

Town of Marble  
Minutes of the Meeting of the Board of Trustees  
May 4 2017  
7:00 P.M.

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

A. Call to order & roll call for the Meeting of the Board of Trustees – The meeting was called to order at 7:03 p.m. Present: Will Handville, Richard Wells, Tim Hunter, Larry Good, Mike Yellico. Also present: Ron Leach, Town Clerk and Terry Langley, Minutes.

B. Approve previous minutes – Tim Hunter made a motion to approve the minutes. Mike Yellico seconded the motion. The motion passed.

C. Mayor's Comments – Mayor Will Handville reminded those present that the meeting was to be conducted with dignity and respect and that outbursts and arguments would not be allowed.

D. Clerk Report, Ron Leach -

a. Bills payable May 4, 2017, Ron – Bills to be approved tonight total \$10288.99 including a payment for a water tap. Richard Wells moved that payment of the bills be approved, Larry Good seconded and the motion passed.

b. Consider issuance of 2017 Town of Marble business licenses, Will

i. Vince Savage business license application – Larry Good and Mike Yellico recused themselves. The council was asked if it was alright to video tape the meeting and they agreed. Concerns with this business license include the number people using the facilities and the capacity of the current septic system. Vince reported that the business has two tanks: one is a 750 gallon tank and one is a 1250 gallon tank. They were pumped and inspected last fall. He does not feel that there is any evidence that it is inadequate. A new system will be installed by the end of the summer to address the concerns and to avoid any possible future problems. Will explained that there is a concern for public health, the potential for an accident and the high number of people using a residential system. Vince explained that they do not house more than allowed. Richard Wells said that there were frequent noise complaints and the nuisance factor with large gatherings. Vince said that amplified music is to be brought inside by 10 pm. Will asked about the number of people the septic system is designed to handle and the possibility of requiring porta-potties for groups that exceed that number. Vince has asked the state, Paul Rutledge and B & R septic and they could not give him a number. He is willing to bring in porta-potties for groups over 40-50. Tim Hunter stated that he feels that the 2000 gallon total is adequate. Richard Wells asked for more details on what happens at the Retreat. Vince will find the previous years' applications and update the information. He is trying to curtail large weddings. Will wants to acknowledge that Vince is working on the new system but he is concerned about the interim. He asks that Vince come up with a number of guests that, if exceeded, would require porta-potties. Noise: Will asked for a contact person for each event to address noise complaints. He was asked about other concerns, including: Parking: Vince is working on leveling ground for additional parking. Fire: Vince explained that there is a hose that goes to the fire area and that he tells guests that the fire must be put out completely. Will asks that there be no large and crazy fires. Linda Adams said that Gunnison Co has the

information of how many people can be on the system at one time. Issuance of the license will be discussed further at the June council meeting.

ii. Cyndi & Jami Fowler business license application – Cyndi reported that she talked to John Groves and that he said that they would be watching the lake to see what happens and the issue may be revisited in the future, but for now he feels like she can have her business license to operate a cottage industry. She reported that her boards will be used at Ruedi and at other locations in the area. She wants to protect the lake and will be vocal with anyone abusing lake privileges. Jami expressed that they want to offer tourists another opportunity in Marble. Rules and guidelines will be given to board users and they will be monitored. Tim Hunter expressed that Beaver Lake activities are outside the scope of the town. Mike Yellico agreed. Larry Good expressed the need for better trash control. He asked if Cyndi & Jami would be willing to help with dumpsters or other trash receptacles. Richard Wells talked about the rules for operating commercial business in a wild life area. He does not want to minimize the issue and the decision the town is being asked to make. Will Handville explained that he had asked Cyndi to talk to the CPW to make sure she did not go to the expense of a business license only to find that they would not be able to operate on Beaver Lake. Richard Wells explained that he is afraid more use on the lake may result in the lake being shut down. He does not want to tarnish the town's relationship with CPW. Jami emphasized the love of nature and peace that SUP users have. They want a positive relationship with CPW. Tim Hunter does not feel that issuing a business license is endorsing the destruction of the lake. Richard Wells said that his talks with John Groves went in a different direction. Steve Lucht asked who would control things at the lake. Questions followed concerning the location of the business, control at the lake and how many boards would be rented. Ron Leach asked about the liability insurance and making the Town of Marble a named insured and Cyndi agreed to do that. Mike Yellico moved that the business license be issued and Tim Hunter seconded. Tim Hunter, Mike Yellico and Larry Good voted in favor. Richard Wells opposed. The motion passed.

