

Minutes of the Town of Marble  
Meeting of the Board of Trustees  
September 7th 2017  
Marble Community Church, 121 W. State St. Marble, Colorado

A. Call to order & roll call of the Meeting of the Board of Trustees – The meeting was called to order at 7:00 p.m. Present: Will Handville, Judy Morande, Tim Hunter, Mike Yellico, Larry Good. Also present: Ron Leach, Town Clerk and Terry Langley, minutes.

B. Approve previous minutes - Larry Good made the motion to approve the minutes. Judy Morande seconded and the motion passed.

C. Mayor's Comments

a. Consider Appointment of a Mayor Pro Tem, Will – Since Richard Well's resignation there has not been a Mayor Pro Tem. There needs to be someone who can run the meeting if Will is absent. Tim Hunter, Mike Yellico and Larry Good declined. Judy Morande agreed to serve. Mike Yellico moved that Judy Morande be named Mayor Pro Tem. Larry Good seconded and the motion passed.

b. Discussion of volunteer Planning & Zoning Commission appointments, Will – Will suggests appointing five people to the P&Z commission in order to bring more people into the decision making. Mike said there had been a separate commission in the past and that it worked well. Carol Parker recommended finding people who had some knowledge of P&Z issues. Will asked that the information be put on the website. Larry asked if it would be open to people who live outside of the town limits. Discussion followed and it was decided that they should be residents. Larry suggested that the P&Z be able to make recommendations concerning rewriting to clarify zoning ordinances. Will said that this would be part of their responsibilities. Glenn Smith stated that there should be a council member as part of the commission, even if in a non-voting capacity. He suggested forming other committees and commissions to ease some of the work load for the trustees. Martha Roberts asked if there would be any special requirements for the position. Will said that year round residents would be preferred. Steve Lucht asked if they would be able to confer with the attorney if necessary and Will said they would. Steve also said that there would need to be a new ordinance because the current ordinance states that the council members also serve as the P&Z commission. Will agreed that there was a need for committees like the Mill Site Park Committee. The question was asked as to whether these other committees be open to outside residents and this is a possibility. Connie Lane asked if there was currently a functioning a Mill Site Park committee and was answered that there does not appear to be.

c. Marble Charter School mural placement, Gina Cousino – Ron Leach reported that they would like to place the mural along the side of the Fire House.

#### D. Clerk Report

a. Current bills payable 8/3/17, Ron – Ron reported that the total expenditures to be approved tonight are \$27,649.23. \$20,000 is for the road improvements previously budgeted. Mike Yellico made the motion to pay the listed as bills. Larry Good seconded and the motion passed.

b. Consider appropriation of \$500 to Hub for movies in the park, Ron – Emma Bielski asked for financial support as a co-sponsor for the spaghetti dinner and movie fundraiser scheduled for Sept 24, 5:00 p.m.. \$250 is for the public viewing license and the remaining \$250 is to help with expenses of the screen and the dinner. Dinner at 5 pm, movie about 6:30. They will borrow the projector from the school but will need help with speakers. Sunday, Larry asked about a noise violation and Will said that this was not an issue since the whole town is invited. Emma asked about getting a special event permit. Larry Good made a motion to provide \$500 for this event. Tim Hunter seconded and the motion passed. Tim Hunter moved that the special event fee be waived. Mike Yellico seconded and the motion passed.

Emma also reported that a representative from History of Colorado would be here in two weeks to walk through the Mill Site. Will and Tim asked to be part of that.

