



## REGULAR MEETING OF THE BOARD OF TRUSTEES

April 25, 2023 at 5:00 PM  
0110 Whispering Pines Circle, Blue River, CO

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### MINUTES

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**The public is welcome to attend the meeting either in person or via Zoom.**

**The Zoom link is available on the Town website:**

**<https://townofblueriver.colorado.gov/board-of-trustees>**

**Please note that seating at Town Hall is limited.**

#### **5:00 PM WORK SESSION:**

Land Use Code Chapter 16 C

Town Attorney Widner presented Chapter 16C to the Board and noted this is the last chapter to review. He noted that it will be reviewed with redlines before final adoption.

Chapter 16C describes the process for applying for a permit. The process laid out is consistent with how permits are currently processed by staff. It was noted the biggest change was within the application and review process for a variance.

Chapter 17 is the last section and is exactly as it exists today and was updated two years ago. It was noted a "unified code" will be developed for future reference.

The next Trustees meeting will include the final redlined version. Planning and Zoning will also receive the document for a recommendation at the June meeting. The clean version will come to the Trustees in June for approval by ordinance. Both reviews will include a public hearing. It was noted that overtime it can be modified to fit future needs if they change.

Attorney Widner discussed SB23-213. The bill was an effort to take control from local government for zoning and land use in an effort to address affordable housing. It was noted that the bill wouldn't have applied to Blue River, however it applied to many municipalities within the State. He noted there was a large pushback from municipalities from throughout the state creating several amendments. He noted as of today, the bill was gutted, and all preemptions were removed allowing control to remain with local

governments. The only preemption left in concerned occupancy limits. Local governments cannot put limitations on the number of unrelated people living in a home.

Attorney Widner noted that municipalities retain control of regulations surrounding short-term rentals including occupancy.

### **6:00 PM REGULAR MEETING:**

#### **I. CALL TO ORDER, ROLL CALL**

PRESENT

Mayor Toby Babich

Trustee Joel Dixon

Trustee Mark Fossett

Trustee Noah Hopkins

Trustee Ted Pilling

Trustee Ted Slaughter

Excused- Trustee Kelly Finley

Also present: Town Manager Michelle Eddy; Town Attorney Bob Widner attended via Zoom.

#### **II. APPROVAL OF CONSENT AGENDA**

Motion made by Trustee Fossett, Seconded by Trustee Slaughter to approve the consent agenda. Voting Yea: Mayor Babich, Trustee Dixon, Trustee Fossett, Trustee Hopkins, Trustee Pilling, Trustee Slaughter

A. Minutes for March 21, 2023

B. Approval of Bills-\$55,236.14

#### **III. COMMUNICATIONS TO TRUSTEES**

**Citizen Comments (Non-Agenda Items Only- 3-minute limit please). Any written communications are included in the packet.**

Mayor Babich noted public comment rules and regulations. Noting this is the time for any public comments.

Dan Cleary-Rustic Terrace asked the Trustees to consider public comment at the end of the meeting. He asked if the Land Use Code will be published online. Manager Eddy noted it would be.

Lubos Hlahulek- Starlit clarified the discussion of Sherwood/Starlit and asked to be allowed to comment at the end. Mayor Babich noted the Trustees have received his email and there will be an opportunity in the future for the public/neighborhood to comment before any plan is approved.

#### **IV. NEW BUSINESS**

##### **C. Summit County Emergency Management-Brian Bovaird, Director**

Manager Eddy noted the Emergency Management Director was unable to attend this evening.

##### **D. Sherwood & Starlit Intersection Review-Muller Engineering**

Audrey Rogers and Whitney Guerin, representatives from Muller Engineering presented information on the challenges occurring at the intersection and possible solutions. A memo and map were provided for review and is posted on the Town website.

Discussion on whether or not to run the culvert across Starlit to the south side versus where it sits now. Whitney noted the grades would need to be evaluated. Audrey concurred that it may be possible but would need to elevate the southwest corner.

