

**TOWN OF BOW MAR, COLORADO BOARD OF TRUSTEES
MINUTES OF THE REGULAR MEETING
JULY 19, 2021**

CALL TO ORDER: The regular meeting of the Board of Trustees of the Town of Bow Mar was called to order on Monday, July 19, 2021 by Mayor Pro-Tem Marsha Dennis. The meeting was held via Zoom or teleconference for the public and the Trustees met in person at the Town of Columbine Valley, 2 Middlefield Road. A quorum was declared present at 7:00 p.m.

PRESENT:

Mayor Pro Tem Marsha Dennis

Trustees Andrew Swanson
 Leslie Hinton
 Jane Carlson
 Margo Ramsden

Absent were: Mayor Tom Feldkamp and Trustee Steve Fabricant, whose absences were excused.

Also in Attendance:

Police Chief Cottrell
Clerk Sue Blair
Attorney Kathie Guckenberger

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

Public Comment: Bryan Sperry with the Bow Mar Water & Sanitation District addressed the Board regarding upcoming capital projects that will be performed over the next several years within Bow Mar, generally as follows:

2021	Tufts and Sheridan	master meter vault replacement
2022	Longhorn Between Sheridan and Sunset	8" pipe replacement
2025	Sombrero	6" pipe replacement
2028	Bow Mar Between Yellowstone and Sunset	12" pipe replacement

Mr. Sperry will send more information to the Town regarding the capital projects and timing.

Mark McKissick addressed the Board regarding the proposed gate at Belleview. He is in opposition of the gate because it will cause a detriment to other residents moving traffic into other parts of the neighborhood. He noted that the Board needs to have integrity and provide sufficient transparency to the residents of Bow Mar prior to going to an election on the gate issue.

Garrett Baum addressed the Board and requested that future meetings be in-person. Mr. Baum also stated that he is against a single gate solution as it is not neighborly and will divide the Town. In addition, the Town will be forced to spend a lot of time and money defending potential lawsuits if the gate is installed. He stated that the Board should consider a question on the ballot for all gates or no gate.

Sally Williams next addressed the Board. Ms. Williams stated concern with all the traffic within Bow Mar and the safety of the children in the neighborhood. She recommended that the Board consider installation of a bike path on Prospect to make it safer for everyone. In her opinion, the gate concept won't work unless all three gates are installed and manned with guards.

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

Commissioners Reports:

Finance – For the month of June, the total revenues were 85% of the year-to-date budgeted amount while operating expenses were at 29%. General government was 42% of budget, public safety 49%, parks and rec 32%, and public works 8%.

Total year-to-date operating surplus was \$526,005 and the net non-recurring income (building permits/road impact fees less building inspection expense) of \$99,864 results in a total year-to-date surplus of \$625,869.

In June, we collected \$70,010 in property tax and road mill funds. We also receive \$118,386 from the American Rescue Plan. Other sources of revenue included specific ownership tax, highway user tax, and Xcel franchise fees. All other expenses were as anticipated.

Ms. Blair stated that the funds received from the American Rescue Plan cannot be used for the roads. However, as definitions currently stand, it appears that stormwater projects may be an eligible expense. The Board has until December 31, 2024 to identify the projects and then two years after that date to complete (December 31, 2026).

Public Safety – Chief Cottrell reviewed his monthly report.

Building – Trustee Carlson reviewed her report. In June, the Town collected \$8,336.50 in permit fees, \$1,027.70 in transportation utility fees, and \$580.00 in licensing fees for a total of \$9,944.20. The building inspector was paid \$3,417.50.

At 7:45 p.m., the Board convened into the Board of Adjustments hearing on a variance request.

