

**TOWN OF BOW MAR, COLORADO BOARD OF TRUSTEES  
MINUTES OF THE REGULAR MEETING  
FEBRUARY 15, 2021**

CALL TO ORDER: The regular meeting of the Board of Trustees of the Town of Bow Mar was called to order on Monday, February 15, 2021 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 Margo Ramsden Steve Fabricant
Police Chief	Cottrell
Clerk	Angie Kelly
Attorney	Kathie Guckenberger

Public Comment: Heather Fleck asked for approval to close off Lakeshore for ½ of a day. The closure would be July 24, 2021 and would be to host a private party. Ms. Fleck did mention that she would invite neighbors to join the party later in the evening. It would be closed in front of her home and the beach could still be accessed by Aspen.

Todd Hoffman addressed the Trustees about the RV ordinance and the recent changes. He feels that 16-12 should be reviewed by the Board again.

Following public comment, Trustee Dennis moved to amend the new business portion of the agenda to add discussion regarding the street closure by Ms. Fleck, the concerns raised by Mr. Hoffman, and the offer to host a COVID clinic. Upon a second, by Trustee Carlson, a vote was taken, and the motion carried unanimously.

Berry Sidewalk Update: An update will be provided at the March Trustee meeting.

Variance Hearing: Trustee Dennis called for a recess of the Board of Trustee meeting and opened the Board of Adjustment. Trustee Dennis then opened the public hearing at 7:11pm. Trustee Carlson introduced the variance request for 4610 Homestead in which the homeowner is asking for a lot coverage variance. Trustee Carlson noted that the DRB did not offer a recommendation of support for this variance. The variance was also not recommended by the building commissioner. Homeowners, David and Arlene Cole, introduced the architect, Sarah Sexton, to outline the project. Ms. Sexton outlined the infill of 88 sq ft. This is an area that cuts into the house and the 88 sq ft addition would square off the area of renovation. This would allow better flow in and around the kitchen as the area creates flow issue now. The addition would not be seen by neighbors, it does not take the house any closer to the property line, no rooflines are changed, and all neighbors have signed in agreement with the project. The home was built before the lot coverage ordinance was passed and therefore built larger than the allowable coverage. While the addition is only 88 sq ft, the home would still remain over the allowable coverage. The home is allowed 14% coverage and this would make the lot coverage 16%. The Board of Adjustment asked what the hardship is? A hardship needs to be presented as part of the variance approval process. The homeowners noted that they have worked on many iterations of a design to make the flow work without asking for a variance. However, the option that allows proper flow around the kitchen is to bump out this section of the home. The homeowner noted

that anyone who wants to see the area can come onsite to take a look. Ms. Sexton did also note that they did not come to the Board of Adjustment lightly, that they worked on many options to avoid asking for a variance. The Board of Adjustment expressed concern that bending the rules makes it hard to enforce them with others. The homeowner noted that there are laws and then there is logic. He is asking that the Board of Adjustment see the logic in the situation and approve the variance. Discussion continued about the lot coverage requirements that were voted on by the Town and the difficulty in now waiving that when others have been denied. It was noted that the only issue the DRB had with the project was the lot coverage. There was no other reason to not support the variance, it was simply the lot coverage issue. Trustee Carlson noted that she was not aware of any variance granted related to lot coverage. Further discussion took place about the variance process and this type of situation being the exact reason it exists; to consider times when the code might not fit a situation. Trustee Fabricant noted that a hardship is not clear, and it is important that the Board remain consistent with previous decisions. Mr. Hoffman spoke when public comment was requested and noted that he supports the variance since it cannot be seen and will not affect the main footprint of the home. Trustee Ramsden moved to approve the variance as presented. Upon a second, by Trustee Fabricant, a roll call vote was taken, and the motion failed:

Ramsden – yes	Swanson – yes
Feldkamp – no	Fabricant – no
Dennis- <u>no</u>	

Trustee Dennis closed the Board of Adjustment hearing and reconvened the Trustee meeting.

DRB Update: Dave Komatz – Mr. Komatz provided an update for the Trustees related to the upcoming vacant positions and the process to fill those. A recommendation will be made to the Trustees for the March meeting to formally approve the candidates chosen to fill the vacancies. There are 3 upcoming vacancies. Mr. Komatz also addressed the Design Guideline changes that will be coming to the Trustees for approval. The main item for discussion regarding fence height. Mayor Feldkamp asked Mr. Komatz to provide feedback on what would make life easier for the DRB? Mr. Komatz will speak with the DRB and let him know.

