

PITKIN TOWN MEETING

At the Newcomb Community Center

June 13th, 2017 at 7:00PM

MINUTES

1. **CALL TO ORDER**/Roll Call and Pledge of Allegiance - Mayor Rachel New

Mayor Rachel New called the meeting to order at 7 p.m. Trustees Eddy Balch, Ralph Bush, Shawn Cleveland, Chris Nasso, Cory Nasso and Brad Wick were present.

Present/Approve Minutes of the May 9th regular meeting and May 22nd special meeting. **Motion to approve the minutes of the May 9th regular meeting and May 22nd special meeting made by Ralph Bush. Seconded by Chris Nasso. Motion carried 4-0. Trustees Brad Wick and Eddy Balch abstained.**

Present/Approve Minutes of the April 11th work session and May 8th work session. **Motion to approve the minutes of the April 11th work session and May 8th work session made by Chris Nasso. Seconded by Ralph Bush. Motion carried 5-0. Trustee Brad Wick abstained.**

2. **TOWN REPORTS:**

Clerk's Report – Sara Gibb - Insurance renewal is complete. Waiting on a quote. CORA forms have been drafted. Please review. Need to know when to order porto-potties and how many. Trustee Chris Nasso would like Clerk Sara Gibb to be responsible for calling/ordering. Trustee Brad Wick wonders if the Fire Department and/or the PHCA have been contacted about providing toilets for their respective events. Trustee Cory Nasso thinks the Town should cover the costs that have been budgeted. Clerk Sara Gibb will order 4 portable toilets when appropriate and will update the Board. Clerk Sara Gibb will reach out to PHCA and Fire Department regarding toilets for special events.

Treasurer's Report/Approve Disbursements – Treasurer Sara Gibb requests that when drafting an ordinance/job description for the building inspector that it includes a way for the Town to verify that work paid for has been completed. An invoice sent from the building inspector would be helpful. Funds to US Treasury are to cover fines associated with late filing of forms 941 Q2 and Q3.

Motion to approve June disbursements made by Ralph Bush. Seconded by Eddy Balch. Motion carried 6-0.

Mayor's Report – Rachel New – Citizen of the Year nominations are due. Please submit to the Town Clerk. The Board is pursuing a course of increased transparency. At times, the documents provided to the public have not been reviewed by the Trustees. Please allow time for the Board to review and discuss documents. The process for changes will be redline so everyone can see what has been stricken and/or added.

Please keep in mind that not everything on the agenda will be brought to completion. Keeping items on the agenda keeps things moving and allows for updates.

Please follow meeting protocol when making comments.

Mayor Rachel New has resolved her business portion of rentals and is no longer an agent for STRs. Her conflict regarding STRs has been resolved. Further questions can be answered after the meeting.

Attorney's Report – Attorney Jim McDonald reported on the validity of the 2015 Amendment to the 2012 Zoning Code. He has reviewed statutes regarding notice, the Zoning Code of 2012 and the Zoning Code of 2001. Adoption of zoning code is done as an ordinance, with public notice. Within the zoning code 2012 and 2001, 15 days notice for a public hearing is required. An ordinance that adopts a zoning code must be noticed twice (CRS 31-16-203) One publication must be no less than 15 days prior. In 2012 there were two publications (Oct 25 – vote to adopt in November and 11/13 adopting – problematic because it was noticed after the adoption took place) In 2015 there were two notice dates (April 30 and May 28th). April 30 was for an amendment, May 28th was for an amendment for the June meeting, neither of which occurred. The ordinance adopting the zoning code was noticed, not the zoning code. To modify an ordinance that adopts a code, the two notice requirement must be fulfilled. The July meeting was never noticed. Additionally, there does not seem to exist a 2012 signed zoning code (should have been signed in December 2012.)

Jim's recommendation is to take steps to either adopt the 2012 Zoning Code as written.

Trustee Brad Wick suggests in the interim, correcting the problem by adopting the Zoning Code of 2012. Trustee

Ralph Bush states the Zoning Code will need to be changed to be in line with the STR ordinance.

Mayor Rachel New suggests that each Trustee and Zoning Board member look at the 2012 Zoning Code and list easy fixes, clarification, etc. with the idea that it will be amended as needed. She suggests a work session.

Trustee Shawn Cleveland suggests using the current 2012 Zoning Code as a foundation. Board agreed that if there is no consensus the 2012 Zoning Code will be left as-is for the time being.

3. COMMISSIONER AND COMMUNITY REPORTS:

Building Inspector - Rand Makowski – A couple permits have been issued. One permit for a fence has been problematic.

Fire Dept. – Rand Makowski – One fire, one medical call. Fundraiser is July 1. Suzy Metzler is working on the phone book. One number per household can be listed. Please contact Suzy if there are any changes.

