

Minutes of the Town of Marble  
Regular Meeting of the Board of Trustees  
July 11, 2024

A. 6:00 P.M. Call to order & roll call of the regular July meeting of the Board of Trustees of the Town of Marble – Mayor Ryan Vinciguerra called the meeting to order at 6:05 p.m. Present: Dustin Wilkey, Amber McMahill, Larry Good, Amy Rusby and Ryan Vinciguerra. Also present: Ron Leach, Administrator; Allie Wettstein, Administrative Assistant and Terry Langley, minutes. Attending by phone: Attorney Kendall Burgemeister.

Ryan Vinciguerra made a motion to go into executive session as spelled out below. Amy Rusby seconded and the motion passed unanimously. Permission was granted for Dana Hlavic, Department of Local Affairs (DOLA), to attend the executive session. Executive session began at 6:06 p.m.

B. Executive session pursuant to C.R.S. § 24-6-402(4)(b) for a conference with an attorney for the Town for the purposes of receiving legal advice on specific legal questions relating to a potential agreement to fund an extension of the Marble water company system, and C.R.S. § 24-6-402(4)(e)(I) for determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators regarding the same.

Dustin Wilkey made a motion to adjourn the executive session. Amy Rusby seconded and the motion passed unanimously. The executive session was adjourned at 6:58, the public was invited in and the regular session resumed after a brief break.

Note: Board training has been moved to Wednesday, Aug. 17, 5 p.m., at the fire station.

C. Mayor Comments - welcome

D. Discussion regarding potential agreement to fund an extension of the Marble Water Company system, Ryan – Ryan reported on a meeting between the Marble Board of Trustees and both John Williams and Tom Williams of the Marble Water Company board (MWC) in which the MWC presented a proposal regarding expansion of water service. Ryan said the town board is seeking input from citizens concerning the town's participation. Kate VanSchaack asked whether the MWC would proceed if the town does not participate. Tom Williams, MWC President, explained that it is a large grant and loan and the MWC cannot handle a loan of that size on their own. Kate said that she would like more information concerning the project and funding. Ryan said that minutes were to come and would help with some of her questions. There is also an article in the July issue of the Crystal Valley Echo. Kate asked about a time line for the project. Tom said it could take as long as five years but would end up costing more if it did. To have it done for the proposed costs it needs to be done by October or November 2025. They need 3 bids and the request for those should go out in January 2025 and bid awarded in April 2025. Preliminary engineering reports need to be finalized into a complete project report, ideally by September 2024. Angus Barber reported that the master planning survey asked if people were satisfied with their water arrangement and the majority said they were. He said that he and Ron identified 21 potential new tap holders. Angus was given an estimate of \$35,000 for him to tap into the existing supply

