



BOARD OF TRUSTEES JUNE 2023

**June 20, 2023 at 5:00 PM
0110 Whispering Pines Circle, Blue River, CO**

MINUTES

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:

Broadband Feasibility Report

Mayor Babich called the work session to order at 5:00 p.m. Representatives from NEO Connect were present to present the broadband findings and provide recommendations.

The presentation reflected the current service in Blue River. Currently there is only Comcast. The maps show Blue River is "served" however, when speed tests are performed and reported, it shows that the upload speeds do not meet standards. Currently there is no fiber within the town only cable. The consultants did review the current status for cell service which has been confirmed by Verizon. There is a possibility for Verizon to add equipment to existing towers. The consultants reviewed potential funding and opportunities for partnerships. It was noted that if Breckenridge is successful in obtaining a grant from DOLA to expand to the dam and possibly Quandary and it's recommended Blue River support the effort as it would pass through the town.

The consultants reviewed the costs to bring fiber to Blue River. Aerial construction versus underground brings the costs down significantly. It was noted that as a town, Blue River couldn't work with Xcel for aerial feed but an existing utility could. Projected middle mile cost is estimated at \$13,487,827. All of the options and potential costs were reviewed. Additional engineering work would need to be done, however, it was noted that it wouldn't be feasible for the town to do it on their own. Discussion on how the Town of Breckenridge running fiber through town impacts Blue River's ability to participate. It was

recommended to be a co-applicant with an agreement with Breckenridge with funding and access to the fiber. It is recommended that Blue River make the case of being underserved and with only one provider. Discussion by partnering and leveraging DOLA funds and the door would open for cell service as well as bring in an ISP to bring service to homes off of the backbone.

Based on proposed/projected costs, it is recommended to partner with an ISP to bring service. It was noted that it is not financially feasible for the town do the project on its own. It is recommended to lean on the private network, pursue grants to bring fiber to the town. It is possible to establish a "tap fee" or utility to help fund the project if the town went on their own. Discussion of the best options to bring fiber for the "back bone" in partnership with others. The consultants reviewed all of the grant options. The consultants recommended doing a formal ISP outreach, partner with Breckenridge for a DOLA grant for middle mile and then reach out to Verizon for additional services. They noted there is interest from IST and Allo to work with the Town.

Staff recommended continuation of work with NEO to pursue partnership with Breckenridge on the DOLA grant for middle mile, bringing in an ISP and assistance in writing a grant for funding. Decision to follow staff recommendation and continue forward.

6:00 PM REGULAR MEETING:

I. CALL TO ORDER, ROLL CALL

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

PRESENT

Mayor Toby Babich

Trustee Joel Dixon

Trustee Kelly Finley

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

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

A. Minutes for May 16, 2023

B. Approval of Bills-\$64,512.86

III. COMMUNICATIONS TO TRUSTEES

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

Mayor Babich noted communications received.

C. Public Comments Received

Mayor Babich noted communications received via email. He reviewed the public comment regulations and when public comments are taken.

Barrie Stimpson, Spruce Creek Road-Asked about Spruce Creek Road and where to find information on capital projects. He noted if the town is not pursuing work, he asked for speed humps and/or a camera as well as maintenance issues along with another speed limit sign.

Paul Semmer, Blue Grouse Trail-Provided comments that are in the packet concerning work on Sherwood Forest. He asked for the project to be deferred.

Mark Orton, Louise Placer-expressed concern with the amendment for the Spruce Creek Road with the walls and scope. Recommended focusing on culverts and maintenance.

Lubos Hlahulek, Sherwood Lane-expressed concern of project and impact on his land and asked for refine for his lot. It was noted that the staff and contractors will be meeting with Lubos on Friday one-on-one to work through the concerns.

Martie Semmer, Blue Grouse Trail-spoke on the Sherwood Forest project and asked for a more public meeting with the entire subdivision.

