

# The North Fork Merchant Herald

**Digital Edition**  
**Volume 23 - Number 8**  
**August 1, 2020**

## Paonia Street Trees Have Active Defenders

### Town Worries About Street Closure Activity

By Thomas Wills

Paonia Town Council

July 28, 2020

*Present: Mayor Mary Bachran, Bill Bear, Dave Knutson, Mick Johnson, Karen Budinger and Tamie Meck.*  
*Absent: Michelle Pattison (commented via chat on YouTube). Herald attended via YouTube livestream.*

The meeting began with Mayor Mary Bachran honoring local businesses that have been “adhering to State mandates on the wearing of masks or face coverings.” Those honored included (partial list): Paradise Theatre, Paonia Farm and Home, Paonia United Brewing, The Cirque, and Ollie’s Ice Cream. Bachran said the honoring of those businesses that are following the safety mandate would be an ongoing thing and asked for nominations from the public.

#### Rumblings of Resistance to Tree Removals

During visitor time Jeff Compton expressed concern about the tree removal/sidewalk repair on his street in town. He noted that in his view communication between the Town and the residents had not been clear and he was concerned that healthy trees might be removed. He thought that were creative ways to improve the sidewalks while minimizing the removal of trees that add such a positive character to the town. It was suggested that he approach the Tree Board with his ideas and concerns. It was reported that the Tree Board has been looking at the 2020 list of trees since January of this year.

Other people then asked about the issue and Town Administrator Corinne Ferguson noted that the 2020 project had been in the works for a long time and property owners had been contacted and some alternatives discussed.

#### Officers Sworn In

The oath of office was administered to three or the four Town Officers that should have been appointed and sworn back in May. They were: Town Clerk – Corinne Ferguson (who is also the Town Administrator, Town Attorney – Bo Nerlin, and Town Treasurer Ross King. The Town Municipal Judge, Julie Huffman, was sworn in prior to court.

New police officer Brian Berger was also sworn in.

#### Grand Avenue Closure Draws Liability Worries

The request for a continuation of the closing of the central business block of Grand Avenue drew a lot of discussion about any liability the Town might have. The request from business owners was to

close the street for special sales on August 1, August 13, September 5 and September 26. The September dates would include aspects of the cancelled Creative Coalition Art and Ag Tour and on the 26th aspects of the farmer market that would have occurred about then at the cancelled Mountain Harvest Festival. The general idea was to draw people downtown to support businesses in a safe manner to help during the challenges due to the pandemic. The proposal was presented by Amy DeLuca, Heidi Hudek and Elaine Brett.

Town attorney Bo Nerlin said



that it is usual for event promoters to hold separate overlapping insurance with the Town’s when an event/business is using public property. According to minutes of a meeting of the business owners included in the meeting packet a suggestion that non-profits could hold insurance on some dates (September dates?).

The Trustees approved a motion that any businesses which wanted to use the actual street beyond the sidewalk would need to have insurance that covered that use. Then, after taking the hardline on insurance, the trustees approved the waiving of all Town fees related to the street closures.

#### Other actions and discussion:

There will be a joint Planning and Zoning/Council meeting with the County scheduled for August 20 at 5 p.m. regarding the County’s new land use planning and zoning regulations.

The trustees approved Ordinance 2020-07 that tweaked the Town Code regarding the requirement that the four Town Officers (Town Clerk, Municipal

Judge, Treasurer, and Attorney) be appointed no more than 30 days following each municipal election. The Town failed to follow that requirement after the April 2020 election despite the State law and Town code being clear. It is now clear-er.

The Trustees approved a new professional services contract at the existing rates with Town Attorney Bo Nerlin and the new firm he is with. Nerlin told the trustees that the new firm includes two other attorneys that could contribute or fill in if needed and they have two support staff people. The Town of Hotchkiss also recently chose to move with Nerlin to his new firm rather than remaining with J. David Reed or seeking other counsel.

The Trustees approved the adoption of the newest 2020 Colorado Model Traffic Code, which is what it sounds like a set of standard traffic-related laws that most jurisdictions have adopted if they also have municipal courts that hear traffic cases. The code includes bicycle related rules with some reduced fines. Example: Failure to move to the right edge of roadway when overtaken by a motor vehicle is punishable by a \$21 fine.

Yet another executive session was held to hear legal information and advice pertaining to the case of Eric Pace vs. the Town of Paonia. Pace was former employee that was injured on the job during the tenure of Administrator Jane Berry and did not feel he was treated fairly.

Following up this a special meeting was set for Tuesday, August 4 at 5 p.m. for an executive session to receive more legal advice on the Pace case.

The Trustees agreed to return a portion of Deborah Spiegel’s fence variance costs since the new fence ordinance made the variance unnecessary.

The Trustees, after passionate advocacy by Administrator Ferguson, who is married to the Police Chief, unanimously voted to support the Back the Badge initiative.

The trustees discussed and approved a comment letter from the Town to the Colorado Oil and Gas Conservation Commission (COGCC) regarding rule making for the industry. The letter expresses concerns that the opinions of some western slope governments (Western Rural and Local Government Coalition) that take a pro-industry stance do not serve the best interests of Paonia and the North Fork. A couple of counties are arguing that they should be allowed to have less oil and gas regulation than the State requires.

There was also a discussion of the ongoing initiative to build a new skate park at the Town Park.

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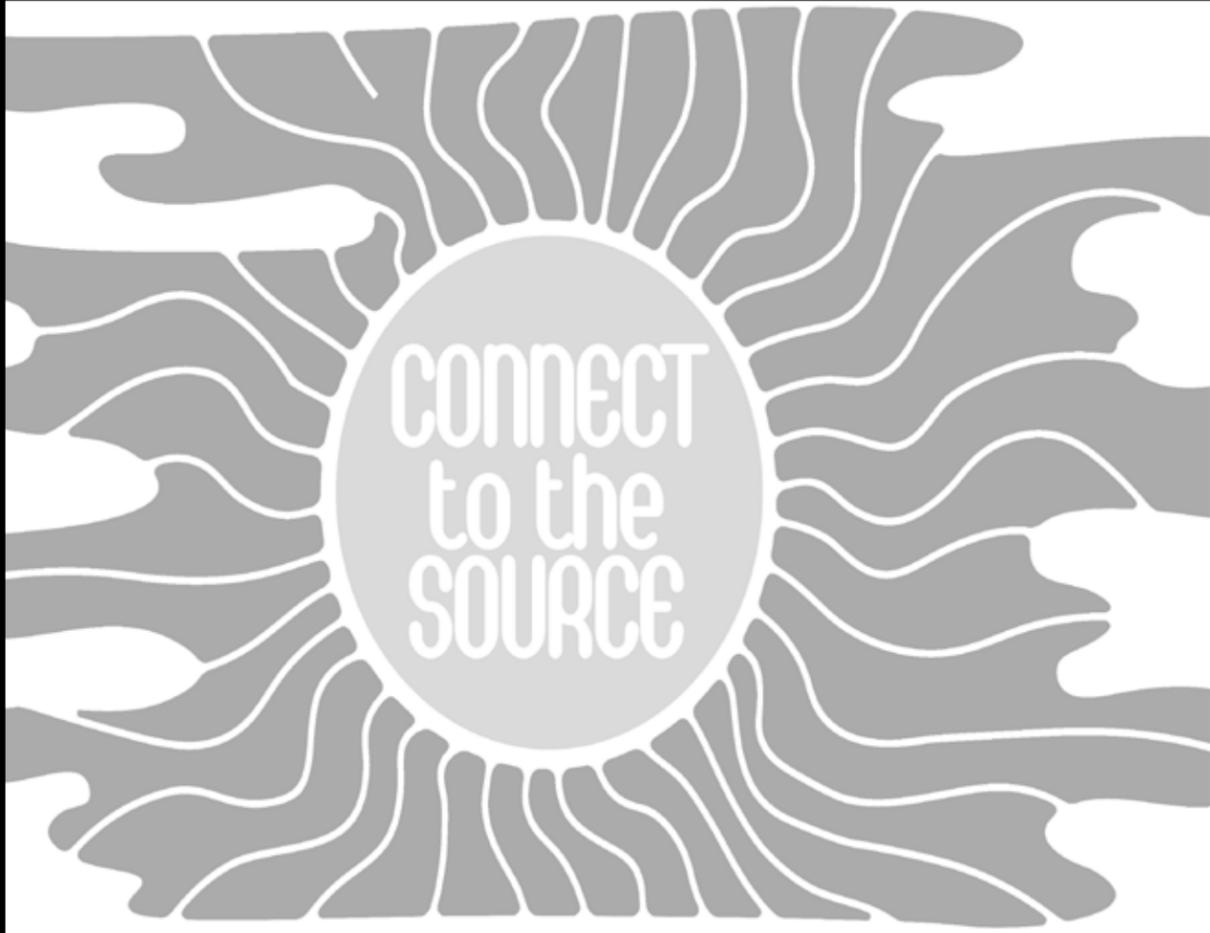


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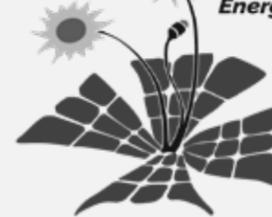
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# Locals Lose Fear of the Z-Word

## Delta County Presents Draft Zoning/Land Use Regulations

By Thomas Wills

Delta County announced on July 2 that after a couple years of work they had come up with new draft land use regulations and a few days later, on July 6, the draft regulations including zoning maps were posted on line. An on-line introductory discussion of the drafts was held on July 9 with only about a dozen attending, including local media. Delta County's Elyse Casselberry gave a half-hour overview of the document highlighting how new commercial uses would now be reviewed. An in-person open house on the document was held at Heritage Hall in Hotchkiss on Tuesday, July 14.

The initial comment period then closed on July 22 and comments were shared on-line. A final draft will be available for comments in a few weeks.

The draft Delta County Land Use Code posted online at [deltacountyplan.com](http://deltacountyplan.com) consists of 172 pages consisting of 14 chapters plus appendixes that collect together associated regulations including: junk ordinance, 35-acre road ordinance, floodplain ordinance, water supply ordinance, fire impact fee resolutions and so on. The downloadable digital version of the regulations includes a table of contents that is fully linked for convenient reference. Just click on the topic or line and you will be taken to that subject instantly.

Some big new things in the draft regulations are lot size/use zoning and the limiting of public review and comment on most use changes, along with a new way of reviewing and/or permitting new commercial uses. This begins in Chapter Two: ZONING DISTRICTS AND LAND USE. The zoning categories are fairly similar to the zoning concept information that was presented in 2019. The Zones are: A-35 (agriculture 35-acre parcels), A-20 (agriculture 20-acre parcels), A- 5 (agriculture 5 acre parcels), RI/C – (rural industrial/commercial), UGA – Urban growth areas close in to municipalities. So, the proposed zoning consists of three areas of "lot size" zoning and one of specific use zoning, and the higher density municipal growth areas to be developed in collaboration with the Towns.

The agricultural/rural residential zone boundaries (and the RI/C zones), from the appearance of the maps, look to be attempting to generally echo what currently exists on the ground discounting some minority outliers such



as tiny lots that are now embedded within newly established, minimum 20 and 35 acre lot size areas. In other words, the proposed zoning is not as revolutionary as it sounds as far as limiting or containing rural residential sprawl, since it enshrines some current sprawl, but it does limit *new* lot sizes outside of urban growth areas and the municipalities to a minimum of 5 acres. That is a significant change. In the past, lots as small as one acre were routinely approved virtually anywhere, no matter how incompatible and the density standards, that were supposed to prevent incompatible small lot sprawl, have been routinely waived for two lot subdivisions.

Procedure-wise, the zoning is a huge change from the long-running, and present, adversarial process in which success or failure of development proposals are sometimes determined by how many neighbors are opposed, and how vocal and/or lawyered-up they are. One goal of the Master Plan and the new regulations is to bring more order and due process into county land use law.

Chapter One begins by stating the justification for the new regulations and for adopting the tool(s) of zoning. It is stated that the intent of the document is to implement portions of the new 2018 Delta County Master Plan, but then attempts create some political/legal cover in that regard stating: "However, neither this Code nor any amendments thereto

may be challenged on the basis of any alleged inconsistency or nonconformity with any policy document." This appears to be a preemptive strike against another future "Chicken War", which cost the county hundreds of thousands of dollars in legal fees when it was sued for approving confined animal operations (CAFO chicken layer operations), which seemed incompatible with the affected neighborhoods in violation of then Master Plan policy guidelines. One major bone of contention was whether the then Master Plan was "advisory" or had the force of a law.

In the specific zoning chapter there is a user-friendly zoning chart that lists uses that are allowable in each of the zones: by right (A), by administrative zoning permit (P), by administrative zoning permit with sketch or site plan approval. (L) In some cases, public notice may be published but apparently no public hearing would be required (L\*), then there are uses allowed by conditional use permits with a public review process (C), and uses that are prohibited within specific districts.

For commercial uses the new LDRs replace the old Specific Development Regulations directing

specific new uses to certain zones. For example if you are looking at a property as a site for a new gas station you would first determine what the specific zoning is and then note that such a use is prohibited in the three A-agricultural zones but is a use by right in the RI and UGA zones. If the property was in those zones all you would then have to worry about would be technical permits like septic, highway access, etc. Previously you could have proposed a gas station virtually anywhere and maybe have been approved, or maybe not if fifty neighbors and an attorney showed up at a public hearing to oppose it. This is a big change in establishing a fairer, more predictable outcome.

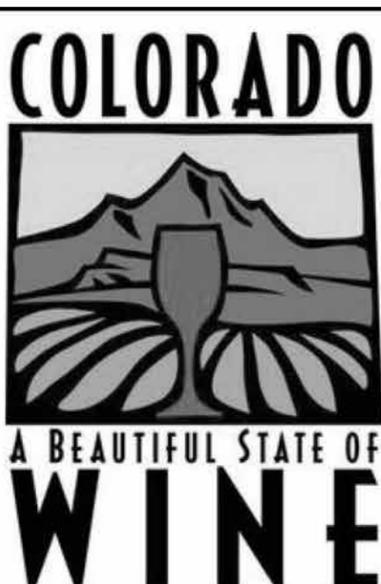
### CAFOs Large and Small: Setting Up the Next Chicken War

On the controversial side of things, while general agricultural uses are a use by right (no review required other than a possible need for road access permits etc.), CAFOs are addressed by an "Intensive Agricultural Land Use" category that is in turn divided into: Minor Animal Feeding Operation (MAFO), Intense Animal Feeding Operation (IAFO), Concentrated Aquatic Animal Production (CAAP), and (large)Concentrated Animal Feeding Operations (CAFO). The tricky part of the sub-categories are in the definitions and dividing lines between small, medium, and large CAFOs and on-the-ground impact on existing neighbors at a time when million dollar rural residential properties in the Valley are common.

