

Town of Marble
Regular Meeting of the Board of Trustees
August 3, 2023 7:00 P.M.
Marble Community Church, 121 W. State St. Marble, Colorado
Agenda

- A. 7:00 P.M. Call to order & roll call of the regular July meeting of the Board of Trustees
- B. Mayor Comments
- C. Consent Agenda
 - a. Approve July 6th 2023 minutes
 - b. Approve Current Bills, August 3, 2023
- D. Administrator Report
 - a. Submission of MCS special event liquor permit application for LKL, Stephanie Helfenbein
 - b. Discussion of proposed Marble Wetlands management agreement, Ron
- E. Land Use Issues
 - a. Consider approval of Ordinance #_____ approving a zoning change for Smith/Wilkey property, Ron
 - b. Consider approval Parker/Collins lot line adjustment, Ryan
- F. Parks Committee Report
 - a. Review current and future Parks Committee projects, Brent
 - b. Discuss Flow chart for municipal governance, Emma
 - c. Up-date on Jailhouse project, Emma
 - d. Mike Yellico requests Town Council authorization for park work, Mike
 - e. Discussion recent regulation changes for Beaver Lake, Jamie & Cyndi
- G. Old Business
 - a. Up-date on Marble Water Company acquisition, Ron
 - b. Schedule work session dates for Marble Water Co and Gunnison County Commissioners, Ron
 - c. Consider approval of Chain Consulting Master Plan contract, Ron
 - d. Consider approval of 2023 Short Term Rental licenses, Ron
- H. New Business
 - a. Review draft 2024 Budget, Ron
- I. Adjourn

Minutes of the Town of Marble
Regular Meeting of the Board of Trustees
July 6, 2023

- A. Call to Order and Roll Call – Mayor Ryan Vinciguerra called the meeting to order at 7:06 p.m.
Present: Tony Petrocco, Emma Bielski and Ryan Vinciguerra. Absent: Larry Good, Amber McMahill. Also present: Ron Leach, Town Administrator; Alie Wettstein, Administrative Assistant and Terry Langley, minutes.
- B. Mayor’s Comments
- C. Consent agenda – Emma Bielski made a motion to approve the consent agenda. Tony Petrocco seconded and the motion passed unanimously.
- a. Approve June 7, 2023 minutes
 - b. Approve current bills, July 6, 2023
- D. Administrator report
- a. 2023 Financial Report – Ron reported that we are halfway through the year and we have collected 39% of our revenue. He explained that most of the sales tax comes in later in the year which is why it looks like we are behind. The campground revenues so far are \$20,000 and expenditures are at \$5,000. Total town expenses are at 58%. Unusual expenses include snow plowing last season. \$30,000 was budgeted but, due to the heavy snowfall, expenses were \$52,000. Ryan pointed out that the town has not spent all of the money budgeted for road improvements and asked if there were any urgent improvement needs. Ron reported that there are many needed road improvements but they are not urgent. Ryan suggested that might make up some of the difference with snow plowing expenses and Emma agreed.
- E. Land Use Issues
- a. Consider approval Parker/Collins lot line adjustment, Ryan – Ryan and Charlie Parker walked the property lines, alleys and roads. Ryan reported that the total area of the beach is shrinking with more vegetation and that there is a need to keep the beach access wide and clear. There is both a road which cuts through Charley’s property, and a foot trail to the river. Charlie offered to help keep First Street open and to clear out encroaching vegetation. Ryan said Charlie’s help would make the land swap mutually beneficial. Tony said that he is willing to trade property for property but not for maintenance of a road that is gated off. He said it is a non-useable piece of property that is being offered. Ryan explained that the proposal is, in fact, for a property swap. Tony said it includes a street and he would like to know how Charley acquired the part that includes a street – he would like to see a title. Charley explained that the part that appears to include a street is actually private property. As part of the deal, he will have to show a free and clear title. Emma feels that this appears to be a well thought out plan and that it is a fair trade. Ryan asked if Charley can either sign an agreement and identify the property that will be cleared. Ryan suggested having the attorney draw up an agreement that they can agree upon. Richard Wells asked if this would be maintaining First Street and Ryan explained that he would like to see access maintained as more of a widened foot path and the beach cleared of some of the encroaching vegetation.

- b. Consider approval of Ordinance # _____ approving a zoning change for Smith/Wilkey property – Ryan said they have a redlined copy. Dustin asked if the town (Ron) could facilitate a meeting with the Evans and Smith-Wilkeys after all the dirt work is done and house is built but prior to issuing a business license to try to work through any remaining concerns without coming to the town. Ryan suggested doing this earlier. Dustin wants to wait to see what it all looks like. The proposed ordinance addresses some of this under IV 4. Mike Evans suggested postponing this until more of the board is present. Dustin agreed to postponing until they can read over the proposed ordinance. Ryan Vinciguerra made a motion to table the approval of this ordinance until next month. Emma Bielski seconded and the motion passed unanimously.
- c. Consider approval of Ordinance # _____ approving residential structures in business zone – this was to be postponed due to the necessity of noticing it properly.

F. Reports

- a. Parks Committee report, Marja – Brent Compton reported that the Roaring Fork Outdoor Volunteers (RFOV) brought about 30 volunteers who worked in the park. Greg Tonozzi is working on the amphitheater and Brent reported that it is going to be amazing. They plan to chip the smaller limbs. The irrigation system, including sprinklers, is going to be installed in the Children’s Park next weekend. They (RFOV) are working on GPS mapping of the trails and disk golf course. MarbleFest is slated for Aug 4-6, including a kick off party on Friday evening at Slow Groovin’. Richard Wells will send an email to the board with the June minutes. The park committee will meet on July 10, 6 p.m., and will include a walk through at the Mill Site Park. They will look at some of the 10’ “social” trails that they might close. Emma asked about potential impacts of the irrigation system and the jailhouse. Brent said it is designed to drain away from the jailhouse and that any future sprinklers for jailhouse landscaping would not hit the building. She asked whether moving the jail house to install the foundation would impact the irrigation at Children’s Park. She and Brent will connect about that. She addressed the social trails in the Mill Site Park. She feels that disk golf might be impacting those due to people having to go off trail to retrieve disks and getting from one hole to another. She does not feel that the social trails in the park are doing any harm. Brent said the suggestions regarding social trails in the park came from RFOV. The trails they closed previously are now full of wildflowers. Some were to close to the artifacts and mill walls. He wants to work together with disc golfers and park users. Mike Yellico said it is a park, not a botanical garden and has multiple trails. There are cottonwood trees that need to be removed due to potential damage they can cause. He feels that people should be able to wander anywhere. Richard said it is a very unique place – it is a ruin that is possibly dangerous and safety, including keeping people on trails, is a priority. Planning and communication between those who use the park, including volunteers and what should be cleared, is important. Ryan wants to give the park committee more support in their efforts and appreciates the work everyone is doing. Brent said the committee is there to work at the direction of the community and the park is for all.
- b. Mill Site Park burn pile & fire – Mike Yellico – Mike has been mowing the fairways. They are used for hiking and biking as well as for the disk golf. He has been sawing branches. Lots of wood came out of the RFOV work. Some is too big for the chipper and is piled near the bonfire location. He does not feel that he should have to get a special event permit and take responsibility for that bonfire which began as a way to get rid of debris and is put together by volunteers and enjoyed

