

Minutes of the Town of Marble
Regular Meeting of the Board of Trustees
May 6th, 2021

A. Call to order & roll call of the Regular Meeting of the Board of Trustees – The meeting was called to order by Mayor Ryan Vinciguerra at 7:02 p.m. Present: Ryan Vinciguerra, Tim Hunter, Larry Good, Josh Vogt and Emma Bielski. Absent: none. Also present: Ron Leach, Town Administrator and Terry Langley, minutes.

B. Approve previous minutes – Emma Bielski made a motion to approve the minutes from the April 1, 2021 meeting. Larry Good seconded and the motion passed unanimously.

C. Mayor’s comments – Ryan reminded everyone to avoid one-on-one dialogue unless a line item is opened to discussion.

D. Administrator Report

a. Current bills & balances April 1, 2021 – Ron reported that the bills are listed in the packet on page 17. Josh Vogt made a motion to pay the bills as listed. Emma Bielski seconded and the motion passed unanimously.

b. Consider approval 2021 Business Licenses

i. Beaver Lake Retreat (BLR), Vince Savage – Vince explained that the BLR has been open for 33 years. It is now advertised as Marble Lodge at Beaver Lake due to domain name issues. Discussion centered around whether a business license or a short-term rental (STR) is necessary and around previous problems, particularly in regard to noise and poor gps directions resulting in lost visitors and possible problems with emergency vehicles. Vince spoke to his plans to alleviate the problems, including on-site staff. He and Ryan will meet to develop a check list of what steps will be taken when there is a problem. Ryan asked for input from the town attorney as to whether a business license or an STR license is required.

ii. Auto Repair, Scott Wilson – Ryan reported that this application was tabled last month to allow for gathering more information. The fire department said that they met requirements regarding amount and storage of combustible materials. Ryan Vinciguerra made a motion to approve the business license. Josh Vogt seconded and the motion passed unanimously.

iii. Candle Sales, Nicole Farrell – Ron met with Nicole at the location, but owner Max Gibbon was not there. The application was tabled.

E. Land Use Issues

a. Consider approval Lot Merger Agreement, Virginia Goodrich – Ron explained that this merges two lots that she owns on State and Park Streets with an alley in between. Emma Bielski made a motion to approve the lot merger agreement. Larry Good seconded and the motion passed unanimously.

F. Committee Reports

a. OWTS study up-date, Mark Chain – Mark reported that there needs to be a special meeting to address the issue due to the time needed. He reported on the work that has been done and the current need is to meet with an OWTS engineer. The date of May 20, 2021, 6:30 p.m. at the fire house was set for the special meeting, pending availability. Larry asked about a bullet item in a memo from Mark. Mark explained that there are sometimes a structure on one lot and the septic on another. Those lots need to be merged and the merge needs to be recorded with the county to avoid issues with possible sales of one of the lots.

b. Parks Committee report, Brent – Brent reported that meetings have been changed to the first Monday of each Month and Marble Fest meeting is the second Monday, both at 6 p.m. There are plans to work with Roaring Fork Outdoor Volunteers (RFOV) and with the school on park projects. He requested permission for RFOV to camp in the Mill Site park for the two-day work project. Brent's company has been doing work in the park and they are working with Ron on a contract. They are also going to meet with Aspen Valley Land Trust to get input on improvements to Thompson Park. Emma expressed some concern about the precedence camping in the Mill Site Park might set. She suggested some signage identifying the event. She asked about plans to use the New Year's Eve bonfire to dispose of the cottonwood in relation to proposed ice rink plans. She asked about piling wood from the RFOV clean-up for the bonfire. Brent reported that they are looking at the basketball court rather than the old ice rink site for a new ice rink. He explained that they plan to chip the smaller branches for mulch. She asked about the GOCO grant and if the park committee was administering and managing the requirements for that grant. Ron reported that the town is doing that. Ryan reported that they would be walking the land with Madeline Weiner to discuss plans and needs for the recently acquired land. Tim asked if there needs to be any mitigation or clean up at the bonfire location. Lisa Hornbeck reported that there will be a clean-up work day on Saturday to clean up the entrance to the park. Tim asked if there were any plans to back burn any of the brush to reduce undergrowth. Brent said they plan to start with disc blades. Lisa said removing the fence is one of the first things to be done.

c. Marble Fest Committee report, Brent – Brent reports that the committee meets the 2nd Monday of each month, 6 p.m., at the fire station. Part of the contract with the bands includes a cancellation date of July 1 if there are Covid concerns. The budget is \$15,000. They are working on getting sponsorships. They are exploring parking issues. If there are any funds left, they will go toward park projects. Mike Yellico and Ron will meet to see what is needed to fix/complete the stage. They would like to close Park Street between 3rd and 4th street with a detour up 4th street with attendants to move barriers for campers and emergency vehicles. If not possible, they suggest no parking along either side of Park Street between 3rd and 4th.

G. Lead King Loop working group report, Ryan – The commissioners met May 4 and discussed the technicality concerning the 2015 OHV exemption on CR 3. They tabled a decision until May 18. The LKL working group conference call on that same day addressed the updates and issues that have occurred in April and May. The Forest Service Protection Officer will begin the week before Memorial Day. The town is working on the educational pieces including a kiosk as well as signage wording, location and design, an OHV route and parking zones and mitigation methods. The goal is for no truck and trailer

parking in town except at the Mill Site park. Data collection will include the number of trucks/trailers contacted and parking, traffic counts, and pictures of violations.

