

RECORD OF PROCEEDINGS

Hotchkiss Board of Trustees

January 9, 2024

1. **CALL THE MEETING TO ORDER**

Mayor Jim Wingfield called the meeting to order at 6:30 p.m. A verbal roll call was taken. Present were Patrick Webb, Tricia McFarland, Pat Medina, John Marta, Sven Edstrom, and Custer McLeod.

Those present recited the Pledge of Allegiance.

Pat Medina made a motion to amend the agenda for executive session pursuant to 24-6-402(4)(B) for the purpose of receiving legal advice regarding possible consultation with special legal counsel at the end of the agenda, Patrick Webb seconded. A verbal vote was taken with all Trustees voting in favor. Motion passed.

2. **CONSENT AGENDA**

MINUTES FOR DECEMBER 14, 2023

John Marta moved to approve the minutes as presented, Pat Medina 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.

Pat Medina moved to approve payment of all bills as presented, Sven Edstrom 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**

Present for the student council were Remy Moore and Julie Ball. It's the season for winter sports with about 30% of the student body participating in Girls and Boys Basketball and Wrestling. Boys Wrestling placed in the top 15 and Girls team had a 1st and 3rd placement with the team being placed 11th. Boys Basketball is currently 5-3 and girls Basketball is 2-4. Knowledge Bowl has competed in two competitions and the next will be in Cedaredge. FBLA will be having a soup dinner at the Basketball game. FFA had their annual Labor Auction and Dinner. Student exams will be in May.

JAN MCCABE APPRECIATION FOR YEARS WORKED

Mayor Wingfield presented Jan McCabe with a plaque and a check for her 51 years of service. Jan was very thankful and loved working for the Town.

5. **PUBLIC HEARINGS**

SPECIAL ZONING USE REVIEW-171 W MAIN STREET-CAYDIE MCCUMBER-REQUEST FOR ADDITIONAL LIVING UNIT

Caydie McCumber was not present for the meeting. The Planning Commission had asked for more information on the project. This hearing is tabled while further information is brought back to the Planning Commission.

RECORD OF PROCEEDINGS

Hotchkiss Board of Trustees

Page 2
1/9/2024

5. PUBLIC HEARINGS (cont.)

2024 BUDGET

ORDINANCE 2024-01 ADOPTION OF THE 2024 BUDGET

Town Clerk Ginger Redden said that there were only two (2) funds that were in a deficit.

Pat Medina made a motion to approve Ordinance 2024-01 Adoption of the 2024 Budget, Custer McLeod seconded. A verbal vote was taken with all Trustees voting in favor. Motion passes.

ORDINANCE 2024-02 ADOPTION OF THE 2024 APPROPRIATIONS AS AN EMERGENCY

Mayor Wingfield stated that this is to make sure that we can pay any bills that are due in February, due to the Budget being approved later.

Pat Medina made a motion to approve Ordinance 2024-02 Appropriations as an Emergency, Custer McLeod seconded. A verbal vote was taken with all Trustees voting in favor. Motion passed.

ORDINANCE 2024-03 ADOPTION OF THE 2024 MILL LEVY

Mayor Wingfield stated that this is why the meeting was moved from Thursday, January 11, 2024 to Tuesday, January 9, 2024.

Pat Medina made a motion to approve Ordinance 2024-03 Adoption of the 2024 Mill Levy, seconded by Tricia McFarland. A verbal vote was taken with all Trustees voting in favor. Motion passed.

RESOLUTION 2024-02 RESOLUTION TO APPROPRIATE ADDITIONAL SUMS OF MONEY

Pat Medina made a motion to approve Resolution 2024-02 Resolution to Appropriate Additional Sums of Money, seconded by Tricia McFarland. A verbal vote was taken with all Trustees voting in favor. Motion passed.

ORDINANCE 2023-04 REPEALING AND REPLACING CHAPTER 17 OF THE TOWN MUNICIPAL CODE

Mayor Wingfield told the public that if they wished to speak during this hearing, that they needed to put their name and address on the sign-up sheet. (See sign-up sheet with the original minutes.) Each participant would be given one (1) minute, and comments made by residents of the Town of Hotchkiss would hold more weight than those out-of-Town limits. Attorney Bo Nerlin stated that the Town Clerks have relayed comments with animals at large and cats. The Chief and himself have put a lot of work into ways to deal with the feral cat population. He is looking to the Board and the public for input on the code. Mayor Wingfield read the rules for public hearings.