and wondered why they would take this on for so few. Tom said they anticipate about 10 - 15 new tap holders over a period of time. The expansion lines will be 6" cast iron pipe. PVC service lines will be sufficient to go from homes to the 6" cast iron. Excavation costs will be dependent on the distance. Angus asked about the new tap fees or any revenue split with the town. Tom said they had not had any discussion about this. Currently, tap fees are held in reserve for any needed repairs. Angus asked about the interest rates offered by USDA (2 1/8 %) and how can they be so low? He also asked if the loan was structured so that if the borrower was the town, would it be possible to get cheaper funding. Tom said the project is being funded due to Marble being a small, rural, underserved community. There is a considerable health and safety consideration. East Marble is numerous wells and septic systems that are not regularly tested. Angus asked what impact there would be on the lease of the water rights if MWC proceeded with the loan without the town's participation. The partnership means that the town has the water rights and the MWC takes care of the distribution of that water. Angus read from the lease which stated that the lease will terminate at midnight on Aug. 8, 2028 or for such additional period of time as shall be required for the lessee (MWC) to fully discharge any obligation it has to the USDA, Farmer's Home Administration or any successor to it. Angus is concerned that if the MWC borrows from the USDA does it mean that MWC lease term is continued for the term of the new loan, another 40 years. Tom explained that the lease was signed before any obligation to the USDA occurred and he does not know if the lease is impacted. He said that the town would lose their water rights if they are not used. Angus said that the proposed deal will end up costing existing tap holders a total \$1364 annually, an increase of 87% increase and, for those on wells, a total of \$260 annually, an increase of 100%. He asked if that should go to a public vote. Tom disagreed with those figures. He said the town sends annual bills of \$130 per property to every owner (approximately 225). Amber explained that this is not for each lot: several lots can be included in one parcel/property. But if an owner has several properties around town, they will get a bill for each property. Tom said this goes toward the loan for the water tank and entitles all property owners to fire protection. The new loan will require \$58,000 per year and MWC proposes splitting that between MWC and the town and would result in a 260 per parcel fee. Water bills for the 90 tap holders would go up from \$65 to \$92 per month, an increase of \$27. That amount would generate \$29,000. Added to the proposed \$260 bill from the town, this means an overall increase of about \$38 per month for tap holders. He said this the last chance to do this at the USDA interest rate of 2 1/8%. This is also the last time Marble will qualify for a USDA grant as the median income has doubled between the 2010 and 2020 census. Angus asked about the affordability for the town. The current loan has an outstanding balance of \$230,000. Angus said this deal would put the town in a very leveraged position and could potentially bankrupt the town. Tom said the current arrangement has allowed Marble to grow. He said the MWC cannot proceed if the town does not participate and that it would not be fair to expect the existing tap holders to foot the entire bill. Angus asked about presenting this to the town and asking if there is interest, particularly with the potential tap holders. Tom agrees that there needs to be more discussion with both potential and existing tap holders. They have three years before they have to commit. Angus thinks there needs to be more information about costs. Tom said there a number of steps that need to be successfully addressed before a decision to proceed is made. Primarily they need to know that the town will participate. Sue Blue asked that the figures be officially set. Tom said current tap fees are \$7500. Abby Eyle asked if there would be another opportunity to comment and Ryan said he believed there would be. Abby if the increase for tap holders would be per parcel or per tap and Tom said it would be per tap. He further explained that the \$7500 tap fee is not part of this proposal or the additional income – it is used for reserves for needed repairs. Abby asked if the town

has a legal obligation to provide these services and Ryan said it does not. Richard Wells asked about the language in the current agreement regarding addition of fire hydrants and this would add much needed hydrants to East Marble. He also stated that many of the existing wells in East Marble are very shallow and not good water. Abby asked about the water rights and if there were enough water to service more people. Tom said that the town has junior water rights in the amount of 3 cubic feet per second and that the MWC gets 1/3 of that. Ryan thanked Tom for attending and answering questions. Tom said they are happy to do more to share the details.

E. Public Hearing Abby Eycle use by review application for construction of an Accessory Dwelling unit. Abby – Amber McMahill made a motion to enter into public hearing. Dustin Wilkey seconded and the motion passed unanimously. The public hearing began at 7:52 p.m. Abby explained that they would like to build a garage with an ADU above it. Ron has confirmed that they have the required minimum of an acre. It will be free standing at the end of the existing driveway as far back on the lot as allowed. They are proposing a building of up to 1000 square feet, depending on costs. Larry said that the zoning code concerning ADUs and use by review requires a building of no more than 50% of the existing dwelling. Dustin said that any deck would have to be included when looking at the percentage of land use. Amber said they are currently just approving the concept and that final approval would be in the future. Abby reported that she has contacted a septic engineering firm about the septic system and wants to have a survey done. Ryan commended her for her due diligence. Becca Loudon, as a neighbor, spoke and had no objections to the concept. Ryan Vinciguerra made a motion to support the plan and approve that the Eygles proceed with their plans and permits. Dustin Wilkey seconded and the motion passed unanimously. Ryan Vinciguerra made a motion to exit the public hearing. Dustin Wilkey seconded and the motion passed unanimously. The public hearing ended at 8:02 p.m. and the regular meeting resumed.