According to the zoning chart, large CAFOs are allowed only in the A-35 and A-20 zones with L\* procedures: administrative review with sketch and site plan and public notification but no public meetings mandated. But, when looking at the zoning maps for the North Fork A-20 and A-35 zone are frequently closely adjacent to the denser municipalities and small lot rural residential nodes. CAFOs and IAFOs would require a minimum lot size of 35 acres.

MAFOs and IAFO could by review locate in the A-5 zone as well. A chart lists required setbacks for large CAFOs (1,000 feet from

Continued on Page 13



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**JULY JOURNAL**

Thanks to retired Professor Dan Hilleman of Hotchkiss who loaned me a copy of Judy Muller's 2011 book about small rural newspapers of the West and elsewhere, *Emus Loose in Egnar*. Muller is a California journalist/teacher transplanted to Norwood. Some of the stories of small-town paper's trials and tribulations were definitely familiar. I remember reading a review of the book in the *High Country News* when it came out but had never gotten a copy. It is a delightful book.

One sub-theme of Muller's is that while larger newspapers are falling on hard times small town papers "are thriving" sometimes. I'm not sure that is strictly true, or demonstrated by stories in the book, and would point out that things have changed in just the few years since the book was published. And the pandemic has added a whole new level of challenge. A lot of the most enjoyable stories seem to less about small town papers' financial successes than bullheaded persistence and passion for the job. And of the reciprocal love that locals have for small, local papers like the Herald.

**June 23** - The Paonia Town Council met in person for the first time in several months. On the issue of whether or not to appoint Town "officers" after each election as apparently required by the current wording of the Town code and State law for statutory towns like Paonia, the consensus was that doing that would be a good idea as opposed to the once every four years (every other election) as had been done some times in the recent past.

More intense summer heat seems to be settling in to stay. Our Crawford correspondent, Marla Bishop, reports that Fruitland Mesa is being hit hard by the heat and fact of the Gould Reservoir irrigation water to the mesa being shut off in early June, not a new record she says, but close to it. We are back in deep drought conditions.

**June 24** - Hot.

**June 26** - Windy and hot but with a few raindrops here and there.

**June 27** - A little rain overhadowed by wind and drying heat. Some minor fires were report due to lightning strikes including a couple above Terror Creek Farm according to their FB posts. Another fire was reported on Fruitland Mesa that drew quite a bit of official activity but was put out successfully.

**June 28** - It was overcast off and on for much of the day and there was a definite whiff of smoke in the air. No rain. There was a slight haze veiling the West Elks. The wind came up at times.

I made a loop up through the

**Another Month in the Valley**

By Thomas Wills  
Publisher - Editor

Hotchkiss Riverside Cemetery on my morning run. After thirty years I seem to know quite a few names on the stones personally, and know *something* of the history of a lot more.

**June 29** - More rainless overcast skies and gusty wind. The Valley fire departments warn of continuing Red Flag conditions.

**June 30** - Some actual rain fell overnight, less than a half inch in Hotchkiss, but it smelled really great.

The Paonia Town Council met via Zoom in the evening to consider half day closures of Grand Avenue on Saturdays this summer, beginning July 4.

**July 1** - It was kinda cool overnight (I wore a light windbreaker during my morning run.) but went right back to being hot later. Thanks to Monk from Paonia for encouraging my recent art efforts by buying an in-progress new piece and contributing some thoughtful conversation as well.

**July 3** - Erin McIntyre, co-publisher of the Ouray County Plain Dealer, stopped by for a chat before heading up to Paonia. Erin and her partner Mike Wiggins, both formerly of the Grand Junction Daily Sentinel, bought the weekly a few years ago and are still enjoying making a success of it. A few days later Ouray County passed a mandatory masking ordinance as tourist season began to accelerate.

**July 4** - Independence Day and I made the mistake of going to work at the bookstore. I could have stayed home. It rained a little, literally, in the early evening and I sat out on the front porch sipping a peach (last year's crop) smoothie and reading science fiction



novel, smelling the odor of a few drop of rain hitting dust and hot concrete.

**July 5** - Fairly warm but with some nice (or worrisome if you are fire nervous) clouds and pleasant breezes. I cooked up my first batch of small beets from the garden in my solar oven.

Locals in Paonia reported that there was an unofficial, small parade in



the morning. Some vehicles with flags and Trump signs accompanied by a North Fork Ambulance vehicle, the juxtaposition causing some pithy comments. The downtown businesses then had some outdoor sales and doings in the afternoon as the central block of downtown was closed to give people plenty of room.

Then, in Hotchkiss in the evening quite a few, very illegal fireworks were set off on Willow Heights and elsewhere in the town. Apparently, this did not result in any citations, serious fires, or houses burning down despite the dry conditions. And some people had some fun and let off a little steam.

**July 8** - Boy, the Hotchkiss town

deer are getting a bit laid back. I jogged right by one, a few feet away, on Cedar Street and she just looked up curiously and kept chewing. Some bears (maybe just one small one) are dumping and snacking on trash at night.

It was a kinda cool night but by midday it was sweltering. I ate my first Roma tomato today from the garden. The grape tomatoes (sort of miniature Romas) are also coming on. I'll be experimenting with sun-drying them.

**July 9** - The Hotchkiss Municipal Court was still closed to the general public and press but this evening the Town Council held their July meeting in public, if with a very pared-down agenda. Only one of the Trustees, Patrick Webb, wore a mask properly during the brief meeting. Local elected officials should be modeling best health practices as we know them, but in Hotchkiss are seemingly are choosing stubbornness or comfort instead. The facts regarding the wisdom of masking are clear but their usefulness declines in relation the percentage of non-masked in a specific space.

**July 10** - Thanks to Ken Vaught of Dancing Dogs Farm of Hotchkiss for the sample of his elderberry products. Elderberries have long been touted by herbalists as an anti-viral.

**July 11** - A delightfully cool night followed by a very hot day nearing 100 degrees F. in Hotchkiss. I stopped by the Saturday Market at the Creamery before I opened the bookstore. A little island of good food, fun stuff, and positive thought. Good to see some organic energy in the midst of the heat and pandemic worries.

**July 12** - I attended services with the Hotchkiss United Methodist Church congregation held in the shady park at the Delta County Fairgrounds Park in town. Pastor Josh reminded us that nobody is perfect despite our best intentions. Most people wore masks and socially distanced. Hotchkiss services will continue to happen there over the coming weeks. Stop by and join in.

A teeny bit of rain fell in Hotchkiss in the evening and there was quite a bit of thunder and lightning.

**July 13** - A few more random raindrops fell during the day apparently some during the night although the evidence of it in Hotchkiss was sparse (there was a small puddle on the asphalt behind the Shortstop). But it did smell nice during my morning jog.

**July 14** - I attended the Paonia Town Council meeting via their YouTube live stream, saving gas and virus anxiety. It appeared that everyone attending was properly masked and socially distanced. The meeting began with an announcement by Tom Backhus that the 2020 Paonia Mountain Harvest Festival has been cancelled.

The Council also go around to reappointing Town officers as required by State law, if several months late, in violation of that same law.

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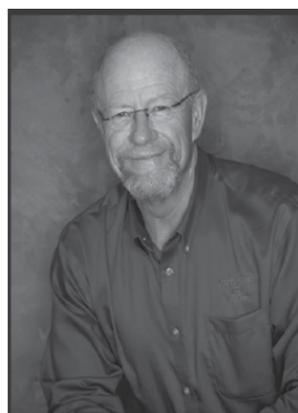
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# Hotchkiss Council Supports Back the Badge 2.0

## Mask Message Misses Mark

By Thomas Wills

**Hotchkiss Town Council**  
July 9, 2020

*Present: Mayor Larry Wilkening, trustee/ mayor pro-tem – Mary Hockenbery (by phone), Patrick Webb, Esther Koontz, John Marta, and Jim Wingfield. Absent: Patricia Medina*

The agenda for the July 9 in-person meeting of the Hotchkiss Council was fairly brief and the public portion of the meeting took all of 22 minutes.

### Council Conditionally Approves MOU to Continue to Fund Victims Advocate Position

After a brief discussion the Trustees approved the signing of a memorandum of understanding (MOU) between the Towns of Hotchkiss, Cedaredge, and Paonia to collaborate on funding to pay the salary of a victim's advocate who has been serving crime victims from the three municipalities. The approval was conditional upon Cedaredge and Paonia both also agreeing to contribute a share of funding the independent contractor. Previously, in 2019, the full cost was paid by a grant but the deadline for applying for the same grant for this year was missed.

Mayor Larry Wilkening noted that the Town of Hotchkiss had been the only one paying the costs of the advocate for the first six months of 2020 and the Town needed to be credited for the money they had previously contributed. Under the MOU, Hotchkiss's share of the advocate's salary is \$6,000. According to the Town Clerk's office, Hotchkiss's share was included in their 2020 budget.

In 2019 the three towns agreed to contribute equal shares of an \$18,000 grant with no Town funds involved. Paonia and Cedaredge are much larger communities than Hotchkiss.

The trustees agreed that the program was a valuable one to the community with only Wilkening expressing some reservations about the costs.

### Back the Badge Back

The Council had a discussion and voted unanimously to support the return of the Back the Badge sales tax question on this November's ballot. The question failed with a close vote on the 2019 ballot and this time around the tax has been lowered from one percent to 8/10s of a cent and has a ten-year sunset clause. Hotchkiss and Paonia, along with other municipalities and the County, would receive a share of the tax proceeds.

### Council Masking Shows No Improvement

Despite continuing accumulations of evidence shared by health experts including the State Health Department, CDC and WHO, many members of the Hotchkiss Town Council apparently have not received the message or understood the science. During the July meeting members did no better than in June. Only Trustee Patrick Webb was properly masked for the entire meeting. John Marta pulled his mask up over his mouth (and not nose) for a few minutes but then went most of the meeting unmasked. Entirely non-masked were Mayor Larry Wilkening, Esther Koontz and Jim Wingfield. Staff was 50/50 with Deputy Clerk Ginger Redden professionally

masked as was Town Engineer - Joanne Fagan. Public Works Director - Mike Owens and Town Attorney - Bo Nerlin eschewed mask wearing. Trustee/Mayor pro-tem Mary Hockenbery, who attended in person fully masked last month, stayed home and attended safely by speaker phone.

A total of thirteen persons, including the council, were present at the meeting and social distancing was mostly observed.

*Update: A few days after the meeting, the State issued a mandatory making in public spaces mandate following some 36 other states.)*

### Other Actions and Discussion:

With the County Commissioners' approval of the ONE Delta County alliance for economic development's organization and funding plan, the Council discussed who would serve as the Town's representative on the ODC board of directors. Mayor Wilkening volunteered to be the Town's representative and all were in favor.

Mayor Wilkening once again brought up the issue of his appointing a mayor's appointment of a trustee to the planning commission. Trustee John Marta was reported to have volunteered for the post after the June meeting and no one else expressed interest. Although it was a mayoral appointment Wilkening called for a vote anyway and all were in favor of Marta. Trustee Esther Koontz is the Trustee-appointed member of the commission.

The seven-member Commission consists of the mayor, two trustees (one appointed by the mayor and one by the trustees), three citizens and a member of the Town staff. The Chair by State law is one of the citizen members, currently Roger Christian.

Darnell Place-Wise, who is the County's administrator at the Fairgrounds as well as the County's information officer, asked for approval of special events liquor licenses for July 24, August 14, August 21, and August 28 for music events at the Fairgrounds Park. She said that she was not entirely certain it would be possible to hold the events where beer and wine would be available but thought that getting the licenses would keep the window open. If the events happen, they will feature local musicians/bands.

Citizen Terry O'Brien, who is experienced at web-site construction, offered his services at no cost in getting a new Town website hosted by the State using their web tools up and running.

"We'll keep (your offer) in mind," Mayor Wilkening said.

The meeting concluded with a closed-to-the-public executive session for the purpose of negotiations related to changes to the contract with the Town Attorney, Bo Nerlin. (The issue of Nerlin's contract was also on the July 14, Paonia Town Council agenda.) According to Deputy Town Clerk-Ginger Redden, the Trustees approved changes to the contract after the closed session. Redden reported that there were no changes to financial arrangements in the contract, but that Nerlin is now with a different law firm.

Town Attorney Bo Nerlin resides in Ridgway. He also serves as the Town Attorney in Paonia where they are also considering a new contract. It has been noted that the Town's legal expenses have been somewhat higher since Nerlin and his former firm were hired.



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# HOTCHKISS MUNICIPAL COURT

## A Biting Dog, Trash, Weeds, and Speeders

By Thomas Wills

Hotchkiss Municipal Court  
July 9, 2020

Judge Lynn French presiding:

The court continued to limit in-person attendees to direct participants in the cases being discussed.

In a long-delayed trial to the court Terry M. Bonine, 55, of Hotchkiss was found guilty having a vicious dog. According to previous in-court discussion the dog in question had gotten loose from a cable and when Sgt. Chad Lloyd encountered the said dog, he received a bite (the officer, not the dog), albeit apparently minor since no medical costs were presented.

Bonine was accessed a \$100 fine plus court costs but the fine was suspended conditional upon the dog issue not occurring again. Due to failing to appear in court previously Bonine had been arrested on a \$300 bench warrant. The \$50 was subtracted from the warrant/bail amount and the balance returned.

There were two code enforcement cases regarding weeds and junk that had

not been taken care of after warnings had been issued.

James Allen Deck, 54, of Hotchkiss pled guilty to charges of accumulation of refuse, uncontrolled growth of weeds, and accumulation of garbage. He was assessed a \$100 fine (with \$50 suspended) 6 months unsupervised probation with \$25 probation fee, and \$50 in court costs.



**Judge Lynn French**  
Town of Hotchkiss Municipal  
Judge since 1979

Terry Sue Calhoun, 59, of Hotchkiss pled guilty to charges of accumulation of refuse, uncontrolled growth of weeds, and had an additional charge of accumulation of garbage dismissed. She was assessed a \$100 fine (with \$50 suspended) 6 months unsupervised probation with \$25 probation fee, and \$50 in court costs.

