Town of Marble

Special Meeting of the Board of Trustees

March 8 2018

7:00 P.M.

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

Agenda

7:00 P.M.

A. Call to order & roll call of the Special Meeting of the Board of Trustees
B. Approve previous minutes
C. Mayor's Comments
D. Clerk Report
    a. Discussion of broadband internet proposal for Marble, Bart Wellar & Diane Kruze
    b. Current bills payable 3/8/18, Ron
    c. Discussion & status report regarding April 3 2018 municipal election, Ron
        i. Determination of order of candidates on ballot
        ii. Consider appointment of Election Judges
        iii. Determination of compensation of election judges.
        iv. Consider date for meet the candidate meeting
        v. Other
    d. Discussion regarding Marble Water Company report to tap holders
    e. Other
E. Current Land Use Issues
    a. Discussion regarding short term rental issue, Larry
    b. Other
F. Old Business
    a. Discussion of court & enforcement issues, Larry
    b. Other
G. New Business
H. Public Comment
    a. Other
I. Adjourn

TOWN OF MARBLE

MINUTES OF THE REGULAR MEETING

BOARD OF TRUSTEES

February 1 2018

Call to order & roll call for the regular meeting of the board of directors

The regular meeting of the board of trustees of the Town of Marble was called to order at 7:00 p.m. by Mayor Pro Tem Judy Morande. Other trustees present included Larry Good, Mike Yellico, and Tim Hunter. Staff members present included Ron Leach.

Approve previous minutes

Mike Yellico made a motion that was seconded by Larry Good to approve the January 4th, 2018 minutes. The motion passed unanimously.

Mayor's Comments

Judy read her prepared statement regarding her view that the town council's purpose is to be there for the citizens. The town council's purpose is to listen and solve to best of their abilities, the citizens vision for the future.

Discussion regarding meeting with Marble Water Company with mediator

Judy feels that we have reached an impasse with the MWC regarding the development of a Plan B. Plan B would be implemented in case the water monitoring wells adjacent to Slow Groovin restaurant should ever reach a relative level of 5 ppm of nitrate. Judy feels a mediator is needed to facilitate the next meeting of the Town Council and the Marble Water Company.

Discussion of sustainable tourism and recreation committee

Amber asked the trustees to follow up on establishing a sustainable tourism and recreation committee.

It was noted that the County Commissioners had discussed this issue with the trustees last fall in Marble and recommended that the town form such a committee similar to other Gunnison County towns. Ideas for the committee included signage, brochures and education for visitors. The committee would come up with ideas and present them to Town Council. It was noted that the Commissioners wanted to see formation of such a committee before they actually contributed to the process in Marble.

The roles of both the Chamber and the Hub were discussed relative to tourism along with the role of the tourism committee. Mike sees the role of the Hub and the proposed tourism committee as being the same thing. Mike

noted that the town needs the Hub and he does not want to endanger the existence of the Hub. Mike said the Hub is evolving from a consignment store to an information center.

Amber's vision of the committee would be to develop things such as brochures and the Hub would function as an information center.

Ryan explained that the Chamber is working on an illustrated map to be distributed. On the back of the map certain information could be listed including directions to various places, VRBO locations, fire department and restrooms.

Discussion turned to permitting ATVs for access to the Lead King Loop and parking in the town which would produce some revenue for the town. Mike would like to see a permit process for the LKL. The permits could be purchased on line. Richard would like to see the permit process for in town ATV usage as well. Larry does not agree with an in town permit process but supports a workable system to include a parking permit system for the LKL. Steve Finn expressed that until the town does something regarding enforcement of parking rules, nothing will work. Mike explained that enforcement with a court and judge costs money and a property tax increase may be necessary to pay for enforcement. Mike also noted that much of Marble's ATV traffic comes from Crestted Butte. Steve Finn suggests a parking ticket system to produce revenue. Steve said that Gunnison County will only step up with help when the Town does something about the ATV problem. Mike noted the town had developed 15 parking spaces in the past few years. Charlie Speer suggested the town use the campground host as a parking attendant in the summer, write tickets and enforce parking laws. Charlie suggested the parking permits could include contact information for people who park with information and education included on the permit. Larry asked Ron to get examples of parking tickets as well as a suggested fee schedule. There was a consensus of the trustees to pursue a paid parking system at the mill site parking spaces this summer.

Current bills payable 11/2/17

Ron presented the current bills payable as well as 3 additional late bills. The additional late bills included Quest for 196.96, Gunnison County for 2017 snowplowing for 996.00 and Hub for 1500 for shed materials and movie rentals in 2017. Ron thanked Mike and Max and Grateful Builders for building the storage shed at the Hub for no labor costs. Ron also reported an 1800 revenue in January from the Colorado Historical Society to reimburse the town for the jail renovation project grant writer. The total amount of the current bills payable is 8226.25.

Larry Good made a motion that was seconded by Judy Morande to pay the bills as presented. The motion passed unanimously.

Discussion & status report regarding April 3 2018 municipal election
Meet the candidate meeting with moderator

Judy would like to have a moderator for the meet the candidate meeting. Ron suggested Mark Chain. Discussion followed regarding the format of the meeting and the time and place of the meeting. The consensus of the trustees was to ask Mark to serve as moderator and report back at the March meeting as to Mark's availability. Larry asked Amber to contact the Crystal Valley Echo regarding a meet the candidate feature to include photos of the candidates. Steve Finn will contact the Sopris Sun and the Post Independent with a similar request. Ron asked Amber and Steve to please contact him prior to contacting the media outlets so that everyone is on the same page regarding the candidate's contact information etc. Several dates, times and places were discussed. The consensus of the trustees was to have the meeting on March 10th at the Fellowship Hall.

Ron reported the election judges have not been determined yet but will be discussed at the March 1st meeting. Ron further reported that the polling place will be located at the Hub and will be open from 7:00 am to 7:00 pm. And that the results of the election will be posted the night of April 3rd on the window of the Hub. Ron will check into how to handle tie votes on Election Day and report back at the March meeting.

