

Minutes from the Town of Marble  
Regular Meeting of the Board of Trustees

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: Ryan Vinciguerra, Emma Bielski, Tony Petracco. Amber McMahill and Larry Good. Also present: Ron Leach, Town Administrator and Terry Langley, minutes.

B. Mayor's comments

a. Fill Mayor Pro Tem position – Ryan Vinciguerra made a motion to appoint Emma Bielski as Mayor Pro Tem. Larry Good seconded and the motion passed unanimously.

b. Wetlands Ownership discussion with Pat Willits, Trust for Land Restoration Trust (TRL), Ryan – Pat attended by phone. Pat gave an overview of the donation of what is now being called the Marble Wetlands Preserve. The goal is to get the smelter slag pile cleaned up and to meet with locals and come up with a plan for the long-term ownership and conservation uses the property. The Colorado Department of Public Health and Environment (CDPHE) is shepherding the clean up process. At the May meeting, the TLR stated they may need a fiscal agent to serve as a contractor between the state and TLR's contractor to facilitate funds moving through. If the State of Colorado supplies more than \$25,000 there is a need for a governmental entity to serve as fiscal agent. There is a bid proposal from the primary contractor, Trout Unlimited that is going through the review process. The proposal includes the slag pile clean up and some erosion issues work that the state has agreed to fund. The cost of all but \$2,000 will be funded by the State of Colorado, estimated to be \$94-95,000.00. The \$2,000 is an application fee and will come from TLR. They are asking for some staff and attorney time from the Town of Marble to serve with an intergovernmental agreement (IG) with the State and the State reimburses the town. The scope of work is being reviewed and should be approved any day. He will put Ron Leach in touch with Ron Rudolph, CDPHE to draft and intergovernmental agreement to be approved by the town. The IG needs to be signed before the contracting agreement can be signed. They are asking for approval before the August town meeting. Amber asked if the town will pay and then be reimbursed. Pat said that Trout Unlimited has funds in reserve so the subcontractors can be paid so the town should not have to pay out before reimbursement. Ron asked about the town owning the property. LRT has not made a final decision but are favoring the town being the recipient of ownership of the property. Factors that they need to investigate include a conservation easement agreement with Aspen Valley Land Trust (AVLT) and formalizing access issues that need to be figured out with CPW. They would also like to work with CPW on a pedestrian bridge. This might be at the Mill Site Park but the final location is to be determined. A conservation easement with AVLT insures no future development. Ryan clarified the time line: an IG first, the clean-up and then determination of who will own it. Ron said approval of the IG would require review, perhaps in a special meeting. After Pat left the call, Tony asked if the property was within town limits and spoke to the fact that he believes the town would be responsible for cost over runs. He wants to see the grant application and agreement to determine what is required from the town. Ron said he would get both the grant and the IG. Sue Blue asked who the AVLT is and why they are involved. Tony explained that they are the largest conservation group in the valley and they will insure no development on the property. Ryan explained that they have a presence in the valley and town, including ownership of the Children's Park and land on the high road. Emma also said they are providing funds

to the jailhouse preservation. Sue spoke to the need for answers to questions prior to entering into any agreements.

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

a. Approve June 2nd, 2022 regular meeting minutes

b. Approve Current Bills, July 7th, 2022. Ron added two additional bills: one from the Hub for \$1432.00 for the expenses of running the campground reservations and one from Grateful Builders for \$1490.00 for work on the kiosk, signage and work around the fire station. Larry asked for clarification on the bill from Jesse Palmer. Ron explained that he had done work for the town, including installing speed bumps.

