

RECORD OF PROCEEDINGS

Hotchkiss Board of Trustees

April 9, 2009

1. Mayor Jakubiak called the meeting to order at 6:30 p.m. Those present were Sheila Maki, Wendell Koontz, Tom Wills, Gerald Pearson and George Brauneis. West McKee was not present.
2. Those present recited the Pledge of Allegiance.
3. Tom Wills moved to approve the minutes with a spelling correction to paragraph # 20; split, seconded by Wendell Koontz, with all in favor.
4. **Public Hearing**
Land Use Change
Leonard and Dinah Wiggins are requesting a change to 110 E. Main Street from a church/vacant building to a multi-unit residential unit. Mr. Wiggins stated they want to build four apartments, two downstairs and two upstairs. The downstairs apartments will be two bedrooms and the two upstairs will be three bedrooms. They will stucco the outside of the building, replace the roof, and have nine parking spaces to the east of the building and xeriscape the front of the building. They will build a privacy fence on the north side of the building.
Tom Wills reported the Planning Commission recommended approval of this land use change. They recommended a privacy fence on the north, approved the off street parking to the east, and asked Mr. Wiggins to contact the Town building inspector before starting construction.
The parking will be accessed from the alley to the east. The homeowner to the east, Robin Waters, wrote a letter to the Trustees requesting the entrance into the parking area be off Main Street, that some type of barrier be placed on the east side of the parking area and she is concerned about the car lights shining onto her property. The Trustees felt the alley access into the parking lot is the better option. Any type of barrier along the alley would make entrance and exit from the parking difficult. There is a car parked in the alley beside the Water's property that will have to be moved. The Trustees discussed a one way alley, but decided to wait and see what type of impact the apartment parking lot and traffic creates before making a decision to make the alley a one way.
Bonita McKee, 273 N 1st Street, stated if there are children in the apartments they will not have a place to play outside and that area is very busy with vehicle traffic.
There was no one present at the meeting for or against.
Sheila Maki moved to approve the land use change for Leonard and Dinah Wiggins at 110 E. Main Street, seconded by Wendell Koontz, with all in favor.

Mr. Wiggins asked the Trustees about transferring the water and sewer taps from his property on Park Drive to the property at 110 E. Main Street. He said he would pay all expenses to transfer the taps. Tom Wills stated he had thought about this, and feels the tap fees are an impact fee to help with development at the water plant and infrastructure. Transfer of taps has not been allowed in the past. Several taps have been surrendered and it would not be fair to those citizens if this transfer request was granted. Mayor Jakubiak said he is against the transfer of taps.
Engineer Fagan stated water and sewer taps should not be used for speculation.
Wendell Koontz and Sheila Maki stated the current policy of not allowing transfer of taps serves the community well and a transfer should not be allowed.
George Brauneis and Gerald Pearson did not have a comment.
Tom Wills moved to regretfully deny the request to transfer the water and sewer tap, seconded by Sheila Maki. The motion passed with George Brauneis voting against the motion.

Public Hearing

Set Back Variance - Doug Brown, 747 Barrow Mesa Road

Mr. Brown stated he wanted to build a garage on his property and wanted a variance from the set back regulations. He does not have a survey of his property, there is one survey pin and he would like to build to the property line.

Attorney Briscoe stated the Trustees need to know the effect of the variance request. The Trustees need know distances, proposed building site, where the current buildings are and measurements of all.

Engineer Fagan stated set backs are to protect the neighborhood from fire.

Leonard McCullough told the Trustees and Mr. Brown he could get an improvements certificate rather than a full survey.

