

Town of Marble
Regular Meeting of the Board of Trustees
September 7th, 2023

A. Call to order & roll call of the regular September meeting of the Board of Trustees – The meeting was called to order at 7:06 by Mayor Ryan Vinciguerra. Present: Absent Tony Petrocco, Amber McMahill, Larry Good and Ryan Vinciguerra. Emma Bielski arrived shortly after roll call. Also present: Ron Leach, Town Administrator and Alie Wettstein, Administrative Assistant

B. Mayor Comments -

C. Continue Public Hearing to consider approval of Ordinance #_____ approving residential structures in business zone in Town of Marble – Ryan explained that this would allow residential use on a business zoned property like many of the business properties already do. Residential use would be a use by review. Larry had an issue with the clause about manufactured homes and would like to see that stricken. He feels that a proposal for a manufactured home would normally come before the board for review but feels that this clause that says manufactured home are allowable might take that review from the hands of the board. Ryan thinks the code covers manufactured homes elsewhere and has no problem with removing this from this ordinance. He will check with the attorney about removing this. Tony would like to add some language added that these residential uses would be for affordable, employee housing so that they will continue to be used as such. He suggested using the same guidelines that Aspen and Pitkin County use. He feels that this will eliminate the residential use from becoming VRBOs. Amber said that, as a use by review, they would come before the board for review and approval on a case-by-case basis. Tony explained that this would show the intent of the board and would make things fair. Larry suggested that Tony draft the language he would like to see and have Kendall review it. Ryan would like to stay away from defining affordable housing and getting into income questions but agrees that it should be stipulated as employee housing (owner, manager, staff). Emma agreed and feels that affordable housing is a separate issue that should be explored. Larry would like to see the title amended to allow residential use on a business zoned property. Tony will work on the employee guidelines. Amber spoke to employee housing aspect and would like to allow housing for employees within the town, not just with the business. Mike Evans asked where the employee housing/business zoning boundaries would be. Tony explained that many businesses have apartments within them (Slow Groovin', Marble Gallery, Piffer's building). If another commercial building is built, this ordinance would allow an apartment and it needs to be restricted to housing for employees who work in the town. Ryan explained that the lack of space for new business buildings means that ramifications would be very limited. It would allow existing buildings to come into compliance and would allow for more long-term housing possibilities. Mike spoke to Mario Villalobos's situation and Ryan said this ordinance would allow those type of uses to coexist. Discussion of individual properties and situations followed. Examples cited included Beaver Lake Lodge, Slow Groovin', Piffer's building, Marble Gallery and owner-occupied dwellings that are operating businesses such as SUP Marble and RPS rentals. Tony Petrocco made a motion to close the public hearing. Amber McMahill seconded and the motion passed unanimously.

D. Consent Agenda – Ron explained that c. should be considered separately from the consent agenda and it was considered before the rest of the listed consent agenda.

c. Consider approval of MCS special event liquor permit application for LKL, Karly Anderson – Ron explained that all paper work has been submitted and the request has been duly noticed. Amber asked if this would be operated as in the past. Stephanie Helfenbein explained that this would allow beer sales (keg or cans) to raise more funds for the school. Tony Petrocco made a motion to approve the MCS special event liquor permit application for the Lead King Loop race. Larry Good seconded and the motion passed unanimously.

a. Approve August 3rd 2023 minutes

b. Approve Current Bills, September 7th, 2023

Larry Good made a motion to approve the consent agenda. Emma Bielski seconded and the motion passed unanimously.