by the whole community. He would like to propose using the larger wood for the bonfire. He would like to cut some problem trees and use that wood. He feels he can do this more reasonable than hiring a tree service. The dead limbs from the trees around the stage need to be removed and could also be used for the bonfire. Emma asked about the date the chipper is coming and whether she can volunteer to haul limbs to the chip pile. Brent reported it would be there July 21 and is part of the Verde contract. Whoever is hired to remove the trees is a town (Ron) issue. Mike explained that he is insured with a contractor's license. Ryan said whoever organizes the bonfire has to fill out an event permit and they need to work with the parks committee. It is possible for that to be the town. He suggests putting it on a future agenda. Mike does not feel like permit approval is the park committee's job – they need to focus on maintenance. Brent said that all events in the park should be on record. This will help avoid double booking and insuring clean up. Dustin suggested cutting back vegetation on Park Street to improve parking for MarbleFest. Ryan asked that the MarbleFest committee look at this and to put up signs directing that all four wheels of parked vehicles be off of the street.

G. Old Business

- a. Update status of Master Plan project – Mark Chain – Ron introduced Dana Hlavac of the Colorado Department of Local Affairs (DOLA) who was instrumental in helping Marble get the grant for Master Planning. Dana described some the training available through DOLA. One explains DOLAs work, including available grants. Another is board training and their role in the community. Prop 1-2-3 funding is for affordable housing. If, by Nov. 1, a town commits to opt in to beginning to work toward adding affordable housing there is funding available. These funds can be for infrastructure (roads, water, etc.) regardless of whether housing is built. If no housing is going to be built, the town would not get the funding for the fourth year. Ryan would like to see the training scheduled. Tim Hunter asked if citizens could come and Ryan said work sessions are open to the public. Dustin asked if the town has property for this and how a town like Marble, where nothing is affordable, provides affordable housing. Emma asked how to define affordable.

Mark Chain reported that the MPC has had four meetings. They have identified categories to include in the plan, are working on a survey and have taken an introductory look at the land use codes. He will email a draft of the survey to the board. Categories include enforcement, infrastructure and water, small town character, and environmentally responsible growth. He is working with the county on data including future growth possibilities and available lots. The committee is currently focusing on the physical wants and needs of the community. Mark would like to see a planning committee or commission formed in the future to help the board in an advisory capacity. He explained that the committee is supposed to make recommendations rather than actually write things like a land use code. Angus spoke about zoning/business licenses as a property tax issue. Tony explained that home based or occupied businesses are not necessarily taxed as commercial properties. Dustin spoke to looking at a tourism tax.

- b. Discussion Re: CPW Change of Use for Beaver Lake, Cyndi Fowler – Cyndi was unable to attend. Ron said the new rules go into effect on Aug 1 but they are allowing a one-year educational period in which they would not issue tickets or fines. This will put SUP out of business and Marble SUP

Commented [T1]:

wants to pitch a permit system to CPW. They would like to know if the town council would support something like this. This would involve a letter of support.

H. New Business – Dustin asked if the town would be utilizing the kiosk at CR 3 and 133. Ron said it is going to be used for parking messages and fire danger information. Ryan said ideas can be sent in.

I. Adjourn – Emma Bielski made a motion to adjourn. Tony Petrocco seconded and the motion passed unanimously. The meeting was adjourned at 8:45 p.m.

Respectfully submitted,
Terry Langley

Notes of the Town of Marble
Master Planning Committee
July 20, 2023 6:00 p.m.

- A. Meeting Call to Order – Present: Amy Rusby, Angus Barber, Richard Wells, Greg Tonazzi, Connie Hendrix, Brian Suter. Also present: Mark Chain, Ron Leach, Alie Wettstein, Terry Langley

Connie Hendrix reported that, according to some study and reading, she finds that a survey is required by Colorado law. Mark explained that there are many towns who have not done a survey and that there are some requirements regarding the three-mile radius. A link to the information will be sent to the committee members.

- B. Review and Approval of June 29, 2023 MPC meeting notes (accurate, anything missing, etc.) – Connie corrected her name – Connie Hendrix. Land use/zoning notes will be on the website. Alie handed out the list of business licenses and how they are categorized by the county.

- C. Report on water rights/augmentation (Ron) – Ron addressed three subjects relating to water. 1. Marble Water Company (MWC). 2. Water Augmentation in Marble. 3. Wild and Scenic designation of the Crystal.

- a. MWC started in 1979 with the filing of non-profit (501 3c) paperwork with the State of Colorado. In 1980 they began work on a 45-year lease with the Town of Marble for 1/3 of the Town of Marble water rights and that was completed in August 1983 and expires in August 2028. Rights are for one cubic foot of water per second. The MWC leases town property for the wells and the pump house. For the next 20 years they made improvements, added water taps and lines. In 2000 they wanted to put a water tank above the town (150,000 gal tank) and they applied for a federal grant for \$300,000 and got a low-interest loan from the FDA for \$400,000. The tank was installed in 2002. The payback is \$20,000 a year for 40 years (interest and principal). They made an agreement with the town council that the town would invoice and collect the \$20,000 payment and that is the water assessment that property owners get billed every year. Greg asked who paid for the initial infrastructure. Eight individuals paid \$10,000 each and they also got a loan. There are five board members and everyone who has a water tap has a share in the MWC (79 taps currently). They are applying for a loan from the USDA to get water into East Marble. This can take 6 months. The town is talking to the MWC about taking over the water system. The MWC Board of Directors is interested in turning it over to the town. The intent was always to do this. The town board wants the town to own their own utilities/infrastructure. They met in Sept. 2021 and 2022 to begin the discussion. Terms and conditions are under discussion. Brian Suter stated that they could simply not renew the lease. He asked if there was an early-out clause. Ron has not seen one. Angus asked if there were ways to mitigate potential exposure/responsibilities for aging infrastructure. Ron explained that there is a Rural Water Assistance Fund that can help with grants/funds for something like this. Ron will email the notes from the 2021 and 2022 meetings. Greg spoke to the alternate sources that Carbondale have developed.

