

Town of Marble
Regular Meeting of the Board of Trustees
October 3, 2019
7:00 P.M.
Marble Community Church, 121 W. State St. Marble, Colorado
Agenda

7:00 P.M.

- A. Call to order & roll call of the Regular Meeting of the Board of Trustees
- B. Approve previous minutes
- C. Administrator Report
 - a. Current bills payable October 3, 2019, Ron
 - b. Carbondale Fire District presentation, fire station expansion, Chief Rob Goodwin
- D. Mayor's Comments
 - a. Other
- E. Current Land Use Issues
 - a. Consider approval of Manus lot consolidation application, Ron
 - b. Public Hearing, Lawrence variance application, minimum lot size for OWTS installation, 209 E. Hill St. Ron
 - c. Discussion of gravel request from Carbonate Creek from Chris Cox, Ryan
 - d. Other
- F. Old Business
 - a. Discussion of 2020 budget, Ryan
 - b. Lead King Loop working group report, Ron & Corinne
 - c. End of season campground report, Ron, Amber, Jim
 - d. Consider appointment of park committee, Amber
 - e. Discussion of proposed recycle program, Ryan
 - f. Other
- G. New Business
 - a. Discussion of Steve Lucht complaint letters re: Slow Groovin, Tim
 - b. Other
- H. Adjourn

Minutes of the Town of Marble
Regular Meeting of the Board of Trustees
September 5, 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 7:05 p.m. Present: Ryan Vinciguerra, Tim Hunter, Larry Good, Charlie Manus (8:00). Absent: Emma Bielski. Also present: Ron Leach, Town Administrator and Terry Langley, minutes.

B. Approve previous minutes – Larry Good made the motions to approve the minutes from each of the four previous meetings: July 11 regular meeting, July 15 special meeting, July 25 special meeting and Aug. 1 regular meeting. Tim Hunter seconded and the motions were each passed unanimously.

C. Administrator Report

a. Current bills payable September 5, 2019, Ron – Ron reported that the bills to be paid are listed on page 14 of the packet. Three additional bills came in after the packet was prepared. They are Redi Services for portable toilets for Marble Fest: \$375; Valley Garbage for September, \$216; and Corinne Truesdale travel expenses \$500. Larry Good made the motion to pay the bills. Tim Hunter seconded and the motion passed unanimously.

b. Discussion of 2020 budget, Ron – budget discussion will be postponed until later in the meeting.

c. Lead King Loop (LKL) working group report, Ron – The Gunnison County commissioners will be in Marble on October 10 and discussion of the LKL will be part of that meeting.

Ron reported on a meeting of the Crystal Valley Environmental Protection Association (CVEPA). Speakers included Scott Fitzsimmons, White River National Forest Supervisor; John Armstrong; Ron Leach and Corinne Truesdale and the topic was the LKL. Impacts on the town of Marble and on the LKL as well as what the town of Marble is doing to mitigate those impacts were discussed.

Corinne reported that she is currently studying the problem, the culture of the area and the impacts to the area, wildlife,

Application to the Department of Local Affairs grant for up to \$20,000 is being prepared.

A sponsoring agency is needed for signatures on grants. The entities represented on the working group agreed that the town of Marble is the agency that makes the most sense.

Corinne discussed aspects of the study and her role in the project. Public input is essential. She will be focusing primarily on the LKL and the town of Crystal in the beginning. Larry asked about setting some hours when she will be in town and available to citizens and she is working on that.

Ryan asked if the CVEPA would be interested in being the lead agency. Ron explained that they are probably not in a position to do this. Amber asked if there was a reason that the town would not want to be the lead agency. Ryan said he is personally a bit hesitant to do this because of the open endedness and not knowing what resources are available. Tim expressed support for the town leading the project due to the impact the LKL has on the town. A decision will be made at the October 10 meeting with the county commissioners.

d. Business License application, Diane Gallagher – Diane explained that she is a licensed massage therapist with a business called Active Bodywork. She goes to the client so does not have a business

location. She has been licensed since 2004 in Ohio and 2009 in Colorado. There is no sales tax because she provides a service. Larry Good made a motion to approve a business license for Active Bodywork. Tim Hunter seconded and the motion passed unanimously.

D. Mayor's Comments – Ryan asked that speakers state their name before speaking.

E. Current Land Use Issues

a. Manus lot consolidation application – Connie Hendrix explained that they are working with Ron Leach and their attorney to make sure that the application is done correctly. It should be ready for a vote by next month's meeting.

b. Sidelinger replacement OWTS application – Ron reported that the Sidelinger's have applied to replace their septic system. The system has been engineered by Roaring Fork Engineering. Paul Rutledge approved the system. All nearby wells have been located. Hal Sidelinger said that the present system is failing and they need to replace it, hopefully this Fall. As a matter of informing the public as to possible septic issues, Ryan asked how they knew it was failing. Hal explained that the old system is one that is no longer allowed. They have it pumped every year to keep the sludge out of the drainage field. When it was pumped previously, they found that the tank had heaved and the last time it was pumped replacement was recommended. Larry Good made a motion to approve the application. Tim Hunter seconded and the motion passed unanimously.

c. Wilson variance to setback requirement application – Ron explained that Scott Wilson lives in East Marble and Scott is requesting a variance to the front setback requirements. He would like to build a garage that will encroach 10' into the 25' setback. He had the property surveyed and the proposed garage placed on that survey. He is requesting a date for a public hearing so that he can notify his neighbors. This notification has to be 30 days prior to the public meeting. Scott presented his application. The current setback is 25' and the proposed 25x45 garage will not fit into that setback. There will not be any living space or plumbing in the building – it is only for car storage. Location of the septic system and the well further limit the available space. The public meeting will be Oct. 10 at 5:00 p.m.

d. Lawrence variance to minimum lot size for OWTS installation, 209 E. Hill St. – Chris Lawrence said that they are under contract for a property at 3rd and Hill Street. There is no septic system, although there is a buried 1000-gallon tank with plans done by Paul Rutledge in 1995. Paul will produce new plans and needs to determine whether the tank is useable. There are 3 city lots. Eight lots are now required for a septic system. Chris reported that currently there is an outhouse and gray water just goes onto the ground. Any engineered septic system would be an improvement. Ryan asked when systems that are out of compliance are expected to be brought into compliance. Tommy Russell spoke in opposition to the variance. Chris Sidelinger asked if there was a procedure for inspections and three-year pumping and what happens if inspection fails. Chris said that a composting or incinerating toilet would be an option but Tim Hunter did not think they were allowed by the town and that needs to be researched. She asked what they should do about the gray water and it was suggested it go into a tank and be pumped. The board agreed that granting a variance is unlikely. Steve Lucht said that there would need to be a public hearing for a variance. Further research into laws and regulations need to be done.