c. Discussion of proposed property tax increase, Mike – Mike Yellico reported that legal fees in 2016 totaled \$20,000 and that this year costs had been \$18,000 to date. He suggests increasing property taxes to cover this cost. Tim Hunter spoke to hiring someone to enforce ordinances and write tickets and this would cost money as well. This would need to be put to the voters. Will stated that complaints concerning ordinance violations is time consuming and if the council is going to enforce these ordinances we would need to hire someone. Hank Van Schaack asked about taking town income into consideration, particularly funds coming in from severance tax and oil and gas. This amount will total around \$140,000 and he suggests putting \$100,000 aside and using \$40,000 for enforcement. Will suggested this be part of the 2018 budget discussion. Hank stated that this money be accounted for and used this year. Steve Lucht stated that this paints a bright picture for the town with revenue in excess of \$300,000. He asked about having a year-to-date budget report showing actual numbers and variances from budgeted amounts for both revenue and expenditures. Ron agreed to do a year to date column. Mike stated that a small property tax increase to pay for the items that towns' people are requesting would not be out of line. Will suggested that Mike begin talking to property owner's to see how they feel about it. Mike suggested the alternative of having a town meeting or sending a survey. Tim asked if this mineral money would be an every year thing. Will explained that it is based on the number of oil and gas workers living in the community and thus could fluctuate year to year. Steve said that payments in previous years had gone from \$5,000 three years ago to \$140,000 this year and it should go up next year. These amounts have to do with our unique location and there are towns that are getting nothing. He feels that more time needs to be spent understanding this and what the amounts to be paid out will be. Amber Kline said there needs to be a balance when budgeting based on a windfall. She suggests trying to cut back on legal fees before raising taxes. Will explained that part of the difficulty in doing the town council's jobs is making sure that the town will not be sued and this involves legal fees. Martha Roberts asked if a compliance officer would be hired for summer or full time. Tim Hunter explained that this is something that needs

to be discussed with public input and priorities set. Ron Leach asked for a special meeting in two weeks to begin the budgeting process. The meeting will be held Monday, Sept 25, 6 p.m.

d. Consider business license application for massage business, Meghan Murphy – She explained that she is a massage therapist and has talked to Emma about using the Hub. There has been conversation with Gunnison County and she needs their approval. Judy asked about her license and a health department inspection. She explained that she is a licensed massage therapist. Discussion concerning home massage vs. the Hub followed. With home massage, she would still need a business license. The council can issue a license as a home provider immediately but will need to wait for approval from the county for use of the Hub. She decided to wait for county approval.

#### E. Current Land Use Issues

a. Report on recent MWC letters to Town of Marble, Will – Will said that this agenda item concerns letters written by John Williams of the Marble Water Company (MWC) on July 22 and 24, 2017. Will stated that Slow Groovin' is compliant on the six points that the Colorado Department of Health listed. Ron went over each point and said that they are in compliance and he went over each point. Meters and loggers are in place and daily reporting is being done. There is no cross use of water or sewage between the restaurant and the apartment. This has been inspected by Jake DeWolf, Colorado well inspector. A complete report has been submitted to David Kerr, Colorado Dept. of Health, by Slow Groovin' and Ron is submitting a report as well. Ryan is to be commended. Ron stated that he has been impressed by MWC's efforts to work with the town. Hank asked if Ron would be certifying to the state that these have been accomplished and he said that, according to his information, the state had not received the information. He asked about sewage flow meters vs water usage meters. Ron said that David Kerr had clarified that the metering of water going in is acceptable and that this is the most restrictive measurement monitored. Carol asked if the town had paid the water company the promised \$8000 and she was told that they had.

b. Report on MWC monitoring well testing, Will – The last test was all good news. There will be a meeting to begin working on a "Plan B" in the event of a bad report or any catastrophic event such as problems with other septic systems or earthquakes that could affect water quality, not just the restaurant. This will include Ron, Will, Ryan and reps from the MWC.

c. Consider application for lease of public right of way from Slow Groovin', Ryan – Ryan explained that they had put picnic tables outside and then found out that they had put them in the right of way and they were moved. They are asking for the right to encroach or to lease the right of way. He brought the amounts that are paid in Glenwood Springs (\$1.75 per foot). A survey has been done to show the right of ways. It was previously agreed that the property along Main Street would not require a fee, property along the parking lot would be without a fee, the square footage in front of the rest for tables would require a fee. The attorney has the paperwork and the council will move on this next month. Judy Morande asked if town property could be legally leased for a profit and was told that was part of the attorney's review.

