

PITKIN TOWN MEETING  
Newcomb Community Center

November 13<sup>th</sup> 2023 at 7:00pm

MINUTES

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1. **Call to Order and Pledge of Allegiance:** Mayor Eddy Balch called the meeting to order at 7:00pm. Trustees Chris Nasso and Tom Gibb were present. Trustees Lucinda Lull and Jerra Garetson attended via conference call. Minutes taken by Clerk Sara Gibb.

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

3. **Town Attorney Report\*\*:** None

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

11-1 Approve meeting minutes: October 9<sup>th</sup> regular meeting; September 21<sup>st</sup> work session

October 9<sup>th</sup> minutes were not provided to the trustees for review.

**Motion to approve the minutes of the September 21<sup>st</sup> work session made by Trustee Tom Gibb. Seconded by Trustee Chris Nasso. Motion carried 5-0.**

10-2 Discuss and vote on allowing the Taylors to trench Main Street to install septic drainage pipes

Bob Taylor addressed the Board. He reviewed the request from the previous Board meeting – to trench across Main Street to access the lots across the street for a leach field. Mr. Taylor has been in discussion with Tom Gibb with regard to the plans. Mayor Balch asked that the pipe be encased. Mr. Taylor confirmed that it would be encased. Mr. Taylor stated that the intention is to trench this winter. Main Street will need to be closed for approximately 1-2 full days. Mayor Balch asked what would be put back in – asphalt or cold mix? Mr. Taylor stated that he believes it will be the same as what the Town has currently. Mr. Taylor asked if it could be temporarily graveled and the asphalt laid later. Mayor Balch stated that this may be a problem for plowing. He would like to hear from Todd (project overseer) about his plans to repair the trench. Street Commissioner Jesse Garetson stated that the county prefers a ditch rather than a rise for the purpose of plowing. The County also prefers a narrower trench as opposed to a wider trench. Mr. Garetson will meet with Todd about the street work. Insulation was suggested due to the frost line. Mr. Taylor stated that plans for insulation were in place. Trustee Tom Gibb stated that an easement and a maintenance agreement should be in place. Mr. Taylor stated that he'll do whatever he needs to do. Trustee Lucinda Lull agrees with the recommendations brought forth by the Trustees.

**Motion to approve the trenching request to install an encased sewer line under Main Street with stipulation for an easement and a maintenance agreement made by Trustee Lucinda Lull. Seconded by Trustee Chris Nasso. Motion carried 5-0.**

10-3 Discuss and vote on allowing the Taylors to place a water storage tank on Town property adjacent to the hotel

Bob Taylor addressed the Board. He reviewed the request from the previous Board meeting – to install a water tank under the walkway adjacent to the Hotel. This would impede parking in one space. The tank is 8’ in diameter and 2500 gallons. Mayor Balch would also like an easement and maintenance request for the tank. Mr. Taylor stated that he will sign the paperwork. Trustee Tom Gibb asked for insurance indemnification for the Town.

**Motion to approve the Taylors’ request to install a water tank adjacent to the hotel contingent on signing an easement and maintenance contract made by Trustee Chris Nasso. Seconded by Trustee Lucinda Lull. Motion carried 5-0.**

10-6 Discuss and vote on modifications to the 2022 Zoning Code and current fee schedule suggested by the Zoning Board of Adjustment (definition of “fence,” no charge for OWTS markers, no anonymous complaints accepted, fee for relocating structures within the same property)

**Public hearing opened at 7:35 pm**

Public comments: Jesse Garetson, Zoning Commissioner – Suggested that each item be voted on separately. Discussed the definition of “fence.” A fence is to identify or create a boundary. A boundary that doesn’t restrict the flow of traffic or people is not a fence, per Mr. Garetson. The Zoning Board should also know what constitutes a fence for the sake of permitting.

Clerk Sara Gibb suggested addressing obstructions in the way of the plow within the plowing policy.

Chad Varnell asked about invisible fences.

Bob Taylor suggested that vinyl fences should not be permanently placed on property lines because they would cheapen the Town.

Ramon Reed agreed with the suggestion made [to address this in the plowing policy]. This way nothing would need to be defined. He further stated that when an amendment to the Zoning Code is proposed, there is a process. Part of the process should be the exact wording of an amendment. The public should not need to comment on something that doesn’t exist.

Mayor Balch asked that the Zoning Board provide exact wording if they want to adjust the definition of a “fence.”

Zoning Board Chairperson Jesse Garetson stated that the Zoning Board does not want a fence charge for above-ground markers of OWTS system components. This is not directly addressed in the Zoning Code.

