

PITKIN TOWN MEETING

At the Newcomb Community Center

September 12th, 2017 at 7:00PM

MINUTES

- 1. CALL TO ORDER/Roll Call and Pledge of Allegiance** - Mayor Rachel New called the meeting to order at 7:00 p.m. Trustees Chris Nasso, Eddy Balch, Ralph Bush, Debbie Henley, Cory Nasso, and Brad Wick were present
Present/Approve Minutes of the August 8th regular meeting - Clerk/Board
Motion to approve minutes of the August 8th regular meeting made by Trustee Eddy Balch. Seconded by Trustee Ralph Bush. Motion carried 6-0.
- 2. TOWN REPORTS:**
 - Clerk's Report** – Sara Gibb – Website is live, comments and suggestions are welcome. Three petitions for recall have been submitted and are being reviewed as to form. Kandy Nasso, 2016 Citizen of the Year, was presented with a plaque.
 - Treasurer's Report/Approve Disbursements** – Sara Gibb/Board
A spreadsheet of income and expenditures through 8/31/17 has been distributed.
Motion to approve the disbursements as presented made by Trustee Ralph Bush. Seconded by Trustee Debbie Henley. Motion carried 6-0.
 - Mayor's Report** – Rachel New – Gunnison/Watershed school district hosted the mayor/manager meeting last Thursday. Mayor Rachel New would like the Board and constituents to consider staggering terms and reducing the number of trustees from 6 to 4. This would become a ballot issue. If the council would like to pursue this, a public hearing work session would need to be held. The Board indicated agreement with moving forward with these issues. Tammy from CIRSA (Town's insurance provider) will come for a work session in October looking at and assessing policies and meeting procedures. Mayor Rachel New addressed anonymous letters, which were sent to several townspeople.
 - Attorney's Report** – Jim McDonald – State of CO has indicated that they are concluding their current review under Regulation 43. The letter is available from the Clerk if anyone would like a copy. He encouraged the Board to hold a work session to discuss the comments.

Per Pitkin's Ord 5-1982, regular meetings are to be held monthly on the first Monday or Tuesday of each month. The Board should either comport with the requirements or pass a new ordinance.

Mayor Rachel New wondered if there were any objections to moving the meeting. No objections from the Board.
- 3. COMMISSIONER AND COMMUNITY REPORTS:**
 - Building Inspector** – Rand Makowski – Three building permits issued.
 - Fire Department** – Roll over accident on top of Cumberland. EMS has been busy, fire has been quiet.
 - Zoning Board** – Ralph Bush – Preliminary Zoning report is out (improvements on Town right-of-way). Alleys are very cluttered. Many buildings are being built on setback lines, some are new.
 - Cemetery** – James Sharpton – The cemetery sold 10 spaces since the last meeting. There is a new sign at the upper gate. Clean up efforts have continued.
 - Environmental Health** – Gayla Gibb – One new OWTS inspector who has been trained to inspect holding tanks and tanks without mechanical parts. Two will be NAWT trained in November (required to inspect OWTS with mechanical parts). Only 8 inspections left this season. An assistant is required for each inspection. One of three inspectors refuses to use an assistant.

Trustee Ralph Bush – approval of new inspector should be on the agenda for next month (BOH within the Town meeting). Trustee Brad Wick suggests the Town send an invoice to collect an administration fee directly from property owners.
 - PHCA** – Kandy Nasso – The tentative 2018 calendar is posted in the kitchen. Please do not use the kitchen as an entrance or exit. Recent pancake breakfast was attended by over 200 people and over \$1600 was raised.
 - Town Hall** – Juliet Serrato (not present) – Report read by Clerk Sara Gibb. State Historical Fund has approved repair plans for Town Hall roof.
 - Ditches** – Cory Nasso – Ditches will stay on as long as possible
 - Streets** – Jesse Garetson – No report, per Jerra.
 - Parks & Rec.** – Sara Lamar – Not present. No report.

4. PUBLIC COMMENTS TO THE TOWN COUNCIL:

Bobby Slack and Brian Holt made public comments.