- b. Water Augmentation – the drought in 2018 resulted in the ranchers who have senior water rights making a call on the water. Colorado Division of Water Resources wrote all with junior water rights, including the town of Marble, explaining that this means they need a water augmentation plan with water stored that can be released to those with senior water rights. The small neighborhoods and towns got the same letter. Marble hired water engineers Zancanella and Associates in GWS. They calculated that the town needs 10 acre feet of water to satisfy that. There is no piece in town big enough. Western Divide Water Conservancy (WDWC) Board got a \$100,000 grant from the state of Colorado to study this and to identify a location. Beaver Lake was the first thought. It is owned by Colorado Parks and Wildlife. That lake is meant to be a fishing lake and does not include any provisions for augmentation/storage. There is a current effort to form a management group that would include the Town of Marble, Gunnison County, WDCD, and CPW. They could craft rules that would allow augmentation. This can take years. Greg asked if the town could annex the lake.
 - c. Ron and Alie are part of the Wild & Scenic stake holders' group. They are looking at the possibility of a federal designation making the Crystal Wild & Scenic with no dams. The eastern slope development means a need for water and it has to come from somewhere. An example of what can happen is the diversion tunnels and dam connected with Reudi. There was a plan to dam the Crystal at Placita, buy out the Marble land owners and flood the valley. Greg feels that the energy of the river could be tapped with hydro-electric plants. Mark asked about bringing in someone from W/S to address the committee and answer questions regarding the issue. Brian asked about additional well locations beyond the park/campground. Greg asked about how far the proposed the east Marble extensions would go.
- D. Review of revenue sources for statutory towns (Mark and Ron) – Angus looked at the business licenses that have been granted and whether they are paying residential or commercial property tax rates. This could mean property tax bills quadrupling over a year. This could mean an increase in revenues of \$10,000 per year. Ron will provide sales tax figures for the past 10 years. Angus feels that if they would increase town sales tax 2.9% (7% total) to 15% it would bring in \$150,000 per year. He and Amy will work on a more detailed presentation for a future meeting. The possibility exists of applying sales tax to services as well as goods as well as a tourism tax. Classification – commercial vs residential. Sales tax makes up 50% of the town budget. Sales tax is distributed as follows: State 2.9%, County 1%, and Marble 4% (\$150000). Property tax totals approximately \$26,000. The MPC cannot increase taxes but they can suggest it. Mark suggested looking at out-of-the box ideas concerning funding. Connie suggested bringing in some experts on such issues as enforcement and a court system. Suggestions of future funding sources included the previously mentioned taxes, permits (OHV), lodging and finding benefactors. Richard will research OHV permit systems. LKL steering committee may have explored this. Alie will send out the survey.
- E. Finalize survey questions (Mark and Committee) Angus feels they are good as they are. Other comments and changes should be in to Mark by Monday at 5 p.m.

F. Comments from Committee Members – It was agreed that meetings will be once a month at the church. The goal is to have the plan done before the town election in March.

Next meeting: Aug. 17, 7:00 p.m. at the church. NOTE TIME & LOCATION CHANGE.

G. Adjourn -

Town of Marble
Deposit Detail-General Fund
July 2023

Date	Name	Memo	Account	Amount
07/05/2023		Deposit	*General Fund -0240	11,569.80
		Ground Level LLC	Marble Fest	-1,000.00
		Elevate Payment Allianc...	Marble Fest	-1,500.00
		Golden Designs, Inc	Marble Fest	-100.00
		Nicole Ludlow	Marble Fest	-500.00
		Regina Adams	Marble Fest	-100.00
		Julie Ybarra-Leslie	Marble Fest	-200.00
		Bellande Team, LLC	Marble Fest	-1,500.00
		Marble Motor Works LLC	Marble Fest	-500.00
		Mario's Marble	Business Licenses	-50.00
		James Gohery	Short term rental Licenses	-50.00
		Sawtooth Carving Co LLC	Building Permits	-1,105.75
		MGMS Park Fee - Moniq...	Other Licenses & Permits	-1,000.00
	Colorado Stone Quarry CSQ	Deposit	CSQ Maintenance Payments	-300.00
	Colorado Stone Quarry CSQ	Deposit	CSQ Lease Agreement	-2,329.23
	Gunnison County	Deposit	Property Taxes	-397.04
		Pitkin County	Non-Specified	-647.78
		Colorado Water District	Non-Specified	-290.00
TOTAL				-11,569.80
07/31/2023		Deposit	*General Fund -0240	13,867.59
		Julie Ybarra-Leslie	Marble Fest	-300.00
		Alexandra Wettstein	Marble Fest	-500.00
		Lise Hornbach	Marble Fest	-1,000.00
		Wild Roots	Marble Fest	-500.00
		Marble Crystal River Cha...	Marble Fest	-4,000.00
		Botany Houseplant Shop	Marble Fest	-1,000.00
		Clean Roots Contracting	Marble Fest	-1,000.00
		Colorado Stone Quarries	Marble Fest	-1,000.00
		JRO Family Tradition Mo...	Marble Fest	-500.00
		Deposit	CSQ Maintenance Payments	-300.00
		Lumen Technologies	Non-Specified	-65.00
		Deposit	CSQ Lease Agreement	-2,329.23
	Gunnison County	Deposit	Property Taxes	-1,218.38
	Holy Cross Electric	Deposit	Holy Cross Electric Rebates	-154.98
TOTAL				-13,867.59

Town of Marble
Deposit Detail-Money Market Fund
July 2023

<u>Date</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
07/07/2023		Deposit	Money Market -1084	15.95
		Deposit	Cigarette Tax	-15.95
TOTAL				-15.95
07/10/2023		Deposit	Money Market -1084	5,321.41
		Deposit	Property Taxes	-5,321.41
TOTAL				-5,321.41
07/12/2023		Deposit	Money Market -1084	11,846.11
		Deposit	General Sales Tax	-11,846.11
TOTAL				-11,846.11
07/20/2023		Deposit	Money Market -1084	751.78
		Deposit	Highway Use Tax (HUTF)	-751.78
TOTAL				-751.78

Town of Marble
Check Register
 July 7 through August 1, 2023

Num	Date	Amount
Aspen Maintenance Supply LLC 11692	08/01/2023	-335.75
Century Link 11695	08/01/2023	-251.56
Colorado Department of Revenue To Print	07/30/2023	-961.00
Colorado State Treasurer To Print	07/31/2023	0.00
Law of the Rockies 11691	08/01/2023	-869.50
Marble Water Company 11699	08/01/2023	-310.00
Mountain Pest Control, Inc. 11696	08/01/2023	-168.00
Ragged Enterprises, LLC 11700	08/01/2023	-922.50
Roaring Fork Rentals 11698	08/01/2023	-374.04
United States Treasury E-pay	07/31/2023	-3,122.96
Valley Garbage Solution, LLC 11697	08/01/2023	-573.71
Valley Lidz 11694	08/01/2023	-289.44
Verde Land Management LLC 11693	08/01/2023	-1,300.00

Town of Marble Payroll Report July 2023

Date	Num	Name	Type	Amount
Colorado Department of Revenue				
07/30/2023	To Print	Colorado Department of Reven...	Liability Check	-961.00
Total Colorado Department of Revenue				-961.00
Colorado State Treasurer				
07/31/2023	To Print	Colorado State Treasurer	Liability Check	0.00
Total Colorado State Treasurer				0.00
United States Treasury				
07/05/2023	E-pay	United States Treasury	Liability Check	-2,476.64
07/31/2023	E-pay	United States Treasury	Liability Check	-3,122.96
Total United States Treasury				-5,599.60
Alie O Wettstein				
07/05/2023	11683	Alie O Wettstein	Paycheck	-1,698.52
Total Alie O Wettstein				-1,698.52
Bradley J Kline				
07/05/2023	11688	Bradley J Kline	Paycheck	-1,568.76
Total Bradley J Kline				-1,568.76
Charles R Manus				
07/05/2023	11684	Charles R Manus	Paycheck	-1,120.56
Total Charles R Manus				-1,120.56
Richard B Wells				
07/05/2023	11685	Richard B Wells	Paycheck	-3,625.34
Total Richard B Wells				-3,625.34
Ronald S Leach				
07/05/2023	11686	Ronald S Leach	Paycheck	-3,585.09
Total Ronald S Leach				-3,585.09
Theresa A Langley				
07/05/2023	11687	Theresa A Langley	Paycheck	-202.64
Total Theresa A Langley				-202.64
TOTAL				-18,361.51