RECORD OF PROCEEDINGS

Hotchkiss Board of Trustees

Page 3
1/9/2024

5. PUBLIC HEARINGS (cont.)

ORDINANCE 2023-04 REPEALING AND PREPLACING CHAPTER 17 OF THE TOWN MUNICIPAL CODE

BOARD DELIBERATION

Tricia McFarland stated that she was previously Animal Control for Paonia for five and a half (5 ½) years. She said that there is no way of controlling cats. She said that it is her opinion that those feeding feral cats should be held responsible. She stated that neighbors shouldn't have to clean up after other resident's animals. She said that they need to come to a decision not to hurt the animals but to hold the owners responsible. John Marta stated that cats are hard to control, for they are hunters and travelers. Unless they are kept in the house, they will roam. He stated that cats tend to dig in gardens or yards and poop, to where dogs can be attracted to those areas as well and want to eat the poop. He asked about when a feral cat is caught, spayed, or neutered, and then brought back, questioning who the cat belongs to. He questioned if the Police will be overwhelmed with calls about cats when they have other pressing tasks to do. He believes that there should be a limit to the number of cats you can own, the owner needs to be held responsible for them. Patrick Webb agrees with what was said that cats are hard to control and wondering how they are going to determine a cat with no collar on whether it is someone's pet or a feral cat. He stated that there needs to be means to distinguish one person's cat from another. As well as being able to get ahold of the owners when the cats are loose. He also stated that clipping cat's ears could possibly help identify between the two. Licensing should also be a one-time thing instead of once a year. Pat Medina said that she is blown away that this has come down to a cat problem. If there were dogs running like cats are, would everyone be wanting action done for that. She said that anytime a dog is out, there are posts all over the message boards but there is never that kind of light put on cats. She said that she has two cats that are both spayed and neutered, they go outside but they don't disturb the neighbors or go through the trash. She said that feral cats are just running amok and are just being fed out of tubs. Whether people have cats or dogs, they need to be taken care of. Patrick Webb said that maybe we are looking at the wrong problem. He stated that citizens of the community shouldn't take it among themselves to take on too many feral cats and if they do decide to do that then they should be cited into the courts for it and pay a fine.

PUBLIC COMMENT

Ginger Redden said that there were three (3) letters turned in. With two (2) of the three (3) people that turned in letters being present she just read the one that was absent from the meeting. (See original minutes for the three (3) letters.)

Letters from:

Terra Hegy, 241 E Orchard

Tom Wills, 159 W Main Street

Touffic Haddad, 188 N 1st Street

RECORD OF PROCEEDINGS

Hotchkiss Board of Trustees

Page 4
1/9/2024

5. PUBLIC HEARINGS (cont.)

ORDINANCE 2023-04 REPEALING AND REPLACING CHAPTER 17 OF THE TOWN MUNICIPAL CODE

PUBLIC COMMENT

Ruth Pettigrew, 344 N 3rd Street Hotchkiss, Ruth stated that she felt privileged to be able to address the council in person. She has two (2) dogs and cats. She has worked with the TNR program with CAWS. She wanted the Board not to pass this Ordinance as it stands and wait to get output from the community. She has treated many cats in the area and fed the cats, they are not reproducing. She asked if this could be a project instead of a problem.

Hillery McCalister, 558 Maple Drive Hotchkiss, Hillery said that she is an active member in the community and that a lot of the community doesn't understand the rewritten pet Ordinance. She said that more information for a TNR program would be beneficial and that trapping pet cats is unacceptable.

Mike Neurock, 216 E Main Street Hotchkiss, Mike said that he has been trapping cats for 10 years and possibly 100 cats with CAWS. He stated that they tend to not roam that far. He said that when they go through the TNR program, they tend to not be a problem. Most of the feral cats tend to be abandoned and he has taken many of them in.

Edna Sue Chisholm, 279 E Orchard Street Hotchkiss, Edna Sue stated that this Ordinance has a lot that doesn't apply to the Town. She pointed out that the Cemetery is not within the Towns jurisdiction, along with the sports fields, and schools. She questioned why this was listed in the Ordinance if it wasn't within the jurisdiction. She said that she has worked with many lawyers and has seen when things are just copied and pasted. There is no way to collar or tag a cat and possibly keep them within their yards.

Monica McMillon, 978 Pilot Knob Montrose, Monica stated that she volunteers for the Colorado Cat Coalition, they are working with the City of Delta and the City of Montrose to spay and neuter feral cats. Through this process they are also vaccinated and tested. She said that colony cats that are cared for are healthy, they don't spread diseases, they do stay within their colony and the biggest benefit is they are not having kittens. She said that a female can have a litter of kittens ever sixty (60) to Seventy-five (75) days, the equivalent of three (3) to five (5) kittens, three (3) times a year. She said within eight (8) months it can go from eight (8) cats to twenty (20) if there are cats that are not spay or neutered. She said that this is a very humane way of handling feral cats and if they are done at a young age, they are more likely to be adopted.

