

Town of Marble
Regular Meeting of the Board of Trustees
July 5 2018
7:00 P.M.
Marble Community Church, 121 W. State St. Marble, Colorado
Agenda

7:00 P.M.

- A. Call to order & roll call of the Regular Meeting of the Board of Trustees
- B. Approve previous minutes
- C. Mayor's Comments
 - a. Lead King Fundraiser for Marble Charter School Report, Amy
 - b. Other
- D. Clerk Report
 - a. Current bills payable 7/5/18, Ron
 - b. Consider approval of Aspen Valley Land Trust Thompson Park MOU, Erin Quinn
 - c. Consider approval of Ordinance #4-2018 regarding updated OWTS regulations
 - d. Consider Ordinance #5-2018 stage 2 fire restrictions, Ron
 - e. Other
- E. Current Land Use Issues
 - a. Other
- F. Old Business
 - a. Discussion of traffic and parking issues in Marble
 - b. Discussion with Mark Chain regarding Lead King access, parking, dust etc.
 - c. Other
- G. New Business
 - a. Building permit application (shed) & setback variance, Ron
 - b. Other
- H. Public Comment
 - a. Other
- I. Adjourn

Minutes of the Town of Marble
Special Meeting of the Board of Trustees
June 28, 2018

- A. Call to order & roll call of the Special Meeting of the Board of Trustees – The meeting was called to order by Mayor Ryan Vinciguerra at 7:05 p.m. Present: Ryan Vinciguerra, Mike Yellico and Larry Good. Absent: Max Gibbons and Tim Hunter. Also present: Ron Leach, Town Clerk and Terry Langley, minutes.
- B. Public Hearing to consider adoption of Ordinance No. 4-2018 regarding updated OWTS regulations. (The referenced regulation is attached by reference to the 6/28/2018 minutes. A copy of the regulation can be obtained from the Marble Town Clerk.) Larry Good made the motion to go into public hearing. Mike Yellico seconded and the motion passed unanimously. Tom Williams asked the purpose of updating the OWTS regulations. Mike explained that the state had updated their OWTS regulations and, by law, the town had to adopt the updated regulations. Tom asked about the changes, particularly in relation to the inspection required upon transfer of title. Ryan explained that this is one of the options the town could adopt and said that he favors option 4 which states that, if an owner can provide proof of inspection performed within three years of transfer of ownership that no further inspection would be required. Tom asked about enforcement and Larry directed him to page 20 of the regulations which spells out procedures and fees. Tom asked about monitoring and enforcing inspection of properties that had long term ownership and were not being sold. Ryan pointed out that inspections would not necessarily result in the need for pumping and cleaning. Tom asked what an inspection covered and Ryan explained what an inspection would cover. Larry said that much of this is explained on pages 69 and 70. Tom said that failed septic systems are the second most common cause of pollution of water systems. Larry said that, previously, pumping was mandatory every three years and that this changed the requirement for pumping to a requirement for inspection. Ryan again spoke in favor of suggestion #4. Mike agreed. Ryan suggested having the inspector here for set days and inviting citizens to book an inspection on those days. Ron asked about setting a baseline for the date and suggested the date that this ordinance is adopted. Ron explained that the regulations would be sent to the State who would then approve them and an ordinance would then be adopted. Mike moved that the updated OWTS regulations be adopted with option #4. Discussion followed. Larry Good pointed out that point 5, pg. 53, allowed for the use of tire chips but that previously the town had not approved this. He asked about just leaving this out or addressing not allowing tire chips. Larry suggested language that tire chips are not to be used in any type of OWTS system within the town of Marble. He also pointed out that on page 65 there was a section concerning incinerating toilets and he would like to exclude those with language such as the local board of health does not approve the use of incinerating toilets. Mike Yellico would also like to exclude composting toilets. and said that the county does not like these and that they are basically an outhouse. He feels that this is not proven technology and that all should have OWTS systems. Larry said that there are people currently using composting toilets. He suggests making them part of the inspections. Ryan said that they are allowed by the state and that this needs more research. John Stalter said that there was still an OWTS system required for gray water and that their

composting toilet has never been a problem. Larry asked for clarification on the fee structure for the permit process. He went through the fees as listed on page 13. Ryan said that these fees were part of the previous regulations and do not significantly add to overall costs of construction. Ron asked for clarification of the language of the original motion concerning the inspection options which, in essence changes a three cleaning to a three-year inspection and adds the transfer of title clause which waives the inspection requirement on sale providing proof of an inspection within the previous three years is provided. Larry Good made a motion of amend the original motion to include prohibiting tire chips and incinerating toilets and striking any further mention of incinerating toilets. Mike Yellico seconded and the motion passed unanimously. Attorney Kendall Burgemeister will add these to the regulations to be adopted by the town and will send them to the state for approval.

- C. Larry Good moved to adjourn the public hearing and the special meeting. Mike Yellico seconded and the motion passed unanimously. The meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Terry Langley

Minutes of the Town of Marble Regular Meeting of the Board of Trustees

June 7 2018

A. Call to order & roll call of the Regular Meeting of the Board of Trustees – Mayor Ryan Vinciguerra called the meeting to order at 7:06 p.m. Present: Tim Hunter, Ryan Vinciguerra, Larry Good, Max Gibbons and Mike Yellico. Also present: Ron Leach, Town Clerk, Kendall Bergemeister, Town Attorney, and Terry Langley, minutes.

B. Approve previous minutes – Mike Yellico made a motion to approve the May 3 minutes. Tim Hunter seconded and the motion passed with Larry Good abstaining since he did not attend that meeting.

C. Mayor's Comments

a. Ryan began by thanking the quarry for watering the streets and helping to keep the dust down. He also thanked Tim Hunter and Mike Yellico for installing the speed bumps.

