

Town of Marble  
Regular Meeting of the Board of Trustees  
June 4th, 2020  
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

6:35 P.M.

Executive session pursuant to CRS 24-6-402(4)(b) to receive legal advice regarding Lawrence pit privy and Case No. 20CV30012.

7:00 P.M.

- B. Approve previous minutes
- C. Mayor's comments
- D. Administrator Report
  - a. Current bills payable June 4th, 2020, Ron
  - b. Discussion of continuity of government during COVID, Ron
    - i. Mill Site Bathrooms
    - ii. Signs
- E. Land Use Issues
  - a. Discussion of proposed access agreement, Huck Huckstep
  - b. Discussion of broadband proposal, Visionary Networks, Ron
- F. Old Business
  - a. Parks committee report, Amber
  - b. Other
- G. New Business
  - a. Consider approval Slow Groovin 2020 Liquor License, Ron
  - b. Other
- H. Adjourn

**DISTRICT COURT, GUNNISON COUNTY, COLORADO**

Court Address: 200 E. Virginia Avenue,  
Gunnison, CO 81230

**ERIC LAWRENCE, an individual, and  
CHRISTINE LAWRENCE, an individual,**  
Plaintiffs,

v.

**THE TOWN OF MARBLE, through its Public Health  
Agency, RYAN VINCIGUERRA, TIM HUNTER, LARRY  
GOOD, EMMA BIELSKI and CHARLES MANUS, in  
their official capacity as the Board of Trustees of the  
Town of Marble Public Health Agency**  
Defendants.

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Whitsitt Law Office, LLC  
Timothy E. Whitsitt  
0326 Highway 133, Suite 190 F  
Carbondale, CO 81623

Phone Number: (970) 510-3400  
FAX Number: (970) 510-3404  
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Atty. Reg. #: 05962

▲ COURT USE ONLY ▲

Case Number:

Div.: Ctrm:

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**COMPLAINT**

Plaintiffs Eric Lawrence and Christine Lawrence (“the Lawrences”), by and through their attorney, Timothy E. Whitsitt, submit the following for their Complaint against The Town of Marble, through its Public Health Agency; Ryan Vinciguerra, Tim Hunter, Larry Good, Emma Bielski and Charles Manus, in their official capacity as the Board of Trustees of the Town of Marble Public Health Agency (collectively “Marble”). Further in support of their Complaint herein, the Lawrences state and allege as follows.

### General Allegations

1. The Lawrences are citizens and residents of the State of Colorado, with a home address of 7959 Highway 133, Carbondale, Colorado 81623. The Lawrences are further the owners, in joint tenancy, of that certain parcel of residential real estate located at 209 Hill Street, Marble, Colorado 81623. The legal description of that parcel ("Subject Property") is:

**Lots 1, 2 and 3, Block C, Mason's Addition to 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**

2. The Town of Marble ("Marble") is a Colorado Municipal Corporation and a political subdivision of the State of Colorado. Ryan Vinciguerra, Tim Hunter, Larry Good, Emma Bielski and Charles Manus, serve as the Board of Trustees of the Town of Marble Public Health Agency and are defendants in their official capacity as Trustees.

3. The Subject Property is located within the Town Limits of Marble and is thus subject to the jurisdiction of Marble, including Marble's Onsite Waste Treatment System ("OWTS") Regulations. Those regulations, authorized by State of Colorado Department of Health Regulation No. 43, govern the installation, maintenance and operation of onsite sewage and wastewater systems within Marble. Those regulations are implemented by Marble's "Local Public Health Agency" ("LPHA") as defined in Section 3.78. of the OWTS Regulations as the Town of Marble itself, through its Town Council.

4. The subject property is, and has since 1941 been, a developed residential property, which has in place an existing single-family residence of approximately Six Hundred Thirty square feet in interior space. This residence has existed in place and been occupied by the owners of the Subject Property since its construction in 1941. At the time of its initial contraction



and ever since that date, the Subject Property has been served with domestic water from the East Extension of the Clarence ditch and has utilized a WPA pit privy for waste disposal, which was an allowed method of waste disposal at the time of its construction.

5. The residence and its domestic water and waste disposal systems on the Subject Property have existed as a pre-existing, non-conforming use in the Town of Marble since the time of the annexation of the Subject Property into the Marble in 1975.

6. The Lawrences purchased the Subject Property from its prior owners in September of 2019. The Lawrences have concluded, based upon expert advice, that their current domestic water system and waste disposal system on the Subject Property are failing and must, pursuant to the provisions of Marble's OWTS Regulation, be replaced or repaired.

7. The Lawrence's inquired with Marble Town officials as to the appropriate course to pursue and were advised that they needed to apply for a permit for the installation of a new onsite waste disposal system, but that to obtain such a permit, they were required to apply for a variance from OWTS requirements. The Lawrence's obtained engineered plans for the installation of an OWTS system which met the minimum requirements of Marble's OWTS Regulations and filed an application for variance to allow them to install that system on September 12, 2019. The only variance which would be required for this installation is the minimum lot size requirement of Section 9.M.1. of the OWTS Regulations.

8. The Marble LPHA held a hearing on October 3, 2019 at the regular Marble Town Board of Trustees meeting regarding the Lawrence's application at which it voted to deny the application.

9. The Lawrences, pursuant to Section 4.M. of the OWTS Regulations, timely filed an appeal of that denial to the Marble Public Health Board. That appeal was heard at a hearing on November 7, 2019, and then continued to a public hearing on January 16, 2020, at which time the Lawrence's filed an amended application for the repair of their existing blackwater and waste disposal systems on the Subject Property. The hearing was continued to February 6, 2020. At the February 6 continued meeting, the Public Health Board voted to deny the Lawrence's applications.

10. A final, written denial by the Marble Board of Trustees was executed and mailed to the Lawrences on March 5, 2020; the Lawrences received the written denial on March 14, 2020. A copy of the written denial is attached and incorporated hereto as **Exhibit A**.

**FIRST CLAIM FOR RELIEF**  
**Appeal Pursuant to C.R.S. §24-4-106(4)**

11. The Lawrences by this reference incorporate into their First Claim for Relief all of the allegations incorporated in Paragraphs 1 through 10 of this Complaint as if fully set forth herein.

12. The Lawrences are 'persons adversely affected' by the March 5, 2020, denial by the Marble Board of Trustees of their applications filed pursuant to the provisions of Marble's OWTS Regulations, as defined by C.R.S. §24-4-106.

13. This Court has jurisdiction pursuant to Title 24, Article 4 of the Colorado Revised Statutes, to hear an appeal of the March 5, 2020 decision by the Marble Board of Trustees.

14. The Lawrences submit that the March 5, 2020, decision of the Trustees was arbitrary and capricious, denied the Lawrences their statutory rights, contrary to the Lawrence's Constitutional rights, in excess of the statutory jurisdiction of the Marble Board, not in accord

with the procedures or procedural limitations of the CRS, and an abuse of their discretion which must be reversed on appeal.

WHEREFORE, Plaintiffs Eric and Christine Lawrence respectfully pray that this Court find in their favor and against the Marble Board of Trustees, acting as the Marble Local Public Health Agency and Board of Health and reverse its denial of the Lawrence's OWTS permit applications, awarding the Lawrences their costs and attorneys' fees accrued as a result of this appeal.

Dated: April 9, 2020

Respectfully submitted;

WHITSITT LAW OFFICE, LLC

By: Timothy E. Whitsitt  
Timothy E. Whitsitt #05962

Attorney for Plaintiffs  
ERIC and CHRISTINE LAWRENCE

Plaintiffs' Address:

7959 Hwy 133  
Carbondale, CO 81623

*Pursuant to the Colorado Rules of Civil Procedure, the original signature of Timothy E. Whitsitt is on file and available for inspection at Whitsitt Law Office, LLC, 326 Hwy 133, Suite 190 F, Carbondale, CO 81623.*



**DISTRICT COURT, GUNNISON COUNTY, COLORADO**

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**PLAINTIFFS' MOTION TO CERTIFY THE RECORD  
ON APPEAL PURSUANT TO C.R.S. §24-4-106 (6)**

Plaintiffs, Eric Lawrence and Christine Lawrence ("Lawrences"), by their attorney Timothy E. Whitsitt, submit the following for their motion pursuant to C.R.S. §24-4-106 (6) to certify the record on appeal. Further in support of their motion, plaintiffs state and allege as follows.

1. Contemporaneous herewith, plaintiffs have filed their Complaint pursuant to C.R.S.

§24-4-106 (4) for a judicial review of the decision of defendant Town of Marble, through its Public Health Agency (“Town”) denying the Request for Variance under the Marble OWTS Regulations submitted by the Lawrences on September 5, 2019.

2. On October 3, 2019 a public hearing was held by the Town on the Lawrences’ Request for Variance, after which the request was denied by the Town.

3. Lawrences file an appeal which was heard on November 7, 2019 and tabled to January 16, 2020. The public hearing concluded on February 6, 2020, at which time the Town denied the appeal and variance request.

4. On March 5, 2020 the Board approved the document finalizing the Denial of Appeal Lawrence Request for Variance under the Marble OWTS Regulations (“Denial”).

5. For purposes of the Court’s review of the Denial it is necessary that the Town certify the record with respect to the Denial.

6. Lawrences submit that the record to be certified for the purposes of this review must contain the following:

- a. A copy of the Town of Marble OWTS Regulations;
- b. A copy of the Denial of Appeal-Lawrence Request for Variance under the Marble OWTS Regulations;
- c. Copies of the Board Agenda Packets, including any submittals by Plaintiffs, for meetings held on September 5, 2019; October 3, 2019; November 7, 2019; January 16, 2020; February 6, 2020 and March 5, 2020;
- d. Copies of Minutes for Town meetings held on September 5, 2019; October 3, 2019; November 7, 2019; January 16, 2020; February 6, 2020 and March 5, 2020;



- e. Copy of correspondence dated August 24, 2019 from Plaintiffs to the Town of Marble Board of Trustees and any communications from the Town in connection with the initial correspondence of August 24, 2019;
- f. A copy of the document titled "Variance Information Requests", including the section titled "Variance Hardships" submitted prior to the January 16, 2020 meeting and any communications from the Town in connection with that document;
- g. A copy of the Marble Zoning Code, 2008 and any updates, revisions, amendments, ordinances or resolutions affecting that Zoning Code;
- h. A copy of the Town of Marble Master Plan dated 2000 as well as any updates, revisions, amendments, ordinances or resolutions affecting that Master Plan;
- i. A transcript of all public hearings held by the Town regarding the Lawrences Request for Variance, Appeal of Request for Variance, and any public comments regarding the Request.
- j. Copies of all documents received, submitted for the record and considered by the Town in connection with its review and denial of the Request for Variance.

