

**TOWN OF BOW MAR, COLORADO BOARD OF TRUSTEES  
MINUTES OF THE REGULAR MEETING  
AUGUST 17, 2020**

CALL TO ORDER: The regular meeting of the Board of Trustees of the Town of Bow Mar was called to order on Monday, August 17, 2020 by Mayor Feldkamp. The meeting was held via Zoom or teleconference for the Trustees and for the public. A quorum was declared present at 7:01 p.m.

**PRESENT:**

Mayor	Tom Feldkamp
Trustees	Andrew Swanson Leslie Hinton Marsha Dennis Jane Carlson Steve Fabricant
Police	Chief Cottrell
Clerk	Angie Kelly
Attorney	Kathie Guckenberger

**ABSENT:**

Trustee	Margo Ramsden
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**Public Comment:** Mark Goldberg noted that his comments are related to the undertaking of the gates. He stated that gates have been an issue in the Town for many years. At one time a vote was taken, and the vote decided not to install gates. Mr. Goldberg noted that he does not feel enough information is available regarding the cut-through traffic to contemplate one gate at Prospect or any other gate option. Mr. Goldberg also noted that he feels a gate at Prospect would be unfair in the transfer of traffic issues.

Sally Williams wanted to speak specifically about people entering through a gate on Prospect. She noted that cars may come through the gate tailgating on the back of a resident; how would the Town make sure they leave? She felt that cars will cause traffic at the gate and she also felt a gate would need a guard.

Mary Spofford asked that the July meeting minutes be amended. She would like the following changes to be made: Ms. Spofford claims she did not mention a second entrance and would like it clarified that the statement for the Mayor and Trustee Fabricant to recuse themselves is due to traffic being decreased on their street while increased on other streets. Ms. Spofford feels the last survey was inconclusive and feels the legality question has not been answered. Ms. Spofford wants the gate issue to go to a vote of the Town. She asked how the gates would be funded? She also noted she feels traffic mitigation should benefit all and be detrimental to some.

Craig Burbage addressed the Board with a scenario of guests coming to the beach to watch concerts with residents. Burbage said what could possibly happen is a resident would not be able to remember the code to get into the gate at Prospect and then the resident would need to tell their guest to use the Berry entrance. Mr. Burbage was making the point that traffic will be increased near his home if a gate goes up at Prospect.

Charlotte Jackson asked that Trustee Carlson read a statement in her absence. Ms. Jackson noted that she feels that all residents should have the opportunity to make a decision concerning the daily access to their home. The questions were asked if there is a design, is it legal, what is the cost? Ms. Jackson shared concern about diverting traffic to Berry and the safety of the children that walk or ride their bikes in that area.

Garret Baum noted he spoke last month and reiterated his time spent on the Board. He feels the gate issue should go to a vote of the Town since it will have significant impact on everyone.

Peter Duray-Bito spoke to say the next step should be to put the gate issue on a ballot. He noted that at one time, the Trustees committed to a Town vote for the gate issue and was curious what happened to that commitment. Mr. Duray-Bito also noted that he shares similar concerns as many of the other residents who spoke and noted that if the Town is going to be walled off, do it right.

Chris Kuelling reviewed the traffic study information in which it was concluded that 800 cars per day use the entrance. He also noted that the survey showed that the community agreed that the Town needs traffic control. He noted that the homeowners living on the streets being used for cut-through traffic have young children and visitors. He does not want to see someone get hit and killed by people cutting through Town.

Trustee Dennis moved to change the order of the agenda and discuss the traffic study and gates immediately. Upon a second, by Trustee Hinton, a vote was taken, and the motion carried unanimously.

Mayor Feldkamp noted that after the discussion tonight, the Trustees will be looking for feedback from the Town before decisions are made. One option could be a survey monkey to help decide next steps.

Trustee Fabricant noted, again, that he wanted to clear up his original statement. He did not say the Trustees would decide without Town feedback, he was simply stating a fact that the Trustees do have the authority to vote on the issue without a ballot issue. Next steps will depend on the feedback tonight as well as feedback from the Town. Trustee Fabricant shared pricing, obtained from the Town Engineer, to help outline a possible budget for a gate at Prospect. While the details of a gate plan have not been determined in their entirety, this outline of cost is a starting place for discussion. One concept is a gate is closed during rush hour times and another option is the gate is closed 24/7. The gate of mention is a gate at Belleview and Prospect.

