

**TOWN of PITKIN
SPECIAL MEETING
WITH PUBLIC HEARING**

August 7th, 2020 6:30pm

At the Newcomb Community Center

SOCIAL DISTANCING WILL BE PRACTICED AT THIS MEETING

MASKS ARE REQUIRED

16 present, 16 masked

SPECIAL MEETING MINUTES

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

1. Call to Order/Roll Call: Mayor Eddy Balch called the meeting to order at 6:34pm. Trustees Chris Nasso, Lucinda Lull, Jerra Garetson, and Tom Gibb were present. Minutes taken by Clerk Sara Gibb.

- Public Hearing notice confirmation – Clerk Sara Gibb confirmed that notice was provided no later than 7/30/2020.
- Board Disclosures – Trustee Lucinda Lull reported that the appraiser called her real estate office as part of his investigation and asked about recent sales in the area. Trustee Tom Gibb reported that he drove by the site several times. No ex-parte communications took place, per confirmation of Board members.
- Clerk Sara Gibb reported that the Archuletas provided the requested information to the Board following the questions at the last Public Hearing. That information was forwarded to the Board of Trustees and documents were placed online. Attorney Chris Mochulsky reviewed the documentation provided in conjunction with the Town of Pitkin procedure for right-of-way vacation. Atty. Mochulsky did not see any issues with the current request.
- Petitioner comments (Fred and Alicia Archuleta) – Fred Archuleta thanked the Board and those in attendance for listening to their petition. He reviewed his family’s history in the Town of Pitkin. He stated that part of the reason they are asking for the vacation is because the road has never been used. He and Alicia are also thinking of the future and their have two daughters. The property is part of Archuleta history. He reported that he and Alicia obtained a corrected plat map, which now reads 7th St instead of 7th Avenue.
Alicia Archuleta reviewed their responses to the six items that are under consideration per the right-of-way vacation policy
Alicia Archuleta stated that she and Fred sat with Debbie and Marlene (Gunnison County Public Works) and no additional documents regarding the vacation in LaVeta were available.
Block 27 in LaVeta does not come near the Archluetas’ property. There are some utility easements in the vacated land in LaVeta.

The Archuletas spoke with Brian M. at GCEA and he stated that a letter from GCEA and Centurylink would be required to approve the vacation. He has no problem with the vacation, they will still have their 10ft surrounding the power poles. Anastasia from Centurylink did a site visit today and stated there was no issue with the vacation. A handwritten letter from Anastasia was provided. A letter from GCEA is forthcoming.

2. PUBLIC HEARING* – Second Public Hearing on request to vacate a portion of 7th Street

Mayor Eddy Balch opened the public hearing at 6:47pm.

Board Comments on additional information received: Trustee Tom Gibb stated that it appears that all of the items required to submit a request to vacate a street have been completed and done in fine order. In his opinion, it is time to move on to the next step of the process. Trustee Lucinda Lull reported that the new information clarified any previous questions and she appreciates Trustee Gibb's comments.

Trustee Jerra Garetson stated that the information satisfied any questions she had. Mayor Eddy Balch stated that the petitioners brought forth information to clarify the location of the easement. He does not see any problems with access.

Public Comments: Jesse Garetson gestured approval (thumbs-up) and would like to ask if the audience can ask what the appraised value was. Rodger Lull asked whether the street is going to be vacated to the two lots on the southern end or the other end. Will it be split in half? It will affect zoning board decisions in the future.

Wonders if anyone in history has had a vacation request of this kind and whether it was approved or denied.

Board Comments: Trustee Tom Gibb has reviewed at length Town properties on that side of town, which is comprised mainly of streets that dead end into the mountainside. For property that abuts main street, these properties are the most valuable to the Town should they [the Town] decide that they need more things. For example, if Pitkin, down the road, pulled together and got their own snow plow equipment, a maintenance shed could be placed on a property this size. The Town does not have very many spots along Main street for this type of thing in the future. The question becomes, what is the value of this property to the Town down the road. He sees merit in what they [Archuletas] would like to do. [

Seventh street is the prime lot for anything that the Town would like to do.

Mayor Eddy Balch agrees that there is value in that. One of the concerns that he has seen expressed in the past about having any kind of equipment/storage/usage in a residential area is complaints of diesel smoke, back up alarms, etc. That is something that the Town needs to consider when looking at the value of this property. Would there be complaints from adjoining neighbors if the Town put a garage there and parked equipment there. Trustee Tom Gibb

stated that the area is commercial. Trustee Balch pointed out the character of the street, despite its zone.

Trustee Chris Nasso asked if the Town owns any other property other than streets and alleys. Trustee Lucinda Lull stated the Town owns 7 acres and most of it is delineated wetlands, but not all. Trustee Jerra Garetson asked if that property is large enough for snow plows and such to be stored? Trustee Tom Gibb stated that the property is 66 feet wide and between 105 and 110 feet deep. Large enough to meet setbacks and put a large shed in. He wants the Town to think long-term about its needs.

