



## BLUE RIVER BOARD OF TRUSTEES MEETING MARCH 2024

March 14, 2024 at 5:00 PM  
0110 Whispering Pines Circle, Blue River, CO

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### AGENDA

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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:

[Evaluation](#) of Town Safety Plans

#### 6:00 PM REGULAR MEETING:

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

##### II. APPROVAL OF CONSENT AGENDA

[A.](#) Minutes for February 8, 2024

[B.](#) Approval of Bills-\$99,852.26

##### III. COMMUNICATIONS TO TRUSTEES

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

[C.](#) Written Communications to the Trustees

##### IV. NEW BUSINESS

[D.](#) Spruce Creek Road

[E.](#) Approval of 2024 High School Scholarships

[F.](#) Town Map Discussion

[G.](#) Snow Removal Hauling

##### V. REPORTS

[H.](#) Mayor

**I.** Trustees

**J.** Attorney

**K.** Staff Reports

**VI. EXECUTIVE SESSION**

**VII. ADJOURN**

**NEXT MEETING -**

April 11, 2024

*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.*



# Town of Blue River Memorandum

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TO: Mayor Babich & Members of the Board of Trustees

FROM: Town Manager Michelle Eddy;

DATE: February 28, 2024

SUBJECT: **Safety Plan Discussion**

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## **Types of emergencies that the Town of Blue River is exposed to:**

- Wildfire
- Flooding
- Wind
- Winter snowstorms

## **Additional Emergencies**

- Active shooter
- Cyber Security

## **Existing Plans**

- Summit County Multi-Hazard Mitigation Plan
  - Annex B is specific to Blue River
    - The Plan identifies the various hazards, their threat level and potential mitigation information.
- Cyber Security Plan

## **Responsibilities during emergencies**

Depending on the location, type and level of emergency, the Town of Blue River may be the initial and primary contact and coordinator. However, in most cases, additional resources would be requested from law enforcement, fire and administration. These entities would be requesting assistance from the Sheriff's Office and Emergency Management. In cases of wildfire, if the fire is on USFS lands, the USFS would be the lead.

Both the Town Manager/Clerk and Deputy Clerk are members of the Summit County Public Information Officers group as the Town of Blue River PIO's. Communications to residents, Trustees and outside entities/media come from PIO's in coordination with emergency management, law enforcement and fire. The Town Manager/Clerk is responsible for direct communication with the Trustees.

Information on elected official responsibilities was presented by the Summit County Emergency Manager. The video was sent to all Trustees.

## **Staff Training Completed**

All Town Staff are First Aid/CPR Certified

### *Town Manager/Clerk*

- Cyber Security
- Active Shooter
- PIO Training
- FEMA Training
  - ICS-100: Introduction to the Incident Command System
  - ICS-200: ICS for Single Resources and Initial Action Incidents
  - IS-42: Social Media in Emergency Management
  - IS-700: National Incident Management System, an Introduction
  - IS-702: NIMS Public Information Systems
  - IS-800: National Response Framework, an Introduction

### *Deputy Clerk*

- PIO Training
- FEMA
  - ICS-100.C Incident Command System Training

### *Chief of Police & Officers*

Certified Peace Officers with ongoing training for firearms; emergency response and requirement to maintain POST Certifications. In addition officers have completed FEMA emergency response training.

### Additional Certifications by Officers:

- Incident Response to Terrorist Bombings
- Patrol Response to Critical Incidents-Active Shooter
- Tactical Critical Care-Combat first aid
- FEMA IS-700.a NIMS Introduction
- FEMA IS-100.b Introduction to Incident Command System
- FEMA IS-200.b ICS for Single Resources and Initial Action Incident
- FEMA IS- =800.b National Response Framework Introduction

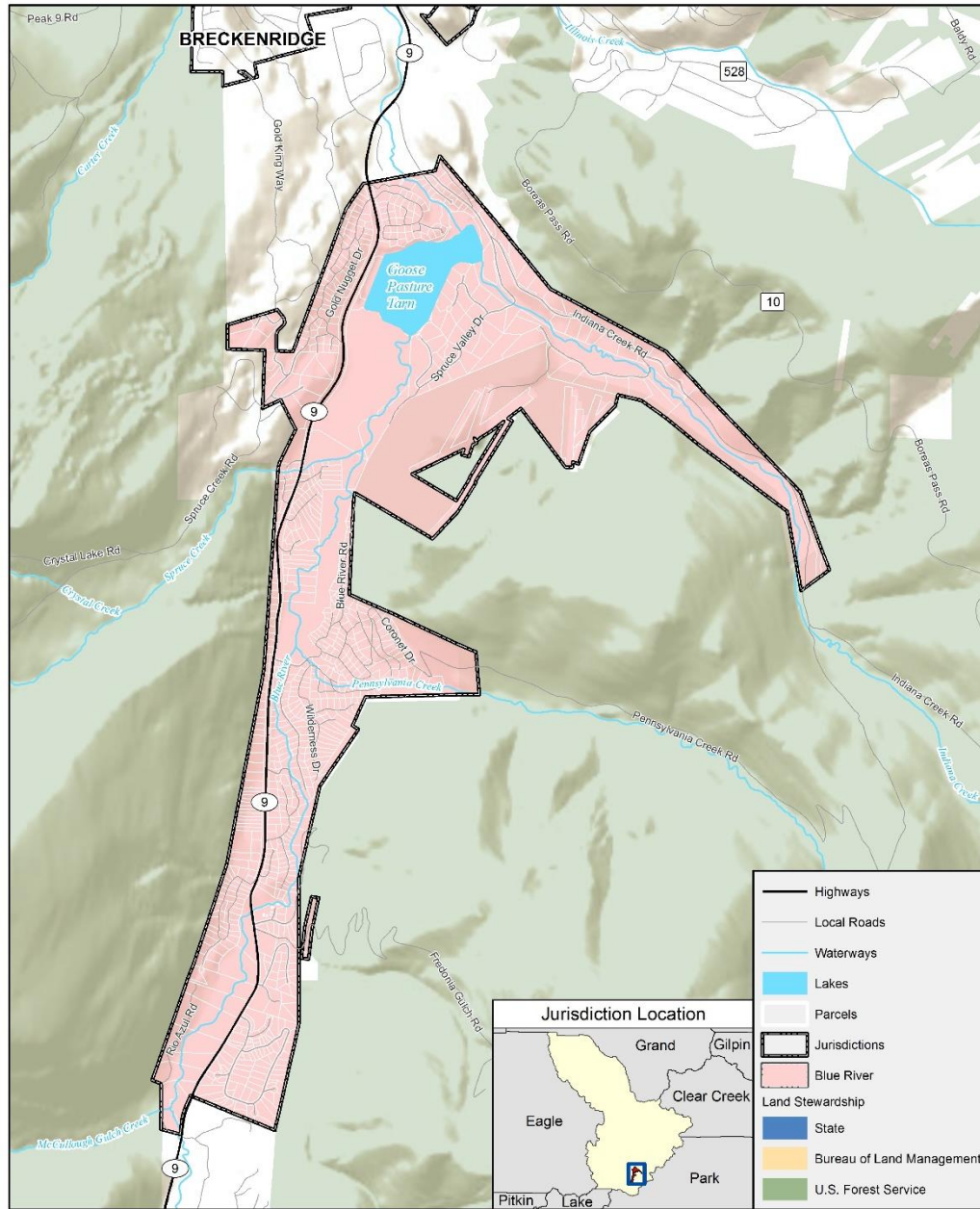


# ANNEX B: TOWN OF BLUE RIVER

## B.1 Community Profile

Figure B-1 shows a map of the Town of Blue River and its location within Summit County.

Figure B-1 Town of Blue River



Map compiled 11/2019;  
intended for planning purposes only.  
Data Source: US Census TIGER  
Database, CO Open Data Portal,  
CO BLM, Summit County, ESRI World  
Terrain Basemap





## B.1.1 Geography

The Town of Blue River has a total area of 2.3 square miles. It is located along the Blue River approximately four miles south of the Town of Breckenridge at an elevation of 10,020 feet above sea level. Indiana Creek, Spruce Creek, Pennsylvania Creek, and McCollough Gulch Creek are all tributaries that flow into the Blue River (the main waterway) within Town.

## B.1.2 Population

According to the Colorado State Demographer, the estimated 2018 population of Blue River was 926, a population change of 73 from the 2010 Census numbers although the exact number fluctuates from year to year. Select U.S. Census American Community Survey (ACS) demographic and social characteristics for Blue River are shown in the following tables and figures.

Table B-1 Blue River Demographic and Social Characteristics 2012-2017

Town of Blue River	2012	2017	% Change
Population	890	932	5%
Median Age	39.0	39.3	0.8%
Total Housing Units	732	738	0.8%
Housing Occupancy Rate	49.0%	35.4%	-27.8%
% of Housing Units with no Vehicles Available	0.00%	0.00%	0.0%
Median Home Value	\$616,000	\$605,500	-1.7%
Unemployment	11.5%	4.4%	-61.7%
Mean Travel Time to Work (minutes)	14.5	18.1	24.8%
Median Household Income	\$87,426	\$94,844	8.5%
Per Capita Income	\$40,613	\$50,376	24.0%
% Without Health Insurance	16.9%	13.3%	-21.3%
% of Individuals Below Poverty Level	11.0%	6.4%	-41.8%
# of Households	359	261	-27.3%
Average Household Size	2.48	3.11	25.4%
% of Population Over 25 with High School Diploma	98.2%	100.0%	1.8%
% of Population Over 25 with Bachelor's Degree or Higher	60.9%	55.2%	-9.4%
% with Disability	3.7%	3.3%	-10.8%
% Speak English less than "Very Well"	1.5%	0.0%	-100.0%

Source: U.S. Census Bureau, American Community Survey 5-Year Estimates, 2013-2017





Table B-2 Demographic and Social Characteristics Compared to the County and State

Demographic & Social Characteristics (as of 2017)	Blue River	Summit County	Colorado
Median Age	39.3	39.2	36.5
Housing Occupancy Rate	35.4%	30.80%	89.80%
% of Housing Units with no Vehicles Available	0.0%	1.60%	5.30%
Median Home Value	\$605,500	\$547,700	\$286,100
Unemployment	4.4%	2.60%	5.20%
Mean Travel Time to Work (minutes)	18.1	16.4	25.2
Median Household Income	\$94,844	\$73,538	\$65,458
Per Capita Income	\$50,376	\$37,192	\$38,845
% Without Health Insurance	13.3%	21.40%	9.40%
% of Individuals Below Poverty Level	6.4%	10.30%	11.50%
Average Household Size	3.11	3.1	2.55
% of Population Over 25 with High School Diploma	100.0%	93.40%	91.10%
% of Population Over 25 with bachelor's degree or Higher	55.2%	47.80%	39.40%
% with Disability	3.3%	6.10%	10.60%
% Speak English less than "Very Well"	0.0%	7.50%	6.00%

Source: U.S. Census Bureau, American Community Survey 5-Year Estimates, 2013-2017

Table B-3 Demographics by Race and Sex

Blue River	Population	%
Total Population	932	
Male	354	48.2%
Female	381	51.8%
White, not Hispanic	704	95.8%
Hispanic or Latino	13	1.8%
Black	3	0.4%
Asian	0	0.0%
American Indian and Alaska Native	0	0.0%
Native Hawaiian and Other Pacific Islander	0	0.0%
Some other race	16	2.2%
Two or more races	3	0.4%

Source: U.S. Census Bureau, American Community Survey 5-Year Estimates, 2013-2017





Table B-4 Types and Total Amounts of Housing Units in Blue River

Type of housing units	Total	Percentage
Total housing units	738	
1-unit detached	644	87.3%
1-unit attached	31	4.2%
2 units	23	3.1%
3 or 4 units	0	0.0%
5 to 9 units	18	2.4%
10 to 19 units	15	2.0%
20 or more units	0	0.0%
Mobile home	7	0.9%
Boat, RV, van, etc.	0	0.0%

Source: U.S. Census Bureau, American Community Survey 5-Year Estimates, 2013-2017

Figure B-2 Age Distribution in Blue River

Source: U.S. Census Bureau, American Community Survey 5-Year Estimates, 2013-2017

### B.1.3 Economy

The Town of Blue River is a residential community with little industry or commercial business. According to 2017 Census Bureau estimates, the industries that employed the highest percentages of Blue River’s labor force were professional, scientific, management, administrative, and waste management services (25.2%); educational services, and health care and social assistance (18.4%); retail trade (11.8%); finance, insurance, real estate, and rental and leasing (9.4%); construction (9.2%); and arts, entertainment, recreation, accommodation, and food services (9.3%).







As shown in Table B-1, per capita income in Blue River was \$50,376 in 2017, which is roughly 30% above average for both Summit County and the State of Colorado. A breakdown of Blue River's income distribution is shown in Table B-3.

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### Figure B-3 Income Distribution in Blue River as of 2017

Source: U.S. Census Bureau, American Community Survey 5-Year Estimates, 2013-2017

## B.2 Hazard Identification and Profiles

Blue River's HMPC identified the hazards that affect the community and summarized their geographic location, probability of future occurrence, potential magnitude or severity, and overall significance specific to the Town (see Table B-5). In the context of the countywide planning area, there are no hazards that are unique to Blue River.





Table B-5 Blue River Hazard Summary

Hazard Type	Geographic Location	Probability of Future Occurrence	Magnitude/Severity	Overall Hazard Rating
Avalanche	Isolated	Unlikely	Limited	Low
Dam Failure	Large	Unlikely	Critical	Medium
Drought	Large	Occasional	Limited	Low
Earthquake	Large	Unlikely	Limited	Low
Erosion/Deposition	Small	Likely	Critical	Medium
Flood	Small	Occasional	Limited	Medium
Hazardous Materials Release (Transportation)	Isolated	Unlikely	Limited	Low
Landslide, Mudflow/Debris Flow, Rockfall	Small	Occasional	Limited	Medium
Lightning	Large	Likely	Limited	Low
Pest Infestation (Forest and Aquatic)	Small	Highly Likely	Limited	Medium
Severe Winter Weather	Large	Highly Likely	Critical	High
Wildfire	Large	Likely	Critical	High
Wildlife-Vehicle Collisions	Small	Likely	Negligible	Low
Windstorm	Large	Likely	Limited	Low

Note: See Section 3.2 of the HIRA document for definitions of these hazard categories.

Information on past events for each hazard can be found in Section 3.2 Hazard Profiles of the main plan.

## B.3 Vulnerability Assessment

The intent of this section is to assess Blue River’s vulnerability to hazards separate from that of the planning area as a whole, which has already been assessed in Section 3.3 Vulnerability Assessment of the main plan. This vulnerability assessment analyzes the population, property, critical facilities, and other assets at for the more significant hazards or where available data permitted a more in-depth analysis. For more information about how hazards affect the County as a whole, see Chapter 3 Risk Assessment of the main plan HIRA document.

### B.3.1 Community Asset Inventory

Table B-6 shows the total number of improved parcels, properties, and their improvement and content values for the Town of Blue River. Note that only those parcels with improvement values greater than \$0, or those which were classified as “exempt,” were accounted here and in vulnerability assessments to follow, so that those non-developed or non-improved parcels were left out for the purposes of conducting the vulnerability assessments in this annex. Counts and values are based on the latest county assessor’s data (as of November 2019), which was provided in GIS format. Contents exposure values were estimated as a percent of the improvement value here and under the hazard vulnerability assessment, specifically: 50% of the improvement value for Residential structures, and 0% for Exempt parcels. These percentage calculations are based on standard FEMA Hazus methodologies. Finally, Total Values were aggregated by adding the improvement and content values for each parcel type category.

Table B-6 Blue River’s Improved Parcel and Property Exposure





Parcel Type	Parcel Totals	Total Properties*	Improved Value	Content Value	Total Value
Exempt	41	42	\$0	--	\$0
Residential	721	758	\$516,501,499	\$258,250,750	\$774,752,249
Total	762	800	\$516,501,499	\$258,250,750	\$774,752,249

Source: Summit County Assessors Data, November 2019.

\*Property totals were obtained by counting the number of separate property records that were part of the same parcels. As such, the improved values and subsequent totals stem from the total individual property records, not stand-alone parcel totals.

Table B-7 lists summary information about the 9 critical facilities and other community assets identified by Blue River’s HMPC as important to protect or provide critical services in the event of a disaster. Table B-8 details more information on the critical facilities in question found in the town and considered in the GIS analysis within each hazard’s vulnerability assessment for planning purposes, to estimate whether it might be at risk of the various hazards assessed. For additional information on the definitions behind each critical facility category, source, and other details refer to Section 3.3.2 of the main plan HIRA document.

Table B-7 Blue River Critical Facilities and Infrastructure Summary

FEMA Lifeline	Critical Facility Type	Total
Food/Water/Shelter	Static Water Structures	5
	Wastewater Facilities	1
Safety and Security	Fire Station	1
	Government Buildings	1
	Police Stations	1
TOTAL		9

Source: Summit County GIS, Summit County HMPC.

Table B-8 Detailed List of Critical Facilities and Infrastructure in Blue River





FEMA Lifeline Category	Critical Facility Type	Facility Name	Facility Location	Notes or Additional Details
Food/ Water/ Shelter	Static Water Structures	Theobald Way Draft Point	Blue Grouse Trail	Access on both sides of stream, Distance = 10 Ft, Stream
		CR 801 Pond Draft Point	87 CR 801 "Purbin's House"	May be accessible off driveway with rig. Recheck in summer., Distance = 50 Ft, Pond
		Indiana Creek Draft Point	Spruce Valley Drive	Access on upside of road, Distance = 20 Ft, Stream
		Spruce Valley Tarn Access Draft Point	Spruce Valley Drive	Access is just past canoe house, may be accessible w/ type 6 as well, Distance = 100 Ft, Pond
	Blue River Rd Draft Point	Blue River Rd & Royal Drive	Water is available on W side of RD in a natural pool, Distance = 10 Ft, Stream	
	Wastewater Facilities	Breckenridge Treatment Plant	--	--
Safety and Security	Fire Station	RWB Station 7	120 Whispering Pines Ln, Blue River 80424	--
	Government Buildings	Blue River Town Hall	--	\$350,000 replacement value
	Police Stations	Blue River Marshall Office - Summit County Govt.	110 Whispering Pines Cir, Blue River 80424	--

Source: Summit County GIS, Summit County HMPC.

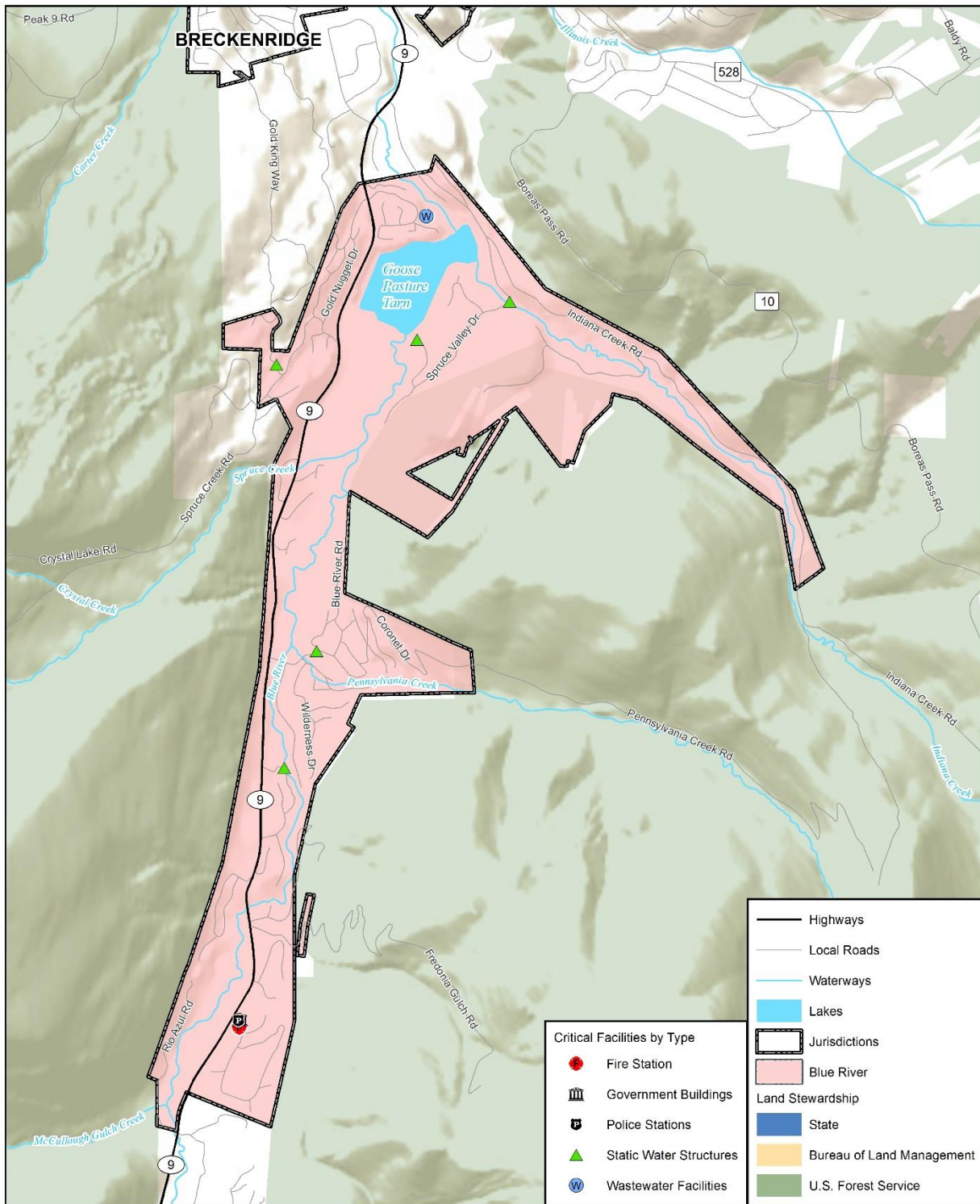
The past 2013 HMP noted the Town Park as a community asset with a \$200,000 approximate replacement value.

The locations of identified critical facilities and infrastructure in Blue River are illustrated in Figure B-4.

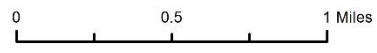




Figure B-4 Critical Facilities and Infrastructure in the Town of Blue River



wood.  
Map compiled 11/2019;  
intended for planning purposes only.  
Data Source: US Census TIGER  
Database, CO Open Data Portal,  
CO BLM, Summit County, ESRI World  
Terrain Basemap, HIFLD





## B.3.2 Vulnerability by Hazard

This vulnerability section analyzes existing and potential future risk in more detail where the risk varies from the rest of the planning area. Vulnerability details for the following bulleted hazards are often difficult to compile or estimate for specific jurisdictions and are already described in the Section 3.3.3 of the Base Plan.

- Drought
- Earthquake
- Erosion/Deposition
- Hazardous Materials (Transportation)
- Lightning
- Pest Infestation (Forest and Aquatic)
- Severe Winter Weather
- Wildlife-Vehicle Collisions
- Windstorm

Only Flood, Dam Inundation, Landslide/Mudflow/Debris Flow/Rockfall, and Wildfire hazards will be profiled in the following vulnerability assessment sections, due to the ability to quantify vulnerability further with available data.

### Dam Failure

#### ***General Property***

The Goose Pasture Tarn Dam is located in the Town of Blue River, on the north end, and has a maximum storage capacity of approximately 811 acre-feet. The Town also lies downstream of the Upper Blue Lake Dam, which is located near the Summit County and Lake County boundary, about 5 miles east of the Robinson Tailings Pond. The Upper Blue Lake Dam has a maximum storage capacity of approximately 2,100 acre-feet.

While there is no concrete data available to indicate any likelihood of failure, based on best available dam inundation data there might be structures potentially at risk of dam failure flooding. The dam failure inundation maps contain sensitive information and are not available for display in this public planning document. Based on a GIS analysis performed with the county parcel layer and the available dam inundation mapping (for planning purposes only), the following potential damages would be expected in Blue River. Note that additional details on the GIS analysis methodology, data preparation process, and other helpful information for understanding how vulnerability assessment results were obtained can be found in Section 3.3. Vulnerability Assessment within the main plan HIRA document.





Table B-9 Estimated Dam Inundation Risk to Properties in Blue River

Parcel Type	Total Properties Exposed	Improved Value	Content Value	Total Value	Population Exposed
Exempt	1	\$0	--	\$0	--
Residential	143	\$72,556,720	\$36,278,360	\$108,835,080	443
<b>TOTAL</b>	<b>144</b>	<b>\$72,556,720</b>	<b>\$36,278,360</b>	<b>\$108,835,080</b>	<b>443</b>

Source: Summit County GIS and Assessor’s Office, U.S Census, Wood Analysis

### People

Based on the GIS analysis summarized in Table B-9 above, it is estimated that around 443 people in Blue River might be at risk of dam inundation hazards. These totals were obtained by multiplying the average number of persons per household in Summit County (which equals 3.10) times the number of residential properties where dam inundation extents were available.

### **Critical Facilities and Infrastructure**

Based on the critical facility inventory considered in the updating of this plan and intersected with the dam inundation extents available for the Town of Blue River, 2 critical facilities were found to be at potential risk. These are summarized in the table below.

Table B-10 Critical Facilities in Blue River at Risk of Dam Inundation

FEMA Lifeline Category	Critical Facility Type	Facility Name
Food/Water/Shelter	Static Water Structures	Theobald Way Draft Point
		Spruce Valley Tarn Access Draft Point
<b>TOTAL</b>		<b>2</b>

Source: Summit County, HIFLD, Wood Analysis

### **Economy**

A dam inundation event that affected the major roads which give access to the town (e.g. Highway 9) could significantly affect the local economy, by limiting or completely impeding access to shops, restaurants, hotels, and other major industries which keep the local economy thriving.

### **Historical, Cultural, and Natural Resources**

Dam or reservoir failure effects on the environment would be similar to those caused by flooding from other causes. For the most part the environment is resilient and would be able to rebound, though this process could take years. However, historic and cultural resources could be affected just as housing or critical infrastructures would.

### **Future Development**

A dam failure would likely result in impacts greater than the 100- and 500-year flood events, as modeled by the latest FEMA NFHL data. The Town should consider dam failure hazards when permitting development downstream of the Goose Pasture Tarn and Upper Blue Lake Dams.





## Flood

Though not fully delineated by the latest FEMA NFHL data (dated July 17, 2019), the Blue River is likely a cause for riverine flooding in the town, as it is the largest waterway crossing through it. Other streams which are present in Blue River include Pennsylvania Creek, Spruce Creek, Indiana Creek, and McCullough Gulch Creek, though flooding from these sources has not been included in the latest FEMA mapped areas and is hence not well known. However, the Goose Pasture Tarn Dam to the north of town reduces the peak discharge of the Blue River due to rainfall, but the effect is only marginal for runoff due to snowmelt, which is normally the major cause of peak flows. Other reservoirs provide only incidental flood protection (FEMA, 2018).

### ***General Property***

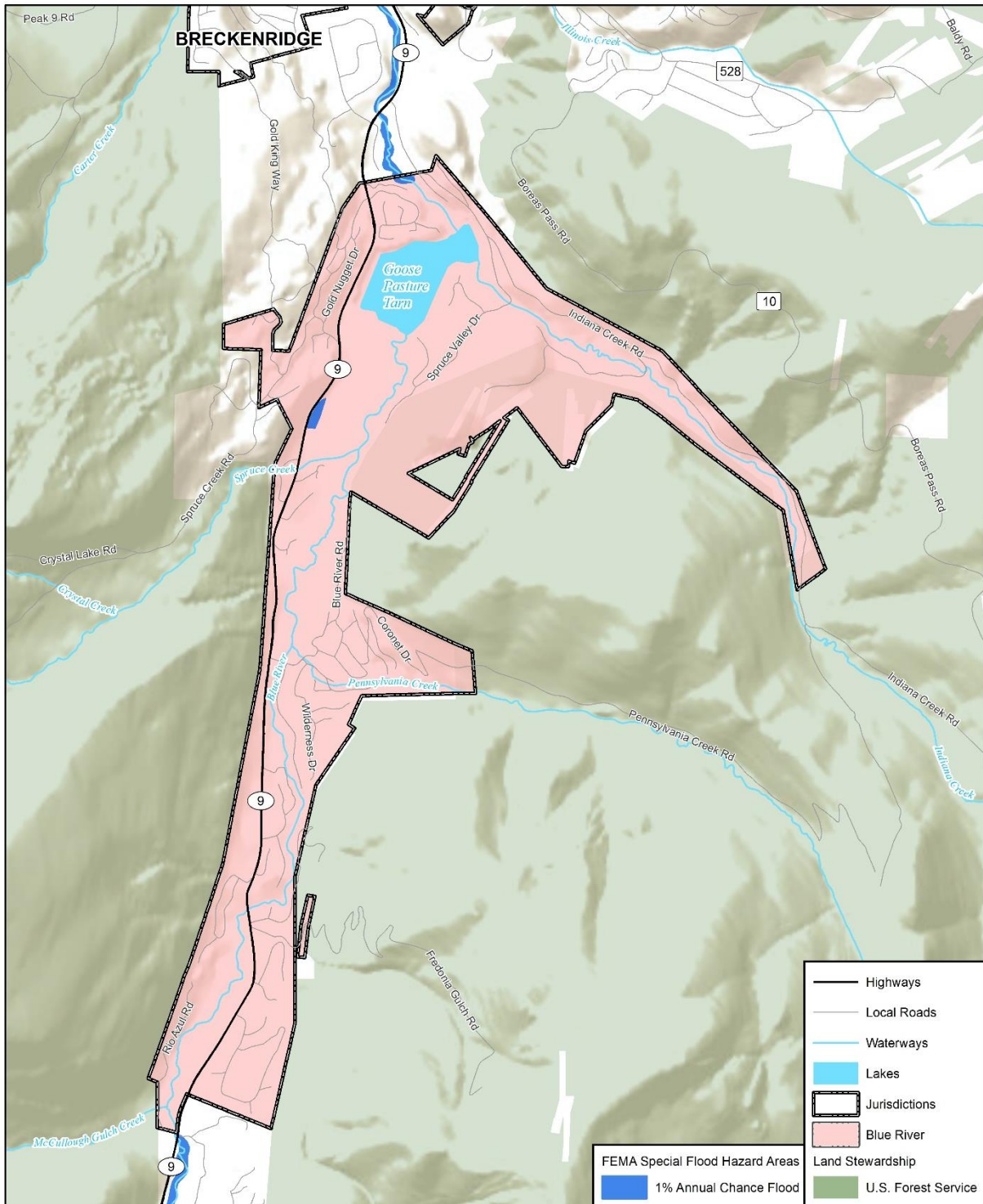
Vulnerability to flooding was determined by summing potential losses to Summit County's properties in GIS, by using the latest FEMA NFHL data along with the Summit County parcel layer the provided by the Assessor's Office. FEMA's NFHL data depicts the 1% annual chance (100-year) and the 0.2% annual chance (500-year) flood areas. Figure B-5 below displays the FEMA special flood hazard areas present in the town, color coded based on flood event.







Figure B-5 FEMA Special Flood Hazard Areas in Blue River



wood.  
 Map compiled 12/2019;  
 intended for planning purposes only.  
 Data Source: US Census TIGER  
 Database, CO Open Data Portal,  
 CO BLM, Summit County, ESRI World  
 Terrain Basemap, FEMA NFHL



Based on the GIS analysis performed with the county parcel layer and the available FEMA flood mapping, the potential risk for the Town is shown in Table B-10. Blue River’s 1% annual chance flood zone shows that one residential structure is potentially at risk. No 0.2% annual chance flood zones are available in map form, and as such no exposure to this type of flooding was estimated using this methodology.

Table B-11 Summary of Properties Vulnerable to Flood in Blue River by Type

Flood Event	Parcel Type	Total Properties	Improved Value	Content Value	Total Value	Loss Estimate (25% of Total Value)	Population
100-year	Residential	1	\$942,742	\$471,371	\$1,414,113	\$353,528	3

Source: Summit County, FEMA NFHL, U.S. Census Bureau, Wood analysis

### **People**

The population exposed to the flood hazards described in the flood vulnerability analysis above was estimated by applying an average household size factor (based on 2018 U.S. Census estimates for Summit County, which equal to 3.1 persons per household) to the number of improved properties identified in the flood hazard areas within Blue River. Note that only those parcels of type Residential were used to estimate populations exposed. These estimates yielded the population exposures shown in the table above (Table B-10). As such, the 1% annual chance flood would potentially displace 3 people based on the single residential structure which falls in this flood zone.

### **Critical Facilities and Infrastructure**

No critical facilities were found to overlap with the flood zones mapped for Blue River. The Town has experienced problems with collapsing culverts and the bridge over the Blue River on Blue River Road. This issue has been resolved by implementing a hazard mitigation project as described in Section B.6.

### **Economy**

Flooding can have a major economic impact on the economy, including indirect losses such as business interruption, lost wages, and other downtime costs. Flooding often coincides with the busy summer tourism months in Summit County, and may impact, directly or indirectly (such as from the negative perception of potential danger to his hazard), the revenues of shops, restaurants, hotels, and other major industries which keep the local economy thriving. In addition, major flooding which led to road or other infrastructure closures could additionally limit access to the Town by tourists, locals, and even basic goods and services.

### **Historical, Cultural, and Natural Resources**

The environment is mostly resilient to general flooding. However, cultural or historic properties within floodplains would be affected in similar ways as property and critical facilities/infrastructure, especially those with underground or basement levels where water would easily seep and potential ruin archives, resources, or other important assets.

### **Future Development**

Blue River does not have a floodplain ordinance but there is not anticipated to be new development in the small amount of mapped Special Flood Hazard Area. The building regulations do allow the Town to require that new construction meet certain drainage requirements at its discretion.





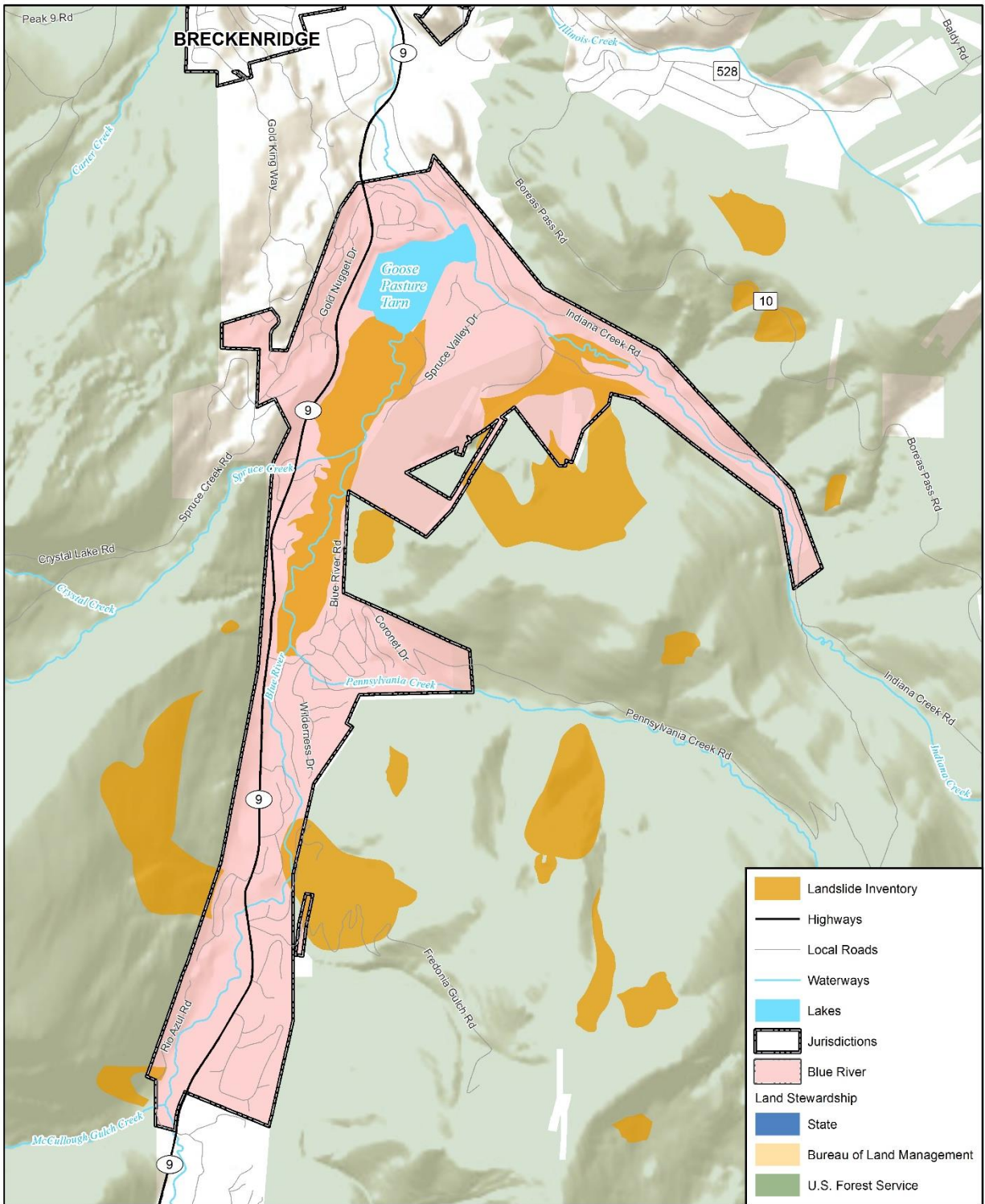
## Landslide, Mud Flow/Debris Flow, Rock Fall

General landslide hazard areas are present in the Town of Blue River, particularly south of the Goose Pasture Tarn and along the Blue River, up until the Pennsylvania Creek merge. There are smaller hazard areas along Indiana Creek to the east of the town, and south of Wilderness Drive, east of Highway 9 towards Fredonia Gulch Road (see Figure B-6 below).

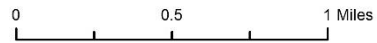




Figure B-6 General Landslide Hazard Areas in Blue River



**wood.**  
 Map compiled 11/2019;  
 intended for planning purposes only.  
 Data Source: US Census TIGER  
 Database, CO Open Data Portal,  
 CO BLM, Summit County, ESRI World  
 Terrain Basemap, CGS





### General Property

Potential losses for general landslide areas were estimated using Summit County GIS and assessor’s parcel data. Based on the GIS analysis performed, the potential risk to general landslide areas in Blue River is summarized in Table B-12. For the purposes of this analysis, if a parcel’s centroid intersected the landslide hazard polygons, that parcel is assumed to be at risk. Content values were calculated from the improvements as a percentage of property improvement values based on their occupancy type (using FEMA Hazus guidance), so that Residential properties received content values worth 50% of their improvements. Property improvements and content values were then totaled to arrive at the Total Value column. Note that additional details on the GIS analysis methodology, data preparation process, and other helpful information for understanding how vulnerability assessment results were obtained can be found in Section 3.3. Vulnerability Assessment within the main plan HIRA document.

Blue River’s Residential properties have a total exposure value of over \$35.8 million. A total of 26 properties are exposed to these landslide hazards.

Table B-12 Property Exposure to General Landslide Hazard Areas in Blue River

Parcel Type	Total Properties	Improved Value	Content Value	Total Value	Population
Residential	26	\$23,906,229	\$11,953,115	\$35,859,344	81

Source: Summit County GIS/Assessor Office, Colorado Geological Survey, U.S. Census, Wood analysis

### People

People could be susceptible if they are caught in a landslide or debris flow, potentially leading to injury or death. There is also a danger to drivers operating vehicles, as rocks and debris can strike vehicles passing through the hazard area or cause dangerous shifts in roadways. Based on Table B-12 above, an estimated 81 people could be at risk of general landslide hazards in Blue River. At risk population was estimated by multiplying the average number of persons living in each household in Summit County (which is 3.1 per home) times the number of properties of type “residential” where landslide areas have been inventoried in Blue River.

### Critical Facilities and Infrastructure

Only one critical facility is found at risk of landslide hazards in Blue River. It is the Spruce Valley Tarn Access Draft Point just past the canoe house south of the Goose Pasture Tarn, and it is classified as a static water structure. This facility is categorized under the Food/Water/Shelter FEMA Lifeline.

The major transportation route present in the town and hence key infrastructure allowing access in and out of it includes Highway 9. This route could be affected by the geologic hazards in question if closures were required, impeding the normal flow of goods and services, for example.

### Economy

Economic impacts related to landslide, rockfall, debris fall, and mudslide hazards typically center around transportation routes temporarily closed by debris flow or other activity. The major route mentioned above (Highway 9) would be at most risk due to their heavy flow of goods, services, and populations which keep the economy thriving.





### Historical, Cultural, and Natural Resources

As primarily natural processes, landslides and debris flows can have varying impacts to the natural environment as well as cultural or historical resources found on their path. For buildings and other structures, impacts would be similar as those seen on general property or critical facilities/infrastructure.

### Future Development

The severity of landslide problems is directly related to the extent of human activity in hazard areas. Adverse effects can be mitigated by early recognition and avoiding incompatible land uses in these areas or by corrective engineering. The mountainous topography of Summit County and much of Blue River presents considerable constraints to development, most commonly in the form of steep sloped areas. These areas (defined as having a grade change of 30% or more) are vulnerable to disturbance and can become unstable.

### Wildfire

#### General Property

Wildfire threat was estimated from the County’s Wildfire Protection Assessment Rating layer, which breaks up areas into Low, Medium, High, and Extreme ratings. This wildfire layer was used in GIS to determine the number, type, and improvement values for properties found to overlap with them, and hence estimate potential property risk to wildfire threat in Blue River. For the purposes of this analysis, the wildfire zone that intersected a parcel centroid was assigned as the threat zone for the entire parcel. Improvement values were then summed by wildfire rating area and then sorted by parcel type. From the improvement values were the content values calculated next, as a percentage of property improvement values based on their occupancy type (using FEMA Hazus guidance as follows): Residential parcels received content values worth 50% of their improvements, and Exempt parcels received content values worth 0% of their improvements. Property improvements and content values were then totaled to arrive at the Total Value column, which is also the estimated value at risk based on FEMA loss curve standards for wildfire hazards.

Wildfire protection assessment areas for Blue River are displayed in Figure B-7 for reference.