D. Parks & Recreation Committee Report, Brent Compton – Brent reported that they have received two donations for \$6,000 for park improvements including industrial picnic tables at \$1200 ea. The goal is for more, including some at the old ice rink. They are working on the Park budget for 2023, including yearly maintenance. There are several trees that need to be removed. At the Marble Children’s Park, irrigation pipe is to be delivered July 11 and then excavation will be scheduled. MarbleFest, Aug 6-7: deposits for several bands has been paid and a sound person has been booked. The goal is be done at 10 pm on Sat. and 8:00- 8:30 p.m. on Sun. Sponsors and donors have contributed \$20,000 and the budget is \$24,000. They are asking for \$1500 from the town for four porta potties. Sue asked about bidding for installing the irrigation pipe. Ryan asked if funds had been set aside in the town budget for porta potties and they have not. Amber asked if it could come out of the parks fund. Ryan suggested providing the funds with the possibility of being reimbursed if donors came forward. Amber made a motion to provide \$1500 from the parks fund for porta potties. Larry seconded. Tony objected to a motion that is not included on the agenda per state statute. Ryan said with the consensus they can be ordered and it can be voted on next month. This will be on the August agenda.

E. Administrator Report

a. Discussion with Vince Savage regarding 2022 business license, Ryan – Ryan thanked Vince for attending. He asked Vince to explain what is going on and what the plans at the Retreat are. He asked if Vince was aware he has been operating without a license. Vince thanked Ryan for working with him in a respective manner. He said he had not been informed that he did not have a license and he requested that, in the future, the town communicate in writing to have official notification. He explained that he opened his business in Oct., 1988. They have hosted weddings, retreats and meetings and there have been no complaints until recently. The problem that has arisen comes from social media being the way people find his business. He showed a copy of a portion of a survey done by Joyce Illian. She subdivided the original piece of propert. It is now owned by an LLC. Vince is the only agent and principal agent of the LLC. The address was 105 E Marble St. when he bought it. It is still listed as that. He said the survey clearly depicts the driveway and the gravel area in front of the garage is not Marble Street. He could put a gate to prevent parking for Carbonate Creek Trail. Ryan asked where the residence is and how people get to his property. Vince showed that and where the streets run. He explained that they get to it in a number of ways: from Silver St and 2<sup>nd</sup> as well as up the drive to the lodge, . He explained that guests come to the house to conduct business. He has changed the website to make it more clear. He explained that Gunnison County Assessor shows the property location as 105 E. Marble. Amber asked where that address would take guests for weddings and events. She said the problem is the address in GPS takes them to the garage. To help avoid confusion with the Beaver Lake Lodge, he changed the name to Marble Lodge and

identified it as being on the Beaver Lake campus. Ryan said he thinks the confusion comes from using one address as the business address and that guests use that to find the lodge. Vince has installed new directional signs to help direct traffic and has more to put up. Amber suggested adding the address for guests to use for Google maps to the web site. Vince said he had contacted Google maps and got very little cooperation. He feels that changing any addresses will cause a lot of leg and paper work. He will put in the physical address of the lodge and add directions. Vince asked to be notified when there are complaints. Ryan said that he had written Vince concerning the business license not being issued. Vince will try to work with Google one more time. Ryan expressed appreciation for the work Vince has done.

Noise – Vince asked if they mean music. Ryan explained that amplified music is the primary issue. Vince said that the time to shut off music has been posted in numerous places. He has started being on site every Saturday – the primary time there is a wedding. Vince addressed a rumor that he had heard that there is a move to no outside music. Ryan said that there are decibel levels in the noise ordinance no matter the time. Vince asked that Ron send him a copy of the ordinance. Ryan asked if amplified music needs to be part of his business and he suggested making the shut off time 9 p.m. Vince is willing to do that after the next event, as long as it doesn't keep being changed incrementally, thus affecting his business. Ryan feels these changes will lessen complaints. Vince would like to be informed/copied on complaints. Ryan agreed that this is extremely reasonable.

Camping – Ryan asked what the policy is. Vince explained that he allows camping when people travel to the site with a camper from a distance and cannot find lodging or camping sites elsewhere. He explained that they camp on county property, not within town limits. The town limits run along his property line. Land north of him is county land. Vince has five parcels.

