

Minutes of the Town of Marble
Regular Meeting of the Board of Trustees
February 5, 2026 6:00 pm

A. Call to order & roll call of the regular February meeting of the Board of Trustees of the Town of Marble – Mayor Ryan Vinciguerra called the meeting to order at 6:05 p.m. Present: Dustin Wilkey, Amber McMahill, Larry Good, Amy Rusby and Ryan Vinciguerra. Also present: Ron Leach, Town Administrator and Terry Langley, minutes.

B. Mayor’s Comments – Welcome!

C. Consent Agenda – Dustin Wilkey made a motion to approve the consent agenda. Amy Rusby seconded and the motion passed unanimously.

- a. Approval of January 15th, 2025 Minutes
- b. Approval of Current Bills, February 5th, 2026

D. Treasurer Report, Amy

a. Account balances, 1/31/26 – Amy reported that the C-Safe and Alpine Bank Account balances total \$487,367.35.

b. Year to date, budget vs actual – Amy reported that we are one month (8%) into the year. Revenues are at 2.58% and expenditures are at 9.55%. Last year the total was about \$431,000 and income and expenses were a little higher.

a. Consider OWTS variance request, Charley Speer & Michael Lambert, Ron – Ron explained that Michael and Charley are planning an addition to their 3rd Street property in the spring. They plan to replace the OWTS system and had a new system designed by Carla Ostberg. The system was reviewed by another licensed professional engineer. Given the lot size and the position of their house, the system fits on the lot relative to the house. The foundation wall for the house is higher than the system. They are requesting a variance and Ron recommends approval. Charley explained that a boulder field and the location of the Marble Water Company (MWC) system limit the available location for the OWTS system. The current tank is located behind the house and the leach field seems to be next to the tank, 5-10’ off the crawl space. The plan is for the leach field to be lower than currently. Amber McMahill made a motion to approve the OWTS variance request. Larry Good seconded. Ryan asked about the planned addition and Charley said the addition is an idea for the future and they want to replace the septic regardless of whether or not they build an addition. The MWC is rerouting water lines and the desire is to have the septic farther from those lines. The motion passed unanimously. Larry asked when septic systems were supposed to be inspected. Any transition

of ownership requires an inspection. Ryan said they should be pumped and inspected every 3 years.

b. April 7, 2026 municipal election update – Ron reported that the deadline for petition submissions has passed. The only petitions were from the incumbents: Larry Good, Amy Rusby and Amber McMahill. Ron said there was one 4-year position and that there are various ways to decide who would get this. He would like that decided tonight. Dustin nominated Amy for the four-year position. Amber and Larry had no objections and Amy accepted the four-year term. Ron said the deadline for write in candidates was Feb. 2. The next election will be in 2028.

c. Consider approval of Resolution #2-2026 Cancelling the 2026 municipal election and declaring candidates elected, Ron – Dustin Wilkey made a motion to approve Resolution #2-2026 Cancelling the 2026 municipal election and declaring candidates elected. Larry Good seconded and the motion passed unanimously.

d. Discussion regarding proposed Crystal River agreement, Ron – Ron explained that the IGA is included in the packet. This goes back to the Wild and Scenic and other alternatives committee that has been meeting for about two years. A year ago, that committee divided into three separate subcommittees because the group could not come to a consensus on the wild and scenic designation. The two other ideas for protecting the Crystal were for a minimal in-stream flow rule and the second was for an IGA between Gunnison and Pitkin counties, Colorado River District and the West Divide Water District. County Commissioner Liz Smith wrote a draft IGA and asked that the Marble board and the attorney take a look at the draft agreement. Ron asked if the board would like Ron and Kendall to look at it on a deeper level and draft a response. Due to the short time the board has had this draft, Dustin suggests tabling this until the March meeting. Larry asked Ron about the relative strengths of each subcommittee. Ron thinks there is more interest and participation in the Wild and Scenic subcommittee. The entire group will come to a consensus and make a presentation to the Town of Marble sometime in the future. Larry agreed with tabling it until next month. Ryan would like to see more study before asking Kendall to get involved.

e. Consider a motion to authorize filing an opposition statement to participate in Water Court case FILING ID: 60C95E9FEAFD7 – Ron explained that this has to do with the water augmentation issue. The augmentation plan has been developed by West Divide Water Conservancy District. They have petitioned the Colorado Water Court to approve this augmentation plan and Kendall advises that this may take one or two years before a decision is made. The town has sent a letter to West Divide asking for a reservation of 10 acre feet of water in the town's name. During the decision process, the Water Court is not required to keep the town informed but this is a request that the Water Court does keep the town informed. Dustin Wilkey made a motion to authorize filing an opposition statement to participate in Water Court case FILING ID: 60C95E9FEAFD7. Larry Good seconded and the motion passed unanimously.

