

## RECORD OF PROCEEDINGS

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Hotchkiss Board of Trustees

March 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, and Custer McLeod. Absent was John Marta and Pat Medina.

Those present recited the Pledge of Allegiance.

2. CONSENT AGENDA

MINUTES FOR FEBRUARY 9, 2023

Patrick Webb noted that on Page One, Item One, he is listed as making the motion and seconding it. Also, on Item 8 the word one has the 'e' left off so it says 'on'.

Tricia McFarland moved to approve the minutes with the above noted corrections, 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.

Patrick Webb moved to approve payment of all bills as presented, Tricia McFarland seconded. A verbal vote was taken with all Trustees voting in favor. Motion passed.

4. PUBLIC HEARINGS

SPECIAL ZONING USE REVIEW-MULTIPLE FAMILY DWELLING AT 404 W  
HOTCHKISS AVENUE-JAN VANDENBERG AND TOM WILLS

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

Mayor Wingfield had Deputy Town Clerk Ashley Rodarte read the letter submitted by the neighboring properties at 404 W Hotchkiss Avenue. (Attached to the Original Minutes) There were four (4) letters total that came from the following people:

346 W Hotchkiss Avenue-Vickie Simpson-Against  
370 W Hotchkiss Avenue-Debra Kuhn-Against  
370 W Hotchkiss Avenue-Debra Kuhn-Against  
358 W Hotchkiss Avenue-John Steuben-Against

Mayor Wingfield told the Board that he talked to Building Inspector Bruce Stanley whom has discussed various items about this request with Jan VanDenBerg. There was a Stop Work Order put into place for work being done on a set of stairs that did not have the proper permitting or approval. A set of plans need to be submitted with all of the work being done before a permit will be issued. This is an important part of this application.

Trustee Patrick Webb asked what the status of the work is at this property now and Mayor Wingfield replied that the work has stopped pending the possible approval of this request.

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4. PUBLIC HEARINGS (cont.)

SPECIAL ZONING USE REVIEW-JAN VANDENBERG 404 W HOTCHKISS AVE

Tricia McFarland asked what exactly the plan was for this request.

Mayor Wingfield said that the plan was to go from a Single-Family Residence to a Multiple Family Dwelling. Essentially making two (2) apartments out of a four (4) bedroom home.

Sven Edstrom asked about the parking situation. Mayor Wingfield said that this was also addressed at the Planning Commission as well and should not be a problem.

### APPLICANT PRESENTATION

Jan VanDenBerg told the Board that parking should not be an issue. There will be parking spaces available in the garage as well six (6) off street parking places. There is also an RV space available in the garage.

Tom Wills introduced himself and Jan VanDenBerg to the Board.

Tom explained to the Board the parking requirements for the Town and the difference between a Special Zoning Use Review and a Variance and read the paragraph in the Ordinance stating the uses by right.

Jan VanDenBerg would like to take the four (4) bedroom home that she currently owns at 404 W Hotchkiss Avenue and convert it into two (2) apartments. Jan feels that this will make the property easier to rent and will make more housing available to Town residents and will also make it more affordable. Jan will purchase another one half (1/2) water and one half (1/2) sewer tap for the new residence. Each apartment will have its own meter. This new residence will not cause increased traffic or congestion in the area. The house is approximately three thousand (3000) square feet so each apartment will be a good size with two (2) bedrooms and one (1) bathroom.

### PUBLIC COMMENT

Public Comment was opened and closed at 7:01 p.m. with not comments for or against.

### BOARD DELIBERATION

Sven Edstrom asked about the permit that had the Stop Work order placed on it. Mayor Wingfield said that the only permit that has been pulled for this property so far was for the stairs. The Stop Work was placed due to the fact that the stairs were not what was being worked on when the Building Inspector stopped in. A set of plans with all of the changes and items being brought up to code documented on them will be submitted before any other building permit will be issued. Work started without a set of plans and a permit being pulled will result in Jan VanDenBerg being summonsed into court. This project will be done right, and it will meet the current codes of the Town.

Sven Edstrom stated that the neighbors wrote letters of concern against this project and he feels that they should be listened to and the concerns addressed.

Jan VanDenBerg stated that she would like to address this concern.

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4. PUBLIC HEARINGS (cont.)

SPECIAL ZONING USE REVIEW-JAN VANDENBERG 404 W HOTCHKISS AVE

Attorney Nerlin stated that in order for Jan to address this concern the Public Hearing would have to be reopened. Jan did not comment.

