

Town of Pitkin
Regular Meeting of the Board of Trustees
Newcomb Center, March 14, 2017

Minutes taken by Clerk Sara Gibb

Full and timely notice of this meeting was given to the public pursuant to CRS 24-6-402(2)(c).

Mayor Pro Tem Rachel New called the meeting to order at 7:00pm

Roll Call: Trustees Chris Nasso, Eddy Balch, Cory Nasso and Brad Wick were present.

Approve minutes of February 14th work session and regular meeting: Motion to approve minutes with correction made by Cory Nasso. Seconded by Chris Nasso. Motion carried 3-0. Trustee Eddy Balch abstained.

Wording indicating that Attorney Jim McDonald proposed an ordinance should be changed to “drafted.”

Approve minutes of February 21st work session and special meeting: Motion to approve minutes as amended made by Eddy Balch. Seconded by Cory Nasso. Motion carried 4-0.

Regular meeting needs to be changed to special meeting.

Clerk’s Report: Town website is in process. Time to start adding content. Hard launch will be on or about September.

Treasurer’s report: Motion to approve treasurer’s report made by Chris Nasso. Seconded by Eddy Balch. Motion carried 4-0.*

Trustee Cory Nasso wondered about the reimbursement for Clerk/Treasurer Sara Gibb. This amount was to cover the Town’s premiums for unemployment insurance through the State of CO. Had the check been approved at tonight’s meeting, the Town would have incurred a late penalty.

*At the April 11, 2017 meeting, Trustee Brad Wick pointed out that the March *disbursements* were approved.

Mayor’s report: Mayor Pro Tem Rachel New reported that Steve Pinkston resigned his position as Mayor effective March 14th. Please be thinking of a way to thank Steve for his many years of service to the Town.

Public comments should be submitted in writing prior to the meeting. Comments on agenda items will be taken during the agenda item.

Commissioner positions are up for election again in April, which is our next regular meeting. Current commissioners who would like to continue to serve should please submit their desires in writing to the Town Clerk no less than 5 days prior to the April meeting (Thursday.)

Attorney's report: No report.

Building Inspector: Building inspector not present. Report given by Brad Wick. Two foundations were inspected. A framing inspection will be completed tomorrow. James Sharpton is completing these inspections. The assistant building inspector had not been notified of these inspections, per Zoning Board member Brad Wick.

Fire Department: No report. Fire chief not present.

Zoning Board: No report.

Cemetery: Report given by James Sharpton. The Cemetery Board plans to meet within the next two months to schedule a work day.

Environmental Health: EHA Gayla Gibb passed around an educational flyer which will be included in mailings reminding property owners of septic inspections.

PHCA: Two volunteers will be setting up for pickleball in the Newcomb Center. Please do not remove tape on the floor of the center.

Town Hall: No report.

Ditches: No report. Ditch commissioner Cory Nasso plans to speak with City of Gunnison about using their jet truck. Cory is considering obtaining grates to prevent culverts from clogging. He would like to hold a community work day in May.

Streets: No report. Streets commissioner not present.

Parks and Rec: The Town of Pitkin did not receive the grant for a new playground this year. Pitkin was 8th on the list and 6 were chosen. The plan is to reapply next year. Parks and Rec commissioner Sara Lamar indicated that an area of concern by the grant committee was the Town's current lack of fundraising for the playground. Sara would like to thank Pitkin-News.com for its support of the playground efforts.

Public Comments: Trustee Chris Nasso filed a public disclosure with the Secretary of State as to his involvement with STRs and the compensation he receives is less than 5%. Subsequent to filing, Chris has received no compensation for services he provides for STRs and he will not be receiving any compensation in the future.

Old Business:

Committee report on town restroom research: Ralph Bush, Pete Olson and Trustee Eddy Balch form this

committee.

Trustee Eddy Balch read an email from Pete Olson. Pete indicated in his email that of the three potential building sites he prefers the park location.

Ralph Bush reports that next month the committee would like to provide the Board a report with three sites, construction documents, budget, and pros and cons for each site. Labor is not included in the budget. The committee would like volunteers to help with this, possibly during community work weekends. He estimates two weekend would be required for completion of this project. Ralph also stated that the restroom committee hopes to keep the budget within the \$7,000 to \$10,000 range. This will be possible with volunteers and donation of many materials by Ralph Bush.

