

PITKIN TOWN MEETING

Newcomb Community Center

June 12th 2023 at 7pm

MINUTES

1. Call to Order and Pledge of Allegiance: Mayor Eddy Balch called the meeting to order at 7:03pm. Trustees Jerra Garetson, Lucinda Lull, and Tom Gibb were present. Attorney Chris Mochulsky was present. Minutes taken by Clerk Sara Gibb.

2. Public comments*: None

3. Town Attorney Report:** No Report

4. For Council Action:**

6-1 Approve meeting minutes: May 8th regular meeting

Motion to approve the minutes from the May 8th regular meeting made by Trustee Jerra Garetson. Seconded by Trustee Lucinda Lull. Motion carried 4-0.

6-2 Discuss and vote on moving forward with removing private property off of town-owned property

Trustee Tom Gibb requested to discuss this item. There are things in town that seem to be permanently parked on Town property. Moving forward, he wonders how to provide education and information to the public and to request that people move their things off Town property. There are vehicles and buildings on Town property. Trustee Lucinda Lull agreed with Trustee Tom Gibb. Trustee Jerra Garetson recalled that several years ago that there was a list of items on Town property. Clerk Sara Gibb no longer has a copy of this list. Trustee Jerra Garetson says the Town is going to have to address it piece by piece. She says some cleanup could be done. She said there will need to be some exceptions, for example, for the foot bridges. Mayor Eddy Balch opined that the Town does not need to worry about foot bridges. He asked that the public look at their property and see what they have. If there are personal items on town property, please move it or get a plan for moving it. If anyone is unsure about property lines, the Town can be contacted for assistance.

Attorney Chris Mochulsky stated that anything on Town property is a continuous trespass. There is then a legal remedy for trespass action. Mayor Eddy Balch stated that we need to be aware that we cannot differentiate between “used” and “unused” streets and alleys. They are all town property. If there is something on Town property, it is a trespass and needs to be moved. He would like everyone to think about this before

heading down this road. Putting together a list would be fine. He requests that the Zoning Board work on a list.

Public comment: Gayla Gibb, Chad Varnell, Jesse Garetson, Suzy Metzler, Starlene Varnell, Ed Pianalto, Pete Olson, Rodger Lull

6-3 Discuss and vote on a plan to comply with legislation regarding updated building codes

Trustee Tom Gibb stated that House Bill 22-1362 (Building – Greenhouse Gas Emissions) relates to this item. Based on the language in this bill, it may be that municipalities do not have to update their building code, but if/when they do, there will be requirements. Attorney Mochulsky will review the bill.

Item tabled

6-4 Discuss and vote on appointing a new member to the Zoning Board

Pitkin resident Ed Pianalto volunteered to serve on the Zoning Board. Mr. Pianalto addressed the Board of Trustees and the public and stated that he strives to be fair, equitable and honest. He listens to all sides of a story before forming an opinion. He will maintain these qualities as a member of the Zoning Board. His goal is to be here for others in Town.

Motion to appoint Ed Pianalto to the Zoning Board to serve until April 30th. Votes taken via silent vote (paper). Motion carried 4-0.

5-3 Discuss and vote on sign repair and ordering new signs (parking, etc.) for the Town of Pitkin

Clerk Sara Gibb to get prices on a flashing stop sign. Mayor Eddy Balch will provide Clerk Sara Gibb with contact information for a vendor in Poncha Springs.

Street Commissioner Jesse Garetson has some posts to repair broken signs, but not the Town Hall sign.

6-5 Review treasurer's report

Discuss and vote on reallocating funds from 5160.4 Streets: Improve and Open to 5160.3 Streets: Ditches and from 5160.4 Streets: Improve and Open to 5160.1 Streets: Maintenance. Vote to approve June 2023 disbursements

Motion to reallocate \$1000 from account 5160.4: Improve and Open to 5160.3: Ditches and \$600 from 5160.4: Improve and Open to 5160.1 Streets: Maintenance made by Trustee Tom Gibb. Seconded by Trustee Jerra Garetson. Motion carried 4-0.

**Motion to approve the June 2023 Disbursements made by Trustee Lucinda Lull.
Seconded by Trustee Jerra Garetson. Motion carried 4-0.**

5. Special Additions to the Agenda**

- Board of Health Meeting – **The Board of Health Meeting was called to order at 8:01 pm**
 - Discuss and vote on an OWTS variance application for 222 Armstrong Street
- Engineer Mark McCoy presented the events leading up to the issue of requiring a variance – Neighbor Jake Schellenberg was excavating his property and accidentally unearthed and damaged the Guigleys’ OWTS beyond repair. It is not possible to place a new septic and meet setbacks. Trustee Tom Gibb stated that he can meet 50’ off the creek. If a variance is granted, there will be 68-70 feet from the well, which is an improvement. The question becomes, will the Town allow the property to be developed and be satisfied with the improved distance between the STA and the well. There do not seem to be any other options. Mayor Eddy Balch stated that the Town must follow the state regulations. Trustee Tom Gibb read from Regulation 43 page 25 6-B – This would be a repair – “where the existing system does not meet the required distances, a variance may be requested. Repairs or upgrade must be no closer to features requiring setbacks than the existing facilities.” The question is – how much was left in the ground, how much is gone, and how much encroachment is there?
- Mayor Eddy Balch would like to know if the proposed site meets the requirements of table 7 in Reg 43. Trustee Lucinda Lull stated that the applicant should speak at this time. Applicant Chris Guigley stated that unbeknownst to them, their OWTS was on another person’s property and was destroyed. They would like to find a solution. Trustee Tom Gibb suggested locating the start of the STA. The Board suggests a full inspection of what may be left of the STA before considering moving to a different location.

