

Minutes of the Town of Marble
Regular Meeting of the Board of Trustees
November 7th, 2019

A. Call to order & roll call of the Regular Meeting of the Board of Trustees – Mayor Ryan Vinciguerra called the meeting to order at 5:38 p.m. Present: Ryan Vinciguerra, Charlie Manus Emma Bielski, and Larry Good (6:30 p.m.) Absent: Tim Hunter. Also present: Ron Leach, Town Administrator and Terry Langley, minutes.

F. Current Land Use Issues

b. Discussion of the water augmentation grant, Tom Zancanella – this item was moved up on the agenda so that Tom Zancanella could make his presentation and head back down valley. Tom presented a cost synopsis of the second phase of the project. He listed the river district objectives. These include: quantify the current needs in the Crystal River drainage, identify down river locations that would reduce the amount of water needed in storage in Marble, evaluate those locations, update and reevaluate small storage alternatives such as Beaver Lake, evaluate new storage and develop a basin-wide plan. Other needs include public outreach and education with various Crystal River environmental groups, identify methodologies for financing and implementing a plan for augmentation. Cost estimates are \$100,000. Tom recommends Marble's participation. This does not preclude Marble from going its own way, but it does leave the door open for participation with other entities. Ron asked Tom to explain what the Colorado River district is and where the grant is coming from. It is a state agency, funded by the state legislature to develop water augmentation. They also monitor flow. The River district is tax supported by Garfield, Pitkin and Eagle river district taxes. He did not know if Gunnison has the tax. Ryan appreciates the collaboration with others in the valley. He pointed out that Marble is being asked to contribute \$3,514.00 in addition to in-kind contributions. Emma asked how the town would benefit from this study. Tom said the key is augmentation strategies.

B. Discussion of 2020 budget, Ryan – Ryan suggested a few changes in the proposed budget. These include increasing the Slow Groovin' lease agreement because it increases 3% each year. He asked about the tree maintenance program. Ron explained that the town had traditionally bought pheromone packets in bulk and then sold them to town's people. Now individuals can get their own packets at the same price, so it can be dropped to only cover trees on town property and that can be included in park expenses. Ryan suggested increasing the street maintenance to \$20,000 as previously discussed. Emma suggested raising the snow removal budget to \$35,000. Ryan thought the recycling program budget should be increased to \$4,000 and the extra \$2,000 should come from the Earth Day budget. Emma asked if the council wanted to create a line item for historical preservation or if it would come under parks. It was agreed to keep it under parks. Emma asked if there were other grants for other projects that the town would like to apply for and if the grant writing budget should be increased. Ron suggested one to finish the town building. They agreed to increase that to \$2500. Charlie asked about enforcement and the court system. With an office for a deputy included in the firehouse expansion, there will be more of a presence in town. Amber said there was education needed about what the town ordinances are. It was decided to leave the \$1500 as budgeted. Ron asked for a 3.7% cost of living raise budgeted for Charlie and Terry and he will increase the budget accordingly. Ryan asked

about repairs to the bell tower. It is owned by the historical society, but they don't have any funds for the project. Repainting and tightening the bolts could be expensive. Amber said the county is willing to loan their cranes. The jailhouse grant is for \$176,000 and is a 40% matching grant. She would like to see some funds allocated in the 2020 budget, perhaps \$5,000 as a historical preservation line item.

a. Set 2020 Budget public hearing date, Ryan – Ryan proposed moving the regular meeting to Dec. 12 at 6:00 p.m. Ryan Vinciguerra made a motion to set the public hearing on the budget on Dec. 12 at 6 p.m. Emma Bielski seconded and the motion passed unanimously.

C. Mayor's Comments

D. Approve previous minutes – Emma moved to approve the minutes for both Oct 3, 10. Charlie seconded. The motion passed unanimously.

E. Executive session pursuant to CRS 24-6-402(4)(b) to receive legal advice regarding process and review standards for OWTS variance and appeal. – Ryan Vinciguerra made a motion to move into executive session. Larry Good seconded. The motion passed unanimously. The public moved into the sanctuary. Attorney Kendall Burgemeister attended by phone.

F. Current Land Use Issues

a. Lawrence variance application appeal of denial, Chris Lawrence – Ryan explained that this was not a public hearing, but was an appeal of the previous denial and no comments from the public would be entertained at this time. He said that trustee Tim Hunter had sent an email regarding his opinion about the denial because he was not able to attend the meeting. Ryan stated that each board member would be making their own decisions and would not be influenced by Tim Hunter's email. Chris began by asking if the board had any questions concerning her letter requesting an appeal. There were none. She explained the history of the lot and explained that the lot had been granted a IWTS permit for a septic system in 1995. There is a 1,000-gallon tank there, but a leach field was never added to that tank. Paul Rutledge said that it is an existing developed lot so there is no increase in density or precedent set. A leach field can be developed that meets all requirements. This would be a level 3 treatment system that does a superior job of treatment in a smaller area. The lot is bounded by right of way and the town/county line so there is no opportunity to increase it to 8 lots. The structure was built before land use codes and usage would typically be allowed. He feels a holding tank goes against the intention of regulation 43. The intent of the state statute for on-site waste water for non-industrial structures that are plumbed require a legal septic system. Holding tanks are for very limited usage. Ryan asked what the intent was for the property and Chris said it would not be a primary residence nor would it be a rental. She said the house does have a bathroom plumbed but not connected. Larry asked about the tank and Paul explained that it was not connected because the previous owner died. Paul designed a system 10 years ago that was compliant to all the regulations at the time. The tank was as far as it got. He has updated a design. He was asked about composting toilets and he explained that regulation 43 that composting toilets do not count as a legal on-site waste water system for a plumbed structure. He said a gray water system has to be designed to the same standards as a black water system. Cabins with seasonal use and a certain square footage can have a smaller system or a holding tank, however there is an increased possibility for a spill with a tank. Charlie asked about an incinerating toilet. Paul said there was a movement to outlaw these due to energy usage and pollution possibilities. Again, they are not intended for plumbed structures. Paul said, in his opinion, there is no conforming alternative for this property that meets the state requirements. Ryan asked Chris to address the two main reasons for the denial as addressed in her