Discussion of a winter work plan for town building, Ron

Ron reported on the work plan for the town office building this winter. Replacement solid core exterior doors are needed for the building as well as one interior door including thresholds, frames and hardware including deadbolts. The trustees has previously budgeted 15,000 for needed improvements in 2017. Tim has offered to troubleshoot the electrical system and raise the fluorescent lights in the main room. A new records room has been completed in the building with help from Mike & Max. Ron reported that he plans to order internet service for the building as well as a pay phone for the front porch. Mr. Joe Zamora donated a nice desk to the town for the building. The consensus of the trustees was to proceed with the improvements. Linda would like to get the location of the pay phone placed on the new chamber map.

Discussion regarding request to host weekly lectures at the campground

Amber would like to pursue weekly lectures this summer in the campground. Lectures would include Audubon, birds, CDOPW representatives. Mike suggested that the Mill Site Park would be more appropriated for such events. The consensus of the trustees was to support the idea in the Mill Site Park. Amber said there is no request funding at this point.

Discussion regarding short term rental draft ordinance, Charley Speer

Gary Wagner gave the Short Term Rental Committee report. Gary reported that there had been 2 meetings since the committee has started up. There has been spirited debate at the meetings. Gary is in favor of circulating a 2 question survey to see how the town feels about the SRT issue. Gary asked if the town council would want to go with the survey. Judy Morande said she supports the survey idea. Larry Good feels the survey is not needed and that the town should put the issue on the November ballot. Larry feels a survey would be a duplication of efforts. Larry explained the STR committee is an advisory group to the town council. Tim Hunter asked Gary about the survey. Gary explained the survey could be circulated on a door to door basis as well as on the web site. Gary asked the trustees if they want the committee to keep going forward. Gary said that an ordinance is not needed but rather a list of options for the trustees to consider.

Ron explained that the town has two options should they wish to proceed. The town council can adopt an ordinance or put the issue on the ballot in November. Ron does not think a survey is needed, is redundant and suggests the town council put the issue on the November ballot. Ron explained that the committee, as originally commissioned, has gone as far as it can without direction and support from the Town Council. The trustees are going to decide this issue, not the committee. The committee is being drug into a political stance on the issue and the politics of the issue belongs with the Town Council. The committee, as commissioned, did not go into this issue with advocacy on either side, but simply to gather information and report back to the Town Council. The committee is not going to mitigate the political issues associated with STR.

Steve Lucht commented on the committee's work so far and noted that the committee had ordered an ordinance, and posted it online. Steve Lucht said the committee has to do a better job of recommending to the attorney what needs to be done. The draft ordinance should not have gone out. A new ordinance needs to be drafted prior to the November election. The committee needs to come up with an information sheet to be circulated before the issue is put on the ballot and the planning & zoning commission needs to hold hearings on the issue before it goes on the ballot. Steve Lucht asked what and how is the next ordinance going to be written prior to the November election.

Tim Hunter would like more information from the SRT committee in the form of a synopsis of the committee's work. The synopsis should be placed on the website. The committee's work is not done and a public hearing is needed. Tim does not think a survey is needed. Tim is interested in what the committee's take on the issue is.

The consensus of the trustees is that this is an important issue and that a synopsis from the committee is needed. Judy thanked the committee for their work.

Consider approval of letter to Charley Parker regarding denial of variance, Dec. 2014

Judy asked the trustees to approve a letter to Charley Parker regarding the denial of Charley's variance request in December of 2014, to leave his tee pee up all year long.

Ron explained how this issue got on the agenda tonight. In December 2014 the variance was denied by a vote of 2-2 so the variance request was denied. Mayor Pettijohn recused himself from the discussion and vote. The vote was recorded in the minutes of the meeting but a letter was never sent to Charley Parker regarding the variance denial.

Judy asked Ron to read a letter from Ms. Hall regarding the Parker property and the Tee Pee present on the lot. Ron read the letter and will make it a part of the record of tonight's meeting. Ron will be happy to send a letter to Charley if the trustees decide that is what they want to do. Ron requested the trustees not re litigate the issue and simply decide if they want to send the letter.

Carol Parker asked Judy to recuse herself from the discussion tonight. Judy said this is just cleaning up things that were not done three years ago. Judy asked Ron is she should recuse herself and Ron agreed that she should.There was discussion on whether Judy should leave the room or stay in the audience when she recused herself. Larry would like Judy to leave the room as he has had to do in the past. Steve Lucht encouraged Judy to stay in the room.

Tim Hunter asked Charley if he had talked to his neighbors about leaving his tee pee up and Charley said he is willing to talk to anyone about the issue. Charley feels the issue was resolved in 2014.

Tim Hunter made a motion that was seconded by Larry Good to not send a letter to Charley Parker regarding the denial of his variance request in December 2014. The motion passed unanimously.

Old Business

Discussion was had regarding installing Wi-Fi in the town office building and it was the consensus of the trustees to not pursue Wi-Fi to the campground at this time due to the data limits on satellite internet in Marble.

Adjourn

Mike Yellico made a motion that was seconded by Larry Good to adjourn the meeting. The motion passed unanimously.

Respectfully submitted,

Ron Lech, Clerk

Town of Marble
Balance Sheet
As of March 1, 2018

	Mar 1, 18
ASSETS	
Current Assets	
Checking/Savings	
***General Fund -0240**	63,336.28
Campground Account	38,351.57
Money Market -1084	129,583.81
Severence/Mineral Proceeds	143,725.86
Water Fees -0873	12,974.74
Total Checking/Savings	387,972.26
Total Current Assets	387,972.26
TOTAL ASSETS	**387,972.26**
LIABILITIES & EQUITY	0.00

Town of Marble
Deposit Detail-General Fund
February 2018

Date	Name	Memo	Account	Amount
02/09/2018		**Deposit**	***General Fund -0240**	**166.69**
	Gunnison County	November 17	Sales Tax	-166.69
TOTAL				-166.69
02/24/2018		**Deposit**	***General Fund -0240**	**300.00**
	Colorado Stone Quarry CSQ	Deposit	Colorado Stone Maintenance Reim	-300.00
TOTAL				-300.00