Table B-13 Property Values in Wildfire Zones by Parcel Type, Blue River

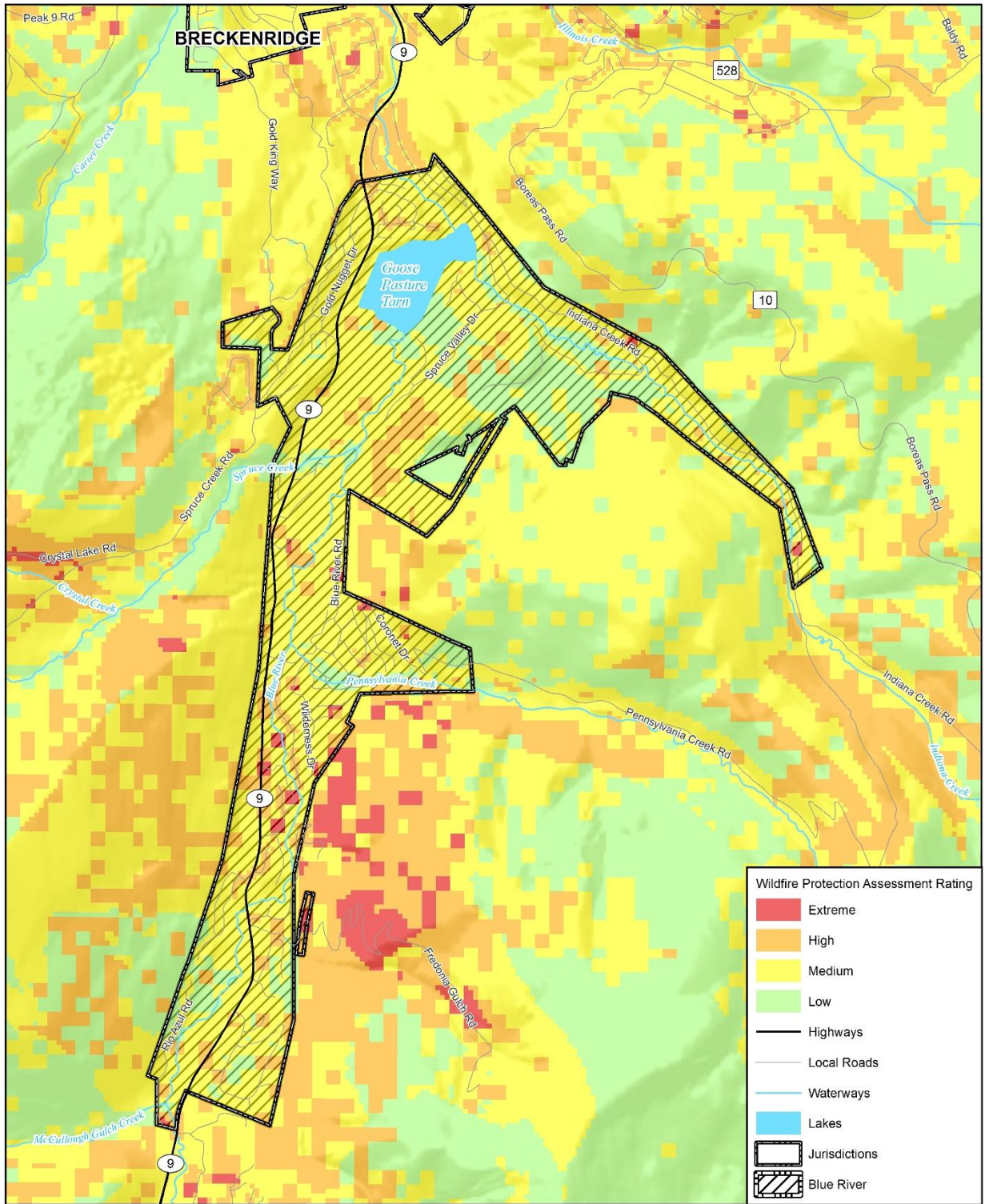
Parcel Type	Total Properties	Improved Value	Content Value	Total Value	Population at Risk
Residential	689	\$435,593,437	\$217,796,719	\$653,390,156	2,136
Exempt	4	\$0	--	\$0	--
TOTAL	693	\$435,593,437	\$217,796,719	\$653,390,156	2,136

Source: Summit County GIS/Assessor Office, CO-WRAP, U.S. Census, Wood analysis





Figure B-7 Wildfire Protection Assessment Areas and Ratings in Blue River



wood.

Map compiled 11/2019;  
intended for planning purposes only.  
Data Source: US Census TIGER  
Database, CO Open Data Portal,  
CO BLM, Summit County, ESRI World  
Terrain Basemap, CO-WRAP

0 0.5 1 Miles





## **People**

The last column of Table B-13 above summarizes the number of people at risk to wildfire in the analyzed fire zones. Based on the assessment conducted, Blue River has an estimated 2,136 people at risk of Medium, High, and Extreme rated wildfire zones. These totals were estimated by multiplying the average persons per household in Summit County, which is 3.1, times the number of residential properties falling within the fire zone/s. While this is higher than the actual population, it may also be indicative of the population that surges during the summer season.

However, smoke resulting from fire is an issue to local populations, as noted by the Summit County's HMPC. For example, the County Public Health Department has received calls in the past from tourists asking if they should cancel travel plans in the county due to smoke and potential health and safety related concerns.

## **Critical Facilities and Infrastructure**

All 9 critical facilities located in Blue River are found in either Medium or High wildfire threat areas. Since all the facilities profiled in this plan update were already discussed in the Community Asset Inventory subsection of this annex, more details are available in Table B-7 and Table B-8. These are summarized again in the bullet points below for reference:

- Food/Water/Shelter
  - Static Water Structures: Theobald Way Draft Point, CR 801 Pond Draft Point, Indiana Creek Draft Point, Spruce Valley Tarn Access Draft Point, and Blue River Road Draft Point
  - Wastewater Facilities: Breckenridge Treatment Plant
- Safety and Security
  - Fire Station: RWB Station 7
  - Government Buildings: Blue River Town Hall
  - Police Stations: Blue River Marshall Office – Summit County Government

The Red, White, and Blue Fire Protection District, which provides fire protection services to Breckenridge, Blue River, and surrounding area, is considered an initial attack center for wildland fires on all private land and takes a joint responsibility with the U.S. Forest Service for fires on federal land.

## **Economy**

Tourism, the accommodation and food services industry (e.g. hotels and restaurants), and retail are major components of Summit County's economy, and Blue River's as well. Wildland fires can, for example, lead to significant tourism reductions due to health and safety concerns, causing lost revenues from lack of visitation, stays in hotels, spending on restaurants and other commerce sources, and more.

## **Historical, Cultural, and Natural Resources**

Wildfires are a common and naturally occurring phenomenon in forested areas and can benefit forest health in many respects. But the climate change trend which is leading to hotter, more widespread, and destructive fires can make it more difficult for the environment to recover, and lead to increased flood runoff or other secondary/cascading hazards. This can severely impact water quality and watershed health for years after the fire.

With regards to historic or cultural structures and resources, wildfires would affect those in similar ways as general property and critical facilities/infrastructure, having the potential for burn downs and hence possible complete loss of important historical assets in Blue River.





### Future Development

New construction in Blue River must meet defensible space regulations, which is included in the Town’s code.

### B.3.3 Growth and Development Trends

Table B-14 illustrates how Blue River has grown in terms of population and number of housing units between 2012 and 2017.

Table B-14 Blue River—Change in Population and Housing Units, 2012-2017

2012 Population	2017 Population Estimate	Estimated Percent Change 2012-2017	2012 # of Housing Units	2017 Estimated # of Housing Units	Estimated Percent Change 2012-2017
890	932	5%	732	738	+0.8%

Source: U.S. Census Bureau, American Community Survey 5-Year Estimates, 2013-2017

The Town of Blue River Comprehensive Plan states:

Blue River is a unique municipality in that it encompasses only residential subdivisions and has no commercial uses that typically define downtowns or commercial corridors in other communities. Adding to its uniqueness is the fact that approximately 44% of the homes in the town are utilized as part-time residences or vacation homes (Census Bureau). For the most part, the full-time residents in Blue River are employed and commute to work in other communities, as evidenced by the 89% workforce participation rate and median household income of \$78,000 per year, both of which are higher than other comparable small towns in the area including Frisco, Dillon and Fraser (Census Bureau).

## B.4 Capability Assessment

Capabilities are the programs and policies currently in use to reduce hazard impacts or that could be used to implement hazard mitigation activities. The capabilities assessment is divided into four sections: regulatory mitigation capabilities, administrative and technical mitigation capabilities, fiscal mitigation capabilities, and mitigation outreach and partnerships.

### B.4.1 Regulatory Mitigation Capabilities

Table B-15 lists planning and land management tools typically used by local jurisdictions to implement hazard mitigation activities and indicates those that are in place in Blue River.

Table B-15 Blue River—Regulatory Mitigation Capabilities

Regulatory Tool (Ordinances, Codes, Plans)	Yes/No	Comments
Master Plan	Yes	Covered by Joint Upper Blue Master Plan (2011)
Zoning Ordinance	Yes	Chapter 16 of Town Ordinances
Subdivision Ordinance	Yes	Chapter 17 of Town Ordinances
Growth Management Ordinance	Yes	Addressed in Comprehensive Master Plan
Floodplain Ordinance	No	
Other Special Purpose Ordinance	Yes	Wildfire mitigation standards





Regulatory Tool (Ordinances, Codes, Plans)	Yes/No	Comments
Building Code	Yes	2018 International Residential Code adopted in 2019
Fire Department ISO Rating	Yes	Rating: 2
Erosion or Sediment Control Program	Yes	Coordinating on this category and Stormwater with the Upper Blue Sanitation District. As sewer projects are being conducted the Town replaces culverts and drainage control measures
Stormwater Management Program	Yes	See above statement
Site Plan Review Requirements	Yes	Architectural Guidelines
Capital Improvements Plan	Yes	Capital Improvement Plan (2018)
Economic Development Plan	Yes	Included in Comprehensive Master Plan
Local Emergency Operations Plan	No	Update in progress with other Municipalities
Other Special Plans	Yes	Defensible space plans being developed
Flood Insurance Study or Other Engineering Study for Streams	No	Contract with water specialist and looking at future water projects

## Town of Blue River Comprehensive Plan

The Town’s Comprehensive Plan contains existing hazard mitigation capabilities via goals and strategies such as Goal 11, aimed at reducing the risk of wildfire hazards particularly associated with the local conifer forests. Thinning of vegetation around and near structures is noted as helping to reduce wildfire risk, as well as establishing and maintaining fire breaks. The three strategies contained within this goal are as follows:

- Strategy A: Work with the Red White and Blue Fire Protection District to attain “Fire Wise” status for Blue River
- Strategy B: Improve the Town addressing system and address signage standards for faster and more efficient EMS response
- Strategy C: Develop a program and funding for ware cisterns for fire protection

## Town of Blue River Ordinances

### ***Chapter 7 Health, Sanitation, and Animals***

The purpose of Division II Forest Management of Article V Trees is to preserve the rural mountain character of the Town by minimizing the removal of live trees while protecting the life and property of the residents of the Town by establishing minimum wildfire mitigation standards. These include defensible space regulations for new construction.

### ***Chapter 16 Zoning***

#### **Sec. 16-6-50. Site and structure requirements.**

- a) Density. The applicant shall be responsible for justifying the proposed density level in terms of land planning and physiographic data, but in no case shall the gross density exceed six (6) dwelling units per acre of land.





- b) Yard requirements. Yard requirements will be determined upon submission and approval of the preliminary development plans. The applicant shall be responsible for justifying the proposed yard requirements in terms of land planning and fire safety.
- c) Height requirements. The maximum height of structures must be approved by the Planning and Zoning Commission upon review of each planned residential development in relation to the following factors:
  - 1) Geographical position.
  - 2) The probable effect on surrounding slopes and hills.
  - 3) Adverse visual effects imparted to adjoining property owners, other areas of the development, public lands or public rights-of-way.
  - 4) Potential problems for adjacent sites, both within and out of the development, caused by shade, shadows, loss of air circulation or loss of view.
  - 5) Surrounding traffic conditions and lines of sight.
  - 6) Uses within each building.
  - 7) Fire prevention measures. (Prior code 6-6-4)

### **Sec. 16-8-80. Compliance with Building and Fire Codes.**

Where approval of an accessory apartment is sought by an owner for a unit existing before adoption of this Article, the unit shall be inspected and shall comply with applicable requirements of the Building and Fire Codes<sup>1</sup>. (Prior code 5-5-8)

### ***Chapter 18 Building Regulations***

Prior to the issuance of a certificate of occupancy, any person who builds or erects any structure must contact the Town by calling or writing the building inspector to obtain approval for issuance of the certificate of occupancy. Approvals of the septic/sewer authority, the fire protection district, the Architectural Review Board, and homeowners' association may be required. Approval may, at the Town's sole discretion, require completion of the following improvements:

- Installation of culverts
- Grading or regrading any disturbed or damaged roads or driveways or other areas necessary for proper drainage
- All runoff created by or redirected by the construction, erection and landscaping of the structure on the property shall be treated, contained, and controlled so that there are no increases in runoff or other drainage consequences resulting from said construction, erection, and landscaping

### **Floodplain Regulations and NFIP Participation**

There are limited flood areas mapped in Blue River, as indicated by the most current FEMA National Flood Hazard Layer data (November 2018). The Town of Blue River does not participate in the NFIP as of September 12, 2019 and has been sanctioned since 11/16/12. According to the HMPC, due to limited impacts from flooding and the cost of enforcement the Town has opted not to participate. This means

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<sup>1</sup> See Chapter 18 of this Code.





that the community has a mapped special flood hazard area but is not regulating development in those areas and flood insurance is not available for residents that may choose to have it.

### B.4.2 Administrative/Technical Mitigation Capabilities

Table B-16 identifies the personnel responsible for activities related to mitigation and loss prevention in Blue River.

Table B-16 Blue River—Administrative and Technical Mitigation Capabilities

Personnel Resources	Yes/No	Department/Position	Comments
Planner/Engineer with Knowledge of Land Development/Land Management Practices	Yes	Land Planner	Contract position
Engineer/Professional Trained in Construction Practices Related to Buildings and/or Infrastructure	Yes	Building Inspector	Full time position with Town
Planner/Engineer/Scientist with an Understanding of Natural Hazards	Yes	Engineer	Contract Position
Personnel Skilled in GIS	No		Utilize Summit County GIS
Full Time Building Official	Yes	Building Inspector	
Floodplain Manager	No		Handled by contract Engineer
Emergency Manager	Yes	Town Manager	Town Manager fulfills these duties
Grant Writer	Yes	Town Manager	Town Manager fulfills these duties
Other Personnel	Yes	Town Manager/Clerk	
Warning Systems/Services	Yes		Provided by Summit County Communications Center

### B.4.3 Fiscal Mitigation Capabilities

Table B-17 identifies financial tools or resources that Blue River could potentially use to help fund mitigation activities.

Table B-17 Blue River—Fiscal Mitigation Capabilities

Financial Resources	Accessible/Eligible to Use (Yes/No)	Comments
Community Development Block Grants	No	
Capital Improvements Project Funding	No	
Authority to Levy Taxes for Specific Purposes	Yes	
Fees for Water, Sewer, Gas, or Electric Services	No	
Impact Fees for New Development	Yes	
Incur Debt through General Obligation Bonds	Yes	
Incur Debt through Special Tax Bonds	Yes	
Incur Debt through Private Activities	No	
Withhold Spending in Hazard Prone Areas	Yes	





## B.4.4 Mitigation Outreach and Partnerships

Blue River continues to partner with the Red, White, and Blue Fire Protection District to implement defensible space projects for property owners to reduce wildfire risk. The Town plans to continue this program in the future and has maintained a wildfire mitigation budget line for the purpose of matching grants.

## B.4.5 Past Mitigation Efforts

The Town of Blue River in partnership with Red, White & Blue; Summit Wildfire Council and a private contractor has worked to provide defensible space grants to encourage residents to create defensible space around their homes. In addition, the Town has, with assistance from DOLA and Summit Wildfire Council in partnership with Red, White & Blue Fire District installed cisterns in 21 locations throughout Town to allow for enhanced fire response.

## B.4.6 Opportunities for Enhancement

Based on the capability assessment, Blue River has several existing mechanisms in place that already help to mitigate hazards. There are also opportunities for the Town to expand or improve on these policies and programs to further protect the community. Future improvements may include providing training for staff members related to hazards or hazard mitigation grant funding in partnership with the County and DHSEM. Additional training opportunities will help to inform Town staff and board members on how best to integrate hazard information and mitigation projects into the Town policies and ongoing duties of the Town. Continuing to train Town staff on mitigation and the hazards that pose a risk to the Town will lead to more informed staff members who can better communicate this information to the public.

## B.5 Mitigation Goals and Objectives

Blue River adopts the hazard mitigation goals and objectives developed by the HMPC and described in Chapter 4 Mitigation Strategy.

## B.6 Mitigation Actions

The planning team for Blue River identified and prioritized the following mitigation actions based on the risk assessment. Background information on how each action will be implemented and administered, such as ideas for implementation, responsible agency, potential funding, estimated cost, and timeline also are included.



## Mitigation Action: Blue River—1 Culvert and Bridge Replacement

<b>Jurisdiction:</b>	Town of Blue River
<b>Action Title:</b>	Replace collapsing culverts and rebuild bridge over the Blue River on Blue River Road.
<b>Hazard(s) Mitigated:</b>	Flood
<b>Priority:</b>	High
<b>Background/Issue:</b>	
<b>Responsible Agency:</b>	Town of Blue River Town Management
<b>Partners:</b>	Summit County
<b>Potential Funding:</b>	Town of Blue River, FEMA Hazard Mitigation Grant Program and Pre-Disaster Mitigation Grant Program
<b>Cost Estimate:</b>	\$300,000
<b>Benefits: (Losses Avoided)</b>	<ul style="list-style-type: none"><li>• Protect public health and safety</li><li>• Reduce damage due to flooding</li><li>• Prevent bridge collapse</li><li>• Improve evacuation routes</li></ul>
<b>Timeline:</b>	--
<b>Status:</b>	<b>Completed.</b> This is complete and culverts are cleared on an annual basis to ensure functionality





## Mitigation Action: Blue River—2 Defensible Space Program

<b>Jurisdiction:</b>	Town of Blue River
<b>Action Title:</b>	Continue homeowner defensible space program begun in 2007
<b>Hazard(s) Mitigated:</b>	Wildfire
<b>Priority:</b>	High
<b>Background/Issue:</b>	Forest pests has killed many trees in town increasing the wildfire danger. As we are told by the fire district, it is not if, but when a wildfire will break out. The Town of Blue River has embarked on a defensible space program to help with fire mitigation. The Town has had the program in place since 2007. We also now have hydrants in the Town.
<b>Ideas for Implementation:</b>	Encourage homeowners and property owners to clear a 30-foot defensible space around their homes through education and rebates. Seek funding to continue this program each year.
<b>Responsible Agency:</b>	Town of Blue River Town Management
<b>Partners:</b>	Red, White, and Blue Fire Protection District
<b>Potential Funding:</b>	Town of Blue River, grant from Red, White, and Blue Fire Protection District, FEMA Hazard Mitigation Grant Program and Pre-Disaster Mitigation Grant Program
<b>Cost Estimate:</b>	We have budgeted (the Town) \$15,000 with a matching grant from Red, White and Blue Fire Protection District for \$15,000.
<b>Benefits: (Losses Avoided)</b>	<ul style="list-style-type: none"><li>• Help residents take responsibility for mitigation of their homes</li><li>• Reduce potential loss of life and structures</li></ul>
<b>Timeline:</b>	Annual Implementation
<b>Status:</b>	The Town provides funding each year towards the defensible space grant program in conjunction with the Summit County Wildfire Council.



## Mitigation Action: Blue River—3 Regrade Spruce Creek Road

<b>Jurisdiction:</b>	Town of Blue River
<b>Action Title:</b>	Re-grade Spruce Creek Road to allow safe automobile passage to homes and national forest trails
<b>Hazard(s) Mitigated:</b>	Erosion/Deposition, Flood
<b>Priority:</b>	Low
<b>Background/Issue:</b>	The current road is being washed away. Complete re-engineering is required to bring it up to a safe standard. This is a major thoroughfare into the National Forest and is heavily used. If the Town deems it unsafe and we cannot get it repaired, we will have to close the road for safety reasons.
<b>Ideas for Implementation:</b>	We have approached the county for assistance since our Town road connects with the County and on to the National Forest.
<b>Responsible Agency:</b>	Town of Blue River Town Management
<b>Partners:</b>	Summit County
<b>Potential Funding:</b>	--
<b>Cost Estimate:</b>	It has been estimated at \$1,000,000 to reconstruct the road.
<b>Benefits: (Losses Avoided)</b>	<ul style="list-style-type: none"><li>• Ensure safety of road for residents and visitors to the national forest.</li><li>• Avoid closing the road.</li></ul>
<b>Timeline:</b>	--
<b>Status:</b>	<b>Completed.</b> The road was addressed as best possible given funding and terrain. Safety of this road is addressed in the Blue River Capital Improvement Plan and will be completed as funding is available.







## Mitigation Action: Blue River—4 Augment Water Supply

<b>Jurisdiction:</b>	Town of Blue River
<b>Action Title:</b>	Structural Project – Augment water supply – Cistern Project
<b>Hazard(s) Mitigated:</b>	Wildfire
<b>Priority:</b>	High
<b>Background/Issue:</b>	The Town intends to purchase land to install cisterns in strategic locations for wildfire and structure protection.
<b>Ideas for Implementation:</b>	
<b>Responsible Agency:</b>	Town of Blue River Town Management
<b>Partners:</b>	Red, White and Blue Fire Protection District, Wildfire Council
<b>Potential Funding:</b>	Grants, Awards, Town funds
<b>Cost Estimate:</b>	\$100,000 for each system, plus land acquisition costs
<b>Benefits: (Losses Avoided)</b>	There are few hydrants throughout the jurisdiction and firefighting requires shuttling water with tenders. The additional water would be a benefit in initial attack of a wildfire or structure fire or structure protection.
<b>Timeline:</b>	--
<b>Status:</b>	<b>Completed.</b> Action added in 2013. Cisterns have been installed in 21 locations throughout town. As easements are granted and requests submitted, additional cisterns will be installed per the capital improvement plan.





## Mitigation Action: Blue River—5 Comprehensive Master Plan

<b>Jurisdiction:</b>	Town of Blue River
<b>Action Title:</b>	Prevention– Comprehensive Master Plan
<b>Hazard(s) Mitigated:</b>	Multi-Hazard
<b>Priority:</b>	Medium
<b>Background/Issue:</b>	The Town is in the process of developing a comprehensive master plan. The plan includes annexation and tax alternatives.
<b>Ideas for Implementation:</b>	
<b>Responsible Agency:</b>	Town of Blue River Town Management
<b>Partners:</b>	Summit County Planning
<b>Potential Funding:</b>	Town funds
<b>Cost Estimate:</b>	Staff Time
<b>Benefits: (Losses Avoided)</b>	The plan will provide the Town with a comprehensive planning strategy for the future.
<b>Timeline:</b>	2-5 years. The Plan was adopted in 2015 and is being updated in 2020.
<b>Status:</b>	In progress. Action added in 2013. In 2019 the Town completed and adopted the capital improvement plan. This plan is being utilized and a planning document and the town is working towards funding the plan as part of a long-term project. In 2020 the Town will be updating the 2014 Comprehensive Plan.





## Mitigation Action: Blue River—6 Realign Spruce Creek Road

<b>Jurisdiction:</b>	Town of Blue River
<b>Action Title:</b>	All Hazards – Structural Project – Re-alignment of Spruce Creek Road with Colorado Highway 9
<b>Hazard(s) Mitigated:</b>	Multi-Hazard
<b>Priority:</b>	High
<b>Background/Issue:</b>	The Town is looking into a seasonal closure as one alternative to addressing the safety hazard at the Spruce Creek Road and Highway 9 intersection. A second alternative would be the permanent closure of the intersection. A third alternative would be the re-alignment of the intersection with the State Highway.
<b>Ideas for Implementation:</b>	
<b>Responsible Agency:</b>	Town of Blue River Town Management
<b>Partners:</b>	Colorado Department of Transportation
<b>Potential Funding:</b>	Grants, Awards, State and Town funds
<b>Cost Estimate:</b>	
<b>Benefits: (Losses Avoided)</b>	The intersection is a blind entrance point onto Highway 9 where the posted speed limit is 50 mph. During the winter months the weather elements cause motorists to slide into the intersection as well as having extreme difficulty in climbing up the grade on Spruce Creek Road from the highway. This is dangerous because of the grade, road construction material, and weather elements.
<b>Timeline:</b>	--
<b>Status:</b>	<b>Completed.</b> Action added in 2013. Safety mirrors are being installed.



## Mitigation Action: Blue River—7 Develop Emergency Plan for Highway Closures

<b>Jurisdiction:</b>	Town of Blue River
<b>Action Title</b>	Emergency Plan for Highway Closures
<b>Hazard(s) Mitigated:</b>	Multi-Hazard
<b>Priority:</b>	High
<b>Background/Issue:</b>	When I-70 is closed, traffic is diverted through the Town of Blue River along Hwy 9 to Hoosier Pass. In cases of inclement weather, we lack a plan to address traffic back up, accidents and overall mitigation including resources. A plan needs to be developed outlining protocols and procedures including how to address safety closures of Hwy 9
<b>Ideas for Implementation:</b>	
<b>Responsible Agency:</b>	Town of Blue River Town Management
<b>Partners:</b>	Summit County OEM, Summit County Sheriff's Office, Colorado State Patrol, Colorado Department of Transportation
<b>Potential Funding:</b>	Grants, Awards, State and Town funds
<b>Cost Estimate:</b>	\$0
<b>Benefits: (Losses Avoided)</b>	With a plan in place, we will be able to prevent and/or respond better to accidents and safety concerns along Hwy 9.
<b>Timeline:</b>	Spring 2020
<b>Status:</b>	New in 2020





## Mitigation Action: Blue River – 8 Fuel Reduction and Fuel Breaks

<b>Jurisdiction:</b>	Town of Blue River
<b>Action Title:</b>	Fuels reduction and creation of a break area on National Forest Service and County land that borders the Town of Blue River
<b>Hazard(s) Mitigated:</b>	Wildfire
<b>Priority:</b>	High
<b>Background/Issue:</b>	The Town of Blue River has worked diligently to encourage defensible space around private property within the Town limits. The area that surrounds the Town is both County and National Forest that is in need of fuels reduction to create a healthy forest and buffer in case of a wildfire.
<b>Ideas for Implementation:</b>	
<b>Responsible Agency:</b>	Town of Blue River Town Management
<b>Partners:</b>	Summit County Wildfire Council, USFS
<b>Potential Funding:</b>	HMA Grants, HMGP -Post Fire following FMAG, County
<b>Cost Estimate:</b>	Unknown
<b>Benefits: (Losses Avoided)</b>	By conducting a fuels reduction along the Town borders, it will increase the ability to effectively protect the Town and properties in case of a wildfire.
<b>Timeline:</b>	2021
<b>Status:</b>	New in 2020





## Mitigation Action: Blue River – 9 Bury Utilities

<b>Jurisdiction:</b>	Town of Blue River
<b>Action Title:</b>	Work to bury utilities throughout Town
<b>Hazard(s) Mitigated:</b>	Multi-Hazard, Wildfire, Severe Weather
<b>Priority:</b>	Medium
<b>Background/Issue:</b>	Electrical lines are currently above ground within Town limits. This exposes the Town to power outages and potential fire risk during inclement weather.
<b>Ideas for Implementation:</b>	
<b>Responsible Agency:</b>	Town of Blue River Town Management
<b>Partners:</b>	Xcel Energy, Comcast
<b>Potential Funding:</b>	HMA Grants
<b>Cost Estimate:</b>	Unknown
<b>Benefits: (Losses Avoided)</b>	By burying the lines, this will assist in protecting vital communication lines and power.
<b>Timeline:</b>	2023
<b>Status:</b>	New in 2020





## Mitigation Action: Blue River – 10 Implement Capital Improvement Plan Projects

<b>Jurisdiction:</b>	Town of Blue River
<b>Action Title:</b>	Complete Capital Improvement Plan projects for roads to improve drainage and avoid flooding risks and road damage. Good neighbor program.
<b>Hazard(s) Mitigated:</b>	Flood
<b>Priority:</b>	Medium
<b>Background/Issue:</b>	Many Town road lack proper drainage. During periods of heavy run-off or melting, properties are facing flooding into homes.
<b>Ideas for Implementation:</b>	
<b>Responsible Agency:</b>	Town of Blue River Town Management
<b>Partners:</b>	FEMA
<b>Potential Funding:</b>	HMA Grants,
<b>Cost Estimate:</b>	\$2,000,000
<b>Benefits: (Losses Avoided)</b>	By completing projects within the Town of Blue River Capital Improvement Plan, proper drainage and culverts may be installed allowing for water to run off of roads, into ditches and proceed to wetlands. In cases of heavy rain, flooding or run-off this will help protect properties
<b>Timeline:</b>	2023
<b>Status:</b>	New in 2020





## Mitigation Action: Blue River – 11 Winter Preparedness Kits

<b>Jurisdiction:</b>	Town of Blue River
<b>Action Title:</b>	Winter preparedness kits and information for mountain road traveling along Hwy 9 and Hoosier Pass
<b>Hazard(s) Mitigated:</b>	Severe Winter Weather
<b>Priority:</b>	Medium
<b>Background/Issue:</b>	Winter preparedness kits and information for mountain road traveling along Hwy 9 and Hoosier Pass. Being a major thorough fair for those traveling to and from Summit County, the Town experiences inclement weather and the possibility of stranded motorists.
<b>Ideas for Implementation:</b>	
<b>Responsible Agency:</b>	Town of Blue River Town Management
<b>Partners:</b>	
<b>Potential Funding:</b>	Staff Time
<b>Cost Estimate:</b>	Unknown
<b>Benefits: (Losses Avoided)</b>	Being able to provide weather kits and expanding information about traveling through Blue River and being prepared, will help mitigate incidents.
<b>Timeline:</b>	2023
<b>Status:</b>	New in 2020







## B.7 Implementation and Maintenance

Moving forward, the Town will use the mitigation action worksheets in the previous section to track progress on implementation of each project. Implementation of the plan overall is discussed in Chapter 5 in the Base Plan.

### B.7.1 Incorporation into Existing Planning Mechanisms

The information contained within this plan, including results from the Vulnerability Assessment, and the Mitigation Strategy will be used by the Town to help inform updates and the development of local plans, programs and policies.

#### Integration of 2013 Plan into Other Planning Mechanisms

The risk and vulnerability information the 2013 Summit County Hazard Mitigation Plan and the Town of Blue River annex was used to inform the 2015 update to the Town of Blue River Comprehensive Plan, as noted in section B.4 Capability Assessment. Refer to subsection B.4.1 Regulatory Mitigation Capabilities for more information related to the integration and acknowledgment of the hazards in the Town's Comprehensive Plan.

#### Process Moving Forward

Moving forward, the Town may utilize the hazard information when reviewing a site plan or other type of development applications. The Town will also incorporate this HMP into future updates to the Town of Blue River's Comprehensive Plan as appropriate.

As noted in Chapter 5 Plan Maintenance, the HMPC representatives from Blue River will report on efforts to integrate the hazard mitigation plan into local plans, programs and policies and will report on these efforts at the annual HMPC plan review meeting

### B.7.2 Monitoring, Evaluation and Updating the Plan

The Town will follow the procedures to monitor, review, and update this plan in accordance with Summit County as outlined in Chapter 5 of the Base Plan. The Town will continue to involve the public in mitigation, as described in Section 5.4 of the Base Plan. The Town Manager will be responsible for representing the Town in the County HMPC, and for coordination with Town staff and departments during plan updates. The Town realizes it is important to review the plan regularly and update it every five years in accordance with the Disaster Mitigation Act Requirements.



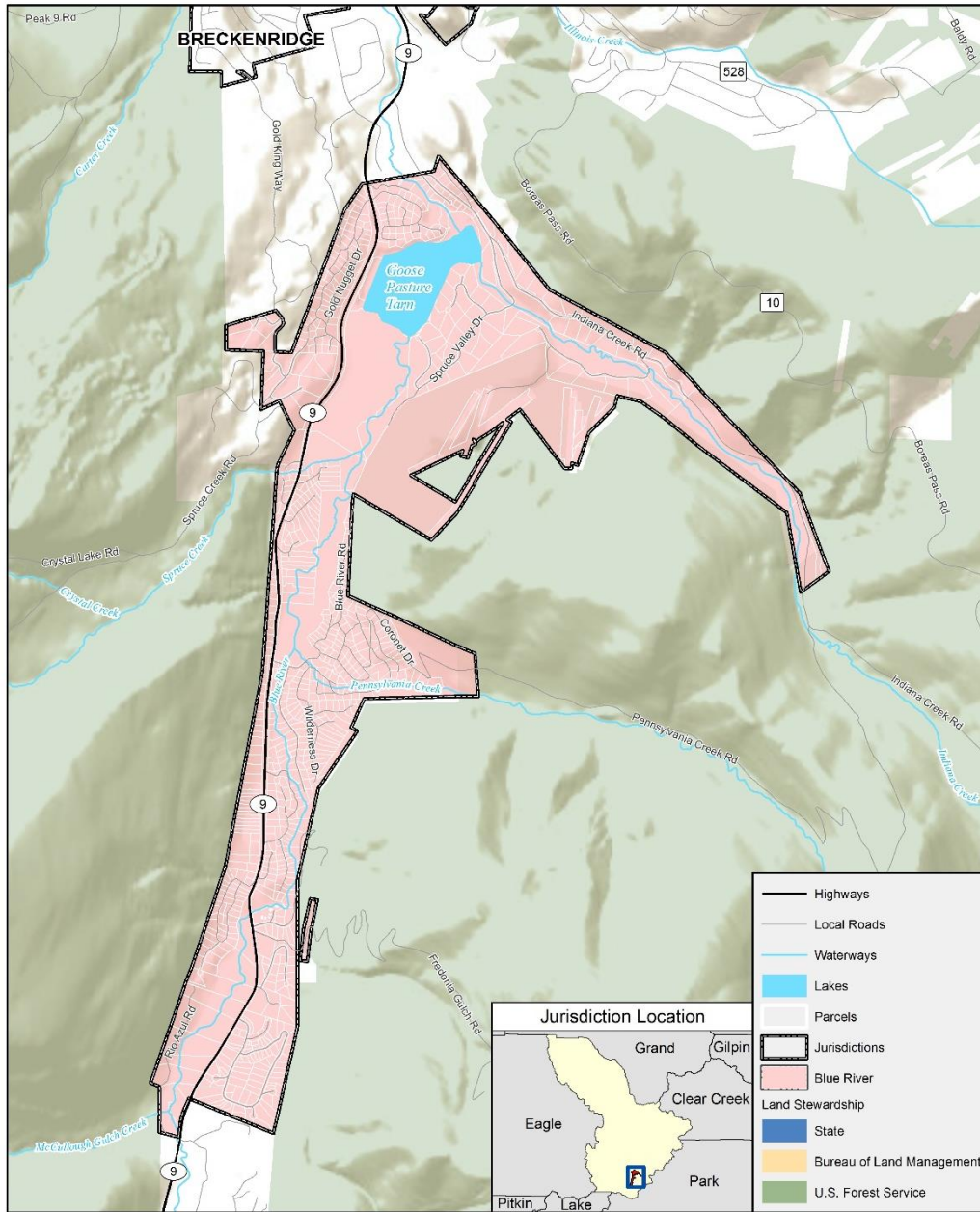


# ANNEX B: TOWN OF BLUE RIVER

## B.1 Community Profile

Figure B-1 shows a map of the Town of Blue River and its location within Summit County.

Figure B-1 Town of Blue River



Map compiled 11/2019;  
intended for planning purposes only.  
Data Source: US Census TIGER  
Database, CO Open Data Portal,  
CO BLM, Summit County, ESRI World  
Terrain Basemap





## B.1.1 Geography

The Town of Blue River has a total area of 2.3 square miles. It is located along the Blue River approximately four miles south of the Town of Breckenridge at an elevation of 10,020 feet above sea level. Indiana Creek, Spruce Creek, Pennsylvania Creek, and McCollough Gulch Creek are all tributaries that flow into the Blue River (the main waterway) within Town.

## B.1.2 Population

According to the Colorado State Demographer, the estimated 2018 population of Blue River was 926, a population change of 73 from the 2010 Census numbers although the exact number fluctuates from year to year. Select U.S. Census American Community Survey (ACS) demographic and social characteristics for Blue River are shown in the following tables and figures.

Table B-1 Blue River Demographic and Social Characteristics 2012-2017

Town of Blue River	2012	2017	% Change
Population	890	932	5%
Median Age	39.0	39.3	0.8%
Total Housing Units	732	738	0.8%
Housing Occupancy Rate	49.0%	35.4%	-27.8%
% of Housing Units with no Vehicles Available	0.00%	0.00%	0.0%
Median Home Value	\$616,000	\$605,500	-1.7%
Unemployment	11.5%	4.4%	-61.7%
Mean Travel Time to Work (minutes)	14.5	18.1	24.8%
Median Household Income	\$87,426	\$94,844	8.5%
Per Capita Income	\$40,613	\$50,376	24.0%
% Without Health Insurance	16.9%	13.3%	-21.3%
% of Individuals Below Poverty Level	11.0%	6.4%	-41.8%
# of Households	359	261	-27.3%
Average Household Size	2.48	3.11	25.4%
% of Population Over 25 with High School Diploma	98.2%	100.0%	1.8%
% of Population Over 25 with Bachelor's Degree or Higher	60.9%	55.2%	-9.4%
% with Disability	3.7%	3.3%	-10.8%
% Speak English less than "Very Well"	1.5%	0.0%	-100.0%

Source: U.S. Census Bureau, American Community Survey 5-Year Estimates, 2013-2017





Table B-2 Demographic and Social Characteristics Compared to the County and State

Demographic & Social Characteristics (as of 2017)	Blue River	Summit County	Colorado
Median Age	39.3	39.2	36.5
Housing Occupancy Rate	35.4%	30.80%	89.80%
% of Housing Units with no Vehicles Available	0.0%	1.60%	5.30%
Median Home Value	\$605,500	\$547,700	\$286,100
Unemployment	4.4%	2.60%	5.20%
Mean Travel Time to Work (minutes)	18.1	16.4	25.2
Median Household Income	\$94,844	\$73,538	\$65,458
Per Capita Income	\$50,376	\$37,192	\$38,845
% Without Health Insurance	13.3%	21.40%	9.40%
% of Individuals Below Poverty Level	6.4%	10.30%	11.50%
Average Household Size	3.11	3.1	2.55
% of Population Over 25 with High School Diploma	100.0%	93.40%	91.10%
% of Population Over 25 with bachelor's degree or Higher	55.2%	47.80%	39.40%
% with Disability	3.3%	6.10%	10.60%
% Speak English less than "Very Well"	0.0%	7.50%	6.00%

Source: U.S. Census Bureau, American Community Survey 5-Year Estimates, 2013-2017

Table B-3 Demographics by Race and Sex

Blue River	Population	%
Total Population	932	
Male	354	48.2%
Female	381	51.8%
White, not Hispanic	704	95.8%
Hispanic or Latino	13	1.8%
Black	3	0.4%
Asian	0	0.0%
American Indian and Alaska Native	0	0.0%
Native Hawaiian and Other Pacific Islander	0	0.0%
Some other race	16	2.2%
Two or more races	3	0.4%

Source: U.S. Census Bureau, American Community Survey 5-Year Estimates, 2013-2017





Table B-4 Types and Total Amounts of Housing Units in Blue River

Type of housing units	Total	Percentage
Total housing units	738	
1-unit detached	644	87.3%
1-unit attached	31	4.2%
2 units	23	3.1%
3 or 4 units	0	0.0%
5 to 9 units	18	2.4%
10 to 19 units	15	2.0%
20 or more units	0	0.0%
Mobile home	7	0.9%
Boat, RV, van, etc.	0	0.0%

Source: U.S. Census Bureau, American Community Survey 5-Year Estimates, 2013-2017

Figure B-2 Age Distribution in Blue River

Source: U.S. Census Bureau, American Community Survey 5-Year Estimates, 2013-2017

### B.1.3 Economy

The Town of Blue River is a residential community with little industry or commercial business. According to 2017 Census Bureau estimates, the industries that employed the highest percentages of Blue River’s labor force were professional, scientific, management, administrative, and waste management services (25.2%); educational services, and health care and social assistance (18.4%); retail trade (11.8%); finance, insurance, real estate, and rental and leasing (9.4%); construction (9.2%); and arts, entertainment, recreation, accommodation, and food services (9.3%).





As shown in Table B-1, per capita income in Blue River was \$50,376 in 2017, which is roughly 30% above average for both Summit County and the State of Colorado. A breakdown of Blue River's income distribution is shown in Table B-3.

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### Figure B-3 Income Distribution in Blue River as of 2017

Source: U.S. Census Bureau, American Community Survey 5-Year Estimates, 2013-2017

## B.2 Hazard Identification and Profiles

Blue River's HMPC identified the hazards that affect the community and summarized their geographic location, probability of future occurrence, potential magnitude or severity, and overall significance specific to the Town (see Table B-5). In the context of the countywide planning area, there are no hazards that are unique to Blue River.





Table B-5 Blue River Hazard Summary

Hazard Type	Geographic Location	Probability of Future Occurrence	Magnitude/Severity	Overall Hazard Rating
Avalanche	Isolated	Unlikely	Limited	Low
Dam Failure	Large	Unlikely	Critical	Medium
Drought	Large	Occasional	Limited	Low
Earthquake	Large	Unlikely	Limited	Low
Erosion/Deposition	Small	Likely	Critical	Medium
Flood	Small	Occasional	Limited	Medium
Hazardous Materials Release (Transportation)	Isolated	Unlikely	Limited	Low
Landslide, Mudflow/Debris Flow, Rockfall	Small	Occasional	Limited	Medium
Lightning	Large	Likely	Limited	Low
Pest Infestation (Forest and Aquatic)	Small	Highly Likely	Limited	Medium
Severe Winter Weather	Large	Highly Likely	Critical	High
Wildfire	Large	Likely	Critical	High
Wildlife-Vehicle Collisions	Small	Likely	Negligible	Low
Windstorm	Large	Likely	Limited	Low

Note: See Section 3.2 of the HIRA document for definitions of these hazard categories.

