

PITKIN TOWN MEETING

October 14th 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 7:02pm. Trustees Lucinda Lull, John Rowan, Jerra Garetson and Lois Sharpton were present.
2. **Public comments:** None
3. **Recall Election Results and introduction of new Board members:** Mayor Rachel New introduced new Board Members Lucinda Lull and Jerra Garetson.
4. **Town Attorney Report:** Attorney Jim McDonald consulted with attorneys for Hindsdale County and the Town of Marble regarding the sale of town-owned property. He asked if the Board would like a policy, a work session to address policies, or a review of statutes/ordinances and/or historical policy. Trustee Lois Sharpton wants to be sure that the Town agrees with the State on what should be done. She would like to review safety issues, which would require specific addresses. Trustee Lucinda Lull asked what the statute says. Attorney McDonald stated there are options: sale or conveyance, revocable license and agreement. He will put together a memo for the next meeting.
5. **For Council Action**:**
 - 10-1 Approve meeting minutes: September 9th regular meeting, September 11th special meeting

Motion to approve the September 9th (as amended) and September 11th minutes made by Trustee Lois Sharpton. Seconded by Trustee Lucinda Lull. Motion carried 3-0. Trustee Jerra Garetson abstained.
 - 7-5 Discuss and vote on Attorney contract with possible executive session pursuant to C.R.S. §24-6-402(4)(f) - personnel matters

Motion to approve the contract to employ attorney as presented made by Trustee Jerra Garetson. Seconded by Trustee John Rowan. Motion carried 4-0.

Public comments: None
 - 10-2 Discuss and vote to accept PHCA winter rental agreement

Mayor Rachel New recused herself from this section and excused herself from the front table.

Trustee Lois Sharpton asked who keeps the log. The Newcomb Center manager will keep the log. Trustee Lois Sharpton believes the Town's money would be better spent looking at the Town Hall and seeing what it would take to use that building immediately. Not to repair the dressing room, which is not needed for meetings.

Trustee Jerra Garetson asked about the regularly scheduled Zoning Board meeting. She asked if this meeting should be listed on the agreement. Attorney McDonald stated that this is up to the Board. Scheduling has not been a challenge in the past.

Motion to accept the PHCA winter rental agreement made by Trustee Jerra Garetson. Seconded by Trustee John Rowan. Motion carried 2-1. Trustee Lois Sharpton cast a "nay" vote. Trustee Lucinda Lull abstained.

Public comments: Jesse Garetson, Ramon Reed, Eddy Balch, Linda Hughes, Marie Rossmiller, Rodger Lull

9-5 Discuss and vote on Pitkin Citizen of the Year for 2018

Trustee Lucinda Lull – Rachel New
Trustee John Rowan – Possien Family
Rachel New – Rodger Lull
Jerra Garetson – Rachel New
Lois Sharpton – Possien Family

Trustee Lois Sharpton made a motion to honor two citizens as Citizen of the Year. Trustee Lucinda Lull seconded. Motion withdrawn by Trustee Lois Sharpton. Trustee Lucinda Lull approved the withdrawal.

Mayor Rachel New respectfully withdrew her candidacy as Citizen of the Year. She stated she appreciates the nomination.

The Trustees voted again, with one less candidate. The candidates for Citizen of the Year are now: the Possien Family, Rodger Lull. With the votes as follows, the Possien Family was named at Citizen of the Year 2018.

Lucinda Lull – Possien Family
John Rowan – Possien Family
Rachel New - Rodger Lull

Jerra Garetson – Rodger Lull
Lois Sharpton – Possien Family

10-3 Discuss plowing in the Town of Pitkin: discuss and vote to accept the bid from Quartz Creek Company and to approve the route list for final contract

Mayor New disclosed that her spouse works for Quartz Creek Company. He is not an owner of this company.

A pre-bid meeting was held and Quartz Creek Company was the only company that submitted a bid.

The retaining fee is \$1,700.00. This year the bid is a lump sum. Discussion about the bid followed.

There was discussion about the Makowski residence. Mayor New reported that the intention of the alley vacation was a trade in road location. This was proposed by the then-property owner and executed via ordinance. However, instead of a quit-claim deed to the new alley location, the Town was only given an easement to use the new road, and the property owner retained ownership of both the original and new alley locations. The four property owners on that stretch must make a proposal regarding maintenance of the section of road that the Town does not own, but only has an easement to use. Without all parties present, the discussion is limited.

Trustee Jerra Garetson asked if the property is private. Mayor New stated that in the ordinance that was executed in 1995, it is reflected that the Town vacated the platted alley for an easement onto private land. The Town has a right to ingress and egress but the road does not belong to the Town. The intent was to quick claim the road to the Town, but this step was not completed. Instead, the Town was given an easement. The property owner is still in charge of the road.

Trustee John Rowan asked what would be involved in getting a quit-claim deed. If the property owner will coordinate and propose something to the Town, the Town would be able to meet and discuss a solution.

Mayor New stated that she believes the year-round property owner has been in touch with neighbors regarding the correction of this issue.

