

TOWN OF BOW MAR, COLORADO
BOARD OF TRUSTEES
MINUTES OF THE REGULAR MEETING
January 18, 2016

CALL The regular meeting of the Board of Trustees of the Town of Bow Mar was called for Monday, January 18, 2016, Mayor Pro Tem Gary Guilford presiding until the later arrival of 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 7:02 p.m.

PRESENT	Mayor	Rick Pilgrim
	Trustees	Merle McKittrick
		Gary Guilford
		Carrie McLaughlin
		Anne Justen
		Jane Carlson
		Marsha Dennis
	Attorney	Brian Jumps
	Clerk/Treasurer	Karen Reutzel - absent
	Police Chief	Chief Bret Cottrell
	BMOI Rep.	Chris Murdy

The meeting was called to order by Mayor Pro Tem Gary Guilford; Mayor Rick Pilgrim was arriving late due to a delayed flight into Denver.

Public Comment was held until a later portion of the meeting after Mayor Pilgrim's arrival.

Commissioner Reports

Public Safety – Public Safety Commissioner Gary Guilford and Police Chief Bret Cottrell reported that there were 32 citations in December. Most of the issues involved thefts of mail and they think they have caught two mail thieves. A construction vehicle in Town was stolen after a contractor left his truck running, and there was an incident of vandalism. Officer Janna Olinger has resigned after 12 years of service on the police force.

Finance – Finance Commissioner Marsha Dennis reported that at the end of December 2015, the total revenues were 105% of the year-to-date budgeted amount while expenditures were at 98%. General Government expense was at 96% of budget, Public Safety 99%, Parks and Rec. 154% and Public Works 93%. As noted last month, Parks and Rec. exceeded the original budget due to additional costs incurred for the sign at the Sheridan Circle falling down and electrical issues at both Circles. The total year-to-date operating deficit of \$9,493 and the net non-recurring income (building and road fees less

expense) of \$104,780 result in a total year-to-date surplus of \$95,287. The December financial statements were unanimously approved by motion. (McKittrick/Carlson/Unanimous).

Building – Building Commissioner Jane Carlson reported that no permits were issued during the prior month and \$1,755 in fees was paid to the Building Inspector. She updated the Board on the status of several of the 10 projects going on in Town right now. Of note, the house on Sky Trail is just finishing landscaping, however no certificate of occupancy has been issued because water is coming off that property onto the neighbors and the certificate and final inspection are being withheld until the issue is resolved. Commissioner McKittrick asked that all Trustees be copied or informed because they are receiving calls. There is no issue with the permit expiring at this time. It appears to be a ground water issue not a problem with the drainage plan. The volume of ground water was not anticipated on the property. She gave the Board an overview of several projects anticipated for 2016.

Parks & Recreation – Parks & Rec. Commissioner Carrie McLaughlin reported that the Sheridan entrance sign is now back up after repair and is now a few inches taller. She is now working on the repair of the lights and electrical service at the traffic circles, a project which was delayed by weather. A large truck damaged the island at Sheridan. She noted that this is at least the second time a truck has caused damage there and commented that there may be a need for redesign. Commissioner Guilford reported that the contractor who removed the pump house was paid and is still addressing a few clean-up items. He did good work and is preparing a bid for adding gravel to the path to the entrance to Mary's Meadow. It was noted that the Schmitt's have asked for a "no parking" sign in that area because people are parking partially on the road and partially on their property to access Mary's Meadow from Pinyon. There is an easement for walkers to cross the Schmitt's property to access Mary's Meadow, but not to park on the property, which is causing mud and damage to the property edge. Commissioner McKittrick said the same issue has arisen with people parking adjacent to homes with bus stops. Various solutions were discussed to alleviate the issue.

Public Works – Public Works Commissioner Merle McKittrick reported that he is awaiting invoices for snow removal services in December, which were fairly normal. There was discussion about dealing with ice spots on curves and shadowed areas after storms. They are currently only using ice melt in key spots. He will discuss the possibility of adding additional ice melt in shady areas with the contractor. Next week he is the meeting with consultants for 2016 paving projects.

