

Town of Marble
Regular Meeting of the Board of Trustees
July 7th, 2022 6:00 P.M.
Marble Community Church, 121 W. State St. Marble, Colorado
Agenda

6:00 P.M.

- A. Call to order & roll call of the Worksession of the Marble Board of Trustees to discuss Short Term Rentals in Marble.

7:00 P.M.

- A. Call to order & roll call of the Regular Meeting of the Board of Trustees
- B. Mayor's comments
 - a. Fill Mayor Pro Tem position
 - b. Wetlands Ownership discussion with Pat Willits, Land Restoration Trust, Ryan
- C. Consent Agenda
 - a. Approve June 2nd, 2022 regular meeting minutes
 - b. Approve Current Bills, July 7th, 2022
- D. Parks & Recreation Committee Report, Brent
- E. Administrator Report
 - a. Discussion with Vince Savage regarding 2022 business license, Ryan
 - b. Discussion with Glen Smith regarding stop work order 575 W. Park St.
- F. Land use issues
 - a.
- G. Old Business
 - a.
- H. New Business
 - a. Consider approval of fire restrictions Ordinance no. 2022-3
- I. Adjourn

Minutes of the Town of Marble
Regular Meeting of the Board of Trustees
June 2nd, 2022

A. Call to order & roll call of the Regular & Meeting of the Board of Trustees – The meeting was called to order at 7:02 p.m. by Mayor Ryan Vinciguerra. Present: Ryan Vinciguerra, Emma Bielski, Amber McMahill, Larry Good and Tony Petrocco (sworn in below). Also present: Ron Leach, Town Administrator and Terry Langley, minutes.

B. Mayor's comments – Welcome and please announce your name before speaking!

C. Oath of Office for Tony Petrocco – Tony repeated the oath of office and was welcomed to the board.

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

a. Approve May 5th, 2022 regular meeting minutes

b. Approve Current Bills, June 2nd, 2022 – Ron called the board's attention to the income statement of the packet and the fact that, with 50% of the year gone, we have only spent 33% of the budgeted funds.

E. Reports

a. Parks & Recreation Committee Report, Brent – Richard Wells said that they have planned for irrigation heads in seven zones and were waiting on delivery of pipe to schedule excavation at Children's Park in mid-to-late June. They are working on committees. There have been parking spaces, including two handicapped spots on the west side of the new addition to the Millsite Park. MarbleFest line up is complete. They will ask the town to cover the cost of the porta potties as in previous years. Greg Tonazzi has started pulling marble blocks for the amphitheater seating.

b. Historic Preservation Committee Report, Emma – Nicole Farrell has agreed to take on the task of applying for a 501 c3 for the Marble Historical Fund. This will help with fund raising and securing large donations. Emma will be asking the chamber for a financial donation to the jail house preservation project and has some leads for other donors. The first phase will be to move the jail house in order to build a foundation. Ron got an email from an architecture student from Notre Dame to do a capstone project of a virtual design/recreation of the Mill Site Park. He has some connections including engineers who work in Rome on the preservation of their antiquities.

F. Administrator Report.

a. Wetlands Tour and Ownership discussion, Ron – On May 26, Ron went on a tour of the wetlands property with representatives from the Trust for Land Restoration (TLR). They would like the town to eventually become the owners. They have also asked the town to be the fiscal agents for the clean-up. Ron said that our bookkeeper, Ryan Kinney, would act as the facilitator if the town agrees. Larry asked about the reservations expressed in a previous meeting. Ryan Kinney explained that the town would receive a percentage (3-5% of total construction costs) to cover clerical costs. Ron had previously expressed some concern over possible conflicts of interest with being the fiscal agent and

possibly taking ownership of the land. He was assured by TLR and the Department of Public Health that there is not a conflict. Emma sees the fiscal agent and the acquisition as two separate things that would not happen at the same time. Tony asked about the order of becoming the fiscal agent and transfer of ownership and the funding. Fiscal agent would happen first. Funding for the clean-up will come from the state. Tony asked if this money would come from the federal government and passed through the state. Tony said that these kinds of grants require lots of paperwork and might add to audit costs. He asked for a copy of the grant and clarification as whether this is a federal or state grant. Ron said he has asked for a copy of the grant and that it will be sent. He said that the TLR would simply like to know if the board leans toward doing this and does not need a hard and fast decision tonight. The board would like to have the question regarding a conflict of interest run by the town attorney. The board agrees, in theory, to being the fiscal agents, pending answers to the questions regarding the grant and a possible conflict of interest.