Vince repeated the work he will be doing: changing the time for music, putting up directional signs, working on website directions/contacting Google.

Amber said that the address was the main thing for her. She appreciated that Vince has the music shut off at 10 pm and is willing to move it to 9 p.m. Emma asked that Vince not be so rude. She said that this season has been great. She has not been woken in the middle of the night or have had as many people coming to her house and she appreciates that. Tony suggested moving the trucks back onto the street so that people can't drive down it. Vince spoke to the fact that this is a street right of way and that there needs to be equal application of the law.

Ryan asked if Ron can go ahead and issue the business license or if there needs to be a vote. Vince said he is willing to wait so that the town can see that he is complying with the requests. Larry would like to see the online/gps changed. Ryan asked if this was enough to hold a license and feels that they have brought their concerns to Vince and they are working together. He is in favor of granting the license. Larry suggested waiting a month so that they can see if the changes have been made and there can be a vote.

b. Discussion with Glen Smith regarding stop work order 575 W. Park - Glenn said that they accidentally got ahead of the game. They have now submitted their application for a construction trailer and for a building permit. The OWTS is still in progress and they are changing contractors. He asked why he had to submit a permit request for the previously constructed pole barn. Patsy said they were approved for the pole barn and the driveway in 2009 and she has the minutes. Ron wasn't previously aware of that and he has found that. Glenn said the most important part for them is the construction trailer and they ask that it be approved tonight, if possible. Patsy said Ron had told them they could do it. The permit requests permission for a 45' trailer but the codes allow for 40'. Glenn reported that he was in error and that it is a 40' trailer. Ryan asked about the waste from the construction trailer and Glenn asked that they be allowed to use the septic tank that has yet to be permitted. Glenn reported that the septic was engineered in 2015 or 16. Glenn said that the location is all

that has changed and that is why they need the new design. They would like to use the tank temporarily for a holding tank for the construction trailer. This also needs a permit. The tank is in its location, but Ryan reported that it cannot be used, according to the attorney. Tony asked about a portable toilet. Glenn asked about dumping the RV at the RV park. Glenn said they were paying full price as if there was a camper at the campground to be able to dump but they were told they could not do that any longer. He said that the closest dump station is in Rifle. Amber said that the campground had a policy that they do not allow outside dumping. Glenn is asking for a temporary exemption. Emma asked why they couldn't use the campground and Ron said that was the policy. Larry said that the town is responsible for the health and welfare of the town. Dustin Wilke asked what the difference was with driving the RV, renting a space and then dumping vs paying for a night and dumping a holding tank. Glenn asked about parking the trailer at the RV park long term. Ali Wettstein explained that there are no 40' spaces in the RV park. Amber asked how often the holding tank would need to be dumped. Ryan said that the problem is that they do not have any permits. Dustin explained that it would take four trips once a week to use and dump the tank. Tony asked if there were any statutes regarding temporary use. Larry suggested using a porta potty until the permit and installation is complete. Ryan said the gray water then could possibly be transported to the campground. Dustin asked if they could get a permit just for the tank and then hook up to it. That would not be allowed. Ryan explained that the building permit is supposed to come before a trailer permit. Glenn asked if the trailer could be put long-term at the campground until the OWTS system is in. They would still need an approved building permit and a construction trailer permit to put the trailer back. They can have a camping permit for two weeks because the construction trailer needs building permit first. Ryan explained that there were several issues/permits to be resolved before the stop work order can be lifted. Ron suggests allowing the trailer to stay until Oct. 15 as long as the septic issue is resolved. Dustin said they would get a porta potty.

