

MINUTES

1. **Call to Order and Pledge of Allegiance:** Mayor pro tem Tom Gibb called the meeting to order at 7:00 p.m. Trustees Ed Pinalto, Jerra Garetson, and Ramon Reed were present. Minutes taken by Clerk Sara Gibb. Attorney Clayton Buchner was absent.
2. **Public comments*:** None
3. **Town Attorney Report**:** None – Attorney not present
4. **For Council Action**:**
 - 9-1 Approve meeting minutes: August Regular Meeting; June 24th Special Meeting; June 24th Work Session

Motion to approve the minutes of the August regular meeting made by Trustee Ed Pinalto. Seconded by Trustee Jerra Garetson. Motion carried 4-0.

Motion to approve the minutes of the June 24th Special meeting made by Trustee Jerra Garetson. Seconded by Trustee Ed Pinalto. Motion carried 4-0.

Motion to approve the minutes of the June 24th Work Session made by Trustee Ramon Reed. Seconded by Trustee Ed Pinalto. Motion carried 4-0.

- 9-2 Review Treasurer’s Report. Discuss and vote to approve September 2024 Disbursements. Discuss and vote to transfer funds from GBT-Checking to CSAFE.

One addition to the Treasurer’s Report – to PHCA for Zoom

Motion to approve the September 2024 Disbursements made by Trustee Ed Pinalto. Seconded by Trustee Jerra Garetson. Motion carried 4-0.

Motion to transfer \$50,000 from Gunnison Bank and Trust Checking to CSAFE made by Trustee Jerra Garetson. Seconded by Trustee Ramon Reed. Motion carried 4-0.

- 9-3 Discuss with possible action: Approving a contract with Gunnison Valley Excavation for snow plowing for the 2024-2025 season

Trustee Ed Pinalto asked if an RFP had been put out. Clerk Sara Gibb stated that one had not, this was an addendum to last year’s contract with updated dates. Per Attorney Buchner, an RFP was not required for a contract that has been continued for several years. Trustee Ed Pinalto stated that the Town has time to put an RFP out.

Trustee Ed Pinalto wants to put out an RFP because he is aware of a local contractor who wanted to bid. Mayor pro tem Tom Gibb stated that GVE's contract has already been broadcast to the public. Normally, the Street Commissioner would contact GVE and make arrangements. There have not been any others in the running when the Town did put out an RFP. With the input from Attorney Buchner and having this already in front of us with the contract price, it would be a disadvantage and a disservice to now back up and do an RFP because the numbers of the competition are on the table. He is not in favor of that. Trustee Ed Pinalto is in favor of transparency. Trustee Jerra Garetson stated that the Town and the townspeople have been very happy with Gunnison Valley Excavation. She stated that she doesn't know this "officially" but there is a local person and she thought he had contacted the Town. She hates to see the Town not open it up for bids.

Clerk Sara Gibb stated that in previous years, a contract is negotiated with the Street Commissioner and then presented to the Town for approval. After the current contract was negotiated with GVE, it was included in the meeting packet and placed online. A local contractor contacted the Town when it far too late to be included on the agenda. Attorney Buchner confirmed at this time that it was not required for the Town to put out an RFP. When the local contractor was informed that a contract had already been negotiated with GVE, he indicated he was satisfied with the option of bidding next year.

Trustee Jerra Garetson says she has no problem with going forward with GVE. Trustee Ramon Reed would like to continue with GVE.

Trustee Ed Pinalto has no problem going forward with GVE. He believes that when the Town is spending taxpayer money the item should go out for bid.

Motion to approve the snow removal agreement with Gunnison Valley Excavation for plowing for the 2024-2025 season and authorize the mayor to sign it made by Trustee Ramon Reed. Seconded by Mayor pro tem Tom Gibb. Motion failed. Trustee Ramon Reed and Mayor pro tem Tom Gibb voted yes. Trustees Ed Pinalto and Jerra Garetson voted no.

Trustee Jerra Garetson hopes the Town has learned its lesson. It's been so long since anybody bid it hadn't occurred to her that anyone would want to. It's a conundrum and it's our own fault as a council. It should be on the August agenda next year. Trustee Ed Pinalto stated that he wants to put out an RFP.

