

Minutes of the Regular Meeting
Town of Marble of the Board of Trustees
May 4, 2023

A. Call to order & roll call of the regular meeting of the Board of Trustees – Mayor Ryan Vinciguerra called the meeting to order at 6:09 p.m. Present: Ryan Vinciguerra, Emma Bielski, Amber McMahill and Larry Good. Absent: Tony Petrocco. Also present: Ron Leach, Town Administrator; Alie Wettstein, Administrative Assistant and Terry Langley, minutes. Ryan Vinciguerra made a motion to go into executive session. Amber McMahill seconded and the motion passed unanimously.

B. Executive session pursuant to C.R.S. 24-6-402(4)(b) to receive legal advice regarding rezoning application related to Smith/Wilkey property.

Amber McMahill made a motion to end the executive session and return to the regular meeting. Emma Bielski seconded and the motion passed unanimously. The regular meeting resumed at 7:05 p.m.

C. Mayor Comments – Ryan explained that they would not be able to vote on the request to rezone the Smith Wilkey property because it was not listed on the agenda. Comments are allowed. Each person wishing to speak will have a single opportunity with comments to be made to the board.

Ryan opened the comments to the floor. Angus Barber asked for an explanation of the current zoning situation in Marble. He specifically asked about living and running a business in the same place. Ryan said that mixed use is not currently covered but home occupied business is. There is use by right and use by review and there are categories of business that fit those subcategories. There are a handful of properties in Marble that fit these. Larry explained that there is residential, business and public zoning classifications and that residential/business zoning is generally for cottage industry. Angus asked if it would be helpful to have mixed use zoning (business/residential) and Larry said that is something that the Master Planning (MP) group will be addressing. Emma said they are bound to the year 2000 Master Plan and it does not include mixed use zoning. The town has been asked if they can go ahead and give mixed use zoning but that it needs to be part of the MP. Jen Cox asked if the board couldn't vote to add something to the agenda. Ryan explained that this issue would involve a public hearing and would need to be noticed. Jaime Fiske asked if the goal of rezoning is to allow residents to have a business on the property. Ryan explained that the goal is to have the MP address zoning. Anyone wanting to rezone their property would need proper justification. Larry said this is according to state statute. Requirements include having to be in compliance with current zoning, if use in the surrounding area changes benefits the community or if there is an error in the existing zoning. Changes would need to benefit the community. These conditions are what the MP would be looking at. Jaimie spoke to the lack of places to have a business other than in a home. Ryan said the 2000 zoning was for a bedroom community and he feels it is outdated. Richard asked why the town would not allow the Wilkey's to have a business on their property without a zoning change considering previous precedents. Amber explained that it does not meet the criteria for a home occupied business. Samantha Wilkey said that their property does not show as being in the town. Dustin spoke to the current maps, regulations and requirements. Samantha said the existing MP is not law, it is a guide. Amber explained that this is not a matter of a single business, it is a zoning issue. Once it is rezoned, there is a use by right and that business could be changed. Patsy Smith said that they have paid the county commercial taxes for

what the county considers commercial zoning. Amber explained that the county appraises for taxes based on the use of the property and because of the sheds, it is classified commercial for tax purposes but is not zoned as a business. Dustin said he had talked to realtors and appraisers who did not feel that it would affect neighbor's property value. Amber explained that she had asked if a residential lot located next to a commercial property would decrease property value and affect saleability and was told it would. Dustin asked what would happen if they ran the business without a zoning change. Ryan said their business license would not be renewed. He stated that he supports the change. Amber said she was encouraged with the previous discussion regarding ways to mitigate the neighbors objections. Linda Evans asked if the Wilkey's would have to do something to protect the Evans' privacy. Ryan said they could set some conditions and those could include protecting their privacy. Richard Wells said he looked at spot zoning and he does not consider this spot zoning due to other nearby businesses and he supports conditions to help mitigate concerns. Samantha talked about using porta potties and the fact that many of the businesses have no bathrooms. She spoke to the fact that they have tried to do this the right way and that requests have come in piece meal with responses within 24 hours. Jeff Evans said that people come here to get away from the city hustle and bustle but that there seems to be a push to change the town. Current businesses do not affect the traffic, change geography or are even noticeable. Considerations with changing the town include infrastructure and the ability to support the change. Amber feels that many of these concerns can be addressed through the Master Plan and through any terms and conditions required as part of the rezoning. Jerry Begely spoke in favor of granting the rezoning request. Mike Yellico said that he sees both sides of this issue and that the town council's hands are tied in terms of changing the zoning and that also we should encourage small business. Mike Evans said that this could open the door to developers and that we don't want the valley destroyed. Ryan apologized to the applicants for the failure to post the public hearing. Ron explained that the vote did not have to be part of a public meeting so does not require 30 days. After discussion a special meeting was set for May 18, 2023. Ryan Vinciguerra made a motion to hold a special meeting on May 18, 2023 at 6:00 p.m. Larry Good seconded and the motion passed unanimously.

