

Michelle Eddy

From: Paul and Martie Semmer <semmer@colorado.net>
Sent: Sunday, May 5, 2024 10:29 PM
To: Michelle Eddy
Subject: Communications to Trustees
Attachments: Re: Winter Road Maintenance; 5-5-24 Winter Road Mtce Issues_Semmer memo to BOT.pdf

Michelle,

The agenda for this week's BOT meeting was not posted on the Town website until last Friday and I noticed under New Business there will be a discussion of the "Review of Plow Contract". I sent you an email 3/11/24, attached, that documents some concerns related to winter road maintenance. I am not sure if these comments were passed on to the Trustees at that time, and whether those comments will be included in the discussion this week.

I have updated the email I sent you in March with additional information that may be pertinent to the BOT discussion of the Plow Contract. Unfortunately, I will be out of town this week and unable to attend the BOT meeting to present my comments in person. And, I realize it is too late to include any written material as Communications to the Trustees for this week's meeting. Therefore, I wish the attached pdf memo (5-5-24 Winter Road Mtce Issues_Semmer memo to BOT.pdf) be included in the BOT packet for the June meeting, and perhaps you could let the Trustees know that my comments are "in the mail".

Thanks!
Paul

To: Town of Blue River Mayor and Board of Trustees
From: Paul and Martie Semmer
Re: Communications to Trustees - Winter Road Maintenance in the Town of Blue River
Date: 5-5-24

During the February 8, 2024 Town of Blue River Board of Trustees (BOT) meeting I offered public comment regarding road maintenance. (SEE <https://blueriver-co.municodemeetings.com/bc-bot/page/board-trustees-regular-meeting-february-2024> -- Work Session on Roads Maintenance & Planning, recording time 00:30:26 to 00:34:31, and Communications to Trustees, recording time 00:36:58 to 00:38:040).

Specifically, I expressed concerns dealing with road maintenance activities taking place outside the road right-of-way (r-o-w). Many of the original Town roads were located and established based on what worked on the ground and not necessarily what was recorded on the subdivision plats. Although many of the roads are formally recorded on subdivision plats as being 20 feet in width, the current use far exceeds that when considering drainage ditches, culverts, traffic signs, widened curves at intersections and areas for snow storage. To the best of my knowledge no effort has been made to document the change in use, either by obtaining recorded easements or validation of prescription rights or other land use agreements with lot owners to use lands adjacent to the original 20 ft wide r-o-w. In addition, the continued encroachment on private lands for road maintenance activities outside the documented r-o-w is infringing on private property rights.

The December 2023 Blue River News included the following notice:

Winter Plowing Operations

Snow is in the air and hopefully this snow season will be a great winter season of moisture. A reminder that snow storage is used on both sides of the road to allow for snow removal. Crews do try to be aware of sensitive area, however, there are designated snow storage areas in each subdivision. Please ensure all items are moved away from the roads to allow for the proper snow storage. If you see the crews out, feel free to reach out to them with any questions or to bring something to their attention.

In March 2024 I asked Staff; "Does the Town have a map showing where the 'designated snow storage areas in each subdivision' are located?" Staff responded saying:

- There are no marked areas on a map or on the ground where snow is stored.
- The contractor stores snow where they have historically always stored snow utilizing the 10' on the side of the roads that have been used in the past.
- The location of snow storage areas was developed based on how plows move and operate and where it makes the most sense with the least amount of impact. And,
- The drivers work to be respectful of where and when landscape markers are placed.

The agenda for the upcoming BOT 5/9/24 meeting, under New Business, includes a discussion of the Review of the Plow Contract. A copy of the 2023-24 "Agreement for Winter Snow Removal and Road Maintenance Annually Renewal Contract" and a list of other documents pertinent to the "Snow Contract 2023-2024 – Final Audit Report" is included in the BOT packet. However, the public is not able to access those specific documents in the "Snow Contract 2023-2024 History" of the audit report, and therefore unable to compare and verify their connection to the 2023-24 contract. This is concerning because many of the exhibits referenced in the contract, and available for the public to see in the packet, are incomplete and miss important details of the contract work. Most importantly is that there is nothing in "Exhibit D – Winter Snow Removal and Road Maintenance Methodology Narrative", which asks for a description of details of "plowing, snow bank removal, pack removal

and road sanding.” Perhaps this missing information is found in the documents listed in the “Snow Contract 2023-2024 – Final Audit Report”?