Intergovernmental – Intergovernmental Commissioner Anne Justen reported on the status of nearby developments. She said a project to build 48 homes at Platte Canyon and Bowles is off the list, and the Watson Lane/Federal project is still on. She was unable to attend the December DRCOG meeting because it was during the day instead of at night. The January meeting is this Wednesday. She will be attending the CML workshop on January 29th. She personally thanked the police for motorist assistance. She reported that this is National Radon Awareness Month sponsored by the Tri-County Health and the EPA. She has put information about radon on the Bow Mar website under Health and

Environment, Additional Information. Tri-County Health is offering testing kits. Radon is found in 50% of Colorado homes and there are mitigation procedures to vent gases. It is usually a basement issue. Radon is the leading cause of lung cancer for those who do not smoke. Radon testing is not part of the building permitting process. There was discussion about whether it should be, but it was discussed that this is really a due diligence issue for buyers to investigate when they are buying a home.

Mayor Pilgrim arrived at approximately 7:45 p.m. and the Agenda was resumed in its normal order.

Public Comment:

It was noted that the mailed letter from Mayor Pilgrim about the proposed Columbine Valley Intergovernmental Agreement for administrative services was delayed in the mail to some homes so copies were available for distribution to those in the audience.

Resident Dan Kelly asked about the notice regarding the Town Clerk vacancy and the Board's plan to fill the position. The resident asked whether a new staff member would be hired by Columbine Valley. It was explained that two of their part-time employees would go to full time. The resident expressed surprise about the cost of the IGA at \$100,000. Mayor Pilgrim explained that the IGA did not just include Town Clerk duties, but provides for an array of services currently being done by Trustees and placing them with staff---doing this to create separation between the administrative work and policy makers. The volunteer ethic in Bow Mar is terrific but blurring the lines at the Town level is a legal risk. Columbine Valley would be providing more services, including five different functions that are not being covered now. Commissioner Dennis commented that they would do election services and electrical work, among other things, which are two items that we are getting ready to contract for now. The plan creates cost savings. Commissioner Justen commented that a Town Clerk position typically pays \$30,000-\$50,000 and requires a high school education with specialized training. CML provides that certification and it requires 2 years of experience. The resident said he would be willing to volunteer for ditches and signs, and help publish documents because he is a software engineer.

Resident Alma Bergmann said she is concerned that not everyone received Mayor Pilgrim's letter and that information is slow to get to community. She asked if the Board had contacted other communities for service of a clerk. The relationship with Columbine Valley was initiated in 2005/06 and it was a one-year deal for three years for police services. She said there will be new board and new mayor and suggests a 90-120 day contract with Columbine Valley because she is worried about maintaining the relationship with Columbine Valley with respect to the public safety IGA if a new Board kills the new IGA once they take office. She urged the Board to look for other opportunities and to keep the term shorter because of this possibility.

Resident Mary Babin commented that she spoke at the last special meeting (the Open Forum on January 4). She was concerned about notice of the Open Forum. She felt some residents did not receive the notice.

Commissioner Carlson read an email she received from resident Barb Cole. The email commented that the Board is moving too fast and the comprehensive plan survey indicated that the residents were not in favor of a town administrator, so this is going against the comprehensive plan. Ms. Cole is concerned about the expense, worried about a different building permit format, wants to make sure the Board slows down and hears concerns, and is concerned about a future board being bound.

Public Hearing - Public Hearing and Possible Board Action to Adopt Ordinance No. 307 Amending the Year 2015 Budget.

Commissioner Dennis explained the purpose of the Budget Amendment. Towns are not allowed to exceed their budgeted expenses. At the end of the year there were several unanticipated expenses involving the Sheridan sign falling down and needing repair and an opportunity to have the pump house economically removed. In addition the non-recurring income exceeded the budget. Although the 2015 expenses are currently very close to budget and do not exceed the budget, this is a preventative amendment in case late bills come in that are attributable to 2015. There was no public comment and the public hearing was closed. There were no Board comments. The ordinance was passed unanimously on roll call vote. (McKittrick/Dennis).