#### E. Current Land Use Issues

a. Discussion of Taylor Lot Line Adjustment application, Jodi Taylor – Jodi and Max Taylor are asking for a lot line adjustment as outlined in the application included in the packet. Jodi explained the history of their acquiring the original property and the purchase of additional contiguous lots. Total land is 4.5 acres, more or less. They want to go from 5 to 4 lots with each lot being at least an acre with lot lines reflecting the actual use of the property in regard to septic, building locations and a quit claim deed. Mike Yellico asked if this was so the lots would be sold separately. Jodi said that the house on lot 9 may be put on the market in the future. Will asked about the leach field and set back requirements with the other lots. Ron explained that this would not be voted on tonight and it was being presented informally. The attorney will be looking at the proposed adjustment, neighborhood covenants and set backs. Ron said that the fees would be \$250.00.

b. Gallo Hill affordable housing project presentation, Ryan Vinciguerra & Andrea Korber – Will explained that the town is reopening the Use by Review that was previously tabled. Andrea is an architect working with Ryan on this project. She explained that she wanted to answer previous questions and concerns. These include 1) View: screening plantings. 2) Use: 5 cabins with one owner (Ryan). 3) Commercial vehicle parking/storage: none. Two spaces per cabin as required by the zoning code. 4) Septic: The system is designed for 10 bedrooms. There are no restrictions requiring more than system. Paul Rutledge approved the concept. 5) Restrictions of who can rent: none. 6) Size: each cabin will be one story, 1028 sq feet. 6) Resale and the possibility the property would be divided: No.

7) Summer only? Year round rental is the goal. 8) Exterior lighting: will meet Marble's zoning codes regarding lighting. Other questions and concerns have come in via letters. Ms. Korber addressed them as follows: 1) The lot is zoned for a single family home with a maximum of 5,000 sq feet. She reported that the zoning code says each structure cannot be over 5,000 sq ft. The use by review addresses the multiple houses. She added that the Marble floor area ration is for no more than 15% coverage of lot and that this project is well under that. 2) Hazards: Ron Leach requested a hazard review and that is being done. If changes are needed due to this review, she and Ryan will come back to the council. 3) the property is zoned low density. No definition of low density in the codes. 4) Does the plan to build rentals make this a commercial business? 5) Ron Leach asked if a title review had been done and if there was a deed restriction. It is restricted to residential uses. She has copies of site plans. Currently, Ryan's goal is to find out what next step is. Will Handville reported that, because all of the paper work is not in, they cannot vote on a Use by Review tonight. He opened the floor to public comment. Hal Seidlinger, 15 Gallo Hill Drive, said that he was mayor at the time the floor area ration was adopted. It was 15% with a maximum of 5000 sq ft with the possibility of an accessory building as part of that 5000 sq. ft. Other issues he mentioned included the fact that all of the neighbors bought at least an acre, and the limitations of the current road. He stated that he is completely against the proposed project. Chris Seidlinger asked that concerns in her letter be addressed. These include infrastructure, particularly the road. Will Handville said that road usage estimates are for 3 trips per vehicle. This would mean at least 50 trips per day and he recognizes that the road cannot handle it. An impact fee may be required to address this. Tim Hunter asked about the red zone and problems associated with the creek bed. He also has a problem with a shared septic system and potential problems. Ryan reported that the plan is for five septic tanks with a shared leach field and that he feels that one owner makes maintenance issues less of a problem. Cabins will not be located in the hazard area. Will Handville expressed the concern that, if the property was sold, future owners of the property may not have same standard. One suggestion he had was for the property to be subdivided into two lots with one two bedroom and one one bedroom structure on each, meaning less traffic and less septic issues. Ryan said that his employees are required to walk or ride a bike to work to mitigate both traffic and parking issues. He asked if it is fair to look at future possibilities with future owners. Mike Yellico said that he likes the concept of affordable housing. He feels like there has been misinformation and negativity shared about the project. Larry Good acknowledged that people move to Marble for peace and quiet but that the opening of the school made the community attractive to families and suggested a community and a town. Businesses followed. Growth is to be expected, as is the need for housing which Ryan recognized and is seeking to fill. Richard Wells stated that his three main concerns are the road condition, traffic increase, and the possibility of subdividing in the future. Chris Seidlinger said that there were two houses on the road when they purchased their property. Now there are 16 houses with no improvements to the road. She feels property values will be lowered. This project would greatly change the area particularly due to higher density and more traffic. She stated that the master plan calls for geographical, wildlife, site specific surveys and studies. Hank Van Schaak stated that he feels that this is not a legal public meeting because there has been no notice or posting of the property. Will Handville replied that the town attorney determined that a Use by Review does not require notice or posting but that he will look into this again. Hank stated that this is one 3.4 acre property zoned for one residence. This would be a subdivision. He feels that a Use by Review needs to be a public hearing. He is also concerned about the geologic hazard be addressed in regards to the Wright Water Study and the flooding of Slate Creek. There is a deed restriction on the property requiring the property be residential. Rental units makes it commercial property and that is prohibited by the deed restriction. He feels that Ryan should have contacted the neighbors about his plans. Charlie Manus 645 W Main Street – emphasized the

