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## MINUTES

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1. **CALL TO ORDER/Roll Call** - Mayor Rachel New called the work session to order at 7:05 p.m. Trustees Chris Nasso, Eddy Balch, Ralph Bush, Cory Nasso and Brad Wick were present.

2. **Debriefing of hearing and discussion of hearing protocol**

Trustee Brad Wick wondered why Mr. Rupp's letter wasn't read. Mayor Rachel New responded that there was no allowance within the protocol for letters to be read. Trustee Brad Wick believes letters should be read and if they become off topic, the mayor can use the gavel to stop the reading.

Trustee Ralph Bush pointed out that the Board of Health hearing is not solely for public consumption and that all items in the packet were reviewed by the Board of Health. Attorney Jim McDonald agreed that the protocol does not allow for letters to be read by proxy.

Trustee Cory Nasso how the protocol works if the Board of Health acts as the petitioner. What recourse does a citizen have if the Town representative disagrees that there is a valid complaint? Mayor Rachel New suggested that the original complainant can request a hearing if he/she disagrees with the Town's initial ruling on the validity of a complaint.

Trustee Ralph Bush stated that the complainant becomes a witness and presents evidence. He also states that once there's a dispute, a hearing must follow.

Attorney Jim McDonald suggested that the Board better define sanitarian and environmental health agent.

In the case of a cease a desist, if the sanitarian and environmental health agent agree that cease and desist is necessary they can notify Board of Health that hearing must be scheduled.

Objections to evidence – who determines? Presiding officer (mayor)

Closing vs. rebuttal needs to be defined within the hearing protocol.

Witnesses should provide information about themselves, address, occupation, qualifications, etc. – why he/she is testifying.

Trustee Eddy Balch believes the complainant can act as petitioner if he/she is dissatisfied with the Town's determination of no violation (if applicable.)

Trustee Ralph Bush wants to bar for a hearing to be set low so the BOH can see the evidence. He believes that a pitfall of allowing a citizen to override the environmental health agent and sanitarian is that the town could be doing a hearing every month.

Trustee Brad Wick wondered if the Town becomes responsible for assembling evidence when the Town becomes the petitioner? Attorney Jim McDonald stated yes.

Include language that makes party responsible for costs – groundless, frivolous appeals  
Trustee Ralph Bush – can they post a bond?

Mayor Rachel New pointed out that in the future if the Town receives complaint, the Town/representative verifies the complaint. The property owner will be notified of the complaint and allowed to mitigate the problem or disagrees that there is a problem. An unmitigated problem moves to a hearing and instead of individual vs. individual, it will be Town vs. individual.

Trustee Chris Nasso would like complaints to be determined valid as quickly as possible.

Trustee Ralph Bush would like the charges/vote to be clear. They should be clearly written at the top of the packet. Trustee Brad Wick agreed.

Public comments: Jesse Garetson had no problem with the timelines within the protocol. He does not believe witnesses should be sequestered at this level of a hearing

### 3. Discuss STR Ordinance

Trustee Brad Wick suggests using “will” vs. “must” or “shall” to make the document stronger. No “please.”

Trustee Ralph Bush does not want STRs called a business. Trustee Eddy Balch points out that being required to collect sales tax = business.

Trustee Chris Nasso is concerned about the reference to “lodging” – should apply to only single-family homes.

Trustee Brad Wick wonders if the Town should make a statement that makes it clear that commercial standards are not being applied to homes used as STRs (include in definitions section?)

#### Location

Pros of STRs in Pitkin, unrestricted: secures property rights of owners, additional revenue for the Town

Cons: Out of control noise in the residential district, increased dust, increased nuisances, too much “stuff” brought (toy haulers, side-by-sides, etc.)

Is it possible to address the issues of noise and dust to reduce these impacts on the residential district?  
Can Town-wide control of impacts be improved?

Pros of STRs in commercial: takes heavy septic activity off the creek, could potentially decrease ATV activity on State

Cons: limits property rights of owners in residential, buildings are tighter in spacing in commercial and there is NO parking except on the street or in the alley

Poll for location:

Trustee Chris Nasso – unrestricted location

Trustee Eddy Balch – unrestricted location

Trustee Ralph Bush – unrestricted location

Trustee Cory Nasso – unrestricted location

Trustee Brad Wick – commercial only

#### Quantity

With no caps, everyone gets to participate. The Town may open itself up to lawsuits by setting up caps.

Trustee Cory Nasso suggests caps in the residential district only. Mayor Rachel New suggested limiting rentals by location (i.e. per block)

Trustee Ralph Bush suggests allowing the market to help regulate STRs, but be serious about ordinance enforcement.

Poll for caps:

Trustee Brad Wick - no

Trustee Cory Nasso – no

Trustee Ralph Bush – no

Trustee Eddy Balch – no  
Trustee Chris Nasso - no

### Enforcement

Trustee Ralph Bush – violations should be real – what is a violation? Expectations should be clear and complaints should be honest concerns, not frivolous.

Trustee Brad Wick wonders how to enforce OWTS rules on a house with occupancy that changes weekly.

Violations of most concern: OWTS, noise, parking, illegal activity,

Fire level should be part of required posting in STRs. Should Pitkin have a fire danger sign at the entrance of Town?

Noise should be addressed within a nuisance ordinance

Trustee Brad Wick suggested quiet hours. He believes decibels would need to be measured – this will have to be black and white. (10pm – 7am)

### Parking

Mayor Rachel New has seen STR regulations require facilities to have 1 parking spot per bedroom rented and on-site parking for trailers.

Trustee Ralph Bush wondered if the State Street right of way needs to be developed.

Trustee Brad Wick – how will parking be evaluated? What is the Town’s criteria?

### OWTS

Trustee Ralph Bush suggests flow meters on STRs, Trustee Eddy Balch agrees. He believes the flow meter would show that the design capacity isn’t being exceeded.

Trustee Chris Nasso suggested requiring periodic well analysis on STR properties.

Poll for flow meters:

Trustee Chris Nasso - yes

Trustee Eddy Balch - yes

Trustee Ralph Bush - yes

Trustee Cory Nasso - yes

Trustee Brad Wick – yes if approved by state

Public comments:

Kandy Nasso, Patrice Boyd, Ramon Reed, Bob Nuttleman, Sara Gibb, Suzy Metzler, Jesse Garetson

## **4. Adjourn Work Session**

**Work session adjourned at 10:07p.m.**

Approved minutes, ordinances, resolutions, future agendas, and other Town of Pitkin public notices can be found at [pitkincolorado.com](http://pitkincolorado.com) under “Government” or at [pitkin-news.com](http://pitkin-news.com) under “Pitkin’s Government.”

*\*Public comment to the Board of Trustees is encouraged. Comments may be limited at the mayor’s discretion*

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the Town Clerk at [thetownofpitkin@q.com](mailto:thetownofpitkin@q.com) or (970)787-0968  
at least 48 hours prior to the scheduled meeting