

Minutes of the Town of Marble  
Meeting of the Board of Trustees  
April 6, 2017

Marble Community Church, 121 W. State St. Marble, Colorado

A. Call to order & roll call for the Meeting of the Board of Trustees: The meeting was called to order at 7:00 pm . Present: Will Handville, Tim Hunter, Mike Yellico, Richard Wells, Larry Good. Also present: Ron Leach, Town Clerk and Terry Langley, minutes.

B. Approve previous minutes: moved to approve the minutes. Mike Yellico moved to approve the minutes, Richard Wells seconded. The motion passed.

C. Mayor's Comments: Will Handville stated that no outbursts or arguments will be allowed.

a. Court system status, Will: The planned talk with Judge John Collins had to be postponed due to a medical emergency of the judge's. Court will be held in Carbondale and details on how that will work, fees and fines will be worked out with the judge. A question was raised regarding an ordinance officer. Will explained that that is still being worked out.

b. Up-date on Marble Water Company communications, Will: Will has been in communication with John Williams. They could not find mutual dates for a face to face meeting so this will probably wait until Williams is back in Marble.

D. Clerk Report, Ron Leach

a. Bills payable April 6, 2017, Ron: Balance is \$285,925. Total expenditures for this month are \$11,055.74. Deposits since the last meeting total \$10,803.32. Bills to be approved tonight are part of the \$11K. Larry asked if we had contracted with a garbage company for the park and Will asked whether the campground could be added to that contract. That will be explored.

Ron stated that there were two checks issued between the meetings, including \$1300 to Peak Architecture – the firm that will be doing the assessment of the jailhouse project. This amount will come back to us with the grant. Emma stated that they held an historical, structural assessment kick off meeting on Mar. 22. Mike Owen, preservation specialist; Dustin Anderson, Peak Architecture; and Emma met at the jailhouse. One document needs to be signed and submitted and then a check for \$1800 will be sent. She introduced Erica Borzell with History of Colorado. Ms. Borzell presented a plaque honoring the jail for inclusion in the Historical Register. Will asked about grants to preserve the Mill Site Park and was encouraged to pursue grants. Emma got a hand from the crowd in appreciation for her work. A bill to be included that came in after the list was made is to Sopris Engineering for septic work in the amount of \$335. Larry Good made a motion to approve the payment of the bills as presented. Richard Wells seconded and the motion passed.

b. Review Steve Lucht's concerns regarding 2014 audit, Ron: Ron followed up on the concern of having an independent 3<sup>rd</sup> party read-only review of bank statements. Ron checked with the auditor and their recommendation was for the bookkeeper to have access as a read-only reviewer, rather than an independent third party. Our bookkeeper, Jenny Cutright has currently set up Quickbooks, processes invoices, prints checks and mails them., makes deposits, reconciles bank statements, processes the

quarterly statements to the government, unemployment insurance and information for the audits. Ron explained that the bills, checks received and bank statements come to the town mail and are forwarded to the bookkeeper. The read-only access has not been set up. The bookkeeper is currently a contract laborer. Ron would like to move her to a town employee status due to the increase in bookkeeping work with the campground in the amount of \$250 per month, beginning immediately. If approved, Ron will take her to the bank to get the read-only status. Larry Good spoke to her professionalism and integrity. Tim Hunter echoed that. Larry Good made the motion to hire Ms. Curtright as a town employee, Tim Hunter seconded and the motion passed.

c. Review Steve Lucht complaint letter to the Colorado Department of Public Health & Environment ( CDPHE), Ron: Included in the packet is a letter from Mr. Lucht's attorney to CDPHE regarding a number of issues, including Slow Groovin', Duane Piffer and Vince Savage issues. CDPHE responded to the attorney (Mary Geiger) and that letter is also included. Ron reported that the gist of the letter is that CDPHE does not find that the Town has substantially failed to administer and enforce the requirements of the OWTS act. David Kerrs, CDPHE, has six bullets that Kerrs wants the town to regulate. Those are being addressed. One of the bullets wanted it verified that the two septic systems (restaurant and apartment) were not crossed. Ron and Will met with Ryan and verified that the two systems are separate and Ron will verify that with the state. The other five points are monitoring meter on water usage with a data counter to record that, a plan of total number of patrons and meals served daily, an understanding that the current seating will remain static, results of water meter count will be reported to the town monthly and reported by the town to the state every 3 months; if water usage goes over 2000 gallons a day, the state will take over regulation of septic system.

d. Consider issuance of 2017 Town of Marble business licenses, Will: A list of business licenses applied and paid are included in the packet.