D. Consent Agenda – Emma Bielski made a motion to pass the consent agenda. Ron added another bill and explained that it is for repairs that had to be made to the park bathrooms due to pump failure that resulted in freezing and other issues. The cost is for \$4200 to Alpine Septic. Emma amended her motion to include the addition. Amber McMahill seconded and the motion passed unanimously.

- a. Approve April 6th, 2023 minutes
- b. Approve April 21st, 2023 minutes
- c. Approve Current Bills, May 4th, 2023

E. Administrator Report

a. Discussion Re: CPW change of use for Beaver Lake, Cyndi Fowler – Ron explained that he learned that CPW is considering some use changes to several areas including Beaver Lake. It will ban any flotation device unless it is being used for fishing with a fishing license. This will have a direct impact on the local SUP business. The town was not notified ahead of time. He suggests that the town should weigh in with CPW asking for more information. Cyndi Fowler asked the town to come up with solutions to present to CPW that would allow town use of the lake. She said opinions can be lodged on the CPW site (engageCPW.org) until May 24. She suggested a formal letter from the town to CPW. Larry suggested asking a CPW representative to come to the special meeting. Cyndi spoke to the historic lack

of enforcement from CPW and their lack of care of the lake. Richard Wells explained that Beaver Lake is a state wildlife area and he does not feel that it should be used by a business whose whole plan is based on use of Beaver Lake. Sue Blue does not want to see these changes result in a migration to McKee pond by SUP. She explained that McKee is a state-stocked, privately-owned lake that has to be open for public fishing. Dustin asked if there was any possibility of Marble taking over management and having a pay-to-play situation. Jen spoke to the fact that this is a multi-faceted problem that needs a multi-faceted solution that takes all users into consideration. Jaimie spoke to the increased popularity of stand-up paddleboards (SUP) which means more rental businesses and private ownership, resulting in more SUPs on the lake. She read statements from two individuals supporting use other than strictly fishing and also spoke to the positive aspects of visitors coming to use the lake. Ryan suggested writing a letter and get involved. Emma asked for clarification with past requirements of needing a fishing license with current proposals. Amber explained the various new rules including no flotation devices unless fishing, no contact with the water (swimming), no dogs unless hunting or being trained for hunting, and more. Emma asked if CPW had included any proposals for enforcement. Discussion of the lack of regulation resulting in the current problems followed. Mike spoke to the number of users who come to Beaver Lake to recreate for reasons other than fishing resulting in the lack of opportunity to fish and the lack of wildlife. He encouraged the town to be clear of what the town wants to see from CPW regarding the lake.

b. Update status of Master Plan project, Ron – Mark Chain, who was hired as the facilitator, reported that the first meeting will be held next week, May 11, 6 p.m. at the fire station and the direction and framework will be formed regarding number of meetings then.

c. Update status of discussions with Marble Water Company (MWC), Ron – Ron reported that representatives of the MWC will be in town the first week in June and are open to a work session with the town board. We are in negotiations with them regarding acquiring MWC. Amber asked if Kate Sawyer from Rural Community Assistance Corp (RCAC) could help with this. Alie explained that Katie has just had a baby but Alie will reach out. Ron will reach out to MWC about a special meeting/work session. Amber suggested asking Katie to help draft a plan B regarding what will happen if our water is contaminated.

F. Reports

a. Parks Committee Report & Earth Day cleanup plan, Marja – Marja was not present. Mike Yellico reported on the Frisbee Golf course. They have their own tools and shed. He suggested having people and businesses sponsor a hole and help with trash and maintenance of their holes.

b. CTO grant status, Amber – Amber reported that we got the extension so we have until June 15 for the signage.

c. Lead King Loop working group status & parking control plan, Ron – Amber said that the county is trying to reconvene to determine what recommendations can be implemented. The town's portion includes parking including signage and natural barriers. Jen spoke to the fact that limiting parking in town results in trucks and trailers parking along CR 3. Larry asked if there had been any response to the fact that the town was not contributing funds to the Forest Service. Ron told them it was a budget issue. Samantha said she was told by Kendra from the FS that because the town was not able to give the 3,000, they will not be at the top of Daniels Hill very much at all this year and that last year they were up here a lot every Saturday and Sunday.

Dustin reported that the FS has posted a No Parking sign at the top of Daniel's. Mike Yellico asked where paid parking stands in regard to the SBA. Ron reported that Ryan has been in touch and now the SBA is in touch with the town attorney.

G. Land Use Issues

a. Consider approval of Jim Gohery Short Term Rental application, Ron – Ron received the application yesterday. The board will consider it at the June meeting.

H. Old Business -

I. New Business

a. Jen Cox has a concern about CR 3 at Slate Creek. There are six culverts that are blocked. She requests that the town work with the county to better maintain those culverts. Dustin Wilkey explained what work is currently being done.

b. Regular meeting in conflict with school graduation. If there is a conflict with graduation, a new date for the June 1 town meeting will be set at the special meeting on May 18.

J. Adjourn – Emma Bielski made a motion to adjourn. Larry Good seconded and the motion passed unanimously. The meeting was adjourned at 9:05 p.m.

Respectfully submitted,
Terry Langley

Note: Invite a representative of CPW to the special meeting