Town of Marble
Budget vs. Actual
January through December 2023

	Jan - Dec 23	Budget	\$ Over Budget	% of Budget
Income				
Intergovernmental				
Grant Revenue	0.00	12,500.00	-12,500.00	0.0%
Cigarette Tax	118.11	200.00	-81.89	59.1%
Colorado Trust Fund	0.00	0.00	0.00	0.0%
General Sales Tax	52,527.11	164,000.00	-111,472.89	32.0%
Highway Use Tax (HUTF)	11,535.63	10,000.00	1,535.63	115.4%
Mineral Lease Distribution	0.00	2,000.00	-2,000.00	0.0%
Severance Tax	0.00	5,000.00	-5,000.00	0.0%
Total Intergovernmental	64,180.85	193,700.00	-129,519.15	33.1%
Licenses & Permits				
Short term rental Licenses	50.00	500.00	-450.00	10.0%
Building Permits	4,205.50	4,000.00	205.50	105.1%
Business Licenses	800.00	1,200.00	-400.00	66.7%
Other Licenses & Permits	2,000.00	500.00	1,500.00	400.0%
Septic Permits	1,023.00	3,000.00	-1,977.00	34.1%
Total Licenses & Permits	8,078.50	9,200.00	-1,121.50	87.8%
Other Revenue				
Marble Fest	17,855.00	24,000.00	-6,145.00	74.4%
Campground/Store Revenues	19,730.04	45,000.00	-25,269.96	43.8%
CSQ Lease Agreement	14,025.38	30,000.00	-15,974.62	46.8%
CSQ Maintenance Payments	2,100.00	3,600.00	-1,500.00	58.3%
Donations	0.00	2,000.00	-2,000.00	0.0%
Holy Cross Electric Rebates	465.78	500.00	-34.22	93.2%
Interest Income	4,728.26	500.00	4,228.26	945.7%
Lead King Loop Project	0.00	1,000.00	-1,000.00	0.0%
Non-Specified	1,002.78	2,000.00	-997.22	50.1%
Parking Program Revenue	0.00	5,100.00	-5,100.00	0.0%
SGB Lease Agreement	0.00	2,800.00	-2,800.00	0.0%
Transfers (In) Out	0.00	1,000.00	-1,000.00	0.0%
Total Other Revenue	59,907.24	117,500.00	-57,592.76	51.0%
Property Taxes	30,919.03	30,100.00	819.03	102.7%
Total Income	163,085.62	350,500.00	-187,414.38	46.5%
Gross Profit	163,085.62	350,500.00	-187,414.38	46.5%
Expense				
General Government				
Master Plan	161.28	24,500.00	-24,338.72	0.7%
Building Maint.	1,905.12	10,000.00	-8,094.88	19.1%
Vehicle Expenses	464.95	0.00	464.95	100.0%
Grant Expenditures	1,500.00			
Campground Expenses	6,267.01	25,000.00	-18,732.99	25.1%
Church Rent	0.00	500.00	-500.00	0.0%
Civic Engagement Fund	0.00	1,500.00	-1,500.00	0.0%
Dues & Subscriptions	316.00	500.00	-184.00	63.2%
Elections	306.00			
Lead King Loop Project	0.00	5,000.00	-5,000.00	0.0%
Legal Publication	0.00	1,000.00	-1,000.00	0.0%
Marble Fest Expense	2,864.98	23,000.00	-20,135.02	12.5%
Office Expenses	13,158.91	14,000.00	-841.09	94.0%
Parking Program Expenses	1,013.61	5,000.00	-3,986.39	20.3%
Recycle Program	1,199.30	3,000.00	-1,800.70	40.0%
Treasurers Fees	0.00	500.00	-500.00	0.0%
Unclassified	3,970.32			
Workshop/Travel	891.23	2,000.00	-1,108.77	44.6%
Total General Government	34,018.71	115,500.00	-81,481.29	29.5%

	<u>Jan - Dec 23</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Other Purchased Services				
Earth Day Expenses	2,598.02			
Liability & Worker Comp Insc	6,271.71	7,000.00	-728.29	89.6%
Utilities	1,878.84	4,000.00	-2,121.16	47.0%
Total Other Purchased Services	10,748.57	11,000.00	-251.43	97.7%
Park Fund Expenses				
Historical Park Pres. Planning	0.00	1,000.00	-1,000.00	0.0%
Jail Preservation Grant Match	0.00	5,000.00	-5,000.00	0.0%
Maintenance - Park Fund	6,403.27	20,500.00	-14,096.73	31.2%
Park Fund Expenses - Other	0.00	0.00	0.00	0.0%
Total Park Fund Expenses	6,403.27	26,500.00	-20,096.73	24.2%
Purchased Professional Services				
Audit	0.00	10,000.00	-10,000.00	0.0%
Engineering-Water Augmentation	0.00	500.00	-500.00	0.0%
Engineering Services & Insp.	6,325.00	4,000.00	2,325.00	158.1%
Legal - General	5,619.67	20,000.00	-14,380.33	28.1%
Municipal Court	0.00	1,500.00	-1,500.00	0.0%
Total Purchased Professional Services	11,944.67	36,000.00	-24,055.33	33.2%
Roads				
Snow & Ice Removal	52,796.25	30,000.00	22,796.25	176.0%
Street Maintenance	4,017.93	15,000.00	-10,982.07	26.8%
Total Roads	56,814.18	45,000.00	11,814.18	126.3%
Wages & Benefits				
FICA/Medicare	9,399.93	8,000.00	1,399.93	117.5%
Total Wages	74,287.51	110,000.00	-35,712.49	67.5%
Wages & Benefits - Other	468.42	0.00	468.42	100.0%
Total Wages & Benefits	84,155.86	118,000.00	-33,844.14	71.3%
Total Expense	204,085.26	352,000.00	-147,914.74	58.0%
Net Income	-40,999.64	-1,500.00	-39,499.64	2,733.3%

Town of Marble
Ordinance Number ___
Series of 2023

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP BY REZONING LOTS 4
AND 5, BLOCK 3, MARBLE SKI AREA FILING NO. 1, FROM RESIDENTIAL TO
BUSINESS

WHEREAS:

