



## Agenda

### Regular Meeting of the Board of Trustees 0110 Whispering Pines Circle, Blue River, CO February 21, 2022

#### 5:00 p.m.-Work Session/6:00 p.m. Regular Meeting

The Trustees will be meeting in person. While Town Hall is currently closed, the public is invited to attend via the Zoom link below. We apologize we do not currently have space for seating for the public at Town hall. Join Zoom

Meeting: <https://us06web.zoom.us/j/89420506348?pwd=T3JYR0NzWWZhZM1BUMStjVXd0eHpQQT09>

Meeting ID: 894 2050 6348; Passcode: 559210; Dial by your location: +1 669 900 6833 US (San Jose); +1 253 215 8782 US (Tacoma); +1 346 248 7799 US (Houston); +1 929 436 2866 US (New York); +1 301 715 8592 US (Washington DC); +1 312 626 6799 US (Chicago)

#### 5:00 p.m. WORK SESSION-Chapter 16 Land Use Code

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

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

##### II. APPROVAL OF CONSENT AGENDA

- Minutes, January 18, 2022
- Approval of Bills

##### III. COMMUNICATIONS TO TRUSTEES

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

##### III. NEW BUSINESS

- Discussion of Committee reporting and appointments

##### V. REPORTS

- Mayor
- Trustees
  - Citizen Advisory Committee-Trustee Finley
  - Open Space & Trails Committee-Trustee Dixon
  - Planning & Zoning-Trustee Robertson
  - Transit Authority-Trustee Pilling
  - Wildfire Council-Trustee Dixon
  - CDOT-Trustee Fossett
  - Upper Blue Planning Commission-Trustee Cleary
- Attorney's Report

##### VI. OTHER BUSINESS

#### Next Meeting, Tuesday, March 15, 2022

*Reports from the Town Administrator, 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.*



**Minutes**  
**Town of Blue River**  
**Regular Meeting of the Board of Trustees**  
**January 18, 2022**  
**5:00 p.m.**  
Meeting held via Zoom.

**5:00 p.m. REGULAR MEETING OF THE BOARD OF TRUSTEES**

**IV. CALL TO ORDER, ROLL CALL**

- Mayor Babich called the regular meeting of the Board of Trustees to order at 5:00 p.m.
  - i. Roll Call
    1. Mayor Toby Babich-left at 6:28 p.m.
    2. Trustee Dan Cleary
    3. Trustee Joel Dixon-arrived at 5:40 p.m.
    4. Trustee Kelly Finley-left at 6:00 p.m.
    5. Trustee Mark Fossett
    6. Trustee Ted Pilling
    7. Trustee Ken Robertson-arrived at 5:35 p.m.
  - ii. Also present: Town Manager Michelle Eddy and Town Attorney Bob Widner.

**V. APPROVAL OF CONSENT AGENDA**

- Minutes, December 21, 2021
- Approval of Bills-\$79,965.57
  - Trustee Cleary moved and Trustee Pilling seconded to approve the consent agenda. Motion passed unanimously.

**III. COMMUNICATIONS TO TRUSTEES**

- Citizen Comments (Non-Agenda Items Only- **3-minute limit please**). Any written communications are included in the packet.
  - Ben Kadlec-6337 Hwy 9 commented on the changes to committee bylaws surrounding members serving on multiple committees for multiple jurisdictions. Asked for an exception and request to allow Paul Semmer to continue to serve on Blue River as well as Summit County.
    - Mayor Babich noted that until a decision is made by the Trustees, Mr. Semmer may remain on the Committee. He also noted the rule applies to all committees. He noted that the discussion will not be held tonight and will be addressed at a future meeting.
  - Marie Semmer-0272 Blue Grouse Trail asked about the requirement of submitting a public records request for meeting recordings. She asked for easy access to the recordings.
    - Manager Eddy noted there are recordings available on a link on a YouTube channel and past recordings are available via records request.
    - Trustee Cleary noted a desire to have recordings for a year available.