C. Administrator report

b. budget – postponed from earlier in the meeting. Ron reported that the preliminary budget is on page 18 & 19 of the packet. The final budget needs to be adopted by December 15, 2019. It is projected that the town will go into 2020 with \$304,560.00.

Income - Property taxes went up this cycle so tax revenue went up almost 25%. General sales tax revenue in 2018 was \$55,000. A conservative estimate for 2019 and 2020 is \$55,000. Increases may come from a better economy as well as internet sales. The estimated 2019 income for paid parking did not materialize and is listed at \$0 for 2020. Campground revenues are estimated to increase 10%.

Expenditures – wages will remain about the same. Very little was spent on the paid parking program. Roads and maintenance expenses were up due to the heavy snow load. Professional services include the water augmentation plan. Legal expenses stay pretty constant. Park services for 2020 will come out of the park fund. Water bond expenses are not included in the general fund and will come out of water expenses. Ron explained that he tends to underestimate revenue and overestimate expenditures.

Ryan would like to explore raising the sales tax and would like to have the parking plan back in the budget, pending notification from the SBA. He asked about extending the campground season to include hunting season. Tim said that efficient heaters in the bathrooms and heat tape on the spigots would allow opening and closing a month on either side. Dry camping is another option. Further discussion will be held at the October meeting. Recycling will need to be included in the budget.

Charlie would like to look at the park restrooms to prevent the septic freezing and flooding. He said the floor needs work as well.

Larry asked about increasing dues & subscriptions expenses to allow for joining groups and agencies that might help with LKL. He suggested \$1000. He would also like to see more funds and investigation for weed mitigation and insect mitigation.

Tim said that some work needs to be done on the bell tower. Linda Evans said that was previously done by the historical society. Tom Williams reported that it is on town property and he thought it had been given to the town.

Tim would like to see the street maintenance budget increased. Charlie asked about whose responsibility the culverts are. Ron reported that the culverts on Park Street are the town's and that the one at 4th and Park needs to be replaced. Charlie said that a culvert on Main overflowed this year. Tim reported erosion and breaking pavement on many of the town streets.

Amber would like to see the park have a budget. Richard Wells said the town has 23 acres of parks that need to be maintained. He suggests \$2,000-\$3,000 per year. Ron suggested buying a mower.

Carey Hall asked about the previously proposed code enforcement officer. The board agreed that this is still a possibility but might require a tax increase to pay for an officer and court system.

Connie Manus asked about the park donations and using those funds for park maintenance. Richard Wells said that he collects those and the funds go to the park fund. It brings in approximately \$1000 per year. He will start to do the collection monthly.

Steve Lucht reported that the town passed ordinance 2013-4 adopted a flood plain. He asked about adding dredging to the budget as this affects the availability of flood insurance. He would also like to see improvements and maintenance on the turn table. He supported Carey's request for code enforcement. He would also like to see a ban on ATV use, particularly by children. He also said that he believes a sales tax issue on the ballot would need to be specific as to use. He asked whether the town has a contract with the Hub concerning payment for handling campground reservations and, if not,

should there be. Ryan and Ron agreed that there should be. He asked about the design and height to the signs for the park.

Richard Wells said that he thinks the signs at the park are ugly and obnoxious. He also suggested ATV permits or a ban if the paid parking plan is not approved by the SBA.

Amber would like to see the Mill Site Committee restarted and given the authority to administer the budget.

Further discussion on the budget will be held at the October meeting.

F. Old Business

a. Discussion of road & bridge improvement schedule, 10 minutes, Ryan – Ryan reported that Hawkins Siemon has offered to widen the road at the school. He is licensed and insured. There will be some cost for materials and his expenses.

i. Road work request, Connie Lane – Connie was not able to attend, but reported to Ron that there are more than 20 houses on 4th street from Main to Marble Street and it is in great need of improvement.

b. Discussion of proposed recycle program & trash receptacles, Ryan – Ryan and Emma have put together a volunteer information sheet. He will have costs ready for a vote in October.

G. New Business

a. Bear Proof Trashcan proposal, Tom Williams – Tom reports that there are some barrels that have taken up permanent residence and that bears have hit the trash barrel 6 times this summer. The owner of the barrel is aware of the problem but has not taken care of it. Ron said that he is trying to get hold of the owner to see if the problem can be addressed.

b. Consider approval of Slow Groovin annual liquor license application, Ron – Ron reported that they were late in renewing the license due but that the liquor board said that they could continue to operate until the town makes a decision. Because Tim Hunter had to leave early there is not a quorum and this is tabled until the October 3 meeting.

H. Adjourn – Larry Good made a motion to adjourn. Charlie Manus seconded and the motion passed unanimously. The meeting was adjourned at 9:35 p.m.

Respectfully submitted,

Terry Langley

Minutes of the Town of Marble
Special Meeting of the Board of Trustees
September 12, 2019

A. Call to order & roll call of the Special Meeting of the Board of Trustees – The meeting was called to order by Mayor Ryan Vinciguerra at 7:06 p.m. Present: Ryan Vinciguerra, Charlie Manus, Larry Good, Emma Bielski and Tim Hunter. Also present: Ron Leach, Town Administrator and Terry Langley, minutes.

B. Consider approval of Slow Groovin Liquor License Renewal – Ryan Vinciguerra recused himself and turned the chairing of the meeting over to Tim Hunter, Mayor Pro Tem. Tim asked if everyone had had a chance to read the correspondence from Mary Geiger stating that Slow Groovin' is in violation of their liquor license. Ron reported that this was the only public comment received about this issue.

Larry Good stated that his recollection was that they had started to build the fence when questions concerning the lease put construction on hold. Nial O'Connor explained that they had the materials on site and they are working with contractors to get the fence up as soon as possible. It is designed to be taken down at the end of the season but they hope to get it up before that date (October 31) and then have it back up for the 2020 opening on May 1. Emma Bielski asked if anyone beyond the two parties involved in a lease has legal jurisdiction to object to what they might see as a lease violation. It was felt that they did not. Ron reported that Kendall Burgemeister, town attorney, said that the lease states that a fence needs to be in place in order to serve alcohol on the leased ground. The liquor license includes a question concerning if the land is owned or rented. The current renewal request is for the owned premises and states that the location is owned. Because the premises is both owned and leased, they may also want to check the rental box to cover the land that is leased. The renewal request also needs to include the date that the lease expires. When the lease changed from 12' to 19', that change requires a change of premises application. Kendall advises that Slow Groovin' put the fence in, apply for the change of premises, amend the liquor license application and liquor can then be served on that part of the property. Larry Good asked if the liquor license renewal can be approved with the understanding that a conditional addendum would be coming that includes the fence being constructed, the change of premises application be approved and the renewal application be amended to include rental property and the date of the lease expiration.

Ron explained that the board has four options: 1. Approve as is; 2. deny it; 3. table it; or 4. approve the application with conditions.