- A. The Town of Marble (the “Town”) is a statutory town organized pursuant to Colorado Law; C.R.S. §31-1-101 *et seq.*;
- B. The Town’s Board of Trustees (“Board”) is authorized by statute to regulate the uses of property within the Town’s boundaries, C.R.S. § 31-23-301, *et seq.*;
- C. The Town has adopted the Town of Marble Zoning Code (“Zoning Code”) and the Official Zoning Map (“Zoning Map”), *see* Ordinance No. 5, Series of 2000;
- D. The Town has adopted a Master Plan, *see* Ordinance No. 4, Series of 2000;
- E. The Zoning Code and Zoning Map created three use zones within the Town: Residential, Business, and Public Use;
- F. In accordance with C.R.S. § 31-23-304, the Zoning Code provides a procedure to amend the Zoning Map by changing a parcel of land from one zone to another, *see* Chapter 7.5;
- G. In accordance with Section 7.5.10 of the Zoning Code, an application (the “Application”) was filed by the owners (the “Applicants”) of Lots 4 and 5, Block 3, Marble Ski Area Filing No. 1 (the “Property”) to rezone the Property from Residential To Business;
- H. In accordance with Section 7.5.20 of the Zoning Code, the Board, which also sits as the Planning Commission, held a public hearing on the application on April 6, 2023, and May 18, 2023;
- I. At the public hearing, the Board received comment in support of the Application from multiple members of the community, and comment in opposition to the Application from neighbors Mike Evans and Jeff Evans.
- J. Based on the findings set forth below, on July 6, 2023, the Board, which sits as the Planning Commission, voted to approve the rezoning application;
- K. FINDINGS:
 - 1. In accordance with Section 7.5.60.A of the Zoning Code, the Applicants have paid the requisite application fee and ordinance fee.
 - 2. Notice of the public hearing was provided in accordance with Section 7.5.20 of the Zoning Code.

3. The subject property is not located within two miles of a telecommunications research facility of the United States, *see* C.R.S. § 30-11-605.
4. Zoning regulations must be “for the purpose of promoting health, safety, morals, or the general welfare of the community,” C.R.S. § 31-23-101(1). Approval of the Application, subject to the terms and conditions set forth in this Ordinance, will promote the health, safety, morals, or general welfare of the community.
5. Zoning changes “shall be made in accordance with a comprehensive plan.” C.R.S. § 31-23-303(1). Reasonable conditions may be imposed as part of the rezoning in order to prevent adverse impact to neighbors, ensure compliance with a master plan, and negate the otherwise potentially illegality of a spot zoning. *See King's Mill Homeowners Ass'n, Inc. v. City of Westminster*, 557 P.2d 1186 (Colo. 1976).
6. The Property is currently zoned as residential. It is bordered on the north, east and west by residential uses. However, to the southwest is a commercial parcel (The Marble Gallery), and to the southeast is the Mill Site Park.
7. Approval of the Application, subject to the terms and conditions set forth in this Ordinance, will be consistent with the existing Master Plan. In particular, such approval will be consistent with the following provisions of the Master Plan:
 - i. “The Town of Marble will endeavor to keep the Town a Community where the citizens are free to pursue their own lifestyle, where there can be a diversity of choices, where citizens can remain independent and respect the natural environment. Marble must be a place where neighbors are tolerant and respectful of other's choices and where there is a minimum of governmental interference.”
 - ii. “The Town should adopt zone districts that are based on encouraging a range of uses, as opposed to a more urban land use pattern which creates strong boundaries between residential and commercial land uses. A more “mixed use” approach appears to fit the landscape of Marble in a more consistent fashion than traditional zoning approaches.”
 - iii. “There is currently very little commercial activity available to those who visit the valley. While few in Marble want the community to transition into a major tourist community, some would like to encourage more small business activity and low-impact tourism.”
 - iv. “A majority of the land in the Marble Planning Area is used for single family residential purposes, and almost no land is used for commercial purposes. There are four (4) commercial lots in the Town: the General Store, the RV/camping site, the Beaver Lake Lodge, and the Piffer building.” The existing commercial uses at the time the Master Plan was adopted were scattered throughout Town, not segregated in a specific single “commercial zone.” There is virtually no land within the Town currently zoned as “Business” where the Applicants could locate the business that they desire to conduct on the subject Property.
8. The Board has considered the issue of “spot zoning,” as it relates to the Application, and is mindful of the fact that the Property was previously the subject of a

similar rezoning application in 2009, and that the Board of Trustees denied that application on the basis that it would constitute impermissible spot zoning. *See* Ordinance 2009-1. The Board received correspondence from the Applicants’ attorney regarding the spot zoning issue, which is part of the record in this matter. The Board’s decision on this issue is not premised on the arguments made in that letter, many of which the Board disagrees with. Nevertheless, while the Application does result in small parcel being subject to restrictions on use that are different from the restriction imposed on surrounding property, the Board finds that because the rezoning, subject to the terms and conditions of this Ordinance, is consistent with the Master Plan, approval of the Application on the terms set forth in this Ordinance will not constitute impermissible spot zoning. *Whitelaw v. Denver City Council, 2017 COA 47.*

9. Section 7.1.20.A of the Zoning Code states: Changes in zones shall be made on the Official Zoning Map within five (5) days following the effective date of the ordinance enacting such amendments or changes. Changes in the Official Zoning Map shall be indicated by an entry on the Official Zoning Map as follows: “On (date) by official action by the Board of Trustees, the following change(s) were made in the Official Zoning Map (brief description of the nature of the change).” Said entry shall be signed by the Mayor and attested by the Town Clerk. A change in zone shall not be effective until after such change and entry have been made on said map.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MARBLE, COLORADO THAT:

1. The Official Zoning Map of the Town of Marble shall be amended to change the zoning of LOTS 4 AND 5, BLOCK 3, MARBLE SKI AREA FILING NO. 1 from Residential to Business.

2. Approval of the rezoning of the Property from Residential to Business does not constitute approval of every aspect of the Applicants’ proposed land use plans presented to the Board during this proceeding. Applicants’ use of the Property shall comply with all applicable ordinances and regulations of the Town, including all applicable zoning and building codes and OWTS regulations, in addition to the terms and condition in this Ordinance. In particular:

i. At this time, residential use is not allowed within the Business Zone. Applicants shall not use the Property for residential purposes unless and until such uses are allowed by the Zoning Code.

ii. The Application indicated that a porta-potty would be located on site to serve customers. The Board expressly disapproves of such proposed land use. Bathroom facilities must be provided in accordance with the terms and conditions below.

