

**TOWN OF BOW MAR, COLORADO BOARD OF TRUSTEES
MINUTES OF THE REGULAR MEETING
DECEMBER 11, 2017**

CALL TO ORDER: The regular meeting of the Board of Trustees of the Town of Bow Mar was called to order on Monday, December 11, 2017 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	Anne Justen
	Marsha Dennis
	Carrie McLaughlin
	Jane Carlson
	Steve Fabricant
	Barb Cole
Clerk	Angie Kelly
Legal Counsel	Keith Martin

Public Comment – Beth Hoffman addressed the meeting about the wireless ordinance. Ms. Hoffman was involved in the response to the initial ordinance, sharing concerns about the ordinance. The concerns were centered around making the ordinance as strict as possible, within State and Federal Law guidelines. Ms. Hoffman asked that the Trustees have more discussion about the ordinance. Ms. Hoffman also asked that the Trustees consider all ordinances twice: to have a first reading and second reading to ensure the public has time to comment on ordinances.

Matt Douglas noted that he appreciates the care and consideration of the homeowner group which made comments about wireless communication ordinance. Mr. Douglas would suggest that, given the risk of being challenged and taken to court, the Trustees and Legal Counsel reconsider the outlined recreational regulations given they are subjective.

Public Hearing- Trustee Dennis moved to open the Board of Adjustment hearing. Upon a second by Trustee Fabricant, a vote was taken and the motion carried unanimously. Trustee Carlson outlined the variance request in that the homeowner is asking for a variance for their garage. Trustee Carlson noted that the homeowner and the Architect were present. The Architect explained that the homeowner is asking for a variance of 24 sq. ft. for corner of their garage during this renovation. The variance will allow the garage to be square, otherwise there will be an offset to match the setback requirements. Trustee Cole and Trustee Justen will recuse themselves from voting as they are neighbors and have both signed off in agreement of the request. The Architect reviewed the plans and proposal with the Trustees. Trustee McLaughlin asked what the elevation looked like on the end that faces Juniper St. Photos were shown and explained in response to the question. All neighbors have been addressed and all have agreed to the request. Trustee Fabricant moved to approve the variance request of 24 sq. ft. into the setback. Upon a second by Trustee McLaughlin, a roll call vote was taken.

Dennis - yes	Fabricant - yes	
McLaughlin – yes	Justen – recuse	Cole - recuse

Trustee Dennis moved to close the Board of Adjustment hearing. Upon a second by Trustee McLaughlin, a vote was taken and the motion carried unanimously.

Public Hearing - Resolutions 319, 320, 321 were introduced: RESOLUTION NO. 319. A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF BOW MAR SUMMARIZING REVENUES AND EXPENDITURES FOR EACH FUND AND ADOPTING A BUDGET FOR CALENDAR YEAR 2018

RESOLUTION NO. 320. A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF BOW MAR LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2018 TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE TOWN OF BOW MAR, COLORADO, FOR 2018

RESOLUTION NO. 321. A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF BOW MAR APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES IN ACCORDANCE WITH THE 2018 BUDGET, FOR 2018

Trustee Dennis reviewed the information in the Resolutions and outlined any changes that were made from the draft budgets to the final budget numbers. The changes were related to the Columbine Valley contract price for Police services and the final Assessed Values sent by the County. Trustee Cole asked how the mill levy changed from 2017 to 2018. Trustee Dennis noted that it changed 2 tenths; no significant change was seen. Trustee Cole suggested that it was positive that there was no significant change in the mill levy and residents should be informed. Trustee Justen asked for clarification regarding expenditures: if a line item has funds appropriated, does this mean that projects do not need approval by the Trustees before proceeding? Trustee Dennis noted that regular occurring items proceed such as Pet Scoop or landscaping maintenance. Road work or IT programs, for example, would still need to come before the Trustees. Trustee Cole noted that the Comcast money is only about 5% of the revenue to the Town and feels the amount should be higher. Trustee Dennis explained that the Comcast money is only for cable. Mayor Feldkamp noted that internet or other services from Comcast are not included in the money they pay to the Town.

