

Minutes of the Town of Marble  
Regular Meeting of the Board of Trustees  
December 4th, 2025

A. Call to order & roll call of the regular December meeting of the Board of Trustees of the Town of Marble – The meeting was called to order by Larry Good, Mayor Pro Tem, at 6:09 p.m. Present: Amy Rusby, Amber McMahill, Larry Good. Attending by phone: Dustin Wilkey and Ryan Vinciguerra. Also present: Ron Leach, Town Administrator; Terry Langley, minutes; and attorney Kendall Burgemeister (by phone)

B. Mayor's Comments

a. Consider date change for January 1, 2026 scheduled monthly meeting, Ryan – Amber McMahill made a motion to move the January meeting to Jan. 15, 2026. Dustin Wilkey seconded and the motion passed unanimously.

b. Zoom discussion with Kendall regarding mixed use zoning questions, Ryan – Kendall said he is ready to discuss the possibility of rezoning part of the town to a mixed use zone. He can draft this once he understands more of what the town wants. Larry asked for a general procedural idea. Dustin said the town is looking at rezoning along the pavement from the town limits to the end of pavement at Beaver Lake. Larry asked how that area came to be designated and Dustin said this was the area that has been discussed along. Larry repeated his objection to rubber stamping this entire area as a mixed-use corridor. Kendall said if there is a debate amongst the board regarding this it needs to happen. Kendall asked about the masterplan response and Larry said 57% of responses were negative. Ryan said that the majority of the board is ready to move forward but that Larry has the most reservations and questions that Kendall might help with. Kendall suggested completing the master planning process and if the majority of the board wants to create some mixed-use areas, it can be incorporated into the master plan document and then followed by an official amendment to the zoning code and map. Amber explained that the new master plan was been adopted in February, 2025. Ryan explained that this had been left somewhat open ended. Larry asked that, if a mixed used ordinance was adopted, would residences that chose a new business be required to update to current building standards. Kendall said there are three aspects: zoning of the property, actual use of the property, and what building codes would apply. Simply rezoning any particular parcel would not force the property owner to do anything. Building code requirements depend upon the actual use. A change in zoning does not mean a residence automatically becomes a business that requires building modifications. Larry asked if wanting to have a business would mean having the structure meet building codes. Kendall explained that it depends upon the type of business and any building code requirement for that business. He feels this is a separate issue from the zoning question. Larry said he wants folks to know that anyone opening a

business might have to make building modification. He feels that the existing home occupation code supports small businesses, is very short and clear and is adequate. Larry asked if property taxes across the board would be affected. Dustin said his research shows that taxes would only be affected for those who get a business operate it in their home and only the percentage used for that business would pay commercial taxes. The cost of having a business is not the responsibility of the town board. Larry asked what the advantage of moving on this is. Ryan said that this opens the potential of having a business and gives a route to open a business while discouraging spot zoning. Larry disagreed, saying that the current zoning allows for a home occupied business. Larry asked how many spot zoning requests has the town had in the last 10 years? Amber said there had been four since she was on the board. One of those was approved. There are small businesses that fall in between home occupied and full commercial requirements. She feels commercial taxes will prohibit most people from pursuing commercial businesses but that there needs to be a path for those who do want to open a small business. Larry spoke to the short business window in Marble and that most local businesses are seasonal. Larry asked Kendall if Dustin is correct regarding property taxes and Kendall said that, yes, they are based on actual use not on zoning. Larry asked what the effect might be on property values. Kendall does not have any data regarding this but acknowledged that there might be some who think it will lower their property values. Larry asked for a ball park figure of what the cost of legal and consulting fees might be to make these changes. Kendall said it depends on the scope of work and how much is initially done by the town but probably between \$5,000 and \$10,000. Ryan asked what the next step assuming that this is covered in the master plan. Kendall said drafting a concept of what the mixed-use zone would be and identifying allowed uses such as use by right or by special review and what types of restrictions would there be. Ryan said he would like to see the zoning corridor fall into the existing zoning codes and that this would simply change the geographical location to mixed-use. Dustin agreed. Ryan asked Amber if she would like to see the types of businesses that would fall into this mixed-use as far as use by right or use by review. She feels that using the current guidelines in the mixed use would work. Amber said that the master plan shows people are in favor of more business. She asked if there needs to be more specific language in the master plan. Kendall does not know what the plan says and would have to know that. She asked what the potential process might be for opening a business – would one go to the board to ask to be zoned mixed use? He said it depends on how the zoning code is drafted in the mixed-use area. He said there is usually objective criteria but that it is hard to develop a list that would cover everything. More common is developing objective parameters and constraints such as size and height. If something within the area meets the criteria, they only need to apply for a business license. It can be set up so that every business has to come before the board for a use by review on a case-by-case basis but this is not something he would recommend. How much review does the board want to have? Larry asked Kendall if he thinks this should be a ballot

