

**TOWN OF BOW MAR, COLORADO BOARD OF TRUSTEES  
MINUTES OF THE SPECIAL MEETING  
JANUARY 20, 2020**

CALL TO ORDER: The regular meeting of the Board of Trustees of the Town of Bow Mar was called to order on Monday, January 20, 2020 by Mayor Feldkamp. The meeting was held at Columbine Valley Town Hall, 2 Middlefield Road, Columbine Valley, CO 80123. A quorum was declared present at 7:00 p.m.

**PRESENT:**

Mayor	Tom Feldkamp
Trustees	David Wadsworth
	Marsha Dennis
	Margo Ramsden
	Leslie Hinton
	Steve Fabricant
	Jane Carlson
Clerk	Sue Blair
	Angie Kelly
Police	Chief Cottrell
Attorney	Kathie Guckenberger

**Public Comment:** Mary Spofford noted that at the 2018 town meeting, Trustee Ramsden assured everyone that the Town would be transparent in the traffic mitigation process. Ms. Spofford also reminded the Trustees that former committees have concluded that gates would be illegal to install on the public roads of Bow Mar. She also explained that Foxfield said their gates were legal because the Town kept the roads private when they incorporated. Ms. Spofford asked that, in the spirit of transparency, can the board detail the reasons why gates can be legal in Bow Mar? She would like to see the statutes and case law cited in this explanation. Ms. Spofford then voiced concerns about gating Belleview. She reminded the Board that they also said that they would not divert traffic with a proposed plan for gates. Ms. Spofford feels closing Belleview will create an issue by diverting traffic to Berry. Ms. Spofford then stated that she feels, if gates are legal, it would be beneficial for the Board to finalize logistics of all desired gates before installing just one gate.

Lee Guthrie addressed the Trustees with concern about the gate information. He lives on the corner of Berry and feels traffic will increase if only Belleview is gated. This is a school zone and Mr. Guthrie has concern about the increased traffic. He is also concerned that the action of gating only 1 entrance will create a division in Town. Mr. Guthrie also noted that the published idea for all 5 gates would create an issue because it cuts off homeowner's property at the Berry curve from the Town. This is not an acceptable solution. It was also expressed that if the Town is going to add gates in the future, it is not viable to start installing gates without the full plan. Mr. Guthrie also has concern about the affect installing gates will have on the recent discussion regarding changing LPS boundaries and would ask the Board to investigate that before making a decision.

Dawn Fable addressed the Trustees about the LPS boundary changes. Ms. Fable noted that Wilder is considered a neighborhood school for Bow Mar. She noted that they moved to Bow Mar for the schools. She has great concern about the rezoning of schools and noted that Bow Mar has been loyal supporters of Wilder. Ms. Fable explained that that she does not want to see the area have to go to supporting private schools due to this change in the district. She feels that changing the boundary will hurt children's friendships, comradery, and education. She also feels that it will affect future families from moving to Bow Mar.

Craig Burbage noted he has lived in Bow Mar for 28 years and he has lived on two of the busiest roads in Town. He explained that each past gate committee has been inconclusive because there is no solution unless the entire Town is

gated. Installing less does shift the traffic burden and he feels this is inconsiderate to the residents of the affected areas. All delivery traffic, visitors, service traffic, etc will all use Berry if Belleview is gated. He also noted that all parties at the beach will use Berry if other areas are gated. This is going to create a traffic burden on those in the Berry area and he would like the Board to consider this outcome before going through with the decision.

Presentation: Jack Reutzel addressed the meeting about the LPS redistricting. Mr. Reutzel is the School Board President and wanted to ensure he provided information and clarity on the issue. Mayor Feldkamp asked Mr. Reutzel to explain the school system's \$9m shortfall that is being discussed. Mr. Reutzel explained that LPS does need to cut \$4.2m from the 2020-2021 budget but that this shortfall is not the reason for the need to reorganize the District boundaries. Mr. Reutzel explained that, in 2008, the LPS School Board voted to close Ames Elementary due to lowering enrollment. They also had to close Whitman Elementary at same time. The District did use those buildings in the interim for other needs but are now finding that the population needing schools in those areas is growing due to the affordability of the housing. Therefore, those schools need to open again. Two schools also need to be combined due to lowering enrollment (Franklin and Highland). To accomplish this, the District needs to determine new boundaries for each school to ensure bussing for the students. Mr. Reutzel explained that Ames Elementary is being rebuilt and will open for the 2021 school year. Mr. Reutzel outlined the process of the boundary changes and noted that the District engaged a long-range planning committee, which is a group of citizens from the community. The main goals of the committee is to make sure no kids are crossing major north/south arterials and to make sure that busses are not passing one school to get to another school. The committee developed 12 different scenarios for the boundary changes. This was narrowed down to 2 preferred options. These options have been shared with the School Board recently. There are many questions that the Board and community have expressed. The next step is for the long-range planning committee to host community meetings to gather feedback. That feedback will be shared with the School Board. The Board is working to be as procedural as possible and has not yet engaged in discussion regarding a direction or decision. There are 4 workshops scheduled for the community feedback: January 28 at Goddard from 4pm – 6pm; February 3 at Pal Middle School from 6pm-8pm; February 12 at Newton Middle School from 6pm-8pm; and February 20 at Euclid from 6pm-8pm. Mr. Reutzel encouraged residents to go to as many of these as possible to express feedback. Mr. Reutzel also noted that if anyone would like to reach out to the Board of himself, they can do so via email: [boardofeducation@lps.k12.co](mailto:boardofeducation@lps.k12.co) or [jackreutzelboe@lps.k12.co](mailto:jackreutzelboe@lps.k12.co). Once the Board is given the feedback, they will have work sessions to being the decision making process. They hope to have the decision ready by the start of the 2020-2021 school year and the change will be effective for the 2021-2022 school year. Mr. Reutzel also noted that Colorado does allow students to open enroll, they just do not get bus transportation.