Dated: April 8, 2020

Respectfully submitted;

WHITSITT LAW OFFICE, LLC

By: Timothy E. Whitsitt  
Timothy E. Whitsitt #05962

Attorney for Plaintiffs  
ERIC and CHRISTINE LAWRENCE

*Pursuant to the Colorado Rules of Civil Procedure, the original signature of Timothy E. Whitsitt is on file and available for inspection at Whitsitt Law Office, LLC, 326 Hwy 133, Suite 190 F, Carbondale, CO 81623.*

**Town of Marble  
322 West Park St.  
Marble CO 81623**

DATE FILED: April 8, 2020 3:38 PM  
FILING ID: 885379A3196A2  
CASE NUMBER: 2020CV30012

**Board of Trustees**

**Denial of Appeal of Initial Denial of Request for Variance under the Marble OWTS Regulations**

**Findings:**

1. The Town of Marble has adopted On-Site Wastewater Treatment System Regulations (2018) (the "OWTS Regulations").
2. The Board of Trustees of the Town of Marble ("Board") serves as the local board of health under the OWTS Regulations.
3. Eric A. Lawrence and Christine M. Lawrence ("Applicants") requested for a variance from the minimum lot size requirement in Section 9.M of the OWTS Regulations.
4. The variance request relates to the real property known as Lots 1, 2, and 3, Block C, Mason's Addition to the Town of Marble, Colorado, according to the plat recorded March 21, 1975 in Book 483 at Page 305 in the real property records of Gunnison County, Colorado, a/k/a 209 Hill Street, Marble, Colorado (the "Property").
5. Section 9.M.1 of the OWTS Regulations states: "To be eligible for issuance of an OWTS permit, the subject property must meet the applicable minimum lot size," which for the subject Property is one acre.
6. The subject Property is approximately 10,400 square feet (slightly less than a quarter of an acre).
7. Located on the Property are a residential dwelling, miscellaneous ancillary improvements that do not generate wastewater, a pit privy, and a graywater system. The dwelling, pit privy, and graywater system were all constructed on the Property before the Town adopted OWTS regulations with a minimum lot size in the 1990s.
8. The Applicants desire to upgrade the wastewater treatment on the Property by replacing the existing privy and graywater system with a permitted OWTS that complies with the requirements of the OWTS Regulations (other than the minimum lot size requirement).
9. The Applicants initially contacted the Town in August of 2019 about the possibility of obtaining a variance to allow installation of a new OWTS on the Property. At the time, the Applicants had the Property under contract, but had not closed on the purchase. In correspondence dated August 24, 2019, the Applicants specifically noted that they were looking for direction from the Town on whether a variance would be issued before they spent money purchasing the property or having plans prepared. On September 5, 2019, Ms. Lawrence appeared at a regular meeting of the Board and described the Applicants' desire to purchase the Property and install an OWTS pursuant to a variance. A complete variance application had not been received in time to hold a public hearing a consider a variance request at this meeting. On September 11, 2019, Mr. Lawrence closed on the Purchase of the Property. On September 12, 2019, Mr. Lawrence conveyed the Property to himself and Ms. Lawrence as joint tenants.





10. A public hearing on the variance request was held on October 3, 2019. After receiving input from the Applicants and the public, the Board voted to deny the variance request. A Notice of Denial of a Variance Request was provided to the Applicants, stating the basis for the denial.

11. The Applicants filed an appeal pursuant to Section 4.M of the OWTS Regulations. The appeal was heard on November 7, 2019. The appeal was tabled so that the public hearing on the variance request could be re-opened on January 16, 2020, at 7:00 pm.

12. The re-opened public hearing was held on January 16, 2020, at 7 pm. At the public hearing, the Applicants took the position that they no longer required a variance, but the Board communicated to the Applicants that a variance was required. Public comment was taken, but no formal decision was rendered.

13. The public hearing was concluded on February 6, 2020. Additional information was provided by the Applicants and additional public comment was received.

14. Prior to the January 16, 2020, meeting, the Applicants submitted a document titled "Variance Information Requests" with a Section titled "Variance Hardships," which alleged the following hardships:

- (1) This lot is absolutely constrained on all 4 sides by roads, road easements, the Clarence Ditch to the east and further to the east is the only privately owned property which is outside town boundary;
- (2) It's a hardship to be unable to increase the size of our property when desiring to improve the property;
- (3) The pit privy is over full and septic pumping companies don't pump privies;
- (4) It's a hardship when State and Town regs do not allow pit privies to be updated nor can we dig a new hole for a new privy;
- (5) The pit privy is an out-dated septic system that is not in compliance with current codes; it should be abandoned; it would be a hardship not to have any septic system;
- (6) It's a hardship when State and Town regs do not allow any pit privy alternatives except for a compliant OWTS;
- (7) Kitchen sink graywater flowing free in a yard is considered a contaminant by State standards; so it's a hardship not to be allowed to change the graywater system;
- (8) Marble does not have design criteria for graywater treatment works which creates a hardship to properly dispose of the graywater;
- (9) There's a physical hardship of using a privy after dark, especially in winter.

#### **Conclusions:**

1. The Applicants' proposal is not merely repair or replacement of the existing systems. The proposal will also result in expansion of the historical use (e.g. a plumbed toilet) that exceeds the



design flow of the existing systems. The expanded use would not be a "grandfathered" non-conforming use, and a variance is required for the Applicants' proposed system.

2. Section 4.L.3.e of the OWTS Regulations requires the Applicants to provide "A statement of the hardship that creates the necessity for the variance."
3. Section 4.L.4 of the OWTS Regulations mandate that the Applicants have "the burden of proof to demonstrate that the variance is justified..."

**Decision:**

By a vote of 3 to 0, on February 6, 2020, the Board DENIED the appeal and the variance request on the grounds that the Applicants did not meet their burden of proof to demonstrate sufficient hardship to justify the issuance of the variance.

This decision document was approved this 5 day of MARCH, 2020, by the Marble Board of Trustees, by a vote of 4 in favor and 0 opposed.

  
\_\_\_\_\_  
Ryan Vinciguerra, Mayor

Attest:   
\_\_\_\_\_  
Ron Leach, Clerk

**DISTRICT COURT, GUNNISON COUNTY, COLORADO**

Court Address: 200 E. Virginia Avenue,  
Gunnison, CO 81230

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Case Number:

Div.: Ctrm:

**DISTRICT COURT CIVIL (CV) CASE COVER SHEET FOR INITIAL  
PLEADING OF COMPLAINT, COUNTERCLAIM,  
CROSS-CLAIM OR THIRD PARTY COMPLAINT AND JURY DEMAND**

1. This cover sheet shall be filed with the initial pleading of a complaint, counterclaim, cross-claim or third party complaint in every district court civil (CV) case. It shall not be filed in Domestic Relations (DR), Probate (PR), Water (CW), Juvenile (JA, JR, JD, JV), or Mental Health (MH) cases. Failure to file this cover sheet is not a jurisdictional defect in the pleading but may result in a clerk's show cause order requiring its filing.

2. Simplified Procedure under C.R.C.P. 16.1 **applies** to this case **unless** (check

one box below if this party asserts that C.R.C.P. 16.1 **does not** apply)

- This is a class action, forcible entry and detainer, Rule 106, Rule 120, or other similar expedited proceeding, **or**
- This party is seeking a monetary judgment against another party for more than **\$100,000.00, including any penalties or punitive damages, but excluding attorney fees, interest and costs, as supported by the following certification**

**By my signature below and in compliance with C.R.C.P. 11, based upon information reasonably available to me at this time, I certify that the value of this party's claims against one of the other parties is reasonably believed to exceed \$100,000."**

**Or**

- Another party has previously filed a cover sheet stating that C.R.C.P. 16.1 does not apply to this case.
3.  This party makes a **Jury Demand** at this time and pays the requisite fee. See C.R.C.P. 38 (Checking this box is optional.)

Date: April 8, 2020

WHITSITT LAW OFFICE, LLC

By: /s Timothy E. Whitsitt  
**Timothy E. Whitsitt #05962**

*Pursuant to the Colorado Rules of Civil Procedure, the original signature of Timothy E. Whitsitt is on file and available for inspection at Whitsitt Law Office, LLC, 326 Hwy 133, Suite 190 F, Carbondale, CO 81623.*



**DISTRICT COURT, GUNNISON COUNTY, COLORADO**

Court Address: 200 E. Virginia Avenue,  
Gunnison, CO 81230

DATE FILED: April 9, 2020 9:07 AM  
CASE NUMBER: 2020CV30012

**ERIC LAWRENCE, an individual, and  
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Defendants.

▲ COURT USE ONLY ▲

Case Number:  
2020CV30012

Div.:2 Ctrm:

**ORDER GRANTING PLAINTIFF'S MOTION  
TO CERTIFY THE RECORD PURSUANT TO C.R.S. §24-4-106 (6)**

**THIS MATTER**, having come before the Court on the Plaintiffs' *Motion to Certify the Record Pursuant to C.R.S. §24-4-106 (6)* filed herein on April 8, 2020, and the Court having reviewed the motion and being duly advised in the premises;

**IT IS HEREBY ORDERED** that Defendant the Town of Marble, through its Public Health Agency shall certify and file with the Clerk of the Court, the record as described in Plaintiffs' Motion, together with a certificate of authenticity, within twenty one (21) days of service of of this Order;

**IT IS FURTHER ORDERED** that the Plaintiffs shall tender payment to the Town for the cost of certification of the record.

DATE: April 9, 2020

BY THE COURT:

  
District Court Judge

Town of Marble  
Regular Meeting of the Board of Trustees  
May 7th, 2020

NOTICE: DUE TO THE CURRENT COVID SITUATION AND RESTRICTIONS, THE MAY 7th, 2020 MEETING OF THE MARBLE BOARD OF TRUSTEES WAS HELD VIA CONFERENCE CALL ON THE REGULAR DATE & TIME. THE CONFERENCE CALL WAS OPEN TO THE PUBLIC TO CALL IN.

