

RECORD OF PROCEEDINGS

Hotchkiss Board of Trustees

May 14, 2009

1. Mayor Jakubiak called the meeting to order at 6:35 p.m. Those present were Sheila Maki, Tom Wills, George Brauneis West McKee, and Wendell Koontz. Gerald Pearson was not present.
2. Those present recited the Pledge of Allegiance.
3. Sheila Maki moved to approve the minutes for April 9, 2009 as presented, seconded by Tom Wills, the motion passed with West McKee abstaining.
4. **Public Hearing**
Curielle and Steve Duffy – Boundary Adjustment for 328, 360 & 390 W. Bridge Street.
They are requesting moving the boundary for the Coffee Shop to the west. There will be a common parking area in the center of all the lots and a 24 foot easement on the west side for the property to the north. The east-west alley will not be used for commercial excess to the property on the north.
Tom Wills reported the Planning Commission recommended approval of the boundary adjustment with the easement concern met and that the alley not be used as a business access.
There was no public comment.
The future business will have to figure out how many parking spaces they are allowed of the approximate 30 spaces.
Wendell Koontz moved to approve the boundary adjustment for 328, 360 and 390 W. Bridge Street for Curielle and Steve Duffy as a sketch plan, seconded by Sheila Maki, with all in favor.
5. **Land Use Change – Amy Trefren – 210 N 2nd Street**
Amy Trefren is requesting a change from a single family residence to a two apartment residence. There will be two apartments upstairs and the basement will be used for storage.
Tom Wills reported the Planning Commission recommended approval with 2½ parking spaces instead of the required three spaces.
There was no public comment.
Tom Wills moved to approve the land use change for Amy Trefren at 210 N 2nd Street with a minor parking variance from three required spaces to 2 ½ spaces, seconded by Sheila Maki, with all in favor.
6. **Special Events Liquor License – WSERC for 6/11/09**
Barbara Silverman was present for WSERC. The license is for an Energy Forum at Memorial Hall.
Sheila Maki moved to approve the Special Events Liquor License for WSERC for June 11, 2009, seconded by George Brauneis, with all in favor.
7. **Donation Request**
Wendell Koontz moved to donate \$200 to the Hotchkiss Fine Arts Association for the Best of Show award, seconded by West McKee, with all in favor.
8. **Set Back Variance Request**
Terry and Michelle Pagone – 183 Elm Drive
The Pagone's would like to put up a pole barn and are requesting a variance from the front set back regulation of 25 feet. They would like to build the pole barn 13 to 15 feet from the street.
Attorney Briscoe stated the Trustees could take into consideration the location of the existing homes in the area. Tom Wills stated that property owners need to show a hardship situation for variance requests. Tom stated if the Trustees allow this variance the regulations will need to be adjusted. Wendell Koontz stated all variances can be decided on a case by case basis. Engineer Fagan stated the request should go before the Planning Commission and the property owner should show cause for allowing the variance. The Clerk stated she scheduled the Pagone's on the Town Trustee agenda because he needed answers on his request.
West McKee moved to give Terry and Michelle Pagone a nine (9) foot variance, the building can not be closer than 16 feet from Elm Street, seconded by Wendell Koontz. The motion passed with Tom Wills and Wendell Koontz voting against.
9. **Hotchkiss/Crawford Historical Society Update**
The wording on the arch is almost complete. Mayor Jakubiak disagrees with the change the Society made to the wording on the back side of the sign.

RECORD OF PROCEEDINGS

Hotchkiss Board of Trustees

Page 2
5/14/09

10. **County Animal Shelter Discussion**
The Clerk read an e-mail from Susan Hanson, County Administrator, inquiring if the Town is still willing to donate land at the old sewer ponds for a county animal shelter. The shelter would be run by animal welfare groups. Mike Owens stated a lot of the land at the old sewer ponds is in a flood plain. He would like to see the public works building out at the old sewer ponds in the future. He suggested the Trustees consider land at the new sewer pond site. There is land north of the County Road that would work for a shelter. The Trustees asked the Town Clerk to respond to the County about the possibility of land at the new sewer pond site.
11. **Out of Town Water Taps Discussion**
Tom Wills said attaching the Town's building code regulations to an out of town water tap purchase can not be done because of the town's insurance coverage.
Sheila Maki moved to extend the 2008 Ordinance for the purchase of out of town water taps to December 31, 2009, seconded by Tom Wills, with all in favor.
12. **Water Plant Project Update**
The Public Works crew is working on the new building. West McKee thanked Leonard, Don and Don for all their work on the new plant.
Engineer Fagan said the Town has received approval from the health department. As soon as everything is double checked with Pall they will receive the go ahead to ship the plant components.
13. **Enhancement Project Update**
CDOT has designated the school trail and the trail south of town as two separate projects. The contract with CDOT is almost complete with all questions/concerns being addressed. Following the federal guidelines will increase the cost of the project. The middle school project should start this summer. The school will be notified so the project can be worked around all activities at the school.
Wendell Koontz moved to approve the IGA with CDOT when all the changes have been completed and authorize the Mayor to sign the agreement, seconded by West McKee, with all in favor.
14. **Public Hearing**
High School Water Line Upgrade & Preliminary Engineering Report
Engineer Fagan presented the highlights of the Engineering Report for the High School water line upgrade.
The water pressure at the High School is marginal. Engineer Fagan recommends construction of a new main from above the PRV and extending it south of the river. (**Report Attached.) The cost of the project will be approximately \$ 830,000. The Town applied for stimulus funding for this project. Water rates may need to be increased depending on grant/loan proceeds for this project.
Questions/Answers
What will the pressure at the High School increase to?
The pressure will increase to about 30 lbs.
Will the line be looped?
Not at this time, but with growth in the future the line will be looped.
Has the School District been notified?
Not yet, waiting on notification from the State on the stimulus money.
With no further comments, the Public Hearing was closed.
15. **Zoning Discussion/Update**
Mayor Jakubiak, Tom Wills and Attorney Briscoe met and discussed the zoning ordinance and made some changes. Attorney Briscoe gave the Trustees a red lined draft for comment. They worked on adult business zoning.
The Trustees set a Public Hearing for the zoning ordinance on June 24, 2009 at 6:30 p.m. at the Hotchkiss Town Hall.
Attorney Briscoe and Tom Wills stated the Town needs to adopt a separate ordinance which would further describe adult business within the Town.
16. **Five Minute Public Appearance**
None

