

# PITKIN TOWN MEETING

August 10<sup>th</sup> 2020 at 7pm

At the Newcomb Community Center

**SOCIAL DISTANCING WILL BE PRACTICED AT THIS MEETING, MASKS ARE REQUIRED**

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## MINUTES

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Full and timely notice of this meeting was provided pursuant to C.R.S. 24-6-402(2)(c).

1. **Call to Order and Pledge of Allegiance:** Mayor Eddy Balch called the meeting to order at 7:03pm. Trustees Chris Nasso, Jerra Garetson and Tom Gibb were present. Trustee Lucinda Lull arrived at 8:00pm. Attorney Chris Mochulsky was present. Minutes taken by Clerk Sara Gibb.

2. **Public comments\*:** None

3. **Town Attorney Report\*\*:** Regarding discussion about Gunnison County's letter - some voiced concern that Gunnison county would be more restrictive than the State. Counties are already allowed to regulate in a more restrictive manner than the State regardless of the "protect our neighbor" program. What the newfound power would allow would be for regulations that are below the State minimum COVID standards.

4. **For Council Action\*\*:**

8-1 Approve meeting minutes: July 13<sup>th</sup> regular meeting, July 27<sup>th</sup> special meeting with public hearing and August 3<sup>rd</sup> work session.

**Motion to approve the minutes of the July 13<sup>th</sup> regular meeting, July 27<sup>th</sup> special meeting and August 3<sup>rd</sup> work session made by Trustee Jerra Garetson. Seconded by Trustee Tom Gibb. Motion carried 4-0.**

8-2 Discuss and vote to accept Zoning Board member resignation.

**Motion to accept Mr. Ramon Reed's resignation from the Zoning Board made by Trustee Chris Nasso. Seconded by Trustee Jerra Garetson. Motion carried 4-0.**

8-3 Discuss and vote on how to address the property at 730 State/312 8<sup>th</sup> for emergency services location

The Town received an email from Mike Pelletier of Gunnison County regarding a request from Suzy Metzler, who manages addresses, to change an address within their system from 730 State to 312 8<sup>th</sup> Street. Mike Rupp owns both 730 State (empty lots) and 312 8<sup>th</sup> (his residence). Mr. Rupp stated that no one has reached out to request his opinion on the address change. He does not understand what the problem or issue is. Seven-thirty State is legally a separate parcel from 312 8<sup>th</sup> Street. He does not see the

purpose of an additional and unnecessary expense of purchasing, stalling and maintaining a sign. He is opposed to legally changing the address of 312 8<sup>th</sup> Street to 730 State St.

Mayor Balch stated that Gunnison County typically uses the intersection of the driveway and the street for location purposes.

Jesse James Garetson stated that the fire department is aware of the location of 8<sup>th</sup> street. As Street Commissioner, he would not be opposed to purchasing a sign to mark 8<sup>th</sup> street.

It is unclear to Mr. Rupp and to the Board who initiated this request. Mr. Rupp stated that he would like a “dead end” sign placed if an 8<sup>th</sup> Street sign is placed.

**Motion for the address of the Rupp residence to remain 312 8<sup>th</sup> Street made by Trustee Chris Nasso. Seconded by Trustee Jerra Garestson. Motion carried 4-0.**

8-4 Discuss and vote on how to address remaining delinquent OWTS inspections

According to the 8/3 report from EHA, all 2019 delinquent properties except 2 have been inspected. Clerk Sara Gibb reported that the remaining 2 delinquent properties at 622 and 632 Aspen have been inspected.

New 2020 OWTS inspections completed - 27

New 2020 Admin fee paid - 24

Mayor Balch wants to be sure that everyone who was to have paid in 2019 is up-to-date with their administrative fee.

In a second report dated 8/10 – EHA Cyndi Wick reported that there are 208 property addresses that contain 190 systems. Of the 190 systems, 170 are traditional OWTS.

EHA Cyndi Wick reported (via telephone) that she has not contacted Bill Barvitski about inspection of alternative systems. She emailed Chuck Cousino. Regarding vaulted toilets – they should be treated similarly to septic tanks (Chuck - NAWT procedure for checking water-tightness is applicable). EHA Cyndi Wick requested to be notified when these holding tanks are pumped to show water-tightness.

Incinerating toilets could be adapted into an inspection and EHA Wick reports that Mr. Cousino’s email indicated that failure poses a low risk to ground water contamination); EHA Wick also asked about composting toilets and the proper disposal method for the 1

byproduct from a composting toilet. She reports that Mr. Cousino's email stated she should review information provided for new systems and modify as appropriate.