Charlie said that when the last lease was approved, it was with the understanding that the fence would be built. Nial explained that they began as soon as the lease was approved in August. The project includes getting materials, designs and construction. Charlie said he would vote to approve the liquor license when the fence is up. Nial said it had taken the town three years to get the lease finalized and the change in the surveyed land lease also caused a delay but that progress has been made since the lease was approved. Ron explained that the holes were drilled at the 19' spot in June in anticipation of the lease being approved. Nial explained that they filled the holes when the lease delay occurred. Ron wanted to be clear that the delay was not all to do with the Town of Marble.

Emma said that she sees no reason not to approve it with the conditions that the fence be built and that the change of premises application be submitted. Larry also asked that the change regarding checking the rented property box be made to the renewal application.

Tim made a motion to approve the liquor license with the condition that the fence be constructed before liquor can be served on the leased ground. Emma Bielski seconded and the motion passed with Tim Hunter, Emma Bielski and Larry Good voting yes and Charlie voting no. Ryan then resumed chairing the meeting.

C. Adjourn - Emma Bielski made a motion to adjourn. Tim Hunter seconded and the motion was approved unanimously. The meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Terry Langley

Town of Marble
Balance Sheet
As of October 3, 2019

	<u>Oct 3, 19</u>
ASSETS	
Current Assets	
Checking/Savings	
*General Fund -0240	33,875.83
Campground Account -6981	124,792.52
Money Market -1084	29,546.22
Severence/Mineral Proceeds-6157	148,908.47
Water Fees -0873	18,904.48
Total Checking/Savings	<u>356,027.52</u>
Total Current Assets	<u>356,027.52</u>
TOTAL ASSETS	<u>356,027.52</u>
LIABILITIES & EQUITY	0.00

Town of Marble
Deposit Detail-General Fund
September 6 through October 3, 2019

Date	Name	Memo	Account	Amount
10/03/2019		Deposit	*General Fund -0240	5,243.61
	Scott Wilson	Wilson variance deposit	Other Licenses & Permits	-200.00
	Diane Gallagher	Business License	Business Licenses	-50.00
	Colorado Stone Quarry CSQ	Deposit	CSQ Maintenance Payments	-300.00
	Colorado Department of Revenue	Deposit	Conservation Trust Income - CTF	-364.38
	Colorado Stone Quarry CSQ	Deposit	CSQ Lease Agreement	-2,329.23
	Gunnison County	Deposit	General Sales Tax	-2,000.00
TOTAL				-5,243.61

Town of Marble
Deposit Detail-Money Market Fund
September 6 through October 3, 2019

Date	Name	Memo	Account	Amount
10/03/2019		Deposit	Money Market -1084	1,110.68
	Gunnison County	Deposit	Additional License Tax	-83.50
	Gunnison County	Deposit	Delinquent Property Tax	-564.70
	Gunnison County	Deposit	Property Tax Interest	-121.77
	Gunnison County	Deposit	General Property Tax	-222.28
	Gunnison County	Deposit	Property Tax Interest	-7.62
	Gunnison County	Deposit	Specific Ownership Tax	-8.59
	Gunnison County	Deposit	Specific Ownership Tax	-121.39
	Gunnison County	Deposit	Treasurers Fees	19.17
TOTAL				-1,110.68

Town of Marble
Deposit Detail-Water Fund
September 6 through October 3, 2019

<u>Date</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
10/03/2019	Deposit	Water Fees -0873	570.00
	water assessments x4	Water - Fees For Service	-570.00
TOTAL			-570.00

11

Town of Marble
Check Register
September 6 through October 3, 2019

Num	Date	Amount
Alpine Bank	09/29/2019	-1,445.34
Century Link	09/29/2019	-209.66
CIRSA	09/29/2019	-1,086.90
Colorado Department of Revenue To Print	09/29/2019	-510.00
Corinne Truesdell	10/03/2019	-500.00
10686	09/07/2019	-500.00
Holy Cross Electric	09/29/2019	-243.85
Law of the Rockies	09/29/2019	-684.50
Marble Community Church	09/29/2019	-50.00
Marble Hub	09/07/2019	-2,126.60
10689		
Marble Water Company	09/29/2019	-520.00
Mountain Pest Control, Inc.	09/29/2019	-120.00
Redi Services LLC	09/07/2019	-525.00
10687		
Terry Langley	09/29/2019	-112.00
10688	09/07/2019	-108.00
Zancanella and Associates, Inc.	09/29/2019	-330.00

09/29/19

Town of Marble Payroll Report October 2019

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Type</u>	<u>Amount</u>
Charles R Manus 10/01/2019		Charles R Manus	Paycheck	-720.33
Total Charles R Manus				-720.33
James J Aarts 10/01/2019		James J Aarts	Paycheck	-887.46
Total James J Aarts				-887.46
Ronald S Leach 10/01/2019		Ronald S Leach	Paycheck	-2,491.20
Total Ronald S Leach				-2,491.20
TOTAL				-4,098.99

Town of Marble
Budget vs. Actual
January through December 2019

	Jan - Dec 19	Budget	\$ Over Budget	% of Budget
Income				
Intergovernmental				
Cigarette Tax	132.30	100.00	32.30	132.3%
Colorado Trust Fund	0.00	0.00	0.00	0.0%
General Sales Tax	28,407.34	35,000.00	-6,592.66	81.2%
Highway Use Tax (HUTF)	9,545.91	13,000.00	-3,454.09	73.4%
Mineral Lease Distribution	0.00	2,500.00	-2,500.00	0.0%
Other Permit & License Fees	0.00	1,000.00	-1,000.00	0.0%
Severance Tax	0.00	2,500.00	-2,500.00	0.0%
Total Intergovernmental	38,085.55	54,100.00	-16,014.45	70.4%
Licenses & Permits				
Building Permits	0.00	1,500.00	-1,500.00	0.0%
Business Licenses	1,000.00	1,000.00	0.00	100.0%
Driveway Access Permits	0.00	300.00	-300.00	0.0%
Other Licenses & Permits	200.00	0.00	200.00	100.0%
Septic Permits	1,023.00	1,000.00	23.00	102.3%
Total Licenses & Permits	2,223.00	3,800.00	-1,577.00	58.5%
Other Revenue				
Campground/Store Revenues	41,970.86	60,000.00	-18,029.14	70.0%
CSQ Lease Agreement	21,148.83	29,000.00	-7,851.17	72.9%
CSQ Maintenance Payments	2,700.00	3,300.00	-600.00	81.8%
Donations	1,143.00	500.00	643.00	228.6%
Holy Cross Electric Rebates	467.87	500.00	-32.13	93.6%
Interest Income	119.70	500.00	-380.30	23.9%
Non-Specified	3,835.38	3,000.00	835.38	127.8%
Parking Program Revenue	0.00	50,000.00	-50,000.00	0.0%
SGB Lease Agreement	3,005.00	2,000.00	1,005.00	150.3%
Transfers (In) Out	-36.53	0.00	-36.53	100.0%
Tree Maintenance Program	0.00	1,000.00	-1,000.00	0.0%
Total Other Revenue	74,354.11	149,800.00	-75,445.89	49.6%
Taxes				
Additional License Tax	541.73	500.00	41.73	108.3%
Delinquent Property Tax	625.26			
General Property Tax	20,022.09	20,908.00	-885.91	95.8%
Property Tax Interest	169.62	100.00	69.62	169.6%
Special Use & Sales Tax	0.00	0.00	0.00	0.0%
Specific Ownership Tax	1,109.20	1,500.00	-390.80	73.9%
Total Taxes	22,467.90	23,008.00	-540.10	97.7%
Total Income	137,130.56	230,708.00	-93,577.44	59.4%
Gross Profit	137,130.56	230,708.00	-93,577.44	59.4%
Expense				
General Government				
Abated Tax	0.00	0.00	0.00	0.0%
Campground/Office Expenses	15,434.37	25,000.00	-9,565.63	61.7%
Church Rent	450.00	600.00	-150.00	75.0%
Civic Engagement Fund	0.00	1,500.00	-1,500.00	0.0%
Dues & Subscriptions	35.00	300.00	-265.00	11.7%
Elections	0.00	0.00	0.00	0.0%
Legal Publication	118.68	1,000.00	-881.32	11.9%
Marble Fest Donation	0.00	0.00	0.00	0.0%
Marble Water Co 2017 Tap Fee	0.00	0.00	0.00	0.0%
Marble Water Co Monitoring Well	0.00	0.00	0.00	0.0%
Marble Water Co Payment	0.00	0.00	0.00	0.0%
Office Expenses	2,297.02	5,000.00	-2,702.98	45.9%
Parking Program Expenses	168.75	16,100.00	-15,931.25	1.0%
Recycle Program	0.00	1,000.00	-1,000.00	0.0%
Treasurers Fees	385.13	500.00	-114.87	77.0%
Tree Maintenance Program	0.00	2,000.00	-2,000.00	0.0%