3. Terms and Conditions. Use of the Property for business purposes shall be subject to the following terms and conditions:

i. For any business activity that involves allowing customers and potential customers onto the Property, the Applicants must provide an ADA compliant bathroom

facility available to customers and other guests that complies with the requirements of the Town's building and OWTS regulations.

ii. All representations by the Applicants during this proceeding limiting the scope of the proposed use of the Property for a 4x4 vehicle tour business shall be conditions of approval. Without limiting the generality of the foregoing, the use of the Property for the proposed 4x4 vehicle tour business shall be subject to the following conditions:

- a. The existing "pole barn" shall remain available for parking tour vehicles. Except for temporary staging during the tour season, tour vehicles shall be parked in the pole barn.
- b. A minimum of 10 off-street parking spaces shall be provided for tour customers and walk-in customers, including two ADA accessible parking spaces.
- c. Employee parking spaces shall be provided in a number equivalent to the maximum number of employees that will be working concurrently on Property or driving tour vehicles.
- d. Customer parking and tour vehicle staging shall be south of the residential structure (between the residential structure and Park St.).
- e. Tours will begin staging no earlier than 8am and will depart no later than 4pm.
- f. Tour guests will not exceed 1,700 per year.
- g. Tour vehicle departures shall not exceed 10 per day.

iii. Use of the Property for the proposed 4x4 vehicle tour business shall require a business license issued by the Town, and shall be subject to any terms and conditions imposed therein. Use of the Property for a business that is different from the 4x4 vehicle tour business would also require a business license and would be required to comply with all applicable Town codes and regulation in effect at that time.

iv. Prior to commencing business activity, Applicants shall submit to the Town a landscaping plan prepared by a professional landscape planner, that includes a site plan depicting the residence/business structure under construction, the neighboring residence to the east, existing vegetation with 20 feet of the eastern property boundary, and proposed vegetation to be planted within 20 feet of the eastern property boundary to create an effective visual screen between the proposed business operations and the residence to the east. The plan shall include a schedule including the types and sizes of vegetation to be installed. Once the plan is approved by the Town, the applicants shall install and maintain the vegetative screen in accordance with the approved plan. Upon approval of the installation by the Town, the Applicants may commence business operations (subject to compliance with all other applicable requirements).

v. The Applicants shall reimburse the Town for all fees incurred in processing the Application in accordance with the Town Code.

4. The Applicants shall hire a professional general contract to oversee all construction on the subject property and shall provide the name and contact information of such contractor to the Town within 14 days of the effective date of this Ordinance.

5. Within five days following the effective date of this Ordinance, the Official Zoning Map shall be amended to reflect this change. The Mayor and Town Clerk shall make an entry on the Official Zoning Map as follows: “On July 6, 2023, by official action by the Board of Trustees, the following change was made in the Official Zoning Map: LOTS 4 AND 5, BLOCK 3, MARBLE SKI AREA FILING NO. 1 was rezoned from Residential to Business.” Such entry shall be signed by the Mayor and attested by the Town Clerk.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED BY TITLE ONLY this 6th day of July, 2023, by a vote of ____ in favor and ____ opposed.

TOWN OF MARBLE:

ATTEST:

Ryan Vinciguerra, Mayor

Ron Leach, Clerk

ck
127

Short Term Rental Business License Application

Town of Marble
322 W. Park St
Marble, CO 81623

Type of Application (check one): Initial Permit Application Renewal Permit Application

Applicant Information (owner of property):

Name: Richard Bramon; if the Owner is not a natural person,
the names of all natural persons who own an interest in the owner.

Mailing Address: 14632 W 89th St

City: Lenexa State: KS Zip: 66215

Daytime Phone: _____ Evening Phone: _____ Cell Phone: 913-449-6041

Fax: _____ Email Address: windrockeb@hotmail.com

Short Term Rental Information:

Address: 316 E Main

Designated Responsible Party (As defined in Town of Marble Ordinance # 3-2019) Laura Ahen

Daytime Phone: _____ Evening Phone: _____ Cell Phone: 970-343-9432

Maximum Occupancy: (As defined in Town of Marble Ordinance # 3-2019) 6 Adults 2 Children

Colorado Sales Tax ID# 256361-001

Short Term Rental Business License Application

Town of Marble
322 W. Park St
Marble, CO 81623

Type of Application (check one): Initial Permit Application Renewal Permit Application

Applicant Information (owner of property):

Name: GARY L. BASCOM; if the Owner is not a natural person, the names of all natural persons who own an interest in the owner.

Mailing Address: 303 W. Park St.

City: Marble State: Co Zip: 81623

Daytime Phone: 970 963-1318 Evening Phone: 970 963-9815 Cell Phone: _____

Fax: _____ Email Address: abstradmarble@gmail.com

Short Term Rental Information:

Address: 303 W. Park St

Designated Responsible Party (As defined in Town of Marble Ordinance # 3-2019) GARY L. BASCOM

Daytime Phone: 970 963-1318 Evening Phone: 970 963-9815 Cell Phone: _____

Maximum Occupancy: (As defined in Town of Marble Ordinance # 3-2019) 6

Colorado Sales Tax ID# 02867383-0000

Short Term Rental Business License Application

Town of Marble
322 W. Park St
Marble, CO 81623

Type of Application (check one): Initial Permit Application Renewal Permit Application

Applicant Information (owner of property):

Name: Brian Bartley: if the Owner is not a natural person,
the names of all natural persons who own an interest in the owner.

Mailing Address: 350 E State St

City: Marble State: Co Zip: 81623

Daytime Phone: _____ Evening Phone: _____ Cell Phone: (970) 618-6105

Fax: _____ Email Address: MarbleMountainretreat@gmail.com

Short Term Rental Information:

Address: 350 E State St

Designated Responsible Party (As defined in Town of Marble Ordinance # 3-2019) Scott, Kelly Wilson

Daytime Phone: _____ Evening Phone: _____ Cell Phone: (970) 618-6105

Maximum Occupancy: (As defined in Town of Marble Ordinance # 3-2019) 8

Colorado Sales Tax ID# _____

I use airbnb only & they insure my house up to \$1,000,000.00

CK
#1020

Short Term Rental Business License Application

Town of Marble
322 W. Park St
Marble, CO 81623

Type of Application (check one): Initial Permit Application Renewal Permit Application

Applicant Information (owner of property):

Name: Tom and Kay Williams: if the Owner is not a natural person, the names of all natural persons who own an interest in the owner.

Mailing Address: 323 W. Hill Street

City: Marble State: CO Zip: 81623

Daytime Phone: (970) 963-8903 Evening Phone: Cell Phone: (303) 902-7250

Fax: — Email Address: tom@williamscompany.net

Short Term Rental Information:

Address: 423 W. Marble Street Marble, CO 81623

Primary: Tom or Kay Williams (970) 963-8903 cell (303) 902-7250
Designated Responsible Party (As defined in Town of Marble Ordinance # 3-2019): Jon Stovall (in our absence)

Daytime Phone: — Evening Phone: — Cell Phone: (843) 957-3049

Maximum Occupancy: (As defined in Town of Marble Ordinance # 3-2019) 4

Colorado Sales Tax ID# 01470159-0000

Short Term Rental Business License Application

Town of Marble
322 W. Park St
Marble, CO 81623

Type of Application (check one): Initial Permit Application Renewal Permit Application

Applicant Information (owner of property):

Name: Jim Gohery / Amber Crowley: if the Owner is not a natural person, the names of all natural persons who own an interest in the owner.

