

PITKIN TOWN MEETING
Newcomb Community Center

January 10th 2022 at 7pm

To participate remotely, please call **(720)386-9023** and use access code **257210**

MINUTES

1. **Call to Order and Pledge of Allegiance:** Mayor Eddy Balch called the meeting to order

2. **Public comments*:** None

3. **Town Attorney Report**:** No report

4. **For Council Action**:**
 - 1-1 Approve meeting minutes: December 13th regular meeting

Motion to approve the minutes as amended made by Trustee Ramon Reed. Seconded by Trustee Tom Gibb. Motion carried 5-0.

- 1-2 Discuss and vote on a zoning change request for 900 State Street. This item includes a public hearing.

Mayor Eddy Balch made several comments prior to opening the public hearing. He asked the Board any member has received phone calls, comments, or emails outside of tonight’s hearing. Trustee Ramon Reed stated that he has received 3 emails and he believes that all the trustees have received these emails.

Mayor Eddy Balch opened the public hearing at 7:09pm

Zoning Board Chairman Jesse Garetson stated that the Zoning Board reviewed this request and had discussion regarding the request at a previous meeting. The discussion included traffic patterns, sales tax, and potential issues with streets adjacent to the subject property. The Zoning Board voted to approve the change from residential to commercial.

The applicant for the zoning change, Chris Nasso, addressed “spot zoning” and stated that he does not believe this property meets the definition of spot zoning because there are adjacent properties with the same [commercial] designation. He read aloud a definition of spot zoning. He stated that spot zoning is allowed when it is based on the comprehensive zoning plan or when it is based on the changing conditions or the use is consistent with the surrounding area.

In regard to changing conditions, Mr. Nasso reported that town sales tax is up 325 % since 2001 and store sales tax is up 141% since 2015. OHV permit sales at the store are up 120% since 2015. He pointed out that the Plume provides employment opportunities for 7-8 people every summer. Running a business is consistent with the use of the surrounding area. There is a business right across the street and caddy corner to the lots is the store. These facts show changing conditions and consistency with the use of the surrounding area.

Public comments: 4 letters/emails were read aloud by Clerk Sara Gibb. Steve Cleveland (2 comments), Jesse James Garetson, Jake Schellenberg, Shawn Cleveland, Gayla Gibb, Cory Nasso, Marie Rossmiller, Suzy Metzler

Trustee Ramon Reed asked Clerk Sara Gibb to report on her search for a Town of Pitkin master plan, as referenced in Ordinance 2013-4. Clerk Sara Gibb did not locate any "master plan" document either in Town Hall or at the County records office.

Trustee Ramon Reed read into the hearing Section 20 "Amendments and Zoning Change Requests" Part B "Zone Change Request" numbers 1-6.

Trustee Jerra Garetson clarified that the Town of Pitkin does not have a master plan. Clerk Sara Gibb confirmed that it does not appear the Town of Pitkin has a master plan.

Trustee Ramon Reed stated that he thought the applicant did a good job answering the questions required by the Zoning Code. He said that the justification for the change (question 5) is questionable. From the applicant's standpoint, the justification is pretty good. Trustee Ramon Reed thinks the Town's job is to determine if there is justification from the standpoint of the Town for making this change. Our [the Board's] job is to make a decision for the Town and not for an individual. This is why he has a problem with this. He believes this is spot zoning. This property is adjacent to some business property. It is also adjacent to some residential property. The property in question is surrounded on three sides by existing residential and on one side by business. He sees this as an encroachment into the residential district and he does not see justification for that.

Trustee Tom Gibb said that as one drives down Main Street, you find that most of that is mixed use and some commercial use but mostly residential use. To say that the value of those homes is decreased by adjacent commercial use would be difficult to demonstrate. For many years, the outlook of Pitkin was somewhere between marginal and bleak, but that has changed. This is not the first change of zoning request that has come to the board, nor is it the first change in zoning that has happened. If the Town is going to allow any new business in Town and the Town is

going to say that they must find a location on Main Street for sale and build there, there won't be much going on in the way of new business. If a person wants to start a business for their personal livelihood or enjoyment, the question of benefit to the general public as the Board discussed previously in relation to liquor licenses. If we are going to allow more businesses, we are going to have to let the business district/mixed use district expand. We are going to have to let our perimeter out. Being adjacent to, next to, or across the street from qualifies as an expansion of the perimeter more than it qualifies as spot zoning. Regarding noisy conditions – Trustee Gibb has been in the shop across the street where similar things are going on and it's not hugely noisy. What criteria will the Town use for perimeter expansion? The Town needs to determine the criteria for perimeter expansion. Trustee Gibb believes that adjacent to, across the street, beside are acceptable - keep the perimeter tight and allow new businesses because it's a benefit to the general public.

