

Minutes of the Town of Marble
Regular Meeting of the Board of Trustees
August 3, 2023

A. 7:00 P.M. Call to order & roll call of the regular July meeting of the Board of Trustees – Mayor Ryan Vinciguerra called the meeting to order at 7:10 p.m. Present: Tony Petracco, Emma Bielski, Larry Good, Amber McMahill and Ryan Vinciguerra. Also present: Ron Leach, Town Administrator; Alie Wettstein, Administrative Assistant and Terry Langley, minutes.

B. Mayor Comments – As it is a long agenda, please try not to repeat from previous meetings, be respectful and state your name.

C. Consent Agenda – Emma Bielski made a motion to approve the consent agenda. Tony Petracco seconded and the motion passed with Larry Good abstaining because he was not at the July 6, 2023 meeting.

a. Approve July 6th 2023 minutes – Ryan asked about voting on approval of residential structures but it was not posted so will not be voted on tonight.

b. Approve Current Bills, August 3, 2023

Agenda change – the Wetlands discussion was moved up on the agenda.

D. Administrator Report

a. Consider approval MCS special event liquor permit application for LKL, Stephanie Helfenbein, Ron – Ron explained the process for approving this permit. They are presenting that application tonight. It will be publicly posted 10 days before the next meeting (Sept. 7) and can be voted on at that time. Karly Anderson gave some information about the 21st annual fundraising race. All funds raised go to instructional supplies. Ron reported that MCS has paid the application fee. Ryan asked if this would just be beer. Karly said they are discussing other liquor in addition to beer. Ryan reminded them about the need for checking ids.

b. Discussion of Marble Wetlands management agreement, Ron – Ron gave the history of the chain of events regarding Marble Wetlands. The Trust for Land Restoration (TLR) are working with Aspen Valley Land Trust (AVLT) on getting a conservation easement and they estimate that will take about a year. They are proposing a one-year agreement with the town for management of the property in the meantime. Pat Willits, TLR, attended by phone and reported that clean-up is complete and they are in process with the state for a letter of no-further-action. There will be a public notice for comments as part of that. A case line inventory as part of biological assessment is close to being completed. This management agreement would make Marble the eyes and ears in monitoring public use during the next year with the intent of turning the property over to the town at the end of the year. Amber asked if the town's management jurisdiction would extend to property outside of town. She would like to see communication to ensure that public outreach and education programs by the town, TRL and AVLT don't result in heavy usage. Pat said they hope to keep the area low-key, keeping it as it is. Ryan suggested each group notify each other about any planned programs and adding that to the agreement with Ron Leach acting as point person. John Armstrong, CVEPA, talked about passive recreation with no advertising or promotion of the area. Ron has reached out to the insurance company with questions

regarding coverage with this agreement. Tony suggested annexation of the property. Tony asked about the prohibition of motorized vehicles with the exception of the easement held by a private property owner as well as the noise that owner and other users generate at all hours. Pat said that his understanding is that the owner and the owner's guests are the only people who are to use the road and he is to maintain that road. Tony said that easement had been granted for the construction of his home but he was then to use another entrance. Ryan said this is outside of the discussion regarding the management agreement but that the town would have more control if the property is annexed. Pat will work to communicate and hopefully alleviate the problem. The board agreed that they are willing to take over management once the paperwork is finalized. Ron asked about language on page 3 of the agreement regarding a fourth party as a representative to TLR. Pat explained that this would be CVEPA and he will make the change identifying the fourth party.

E. Land Use Issues

a. Consider approval of Ordinance # _____ approving a zoning change for Smith/Wilkey property, Ron – Ron reported that the most recent draft of the ordinance is in the packet. He called the board's attention to page 19 and 20: conditions. They are the attorney's best effort to capture the issues from the board's intent. Ryan said he was concerned about the general contractor requirement to allow for a proper and communicated timeline, reduce possible stop work orders and ease the burden on town staff. He feels that the term general contractor is rather broad. His two main concerns are for the neighbors and the town staff and seeing the project proceed in a professional manner. He is struggling with the parameters of the request for a general contractor and, to soften the requirement, he suggests that another stop work order should trigger a need for a planning professional who would be approved by the town. Larry stated that this seems reasonable. Dustin asked if the stipulation for a contractor would remain if the request for rezoning was removed. Ryan said all the stipulations would be removed if the zoning request was removed. Dustin said that they are currently only building their home and that they have the building permit for that. He feels many of the stipulations are more a business license issue rather than a rezoning issue. He would like to rezone the property do the landscaping, build a staggered fence and then address the parking plan prior to getting a business license. Amber spoke to the need to have some restrictions on the use. Discussion regarding rezoning and leaving the particular business out of the issue followed. Ryan said that the board wanted some assurances about what would be happening on the property. Larry spoke to the need to clarify the intent of the ordinance. Dustin would like to focus on the rezoning this year and address other issues when they apply for their business license. They do not intend to run the business out of the location until 2025. They would include the parking plan with a building permit for the business/finishing the basement aspect. Ryan suggested tabling the issue and holding an executive session with the attorney prior to the next meeting (6:00 p.m. on Sept. 7, 2023).