Jessica Elyse Chan, 25, of Bennica, CA pled guilty to

speeding 10-19 over the limit as saw a charge of failing to present evidence of insurance dismissed when proof was supplied later. She was assessed \$162 in a fine and \$50 in court costs.

Tara Joan Cappelini of Madrid, New Mexico pled guilty to a reduced charge of speeding 5 -9 mph over the limit. She was assessed \$86 plus \$50 in court costs.

# HOTCHKISS MARSHAL'S REPORT

## Hotchkiss Plans to Hire Second Female Officer Return of Back the Badge Tax Promoted

By Thomas Wills

June and July, 2020

Marshal Dan Miller reports that personnel within the four-person department continue to rotate. In a report to the Town Council he noted that Deputy Ryan Sparks had resigned as of June 30 and was moving out of the immediate area, bringing the deputies down by one, one of which is new Deputy Julia Thompson, who is just finishing up her field training. Miller said that Thompson's training is going well.

Hopefully, Miller has already found a replacement for Sparks. The prospective, but not finalized as of July 9, replacement is a woman who comes to the area after serving six years in small town law enforcement in Utah. Miller plans to hire her just as soon as she can get POST (Peace Officer Standards and Training) certified with the State of Colorado. If that all works out, Hotchkiss will soon have a gender-balanced police force, two men and two women with the new recruit joining Miller, Sgt. Chad Lloyd, and Thompson. Thompson is only the second female deputy in Hotchkiss history, with the first, Ingrid Conkel, serving only a short time in the early 2000's.

Miller also notes that calls/incidents are increasing as the town moves into midsummer and seasonal traffic increases.

With the area under Stage 1 fire restrictions and in a period of severe drought and very hot days, things are very dry and residents are reminded to keep weeds and dry grass cut to reduce fire danger. And speaking of fire danger, the Department was concerned with the large number of illegal exploding fireworks set off on the evening of July 4. Charges are being considered against individuals who were observed setting some off. Luckily no serious fires resulted.

Miller also encouraged the trustees to support the return of the county-wide Back the Badge sales tax initiative. The proposal failed narrowly in 2019 and this time around the supporters are proposing a .8 cent tax (down from one cent) and have added a 10-year sunset

clause after which the tax would expire without another public vote. The proceeds of the tax would send the largest portion to the County Sheriff's department with the remainder that being portioned out to the municipal police forces including Delta and Hotchkiss.

There were 118 logged incidents compared to 132 for the same period in 2019. They also had only three officers for the month of June 2019 and this time around Thompson was doing ride-along field training.

There were 59 vehicle-related items including, surprisingly, 32 VIN inspections of to-be-registered vehicles along with 25 traffic contacts, and two traffic accidents investigated. There was also one hit and run incident (usually a parking lot backing thing). Of the serious stuff there didn't seem to be anything too serious with three third-degree assault/harassment items, four disorderly conduct/harassment items, and two regular harassment investigations. There were two domestic violence reports taken.

There were five items of "suspicion" and one of a suspicious person or circumstance, and one minor in possession of alcohol. There were 12 medical assist calls and a couple assists to other agencies. There were also a couple of "civil problems" and two code enforcement issues. Five animal issues were dealt with, possibly including one night when some local cows invaded the Willow Heights subdivision resulting in some startled/sleepy residents.

Also, a bear, or bears, were back in town tipping over trash cans so residents are urged to either not put their tastier trash out until pickup day or keep it secured in a garage until then.

**Update:** According to a Hotchkiss Facebook posting, 2007, grey, Chevy Tahoe was stolen from the residential area behind City Market on the evening of July 13. The next day it was revealed that a pick-up and delivery auto repair service had towed the vehicle by mistake and later returned it.

**July 15** - An officer found a awning of some sort about 10 to 12 feet long in the 100 block of East Bridge St. and wanted to return it to the owner.



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## THE GREAT DAY

By William Butler Yeats

HURRAH for revolution and more cannon-shot!  
A beggar upon horseback lashes a beggar on foot.  
Hurrah for revolution and cannon come again!  
The beggars have changed places, but the lash goes on.

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## The Multiplier Effect

A Dollar spent at a locally owned business may circulate in the community up to seven times while creating and maintaining local jobs. A dollar spent in Grand Junction or on the Internet is pretty much gone.

# COVID 19 IN THE VALLEY/COUNTY : Masking Now Mandatory, County Variances Denied Mostly, Outdoor Stuff Okay

By Thomas Willis

As I add final touches to this story (July 24), eight more COVID cases were reported in the County but overall our county appears to be one of the calmer areas in the state with little or no community spread of the virus—so far. This could change as tourist season continues and school restarts. Most public leaders encourage everyone to wear masks in public spaces, social distance if possible, continue handwashing and generally being cautious. But, as far as masking goes it appears that both compliance and enforcement is not adequate locally according to personal observation and reports on local social media.

The State, by order of a mandate that has the force of law, now requires everyone to wear a face covering in public spaces with few exceptions including exercising alone and law enforcement. Despite the legal force of the mandate the enforcement of the order appears to be unclear with the Delta County Sheriff's office, according to Sheriff Mark Taylor in a statement, showing the issue off to the health department but also noting that if someone without a mask enters a business over the objection of staff/owners they can be charged with trespassing.

On July 22, with COVID cases and hospitalizations rising in some, mostly more urban parts of the state, Governor Polis announced that bars would now have to cease serving alcohol at 10 p.m. down from the usual 2 a.m.

Delta County Schools, according to a letter sent to parents, will be opening for in-person learning at the end of August but will offer some on-line learning as well and will stay flexible as the COVID situation may possibly change quickly.

Delta County's second hail-Mary State COVID-rules exemption request came back dated June 27 (posted on July 2) and as was "partially approved with some recommendations." The Colorado Department of Public Health and Environment (CDPHE) letter noted that as of that date Delta County was in the "low" category of infection rates in comparison to other counties, with about one every other day being reported. Thus, we are allowed a little more wiggle room that some places.

Among the denied items was a request to increase swimming pools to 75% capacity and also denied was a request to increase small, unmanned workout facilities to 75% capacity. Those both stay at 50% for now.

A request for 75% capacity at restaurants, bars, wineries, etc. was denied and will remain at 50%. An order issued at about the same time closed some bars again, the ones not also serving food. Most local bars seemed to have found workarounds to the order. A 75% request for movie theaters was also denied.

Non-critical retail was denied for 75%, (staying at 50%) but it was noted that if a place was large enough, up to 75 people with proper distancing could be allowed. The same applied to non-critical offices, manufacturing and business and government functions, houses of worship and limited health care settings.

Public libraries and museums were approved to be open at 50% of capacity or 50 people, whichever is less.

It was finally noted that if more than eight new cases appeared in a two-week period in Delta County restrictions may have to be tightened.

The CDPHE also noted that County's requests for outdoor event attendance numbers didn't need a variance

since the requests were less than what the State currently allows.

They wrote: "**Outdoor events:** What you have requested for outdoor events is less than what the current amended public health order authorizes; therefore, no variance is necessary. Below is a summary of your requests.

- Rodeos in groups larger than 25 people per area and maintain 6-feet apart except when competing in events, maximum group attendance on grounds should be limited to 175 individuals.

- Festivals up to 175 people allowed
- Parades with no limit on size of parade or spectators

- Fourth of July Fireworks move the show from inside city limits at Confluence Lake to a location outside city limits, a location that has limited roads, no mass parking areas, and will be visible from 60% of the county."

They also said they were not approving over 50% of capacity for any public indoor setting.

**June 26** – Two more COVID cases were reported in Delta County over the past couple days. Both were younger people in their 20s and 30s. Total hospitalizations in the county since March remains at 3, none currently, with one previous death of a Delta County resident, reportedly at a care facility in Montrose County.

The State reports 129 people (statewide) are currently hospitalized for confirmed COVID-related issues with an additional 102 hospitalized while being investigated, but not confirmed, for COVID. Confirmed COVID hospitalizations at any one time statewide peaked at about 890 on about April 15. The hospitalization curve is still trending downward but not as rapidly as earlier. 295 of 1,086 available (at Colorado facilities) critical care ventilators are in use as of today (not all for COVID cases).

States statistics as of today: 5,392 COVID hospitalizations since March and 1,482 deaths due to COVID.

Federal health sources estimate that at any one time there are about 10 times the number of infections than are tested for and reported.

**June 29** – A visit to City Market in Hotchkiss (my first in a couple weeks) revealed the staff doing an excellent job with masking and other procedures. The customers were still not responding to the good example by responding in kind. Only about half the customers were masked, families with multiple kids, most not masked, were common, and even some of the masked customers were paying little attention to the one-way aisle signs.

**June 30** – Total Delta County COVID case count since March is now 83 with one additional case isolating at home. State - 5,527 hospitalizations to date and 1,521 COVID deaths.

Today, on the recommendations of County Emergency Manager, Kris Stewart, the Delta County Commissioners voted to extend the emergency declaration related to the virus to August 5. Second District Commission Don Suppes, who is running unopposed for reelection, cast a dissenting vote reportedly to send a message to the State about how the pandemic has been handled.

Earlier on today Governor Jared Polis, acting on recommendations/data from the State Health Department ordered bars and nightclubs closed again after a spike in cases apparently related to those specific businesses.

**July 1** - Big B's Delicious Orchards café and market, a major tourism/

locals hub on Highway 133 just outside Paonia, announced that they would be closing for a few days while some testing of staff took place.

**July 7** - The cumulative number of COVID cases reported remains at 84, having added only one new case in the last week. 78 of the individuals with the virus have recovered, leaving six active cases in home isolation.

Big B's Delicious Orchards of Paonia announced that they would be reopening on Friday, July 10 after the staff's test all came back negative.

**July 13** – City Market customer masking seemed a little better today. The store was not giving out coin change due to a nationwide coin shortage related to the pandemic.

**July 15** - The cumulative case count as of today is 86 with only two cases being reported in the last week.

**July 16** – After weeks of trying to cajole people into following the now generally accepted guideline of wearing masks in public spaces, Governor Jared Polis today issued an executive order mandating masking for all public spaces. Kroger/City Market and WalMart previously also said they would begin requiring masking to enter their stores. Exceptions include law enforcement and exercising alone.

**July 17** - DMEA posted the following: "READ OFFICE TEMPORARILY CLOSED"

Recently, there has been an increase in tensions at this office as a result of differing viewpoints regarding masks. Unfortunately, we fear this trend will only continue to rise, despite the recent State mandate that all citizens ages 10 and above must wear a face covering in public indoor spaces. The health and safety of our employees and members is our top priority, therefore, we regret to inform you, this office has been temporarily closed. We appreciate your understanding.

We're still here for you."

**July 21** - Delta County reported four more COVID cases, three females isolating at home and one fully recovered.

Governor Polis announced that all bars in the state should stop serving alcohol by 10 p.m. for at least the next 30 days.

**July 22** - Although the news has been out for a few days, there was a large display ad in today's DCI announcing that Deltarado Days has, at the last minute or week, been cancelled. The DCI's letters section featured several political right-leaning letters decrying the mask mandate while Mayor Mary Bachran of Paonia urged her fellow citizens to do the right thing and mask up.

**July 24** - The county reported that eight more COVID case had been reported over the last week, just over one per day; not a surge but confirmation that the virus is steadily present here.

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# Flavors of the Valley

## Things to do With a North Fork Monster Zucchini

By Colleen Hansen – Herald local foods and cooking columnist

Hooray for the halcyon days of summer, the completion of the annual, seasonal heat wave, and welcome to the, *hopefully*, regular afternoon monsoon moisture. Farms and gardens around the North Fork are in full season with many crops, large and small scale, producing fruit and vegetables to sell and consume, having successfully passed the vegetative growth stage. It may be a bit early in the season to be tired already of summer squash or trying to figure out a new way to use it if you grow your own. Perhaps you will miss harvesting some at the peak size, as I have before, or let a few days go by to discover the larger and often thick skinned and pulpy fruits on the vine. Before giving it to the chickens or compost pile, try a neighbor or friend, if you can find a willing recipient in this gardening savvy valley. That's how I

stuff then bake it, like a stuffed pepper. The tougher skin, depending how mature the fruit has become, and thicker flesh, become an edible container for whatever one might like to combine as filling. This is what I did with one that Mike brought home. We were debating whether or not it was going to be too mature to enjoy and considered feeding the chickens (really it was NOT the most monstrous of squash that can be turned into a zucchini mobile by adding dowels and wheels; that would have constituted it as egg making fodder). Well, we did feed some to the chickens, the pulpy, seedy section that I scooped out after cutting the squash in half lengthwise to create the cavity for "stuffing" but claimed the remaining shell for our dinner.

With a chub of locally raised beef burger purchased at Hotchkiss Meats, a kinder, gentler slaughterhouse where they "pet 'em then kill 'em", I had the protein part of the filling and just needed to decide what to combine with it. Maybe there is a certain flavor or cultural style I have in mind when considering what to cook, perhaps I have fresh vegetables that need to be used, or I envision a different recipe altogether but can make a variation using what I have on hand rather than garnering



got my first of the season baby monster zucchini, from one of Mike's clients.

At this time of summer, I am happy to receive such a gift, our plants are just now fruiting. Instead of direct seeding, we start them indoors and wait to transplant them in the garden until late June or early July both to help avoid the abominable squash bug infestation and limit the crazy abundance for which the productive summer squash is notorious.

Actually, the fruit, from blossom to gargantuan, overripe specimens, all have their own value. The blossoms provide a delicate receptacle for an herbed ricotta or goat cheese stuffing. Dip them into a fluffy batter then fry until golden brown. Sprinkle with a touch of salt and enjoy warm—so good. I have tried this with the very smallest of squash as well, sans cheese, for a delightful appetizer or side dish. Those tender "fingerling" fruits can be cooked whole to provide a gourmet look to any meal, and if you grow a few different varieties, you can have shape, flavor and color variations to further enhance your dish: after all, the eyes eat first. Grilling is always a viable option in the summer months for "average sized" squash: I love grilling all year for so many foods. Simple and flavorful usually does the trick for me, but it is nice to get more creative when time or desire allow.

When a squash grows large, either intentionally or because it was forgotten or not seen for days, I will often

exact ingredients. No dish is ever the same around my house, each one has its own style and usually is at least edible if not extremely delicious for most of the five physical senses. This squash wanted to be stuffed with ground beef, rice, onions, garlic, mushrooms, green peppers, fresh corn kernels, dehydrated garden tomatoes (adds a delicious sweetness), and garden fresh basil then topped with last fall's marinara from our homegrown tomatoes and garlic, and, finally, grated parmesan: try rosemary goat parmesan from Western Culture Creamery...yum!