A. Call to order & roll call of the Regular Meeting of the Board of Trustees – Present: Mayor Ryan Vinciguerra called the meeting to order at 6:34 p.m. Present: Ryan Vinciguerra, Larry Good, Emma Bielski, Tim Hunter, and Charlie Manus. Also present: Ron Leach, Town Administrator, and Terry Langley, minutes. Ryan Vinciguerra moved to go into executive session pursuant to CRS 24-6-402(4)(b) to receive legal advice regarding Lawrence pit privy and Case No. 20CV30012. Larry Good seconded and the motion passed unanimously.

The board went into executive session at 6:35 p.m. This was attorney/client communication and no minutes were taken.

The executive session ended and the regular meeting resumed with a call to order by Ryan Vinciguerra at 7:04 p.m. Present: Ryan Vinciguerra, Tim Hunter, Larry Good, Emma Bielski. Joining later, Charlie Manus.

B. Approve previous minutes – Emma Bielski made a motion to approve the minutes. Tim Hunter seconded and the motion passed unanimously.

C. Mayor's comments - none

D. Administrator Report

a. Administer Oath of Office to Trustees & Mayor, Ron Lawrence Good, Tim Hunter and Emma Bielski individually took the oath of office for town trustee and Ryan Vinciguerra took the oath of office for Mayor.

b. Current bills payable April 2, 2020, Ron – The bills are listed on page 7.5. Larry Good made a motion to pay the bills as listed. Tim Hunter seconded and the motion passed unanimously.

c. Discussion of continuity of government during COVID, Ron – The board of trustees faces some unique challenges this summer due to the virus. With the COVID rules and regulations there will probably be an increased call for enforcement and increased anxiety. Ron recommends the town err on the side of caution and expect the unexpected. Discussion concerning the following issues followed.

Campground – Ron recommends the campground remain closed all summer. Enforcement issues and friction in the town are some of the issues to be faced if the campground opens.

Recycle – Ron recommends opening Saturday and going back to the Tues/Sat 9-11 a.m. schedule. He plans to man it with Charlie for the first month as he does not want to expose volunteers due to lack of workman's comp for volunteers. Larry asked if council members were covered and he volunteered to help when Ron said that they are. Emma recommended the public maintain social distancing and wear masks. Ryan pointed out that the dumps are back open and recycling is also available there.



Mill site Park bathrooms – opening the bathrooms will increase Charlie’s exposure when he cleans. Keeping them closed means more trailside use for waste elimination. It was reported that porta-potties are available for \$75 per week with weekly pumping. Cost for the summer would be about \$2000. Ryan feels that the town has an obligation to provide clean facilities and opening the bathrooms with daily cleaning is safer. Tim said that public bathrooms are closed across the western slope. The public should take their own precautions when using the restroom and that the porta potties are the better way to go. Larry recommends better signage communicating the lack of public restrooms. Ron agrees with doing some cleaning of the porta johns daily – spraying bleach/disinfectant, etc. There are 4 provided by CPW at Beaver Lake. Cindy Fowler reported that more than 50 non-residents were at the lake on Sunday. There is a need for more time from the sheriff’s deputies. Ron agreed that, if cleaning was going to happen daily, we might as well open our restrooms. This will mean personal protective equipment (PPE) for Charlie Manus. Larry feels that keeping the restrooms closed will be a small deterrent to people visiting Marble. Ryan suggests getting the supplies but waiting until high season to open the restrooms. Tim and Larry went on record as being against opening the restrooms. They are agreeable to porta johns until at least July 1. Mike Yellico recommends porta potties at the park. Larry spoke to the liability issues. Ryan said that the town has a responsibility to clean whatever restrooms are provided. The board agreed to table the issue until next month. Tim suggested revisiting this every 30 days. Larry asked that No Public Restrooms be added to the sign. Jamie Fisk suggested adding it to the web site. Emma agreed with adding to the website but that the current No Services sign is sufficient. Tim suggested adding more No Services signs. Richard Wells would like to see restrooms available if the parks are open. Carol Parker said the existing signage didn’t make a difference last weekend.

Board of Trustees role regarding tourism this year – Our local small businesses need our support at the same time that we need to keep citizens safe. Ron feels that we can do both. Ryan said that we do have an increased sheriff’s presence and that we need to follow the county’s guidelines. Tim said that there are things the town can control, such as wearing masks. Discussion in support of this followed. Jamie asked that young people step up and volunteer for such things as cleaning bathrooms in order to protect our older citizens. Emma spoke to the mixed messages of bringing customers and employees from out of county when asking others to stay away. She suggests talking to the county. Larry reported on the phases of reopening lodging in the county, beginning with 25%. Ryan suggested coming back to COVID later in the meeting.

#### E. Land Use Issues

a. Consider approval Carbondale Fire District Development Improvement Agreement, Mark Chaim – Mark reported on the proposed agreement, including expansion and additions with locations, and construction management. It has been reviewed by Ron and Kendall. Ryan asked the trustees for comments and questions. Tim addressed the parking for the project and reported that 9 spaces would be added. More marble blocks will be requested for the new spaces. Emma asked that the contractors and subcontractors follow proper PPE protocol. Ron explained that there are construction waivers available and they are specific as to what is allowed and prohibited. Mark explained that the project would follow public health orders and they would obtain and follow any necessary waivers. Rob said that the contractor is currently complying with the appropriate counties’ orders on their other jobs and they are prepared to do the same on our project. There were no comments or questions from the public. Mark said that there were four small wording changes suggested by the attorney. Emma Bielski



made a motion to approve the agreement. Larry Good seconded and the motion passed with 4 voting yay. Tim Hunter abstained due to his connection with the fire district.

b. Discussion of proposed access agreement, Aaron "Huck" Huckstep – Jim Maynard would like to purchase some land-locked property across the Crystal River. He is asking for access across some town property. See letter in packet. Ryan asked if they had explored any other options. Huck said there do not appear to be any others as they would require a bridge. The most logical access would come across the town property just the other side of the existing bridge. Tim said that the access as shown would involve deed restrictions by the SBA. Huck asked if the town had plans for the property. Ryan explained that the deed restriction was to ensure the park remain a park with limited development. Huck said they would just like to know if there was any possibility of the agreement being approved. Ryan said that he is initially reluctant but willing to look at the plan/proposal. Tim agreed and said that working with the SBA can be a long process. Huck asked what they wanted in terms of a plan – if they wanted to see the plans for the property. Larry agreed saying he is reluctant but curious. Mike Yellico said that the property was in a traditional avalanche path. Huck said that they had been in conversation with Gunnison County as to where the best location for development was. He feels they can work together. Ryan asked for a time line for answers. Huck would like to know by mid summer, if possible. Ryan said that the water augmentation piece needs more exploration and that a mid summer timeline might be too aggressive. Huck said they are not looking for immediate approval but just to know if there was a level of comfort with the possibility of granting access. Ryan suggested tabling this until they can hear from the attorney. Tim Hunter asked if he could walk the property. Jim said he had permission to grant that permission. Huck asked that this be on next month's agenda. Ron will email Huck the SBA deed.

c. Discussion of broadband proposal, Visionary Communications (VC), Ron – Andrew Eubanks spoke to VC's history and possibilities for bringing broad band high speed internet to Marble. After discussions with Holy Cross and Pitkin County, they began devising a plan for a fiber trunk line that follows the Holy Cross poles into Marble. They would continue to follow the Holy Cross lines where possible outside of Marble. Customers would pay to have it brought to their business or homes either along the lines or underground. Fixed wireless for those who cannot be reached by fiber would be available as well. Larry asked about costs, town requirements, and the plan. Andrew said this would be an \$800,000 – \$1 million project. Ron asked what that would cover, such as Serpentine. It does not, but Andrew said that they would look at DORA grants, other grants and they would be responsible for 25% of the cost. They estimate 200 homes with fiber and 136 with fixed wireless and a 5-6 year payout. Larry asked if both types were necessary – if one didn't work would they abandon the other? Andrew said it was a symbiotic project that would need both. Discussion of service to outlying areas followed. Letters of support factor into grant decisions and they do not yet have those from the town or the county. Ron pointed out that they can only give a letter of support for the town proper. He asked how the residents within the town would be served. Andrew estimates 80% would have access to fiber, 20% to wireless. Ron estimates that 50% of those out of Marble would not have access to fiber. Glenn Smith asked if they had estimates of the costs to consumers and where letters of support should be sent. Andrew said established prices range from \$69.95-79.95 for the upper end gig package and \$49.95-59.95 for 100 meg packages. Wireless packages are a bit more expensive due to issues with putting up the wireless. Phone and fax can be added. They do not data cap as you have with satellite. Latency or time to communicate is longer with satellite. Letters of support can be sent to the company, attention Aaron MacEllery or Macie Ramsey. Bart asked if they had talked with HC about partnering with the



investment. Andrew reported that they have been talking with Bob Farmer of HC. Andrew explained that trenching and burying the fiber is generally cheaper than erecting poles. Ron asked about tower sites. Aaron said they had identified two: at the water tank and near the quarry road. Ron will write a letter of support from the town.

d. Review proposed OWTS repair permit & variance request, Mario – Mario Villalobos' leach field is failing. The gallery and house are on two separate lots. The field would be in between the two lots and the gallery and house would share the same field. An easement between the two would be required. The proposed field would need to encroach on the set back line and maybe into the mill site park about 10-15', which would require a variance. This will require an easement. There may be a need for a variance due to the location of the well relative to the field. Ron pointed out that the town is facing other OWTS issues and that there is a need to look at how to deal with the nonconforming lots. Ron proposed appointing a commission or panel of 3-5 people to look at and make a proposal on how to deal with the issues. He suggested the make-up of that committee include an OWTS engineer, a planner with municipal and OWTS experience, the Town Administrator and a trustee. Alan Leslie was suggested.

e. Other – Ron reported that the fire department had hired a plan reviewer and inspector – Bruce Staubach. Ron would like to work toward Bruce doing Town of Marble building inspections in the future as Ron does not feel qualified to do the inspections on newer and larger structures. Ron would continue to do the administrator services. Costs would be borne by the applicant. He will have a proposal for the trustees in June.