**IV. NEW BUSINESS**

- Resolution 2022-01 A Resolution Designating the Official Posting Location for Notices of All Public Meetings Pursuant to C. R. S. 24-6-402(2)(C)(I)

- Trustee Finley moved and Trustee Fossett seconded to approve Resolution 2022-01 A Resolution Designating the Official Posting Location for Notices of All Public Meeting Pursuant to C.R.S. 24-6-402(2)(C)(I). Motion passed unanimously.
- Planning & Zoning Vacancy
  - Mayor Babich noted the vacancy created by the resignation of Dan Farber. The seat open expires December 2023. Bevan Hardy has applied for the vacancy. He served on the Comprehensive Plan Committee.
  - Bevan spoke about his application and background including a desire to serve.
  - Trustee Finley moved and Trustee Pilling seconded to appoint Bevan Hardy to the Planning & Zoning Commission to fill the term until December 2023. Motion passed unanimously.
- Land Use Code First Draft-Attorney Widner
  - During this agenda item, Bob Widner and Michelle Eddy will walk the Board of Trustees through a screen share of the first draft of a proposed Land Use Code. They will explain the draft Code's contents, its language and purpose, and discuss the best process for the BOT members to review and provide comments on the draft. Following the presentation, the Board will be provided a full electronic version of the draft Code to review over the next month so the Board can begin providing feedback.
    - Attorney Widner provided an overview of the draft new land use code. He noted this is a draft and it is necessary for the Trustees to review and provide feedback. He noted what to look for and all the different chapters. He reviewed the coloring and what they apply to. The code will be sent to the Trustees for review and comment.
    - Mayor Babich thanks Attorney Widner for his work on the document. He noted this is homework and reviewed the process moving forward. This will be reviewed in the next few meetings. Once reviewed by the Trustees, it will be passed to the Planning & Zoning Commission for review. It would be expected to be ready by the fall.
    - Trustee Finley thanked staff as well and asked to review over multiple meetings. She asked for clarification on how it can be reviewed outside of the meeting.
      - a. Attorney Widner noted they can discuss with other members or Planning & Zoning, or staff understanding that if there are three or more together it then becomes a meeting. He noted mini-workshops may be organized to review as well.
    - Trustee Cleary asked if the document may be marked up and sent to the Town Attorney. The answer was yes whatever is easy to do.

## **W. REPORTS**

- Mayor
  - Committees-Attendance and conflicts of interest
  - The Mayor reviewed attendance issues with Planning and Zoning and meetings not obtaining a quorum. He noted this is happening last minute and is being disruptive to conducting business. He also noted attendance issues with other committees. He reviewed the guidelines state that three or more absences may result in removal from the committee. He asked for the Town Manager to include attendance records in the packets. If there is a pattern of absences to have members removed.
- Trustees

- Citizen Advisory Committee-Trustee Finley
  - Manager Eddy noted the STR survey went out and they are working on developing a better day for meetings for attendance.
- Open Space & Trails Committee-Trustee Dixon
  - Trustee Dixon reported they had a very productive meeting reviewing maps for potential open space and trails. He noted a need to have information from staff to the committee as to what has been or is being discussed relative to trails and open space.
  - It was noted the process should be to contact the Mayor and/or the Town Manager to inquire and bring to the Trustees.
- Planning & Zoning-Trustee Robertson
  - Trustee Robertson noted the meeting was cancelled due to lack of a quorum.
- Transit Authority-Trustee Pilling
  - Trustee Pilling had no report.
- Wildfire Council-Trustee Dixon
  - Trustee Dixon had no report.
- CDOT-Trustee Fossett
  - Trustee Fossett noted there was a meeting and the group will be meeting every other month. He noted there is not change in design from the bypass lane concept. There is a concern to help push unified messaging to discourage truck traffic over Hwy 9.
  - Discussion of how to limit trucks being routed. Noted that it is not a hazmat route but trucks are not limited.
  - Manager Eddy is bringing it to the other towns for discussion.
  - Trustee Fossett noted a need to stop the trucks when they get off I-70 to stop them from continuing to Hwy 9.
  - Discussion of the design and location. The new footprint is within the existing right-of-way and no longer pushing into private property nor the wetlands.
  - Discussion of speeds on the highway and increasing issues.
- Upper Blue Planning Commission-Trustee Cleary
  - Trustee Cleary reported that as he will be leaving the Board in April he asked to remain the Blue River representative. Mayor Babich asked to review the code but was in favor of having Dan continue for Blue River.
  - Trustee Fossett moved and Trustee Pilling seconded to appoint Dan Cleary to the Board as long as there is no impediment to him serving. Motion passed. Trustee Cleary abstained.
- Other
  - Trustee Cleary asked to have recording available for download.
  - Trustee Pilling discussed short-term rental licenses and his concerns. He read a letter received from investors trying to purchase properties. He recommended a moratorium. He asked for there to be discussion in February.
    - a. Town Manager noted the survey is being conducted and asked to have it on the agenda in March after the survey results and additional requested data.

