

# PITKIN TOWN WORK SESSION

## Board of Trustees/Zoning Board Work Session

Newcomb Community Center

May 3rd 2024 5:00pm

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

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### MINUTES

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1. **Call to Order/Roll Call:** Mayor Eddy Balch called the work session to order at 5:09 pm. Trustees Tom Gibb, Ed Pianalto, Jerra Garetson and Ramon Reed were present. Zoning Board members Gayla Gibb, Ed Herman, Ed Pianalto and Jesse Garetson were present. Zoning Board member Rodger Lull was present via Zoom.

2. **For Discussion\*:**

- Discuss Clerk's role with regard to the duties and functions of the Zoning Board

Clerk Sara Gibb read aloud from the 2022 Zoning Code Section 18 B numbers 2 and 5.

Trustee Ed Pianalto stated that there should be a job description for all Town Employees.

Clerk Sara Gibb to compile information for a Clerk job description.

- Discuss communication procedures for all Boards

Mayor Eddy Balch stated that there should be a clear path for things to get on the agenda for the Zoning Board. The Zoning Board members should send information to the chairperson and the chairperson should develop an agenda. Zoning Board Chairperson Jesse Garetson stated that he and Zoning Board member Ed Pianalto have been developing the agenda together recently after the Clerk refused. Mayor Eddy Balch suggested a template that can be used for agendas. Zoning Board member Ed Pianalto asked for the Clerk to proofread the Zoning Board meeting agenda prior to posting.

Chairperson Jesse Garetson stated that his current challenge is getting information and recommendations from the Zoning Board to the Board of Trustees.

Mayor Eddy Balch stated that items that are going to be addressed at the meeting should be on the website ahead of time.

Zoning Board member Rodger Lull stated that the community members and the Boards need to be on the same page. With better communication, mistakes can be worked through more easily.

Trustee Ramon Reed stated when posting the agenda it is absolutely necessary for the Clerk to be involved. Second, the bulletin board inside the post office is government property and not everyone is allowed to post there. As the postal worker, he has allowed the Town to post indoors. He would like the Clerk to do this. With regard to information, everyone needs to understand that if something is on the agenda and in order to have sensible discussion, the information must be provided and distributed early, not the day of the meeting or even close to that. At the County level, the policy is that items must be submitted a week before the meeting. It's hard to get public input when the public doesn't have the information ahead of time. This is important for everyone on both Boards to understand.

Zoning Board member Ed Pianalto asked if that would give the Zoning Board enough time to hear variances within their 45-day time limit. He also asked how to determine what is "open for public consumption." Mayor Balch stated that the initial filter should be the Chairperson of the Zoning Board. Trustee Jerra Garetson hopes that the Town would be as helpful as possible considering the Town's very short building season.

Clerk Sara Gibb stated that all information that needs to be considered by any Board should be sent to the Town Clerk ahead of time for disbursement to the entire Board.

Chairperson Jesse Garetson discussed the issue of receiving an application/request that is incomplete. Clerk Sara Gibb suggested that the Boards consider a staff review for completeness prior to a Board receiving an application/request.

Trustee Ramon Reed stated that it's incumbent on the staff and the members of both Boards to be able to say that not enough information is included in an application/request.

Clerk Sara Gibb to draft process for items being included on an agenda/submission to the Town.

Zoning Board member Ed Pianalto asked how the Zoning Board should send a recommendation to the Board of Trustees. Mayor Eddy Balch suggested that the Chairperson would draft the recommendation, then forward it to the Town Clerk for disbursement. Zoning Board member Ed Pianalto stated that the Mayor should be

involved in what goes on the agenda. Mayor Balch confirmed that every month, he reviews the agenda with the Town Clerk and approves it.

If a person needs to provide more information, they should be told exactly what is required. Mayor Eddy Balch stated that if something is not finalized on the agenda, a recommended action should be clearly stated so that the item can be finalized at the next meeting.

Zoning Board Chairperson Jesse Garetson stated items shouldn't be tabled by one person on the Board. Mayor Balch stated that if an item is tabled it is done by vote. Recommended actions can be included in the motion.

Trustee Ramon Reed suggested using the verbiage "discuss, possible action" for items on agendas.

Mayor Balch asked if the Boards are clearer on how communication should flow.

Zoning Board member Gayla Gibb stated that if there is a request of the Zoning Board to do something, there is required a site plan. A detailed site plan should come along with the request.

Public comments: Lucinda Lull

- Discuss role/duties, hierarchy, and procedural interaction between the Board of Trustees and Zoning Board

Mayor Balch reported that Attorney Buchner stated that it is acceptable to have a member who is both on the Board of Trustees and the Zoning Board.

Zoning Board Chairperson Jesse Garetson asked about a recent situation in which an appeal was submitted to the Zoning Board for a denied permit.

Mayor Balch stated that there is nothing in the Zoning Code that applies to that. Chairperson Jesse Garetson stated that it came to the Zoning Board.

Mayor Balch stated that he would like these processes spelled out. Chairperson Jesse Garetson would like an appeal process.

The appeal process can be with the Zoning Board or the Board of Trustees. Mayor Balch stated that if it's not spelled out that it is a duty of the Zoning Board, then it falls to the Trustees.

Clerk Sara Gibb to speak with Clay about appeals process (Zoning Board, Board of Trustees). Needs to be in document. Review steps and identify what is missing.

Trustee Ramon Reed stated that he doesn't want the Town's codes and procedures to be so specific that the Town can't manage them. He discussed the capabilities of the Town with regard to building requirements and codes.

Zoning Board member Ed Pianalto discussed building codes and discrepancies between the Town's ordinance and the Zoning Code.

Trustee/Building Inspector Tom Gibb commented on changing building code requirements. He stated that architects draw to current code specifications so most current buildings exceed the standards of the 1997 code.

