

Memo For Record

7 July 2022

Summary of questions and answers of a meeting between River Glen HOA Road Committee and Larimer County Road & Bridge Department

Mark McGee - RGHOA

Julie Rogers - RGHOA

Justin Hersh - Larimer County Road & Bridge

Rick Johnson - Larimer County Road & Bridge

Meeting Questions and Answers

Discussed on 7 July 2022

1. Is the road acceptance and maintenance resolution (Attachment 1) still in force?

Answer> Yes

2. There has been frequent use of road "condition." What is the standard to which this applies? Is there a document/procedure/guideline that describes what the "conditions" are that trigger or foreclose specific maintenance actions by the County? Examples would be helpful to clear up confusion regarding this caveat.

Answer> Basically the answer is "no." There is no document/procedure/guideline used by Road & Bridge that defines this.

3. There appears to be no language in the County Resolution that indicates that either property owners nor the HOA have responsibility for maintenance or separate funding of the subdivision roads. What basis is there for requesting specific funding or requiring the property owners to perform road maintenance? This is the most frequently asked question at HOA meetings.

Answer> Basically the answer is that the county adopted this stance in the 1980's, though there is no documentation of a policy available. The only documentation appears to be various letters sent in response to requests for maintenance that assert the position.

4. Does the County own the roads in the subdivision?

Answer> No. Though responsibility for maintenance is assumed per the County resolution of 1979. Also of note that the roads are not included in the lot lines for each property. Basically the roads are public right of ways.

5. Have the limitations of maintenance, that have apparently existed for decades, been articulated, documented, reviewed and approved by the County Commissioners?

Answer> No. Not aware of any memorandum nor documentation regarding this.

6. Does the fact that the County is asking for a LID, for funds, represent a TABOR violation on the part of the County? A new LID would require a TABOR clause to be included and voted on, if I understand correctly.

Answer> Not a question R&B can answer.

7. What are the consequences if property owners decline to commit to funding road maintenance as a separate and subdivision specific levy? I.e. what if the property owners just say “no” and take the stance that the County agreed to any and all road maintenance?

Answer> From R&B perspective they will simply not perform any maintenance until property owners repair to a state where they would assume maintenance.

8. Why was there no notification made to property owners that routine maintenance (chip seal) was ending after 2007? Or did we misinterpret or ignore communication from the County?

Answer> No notification was made that the R&B is aware of.

9. Why has there been no communication to property owners regarding routine road inspection and subsequent plans for action? Or has there been communication?

Answer> Not specifically answered.

10. What is the County budget for the roads in River Glen Subdivision?

Answer> Routine maintenance budgeting is planned on a cycle that would occur for chip seal on a 7 year cycle. Advance budget planning nor earmarked budgeting is not performed.

11. Is maintenance funding for River Glen roads a routine or ad hoc budget process?

Answer> see above #10.

12. Chip seal maintenance was skipped 2014 and 2021. Are the funds that would normally have been used be available for maintenance?

Answer> No. R&B does not perform long term budget planning for road maintenance for the subdivision.

13. Why isn't asphalt replacement considered routine maintenance? Most definitions of “road surface” include the asphalt layer.

Answer> Policy decision made in the 1980's that is undocumented. R&B views replacement of asphalt or overlay of asphalt as “reconstruction.”

14. Does the County have a procedures document that describes exactly what maintenance they are responsible for, specific to River Glen Subdivision? Is maintenance of culverts, drainage, surface repair, asphalt replacement, chip seal and similar items documented by policy or procedures?

Answer> No.

15. What, from the Road and Bridge point of view, are the maintenance items the County is expecting the property owners to separately fund?

Answer> County is responsible for: periodic chip seal (usually every 7 years), injection seal, and minor pothole repair.

16. Has the Road and Bridge Department evaluated the roads in the subdivision and described what maintenance action is required for each section of road? I.e. what is the current status and what are the status tiers?

Answer> Review of condition is periodically performed but R&B does not prepare nor maintain a summary. I.e. evaluation is ad hoc, not documented nor summarized in any status document.

17. In the event the property owners agree to assume a portion of responsibility for future road maintenance what would an agreement to that look like?

Answer> R&B does not manage this, have to talk to Engineering Department.

18. In the event the property owners agree to assume a portion of responsibility for current maintenance needs, can any required maintenance be scheduled over a period of years to avoid a big single year cost?

Answer> Unclear.

19. In the event the property owners agree to assume a portion of responsibility for current maintenance needs does this imply a legal liability for the roads for the property owners and/or HOA? I.e. would the HOA need to get additional liability insurance?

Answer> No liability is transferred to property owners.

20. In the event the property owners agree to assume a portion of responsibility for current maintenance needs does this require the creation of a LID or can the property owners fund in some other way?

Answer> Either a LID may be formed or maintenance can be funded directly to contractor.

21. Would the County consider doing a "one-time" asphalt replacement, in advance of River Glen Subdivision petitioning to become part of incorporated Berthoud?

Answer> Unlikely. Would require three way agreement with Town of Berthoud, County and Homeowners.