

Town of Pitkin  
Regular Meeting of the Board of Trustees  
Town Hall, February 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 Pinkston called the meeting to order at 7:00pm

**Roll Call:** Trustees Rachel New, Chris Nasso, Brad Wick, Cory Nasso and Matt Buchanan were present.

**Approve minutes of January 11th regular meeting:** Motion to approve minutes made by Chris Nasso. Seconded by Rachel New. Motion carried 6-0.

**Clerk's Report:** Marleen from Gunnison County contacted the Town and is concerned about the cost of plowing in Pitkin. This will be added to the agenda at the next meeting.

**Treasurer's report:** Motion to approve treasurer's report made by Matt Buchanan. Seconded by Brad Wick. Motion carried 7-0.

Wage withholding is paid quarterly and will be due at the end of April.

**Mayor's report:** Mayor Steve Pinkston reports there is no power at Town Hall.

**Attorney's report:** Attorney Jim McDonald drafted a brief ordinance to repeal the prior municipal court ordinance. Attorney Jim McDonald requests that emails to the Board go to each member individually instead of as a group email.

**Building Inspector:** No report. Building inspector not present.

**Fire Department:** No report. Fire chief not present. Constituent Robbin King would like to thank the fire department for their quick response to her emergency.

**Zoning Board:** No report.

**Cemetery:** No report.

**Environmental Health:** No report.

**PHCA:** PHCA just received their pickleball equipment and Shane and Diane Gerber will set it up. This is a winter sport which will be available to anyone. The next potluck is March 11<sup>th</sup> at the Newcomb Center.

**Town Hall:** Trustee Cory Nasso reported that there is no report. Town Hall had power Sunday during the day.

**Ditches:** No report.

**Streets:** No report. Streets commissioner not present.

**Parks and Rec:** A fundraising committee has been formed for the playground.

**Public Comments:** None.

**Old Business:** Motion to accept GCEA franchise agreement as written made by Chris Nasso. Seconded by Matt Buchanan. Motion carried 6-0

Ordinance 2017:1 (Granting and Approving a Franchise with GCEA) read aloud by Clerk Sara Gibb.

**Discuss and vote on an ordinance concerning advertised residential occupancy limits:** A work session will be held on February 21 at 7pm, followed by a special Town meeting.

Attorney Jim McDonald provided a draft ordinance for review. He suggested that the ordinance be adopted as a public health ordinance pursuant to Reg. 43 and making specific references to some of the criteria in Reg. 43. Per Jim, Meg Parish believes this approach is an effective way to address the issue.

Attorney Jim McDonald drew attention to pg. 2 where the protocol for adoption of regulations for a local Board of Health is outlined. Before a public hearing can be held, the proposed regulations must be provided to the division at least 30 days prior. Within 45 days of the adoption of the regulation, the division can determine that certain elements of the ordinance may not be in compliance with Reg. 43 and therefor that portion of the ordinance will no longer be in effect.

Trustee Cory Nasso had reviewed the proposed ordinance and pointed out that all rentals should be included, therefore the wording in the ordinance should be changed to reflect this and not just rentals of 29 days or less.

Trustee Brad Wick pointed out that under item 1, the wording does not allow for systems that have been upgraded. He is also concerned about enforcement and this is not addressed in the ordinance. There are no guidelines as to how the original number of bedrooms is determined.

Trustee Cory Nasso believes that some of Trustee Brad Wick's concerns are addressed in section 2, which allows the homeowner to request a variance.

Trustee Brad Wick provided a draft ordinance as to how the Town might go forward. He states it is based on a permit system that requires the property owner to bring all information to the Board of Health for review. The Board of Health then sets an occupancy limit. He also included a fee/fine structure that allows for all involved parties to be fined if a violation occurs.

Trustee Cory Nasso pointed out that Trustee Brad Wick's document does not address long-term rentals.

Denise Bennett wonders how the property owner will know the number of renters arriving if the owner is not present to greet the renters. She also wonders if the primary concern is short-term rentals or if a 2-bedroom home with 6 residents is also of concern.

**Update on Town restrooms:** Pete Olson stated that the committee has not met. He wonders whether it is appropriate to commit a large sum of money to this project based on one busy summer. Some other options to consider would be to rent porta-potties again and see if the demand is consistent. He wonders if the idea of partnering with the forest service should be explored further. He also wondered if the town has considered the long-term expense of upkeep (pumping, toilet paper, cleaning, etc.) Does amending the OWTS ordinance to allow a vault toilet for the Town open this option up to others? Is there a good

piece of Town property for placing toilets? Does the estimate include site improvements such as parking around the toilets? Will security lighting be required by insurance? Could the Town consider asking the event sponsors for Pitkin Day and Fireman's Day to be responsible for the porta-potty costs during those events.