Mag Chloride will be put down on Main Street as soon as possible. Tim asked that 3rd & 4th streets and Main Street to Slate Drive be added, as well as East 3rd Street to Hill Street. Ron Leach said that he thought it could all be done in conjunction with the county's application.

Ryan also said that the Marble Charter School graduation was a wonderful event and he encouraged everyone to go next year.

D. Clerk Report

a. Current bills payable 6/7/18, Ron – Ron said that bills to approved for payment tonight are in the packet with additional bills that came in after the packet was created listed on the spread sheet. Income from reservations at the campground total \$24,000 to date. Ryan called attention to the donation to the coal mine memorial approved last month and to the water company payment. Tim said that the Earth Day dumpsters were \$406.25 over budget due to an increase in dump fees but all agreed that it was worth the extra cost. Max Gibbons moved that the bills be paid as listed. Larry Good seconded and the motion passed unanimously.

b. Consider approval of Aspen Valley Land Trust (AVLT) Thompson Park Memorandum of Understanding (MOU), Erin Quinn – Ron said that the AVLT asked to postpone this until July but that it was still on the agenda so that the board could discuss some if the issues connected with the MOU. Ron asked if the board wanted an indemnity clause included in the MOU or if they wanted to go with Kendall's recommendation and not include an indemnity clause.

Kendall said that the indemnity clause is probably without meaning and so void in the local government budget law. By including an indemnity clause it may be in violation of the law and could be considered malfeasance. It creates liability. The clause as originally written includes anyone who uses the park with permission (essentially everyone). They indicate that they are willing to modify the language but they have not responded to Kendall's latest suggestion which does not commit the town to language that may violate the law.

Ryan asked if the school has an indemnity clause with their MOU but Kendall does not know. Tim said that the school has a separate MOU. He questioned Part C that says the town will pay for all upgrades and upkeep and additionally requires a licensing fee for special events be paid to AVLT. He would like clarification of Part C. Mike would rather not have any indemnity clause. Larry asked Ron to see how far we can go with changing some of the language. He asked that the Part C language be softened to stating the AVLT should approach the town if they want to require a license for an event.

Ryan explained that the school has their own MOU that will cover most special events (for example: Lead King Loop) held in the park. Ryan suggested waiting until AVLT responds to Kendall's suggestions and Kendall would like to see what the MOU with the school contains. Richard Wells said that the land would be a park forever and that the town needs to work with the other two entities. The jail is not part of the park. Larry asked if we had insurance for the jail and Kendall said it is covered by the town's general insurance.

c. Discuss application for Variance from Gary Hubbell, Kendall – Gary Hubbell owns .75 acre, more or less, that he would like to sell. The potential buyer, Patrick Fagan, met with Ron Leach to ask about the feasibility of putting in a septic system on the property. Ron explained that he thought that one acre was required for a septic system but that Mr. Fagan should check with Mr. Hubbell to see if he has information that Ron does not. Mr. Hubbell stated that he does not think the property is subject to the one-acre requirement so Ron asked Kendall to research this. Gary has asked if the town would entertain an application for a variance. Kendall explained that there are two separate issues. First, the parcels were originally platted as building lots for the old ski project. In 2007 parcels were reconfigured and the parcel under consideration was $\frac{3}{4}$ acre. The question is, is it buildable and is it subject to the one-acre requirement and he can find no definitive information. Gary explained his position and why he felt he should be able to put in the septic system as well as his process and understanding in creating the lot. He had previously sold it but had to foreclose on the property and he and Mrs. Hubbell had worked to clean up the lot.

Larry Good said that the town has to follow the letter of the law as it stands today and they want to avoid mistakes that were made in the past. Max Gibbons asked what was required in a variance request. Kendall explained that it has to include the OWTS requirements, including some initial soil reports. He also explained that there is a difference between having a legal lot and having a lot that qualifies for a septic permit. The OWTS does include variance requirements. He suggests conferring with Paul Rutledge. Charlie Manus stated that they had to buy 3 lots to have an acre to build and he asked that the board be fair. Glenn Smith said that there is a precedent that dates back to Karen Mulholland. He stated that back in 2008 or 2009, his property was deemed to be buildable because it was part of the old filing. Ryan asked if Mr. Hubbell's original intent was to have a buildable lot and he said that it was. He asked that the board vote on requiring him to get a septic permit before they will consider granting a variance. Mike explained that this was a Regulation 43 requirement and the town is bound by the law. Kendall agreed with Mike and clarified that the Regulation 43 requirement does not have minimum lot size requirements – these have been set by Gunnison county and the town. This has been the code for the last 20 years. He said that OWTS is one of the hot button issues in the town and they have to be consistent. At this point the discussion ended and no further action will be taken until (if) Mr. Hubbell makes a formal request for a variance.

d. Consider approval resolution #3-2018 reappointment of town clerk & town attorney, Ryan – Ryan explained that they had met in executive session concerning contracts for Ron and Kendall. They would like to make Ron a full time Town Administrator at a salary of \$3200.00 per month. Mike moved to approve the resolution, Larry seconded and the motion passed unanimously. Ron asked for a modest pay increase for the other town employees: Terry Langley, Jim Aarts, Charlie Manus & Jennie Curtright in the amounts of \$1.00 per hour for Terry, Jim to \$250 per week and 4% for Charlie & Jenny who are

paid monthly. Max Gibbons made a motion to approve raises in the amounts listed, Larry Good seconded and the motion was approved unanimously.

