

## RECORD OF PROCEEDINGS

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Hotchkiss Board of Trustees

June 13, 2013

1. Mayor Wendell Koontz called the meeting to order at 6:29 p.m. Trustees James Roberts, Marlin McCracken, Georgia Hopper, and Dustyn Foster were present. Trustees Carrie Wingfield and Lindee Cantrell were absent.
2. The Pledge of Allegiance was recited by those present.
3. Georgia Hopper made a motion to approve the May 9, 2013 minutes, as presented. James Roberts seconded the motion, with all in favor.
4. **Public Hearing**  
**Jeff and Seth Schwartz-386 High Street-Reduction of Setback Requirements Request**  
The public hearing was published and all neighbors within 200 ft. were notified. Mayor Koontz opened the public hearing for Big B's, Jeff and Seth Schwartz, at 386 High Street. Tom Wills, Deputy Chair for the Hotchkiss Planning Commission, stated that Jeff and Seth Schwartz are requesting a variance from the required 25 ft. setback from High Street. The business, Big B's, would like to build a new building, and there is not enough setback room for the required 25 ft.  
The current setback is now 6-7 ft. from the edge of the travel surface which does allow for future curb and sidewalk. High Street is currently about 70 ft wide. The Planning Commission felt drainage from the roof of the building needed to be taken into consideration, but a new building would be an improvement. Tom stated the Planning Commission recommends for approval, the setback variance for Big B's, Jeff and Seth Schwartz, with conditions, presented by Jeff in his introduction.  
Jeff Schwartz explained Big B's would like to build a 50 ft. x 70 ft. building on their property, with a 10 ft. setback from the platted location of High Street. Due to the shape of the property, easements and encroachments, there is limited space to build on the property. The building will be 50 ft. x 50 ft. used for apple storage and 20 ft. x 50 ft. used for dry material storage. The new building will allow cleanup of some of the other temporary storage on the property. Jeff stated there will be a 6 ft. U-shaped privacy fence placed to the west side, the property will be cleaned up, the garbage area will be moved or fenced, they will be aware of where the drainage from the roof of the building is going and they are laying asphalt on the southeast corner of the property to stack bins. Jeff stated he is fine with where the road is.  
Mayor Koontz asked if anyone would like to speak on behalf of the request.  
There were none.  
Mayor Koontz asked if anyone would like to speak against the request.  
There were none.  
Mayor Koontz asked if there was any more discussion. It was suggested to have parking run northeast to make leaving Big B's safer.  
Public Works Director, Mike Owens, also stated this might be the time to get the Town's street plat redone.  
Dustyn Foster made the motion to allow the reduction of the setback requirements, conditional upon the following things: 6 ft. fence installation, property cleanup, a drainage plan, the dumpster area moved or fenced, and the installation of asphalt on the southeast corner for bin stacking and general tidiness of the property. James Roberts seconded the motion, with all in favor. The motion passed.

### Public Hearing

#### Robin Waters-148 East Main Street-Property Rezone Request

The public hearing was published and all neighbors within 200 ft. were notified.

Mayor Koontz opened the public hearing for Robin Waters, at 148 East Main Street.

Tom Wills, Deputy Chair for the Hotchkiss Planning Commission, stated 148 East Main Street is currently R2. Back Country Goods and the Hotchkiss Public Library and Memorial Hall, which are C2, lie directly east and southwest of the property asking for the rezone. Tom stated the Planning Commission feels a rezone of the property as a small retail business makes sense in the area. One off-street parking space is necessary, and it is there. The Planning Commission recommends approval of the Property Rezone Request for 148 East Main Street.

Alex Mehder, Jr., renter at 148 East Main Street and representing Robin Waters, stated he would like to put an antique shop in the front of the building he is currently living in. Robin Waters

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4. (continued) would like to have the property rezoned in anticipation of using it now and in the future in a low impact commercial capacity.  
Mr. Mehder was reminded the alley could not be used for parking and building code would have to be followed.  
Mayor Koontz asked if anyone would like to speak on behalf of the request.  
There were none.  
Mayor Koontz asked if anyone would like to speak against the request.  
There were none.  
Dustyn Foster moved to approve the Property Rezone Request for Robin Waters, seconded by Georgia Hopper, with all in favor. The motion passed.

### Public Hearing

Carsten Estate-Mike McMillan-218 and 226 Poplar Way Boundary Adjustment Request

The public hearing was published and all neighbors within 200 feet were notified.

Mayor Koontz opened the public hearing for the Carsten Estate, at 218 and 226 Poplar Way.

The public hearing was published and all neighbors within 200 ft. were notified.

Tom Wills, Deputy Chair, HPC, stated this is a simple boundary adjustment between an empty lot and an existing home in which both are owned by the same owner. The Planning Commission recommends approval of the Boundary Adjustment Request for the Carsten Estate. Mike McMillan stated a very small slice; going from 0 to 6 ft. on the northern boundary between the two lots will be adjusted. This adjustment will make the house on 226 Poplar Way true based on ground. A survey has been done.