E. Administrator Report

a. Review draft 2024 Budget, Ron – Ron explained that the packet contains the 2023 Budget on page 15. He highlighted the total income through August which is close to budget. It a little low as the lion's share of sales tax has not come in. On page 16, total expenses, does include the September bills or 75% of the time. We are at 74.6% - right on target, even including the high snow plow costs for this year.

b. Visionary Broadband Update – Brian Shepherd explained that they got a grant from the state to bring high speed fiber to Marble. He explained some of the delays, including engineering, work with Holy Cross, work with the Forest Service and the state historical office. These have resulted in increased costs of approximately \$500,000 that they are covering. Holy Cross began work on the poles two months ago and VB subcontractors have begun stringing the wire. They are building a 40' tower near the fire station. They are on track to get service by the end of the year, providing weather allows. They hope to begin signing folks up for service in the next week to begin planning for hooking people up. They will get a link on the town website as well on the VB website. Cost of service is three-tiered. Gigabit service: \$99.95, 300 meg: \$69.95 and 100 meg: \$54.95. No data caps and service is symmetrical. There are also federal assistance plans up to \$30 per month for those who qualify. These are all unlimited and VB can help you determine the tier you will need. Dustin Wilkey asked if cell towers would be erected and Brian said that is up to the town. A question about wireless transmission was asked. Brian said it will be around a 3.5 gigahertz frequency and is similar to a cellular network. Homes that cannot get fiber will be able to buy a small transmitter. Discussion about how big a gig actually is followed. Brian said it is a true gig but can be affected by what you do and use within your home. You can buy or rent a router. He explained that throttling happens with older systems but not with theirs. Cost increases will be limited and will only happen if their costs go up - not on any regular schedule. They are working on other grants to expand services further. There are no contracts, it is month-by-month service. The cable can be buried, but that would be at home-owner expense. Ryan spoke to the work that Bart Weller had done to bring broadband to Marble.

c. Discussion with Colorado Parks and Wildlife. Amber met with John Groves last week concerning the changes at Beaver Lake and she invited them to this meeting. She learned that the number of vehicles on the lake are damaging the infrastructure of the man-made lake. The shoreline is

eroding and the wildlife is being affected adversely. Additionally, CPW has been under pressure to return to their mission of protecting wildlife. She came from that meeting with the understanding that they are willing to work with the town on future solutions but for now it is about reducing the numbers quickly.

John explained that they have a regulatory mandate from the CPW commission to manage wildlife areas for wildlife habitat and related conservation and recreation. Other uses can occur until and unless they negatively impact that. They were directed to reign things in the more than 300 wildlife areas state-wide. In July of 2021 they began requiring fishing or hunting license to be on CPW property. They then created a wildlife area access pass for users who did not want to be associated with fishing or hunting. They get no state funding – they are funded by license fees and, in a small-part from GoCo and need to serve those license holders. For years, some activities at Beaver Lake were illegal but were so small that they didn't have an impact. That has changed with increased use. These include swimming, storing boats, boats on the water without fishing. Amber said they discussed future management ideas and how they might work together. John said they are open to listening to options but they will be dictated by regulations or possible changes in regulations. Amber asked about permits and whether CPW would consider pursuing that soon. Any permits would have to adhere to regulations. Costs of management, making permits equitable across the state, etc. will mean this could not be a quick fix. Tony spoke to the traffic and parking problems. John said they are very aware and have had conversations with the county, the sheriff and others. Ryan asked about their enforcement currently. John explained that they are working on education in this first year unless they are dealing with repeat offenders. Licenses can be obtained on-line by going to the Hub. Ryan spoke to the lack of enforcement and the concern that it can result in citizen-to-citizen conflict. John said it may take two to three years to get cooperation. There will come a day where enforcement gets stricter. Emma asked if there were any suggestions as to how SUP Marble can be supported. John said he told the board when SUP was seeking their business license in 2019 that this is not a use for the lake. Jaimie Fisk spoke to the support for stand-up paddle boarding as well as to the fact that there are many other stand-up paddle boarding companies that rent boards and that use Beaver Lake. She spoke to the fact that it is not their small company that is crowding the lake. She addressed the other boating recreational use – kayaking, canoeing, etc. – that use the lake. Fishermen create parking and trash problems as well, including fishing wires and lures that are detrimental to wildlife. She feels they can work together to develop a system that allows citizens of Marble to continue to use and enjoy the lake. She spoke to mental health and exercise benefits. She said there were more people against the regulations according to public comment. She said SUP Marble encourages people to get their fishing licenses. They have a permit to use the river and to use Harvey Gap. They are willing and have offered to get a permit for Beaver Lake. John explained that they are mandated to manage all of their lands for wildlife. There have been other CPW lakes that have had the same regulations put in place. Sam Wilkey asked about the ban on dogs and signage. John explained that dogs have been banned on all state wildlife properties and that they hope to have signs up by Spring. Amber said Matt had spoken about creative management work done in other areas. John said they are open to other ideas. While they don't have to be the entity who owns the lake, they cannot give it away. Richard spoke the intent that, when the lake was given to the Colorado Division of Wildlife, it was to be managed as a wildlife area. John explained that it has been a state wildlife area for more than 60 years. Amber feels that the intent was for use by the community and would like to see continued collaboration on how to use it. Jaimie spoke to using part of the lake for fishing, part for other uses. Ryan spoke to the fact that these regulations are not targeted at Beaver Lake. CPW is trying to make these regulations consistent across the state. Angus asked how they can

