
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:** Mayor Rachel New called the work session to order at 7:06pm. Trustees Suzy Metzler, John Rowan, Cory Nasso, and Brad Wick were present. Minutes taken by Clerk Sara Gibb.

2. **For Council Discussion:**

Discuss STRs in the Town of Pitkin

Trustee Cory Nasso suggested detailing section 3, which requires immediate inspection upon request by the Town. He also asked who does the inspection and what would trigger an inspection. Trustee Brad Wick stated that the Town is not going to do the inspections. For an STR that is poorly managed and has issues, an inspection will be completed. The self-safety certification is for the protection of the renters. Notification should be given to the property owner prior to an inspection. He would like STRs to be well-managed if they are going to be allowed in residential.

Trustee Nasso's concern is that an arbitrary complaint could trigger an inspection.

Events that trigger an inspection and the type of notification that is required should be added to the ordinance.

Trustee Suzy Metzler stated that if she was a property owner with an STR and there was a problem, she would want someone from the Town to check it out.

Trustee Nasso stated this is not the Town's responsibility, nor does the Town have the resources to deal with it. It should be the homeowner's responsibility.

Trustee John Rowan stated that saying someone is guilty by hearsay is a real problem.

Mayor Rachel New stated that the Board needs to keep in mind that the self-certification sheet has been introduced but not yet approved.

Trustee Brad Wick stated that the only leverage that the Town has to ensure that STRs are managed is the threat of the loss of the license. If the issues were primarily renter behavior, he would for sure trigger an inspection to get the attention of the owner.

Mayor New stated that the wording of the ordinance needs to be fair and reasonable. Trustee Cory Nasso asked why renter behavior would trigger an inspection because the wording now states an inspection is to verify the self-certification checklist. His concern is that the Town may be overstepping and he would like to know at what point is an inspection triggered. Trustee Brad Wick stated that this is all about the general attitude toward the management of the property. If a person just wants to run one, doesn't care about his neighbors and doesn't take the checklist as something important that's what this covers. Mayor New asked if this is a right to inspect, not an automatic revocation of license. Trustee Wick stated the Board needs to decide what are grounds for an automatic revocation.

Mayor New asked about the rule that stated if a license is revoked it can't be reinstated for 3 seasons. She would like the length of time to be 2 seasons.

Trustee John Rowan stated that an owner would take more care to abide by the rules if the penalty is more severe. Trustee Cory Nasso asked what recourse an owner may have in a situation like that. Trustee Brad Wick stated that a group of 3 could be given the ability to revoke a license, and it could be appealed to the Board of Trustees.

Trustee Nasso wanted to discuss section 4C3. He would like "reasonably calculated" to be changed to something more objective. Trustee Brad Wick stated that if a 3-person Board is to manage STRs, they need some leeway. He stated that numerous safety checklist violations would, in his opinion, warrant license revocation.

Trustee Wick would like to see the owner/operator/management company enforce the provisions of this ordinance on their customers. That's how the Town will get enforcement.

Trustee Suzy Metzler suggested not counting a child under 2 years of age toward the occupancy limit of an STR.

Public comments: Mark Hughes, Ramon Reed, John Wise, Kandy Nasso, Robbin King, Linda Hughes

Section 11: Performance Bond

Per Trustee Wick, the idea of the performance bond was one way to ensure that [7:50] The violations that may occur could then be drawn down from the bond. If the bond runs out, the license can be suspended or revoked.

Trustee Cory Nasso asked if Trustee Wick had a dollar figure in mind for the bond. Trustee Wick stated less than \$1,000.00. He sees the performance bond as a way to force some intention on running the property.

Trustee Metzler said the bond wouldn't be held in Town's accounts. Trustee Wick stated it would be.

Trustee Nasso stated that he believes the driving factor is the loss of license. This is the key factor to encourage compliance.

Mayor New wants to know what Attorney McDonald's thoughts are regarding the Town holding a bond.

Trustee Nasso stated the appeal process needs to be defined and expanded on.

Public comments: Robbin King,

Section 12: STRs

Section 12 deals with the physical property of the STR, while sections 1-11 deal with the licensing and application process.