b. Consider approval Parker/Collins lot line adjustment, Ryan – Ron reported that there is a survey on page 16 of the board packet. The triangle in block 36 belongs to the town. The triangle on the south right-hand part of the property belongs to the Parkers. The Parkers would like to swap those triangles which would square up the property. There are two paths/trails there. On the left-hand side is West First Street goes to the river. There is a second trail on the right-hand side that goes through the Parker's property and both are used by the public. The Parker's would like to develop a cut through that would limit the use of the trail through their property and steer people back to the road. Ryan supports the cut through. There was discussion of language for signage followed. Tony said he feels there is no

benefit to the town and that this could make a buildable lot. The Parkers disagreed as the lot would still not be large enough to build on at 18,000 square feet. Amber McMahill made a motion to approve the Parker/Collins lot line adjustment with the cut through. Larry Good seconded. Discussion concerning adding language about the Parker's maintaining the trail and getting copies of the titles followed. Ron explained that he has copies of the titles and will get them to the board. Ron said they cannot officially approve this tonight as the packet is not complete. A complete packet would include the copies of the titles, an agreement that the Parker's will pay any costs and a completed and staked survey. The Parkers do not want to proceed without the understanding that the town is in agreement. Amber amended her motion for tentative approval subject to completed title and paper work and survey. Tony Petracco seconded and the motion passed unanimously.

F. Parks Committee Report

a. Review current and future Parks Committee projects, Brent – Richard Wells reported that most of the dead wood in the Mill Site Park has been chipped and dispersed. Thompson Park work continues as the irrigation project was delayed. There are signs for maintenance area closures and revegetation notices. Porta potties for MarbleFest have been delivered. Full minutes will be out in the next week or so. Emma asked about closing trails near the disc golf holes but there are no plans for closing any of the disc golf trails.

b. Flow chart discussion – Emma would like to continue the conversation regarding best practices for organizational structure and authority flow charts to better develop systems for how the various town entities and committees work together. Tony spoke to allowing the committees to do their work, come up with solutions and bring their recommendations to the trustees, with the trustees giving consideration to the volunteers who are doing the work. Emma asked about job descriptions for the committees and the trustees needing to acknowledge those and interact with the committees more intentionally. Larry suggested attending committee meetings. Discussion of the parks committee work to develop those job descriptions and the fact that the board had no additions or comments. Larry addressed the benefits this could bring to the board. Emma feels this is an example of an issue a flow chart could address. Emma asked if there was a guideline for the Master Plan Committee and an understanding of how that work is communicated. Mark Chain is the point person for that and Alie reported that she posts the notes on the website. Emma will develop a proposed flow chart...with colors!

c. Up-date on the Jailhouse Project – Emma reported that a Go Fund Me (GFM) has been set up in response to requests from visitors to the town for ways to donate. She addressed some of the problems with GFM, including the percentage that GFM takes and the fact that they need larger donations than may come in to GFM to meet the goals. She will give updates monthly and would like to have scheduling done in September. Phase 1 is budgeted at \$38,000. They currently have \$18,000 and \$10,000 of that is from a grant from Aspen Valley Land Trust and will be lost if the project is not completed by October. AVL will use this for supplies purchased tax-exempt. Dustin asked if there had been bids or a contract awarded. There was discussion about in-kind donations including excavation for foundation work, a 6-degree grading and installing a French drain. Money being raised could cover rental of equipment and it is hoped labor would be donated. Total cost is estimated at \$99,000. The first phase includes moving the building, doing the foundation work, installing the drain, excavating for the park entryway, beautification and landscaping and moving the jail onto the new foundation. Emma

explained that all funds remain with GFM until funds are dispersed, providing checks and balances. Discussion of different methods of fundraising and location for receiving donations followed. These included Go Fund Me, a separate bank account, the town account, and use of a QR code. Richard suggested some signage at Thompson Park to spread the word about the jail project, fundraising and how to donate. He will work on that. Other fundraising efforts, including photo opportunities, Jaimie's yoga and history walks followed. Ryan suggested cancelling the GFM, going with a town account at Alpine for this and future historical projects. Ron said that gifts to the town are not tax deductible. Ron will get the paperwork for a bank account to be signed by the board.

d. Mike Yellico requests Town Council authorization for park work, Mike – Mike said he has invested in tools and is averaging 30 hours a month to maintain the disc golf course, mainly clearing the fairways. He would like authorization to do that without going through the parks committee or developing a formal schedule as he does this when he can. Melissa Daniels has mapped the course. He would like to get marble dust to the tee box and needs to be able to fill buckets then drive to some of the holes. Additionally, he is willing to cut down trees in the park that need to come down. Dustin offered to help. Mike reported that he has not worked on the fairways for about three weeks and they are already getting overgrown. They are used for hikers as well. Ryan asked why Mike does not want to go through the Parks Committee. Mike said he does not want to contact the Parks Committee every time he goes to work on the course but the Parks Committee does not want anyone working down there without their approval. Richard said the Parks Committee invited Mike to the last meeting to try to work together but he did not attend. Ryan suggested waiting on permission to work the fairways until they see a map. Driving the marble dust can be part of that discussion. He said that safety in cutting the trees is a consideration.

