



Minutes

Town of Blue River

Regular Meeting of the Board of Trustees

March 11, 2020

Blue River Town Hall, 0110 Whispering Pines Circle

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

II. CALL TO ORDER, ROLL CALL

- Mayor Babich called the Regular Meeting of the Board of Trustees to order at 6:00 p.m.
 - Roll Call
 - Mark Fossett
 - Joel Dixon
 - Tyler Brook
 - Dan Cleary
 - Toby Babich
 - Ken Robertson
 - Ted Pilling
 - Also present: Town Manager/Clerk, Michelle Eddy, and Town Attorney Robert Widner.

III. APPROVAL OF CONSENT AGENDA

- MINUTES, February 18, 2020
- Approval of Bills-\$50,809.05
 - Noted a question in minutes of lot versus parcel question.
 - Trustee Cleary moved and Trustee Fossett seconded to approve the consent agenda. Motion passed unanimously.

IV. COMMUNICATIONS TO TRUSTEES

This is an opportunity for Citizens to bring comments and questions to the Board of Trustees not being addressed in the Regular Meeting Agenda. Please limit comments to 3 minutes. Citizens are asked to approach the podium state their name and address for the record.

- Citizen Comments (Non-Agenda Items Only)
 - Braden Angel, Prosecutor for the Town of Blue River was present to announce he is running for District Attorney for District 5.
 - Martie Semmer, Blue Grouse spoke about the noxious weed ordinance and gave thanks for getting the program going. Also spoke about the dark skies initiative.
- Citizen Communications (letters & emails)-no communications for the Trustees were received.

V. NEW BUSINESS

- Public Hearing Ordinance 2020-01 Chapter 17 Subdivisions
 - Mayor Babich opened the public hearing for Ordinance 2020-01 Chapter 17 Subdivisions at 6:17 p.m.
 - The Mayor discussed reasoning for the public hearing and delay in a second reading. He outlined the process moving forward.
 - Mark Meiser, 0116 Tesemini Lane-recently purchased lot on Tesemini. He noted he does have an application submitted to the Town to subdivide the four acre lot into two lots. He stated his intent is to build two homes meeting all current Town regulations. He also stated that he had been attending all of the meetings leading up to the ordinance. He expressed frustration of the last minute change as when he purchased he understood what the regulations were and would not have purchased if he

knew the regulations would change. He is asking to be allowed to continue with the application as presented. He noted a process that was passed in Denver.

- Doug O'Brien, Crown Drive spoke understanding not fully understanding the process and spoke in defense of Mr. Meiser. Mr. O'Brien stated he is against more density but is sympathetic to Mr. Meiser's situation. He would like the single family lots to remain single family lots. He did note that Mr. Meiser was in the process and Mr. Meiser isn't being unreasonable putting two lot on four acres.
- Mayor Babich closed the public hearing for Ordinance 2020-01 Chapter 17 Subdivisions at 6:35 p.m.
- Mayor Babich noted there will not be a vote tonight on the chapter and tonight was an opportunity to hear from the public.
- Trustee Robertson noted that his understanding is Chapter 17 is about process not zoning or lot size. Chapter 16 is reviewed later. This was confirmed. He felt the discussion on zoning was premature.
- Trustee Cleary noted he was not against subdivision except for in an existing platted subdivision. He stated a need to receive council to understand the definitions.
- Town Attorney Widner reviewed some options and definitions including what has been subdivided or not subdivided.
- Discussion of plats and what is and isn't platted. Attorney Widener provided clarification on the subject noting that virtually all of the town is platted and recorded with the county including the mining claims that were never part of a subdivision. The discussion would be what would be the development right with that property.
- Discussion and clarification as to what qualifies for the subdivision noting that all land within the current town limits is platted. It is noted that there are five properties within the town that would qualify for subdivision.
- Discussion of options moving forward for the future.
- Trustee Pilling stated a feeling of unfairness to change a process while applications are submitted and discussion of communications moving forward to allow time for adjustment.
- Trustee Brook noted position that prior to 2015 there wasn't allowed subdivisions and density is being created by allowing it.
- Public Hearing/Second Reading Ordinance 2020-03 Adoption of the 2020 Model Traffic Code
 - Mayor Babich opened the public hearing for Ordinance 2020-03 Adoption of the 2020 Model Traffic Code at 7:04 p.m.
 - Braden Angel spoke in favor of adopting the code to be in line with the State.
 - Attorney Widner noted importance staying up to date with the code to be uniform throughout the State.
 - Mayor Babich closed the public hearing for Ordinance 2020-03 Adoption of the 2020 Model Traffic Code at 7:06 p.m.
 - Trustee Fossett moved and Trustee Brook seconded to approve Ordinance 2020-03 Adoption of the 2020 Model Traffic Code. Motion passed unanimously.
- Ordinance 2020-07 Ordinance Increasing Accommodation Rental Registration Fee
 - Discussion of reason and noted this was discussed for approval in January.
 - Trustee Fossett moved and Trustee Robertson seconded to approve Ordinance 2020-07 Ordinance Increasing Accommodation Rental Registration Fee. Motion passed unanimously.
- Ordinance 2020-08 Ordinance Amending Section 2-1-20 Concerning the Deadline for Filing Affidavit to be a Write-in Candidate for Town Elections
 - Trustee Brook moved and Trustee Dixon seconded to approve Ordinance 2020-08 Ordinance Amending Section 2-1-20 Concerning the Deadline for Filing Affidavit to be a Write-in Candidate for Town Elections. Motion passed unanimously.