The Town Clerk was directed to post an RFP by 9/26. The RFP will run for 2 weeks. Bids will be due by 10/16.

Trustee Jerra Garetson stated that she had no idea the attorney wasn't going to be on Zoom. She suggested a special meeting.

Because posting an RFP was not on the agenda, it will not be voted on tonight. The attorney will be consulted and a special meeting will be called.

A special meeting is tentatively scheduled for Tuesday, September 24th at 6:30 (pending attorney availability).

Trustee Ramon Reed is concerned that it may snow before a contract is signed. He is also concerned that the current contractor will withdraw their bid. He would like the Board to start making decisions for the benefit of the Town. Putting off this proposal threatens the Town with the possibility of not having any snow plowing.

Public comments: Jesse Garetson (2 comments), Pete Olson (2 comments), Jake Schellenberg (2 comments), Suzy Metzler, Bob Nuttelman, Rachel New, Chris Nasso, Taylor Adams

Addition of Public Service Announcements:

PVFD is requesting help with researching and writing grants.

Trustee Reed received a phone call from the resident of the Town who currently has Centurylink/Lumen Landline and DSL service. They have received a letter from Centurylink/Lumen that their DSL service will be discontinued as of October 31st. Centurylink/Lumen operates under the Public Utilities Commission. He is concerned that the Townspeople could lose their phone service. They are required to provide service per the PUC, but there are exceptions to that. Mayor pro tem Tom Gibb stated that this item should go on the agenda for the special meeting.

9-4 Discuss with possible action: Approving an IGA with Gunnison County for snow plowing for the 2024-2025 season

Motion to approve the IGA with Gunnison County for snow plowing for the 2024-2025 season made by Trustee Ed Pinalto. Seconded by Trustee Jerra Garetson. Motion carried 4-0.

Public comment: Jake Schellenberg

5-9 (Agenda order switched with 9-5) Discuss with possible action: Responding to Zoning Board recommendation on a fence permit appeal for 428 State Street (tabled from August 2024 regular meeting). Zoning Board recommendations: Approve a fence permit with a 5-foot setback from the property pin or grant a land swap as originally requested.

Trustee Ed Pinalto stated that at the last meeting it was decided that he and Ed Herman would go to the property and give some facts and some possible options. He would like to plug into the big screen and give his presentation. He proceeded to give the presentation of the findings that he and Ed Herman made when measuring at 428 State Street.

Mayor pro tem Tom Gibb provided a printout of excerpts from past minutes to each Trustee. Mayor pro tem Tom Gibb reviewed the history of the land swap discussion.

Mayor pro tem Tom Gibb was surprised when he received Mr. Pianalto's presentation. He had come up with two options. One is to give Mr. Varnell the land swap and one is to cut down the tree. Neither one of those options is necessary. The road speaks for itself. It's been there long enough. It's public right of way within the corporate limits of the Town. You don't get to change it. That's the attorney's legal assessment on this. To stand up and say "well we're taking away this guy's property..." no. He saw it and looked at it before he bought it. You don't get to take over Town right of way.

By state statute and by Attorney Buchner's advice, he is not at all in favor of the land swap because it is not a land swap. You will be giving away Town property and be interrupting, chunking out pieces of street to fulfill this. At such time infrastructure changes are required, you might not want that. He is in opposition to the land swap.

Trustee Ed Pianalto pointed out that the attorney did say there are other solutions. Is there some way to work things out reasonably or are we going to take the legal stand to take property away from people. The Town has done land swaps in the past. A land swap doesn't change anything about the Town right-of way.

Mayor pro tem Tom Gibb stated that a land swap would take property off of 5th Street.

Public comments: Jesse Garetson (3 comments), Marie Rossmiller, Pete Olson, Rodger Lull

Mayor pro tem Tom Gibb called a 3 minute break at 8:50

Meeting resumed at 8:53

Mayor pro Tem read again from the minutes (June 2024) in which the Attorney suggested a variance or a land swap that does not set a bad precedent. The advice given is objective and based on the idea that someone can't buy a piece of property, have it surveyed, and say that 'while someone else owned it and they were fine with it the way it was, now I own it and want to extend my property into what is existing thoroughfare in exchange for something else.' This has 2nd and 3rd degree order of effects that should be seriously considered.

