

PITKIN TOWN MEETING

April 8th 2019 at 7pm

At the Newcomb Community Center

MINUTES

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

1. **Call to Order** and Pledge of Allegiance: Mayor Rachel New called the meeting to order at 7:05pm. Trustees Cory Nasso, John Rowan, Brad Wick, Suzy Metzler and Steve Pinkston were present. Attorney Jim McDonald was present. Minutes taken by Clerk Sara Gibb.
2. **Public comments:** At this agenda time, non-agenda scheduled citizens may present issues of Town concern to the Council on topics that are not to be discussed later in the meeting. No council discussion or action will take place until a later date; unless an emergency situation is deemed to exist by the Town Attorney. Each speaker has a time limit of 3 minutes to facilitate efficiency in the conduct of the meeting and to allow an equal opportunity for everyone wishing to speak.
3. **Snow Plow Committee Report** and Board discussion regarding snow plowing in the Town of Pitkin

No work session was held to address questions from the snow plow committee.

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

No complaints were filed.

5. **Town Attorney Report:** No report. Two issues that have been raised in the past month that the Town has requested Attorney McDonald to look into. They will be discussed during relevant agenda items.

6. **For Council Action**:**

3-1 Approve meeting minutes: March 4th work session, March 11th regular meeting

Motion to approve the minutes from the March 4th work session and March 11th regular meeting made by Trustee Cory Nasso. Seconded by Trustee John Rowan. Motion carried 5-0.

4-1 Discuss and vote to fill vacant trustee position.

Trustee Brad Wick stated that the Board was flooded with emails today. He requested that Jim talk about the emails. They were support emails for a candidate.

Attorney Jim McDonald stated that the Town Clerk, acting as a citizen, sent out communications in support of a candidate. In response to those communications, the Town Clerk received emails in support of a candidate. There are no statutory prohibitions on such communication as a citizen, nor is there any Town Ordinance that prohibits the Town Clerk from making communications in her role as a citizen.

Trustee Brad Wick understands there is no prohibition in the statutes but he is concerned how the clerk hat can be taken on and off. Trustee Wick mentioned the role of clerk in elections and his concern about how the clerk has become political. He would like Attorney McDonald to comment.

Attorney McDonald stated that the form of governmental structure that Pitkin has chosen is inherently challenging because there is no manager to manage staff. There is a certain level of vacuum in supervision. The challenge is that during an election, both sides of a political aisle should have complete confidence in the Town Clerk. In the absence of an enumerated policy or statute, is there a bias? Attorney McDonald does not perceive a bias. He does not perceive that either candidate is somehow at a disadvantage. He suggested if the Board feels there is a bias, do not hold the vote tonight.

Trustee Suzy Metzler stated that most people who sent emails are not voters and do not live here. It's not a popularity contest. She doesn't have a problem with going ahead with the vote tonight.

Trustee Steve Pinkston agrees that the vote should be held tonight. No one's opinion is going to change. Trustee John Rowan agrees.

Trustee Brad Wick stated that he is torn about proceeding tonight. There are 47 emails in support of Mr. Nasso. There was nowhere that the Town stated who the other candidate is.

Clerk Sara Gibb stated that she did not use information obtained as Clerk in composing her email. She received information as a private citizen and that information was used to compose the email.

Trustee Cory Nasso stated that throughout the years, there have been family members that have served on the same board or on the board of trustees and zoning board. It is inaccurate to act as if this is wrong or has never happened before. He will be recusing himself from the vote and any further discussion. Trustee Cory Nasso left the table at 7:26pm.

Attorney Jim McDonald has reviewed all the statutes and does not believe there is a conflict with Trustee Nasso voting. A personal or private interest relates to finance. Voters who voted for Cory Nasso are disenfranchised when he does not vote. He is subjecting himself to sanction if there are complaints. Especially given the polarizing identity of this community, wherein there are factions that suggest that because there is a relation by blood or marriage that they cannot vote. He hopes these factions will disappear.

Attorney Jim McDonald spent time doing research and on the phone with the executive director for the Colorado independent ethics division. These are not easy issues.

Trustee Brad Wick wants to know if Lois Sharpton should be asked if she is comfortable proceeding. Mrs. Sharpton wants to proceed and believes that Cory should be allowed to vote.

Lois Sharpton made a statement to the Board.

Chris Nasso made a statement to the Board.

Motion to vote in writing made by Trustee Brad Wick. Seconded by Trustee Suzy Metzler.

