
MINUTES

1. **CALL TO ORDER**/Roll Call - Mayor Rachel New called the meeting to order at 6:32 pm. Trustees Brad Wick, John Rowan, Cory Nasso, Angela Huckaby, Suzy Metzler and Steve Pinkston were present. Attorney Jim McDonald was present. Minutes taken by Clerk Sara Gibb.

2. **Report from Town Sanitarian RE: 704 Street OWTS complaint**

Town Sanitarian Rand Makowski reported – The incinerating toilet operating manual was provided by property owner Ramon Reed. As far as the graywater system, the pump tank is approximately 50 gallons. It has an automatic sump pump to the leach field, which drains back to the tank when it shuts off to prevent freezing. There are three or four lines 15 feet long to the leach field. The system was installed in 1981 or 82 and designed by the county of Gunnison. The tank is near the upstream side of the house, leach field is by the State St property line at the end of the property. It's all buried. There is a raised bed. A pile of ashes was observed in the commode.

Mayor Rachel New wondered if there were any design documents or county records. Mr. Makowski stated there were not. This description was to the best of the homeowner's recollection.

Trustee Suzy Metzler wondered who the environmental health authority for Gunnison County was in 1981-1982. Mr. Reed does not recall.

Mayor Rachel New wondered if all components of the system were accessible. Mr. Makowski stated they were. He stated, "it's an above ground tank, well it's buried in the ground but there's no lid on it." And later, "It's all exposed. You pump it up the leach field...you can see it."

Mr. Makowski believes the system is in good working order.

Was the wastewater treated before entering the ground?

Mayor Rachel New pointed out that the purpose of this item is for the Board to decide if there is a health hazard, or if the system is functioning properly.

Trustee Steve Pinkston stated that he doesn't believe the system has failed, but one of the NAWT inspectors should look at it.

Mayor Rachel New stated that under our current ordinance, the Board should send letters to the 3 uninspected alternative systems and request an inspection. The Board has the authority to request an inspection, regardless of the 3-year interval requirement. Trustee Cory Nasso would like some clarification from the State. Trustee Brad Wick wonders if a 50-gallon tank and the lines described are adequate for the flows. He stated this information is not within the NAWT training. He wonders if the county might have more information or if the State may have some criteria on how to analyze an existing graywater system.

The Board agrees to create an action plan at the next regular meeting.

Clerk will investigate county records regarding the system, will relay to the state for clarification – how to apply reg 43 and how to inspect this system

Public comments: Eddy Balch, Ramon Reed, Pete Olson

3. Discuss requirements for EHA-interim

The Board was tasked with reviewing the recently passed OWTS ordinance and regulation 43 to map out a list of requirements for the Environmental Health Agent (EHA). A list of requirements appropriate for an interim EHA was to be prepared.

Duties of EHA: authority to implement Ordinance 2018-2 (OWTS), 4a – approve application for OWTS, make sure public is aware that permits expire in 2 years, that application is voided if OWTS plan changes unless EHA provide written approval, 4b – confirm finalized permit (confirm receipt of engineer's letter, drawing with required details, final inspection completed prior to backfilling, contractor is identified), ability to deny permit if information is lacking, 5a&b – permission to complete field inspection prior to backfilling, 8b – verify if pumping has been done and file this, 8c – approve a plan to follow inspector's recommendation if outside of 30 days allowable, 8d - verification that inspection has been completed

Trustee Suzy Metzler believes the Town Sanitarian should have the designee, not be the designee. She thinks the ordinance needs to be rewritten anyway. She wanted to talk about the \$25 administrative fee.

Trustee Suzy Metzler thinks the EHA should keep records on inspections, write letters to property owners whose systems are due, write letters to owners whose inspections are due and who need to be inspected by specialists.

Trustee Cory Nasso believes the interim EHA should be recordkeeping and complete any duties that are designated to EHA alone within the ordinance. All other duties that can be completed by the Town Sanitarian should be. Trustee Angela Huckaby concurs.

Trustee Brad Wick believes the Health Board should approve permits in the interim, not the EHA or Sanitarian.