Carlson	yes	Justen	yes
Dennis	yes	McKittrick	yes
Guilford	yes	McLaughlin	yes

First Reading - Ordinance No. 308 Amending the Year 2016 Budget

Commissioner Dennis explained the purpose of the budget amendment, which is to appropriate additional funds for additional administrative services in 2016. A motion was made to introduce the Ordinance and set it for public hearing at the February meeting. (Dennis/Carlson).

Consent Agenda – The Minutes of the Regular Meeting on December 14, 2015 were unanimously approved by Motion. (McKittrick/Carlson/Unanimous). The Treasurer's Report and payments made in December 2015 were unanimously approved by motion. (Guilford/Dennis/Unanimous).

Clerk Comments – Town Clerk Karen Reutzel was absent due to a prior commitment. The next Regular Meeting of the Board is February 15, 2015 (President's Day).

Attorney Comments - Town Attorney Brian Jumps had no comment.

Mayor's Report - Mayor Pilgrim reported he attended the Metro Mayors retreat last week. The topics were building a better Colorado, including (1) tightening how the state constitution can be modified by citizen initiatives (2) looking at TABOR and (3) elections. He noted that the new Mayor should participate in this group.

BMOI Report

BMOI President Chris Murdy reported that not much has happened since last month; this month's meeting is moved to Tuesday night because of a travel conflict. BMOI's priorities are the Marina, updating the Articles of Incorporation and the ACC guidelines. Key issues are access to the Beach they are looking at a programmable gate system. Selecting new ACC Board member since Brian Jumps left to become Town Attorney. They are working on a new President and Treasurer for next year and are working on a transition plan. He noted that both the Town and BMOI boards are in states of transition. The Winter Dance is March 5. The Hockey tournament was a success.

Commissioner McLaughlin noted that the King Scholarship applications are due on February 5. One of last year's recipients (Madeline Kane) was the first to write and tell us what she was doing with money—it was amazing to get insight on where she traveled and what she accomplished with the money. She is a special person.

Old Business:

Discussion and Possible Board Action Regarding an Intergovernmental Agreement with the Town of Columbine Valley to Provide Certain Clerk and Administrative Functions Performed by the Town Clerk and Others (to include, for example, issuing building permits during regular business hours, coordination of contractors to perform road-related functions and updating the Town website).

Mayor Pilgrim reported that he had provided a draft of the IGA to Town Attorney Jumps, Commissioner Dennis and Commissioner Carlson, who made initial comments. After incorporating their redline comments, a draft was provided to the remaining Trustees with a request that the details remain confidential for the purpose of negotiations. Mayor Pilgrim asked Town Attorney Jumps to give an overview of how contracting with Columbine Valley for services would reduce the liability of the Town and the individual Trustees. Mr. Jumps provided a lengthy discussion of these issues. He noted that the duties of a Town Clerk are provided by statute under Colorado law. What is being proposed is to contract for those specified services plus services in 5 or 6 additional areas that match up with certain Trustee's duties as Commissioners. These would include public works, finance, building and parks and recreation. Currently the Trustees are handling ministerial work (like fixing a stop sign, issuing building permits and the like) that would be better handled by paid staff in order to insulate the Trustees from individual liability and preserve governmental immunity protections. He discussed potential areas of liability such as a Trustee failing to perform ministerial functions because of a conflict of interest, or the impact of a Trustee or other volunteer making a

negligent repair, or a Trustee or volunteer being injured while performing these day-to-day duties.

Mayor Pilgrim recounted a list of 25 items that the Board handled in the past year that fell outside of the clerk duties that could have been assisted by support for the 5 additional Town functions. These include building and road-related issues, among other matters. He emphasized that the Town Board will be continue to be hands-on, but in a supervisory role by delegating to paid staff rather than by doing things themselves.

Commissioner Carlson discussed the building permit process as building commissioner. In doing the job for two years, she has learned that contractors have been forgiving but they are not happy that she unavailable during the day at home because of her job. She feels strongly that the Town should have regular business hours and a physical place of business. Every other municipality has a place to go to get permits. She is also concerned about liability for building permit fees that she collects. The former Building Commissioner Tom Deats told her he felt compelled not to travel because of job. She is in favor of the IGA.