Sometimes we have a "one hit wonder" meal, which this could have been, but we threw together a simple caesar salad as a cool, crunchy and tangy accompaniment and dinner was served. What I appreciate about spending prep time for a more involved meal, is that usually there are leftovers, planned or otherwise, for another meal that can be a "heat and eat" for busier days, for lunch, or if I just don't want to cook (Mike also whips up great meals for us). We can eat well by enjoying a previous day's efforts.

Though my home garden dabbling only supplements what Mike and I consume each year, it engenders great appreciation for what it takes to reliably grow and raise food. I am continually grateful for the wide range of locally raised and grown edible ingredients we have available to us in this valley. We

Continued on Page 15



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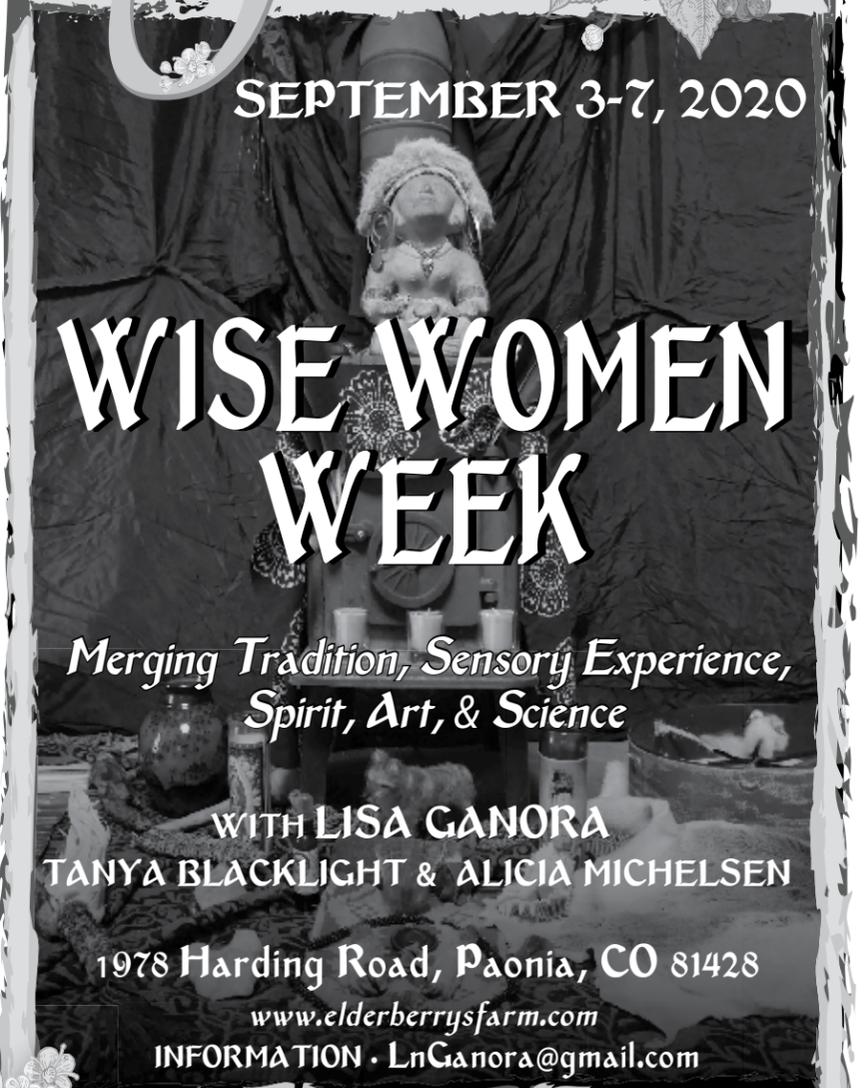


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# Results of Primary Elections: Gun-toting Boebert Defeats Incumbent Tipton! - Koontz Confirmed as District 3 Republican Commissioner Candidate

By Thomas Wills

In the only Delta County-specific primary race, for Republican candidate for District 3 County Commissioner, former Hotchkiss mayor and coal mine geologist, Wendell Koontz, received 5,386 votes to Hotchkiss business woman and community activist/booster, Kim Shay's 238 write-in votes. There was no Democrat running for that party's nomination in either District 3 or 2 where Republican incumbent Don Suppes was unopposed. Koontz may be challenged in November by Independent Jere Lowe.

In perhaps the most surprising local, and regional, vote Republican challenger and Rifle bar and restaurant owner Lauren Boebert came out ahead by a wide margin in Delta County over incumbent Representative Scott Tipton 4,030 votes to 2,545. Statewide in what amounts to a Republican revolution Boebert defeated Tipton for the Republican nomination 54.62% to 45.38%, which means that two women will now be contesting the District 3 U.S. Congress seat. Boebert cuts a striking figure as the owner of Shooters Grill, a Rifle bar and restaurant that features Boebert and her staff sporting handguns. Her win drew immediate, gleeful national press coverage, some of which characterized her as a far right Q-Anon conspiracy theorist who hasn't taken the COVID pandemic all that seriously since she once reopened her restaurant illegally and was reclosed by the health department.

On the Democratic challenger side, Diane Mitsch Bush defeated rival James Iacino in Delta County 2,031 to 1,339. Mitsch Bush was also the winner in the whole of the District for the Democratic nomination and will now face Boebert. Mittsch Bush is characterizing Boebert as a far right extremist while Boebert is comparing herself to a conservative version of Rep. Alexandra Ocasio Cortez.

In the race for a Democratic federal Senate nominee to challenge Republican incumbent Cory Gardner, the statewide and county winner was ex-governor John Hickenlooper. Hickenlooper received 2056 votes to Andrew Romanov's 1,457 in Delta County. Hickenlooper won his nomination statewide by roughly the same percentage. Gardner is considered vulnerable in some political circles.



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# Marla's Valley: Rain on Fruitland, a Dresser Interrupted, Oven Cleaning, and a Passion for Masked Life

All by Marla Bear Bishop – Crawford Country, Fruitland Mesa and beyond correspondent

Wonder of wonder, miracle of miracles, it rained! Almost forty-five minutes non-stop! Here and there we've been promised some relief but have not sustained more than the three raindrops kind of rain. The dry earth and my aged skin both rejoiced at the moisture even as previously hurt bones attached by aching joints didn't fully appreciate it. As masks are required for our current health crisis, they have also been good to keep the dry dust out and to conceal my parched hide. Hooray for the rain that every living thing needs in these hot days of summer.

Hot...let me segue here and speak of my oven with its crusty tomato base and sugar laden black berry splotches on the window. It was pleading with me, this oven, to put some elbow grease into at least several hours of, if not a waste of time, at least a not very fun time. I made a decision that I've yet to make at any other junction in history. Odd it was to make this choice on a 90-degree-day, I know. I hit the switch that said "Self-Clean" and I was shocked that it started a countdown of four hours! Four hours? Really? That would be almost a roasting of a nice-sized turkey. Would it be a huge disappointment to only get a clean oven out of the deal?

This oven feature did not free me up to leave home and forget about it, as I was a bit frightened at the high temperature produced by the activity. With the windows and doors open it was the same temperature inside the house as outside—94 degrees.

Being trapped with this going



Social distanced horsebacking in the aspens.

on gave me ample opportunity to take notice of my lone giant dresser that holds the majority of my clothes. The wood is dark and beat up, looming large in a small space. I've never refurbished furniture but my mother was a pro at it; how hard could it be? I went about this task ass-backwards as they say. Out came every stitch of clothing into big plastic bags,

there and all this is good because with dresser drawers stacked high and big bags of clothes taking up breathing room, it's important to have a distraction of order and mastery over chaos.

In this time of overwhelming uncertainty and divisiveness my little garden table has produced instant salads and a sense of accomplishment; potted flowers have brightened all my days. Shopping for others has given me all the socializing I feel safe to do outside of where my horse has taken me with my posse. We go often exploring this North Fork Valley and into the hills surrounding us. I know the world is suffering while we are isolated in so many ways here in this particular location. It is easy to forget or worse, to dismiss or deny the pain and injustices found in our country and around the world. All we can really do is try to understand where our neighbors are coming from and how they came to view

and off came the hardware into a box for safekeeping. Drawers I stacked in the living room. Then I Googled tips on how to go about this project. I YouTube videos for help. Why oh why did I not do any of that first? There is no way, especially in this time of social distancing, that this gargantuan piece of my home can be taken outside for its makeover. The process is likely to take tools I do not own and days as opposed to hours to complete.

So let me get back to the oven. Wowsa it is sparkling! I open the door and look in quite often. I stress over anything that might spill in

their view. We preach to our own choirs and thus don't get very far but farther apart we are. Depressing for sure.

How about that comet? Those sunsets? What's been making you smile? For me, my Face Time connections to grandkids that live far from here and are growing at alarming rates in cities that I'm not inclined to visit anytime soon which is disconcerting to say the least. I'm loving reading to the little ones and discussing the plans for the future with the teenager who will not be visiting this year for the first time in nine years! My heart!

Mask up folks and we will get through these strange times. Bravo to all the businesses such as our wonderful wineries that have figured out safe practices to open. Hair salons, too. Restraints working within the restrictions, we thank-you! Welcome back, Kelly at Flying Fork in Paonia! Joe's in Crawford, welcome to you! Can't believe summer is coming to an end sooner than later without events such as dancing to live music, barbeques, parties and many summer activities once enjoyed but now on hold I know many that are still unconvinced that we could end up as statistics along with city folk. I know that many feel that this is fear mongering. Lots of you are not social distancing and have considered those that are quite foolish. I continue to hope you remain safe and healthy and hope you wish that for me, too.

Keep those heads held high, practice self-care and keep connected to those you love and adore. If you feel isolated reach into your bookshelves, into your recipe books, into your phone contacts, into your art and your talents. You can write me and I'll write back. Thanks to those that have offered help on my allergies and to new friends in the horse world! Connection is everything.

*Editor's note: I asked Marla what ultimately happened with the dresser? Answer: "It all remains the same. Drawers stacked up in living room and bags in plain sight."*

Correspondance can be sent via the Herald: [elazarus.wills@gmail.com](mailto:elazarus.wills@gmail.com)



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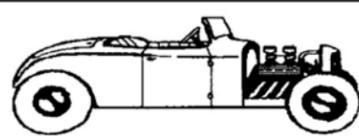


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# Paonia Harvest Festival and Pickin' in the Park Cancelled

By Thomas Wills

Paonia Town Council Meeting –  
July 14, 2020

Present: Mayor Mary Bachran, Dave Knutson, Karen Budinger, Michelle Pattison, Bill Bear, Mick Johnson, and Tami Meck.

The Paonia Town Council meeting began with the sad news, from Tom Backhus of the Paonia Mountain Harvest Creative, that board of directors had voted the day before to cancel the 2020 Mountain Harvest Festival due to COVID-19 concerns. Mayor Mary Bachran and the council expressed disappointment at the outcome. The cancellation capped off a season of cancellations of all major events in the Valley including Paonia Cherry Days and Pickin' in the Park, which promoter Rob Miller confirmed was now cancelled in a July 9 letter sent to the Town and supporters.

## Former Mayor Charles Stewart Honored

Former Mayor Charles Stewart was honored by new mayor Mary Bachran in a council chamber with only two other audience members present and everyone wearing protective masks. Stewart, a local attorney, served from 2014 to 2016 on the Town Council and as mayor from 2016-2020.

Bachran praised Stewart for his efforts to bring more order to Town Council meetings, which previous, more laid-back mayor, Neal Schwieterman, had sometimes let veer off into the weeds.

"You made my job easy," Bachran said.

## Officers Finally Appointed

Before a second reading of an ordinance that tweaked the wording in the Town Code to make it clear that the State law requires statutory municipalities to appoint/reappoint Town Officers no more than 30 days after each municipal election, the Trustees voted to unanimously appoint the following Town Officers: Town Clerk – J. Corinne Ferguson, Town Treasurer – Ross King, Municipal Judge – Julie Huffman, and Town Attorney- Bo Nerlin. Trustee Dan Knudson questioned whether Nerlin should be appointed since he was leaving the law firm of J. David Reed, which represented the Town, and was negotiating on either whether he could continue, another Reed attorney be requested, or the attorney position be put out to bid. Nerlin said that he would resign as an officer if the Town should choose other representation.

The Town was 60 days late in appointing the Town Officers, which was done only after former Trustee Suzanne Watson pointed out the clear violation of State law.

### Other discussion and actions:

The council took action to confirm that they would have a question on the November coordinated ballot asking citizens if they would approve commercial marijuana businesses within the town. The confirmation was needed by July 24.

An ordinance changing the Town's requirement for fences, walls and hedges was considered again.

Public Works Director Travis Loberg noted that one of the domestic water treatment plants was spilling (excess water flowing in from the springs that is not stored or used in the system) 2,000 gallons a day while the other one was spilling 42,000 gallons per day. Trustee

Michelle Pattison asked if the council could be provided with a monthly update on production and spillage at the water plants as the season progressed. Loberg said he had a spreadsheet with that data and would provide it.

Concerns were expressed that the Town Park was not being watered adequately. Suzanne Watson expressed concerns for the health of the park's trees.

The Council held a lengthy executive session to discuss the Eric Pace vs the Town of Paonia case as well as Town Attorney Bo Nerlin's contract now he is leaving his present firm, J. David Reed of Montrose.

Financial officer, Cindy Jones, presented a proposal by Clear Government to provide new financial software for the Town.

The Trustees considered a letter drafted by Ben Katz of WSCC opposing the draft BLM Resource Management Plan and particularly how it addresses oil and gas development in the Town's watershed areas.

## Saturday Downtown Street Closure Conditionally Approved

Paonia Town Council Special Meeting –  
June 30, 2020

Saturday afternoons in downtown Paonia this summer will look and feel a little different as local businesses try to creatively work within pandemic restrictions.

The Paonia Town Council met on-line via Zoom on the evening of June 30 to discuss a proposal by Amy DeLuca of Cirque Cyclery and other supporting businesses to close the 200 block of Grand Avenue from 1 to 6p.m. on 13 Saturdays through the summer as a way of promoting business downtown. DeLuca or a representative did not attend the meeting to have met with the Town Administrator/Clerk – Corinne Ferguson, and mayor Mary Bachran and presented a petition from downtown businesses supporting the action. Apparently, some businesses would extend commercial activities into the sidewalks/street during these afternoons. The mayor and trustees were all uniformly in favor of the closure intended as part of an effort to promote downtown core businesses but had some questions and concerns.