Information on past events for each hazard can be found in Section 3.2 Hazard Profiles of the main plan.

## B.3 Vulnerability Assessment

The intent of this section is to assess Blue River’s vulnerability to hazards separate from that of the planning area as a whole, which has already been assessed in Section 3.3 Vulnerability Assessment of the main plan. This vulnerability assessment analyzes the population, property, critical facilities, and other assets at for the more significant hazards or where available data permitted a more in-depth analysis. For more information about how hazards affect the County as a whole, see Chapter 3 Risk Assessment of the main plan HIRA document.

### B.3.1 Community Asset Inventory

Table B-6 shows the total number of improved parcels, properties, and their improvement and content values for the Town of Blue River. Note that only those parcels with improvement values greater than \$0, or those which were classified as “exempt,” were accounted here and in vulnerability assessments to follow, so that those non-developed or non-improved parcels were left out for the purposes of conducting the vulnerability assessments in this annex. Counts and values are based on the latest county assessor’s data (as of November 2019), which was provided in GIS format. Contents exposure values were estimated as a percent of the improvement value here and under the hazard vulnerability assessment, specifically: 50% of the improvement value for Residential structures, and 0% for Exempt parcels. These percentage calculations are based on standard FEMA Hazus methodologies. Finally, Total Values were aggregated by adding the improvement and content values for each parcel type category.

Table B-6 Blue River’s Improved Parcel and Property Exposure





Parcel Type	Parcel Totals	Total Properties*	Improved Value	Content Value	Total Value
Exempt	41	42	\$0	--	\$0
Residential	721	758	\$516,501,499	\$258,250,750	\$774,752,249
Total	762	800	\$516,501,499	\$258,250,750	\$774,752,249

Source: Summit County Assessors Data, November 2019.

\*Property totals were obtained by counting the number of separate property records that were part of the same parcels. As such, the improved values and subsequent totals stem from the total individual property records, not stand-alone parcel totals.

Table B-7 lists summary information about the 9 critical facilities and other community assets identified by Blue River’s HMPC as important to protect or provide critical services in the event of a disaster. Table B-8 details more information on the critical facilities in question found in the town and considered in the GIS analysis within each hazard’s vulnerability assessment for planning purposes, to estimate whether it might be at risk of the various hazards assessed. For additional information on the definitions behind each critical facility category, source, and other details refer to Section 3.3.2 of the main plan HIRA document.

Table B-7 Blue River Critical Facilities and Infrastructure Summary

FEMA Lifeline	Critical Facility Type	Total
Food/Water/Shelter	Static Water Structures	5
	Wastewater Facilities	1
Safety and Security	Fire Station	1
	Government Buildings	1
	Police Stations	1
TOTAL		9

Source: Summit County GIS, Summit County HMPC.

Table B-8 Detailed List of Critical Facilities and Infrastructure in Blue River







FEMA Lifeline Category	Critical Facility Type	Facility Name	Facility Location	Notes or Additional Details
Food/ Water/ Shelter	Static Water Structures	Theobald Way Draft Point	Blue Grouse Trail	Access on both sides of stream, Distance = 10 Ft, Stream
		CR 801 Pond Draft Point	87 CR 801 "Purbin's House"	May be accessible off driveway with rig. Recheck in summer., Distance = 50 Ft, Pond
		Indiana Creek Draft Point	Spruce Valley Drive	Access on upside of road, Distance = 20 Ft, Stream
		Spruce Valley Tarn Access Draft Point	Spruce Valley Drive	Access is just past canoe house, may be accessible w/ type 6 as well, Distance = 100 Ft, Pond
	Blue River Rd Draft Point	Blue River Rd & Royal Drive	Water is available on W side of RD in a natural pool, Distance = 10 Ft, Stream	
	Wastewater Facilities	Breckenridge Treatment Plant	--	--
Safety and Security	Fire Station	RWB Station 7	120 Whispering Pines Ln, Blue River 80424	--
	Government Buildings	Blue River Town Hall	--	\$350,000 replacement value
	Police Stations	Blue River Marshall Office - Summit County Govt.	110 Whispering Pines Cir, Blue River 80424	--

Source: Summit County GIS, Summit County HMPC.

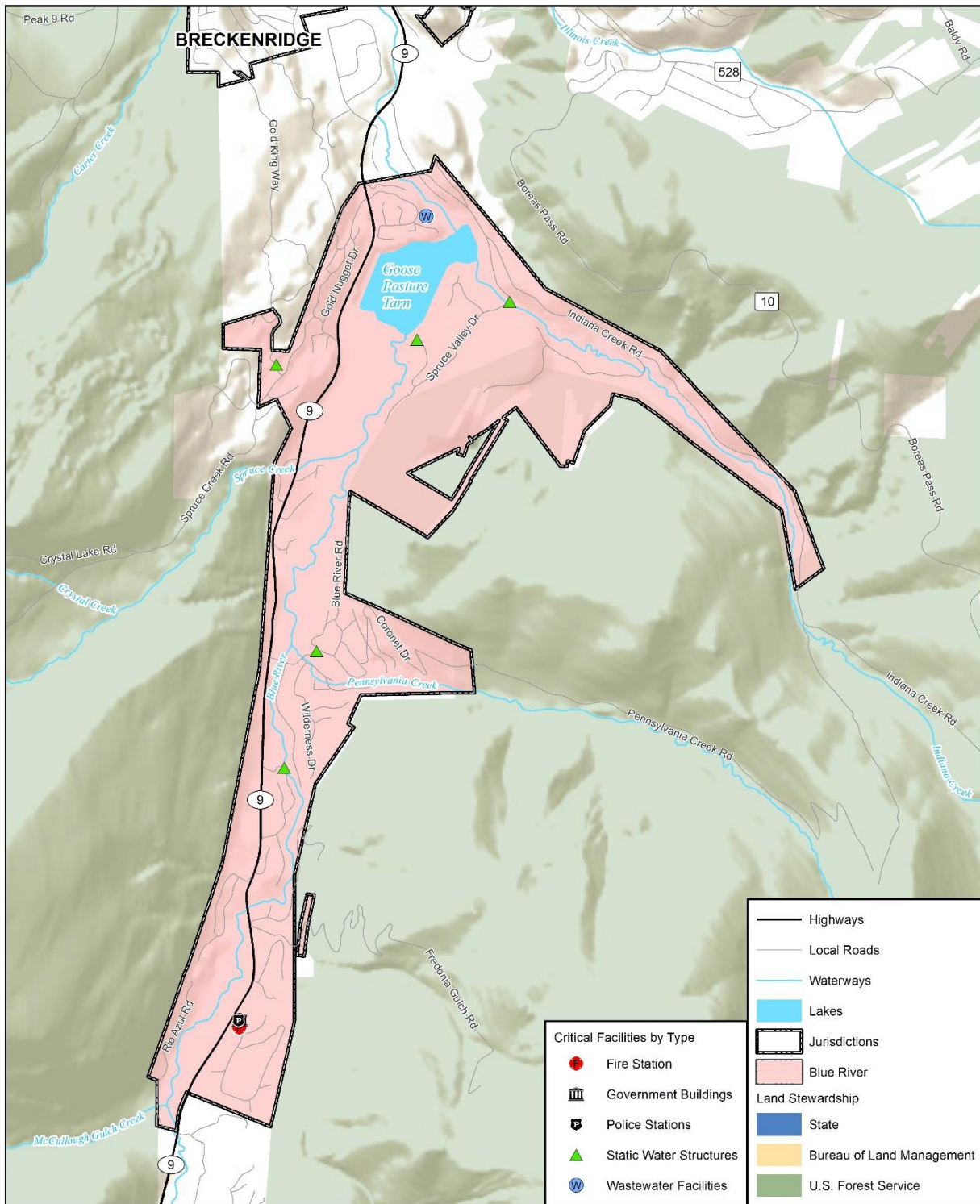
The past 2013 HMP noted the Town Park as a community asset with a \$200,000 approximate replacement value.

The locations of identified critical facilities and infrastructure in Blue River are illustrated in Figure B-4.

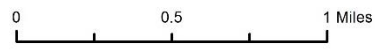




Figure B-4 Critical Facilities and Infrastructure in the Town of Blue River



wood.  
Map compiled 11/2019;  
intended for planning purposes only.  
Data Source: US Census TIGER  
Database, CO Open Data Portal,  
CO BLM, Summit County, ESRI World  
Terrain Basemap, HIFLD





## B.3.2 Vulnerability by Hazard

This vulnerability section analyzes existing and potential future risk in more detail where the risk varies from the rest of the planning area. Vulnerability details for the following bulleted hazards are often difficult to compile or estimate for specific jurisdictions and are already described in the Section 3.3.3 of the Base Plan.

- Drought
- Earthquake
- Erosion/Deposition
- Hazardous Materials (Transportation)
- Lightning
- Pest Infestation (Forest and Aquatic)
- Severe Winter Weather
- Wildlife-Vehicle Collisions
- Windstorm

Only Flood, Dam Inundation, Landslide/Mudflow/Debris Flow/Rockfall, and Wildfire hazards will be profiled in the following vulnerability assessment sections, due to the ability to quantify vulnerability further with available data.

### Dam Failure

#### ***General Property***

The Goose Pasture Tarn Dam is located in the Town of Blue River, on the north end, and has a maximum storage capacity of approximately 811 acre-feet. The Town also lies downstream of the Upper Blue Lake Dam, which is located near the Summit County and Lake County boundary, about 5 miles east of the Robinson Tailings Pond. The Upper Blue Lake Dam has a maximum storage capacity of approximately 2,100 acre-feet.

While there is no concrete data available to indicate any likelihood of failure, based on best available dam inundation data there might be structures potentially at risk of dam failure flooding. The dam failure inundation maps contain sensitive information and are not available for display in this public planning document. Based on a GIS analysis performed with the county parcel layer and the available dam inundation mapping (for planning purposes only), the following potential damages would be expected in Blue River. Note that additional details on the GIS analysis methodology, data preparation process, and other helpful information for understanding how vulnerability assessment results were obtained can be found in Section 3.3. Vulnerability Assessment within the main plan HIRA document.



Table B-9 Estimated Dam Inundation Risk to Properties in Blue River

Parcel Type	Total Properties Exposed	Improved Value	Content Value	Total Value	Population Exposed
Exempt	1	\$0	--	\$0	--
Residential	143	\$72,556,720	\$36,278,360	\$108,835,080	443
<b>TOTAL</b>	<b>144</b>	<b>\$72,556,720</b>	<b>\$36,278,360</b>	<b>\$108,835,080</b>	<b>443</b>

Source: Summit County GIS and Assessor’s Office, U.S Census, Wood Analysis

### People

Based on the GIS analysis summarized in Table B-9 above, it is estimated that around 443 people in Blue River might be at risk of dam inundation hazards. These totals were obtained by multiplying the average number of persons per household in Summit County (which equals 3.10) times the number of residential properties where dam inundation extents were available.

### **Critical Facilities and Infrastructure**

Based on the critical facility inventory considered in the updating of this plan and intersected with the dam inundation extents available for the Town of Blue River, 2 critical facilities were found to be at potential risk. These are summarized in the table below.

Table B-10 Critical Facilities in Blue River at Risk of Dam Inundation

FEMA Lifeline Category	Critical Facility Type	Facility Name
Food/Water/Shelter	Static Water Structures	Theobald Way Draft Point
		Spruce Valley Tarn Access Draft Point
<b>TOTAL</b>		<b>2</b>

Source: Summit County, HIFLD, Wood Analysis

### **Economy**

A dam inundation event that affected the major roads which give access to the town (e.g. Highway 9) could significantly affect the local economy, by limiting or completely impeding access to shops, restaurants, hotels, and other major industries which keep the local economy thriving.

### **Historical, Cultural, and Natural Resources**

Dam or reservoir failure effects on the environment would be similar to those caused by flooding from other causes. For the most part the environment is resilient and would be able to rebound, though this process could take years. However, historic and cultural resources could be affected just as housing or critical infrastructures would.

### **Future Development**

A dam failure would likely result in impacts greater than the 100- and 500-year flood events, as modeled by the latest FEMA NFHL data. The Town should consider dam failure hazards when permitting development downstream of the Goose Pasture Tarn and Upper Blue Lake Dams.





## Flood

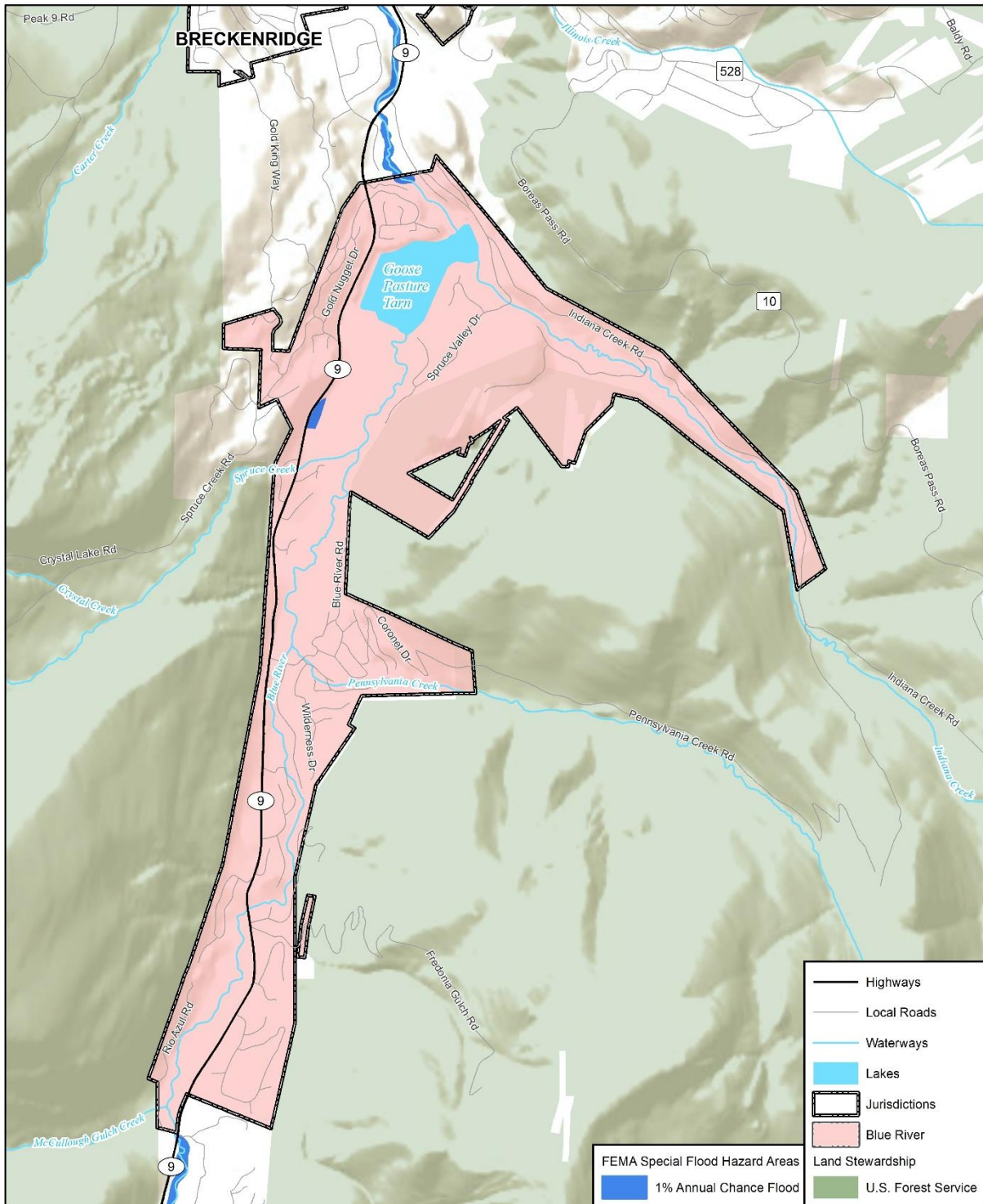
Though not fully delineated by the latest FEMA NFHL data (dated July 17, 2019), the Blue River is likely a cause for riverine flooding in the town, as it is the largest waterway crossing through it. Other streams which are present in Blue River include Pennsylvania Creek, Spruce Creek, Indiana Creek, and McCullough Gulch Creek, though flooding from these sources has not been included in the latest FEMA mapped areas and is hence not well known. However, the Goose Pasture Tarn Dam to the north of town reduces the peak discharge of the Blue River due to rainfall, but the effect is only marginal for runoff due to snowmelt, which is normally the major cause of peak flows. Other reservoirs provide only incidental flood protection (FEMA, 2018).

### ***General Property***

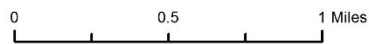
Vulnerability to flooding was determined by summing potential losses to Summit County's properties in GIS, by using the latest FEMA NFHL data along with the Summit County parcel layer the provided by the Assessor's Office. FEMA's NFHL data depicts the 1% annual chance (100-year) and the 0.2% annual chance (500-year) flood areas. Figure B-5 below displays the FEMA special flood hazard areas present in the town, color coded based on flood event.



Figure B-5 FEMA Special Flood Hazard Areas in Blue River



Map compiled 12/2019;  
intended for planning purposes only.  
Data Source: US Census TIGER  
Database, CO Open Data Portal,  
CO BLM, Summit County, ESRI World  
Terrain Basemap, FEMA NFHL





Based on the GIS analysis performed with the county parcel layer and the available FEMA flood mapping, the potential risk for the Town is shown in Table B-10. Blue River’s 1% annual chance flood zone shows that one residential structure is potentially at risk. No 0.2% annual chance flood zones are available in map form, and as such no exposure to this type of flooding was estimated using this methodology.

Table B-11 Summary of Properties Vulnerable to Flood in Blue River by Type

Flood Event	Parcel Type	Total Properties	Improved Value	Content Value	Total Value	Loss Estimate (25% of Total Value)	Population
100-year	Residential	1	\$942,742	\$471,371	\$1,414,113	\$353,528	3

Source: Summit County, FEMA NFHL, U.S. Census Bureau, Wood analysis

**People**

The population exposed to the flood hazards described in the flood vulnerability analysis above was estimated by applying an average household size factor (based on 2018 U.S. Census estimates for Summit County, which equal to 3.1 persons per household) to the number of improved properties identified in the flood hazard areas within Blue River. Note that only those parcels of type Residential were used to estimate populations exposed. These estimates yielded the population exposures shown in the table above (Table B-10). As such, the 1% annual chance flood would potentially displace 3 people based on the single residential structure which falls in this flood zone.

**Critical Facilities and Infrastructure**

No critical facilities were found to overlap with the flood zones mapped for Blue River. The Town has experienced problems with collapsing culverts and the bridge over the Blue River on Blue River Road. This issue has been resolved by implementing a hazard mitigation project as described in Section B.6.

**Economy**

Flooding can have a major economic impact on the economy, including indirect losses such as business interruption, lost wages, and other downtime costs. Flooding often coincides with the busy summer tourism months in Summit County, and may impact, directly or indirectly (such as from the negative perception of potential danger to his hazard), the revenues of shops, restaurants, hotels, and other major industries which keep the local economy thriving. In addition, major flooding which led to road or other infrastructure closures could additionally limit access to the Town by tourists, locals, and even basic goods and services.

**Historical, Cultural, and Natural Resources**

The environment is mostly resilient to general flooding. However, cultural or historic properties within floodplains would be affected in similar ways as property and critical facilities/infrastructure, especially those with underground or basement levels where water would easily seep and potential ruin archives, resources, or other important assets.

**Future Development**

Blue River does not have a floodplain ordinance but there is not anticipated to be new development in the small amount of mapped Special Flood Hazard Area. The building regulations do allow the Town to require that new construction meet certain drainage requirements at its discretion.





## Landslide, Mud Flow/Debris Flow, Rock Fall

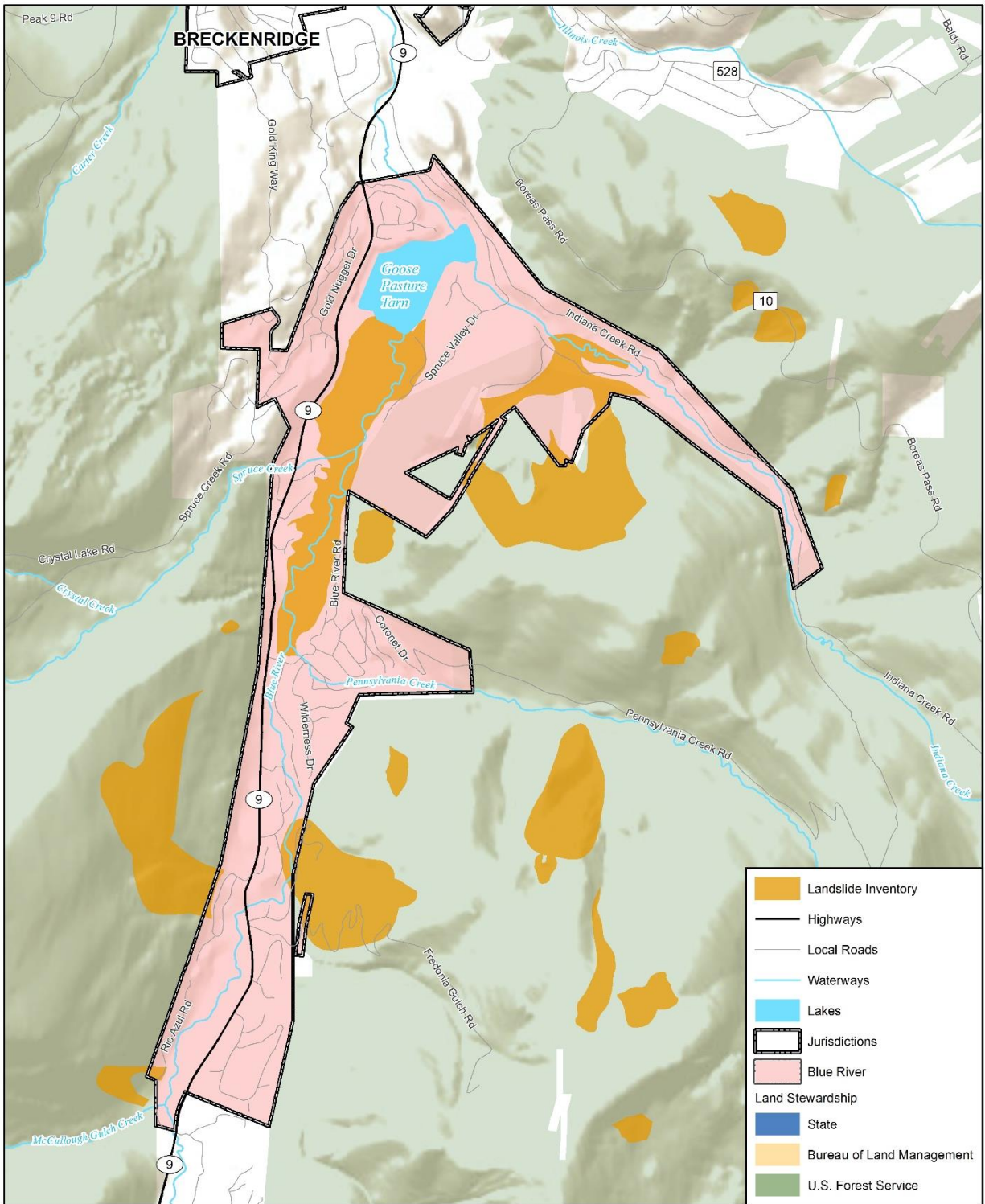
General landslide hazard areas are present in the Town of Blue River, particularly south of the Goose Pasture Tarn and along the Blue River, up until the Pennsylvania Creek merge. There are smaller hazard areas along Indiana Creek to the east of the town, and south of Wilderness Drive, east of Highway 9 towards Fredonia Gulch Road (see Figure B-6 below).







Figure B-6 General Landslide Hazard Areas in Blue River



**wood.**  
 Map compiled 11/2019;  
 intended for planning purposes only.  
 Data Source: US Census TIGER  
 Database, CO Open Data Portal,  
 CO BLM, Summit County, ESRI World  
 Terrain Basemap, CGS

0 0.5 1 Miles





### General Property

Potential losses for general landslide areas were estimated using Summit County GIS and assessor’s parcel data. Based on the GIS analysis performed, the potential risk to general landslide areas in Blue River is summarized in Table B-12. For the purposes of this analysis, if a parcel’s centroid intersected the landslide hazard polygons, that parcel is assumed to be at risk. Content values were calculated from the improvements as a percentage of property improvement values based on their occupancy type (using FEMA Hazus guidance), so that Residential properties received content values worth 50% of their improvements. Property improvements and content values were then totaled to arrive at the Total Value column. Note that additional details on the GIS analysis methodology, data preparation process, and other helpful information for understanding how vulnerability assessment results were obtained can be found in Section 3.3. Vulnerability Assessment within the main plan HIRA document.

Blue River’s Residential properties have a total exposure value of over \$35.8 million. A total of 26 properties are exposed to these landslide hazards.

Table B-12 Property Exposure to General Landslide Hazard Areas in Blue River

Parcel Type	Total Properties	Improved Value	Content Value	Total Value	Population
Residential	26	\$23,906,229	\$11,953,115	\$35,859,344	81

Source: Summit County GIS/Assessor Office, Colorado Geological Survey, U.S. Census, Wood analysis

### People

People could be susceptible if they are caught in a landslide or debris flow, potentially leading to injury or death. There is also a danger to drivers operating vehicles, as rocks and debris can strike vehicles passing through the hazard area or cause dangerous shifts in roadways. Based on Table B-12 above, an estimated 81 people could be at risk of general landslide hazards in Blue River. At risk population was estimated by multiplying the average number of persons living in each household in Summit County (which is 3.1 per home) times the number of properties of type “residential” where landslide areas have been inventoried in Blue River.

### Critical Facilities and Infrastructure

Only one critical facility is found at risk of landslide hazards in Blue River. It is the Spruce Valley Tarn Access Draft Point just past the canoe house south of the Goose Pasture Tarn, and it is classified as a static water structure. This facility is categorized under the Food/Water/Shelter FEMA Lifeline.

The major transportation route present in the town and hence key infrastructure allowing access in and out of it includes Highway 9. This route could be affected by the geologic hazards in question if closures were required, impeding the normal flow of goods and services, for example.

### Economy

Economic impacts related to landslide, rockfall, debris fall, and mudslide hazards typically center around transportation routes temporarily closed by debris flow or other activity. The major route mentioned above (Highway 9) would be at most risk due to their heavy flow of goods, services, and populations which keep the economy thriving.





### Historical, Cultural, and Natural Resources

As primarily natural processes, landslides and debris flows can have varying impacts to the natural environment as well as cultural or historical resources found on their path. For buildings and other structures, impacts would be similar as those seen on general property or critical facilities/infrastructure.

### Future Development

The severity of landslide problems is directly related to the extent of human activity in hazard areas. Adverse effects can be mitigated by early recognition and avoiding incompatible land uses in these areas or by corrective engineering. The mountainous topography of Summit County and much of Blue River presents considerable constraints to development, most commonly in the form of steep sloped areas. These areas (defined as having a grade change of 30% or more) are vulnerable to disturbance and can become unstable.

### Wildfire

#### General Property

Wildfire threat was estimated from the County’s Wildfire Protection Assessment Rating layer, which breaks up areas into Low, Medium, High, and Extreme ratings. This wildfire layer was used in GIS to determine the number, type, and improvement values for properties found to overlap with them, and hence estimate potential property risk to wildfire threat in Blue River. For the purposes of this analysis, the wildfire zone that intersected a parcel centroid was assigned as the threat zone for the entire parcel. Improvement values were then summed by wildfire rating area and then sorted by parcel type. From the improvement values were the content values calculated next, as a percentage of property improvement values based on their occupancy type (using FEMA Hazus guidance as follows): Residential parcels received content values worth 50% of their improvements, and Exempt parcels received content values worth 0% of their improvements. Property improvements and content values were then totaled to arrive at the Total Value column, which is also the estimated value at risk based on FEMA loss curve standards for wildfire hazards.

Wildfire protection assessment areas for Blue River are displayed in Figure B-7 for reference.

Table B-13 Property Values in Wildfire Zones by Parcel Type, Blue River

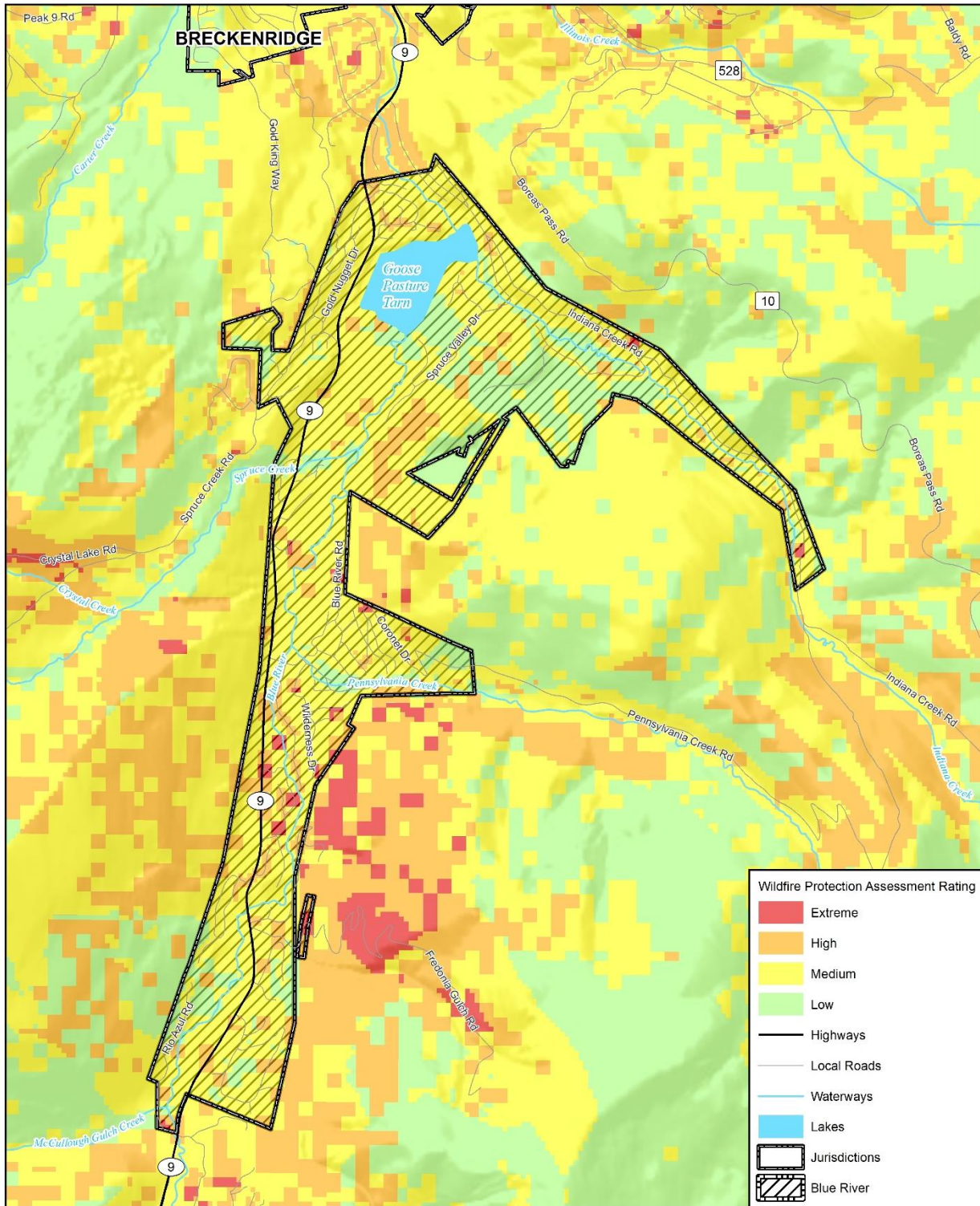
Parcel Type	Total Properties	Improved Value	Content Value	Total Value	Population at Risk
Residential	689	\$435,593,437	\$217,796,719	\$653,390,156	2,136
Exempt	4	\$0	--	\$0	--
TOTAL	693	\$435,593,437	\$217,796,719	\$653,390,156	2,136

Source: Summit County GIS/Assessor Office, CO-WRAP, U.S. Census, Wood analysis





Figure B-7 Wildfire Protection Assessment Areas and Ratings in Blue River



wood.  
 Map compiled 11/2019;  
 intended for planning purposes only.  
 Data Source: US Census TIGER  
 Database, CO Open Data Portal,  
 CO BLM, Summit County, ESRI World  
 Terrain Basemap, CO-WRAP



## **People**

The last column of Table B-13 above summarizes the number of people at risk to wildfire in the analyzed fire zones. Based on the assessment conducted, Blue River has an estimated 2,136 people at risk of Medium, High, and Extreme rated wildfire zones. These totals were estimated by multiplying the average persons per household in Summit County, which is 3.1, times the number of residential properties falling within the fire zone/s. While this is higher than the actual population, it may also be indicative of the population that surges during the summer season.

However, smoke resulting from fire is an issue to local populations, as noted by the Summit County's HMPC. For example, the County Public Health Department has received calls in the past from tourists asking if they should cancel travel plans in the county due to smoke and potential health and safety related concerns.

## **Critical Facilities and Infrastructure**

All 9 critical facilities located in Blue River are found in either Medium or High wildfire threat areas. Since all the facilities profiled in this plan update were already discussed in the Community Asset Inventory subsection of this annex, more details are available in Table B-7 and Table B-8. These are summarized again in the bullet points below for reference:

- Food/Water/Shelter
  - Static Water Structures: Theobald Way Draft Point, CR 801 Pond Draft Point, Indiana Creek Draft Point, Spruce Valley Tarn Access Draft Point, and Blue River Road Draft Point
  - Wastewater Facilities: Breckenridge Treatment Plant
- Safety and Security
  - Fire Station: RWB Station 7
  - Government Buildings: Blue River Town Hall
  - Police Stations: Blue River Marshall Office – Summit County Government

The Red, White, and Blue Fire Protection District, which provides fire protection services to Breckenridge, Blue River, and surrounding area, is considered an initial attack center for wildland fires on all private land and takes a joint responsibility with the U.S. Forest Service for fires on federal land.

## **Economy**

Tourism, the accommodation and food services industry (e.g. hotels and restaurants), and retail are major components of Summit County's economy, and Blue River's as well. Wildland fires can, for example, lead to significant tourism reductions due to health and safety concerns, causing lost revenues from lack of visitation, stays in hotels, spending on restaurants and other commerce sources, and more.

## **Historical, Cultural, and Natural Resources**

Wildfires are a common and naturally occurring phenomenon in forested areas and can benefit forest health in many respects. But the climate change trend which is leading to hotter, more widespread, and destructive fires can make it more difficult for the environment to recover, and lead to increased flood runoff or other secondary/cascading hazards. This can severely impact water quality and watershed health for years after the fire.

With regards to historic or cultural structures and resources, wildfires would affect those in similar ways as general property and critical facilities/infrastructure, having the potential for burn downs and hence possible complete loss of important historical assets in Blue River.





## Future Development

New construction in Blue River must meet defensible space regulations, which is included in the Town’s code.

### B.3.3 Growth and Development Trends

Table B-14 illustrates how Blue River has grown in terms of population and number of housing units between 2012 and 2017.

Table B-14 Blue River—Change in Population and Housing Units, 2012-2017

2012 Population	2017 Population Estimate	Estimated Percent Change 2012-2017	2012 # of Housing Units	2017 Estimated # of Housing Units	Estimated Percent Change 2012-2017
890	932	5%	732	738	+0.8%

Source: U.S. Census Bureau, American Community Survey 5-Year Estimates, 2013-2017

The Town of Blue River Comprehensive Plan states:

Blue River is a unique municipality in that it encompasses only residential subdivisions and has no commercial uses that typically define downtowns or commercial corridors in other communities. Adding to its uniqueness is the fact that approximately 44% of the homes in the town are utilized as part-time residences or vacation homes (Census Bureau). For the most part, the full-time residents in Blue River are employed and commute to work in other communities, as evidenced by the 89% workforce participation rate and median household income of \$78,000 per year, both of which are higher than other comparable small towns in the area including Frisco, Dillon and Fraser (Census Bureau).

## B.4 Capability Assessment

Capabilities are the programs and policies currently in use to reduce hazard impacts or that could be used to implement hazard mitigation activities. The capabilities assessment is divided into four sections: regulatory mitigation capabilities, administrative and technical mitigation capabilities, fiscal mitigation capabilities, and mitigation outreach and partnerships.

### B.4.1 Regulatory Mitigation Capabilities

Table B-15 lists planning and land management tools typically used by local jurisdictions to implement hazard mitigation activities and indicates those that are in place in Blue River.

Table B-15 Blue River—Regulatory Mitigation Capabilities

Regulatory Tool (Ordinances, Codes, Plans)	Yes/No	Comments
Master Plan	Yes	Covered by Joint Upper Blue Master Plan (2011)
Zoning Ordinance	Yes	Chapter 16 of Town Ordinances
Subdivision Ordinance	Yes	Chapter 17 of Town Ordinances
Growth Management Ordinance	Yes	Addressed in Comprehensive Master Plan
Floodplain Ordinance	No	
Other Special Purpose Ordinance	Yes	Wildfire mitigation standards





Regulatory Tool (Ordinances, Codes, Plans)	Yes/No	Comments
Building Code	Yes	2018 International Residential Code adopted in 2019
Fire Department ISO Rating	Yes	Rating: 2
Erosion or Sediment Control Program	Yes	Coordinating on this category and Stormwater with the Upper Blue Sanitation District. As sewer projects are being conducted the Town replaces culverts and drainage control measures
Stormwater Management Program	Yes	See above statement
Site Plan Review Requirements	Yes	Architectural Guidelines
Capital Improvements Plan	Yes	Capital Improvement Plan (2018)
Economic Development Plan	Yes	Included in Comprehensive Master Plan
Local Emergency Operations Plan	No	Update in progress with other Municipalities
Other Special Plans	Yes	Defensible space plans being developed
Flood Insurance Study or Other Engineering Study for Streams	No	Contract with water specialist and looking at future water projects

## Town of Blue River Comprehensive Plan

The Town’s Comprehensive Plan contains existing hazard mitigation capabilities via goals and strategies such as Goal 11, aimed at reducing the risk of wildfire hazards particularly associated with the local conifer forests. Thinning of vegetation around and near structures is noted as helping to reduce wildfire risk, as well as establishing and maintaining fire breaks. The three strategies contained within this goal are as follows:

- Strategy A: Work with the Red White and Blue Fire Protection District to attain “Fire Wise” status for Blue River
- Strategy B: Improve the Town addressing system and address signage standards for faster and more efficient EMS response
- Strategy C: Develop a program and funding for ware cisterns for fire protection

## Town of Blue River Ordinances

### ***Chapter 7 Health, Sanitation, and Animals***

The purpose of Division II Forest Management of Article V Trees is to preserve the rural mountain character of the Town by minimizing the removal of live trees while protecting the life and property of the residents of the Town by establishing minimum wildfire mitigation standards. These include defensible space regulations for new construction.

### ***Chapter 16 Zoning***

#### **Sec. 16-6-50. Site and structure requirements.**

- a) Density. The applicant shall be responsible for justifying the proposed density level in terms of land planning and physiographic data, but in no case shall the gross density exceed six (6) dwelling units per acre of land.





- b) Yard requirements. Yard requirements will be determined upon submission and approval of the preliminary development plans. The applicant shall be responsible for justifying the proposed yard requirements in terms of land planning and fire safety.
- c) Height requirements. The maximum height of structures must be approved by the Planning and Zoning Commission upon review of each planned residential development in relation to the following factors:
  - 1) Geographical position.
  - 2) The probable effect on surrounding slopes and hills.
  - 3) Adverse visual effects imparted to adjoining property owners, other areas of the development, public lands or public rights-of-way.
  - 4) Potential problems for adjacent sites, both within and out of the development, caused by shade, shadows, loss of air circulation or loss of view.
  - 5) Surrounding traffic conditions and lines of sight.
  - 6) Uses within each building.
  - 7) Fire prevention measures. (Prior code 6-6-4)

### **Sec. 16-8-80. Compliance with Building and Fire Codes.**

Where approval of an accessory apartment is sought by an owner for a unit existing before adoption of this Article, the unit shall be inspected and shall comply with applicable requirements of the Building and Fire Codes<sup>1</sup>. (Prior code 5-5-8)

### ***Chapter 18 Building Regulations***

Prior to the issuance of a certificate of occupancy, any person who builds or erects any structure must contact the Town by calling or writing the building inspector to obtain approval for issuance of the certificate of occupancy. Approvals of the septic/sewer authority, the fire protection district, the Architectural Review Board, and homeowners' association may be required. Approval may, at the Town's sole discretion, require completion of the following improvements:

- Installation of culverts
- Grading or regrading any disturbed or damaged roads or driveways or other areas necessary for proper drainage
- All runoff created by or redirected by the construction, erection and landscaping of the structure on the property shall be treated, contained, and controlled so that there are no increases in runoff or other drainage consequences resulting from said construction, erection, and landscaping

### **Floodplain Regulations and NFIP Participation**

There are limited flood areas mapped in Blue River, as indicated by the most current FEMA National Flood Hazard Layer data (November 2018). The Town of Blue River does not participate in the NFIP as of September 12, 2019 and has been sanctioned since 11/16/12. According to the HMPC, due to limited impacts from flooding and the cost of enforcement the Town has opted not to participate. This means

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<sup>1</sup> See Chapter 18 of this Code.







that the community has a mapped special flood hazard area but is not regulating development in those areas and flood insurance is not available for residents that may choose to have it.

### B.4.2 Administrative/Technical Mitigation Capabilities

Table B-16 identifies the personnel responsible for activities related to mitigation and loss prevention in Blue River.

