

Minutes of the Town of Marble
Regular Meeting of the Board of Trustees
March 2nd, 2023 7:00 P.M.

A. Call to order & roll call of the regular meeting of the Board of Trustees – Mayor Ryan Vinciguerra called the meeting to order at 7:10 p.m. Present: Tony Petrocco, Emma Bielski, Amber McMahill and Ryan Vinciguerra. Attending by phone: Larry Good. Also present: Ryan Vinciguerra, Town Administrator; Alie Wettstein, Administrative Assistant and Terry Langley, minutes.

B. Mayor Comments

a. Ryan thanked everyone for attending. He opened with a joke: you know you're from a small town when 3rd Street is on the edge of town!

C. Consent Agenda – Tony Petrocco made a motion to approve the consent agenda. Emma Bieski seconded and the motion passed unanimously.

- a. Approve February 2, 2023 minutes
- b. Approve Current Bills, March 2, 2023

D. Administrator Report

a. Francie Jacober, Wild & Scenic (WS) slide show presentation – Francie introduced herself as a 30- year resident of the Crystal Valley as well as a Pitkin County commissioner but she presented as a Crystal River citizen. She is a member of the Crystal River Wild and Scenic Coalition (CWSC), one of hundreds of citizens who support the efforts of a large group of organizations working toward a common goal – a free flowing river. She presented an educational power point that included information about current and projected future water usage in the Crystal and Colorado River basins. She explained that the Crystal is one of the very few rivers in Colorado with no dams or diversions. She spoke of the history of water storage plans on the Crystal. Recent past proposed storage projects that have threatened the Crystal include West Divide projects that included Osgood and Placita dams, proposed in 2011. Facing public opposition and unfavorable economics, in 2013 the West Divide project reached a settlement that preserved water rights in exchange for abandoning most project rights within the Crystal River basin. The settlement preserves the opportunity for the districts to file new, junior water rights (both storage and direct flow) in the future. Although unfavorable at the moment, the demand for water means future water development proposals. Our community has one way to permanently prevent a federally decreed dam on the river: a preceding federal act to protect it. The pursuit of Wild and Scenic designation for the Crystal was begun as a grass roots movement in the late 1960s. It has grown over the last 50 years. There are three steps for obtaining a Wild and Scenic designation. The first, eligibility, was originally completed by the White River National Forest in the 1980s and reaffirmed in 2002. It requires the river to be free flowing and exhibit outstanding natural, historic and recreational values. All sections that meet the standard are classified as either wild, scenic or recreational. Four segments were identified as eligible and encompass about 39 miles. Segment 1 (wild) from the headwaters of the North Fork to the Maroon Bells Snowmass wilderness boundary (7 miles); segment 2, (scenic) from the wilderness boundary on the North Fork to the junction with the South Fork (2 miles); segment 3 (scenic) from the South Fork to Beaver Lake (10 miles) and Section 4 (recreational) from Beaver Lake to the Sweet Jessup head gate, (20 miles). The second step is suitability.

This includes developing the WS act which is locally customizable to meet specific river and community needs and is collaborative. It includes measuring local community support for protecting the river, determining local community needs as related to the river, and preparing a locally customized river protection proposal. The third step requires Legislative action by the U.S. Congress. WS prohibits the construction of new dams and trans basin diversions, ensures water quality is maintained and enhanced, authorizes federal funds to assist private and public land owners, states and local governments in the planning, protection and management of the river. It requires development of a comprehensive river management plan with local community input. WS does not give federal government any authority over private lands, restrict future developments on private lands, affect existing water rights, existing irrigation systems and other water development facilities, transfer any private land to the federal government. Community support is critical to protect the river. Share your input on both the needs of the river and the needs of the Marble community. Help craft a locally customizes protection plan.

Amber asked where the coalition is in the process. Francie explained that there are two aspects: the CWSC is working to educate the public at the community level. Kelley McNicholas Kury explained that there is also a stakeholders group which is addressing the suitability phase. They put out an RFP for a facilitator and they are working on the best way to hold community conversations. Jacob Bornstein and Wendy Davis were selected as facilitators. They both have extensive experience working on conservation issues and with water laws.