Public comments: Marie Rossmiller stated that 7th street between State and Main is a space for a potential future building that already has electricity; Jesse Garetson stated that there are at least 3 other locations: 1st between the two storage buildings, 2nd, and a triangle on the L side of State as you exit Town on the top end; Suzy Metzler thinks it would be a benefit to the Archuletas if there is swap between their land and the street and the property that they own would be scooted up toward the rest of their property and the street would move down; Jesse Garetson stated that at the Zoning Board meeting, Ramon Reed made the recommendation of swapping the two lots downstream next to the neighbor – 40 feet for 40 feet. At the discussion, they were concerned about the Town obtaining a noncompliant building that is on the bottom lot that the Archuletas currently own. Ed Pianalto – Pointed out that an alternative location for a future building would be 7th Street next to the Reed residence. Alicia Archuleta stated that the aesthetic value is considered. Now there is lush green grass there. A storage unit with equipment going in and out vs. lush grass would not increase the aesthetic value of Pitkin. There are several other pieces of land where a storage unit would go nicely. Rodger Lull wanted to remind the Board that the decision made tonight will set a precedent. Alicia Archuleta stated that this has been going on in other counties and is normal procedure in other districts.

Board Comment: Trustee Jerra Garetson stated that whether they vacate or not, this is case by case. This is not setting a precedent because each vacation has to be looked at individually. Trustee Lucinda Lull agrees with Trustee Garston. She understands that many may come, but each must be reviewed on its own individual merit.

Public Comments: Ramon Reed stated that this is public property. The Board has not given any reasons as to why this is a benefit to the public to sell or vacate this property. That should be the primary consideration of the Board. Fred Archuleta stated that the land is now public but if it is vacated and sold that the Town will obtain money for the sale, additional property tax will be obtained, and the aesthetic value will continue.

Motion to close the public hearing made by Trustee Lucinda Lull. Seconded by Trustee Tom Gibb. Motion carried 5-0. The Public Hearing was closed at 7:17pm.

3. FOR COUNCIL ACTION

- **Discuss and vote on request to vacate a portion of 7th Street**

Trustee Jerra Garetson asked if the Board could get more information on what kind of revenue would be generated. Mayor Eddy Balch reviewed the vacation procedure, which requires the Board to first approve a vacation, then receive an appraisal from the petitioner. Trustee Jerra Garetson states that the Town should consider the future, and consider that each case stands alone. With this particular request, the landowner on both sides is the same and this is probably the simplest vacation of property. Mayor Eddy Balch stated that any time the Town considers vacation of a piece of property it is a case-by-case basis. The Board is representing all of the constituents of the Town of Pitkin. He stated that there is a con to the vacation – the Town may need the location in the future. The pros include the monetary benefit for the Town in terms of the payment and the property tax. Creating a space for building creates the possibility of increase tax base in the future.

Motion to approve the request to vacate a portion of 7th Street brought by Fred and Alicia Archuleta made by Trustee Chris Nasso. Seconded by Trustee Jerra Garetson. Motion carried 4-1. Trustee Tom Gibb cast a “nay” vote.

Mayor Eddy Balch asked if the petitioners have an appraisal and whether they would like to present it this evening. Alicia Archuleta asked if the appraisal portion is completed with just the Board or during a public hearing. Mayor Eddy Balch stated that this will take place during the special meeting. Alicia Archuleta provided the Board members with copies of the appraisal. She also estimated her own value based on the size of the parcel and information from Gunnison County. The information within the appraisal packet was reviewed by Alicia Archuleta. The appraised value provided by the Certified General Appraiser is \$10,661.

Mayor Balch asked which value the Archuletas were presenting. Alicia stated that they are prepared to go with the appraised value from the certified appraiser. She provided additional ways to calculate the value so the Board would have another way to look at it. Trustee Tom Gibb pointed out that within the list there is an owner who paid a premium price for lots to protect their property value and their view. That’s the position that he sees the Archuletas in. They want to acquire the land to improve their property value.

What they are competing with is the Town’s potential use of the area in the future. Currently the Town owns the property for its use, whatever that may be in the future. He believes that \$9000 is a low ball. Trustee Jerra Garetson stated that the competition is what is the property worth to the Town and what they might want to do with it in the long run. The Town has to protect its own interest. The compensation needs to be large enough that it’s a productive

decision if they follow through with this. She believes its worth a lot more to keep it. Trustee Lucinda

Alicia Archuleta stated that they are looking for a fair price. She asked that if the Board wants to counter an offer, that they justify it with valid source documentation. Mayor Eddy Balch asked if the Board wanted to make a counter proposal, accept the proposal, or take the proposal home for review. Trustee Jerra Garetson would like to study the proposal further. She does not feel comfortable making a decision right now. Trustee Lucinda Lull agrees that this is something that needs to be looked at and studied.

The Board will study the information and set another special meeting in the future – date TBD. Archuletas will provide their available dates to the Clerk.

Trustee Jerra Garetson asked if negotiations can take place in executive session.

Mayor Balch stated that this is still a quasi-judicial procedure. Each Board member is to do his/her own homework. No conversation with the Archuletas or each other.

Public comments: None

Motion to adjourn made by Trustee Chris Nasso. Seconded by Trustee Lucinda Lull. Motion carried 5-0.

Meeting adjourned 8:06

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