

Minutes of the Town of Marble  
Regular Meeting of the Board of Trustees  
June 7, 2023

A. Call to order & roll call of the regular June meeting of the Board of Trustees – The meeting was called to order by Mayor Ryan Vinciguerra at 7:05 p.m. Present: Tony Petrocco, Larry Good, Emma Bielski and Ryan Vinciguerra. Attending by phone: Amber McMahill. Also present: Ron Leach, Town Administrator and Alie Wettstein, Administrative Assistant. Absent: Terry Langley, minutes. (The minutes from this meeting were taken from the recording.)

B. Mayor Comments

C. Consent Agenda – Larry Good made a motion to approve the consent agenda. Emma Bielski seconded and the motion passed with Tony Petrocco abstaining.

- a. Approve May 4, 2023 minutes
- b. Approve May 18, 2023 minutes
- c. Approve Current Bills, June 7, 2023

D. Administrator Report

E. Land Use Issues

a. Consider approval of Jim Gohery Short Term Rental (STR) application, Ron – Ron reported that the application is complete. Jim Gohery reported that they would limit occupation to four people with no trailers allowed. They do have garbage service. Sue Blue asked if ATVs would be allowed and Jim said no trailers but someone might bring one up in a truck but their intention is to not cater to ATVs. Ryan stated that there are no regulations in the license agreement regarding ATVs. Ron and Alie reported that this would bring the total STRs to 6. Dustin asked what repercussions there would be for anyone renting an STR without a license. Ryan said they were taking a soft approach but things such as fines could be implemented in the future. He said he feels most people want to follow the rules as long as they know what those rules are, including paying applicable taxes. Larry reported that information is on the website and Alie said she will be adding the application. Ryan spoke to the possibility of capping the number of STR licenses in the future. Angus asked if renter’s insurance is required and checked. Larry explained that STR owners have to sign a statement stating various regulations are followed. Ron reported that they pay sales tax. Emma asked if there were plans to turn the shed into a tiny house and Jim said there were not. She asked if they would consider alternating long-term rental with STR. She asked who is the contact person and Jim said it is him. She asked about hiring someone local and they will consider it. Ron reported that the contact person needs to be within a one-hour response time. He said the Goherys have a \$500,000 policy and are pursuing a \$1,000,000 policy. They do have a land line in the house. Ron will issue the license.

b. Consider approval Parker/Collins lot line adjustment – Charley Parker reported that the property in question is two triangles put together at the points. The town property comes in like a V and is unusable. They would like to make their property a rectangle. They would donate a portion of their land to the town and are asking the town to give them a portion of theirs - a land swap – that would

allow that rectangle. It also gives the town a straight property line that would be more usable. Ryan asked what the advantages to the town would be. He asked if they would consider opening access to the beach. Charley said no and reported that 1<sup>st</sup> Street allows access and he had worked to clear the willows to open up that access and that it could be opened up more. Tony said there is no benefit to the town because it is unbuildable due to instability. It does not fit the current Master Plan which states the town should not give up property. Dustin Wilkey asked what the Parker's use the current lot for and Charley said they camp on it in the summer. Sue asked about a survey and if there are stakes. Charley reported that there are a few and that they would do a final survey with drawings and deeds if the land swap is agreed on. Ryan said that beach access open to the public is an important point for him. He does not see an advantage currently. He suggested tabling this and walking the property with Charley. Mike Yellico asked if the trade includes access and feels it should. Charley feels access is and should be available via 1<sup>st</sup> Street. The drawing is on the last page of the board packet which is available on the website.

c. Consider approval of Ordinance #\_\_\_\_\_ approving a zoning change for Smith/Wilkey property – Town attorney, Kendall Burgemeister, wrote the draft ordinance. Additional conditions are being considered tonight. Larry asked if conditions included screening trees. Dustin said they have fencing materials and could fence from the back corner down far enough to screen the property with an additional barrier to keep people from crossing the property boundaries. Ryan said that any conditions in the ordinance would have to be followed and it is up to the board to create and define the restrictions. Tony said it is still spot zoning and that the neighbors have said they would take action. He feels the town should wait until the Master Plan is updated. Ryan asked if board members have any additional requirements. He feels there should be a plumbed toilet rather than a porta-potty. Amber would like to see restriction of uses included that define the use as a jeep tour business, limits the hours and states the number of jeeps and trips. She wants to see restrictions on what can happen if the property is sold, such as use by review. Tony said this can be changed by future councils and that allowing this will open the flood gates to creeping. He suggested hiring a land use expert. He asked about the complainants' main concerns. Ryan said that any changes would be a use by review and would follow the current zoning requirements. He asked if iii is included in the ordinance addresses Amber's concerns and she said she would like further clarification on the specifics of that requirement. Ryan feels that this should meet the current zoning requirements if sold. There can be specific requirements for the Smith-Wilkey usage but should not have to be followed by future owners. Tony said that he had spoken to other attorneys who feel this is prohibited by the current Master Plan. Larry asked if this could be passed conditionally to allow for future requirements. Ryan said the rest room, privacy barrier of 6' trees and having a general contractor are his main concerns. He feels there needs to be someone who had done this before should be leading the project. Ron reported that the Evans want a natural barrier such as trees. Larry asked about amending number 3 to "all representations by the applicants regarding a guided jeep tour business and gift shop as the scope of the proposed use of the property shall be conditions of approval". Tony said this means that they have to follow what they said regarding the use in the public hearings. Ryan said the ordinance does not need to be approved tonight and could wait until restrictions are added. Samantha asked that the word "jeep" be removed due to the sensitivity of the Jeep company regarding use of their name. Ron explained that this is currently a residential lot and they have a house designed for this lot. Their plans are good and have been reviewed. He would like to go ahead and give them a building permit for that house. The unfinished

