

## RECORD OF PROCEEDINGS

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Hotchkiss Board of Trustees

June 13, 2019

1. CALL THE MEETING TO ORDER

Mayor Wilkening called the meeting to order at 6:30 p.m. Roll Call was taken and those present were Mary Hockenbery, Sheila Maki, John Marta, Esther Koontz and Patrick Webb. Absent was Pat Medina.

Those present recited the Pledge of Allegiance.

2. EXECUTIVE SESSION

At this time Sheila Maki motioned to move the Executive Session on this agenda from the last part of the meeting to the beginning of the meeting. Mary Hockenbery seconded, motion passed.

Mary Hockenbery 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 negotiators, under C.R.S. Section 24-6-402 (4)(e) pertaining to the Water Tank Project. Esther Koontz seconded, motion passed. The time was 6:35 p.m.

RETURN TO OPEN MEETING

Mayor Larry Wilkening read the following;

The time is now 7:09 p.m., and the executive session has been concluded. The participants in the executive session were; Mayor Larry Wilkening, Patrick Webb, Esther Koontz, John Marta, Mary Hockenbery, Sheila Maki, Attorney Nerlin, Deputy Town Clerk Ginger Redden, Public Works Director Mike Owens and Engineer Joanne Fagan

For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record. Seeing none, the next agenda item is....

3. CONSENT AGENDA

MINUTES FOR MAY 9, 2019

Esther Koontz would like it clarified in item #6 that she agreed with Tom Wills and the statements that he made.

Esther Koontz moved to approve the minutes with the above noted clarification. Seconded by Mary Hockenbery, motion passed.

4. CONSIDERATION OF BILLS

Engineer Joanne Fagan added an additional bill for Pitt Construction. She will get a pay approval document completed and then asked that the Town pay it as well.

Esther Koontz moved to pay the bills with the above addition. John Marta seconded, motion passed.

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5. PUBLIC COMMENT  
None

6. OLD BUSINESS  
POSSIBLE ADOPTION OF TOWN PROCUREMENT POLICY  
Attorney Nerlin explained the Procurement Policy to the Board.  
Mary Hockenbery moved to adopt the Procurement Policy as presented. Seconded by Esther Koontz, motion passed.

GEORGE HAMM EASEMENT REQUEST-ROBERT GALLEGOS, ENGINEER  
No representative. Tabled until the Board hears from him again.

### UPDATE OF THE BUILDING CODE TO 2018

Mayor Wilkening told the Board that grant requests can be approved or denied depending on the existing building codes. The amount that the Town would be responsible for is about \$2800 if the Board chooses to join with Colorado Code Consulting and a group of other Towns in the area to update from the currently adopted 2006 to the 2018 Building Codes. Mayor Wilkening suggested that he and one other Board member be involved with the update. June 28th is the deadline for the decision. John Marta agreed to be involved in this process with Mayor Wilkening.

Mary Hockenbery moved to approve the participation with Colorado Code Consulting and several other Towns in the area to update the Town of Hotchkiss Building Code from the currently adopted 2006 to adopt the newer 2018 version. Seconded by Sheila Maki, motion passed.

Attorney Nerlin will draw up a professional agreement with Colorado Code Consulting and have it ready for the July meeting.

HANSON MESA DOMESTIC PIPELINE COMPANY-CONTINUED  
No representative present. Tabled to the July meeting.

7. PUBLIC HEARINGS  
TOWN OF HOTCHKISS-MIKE OWENS NO IMPACT SUBDIVISION AND ZONE  
CHANGE REQUEST FROM DR TO C2MU

### NO IMPACT SUBDIVISION BARROW MESA PROPERTY

Public Works Director Mike Owens represented the Town and told the Board that currently the property is 25.76 acres and the Town would like to do a No Impact Subdivision to make one parcel 17.75 acres and the other parcel 8 acres. If this property split is approved, any further development will be subjected to Subdivision regulations.

Attorney Nerlin explained the rules for the Public Hearing.

Mayor Wilkening read the definition of a No Impact Subdivision.

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### 7. (cont.) PUBLIC HEARINGS

#### PUBLIC COMMENT

The Public Comment portion of this hearing was opened at 7:30 p.m.

