

PITKIN TOWN MEETING

Newcomb Community Center

February 18th 2025 at 7:00pm

Remote participation was available via ZOOM

MINUTES

1. **Call to Order and Pledge of Allegiance:** Mayor pro tem Tom Gibb called the meeting to order at 7:00pm. Trustees Ed Pinalto and Ramon Reed were present. Trustee Jerra Garetson was present via Zoom. Attorney Clay Buchner was present via Zoom. Minutes taken by Clerk Sara Gibb.
2. **Public comments*:** None
3. **Town Attorney Report**:** None
4. **For Council Action**:**
 - 2-1 Approve meeting minutes: January 9th Work Session, January 16th Work Session, January 20th Regular Meeting

Motion by Trustee Ed Pinalto: Accept the minutes of the January 9th work session, January 16th work session, and January 20th Regular meeting as amended. Seconded by Trustee Ramon Reed. Motion carried 4-0.
 - 2-2 Review Treasurer's Report. Discuss and vote to approve January 2025 Disbursements.

Treasurer's reports were discussed and questions answered by Treasurer Sara Gibb.

Motion by Trustee Ramon Reed: Approve February 2025 Disbursements.

Motion amended by Trustee Ramon Reed: Approve February 2025 Disbursements and approve payment to Attorney Clay Buchner for January 2025. Seconded by Trustee Jerra Garetson. Motion carried 4-0
 - 2-3 Discuss with possible action: Approving a Zoning Change Request from Residential to Business for 601 State Street (Train Depot). THIS ITEM CONTAINS A PUBLIC HEARING
Discuss with possible action: Approving a Liquor License Renewal for the Stumbling Moose Lodge located at 100 2nd Street

Clerk Sara Gibb confirmed adequate public notice per the requirements of the Zoning Code.

Applicant Jake Schellenberg declined to present his request to the Board of Trustees.

Board Discussion: Trustee Ed Pianalto stated that when he looks at the historical significance of the Train Depot in the Town of Pitkin, he believes the Train Depot was the focal point of Pitkin where all commerce came into/out of Pitkin. Through the years, the Town has been rezoned. He believes that the Train Depot should have been included in commercial and not residential. He doesn't know what Jake's plans are for the Depot.

Mayor pro tem Tom Gibb that in 1910, the Alpine Tunnel ceased to be used. By 1937, there were no longer train tracks or train service in/out of Pitkin. While the Town does have an old building, it has been maintained for the past almost hundred years as a residence. The entirety of State Street has various types of residences. There are no businesses on that Street. It has been a residence and been consistent with the rest of the neighborhood up and down that street. The concept that something is more profitable is not an adequate reason to change zoning. Changing zoning for the benefit of one property owner is not a reason to change zoning. In his research, he discovered that there have been no material changes in the character of the neighborhood up and down State Street. This is by definition, "spot zoning." This is the singling out a small parcel of land for use/classification that is totally different from the surrounding area. Mayor pro tem Tom Gibb states that to zone this commercial is inconsistent with the land use of the neighborhood and would appear to solely confer a benefit to the property owner and not as part of a larger expansion of land use and zoning changes. Trustee Ed Pianalto stated that State Street 8th-10th is zoned commercial. Also, the property behind the Train Depot is zoned commercial.

Trustee Ramon Reed does not see how the request ties with the historical nature of the Depot. The idea that State Street, because the depot and tracks were there, made it a business district is simply wrong. It was a transportation corridor for the railroad. Since he's lived here, he's looked at hundreds of photographs of Pitkin. Not a single one showed a business except for the Depot on State Street. There was a lot of industrial work above the Depot. There was a coal tippie. That's not a business, it was industrial. The original ticket office was not where the Depot exists today – it was at the far lower end of State Street close to the Town line. Even though the railroad was a big part of history, it's a tiny part timewise. Trustee Ramon Reed states that there was not a mistake made in zoning that area as residential because it's been residential for more than 100 of Pitkin's 130 years of existence. Now in 2025, he is concerned about the impacts of zoning this property business. They are numerous and include traffic and parking.

Any commercial business that is designed to attract customers increases traffic. Those who live here already think traffic on State Street is too high. That particular intersection costs the Town a lot of money due to busyness. The potholes at the intersection of State and 6th are filled multiple times every summer and open right back up.

State Street as it exists today doesn't accommodate any real parking, especially if the traffic increases. When there is heavy traffic at the Newcomb Center, parking is closed off on one side of State Street. It was suggested at the Zoning Board meeting that the ditch could be moved. It could be, but it would be a major problem because the ditch and also the culvert under 6th Street would need to be moved. The applicant didn't spell out anything he wants to do there, which causes Trustee Ramon Reed concern. Section 7 of the current zoning code describes principle permitted uses for each district.

