said that there had been a few more breaks but that everything is going well.

10. NEW BUSINESS
SPECIAL EVENTS LIQUOR LICENSE-DELTA COUNTY LIVESTOCK ASSOCIATION-
ZACH HOTCHKISS
Zach Hotchkiss explained that this Special Event for the Livestock Association is a fundraiser for providing scholarships.
Custer McLeod made a motion to approve the Special Event Liquor License for Delta County Livestock Association, Randy Thalmann seconded. A verbal vote was taken with all Trustees voting in favor. Motion passed.

OUT OF TOWN WATER AND SEWER TAP APPLICATIONS-RHINEHART OIL-
TROY SPENCER
Troy Spencer told the Board that his company is moving him and his coworker out of the location in Lazear and into an office at the fuel location on Lorah Lane. It would be a small facility, and he is hoping they can annex the location in the future.

RECORD OF PROCEEDINGS

Hotchkiss Board of Trustees

Page 6
11/14/2024

10. NEW BUSINESS (cont.)
OUT OF TOWN WATER AND SEWER TAP APPLICATIONS-RHINEHART OIL-TROY SPENCER

Randy Thalmann made a motion to approve the water and sewer tap applications for Rhinehart Oil, Custer McLeod seconded. A verbal vote was taken with all Trustees voting in favor. Motion passed.

HOPEWEST PROCLAMATION PROCLAIMING NOVEMBER HOSPICE AND PALLIATIVE CARE MONTH-JENNI NEIL

Jenni Neil told the Board how Hopewest contributes to the North Fork Valley. They are Philanthropy funded and help those regardless of their connections to Hopewest services. Sven Edstrom made a motion to approve the Proclamation to proclaim November Hospice and Palliative Care Month, Custer McLeod seconded. A verbal vote was taken with all Trustees voting in favor. Motion passed.

DONATION REQUEST

NORTH FORK CHILDREN'S CHRISTMAS PARTY

Pam Bliss told the Board that she has been doing the North Fork Valley Children's Christmas Party for thirty-three (33) years. She is asking that the Town contribute what they have had in the past, which is fifty dollars (\$50) per child for a total of six (6) children, for a total of three hundred dollars (\$300).

Sven Edstrom made a motion to approve the donation request for \$300 for the North Fork Valley Children's Christmas Party, Custer McLeod seconded. A verbal vote was taken with all Trustees voting in favor. Motion passed.

NORT FORK EMS-GUN SAFETY GRANT INFORMATION-KATHY STECKEL

Kathy Steckel explained that in April the EMS (Emergency Medical Services) did a survey at the Delta County Health Expo. They found that the community had a need for gun storage and safes. They recently received a Grant, and the North Fork Valley EMS will be handing out gun safes and various other storage equipment free of charge for those within Delta County. Kathy Steckel said that their goal is to lower gun related fatalities within Delta County and to provide informational resources as well. This will be a first come, first served basis for 12 months or until the grant funds run out. They are also looking to recruit another EMT (Emergency Medical Technician) to their team.

LIQUOUR LICENSE RENEWAL APPLICATION-320 BAR AND GRILL-RICK AND JEAN DEANE

Town Clerk Ginger Redden and Chief Scott Green both said that the application looks good and that they are in good standing.

RECORD OF PROCEEDINGS

Hotchkiss Board of Trustees

Page 7
11/14/2024

10. NEW BUSINESS (Cont.)

LIQUOR LICENSE RENEWAL APPLICATION-320 BAR AND GRILL-RICK AND JEAN DEANE

Custer McLeod made a motion to approve the Liquor License Renewal for 320 Bar and Grill, Sven Edstrom seconded. A verbal vote was taken with all Trustees voting in favor. Motion passed.

LIQUOR LICENSE RENEWAL-HOTCHKISS ELKS CLUB BPOE #1807

Town Clerk Ginger Redden and Chief Scott Green both said that the application looks good and that they are in good standing.

Custer McLeod made a motion to approve the Liquor License Renewal for Hotchkiss Elks Club #1807, Sven Edstrom seconded. A verbal vote was taken with all Trustees voting in favor, Motion passed.

LIQUOR LICENSE RENEWAL-CITY MARKET #29

Town Clerk Ginger Redden and Chief Scott Green both said that the application looks good and that they are in good standing.

Custer McLeod made a motion to approve the Liquor License Renewal for City Market #29, Sven Edstrom seconded. A verbal vote was taken with all Trustees voting in favor. Motion passed.

MARIJUANA LICENSE RENEWAL-FRYE STOP DISPENSARY LLC DBA BUD BARN DISPENSARY-JOSHUA FRYE

Town Clerk Ginger Redden and Chief Scott Green both said that the application looks good and that they are in good standing.

Custer McLeod made a motion to approve the Retail Marijuana License Renewal for Frye Stop Dispensary LLC DBA Bud Barn Dispensary, Sven Edstrom seconded. A verbal vote was taken with all Trustees voting in favor. Motion passed.

EMPLOYEE/TRUSTEE YEAR END BONUS DISCUSSION

Mayor Pro Tem Pat Medina explained to the Board that the Town pays for two hundred and fifty dollars (\$250) in City Market gift cards for the Employees and fifty dollars (\$50) for the Trustees as an end of year bonus.

Custer McLeod made a motion to approve the end of year bonuses for the Employees/Trustees, Sven Edstrom seconded. A verbal vote was taken with all Trustees voting in favor. Motion passed.

EXECUTIVE SESSION

Sven Edstrom moved to go into executive session pursuant to C.R.S. 24-6-402(4)(b) for the purpose of receiving legal advice regarding access off the Pinon Street Alley, Custer McLeod seconded. A verbal vote was taken with all Trustees voting in favor. Motion passed.

RECORD OF PROCEEDINGS

Hotchkiss Board of Trustees

Page 8
11/14/2024

10. NEW BUSINESS (cont.)
EXECUTIVE SESSION

The recording of the Executive Session was stopped at 7:58 p.m. due to Attorney/Client Privilege.

RETURN TO OPEN MEETING

The recording of the meeting was turned back on at 8:43 p.m.

Mayor Pro Tem Pat Medina read the following.

The time now is 8:43 p.m. and the executive session has been concluded. The participants in the executive session were Mayor Pro Tem Pat Medina, Jim Jorgensen, Randy Thalmann, Custer McLeod, Sven Edstrom, Attorney Bo Nerlin (via Zoom), Public Works Department Head Marvin Jackson, Chief Scott Green, Town Clerk Ginger Redden, and Deputy Town Clerk Ashley Rodarte.

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 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 was made.

11. ADJOURNMENT

The meeting was adjourned at 8:44 p.m.

Respectfully Submitted,

Ashley M. Rodarte, Deputy Town Clerk