

**TOWN OF BOW MAR, COLORADO
BOARD OF TRUSTEES
MINUTES OF THE REGULAR MEETING
JULY 18, 2022**

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, 2022 by Mayor Sperry. The meeting was held in person at the offices of the Town of Columbine Valley, 2 Middlefield Road, Columbine Valley. A quorum was declared present at 7:02 p.m.

Present:

Mayor:	Bryan Sperry
Mayor Pro Tem:	Marsha Dennis
Trustees:	Jane Carlson
	Leslie Hinton
	Steve O'Dell
	Margo Ramsden

Absent was Trustee Swanson, whose absence was excused.

Also in attendance were:

Police Chief	Bret Cottrell
Town Clerk	Sue Blair
Attorney	Kathie Guckenberger
Residents	Rick Cummins
	Amy Drach
	Tucker Ladd
	Allyson Jacoby
	Duane Lovato
	Catherine Rollhaus
	Heather Mitchell

Agenda: Upon motion duly made, seconded and unanimously carried, the agenda was amended by adding acceptance of the 2021 audit and engagement of auditor for 2022 audit.

Public Comment: Crime Discussion – Residents Ladd, Lovato and Jacoby expressed their concerns with the crime that is taking place within Bow Mar. Mailbox thefts, aggressive magazine salespersons, and the homeless around town sleeping behind Town signage and showering in the sprinklers at the Sheridan entrance. Chief Cottrell recommended that “no trespassing” or “no soliciting” signs be posted at the residences to stop solicitation. Due to recent legislation, sleeping on public property is allowed. The Town’s code references “camping”, so it may require updates. Further complicating the issue, under the Police Reform Act, the police cannot approach suspicious persons without cause. If residents need to report a crime, they should call the Arapahoe County Sheriff’s Department who will then forward the call to police. He also mentioned that residents should use land lines when calling 911. Chief Cottrell also mentioned there is a “Neighbors” app that is monitored by Ring and is a very useful tool to communicate with residents. Trustee Ramsden would like a volunteer of the community to take this app on. The Town can also send eblasts to alert the residents.

Pickleball Courts: Residents Catherine Rollhaus and Heather Mitchell addressed the Trustees with their concerns that impacted neighbors were not fully informed of the project. There is a significant loss of open space and may be defined as a nuisance under the Town Code. Ms. Rollhaus feels that there was a lack of transparency and questioned the fiduciary responsibilities of BMOI. She suggested that the pickleball project should be a Town vote. Ms. Mitchell said she supports all comments that have been made. This could reduce property values and she feels BMOI handled it very badly. The following written comments were received:

- 1.) We have an interest in and an appreciation of open space and views, and it does not appear to us that town residents were given a clear opportunity to express their preferences regarding the choice between 4 pickle ball courts on Marston Meadow and leaving that space open.
- 2.) The process for consideration specifically of 4 pickle ball courts on Marston Meadow did not fully inform directly impacted neighbors. We did not learn of the project until a May 17th email from a neighbor.
- 3.) The notice in the Bow Mar Bulletin regarding the meeting with the Design Review Board (DRB) on May 10 was vague and did not alert town members to the actual implications of that meeting.
- 4.) Because of 2.) & 3.) above, the presentation to the DRB on May 10 contained misrepresentations by BMOI regarding consultation and support from directly impacted neighbors and was devoid of alternative voices regarding the desirability of the plan for 4 pickle ball courts on Marston Meadow. Therefore the DRB approval from the May 10 meeting should be invalid.
- 5.) Given the cost and extent of this project, including the loss of a significant amount of open space, it would be a more prudent approach to include this as a specific item for town residents to vote on in the next town election.
- 6.) Given the risk of this project resulting in a nuisance as per the Town of Bow Mar ordinances (Recreational or municipal uses shall not include any activity, structure or use which constitutes a nuisance or which is contrary or detrimental to the character of the Town.), it would be a more prudent approach to include this as a specific item for town residents to vote on in the next town election.

The Mayor thanked the community members for attending the meeting.

The general session was recessed and the Board of Adjustments convened.

Variance: Trustee Dennis opened the public hearing to consider an application for a variance for variance by the property owner at 4801 wagon trail for the fireplace on the existing patio. the fireplace will be under the existing roofline. the patio and roofline are within the setback and therefore it is understood that this needs to be approved since it is adding an element to the existing approved structure. Building Commissioner Carlson introduced the variance. Rick Cummins and Amy Drach were present to answer questions. After review Building Commissioner Carlson recommended approval of the variance. Trustee O'Dell moved to approve the variance. Upon second by Trustee Ramsden, vote was taken and motion carried. The Board of Adjustments hearing was closed and the Trustees reconvened into General Session.

2021 Audit: Kyle Logan reviewed the 2021 audit, providing a nonqualified opinion. Mr. Logan noted that there were no audit adjustments needed as the financial statements as presented through the year were accurate. Trustee Dennis moved that the Board accept the 2021 audit as presented. Upon second by Trustee O'Dell, vote was taken and motion carried unanimously. Clerk Blair will file the audit with the office of the State Auditor.

Commissioners Reports:

Public Safety – Chief Cottrell reviewed the monthly public safety report. Trustee Ramsden and Chief Cottrell will be preparing communications to go out to the residents on various safety subjects. Trustee Ramsden reported that she has been researching bollards to be installed at Mary’s Meadow. She will be contacting Denver Fire for their approval of the type of bollard to be installed.