466.69

Town of Marble
Deposit Detail-Money Market Fund
February 2018

Date	Name	Memo	Account	Amount
02/08/2018		**Deposit**	**Money Market -1084**	**876.17**
		Deposit	Sales Tax	-876.17
TOTAL				-876.17
02/09/2018		**Deposit**	**Money Market -1084**	**1,526.05**
	Gunnison County	Deposit	Additional License Tax	-40.00
	Gunnison County	Deposit	Property Tax	-1,394.74
	Gunnison County	Deposit	Specific Ownership Tax	-119.59
	Gunnison County	Deposit	Treasurers Fees	28.28
TOTAL				-1,526.05
02/16/2018		**Deposit**	**Money Market -1084**	**874.53**
	State of Colorado	Jan 18	Highway Use Tax (HUTF)	-874.53
TOTAL				-874.53

3,276.75

Town of Marble
Deposit Detail-Campground Account
February 2018

Date	Name	Memo	Account	Amount
02/01/2018		**Deposit**	**Campground Account**	**115.41**
		Deposit	Campground Rentals	-105.00
		Deposit	Sales Tax	-10.41
TOTAL				-115.41
02/05/2018		**Deposit**	**Campground Account**	**192.35**
		Deposit	Campground Rentals	-175.00
		Deposit	Sales Tax	-17.35
TOTAL				-192.35
02/06/2018		**Deposit**	**Campground Account**	**307.76**
		Deposit	Campground Rentals	-280.00
		Deposit	Sales Tax	-27.76
TOTAL				-307.76
02/08/2018		**Deposit**	**Campground Account**	**38.47**
		Deposit	Campground Rentals	-35.00
		Deposit	Sales Tax	-3.47
TOTAL				-38.47
02/16/2018		**Deposit**	**Campground Account**	**115.41**
		Deposit	Campground Rentals	-105.00
		Deposit	Sales Tax	-10.41
TOTAL				-115.41
02/20/2018		**Deposit**	**Campground Account**	**76.94**
		Deposit	Campground Rentals	-70.00
		Deposit	Sales Tax	-6.94
TOTAL				-76.94
02/20/2018		**Deposit**	**Campground Account**	**522.08**
		Deposit	Campground Rentals	-475.00
		Deposit	Sales Tax	-47.08
TOTAL				-522.08
02/23/2018		**Deposit**	**Campground Account**	**296.76**
		Deposit	Campground Rentals	-270.00
		Deposit	Sales Tax	-26.76
TOTAL				-296.76

1,665.18

Town of Marble
Check Register
February 1 through March 1, 2018

Date	Num	Account	Amount
Aspen Maintenance & Supply			
02/01/2018	10456	Playground & Park Improvements	-15.22
03/01/2018	10483	Playground & Park Improvements	-0.30
Total Aspen Maintenance & Supply			-15.52
Century Link			
02/01/2018	10457	Utilities	-188.51
02/01/2018	10472	Utilities	-196.96
Total Century Link			-385.47
CIRSA			
02/01/2018	10455	Liability & Worker Comp Insc	-659.25
02/01/2018	10455	Liability & Worker Comp Insc	-330.25
02/01/2018	10469	Liability & Worker Comp Insc	-41.25
02/01/2018	10469	Liability & Worker Comp Insc	-26.00
Total CIRSA			-1,056.75
Colorado Mountain News Media			
02/01/2018	10458	Legal Publication	-13.61
03/01/2018	10480	Legal Publication	-71.61
Total Colorado Mountain News Media			-85.22
Daly Property Services, Inc.			
02/01/2018	10459	Snow & Ice Removal	-725.00
02/04/2018	10474	Snow & Ice Removal	-978.75
Total Daly Property Services, Inc.			-1,703.75
Holy Cross Electric			
02/01/2018	10460	Campground/Office Expenses	-19.30
02/01/2018	10460	Campground/Office Expenses	-19.52
02/01/2018	10460	Utilities	-22.08
02/01/2018	10470	Utilities	-23.86
03/01/2018	10484	Utilities	-23.89
03/01/2018	10484	Campground/Office Expenses	-19.31
03/01/2018	10484	Campground/Office Expenses	-19.36
Total Holy Cross Electric			-147.32
Jeneve Rose Mitchell			
03/01/2018	10479	Marble Fest	-250.00
Total Jeneve Rose Mitchell			-250.00
Jenny Cutright			
03/01/2018	10478	Office Expense	-15.21
Total Jenny Cutright			-15.21
Law of the Rockies			
02/01/2018	10461	Legal Expense	-1,421.30
Total Law of the Rockies			-1,421.30
Marble Community Church			
02/01/2018	10462	Rent	-50.00
03/01/2018	10476	Rent	-50.00
Total Marble Community Church			-100.00
Marble Hub			
02/01/2018	10473	Civic Engagement Fund	-1,500.00
Total Marble Hub			-1,500.00
Marble Water Company			
02/01/2018	10463	Utilities	-15.00
02/01/2018	10463	Campground/Office Expenses	-15.00

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Town of Marble
Check Register
February 1 through March 1, 2018

Date	Num	Account	Amount
03/01/2018	10481	Campground/Office Expenses	-65.00
03/01/2018	10482	Utilities	-65.00
Total Marble Water Company			-160.00
Mario Villalobos			
02/19/2018	10475	Campground/Office Expenses	-4,690.00
Total Mario Villalobos			-4,690.00
Valley Garbage Solution, LLC			
02/01/2018	10464	Playground & Park Improvements	-110.00
03/01/2018	10477	Playground & Park Improvements	-110.00
Total Valley Garbage Solution, LLC			-220.00
TOTAL			**-11,750.54**

Town of Marble
Payroll Report
March 2018

Date	Num	Name	Type	Amount
Charles R Manus				
03/01/2018	10485	Charles R Manus	Paycheck	-323.22
Total Charles R Manus				-323.22
Jennifer Cutright				
03/01/2018	10486	Jennifer Cutright	Paycheck	-230.87
Total Jennifer Cutright				-230.87
Ronald S Leach				
03/01/2018	10487	Ronald S Leach	Paycheck	-1,046.55
Total Ronald S Leach				-1,046.55
TOTAL				**-1,600.64**

