

Town of Marble
Regular Meeting of the Board of Trustees
June 1st, 2021 6:30 P.M.
Marble Community Church, 121 W. State St. Marble, Colorado
Agenda

6:30 P.M.

- A. Call to order & roll call of the Regular Meeting of the Board of Trustees
- B. Executive session pursuant to CRS 24-6-402(4)(b) to receive legal advice regarding parking plan at Mill Site Park
- C. Approve previous minutes
- D. Mayor's comments
- E. Committee Reports
 - a. Thompson Park AVLT grant up-date, Emma
 - b. Parks Committee report, Brent
 - c. Marble Fest Committee report, Brent
- F. Administrator Report
 - a. Current bills & balances June 1, 2021
 - b. Consider approval Beaver Lake Retreat 2021 business license, Ryan
- G. Lead King Loop 3 prong discussion, Ryan
 - a. Enforcement
 - b. Parking
 - c. Education
- H. Land Use Issues
- I. Old Business
- J. New Business
 - a. Consider approval of 2021 Slow Groovin Liquor License
- K. Adjourn

Minutes of the Town of Marble
Regular Meeting of the Board of Trustees
May 6th, 2021

A. Call to order & roll call of the Regular Meeting of the Board of Trustees – The meeting was called to order by Mayor Ryan Vinciguerra at 7:02 p.m. Present: Ryan Vinciguerra, Tim Hunter, Larry Good, Josh Vogt and Emma Bielski. Absent: none. Also present: Ron Leach, Town Administrator and Terry Langley, minutes.

B. Approve previous minutes – Emma Bielski made a motion to approve the minutes from the April 1, 2021 meeting. Larry Good seconded and the motion passed unanimously.

C. Mayor’s comments – Ryan reminded everyone to avoid one-on-one dialogue unless a line item is opened to discussion.

D. Administrator Report

a. Current bills & balances April 1, 2021 – Ron reported that the bills are listed in the packet on page 17. Josh Vogt made a motion to pay the bills as listed. Emma Bielski seconded and the motion passed unanimously.

b. Consider approval 2021 Business Licenses

i. Beaver Lake Retreat (BLR), Vince Savage – Vince explained that the BLR has been open for 33 years. It is now advertised as Marble Lodge at Beaver Lake due to domain name issues. Discussion centered around whether a business license or a short-term rental (STR) is necessary and around previous problems, particularly in regard to noise and poor gps directions resulting in lost visitors and possible problems with emergency vehicles. Vince spoke to his plans to alleviate the problems, including on-site staff. He and Ryan will meet to develop a check list of what steps will be taken when there is a problem. Ryan asked for input from the town attorney as to whether a business license or an STR license is required.

ii. Auto Repair, Scott Wilson – Ryan reported that this application was tabled last month to allow for gathering more information. The fire department said that they met requirements regarding amount and storage of combustible materials. Ryan Vinciguerra made a motion to approve the business license. Josh Vogt seconded and the motion passed unanimously.

iii. Candle Sales, Nicole Farrell – Ron met with Nicole at the location, but owner Max Gibbon was not there. The application was tabled.

E. Land Use Issues

a. Consider approval Lot Merger Agreement, Virginia Goodrich – Ron explained that this merges two lots that she owns on State and Park Streets with an alley in between. Emma Bielski made a motion to approve the lot merger agreement. Larry Good seconded and the motion passed unanimously.

F. Committee Reports

a. OWTS study up-date, Mark Chain – Mark reported that there needs to be a special meeting to address the issue due to the time needed. He reported on the work that has been done and the current need is to meet with an OWTS engineer. The date of May 20, 2021, 6:30 p.m. at the fire house was set for the special meeting, pending availability. Larry asked about a bullet item in a memo from Mark. Mark explained that there are sometimes a structure on one lot and the septic on another. Those lots need to be merged and the merge needs to be recorded with the county to avoid issues with possible sales of one of the lots.