	<u>Jan - Dec 19</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Unclassified	898.28	3,000.00	-2,101.72	29.9%
Weed Mitigation Program	0.00	3,000.00	-3,000.00	0.0%
Workshop/Travel	398.00	1,000.00	-602.00	39.8%
Total General Government	20,185.23	60,000.00	-39,814.77	33.6%
Other Purchased Services				
Earth Day Expenses	0.00	4,000.00	-4,000.00	0.0%
Grant Writing	244.08	3,000.00	-2,755.92	8.1%
Liability & Worker Comp Insc	4,947.10	4,500.00	447.10	109.9%
Park Improvements	430.40	0.00	430.40	100.0%
Utilities	2,722.20	3,500.00	-777.80	77.8%
Total Other Purchased Services	8,343.78	15,000.00	-6,656.22	55.6%
Purchased Professional Services				
Audit	7,100.00	7,000.00	100.00	101.4%
Engineering-Water Augmentation	12,478.00	11,000.00	1,478.00	113.4%
Engineering Services	5,647.50	5,000.00	647.50	113.0%
Legal - General	12,944.05	25,000.00	-12,055.95	51.8%
Legal - Water Augmentation Plan	0.00	5,000.00	-5,000.00	0.0%
Municipal Court	0.00	1,500.00	-1,500.00	0.0%
Total Purchased Professional Services	38,169.55	54,500.00	-16,330.45	70.0%
Roads				
Snow & Ice Removal	38,092.82	24,000.00	14,092.82	158.7%
Street Maintenance	7,126.67	10,000.00	-2,873.33	71.3%
Total Roads	45,219.49	34,000.00	11,219.49	133.0%
Wages & Benefits				
FICA/Medicare	3,417.30	5,701.00	-2,283.70	59.9%
Total Wages	44,949.65	55,272.00	-10,322.35	81.3%
Wages & Benefits - Other	0.00	0.00	0.00	0.0%
Total Wages & Benefits	48,366.95	60,973.00	-12,606.05	79.3%
Total Expense	160,285.00	224,473.00	-64,188.00	71.4%
Net Income	-23,154.44	6,235.00	-29,389.44	-371.4%

C&RFPD - MARBLE STATION #83
 SITE PHOTO
 1" = 40'



Google Earth

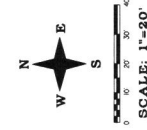


A4
 9.27.19

MANUS LOT CLUSTER PLAT

LOTS 6, 7, 8 & 19, BLOCK 5, MARBLE SKI AREA FILING #1

GUNNISON COUNTY, COLORADO



LEGAL DESCRIPTION
 LOT 6, 7, 8 & 19, BLOCK 5, MARBLE SKI AREA
 FILING NO. 9, GUNNISON COUNTY, COLORADO



LEGEND AND NOTES

- FOUND BEARS CAP MARKED L.S. 1317
- FOUND OR SET BEARS CAP MARKED PLS 14111
- FOUND 45 BEARS

.....EDGE OF ROAD, DRIVEWAY & PARKING

CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CORD	CORD BEARING
C 1	98°51'45"	80.00	25.55	25.55	35.93	N 80°19'15"E
C 2	98°51'45"	128.53	51.00	25.55	35.93	N 80°19'15"E

GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE
 This survey was accepted for deposit in the office of the Clerk and Recorder of Gunnison County, Colorado, this _____ day of _____, 20____.
 True _____ Date _____

 County Clerk

MANUS LOT CLUSTER PLAT	
OWNER	MANUS SKI AREA
CLERK	MANUS SKI AREA
RECORDED	MANUS SKI AREA
BY LINES IN SPACE	
SYDNEY L. MCICOME (L.S. 14111)	
STATE	COLORADO
DATE	12-20-2020
SCALE	1"=20'



Eric A. and Christine M. Lawrence,
209 E. Hill St. Marble, Colorado
Mailing address: 7959 Hwy 133, Carbondale, Colorado 81623
Email: rick@netoasis.com
Phone: 970.948.6878

Re: Request for OWTS Variance for Lots 1, 2 and 3, Block C, Mason's Addition
in the Town of Marble, Colorado

The subject lot is situated Lots 1, 2 and 3, Block C, Mason's Addition in the Town
of Marble, Colorado as described in Survey Plat recorded in the Office of the
Gunnison County Clerk and Recorder March 21, 1975 in Book 483 at page 305,
County of Gunnison, State of Colorado

We are requesting an OWTS variance for the following reasons:

Our lot is 10,400 sq. ft. which is smaller than current Town of Marble
requirements.

Paul Rutledge, Sopris Engineering has been engaged as our engineering
consultant and has prepared the attached Technical report in support of our
request for a variance.

There are no alternatives to expand this site since the Town of Marble right of
ways are Hays St to the north, Third St. to the west and Hill St. to the south along
with a private lot and private drive to the east.

