

MINUTES

Full and timely notice of this meeting was provided pursuant to C.R.S. 24-6-402(2)(c).

1. **CALL TO ORDER**/Roll Call and Pledge of Allegiance - Mayor Rachel New called the meeting to order at 7:00pm. Trustees Angela Huckaby, John Rowan, Suzy Metzler, Brad Wick, and Steve Pinkston were present. Attorney Jim McDonald was present. Minutes taken by Clerk Sara Gibb.

Present/Approve minutes of the July 30th work session, August 6th regular meeting, August 13th special meeting, August 13th work session - Clerk/Board

Motion to approve the minutes of the July 30th work session, August 6th regular meeting, August 13th special meeting, August 13th work session made by Trustee Brad Wick. Seconded by Trustee John Rowan. Motion carried 5-0.

2. **TOWN REPORTS:**

Clerk's Report – Sara Gibb – no report
Treasurer's Report/Approve Disbursements – Sara Gibb/Board

Motion to approve September disbursements made by Trustee Steve Pinkston. Seconded by Trustee John Rowan. Motion carried 5-0.

Mayor's Report – Rachel New – Mayor New followed up with Justin Lawrence with the Forest Service on the Alpine Tunnel letter and has not heard back. Emailed with Kimberly Bullen and requested dates for the second SWOT meeting.

Attorney's Report – Jim McDonald – no report

3. **COMMISSIONER AND COMMUNITY REPORTS:**

Building Inspector – Rand Makowski – one job finalized today
Fire Department – Rand Makowski - no news is good news
Zoning Board – Brian Holt – Zoning board met on 8/20 and covered a few items. Floyd Cook has requested a variance for the 12 feet of his home that is located on Town property. Mr. Cook is in the process of obtaining the necessary paperwork to present to the Town for the variance. The Zoning Board recommends that the Town Council approve the license agreement once it is reviewed by the Town attorney. Regarding the PHCA request, the Zoning Board recommends that a hold harmless agreement be signed between PHCA and the neighboring property and that the Town Council approves the PHCA variance request. Some of the zoning code has been reviewed. Many sections are either outdated or unclear. The zoning board would like to begin updating and revising the code. Chairman Holt's recommendations are to address perhaps 10 items at a time and update those, instead of waiting for the entire code to be updated. He seeks input from the Town Council.
Cemetery – James Sharpton – Public meeting 9:30 on Wednesday. Cemetery Board recommends the appointment of Don Archuleta to the Cemetery Board. Two spaces sold in the last week.
Environmental Health – Sara Gibb – Approximately 7 forms turned in complete
PHCA – Kandy Nasso – Mary Heberling for Kandy Nasso – thanks the Town for the support of all activities
Town Hall – Juliet Serrato – no report, per Sara Gibb. A resolution to approve the Town Hall use form will be put on the next meeting's agenda.
Ditches – Cory Nasso – no report, per Sara Gibb.
Streets – Steve Pinkston – no report
Parks & Rec. – Sara Lamar – Rachel Gibb for Sara Lamar – projects are planned for the fall (swings, trash cans, benches) and volunteers are welcome

4. **PUBLIC COMMENTS TO THE TOWN COUNCIL:**

Josiah Gibb, Pete Olson

5. FOR POSSIBLE ACTION**:

- **7-4** Discuss and vote on Ordinance 2018-6 (Sales Tax Increase)
Motion to adopt Ordinance 2018-6, “AN ORDINANCE OF THE TOWN OF PITKIN, COLORADO, TO ENACT A SALES TAX INCREASE IN THE TOWN OF PITKIN, COLORADO FOR THE PURPOSE OF PROVIDING FOR ROADS AND STREETS AND THE GENERAL HEALTH, SAFETY, AND WELFARE OF THE TOWN OF PITKIN, COLORADO” made by Trustee Brad Wick. Seconded by Trustee John Rowan. Motion carried 5-0.
- **8-3** Discuss and vote on final short-term rental ballot language

Trustee John Rowan recused himself prior to the start of the discussion.

Motion to approve Resolution 2018-8 as amended made by Trustee Steve Pinkston. Seconded by Trustee Angela Huckaby. Motion carried 4-0.

Attorney Jim McDonald suggested “shall the operation of short-term rentals be prohibited in the residential district...” He also suggests relocated the word “only” to follow “business district.”

Mayor Rachel New suggested adding verbiage to allow STRs in the business district.

Trustee Suzy Metzler feels that the Board should not allow STRs to operate when people are having a difficult time in their life because of an STR next door. She wants STRs to require the approval of neighbors. She wants STRs in only commercial zoning. She also thinks people with STRs could apply for commercial zoning and have their zoning changed. She wants the STR ordinance to be separate from the zoning code.

Trustee Brad Wick would like advice from Attorney McDonald regarding the STRs that already exist. He believes the Board can initiate work on an ordinance before the vote is taken. He would like to the Town to have both the zoning code changes and a separate ordinance to manage STRs.

Trustee John Rowan returned to the table following the vote on this item.

Public comments: none

- **9-1** Discuss and vote on PHCA variance and fee waiver request (waiver of enforcement of zoning code)

Item tabled until October meeting

Trustee Brad Wick pointed out that the risk of a fire spreading is increased when a setback is encroached upon. He also wondered if the hold harmless agreement would stand if the Dunn’s property was sold to a new party.

Attorney Jim McDonald is not comfortable with the Town getting involved in private parties’ contractual agreements. He also believes the Board should ask themselves if they would consider the same type of allowance for private citizens. He suggests an easement agreement that provides for damages to be the responsibility of the building owner. Diagrams and have better input on the snow load impact on the fence and possibly neighboring buildings may be helpful.