Mayor Eddy Balch asked if graywater/STA inspection criteria was requested. Per EHA Cyndi Wick, Reg 43 does not address graywater systems at all. It was removed in 2013. Gray Water systems are regulated under Reg 86. A local jurisdiction that regulates graywater use must adopt a regulation that meets certain minimum requirements, which are quite stringent. There are no grandfather clauses for existing systems. They are technically not allowed in a jurisdiction that has not adopted a graywater program per 86. The definition of graywater is for the purpose of being put to beneficial use. You are not allowed to separate waste and put graywater into the soil. Graywater cannot be separated from blackwater. Regulations 84 and 22 are included when blackwater is included.

Mayor Balch requested these emails be forwarded to clerk Sara Gibb.

EHA Cyndi Wick spoke with Lisa [daughter of property owner] regarding 212 Main Street, which is delinquent from 2018. The system will be inspected after Lisa returns to Pitkin.

Mayor Eddy Balch encourages reading Regulations 43 and 86 prior to the Town's discussion of alternative systems.

#### 8-5 Discuss and vote on Town of Pitkin snow plowing policy

Trustee Tom Gibb asked what direction the Board would like to go with the policy. It's difficult to have a policy if you can't implement it. Mayor Eddy Balch stated that the Town needs to have a policy that defines some level of service and expectations. He asked, "Is the Town of Pitkin responsible for snow removal in the Town of Pitkin?" There is legal precedent that snow removal on sidewalks can be designated as an owner's responsibility. Attorney Chris Mochulsky clarified that snow removal for public sidewalks can be delegated to the homeowner abutting the sidewalk. This may be able to be extended to common roadways. Mayor Balch stated that there is some gray area regarding the scope of responsibility for plowing. The Town is attempting, with this policy, to define expectations with the caveat that the Town may not have the resources to plow. Per Mayor Balch, it is important to have a policy that directs the residents on how to manage snow, such as not blowing it onto the roadway and who takes responsibility for the berm caused by plowing.

Trustee Tom Gibb found the policy to his liking without being too overboard in any direction. Given a normal financial condition, the policy looks good. His question initially was due to concern about any level of implementation.

Mayor Balch stated that communications with snow plowing contractors will provide some level of guidance. The Board needs to determine what is the most cost effective way to provide snow plowing. He asked if the board should determine priority by where the majority of people live. Trustee Jerra Garetson doesn't see a problem with the plan except she is unsure how it will be implemented.

Streets Commissioner Jesse Garetson believes the Town should honor contracts through the end of the term in 2020. He believes the funds for 2021 were voted down at the April election.

Mayor Eddy Balch wants to Board to determine what are the emergency routes, business routes, and residential routes. He thinks the Town should consider these criteria. Trustee Tom Gibb stated that following this reasoning, Main, State and a cross-street would be the primary emergency route and the number one priority.

Trustee Tom Gibb asked the county assessor (Mary) if winter access affected property taxes. She stated that it did not. Mr. Gibb stated that this question was asked regarding his personal property and he is unsure if it would apply to the entire town.

Mayor Eddy Balch asked that comments be sent to Clerk Sara Gibb. He would like to add something to the policy regarding private citizens plowing on the public right-of-way.

Plowing 5<sup>th</sup> Street would be good for fire trucks and ambulances, per Rand Makowski.

Public comments: Rand Makowski, Jesse Garetson, Doug Bower, Suzy Metzler, Pete Olson, Dan Hoffelder, Sara Gibb

8-6 Discuss and vote on Ord 2020-2 (OWTS)

Mayor Eddy Balch would like the Board to consider opening up the OWTS ordinance to change the inspection interval to once every five years or possibly once every seven years.

Trustee Tom Gibb stated that the goal of the initial ordinance was to get all systems inspected so the Town knows what it's got. He would be in favor of that [increasing the inspection interval].

Trustee Jerra Garetson recalled a recommendation from Bob Williams (engineer) that anything less than a 5-year interval is overkill. Mayor Balch spoke with Chuck Cousino at the state, who seemed to be in favor if inspecting once every five years. Prior to its adoption, the State will need to review and approve any new OWTS ordinance that the Town generates.

Mayor Balch requested that the public review the proposed ordinance with revisions, which is online. He later stated that the most important aspect of operating an OWTS is education.

Trustee Lucinda Lull stated that this [inspections] has been a good success. She thinks that the Town should at least use a 5-year interval.

EHA Cyndi Wick agrees that the Town can lengthen the time between inspections. She likes the idea of having a system pumped at transfer of title so the new individuals moving in have a clean septic.