issue but Kendall feels this should be the decision of the board. He said there is a public hearing process in which members of the community can express their feelings. Larry asked how to get the input from the sixty-eight property owners within the proposed corridor. Kendall said a questionnaire would be one way. Dustin said that seeking input was the reason he asked this be on the agenda each month. Larry feels that most people will wait until they see the final product. Larry asked if this would change the home occupied designation. El Iannios asked if this would affect a business that is grandfathered in. Kendall explained that whatever the use is on the day that this is adopted would be grandfathered in. Kendall emphasized that building and zoning codes are two different things. Dustin asked if they do move forward with this, would applying for a business license be enough or would a zoning request have to be submitted. Kendall said that it depends on how the ordinance is written. Amber said the current codes list types of businesses for both use by right and by review, and asked if this would be needed if there are parameters set. Kendall said the parameters should be enough. Amber asked if anything else that should be addressed. Kendall said that zoning and parameters are the main thing and then what types of uses are allowed and what falls under use by right and use by review. Larry said that the town zoning states that with home occupation a business use is incidental and secondary to residential use. Kendall explained that there are aspects of some businesses that do not fit the home occupation definition and he feels that the current definition should not be diluted and that it is appropriate to keep this designation even if the mixed-use zoning is adopted. Dustin suggested tabling this discussion to next month. Amy asked what the board should do next. Kendall suggested more conversation within the board and once there is a consensus, giving someone direction to begin working on a draft zoning code, reviews and revisions and moving to a public hearing followed by a board vote.

c. Consider approval of reservation agreement with West Divide Water Conservancy District (WDWCD) re: water augmentation – Kendall said that the WDWCD has been working on this for several years with the Town of Marble as a participant. They are asking for a commitment from the town in order to move forward. It requires a deposit of \$1000 by the end of December and asks for the volume of water the town would like to subscribe to. They estimate 10.9-acre feet of water consumed in a year with a full build out, looking at buildable lots. They are assuming a doubling of water taps which includes everyone on a well tapping into the water company. Kendall said that erring on the conservative side would be to sign up for the entire 10.9-acre feet. If the town feels that there is little chance of a full build out, subscribing to a lower amount would mean a smaller yearly charge, although there might not be water available to increase this in the future. They are charging \$550 per acre feet per year, or a total of \$6000-\$7500 every year after that. This computes to about \$60 per tap per year. Kendall does not feel this plan will be adopted in 2027 or 28 and the water lease is up in 2028. Amber asked what the request is. They want a commitment and what we are requesting at this

time. She asked if the annual payment is to secure our spot, not for any additional water rights and Kendall said that is correct. She asked if there are other options and Kendall does not feel there are other feasible options. He feels that these regional plans run by larger conservation districts are more efficient. Developing our own augmentation would be labor and ongoing cost intensive. Dustin recommends going for it and going for the amount suggested. Kendall suggested a motion to approve and authorize Ryan to sign the reservation agreement with WDWCD and the 10.9-acre feet and pay the \$1000 reservation fee deposit before December 31. Dustin Wilkey made a motion to approve and authorize Ryan to sign a reservation agreement with the WDWCD with a water allotment of 10.9-acre feet before December 31 and to pay the \$1000 reservation fee. Amy Rusby seconded and the motion was approved unanimously.