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4. (continued) Tom Wills asked if Mr. Brown was running a business at this home and had he completed a change of use application. Mr. Brown said he was running his business and no he had not applied for a change of use.
The Trustees tabled Mr. Brown's variance request until he completes a land use application and provides more information on his variance request.
5. Dona Leach and Charles Keck – Water and Sewer Tap Purchase
Ms. Leach asked the Trustees if she could purchase the sewer tap now and pay for the water tap in August.
She stated she was using the building for a studio and would like to now use it as a rental. The Trustees stated water and sewer service was installed and taps were not purchased before the installation. The Town staff had spoken to Mr. Keck about purchase of a water and sewer tap prior to the connection to the additional unit. The Trustees stated that the taps need to be purchased or the water and sewer service needs to be physically disconnected. If the Town disconnects the service lines, the property owner will pay all expenses.
Wendell Koontz moved to physically disconnect the water and sewer tap at 384 Duke Hill Road if the water and sewer taps are not purchased by May 1, 2009, seconded by Tom Wills, with all in favor.
6. Special Events Liquor License
Delta County Democratic Party 5/2/09
Barbara Heck told the Trustees they would like to serve beer and wine at their party on May 2, 2009 at Memorial Hall.
Wendell Koontz moved to approve the special events liquor license for the Delta County Democratic Party, seconded by Gerald Pearson, with all in favor.

Hotchkiss Chamber of Commerce, Nathan Sponseller told the Trustees they would like to have beer at the Delta County Fairgrounds on June 14, 2009 for the Ride the Rockies Bike Tour.
Sheila Maki moved to approve the special events liquor license for the Hotchkiss Chamber of Commerce for June 14, 2009, seconded by Gerald Pearson. The motion passed with Tom Wills abstaining.

Hotchkiss Chamber of Commerce, Nathan Sponseller, told the Trustees they would like to have beer at the Delta County Fairgrounds on June 21, 2009 for the Bicycle Colorado Tour.
Wendell Koontz moved to approve the special events liquor license for the Hotchkiss Chamber of Commerce for June 21, 2009, seconded by George Brauneis. The motion passed with Tom Wills abstaining.
Attorney Briscoe told Nathan that someone from the Chambers needed to be on site during the hours of the liquor license.
7. Donation Requests
Hotchkiss Grad Night Party. Tami Smith said the party will be held on May 28, 2009 for the graduating seniors of Hotchkiss High School.
Wendell Koontz moved to donate \$ 150, seconded by George Brauneis, with all in favor.

Western Slope Rural Philanthropy Days, Jodene Stephenson, told the Trustees about this event in Mt Crested Butte on June 17-19 2009. This event will bring non profits and funders together. It allows for non profit groups in the area to network with other non profit groups and talk to funding agencies. They are asking the Town to sponsor a scholarship at \$ 100.00 per person.
Sheila Maki moved to sponsor two (2) scholarships at \$100.00 per scholarship, seconded by George Brauneis, with all in favor.
The Town will accept letters of interest until April 30, 2009. Sheila Maki and Tom Wills will review the letters of interest for the scholarships and make a selection.
The Town Trustees approved a Proclamation for Western Slope Rural Philanthropy Days.

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8. Nathan Sponseller, 1st State Bank of Hotchkiss, Street Closure
The Bank will hold their annual customer appreciation lunch on May 8, 2009. They are requesting to close 1st Street from Bridge Street to Main Street from 9:00 a.m. to 4:00 p.m. on that day.
The Trustees agreed to the closure of 1st Street on May 8, 2009.
Mayor Jakubiak thanked Nathan for all his work for the community of Hotchkiss.
9. Hotchkiss/Crawford Historical Society
The new arch is setting in the lot north of the Historical Society building and they are working on it.
10. Senior Citizens Meal Site
VOA will contract for the meal sites and will take over in July.
11. Water Taps Out of Town
The lifting of the moratorium on the sale of out of town water taps expired on December 31, 2008. Tom Wills proposed that the purchase of an out of town water tap to all properties within 500 feet of the Town boundaries and in the Town's growth management area be required to comply with the Town's building code. This would require an amendment to the Town ordinance. The sites within the 500 feet will probably be annexed to Town at some point. Attorney Briscoe said that and the IGA needs to be in place with the County and the Town should check with CIRSA, the Town's insurance carrier before any decision is made to amend the Town code. Some of the Trustees are concerned about the effect of requiring building codes out of Town limits.
12. Water Plant Update
Joanne Fagan reported she had received some of the required information for the Health Department from Pall. The Public Works crew is busy building the new water plant building.
The grant for stimulus grant money for the Hotchkiss High School line will be complete and sent to the State on time. There is 39 million available in this stimulus grant cycle and there is 329 million requested. If the Town does not receive stimulus money we can apply for DOLA money in 2010 for the High School line.
The Public Hearing for the stimulus money grant application will be held at the regular Trustee meeting on May 14, 2009.
13. Enhancement Project Update
CDOT is still working on the new contract, but things are moving forward. The trail south of Town will be qualified for the Town to pay their 20% match in-kind.
The Orlando's are doing a property line adjustment on their property but it will not make a big difference in the current trail plan.
14. Zoning Discussion
Attorney Briscoe, Mayor Jakubiak and Tom Wills will meet and go over the zoning ordinance and make changes. They will present the reworked draft Ordinance to the Trustees and set a Public Hearing.
15. Five Minute Public Appearance
None
16. Hotchkiss Planning Commission Update
Tom Wills reported the Planning Commission reviewed the land use change for 110 E. Main Street, they discussed IGA's with the County and a sign code for the Town.
Tom Wills reported Gail Burdick has resigned from the Planning Commission. He thanked her for her time. The DCI will run an article about the need for a Planning Commission member.
17. County Land Use Update
Tom Wills reported they reviewed a three lot split on Redlands Mesa. They will review a land split on Powell Mesa at the next meeting.