e. Consider stage 1 fire restrictions, Ron – Ron explained that western Colorado is in serious drought and high fire danger. Entities including the BLM, US Forest Service, Gunnison, Pitkin, Garfield counties have all initiated fire restrictions. As a town, we are not covered by Gunnison's restrictions as they are for unincorporated areas. He would like to institute a burn ban similar to Gunnison County's and asks that people of the town help with reporting any violations. Larry asked if this was as thorough and inclusive as Ron would like. Mike asked what to do about the "maniacs" who violate on 4th of July. Tim reported that he had talked to a water engineer who said that fuel moisture sensors show that moisture levels are down to 12% - the lowest since 15% in 1997. Tim found an unattended burning camp fire up on Sheep Mountain. He asked for everyone to be vigilant and to report violations. Gary Bascom suggested putting up banners as had been done in the past. Connie Hendrix asked if the fire department can still call for slurry drops. Ron said that yes, this can and will be done if necessary. Tim explained that there are fire bases close by – Rifle, Grand Junction and the Front Range. Connie requested meeting with the whole community to discuss procedures. Richard Wells asked if this includes charcoal grills. Mike read the proposed resolution. Questions regarding enforcement followed. Larry Good moved that this resolution be adopted, with the addition of banning all campfires. Mike Yellico seconded. The motion passed unanimously. Connie asked about ways to communicate the ban and these will include signs, web site, newspaper, and possibly electric signs from the county. The ordinance is attached below.

Mike asked about the legality of drones – he has recently had three fly over his property. He wants to know if he can legally shoot them down or capture them by shooting a net and was told by the sheriff that he cannot.

E. Current Land Use Issues

a. Discussion of remodel project @ Park St. & West 2nd. St., Ron – Ron compliments Brian Sutter on his improvements on the property. Brian has applied for a business license and a building permit and Ron appreciates his cooperation with this. Ron has been inspecting the property as work has progressed.

F. Old Business

a. Set public hearing to consider approval of up-dated Marble OWTS regulations, Ron – Kendall explained that regulation 43 is the state regulation. This can be adopted as written but if it is modified by the town, it has to be as strict or stricter than the state's. Marble has a few items specific to the town that have been included in the previous regulation. A draft regulation document has been developed that includes these items and they will be discussed at the public hearing. The draft regulations have been submitted to the state but the state has not yet commented. Ron proposed a public hearing be held June 28, 2018 at 7 p.m. Larry moved to hold a public hearing on that date. Mike Yellico seconded and the motion passed unanimously. Kendall explained that these, if adopted, become effective 40 days after said adoption. Any applications submitted before the regulations become effective fall under the old regulations.

b. Discussion of traffic and parking issues in Marble, Amber – Amber said that the parking issue is bigger than the Town of Marble. She reminded the board that the county commissioners had agreed

to sit down with Marble and the CPW to work on this issue. Larry said that the commissioners had suggested a committee but he feels that there is work that needs to be done prior to that. Speed bumps and additional parking beyond the fire station are examples of what has been done. In addition to stake holders, we need people who can do something about the problem. Ron suggested retaining Mark Chain who has considerable experience in this and is willing to spearhead this effort. Larry Good made a motion to retain Mark Chain. Mike Yellico seconded and the motion passed unanimously. Richard Wells said he would give the board the information about where parking for special events has been provided and/or planned for.

G. New Business

a. Consider funding movies in the park, summer 2018, Amber – The Hub is hoping to host four movies – the 3rd Thursday of every month. These include *Jumanji* (the new one), *RV* starring Robin Williams, the Disney movie, *CoCo* and, in Sept. on the night before the loop, *McFarland USA*. Licensing is about \$800 for all four. She is asking for these funds from the \$5000 approved for town events. Discussion of the need for a screen followed. Mike suggested waiting on a screen until seeing how the movies are attended. Larry Good made a motion to provide \$800 for movies in the park. Mike Yellico seconded and the motion passed unanimously.

b. Discussion of church parking plan on Main St. - Ron said that Pastor Stovall had asked Ron to see if the town had any objections to the church developing their lot across the street for parking. There were no objections raised.

c. Other – Connie asked if there would be a pheromone program this year. Ron said that there was no program at this point. Pheromones are available at Planted Earth and on line from ConTech in Canada.

H. Public Comment - none

I. Adjourn – Mike Yellico moved to adjourn the meeting. Larry Good seconded and the motion passed unanimously. The meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Terry Langley

Approved on _____

Signed _____

Ryan Vinciguerra, Mayor

8:28 PM

07/02/18

Accrual Basis

Town of Marble
Balance Sheet
As of July 5, 2018

	<u>Jul 5, 18</u>
ASSETS	
Current Assets	
Checking/Savings	
*General Fund -0240	37,026.82
Campground Account -6981	63,438.46
Money Market -1084	91,928.59
Severance/Mineral Proceeds-6157	143,773.12
Water Fees -0873	33,905.18
Total Checking/Savings	<u>370,072.17</u>
Total Current Assets	<u>370,072.17</u>
TOTAL ASSETS	<u>370,072.17</u>
LIABILITIES & EQUITY	<u>0.00</u>

Town of Marble
Deposit Detail-General Fund
June 2018

Date	Name	Memo	Account	Amount
06/04/2018		Deposit	*General Fund -0240	3,440.20
	Colorado Stone Quarry CSQ	Deposit	Colorado Stone Use Agreement	-2,267.31
	Gunnison County	March 18	Sales Tax	-972.89
		Marble Historical Society	Business Licenses	-50.00
		Rusby Power Sports	Business Licenses	-50.00
		Marble Hub	Business Licenses	-50.00
		Gary Bascom	Business Licenses	-50.00
TOTAL				-3,440.20
06/25/2018		Deposit	*General Fund -0240	961.26
		Richard Wells	Business Licenses	-50.00
		Ridgehouse	Building Permits	-200.00
	Gunnison County	May 18	Sales Tax	-13.54
	Colorado Stone Quarry CSQ	Deposit	Colorado Stone Maintenance Reim	-300.00
	State of Colorado	06/18	Conservation Trust Income	-397.72
TOTAL				-961.26

