

Minutes of the Town of Marble
Regular Meeting of the Board of Trustees
October 5th, 2023

A. Call to order & roll call of the regular October meeting of the Board of Trustees – Mayor Ryan Vinciguerra called the meeting to order at 7:10 p.m. Present: Tony Petracco, Ryan Vinciguerra, Amber McMahill and Larry Good. Absent: Emma Bielksi. Also Present: Ron Leach, Town Administrator; Alie Wettstein, Administrative Assistant; Terry Langley, minutes.

B. Mayor Comment -

a. Discussion with Nicole Farrell & Ryan Kenney re: Marble Bank Building transfer of ownership to TOM – Ron explained that there had been a discussion about the HUB building at the August meeting with the County Commissioners regarding maintenance and possible transfer of ownership. Ryan Kenney is on the HUB board and serves as the HUB bookkeeper. He reported that there is deferred maintenance that the county has not done. If controlled by the town, Marble would have more say in use, repairs, etc. In 2022, the county spent about \$5100. for propane, electric and insurance. The building needs a new roof as well as painting inside and out. Larry said there are structural issues with the upstairs. If the town acquired the building and did an assessment of the condition of the building, there are grants that can be pursued. Amber said she is in favor of continuing the conversation but has a concern that the septic might be shared with the county building. Ryan K. said that the county building and the HUB building are on one lot and that would need to be worked on. Larry said that it was Marble citizens who restored the building in the first place. Ryan V. is interested but has a concern with the size and cost of needed repairs, particularly in light of being a historical structure. Tony said they had looked at it in 2008 and cost of repairs and renovations at that time were \$200,000. He also addressed how things change with each administration and that this council seems willing to work with us. Ron will continue conversation with the county since the board is interested. Angus Barber asked if this would be a transfer or a purchase. Ron said the previous conversation was for a transfer. Ryan K. reported that there was \$9000 budgeted for next year, including \$4000 for maintenance. Ryan V. asked if the septic had been inspected recently. Ryan K. said it was pumped two years ago and the county said it was in poor repair so an inspection would be needed.

C. Continue Public Hearing to consider approval of Ordinance #_____ approving residential structures in business zone in Town of Marble – Ron explained that the public hearing was closed last month so this could just be a discussion. Tony addressed employee housing requirements as spelled out in Pitkin County which, for non-owners, include the person work full-time, this be a primary residence, have a minimum lease and not own other property in the geographic area. He asked about separate entrances as opposed to getting into the housing space by going through the business. Ryan asked about the original intent of the employee housing. Tony feels that any housing in a business should be occupied. Ryan said a secondary intent was for long-term rentals as opposed to short term rental (STR) rather than restricted to employee housing. He feels the intent was to have mixed use. Amber said the intent was for people to be able to live where they work. Tony is concerned that these units not sit empty. Amber feels that, as long as it is not a short-term rental, it is the owner's choice whether to rent or not. Larry thinks some of the concerns can be addressed through business and STR licenses. Amber would be comfortable if there was language prohibiting short-term rental. Larry said that requiring a

one-year lease would take care of that. Ryan said that year-round tenants are harder to find and that a 6-month lease would help with seasonal workers. Larry said that requiring a lease term is complicating the desire for mixed use buildings. He asked if the two issues could be separated. Tony said that could be addressed through the building permit. Discussion of using the STR license followed. Amber is comfortable with prohibiting short-term rental. Tony spoke to creating housing rather than build restricted housing. They agreed that they all agree about creating mixed use opportunities and would like to add language about the minimum length of the lease (6 months). Ron will pass this on to the town attorney and ask him to draft some language to include in the proposed ordinance.

D. Consent Agenda – Tony Petracco made a motion to approve the consent agenda. Larry Good seconded and the motion passed unanimously.