Presentation: South Metro Assistant Fire Chief Jerry Rhodes addressed the meeting to request a time in which he can present updates now that the South Metro Fire consolidations have been completed. He would like outline the changes, outline who the department is today, and find out how they can help Bow Mar. Chief Rhodes is also looking for information about the Bow Mar Volunteer Fire Department. Mayor Feldkamp asked Chief Rhodes how many calls Bow Mar makes to the department. Chief Rhodes noted that he cannot remember the last fire and most calls are medical. Chief Rhodes did outline the automatic aid they are working on with Denver Fire Department but noted that they do have mutual aid set up with Denver Fire. Chief Rhodes will be at the February 17 Board meeting to present.

Trustee Dennis moved to amend the agenda, to provide an update regarding the traffic study now since residents are in attendance for this matter. Upon a second, by Trustee Fabricant, a vote was taken and the motion carried unanimously.

Mayor Feldkamp explained that investigating all possible options would not be effective and likely end in inconclusive results like it has in the past. Therefore, the Board took the recommendation of the engineer and decided to investigate

the option of 1 gate at Belleview. The suggestion was also to review the gate at rush hour times instead of 24-hours. Mayor Feldkamp also noted that the Town intends to engage Evans & Associates to perform a traffic study to understand the impact on Berry, should the Belleview entrance be gated. Mayor Feldkamp assured the residents that decisions would be made in an open manner, surveys would continue to gain feedback, and the Board would be transparent about the issue. Mayor Feldkamp also outlined that, as officials, traffic concerns are the top issue expressed by the residents of the Town. 1 gate vs 3 gates vs 5 gates was also discussed and Mayor Feldkamp assured the attendees that no resident would be gated outside of the Town. The goal is to make the Town safer and help solve the traffic concerns that have been discussed for many years. Mayor Feldkamp did comment on the legality issue and noted that he cannot make public comment due to an upcoming conversation with the Town Attorney and an attorney hired by a resident regarding the gate issue.

Consent Agenda:

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

Commissioners Reports:

Public Safety – Chief Cottrell outlined the motor vehicle theft and explained that it was someone visiting a Town resident but was not sure if the theft took place in Bow Mar or not. There was another motor vehicle theft reported in which a vehicle pulled up next to a truck in a driveway and stole \$1700 worth of tools and left. Chief used information from another resident about the make/model of the vehicle and the flock cameras to find the plate. The vehicle was stolen but Denver had recovered the vehicle and all stolen items were returned to the homeowner. Chief Cottrell noted that Officer Goodyear is back on duty after injury. Traffic circles were discussed and it was asked that the police provide suggestions on signage to improve the confusion at the circle.

Finance – For the month of December, the total revenues were 107% of the year-to-date budgeted amount while operating expenses were at 109%. General government was 87% of budget, public safety 99%, parks and rec 133%, and public works 124%.

Total year-to-date operating deficit was \$68,335 and the net non-recurring income (building permits/road impact fees less building inspection expense) of \$152,158 results in a total year-to-date surplus of \$83,823.

In December, we collected \$2,360 in property tax or road mill funds. As anticipated, we operated at a deficit for the month. Other sources of revenue included specific ownership tax, highway user tax, Xcel franchise, cable franchise and interest income. Expenses of note were \$210,035 for road mill work and maintenance. All other items were as anticipated.

Building – Trustee Carlson noted that, in December, the Town collected \$4,686.50 in permit fees, \$1,834.89 in transportation utility fee, and \$930 in licensing for a total of \$7,451.39. Also included in the packet are the year-end report and the 2016-2019 summary of projects.

Parks and Recreation – Trustee Hinton noted that she had no new report.

Public Works – Trustee Fabricant noted the rumble strips are warrantied so if more are damaged, they will be fixed at the end of the snow season. Signage indicating the presence of rumble strips was discussed. Trustee Fabricant also outlined the timeline for the 2020 road work. Lower Lakeshore was discussed as to if it will be addressed in 2020.