Tom Wills read a letter of objection that he wrote. (Attached to the original copy of the minutes)

The Public Comment was closed at 7:37 p.m.

#### COUNCIL DISCUSSION

Esther Koontz agreed with Tom Wills in his opposition to this request.

Several minutes of discussion were held on the No Impact Subdivision.

Sheila Maki noted that the Planning Commission recommended approval of the No Impact Subdivision to the Board.

Mary Hockenbery moved to approve the No Impact Subdivision property split for the Town of Hotchkiss. Sheila Maki seconded, motion passed with four (4) in favor and one (1) opposed.

#### ZONING CHANGE REQUEST FROM DR TO C2MU BARROW MESA PROPERTY

Mike Owens told the Board that the Town is requesting a zone change on this property from DR to C2MU to allow for a government building. Currently a cell phone tower and the Town water tank are also on this property.

Esther Koontz voiced opposition to this request.

#### PUBLIC COMMENT

The Public Comment portion of this hearing was opened at 7:53.

Tom Wills stated that he feels that the Town should only rezone the bigger portion of the property and leave the eight (8) acres zoned as a DR.

Public Comment was closed at 7:54 p.m.

#### COUNCIL DISCUSSION

The council discussed this request for several minutes. There was a discussion of the C2MU zoning as compared to the DR zoning.

Attorney Nerlin stated that the application before the Board is for the all of the property not just one part. A new application can be submitted at a later day to change the zoning again if needed.

Mary Hockenbery moved to approve the requested zoning change for the Barrow Mesa property. Sheila Maki seconded, motion passed with four (4) in favor and one (1) opposed.

#### MARLIN MCCRACKEN-SPECIAL ZONING USE REVIEW-755 BARROW MESA ROAD

Marlin McCracken was not present.

Sheila Maki moved to continue this item to the July meeting. Mary Hockenbery seconded, motion passed.

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7. (cont.) PUBLIC HEARINGS  
ASPENWHITE, LLC- MICHAEL HUMECKI  
ZONE CHANGE REQUEST R2 TO C2MU AND VARIANCE REQUEST TO SETBACK  
REGULATIONS

### ZONE CHANGE REQUEST FROM R2 TO C2MU

At this time, Mayor Wilkening recused himself and Mayor Pro Tem Mary Hockenbery took over conducting this Public Hearing.

Shelly Dackonish, Lawyer for AspenWhite, LLC, Michael Humecki and Margaret Humecki were all present for this Public Hearing.

Shelly Dackonish told the Board that AspenWhite, LLC requests a zoning change from R2 to C2MU so they could eventually build a commercial greenhouse. This property has two (2) lots and they would like to place a commercial greenhouse on the back portion, Parcel B. Several pictures of the neighborhood were shown where other residences in the neighborhood could possibly be considered commercial.

Michael Humecki talked about the greenhouse, how it would be utilized and how it would not have a big impact on the neighborhood.

### PUBLIC COMMENT

The Public Comment portion of this meeting was opened at 8:29 p.m.

Speakers included Mario Pagone of 192 W Main Street, Jean Deering and Betty Dickman of 204 W Main Street and Zach Hotchkiss, an out of Town resident.

Some concerns stated were:

1. Noise
2. Light Pollution
3. Rail Road Input
4. The precedent being set for other businesses to come into the neighborhood
5. Traffic volume
6. Impact on the neighborhood

There were no comments in favor of this zone change.

The Public Comment portion of this hearing closed at 8:37 p.m.

### COUNCIL DISCUSSION

The staff letter from Public Works Director Mike Owens was discussed as well as the precedent that would be set if this change was allowed. Water and sewer concerns were voiced as well.

Sheila Maki told the Board that the Planning Commission did not have a motion to recommend either approval or disapproval of this request.

Esther Koontz moved to deny this zoning change request from R2 to C2MU. Mary Hockenbery seconded, motion passed.

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7. (cont.) PUBLIC HEARINGS  
ASPENWHITE, LLC-VARIANCE REQUEST TO SETBACK REGULATIONS  
At this time, AspenWhite, LLC withdrew the request for the variance to the setback regulations.
8. NEW BUSINESS  
Mayor Wilkening returned to the meeting at this time.