In the end they approved closing the section of street for the afternoons of Independence Day, July 4 and for the following Saturday, July 11 and then reexamine the question at their July 14 regular meeting. They also approved waiving the normal fees of \$25 per hour for such street closures for the two Saturdays. Questions included how/whose insurance would cover any commercial activity occurring on public property? Also, how much would it cost the Town to close the street and waive fees in terms of public works and policing costs?

There was also a small debate on procedures for street closures. Administrator/Clerk Corinne Ferguson told the council that under established policy she could administratively allow street closures of up to four hours without a board action but that since the organizers were requesting five hours each Saturday, that made it a council matter as did the request to waive fees. Trustee Dave Knudson seemed to disagree somewhat and wanted to make clear that the Trustees approval of such a broad, long-running street closure was based on the Town wanting to help business during a time of pandemic challenges.



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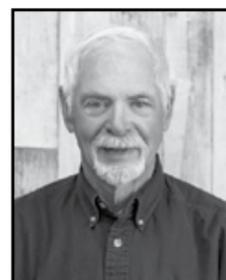
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## Hotchkiss Merchants' Informal Meetings:

First Wednesday at 8 a.m.(ish) at the Fairgrounds Park, and  
3rd Wednesday at 6:00 p.m. - Parking Lot at Ace/Gambles.

*A friendly get-together to chat about Hotchkiss business and other stuff.*

*Organizer, Kim Shay, sends out a mass email reminder a few days before hand. If you are not on the email list, contact Kim: [gamblesacehardware@gmail.com](mailto:gamblesacehardware@gmail.com)*



# WE ARE OPEN!

All libraries in Delta County are now open on a limited basis.

In order to provide a safe environment for our staff and patrons, some of our services and policies have changed.

Please visit our website or call your library for details.

[WWW.DELTALIBRARIES.ORG](http://WWW.DELTALIBRARIES.ORG)



# VALLEY ARTS AND CULTURE

## Blue Sage Center for the Arts: The Blue Sage Stays Safe While Offering Interesting Fare

(Press Release)

The planet keeps on turning and it's up to us to adapt to whatever life brings. At the Blue Sage we're determined to keep art and culture alive in the North Fork Valley while keeping everyone as safe as possible. Creative works once again decorate the gallery walls, with exciting exhibits to round out the summer. This year the Delta County Fair will be limited to the livestock raised by youngsters, but those of us who treasure this region's rich heritage will be fascinated by the August show at the Blue Sage: "Romancing the West" features sculpture by Susan Olsen and the paintings of Lorraine Davis. A virtual opening reception takes place on Final Friday, July 31, from 5-7pm. Check our website for a link to the virtual event: bluesage.org. If you can't make the opening you can view "Romancing the West" through August 22.

In September our Grand Avenue neighbor High Country News, in partnership with the Autry Museum of the American West brings an historic exhibit that is touring from Seattle to Albuquerque to the Blue Sage Gallery here in Paonia. This quality retrospective celebrates HCN's fifty years of chronicling the challenges and triumphs on this side of the Great Divide, offering a window into the past, present, and future of the West.

Through the generosity of the Shelia Fortune Foundation we're offering a trio of workshop opportunities for North Fork Valley teens. All workshops require pre-registration. Photography and memoir meet at Town Park while clay mask sculpture is held at Paonia Clay Works at the end of Grand Avenue.

- Internationally renowned photographer Sandy Kaplan (who was kind enough to judge last year's Picture Paonia competition) will share her vast knowledge to help students capture breathtaking images.

- Yuri Chicovsky offers "Reflections 2020: Memoirs from the New World." The art of memoir writing can turn experiences into powerful stories. Student's work may even become part of the Smithsonian exhibit "Crossroads: Change in Rural America" coming to Paonia in January 2021!
- In this era of masks learn to sculpt one that's a work of art! Get your clay creation fired and painted with the guidance of Emet Noa from Paonia Clay Works.

The always-popular Harvest of Voices reading of original poetry and prose will take place at the end of September. (We're still working on the best way to keep both readers and listeners safe while maintaining the magic.) Submission guidelines for interested writers are available on the Blue Sage website for the six-minute performance slots. Youth are encouraged to submit, too. Deadline: August 31, 2020.

The Blue Sage has new summer hours during the pandemic—please call us at 970.527.7243.

## Delta County Libraries Reopened on July 21

By Thomas Wills

According to Delta County Libraries spokesperson Tracy Innot, and information posted on the District's website, the Delta County Libraries including the branches in Hotchkiss, Paonia and Crawford reopened on a limited basis as of Tuesday, July 21.

In Hotchkiss the hours are: Tuesday and Wednesday: 10-12 and 2-6 split shifts and Saturday 10-12. Paonia: Wednesday, Thursday and Friday: 10-12 and 2-6 split shifts and Saturday 10-12 and 2-4 split shifts. Crawford: Tuesday and Friday: 10-12 and 2-6 split shifts and Saturday 10-12.

There are limits to service at

all libraries including 50% of capacity with limited numbers of patrons being allowed inside at a time. Visits should be limited to 30 minutes per visit. Patrons will be required to wear a mask and socially distance. Masks and hand sanitizer will be available at the entries.

Meeting rooms are closed for now and the libraries are not accepting donations. All returned materials are quarantined for 72 hours before being restocked.

The libraries have been closed to in-person inside visits for over three months but have offered ordering of materials with curbside pick-up. The latter will continue for those concerned about entering, Call your local library for details.

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## Zoning Continued from page 3

neighboring residences and 100 feet + from property lines), for IAFO the residential setback is 300 feet minimum or 1 foot per animal unit (AU) whichever is greater. In the case of chickens 50 birds = 1AU.

The definitions for the sub-categories of “intensive agriculture” are: MAFO- a coral, enclosure or structure housing between 50 and 150 AU., IAFO – the same with between 150 and 999 AU, and CAFO – 1,000 or more AU. So, the controversial Powell Mesa chicken barn with 15,000 chickens in residence would be considered an IAFO, and a barn with up to 7,500 chickens would fall under the MAFO heading.

Bottom line: no new concentrated animal feeding operations would require open public reviews and could be allowed in any A-20- or A-35 zone, ever fairly close to a town, conditional upon the setbacks and applicable State and federal health and environmental requirements being met. Also, there is no acknowledgment that there are very different types of impacts from large chicken barns (airborne allergens, etc.) versus cattle and hog operations (mainly odors).

### Oil and Gas

Under the equally controversial Oil and Gas Extraction heading the document punts for now with no zoning restrictions and a notation that the issue space in the zoning chart is “reserved”. The County currently has no specific oil and gas regulations having repealed them in late 2019 claiming to be waiting to see what new regulations develop from the State side.

The only uses that are specifically prohibited within all zones are “marijuana uses” and outdoor junk storage. Under the law zoning cannot be used to absolutely prohibit any legal use.

### Background

*Blame the Chicken War.* Delta County’s first semi-serious master plan was adopted in 1996 in the midst of a growth boom in the Valley and County. The *Merchant Herald* was founded late that year and I had begun writing about the County planning process for the *Valley Chronicle* for several years prior to that. The main concern among residents at that time was growth impacts. Some were worried about commercial and small lot residential sprawl cluttering up the rural countryside and wanted the county to rein it in and send higher density residential

development and commercial sprawl in or close to the towns where there was adequate infrastructure. Others were equally concerned that any restrictions would diminish their “private property rights.” In the end, the 1996 Master Plan was a bit vague and general but was a step in the direction of responsible land use planning.

In the implementation phase, which went on for a few years until the growth slacked off, some regulations were adopted including a toothless sort of quasi performance zoning for commercial uses called the Specific Development Regulations.

### Timeline:

**1992** – Attempt at developing Gunnison County-style land use code and building codes is abandoned after heavy opposition.

**1993** – County begins a grassroots discussion of a master plan process and divides the County into seven watershed-based planning districts including three in the North Fork.

**1996** – **General Delta County Master Plan adopted**

**2002** – Gunnison Energy brought natural gas well drilling to the Valley when it proposed a series of exploratory wells along the lower slopes of the Grand Mesa from Cedaredge to Bowie. This began local resistance to gas development in the area that continues to the present time. This includes a call for local regulation of the industry particularly in relation to surface impacts and possible water contamination.

**May 16, 2018** – **New Delta County Master Plan adopted by Delta County Planning Commission**

**May 21, 2018** – The Delta County Commissioners appointed two working groups focused on the two most controversial commercial land use areas: Oil and Gas, and Confined Animal Feeding Operations. Members were split between industry advocates and opponents.

**January 2019** – Delta County announced that it would be updating its land use regulations.

**June-July 2019** – Delta County hosted a series of open informational meetings where they revealed a framework of lot-size zoning.

**July 2, 2020** – Delta County announced that they had a draft of the proposed new land use regulations/zoning ready for public review.

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## North Fork Senior Connections: Seniors Brain Boosters Training Returns to the North Fork

By Linda McCone - North Fork Senior Connections

Did you know that coffee has been shown to improve short-term memory? Or that memory improves after physical exertion? Mindfulness meditation can enhance working memory and those who practice religion or spirituality have slower rates of cognitive decline.

These are just some of the facts about brain health that you can learn in the online course, "Boost Your Brain & Memory" presented by North Fork Senior Connections beginning August 13<sup>th</sup> from 4 to 6 pm and continuing weekly through October 1st. This acclaimed 8 week class from the Mather Lifeways Institute helps participants learn practices that can help them live a healthier lifestyle, remember things better, be more organized, pay closer attention, and regulate their emotions; all of which are practices that have been shown to reduce cognitive decline and the risk of Alzheimer's disease.

Dementia is a particularly devastating class of diseases affecting primarily older adults. Short-term memory is generally impacted first but the damage is progressive and there is no cure. However, research has shown that the brain can build up cognitive reserve through lifestyle changes that allow us to continue to function despite the damage caused by Alzheimer's and other dementias. There are also several compelling studies showing that the human brain has plasticity, the ability to re-wire itself, and can

continue to grow new brain cells and make connections that enable us to learn and function as we age.

Among the activities taught and practiced in the course are physical exercises to improve strength and balance, intellectual activities, nutrition guidelines and suggested recipes, and stress reduction techniques. Tips for improving memory are taught throughout the program. One essential component is the focus on goal setting and follow-through reinforced by group discussion and "homework".

Boost Your Brain & Memory presents the scientific findings underlying the program through clear, engaging videos, group discussions and easily understood exercises for home practice. All are designed to help participants develop the skills and habits that have been shown to improve cognitive reserve and brain plasticity.

The series will be presented through regular weekly zoom meetings to a small group of 12 participants. The program is free and open to the public. You can register online at the North Fork Senior Connections website:

<https://nfseniorconnections.helpfulvillage.com/events/62-boost-your-brain--memory>, send an email to: [nfseniorconnections@gmail.com](mailto:nfseniorconnections@gmail.com) or call North Fork Senior Connections at (970) 527-3482. Pre-registration is required and will be limited so sign up early!



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## District 3 Commissioner Race Looks Like Republican Wendell Koontz vs Independent Jere Lowe

By Thomas Wills

The District 3 County Commissioner race may be a race after all. As this is being written, Jere Lowe of Earth Friendly Farm Supply is collecting signatures to run against former Hotchkiss mayor, and coal mine geologist, Wendell Koontz, who is the Republican candidate for the position.

We asked both candidates about their initial take of the proposed Delta County Zoning/Land Use Regulations.

Koontz responded by e-mail:

"I do support the Delta County Land Use Plan. These revisions are a significant improvement over the existing Specific Development. The LUP will provide clarity for landowners and minimize conflict between neighbors. Ag operations and businesses will be able to plan and invest for the future. There

will be tweaks and corrections as the LUP is implemented, but overall will be a confirmation of private property rights. I encourage everyone to review the maps and document."

Lowe, who said he was very busy collecting enough petition signatures by the July 27 deadline, expressed concern about how the document addresses confined animal operations:

"As a VOGA member and organic farmer myself... I am certainly against any CAFO situations in general in Dist 3 as it absolutely is the opposite of what we have been building here in the North Fork when it comes to being the highest concentration of organic farms in the state and an example for the nation."

Koontz also expressed his support for the Back the Badge initiative which would raise revenue for Delta County law enforcement through a new sales tax.

# Another Month in the Valley

Continued from page 4

They continue to claim that the law and the ordinance that echoed the law word for word was “not clear” and passed an ordinance that added a few words towards supposed clarity. It would be nice if government, on all levels, when they misspeak or make a mistake, as we all do, would apologize, acknowledge that they were wrong, and fix the problem without casting blame elsewhere. But given the example of the opposite tact from the head of our national government, it may just be a mirror of these dark times.

Note: Kudos to Paonia Town Administrator/Clerk, Corinne Ferguson, in her open, transparent, diplomatic, and very friendly approach to her job.

**July 16** - Some young people and supporters primarily from Paonia staged an anti-racism protest outside the Delta County School District offices in Delta during the School Board meeting. They have gathered some 400+ signatures on a petition to ask that the District adopt a range of anti-racist policies.

**July 18** - The Hotchkiss Saturday Market looked especially good today as veggie season is coming on stronger.

**July 19-21** - Heat, mixed with humidity due to light monsoon sprinkles in the afternoons. My smaller tomatoes, cherry and grape varieties, are now producing steadily.

**July 22** - The Hotchkiss Planning Commission met in-person to discuss a list of things including an in-progress agreement with Delta County regarding the growth area around the where county and Town interests overlap. This was their first meeting since February 26, 2020.

There was a very brief, but good rain in the late afternoon. About a quarter inch total fell in Hotchkiss according to a bucket in my yard. Marla Bishop reported that it was also raining on Fruitland Mesa where it had been tinder-dry.

**July 24** - Some very nice rain fell overnight, about a half inch in Hotchkiss.

**July 25** - A lovely, mist rain fell during the morning.

## Business News and Other Rumours

**What's Happening in Hotchkiss?** Kim Shay of the Hotchkiss Downtown Merchants' group says that the twice monthly meeting will be starting up on the first Wednesday at 8 a.m. at Fairgrounds Park and on the third Wednesday at 6 p.m. in the shaded area of the parking lot at Ace Gambles. Bring your own chair and snacks or drink if you wish.