Mayor Balch wants to clearly address alternative systems in the revised OWTS ordinance.

Public comments: Rand Makowski, Suzy Metzler, Ramon Reed

8-7 Discuss and vote on Garry Winget as Town Hall Commissioner

**Motion to accept Garry Winget as Town Hall Commissioner made by Trustee Jerra Garetson. Seconded by Trustee Chris Nasso. Motion carried 5-0.**

Mayor Eddy Balch reported that Garry is currently working on a grant for Town Hall. Phil Duetsch is working on a bid to have the repairs completed. The Town will need a 25% match.

Public comments: Rand Makowski, Suzy Metzler, Jesse Garetson

7-6 Discuss and vote on recommendation for monopine building permit

Clerk Sara Gibb reported that according to the minutes from November 2010, the original monopine was considered a “utility pole” and permits were to be obtained for the shed and fence.

Mayor Eddy Balch suggested that the Town require at least 2 permits (shed and fence).

Move forward – permit must be obtained for fence and shed. A permit application can be initiated and should include plans (stamped by engineer if not already).

Zoning Board member Jesse James wants to know if the property has been surveyed to ensure that the 5-foot setback is met.

Public comments: Cyndi Wick, Suzy Metzler, Rand Makowski

8-6 Review treasurer’s report. Vote to approve August 2020 disbursements

One additional disbursement \$25 for Rocky Mountain Frame and Trophy.

**Motion to approve August 2020 disbursements made by Trustee Tom Gibb. Seconded by Trustee Lucinda Lull. Motion carried 5-0.**

5. **Updates/Planning/Discussion\*\*:**

- Update on Makowski/Fox quit claim deed – Aspen Lane  
Clerk Sara Gibb reported on findings regarding the cost – total cost was not stated, estimated costs for deeds and survey only were stated.

Rand passed out a letter written by his father in 1991 asking for quit claim deeds. He stated that all this expense to him is to get it plowed. Now he is giving it to the town so they can plow it and the Town is saying they aren’t going to plow. Mayor Balch stated that the Town has not stated whether or not it can be plowed

Trustee Jerra Garetson asked if Rand would consider that he got free plowing for the years starting in 1991. Rand stated that no, he did not think he got free plowing because the county plowed. He is spending \$1,050 to say that the Town has the right to plow. You can’t pick and choose how to use the easement.

Trustee Tom Gibb states that he understands Rand’s frustration. The Town has been compromised by the times and the funds. Mayor Eddy Balch stated that he would entertain a motion to approve a disbursement of \$375 to complete this process.

No motion was made.

Mayor Balch stated that the item was tabled. Rand Makowski then stated that he will “just pay it” and that he would like to be on the plow list. Mayor Balch clarified that Rand was agreeing to pay the \$375 and Rand stated, “I’ll pay it.” Mr. Makowski also requested two copies of the final paperwork so he could give one copy to the Fox family.

Public comments: Jesse Garetson, Suzy Metzler

- Discuss Town Budget and Budget planning

Postponed

- Discuss reserve policy for the Town of Pitkin

Postponed

- Set work sessions and discuss future agenda items

August 31<sup>st</sup> – 7pm Work session RE: Budget, reserve, Street vacation application – possible executive session

6. **Reports\*\*:**

- Town Mayor – Eddy Balch – Reported on possible free firewood from Quartz Creek Properties.
- Town Clerk – Sara Gibb – no report  
*Please see written report for:*
- Building Inspector – Tom Gibb (interim) – no permits issued
- Sanitarian – vacant
- Fire Department – Rand Makowski
- Zoning Board – Jesse James Garetson
- Cemetery – Mark Rossmiller
- Environmental Health – Cyndi Wick reported via telephone that she was asked to make sure that Fred Schmalz had a valid NAWT certificate in August 2019. He was and still is. Regarding the 4 unknown systems, Cyndi would like the Board’s permission to write letters to the owners of those properties and ask them to describe the OWTS in place.
- Streets – Jesse James Garetson
- Ditches – John Rowan
- Town Hall – vacant
- Parks and Rec – Sara Lamar

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

The next regularly scheduled meeting will be held **Monday, September 14<sup>th</sup>** 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>

To add an item to the agenda, please submit it in writing to the Town Clerk at [thetownofpitkin@gmail.com](mailto:thetownofpitkin@gmail.com) no later than **Wednesday at 5pm** prior to the regularly scheduled meeting. Supporting documentation must also be submitted no later than 5pm on the Wednesday before the meeting.