

PITKIN TOWN MEETING

March 11th 2019 at 7pm

At the Newcomb Community Center

MINUTES

1. **Call to Order** and Pledge of Allegiance: Mayor Rachel New called the meeting to order at 7:05pm. Trustees John Rowan, Suzy Metzler, Cory Nasso, Brad Wick and Steve Pinkston were present. Attorney Jim McDonald was present. Angela Huckaby has resigned her position as Trustee effective this evening. Minutes taken by Clerk Sara Gibb.
2. **Public comments:** Tom Gibb
3. **Snow Plow Committee Report** and Board discussion regarding snow plowing in the Town of Pitkin

At the last meeting, a format that could be edited and adopted was requested from the snow plow committee. Pete Olson stated this is a work in progress. He understood the consensus of the Board to be that people should be served regardless of the cost. If the snow plow committee is to develop a policy, the Board must first define their intent as it relates to addressing individuals who visit in the winter and do not live in Pitkin year-round. Guidance is requested from the Board.

4. **Discuss complaints filed with the Town of Pitkin****

Complaints are to be brought before the Board, per the complaint procedure. Mayor New would like to be tough on problems and not people. She would like the focus of the complaints to be on the behavior cited and not the individual. She stated that she has some responsibility in meetings as the facilitator.

Mayor New would like to begin by discussing the issues pointed out in the code of conduct complaints.

Trustee Metzler would like to read her response to the complaints against her first, so she can “get it out there” what was actually going on. There were various complaints filed against Trustee Metzler, including against her statement regarding monies in the Town.

Trustee Metzler read several statements.

Acting as a liaison with staff as a trustee is inappropriate. Unequal sharing of information occurred at these meetings. Regarding this same permit, another staff member had enough information about the permit to contact the state and come to the board prepared with information about the permit.

Mayor New stated that the “mystery money” statement resulted in a phone call from the office of the State Auditor. She is now in the process of drafting a response.

Trustees must be careful not to step out of their role as trustee and become involved in staff procedures. Trustees must also be careful not to have unequal information sharing.

Trustee Wick asked what the harm to Mr. Nasso was. The earliest the approval could have taken place is today, due to the easement agreement. Internally, the process was a mess, but no harm was done to Mr. Nasso. The Board should discuss this in another forum.

Mayor New stated that documents that should be in the hands of staff should never be in the hands of a trustee at their personal home. This should not happen again. One of the most harmful things about this is that it breaks down trust between the Board and the constituents. Trustee Suzy Metzler stated that she will not store documents ever again. Mayor New reiterated that it is not appropriate to hold staff documents in personal residences and it is not appropriate to be involved. Trustee Metzler stated that she understood.

Rand Makowski did not return phone calls from Mayor New regarding a complaint filed against him. Mayor New will not report on the resolution to that complaint because she has not connected with Mr. Makowski.

Trustee Suzy Metzler stated that Mr. Makowski said he has not received any notification of the complaint.

There were a total of 3 complaints regarding the administrative activity of the Town in the handling of the OWTS permit.

A conduct complaint was filed against Trustee Wick regarding excessive gestures and interrupting during the meeting. Mayor New stated that it is her responsibility to rein in trustees when they become animated. She reached out to Trustee Wick regarding the complaint. Trustee Wick wanted to read aloud the complaint filed against him. He did so. He stated he is passionate about the Town of Pitkin. He is very concerned that the Board has spent 50 minutes discussing complaints when there are more pressing issues, such as snow plowing. He stated if he has interrupted somebody, it is because he is concerned about the delays and that the Town will run out of time to orchestrate a financial solution. He apologized if he has offended somebody.

Mayor New encouraged the Board to set an example and be aware of physical and verbal responses. The Board is called to a higher standard.

A complaint was filed against 704 State Street for an odor. The Environmental Health Agent has prepared a report in response. She read the report aloud.

