

TOWN OF PITKIN SPECIAL MEETING

October 5th 2020 at 7pm

At the Newcomb Community Center

19 participants

19 masked

MINTUES

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 7:10pm. Trustees Lucinda Lull, Jerra Garetson, 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**:**

10-1 Approve meeting minutes: September 14th regular meeting

**Motion to approve the September 14th minutes made by Trustee Lucinda Lull.
Seconded by Trustee Jerra Garetson. Motion carried 4-0.**

10-2 Discuss and vote to adopt Ordinance 2020-3 Vacating a Portion of Seventh Street

Ordinance 2020-3 was read aloud by Clerk Sara Gibb.

Trustee Tom Gibb stated that this is not in the Town's best interest. The Town is not getting any larger and is currently comprised of mostly streets and rights-of-way. Trustee Gibb stated that the Town has used some of these rights-of-way, such as 4th street with Town Hall and 5th Street with the Pitkin Volunteer Fire Department. He stated that 7th Street is the last parcel that Town owns on that side of Main St, which is commercial, paved, and has winter maintenance. To dispose of this property would leave the Town in a position where if the Town would need such a piece of property it would be irreplaceable. Trustee Jerra Garetson disagrees with some of Trustee Gibb's reasoning but she wonders if the attorney can provide any information. Trustee Lucinda Lull would like to hear from the attorney.

Attorney Chris Mochulsky was contacted by the petitioners' attorney. It is reportedly the opinion of the petitioners' attorney that the Town cannot vacate a parcel of land for

any amount of money and cannot request any compensation for the vacation of a street or right-of-way.

Mayor Balch stated that it was his understanding that the Town cannot vacate a piece of property for any sum of money except to cover administrative cost. He has concerns about giving away a piece of property when the Town has so little property.

Trustee Jerra Garetson asked Attorney Mochulsky if it is correct that a Town cannot vacate for money. Attorney Mochulsky states that he does not take that view. The statute does not explicitly state that the Town can charge for a street vacation. Trustee Garetson believes this would be a situation where it would be easy to vacate because of the same owner on both sides. However, she is not comfortable with vacating for only administrative fees. Further, she is not comfortable with the number on this paper [draft ordinance 2020-3]. Trustee Lucinda Lull pointed out that some of the Town's constituents are very much against this [vacation]. She thinks the price is a little low. She has reconsidered and feels that this is not in the best interest of Pitkin at this time.

Mayor Balch's concern is that if the Town was to move forward with the ordinance and finalize the vacation for the sum the applicant has proposed, it may place the Town at risk of going to court to defend its decision. He does not want the Town to spend money going to court. Attorney Mochulsky further clarified that the Town might be opening itself up to action from other residents of the Town who disagree with the action.

A brief recess was called at 7:47 to address the audio quality after call-in participants stated that they were unable to clearly understand speakers. Meeting resumed at 7:55pm.

Motion to table this item made by Trustee Jerra Garetson. Seconded by Trustee Lucinda Lull. Motion carried 4-0.

Trustee Garetson would like to have more time to consider phone calls she has received about this issue. Trustee Lucinda Lull would like to hear from Attorney Mochulsky regarding some of the questions that were brought up on the legality. Trustee Tom Gibb stated that clarity is good and he would like Attorney Mochulsky to further review the vacation request.

Public comments: Alicia Archuleta, Fred Archuleta, Pete Olson, Sterling Padilla, Thomas Kelley, Jesse Garetson

9-3 Discuss and vote on Town of Pitkin snow plowing policy

Attorney Mochulsky suggested adding definitions to clarify Full-time and Visiting winter residents.

Clerk Sara Gibb read the current draft policy aloud.

Mayor Eddy Balch stated that at this time, no contractor has applied to remove snow for the Town of Pitkin. The IGA with the county has been signed, and the county will plow what they plowed in 2019-2020. Mayor Balch reported that he asked the county directly if Pitkin's plowing would improve if the Town were to unincorporate. He reported that the answer was "no." He further reported that Marlene Crosby agreed to have some of her employees drive around Pitkin with Mayor Balch and see what they may be able to do with a maintainer or grader on a per hour basis.

Mayor Balch suggested taking some of the information from the RFP and inserting it into the policy to clarify the policy.

Trustee Lucinda Lull would like to further revise the Snow Plowing policy.

Item tabled until next meeting.

Public comments: Pete Olson, Jesse Garetson, Sterling Padilla, Rand Makowski, Suzy Metzler

10-3 Discuss and vote to adopt Resolution 2020-8 (Unpaid Boards)

Motion to adopt Resolution made by Trustee Tom Gibb. Seconded by Trustee Jerra Garetson. Motion carried 4-0.

10-4 Discuss and vote to approve Bargain and Sale Deeds for Aspen Lane Conveyance (Makowski/Fox)

Attorney Mochulsky suggests tabling the item until both signatures are notarized.

Motion to table item 10-4 made by Trustee Jerra Garetson. Seconded by Trustee Lucinda Lull. Motion carried 4-0.

10-5 Review treasurer's report. Vote to approve October 2020 disbursements

Treasurer Sara Gibb requested permission to print and deliver Attorney Mochulsky's

check. Board granted permission. AV equipment will be designated as office supplies - other.

Motion to approve disbursements for October 2020 made by Trustee Lucinda Lull. Seconded by Trustee Jerra Garetson. Motion carried 4-0.

5. Updates/Planning/Discussion:**

- Review and Discuss Town of Pitkin 2021 Budget

Treasurer Sara Gibb provided a brief update on the overpayment of sales tax. Trustee Jerra Garetson was excused at 8:54pm.

Public comments: Sterling Padilla, Pete Olson

- Discuss reserve policy for the Town of Pitkin – Item not discussed
- Set work sessions and discuss future agenda items
Board of Health public hearing Monday October 19th at 7pm.

6. Reports:**

- Town Mayor – Eddy Balch – The Town has received two applications for OWTS. According to the ToP ordinance, either the Environmental Health Agent or the Sanitarian are to review the applications. The Environmental Health Agent has sent an email that she is not qualified to approve the drawings and permits. She suggested sending the applications to the Zoning Board. Mayor Balch stated that the Town should consider amending the OWTS ordinance to allow for setback review by the Zoning Board only. Further, the applicant should submit engineered drawings and an as-built. The Zoning Board will review the setbacks of the applications. The Board of Health may need to review the applications and provide a recommendation. Town sent a letter of support to a group that is working on a grant to repair Alpine Tunnel.
- Town Clerk – Sara Gibb – no report
- Building Inspector – Tom Gibb (interim) – no report
- Sanitarian – vacant
- Fire Department – Rand Makowski
- Zoning Board – Jesse James Garetson
- Cemetery – Mark Rossmiller
- Environmental Health – Cyndi Wick – provided verbal report to supplement written report. The Board would like Attorney Mochulsky to reach out to the property owner at 722 Aspen indicating that the extension request for OWTS inspection (originally due in 2019) has been denied.

- Streets – Jesse James Garetson
- Ditches – John Rowan
- Town Hall – Garry Winget – Clerk Sara Gibb reported that she recently spoke with Garry, who stated that a grant application for Town Hall repairs was submitted.
- Parks and Rec – Sara Lamar – No report.

**9. Adjourn: Motion to adjourn made by Trustee Tom Gibb. Seconded by Trustee Lucinda Lull.
Motion carried 3-0. Meeting adjourned at 9:32pm.**

The next regularly scheduled meeting will be held **Monday, November 9th** 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>