Trustee Lucinda Lull stated that she can remember when there were 3 restaurants, 2 gas stations, a bar, a liquor store, and other businesses in Pitkin. She wants to have the opportunity to see Pitkin grow. She wants to be able to look at our budget and have the money, the sales tax. A commercial building brings more in property tax than a residence. As a real estate agent of 38 years, Trustee Lull remembers when a home could be purchased in Pitkin for \$10,000. This last year she sold a house for over \$600,000. She disagrees that the Board is not paying attention to its residents. She appreciates everyone who has spoken both for and against. She wants to look at the economy of this Town for its future. The only way she can look at that in a positive light is to see more businesses and more people moving to Pitkin.

Mayor Balch stated that this item has been on the agenda for a couple of months and anyone who has the desire to make a comment has been given that opportunity. Mayor Balch looks at change as an opportunity for improvement. Mayor Balch addressed "the suitability of the site for a certain use." He believes that this site is suitable for a commercial use. He pointed out that the new use is consistent with others in the surrounding area. In the adjacent area there is commercial use. He believes this fits in the description of what should be allowed.

Trustee Jerra Garetson wanted to address the justification. She believes this is exciting. She is excited for this town and is sorry that some don't feel that way. There is change in this Town and she has seen change. Ten to twelve years ago there were over twenty houses for sale and several businesses for sale. She did not think there was any hope. She cares about the future of this Town and she has not been this excited in many years for the future of this Town. She wants Pitkin to look into the future. She thinks about what might come if we embrace an opportunity to justify economic growth. The intersection is busy for three months out of the year. She does not believe this is spot

zoning because of its location. She believes this is good for the well-being of the public of the Town. There are both full- and part-time residents who would embrace this.

Trustee Ramon Reed stated that regardless of how the Board wants to look at this, but this is spot zoning. He stated that [the Board] was told that by our attorney. He doesn't disagree with Trustee Gibb about expansion. He suggested developing a master plan and talking about what the Town needs and where these needs can be met. He has not seen the great need for additional business district. He has not heard of anyone wanting to put a new business in Pitkin and going elsewhere for lack of availability. He moved to the residential district for a reason. He is not against growth. It depends on how you do it. Zoning changes require forethought and direction. The whole concept of what we are looking at shouldn't be because one person, or one business, or one family wants to expand in the spot where they are. Trustee Reed cares about the Town, how the Town works, and keeping things legal. The only reason he got on this board is to try and do that. Just because the Town is small doesn't mean we shouldn't do things the right way. Spot zoning is haphazard. Trustee Reed contradicted Jesse James Garetson and stated that the Zoning Board never mentioned the section of Zoning Code that he read. Trustee Reed states that the Town government has shown no interest in improving situations. He stated that this request would worsen the traffic/congestion situation at the intersection of 9th and State. He is opposed to this type of spot zoning because the Town is not doing any planning. The traffic and congestion at the intersection of 9th and State is dangerous and it will worsen when the Town puts in a park, and now the Town wants to put a business there.

Trustee Tom Gibb stated that when Matt from the Forest Service visited, he pointed out that Pitkin is on the map and is increasingly accessible not just as a destination but also as a through point. The traffic problem is going to be there and is going to increase. This business that is being proposed is currently operating across the street and they want a bigger facility. He does not know what to do about the increase in tourism. The Town has benefitted financially. The Town can't stop tourists from coming and passing through. There are prime spots in Town that are zoned residential that ought to be zoned commercial. Around the corner, adjacent to [commercial]...those are legitimate requests. The Board needs to evaluate those requests, keep them tight, and have some continuity. Continuity is adjacent to. The traffic issues are just tourism that can't be stopped.

Trustee Ramon Reed stated that the Town can fix the traffic congestion.

Mayor Eddy Balch stated that the Town needs money to fix issues. There are many dried-up, little Towns with businesses in disrepair. To have someone come in and try to promote business in Pitkin, it should be considered. The Town should have a

plan, but it does not. The Board needs to consider the information it has tonight and to deliberate.

Break – 8:59 to 9:02 to reset the conference call

Mayor Eddy Balch closed the public hearing at 9:03pm.

Motion to approve the zoning change request for 900 State Street, Block 10 Lots 11-15 made by Trustee Jerra Garetson. Seconded by Trustee Tom Gibb. Motion carried Roll call vote requested by Trustee Ramon Reed.

Trustee Tom Gibb – aye, Mayor Eddy Balch – aye, Trustee Lucinda Lull – aye, Trustee Jerra Garetson – aye, Trustee Ramon Reed – no. Motion carried 4-1.