Variance Hearing – 4610 Homestead: Attorney Guckenberger stated that the public hearing on this variance could take place due to the Board passing a Resolution in 2017 that states that five members of the Town Board serves on the Board of Adjustment, with the exception of the Mayor and Building Commissioner. Building Commissioner Carlson stated for the record that she is recommending that the Board of Adjustment approve this variance pursuant to the requirements under section 16.1 of the code. Commissioner Carlson noted that this variance enhances the use of the property. Mr. Cole addressed the Board and stated that the variance modernizes the use of his home. Trustee Dennis stated that the improvements are at the back of the home, not the front, and would not be visible to neighbors or roadways. Trustee Hinton asked why this variance would be approved when others have not been. Commissioner Carlson stated that each variance request is considered on its own merit. Trustee Dennis opened the public hearing at 7:45 p.m. and asked for public comment on the variance. No public comment was received and the hearing was closed at 7:56 p.m. Trustee Dennis moved to approve the variance. Upon second by Trustee Ramsden, vote was taken and motion carried unanimously to approve the variance.

The Board then reconvened into general session.

Parks and Recreation - Trustee Hinton reported that we have identified 7 streets sign that will be repainted. Temporary signs are up while our artists in residence restore their beauty.

Public Works- Trustee Fabricant was not present to report.

Intergovernmental – Trustee Ramsden reported that there is still no trash contract to be presented for approval by the Board. The Republic representative has been non-responsive. Attorney Guckenberger will reach out to Republic in an attempt to finalize the contract draft for Board consideration at a future meeting.

Attorney's Report – Attorney Guckenberger prepare Ordinance 336 regarding the use of golf carts and electric vehicles within the Town. Trustee Swanson introduced Ordinance 336 and read the title into the record, as follows: AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF BOW MAR AMENDING SECTION 8-8 OF THE BOW MAR MUNICIPAL CODE CONCERNING RESTRICTIONS ON THE USE OF GOLF CARTS AND NEIGHBORHOOD ELECTRIC VEHICLES.

After discussion, the Board requested that the draft ordinance be amended to remove the requirement for front and rear turn-signal lamps (d)(2). Trustee Swanson moved that the Board approve Ordinance 336 as amended. Upon second by Trustee Ramsden, vote was taken and motion carried unanimously.

Clerk's Comments: Clerk Blair stated that the next meeting is scheduled for August 16, 2021. She requested that if a Trustee is not able to attend the meeting, that she receive notice at least two weeks prior to said meeting if at all possible. The Board requested that Ms. Blair send an email to all Trustees with this request.

Mayor's Report – No report was given.

Old Business

Election Update: The Board reviewed the draft Q&A and questions for the possible November special election. Discussion ensued regarding the “next steps” identified in the summary presented to the community that have not been done, such as developing a more formal description of the single gate scenario, traffic projections analysis on traffic impacts of the Prospect gate option, scope construction needs and plans, develop cost estimates for gate equipment and construction costs, hold public meetings to present findings, etc. In addition, the Board felt that it is critical that City of Littleton approve the concept prior to proceeding. Trustee Swanson stated that he will contact the City and report back to the Board. After discussion, the Board directed Clerk Blair and Attorney Guckenberger to stop work on the November election. The gate and road questions can be considered, and potentially included, on the April 2022 ballot.

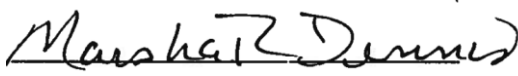
Berry Curve: Rick Pilgrim is working with David Evans & Associates to prepare an RFP and supporting documents.

2021 Road Improvement Project – Approval of Agreement: Attorney Guckenberger presented a Resolution approving the Construction Agreement with RME, LTD, LLC for the 2021 roadway improvement. Trustee Swanson moved that the Board approve the Resolution approving the Construction Agreement as presented, in the amount not to exceed \$447,900 for road work on Yellowstone and Ridge. Upon second by Trustee Ramsden, vote was taken and motion carried unanimously.

New Business: Trustees Ramsden and Hinton reported on Xcel Energy's Advanced Grid Initiative. Installation of smart electric meters is anticipated within the Town of Bow Mar between July and September; however, no one has received any of the required notices. Trustee Ramsden reported that several questions were asked of the Junior Business Intern who sent the correspondence to the Town that remain unanswered. Trustee Ramsden will reach back out for additional information.

Adjournment

There being no further business to come before the Board, the meeting was adjourned at 8:59 p.m.



Marsha Dennis, Mayor Pro Tem



Sue Blair, Town Clerk