

**CALL MEETING TO ORDER**

Mayor Reich called the regular meeting of the Board of Trustees to order at 8:02 p.m.

**ADDITIONS TO THE AGENDA** – Harvey indicated there were no additions to the agenda.

**ROLL CALL**

Paul Aragon – present	Claudia Reich – present	Chris Callaway – arrived @ 8:41
Tony Asbury – present	Jane Rumrill – present	
Andy Martinez – present	Tony Trevino – present	

Others present were:

- Carl Harvey – Police Chief & Operations Director
- Bradley Sorenson – Town Clerk/Treasurer
- Barry Schaeffer – Public Works Director
- Brad Laue – Town Attorney
- Toni Polland – Deputy Town Clerk
- Holly Bruce, Larry Orleans, Brian Lindsey, Don Scheuerman, Dustin Westover, Kenny Frank, Char Sherman & Mistele Sherman

**MINUTES 6/28/05**

**Martinez moved to approve, as presented, the minutes of the regular meeting held on 6/28/05. Aragon seconded the motion. Motion carried 5 – 0.**

**WARRANTS 7/12/05**

Sorenson indicated there were no additions to the warrants. Asbury inquired as to what keys were copied as per the Wal-Mart invoice. Sorenson stated he believed they were for the recreation department but due to Dudley’s absence he would follow-up the next day to confirm his answer. Reich asked if the purchase of an alternator was for one of the police cars that were to be sold. Harvey indicated it was for car 290. Rumrill asked the nature of the radio maintenance as per the Wireless Advanced Communications invoice. Harvey indicated it was routine maintenance on the radios. Although we no longer use some of the covered radios, they can be sold if in good working order. **Martinez moved to approve the warrant’s list dated 7/12/05 for the total of \$63,035.08 and staff salaries dated 6/30/05 for \$24,208.18. Asbury seconded the motion. Motion carried 5 – 0.**

**PATRIARACH DEVELOPERS – COVENANT ENFORCEMENT**

Bryan Lindsay had requested to be placed on the agenda for the July 12<sup>th</sup> meeting of the Board of Trustees in order to address the Board on the enforcement of the covenants for the Dove Hill development. Lindsay stated that in conversations with Harvey a number of questions had arisen as to who is responsible for the enforcement of covenants and what if any changes are at the discretion of the ACC / Home Owners Management Company and what changes are subject to approval by the Board of Trustees. Lindsay went on to say that the while the issue has come to a head with the rescinding of a building permit by the town for a white vinyl fence, the real issue is can the developers and eventual HOA change the covenants without approval of the board and if they cannot then the town becomes responsible for enforcing the covenants. Harvey disagreed with Lindsay stating that the issue was the fence and Lindsay was well aware that two other residents of Dove Hill had been denied requests for vinyl fencing by Lindsay himself. Harvey continued by stating the covenants were included in the development agreement as well as the responsibility

for the HOA to enforce the covenants. The development agreement, adopted by ordinance, requires covenants approved by the Board of Trustees. Lindsay said the town couldn't have it both ways. Harvey stated, again, that this was how the development agreement was worded. Town attorney Brad Laue stated that this situation was not new between HOA's and cities. Many cities, by ordinance, rescind provisions included in covenants. Other developments have found that every time a change is made to the covenants it is not binding on all residents unless it has been approved by 100% of the owners, therefore creating multiple sets of covenants covering only certain residents. Reich reminded Lindsay that he and his partner Mark Strauss wrote the covenants that were submitted to the board and the covenants were a reflection of Patriarch Developers vision for the Dove Hill development. Lindsay stated he felt the town was being difficult on this and other issues. It is staff's position that Lindsay has been equally adversarial in his dealings with the town. Reich stated the board represents the town and once the development is complete Lindsay and Patriarch Developers will be gone. Allowing changes to the covenants now would not be fair to the 30 or so owners who have already installed cedar fencing or to the future home owners that would not have the benefit of a consistent design standard. It was just too soon to start changing the covenants now when the development is less than 20% built out. Mistele Sherman addressed the board and asked if she were to bring a petition, signed by all the residents stating their approval of her request for a vinyl fence, could she then obtain a building permit? Trevino explained to Sherman how the development agreement and the covenants are worded and how they work together to set the standards for all the residents, present and future. Char Sherman stated the vinyl fencing was more attractive and less work to maintain. Trevino explained this was not a debate on the merits of the fencing but rather a matter of adhering to the rules laid down in the covenants. Reich stated that the board would not amend the covenants and when the development is 75% or more built out the owners could return with requests for changes in any aspects of the covenants that are not contractually bound.