**The Delta County Fair will have a Fair Royalty contest** on September 13. While most of the regular events of the County Fair have been cancelled, and those that are happening (animal judging etc.) are closed to the general public, there will be a contest to choose a Fair Queen, Princess, and Junior Princess. Applications were due August 1. Call 970-270-4493 for info.

The Town of Hotchkiss is looking

to hire a new building inspector. They have just updated their codes to the 2018 versions of the IBC/IRC codes and the 2016 Energy Efficiency Code so you'd need to be certified on those.

KVNF early co-founder/DJ, volunteer for 40 years, and Belmont Building namesake, **Felix Belmont**, turned 102 in late June and looks fine and fit.

**The farmers markets** on Pitkin Mesa (O-Road -Tuesdays 3-8) and in Hotchkiss on Saturdays (9-2 or so) seem to be doing pretty well and are giving people an excuse to mask up and go buy some local foods.

The Paradise Theatre's **official re-open date was Friday, July 3** with a maximum capacity of 25 people. More from the management: *“There is designated seating to provide social distancing. We ask that everyone wear a mask while purchasing tickets and concessions. If you would like to guarantee your spot, please purchase your tickets in advance through our online Square store: <http://the-paradise-theatre.square.site/> Because of our capacity limitations, we will unfortunately not be able to honor free passes or punch cards during this time. Please save them, because they will be good once we are able to re-open to full capacity. Gift Certificates will be honored.”*

**Paonia United Brewing PUB** announced that they would begin having live music with social distancing and masks when not seated.

**Alfred Eames Cellars** on Stewart Mesa announced that they will host a Wine Trail Dinner on August 1.

**First Fruits** cherries were being sold in Paonia. Small blessings. **Rogers Mesa Fruit** is advertising for packing house help beginning the end of July, which means that there are actually some peaches out there.

The **North Fork Creative Coalition** has a new executive director with **Heidi Hudek** stepping into the shoes of Susie Kaldis Lowe. Hudek is a ball of creative energy, and the organization of local creatives seems to be pivoting nicely to promote the arts in the new six-feet-apart, and masked, reality.

In case you've missed local social media trends, **the Facebook Cedaredge Message Board** is the new Paonia Message Board, which has gotten pretty tame. CMB allows any sort of misinformation and conspiracy theory to be explored in depth, which is sometimes pretty entertaining.

And **KVNF Public Radio** has a new reporter and morning news host, **Gavin Dahl**, who recently moved to Montrose and hosts the morning news live from KVNF's Studio M. Dahl was the station manager at KDNK in Carbondale from 2017 to 2020 as has a quite impressive resume. Dahl stopped by the Herald office to chat and it was nice to hear he appreciates our different approach to local news and community.

# Flavors of the Valley

Continued from page 8

all need to eat, and many people make their living farming, ranching, baking and cooking for local consumers, more distant ones and visitors from other areas. VOGA has recently published their 2020/21 directory filled with these local purveyors. “We divided our members into five categories: Vegetables, Herbs, Flowers & Honey; Meat, Poultry, Eggs, Dairy; Fruit; Retailers & Organizations; Wine, Cider & Spirits. This year, we have 113 listing members and over 40 supporting members

- thank you! We are so proud to live and farm with this wonderful community.” Visit their website, <https://vogaco.org/>, for further information. Especially if you are new to the area, but also for longtime residents, I believe the directory is vital to navigating your way around the valley to support our local economy and maintain our personal and community health.

Until next month, peace and health to all of us!

**Hotchkiss Commission Discusses IGA**

**Wills' Gallery and Used Books**  
**229 West Bridge Street • Hotchkiss**  
**Open 9:30 -5:00 Tues. - Saturday**  
**Books, Movies, Art, Music, Dust, Clutter,**  
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 WesternColoradoRealty.com



Mike Jackson Bob Pennetta Dave Mitchell Myles Roberts Joe Young Jocelyn Wiggins

  
**COZY AND CUTE 2BD HOME**  
 in move-in condition. 1 car garage with attached workshop, and a carport too. Unfinished basement provides lots of extra storage space. Nice fenced yard and private covered back patio. Views of the mountains and river from the yard.  
 #751619 \$115,000 Myles Roberts 234-3391

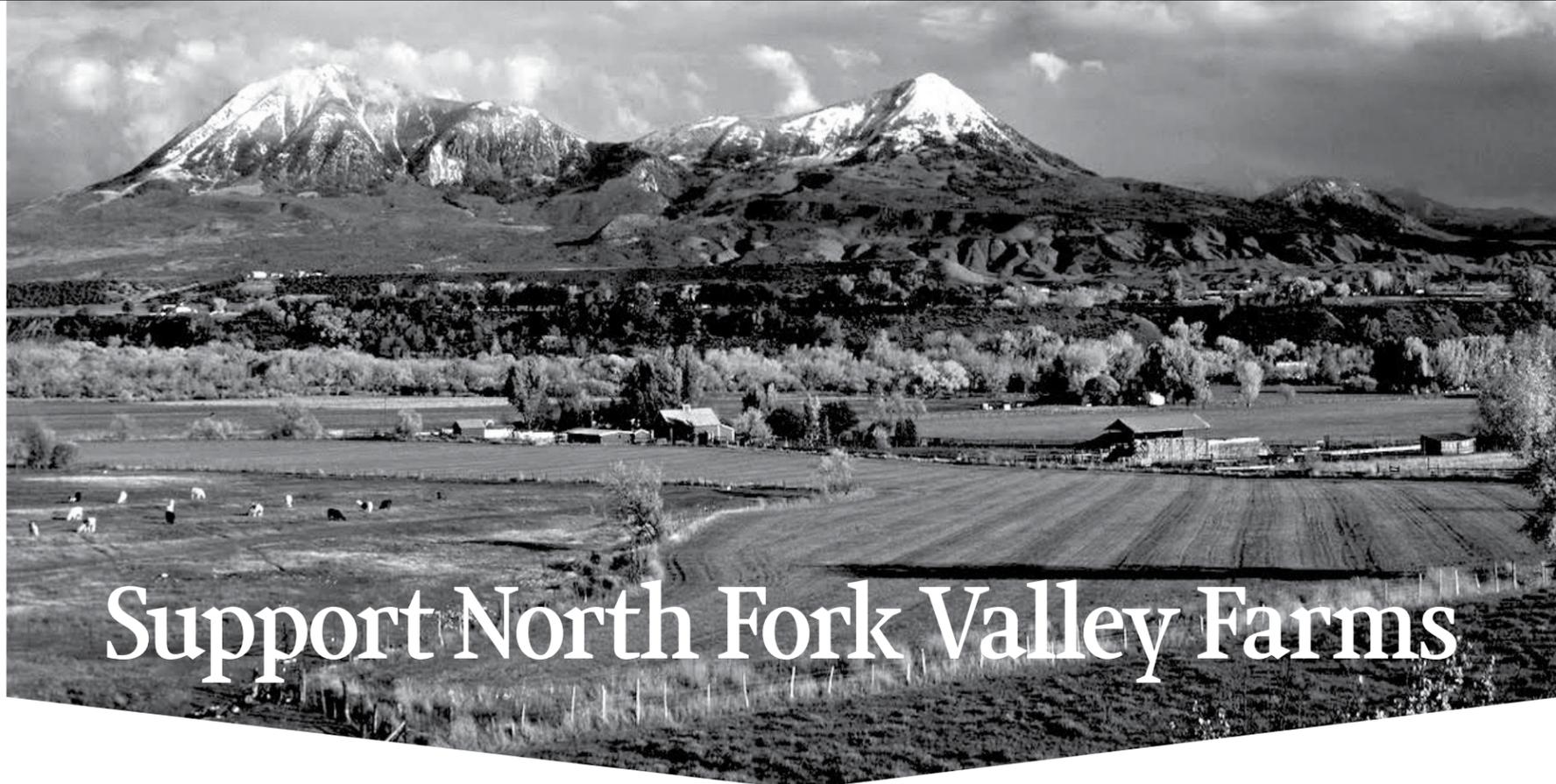
  
**2BD/2BA HOME IN THE SILVERLEAF**  
 Co-Housing in Paonia! Energy efficient pumice-crete construction w/heat-pump in-floor radiant and PV solar. High ceilings enhance the spaciousness. Bamboo flooring, gorgeous kitchen cabinetry, designer ceiling fans, and more. Covered parking, additional storage and a community house too!  
 #765429 \$309,000 Mike Jackson 234-4427

  
**WELL-BUILT CRAWFORD HOME.**  
 2,860 sqft home with 4 bedroom 3 Bathrooms with a large basement den. 20'x22' deck off the main living area is private and surrounded by landscaping. Quiet location in town with mountain views. Home isn't modern but it's well cared for.  
 #771857 \$265,000 Dave Mitchell 234-4046

  
**40ACRES-TWO HOMES**  
 just outside of Crawford. The existing home is 820 square feet. Multiple guest quarters. The second residence is an unfinished 1,300 sq.ft. log home that has an engineered septic system and water line from a shared well. All near National Forest.  
 #771061 \$372,500 Dave Mitchell 234-4046

**LIVE ON THE SMITH FORK OF THE GUNNISON RIVER IN CRAWFORD.**  
 Great 35 acres with every type of wild life you could imagine in the Western Rockies. 5 irrigated acres to raise a little hay. Wooded hill sides, a little water fall and a pond to soak your feet in.  
 #771437 \$265,000 Bob Pennetta 234-2232

**SPECTACULAR BUILDING SITE ON A DOUBLE LOT WITH UNSURPASSED VIEWS**  
 in the fast-growing North Ridge Meadows Subdivision! Domestic water tap, sewer tap, electric and gas on-site. Large trees on the Eastern edge of the lot. If you are considering building your dream home, take the time to tour this desirable property!  
 #764277 \$48,520 Bob Pennetta 234-2232



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AND YOURSELF STRONG AND HEALTHY**

**BUY LOCAL. EAT LOCAL. DRINK LOCAL.**



North Fork Valley Farms | Essential Every Day  
Clean Air + Water + Soil = Healthy Community  
Our collective mission is to preserve our health.



For information on Community Supported Agriculture and where to find local organic food visit the Valley Organic Growers Association website and directory at <https://vogaco.org/>

If you can, invest your stimulus check in the local economy.

**BE WELL. BE SAFE. BE EMPOWERED.**



# Hotchkiss Planning Commission Discusses IGA With County, Future of Old Public Works Building, and Its Own Future

By Thomas Wills

**Hotchkiss Planning Commission**  
July 22, 2020

*Present: Chair- Roger Christian, John Marta, Mayor- Larry Wilkening, Esther Koontz, Chad Lloyd, and Sean Cantrell. Absent: Rich Kramer. Also: Tom Wills – Merchant Herald*

It is notable that the Hotchkiss Planning Commission met for the first time, in person or virtually, in over four months on Wednesday, July 22. All commission members were masked during the meeting although a couple of noses emerged from time to time as some tried to avoid the fogging of their glasses from masks without a snug bridge-of-the-nose fit. Sgt. Chad Lloyd solved that problem by taking off his glasses.

Among the items on the agenda:

would consist of: three citizens (including one serving as Chair) all appointed by the mayor, and two ex-officio members- the mayor, and one trustee. The Town of Paonia currently has a five-member Planning Commission.

Mayor Wilkening listed several concerns: 1. It is difficult to find citizen volunteers to serve on the planning commission. 2. The current make-up of the commission tilts to majority representation by elected and Town officials that may create a perception of bias. 3. A five member commission would include only two elected officials to three citizen members.

Advantages of the seven-member commission include a broader range of opinion and expertise. Advantages of the five-member board might be a lessened perception of bias.

It was noted that the Planning Commission is intended as a non-political

a brief discussion of the process of updating the Town's Growth Management Intergovernmental Agreement (IGA) with Delta County that spells out the Town's and County's reciprocal rights and responsibilities in regard to an area adjacent to the town, which is seen the future growth area for the municipality. In Hotchkiss's case this consists of areas easily served by the Town's water and sewer services and includes the Highway 92 corridor south to the high school and Crossroads Recreational Complex.

The County's new Zoning regulation denotes the Hotchkiss growth area as a specific zone UGA (Urban Growth Area) and allows a range of uses in the zone. An updated IGA could more closely define where some uses could locate and *could* require Town building codes to apply to all or some construction within the UGA. Determining specifics will require negotiations between the

Town and County.

The County's Zoning/Land Use Regulation that may be adopted by the end of the year was also discussed and Mayor Wilkening urged the commission members to read the draft document. The initial comment period expired on the day of the commission meeting and the County is now considering revisions and will release a final draft soon for further comment.

