

Minutes of the Town of Marble  
Regular Meeting of the Board of Trustees  
April 1st, 2021

A. Call to order & roll call of the Regular Meeting of the Board of Trustees – Mayor Ryan Vinciguerra called the meeting to order at 7:05 p.m. Present: Ryan Vinciguerra, Tim Hunter, Josh Vogt and Emma Bielski. Attending by phone: Larry Good. Also present: Ron Leach, Town Administrator and Terry Langley, minutes.

B. Approve previous minutes – Tim Hunter made a motion to approve the minutes from the March 4, 2021 meeting. Josh Vogt seconded and the motion passed unanimously. Emma Bielski made a motion to approve the minutes from the March 16, 2021 work session. Josh Vogt seconded and the motion passed unanimously.

C. Mayor's comments – Ryan gave some guidelines for speaking at the meeting.

D. Wild & Scenic designation Crystal River, Larry Darien – Larry Darien commented on the newspaper article of three weeks ago and stated that the town needs to be aware of what is happening regarding declaring the Crystal River a Wild & Scenic River (W&S). He has researched some alternatives, that the Forest Service (FS) is currently administering it as if it is W&S and said that he thought there was very little chance of dams being placed on the Crystal. He said the town attorney had recommended against it last time it came up due to the possibility of losing water rights and access.

John Armstrong, Crystal Valley Environmental Protection Association (CVEPA), stated that CVEPA is not a Pitkin County organization but is the only organization dedicated to environmental protection from Schofield down to Satank and the Roaring Fork River. The article that Larry is referring to is by Aspen Journalism and reported on a citizen's movement coming out of Redstone, the Crystal Caucus and supported by Pitkin County. Pitkin County has budgeted funds for promoting W&S. CVEPA would not support anything that infringes on private property rights. He spoke to the need for local support by both the County and municipalities that the river runs through. He read an excerpt from the National Park Service ([nationalparkservice.gov](http://nationalparkservice.gov)) which said "The goal of the act is protecting and enhancing the values that cause the river to be designated. It neither prohibits development nor gives the federal government control over private property. The act prohibits federal support for actions such as construction of dams". He encourages people to fact check anything they get or hear. This should be drawn up specifically to and by the people that live there. Bank to bank is what CVEPA recommends. He feels both the river and private property rights can be protected. He would like to invite two of the board members to sit on a W&S steering committee with citizens from Redstone.

Sue Blue feels that board members on the committee would be a conflict of interest. She said that the Placita dam was never a real plan and that the Crystal does not need protection. She asked "protection from what?" She stated that the river changes and feels that a wild and scenic designation would prohibit owners from protecting their property from flooding without going through the federal government.

Larry said that the new way for environmental groups to get what they want is called “Sue and Settle”. The groups pick a weak link to sue and then try to force the precedent on others along the river. Thought and education is key.

Greg Tonazzi spoke in opposition. He would like to see Marble get hydroelectric power again. He asked if there would be a W&S bike path and how that would look. He is concerned about what it might do to property values and his ability to maintain his property.

Linda Adams is concerned about the federal government coming in and how it would affect water rights and their ability to pump from the river. She feels that the issues are from Redstone down. She said that the difficulty and expense in building a dam will prohibit any dam from being built.

Board response: Josh Vogt spoke to his need to learn more but thanked everyone for their calm statements. Tim Hunter and Larry Good had no comment at this time. Emma Bielski asked if a by-way comes with a designation and if a wild and scenic designation would increase traffic and visitors to the area. Ryan appreciates the feed back and said that there is a need to get educated and the fact that the act would be customizable so community involvement is important.

J. New Business (moved so that Vicki could leave after her presentation.)

a. Yard Sale, Vicki Branson - Vicky Branson said that the Marble chamber trying to rebrand Marble is trying to rebrand Marble and move to soft tourism. The LKL, Crystal Mill and snowmobiling are being taken off of promotional materials. They do want visitors and the goal is to have visitors support the local businesses. The Marble Art Guild summer plans include events to be held on the second Saturday of each month. Each of those Saturdays will include: 1. Local authors at the Hub, 2. Local sculptors and painters at Abstract Marble and at the Marble Gallery and local sculptors at Marble/Marble. Specific events include: 1. June 12 – 1<sup>st</sup> Annual Gem & Mineral Show in the Mill Site Park and the 1<sup>st</sup> Annual City Wide Fundraiser Yard sale to benefit the Hub, the school and the church. She suggests having the town dumpster close to that time, as well as asking Habitat to bring their truck. 2. July – the Marble/Marble symposium following Gunnison County Covid guidelines, limited number of participants and extra cleaning staff. Participants will be encouraged to be vaccinated. 3. Aug. 14 – MarbleFest Craft Show in the Mill Site Park. 4. Sept. 11 – Photo contest with photos to be used for web design for the town, the chamber and the art guild. All plans will be sensitive to the virus guidelines. Lastly Vicky would like to commission a 30’ marble statue of Ryan to be placed in the park. April Fool’s!!!