- b. Discussion to have available when Citizen Advisory has had an opportunity review the surveys. This will tentatively be set for March unless it's ready for the February meeting.

- Attorney's Report

**VI. OTHER BUSINESS**

**Next Meeting, Tuesday, February 15, 2022**

There being no further business before the Board of Trustees. Trustee Robertson moved and Trustee Cleary seconded to adjourn the regular meeting at 7:13 p.m. Motion passed unanimously.

Respectfully Submitted:

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Michelle Eddy, Town Clerk

To the council of Blue River,

I am writing to voice my position as a homeowner and soon to be a full time resident of this amazing town. My wife and I fell in love with this Town after visiting it with our friend and resident, Mark McKinnon. We immediately knew we needed to be a part of this community. As we still have high school aged children we needed to wait to move full time until they are done with school but, we knew houses wouldn't be getting cheaper.

We decided to purchase a beautiful cabin on over 2 acres off Blue Rock Dr. and we love it. Because we cannot be there full time yet, we have been Short Term Renting our home when we are not there. We are very aware that many people feel that STR is causing a housing crisis for the local workforce. The merits of that contention are a whole other topic but, for the sake of this petition I'll just say that we want to be good neighbors in our community. We do everything we possibly can to be the best neighbors. As such we thought we could build a separate garage (which we desperately need) and add an apartment above it to "Long Term Rent" in an effort to help the community and thus would eventually discontinue Short Term Renting. Initially, I thought this would be a win-win meaning more Long Term Housing for the community, I get a garage, and we can afford to stop Short Term Renting.

I employed an engineer and builder only to quickly find out that Blue River does NOT allow any ADUs. This seemed very odd to me since I could easily make an addition to my home with no issue. Financially, it does not make sense to build a garage without any living space above it so, unfortunately my garage build is now dead.

My ask is that the Town of Blue River council officially reconsider this arbitrary ban on ADUs. Allowing ADUs for personal use or Long Term Rental is great for the community and the citizens of Blue River. Many already exist whether legally or illegally built and it's unfair to restrict land owners ability to legally build on their land while others have been allowed. I completely understand that such a move may require a caveat to prevent additional STR if that is what this community feels is best. I see no reason why an ADU cannot exist to provide additional housing to locals or for personal use.

I thank you all for all your hard work and dedication. Please feel free to contact me with any questions you may have.

