

Minutes of  
Town of Marble  
Meeting of the Board of Trustees  
March 2, 2017  
7:00 P.M.

Marble Community Church, 121 W. State St. Marble, Colorado

- A. Call to order & roll call for the Meeting of the Board of Trustees: The meeting was called to order at 6:58 p.m. by Will Handville. Present: Will Handville, Richard Wells Tim Hunter, Larry Good, Mike Yellico. Also present: Ron Leach, Town Clerk and Terry Langley, minutes
- B. Approve previous minutes: Mike Yellico moved that the minutes from the Feb. 2, 2017 be approved, Larry Good seconded and the motion passed.
- C. Mayor's Comments: Will reminded everyone that there would be no outbursts
- D. Up-date report regarding fuel leak: Rob Goodwin from the Carbondale Fire District was unable to attend. Richard Wells spoke as the town representative on this issue. He reported that the intergovernmental agreement has been signed. Drilling for core samples will be done early next week.
- E. Discussion of conditional water rights, Ron Leach reported that the town must renew water rights every eight years. The lawyer has prepared the paperwork to be submitted to the Colorado district water court, as far as he is able. He is waiting on information requested from the Marble Water Company. Once he has that, he will complete it and send it in.
- F. Clerk Report, Ron Leach
  - a. Bills payable March 2, 2017: Ron reported that balances total \$294,550.75 Deposits this month totaled \$6,003.00. Bills payable total \$9,916.22. Larry Good made the motion to pay the bills, Mike Yellico seconded and the motion passed. Steve Lucht referred to a 2014 audit recommendation that an independent third party have read only access to the bank statements to verify the bank balances listed in the packet and asked if this had been done. Ron said that board member Richard Wells was that person. Steve said that person could not be Richard Wells but had to be someone independent from the board. Ron said there is not an independent third party with read only access to the bank statements to verify the bank balances at this time. Will said the council would look into the issue and getting that in place.
  - b. Consider Town of Marble 2017 business licenses: Ron reported that he will be sending existing license holders the business license application along with a cover letter early next week. Applications will be reviewed at the April meeting. He reported that Richard Wells has applied for a license for a bike rental business. Will Handville made a motion that license fees be prorated for businesses opening either before or after the April license period. Larry Good seconded. The motion passed.

## G. Current Land Use Issues

- a. Consider issuance of building permit to John Ackerman: Mike Yellico recused himself. Ron had reported last month that all applications and fees had been submitted with the exception of the opinion from Sopris Engineering on sewer plans. That has now been received. Tim Hunter reported that he had reviewed the blueprints and has no questions. Ron was instructed to issue the building permit.
- b. Discussion of Marble Water Company Special Assessment: Will Handville stated that he wanted to make clear that this was not the fault of Slow Groovin' Barbeque (SGB) and the Town of Marble, as some have indicated. He reported that Marble Water Company (MWC) wanted the wells as to insure the water is protected and that the town was in full agreement with this and agreed to pay half of the estimated cost, up to \$8,000. On review of the plans, Sopris Engineering recommended locating the wells in different places to cover a wider scope of possible contamination. MWC did not respond to this suggestion and proceeded to drill wells. Will said that he will request a meeting with John Williams when John is back in the area. Carol Parker asked about the town's refusal to pay the \$8,000. Will replied that the town wants a signed agreement with MWC, including the town seeing the results and that the \$8000 was still in the budget. Richard Wells said that the council wants everyone to understand that the town has had no communication with the MWC since the town requested some adjustments in the well locations. Mike reported that the minutes from the Oct meeting reflect that the town wants to protect the wells and agreed to pay up to half of the original estimate. He stated that the town does want to work with the MWC on this and future issues. Larry asked if there were any reps from the MWC in attendance. There were not. Steve Lucht said that he does not represent the MWC but he has been in contact with John Williams. He said that there was evidence that SGB's septic system was not sufficient. He reported that Wright Water Engineers felt that the risk is high and the wells are needed. Wayne Lorenze of WWE met with Steve Lucht and answered many questions including the placement of the wells. Will said that there was no communication concerning this to the town. Steve said that liability issue necessitated going ahead with the project. Will stated that the town did not have an issue with the placement, but with the lack of communication and how the issue was handled. Tim Hunter said that the sense of urgency conveyed by John Williams was due to the desire to test the leach field when the restaurant use was high. Kathy Zentmyer reported that the test results will be sent to the tap holders. Will repeated the desire to build a good working relationship with the MWC. Mike suggested that there be liaison from the council on the MWC board. Tim Hunter asked about the test results – do we have a problem? Kathy said the tests show no nitrates at this time, but since the restaurant is closed they are considered this a base line. Questions and comments were taken from the floor. Glen Smith asked about who is on the board. Cindy Fowler stated that there was a lack of communication between the MWC and consumers. Linda Adams questioned the need for an assessment. Ryan Vinciguerra reported that no information was sought from him and that reported facts and figures were incorrect. He

monitors water use daily and is well under system limits. Will stated that their goal is a better working relationship and more communication with the MWC.

