

**TOWN OF BOW MAR, COLORADO
BOARD OF TRUSTEES
MINUTES OF THE REGULAR MEETING
AUGUST 17, 2015**

CALL The regular meeting of the Board of Trustees of the Town of Bow Mar was called for Monday, August 17, 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 7:06 p.m.

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

Public Comment - None

Public Hearing - Public Hearing and Possible Board Action Regarding Ordinance No. 302, Amending Section 16-8, the Agricultural District.

Town Clerk Karen Reutzal read the title of Ordinance 302 into the Record. Town Attorney Jack Reutzal noted that the Public Hearing was properly noticed and published. He reminded the Board about the background of the ordinance, noting that this change to the Agricultural zone does not apply to any specific property, it just modifies it to allow up to three single family dwellings and three accessory structures on property zoned Agricultural, which has a minimum property size of 30 acres. Commissioner Carlson confirmed that nothing has changed with the ordinance since it was introduced in June. Commissioner McLaughlin asked about the maximum height of 20 feet for accessory outbuildings. It was noted that the 20-foot limit is consistent with the height limits in the Residential 2 district and will allow for higher heights that may be required to accommodate the storage of agricultural equipment. There was no public comment and no further questions from the Board. The Ordinance was passed unanimously on roll call vote. (Guilford/Carlson)

Guilford	Aye	Carlson	Aye
McKittrick	Aye	Dennis	Aye

Justen

Aye

McLaughlin Aye

Public Hearing - Public Hearing and Possible Board Action Regarding Request for a 20-Foot Variance into the South Side Setback and 15 foot Variance into the West Rear Setback at 5495 Bow Mar Drive (Guthrie) for the Construction of a Fire Pit.

Building Commissioner Jane Carlson explained that this fire pit was built almost a year ago and the homeowners were unaware that a variance was required. No building permit was required because there is no gas service. This variance request is retroactive to bring it into compliance, and all neighbors have signed off on the request, which was posted and published. In discussing the location of the variance, however, it was determined that the variance request was improperly noticed because the variance is actually desired for the north side setback, not the south side setback. This request will be reposted and republished with the correct information for a September public hearing.

First Reading - First Reading of Ordinance No. 303 to Rezone an approximately 33-Acre Parcel of Land otherwise known as the "Historic King Farm" from Recreation District to Agricultural District.

Town Clerk Karen Reutzel read the title of the ordinance into the record. The owners of the Historic King Farm (Bowles-Lakeview LLC) have filed an application with the Town to rezone the 32.71 acre property to Agricultural. The rezoning application alleges changed circumstances in support of the rezoning because of the agricultural uses that have been approved and are being conducted on the land. A motion was made and seconded to set the matter for public hearing in September. (Dennis/McKittrick). The Board will request that a designee of the applicant be present at the public hearing to answer any questions the Board may have.

Consent Agenda - The Minutes of the Regular Meeting on June 15, 2015 were approved unanimously by motion. (McKittrick/Carlson/Unanimous). The Minutes of the Regular Meeting on July 20, 2015 were approved unanimously by motion. (McKittrick/Dennis/Unanimous). The Treasurer's Report for June 2015 and payments made in June were approved unanimously by motion. (McLaughlin/Dennis/Unanimous). The Treasurer's Report for July 2015 and payments made in July were approved unanimously by motion. (Carlson/Dennis/Unanimous).

Commissioner Reports

Public Safety - Police Commissioner Gary Guilford and Officer Devon Marciano (attending on behalf of Police Chief Bret Cottrell) reported that there were 67 summons issued in July with 21 in Bow Mar, 2 arrests and 39 Bow Mar calls for service. There was no further information on the report of vandalized mailboxes.

New Business:

Presentation of Town Audited Financial Statements and Possible Board Action to Accept the Audited Financials (This item was taken out of order to allow Mr. Logan to make his presentation earlier in the evening):

Town Auditor, Kyle Logan of Logan & Associates, attended the meeting to present the 2014 Audit of Town Financials. He summarized the audited financial statements and the management letter for the Board. Mr. Logan noted that the most important part of the audit is the opinion paragraph and the Town received an unmodified opinion, which is the best a local municipality can get from an auditor. He noted that one new item in the financial statements is that page 3 now shows a capital projects fund related to the road tax mill levy. The Town was under budget so there were no issues about exceeding the budget. The management letter indicates that there were no significant changes in accounting practices and no significant adjustments needed to be made. In summary, Mr. Logan stated that policies and procedures are being followed and the Town is reporting according to generally accepted accounting practices. A motion was made to accept the audit of the 2014 Financial Statements, which was passed unanimously. (Dennis/Guilford/Unanimous). The 2014 Audit will be posted on the website for review.