Sven Edstrom said that he is not opposed but there are some hurdles that need to be addressed. Mayor Wingfield said that all plans would be presented to Building Inspector Bruce Stanley for review and approved for safety. If work commences on the property without the proper plans or permits a summons will be issued.

Patrick Webb moved to approve the Special Zoning Use Review for 404 W Hotchkiss Avenue to change the residence from a single family dwelling to a multiple family dwelling, seconded by Tricia McFarland. A verbal vote was taken with Patrick Webb, Tricia McFarland, and Custer McLeod voting in favor, Sven Edstrom voted against. Motion passed.

ORDINANCE 2023-01 REGULATION AND LICENSING OF MEDICAL AND RETAIL MARIJUANA STORES IN THE TOWN OF HOTCHKISS

Mayor Wingfield refreshed the Board's memory that this is the second reading of this Ordinance. There were some changes made at the first reading such as the Marijuana shops will be allowed in both C1 and C2 Zoned areas and there will be an additional 5% tax charged on each sale of Marijuana. There will be two (2) shops allowed in Town with at least one of them licensed for Medical Marijuana.

BOARD DELIBERATION

Patrick Webb moved to approve the passing of 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, seconded by Custer McLeod. A verbal vote was taken with all Trustees voting in favor. Motion passed.

Attorney Nerlin said that since the Town would like to start licensing on or about July 1<sup>st</sup> he will have a license for the Board to review at the April 13<sup>th</sup> meeting so it can be distributed to the interested parties.

5. OLD BUSINESS

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

CHAMBER OF COMMERCE

Kim Shay told the Board that the Chamber owns the rights to two (2) websites now, HotchkissChamber.com and NorthForkValley.net The focus right now is on tourism. Ads are being placed in the Delta County Visitor's Guide and the write up on Hotchkiss needs more information. Mayor Wingfield said that he will come in tomorrow and talk to the ladies to come up with a narrative.

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5. OLD BUSINESS (cont.)  
HOTCHKISS CHAMBER OF COMMERCE UPDATE/ONE DELTA COUNTY UPDATE-  
KIM SHAY  
CHAMBER OF COMMERCE

The Merchant Meeting has been on hiatus for a while but they would like to restart them. Historically they have been held at 8:00 a.m. at the Coal Train but Kim would like to have some Trustee participation and wondered if a night meeting would be better.

The meeting time and day has changed for the Chamber meetings have changed to the third (3<sup>rd</sup>) Thursday of the month at 6:00 p.m. at the museum. A Zoom option will be available.

Kim is in charge of the Vendor's for the Fair again this year and is going to amend the contract. She encouraged anyone interested to let her know. Kim will also be in charge of the parade and wants to make it bigger and badder than last year.

Kim will be reaching out to Tricia McFarland and Sven Edstrom to help them go over the applications for the Colorado Grand Scholarships. They would like to add another person to join the group and Sven has already spoken to someone.

The Colorado Grand comes through in September and stops in Hotchkiss every year. One year for a snack and the following year for lunch. This year will be for a snack and volunteers are needed.

### ONE DELTA COUNTY UPDATE

There was a work shop for the Brownfields Grants in Montrose. The rules to apply have changed and the property cannot be privately owned to qualify. Kim would like to be able to receive some of the money for the Town and will keep the Board updated.

### EMPLOYEE WAGE SURVEY UPDATE

Chris Lowe told the Board that he was contacted in September to conduct the Wage and Benefit Survey for the Town of Hotchkiss. Chris had a Power Point to go along with his presentation. The Town now has the most up to date structure of any other municipality in the State. For the budget season for 2024 they will grab the CML (Colorado Municipal League) information to see how Hotchkiss compares with other Towns to help implement the best wages for the employees. Chris complimented the Board on how quickly they acted to implement raises to let the employees know how appreciated they were. He also complimented the commitment they showed to retain their employees and stay on top of the competitive market. There are a few benefits that might be added to encourage employees stay with the Town. One is an addition of uniform allowance, and another is to increase retirement amount from 3% to 5%.

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5. OLD BUSINESS (cont.)