Following this discussion, Trustee Cole moved to approve Resolution No 319. Upon a second by Trustee McLaughlin, a vote was taken and the motion carried unanimously. Trustee Dennis moved to approve Resolution No 320. Upon a second by Trustee Carlson, a vote was taken and the motion carried unanimously. Trustee Fabricant moved to approve Resolution No 321. Upon a second by Trustee Dennis, a vote was taken and the motion carried unanimously.

Consent Agenda:

Approval of Minutes – Trustee Dennis moved to approve the minutes from the November 20, 2017 meeting, as presented. Upon a second by Trustee McLaughlin, a vote was taken and the motion carried unanimously.

Approval of Treasurer's Report and Payments – Trustee Cole noted that the Town was being seemingly conservative on revenues in the budget for next year. Trustee Dennis explained that she will follow trends for budgeting but does not overstate revenues, to be safe. Trustee Cole moved to approve the Treasurer's Report and Payment of Claims as presented by Trustee Dennis. Upon a second by Trustee Carlson, a vote was taken and the motion carried unanimously.

Commissioners Reports:

Public Safety - Trustee Cole noted that the ordinance for solicitations does not match the minutes. Clerk Blair is working with Legal Counsel to clarify what was passed vs the minutes. Trustee Cole noted that the ordinance should read that homeowners need to sign up if they want solicitations. Trustee Cole also addressed the Comcast agreement. She noted that the agreement is not exclusive, so that is good for the Town. The issue does still remain that some pedestals straddle property lines. Trustee Cole suggested that Legal Counsel review the agreement and to make sure these issues are addressed before the renewal at the end of 2018. Also of discussion was the planter box damage at Sunset and Bow Mar Drive. Discussion took place about removing the planter versus increasing the visibility; for safety reasons. The Chief Cottrell suggested that the planter be removed. After discussion, Trustee Fabricant recommended that the first step should be adding reflectors to the planter box to help drivers see it better.

Finance – Trustee Dennis reviewed the report distributed to the Trustees. Trustee Justen asked why the investments have gone up so significantly? Trustee Dennis explained that excess money was moved from checking into ColoTrust and CSAFE in May of 2016 and an additional \$200,000 was moved into the investment accounts this year. Excess money is due to several years of increased building in Bow Mar and the associated

fees. When the Town has excess funds, Trustee Dennis moves the funds into an investment account to earn more interest.

For the month of November, the total revenues were 110% of the year-to-date budgeted amount while operating expenses were at 55%. General government was 63% of budget, public safety 92%, parks and rec 129%, and public works 14%. The Public works percent of budget will change dramatically next month since the road mill repairs will be paid in December.

Total year-to-date operating surplus was \$387,496 and the net non-recurring income (building permits/road impact fees less building inspection expense) of \$182,885 results in a total year-to-date surplus of \$570,381.

As anticipated, no property tax revenue and road mill levy funds were collected in the month of November. Expenses of note are \$9,212 for pothole repair and \$2,300 for new gravel on the path at Mary's Meadow.

Building – Trustee Carlson outlined the report distributed to the Trustees. Permit fees collected were \$6,165.75 and license fees collected were \$330. Trustee Carlson noted that there are 14 projects in process and 5 projects starting before the end of the year. The Town has completed 55 projects this year thus far.

Parks and Recreation – Trustee McLaughlin noted that not much has happened other than holiday lights and decorations being installed.

Public Works – Trustee Fabricant outlined bids that were sent to the Town from Metro Pavers just before the meeting. Trustee Fabricant also noted that the Town is holding payment until the work on Wagon Trail is completed. In 2018 the road work to be done will be Larkspur from Redwood to Bow Mar Drive and Redwood Drive from Bow Mar Drive to Lakeshore. If the Town has money left over, other small items will be addressed. The bids presented fit within budget. Also, important for 2018, is to ensure the drainage study is complete. The Town will share the drainage information with the ACC to ensure all projects are following the historical drainage flow of the Town. Trustee Fabricant noted that additional bids will be obtained for the work. Trustee Cole noted she had some suggestions for contractors that she would share with Trustee Fabricant. Another major project to address is the drainage on Wagon Trail and finalizing the details to ensure the flow is away from homes.