Finance – Trustee Dennis reports that for the month of June, that total revenue was 72% of the year-to-date budgeted amount while operating expense was at 36%. General government was 47% of budget, public safety 50%, parks and rec 127%, and public works 14%.

Total year-to-date operating surplus was \$366,110 and the net non-recurring income (building permits/road impact fees less building inspection expense) of \$121,468 results in a total year-to-date surplus of \$487,578.

In June, we collected \$72,318 in property tax and road mill funds. Other sources of revenue included specific ownership tax, highway user tax, lottery, interest and Xcel franchise tax. The mulching of resident’s tree limbs from the late May snow storm was \$4,275 this was another item that was not in the 2022 budget for Parks and Rec. All other June expenses were as anticipated.

Public Works – Mayor Sperry reported that potholes on Sheridan have been repaired and others within the Town will be repaired.

Parks and Recreation – Trustee Hinton reported the power project at Berry is underway. There are a few sprinkler problems at Sheridan and Belleview that will be repaired, including installation of backflow preventers. Also, the timer isn’t working at Sheridan. Lifescapes has been notified.

Building – Trustee Carlson reported that in June the Town received \$8,260.00 in Permit Fees; License Fees of \$0; Transportation Utility Fees of \$4,377.00, for a total collected of \$12,957.00.

Intergovernmental – Trustee O’Dell reported that he was searching for funding opportunity for Town projects.

Attorney’s Report - Attorney Guckenberger stated it has been an honor and a privilege to serve as the Town’s attorney. Attorney Guckenberger stated that all the Town’s files will be provided to the new town attorney and the transition will be very smooth. She is happy to help in anyway she can.

Clerk’s Comments – No report was given.

Mayor’s Report – Mayor Sperry that the Berry Curve project will soon be underway with the intent to complete it before school starts.

Mayor Sperry reported that he has been making changes to the website. He has access to the website as does Clerk Blair so any notices or announcements can be posted timely.

Mayor Sperry reported that Denver Water is wanting an easement to run a new 12” main at the end of Bow Mar Drive. This is a benefit to the Town and he would like to proceed with approving the easement. He is in discussion with Denver Water regarding possible compensation to Bow Mar for the easement.

Mayor Sperry said that he and Steve O'Dell are working with a Bowles Metro representative to review the responsibilities and maintenance required by the Bowles Metro District for the retention ponds between Bowles Lake and Grant Ranch.

Mayor Sperry reported that the Town should know in a few days the amount of funding for Berry Curve from Jeffco Open Space. Once that amount is known, the Board can decide if they want to approve funding roadway improvements on Upper Juniper. Clerk Blair confirmed with Attorney Guckenberger that she could poll the Board to see if they would be in favor with the roadwork on Upper Juniper, and then ratifying at the August Board meeting.

Mayor Sperry stated that Bow Mar needs to be a safe community and would work to find the best solutions for the issues that we face in this day and age.

Old Business:

2022 Roadway Improvement Project: Attorney Guckenberger reviewed the contract for the 2022 roadway improvement project with RME in the amount of \$507,981.35. Director Hinton moved that the Board approve Resolution No. 2022-R-10 approving the construction agreement with RME, d/b/a ESI. Upon second by Trustee O'Dell vote was taken and motion carried unanimously.

Mayor Sperry reported there are four homeowners within Littleton that will be affected by the project. The Town will install landscaping as prescribed by the plans; however, the homeowners will be responsible to maintain said landscaping and must execute an agreement with the Town before any landscaping installation.

2022 Projects: Mayor Sperry asked the Trustees to list up to three projects they will be working on. By listing the projects, it will help all Trustees and residents to know who is working on what and keep all focused.

Trustee Dennis – 2023 budget, road fees, Berry Curve

Trustee O'Dell – researching funding opportunities for the Town

Trustee Ramsden – public health and safety, safety communication, Denver/Mary's Meadow security

Trustee Carlson – rewriting variance code, Attorney Guckenberger forwarding all information

Trustee Hinton – Berry sign, sprinklers and light; additional landscaping and beautification of the Town; sprinkler care and trees.

Mayor Sperry – Roads and Berry Curve; safety preparedness; potential Federal grant monies, roads, and broadband

Mayor Sperry for Trustee Swanson – asphalt, signage uniformity, roadway striping

New Business -

During the month, Ms. Blair set up an interview with Ken Fellman to serve as the Town's attorney. The Mayor and Trustees who interviewed Mr. Fellman were all in favor of engaging him as the Town Attorney. Upon motion by Trustee Dennis, second by Trustee Hinton, vote was taken and motion carried unanimously to engage Mr. Fellman. Clerk Blair will contact Mr. Fellman and he will attend the August meeting of the Board.

Trustee Dennis moved that the Board approve a one-year extension for Kyle Logan to prepare the 2022 audit for the Town. Upon second by Trustee O'Dell, vote was taken and motion carried unanimously.

Adjournment

There being no further business to come before the Board, the meeting was adjourned at 9:24 p.m.

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Bryan L. Sperry
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Sue Blair
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Bryan Sperry, Mayor

Sue Blair, Town Clerk