### C. Land Use

a. Dark Sky ordinance update, Larry/Kelsy – Larry attended a zoom conservation with Kelsey Been, Jessa Young, John Armstrong, Ron Leach and other Marble citizens. Michael Rymer is the contact and is very supportive of Marble becoming a dark sky community. Kelsy said there is a group of interested people who joined the meeting. There are many steps to complete before submitting an application. She said they did an audit of our current zoning code and reported on work to be done on that zoning. They will provide technical support, including zoom webinar scheduled for Jan 7 on the lighting code. They recommend community outreach before zoning changes. Another requirement is holding two events a year. Another requirement is for a dark sky monitoring program to measure light with a \$150 monitoring tool. The town can approve a proclamation supporting the effort as an interim step before submitting the application. Amber asked how far off our code is and Kelsy said it is close but there are a few areas that need adjustment. It is felt that community support will result in self-enforcement and is usually complaint driven. Larry explained that this is a 2-3 year process. Amber asked what the frequency of yearly requirements is and Kelsy explained that they are holding two events and ongoing monitoring. Kelsy will share examples of a proclamation. Dustin was asked about his apprehensions expressed last month and said that he is more on board.

b. Thanos 10th Mountain Retreat development update, Kostas Iannios. Kostas introduced the Greens from Blackwater MO. They are coming next spring to help with the work on the Thanos 10th Mountain Retreat development. They presented some of the ideas, including a museum of Thanos' artwork.

D. Consent Agenda – Amber McMahon made a motion to approve the consent agenda. Amy Rusby seconded and the motion passed unanimously.

a. Approval of November 6th 2025 Minutes

b. Approval of Current Bills, December 4th, 2025

E. Treasurer Report, Amy – Amy reported that we are 92% through the year. Revenues are at 94% and expenses are at 81%.

a. Account balances, 12/1/25 Accounts total is \$490,469.86.

b. Year to date, budget vs actual - Last year at this time we were at 105% expenses. We have \$104,000 more in our accounts than last year at this time.

F. Open Public Hearing regarding adoption of 2026 Budget, Ryan – Amber McMaill made a motion to enter into public hearing. Amy Rusby seconded and the motion passed unanimously.

a. Public Input – none (the public attending the meeting had all left by this time). Larry asked what the final number is for the grant writing process and it is \$6000. Larry said this is the amount to hire a grant writer and further payment would be included in any awarded grant. If more is needed, a request will be made with the board. He also asked about the budget for legal fees and it is \$15,000. This year the town spent \$10,000 more or less. In 2024, it was \$21,000. Larry asked if, considering the potential for legal fees for mixed use zoning and Marble Water Company issues, should this be increased? It was decided to leave this at \$15,000. Larry spoke to the priorities the board has set previously. Larry raised a question concerning staffing needs. Ron suggests a year-round, half-time assistant town administrator for 2026. It is already included in total wages and benefits.

b. Close Public Hearing – Amy Rusby made a motion to close the public hearing. Amber McMahaill seconded and the motion passed unanimously.

G. Administrator Report

a. Consider adoption of Ordinance # 2025-6 Adopting the 2026 Budget and making appropriations for the 2026 Budget Year. Amber McMahaill made a motion to adopt #Ordinance 2025-6 Adopting the 2026 Budget and making appropriations for the 2026 Budget Year. Dustin Wilkey seconded and the motion passed unanimously.

b. Consider adoption of Ordinance # 2025-7 Certifying the Mill Levy for the Town of Marble for the 2026 fiscal year. – Amy Rusby made a motion to adopt Ordinance #2025-7 Certifying the Mill Levy for the Town of Marble for the 2026 fiscal year. Dustin Wilkey seconded and the motion passed unanimously.

H. Old Business – Amber asked about the \$5000 designated for the school and it was given in February 2025.

Amber asked about the election and Ron reported that it is in the Echo and on the Website but there have been no requests for petitions to date. They will be available Jan 7 and due Jan 28 (three weeks).

I. New Business – Larry asked to discuss the complaint lodged with the town board by Samantha Wilkey. He asked for clarification on her complaints. Amy feels that she and Dustin need to recuse themselves from the conversation. Amber feels that if this is something Sam wants to pursue, it should be done during business license reviews. She feels that the Rusby’s business is in compliance and that the town staff had put time and effort into their newsletter and did not deserve the criticism. She does not feel it needs to be addressed at this time. Larry invited Sam to come to the next meeting to readdress the complaint. Sam joined the call and expresses support to the Rusby’s business. The zoom time ended.

J. Adjourn – Amy Rusby made a motion to adjourn. Amber McMahill seconded and the motion passed unanimously. The meeting was adjourned at 8:27 p.m.

Respectfully submitted,  
Terry Langley