b. Parks Committee report, Brent – Brent reported that meetings have been changed to the first Monday of each Month and Marble Fest meeting is the second Monday, both at 6 p.m. There are plans to work with Roaring Fork Outdoor Volunteers (RFOV) and with the school on park projects. He requested permission for RFOV to camp in the Mill Site park for the two-day work project. Brent's company has been doing work in the park and they are working with Ron on a contract. They are also going to meet with Aspen Valley Land Trust to get input on improvements to Thompson Park. Emma expressed some concern about the precedence camping in the Mill Site Park might set. She suggested some signage identifying the event. She asked about plans to use the New Year's Eve bonfire to dispose of the cottonwood in relation to proposed ice rink plans. She asked about piling wood from the RFOV clean-up for the bonfire. Brent reported that they are looking at the basketball court rather than the old ice rink site for a new ice rink. He explained that they plan to chip the smaller branches for mulch. She asked about the GOCO grant and if the park committee was administering and managing the requirements for that grant. Ron reported that the town is doing that. Ryan reported that they would be walking the land with Madeline Weiner to discuss plans and needs for the recently acquired land. Tim asked if there needs to be any mitigation or clean up at the bonfire location. Lisa Hornbeck reported that there will be a clean-up work day on Saturday to clean up the entrance to the park. Tim asked if there were any plans to back burn any of the brush to reduce undergrowth. Brent said they plan to start with disc blades. Lisa said removing the fence is one of the first things to be done.

c. Marble Fest Committee report, Brent – Brent reports that the committee meets the 2nd Monday of each month, 6 p.m., at the fire station. Part of the contract with the bands includes a cancellation date of July 1 if there are Covid concerns. The budget is \$15,000. They are working on getting sponsorships. They are exploring parking issues. If there are any funds left, they will go toward park projects. Mike Yellico and Ron will meet to see what is needed to fix/complete the stage. They would like to close Park Street between 3rd and 4th street with a detour up 4th street with attendants to move barriers for campers and emergency vehicles. If not possible, they suggest no parking along either side of Park Street between 3rd and 4th.

G. Lead King Loop working group report, Ryan – The commissioners met May 4 and discussed the technicality concerning the 2015 OHV exemption on CR 3. They tabled a decision until May 18. The LKL working group conference call on that same day addressed the updates and issues that have occurred in April and May. The Forest Service Protection Officer will begin the week before Memorial Day. The town is working on the educational pieces including a kiosk as well as signage wording, location and design, an OHV route and parking zones and mitigation methods. The goal is for no truck and trailer

parking in town except at the Mill Site park. Data collection will include the number of trucks/trailers contacted and parking, traffic counts, and pictures of violations.

Emma expressed concern about fliers and trash potential. She suggested using other methods for communication. Jason Rusby suggested getting the Tread Lightly fliers. Larry suggested that, in addition to a flier, making sure that the first contact volunteers have the information when parking is full or how many spots are available and where.

Terry Havens asked where the identified parking zones are located, specifically east of Beaver Lake. Ryan explained that they have no jurisdiction east of Beaver Lake.

John Anderson said that the possibility of developing parking on the FS lot at the foot of Daniel's Hill was a victim of budget constraints. He spoke to the need for a permit system due to limited parking within the town and the fact that it takes time due to FS requirements and the possibility of the town developing a permit. Tim spoke to the need for enforcement if there is a permit system.

Mike said that using the forest service parcel for parking was previously shot down by nearby residents. He said it could be revived by the county requesting it from the FS.

Alex Menard handed out copies of a 2018 letter from town attorney, Kendall Burgemeister, saying that parking at the Mill Site violates the SBA deed restrictions. He said that there could be a temporary injunction filed to prohibit that parking.

Tim asked about the timing for a ballot concerning OHV use in town. Ron said that to be on the November ballot, the county needs to be notified by June.

Jason Rusby spoke to the time frames needed by the FS and to the difficulty with citizens/volunteers directing the public.

a. Larry Good memo discussion, Larry – spoke to the need for all the groups to work toward the same goal: permitting. He feels that we are in crisis regarding the numbers. He would like to see a noticeable reduction in the numbers to address quality of life, wildlife and safety. He suggests the town request the county put a temporary moratorium with an exit strategy in place. He said that this is the time to do that because so many groups and media are focused on the issue. This would provide alternative data showing how mitigation affects numbers.

Larry made a motion that the town make a written recommendation to the Gunnison County board of county commissioners to put in a temporary moratorium with an exit strategy on the section of CR 3 from Beaver Lake to the base of Daniel's Hill by returning it to the status of the Colorado statute that denies ATVs the right to travel on county roads. Tim Hunter seconded. Discussion followed.

Tim said that there was a need to be specific about what the town wants the county to do and what the exit strategy is. Josh asked what the point of the parking and educational programs would be if OHVs are prohibited. Larry said they would have to drive their trailer to Daniel's Hill, unload and return the trailer to town.

Tim said that banning ATVs or having a permit system both require enforcement and feels like the town needs to prepare for that. He feels bringing the trailers up and then back into town is a mistake. He would also like to see a contingency plan if the plans for this summer do not work. Emma feels there is a need for communication with all the stake holders and entities. She feels that the opportunity to ask the county to close CR 3 was when the board met with the county commissioners. She also said if we asked that the road be closed, the town needs to be willing to ban OHVs also. She feels a realistic time line would be a moratorium for 2022 and a permit system for 2023. She feels a ballot measure is necessary.

