Town of Pitkin

Regular Meeting of the Board of Trustees

Town Hall, January 10, 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, Eddy Balch, Chris Nasso, Brad Wick, Cory Nasso and Matt Buchanan were present.

Approve minutes of December 13th regular meeting: Motion to approve minutes made by Eddy Balch. Seconded by Chris Nasso. Motion carried 7-0.

Approve minutes of October 10th work session: Motion to approve minutes made by Eddy Balch. Seconded by Matt Buchanan. Motion carried 7-0.

Clerk's Report: No report.

Treasurer's report: Motion to approve treasurer's report made by Brad Wick. Seconded by Eddy Balch. Motion carried 7-0.

Mayor's report: Mayor Steve Pinkston received several requests to have the regular monthly meetings at the Newcomb Center. Due to concerns regarding safety and accessibility of restrooms, the next two meetings (February and March) will be held at the Newcomb Center.

Attorney's report: No report.

Building Inspector: No report. Building inspector not present.

Fire Department: No report. Fire chief not present.

Zoning Board: No report.

Cemetery: No report.

Environmental Health: No report.

PHCA: QCIA meeting this Saturday night has been cancelled due to the weather. The alley surrounding the Newcomb Center will be plowed.

Town Hall: Stephanie Nasso thanked those who have been shoveling the area around Town Hall.

Ditches: No report.

Streets: No report. Streets commissioner not present.

Parks and Rec: No report. Parks and Rec commissioner not present.

Public Comments: Vikki Archuleta would like to clarify the definition of a business. She provided copies of the State of Colorado's definition for the council. She believes the Town should ensure that all businesses are paying sales tax.

John Wise read from 2/10/15 minutes pertaining to the zoning code and businesses in the residential district.

Old Business:
Discuss and vote on municipal court ordinance: Motion to publish Ordinance 2017: , An ordinance repealing Ordinance 2015:3. Seconded by Brad Wick. Motion failed – Steve Pinkston, Brad Wick, Matt Buchanan cast yea votes.   Cory Nasso, Chris Nasso, Eddy Balch cast nay votes. Rachel New abstained.

Attorney Jim McDonald reported that of 268 municipalities, roughly 171 have municipal courts. The Board now needs to decide how they want to move forward in addressing the municipal court. At the very least, an ordinance should be adopted that repeals the previous ordinance (ORD 2015:3) because it was not signed in accordance with the Board's wishes.

Attorney Jim McDonald stated that the Board cannot make a vote to repeal tonight. He has drafted an ordinance that in effect repeals the previous ordinance, however.

Trustee Eddy Balch believes that it is an assumption that district court would be more costly than municipal court. He reports that constituents have expressed to him that Pitkin does not need a municipal court.

Trustee Brad Wick pointed out that to use the Pitkin town clerk as the court clerk, the town clerk would have to be bonded. This is according to CO statute. The amount of this bond is $2,000.

Ralph Bush wonders if the Board has considered that any appeal would go to district court or county court regardless and this would incur extra costs.

Trustee Brad Wick stated that if the Town needs to enforce its ordinances and issue fines, it is the right of the public to either go to court or pay the fine.

Discuss and vote on GCEA Franchise Agreement: Motion to publish Ordinance 2017:1, Motion to made by Rachel New. Seconded by Eddy Balch. Motion carried 7-0.

Attorney Jim McDonald reported that the changes are minimal from what was provided at the December meeting. Mr. McBride of GCEA is not available tonight but Ms. Wireman is available by phone. Alternately, either Mr. McBride or Ms. Wireman can be present at the next meeting.

Ordinance 2017:1 Read aloud by Clerk Sara Gibb.

Discuss and vote on inspections for alternative waste systems: Item tabled.

Trustee Eddy Balch has sent out information to the committee to review. No meeting was held.

Discuss and vote on Town Website: Item tabled.

Clerk Sara Gibb reported that SIPA suggests utilizing Google docs for static documents. Trustees will email Clerk Sara Gibb with ideas for what should be on the website.

New Business:
Discuss and vote on complaint concerning 724 State Street: Motion to hold a work session at 6:30 prior to the February meeting made by Brad Wick. Seconded by Cory Nasso. Motion carried 6-0. Trustee Eddy Balch abstained.

Attorney Jim McDonald received a CORA request today (1/10/17) and forwarded it to Clerk Sara Gibb. The request pertained to this agenda item/the complaint. This same CORA request was sent to Mayor Steve Pinkston on 12/30/2016. Ramon Reed (the complainant) would like to have the option to have council present should there be a hearing concerning his complaint. Attorney Jim McDonald suggests that this item be tabled because of the CORA request not being fulfilled and because of Mr. Reed's desire to possibly have council present.

There is no procedure for how the Board will address complaints. Attorney Jim McDonald asked the Board to consider having a work session to discuss a protocol for how the Board of Health intends to process a complaint.

Trustee Eddy Balch would like to see proof of the allegations.

Discuss and vote on STR rules concerning occupancy limits: Motion to accept the verbiage presented by Eddy Balch and incorporate it into an ordinance for advertising for all residential rentals in Pitkin made by Chris Nasso. Seconded by Cory Nasso. Motion carried 6-0. Trustee Matt Buchanan abstained.

Trustee Matt Buchanan stated that he doesn't believe the Board should be putting regulations on businesses in the residential district because they are prohibited in the Zoning Code. Mayor Steve Pinkston does not believe this is clearly stated within the Zoning Code.

Trustee Eddy Balch would like to adopt the following language, "An advertisement for rental of residential property in the Town of Pitkin for terms of less than 29 days shall not exceed two persons per bedroom/ occupancy per the State of Colorado and the Town of Pitkin's OWTS regulations."

Trustee Brad Wick pointed out that simply allowing 2 persons/bedroom does not look at the original intention of the system in the case where a bedroom was added after the fact.

Environmental Health Agent Gayla Gibb wonders if systems will be considered at all in this ordinance, or if all properties will be limited to 2 persons/bedroom. Trustee Eddy Balch believes a variance could be issued in cases where a system is overbuilt.

Attorney Jim McDonald believes having this regulation in the form of a stand-alone ordinance would help to satisfy the concerns of the State.

Trustee Matt Buchanan wondered why occupancy limits should apply only to short-term rentals. Trustee Cory Nasso also wondered why this can't be a blanket regulation for the entire town. Mayor Steve Pinkston suggested expanding the language to include all rentals. Trustee Eddy Balch stated that the reason STRs are being specifically addressed is because that is how the agenda item reads.

John Wise asked if there will be a way to confirm that property owners are complying with occupancy limits.

Discuss and vote whether to recite the Pledge of Allegiance before each meeting: Motion made to recite the pledge of allegiance prior to the meeting made by Cory Nasso. Seconded by Brad Wick. Motion carried 5-1. Mayor Steve Pinkston opposed. Trustee Eddy Balch abstained.

Stephanie Nasso will obtain an American flag.

Discuss and vote whether to pay Jim Star's law license as Municipal Judge: Motion to not pay Jim Star's law license made by Matt Buchanan. Seconded by Brad Wick. Motion carried 5-2. Nay votes cast by Brad Wick and Steve Pinkston.

Trustee Cory Nasso would like to continue discussing the municipal court and a judge. He also believes more individuals should be considered besides Jim Star.

Meeting adjourned at 8:48 p.m.