b. 2022 parking plan, Ron/Amber – Amber said that the LKL group agrees that one way to control the traffic on the LKL is to control the parking. She would like to reduce the number of parking spots near the Mill Site Park, eliminating about 8 spots. She suggested using natural barriers in order to reduce face-to-face confrontations. The final LKL meeting is coming up and she would like to take the town's ideas to that meeting. Ryan spoke to the motion passed last meeting and the fact that it was passed with a very limited board. He feels that 20 spots are not overloading the loop and that directing truck/trailers to that area had been a focus for the last several years. Amber explained that this was a huge focus of the LKL group and has been part of the conversation of years. This plan would open space for people who want to come use the town in other ways and that the noise and dust affects the quality of life in town. Ryan asked whether the town should take another look at the paid reservation system with the SBA. Amber suggested approaching the SBA with the idea of limiting the number as a compromise. Larry suggested moving forward with limiting parking and seeing how it works. He also agrees with moving forward with a reservation system for what truck/trailer parking would be allowed. Emma would like to move forward with limiting the parking. Tony feels that parking at the park should be for park visitors only. He would support the elimination of all on street parking in town. He feels this would force Gunnison County to also stop allowing parking on county roads. Amber spoke to this spurring the Forest Service to develop parking. Ron spoke to the need for disseminating public information regarding parking availability through media and that the key is a sign board at the intersection of Hwy 133 and CR 3. A new sign board would cost \$20,000 or rental cost would be \$1400 per month. Dustin Wilke asked how much land the Forest Service has at the base of Daniel's Hill and the possibility of communicating the plans for future parking. There are 5 acres that could accommodate approximately 12 truck/trailers but it would be at least 2025 before that parking would be available. Glenn Smith asked if the land at the east end of the air strip is available but it is not. Richard Wells spoke to the frustration of this being put back on the town and the fact that people are going to park somewhere. He suggests reserving some parking for park users. Chris Palmer agrees with the need to limit parking but feels that physical barriers may slow parking down, but that people will just find another place to park. He feels the time to do something about this is now. Larry said it is time to try something and then work on the issues that arise from that. Ryan said that ATVs could be completely banned, but some residents want to be able to drive ATVs in town. He spoke to the need to have this on a ballot. Heidi Treleven asked about the motion passed last month. Amber explained that this was not feasible for this year, but there is still a plan to work on it. Heidi suggested a plywood sign with hooks that would be changed when parking is full. Amber spoke to the fact that the educational component

has helped. Ryan asked Amber to come up with ideas for parking barriers. Currently there are 12 spots on the east side of the street and 8 at the Mill Site Park. The 8 at the Mill Site would be eliminated. Chris spoke to trying radio and other media information sources to inform the public that there are changes happening. Amber said that the sign is important so that truck/trailers won't even try to come when the lot is full. Amber McMahon made a motion to use natural barriers to restrict parking on the west side and to rent a sign to be placed at CR 3 and 133. Emma Bielski seconded. Emma, Larry and Amber votes yes. Tony abstained. The motion passed.

c. Discussion Planning & Zoning Commission, Ron – Ron has reached out to Mark Chain to help develop a job description for a P&Z and to work with the P&Z on a new Master Plan for the town. He does not feel the P&Z should have to review building applications, architectural designs or anything controversial. He sees them reviewing things like short term rental codes and working on a master plan – not doing enforcement. Emma feels there needs to be enforcement to make sure people stay in their property lines. Ron feels that this is the type of thing that would not be part of the P&Zs role. Larry asked about the proposal to hire Cadfish to do enforcement and Ron explained that Cadfish only does building inspections. Ryan asked when the P&Z might be set up. Ron would like to start with 3 members in the fall.

d. Summer staffing, Ron – Ron introduced Alie Wettstein who has been hired to be Ron's administrative assistant. He went on to suggest a 5% raise for employees. Emma Bielski made a motion to give the Town of Marble staff a 5% raise. Amber McMahon seconded. Tony asked what this would cost and Ron said approximately \$5,000. The motion passed unanimously.

e. Approve 2022 Marble Business and SRT licenses, Ron – The list of business licenses and payments received are in the packet. Emma asked about the issues with the Beaver Lake Retreat (BLR). Ryan explained that there had been noise complaints, staffing issues, address issues and signage issues with BLR. Ryan asked about official complaints and Ron said that he had about 10 written complaints that are from neighbors. He does not keep track of verbal complaints. Ryan would like to track verbal complaints as well and suggests asking those who make a verbal complaint to send a written complaint to Ron. Ryan Vinciguerra made a motion to approve the list of business licenses, excluding the BLR. Emma Bielski seconded. Tony is concerned that the BLR license is being held up due to a few complaints. He acknowledges that music from BLR is a problem, as is the music from Slow Groovin'. Tony wants to see the complaints and feels that, to be fair, all the licenses should be tabled. Emma, Larry and Amber voted yes, Tony voted no. The motion passed. Amber asked for the paperwork concerning BLR be included next month. Ryan asked that Vince be invited to the next meeting.

