

PITKIN TOWN MEETING

At the Newcomb Community Center

October 1st, 2018 at 7:00PM

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, Cory Nasso, Brad Wick and Steve Pinkston were present. Attorney Jim McDonald was present. Minutes taken by Clerk Sara Gibb.
2. Present/Approve minutes of the September 3rd regular meeting, September 9th special meeting, September 11th special meeting, September 11th work session - Clerk/Board

Motion to approve the minutes of the September 3rd regular meeting, September 9th special meeting, September 11th special meeting and September 11th work session as corrected made by Trustee Steve Pinkston. Seconded by Trustee Suzy Metzler. Motion carried 5-0. Trustee Cory Nasso abstained.

2. TOWN REPORTS:

Clerk's Report – Sara Gibb – Preparations for coordinated election with Gunnison County are moving along– watch for your ballot after October 15th.

Treasurer's Report/Approve Disbursements – Sara Gibb/Board – additions to treasurer's report read aloud by Treasurer Sara Gibb.

Motion to approve monthly disbursements made by Trustee Steve Pinkston. Seconded by Trustee Brad Wick. Motion carried 6-0.

Mayor's Report – Rachel New – An email was received regarding the Alpine Tunnel being added to the Colorado Endangered Places Program. Mayor Rachel New will contact the sender. Mayor New is concerned about the length of the agenda. She would like to table items that may be moved to a work session.

Attorney's Report – Jim McDonald – Wednesday of last week was contacted by Bob O'Hayre regarding a use agreement from Floyd Cook. Attorney McDonald did not receive a copy of the document in preparation for tonight's meeting. Once the document is provided to Attorney McDonald, he will review it and provide the Board with a copy.

3. COMMISSIONER AND COMMUNITY REPORTS:

Building Inspector – Rand Makowski – issued a couple permits this month. Doesn't want to wait for all inspections to be completed before being paid. Trustee Brad Wick suggested a work session to discuss how the building inspector is compensated.

Fire Department – Rand Makowski – Final meeting Weds. Brush truck is drained. No alarms this fall.

Zoning Board – Brian Holt – Would like to remind the Board that building permits open more than 2 years should have a plan for completion (per the zoning code). Enforcing this

Over the past few weeks some issues have come up regarding permits. At the last meeting, one issue was resolved by the zoning code. Since then, additional issues have arisen. At the next zoning meeting, a worksheet with permit types, cost, etc, will be created (for use with building permit). ZB Chairman Holt apologized to both the counsel and the constituency for his frustration and improper behavior at the last

Cemetery – James Sharpton – Report given by Marie Rossmiller. Final cemetery board meeting was held. Map and book were updated. Board will begin to work on updating bylaws, rules and regulations.

Environmental Health – Sara Gibb -

PHCA – Kandy Nasso – letter from Garry Winget read by Kandy Nasso. Trustee Suzy Metzler encouraged the Board to send a letter and request a drawing from PHCA. Trustee Cory Nasso was contacted by Jim Dunn, who currently owns the building. Mr. Dunn was very disappointed at the Board's complication of this issue, which had the agreement of the two parties involved. Trustee Nasso would like the Board to send a letter to the PHCA reconsidering their stance on accepting the building. Trustee Steve Pinkston agrees with Trustee Nasso.

Town Hall – Juliet Serrato – no report

Ditches – Cory Nasso – Ditches are low. Ditches will remain until they begin to freeze. Once the ditches are closed down this season, Cory Nasso will be resigning as Ditches Commissioner.
Streets – Steve Pinkston – has been filling chuckholes and will fill more. Tractor is in the shop.
Parks & Rec. – Sara Lamar – no report

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

Pete Olson

5. **FOR POSSIBLE ACTION**:**

The Board reviewed agenda items, chose which items to address vs. table and reordered the items to be addressed.

- **3-5** Discuss and vote on Ordinance 2018-3 (commissioners)

Remove sentence regarding possible payment for EHA.

Motion to adopt Ordinance 2018-3, “An Ordinance Relating to Town Officers, Namely Commissioners, Within the Town of Pitkin, Colorado” as amended made by Trustee Suzy Metzler. Seconded by Trustee Angela Huckaby. Motion carried 6-0.

Public comment: Ramon Reed

- **10-1** Discuss and vote on Resolution 2018-10 (Unpaid Boards and Commissions)

Explanation of resolution presented by Clerk Sara Gibb. There was discussion regarding the wording “The Town of Pitkin’s Clerk,” which Trustee Suzy Metzler found unclear.

Motion to approve Resolution 2018-10 as amended made by Trustee Cory Nasso. Seconded by Trustee Brad Wick. Motion carried 6-0.