Mayor New stated that Town has a complaint protocol so we have to take seriously the issues that the constituents take seriously. The Board needs to be careful not to shrug off concerns that are brought to it. When the Board reacts in a way to suggest that this is not important, it's telling constituents that their concerns are not important.

Trustee Cory Nasso stated that the complaints are a perception of the public as to how the Board is performing. He is concerned about the lack of trust toward the Board. There is a perception that permits will be handled inconsistently. He stated that the Board needs to be held accountable regularly, not just every two years at the ballot. The complaints are a form of accountability.

Trustee Suzy Metzler believes the Mayor should not be deeming complaints to be valid on her own when a complaint comes from a family member.

5. Town Attorney Report: No report

6. For Council Action:**

3-1 Approve meeting minutes: January 22nd special meeting, February 11 regular meeting, February 13th BOH meeting and February 13 special meeting

Motion to approve the above listed minutes as corrected made by Trustee Brad Wick. Seconded by Trustee Suzy Metzler. Motion carried 5-0.

1-1 Discuss and vote on attorney contract and compensation. Possible executive session pursuant to C.R.S. §24-6-402(4)(f) - personnel matters

Item tabled per Mr. McDonald's request

3-2 Discuss and vote on updates to Town of Pitkin complaint procedure (Resolution 2016-15)

Trustee Suzy Metzler prepared an amendment to the proposed updates. A new draft will be prepared

Motion to accept the updated complaint procedure with the intention of integrating Trustee Metzler's comments into a future document made Trustee Brad Wick. Seconded by Trustee Suzy Metzler. Motion rescinded.

Motion to accept the edited version of the complaint procedure dated February 21st 2019 as presented, with the intention of incorporation Trustee Metzler's comments in a future edited version made by Trustee Brad Wick. Seconded by Trustee Suzy Metzler. Motion carried 5-0.

Public comments: Gayla Gibb, Pete Olson, John Wise

3-3 Discuss and vote to approve easement agreement for Nasso OWTS

Trustee Cory Nasso recused himself due to being directly related to Chris Nasso, who requires the easement.

Attorney Jim McDonald asked if the Town needed to be named as an additional insured on the Nassos' policy. He also asked if anything more than a nominal fee should be charged.

Trustee Brad Wick asked if the Town needs to add to the agreement that the alley be put back in its original form.

Attorney Jim McDonald requested a drawing that shows the easement itself in greater detail with the meets and bounds for the easement itself. This might need to come from the engineer. He suggests having this before the project is started. He has asked Mr. Nasso for the legal description of the easement itself.

Trustee Wick stated the Board needs to decide how much area the person getting the easement needs to make repairs if needed. He asked if it would be sufficient to give a distance plus or minus the effluent pipe drawn on an enlarged section of plans. Trustee Wick would be comfortable describing a distance plus or minus the effluent pipe. Once the exact placement of the effluent pipe is determined, the legal description of the easement will be available.

Attorney McDonald will add "and electrical conduit" to section 2.3.

Motion to approve the utility easement agreement subject to the following amendments: 1 - The language relating to exhibit C will be modified to allow for the construction of an easement quarter plus or minus 10 fee from the sewer line and will be added at a later date once the legal meets and bounds description is available. The agreement will be recorded at this time. 2 - Language that the excavation in the easement area will be mitigated upon the completion of the construction project. 3 - The language from paragraph 4

after the word “easement in-line” and will add grantor as an additional insured...shall be deleted. 4 - Language added to 2.3 after the phrase “sewer pipe” in line four to reference electrical conduit and two additional pipes. The Town Board authorizes its attorney to finalize this agreement in consultation with the Nassos. Trustee Suzy Metzler so moved. Trustee Brad Wick seconded. Motion carried 5-0.

Public comments: Pete Olson, Jerra Garetson,

- 3-4 Discuss and vote on Resolution 2019-4 (Audit exemption) and discuss plan for signing audit exemption paperwork once it becomes available

The Board will plan on a last-minute meeting toward the end of March once audit exemption paperwork is available.

