

**RECORD OF PROCEEDING
MINUTES OF A REGULAR MEETING
OF THE BOARD OF TRUSTEES OF THE TOWN OF BOW MAR
HELD MONDAY, AUGUST 19, 2024**

A regular meeting of the Board of Trustees of the Town of Bow Mar, Colorado was held on Monday, August 19, 2024, at 7:00 p.m., at the Columbine Valley Town Hall, 2 Middlefield Road, Columbine Valley, Colorado.

Present:

Mayor: Bryan Sperry
Mayor Pro Tem: Leslie Hinton

Trustees: David Peterson
Jane Carlson
Jim Chrisman
Chris Mease
Liz Osborne-Manning

Also in attendance was:

Ken Fellman, Esq. and Wilson Scarbeary, Esq.; Wilson Williams Fellman Dittman, Town Attorney
Kayla Blair; CRS of Colorado
Sergeant Jamie Milliman; Columbine Valley Police
Justin Olsen, Park and Wildlife Officer
Mike Gioia; resident
Mike Slouka; resident

AGENDA

Upon motion duly made, seconded, and unanimously carried, the agenda was approved as presented.

PUBLIC COMMENT

Mike Slouka spoke to the Board about the pickleball noise he has been experiencing from his house. He can hear it after hours at night and has called the police on this issue. He mentioned he was going to bring this up to the BOMI but they moved their meeting. He was wondering if there was anything to help remedy this situation. The Mayor answered that pickleball noise was not on the agenda tonight and this is the first complaint on this issue. He suggested talking first with BMOI because the courts were owned and operated by them and hopefully, they could address his concerns.

DIVISION OF WILDLIFE PRESENTATION

Justin Olsen introduced himself and gave a brief overview of his background and along with his familiarity with Mary's Meadow and the coyote population in that vicinity. He made a presentation on coyote safety and the best way to handle different situations, including his recommendations for a policy of "co-existing" with wildlife. He stated that the Division of Wildlife will act with an animal that attack humans and defined attack as "teeth through skin". The Mayor spoke about

how helpful it was to have Mr. Olsen at the Trustees meeting on short notice so that Mr. Olsen could explain recommended best practices and how other cities and special districts have successfully managed coyotes and wildlife in their communities. Mayor Sperry asked for best practices along with Justin's recommended plan for the Town of Bow Mar and Mary's Meadow open space moving forward. Mr. Olsen answered by reviewing how coyotes will typically mate and that it was likely that there were several mating pairs within the Marston, Mary's Meadow, Grant Ranch and Harriman area. He talked about how another coyote can move in and fill the void if a coyote is removed or killed. He noted that there are a lot of different views on the subject but having a management plan is very helpful and a number of municipalities have been recently adopting plans. He provided a template of a plan for the board to consider which focused on co-existence. With a plan in place, then a clear set of expectations can be communicated to the community. Director Manning asked if the Town has had a "cluster" of activity. He then answered yes, but it could depend on the season. Director Carlson asked if coyotes are mates for life, he then answered yes, usually. Director Mease asked if he knew about the population in the Town. Mr. Olsen answered by saying 15-20 for the Marston, Mary's Meadow, Grant Ranch and Harriman area combined but that is just a guess. Director Carlson asked if coyotes and foxes could live together, and Mr. Olsen answered typically no, one species will typically be dominant depending on the types of food available at the time. The Board thanked Mr. Olsen for the presentation.