Mailing Address: 415 W. Park Street

City: Marble State: CO Zip: 81623

Daytime Phone: 970.704.6211 Evening Phone: Same Cell Phone: 970.274.6891 / 970.366.0074

Fax: N/A Email Address: Dooneseamus@mac.com

Short Term Rental Information:

Address: 415 W. Park Street, Marble CO 81623

Designated Responsible Party (As defined in Town of Marble Ordinance # 3-2019) Jim Gohery / Amber Crowley

Daytime Phone: 970.704.6211 Evening Phone: Same Cell Phone: 970.274.6891 / 970.366.0074

Maximum Occupancy: (As defined in Town of Marble Ordinance # 3-2019) 4 People

Colorado Sales Tax ID# 46-1845618

MARBLE WETLANDS PRESERVE

MANAGEMENT AGREEMENT

Between

THE TRUST FOR LAND RESTORATION,

THE TOWN OF MARBLE,

&

THE ASPEN VALLEY LAND TRUST

I. PARTIES

This Management Agreement is entered into between the Trust for Land Restoration (TLR), the Town of Marble (TOWN), and the Aspen Valley Land Trust (AVLT), referred to herein as "The Parties."

II. PURPOSE

This Management Agreement's purpose is to establish an understanding and a working relationship between the Parties whereby TLR, as owners of the 54-acre Marble Wetlands Preserve (PRESERVE) Property, designates the TOWN as managers of the PRESERVE, and recognizes AVLT's rights and responsibilities, as holders of the Conservation Easement granted by TLR to AVLT on _____, 2023, to monitor and, if necessary, enforce terms of the Conservation Easement; to provide for the management and public use of the PRESERVE in a manner that best protects the conservation values associated with the property, as enumerated in the Conservation Easement and further described in the Management Plan. The Management Plan is to be prepared by AVLT and to be adopted by consent of the Parties on or before October 1, 2023.

III. MUTUAL INTEREST OF THE PARTIES

TLR, the TOWN, and AVL T each have a mutual interest in a management agreement that allows for certain public uses while ensuring the best and most effective protection and preservation of the PRESERVE for the benefit of wildlife and the conservation values associated with the property, as identified in the Conservation Easement.

The Parties encourage passive public use of the PRESERVE, and utilization of it for child and adult outdoor education activities, as long as they are compatible with and do not harm the identified conservation values associated with the property.

The Parties acknowledge that TLR as owner of the PRESERVE has the responsibility to assure the conservation values are maintained protected and has the authority to delegate management responsibilities to a reliable third-party.

The Parties acknowledge that the PRESERVE'S physical proximity to the TOWN of Marble and to other TOWN-managed recreational assets, including the Marble Millsite Park and the Marble Campground, combined with the interest and local knowledge of citizens, citizen groups, volunteers, the Town staff and Board of Trustees; plus the Town's ability to add the PRESERVE to the TOWN's general liability insurance policy; and the ability of the TOWN to apply for grants as may be appropriate make the TOWN well suited to be the managers of the PRESERVE.

The Parties further acknowledge that AVL T, as the conservation easement holder and as a land trust with considerable land-conservation, land-management, outdoor education and recreation-management experience, is responsible for providing periodic monitoring of the condition of the property and public use of the PRESERVE to assure the conservation values, as enumerated in the conservation easement, are maintained and protected.

IV. RESPONSIBILITIES OF THE PARTIES

By entering into this Management Agreement, the parties agree to the following:

TLR, as owner in fee simple of the Marble Wetlands Preserve and has grantor of a conservation easement to AVL T designed to maintain and protect certain conservation values, has the authority and hereby designates the TOWN the managers of the PRESERVE.

TLR reserves the right to designate a forth party as its local representative for any and all responsibilities ascribed to TLR in this management agreement.

TLR or its designate will be responsible for placing signage at the entry ways to the property enumerating terms for public use. Signage will recognize the TOWN as the managers of the PRESERVE and AVLT as the Conservation Easement holders.

TLR or its designate will be responsible for placing protective signage at the Hoffman Smelter Site.

TLR or its designate will be responsible for any and all property taxes payable to Gunnison County that may come due during the time this management agreement is in force.

TLR or its designate will be responsible for any and all interactions with state and federal regulatory agencies with regard to the Hoffman Smelter Site and the associated Voluntary Cleanup Agreement with the State of Colorado.

TLR or its designate has the right but not the obligation to conduct public outreach and outdoor education activities on the PRESERVE as it deems appropriate.

The TOWN will be responsible for patrolling and, as may be necessary, enforcing terms for public use of the PRESERVE, as prescribed in the Conservation Easement document and the Management Plan; including but not limited to prohibiting use of motor vehicles, motorcycles, ATVs, or bicycles by the general public (except as authorized by a right-of-way easement/agreement dated _____), keeping gates closed, maintaining signage, and prohibiting overnight camping, fires, hunting or discharge of firearms.

Unless otherwise agreed to in the Management Plan, dogs are allowed on the PRESERVE provided they are leashed or under voice command, and they do not chase, harass or disturb wildlife.

The TOWN reserves the right to perform routine maintenance and upkeep of the PRESERVE without further notice to, or permission from TLR. For the purposes of this agreement, "routine maintenance and upkeep" is defined as trash and debris removal; sign upkeep; erosion control; and management of weeds and insect infestations by means necessary but emphasizing non-chemical methods.

TLR reserves the right to perform weed management using selected and appropriate herbicides, provided TLR gives at least 10 days prior notice to the TOWN and AVLT.

The TOWN agrees to notify TLR before undertaking any changes or improvements not considered "routine maintenance and upkeep." This will afford TLR an opportunity to consult with AVLT and others to ensure that the activities or uses in question are designed and carried out in a manner consistent with preservation and protection of the

Conservation Values of the property. Whenever notice and approval are required, the TOWN shall notify TLR in writing not less than sixty (60) days prior to the date the TOWN intends to undertake the activity or use in question. The notice shall describe the nature, scope, design, location, timetable, and any other material aspect of the proposed activity or use in sufficient detail to permit TLR to consult with AVLT and others as necessary to make an informed judgment as to the activity or use's consistency with the preservation and protection of the Conservation Values of the PRESERVE.

The TOWN has the right but not the obligation to conduct public outreach and outdoor education activities on the PRESERVE as it deems appropriate.

The TOWN agrees to add the PRESERVE to the TOWN's liability insurance policy and name TLR and AVLT as additional insured.

AVLT, as the conservation easement holder and as a land trust with considerable land-conservation, land-management, outdoor education and recreation-management experience, is responsible for providing periodic monitoring of the condition of the property and public use of the PRESERVE to assure the conservation values, as enumerated in the conservation easement, are maintained and protected; and has certain rights to enforce terms and conditions of the conservation easement as described in the Conservation Easement.

AVLT has the right but not the obligation to conduct public outreach and outdoor education activities on the PRESERVE as it deems appropriate.

The Parties agree that public access to the PRESERVE, in support of the Property's conservation values and Management Plan is encouraged, provided that such access is not inconsistent with the terms of the Conservation Easement. The timing and scope of public access may be limited by mutual consent of the Parties to protect the Conservation Values. TLR and the TOWN shall ensure that any public access is consistent with Colorado's recreational use statute C.R.S. § 33-41-101 *et seq.* and provides indemnity to the Parties for the public's access to and use of the PRESERVE.