Zoning Board Chairperson Jesse Garetson stated that one example is an anonymous complaint was turned in and the “defendant” was going to put a formal complaint in against “joe blow” and get even with them.

Trustee Tom Gibb stated that the Town accepts anonymous complaints. He is not in favor of removing anonymous complaints. Someone needs to check them out and they’re either valid or they aren’t.

Pete Olson (via email) – “Regarding not accepting anonymous complaints it appears to me that if the town is notified of a legitimate complaint by any method of communication it is incumbent of the Town to respond. If an anonymous complaint received is frivolous no action is required. If an anonymous complaint identifies a clear violation it should be addressed.”

**Public Hearing closed at 8:08pm.**

Trustee Chris Nasso asked if final language should be presented to the Town Board.

Ed Pianalto asked if the Town trying to kick this down the road. He believes the requests of the Town Board were very clear.

Gayla Gibb stated Pitkin is too small of a town and people are picked on when they are trying to do the right thing. She believes anonymous complaints should be allowed.

Trustee Chris Nasso stated that he doesn’t see any details for “modifications.” He doesn’t know how the Board of Trustees can vote on [Zoning Code] modifications without the modifications. He believes the process is out of order.

Ed Pianalto states that he is disturbed because the Zoning Board had specific recommendations that they wanted to be presented to the Town Board. Those items were given to the Town Clerk. The specifics were provided to the Board of Trustees within the minutes.

**Item tabled**

11-2

Discuss modifications to the 2022 Zoning Code suggested by the Zoning Board of Adjustment and vote on a date for a public hearing (Add to section 17H that the Zoning Board send all expired permit notifications via USPS return receipt required and to charge a \$75 renewal fee for expired permits after 2 years)

## **Item tabled**

- 11-3 Discuss and vote on signing a contract with Gunnison Valley Excavation for snow plowing for the 2023-2024 season.

There was discussion about the specifics of the “per event” stipulation. There was discussion about the response received by the Town as a result of the snowplowing policy mailing. Clerk Sara Gibb reported that a few residents had emailed to request plowing.

**Motion to approve the contract with Gunnison Valley Excavation for snow plowing made by Trustee Chris Nasso. Seconded by Trustee Tom Gibb. Motion carried 5-0.**

- 11-4 Discuss and vote on a land swap request at 428 State Street from Chad Varnell

Mayor Eddy Balch would like to have attorney input on this issue. Trustee Tom Gibb agrees. Previous land swaps required an attorney. Trustee Chris Nasso asked if this was an urgent matter.

Chad Varnell stated that he is not willing to wait for this item to be reviewed by an attorney. He would like to issue a cease and desist order and not use his property or be issued an insurance policy that will cover anybody that gets hurt on his property on the Town street.

Trustee Tom Gibb stated that there are pins in the street at various places in Town. He asked if the situation was discussed with the person from whom he bought the property. Mr. Varnell stated that there were no pins when he purchased the property. Trustee Tom Gibb stated that the track was there before Chad purchased the property, before the previous owner, and for all the years that Charley McDaniel owned the property. The quickest option would be for the Town claimed a prescriptive easement, which means, it’s been there long enough and that’s where it is.

Mr. Varnell stated that he has a solution but when asked, he declined to provide the solution, stating that it was “for me.”

Trustee Tom Gibb suggested that Mr. Varnell wait until the Town has an attorney. Mr. Varnell stated that he is not a “kick the can” kind of guy. Trustee Lucinda Lull would like to see an improvement location certificate. The survey that was provided is not an improvement location certificate.

Trustee Chris Nasso would like to see the Town do a land swap once an attorney is hired.

Mr. Varnell wants a date, something to work with, and a deadline.

Trustee Tom Gibb stated that the area of the roadway is a triangle. The total amount of square footage could possibly be traded on either side as requested by Mr. Varnell.

Mayor Eddy Balch asked why Mr. Varnell wants to do a land swap. Mr. Varnell stated that it's because "your road is running through my property." Additionally, Mr. Varnell's buildings are currently on the property line and do not meet setbacks.

Trustee Tom Gibb stated that based on square footage, the Town only needs a corner. The Town doesn't need 10' along the entirety of the property line. Would Mr. Varnell be happy with an equal amount of square footage? Mr. Varnell stated that he would not. He only purchases properties that are in squares or rectangles.

Starlene Varnell asked if the Town would trade 10' for 10'. Mayor Eddy Balch proposed the date of February 1<sup>st</sup>. He would like to have an attorney review this.

Trustee Chris Nasso called the question.