Mayor Koontz asked if anyone present would like to speak on behalf of the request.

There were none.

Mayor Koontz asked if anyone would like to speak against the request.

There were none.

James Robert moved to accept the Boundary Adjustment Request for 218 and 226 Poplar Way.

Marlin McCracken seconded the motion, with all in favor. The motion passed.

5. Donation Request-Hotchkiss Home Plate  
There was no one present to represent Hotchkiss Home Plate. A Charitable Donations Application was presented to the Board of Trustees requesting \$450. Hotchkiss Home Plate has combined baseball and softball into one program, with about 120 children attending these programs annually. Approximately 105 of the 120 children live in Hotchkiss.  
Marlin McCracken moved to approve a donation of \$300 to Hotchkiss Home Plate. Georgia Hopper seconded the motion, with all in favor.
6. Special Events Liquor License-B.P.O.E. #1807  
Bob Kapas was present to request a Special Events Liquor License for Hotchkiss Elks #1807 B.P.O.E., for July 5, 2013 from 6:00 p.m. to 2:00 a.m. The request is for a wedding reception that is a larger than usual group-200 to 250 people. Marshall Miller was asked if there had been any problems at the Elks. He said there had been none.  
Dustyn Foster moved to approve the Special Events Liquor License Request. James Roberts seconded the motion, with all in favor.
7. Request to Have More Than Two Dogs-Robert Brown-164 West Main Street  
Mr. and Mrs. Brown were present to request a variance to the Town of Hotchkiss Dog Ordinance which states, no residence within the Town shall have more than two dogs, unless approved by the Town Council prior.  
Mr. and Mrs. Brown are renting the property at 164 West Main Street from Nathan and Stacy Sponseller and have their permission to have the three small dogs that currently live with them. The Browns went to as many of their neighbors as they could catch at home, and procured signatures stating the three dogs shouldn't be a problem to them. The Browns have a fenced yard for the dogs.  
Marlin McCracken stated if we have a rule, it should be followed by all. Otherwise, maybe the rule needs changed.

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7. (continued) Dustyn Foster made a motion to approve the Brown's request to have three dogs in Town, unless a problem is reported. Georgia Hopper seconded the motion, with James Roberts voting for the motion. Marlin McCracken voted against the motion. The motion passed.
8. Sarah Sauter-North Fork Alternative-Postponed
9. Bruce Bertram-Oil and Gas Update  
Bruce Bertram, '2013' Delta County Local Government Designee, was present to give a powerpoint presentation and interact with the Trustees on a gas and oil update. Mr. Bertram explained how the County handles and regulates gas and oil exploration, explained development, regulation terminology and compliance. Handouts were given to the Trustees and Mr. Bertram stated he would be happy to come back at any time to give updates on new developments. Mr. Bertram said a work session has been scheduled for late August pertaining to protection for domestic water systems such as ours. The Trustees thanked Mr. Bertram for attending the meeting and his update.
10. SBA Towers-Buyout Offer Discussion  
Attorney Briscoe told the Trustees SBA has a monthly ground rent lease agreement with the Town of Hotchkiss for property that cell towers are standing on. SBA offered the Town \$90,000 in '2010' and the Town proposed a \$250,000 counter offer. It was not accepted. SBA has made an offer of \$100,000 lump sum payment in lieu of the current payments the Town is receiving. The Trustees said no.
11. Hotchkiss Planning Commission Resolution 2013-1 Possible Adoption  
Sidewalk and Trails Plan  
Tom Wills stated he and Attorney Briscoe had perused and proofed the Sidewalks and Trails Plan many times, and the Planning Commission adopted and approved the Hotchkiss Sidewalks and Trails Plan May 22, 2013, and would like the Board of Trustees to adopt it also.  
The required public hearing has been published and held.  
Dustyn Foster made the motion to adopt Resolution No. 2013-1, A Resolution adopting the Hotchkiss Sidewalks and Trails Plan As An Addition To The Revised Hotchkiss Community Comprehensive Master Plan Of 2012 And Certifying The Same To The Board of Trustees, seconded by James Roberts, with all in favor. The resolution was adopted.
12. Source Water Protection Plan-Possible Adoption  
The Source Water Protection Plan was discussed. There is still some minor editing needed and the priority of hazards needs changed. The Trustees felt they could say it was informally adopted and the resolution can hopefully be adopted at the July meeting.
13. Recreational Marijuana Discussion  
Attorney Briscoe explained Recreational State Statutes on marijuana, to the Board of Trustees. He discussed with them what laws and how laws can be placed on raising and selling marijuana in the Town of Hotchkiss. Commercial, personal, and use of building code regulations were all discussed in the decision as to how and what direction to go with a Town Ordinance. Attorney Briscoe told the Trustees the Town Ordinance will need to match the state law. Sixteen letters were received by the Town; fourteen of those were against retail and the sale of any recreational use marijuana in the Town of Hotchkiss. Two of the letters were from Crawford residents. The Trustees asked Attorney Briscoe to draft an ordinance restricting the use and sale of marijuana in the Town of Hotchkiss.
14. North Fork 20/20  
Dustyn Foster stated there had been two retreats, but he had not been able to attend. Mary Hockenbery and Tom Wills said that at the June 2<sup>nd</sup> retreat, Heart & Soul discussed values and themes, and actions to take to preserve values. Mary stated she is hoping to try for Downtown Improvement money through a mini-grant.