5. SPECIAL ADDITION TO THE AGENDA: none

6. FOR POSSIBLE ACTION:

- Discuss and vote to approve OWTS plans – Jake Schellenberg
Motion to approve the engineered design plans for Jake Schellenberg's OWTS made by Trustee Chris Nasso. Seconded by Trustee Debbie Henley. Motion carried 6-0.
Plans presented by Building Inspector Rand Makowski. 2,000 gal. tank for 4 bedrooms. Filtration leach field. All setbacks from wells and creeks are made. Williams Engineering has signed off on the system.

Trustee Eddy Balch wondered if oversight was provided in terms of setbacks. He believes this is Mr. Makowski's responsibility. Field inspection should be completed before backfilling, per Mr. Makowski.

Max occupancy should be included in engineering reports moving forward.

- Discuss and vote to approve Resolution 2017-8 (Resolution to amend budget – Legal)
Motion to approve Resolution 2017-8 made by Trustee Ralph Bush. Seconded by Trustee Eddy Balch.
Roll call: Brad Wick – Aye, Cory Nasso – Aye, Debbie Henley – Aye, Ralph Bush – Aye, Eddy Balch – Aye, Chris Nasso – Aye. **Motion carried 6-0.**
- Discuss and vote to approve Resolution 2017-9 (Resolution to amend budget – Town Hall)
Motion to approve Resolution 2017-9 made by Trustee Eddy Balch. Seconded by Trustee Brad Wick.
Roll call: Cory Nasso – Aye, Debbie Henley – Aye, Ralph Bush – Aye, Eddy Balch – Aye, Chris Nasso – Aye, Brad Wick – Aye. **Motion carried 6-0.**
- Discuss and vote to publish Resolution 2017-10 (Excluding unpaid boards from workers' compensation)
Motion to approve Resolution 2017-10 made by Trustee Chris Nasso. Seconded by Trustee Ralph Bush. Motion carried 6-0.

Public Comment: Suzy Metzler

- Discuss and vote to accept insurance quotes
Motion to accept insurance quotes for 2018 made by Trustee Ralph Bush. Seconded by Trustee Brad Wick. Motion carried 6-0.
- Discuss and vote to complete Town Hall interior repairs covered by insurance
Motion to approve Town Hall repairs made by Blu Sky and approved by insurance made by Trustee Ralph Bush. Seconded by Trustee Eddy Balch. Motion carried 6-0.

Trustee Ralph Bush will inspect work for completion.

- Discuss and vote on request from Dan Hoffelder
Item tabled

It is believed that the access point for the t.v. translator tower is the area under question and there are concerns about restricting access to the tower. Trustee Brad Wick suggests that the grade to the tower can be greater than what would normally be required for general public access. Trustee Ralph Bush suggests telling Mr. Hoffelder that he must maintain access to the tower. Trustee Brad Wick would like the agreement to include that access would be provided for vehicles wishing to pass.

Attorney Jim McDonald wondered how the Board would handle this if there was erosion in the future. Should the Town be indemnified and held harmless? A simple agreement should be drafted.

Building Inspector Rand Makowski pointed out that there are Town lots above the area to be leveled. There is also a ditch that could collapse if it is undermined.

Clerk Sara Gibb will contact the Met Rec district regarding access and an easement.

Public comments: Pete Olson

- Discuss and vote on Ord 2015-4 (OWTS) – options for adopting Regulation 43 revisions

Board reviewed the options for adoption and agreed on the following:

License both contractors and cleaners

Variations – allowed, notice to all adjacent property owners via certified mail for public hearings

Occupancy – all bedrooms, 2 persons per bedroom

Bedrooms defined for flow requirements – Unfinished area requires system to be sized for 1-2 more bedrooms based on the assumption that 150 sq. ft can be converted into a bedroom

Effluent screen – required on all new systems

Length of distribution laterals – 100ft max for gravity fed, up to 150 feet if pressure dosed or effluent applied at center of lateral
Inspection ports at initial end of distribution line - Required on new systems

Vault privies, new – allowed

Vault privies, existing – allow for continued use

Pit privies, new – prohibit

Pit privies, existing – allow

Slit trenches – prohibit

Reduction in soil treatment area for higher level treatment, new systems – allow

Transfer of title inspection – undecided, Mayor Rachel New will research and make a decision

Permits for continued use of OWTS - undecided

Soil evaluations – submitted by a licensed professional engineer

OWTS designs – require stamp by licensed engineer

Board is in favor of submitting the document to Chuck Cousino.

