

RECORD OF PROCEEDINGS

Hotchkiss Board of Trustees

June 8, 2023

1. CALL THE MEETING TO ORDER

Mayor Jim Wingfield called the meeting to order at 6:31 p.m. A verbal roll call was taken. Present were Patrick Webb, Tricia McFarland, Patricia Medina, John Marta, and Custer McLeod via Zoom. Absent was Sven Edstrom.

Those present recited the Pledge of Allegiance.

2. CONSENT AGENDA

MINUTES FOR MAY 11, 2023

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

3. CONSIDERATION OF BILLS

Town Clerk Ginger Redden read off all additional bills.

Patricia Medina moved to approve payment of all bills; Tricia McFarland seconded. A verbal vote was taken with all Trustees voting in favor. Motion passed.

4. PUBLIC HEARINGS

LOT SPLIT REQUEST-DERRAH, 722 CEDAR DRIVE-KARL DERRAH

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 stated that the Planning Commission recommended approval of the lot split of 9 acres. Karl Derrah showed the Council a visual of the split. He explained that the lot will be split evenly into two (2) four and a half (4 ½) acre lots. Mayor Wingfield explained that there are utilities in the area and that the utility line nearby is two (2) inches and has too many houses on it. It was stated that when the time came, they would talk with Mike Owens on where the water line will be placed.

PUBLIC COMMENT

The public comment was opened at 6:36 p.m.

Tom Wills, 159 West Main Street, told the Board that he submitted a letter and that this is doable but doesn't follow the procedures and regulations in the Town ordinance and that is a problem. He said that lot splits are used in Delta County and that may have been the cause of the confusion. He told the Board that the property previously went through a no impact subdivision back in 2019. He suggested that this request should be held as a sketch for plans as a minor subdivision instead of a lot split. He mentioned that the easement for the lot and Cedar Drive should be adopted by the Town to be dedicated as public streets for the Town to maintain. The public comment was closed at 6:41 p.m.

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4. PUBLIC HEARINGS (cont.)

LOT SPLIT REQUEST-DERRAH, 722 CEDAR DRIVE-KARL DERRH
BOARD DELIBERATION

Mayor Wingfield stated that Cedar Drive is a private drive and all those properties access from that road. The lot of 722 Cedar Drive already has an easement on it and Karl can do what he wants with it from there. Mayor Wingfield also stated that a subdivision is not needed to split a lot in half. John Marta said it isn't a subdivision as well and it falls more so along a boundary adjustment. Patrick Webb asked Attorney Bo Nerlin if this proposal was legal? Bo Nerlin said that he understands Tom Will's comments. He proposes that the property would have to have Town access. Mayor Wingfield pointed out that Cedar Drive should be considered a proper road. Bo Nerlin said that he couldn't provide an answer to the Town. Mayor Wingfield said the road has been there for a long time, back when the dome building was built and there is no way to make Cedar Drive wide enough to have it comply with the Town. Patricia Medina asked if a previous owner of Derrah's lot had plans to connect with Cedar Drive. Town Clerk Ginger Redden said that the property is addressed off Cedar Drive. Karl stated that the previous owner didn't have plans to enter off Cedar Drive. Karl then asked the board if they knew how many properties accessed Cedar Drive. Mike Owens said that there are eight (8) properties that access Cedar Drive.

Patricia Medina made a motion to approve the lot split of 722 Cedar Drive and ask that if they sell the upper parcel, that they come back in with the new owners.
This motion died due to a lack of second.

Bo Nerlin states that there needs to be a dedicated access to Cedar Drive, possibly with a titled access to prevent any civil action. Custer McLeod asked if it would open things up for other property owners to have to investigate easements for each individual property. Patricia Medina stated that this would help save a lot of headaches in the future. Karl asked for direction in how to begin this process. Bo Nerlin said that entering a clause or agreement between the neighbors for access and maintenance; or sign a waiver with the Town remitting that in the event access to their property is obstructed, the Town is not held liable.

Tricia McFarland made a motion to approve the lot split of 722 Cedar Drive with the condition of a signed waiver releasing the Town from any liability; Patrick Webb seconded. 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

Kim Shay was not present.

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5. OLD BUSINESS (cont.)

RESOLUTION 2023-03 TRASH FEE INCREASE DUE TO LANDFILL FEE INCREASE
DOUBLE J

Mayor Wingfield spoke briefly about how the Double J rates will be increasing in July. Patricia Medina made a motion to approve the Resolution 2023-03 for Double J trash rate increases; Patrick Webb seconded the motion. A verbal vote was taken with all Trustees voting in favor. Motion passed.

MARIJUANA LICENSING SPECIAL MEETING INFORMATION

Mayor Wingfield announced that there will be a public hearing on Thursday June 22nd, 2023, at 6:30 p.m. He also wants to reopen the process for accepting Marijuana applications due to only receiving one (1) application fully completed.

Patrick Webb made a motion to open accepting Marijuana Applications for an additional thirty (30) days; Tricia McFarland seconded. A verbal vote was taken with all Trustees voting in favor. Motion passed.

REAL ESTATE CONTRACT UPDATE- 222 BRIDGE STREET LLC-BO NERLIN

Bo Nerlin said that Bone Levine Group has directed J David Reed to draft a real estate contract. Bo hasn't received the contract yet. Once he has looked it over, he will provide it to Council for approval.