3 votes Lois Sharpton – Brad Wick, Suzy Metzler, Steve Pinkston

2 votes Chris Nasso – Rachel New, John Rowan

Lois Sharpton will serve for the remainder of this term, until election 2020.

Public comments: Cyndi Wick, John Wise, Jesse Garetson, Ramon Reed

4-2 Discuss and vote to fill expiring zoning board positions.

Jesse Garetson and Phil Duetsch expressed interest in the two expiring zoning board positions.

Motion to accept the two applications who have expressed interest on the zoning Board as the new members made by Trustee Brad Wick. Seconded by Trustee John Rowan.

Motion amended: Motion to immediately seat the two candidates – Jesse Garetson and Phil Duetsch – on the zoning Board made by Trustee Brad Wick. Seconded by Trustee John Rowan. Motion

Clerk Sara Gibb will reach out to the new members of the Zoning Board.

Both terms are 3 years, beginning in May 2019 and expiring April 30, 2022.

Public comments: Ramon Reed

Trustee Cory Nasso asked why he wasn't extended the same courtesy as former Trustee Angela Huckaby was when she was asked to change her recusal in order to change the outcome of the vote.

- 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.

- 3-2 Discuss funding for snow plowing in the Town of Pitkin

Mayor New would like suggestions on how to approach this issue and asked if this is a priority for work sessions.

Trustee Brad Wick believes the snow plow committee could do more research on the equipment requirements and possibly refine the cost estimate.

Mayor New asked if she could recruit some help at putting together a proposal on how to discuss a tax increase with the constituency. The Board has no objections.

Attorney McDonald stated that the idea of owning equipment may be attractive, but he suggests addressing management and maintenance. This should also be addressed if the Town plans to rent equipment.

Public comments: Ramon Reed, John Wise, Jesse Garetson

4-3 Discuss policies and procedures document edit – Mayor Rachel New

Mayor New edited this document to better reflect Pitkin's needs. She requests that the Board review the document and email suggestions to her. Trustees should come prepared to comment next month.

4-4 Discuss STRs in the Town of Pitkin

Trustee Wick stated that he received some citizen input that he felt was valuable. He asked when he should share the comments.

Trustee Suzy Metzler asked to hear the comments. Trustee Brad Wick stated that the Board is striving for a perfect ordinance. One suggestion was to write a 3-year ordinance. Trustee Cory Nasso stated that he has pointed out in the past that a perfect ordinance is not a reasonable goal. Mayor New reminded the Board that everyone had been in agreement to the idea of a 3-member group to help manage the implementation of the ordinance and this may provide feedback on how things are working.

According to Trustee Wick, Trustee Metzler suggested allowing a person to rent his home for 2 weeks with no license. The Board could exempt these rentals from sales tax.

Trustee Wick stated that he would like constituent feedback on these ideas.

Trustee Lois Sharpton was upset that the ordinance presented for this meeting was not reflective of what was discussed at the last two work sessions.

Work session - Thursday, April 18th at 7:00pm

Public comments: Jerra Garetson

4-5 Approve April 2019 Disbursements: Review of Treasurer's Report and approval of monthly disbursements

One disbursement added - \$20 to State for OWTS surcharge.

Motion to approve April 2019 disbursements made by Trustee Steve Pinkston. Seconded by Trustee Cory Nasso. Motion carried 5-0.

7. Reports:

- Town Mayor – Mayor New would like to schedule a commissioner meeting to get everyone on the same page for the spring. Please remember that bears will be waking soon and keep trash picked up.
- Town Clerk – no report

See written reports for the following:

- Building Inspector – Rand Makowski
- Fire Department – Rand Makowski
- Zoning Board –
- Cemetery – James Sharpton
- Environmental Health – Cyndi Wick
- Streets – Steve Pinkston
- Ditches – vacant – Bennetts would like the Town to accept their donation of a plastic culvert to fix the damaged culvert at 3rd and Sage. Trustee Pinksnton stated that the culvert will fill with dirt every spring. All the water and dirt runs off the hill and down the road. There was discussion about a grate system and who would be responsible for upgrades to the road.

Public comments: Jesse Garetson, Cyndi Wick

- Town Hall – Juliet Serrato
- Parks and Rec – Sara Lamar
- PHCA – Kandy Nasso
- Set work sessions and discuss future agenda items
STR – Thursday, April 18th at 7pm
Funding/Plowing/Budgeting – Tuesday the 7th or Thursday, May 9th at 7pm

5. Adjourn: Meeting adjourned at 8:29pm

The next regularly scheduled meeting will be held **Monday, May 13th** 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>.