**Motion to complete an equitable swap contingent on hiring an attorney made by Trustee Chris Nasso. Seconded by Trustee Tom Gibb. Motion carried 3-1. Votes as follows:**

**Trustee Chris Nasso – aye, Trustee Lucinda Lull – aye, Trustee Jerra Garetson – aye, Mayor Eddy Balch – nay, Trustee Tom Gibb – abstained**

11-5 Discuss and vote to adopt a Building Inspection Form (CIRSA)

Clerk Sara Gibb stated that the form was provided by CIRSA. Trustee Tom Gibb has reviewed the form and it looks like a basic OSHA form. Several items will not be applicable.

**Motion to adopt the building inspection form provided by CIRSA made by Trustee Chris Nasso. Seconded by Trustee Tom Gibb. Motion carried 5-0.**

11-6 Discuss and vote on a modification of premises application for the Stumbling Moose Lodge

Jake Schellenberg stated that he believes everything was submitted that was required. He provided the previous layout to the Clerk a couple of weeks ago [to complete the application]. Trustee Tom Gibb has visited the lodge as the building inspector and it looks very nice.

**Motion to approve the modification of premises application for the Stumbling Moose Lodge made by Trustee Chris Nasso. Seconded by Trustee Tom Gibb. Motion carried 5-0.**

11-7 Discuss and vote on accepting a proposal for a Town attorney

Clerk Sara Gibb reviewed the information in the Quick Look attorney document (reviews, experience, fees). Trustee Tom Gibb stated that each would probably serve the Town equally. Mr. Buchner would be the most reasonable.

Trustee Lucinda Lull stated that Wyatt, Hamilton, and Findlay seem the best for what we need.

Trustee Chris Nasso stated that he is favor of Mr. Buchner based on his resume. Trustee Jerra Garetson stated that she prefers an online attorney and prefers Wyatt, Hamilton, and Findlay.

Mayor Eddy Balch stated that Mr. Buchner seems more reasonable based on billing rates and he is available to travel if needed.

**Motion to accept the proposal from Clayton Buchner to represent the Town of Pitkin as Town Attorney made by Trustee Chris Nasso. Seconded by Trustee Tom Gibb. Motion carried 5-0.**

Public comments: Ramon Reed, Starlene Varnell, Jesse Garetson

11-8 Review treasurer's report

Discuss and vote on moving \$6815.00 from 5160.4 Improve and Open to 5160.1 Maintenance.

**Motion to move \$6815 from 5160.4 Improve and Open to 5160.1 Maintenance made by Trustee Chris Nasso. Seconded by Trustee Tom Gibb. Motion carried 5-0.**

**\*Trustee Jerra Garetson excused herself from the meeting at 9:25pm.**

Vote to approve November 2023 disbursements

**Motion to approve November 2023 disbursements made by Trustee Chris Nasso. Seconded by Trustee Lucinda Lull. Motion carried 4-0.**

## **5. Special Additions to the Agenda\*\***

- Review 2024 Budget – Draft 2

Budget updates were discussed.

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

- Presentation – Jake Schellenberg to present on consolidating properties below the Lodge. Mr. Schellenberg requested to table this item until next month. **Item tabled.**

**7. Reports\*\*:**

- Town Mayor – Eddy Balch – No report
- Town Clerk – Sara Gibb – Election in 2024; Clerk will post information and will be keeping office hours to remain in compliance with election deadlines.  
Please see written report for the following:
- Building Inspector – Tom Gibb
- Zoning Board – Jesse James Garetson – Zoning Board meeting will be 11/27/2023 due to the Thanksgiving holiday
- Cemetery – Mark Rossmiller
- Environmental Health – Gayla Gibb
- Streets – Jesse James Garetson
- Ditches – Vacant
- Town Hall – Ramon Reed
- Parks and Rec – Vacant

**8. Adjourn: Motion to adjourn made by Trustee Tom Gibb. Seconded by Trustee Chris Nasso. Motion carried 4-0. Meeting adjourned at 9:54 pm.**