The site has an existing dwelling and other infrastructure improvements in place
since 1941. The improvements include a WPA (Federal government sponsored
Work Projects Administration) built pit privy (1941) that is 78 years old and long
over due to be upgraded to a current OWTS system, gray water from the house
is drained outside on the ground. This property was annexed by the Town of
Marble in 1973 with the existing dwelling, pit privy and gray water system in
place.

A permit to build an engineer designed septic system with leach field was issued
in 1995 and a concrete tank was installed. Due to health and the ultimate death
of the previous owner the system was not completed.

In 2014 and 2015, the heirs contacted the Town to attempt to have the town
update the 1995 permit on the 2014 upgraded design plan by Sopris Engineering
which also included correspondence by e-mails, phone calls, letters, and certified
mail.

It would seem that the Town should embrace the construction of a new, engineered system to replace the existing historic privy and gray water disposal currently in use.

We request that an application to install a new upgraded OWTS that meets current standards be allowed by grant of this variance request.

Sincerely

Eric A. and Christine Lawrence

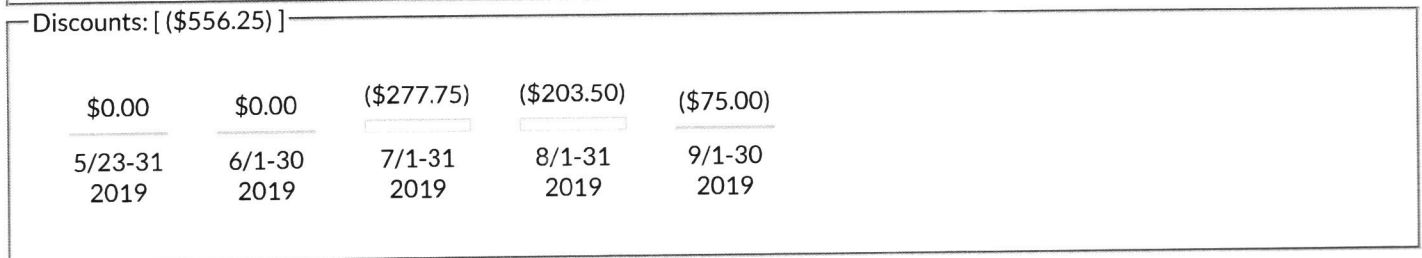
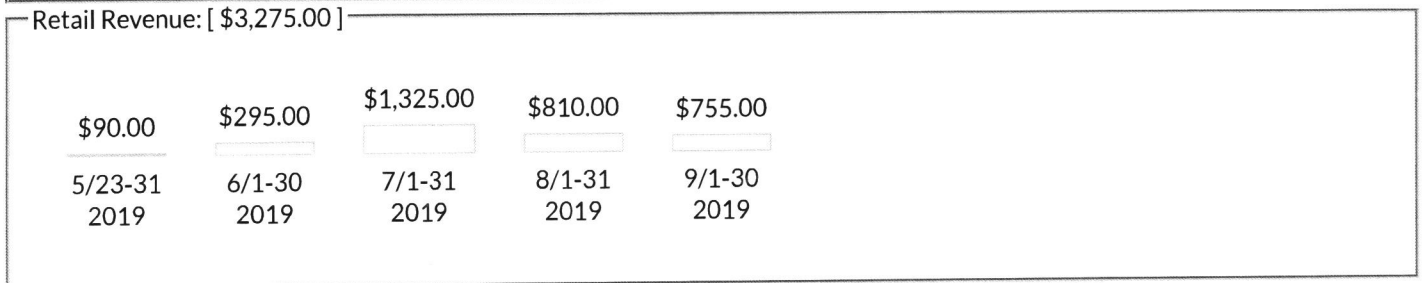
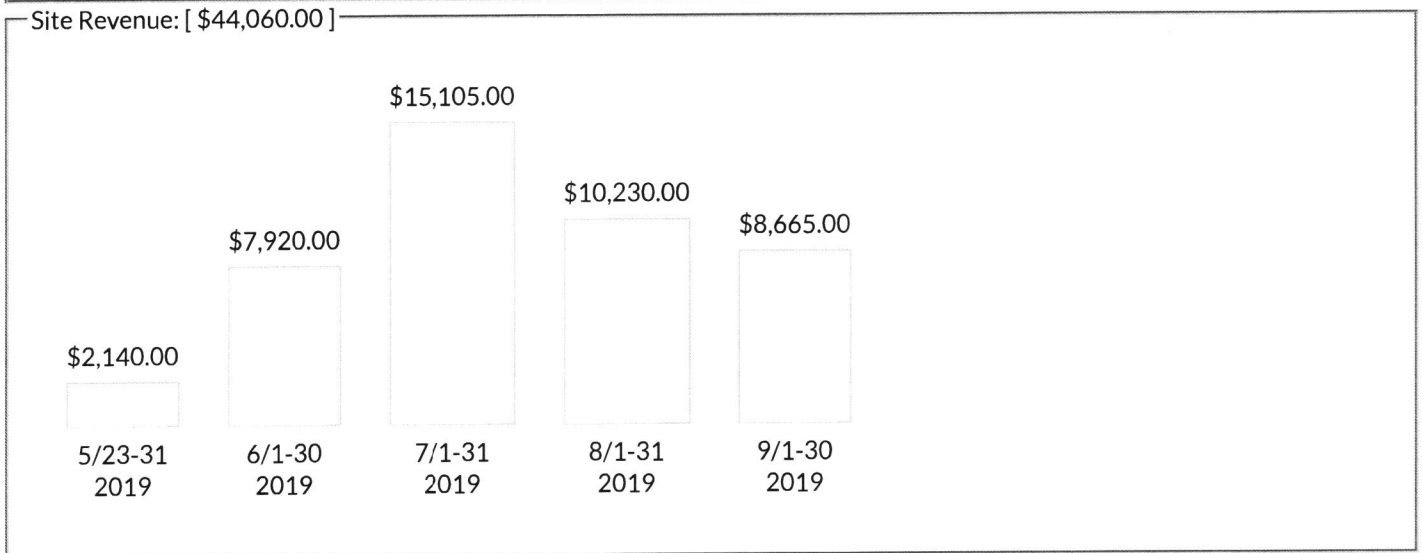
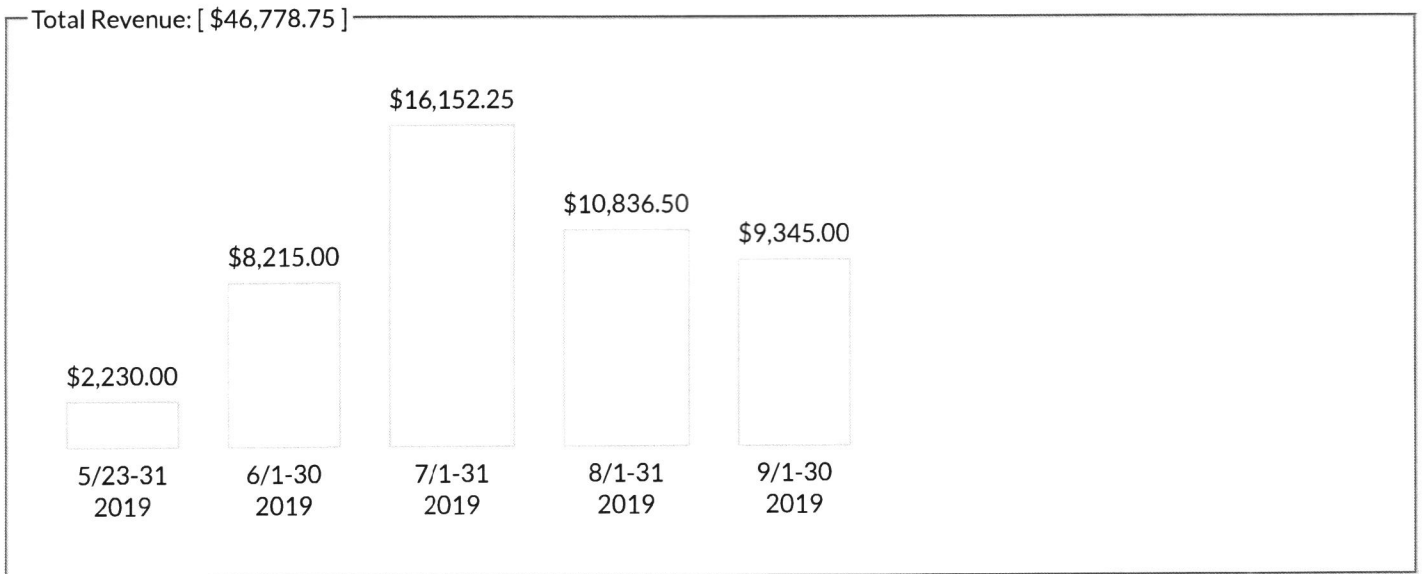
TOWN OF MARBLE
GENERAL FUND
10/3/2019