Zoning Board – Ralph Bush – Zoning meeting was earlier this evening. In the next few weeks the Town will be canvassed for private improvements in the right-of-way. A report will be ready at the July meeting.

Cemetery – James Sharpton – Meeting was held on Sunday. A work day will be held June 26th at 10am. Lunch will be provided. Bring tools and gloves.

Environmental Health - Gayla Gibb – Inspections are going well. One house will require a “condemn” notice. EHA Gayla Gibb attended the State’s meeting RE: changes to Reg 43. The Town has a year to adopt the revisions.

PHCA - Gary Winget – Museum toilets will be open to the public again this year. In the future, the kitchen door will not be used for public meetings at the Newcomb Center. Request that the Town’s lawn mower be used for the Newcomb Center and museum property. A proposed resolution was read RE: recognition of historical property within the Town of Pitkin. PHCA would manage the records and list of historical buildings. Per Juliet Serrato, melodrama auditions are June 29th.

Town Hall – Juliet Serrato – The roof at Town Hall is leaking and needs exterior paint. No emergency funding is available for roof repair. Until 2029, the Town must complete repairs within the guidelines of the grants. Bids were requested from all painters and roofers in Gunnison, Pitkin and Crested Butte. Bid from Pinnacle Construction was \$39,000. A bid from Wilson Painting is for \$23,300 for painting and roof. Because the Town is interested in other larger projects for Town Hall, it was suggested by the Historical Foundation to make the needed repairs and submit those when grants for additional projects are applied for. For handicap access, Juliet suggests an elevator. For restrooms, she suggests keeping the outhouses and adding vault toilets to the property.

Trustee Ralph Bush requests a breakdown of leak repair from Wilson Painting. Per Juliet, there is a licensed roofer on Wilson’s team. Ralph would also like a breakdown of costs from Pinnacle. Juliet will obtain breakdown bids from both companies.

Trustee Brad Wick believes a maintenance contract is required for an elevator. All costs involved with an elevator must be considered.

An elevator would not affect the historical properties of the building because it will be outside and attached to the stairs which are not part of the original building.

Trustee Ralph Bush suggested temporary repairs before the summer rain.

There will be a June 19th work session to discuss how to proceed.

Ditches - Cory Nasso – Ditches are on. Students from Mississippi University will be taking measurements for part of their summer project.

Streets – Jesse Garetson – 68 hours of time donated by various volunteers. ON June 22nd mag chloride will be spread. ZERO vehicles on the streets on that day (State, 1st, 6th from Main to River. River to just above Doonan’s) Trustee Eddy Balch wondered about 3rd street. Jesse will see if an additional block can be added.

Parks and Rec. - Sara Lamar – Fundraiser Saturday June 17th at 6pm at the Silver Plume. Goosefoot Revival will be playing. There will be raffles and donations will be accepted for Parks and Rec. A donation was received from the Tikker family for Parks and Rec. Trustee Ralph Bush would like to donate a basketball goal to replace the current one. A crew will be needed to come dig a hole to reset it.

Recess at 8:18. Returned to order at 8:30

4. PUBLIC COMMENTS TO THE TOWN COUNCIL:

Jesse Garetson would like the council members to alternate terms of service.

Per Attorney Jim McDonald, an ordinance would be adopted that provides for overlapping terms.

5. SPECIAL ADDITION TO THE AGENDA:

6. OLD BUSINESS:

- Discuss and vote to adopt a fine schedule – Item tabled. Document is in process.

- Discuss and vote on ordinance(s) to regulate/classify commissioner and contract positions for the Town of Pitkin

Per Trustee Ralph Bush, fire department should be removed as it is a separate entity. Trustee Cory Nasso points out that item 3 “full-time resident” would limit volunteers.

- Discuss and vote on a municipal court in Pitkin – **Motion to publish Ordinance 2017-4 made by Brad Wick. Seconded by Trustee Shawn Cleveland. Motion not carried 0-6. Motion to publish Ordinance 2017-4 waiving the requirement to provide a performance bond for the clerk. Seconded by Shawn Cleveland. Motion carried 6-0.**

Attorney Jim McDonald pointed out paragraph 6 of Ord 2015-3 – performance bond is not required and can be waived. This is the only substantive change that was drafted.

Trustee Cory Nasso wonders if a contract for a judge would be included as a resolution. Attorney Jim McDonald stated that

Trustee Brad Wick suggested finding out who may be willing to serve as a judge if he/she is needed.

- Discuss and vote on Town restrooms – Item tabled
- Discuss and vote on STR ordinance – Item tabled. Will be discussed at work session.
- Discuss and vote on motion for disqualification (possible executive session)

Attorney Jim McDonald spoke with the executive director of the CO Independent Ethics Commission. Memos were sent to the Board regarding the current situation. The three members in question can choose to disqualify, choose not to disqualify themselves and move forward or request an opinion from the Ethics Board.