letter. She said that they are not changing the density because they will not be enlarging the structure that already exists. She feels that this is a reasonable application for a variance because everything fits perfectly on the existing lot. Charlie said that the major concern was precedence because there are so many nonconforming lots out there. Larry said that they had never had an application like this before so they have no experience with this. Paul asked if the requirement for lot size was for vacant land or does it include existing structures. Paul asked if the alternative to a leach field was to protect health and environment. Larry said the purpose of the zoning codes was to protect health and environment and to address density concerns. Ryan proposes that another public hearing be held in January and that, if the board has any questions or requests for the Lawrences, they be addressed before that time. The goal is to make a final decision at that time. Paul said that the only alternative that meets all the intents of the statutes is to have an easement and combine three nonconforming lots to share a system. He asked if a building permit could be issued for a non-conforming lot with a failed or failing system. He asked if a building permit would ever be issued to a non-conforming lot. Ryan said it would require a variance. Paul addressed the difference between vacant land and the land use rules and existing structures with a right to use. Emma asked about long-term plans and agreed that reopening the public hearing was reasonable. Ryan asked for information and factual support in writing. Ryan Vinciguerra made a motion to table the appeal and hold a public hearing on January 16, 2020, at 7:00 p.m. Emma Bielski seconded and the motion passed unanimously.

b. Discussion water augmentation grant, Tom Zancenella – see above.

c. Development questions, Chris Sidelinger – Chris had a plat of the addition where she lives. She said there is a 25-foot setback on the front of a lot in the land use codes. She wants to sell an acre of her property and wants to clarify what is the front of that property and where the setback is. Her second question concerned the original homeowner's development requirements from 1973 when it differs with town codes and which would be recognized. Ryan said he does not feel they would recognize the homeowner's requirements because there is no homeowner's association. Existing town codes would be what they go by. The third question is because it is a non-conforming lot, they would like to combine three of the lots, and then add some of that to the lot they wish to sell so that both would be more conforming. Ryan said she should outline her plan, show it to Ron and Kendall. Charlie explained that he had just gone through this process and it will need to be surveyed, get an attorney, pay the fee and bring it for approval.

G. Administrator Report

a. Current bills payable November 7th, 2019, Ron – Ron reported that the bills are on page 22 of the packet. There are two additional bills: \$150.00 to Redi services for the last two weeks of the porta-potty at Thompson Park and \$500.00 to Corinne Truesdale for work on the Lead King Loop project. Larry Good made a motion to approve payment of the bills. Emma Bielski seconded and the motion passed unanimously.

b. Discussion CRFPD donation 2 pickup trucks, Ron – Ron reported that the fire district is buying new utility trucks and so they have offered to 2006 GMC $\frac{3}{4}$ ton and an older two door truck. They need an acceptance of the donation. Larry Good made a motion to accept the gift. Ron said he would use one to do his work around town and the other would be used in town as needed by the campground host, the parking plan, etc. Connie Manus said they would need to have on file who the drivers would

be. Ron will check with the insurance company. Charlie Manus seconded. The motion passed unanimously.

H. Old Business

a. Lead King Loop working group report, Ron & Corinne – Ron reported that Corinne had been helping to organize the CWSU land use for them to be the lead agency. They met with Marlene Crosby and Maddie Rehn to develop an agenda for the Nov. 13 meeting and to decide on the way forward. Corinne reported that they have identified concrete roles and duties moving forward to make sure the project remains collaborative. Larry asked about the grading and excavation up Daniel's hill and up to Crystal, reporting that there are people who are upset about that. He said that apparently Marlene directed it. Ron will find out about it.

b. Park committee Report, Amber – Amber presented a written proposal concerning forming a park committee. She explained the rationale behind forming a committee, the make-up and the goals of the committee. She reported that Richard Wells, Alex Menard, Andrew Mile, Mike Yellico, and Amber, were suggested. Other names will be solicited.

c. Discussion of proposed recycle program, Ryan – Emma updated the information concerning the program. There is also a volunteer sign-up sheet. They are asking for a three-month commitment for volunteers. Discussion on when to start followed. Emma Bielski moved that the recycle program be approved and the bins be ordered and recycling open Nov 16. Larry Good seconded and the motion passed unanimously.

d. Other

I. New Business

a. Discussion of engineering team for preservation efforts mill site, Emma asked that anyone who knows an engineering team who would volunteer their services for this effort, please let her know.

b. Other.

i. Ryan spoke to transfer of ownership septic inspections and that requirement that OWTS systems be inspected every 3 years. He suggests that the town contract with All Valley Resources and that the town sponsor a month for people to have inspections. This would be free to citizens and paid by the town. He feels that AVR might slash the cost.

ii. Food Boxes – Terry announced that the Gunnison County Food Bank has donated food boxes for anyone who needs them. There are two sizes – one for singles and one for families – and are distributed through the church. Anyone who would like to request a box should contact Jon Stovall.

iii. Community Thanksgiving Dinner – Terry reminded everyone that the dinner will be November 16, 5:30 p.m. at the fire station.

J. Adjourn Larry Good made a motion to adjourn. Emma Bielski seconded. The motion passed unanimously and the meeting adjourned at 9:15 p.m.