Table B-16 Blue River—Administrative and Technical Mitigation Capabilities

Personnel Resources	Yes/No	Department/Position	Comments
Planner/Engineer with Knowledge of Land Development/Land Management Practices	Yes	Land Planner	Contract position
Engineer/Professional Trained in Construction Practices Related to Buildings and/or Infrastructure	Yes	Building Inspector	Full time position with Town
Planner/Engineer/Scientist with an Understanding of Natural Hazards	Yes	Engineer	Contract Position
Personnel Skilled in GIS	No		Utilize Summit County GIS
Full Time Building Official	Yes	Building Inspector	
Floodplain Manager	No		Handled by contract Engineer
Emergency Manager	Yes	Town Manager	Town Manager fulfills these duties
Grant Writer	Yes	Town Manager	Town Manager fulfills these duties
Other Personnel	Yes	Town Manager/Clerk	
Warning Systems/Services	Yes		Provided by Summit County Communications Center

### B.4.3 Fiscal Mitigation Capabilities

Table B-17 identifies financial tools or resources that Blue River could potentially use to help fund mitigation activities.

Table B-17 Blue River—Fiscal Mitigation Capabilities

Financial Resources	Accessible/Eligible to Use (Yes/No)	Comments
Community Development Block Grants	No	
Capital Improvements Project Funding	No	
Authority to Levy Taxes for Specific Purposes	Yes	
Fees for Water, Sewer, Gas, or Electric Services	No	
Impact Fees for New Development	Yes	
Incur Debt through General Obligation Bonds	Yes	
Incur Debt through Special Tax Bonds	Yes	
Incur Debt through Private Activities	No	
Withhold Spending in Hazard Prone Areas	Yes	





## B.4.4 Mitigation Outreach and Partnerships

Blue River continues to partner with the Red, White, and Blue Fire Protection District to implement defensible space projects for property owners to reduce wildfire risk. The Town plans to continue this program in the future and has maintained a wildfire mitigation budget line for the purpose of matching grants.

## B.4.5 Past Mitigation Efforts

The Town of Blue River in partnership with Red, White & Blue; Summit Wildfire Council and a private contractor has worked to provide defensible space grants to encourage residents to create defensible space around their homes. In addition, the Town has, with assistance from DOLA and Summit Wildfire Council in partnership with Red, White & Blue Fire District installed cisterns in 21 locations throughout Town to allow for enhanced fire response.

## B.4.6 Opportunities for Enhancement

Based on the capability assessment, Blue River has several existing mechanisms in place that already help to mitigate hazards. There are also opportunities for the Town to expand or improve on these policies and programs to further protect the community. Future improvements may include providing training for staff members related to hazards or hazard mitigation grant funding in partnership with the County and DHSEM. Additional training opportunities will help to inform Town staff and board members on how best to integrate hazard information and mitigation projects into the Town policies and ongoing duties of the Town. Continuing to train Town staff on mitigation and the hazards that pose a risk to the Town will lead to more informed staff members who can better communicate this information to the public.

## B.5 Mitigation Goals and Objectives

Blue River adopts the hazard mitigation goals and objectives developed by the HMPC and described in Chapter 4 Mitigation Strategy.

## B.6 Mitigation Actions

The planning team for Blue River identified and prioritized the following mitigation actions based on the risk assessment. Background information on how each action will be implemented and administered, such as ideas for implementation, responsible agency, potential funding, estimated cost, and timeline also are included.



## Mitigation Action: Blue River—1 Culvert and Bridge Replacement

<b>Jurisdiction:</b>	Town of Blue River
<b>Action Title:</b>	Replace collapsing culverts and rebuild bridge over the Blue River on Blue River Road.
<b>Hazard(s) Mitigated:</b>	Flood
<b>Priority:</b>	High
<b>Background/Issue:</b>	
<b>Responsible Agency:</b>	Town of Blue River Town Management
<b>Partners:</b>	Summit County
<b>Potential Funding:</b>	Town of Blue River, FEMA Hazard Mitigation Grant Program and Pre-Disaster Mitigation Grant Program
<b>Cost Estimate:</b>	\$300,000
<b>Benefits: (Losses Avoided)</b>	<ul style="list-style-type: none"><li>• Protect public health and safety</li><li>• Reduce damage due to flooding</li><li>• Prevent bridge collapse</li><li>• Improve evacuation routes</li></ul>
<b>Timeline:</b>	--
<b>Status:</b>	<b>Completed.</b> This is complete and culverts are cleared on an annual basis to ensure functionality





## Mitigation Action: Blue River—2 Defensible Space Program

<b>Jurisdiction:</b>	Town of Blue River
<b>Action Title:</b>	Continue homeowner defensible space program begun in 2007
<b>Hazard(s) Mitigated:</b>	Wildfire
<b>Priority:</b>	High
<b>Background/Issue:</b>	Forest pests has killed many trees in town increasing the wildfire danger. As we are told by the fire district, it is not if, but when a wildfire will break out. The Town of Blue River has embarked on a defensible space program to help with fire mitigation. The Town has had the program in place since 2007. We also now have hydrants in the Town.
<b>Ideas for Implementation:</b>	Encourage homeowners and property owners to clear a 30-foot defensible space around their homes through education and rebates. Seek funding to continue this program each year.
<b>Responsible Agency:</b>	Town of Blue River Town Management
<b>Partners:</b>	Red, White, and Blue Fire Protection District
<b>Potential Funding:</b>	Town of Blue River, grant from Red, White, and Blue Fire Protection District, FEMA Hazard Mitigation Grant Program and Pre-Disaster Mitigation Grant Program
<b>Cost Estimate:</b>	We have budgeted (the Town) \$15,000 with a matching grant from Red, White and Blue Fire Protection District for \$15,000.
<b>Benefits: (Losses Avoided)</b>	<ul style="list-style-type: none"><li>• Help residents take responsibility for mitigation of their homes</li><li>• Reduce potential loss of life and structures</li></ul>
<b>Timeline:</b>	Annual Implementation
<b>Status:</b>	The Town provides funding each year towards the defensible space grant program in conjunction with the Summit County Wildfire Council.



## Mitigation Action: Blue River—3 Regrade Spruce Creek Road

<b>Jurisdiction:</b>	Town of Blue River
<b>Action Title:</b>	Re-grade Spruce Creek Road to allow safe automobile passage to homes and national forest trails
<b>Hazard(s) Mitigated:</b>	Erosion/Deposition, Flood
<b>Priority:</b>	Low
<b>Background/Issue:</b>	The current road is being washed away. Complete re-engineering is required to bring it up to a safe standard. This is a major thoroughfare into the National Forest and is heavily used. If the Town deems it unsafe and we cannot get it repaired, we will have to close the road for safety reasons.
<b>Ideas for Implementation:</b>	We have approached the county for assistance since our Town road connects with the County and on to the National Forest.
<b>Responsible Agency:</b>	Town of Blue River Town Management
<b>Partners:</b>	Summit County
<b>Potential Funding:</b>	--
<b>Cost Estimate:</b>	It has been estimated at \$1,000,000 to reconstruct the road.
<b>Benefits: (Losses Avoided)</b>	<ul style="list-style-type: none"><li>• Ensure safety of road for residents and visitors to the national forest.</li><li>• Avoid closing the road.</li></ul>
<b>Timeline:</b>	--
<b>Status:</b>	<b>Completed.</b> The road was addressed as best possible given funding and terrain. Safety of this road is addressed in the Blue River Capital Improvement Plan and will be completed as funding is available.



## Mitigation Action: Blue River—4 Augment Water Supply

<b>Jurisdiction:</b>	Town of Blue River
<b>Action Title:</b>	Structural Project – Augment water supply – Cistern Project
<b>Hazard(s) Mitigated:</b>	Wildfire
<b>Priority:</b>	High
<b>Background/Issue:</b>	The Town intends to purchase land to install cisterns in strategic locations for wildfire and structure protection.
<b>Ideas for Implementation:</b>	
<b>Responsible Agency:</b>	Town of Blue River Town Management
<b>Partners:</b>	Red, White and Blue Fire Protection District, Wildfire Council
<b>Potential Funding:</b>	Grants, Awards, Town funds
<b>Cost Estimate:</b>	\$100,000 for each system, plus land acquisition costs
<b>Benefits: (Losses Avoided)</b>	There are few hydrants throughout the jurisdiction and firefighting requires shuttling water with tenders. The additional water would be a benefit in initial attack of a wildfire or structure fire or structure protection.
<b>Timeline:</b>	--
<b>Status:</b>	<b>Completed.</b> Action added in 2013. Cisterns have been installed in 21 locations throughout town. As easements are granted and requests submitted, additional cisterns will be installed per the capital improvement plan.





## Mitigation Action: Blue River—5 Comprehensive Master Plan

<b>Jurisdiction:</b>	Town of Blue River
<b>Action Title:</b>	Prevention– Comprehensive Master Plan
<b>Hazard(s) Mitigated:</b>	Multi-Hazard
<b>Priority:</b>	Medium
<b>Background/Issue:</b>	The Town is in the process of developing a comprehensive master plan. The plan includes annexation and tax alternatives.
<b>Ideas for Implementation:</b>	
<b>Responsible Agency:</b>	Town of Blue River Town Management
<b>Partners:</b>	Summit County Planning
<b>Potential Funding:</b>	Town funds
<b>Cost Estimate:</b>	Staff Time
<b>Benefits: (Losses Avoided)</b>	The plan will provide the Town with a comprehensive planning strategy for the future.
<b>Timeline:</b>	2-5 years. The Plan was adopted in 2015 and is being updated in 2020.
<b>Status:</b>	In progress. Action added in 2013. In 2019 the Town completed and adopted the capital improvement plan. This plan is being utilized and a planning document and the town is working towards funding the plan as part of a long-term project. In 2020 the Town will be updating the 2014 Comprehensive Plan.





## Mitigation Action: Blue River—6 Realign Spruce Creek Road

<b>Jurisdiction:</b>	Town of Blue River
<b>Action Title:</b>	All Hazards – Structural Project – Re-alignment of Spruce Creek Road with Colorado Highway 9
<b>Hazard(s) Mitigated:</b>	Multi-Hazard
<b>Priority:</b>	High
<b>Background/Issue:</b>	The Town is looking into a seasonal closure as one alternative to addressing the safety hazard at the Spruce Creek Road and Highway 9 intersection. A second alternative would be the permanent closure of the intersection. A third alternative would be the re-alignment of the intersection with the State Highway.
<b>Ideas for Implementation:</b>	
<b>Responsible Agency:</b>	Town of Blue River Town Management
<b>Partners:</b>	Colorado Department of Transportation
<b>Potential Funding:</b>	Grants, Awards, State and Town funds
<b>Cost Estimate:</b>	
<b>Benefits: (Losses Avoided)</b>	The intersection is a blind entrance point onto Highway 9 where the posted speed limit is 50 mph. During the winter months the weather elements cause motorists to slide into the intersection as well as having extreme difficulty in climbing up the grade on Spruce Creek Road from the highway. This is dangerous because of the grade, road construction material, and weather elements.
<b>Timeline:</b>	--
<b>Status:</b>	<b>Completed.</b> Action added in 2013. Safety mirrors are being installed.





## Mitigation Action: Blue River—7 Develop Emergency Plan for Highway Closures

<b>Jurisdiction:</b>	Town of Blue River
<b>Action Title</b>	Emergency Plan for Highway Closures
<b>Hazard(s) Mitigated:</b>	Multi-Hazard
<b>Priority:</b>	High
<b>Background/Issue:</b>	When I-70 is closed, traffic is diverted through the Town of Blue River along Hwy 9 to Hoosier Pass. In cases of inclement weather, we lack a plan to address traffic back up, accidents and overall mitigation including resources. A plan needs to be developed outlining protocols and procedures including how to address safety closures of Hwy 9
<b>Ideas for Implementation:</b>	
<b>Responsible Agency:</b>	Town of Blue River Town Management
<b>Partners:</b>	Summit County OEM, Summit County Sheriff's Office, Colorado State Patrol, Colorado Department of Transportation
<b>Potential Funding:</b>	Grants, Awards, State and Town funds
<b>Cost Estimate:</b>	\$0
<b>Benefits: (Losses Avoided)</b>	With a plan in place, we will be able to prevent and/or respond better to accidents and safety concerns along Hwy 9.
<b>Timeline:</b>	Spring 2020
<b>Status:</b>	New in 2020





## Mitigation Action: Blue River – 8 Fuel Reduction and Fuel Breaks

<b>Jurisdiction:</b>	Town of Blue River
<b>Action Title:</b>	Fuels reduction and creation of a break area on National Forest Service and County land that borders the Town of Blue River
<b>Hazard(s) Mitigated:</b>	Wildfire
<b>Priority:</b>	High
<b>Background/Issue:</b>	The Town of Blue River has worked diligently to encourage defensible space around private property within the Town limits. The area that surrounds the Town is both County and National Forest that is in need of fuels reduction to create a healthy forest and buffer in case of a wildfire.
<b>Ideas for Implementation:</b>	
<b>Responsible Agency:</b>	Town of Blue River Town Management
<b>Partners:</b>	Summit County Wildfire Council, USFS
<b>Potential Funding:</b>	HMA Grants, HMGP -Post Fire following FMAG, County
<b>Cost Estimate:</b>	Unknown
<b>Benefits: (Losses Avoided)</b>	By conducting a fuels reduction along the Town borders, it will increase the ability to effectively protect the Town and properties in case of a wildfire.
<b>Timeline:</b>	2021
<b>Status:</b>	New in 2020





## Mitigation Action: Blue River – 9 Bury Utilities

<b>Jurisdiction:</b>	Town of Blue River
<b>Action Title:</b>	Work to bury utilities throughout Town
<b>Hazard(s) Mitigated:</b>	Multi-Hazard, Wildfire, Severe Weather
<b>Priority:</b>	Medium
<b>Background/Issue:</b>	Electrical lines are currently above ground within Town limits. This exposes the Town to power outages and potential fire risk during inclement weather.
<b>Ideas for Implementation:</b>	
<b>Responsible Agency:</b>	Town of Blue River Town Management
<b>Partners:</b>	Xcel Energy, Comcast
<b>Potential Funding:</b>	HMA Grants
<b>Cost Estimate:</b>	Unknown
<b>Benefits: (Losses Avoided)</b>	By burying the lines, this will assist in protecting vital communication lines and power.
<b>Timeline:</b>	2023
<b>Status:</b>	New in 2020





## Mitigation Action: Blue River – 10 Implement Capital Improvement Plan Projects

<b>Jurisdiction:</b>	Town of Blue River
<b>Action Title:</b>	Complete Capital Improvement Plan projects for roads to improve drainage and avoid flooding risks and road damage. Good neighbor program.
<b>Hazard(s) Mitigated:</b>	Flood
<b>Priority:</b>	Medium
<b>Background/Issue:</b>	Many Town road lack proper drainage. During periods of heavy run-off or melting, properties are facing flooding into homes.
<b>Ideas for Implementation:</b>	
<b>Responsible Agency:</b>	Town of Blue River Town Management
<b>Partners:</b>	FEMA
<b>Potential Funding:</b>	HMA Grants,
<b>Cost Estimate:</b>	\$2,000,000
<b>Benefits: (Losses Avoided)</b>	By completing projects within the Town of Blue River Capital Improvement Plan, proper drainage and culverts may be installed allowing for water to run off of roads, into ditches and proceed to wetlands. In cases of heavy rain, flooding or run-off this will help protect properties
<b>Timeline:</b>	2023
<b>Status:</b>	New in 2020





## Mitigation Action: Blue River – 11 Winter Preparedness Kits

<b>Jurisdiction:</b>	Town of Blue River
<b>Action Title:</b>	Winter preparedness kits and information for mountain road traveling along Hwy 9 and Hoosier Pass
<b>Hazard(s) Mitigated:</b>	Severe Winter Weather
<b>Priority:</b>	Medium
<b>Background/Issue:</b>	Winter preparedness kits and information for mountain road traveling along Hwy 9 and Hoosier Pass. Being a major thorough fair for those traveling to and from Summit County, the Town experiences inclement weather and the possibility of stranded motorists.
<b>Ideas for Implementation:</b>	
<b>Responsible Agency:</b>	Town of Blue River Town Management
<b>Partners:</b>	
<b>Potential Funding:</b>	Staff Time
<b>Cost Estimate:</b>	Unknown
<b>Benefits: (Losses Avoided)</b>	Being able to provide weather kits and expanding information about traveling through Blue River and being prepared, will help mitigate incidents.
<b>Timeline:</b>	2023
<b>Status:</b>	New in 2020



## B.7 Implementation and Maintenance

Moving forward, the Town will use the mitigation action worksheets in the previous section to track progress on implementation of each project. Implementation of the plan overall is discussed in Chapter 5 in the Base Plan.

### B.7.1 Incorporation into Existing Planning Mechanisms

The information contained within this plan, including results from the Vulnerability Assessment, and the Mitigation Strategy will be used by the Town to help inform updates and the development of local plans, programs and policies.

#### Integration of 2013 Plan into Other Planning Mechanisms

The risk and vulnerability information the 2013 Summit County Hazard Mitigation Plan and the Town of Blue River annex was used to inform the 2015 update to the Town of Blue River Comprehensive Plan, as noted in section B.4 Capability Assessment. Refer to subsection B.4.1 Regulatory Mitigation Capabilities for more information related to the integration and acknowledgment of the hazards in the Town's Comprehensive Plan.

#### Process Moving Forward

Moving forward, the Town may utilize the hazard information when reviewing a site plan or other type of development applications. The Town will also incorporate this HMP into future updates to the Town of Blue River's Comprehensive Plan as appropriate.

As noted in Chapter 5 Plan Maintenance, the HMPC representatives from Blue River will report on efforts to integrate the hazard mitigation plan into local plans, programs and policies and will report on these efforts at the annual HMPC plan review meeting

### B.7.2 Monitoring, Evaluation and Updating the Plan

The Town will follow the procedures to monitor, review, and update this plan in accordance with Summit County as outlined in Chapter 5 of the Base Plan. The Town will continue to involve the public in mitigation, as described in Section 5.4 of the Base Plan. The Town Manager will be responsible for representing the Town in the County HMPC, and for coordination with Town staff and departments during plan updates. The Town realizes it is important to review the plan regularly and update it every five years in accordance with the Disaster Mitigation Act Requirements.



# BOARD OF TRUSTEES REGULAR MEETING FEBRUARY 2024

February 08, 2024 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:**

Mayor Babich called the work session to order at 5:05 p.m.

Priority roads

Maintenance plan- timing, strategy, additional needs

Communications to residents

Products to be applied

Mid summer touch ups

Mayor Babich reviewed the reason for the discussion and the development of a maintenance plan and understanding of what is planned, the approach and process. Town Manager Eddy and Roads

Contractor Kacey Grosskreuz presented the Trustees information on process and work performed in 2023 and what is planned for 2024.

Kacey reviewed the map including in the packet outlining 2023; 2024 and 2025. Blue is 2023; pink 2024 and yellow 2025. He noted the earth bind worked well and recommended closing the road for a few hours after application to allow for it to cure. He recommended adding the project to Blue River Road or on a flatter road where it makes sense in 2024 as well.

Manager Eddy noted there's been a lot of coordination and planning. A digital map outlining the culverts throughout town. There was discussion on maintenance requests and process.

It was recommended when applications are applied to provide notice and recommend slower speeds while it's curing.

Discussion of dust mitigation during the summer. It was noted that lighter applications during the summer will be applied to reduce the dust. In addition, maintenance crews will evaluate the roads and address small maintenance areas as needed.

Discussion of Spruce Creek Road and high traffic roads to receive grading and application of mag earlier in the first grading or wait to do any touchups until a full grading and application can be conducted. Discussion of timing to conduct grading, mag and maintenance.

April/May-Touch ups

June-Begin grading and full maintenance (base, mag, earth bind)

July-September-Touch ups

September/October-Fall/winter prep and major maintenance projects

**6:00 PM REGULAR MEETING:**

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

Mayor Babich called the regular meeting to order at 6:00 p.m.

PRESENT

- Mayor Toby Babich
- Trustee Joel Dixon
- Trustee Kelly Finley via Zoom
- Trustee Noah Hopkins
- Trustee Ted Pilling
- Trustee Ted Slaughter

EXCUSED

Trustee Mark Fossett

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

**II. APPROVAL OF CONSENT AGENDA**

Motion made by Trustee Hopkins, Seconded by Trustee Dixon to approve the consent agenda.

Voting Yea: Mayor Babich, Trustee Dixon, Trustee Finley, Trustee Hopkins, Trustee Pilling,



Trustee Slaughter. Motion passed unanimously.

A. Minutes for January 11, 2024

B. Approval of Bills-\$23,576.07

**III. COMMUNICATIONS TO TRUSTEES**

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

No written communications to the Trustees were received.

Paul Semmer-Blue Grouse- provided comments on roads and road maintenance report provided during the work session. He also remarked on Citizen Advisory report and the surveys conducted and the town mapping project.

Paul LeMaster-Fairplay-remarked a proposed asphalt plant in Park County noting concerns and impacts to the Town of Blue River along Hwy 9 if approved. He asked for the Town of Blue River to submit a letter of opposition to Park County.

Dan Cleary-Rustic Terrace-Provided an update on the Upper Blue Planning Commission. He also provided handouts pertaining to his public comments being provided. The information handed out included his questions asked and an email he sent the Town Manager and Board of Trustees on January 25, 2024. The email and comments pertained to the eligibility of the current Mayor to run for another term. He asked for his handouts to be entered into the record.

Mayor Babich referred to Attorney Widner. Attorney Widner reviewed the information presented noting any advice would need to be provided under legal advice in an executive session.

**IV. RESOLUTIONS**

**C. INTERGOVERNMENTAL AGREEMENT FOR AID IN HAZARDOUS SUBSTANCE INCIDENTS**

Mayor Babich noted this is an updated IGA for HazMat and is signed by all municipalities, County and Fire Districts for HazMat response.

Motion made by Trustee Slaughter, Seconded by Trustee Pilling to approve Resolution 2024-01 Intergovernmental Agreement for Aid in Hazardous Substance Incidents. Voting Yea: Mayor Babich, Trustee Dixon, Trustee Finley, Trustee Hopkins, Trustee Pilling, Trustee

Slaughter. Motion passed unanimously.

**V. NEW BUSINESS**

D. Approval/Recommendation of application for Dan Cleary

Mayor Babich noted one application for the position on the Upper Blue Planning Commission as Blue River's representative was received, Dan Cleary.

Motion made by Trustee Dixon, Seconded by Trustee Hopkins to recommend approval of appointment to the Upper Blue Planning Commission as the Blue River representative. Voting Yea: Mayor Babich, Trustee Dixon, Trustee Finley, Trustee Hopkins, Trustee Pilling, Trustee Slaughter. Motion passed unanimously.

**VI. REPORTS**

E. Mayor

Mayor Babich reported on the increased incidents of mountain lions north in the county and communications provided to residents. He remarked on the county wide communication effort around incidents and coordination. Manager Eddy provided additional information beyond what is provided in the staff report.

Trustee Slaughter noted a need to develop a delegation to address the issues with CDOT.

Trustee Finley noted staff did what they could noting that with communications out, it was an issue for all. Noting a need for cell service to be addressed.

Discussion on the incident and plans moving forward.

Mayor Babich reported on FIRC's report and the food needs in the community and their request to the communities for funding.

F.

Trustee Dixon asked about the status of the digital map. Manager Eddy noted the internal map is done and they are working on the public facing piece.

Trustee Pilling reported on the micro transit study. He noted Eric Mamula is not the County Commissioner for the Transit Authority.

Trustee Finley met in January and discussed 2024 plans and surveys.

Trustee Slaughter noted the Wildfire Council meets on February 15th. He recommended not to mark trees without owner permission. He remarked on the need for a cell phone tower.

Trustee Hopkins reported the PZ Commission approved an application on Rivershore. He noted there was a review of the process by the Building Official for the Commission on

applications. Additionally, the Building Official brought forward information and recommendation for changes on snow loads. This will be brought forward in the future after more information is obtained.

G. Attorney

No report.

H. Staff Reports

Nothing additional from staff.

**VII. EXECUTIVE SESSION**

No executive session was held.

**VIII. ADJOURN**

Motion made by Trustee Slaughter, Seconded by Trustee Hopkins to adjourn at 7:00 p.m. Voting Yea: Mayor Babich, Trustee Dixon, Trustee Finley, Trustee Hopkins, Trustee Pilling, Trustee Slaughter. Motion passed unanimously.

**NEXT MEETING - March 14, 2024**

March 14, 2024

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.*



## Election Information

Dan Cleary <dcleary.cdcmgmt@gmail.com>

Thu, Jan 25, 2024 at 9:42 PM

To: Michelle Eddy <michelle@townofblueriver.org>, rwidner@lawwj.com, ttabich@townofblueriver.org, jdixon@townofblueriver.org, kfinley@townofblueriver.org, mfossett@townofblueriver.org, nhopkins@townofblueriver.org, Ted Pilling <tpilling@townofblueriver.org>, tslaughter@townofblueriver.org

Clerk / Manager Eddy et al,

I am forwarding the string of our recent correspondence for your reference. I have copied the town attorney and board of trustees in this email.

I want to start out by saying that I appreciate you sending me the initial unsolicited correspondence on 1/18 regarding my ineligibility to run due to term limits, based on Attorney Wider's position. Thank you for also sending your opinion on why the incumbent mayor is eligible through the sequence of events and the (4) election certifications showing the terms.

I'd like to take this opportunity to point out that there appears to be an error on page (1) of the attached 2020 certification you had sent. The certification indicates the mayor was elected to a (2) year term. However on page (2) the term is stated to be a (4) year term, wasn't the 2020 mayor's seat a (4) year term? Also, none of these certifications are signed, so I am not sure if they are the official documents or drafts? Were the elections certified and notarized?

I do not write this email to point out what might be a clerical error on the election certifications, nor do I write this with malicious intent to disrupt the free and fair elections within the Town of Blue River. I want to let the town know that as I've submitted my petition, I have been under the impression that the office of mayor was different from the office of trustee. I think that if we asked almost all residents the question, they'd respond that the offices are different. However, after reading Attorney Widner's position, it raises the question as to whether the (2) positions are substantively different enough for the purposes of term limits. As I highly value the attorney's wealth of knowledge in municipal law and hold the town attorney in the highest esteem, I respect his opinion and have been compelled to analyze my eligibility, and the question of term limits as they apply to trustees & mayor.

When I picked up my petition on 1/17, the deputy clerk called the town clerk / manager. The town manager got on speaker phone to notify me that I was unable to run for mayor due to term limits, that the office of trustee and mayor are the same, and she offered to send me a letter that the attorney had drafted (see below) outlining this. I assume this letter was drafted in the event that someone who was termed out tried to run. I declined the offer of the email and asked just for a petition. I questioned if I were unable to run, then how could the incumbent mayor run for reelection? She opted to provide a timeline of elections through a sequence of events (see thread below).

On 1/18 I received the unsolicited email (thread below). Within the contents, I noted the attorney's case against my eligibility, but I was still unconvinced. I also saw no real substantive content as to why the clerk's opinion was such that the mayor could run for reelection. Through some additional correspondence, the clerk forwarded the attached correspondence between the attorney and Trustee Pilling. After further consideration, it's my opinion that I may not be eligible to run, though questions still remain. That said, through review of the Colorado Constitution, Article XVIII, Section 11 I began to further question the mayor's ability to run.

As I collected signatures on my petition I continued researching Colorado term limits. When I turned in my petition on 1/22, I asked the clerk if she would be determining candidate eligibility and the answer was no. The clerk informed me that if elected, my eligibility could be challenged or contested by a resident and I may find myself in court. It's my perception that there was some bias against me running. I ask, who at the town is legally responsible to determine the eligibility of candidates? If the town does not determine eligibility, will the town face unnecessary expenses for holding an invalid election or worse yet, having to defend an elected official that was not eligible to run. Will the town be responsible to defend whoever is elected if the results are contested?

I've received no information supporting why the clerk believes that the incumbent mayor is eligible for reelection, while I am told that I am not eligible. I am compelled to ask whether a partial elected term is a full term for purposes of determining term limits? I believe partial elected terms count toward term limits to dissuade elected officials from trying to defeat term limits. The mayor has been in office since 4/2016 which will be (2) consecutive terms including his time as trustee.

In review of the clerk's email from Attorney Widner, the case of Kulmann v. Salazar appears to attempt to answer the question of whether the positions are the same. However the case did not consider term limits, from reading the Justices did not need to take up the 2nd issue in the case. In my opinion, the facts in the case are not identical to my question regarding the mayor's eligibility for reelection. There have been a number of cases since the passing of Amendment 17 regarding term limits, and while Article XVIII, Section 11 does not delve into partial or appointed terms, the attached formal opinion 05-04 would appear to support that a partial elected term is a full term for purposes of term limits. And while the Attorney General's formal opinion may not be binding legal precedent, I would expect the town would be obliged to give careful and close consideration to this when considering the incumbent mayor's eligibility. It is my opinion, there is no doubt, that 05-04 answers the question that a nonjudicial elected official cannot leave their seat and end their term (1) month or even 3.66 years prior to the end of the term to defeat term limits. It is my opinion that this too could easily be challenged by a resident if the incumbent mayor were to be reelected.

Section II, Item A.

Based on the town clerk / manager's sequence of events (see thread below), I ask the board and staff, what term did the mayor serve between 4/2016 and 4/2020, and do you believe that these (4) years do not count for the purposes of term limits? There's no question the mayor served as trustee between 4/2016 and 12/2016, prior to his appointment as mayor. And at a minimum a (2) year elected term was served in addition to the partial elected term as trustee between 4/2018 and 4/2020. And though I questioned the clerk when I was picking up my petition, I see nothing from the clerk to support why the incumbent mayor is eligible while I would be ineligible if we assume the positions of trustee and mayor are the same for the purposes of term limits.

To be clear, when I pulled my petition to run, I had not even contemplated the mayor's eligibility as I believed the mayor had only served 1+ terms, and not having read anything prior regarding term limits I really hadn't considered who was eligible for what position. In my mind, I am a past trustee interested in running for mayor and the (2) positions are different.

I choose to believe that we are all equal under the law. And I believe the law is clear, and the spirit of the law within the language of Amendment 17 regarding term limits in the State of Colorado is clear. The purpose of term limits is to broaden the opportunities for public service, and that terms are consecutive unless they are (4) years apart.

It is not my intention to try and defeat term limits or circumvent the law by running if I am deemed ineligible. I don't know why any candidate would search for and exploit perceived loopholes in the language of the Constitution. The end does not justify the means. I can see no reason why a candidate would undermine the foundation of the Colorado Constitution. If I were to be deemed ineligible I would be compelled to withdraw my nomination for mayor in the 2024 election. Having sworn to uphold the Constitution of the State of Colorado during my time as trustee, I would not knowingly violate the law. But if the clerk is correct, that it is not for the town to determine eligibility, how or who will make that determination, and at what cost?

While I am compelled to accept the attorney's position that the two positions of trustee and mayor may not be substantively different, I would be remiss if I did not ask whether the clerk or board ever asked the attorney whether the incumbent mayor was eligible to run for reelection? There is nothing of substance in the clerk's position regarding the mayor's eligibility aside from election timelines. Has the town concluded as a board that the mayor is eligible for reelection? I would ask the trustees in consultation with the attorney and clerk to contemplate the issue of eligibility of the incumbent mayor, keeping in mind the withdrawal deadline of 1/29/24 if practicable.

I am disappointed by what I perceive to be bias when considering the town's interpretation of the law as it applies to my eligibility, while it would appear that no consideration had been made regarding the eligibility of the incumbent mayor. I believe that if the town attorney's opinion regarding the office of mayor and trustee is correct, then neither I nor the incumbent mayor are eligible to run. If this is true, I am concerned that if either I or the incumbent mayor were to be elected and the results were contested, that the town would have spent valuable tax revenue for an illegitimate election. Or worse yet, the town might be defending an ineligible elected official and spending tax money unnecessarily.

Respectfully,

--  
Dan L. Cleary

## Forwarded Conversation

Subject: Election Information

---

From: **Michelle Eddy** <michelle@townofblueriver.org>  
Date: Thu, Jan 18, 2024 at 7:16 AM  
To: Dan Ceary <dcleary.cdcmgmt@gmail.com>

Dan

Please see Bob's comments below concerning your eligibility.

Also, you inquired about Toby's eligibility so below is the sequence of events that makes him eligible for one more full four-year term.

- 2016

Seats open: Mayor, Four-year Term; (3) Trustee seats, Four-year Terms. (results attached)

- Mitch Weiss was elected Mayor: Toby Babich, Joel Dixon, and Tyler Brook were elected as Trustees.
- December 2016 Mitch Weiss resigned as Mayor and moved. The Board of Trustees appointed Toby as Mayor. Keep in mind the Trustees could've appointed anyone and they would've followed this same path for the election cycle. As it is an appointment, the person appointed to that seat is required to run at the very the next election to fulfill the TERM for that seat.
- Laurel Wehrman was then appointed to fill Toby's Trustee seat. She too would have to run again in 2018 to finish that TERM.
- Terry Feret then resigned from the Board of Trustees and his term was set to expire in 2018.
- Ted Pilling was appointed to fill his seat in 2017.

- 2018

Seats Open: Mayor, Two-year Term; (3) Trustee seats Four-year Terms; (1) Trustee seat, Two-Year Term (results attached)

- Because Toby was appointed into his position/seat as Mayor, he had to run again for the final two years of that TERM. He was elected to complete that two years.
- Laurel decided not to run for the final two years so this opened up a two-year TERM seat as a Trustee.
- The TERM that Ted Pilling was filling was up. Ted then ran in the 2018 Election for his first four-year Term.
- You, Ted Pilling and Ken Robertson won the two open four-year TERMS as the top three vote getters. Mark Fossett was elected as the fourth-place finisher to the Two-year Term. This was yours and Ken's second Term with you terming out in 2022.

- 2020

Seats Open: Mayor, Four-Year Term; (3) Trustee seats, Four-Year Terms (results attached)

- As the TERM that Toby was fulling was completed, he then ran and was elected to his first FULL four-year TERM in 2020.
- Mark had be elected to the short term that was expiring (2 years) in 2018. He ran for his first FULL four-year TERM in 2020 and was elected.
- Kelly Finley and Joel Dixon won the other (2) Four-year terms.

- 2022

Seats Open: (3) Four-year Trustee seats (results attached)

- Ted Pilling was elected to his second Four-year Term and will term out in 2026.
- Ted Slaughter and Noah Hopkins were elected to their first Four-year terms and will be up for re-election in 2026.

- 2024

Seats Open: Mayor, Four-year Term; (3) Trustee Four-year Terms.

- Eligible for re-election: Mayor Toby Babich; Trustees Mark Fossett and Kelly Finley

Section II, Item A.

Michelle:

CC: Board of Trustees

You asked me to provide my opinion – that can be publicly distributed - regarding the following question:

**When can a former mayor or former trustee who was "termed out" run for a new position as the mayor or trustee?**

The answer is provided by the Colorado Constitution at Article XVIII, Section 11(1) ("Colorado Term Limits"):

*Elected government officials - limitation on terms. (1) In order to broaden the opportunities for public service and to assure that elected officials of governments are responsive to the citizens of those governments, no nonjudicial elected official of any ... town ... shall serve more than two consecutive terms in office.... For purposes of this Section 11, terms are considered consecutive unless they are at least four years apart.*

As this Constitutional provision applies to Blue River, a person serving as mayor or as trustee can serve only two consecutive, four-year terms. Once those two consecutive four-year terms are concluded, the former trustee or former mayor must wait a full four years before taking any position on the Board of Trustees again.

A question that arises from the language of the Colorado Term Limits provision is whether the reference to the phrase "terms in office" is intended to differentiate between the office of "mayor" and office of "trustee." That is, whether the office of mayor and office of trustee are "different" offices for purposes of term limits. If these offices are different, then a person can hold the office of trustee for two consecutive four-year terms and then immediately run for the office of Mayor. Conversely, if the offices are different, a mayor who serves for two, four-year terms can immediately run for the office of trustee upon the expiration of the office of mayor.

Whether an office is different for purposes of term limits was addressed for the first time by the more recent case of *Kulmann v. Salazar*, 521 P.3d 649 (Colo. 2022). That decision involved the City of Thornton's home rule charter and Thornton's local code of ordinances. As a starting point, the Supreme Court recognized that the proper interpretation of the Colorado Term Limits provision is to limit terms of office to allow others to serve. However, in the *Kulmann* case, the Supreme Court found determinative that the Thornton Charter and the Thornton Municipal Code clearly differentiated between the office of Mayor and the office of City Council in a manner that made the offices distinct or different. Among other factors, the Thornton Mayor was elected at large, whereas the Council members were elected by smaller districts and only a smaller number of electors. Additionally, the Mayor held substantive powers that the other Council members did not hold and which substantive powers were not simply limited to being the ceremonial figure head of the municipality or running the council meeting as the presiding officer. These were just two of the elements or factors that the Supreme Court found determinative in deciding that the office of Thornton Mayor and the office of Thornton City Council member were different for purposes of term limits and the application of the Colorado Term Limits provisions.

Importantly, almost all of the elements of the *Kulmann* case are not present in the Town of Blue River (or present in nearly all other statutory towns). Looking at the Blue River Code and the state statutes that apply to a statutory town, the office of mayor and the office of trustee are not substantively different other than the title given to these offices and some other minor aspects of power. It is my opinion that – for purposes of term limits only – the office of mayor and the office of trustee are the same offices because they are all members of the Board of Trustees. As a result, a person serving on the Board of Trustees (which includes the office of mayor) are serving in the same office. Once a member of the Board of Trustee is "termed out," they must wait a full four years before taking a new position on the Board of Trustees.

I hope this helps answer the question you asked. Again, you should feel free to distribute this email to others who may be interested in my opinion regarding how term limits should be applied in the Town of Blue River.

Please

Robert (Bob) Widner

Town Attorney

Town of Blue River

*Michelle Eddy, MMC/CPM*

*Town Manager/Clerk*

*970-547-0545 ext. 1 / Cell: 970-406-2430*

<https://townofblueriver.colorado.gov>

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From: **Dan Cleary** <[dcleary.cdcmgmt@gmail.com](mailto:dcleary.cdcmgmt@gmail.com)>  
Date: Thu, Jan 18, 2024 at 8:02 AM  
To: Michelle Eddy <[michelle@townofblueriver.org](mailto:michelle@townofblueriver.org)>

Michelle,

I appreciate the attorney providing an opinion.

A few follow up questions come to mind. First, what happens if a candidate such as myself were to submit a petition that met the criteria? Is the petition tossed out by the clerk? Can the person run, and if elected what then? If the election results are invalidated by these provisions is there another election? And do the facts that the mayor presides over meetings and is paid twice as much as trustee not constitute a substantive difference in Colorado Term Limits provision?

Thank you,

Dan

-----  
From: **Michelle Eddy** <[michelle@townofblueriver.org](mailto:michelle@townofblueriver.org)>  
Date: Thu, Jan 18, 2024 at 8:16 AM  
To: Dan Cleary <[dcleary.cdcmgmt@gmail.com](mailto:dcleary.cdcmgmt@gmail.com)>



Dan

Section II, Item A.

Below is further information provided by the Town Attorney to Mr. Pilling who also asked this question.

I will check with the Town Attorney on the sequence of events if you were to submit a petition and run.

Ted:

As to your question about the Blue River mayor engaging in some extra actions that may be different than the trustees:

**"Are / would those not be sufficient differences in responsibilities to allow a former Trustee to run for the office of Mayor prior to a 4-yr. waiting period?"**

My answer is: "absolutely no."

It is clear that the Supreme Court's decision requires substantive and substantial **legally established** differences in both the office of Mayor and that of a member of the governing body to create different offices for purposes of term limits. In the Thornton case, there were charter provisions and municipal code provisions (expressly written and adopted laws) that established that the office of mayor was different than the office of city council member.

Yes, in Blue River the mayor may attend a meeting that is called the "Mayor/Manager's meeting," but there is no law that creates a duty to attend such a meeting or reserves only to the mayor the right to attend such a meeting. Heck, there is not even a legal requirement that there actually be a "Mayor/Manager's meeting." Similarly, there is no law that requires the mayor to set a meeting agenda - it is just a common informal practice and sound practical reason to do so (and nearly all towns do so). The mayor does not hold a tie breaking vote in Blue River - the mayor votes along with and the same as the other governing body members. In fact, any Blue River trustee holds just as much power to break a tie vote as the mayor because any trustee can break a tie vote if their vote will break a tie. And, there is no Blue River law or state law that grants a mayor the right to unilaterally make any decisions and would bind the town and, especially as to financial matters, state law expressly prohibits a mayor from unilaterally making a binding decision without a majority vote of the Board of Trustees. The Blue River Town Code provides that the mayor holds the same powers as a trustee, is elected the same as a trustee, and votes the same as a trustee. Other than running a meeting and being the ceremonial head of the town, there is no substantive or substantial difference between the mayor and a trustee.

The fact that the mayor in Blue River runs the meeting and may perform some informal activities that are not delegated by law, these activities do not create a different office. Consider the Supreme Court's point of view that the intent of the citizen-approved Constitutional Colorado Term Limits provision was to limit all local terms of office, period. It was the Supreme Court that decided that, in order to "upset" this Constitutional voter approved limitation on offices, it takes explicit and written legal provisions to demonstrate that the local government intended that the office of mayor would be different than the office of the city council/board of trustees. For Blue River, I firmly believe that the Colorado Supreme Court would not support an argument that the exercise of the very limited power to run a meeting and the exercise of voluntary activities is/are enough to find that the Blue River citizens intended to create a different office that would allow someone to stay on the Board of Trustees indefinitely by moving from trustee to mayor and from mayor to trustee indefinitely. That position or interpretation would be contrary to the Colorado Term Limit provision, in my opinion.

If the Mayor or another member of the Board of Trustees is "termed out" and they did not wait a full 4 years, they would be ineligible to take the oath of office and ineligible to serve in any capacity on the Board of Trustees - even if they were elected. They can run for office, but if the "termed out" member did not wait 4 years, it would be easy (in my opinion) to

convince a court that they cannot lawfully serve under the Colorado Constitutional Term Limits provision. At Board of Trustees (or any citizen) can bring that lawsuit to the court to enforce the Colorado Constitution.

Section II, Item A.

Hope this helps explain the purpose of the Term Limits provision and the Supreme Court's view of when the office may be different for purposes of the Colorado Constitution.

Let me know if you have any questions or how I can assist in understanding this issue.