Mary Beard, 505 Howard Street Delta, Mary said that she agrees with everything that Monica said. She said that Chaucey Edwards, who is the president of Colorado Cat Coalition, would like to come up with a plan for the Town of Hotchkiss. She just asks that this Ordinance not be passed until there is a chance to come up with a plan for a TNR program, getting cats tested, and possibly finding homes for the feral cat colonies.

RECORD OF PROCEEDINGS

Hotchkiss Board of Trustees

Page 5
1/9/2024

5. PUBLIC HEARINGS (cont.)

ORDINANCE 2023-04 REPEALING AND REPLACING CHAPTER 17 OF THE TOWN MUNICIPAL CODE

PUBLIC COMMENT

Dee Morris, 144 N 1st Street Hotchkiss, Dee said that all she wanted this whole time was to get some help from people that didn't want to help her. When she moved here there were five (5) kittens. She stated that she had gotten them all fixed and one (1) of the eight (8) cats is gone now. She has fed and sheltered these cats until she can find them a home. She doesn't feel that she should be held responsible for others dropping off their cats and doesn't have a cold heart to turn away from them.

Mary Hockenbery, 188 N 1st Street Hotchkiss, Mary said that for the last seven (7) to eight (8) years, there was a large colony of cats, fifteen (15) to twenty (20) feral cats living next door to her. Her neighbor had been feeding those cats and even drawing more cats from many blocks away. There have been litter after litter of kittens born over the years that have been sickly. Her yard had become a litter box for these cats. She had periodically told her neighbor that she was not happy with the situation. She noticed that a lot of the birds, lizards and toads that frequented her yard had been killed. She had also told her neighbor that she had witnessed cats mating many times on their vehicles. She said that this had been happening since the beginning of winter and was concerned with how many more kittens this could possibly be bringing, he neighbor in response to her complaint gave her two (2) nerf water guns to chase the cats away. She said at this point she felt that her neighbor didn't want to come together with her to create a cooperative solution and that is why the Town needs to help residents resolve the feral cat problems. If this Ordinance is not it, then it shouldn't pass but there has to be recourse for those that don't want to help the colonies. A lot of the properties in Town are very small. When there are a lot of cats on a fifty (50) foot lot they tend to spill over into the neighboring lots.

Chaucey Edwards, attended via Zoom, Chaucey said that she is the president for Colorado Cat Coalition, which is a non-profit that are allies of TNR programs. She would like to meet with the Town and create a TNR plan that helps take care of these feral cat colonies as far as being trapped, neutered, spayed, vaccinated and ear tipped. She also wants to work with the community to make sure that these cats remain healthy as well as find homes for the healthy cats.

Kim Shay Kelly, owner of Gambles Ace Hardware living outside the Town limits, Kim said that she agrees with a lot of what everyone had said. She stated that there has been a whole lot of finger pointing with a lot of what has been in the paper as of recently. She said that there has been a lot of cat hoarding and has seen a lot of them looking very sick. These cats have been known to damage a lot of her merchandise at her in Town businesses. She said that the Town is looking to find ways to prevent this destruction from continuing. She said that that means laws need to be put in place for everyone to follow, for you can't just single out a small group of offenders.

RECORD OF PROCEEDINGS

Hotchkiss Board of Trustees

Page 6
1/9/2024

5. PUBLIC HEARINGS (cont.)
ORDINANCE 2023-04 REPEALING AND REPLACING CHAPTER 17 OF THE TOWN MUNICIPAL CODE
BOARD DELIBERATION
Patrick Webb said that this Ordinance should be tabled so that more work can be done on this. Custer McLeod and Sven Edstrom both agreed with Patrick and the public comments. Bo Nerlin said that there was a great amount of feedback, and suggested scheduling a work session with the public, partners, and stakeholders. The Board will look to arrange and publish a time to have an informal work session. Pat Medina stated that she wished that there was more community participation on matters other than cats.
6. OLD BUSINESS
HOTCHKISS CHAMBER OF COMMERCE UPDATE/ONE DELTA COUNTY UPDATE-ALEX LAMMERS
No one from the Chamber of Commerce was present.

UPDATE ON WATER SHARES
Joanne Fagan told the Board that nothing has transpired from the previous meeting. She said that we had heard back from the attorneys and the water engineer and they need more input from us. We have been waiting for the beginning of the year to arrange this meeting.

PLANNING GRANT INFORMATION-HANDOUT IN PACKET
Mayor Wingfield said that there is a handout in the packets for this.