Glenn Smith was asked about the work being done on his property on Park Street. He explained that they are taking the jeep tours to an in-home business at 575 Park Street. He was denied in 2009 because there was no home with a certificate of occupancy. They are currently working to get their permits to build a house with a walk out basement that will house the business. Ron explained that the codes allow for a in-home business with a home occupation.

Short Term Rental licenses – there are currently seven short term rentals in town with at least one more set to come on line. Ron is working with Kendall about the proposed cap of 10. Ron said that some of the seven are in someone's home and others are absentee ownership. He wants to know if all of these are included in the cap. With a cap of 10, what if there are more applications? What if someone doesn't pay their license fees? Would the ten be determined in by order of applications received, by lottery, residents vs non. Amber suggests a temporary cap/moratorium while these questions are researched and answered. Emma spoke to the need to tackle this when the board is fresh

rather than late in the meeting. Amber suggested a work session at 6:00 on July 7. Ryan Vinciguerra moved to approve STR licenses for those on the list. Larry Good seconded and the motion passed unanimously.

G. Land use issues -

H. Old Business

- a. Discussion Short Term Rental Cap proposal, Ron – see above
- b. Discussion Special Event Venue Permits on Private Property, Ryan – no updates
- c. Discussion Communication position, Amber – This position would be to help get information out via social media and, perhaps, the electronic sign. She was asked for a job description. Glenn suggested using the community page, but Amber does not want to be the person who has to do that. Ali has done a newsletter which will be sent out via email.
- d. Discussion, enforcement, Mike Yellico – Mike was not in attendance, so there was no discussion.

I. New Business

- a. Dumpster Day – Ryan announced that Dumpster Day will be June 4, 8-4 p.m.
- b. Mayor Pro Tem – to be decided by the board. Emma volunteered. Amber nominated Emma, Larry seconded. Tony pointed out that this was not included on the agenda so there was no vote and this will be added to next month's agenda
- c. Time line on speed bump installation. Ron reported that Mike Yellico and Max Harris installed some today and the rest will be finished tomorrow.

J. Adjourn – Larry Good made a motion to adjourn. Amber McMahill seconded and the motion passed unanimously. The meeting was adjourned at 9:40 p.m.

Respectfully submitted,

Terry Langley

Town of Marble
Deposit Detail-General Fund
June 2022

Date	Memo	Account	Amount
06/08/2022	Deposit	*General Fund -0240	5,899.49
	Deposit	Non-Specified	-131.82
	Aaron Smith	Business Licenses	-50.00
	Marble Hide-away	Business Licenses	-50.00
	CAP Construction	Business Licenses	-50.00
	Marble Motor Works	Business Licenses	-50.00
	Marble Water Company	Business Licenses	-50.00
	Deposit	Holy Cross Electric Rebates	-20.71
	Deposit	CSQ Lease Agreement	-2,329.23
	Deposit	CSQ Lease Agreement	-2,379.23
	Deposit	CSQ Maintenance Payments	-300.00
	Overpayment	Legal - General	-488.50
TOTAL			-5,899.49
06/08/2022	Deposit	*General Fund -0240	4,030.00
	Alexandra Wettstein	Marble Fest	-1,000.00
	Aspen Mini Donuts	Marble Fest	-200.00
	Ron Leach	Marble Fest	-500.00
	Kim Edwards	Marble Fest	-100.00
	SUP MArble	Marble Fest	-85.00
	Lost in Space	Marble Fest	-145.00
	Nicole Ludlow	Marble Fest	-500.00
	Marble Motor Works	Marble Fest	-500.00
	Aspen Insulation	Marble Fest	-1,000.00
TOTAL			-4,030.00

Town of Marble
Deposit Detail-Money Market Fund
June 2022

<u>Date</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
06/08/2022		Deposit	Money Market -1084	5,380.35
		Deposit	General Sales Tax	-5,380.35
TOTAL				-5,380.35
06/10/2022		Deposit	Money Market -1084	4,547.03
		Deposit	Taxes	-4,547.03
TOTAL				-4,547.03
06/17/2022		Deposit	Money Market -1084	729.54
		Deposit	Highway Use Tax (HUTF)	-729.54
TOTAL				-729.54
06/30/2022		Interest	Money Market -1084	0.47
		Interest	Interest Income	-0.47
TOTAL				-0.47