Trustee Steve Pinkston wondered if the PHCA is prepared to pay for damages to the fence.

Trustee Brad Wick wondered if a 17’ setback could be imposed on the Dunn’s to allow for the full 20’ setbacks required by zoning. He would like to see a drawing of the proposed location of the building and he would like the hold harmless agreement to be written in a way that it stays with the property upon transfer to new owners.

Mayor Rachel New pointed out that there are currently two buildings with a 3’ setback to the fence. The difference is that the proposed building would shed snow toward the fence while the other two do not. She wondered if the hold harmless agreement could include the current two buildings, which do not meet setbacks. Attorney Jim McDonald suggested that including the two existing buildings might not be appropriate.

The Board requests a drawing and a modified agreement that includes future property owners (assignable to the heir successors)

Trustee Steve Pinkston pointed out that the last request from the PHCA was much simpler. He would like a drawing

for the file.

Public comment: Ramon Reed, Jesse Garetson (2 comments), Rand Makowski, Mary Heberling (2 comments), Pete Olson, Eddy Balch, Marie Rossmiller, Jerra Garetson, Mark Rossmiller, James Sharpton, Robbin King

- **9-2** Discuss and vote on adding properties to the Pitkin Register of Historic Places

Motion to approve the addition of buildings as defined to the Pitkin Historical Record made by Trustee Brad Wick. Seconded by Trustee Suzy Metzler. Motion carried 5-0.

Comments: Rand Makowski,

- **9-3** Discuss and vote on Town Sanitarian recommendations regarding OWTS installed since 2015

Town Sanitarian Rand Makowski – he would like certificates of as-built so he can final the systems. Taylor – permit/plans are in Town Hall, Schreivogel – Town Council granted a variance to have portion in River Street, Hughes – cannot final until as-is drawing is provided, Rupp – cannot final until as-is, variance was granted by the zoning board to put the sewer under the alley.

Garetson – Town is handling

Schellenberg and Tikker – no as-is drawing, no final. Rand was never contacted to do a final for either of these properties. They are still under construction, per Rand. Rand stated it is the homeowner's place to ask for the inspection.

Mayor Rachel New wondered what Rand's recommendation is for moving forward. Rand would like the as-is drawings to move forward.

Mayor Rachel New reviewed the current situation with Williams Engineering – The Town Clerk contacted Williams to find out if as-built information was available. Engineers from Williams then made the trip to Pitkin, completed as-builts, and billed the homeowners \$500. Homeowners are unhappy about being billed, the as-builts were never ordered. The Town is working with Williams to solve the situation.

Trustee Brad Wick suggested modifying the ordinance to use the term "as-built" instead of record drawing. He also wants to ordinance to make clear that the responsibility for obtaining inspections belongs to the homeowner.

Mayor Rachel New spoke with Chuck Cousino regarding the open files. Chuck encouraged the Town to accept the systems with procedural variances and move forward.

No public comments taken

6. **DISCUSS AND VOTE ON COMPLAINTS FILED WITH THE TOWN OF PITKIN**

A complaint was filed with the Town of Pitkin for code of conduct violation of a trustee. Mayor pro tem Cory Nasso will be following the protocol in the code of conduct to handle this complaint.

7. **FOR DISCUSSION/UPDATE:**

- **3-5** Discuss Ordinance 2018-3 (commissioners)
- **4-3** Discuss Ordinance 2018-4 (employees/contract workers)
- **5-6** Determine classifications for the following Town of Pitkin offices: Building Inspector, Town Sanitarian, Environmental Health Agent

Items 3-5, 4-3, 5-6 were addressed at a work session. As soon as possible, an additional work session will take place. Trustee Wick will draft language regarding budget management for commissioners with a budget.

- **9-4** Introduce Town of Pitkin reserve policy

Introduced by Clerk Sara Gibb.

- **9-5** Executive session

Motion to move into an executive session pursuant to Title 24 for negotiation and contract positions for the

forthcoming meeting with the County commissioners on September 11, even though it's not reflected on the agenda, for a total of 25 minutes made by Trustee Brad Wick. Seconded by Trustee John Rowan. Motion carried 5-0.

Board adjourned to executive session at 8:45 pm.

Executive session adjourned at approximately 9:06 pm.

**Trustees were polled as to whether the discussion within the executive session included any topic was included in the executive session that was not noticed to the public prior.
Trustee Angela Huckaby – no, Trustee Suzy Metzler – no, Trustee John Rowan – no, Trustee Brad Wick – no, Trustee Steve Pinkston - no**

8. ADJOURN MEETING: Meeting adjourned at 9:08pm

The next regularly scheduled meeting will be held **Monday, October 1st** at 7:00PM at the Newcomb Community Center. Council meetings are scheduled to adjourn at 9:00PM. At the council's discretion agenda item(s) not addressed by this time will be tabled until the next regular meeting. Approved minutes, ordinances, resolutions, agendas, and other Town of Pitkin public notices can be found at <https://www.colorado.gov/pitkin>.

To add an item to the agenda, please submit it in writing to the Town Clerk at thetownofpitkin@gmail.com no less than **48 hours** before the next regularly scheduled meeting. If the requested agenda item has supporting documentation it must be submitted no less than five (5) days before the next scheduled meeting.

**Public comment to the Board of Trustees is encouraged. Public comments on agenda items will be taken by the Mayor before final action on the item is taken. Comments may be limited at the mayor's discretion*

***Any item on the agenda may be subject to an executive session*

If special accommodation or handicapped access is required, please contact the Town Clerk at thetownofpitkin@gmail.com or (970)787-0968 at least 48 hours prior to the scheduled meeting