- a. Approve September 7th, 2023 minutes
- b. Approve Current Bills, October 5th, 2023

E. Administrator Report – moved to the end

F. Land Use Issues

- a. Consider approval of Parker/Collins lot line adjustment, Ryan – The Parkers are still working on getting the plats and paperwork to Ron so this is tabled.
- b. Consider approval of Marble Wetlands Preserve Management Agreement, Ron – Ron said that a draft management agreement was previously presented. It involved the town, the Trust for Land Restoration (TLR) and the Aspen Valley Land Trust (AVLT) and said that the town would take care of maintenance and enforcement. Ron had some concerns with the red lined agreement and he spoke with Pat Willits, TLR, about his concerns, including changing the management agreement from 1 to 5 years. Pat said that AVLT felt like having the agreement for five years would keep them from coming back every year if the conservation easement work took more than a year. Town attorney Kendall Burgemeister sent some concerns. Larry said there are concerns because the property is not located in the Town of Marble but the town is being asked to manage with no enforcement capabilities. John Armstrong, CVEPA, said that the town would have the same power as a private property owner so could rely on the Sheriff's office. He said a town employee could check on the property and the gate and the sheriff could be involved for more serious issues. They would be backed by the 33 code that is an enforcement code specifically designed for outdoor recreation. Larry said this is an interim concern until it is transferred to the town. Tony asked if the current owner could go ahead and apply for annexation so that the process is underway when the town signs the agreement and eventually takes ownership. John said that the goal was for it to be annexed when it is transferred. He said the conservation easement is still in draft form and it requires a manager before that easement is completed. He said Kendall expressed concern that the town was not part of the conversation around the easement but that they had all deferred to AVLT because of the expertise they bring to the process. John said they hope to have the management agreement signed by Nov. 15. Amber asked if a specific management plan would be different than the management agreement. John said that this is the plan. John said Kendall asked what the ramifications would be if Marble failed to enforce the agreement in some manner. He said the groups are in this together and feels that trust will grow through cooperation. Kendall was also concerned about the public outreach and outdoor education portion. He said all three entities have the right but not the responsibility to provide this. Amber asked about responsibility for insurance, such

as AVLT having the right to have events but the town having to provide the insurance without input of what happens. John said it does say that the entities have to communicate with each other concerning holding events. She feels that whatever group uses the property should carry their own insurance. John said that these entities have governmental immunity. Lindsay LaCour asked about this concern regarding AVLT owning Thompson (Children's Park). Amber explained that the school has an agreement with AVLT and the school has to have permission from AVLT for special events. Larry returned to the management agreement term and suggested going back to one year with an automatic renewal clause that would require any party who wants to end the agreement communicate that desire. John said Kendall had asked for more information concerning the insurance issue. Larry addressed the requested date of Nov. 15 and the need for time to review the next draft and the sole remedy of the termination of the agreement as a consequence to failing to uphold the agreement. Ryan said that Kendall has suggested changes that address his concerns. He agreed with going back to the one-year agreement and spoke to the fact that they all have the same goal of preserving the wetlands so feels the language surrounding the consequences of the town failing to perform their obligations should be softened. Ryan would like to see language stating the intention of donating the land to the town. John feels that the year would give everyone to see if this is a good fit. He suggested using the word stewardship rather than obligation to enforce. Amber asked to see language regarding liability and would like to see the management plan that is referenced in the agreement so that the town knows what they are agreeing to enforce. Ron reminded the board that this is temporary agreement and the management plan will probably come with the conservation easement. He said that it needs to be clear that the town is not indemnifying anyone. He liked the wording "the timing and scope of public access may be limited by mutual agreement" as a door to limiting access and use rather than throwing the property wide open.

G. Committee Reports

a. Discuss Flow chart for municipal governance, Emma - tabled

b. Up-date on Jailhouse project, Emma – Alie reported that the Board of County Commissioners donated \$5,000 from their discretionary funds and AVLT donated \$100 so total received is just under \$24,000. Alie said Emma has an engineer who will take on the project or will find another engineer to do that. The project is delayed due to the lack of funding and the engineering time line. She is seeking an extension on the GOCO grant (\$10,000). She is hoping that Dwayne Piffer can clear the land leading up to the entrance to the jail before the snow flies. She is also going to prepare formal thank yous for the board to sign.

c. Parks committee report – The minutes from the park committee meeting are included in the packet. He introduced Lindsay LaCour as the newest member of the committee and has offered to pursue grants on behalf of the town. Lindsay is pursuing a Peer Grant Preservation Fund for the jailhouse. It is a grant for between \$1,000 and \$10,000. It is limited in scope, i.e. you cannot pay staff with it. It does not require a match. We have missed the Oct. 1 deadline but Lindsay would like town approval to submit for the Feb. 1, 2024 deadline. She is looking at three other historical preservation grant opportunities including one that is \$100,000 up to \$3 million. Larry asked what the first grant could cover and Lindsay is still looking into that. Larry asked if Lindsay would expect to be compensated for this and she explained that it is a resume builder and she loves the town so is volunteering her time. Amber suggested that Lindsay contact History of Colorado about a non-competitive grant for planning

and to set up a meeting as they can help her work on the Colorado Community Revitalization grant which is the larger grant.