e. Discussion on regulation changes on Beaver Lake – Jaimie sent some letters concerning the regulation changes to the board. Cyndi Fowler said there had been no communication from CPW and CPW have not attended any town meetings. The date for shutting down the lake was yesterday, Aug 2. There is currently no signage concerning the new regulations. Jaimie said the focus would be on education for the first year. Jaimie and Cyndi propose sending a letter from the town proposing a permit system. They plan to maintain operation since there has been no communication. Larry spoke to the length of time needed to develop a permit system. Cyndi said that CPW has permit systems in other locations. Larry spoke to the CPW's need to keep the lake a fishing lake and wildlife preserve due to the deeds. Jaimie and Cyndi plan to pull the deeds and feel that CPW has neglected their stewardship duty and have allowed the problems to develop. Emma would like to see the town take over management of the lake. Ryan feels leading with the permit proposal gives CPW an easy no and may lead to turning down the alternate ideas as well. The CPW Ron said the initial discussion suggested a four-entity management group which would include the Town of Marble, Gunnison County, CVEPA, and one other. This came from the augmentation discussions. Amber suggested reaching out to the group stating a willingness to pursue this. Mike said that he has had several conversations with John Groves about the lake. He also said that the lake is vastly overused and there is daily illegal camping. He asked why the sheriff is not more visible to deal with camping. He suggested contacting the county and trying to make the lake a recreational lake rather than a wildlife area. Tim Hunter said that the cost of fishing licenses will provide the funds necessary for CPW to manage this. He feels that trying to take over management for a lake that is outside of town limits could be a huge problem. Amber spoke to the impact use of the lake has on the town and the need for communication. She also said there is a wide range of

possibilities between CPW giving the town the lake and an IGA between the town and CPW. Dustin said enforcement of CPW rules is the responsibility of CPW rather than the sheriff. He suggested offering CPW a percentage of permit fees. Richard asked how the town would deal with the restrictions on the deed if the town takes over management. Angus spoke to being able to use the lake for water augmentation. He said that open dialog with CPW is key. Terry spoke to the fact that CPW is trying to respond to years' worth of complaints but are being told the town doesn't like those responses and to the fact that a year's education may not mean a year's worth of continuing to use the lake as it has been used but may mean a year of not being fined, but still being told to stop. Ryan asked for a board member to initiate contact with CPW. Amber said she would reach out. Tim Hunter suggested going above the CPW officer – go to the CPW office and get a face-to-face. Alie said she and Ron have been on a zoom call with Matt Yashimoto in which Ron invited him to a town meeting, giving several dates but Matt did not respond or attend. Jaimie said her intention with permits was to be able to teach classes with limited numbers.

G. Old business

a. Up-date on Marble Water Company (MWC) acquisition, Ron – Ron had three points: 1. Acquisition – there has been no movement since the Sept 2022 meeting. As it stands, the Town of Marble does not want to pay anything for the MWC. The MWC is still focused on Plan B. 2. They would like to meet with the town for the annual work session on Sept 14 at the Redstone Inn. 3. Ron read the legal notice from the July 19 Sopris Sun regarding getting a water line to East Marble. There is a public outreach meeting for this on Sept. 13 at the church. Amber asked if there could be a development of Plan B prior to the Sept. 14 meeting. Ron said the only viable idea is for an alternative well site. Angus if asked if MWC can apply for the grant without the approval of the town. Tony explained why they can but he said a USDA loan is the most expensive way to go.

b. Schedule work session dates for Marble Water Co and Gunnison County Commissioners – Ron – MWC: Sept. 14, Redstone Inn. County commissioners: Aug. 29, 6:00 p.m., for their annual meeting with the town and citizens.

c. Consider approval of Chain Consulting Master Plan contract, Ron - Ron explained that contract was negotiated in Feb. 2022 but it was never signed. Larry Good made a motion to approve the Chain Consulting Master Plan contract. Tony Petrocco seconded and the motion passed unanimously.

d. Consider approval of 2023 Short Term Rental licenses, Ron - Applications have been received from five STR owners and fees have been paid. Emma Bielski made a motion to approve the 2023 Short Term Rental licenses. Larry Good seconded and the motion passed unanimously.

e. Master Plan Committee – Ryan asked about the survey questions and Ron will send them to the board for their comments before the survey is sent out.

f. DOLA - Ryan asked about scheduling some training and funding possibilities, including the 1-2-3 funding. Ron will explore dates with Dana Hlavac, Department of Local Affairs, and come back with two or three options.

H. New Business

a. Review draft 2024 Budget, Ron - tabled

I. Adjourn – Tony Petracco made a motion to adjourn. Larry Good seconded and the motion passed unanimously. The meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Terry Langley