#### F. Old Business

##### a. Parks committee report, Amber

Project: Marble Mill site Liability Entrance Sign(s). Summary: Signs located at the park entrance and the entrance to the historic section of the park stating that it is unsafe as well as the rules of the park. This is a request from the town's insurance company. Action/Request: We would like to proceed with designing, ordering, and placing two signs in the Mill site Park during the month of May. We are requesting a \$300 budget. Proposed Wording: The Marble Mill site Park is a 25 acre park owned by the Town of Marble and is listed on the National Historic Registry. It is the remnants of an industrial site left in its historic condition and may contain many hazards.

Proceed at your own risk.

Stay on designated trails.

Children should be under close supervision at all times.

Absolutely no climbing on pillars or walls.

Dogs must be on leashes.

Removal of marble, artifacts, or plants is illegal and will be prosecuted.

##### Cost Estimate:

Sign 5'x 3' at Entrance to Historic Mill site. - \$170.00

Sign 2'x 3' at Park Street Entrance - \$80.00

Mounting to marble block, post and misc hardware - \$50.00

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Total = \$300

Larry Good made a motion to approve the purchase and installation of the signs. Emma Bielski seconded and the motion passed unanimously

Project: Tree Removal - Summary: During a walk of the mill site it was determined that a cottonwood located near the stage posed a safety risk, it is in poor condition and might fall on the stage or people around the stage. Its removal would also allow for better visibility of the stage. It is our wish to remove the tree. Action/Request: We would like permission to pursue removal of the tree with a budget not to exceed \$600. Mike Yellico and Tim Hunter volunteered to remove the tree. Emma Bielski made a motion to approve the tree removal. Charlie Manus seconded and the motion passed unanimously.

Project: Marblefest Stage - Summary: The stage was built two years ago for the 2018 Marblefest by Mario. It was originally intended as a temporary structure but has become an asset to the community. We would like to bring the structure up to code, obtain a building permit and make the structure a permanent fixture in the park as well as repay Mario for the current stage. This is also a request from the town's insurance company (that it have a building permit). Action/Request: We would like permission to get cost estimates for design by an engineer and advice on steps to bring it up to code. Actual costs and permission to hire said engineer will be requested at the June meeting. It was suggested to find an engineer in the community who would be willing to volunteer to do this. Tim suggested waiting on this due to the uncertainty of town funding. It was decided to proceed with getting an estimate.

Project: Trail Work within the Mill site Park - Summary: Designated trails are hard to distinguish and until a historic grant is received to truly restore the Mill site (a huge project) it needs current trails marked and maintained. Marja has contacts with the Roaring Fork Outdoor Volunteers (RFOV) a non-profit organization that is excited to help. Action/Request: We would like permission to work with RFOV, and Emma to assess the current trails and possible new trails and then work with RFOV to fix, build and maintain trails. Emma asked that the crumbling wall to the east be roped off for short term preservation.

Project: Purchase of Land Adjacent to the Mill Site Park Summary: I have contacted a representative from GoCo about a land acquisition grant. She stated that they are meeting June 11th to determine what programs will receive funding this cycle. Action/Request: None at this time, unless you think a town representative reaching out to the current owner to make him aware of our intentions would be helpful to the symposium or ourselves. Madeline Weiner reported that the owner has filed a lawsuit against the institute. The institute can offer \$170,000 for one parcel. Total asking price for the two parcels is \$350,000.

Project: Storage Shed - Summary: We would like to build a storage shed to hold any tools, equipment, etc. purchased in the future by the town. Action/Request: We would like to work with a town representative to decide on location for the shed and any needed permits etc. for building the shed. They will look at this when they walk the Mill Site trails.

b. Summer road repair plan discussion, Ryan – Ryan reported that the county had applied Mag Chloride on Main. East State Street at Thompson Park and 4<sup>th</sup> Street from Main to the town gate (1/4 mile) need road base. Either of these two will take the majority of the \$20,000 budgeted amount. Discussion of priorities followed. Because 4<sup>th</sup> has been started and there are a number of residents, it was decided to do that one first. The other will be the priority next year.

c. Other: Charlie expressed his pleasure at working with the trustees these past years.



G. New Business

- a. Tim reported that he picked up the hammer drill for installing the speed bumps. They will be in as soon as possible.
- b. Emma said that most decisions the trustees makes for the foreseeable future must take into account the current county regulations and what is best for the health and safety of the community over tourism. Ideas – writing to commissioners, contacting Deputy Leon, CPW, US Forest Service.

H. Adjourn – Larry Good made a motion to adjourn. Tim Hunter seconded and the motion passed unanimously. The meeting was adjourned at 10:42 p.m.

Respectfully submitted,

Terry Langley

Minutes of the Town of Marble  
Work Session  
May 14, 2020

NOTICE: DUE TO THE CURRENT COVID SITUATION AND RESTRICTIONS, THE MAY 14th, 2020 WORK SESSION OF THE MARBLE BOARD OF TRUSTEES WAS HELD VIA CONFERENCE CALL AT 6:00 P.M. THE CONFERENCE CALL WAS OPEN TO THE PUBLIC TO CALL IN.

A. Call to order and roll call - The work session was called to order by Mayor Ryan Vinciguerra at 6:10 p.m. Present: Ryan Vinciguerra, Larry Good, Tim Hunter and Emma Bielski. Also present: Ron Leach, Town Administrator and Terry Langley, minutes.

B. Discussion of current and future COVID regulation from State of Colorado and Gunnison County - The session was called to discuss the COVID issues and town response. Larry said that he felt the town needs to follow the county regulations or be clear about where they differ. Ron reported on the latest order from Gunnison County. There are two key dates: tomorrow, May 15 and May 27. As of tomorrow, the order allows businesses to open. It allows restaurants to continue to operate with take out orders. Larry said it starts the clock on opening lodging. Short term at 25% of occupancy for residents and essential works only. On May 27, lodges can open to 50% and open to anyone. June 24 begins 100% occupancy. Ron said that campgrounds are included in the lodging regulations.

Ryan said that the chamber met yesterday and they talked about policies and protocols for businesses that are opening. They did not create their own but went with county regulations. Emma asked about reporting information concerning employees or customers who contract the virus. Larry said there is contact tracing mentioned in the county regulations. Tim said contact tracing would be done by the CDC or the health department. There was discussion about taking and recording employee temperatures and follow up with questions regarding other indicators: loss of smell and/or taste and a rash.

Larry asked that they look at the county guidelines and make sure they are following and enforcing those guidelines. Masks are not mandated by Gunnison County but it is recommended. Larry said they are required for employees with customer contact. Ryan recommended that the board members stop into opening businesses to remind them of the guidelines.

Tim said that he feels the campground and restrooms need to remain closed with the 30 day review. Larry said the chamber plans to have information regarding what is open, what scheduled reopening are, if applicable, and what remains closed. Ryan explained that organized gatherings are still limited to 10 or less. Social distancing is still recommended. Emma has concerns about the numbers at the lake and in places like Slow Groovin's parking lot – not an organized gathering, but a total of more than 10 who happen to find themselves in the same place. Larry said that non-county residents are still not to be in the county through May 27. Limiting the number of visitors would not only slow the virus, but more easily allow contact tracing. He recommends closing the park, asking CPW to close Beaver Lake and closing the Lead King Loop. Emma agreed. Ryan does not agree because these are places where people are outside, thus lessening the risk and there are no people staying overnight. Discussion followed concerning the time line, what can be controlled and what the state/county guidelines and recommendations are, and what the fears are. Emma said there was a wide spectrum between real and perceived threats to safety. She feels that with an increase in the numbers of people in town there is a real increase in danger of infection and that it keeps locals from being able to recreate in their own town. Ryan feels that the board's energy needs to focus on things they can control. Tim said that one thing they can do is to write to CPW and the county commissioners asking for increased enforcement and possibly closing the lake and/or parking.



Larry suggested closing the town parks for the next two weekends and including that information with the chamber's communications. He also suggested placing cones at the turn off onto CR 3 to slow people down so that they see the sign. Ryan said that this is sending a message that Marble is closed and he does not agree with that. Emma said the goal is not to close Marble but to keep the citizens safe. Ryan feels that this is counter to the state moving toward opening. Larry suggests asking the sheriff to ticket violators or have the town jump into writing tickets and hiring security people to stop people as they turn onto CR 3 to give them the information that the county is closed is another option. He said that there needs to be clarity with whatever message the town wants to convey. Ryan feels that there will be increased enforcement due to the letters that have been sent to the county. He said the question is whether to ride the next two weeks out or to try to form town guidelines. All the board members thanked Ryan's for his efforts and concerns regarding the town's response to COVID. Tim emphasized the need to write letters to the county commissioners and to the CPW.

Emma asked what the town's emergency response plan will be if and when COVID comes to Marble. Ron reported that the Carbondale Fire District has first responders who will come to Marble if needed. Emma asked if there could be on site personnel in the event of an outbreak. Ron said he thought they would place personnel here in that case. Other government entities would respond as well to determine if other services, such as quarantine/isolation, is needed. Emma feels that the city would have a quicker response than the county or state would have and that the town needs to formulate a plan. Larry said that the county has already developed a plan for that. Larry said that doing something for the next couple of weeks would establish a record of caring and action in the event of an outbreak.

Discussion about holding a special town meeting to vote on any regulations followed. Larry suggested a "for immediate" press release asking non residents to not come to Marble. Ron said there would need to be a discussion with Kendall regarding any regulations. Discussion regarding the short amount of time left until May 27 in relation to work that would have to be done as well as the possible legal ramifications followed.

The board agreed to the following: 1. develop a press release, to circulate it among the board and the attorney and to send it to the local papers reminding citizens that the county is currently closed to non-residents. 2. Check with Kendall regarding the legality of hiring security people and his guidance in the town's efforts. 3. Continue to strongly request the sheriff's presence & enforcement. 4. Contact CPW and ask them to close the lake on the weekends until May 27. 5. Ron will contact Marlene Crosby about the possibility of putting cones at the turn off. 6. Continue to take and send pictures showing the crowding and out of county vehicles.

Further meetings were discussed. Ron explained that there needed to be 24 hours for notice of another meeting. If it is a special meeting rather than a work session, motions can be made. Amber McMahill asked that the agenda include making a decision regarding the campground due to the number of reservations coming in. There will be a special meeting held at 9 am on May 18.