# Reports

## Commissioner and Community

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- **Building Inspector** –Tom Gibb – No new permits. One permit completed
- **Zoning Board** – Jesse James Garetson – In our last two meetings we have made suggestions to the Trustees to adjust several things in the 2022 Zoning Code to clarify and define a few sections and update our fee schedule. Our building permit spreadsheet and OWTS data continue to be updated and completed. As more information rolls in, we will be addressing street vs. private property adjustments to make Pitkin streets usable.
- **Environmental Health** – Gayla Gibb -  
Summary of what has been happening over the last few months:
  - 1) Inspection at 130 Main of OWTS. The documents on file and the inspection form indicate this is a 1250 gallon tank. However, only 1,000 gallons were pumped leading me to believe it might just be a 1,000 gallon tank. Acceptable Inspection.
  - 2) 215 Main would prefer putting in their own OWTS. Currently, it is shared with a neighbor. As of November, 2023, they have decided to hire an engineer to see if there might be a way to fit it onto their lots.
  - 3) 315 Main is a 500-gallon steel tank. There are two compartments, but the second one is not a full size one. Current owner replaced the lid in 2023 as it was rusted through. The tank was observed this summer — as requested it be EVERY year — to verify it is still viable. As the property is now under contract, the buyers wish to hire someone to locate the soil treatment area and to see if it might be possible to replace this tank with a 1,000 gallon concrete tank.
  - 4) 609 Main was inspected. For some reason, this address was not even in the system. When that was discovered, a letter was given to the owner to have an inspection. He complied. It was quite acceptable and a nice location map of the system was included.
  - 5) 100 2nd St. — a business — was required to submit flow meter reports to verify that the flow is within the boundaries of the OWTS system. To date, even after multiple email and text requests, no flow meter reports have been submitted. This will need to be followed up with a personal visit.
  - 6) 722 Aspen Lane. No Inspection in too many years. The owners have appealed several times that they just don't come up very often and the cabin is winterized and no one has been there. Of course, they also mention that Pitkin is notorious for losing documentation. I'm not buying that one, even though I was not the EHA that sent the last certified "late" letter. It

would not seem anything has been lost at our end. I will be following up on this by spring of 2024.

7) 3 Quartz Lane — Holding Tank — Pumping records were requested to verify the holding tank's integrity. No response to the letter.

8) 408 River St. — Holding Tank — Pumping records were requested. No response was received. I'm not sure if this cabin is occupied during the summer or not.

9) 708 River St. — The previous OWTS Inspection revealed this system needed to be pumped. There is no documentation that pumping ever happened. There is correspondence in the file. I wrote a letter indicating why it would be a good idea to follow up and pump this system and the consequences to his system if he failed to do that. There has been no pumping records received and no further correspondence. I will be sending another letter.

10) 803 River St. — This cabin has changed hands recently. A letter was sent in April requiring an inspection as the previous one was in 2017. 2024 would be seven years from then, so this is not an emergency. No response. In 2021, before the time between inspections was extended, a certified letter was sent to this owner. No response. Part of this problem may stem from another member of the family taking responsibility for the cabin. This property may actually be one of Pitkin's STRentals. That would make keeping up with the system more important than if it were just occasionally occupied. Another certified letter will go out.

- **Streets** – Jesse James Garetson – Jesse James Garetson – At the 10/9/23 Board meeting, problems with large rocks on snow plowed routes were discussed. On 10/14/23, Ed Pianalto and I surveyed the Town's streets and lanes. The list was turned in to the Town Clerk for residents notification. On 10/15/23 I moved the downstream stop sign upstream 20' to protect the 9th Street culvert and stop vehicles so they can see up 9<sup>th</sup> Street for traffic. On 10/18/23 I located property pins at Main and 1<sup>st</sup> Street for Brian Muth at GCEA and notified DigSafe. GCEA has installed conduit and a UK5 riser on Pitkin's Main Street right-of-way as per our franchise agreement with them. Due to my unanswered phone call, Gunnison County has not finalized our snow-plow routes. They have already truck plowed the black top twice this fall.
- **Ditches** – Vacant – Jesse James Garetson reporting – Sunday 10/29/23 I got a call about frozen tall grass bent over and restricting the ditch flow, thus diverting water onto residents' property. With a shovel I started trimming grass and silt. I gave up after 10-15 feet and went to the head gates. After 3 trips walking in, I had them closed and any seepage diverted back into Quartz Creek. For future reference, the top gate had 13 ½" thread above the wheel (67 revolutions). The 2<sup>nd</sup> gate had 12 1/2" (59 revolutions and all of the overflow spillway boarded to the top of the wire box. Even at low creek we were able to get 90% of our allotted flow of one unit. I left the ditches on for possible fire fighting as long as I could, it could have been longer if residents would have maintained their adjacent ditches.
- **Cemetery** – Mark Rossmiller – No updates until spring 2024

- **Town Hall** – Ramon Reed – After an insurance inspection of Town Hall, the following will be completed: replace batteries in smoke alarms, obtain inspections for fire extinguishers.
- **Parks and Rec** – Vacant – No report