Public comments: none

- **10-2** Discuss and vote to approve Town Hall Use Agreement

Common practice is for the Board to approve this document and have it reflected in the minutes. Updates proposed by Attorney Jim McDonald were presented by Clerk Sara Gibb. Trustee Suzy Metzler prefers the formatting of the original document.

The Board approved the use of the Town Hall Use Agreement document by a show of hands. All in favor, none opposed.

Public comments: Pete Olson

- **10-3** Discuss and vote to approve insurance quotes for 2019

Worker’s Compensation quote for 2019 – \$1333
Property and Casualty quote for 2019 - \$2710

Motion to approve insurance quotes made by Trustee Cory Nasso. Seconded by Trustee Steve Pinkston. Motion carried 6-0.

- **10-4** Discuss and vote on appointing Don Archuleta to the Cemetery Board

Motion to appoint Don Archuleta to the Cemetery Board made by Trustee Brad Wick. Seconded by Trustee Suzy Metzler. Motion carried 6-0.

- **10-5** Discuss and vote on use agreement request from Floyd Cook (RE: 203 State St.)

Bob O'Hayre presented the situation to Attorney Jim McDonald on Wednesday, September 26th. The requested document has not been produced.

Trustee Brad Wick suggests tabling the item until the use agreement is completed. Mayor Rachel New wondered if the Board would agree to a conditional approval pending the receipt of the document. Trustee Suzy Metzler would like to review the document prior to voting. Trustee Cory Nasso would like to re-address the request at a special meeting once the final document is in-hand and has been reviewed by Attorney Jim McDonald.

Clerk Sara Gibb will reach out to Mr. Cook and inform him that the Board will move on his request once the required documentation is reviewed and approved by Attorney McDonald.

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

At the last regular meeting, the Town Sanitarian advised that the Town obtain the required as-builts for the open systems in order to close the files.

Mayor New reviewed the events relating to the as-built drawings – Williams has not reached out to the Town since prior to the last meeting, although contact from Williams was expected. Mayor New reported that there has been a tremendous amount of hearsay and 3rd and 4th party communication has taken place regarding this issue. She reiterated that the Town Clerk reached out to Williams' office in July or August. The Clerk spoke with Denise and asked if Williams had the as-built information and to see if it was possible to obtain it for our records. Williams' Engineering stated they would get back with her. Subsequently, Mayor New was contacted by the installer. The installer reported that homeowners were contacting him, stating that invoices had gone out to the homeowners for \$500. There had been no consent from the homeowners. Mayor New contacted Bob Williams and inquired as to how things had reached this point. The Town had not authorized payment on behalf of the homeowners, nor had there been any discussion of payment. Per Mayor New, Bob Williams stated that Bill Barvitski had completed the work and was no longer employed by Williams Engineering and that it was "complicated." He further stated that he could not find the work order for the job, so he wrote a note on the invoices. The note from Williams Engineering to homeowners read aloud by Clerk Sara Gibb.

Williams Engineering reported to Mayor New that they were interested in coming to an agreement and working with the Town on solving this issue. In the future, the Town Clerk will take steps to ensure that questions are not misunderstood. Further, the Town Clerk did not identify if there was going to be a need for payment or a work order that would need to be approved and signed. Mayor New also stated that the handling of this has been professionally incorrect. The solution should not be solely the responsibility of Pitkin.

The Town has not officially "accepted" these documents and has not been billed for the documents. No further communication has taken place with Williams Engineering.

Trustee Suzy Metzler believes questions should be asked before making decisions and requests. She suggests asking the Town Sanitarian. Trustee Brad Wick believes the homeowners should have been asked for the as-builts. The Town should not have injected itself and contacted the engineer.

Clerk Sara Gibb pointed out that she has spoken to Town Sanitarian Rand Makowski starting in 2017 about obtaining as-builts. These discussions did not yield any as-builts for the Town. None of the systems in question have final engineer's reports, which is also a Reg 43 requirement. Town Sanitarian Rand Makowski stated that he asked the installer to provide as-builts. Per Mr. Makowski, the installer forgot to provide the as-builts.

Mayor Rachel New reports that per the installer, the installer must collaborate with engineer to complete an as-built. She suggests contacting Williams' office and stating that the Town will not accept the documents but will require the homeowner to provide the information. The installer/homeowner must still collaborate with William's Engineering. The Town is open to discussing any leftover fees that are unpaid by the homeowner.