Bryce Cole

C: 512-787-0574

60 Blue Rock Dr. Blue River, CO 80424



**Blue River Staff Report**  
February 2022

Town of Blue River  
0110 Whispering Pines Circle  
Blue River, CO 80424

970-547-0545  
michelle@townofblueriver.org  
<https://townofblueriver.colorado.gov>



## Communications & Happenings

- **Short Term Rental Renewals**
  - Updated statistics are provided in this report.
  - The Citizen Advisory Committee will be reviewing the survey results on Tuesday, February 22<sup>nd</sup>. Results and recommendations will be provided in March.
- **2022 Election**
  - The Town of Blue River will hold a mail ballot election April 5, 2022. There are three Trustee seats up for election: Dan Cleary; Ken Robertson and Ted Pilling. There are five candidates for the election. A Candidate Forum on Wednesday, February 23, 2022 6:00 p.m. Information on the candidates and the election is on the Town website.
- **Spruce Creek Road Project Update**
  - There is a page on the website with timeline and information. Questions may be filed via the webform.

### ***Status Updates for Spruce Creek Road:***

- Completed 811 utility locate request, in process of mapping utilities onto CAD.
- Initiating environmental review
- Progressing preliminary drainage and roadway design to preliminary design.

### ***Looking ahead:***

- End of February – Preliminary design available for review
  - Utility map (approximate locations only)
  - Preliminary roadway plans, including drainage and ditch details
- April/May 2022 – Town Board Working Session for review of plans (depending on elections and new board)
- May 2022 (weather permitting): field visit and resident meeting



### **Town Statistics**

Facebook Page Likes  
Town-1,297  
Police Department-910  
Instagram-1022 followers  
Twitter-66 followers  
  
Residents on Email List-954  
Blue River News-1,110

**Business Licenses-244**

**Lodging Registrations-180**

### **Building Statistics January 2022**

**Permits Issued: 11**  
**YTD: 11**  
**Inspections: 1**  
**New Construction 2021: 0**  
**Certificates of Occupancy: 0**

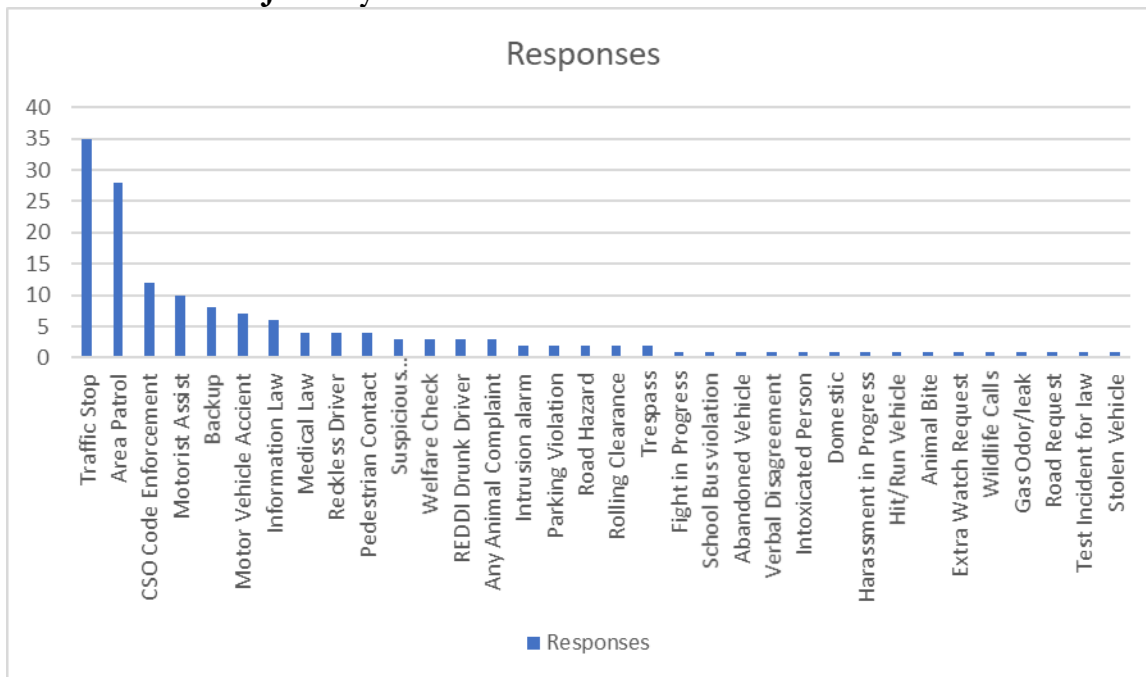
### **Municipal Court**

#### **January 2022/February 2022**

Total tickets written for January Court: 18  
Total on the February Docket: 6  
Total February Failure to appear(s): 0  
Total February OJW(s): 0



For the month of January 2022:





### January 2022 Report

For the month of January, the Blue River Police Department recorded 155 incidents.

