

## RECORD OF PROCEEDINGS

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Hotchkiss Board of Trustees

February 9, 2023

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, Sven Edstrom, John Marta, and Pat Medina. Custer McLeod arrived later in the evening.

Those present recited the Pledge of Allegiance.

At this time Mayor Wingfield stated that an Executive Session needed to be added to the agenda for the discussion of the Pall water plant membranes.

Pat Medina moved to amend the agenda to add an Executive Session under New Business at the end of the agenda for the purpose of having a conference with the Town Attorney pursuant to 24-06-402(4)(B) and 24-6-402 (4)(E) for matters subject to negotiation regarding the Pall water contract., seconded by Patrick Webb. A verbal vote was taken with all Trustees voting in favor. Motion passed.

2. CONSENT AGENDA

MINUTES FOR January 9, 2023

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

4. PUBLIC HEARINGS

SPECIAL ZONING USE REVIEW-NEEDLE ROCK BODY ART-179 W BRIDGE STREET-SARA SCHUSTER AND MIKE NEIL

Mayor Wingfield went over the rules for the Public Hearing process and told the Board that the Planning Commission recommended approval for this review.

APPLICANT PRESENTATION

Owner of the business said that the application had no additions.

PUBLIC COMMENT

Tom Wills, 159 W Main Street started to address the Board about the fact that Public Comment was not on the agenda in the right location. Mayor Wingfield told Tom that this was Public Comment for the Public Hearing portion of this meeting.

Public Comment was opened and closed at 6:35 p.m., with no comments for or against.

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4. PUBLIC HEARINGS (cont.)  
SPECIAL ZONING USE REVIEW-NEEDLE ROCK BODY ART-179 W BRIDGE STREET-  
SARA SCHUSTER AND MIKE NEIL  
BOARD DELIBERATION

Pat Medina moved to approve the Special Zoning Use Review for 179 W Bridge Street to allow Sara Schuster and Mike Neil to operate a Tattoo and Body Piercing business under the name of Needle Rock Body Art, seconded by Tricia McFarland. A verbal vote was taken with all Trustees voting in favor. Motion passed.

5. OLD BUSINESS  
HOTCHKISS CHAMBER OF COMMERCE UPDATE/ONE DELTA COUNTY UPDATE-  
KIM SHAY WITH TERRY O'BRIEN  
CHAMBER OF COMMERCE

Kim Shay told the Board that the Chamber is looking for some volunteers to help choose the recipient for the Colorado Grand Scholarship. They would like the Trustees help with the choices. Two Scholarships will be awarded. One to North Fork High School Senior from Paonia and one to a Hotchkiss/Crawford area student on May 16<sup>th</sup>. This application is also open to the Home-Schooled Students in the area. The Colorado Grand comes through the Town of Hotchkiss and loves it here. They donate in the form of this scholarship; each scholarship is for \$10,000.00. Tricia McFarland and Sven Edstrom both voiced that they were both interested in volunteering for this. Kim said that she would be in touch with them sometime early in April to let them know where to meet.

Kim Shay introduced Terry O'Brien, the Chamber of Commerce treasurer. Terry told the Board that the Chamber is working on rebranding to the North Fork Chamber under the umbrella of the Hotchkiss Chamber. Hotchkiss has the only active Chamber and is trying to encourage the other Towns to reactivate or join theirs. Delta still has a Chamber, but all of the paid employees were laid off.

The Hotchkiss Crawford Historical Museum will hold a meeting at the Crawford Town Hall on Sunday at 2:00 p.m. George Sibley will be the presenter and the meeting will last about two (2) hours. Kim will send over an application to the Town of Hotchkiss since the Town is not a member yet.

### ONE DELTA COUNTY UPDATE

One Delta County is still discussing affordable housing. Kim would like to attend the next Planning Commission meeting to discuss this item. Town Clerk Ginger Redden will put her on the agenda for the February Planning meeting.

### EMPLOYEE WAGE SURVEY UPDATE

Chris Lowe was not present. He would like to attend the meeting in March.

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5. OLD BUSINESS (cont.)  
OLD PUBLIC WORKS BUILDING DISCUSSION-MOU WITH BONE/LEVINE CONCERNING THE SALE  
Attorney Nerlin is working with this company to draft the MOU (Memorandum of Understanding). He will have a draft to the Board for the March meeting.
  
6. PUBLIC COMMENT  
Mayor Wingfield read the rules for Public Comment.  
Tom Wills, 159 W Main Street, told the Board that he feels that the Public Comment portion of the agenda should be at the beginning of the meeting. He feels that the citizens of the Town should have a say in some of the items that may be voted on under the Old Business portions of the agenda. Tom also said that he requested documents from Town Clerk Ginger Redden and did not receive what he felt he should have. He said that all documents being considered at the meeting should be made available to the public.  
Mayor Wingfield did answer this statement by saying that any document that is considered a working document will not be available to the public until it is approved.
  
7. MAYOR'S REPORT  
Mayor Wingfield said that John Marta approached him about having a Town clean up day that would be free to the citizens of Hotchkiss. Town Clerk Ginger Redden told the Board that Double J has an allotment of 2 roll offs at no charge to be set up in the Town in the Spring and Fall for that purpose. This will help the Police Department give the citizens an option when they have to give out citations.  
Mayor Wingfield told the Board that there is an option that he, Public Works Director Mike Owens and Engineer Joanne Fagan are looking into that would provide more water for the Town. He will keep the Board updated.

### DEPARTMENT REPORTS

#### POLICE DEPARTMENT

Chief Green is out of Town.

#### PUBLIC WORKS

Public Works Director Mike Owens told that Taylor Schreiner took his first water test. He missed by one (1) point so he will retake it when it is available.