Trustee Cory Nasso agrees that the request should have gone to the homeowner. He stated that it sounds as though Williams' took a request for information as a directive to do work. He is concerned about paying even a portion of the as-built. It would be the homeowner's responsibility regardless. He also suggests having a conversation with each property owner – one homeowner suggested that he hired a contractor and the contractor was responsible for completing the job.

Trustee Brad Wick suggests paying Williams for a paper copy (because the Town already has the .pdf files). He

suggests adding the type of documents to the ordinance (i.e. 2 paper copies, .pdf file, etc.). He would like the homeowners to be responsible for providing the as-builts.

Attorney Jim McDonald suggested all future communications in writing to avoid conjecture. Trustee Cory Nasso suggests an email to summarize any conversations over the phone.

Trustee Brad Wick suggests taking a trustee to any meetings in person and taking minutes to summarize who is responsible for what actions.

Trustee John Rowan suggests having the homeowner review their contracts with the builders.

MAYOR NEW WILL DRAFT A LETTER TO HOMEOWNERS WITH UPDATES, ACTION PLAN, REQUIREMENT, REQUEST INFORMATION NEEDED TO FINALIZE – MAYOR NEW WILL CONTACT HOMEOWNERS, BILL BARVITSKI

All members of the Board are in favor of the proposed actions.

Motion to adjourn to executive session pursuant to CRS 24-6-402(4)(b) to receive legal advice on specific legal questions about correspondence received from a constituent regarding OWTS for approximately 15 minutes made by Trustee Brad Wick. Seconded by Trustee Steve Pinkston. Motion carried 6-0.

Adjourned to executive session at 8:56 pm.

Executive session adjourned at 9:06 pm.

Trustees were polled as to whether the topic of discussion included any item that was not noticed in the motion.

Trustee Angela Huckaby – no, Trustee John Rowan – no, Trustee Suzy Metzler – no, Trustee Cory Nasso – no, Trustee Brad Wick – no, Trustee Steve Pinkston – no

By a show of hands, all members of the Board of Trustees are in favor of sending a letter to Mr. Rupp.

Public comments: Chris Nasso (were systems altered in some way or were they put in according to engineer's drawings), Brian Holt, Pete Olson, Mark Hughes, Gayla Gibb, Ed Pinalto

- **9-4** Discuss and vote on Town of Pitkin Reserve Policy

Item tabled - to be discussed at Budget work session

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

Mayor Pro tem Cory Nasso followed up with a code of conduct violation complaint against Trustee Suzy Metzler. The complaint is now closed, per the code of conduct.

7. FOR DISCUSSION/UPDATE:

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

Item tabled – work session scheduled for 10/25/2018 at 7pm – building inspector pay scale, Town Administration

- **10-6** Introduction of 2019 Budget

Introduction made by Treasurer Sara Gibb. Requests were made for questions emailed ahead of time to allow research.

Budget work session set for Thursday 10/18/2018 at 7pm.

- **10-8** Discuss roles and responsibilities – Town Board, Mayor, Clerk

This agenda item was requested by Trustee Suzy Metzler. Trustee Metzler is concerned that the Mayor and Clerk are making decisions on their own. She would like the code of conduct to be passed out to commissioners. She would like to speak up for Rand Makowski. She does not like hearing bad things about him.

Trustee Brad Wick pointed out that the Board functions as a board. Everyone should be careful about unilateral decisions.

Trustee Angela Huckaby thinks it would be a good idea for the Board to consider sub-committees to assist Rand and act as a liaison between the Board and the regulations and assist in communication.

Clerk Sara Gibb stated she is open to feedback and would like examples from Trustee Metzler. Trustee Brad Wick disagreed that examples should be provided at this time.

Trustee Metzler would like her requested items on the agenda. She wants the Clerk's overtime in writing.

- **10-7** Discuss snow plowing in the Town of Pitkin

Meeting with the county on September 11th went well. They agreed that a multi-year intergovernmental agreement is possible – this will firm up the scope of plowing from the county.

Data is limited for determining the cost of plowing.

Trustee Wick suggests immediately determining scope and soliciting bids.

Sign IGA, determine scope, solicit bids. The IGA presented in May is the same as what will be presented by the county except for the length (3 yrs. Vs 1 yr.)

Attorney Jim McDonald suggested a work session to address the Town's plan for "phase 2" (after the County is no longer plowing).

Public comments: Brian Holt, Rand Makowski, Marie Rossmiller

- **10-9** Discuss Town Administrator for the Town of Pitkin

Item to be discussed at a work session with items 4-3, 5-6 and Building Inspector pay scale.

8. **ADJOURN MEETING: Meeting adjourned at 9:48 pm.**

The next regularly scheduled meeting will be held **Monday, November 5th** 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