### Training

During this month, we have completed firearms training, search and seizure training, and we have received recognition from Lexipol in reference to our daily training bulletins as well as the new law update for policy and procedures.

### Critical Statistics Incident numbers

1. Presentation of Weapons – 0
2. Uses of Force – 0
3. Vehicle Pursuits – 0

### Public Safety

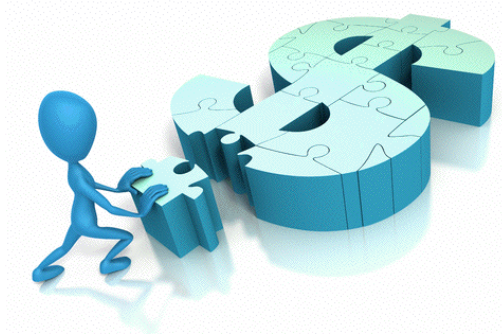
During this month two DUI arrests were recorded as well as one aggravated motor vehicle theft. The stolen vehicle was recovered in California and both suspects were taken into custody. We are currently working with DA's office on a warrant for both suspects. Majority of our back-up calls were associated with Hoosier Pass incidents, as well as back-up calls for Breckenridge PD. In addition, we have seen increase in Code violations. We have written tickets for mostly trash violations. Some of those violations were associated with short-term rentals. The owners have paid their violations, and I am happy to say that we have solved those issues. Most of the issues were associated with trash companies. Most of the short-term rental property owners have switched their services to Summit VIP trash services, which resulted in higher compliance rate.

I am pleased to announce that Sgt Matthews started his master's degree in Criminal Justice. Overall morale is very high at the Police Department. As of right now, I have received several employment

applications (currently no opening) from veteran officers employed with different agencies within Summit County. I have met with Chiefs from Dillon, Frisco, and Silverthorne, and currently all four of us are working on Policies and Procedures for MERT team. We also received an email from FBI (SRT) special response team, offering their help with our newly created MERT team. Our first meeting with potential candidates for MERT team is scheduled for March 1<sup>st</sup>, 2022.

The administrative order from December referencing exposure of police personnel to the public (COVID related) was retracted, and we are operating under normal circumstances.

Our last portable radio was purchased and delivered to the Police Department. In addition, we have ordered Naloxone (Narcan kits) from Colorado Department of Public Health. Those kits are used and administer to prevent overdose death caused by opioids. Naloxone administration is an essential first aid tool, much like using AED on a person who had a heart attack. Overdose response activity is no different from any other good-faith effort to assist in an emergency and our officers are covered under Colorado Revised Statue 18-1-712 (pages 41-43). Furthermore, and in addition to administering Naloxone during emergency response calls, Naloxone can be distributed to community members through patrol or outreach, and to family members/friends who are at scene of an overdose response call.



## Financial Summary Report

Prepared by: Michelle Eddy, Town Manager  
January 31, 2022

### Revenues:

Revenues have started off slow. Much of this is timing as many January revenues will arrive in February for the previous month. They are expected to be on track. The Accountant has worked to ensure revenues and expenses are posted properly for the end of year close out and to ensure a smooth audit based on previous audit comments.

### Expenses

Overall expense are on track with budget for the month of January.