Item – Disruptive Behavior –

Item J – Quiet Hours – Trustee Nasso would like to see this made into an ordinance. Quiet hours should extend to other properties beside short-term rentals. Trustee Wick suggests 10pm to 7am for quiet hours. Trustee Nasso stated that there are some scenarios where people get up early and leave for long rides. He also pointed out to the Board that there are companies in Town that begin working at 7am. The Board agrees with 7am-10pm as the goal for quiet hours.

Item I – Posting Requirements – Trustee Nasso is uncertain that the manager should need to post his/her home address. Trustee Metzler stated that it's possible that the manager will be needed at a time when there is a power outage and no way to contact him/her by phone. The Board will leave this item as-is at this time.

“resolutions” vs. procedures in Item E

Item H – Local contact – Trustee John Rowan stated the number needs to be changed. Trustee Nasso agrees, because the wording indicates that the manager has to be home and accessible 24/7. The time will be changed to 60 minutes.

Wording will be changed to “with as much advance notice as possible” for change of contact person

Item G - Compliance with other laws – Board in agreement with this section

A short-term rental, as most localities define it, is a location that is rented out by the owner, who lives at the property most months of the year. That is what municipalities are now defining as a short-term rental. In Pitkin, we really have vacation rentals. They’re not short-term rentals.

Mayor New stated that the 2012 zoning code has allowed spot zoning. The board has historically allowed or disallowed businesses in residential at the request of the owner based on no criteria.

Trustee Metzler stated that the same details have now been worked on since the summer of 2015. There is still no agreement and it gives her a headache. There is so much detail and so much to think about. She doesn’t believe there will ever be some kind of ordinance. She just can’t see it happening. She likes Ramon’s document that he sent. The Board wouldn’t have all these decisions. Each person can rent for 14 days. She believes this would solve a lot of issues, such as with occupancy or licensing.

Public comments: Ramon Reed

5-minute recess

Resumed at 8:41pm

Section 12

Item F – Insurance – Mayor New pointed out that the current wording would require the Board to set rates. Trustee Brad Wick stated that the City of Golden requires \$1,000,000.00

Trustee Nasso does not believe this section should be in the ordinance. This should be the property owner’s decision. He suggests showing proof of insurance.

Trustee Suzy Metzler is concerned that someone will start a fire and it will burn down the neighbor’s house.

Trustee Wick suggests inspecting prior to the license being granted and billing the homeowner for it.

There was discussion about town-wide parking regulations.

Public comments: John Wise, Ramon Reed,

Item C – Occupancy –

Item – Sales and use tax required – Trustee Wick states that each business must hold its own license and not be bundled with other businesses. Each property should have its own license number.

Item – B – Owner occupancy requirement – Trustee Wick suggests that the actual owner of the property should reside in the residence a certain number of weeks per year.

Trustee Nasso stated that most property owners don't stay here for 6 weeks. Also, how would this be enforced? He cannot think of any option that is acceptable for enforcement.

Trustee Wick suggested that if the property is in residential, the property must be the primary residence.

Mayor New has had several phone calls regarding limiting ownership of STRs to individuals and not trusts. Is it legal to require people to have their property in their own name?

Trustee Wick states that the issue with trusts, etc. is that an entire area of the residential district can be bought up and run by a company. Also, you can't tell who owns it. The sales tax license doesn't match the name of the owner.

Mayor New asked, if the intent is to prevent owners from having more than one rental, why can't the ordinance just say that? Trustee Nasso prefers this idea.

Trustee Nasso stated that at the current property values, it is unlikely that a person will get even a 3-4% return on their property, if that. People buy homes so they can use them and they rent them so they can make a little money.

Public comments: Ramon Reed, Kandy Nasso, John Wise

Section 13

Mayor New doesn't believe the section is currently written in a way that accurately what would actually be required in the process.

There was discussion regarding a a 3-member panel for management, which is an idea generally agreed upon by the Board.

There was discussion on passing an ordinance that will not come under referendum.

Public comments: Lois Sharpton, John Wise

3. Dismiss: Meeting adjourned at 9:42pm

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

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