

Minutes of the Town of Marble
Regular Meeting of the Board of Trustees
April 7, 2022

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 7:07 p.m. Present: Tim Hunter, Josh Vogt, Larry Good, Emma Bielski and Ryan Vinciguerra. Also present: Ron Leach, Town Administrator and Terry Langley, minutes.

B. Mayor's comments

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

- a. Approve March 3, 2022 regular meeting minutes
- b. Approve Current Bills, April 7, 2022

D. Administrator Report

a. April 5th Election Report, Ron – Ron thanked all the candidates for running and the election judges for serving and the Hub for hosting the polling place. Results were: Amber McMahill 49, Larry Good 42, Josh Vogt and Tony Petrocco tied with 29. After consultation with the town attorney, there will be a recount within 10 days of the election. The votes will also be canvassed at that time. The recount and canvas are scheduled for April 14. The candidates are welcome to be there for the recount. If the vote is still a tie, the election will be decided by chance such as drawing or name, flipping a coin. There is one Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voter – a person who lives overseas but is registered here. The law requires that they get an absentee ballot and that there is a waiting period of eight days for that vote to be sent back in. Ron disclosed that he did not see the UOCAVA designation and so the absentee ballot was sent out late.

b. Marble Trails Plan Up-Date, Ron – Ron explained that Mike Pritchard, Roaring Fork Mountain Bike Association (RFMBA) gave a presentation to the park committee in February for a possible mountain bike and hiking trail. The presentation was given at the town council meeting at the regular meeting on March 3. At the end of the presentation and discussion, Ron recommended a land use review and he conducted that with Mike. Mike sent a recap of that meeting and proposed the following time line: a ground truthing walk of the proposed trails with town representatives in late April prior to the May meeting, provide a written update at the May meeting, hold a public open house and survey in mid-June, present a final draft plan to the town council at the July meeting and a final plan to the town council for consideration in August with construction to begin in September. Ryan reported that the original presentation is available on the town website. Linda Menard reported that the easement goes through her property and asked about them coming on private property. Emma explained that the entire design is open to community feedback and is not set in stone. It is a proposal only. Charlie Speer asked about the schedule, particularly the fact that the early July meeting is a holiday week. She asked about getting on the May agenda with an anti-bike path presentation. Ryan said she was more than welcome to present on May 5. Ryan suggested letting the plan develop before addressing objections. Izzy Palans asked if this was a done deal and if there was any question about whether there would even be any trail. Ryan explained that no decision has been made on whether there will be any bike trail.

Amber McMahill asked if there could be a preliminary survey done right away about the concept – “how do you feel about a bike path going down the alleys?...along the river?”. Ryan said a preliminary survey would be a great idea. Ryan asked Lise Hornbach and Charlie Speer if they would be willing to work on that. Charlie Manus asked who Mike Pritchard is and what gives him the right to decide what happens in Marble. He spoke against the project and the way it was presented as an apparent done deal. He resents anyone putting bike trails through town in residential areas. He feels it will only increase traffic in Marble along with resulting parking, rest rooms, ATVs on the trails, dogs and other issues. He said there is a possibility of a trail from the school down to the park. Tim explained that the concept was commissioned by Tom and Stuart Walton. Paul Harris spoke to parking issues. Susan Blue spoke to the feeling that outside people are trying to turn Marble into a theme park for their entertainment. Connie Hendrix said that she and Charlie have experience with developing trails and the hurdles that need to be jumped including legalities, budgets and tax dollars. She spoke to working together and avoiding splits between groups of people and not settling for the first plan. Heidi Treleven spoke to the desire for peace and quiet, the environmental impact of cutting trees, litter, animals and birds. Tony Treleven spoke for the need for some trails but against the large scope of the project and the short time frame proposed for study, input and beginning construction. Kelsey Been spoke in favor of the plan and the safety of separating motorized traffic from bikes and pedestrians. Mike Yellico spoke in favor a trail through town. He understood that the proposal presented was intended to be whittled down. Ryan explained that the plan and dates are flexible. There will be a feedback opportunity at the open house and there can be more than one open house. He asked that Ron speak to Mike about extending the time line. Larry Good spoke to the different visions people have for the town and the time that such proposals take. Emma Bielski said that the trail system would not work without community consent. This is an opportunity that the town can take advantage of or can decide not to pursue. Tim Hunter said he was upset with the first meeting and the plans. He thanked citizens for coming and encouraged them to come to all of the meetings. He spoke to slowing the process down and the need for community input on the future of the town. Josh Vogt explained that that the entire proposal is not on the table. He also feels that this isn't a plan that will draw mountain bikers. He supports separating the different types of vehicle use. He feels that the plan needs to be studied and revised in the best interest of the community. He agreed that the proposed timeline is unrealistic.