Emma asked if opposition from Marble was the only thing keeping the Crystal from being declared WS previously. Francie explained that the change in administration deterred them from pursuing this. There has been another change and the work has begun again. Laura Meeker added that the opposition from Marble made the people advocating the WS designation realize they needed to look at a more collaborative process. Covid also slowed things down. Emma said that private land owners were strongly opposed and she feels that making this locally customizable to allow them to express what they need. Angus asked what the basis of the resistance was. Emma explained that it was a fear of Federal control over individual's water rights. Ryan added that the need was felt to be farfetched. Francie said that states are being asked to relinquish more water and that water speculators are also on the increase. Lisa Tasker added that the stakeholder process will allow for education which should dispel fears. Richard Wells said that he felt there was misinformation and rumors before and they resulted in the town voting against it. Tim Hunter said the big concern in 2016 was where property owners stood in regards to doing improvements along the river. He does not feel there are any guarantees when the federal government is involved. Laura Meeker said that they are hopeful that these types of questions will come into the process. More conversations will be held in Marble.

E. Master Plan (MP) Report

a. DOLA planning grant report, Ron - Ron expressed appreciation for those who have applied to be on the MP committee. Alie reported that applicants include Amy Rusby, Angus Barber, Richard Wells, Sue Blue, Sam Wilkey, Connie Hendrix, Charlie Manus, Brian Suter and Jeremiah Akers. Others who have expressed an interest but have not yet turned in an application include Tim Hunter, Max Gibbons and Greg Tonozzi. Discussion about the deadline and number set for the committee followed. Ryan explained that the majority have to be town citizens but there has not been a cap set on the number. Tony spoke to keeping the applications open until there is a facilitator in place. It was decided that there is no selection needed – anyone who is interested and applies can be on the committee and

we will continue to encourage applications. Ron reported that the town is applying for a \$12,500 grant from DOLA and DOLA requires a competitive bid for a facilitator. This will delay the process 6-8 weeks. He has drafted an RFP after researching other town RFPs and the Wild and Scenic RFP for their facilitator. He got some good leads for sample RFPs from Tony as well. He would like to put a notice that RFPs are available on the town website in the legal section of the Glenwood Post Independent. This meets the DOLA requirements. Bidnet is another avenue to utilize in getting the RFP out. Ryan asked that the council send any edits or changes to Ron within the next 24 hours. Ron estimates that this will be a six-week process. Ron also gave the board a letter requesting the grant to be submitted to DOLA and reported that their process could take up to two months. He would like to convene those that have applied to be on the committee together in the next couple of weeks to discuss how the process might proceed. He would like the board to attend the first few meetings to kick off the process. Ryan asked that there be some structure and planning developed for those first meetings. Ron suggested that the board get together in two weeks to work on that planning. Ryan suggested Wed., March 15 at 6 p.m.

F. Park Committee report

a. Parks Committee Updates, Marja – Amy Rusby explained that minutes go to the board. They are working on a draft of the scope of the work of the parks committee. She would like to put that into a google doc that the board can add to and comment on. Alie has added a parks committee section for the website. They are working with Roaring Fork Outdoor Volunteers (RFOV) and are nailing down priorities and projects for that work project. They want to map out the trails in the Mill Site Park, work on parking lot issues, begin a kick ball league, and work earth and arbor day projects.

G. Land use issues

a. Consider Patsy Smith request for zoning change, 575 Park St. Samantha – Ron explained that this property is residentially zoned and they are requesting a change to business zoning. Ron said there are 3-4 options: 1. Straight up change the zoning. 2. Creating a new zoning district – mixed zoning that allows residential and commercial at the same time. 3. Changing the entire Park Street strip to business zoning. Residential would not have to change but they could change their property to business. 4. Variance (not recommended). They are requesting a public hearing at the April 7, 2023 board meeting to get the process started. Options at the public hearing are to approve, deny or table the application. Dustin Wilkey presented their plans for the house. He explained that under current regulations, they would need a variance for combining residential and business. There will be parking for the jeeps and a separate parking area for customers. All traffic will be down by the road on the property. In response to a question from Amber, Ron said that he feels that this is an opportunity to codify living and having a business in the same building. Emma supports the mixed-use classification. Tony said another option is to eliminate zoning requirements altogether due to the past exceptions. Amber favors better defining the zoning along with the master plan. Ryan feels that developing and following the Master Plan will help eliminate spot zoning problems. Sue Blue spoke in favor of mixed zoning and having the master plan solidify that. Ryan said that mixed use along Park Street could make it a business corridor with opportunity for businesses. Richard feels that this amplifies the need for planning and the need to talk about rules for businesses, including the need to accommodate neighbors. Tim Hunter agreed with Richard but he pointed out that Redstone Boulevard is mixed use and he would hate to see Park Street become a Redstone Boulevard. Emma Bielski made a motion to set a public hearing on the request for a zoning change for the April 6, 2023 regular meeting. Amber McMahill seconded and the motion passed

unanimously. Ron expressed appreciation to the Wilkeys and Patsy Smith for getting necessary permits and plans to this point. He recommended giving them a camping permit so that they can work on their house. They will not be running the jeep tours from the location in 2023. Ryan Vinciguerra made a motion to approve the camping permit. Amber McMahill seconded and the motion passed with four yays, Emma having stepped out.