	2018 Audit	2019 Estimate	2020 Budget
Beginning Balance	336,079	319,316	310,046
Revenues			
Taxes			
General Property Tax	0	20,908	25,024
Specific Ownership Tax	0	1,500	1,500
Special Use & Sales Tax	0	0	0
Additional License Tax	0	600	500
Property Tax Interest	0	200	100
Total Taxes	22,951	23,208	27,124
Licenses & Permits			
Business Licenses	0	1,000	1,500
Building Permits	0	0	1,500
Driveway Access Permits	0	0	0
Septic Permits	0	1,023	1,000
Other Licenses & Permits	0	600	0
Total Licenses & Permits	1,862	2,623	4,000
Intergovernmental			
General Sales Tax	55,019	55,000	55,000
Highway User Taxes (HUTF)	13,458	13,000	12,000
Colorado Trust Fund	182	0	0
Severance Tax	2,470	5,165	2,500
Mineral Lease Distribution	2,412	2,823	2,500
Other permit and license fees	0	0	0
Cigarette Tax	0	150	100
Total Intergovernmental	73,541	76,138	72,100
Other			
Parking Program Revenue	0	0	0
Campground/Store Revenues	46,411	50,000	55,000
Interest Revenue	0	500	3,500
SGB Lease Agreement	0	3,005	3,000
CSQ Lease Agreement	33,075	28,000	29,000
CSQ Maintenance Payments	0	3,300	3,300
Holy Cross Electric Rebates	0	500	500
Donations	4,167	2,000	2,000
Non-Specified	4,168	5,000	2,000
Tree Maintenance Program	0	0	0
Transfer In & Out	0	0	0
Total Other	87,821	92,305	98,300
Total Revenue	186,175	194,274	201,524
Other Financing Sources			
Transfer In from Water Fund	0	0	0
Total Revenue and Other Financing Sources	186,175	194,274	201,524

TOWN OF MARBLE
GENERAL FUND
2019

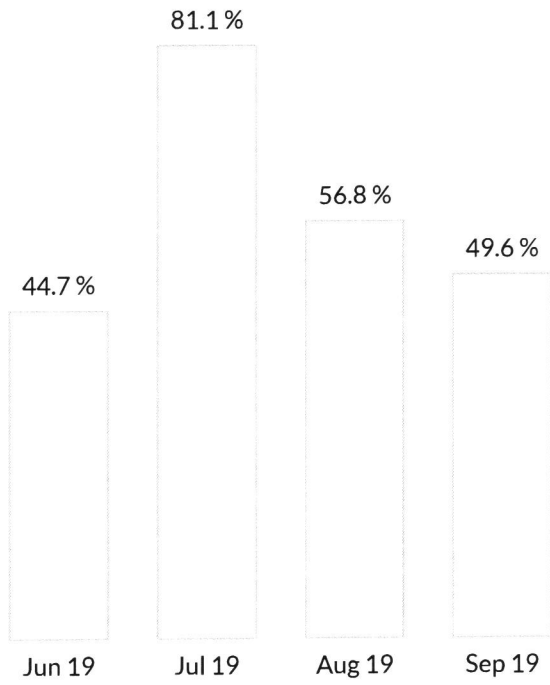
	2018 Audit	2019 Estimate	2020 Budget
Expenditures			
Wages & Benefits			
Total Wages	0	51,375	53,000
FICA/Medicare	0	5,000	6,000
Total Wages & Benefits	54,704	56,375	59,000
General Government			
Parking Program Expenses	0	169	0
Campground/Office Expenses	31,588	18,000	18,000
Treasurer Fees	422	500	500
Abated Tax	0	0	0
Elections	2,111	0	2,000
Unclassified	4,780	3,000	3,000
Marble Fest Donation	6,250	0	0
Church Rent	600	600	600
Tree Maintenance Program	1,368	1,000	1,000
Civic Engagement Fund	1,500	1,500	1,500
Office Expenses	5,644	3,000	7,000
Legal Publications	422	1,000	1,000
Dues & Subscriptions	0	300	300
Workshop/Travel	375	500	1,000
Marble Water Co. 2017 Tap Fee	5,000	0	0
Marble Water Co. 2017 Payment	0	0	0
Marble Water Co. Monitoring Wells	0	0	0
Weed Mitigation Program	0	1,000	1,000
Lead King Loop Project	0	2,000	5,000
Recycle Program	0	1,000	2,000
Total General Government	60,060	33,569	43,900
Roads			
Street Maintenance	0	10,000	10,000
Snow & Ice Removal	0	40,000	30,000
Total Roads	29,092	50,000	40,000
Purchased Professional Services			
Legal - General	24,836	20,000	22,000
Legal - Water Augmentation Plan	0	2,000	3,000
Audit	7,169	7,100	7,500
Municipal Court	0	1,500	1,500
Engineering Services - Water Augmentation Plan	0	15,000	10,000
Engineering Services	3,985	8,000	3,000
Total Purchased Professional Services	35,990	53,600	47,000
Other Purchased Services			
Liability & Workers Comp. Insurance	4,381	4,500	5,000
Utilities	3,782	3,500	4,000
Park improvements	5,789	1,000	0
Grant Writing	3,734	1,000	1,000
Earth Day Expenses	5,406	0	4,000
Total Other Purchased Services	23,092	10,000	14,000
Total Expenditures	202,938	203,544	203,900
Other Financial Uses			
Payment to Marble Water Company	0	0	0
Total Expenditures and Other Financing Uses	202,938	203,544	203,900
Ending Balance	319,316	310,046	307,670

