

## RECORD OF PROCEEDINGS

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### Hotchkiss Board of Trustees

November 12, 2009

1. Mayor Jakubiak called the meeting to order at 6:35 p.m. Those present were Gerald Pearson, Tom Wills, Sheila Maki, George Brauneis, and Wendell Koontz. West McKee was absent.
2. The Pledge of Allegiance was recited.
3. Sheila Maki moved to approve the minutes for October 8, 2009 as written. Tom Wills seconded the motion, with all in favor. Wendell Koontz moved to approve the minutes for October 22, 2009 as written. Gerald Pearson seconded the motion, with all in favor.
4. **Liquor License Renewals**  
Marshal Miller stated there had been no problems with the North Fork Valley Restaurant or the Past Times Tavern. Sheila Maki moved, with Wendell Koontz seconding, to approve the Liquor License Renewal for North Fork Valley Restaurant, with all in favor. Sheila Maki moved, with Tom Wills seconding, to approve the Liquor License Renewal for Past Times Tavern, with all in favor.
5. **Consideration/Approval of Bid to Reroof the Town Hall**  
Following discussion of specifications, requirements and cost of metal versus shingle roofing, Wendell Koontz made the motion to accept the lowest bid from Gary George as long as he has the necessary insurance and bonding. George Brauneis seconded the motion, with all in favor. The shingle roofing on the Town Hall will be replaced at a cost of \$15,280 for thirty year shingles. Mike Owens was asked to notify Mr. George of the decision.
6. **Donation /Dues**  
The Trustees considered donation requests from North Fork Children's Christmas Party and Hotchkiss Community Thanksgiving and Christmas Dinners. Wendell Koontz moved to donate \$200, which will sponsor four children, to the North Fork Children's Christmas Party. The motion was seconded by Gerald Pearson, with all in favor. Sheila Maki moved to donate \$500 to the Hotchkiss Community Dinners. The motion was seconded by George Brauneis, with all in favor.
7. **Consider a Moratorium on Medical Marijuana Dispensaries**  
Jay Ziegler, Western Slope Alternatives, LLC handed out written information and spoke to the Trustees in reference to the possibility of opening a business in the Town of Hotchkiss which would provide integrated treatment programs to address a variety of patient health needs. His business would include counseling, nutrition and massage therapy as well as medical marijuana in various forms. He stated his credentials and told the Trustees he felt they could set the standard for dispensaries in Hotchkiss. He is considering the vacant building at 360 West Bridge Street for his business. The Trustees asked Mr. Ziegler if he felt he could start his business without the marijuana sales if a moratorium is set. He thought he may be able to.

The Trustees asked Marshal Miller his opinion on marijuana dispensaries. He stated that they are usually located in commercial zones and that security would need to be closely addressed.

Attorney Briscoe stated it was up to the State to enforce the laws on the dispensaries as Federal Law could not and was not going to do the enforcement. He said there are currently 13,000 people with medical marijuana permits in Colorado. A moratorium can slow down the dispensary process until the State can decide the effect and oversight on communities and who will do the regulating. Statutory towns, like Hotchkiss, have no way of licensing these dispensaries.

The Trustees discussed issues regarding distances from churches, schools, security, and legalities pertaining to medical marijuana dispensaries, and felt it should be turned over to the Planning Commission to be added to the Zoning Regulations with logical standards applied.

Tom Wills made the motion to pass an emergency Ordinance No. 2009-3, to impose an emergency temporary moratorium for 200 days, on the submission, acceptance, processing and approval of any application for a permit or license related to a business that sells medical marijuana within the Town of Hotchkiss. Wendell seconded the motion with all in favor except George, who opposed the motion. The motion passed.

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8. Consideration of MOU for Multi-Jurisdictional Energy Efficiency & Resource Conservation Steering Committee

Attorney Briscoe explained that this MOU is an agreement to bring interests from representatives from utility companies and the county together to consider and help develop projects that would improve energy conservation. Grants would partner projects with utility companies to complete projects that would benefit the community. The communities can have a unified representative, as the information will be discussed at the Municipal Quarterly Meetings. George Brauneis volunteered to be the Town representative on the committee.

George moved to accept the MOU for Multi-Jurisdictional Energy Efficiency & Resource Conservation Steering, and Wendell seconded the motion, with all in favor. Wendell moved to nominate George to be Hotchkiss' representative on the committee, with Sheila seconding the motion and all in favor.

9. IGA with Delta County

The Trustees agreed the Growth Management Agreement was complete and ready to be submitted to the County. Tom moved to submit the agreement to Delta County, with Wendell seconding the motion and all in favor.

10. Water Plant Project Update

Public Works Director, Mike Owens, stated the metal on the outside of the building is almost complete. Hopefully, by spring the plant will be operating. There has not been a Pall Technician here yet.

11. Enhancement Project Update-Walking Trails

There was a conference call at the Town Hall with CDOT. They are still saying no to a pedestrian light on Hwy 133 between the School and the Gofer. The plans and specs are waiting in the historic office for the State to look at them; the bidding on this project will be in the near future.

Marshal Miller stated a pedestrian light would be a benefit as he felt it might catch more drivers' attention and remind them to slow down.

There will be another meeting with CDOT at the Town Hall on November 16, 2009 at 2:00 p.m. The meeting will be posted as two or more Trustees may be present and it will be open to the public.

The Trustees all agreed to keep trying for the light, as they felt the Town should work toward what the Town WILL have in the future.

12. Five Minute Public Appearance

Mayor Jakubiak appointed Bonita McKee to the Hotchkiss Planning Commission. She had submitted a letter of interest to the Trustees.

Attorney Briscoe asked Marshal Miller if he would please check into the Bruce's Auto business at 611 Hwy 92, as to what kind of business is now being conducted there.

13. Hotchkiss Planning Commission Update

Tom Wills reported Bonita McKee attended the previous Planning Meeting. The members discussed the preliminary stages of a sidewalks and trails plan. Tom and Bonita will do a status report on the present condition of the sidewalks in Town. There will be no meeting until January, unless something that needs immediate attention comes up.

Wendell stated there had been a North Fork Pool, Park and Recreation District Meeting and it was commented they would like to see more sidewalks and trails, with a trail to the pool a priority.

14. County Land Use Update

There was no meeting to report.

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15. Set Date for 2010 Budget Work Session  
A budget work session meeting was set for Wednesday, November 18, 2009 at 6:30 p.m. and/or Thursday, December 3, 2009 at 6:30 p.m., if needed.
  
16. Department Reports  
Public Works Director asked if there were any questions on the written report he had given the Trustees. There were none. Mike stated he had paperwork from FEMA on floodplain management, and the information said the maps would be digitized. Mike stated the maps are about eighteen years old.  
  
Marshal Miller asked if there were any questions on the written report he had given the Trustees. Wendell asked him what COVA stood for. Marshal Miller stated it means Colorado Organization for Victim's Assistance. Halloween was quiet. Starting December 1, 2009, there will be a new law pertaining to texting while driving.
  
17. Mayor's Report  
Bonita McKee was appointed to the Planning Commission earlier in the meeting.
  
18. Town Clerk Report  
The senior Citizens feel they should pay or help pay for the paper products used in the restrooms. The clerks are checking into pricing and will decide the best way to order and purchase the paper products.
  
19. New Business  
No new business.
  
20. Consideration of bills  
Wendell moved and Gerald seconded to pay all bills, with all in favor.
  
21. Adjournment  
Sheila moved and George seconded to adjourn the meeting, with all in favor.

Respectfully Submitted,

Tami Owens  
Deputy Clerk