



Minutes

Regular Meeting of the Board of Trustees
0110 Whispering Pines Circle, Blue River, CO

January 31, 2023

5:00 p.m. Work Session

6:00 p.m. Regular Meeting

The public is welcome to attend the meeting either in person or via Zoom. The Zoom link is available on the Town website: [Board of Trustees | Town of Blue River \(colorado.gov\)](#).

Please note that seating at Town Hall is limited.

5:00 p.m. WORK SESSION-Land Use Code Review –Revisions to Chapter 16B; Chapter 16B Continued & Introduction to 16C

- Mayor Babich opened the work session at 5:20 p.m.
- Attorney Widner reviewed the section of Chapter 16B with the Trustees. Discussion focused on accessory improvements. The next section will focus on signs, lighting and landscaping.
- Discussion and clarification was made that these changes are for projects and changes moving forward. Existing structures are allowed to remain until a change is made. Discussion of the language of location of hot tubs on decks when the deck is within the deck. A new hot tub moving forward, would not be allowed to be on the portion of the deck that encroaches in the setback.
- Discussion on fences and what would be acceptable maximum height. Discussion to separate animal enclosures and property barrier. Property barrier fencing may not exceed a certain percentage of the property line. Materials would be wood for property barriers and primarily wood with hog fencing matching the existing code. Property barrier fencing may not be more than 45% of the total property parameter and the homeowner will decide where it is located; it may not exist within any easements or along the public roadside of the home; open fencing (split or buck and rail, not solid fencing. Dog enclosures will have a maximum height of six feet.
- Discussion to add in a flagpole ordinance providing regulations on what is allowed. Discussion to limit height and where it may be located. Discussion to not flag poles to be freestanding and must be attached to a structure.

6:00 p.m. REGULAR MEETING OF THE BOARD OF TRUSTEES

I. CALL TO ORDER, ROLL CALL

- Mayor Babich called the regular meeting of the Board of Trustees to order at 6:15 p.m.
 - Roll Call
 - Mayor Toby Babich
 - Trustee Joel Dixon

- Trustee Kelly Finley via Zoom
- Trustee Mark Fossett
- Trustee Noah Hopkins
- Trustee Ted Pilling
- Trustee Ted Slaughter

○ Also present: Town Manager Michelle Eddy; Town Attorney Bob Widner.

II. APPROVAL OF CONSENT AGENDA

- a. Minutes, December 20, 2022
- b. Approval of Bills-\$63,232.79
 - i. Trustee Pilling moved and Trustee Fossett seconded to approve the consent agenda. Motion passed unanimously.

III. COMMUNICATIONS TO TRUSTEES

- a. Citizen Comments (Non-Agenda Items Only- **3-minute limit please**). Any written communications are included in the packet.
 - i. It was noted communications related to the Spruce Creek Road project were received over the weekend. The Mayor noted there will not be public comment later in the evening on the project as it is an introduction. He noted there will be a public town hall later.
 - ii. Dan Cleary, Rustic Terrace remarked on the land use code and encouraged the Trustees to review the landscape code, and asked when the public comment would take place on the land use code.
 - Attorney Widner noted the review will conclude in February and then will launch to a public hearing with Planning & Zoning and then the Board of Trustees.
 - iii. Barrie Stimson, Spruce Creek Road discussed the issues at Spruce Creek Road largely centered around the volume of traffic. He encouraged the Trustees to not focus on the traffic flow. He stated speeds, drainage and increased maintenance need to be the focus including speed humps. He offered to approach the county about addressing the traffic to the trail head.
 - iv. Doug O'Brien, Crown Drive agreed with comments made from Mr. Stimson including the speeds and maintenance.
 - v. Martie Semmer, Blue Grouse Road noted Aaron Watson, Chair of the International Chapter for Colorado is attending via zoom.
 - vi. Mark Orton, Nugget Lane discussed the traffic on Spruce Creek Road coming from Lakeview and needing to work with the County. Speeding needs to be addressed first.