Robert (Bob) Widner

Town Attorney

Town of Blue River

*Michelle Eddy, MMC/CPM*

*Town Manager/Clerk*

970 547 0545 ext. 1 / Cell: 970-406-2430

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From: **Dan Cleary** <[dcleary.cdcmgmt@gmail.com](mailto:dcleary.cdcmgmt@gmail.com)>  
Date: Tue, Jan 23, 2024 at 8:37 AM  
To: Michelle Eddy <[michelle@townofblueriver.org](mailto:michelle@townofblueriver.org)>

Michelle,

After reading the attorney's comments you sent on 1/18, I'm curious if you could explain why the town clerk's office could or would approve my petition to run (deemed sufficient) and allow me to be placed on the ballot when the town attorney's email implies that I ineligible to serve due to term limits?

When we spoke at town hall yesterday afternoon, you stated that the clerk does not determine eligibility, and that my running would be subject to a challenge in court (contested?). I would think the town clerk would have the final say and authority to determine who is, or is not eligible to run.

Thank you,

Dan Cleary

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From: **Michelle Eddy** <[michelle@townofblueriver.org](mailto:michelle@townofblueriver.org)>

Date: Tue, Jan 23, 2024 at 9:51 AM  
To: Dan Cleary <dcleary.cdcmgmt@gmail.com>

Section II, Item A.

Dan

After consultation with the Town Attorney, the Town Clerk has a very narrow ability and authority to remove someone who is properly nominated from the ballot per State Law.

The Clerk is not authorized to strike someone off the ballot for term limits.

*Michelle Eddy, MMC/CPM*

*Town Manager/Clerk*

970-547-0545 ext. 1 / Cell: 970-406-2430






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**From:** Dan Cleary <dcleary.cdcmgmt@gmail.com>  
**Sent:** Tuesday, January 23, 2024 8:38 AM  
**To:** Michelle Eddy <michelle@townofblueriver.org>  
**Subject:** Re: Election Information

**5 attachments**

-  **CERTIFIED STATEMENT AND DETERMINATION.pdf**  
97K
-  **CERTIFIED STATEMENT AND DETERMINATION 2016.pdf**  
84K
-  **CERTIFIED STATEMENT AND DETERMINATION 2018.pdf**  
101K
-  **CERTIFIED STATEMENT AND DETERMINATION.pdf**  
100K
-  **No.-05-4.pdf**  
710K



**JOHN W. SUTHERS**  
Attorney General

**CYNTHIA S. HONSSINGER**  
Chief Deputy Attorney General

**ALLISON H. EID**  
Solicitor General

**STATE OF COLORADO**  
**DEPARTMENT OF LAW**  
OFFICE OF THE ATTORNEY GENERAL

**STATE SERVICES BUILDING**  
1525 Sherman Street - 5th Floor  
Denver, Colorado 80203  
Phone (303) 866-4500  
FAX (303) 866-5691

FORMAL  
OPINION

of

JOHN W. SUTHERS  
Attorney General

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No. 05-04  
AG Alpha No. ST EL AGBBK  
August 16, 2005

Various special districts formed pursuant to title 32 of the Colorado Revised Statutes hold elections in which candidates oftentimes run unopposed for the office of director of their respective boards. Special districts are subject to term limits set forth in Colo. Const. art. XVIII, § 11(1).

Questions have arisen concerning the applicability of term limits to persons who are declared elected after an election is cancelled because no challengers are running. This Opinion is issued to provide guidance concerning the application of term limits to special district candidates who are declared elected after the election is cancelled. The Opinion also analyzes the effect of Colo. Const. art. XVIII, § 11(1) upon elected officials of special districts who resign from their offices prior to the expiration of their terms.

**QUESTIONS PRESENTED AND CONCLUSIONS**

1. Is a person an "elected official" under Colo. Const. art. XVIII, § 11(1) if the person is declared elected after an election is cancelled?

Yes.

2. Is an "elected official" who is subject to the provisions of Colo. Const. art. XVIII, § 11 deemed to have completed a full term of office if the official resigns from office prior to the expiration of his term?

Yes.

DISCUSSION

1. In 1994, Colorado voters enacted term limits for local government officials. Colo. Const. art. XXVIII, § 11(1) states:

In order to broaden the opportunities for public service and to assure that elected officials of governments are responsive to the citizens of those governments, no nonjudicial elected official of any county, city and county, city, town, school district, service authority, or any other political subdivision of the State of Colorado, no member of the state board of education and no elected member of the governing board of a state institution of higher education shall serve more than two consecutive terms in office, except that with respect to terms of office which are two years or shorter in duration, no such elected official shall serve more than three consecutive terms in office. This limitation on the number of terms shall apply to terms beginning on or after January 1, 1995. For purposes of this Section 11, terms are considered consecutive unless they are at least four years apart.

Special districts are political subdivisions. § 32-1-103(20), C.R.S. (2004). Boards of directors govern special districts. § 32-1-1001, C.R.S. (2004). The directors are generally elected to their office in contested elections. § 32-1-804, C.R.S. (2004). Frequently, however, candidates for directorships do not face opposition. If the only matter before the electorate is the election of candidates to a board, and there are not more candidates than offices to be filled at the election, then the election official, if instructed by the board, must cancel the election and “declare the candidate elected.” § 1-5-208(1), C.R.S. (2004).

Colo. Const. art. XVIII, § 11(1) limits each “elected official” of any political subdivision to two terms of office. The term “elected official” is not defined. Several directors who have been declared elected pursuant to § 1-5-208(1) contend that they are not elected officials, as that term is used in article XVIII, § 11, because they were not selected at an election in which voters cast ballots; therefore, they reason, they are not subject to term limits.

Words and phrases within a constitutional amendment must be given their ordinary and popular meaning. When the language of an initiated amendment is clear and unambiguous, the amendment will be interpreted as written. *Davidson v. Sandstrom*, 83 P.3d 648, 654 (Colo. 2004). If the amendment is ambiguous and subject to more than one interpretation, other rules of construction will be utilized. *Id.* An interpretation of a constitutional amendment must give effect to the electorate’s intent. *Id.* For the following reasons, the phrase “elected official,” as used in Colo. Const. art. XVIII, § 11, must be interpreted to include persons who have been elected by actual votes cast or by a declaration of election upon the cancellation of an election.

There are no Colorado cases interpreting the phrase “elected official” in Colo. Const. art. XVIII, § 11. Courts in other states have adopted a broad interpretation of the word “elected”

when reviewing the question of eligibility of candidates for public office. Two companion California cases provide guidance. In *Barrett v. Hite*, 389 P.2d 944 (Cal. 1964), the plaintiffs sought a declaration that appointed incumbent judges were not qualified to appear on the ballot. The California Constitution provided that election officials shall cancel elections under certain circumstances and must declare the incumbent reelected. The plaintiffs argued that this provision did not apply to judges who were appointed and not elected to their offices.

The Court rejected the plaintiffs' argument. The Court viewed the word "elect" within the context of the applicable constitutional provision. It stated:

Although it is true, as plaintiffs point out, that ordinarily "elect" refers to a determination made by voters, the word also has a broader meaning, namely, "to make a selection of: Choose \* \* \* to choose (a person) for an office \* \* \* (Webster's New Internat. Dict. (3d ed. 1961) p. 731), "to make choice of (a person)\* \* \*" (Funk & Wagnall's New Standard Dict. (1958) p. 798), and "to pick out, choose \* \* \*" (Oxford English Dict. (1933) vol. III, p. E-74). Roget's International Thesaurus (1946) p. 420, gives as synonyms the following: "choose, elect, select, pick \* \* \* : appoint, elect, assign \* \* \* designate \* \* \* place in office, choose for a post or position. \* \* \*" (Italics added.) In accord with these definitions the court in *Odell v. Rihn*, 19 Cal. App. 713, 719, 127 P. 802, 805, after recognizing that "elected" and appointed are not synonymous, stated: "In its broadest sense, however, the word "elected" means merely "selected." When used in that sense the word "elected" is synonymous with the word "appointed."

*Barnett*, 389 P.2d at 944.

In *Binns v. Hite*, 389 P.2d 947 (Cal. 1964), the plaintiffs argued that incumbent judges could not be declared elected if they had no challengers and the election was subsequently cancelled. Adopting the broad definition of "elect," the California court ruled that the California constitution did "not require that there be an actual balloting and tabulation of votes, provided there is some appropriate procedure by which the selection or choice is made by 'electors'." *Id.* at 949. If an incumbent did not have a challenger, electors, by their inaction, chose to retain the incumbent in office. *Id.*

The Kentucky Supreme Court also adopted a broad interpretation of the word "elect" in *Shields v. Wilkins*, 449 S.W.2d 220 (Ky. 1969). In that case, a person was appointed to fill a vacancy on a school board. The Kentucky Constitution generally provided that a person who was appointed to fill a vacancy could hold office only until the next general election. A provision specifically applicable to school districts stated, "The provisions of sections 145-154, inclusive, shall not apply to the election of school trustees and other common school district elections." *Id.* at 222. A citizen argued that the exemption did not apply to school trustees who had been appointed. The Kentucky court found that the appointment to fill a vacancy in a school district office was equivalent to an "election" as that term was used in Kentucky's constitution.

There was no reasonable ground upon which to distinguish appointed school trustee and elected school trustees. *Id.* at 223.

A broad definition of the word “elected official” is consistent with the intent of article XVIII, section 11(1). The precatory language states that the measure is intended “to broaden the opportunities for public service” and to assure that officials in elective offices are responsive to the citizenry. An interpretation encompassing officials appointed to fill the vacancy in an elected office or officials who are selected at an election that has been cancelled is consistent with the intent to change the identity of persons holding office.

In addition, the arguments presented to Colorado voters did not confine term limits to candidates who participated in an election in which votes were actually cast. Legislative Council of the General Assembly, *An Analysis of 1994 Ballot Proposals*, Research Publication No. 392 (1994). Proponents argued that “[e]xtending term limits to *local officials*” was part of the term limit concept. *Id.* at 55 (emphasis added). Opponents contended:

The proposal unnecessarily imposes term limitations on *all local government offices* rather than simply authorizing local citizens to impose local limits where needed or desired. The statewide mandate imposes uniform term limits on thousands of *elected offices* throughout the state.

*Id.* (emphasis added). Both proponents and opponents framed the measure in terms of persons who occupy an elective office. Neither side limited the discussion to persons who were selected at an actual election.

An interpretation that distinguishes between candidates who are declared elected because they have no opponents and candidates who win a contested election leads to an illogical conclusion. In order that officials be subject to term limits, the political subdivision would be required to incur the expense of holding an unnecessary election. The candidates do not face any opposition, either because the candidates are very popular, or the public is disinterested, or for some other reason. Regardless of the reason, holding an election is a waste of taxpayer funds.

A narrow definition also leads to inconsistent results. The decision to hold an election if there is no opposition is left to candidates for the director of the board of the special district. If the special district does not hold an election, then those candidates who are declared elected could run for more than two full terms. Candidates who faced opposition would be limited to two terms. Under the narrow definition, one set of directors would be subject to term limits while the other set of directors could be elected for an unlimited number of terms, even though both sets are serve the same number of terms.

Moreover, the narrow interpretation is contrary to the stated goals of broadening opportunities for public service and assuring that governments are responsive to citizens. Colo. Const. art. XVIII, § 11 is designed to remove or reduce the influence of incumbency on elections. A broader interpretation enhances the stated goals by limiting incumbency.

The term “elected official,” as used in Colo. Const. art. XVIII, § 11, includes persons elected to a local office at an actual election or deemed elected as a result of a cancelled election.

2. This office issued an opinion stating that the limits set forth in article XVIII, § 11 do not include appointments to fill vacancies for parts of terms. Op. Att’y Gen. No. 2000-2

(February 9, 2000), pp. 9-10. The exact question presented was whether the provision “applies to terms of office that result from interim appointments made to fill a vacancy.” *Id.* at p. 9.

The opinion concluded that a partial term did not constitute a “term” for purposes of article XVIII, § 11. The opinion did not address the question presented in this opinion, namely the right of a person who resigns from office to seek a third term. Concern has been expressed that local officials may attempt to circumvent term limits by resigning from office prior to the end of the second term.<sup>1</sup>

A resignation “is a formal notification of relinquishment of an office or position.” *Mauldin v. Panella*, 17 P.3d 837, 840 (Colo. App. 2000) (quoting *Black’s Law Dictionary* 1311 (Rev. 7<sup>th</sup> ed. 1999)). However, resignations will not be recognized if the resignation effectively allows the officeholder to avoid compliance with the law. As noted in *People ex rel. Rosenberg v. Keating*, 112 Colo. 26, 30-1, 144 P.2d 992, 994 (1944):

The right of any public official to resign cannot be doubted; but when the resignation is predicated upon the premise, stated, or which his conduct may imply, that it is to avoid performing a specific duty in the interest of a party in whose behalf such official is legally bound to act, his resignation, however formally tendered and accepted, will be regarded as without effect. Otherwise, public officials, persistently and successively resigning their offices, could work the undoing of parties whose rights are dependent upon action by those officials. The law will not be mocked, nor will ministers of justice, to whom appeal is made for relief in such situations, fail to grant relief....

The New Mexico Supreme Court analyzed the validity of a resignation that effectively circumvented term limits for sheriffs in *Stephens v. Myers*, 690 P.2d 444 (N.M. 1984). In that case, the defendant was elected sheriff for the term January 1, 1981 through December 31, 1982. Shortly after assuming office, it was discovered that the defendant had been convicted of a felony and had not been exonerated until after he took office. He resigned his office because he was not qualified for the office at the time he was nominated and elected. He was appointed to fill the vacancy eight minutes after he resigned. He was re-elected Sheriff for the term January 1, 1983 through December 31, 1984. In April 1984 he declared for candidate for Sheriff for the 1985-86 term. The plaintiff claimed that the defendant could not seek another term because New Mexico law limited sheriffs to two consecutive terms of office. The defendant claimed that he had not served two consecutive terms because he resigned after he was elected to his first term and then was appointed to serve the remainder of the term. The New Mexico Supreme Court held that the defendant had indeed served two consecutive terms. “Determining otherwise would allow an incumbent to resign before the end of his second consecutive term and thus contend he has not served the full two terms.” *Id.* at 445.

<sup>1</sup> This opinion does not address multiple resignations within one term of office.



Resignations likely will result in avoidance of the term limits in article XVIII, § 11(1). Therefore, for purposes of this article, a person who resigns from office will be deemed to have served a complete term.

Correspondingly, a person who is appointed or elected to fill the vacancy will not be deemed to have served a term. This conclusion meshes both with the conclusion in Op. Att’y Gen. 2000-02 that a person who is appointed to fill a vacancy under article XVIII, § 11(1) is not deemed to have served a term of office and with the generally accepted meaning of “term of office.” See generally, *Denish v. Johnson*, 910 P.2d 914, 920 (N.M. 1996) (term of office is a fixed and definite time); *State ex rel. Racicot v. District Court*, 794 P.2d 1180, 1184 (Mont. 1990) (same); *People ex rel. Callaway v. De Guelle*, 47 Colo. 13, 20, 105 P. 1110, 1112 (1909) (laws set the length of term).

This interpretation is also consistent with other term limits provisions governing state officials. Under Colo. Const. Art. IV, § 1(2), for example, a person who succeeds to the office of governor, or is appointed or elected to fill a vacancy in the office of secretary of state, state treasurer or attorney general, and who serves at least one-half of a term in office, is deemed to have served a full term for term limit purposes. The person being succeeded, who served less than one-half term in one of these offices, and vacates the office, is deemed not to have served a term. The same result occurs under article V, § 3(2). Only one officer can be limited as a result of serving a partial term.<sup>2</sup>

Likewise, under article XVIII, § 11, only one person is deemed to have served a term for term limit purposes. A person who resigns from office is deemed to have served for the term of the office. For purposes of term limits the person who is appointed and subsequently elected to fill the remainder of the term is deemed not to have served at all.

Two hypotheticals illustrate the application of article XVIII, § 11(1). In the first example, a special district director holds office for four years and is elected to a second four-year term. The director then resigns during the fourth year of his second term and is a candidate for special district director at the next election. The candidate would be ineligible to run for the office, or to hold the office if elected. The director would be deemed to have held the second term for the full four years.

In the second example, a director is elected in 1996 and holds office for four years. The director then runs in 2000 to fill a vacancy in another directorship on the board and is elected, or declared elected, to fill the remainder of the term. After the end of the term, the director runs for a second four year term in 2002 and is elected. The director is eligible to serve the second four-year term. However, the director cannot run for a third four-year term in 2006 because the gap between the two full terms is less than four years.

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<sup>2</sup> This opinion does not address the rare circumstance in which two officers each served exactly one-half term.

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**SUMMARY**

The term "elected officials" in Colo. Const. article XVIII, § 11 applies to officials who are elected by a vote of the people or who are deemed elected after the cancellation of an election. An elected official who resigns from office at any time during the term is deemed to have completed the full term.

Issued this 16<sup>th</sup> day of August, 2005.

  
\_\_\_\_\_  
JOHN W. SUTHERS  
Colorado Attorney General





**CERTIFIED STATEMENT AND DETERMINATION  
OF ELECTION HELD IN BLUE RIVER, COLORADO,  
ON TUESDAY, APRIL 7, 2020**

STATE OF COLORADO            )  
  )  
COUNTY OF SUMMIT            )ss.  
  )  
TOWN OF BLUE RIVER            )

**TOWN CLERK'S STATE OF VOTES CAST**

I, Michelle L. Eddy, Town Clerk of the Town of Blue River, Colorado, state as follows:

1. The returns of votes cast at the Regular Municipal Election of the Town of Blue River, Colorado held on Tuesday, April 7, 2020 have been made to me by the Judges of the Election.
2. From such returns I have made out an abstract of votes cast for each office that was voted upon at the election as required by law.
3. The abstract of votes prepared by me from the returns of votes cast at the election shows as follows:

<b>Name of Candidate</b>	<b>Office (Four Year Term)</b>	<b>Whole Number of Votes Cast</b>
Toby Babich	Mayor (Two Year Term)	152
Mark Fossett	Board of Trustees (Four Year Term)	144
Joel Dixon	Board of Trustees (Four Year Term)	128
Kelly Finley	Board of Trustees (Four Year Term)	81
Martie Semmer		70
Tim West		57

Total Number Voting: 184

# Registered Voters: 799

4. There is only one precinct for all regular and special elections conducted by the Town of Blue River, and the abstract of votes cast set forth above is for the Town's one voting precinct.

\_\_\_\_\_/s/\_\_\_\_\_  
Michelle L. Eddy, Town Clerk

**CERTIFICATE AND DETERMINATION OF OUTCOME OF ELECTION**

We, Michelle L. Eddy, Town Clerk of the Town of Blue River, and Monica McElyca, Municipal Court Judge of the Town of Blue River:

1. Certify that the Town Clerk’s Statement of Votes Cast at the Regular Municipal Election of the Town of Blue River, Colorado held on Tuesday, April 7, 2020 set forth above is a true and correct; and
2. Based upon the foregoing, we make the following determinations of which persons have the greatest number of votes and were duly elected at the Regular Municipal Election of the Town of Blue River, Colorado held on Tuesday, April 7, 2020:
  - a. Toby Babich, having received the highest number of votes, is determined to be elected to fill the Mayor’s vacancy on the Board of Trustees for a four year term.
  - b. Mark Fossett, having received the highest amount of votes, is determined to be elected to fill the first of three vacancies on the Board of Trustees for a four year term.
  - c. Joel Dixon, with the second highest amount of votes, is determined to be elected to fill the second of three vacancies on the Board of Trustees for a four year term.
  - d. Kelly Finley, with the third highest number of votes, is determined to be elected to fill the third vacancy on the Board of Trustees for a four year term.
3. The persons duly elected as set forth above are entitled to and shall be issued a certificate of election as provided by law.

Dated: April 17, 2020

\_\_\_\_\_/s/\_\_\_\_\_  
Michelle L. Eddy  
Town Clerk

[SEAL]

\_\_\_\_\_/s/\_\_\_\_\_  
Monica McElyca, Municipal Court Judge

**Dan Cleary**

0023 Rustic Terrace, P.O. Box 6871, Breckenridge, CO 80424,  
Tel: 970.389.4988, Email: dcleary.cdcmgmt@gmail.com

Section II, ItemA.

February 8, 2024

When I met with the mayor on 1/24/24, he stated that he verified his eligibility with the town attorney. I assume since staff does not take direction from one trustee that this request of staff's time was with board approval. So it's my expectation that the board has been advised on the mayor's eligibility and hope they would answer the following summary of questions from my 1/25/24 email:

1. Can the board direct the attorney / staff to explain how the incumbent mayor is eligible to run in 2024?
2. Does the board believe that the mayor is eligible without question?
3. If there is a grey area as it appears, and the mayor were to win and his eligibility were questioned / contested would the town be expected to bear the financial burden of defending the eligibility?
4. Is the board willing to put our tax dollars at risk if there are in fact reasonable questions regarding the mayor's eligibility?
5. Can the board direct the attorney / staff to provide the definition of partial term as it applies to term limits?
6. If the board does believe without question that the incumbent mayor is eligible, would they provide an explanation? Right now I can only assume they are equating that a partial term doesn't count for the purposes of term limits. Is this all partial terms, elected partial terms, or appointed partial terms?
7. The town manager made no mistake in advising me that I could be contested and that it was the attorney's opinion that I was ineligible. Has the same care been taken in advising the incumbent mayor as to his eligibility?



# Town of Blue River

Section II, Item B.

## A/P Aging Summary

As of March 11, 2024

	CURRENT	1 - 30	31 - 60	61 - 90	91 AND OVER	TOTAL
Charles Abbott Associates	1,470.56					\$1,470.56
Colorado Association of Ski Towns	1,584.00					\$1,584.00
Fresh & Clean Ltd.	59.00					\$59.00
Highland Galloway Investments		73,680.70				\$73,680.70
Marchetti & Weaver, LLC	1,182.25					\$1,182.25
Muller Engineering Co	12,651.75					\$12,651.75
NETCENTRIC TECHNOLOGIES INC	1,017.50					\$1,017.50
Statewide Internet Portal Authority	4,750.00					\$4,750.00
Widner Juran LLP	3,456.50					\$3,456.50
<b>TOTAL</b>	<b>\$26,171.56</b>	<b>\$73,680.70</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$99,852.26</b>



# Financial Report

Town of Blue River  
For the period ended February 29, 2024



Prepared by  
Marchetti & Weaver, LLC

Prepared on  
March 12, 2024

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**TOWN OF BLUE RIVER**  
**Statement of Financial Position**

	Preliminary - Subject to Change	
	<b>General Fund</b>	<b>General Fund</b>
	<u>12/31/2023</u>	<u>02/29/2024</u>
<b>Assets:</b>		
Operating - Alpine Bank	524,672	635,065
Petty Cash	250	250
American Rescue Plan Funds 3090	188,680	190,334
Credit Card - Alpine	-	-
Reserve1 - Alpine Bank	243,304	245,537
Alpine Bank CTF 4100	143,337	144,593
FirstBank - Reserves	-	-
Colorado Trust	3,234,067	3,263,550
CSAFE	100	100
Illiquid Trust Funds	1,187	1,187
Cash with the County Treasurer	-	-
<b>Total Cash in Bank</b>	<b>5,707,249</b>	<b>5,862,636</b>
AR:Sales Tax	-	-
AR:Lodging Tax	68,642	-
AR:Use Tax	-	-
AR:Specific Ownership Tax	2,649	-
AR:Defensible Space - Prior Years Grant	-	-
Property Taxes Receivable	818,682	803,119
Prepaid expenses CEBT	-	-
Prepaid Expenses	-	-
<b>Total Assets</b>	<b>6,597,221</b>	<b>6,665,756</b>
<b>Liabilities</b>		
Accounts Payable	46,124	79,790
Payroll Liabilities	857	857
Payroll Liabilities:Cebt	-	(1,553)
Payroll Liabilities:CO Income Tax	5,677	3,370
Payroll Liabilities:CRA 457	80	120
Payroll Liabilities:Federal Tax	5,247	-
Wages Payable	11,503	11,503
<b>Total Liabilities</b>	<b>69,487</b>	<b>94,087</b>
<b>Deferred Inflows</b>		
Deferred Revenue - Property Tax	818,682	803,119
Deferred Revenue - ARP	53,777	-
<b>Total Deferred Inflows</b>	<b>872,459</b>	<b>803,119</b>
<b>Equity:</b>		
Invested in Capital Assets, Net	2,137,720	2,137,720
Fund Balance - Amendment 1	46,804	46,804
Fund Balance - Conservation Trs	113,946	113,946
General Fund Balance	2,556,804	2,556,804
Reserves-Land Acquisition	300,000	300,000
Reserves-Road Improvements	400,000	400,000
Reserves-Town Hall Renovations	100,000	100,000
Current Surplus (Deficit)	-	113,275
<b>Ending Fund Balance</b>	<b>5,655,274</b>	<b>5,768,549</b>
<b>Total Liabilities, Deferred Inflows &amp; Fund Balance</b>	<b>6,597,221</b>	<b>6,665,756</b>

No assurance provided on these financial statements; substantially all disclosures required by GAAP omitted.

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TOWN OF BLUE RIVER												
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE												
MODIFIED ACCRUAL BASIS												
ACTUAL, BUDGET AND FORECAST FOR THE PERIODS INDICATED												
Printed: 3/12/2024 Preliminary - Subject to Change												
			2024 Annual			2024 YTD			Current Month			2025
	2022 Cal Yr Prelim Actual	2023 Cal Yr Prelim Actual	2024 Adopted Budget	Projected Variances Fav(Unfav)	2024 Current Forecast	2 Months Ended 02/29/2024 Actual	2 Months Ended 02/29/2024 Budget	Variance (Unfavor)	02/29/2024 Actual	02/29/2024 Budget	Variance (Unfavor)	Placeholder Budget
<b>GENERAL FUND</b>												
Assessed Value			92,111,260		92,111,260							92,111,260
Mill Levy Rate			8.888		8.888							8.888
<b>Operations</b>												
<b>Tax Revenue</b>												
General Property Tax	691,557	677,351	818,685	-	818,685	15,563	136,447	(120,885)	15,563	68,224	(52,661)	818,685
Delinquent Taxes	-	10	-	-	-	-	-	-	-	-	-	-
Lodging Tax	380,938	372,100	320,000	-	320,000	29,512	53,333	(23,822)	29,512	26,667	2,845	320,000
Specific Ownership Tax	33,207	34,022	25,000	-	25,000	2,833	4,167	(1,334)	2,833	2,083	749	25,000
Exempt Personal Property	5,778	5,692	500	-	500	-	83	(83)	-	42	(42)	500
Motor Vehicle License Fees	9,784	12,368	8,000	-	8,000	2,846	1,333	1,513	2,408	667	1,742	8,000
Sales Tax	1,002,256	996,819	900,000	-	900,000	251,826	150,000	101,826	148,799	75,000	73,799	900,000
Cigarette Tax	1,184	1,670	1,000	-	1,000	225	167	58	141	83	57	1,000
Highway User's Tax	48,777	44,187	48,363	-	48,363	7,761	8,060	(300)	3,812	4,030	(219)	48,363
Road & Bridge	23,025	22,876	24,000	-	24,000	110	4,000	(3,890)	-	2,000	(2,000)	24,000
	<b>2,196,507</b>	<b>2,167,094</b>	<b>2,145,548</b>	-	<b>2,145,548</b>	<b>310,676</b>	<b>357,591</b>	<b>(46,915)</b>	<b>203,067</b>	<b>178,796</b>	<b>24,271</b>	<b>2,145,548</b>
<b>Building Department</b>												
Building Inspection Dept	95,061	130,348	80,700	-	80,700	2,918	13,450	(10,533)	548	6,725	(6,178)	80,700
Architectural Review Fees	1,000	100	-	-	-	-	-	-	-	-	-	-
Development Fees	-	-	-	-	-	-	-	-	-	-	-	-
	<b>96,061</b>	<b>130,448</b>	<b>80,700</b>	-	<b>80,700</b>	<b>2,918</b>	<b>13,450</b>	<b>(10,533)</b>	<b>548</b>	<b>6,725</b>	<b>(6,178)</b>	<b>80,700</b>
<b>Municipal Court Revenue</b>												
Municipal Court Fines	13,956	21,968	25,000	-	25,000	1,240	4,167	(2,927)	442	2,083	(1,641)	25,000
Code Enforcement Surcharge	3,095	3,151	2,500	-	2,500	201	417	(216)	89	208	(119)	2,500
Marshal Office Revenue	251	299	400	-	400	65	67	(2)	5	33	(28)	400
	<b>17,302</b>	<b>25,418</b>	<b>27,900</b>	-	<b>27,900</b>	<b>1,506</b>	<b>4,650</b>	<b>(3,144)</b>	<b>536</b>	<b>2,325</b>	<b>(1,789)</b>	<b>27,900</b>
<b>Tarn Revenue</b>												
Boat Permits	-	20	7,000	-	7,000	-	1,167	(1,167)	-	583	(583)	7,000
	-	<b>20</b>	<b>7,000</b>	-	<b>7,000</b>	-	<b>1,167</b>	<b>(1,167)</b>	-	<b>583</b>	<b>(583)</b>	<b>7,000</b>
<b>Other Income</b>												
Conservation Trust Fund	11,191	12,135	-	-	-	-	-	-	-	-	-	-
Interest on Investments	15,168	162,259	75,000	-	75,000	44,695	12,500	32,195	21,600	6,250	15,350	75,000
Interest on Taxes	1,151	1,086	800	-	800	-	133	(133)	-	67	(67)	800
Natural Gas Franchise	71,711	88,102	70,000	-	70,000	14,106	11,667	2,439	8,666	5,833	2,833	70,000
1041 Process Payments	-	-	50,000	-	50,000	-	8,333	(8,333)	-	4,167	(4,167)	50,000
Forestry Income	84,790	65,126	-	-	-	-	-	-	-	-	-	-
DOLA Grant - Admin Salary	-	-	-	-	-	-	-	-	-	-	-	-
CDOT Marshal Grants	15,707	8,594	-	-	-	550	-	550	-	-	-	-
Grants	-	-	125,000	-	125,000	-	20,833	(20,833)	-	10,417	(10,417)	125,000
DOLA Town Hall Expansion	-	-	-	-	-	-	-	-	-	-	-	-
Credit Card Fees	585	965	1,000	-	1,000	91	167	(76)	-	83	(83)	1,000
Lodging Tax Registration	34,856	70,700	67,500	-	67,500	65,177	11,250	53,927	-	5,625	(5,625)	67,500
Business Licenses	11,700	12,105	12,500	-	12,500	1,400	2,083	(683)	-	1,042	(1,042)	12,500
Admin Miscellaneous Income	129,156	2,210,725	10,000	-	10,000	-	1,667	(1,667)	-	833	(833)	10,000
Lease Proceeds	16,011	-	-	-	-	-	-	-	-	-	-	10,000
	<b>392,027</b>	<b>2,631,797</b>	<b>411,800</b>	-	<b>411,800</b>	<b>126,019</b>	<b>68,633</b>	<b>57,386</b>	<b>30,267</b>	<b>34,317</b>	<b>(4,050)</b>	<b>421,800</b>
General Fund Contribution												
<b>Total Revenues</b>	<b>2,701,897</b>	<b>4,954,778</b>	<b>2,672,948</b>	-	<b>2,672,948</b>	<b>441,119</b>	<b>445,491</b>	<b>(4,373)</b>	<b>234,417</b>	<b>222,746</b>	<b>11,672</b>	<b>2,682,948</b>

			2024 Annual			2024 YTD			Current Month			2025
	2022 Cal Yr Prelim Actual	2023 Cal Yr Prelim Actual	2024 Adopted Budget	Projected Variances Fav(Unfav)	2024 Current Forecast	2 Months Ended 02/29/2024 Actual	2 Months Ended 02/29/2024 Budget	Variance Favorable (Unfavor)	02/29/2024 Actual	02/29/2024 Budget	Variance Favorable (Unfavor)	Placeholder Budget
<b>GENERAL FUND</b>												
<b>Expenditures</b>												
Broadband	-	65,278	-	-	-	2,974	-	2,974	-	-	-	-
<b>Personnel</b>												
Salaries - Elected Officials	15,500	13,800	14,400	-	14,400	2,400	2,400	-	-	1,200	(1,200)	14,400
Salary - Town Manager	110,462	127,383	122,304	-	122,304	23,518	20,384	3,134	-	10,192	(10,192)	122,304
Salary - Town Clerk	63,855	69,696	65,268	-	65,268	11,431	10,878	553	-	5,439	(5,439)	65,268
Payroll Taxes - All Employees	42,509	41,085	40,000	-	40,000	6,716	6,667	50	-	3,333	(3,333)	40,000
Payroll Service Fees	1,578	3,144	2,800	-	2,800	754	467	287	-	233	(233)	2,800
Workman's Comp Insurance	6,849	8,280	15,000	-	15,000	1,484	2,500	(1,016)	-	1,250	(1,250)	15,000
Unemployment Payments	-	-	-	-	-	-	-	-	-	-	-	-
Health Insurance	52,731	84,665	78,000	-	78,000	12,040	13,000	(960)	-	6,500	(6,500)	78,000
Empower Retirement 457	-	-	-	-	-	-	-	-	-	-	-	-
Retirement-Town Match	8,127	8,333	12,000	-	12,000	1,822	2,000	(178)	-	1,000	(1,000)	12,000
Town Attorney	37,661	35,355	75,000	-	75,000	8,557	12,500	(3,944)	-	6,250	(6,250)	75,000
Accountant	13,522	10,959	8,000	-	8,000	1,182	1,333	(151)	-	667	(667)	8,000
Auditor	9,200	9,750	11,000	-	11,000	-	1,833	(1,833)	-	917	(917)	11,000
Other Business Expenses	-	50	100	-	100	-	17	(17)	-	8	(8)	100
	<b>361,994</b>	<b>412,501</b>	<b>443,872</b>	-	<b>443,872</b>	<b>69,903</b>	<b>73,979</b>	<b>(4,076)</b>	-	<b>36,989</b>	<b>(36,989)</b>	<b>443,872</b>
<b>Administration</b>												
Miscellaneous	(1,527)	2,201,945	50	-	50	-	8	(8)	-	4	(4)	50
Office Supplies	3,112	2,841	4,000	-	4,000	309	667	(358)	-	333	(333)	4,000
Uniforms	-	1,688	4,000	-	4,000	-	667	(667)	-	333	(333)	4,000
Telephone	8,592	5,227	6,000	-	6,000	879	1,000	(121)	-	500	(500)	6,000
Postage and Delivery	-	-	50	-	50	-	8	(8)	-	4	(4)	50
Printing & Publishing	4,738	6,372	3,000	-	3,000	300	500	(200)	-	250	(250)	3,000
Meetings and Events	13,105	9,108	15,000	-	15,000	783	2,500	(1,717)	-	1,250	(1,250)	15,000
Training & Travel	2,124	4,491	6,000	-	6,000	149	1,000	(851)	-	500	(500)	6,000
Sales & Lodging Tax Admin	2,703	7,452	1,500	-	1,500	9,492	250	9,242	-	125	(125)	1,500
Professional Services	3,402	3,724	5,000	-	5,000	1,750	833	917	-	417	(417)	5,000
Equipment Repairs & Lease	5,397	5,590	5,000	-	5,000	1,100	833	266	-	417	(417)	5,000
Technology	54,170	116,487	85,000	-	85,000	11,393	14,167	(2,774)	-	7,083	(7,083)	85,000
Community Engagement/Marketing	2,980	659	2,500	-	2,500	289	417	(128)	-	208	(208)	2,500
Community Fund	7,550	14,549	50,000	-	50,000	150	8,333	(8,183)	-	4,167	(4,167)	50,000
Scholarships	3,000	1,500	5,000	-	5,000	-	833	(833)	-	417	(417)	5,000
Insurance	29,871	31,654	55,000	-	55,000	37,346	9,167	28,179	-	4,583	(4,583)	55,000
Codifying	1,169	1,996	6,500	-	6,500	-	1,083	(1,083)	-	542	(542)	6,500
Elections	13,799	1,124	15,000	-	15,000	1,168	2,500	(1,332)	-	1,250	(1,250)	15,000
Cnty Treasurer's Fees	15,056	13,569	18,000	-	18,000	311	3,000	(2,689)	-	1,500	(1,500)	18,000
NWC of Govt	1,243	1,330	1,243	-	1,243	-	207	(207)	-	104	(104)	1,243
CML	1,246	1,284	383	-	383	-	64	(64)	-	32	(32)	383
CAST	630	630	1,584	-	1,584	-	264	(264)	-	132	(132)	1,584
Credit Card Charges	542	861	750	-	750	81	125	(44)	-	63	(63)	750
Charitable Contributions	-	-	-	-	-	-	-	-	-	-	-	-
	<b>172,904</b>	<b>2,434,081</b>	<b>290,560</b>	-	<b>290,560</b>	<b>65,499</b>	<b>48,427</b>	<b>17,072</b>	-	<b>24,213</b>	<b>(24,213)</b>	<b>290,560</b>
<b>Town Hall Expense</b>												
Utilities	11,115	13,212	15,000	-	15,000	2,892	2,500	392	-	1,250	(1,250)	15,000
Trash	2,780	3,380	5,000	-	5,000	502	833	(331)	-	417	(417)	5,000
Supplies	1,472	718	1,000	-	1,000	-	167	(167)	-	83	(83)	1,000
Grounds & Snow Removal	29	-	-	-	-	-	-	-	-	-	-	-
Cleaning	-	36	-	-	-	-	-	-	-	-	-	-
Repairs & Maintenance	531	15,124	2,500	-	2,500	2,687	417	2,270	-	208	(208)	2,500
Employee Housing HOA	3,899	4,705	4,620	-	4,620	385	770	(385)	-	385	(385)	4,620
Employee Housing Utilities	4,617	4,970	5,000	-	5,000	1,280	833	446	-	417	(417)	5,000
Employee Housing Supplies	1,011	94	200	-	200	-	33	(33)	-	17	(17)	200
Tam Utilities	-	-	2,200	-	2,200	-	367	(367)	-	183	(183)	2,200
	<b>25,455</b>	<b>42,239</b>	<b>35,520</b>	-	<b>35,520</b>	<b>7,746</b>	<b>5,920</b>	<b>1,826</b>	-	<b>2,960</b>	<b>(2,960)</b>	<b>35,520</b>

			2024 Annual			2024 YTD			Current Month			2025
	2022 Cal Yr Prelim Actual	2023 Cal Yr Prelim Actual	2024 Adopted Budget	Projected Variances Fav(Unfav)	2024 Current Forecast	2 Months Ended 02/29/2024 Actual	2 Months Ended 02/29/2024 Budget	Variance Favorable (Unfavor)	02/29/2024 Actual	02/29/2024 Budget	Variance Favorable (Unfavor)	Placeholder Budget
<b>GENERAL FUND</b>												
<b>Planning &amp; Zoning</b>												
P&Z Commission Salaries	8,300	8,400	8,400	-	8,400	1,400	1,400	-	-	700	(700)	8,400
Comprehensive Plan	-	-	-	-	-	-	-	-	-	-	-	-
P&Z Professional Fees	-	806	-	-	-	-	-	-	-	-	-	-
	<b>8,300</b>	<b>9,206</b>	<b>8,400</b>	<b>-</b>	<b>8,400</b>	<b>1,400</b>	<b>1,400</b>	<b>-</b>	<b>-</b>	<b>700</b>	<b>(700)</b>	<b>8,400</b>
<b>Municipal Court</b>												
Municipal Judge	6,500	6,500	6,500	-	6,500	1,083	1,083	0	-	542	(542)	6,500
Prosecutor	9,600	9,600	9,600	-	9,600	1,600	1,600	-	-	800	(800)	9,600
Clerk - Municipal Court	5	-	-	-	-	-	-	-	-	-	-	-
Court Administration	430	287	500	-	500	15	83	(69)	-	42	(42)	500
	<b>16,536</b>	<b>16,387</b>	<b>16,600</b>	<b>-</b>	<b>16,600</b>	<b>2,698</b>	<b>2,767</b>	<b>(69)</b>	<b>-</b>	<b>1,383</b>	<b>(1,383)</b>	<b>16,600</b>
<b>Public Safety</b>												
Telephone (deleted)	-	-	-	-	-	-	-	-	-	-	-	-
FPPA (deleted)	-	-	-	-	-	-	-	-	-	-	-	-
Salary - Police Department	297,133	208,498	304,080	-	304,080	27,882	50,680	(22,799)	-	25,340	(25,340)	304,080
Fuel Benefit	-	-	-	-	-	-	-	-	-	-	-	-
Office/General Administrative Expendit	5,496	-	-	-	-	-	-	-	-	-	-	-
MERT	-	-	-	-	-	-	-	-	-	-	-	-
Fuel	6,838	5,792	10,000	-	10,000	1,086	1,667	(580)	-	833	(833)	10,000
Supplies - Police	10,751	9,101	17,000	-	17,000	3,946	2,833	1,113	-	1,417	(1,417)	17,000
Auto Repair & Maintenance	3,267	18,611	14,000	-	14,000	2,879	2,333	546	-	1,167	(1,167)	14,000
Animal Shelter	2,625	1,575	2,100	-	2,100	525	350	175	-	175	(175)	2,100
Communication	27,582	28,839	40,000	-	40,000	7,818	6,667	1,151	-	3,333	(3,333)	40,000
Survivor Support	-	-	-	-	-	-	-	-	-	-	-	-
HASMAT	2,183	2,292	2,500	-	2,500	-	417	(417)	-	208	(208)	2,500
Radar Recertification	40	40	200	-	200	-	33	(33)	-	17	(17)	200
Training	1,906	2,738	10,000	-	10,000	250	1,667	(1,417)	-	833	(833)	10,000
Professional Services	3,103	3,163	4,200	-	4,200	3,323	700	2,623	-	350	(350)	4,200
CDOT/Extra Work	-	-	-	-	-	-	-	-	-	-	-	-
	<b>360,923</b>	<b>280,649</b>	<b>404,080</b>	<b>-</b>	<b>404,080</b>	<b>47,710</b>	<b>67,347</b>	<b>(19,637)</b>	<b>-</b>	<b>33,673</b>	<b>(33,673)</b>	<b>404,080</b>
<b>Public Works</b>												
Building Inspector	-	-	-	-	-	-	-	-	-	-	-	-
Building Contract	71,100	87,639	60,000	-	60,000	1,471	10,000	(8,529)	-	5,000	(5,000)	60,000
Building Dept Fuel	-	165	-	-	-	-	-	-	-	-	-	-
Building Dept Auto Repair	757	105	-	-	-	-	-	-	-	-	-	-
Street Lights Utilities	1,821	1,886	2,600	-	2,600	471	433	37	-	217	(217)	2,600
Snow Removal	225,054	263,360	245,000	-	245,000	73,681	40,833	32,847	-	20,417	(20,417)	245,000
Street Maintenance	101,280	205,833	300,000	-	300,000	-	50,000	(50,000)	-	25,000	(25,000)	300,000
Engineering	-	13,649	5,000	-	5,000	3,865	833	3,032	-	417	(417)	5,000
1041 Process Expenses	3,153	468	70,000	-	70,000	-	11,667	(11,667)	-	5,833	(5,833)	70,000
Road Signs	12,760	12,073	12,000	-	12,000	-	2,000	(2,000)	-	1,000	(1,000)	12,000
Wildfire Grant Expenses	83,390	55,358	120,000	-	120,000	-	20,000	(20,000)	-	10,000	(10,000)	120,000
High Country Conservation Grant	-	-	150	-	150	-	25	(25)	-	13	(13)	150
Town Park Maintenance	-	230	1,000	-	1,000	-	167	(167)	-	83	(83)	1,000
Blue River Recreation Ambassadors	-	-	28,600	-	28,600	-	4,767	(4,767)	-	2,383	(2,383)	28,600
Tarn Improvements	-	-	25,000	-	25,000	-	4,167	(4,167)	-	2,083	(2,083)	25,000
Tarn/Park Trash & Facilities	-	-	3,000	-	3,000	-	500	(500)	-	250	(250)	3,000
Other Miscellaneous Service Cost	-	-	-	-	-	-	-	-	-	-	-	-
Auto Repair/Maintenance Bldg Dept	-	-	3,000	-	3,000	-	500	(500)	-	250	(250)	3,000
Summit Stage	-	-	-	-	-	-	-	-	-	-	-	-
Trail Easements	-	977	1,000	-	1,000	-	167	(167)	-	83	(83)	1,000
Open Space/Trails Surveys	1,091	2,700	-	-	-	5,226	-	5,226	-	-	-	-
Open Space/Trails Town Park	177	-	-	-	-	-	-	-	-	-	-	-
Admin Vehicle	-	-	30,000	-	30,000	-	5,000	(5,000)	-	2,500	(2,500)	30,000
	<b>500,584</b>	<b>644,443</b>	<b>906,350</b>	<b>-</b>	<b>906,350</b>	<b>84,713</b>	<b>151,058</b>	<b>(66,345)</b>	<b>-</b>	<b>75,529</b>	<b>(75,529)</b>	<b>906,350</b>

