

Minutes of the Town of Marble
Regular Meeting of the Board of Trustees
July 11th, 2019 7:00 P.M.

A. Call to order & roll call of the Regular Meeting of the Board of Trustees – Mayor Ryan Vinciguerra called the meeting to order at 7:10 p.m. Present: Ryan Vinciguerra, Charlie Manus, and Larry Good. Absent Emma Bielski, Tim Hunter. (Tim arrived at 7:40 p.m.) Also present: Ron Leach, Town Administrator and Terry Langley, minutes.

B. Approve previous minutes – Larry Good made a correction under G. New Business concerning Carbonate Creek. It should read water rights rather than water fights. Larry Good made a motion to approve the minutes with the correction. Charlie Manus seconded and the motion passed unanimously.

C. Clerks Report

a. Current bills payable June 7th 2019, Ron – Bills to be paid are listed on page 10 of the packet. A question was asked about why there were three payments to the Hub. Ron explained that one was for last month's management fees, one from October 2018 that was never paid and one for the website development for the parking permit program. Ryan said that campground management would be moved into the campground account. Larry asked about the mowing bill and Ryan explained that RPS has added Thompson Park to the mowing. Larry Good made a motion to pay the bills as listed. Charlie Manus seconded and the motion passed unanimously. Ron asked that the board look at the budget to date. The total expenses through July are 56.1% of the total budget. We are currently under budget by almost 2%.

b. Consider approval of Resolution 2-2019 establishing a CSAFE account, Ron – Ron said that there needs to be a policy on how to move money into and out of the account. He recommends having two of the three possible signatories (Mayor, Mayor Pro Temp and/or Town Administrator). Last month Ryan proposed moving the mineral fund (\$145,000.00) be placed into CSAFE and the money market funds (\$30,000.00) into CDs. Charlie Manus made a motion to approve Resolution 2-2019. Larry Good seconded and the motion passed unanimously.

c. Lead King Loop (LKL) working group report, Ron – Ron reported that the next conference call would be next Tuesday, July 16, 2019. Ron reported that Corrinne Truesdell, a master level student at Western Colorado University in Environmental Sustainability will assist the group over the next year with planning, processing and facilitating public meetings. She has spent one day in the area already and will be here again tomorrow, Friday July 12. The goal of the group is to make the LKL available to the public and to make it sustainable. The plan is to have a public meeting in August, date to be determined. It is hoped that the County Commissioners will be here in August or September for their annual visit to Marble and that there can be discussion regarding funds to support Corrinne. There has been a grant awarded from the Gunnison Valley Community Foundation in the amount of approximately \$2,000.00. In addition, the Crystal River Chamber has donated \$1,000.00, and Beaver Lake Lodge contributed \$102 from the songwriter's events with more to come. Western CU thinks this project is ripe for a grant from Department of Local Affairs (DOLA) from the State of Colorado and they will write and submit it for us. We need a lead agency in the effort to sign the applications. The current group is an ad hoc group and the lead agency needs to be more formal. Nial O'Connor asked what the town's goal is with this effort. Ryan said that traffic has the most immediate impact for the town, but other entities/agencies are

involved and they also have goals. Nial asked if the goal is for Ms. Truesdell to be part of the solution? Ryan said data collection and processing would be part of what she will be doing.

d. Broadband internet report, Bart Weller – Bart introduced Gretchen Geary, Cedar Networks, a Carbondale company. She explained that their company has been building fiber optics into towns in Colorado and New Mexico. They are a locally owned company. The State of Colorado has issued a High Cost Fund Grant which is time sensitive and will need to be submitted by January. Department of Regulatory Affairs (DORA) is a grant that provides 75% of cost. The next step is to determine who wants it and to conduct a speed test. They work with Holy Cross and she needs to determine where the poles are in order to engineer and do cost estimates. Brian Sutter asked about underground lines. Gretchen said that poles are less expensive but they do underground where needed. Bart said that fixed wireless is another option. The DORA grant would get fiber from Carbondale to Marble. Connie Manus asked why this was better and the answer is that it is faster (about 100 times) and more reliable. Charlie asked about using existing Century Link fiber that currently ends at CR 3 & 133. Gretchen said that they have access to Century Link fiber and it is an option along with microwave through Pitkin County, or a Holy Cross partnership for three options. Larry asked if the town needed to match any funds. The 25% is what would be needed, but it does not necessarily have to come from the town. She needs 60% of existing households to want it and thinks that is achievable. She needs letters of recommendations from groups who would support this, such as the fire department Holy Cross, the town and the county. Monthly cost is \$60.00 for one gig and an option for a land line at \$10.00 with no change in phone number. There will be a website available for the survey and speed test with all information remaining confidential. Larry suggested having this information in the next newsletter. Board gave their blessing to start the process.