Richard asked about the application for 'S Up Marble Paddle Board business, a new application. A question as to where the business would be operated was raised. Will turned the floor over to John Groves of the State Wildlife department. He explained that there needs to be a larger discussion on what is happening with Beaver Lake and how the recreational component affects a State Wildlife area managed for wildlife and recreation. It is currently at or over capacity and as a party spot it is getting out of hand and impacting those who fund the area by buying fishing and hunting licenses. Needs further discussion with Wildlife before a permit could be issued. Commercial use on a wildlife area is illegal and can result in a \$1000 fine. Tim Hunter asked about other areas that could be used. John said it is very limited. Lizard Lake does not allow boating. Other lakes are private property. Richard expressed appreciation for Groves coming. Larry asked whether fund raising at Beaver Lake would be allowed. John said they needed to contact them and get a special use permit on a case by case basis. He addressed commercial use vs using a paddle board and stated that over use could result in banning them. He also stated that it is illegal to leave boats on the lake overnight. Richard asked about 4<sup>th</sup> of July, particularly large fireworks. John explained that it is illegal on wildlife area with a \$70 fine.

Ms. Hall asked some questions about VRBO's and the need for license. Will explained that the council will be working on that issue.

Will addressed Joe Brown, expressing sympathy for the damage to Joe's property from a falling tree as well as his appreciation for the clean-up efforts and Joe's willingness to work with town. Will talked about the junk ordinance and addressed things that can be addressed, including open trash,

abandoned vehicles and hazardous waste. Joe explained that he will not be doing commercial work at 223 E. Main and will not be renewing the business license. He is working to clean up the property and to properly dispose of all things removed. He plans to have that done by August 31. Joe explained that he plans to put up a fence to shield property from view on the Silver Street side and protecting the line of site from Beaver Lake Lodge. As a token of the town's appreciation, Will would like to discuss the idea of waiving building permit fees for garage and fence, if needed, at the special meeting. Will explained that the fence placement may require a variance, depending upon where it goes.

Ryan: Will said that some of the issues have been cleared up, including issues with the septic system. Parking issues at the intersection will be taken care of with no parking signs. A remaining issue is noise in regards to amplified music (town ordinances allow up to 65 decibels up until 8:00 pm, 55 after). Will described decibel levels with the example of a chainsaw being 120 decibels, 65 decibels as the sound of walking into crowded restaurant with every one talking and 55 decibels like the sound of the conversation of neighbors. A discussion of electric vs acoustic music followed. Ryan Vinciguerra said that they only got one noise complaint last year, and they turned music down and that the business has music two nights a week and not after closing, 9:00 pm. Discussion regarding complaints and possible solutions followed. Will doesn't want to hold up the business license as long as Ryan is willing to work with council on the music issue. There may need an adjustment to decibel ordinances. Ryan was invited to the special meeting to further address the issue. Larry Good moved to approve Slow Groovin's business license with the understanding that the noise issue will be explored. Mike Yellico seconded and the motion passed. Carol Parker asked about the traffic at night when SG closes. Will said that it is a county issue and that the Sheriff will be here more in the evenings and at night to address traffic issues on CR 3.

Vince Savage did not attend the meeting and no license will be issued until he appears. Cindy Fowler will be asked to come to next meeting regarding the license for the paddle board business. Will Handville moved that all other licenses be approved pending payments. Tim Hunter seconded, the motion was approved.

e. Application for water rights status, Ron: application updating water rights has been filed.