c. John Armstrong, Crystal Valley Environmental Protection Association (CVEPA), talked about the donation of the wetlands to the Trust for Land Restoration (TLR). Pat Willets, TLR, spoke to the history of TLR and the environmental health and legal issues that can impede the development of conservation areas of former mining lands. They consulted with the Aspen Valley Land Trust (AVLT) but AVLT decided not to accept the land due to fears to do with possible liability issues connected to the slag pile from a former smelter site on the property. Therefore, TLR accepted the donation with a goal to keep the land in conservation. They are working with the Colorado Department of Public Health and Environment (CDPHE) to develop a plan for cleanup and decide who is the proper long-term owner to donate it to. They plan to host a walk through and to hear what people's vision for the property is. If the cleanup is estimated to cost more than \$25,000, the state required that TLR find a government agency to be the fiscal agent. They would ask the Town of Marble consider being the fiscal agent for the project. Pat gave an example of how it might work: CDPHE would provide the funding and the scope of work. The work would be completed and certified by the state. The town would pay and then submit for reimbursement. Tim Hunter asked if the cleanup would only involve the slag piles and if those piles

were currently leaching into the river. Testing indicates there is arsenic and lead in the slag pile but that it is inert. Because the pile is close to a road, the material is being ground into finer particles. Although he does not think it is a health hazard unless someone ate it, for anyone to own the property and allow public use, the responsible thing is to clean it up. Tim asked if it would be more cost efficient to move the road. Pat explained that the cleanup would be fairly unobtrusive and would involve a split rail fence around the pile.

E. Gunnison Public Lands Initiative (GPLI) Presentation, Lizzie McArthur – GPLI Community Organizer introduced Jeff Widen, Senior Regional Conservation Representative for Wilderness Society and Julie Slivika, Wilderness Workshop Policy Director. Lizzie reported on the history of GPLI: 10 years ago visible changes began happening in Gunnison County public lands including more people and more impact on the landscape. In working on what could be done, a working group was formed with stakeholders from the following organizations: Backcountry Hunter & Anglers, Gunnison County Stockgrowers Association, Gunnison Trails, High Country Conservation Association, Gunnison Valley OHV Alliance of Trailriders, Gunnison County Sno Trackers, Trout Unlimited, The Wilderness Society, the Upper Gunnison River Water Conservation District and the Crested Butte Mountain Bike Association. The proposal was to designate wilderness and special management (sma) areas within existing public lands in Gunnison County. This was not an attempt to change the landscape but, rather, to keep it the way it is now with existing trails or uses.

The Treasure Mountain area is being proposed for wilderness designation. Reasons for this include the biodiversity significance, elk range habitat, Ptarmigan habitat, rare plant communities, overlap with roadless areas and a sma for research sites for Rocky Mountain Biological Lab (RMBL). Draft legislation will be released by Senator Michael Bennet and that will be followed with public input. For more information you can go to www.gunnisonpubliclands.org. Contact Lizzy with questions at iTInfo@gunnisonpubliclands.org. They ask for a letter of support from the town of Marble. Jeff explained that the purpose of the group was to bring the community together at the suggestion of Senator to suggest legislation. They came together with respect for each other's opinions and suggestions. No one would get everything they wanted, but they could come together without it being perfect. The initial proposal was released in 2017, revised and rereleased in 2019. Two main designations are wilderness and different types of sma. A third area, including Treasure Mountain, under discussion were areas in which they had not gathered enough input to be included in the proposal. The boundaries as proposed go from Skyline Saddle/New York Falls to North Pole Basin and can be viewed at <https://www.gunnisonpubliclands.org/explore-the-map>. Wilderness designation would mean no motorized or mechanized recreation and no new road development. Existing private rights, patented mining claims, legal uses and valid oil and gas leases are respected and grandfathered. No new ones are allowed. Livestock operations continue. Firefighting and rescue operations can be allowed. Uses are defined by the Wilderness Act of 1964. Emma and Tim spoke in support. Josh said that this would not change the use of Crystal private land but would help keep the upper Crystal wild and would protect the public lands from development. Josh Vogt made a motion to send a letter of support. Emma Bielski seconded and the motion passed unanimously.