F. Discussion of mixed-use corridor proposal

a. Use by right vs Use by review discussion, Dustin – Dustin reported that current codes need to stay the same and he would like an addendum to the business zoning code stating that anything requested outside what is currently on the books does not fall onto the town administrator for a final decision, but would come to the board. Ryan explained that the town board is the zoning board and currently does make the decision. If a use is not covered in use by right or use by review, Dustin asks that Ron would bring the request and a recommendation to the board. Larry asked if this would come to the board as part of a business license application or as a zoning change. Ryan said that if the mixed-use corridor proposal is approved and if a proposed business was located within that corridor, it would not need a zoning change but it would need to be determined if it falls under use by right or use by review and would need to follow all guidelines. Larry asked how a neighbor could challenge a proposed business. Ryan said if it falls under use by right, the neighbor could come to the board. If it falls under use by review, there would be a public hearing process. Ryan would like to see mixed use added with current codes. Larry said there are 68 properties located along the proposed mixed-use corridor. There are approximately 40-45 that are not located along the corridor. Is it fair to exclude the properties that are not located along the corridor from being allowed to have a business? Ryan said it could be considered as providing protection to property owners. Amber said it is already a high impact area and that anyone buying property along the paved road would recognize that. Larry feels some people will feel left out and others will object to being located within the mixed-use area. Ryan feels that most existing businesses are already located on the black top. Restaurants and bars fall under retail – use by right – which surprised Ryan. Dustin said that all businesses with high-flow traffic are along the black top. Home occupation can be located off the corridor but would have to follow guidelines such as the number of trips (10) per day. Business licenses are from the town. The county would determine the square footage being run as a business and that would be taxed at a commercial rate and would not affect neighbors' taxes. Larry spoke to considering the neighbors that would be affected by businesses. Ryan brought the focus back to use by right and use by review. Amber suggested moving retail sales to use by review or breaking it into categories by impact and size. Ryan said there are checks and balances built into the code. Amber spoke to some of the categories and natural limitations. Ron reported that he has spoken to Kendall and they are working on a draft mixed use zoning ordinance. He reported that there are 67 lots along the blacktop and 24 of those are vacant. Only five of the vacant lots meet the minimum lot size requirements so development potential is limited. There are 20 houses along the corridor that have the potential of starting a home occupation business, a business, or an ADU and there are requirements for those. Any property that fronts the asphalt is included in the count. Eventually there will have to be a determination of what lots are actually included, such as lots

with a corner on the blacktop. He explained that businesses that are located on the blacktop and are currently zoned as business will now be zoned mixed. Larry asked if this should be a ballot issue although Kendall discouraged it. Ryan does not feel it has an impact significant enough to require an election. Larry wants to ensure the board acts ethically and transparently in light of the fact that most board members are also business owners. Amber suggested a push to get information out once the draft ordinance is complete and to encourage participation at a public meeting/hearing. Amy agreed with the need to inform the public directly and encourage participation. Dustin said that the last two master plans and the surveys support the mixed-use zoning idea. He suggested mailing out the draft ordinance. Ryan read the definition of a home occupation business and said that the code lists five to seven qualifications for that.

G. Old Business – Ryan is working on an email to be sent to the Marble Water Company (MWC) and has worked on a possible plan B. He reviewed the minutes from the Sept 15, 2022 meeting regarding a transfer of ownership. At that time, John Williams listed three things the MWC would like to see in order to transfer ownership: ensure an experienced Operator and Responsible Charge (ORC) to run the system, have a policy ensuring the monitoring wells are tested regularly and develop a plan B. He feels that these are attainable and if the town addresses the three points, the conversation can continue. Ron again suggested a table top exercise. Ryan spoke to trigger points and possible steps that can be taken in the event of a high nitrate reading. He found scenarios in addition to alternative wells, including blending with a lower nitrate source such as adding water to dilute the nitrate level. Dustin said another alternative would be to treat Beaver Lake water. Ron and Karly have talked with Alan Leslie and they reported that he is willing to work with the town on the water issue. He said there are ways to phase into an ownership transition. Amber asked about where things stand with the MWC and the water augmentation. Ron reported that they are waiting on a response from the MWC. Virginia Goodrich reported on concerns she has with the MWC. She said they have been paying the assessment since 2008. They understood that they would be able to get a water tap and have fire hydrants and that turned out not to be the case. She feels being charged the assessment with no services is illegal. Ryan explained that the fee structure has been changed to try to make things more equitable and that the town is just the collector for the assessment which is paying the loan for the tank. Ginny asked if people who don't live in the town but do get water are also assessed and Ryan said that they are. Ryan explained that the assessment is to help pay for the water tank and does provide water for fire protection. He sympathizes with the frustration with the lack of transparency. Virginia asked about the fact that not everyone has a meter but pay a flat rate. She feels there needs to be parameters set. Angus Barber said he has some additional concerns including buying the MWC with the existing infrastructure and the cost of expanding the system. He also spoke to the monopoly that PiffCo seems to have on water line installation.

H. New Business – Larry reported that they have purchased radon meters and they are willing to loan those to other residents.

I. Adjourn – Dustin Wilkey made a motion to adjourn. Amy Rusby seconded and the motion passed unanimously. The meeting was adjourned at 7:50 p.m.

Respectfully submitted,
Terry Langley