Residential is primarily for low-density housing. Trustee Ramon Reed read aloud the list of business uses from the Zoning Code. Without stating what he [Mr. Schellenberg] wants to do, it's hard to imagine anything that would be good in essentially a residential neighborhood, which is what it is today. If three lots are changed to business, it would remain a residential neighborhood. He doesn't know many people who would be happy to live in residential and have someone suddenly put in a gas station. Mr. Schellenberg ignores the residential aspect of the Town. Everything in his application talks about economic development, enhancing visitor experience and increasing popularity of Pitkin. He doesn't say a word about the people who live here. Trustee Ramon Reed does not see any justification that makes him feel this application should be granted.

Trustee Jerra Garetson is thrilled that the Town is able to preserve that historic sight. We only have the Town Hall, the hotel, the church and the depot. She believes those are the only real buildings of historical significance. She has heard comments that people would like to go in those buildings. She is excited about the historical aspect of it. Trustee Ed Pianalto argued that commerce on State Street was commercial. He referred to the Zoning Code on page 18 and pointed out that it does not require an applicant to say what the intent is/what type of business he wants to put in. Trustee Ramon Reed agreed. Changing the Zoning doesn't specify any business. The owner could put in anything that is allowed in the business district. The Board is being asked to rezone the property and doing that allows the property to be used for anything on the list. Most of the people who live in the residential district would not like those things in their neighborhood.

The Public Hearing opened at 7:51pm
Public comments: Chris Nasso, Ed Herman, Pete Olson, Suzy Metzler (2 comments), Clerk Sara Gibb read a letter aloud from Mike and Judy Chappel (527 State, Pitkin), Jesse Garetson, Jinger Guigley, Jim Fisher
Public Hearing closed at 8:08 pm

Applicant Response: Jake Schellenberg stated that he never thought he would do this. He will come up with a plan regardless. There were businesses on State Street. He knows that the forge that used to be at Chuck's place was an actual business almost across the street from the Depot. He's seen photos of other businesses on State Street. Parking is definitely not an issue. He would first like to address that nothing was said as far as what he planned to do with it. He mentioned that at the Zoning Board meeting. Although he doesn't have a concrete plan, the idea of a nice coffee shop...the plan is to restore it back to what it was originally. That means the floor plan. He believes it needs to be original to hold historical significance. A house doesn't give the Depot the credit it deserves because only a limited amount of people will get to experience it. If it was a coffee shop, people can come grab a coffee and look at memorabilia. You guys make it sound like this is going to be as busy as a Supercenter Wal-Mart. Would there ever be more than 10 cars or side-by-sides? I think that would be rare. Those could all park on the current property. Everyone seems paranoid about the flow of traffic and he just doesn't think it's an issue. So the parking is just a non-issue and a simple solution. Mr. Schellenberg stated that he is in Pitkin because he appreciates the

value he can bring to Pitkin from the perspective of people from all over the United States and the world coming to experience it. He doesn't believe Mayor pro tem Tom Gibb or Trustee Ramon Reed have ever spent time at the Stumbling Moose. They want the town to themselves and they want to spend tax dollars as they see fit. He [Mr. Schellenberg] struggles with the fact that the Board of Trustees doesn't have one Town business owner on it. That doesn't benefit him when he is one of the people contributing the most to the Town from a tax perspective. He stated that he will follow this process and respect the Board's decision.

Board Discussion: Trustee Jerra Garetson thinks it's very exciting timing with the opening of the Alpine Tunnel because it ties in significantly with the Pitkin Depot. She thinks it has great historical significance in Town.

Trustee Ed Pianalto is greatly disturbed by some of the actions going on currently. He knows Mayor pro tem Tom Gibb and Trustee Ramon Reed were at the Zoning Board meeting and have expressed tonight all the reasons why we should not approve the Zoning change for the Depot. Back in the Zoning Board meeting, the Zoning Board approved by a vote of 4-0 to recommend to accept Mr. Schellenberg's petition and to also rezone the mountain side of State Street all the way to 9th Street. At the January 20th Trustee meeting, he started to make a motion to recommend that the Board of Trustees pass the rezoning for the Depot and all the way from 6th Street to 8th Street. He reported that at that time, Clerk Sara Gibb corrected him, stating the Zoning Code required an additional packet would be required. Trustee Ed Pianalto read from the Zoning Code that an application could be made by the Zoning Board. Jake Schellenberg made that initial application and the Zoning Board added to the packet that was already presented.