Mayor pro tem Tom Gibb stated that Trustee Ed Pianalto did not point out anything about the bridge or the topography. The road has to swing wide coming off the bridge in order to get onto Quartz Lane. It's a wide turn.

Trustee Ed Pianalto stated that if a land swap occurs it won't change Town right of way. It makes sense and it's a simple solution. The Town needs to have more heart and less attack. Trustee Jerra Garetson stated that there is no doubt that there is a state statute. She understands prescriptive easement. It absolutely is a state statute. It's the law and there's no doubt about it. She was not able to be in the executive session. She knows in

open session the discussion was closed by [former mayor] Eddy Balch. She thinks the Town could go to court and absolutely win. She doesn't think that's the proper way. She thinks there's a win-win solution. He [the attorney] absolutely said there is a win-win solution. She doesn't understand animosity. When people buy property in Pitkin, it is buyer beware. She's not sure the buyers did their due diligence. She's not saying that they are in the right at all. The Town has every right to claim it as ours. But she doesn't understand why, when there's a win-win solution, why we're digging our heels in when the attorney even said there's a solution.

Trustee Ed Pinalto pointed out that in the executive session, he and Trustee Reed were not on the Board.

Trustee Jerra Garetson wants to go on record to say it's pathetic that we are at this point.

Trustee Ed Pinalto believes from talking to Chad that this land swap solution would fix the next agenda item. Chad's comment, and Star would vouch for this, was that if the land swap was granted, he would take the birdhouse post out of the Town right of way.

Motion to that the Board grants the land swap with the Varnells – 712.5 feet, adding 6.5 feet to the property boundary on 5th Street leaving everything where it's currently at made by Trustee Ed Pinalto. Seconded by Trustee Jerra Garetson. Votes as follows: Trustee Jerra Garetson – yes, Mayor pro tem Tom Gibb – no, Trustee Ed Pinalto – yes, Trustee Ramon Reed – no. Motion failed.

Trustee Jerra Garetson asked Mayor pro tem Tom Gibb if he felt he should be voting. He stated, "Absolutely."

Trustee Ramon Reed requested a roll call vote.

Trustee Jerra Garetson wanted to go on record as saying that the parties in this case were swapped; if the Gibb family owned the Varnell property and the Varnells owned the Gibb property, her vote would be the same.

9-5 (Agenda order switched with 5-9) Discuss with possible action: Approving a removal plan for posts in the traffic pattern on Quartz Lane.

Mayor pro tem Tom Gibb stated that the Town posts in the traffic pattern on Quartz Lane are posts in a Town right of way. It does not require a vote to remove them. At this point, he is telling Mr. Varnell (who was present on Zoom) to get his posts that are in the right-of-way and on the adjacent right-of-way out of the ground and gone. If they are not gone this week the Town will have someone come and take them out.

Trustee Jerra Garetson stated that it would be real nice if the Varnells would volunteer to do that.

Property owner Starlene Varnell, who was present in the audience, stated that Chad Varnell was out of Town until early next week. Mayor pro tem Tom Gibb then stated that the posts must be out by Tuesday, or Mr. Varnell can have someone else take them out.

Trustee Jerra Garetson stated that it would be real nice if the Varnells would volunteer to do that.