Town of Marble
Check Register
 June 3 through July 7, 2022

Num	Date	Amount
Alpine Bank 11423	07/07/2022	-2,482.11
Colorado Department of Revenue 11441	07/06/2022	-772.00
Colorado Site Services LLC 11433	07/07/2022	-3,555.00
Grateful Builders Inc. 11418	06/11/2022	-2,232.00
11429	07/07/2022	-250.00
Holy Cross Electric	06/08/2022	-103.42
Law of the Rockies 11432	07/07/2022	-705.00
Marble Hub 11444	07/07/2022	-1,432.00
Marble Water Company 11425	07/07/2022	-620.00
Mountain Pest Control, Inc. 11424	07/07/2022	-221.00
On Site Services LLC 11428	07/07/2022	-792.07
Ragged Enterprises, LLC 11442	07/07/2022	-641.25
Redi Services LLC 11431	07/07/2022	-600.00
Richard Wells 11421	07/01/2022	-242.18
Roaring Fork Valley Co-Op 11445	07/07/2022	-623.93
Sovereign Builders 2 11430	07/07/2022	-3,710.00
United States Treasury 11440	07/06/2022	-2,311.92
Valley Garbage Solution, LLC 11434	07/07/2022	-329.00
Verde Land Management LLC 11427	07/07/2022	-1,955.00

Town of Marble
Payroll Report
 July 2022

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Type</u>	<u>Amount</u>
Colorado Department of Revenue				
07/06/2022	11441	Colorado Department of Reven...	Liability Check	-772.00
Total Colorado Department of Revenue				-772.00
United States Treasury				
07/06/2022	11440	United States Treasury	Liability Check	-2,311.92
Total United States Treasury				-2,311.92
Bradley J Kline				
07/01/2022	11422	Bradley J Kline	Paycheck	-512.63
Total Bradley J Kline				-512.63
Charles R Manus				
07/01/2022	11435	Charles R Manus	Paycheck	-785.43
Total Charles R Manus				-785.43
Jesse Palmer				
07/01/2022	11436	Jesse Palmer	Paycheck	-559.57
Total Jesse Palmer				-559.57
Richard B Wells				
07/01/2022	11437	Richard B Wells	Paycheck	-3,026.83
Total Richard B Wells				-3,026.83
Ronald S Leach				
07/01/2022	11438	Ronald S Leach	Paycheck	-3,277.92
Total Ronald S Leach				-3,277.92
Theresa A Langley				
07/01/2022	11439	Theresa A Langley	Paycheck	-96.97
Total Theresa A Langley				-96.97
TOTAL				-11,343.27

Town of Marble
Budget vs. Actual
 January 1 through July 7, 2022

	Jan 1 - Jul 7, 22	Budget	\$ Over Budget	% of Budget
Income				
Intergovernmental				
Cigarette Tax	113.35	200.00	-86.65	56.7%
Colorado Trust Fund	456.83	1,500.00	-1,043.17	30.5%
General Sales Tax	35,647.81	140,000.00	-104,352.19	25.5%
Highway Use Tax (HUTF)	4,779.12	10,000.00	-5,220.88	47.8%
Mineral Lease Distribution	0.00	500.00	-500.00	0.0%
Other Permit & License Fees	0.00	0.00	0.00	0.0%
Severance Tax	0.00	100.00	-100.00	0.0%
Intergovernmental - Other	0.00	0.00	0.00	0.0%
Total Intergovernmental	40,997.11	152,300.00	-111,302.89	26.9%
Licenses & Permits				
Building Permits	3,468.24	4,000.00	-531.76	86.7%
Business Licenses	1,100.00	1,500.00	-400.00	73.3%
Driveway Access Permits	0.00	0.00	0.00	0.0%
Other Licenses & Permits	0.00	500.00	-500.00	0.0%
Septic Permits	1,023.00	3,000.00	-1,977.00	34.1%
Licenses & Permits - Other	0.00	0.00	0.00	0.0%
Total Licenses & Permits	5,591.24	9,000.00	-3,408.76	62.1%
Other Revenue				
Campground/Store Revenues	17,608.00	40,000.00	-22,392.00	44.0%
CSQ Lease Agreement	14,025.38	30,000.00	-15,974.62	46.8%
CSQ Maintenance Payments	1,800.00	3,600.00	-1,800.00	50.0%
Donations	4,000.00	2,000.00	2,000.00	200.0%
GOCO Proceeds	0.00	0.00	0.00	0.0%
Holy Cross Electric Rebates	321.01	500.00	-178.99	64.2%
Insurance Proceeds	0.00	0.00	0.00	0.0%
Interest Income	4.04	500.00	-495.96	0.8%
Non-Specified	1,787.92	2,000.00	-212.08	89.4%
Parking Program Revenue	0.00	100.00	-100.00	0.0%
Settlement Proceeds	0.00	0.00	0.00	0.0%
SGB Lease Agreement	2,731.82	2,700.00	31.82	101.2%
Transfers (In) Out	0.00	1,000.00	-1,000.00	0.0%
Tree Maintenance Program	0.00	0.00	0.00	0.0%
Other Revenue - Other	0.00	0.00	0.00	0.0%
Total Other Revenue	42,278.17	82,400.00	-40,121.83	51.3%