IV. PUBLIC HEARING

- a. Lot 1 Timber Creek Estates Subdivision
 - i. Mayor Babich opened the public hearing at 6:37 p.m.
 - ii. Sandy Pief, Timber Creek Estates HOA Board of Trustees. Noted that it was not intended to have anything other than the duplexes.
 - Attorney Widner explained that it is taking the single lot and subdividing the lot to allow for each side of the duplex to be separately owned.
 - Manager Eddy explained the history and reason for the subdivision request.
 - iii. Mayor Babich closed the public hearing at 6:46 p.m.

- iv. Trustee Finley moved and Trustee Fossett seconded to approve the subdivision of Lot 1 Timber Creek Estates as presented. Motion passed. Trustee Pilling abstained.

V. ORDINANCE CONSIDERATION FOR APPROVAL

VI. RESOLUTIONS

- a. Resolution 2023-01 Notice of Meetings
 - i. Trustee Fossett moved and Trustee Slaughter seconded to approve Resolution 2023-01 Notice of Meetings. Motion passed unanimously.

VII. NEW BUSINESS

- a. Spruce Creek Road Capital Project Review-Muller Engineering
 - i. Jeff Wulliman, Engineer Project Manager Muller Engineering and Stephen Humphrey Principal Group Manager Muller Engineering presented the background of the project, information and options for the Board of Trustees to consider for possible improvements to Spruce Creek Road.
 - ii. For the traffic routing. Discussed a need for additional coordination with the County and CDOT. Possibly coordinating with the Quandary shuttle. It was noted that changing the routing is not desired by the residents in the neighborhood. The Engineers noted that the safety at the intersection at Spruce Creek and Hwy 9 will remain less safe than the exit from Crown. Discussion to focus on longer solutions understanding the intersection will remain a challenge. Decision to not change the traffic pattern.
 - iii. Discussion of the physical improvements. Noted the grade on Spruce Creek Rd is 13% to 9%. The Engineers provided both light scope and heavy scope options.
 - Spruce Creek
 - a. Light Scope-pavement, minor roadway, drainage and Hwy 9 improvements avoiding property impacts.
 - b. Heavy Scope-regrade sections, especially at Hwy 9 approach to avoid physical impact to houses and private utilities and wall treatments requirements.
 - c. The Engineers cautioned not going to light on the scope. They stated there would need to be considerations for materials used to be fully effective and long-term benefits and maintenance considerations. The Engineers noted that speed bumps at the current grade or on dirt roads are effective.
 - Crown
 - a. Light Scope-roadway and drainage improvements to avoid significant property impacts or right of way needs.
 - b. Heavier-regrade steep sections, widen Crown, formalize drainage, conveyance including offsite basin to extent possible without projects.
 - Next steps: establish a base project for Spruce Creek and Crown. Identify high profile opportunities.
 - iv. Discussion to focus on a heavy scope on Spruce Creek Road. Suggestion to start high and see what can be done. Suggestion to evaluate a speed assessment and control of the overall project. Discussion this would start with attempting to lower the profile at Gold Nugget and at the bottom before the intersection of Hwy 9. The

- evaluation will include materials, drainage, traffic calming options, profile changes. Possibility of compacting after mag chloride during maintenance.
- v. It was noted once the Engineers have developed a concept to host a special meeting. It was recommended to include discussion with the road contractor, and the county as part of the discussion.
- b. 2023 Meeting Schedule
 - i. Manager Eddy discussed the 2023 schedule noting February and April have conflicts due to school breaks.
 - ii. Discussion to leave the February meeting for the 21st. Decision to move the April meeting to April 25th.
 - c. Review of International Dark Skies Application and Information
 - i. Information including a staff report with recommendations was included in the Board packet. Staff recommended the Citizen Advisory Committee conduct an evaluation and survey of the residents surrounding dark skies and come back in May with a recommendation to the Board of Trustees.
 - ii. Discussion to fill out the pre application noting the Town could withdraw at any time while having Citizen Advisory conduct the analysis and survey of the residents.
 - iii. Tim Johnson, Chair of Planning and Zoning Commission has recommended moving forward with the pre application.
 - iv. Martie Semmer, Blue Grouse noted by filling out the pre application it provides assistance and guidance for the analysis. She noted there will need to be continued education before looking at ordinances. She noted that there would be a possibility for potential funding to assist with the project.
 - v. Aaron Watson explained the process and what is available when the \$250 and pre application is paid. Including resources for light evaluation. He noted a staff member from IDA will be available to assist with different outreach events and provide guidance.
 - vi. Discussion to complete the initial inquiry and pay the \$250 to begin the analysis. The Mayor noted he would like to see the baseline of where the Town currently sits compared with the surrounding towns and what it would mean to our code and what would be needed with Planning/Zoning and then Citizen Advisory conduct a survey of the residents explaining where the town sits and what would be required.
 - vii. Manager Eddy will submit the pre application inquiry and then the information will be brought to the Citizen Advisory Committee with the assistance of Martie Semmer to move forward.