TOTAL REVENUES 5,408.62

TOTAL EXPENDITURES 13,351.18

Town of Marble
Budget vs. Actual
January through December 2018

	Jan - Dec 18	Budget	$ Over Budget	% of Budget
Income				
Intergovernmental				
Additional License Fee	0.00	1,000.00	-1,000.00	0.0%
Cigarette Tax	0.00	0.00	0.00	0.0%
Colo Trust Fund	0.00	0.00	0.00	0.0%
Highway Use Tax (HUTF)	1,722.87	11,000.00	-9,277.13	15.7%
Mineral Lease Proceeds	0.00	6,000.00	-6,000.00	0.0%
Sales Tax	2,654.18	30,000.00	-27,345.82	8.8%
Severance Tax	0.00	10,000.00	-10,000.00	0.0%
Total Intergovernmental	4,377.05	58,000.00	-53,622.95	7.5%
Licenses & Permits				
Building Permits	0.00	3,000.00	-3,000.00	0.0%
Business Licenses	0.00	1,000.00	-1,000.00	0.0%
Driveway Access Permits	0.00	300.00	-300.00	0.0%
Septic Permits	0.00	1,000.00	-1,000.00	0.0%
Licenses & Permits - Other	0.00	500.00	-500.00	0.0%
Total Licenses & Permits	0.00	5,800.00	-5,800.00	0.0%
Other Revenue				
Campground Rentals	3,620.00	40,500.00	-36,880.00	8.9%
Colorado Stone Maintenance Reim	600.00	3,300.00	-2,700.00	18.2%
Colorado Stone Use Agreement	4,534.62	27,208.00	-22,673.38	16.7%
Donations	0.00	500.00	-500.00	0.0%
Holy Cross Electric Rebates	0.00	500.00	-500.00	0.0%
Interest Income	13.39	500.00	-486.61	2.7%
Non-Specified	1,800.00	1,000.00	800.00	180.0%
Pheremone Patches	0.00	3,000.00	-3,000.00	0.0%
Transfers (In) Out	0.00	20,000.00	-20,000.00	0.0%
Total Other Revenue	10,568.01	96,508.00	-85,939.99	11.0%
Taxes				
Additional License Tax	93.50	100.00	-6.50	93.5%
Property Tax	1,394.74	20,950.00	-19,555.26	6.7%
Property Tax Interest	0.00	100.00	-100.00	0.0%
Special Use & Sales Tax	0.00	0.00	0.00	0.0%
Specific Ownership Tax	249.43	1,500.00	-1,250.57	16.6%
Total Taxes	1,737.67	22,650.00	-20,912.33	7.7%
Total Income	16,682.73	182,958.00	-166,275.27	9.1%
Gross Profit	16,682.73	182,958.00	-166,275.27	9.1%
Expense				
General Government				
Abated Tax	0.00	0.00	0.00	0.0%
Civic Engagement Fund	1,500.00	5,000.00	-3,500.00	30.0%
Elections	0.00	2,000.00	-2,000.00	0.0%
Marble Fest	250.00	3,000.00	-2,750.00	8.3%
Rent	150.00	600.00	-450.00	25.0%
Salaries				
Enforcement Officer	0.00	5,000.00	-5,000.00	0.0%
Park Employee	1,350.00	6,500.00	-5,150.00	20.8%
Town Clerk	3,900.00	15,600.00	-11,700.00	25.0%
Salaries - Other	750.00	6,000.00	-5,250.00	12.5%
Total Salaries	6,000.00	33,100.00	-27,100.00	18.1%
Treasurers Fees	28.82	500.00	-471.18	5.8%
Tree Maintenance Program	0.00	5,000.00	-5,000.00	0.0%
Unclassified	15.99	1,000.00	-984.01	1.6%
Total General Government	7,944.81	50,200.00	-42,255.19	15.8%
General Government - Operating				
Dues & Fees	0.00	300.00	-300.00	0.0%
Legal Publication	85.22	1,000.00	-914.78	8.5%
Marble Water Co 2017 Tap Fee	0.00	0.00	0.00	0.0%
Marble Water Co Monitoring Well	0.00	0.00	0.00	0.0%
Marble Water Co Payment	0.00	20,000.00	-20,000.00	0.0%
Office Expense	616.56	3,500.00	-2,883.44	17.6%
Payroll Tax	459.01	2,500.00	-2,040.99	18.4%
Workshop/Travel	375.00	1,000.00	-625.00	37.5%
Total General Government - Operating	1,535.79	28,300.00	-26,764.21	5.4%
Other Purchased Services				
Bank Building Maintenance	0.00	0.00	0.00	0.0%
Campground/Office Expenses	4,827.41	10,000.00	-5,172.59	48.3%
Earth Day Expenses	0.00	5,500.00	-5,500.00	0.0%
Grant Writing	0.00	4,000.00	-4,000.00	0.0%
Liability & Worker Comp Insc	1,056.75	4,000.00	-2,943.25	26.4%
Playground & Park Improvements	345.52	1,500.00	-1,154.48	23.0%
Utilities	535.30	1,500.00	-964.70	35.7%
Total Other Purchased Services	6,764.98	26,500.00	-19,735.02	25.5%
Purchased Professional Services				

	Jan - Dec 18	Budget	$ Over Budget	% of Budget
Accounting and Audit	0.00	10,000.00	-10,000.00	0.0%
Engineering	0.00	8,958.00	-8,958.00	0.0%
Legal Expense	3,665.65	20,000.00	-16,334.35	18.3%
Municipal Court	0.00	5,000.00	-5,000.00	0.0%
Total Purchased Professional Services	3,665.65	43,958.00	-40,292.35	8.3%
Roads				
Snow & Ice Removal	2,698.05	25,000.00	-22,301.95	10.8%
Street Maintenance	0.00	20,000.00	-20,000.00	0.0%
Total Roads	2,698.05	45,000.00	-42,301.95	6.0%
Total Expense	22,609.28	193,958.00	-171,348.72	11.7%
Net Income	**-5,926.55**	**-11,000.00**	**5,073.45**	**53.9%**

February 23, 2018

This is how I see Marble and how I feel:

I came to this valley as a small boy over 60 years ago.
Right now, I'm not really sensing any feel good story.
This election isn't about me.
It's about the Valley the Town and Safety.
It's about the out of control restaurant, traffic and parking.
Lead King Loop drivers. Intoxicated-belligerent and open carry (drinks) (guns).
The weekend kegs, and the out of control drunks in Beaver Lake.
The town's non enforcement, toward liquor, drugs, guns, noise, trash, and
where is the Municipal Court and Judge required by state law?
Deputies that refuse to come. Deputies that have quit Gunnison because of.
It's about People that don't feel safe anymore. Not a place to raise kids.
It's about theft, manipulation, environmental spills, lack of safety procedures,
Discrimination, and subjective control by a small number.
It's about wishbones instead of backbones,
and I'm fighting the incumbents.
It's about noise, odor, ADA, lack of protection, zoning, OWTS violations
and the obstruction of the drinking water protection.
It's about obstruction.
It's about the river, ATV'S, parking, and ethics.
Power Rape! It's about rape! Of the Town and the Valley.
It's about victim shaming! It's about principles, morals and values. And
April 3, 2018 Election... is round one.
The incumbents shouldn't be presenting themselves, they should be running
for cover! They have failed the citizens and failed to enforce the law.
The issue is not to find the problem, it is to face it!
There are only 3 people to vote for: Judy Morande, Charlie Manus and myself.
It would be next to impossible to buy any of us off. I can't speak for the rest of the
candidates, however: I believe the results above speak volumes. Loud!
The incumbents including the clerk and attorney all need to stand aside. The
Colorado Municipal League needs to be called in for assistance to follow law.

Steve Lucht

February 3, 2018

Mayor Pro tem Judy Morande,
Town Council of Marble Co,
Candidates,

Re: misinformed remarks by a council member.

The question of my candidacy is one of little question in my mind and that of the courts. If I knew I did not have a clear path, or was violating my own personal ethics I would not be running. I met the requirements of the petition nomination and the date passed for any objection.

Please find the attached.

https://www.casemine.com/judgement/us/5914c581add7b049347d4a6b

This particular case involved the Town of Blue River and was filed in 1978.
The clerk refused to certify several citizens and the district court affirmed the clerk's action. The case was accepted by the Colorado Supreme Court, judgment reversed and the cause remanded with directions, consistent with those contained in the opinion. The parallels are actually quite interesting.

I have every intention of being in Marble Co. I love the valley and the town. Currently my family obligations demand that I must be in another local. I am the primary caregiver for my aging parents. In spite of being at a hospital, acute rehab center, and sub-acute rehab center daily for over 8-9 months and just now a long term care center, I have attended every meeting in the last 30 months except one when I-70 was closed.. I have not been late, I have not quit, I have not forgotten to come. I have participated with truthful statements.

If you wish to question my intentions on a personal level I will be happy to speak with any one in person. Please just call.

Sincerely,
Steve Lucht

Reply | Delete Junk | •••

Re: Theobald v. Byrns

M

marblehunter@earthlink.net

Thu 2/15, 8:24 AM

Steve Lucht <steve.lucht@gmail.com>; Ron Leach Town of Marble; +7 more

Reply

Inbox

Appears you google searched this info and it's an interesting read. However, you fail to mention this case was overturned less than a year later.....

-----Original Message-----
From: Steve Lucht
Sent: Feb 3, 2018 3:13 PM
To: Ron Leach Town of Marble , Will Handville , Larry Good , Tim Hunter , Mike Yellico , Robert , gibbons.max@gmail.com, Charlie Manus , ryanvinciguerra@gmail.com
Subject: Theobald v. Byrns

Sirs and Judy,

Case law with explanation attached below. If you have anymore questions I will be willing to answer them.

https://www.casemine.com/judgement/us/5914c581add7b049347d4a6b

Steve

February 1, 2018

Dear Marble Water Company Tap Holder:

This letter provides both an update on the 2017 monitoring well test results and on our failure to date to develop a response plan (Plan B) with the Town of Marble in the event that the wells ever test positive for contaminants.

Test Results for the Monitoring Wells

We conducted five tests on water drawn from the monitoring wells – January, July, August, September, and November 2017 – and each test has been negative for nitrates. Since the nitrate levels have remained relatively constant and well within acceptable ranges throughout 2017, the Board of Directors plans to test the monitoring wells twice a year beginning in 2018. We'll conduct the first test late in July or early in August and the second test early in November. If any future test shows an increase in nitrate levels, we will test more frequently as needed to protect our water supply.

Plan B Update

As we've reported in our previous communications to tap holders, the Marble Water Company Board grew alarmed in 2016 by what we considered to be a potential threat to our two source water wells posed by the growth in customers patronizing Slow Groovin' BBQ. We were concerned that the restaurant was consistently exceeding the design capacity of its septic system. The original septic system was designed for a 30-seat restaurant. Our wells are located within several hundred feet of the restaurant's leach field.

Because the Town of Marble, Gunnison County, and the Colorado Department of Public Health and Environment (CDPHE) were mostly unresponsive to our concerns during 2016, the MWC Board of Directors felt compelled to respond to this potential threat by installing three monitoring wells enabling us to test for contaminants before they reach the source wells and permanently contaminate the Town's water supply. Essentially, the monitoring wells serve as an early alert system in the event that the restaurant's septic system fails, allowing nitrates to escape the leach field.

At our request, the Town of Marble agreed to meet with us to develop a response stipulating what actions would be taken, when they would be taken, and by whom in the event that the monitoring wells ever test positive. We have been calling this response Plan B. It should be noted that the Marble Water Company has no power or authority to regulate. That responsibility belongs to the Town of Marble within the town limits and to Gunnison County outside the town limits or, under certain conditions, the CDPHE. Implementing Plan B will be the sole responsibility of the Town, unless the restaurant ever exceeds the daily water usage limit of 2,000 gallons, at which point the CDPHE will assume responsibility for regulating the restaurant's septic system.