E. LKL working group report – Ron reported that the LKL working group met on March 9. Commissioner Roland Mason joined the regular members for the discussion. The main topics were:

1. The proposed closure of CR 3 to ATVs.
2. Entering into an agreement with the FS to provide enforcement personnel. This requires an agreement with Gunnison County that includes providing funds (\$10,000).
3. Educational component through handouts, an informational kiosk and volunteer staff to educate and communicate with ATVers as they come into town.

The parking issue and continuing the relationship with Western State College and having another Master’s student was also discussed. The working group will continue to work together.

The second meeting was a work session with the county commissioners, the sheriff and Ron (via zoom). The sheriff said he has hired a second deputy for the Somerset/Marble area. The deputy is currently in a training program and will be available to begin patrols in August. In the meantime, Deputy

Leon will continue to be in Marble periodically. Ron communicated the blockage of CR 3 at Beaver Lake as needing to be a priority. Ron recommends that the town and the county pursue the agreement with the FS. It is not the end all and will not solve the big problem, but it is a start and a foundation on which future agreements can be built on.

Peter Mertz asked if there was going to be someone stationed here before August. Ron explained that space in the old general store has been made available. Peter asked about the possibility of having someone on a daily basis. He spoke to the parking problem and the need for enforcement. Peter asked who makes the final decision and whether citizens should communicate with them.

Teri Havens thanked for the access to the LKL minutes. She said that Shelley Grail said the first thing to define is the access point and she asked if that had been defined. She asked what studies the FS requires to change the travel management plan. Shelley said that amending the travel plan is a lengthy public process and that the last one took nine years. She is participating in the working group as part of that public engagement. Terry asked about the ban of ATVs on CR 3 and what is involved. Ron said it was a county decision. Ron said citizens need to communicate with the county. She asked about it being on the ballot and could that be expanded beyond the city. She suggested banning trailers on CR 3. She asked if someone who lives along CR 3 can participate in the LKL group.

Alex Menard asked if the town has been in contact with the SBA regarding permission for the parking program. He feels that this is not allowed as the covenants allow for parking for park use only. He does not think this is compatible with the park and feels there should be no truck/trailer parking allowed there at all. He spoke to completely stopping the ATVs.

Richard Wells said that the town needs to take steps to throttle down ATV use now.

John Anderson said that CVEPA supports lifting the exemption that allows ATVs on CR 3 and making the proposed ballot issue a county-wide vote.

Linda Adams gave praise and thanks for the town getting the LKL working group together.

Peter had three suggestions that he asked be included in the official record. 1. "NO PARKING" signs placed along Beaver Lake with towing enforced. 2. "RESTRICTED PARKING (towing enforced)" signs and designated, limited, parking areas at the end of CR3, on the sides of CR3. This will include some spots currently used, with coordination and input from DHC. 3. BAN on all trailer/truck parking along CR3 past the Hwy 133 turnoff – to Daniel's Hill, excepting local residents, OR, off-road ATV, OHV, motorcycle use banned past Beaver lake on CR 3 except for local residents who live in this area (on or off CR 3). Enforced (ID required at all times) with \$500 fine. Signage at 133/CR 3 intersection.

Board comments: Josh Vogt asked if there needed to be any action taken tonight to move forward with the Gunnison County/FS agreement. He spoke in support in the steps that are currently planned. Ryan said that \$3000 had been budgeted toward LKL issues and he supports using that to help fund the agreement. Tim spoke to the need for enforcement and if this agreement does not include that, he is not in favor of funding it. Shelley said that the FS protection officer could write tickets and they would have radio contact with the sheriff if needed. Ryan spoke to the visual of having a presence there. Terry Haven asked if tickets could be written for noise ordinance issues. Shelley explained that they will only be able to write tickets on federal land. She will check on the noise question. Emma would like a commitment for two days a week. She supports helping to fund the FS enforcement officer. She feels that the graduate work should not be a paid position. Ryan made a motion that the town contribute \$3000 toward the agreement. Josh seconded the motion. Ron asked if the town would be a signatory on the agreement and Shelley said that at this point is between the county and the FS but they can check with the county about adding the town. The motion passed unanimously. Ryan expanded on

the educational component and said that there would be a need for volunteers as they would like to see someone there daily. Richard Wells said there needs to be volunteers in the other problem areas. John will ask CVEPA for a financial contribution.