	Jan 1 - Jul 7, 22	Budget	\$ Over Budget	% of Budget
Taxes				
Additional License Tax	0.00	500.00	-500.00	0.0%
Delinquent Property Tax	0.00	0.00	0.00	0.0%
General Property Tax	0.00	28,190.00	-28,190.00	0.0%
Property Tax Interest	0.00	100.00	-100.00	0.0%
Special Use & Sales Tax	0.00	0.00	0.00	0.0%
Specific Ownership Tax	0.00	1,500.00	-1,500.00	0.0%
Taxes - Other	23,024.63	0.00	23,024.63	100.0%
Total Taxes	23,024.63	30,290.00	-7,265.37	76.0%
Total Income	111,891.15	273,990.00	-162,098.85	40.8%
Gross Profit	111,891.15	273,990.00	-162,098.85	40.8%
Expense				
General Government				
Abated Tax	0.00	0.00	0.00	0.0%
Bank Fees	0.00	0.00	0.00	0.0%
Building/Bathroom Construction	0.00	0.00	0.00	0.0%
Campground Expenses	5,912.71	25,000.00	-19,087.29	23.7%
Church Rent	0.00	600.00	-600.00	0.0%
Civic Engagement Fund	0.00	1,500.00	-1,500.00	0.0%
Dues & Subscriptions	0.00	500.00	-500.00	0.0%
Elections	1,225.00	4,000.00	-2,775.00	30.6%
Legal Publication	57.18	1,000.00	-942.82	5.7%
Marble Fest Expense	5,750.00	20,000.00	-14,250.00	28.8%
Marble Water Co 2017 Tap Fee	0.00	0.00	0.00	0.0%
Marble Water Co Monitoring Well	0.00	0.00	0.00	0.0%
Marble Water Co Past Due	0.00	0.00	0.00	0.0%
Marble Water Co Payment				
Interest - MWC	0.00	0.00	0.00	0.0%
Marble Water Co Payment - Other	0.00	0.00	0.00	0.0%
Total Marble Water Co Payment	0.00	0.00	0.00	0.0%
Office Expenses	6,477.70	10,000.00	-3,522.30	64.8%
Parking Program Expenses	1,996.61	5,000.00	-3,003.39	39.9%
Recycle Program	1,365.00	3,000.00	-1,635.00	45.5%
Salaries				
Enforcement Officer	0.00	0.00	0.00	0.0%
Park Employee	0.00	0.00	0.00	0.0%
Planning Consultant	0.00	0.00	0.00	0.0%
Town Administrator	0.00	0.00	0.00	0.0%
Salaries - Other	0.00	0.00	0.00	0.0%
Total Salaries	0.00	0.00	0.00	0.0%

	Jan 1 - Jul 7, 22	Budget	\$ Over Budget	% of Budget
Treasurers Fees	0.00	500.00	-500.00	0.0%
Tree Maintenance Program	0.00	0.00	0.00	0.0%
Unclassified	4,325.94	3,000.00	1,325.94	144.2%
Weed Mitigation Program	0.00	1,000.00	-1,000.00	0.0%
Workshop/Travel	0.00	2,000.00	-2,000.00	0.0%
General Government - Other	0.00	0.00	0.00	0.0%
Total General Government	27,110.14	77,100.00	-49,989.86	35.2%
General Government - Operating				
Payroll Tax	0.00	0.00	0.00	0.0%
General Government - Operating - Other	0.00	0.00	0.00	0.0%
Total General Government - Operating	0.00	0.00	0.00	0.0%
Loan Payment - Citi Mortgage	0.00	0.00	0.00	0.0%
Other Purchased Services				
Bank Building Maintenance	0.00	0.00	0.00	0.0%
Earth Day Expenses	3,555.00	4,000.00	-445.00	88.9%
Grant Writing	0.00	1,000.00	-1,000.00	0.0%
Liability & Worker Comp Insc	5,362.78	6,500.00	-1,137.22	82.5%
Park Improvements	750.00	0.00	750.00	100.0%
Utilities	1,228.11	4,500.00	-3,271.89	27.3%
Other Purchased Services - Other	0.00	0.00	0.00	0.0%
Total Other Purchased Services	10,895.89	16,000.00	-5,104.11	68.1%
Purchased Professional Services				
Planning	3,840.00	0.00	3,840.00	100.0%
Audit	0.00	9,500.00	-9,500.00	0.0%
Boundaries Survey/Master Plan	0.00	0.00	0.00	0.0%
Engineering-Water Augmentation	0.00	500.00	-500.00	0.0%
Engineering Services & Insp.	672.50	3,000.00	-2,327.50	22.4%
Legal - General	11,740.33	25,000.00	-13,259.67	47.0%
Legal - Water Augmentation Plan	0.00	0.00	0.00	0.0%
Legal Expense - Special Project	0.00	0.00	0.00	0.0%
Municipal Court	0.00	1,500.00	-1,500.00	0.0%
Purchased Professional Services - Other	0.00	0.00	0.00	0.0%
Total Purchased Professional Services	16,252.83	39,500.00	-23,247.17	41.1%
Roads				
Snow & Ice Removal	15,308.60	30,000.00	-14,691.40	51.0%
Street Maintenance	16,840.00	25,000.00	-8,160.00	67.4%
Roads - Other	0.00	0.00	0.00	0.0%
Total Roads	32,148.60	55,000.00	-22,851.40	58.5%