First Reading: Ordinance 332: Trustee Swanson introduced ordinance 332: AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF BOW MAR REPEALING AND RE-ENACTING SECTIONS 8-1, 8-2, AND THROUGH 8-3 AND AMENDING SECTION 8-5 AND 8-7 OF CHAPTER 8 OF THE TOWN OF BOW MAR MUNICIPAL CODE ENTITLED MODEL TRAFFIC CODE CONCERNING VEHICLES AND TRAFFIC, ADOPTING BY REFERENCE THE 2020 EDITION OF THE MODEL TRAFFIC CODE FOR COLORADO, WITH CERTAIN AMENDMENTS, AND ADOPTING PENALTIES FOR VIOLATIONS THEREOF. Attorney Guckenberger outlined that the Town currently uses the 2010 Model Traffic Code (MTC) and the 2020 update has come out. Columbine Valley is working to adopt the 2020 MTC and Bow Mar should do the same, so the police use one traffic code for enforcement. Generally, the code is adopted by reference so a public hearing will be held at the March Trustee meeting. The overall goal is to provide close alignment with Columbine Valley to help with police enforcement. Trustee Carlson asked about the varying speed limits in the draft code. Upon discussion, it was noted that the Town is 25 mph everywhere and the code should be changed to reflect that. Trustee Ramsden asked about the commercial vehicle regulation in that no commercial vehicles can be parked outside; they must be in the garage. Upon discussion, it was noted that this should be removed. This was a stipulation made to match Columbine Valley, but the Trustees would like it removed from the Bow Mar code. Parking between 3a-6a was also discussed as the draft code notes that no parking is allowed on the streets between these times. Chief Cottrell outlined that this is intended to avoid construction vehicles from being parked on the street for the entirety of a project and never moving. This also affects snow removal if cars are parking where plows need to drive. Attorney Guckenberger noted that the current code noted that the Town currently follows a code in which no parking is allowed from 3a-5a; the extra hour would be to match Columbine Valley and allow easier enforcement for the police. It was discussed that many residents may not know parking is not allowed on streets and this should be of note for the community. Trustee Swanson recommended a Town Hall be scheduled to outline all code changes for residents to ensure that everyone is

informed about key code regulations. Trustee Swanson moved to approve Ordinance No. 332 - AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF BOW MAR REPEALING AND RE-ENACTING SECTIONS 8-1, 8-2, AND 8-3 AND AMENDING SECTIONS 8-5 AND 8-7 OF CHAPTER 8 OF THE TOWN OF BOW MAR MUNICIPAL CODE ENTITLED MODEL TRAFFIC CODE CONCERNING VEHICLES AND TRAFFIC, ADOPTING BY REFERENCE THE 2020 EDITION OF THE MODEL TRAFFIC CODE FOR COLORADO, WITH CERTAIN AMENDMENTS, AND ADOPTING PENALTIES FOR VIOLATIONS THEREOF ON FIRST READING, AND FURTHER MOVE THAT SECOND READING BE SCHEDULED FOR **MONDAY, MARCH 15, 2021 AT 7:00 P.M.**; with the following amendments: eliminate 14-12b (reference to commercial vehicles) and eliminate all speed limit references except 25 mph. Upon a second, by Trustee Fabricant, a vote was taken, and the motion carried unanimously.

Consent Agenda:

Trustee Swanson moved to approve the items listed on the consent agenda as presented. Upon a second, by Trustee Ramsden, a vote was taken and carried unanimously.

Commissioners Reports:

Public Safety – Trustee Swanson noted that he had nothing additional besides what Chief Cottrell provided his report. Chief Cottrell explained the letter from the District Attorney’s office and reminded Trustees that if the media calls, they cannot share information about open cases.

Finance – For the month of January, the total revenues were 1% of the year-to-date budgeted amount while operating expenses were at 4%. General government was 5% of budget, public safety 8%, parks and rec 1%, and public works 0%. Total year-to-date operating deficit was \$26,035 and the net non-recurring income (building permits/road impact fees less building inspection expense) of \$15,220 results in a total year-to-date deficit of \$10,815. There was no property tax and road mill funds collected in January. Other sources of revenue included specific ownership tax, highway user tax and Xcel franchise fees. Payments for road engineering and snow removal were \$13,736. Town insurance was \$6,064. The electrical repair at the Belleview Circle was \$2,000. All other payments and expenses were as anticipated.

Building – Trustee Carlson reviewed her report which was emailed to the Trustees. In December, the Town collected \$193.60 in permit fees, \$0 in transportation utility fees, and \$840 in licensing for a total of \$1,033.60.