EHA interim WILL NOT – approve permits, complete field inspections, approve alternate timeline for inspector recommendations

EHA interim WILL – share knowledge within the ordinance, review that all items are received for final inspections, deny incomplete permit, verify if pumping and/or inspection is complete

Board agrees with above list for interim EHA.

Trustee Suzy Metzler wondered if Town Sanitarian Rand Makowski needs to know a lot about a permit when he issues it.

Public comments: Pete Olson, Rand Makowski

4. Discuss conflict of interest – Attorney Jim McDonald

Attorney Jim McDonald referenced a public comment from the last regular Town meeting that did not accurately address conflict of interest. He would like to discuss conflict of interest in this context.

Attorney McDonald reminded the Board members that they act in two roles: quasi-legislative (policy-making) and quasi-judicial (usually relating to specific properties). The State of CO employs ethical standards adopted in 1988.

Engaging in substantial financial transaction for private business with a person he/she inspects or supervises in the course of public duties is a conflict of interest.

If a Board member has a predisposition to a bias – he/she should consider recusal
The perception by reasonable 3rd persons of the appearance of impropriety should be considered.

The Independent Ethics Commission is an excellent resource for information on conflict of interest.

Public comments: Eddy Balch, Marie Rossmiller

5. Discuss Ordinance 2018-1 (Short-term rental ordinance, repealed)

Mayor Rachel New asked if any member of the Board of Trustees perceives that he or she has a conflict of interest. No members stated they perceive themselves to have a conflict of interest.

Attorney Jim McDonald was excused at 7:32 pm.

Trustee Suzy Metzler would like this question to be on the November ballot. She drafted an alternative ordinance that would not allow STRs in the residential district. She provided handouts to the Board and public.

Mayor Rachel New is concerned that if the question of STRs in residential is on the ballot and a subsequent ordinance is written, a referendum may likely follow. Trustee Brad Wick agrees. He believes the ordinance that was written, with the exception of not addressing residential, was a fair compromise and acceptable to a lot of people. He would like to do something that results in an ordinance that cannot come under referendum in the future.

Mayor Rachel New commented that some of Pitkin's residents are concerned about STRs in residential. If STRs are restricted to the business district, she wonders if the Board has any authority to place restrictions on those businesses but no other businesses.

Trustee Angela Huckaby believes the board must figure out how to compromise...decide what they will and won't allow and not budge on it.

Trustee Cory Nasso pointed out that the Board needs to create a pathway for compromise, perhaps a Board review of businesses in the residential district. Certain businesses shouldn't be allowed while others are restricted.

Mayor Rachel New wondered if the Board should consider following the example of Crested Butte, which allows STRs in the residential district with a cap on the number of rentals.

Trustee Brad Wick pointed out that the permit cost in Crested Butte is very high to fund enforcement. He suggested a time frame for STRs (i.e. a beginning and end date every year) in the residential district. He believes this would prevent someone from coming in and buying up "half a block" and turning the homes into STRs, but would allow 2nd homeowners to rent out their homes.

Trustee Cory Nasso would like the Board to consider sales tax revenue from individuals who are staying in Town.

Options to consider – restrict to commercial (no ordinance needed), ordinance that allows in residential with no limit, ordinance with compromise (i.e. cap, time limit, etc.)

Trustee Brad Wick stated that he would like the restriction on properties with a shared septic system to remain.

Mayor Rachel New would like to know the most efficient compromise within the ordinance. Trustee Angela Huckaby suggests a cap of perhaps 8. Trustee Suzy Metzler would like a cap and a time limit.

Trustees are to speak to constituents about the issue as it is today, bring additional draft language (compromise) to next meeting,

Clerk will look into when ballot language is due

Trustee Brad Wick believes a time limit would help equalize the footing for the commercial lodging establishments that pay a higher tax rate.

Public comments: Ramon Reed, Kathie Rose, Pete Olson, Marie Rossmiller, Eddy Balch

Meeting planning – August 7th or September 11th for meeting with County Commissioners. Quorum would be met on August 7th, plan for this date.

6. Adjourn Work Session: Work session adjourned at 8:38pm

Approved minutes, ordinances, resolutions, future agendas, and other Town of Pitkin public notices can be found at <https://www.colorado.gov/pitkin>

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

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