Jodie Willey, Crown Drive-remarked on the Spruce Creek Drive work and agreed with Mr. Stimpson comments. Comments were clarified concerning the "heavy scope". Noted the survey work is complete but what is presented are options and potential impacts.

Doug O'brien, Crown Drive-agreed with comments from others concerning Spruce Creek project.

IV. PUBLIC HEARING

Mayor Babich opened the public hearing at 6:30 p.m.

D. Land Use Code Public Hearing

Comments and recommendation from the Planning & Zoning Commission are provided in the Planning & Zoning Minutes of June 14, 2023

Mayor Babich provided an introduction on the Land Use Code. It was noted that this has been reviewed and discussed over the last 18 months.

Noted the minutes from the June 14, 2023 Planning & Zoning Meeting were included in the packet. The minutes noted public comments and the recommendation from the Planning & Zoning Commission. Staff provided more context on the recommendation from Planning & Zoning Commission.

Public Comments:

Martie Semmer, Blue Grouse Trail-provided comments on the lighting section of the code with and asked for the prohibition of bistro lights as it is in conflict of the shielding of

lights. Attorney Widner noted the current ordinance which was included in the Land Use Code. He agreed there is conflict but explained the enforcement step. She asked that bistro and spot lights be address with shielding and motion sensors. She asked that the light pollution/trespass be included. It was noted that adjustments/changes may be done at a later date.

Lubos Hlahulek, Sherwood Lane-spoke on the concerns of bears in the area due to trash and expressed a need for certain lighting for safety. He noted safety issues on the road.

Paul Semmer, Blue Grouse Trail-Recommended a grammatical review of the document. He agreed with Mrs. Semmer's comments. He commented on right-of-way zone and the explanation of prescriptive rights. He noted issue with utilities easements and what is allowed under the road easements. He remarked on Open Space zone definition and asked for same definition of the Open Space & Trails Master Plan definition. He asked about when and how the zones and mapping will take place. Attorney Widner noted there is not a timeline and the Trustees will have the opportunity to rezone as needed and nothing needs to change today.

Dan Cleary, Rustic Terrace-He noted a missed zone district for a "large parcel" district. He recommended it be considered for later. He echoed comments and concerns on the right-of-way from Mr. Semmer. He asked it be discussed where the new measurement and consideration of where the road easement will lie for the right-of-way zone. He recommended removing RP1 for a re-evaluation. He remarked on the various zone districts. He remarked there may be a need for a conditional use permit or temporary use permit.

Mayor Babich closed the public hearing at 6:58 p.m.

Post hearing discussion:

Town Manager provided a recap of the Planning & Zoning Commission recommendation of removal of the RP1 Zone District.

Trustee Hopkins noted there were small items that could be tweaked later.

Attorney Widner recommended removal of the RP1 Zone District. He remarked on the non-conforming use issue and how properties have been made non-conforming due to rule changes over time. Attorney Widner reviewed questions raised during the public hearing.

Trustee Fossett noted he is okay with how the Land Use Code is written and with striking the RP1 Zone District for further review. He noted that some items may be reviewed for amendments later.

V. NEW BUSINESS

E. 2022 Draft Audit Presentation by Matthew Staples, McMahan & Associates LLC

Auditor Matt Staples was present to present the draft 2022 Audit Report. He reviewed the audit process as well as the findings. He noted the Town has received a clean audit.

Manager Eddy noted this information was presented to the Finance Committee.

F. Engineering Updates and reports for Sherwood Forest and Crown Subdivisions

Manager Eddy noted information provided by Muller Engineering on both Sherwood Forest and Spruce Creek Road projects. She noted the information on Sherwood Forest is strictly an update and that staff continues to work with residents individually on the individual concerns. The Spruce Creek Road project is to provide a full set of options. Steven Humphrey and Whitney Guerin from Muller Engineering spoke on the "heavy" option for Spruce Creek Road and noted they do not recommend the heavy option for work.