Trustee Lois Sharpton asked if all property owners have been notified. The town of Pitkin has not officially notified the owners. Only one of the owners has requested plowing.

Trustee Lucinda Lull stated that the Makowskis made the initial proposal and somewhere along the line, the quick-claim deed was dropped. With no ownership to that property, there is no value to the Town at this time. If the Town could obtain ownership, it would have the benefit of HUTF funds.

Trustee Lucinda Lull believes 6th between Main and State should be plowed.

Mayor Rachel New will reach out to the homeowners on Aspen Lane and ask them to coordinate with each other to make a request to the Town. The Board will hold an additional meeting as necessary.

The Board would like to add 6th street from Main to State. Treasurer Sara Gibb suggested that the Board find out the cost to add this block prior to adding it to the final plow list.

Trustee John Rowan would like to request justification for the bid prior to the Board accepting the bid. The Board is in agreement. Mayor New will reach out to Quartz Creek Company for justification of pricing and potential additional cost for added route(s).

A special meeting will be held to discuss the bid justification and final plow route.

Item tabled.

Public comments: Debbie Henley, Jesse Garetson, Eddie Balch, Mark Hughes, Ramon Reed, Marie Rossmiller, Kandy Nasso, James Sharpton

10-4 BOARD OF HEALTH DISCUSSION/VOTE – ***This item includes a public hearing.***
Discuss and vote on OWTS variance request for Block 20, Lots 17-19 (701 River St.)

Trustee Lois Sharpton does not believe the Town can proceed with this item due to lack of information, and prohibitions for variances based on economic reasons only. Mayor New stated that the information Trustee Sharpton thought was missing is in fact included in the attached Engineer's report. It was also reported that the variance fee was paid. Approximately 2 feet of the soil treatment area

will be in the River Street right-of-way.

Trustee Jerra Garetson asked if the steep ridgeline was not considered a hardship. The flat area is best suited for the soil treatment area and the engineer does not advocate excavating on the ridgeline.

Mayor Rachel New opened the public hearing at 8:34pm

Public comments: Ramon Reed, Jesse Garetson, Chris Nasso, Linda Hughes, Eddy Balch

Mayor Rachel New closed the public hearing at 8:44pm

Trustee Lois Sharpton stated that the Board cannot fix what has been done in the past, but the Board needs to look forward to the development of the Town.

Trustee Lucinda Lull pointed out that in section 5, the report states that all other requirements will be met, including the requirements regarding public health and safety.

Trustee Jerra Garetson asked why the Board would not want to encourage the development of a property for the Town.

Mayor New stated that the soil treatment area will be 10 feet within the 10 foot setback and 2 feet in Town of Pitkin street right of way. The soil treatment area is 12 feet by 25 feet.

Trustee Lois Sharpton asked why the soil treatment area can't be put in platted 7th Street. She does not feel like the Board has enough information to grant a variance. She wants to know what kind of system will be put in. Mayor New stated that the Board is not looking to approve a system. The Board of Health is not involved in that step, and that is the next step in the process.

Trustee Lois Sharpton does not feel that hardship has been adequately addressed. Trustee Jerra Garetson stated that it appeared that there were no other locations on the property to put the system where it would meet requirements.

Mayor New agrees that the wording is lacking. The request does not specifically state that there is no alternative location on the property. Trustee Lois Sharpton wants to know if it is possible to put a conforming property on the OWTS.

Attorney McDonald stated that the Board should hold a second public hearing if this item is continued.

The Board would like a resubmittal of the variance application with clarification.

Attorney McDonald does not believe that individual Board members should be visiting the site.

There was discussion about the process for requesting an OWTS variance.

Motion to postpone the public hearing and request additional information from Mr. Kelley that further satisfies the requirements of the application made by Trustee Lucinda Lull. Seconded by Trustee John Rowan. Motion carried 4-0.

Public comments: Tom Gibb, Ramon Reed

Attorney McDonald was excused from the meeting at 9:07pm.

10-5 Approve October 2019 Disbursements and review Treasurer's Report.

Motion to approve October 2019 disbursements made by Trustee John Rowan. Seconded by Trustee Lois Sharpton. Motion carried 4-0.

6. Updates/Planning:

- Review and discuss 2020 Budget

Budget discussion took place. Adjustments were made.

- Discuss 2020 mill levy increase
- Set work sessions and discuss future agenda items

Mill levy work session and plowing special meeting (if still needed) set for November 4th 7pm

7. Reports:

- Town Mayor – Mayor New as reached out to All Weather Dirt Works regarding a maintenance plan or quote. She also reached out to John Cattles regarding Town Hall.
- Town Clerk – Election reminders for upcoming special election on November 19th, 2019.

Please see written report for the following:

- Building Inspector/Sanitarian – Rand Makowski
- Fire Department – Rand Makowski
- Zoning Board – James Sharpton
- Cemetery – James Sharpton
- Environmental Health – Cyndi Wick
- Streets – vacant. John Rowan asked where the Street limit sign should be parked.
- Ditches – John Rowan
- Town Hall – Juliet Serrato
- Parks and Rec – Sara Lamar

5. **Adjourn: Meeting adjourned at 9:35pm**

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