C. Adjourn - Larry Good made a motion to adjourn. Tim Hunter seconded. The meeting was adjourned at 8 p.m.

Respectfully submitted,

Terry Langley



Minutes of the Town of Marble  
Special Meeting  
May 18, 2020

NOTICE: DUE TO THE CURRENT COVID SITUATION AND RESTRICTIONS, THE MAY 18th, 2020 SPECIAL MEETING OF THE MARBLE BOARD OF TRUSTEES WAS HELD VIA CONFERENCE CALL AT 9:00 A.M. THE CONFERENCE CALL WAS OPEN TO THE PUBLIC TO CALL IN.

A. Call to order and roll call - The special meeting was called to order by Mayor Ryan Vinciguerra at 9:03 a.m. Present: Ryan Vinciguerra, Larry Good, Tim Hunter and Emma Bielski. Also present: Ron Leach, Town Administrator, Kendall Burgemeister, town attorney and Terry Langley, minutes.

B. Discussion of current and future COVID regulations from State of Colorado and Gunnison County – Ron reported on some of the things discussed at the May 14 work session:

- security at CR 3 & 133 – Kendall Burgemeister, Marlene Crosby and the Gunnison County attorney all said that Marble has no jurisdiction at CR 3 and 133 so that is not possible.
- The press release was sent and was published in the Glenwood Springs paper on Saturday.
- The sheriff was contacted with a request for increased presence and he sent deputies on both Saturday and Sunday. Ron will call to thank them and request that they return Memorial Weekend (Sat-Mon).
- Larry said that Colorado Parks & Wildlife (CPW) responded to the request to close the lake and they said it was a state matter and would have to go through their process. Kendall said that the timing with the state and federal agencies trying to open might be a problem. Emma reported that the sheriff's presence deterred people as long as the deputies were there. Tim reported some issues on the CPW conservation property and Ron recommended he write to CPW.

Ron suggests having one person acting as a public information officer in the event the town is contacted by reporters. The board agreed that Ron should be the one to act in that capacity.

Kendall left the meeting at this point.

Larry asked if the board felt he should contact CPW again. Ryan suggested that Larry follow up and Tim & Emma agreed. Larry will thank them for their response and withdraw the request to close the lake for the time being.

Tim said a decision concerning closing the campground needed to be made. He feels it should be closed for the summer as a COVID safety measure. Amber agreed. She said there are currently 40 reservations for the remainder of the summer and that those people need to know so that they can make other arrangements. She said an option was to honor those reservations but not take more. Tim said that this would also affect the HUB with more visitors and people coming in and out for reservations. Amber reported that if the campground closes, the HUB will not open but will have an information kiosk outside. Ryan said another option would be to open to self-contained units only. Ron said that any type of opening would involve town staff – campground host, Ron & Amber – and that would be a safety

concern. Larry reported that Jim Aarts feels that the campground should stay closed. The consensus is that the campground remains closed for this season.

Larry asked if the fire station construction crews might use the campground space. Tim Hunter will check with the fire district to see if that would be of interest/benefit.

Larry asked if another press release should go out. He will write another one for the board's approval.

Tim will get the speed bumps installed as soon as possible.

Emma asked about MarbleFest and it will probably not happen. The whole time line of numbers of people, lodging and how church will reopen and inside service at Slow Groovin' was discussed.

C. Adjourn – Larry Good moved to adjourn. Emma seconded and the meeting was adjourned at 9:52 a.m.

Respectfully submitted,

Terry Langley

8:54 AM

06/02/20

Accrual Basis

**Town of Marble**  
**Balance Sheet**  
As of June 4, 2020

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	<u>Jun 4, 20</u>
<b>ASSETS</b>	
Current Assets	
Checking/Savings	
*General Fund -0240	35,638.78
Campground Account -6981	135,033.10
Money Market -1084	40,510.88
Severence/Mineral Proceeds-6157	148,982.53
Water Fees -0873	14,932.08
	<hr/>
Total Checking/Savings	375,097.37
Total Current Assets	<hr/> 375,097.37
<b>TOTAL ASSETS</b>	<hr/> <b>375,097.37</b> <hr/>
<b>LIABILITIES &amp; EQUITY</b>	0.00

26



**Town of Marble**  
**Deposit Detail-General Fund**  
**May 8 through June 30, 2020**

<u>Date</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
06/04/2020		Deposit	*General Fund -0240	100.00
	adam elder	Deposit	Donations	-100.00
TOTAL				-100.00
06/04/2020		Deposit	*General Fund -0240	50.00
	Mike Yellico	Deposit	Business Licenses	-50.00
TOTAL				-50.00
06/04/2020		Deposit	*General Fund -0240	18.32
	Holy Cross Electric	Deposit	Holy Cross Electric Rebates	-18.32
TOTAL				-18.32
06/04/2020		Deposit	*General Fund -0240	500.00
	Slow Groovin' BBQ	Deposit	Other Licenses & Permits	-500.00
TOTAL				-500.00
06/04/2020		Deposit	*General Fund -0240	2,575.00
	Slow Groovin' BBQ	Deposit	SGB Lease Agreement	-2,575.00
TOTAL				-2,575.00
06/04/2020		Deposit	*General Fund -0240	98.25
	mary ellen jones	Deposit	Building Permits	-98.25
TOTAL				-98.25
06/04/2020		Deposit	*General Fund -0240	300.00
	Colorado Stone Quarry CSQ	Deposit	CSQ Maintenance Payments	-300.00
TOTAL				-300.00
06/04/2020		Deposit	*General Fund -0240	2,329.23
	Colorado Stone Quarry CSQ	Deposit	CSQ Lease Agreement	-2,329.23
TOTAL				-2,329.23
06/04/2020		Deposit	*General Fund -0240	2,329.23
	Colorado Stone Quarry CSQ	Deposit	CSQ Lease Agreement	-2,329.23
TOTAL				-2,329.23
06/04/2020		Deposit	*General Fund -0240	300.46
	Gunnison County	Deposit	General Sales Tax	-300.46
TOTAL				-300.46

**Town of Marble**  
**Deposit Detail-Money Market Fund**  
 May through June 2020

<u>Date</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
<b>05/05/2020</b>		<b>Deposit</b>	<b>Money Market -1084</b>	<b>13.98</b>
	Colorado Departm...	Deposit	Cigarette Tax	-13.98
TOTAL				-13.98
<b>05/08/2020</b>		<b>Deposit</b>	<b>Money Market -1084</b>	<b>1,860.95</b>
	Colorado Departm...	Deposit	General Sales Tax	-1,860.95
TOTAL				-1,860.95
<b>05/08/2020</b>		<b>Deposit</b>	<b>Money Market -1084</b>	<b>4,036.75</b>
	Gunnison County	Deposit	Additional License Tax	-76.00
	Gunnison County	Deposit	General Property Tax	-3,942.85
	Gunnison County	Deposit	Specific Ownership Tax	-72.52
	Gunnison County	Deposit	Specific Ownership Tax	-25.00
	Gunnison County	Deposit	Treasurers Fees	79.62
TOTAL				-4,036.75
<b>05/20/2020</b>		<b>Deposit</b>	<b>Money Market -1084</b>	<b>809.38</b>
	Colorado Departm...	Deposit	Highway Use Tax (HUTF)	-809.38
TOTAL				-809.38
<b>05/31/2020</b>		<b>Interest</b>	<b>Money Market -1084</b>	<b>0.44</b>
		Interest	Interest Income	-0.44
TOTAL				-0.44

9:01 AM

06/02/20

**Town of Marble**  
**Check Register**  
May 27 through June 30, 2020

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Num	Date	Amount
Aaron Smith 10828	06/01/2020	-160.00
Alpine Bank	06/04/2020	-2,368.81
Century Link	06/04/2020	-206.67
Colorado Department of Revenue 10834	06/02/2020	-399.00
Daly Property Services, Inc. 10829	06/01/2020	-2,413.75
GMCO Corp.	06/04/2020	-1,601.75
Holy Cross Electric	06/04/2020	-62.56
Law of the Rockies	06/04/2020	-2,367.25
Mike Yellico 10830	06/01/2020	-320.00
Mountain Pest Control, Inc.	06/04/2020	-120.00
Roaring Fork Valley Co-Op	06/04/2020	-229.38
Terry Langley	06/04/2020	-178.50
United States Treasury 10833	06/02/2020	-879.28
Valley Garbage Solution, LLC	06/04/2020	-426.00



06/02/20

# Town of Marble Payroll Report June 1, 2020

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<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Type</u>	<u>Amount</u>
<b>Charles R Manus</b> 06/01/2020	10831	Charles R Manus	Paycheck	-648.30
Total Charles R Manus				-648.30
<b>Ronald S Leach</b> 06/01/2020	10832	Ronald S Leach	Paycheck	-2,492.20
Total Ronald S Leach				-2,492.20
<b>TOTAL</b>				<b>-3,140.50</b>



May 11, 2020  
Town of Marble  
322 West Park St.  
Marble, CO 81623

Mayor Vinciguerra & Ron Leach:

Visionary Broadband is a High-Speed Broadband internet service provider offering reliable and affordable broadband services to businesses and residents in rural areas of Colorado and Wyoming. We currently provide services in several areas near Marble, including Steamboat Springs, Kremmling, Hayden, Walden, Craig, as well as Rio Blanco, Pitkin, and Eagle Counties.

We have received several requests to expand services into Marble and are currently looking at our deployment options. Our plan is to submit a proposal for DOLA funding for a hybrid fiber/fixed wireless solution with Fiber to the Premise, or FTTX, throughout the main areas of the Town of Marble. In addition, we'll be seeking to fund fiber-fed Fixed Wireless Towers will be that will serve premises that cannot be reached by fiber for a reasonable cost. Our fixed wireless will offer speeds greater than the FCC's defined 'Broadband' definition of 25/3 Mbps Down/Up, and our fiber platform hopes to offer Gigabit-level speeds.

During this due diligence phase, we've identified the Marble Water Tank (39.076064,-107.189895) and Town of Marble property just south of the Crystal River (39.068431,-107.189916) as a potential tower sites to aid in a broadband deployment for the Town and surrounding areas. These two sites will allow us to reach the greatest number of Marble residents possible on the wireless network while deploying the smallest number of towers.

If a tower lease is feasible at these locations, Visionary would be primarily looking to offer 10/2Mbps, 25/3Mbps, and 40/4Mbps residential and business services from the wireless towers. Higher speeds are certainly available, but the above speeds constitute our basic service offerings.