Josh feels that driving up, unloading and driving back to down and then reversing that creates more problems. Enforcement through the county is an option but is too costly for the town to do on their own. He feels pushing for closing CR 3 undercuts the work the LKL working group has and is doing. Cooperation and aid from outside groups is occurring and needs to continue. If the parking program works, it will drastically reduce the number of OHVs. In reference to a vote to ban OHVs in town, he feels the issue is only a problem June-August.

Ryan feels that this motion would create conflict. He disagrees with this being a crisis. Managing the numbers rather than closing the doors is a better idea.

Public comment followed. Jason Rusby said that there are hundreds of people coming over from Crested Butte and will continue on the road regardless of closing. He asked about dirt bikes, rock crawlers, jeeps. Richard Wells feels that 15 parking spots will just not solve the problem. Josh spoke to possible FS responses, the boards attempt to mitigate the problem in town and the need to work together. John Anderson said that the county has the ability to ticket parked vehicles. He said that Liz Smith put a date for an end game – that the county will revisit the issue in November if progress is not seen this summer. He pledged \$1000 from CVEPA toward the Western State student. Hawkins Siemon spoke in favor of using ATVs in town. He feels the outreach/education efforts are the correct first steps. Linda Adams spoke to the fact that locals also contribute to the numbers and problems. Terry Havens asked if there would be options for locals if there was an ATV ban. Josh explained that on national lands there is equity for all with no special exemptions for locals. Ryan said that there are examples within town limits where locals do have special permits. Emma asked if there are quantifiable measurements for determining if the three-prong educational program works. Ryan said other towns have found them and they include the amount of trash collected, the number of people contacted, and the number of tickets written. Emma asked about quantifying noise pollution and any reductions. Jason said the forest service can write tickets for noise. Ryan said this could be a future requirement.

Larry said that his proposal for a moratorium is not in conflict with plans and proposals currently in development.

The motion came to a vote with Larry and Tim voting yes, Emma and Josh voting no. Due to the tie, Ryan cast the deciding vote and he voted no. The motion did not pass.

Emma asked about getting the issue on the November ballot. Ron explained that there could be a special election but that would take about a 3-month lead time. Ryan said that there could also be a county-wide vote.

H. New Business – Terry Langley reported that there is a community recognition for Robert Pettijohn scheduled for May 16, 11:15 p.m. at the church.

Tim – spoke to the increased fire danger that the drought and an extremely dry summer will bring. He would like to see the dry hydrants opened after run off.

I. Adjourn - Emma Bielski made a motion to adjourn. Tim Hunter seconded and the motion passed unanimously. The meeting adjourned at 10:30 p.m.

Respectfully submitted,
Terry Langley

Minutes of the Town of Marble
Special Meeting of the Board of Trustees
May 20th, 2021

A. Call to order & roll call of the Special Meeting of the Board of Trustees – Mayor Ryan Vinciguerra called the meeting to order at 6:37 p.m. Present: Ryan Vinciguerra, Emma Bielski, Josh Vogt, Larry Good and Tim Hunter. Absent: none. Also present: Ron Leach, Town Administrator, Terry Langley, minutes.

B. Discussion with On-site Waste Water Treatment System (OWTS) committee regarding non-conforming properties in Marble – Ron Leach explained that the meeting was scheduled to allow for focus on the OWTS nonconforming lots. There are 10 properties that were identified with structures but that have no OWTS and do not meet minimum lot size. The minimum lot size is the only place in the codes that allows the town to stop OWTS being placed on nonconforming lot sizes without a variance being granted. Variances are currently granted or denied based on relatively subjective criteria. If denied, the property owner's recourse is to go through the courts. The working group (Ron, Mark Chain and Josh Vogt) has studied the OWTS in town and have identified the 10 lots mentioned above. They have developed a flow chart that can be followed when a variance is requested.

Mark reported that Marble is unique in that most incorporated municipalities have a waste water treatment system. Minimum lot sizes were set primarily to protect water and wells. Technology has improved. Mark went through the attached memo (see below) and explained the listed options.