- 3-5 Discuss funding for snow plowing in the Town of Pitkin

The Town has spent \$12,330 on snow removal for the 18-19 season.

The Board is ready to have a discussion about how to move forward with proposing a tax increase. **A work session will be scheduled.**

Trustee Brad Wick thinks the Board needs to make a statement that snow plowing is an essential service. Individuals need to see the benefit of paying for snow plowing.

Trustee Cory Nasso would like the work session to start out with a discussion about the level of service it wishes to provide.

Public comments: Pete Olson, Jesse Garetson, Linda Hughes, John Wise, Cyndi Wick, Mark Hughes

- 3-6 Approve March 2019 Disbursements: Review of Treasurer’s Report and approval of monthly disbursements

Motion to approve the proposal to move town funds into a higher interest account per the Treasurer’s proposal made by Trustee Suzy Metzler. Seconded by Trustee John Rowan. Motion carried 5-0.

Public comments: Mark Hughes, Vicki Archuleta, Cyndi Wick

Two additions to disbursements - \$5,970 to QCC, \$20 to Rocky Mountain Frame and Trophy.

Motion to approve March disbursements made by Trustee Cory Nasso. Seconded by Trustee Steve Pinkston. Motion carried 5-0.

Public comment: Pete Olson

3-7 Discuss meeting procedure and agenda protocol (*Trustee Suzy Metzler*)

Mayor New provided a document from another municipality that focuses on rules of procedure and much more. It should be edited to be applicable to Pitkin. This will be immensely helpful to future mayors and Board members.

Trustee Brad Wick believes the document is wordy, but he likes it. The high points in the document should be considered by the Board. He would like it to be simplified.

Trustee Metzler believes it has so much in it that it will take many meetings to get it down to what the Town wants. Mayor New disagrees, the document explains what Towns do.

Trustee Metzler suggests “review and approval of agenda” at the beginning of the agenda so the agenda can be modified or added on a Board motion. She wants discussion about who decides what goes on the agenda and what doesn’t. Some Boards have a sponsor for each agenda item.

Mayor New pointed out that adding agenda items at the beginning of the meeting may be problematic because the public has not been notified properly. One suggestion is for the Board to discuss agenda items for future meetings at the end of each meeting.

Board approves Mayor New to attempt to simplify the document from Nederland without omitting important content.

Mayor New reached out to Mayor pro tem Cory Nasso and Attorney Jim McDonald regarding her handling of the complaints. Attorney Jim McDonald stated there was no conflict of interest in Mayor New handling the complaints per the complaint procedure. No discipline was given by Mayor New.

Attorney McDonald stated the appearance of impropriety and difference of opinion are not the same thing. Difference of opinion and actual conflict are not the same thing. Regarding tonight, the mayor was taking no position one way or another. She facilitated a discussion regarding a complaint. A conflict is identified by state statute or local ordinance, which thus far has not been done. The appearance of impropriety should be avoided at all times. With a town this small with so many close relationships, the Town needs to look at what is and is not a conflict and in what context.

Public comments: Pete Olson

Attorney McDonald was excused from the meeting at 9:36pm

7. Reports:

- Town Mayor – The Board needs to decide what comes next in the enforcement discussion. The PHCA agreement for Town Hall is being reviewed by Attorney McDonald.
- Town Clerk – Ord 2019-2
- Building Inspector – Rand Makowski
- Fire Department – Rand Makowski
- Zoning Board – Brian Holt – two seats opening, to be fulfilled in April
- Cemetery – James Sharpton
- Environmental Health – Cyndi Wick
- Streets – Steve Pinkston resigned his position effective April 2019
- Ditches - vacant
- Town Hall – Juliet Serrato -
- Parks and Rec – Sara Lamar
- PHCA – Kandy Nasso

- Set work sessions and discuss future agenda items

Appointment of trustee in April.

STR work session – Thursday, April 4th

Plowing work session – Tuesday, April 16th

5. Adjourn

The next regularly scheduled meeting will be held **Monday, April 11th** 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