D. Mayor's Comments

a. Discussion of Short-Term Rental proposal, Ryan – The draft ordinance was in this month's packet along with the red lined version. Larry asked about section e, limitations & requirements – limiting owners to two short term licenses. He said the idea was to have oversight over the burgeoning short-term rental market, but the committee never talked about having two licenses available to each person, they felt one was enough. Ryan said the board had discussed this. He feels that, since there are people in town with two currently and they are not trying to make short term rentals their primary income, two is not a problem. Tim agreed that two would be alright. Charlie agreed. Amber McMahill said there was really no difference with one person having three or three people having one. Gary Bascom said that there is someone who already has two and limiting this to one would mean they would have to cut one of those. He said that, additionally, the committee was disbanded over a year ago and numbers were not discussed.

Judy Morande asked about enforcement and who would address complaints. Ryan said that business licenses and reviews would be part of this.

Martha Roberts asked what started this. Ryan explained that this was becoming a problem in other communities to the point that communities as such were being lost. Safety violations, party rentals and loss of long-term rentals are other issues. One purpose is to monitor the numbers so that this doesn't happen in Marble.

Gary said he has a problem with requiring inspections and feels that a self-check list is sufficient. The board agreed that is not necessary.

Additionally, he asked about requiring a secondary responsible person. Ryan explained that this is just if the primary is not available. It would not be a requirement, just information. It could be listing both home and cell lines. He also does not want this available for public use as listed in 10-50 #3. It should be kept within the town complaint system. The board agreed that this was not needed.

Brian Sutter wanted to expand on the issues brought by Gary. He feels that the inspection issue needs to go to an attorney who knows what they are talking about because this can become a due process issue. Additionally, requiring a designated responsible party presents a problem for anyone who has no one to be a second designated responsible party. This is a legal term which would exclude him from being a short-term rental owner.

Gary suggests starting this when the next business licenses are due to allow time for education.

Larry Good made a motion to remove the two clauses 7.1.5 3 and 7.1.7 g. Tim Hunter seconded and the motion passed unanimously. Further review is tabled until next month.

b. Discussion MCS Special Event Liquor Permit application for Lead King Loop Race, Ryan – Ryan said that selling beer is an amenity offered at many other races. Amy Rusby explained that this is the 16th year for this fund raiser. Many racers have requested that beer be served as it is in other races. She has researched the legal requirements including signage and i.d. check. Izzy Palen asked about school liability. Amy said since the Aspen Valley Land Trust (AVLT) holds the title to the location and the race has its own liability insurance, the school is not liable. Ryan said that this was just to introduce the idea and it will require public posting 10 days before it comes for a vote. Tim suggested waiving the town special event application fee.

E. Current Land Use Issues

a. Discussion of Slow Groovin land lease expansion application, Nial – Ryan recused himself and handed the floor to Tim Hunter, Mayor Pro Temp. Tim explained that the lines that had been laid out in the previous application did not include the fence and currently the fence would be going through the middle of the yard. The request is to extend the lease closer to the street to encompass all of the grass area. Larry asked about the square footage originally and how it would change. Nial said this was an additional 6 feet of steep hill and this request is to make it more aesthetically pleasing due to the addition of the fence. This would be a temporary fence during the operating season (May 1-Oct. 31). The board agreed that the fence is needed for safety and placing it closer to the road is safer. Larry Good made a motion to amend the lease as requested. Charlie Manus seconded. Kendall will be directed to amend the lease. Discussion of starting the fence before the lease is signed followed. Ron suggested waiting until the lease is signed on Aug. 1. The motion passed unanimously with Ryan recused.