Josh reported that there are three categories – 1. The 10 developed nonconforming lots without OWTS. 2. Nonconforming, developed properties that do have systems. 3. Vacant lots. The first group is the immediate focus. There is a need for consistent decisions and to use key metrics contained in the code to develop a flow chart. Josh illustrated a possible flow chart with such questions and next steps as: 1. Is the property developed with a habitable structure? 2. Does it meet minimum lot size? Yes: proceed to OWTS permitting process. No: Can lots owned by the same owner be merged? Yes: merge the lots and proceed to OWTS permitting process. No: have they reached out to adjacent property owners to acquire more lots? 3. Does it have water Yes – good to go! No: can it get water? Yes – good to go. No: take a hard look at that. If it can get water, does it have or has it had a full OWTS system (not outhouse or tank)? Yes: good to go. No: can you meet such critical setbacks as proximity to wells, waterways, proximity to neighbor, roads. Yes: there may be more questions before granting a permit, such as historical use, possible deed restrictions, use and size of the lot. The working group will develop a more formalized flow chart.

Tim asked about the size of a habitable structure. Marble requires 600 sq ft minimum for a building permit for single family dwelling. Emma asked about outhouses and pit privies. Tim said he would prefer a pumpable tank. Larry asked for an example/menu of legal deed restrictions such as number of bedrooms (capacity/occupancy), size of structure, type of OWTS, commercial/noncommercial, no short term rentals, bathrooms, sinks. Emma suggested using the document that attorney Kendall Burgemeister developed regarding the Lawrence property as part of the process. Tim said that a deed restriction would follow the property in case of a sale.

Density is an issue as well. Repair permits can be another issue. It was explained that a flow chart gives a tool to use to treat everyone the same. Another option would be to leave things as they are. A question was asked regarding the definition of an existing structure. Josh feels that it is a structure that has been maintained and used. Tim stated that, because the Carbonate Creek aquifer is shallow – 40 feet, water quality is at top of concerns. Tim reported on the Colorado River District study and said the study shows 10,000 people will be moving to western slope a month.

Josh Vogt moved to adjourn. Emma Bielski seconded and the meeting was adjourned at 7:44 p.m.

Respectfully submitted,

Terry Langley

Mark Chain memo

Mark Chain Consulting, LLC

M E M O R A N D U M

TO: Marble Board of Trustees

FROM: Mark Chain, Planner

DATE: May 4, 2021

RE: OWTS Changes & Process

The Town of Marble has been reviewing its OWTS (On-Site Waste Treatment System) regulations since the end of 2020. This has included a review of all the existing properties in the town, their size, information available related to the utilities provided to the existing lots and other matters that are available online in the Gunnison County Records and by drive-by site inspection in a few cases. A number of issues have been identified including;

- there are existing, nonconforming lots (in terms of size) with nonfunctioning or outdated septic systems.
- There are existing lots that are undeveloped that are nonconforming in terms of lot size.
- There are cases where habitable structures are located on lots that are “off-site” from the lot with the habitable structure on it. Some of these are “merged” for purposes of having an OWTS, but may not be merged legally.
- Some of the non-conforming lots lie adjacent to or across an alley/right-of-way from other properties owned by the same person/entity or that individual has an interest in that adjoining entity. Are there conditions under which it would be advisable for these lots to be merged when there is an application for a building permit or a new OWTS?

We have made progress and have discussed potential code changes with the Town Attorney but still need to have a final conference with an OWTS designer. We then will be able to identify the preferred course of action related to all these issues. Most important, we feel we need a work session with OWTS changes as its sole focus and not share a long meeting with other Municipal business. At this time and unless otherwise directed, the working group suggests that the Town should address its immediate efforts to having a process and regulations for evaluating existing, nonconforming lots with habitable structures which have a nonfunctioning or outdated septic system. A couple of paragraphs added to the OWTS regulations can identify a specific process and submittal requirements. In deliberating the outcome of the 2 application, these are some of the options/outcomes that should be considered (below). There may be others.

- allow the OWTS as described in the application.
- allow the OWTS but require modifications to the system under consideration.
- allow the OWTS but limit the size of structure to either existing size of habitable structure or another size and include deed restriction or other legal requirements.
- consolidation with surrounding properties if under the same ownership (this should be considered if the ownership can attain a conforming size – depending on location in town).
- Consider an option of amnesty as long as some changes are made to nonfunctioning systems within an agreed upon time frame.
- ask for a limited system and limited size of structure.
- Deny the application.
- Take no action.