VIII. CONTINUING BUSINESS

- a. Open Space & Trails Report
 - i. The Open Space and Trails Advisory Committee and the Board of Trustees continued the discussion from December of the proposed implementation plan.
 - Planning Area 2 was reviewed:
 - a. B. 1-B. 2
 - i. Trustee Hopkins noted this would be a priority level 2.
 - ii. It was noted this would be an opportunity to partner with organizations on an environmental perspective.

- iii. Mayor Babich noted a need to look at acquisitions wholistically including budgets and priorities and what the limitations would be. He recommended the Trustees review the list and parcels on their own time. He asked for the Committee to advise on what is actionable.
- iv. Discussion to include the identified areas placed on a map and brought to the Trustees for recommendation on acquisition to be delegated to staff to pursue.
- v. B2 crosses four separate landowners and serves as a priority for trail development. Discussion this should be placed on the back burner.
- vi. Discussion to have Muller create an interactive overlay map with all of the spreadsheet information.
- vii. B3. This has been verified by both staff and the HOA and is documented. Research additional platted easements within the HOA.
- viii. B4. Discussion this is in need of more information.
- Planning area 3
 - a. C1. C 2. Completed.
 - b. C3. Trustee Hopkins knows the family and will reach out.
 - c. C4. Noted it is on USFS land and is need of erosion control.
 - d. C5. Discussion to be a research project and inquiry with the property owners and more of a second stage project.
 - e. C6. Discussion to have the Committee needs to come back with a specific request and breakdown on this section.
 - f. C7. Discussion to have the map and then break it down.
 - g. C8.-C9. Noted to evaluate the trail network as planning occurs for fire mitigation.

IX. REPORTS

- a. Mayor
 - i. Finance Committee Report
- b. Trustees
 - i. Citizen Advisory Committee-Trustee Finley
 - Trustee Finley reported the next meeting will be Monday, February 13th. An application was received for membership.
 - The Committee will be working on the Countywide Weed event and incentives.
 - Trustee Hopkins moved and Trustee Slaughter seconded to approve the application from Trevor Kraus to the Citizen Advisory Committee. Motion passed unanimously.
 - ii. Open Space & Trails Committee-Trustee Dixon
 - Trustee Dixon summarized the previous discussion.
 - iii. Planning & Zoning-Trustee Hopkins

- Trustee Hopkins reported the Commission supported the subdivision of Lot 1 and reappointed Tim Johnson and Travis Beck as Chair and vice Chair.
 - iv. Transit Authority-Trustee Pilling
 - Trustee Pilling reported the stats for Blue River ridership is up 226% so up 70+ riders a week thanks to the new bus stops.
 - v. Wildfire Council-Trustee Slaughter
 - Trustee Slaughter had no report.
 - vi. CDOT-Trustee Fossett
 - Trustee Fossett reported nothing has changed since last month except a new timeline has been provided.
 - c. Attorney's Report
- X. OTHER BUSINESS

Manager Eddy noted Timberline Disposal will not be servicing Blue River anymore. In addition, there are reports Uber and Lyft may not be picking up riders anymore however, this has not been confirmed.

There being no further business before the Board of Trustees, Trustee Fossett moved, and Trustee Hopkins seconded to adjourn the meeting at 10:05 p.m.

Next Meeting, Tuesday, February 21, 2023

Respectfully Submitted:
Michelle Eddy, MMC
Town Clerk