Public comments: Chad Varnell,

The Board of Health meeting was closed at 8:31pm

6. Updates/Planning/Discussion:**

- EHA requests BOH Meeting to discuss transfer of title inspections
- Environmental Health Agent Gayla Gibb stated that Pitkin currently has OWTS systems inspected every 7 years unless there is a problem that needs to be more closely monitored. This past year, she has come to believe that a transfer of title inspection would be positive for the Town. Pitkin is finding surprises, more often than not, upon sale of properties. It is important that an inspection fall close to when there is a sale or pending sale. Mayor Eddy Balch asked for a written request with information from the State as available.

7. Reports:**

- Town Mayor – Eddy Balch – No report

- Town Clerk – Sara Gibb – will post for citizen of the year; will post for snow plowing signups and send out email/send letters for plowing; WHERE do trustees want portable toilets? LAND swap Beery – what should be requested as a follow-up?

Please see written report for the following:

- Building Inspector – Tom Gibb
- Zoning Board – Jesse James Garetson – Zoning Board meeting 7pm on 6/19/2023 at the NCC
- Cemetery – Mark Rossmiller
- Environmental Health – Gayla Gibb
- Streets – Jesse James Garetson
- Ditches – Vacant, Jesse James Garetson reporting – Requests that property owner clean up the ditches in front of their place. Concerned about the culvert in front of Michael Ebert’s place, which clogged last year just before the ditches were turned off. It is currently 100% clogged.
- Town Hall – Ramon Reed – Mr. Reed is very motivated to follow up with the grant that the Town won to repair the crack in the Town Hall wall. Mr. Reed asked Attorney Mochulsky if the Town should request bids for the work on Town Hall. Attorney Mochulsky will look into this question and provide a response. A meeting with representatives from the Colorado Historical Society will take place within the next 2-3 weeks.

Mr. Reed would like to set up a long-term method/contract for cleaning and maintenance. He received one proposal for cleaning and he will send it to the Board this week. He states that overall, the interior is clean and in good shape. He has not heard from PHCA regarding the use of the Town Hall for the melodrama. He would request that during practice and during the melodrama there are portable toilets available.

Mr. Reed states that the following things are needed at Town Hall: restrooms – he would like approval from the Board to hire a design and engineering firm to give a proposal for what is needed/cost for restrooms. Mayor Balch would like an estimate of the cost for a design/engineering firm. Mr. Reed would also like to make Town Hall ADA accessible. He is confident that there are a lot of grant sources to assist with this process. He plans to have an estimate of cost and options for ADA compliance by the next meeting.

Mr. Reed would like to hold a public meeting in the Town Hall to inform the public of the plans for the grant repair. He would like to hold this meeting in Town Hall.

- Parks and Rec – Vacant

8. Adjourn: Motion to adjourn made by Trustee Lucinda Lull. Seconded by Trustee Tom Gibb.

Motion carried 4-0. Meeting adjourned at 8:56p

The next regularly scheduled meeting will be held **Monday, July 10th** 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 – Previously issued building permit projects are now under way. Several permits currently pending.
- Zoning Board – Jesse James Garetson – No report
- Environmental Health – Gayla Gibb – Everything is going as it should. Answering inquiries. Providing Pitkin Inspection Forms to those who ask. Have received two responses to my April letters. Would like the Board of Health to begin discussion about moving to transfer of title inspections.
- Streets – Jesse James Garetson – Gunnison County Road Department showed up on 5/15/2023 with Scott on a road grader and tandem water truck. I frantically scrounged up as many 30-ton truck loads as I could get from United Companies and Tomichi Materials. Jacob Lull was by far the best $\frac{3}{4}$ " road spread of the five drivers. The others required much tractor work. Gunnison County Road Department spread water and Mag Chloride on 5/16/2023. I repaired the two snow plow-demolished flower pot speed limit signs and reposted them farther from traveled roads. At today's prices, they have \$600.00 of 6x6 wood in them.
- Ditches – Vacant, Jesse James Garetson reporting – Without a ditch commissioner, I've obtained a couple of helpers and replaced the rusted out culvert at 6th and Main. Also dug out the mountain side of Main and 2nd to 3rd streets. And 3rd upstream side ditch. Armstrong St. to Main St. A few homeowners have cleaned their property ditches. I'm guessing at least another week before the ditches can be turned on.
- Cemetery – Mark Rossmiller – Both gates are now open and the property is accessible. Still pretty muddy though and not very pleasant to walk or try to work. Generally the board has a first of the season meeting in May, but many members have been out of town so this has not happened. I expect there will be a meeting soon. American flags were placed on veterans graves for the Memorial Day Holiday.
- Town Hall – Ramon Reed – Report pending
- Parks and Rec – Vacant – No report