SLOW GROOVIN BBQ
101 W 1ST STREET
Marble CO 81623

Fees Due		
Renewal Fee		Waived due to 20B-001
Storage Permit	\$100 X _____	\$
Sidewalk Service Area	\$75.00	\$
Additional Optional Premise Hotel & Restaurant	\$100 X _____	Waived due to 20B-001
Related Facility - Campus Liquor Complex	\$160.00 per facility	Waived due to 20B-001
Amount Due/Paid		\$

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

Retail Liquor or Fermented Malt Beverage License Renewal Application

Please verify & update all information below

Return to city or county licensing authority by due date

Licensee Name SLOW GROOVIN BBQ LLC			Doing Business As Name (DBA) SLOW GROOVIN BBQ		
Liquor License # 03-03223	License Type Hotel & Restaurant (city)	Sales Tax License # 2559641	Expiration Date 08/04/2021	Due Date 06/20/2021	
Business Address 101 W 1ST STREET Marble CO 81623			County Gunnison	Phone Number 9709634090	
Mailing Address 101 W 1ST STREET Marble CO 81623			Email ryanvinciguerra@gmail.com		
Operating Manager Ryan Vinciguerra	Date of Birth 7/1/83	Home Address 101 W 1st St Marble CO 81623		Phone Number 970 948 8576	
1. Do you have legal possession of the premises at the street address above? Yes No Are the premises owned or rented? Owned Rented* Lot* If rented, expiration date of lease _____					
2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? If yes, please see the table in upper right hand corner and include all fees due. Yes No					
3a. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? Yes No					
3b. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? Yes No					
4. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. Yes No					
5. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. Yes No					
6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. Yes No					
7. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. Yes No					

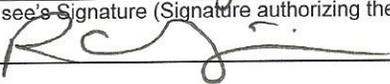
Tax Check Authorization, Waiver, and Request to Release Information

I, Ryan Vinciguerra am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of Slow Groovin BBQ (the "Applicant/Licensee") to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documentation that may otherwise be confidential, as provided below. If I am signing this Waiver for someone other than myself, including on behalf of a business entity, I certify that I have the authority to execute this Waiver on behalf of the Applicant/Licensee.

The Executive Director of the Colorado Department of Revenue is the State Licensing Authority, and oversees the Colorado Liquor Enforcement Division as his or her agents, clerks, and employees. The information and documentation obtained pursuant to this Waiver may be used in connection with the Applicant/Licensee's liquor license application and ongoing licensure by the state and local licensing authorities. The Colorado Liquor Code, section 44-3-101. et seq. ("Liquor Code"), and the Colorado Liquor Rules, 1 CCR 203-2 ("Liquor Rules"), require compliance with certain tax obligations, and set forth the investigative, disciplinary and licensure actions the state and local licensing authorities may take for violations of the Liquor Code and Liquor Rules, including failure to meet tax reporting and payment obligations.

The Waiver is made pursuant to section 39-21-113(4), C.R.S., and any other law, regulation, resolution or ordinance concerning the confidentiality of tax information, or any document, report or return filed in connection with state or local taxes. This Waiver shall be valid until the expiration or revocation of a license, or until both the state and local licensing authorities take final action to approve or deny any application(s) for the renewal of the license, whichever is later. Applicant/Licensee agrees to execute a new waiver for each subsequent licensing period in connection with the renewal of any license, if requested.

By signing below, Applicant/Licensee requests that the Colorado Department of Revenue and any other state or local taxing authority or agency in the possession of tax documents or information, release information and documentation to the Colorado Liquor Enforcement Division, and is duly authorized employees, to act as the Applicant's/Licensee's duly authorized representative under section 39-21-113(4), C.R.S., solely to allow the state and local licensing authorities, and their duly authorized employees, to investigate compliance with the Liquor Code and Liquor Rules. Applicant/Licensee authorizes the state and local licensing authorities, their duly authorized employees, and their legal representatives, to use the information and documentation obtained using this Waiver in any administrative or judicial action regarding the application or license.

Name (Individual/Business) <u>Slow Groovin BBQ</u>		Social Security Number/Tax Identification Number <u>27-5007167</u>	
Address <u>101 W 1st St</u>			
City <u>Marble</u>		State <u>CO</u>	Zip <u>81623</u>
Home Phone Number <u>970 948 8576</u>		Business/Work Phone Number <u>970 963 4090</u>	
Printed name of person signing on behalf of the Applicant/Licensee <u>Ryan Vinciguerra</u>			
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) 			Date signed <u>5/31/21</u>

Privacy Act Statement

Providing your Social Security Number is voluntary and no right, benefit or privilege provided by law will be denied as a result of refusal to disclose it. § 7 of Privacy Act, 5 USCS § 552a (note).

Affirmation & Consent		
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.		
Type or Print Name of Applicant/Authorized Agent of Business	Title	
Ryan Vinciguerra	Partner	
Signature	Date	
<i>[Signature]</i>	5/31/21	
Report & Approval of City or County Licensing Authority		
The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 44, Articles 4 and 3, C.R.S., and Liquor Rules.		
Therefore this application is approved.		
Local Licensing Authority For	Date	
Signature	Title	Attest