	Jan 1 - Jul 7, 22	Budget	\$ Over Budget	% of Budget
Wages & Benefits				
FICA/Medicare	3,742.23	8,000.00	-4,257.77	46.8%
Total Wages	47,912.19	100,000.00	-52,087.81	47.9%
Wages & Benefits - Other	0.00	0.00	0.00	0.0%
Total Wages & Benefits	51,654.42	108,000.00	-56,345.58	47.8%
Total Expense	138,061.88	295,600.00	-157,538.12	46.7%
Net Income	-26,170.73	-21,610.00	-4,560.73	121.1%

STATEMENT OF WORK

I. Project Description:

This project serves to remediate erosive materials from a smelter slag pile located along a popular open space trail in the Town of Marble Colorado. CDPHE has spent more than 2 years working with the Town of Marble and numerous non-profits to bring the site from private ownership into public ownership. Remediation of the site will enable the site ownership from a private non-profit ownership into the public domain and have a site wide conservation easement prohibiting any future development. This work will be conducted following all state and federal regulations, with funding being provided from Task 3.5 of the CDPHE 128(a) Brownfields Response EPA Grant in the form of a sub-grant to the Town of Marble.

II. Definitions:

1. CDPHE Colorado Department of Public Health and Environment
2. GPS Global Positioning System
3. Lat/Long Latitude and Longitude in Decimal Degrees
4. Project site Marble Wetlands Site, Marble, Gunnison County, Colorado

III. Work Plan:

Goal #1:	To protect the health of Colorado residents while regenerating the economic viability of abandoned brownfield sites.
Objective #1:	No later than the expiration of this contract, the Contractor shall consolidate on site erosional materials from the site slag pile, bury into an on-site repository and construct barrier fencing to act as a barrier to access by to site users.
Primary Activity #1	The Contractor shall construct an on-site repository and consolidate on-site erosional materials from the site slag pile.
Sub-Activities #1	<ol style="list-style-type: none"> 1. The Contractor shall attend a CDPHE kick-off meeting with the CDPHE Project Manager; 2. The Contractor shall obtain locally sourced cap material from the project site, or from a supplier approved by Project Manager; 3. The Contractor shall obtain locally sourced material for the barrier fencing, or from a regional fencing supplier approved by the Project Manager; 4. The Contractor shall construct the drainage repair;
Primary Activity #2	The Contractor shall complete construction off the on-site repository, complete repository capping with drainage controls for the site, and construct barrier fencing around the project site
Sub-Activities #2	<ol style="list-style-type: none"> 1. The contractor shall place consolidated slag materials into on-site repository; 2. The contractor shall cap the repository with locally sourced cap materials, or from a material supplier approved by the Project Manager; 3. The Contractor shall construct barrier fencing with locally sourced materials, or from a material supplier approved by the Project Manager; 4. The Contractor shall construct repairs and site drainage for protection of the repository and slag pile. 5. The contractor shall amend and reseed the repository cap

Primary Activity #3	The Contractor shall prepare a Final Report.
Sub-Activities #3	<ol style="list-style-type: none"> 1. The Contractor shall create a construction completion report of all completed work. 2. The Contractor shall provide maps of site repository, features and site area. 3. The Contractor shall provide GPS recordation of the site repository, barrier fencing and site drainage features. 4. The Contractor shall acquire pictures to verify that the work has been completed <ol style="list-style-type: none"> a. No less than two (2) before pictures b. No less than two (2) after pictures, taken from substantially the same location as the before picture.
Primary Activity #4	The Contractor shall manage all fiscal aspects of this Sub-grant
Sub-Activities #4	<ol style="list-style-type: none"> 1. The Contractor shall manage and process all invoices as grantee and fiscal agent for a maximum of 3% of sub-grant value.
Standards and Requirements	<ol style="list-style-type: none"> 1. The content of electronic documents located on CDPHE and non-CDPHE websites and information contained on CDPHE and non-CDPHE websites may be updated periodically during the contract term. The Contractor shall monitor documents and website content for updates and comply with all updates. 2. The CDPHE Project Manager will arrange the Contract Kick-Off Meeting. 3. The Contractor shall require all workers on the project site to wear the appropriate personal protective equipment. 4. The Contractor shall operate under their own Health and Safety plan. 5. The Contractor shall implement BMPs for erosion and storm water controls as needed. 6. The Contractor shall implement dust suppression during construction activities if visible dust is observed. 7. Within ten (10) days of receiving a deliverable the CDPHE Project Manager will: <ol style="list-style-type: none"> a. Approve the deliverable b. Request corrections to the deliverable <ol style="list-style-type: none"> i. The Contractor shall make corrections within five (5) days. 8. The Final Report shall include the following: <ol style="list-style-type: none"> a. A summary of all work completed b. Digital photographs that document the work completed <ol style="list-style-type: none"> i. Before pictures ii. After pictures
Expected Results of Activity(s)	<ol style="list-style-type: none"> 1. The Project Site shall be reclaimed with clean native fill and appropriate barrier fencing to prevent direct exposure to people using the open space upon it being open for use and conveyed to public ownership.

