

PITKIN TOWN MEETING

Newcomb Community Center

March 14th 2022 at 7pm

To participate remotely, please call **(720)386-9023** and use access code **257210**

Minutes

1. **Call to Order and Pledge of Allegiance:** Mayor Eddy Balch called the meeting to order at 7:05pm. Trustees Ramon Reed, Jerra Garetson, and Tom Gibb were present. Trustee Lucinda Lull attended via telephone. Attorney Chris Mochulsky attended via telephone. Minutes taken by Clerk Sara Gibb.
2. **Public comments*:** None
3. **Town Attorney Report**:** No report
4. **Special Additions to the Agenda**:**

- Public Hearing – Board of Health – OWTS variance request for 719/801 Main Street

Public Hearing opened at 7:31pm

Thomas Kelley, applicant, reviewed the differences between the newer plans and the previous plans that were presented to the Board. Patrice Boyd would like the trees to stay. Jesse James Garetson stated that many leach fields in Pitkin are in streets. Other parts of OWTSes are in streets. There are currently previous footings in 8th Street. He sees no problem as long as he [Mr. Kelley] meets the setbacks for Reg 43. Trustee Tom Gibb stated that on the map there is a line upstream from 8th Street that shows that Mr. Kelley will still be working with a slope. The proposed STA is 12 feet right against the hillside. A mound against a hillside will not be visually unattractive. Trustee Ramon Reed stated that one thing that is unusual about the request is that normally when the Board has any type of approval for an OWTS it's for some type of development – a building or a structure. There is not a building or a structure here. He does not have an idea what Thomas' plans are. To approve part of the OWTS without knowing what the whole thing is for doesn't make sense. What is the proposed development going to be.

Mr. Kelley stated that the OWTS will be used to serve the existing cabin at 719 Main Street. Jesse Garetson stated that a recent variance was granted for 2 lots. The Town granted a variance based on an engineer demonstrating that setbacks could be met. He believes Mr. Kelley is in a similar position.

Public Hearing closed at 7:50pm

- Board of Health meeting to discuss and vote on an OWTS variance request for 719/801 Main Street.

Board of Health Meeting was convened at 7:50pm

Trustee Ramon Reed stated that the property on 5th [6th] was for expanding the building and not for the OWTS. Trustee Ramon Reed stated that the square footage of the lots below 8th Street are less than 7,000 square feet, and the Town's zoning code requires 9,000 square feet for building. Trustee Reed's main problem with this variance is that it gives a large portion of 8th Street to this resident and likely eliminates any other use of this property for the Town. He does not understand why the Town should give this property to the adjacent owner. Eighth Street is across the street from the playground and the old schoolhouse. These are the only recreation areas that the Town has. There might be a need to expand and do something across the street from these areas. Trustee Reed further stated that the upper lots [801 Main] are large enough to accommodate an OWTS without a variance. Mayor Balch asked if the septic tank could move closer to the cabin and move the STA out of 8th Street. Trustee Tom Gibb stated that the STA is as close as possible to the 100' setback from the well. He stated that while he is not gung-ho on giving away Town property, this is against the property line and against the hillside. Trustee Gibb is not in favor of shared STAs in general.

Trustee Ramon Reed stated that the Town is under no obligation to give away property or provide easements.

Trustee Lucinda Lull states that the owners on River Street have a legal agreement for their shared system components.

Trustee Tom Gibb is not in favor of joining the properties. This does not seem to set a precedent. A previous Board approved an entire system in platted River Street. Trustee Lucinda Lull agrees that joining the properties would be a mistake if it's not needed. Mayor Eddy Balch does not want to see different properties hooked up to one system. The Board is looking at losing approximately 12 feet of property along the length of the STA. There is still a little over 40 feet of depth on 8th Street. Trustee Ramon Reed stated that it's 22 feet of property on 8th Street. Trustee Jerra Garetson stated that she would not want a shared leach field with other property owners, but she sees four very nice homes with a shared system. Is this not overreach? There are other shared leach fields in the Town and she has not heard of problems with them. She does not have a problem if the two properties want to share the leach field. She can think of maybe eight variances that have been given for OWTS to be put in streets. She knows of several within the last two-three years. She does not consider it giving anybody property. She would like to know why the Board is wondering about things that have been done in the past with no problem. Mayor Eddy Balch does not believe that anything done in the past has set a precedent. On River Street there is an encroachment of a small portion of the STA into the non-drivable portion of River Street. To say that this does not impact the use of 8th Street, one would have to say that the STA must be able to be driven on. Trustee Jerra Garetson respectfully disagrees