F. Old Business

a. Parking program report, Ryan – Ryan reported that the town is still waiting on a response from the SBA. There is new signage up. Martha asked about ways of keeping people on the pavement rather than driving around the speed bumps. Tim said that there would be posts with reflectors up soon. Connie asked about stopping speeding and limiting traffic on Main Street past the school. Tim said that Crested Butte put planters in the center of the street. Speed dips are an option. Speed bumps cannot anchor well in dirt. Nial asked about the free parking permits while waiting on the SBA. Ryan said that they can look at that now that the signs are up.

b. Roads & River report, Tim – Tim stated that we dodged a bullet on the run off. It is still high but is falling. We have sandbags for any future issues. Steve Lucht asked about the June meeting minutes concerning the water rights/ownership on Carbonate Creek. He said that in 1909 it was platted as Center Street with 60' right of way so the town does own some of that land. He talked about dredging and where to put materials that are removed. Tim is investigating and knows that dredging is allowed. He has looked at renting a crusher to make it into gravel, but needs permission to use county equipment. Ryan and Tim agreed that this needs to be pursued before it becomes an issue again.

c. Campground report, Jim – Jim reported many happy campers! Two new picnic tables have been installed and two more on the way. It is full on weekends now that the weather has warmed up. June was down due to the weather. July has already exceeded last year. Reservations are almost at 100%. Fees have been added for people bringing ATVs, dogs, extra vehicles and extra people with no complaints. They have taken in \$33,597.00 so far this year. They have had requests for dry camping during hunting season. Jim said there had been a request for separate doors to the showers and toilets because if someone is in the shower, people have to wait for the toilets.

d. Jim is waiting for SBA approval before restriping the parking.

G. New Business

a. Recycle program, Ryan – Ryan reported that one possibility is south of the campground. Valley Garbage will provide the containers and pick up. It will need to be staffed. Martha asked about costs and who it would be limited to. Ryan reported that costs would be paid by the town and there are currently no plans to limit who can use the service. Brian asked if they would take magazines/junk mail. Amber reported that there are grants to start up and to maintain recycling through the schools.

b. Other – Will reported on Marble Fest Aug 10-11 from 12-10 on Saturday and 12-7 on Sunday. Bands are lining up. Sponsors are being found. Amber asked for funds from the community engagement fund (\$500.00 for a sound guy and \$400.00 for port-a-potties. This fund was designed to help with special events and is budgeted at \$1500.00. Ryan suggested also setting up a GoFundMe page. or special events and is budgeted at 1500. Larry Good made a motion to fund the request. Charlie Manus seconded and the motion passed unanimously.

c. Martha Roberts asked about her request to be put on the agenda for discussion regarding Mike Yellico's dogs. Ryan said he had hoped not to have it as an agenda line item. He has tried to work with both Martha and Mike and Emma. He reported that Mike is working on the problem. Mike has bark collars (as of today) on the dogs and brings them in at night. Martha said that she likes dogs and than any dogs that come on her property get petted and pampered. She just does not want to listen to dogs barking through the night and she feels that further problems can be eliminated easily. She feels that this can be eliminated forever and she proposes that the town gives him something that he signs stipulating that he will keep his dogs quiet 24/5 365 days a year. She will never mention this again. Ryan said that the town will take a look at that proposal and that they are taking the issue seriously. Martha said that he had a year to put on bark collars and he had not done it. Ryan said that it had been done as of this date and she responded that it was a year late. She said that Jim is able to stop barking dogs at the campground and that other people keep their dogs quiet. Ryan said that they take this seriously and are in direct contact with Mike. Martha reported that the last summer her husband J.D.

was able to be in the valley was miserable for him. Although he could not hear a lot of things, the dogs kept him awake constantly, making his life miserable. He was unable to sleep that last year due to the dogs. He was in bad health and did not deserve that. She has tried talking to Mike and to the town. She resorted to going over a blowing a horn because she had to have some peace and quiet for J.D. She has to have some peace for her own health.

H. Adjourn – Larry Good made a motion to adjourn. Charlie Manus seconded and the motion passed unanimously. The meeting was adjourned at 9:28 p.m.

Respectfully submitted,

Terry Langley