

## RECORD OF PROCEEDINGS

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Hotchkiss Board of Trustees

August 10, 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, Patricia Medina, John Marta, Custer McLeod. Sven Edstrom was absent.

Those present recited the Pledge of Allegiance.

2. CONSENT AGENDA

MINUTES FOR JULY 13, 2023

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

MINUTES FOR JUNE 22, 2023

Patricia Medina 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 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

MARIJUANA APPLICATION-FRYE STOP, LLC-POSSIBLE APPROVAL

Mayor Wingfield read the Public Hearing rules.

BOARD PRESENTATION

Mayor Wingfield and Chief Scott Green said that everything looked good with the application. Pat Medina asked if all the fees were in order and Ginger Redden assured that they were.

APPLICATION PRESENTATION

Joshua Frye addressed the Board and said that he was excited that the Town had no issues with his plan. Joshua Frye said that he loves the historical building in his application. He said that he was thinking about changing the name of his shop so that it didn't have his name on it. Tricia McFarland asked about the security in the establishment. Joshua Frye told the Board that there will be cameras throughout the building to show everywhere that the product would travel. There will also be keycard systems for the employees that give access to the secured area of the building with the products. Pat Medina asked about having bars on the windows. Joshua Frye responded that he believes the Town doesn't hold enough of a threat like larger cities to need bars on the windows. That he is instead opting for a window tint and stated that if the MED (Marijuana Enforcement Division) asked him to do it, that he would comply. Patrick Webb asked of the other locations that were considered and Joshua Frye relayed all the locations he investigated. Joshua Frye also told the Board of the other businesses he has or shares a hold in.

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4. PUBLIC HEARING (cont.)

MARIJUANA APPLICATION-FRYE STOP, LLC-POSSIBLE APPROVAL  
PUBLIC COMMENT

Public comment was opened at 6:44 p.m.

Kim Shay, 121 E Bridge Street, owner of Gambles, said she has concerns about the parking in the Town and that the area is even more congested. The building owner needs to enforce more parking on the residents so that they don't park on the street.

Dennis Durmas, 141 W Bridge Street, owner of Weekender Sports, said there is not enough parking and with the restaurants in the area, his customers won't have anywhere to park.

Lisa Niermann, 102 W Bridge Street, Owner of Hotchkiss Holdings LLC, said the applicant has her support and we need more businesses and revenue in Town.

Public comment ended at 6:46 p.m.

BOARD DELIBERATION

Mayor Wingfield reminded everyone that there is a work session for the Parking Ordinance coming up on August 31<sup>st</sup>, 2023, at 6:30 p.m. Pat Medina said that there are parking issues everywhere on Bridge Street. It's an ongoing issue and it won't be easy, but it needs to be worked on. Signs and informing people would be the best route. John Marta agreed that parking was the biggest issue and makes it hard for the elderly, thinking that it is a bad spot for another business to go in considering the neighboring businesses. Custer McLeod said that the Town is growing that everyone needs to work together and be more accommodating. Tricia McFarland agreed with the parking issues. Mayor Wingfield said he understands that we need businesses in Town, and parking needs to be addressed. Chief Scott Green said that he would like Josh Frye's employees to park in the Town parking lot closely located to his building.

Pat Medina motioned to approve the marijuana application for Frye Stop, LLC, Patrick Webb seconded. A verbal vote was taken with four (4) Trustees voting for and one (1) John Marta voting against. Motion passed.

5. OLD BUSINESS

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

Kim Shay told the Board that fair went well and wanted to thank the Police Department for all their help. She mentioned that the Chamber is holding a meet and greet on August 30<sup>th</sup> at 6:00 p.m. at the Zenzen Gardens. They are still working on the North Fork Valley Chamber; it will still not take over for the Hotchkiss Chamber. She said that she is hoping the communities will pool together for big events and to bring back more meet and greets for businesses.

EASEMENT VACATION- MARY DIFFRANCO, BOBBY ORLANDO UPDATE

This item was tabled for this meeting.

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6. PUBLIC COMMENT  
No public comment.

7. MAYOR'S REPORT  
Mayor Wingfield said that he is still talking with Wendell Koontz as far as the bike path project. He has been talking with Mike Owens with plans for sidewalk repairs. Charging stations have been brought up with Delta County and he likes the idea of putting one by the Annex Building. The Fairgrounds will have a drive thru charging station installed.