### Reserve Accounts\*As of 1/31/2022

#### Unrestricted

Reserve accounts Alpine Bank:	\$1,340,118.25
Reserve account First Bank:	\$100,001.00
CD's Citiwide Bank:	\$211,251.72
Colorado Trust:	\$535,400.95
CSAFE:	\$100.00
Petty Cash	\$1,148.16
Illiquid Trust Funds:	\$1,187.42
<b>Total Unrestricted</b>	<b>\$2,189,207.50</b>

#### Restricted

American Rescue Plan Funds:	\$115,751.82
Conservation Trust:	\$113,946.67
<b>Total Reserves Restricted</b>	<b>\$229,698.49</b>



# Town of Blue River

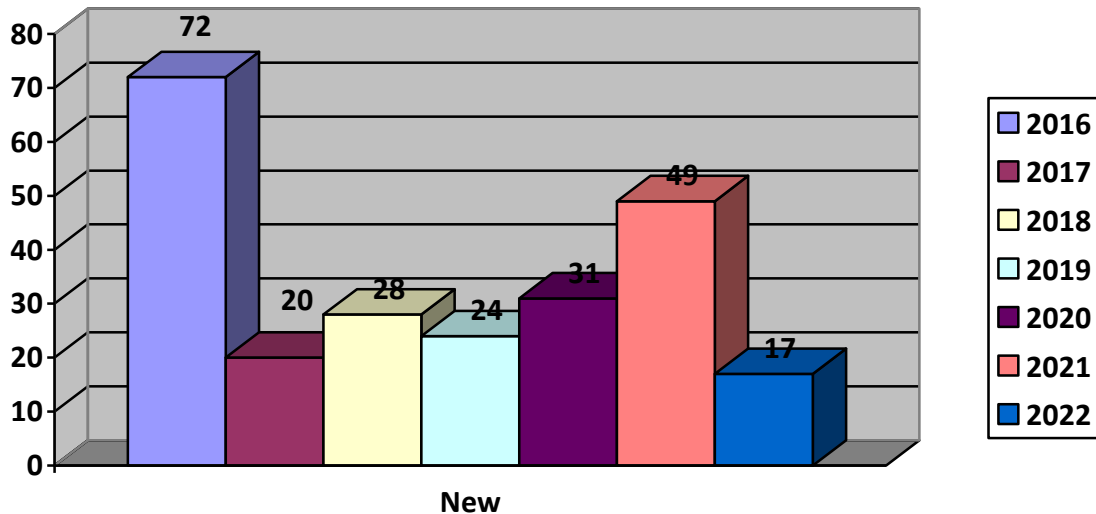
Staff Report  
Short-term Rental Update  
February 8, 2022  
Submitted By: Michelle Eddy, Town Manager

## Statistics

Issued by Year

2016	72	*Previous number included previous years prior to Town taking over program
2017	20	
2018	28	
2019	24	
2020	31	
2021	49	
2022 YTD	17	

Total Active Licenses as of 2/8/22: 180



**New (never rented before) Licenses by year:**

- 2017-20
- 2018-25
- 2019-20
- 2020-25
- 2021-43
- 2022-14

**License turnover (STR one owner to the next)**

- 2017-0
- 2018-3
- 2019-4
- 2020-6
- 2021-6
- 2022-3

Total Housing Units Per 2020 Census:	761
Total Housing Units Occupied Full Time Per 2020 Census:	350
Percent Full Time Per Census:	46%
Percent Full Time Based on Address:	32%
Population per 2020 Census:	877
Build Out:	90%
Percentage of STR's in Blue River	23%*

*\*This is based on built lots and does not include vacant lots or lots owned by a municipality, HOA or special district\**

**Current Regulations**

Occupancy: 2 people per bedroom plus 2

Registration

New: \$200

Renewal: \$150

Taxes

Total: 12.275% (8.875% State of Colorado; 3.4% Town of Blue River Lodging Tax)

