

PITKIN TOWN MEETING

Newcomb Community Center

March 18th 2024 at 7:00pm

Remote participation via ZOOM: <https://us06web.zoom.us/j/4136159288> Meeting ID: 413 615 9288

MINUTES

1. **Call to Order and Pledge of Allegiance:** Mayor pro tem Tom Gibb called the meeting to order at 7:03pm. Trustee Chris Nasso was present. Mayor Eddy Balch and Trustee Lucinda Lull were present via Zoom. Attorney Clay Buchner was present via Zoom. Minutes taken by Clerk Sara Gibb.
2. **Public comments*:** None
3. **Town Attorney Report**:** Attorney Buchner reviewed the Zoning Code and states that some significant code rewriting is in order. There are several things that aren't included which are typically found in a land use code. A good starting point for the Town would be to address some of the issues that have come up recently. He would like some direction, such as a work session, to discuss land use, permitting, and code enforcement.
4. **For Council Action**:**
 - 3-1 Approve meeting minutes: February 19th regular meeting

Motion to approve the minutes of the February 19th regular meeting made by Trustee Lucinda Lull. Seconded by Trustee Chris Nasso. Motion carried 4-0.

- 3-2 Discuss and vote on adopting Ordinance 2024-3 Trustee Compensation

Trustee Lucinda Lull stated that she has been involved in the Town since the late 1980s. She believed it was an honor to serve her town. She was paid \$50/month when she was mayor. She asks if the Town has become so complicated and big that it needs lots of money. She would like to get the Town into a good place before that. Some other qualified boards could use some money for what they put into things. She would like to look at those first before looking at the trustees and mayor.

Trustee Chris Nasso stated that when he saw this on the agenda he did some research. People who make decisions don't set payment for themselves after the election. Attorney Clay Buchner stated that any mayor or trustee that elects for a pay increase will not be able to see that payment increase for themselves. They would have to be off the board and then return to see the raise for themselves.

Motion to increase the compensation for Ordinance 2024 -3 by zero dollars made by Trustee Chris Nasso. No second. Motion died.

Mayor Eddy Balch stated that some members of the Board receive calls on weekends and late at night. It can be a very thankless job. He will not second a motion for an increase of zero dollars. He would like to consider the information provided by the Clerk.

Trustee Chris Nasso asked if commissioners were going to be considered for compensation. Mayor Balch stated that they should be part of the discussion. Attorney Buchner stated that the Town trustees are underpaid compared to other municipalities. Trustee Chris Nasso asked if this could be a special election question. Attorney Buchner stated that a ballot would be an option but more money would be spent holding the election than would be paid out to the Board. He then repeated that no one voting on the raise would receive it. Trustee Chris Nasso stated that the easy thing to do would be to push this to next month.

Motion to increase compensation made by Mayor Eddy Balch. Motion withdrawn.

Motion to table agenda items 3-2 and 3-3 until April or May made by Trustee Chris Nasso. Seconded by Mayor Eddy Balch. Motion carried 4-0.

Public comments: Jake Schellenberg, Sara Gibb, Ed Pianalto

3-3 Discuss and vote on adopting Ordinance 2024-4 Mayor Compensation

Item Tabled – see above motion

3-4 Review Treasurer’s Report. Discuss and vote on March 2024 Disbursements

Motion to approve the March 2024 Disbursements as presented made by Mayor Eddy Balch. Seconded by Trustee Lucinda Lull. Motion carried 4-0.

5. Updates/Planning/Discussion**: None

6. Special Additions to the Agenda**

Board of Health Meeting

- Discuss and vote response to possible Regulation 43 violations at 618 State Street

The Board of Health Meeting was called to order at 7:42 pm. Board of Health members Tom Gibb and Chris Nasso were present. Board of Health members Eddy Balch and Lucinda Lull were present via Zoom.

At some point, Todd Adams [property owner] gave permission for a camper trailer to be parked on his property. It was moved in on or about Memorial Day weekend 2023. Board of Health member Tom Gibb personally relayed to both Todd and Billy [camper resident] that this was “not going to work out.” In Regulation 43, page 18 H 1 it states that enforcement lies with the local Board of Health. Board of Health member Tom Gibb reported that Billy says he has a composting “something” for waste in the trailer. Regulation 43 page 81 says that any composting toilet must meet certain requirements. Then, under the category of alternative things – incinerating or composting toilets – the local Board of Health may permit these. But that does not reduce the size of the OWTS

required and may be used where an OWTS is installed. What the Town has is a composting toilet with unknown standards. It's not permitted or plumbed per Colorado standards. It's not associated with an OWTS. It is therefore outside of parameters. On page 27 [of Regulation 43] Q-2 says that upon finding by the local Board of Health that a person is in violation of Reg 43, the local Board of Health may assess a penalty of up to \$50/day for each day of violation. It's a fine, but it doesn't really solve the problem. If the Board of Health fails to manage the situation the division [State] may assume such functions – in other words, they will come in and take over where the local Board of Health has failed. The Town needs to do something. This is outside of Regulation 43. The trailer has been there for 9 months.

Attorney Buchner disagrees with using Regulation 43 for enforcement. He says it's a regulation, it's enforceable but the premise of Regulation 43 is based on OWTS and it goes briefly into composting and incinerating toilets. It's certainly within the Board's ability to determine that this is a violation and issue a cease and desist. His advice is to use the current code, which doesn't contemplate the use of RVs within Town limits, or adopt a camping/RV ordinance that can be enforced locally. Make it illegal for anyone to camp in town for a certain amount of time. Put it on the agenda to discuss and pass an ordinance that deals with camping in RVs in Town limits. Using Regulation 43 to combat those won't prove effective.