Brent Compton reported that they are receiving requests for memorials to be placed in the park and the concern is for how many there might be and what form they might take. Therefore, they are not accepting requests at this time as they are working on guidelines for that. In the meantime, people might plant a memorial tree with the understanding that plaques would not be placed until the committee agrees on those guidelines. Amber asked if this would affect the Symposium sculpture garden. Brent said it does not and he addressed work they had done on the border with the new site and the Symposium property. They had installed "Closed for revegetation" signs as well as boulders marking the trail and those have been pulled down, thrown away or moved by someone. He reported on the possibility of a park celebration on Saturday Sept. 21 or 28, 2024. Due to the high crowds in town on at those times, other dates were suggested. Ryan suggested sending thank yous to those individuals and groups that have helped with park work this year.

Amber asked about clean up at Smith Park which borders school property. Brent said they discussed this but the committee does not feel like this is their responsibility. Brent said that Amy Rusby will talk to Richard Wells and Gina Mile about looking at that. Larry expressed concern for the gravel and opportunity for injury.

H. Old Business - none

I. New Business

a. New business license application, Chris Palmer – Chris explained that this would predominantly snow removal. He included construction in the application so that he would not have to come back in case construction projects come up. This will involve very little traffic at the house, if any. Larry asked if Chris would use his property for staging or material storage. Chris said it would not. Any materials would be stored on the customer's property. Amber made a motion to approve the application. Larry Good seconded and the motion passed unanimously.

E. Administrator Report – moved from above

a. Review draft 2024 Budget, Ron – Ron thanked Ryan Kinney, the town's bookkeeper for being there. Ron pointed out that property valuation has gone up about 50% so those tax revenues should go up proportionally. He estimated total revenues of \$362,000 and estimated expenses of \$352,000. He explained that the budget is fairly static from year to year. Amber asked about the increase in wages listed and Ron said that figure was for a 5% raise for employees. She feels that this should be higher, anticipating more hours due to the increased management the town will be taking on. Tony asked about the unclassified line and Ryan K explained that this line was used as a holding line and that these were funds that have now been reclassified into proper accounts so that is now zero. Ron pointed out park expenses have been separated from the general fund and he anticipates \$25,000 in expenses for next year. Ryan asked about adding a bit more to give the Parks Committee a bit of undesignated funds. He suggests \$5,000. Amber asked if there were any anticipated projected/expenses for the campground and there are none. Ron said that there has been an unwritten agreement with the HUB for handling campground reservations with the HUB getting 20% of those reservations. He feels that they do not need that agreement anymore because there is a full-time campground manager and other ways to make reservations but that the HUB does depend on that revenue. He suggests using the HUB as an

information center with the town continuing to subsidize the HUB in some way other than campground fees. Angus asked if the HUB makes any money. Ryan K explained that they are a non-profit but they do generate approximately \$1500 in sales tax into the town. Angus asked how tied the town is to having it as an information center and the board spoke to the importance of that. Ownership of the building might open up some potential for more revenue but will probably not be self-supporting. Ryan K said the biggest expense is payroll due to the lack of volunteers. Ron reported that MarbleFest brought in \$25,000 in 2023 and spent \$23,000 so they are paying their way.

Amber suggested a budget work session in November. It was decided to meet an hour early, at 6:00 p.m., on Nov. 2.

b. Ron spoke to the service that the volunteer fire department provide, including the recent vehicle fire at Hermit's Hideaway and a medical event that resulted in a life saved.

J. Adjourn - Tony Petracco made a motion to adjourn. Larry Good seconded and the motion passed unanimously. The meeting adjourned at 9:15 p.m.

Respectfully submitted,
Terry Langley