## **PLANNING & ZONING**

Orleans updated the board on the following Planning & Zoning issues / activities. Tony Trevino was appointed Vice Chair of the Planning and Zoning Commission and two new business synopses, The Eagle Company and R 2 B LLC, were returned with no unusual comments.

## **RECREATION DEPARTMENT**

**Department Report** – Dudley was unable to attend the meeting, Harvey updated the board on items that Dudley had mentioned in the staff meeting earlier Tuesday. The baseball programs will be ending next week, Dudley will be working to reduce his accumulated comp time, Dudley will be advertising a late season adult softball league in the upcoming Recreation flyer and the drags at the baseball fields will be locked down from now on.

## **PUBLIC WORKS DEPARTMENT**

**Department Report** – Schaeffer reported that LaFarge had finalized the bids for the 2005 overlay project. Schaeffer stated that based on the amounts and work to be done on South 6<sup>th</sup>, 1<sup>st</sup> Avenue and Todd Avenue he will have to address the 100 block of N. 3<sup>rd</sup> in a separate bid request. LaFarge will have that bid into him within the next day or two. The dissolved oxygen at the lagoon pond is reading zero to 1. We are experiencing a large amount of sludge at the surface. Aeration time has been increased in an effort to meet the oxygen demand. Schaeffer stated he had checked into adding the same product to the pond that was required when the town experienced the gasoline leak two years ago. The product is called H2O Plus, the

cost would be \$3.00 / gallon and 1000 gallons would be required. Schaeffer requested expenditures to purchase the product. **Asbury moved to approve spending up to \$3,000.00 for the purchase of 1000 gallons of H2O Plus. Trevino seconded the motion. Motion carried 6 – 0.** Schaeffer stated he was still in the process of putting together a cost break down for the upgrades needed at the lagoon. Reid Bond is still on vacation and he has yet to receive the bids for electrical work. By the next meeting he should be able to provide a more detailed explanation of equipment required and the associated costs. Schaeffer has also received a couple of concerns about water pressure in the evening and will be contacting Weld Central Water to ensure the requested increases in flow have been completed by the provider of the town's water.

**FINANCE DEPARTMENT**

**Department Update** – Sorenson updated the board on the following financial issues. June's financial statement will be complete before the end of the week, the monthly water usage continues to show conservation on the part of the town's citizens and the June North Front Range MPO bill is attached. Sorenson stated he has begun planning for the 2006 and will this year remove all LaSalle Day line items from recreation and executive and place them under a separate category. Sorenson also wanted to thank the office staff for all of their hard work in nearly a complete sell through of the LaSalle Day T-shirts. There will be a Citizens Save The Caboose meeting at 6:00 p.m. on Tuesday evening July 19<sup>th</sup>.

**POLICE DEPARTMENT**

**Department Update** - Harvey reported that pending the results of the last pre-employment examination he could be making an offer to an individual for the open position within the police department. In addition Wireless Advanced Communications had located one addition PAC set and given it to the town. This was in partial compensation for the two sets the town was denied earlier this year. Harvey stated that this set would be used for the Reserve Program that he hoped to put in place following the stabilization of regular police department staffing.

**OTHER**

Other informational items included a CML endorsement of Referenda C and D, a North Front Range MPO "Hot Topic" update, a memo concerning the Regional Pool Program from the Northern Colorado Water Conservancy District and a CML memo concerning the progress of the new Xcel franchise agreement. Harvey also informed the board that there would be a LaSalle Day 2005 wrap-up meeting on Tuesday, July 19 to address any issues that arose during the event.

**Meeting adjourned at 9:26 p.m.**

Submitted by,

Bradley K. Sorenson,  
Town Clerk / Treasurer