OLD PUBLIC WORKS BUILDING DISCUSSION-MOU WITH BONE/LEVINE  
CONCERNING THE SALE

Attorney Nerlin gave a draft copy of the MOU (Memorandum of Understanding) to the Board. He said that he has had some conversations with Kevin Bone and there may be some changes that they would like to add. Attorney Nerlin asked the Board to look over the document and address anything that they would like to change. If a Special Meeting needs to be called for final approval before the April meeting that can be arranged so that this project can move forward. Mayor Wingfield thanked Larry Wilkening, Mary Hockenbery and Attorney Nerlin for all of their hard work and effort to this item.

HOTCHKISS TOWN CLEAN UP UPDATE

Mayor Wingfield said that everything has been scheduled for the clean-up. The roll off dumpsters will be placed at the old wastewater plant. Residents will have to show proof of residency such as their driver's license or utility bill in order to utilize this service. The clean-up will be held on Friday April 21<sup>st</sup> and Saturday April 22<sup>nd</sup> from the hours of 8:00 a.m. to 6:00 p.m.

6. PUBLIC COMMENT

None

7. MAYOR'S REPORT

Mayor Wingfield and Public Works Director Mike Owens met with Dana Hlavac from DOLA (Department of Local Affairs) about the possibility of expanding the water system. There are more things that need to be worked out and they will update the Board as things progress.

DEPARTMENT REPORTS

POLICE DEPARTMENT

Chief Green is out of Town.

PUBLIC WORKS

Mike had nothing to add to his written report. Mayor Wingfield commended the Public Works Crew for keeping the snow cleaned up after the recent storm.

TOWN HALL UPGRADE UPDATE

Mayor Wingfield told the Board that work has started on the Town Hall remodel. S&S Construction/Home Solutions is the contractor. This remodel will help the Officers and make the Clerk's area more secure. The timeline is ten (10) to twelve (12) weeks.

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8. NEW BUSINESS

OUT OF TOWN WATER TAP REQUEST (2)-802 SHORT ROAD-JOHN HICKAM  
Mayor Wingfield told the Board that now may not be a good time to sell Out of Town Water Taps in that area. If it was approved and they had to install it at this time it would be costly since the line would have to run all of the way to the highway. Public Works Director Mike Owens said that it would be better to wait and have the infrastructure in place on River Ridge Road before approving any tap sales in that area. This item will be revisited once the water and sewer infrastructure are put in place.

HOTCHKISS MEATS HIGH STREET REPAIR REQUEST-PAM & TERRY NEVILLE  
Mayor Wingfield told the Board that there are several areas around Town that need to have repairs. Not only the roads but also the sidewalks. This street will be put on the list once the frost goes out of the ground in the Spring.

RESOLUTION 2023-02 AMENDING CORA FEES

This Resolution was tabled at the last meeting. There are a few changes to the Resolution fee schedule. The first hour of research will be free per State Statute. After the first hour the requesting party will be charged \$33.58 an hour. There is also the addition of a one time non-refundable fee of \$5.00 to be paid when the request is turned in.

Sven Edstrom moved to approve Resolution 2023-02 a Resolution of the Board of Trustees of the Town of Hotchkiss, Colorado, amending the fee schedule concerning the research and retrieval fees under the Colorado Open Records Act (CORA), seconded by Patrick Webb. A verbal vote was taken with all Trustees voting in favor. Motion passed.

DELTA COUNTY TOURISM SUPPORT LETTER

Mayor Wingfield told the Board that the letter was sent out before the meeting due to the fact that the grant was due within a couple of days of receiving the request. The Board looked it over and would like more information about the grant.

ATTORNEY NERLIN CONTRACT DISCUSSION

The terms of this contract are the same as the last one and it is subject to annual renewal. Sven Edstrom moved to approve the contract for the Town of Hotchkiss with Attorney Bo James Nerlin, P.C for the period starting January 1, 2023 until December 31, 2023, seconded by Tricia McFarland. A verbal vote was taken with all Trustees voting in favor. Motion passed.

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8. NEW BUSINESS (cont.)  
OLD PUBLIC WORKS SHOP BUILDING UPDATE EXECUTIVE SESSION  
Patrick Webb 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 8:07 p.m.

The recording of the Executive Session was stopped at 8:09 p.m. due to Attorney/Client Privilege.

### RETURN TO OPEN MEETING

The recording of the meeting was turned back on at 8:30 p.m.

Mayor Wingfield read the following.

The time is now 8:31 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, 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

The meeting was adjourned at 8:32 p.m.

Respectfully Submitted,

Ginger R. Redden, Town Clerk