Trustee Hinton noted that getting feedback on only one gate does not make a lot of sense when the plan from Evans & Associates was for three gates. Trustee Fabricant noted that the current discussion is only for a gate at Prospect and would have to include a sidewalk at the Berry curve. Trustee Hinton noted that she disagrees with only one gate and wants to clarify if three gates are actually viable. Trustee Hinton noted it does not make sense to spend \$300k to test a gate if it is still unclear if three gates are an option. Discussion then took place among the Trustees about the possibility of having all streets gated. Trustee Swanson agreed with Trustee Hinton and noted if the end goal is to gate all three entrances, discussion needs to take place with the other municipalities involved before any decisions can be made. Trustee Carlson added that it does not seem to make sense to investigate only one gate without the information regarding the legality of gating all three entrances. Trustee Carlson added that the sidewalk at the Berry curve is a small point for the gate discussion. Trustee Fabricant noted he does not see gating Berry as an option. Trustee Swanson noted he would like to see the results of the survey associated with the one gate option, having provided all necessary information related to cost during that survey.

Discussion continued regarding the traffic flow and the possible effect of gating Prospect. The discussion took place about the cut through traffic at Sheridan not wanting to use the Prospect entrance which would make the gate there not helpful with the Sheridan to Berry cut through traffic. It was noted if the goal is risk mitigation, a gate at Prospect is a good first step but it is understood it will not eliminate all cut-through traffic. Trustee Fabricant noted that any decision will not make 100% of the Town happy but that the issue continuing to come up means something needs to be done.

Trustee Carlson and Trustee Dennis noted that specific outline of operation needs to be determined before a survey is released to ensure people have the full picture and are able to respond accordingly.

Funding was discussed and it was noted that the cost of one gate is something the Town could budget and pay for. Gating more entrances would likely take a mill levy increase and, therefore, the vote of the Town. Mayor Feldkamp also noted that a public/private funding concept is also an option.

Next steps were discussed and it was determined that Trustee Fabricant will draft a survey for the September meeting, a packet of information will be created for the public to help outline the information the Town currently has (including a legal summary), and the Trustees will review this at the September meeting. It was noted that if the majority of the

Town responds to a survey in favor of the Prospect gate, then drawings and specifics can be determined. It was discussed, again, that some residents may not be able to answer the survey if they do not know about future gates at Berry or Sheridan. The consequences were discussed related to traffic getting stuck at the gate and causing delay problems. Trustee Fabricant noted that change will create some short-term problems but doing nothing about the traffic issue seems irresponsible as it has been an ongoing issue in the Town. Trustee Dennis noted that the gate at the beach is not as easy to manage as one might think so the Town should think about that when discussing gates. Trustee Hinton asked Trustee Fabricant if he is committed to the gate issue going to a Town ballot? It was noted that the first step is a survey, once information is gathered and the pulse of the Town is taken, then the Trustees can determine what, if any, next steps are necessary. Mayor Feldkamp thanked Trustee Fabricant for his work on the issue and noted that many residents are in support of a gate and many residents are against a gate. The goal of the survey is to determine more concrete numbers of what that picture looks like. Since this issue keeps coming up, it does not seem it will be going away if the Trustees do nothing. Other options can be considered and if anyone has other ideas, it is important that they bring them forward.

#### Consent Agenda:

Trustee Dennis moved to approve the items listed on the consent agenda with minutes amended. Upon a second, by Trustee Swanson, a vote was taken, and vote unanimous.

#### Commissioners Reports:

Public Safety – Chief Cottrell reviewed the report provided to the Trustees and outlined a couple of vehicle break-ins. One of the license plates was obtained from the Flock cameras and they are working on finding the culprits. There was also a car accident to report on Sunset. Mayor Feldkamp made mention of the firework issues. Chief Cottrell said they have not received a lot of complaints. Trustee Fabricant asked about restricted traffic enforcement instead of gates or the possibility of reducing the speed limit. Chief Cottrell said they can step up enforcement but that is often met with complaints because many of the offending parties are residents. Regarding reducing the speed limit; 25 mph is the national standard and the traffic study showed speeding is not really an issue. Chief did mention dropping the speed limit on the Lakeshore curve to 15 mph for safety. Mayor Feldkamp asked about the trailers and RV enforcement. Chief noted that as soon as the Town passes the new ordinance, no more warnings will be given. Trustee Swanson noted he had asked Chief for historical data on traffic accidents to relate information for the gate issue. Chief noted the data did not show issue with vehicle-to-vehicle or vehicle-to-pedestrian accidents.

Finance – For the month of July, the total revenues were 90% of the year-to-date budgeted amount while operating expenses were at 31%. General Government was 43% of budget, Public Safety was 57% of budget, Parks and Recreation 48% of budget, and Public Works 5% of budget.