access the river without violating the rules. Tony explained that they can use East 2nd street or they can get a fishing license. He spoke to the amount of dogs harassing wildlife, the increased trash and lack of cooperation from users. Jaimie asked if CPW would be doing anything to help the beaver population. John said that there is not a high concern about beavers currently – there is not a shortage. Dustin asked about trapping and John would have to look into trapping regulations.

F. Land Use Issues

a. Consider approval of Ordinance # _____ approving a zoning change for Smith/Wilkey property, Ron - Dustin spoke to the fact that they have been working on this for over a year. They are trying to build their house and because of the town management stand it makes it look like they are wanting to do a big corporation and commercial property. He said that due to the incompetence of town management and the board they are officially withdrawing their application to rezone at this time and they will pursue it later. He said even if this was approved tonight, it would put a stop on their build because there is no residence within a business property. Their financing hinges on this being put off. Amber said the board had warned them about this from the beginning.

b. Consider approval of Parker/Collins lot line adjustment, Ryan – Ron said tentative approval was given at the August meeting, pending completion of the title work, paper work and plat work. The work has been completed with the exception of the attorney’s opinion, in essence the title search. Ron would like to see this completed once that is done. Tony asked, once again, to see the town’s deed for the property to see if there are any conditions on it that won’t show up on the title search. Ron thought that the title search would show any conditions. Tony said that this can be done by going to the county clerk’s office and punching in Town of Marble. Carol Parker has a map from 1915 that shows Carbonate Creek coming down the center. Ryan asked if the title search would show what Tony is looking for. Tony said that many title searches do not show encumbrances and he would like to see the original deed. Approval was tabled.

c. Consider approval of Marble Wetlands Preserve Management Agreement, Ron – The agreement is in the packet and Ron asked if there were any questions or concerns. Rons concerns are that the terms on the new draft went from one year to five years. Language added included “the town will enforce...” and Ron would like to know what that means. Ryan said that these are issues the town would probably follow once the town own’s the property so he does not have a problem with the changes. Tony said this is an Aspen Valley Land Trust agreement and that AVLT is aggressive about enforcing what is on paper. If the town does not enforce, AVLT will and will charge the town. Ron has not heard from Kendall regarding the changes. Richard asked why they would eliminate bicycles when there is a road that is used by the owners of the adjoining property with cars and ATVs. Tony spoke to the heavy use and noise on that road. Richard said there has been shooting as well. Ryan said these are things to be discussed with Pat. Richard would like to know what is expected to be enforced. Ron explained that these are things that will be required by the conservation easement even once the town owns the property. There are two separate documents – the management agreement and the conservation easement. Amber spoke to limiting the impact by increased usage of the property. She would like to keep dogs out and try to keep it pristine.