Trustee Ed Pianalto read from the September 2022 Zoning Board minutes, in which Tom and Gayla Gibb made a request for a Zoning change for 202 Armstrong. It was discussed by the Zoning Board at that time, and then the Zoning Board made a recommendation for approval of the Gibb request and that the Board of Trustees rezone all of the lots NW of Main Street. In the October 10th Board of Trustees meeting, this was discussed and a public hearing was held. The Board voted to change the zoning 5-0 on that night. The Gibbs then sold the property.

Trustee Ramon Reed stated to Trustee Ed Pianalto that picking out half of a sentence for justification for what you want to do doesn't cut it. He agreed that Zoning Code allows the Zoning Board to initiate a request via application. It also says that requests must be made in writing and filed with the Town clerk and must contain the following information and a diagram as a minimum (further in the Zoning Code). He asked if any of that is included in what was given to the Board or if any of that was discussed at the Zoning Board meeting with no public knowledge. Trustee Ed Pianalto stated that in October 2022 a precedent was set. He stated that "it smells bad."

Motion made by Trustee Ed Pianalto: Accept the request by Mr. Schellenberg to rezone 601 State Street. Seconded by Trustee Jerra Garetson. Roll call vote as follows:

Trustee Jerra Garetson: yes

Trustee Ramon Reed: no

Mayor pro tem Tom Gibb: no

Trustee Ed Pianalto: yes

Motion failed: 2-2

- 2-4 Discuss with possible action: Approving a Liquor License Renewal for the Stumbling Moose Lodge located at 100 2nd Street

Trustee Jerra Garetson reported difficulty hearing everyone at the meeting, specifically Clerk Sara Gibb.

Public comments: None

Motion made by Trustee Ed Pianalto: Approve the retail liquor license renewal for the Stumbling Moose Lodge. Seconded by Trustee Jerra Garetson. Motion carried 4-0.

- 2-5 Discuss with possible action: Approving a change for Attorney Clayton Buchner from independent contractor to exempt, part-time employee

Trustee Jerra Garetson asked if this is a housekeeping thing.

Attorney Buchner stated that he is now employed with La Plata County as a deputy district attorney. He cannot practice private law.

He is doing some changes and part of that is asking his Towns to switch him to a part-time employment position. He is requesting to be salaried rather than hourly. A local government attorney is not considered private practice.

Trustee Ed Pianalto feels it is critical that the Attorney is present via Zoom or in person at all regular meetings at a minimum. He would like to have the Town attorney attend in person 3x/year.

Attorney Buchner stated that this template is a starting point.

Mayor pro tem Tom Gibb asked if Attorney Buchner would be in a position to visit in-person. Attorney Buchner stated that this would be possible and he is requesting for the standard mileage rate for travel. This needs to be finalized before April.

WORK SESSION March 3rd at 6:30pm at the NCC

Motion made by Trustee Ed Pianalto: Table until after the work session. Seconded by Trustee Jerra Garetson. Motion carried 4-0.

- 2-6 Discuss with possible action: Approving a spending policy for the Town of Pitkin

Trustee Jerra Garetson requested to table this item.

Motion made by Trustee Ramon Reed: Table this item until the next meeting. Seconded by Trustee Jerra Garetson. Motion carried 4-0.

5. Updates/Planning/Discussion:**

- Discuss plan to address the following action items (from Board of Trustees/Zoning Board work session, previous Trustee meetings)
 - Schedule upcoming Work Sessions – Enforcement/municipal court, business licenses

Clerk to add spending policy to March 3rd work session agenda

6. Special Additions to the Agenda**

None

7. Reports:**

- Town Mayor – Mayor pro tem Tom Gibb -
- Town Clerk – Sara Gibb – Budget amendment in March
Please see written report for the following:
- Building Inspector – Tom Gibb
- Zoning Board – Ed Pianalto - Read approved Zoning Board Minutes at:
<https://townofpitkin.colorado.gov/documents/approved-meeting-minutes>
- Cemetery – Mark Rossmiller
- Environmental Health – Gayla Gibb
- Streets – Jesse Garetson
- Ditches – Jesse Garetson
- Town Hall – Ramon Reed
- Parks and Rec – Josh Ackerman

9. Adjourn: Motion by Trustee Ramon Reed: Adjourn. Seconded by Trustee Jerra Garetson. Motion carried 4-0. Meeting adjourned at 8:54pm.

The next regularly scheduled meeting will be held on March 17th 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>