A letter written to the restroom committee suggested that the Newcomb Center and museum restrooms be utilized. Trustee Eddy Balch reports that PHCA president Gary Winget believes the museum restrooms will be open again this year. Per Gary Winget, the PHCA Board was adamant that the Newcomb Center restrooms will not be open to the public except during PHCA sponsored events.

Brad Wick would like to know about operational costs. Per Trustee Eddy Balch, the City of Gunnison has a full-time person in the summer and part-time in the off season. A cost estimate for maintenance will be included in the committee report.

Committee Report on inspection criteria for alternative waste systems: Trustee Eddy Balch reported. The committee met on March 13th. Eddy plans to compile the list of criteria and circulate it amongst the committee members and present it to the public.

Report on status of improved internet research for the Town of Pitkin: Trustee Brad Wick reported. All alternatives to CenturyLink are wanting the Town to invest. The Town can string its own fiber but we would have the option to rent poles from GCEA. He believes the Town's best option is still CenturyLink. He has located the manager at CenturyLink who is responsible for this area. He has attempted to contact this person and will continue to do so.

Gayla Gibb reports that X-treme Internet said they are not interested in even putting together a proposal for Pitkin unless the Town pays for it. IC Connex provided a similar response to her inquiry.

Wayne Bush reports that AT&T may be doing a trial in Denver on satellite internet. Ralph Bush reports that Hughesnet launched their satellite last summer. They are providing 50 mgs up and 50 mgs down, unlimited for under \$100/month.

Discuss and vote on proposed resolution for OWTS complaint hearing protocols:

Motion to table this item until amended resolution is provided for review made by Chris Nasso. Seconded by Cory Nasso. Motion carried 3-1. Trustee Brad Wick cast a nay vote.

Attorney Jim McDonald reports that the Board's requests from the last meeting are already covered in the resolution. Regarding an extension, there are no time limits in the resolution, so if the chairperson deems that additional time is required, the resolution allows for this. The chairperson will chair the meeting similarly to how a Town meeting is chaired. Also, the clerk's role is identified in the resolution.

Regarding cease and desist orders, there may have been some confusion at the meeting. Per Reg. 43 a cease and desist order may be issued by the local public health agency for any system that is found by the health office not to be in compliance with the OWTS Act or the applicable regulations or is found to constitute a hazard to public health or has not received timely repairs under the provisions of CRS 25-10-106(1)(j).

As it stands, the language within the ordinance as drafted is consistent with Reg. 43 because it provides for an expedited process to issue whatever sanctions are appropriate, including a cease and desist order.

Trustee Chris Nasso wonders if there is an investigation or a complaint validation required before the

entire process is initiated. Attorney Jim McDonald states that this resolution does not include that provision. By not having it, a complaint is presented to the Board, which is a more neutral body.

Trustee Cory Nasso wanted to clarify the time frame for the process of issuing a cease and desist. His understanding is that for an emergency hearing to take place, the Board of Health must meet and five of seven members of the Board of Health must vote to hold a hearing, which would then take place no less than 48 hours later. A 24-hour notice must be given for the initial meeting of the Board of Health, so there is a time frame of at minimum three days before which an emergency hearing could be held. Attorney Jim McDonald stated that if there is an imminent threat, the amount of notice required for a special meeting of Board of Health is 24 hours. Another option would be to state that if a complaint is made and the Environmental Health Agent (EHA) or Town Sanitarian deems an imminent threat to the environment and the people of the Town then a hearing should be held within 48 hours. He believes a 5 out of 7 vote isn't necessary, rather the Town's appointed agent should be able to advise of the necessity of a hearing within 48 hours.

Trustee Brad Wick suggested bypassing the initial step and scheduling an emergency hearing if the EHA or the Town Sanitarian deems it necessary. He would like the Board of Health to be the body holding the hearing and not a single person (EHA or Town Sanitarian.) Trustee Brad Wick suggested passing the resolution and sending it to the State for feedback.