Commissioner Reports, continued:

Finance – Finance Commissioner Marsha Dennis reported that summarizing the month of July, the total revenues were at 95% of the year-to-date budget while expenditures were at 43%. General government expense was at 61% of budget, Public Safety 58%, Parks and Rec. 49% and Public Works 22%.

The total year-to-date operating surplus of \$335,223 and the net non-recurring income (building permits and road impact fees less building inspection expense) was \$106,807 which results in a year-to-date surplus of \$442,030. The Financial statements for July 2015 were approved unanimously by motion. (Guilford/McKittrick/Unanimous).

Building – Building Commissioner Jane Carlson reported that \$5,790 in building permit fees were collected in the previous month plus almost \$2,100 in road impact fees. She noted that two new major construction projects will be starting at the end of September: one at the intersection of Beach Road and Lakeshore and the second on Lakeshore near Pinyon. The rules governing construction vehicles parking on the street were discussed.

Parks & Recreation - Parks & Rec. Commissioner Carrie McLaughlin reported that the water is now working at the Sheridan traffic circle. Vegetation Management has treated Mary's Meadow and the entrances to Bow Mar for weed control. She said the heavy rains this year have led to a huge amount of noxious weed growth. VMI will need to spend more time in the Meadow to address those items. A lot of weeds are coming from Grant Ranch that need to be maintained by them, but access to the area is difficult between two narrowly spaced fences. Commissioner Guilford noted that there have been renewed complaints about trespassers from Grant Ranch into Mary's Meadow. The trespassers have bent the fence gate to gain access. The fence and gate belongs to Bow Mar but Grant Ranch is obligated to maintain them under a written agreement. Mayor

Pilgrim noted that the fence is in Denver so we have no jurisdictional control – we only have the power that any owner of property would have. It is an ongoing issue that is difficult to address and seems to be kids not adults. The Town will review the agreement between Grant Ranch and the Town regarding its potential enforcement options.

Commissioner McLaughlin reported that the Town has mailed out over a dozen enforcement letters to residents regarding landscape maintenance issues – primarily dead trees that need to be removed, long grass and weeds that need to be mowed and noxious weed that must be removed under state law. Many residents have brought their properties into compliance as a result. Further letters will be sent as needed.

Public Works - Public Works Commissioner Merle McKittrick reported that he had a construction meeting with Metro Pavers and Vision Land in preparation for the upcoming paving project later this month (this will be the 2015 phase of the capital road improvement project). He put a letter in resident mailboxes along Homestead asking them to address their culverts and get ready for the paving that will begin in the next few weeks. He reported on the drainage improvement project along Sheridan at Longhorn. He has spent \$28,000 of the Board approved budget of \$30,000 thus far, which included a retaining wall, culvert replacement and regrading. The Board noted that the new retaining wall looks very appropriate and functional and Commissioner McKittrick was congratulated for a job well done. It was noted that the adjoining neighbors seem to be pleased with the outcome. He reported that the refurbishment of the Town street signs is continuing this summer with a plan to do 13-15 signs this year, including re-painting the posts. He did a walk-through of the Water & Sanitation project on Sheridan to make sure the repaving work is acceptable. He identified a few areas that need to be addressed.

Intergovernmental – Intergovernmental Commissioner Anne Justen said that she missed the July DRCOG meeting and will likely miss August's as well due to scheduling issues. She reported that the Columbine Square lawsuit filed by O'Tooles over access issues may go to trial this month.

Clerk Comments – Town Clerk Karen Reutzel reported that the next Regular Meeting of the Board will be held on September 21, 2015. The Town's representative to the CML legislative policy committee was discussed. She discussed her recent letter in which she advised the Board that she would be resigning her position as Town Clerk after a suitable replacement is found because her legal practice has become too busy to continue in the position. She thanked the Board for the opportunity to work with them over the past nearly 5 years. The Board thanked her for her service to the Town. Mayor Pilgrim briefly discussed some options for filling the position.