Revenue Summary: 5/23/2019 - 9/30/2019 by Month - ** View All **



5/23/2019 to 9/30/2019, generated on 9/27/2019 9:40:31 AM

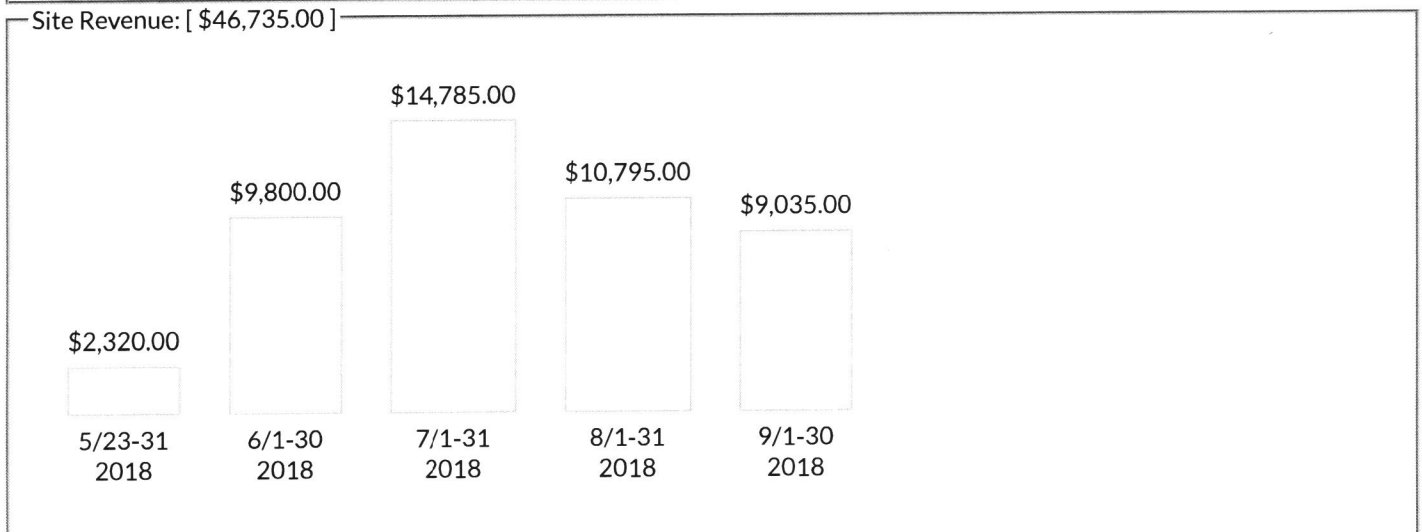
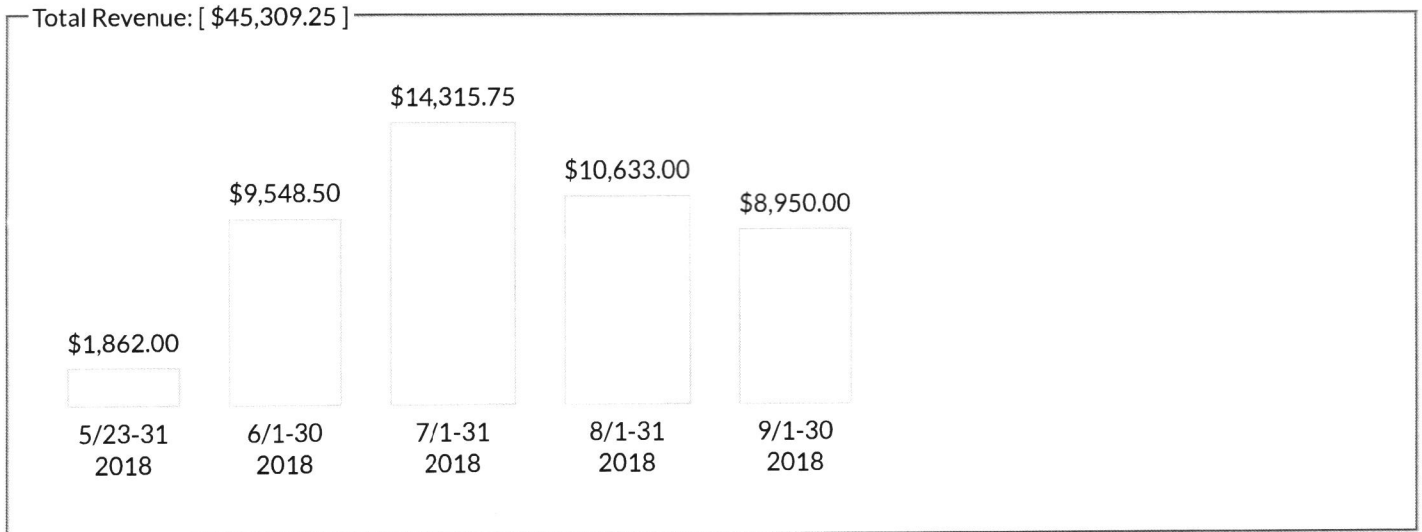
Occupancy Summary: 6/1/2019 - 9/30/2019 - **** View All ****



Average Occupancy: 58.0%

6/1/2019 to 9/30/2019, generated on 9/27/2019 9:47:45 AM

Revenue Summary: 5/23/2018 - 9/30/2018 by Month - ** View All **



Retail Revenue: [\$0.00]

Month	Revenue
5/23-31 2018	\$0.00
6/1-30 2018	\$0.00
7/1-31 2018	\$0.00
8/1-31 2018	\$0.00
9/1-30 2018	\$0.00

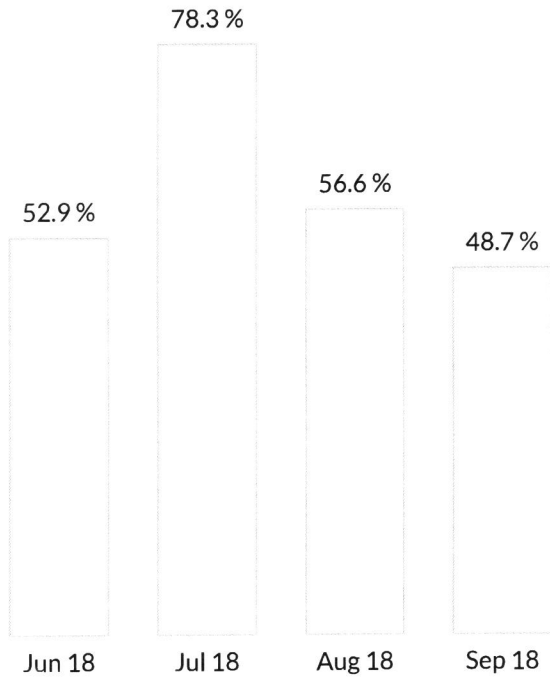
Discounts: [(\$1,425.75)]