UPDATE ON THE PARKING ORDINANCE AMENDMENTS
Mayor Wingfield said that there is still information that Bo is waiting to receive more information to get a draft together for the parking Ordinance.
7. PUBLIC COMMENT
Public comment was opened at 7:21 p.m.
James McCain, Rogers Mesa, James told the Board about a court case that is to have a ruling by the end of the month on Fluoride. He asked the Council what the process would be to have the Town remove fluoride from the treatment of the Towns drinking water. He stated that any dose of fluoride over 1.5 mg per liter has been proven to cause neurological harm in children. These effects are specifically a reduction in IQ and that toxic levels above that can damage bones causing them to be brittle and weak. He stated that you can't control the dosage in drinking water and especially in children. He also stated that is could help save money through the Town by taking fluoride out when treating water.
Public comment closed at 7:25 p.m.

RECORD OF PROCEEDINGS

Hotchkiss Board of Trustees

Page 7
1/9/2024

8. MAYOR'S REPORT

ELECTION INFORMATION 2024

Mayor Wingfield said that there have been 4 packets picked up for the open Trustee positions. The packets are due by January 22, 2024.

DEPARTMENT HEAD REPORTS

PUBLIC WORKS

Marvin Jackson said that the fittings for the water line by Jack Hunts residence to the tank were delivered. They also received the pump for the lift station.

POLICE DEPARTMENT

Chief Scott Green said that the department is training two (2) new officers. He has also talked with some of the citizens about the cat situation, there was a lot of information given to help make any changes.

TOWN HALL UPGRADE INFORMATION

Mayor Wingfield said that there haven't been any changes with the Town Hall upgrade.

9. NEW BUSINESS

LIQUOR LICENSE RENEWAL- THE BARN AT BLUESPOON RANCH- LYNDSLEY PABST

Mayor Wingfield said that all the paperwork is there, everything looks to be in order, and there have been no problems with them. Ginger Redden states that their business has not opened yet as she owns the old Coyote building and they received the liquor license a couple of years ago. Ginger stated that Lyndsey is hoping to move forward and open this year.

John Marta made a motion to approve the liquor license renewal for The Barn at Bluespoon Ranch, Custer McLeod seconded. A verbal vote was taken with all Trustees voting in favor. Motion passed.

RESOLUTION 2024-01 DECLARING PAPER AND THE POSTING LOCATION

There were two (2) resolutions put forward for the Board to declare either the Delta County Independent or High Country Shopper as The Town of Hotchkiss paper for publishing. Mayor Wingfield stated that he likes the fact that the High Country Shopper is local and that their listings are free to read. Stu Carlson gave a presentation to the Board stating that the High Country Shopper received their certifications to publish Municipal legal notices. Frank Witowski from the Delta County Independent told the Board that through the DCI they have really represented the North Fork Valley well. Ginger Redden said that posting classifieds in the DCI is rough through their posting system Column. She said that with the High Country Shopper she has only posted a help wanted, which only involved going to their website to post it, which felt seamless to her. She stated that either way works for her. She also stated that the Public Works will have to do the water report in the paper soon and usually that is difficult to do with Column.

RECORD OF PROCEEDINGS

Hotchkiss Board of Trustees

Page 8
1/9/2024

9. NEW BUSINESS (cont.)
RESOLUTION 2024-01 DECLARING PAPER AND THE POSTING LOCATION
Patrick Webb made a motion to approve Resolution 2024-01 Declaring High Country Shopper as the paper of choice and the Town Hall entrances as the location for posting, Pat Medina seconded. A verbal vote was taken with all Trustees voting in favor. Motion passed.

10. EXECUTIVE SESSION
Pat Medina made a motion to go into Executive Session pursuant to 24-6-402(4)(B) for the purpose of receiving legal advice regarding possible consultation with special legal counsel, seconded by Tricia McFarland. A verbal vote was taken with all Trustees voting in favor. Motion passed. The time was 7:36 p.m.

The recording of the Executive Session was stopped at 7:38 p.m. due to Attorney/Client Privilege.

RETURN TO OPEN MEETING

The recording of the meeting was turned back on at 7:58 p.m.

Mayor Wingfield read the following.

The time is now 7:58 p.m., and the executive session has been concluded. The participants in the executive session were Mayor Jim Wingfield, Patrick Webb, Tricia McFarland, Pat Medina, John Marta, Custer McLeod, Sven Edstrom, Attorney Bo Nerlin, 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 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.

11. ADJOURNMENT
The meeting was adjourned at 7:59 p.m.

Respectfully Submitted,

Ashley M. Rodarte, Deputy Town Clerk