Trustee Eddy Balch believes that Reg. 43 is clear that the Health Officer may issue a cease and desist order. He does not believe the Town should deviate from Reg 43.

Trustee Brad Wick believes the Board of Health should issue cease and desist orders rather than a single person (the EHA or Town Sanitarian) due to the uniqueness and the size of the Town of Pitkin.

Attorney Jim McDonald pointed out that if the EHA or Town Sanitarian is making the decision to issue a cease and desist then communications with the Board of Health would be inappropriate. If the Board of Health makes this decision, it would happen at a hearing.

EHA or Sanitarian would contact the Clerk and state that a hearing is necessary due to imminent risk. Clerk would contact Board stating that a hearing will be held.

Trustee Eddy Balch doesn't believe the Board can make a decision for a cease and desist order without visiting the site. Attorney Jim McDonald states that the Board would make the decision based on evidence presented by all parties. Trustee Brad Wick stated that the Board might dismiss and visit a site in question during the hearing.

Attorney Jim McDonald suggested adding language at the end of paragraph 1 stating that the Clerk will provide a copy of the complaint to the EHA and Sanitarian, who will determine if there is an imminent risk of harm.

Robbin King wonders if there is someone in Gunnison County who is a professional and certified who could be contacted to make the call for a cease and desist.

EHA Gayla Gibb reports that there is a property owner in Town that requires action. She reports this because she wants to make the Board aware that with the job of EHA comes knowledge of current situations in Town.

Trustee Brad Wick believes that as a Board of Health, the decision could be made to obtain an outside perspective if needed.

Discuss and vote on proposed Ordinance to restrict advertising to residential rentals in the Town of Pitkin:

Per Attorney Jim McDonald, no action can be taken until 30 days has passed from the time that the ordinance was sent to the State. At the next regular meeting action can be taken.

Mayor Pro Tem states that a work session should be held to discuss notes from the STR committee and Brad's proposed ordinance.

Trustee Brad Wick would like to request that the work session be scheduled March 30th or after.

A work session was scheduled for 4-6 pm April 11th at the Newcomb Center.

New Business

Discuss and vote on an ordinance to repeal the Municipal Court Ordinance: Motion to publish Ordinance 2017:2 made by Eddy Balch. Seconded by Chris Nasso. Motion carried 4-0.

Ordinance 2017:2 read aloud by Clerk Sara Gibb.

Trustee Brad Wick wonders why the ordinance must be repealed over what appears to be a clerical error. Attorney Jim McDonald states that repealing the erroneously signed ordinance is a cleaner approach. An appropriate ordinance can then be enacted.

Discuss and vote on options relating to filling the vacancy of the mayor position:

Attorney Jim McDonald previously sent an email to the Board with appropriate statute. The Board has two options: appoint a mayor who will hold the seat until the next election or schedule a special election. If the Board chooses to appoint a mayor from the current Board, a new trustee would need to be elected to fill the vacancy created.

Trustee Cory Nasso clarified that a special election would take place and be the same as a regular election. Attorney Jim McDonald confirmed this and reports that a special election must occur if no decision is made within 60 days.

Mayor Pro Tem Rachel New is willing to fill the role of mayor until the next election.

Trustee Cory Nasso would like the Board to make an official decision as to how to fill the vacancy.

Trustees Brad Wick, Cory Nasso, and Eddy Balch believe a mayor should be appointed. A notice will be published at the Post Office announcing the vacancy for mayor and a potential vacancy within the Board of Trustees. Interested parties should send their names in writing to the Clerk.

Motion that the Mayor Pro Tem and Town Clerk create a resolution and plaque to honor Steve Pinkston made by Trustee Brad Wick. Seconded by Eddy Balch. Motion carried 4-0

Mayor Pro Tem Rachel New provided two ideas to honor Steve including: a plaque, a resolution. Trustee Brad Wick would like to do both.

James Sharpton suggested declaring "Steve Pinkston Day."

Kandy Nasso suggested special recognition during Pitkin Days or the Melodrama.

Suzy Metzler suggested having Steve as the parade marshal.

John Wise suggested "A Day Without Steve" to mirror current national happenings.

Meeting adjourned at 8:38 p.m.