VI. OLD BUSINESS

VII. REPORTS

- Mayor
 - Mayor Babich reported there was a very productive meeting with the Theobald Family. Trustee Fossett and Manager Eddy were in attendance. The Tarn dam project and what will be happening between the

Theobalds and the Town of Breckenridge. Additional discussion was made with the Theobalds expressing interest of acquiring land in the future if it became available.

- Trustees
 - Citizen Advisory Committee/NWLAB
 - Manager Eddy reported the Committee is reviewing the State Statute as well as a sample plan from Nederland and will be drafting a noxious weed management plan at the end of the month. The Committee approved four high school scholarships and is working on the community education series as well as the upcoming town events.
 - Trails Committee-Trustee Fossett
 - Trustee Fossett reported the committee has made assignments and outreach. They have expressed an interest in being named “BROSAC” Blue River Open Space and Trails.
 - Transit Authority-Trustee Pilling
 - Trustee Pilling reported the ridership has dropped extensively throughout the County, Park County and Lake County. Additionally, there is a discussion on limiting services throughout the County due to lack of drivers.
 - Trustee Pilling also reported he has applied for the Summit County Board of Adjustments representing the Upper Blue Basin. His application is being reviewed by the Board of County Commissioners.
 - Wildfire Council-Trustee Dixon
 - No report.
 - Planning & Zoning-Trustee Robertson
 - No meeting was held for March.
 - Other Trustees Reports
 - Trustee Cleary asked about summer events.
- Other Committee Reports
- Department/Staff Reports
 - Future annexation discussion
 - Mayor Babich provided some background for open discussion.
 - Manager Eddy discussed the possibility of individuals adjacent to the Town interest in annexing to the Town. She reviewed current fees and requested direction on fees for individual properties versus large annexations.
 - Discussion to base fees on cost similar to what is outlined in Chapter 17.
 - Discussion in favor of annexation as a means to increase tax base and future of the town. Noting a need to be cautious of what is proposed.
- Attorney’s Report-No report

VIII. **EXECUTIVE SESSION PURSUANT TO C.R.S. 24-6-402 (4)(b) for the purpose of receiving legal advice concerning zoning changes.**

- Trustee Cleary moved to adjourn into executive session pursuant to C.R.S. 24-6-402(4)(b) for the purpose of receiving legal advice concerning zoning changes at 7:53 p.m. Trustee Brook seconded. Motion passed unanimously.
- Trustee Fossett moved to adjourn out of executive session pursuant to C.R.S. 24-6-402(4)(b) for the purpose of receiving legal advice concerning zoning changes at 9:02 p.m. Trustee Robertson seconded. Motion passed unanimously.

IX. Trustee Cleary moved and Trustee Robertson seconded to approve changes discussed in executive session. Changes instructed to the Town Attorney include allowing existing applications to move forward; restricting/prohibiting subdivisions in R1 zoning in addition to prohibiting the re-subdivision of lots that have been consolidated.

X. Mayor Babich thanked Trustee Brook for his time and dedication to the Town.

XI. **Next Meeting, Tuesday, April 21, 2020**

There being no further business before the Board, Trustee Brook made a motion to adjourn the meeting. Trustee Fossett seconded the motion. Mayor Babich adjourned the regular meeting 9:07 p.m..

Respectfully Submitted:

Michelle Eddy, Town Clerk