Month	Discount
5/23-31 2018	(\$458.00)
6/1-30 2018	(\$251.50)
7/1-31 2018	(\$469.25)
8/1-31 2018	(\$162.00)
9/1-30 2018	(\$85.00)

5/23/2018 to 9/30/2018, generated on 9/27/2019 9:43:16 AM

24

Occupancy Summary: 6/1/2018 - 9/30/2018 - **** View All ****



Average Occupancy: 59.1%

6/1/2018 to 9/30/2018, generated on 9/27/2019 9:53:23 AM

GLENWOOD SPRINGS OFFICE
901 Grand Avenue • Suite 201
Glenwood Springs, Colorado 81601
Telephone (970) 947-1936
Facsimile (970) 947-1937

GARFIELD & HECHT, P.C.
ATTORNEYS AT LAW | SINCE 1975

www.garfieldhecht.com

September 5, 2019

Via Email

Ron Leach, Town Clerk
Kendall Burgemeister, Town Attorney
Town of Marble
322 West Park Street
Marble, CO 81623
E-mail: leach@townofmarble.com
E-mail: kburgemeister@lawoftherockies.com

**Re: Noise, Odor and Nuisance Violations – Slow Groovin’ BBQ
Enforcement – Municipal Court**

Dear Mr. Leach and Mr. Burgemeister:

I wrote to you, on behalf of Steve Lucht on August 2, 2017, regarding the noise caused by Slow Groovin’ BBQ and requesting the Town enforce its own ordinances and codes as well as state statutes (see attached letter). I have followed up with the request that the Town fund its municipal court as a mechanism for this enforcement since it established such court by ordinance over 10 years ago. It now appears the Town Board is paying lip service to this by earmarking \$1500 in the 2020 budget. We know that will not be enough. The residents and property owners in Marble are paying the price of the increase in tourism and influx of unregulated business and ATVs/Razors.

In addition to the noise issues from SGB, to which I refer you to my August 2, 2017 letter (it’s a continuing issue), I am attaching several photos of SGB’s trash piles and smokestack. Marble is located in bear country. It is inexcusable to have such trash piles lying around, creating a risk of bear/human encounters. Furthermore, such piles of trash and unregulated kitchen exhaust appears to be in violation of Section 7.2.90(F) of the Marble Zoning Code which states:

Vibration, Dust, Heat, Glare or Odors 1. No use shall be made of any property which creates vibration on any adjoining property or emits any obnoxious or dangerous heat, dust, glare, odor or fumes.

2. Accessory equipment capable of generating noise and vibrations shall be properly insulated and the noise and vibrations shall meet the requirements of 7.2.80(d).

3. For the purposes of enforcement, any vibrations, emission of heat, dust, glare, odor or fumes which can be detected at any time and which is declared excessive or obnoxious by at least four members of seven unbiased observers appointed by the Town Board shall be declared unlawful and any further emission after receipt of written notice from the Town shall be in violation of this ordinance.

On behalf of Steve Lucht, I respectfully request that the Town Board appoint seven unbiased observers in accordance with Section 7.2.90(F)(3) to consider the odors, noise and fumes coming from SGB and for them to report their findings to the Town Board

GARFIELD & HECHT, P.C.

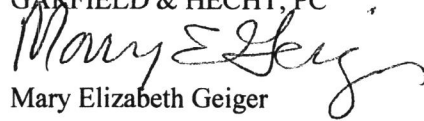
Ron Leach
Kendall Burgemeister
September 5, 2019
Page 2 of 2

pursuant to the same. We further request that the Town truly fund and establish a municipal court so that the Zoning Code and Town Ordinances are more than just pieces of paper. To an outside observer, this situation appears to be one of elected officials taking advantage of their position to further their private business in going unregulated.

Please do not hesitate to contact me if you wish to discuss this further.

Sincerely,

GARFIELD & HECHT, PC



Mary Elizabeth Geiger

Encl.

cc: Steve Lucht w/o encl.

GLENWOOD SPRINGS OFFICE
901 Grand Avenue • Suite 201
Glenwood Springs, Colorado 81601
Telephone (970) 947-1936

GARFIELD & HECHT, P.C.
ATTORNEYS AT LAW | SINCE 1975

www.garfieldhecht.com

August 2, 2017

Via Email

Ron Leach, Town Clerk
Kendall Burgemeister, Town Attorney
Town of Marble
322 West Park Street
Marble, CO 81623
E-mail: leach@townofmarble.com
E-mail: kburgemeister@lawoftherockies.com

Re: Noise Violations – Slow Groovin’ BBQ

Dear Mr. Leach and Mr. Burgemeister:


As you are probably aware, there have been articles in the local papers regarding the increasing popularity of Marble, particularly for Slow Groovin’ BBQ, ATV-ing and SUP-ing, and the issues that come with increased activity and popularity, particularly noise pollution. It is my understanding that the BBQ place has live music several nights per week and that noise levels 25 feet off of that property while the music is playing is 70/80 decibels (a ten decibel change is a one thousand percent increase or decrease in the sound level-C.R.S. § 25-12-102(3)).

Marble is such a small town that any additional noise is going to have a profound effect on residents and the quality life. C.R.S. § 25-12-103 establishes maximum permissible noise levels in residential and commercial zones (among others) as 55 decibels and 60 decibels from 7:00 am-7:00pm, respectively, and 50 decibels and 55 decibels from 7:00pm-7:00am, respectively. This article 12 of title 25 does not “preempt or limit the authority of any municipality or county to adopt standards that are no less restrictive than the provisions of this article.” C.R.S. § 25-12-108. If these statutory noise levels are exceeded, it is considered to be a public nuisance subject to abatement through injunction in a district court action. See C.R.S. § 25-12-103(1) and C.R.S. § 25-12-104.

The Town Board has adopted ordinances for years to establish a municipal court and mechanism for enforcing Town ordinances and code. Yet this has never happened. We are requesting that the Town please ensure that Slow Groovin BBQ, other establishments, visitors and residents abide by these statutory noise limitations to maintain Marble’s small mountain town character and peace for residents. Forcing residents to have to spend their own money to ensure that laws are followed is not acceptable.

Sincerely,

GARFIELD & HECHT, PC


Mary Elizabeth Geiger

cc: Steve Lucht