Intergovernmental Affairs – Trustee Justen reviewed her report distributed to the Trustees. Trustee Justen noted that Littleton Fire provided notice to the City of Littleton that the contract for fire service would not be renewed. The City of Littleton is investigating options and looking at going to South Metro Fire Rescue for service. South Metro has worked to merge Littleton Fire for a few years. Mayor Feldkamp explained that Denver Fire has taken over Sheridan and Englewood and noted that there are options for service the Town of Bow Mar can review. Trustee Justen noted that the next DRCOG meeting is the 3rd Wednesday of December so a report will be provided at the next meeting.

Attorney Report – Mr. Martin addressed the wireless ordinance concerns and explained that they understand the need to be restrictive regarding regulations to install a wireless communication tower but that there needs to be a balance between what local regulation can/cannot do. The ordinance works to bring together two Federal Acts but allow the local authority (Bow Mar) to restrict these towers as much as possible. It was noted that Pico-cell and Micro-cell 'towers' can be installed anywhere; these do not require approval. The larger cell towers (WCF) need to be approved by the Town. Any company looking to install a WCF would need a variance from the Town to proceed. The height of the cell tower, as permissible by the ordinance, was discussed. It was noted that companies would still need a variance to install, so they do not have to allow up to 30-feet but can remain restrictive at the Town designed height of 18-feet. Design standards were also discussed and the variance required would allow the Town to regulate the look of the towers. Mr. Martin noted that the Town cannot interfere with FCC and FAA but can make it harder for companies to install these towers. Trustee Justen asked if there were any known towers or base station facilities in the Town already? The Town does not currently have any of these facilities. It was asked if the co-location requirement can that be tightened? Mr.

Martin noted that a variance would be needed and the Town can be sure they are comfortable with the restrictions through the variance process. Regarding the smaller systems, the micro-cell and pico-cell, it was noted that these do require administrative review through the building department. Trustee Cole noted that she feels the design standards are fluffy and would like them to be more defined. Mr. Martin explained that these standards give the Town a lot of discretion about the look of the towers. Trustees noted they are concerned about leaving the Town exposed for towers to be installed. Trustee Fabricant noted he feels the Town has greater exposure by not having an ordinance in place. Ms. Hoffman noted that the residents are asking the Trustees to take more time and review the Town of Morrison regulation as they feel the restrictions are adequate. Trustee Cole noted that the zone districts were not consistent with the Official Zoning Map and will send the attorney a copy of the Comprehensive Plan maps. Mayor Feldkamp noted that people should send him comments once the Town of Morrison policy is reviewed and action will be taken on the ordinance in January.

Clerk's Comments – Ms. Kelly noted that the next meeting will be January 15, 2018 and that Election Day is April 3, 2018. Nomination forms will be circulated between January 2nd and 22nd.

Mayor's Report – Mayor Feldkamp wished everyone a happy holiday season. Mayor Feldkamp outlined that the Columbine Valley building IGA would be extended by one year but the Town will renegotiate for the 2019 agreement.

Old Business:

Trustee Carlson moved to open discussion regarding the Columbine Valley IGA to provide Building Services to Bow Mar. Upon a second by Trustee Fabricant, discussion took place. Trustee Justen noted that she would like to see an analysis regarding the number of Bow Mar projects versus the number of Columbine Valley projects and the analysis of costs for each group of projects. Trustee Cole outlined that it is important to know that Bow Mar is paying \$325,000 to Columbine Valley for Police and Building Services. Trustee Cole and Justen both explained that they are looking to ensure the costs are proportionate for the services delivered by Columbine Valley and that we find an agreement that works for both. Mayor Feldkamp noted that the Town could look at asking for more work in 2018, instead of a lower price, to ensure the costs are justified. Trustee Carlson noted that Stephanie with Columbine Valley is doing a great job and has allowed Bow Mar to present a more professional image regarding building permits and licenses. Trustee Carlson recommended the Town move forward with the 2018 agreement but negotiate a proportional agreement for future years. Following discussion, Trustee Cole moved to approve the 2018 Columbine Valley Building IGA. Upon a second by Trustee McLaughlin, a vote was taken and the motion carried unanimously.

Drainage – this was already covered.

New Business: Nothing presented.

Adjournment – There being no further business, the meeting was adjourned at 8:51 p.m.



Tom Feldkamp, Mayor



Sue Blair, Town Clerk