5405 Sombrero Permit Issues

Mr. Fellman spoke about the proposed appeal of the building commissioner's decision regarding an extension of the building permit for 5405 Sombrero by Mike Gioia. He went over key dates, key events and email communications between the resident, the Board and the DRB. He asked what relief is being requested and what is trying to be repealed by Mr. Gioia. The Mayor told Mr. Gioia that he would provide him time to speak on the matter. Mr. Gioia thanked the Mayor and the Board for hearing his request for an appeal. He told the Board that he lives adjacent to the house under construction at 5405 Sombrero. He then spoke about 3 main points: the first was the permit that was approved was incorrect because there was no variance; second, the permit extension that was issued was incorrect; and third, the noise, damage and construction debris associated with the project next door to his home. Trustee Carlson noted that the permit drawings were being followed. Mr. Gioia mentioned that after construction began, they put in a 5-foot wall, and this does not show in the permit or plans approved. Mr. Gioia doesn't think that the permit was properly extended, and no fees have been assessed. Mr. Gioia then spoke about the home now impacting their views and making it less enjoyable to be outside just to relax and it's been over 3 years of construction. He stated that there is constant trash in their yard, landscaping and weed issues, trees that are overhanging, piles of dirt and even piles of roofing material and damage to their driveway from the construction company parking their vehicles on his property. He also stated that the contractor has been working outside of the allowable construction hours. He is also worried about the crime that comes with construction as his dogs have been barking at things in the night. Mr. Fellman told Mr. Gioia that he is sympathetic to numerous issues and some, the first he had heard tonight. He told Mr. Gioia that this issue could have been resolved if it was properly appealed during the prescribed window of time. Trustee Carlson told Mr. Gioia to call the police if they start working outside of construction hours to be sited. Mr. Fellman then spoke about the other issues concerning his driveway being damaged. If he hasn't, Mr. Gioia will send the contractor a demand letter and photos of the damage. He also noted that some of the other issues, there is still a way to address them. Trustee Hinton asked if there was something in the setback. The answer was no, that's why there was not a variance. Trustee Chrisman asked Mr. Gioia what outcome he was seeking. He answered back by stating that the Board of Adjustment order the resident to go back to the DRB for the design change and or mitigate the issue. After discussion occurred, Mr. Fellman suggested that Mr. Gioia sit down with the building commissioner and Mr. Wiess about what is going on day-to-day and handle it from there. The Mayor thanked Mr. Gioia for taking his time to speak to the Board about this issue. Trustee Carlson mentioned that this situation has been very frustrating for everyone.

CONSENT AGENDA: The consent agenda including minutes, payables and Treasurer's report were approved.

COMMISSIONERS REPORT:

Public Safety: Trustee Mease thanked the Chief for sending over the new stats for safety and the trends continue to look positive. Trustee Mease will prepare a report based on the new stats and share at the next meeting. Chief Cotrell reported to the Board that July had a lot of traffic stops.

Finance: Ms. Blair reviewed the newly formatted financial statements with the Board.

Building: Trustee Carlson reviewed the monthly report with the Board. During the month of July, the Town collected \$20,962.00 in permit fees, \$460.00 in license fees and \$5,092.35 in transportation utility fees, for a total collected of \$25,514.35. The payment to the building inspector was \$5,477.50

Parks and Recreation: Trustee Hinton mentioned that the fence along Sheridan to screen the closed road into Denver has been completed.

Public Works: Trustee Peterson told the Board that the water line on Sombrero is done. He said that the roadwork is going well, and he has been getting a lot of positive comments. They got bids on the crack sealing today and the town is working hard to implement additional road maintenance this fall.

Intergovernmental: Trustee Manning reported that she has had no update from Grant Ranch on the fence replacement, but they did mention the Town taking over the mowing and she is waiting for a draft agreement to come in. She also spoke about the Lumen expansion fiber and will be working with Lumen's team to evaluate if Bow Mar meets their criteria. She also told the Board that she has been researching the well at the pocket park (thanks to multiple neighbors) and may have an engineer evaluate the condition of the well. More research to come. Also, she spoke about developing a protocol for naming things, such as benches and trees) on town property and is working with other municipalities to see what has been done elsewhere.

Clerk's Comment: Clerk Blair confirmed a quorum for the September 16th meeting.

Attorneys Report: Mr. Scarbeary spoke to the Board about the new electric and solar code required by the State of Colorado that will be presented at the next meeting.

Mayor's Report: Mayor Sperry thanked Trustee Peterson for the successful paving projects this summer including the addition of a small portion of Prospect. He said that the current paving projects are taking a bit longer because of the full depth reclamation on the roads. By taking the extra time, the road improvements include a new base or proper foundation. This new base will reduce paving work in the future by allowing the town to remove approximately just the top 2" when repaving is required again in approximately sixteen years. He also said that New West was a new paving contractor used this year and he was pleased with their work and communication to date. Also, he spoke about how he and Trustee Hinton have been searching for a name for the proposed pocket park and Mary's Meadow entrance enhancements and would like to have a conversation about this topic again at the next meeting.

Old Business:

Xcel Energy – Pocket Park: Ms. Hinton presented the Xcel Energy contract. Upon motion duly made, seconded, and unanimously carried, the contract is approved subject to final review from legal.

Review Approved Pocket Park Cost Estimate: Trustee Hinton reviewed progress and current estimates with the Board.

New Business:

Ratify Road Project Change Orders: Trustee Peterson reviewed the road change orders including Prospect with the Board. Upon motion duly made, seconded, and unanimously carried, the change orders were approved.

Goddard Fund Run Sept. 11, 2024: Trustee Hinton asked the Board if the date of September 11th was okay for the Fun Run. The Board was fine with that date.

ADJOURNMENT

DocuSigned by: There being no further business to come before the Board, the meeting was adjourned at 9:26 pm.

Bryan L. Sperry
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Sue Blair
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Bryan Sperry, Mayor

Sue Blair, Town Clerk