RECORD OF PROCEEDINGS

Hotchkiss Board of Trustees

Page 3
5/14/09

17. Hotchkiss Planning Commission
Tom Wills reported the Commission reviewed the Duffy boundary adjustment and the land use change for Amy Trefren. They also discussed the IGA with the County. After the Zoning Ordinance is approved they will complete the IGA.
18. County Land Use Update
The Committee reviewed three applications. One on Powell Mesa, one at Lazear and one on upper Redlands Mesa.
19. Department Reports
Mike Owens asked if there were questions on his written report.
Mike reported they are still doing maintenance on town vehicles. They are working on the irrigation system at the Willow Heights Park, the system may need to be totally replaced.

Marshal Miller asked if there were questions on his written report.
He reported the new cars should be here in about 30 days. Marshal Miller is working with the Hotchkiss Chambers on the bike tours coming to Town and all seems to be going smoothly.
Deputy Featheringill is doing a good job with the Neighborhood Watch program and the community is getting involved.
20. Mayor's Report
The Mayor reported the Sheep Dog trials went very well and the Town was very busy.
The fire department served a pancake breakfast to 325 adults and 50 children.
21. Town Clerk Report
None
22. New Business
Attorney Briscoe told the Trustees Rogers Mesa Domestic Water Company would like an amendment to the contract with the Town. They would like to add the Town will provide treatment of their water for twenty five years. This time period is to cover the length of the current loan for the new water plant, which is for twenty years. The Trustees agreed to the twenty years and extend the contract for an additional five years.

Wendell Koontz asked if Mr. Keck and Ms. Leach had paid for the water and sewer taps as scheduled. The Clerk told him they had paid in full.

Tom Wills told the Trustees he will be term limited as a Trustee in April of 2010 and would like to complete at least one of the items that the citizens commented on during the master plan development, which was a pedestrian friendly town. He would like to do a sidewalk study and create a sidewalk improvement plan for the Town. Tom said he would head up the committee to do the study. Wendell Koontz said maybe Town citizens would like to volunteer to be on the committee.
23. Consideration of Bills
Sheila Maki moved to pay all bills, seconded by Wendell Koontz, with all in favor.
24. Executive Session – Personnel Matters
Sheila Maki moved to go into an executive session for discussion of a personnel matter under C.R.S. Section 24-6-402 (2)(f), seconded by Tom Wills, with all in favor.
Mayor Jakubiak read the following statement; It is May 14, 2009, and the time is 8:45 p.m. For the record, I am the presiding officer. As required by the Open Meetings Law, this executive session is being recorded. Also present at the executive session are the following persons;
Tom Wills, Sheila Maki, George Brauneis, West McKee, Wendell Koontz and Town Attorney James Briscoe.
Mayor Jakubiak read the remainder of Announcement NO.1.

RECORD OF PROCEEDINGS

Hotchkiss Board of Trustees

Page 4
5/14/09

24. (continued)At the end of the executive session Mayor Jakubiak read Announcement NO. 2. Mayor Jakubiak stated the time is now 9:20 p.m. and the executive session is concluded and we will return to the open meeting of the Hotchkiss Board of Trustees.
Mayor Jakubiak read Announcement NO. 4 and asked if any participant in the executive session believes any substantial discussions of any matter not included in the motion occurred.
Seeing none the Mayor went to the next agenda item

- 25 Executive Session – Receiving Legal Advice for a Specific Legal Question from
The Town Attorney

Sheila Maki moved to go into an executive session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy of negotiations, and/or instructing negotiations, under C.R.S. Section 24-6-402 (4)(a), seconded by Wendell Koontz, with all in favor.
Mayor Jakubiak read the following statement; It is May 14, 2009, the time is 9:25 p.m. For the record I am the presiding officer. As required by the Open Meeting Law, this executive session is being recorded. Also present are Tom Wills, Sheila Maki, George Brauneis, West McKee, Wendell Koontz and Town Attorney James Briscoe.

Mayor Jakubiak read the remainder of Announcement NO.1.

At the end of the executive session Mayor Jakubiak read Announcement NO.2. Mayor Jakubiak stated the time is 9:40 p.m. and the executive session is concluded and we will return to the open meeting of the Hotchkiss Board of Trustees.

Mayor Jakubiak read Announcement NO. 4 and asked if any participant in the executive session believes any substantial discussion of any matter not included in the motion occurred.
Seeing none the Mayor went to the next agenda item.

26. The meeting was adjourned.

Respectfully Submitted,
Marlene F. Searle, Town Clerk