F. OWTS study up-date, Mark Chain – Ron thanked Mark and Josh Vogt for their help on this study. They looked at every parcel in the town from the perspective of OWTS and minimum lot size. There are 261 parcels in town, 21 are exempt, leaving 240. Of the 240, 116 are developed and 124 are vacant. Old town parcels require 20,000 square foot minimum lot size and the annexed areas (anything after 1922 require 1 acre. There are 8 that are developed on a non-conforming parcel regarding minimum lot size and with no working OWTS. They will be talking with the town attorney, Kendall Burgemeister and Carla Osberg, OWTS engineer, regarding options for town action with these parcels. Josh said that they have visually confirmed these 8 parcels. Each have unique conditions in terms of structure and codes. He suggests an executive session with Kendall regarding legal options before the May meeting. April 22, 2021 at 6 p.m. was tentatively set. Mark said there is a need for a long-term plan for getting ordinances updated and for looking at the rest of the parcels in town that are developed but too small and for the undeveloped parcels that are too small. As many as half can be merged but many cannot.

#### G. Administrator Report

a. Consider approval Ryan Kenney bookkeeping proposal – The proposal is in the packet and Ryan Kenney was in attendance. Ryan said he has been in the valley permanently for 3 years, seasonally for 8. He is currently managing the Redstone Water district and has bookkeeping experience with municipalities and audits. He has both general business and law degrees. Emma Bielski made a motion to approve the proposal. Tim asked if Ryan K. would be taking his direction from Ron and was told he would. Josh Vogt seconded and the motion passed unanimously.

b. Current bills & balances April 1, 2021 – Ron said the bills are listed on page 17. Ryan Vinciguerra made a motion to approve payment of the bills. Emma Bielski seconded and the motion passed unanimously.

c. Consider approval 2021 Business Licenses – Ron has sent applications to the businesses that were licensed in 2019. No business licenses were issued in 2020 due to Covid. He asked if there were any questions, problems or restrictions that the board would like to see concerning existing licenses. He has received three new applications. He also sent short term rental (STR) license applications to STR owners. The business license for Beaver Lake Retreat (BLR) should be changed to a STR license. Emma asked if there could be an understanding with BLR concerning noise expectations. Tim echoed the request and spoke to the lack of on-site management and, thus, having to confront the temporary residents. He would like to see some consequences. Larry suggested requiring a representative/employee within a 30-minute availability. Ryan asked the council members to document and date complaints. Emma suggested a probationary approval. Ryan suggested including the wording of the town ordinance regarding noise in the BLR license. Ron recommended having Vince come to the May meeting to address this issue. Richard does not think Vince should be given a license until he comes with a plan. Linda Adams asked if Vince had followed Covid guidelines this past year. Emma asked about the Marble Historical Society and whether other historical societies were considered a for-profit business. Ryan asked if there were concerns with the existing list. Emma asked that MHS be

invited to a meeting to explain their business and their interest in helping with the town's historical preservation efforts. Ron said that Vince is on that board so may be able to address these questions. Ryan Vinciguerra made a motion to approve business licenses for those on the list who send in their application. Emma Bielski seconded and the motion passed unanimously. The new applications are from Scott Wilson for a small auto-repair business, from Tom Akers for three aspects of the Inn at Raspberry Ridge and from Nicole Farrell who would like to sell candles from the Heartbreak Hotel. Ron spoke to the lack of water or septic at the HH. Scott explained that he has on-site parking and a 150-gallon containment tank for waste oil that will be pumped out professionally. Hours would be M-F 7-5 in summer, 8-5 in winter. Richard asked about the original building permit for the garage which was stated to be a hobby garage at the time as well as a business in a residential area. Scott explained that things in his life have changed. Ryan has environmental and safety concerns. Scott explained that he has run this type of business for 15 years in Aspen. He is also frequently asked to do repairs by residents. Emma asked for a short document explaining how he would manage waste. Tim asked about material safety sheets and Scott gets those with each oil delivery. Josh spoke to the future need to look at zoning, codes and what we want the town to look like. Ryan suggested tabling approval of Scott's request for time to look at town regulations, fire inspection and Emma's request. Richard asked about communication with the neighbors. Tim Hunter made a motion to approve the business license for the Inn at Raspberry Ridge. Emma Bielski seconded and the motion was approved unanimously. Questions concerning Nicole's application were for business and site plans particularly concerning parking and the building condition.

#### H. Land Use Issues

a. Consider approval Marble/Marble land use agreement, Ron – Ron explained that having the agreement in perpetuity means that it does not need to be approved every year. Madeline requested language saying if there was a problem that an attempt to resolve it be made before the 60-day clause is. Emma Bielski made a motion to approve the land use agreement. Tim Hunter seconded and the motion passed unanimously.

#### I. Old Business

a. Parks Committee report, Amber - Ryan reported on tonight's park committee meeting.

b. Marble Fest Committee report, Richard – Some music has been selected. The lineup will be expanded as Covid allows. There is still a need for housing.

K. Adjourn – Emma Bielski made a motion to adjourn. Tim Hunter seconded and the motion passed unanimously. The meeting was adjourned at 10:05 p.m.

Respectfully submitted,  
Terry Langley