**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

### Percentage of STRs by Subdivision

Subdivision	Buildable Lots	# STR	%STR	% Build Out	% Full-Time Res.
Sunnyslope	35	12	41%	83%	48%
Timber Creek Estates	72	28	41%	96%	10%
New Eldorado	9	3	30%	89%	63%
Crown	71	19	29%	92%	35%
Mountain View	46	12	28%	93%	37%
Aspen View	18	5	31%	80%	19%
Louise Placer	11	2	25%	73%	13%
Leap Year	23	5	24%	91%	52%
Coronet	38	9	30%	75%	33%
Golden Crown	8	1	20%	63%	20%
Silverheels	5	1	25%	67%	25%
Lakeshore	42	9	23%	93%	30%
96 Sub	41	7	19%	90%	30%
Wilderness	57	12	22%	96%	38%
97 Sub	49	8	20%	82%	43%
Sherwood Forest	85	14	18%	90%	24%
Spillway	21	3	16%	90%	26%
Royal	71	12	18%	94%	39%
Blue Rock Springs	54	11	22%	91%	45%
DOT Condo	37	5	14%	100%	27%
New Eldorado Townhome	9	1	11%	100%	87%
Bryce Estates	6	0	0%	57%	25%
Clyde Lode	2	0	0%	50%	0%
DOT Placer	2	0	0%	50%	100%
McCullough Gulch	7	1	33%	43%	33%
Pennsylvania Canyon	2	0	0%	100%	0%
Pomeroy	0	0	0%	0%	0%
Rivershore	6	0	0%	50%	25%
Misc. Sec TR7-77 Land	12	0	0%	22%	40%
Spruce Valley Ranch	48	0	0%	68%	11%



## Additional Statistics Requested

- Out of the 180 licenses, 14 (8%) are considered “local” with a mailing address of Breckenridge, Dillon, Frisco or Silverthorne. The remaining 92% STRs are second homeowners.
- There were 43 new construction projects started and/or completed 2016-YTD 2021, 8 (19%) have obtained a short-term rental license.
- There have been 57 home sales in 2021. Licenses have been issued to 24 or 42%.
- There is no way to determine if a property is purchased for the purpose of investment and short-term rental.

## Code Violations 2015-Present

<b>Total Violations:</b>	<b>253</b>
Violations for STR’s while licensed as an STR:	104 (41%)
Percentage of Repeat Offenders:	>1%

### Violations By Type Associated with STR in order of violation:

- Trash-majority
- Parking
- Occupancy Violation
- Noise
- Occupancy during Public Health Order

<b>2021 Code Violations:</b>	<b>27</b>
<b>2022 Code Violation through 1/31/22</b>	<b>10</b>
<b>Total Police Calls 2021:</b>	<b>1,945</b>

\*Less than 1% is related to code violations

### 2021 Stats

10 out of 27 code violations (37%) were related to short-term rentals. Estimated cost for Police response is 15 minutes of time \$6.25 per violation. Estimated 2021 Police expense: \$62.50.

## Cost Analysis

### Expenses-Annually

Variable Expenses directly related to STR

Police Time	\$62.50
Administration Time	\$3,900.00
Total	\$3,962.50

### Expenses that exist with or without STR

- Fuel
- Staff (Administration/Police)
- Road Maintenance

### Revenue-2021

Sales Tax (includes businesses & lodging sales tax)	\$844,558.23
Lodging Tax	\$228,743.34
Lodging Registrations	\$24,555.79
<b>Total Revenues associated with STRs</b>	<b>\$1,097,857.36</b>

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Road Maintenance Expense 2016	\$76,511.60
Capital in 2017-paid for out of operating and not dedicated funding	\$305,714.10

Road Maintenance Expense 2021	\$98,801.67
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### Revenue benefits from increased Sales & Lodging Taxes

- Additional Police Staff
  - Town hall Expansion for garage and office space
  - Dedicated Road Funding through 2021
  - Funds from Operating dedicated to move to Capital 2022
  - Funds dedicated to Hwy 9 Recreation Path 2022
- |  |              |
|--|--------------|
|  | \$535,367.50 |
|  | \$400,000.00 |
|  | \$50,000.00  |