b. Consider Aaron/Tina Smith request for lot consolidation, lots 1 & 10 Alpine Village, Tina – They own two smaller lots and would like to consolidate it into one larger lot so that they can build a house. This does not require a public hearing. Ron reported that their paper work is all in order and has been reviewed by the town attorney. Amber McMahill made a motion to approve the lot consolidation of lots 1 and 10 Alpine Village. Tony Petrocco seconded and the motion passed unanimously.

H. Old Business

a. 2023 parking plan, Amber - Ryan said that there has still been no reply from the SBA. Amber said that they can implement a free reservation system but that it will be a financial drain on town funds. Larry suggested a letter from the attorney to the SBA. Ryan does not see the advantage to trying a free system. Amber made a motion to advice Kendall Burgemeister to reach out to the SBA. Emma Bielski seconded and the motion passed unanimously. Tim Hunter feels that this is an item for the Master Planning committee to address.

b. Sign update, Amber – Amber met with the Colorado Tourism Office (CTO). They approved the concepts for the park signage and the historical signage. They did not sign off on the entryway signs as they are not considered wayfaring. There will be funds left in the budget and suggests a white board with plexiglass covering. Ryan suggests making and laminating printed signs that can be reused rather than a white board. Amber would like to see any additional funds added to historical and interpretive signage. Richard suggests avalanche information posted in the winter. Dustin suggested updating the directional signs that are currently posted on power poles and trees.

c. Other – MWC letter. Ryan said he had suggested some changes in the draft letter and Ron made those edits. Amber agreed with a simple “yes we are interested”. Ryan said the letter would include the zero price. Ron will call John Williams to alert him before sending the letter. Angus asked if this letter would be made public. After discussion regarding executive session and communication with the attorney, it was decided that it could be made public.

I. New Business

a. Consider approval 2023 Business License renewal applications, Alie – Alie explained that the list includes those who have applied and paid, those who have not sent in an application but are presumed to still be in business and past businesses that are no longer functioning.

As the only new business, Ryan explained the plans for the Raspberry Ridge Café, including running a grab-and-go café out of the main lodge, keeping the four rooms there as overnight accommodations. He introduced Mattie Truell as the manager at the café. The bungalow and cabin will be used as employee housing. The sun room will be a type of gift shop with art work and trinkets. It is zoned by the county as mixed use and by the town as a business.

Angus asked, if the Beaver Lake Retreat is granted a business license, does Vince Savage have to adhere to the 9 p.m. cut off for amplified music that he previously agreed to. Ryan suggested sending a reminder of that agreement with his business license. Ron said that could be a contingency on his business license. Emma made a motion to approve the 2023 business licenses with the exception that the Beaver Lake Retreat's license be granted with the contingency that the amplified music be cut off at 9:00 p.m., the correct address be maintained on Google and that Vince be considerate of his neighbors. Amber McMahill seconded. Ryan feels that the phrase "be considerate of his neighbors" is ambiguous and should not be included. Emma amended her motion to drop that requirement. Tony seconded the amended motion and it passed unanimously.

b. Set public meeting for Raspberry Ridge Café liquor license application – Ryan recused himself and Emma took the chair as mayor pro-tem. Ryan requested a public hearing to approve the Raspberry Ridge Café' liquor license application be set for April 6. Ron explained that the applicant has to post a sign on the property with required wording and it must be published in the legal notices of the Glenwood Springs Post Independent newspaper. Sue asked where the notice would be posted and Ryan explained that it would be posted on the Raspberry Inn sign. Amber made a motion to set a public hearing to consider the Raspberry Ridge Café liquor license application. Larry Good seconded and the motion passed unanimously. The chair was returned to Ryan.

c. Terry announced the school trip fundraising Bingo to be held at Propaganda Pie on Friday, March 3.

J. Adjourn – Emma Bielski made a motion to adjourn. Amber McMahill seconded and the motion passed unanimously. The meeting ended at 9:08 p.m.

Respectfully submitted,
Terry Langley