Measurement of Expected Results	1. Documentation of the capped repository with barrier fencing in the final report.	
		Completion Date
Deliverables	1. The Contractor shall submit the Final Report to the CDPHE Project Manager via email.	No later than 15 calendar days prior to the contract expiration.

IV. Budget:

1. The total budget from the Colorado Department of Public Health and Environment for this project is up to \$98,000.00 upon the acceptance of the Final Report.
2. The Contractor is responsible for obtaining additional funding to complete this project if the dollar amount exceeds \$98,000.00.
3. The budget for this project will be as follows:

Description	Total Cost
Final Report	\$98,000.00
Total	\$ 98,000.00

V. Additional Provisions:

The following terms and conditions are in addition to the standard purchase order terms and conditions and are to be read and interpreted in conjunction with the provisions of the purchase order. Wherever used in the following provisions, “Contractor” and “Vendor” shall have the same meaning. Contractor and/or Vendor – any party to which a Purchase Order is issued.

A. ADDITIONAL PROVISIONS -- Invoicing

To receive compensation under the Purchase Order, the Contractor shall submit a signed Final Invoice Form. The Invoice Form must be submitted no later than **forty-five (45)** calendar days after the end of the billing period for which services were rendered. Expenditures shall be in accordance with the Statement of Work and Budget.

The Contractor shall submit the following documentation with the completed invoice; copies of receipts, the Final Report

1. Scan the completed and signed Invoice Form (and supporting documentation) into an electronic document. Email the Invoice form (and supporting documentation) to: Mark Rudolph, Environmental Protection Specialist, mark.rudolph@state.co.us

Final billings under the Purchase Order must be received by the State within a reasonable time after the expiration or termination of the Purchase Order; but in any event no later than **forty-five (45)** calendar days from the effective expiration or termination date of the Purchase Order.

VIII. Monitoring:

CDPHE’s monitoring of the purchase order for compliance with performance requirements will be conducted throughout the purchase order period by the CDPHE Project Manager. Methods used will include a review of documentation determined by CDPHE to be reflective of performance to include progress reports digital photographs, invoices and narrative reports describing work performed or completed and other fiscal and programmatic documentation as applicable. The Contractor’s performance will be evaluated at set intervals and communicated to the contractor.

IX. Resolution of Non-Compliance:

The Contractor will be notified in writing within **ten (10)** calendar days of discovery of a compliance issue. Within **fifteen (15)** calendar days of discovery, the Contractor and the State will collaborate, when appropriate, to determine the action(s) necessary to rectify the compliance issue and determine when the action(s) must be completed. The action(s) and time line for completion will be documented in writing and agreed to by both parties. If extenuating circumstances arise that requires an extension to the time line, the Contractor must email a request to the CDPHE Project Manager and receive approval for a new due date. The State will oversee the completion/implementation of the action(s) to ensure time lines are met and the issue(s) is resolved. If the Contractor demonstrates inaction or disregard for the agreed upon compliance resolution plan, the State may exercise its rights under the Terms and Conditions of this Purchase Order.

X. Attestation:

The Vendor agrees to perform services in accordance with the terms and conditions of the Purchase Order to include Statement of Work and Budget.

Contractor Name (Print) and Title

Contractor Signature

Date

Town of Marble

STOP WORK ORDER NOTICE OF VIOLATION NOTICE TO CEASE AND DESIST

Date: July 5, 2022

Owners: Glenn A. Smith and Patsy M. Smith

21 Rampart Place

Parachute, CO 81635

cc: CuzGlenn1949@smithfamilycolorado.com; samantha.smith.wilkey@gmail.com

Mariosmarble@yahoo.com; crystalriverjeeptours@gmail.com

Property: LOTS 4 & 5, BLOCK 3, MARBLE SKI AREA SUBDIVISION, FILING NO. 1 (also known as 575 W. Park St.)

