

# RECORD OF PROCEEDING

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## MINUTES OF A SPECIAL MEETING OF THE BOARD OF TRUSTEES OF

### THE TOWN OF BOW MAR

HELD MONDAY, OCTOBER 14, 2024

A special meeting of the Board of Trustees of the Town of Bow Mar, Colorado was held on Monday, October 14, 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: Jane Carlson  
Jim Chrisman  
Chris Mease  
Liz Osborne-Manning

Absent was Trustee Peterson whose absence was excused.

Also, in attendance was:

Wilson Scarbeary, Esq.; Wilson Williams Fellman Dittman, Town Attorney  
Sue Blair; CRS of Colorado  
Kayla Blair; CRS of Colorado  
John and Letty Giese; resident  
Mike and Andrea Gioia; resident  
Lauren Turner; resident

#### AGENDA

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

#### PUBLIC COMMENT

Ms. Giese spoke about the construction of their neighbor's house at 5405 Sombbrero. She explained how the construction has been going on for over 2 in a half years and believes that the plans they reviewed were misleading. The construction is blowing dirt onto their property, there is dirt being dumped on trees which has caused branches to die. Also, there are 2 piles of dirt that are 16-20 feet tall outside of their yard which blocks their view. There is no weed mitigation and there is constant noise which is hard to manage. There is constant traffic which makes it hard to navigate. She noted that they have property damage. She mentioned that there was no notification on the change orders, and she called the owners several times with no response. She noted that the setback at this address is not in compliance with the Town's building code. She told the Board that she would like the Town to follow the codes and does not believe the Town is taking accountability and that they need to do a better job.

Mike Gioia spoke to the Board about construction at 5405 Sombrero. He spoke about rotten wood, all the dirt piles and trash. They were supposed to clean up the site 2 months ago and it has not happened, and he isn't getting any help with the issues. He spoke about the DRB process and explained how they are not showing good faith, and their rules are not being followed. He told the Board that none of the neighbors have been notified of change orders and the drawing is misleading. He keeps getting incomplete information. He told the Board that he did attend a DRB meeting and was told that the owners do not have to notify the neighbors. He is asking the Board to enforce the rules and notify neighbors of the change orders. If this had happened, there would have been less issues.

Andrea Gioia thanked the Board for allowing her to speak at the meeting. She told the Board that she has many concerns about the construction on 5405 Sombrero. She spoke about how they built the house differently than what the plans had shown to neighbors and the DRB. She explained how there is old roofing material, dirt piles, trash, weeds and damage to the roads. The house is built in the setback without an active permit. The contractor they are using is not licensed in the Town and works before and after hours. She told the Board that there is no rush to complete this project and would like the Town to be accountable. She also stated that she keeps hearing more and more complaints from other neighbors on this issue. She would like the Town to act and make sure that the rules are followed.

Lauren Turner told the Board that she is the homeowner of 5405 Sombrero, and she would like to set the record straight and clarify the construction start date of this project. She submitted the application to Xcel on February 17, 2022. Xcel was delaying projects at this time in Bow Mar. Xcel disconnected gas on November 8, 2022 — almost 38 weeks after the application was submitted. On November 21, 2022, the existing house was demolished. On December 13, 2022, the construction permit was issued. Excavation of the job site was between December 13 and December 20, 2022, and on December 22 to December 26, 2022, the foundation was poured on site. It rained substantially that spring and summer of 2023, and this delayed the project further.

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

**COMMISSIONERS REPORT:**

Public Safety: Trustee Mease told the Board that it was been a quiet month for the Town and he likes this trend and hope it continues.

