

**TOWN OF BOW MAR, COLORADO
BOARD OF TRUSTEES
MINUTES OF THE REGULAR MEETING
APRIL 20, 2015**

CALL The regular meeting of the Board of Trustees of the Town of Bow Mar was called for Monday, April 20, 2015, Mayor Rick Pilgrim presiding. The meeting was held at Columbine Valley Town Hall, No. 2 Middlefield Road, Columbine Valley, CO 80123. A quorum was declared present at 7:00 p.m.

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| PRESENT | Mayor | Rick Pilgrim |
| | Trustees | Merle McKittrick |
| | | Gary Guilford |
| | | Carrie McLaughlin |
| | | Anne Justen |
| | | Jane Carlson |
| | | Marsha Dennis |
| | Attorney | Jack Reutzel |
| | Clerk/Treasurer | Karen Reutzel |
| | Police Chief | Chief Bret Cottrell |
| | BMOI Rep. | Chris Murdy |
| | Public | None |

Public Comment None.

Public Comment - None

Public Hearing - Variance request for a 30 ft. variance to the east side at 5230 Lakeshore (Ray) for the construction of a 2 ft. retaining wall. – Building Commissioner Jane Carlson reported that the details of the variance request were unchanged since last month and the request was properly posted and published. The homeowner explained that the retaining wall will solve historic drainage issues at the home and is part of a large re-landscaping project. ACC recommended approval of the project. There was no public comment. The Trustees commented that the request seemed reasonable under the circumstances. The variance request was approved unanimously by motion. (Carlson/Dennis/Unanimous).

Public Hearings - Variance request for a 32 ft. variance into the east setback at 5215 Sky Trail (Harvey) for the construction of a garden shed. The homeowners and their architect attended to present the plans, which were unchanged from the prior month. The request was to place a 10 x 12 x 9 shed in the east setback 8 feet from the property line, and was properly noticed and published. The Trustees asked whether the garden storage could be accommodated in the home’s garage and the owners explained that the garage space was maximized. The Board expressed that the Town is generally not in favor of outbuildings

in the setbacks for new construction because the owner has the opportunity to plan for accommodating such structure from the beginning without a variance. Concern was expressed that there is no hardship being addressed by the variance request. Several Trustees noted that the residents of Bow Mar highly value the preservation of open space between homes and that the proposed shed would crowd the border. The owners explained that they were trying to keep shed away from the reservoir so as not to obstruct the neighbor to the north's view. The Board was not inclined to approve the proposal in its current state. A motion was passed unanimously to continue the variance request until the May meeting to allow the homeowners to propose an alternative location for the shed. (Guilford/McKittrick/Unanimous).

Variance request for a 20 ft. variance into the east setback at 5215 Sky Trail (Harvey) for the construction of an arbor. The architect explained the proposed arbor is an aesthetic feature for a garden area and will be constructed of rustic pine; it won't be a massive timber structure, and will be used to support vines. The request was properly posted and published. There was no public comment and no further comments from the Trustees. The request was approved unanimously by motion. (Carlson/McKittrick/Unanimous).

Variance request for a 28 ft. into the west, 33 ft. into the south, 20ft. into the North at 5215 Sky Trail (Harvey) for the construction of a retaining wall with a maximum height of 4-feet tapering down to 2-feet (retaining wall is a semi-circle to the rear of the house). This request is unchanged from last month and was properly posted and published. It was generally agreed the retaining wall makes sense and is necessary given the property grade at the rear. There was no public comment. The request was approved unanimously by motion. (Carlson/Dennis/Unanimous).

First Reading - Request for a 1.9 foot variance to the fence height limit of 5 feet at 5555 Bowles Lake Lane (Ergen) for the construction of a security fence and gate. The landscaping contractor attended to discuss the request. This is the security fence and gate that BMOI residents may use to access Bowles Lake Lane (a private road) with a fob issued by the owner. The variance has been made necessary as a security issue because numerous people (both residents and non-residents) have been climbing over, under and around the fence and throwing bikes over the fence to obtain access to the area without a fob. The request proposes to change the existing 5-foot fence is to 6'10". It was noted that there is a camera watching what people (primarily adults) are doing to get around the fence, and the gate is getting broken about every three months. Many are BMOI members who could obtain a fob. The request is set for public hearing at the May meeting after proper posting and publication.

Consent Agenda - The Minutes of the Regular Meeting on March 16, 2015 were approved unanimously by motion. (Guilford/Dennis/Unanimous). The Treasurer's Report and payments made in March 2015 were approved unanimously by motion. (Dennis/McKittrick/Unanimous).

Commissioner Reports

Public Safety - Public Safety Commissioner Gary Guilford and Police Chief Bret Cottrell reported that there were 58 summons issued in March including 9 in Bow Mar, 3 arrests and 19 Bow Mar calls for service. The hit and run accident reported last month was resolved. There was a second hit and run last week – someone ran through the Marston fence, and that has been resolved. There was a death investigation on Sombrero. Officers are demoing body cameras in a test program.