G. Committee Reports

a. Discuss Flow chart for municipal governance, Emma – She explained that this would be a model for communication as well as a model for governance. She would like to see someone from the various committees attend and report to the board. She would like the board to consider how a flow chart can inform best practices. She is willing to create one if the board is interested. Amber said there are examples of governmental flow charts on the CML website. She suggested the Board, then the town administrator, then the committees. As long as the board can make requests and get reports it will help lessen the work load on the board. She said that Ron does a good job of bridging between the board and the committees and bringing concerns to the board. Ryan said the committee meetings are open meetings. Ron suggested asking the MPC to offer some options regarding the survey questions. He asked for board input on the questions. Emma felt that some were unnecessary. Amber suggested more neutral language. Tony spoke to having some questions that reflect items not completed from the 2000 Master Plan. Alie will communicate concerns and suggestions to the MPC.

b. Up-date on Jailhouse project, Emma – Emma reported that there have been articles in the local papers and they have resulted in funds coming in. She has asked the county for \$19,000. She has \$2500 pledged. Richard is working on the sign. Matt Piffer has agreed to donate excavating services as an in-kind donation. The general contractor has agreed to some in-kind as well. She is working with an engineering company to calculate the amount and cost of concrete needed for the foundation. She explained the significance of in-kind donations. Tony asked if she has sought the approval of the Colorado Historical offices and Emma said they got the grant from them and they have approved the plans. The total project cost estimate is \$99,000 and the work that has and is being done may clear the way for additional grants. Emma would like to go ahead and schedule the work. If they do not get funds from Gunnison County, they can continue the fundraising efforts they can then cancel the scheduled work. Amber suggested that the town make up the difference and get that work done. She said there were funds in building maintenance and in the civic engagement fund that could be used. There are also funds in reserve. Tony would like to have all the funds before any work is done. Discussion on funding followed. Emma said that scheduling could be done with the understanding that the work is pending on successful fundraising. Timing was discussed with Emma hoping to get the project done sooner rather than later. It was agreed to go ahead with scheduling but with no work done until funds are there. They can file for another extension on the grant and they will not lose the money from AVL. The city is tax exempt. Emma would like to coordinate with the parks committee to hold a community work event to move the horseshoe pit, do some trimming, etc.

c. Parks committee report – Richard Wells reported that Lindsay LeCour has joined the committee. They have an application for a musical performance to be held tomorrow and that has been approved. Lindsay is exploring grant opportunities for preservation, maintenance and the basketball court. They would like to coordinate a fall clean-up day and would like to thank volunteers at the community Thanksgiving dinner. Irrigation work at Children’s Park should be mostly completed before the LKL race. A package locker has been installed at the park. Brent is working on the budget and funding avenues. They would like to have a Pickleball fundraiser in the Spring. They are working on recommendations concerning benches. Emma would like to thank organizations like AVL, Aspen Community Foundation, Roaring Fork Outdoor Volunteers and CVEPA for interest and help they have given Marble. She suggested inviting them to a thank you event. An outdoor event was also suggested.

H. Old Business

a. Consider DOLA training with Dana Hlavac on November 2nd – Because this is the day of the regularly scheduled board meeting, it was decided to ask Dana if he could come on Jan. 11, 2024.

b. Marble Water Company meetings are Wed. Sept. 13 for a Public Meeting, Thurs. Sept 14 for the work session with the town and Fri. Sept 15 for a meeting with the Master Planning Committee.

I. New Business

a. Consider approval of Wild & Scenic Collaborative MOU – Tony Petracco made a motion to approve the Wild & Scenic Collaborative MOU. Larry Good seconded and the motion passed unanimously.

J. Adjourn – Tony Petracco made a motion to adjourn. Amber McMahill seconded and the motion passed unanimously. The meeting was adjourned at 9:56 p.m.

Respectfully submitted,

Terry Langley

Note: these minutes were done from a recording.