TOTAL 1,305.46

Town of Marble
Deposit Detail-Money Market Fund
June 2018

Date	Name	Memo	Account	Amount
06/07/2018		Deposit	Money Market -1084	18.06
	State of Colorado	Deposit	Cigarette Tax	-18.06
TOTAL				-18.06
06/08/2018		Deposit	Money Market -1084	663.16
	State of Colorado	Deposit	Sales Tax	-663.16
TOTAL				-663.16
06/10/2018		Deposit	Money Market -1084	2,470.83
	Gunnison County	Deposit	Additional License Tax	-79.50
	Gunnison County	Deposit	Property Tax	-2,314.01
	Gunnison County	Deposit	Specific Ownership Tax	-112.20
	Gunnison County	Deposit	Treasurers Fees	47.29
	Gunnison County	DOW impact assistan...	Non-Specified	-0.72
	Gunnison County	Deposit	Property Tax Interest	-11.69
TOTAL				-2,470.83
06/19/2018		Deposit	Money Market -1084	877.82
	State of Colorado	May 18	Highway Use Tax (HUTF)	-877.82
TOTAL				-877.82

TOTAL

4029.87

Town of Marble
Deposit Detail-Water Fund
June 2018

<u>Date</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
06/05/2018	Deposit	Water Fees -0873	2,080.00
	Deposit	Water Fees	<u>-2,080.00</u>
TOTAL			-2,080.00
06/05/2018	Deposit	Water Fees -0873	2,080.00
	Deposit	Water Fees	<u>-2,080.00</u>
TOTAL			-2,080.00
06/05/2018	Deposit	Water Fees -0873	2,600.00
	Deposit	Water Fees	<u>-2,600.00</u>
TOTAL			-2,600.00
06/26/2018	Deposit	Water Fees -0873	3,120.00
	Deposit	Water Fees	<u>-3,120.00</u>
TOTAL			-3,120.00

TOTAL 6,791.20

Town of Marble
Deposit Detail-Campground Account
June 2018

Date	Name	Memo	Account	Amount
06/01/2018		Deposit	Campground Account -6981	230.82
		Deposit	Campground Rentals	-210.00
		Deposit	Sales Tax	-20.82
TOTAL				-230.82
06/04/2018		Deposit	Campground Account -6981	686.94
		Deposit	Campground Rentals	-625.00
		Deposit	Sales Tax	-61.94
TOTAL				-686.94
06/04/2018		Deposit	Campground Account -6981	791.36
		Deposit	Campground Rentals	-720.00
		Deposit	Sales Tax	-71.36
TOTAL				-791.36
06/05/2018		Deposit	Campground Account -6981	300.06
		Deposit	Campground Rentals	-273.00
		Deposit	Sales Tax	-27.06
TOTAL				-300.06
06/06/2018		Deposit	Campground Account -6981	87.93
		Deposit	Campground Rentals	-80.00
		Deposit	Sales Tax	-7.93
TOTAL				-87.93
06/07/2018		Deposit	Campground Account -6981	840.83
		Deposit	Campground Rentals	-765.00
		Deposit	Sales Tax	-75.83
TOTAL				-840.83
06/08/2018		Deposit	Campground Account -6981	533.07
		Deposit	Campground Rentals	-485.00
		Deposit	Sales Tax	-48.07
TOTAL				-533.07
06/11/2018		Deposit	Campground Account -6981	668.27
		Deposit	Campground Rentals	-608.00
		Deposit	Sales Tax	-60.27
TOTAL				-668.27
06/11/2018		Deposit	Campground Account -6981	863.34
		Deposit	Campground Rentals	-785.00
		Deposit	Sales Tax	-78.34

Town of Marble
Deposit Detail-Campground Account
June 2018

Date	Name	Memo	Account	Amount
TOTAL				-863.34
06/12/2018		Deposit	Campground Account -6981	302.26
		Deposit	Campground Rentals	-275.00
		Deposit	Sales Tax	-27.26
TOTAL				-302.26
06/13/2018		Deposit	Campground Account -6981	115.41
		Deposit	Campground Rentals	-105.00
		Deposit	Sales Tax	-10.41
TOTAL				-115.41
06/14/2018		Deposit	Campground Account -6981	230.82
		Deposit	Campground Rentals	-210.00
		Deposit	Sales Tax	-20.82
TOTAL				-230.82
06/15/2018		Deposit	Campground Account -6981	137.39
		Deposit	Campground Rentals	-125.00
		Deposit	Sales Tax	-12.39
TOTAL				-137.39
06/18/2018		Deposit	Campground Account -6981	423.16
		Deposit	Campground Rentals	-385.00
		Deposit	Sales Tax	-38.16
TOTAL				-423.16
06/18/2018		Deposit	Campground Account -6981	522.09
		Deposit	Campground Rentals	-475.00
		Deposit	Sales Tax	-47.09
TOTAL				-522.09
06/19/2018		Deposit	Campground Account -6981	252.80
		Deposit	Campground Rentals	-230.00
		Deposit	Sales Tax	-22.80
TOTAL				-252.80
06/20/2018		Deposit	Campground Account -6981	186.85
		Deposit	Campground Rentals	-170.00
		Deposit	Sales Tax	-16.85
TOTAL				-186.85
06/21/2018		Deposit	Campground Account -6981	95.08
		Deposit	Campground Rentals	-86.50

Town of Marble
Deposit Detail-Campground Account
June 2018

Date	Name	Memo	Account	Amount
		Deposit	Sales Tax	-8.58
TOTAL				-95.08
06/22/2018		Deposit	Campground Account -6981	873.79
		Deposit	Campground Rentals	-795.00
		Deposit	Sales Tax	-78.79
TOTAL				-873.79
06/25/2018		Deposit	Campground Account -6981	347.87
		Deposit	Campground Rentals	-316.50
		Deposit	Sales Tax	-31.37
TOTAL				-347.87
06/25/2018		Deposit	Campground Account -6981	549.01
		Deposit	Campground Rentals	-500.00
		Deposit	Sales Tax	-49.01
TOTAL				-549.01
06/26/2018		Deposit	Campground Account -6981	192.35
		Deposit	Campground Rentals	-175.00
		Deposit	Sales Tax	-17.35
TOTAL				-192.35
06/27/2018		Deposit	Campground Account -6981	604.51
		Deposit	Campground Rentals	-550.00
		Deposit	Sales Tax	-54.51
TOTAL				-604.51
06/28/2018		Deposit	Campground Account -6981	280.28
		Deposit	Campground Rentals	-255.00
		Deposit	Sales Tax	-25.28
TOTAL				-280.28