Mayor Rachel New read procedures for adoption/revision. No public comments tonight. Comments will be taken at the public hearing.

- Discuss and vote to adopt Ordinance 2017-5 (Adopting 2012 Zoning Code with 2013 Amendments)
Motion to adopt ordinance 2017-5 (Adopting the 2012 Zoning Code with 2013 amendments by reference) made by Trustee Ralph Bush. Seconded by Trustee Cory Nasso. Motion carried 5-1. Trustee Brad Wick cast a nay vote.

Trustee Brad Wick believes that the technical defects in the Zoning Code should be corrected. Some of the changes in the 2015 Zoning Code were politically driven. He would like the Zoning Code of 2015 to be adopted and changes made.

Trustee Ralph Bush stated that adopting the 2012 code is a stop-gap measure.

Public Hearing – Mayor Rachel New opened the public hearing regarding the adoption of Ordinance 2017-5 at 9:01 p.m.
Public comments: Suzy Metzler, Rand Makowski

Mayor Rachel New closed the public hearing at 9:04 p.m.

Motion to allow Attorney Jim McDonald to create a summary of the Zoning Code adoption memo that can be published made by Trustee Ralph Bush. Seconded by Trustee Brad Wick. Motion carried 6-0.

The Board would like to waive the attorney client privilege of the memo from Attorney Jim McDonald discussing the adoption of the 2012 Zoning Code. Attorney Jim McDonald will review said memo and provide a summary and attached documents for the public.

- Discuss and vote to publish STR ordinance
No vote taken. A work session will be scheduled.

Attorney Jim McDonald will review the ordinance and suggested edits.

- Discuss and vote on private improvements on Town property
Item tabled

7. **DISCUSS AND VOTE ON COMPLAINTS FILED WITH THE TOWN OF PITKIN: no complaints filed**

8. **FOR DISCUSSION/UPDATE:**

- Discuss plowing in the Town of Pitkin
Pitkin has begun negotiations with the county. A final report in collaboration with the county will be available in October. At a minimum, the county will be providing services. A longer-term IGA with the county is the goal. The Town will address the following concerns: no parking on Main, no plow-in/back-out activity. Pitkin will be financially responsible for some services in 2018. Private driveways will not be included in county services. A mid-October mailing will be sent out to residents.
- Discuss trustee conduct relating to the local board of health (possible executive session to discuss trustee conduct relating to the local board of health)

Trustee Chris Nasso stated that a number of people have expressed concern to him regarding Trustee Brad Wick's conduct during the Board of Health hearing in July. He wonders if the independent ethics committee should weigh in.

Attorney Jim McDonald stated that this is a personnel matter and could be discussed in executive session. Trustee Brad Wick declined an executive session.

Should the ethics commission be involved? Mayor Rachel New polled the Board:

Debbie Henley - no vote, was not a member of the Board at the time, Ralph Bush – no, Eddy Balch – no, Chris Nasso – no, Brad Wick - abstain, Cory Nasso - no

Attorney Jim McDonald suggested that had Brad expressed that his photos were part of the hearing packet that might have been grounds to request his recusal. He suggests that the Board admit mistakes and imperfection and move on. He encouraged the Board members to communicate with each other.

Trustee Eddy Balch questioned whether Brad's intent when taking the photos had anything to do with 724 State Street. Trustee Brad Wick confirmed that it did not.

Trustees Eddy Balch and Cory Nasso encouraged members of the public to contact the Board members.

9. **ADJOURN MEETING: Meeting adjourned at 9:54 p.m.**

The next regularly scheduled meeting will be held Tuesday, October 12th 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, future agendas, and other Town of Pitkin public notices can be found at pitkincolorado.com under "Government" or at pitkin-news.com under "Pitkin's Government."

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*

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