Finance – Finance Commissioner Marsha Dennis reported that at the end of March, the total revenues were at 36% of the year-to-date budget while expenditures were at 16%. General government expense was at 23%, Public Safety 25%, Parks and Rec 11% and Public Works 7%. The total year to date operating surplus was \$125,929 and the net non-recurring income (building permits and road impact fees less building inspection) was \$31,943 which results in a year to date surplus of \$157,872. The March financial statements were approved unanimously by motion. (Guilford/Carlson/Unanimous).

Building – Building Commissioner Jane Carlson reported she collected \$6,639 during the past month for building permits and no road impact fees. The permits issued were for smaller home improvement projects. She reported the demolition of a home on Larkspur was delayed for asbestos abatement but should be proceeding soon. She has sent a notice of violation to the owners of a home which has an above-ground swimming pool in the setback that was installed by a prior owner without a permit or a variance.

Parks & Recreation – Parks & Rec Commissioner Carrie McLaughlin reported that she would like to be able to do some mowing along Sheridan but utilities are marked in preparation for the Bow Mar Water & Sanitation District (BMWSD) project in that area which will prevent mowing until the flags are removed. She noted that she is in the process of identifying problem areas in open space areas including where there has been die out of trees. She asked Vegetation Management for a copy of their contract so we can get it approved for the year. They are just beginning the maintenance season spraying for noxious weeds in Town open space areas, particularly Mary's Meadow.

Public Works – Public Works Commissioner Merle McKittrick reported that there was no snowplowing in the past month but final reconciliation of the snowplowing invoices was discussed. He is monitoring potholes for repair in May. Three street signs have been taken down for repainting. He attended the ACC meeting to give them an overview of the street preservation program with the Building Commissioner. He is obtaining a quote for a street sweeper to sweep Bow Mar Drive. He noted that now is a great time for owners along Bow Mar Drive to put down grass seed in the areas that were backfilled with dirt after the paving project. Contrary to popular belief, the back filled dirt is sifted soil, not road base.

He reported that he is working with Platte Canyon Water & Sanitation District to get information on the upcoming BMWSD project to replace an aging water line on Sheridan between Wagon Trail and Longhorn. He said he is working with the contractor to correct their street cut permit application and the contractor flagged a much larger area than will

actually be impacted by the project, which could take more than a month. The permit did not provide the proper backfill and compaction specifications for the pipe replacement under the Town or CDOT standards and he was working to get that corrected with the assistance of Mayor Pilgrim. It was determined that pipes for the project should be stockpiled on the east side of the right of way. Commissioner McKittrick also requested a 2-year warranty on workmanship instead of 1-year.

Intergovernmental – Intergovernmental Commissioner Anne Justen reported the website has been migrated to the new platform but it has not been published yet pending her review. She said the final product will look much cleaner, will be easier to navigate and will be easier to update. She attended two DRCOG meetings on behalf of the Town since the last meeting. The Executive Director of CDOT spoke at one meeting. DRCOG is also emphasizing funding for aging Coloradoans, and the development of five principles for sustainable communities.

Clerk Comments – Town Clerk Karen Reutzel reported that the next Regular Meeting of the Board will be held on May 18, 2015. The Town’s insurance policies were renewed under budget for \$6,600. The supplementation of the Town Municipal Code has been completed. She noted that the new on-line Municipal Code platform is very user friendly and she encouraged everyone to try it out. A link to the on-line Code is available at www.bowmar.gov under the Town Government tab and then Codes & Ordinances.

Attorney Comments- Town Attorney Jack Reutzel had no comment.

Mayor’s Report – Mayor Rick Pilgrim had no comment.

BMOI Report – BMOI President Chris Murdy updated the Board on BMOI’s numerous activities.

Old Business:

Discussion of Work Plan and Timelines for Proposed Annexation of Southwest Plaza Mall and Committee Reports – Mayor Pilgrim noted that the Board was not being asked to do the finding of substantial compliance on the annexation petitions that evening at the request of the applicant. Town Attorney Reutzel reported that he and the Mayor and Allen Gerstenberger met with representatives of Jefferson County the previous week regarding the IGA negotiation process. They expressed that they still did not understand the full cost picture the Town would be assuming in the event of annexation (including annual and periodic maintenance of Bowles, public safety) and asked the County to give them a hard dollar money proposal. Secondly, they asked for details on which costs the County would share and which costs would be passed on to the Town. The response that came back was that Jefferson County is interested in working on an IGA, but is not currently interested in contributing any of the County’s property tax toward the required costs. This is contrary to the Town’s prior understanding from previous statements from the County. That means that the Town would have to contract with them to provide the necessary maintenance services on a full cost basis, or it could shop for those services

from other providers, which is what other municipalities have done. Mayor Pilgrim noted that this is their opening position, subject to future negotiation.