			2024 Annual			2024 YTD			Current Month			2025
	2022 Cal Yr Prelim Actual	2023 Cal Yr Prelim Actual	2024 Adopted Budget	Projected Variances Fav(Unfav)	2024 Current Forecast	2 Months Ended 02/29/2024 Actual	2 Months Ended 02/29/2024 Budget	Variance Favorable (Unfavor)	02/29/2024 Actual	02/29/2024 Budget	Variance Favorable (Unfavor)	Placeholder Budget
<b>GENERAL FUND</b>												
<b>Capital Improvements - General Expenditures</b>												
<b>Capital Expenses</b>	-	-										
Road Projects	-	-		-		-	-	-	-	-		
Road Projects:Road Infrastructure Cons	-	-		-		-	-	-	-	-		
Road Projects:Road Project Engineerin	29,153	62,720		-		12,051	-	12,051	-	-		
Road Projects:Road Project Legal	-	-		-		-	-	-	-	-		
Road Projects:Road Project Easements	-	1,600		-		-	-	-	-	-		
Road Projects:Road Project Surveys	20,123	-		-		-	-	-	-	-		
Funding For Engineering/Projects			100,000		100,000	-	16,667	(16,667)	-	8,333	(8,333)	100,000
Transfer to Capital		2,100,000										
Funding for Broadband		100,000	100,000		100,000	-	16,667	(16,667)	-	8,333	(8,333)	100,000
	<b>49,276</b>	<b>2,264,320</b>	<b>200,000</b>	<b>-</b>	<b>200,000</b>	<b>22,168</b>	<b>33,333</b>	<b>(11,165)</b>	<b>-</b>	<b>16,667</b>	<b>(16,667)</b>	<b>200,000</b>
<b>Conservation Trust Expenses</b>												
Trail Easements	-	-		-		-	-	-	-	-		
Trails Legal	-	-		-		-	-	-	-	-		
Trails Survey	-	-		-		-	-	-	-	-		
	-	-		-		-	-	-	-	-		
<b>Payroll Expenses</b>												
Company Contributions	-	-		-		-	-	-	-	-		
Company Contributions:Health Insurance	-	-		-		-	-	-	-	-		
Company Contributions:Retirement	-	-		-		-	-	-	-	-		
Wages	36,669	112,897		-		21,491	-	21,491	-	-		
	<b>36,669</b>	<b>112,897</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>21,491</b>	<b>-</b>	<b>21,491</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
Reimbursements	2,538	10,985		-		1,543	-	1,543	-	-		
<b>Total Operating Expenditures</b>	<b>1,535,177</b>	<b>6,292,986</b>	<b>2,305,382</b>	<b>-</b>	<b>2,305,382</b>	<b>327,844</b>	<b>384,230</b>	<b>(56,387)</b>	<b>-</b>	<b>192,115</b>	<b>(192,115)</b>	<b>2,305,382</b>
<b>Operating Surplus (deficit)</b>	<b>1,166,720</b>	<b>(1,338,208)</b>	<b>367,566</b>	<b>-</b>	<b>367,566</b>	<b>113,275</b>	<b>61,261</b>	<b>(60,759)</b>	<b>234,417</b>	<b>30,630</b>	<b>(180,444)</b>	<b>377,566</b>
<b>Beginning Fund Balance - General</b>	<b>528,292</b>	<b>1,695,012</b>	<b>356,804</b>	<b>-</b>	<b>356,804</b>	<b>356,804</b>	<b>356,804</b>	<b>-</b>	<b>356,804</b>	<b>356,804</b>	<b>0</b>	
<b>Ending Fund Balance - General</b>	<b>1,695,012</b>	<b>356,804</b>	<b>724,370</b>	<b>-</b>	<b>724,370</b>	<b>470,079</b>	<b>418,065</b>	<b>(60,759)</b>	<b>591,221</b>	<b>387,435</b>	<b>(180,444)</b>	<b>377,566</b>
<b>Capital Improvements</b>												
<b>Revenue and Other Financing Sources</b>												
Contribution from General Fund	400,000	2,100,000	100,000	0	100,000							
Interest Income	8,305	23,171		0								
<b>Total Revenues</b>	<b>408,305</b>	<b>2,123,171</b>	<b>100,000</b>	<b>-</b>	<b>100,000</b>	<b>-</b>	<b>0</b>	<b>0</b>	<b>-</b>	<b>-</b>	<b>0</b>	<b>0</b>
<b>Capital and Other projects</b>												
Engineering	29,153	62,720	40,000	-	40,000							
Legal			10,000	-	10,000							
Easements		1,600	10,000	-	10,000							
Surveys	20,123		5,000	-	5,000							
Construction			600,000	-	600,000							
<b>Land Acquisition</b>												
Land Acquisition			250,000	-	250,000							
Legal			10,000	-	10,000							
<b>Total Capital and Non-Routine Exp</b>	<b>49,276</b>	<b>64,320</b>	<b>925,000</b>	<b>-</b>	<b>925,000</b>	<b>-</b>	<b>0</b>	<b>0</b>	<b>-</b>	<b>-</b>	<b>0</b>	<b>0</b>
<b>Surplus after other sources / uses</b>	<b>359,030</b>	<b>2,058,851</b>	<b>(825,000)</b>	<b>-</b>	<b>(825,000)</b>							
Fund balance - beginning Capital	835,230	1,194,259	3,253,111		3,253,111							
<b>Fund balance - ending Capital</b>	<b>1,194,259</b>	<b>3,253,111</b>	<b>2,428,111</b>	<b>0</b>	<b>2,428,111</b>							

			2024 Annual			2024 YTD			Current Month			2025
	2022 Cal Yr Prelim Actual	2023 Cal Yr Prelim Actual	2024 Adopted Budget	Projected Variances Fav(Unfav)	2024 Current Forecast	2 Months Ended 02/29/2024 Actual	2 Months Ended 02/29/2024 Budget	Variance Favorable (Unfavor)	02/29/2024 Actual	02/29/2024 Budget	Variance Favorable (Unfavor)	Placeholder Budget
<b>GENERAL FUND</b>												
<b>Broadband</b>												
<b>Revenue and Other Financing Sources</b>												
Contribution from General Fund	100,000	100,000	100,000	0	100,000							
Grants			7,000,000	0	7,000,000							
Interest Income	8,305	23,171		0								
<b>Total Revenues</b>	<b>108,305</b>	<b>123,171</b>	<b>7,100,000</b>	<b>-</b>	<b>7,100,000</b>	<b>-</b>	<b>0</b>	<b>0</b>	<b>-</b>	<b>-</b>	<b>0</b>	
<b>Expenditures</b>												
Match			200,000		200,000							
Grant			7,000,000		7,000,000							
<b>Total Capital and Non-Routine Exp</b>	<b>-</b>	<b>-</b>	<b>7,200,000</b>	<b>-</b>	<b>7,200,000</b>	<b>-</b>	<b>0</b>	<b>0</b>	<b>-</b>	<b>-</b>	<b>0</b>	
<b>Surplus after other sources / uses</b>	<b>108,305</b>	<b>123,171</b>	<b>(100,000)</b>		<b>(100,000)</b>							
Fund balance - beginning Broadband	0	108,305	231,476		231,476							
<b>Fund balance - ending Broadband</b>	<b>108,305</b>	<b>231,476</b>	<b>131,476</b>	<b>0</b>	<b>131,476</b>							
<b>American Rescue Plan</b>												
<b>Revenue and Other Financing Sources</b>												
Contributions	115,747			0								
Grants												
Interest Income	13	5,299	5,000	0	5,000							
<b>Total Revenues</b>	<b>115,759</b>	<b>5,299</b>	<b>5,000</b>	<b>-</b>	<b>5,000</b>	<b>-</b>	<b>0</b>	<b>0</b>	<b>-</b>	<b>-</b>	<b>0</b>	
<b>Expenditures</b>												
Planning		65,278	176,500	0	176,500							
<b>Total Capital and Non-Routine Exp</b>	<b>-</b>	<b>65,278</b>	<b>176,500</b>	<b>-</b>	<b>176,500</b>	<b>-</b>	<b>0</b>	<b>0</b>	<b>-</b>	<b>-</b>	<b>0</b>	
<b>Surplus after other sources / uses</b>	<b>115,759</b>	<b>(59,979)</b>	<b>(171,500)</b>		<b>(171,500)</b>							
Fund balance - beginning Broadband	115,747	231,506	171,527		171,527							
<b>Fund balance - ending Broadband</b>	<b>231,506</b>	<b>171,527</b>	<b>27</b>	<b>0</b>	<b>27</b>							
<b>Conservation Trust Fund</b>												
<b>Revenue and Other Financing Sources</b>												
CTF Receipts	11,191	8,601	8,500	0	8,500							
Interest Income	10	2,989	2,500	2,500	5,000							
<b>Total Revenues</b>	<b>11,201</b>	<b>11,590</b>	<b>11,000</b>	<b>2,500</b>	<b>13,500</b>	<b>-</b>	<b>0</b>	<b>0</b>	<b>-</b>	<b>-</b>	<b>0</b>	
<b>Expenditures</b>												
Easements		977	3,000	0	3,000							
Signage			1,000	0	1,000							
Legal			2,000	0	2,000							
Surveys	384	2,700	5,000	0	5,000							
Town Park	177		5,000	0	5,000							
<b>Total</b>	<b>561</b>	<b>3,677</b>	<b>16,000</b>	<b>-</b>	<b>16,000</b>	<b>-</b>	<b>0</b>	<b>0</b>	<b>-</b>	<b>-</b>	<b>0</b>	
<b>Surplus after other sources / uses</b>	<b>10,640</b>	<b>7,913</b>	<b>(5,000)</b>		<b>(2,500)</b>							
Fund balance - beginning Cons Trust Fnd	110,903	121,543	129,456		129,456							
<b>Fund balance - ending Cons Trust Fnd</b>	<b>121,543</b>	<b>129,456</b>	<b>124,456</b>	<b>0</b>	<b>126,956</b>							



# Town of Blue River

Section II, Item B.

## A/P Aging Summary

As of February 29, 2024

	CURRENT	1 - 30	31 - 60	61 - 90	91 AND OVER	TOTAL
Charles Abbott Associates	1,470.56					\$1,470.56
Highland Galloway Investments	73,680.70					\$73,680.70
Marchetti & Weaver, LLC	1,182.25					\$1,182.25
Widner Juran LLP	3,456.50					\$3,456.50
<b>TOTAL</b>	<b>\$79,790.01</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$79,790.01</b>

**Michelle Eddy**

**From:** Toby Babich <toby@rmlodging.com>  
**Sent:** Monday, February 12, 2024 9:05 AM  
**To:** Michelle Eddy; rwidner@lawwj.com  
**Subject:** Citizen Comment- Toby Babich

Hello Trustees,

During the 2-8-24 Trustee meeting “communications to the Trustees” Dan Cleary delivered printed material to each Trustee, and was allowed and uninterrupted 8-10 minutes of verbal communications, all centering around a candidates eligibility to hold elected office based on his opinion and own research. Based on his opinion of eligibility alone we all had to had to bear witness to what felt like a hostile personal attack against me, during a public meeting. I sat there, as Mayor, and listened to a concerned citizen, allowing time well beyond the normal three minutes, to ensure there were no questions about bias or suppression. Today I write to you all as a citizen, and candidate, to provide my side of the story and clear up many of the misrepresentations spoken and written by Mr. Cleary. I am determined to set the record straight regarding eligibility and ensure Mr. Cleary does not cause interruption of a free and fair election, nor publicly slander an eligible candidate due to his individual biased opinion. What was laid out by Mr. Cleary during this premeditated and orchestrated scene is not based in any fact, legal precedent, statute, or legal opinion and seems to be an effort to slander my name and my eligibility based on his statement in an email that he is “disappointed by what I perceive to be bias when considering the town's interpretation of the law as it applies to my eligibility”. To be clear, as I understand, the “Town” has not “interpreted” anything, and does not have the ability to interpret, judge, or determine eligibility regarding term limits of any candidate. I submitted my petition knowing I was eligible to hold office, having researched my eligibility, and did so with the intent to competently serve the residents of the Town. When I picked up my petition, I had no doubt I was eligible, and when I dropped it off there were no questions of my eligibility.

I write to you today for your consideration as a Blue River citizen, and candidate for the office of Mayor. Mr. Cleary has called into question my eligibility, motives, and integrity with his recent communications, spreading false claims and misrepresentations of fact. Today I offer my perspective, and would welcome an individual discussion with any of you who desire it.

**I ask this email to be included in the upcoming Trustee meeting packet as a “communication to the Trustees”.**

**Is the TOBR able to determine candidate eligibility:**

In short, no. Mr. Cleary repeatedly communicates that he is a victim of bias, and that the Town needs to determine if I am eligible. This is not possible, as the Town is not empowered with that ability, nor is the Town Attorney, or Town Clerk. As I understand it, Mr. Cleary was given a petition by our election official along with the opinion from the attorney, he circulated the petition and obtained signatures, and upon turning that petition in (knowing he may be ineligible) it was accepted by the election official and certified. Where is the bias in that? He states among other comments in his email- “notify me that I was **unable** to run for mayor due to term limits:”, “my ineligibility to run due to term limits, based on Attorney Wider's position”, “noted the attorney's case against my eligibility”, “while I am told that I am not eligible”- indicating he believes the Town, attorney, or Clerk have taken an official legal position on his specific eligibility. This has not happened, as none of these parties are able to render a judgment. Only a court would be able to settle the matter, if challenged by a citizen as a civil matter. As Mr. Cleary well knows, and in his own words **“The clerk informed me that if elected, my eligibility could be challenged or contested by a resident and I may find myself in court.”** This is the only statement on the matter that is accurate, and speaks to the legal process that is articulated in statute. To note here, any citizen is able to

challenge the eligibility of any elected official, including Mr. Cleary, myself, or anyone else who currently will serve in the future. This is codified in state statute as well. However, the TOBR has no authority to determine eligibility of a candidate beyond more obvious and clear criteria such as age, voter registration, residency, etc. The Town Attorney should be consulted on this matter.

**My eligibility to petition, and hold office:**

As it pertains to my motivations, eligibility, and candidacy, I have chosen to run based on the fact that I have served two terms as an elected official holding the office of Mayor, one short and one full. I served a two-year term (2018-2020) and then I am currently serving a “full” four year term (2020-2024). Based on Colorado Constitution at Article XVIII, Section 11 (1), highlighted below, I am eligible to serve one more full four year term. This is articulated in the Colorado Constitution, and is a current statute, clear in its intent, and has been properly adopted by the Colorado Legislature. There is also some recent case law (we will review this at a future meeting) that supports a partial elected term does not count as a full term, so that would seem to indicate I have only served one full term as Mayor. This is not my opinion, hunch, feeling, or interpretation. I am eligible to run, clearly articulated in state statute and case law, and my motivations are as they have been- to serve the Town of Blue River.

- (1) In order to broaden the opportunities for public service and to assure that elected officials of governments are responsive to the citizens of those governments, no nonjudicial elected official of any county, city and county, city, town, school district, service authority, or any other political subdivision of the State of Colorado, no member of the state board of education, and no elected member of the governing board of a state institution of higher education shall serve more than two consecutive terms in office, **except that with respect to terms of office which are two years or shorter in duration, no such elected official shall serve more than three consecutive terms in office.** This limitation on the number of terms shall apply to terms of office beginning on or after January 1, 1995. For purposes of this Section 11, terms are considered consecutive unless they are at least four years apart.

Mr. Cleary, in his email, insinuates that perhaps there is a motivation to “defeat term limits or circumvent the law” and “exploit perceived loopholes in the language of the Constitution”, which are defamatory claims in nature, and personally insulting. To be clear, when I was elected as a Trustee in 2016 I had no intention of resigning. Months into the first year of my term, the elected Mayor discovered he had cancer, and had to resign to relocate and treat his illness. I agreed to be appointed to fill his seat, fulfilling the remainder of his first two years of his four-year term. Even at this time, future term limits were not a thought. I was doing what needed to be done to ensure the Town had a full Board. I served that term as an appointee, which was less than two years, and was not an elected term. **NOTE- In the 2005 opinion Mr. Cleary is basing his position on, it also states “For the purposes of term limits the person who is appointed and subsequently elected to fill the remainder of the term is deemed not to have served at all”, indicating that someone who is appointed and then elected (as I was) to fill a term is deemed to not have served a term at all. There is an argument to be made here that even my “short” term does not count against my terms, and I have only served on full term as an elected official in the office of Mayor.** However, as mentioned, this is simply a 20 year old opinion, and has no real influence on term limits in a legal sense.

That being said, Mr. Cleary offers his opinion only, not a court ruling/precedent, legal opinion, or state statute. His opinion is not compelling to me. This is his opinion only, based on a 20+ year old AG opinion that is not applicable in this case, and has likely been interpreted by other attorneys in many different ways. I am eligible, and I have no questions about that, or I would not have put my name on the ballot. If Mr. Cleary disagrees, he has options to challenge, but one of those options does not involve sending a misinformed and untruthful assessment he cobbled together of his own efforts to all the Trustees days before ballots are certified. Mr. Cleary is not a lawyer, judge, or expert in this area. In fact, aside from the one court decision Bob sent to us all recently, no court has taken up this matter, and very little legal precedent exists for any experienced attorney, let alone Mr. Cleary, to assess the situation competently. Mr. Cleary offers nothing compelling to discuss, and his intentions in both the content and timing of his request are suspect. If Mr. Cleary had a legitimate concern, he would have contacted me

privately many weeks prior to his submission, so we could have a constructive discussion about the community members, former BOT members, and personal acquaintances.

**Prior Election Information indicates terms have been erratic, and limits may have been broken:**

Over the course of the history of Town elections, many people have served three or more terms in succession, including after 1995 when the current statute was adopted. The Mayor prior to Mitch Weiss (who I was appointed to fill his term) served 4 full terms, 16 years in total, terminating in 2015. An elected official served 1 four-year term, and then 4 two-year terms during the mid 90's. Another elected official served 12 years in a row in the early 2000's completing 1 two-year term, followed by 1 four-year term, another two-year term, and then another four-year term. Historically there are things for you to consider when looking at precedent, and the need to better define terms and eligibility moving forward. The current precedent is an elected official is allowed to serve up to 16 years in a row, which I think we would all agree is not a good thing. Currently as an elected official, I believe **I have served two terms, for 6 years, and it can be considered that the two-year term does not count towards term limits.** One more four-year term would put me in office for 10 years, which is specifically allowed by state statute.

**Is Mr. Cleary potentially being dishonest about his motivations:**

As part of Mr. Cleary's production, he stated that he has never done anything that should cause anyone to distrust him (paraphrased). Though I do have information from sources that Mr. Cleary has been at work behind the scenes for some time, attempting to disrupt this election, I do have some evidence of potential dishonesty in his own words when juxtaposed with other facts I have first had from other individuals. It is ironic that Mr. Cleary is casting aspersions on others when many of his statements do not align with the actual situation and timeline articulated in his email. I have known him since 2016, and have always been friendly and supportive to him, and had come to respect and trust him as a human. I am hoping I am mistaken here, as I do desire to trust and believe Mr. Cleary and his motivations are pure and in the best interest of the Town.

Cleary Email- **"To be clear, when I pulled my petition to run (on 1/17/24), I had not even contemplated the mayor's eligibility as I believed the mayor had only served 1+ terms, and not having read anything prior regarding term limits I really hadn't considered who was eligible for what position. In my mind, I am a past trustee interested in running for mayor and the (2) positions are different."**

This statement in Mr. Cleary's email is in direct conflict with information I received directly from **another Trustee who stated he had been in touch with Mr. Cleary around Thanksgiving and that Mr. Cleary had "questions about "term limits", and then went on to state that the Trustee sent Mr. Cleary Bob's opinion in early January.** This is the opinion that was disseminated to all of us on 1-3-24 based on a request for information on "term limits" from a Trustee in early December. If Mr. Cleary had been inquiring about term limits in November, and was provided Bob's opinion on term limits as relates to Mayor vs. Trustee seats, his statement above seems suspect. .

Cleary Email- **"When I picked up my petition on 1/17, the deputy clerk called the town clerk / manager. The town manager got on speaker phone to notify me that I was unable to run for mayor due to term limits, that the office of trustee and mayor are the same, and she offered to send me a letter that the attorney had drafted (see below) outlining this. I assume this letter was drafted in the event that someone who was termed out tried to run. I declined the offer of the email and asked just for a petition.** I questioned if I were unable to run, then how could the incumbent mayor run for reelection? She opted to provide a timeline of elections through a sequence of events (see thread below)."

This also seems suspect, if Mr. Cleary already had Bob's opinion. If he had Bob's opinion in early January, he would have known already of the opinion, and what the content was. He would have known why the letter was drafted, and would not have "declined" the offer of the email, as he already had it. I would also question if the Town Manager notified him he was "unable to run for Mayor due to term limits", then why would he have been give a petition?

Cleary Email- "I want to let the town know that **as I've submitted my petition, I have been under the impression that the office of mayor was different from the office of trustee.**"

Section III, Item C.

This again points to potential dishonesty, as he would have submitted his petition after he picked it up, which was after he was told by the clerk of the attorney opinion, and after he received the opinion from the Trustee in early January. How could he still be under the impression the offices were different, having known the opinion that the seats were the same for the purposes of term limits for weeks prior to submitting his own petition. Had Mr. Cleary submitted his petition knowing he was likely ineligible, it would seem to me the petition was submitted mainly to see how the clerk would react, as a test of the system, and not for a legitimate purpose. This seems disrespectful to the sanctity of our Town and a fair election.

**This situation impacts other potential and current candidates:**

This situation not only impacts this election, me personally, our Town, and our ability to focus on other Town matters, but more importantly it also impacts other current and potential candidates directly who may have chosen to pull a petition to be Mayor for this election. **I have personally spoken to three people who had intended to pull permits to run for Mayor if I did not run, but chose not to when I indicated I was running again, and I would have fully supported them.** These people matter, and they deserve to not be subject to this circus. There are other Trustees and citizens who may have taken a shot at being Mayor if I had not run, that now have foregone that opportunity, unable to recapture it. What about these people? They are also victims of Mr. Cleary's actions in this election process, and deserve to have their choices be excluded from this political game, and those choices to have been made in an environment of transparency, honesty, and ethical rigor.

**In closing:**

I approached Mr. Cleary calmly following adjournment of the 2-7-24 meeting and let him know that when I cleared my name regarding his accusations, I would appreciate a full public apology. His response to me was a flippant "we'll see", followed with a sarcastic "Sorry I hurt your feelings.". He is correct, though he was being sarcastic, that my feelings are hurt, I am human. More than that, without any time to consider his opinion prior to ballots being certified (He submitted his email to the Trustees on 1/26 at 8:24 am, and ballots were to be certified less than 8 business hours later, over a weekend) he sent an email full of insinuations and accusations in what I can only consider to be an attack on my eligibility, character, and motivations. The sense of profound disbelief, confusion, disappointment, and sadness cannot be overstated. What is the purpose of all of this at this late hour, in advance of an election, in which he submitted and then retracted a petition to run for Mayor. When Mr. Cleary picked up his petition, he knew he was likely ineligible, when he asked for signatures on the petition he questioned his eligibility, and when he submitted the petition he was aware he was likely ineligible. The opinion of the Town Attorney related to the Mayor/Trustee offices was NOT given because Dan pulled a petition or to impact his ability to run for office. This opinion was given many weeks prior to Dan indicating he was pulling a petition on 1/17 and had nothing to do with Mr. Cleary. I had asked Dan weeks ago to sign my petition, inviting him to meet me, as I assumed we had a solid relationship based on trust and mutual respect. I spoke with him in person around Thanksgiving, with him asking me if I was running, which I confirmed to him in person. No concerns or questions came from him at that time, until late January, after my petition was turned in, and leaving me no time to react or research before the ballots were certified.

I can only speculate, but my gut tells me Mr. Cleary has an agenda to keep me from office, motives unknown. His presentation during the meeting certainly seemed to be a personal character attack, layered with questions surrounding my eligibility. I believe this is the foundation for a campaign against me. I wonder if Mr. Cleary has done any research on this subject that does not support his position, or has he only looked for and presented that which is supportive of his opinion?

Is that where we are as neighbors in our small town? I believe the campaign should be about issues directly impacting our community, and we have real issues to deal with. I have a record of honorable leadership, success, collaboration, outreach, and involving the community in the government process (along with my fellow Trustees, volunteers, and staff), and I am prepared to campaign on issues, as that is what our citizens deserve. Our Town is

in a wonderful place as a result of the work of many elected and appointed citizens and our staff, we developed into a respected community with a seat at the table and voice in the wider county. We are sound, and have built out a wonderful staff who loves serving this community. Our residents are comfortable and happy to a great extent, and we provide multiple opportunities for them to be involved with their government. Things are good.

Though certainly not the norm, I am asking as a candidate and citizen for the BOT to consult with our attorney, have a robust discussion, and publicly support the position that I am indeed an eligible candidate for the upcoming election.

Toby Babich VRMP, CMCA, AMS, RSPS, ARM  
President  
Breckenridge Resort Managers, APPMC  
800-765-0727 toll free  
800-465-8212 fax  
[www.RMLodging.com](http://www.RMLodging.com)



Thank you for your email- Email is always the most efficient way to contact me as I am better able to manage my time and prioritize. I rarely am available by phone, unless by appointment. I am very dedicated to my clients and customers, and also my family and free time, so I respond to email during normal business hours with great vigor, but likely will not communicate outside of business hours. If you need immediate assistance with an actual emergency, I have a staff of wonderful folks that can assist if you will email [hoa@rmlodging.com](mailto:hoa@rmlodging.com) or call [970-547-4800](tel:970-547-4800).



In the Middle of  
Inspiration &  
Recreation Heaven



20300 Hwy 285  
or PO Box 1429  
Fairplay, Colorado  
80440  
816 225-4446

Hello Blue River Trustees,

3/1/2024

My name is Bob White, I have lived in Fairplay for 23 years and have watched our area become the "Gravel Capital" of the front range. Many times the community has risen to speak against new operations, but our county leadership does not listen. We need your help. That is if you are concerned about an increasing frequency of large trucks traveling over the pass and on to Eagle, Clear Creek, Grand and Summit County locations.

When Denver's "Brannon Sand & Gravel" purchased the dredge piles south of Fairplay, we met with their executives. I asked "How you can afford to send a truck to Fairplay and back to Denver for gravel.....is it because there are not raw materials in the front range or is it legislative?" Their quick answer was "Legislative". We know that in your county there has been pressure against the aggregate industry too. Bottom line, we have become Summit County's and the Front Range's Lackey...and your Hwy 9 is increasingly becoming a route to transport these materials. Expect trucks with all sorts of aggregate including large boulders, and possibly soon Asphalt and Concrete.

The Fairplay community has recently opposed a Summit County based operator who wishes to put an Asphalt and Concrete operation here. That struggle is still occurring.

They are estimating from this operation that 75% of their production will be headed your way. To understand how much gravel is currently being moved, we asked Brannon. They stated that a 28 ton truck ("Coleman" truck) will leave their facility every 3-5 minutes, 6 days a week for 40 years! If Brannon or other new companies decide to take aggregate north, your traffic will increase again.

Not only are we both dealing with the dust, the broken windshields, the noise, the road congestion and damage, but we know for sure that there is mercury in the gravel. It was used in the gold extraction process and much of it remained in the dredge piles. Although we are not aware of a study that might show the danger of moving gravel from point A to point B, it is a potential risk.

Your mission, should you choose to accept it, is to help us oppose new operations in the western side of Park County. Are there Federal, Military, Environmental or County & State entities that might be concerned? Seems to us that Summit County's aggregate operations should exist where some of them have been for years....north in Silverthorn?

Very much appreciate your time and consideration.

Bob & Sheree White  
Bristlecone View Ranch  
816 225-4446



## Memorandum

**Project:** Spruce Creek Road

**To:** Michelle Eddy, Town Manager

**From:** Jeff Wulliman, PE  
Bob LaForce, PE – Yeh and Associates  
Levi Niesen, EI

**Date:** March 7, 2024

**Subject:** Spruce Creek Road Design Recommendation Memorandum

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This memorandum is provided to solicit a decision on the pavement type and limits for Spruce Creek Road in the Town of Blue River.

### Background:

The purpose of the Spruce Creek Road Project is to address and improve upon the following issues observed by the Town and nearby residents.

- Safety
  - Highway 9 Intersection, Approach
- Maintenance
  - Reducing maintenance burden and cost to the Town.
  - Improving condition of Spruce Creek Road
- Dust Control
  - Noted issue from nearby residents
- Speeding
  - Noted issue from nearby residents
  - Speed capture information from September 2023 indicate the 85% percentile speed was 22 mi/hr.

### Alternative Improvements

The following options are considered for improvement type and limits. All options include the approach to CO 9 intersection grading improvements previously reviewed with the Town.

- Asphalt Pavement
  - Spruce Creek Road to Crown Drive
  - Spruce Creek Road to Gold Nugget Drive
  - Pave CO 9 Approach Only
- Continued MgCl and emulsified asphalt treatment (Earthbind)

**Assessment:**

The benefits and drawbacks of the various options are included below. This assessment references the memorandum titled *Discussion of Paving with HMA Versus Annual Treatment with Magnesium Chloride* by Yeh and Associates, attached.

For Asphalt Pavement Options:

These options assume a 4” thick pavement on 4” of base course. Annual costs are based on an expected 14-year service life of the asphalt prior to an overlay. The preliminary level cost estimates attached to this memo are coarse and should be taken for discussion between the options. Cost estimates can be refined with final design and quantities.

Design concept exhibits for each paving alternative are also attached to this memo.

**Alternative 1: Pave to Crown Drive**

Scope Description: Asphalt pavement on Spruce Creek Road to Crown Drive	
Cost: \$400,000	Annualized Cost*: \$29,000 / year
Pros: <ul style="list-style-type: none"> <li>• Minimal annual maintenance</li> <li>• Dust Elimination</li> </ul>	Cons: <ul style="list-style-type: none"> <li>• Most expensive option</li> <li>• Gravel/pavement transition on slope</li> <li>• Higher speeds</li> <li>• Replacement cost</li> <li>• Snow and ice control</li> </ul>
<p><b>In Summary: Not Recommended</b></p> <p>Paving all the way up to Crown will reduce dust along the entire stretch of Spruce Creek Road, but comes with additional cost. The transition between gravel and pavement is not in a flat location, which can cause issues with rutting and vehicles kicking up gravel onto the asphalt.</p> <p>Addressing cons: Revisions may be needed (e.g. sand, salt) to winter maintenance practices to prevent ice and packed ice along with plowing.</p>	

\*Assumes 14-yr service life (2024 Dollars)

**Alternative 2: Pave to Gold Nugget Drive**

Scope Description: Asphalt pavement on Spruce Creek Road from CO 9 to Gold Nugget.	
Cost: \$320,000	Annualized Cost*: \$23,000 / year
<p>Pros:</p> <ul style="list-style-type: none"> <li>Minimal annual maintenance</li> <li>Dust Reduction</li> <li>Gravel to pavement transition where the road is flat</li> <li>Reduced pavement cost</li> </ul>	<p>Cons:</p> <ul style="list-style-type: none"> <li>Higher speeds</li> <li>Replacement cost</li> <li>Snow and ice control</li> </ul>
<p><b>In Summary: Recommended Asphalt Pavement Option</b></p> <p>This option reduces gravel on the roadway, dust kick-up, and annual maintenance from the Town. The transition from gravel to pavement is on the flat section of roadway, which is the most ideal for reducing gravel-on-asphalt issues. Speeding may increase on asphalt, and there are long-term replacement costs that will be necessary.</p> <p>Addressing cons: Revisions may be needed (e.g. sand, salt) to winter maintenance practices to prevent ice and packed ice along with plowing.</p>	

\*Assumes 14-yr service life (2024 Dollars)

**Alternative 3: Pave Approach Only**

Scope Description: Pave approximately 70-ft up Spruce Creek Road from CO 9	
Cost: \$110,000	Annualized Cost*: \$8,000 / year
<p>Pros:</p> <ul style="list-style-type: none"> <li>Most inexpensive option</li> <li>Reduces gravel build-up on asphalt roadway at CO 9</li> <li>Meets CDOT access standards (50ft pavement minimum)</li> </ul>	<p>Cons:</p> <ul style="list-style-type: none"> <li>Pavement to gravel transition is on steep section</li> <li>Gravel anticipated to be kicked onto asphalt from uphill drivers which could affect traction on steep section</li> <li>Differential rutting at transition area may affect road condition without maintenance attention</li> <li>Does not address dust issue.</li> <li>Does not address maintenance issue</li> </ul>
<p><b>In Summary: Recommended if Alternative 2 not selected.</b></p> <p>While this option reduces gravel on the roadway at CO 9, the transition from gravel to pavement on the steep grade may cause other issues. Drivers may kick more gravel onto the roadway higher up the road, affecting traction on the steep section during dry months. A rut may also form between asphalt and gravel which may worsen travel down to CO 9 if not maintained.</p>	

\*Assumes 14-yr service life (2024 Dollars)

**Alternative 4: Profile Improvements and Continued MgCl Treatment & Emulsified Asphalt Treatment (e.g. Earthbind)**

Scope Description: Continue current road maintenance and treatment practices.	
Cost: \$70,000	Annualized Cost*: <ul style="list-style-type: none"> <li>• Construction: \$5,000 / year</li> <li>• MgCl/Earthbind: ~\$8,000 / year                 <ul style="list-style-type: none"> <li>○ (Per G&amp;G)</li> </ul> </li> </ul>
Pros: <ul style="list-style-type: none"> <li>• Low cost of initial treatment</li> <li>• Fair to good dust control</li> </ul>	Cons: <ul style="list-style-type: none"> <li>• Limited improvement to Spruce Creek Road</li> <li>• Annual treatment required</li> <li>• Dust, loss of aggregate, washboarding</li> </ul>
<p><b>In Summary: Not recommended.</b></p> <p>This option improves the intersection with CO 9 at the lowest initial cost, though the improvements may have a shorter life span than asphalt. Previous improvements have regraded the profile of Spruce Creek, however, heavy traffic volumes, plowing, and maintenance over the years has seen the issues rapidly re-emerge. This alternative is likely to follow similar patterns and only serve as a temporary measure.</p>	

\*Assumes 14-yr service life (2024 Dollars)

**Recommendation:**

We recommend installing asphalt pavement and the associated grading and drainage improvements on Spruce Creek Road from CO 9 to Gold Nugget Drive.

**Attachment 1:** Discussion of Paving with HMA Versus Annual Treatment with Magnesium Chloride

**Attachment 2:** Preliminary Cost Estimates

**Attachment 3:** Design Alternative Exhibits

**BLUE RIVER: SPRUCE CREEK RD ALTERNATIVE 1 (PAVING TO CROWN DR)  
PRELIMINARY-LEVEL ENGINEERS OPINION OF PROBABLE CONSTRUCTION COST**

Section IV, ItemD.

PREPARED BY  
MULLER ENGINEERING COMPANY, INC.  
March 6, 2024

ITEM NUMBER	MAJOR CONSTRUCTION ITEMS	UNIT	PROJECT TOTALS		
			TOTAL QUANTITY	UNIT PRICE	COST
203-00010	UNCLASSIFIED EXCAVATION (COMPLETE IN PLACE)	CY	1,168	\$30.00	\$35,040.00
203-01100	PROOF ROLLING	HOUR	20	\$150.00	\$3,000.00
203-01597	POTHOLING	HOUR	20	\$225.00	\$4,500.00
206-00000	STRUCTURAL EXCAVATION	CY	23	\$50.00	\$1,150.00
207-00205	TOPSOIL	CY	274	\$60.00	\$16,440.00
210-00810	RESET GROUND SIGN	EACH	2	\$350.00	\$700.00
210-02018	RELAY PIPE (18 INCH)	LF	45	\$100.00	\$4,500.00
212-00006	SEEDING (NATIVE)	ACRE	0.34	\$5,000.00	\$1,700.00
213-00000	MULCHING	ACRE	0.34	\$5,000.00	\$1,700.00
304-06000	AGGREGATE BASE COURSE (CLASS 6)	TON	135	\$40.00	\$5,400.00
403-34721	HOT MIX ASPHALT (GRADING SX) (75) (PG 58-28)	TON	742	\$200.00	\$148,400.00
411-10255	EMULSIFIED ASPHALT (SLOW SETTING)	GAL	133	\$4.00	\$532.00
506-00209	RIPRAP (9 INCH)	CY	23	\$200.00	\$4,600.00
603-30012	12 INCH STEEL END SECTION	EACH	2	\$300.00	\$600.00
603-30018	18 INCH STEEL END SECTION	EACH	2	\$400.00	\$800.00
603-50012	12 INCH PLASTIC PIPE	LF	26	\$75.00	\$1,950.00
603-50018	18 INCH PLASTIC PIPE	LF	50	\$115.00	\$5,750.00
<b>SUBTOTAL OF MAJOR CONSTRUCTION ITEMS</b>					<b>\$236,762</b>
<b>MINOR CONSTRUCTION ITEMS (45%)</b> (Clearing and Grubbing, Traffic Control, Mobilization, Survey, etc.)					<b>\$106,543</b>
<b>CONSTRUCTION ENGINEERING (15%)</b>					<b>\$51,496</b>
<b>TOTAL CONSTRUCTION COST</b>					<b>\$394,801</b>
<b>TOTAL CONSTRUCTION COST (ROUNDED)</b>					<b>\$400,000</b>

NOTE: AGGREGATE BASE COURSE QUANTITY ASSUMES EXISTING ROADWAY MATERIAL CAN BE REUSED. ASSUME 1" OF MATERIAL REQUIRED.

**BLUE RIVER: SPRUCE CREEK RD ALTERNATIVE 2 (PAVING THROUGH GOLD NUGGET)**  
**PRELIMINARY-LEVEL ENGINEERS OPINION OF PROBABLE CONSTRUCTION COST**

Section IV, Item D.

PREPARED BY  
MULLER ENGINEERING COMPANY, INC.  
March 6, 2024

ITEM NUMBER	MAJOR CONSTRUCTION ITEMS	UNIT	PROJECT TOTALS		
			TOTAL QUANTITY	UNIT PRICE	COST
203-00010	UNCLASSIFIED EXCAVATION (COMPLETE IN PLACE)	CY	987	\$30.00	\$29,610.00
203-01100	PROOF ROLLING	HOUR	17	\$150.00	\$2,550.00
203-01597	POTHOLING	HOUR	20	\$225.00	\$4,500.00
206-00000	STRUCTURAL EXCAVATION	CY	15	\$50.00	\$750.00
207-00205	TOPSOIL	CY	226	\$60.00	\$13,560.00
210-00810	RESET GROUND SIGN	EACH	2	\$350.00	\$700.00
210-02018	RELAY PIPE (18 INCH)	LF	45	\$100.00	\$4,500.00
212-00006	SEEDING (NATIVE)	ACRE	0.28	\$5,000.00	\$1,400.00
213-00000	MULCHING	ACRE	0.28	\$5,000.00	\$1,400.00
304-06000	AGGREGATE BASE COURSE (CLASS 6)	TON	103	\$40.00	\$4,120.00
403-34721	HOT MIX ASPHALT (GRADING SX) (75) (PG 58-28)	TON	566	\$200.00	\$113,200.00
411-10255	EMULSIFIED ASPHALT (SLOW SETTING)	GAL	103	\$4.00	\$412.00
506-00209	RIPRAP (9 INCH)	CY	15	\$200.00	\$3,000.00
603-30018	18 INCH STEEL END SECTION	EACH	2	\$400.00	\$800.00
603-50018	18 INCH PLASTIC PIPE	LF	50	\$115.00	\$5,750.00
<b>SUBTOTAL OF MAJOR CONSTRUCTION ITEMS</b>					<b>\$186,252</b>
<b>MINOR CONSTRUCTION ITEMS (45%)</b> (Clearing and Grubbing, Traffic Control, Mobilization, Survey, etc.)					<b>\$83,813</b>
<b>CONSTRUCTION ENGINEERING (15%)</b>					<b>\$40,510</b>
<b>TOTAL CONSTRUCTION COST</b>					<b>\$310,575</b>
<b>TOTAL CONSTRUCTION COST (ROUNDED)</b>					<b>\$320,000</b>

NOTE: AGGREGATE BASE COURSE QUANTITY ASSUMES EXISTING ROADWAY MATERIAL CAN BE REUSED. ASSUME 1" OF MATERIAL REQUIRED.

