

PITKIN TOWN MEETING

November 11th 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 7:07p.m. Trustees Cory Nasso, Lucinda Lull, Jerra Garetson, and Lois Sharpton were present. Attorney Jim McDonald was present. Minutes taken by Clerk Sara Gibb
2. **Public comments:** Suzy Metzler
3. **Town Attorney Report:** No report. A memo was provided regarding the sale of real property.
4. **For Council Action**:**
 - 11-1 Approve meeting minutes: October 14th regular meeting

Motion to approve the minutes made by Trustee Jerra Garetson. Seconded by Trustee Lucinda Lull. Motion carried 3-0. Trustee Cory Nasso abstained.

- 11-2 Discuss plowing in the Town of Pitkin: Discuss and vote to approve the bid and sign the contract from Quartz Creek Company for snow plowing in the Town of Pitkin

Mayor New reported back on questions to Quartz Creek Company regarding the proposed additions to the plow route and the bid amount. QCC expects an addendum to be proposed once the uncertainties regarding Aspen Lane are finalized.

The Board discussed new plow requests that were submitted after the initial bid was drawn up. Trustee Lucinda Lull initially recused herself from this discussion because she served as the realtor for one of the homes in question. Following Board discussion, she stated that she would participate. Regarding a request from Mr. Padilla (8th and Aspen) Trustee Cory Nasso stated that he does not believe Town has the budget to provide access to various points on someone's property. There are other families in Town who are responsible for access to their propane tanks during the winter. Trustee Lois Sharpton stated that the Town does not have a precedent for plowing out propane tanks. The Board concluded that the town does not provide secondary access to properties.

Regarding the request from Quartz Creek Lodge to plow 2nd street through December 8th, the Board will request 2nd street from Main NW past the first property on the left to be added.

Trustee Cory Nasso stated that the Board should consider a broader policy to address how businesses are treated in regard to plowing.

Attorney Jim McDonald stated that the Board should obtain cost prior to accepting any addendum to the snow plowing contract and list.

Motion to approve the bid and sign the contract with Quartz Creek Company for snow removal made by Trustee Lois Sharpton. Seconded by Trustee Cory Nasso. Motion carried 4-0.

Public comments: Ramon Reed, Eddy Balch

11-3 Discuss and vote to approve Resolution 2019-10 – Unpaid Boards

Clerk Sara Gibb stated that this is a yearly requirement for the Town to cover unpaid Boards, commissioners and volunteers under CIRSA's VAMP insurance plan rather than workers' compensation.

Motion to approve Resolution 2019-10 made by Trustee Lucinda Lull. Seconded by Trustee Cory Nasso. Motion carried 4-0.

11-4 Discuss and vote on request by Makowski/Fox regarding Aspen Lane to complete quit claim deed per original agreement with the Town of Pitkin

Following Board discussion at the last regular meeting, Mayor New followed up with Rand Makowski to request that he and the other homeowners provide a letter of their intent.

A quit claim deed never executed according to the original proposal from the land owner at the time. The land-owner took possession of the vacated alley from the Town and did not provide the land that was to be swapped. A letter was provided to the Town of Pitkin from Mr. Makowski and the Fox family requesting that the process be completed. Attorney McDonald stated that land cannot be conveyed via an ordinance – a deed is required. There is no record of a deed ever being executed.

Rand Makowski stated that he doesn't understand why the Town accepted the trade without the quit claim deed. He does not feel it's his place or Foxes place

to get it fixed when the Town didn't do it. He doesn't want to go through the expense. He doesn't understand why the Town can't plow the road now, because the easement states that the public is allowed to drive in and out on the road.

Trustee Lucinda Lull proposed splitting the cost with the property owners. Trustee Jerra Garetson pointed out that the original intent in the minutes is clear – expenses would be covered by (Everett) Makowski. The Board would like the attorney to look at the documents. The Board would like the addendum with Quartz Creek Company to be pursued to learn the cost of additional plowing. Trustee Cory Nasso would like the Town to place a deadline on the execution of the quit claim deed. Attorney McDonald agreed that the regular December meeting is an appropriate deadline. The Board asked if an earlier deadline is achievable.

Trustee Lois Sharpton asked if the motion had to include who would pay for the legal work and quit claim deeds. Trustee Cory Nasso stated he thought this could be determined later.

Motion to allow Attorney Jim McDonald to proceed with research and drafting quit claim deeds for the subject property made by Trustee Lois Sharpton. Seconded by Trustee Cory Nasso. Motion carried 4-0

Motion to obtain quotes from Quartz Creek Company to add 2nd Street plowing request and Aspen Lane plow request pursue mutually acceptable addendum for the above listed plow routes made by Trustee Jerra Garetson. Seconded by Trustee Lucinda Lull. Motion carried 4-0.

