

**TOWN OF BOW MAR, COLORADO BOARD OF TRUSTEES
MINUTES OF THE SPECIAL MEETING
FEBRUARY 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, February 17, 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 Jane Carlson
Clerk	Sue Blair Angie Kelly
Police	Chief Cottrell
Attorney	Kathie Guckenberger

ABSENT:

Trustee	Steve Fabricant
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Public Comment: Mary Spofford asked again for an explanation as to how gates are legal? She also wants an update on the conversation with the Town Attorney and the attorney hired by residents: is the Town getting sued? Is there an issue the Town should know about?

Rob Sterling thanked the Trustees for doing the traffic survey and doing the work to explore multiple options/solutions. Mr. Sterling noted that he has had 11 cars crash into his property since moving in 4 years ago. While traffic is certainly an issue, he wanted to note the crime and safety issues at hand here also. Mr. Sterling noted he was glad the Town is trying to solve the problem.

Douglas Carlson addressed the Trustees about HB 20-1233. This bill would allow camping in public spaces and parking of/staying overnight in vehicles. Mr. Carlson noted that his biggest concern is related to the allowing of camping in public parks. He feels that there are better answers for the homeless population than this bill provides. Mr. Carlson urged the Town of Bow Mar to pushback against the bill and ask the state legislature to come up with better solutions to help homelessness.

Mayor Feldkamp noted that the Town generally does not respond to public comment but in this case, he will address the issue. Mayor Feldkamp noted that a statement will be released on the Town website, once approved by the Trustees, regarding the legality of gate issue. With reference to HB20-1233: currently there is funding from Littleton, Englewood, and Sheridan to perform a study regarding homelessness in the area. Mayor Feldkamp proposed that the Town of Bow Mar could try and help fund that study to better understand homelessness in the area.

Presentation: Kevin Bommer – CML. Mayor Feldkamp asked that Kevin with Colorado Municipal League come and share what CML does what opportunities they have for the Town. Mr. Bommer started with: What is CML? CML is governed by a 21-member executive board who are elected at their annual meeting and represents 270 municipalities. The CML mission is advocacy, information, and training. CML's vision is to empower cities and town in Colorado with information and training to be effective. Mr. Bommer outlined the policy committee and how Trustees

can get involved with CML. Mr. Bommer then outlined the legislative team and legislative updates. Key issues: transportation infrastructure still has no statewide solution but there is HB 20-1151 for a Metro area RTA. However, there is a proposal that could be introduced in the near future for a more statewide solution. Affordable housing was also addressed. Specifically addressed was SB 20-093, regarding consumer and employee dispute resolution in that it outlines a better dispute resolution process for builders and construction defect issues. CML is opposed to this legislation as it stands now. Zoning for new rentals was also discussed related to affordable units and keeping some units as rent controlled. HB20-1233 was again discussed as it is related to the 9th District decision. Mr. Bommer also addressed sustainability and SB 20-010 with an update that the proposed legislation has died but more one-use bills will be seen. Employment issues were outlined related to FAMLI, minimum wage, lawful off-duty activities, workers compensation reform, and the Colorado Anti-Discrimination Act. Mr. Bommer outlined the CML annual conference in Westminster, CML training options, CML periodicals and newsletters, and publications put out by CML.

Presentation: Assistant Chief Jerry Rhodes – South Metro Fire. Assistant Chief Rhodes provided a report from this past year at South Metro. He outlined that since the merger with Littleton, the department has been able to upstaff each station by 1 more personnel. Chief Rhodes also outlined there is now automatic mutual aid with West Metro and they are still in talks with Denver for automatic mutual aid. Chief Rhodes also outlined the ISO 1 rating for South Metro as this should hold homeowner’s insurance steady or receive a decrease in insurance with this rating. Chief Rhodes outlined the public education and risk management that the department does to help drop the number of calls. While it may not affect the Town directly, the department evaluated inspection fees. The fees have been adjusted to take ensure plan reviews and inspections done on a timely basis. Chief Rhodes also addressed the legislation regarding public camping and incarcerated individuals who need additional help with mental health or drug dependency. Chief Rhodes asked how often the Town would like a report from South Metro. It was noted that the Town would like a report once a year.

Presentation: Tom Henley – Xcel Energy. Mr. Henley started with an outline as to how Xcel is focusing on reducing their carbon footprint. They are working to reduce carbon while still protecting cost and providing reliable service. Xcel is reducing carbon from coal fire plants with more scrubbing units, changing to natural gas plants, and even closing some coal fire plants. Xcel has also added a significant amounts of wind energy production and solar energy production systems. Mr. Henley outlined that in 2016, Xcel was using 29% renewable energy and by 2026 they will be using 59% renewable energy. Mr. Henley then explained what Bow Mar infrastructure was in place and noted that the large white box is a natural gas regulator station. Mr. Henley also talked about advanced grid intelligence. The advanced meters allow Xcel to tap into relays for monitors and communications with resident meters. These will also work for voltage optimization for businesses. An example of the communication for these new meters is related to power outages in the Town: right now, when there is a power outage in Bow Mar, Xcel doesn’t know until someone calls. The new meters in Bow Mar will alert Xcel when an outage takes place. Notification from Xcel, regarding these new meters, will be individual mailers to each home; so residents need to be on the alert for the meter changes.