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15. **Downtown Improvements Discussion**  
The planters were discussed. Mary Hockenbery stated the B.P.O.E. #1807 has placed their emblem on theirs, and they want to put brands on the other sides of it. She is replacing some of the flowers that have not done well and has been getting positive feedback on the way the planters are looking.
16. **Enhancement Trails Project**  
Engineer Joanne Fagan stated she and Mike Owens met with the new CDOT local agency coordinator, Chris Williams, and discussed trails projects with a projected date of 2014-2015. An IGA would have to be done with the County for the CDOT trail and would take some time. Joanne also said she and Marlene are planning on attending a GOCO grant workshop at the end of June.
17. **Delta County Housing Task Force**  
Georgia Hopper stated the Task Force has decided to meet annually.
18. **Hotchkiss Planning Commission Update**  
Hotchkiss Planning Commission Chair, Mary Hockenbery stated the commission had been working on a sign ordinance. There is a draft ordinance done and you can see it on the Hotchkiss Chamber website. Mary signed up as a government official for Philanthropy Days. The next Downtown Improvement meeting is June 26<sup>th</sup>.
19. **Leroux Creek Planning Update**  
Tom Wills stated there had been no meeting.
20. **Five-minute Public Appearance**  
Tom Wills stated the Delta County Fairgrounds had been target sprayed as the Culex mosquito numbers are going up. The next North Fork Mosquito Abatement District meeting will be July 8<sup>th</sup>, at the Paonia Public Library.
21. **Department Reports**  
Marshall Miller asked if there were questions on his handout that was given to the Trustees. There were none. He told the Trustees Samantha Henderson had been hired to work a couple days a week in the Police Department. He checked with Marlene and he has the money in his payroll budget to do this. Samantha is going to attend college for Criminal Justice. She is also doing water and sewer deliveries to Grand Junction one day a week for the Public Works Department. Marshall Miller said he had been working on group sizes per building capacities. This had come up because a DMEA meeting was going to be held at the Senior Center, and the number of people that was going to attend was far too many for the building size. This brought about an awareness of building sizes compared to capacities and safety, especially with summer events on the way.  
  
Public Works Director, Mike Owens, stated the Public Works Department would be doing their own performance tests on the water treatment plant. He said that hopefully, by the time they are finished, the disinfection byproducts will no longer be a problem.
22. **Hotchkiss Chamber Update**  
Tom Wills stated the Hotchkiss Chamber is committed to e-waste recycling. It was suggested the Chamber host a second Business After -Hours at the Visitor's Center in July.
23. **Mayor's Report and Upcoming Events/Schedule**  
Mayor Koontz reported:  
Club 20 meetings information were in packets  
Destination Imagination has been postponed until August

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Auditor Pete Blair will present '2012' Audit at July meeting

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23. (continued) Flood Plain Ordinance is still in progress  
DMEA-meeting at Memorial Hall  
Remind Building Inspectors to do monthly reports  
The parking lot across from the mortuary is looking nice  
Steve Weist-Oxbow Coal-sent an e-mail stating they are still drilling on Oak Mesa  
The August Trustee Meeting will be moved from the 8<sup>th</sup> to the 15<sup>th</sup> due to Fair  
Watch for Huck Finn Days  
Hotchkiss Crawford Historical Society displaying items regarding Crawford Dam and Gould Reservoir  
Tom Wills has The Merchant Herald again  
On June 15<sup>th</sup>, from 9 to 11 a.m. the Rotary Club is having a pancake breakfast  
Next Planning Meeting is June 26<sup>th</sup>  
Next North Fork Mosquito Meeting is July 8<sup>th</sup>  
The State cut along the side of the road at the west end of Town, but who cleans it up?  
(Needs checked into)  
The North Fork Pool has Family Swim time
24. Town Clerk Report  
Deputy Clerk, Tami Smith, told the Trustees, Auditor Pete Blair would be happy to do a work session with them, for the '2012' Audit, before he presents it at the meeting, if they would like. They said, "no", unless there is a problem. Mr. Blair will be here for the July Council meeting.
25. There was no new business.
26. Consideration of Bills  
James Roberts made the motion to pay all bills as presented, seconded by Georgia Hopper, with all in favor.
27. Georgia Hopper moved to adjourn the meeting at 9:00 p.m. James Roberts seconded the motion, with all in favor.

Respectfully Submitted,

Tami Smith  
Deputy Clerk  
Town of Hotchkiss

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