On August 1, 2017, Mayor Will Handville and Town Clerk Ron Leach met with John Williams and Tom Williams to discuss the development of Plan B. The Town invited Ryan Vinciguerra from Slow Groovin' BBQ to attend the meeting. At the meeting, Ryan took the position that:

1. Slow Groovin' BBQ has never exceeded the design capacity of its septic system nor would it ever do so in the future.
2. The Marble Water Company should not have commissioned the 2016 Wright Water Engineers report to begin with.
3. The installation of the monitoring wells by the Marble Water Company was unnecessary and a waste of money.
4. If the monitoring wells ever did test positive, it would not be the fault of the restaurant and, without proof that the restaurant was the source of the contamination, no action could or should be taken against the restaurant.
5. If Plan B included any action to close the restaurant, the Town could expect a law suit.

Will introduced a crisis planning form used by the Fire Department for developing Plan B and we agreed to follow that format. This first meeting ended with no resolution of the issues raised by Ryan and with no progress toward the development of Plan B.

The second Plan B meeting occurred on September 30, 2017 and was attended by Will Handville, Ron Leach, and Tom Williams with John Williams on the telephone. It is important to remember nitrates occur naturally in the soil. Nitrate has a primary drinking water standard at a level of 10 milligrams per liter (mg/L). The typical nitrate concentrations in an OWTS (septic) can range from 40 to 60 mg/L or greater. The highest reading for nitrates from all five tests of our monitoring wells during 2017 was 1.05 mg/L. We proposed that if ever a test of the monitoring wells returned a reading for nitrates of 5 mg/L, the Town would immediately implement Plan B. The Town agreed.

The Marble Water Company further proposed that Plan B incorporate the following actions following a positive test for nitrates:

1. The Town of Marble would immediately conduct a second test of the wells at Town expense. The time required for the second test could require as much as two to four weeks to conduct the test and obtain the results. If the results of the second test confirmed an elevated nitrate reading of 5± mg/L, Plan B would be implemented.
2. The Town could allow Slow Groovin' BBQ to remain open through the remainder of the season, but upon closing on or about November 1, the restaurant would take one of the following actions to mitigate the nitrate problem prior to reopening the following May:

    - Install a new, professionally-designed septic system for a 100-seat restaurant.
    - Install over the existing septic system one of the two nitrogen reduction treatments certified by the Colorado Department of Public Health and Environment – either the ORENCO Advantex System or the Bio-Microbics

MicroFAST technology, both described in the Wright Water Engineers Report to the Marble Water Company dated August 12, 2016.

- Propose an alternative solution developed by another reputable water engineer that is also approved by Wright Water Engineers and the Town of Marble and/or the CDPHE.

3. The Marble Water Company would resume monthly tests of the monitoring wells until those tests were no longer deemed necessary.

The Town's dilemma was that our proposed Plan B components assume unequivocally that the restaurant is the source of the contamination if the nitrate readings rise. The Town remained concerned with the issues raised by Ryan Vinciguerra in the first Plan B meeting on August 1. We agreed to end the meeting with each or our organizations consulting our respective water engineers regarding our ability to determine with certainty the source of contamination if the wells ever test positive. The Town also wanted to consult with its attorney regarding any limits to its authority to force the restaurant to comply with Plan B requirements before allowing it to reopen in the spring. The Marble Water Company fulfilled its obligation the next week to contact Wright Water Engineers to discuss the question of responsibility for contamination if the monitoring wells ever test positive.

We've repeatedly attempted to schedule a third Plan B meeting with the Town with no success. Recent developments at the Town Council meeting on January 4, 2018 raised serious concerns about the Town's commitment to develop and enforce a responsible Plan B. Those developments prompted this update.

January 4, 2018 Town Council Meeting

It is our understanding that Will Handville resigned as mayor and that Ryan Vinciguerra announced his intention to run for mayor at the Town election on April 3. Apparently, Ron Leach as Town Clerk gave an update of the Plan B meetings to date. During the open discussion, Ryan objected to assigning blame for the possible contamination of the test wells solely to the restaurant and to the Marble Water Company's position that the Town should not allow the restaurant to reopen until it has taken one of the acceptable mitigation actions listed above. Ryan advocated for a more deliberate step-by-step response that might include a warning, followed by more tests, more discussion of mitigation ideas, and a go-slow approach. Apparently, Ron agreed that a shut-down was too radical and that a more deliberate Plan B approach was better. We believe that if ever our monitoring wells test positive for nitrates, the Town must take immediate action – and not waste time wondering who is to blame and discussing options.

For many reasons, we continue to doubt that the restaurant is in full compliance with the CDPHE letter from David Kurz, the Lead Wastewater Engineer, dated December 29, 2016. This letter listed the following six requirements that needed to be met by May 31, 2017 before Slow Groovin' opened for business for the season. The Town of Marble was responsible for ensuring the restaurant's compliance. To our knowledge, no documentation has been provided to the

CDPHE regarding this list, other than oral assurances from the town clerk that the restaurant has complied.

1. Slow Groovin shall develop and actively implement a business operating plan to limit the activities, customers, or other wastewater generating loads to less than or equal to 2,000 gallons in a day based on the average daily flow at maximum occupancy. Sewerage facilities must include a reliable, accurate flow meter prior to any treatment units, including equalization basin(s); the flow meter shall measure flow with +/- 10% of actual flow.
2. Data logger to be installed and shall continuously monitor influent flow to the OWTS (prior to equalization basin(s), if any).
3. Daily recording of actual use in units deemed appropriate to determine loading to the OWTS (e.g. number of persons present, number of meals served, or other appropriate units).
4. Quarterly reporting of matched daily population and flow data sent to Town of Marble for seasons when the businesses are open. Reporting information also sent to the Water Quality Control Division for at least the first year of operation after the flow meter is installed.
5. If the system exceeds an influent hydraulic load of 2,000 gallons in a day based on the average daily flow at maximum occupancy, the local permit terminates, the OWTS becomes subject to the Act, and Slow Groovin must construct a domestic wastewater treatment works following the applicable State of Colorado statutes, regulations, and policies including, but not limited to, site location approval, design approval, discharge permit, compliance monitoring, and reporting.
6. Wastewater derived from the restaurant and/or catering business must not be diverted to the small apartment OWTS that serves the one-bedroom apartment located above the restaurant, such as through sewer drain connections or use of the apartment restroom by employees or customers not residing in the apartment.