Attorney Guckenberger outlined the ordinance and proposed franchise agreement presented by Xcel for the Town. The franchise agreement is renewed every 20 years and Bow Mar is given 3% in a franchise fee. The ordinance to be considered: Ordinance 327 approving a non-exclusive franchise agreement between the Town of Bow Mar and Public Service Company of Colorado granting the right to provide, sell and deliver gas and electricity to the Town and its residents using the Town streets and rights-of-way, public utility easements and other Town property. Trustee Dennis moved to consider this ordinance and franchise agreement, as proposed, at the March 16, 2020 Town meeting and directed Xcel to publish the necessary notifications. Upon a second, by Trustee Ramsden, a vote was taken, and the motion carried unanimously.

Trustee Dennis moved for a recess of the Board of Trustees and convene as the Board of Adjustment. Upon a second, by Trustee Ramsden, a vote was taken, and the motion carried unanimously.

Board of Adjustment: Public Hearing. Trustee Carlson introduced the variance request in which the Board of Adjustment is being asked to consider an application for variance by the property owner at 5280 Ridge Trail from the zoning restriction that limits construction within the 40' setback at the property line. This application is for a 50 sq ft triangle addition on the southwest corner of a bedroom. The variance is due to the pie shape of the survey lot and the location of the existing home on the lot. There is no view obstruction to neighbors. Trustee Carlson noted that the Design Review Board has recommended approval of the variance. Ms. Husband addressed the Board and provided the plans to the Trustees. A concern from the DRB was the roofline and Ms. Husband noted that the roofline has been addressed with the architect. She also noted that the addition will be hidden by vegetation and has been approved by all neighbors. Mayor Feldkamp moved to approve the variance request as submitted. Upon a second, by Trustee Wadsworth, a vote was taken and the motion carried unanimously. It was noted that if the size of the variance changes, the homeowner will need to bring another variance. Mayor Feldkamp moved to adjourn the Board of Adjustment and reconvene as the Board of Trustees. Upon a second, by Trustee Ramsden, a vote was taken, and the motion carried unanimously.

Consent Agenda:

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

Commissioners Reports:

Public Safety – Chief Cottrell outlined his report to the Trustees. The fire in town was a gas leak in a bbq that caught fire but the structure of the home was not compromised. Chief also outlined a burglary in Columbine Valley of which the burglars were caught due to cameras being able to alert the homeowner of the intruders. The homeowner then called 911 and police were able to arrive in time to catch the burglars.

Finance – For the month of January, the total revenues were 1% of the year-to-date budgeted amount while operating expenses were at 3%. General government was 2% of budget, public safety 8%, parks and rec 0%, and public works 0%.

Total year-to-date operating deficit was \$16,893 and the net non-recurring income (building permits/road impact fees less building inspection expense) of \$3,502 results in a total year-to-date deficit of \$13,390.

In January, the Town does not receive any property tax or road mill funds. Other sources of revenue included specific ownership tax, highway user tax, Xcel franchise and interest income. All expenses were as anticipated.

Building – Trustee Carlson presented the reports emailed to the Trustees. In January, the Town collected \$4,564.75 in permit fees, \$2,028.82 in transportation utility fee, and \$1,880 in licensing for a total of \$8,463.57. Trustee Carlson also outlined an audit that has been done on a recently renovated home which resulted in additional permit fees being collected. The fence installed by BMOI, without DRB approval was discussed. BMOI will be asked to follow the proper channels and submit their fence plans to the DRB. Upon further review, Trustee Carlson proposed that the Building Inspector fees be changed to the following: plans review increased to \$100/hour from \$90/hour, keep clerical the same at \$65/hour, and increase inspections to \$60/hour from \$55/hour. Attorney Guckenberger noted that it would be preferred to have a contract for service with Mr. Weis. Trustee Carlson will work on this with Attorney Guckenberger. Trustee Dennis moved to approve the proposed Building Inspector fees and have Attorney Guckenberger prepare a contract for approval at the March meeting. Upon a second, by Trustee Hinton, a vote was taken and the motion carried unanimously.

Parks and Recreation – Trustee Hinton noted that coyotes are present in Town. There will be a link added to the website, should anyone have questions on how to handle an interaction with coyotes.

Public Works – Trustee Fabricant emailed his report and noted the following: Please make sure that if you have your driveway plowed by a third party, they must clear the snow from the roads. When snow piles are left in the street, they freeze, and make plowing the roads very difficult. It was also noted that lower Lakeshore will be addressed this year regarding drainage repairs and road repairs.