There was discussion about the County "taking over" building codes within the Town of Pitkin.

Zoning Board member Gayla Gibb asked for clarification of Zoning Code section 17 D. She believes it is straightforward that the responsibility is to ensure conformance to the Zoning Code. She has also heard that the Zoning Board members are equal signatories to the Building Inspector in approving the permit.

Both Mayor Balch and Zoning Board Chairperson Jesse Garetson stated that they agree that the purpose of the signatures is for conformance to the Zoning Code.

Trustee/Building Inspector Tom Gibb stated that in some cases, his signature is last on the permit because a variance is required.

Zoning Board member Ed Pianalto asked if there was a specific example that Zoning Board member Gayla Gibb wanted to discuss. She stated "not at this time."

Clerk Sara Gibb to reach out to like communities to ask about: building codes, exceptions to code, does the Zoning Board work with building, do they have a planning commission, etc. – Ed Pianalto will provide his research to-date to Clerk Sara Gibb.

Zoning Board member Rodger Lull stated that the structural engineer/architect provides a set of plans. The only thing the Zoning Board, Building inspector is to do is to make sure the structure is built to those plans. Engineered plans should be obtained before going forward with a permit. Foundations and roofs ought to be designed.

Trustee/Building Inspector Tom Gibb stated that Colorado has no statewide building code. These are mostly adopted at the local level. He would like to stay with the oldest code possible.

Trustee/Zoning Board member Ed Pianalto stated that people who build in Town and use contractors will have engineered plans up to a newer code. The Town should accept that. However, those who want to build their own homes need to have standards to follow as designated by the Town. Mayor Eddy Balch stated that there needs to be a set of criteria that would allow for engineered plans. The building inspector would review to make sure it was built to what the engineer designed. If someone wants to build without an engineered plan, there needs to be some criteria. He stated this may open a can of worms. Perhaps the attorney should review the idea before the Town proceeds in this direction.

Building Inspector/Trustee Tom Gibb discussed individuals designing and building their own structures.

Mayor Balch suggested that individuals who want to design/build their own structures use the 1997 Code, but if they want to use newer technology, it must be engineered. A joint work session will be planned (BoT, ZB).

Zoning Board Chairperson Jesse Garetson wants things to be as simple as possible.

- Discuss Building Inspector role and responsibilities

Clerk to investigate independent contractor vs. employee – other municipalities, duties, etc.

There was discussion about independent contractors vs. employees and the definitions of each.

\*The Zoning Board may be dismissed at this time at the discretion of the Mayor

- Discuss Commissioner roles and responsibilities

There was discussion about job descriptions for commissioners. Trustee Ed Pianalto stated that the current ordinance [listing duties and responsibilities of commissioners] does not meet his definition of job descriptions.

EHA Gayla Gibb stated that she has recently done a lot of measuring for well location. Mayor Balch stated that it should be the applicant's responsibility to

discuss a deficient plan with the engineer. The primary direction should be from the EHA back to the applicant. The applicant must confer with the engineer.

- Discretionary spending (includes Clerk)

Mayor Balch stated that the Town needs to develop a policy of discretionary spending for commissioners/Clerk without coming to the Board for approval.

Trustee Ramon Reed and Street Commissioner Jesse Garetson agree with Mayor Balch. Street Commissioner Jesse Garetson discussed some of his upcoming plans for State Street and arrangements he has made. Mag Chloride is \$0.20 gallon higher this year. He is concerned about this price increase. He would like to know that he is backed and that's what he is supposed to be doing.

Clerk Sara Gibb to develop a table with each position that needs approval for discretionary spending and provide some ideas for amounts. She will include budget amounts for line items and look at historical spending to include in the table.

Trustee Ed Pianalto asked about Clerk spending. He asked for an average of spending over the past few years. Clerk Sara Gibb stated that her primary expenses are office supplies and mailings and that she stays within her budget.

Street Commissioner

- Order of direction/Chain of Command

Mayor Balch asked if the Street Commissioner should be hired as a contractor for work other than what is hired out (gravel, mag chloride, etc). Should the Street commissioner be an employee or as a contract?

Street Commissioner Jesse Garetson stated that in the past the Clerk had worked something out so they didn't have to do a w-2. Clerk Sara Gibb corrected this statement and said that the situation was that at some time in Town's history, tractor hours started to be reimbursed. That rate was \$35 [per hour] and the intention of that was to cover gas, oil change, etc. At some point in recent history, that figure became \$50 [per hour] but she does not recall any discussion about that and therefore cannot comment on why the change happened. During the Town's last full audit, there was a question about whether the town should be sending Street Commissioner Jesse Garetson a 1099 for all the money it was paying him for the use of his tractor. During that discussion, it was

expressed to her that this amount was “reimbursement” for wear and tear, gas, oil for the tractor. The auditor then asked if the Town was renting or hiring the tractor and Clerk Sara Gibb said, “no” it's just reimbursement for the actual cost of using the tractor. Therefore, no 1099 was sent out. In the last conversation with Street Commissioner Jesse Garetson, he expressed to her that the Town was “renting” his tractor and that the \$50/hour was not a reimbursement cost, it was a rental cost, which is different. Street Commissioner Jesse Garetson stated that he didn't report it last year as income. He stated that it's reimbursement, it does all those things, but it also pays for depreciation. He is losing value. And the operator is free at this point. He didn't feel like he needed to be reporting it as income. There was additional discussion about cost and rental rates. There was discussion about obtaining bids for services when a significant amount of money is spent.

Trustee Ed Pianalto stated that the Town should be willing to pay the Street Commissioner a fair price for tractor rental.

There was discussion about rental cost for equipment.

**3. Dismiss: Meeting adjourned at 7:45 pm.**

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