#### F. Old Business

a. Discussion of noise complaint from Steve Lucht – Ron explained that he had put this on the agenda to allow the council to discuss the issue brought to the council last month. Will feels that this is a case by case issue. Tim asked about monitoring noise with a decibel meter and where readings would be taken. The Sheriff's deputy explained that readings are to be taken from property line to property line where the noise is coming from. Tim observed that the noise level had dropped and he thanked Ryan for that. Connie Lane asked why the noise level is not taken at the property line of the complainant. Will explained that it per ordinance. Will feels like the ordinance levels are unrealistic and the problem needs to be dealt with realistically. Tim Hunter said that state ordinances can be superseded by town ordinance. Will urged patience as this is worked out. Martha Roberts complained about loud music, PA announcements and late hours from another business (not Slow Groovin'). Will said he had talked to the business owner and the jeopardy to his business license and was told that the caretaker would be on the premises at all times to monitor noise, fire, etc. Ryan thanked the council for being willing to look at noise level realistically and he encourages the council to filter through complaints as to who and where they are coming from. Larry Good asked about what would be done about Beaver Lake Retreat's violation of agreements made at the time of issuing his business license. Judy stated that enforcement should be the same for everyone. Hank asked if pulling the business license would make any difference. Will said that there are legal avenues that might be able to be explored. Steve asked if Beaver Lake Retreat had redone the septic system and was told that it has not been completed but that it is being worked on. He suggests having BLR post a bond that would be forfeited if he violates the agreement. Martha asked if he had liability insurance. Carol Parker asked about the septic and how long he would be allowed to await to comply. Ron suggested this be put on the next agenda.

b. Report regarding fuel leak status, Mike – Ron said that the plan to mitigate has been approved by the Colorado Department of Health. The work will begin around Sept. 19 and will be completed by the end of the month.

c. Report on Wild & Scenic meeting in Gunnison County, Ron – W&S proponents had requested to present their proposal to Gunnison County. The county did not make a decision and indicated that they may want to talk to the Marble Town Council again. The W&S indicated that if Gunnison County does not buy into this, they will pursue a designation from Pitkin Co only.

## G. New Business

a. Discussion regarding Short Term Rental policies – After previous discussion and researching policies in other towns, the issue was diverted due to other priorities. Larry suggests requiring anyone offering short term rentals to get a business license and provide information on capacity, parking, fire protection, etc. This would tie into a special event permit by requiring renters with an event with attendance over a specified number of (say 50) people would require a special event permit with logistics spelled out at a cost of \$250. He suggests adopting a plan concerning short term rentals. Will asked about a draft plan and the possibility of forming a committee to work on this with Larry heading it up. Carol Parker asked if revenue from lodging tax lists who those taxes come from. Larry said that the Chamber gets a list of who pays the tax

but not how much each pays. A question was asked concerning the difference between short term rentals and live-in owner/rentals or rental of a room. Larry said a distinction should probably be made at some point. Ron mentioned the unintended consequence in the affect it has on long term rental availability. Will asked that anyone interested in being part of this contact Larry.

b. Other –

Charley Speer asked about bear warnings. Judy said that there is an ordinance concerning bear proof trash cans. Tim talked about being bear aware. Hank suggested that information concerning the bear proof ordinance be posted.

Hank asked about the grant status with the jail. Mike explained that the jail grant has been awarded. Now they are looking at a grant for the Mill Site Park.

Connie Lane asked about how to request road work on 4<sup>th</sup> street up to....West Marble & 4<sup>th</sup> to . Will will take a look at what was needed and what the Lane's might be able to do.

Charlie Manus – Ditches needed on the side.

I. Adjourn - Tim Hunter moved that the meeting be adjourned. Mike Yellico seconded and the motion passed. The meeting was adjourned at 9:30 pm.

Respectfully submitted,

Terry Langley