commercial vs residential aspect and that commercial is not wanted on that part of town. He is also concerned about the number of people that might be living in each house. He feels that employees working at the Snowmass location will mean traffic late at night. He also feels that the road needs work before adding additional traffic. He also asked that Mike Yellico and Richard Wells recuse themselves due to their prior expression of support for the project. He is also concerned that this will not be a one time thing and that, once it happens it will happen again. Dan Quinn on West Marble Street agrees that road conditions need to be improved. He also agrees with the need for affordable housing. Steve Lucht had some questions for Andrea. He stated that the 2003 IBC codes are outdated and asked about the difference between 2015 and 2003 codes. She said there are some differences in roofing, insulation requirements. He asked what type of ceilings are planned. She replied that they would be vaulted in living areas with appropriate amount of insulation. He asked about the intent for deed restriction at the time they were made and the about land use change application 1996.019. She reported that, once it was annexed into the town, this was moot. Linda Adams feels like traffic estimates are high, based on observations on traffic on her property. Steve Finn expressed concern about the effect on property values. He also asked about what Ryan considers affordable housing to be and what he plans for the rent to be? Ryan replied that market rents would be between \$700-\$1200. The question was asked as to whether any council members would benefit financially by approving the project. Will Handville responded that this would constitute a conflict of interest and that, if that was the case, those members would recuse themselves. All council members stated that they would not so benefit. Richard Wells stated that recusing oneself is not required due to an opinion. Todd Maguran stated that he and others bought their houses based on the low impact designation. Will Handville acknowledged that there is lots more to talk about. Tim Hunter stated that he feels there needs to be a public meeting to follow procedure. Ryan asked that all involved make sure they are educated about the project. He wants to follow protocol and is happy to have a special meeting if that is what is needed. He further stated that he does not ignore concerns brought to him. He feels like the smaller cabins will result in less impact. A public hearing and continued discussion will be held at the June 1 council meeting. The Use By Review was closed.

c. Petrocco alley access request, Will Handville reported that the council received a request from Tony Petrocco for access to the alley for the purpose of bringing in mowing equipment. Terry Langley presented some questions on behalf of the Marble Community Church. These included 1) Because the gazebo would probably not survive a move, would granting access through the space between the church and Tony's cabin be acceptable to him. She also asked if there was a time limit on how long the alley would need to be open and if there was a limit on the number of times this could be requested in a calendar year. Will Handville will present the church offer to Tony, but he stated that the town did vote on the resolution on how to get access and that Tony had followed that procedure. Larry Good asked if future requests should contain more details on why access is needed.

## F. Old Business

a. Court system status, Will Handville reported that, after meeting with Judge Collins, he learned that there is lots of work yet to be done to do to get the court system set up. He has Colorado Municipal league templates on how to set up a court system and work is ongoing.

b. Up-date on Marble Water Company communications, Will Handville still wants to meet with the MWC regarding the monitoring wells. The town is still willing to give \$8000 but the MWC wants it unconditionally and the town wants some input. Will would like the meeting with the MWC to include a mediator to try to build a better relationship. Tim Hunter feels that this has turned into a losing situation for those with a water tap. There is a need to mend fences. He would ask that if the town is

going to give money to a private entity, we should have the right to test the well – second means of verification.

c. Up-date report regarding fuel leak, Richard Wells – No update as he has not received the testing results.

d. Discussion of upcoming summer projects and update on cleanup day for the town, Tim Hunter – Speed bumps have been ordered. He reported on plans for a clean up day. He can get four 40 yd dumpsters for \$600 each plus a per pound cost. This would require monitoring to insure that it is for residents in the town of Marble with address verifications as well as only items allowed at the landfill. He proposes the first weekend in June.

e. Review livestock ordinance, Tim Hunter reported that current ordinances allow for two livestock animals are on one acre lots.

f. Discussion of hiring a part time maintenance position for town parks, Richard Wells wants to make sure that the parks are not neglected with the opening of the RV park. Mike Yellico reported that he recently mowed and that it took more than 4 hours. He estimates that mowing twice a month would amount to 10 hours. Other work would take 5-10 more hours for a total of 20 hours a month. At \$15 hour it would be \$300 a month. He also recommends a sprinkler system at the Mill Site and Thompson parks. Will stated that the campground will need an employee as well. Richard reported that limited mowing last year cost \$262 plus equipment rental for \$412. Donation box brings in over \$1000. Tim Hunter asked about the park budget for this year. That information was not immediately available so it was decided to take this issue up in a special meeting to be held Thursday, May 18 at 7 p.m.

g. Discussion of campground opening status, Will Handville reported that the campground would open Memorial Weekend with soft opening. The campground still needs fire rings, bear proof trash containers, hot water heaters replaced, and the water system needs charging. Also, the building needs porch and roof repairs. Estimates are under budget. Steve Lucht asked about advertising and rates. There are no plans for advertising at this time. Rates vary from \$35 – \$65 according to lot size and hookups. Glenn Smith asked if he could put it out on social media and was encouraged to do this. Richard Wells reported a concern with open fires. Ron Leach reported that moving records into the town building should occur about June 1.

G. New Business – none

H. Adjourn – Mike Yellico made a motion to adjourn the meeting. The motion was seconded by Richard Wells. The motion passed. The meeting was adjourned at 10:15 p.m.

Respectfully submitted,  
Terry Langley