- 1-3 Discuss and vote on the date for a public hearing for liquor license application for the Stumbling Moose Lodge

Trustee Ramon Reed is unclear how the Board/Local Licensing Authority will obtain the information it wants to review for this application. Trustee Tom Gibb has been reading on this particular application and his understanding is that these questions must be answered: do we [the Town] want this to happen and can the facility support the operation. He would like the applicant to provide information on how this facility will operate (parking, seating, septic, water, etc.)

Attorney Mochulsky stated that the better course of action would be to have him communicate with the applicant's attorney. Questions should be forwarded to Clerk Sara Gibb, who will then send questions to Attorney Mochulsky for research. Questions to Clerk within one week. Public hearing scheduled for 2/14/2022.

- 1-4 Discuss and vote on Resolution 2022-1 Clerk Appoints Election Judges

Motion to approve Resolution 2022-1 Clerk Appoints Election Judges made by Trustee Ramon Reed. Seconded by Trustee Lucinda Lull. Motion carried 5-0.

- 1-5 Discuss and vote on Resolution 2022-2 Town of Pitkin Posting Locations

Motion to approve Resolution 2022-2 Town of Pitkin Posting Locations made by Trustee Jerra Garerson. Seconded by Trustee Lucinda Lull. Motion carried 5-0.

- 1-6 Review treasurer's report; Vote to approve January 2022 disbursements

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

5. Special Addition to the Agenda**:

- Board of Health Meeting to discuss and vote on an OWTS variance request for 719 Main Street/801 Main Street.

The Board of Health Meeting was called to order at 9:20pm to discuss and possibly vote on an OWTS variance.

Board of Health member Tom Gibb stated that the ditch would need to be lined and isolated from the ground water. He believes that the properties can be developed without involving 8th Street. He takes exception to the statement that this OWTS has to be installed this way only. BOH member Ramon Reed agrees with BOH member Tom Gibb. A variance cannot be granted if a conforming system can be put on the properties. BOH member Tom Gibb would be inclined to suggest that Thomas request two easements so that each property has a covenant and a right to the well and the STA. Mayor Eddy Balch stated that there is the potential to make this a conforming property. He thinks at this point he would send this back to Thomas and have him contact BOH members Tom Gibb or Ramon Reed and get input on ways to improve his application. BOH member Ramon Reed disagrees that neither property can accommodate a compliant OWTS. He stated that this is currently two separate properties. BOH member Ramon Reed would like to know what the applicant's plans are for these properties. He would like the lots merged together legally. He does not want this to be done so that ownership can be split. The Board of Health would like a different design that does not have the STA in 8th Street and proof of ownership of the well.

6. Updates/Planning/Discussion**:

- Discuss Zoning Code revisions
- Set work sessions and discuss future agenda items

7. Reports**:

- Town Mayor – Eddy Balch – No report
- Town Clerk – Sara Gibb - Election updates. GCEA level up? Board would like to support GCEA. Please see attached report for the following:
- Building Inspector – Tom Gibb (interim)
- Sanitarian – vacant
- Fire Department – Rand Makowski
- Zoning Board – Jesse James Garetson

- Cemetery – Mark Rossmiller
- Environmental Health – Cyndi Wick
- Streets – Jesse James Garetson - report read aloud. Please see attached.
- Ditches – Vacant
- Town Hall – Garry Winget
- Parks and Rec – Sara Lamar

**. Adjourn Motion to adjourn made by Trustee Jerra Garetson. Seconded by Trustee Ramon Reed.
Meeting adjourned at 9:46pm.**

The next regularly scheduled meeting will be held **Monday, February 14th** 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 (Interim) – No report
- Fire Department – Rand Makowski – No report
- Zoning Board – Jesse James Garetson – No report
- Environmental Health – Cyndi Wick – No report
- Streets – Jesse James Garetson – I appreciate all of Pitkin’s Residents’ cooperation and patience with myself, Ramon Reed, Eddy Balch and our private snow removal contractor, Gunnison Valley Excavation. Our learning curve is definitely improving! As soon as their new, back-ordered snow blower arrives they will be widening our lanes. Two of our homeowners that do not live here full-time have brought to my attention they pay 12 months of taxes in Pitkin . So why are they required to privately pay for snow removal to their cabins for Christmas, New Years, and/or Spring Break? I agree with them. Why should they have to pay twice? Is there a change of amending our current snow plowing policy?
- Ditches – Vacant – No report
- Cemetery – No report until spring 2022
- Town Hall – Garry Winget - The Town Hall Planning grant is complete, the request for payment has been submitted to the State Historical Fund, and payment should come soon. Work has begun on the grant to fund the repair to the crack in the wall of Town Hall. The grant cycle calls for the grant to be in before April 1.
- Parks and Rec – Sara Lamar – No report