Trustee Dixon noted this intersection has historically been an issue. He noted the three solutions provided may not adequately resolve the issue. He suggested possibly realign the road within the easement and perhaps do diversion prior to the intersection and replace the culvert.

The engineers noted there is potentially an opportunity to explore these ideas. Coordination with other residents would need to be involved. Manager Eddy suggested potentially relooking at the previously proposed capital project and determine a more permanent fix versus a maintenance fix.

Trustee Fossett expressed an interest in looking at a larger capital project versus maintenance including fixing the road within the prescribed easement.

It was asked why heat tape is not a good solution. The engineers noted a source of power is an issue and the issue of the pipe being plastic presents an issue. The engineers noted that it is not a viable long-term solution and would need additional research.

Trustee Pilling agreed with Trustee Fossett's comments. He noted a concern of the downstream effect and would want that addressed as well.

Trustee Hopkins noted a need to get the water to its natural flow.

Mayor Babich noted there is a need for a short-term fix as well as a need for long-term solutions. It was noted that if a culvert short-term fix is sought it may be able to be used in the bigger long-term permanent fix noting there is always a risk of damage and the cost would essentially be double as it would still need to be done twice even if reused. The Engineers suggested a potential concrete pipe may be a better solution. Without a good ditch downstream, it will still freeze in the short-term.

It was agreed to find a short-term solution while a larger permanent project is developed. Suggestion to keep ditch insulated, increasing the ditch downstream and increasing the culvert size in the short-term would be a start.

Decision to have a more thorough inspection and a site meeting to be held and next month come back with estimated cost to provide for a short-term solution. Recommendation to have new surveys conducted now versus waiting. It was noted ideally most if not all of the snow is melted for the site visit. The engineers noted GIS equipment could be used for some baseline assumptions while waiting for a survey.

Consensus to move forward with a survey. The Town Manager was directed to coordinate a site visit. It was agreed to develop a larger capital project as a permanent fix.

#### E. Review of Trails Mapping scope and estimate from Muller Engineering

Muller Engineering provided a scope of work and cost estimate to develop an online interactive map for the proposed trail system in town. Data was received from the Committee had been provided to the engineers.

Trustee Dixon expressed no need for the map if it doesn't include the exclusions of social trails and other exclusions. As presented, he would not be in favor of moving forward.

It was suggested to reframe the "social" trails as potential or proposed trails. The engineers stated these trails would need to be incorporated into the GIS and added to the scope. The engineers will follow up with the team to better answer the questions.

Request to include platted pedestrian easements. The proposal is a baseline to get started. It was recommended to develop a list of what additional items are desired with the Trails Committee to add before project is approved. It was recommended to provide examples of what everyone is wanting to see.

It was recommended to have Trustee Dixon and Vice Chair Semmer as well as staff meet with the engineers to develop a better outline for a plan. Jason Campbell with Muller Engineering GIS was able to join the meeting and provide additional information on the scope provided. He noted that this a base level scope and will develop to include the information that has been provided. Discussion to include the proposed "social" trails as well as the platted trails.

F. Discussion of SB 23-213 and its potential impacts on the Town of Blue River.

Attorney Widner discussed this under the work session.

G. Set a date for a special meeting for review of proposed trails.

A discussion of potential dates and routes for the Trustees and Trails Committee to conduct site visits. Discussion to conduct in the next 30 days and perhaps early morning. Mayor Babich noted it is needed to determine where to go and then send out a Doodle Poll to determine who may be able to attend. He suggested to have Deputy Clerk DeBee work with the Committee to lay out a plan. Once a plan/route is determined, notification to property owners will be sent if necessary as well as notification of the meeting.

H. Approval for the Mayor to sign the Intergovernmental Agreement for Summit County Child Care Tuition Assistance

The Mayor stated this had been budgeted to provide \$25,000 for tuition assistance and the Town Attorney didn't have any issues with the IGA.