### DEPARTMENT REPORTS

#### PUBLIC WORKS

Mike Owens told the Board that they had a major water break during fair week and that it was quickly fixed. He has signed the waiver that Bone/Levine's legal team was asking him to sign for the water shares that may be used for a new Water Treatment Plant. He said that Donny Rule is still doing well.

#### POLICE DEPARTMENT

Chief Scott Green told the Board that fair week went well. He wanted to thank the Public Works crew for all their help and responsiveness. He also wanted to thank the Clerk's Office for their help pushing Elevate Internet, it has been a huge help to the department.

#### TOWN HALL UPGRADE INFORMATION

Mayor Wingfield said that the Town Hall Upgrade is at about 90% with the roof and break room still needing to be finished.

8. NEW BUSINESS  
WAIVER LETTER FOR SEWER SERVICES-722 CEDAR DRIVE- KARL AND HEATHER DERRAH

Mayor Wingfield explained that the Derrah's are over 400 feet from the closest sewer main, and they are asking for a variance for a leech field. He said it's difficult to get a sewer line to that property. Karl Derrah that they tried as many ways as possible to make the sewer tap viable. Custer McLeod said it makes sense if there is room on the land to allow it.

Pat Medina made a motion to approve the waiver letter for the allowance of a septic system in lieu of a sewer tap, due to the length being over 400 ft to a sewer main, Custer McLeod seconded. A verbal vote was taken with all Trustees voting in favor. Motion passed.

#### ORDINANCE 2023-02 FRANCHISE AGREEMENT CHARTER COMMUNICATIONS

This item was tabled for this meeting.

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8. NEW BUSINESS (cont.)

VARIANCE REQUEST FOR WATER TAP RELOCATION-KIM SHAY

Kim Shay said that she is looking to sell one property to buy another, and she wants to move a dormant water tap between the two (2) properties. The water tap currently is located at 141 E Bridge Street and she would like to do a 1031 exchange. She stated that this would benefit the Town and that there is no way to use this tap for anything that could be built on that lot. The lot that she is looking to buy currently doesn't have a tap on it. Mayor Wingfield said that we have never transferred water taps before. Mike Owens agreed that we have never transferred a tap and he read the ordinance that states that the tap stays on the property it was purchased for. Bo reinstated that once you purchase a tap, it is to remain on the property or surrendered back to the Town. He stated that going down this road could lead to more wanting to do the same. Engineer Joanne Fagan said that she agrees with the ordinance stating that it stays with the property. Custer McLeod asked what would come of granting this variance? Kim Shay said that the tap there wouldn't be of much use staying on that lot. Tricia McFarland said she didn't think it was a big deal to move it. Custer McLeod asked if it was contentious? Kim Shay answered no but is unusable if the building stays a hardware store. Mayor Wingfield asked about the 1031 which Kim Shay said that it defers the taxes. Mayor Wingfield said that he agrees with Attorney Bo Nerlin and Mike Owens. Kim Shay asked if she surrendered the tap, would the Town then issue her a new tap at the other location, she stated that she wants to turn the other property into possibly affordable housing. Mayor Wingfield wasn't sure if that route was legal. Bo Nerlin said that if that was the route, she would have to come before the Board again with a different variance. He stated that at this moment she doesn't own the other property. Mike Owens reinstated that he doesn't think the Town should go down this road. Kim Shay stated that if this is not approved that she will not move ahead with purchasing that property. Pat Medina said that she wanted to seek more legal advice on this matter. Custer McLeod asked if the variance is allowed with the condition that if she sold the lot after it sold that she would have to buy a tap for that property again? Mayor Wingfield said that the property was bought long ago with the tap already on it. Bo Nerlin said that it was ultimately up to the Board.

Patricia Medina motioned to deny the variance request for water tap relocation, Patrick Webb seconded. A verbal vote was taken with four (4) Trustees voting in favor and one (1) Custer McLeod voting against. Motion passed.

LIQUOR LICENSE RENEWAL-HOTCHKISS LIQUOR, LLC

Chief Scott Green said that he has had no issues with this applicant.

Pat Medina motioned to approve the liquor license renewal for Hotchkiss Liquor, LLC, Tricia McFarland seconded. A verbal vote was taken with all Trustees voting in favor. Motion passed.

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9. ADJOURNMENT  
The meeting was adjourned at 7:35 p.m.

Respectfully Submitted,

Ashley M. Rodarte, Deputy Town Clerk