E. Current Land Use Issues: Ron: asked that an application for a driveway permit submitted by Sue and Lou Eller be approved at the special session. It was engineered correctly and follows county driveway regulations. Other items for the agenda in two weeks include Joe Brown and Ryan Vinciguerra.

a. Beaver Lake Lodge, Karen Good:

i. Issuance of building permit for addition to cabin 6, Karen Good: Ron said this was voted on in December and that all documents are in order. Ron needs to inform her as to the fee and the permit will be issued. There is no impact on the current septic system.

ii. Consider approval of easement for water line placement in alley, Karen: Ron reported that Karen had requested this easement in December 2016. Karen wants to replace and deepen the water lines in the alley. The easement was approved at the December meeting. Ron received the easement document and legal description today from Kendall and Paul Rutledge. The easement document can be approved at the July 19th special meeting of the board.

iii. Glamping proposal needs some additional documentation that will probably be presented in May.

b. Gallo Hill –The architect, Andrea Corber, contacted Ron last week and has been submitting documents. She has submitted the OWTS plan. She has requested to be on May 2 agenda for a formal review of the project. Will reminded Ryan that they will still be going into the use by review.

c. Consider approval of ordinance amending zoning code re: lot consolidations/splits, Ron addressed below) Ron stated that attorney has developed the two proposed ordinances.

d. Consider approval of ordinance amending zoning code fees & expenses, Ron: Ron would like another few days to adjust the fee schedules and he proposed approving them at the special session. The council asked that he see if attorney can be part of a phone conversation at the special meeting. That meeting will be held Wednesday, April 19. Ron will add the ordinances to the web site.

#### F. Old Business

a. Up-date report regarding fuel leak, Richard Wells: Core samples have been taken. Monitoring wells have been drilled. Samples are being tested and results should be available next week.

b. Discussion of campground opening status, Will: Work to be done includes installing culverts in driveways, water system pressurized and tested, back flow preventers installed. Work to do on the building includes repairs to the front porch, handicapped access, roof repairs. The campground will be opened as soon as possible. The town will run it and may need a part time employee to register. Revenue will be plowed back into improvements on the building. The length of time allowed has not been determined but may be limited by CPW regulations. Town records will be moved into the building asap.

c. Consider \$15,000 supplemental budget for expenses for campground and town building, Will: Will reported that a hearing concerning this issue will be scheduled. This will be either part of the April 19 special session or at the May meeting depending on notice requirements. Richard proposes meeting before May 2.

d. Report on purchase and installation plan for speed bumps, Tim: Tim has identified several locations that could use bumps, including at the Jeep tours, fire house, RV park exit, west side of Main before Slow Groovin', the turn going down to the river, east of Carbonate Creek bridge and Thompson Park. They are 5-10 mph rated, come in 39" sections, 14" wide, 2" tall. They would be staggered on each side of road. Tim talked to the Department of Public Works in Glenwood and Carbondale as well as the police. Tim suggests that we start with 4 and see how it works. They will be anchored with 6" bolts and are removable in winter. Each will have Speed Bump Ahead signs. Quarry truck feedback is needed to make sure that their trucks will not damage the road when they hit the bumps. Larry suggested an additional location heading to and from the back country. Mike would like the discussion with the Quarry to include talking to them about their workers driving.

e. Discussion of other summer projects, clean-up day, no parking signs, other projects – Will:

Will reported that there will be 12 No Parking signs installed along the roads near Slow Groovin, two Stop signs on Main, and two No Motorized Vehicles signs at Thompson Park at a cost of \$600. Tim asked to include posts for speed bump signs for an additional \$50. Larry wants it on the record that we are getting "signed out." Richard Wells made a motion to order the signs, Tim Hunter seconded. Carol

Parker asked where the No Parking signs would be placed. Will explained that they would be from the corner to 150' out. The motion passed.

G. New Business

a. Other: Richard Wells reported that there would be a Mill Site committee report in two weeks. At that time he will request payment for hours he has worked. Mike Yellico asked to be informed when the committee meets. Will asked Ron to post those dates on the website.

H. Adjourn Larry Good moved that the meeting be adjourned. Mike Yellico seconded. The motion passed and the meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Terry Langley