In order to support this service, we would need to place antennas on or near the water tank and land south of the Crystal River. To give you an idea of what this deployment might look like, I have attached a few photos of a recent tower deployments that would be very similar to the towers deployed in Marble. The towers are roughly 10-12' in height and the antennas are small and could be painted to match their background making them non-obtrusive. We would be happy to show you other examples of our deployments and, of course, we can provide references to other towns we have worked with in the past.

Thank you for your time and we look forward to working with you on this exciting project.

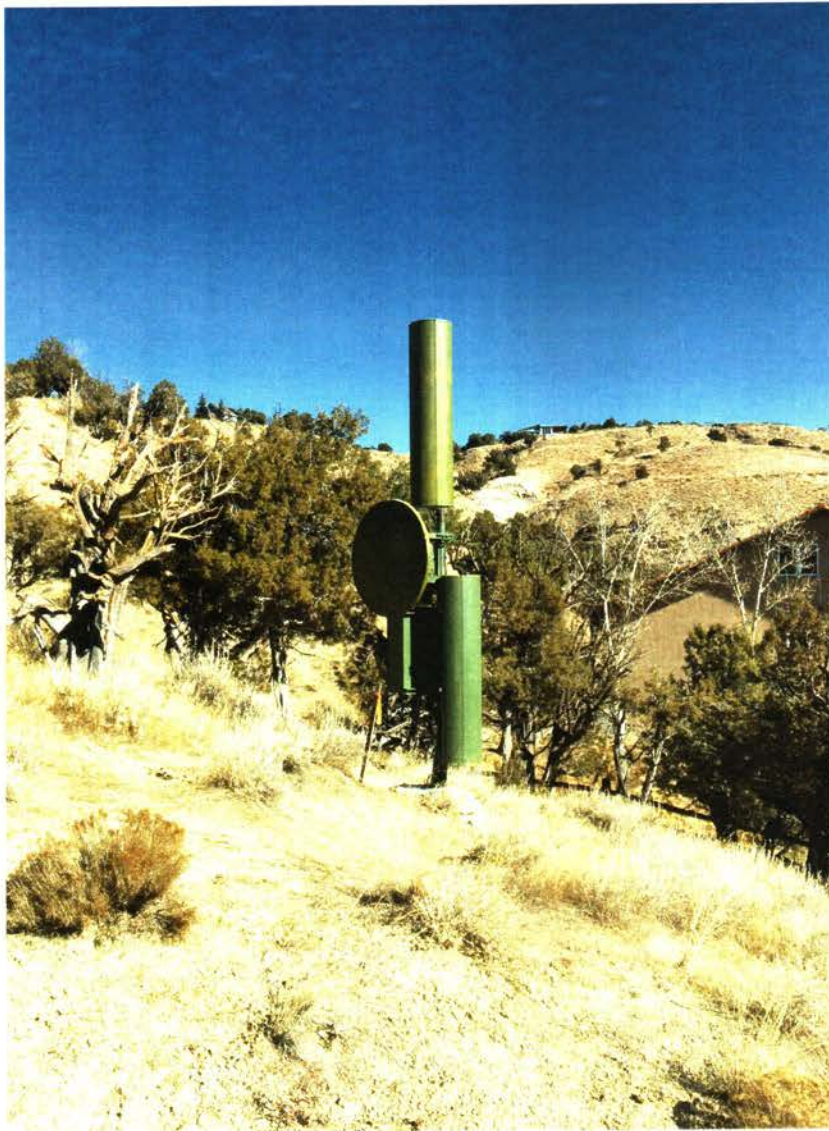
Sincerely,



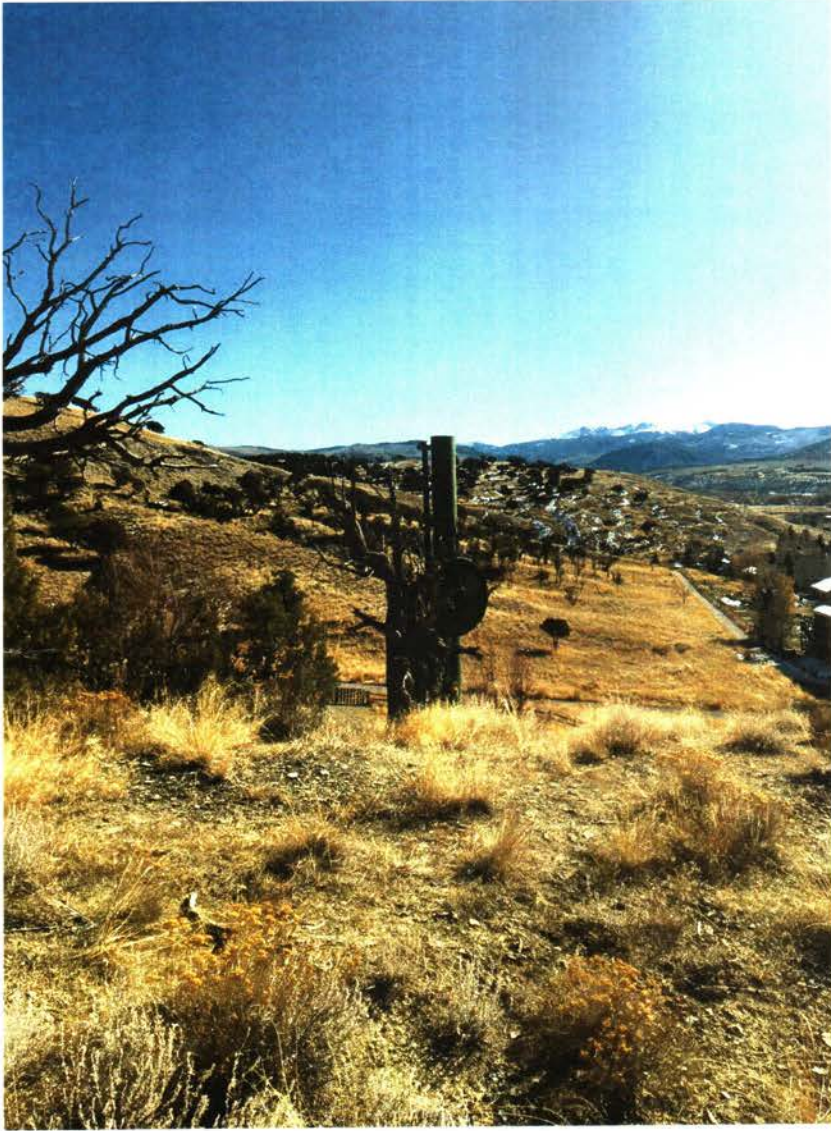
**Aaron Macarelli**  
**General Manager – Colorado Operations**  
Visionary Broadband  
970.457.1802  
amacarelli@visionarybroadband.com  
[www.vcn.com](http://www.vcn.com)



















Aaron Macarelli <amacarelli@visionarybroadband.com>  
Fri 5/29/2020 8:30 AM

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To:

- Ron Leach Town of Marble

**From:** Andrew AE. Eubank <aeubank@visionarybroadband.com>

**Sent:** Friday, May 8, 2020 4:24 PM

**To:** Ron Leach <leach@townofmarble.com>; Ryan Vinciguerra <ryanvinciguerra@gmail.com>

**Cc:** Aaron Macarelli <amacarelli@visionarybroadband.com>; Maisie Ramsay <mramsay@mammothnetworks.com>

**Subject:** Marble Presentation Recap - Visionary Broadband

### Introductions

Mammoth Networks and its parent company, Visionary Communications, specialize in rural broadband internet service throughout the mountain west. We have offices in Colorado, Montana and Wyoming. Our 100-plus employees live and work in the rural communities we serve, and we understand the importance of bridging the digital divide between small towns and large metropolitan areas. Our employees' combined 600+ years of telecommunication experience gives us the ability to expand broadband into previously unserved areas like Marble.

### Background

Mammoth Networks and Visionary Communications have a proven track record of success in rural Colorado. Our projects include an innovative partnership with Northwest Colorado Council of Governments that led to the launch of Project THOR, a middle-mile network that's introduced reliable internet service to a dozen-plus communities including Georgetown, Kremmling and Steamboat Springs. We partnered with the Town of Ophir to connect them for the first time, and recently secured state funding to expand internet access in Archuleta County. Mammoth's public-private partnership with Pitkin County has extended broadband service near Aspen, Glenwood and Basalt, and Visionary provides last-mile service to several markets throughout Colorado.

### Marble broadband project

We propose a hybrid fiber/fixed wireless network that will extend a fiber backbone into town using Holy Cross Energy's existing electric infrastructure. As currently designed, fiber-to-the-home service will be available to Marble residents in close proximity to Holy Cross Energy's poles. This fiber footprint will be supplemented by fixed wireless service to cover outlying areas. Our fixed wireless service offers better speeds and lower latency than satellite, without data caps — it's fast and allows our customers to stream movies without worrying about using up all your data. We propose locating fixed wireless equipment at two existing facilities, Town Hall and the Water Tank, to minimize the visual impact while maximizing service availability.

At this time due to the necessary COVID-19 restrictions that prevent us from putting engineers in the field to do a final review of our design, we are estimating the total project cost is \$800,000 or more, with overhead. Given Marble's modest population, it's not possible to embark on a



project of this scale without a third-party funding mechanism. We have identified the Colorado Department of Regulatory Agencies' Broadband Fund as the best source of grant funding. DORA requires a 25 percent match for grant funds, or roughly \$200,000 to \$250,000 for the Marble project. Our preliminary financial modeling indicates there may be a need for an additional match on top of ours to make the build feasible, so we may approach the town and any other interested entities on that subject as we firm up our estimates. A project such as this is not economically sustainable without it being a group effort in some form, and we realize it is a high-risk project, particularly if the demand is not as high as we are anticipating.

### **Next steps**

There is significant competition for grant funding through DORA. Letters of support demonstrate community buy-in and can bolster our grant application. We encourage Marble residents and businesses to send letters of support to Aaron Macarelli at [amacarelli@visionarybroadband.com](mailto:amacarelli@visionarybroadband.com) or Maisie Ramsay at [mramsay@mammothnetworks.com](mailto:mramsay@mammothnetworks.com)

As part of our application, we must demonstrate a commitment from the town to use the water tank and town hall for our fixed wireless sites. We'd like to move forward with letters of commitment for both locations. If our application is successful, we can move forward with formal agreements post-award.