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 September, the Town collected \$23,382.00 in permit fees, \$780.00 in license fees and \$18,148.33 in transportation utility fees, for a total collected of \$42,310.33. The payment to the building inspector was \$4,130.00. The Mayor asked Trustee Carlson for an update on potential new permit fees. Trustee Carlson spoke to the Board about the new projects. She noted a possible new project that the BOMI will be doing at the beach but she has not seen an application yet. The Mayor spoke to the Board about how he would like Mr. Scarbeary to look at the building code, in particular the commercial construction guidelines. He would like the code to have more definitions and clearer guidelines, and no grey areas. Trustee Carlson stated that the code currently does not address commercial properties. Mayor Sperry spoke about when there will be a project, the codes are not clear and the DRB will be put into a difficult position. He would like to be proactive on this issue and would like to get ahead of this issue. He encouraged that the Board get input from the DRB on this issue. After discussion took place, the Board requested that Attorneys Fellman and Scarbeary to take a look at these guidelines and incorporate commercial projects, and when they are ready, schedule a work session to go over the changes.

Parks and Recreation: Trustee Hinton told the Board that over the summer, the hand painted street signs committee, chaired by Jeanne Gottschalk, repainted 7 signs. A big thank you to Jeanne and her painters this year; Sarah Mosca, Nicole Ridley, Heather Fleck, Sally Williams, and Cathi Cox. Since 2000, 31 signs have been repainted!

Public Works: No report currently.

Intergovernmental: Trustee Manning told the Board that Grant Ranch was pushing hard for the signed agreement on the mowing but did not have any bids come in. They will try again next year. She also mentioned that they should be putting up a new fence next year. She is still working on the lumen expansion and does not think that this cost will be covered but more information to come. She noted that she would like to get some bids from different water engineers to investigate the the well at the pocket park.

Clerk's Comment: Clerk Blair confirmed a quorum for the November 18th meeting. Also, Ms. Blair reviewed the preliminary 2025 draft budget with the Board. She stated that the public hearing to adopt the 2025 budget will be held at the November meeting.

Attorneys Report: No report currently.

Mayor's Report: Mayor Sperry refreshed the Board on the road maintenance plan. The plan includes re-paving and re-building roads. Road slurry projects will be completed every 8 years. The use of slurry gives an appearance of a new road, and it looks nice. Throughout this 8-year plan, there will be crack sealed on the roads. For the 16-year plan, all roads will have this crack seal which is a huge as election question 2B passed. This is extremely important for the Town that continued maintenance occurs on the roads, since repaving is a massive investment for the Town. Hopefully in 5,10,20 years, the Town can look back on a very well-planned approach to road maintenance. The Town is doing their very best for the process and making it as fair as possible. He is committed to the residents so everyone can have a fair say and outcome. He does hope that a positive end is in sight. At the end of the day, we are all neighbors. When done in a positive way, good relationships can come.

### **Old Business:**

Brianna's Park Contract: Trustee Mease asked if the Mayor had met with the family. The Mayor answered yes, and their reaction was positive.

Pocket Park Bid: Trustee Hinton reviewed the bids that came in for this project and moved that the contract go to Colorado Designsapes, subject to final review from Tom Holby at Jefferson County open space. Upon second by Director Mease, vote was taken and motion carried unanimously.

### **New Business:**

Holiday Lights: Upon motion duly made, seconded, and unanimously carried, the proposal for holiday lighting was approved.

Lifescape Tulip Bulb Refresh: Upon motion duly made, seconded, and unanimously carried, the bulb refresh was approved.

Agreement with Vance Brothers for Fall Paving: The Mayor reviewed this item with the Board. Mr. Scarbeary noted that this item will need to be ratified at the next meeting. Upon motion duly made, seconded, and unanimously carried, the agreement was approved and will be added to the November agenda for ratification.

Contract with Skyline Lawn and Landscape for Snow Removal: Trustee Hinton reviewed this item with the Board. Mr. Scarbeary noted that this item will need to be ratified at the next meeting. Upon motion duly made, seconded, and unanimously carried, the agreement was approved and will be added to the November agenda for ratification.

**ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned at 8:18 pm.

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*Bryan L. Sperry*  
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*Bryan Sperry, Mayor*

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*Sue Blair, Town Clerk*