

**TOWN OF BOW MAR, COLORADO BOARD OF TRUSTEES
MINUTES OF THE REGULAR MEETING
NOVEMBER 18, 2019**

CALL TO ORDER: The regular meeting of the Board of Trustees of the Town of Bow Mar was called to order on Monday, November 18, 2019 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 Jane Carlson Marsha Dennis Margo Ramsden Leslie Hinton Steve Fabricant
Clerk	Sue Blair Angie Kelly
Police	Chief Cottrell
Attorney	Kathie Guckenberger

Trustee Dennis moved to amend the agenda in that the presentation regarding the Foundation Advisory Committee be moved to the agenda for the Foundation meeting which will immediately follow this Trustee meeting. Upon a second by Trustee Carlson, and unanimous vote of approval the agenda was amended as such.

Introduction: Nick Jimenez with Comcast attended the meeting to discuss the expired franchise agreement. Mr. Jimenez works with cities across Denver negotiating Franchise Agreement for Comcast. The Franchise Agreement allows Comcast to access easements and public rights-of-way to build and maintain their network to provide services. The benefit to the Town is 5% of gross revenue generated as payment back to the Town. Mr. Jimenez outlined the most recent outage and apologized for the service interruption. He noted that some equipment needed replacement. Mayor Feldkamp asked about wifi coverage, specifically he noted that the lake and beach could use better wifi coverage. Mr. Jimenez will review the options and report back.

Public Comment: Mary Spofford asked how it is legal to install gates on public roads? She understands the Town can install a gate similar to Bow Mar South, but her research into the legality of gating the roads indicates that the Town cannot gate the roads. Ms. Spofford noted that the Town has already spent \$50,000 on the traffic study with cost estimates for solutions at \$1m. She thinks the Town has direct potential for lawsuits with Lakewood, Littleton, and Denver if it is decided to gate the roads. Ms. Spofford asked if there been any research into the legality? Who has been consulted? What are the results?

Public Hearing: Trustee Dennis moved to open the Board of Adjustment to hear the variance request. Upon a second, by Trustee Fabricant, a vote was taken and the motion carried unanimously. Trustee Carlson introduced the variance for 5050 Aspen as the homeowner is requesting a variance for 30 sq ft within the 40' setback on the northeast corner for a garage addition. The homeowner was present to discuss and provided a packet of information with photos and drawings of the variance request. She noted that neighbors signed off on the plan. A drawing was provided to show the 40ft setbacks and the new garage location which is set to be built on the current parking pad. The homeowners noted that the sightlines to the existing garage will remain and the new garage will be perpendicular to the current so it will not show from the street. The neighbors will also not see the garage due to location and vegetation. The plan is to move the garage as far west as possible but to not interrupt the existing

garage door, the existing garage will stay. The homeowner tried to keep the variance as small as possible but could not fit a full garage in the space without the variance. It was noted that the DRB recommended approval of this variance. Attorney Guckenberger asked about elevations and the requirement for easements. Trustee Carlson noted that they have not previously asked for Town easements because they are all at the road and not in the property. Attorney Guckenberger noted that should the Trustees consider approving the variance, it could be conditional on providing the information to the Board before the building is constructed. Mayor Feldkamp asked the hardship which causes the need for this variance. The homeowner noted that due to the shape of the lot and the placement of the home, there are no other options and this is the least invasive option. If the garage is shortened, it would not fit 2 cars. Mayor Feldkamp moved to grant the variance, conditional upon easement and elevation information being sent to the Trustee, for the property located at 5050 Aspen Drive from the 40-foot side yard setback requirement for a 30 square foot triangle on the northeast corner of the existing residence for purposes of constructing a new two-bay garage, based on the materials provided in the application and the recommendation of the Building Commissioner, finding that such variance: will allow reasonable and economic construction upon the lot in question; and that granting such variance will maintain a pleasing and harmonious appearance with the nearby surroundings and be consistent with the values set forth in Section 16-1 of the Bow Mar Municipal Code. Upon a second, by Trustee Fabricant, a roll call vote was taken.

Feldkamp – yes Dennis – yes
Ramsden – yes Fabricant – yes
Wadsworth - yes

Presentation: The Foundation Advisory Committee presentation will be heard at the Foundation meeting. However, Mayor Feldkamp outlined that he and Rick Pilgrim had previously discussed trying to get a sidewalk installed at the Berry curve for a safer walkway in that area. Mr. Pilgrim noted that previously the City of Littleton and Bow Mar were working on a sidewalk that would travel through easements held by each entity and provide a safe walkway for kids going to school. There is possible grant money in the Safe Route to School Grant. The sidewalk would be on the north side of the street and connect to the existing sidewalk along Berry. Mr. Pilgrim will work with the Town Engineer to develop a work plan. Discussion took place regarding easement and property ownership. Trustee Fabricant moved to proceed with all necessary steps and processes in getting a sidewalk installed at the Berry curve. Upon a second, by Trustee Dennis, 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 Hinton, a vote was taken and the motion carried unanimously.

Commissioners Reports:

Public Safety – Chief Cottrell outlined his report to the Trustees. Chief noted that it was a fairly quiet month. The incidents were outlined.

Finance – For the month of October, the total revenues were 103% of the year-to-date budgeted amount while operating expenses were at 76%. General government was 72% of budget, public safety 82%, parks and rec 107%, and public works 72%.