The Parties agree to work together to seek public access to the PRESERVE across land to the west of the PRESERVE currently owned by the State of Colorado and managed by the Colorado Department of Parks and Wildlife.

The Parties agree that should any one or more sections or provisions of this Agreement be judicially adjudged invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Agreement, the intention being that the various sections and provisions hereof are severable.

The Parties agree and understand that the TOWN is relying on and does not waive, by any provisions of this Agreement, the monetary limitations or terms or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, C.R.S. 24-10-101, *et seq.*, as from time to time amended or otherwise available to the Parties or any of their officers, agents, or employees.

V. PERIOD OF AGREEMENT, MODIFICATION AND TERMINATION

This Management Agreement is effective as of the day of the last party to sign below and is effective for one-year. It may be renewed annually by mutual agreement of the Parties. It may be amended by mutual agreement of the Parties at any time. Any of the Parties may terminate this Management Agreement by providing one hundred twenty (120) days written notice to the other Parties. In the event this Management Agreement is terminated, each party shall be solely responsible for its costs.

IN WITNESS WHEREOF, the parties have executed the foregoing on the day and year above first given.

Patrick Willits, Executive Director
The Trust for Land Restoration

Date

Ryan Vinciguerra, Mayor
The Town of Marble

Date

Suzanne Stephens, Executive Director
The Aspen Valley Land Trust

Date

To:

The Trust for Land Restoration

PO Box 743

Ridgway CO 81432

Attn: Patrick Willits patrickwillits@gmail.com

To:

The Town of Marble

322 West Park Street

Marble CO 81623

Attn: Ron Leach leach@townofmarble.com

To:

Aspen Valley Land Trust

320 Main St #204

Carbondale, CO 81623

Attn: Suzanne Stephens suzanne@avlt.org



www.restorationtrust.org

133 n. Lena Street #3
PO Box 743
Ridgway, Colorado 81432
970-626-3236

MEMORANDUM

To: The Town of Marble Board of Trustees
From: Patrick Willits; the Trust for Land Restoration
Date: September 13, 2022

RE: Intent to Transfer Ownership of Marble Wetlands Property

Dear Honorable Mayor Ryan Vinciguerra and Trustees,

Please accept this memo as a Statement of Intent and a Good Faith Pledge from the Trust for Land Restoration to donate the 54-acre Marble (formerly Hepola) Wetlands to the Town of Marble within twenty-four months of the date of this memo.

I read in minutes of the Town of Marble's September 1, 2022 Trustees Meeting the request to have a "contract" in place prior to the Town signing VCUP IGA and TU contracting agreements. I hope this Statement of Intent can provide that comfort now to allow the Town to move forward and sign the VCUP documents at the Town's earliest convenience so as to not delay the flow of paperwork leading to the scheduled October on-site work scheduled by TU and its sub-contractors.

Beyond this Statement of Intent, TLR is happy to consider any contract the Town of Marble would like to propose, but respectfully ask that the Town not hold up signing the VCUP - enabling documents before having a contract to sign.

We are very grateful that the Town of Marble has stepped up to the role of fiscal agent and contracting entity between the State of Colorado, the Town and Trout Unlimited to facilitate and make possible the Voluntary Cleanup of the Hoffman Smelter Site on the property. The process has been more complicated than I had anticipated and taken more staff and attorney time for the Town and TU to get to this point than I expected, so Thank You for your diligence and willing to be on board to get this project done.

The result of the Town's, the State's and TU's efforts will be a cleanup of the site that will meet the State of Colorado's standards and earn current and future landowners a "No Further Action (NFA)" letter from the State that is also recognized by the US EPA as qualifying for "Good Samaritan" liability protections under federal law. Without that NFA letter, TLR and the Town as the future owner would be at some risk of liability exposure by allowing the public access to the property.

TLR's timeline for transfer of the property to the Town of Marble is based upon TLR first, prior to transfer, placing the Marble Wetlands property into a conservation easement with a third-party conservation organization, likely Aspen Valley Land Trust. Placing the property into a conservation easement prior to transferring the property to the Town of Marble assures us and the State VCUP program that certain restrictions will be monitored long into the future by a third-party entity. Placing the property into a conservation easement prior to transferring the property to the Town of Marble also allows TLR to sell the associated tax credits to recover hard and soft costs we have incurred and are incurring.

We are more than happy to discuss proposed conservation easement terms prior to finalizing. We expect a proposed conservation easement will restrict future residential and/or commercial building/development of the property, prohibit overnight camping, prohibit discharge of firearms, and limit motorized vehicle use to administrative/management purposes and legal use of the driveway/access easement by the neighboring landowner who has been granted the access easement, Ray Watson. One of the conditions the State's granted No-Further-Action status will be restricting the access-easement road to authorized vehicles only.

While we may have thoughts about bicycles, dogs, dogs on leashes, dogs on bicycles, and other potential conservation-easement restrictions, those are yet-to-be-determined, based on input from the Town, wildlife experts and whatever third-party conservation organization is chosen to hold the conservation easement. It's very likely we will leave some potential restrictions for the Town to decide now or in the future.

There are a number of factors which dictate how long it may take to negotiate a conservation easement with a third-party entity, including obtaining a "qualified" appraisal, hiring outside expertise to prepare associated due-diligence items like mineral assessment, baseline inventory, and updated environmental assessment post-VCUP cleanup, and sending all to the State of Colorado's Real Estate Commission for review. AVLT tells us if all goes well we should be able to close on a conservation easement and transfer to the Town of Marble by end of year 2023. If things are delayed, it could be end of summer 2024 before closing.

The question then becomes how to manage the property and under what conditions from the time the cleanup of the Smelter site is complete until the time the property is transferred to the Town? Our general thought is best case scenario is to enter into a management agreement with the Town that essentially turns the property over to the Town and its CIRSA liability insurance coverage now or as soon as is practical, in advance of transfer of deeded ownership. Our default plan to not being able to turn over active management of property to the Town in advance of the transfer of deeded ownership is likely continuing the passive ownership posture we have been exercising since accepting title to the property last December 30. While TLR owns the property, unless the

Town is involved, we will maintain a low-key presence, with few signs, no active welcoming or interpretation, and no organized activities, other than access and weed control. We will work with CPW to keep the lower road across State land open to the public but not advertise it.

Regardless of who manages the property from now until the fee-title deed is transferred to the Town of Marble, we will work with neighboring landowner and driveway/access-easement holder Ray Watson to maintain a gate at the top of the access-easement road where it meets the Quarry Road to keep out unauthorized motor vehicle use. One of the conditions the State's granted No-Further-Action status going forward will be restricting the access-easement road to authorized vehicles only.

The Marble Wetlands are very special. We appreciate everything the Town has done and look forward to continuing a positive relationship that allows both the Town and TLR is achieve its goals. I am available to discuss over the phone whenever is convenient.

Pat

--

Patrick Willits
The Trust for Land Restoration
Ridgway CO 81432

970-596-5479 mobile