10,116.26

Town of Marble

Check Register

July 5, 2018

Date	Num	Account	Amount
Century Link			
07/05/2018	10344	Utilities	-189.08
Total Century Link			-189.08
CIRSA			
07/05/2018	10323	Liability & Worker Comp Insc	-356.00
07/05/2018	10331	Liability & Worker Comp Insc	-659.25
07/05/2018	10331	Liability & Worker Comp Insc	-330.25
Total CIRSA			-1,345.50
Colorado Mountain News Media			
07/05/2018	10320	Legal Publication	-50.05
Total Colorado Mountain News Media			-50.05
Crystal Echo			
07/05/2018	10322	Campground Expenses	-80.00
07/05/2018	10322	Campground Expenses	-325.00
Total Crystal Echo			-405.00
Emma Bielski			
07/05/2018	10328	Grant Writing	-350.00
07/05/2018	10328	Grant Writing	-8.81
07/05/2018	10328	Grant Writing	-175.00
Total Emma Bielski			-533.81
GMCO Corp.			
07/05/2018	10333	Street Maintenance	-1,710.00
Total GMCO Corp.			-1,710.00
Holy Cross Electric			
07/05/2018	10324	Campground/Office Expenses	-20.20
07/05/2018	10324	Campground/Office Expenses	-65.52
07/05/2018	10324	Utilities	-0.18
07/05/2018	10345	Utilities	-23.95
Total Holy Cross Electric			-109.85
Law of the Rockies			
07/05/2018	10317	Legal Expense	-4,737.92
Total Law of the Rockies			-4,737.92
Marble Community Church			
07/05/2018	10326	Rent	-50.00
Total Marble Community Church			-50.00
Marble Hub			
07/05/2018	10319	Campground Expenses	-372.40
07/05/2018	10332	Unclassified	-784.00
07/05/2018	10343	Campground Expenses	-1,930.70
Total Marble Hub			-3,087.10
Mountain Pest Control, Inc.			
07/05/2018	10325	Campground/Office Expenses	-55.50
07/05/2018	10325	Campground Expenses	-135.50
Total Mountain Pest Control, Inc.			-191.00
Redi Services LLC			
07/05/2018	10318	Playground & Park Improvements	-300.00
Total Redi Services LLC			-300.00
RPS, LLC			

Town of Marble
Check Register
July 5, 2018

<u>Date</u>	<u>Num</u>	<u>Account</u>	<u>Amount</u>
07/05/2018	10321	Campground Expenses	-580.00
Total RPS, LLC			-580.00
Terry Langley			
07/05/2018	10346	Office Expense	-56.00
Total Terry Langley			-56.00
Valley Garbage Solution, LLC			
07/05/2018	10327	Playground & Park Improvements	-110.00
Total Valley Garbage Solution, LLC			-110.00
TOTAL			-13,455.31

07/02/18

Town of Marble

Payroll Report

July 2018

Date	Num	Name	Type	Amount
Colorado Department of Revenue				
07/05/2018	10329	Colorado Departme...	Liability Check	-171.00
Total Colorado Department of Revenue				-171.00
United States Treasury				
07/05/2018	10330	United States Treas...	Liability Check	-1,546.52
Total United States Treasury				-1,546.52
Charles R Manus				
07/05/2018	10338	Charles R Manus	Paycheck	-672.31
Total Charles R Manus				-672.31
James J Aarts				
07/05/2018	10339	James J Aarts	Paycheck	-805.00
Total James J Aarts				-805.00
Jennifer Cutright				
07/05/2018	10340	Jennifer Cutright	Paycheck	-240.11
Total Jennifer Cutright				-240.11
Ronald S Leach				
07/05/2018	10341	Ronald S Leach	Paycheck	-2,485.20
Total Ronald S Leach				-2,485.20
TOTAL				-5,920.14