#### TOWN HALL UPGRADE UPDATE

The Town is still waiting for the contractor to bring in the plans cost for the Board to look over.

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8. NEW BUSINESS

**PERMANENT MODIFICATION OF CITY MARKET #29 TO EXPAND AND OR MOVE ALCOHOL BEVERAGE PRODUCT PLACEMENT**

Adam Stapen, attorney for City Market and Teresa Dietz, representative of City Market attended via Zoom. Adam thanked Town Clerk Ginger Redden for helping him try to get the correct link for the meeting.

City Market would like to add eleven (11) linear feet to the existing shelves to account for the addition of wine. Proposition 125 will allow City Market to be able to sell wine starting March 1<sup>st</sup>. Eight (8) feet will be in an aisle and three (3) feet will be on an endcap of one of the aisles. Employees will receive the proper training and more cameras will be installed.

Pat Medina moved to approve the permanent modification of City Market #29 to expand and move alcohol beverage product placement to add eleven (11) linear feet, seconded by Tricia McFarland. A verbal vote was taken with all Trustees voting in favor. Motion passed.

**SPECIAL EVENTS LIQUOR LICENSE-KIDS PASTA PROJECT, SEVERAL DATES**

Moni Slaughter of the Kids Pasta Project told the Board that this is a fundraising project that has the kids do all the cooking and serving of the food. This project was started in 2009 and has 270 volunteers. Moni said that this is a great experience for the kids, and it benefits several non-profits in the area. The dates will be February 13<sup>th</sup>, March 13<sup>th</sup>, March 20<sup>th</sup>, April 10<sup>th</sup>, and May 8<sup>th</sup> and will be held at Shade Scapes.

John Marta moved to approve the above noted Special Events Liquor License for the noted dates for the Kid's Pasta Project, Pat Medina seconded. A verbal vote was taken with all Trustees voting in favor. Motion passed.

**STREET CLOSURE REQUEST-DUCKWORKS ANNUAL CUSTOMER APPRECIATION LUNCH**

Brandon Dowell of DuckWorks told the Board that they have been doing this Customer Appreciation lunch for the past 29 years. Pat said that there is always a good turnout for this event. DuckWorks and Taco Hut work together to put this on. They close 3<sup>rd</sup> Street between Bridge Street and Park Drive and set up tables. The event will be held on March 17<sup>th</sup> from 10:00 a.m. to 3:00 p.m.

John Marta moved to approve the Street Closure Request for DuckWorks Auto Parts seconded by Tricia McFarland. A verbal vote was taken with all Trustees voting in favor. Motion passed.

**RESOLUTION 2023-02 AMENDING CORA FEES**

This item will be revisited at the March meeting due to the Resolution not being ready.

At this time, Custer McLeod arrived.

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8. NEW BUSINESS (cont.)

ORDINANCE 2023-02 REGULATION AND LICENSING OF RETAIL AND MEDICAL MARIJUANA STORES

Mayor Wingfield told the Board that there are a few things in the Ordinance that need to be discussed as well as possibly approving the first reading. The first is the Zoning area for the Marijuana shops. C1 may not have enough room for two (2) businesses. The State is very strict on where the businesses can be located in regard to schools and childcare facilities. The other item up for discussion is the percentage of tax that will be added to each sale made in Town. After several minutes of discussion, the Board decided on these items:

- 1) The cap on the number of businesses in Town should be two (2) with at least one (1) of the shops holding a medical license in addition to the recreational license.
- 2) The proposed percentage of sales tax of each sale made in Town should be five percent (5%) unless a survey of other areas show that it should be raised or lowered.
- 3) Remove the maximum number shops per block.

There will be a Public Hearing held at the March 9<sup>th</sup> meeting to receive public input as well and this will possibly add to the changes in the Ordinance.

Patrick Webb moved to approve Ordinance 2023-01 an Ordinance of the Town of Hotchkiss, Colorado amending the Hotchkiss Municipal Code Chapter 6 Article 2 concerning the regulation and licensing of medical and retail Marijuana stores as a first reading, seconded by Tricia McFarland. A verbal vote was taken with all Trustees voting in favor. Motion passed.

HANSON MESA DOMESTIC WATER COMPANY CONTRACT DISCUSSION

Tabled until the March meeting.

ROGERS MESA DOMESTIC WATER COMPANY CONTRACT DISCUSSION

Tabled until the March meeting.

ATTORNEY NERLIN CONTRACT DISCUSSION

Tabled until the March meeting.

OLD PUBLIC WORKS SHOP BUILDING UPDATE EXECUTIVE SESSION

Pat Medina moved to go into Executive Session pursuant to 24-6-402(4)(B) and 24-6-402(4)(E) for the matters subject to negotiation regarding the Pall water contract, seconded by Tricia McLeod. A verbal vote was taken with all Trustees voting in favor. Motion passed. The time was 7:46 p.m.

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8. NEW BUSINESS (cont.)

The recording of the Executive Session was stopped at 7:26 p.m. due to Attorney/Client Privilege.

RETURN TO OPEN MEETING

The recording of the meeting was turned back on at 8:11 p.m.

Mayor Wingfield read the following.

The time is now 8:11 p.m., and the executive session has been concluded. The participants in the executive session were Mayor Jim Wingfield, Patrick Webb, Tricia McFarland, Sven Edstrom, Custer McLeod, John Marta, Pat Medina, Attorney Bo Nerlin, Mike Owens, Joanne Fagan, 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.

9. ADJOURNMENT

Pat Medina moved to adjourn the meeting at 8:12 p.m., seconded by Tricia McFarland. A verbal vote was taken with all Trustees voting in favor. Motion passed.

Respectfully Submitted,

Ginger R. Redden, Town Clerk