walk-out basement would give them the flexibility for future use. Sue Blue spoke to alternative plants for the natural barriers as transplanted trees of that size do not do well. Larry suggested requiring the barrier be planted sooner rather than later. Mike Yellico suggested Off Road Vehicles as language. Chris Palmer asked about the requirement of a rest room and its effect on their building permit. Mike spoke to having a small building down by the vehicles. Ryan said that they could use an auxiliary building as long as it is plumbed. Dustin asked about an owner/builder rather than a general contractor. Ryan feels a general contractor would streamline the process for both the owner and the town. Sue said she had served as the general contractor and it was still a problem. Dustin spoke to the timeline, the parts that he will hire out and the part he will do. He does not have funding for a general contractor. Ron asked if there were any problems with issuing a building permit. Ryan spoke to protecting the neighbors from noise and.... Emma spoke to the hours spent on the process and if a general contractor can help move the project along, she agrees with that. Ron said the stop work order is still in effect and will need to be lifted. He asked if they still plan to move the trailer onto the property and will issue the previously approved camping permit.

d. Consider approval of Ordinance # \_\_\_\_\_ approving residential structures in business zone – Tony asked why this is necessary as there are already residences located in business. Ryan explained that this is an update to current business zoning. Three businesses currently include residences. Amber said that currently business is allowed in residences but residences are not allowed in businesses. Ron explained that it came from the Smith Wilkey zoning request. Residences are not allowed on a business lot. He said this is a draft and would require a public hearing. Emma Bielski made a motion to approve the draft ordinance and to set a public hearing for review of the ordinance. Discussion of a date followed and it was set for July 6. Tony Petrocco seconded and the motion passed unanimously.

#### F. Reports

a. Parks Committee Report & RFOV weekend – Mike Yellico requested the RFOV volunteers help move some brush piles off of the frisbee golf course. He estimated needing two volunteers for about two hours. Ron will make the request. Samantha Wilkey reported that the CRJT has donated \$2000 worth of shuttle service to shuttle RFOV to and from the Geneva Lake trail head. Ron said the mission of the RFOV this year includes grubbing out the Mill Site Park, working on the thistle in the wetlands property, working on the Raspberry Trail and work at Beaver Lake. Mike asked about the property across from the park as he would like to pull down the survey tape but does not want to trespass.

b. CTO grant status, Amber – The deadline is June 15 and everything has been submitted for CTO for review. Once the signage arrives, it will need to be installed. For CTO to cover the cost it will need to be installed by June 15 and the signs will not be here in time.

c. Lead King Loop working group status & parking control plan, Ron – Ron asked for direction regarding truck/trailer parking on town streets. We can do nothing or try to enforce no parking with physical barriers/signage to avoid personal conflicts. Larry spoke in favor of the physical barriers. Ron would like the town to do that work. Ryan agreed. Emma asked about the speed bumps and they are being installed. Mike asked if there could be enough room for cars left. Larry is afraid it would create a squeeze point for emergency vehicles. Ryan said that is currently the strategy along several roads. Dustin asked about the town right of way along Park Street and if it was feasible to widen the section

toward the Mill Site Park and building it up with material from Slate Creek. Ron said the priority is in front of their shop and the church. Dustin asked for that in writing. There will be further discussion. Dustin reported that Scott Leone is no longer working for Gunnison County.

#### G. Old Business

a. Update status of Master Plan project, Mark – Ron reported that they would like the meetings be moved to the church fellowship hall. The meetings are going well. Alie reported that Steven Fowler has stepped down. She has reached out to some of the alternates.

b. Discussion Re: CPW change of use for Beaver Lake, Cyndi Fowler – Ron invited them to the meeting but they did not respond.

#### H. New Business –

a. citizen said the No Trailer Parking sign has pealed off and needs to be replaced.

b. Sam said the Gem and Mineral Show is this weekend and asked if the vendors need to have a business license. Ryan said it is a special event and they need to pay sales tax.

c. She reported a free concert to be held July 1 and the Mill site Park.

d. Dustin asked when the town would tax tourism. Larry said the lodges pay a bed tax. She feels they and other tourism businesses should pay a tourism tax.

I. Adjourn – Larry Good made a motion to adjourn. Tony Petrocco seconded and the motion passed unanimously. The meeting adjourned at 9:00 p.m.

Respectfully submitted,

Terry Langley