Town of Marble Budget vs. Actual

January through December 2018

	Jan - Dec 18	Budget	\$ Over Budget	% of Budget
Income				
Intergovernmental				
Additional License Fee	0.00	1,000.00	-1,000.00	0.0%
Cigarette Tax	66.79	0.00	66.79	100.0%
Colo Trust Fund	0.00	0.00	0.00	0.0%
Highway Use Tax (HUTF)	5,172.79	11,000.00	-5,827.21	47.0%
Mineral Lease Proceeds	0.00	6,000.00	-6,000.00	0.0%
Sales Tax	7,266.24	30,000.00	-22,733.76	24.2%
Severance Tax	0.00	10,000.00	-10,000.00	0.0%
Intergovernmental - Other	1,036.47			
Total Intergovernmental	13,542.29	58,000.00	-44,457.71	23.3%
Licenses & Permits				
Building Permits	200.00	3,000.00	-2,800.00	6.7%
Business Licenses	850.00	1,000.00	-150.00	85.0%
Driveway Access Permits	0.00	300.00	-300.00	0.0%
Septic Permits	0.00	1,000.00	-1,000.00	0.0%
Licenses & Permits - Other	0.00	500.00	-500.00	0.0%
Total Licenses & Permits	1,050.00	5,800.00	-4,750.00	18.1%
Other Revenue				
Campground Rentals	27,064.00	40,500.00	-13,436.00	66.8%
Colorado Stone Maintenance Reim	1,800.00	3,300.00	-1,500.00	54.5%
Colorado Stone Use Agreement	13,603.86	27,208.00	-13,604.14	50.0%
Donations	0.00	500.00	-500.00	0.0%
Holy Cross Electric Rebates	297.36	500.00	-202.64	59.5%
Interest Income	65.08	500.00	-434.92	13.0%
Non-Specified	1,823.75	1,000.00	823.75	182.4%
Pheromone Patches	0.00	3,000.00	-3,000.00	0.0%
Transfers (In) Out	0.00	20,000.00	-20,000.00	0.0%
Total Other Revenue	44,654.05	96,508.00	-51,853.95	46.3%
Taxes				
Additional License Tax	300.00	100.00	200.00	300.0%
Property Tax	15,912.79	20,950.00	-5,037.21	76.0%
Property Tax Interest	11.69	100.00	-88.31	11.7%
Special Use & Sales Tax	0.00	0.00	0.00	0.0%
Specific Ownership Tax	707.01	1,500.00	-792.99	47.1%
Total Taxes	16,931.49	22,650.00	-5,718.51	74.8%
Total Income	76,177.83	182,958.00	-106,780.17	41.6%
Gross Profit	76,177.83	182,958.00	-106,780.17	41.6%
Expense				
General Government				
Abated Tax	0.00	0.00	0.00	0.0%
Civic Engagement Fund	1,500.00	5,000.00	-3,500.00	30.0%
Elections	2,110.88	2,000.00	110.88	105.5%
Marble Fest	250.00	3,000.00	-2,750.00	8.3%
Rent	350.00	600.00	-250.00	58.3%
Salaries				
Enforcement Officer	0.00	5,000.00	-5,000.00	0.0%
Park Employee	4,203.00	6,500.00	-2,297.00	64.7%
Town Clerk	11,000.00	15,600.00	-4,600.00	70.5%
Salaries - Other	4,010.00	6,000.00	-1,990.00	66.8%
Total Salaries	19,213.00	33,100.00	-13,887.00	58.0%
Treasurers Fees	321.40	500.00	-178.60	64.3%
Tree Maintenance Program	0.00	5,000.00	-5,000.00	0.0%
Unclassified	2,047.07	1,000.00	1,047.07	204.7%
Total General Government	25,792.35	50,200.00	-24,407.65	51.4%
General Government - Operating				
Dues & Fees	0.00	300.00	-300.00	0.0%
Legal Publication	136.34	1,000.00	-863.66	13.6%
Marble Water Co 2017 Tap Fee	5,000.00	0.00	5,000.00	100.0%
Marble Water Co Monitoring Well	0.00	0.00	0.00	0.0%
Marble Water Co Payment	20,000.00	20,000.00	0.00	100.0%
Office Expense	3,186.83	3,500.00	-313.17	91.1%
Payroll Tax	1,484.30	2,500.00	-1,015.70	59.4%
Workshop/Travel	375.00	1,000.00	-625.00	37.5%
Total General Government - Operating	30,182.47	28,300.00	1,882.47	106.7%
Other Purchased Services				
Bank Building Maintenance	0.00	0.00	0.00	0.0%
Campground/Office Expenses	11,885.48	10,000.00	1,885.48	118.9%
Earth Day Expenses	5,406.25	5,500.00	-93.75	98.3%
Grant Writing	533.81	4,000.00	-3,466.19	13.3%
Liability & Worker Comp Insc	3,391.75	4,000.00	-608.25	84.8%
Playground & Park Improvements	1,690.88	1,500.00	190.88	112.7%
Utilities	2,246.57	1,500.00	746.57	149.8%
Total Other Purchased Services	25,154.74	26,500.00	-1,345.26	94.9%

	Jan - Dec 18	Budget	\$ Over Budget	% of Budget
Purchased Professional Services				
Accounting and Audit	0.00	10,000.00	-10,000.00	0.0%
Engineering	375.00	8,958.00	-8,583.00	4.2%
Legal Expense	17,641.72	20,000.00	-2,358.28	88.2%
Municipal Court	0.00	5,000.00	-5,000.00	0.0%
Total Purchased Professional Services	18,016.72	43,958.00	-25,941.28	41.0%
Roads				
Snow & Ice Removal	14,464.30	25,000.00	-10,535.70	57.9%
Street Maintenance	2,748.13	20,000.00	-17,251.87	13.7%
Total Roads	17,212.43	45,000.00	-27,787.57	38.2%
Total Expense	116,358.71	193,958.00	-77,599.29	60.0%
Net Income	-40,180.88	-11,000.00	-29,180.88	365.3%

MARBLE PARK MEMORANDUM OF UNDERSTANDING

THIS MARBLE PARK MEMORANDUM OF UNDERSTANDING (the "MOU") is entered into this ____ day of _____, 2018 (the "Effective Date"), by and between the Town of Marble ("Town") and the Aspen Valley Land Trust, a Colorado nonprofit corporation ("AVLT") (collectively, referred to as the "Parties" and individually, as a "Party").

A. Purpose and Duration. AVLT is under consideration for the donation of the Marble Park, described as Lots F, G, H, I, K, L, M, N, O, P and Q, Block 15, Town of Marble, according to the plat recorded October 2, 1975 at Reception No. 307946, also known as 212 E. Main Street, Marble, CO 81623 ("Property"). During the past several years, the Town has used the Property for its community members to enjoy an in-town outdoor space. In exchange for AVLT allowing the Town to use the Property as a public park, the Town agrees to routinely maintain the Property in its current condition including mowing, bathroom maintenance, and trashcan emptying. The Parties have entered into this MOU for the purpose of establishing certain terms, conditions, and obligations regarding the Town's use and maintenance of the Property. This MOU does not prohibit the Parties from entering into additional agreements as mutually desired. The Town's use of the property is at the sole discretion of AVLT and may be discontinued if AVLT feels necessary. This MOU shall remain in effect until it is expressly terminated by the parties. The MOU may be terminated by mutual agreement of both parties at any time, or by either party upon 60 days' advance notice to the other party.