Total year-to-date operating surplus was \$538,311 and the net non-recurring income (building permits/road impact fees less building inspection expense) of \$99,479 results in a total year-to-date surplus of \$637,790.

In July, the Town collected \$188,946 in property tax and road mill funds. Other sources of revenue included specific ownership tax, highway user tax and Xcel franchise fee. The third quarter payment to Columbine Valley was made for police and building services. The Flock cameras were renewed at a cost of \$12,000. Landscape maintenance and sprinkler repairs were \$7,597. Weed and mosquito control was \$2,932. All other expenses were as anticipated.

Building – Trustee Carlson reviewed her report and emailed to the Trustees. In June, the Town collected \$9,459 in permit fees, \$3,960.11 in transportation utility fees, and \$540 in licensing for a total of \$13,959.11. Trustee Carlson noted the project on Sky Trail has been working on cleaning up their weeds. Trustee Carlson noted the DRB meeting was pushed back due to lack of quorum.

Parks and Recreation – Trustee Hinton noted business is normal around town. Irrigation was repaired at Sheridan. Street signs are almost done and they will be up before the next meeting. Trustee Hinton noted that Vegetation

Management was out for another treatment in the meadow and another mosquito treatment was completed. The new mailbox is coming so the BMOI mailbox can be moved across the street. Trustee Hinton outlined the complaint from a Bowles Metro resident about Russian Olive trees. Since Russian Olive is a noxious weed, the Town needs to address it in the Noxious Weed Mitigation Plan. This will be addressed with Vegetation Management and any further updates will be brought back to the Trustees.

Public Works – Trustee Fabricant shared the schedule for the road work. Milling will start the Tuesday after Labor Day. The work is scheduled to be done by the end of September with only final punch list items to be completed after that. A speed bump is also being added along Lakeshore. The contractor will then do some pothole work to finalize the project.

Intergovernmental Affairs – Trustee Ramsden was absent. Mayor Feldkamp noted that she is working on a Hazard Mitigation plan with Arapahoe County.

Attorney's Report – Attorney Guckenberger outlined the recent law passed, Senate Bill 217. Some items in the bill went into effect in June. More items will take affect September 1<sup>st</sup>; largely related to use of force by law enforcement.

Clerk's Comments – Town Clerk Kelly noted the next regular meeting will be held on September 21, 2020. It was also noted the 2021 draft budget would be presented in September. Ms. Kelly also asked if any other Trustees would like to be signed up for the CML virtual conference? Trustee Carlson was the only interested party.

Mayor Report – Mayor Feldkamp noted Attorney Guckenberger has drafted gate information and this information will be part of packet of information shared at the September Trustee meeting.

Old Business:

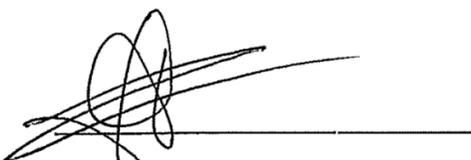
Updates Regarding Traffic Study – this item was already discussed.

New Business:

Consider Approval of Arapahoe County 911 IGA. This item was approved in February, no action needed.

Introduction of Planning & Zoning Commission Ordinance: Attorney Guckenberger explained the discussion regarding revision to the trailer ordinance sparked this ordinance. The Town is required to have a Planning and Zoning Commission to make changes to the trailer/RV ordinance. Therefore, this current ordinance is mainly housekeeping items but establishes the Board of Trustees to serve as the commission, who can then take action on the RV/trailer ordinance changes. The Board is given the ability to appoint citizens to the commission, should that be needed in the future. Ms. Kelly introduced Ordinance 330 AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF BOW MAR AMENDING CHAPTER 2 OF THE BOW MAR MUNICIPAL CODE BY ADDING A NEW ARTICLE 7 AND CREATING A PLANNING AND ZONING COMMISSION. Trustee Carlson moved to approve the ordinance and ordered it published. Upon a second, by Trustee Fabricant, discussion took place. Trustee Carlson asked about changing the zoning in Town. Attorney Guckenberger noted that the RV/trailer ordinance is part of the zoning portion of the code so it was necessary. If any zoning changes were to come up, the Board can appoint a commission to address the issue. A vote was taken and the motion carried unanimously. Following discussion, a vote was taken and the motion carried unanimously.

Adjournment – Meeting was adjourned at 8:35 pm.



Tom Feldkamp, Mayor



Angie Kelly, Town Clerk