F. Land use issues

a. Consider Ordinance #2 approving Hamra driveway license to encroach, Ron – Dave Hamra and Laura Walton attended by phone. Emma recused herself. Ron explained that the property is located at

1st and Main. They merged two lots, have OWTS designed, and have architectural design. They need a license to encroach as the driveway would cross the alley between the two lots. Josh asked about a well that looks like it is in the 1st street right of way it was explained that it is one of the test wells. Josh spoke about the removal of trees before the approval. Mike Yellico explained that it was simply a clearing of the lot that had already begun but was delayed due to Brad Kline's health issues. Josh Vogt made a motion to approve the license to encroach. Tim Hunter seconded and the motion passed unanimously with Emma having recused herself. Josh Vogt made a motion to approve Ordinance 2-22 An Ordinance Approving a License to Encroach Between the Town of Marble and Laura Walton and David Hamra. Larry Good seconded and the motion passed unanimously with Emma having recused herself.

b. Consider approval Thompson Park Easement request, Brent – lawyers from AVLT and Kendall Bergemeister, town attorney, worked on the easement. AVLT suggested some changes that Kendall has not commented on but there are no major structural issues between the attorneys. The request can be approved tonight or can be tabled until next month. Josh asked if there was an urgency to approve and asked for more clarity on the cost sharing and on some of the missing items so would like to wait on the approval. Brent said the May meeting would work for them as far as timing with Holy Cross is concerned. Ron explained that the cost sharing was originally for what would be a common draft site for the fire department and AVLT. AVLT decided they did not want to go that route so that item will be dropped. Tim asked if there would be annual maintenance and Josh said that the agreement says maintenance is the responsibility of AVLT. Brent explained that the floating valve is more cost effective and does not disturb the bank. Emma spoke to the mutual cooperation with AVLT and supports approving the easement tonight. Josh spoke to waiting for a complete document. The decision was tabled until May's meeting.

c. Parks & Recreation Committee Report, Brent – Brent said that feedback is always welcome and that they have not made any decisions regarding the bike trail proposal. They are making plans for work this summer and one of the focuses will be safety in the park, including with the walls and the pit. Tim spoke to ensuring that any bike trails not go near holes, rebar and iron pieces. Brent said that the proposal was for trails more in the aspen grove. Dates for Marblefest are Aug 6-7. The plan is for more food trucks, arts & crafts as a result of feedback/surveys. Tim asked about a long-term plan setting a location for the bonfire – close to the entrance, away from the trail. They would like to go ahead and burn the materials that are there now. They would like to wait until after Oct 31 to begin gathering/stacking for next year and future fires. He expressed thanks to Amber for the grant they just received.

G. Old Business

a. CTO Proposal Update, Amber – Amber reported that the grant was awarded and includes \$14,000 for a messaging/marketing program to ensure that everyone is putting out the same information. The remaining \$11,000 is for signage in the park. How the grant will fit into LKL plans is on the agenda for tomorrow's LKL stakeholder meeting.

b. Hepola Wetlands discussion, Josh – The TLM is looking for an entity to take ownership of the property after the clean-up is complete. AVLT, the Forest Service, CPW or the Town of Marble are

possibilities. Due to the issues we have experienced with the LKL and Beaver Lake, Josh suggests the town consider owning it. Emma would like Pam Hepola's blessing. Ron spoke to a possible conflict with acting as the fiscal agent and working toward ownership. Amber said that there had been talk of a management group and that Marble should encourage and be part of that.

c. Special Event Venue Permits on Private Property discussion, Ryan – Ryan has spoken to Kendall regarding a special event venue permit/restrictions. Kendall is working on that. Discussion of the parameters needs to continue.

d. American Recover Plan Funds for school – \$16,000 or half of the amount has been given to the school to help pay for a social worker. The second half is to be spent next year.

e. Update on walls at Millsite historical preservation. Emma has been in conversation with Katie Todt from Lueki and Associates regarding preservation efforts. Katie suggested bands for security and stabilization. Emma has asked them for engineering help.

New Business

a. Short Term Rental (STR) discussion, Josh – Josh reported that there were 7-8 STRs several months ago. Currently there around 10, 3 without permit. He would like to set a limit on STRs tonight. Larry suggested having capping STRs on the next agenda. Josh Vogt made a motion to direct Ron and Kendall to draft an ordinance to cap STRs at 10 licenses. Ryan spoke to the need for transparency and public input and suggests putting it on the next agenda. Richard Wells suggested a moratorium on licenses. Larry Good seconded the motion. Josh, Tim and Larry voted yes. Emma voted no. The motion passed 3-1.

New Business – Tim asked council to please keep working toward a P&Z commission. This will be added to agenda.

I. Adjourn – Tim Hunter made a motion to adjourn. Josh Vogt seconded and the motion passed unanimously. The meeting adjourned at 10:18 p.m.

Respectfully submitted,
Terry Langley