Discussion of options for 2023 included signing and additional maintenance. Residents did request speed humps. The engineers did not recommend this option but stated they would look at options.

Trustee Finley discussed issues on Sherwood and asked about reviewing it for a capital project versus the current plan. Trustee Fossett explained the reasoning for the current plan and to keep the water flow going where it current goes. Mayor Babich noted the challenges with the Town road and staff/contractors are working to find the best possible solutions for the conditions. He noted a need to work with staff and the contractors to get the work done.

VI. ORDINANCE CONSIDERATION FOR APPROVAL

G. Ordinance 2023-02 Adoption of the Land Use Code

Motion made by Trustee Fossett, Seconded by Trustee Finley to approve Ordinance 2023-02 Adopting the Blue River Land Use Code with the following amendments:

1. To remove Article 5 Chapter 16A which is the RP-1 Zone District and show that Article as "reserved";
2. To authorize the Town Manager and the Town Attorney to finalize the Land Use Code by completing information in the Code pertaining to number of copies of applications to be submitted, dates of Code adoption, and other basic information that does not alter the intent of the Land Use Code.
3. Delete "relatively light tree cover" for definition of open space in Article 3 of Chapter 16. Under discussion: Trustee Dixon asked about lighting conflict. Trustee Finley reviewed the exceptions and there was a lengthy discussion and feels there is no conflict. Mayor Babich concurred with Trustee Finley.

Attorney Widner clarified the lighting code and process for review if the town makes changes in the future.

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

H. Ordinance 2023-03 Amendment to Chapter Administration

Motion made by Trustee Slaughter, Seconded by Trustee Fossett to approve Ordinance 2023-03 amending to include Open Space & Trails Advisory Committee.

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

VII. REPORTS

I. Mayor

Mayor Babich report the Finance Committee met and review the quarterly financials and draft audit. The Committee will begin meeting to plan the 2024 budget.

J. Trustees

- i. Citizen Advisory Committee - Trustee Finley

ii. Open Space and Trails Committee - Trustee Dixon

iii. Planning and Zoning - Trustee Hopkins

iv. Transit Authority - Trustee Pilling

v. Wildfire Council - Trustee Slaughter

vi. CDOT - Trustee Fossett

Trustees

i. **Citizen Advisory Committee** - Trustee Finley reported the committee once again did not have quorum and therefore did not meet. There was a discussion of addressing the attendance issues. The next meeting is scheduled for July 11, 2023

ii. **Open Space and Trails Committee** - Trustee Dixon reported the committee hasn't met since March. They will meet again when the draft map is ready for review. Discussion on a field trip with the Trustees needs to be planned. It was asked for three one to one and a half hour sessions were desired. Manager Eddy noted she has been asking for requested dates. She also noted a need to notice, and record the gathering. It was decided for the Mayor and Manager to set dates and notify everyone. Trustees Dixon and Finley will be touring the areas July 7th, 10 a.m.

iii. **Planning and Zoning** - Trustee Hopkins reported the commission recommended approval of the land use code and one new construction project.

iv. **Transit Authority** - Trustee Pilling reported they did not meet in June and nearly fully staff.

v. **Wildfire Council** - Trustee Slaughter reported on the Blue River West and Blue River East projects. 2023 Wildfire grants were approved. There will be tours this summer with more information to come.

vi. **CDOT** - Trustee Fossett reported himself and Manager Eddy will be meeting with Representative McCluskie.

K. Attorney

Attorney Widner reported his new book Bob's Rules has been published.

L. Staff Reports

Manager Eddy introduced the Town staff and remarked on the strong team for the Town. Mayor Babich and others thanked staff for their work.

VIII. ADJOURN

Motion made by Trustee Finley, Seconded by Trustee Fossett to adjourn the regular meeting at 8:30 p.m.

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

NEXT MEETING -

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.

Respectfully Submitted:

Michelle Eddy, MMC

Town Clerk