We are working to finalize our project engineering. The final design will influence our completed budget and determine whether supplementary funding sources are necessary for a financially sustainable deployment. At this point, we welcome any additional funding sources to make this build more reasonable – we do believe it can make sense, but want to ensure the regional buy-in matches the enthusiasm we've seen so far. If we're able to make the numbers work, we'll proceed with submitting a grant application to DORA by the July 15 deadline. Our goal between now and then is to finalize our numbers, reach out to interested parties about potential ability to contribute a portion of a match on top of our own, and receive all necessary letters of intent to move the project forward.

We thoroughly appreciate all support during this project, and are always open to fielding calls. We view every one of our fiber projects as an investment into the town or region, and are excited by the response we've received thus far from Marble, Gunnison County, and other involved entities.

Andrew Eubank  
*Director of Broadband Development*  
**Visionary Broadband**  
970.457.1047  
[aeubank@visionarybroadband.com](mailto:aeubank@visionarybroadband.com)  
[www.vcn.com](http://www.vcn.com)



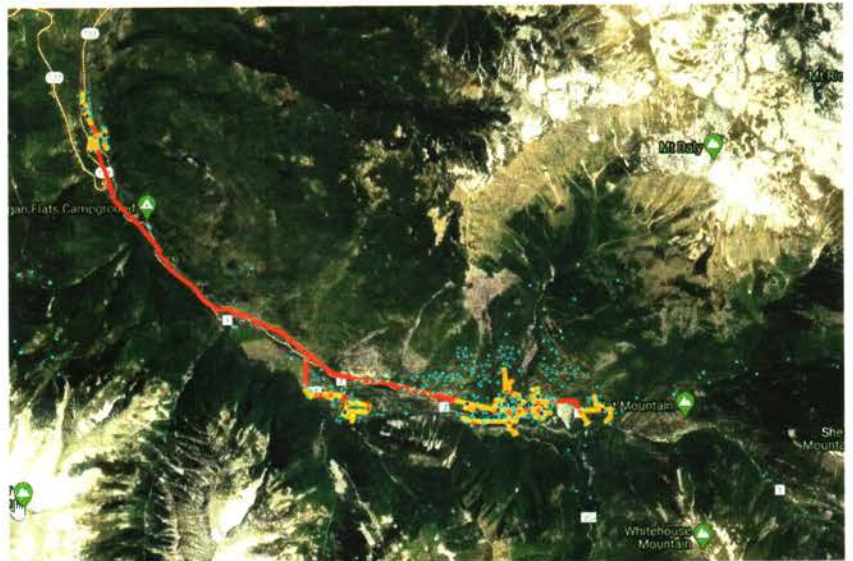
## Visionary Broadband – Marble Cost Analysis

### Project Summary:

- 20.24 miles of fiber, including backbone, laterals, and terminals
- (2) fixed wireless sites

### Contents:

- Marble Capital Costs
- Marble Operational Expenses
- Next Steps





## Marble Capital Costs

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Total Capital Cost to Build: ~\$833,751.38

Fiber Build: ~\$726,657.87

- Estimated make-ready – costs could go higher or lower
- Does not include any final easement agreement negotiations between Visionary & Landowner
- Assumes all Marble residents comfortable with final drop to home being aerial, not underground
- Field verification may uncover additional expenses, or reduction in expenses. This is a high-level quote, as due to COVID-19, field verification is untenable at the time of estimation.
- Includes labor, materials, and estimated permitting costs.

Wireless Build: ~\$89,244.59

- Contingent on County agreeing on final specifications of tower(s) proposed and land use agreements
- Contingent on final bill of material quotes from vendors





# Marble Operational Expenses

## Line Explanations:

- Fiber Business, Residential, or Wireless YxY speed corresponds to total customers on-network per month. New customers is the total of new signups assumed per-technology type.
- Fiber or Wireless MRR is the expected monthly revenue generated from customers per-month. Customer costs Fiber or Wireless is the 'cost to install' the new customers per-month on a given technology type.
- After 2 years, general stability can be assumed – new customers and disconnects may potentially even out.
- OpEx costs include the costs of staging inventory, sales, customer service, backhaul (the connectivity to the outside world via the 133 pedestal), and all other staff and monthly recurring expenses for Visionary to run the network.

Projected Total Over 2 Years

	M1	M2	M3	M4	M5	M6	M7	M8	M9	M10	M11	M12
Fiber Business Count	1	1	2	2	3	3	3	3	4	4	4	5
Fiber Residential Count	11	21	31	41	51	51	61	61	72	82	82	92
New Customers - Fiber:	12	10	11	10	11	0	10	0	12	10	0	11
Wireless 40x4 Count	4	7	11	14	17	17	21	21	24	24	28	31
Wireless 25x3 Count	3	5	7	9	11	11	13	13	15	15	17	19
Wireless 10x2 Count	2	3	5	6	7	7	9	9	10	10	11	13
New Customers - Wireless:	9	6	17	13	23	12	31	12	37	12	44	19
Fiber Business MRR	\$ 199.95	\$ 199.95	\$ 399.90	\$ 399.90	\$ 599.85	\$ 599.85	\$ 599.85	\$ 599.85	\$ 799.80	\$ 799.80	\$ 799.80	\$ 999.75
Fiber Residential MRR	\$ 879.45	\$ 1,678.95	\$ 2,478.45	\$ 3,277.95	\$ 4,077.45	\$ 4,077.45	\$ 4,876.95	\$ 4,876.95	\$ 5,756.40	\$ 6,555.90	\$ 6,555.90	\$ 7,355.40
Wireless MRR	\$ 729.55	\$ 1,229.25	\$ 1,888.85	\$ 2,388.55	\$ 2,888.25	\$ 2,888.25	\$ 3,547.85	\$ 3,547.85	\$ 4,047.55	\$ 4,047.55	\$ 4,647.20	\$ 5,206.85
Anchor MRR	\$ 1,300.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
Customer Costs - Fiber	\$ 4,200.00	\$ 3,500.00	\$ 3,850.00	\$ 3,500.00	\$ 3,850.00	\$ 3,850.00	\$ 3,500.00	\$ 3,500.00	\$ 4,200.00	\$ 3,500.00	\$ 3,500.00	\$ 3,850.00
Customer Costs - Wireless	\$ 1,280.00	\$ 820.00	\$ 2,320.00	\$ 1,640.00	\$ 3,140.00	\$ 1,640.00	\$ 4,236.00	\$ 1,640.00	\$ 5,056.00	\$ 1,640.00	\$ 6,236.00	\$ 2,596.00
OpEx	\$ 9,995.00	\$ 10,031.00	\$ 10,072.00	\$ 10,108.00	\$ 10,147.00	\$ 10,147.00	\$ 10,185.00	\$ 10,185.00	\$ 10,227.00	\$ 10,257.00	\$ 10,294.00	\$ 10,304.00
<b>Total Revenue:</b>	\$ 2,808.95	\$ 4,108.15	\$ 5,767.20	\$ 7,066.40	\$ 8,565.55	\$ 8,565.55	\$ 10,024.65	\$ 10,024.65	\$ 11,603.75	\$ 12,403.25	\$ 13,002.90	\$ 14,562.00
<b>ROI (Revenue less costs):</b>	\$ (12,616.05)	\$ (10,242.87)	\$ (10,478.19)	\$ (8,181.64)	\$ (8,574.86)	\$ (3,221.49)	\$ (7,897.12)	\$ (1,800.39)	\$ (7,880.04)	\$ (2,993.79)	\$ (3,274.58)	\$ (2,188.73)

	M13	M14	M15	M16	M17	M18	M19	M20	M21	M22	M23	M24
Fiber Business Count	5	6	6	6	6	7	7	7	8	8	9	9
Fiber Residential Count	97	102	102	102	102	102	102	102	102	102	102	102
New Customers - Fiber:	5	5	0	0	0	0	0	0	0	0	0	0
Wireless 40x4 Count	33	36	39	42	46	49	53	57	62	67	72	78
Wireless 25x3 Count	21	22	24	26	28	30	33	35	38	41	44	48
Wireless 10x2 Count	14	15	16	18	19	21	22	24	26	28	30	33
New Customers - Wireless:	5	5	6	6	7	7	8	9	9	10	11	12
Fiber Business MRR	\$ 1,049.74	\$ 1,102.22	\$ 1,157.94	\$ 1,215.20	\$ 1,275.96	\$ 1,339.76	\$ 1,406.75	\$ 1,477.09	\$ 1,550.94	\$ 1,628.49	\$ 1,709.91	\$ 1,795.41
Fiber Residential MRR	\$ 7,723.17	\$ 8,114.93	\$ 8,114.93	\$ 8,114.93	\$ 8,114.93	\$ 8,114.93	\$ 8,114.93	\$ 8,114.93	\$ 8,114.93	\$ 8,114.93	\$ 8,114.93	\$ 8,114.93
Wireless MRR	\$ 5,623.40	\$ 6,073.27	\$ 6,559.13	\$ 7,083.86	\$ 7,650.57	\$ 8,262.62	\$ 8,923.63	\$ 9,637.52	\$ 10,408.52	\$ 11,241.20	\$ 12,140.49	\$ 13,111.73
Anchor MRR	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
Customer Costs - Wireless	\$ 882.82	\$ 743.92	\$ 903.44	\$ 867.71	\$ 937.13	\$ 1,012.10	\$ 1,093.07	\$ 1,180.51	\$ 1,274.95	\$ 1,376.95	\$ 1,487.10	\$ 1,606.07
Customer Costs - Fiber	\$ 1,697.50	\$ 1,806.88	\$ 96.47	\$ 101.29	\$ 106.36	\$ 111.87	\$ 117.26	\$ 123.12	\$ 129.28	\$ 135.74	\$ 142.53	\$ 149.85
OpEx	\$ 10,255.97	\$ 10,277.48	\$ 10,295.97	\$ 10,314.71	\$ 10,335.58	\$ 10,358.12	\$ 10,382.45	\$ 10,408.71	\$ 10,437.07	\$ 10,467.68	\$ 10,500.75	\$ 10,536.41
<b>Total Revenue:</b>	\$ 15,396.31	\$ 16,290.42	\$ 16,831.39	\$ 17,413.99	\$ 18,041.46	\$ 18,717.30	\$ 19,445.30	\$ 20,229.53	\$ 21,074.38	\$ 21,994.61	\$ 22,965.33	\$ 24,022.07
<b>ROI (Revenue less costs):</b>	\$ 2,754.02	\$ 3,462.16	\$ 5,836.11	\$ 6,130.28	\$ 6,662.39	\$ 7,235.41	\$ 7,852.53	\$ 8,517.18	\$ 9,233.08	\$ 10,004.24	\$ 10,834.97	\$ 11,729.93



## Next Steps

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A 25% match of the project as required by the State equates to a total of **\$208,437.84**.