6. PUBLIC COMMENT

No public comment.

7. MAYOR'S REPORT

Tricia McFarland said flags will be given away at the Hotchkiss Short Stop. The Fire Department will be there to help. Mayor Wingfield and Patricia Medina both volunteered to help. Bill Babbel will be there at 8 a.m.

DEPARTMENT REPORTS

PUBLIC WORKS

Mike Owens said that he will get ACH, which is a coagulant for the Water Plant with a tanker truck at the end of the month. The price for it has gone up 6 cents a pound, so a shipment of 44,000 pounds will be a \$2,000.00 dollar increase. The shipment will be around \$50,000.00 in total. Mike said that he is also looking into possibly getting a Town ATV, as they have been using their personal ATVs to get to Leroux Creek for the 5-mile flowline that skirts over the Mesa. Mike stated that there isn't a maintained road out there and that he is having difficulty with the easements that run through private property. Patricia Medina asked if the ATV purchase was in the budget. Mike Owens said that if it isn't in the budget, it can wait until next year. Public Works hired Donny Rule, who started on June 5th and has been doing great so far.

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7. MAYOR'S REPORT (cont.)
POLICE DEPARTMENT

Chief Scott Green said that he hired Corporal/SRO Scott Leon on June 1st and has been in FTO. Chief Green said that he is also working on equipment. Flock should be installed around June 16th and the car equipment should be installed in July. Chief Green said that his truck has been delayed in Denver due to hail damage. There have been a lot of things that have happened that have taken the departments resources, but all the officers are working hard.

TOWN HALL UPGRADE UPDATE

Mayor Wingfield said that there are a few setbacks with remodel due to damaged deliveries.

8. NEW BUSINESS

SPECIAL EVENT LIQUOR LICENSE-ROCKY MOUNTAIN ELK FOUNDATION-
WINDELL KOONTZ

Town Clerk Ginger Redden read the dates and where the event will be held.

John Marta made a motion to approve the Special Event Liquor License for Rocky Mountain Elk Foundation. Patricia Medina seconded. A verbal vote was taken with all Trustees voting in favor. Motion passed.

SPECIAL EVENTS LIQUOR LICENSE-DELTA COUNTY

Town Clerk Ginger Redden read the dates and where the event will be held.

Patricia Medina made a motion to approve the Special Event Liquor License for Delta County. Patrick Webb second. A verbal vote was taken with all Trustees voting in favor. Motion passed.

DELTA COUNTY MOSQUITO PRESENTATION-GREG RAJNOWSKI

Greg Rajnowski made a presentation on mosquitos to educate the Board about their SWAT program. They are surveilling in the North Fork this year, trapping and testing the mosquitos. Greg said that there was a West Nile case in both Crawford and Cedaredge. Greg said that they are watching the birds at the reservoirs and tracking when the mosquitos get the virus from the birds. Greg is asking if the Town would be willing to hand out the dunks for standing water. Mayor Wingfield and Ginger Redden both said the Town will not be handing them out. The North Fork Mosquito Abatement District or the Delta County Annex building on Hotchkiss Avenue would be a better outlet. Greg didn't think there was enough foot traffic through the Delta County Annex for them to get to enough people. The dunks are BTI (Bacillus Thuringiensis), which are non-toxic to people and contains bacteria that is naturally found in soil that creates wholes in the gut of the mosquito. The dunks are used in standing water like ponds, gutters, or dirty dark grimy spots. Mayor Wingfield says that the Town staff doesn't have enough time to hand out or educate citizens, nor do the Public Works employees. Bo Nerlin says that it is ultimately the boards discretion. John Marta asked what happens if someone still gets West Nile, is the Town or is the County liable. Greg says that the main thing that they don't want is for residents to have to drive all the way to Delta.

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8. NEW BUSINESS (cont.)

SPECIAL EVENTS LIQUOR LICENSE-JENNI NEIL-HOPE WEST

The County wants more options than the Delta County Annex. John Marta said that there are people getting West Nile off the rivers, parks, and wetlands. The Mosquito Abatement District is not able to spray wetlands. Greg said that he is working with Mike Clawson and wants to learn what his strategy is moving forward. John Marta said that the Mosquito Abatement District should be handling the mosquitos and not the Town. Custer McLeod said that he supports whatever would help Hotchkiss and that the citizens need the extra precautions. John Marta said that the Mosquito Abatement District isn't doing enough with what they are getting paid. Patricia Webb asked about the dry dunks. Greg said that the dry dunks are BTI, and they are good for thirty (30) days. There is also a granular that can be spread. Patricia Medina said that she would be willing to put the dunks in her restaurant. Patrick Webb asked if she was afraid of people coming back on her. Patricia Medina said that she would direct them to the Health Department and that the Delta County Annex would still be a good idea.

INFORMATIONAL HANDOUTS

Ginger Redden talked about a handout that was an article about a Small Business Administration Economic Injury Disaster Loan, Delta County Music at the Hotchkiss Fairgrounds on June 15th, and a report from Judge Bruce Joss.

9. ADJOURNMENT

The meeting was adjourned at 7:50p.m.

Respectfully Submitted,

Ashley M. Rodarte, Deputy Town Clerk