Commented [KKB1]: OK

B. Property Donation. By executing this MOU, AVLT hereby confirms that it intends to accept the donation of the Property, and that there are no restrictions of title on the Property that would interfere with the Property being maintained and used as a public park. The deed restrictions on the title to the Property state that:

- 1) The Property shall be forever owned by an educational institution, charity, nongovernmental entity or nonprofit entity.
- 2) The Property shall be forever maintained as open space with only low-impact recreational features and improvements permitted, including but not limited to ball fields, swing set and playground, fencing, picnic areas, signs and sign kiosks, and an irrigation pump house. Residential and commercial structures or improvements shall be prohibited on the Property. Permanent roofed structures or buildings are prohibited, except as permitted by this paragraph.
- 3) The Property shall be forever made available to the public for as much of the year as is possible, barring any temporary safety or maintenance closures, and in particular shall be open to and available for use by the local school, which at the time of conveyance is the Marble Charter School.
- 4) The Property shall not be permitted to be developed or used for parking, except around the perimeter, including one row of angle or perpendicular parking on the south side of the Property.

These restrictions shall run with the land and burden and bind all future successor owners of the Property.

The public's use of the Property shall not be prohibited or impaired by the terms of this MOU, except as occasionally and temporarily necessary for property maintenance, safety reasons, hosting of certain events, failure of maintenance by the Town, termination of this MOU, and other approved purposes.

Commented [KKB2]: Seems inconsistent with B.3, above.

C. Town of Marble Contribution. In exchange for use of the Property as described herein, the Town will be in charge of routine maintenance of the Property, or coordinate with someone to do so, as described below. In addition, the Town may use the Property for special events subject to agreement with AVL T and additional fees as deemed appropriate by AVL T at the time.

D. Maintenance of and Improvements to the Property. The Town shall be responsible for exercising reasonable care in maintaining and repairing the Property for safe use as a public park on a day-to-day basis (as conditions allow may warrant in the winter, or weekly in the summer); however, AVL T makes no warranty, express or implied, of any kind or nature concerning the safety, condition, suitability, or use of the Property for the Town. The Town or anyone using the Property with the express or implied consent of the Town shall use the Property at their own risk. In the event that the Town discovers a hazardous condition on the Property, the Town shall notify AVL T immediately and may undertake to repair and remediate the hazardous condition. All non-emergency management activities and hazard mitigation that the Town desires to undertake shall be approved by AVL T prior to taking action. The Town shall otherwise maintain the Property in good condition and repair at its own expense as related to its use thereof, including: periodic mowing of grass as necessary to maintain a neat appearance; removal of all trash, downed tree limbs, and debris; port-a-potty maintenance; dog pot maintenance; and generally maintaining the Property as a safe and welcoming place for the public and community of Marble. The Town shall not permit, commit or allow waste, impairment or deterioration of the Property by its use other than reasonable wear and tear.

Commented [KKB3]: reject.

The Town shall not be responsible for capital improvements or maintenance of structures installed by AVL T after the date of this MOU unless otherwise agreed, nor for Acts of God nor other substantial damage or changes to the Property caused by forces outside of the Town's control, nor for illegal or improper use of the Property by the public. The Town agrees that any improvements made to the Property by the Town, and the cost and responsibility of maintaining such improvements, shall be the Town's sole responsibility unless otherwise mutually agreed in writing. The Town agrees to seek written approval from AVL T prior to installing or making additional improvements to the Property, which shall be granted at AVL T's sole discretion and only upon consultation with the Marble Charter School to ensure consistency with the terms of the deed restrictions and consistency with the goals and uses of the Marble Charter School. The Town agrees to notify AVL T if it observes damage to the Property, identifies maintenance or repair needs beyond the scope of the Town's maintenance obligations, or observes improper or illegal use of the Property.

E. Use of Property. The Town shall be allowed to use the Property consistent with its historical practices and the terms of the deed restrictions and this MOU at no charge. The right for the

Town to use the Property shall be for as long as AVL T owns the Property or as long as AVL T agrees, subject to the terms and conditions specified herein. Additional use of the Property by the Town shall be at the sole discretion of AVL T, as Property availability and capacity allow.

Should the Property fall into disrepair under the Town's management, or due to Acts of God or illegal or improper use by the public, or should maintenance requirements exceed the Town's or AVL T's capacity to maintain the Property in a safe and welcoming condition, AVL T shall have the right to close the Property to public and Town use until such time as the conditions can be repaired, or to remove any improvements that have fallen into disrepair resulting in unsafe or unsightly conditions.

Approval of improvement requests will be at the sole discretion of AVL T and will be required to adhere to AVL T's approval process. All requests must be submitted in writing and approved by AVL T's Board of Directors.

F. Management by AVL T. AVL T shall maintain payment of taxes and insurance, and provide for maintenance of any improvements provided by AVL T on the Property. AVL T shall not reimburse the Town for routine maintenance costs unless otherwise approved in writing.

G. Indemnification. To the extent permitted by law, the Town shall indemnify and hold AVL T harmless from and against any liability for personal injury or property damage, including, without limitation, all attorney's fees and costs arising out of any acts undertaken under or pursuant to this MOU, while the MOU is in effect, by the Town, or its agents or employees acting within their scope of work on behalf of the Town, including undertaking emergency or non-emergency management, maintenance, construction, or hazard mitigation. This provision shall not be construed to waive or limit any rights or defenses against liability available to the Town pursuant to law, including but not limited to the rights and defenses available pursuant to the Colorado Governmental Immunity Act, C.R.S. 24-10-101, *et seq.* and Article 11, Section 1 of the Colorado Constitution.

H. Liability Insurance. The Parties shall each maintain liability insurance, with limits recommended by their respective insurance carriers and with additional special event coverage. The Town shall name AVL T as an additional insured for all activities or events undertaken on the Property.