Commissioner Justen said the Bow Mar website is part of Colorado's Statewide Internet Portal Authority (SIPA). SIPA supports at least 200 other governmental entities. She said that through their SIPA-administered websites, other municipalities have added interactive on-line permitting procedures using DocuSign with electronic signatures and PayPort, an eCommerce application for electronic funds transfers. These applications, which can be added to the Bow Mar website, could add efficiency to the permitting process, could reduce the need for the Building Commissioner to handle large checks, potentially could reduce process time, and can take the place of face-to-face meetings.

Commissioner Carlson also noted that we do not require contractors working in Town to be licensed by the Town, which most municipalities do. The Building Commissioner would like to see builders licensed and a paid staff could assist with this. Commissioner McLaughlin said that licensing and insurance documentation could go to a Town Clerk.

Commissioner Guilford asked Commissioner Justen if her support for the plan was driven by the fact that her sister is currently paid a monthly stipend of \$200 to update the website. Commissioner Justen said her sister was hired because of her expertise and her strong computer skills and this detail that has absolutely no impact on her judgment regarding the expanded IGA.

When asked if under the expanded IGA with Columbine Valley, staff could update the BMOI portion of the website, Commissioner Justen pointed out that we cannot ask government staff to do the work of a private corporation such as BMOI. She noted that BMOI has a person who updates their portion of the website.

Commissioner McLaughlin stated that the Bow Mar Foundation needs to stay with the Town or be delegated to another associate Board of volunteers for the purposes of running meetings, taking donations, and helping getting the audit information together.

She said the Town would be unhappy if we outsourced that function. The Foundation needs more attention.

The storage and digitizing of records was also discussed.

Commissioner McLaughlin stated that because the Town is running up against the election deadlines and the current clerk is past her stated resignation date, she suggests the Board hire someone to handle the day-to-day duties of the clerk and to run the election for an interim period to allow the new board to continue to negotiate with Columbine Valley. Mayor Pilgrim suggested she make a motion. She moved that the Board hire Ann Pitinga to serve as the clerk for six months to handle the day-to-day duties of the Clerk until the new Board assumes office.

Commissioner McKittrick advocated the Board move forward with the Columbine Valley IGA. It would allow the Board to be better Trustees and more forward thinkers. The Town is dealing with more complicated issues. It would allow us to step up our game. Commissioner Guilford agreed. Commissioner Carlson said the devil is in the details and she wants to make sure the details are specified in the IGA. Commissioner Justen opposed the proposal. She noted that the Board potentially would be voting on a contract that is not yet written in its final form. She said the current Board should not be binding a future Board, especially when there is a viable alternative in temporarily hiring Ann Pitinga as Town Clerk with additional duties, a resident well-qualified as an attorney and tax accountant with an extensive career in municipal government. Commissioner Justen also said she has not seen an economic justification for the plan. Commissioner Dennis said Ann Pitinga has never held the position of Town Clerk for a municipality, and the Columbine Valley Town Clerk is experienced in the position.

A motion was made by Commissioner Dennis with a second by Commissioner Guilford to authorize Mayor Pilgrim and Town Attorney Jumps to finalize the language of the IGA with Columbine Valley to perform the duties of the Town Clerk plus additional areas of responsibility as outlined in the clerk job description and the Columbine Valley letter of agreement, and to include an opt-out provision at the end of December 2016. The motion was approved by a vote of 4-2 (McLaughlin and Justen opposed).

New Business:

Discussion and Possible Board Action Regarding Resolution No. 2016-001 Authorizing a Mail Ballot Election

Town Attorney Brian Jumps read the Resolution. There was no further discussion. The resolution was approved unanimously by motion. (Dennis/McKittrick).

Adjournment - There being no further business the meeting was adjourned at 9:45 p.m. (Guilford/McKittrick/Unanimous). The next Regular Meeting is scheduled for February 15, 2016 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