F. Consent Agenda – Dustin Wilkey made a motion to approve the consent agenda.

a. Approval June 6th 2024 minutes

b. Approval of Current Bills, July 11th, 2024 – Amber asked about the check to Kirby Built and Ron explained that it was for the picnic tables. Amber asked that that be expensed to campground. She asked about the June 21 check to Alpine Bank and Ron explained that it was the credit card balance. Ryan and Amber recused themselves due to some of the bills being paid to the Raspberry Cafe. Amy Rusby seconded and the motion passed with the remaining three board members voting yea.

G. Administrator Report

a. Jailhouse project update, Ron – SGM engineering completed the engineering for the new foundation and it has been reviewed by the inspector and approved. They are ready to get a building permit. Ron needs some clarification on the budget before that is issued. Emma would like to start construction on Aug. 15. They will need bids from the subcontractors. The town would like to be able to give the in-kind donors letters acknowledging and thanking them for their donations. Dustin asked if the Historical Society is involved in this or if they have any stake in the project. Ron reported that they do not.

b. Consider approval of special counsel engagement letter, Ron - This engagement letter is from the law firm of Collins Cole Flynn Winn & Ulmer. There are currently no job descriptions, policies or

procedures for town employees. Kendall Burgemeister does not do personnel work and he recommended Collins Cole Flynn Winn & Ulmer. Ron has spoken with them and he estimates a cost of around \$3000. They will keep the town up to date on any changes in laws. Dustin asked about tax exempt status and whether there would reimbursement for use of vehicles. Ron said that we do but that this part of the letter had to do with the firm's travel. Sue asked about using templates from other towns rather than using a lawyer. Ryan said that part of this would be preparing for a worst-case scenario and using a lawyer would mean someone would be representing the town. Amy spoke to the protection from liability. Dustin Wilkey made a motion to approve the special council engagement letter. Amber McMahill seconded and the motion passed unanimously.

c. Consider approval of Slow Groovin Liquor License renewal application – Ryan recused himself. Dustin Wilkey made a motion to approve the renewal of Slow Groovin Liquor License. Larry Good seconded and the motion passed with four yeas.

d. Consider approval of Raspberry Ridge Café Liquor License renewal application – Ryan & Amber recused themselves. Ron just received the information today. Dustin Wilkey made a motion to approve the renewal application pending Ron's approval. Ron recommended waiting until next month. The original motion was withdrawn. Dustin Wilkey made a motion to table the application. Amy Rusby seconded and the motion passed unanimously with three yeas.

H. Land Use Issues - none

I. Committee Reports

a. Parks committee report, Brent – There were no minutes. Amy reported that the RFOV weekend was successful in spite of the rain. They discussed Broadband tower options including fencing. Ron is working with broadband and the fire department. Dustin asked about the wood that is stacked and Richard Wells reported that it will be chipped. Ryan said drainage is going onto the basketball court and asked that fixing that be part of consideration for any improvements. Suggestions for including a pickle ball court and painting hop scotch and four-square lines as part of those improvements were made.

J. Old Business

a. Consider approval of current business license applications, Alie reported that there are two: RPS and Marble Gallery. RPS – Dustin spoke to the zoning code and that RPS is considered a business operating in a residential area. This has been there for years (16) and is a great service. He would like to see a pathway to them (and other home businesses) being legal as a home business concerning the definition of and number of trips. Amber McMahill made a motion to approve the business licenses. Larry Good seconded and the motion passed.

b. Starting time for the regular board meetings was changed to 6 p.m. beginning Aug 1. A larger notice on the town posting place and on the website was recommended.

K. New Business –

a. Dustin asked about the Master Plan. Mark Chain is on medical leave so the final report is on hold. Final payment will not be made until completion of the project.

b. Dustin thanked Amber and the Raspberry Ridge Inn/Café for their service to visitors during the Slake Creek slide.

c. Angus reported that Vince's retaining wall is sliding toward Angus' property.

d. Angus suggested bottling and selling town water and asked about the testing.

L. Adjourn – Dustin Wilke made a motion to adjourn. Larry Good seconded and the motion passed unanimously. The meeting was adjourned at 8:48 p.m.

Respectfully submitted,  
Terry Langley