Trustee Brad Wick would like to look at a cost analysis for maintenance.

Trustee Rachel New would like to remind the Board that money has been budgeted for porta-potties next summer. The end goal is for the Town to have public restrooms.

Trustee Cory Nasso would like to have a couple of options to evaluate.

Robbin King wonders if collecting data for three summers would be helpful in evaluating need.

**Discuss and vote on ways to get improved internet:** No motion made. Item tabled.

Trustee Brad Wick wonders why the Town doesn't have a franchise agreement with CenturyLink. Attorney Jim McDonald stated that from his read of the statutes a franchise agreement with CenturyLink does not fall under utilities.

Trustee Matt Buchanan pointed out that the fiber optic cable ends at Ohio City.

Trustee Cory Nasso believes it is \$40,000-\$50,000 per mile to run fiber optic cable. He also believes Bill Woodard has a contact at CenturyLink.

Trustee Brad Wick suggested approaching GCEA and asking them to replace static wire with fiber static wire and then selling the dark fibers back to Century Link. He will reach out to GCEA.

John Wise wonders if the Fire Departments needs may prompt some action on the part of Century Link.

Gayla Gibb has been in contact with XTreme Internet, which uses a repeater system. She reports that a representative will come to Pitkin if there is enough interest.

#### **New Business:**

**Discuss and vote on complaint concerning 724 State Street:** No vote taken.

Attorney Jim McDonald stated that it would be appropriate to establish a protocol for hearing a complaint at this meeting and it can be put into a resolution for the next meeting.

The Board is in agreement with providing a 20-day written notice to involved parties via certified mail. There was some discussion as to which property owners should be considered involved (adjacent, adjoining, within a certain number of feet, etc.) Pete Olson wondered if the public right of way would be considered. Will neighbors across the street be considered adjoining or adjacent? Suzy Metzler suggested notifying property owners within 100 ft. of the subject property. Jesse Garetson pointed out that there are 21 sites within 100 ft. of his property. It was decided that the verbiage be consistent with Reg. 43 and read "adjacent."

Trustee Matt Buchanan suggested a limit of 3 witnesses per party. Trustee Brad Wick suggests limiting their time. The Board would like some verbiage to be included that allows for the time limit to be altered at the Mayor's discretion. Trustee Rachel New suggests limiting the complainant and defending party to 15 minutes each. The Board would like this to be limited to 10 minutes per party. Witnesses will not be sworn in.

Trustee Brad Wick believes that attorneys should be allowed but they should be limited in time.

Attorney Jim McDonald wonders what role an attorney would play. The Board believes that the attorney should speak on behalf of the complainant.

Written statements by non-witnesses (includes adjacent property owners) must be provided to the Clerk no less than 72 hours prior to the hearing.

Attorney Jim McDonald wonders if the Board plans to utilize adverse witnesses or if witnesses would be acting voluntarily. The Board would like voluntary witnesses.

Questions from the Board may be posed to the witnesses. Attorney Jim McDonald suggests that only members of the Board be allowed to ask questions of witnesses.

The Board does not want attorneys to ask questions.

Evidence in the form of documents, photos, etc. should be introduced no less than 72 hours ahead of the hearing. The Clerk will then provide a packet to the Board of Health no less than 48 hours ahead of the hearing.

Attorney Jim McDonald pointed out that if a hearing was to happen during a regular meeting that the regular meeting must be recessed to move into the hearing. He pointed out that anyone on the Board with a conflict of interest should recuse him/herself at the time of the hearing unless there is a quorum issue.

Attorney Jim McDonald states that a vote can be taken by roll call or ballot. There should be no secret vote. A party found to be in violation should be allowed to provide a statement of mitigation.

Attorney Jim McDonald will draft a resolution to be presented at the work session on Tuesday, February 21<sup>st</sup>.

Trustee Brad Wick would like the Board to consider holding a special meeting after the work session on Tuesday, February 21<sup>st</sup>, to pass the resolution. The Board is in agreement.

There was some discussion about when the Board would hold its first hearing. Trustee Rachel New suggested that the hearing be held on a separate date from the regular monthly meeting.

**Discuss and vote on inspections for alternative waste systems:** Item tabled. Committee has no report.

Attorney Jim McDonald pointed out that alternative systems fall within the OWTS already, however, inspection language in the ordinance speaks specifically to septic tanks.

Environmental Health Agent Gayla Gibb clarified that the criteria for and frequency of inspection of alternative systems is what the committee plans to discuss.

**Discuss and vote on STR rules concerning occupancy limits:** Mayor Steve Pinkston believes this is covered under Reg. 43. No discussion was held.

Meeting adjourned at 8:33 p.m.