## Possible Uses and Disposition of Old Public Works Building Discussion

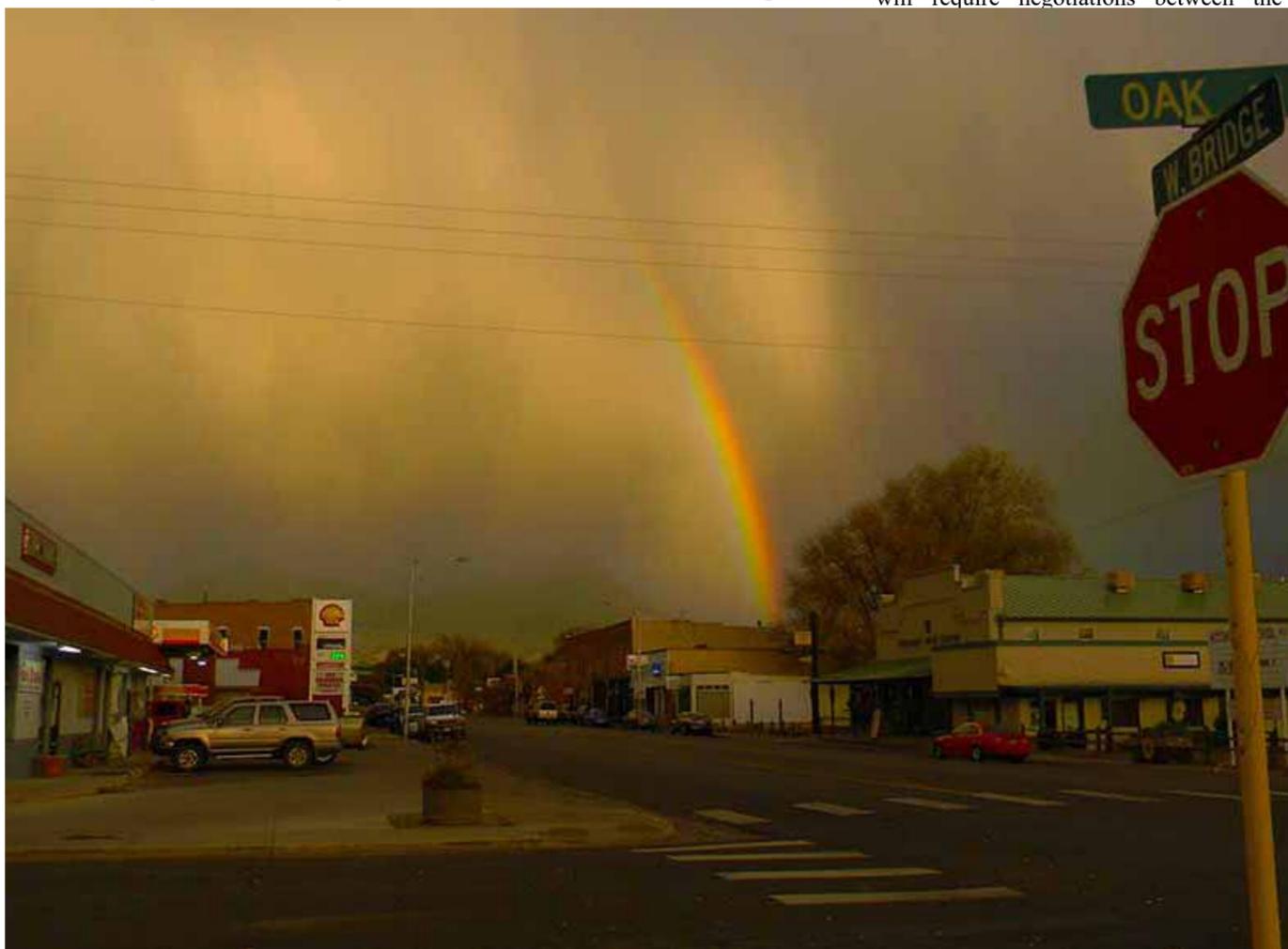
Mayor Wilkening took a poll of commission members as to what they thought the best future use of the downtown public works building might be. The old facility at the corner of Oak and West Bridge Streets is being replaced by a brand new, larger building on Barrow Mesa adjacent to the Town's new lower, treated water tank.

The members all agreed that ideally the old building/property should be devoted to retail business that would generate sales tax for the Town. The most often mentioned type of business that is currently missing from the town was a feed store. Wilkening noted that Community Builders, a non-profit that is currently conducting a light manufacturing feasibility study for the Town may also come up with options and even some funding for cleaning up the property. One vision might be retail spaces mixed with "maker-spaces" producing some sort of product.

Wilkening said that the Town wants to sell the building but may try to favor purchasers who have a retail type vision for the project. The Barrow Mesa facility is nearing completion.

## Other items:

On the agenda, but not addressed since the local realtor who requested the item did not appear, was a discussion only of a possible condominiumization of 178 East Bridge Street, the old Gambles building next to the Elks lodge. The building is 3,500 square feet including a refurbished commercial space on the ground floor plus a very nice modern apartment upstairs. The building is for sale.



**Hotchkiss, The Town at the End of the Rainbow? Photo by Tom Wills - Merchant Herald**

## Realignment/Makeup of the Planning Commission Discussion

Mayor Larry Wilkening led a discussion of whether or not the Planning Commission should continue as a seven-member board or the Town should consider a five-member board.

As a statutory Town bound to follow the State statutes (31-23-201) related to statutory municipal planning commissions, the Town has the choice of either a seven-member board (currently established by Town ordinance), or a five-member body. A seven-member commission consists of: Three citizens (including one serving as Chair) all appointed by the mayor, and four ex-officio members: the mayor, one trustee appointed by the mayor, one trustee appointed by the trustees and one town official appointed by the mayor. In many towns the official is usually the Town Administrator or Town Planner, but since Hotchkiss has neither position, and by statute the official must be a Town citizen, Sgt. Chad Lloyd of the Marshal's Department has filled the position for a number of years.

A five-member commission

body that reviews land use proposals based on the existing regulations and policies but also helps establish and fine tune those regulations and policies as well as being the official body that produces and adopts, and updates the Town's Master Plan.

There did not appear to be a consensus to change the makeup of the Commission and any decision would have to be made by the full Town Council.

## Board of Adjustment Discussion

Mayor Wilkening told the Commission members that the Town needed to form a Board of Adjustment as required by statute and the building codes. The Board would hear appeals when claims were made that a building official or staff member was applying the building code or zoning requirements improperly. Thus, the board would have a quasi-judicial role.

Previously the Town Council has been seen as also the board of adjustment, but again there might be a perception of bias in this.

## Hotchkiss/Delta County IGA discussion.

Again, Mayor Wilkening led

## The Chicken Abortionist Cafe

*Downtown Anthracite, Colorado's Friendly Eatery*

**Breakfast Served All Day**  
To Go or Dine In  
Delivery in town.

**Lunch and Dinner Specials Daily**

**SAFE INSIDE SEATING**  
New Open Air, Socially Distanced  
Patio in Rear.

# A Story From Anthracite: The Last Smokers of Anthracite

By Lazarus Washburn

(Edited by Thomas Wills)

(West Elk Bugle advertising –  
July 6, 2020)

## Best Prices in Town on Cigarettes During Clearance

Get quality cigarettes and other tobacco products at near-wholesale prices at Nash's Mountain Grocery (Formerly Grubstop Market) during the July "Evil Weed Closeout Sale". While they last.

No dealers.

Open 9-7 Monday – Friday, 9-9 Saturday,  
1-5 - Sundays.

(Disclaimer: Nicotine is an addictive chemical and smoking tobacco has been shown

to cause cancer and heart disease.)

**Nash's - Healthy Food  
for Healthy Living**

## LaPorte Considers Her Mortality

LaPorte Freeman-Smoot, the editor of the West Elk County Bugle, was trying to quit smoking after forty years and it wasn't going well. She had also been a runner for forty-plus years and she had lately noticed that the smoking was having more of an effect on her wind. She wondered if it was mainly the smoking or the getting older. She thought it was maybe both but she couldn't do anything about time moving ahead, so that left the cigarettes. She had just turned sixty-four.

Despite having stark, paper white hair since her mid-forties, LaPorte thought she looked a lot younger than most other people her age that weren't rich or in show business. There were some good examples living in and around the town of Anthracite. People on whom sixty looked elderly and seventy looked ancient. Many of them didn't smoke or drink that she knew of. Well, maybe half. People had good genes or they didn't.

She had smoked off and on since she was a high schooler during the 1970's in Lander, Wyoming. Using cigarettes mostly as a prop. Trying to look tough or cool—or adult. That she had also been the only female member of the otherwise all-male Lander High cross-country team, might have seemed a contradiction. The affectation, which it was at the time, had drawn a private lecture or two from the coach, a female geography teacher in her forties who also smoked and had taken the coaching job for the extra money, not any passion for athletics. After the talks, the reluctant coach had shrugged and not pressed the issue and LaPorte promised to be more circumspect. LaPorte, despite being gender-challenged, and a light smoker at the time, was the second fastest runner on the team.

LaPorte had gone from high school into four years in the Air Force where her smoking had gotten more serious as the culture there had then seemed to encourage it. She ran harder to make up for it and that seemed to work. Sort of.

Her Air Force job of writing press releases and training materials had led her into civilian writing and newspaper work where, at the time, a majority smoked, and many drank heavily—even on small town papers, though by the late 1970's both things were changing. As the years went by, smoking became more expensive and way less fun. More and more places became smoke-free, even newspaper offices.

Even bars eventually banned smoking when forced to by legislation. LaPorte cut down, tried lower tar brands,

and even went cold turkey a couple of times before surrendering during deadlines or other crises. She had not tried to reduce her cigarette consumption any since the divorce a few years before, even going as far as giving an upraised finger to fate by removing the filters from the Camels she now smoked. *Come and get me.* Besides, being a small-l libertarian at heart, or because of it, she had a natural resistance to any outside person or power demanding she cease any action, or inaction, for her own good. Until she met Bald Bob Ardmak in the fall of 2019 and then the virus thing hit in March.

First, she knew that Bob didn't

before or after she went for a run. Sometimes it took a while to stop. And Bob frowned at her when she got up from the breakfast table and went out into the back yard to hack a bit. *Maybe it was time.*

## Bald Bob Wonders About Addiction

Bald Bob Ardmak had never smoked tobacco but he did smoke pot from time to time and had been known to drink to excess.

"I can take it or leave it," he told LaPorte, in the first weeks of their relationship. "But when I'm in the mood, I usually take it."

"If you get in the mood," LaPorte

purposely avoided drinking any alcoholic beverages, even when LaPorte was having some—usually just a little wine while she was cooking dinner. He admitted that he wanted her much more than he wanted a drink. And when that balance seemed to be tipping, he had found that smoking a little pot relieved, or distracted him from, the craving.

Many alcoholics he had known (not that he thought he was a *real* alcoholic) had said that they too had gone dry for months, even years, but a couple of drinks on a dark day had set them right back onto the merry-go-round. A little always led to a lot. He wondered if it was that way with the nicotine in tobacco? When he realized she was trying to quit, not saying it aloud or going on about it, but just doing it, and saw the tension and ache in her face and body, he wanted to help but didn't know how.

"Grab a hold. You keep right on," he told her, "Snarl a little at me if you need to." When he said that, he thought for a moment she was going to hit him; her right hand became fist and her mouth opened, but she kissed him instead. Her breath smelled a lot nicer.

Watching her struggle made his own a little easier.

## You Can Lead Amanda Water, But...

Pastor Amanda Water, of Anthracite United Methodist Church was a secret smoker—had taken it up while attending seminary in the early 2010's. She had done so in the company of like minds that had met in a certain Denver coffeehouse two evenings week to discuss doubts, theology, and certain world events. The coffeehouse had an outside back patio where the proprietors' blind eye was turned in favor of smokers as long as no one complained. And few else came out there in colder months anyway—unless they need a smoke. Tobacco or pot.

The small group had seen smoking (only imported French and Turkish brands) as a small rebellion, but being mostly Democrats as well as liberalish Christians,

mostly United Methodists, had all felt a little guilty about it. Guilty in a delicious sort of way that meshed with their intellectual discussions about how the history of the Bible and early Christians clashed factually with more theological considerations. Struggling to find a balance there. Logic versus dogma. Like knowing that smoking was bad for you but doing it anyway. Having faith that it wouldn't kill you. And Amanda was young and perceived a near eternity of time in front of her to wise up and quit. She would do that before she got her first job. Except she



like her smoking, but didn't say anything right out—just had a look in his eyes and made a certain unconscious face, which she suspected meant that he could smell it on her. She began to take more showers and brushed her teeth several times a day. She began using mouthwash, something that she had never done before.

And then the corona virus expert people were saying that smokers were more at risk for ending up in the hospital since they had already damaged their lungs, hearts and depressed their immune systems. LaPorte didn't think that she fell into that group, but she was beginning cough more in the mornings,

had said, "I'll need you to take it somewhere else." He had told her he would.

From the beginning, LaPorte had made it clear that she would not tolerate his being drunk, around her. Ever. This irritated Bob a little but knew it wasn't just something she was saying—that she was dead serious. He thought that maybe she had been abused by a drunken father, or someone—but had also noted that she wasn't a teetotaler, and even seemed to enjoy some wine or a beer from time to time. This seemed unfair somehow but he had been careful not to make an issue of it, though he wanted to. To his great surprise he found he didn't miss over-indulging and

Continued on page 19

## Smokers of Anthracite • Continued from page 18

hadn't.

She smoked only in the high board-fenced back yard of the rectory next door to the church, which was on the northeast corner of Rice and Second Streets. The rectory, built in the 1960's on the site of the old one that had burned, was a single-story rancher with a finished basement. Aluminum siding and an asphalt roof. She never smoked inside since she hosted Wednesday night Bible studies in the living room and the teen club, when there were enough teens, used the basement recreation room occasionally.

Amanda also never smoked in her car, an older Subaru station wagon, since she drove parishioners around in it. She felt bad—and guilty about the cigarettes. She never bought tobacco locally, not even in Crested Butte or Gunnison. Instead an old friend from seminary, who was now an Episcopalian priest in Chapel Hill, North Carolina bought them for her there, FedExing them (probably illegally) to Colorado.

Now that the grocery store in Anthracite planned to no longer sell tobacco products, she thought that maybe *she* should try to quit smoking. *Maybe that was a sign?* And the woman who ran the newspaper had written about quitting after many years. A woman in town with terminal cancer on the community prayer list had been moved to hospice. Lung cancer.

Amanda took a long drag of sweetish, Turkish tobacco, held it, and then exhaled slowly as she stood next to a lilac bush. A large yellow and black butterfly fluttered by. *Crap.*

### The Last of the Evil Weed

Melanie Nash, at the newly renamed Nash's Mountain Grocery, admitted that she was surprised at how many people in the Rio POCO Valley smoked or chewed tobacco. Since people wanting to buy out the last of her grocery store's tobacco products had to come back to the office, where everything with tobacco was locked up, and ask, and she was the one in the office for at least six hours on most days, she saw their faces and knew most of their names.

"Marlboros," requested Amon Buford Jr. "Three cartons if you got them."

Melanie checked the fast-emptying shelves that took up the end wall of the small office. "I've got two. Got some Winstons left too." She knew that Amon's late father had been a heavy smoker who had developed emphysema and finally lung cancer. He had come in, sixty pounds lighter, while still on a final unsuccessful round of chemotherapy and bought a last carton. Marlboros had been his brand too.

"Just the Marlboros for me," Amon said. "And a carton of Virginia Slims for Mom."

Melanie knew she would be relieved when all of the tobacco stuff was gone from the store. Her father had been a smoker most of his life and the doctors had been clear that it had probably had a large part in the heart condition that had killed him.

"We all gotta die of something," an older rancher said, picking up a small case of wintergreen-flavored Skoll. "This oughta last me for the duration." When he grinned, his dentures had a yellow-brown tinge to them.

### The Hair of a Different Dog

Two weeks into LaPorte's efforts, Bob stopped at Bongs Away on his way back from checking on fences and cattle.

"Gimme some sorta chocolate thingys," he said to Edna who was the only

one in the small shop that day.

"Thingys?" She pointed down into the refrigerated edibles case. There were two shelves of plastic-wrapped candy and baked goods. "In chocolate we have brownies, fudge, and infused cherry cordials—thingys."