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18. Department Reports

Mike Owens asked if the Trustees had questions on his written report.
Wendell Koontz asked about sweeping the streets. Mike said it is on the things to do.
Mike told the Trustees he had the transmission fixed in the 2002 Chevy Pickup at \$ 1,895.
DMEA worked on the Hydro plant last week.

Marshal Miller asked if there were questions on his written report. He told the Trustees the new police cars have been ordered and will be here in 60 to 90 days.

Marshal Miller reported the Neighborhood Watch program is coming along and Deputy Featheringill is doing a good job with the program. The community has to support the program or it will not succeed.
Gerald Pearson asked about the laws pertaining to dogs in Town. Marshal Miller said there is a two dog limit and a leash law. Gerald said some of his neighbors are not following that law. Marshal Miller said he will check into the situation.

19. Mayor's Report

Mayor Jakubiak told the Trustees he had received a Thank You from Betty Houseweart and Jane Wills thanking the Town for the donations to the Delta County Senior Benefit Fund.
Also a Thank You from the kindergarten class at Hotchkiss K-8 for the items Deputy Clerk Tami Owens donated from the Town to send to a soldier in Iraq.

20. Town Clerk Report

The Clerk reminded the Trustees about the Smart Growth Workshop in Orchard City on May 4th.
The Clerk gave the Trustees a report from All Points Transit. The ridership from the Hotchkiss area is good and the program seems to be working well.
The Clerk gave the Trustees a letter from USDA concerning a tree cut in the Leroux Creek area.
Attorney Briscoe said he needs two of the Trustees to meet with Forest Service personal concerning the MOU that expires in April. Mayor Jakubiak, Sheila Maki and George Brauneis all said they would meet with the Forest Service. Attorney Briscoe will contact Linda Bledsoe of the Forest Service and set something up.
Wendell Koontz asked to be kept in the loop of information with the Forest Service.
The Clerk also told the Trustees she is talking to Earl McFarland Insurance Agency representing Colorado Emergency Service Association (CESA) to be the Town's representative with Pinnacol the Town's workmen's compensation carrier. CESA now covers all emergency services and municipalities in Colorado. By becoming a member of CESA the Town will receive a 4% discount on the workman's compensation bill per year. And can save an additional 12% by completing safety, training and educational programs. The Trustees asked the Clerk to get more information and report back to them at the May meeting.

21. New Business

George Brauneis asked if the Town would write a letter of Thank You to the Chaco employees.
The Trustees asked George to get with the Clerk and write a letter to be published in the "letters to the editor" section of the DCI.
Sheila Maki told the Trustees there will be a Business After Hours for the Country Mouse Bed & Breakfast on April 21, 2009.

22. Gerald Pearson moved to pay all bills, seconded by Wendell Koontz, with all in favor.

23. George Brauneis moved to adjourn the meeting at 9:00 p.m., seconded by Sheila Maki, with all in favor.

Respectfully Submitted,
Marlene F. Searle,
Town Clerk

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