We know for certain that the data logger listed in item 2 above that is intended to continuously monitor influent flow to the OWTS is installed within one foot of the new water meter – and not on the sewer line. Both devices are measuring the inflow of water to the building. Number 2 above states clearly that the data logger should be installed on the outgoing sewer pipe to measure influent to the septic, not on the incoming water line measuring incoming water to the building. That is the purpose of the water meter. To comply with the CDPHE letter, the data logger should be relocated to the sewer line where it leaves the building.

We have not seen any of the reports required in the Kurz letter – a business operating plan to limit wastewater generating loads to 2,000 gallons in a day based on average daily flow at maximum occupancy, daily records showing actual use in units (e.g. number of persons present, number of meals served, etc.), and quarterly reports of matched daily population and flow data sent to both the Town of Marble and the Quality Control Division for at least the first year.

We have good reason to believe that the restaurant is using its private well and private septic to operate the restaurant and catering business in violation of item 6 in the Kurz letter. We learned

that the restaurant had to pump the private septic during business hours last summer and the effluent was full of restaurant debris. Ryan has refused the Marble Water Company's request to install a meter on his private well.

Until it is proven otherwise, we believe it is entirely possible that the restaurant is managing its "metered" water use in order to remain below the 2,000 gallon daily limit required by the CDPHE by using its unmetered water source to supplement business operations. We believe only an independent, certified, licensed inspector should be used to determine definitively if the restaurant is using both its metered and unmetered water sources to operate the business.

We hope the monitoring wells never test positive, but if they do, the Town of Marble is solely responsible for taking the steps necessary to protect the Town's water wells. As you can see, these recent developments do not bode well for the development of an effective Plan B. We will provide updates if and when new information becomes available. Thank you.

Sincerely,

Tom Williams-President
John Williams-Executive Director

COLORADO
Department of Public
Health & Environment

Dedicated to protecting and improving the health and environment of the people of Colorado

March 10, 2017

Mary Elizabeth Geiger, Esq.
Garfield & Hecht, P.C.
420 Seventh Street, Suite 100
Glenwood Springs, CO 81601

Jill C.H. McConaughy
Riverside Law Office
6800 Highway 82, Suite 4
P.O. Box 3196
Glenwood Springs, CO 81602

Subject: Response to Inquiry
Implementation of On-site Wastewater Treatment System Regulations
Marble, Colorado

Dear Ms. Geiger and Ms. McConaughy:

The Water Quality Control Division (the "division") appreciates input from citizens like the February 8, 2016 correspondence provided by your firms on behalf of Mr. Steve Lucht regarding the implementation of the on-site wastewater treatment system (OWTS) regulations in Marble, Colorado. Your letter expresses concerns with the Town of Marble's capabilities to administer their On-site Wastewater Treatment System Regulations 2015, citing three examples. As a result of these concerns, your letter requests that the division assume responsibility of the rules adopted by the Town in accordance with section 25-10-110 of the On-site Wastewater Treatment Systems Act.

Statewide, local agencies, like the Town of Marble, continually improve their ability to implement their regulations. The Town of Marble has most recently demonstrated improvement of its OWTS regulations by retaining an experienced consultant to review OWTS applications and provide guidance for local issues related to OWTS. During this transition, the division has consulted with the Town of Marble and/or local owners of the onsite wastewater treatment systems named within your letter. Based on the available information, the Town of Marble appears to be conforming to the minimum state regulatory and statutory requirements related to onsite wastewater treatment systems in addition to improving their program.

The division does not find that the Town of Marble has substantially failed to administer and enforce the requirements of the On-site Wastewater Treatment Systems Act. Please continue to work with the Town of Marble on OWTS issues since the town has the primary responsibility for the enforcement of the On-site Wastewater Treatment Systems Act.

If you have any questions regarding this letter, please contact me by phone at 303-692-3552 or by electronic mail at david.kurz@state.co.us.

Sincerely,

David W. Kurz
dc=local, dc=dphe, ou=Divisions, ou=WQC, ou=Users, cn=David W. Kurz, email=david.kurz@state.co.us
2017.03.10 16:31:01 -07'00'

David Kurz, P.E.
Lead Wastewater Engineer
Engineering Section
Water Quality Control Division
Colorado Department of Public Health and Environment

cc: Ron Leach, Town of Marble
Paul Rutledge, Sopris Engineering LLC
Chuck Cousino, WQCD On-site Wastewater Treatment System Coordinator
Bret Icenogle, WQCD-Engineering Section Manager

August 1, 2017

David Kurz, P.E.
Colorado Department of Public Health and Environment

Subject: Requirements governing onsite wastewater treatment system
Slow Groovin Holding LLC / Slow Groovin BBQ LLC

Dear David:

On December 29th 2016 you sent a document outlining and informing us of regulatory requirements that are applicable to our onsite wastewater treatment system (OWTS). The focal theme of that document was to stay under a daily flow of 2,000 gdp, which I am certain we have. We are also aware of the consequences if we run over 2,000 gpd, categorizing our system as a Domestic wastewater treatment works, which would be regulated by the state division.

In your document you requested 6 items for us to follow to help ensure our compliance and to keep our system below 2,000gdp. I would like to go over these items and ensure that we are working hard to follow these 6 requirements and implement operational controls to help further the life of the system.

A – Develop and actively implement a business operating plan to limit loads to 2,000gpd
– We are a very proactive company. In the beginning of 2016, without being required I started to log all the water usage daily (Attached). This helps show our usage is not exceeding the 2,000 limit. Here is a list of what we have altered and improved for our compliance and preventive maintenance for our leech field

- In 2016 we installed a waterless urinal to help limit flushes
- Prompt professional repair on leaks on sinks and faucets
- Environmental friendly sprayers in the dish pits
- Weekly grease trap maintenance
- Full self-contained satellite hand washing station/ toilet (porta john), open to the public located in our parking lot. Pumped every week
- Capping the restaurant to its current seating level. Additional chairs would require a renovation which we are happy to not do. I am very happy with the size of our restaurant. We vow not to expand.
- A schedule for septic pumping – We find that twice a year is good for the grease

B – Data Logger

- A MageTech data logger is currently installed and monitoring. This is in addition to the existing water meter in place. We worked through some kinks with the data logger and are feeling confident now.