Motion made by Trustee Fossett, Seconded by Trustee Slaughter for the Mayor to sign the final Intergovernmental Agreement for Summit County Child Care Tuition Assistance. Voting Yea: Mayor Babich, Trustee Dixon, Trustee Fossett, Trustee Hopkins, Trustee Pilling, Trustee Slaughter

**V. ORDINANCE CONSIDERATION FOR APPROVAL**

I. Ordinance 2023-01 Amendment to Building Code

Kyle Parag, Building Official with Charles Abbott provided a memo explaining the need for the Code adjustment. Attorney Widner noted it is more consistent with the public hearing requirement for ordinance adoptions.

Motion made by Trustee Fossett, Seconded by Trustee Slaughter to approve Ordinance 2023-01 Amendment to Building Code. Voting Yea: Mayor Babich, Trustee Dixon, Trustee Fossett,

Trustee Hopkins, Trustee Pilling, Trustee Slaughter

## VI. REPORTS

### J. Mayor

Mayor Babich reported a meeting was held with First Bank concerning the Town account. Trustee Fossett stated the account was a non-interest-bearing account and is being moved to another account with 4% interest and will be reviewed in six months. Additional options will be reviewed. In addition, signatories were updated.

### K. Trustees

- i. Citizen Advisory Committee - Trustee Finley
- ii. Open Space and Trails Committee - Trustee Dixon
- iii. Planning and Zoning - Trustee Hopkins
- iv. Transit Authority - Trustee Pilling
- v. Wildfire Council - Trustee Slaughter
- vi. CDOT - Trustee Fossett

**Citizen Advisory Committee** - Trustee Finley was excused. Manager Eddy provided an update on the dark skies survey sent out by the Committee. The Committee will review and provide a recommendation in May.

**Open Space and Trails Advisory Committee** - Trustee Dixon-no report.

**Planning and Zoning Commission**- Trustee Hopkins reported the Commission approved a single family home project.

**Transit Authority** - Trustee Pilling provided an update on bus stops and a grant for micro transit study. Trustee Pilling will recommend Blue River as a study potential.

**Wildfire Council** - Trustee Slaughter reported he met with Captain Matt Benedict on insurance rates and what the Wildfire Council is doing to address the issue. He stated there will be future field trips to view projects conducted in the area.

**CDOT** - Trustee Fossett had no report.

### L. Attorney-Discussion Home Rule vs. Statutory Powers

Attorney Widner provided information on the differences of home rule versus statutory. He reviewed the process for moving to become a home rule community.

Discussion of benefits and reasons to go home rule. Discussion that it could be considered for the future. State law has changed to allow towns without a post office to be able to apply for their own zip code.

M.Staff Reports

## **VII. OTHER BUSINESS**

Additional Citizen Comments Sherwood/Starlit Project:

Dan Cleary-Rustic Terrace commented heat tape would move water however, he noted he didn't want to provide a professional comment. He also suggested a drywell. The engineers stated it could be looked at along with water rights concerns, however additional engineers would need to be brought in to address these factors.

Lubos Hlahulek-Sherwood, provided additional information on the intersection for the engineers.

## **VIII. ADJOURN**

Motion made by Trustee Slaughter, Seconded by Trustee Fossett to adjourn at 8:29 p.m. Voting Yea: Mayor Babich, Trustee Dixon, Trustee Fossett, Trustee Hopkins, Trustee Pilling, Trustee Slaughter

## **NEXT MEETING - May 16, 2023**

Respectfully Submitted:

Michelle Eddy, MMC

Town Clerk

*Reports from the Town Manager, Mayor and Trustees; Scheduled Meetings and other matters are topics listed on the Regular Trustees Agenda. If time permits at the work session, the Mayor and Trustees may discuss these items. The Board of Trustees may make a Final Decision on any item listed on the agenda, regardless of whether it is listed as an action item.*