Intergovernmental Affairs – Trustee Ramsden noted the census is starting and she will draft a bulletin message about participating in the census. Trustee Ramsden outlined the Arapahoe County 911 agreement in which it allows the Authority to lobby for their own issues with money they raise, and it allows the Authority to increase fees without membership approval. Her recommendation is to approve the agreement as the entity needs funding to keep up with technology. It was also explained that the public utilities commission is the check and balance system to ensure that the Authority doesn't increase fees unrealistically. Trustee Dennis moved to approve the agreement as presented and allow Mayor Feldkamp to execute the agreement on behalf of the Town. Upon a second by Trustee Ramsden, a vote was taken, and the motion carried unanimously.

Attorney's Report – Attorney Guckenberger had nothing to report additional to the items already on the agenda.

Clerk's Comments – Ms. Blair noted the next meeting will be Monday, March 16, 2020. Also discussed was the upcoming election. At the October Town meeting, the election calendar was reviewed and notice of the election was posted on the Town website. There were only 7 inquiries for petitions and 7 positions open. Therefore, the April 7, 2020 election does not have any candidates above and beyond board positions available. Trustee Dennis moved to approve Resolution 2020-R-05 cancelling the election, as presented. Upon a second by Trustee Ramsden, a vote was taken, and the motion carried unanimously. A notice will be published regarding the cancellation.

Mayor Report – Mayor Feldkamp noted that there is a new Mayor at Columbine Valley. Mayor Champion accepted an appointment to replace Susan Beckman at the Capital. Mayor Feldkamp outlined the MMC Homeless Initiative in which the last \$1,000 needed for someone to get off the streets is provided by the initiative. Mayor Feldkamp is asking the Town to donate \$1,000 to this cause. Trustee Dennis noted that this donation is already in the 2020 budget. Trustee Carlson moved to approve the donation of \$1,000 to the MMC Homeless Initiative. Upon a second by Trustee Ramsden, a vote was taken, and the motion carried unanimously. Mayor Feldkamp also asked for a \$250 donation to the Arapahoe County Mayors & Commissioners Youth Awards program. This is a program that recognizes high school seniors who have overcome obstacles to reach goals and show perseverance. Trustee Ramsden moved to approve the donation of \$250 to the Arapahoe County Mayors & Commissioners Youth Awards. Upon a second by Trustee Dennis, a vote was taken, and the motion carried unanimously. Mayor Feldkamp also addressed the TPO funding. Mr. Bommer had addressed the TPOs; the transportation issues, lack of state-wide funding, and the move to have regional solutions. Mayor Feldkamp explained that with Tabor, Gallagher, and Amendment 29 creating difficulty to raise money, the TPO options may provide possible middle ground for funding solutions. It was outlined that the Town does not have to join a TPO automatically, but if it does, it would be subject to decisions made by majority vote within that TPO. This concept is still at the legislature and needs to be passed, but could be a solution coming in the near future. Mayor Feldkamp also noted that the Berry Curve Sidewalk is still in progress. Finally, Mayor Feldkamp also wanted to outline the 2019 successes had by the Board of Trustees and what 2020 plans lie ahead. This document will be circulated and placed on the website.

Old Business:

Updates Regarding Traffic Study – The next item on the to-do list for the traffic study is to outline the exact components to study under single gate scenario. Trustee Ramsden will make a bullet point list for economic, construction, jurisdictional, etc issues and will circulate it for review. Once completed, contractors can be reviewed to determine who best to complete this portion of the analysis. Attorney Guckenberger has drafted a legal memo about the legality of gates, it will be sent to Trustees for review, and then placed on the website once approved.

Discuss Building Inspector Fees– this was already addressed.

New Business:

Review and Consider Approval of Resolution Cancelling April 7, 2020 Election – this was already addressed.

Review and Consider Approval of Ordinance 328 – Attorney Guckenberger explained the 10th Circuit (federal court of appeals) case based on the Fort Collins ordinance that it was unlawful for females to expose breasts but not males. The 10th Circuit said the ordinance violates Constitutional rights. Therefore, Attorney Guckenberger has recommended that the Town clean up its code so any reference of female breasts are struck from the code. The ordinance to be considered by the Trustees: Ordinance 328 Amending Sections 10-53 and 10-54 of the Bow Mar Code Concerning Indecent Exposure. Trustee Dennis moved to approve Ordinance 328, as presented, to amend the Town of Bow Mar Municipal code concerning indecent exposure. Upon a second, by Trustee Ramsden, a roll call vote was taken.


Ramsden – yes	Hinton - yes
Dennis – yes	Carlson – yes
Wadsworth - yes	Fabricant - absent

Review and Consider Approval of Arapahoe 911 IGA – this was already addressed.

Adjournment – Meeting was adjourned at 9:14pm.



Tom Feldkamp, Mayor



Sue Blair, Town Clerk