Parks and Recreation – Trustee Hinton reviewed the report submitted to the Trustees. Trustee Hinton outlined contracts for the upcoming year, provided with her report. Vegetation Management treats weeds and will complete the Russian olive mapping. Lifescapes installs flowers and completes sprinkler repairs. Both contracts will be put into the appropriate Town contract and provided for March for formal approval. Trustee Carlson asked about the trash along Sheridan. Trustee Hinton noted that a letter was sent to that homeowner, who is not in Bow Mar, asking them to remove the trash. Chief Cottrell will follow up.

Public Works – Trustee Fabricant noted that he will bring the listing of roadwork for 2021 to the March meeting so the bidding process can start. Trustees asked for a historical report on which roads have already been completed. Discussion also took place about the Road Mill Tax sunset and noted the Trustees should consider if the work will be completed or if this needs to be readdressed.

Intergovernmental Affairs – Trustee Ramsden noted that she is working to get a proper invoice from Republic for the roll off containers; once that is done, she will address the contract with them.

Attorney’s Report – Attorney Guckenberger reported that Comcast approved a short version of the form agreement that municipalities can use as starting point for negotiation. She has asked the new Comcast representative to submit this form to the Town.

Clerk's Comments – Town Clerk Kelly noted the next meeting will be held on March 15, 2021. Also of note is the code work session that will take place on March 15, before the Trustee meeting. The transition from Ms. Kelly to Ms. Blair as Town Clerk was also discussed as Ms. Kelly has resigned from CRS.

Mayor Report – Mayor Feldkamp spoke in recognition of the Brenda and Lon Sears for picking up dog waste around Town. Following a snowstorm, he found them picking up dog waste and wanted to ensure they received a proper thank you. Mayor Feldkamp noted he wanted to start recognizing citizens each quarter who are doing good deed around the community. All Trustees offered 'thank you' to the Sears for their work in keeping the Town clean.

Old Business:

Update Regarding Columbine Valley IGA – Once received back from Columbine Valley, this will be reviewed for possible approval.

New Business:

Update Regarding Republic Services Contract - This was already discussed in the Intergovernmental report.

Review Election Calendar – Ms. Blair reviewed the election calendar, should the Town put the gate question on the November ballot. Ms. Blair reviewed the pros and cons of a November election for the gate issue. Mayor Feldkamp outlined a possible project manager he has approached about helping coordinate all of the information needed to ensure residents have what is needed to make a decision on the ballot question.

Consider 2021-R-02 Regarding Meeting Notice Posting – This is the annual requirement to outline where meeting notices will be posted regarding Town meetings. The notices are posted on the Town website as well as the bulletin board above the Town Mailbox. Trustee Carlson moved to approve Resolution 2021-R-02, as presented. Upon a second, by Trustee Fabricant, a vote was taken, and the motion carried unanimously.

RV Ordinance 16-12 Review – Mayor Feldkamp outlined the process taken to consider and pass the ordinance and explained that there was sufficient notice presented in a public forum many times. The ordinance was properly noticed, put in the bulletin more than once, Town email blasts were sent, etc. It was also noted that all tickets issued to Mr. Hoffman have been dismissed on a procedural error

Chief Cottrell explained that the ordinance is being handled by the CVPD graveyard shift, which makes issuing tickets in person challenging. Instead, they leave the ticket at the home. This may need to change to ensure that residents are served in person and further discussion may need to take place about this issue. The Trustee agreed that the proper actions were taken for this ordinance and it will remain in place.

COVID Clinic – Trustee Carlson noted that a resident came to her and offered her company, Life Health, to set up a clinic for vaccinations for the Town of Bow Mar. Trustee Carlson noted that a physical location would be needed and asked Columbine Valley. The discussion was such that it should be open the surrounding public. Also, but the concern was the cost associated. It was decided to continue to discuss the issue and possibly schedule this when everyone is allowed to get the vaccine, to ensure good participation to justify the cost.

Road Closure Request – The Trustees discussed the request to close a portion of Lakeshore for a private party. The concern, if approved, is the precedence that will be set. Block parties that benefit an entire street are different than a party for a single household. If people start doing this for graduation parties, retirement parties, birthday parties, etc., concern was raised about how often this would take place and disrupt the neighborhood. Trustee Dennis moved

to deny the request to close a portion of Lakeshore. Upon a second, by Trustee Fabricant, a vote was taken. The vote passed with Trustee Hinton dissenting.

Adjournment Meeting was adjourned at 9:22 pm.

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*Thomas Feldkamp, Mayor*

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*Sue Blair, Town Clerk*