5. Updates/Planning/Discussion**:

- Discuss plan to address the following action items (from Board of Trustees/Zoning Board work session, previous Trustee meetings)
 - Enforcement discussion
 - Develop/approve job descriptions for commissioners, Building Inspector, Clerk/Treasurer
 - Approve process for adding items to agendas (Zoning Board meetings/Regular Town meetings/Board of Health meetings)
 - Appeals processes - Review processes and steps and identify what is missing – Attorney input required
 - Compensation for mayor, trustees, commissioners

6. Special Additions to the Agenda**

None

7. Reports**:

- Town Mayor – Mayor pro tem Tom Gibb – Trustee Pinalto asked if Mayor pro tem Tom Gibb will be addressing complaints from the last meeting. Mayor pro tem Tom Gibb stated that he addressed one complaint and it was resolved.
- Town Clerk – Sara Gibb – No report
- ***Please see written report for the following:***
- Building Inspector – Tom Gibb
- Zoning Board – Ed Pinalto - Read approved Zoning Board Minutes at: <https://townofpitkin.colorado.gov/documents/approved-meeting-minutes>
- Cemetery – Mark Rossmiller
- Environmental Health – Gayla Gibb
- Streets – Vacant
- Ditches – Vacant
- Town Hall – Ramon Reed
- Parks and Rec – Josh Ackerman

9. Adjourn: Meeting adjourned at 9:11 pm.

The next regularly scheduled meeting will be held **Monday, October 21st** 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 – August. 2024
Date:
12th Taylor. Hotel. Storage rooms under rear deck
16th Bouse. 313 State St. 20' container. Rear yard
16th Waugh. Lots 8-16 block 30 State St. 40' container
19th Hughes 709 State St. 20' container. temporary set
22nd Nasso pavilion. 9th street. Fence permit.
30th Chris Nasso. 904 Alpine Ln. Addition of Kitchen and bathroom
30th John Brooks. 414 State St. 10 x 16 foot front cement patio
- **Zoning Board** – Ed Pianalto – The Zoning Board of Adjustment held their regularly monthly meeting on September 9th, 2024. There have been no variances submitted during the past month. Discussion continues on updating the 2022 Zoning Code to provide additional clarification within the Code. As a reminder, the Zoning Board of Adjustment is seeking to fill the open seat on the board. If interested, please contact the Town Clerk or Chairperson Ed Pianalto for more information.
- **Environmental Health** – Gayla Gibb – This past month, the EHA has been reviewing some Town violations with the Board of Health and confirming with the STATE what the procedure might be to resolve them. An attempt has been made to unite Mr. Cousino with Pitkin's Town attorney in a conversation of clarification.

Four new OWTS engineering plans have been approved.

Four newly installed OWTS pressure tests were observed.

Four well permits were granted.

There will be more research done this month to verify the required inspections for 2024 have all been completed or there will be letters sent assessing the \$500 fine due for their neglect.

- **Cemetery** – Mark Rossmiller –The season is rapidly winding out and activity is quiet. There have been no recent sales of either Memorial plaque or spaces. There have been no burials. The Board held a meeting on August 29. It is likely it was the last meeting of this year. There has been a request to acquire some spaces that require special attention. The Board has agreed on a plan to handle the issue and has sent a proposal explaining the situation to the interested party and are awaiting their response. We reviewed potential new “Rules and Regulations.” Most were pleased with them, but we need to have a couple of points about Colorado State regulations clarified. Gunnison County Coroner is being contacted in hope he can provide information we need. Once that information is obtained, we can complete the new “Rules” and formally adopt and institute them. Probably this will be one of the first items for action next Spring. The Board is working on new signage to help visitors more easily find their way to the grounds and give some historic background. We are gathering cost

information and working on potential designs. The finished signs are expected to be in place and functional by mid-summer of next year.

- **Town Hall** – Ramon Reed – No Report this month.
- **Parks and Rec** – Josh Ackerman – We received our certified report back on the Town playground equipment from Colorado Playground Inspections out of Golden, CO. Overall, the report is favorable, and our playground is in good condition for its age. I will be looking for a few handy individuals to help address some of the inspection's points found in the report so we can get the equipment up to code. If you are willing to help, please contact me to help coordinate repairs. We will also be looking to add mulch before the winter snow appears.
Attention Business Owners in Town, I have 6 high quality park benches that were donated by Gunnison County School District. These are in good condition and can be cemented in place in front of your business as a place for people to rest, relax, and catch up with other town members. Please contact me if you are interested, they are free. My vision was to have these around town in front of businesses.
- **Streets** – Vacant – No report
- **Ditches** – Vacant – No report