You are hereby notified that work being performed at the above-described Property is in violation of the Town of Marble On-Site Wastewater Treatment System Regulations (“OWTS Regulations”), Building Code, and Zoning Code. Violations include, but are not necessarily limited to:

1. Parking and occupancy of a camping unit on the Property in violation of Sections 7.7.10, 7.7.30, and 7.7.50 of the Marble Zoning Code (Note, occupancy of the camping unit as a construction trailer has not been approved by the Board of Trustees as required by Section 7.7.30.);
2. Construction of an OWTS in violation of Section 4.1 of the OWTS Regulations;
3. Construction of an approximately 1,025 square-foot garage structure without any permit;
4. Excavation to the water line located on Town property prior to receipt of a building permit, contrary to the regulations of the Marble Water Company, and leaving such excavation in a condition that is a risk to public health and safety, see Section R114 of the Town’s Building Code (International Residential Code-2003), prohibiting work in an unsafe and dangerous manner;
5. Utilization of the property for a commercial business in violation of the Town of Marble Zoning Code, see Section 7.2.20 of the Zoning Code identifying uses by right in the Residential Zone. The jeep rental business has not been established as a home occupation that meets the criteria of Section 7.2.50.C.

WORK SHALL BE IMMEDIATELY STOPPED, except for work required to satisfy the conditions set forth below.

Conditions under which work will be permitted to resume:

- Immediate backfilling of any open excavations on Town of Marble right of way.
- Obtain a proper permit for the camping unit to be issued by the Marble Board of Trustees.
- Submittal of a complete OWTS permit application, including required fees, plans, and soils reports; and issuance of an OWTS permit;
- Submittal of a complete building permit application for the proposed structure, including required fees and plans; and issuance of a building permit;
- Submittal of a complete building permit application for the existing shed;
- In order to resume any operations related to the jeep rental business, approval of a re-zoning of the property to Business, or approval of the business operations on terms and conditions to ensure compliance with the requirements to be a Home Occupation.

Any continuance of conduct or conditions in violation of this Stop Work Order shall be subject to penalties as prescribed by law.

The Town reserves the right to pursue all available corrective measures and other civil and criminal remedies, including those outlined in Sections 7.4.10.C-G of the Zoning Code, and Sections 5.I and J of the OWTS Regulations.

DocuSigned by:
Ron Leach
83BA3CB97ED4417...

7/5/2022

Ron Leach, Town Administrator and Building Official

Date

Town of Marble
Ordinance Number 3
Series of 2022

AN EMERGENCY ORDINANCE REGARDING FIRE RESTRICTIONS

WHEREAS:

- A. The Town of Marble (the “Town”) is a statutory town organized pursuant to Colorado Law; C.R.S. §31-1-101 *et seq.*;
- B. C.R.S. § 31-15-401(1)(q)(I) authorizes the Town to “control and limit fires, including but not limited to the prohibition, banning, restriction, or other regulation of fires and the designation of places where fires are permitted, restricted, or prohibited;”
- C. C.R.S. § 12-28-107 authorizes the Town to regulate the use of fireworks;
- D. The Town is located in Gunnison County;
- E. Gunnison County has adopted Resolution No. 2022-13, which delegates authority to the Gunnison County Sheriff to declare, modify, and rescind Stage 1 and Stage 2 fire restrictions within Gunnison County;
- F. The Board has determined that it is desirable for the Town to be able to move in and out of Stage 1 and Stage 2 fire restrictions without time delay associated with arranging a meeting of the Board of Trustees; and
- G. The Board has determined that it is desirable for the fire restrictions inside the Town to be consistent with the fire restrictions in the surrounding unincorporated areas of Gunnison County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MARBLE, COLORADO THAT:

1. The Town incorporates and adopts as the law of the Town of Marble, any fire restriction that may be imposed from time to time by the Gunnison County Sheriff pursuant to Gunnison County Resolution No. 2022-13 that affects private property in the unincorporated area of Gunnison County adjacent to the Town. Any such restriction shall be enforceable by the Town of Marble as if fully set forth in this Ordinance. The Town Administrator shall take reasonable measure, including posting on the Town website, to ensure that the public is informed as to the level of fire restriction in effect at any time.
2. Violation of the restrictions adopted by this ordinance shall be punishable by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.
3. Emergency Certification. It is hereby found and declared by the Town of Marble that wildfires are likely to result in infliction of serious personal injury or death, and are likely to

result in substantial injury or destruction of property within its jurisdiction, and it is necessary that this ordinance become effective immediately. Therefore, an emergency is hereby declared to exist, and this ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

4. This Ordinance shall expire on December 31, 2022, unless sooner expressly repealed or amended by a subsequent Ordinance passed by the Board.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED IN FULL on July 7, 2022, by a vote of ___ in favor and ____ opposed.

TOWN OF MARBLE:

ATTEST:

Ryan Vinciguerra, Mayor

Ron Leach, Clerk