because no one is driving on 8th Street. Mayor Eddy Balch stated that there is a potential that 8th Street could be used as parking. Trustee Tom Gibb stated that when he visited with Thomas Kelley about the foundation that he told Mr. Kelley that he would have to meet setbacks and therefore the foundation is likely not usable. Mayor Eddy Balch stated that the encroachment on River Street allows River to be used as it is. The difference with 8th Street is that it does not allow 8th to be fully used as it could be. Is the Town willing to give up the use of that area for this variance?

Motion to table this item pending further input on the specifics of the variance request made by Trustee Ramon Reed. Seconded by Trustee Tom Gibb. Motion carried 4-1. Trustee Jerra Garetson cast a “nay” vote.

Public comments: Jesse Garetson, Marie Rossmiller, Sara Gibb

5. For Council Action:**

3-1 Approve meeting minutes: February 14th regular meeting

Motion to approve the minutes as amended made by Trustee Ramon Reed. Seconded by Trustee Jerra Garetson. Motion carried 5-0.

3-2 Review treasurer’s report; Vote to approve March 2022 disbursements

Clerk/Treasurer Sara Gibb provided an update on sales tax mistakenly paid to the Town Pitkin beginning in 2018. This month’s sales tax disbursement was held back to reconcile the erroneous payment. An additional disbursement for \$21 will be paid to Sara Gibb as reimbursement for the new Zoning Map obtained from the County.

Motion to approve disbursements as amended made by Trustee Ramon Reed. Seconded by Trustee Jerra Garetson. Motion carried 5-0.

Updates/Planning/Discussion:**

- Discuss results of 9th Street Survey

One of the property owners adjacent to 9th Street has encroached on the right-of-way and has fenced in over 500 square feet of Town property. This owner has also encroached on Town property with his log pile. Clerk Sara Gibb is to send a letter to this resident telling him to move his fence and encroachment no later than July 1, 2022.

Public comments: Suzy Metzler

- Set work sessions and discuss future agenda items

6. **Reports**:**

- Town Mayor – Eddy Balch – The Town has received a request for public participation in support of the Town Hall Grant. Please participate if possible
- Town Clerk – Sara Gibb - will be posting for commissioner positions
- Building Inspector – Tom Gibb (interim)
- Sanitarian – vacant
- Fire Department – Rand Makowski
- Zoning Board – Jesse James Garetson
- Cemetery – Mark Rossmiller
- Environmental Health – Cyndi Wick
- Streets – Jesse James Garetson – would like someone to volunteer for ditches or leave them off
- Ditches – Vacant
- Town Hall – Garry Winget
- Parks and Rec – Sara Lamar

9. **Adjourn Motion to adjourn made by Trustee Jerra Garetson. Seconded by Trustee Tom Gibb. Motion carried 5-0. Meeting adjourned at 9:25pm**

The next regularly scheduled meeting will be held **Monday, May 9th** at 7:00PM. 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, agendas, and other Town of Pitkin public notices can be found at <https://townofpitkin.colorado.gov>

Reports

Commissioner and Community

- Building Inspector –Tom Gibb (Interim) – No report
- Fire Department – Rand Makowski – No report
- Zoning Board – Jesse James Garetson – No report
- Environmental Health – Cyndi Wick – No report
- Streets – Jesse James Garetson – Ramon Reed and I have been very pleased with Gunnison Valley Excavation’s response and diligence of snow removal on the streets and lanes that Gunnison County does not cover for our Pitkin residents.
- Ditches – Vacant – No report
- Cemetery – No report until spring 2022
- Town Hall – Garry Winget – No report
- Parks and Rec – Sara Lamar – Draft 9th Street park diagrams for the gazebo and picnic tables have been submitted to the Town.