- c. Discussion of Slow Groovin' water monitoring requirements: Ron reported that David Kurtz of the Colorado Public Health and Environment has received complaints from MWC and Steve Lucht concerning SGB. He is requiring data collection and monitoring of water usage, number of patrons, etc. If the system exceeds 2,000 gallons per day, then the state will regulate the system. Under 2,000 is regulated by the town. Ryan reported that there is no wastewater diverted from SGB to the apartment which has its own septic system. Ron, representing the town, will do the required monitoring and report to CPHE.
- d. Continued Use by Review hearing pursuant to Section 7.2.20 of the Zoning Code regarding proposed multi-family dwelling units by Slow Groovin Holdings, LLC, at TBD Gallo Hill Drive: Ryan Vinciguerra said that he had asked to be taken off of this month's agenda, but was happy to answer questions. Larry Good asked if all five units would be identical and how many people would they be designed for. Ryan answered that they would be two bedroom units with a maximum of two couples. Will expressed a concern about the increase in traffic with 20 people making trips and the impact on surrounding property values. Larry said that residential traffic is much different than tourist traffic. He recognizes the schism between those who want to keep the town small and those who want to see the community grow. Mike Yellico pointed out that everyone who lives in town uses the road. Richard asked if any other lots were developable on the road. Will said that there is one lot that can be developed, and the 3.5 acre lot. Hank said there is another 2 acre lot. Will said that the town had given Ryan a list of concerns. He said that it is currently zoned as a single family lot, but the town can issue a variance. He said that the town cannot make a decision until they have the information they need, including addressing the concerns given. Tim expressed a concern about the proposed shared septic system in light of the problems previously caused by a shared septic system in the town. Discussion concerning short term/long term rentals, deed restrictions and subdivision/multi-family designation followed.
- e. Discussion of Beaver Lake Lodge building permit process, Max Gibbons for Karen Good: Larry Good recused himself from council decision. He explained that they are not currently asking for a permit but rather for the town's opinion on the concept of building four glamping tents – canvas sides with a roof, floor and footings. They were previously approved for five walk-in tent camp sites with campfire sites, dumpsters, parking, etc. on a one year trial basis. The septic system was designed for expansion. Mike asked if these would be engineered foundations. One bedroom with a bathroom. A common kitchen area would include cooking facilities. Ron said, from a fire department standpoint, the kitchen would need to have treated canvas and solid footing for the stove. Richard asked if the cabins would be added to the current system. Larry said that is the plan and that the current system has been reviewed and is adequate. Steve Lucht asked why the lodge is not included in the calculations of the septic system. Where does the ditch run in relation to

the lodge property and the septic system? Water from the ditch will impact the leach field. Will asked about on site parking. Richard asked about the alley access since it is town property. Larry will take these comments and questions under consideration as they work on the permit application.

f. Consideration of amendment to Zoning Code regarding lot consolidation and lot line adjustment process. Ron reported that Kendall has done the legal work necessary and has done a draft to be included on next month's agenda. Judy said that the county will do lot consolidation to make it into one tax number if there is a need to do this swiftly. The following people have made requests and they will be discussed once the changes to the zoning codes have been made:

- i.* Discussion regarding lot line adjustments, Taylor Property, Ron
- ii.* Discussion of lot consolidation, Evans Property, Ron
- iii.* Discussion of lot consolidation, Manus Property, Ron

g. Other: Campground will be opened once the weather allows. Mike Yellico made a motion and Tim Hunter seconded that the campground will be run by the town. Mike Yellico, Richard Wells and Tim Hunter voted yes. Larry voted no, explaining that he needed more information to vote yes.

#### H. Old Business

- a. Court system: Will has found a judge willing to serve as Marble's judge. He is the judge for both the town of Carbondale and Eagle. There are many things that need to be in place – enforcement, hiring a prosecutor, fines, etc., before this can begin.
- b. CIRSA response to Petrocco claim: the Notice of Claim has been reviewed by the town attorney and the town's insurance company and they determined the town does not have an obligation to become in private disputes.

#### I. New Business

- a. Other: Glenn Smith asked who is taking reservations for the RV park? Will explained that the town building will need some work to be offices for the campground and the town. Money from the campground will be used for this purpose. Questions to be answered include length of permitted stay, costs, etc.
- b. Steve Finn asked about the need for a new master plan. The council will take a look at the current plan and determine if it needs to be updated.
- c. Max Gibbons asked that the council consider whether there is a possible charge of conflict of interest to do with the campground and other lodging businesses.

J. Adjourn Rixhard Wells moved to adjourn the meeting and Larry Good seconded. The meeting was adjourned at 9:40 p.m.

Respectfully submitted,

Terry Langley