Trustee Ralph Bush recused himself from the Board of Health hearing for 724 State Street. Trustee Chris Nasso recused himself from in the Board of Health hearing for 724 State Street. In the interest of expediting the hearing, Trustee Cory Nasso recused himself from the Board of Health hearing for 724 State Street.

The hearing will take place with Mayor Rachel New as a voting member to meet a quorum.

- Board of Health – Discuss and vote on hearing for 724 State Street. Hearing is scheduled for Wednesday July 5th at 6pm at the Newcomb Community Center.

The earliest date for this meeting would be 20 days from Thursday June 15th, which would be Wednesday July 5th. Clerk Sara Gibb requested a later date due to the holiday weekend. Request was retracted because the next available date would be at least two weeks in the future.

7. DISCUSS AND VOTE ON COMPLAINTS FILED WITH THE TOWN OF PITKIN

Clerk Sara Gibb followed-up on complaints against Thomas Kelley and The Radovich family stating that all parties had either come into compliance or are in the process of placing a max occupancy number within their advertisement.

Mayor Rachel New responded to a complaint regarding Ramon Reed’s incinerating toilet. At this time the Town is not able to act on the complaint.

8. NEW BUSINESS:

- Discuss and vote on business licenses for the Town of Pitkin – Item tabled

Until this item is discussed, historical/decorative business licenses will not be provided to any business in the residential area.

- Discuss and vote on food budget for Mayor/Manager meeting to be held in Pitkin in July. **Motion to authorize Mayor Rachel New to spend \$200 for the Mayor/manager meeting in July. Seconded by Eddy Balch. Motion carried 6-0.**
- Discuss and vote on plowing in the Town of Pitkin – A committee will be formed to develop a proposal to present to the county. **Motion to allow Mayor Rachel New to assemble a committee with the purpose of negotiating with**

Gunnison County on plowing of Pitkin Streets. Seconded by Ralph Bush. Motion carried 6-0.

Street Commissioner Jesse Garetson's proposal read by Clerk Sara Gibb.

Trustee Brad Wick is concerned about requiring some full-time residents to reach plowed streets. The Town should consider doing some maintenance work.

Trustee Ralph Bush wondered if there had been any discussion about what would trigger a plowing event. Streets Commissioner Jesse Garetson stated that 2 inches triggers plowing on Hwy 76. He suggests 4 inches for the rest of Town.

Trustee Eddy Balch wonders the cost for subdivisions for plowing and mag chloride. Subdivisions use HUTF funds. A committee should examine the costs. He pointed out that Pitkin residents are also Gunnison County residents. He believes the county commissioner should be contacted.

Attorney Jim McDonald suggested a two-tiered proposal since fiscal year 2017 has already been budgeted for. He suggested that the Town of Pitkin make it clear that it will handle logistics/complaints.

County Board of Commissioner meeting dates should be considered.

Rand Makowski pointed out that lanes must be plowed for emergency vehicles. Suzy Metzler stated that a class action lawsuit would likely be forthcoming if the Town would not plow to homes. Jerra Garetson pointed out that the Streets commissioner believes all full-time residents should be plowed out. Ramon Reed suggested requesting information from Marlene (cost of other places plowed – Dos Rios, for example.) Parking for recreational purposes should be considered. He also suggests that a committee is created to deal with negotiation with the county and that it doesn't need to be public..

Trustee Eddy Balch pointed out that each property owner is responsible for clearing the berm in front of their driveway.

- Discuss and vote on donation of playground equipment. **Motion to accept the playground equipment that has been donated and the basketball hoop and backboard made by Shawn Cleveland. Seconded by Eddy Balch. Motion carried 6-0.**

Parks and Rec Commissioner requested that the Board accept a donation of playground equipment to the Town of Pitkin from Crested Butte as well as a basketball goal from the Bush family. Sara would like the existing wooden structure to be donated at her discretion.

Pete Olson suggested the Town Attorney provide counsel on the disposal of public property.

- Discuss and vote on inspection criteria for alternative waste systems in Pitkin. Item to be discussed further at a future meeting.

No vote needed. All criteria comes from Regulation 43 which has already been adopted, per Trustee Eddy Balch. Alternative waste systems need to be inspected.

Trustee Chris Nasso wondered if the criteria is different for these systems. Trustee Eddy Balch stated that all systems are OWTS and should be inspected.

- Discuss and vote on Mayor Pro Tem. Item tabled.
- Discuss and vote on Zoning Enforcement Official. Item tabled.

9. ADJOURN MEETING: Mayor Rachel New adjourned the meeting at 9:54 p.m.