C – Daily recording of actual units or diners.

- Our POS system can track meals but not actual people. So we do keep sales figures on menu items and revenues. These items are private and for our records. To elaborate on

the number of people we are serving it is important to note that we are seeing a plateau in business. The limitations simply on the physical size of the building and parking are constricting growth. We have hit the ceiling on volume and it happens to correlate perfectly with water usage. Our dish machines and sinks functioning and maxing out an entire day to simply put cannot reach 2,000 gallons.

D. Quarterly reporting of matched daily population and flow data

- We have a very good and working relationship with Ron Leach and Mayor Will Handville. We send monthly figures over and have been since May. Included is our usage since 2016.

E. If the system exceeds 2,000 gallons, the local permit terminates and the OWTS becomes subject to the Act and we would need to construct a domestic wastewater treatment works

- We are aware of the consequences for going over 2,000 gallons. It is not our intent to and nor do I think we will. We monitor the system very closely.

F. Wastewater derived from the restaurant and /catering business must not be diverted to the residential system set up for my apartment.

- The wastewater lines and systems have been inspected and proven separate. The apartment is on one system and the later built restaurant system is completely separate.
- The inspections took place on 2 separate occasions one by Ron Leach our local clerk and building inspector. The second by Jake DeWolfe the water commissioner for district 38 jake.dewolfe@state.co.us. Both inspections resulted in the same conclusions – separate systems.

I hope you find this helpful and satisfactory. We have no intention of polluting our town ground water, which services our guests and our homes. I have worked very hard for the last seven years on my restaurant and it has proven to be successful. We run a very transparent operation and I understand the need and seriousness of the OWTS. We stay below 2,000. In addition to this letter I will also include the SGM's (septic engineers who built the system) insight on the system and water usage. This report is very important. It takes into account the actual water usage of 2016. Other reports that have been presented to you have hypothetical figures geared towards making our water usage look astronomical. This is false. The facts are available and here for your review.

I am always available for additional information and questions. It has been a difficult path dealing with some of the townsfolk who are anti-business, but I am confident the State and the Town of Marble will see the facts and continue to work with me on keeping our gem of a town safe.

Thank you for your time,
Ryan Vinciguerra

Town of Marble

322 West Park St.

Marble CO 81623

September 8, 2017

David Kurz, P.E. Lead Wastewater Engineer Engineering Section | Water Quality Control Division

Department of Public Health and Environment

4300 Cherry Creek Drive S., Denver, CO 80246-1530

Mr. Kurz,

Earlier this year the Town of Marble placed certain restrictions on the 2017 business license for the Slow Groovin Restaurant in Marble Colorado consistent with your expectations as outlined in your letter to Ryan Vinciguerra dated December 29th, 2016.

First I would like to address the concern that wastewater derived from the restaurant and/or catering business is somehow being diverted to the small apartment OWTS that serves the one-bedroom apartment located above the restaurant, such as through sewer drain connections, or use of the apartment restroom by employees or customers not residing in the apartment.

This concern was of particular interest to the Marble Town Council and myself.

Myself, along with Mayor Will Handville inspected all drain pipes and water pipes in both the restaurant and the apartment in May of 2017 and found no evidence of any such usages or diversions.

Further, Mr. Jake DeWolfe, Water Commissioner for District 38, State of Colorado Department of Natural Resources conducted a similar independent inspection in June 2017. Mr. DeWolfe reported to me that he too had found no evidence of any such usages or diversions.

Secondly, the Town has closely monitored the water usage of the Slow Groovin Restaurant over the summer of 2017. I have attached, via email, a copy of the actual water meter readings obtained by the owners of the restaurant over the summer. The water meter readings indicate no daily water usage over 2,000 gallons per day during the summer of 2017. Additionally, a data logger has been installed on the main water tap to the restaurant. Additionally, I have personally recorded daily water meter readings randomly over the summer. All data collected over the summer indicate no daily water usage over 2,000 GPD.

Overall, I feel that the owners of the Slow Groovin restaurant have acted with transparency and in good faith and have conformed to the conditions as listed on their 2017 Town of Marble Business License.

Please let me know if you have any questions or comments.

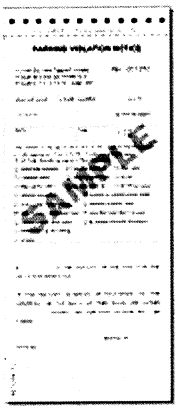
Thank you,

Ron Leach, Clerk

Town of Marble

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No. 001250

VEHICLE MAKE	LICENSE NUMBER	STATE

LOCATION	METER NUMBER

DATE	TIME	☐ A.M. ☐ P.M.

THE DRIVER OF THE ABOVE VEHICLE IS IN VIOLATION OF THE FOLLOWING:

☐ ORDINANCE ☐ STATUTE ☐ REGULATION NO. _____
FOR THE REASON INDICATED BELOW:

☐ OVERTIME PARKING ☐ DOUBLE PARKING ☐ FIRE LANE
☐ LOADING ZONE ☐ WRONG DIRECTION ☐ ALLEY
☐ PROHIBITED AREA ☐ KEYS IN IGNITION ☐ IN CROSS WALK
☐ RESTRICTED ZONE ☐ PARKED IN HANDICAPPED ZONE
☐ TOO CLOSE TO FIRE PLUG ☐ PARKED ACROSS LINES
☐ TOO CLOSE TO INTERSECTION ☐ OBSTRUCTING TRAFFIC LANE
☐ TOO CLOSE TO STOP SIGN ☐ BLOCKING PRIVATE DRIVEWAY
☐ PERMIT/DECAL VIOLATION _____
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$ _____ IS THE AMOUNT OF THE FINE FOR THE VIOLATION INDICATED.

IF THIS AMOUNT IS MAILED OR DELIVERED TO THE ADDRESS ON THE BACK OF THIS ENVELOPE WITHIN _____ HOURS, NO FURTHER ACTION WILL BE TAKEN.

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OFFICER _____

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