Mayor Balch would like to hear from the property owner. One of the major concerns of the Town is about public health. His concern is whether this fits into Reg 43 about OWTS and also, what is happening with the waste. Even with an incinerator or composting toilet, there is still another waste stream. How is that being taken care of? How is that not presenting a concern for public health?

Todd Adams said he would be willing to install a septic system.

Mayor Balch stated that he believes an ordinance is in order. He stated that the major concern with any camping ordinance is waste disposal. This trailer has not moved to empty waste. He wants to see the waste disposal addressed if the camper will stay, especially through the summer. Mr. Adams believes the hotel is due to be finished in June. If he [Billy] is not working at the hotel Mr. Adams has no reason to let him continue to stay on the property.

Board of Health member Tom Gibb suggested a work session to look at the camping ordinance and include some other things as well. Board of Health Member Eddy Balch suggested looking at the camping ordinances Attorney Buchner recently drew up. Attorney Buchner will provide some templates. He states that the current ordinance may be used to enforce the current situation. The major issues are wastewater and whether a trailer is structurally sound for full-time winter use and the answer is no. Board of Health member Tom Gibb asked for more input on how to enforce this under the current ordinances. Attorney Buchner stated that the person could be noticed, and if they didn't cure the problem then a fine could be imposed or the nuisance could be abated – the trailer could be removed at the violators expense. Or they could be fined the amount of \$250/day after the notice is received.

Board of Health member Tom Gibb asked if the Board would like to give any grace period. Attorney Buchner stated that he always suggests in a community to allow a reasonable time to cure. If someone is living there, the human factor should be considered. A person will be displaced.

Board of Health member Eddy Balch stated that the premise of the trailer was about construction. The exception for temporary housing is for construction on that site, not remote.

Board of Health member Tom Gibb stated that proper notice should be given, and a decision should be made on temporary housing and where that can or can't be.

Board of Health member Eddy Balch asked if some drafts or templates could be provided before next month's meeting for review.

Attorney Buchner clarified that the Town Staff could be directed to send notice for code enforcement. The alleged violator is on the call and could be asked to cooperate with receiving the notice and complying with the notice upon returning from out of the country.

Attorney Buchner asked Mr. Adams to recognize that he had been notified of a violation and that the Board will provide a reasonable time to cure the violation so everyone can move on.

Mr. Adams declined to recognize that he had been notified. He stated that he would prefer to have the notice in writing. Attorney Buchner stated that notice would be considered provided when it is sent.

Mr. Adams asked to clarify that this is a violation of OWTS and not camping. Attorney Buchner stated that it will be both.

Board of Health member Tom Gibb stated that the intention of the camping ordinance was an avoidance of camping where there is no toilet facility.

Board of Health member Eddy Balch asked if the Board to choose a date today. Attorney Buchner confirmed that a date can be selected today. Board of Health member Eddy Balch suggested May 31st.

The Board agreed on May 31st and directed Clerk Sara Gibb to send a notice to cure the violation by May 31st.

Public comments: Pete Olson, Ed Pinalto, Rodger Lull, Todd Adams, Gayla Gibb

Board of Health meeting adjourned at 8:38 pm

7. Reports:**

- Town Mayor – Mayor Eddy Balch/Mayor pro tem Tom Gibb – Mayor Eddy Balch reported that he would like a committee of people from the Town to put together a recommendation for compensation for the Street Commissioner and Ditch Commissioner. Clerk Sara Gibb will post a call for volunteers online.
- Town Clerk – Sara Gibb – No Report
Please see written report for the following:

- Building Inspector – Tom Gibb
- Zoning Board – Jesse James Garetson - Read approved Zoning Board Minutes at: <https://townofpitkin.colorado.gov/documents/approved-meeting-minutes>
- Cemetery – Mark Rossmiller
- Environmental Health – Gayla Gibb
- Streets – Jesse James Garetson
- Ditches – Vacant
- Town Hall – Ramon Reed
- Parks and Rec – Vacant

9. Adjourn: Regular Meeting adjourned at 8:42pm.

The next regularly scheduled meeting will be held **Monday, April 15th** 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 – Two building permits issued. One well permit issued. Engineering for the front porch roof at the hotel has been received and a permit is pending.
- **Zoning Board** – Jesse James Garetson – No report due to no meeting on March 11th.
- **Environmental Health** – Gayla Gibb – have been occupied with OWTS Engineered drawings for a few properties; also multiple emails back and forth to State in regards to the Hotel. 222 Armstrong OWTS Repair was approved following variance approvals from the Board of Health, but contingent on receiving payment to Town. The Hotel OWTS is approved pending payment and the creation of a USE agreement between Hotel owners and the Town. I have consulted with Realtors regarding OWTS systems at properties currently for sale or currently under contract in Pitkin. It is now time to focus on letters to be mailed in the coming month to those properties needing inspections and/or access.
- **Streets** – Jesse James Garetson – While Jesse is out of Town, Shawn Cleveland will take care of snow plowing decisions.
- **Ditches** – Vacant – Report provided by Jesse Garetson – No report
- **Cemetery** – Mark Rossmiller – No report until spring 2024
- **Town Hall** – Ramon Reed – No report
- **Parks and Rec** – Vacant – No report