With this understanding that the public is not able to access all of the documents referenced in the BOT packet, it is confusing as to what the contractor’s responsibilities and obligations are. In particular, dealing with snow storage areas, the 2023-24 contract states:

B. Contractor’s Obligations for Winter and Spring Snow Removal.

7. Snow Banks.

*c) Contractor shall take care to ensure that snow storage areas are selected to avoid damage to trees and other property and to minimize the impact upon Town property owners. **A map of the Town and designated areas shall be highlighted.** [Emphasis added]*

This provision in the contract implies that there is a map of the designated areas to be used for snow storage. Yet there is no map in the 2023-24 contract in the BOT packet. And, Town Staff acknowledged that there are no marked areas on a map or on the ground where snow is stored. How then does the contract plow operator(s) and landowners know where the snow storage areas are located?

As lot owners place markers and barriers on their private property in areas historically used for snow storage, more snow accumulates in the road, road widths begin to narrow, and new areas to store snow are found. A similar situation exists in addition to snow removal activities along roads where traffic signs, drainage ditches, culverts and widened areas for curves and enhanced sight distance at intersections is needed. Staff noted that “10’ on the side of the roads that has been used in the past” is where such use occurs, implying that the road r-o-w can be 40 feet wide! When the legal road r-o-w is only 20 feet wide, the road maintenance activities are clearly outside the r-o-w and trespassing on private property. Where is it recorded that the Town has a legal right to the full 40 feet being used for road maintenance? Has this been documented to assert a prescriptive right-of-way? How are landowners notified that the Town has asserted prescriptive rights on their property beyond the platted road r-o-w and/or deeded easements?

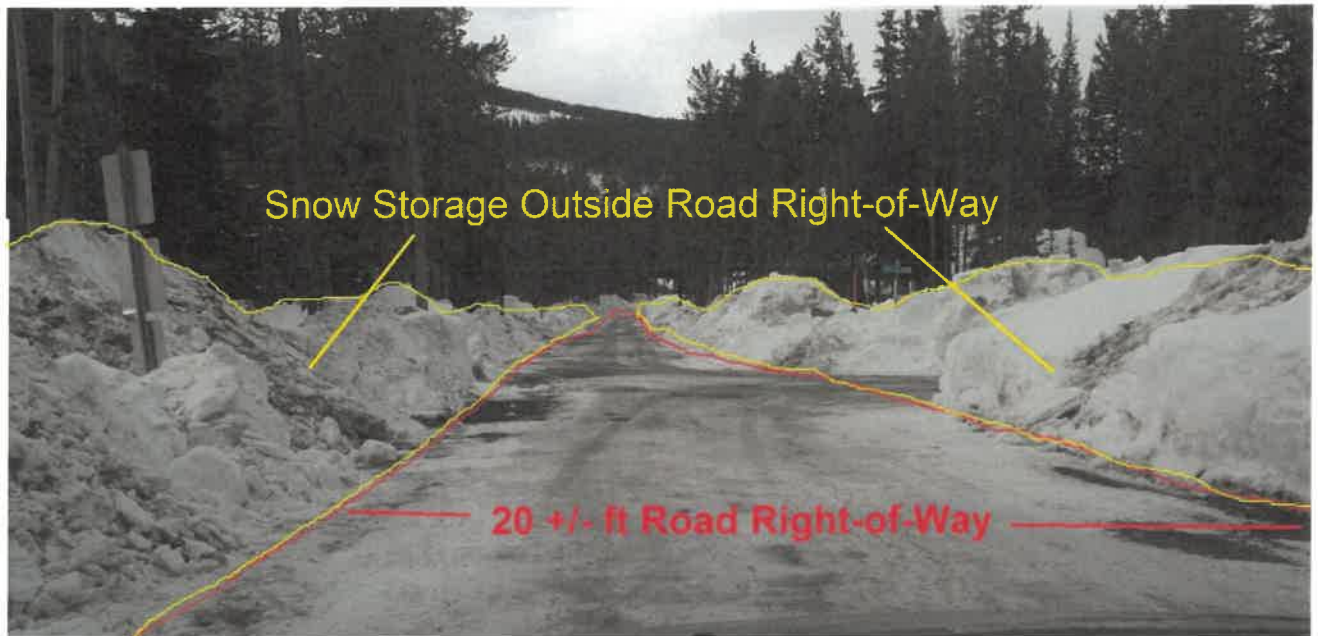
There are inevitable impacts to private land and personal property as trees are damaged, address signs and road delineate posts and telephone pedestals are pushed over, manmade landscape features are buried, and other personal items buried or damaged with tons of snow stacked on top including road base shavings and residual mag chloride – in spite of the efforts of the road maintenance contractors to “be respectful of where and when landscape markers are placed”. However, without well-defined limits of the plowed roadway and snow storage areas, how is one to know if the property damage is in or outside the responsibility of the Town/contractor? This is particularly pertinent when the 2023-24 contract states:

I. Damage to Public or Private Property.

1. If the Contractor damages public or private property, the Contractor will be responsible for its repair and or replacement within 30 days or within a reasonable time depending upon seasonal conditions.

Driving the roads around Town today, one can see there are several areas where excessive snow removal over the winter has deposited a significant amount of road base and debris onto snow banks outside the roadway onto private property. As the snow melts, this shows up as several inches of road base/debris on top of the ground in some cases. Unless the debris is removed, it remains forever as an eye sore to beauty of our natural environment and neighborhoods. Additionally, the deposition of a few inches of road base and debris, often with residual mag chloride, prohibits the growth of native plants previously established along the roadway. Is the contractor responsible for raking off the road debris from these areas to allow the native vegetation to reclaim the area and before invasive noxious species take hold on the disturbed soils?

Typical Town of Blue River Winter Road Maintenance



The March 2023 Blue River News posted a notice on Winter Plowing Operations stating “Crews have begun to remove snowpack ahead of the spring melt and will work to minimize the spring slush/rut cycle. As the pack is removed, snow will be placed along the road right-of-way as in years past.”

The pages that follow include a series of photos taken in early March 2023 that show various roads in subdivisions throughout Town where the contractor has removed the snowpack and placed it along the road r-o-w. The photos are alarming and show piles of snow in excess of 8 feet tall and more than 10 feet beyond the r-o-w. (Figures 3, 9, 12 & 14). In some cases, the plow operator has intentionally ignored snow poles that designate an area to avoid and stacked snow on either side of the poles or pushed them over altogether. (Figures 19 & 20). Trees that are outside the r-o-w, and have never been damaged before, show witness marks of the recent snow removal activity. (Figures 11 & 18). Recently placed boulders along Coronet Drive to define the roadway for summer use have been pushed away and buried in the snowpack. (Figure 9). Traffic signs are barely visible. (Figure 14). The Town Park is becoming buried and unsightly to use. (Figure 2). Snow is being pushed off the road and dumped in the live water channel along the Blue River (Figure 13) and Pennsylvania Creek (Figure 10). Photos 21, 22, 23 & 24 were taken on recently, showing the impacts of snow removal activities and the deposition of road base/debris along the roads. Figure 23 is from Theobald Way looking at the Blue River and shows the road debris from snow stacking being discharged into the Blue River.

The notice on Winter Plowing Operations is right that “this is a messy process...” around town. It is a fact of life that we have to deal with snow removal on our road system with long winters at 10,000 feet in a community that was designed 60 years ago and did not plan for the level of development and winter use that we have today. However, is the Board of Trustees aware of the extent of the mess it is allowing to occur on private lands outside the road right-of-way and overall aesthetic landscape around “our serene mountain community”?