Emma expressed concern about fliers and trash potential. She suggested using other methods for communication. Jason Rusby suggested getting the Tread Lightly fliers. Larry suggested that, in addition to a flier, making sure that the first contact volunteers have the information when parking is full or how many spots are available and where.

Terry Havens asked where the identified parking zones are located, specifically east of Beaver Lake. Ryan explained that they have no jurisdiction east of Beaver Lake.

John Anderson said that the possibility of developing parking on the FS lot at the foot of Daniel's Hill was a victim of budget constraints. He spoke to the need for a permit system due to limited parking within the town and the fact that it takes time due to FS requirements and the possibility of the town developing a permit. Tim spoke to the need for enforcement if there is a permit system.

Mike said that using the forest service parcel for parking was previously shot down by nearby residents. He said it could be revived by the county requesting it from the FS.

Alex Menard handed out copies of a 2018 letter from town attorney, Kendall Burgemeister, saying that parking at the Mill Site violates the SBA deed restrictions. He said that there could be a temporary injunction filed to prohibit that parking.

Tim asked about the timing for a ballot concerning OHV use in town. Ron said that to be on the November ballot, the county needs to be notified by June.

Jason Rusby spoke to the time frames needed by the FS and to the difficulty with citizens/volunteers directing the public.

a. Larry Good memo discussion, Larry – spoke to the need for all the groups to work toward the same goal: permitting. He feels that we are in crisis regarding the numbers. He would like to see a noticeable reduction in the numbers to address quality of life, wildlife and safety. He suggests the town request the county put a temporary moratorium with an exit strategy in place. He said that this is the time to do that because so many groups and media are focused on the issue. This would provide alternative data showing how mitigation affects numbers.

Larry made a motion that the town make a written recommendation to the Gunnison County board of county commissioners to put in a temporary moratorium with an exit strategy on the section of CR 3 from Beaver Lake to the base of Daniel's Hill by returning it to the status of the Colorado statute that denies ATVs the right to travel on county roads. Tim Hunter seconded. Discussion followed.

Tim said that there was a need to be specific about what the town wants the county to do and what the exit strategy is. Josh asked what the point of the parking and educational programs would be if OHVs are prohibited. Larry said they would have to drive their trailer to Daniel's Hill, unload and return the trailer to town.

Tim said that banning ATVs or having a permit system both require enforcement and feels like the town needs to prepare for that. He feels bringing the trailers up and then back into town is a mistake. He would also like to see a contingency plan if the plans for this summer do not work. Emma feels there is a need for communication with all the stake holders and entities. She feels that the opportunity to ask the county to close CR 3 was when the board met with the county commissioners. She also said if we asked that the road be closed, the town needs to be willing to ban OHVs also. She feels a realistic time line would be a moratorium for 2022 and a permit system for 2023. She feels a ballot measure is necessary.

Josh feels that driving up, unloading and driving back to down and then reversing that creates more problems. Enforcement through the county is an option but is too costly for the town to do on their own. He feels pushing for closing CR 3 undercuts the work the LKL working group has and is doing. Cooperation and aid from outside groups is occurring and needs to continue. If the parking program works, it will drastically reduce the number of OHVs. In reference to a vote to ban OHVs in town, he feels the issue is only a problem June-August.

Ryan feels that this motion would create conflict. He disagrees with this being a crisis. Managing the numbers rather than closing the doors is a better idea.

Public comment followed. Jason Rusby said that there are hundreds of people coming over from Crested Butte and will continue on the road regardless of closing. He asked about dirt bikes, rock crawlers, jeeps. Richard Wells feels that 15 parking spots will just not solve the problem. Josh spoke to possible FS responses, the boards attempt to mitigate the problem in town and the need to work together. John Anderson said that the county has the ability to ticket parked vehicles. He said that Liz Smith put a date for an end game – that the county will revisit the issue in November if progress is not seen this summer. He pledged \$1000 from CVEPA toward the Western State student. Hawkins Siemon spoke in favor of using ATVs in town. He feels the outreach/education efforts are the correct first steps. Linda Adams spoke to the fact that locals also contribute to the numbers and problems. Terry Havens asked if there would be options for locals if there was an ATV ban. Josh explained that on national lands there is equity for all with no special exemptions for locals. Ryan said that there are examples within town limits where locals do have special permits. Emma asked if there are quantifiable measurements for determining if the three-prong educational program works. Ryan said other towns have found them and they include the amount of trash collected, the number of people contacted, and the number of tickets written. Emma asked about quantifying noise pollution and any reductions. Jason said the forest service can write tickets for noise. Ryan said this could be a future requirement.

Larry said that his proposal for a moratorium is not in conflict with plans and proposals currently in development.

The motion came to a vote with Larry and Tim voting yes, Emma and Josh voting no. Due to the tie, Ryan cast the deciding vote and he voted no. The motion did not pass.

Emma asked about getting the issue on the November ballot. Ron explained that there could be a special election but that would take about a 3-month lead time. Ryan said that there could also be a county-wide vote.

H. New Business – Terry Langley reported that there is a community recognition for Robert Pettijohn scheduled for May 16, 11:15 p.m. at the church.

Tim – spoke to the increased fire danger that the drought and an extremely dry summer will bring. He would like to see the dry hydrants opened after run off.

I. Adjourn - Emma Bielski made a motion to adjourn. Tim Hunter seconded and the motion passed unanimously. The meeting adjourned at 10:30 p.m.

Respectfully submitted,
Terry Langley