Ryan asked if home occupation was the best route for their business. He suggests requesting a zoning change. Glenn said he will not go down that road again. Ryan explained that there are several problems he sees with a home occupation business. He went through the points covered in the zoning code and discussed some that he sees as problems. 1. The home occupation shall be incidental and secondary to the use of the property for residential purposes, and shall not change the residential character of the property. To ensure it remains subordinate, the size of the home occupation shall be limited to one-half the floor area of all the structures on the property, or fifteen hundred (1,500) square feet, whichever is less. Ryan feels that the pole barn housing the jeeps counts as commercial square feet.. 2. The home occupation shall be conducted entirely by the inhabitants living on the premises, and by no more than the equivalent of one (1) full-time employee who lives off-premises. Any additional staff means they do not qualify. Glenn's solution was to change the statute. 3. The home occupation shall operate pursuant to a valid Town of Marble business license for the use held by the resident of the dwelling unit. Ryan feels they qualify here. 4. The home occupations shall not advertise, display or otherwise indicate the presence of the home occupation on the premises other than as provided in Chapter 7.9. Ryan feels they will need larger signage. 5. The home occupation shall not operate as such hours or in such a manner as to create a public nuisance or to disturb neighbors. It shall not produce any offensive noise, vibrations, electrical or magnetic interference, glare, fumes, odors, smoke, dust, heat, or waste noticeable at or beyond the property lines. All waste products generated by the home occupation shall be disposed of in compliance with federal and state codes. Ryan said there could be an argument with vehicles and fumes, but feels they would be o.k. here. 6. The home occupation shall not generate vehicular traffic in excess of ten one-way trips per day which begin or end at the use, Ryan asked if customer trips would count here. Glenn disagrees – he feels the jeep trip is all that would count for this. 7. The externally visible activities (e.g. visitors, delivery trucks) of a home occupation shall be limited to the hours between 7:00 a.m. and 9:00 p.m. local. No

problem here. Ryan believes that things have changed since 2009 when their zoning change request was denied. He said they have the support of some of the neighbors, that business along the paved road makes sense and they have proved themselves in the business. Emma said they want to see them succeed in their business. Glenn asked if they would go after other home-occupied businesses in town. Amber suggested the zoning change as a more secure way to go concerning that boards and feelings change. Tony said the master plan would have to be changed. Ryan disagrees. Larry said it suggests businesses along the main road. He feels Ryan's suggestion is good and that they do not qualify on several of the home occupation requirements. Emma feels that it is a solution-focused suggestion to allow the goals to be met. Linda Evans said they do not want a business run next door to them. It is zoned residential. Amber recognized the impact on the neighbor's quality of life. Emma asked if Linda felt there was something the Smith's could do to minimize the impact on the Evans' quality of life. Mike Evans said the first time this came up he was told his property value would diminish \$60,000. He has no idea what it might be this time around. Emma asked for clarification on the next steps. Ryan said: 1 – camping permit to buy time. 2 – figure out septic issue. 3. Obtain necessary permits. Larry asked what work is permitted. Dustin explained that they would can bury the water line (backfill) and finish the driveway. Ryan directed them to walk the property with the town administrator if there are things they want to do before the permits are issued. Ron said that the water line is in. The water company needs to approve the piping, etc. before the ditch is filled in.

F. Land use issues - none

G. Old Business - none

H. New Business

a. Consider approval of fire restrictions Ordinance no. 2022-3 – Emma Bielski made a motion to approve Ordinance no. 2022-3. Ryan said that this ordinance pairs them with Gunnison County in terms of imposing or lifting fire restrictions. He suggests beginning to work on this in January, well before fire season. Glenn suggests placing fire restriction notices at 133 and 3. Amber explained that they can amend them when necessary. Ron recommends approving this. Larry Good seconded and the motion passed unanimously.

b. Richard Wells would like to put a location for a package shipping area on next month's agenda.

I. Adjourn – Larry Good made a motion to adjourn. Emma Bielski seconded and the motion passed unanimously. The meeting adjourned at 9:50 p.m.

Note: Items to be placed on the August agenda

1. Vote to provide funds up to \$1500 for porta potties for MableFest.
2. Location for package shipping area.

Respectfully submitted,  
Terry Langley