What can be done about this?

Any resolutions to the issues related to road needs to reaffirm the goals of the Town Mission Statement:

The Town of Blue River endeavors to nurture our serene mountain community by conserving our natural residential environment, promoting unity with our neighbors and surroundings, channeling the voice of our residents, and enhancing the quality of life for all.

Related to the Mission Statement, during the Town of Blue River Candidate Forum earlier this year, both incumbent and prospective Mayor and Trustees were asked a question related to road design standards for width and road surface and drainage treatments. All candidates stated that it was important to develop “site specific” management guidelines that address the diverse neighborhoods and environmental characteristics in the Town.

The following recommendations are presented for you to consider as you tackle the challenge of developing a comprehensive plan to address the multifaceted issues of road maintenance for the Town. In order to engage the community and “channeling the voice of our residents” maybe the BOT could convene a special taskforce to help on specific recommendations to assist the Town moving forward in addressing Roads as a high priority item for 2024.

- Make it a priority action item for the Town’s 2024 -25 program of work to thoughtfully evaluate what rights and responsibilities the Town and lot owners have within the rights-of-way of all roads in town.
- Prepare a comprehensive road management plan that addresses legal easements, road standards, acquisition of new easements and updated evaluation of CIP projects, in addition to the annual program of work for road maintenance.
- Survey the legal r-o-w of all roads, as needed, and determine where snow storage areas are appropriate.
- Conduct a survey of vacant lands within and adjacent to the Town that may be suitable for off-site snow storage and evaluate the feasibility for transporting snow to designated sites on an as needed basis.
- Negotiate with lot owners to obtain authorizations for snow storage and widened road r-o-w on a case-by-case basis.
- Stop the creep of road maintenance and continued encroachment on private lands.
- Talk with lot owners, who know the boundaries of their lots and road r-o-w, to determine the acceptable area(s) for roadway travel, snow storage areas and specific road maintenance considerations (e.g. application of mag chloride and road base).
- Establish an appropriate sign ordinance to designate snow storage areas.
- Compensate landowners for damage done to private property outside the r-o-w.
- Roads will be narrower in the winter and consider one lane and one-way roads where the r-o-w width does not allow for adequate snow removal for two-way travel. (e.g. Theobald Way bridge).

Thank you for your attention to the ever-present concern for road maintenance in the Town of Blue River. We look forward to staying involved in future discussions on these matters as it relates not only to our neighborhood of 43 years, but also the character of the entire Town of Blue River.

Respectfully,
Paul and Martie Semmer
272 Blue Grouse Trail

Attachment: Representative Photos of Winter road Maintenance Concerns in the Town of Blue River

REPRESENTATIVE PHOTOS OF WINTER ROAD MAINTENANCE CONCERNS IN THE TOWN OF BLUE RIVER

Figure 1. Wilderness Road & Blue River Road



Figure 2. Coronet Drive at Town Park



Figure 3. Davis Court and Silverheels Road



Figure 4. Blue River Road and Mountain View Drive



Figure 5. Calle de Plata



Figure 6. Whispering Pines Circle in Timber Creek Estates



Figure 7. Starlit Lane



Figure 8. Sherwood Lane



Figure 9. Coronet Drive



Figure 10. Regal Circle and Coronet Drive – Town Park



Figure 11. Sherwood Lane



Figure 12. Blue Grouse Trail



Figure 13. Theobald Way



Figure 14. Royal and Blue River Road



Figure 15. Blue River Road



Figure 16. 97 Circle and Hwy 9



Figure 17. Sherwood Lane



Figure 18. Sherwood Lane



Figure 19. Blue Grouse Trail



Figure 20. Blue Grouse Trail



Figure 21. Bent tree - Damage to vegetation outside r-o-w. (May 5, 2024)



Figure 22. Damage to vegetation outside r-o-w and discharge of road base into Blue River. (May 5, 2024)



Figure 23. Discharge of road base in stacked snow bank into Blue River. (May 5, 2024)



Figure 24. Excessive amount of road base in snow stacking (April 23, 2024)