"Fudge. Yeah fudge, Edna. Looks simple," said Bald Bob. He had never bought anything in Anthracite's only legal marijuana dispensary, or even come inside before. Too many choices This seemed as complicated as ordering a cup of coffee at the artsy, hippie coffee place next door.

"For LaPorte?" Edna asked. LaPorte had written a column about trying to quit smoking and mentioned her progress in her weekly *Editors Notes*.

"Yeah."

"Fudge might smooth the edge off. It's worked for other people," Edna said. "And it's easier to dose-portion that some other things." She gave him a printed card with the three pieces of chocolate walnut fudge. The card showed how to divide the squares and had the estimated time to feel the effects based on your weight and the dose.

"Biggest mistake for new users is to get impatient," Edna said, pushing her half-glasses up her thin nose. "I would start with half the recommended dose unless she is a regular smoker. That's another rule. Start small."

"She only smokes the regular cigarettes."

"Thought so. That will be sixty-five dollars with all the taxes and fees added on. Gotta keep the government happy." She hit keys on the cash register.

Bob was a little surprised although he had heard rumors of what things cost at Bongs'. He paid without comment.

"Good luck," Edna said. "Take it slow."

Bob put two of the wrapped squares in his refrigerator's freezer and took the other one up to LaPorte's kitchen when he came up to make dinner at just after five that evening. She wasn't home from the Bugle office yet so he put the fudge in the refrigerator's butter-keeper and then went out the back and down the alley to the garden he had built and was tending in Leslie Cross's back yard two doors north.

When Bob came in the gate, he saw Leslie sitting on the bench next to one of high, raised beds. "Hey. It's me," he said. "Just need some peppers and tomatoes for dinner. Maybe some of the arugula."

"The peppers are pretty good," Leslie said. "I just had me one. Real crunchy." He was ninety-two and in good shape except his vision was almost gone. He had an old grey female cat sprawled across his lap.

"You ever smoke?" Bob asked dropping a couple nice big, shiny-green California Wonder peppers in the stainless-steel colander he had brought with him.

"Yeah. Almost everybody used to." Leslie turned on the bench and reached into a sprawling grape tomato plant, his hand emerging with a dead ripe little fruit. He popped it into his mouth. Bob wondered how the hell the old man, with his remaining sight only an unfocused blur, could tell ripe from green.

"I quit when I was about your age. Can't remember why or how. Just did." Leslie chewed. "The cancer got my wife you know—few years before. But she didn't smoke."

"LaPorte's trying to quit," Bob said, and began to pick grape tomatoes. A couple Cherokee Purples.

"Good," Leslie said as he stroked

the cat. "The best parts of life are too short."

Dinner for Bob and LaPorte was a large salad with grilled chicken breast pieces on top and a peach fruit smoothie. For dessert he gave her a small slice of fudge in the middle of a white plate.

*To be continued...*

*Lazarus A. Washburn Jr. is the*

*fictional manager of the fictional Singing Angel Ranch in the fictional West Elk County, located roughly halfway between Paonia and Crested Butte, where people have always made things up as they go along. His Anthracite stories (as edited by the semi-fictional Thomas Wills of Hotchkiss) have been appearing in local and regional publications since 1994.*

# Bongs Away

## A Locally Owned Mom and Pop Pot Shop

### West Elk County's trusted source for all things cannabis. Fun and Healing

•Smokables • Edibles • Medicinal and recreational.  
A wide range of THC and CBD products.  
Most locally, organically grown and manufactured

Buy local and keep the tax money in the Rio POCO Valley  
Open Seven Days a Week for your convenience  
Monday - Saturday 9-5 Sundays 1-5 (after church)

Downtown Anthracite, Colorado

*Jim and Edna Racell -Props.*

VISIT WEST ELK COUNTY and The Town of ANTHRACITE IN THE STUNNING RIO POCO RIVER VALLEY

All the beauty of other high altitude Colorado mountain vallies without the unafforability factor.

West Elk County Chamber of Commerce

## Paonia Planning Commission Updated on Master Plan Progress

By Thomas Wills

At the June 22 on-line Zoom meeting of the Paonia Planning Commission the members heard an update of the long-in-the-works new Paonia Comprehensive Master Plan process from assistant to the Town Administrator, Evan Bolt. Bolt began putting out public surveys and holding four public input meetings between September 26, 2019 until February 2020 when a meeting just before the COVID pandemic hit drew a total of 13 people to discuss the “land use” chapter. The first meeting concerned Housing and Utilities, the second: Transportation, Economic Development, and Community Sustainability; the third: Arts and Culture & Parks, Recreation and Trails and the final February 2020 one on Land Use. None of the meetings drew much of a crowd and the survey were apparently more useful as far as broader public input.

Bolt noted that his last

are written and adopted by Planning Commissions. Master Plans are somewhat unique in that they are the only quasi-laws that are *adopted* (given legal status) by Planning Commissions rather than Town Councils. One major core duty of Planning Commissions is to write and adopt a Master Plan and to periodically update such plans.

But the letter of the law and the reality of how things really work differ in that Planning Commissions rarely include trained land use planners so the Commissions usually *supervise* the writing of a Plan, but do not do the actual work. And once a Plan is adopted by the Planning Commission it is standard procedure for the elected Town Council to pass a resolution saying that they accept the Plan and are willing to follow and implement it. And, under a controversial State law passed during the growth boom in the 1990’s, Towns can adopt their Master Plans as *law* rather than just plan, but that is something that most land



Paonia River Park adjacent to the Town

presentation to the full Planning Commission had taken place in November 2019. It had been hoped to have had a draft Master Plan document ready for public review by March 2020, but now it looks like that goal has moved to sometime this fall. He said that a housing survey needs to be done as well as some other items.

Bolt envisions the plan as user friendly and concise, much less bulky than typical masterplans, totaling about 25 pages and containing chapters on various aspects of the Town including those listed as the previous meeting topics.

The basic idea is that the plan will reflect the community’s wishes as to how the Town should proceed over the next 10 to 20 years, although State planners suggest that most master plans should be updated every five years at a maximum with reviews taking place more frequently. A master plan can also be seen as a “to do” list for Town government with all regulation and new development reviews being considered under the light of master plan goals and recommendations.

According to the Colorado State Statutes concerning how counties and municipalities do long term land use planning, the foundational documents for entities, Master Plans,

use planners see as not particularly advisable.

The last update of the Paonia Town Master Plan was done in 1996, twenty-four years previously, but was generally ignored, particularly in regard to how the Plan sees areas adjacent to the Town being developed. A rewrite was begun by then Town Clerk, Barbara Peterson, in 2013, shelved for a while with changes in Town administration and finally revived again in 2018 under Administrator Ken Knight with VISTA volunteer Evan Bolt doing the heavy lifting. Bolt continued after Knight’s 2019 departure and moved up to being the assistant to acting, and finally permanent, Town Clerk/ Administrator - Corinne Ferguson.

One valuable byproduct of master plan processes is the collection of current status data. Some examples: Housing – about 70% of the Town of Paonia’s housing stock is resident owned and 30% rentals. There are 689 housing units in the town. The survey showed that most people saw housing availability as tight, especially rentals. Affordability was a concern.

Water: There are 714 in-town residential household customers and 124 in-town commercial accounts.

## Hotchkiss Creamery Saturday Market Vibrant Outdoor Event

By Thomas Wills

The Hotchkiss Creamery Saturday Market may have found a sweet spot during these challenging times.

For the first few years after being started by Creamery founder/property owner, Linda Tullis, the Creamer Saturday Market was a mixed success, going up and down from just three or four vendors to a few more on days here and there. Mostly the low key, weekly event seemed to be treading water. Then in 2018 things began to pick up, and by the 2019 season the event was looking positively lively, especially for generally laid-back Hotchkiss. But 2020 may be the biggest surprise.

This year vendor and shopper attendance is looking pretty good despite challenges from the pandemic. Surprisingly, the event is looking as good this season as last, with the one change being that almost everyone is wearing masks.

The hours have been trimmed down to 10-1 each Saturday morning,

which Immunity Farms’, Ann Ziemer, says has made it a little more doable for local farmers and artisans than the old 10-3 hours that made for a long day. Ziemer, whose farm is on Rogers Mesa, was selling a variety of things: eggs, plants, and local honey and more.

Nearby, Eva Stoner, also of Roger’s Mesa, was selling bags of tasty looking new potatoes and says that her farm specializes in root crops and is unique in that everything is grown with spring water rather than ditchwater from the canal.

Then, there was frozen grass-fed beef from Sunshine Farms, offerings from the Hemy Llama Tea Company, gourmet mushrooms from a grower on Rogers Mesa, a local lady selling perennial plants and organic catnip stuffed mice. And lots more. And that was with a couple of the regulars having other engagements that particular Saturday.

Vendors are still invited to participate at no cost.



Hotchkiss Creamery Saturday Market

## Hotchkiss United Methodists Services Resume at Fairgrounds Park

By Thomas Wills

While many other churches in the Valley are attempting to deal with COVID restrictions and stay safe by holding multiple indoor services and maintaining distancing and other attempts at keeping things safe, the Hotchkiss Community United Methodist Church has decided to resume worshipping in-person outside in the fresh air.

After nearly four months of not meeting in person, on July 12 about twenty-five members of the HCUMC congregation followed the lead of the Crawford UMC church and restarted services outside where

social distancing and good air circulation was easier to achieve.

Pastor Joshua (Josh) Hoppe-Lange, who also pastors the Crawford and Paonia UMC churches began with a cautionary note reminding anyone with COVID-like symptoms that they should not be seated in the circle of lawn chairs at the Delta County Fairgrounds Park. If they were having issues or felt unsafe, audio of the service was being broadcast a short distance via FM radio so that they could listen and observe from within their vehicles. The sermon was also being recorded and posted on You Tube.

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## North Fork History Bits and Pieces: Local Flour, the Purtee Gas Station, 1920 Fairgrounds Improvements, and Shoe Repair Guy

Delta County Independent – January 10, 1919 – “We note that the Hotchkiss Flour Mill is running 24 hours a day and turning out a fine grade of flour”

Frank Ross, a rancher from Leroux Creek, is credited with being the first Hotchkiss justice of the peace (lay judge) in the early 1890's.

190 West Bridge Street. In 2017 this is an empty 75' lot but prior to that it was Hotchkiss Lube (Ron Hanks – owner) and before that Ray and Ermine Purtee's gas station/ auto repair business. The station opened in 1964 as a Mobil Station and later became a Standard station. Mrs. Purtee was especially known up into the early 1990's, when they still lived in back of the building for her amazing hollyhocks. The Purtees also at one time owned and operated the Sportsman's Café that is the present (2018) Tucker's, and before that the West Elk Inn.

According to Kathy Addams McKee, the handsome brick home on the north east corner of Hotchkiss Avenue and Cedar Drive was built in 1912 by Walt Thomas, who worked at the First National Bank of Hotchkiss. When Thomas moved to Paonia in the early 1920s he sold the house to Edwin Wilson, who sold it to Savert A. Sylvester in 1922. The present (2018) owners are Jean (Sylvester) and Alban Romaniecki. It was Jean's childhood home.

Hotchkiss Constable Robert G. Lewis was slain on Nov. 21, 1898 on Main Street by L. A. Harrison. Harrison had been in a disagreement with R. T. Fluke about some lots in town. Harrison was forcing an unarmed Fluke to march with a shotgun at his back to his home. Harrison wanted to duel Fluke and wanted him to get his gun. A witness ran to Constable Lewis and told him what was happening. Constable Lewis confronted Harrison and stood in between the two. Lewis told Harrison to turn over his weapon. Harrison fired hitting Lewis in his throat. He was killed instantly. Fluke was able to run home and barricade himself. Harrison walked out of town and hid at Leroux Creek from a posse of Hotchkiss men.

Later he gave himself up to Delta County Sheriff George C. Smith. The trial on Valentine's Day 1899 ended with Harrison being set free. No trial records or newspaper accounts exist, which explain the verdict. Constable Lewis was survived by his widow Sarah Minerva Frady Lewis, daughter Edna and son Robert.

DCI – January 30, 1920 - It was reported the East Redlands Mesa School had been closed for a week or so due to the illness on the sole teacher there, a Miss Crippen.

It was also reported on January 30, 1920 that the Denver and Rio Grande RR was stockpiling ice in their Delta facility for use in refrigerated freight cars during the coming summer season.

June 18, 1920 – Delta County Independent reported that according to the Crawford Chronicle there was

a push to construct a new memorial gate at the Hotchkiss Fairgrounds to honor the local fallen that had died in service during the First World War. The present Fairgrounds entrance arch was constructed by local stone masons led by William Coutts in the 1930's as part of the Civilian Conservation Corp funded projects in the area. It was stabilized, and the deteriorated wooden cross arch replaced, in the 2000's due to a project led by Paul Schmucker, the Hotchkiss Crawford Historical Society and others.

The new arch featured new wording on the back replacing a reference to the Ute Indians being “removed” that drew criticism from representatives of the present Ute tribe.

The July 9, 1920 Delta County Independent reported that a new set of grand stands were being constructed at

the Delta County Fairgrounds, which they referred to as the “Hotchkiss fairgrounds.” The County had just recently purchased the Fairgrounds from Hotchkiss. The report said that the new grandstands would be “larger and more substantial.”

The present, all metal, Delta County Fairgrounds were constructed in the early 1990's in a project pushed through by them Delta County Commissioner Ted Hayden.

A Paonia note in the same issue noted Theodore Beckman's shoe repair business in Paonia had purchased and installed an automatic shoe nailer. In further research, a very brief 1972 Daily Sentinel obituary reports that Beckman came to Paonia in 1906 and died in a Montrose nursing home in March of 1972. He and his wife had a son Howard and a daughter (Geneva

Holmes).

It was also reported that the Fourth of July weekend in Crawford area drew a lot of visitors out for a drive in their automobiles.

Paonia Seventh Day Adventist Church. According to a report published in a special 1958 edition of the Delta County Independent, the Paonia Seventh Day Adventist Church was organized on December 8, 1909. The congregation held services in a school near Paonia until 1925 when they purchased a residence on Colorado Avenue from a John Vogal. The home was converted into a church building. In 1958 two older parishioners noted as early members included Mrs. Dean Jones and Mrs. J.G. Curtis. The church still (2018) still serves the community from its newer 41006 Lamborn Drive location.

PRE-REGISTRATION REQUIRED

limit: 10 participants

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