### SPECIAL EVENTS LIQUOR LICENSE-NORTH FORK CHAPTER OF THE ROCKY MOUNTAIN ELK FOUNDATION

Esther Koontz recused herself to be spokesperson for this item.

This event is an annual fundraiser for the North Fork Chapter of the Rocky Mountain Elk Foundation. It will be held on August 17th from the hours of 4:00 p.m. to 12:00 a.m. at Heritage Hall.

Mary Hockenbery moved to approve the above noted Special Events Liquor License. John Marta seconded, motion passed.

### SPECIAL EVENTS LIQUOR LICENSE-DELTA COUNTY COMMISSIONERS

Esther Koontz returned to participate in the meeting.

Kirby Clock represented the Delta County Commissioners for this request. The event will be held on July 14th at Heritage Hall from the hours of 4:00 p.m. to 9:00 p.m. and will be a fundraising event for 4K for a Cure. This is a traveling bike group that raises money for young adults with cancer.

Esther Koontz moved to approve the above noted Special Events Liquor License. Mary Hockenbery seconded, motion passed.

### SPECIAL EVENTS LIQUOR LICENSE-DELTA COUNTY COMMISSIONERS

Kirby Clock told the Board that this is for the Fair Week in August. The request is for a beer garden for the dates of August 5th, 6th and August 8th through the 10th for the hours of 5:00 p.m. to 11:00 p.m. at the Delta County Fairgrounds. All servers will be taking alcohol serving classes and there will be security fencing on Tuesday night when they will be hosting Community night in the park. Except for Tuesday, the beer garden will be held under the grand stand.

Esther Koontz moved to approve the above noted Special Events Liquor License for the Delta County Commissioners during the week of Fair. John Marta seconded, motion passed.

### DOUGHTY STEEL-CODY HANCOCK-BARROW MESA WATER TANK PROJECT

No representative. Postponed to the July meeting.

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9. STAFF REPORTS

TOWN ENGINEER REPORT

Engineer Joanne Fagan told the Board that Doughty would like to be paid for the Water Tank Dome. The bid was for \$68,210 and the invoices they have total over \$50,000. There are concerns about the dome and its placement.

Esther Koontz moved to direct the staff to pay one half of the cost of materials to Doughty Steel once they show up, address any concerns and have a plan in place to fix these items. Mary Hockenbery seconded, motion passed.

TOWN MARSHAL'S REPORT

Marshal Miller was not present due to an emergency. Deputy Chad Lloyd told the Board that the events in Town have made the department busy but nothing major has occurred.

Only one application has been turned in for the vacant deputy position so the application deadline was extended to the first of July.

PUBLIC WORKS REPORT

Willow Heights Park has been experiencing some sprinkler problems. There were no questions on the written report.

TOWN CLERK REPORT

Deputy Town Clerk Ginger Redden reported that Town Clerk Marlene Searle is on vacation.

10. COMMITTEE REPORTS

Mary Hockenbery reported that the \$3500 grant received from the Colorado Public Health and Environment needs to be spent by September. She would like to have a Work Session in July to discuss park benches, the cost and placement of them.

Patrick Webb reported on the Building Permits for the month of May.

11. MAYOR'S REPORT

Hotchkiss Prosperity Plan is close to finalizing their objectives.

The Mayor did welcoming statements for Rural Philanthropy Days as well as Ride the Rockies. Attended a CDOT (Colorado Department of Transportation) 2045 financial planning meeting in Montrose.

Attended an Economic Summit last Thursday. The speaker was pleasantly surprised by the North Fork Valley.

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12. UPCOMING EVENTS  
Lavender Days at the end of the month  
Currently Rural Philanthropy Days and Ride the Rockies  
Uncorked
13. POSSIBLE ITEMS FOR THE NEXT AGENDA  
A Possible First Reading of the Amended Trailer Regulations Ordinance
14. ADJOURNMENT  
John Marta moved to adjourn the meeting at 9:14 p.m. Patrick Webb seconded, motion passed.

Respectfully Submitted,

Ginger R. Redden, Deputy Town Clerk