Report from Finance Committee – Committee Chair Marsha Dennis reported that their financial consultant SB Clark has been preparing detailed financial projections on expected costs and revenues. Their intent is to assume the most conservative projections. The Board discussed the need to increase the financial consultant’s budget (payable by the applicant) so that they could prepare some additional required documentation and presentation materials that will be required very soon. It was determined that the budget should be increased by \$6,000 to do the necessary work. Allen Gerstenberger said that Chair Dennis and her committee have done a very good job. An executive session will be planned to discuss financial issues as part of negotiations, followed shortly thereafter by a presentation to the Town of the information gathered.

Mayor Pilgrim reported that he will be meeting with GGP representative Adam Tritt on Thursday to determine where they are in their process.

Discussion and Possible Board Action to Renew Contract with Republic Services for Trash Collection – Commissioner Justen said that she did not receive Republic’s final proposal in time to have a final contract prepared for review. She summarized the minor changes to the contract: trash and recycle costs will go up by 25 cents to \$10.50 per month, and the administrative fee for quarterly billing will increase by \$5 per year per account. Residents will no longer have to rent the large recycle bins – they will be provided free of charge at request. 10 bags or bundles of trash or yard week will be allowed per week for pickup without extra charge. Large item pickup will still be \$15. BMOI will still be entitled to dumpsters for fall and spring beach cleanup at no charge. Twenty-five Bow Mar residents who have difficulty taking their trash to the curb may request physical carry-out service at no extra charge. Full details of the services available will be provided on the website after the contract is finalized.

Report on Comprehensive Plan Development Process – Commissioner Justen reported that the Town’s consultant, Community Matters, has completed the mapping for the project, resident surveys have gone out and focus groups are underway. She reported that some really interesting information is coming out through this process. Residents are encouraged to return their surveys as soon as possible.

Discussion and Possible Board Action Concerning Proposed Drainage Improvements at Sheridan and Longhorn - Commissioner McKittrick discussed the options for correcting the historic drainage issues in the area. One option to correct the drainage is to remove some trees in the area and dig a sharper ditch along the road. The alternative plan is to build up the grade in the affected area to allow the construction of a retaining wall on top of the rebuilt grade to re-direct the water away from the two affected properties. He recommended the retaining wall option to the Board because it preserves the trees and prevents such a sharp ditch. Mayor Pilgrim recommended that the Town Engineer supervise the project so there is accountability. Commissioner McKittrick also noted that replacing a culvert in the area that was crushed during home construction would be easier

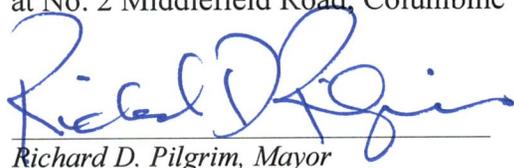
Discussion and Possible Board Action to Approve Expenditure for Maintenance of Entrance Signs – Commissioner McLaughlin asked the Board to approve the expenditure of \$2,300 for the maintenance of all Town entrance signs. The motion was approved unanimously. (McLaughlin/Carlson/Unanimous).

Discussion and Possible Board Action Concerning the Adoption of a More Current Building Code for the Town. – Commissioner Carlson explained that the Town has used the 2000 International Building Code (IBC) for the last 8 years and it is time to look at adopting an updated code. Building Inspector Terry Weiss is recommending looking into adopting the 2009 IBC. The differences are primarily in the area of insulation and framing of homes. Most builders are building to higher code standards anyway. The response was favorable so she will undertake that action.

Discussion and Possible Board Action Concerning the Addition of Abestos Abatement Regulations to Our Current Ordinances - Commissioner Carlson explained that the Town does not currently mandate asbestos abatement in our ordinances. The State of Colorado requires abatement prior to demolition. She noted that the State is becoming more attentive to remodels, which also have to be abated. She asked whether the Town should also have an ordinance to give the Town its own enforcement powers outside of the state regulations. It was noted that some jurisdictions just ask for confirmation that clearance is obtained before a demolition permit is issued. The Town Attorney was asked to draft a simple ordinance on this issue.

The pumphouse structure on Pinyon was discussed. Commissioners McLaughlin and Guilford met with a contractor to discuss capping the well and removing the pump equipment, which will be done. The plan is to preserve the well structure in case there is a desire to renew use of the well in the future. It was noted that if the Board wants to tear down the existing building there is some large equipment that would have to be hauled away and some sort of replacement structure may have to be constructed to protect the remaining well structure. Commissioner McKittrick agreed to revisit the prior bid that was obtained for the work.

Adjournment - There being no further business the meeting was adjourned at 9:51 p.m. (Dennis/Guilford Unanimous). The next Regular Meeting is scheduled for May 18, 2015 at No. 2 Middlefield Road, Columbine Valley, CO. The meeting will begin at 7:00 p.m.


Richard D. Pilgrim, Mayor


Karen V. Reutz, Town Clerk