Intergovernmental Affairs – Trustee Ramsden noted that she has no report.

Attorney's Report – Attorney Guckenberger noted she had two items, which had been requested by the Board. The first item of discussion is an ordinance to make minor change to the code. Currently the code notes that the Town

meeting will follow Robert’s Rules of Order. The ordinance would be to remove that from the code and allow the Board to adopt rules and regulations to follow. Attorney Guckenberger also outlined the suggested rules of conduct she shared with the Board. This would be more community friendly as Robert’s Rules of Order can be cumbersome and take away from the discussion. Attorney Guckenberger suggested that the Trustee digest the material over the next month and bring suggestions back for changes, before adoption. The second item for discussion is an amendment to the code to allow adoption of the mil levy and appropriation of funds via resolution. This as also changed for the budget adoption, so this minor change is to ensure all actions are done in the same manner. This will streamline the process for budget season. Trustee Dennis moved to approve ordinance 326, an ordinance of the Board of Trustees of the Town of Bow Mar amending sections 4-15, 4-16, and 4-17 of the Bow Mar Municipal Code concerning the process for annual tax levy certification and appropriation of funds. Upon a second, by Trustee Ramsden, a roll call vote was taken.

Ramsden: yes	Wadsworth: yes
Fabricant: yes	Hinton: yes
Dennis: yes	Carlson: yes

Clerk’s Comments – Ms. Blair noted the next meeting will be Monday, February 17, 2020. Ms. Blair outlined the request about a Town census and the Trustees asked to have the clerk file the paperwork.

Mayor Report – Mayor Feldkamp noted that there was no update regarding Comcast. He also noted that Xcel will be at the February meeting for a public hearing in which the Trustees will consider a new Franchise Agreement. The Town receives 3% of Xcel billing in Town. The presentation will also address future electrical changes.

Old Business:

Updates Regarding Traffic Study – this was already discussed.

Discuss Berry St Curve– Jason Miner is working on setting up a meeting with Littleton to discuss logistics of the sidewalk at the Berry curve. Mayor Feldkamp noted the best indication thus far is that the sidewalk will cost approximately \$25k to install. All surrounding landowner are in favor of the project and Littleton is looking at a 4-way stop at Berry and Blue Sage. An IGA regarding responsibilities was discussed. Trustee Dennis also noted that a resident has approached her about adding a sidewalk at the Belleview circle to the bus stop. This will be taken into consideration.

New Business:

Discussion Regarding School District Changes - this was discussed with the Jack Reutzel presentation.

Discussion Regarding Radon Proclamation – Mayor Feldkamp outlined the importance of testing for radon and encourages homeowners to do so if their home has never been tested. A proclamation will be sent to Tri-County Health outlining the Town’s recognition of the importance of radon testing and mitigation.

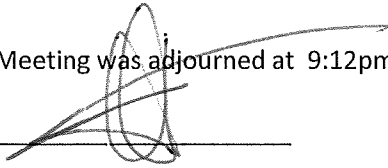
Consider and Approve Meeting Resolution – State law requires that the Board adopt a posting place at the first meeting of the year. The legislature is encouraging everyone to move to online posting, making the Bow Mar website the primary place of posting and where possible, will also post at beach location. The beach location will be the emergency posting. Trustee Dennis moved to approve the Resolution as presented. Upon a second by Trustee Fabricant, a vote was taken and the motion carried unanimously.

Discussion Regarding Building Inspector Fees – Trustee Carlson noted that she had talked with Mayor Feldkamp and Trustee Dennis about this item, but that Terry Weiss had not received an increase for building inspection fees in 6 years. Trustee Carlson would like to see an increase for Mr. Weiss so the

fees would increase \$5 and become \$95/hour for plan review and \$50 per permit. Attorney Guckenberger noted that the Town would like to get a contract in place for Mr. Weiss' services. Trustee Carlson will review fees from other Towns and provide feedback to the Trustees if this is enough of an increase in rate.

Discussion Regarding Per Sq Ft Price for Remodels/New Construction – Trustee Carlson noted that every now and again, someone will try and reduce their permit costs by being untruthful about the cost of the project. When this is discovered, Mr. Weiss and the Building Commissioner can perform an audit, following which the contractor/resident will be asked to make the Town whole on the true cost of the project. If the contractor/homeowner still does not provide the true cost of the project, the Town does not have a backup. Trustee Carlson is proposing the Town institute a policy in which a standard cost of building is used to determine the permit fee. This would be the last resort in determining the permit fee as the Town prefers to use the actual project cost. Trustee Carlson will talk with Mr. Weiss and bring a formal request back to the Board.

Adjournment – Meeting was adjourned at 9:12pm.



Tom Feldkamp, Mayor



Sue Blair, Town Clerk