I. Subject to Annual Appropriation. This MOU shall not be construed to create a multi-year contract under C.R.S. § 29-1-110. The Town's obligations hereunder shall extend only to monies currently appropriated and shall not constitute a mandatory charge, requirement or liability in any ensuing fiscal year beyond this current fiscal year. If funds for any purpose under this MOU are not appropriated for any subsequent fiscal year, any obligations requiring such an appropriation shall be void ab initio and unenforceable without penalty or further obligation of the Town. Likewise, if any provision in this MOU is determined to constitute a violation of any Colorado law, including the Local Government Budget Law, such provision shall be deemed void ab initio. This provision shall supersede any conflicting provisions in this MOU establishing any monetary obligation beyond the current fiscal year. In the event the Town fails to appropriate funds necessary to comply with this MOU, AVL T may terminate the MOU and all public and

Town access to the Property.

Commented [KKB4]: Also seems inconsistent with B.3, above

J. Signatures. In witness whereof, the Parties, through their authorized representatives, have executed this MOU on the date set forth above and certify that they have read, understood, and agree to the terms and conditions of this MOU as set forth herein. This MOU may be executed in multiple counterparts, each of which shall be deemed to be an original and all of which, when taken together, shall constitute one and the same.

Signatures on following page

ASPEN VALLEY LAND TRUST

Suzanne Stephens, Executive Director

TOWN OF MARBLE

Ryan Vinciguerra, Mayor

ATTEST:

Ron Leach, Town Clerk

Town of Marble
Ordinance Number 4
Series of 2018

AN ORDINANCE ADOPTING ONSITE WASTEWATER TREATMENT SYSTEM
REGULATIONS

WHEREAS:

- A. Pursuant to Article 10 of Title 25, C.R.S. and 5 CCR 1002-43 (Regulation 43), the Board of Trustees ("Board") of the Town of Marble (the "Town"), which also acts as the local board of health, is required to adopt local on-site wastewater treatment system regulations that are as stringent as Regulation 43;
- B. The Town submitted the proposed Town of Marble On-Site Wastewater Treatment System Regulations ("OWTS Regulations") to the State of Colorado Water Quality Control Division (the "Division") at least 30 days prior to the public hearing pursuant to section 43.4(A)(3)(a) of Regulation 43;
- C. A public hearing on the proposed OWTS Regulations was held by the Board on June 28, 2018;
- D. Notice of the public hearing was given at least once and at least 20 days in advance of the public hearing;
- E. Certain changes to the proposed OWTS Regulations were made as a result of input and discussion during the public hearing, as allowed by Regulation 43;
- F. The Board has determined that the revised proposed OWTS Regulations attached hereto are in the best interest of public health, safety and welfare of the citizens of the Town of Marble;
- NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MARBLE, COLORADO THAT:

1. The OWTS Regulations attached hereto are hereby adopted and will become effective 45 days after the date of this Ordinance.
2. Once effective, this Ordinance and the attached OWTS Regulations will supersede all previous ordinances, resolutions, and regulations regarding the regulation of onsite wastewater treatments systems (formerly "individual sewage disposal systems").
3. The Town Clerk is directed to transmit to the Division the final approved version of the OWTS Regulations no later than 5 days from the date of this Ordinance.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED BY TITLE ONLY this 5th day of July, 2018, by a vote of ____ in favor and ____ opposed.

TOWN OF MARBLE:

ATTEST:

Ryan Vinciguerra, Mayor

Ron Leach, Clerk

Town of Marble
322 West Park St.
Marble CO 81623
(970) 963-1938

Residential Building Application

Date of Application: 7/4/2018 **Valuation of Work: \$** 15,000

Type of Application:

- ☐ New Building Permit - Single Family Residence
☐ Garage. Attached _____ Detached _____
☐ Foundation for Manufactured Home
☐ Addition to existing Single Family Home
☒ Barn or storage shed
☐ Repair or Alteration

Applicant Information:

Ron Leach

Name: _____

Mailing Address: P.O. Box 1263

City: Carbondale State: CO Zip: 81623

Work Location (if different from above): _____

Daytime Phone: 970-963-1938 Evening Phone: _____

Colorado-Licensed Engineer Information:

Dale Kaup

Name: _____

Address: _____

City: Glenwood Springs State: CO Zip: 81623

Daytime Phone: _____ Fax Number: _____

State License Number: _____

Contractor Information:

Owner

Contractor Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Daytime Phone: _____ Fax Number: _____

License Number: _____

Town of Marble
322 West Park St.
Marble CO 81623
(970) 963-1938

Residential Building Application

Page 2

House Information:

Existing square footage: _____

Square footage for this permit: 288

Number of bedrooms: 0

Number of bedrooms added: 0

Number of Bathrooms: 0

Building Parcel Information:

Square footage: _____

Zoning: Residential

Items Applicant is Required to Submit

1. Two (2) complete sets of building plans, stamped by a Colorado-licensed engineer. Plans should include a foundation plan, a complete floor plan, framing/cross section plan and elevation plan.
2. Two (2) documented surveys of the property. The survey should indicate:
 - a. Survey stakes at the 4 corners of the property
 - b. Location of existing structures and improvements, including well, septic systems and leach fields
 - c. Location of proposed structures, parking areas, well, septic and leach field
 - d. Setback requirements
 - e. Location of roads, streets, alleys and public rights-of-way
3. A copy of the recorded Warranty Deed.
4. Plan check fee of \$200.00 (non-refundable) This plan check fee is separate from the actual building permit fee. The building permit fee will be charged separately.

Notice

Separate permits are required for electrical, plumbing, heating ventilating or air conditioning.

This permit becomes null and void if work is not commenced within _____ months/days, or if work is suspended or abandoned for a period of _____ days at any time after construction has commenced.

I hereby certify that I have read and examined this application and know the same to be true and correct.

Applicant Signature: _____ Date: _____

For Town Use Only

☐ Approved ☐ Fee _____ ☐ Denied Reason _____

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