**BLUE RIVER: SPRUCE CREEK RD ALTERNATIVE 3 (INTERSECTION PAVING ONLY, IMPROVEMENTS MINERS CT)**

Section IV, ItemD.

**PRELIMINARY-LEVEL ENGINEERS OPINION OF PROBABLE CONSTRUCTION COST**

PREPARED BY  
MULLER ENGINEERING COMPANY, INC.  
March 6, 2024

ITEM NUMBER	MAJOR CONSTRUCTION ITEMS	UNIT	PROJECT TOTALS		
			TOTAL QUANTITY	UNIT PRICE	COST
203-00010	UNCLASSIFIED EXCAVATION (COMPLETE IN PLACE)	CY	637	\$30.00	\$19,110.00
203-01100	PROOF ROLLING	HOUR	10	\$150.00	\$1,500.00
203-01597	POTHOLING	HOUR	20	\$225.00	\$4,500.00
207-00205	TOPSOIL	CY	137	\$60.00	\$8,228.00
210-00810	RESET GROUND SIGN	EACH	2	\$350.00	\$700.00
210-02018	RELAY PIPE (18 INCH)	LF	45	\$100.00	\$4,500.00
212-00006	SEEDING (NATIVE)	ACRE	0.17	\$5,000.00	\$850.00
213-00000	MULCHING	ACRE	0.17	\$5,000.00	\$850.00
304-06000	AGGREGATE BASE COURSE (CLASS 6)	TON	44	\$40.00	\$1,760.00
403-34721	HOT MIX ASPHALT (GRADING SX) (75) (PG 58-28)	TON	110	\$200.00	\$22,000.00
411-10255	EMULSIFIED ASPHALT (SLOW SETTING)	GAL	20	\$4.00	\$80.00
<b>SUBTOTAL OF MAJOR CONSTRUCTION ITEMS</b>					<b>\$64,078</b>
<b>MINOR CONSTRUCTION ITEMS (45%)</b> (Clearing and Grubbing, Traffic Control, Mobilization, Survey, etc.)					<b>\$28,835</b>
<b>CONSTRUCTION ENGINEERING (15%)</b>					<b>\$13,937</b>
<b>TOTAL CONSTRUCTION COST</b>					<b>\$106,850</b>
<b>TOTAL CONSTRUCTION COST (ROUNDED)</b>					<b>\$110,000</b>

NOTE: AGGREGATE BASE COURSE QUANTITY ASSUMES EXISTING ROADWAY MATERIAL CAN BE REUSED. ASSUME 1" OF MATERIAL REQUIRED.

**BLUE RIVER: SPRUCE CREEK RD ALTERNATIVE 3 (INTERSECTION GRADING ONLY)**

**PRELIMINARY-LEVEL ENGINEERS OPINION OF PROBABLE CONSTRUCTION COST**

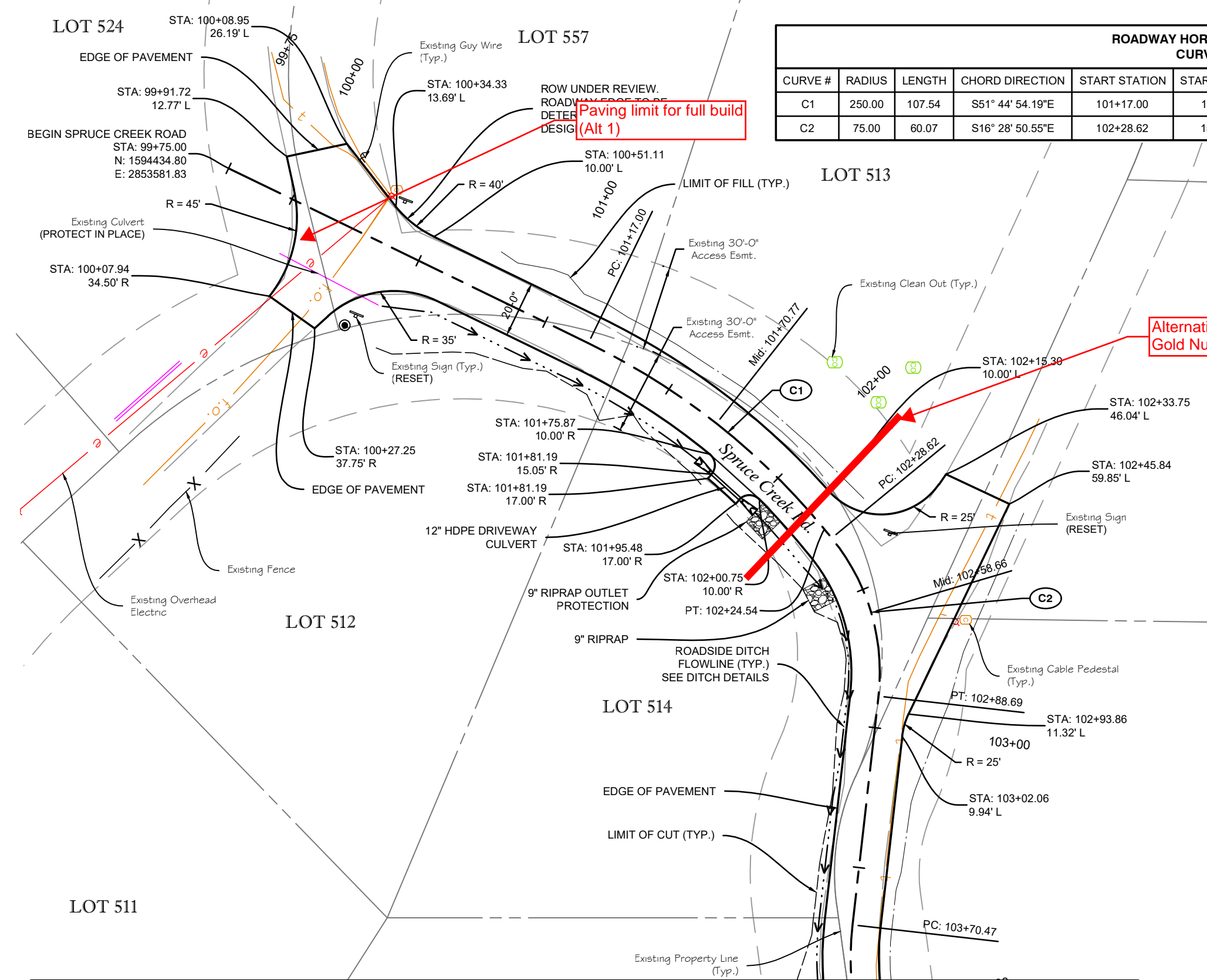
PREPARED BY  
 MULLER ENGINEERING COMPANY, INC.  
 March 6, 2024

ITEM NUMBER	MAJOR CONSTRUCTION ITEMS	UNIT	PROJECT TOTALS		
			TOTAL QUANTITY	UNIT PRICE	COST
203-00010	UNCLASSIFIED EXCAVATION (COMPLETE IN PLACE)	CY	546	\$30.00	\$16,380.00
203-01100	PROOF ROLLING	HOUR	10	\$150.00	\$1,500.00
203-01597	POTHOLING	HOUR	20	\$225.00	\$4,500.00
207-00205	TOPSOIL	CY	137	\$60.00	\$8,228.00
210-00810	RESET GROUND SIGN	EACH	2	\$350.00	\$700.00
210-02018	RELAY PIPE (18 INCH)	LF	45	\$100.00	\$4,500.00
212-00006	SEEDING (NATIVE)	ACRE	0.17	\$5,000.00	\$850.00
213-00000	MULCHING	ACRE	0.17	\$5,000.00	\$850.00
304-06000	AGGREGATE BASE COURSE (CLASS 6)	TON	44	\$40.00	\$1,760.00
<b>SUBTOTAL OF MAJOR CONSTRUCTION ITEMS</b>					<b>\$39,268</b>
<b>MINOR CONSTRUCTION ITEMS (45%)</b> (Clearing and Grubbing, Traffic Control, Mobilization, Survey, etc.)					<b>\$17,671</b>
<b>CONSTRUCTION ENGINEERING (15%)</b>					<b>\$8,541</b>
<b>TOTAL CONSTRUCTION COST</b>					<b>\$65,479</b>
<b>TOTAL CONSTRUCTION COST (ROUNDED)</b>					<b>\$70,000</b>

NOTE: AGGREGATE BASE COURSE QUANTITY ASSUMES EXISTING ROADWAY MATERIAL CAN BE REUSED. ASSUME 1" OF MATERIAL REQUIRED.



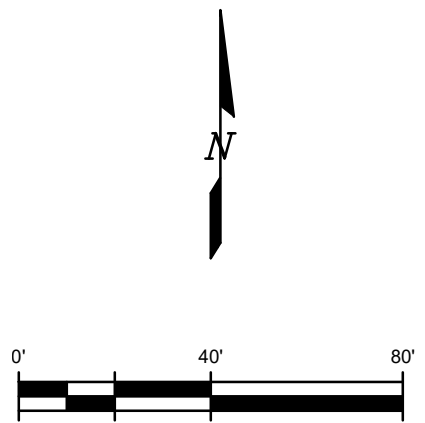
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C2	75.00	60.07	S16° 28' 50.55"E	102+28.62	1594303.49	2853795.93	102+88.69	1594247.41	2853812.52



# ALTERNATIVES 1 & 2

Alternative paving through Gold Nugget (Alt 2)

Paving limit for full build (Alt 1)



NOTE:  
1. CONTRACTOR SHALL HAND GRADE AROUND CULVERT ENDS AND GRADE DITCH TO DRAIN.

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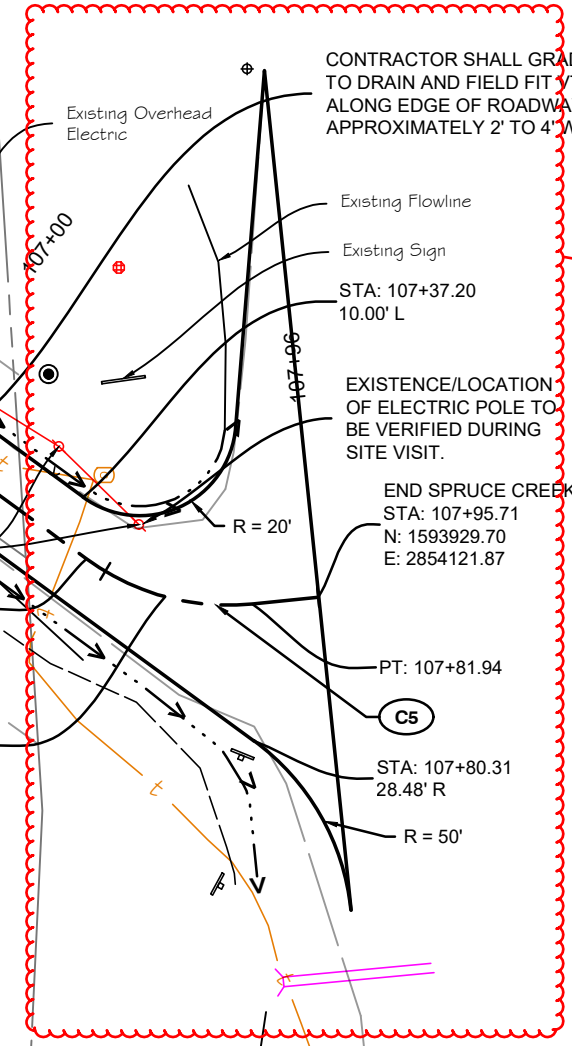
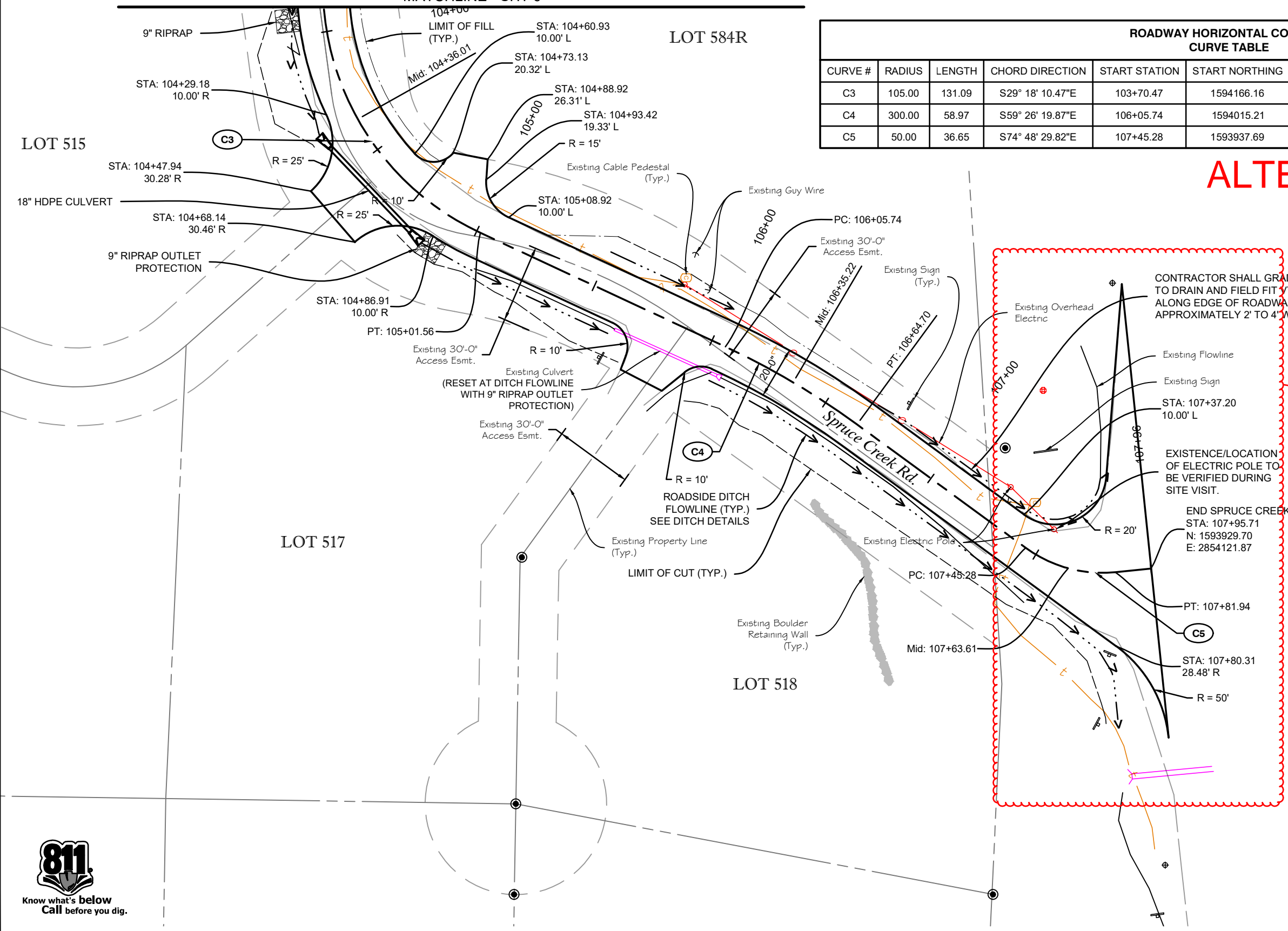
MATCHLINE - SHT 5

PREPARED UNDER THE SUPERVISION OF DESIGNED: LRN/WMG DRAWN: LRN/WMG CHECKED: NJL	<b>PRELIMINARY PLANS</b>  PROJECT NO.	<b>SHEET REVISIONS</b>					<b>TOWN OF BLUE RIVER</b>	SPRUCE CREEK ROAD IMPROVEMENTS PROJECT	DATE 2/25/2022	
		NO.	DATE	DESCRIPTION				BY	ROADWAY PLANS	DRAWING NO. C-7
		129								

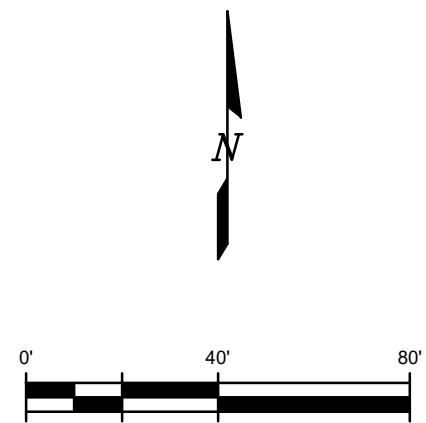
MATCHLINE - SHT 6

CURVE #	RADIUS	LENGTH	CHORD DIRECTION	START STATION	START NORTHING	START EASTING	END STATION	END NORTHING	END EASTING
C3	105.00	131.09	S29° 18' 10.47"E	103+70.47	1594166.16	2853803.31	105+01.56	1594059.12	2853863.39
C4	300.00	58.97	S59° 26' 19.87"E	106+05.74	1594015.21	2853957.85	106+64.70	1593985.28	2854008.55
C5	50.00	36.65	S74° 48' 29.82"E	107+45.28	1593937.69	2854073.58	107+81.94	1593928.30	2854108.17

# ALTERNATIVES 1 & 2



Intersection tie in would be revised to match layout shown on page 5 of this pdf



**NOTE:**  
1. CONTRACTOR SHALL HAND GRADE AROUND CULVERT ENDS AND GRADE DITCH TO DRAIN.

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PREPARED UNDER THE SUPERVISION OF  
DESIGNED: LRN/WMG  
DRAWN: LRN/WMG  
CHECKED: NJL

## PRELIMINARY PLANS

PROJECT NO.

NO.	DATE	DESCRIPTION	BY



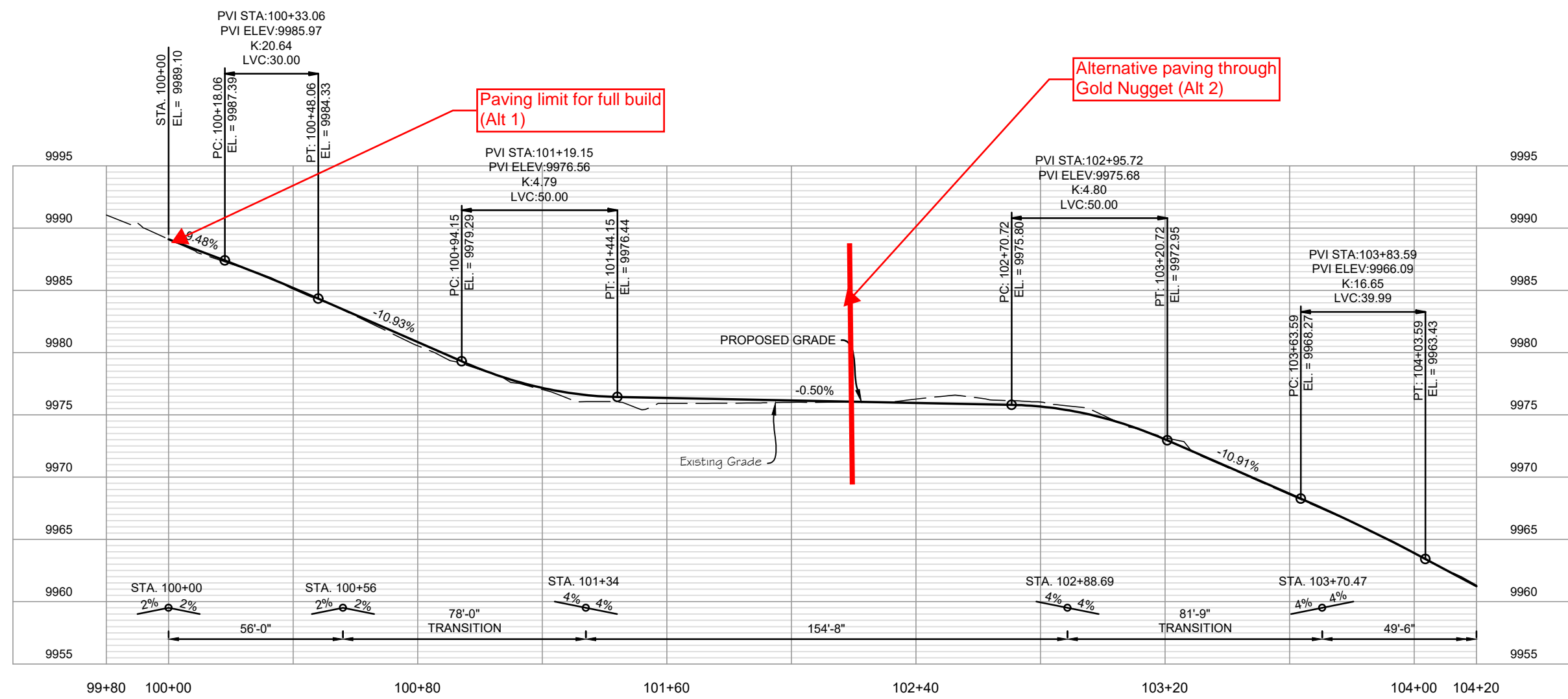
TOWN OF BLUE RIVER

SPRUCE CREEK ROAD IMPROVEMENTS PROJECT

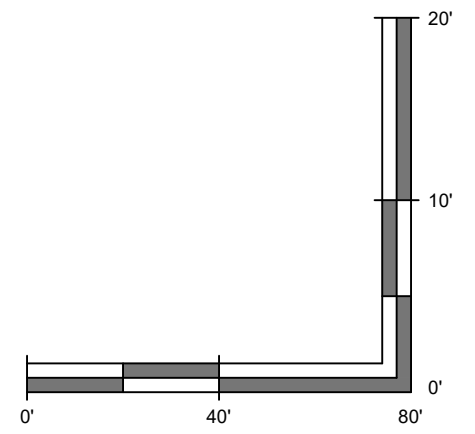
ROADWAY PLANS

DATE: 2/25/2022  
DRAWING NO.: C-8  
130

# ALTERNATIVES 1 & 2



SPRUCE CREEK ROAD CENTERLINE ALIGNMENT

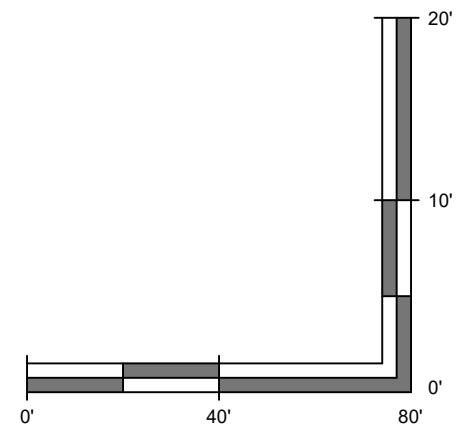
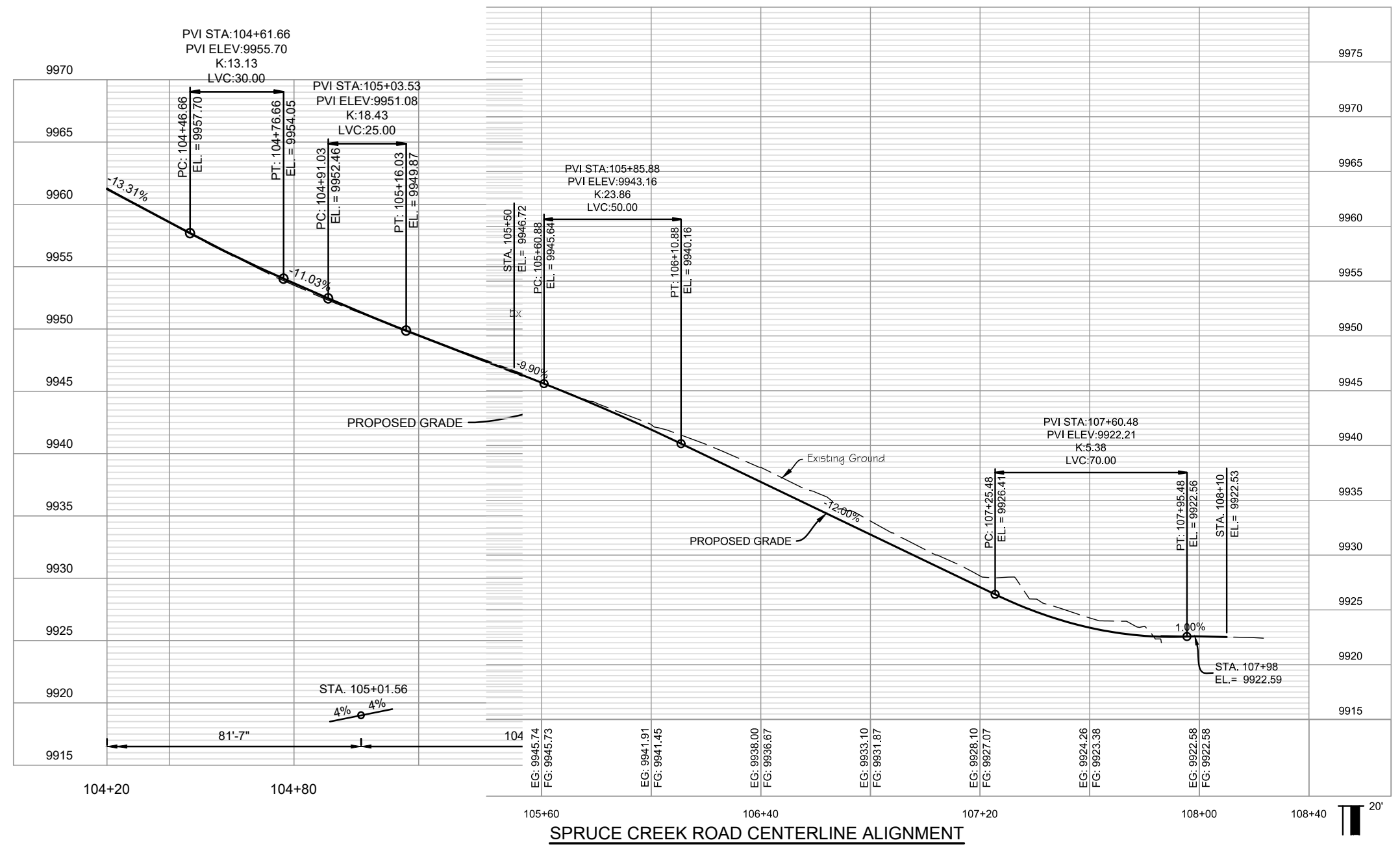


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PREPARED UNDER THE SUPERVISION OF DESIGNED: LRN DRAWN: MJS CHECKED: NJL	<h2>PRELIMINARY PLANS</h2>	<b>SHEET REVISIONS</b>			 <b>MULLER ENGINEERING COMPANY</b> 777 S. WADSWORTH BLVD. 4-100 LAKEWOOD, COLORADO 80226	 <b>TOWN OF BLUE RIVER</b>	SPRUCE CREEK ROAD IMPROVEMENTS PROJECT	DATE 2/24/2022																			
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		NO.	DATE	DESCRIPTION			BY																				
PROJECT NO.						<b>ROADWAY PROFILE</b>	131																				

# ALTERNATIVES 1 & 2

Section IV, Item D.



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DESIGNED: LRN  
DRAWN: MJS  
CHECKED: NJL

**PRELIMINARY PLANS**

PROJECT NO.

SHEET REVISIONS			
NO.	DATE	DESCRIPTION	BY



TOWN OF BLUE RIVER

SPRUCE CREEK ROAD IMPROVEMENTS PROJECT

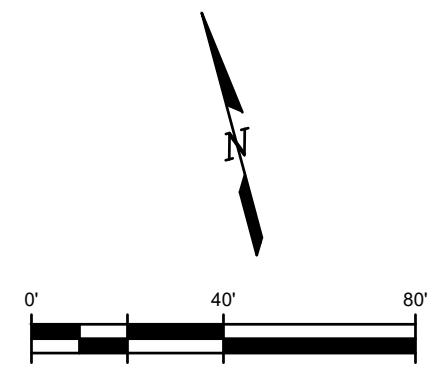
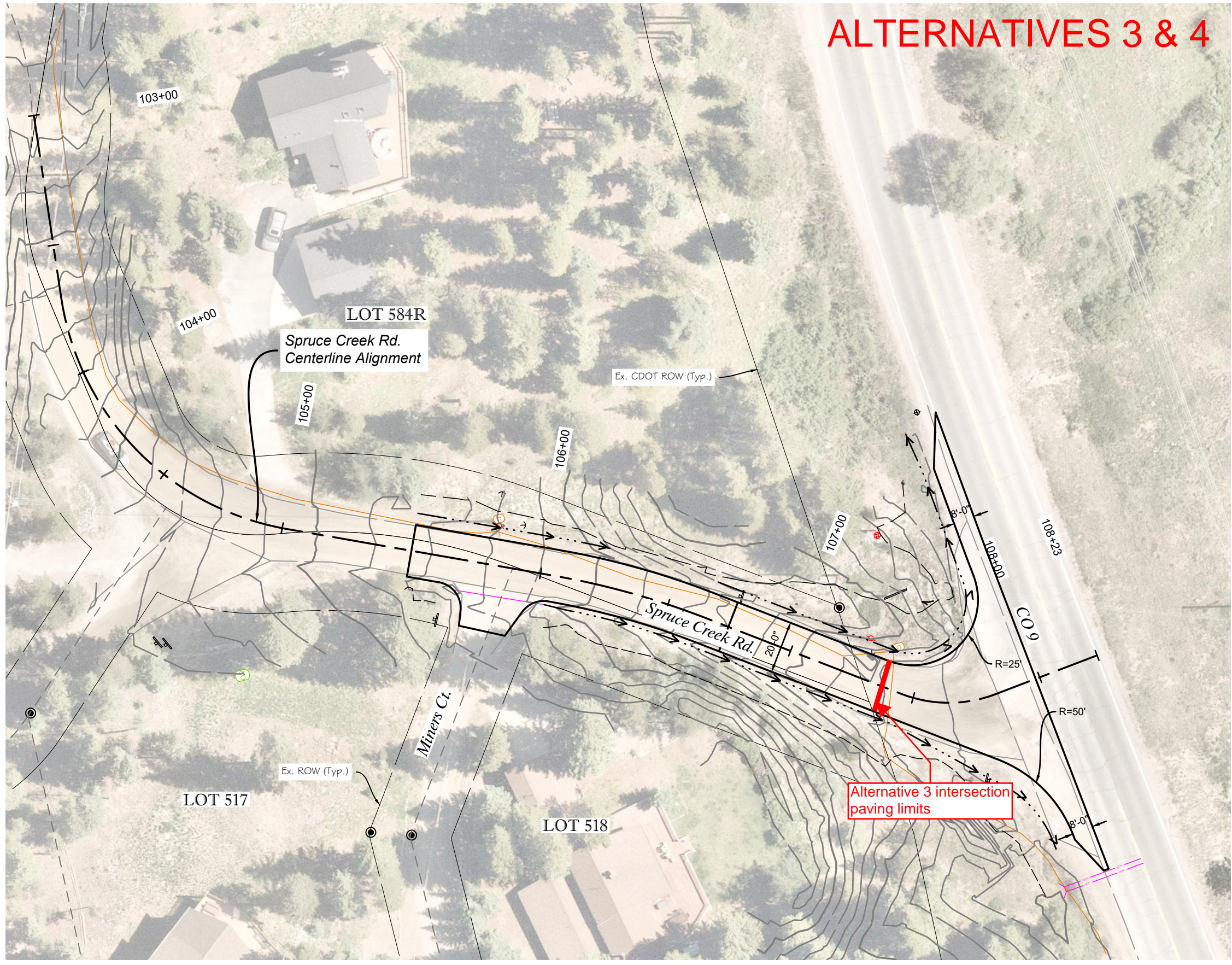
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DATE  
2/24/2022

DRAWING NO.  
C-10

132

# ALTERNATIVES 3 & 4



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 DESIGNED: LRN/WMG  
 DRAWN: LRN/WMG  
 CHECKED: NJL

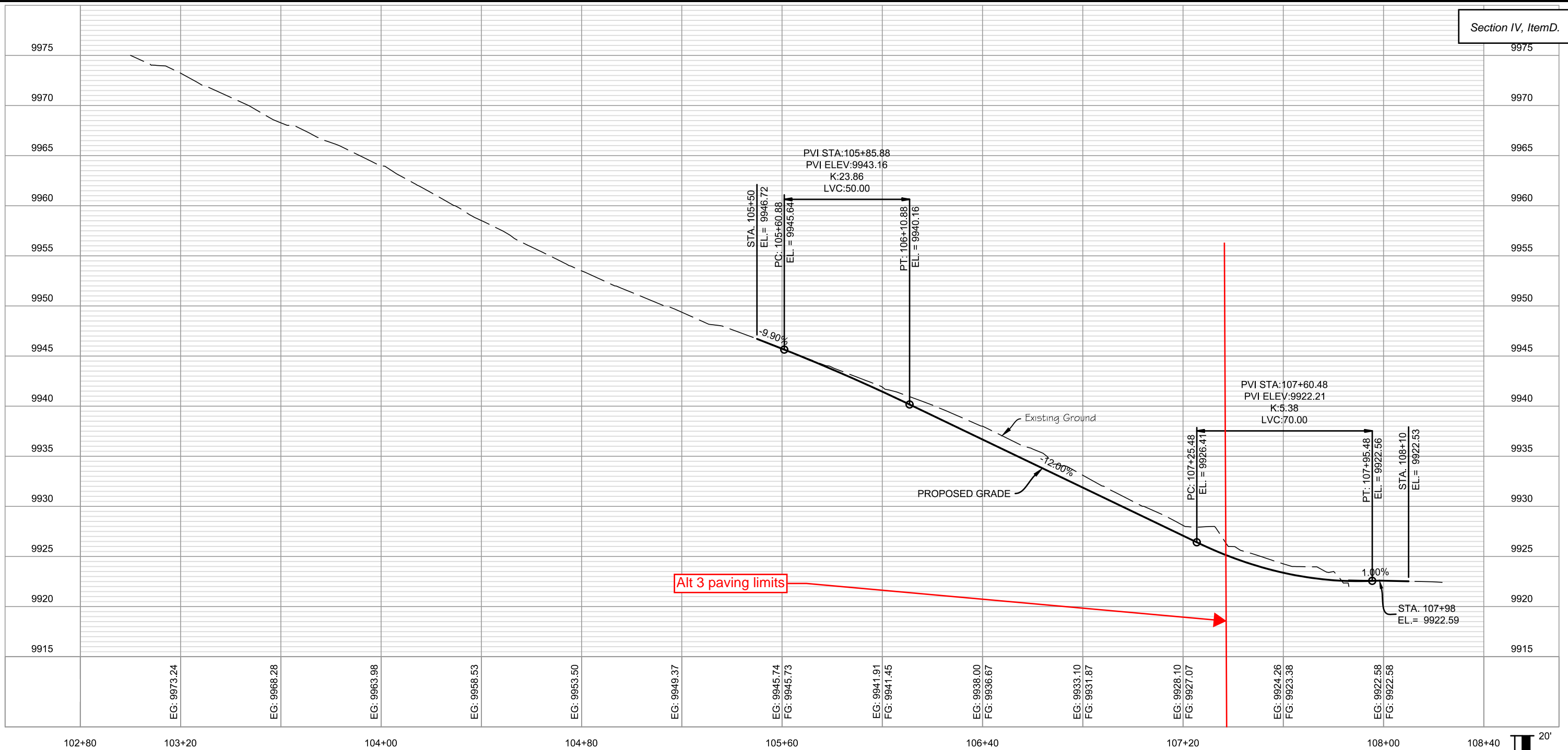
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 PROJECT NO.

SHEET REVISIONS			
NO.	DATE	DESCRIPTION	BY

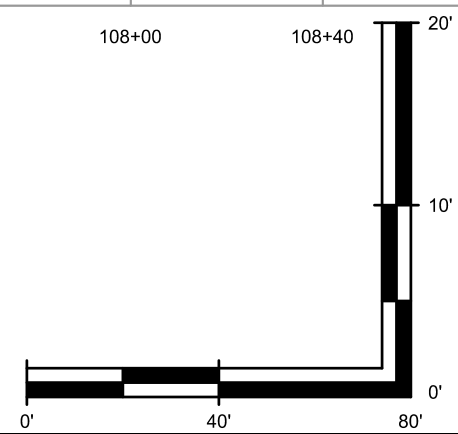
  
**MULLER ENGINEERING COMPANY**  
 777 S. WADSWORTH BLVD. 4-100 LAKEWOOD, COLORADO 80226


**TOWN OF BLUE RIVER**

SPRUCE CREEK ROAD IMPROVEMENTS PROJECT ACCESS PERMIT EXHIBIT	DATE: 1/31/2024 DRAWING NO.: 133
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SPRUCE CREEK ROAD CENTERLINE ALIGNMENT  
**ALTERNATIVES 3 & 4**



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PREPARED UNDER THE SUPERVISION OF DESIGNED: ### DRAWN: ### CHECKED: NJL	<b>PRELIMINARY PLANS</b>  PROJECT NO.	<b>SHEET REVISIONS</b>				 777 S. WADSWORTH BLVD. 4-100 LAKEWOOD, COLORADO 80226	 <b>TOWN OF BLUE RIVER</b>	SPRUCE CREEK ROAD IMPROVEMENTS PROJECT	DATE 1/4/2024																				
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		NO.	DATE	DESCRIPTION	BY																								
134																													

March 7, 2024

Project No. 223-108

Jeff Wulliman, PE  
Project Manager  
Muller Engineering Company  
7245 W. Alaska Driver, Suite 300  
Lakewood, Colorado 80226

**Re: Spruce Creek Road in Blue River, Colorado**  
**Discussion on Paving with HMA Versus Annual Treatment with Magnesium Chloride**

Dear Jeff:

Yeh and Associates have been asked to provide information and discussion addressing different possible treatments for the gravel road section of Spruce Creek Road between Colorado State Highway 9 (CO 9) and Crown Drive. This section of road is constructed with grades of up to 10 or 12 percent and the current practice of maintaining this section is grading as needed and an annual treatment of Magnesium Chloride (MgCl). We believe that the steep grade on this section of Spruce Creek Road causes a greater loss of aggregate on a regular basis from traffic accelerating up the steep grade and braking downhill on the approach to CO 9 than is experienced on more level roadway sections. We believe the uphill and downhill traffic also cause wash boarding to occur sooner than on level roads.

### Site Reconnaissance

We inspected the section of road on October 17, 2023 after a recent treatment with MgCl and the road was observed to be in good condition and ready for winter. During the site visit, we also took soil samples of the subgrade adjacent to the road. The trip report is presented in Attachment A.

### Aggregate Surface Treatment Options

Attachment B presents a review of numerous aggregate treatments that could be considered as alternatives to the current MgCl treatment. Following is a summary of the most likely treatments presented.

MgCl treatment is the treatment currently used and stabilizes the roadway and binds fine particles to prevent dust. The treatment may also help during winter to prevent the formation of ice pack. This section of roadway is currently treated on an annual basis with the application of MgCl and additional aggregate, as needed. Some of the advantages and disadvantages of the MgCl treatment are presented below.

### Magnesium Chloride

**Advantages:**

Relatively low cost of Initial Treatment  
MgCl prevents ice pack for easy plowing  
Fair to good for dust control

**Disadvantages:**

Dust in warm weather prior to winter  
Annual Treatment Required  
Traffic disruption for treatment  
MgCl pollution in drainage runoff

Loss of aggregate and wash boarding because of traffic accelerating uphill or braking down the slope

An emulsified asphalt treatment such as Earthbind would similarly help prevent dust and stabilize the existing roadway. Since the asphalt is not soluble, there would be little additional help with snowpack formation, but there would be less erosion of fines from rain and snowmelt. This type of treatment should last several years. One problem with this type of treatment is that in later years, as the asphalt treated aggregate stiffens over time, failures resemble potholes and patching these potholes requires similar effort to patching Hot Mix Asphalt pavement. Some comments on this treatment are as follows:

**Emulsified Asphalt Treatment**

**Advantages:**

Relatively low cost of Initial Treatment  
Good for dust control

**Disadvantages:**

Patching pothole failures problematic  
Failures tend to form potholes.

We do not recommend the use of Bentonite, because while it will help retain the larger gravel particles, it will not perform as well as the MgCl or emulsified asphalt. It is merely an aggregate treatment to provide cohesive fines to retain the larger aggregate. We believe the cost for this section would be too high to justify the treatment and would still have dust problems.

**Hot Mix Asphalt (HMA) Option**

If Spruce Creek Road is to be paved with HMA, we recommend that it be treated as a Local Access Road in accordance with the Summit County Standards which call for 4 inches of HMA over 4 inches of aggregate base course (ABC). The standards are presented in Attachment C. To verify the 4 inch recommendation, a pavement design following the AASHTO 1993 Pavement Design Guide is presented in Attachment D.

To address the subgrade and aggregate base course, we recommend following CDOT Specifications. We recommend the HMA mix meeting the CDOT requirements for SX(75) with asphalt binder PG 58-28 and that the new HMA be placed in two 2-inch lifts. We also recommend that the existing aggregate surface be reused as ABC with additional ABC imported, as needed. Sample specifications for imported subgrade soil and ABC are presented in Attachment D following the pavement design program printout.

Following is a summary of some advantages and disadvantages of HMA.

**Hot Mix Asphalt**

**Advantages:**

Minimal Annual Maintenance  
Dust Elimination  
SH 9 Intersection improvement  
No aggregate thrown by traffic.