Total year-to-date operating surplus was \$188,426 and the net non-recurring income (building permits/road impact fees less building inspection expense) of \$138,468 results in a total year-to-date surplus of \$326,894.

In October, we did not collect any property tax or road mill funds, and as anticipated, we operated at a deficit for the month. Other sources of revenue included specific ownership tax, highway user tax, Xcel franchise and interest income. Expenses of note were \$186,492 for paving the roads. Parks and Rec maintenance was \$5,397

for chemical treatment and fall cleanup to Mary's Meadow, the bridle path and the circles. Legal fees were \$2,932 for working on the Xcel franchise contract, researching the legality of gating and review and research the CORA request a resident filed. The resident requested copies of all current traffic mitigation documents along with all past studies and email correspondence. This cost the Town \$1,488. All other items were as anticipated.

Building – Trustee Carlson outlined her report in which \$4,428 was collected in permit fees, \$200 was collected in license fees, and \$879 was collected in utility transportation fees. A total of \$5,507 was collected this past month. Trustee Carlson outlined the upcoming projects. Trustee Carlson noted that the DRB spent a lot of time working on dock guidelines to outline process and regulations for building a dock. Trustee Carlson outlined that starting January 2020 homeowners will not be heard by the Design Review Board until they have submitted a full packet of information. This may mean that a homeowner will have to wait until the next month's DRB meeting to present if their submission packet is not completed by the deadline.

Parks and Recreation – Trustee Hinton noted that the repairs on the sign at Sheridan were started today. Also, holiday lights are up, some areas are missing electrical so that is being repaired. Trustee Hinton also outlined that an additional bid was obtained for the irrigation work and clean-up/maintenance of planted areas for the summer. Mayor Feldkamp noted he knows of one other company wanting to bid. Once received, the Trustees can vote on the contract.

Public Works – Trustee Fabricant outlined that the 2019 road work is winding down and the punch list items are being worked on over the next few days. Crack sealing was done, the Sheridan roundabout still needs to be completed.

Intergovernmental Affairs – Trustee Ramsden outlined that 3 dumpsters were brought in September and 3 in October. She thanked BMOI and the Tennis Committee for allowing dumpsters to live in the parking lot. Also, the final traffic report came today from Evans & Associates. A memo will be drafted so the traffic study and traffic survey results can be published to the community. These items will be placed on the website.

Attorney's Report – Attorney Guckenberger has nothing additional aside from items already discussed on the agenda.

Clerk's Comments – Ms. Blair noted the next meeting will be Monday, December 9, 2019. This meeting is earlier than normal to meet State requirements for the budget filing.

Mayor Report – Mayor Feldkamp asked Trustee Dennis to discuss the holiday party. It was outlined that a holiday party is being discussed to thank all of volunteers working on Town business. Mayor Feldkamp also noted that Office 365 contract was signed and emails will be setup. Mayor Feldkamp also noted that he attended the CML Mayors Summit and the most efficient way to run meetings was discussed in that Robert's Rules of Order may not be the best method. This will be reviewed and Attorney Guckenberger will work with the Town to adopt any changes needed.

Old Business:

Updates Regarding Traffic Study – Trustee Ramsden incorporated all Trustee comments into a memo back to Evans & Associates, from which they provided the final traffic report. An outline will be provided to explain the study and survey results and these documents to be posted online. Discussion should take place regarding next steps and exactly how to move forward. It was noted that likely one option will be picked to spec exactly what gates would look like, options legally, costs associated with the work, etc. The plan is to send the final report to Trustees, approve the report at the December 9th meeting, and then get the information published to the community on the website. The legality questions will also be addressed in these documents. Trustee Carlson noted she believes this issue needs to go to a vote of the people. Trustee Ramsden agreed.

Update Regarding Proposed 2020 Budget – Trustee Dennis noted that the only changes were an increase to revenues and an increase to parks/rec maintenance.

Discuss Emerald Ash Borer Update – Trustee Ramsden noted that something should be done as an education campaign for residents to prepare for EAB. It would be helpful to review what do other communities have for mitigation plans also. This is not urgent but she would like to help prepare a plan for citizens.

Discuss Development of Town Project List – tabled until January for further discussion.

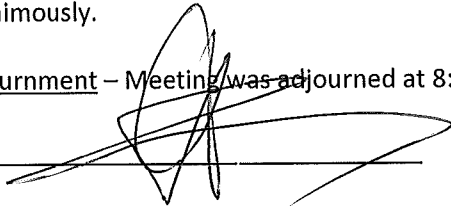
New Business:

Discussion Regarding Berry Curve Solution – this was handled previously in the meeting.

Discussion Regarding Holiday Light Rules – There have been a few complaints about holiday lights in the neighborhood. It was discussed that the rules allow for seasonal lights from November 15 until January 15. The 11pm regulation to have lights off does not include holiday lights, a correction will be printed in the bulletin. It was decided that no further rules will be created regarding this.

Review And Consider Approval 2019 Audit Engagement - Trustee Dennis moved to approve Logan & Associates to perform the 2019 Town audit. Upon a second, by Trustee Ramsden, a vote was taken and the motion carried unanimously.

Adjournment – Meeting was adjourned at 8:27 pm.



Tom Feldkamp, Mayor



Sue Blair, Town Clerk