Public comments: Jesse Garetson, Eddy Balch, Suzy Metzler, Kathy Dardio

8-3 Discuss and vote on Hoffelder/Hunter request to purchase a portion of Armstrong St.

Attorney McDonald referenced the memo he drafted and provided. He stated that the Town can sell Town property. Real property that is used or held for any governmental purpose must be approved in an election. Other real estate may be approved for sale by ordinance. Attorney McDonald reviewed other points in the memo, including a number of questions that must be answered by the town.

Trustee Lois Sharpton suggested that the zoning board review the request. She

suggested that future annexations are possible and the Town should consider this. She would like the Town to consider alternatives to selling, such as a use permit. Trustee Jerra Garetson wants to encourage improvements to Town. She is not comfortable with the idea of selling the property outright. Trustee Cory Nasso agrees. He supports improvements to property. He is concerned that selling the parcel may have an impact on neighboring properties and the possibility of needing an easement at that location in the future. Trustee Lucinda Lull asked if a utility easement could be included in the conveyance.

Dan Hoffelder brought up the request due to the geography of the location. The only way a road will be put in is if the old mill site is removed. He also stated that he is the only person with legal access to the property. The lane that was previously used to access cemetery road has been closed.

Mayor Rachel New asked for suggestions on how to proceed. She would like a definite plan.

Trustee Lois Sharpton would like to find the agreement made with Shawn Cleveland. Trustee Lucinda Lull stated that the agreement was originally made with Charles Meredith. Trustee Cory Nasso would like the Town to receive a benefit as well as the property owner. He also stated that requests such as the current request should be considered on a case by case basis. All requests should not be treated the same.

Dan Hoffelder stated that he will not build on leased property.

Trustee Lucinda Lull pointed out that a lease has the potential to cause grief during a future property sale. She would like the Town to benefit, as Trustee Nasso stated.

The square footage of the area in question is slightly larger than a Pitkin lot.

Attorney McDonald stated that an ordinance would be required to move to sell the property. There are bigger policy questions here, and due diligence should be completed. Someone should look into the statement [made by the property owner] that there is no public access, for example. He suggests a work session to discuss policy questions and specific questions regarding the subject property such as access issues, utilities, how the Town acquired ownership of the subject property, etc.

Trustee Cory Nasso suggested a work session.

The Board's intention is to set a work session and develop a process with which Mr. Hoffelder and Ms. Hunter (and future requestors) will be asked to comply.

Item tabled until after a work session.

Public comments: Eddy Balch, Ramon Reed, Kathy Dardio, Rand Makowski, Rodger Lull, Tom Gibb, Jesse Garetson, Patrice Boyd,

11-5 Discuss and vote to reallocate general funds from account 5060 – Legal to 5070-PHCA. Approve November 2019 Disbursements and review Treasurer's Report.

Motion to reallocate \$387.50 from Legal to PHCA made by Trustee Lucinda Lull. Seconded by Trustee Jerra Garetson. Motion carried 4-0.

Legal is \$1050.00 and not \$500. Treasurer Sara Gibb will print a check for the additional invoice due to Attorney McDonald.

Motion to approve November disbursements as amended made by Trustee Cory Nasso. Seconded by Trustee Lucinda Lull. Motion carried 4-0.

5. Updates/Planning:

- Review and discuss 2020 Budget

Trustee Lois Sharpton would like to include a line item for fines collected. **CLERK DO THIS**

Trustees Cory Nasso and Jerra Garetson are in favor of Trustees taking no pay. **CLERK DRAFT THIS ORDINANCE**

Trustee Lois Sharpton asked about line items for a municipal judge, deputy clerk, and town parking lot

Trustee Lois Sharpton would like to look for additional bids for the Town Hall.

Public comments: Ramon Reed, Jesse Garetson, Eddy Balch,

- Discuss 2020 mill levy increase

- Set work sessions and discuss future agenda items

Budget/Mill Levy work session – Monday, December 2 - 7pm

Property sale policy work session – Wednesday, December 4 - 7pm

6. Reports:

- Town Mayor – no report
- Town Clerk – Election next week. Town’s website will be migrating to an updated platform.
- Building Inspector/Sanitarian – Rand Makowski
- Fire Department – Rand Makowski
- Zoning Board – James Sharpton
- Cemetery – James Sharpton
- Environmental Health – Cyndi Wick
- Streets – vacant
- Ditches – John Rowan
- Town Hall – Juliet Serrato
- Parks and Rec – Sara Lamar

5. Adjourn: Meeting adjourned at 10:08pm

The next regularly scheduled meeting will be held **Monday, December 9th** 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