**Disadvantages:**

Higher Speeds  
Replacement Cost  
Snow & Ice Control\*





\*We do not know what the current arrangements for snow removal in Blue River are, however, with paved roads, cities and CDOT routinely use some type of agent (Sand / Salt / MgCl) to prevent ice and packed ice formation along with plowing. Because of the steep slope of Spruce Creek Road, we anticipate that some type of treatment will be periodically required in winter.

### Cost Comparison of HMA and MgCl

The following is a very coarse comparison of the cost of treatment with MgCl and paving with HMA. The cost comparison is based on an expected 14 year service life of an HMA pavement prior to the need for an overlay. This is the time often used by CDOT for HMA performance before needing major structural improvements. With paving, there will also be required improvements along the ditches and at the intersection with CO 9, which are not included in our cost comparison.

The section of Spruce Creek Road between CO 9 and Crown Drive is approximately 800 feet long and is constructed at a steep grade. The width varies from 19 feet to 25 feet with an average width of approximately 23 feet. Our cost estimates are based on 2,250 square yards of pavement. Based on this area of pavement, we calculated costs based on the new pavement consisting of 4 inches of hot mix asphalt (HMA) placed over a minimum of 4 inches of aggregate base course (ABC). The existing aggregate will be reused to lower the cost for the new aggregate base course (ABC).

This pavement section will require about 500 tons of HMA for the surface and 100 cubic yards of additional ABC to address grading, leveling and improvements at the intersection with CO 9. Using these quantities and a high cost for HMA, \$300/ton, the total initial cost for pavement would be approximately \$160,000. We calculated the annual cost for the 4 inch HMA and ABC pavement to be approximately \$11,500 over the 14-year period.

Using the rates and treatment information from G & G Services for MgCl treatments, we estimate the annual cost is approximately \$8,000. Over the same 14-year design life as HMA, the total cost for MgCl is \$112,000.

These estimates are coarse and should be taken for discussion only. It could be said that the Annual Costs of HMA and MgCl treatments are of the same order of magnitude.

The major factor in the comparison is the initial cost for HMA. It should be noted that the cost of HMA is quite sensitive for small quantities. A review of the CDOT bids has shown the cost ranging from \$120/ton to \$300/ton. We used the initial cost is \$300/ton as a conservative estimate.

### Recommendations

If paving is chosen, the client has requested recommendations for the limits of paving. We recommend that if the entire section is to be paved, that the HMA be carried across the width of Crown Drive. If the entire intersection is paved, vehicles coming from the gravel road will come on the pavement on a relatively level surface to make the turn onto Spruce Drive and would carry less aggregate onto the paved section than if the transition is done on a slope.

If the cost to pave the entire segment is not possible, we recommend that the road be paved from CO 9 to across Gold Nugget Drive since that is the most level spot on the remaining section. That will



also let cross traffic enter the paved section at the most level section to prevent tracking gravel onto the pavement.

Another item requested was to recommend other treatments that could be tried on an experimental basis to obtain performance information. We would recommend that the emulsified asphalt treatment be tested if evaluation of another option is desired. It will control dust and should last longer than the current MgCl treatment. We recommend that you use the proprietary treatment mentioned above if the evaluation is to be constructed.

Please contact us if you have any questions or need more information.

Sincerely,

**Yeh and Associates, Inc.**



Robert F. LaForce, P.E.  
Senior Project Manager

Reviewed by:  
Todd Schlittenhart, PE  
Principal Engineer

Attachments:  
Attachment A – Field Trip Report  
Attachment B – Various Treatment Discussion  
Attachment C – Summit County Standards  
Attachment D – Pavement Design

## Attachment A – Field Trip Report



**Blue River – Spruce Creek Road Site Visit 10/17/2023**

On October 17, 2023, Bob LaForce with Yeh and Associates visited the section of Spruce Creek Road between SH 9 and Crown Drive to inspect the condition of the road and become familiar with the project site before winter snows cover the area.



**Figure 1 - Typical Surface Condition**

The aggregate surface had recently been treated with magnesium chloride to retain aggregate and help promote drainage off the roadway surface. As noted in the above photos, the surfacing was very uniform and is providing a smooth travelling surface. The roadway was inspected from SH 9 to Crown Drive and the treatment appears to be very uniform for the length of the section.



**Figure 2 – Surface Texture**

The texture of the surface was uniform for most of the area inspected with only one small area near SH 9 showing larger aggregate exposed through the compacted fine aggregate. These areas may be reviewed

**Blue River – Spruce Creek Road Site Visit 10/17/2023**

after the spring snow melts to determine if this was a segregated spot, or just a slight variation in the surfacing aggregate gradation.

In addition to the surfacing the ditches were inspected to determine if longitudinal drainage is causing extensive erosion and deterioration of the road. The following photo shows the area immediately above of SH 9 where the ditch is armored from past drainage. The second photo shows a section on a flatter section of roadway that at present only surfacing aggregate in the ditch. These areas will also be checked again in the spring.



**Figure 3 – Longitudinal Drainage Conditions**

Soils samples believed to be representative of the roadway subgrade were also taken. Sample YA-B1 was taken to the north of the entrance near the SH 9 ROW and sample YA-B2 was taken south of Louise Placer Road. The soil was sampled from approximately 1 foot to 2+ feet. The holes were filled with surrounding soil for each boring. These soils samples will be tested for gradation, classification and maybe R-value which would provide a strength value for a pavement design if needed.

**Blue River – Spruce Creek Road Site Visit 10/17/2023**



**Figure 4 – Approximate Soil Sample Locations**

The roadway surfacing will be inspected next spring to determine how well the treatment has performed over the winter.

**Attachment B – Various Treatment Discussion**



## Aggregate Surfacing Options

Discussion: Pros and cons for various aggregate treatments

Gravel (Aggregate Surfaced) Roads are very common throughout the US and in Summit County, CO. FHWA and other agencies require 10-14% minus 200 and PI 10 +/- 3 for surfacing aggregate. The plasticity (PI) in the aggregate helps retain aggregate by bonding the fine particles together, holding the larger aggregate in place. A lack of cohesive surface aggregate results in loss of large gravel from traffic. Traffic throws larger aggregates off the roadway and causes dust from loss of finer aggregate particles.

Dust Palliative – Caused fines to adhere to larger particles to prevent dust.  
Usually a spray treatment

Some typical treatments often used to control dust and stabilize the surfacing to prevent loss of large aggregate.

Calcium Chloride / Magnesium Chloride / Lignosulfonate

Method 1 – top 2 inches wet, spray process smooth and compact

Method 2 – top 3 inches wet, spray process, second application process & compact

MgCl treatment is currently done once per year. Controls dust stabilizes roadway and helps with ice/snow control.

Stabilization - Requires treatment at depth and will require mixing.

Calcium Chloride is a dry product distributed on surface with water and mixed to full depth of aggregate.

Magnesium Chloride is usually applied as a concentrated liquid tilled into the top 2-4 inches of the roadway. Annual treatment is done once per year and periodically requires that additional aggregate to make up for loss from traffic whipping large aggregate off the road and generating dust from small aggregate particles.

Mix in Pugmill

Bentonite – requires pugmill mixing. – extreme example of mixing highly plastic clay to cause aggregate to closely adhere providing extended life.

This treatment increases the cost of aggregate by an approximate factor of 3.

In the area, ABC costs about \$90/yd<sup>3</sup>, so treated aggregate would be approximately \$300/yd<sup>2</sup>.

RAP - can be used to create a surface almost like a cold mix pavement – works well, but if it starts to fail, it requires patching much like a thin asphalt lift.

RAP mixed with ABC at 50 +/- percent acts like aggregate but has more cohesion and may help retain aggregate. - This treatment was used on some approaches to US 285 east of Bailey and has worked for low volume roads.



## Aggregate Surfacing Options

### References:

Surface Aggregate Stabilization with Chloride Materials, US Dept. of Agriculture, Dec. 2006  
MgCL<sub>2</sub> & CaCL<sub>2</sub> – 39 treated and 40 untreated sections on 12 projects – 1.5% – 2% by weight of aggregate, 2 inches- monitored for 2 years. – MG & CA had similar results – reduced blading - Cost - \$8K to 10-K per mile – Savings \$3,300 /mile. – up to 8 times longer than untreated sections estimated after years monitoring. – eastern Wash. And Ore plus Montana. – Drainage 4% cross slope – moderately dry climates less than 250 ADT. – untreated sections required blading after 3,200 passes, treated sections required blading after 25,500 vehicle passes. – 90% dust reduction. - <2% grades

Gravel Roads, Maintenance and Design Manual – USDOT FHWA, Nov. 2000

So. Dakota Local Transportation Assistance Program (SD LAP)

Usually Chloride, MgCL<sub>2</sub> and CA CL<sub>2</sub> – Resins, Lignin Sulfonate - Asphalts (cutbacks, solvents, emulsions, special equipment), note: ADT = 200 equates to loss of 200 tons /year per mile – treatment allows reduced maintenance.

## Attachment C – Summit County Standards



**TABLE 5-3 Minimum Structural Sections**

Road Class	Gravel	Paved
Primitive	Natural surface	Not Applicable
Low Volume	3" Base Course	3" Asphalt 3" Base course
Local Access	4" Base Course	4" Asphalt 4" Base course
Collector	Not Applicable	5" Asphalt 6" Base Course
Arterial	Not Applicable	6" Asphalt 6" Base Course
Shared Use Path/Trail	Not Applicable	3" Asphalt 4" Base Course
<ul style="list-style-type: none"> <li>• Full depth asphalt or concrete designs will be considered and may be used with approval of the County Engineer</li> <li>• Sub base may be substituted with road base with prior approval</li> </ul>		

**TABLE 5-4 Coefficient of Runoff**

Type of Surface	Vegetation Density	Value of C= (Rainfall)
Roofs		.97
Pavements		
Concrete or Asphalt		.97
Gravel from clean and loose, to clayey and compact		.60
Earth Surfaces		
Sand from uniform grain size, no fines to well graded, some, clay or silt	Bare	.60
	Light Vegetation	.45
	Dense Vegetation	.35
Clay, from coarse sandy or silty, to pure colloidal clay	Bare	.70
	Light Vegetation	.50
	Dense Vegetation	.40

**TABLE 5-5 Prescribed Manning's "n" Values**

Channel Material	"n"	Max Velocity (feet/sec)
Lines or well established grass	.05	5
Bunched grasses with exposed soil	.04	3
Fine sand or silt	.02	1
All other bare soils	.03	2

## Attachment D – Pavement Design



## Pavement Design Discussion

### Base and Subgrade Materials:

As noted in the site visit last fall, the subgrade soils near Spruce Creek Road were sampled and testing showed that they have an R-value of 69. To be conservative, for the pavement design, an R-value of 60 was used to calculate a resilient modulus of 18,259 psi for input to the pavement design program.

If any embankment (CDOT Item 203) is needed to be imported for this project, we recommend that it be required to have a minimum R-value of 60 when tested in accordance with AASHTO T190.

If any aggregate base course (ABC) (CDOT Item 304) is required, we recommend that it have a minimum R-value of 78, also measured in accordance with AASHTO T190.

Project special provisions for the above items are attached.

### Hot Mix Asphalt (HMA)

The recommended HMA for this project is SX(75) with asphalt binder grade PG 58-28. We believe that this is the standard mix produced in the Blue River Valley. The HMA should conform to CDOT Specifications for SX(75) PG 58-28.

We recommend that the HMA be placed in two lifts.

### Traffic Loading

Traffic loading was calculated based on the number of dwellings served by the roadway. In this case we used 50 dwellings, then increased the loading by 50% to address the Forest Service Trail Access. The calculation of the traffic loading is attached.

# WinPAS

Pavement Thickness Design According to  
**1993 AASHTO Guide for Design of Pavements Structures**  
 American Concrete Pavement Association

## Flexible Design Inputs

Project Name: Spruce Creek Road  
 Route:  
 Location: Blue River, Colorado  
 Owner/Agency: Blue River  
 Design Engineer: New HMA Pavement

## Flexible Pavement Design/Evaluation

<b>Structural Number</b>	1.62	<b>Subgrade Resilient Modulus</b>	18,259.00 psi
<b>Total Flexible ESALs</b>	90,908	<b>Initial Serviceability</b>	4.50
<b>Reliability</b>	90.00 percent	<b>Terminal Serviceability</b>	2.00
<b>Overall Standard Deviation</b>	0.44		

## Layer Pavement Design/Evaluation

Layer Material	Layer Coefficient	Drainage Coefficient	Layer Thickness	Layer SN
Asphalt Cement Concrete	0.44	1.00	4.00	1.76
			Σ SN	1.76

Spruce Creek Road in Blue River

Yeh No. 223-108

**ESAL LOADING**

Using MGPEC Default Equations based on number of dwellings.

$$ESAL_{20} = 62,000 + 80 * R$$

R = Number of Housing Units Served

ESAL<sub>20</sub> = 20 Year Single Axle Loads for pavement design.

For Spruce Creek Road, We assumed that there would be 50 residences. Then doubled the number of ESALS because the road services a Forest Service Facility/Trailhead.

$$ESAL_{20} = 62,000 + 80 * 50 = 66000$$

$$\text{Plus 50\% for Trail Traffic} = 99000$$

62000 ESAL value to address construction of dwellings  
 80  
 50 R - number of dwellings Served

Cars & pickups 0.003  
 Trash & Snow Plow trucks 0.249

ADT of 500 plus construct

			% of vol.				
500	veh/da X	0.98	X	0.003	ESAL/veh =	1.47	ESAL /Day
500	veh/da X	0.02	X	0.249	ESAL/veh =	2.49	ESAL /Day
						3.96	<u>ESAL /Day</u>
ESAL /Day							
3.96	ESAL /Da X	365	da/yr X	20	yrs =	28908	ESAL
28908	+	62000	=			90908	<b>Design ESALS</b>

\* These equations were also used by CDOT when they followed the AASHTO 1993 Pavement Design Guide.

Work Sheet: 203em  
02-03-11 (Re-issued 07-03-17)  
(tech chk 01-13-23)  
ADA 8.22.23

Spruce Creek Road

1  
**Revision of Section 203  
Embankment Material**

**Revise Section 203 of the Standard Specifications for this project as follows:**

**Subsection 203.03, first paragraph, shall include the following:**

Imported embankment material shall meet the following requirements for Atterberg limits and gradation:

The upper 2 feet of embankment material below the subgrade elevation shall have a resistance value of at least 60 when tested by the Hveem Stabilometer or the equivalent resilient modulus.



### Revision of Section 304 Aggregate Base Course

Revise Section 304 of the Standard Specifications for this project as follows:

Subsection 304.02 shall include the following:

Materials for the base course shall be Aggregate Base Course (Class 6) as shown in subsection 703.03

The aggregate base course (Class 6) must meet the gradation requirements and have a resistance value of at least 78 when tested by the Hveem Stabilometer method.

\*\*\*\*\*

#### Instructions to Designers (delete instructions and symbols from final draft):

- ◆ Use when appropriate, inserting the proper Class of base course.
- ▲ Use for all Classes of base course, inserting the correct figures.
- ♥ Insert the specified resistance values.

HIGHLAND GALLOWAY  
INVESTMENTS. INC.

P.O. BOX 1646  
GYPSUM, CO 81637

Section IV, ItemG.

# BID

DATE

3/4/2024

PROJECT

Bid Submitted To:

Town of Blue River-Snow Plow  
PO Box 1784  
Breckenridge, Co 80424

## DESCRIPTION

As requested, estimate to haul snow ( to Peak Material in Silverthorne) and dump:  
front loader - 2 hours per haul at \$185 per hour  
side dump truck -2 hours per haul at \$135 per hour  
Dump fee per haul - \$70

The proposed items will be provided as specified above for a total of:

\$710.00

\*\*\*NOTE: Unless specified above, this proposal does not include any of the following: removal of rocks over 2cy, bonds other than right of way, underfooting soil substitution, dewatering, snow removal, weather protection, frost conditions, erosion control, utility removal or relocation, dust control, revegetation of disturbed areas, topsoil provision or installation, asphalt repairs, permits or fees.\*\*\*

All payments under this proposal must be paid within 30 days of any statement. Interest at the rate of 1 1/2% per month will be imposed on any overdue amounts, which is an APR of 18%. In addition, reasonable attorney's fees and the expense of collection will be added to overdue amounts if an attorney is employed to enforce payment.

This proposal is accepted as submitted. \_\_\_\_\_

Phone #

970-485-2945

Good afternoon Michelle,

I agree with David's points, and I'd like to dive deeper into the challenges we face with snow management. While it's possible, I find it impractical for Blue River to start hauling snow, unless we establish a local dumpsite with a snow cat for efficient stacking (though still expensive, this could potentially cut trucking costs by over half and be the best long term solution).

Considering unconventional solutions, a snow melter is an option. However, they come with considerable expenses and environmental concerns, burning hundreds of gallons of diesel per hour. Moreover, we'd need a designated location for water disposal, requiring permits and additional logistics. For perspective, a large-capacity snow melter is roughly the size of our frack tank used for road stabilization.

Addressing your questions:

- 1. **Is there anywhere snow can be hauled to?**
  - o Currently, I am unaware of any suitable locations in the Breckenridge area. The closest feasible option (that I'm aware of) would be Peak Materials in Silverthorne, approximately a 2-hour round trip from Blue River.
- 2. **Would you have that capacity?**
  - o It's feasible, but we'd need to coordinate with local dump truck operators, considering that many shut down operations during winter due to decreased construction activity. To ensure efficiency, we'd likely need 15-20 trucks given the distance to the dump location.
- 3. **What would be the cost?**
  - o Estimating costs is challenging, but a rough projection for operating 15 trucks, covering dump fees, and employing one loader could be around \$30,000 per day, translating to roughly \$3,000 per hour and If we add more trucks/equipment the costs would go up.

It's crucial to note that hauling presents challenges on plow days or when road conditions are unfavorable, prioritizing the safety of truckers. I can further refine these estimates with more detailed information if needed.

Thanks, hope this helps.

**Kacey Grosskreuz**  
G&G Services  
970-387-8612 Ext. 1  
[info@GGServicesSummit.com](mailto:info@GGServicesSummit.com)  
[www.GGServicesSummit.com](http://www.GGServicesSummit.com)



# Town of Blue River Memorandum

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TO: Mayor Babich & Members of the Board of Trustees

FROM: Citizen Advisory Committee

DATE: February 22, 2024

SUBJECT: **Citizen Advisory Committee Report**

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Mayor & Board of Trustees

The Citizen Advisory Committee has been busy already this year and has laid out a plan for 2024. Below is an update on activities and recommendations.

## January Meeting

- Selected a Chair and Co-Chair
  - Trevor Kraus-Chair
  - Jodie Willey
- Members
  - Trevor Kraus
  - Jodie Willey
  - Bruce Queen
  - Steven Kucera
- Reviewed and reaffirmed bylaws and mission statement
  - *The Blue River Citizen Advisory Committee will be the liaison between the Town of Blue River residents and the Town Trustees to develop, improve and elongate the quality of life and prosperity of Blue River.*
- Set goals and plans for 2024
  - Citizen Survey requested by Board of Trustees
  - Work with staff on grand re-opening of Tarn & 60<sup>th</sup> Anniversary Celebration
  - Award High School Scholarships
  - Review and improve weed & seed program
  - Recruit new members to the committee

## February Meeting

- Established Citizen Survey based on priorities set by Board of Trustees for citizen input. Survey to run February 19-March 18<sup>th</sup>. The results will be reviewed at the March meeting and a report will be submitted to the Trustees in April.
- Reviewed and recommended for award four high school scholarships in the amount of \$1,250 each.



**Blue River Staff Report**  
March 2024

Town of Blue River 0110 Whispering Pines Circle Blue River, CO 80424	970-547-0545 michelle@townofblueriver.org <a href="https://townofblueriver.colorado.gov">https://townofblueriver.colorado.gov</a>
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**Election**

- The 2024 Regular Municipal Election is set for April 2, 2024.
- The Mayor and three Trustee seats are up for election. Mayor Babich, Trustee Fossett and Trustee Finley are up for election. Trustee Dixon will term out in April.
- There will also be a question on the ballot asking citizens to be allowed to publish ordinances by title only with the full ordinance on the Town website. This will save the Town approximately \$8,000 a year.
- Ballots will be mailed to all registered electors March 11, 2024.

**Goose Pasture Tarn**

- Outreach with the Theobalds continues.
- Draft ingress and egress plans have been submitted to CDOT and have been preliminarily approved. A draft agreement and plan has been sent to the Theobald family along with a land use agreement. We are awaiting a reply.
- The Blue River Citizen Advisory Committee has set their March meeting to begin discussing a grand re-opening of the Tarn and 60<sup>th</sup> Anniversary Celebration.
- Fish for stocking of the Tarn have been ordered and will be delivered early summer.

**School Bus Stop**

- With agreement from the Theobalds, work has started to move the school bus stop to Blue River Road. Snowplow crews have been clearing snow in that area in preparation of the move.
- A formal agreement between the School District, Theobalds and Town is being reviewed by the Theobalds and School District.

**Broadband**

- Work continues on potential broadband funding. NEO Connect is continuing work to apply for federal grants.

- A meeting was held with the Colorado Broadband Office to review the application that was denied.
- A grant is being submitted through DOLA.
- An application for congressional funding is being submitted by Breckenridge with Blue River and the County as partners.

**Town Hall**

- New security doors have been installed in the office area and a bullet proof transaction window has been ordered and will be installed as part of a budgeted project. The new doors and windows will provide additional security for town hall staff office areas.

**Mapping**

- The map project is complete. Note that many features are considered “working/staff view” features. The link and map will be available to the public is what is on display for anyone to view. Working and staff view features include proposed trails, open space mapping that was provided from the Trails Committee.
- Mapping information came from information received from Paul Semmer via spreadsheets; databases supplied by staff; subdivision plats for the town currently available on the Town website and existing public information from USFS; Summit County and National Wetlands information.

**Citizen Survey**

- Per the Trustees request, the Citizen Advisory Committee developed a citizen survey based on the priorities outlined by the Board of Trustees. The survey was sent out on February 19<sup>th</sup> and will close on March 18<sup>th</sup>. To date 125 surveys have been completed. Results will be reviewed by the Citizen Advisory Committee at their March 21<sup>st</sup> meeting and a summary report provided to the Trustees at the April 11<sup>th</sup> meeting.

**State Accessibility Law**

- In 2022, the State of Colorado passed a law requiring all municipal, county and state websites to be in compliance with accessibility standards developed by the State Office of Technology. Deadline for compliance is July 1, 2024. The Town of Blue River’s website is hosted by the State Internet Portal Authority (SIPA). With this, much of the accessibility work is in compliance, however, not 100%. Staff has worked for the last year to further bring the website into compliance, however, additional help is needed. SIPA has an agreement with Allyant to assist towns in bring websites into compliance. Staff met with representatives of Allyant and CommonLook to review what is needed and purchased the additional budgeted software to finish the work and be in compliance moving forward.
- However, the cost to have a third party bring all of our current online .pdfs into compliance is not. Options are to:
  - Accept the quote as is
  - Reduce the amount of documents on the website
  - Have staff work to do the work ourselves.Moving forward, all .pdfs will be able to be compliant with the purchased software.

### **Town Statistics**

Facebook Page Likes  
Town-1,300  
Police Department-910  
Instagram-1,256 followers  
Twitter (X)-78 followers  
Threads-140  
Residents on Email List-990  
Blue River News-1,1774  
TextMyGov-134

**Business Licenses-253**

**Lodging Registrations-222**

### **Municipal Court March 2024**

Total tickets written for February Court: 8  
Total on the March Docket: 5  
Total March Failure to appear(s): 0  
Total March OJW(s): 0

### **Building Statistics**

**February 2024**

**Permits Issued: 5**

**YTD: 13**

**Inspections: 36**

**New Construction 2024: 0**

**Certificates of Occupancy 2024:0**





## End of Month Report: January 2024

### Calls for Service

Total number of a calls: 232

Top 10 calls as follows:

Area Patrol	144
Traffic Stops	16
Parking Violations	14
Animal Complaints	9
Other Agency Backups	9
Motorist Assists	8
Medicals	4
Residential Alarms	3
Harassment	2
Suspicious Person	2

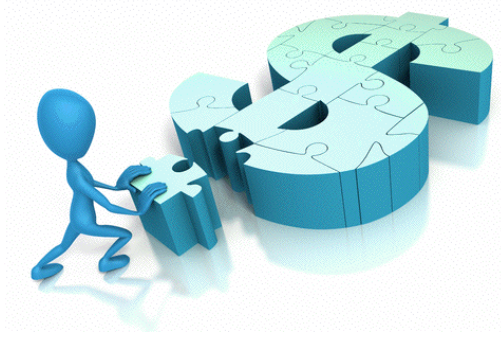
**Summary:** With adverse driving conditions on Hwy 9, officers turned their focus to residential patrols. An increase in parking complaints occurred due to the need to remove snow from public roadways.

Arrests: DUI 1, 2 misdemeanor

### Current Administrative Focus

- Training – Administration is currently working on in-service training agenda and possible dates for training. The department is applying for POST training grant funds for the State’s fiscal year 2024-25.
- Vehicle Maintenance – All vehicles are currently in-service with no reported maintenance.
- Recruitment – With an expected vacancy in April, the department is actively recruiting to fill the opening.

Report prepared by:  
Chief, David Close



**Financial Summary Report**

Prepared by: Michelle Eddy, Town Manager  
Month Ending February 29, 2024

**Revenues/Expenditures:**

Revenues are on track with budget. Sales tax is ahead of budget. Lodging tax is slightly behind but is reflective of only January collections that are collected in February. Expenses are on track with budget.

**Reserve Accounts \*As of 2/29/2024**

Unrestricted

Reserve accounts Alpine Bank:	\$1,416,023.41
CD's Citywide Bank:	\$211,498.41
Colorado Trust Assigned to Capital:	\$3,058,155.19
Colorado Trust Assigned to Broadband:	\$205,395.17
CSAFE:	\$100.00
Illiquid Trust Funds:	\$1,187.42
<b>Total Unrestricted</b>	<b>\$4,892,359.60</b>

Restricted

American Rescue Plan Funds:	\$190,333.90
Conservation Trust:	\$146,023.41
<b>Total Reserves Restricted</b>	<b>\$336,357.31</b>

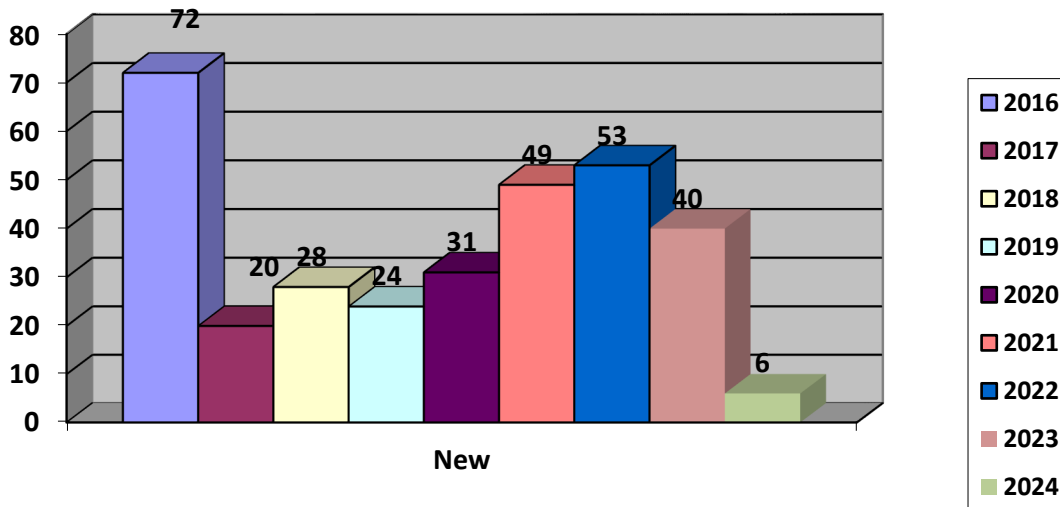


# Town of Blue River

**Staff Report**  
**Short-term Rental Update**  
**February 29, 2024**  
**Submitted By: Michelle Eddy, Town Manager**

## Statistics

Total Active Licenses as of 2/29/2024: 220



## Annual Revenue

Year	Sales Tax	Lodging Tax
2016	\$264,757.05	\$123,742.00
2017	\$237,468.92	\$126,585.55
2018	\$286,968.54	\$155,511.07
2019	\$425,616.72	\$166,883.33
2020	\$842,141.13	\$176,339.81
2021	\$844,558.23	\$228,743.34
2022	\$1,002,256.27	\$327,762.62

2023	\$996,818.50	\$303,230.72
2024	\$251,826.28	\$23,723.49

**Percentage of STRs by Subdivision**

***\*\*Please note the percentage of STRS is based on total homes built within each subdivision and NOT buildable lots.***

Subdivision	# STR	%STR **	% Build Out	% Full-Time Res.
96 Sub	9	24%	90%	30%
97 Sub	11	27%	84%	37%
Aspen View	7	44%	80%	13%
Blue Rock Springs	13	24%	93%	46%
Bryce Estates	1	25%	57%	0%
Clyde Lode	0	0%	50%	0%
Coronet	10	32%	78%	35%
Crown	22	33%	93%	28%
DOT Condo	5	14%	100%	31%
DOT Placer	0	0%	50%	100%
Golden Crown	3	60%	63%	20%
Lakeshore	12	30%	93%	23%
Leap Year	8	38%	91%	43%
Louise Placer	4	50%	73%	13%
McCullough Gulch	1	33%	43%	67%
Misc Sec TR7-77 Land	0	0%	22%	40%
Mountain View	13	27%	96%	34%
New Eldorado Sub	4	50%	73%	38%
New Eldorado Townhomes	1	11%	100%	56%
Pennsylvania Canyon	0	0%	100	0%
Pomeroy	0	0%	0%	0%
Rivershore	0	0%	63%	0%
Royal	16	24%	94%	31%
Sherwood Forest	20	26%	90%	23%
Silverheels	1	25%	67%	29%
Spillway	3	15%	90%	25%
Spruce Valley Ranch	0	0%	68%	20%
Sunnyslope	12	40%	86%	33%
Timber Creek Estates	29	41%	89%	7%

Wilderness	14	25%	96%	33%
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**General Statistics**

- Total Percentage of short-term rentals 27%

**Code Violations 2024**


**Total: 8**


- Advertising Violations: 7
- Dog Violation: 1

**Board of Trustees 1964-present day**

The Town recently researched the history of the terms of elective office for the Board of Trustees and produced the attached spreadsheet. The spreadsheet indicates each person since 1964 who served in elected or appointed position on the Board of Trustees and the length of their terms.

**Legend**

**Full color cell**      Served time. Cells are colored the same for consecutive years and terms served 

**Cell with ////**      Partial appointed or elected term 

**Notes are provided to note appointments; resignations. In addition, if a seat was resigned and then appointed to another seat, it is noted in the Terms/Notes column**

**1960-1969**

Name	First Year Elected/Appointed	Years Served	Seat	Terms/Notes	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969
Robin Theobald	1964	1964-1976	Mayor											
Lois Theobald	1964		Trustee											
John Healy	1964		Trustee											
Richard Ferguson	1964		Trustee											
Frank Mansheim	1964		Trustee											
Virginia Mansheim	1964		Trustee											
Janet Ferguson	1964		Trustee											

1970-1979														
Name	First Year Elected/Appointed	Years Served	Seat	Terms/Notes	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979
Robert Theobald	1964	1964-1976	Mayor	Resigned March 1976										
Robert Theobald	1978	1978-1982	Mayor											
Lois Theobald	1964		Trustee	Resigned March 1976										
John Healy	1968		Trustee	Resigned March 1976										
Myron McGinly	1968		Trustee											
Frank Mansheim	1968		Trustee											
Virginia Mansheim	1968		Trustee											
Francis Healy	1968		Trustee											
Ruth Johnson	1972		Trustee											
Scott Gould	1972		Trustee											
Robert Jones	1974		Trustee											
Harry Hoff	1974		Trustee											
Alton Brown	1974	1974-1976	Trustee	Elected Trustee 1974; Appointed Mayor March 1976										
Alton Brown	1976	1976-1976	Mayor	Resigned October 1976										
Charles Jones	1972	1972-1974	Trustee	Resigned 1974										
Janice Estell	1974		Trustee	Removed 1976										
Tom Farnham	1975		Trustee	appointed March 1975										
Win Lockwood	1975	1975-1976	Trustee											
Win Lockwood	1976		Mayor	appointed Mayor Oct 1976										
Anthony Weiss	1976		Trustee	appointed March 1976										
Hal Ward	1976		Trustee	appointed March 1976; resigned 1977										
Jody Krameleyer	1976		Trustee	Removed 1977										
Ed Jorgenson	1976		Trustee	Appointed April 1976										
Steve Kleinman	1976	1976-1977	Trustee	Appointed 1976										
Tom Pflanz	1976		Trustee	Appointed Nov 1976										
Gary Lindstrom	1977		Trustee	Appointed 1977										
Lamar Hundley	1977		Trustee	Appointed 1977										
Ed Gormley	1977		1977 Trustee	Appointed 1977										
Carl Hagan	1977		1977 Trustee	Appointed 1977										
Pam Miller	1978		1978 Trustee	Appointed 1978; not elected in July										
NE Buchholz	1978	1978-1982	Trustee											
Nancy Fritz	1978	1978-1982	Trustee											
John Healy	1978	1978-1982	Trustee											
Lucille Roberts	1978	1978-1982	Trustee											
Bernard Titony	1978	1978-1982	Trustee											
Greg Keith	1979	1979-1980	Trustee	Appointed 1979										

1980-1989														
Name	First Year Elected/Appointed	Years Served	Seat	Terms/Notes	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989
Susan Pflanz	1980	1980-1984	Trustee											
Susan Pflanz	1984	1984-1986	Mayor	2 year term										
NE Buchholz	1978	1978-1982	Trustee											
Nancy Fritz	1978	1978-1982	Trustee											
John Healy	1978	1978-1982	Trustee											
Lucille Roberts	1978	1978-1982	Trustee											
Bernard Titony	1978	1978-1982	Trustee											
Robert Theobald	1978	1978-1982	Mayor											
Virgil Ledbetter	1980	1980-1984; 1984-1986	Trustee											
Virgil Ledbetter	1985	1985-1986; 1986	Mayor	Appointed; Elected 1986; Resigned 1986										
Carl Hagan	1980	1981-1982	Trustee											
Carl Hagan	1982	1982-1984	Mayor											
Patricia Theobald	1982	1982-1984	Trustee	Appointed										
Henderson	1982	1982-1986	Trustee											
Neyland	1982	1982-1986	Trustee											
Sherwin Powell	1984	1984-1986	Trustee											
David Thorson	1984	1984-1986	Trustee											
Michael Cavanaugh	1984	1984-1986	Trustee	2 year term; resigned 1985										
Bill Phelps	1984	1984-1985	Trustee	2 year term										
Larry Nelson	1985		Trustee											
Colleen Richmond	1985	1985-1986	Trustee	Appointed; Resigned 1985										
Raymond Miller	1985	1985; 1986-1990	Trustee	Appointed										
Tom Pflanz	1986	1986-1990	Trustee											
William Shardt	1985	1985; 1986-1988	Trustee	Appointed 1985; elected 1986 2 year										
Jan deLuise	1986	1986-1986	Trustee											
Jan deLuise	1986	1986-1988; 1988-1988	Mayor	Appointed; Elected; Resigned										
Brent Stone	1986	1986-1988; 1988-1992	Trustee	Appointed; Elected										
Tony Lord	1986	1986-1988	Trustee	Appointed										
Linda Rhea	1986	1986-1988	Trustee	Appointed										
Mary Michaelson	1988	1988-1992	Trustee											
John Tamaska	1987	1987-1988	Trustee	Appointed										
John Tamaska	1988	1988; 1990	Mayor	Appointed										
Frank Roberts	1988	1988-1990-1992	Trustee	Appointed										



1990-1999														
**Note in the 1990's there were a series of terms elected as 2 year terms**														
Name	First Year Elected/Appointed	Years Served	Seat	Terms/Notes	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Brent Stone	1990	1990-1991	Trustee	2 year; resigned 1991										
Mary Michaelson	1990	1992; 1992-1994	Trustee	2 year; resigned 1992										
John Tamaska	1990	1992; 1992-1994; 1994-1995	Mayor	2 year										
William Schardt	1990	1990-1991	Trustee	2 year; resigned 1991										
Linda Rhea	1990	1992; 1992	Trustee	2 year; resigned 1992										
Frank Roberts	1990	1992; 1992-1994; 1994-1996	Trustee	2 year										
Frank Roberts	1996	1996-1998	Mayor	1995 Appointed										
Larry Nelson	1990	1992; 1992-1994; 1994-1996	Trustee	2 year										
Larry Nelson	1996	1996-1998	Mayor	Appointed 1996										
Mike Good	1991	1992; 1992-1994	Trustee	Appointed										
Mark Thomas	1992	1992; 1992-1994	Trustee	Appointed; elected										
Richard Griffith	1992	1992-1994; 1994-1995	Trustee	Appointed; elected										
Susan Pflanz	1992	1992-1994; 1994-1996	Trustee	Appointed; elected										
Kevin Brown	1994	1994-1996; 1998-1998	Trustee	Appointed; resigned 1998										
John Holms	1995	1995-1996; 1996-2000	Trustee	Appointed										
James Estelle	1995	1995-1996; 1996-1999	Trustee	Appointed										
Robin Theobald	1996	1996;	Trustee	Appointed										
Darcy Lystlund	1996	1996-2000	Trustee											
Phyllis Dupuis	1998	1998-2002	Trustee											
Cleve Keller	1998	1998-2000	Trustee	Appointed										
Howard Smith	1999	1999-2000	Trustee	Appointed										

2000-2009

Name	First Year Elected/Appointed	Years Served	Seat	Terms/Notes	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Robin Theobald	2000	2000-2002	Trustee	Resigned 2002	Blue	Blue								
Larry Nelson	2000	2000-2002;appointed 2006-2008;2008-2012;2012-2016	Trustee	Resigned 2002; reappointed 2006; Elected 2008 & 2012	Blue	Blue					Grey	Grey	Light Blue	Light Blue
Darcy Lystlund	2000	2000-2002	Trustee	Elected 2000; resigned as Trustee 2002	Dark Blue	Dark Blue								
Darcy Lystlund	2002	2002-2004; 2004-2006	Mayor	Appointed Mayor 2002; Elected term 2004; resigned 2006			Purple	Purple	Orange	Orange				
Lindsey Backas	2000	2000-2004; 2004-2006	Trustee	Resigned Trustee 2006	Blue	Blue	Blue	Blue	Orange	Orange				
Lindsey Backas	2006	2006-2008; 2008-2016	Mayor	Appointed Mayor 2006					Orange	Orange	Brown	Brown	Light Blue	Light Blue
Howard Smith	2000	2000-2004; 2004-2008	Trustee		Dark Blue	Dark Blue	Purple	Purple	Orange	Orange	Orange	Orange		
Rob Waterman	2002	2002-2004; 2004-2008; 2008-2010;2010-2014	Trustee	Appointed Trustee 2002; 2 year term 2010			Purple	Purple	Orange	Orange	Orange	Orange	Grey	Grey
Cleve Keller	2002	2002-2006	Trustee				Pink	Pink	Pink	Pink				
Phyllis Dupuis	2002	2002-2006	Trustee		Red	Red	Pink	Pink	Pink	Pink				
Mark Thomas	2002	2002-2006	Trustee				Pink	Pink	Pink	Pink				
Richard Holcroft	2006	2006-2010	Trustee								Purple	Purple	Purple	Purple
Rob Theobald	2008	2008-2016	Trustee										Light Blue	Light Blue
Jon Warnick	2008	2008-2012	Trustee										Light Blue	Light Blue

2010-2019

Name	First Year Elected/Appointed	Years Served	Seat	Terms/Notes	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Lindsey Backas	2008	2008-2012; 2012-2016	Mayor											
Larry Nelson	2008	2008-2012; 2012-2016	Trustee											
Rob Theobald	2008	2008-2012; 2012-2016	Trustee											
John Warnick	2008	2008-2012	Trustee											
Rob Waterman	2008	2010-2014	Trustee	2 year term in 2008; elected 4 year 2010										
Julie Jones	2010	2010-2014	Trustee											
Tom Hill	2010	2010-2014	Trustee											
Richard Holcraft	2010	2010-2014	Trustee											
Ken Robertson	2014	2014-2022	Trustee											
Dan Cleary	2014	2014-2022	Trustee											
Terry Feret	2014	2014-2016	Trustee	Resigned April 2016										
Mitchell Weiss	2016	2016-2016	Mayor	Resigned December 2016										
Tyler Brook	2016	2016-2020	Trustee											
Joel Dixon	2016	2016-2024	Trustee											
Laurel Wehrman	2016	2018-2018	Trustee	Appointed April 2016										
Toby Babich	2016	2016-2016	Trustee	Resigned Trustee Seat December 2016										
Toby Babich	2017	2017-2018; 2018-2020; 2020-2024	Mayor	Appointed Mayor December 2017; Two-year term 2018; 1st Four-year Term 2020										
Ted Pilling	2017	2017-2018; 2018-2026	Trustee	2017 Appointed; 2018/2022 2 Full terms										
Mark Fossett	2018	2018-2020; 2020-2024	Trustee	2018 elected to 2 year term; 2020 elected to 1st full term										

2020-2029

Name	First Year Elected/Appointed	Years Served	Seat	Terms/Notes	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029
Ken Robertson	2014	2014-2022	Trustee	2 Full										
Dan Cleary	2014	2014-2022	Trustee	2 Full										
Joel Dixon	2016	2016-2020; 2020-2024	Trustee	2 Full										
Toby Babich	2017	2017-2018; 2018-2020; 2020-2024	Mayor	Appointed Mayor December 2017; Two-year term 2018; 1st Four-year Term 2020										
Ted Pilling	2017	2017-2018; 2018-2026	Trustee	2017 Appointed; 2018/2022 2 Full terms										
Mark Fossett	2018	2018-2020; 2020-2024	Trustee	2018 Appointed; 2020 elected to 1st full term										
Kelly Finley	2020	2020-2024	Trustee											
Noah Hopkins	2022	2022-2026	Trustee											
Ted Slaughter	2022	2022-2026	Trustee											