This projects as a 5-year return on investment internally for Visionary Broadband in a best-case scenario of a 50% take rate.

If take rate falls below projections, for reasons such as snowbird or summer-home owners only having a 6-month pay-in period or less, or Marble residents not purchasing as anticipated, the model forecasts out at a much longer ROI period.

Visionary assumes significant risk by entering into an agreement with the State to build fiber into Marble. As such, we are looking for potential risk mitigation by assessing partners that may be willing to contribute a percentage of match funds.

In previous successful projects, a total match between Visionary and partners has turned out to be 35% of the total project. In similar scenario, Visionary contributed 17.5% of the funds, and the conglomerate partners contributed the other 17.5% of the funding. Those numbers as it relates to Marble and any other funding partner would look like the following:

Visionary Broadband: \$145,906.50

Partner A: \$72,953.25

Partner B: \$72,953.25

Total Match: \$291,813.00

We would request that the Town of Marble, in conjunction with other potential partners such as Gunnison County, explore a potential for matching a percentage of the project. While the given example shows a combined partnership that ends up being a 35% match, Visionary is open to other proposals that bring the total match to 25%, where portions are born differently between given entities. We are excited to see potential proposals and are willing to continue discussions and answer questions regarding the funding mechanism and ways to move forward.



## Letter of Land Use Commitment

May 18, 2020

Town of Marble  
322 West Park St.  
Marble, CO 81623

To whom it may concern:

Pending a mutually agreed upon agreement between Visionary Broadband and the Town of Marble, this letter serves as a firm commitment to allow Visionary usage of Town property located at coordinates 39.068431,-107.189916 for purposes of constructing a fixed wireless site comprised of a 10-12' pole due south of the Crystal River.

The tower, shelter and network elements on this property will be used to provide and expand access to high-quality fixed wireless broadband service to our unserved rural community.

In the event that the Colorado Department of Regulatory Agencies awards Visionary Broadband grant monies to deploy broadband internet access in the Town of Marble, we commit to allow usage of any easements, land access and power access necessary for successful project completion, subject to pending formal agreements.

After reviewing preliminary site estimates and associated agreement templates, we are prepared to reach a formal agreement with Visionary Broadband following grant award funding. We are confident in Visionary's ability to provide excellent broadband in our unserved community and look forward to our future partnership.

Best regards,

(signature)

**Name**  
**Title**

**Company/Entity**

**Phone**  
**email**





**Letter of Land Use Commitment**

May 18, 2020

Marble Water Company  
Marble, CO 81623

To whom it may concern:

Pending a mutually agreed upon agreement between Visionary Broadband and the Marble Water Company, this letter serves as a firm commitment to allow Visionary usage of Marble Water Company water tank located at coordinates 39.076064,-107.189895 for purposes of constructing a fixed wireless site comprised of a 10-12' pole and non-penetrating mount on the Marble Water Company owned water tank.

The tower, shelter and network elements on this property will be used to provide and expand access to high-quality fixed wireless broadband service to our unserved rural community.

In the event that the Colorado Department of Regulatory Agencies awards Visionary Broadband grant monies to deploy broadband internet access in the Town of Marble, we commit to allow usage of any easements, land access and power access necessary for successful project completion, subject to pending formal agreements.

After reviewing preliminary site estimates and associated agreement templates, we are prepared to reach a formal agreement with Visionary Broadband following grant award funding. We are confident in Visionary's ability to provide excellent broadband in our unserved community and look forward to our future partnership.

Best regards,

(signature)

**Name**  
**Title**

**Company/Entity**

**Phone**  
**email**

To members of the Marble Board of Trustees and Ron Leach:

This letter is an attempt to give a quick overview some issues relating to the Marble Broadband Project. Here's my understanding of where we are: Visionary Broadband, part of Mammoth Networks, has largely completed the engineering design for a grant application to DORA (Colorado Division of Regulatory Affairs), due to be submitted for DORA's July 15<sup>th</sup> funding cycle. Visionary is scheduled to present details of the grant application to the May 7<sup>th</sup> meeting of the Marble Board of Trustees (BOT).

My understanding of the plans is based on several phone conversation with Aaron Macarelli, General Manager for Colorado Operations, Visionary Broadband. Some of what follows may be outdated or just wrong, so take it with a grain of salt. I'm sure Aaron can fill in some of the blanks at the BOT meeting.

I see three important facets to this project, all interrelated: Technology, Equity, and Economics. I will try to provide a concise discussion of each facet and how they are related.

## TECHNOLOGY

Technology is essentially the engineering side of the project. There is a **backhaul** portion and a **distribution** portion.

**Backhaul** is what gets our aggregated bit packets to and from the internet. This will consist of fiber cable that will be strung on Holy Cross poles from the CenturyLink cabinet (called a DSLAM for Digital Subscriber Line Access Multiplexer) at the intersection of Hwy 133 and County Rd. 3 to locations in Marble. CenturyLink Fiber available at the DSLAM will be leased to complete the rest of the backhaul to an internet endpoint in Carbondale or Glenwood Springs.

**Distribution** is getting the bits to and from the various residential and business customers in and around Marble and along County Road 3. As designed by Visionary, the distribution side uses a mix of fiber and fixed wireless (which is explained below). Residences in Marble and the adjacent valley bottom will be served by "fiber drops," meaning fiber from a pole or pedestal to the premises of a home or business. Fiber is the optimum technology in terms of speed, quality of service (immunity to weather, etc.) and performance. Fiber is said to be "future proof" because it easily supports advances in technology that are sure to happen over time.

Under Visionary's design residences on the south-facing slope of the valley (Serpentine, West Village Drive, etc.) would be served by fixed wireless LTE, which means one or more microwave towers that have near or non-line-of-sight visibility (NLOS) to these houses. As an alternative to fixed wireless, underground fiber could be used for distribution to these customers, but underground fiber to these locations is more expensive because the homes are farther apart and trenching in rocky soil is expensive. Fiber on poles is another option, and we are in the process of checking with Gunnison County Community Development as to whether this might be permitted.

## Equity

So plans as they currently exist would be for a hybrid system, with houses on the valley bottom served by fiber and houses on the valley's north (south-facing) slope served by fixed wireless. Fiber enables very fast broadband, up to 1 Gbs (gigabits per second) and potentially 100 Gbs in the future. Under Visionary's current plan fixed wireless would provide up to 40/3 Mbs (megabits per second) download, 3 Mbs upload speed. A gigabit is 1000 megabits, so 1 Gbs would be 25 times faster than 40 Mbs. The



problem, as I understand it, is that these constraints for fixed wireless are set in stone by the laws of physics. (Future fixed wireless offerings could exceed 40/3, but not by much.) So houses served by fixed wireless are not served by a "future proof" technology in the way that fiber does. Another issue with fixed wireless could be signal fading because of weather and wet leaves in those situations where there is no line-of-sight.

This presents a disparity issue between those parts of the community served by fiber and those served by fixed wireless. It is quite possible that we could see real estate values increase at divergent rates as time goes on.

The Delta Montrose Electric Association (DMEA, a cooperative) Elevate project has made the commitment to serve all customers with fiber, even though they have not yet achieved this and probably won't for several years. My hope is that we could aim for the same target here. Granted that Elevate faces entirely different circumstances in terms of terrain and market density. Nonetheless, I think their standard would still be a good one to aim for.

### **Funding/Economics**

Clearly this is both a technological and an economic problem. Supplemental funding could bridge the gap between an affordable hybrid fiber/fixed wireless system and a more expensive all-fiber system. There are additional grant opportunities available, including the USDA Digital Learning and Telemedicine Grant (DLT) program and the FCC Rural Digital Opportunity Fund (RDOF), which will be online sometime around November. The latter is around a \$21 billion fund.

The COVID-19 crisis is likely to motivate Congress to pass legislation that will accelerate the improvement of rural broadband to help students working from home in rural areas and improve telemedicine assets. The C.A.R.E.S Act also included funding

<https://www.cooley.com/news/insight/2020/2020-03-29-cares-act-provisions-that-impact-telecommunications-industry> to help advance rural broadband during the crisis.

### **Wrapup**

I have read through Aaron Macarelli's proposal, and I honestly think this is a great plan. I am not a network engineer, so I readily concede there may be some ideas or perceptions that could be perceived as naïve or unrealistic. I offer this writeup only in the hope that it will serve as a starting point for a conversation between the Marble BOT, the community and Visionary.

Bart Weller



**Town of Marble  
322 West Park St.  
Marble CO 81623**

Dear Members of the Colorado Broadband Deployment Board,

The Board of Trustees of the Town of Marble are writing this letter of support for Visionary Broadband's application for grant funding with the State High cost Support Mechanism. We back this application, as it will support and enhance Visionary's existing network in our region and will contribute to the continued expansion of an advanced network in the surrounding areas.

We welcome efforts from Visionary to improve or expand services in our area. The planned expansion of broadband and communication services is long overdue in bringing adequate services to our unserved and underserved people. Many of our area's households and businesses have far less than the FCC defined, minimum broadband service of 25Mbps download and 3Mbps upload, and many have no access to service – at all. The availability of Visionary providing services at or above the FCC definition, at affordable rates, will have an enormous impact in terms of economic benefit, and also in bringing broadband to our underserved area.

Advanced broadband services will enable further efforts for improving education for our students, allowing them to do homework and research in the best environment. It will also allow many of our residents who do any work out of their home to stay in the area and run or be a part of a 21<sup>st</sup>-century business.

While we value our current service providers in the region, we recognize that our area will never create the return-on-investment needed by these companies as they exist currently to provide broadband service to the minimum defined levels. We are confident; however, that the construction of an advanced network by Visionary Broadband in the region will provide long-term solutions to our connectivity issues, economic, and educational challenges.

I am happy, on behalf of the Town of Marble to support Visionary's application for grant funding, and we hope that the committee looks favorably upon this request.

Ron Leach, Town Administrator  
Town of Marble