Attorney Comments - Town Attorney Jack Reutzel had no comments.

Mayor's Report – Mayor Rick Pilgrim had no report.

BMOI Report – BMOI President Chris Murdy reported that Beach security is a huge concern this summer. BMOI is considering stationing an off-duty police officer at the gate on weekend evenings to verify membership. The Pancake Breakfast and Family Fun

Run had a good turnout. The Clubhouse and Marina plan has been submitted to ACC for first review. They will meet on September 9 at Columbine Valley Town Hall. Their civil engineer is working away on the engineering piece. They are seeking candidates for the BMOI Board. Commissioner McLaughlin suggested that signs advertising events like summer concerts at entrances may make the Beach seem open to non-members and suggested that eliminating those signs may help with the Beach security issue.

Old Business:

Report on Comprehensive Plan Development Process – Justen/Community Matters, Inc. –

The Board held a work session prior to the Regular Meeting regarding the draft Comprehensive Plan. The following is a summary of the work session, which ran from 6:00 p.m. to 7:00 pm: Mike Davenport and Ann Pitinga attended on behalf of Community Matters Inc. Mayor Rick Pilgrim complimented CMI on their hard work and the progress that has been made with regard to the draft Plan. Various edits to the plan were discussed. They discussed the role of goals and objectives in the Plan and those items determined to be “action items” for the Board. The benefits and disadvantages of having action items made part of the Comprehensive Plan versus putting them in a separate work plan were discussed. It was noted that action items should relate back to stated goals and policies. Some of the summary points of the survey results were discussed. There was discussion regarding including BMOI in the survey and whether there should be an expansion to the discussion about what BMOI does versus what the Town does, because there seems to be general misunderstanding in the community about the separation of duties between the two entities. The Board suggested a number of edits and several Board members indicated that they may have further edits in the upcoming week after they have time to review the most recent draft of the Plan. It was generally agreed that the Comprehensive Plan is an important document to guide future Boards, and even though it is an advisory document the Board needs to take the time to make sure this very comprehensive document correctly states the Board’s goals and policies and future action items. Once the Board approves the final draft, which may require another work session, it will be published on the website in advance of a Public Hearing to consider its adoption.

At the Regular Meeting, the Board had no further discussion on the Comprehensive Plan in light of the earlier work session. BMOI President Chris Murdy, who was not at the work session, requested that to the extent the Plan addresses BMOI issues, that discussion should be contained in a separate section of the Plan to avoid confusion. He was also concerned about BMOI issues being addressed by the Town’s survey. He noted that BMOI had its own vote and survey so it is not clear why their issues needed to be included in the Town survey. It was discussed that BMOI issues are only relevant to the Plan to the extent they relate to and interface with Town issues.

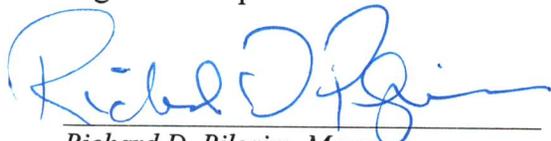
Discussion and Possible Board Action Regarding Annual Road Maintenance Expenditures and/or Capital Road Improvement Plan Expenditures –

Commissioner McKittrick presented the contract with Metro Pavers in the amount of \$196,695 for this year's capital improvement road project. He noted the road mill levy will generate \$220,000 this year. Some additional funds will need to be approved to have Town engineer Vision Land assist with supervision of the project. A Motion to ratify the Metro Pavers contract was approved unanimously. (McLaughlin/Carlson/Unanimous).

New Business:

Presentation of Town Audited Financial Statements and Possible Board Action to Accept the Audited Financials – (This item was heard earlier in the evening)

Adjournment - There being no further business the meeting was adjourned at 8:42 p.m. (Guilford/McKittrick/Guilford/Unanimous). The next Regular Meeting is scheduled for September 21, 2015 at No. 2 Middlefield Road, Columbine Valley, CO. The meeting will begin at 7:00 p.m.


Richard D. Pilgrim, Mayor


Karen V. Reutzel, Town Clerk