

TOWN OF BOW MAR, COLORADO
BOARD OF TRUSTEES
MINUTES OF THE REGULAR MEETING
May 18, 2015

CALL The regular meeting of the Board of Trustees of the Town of Bow Mar was called for Monday, May 18, 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 7:01 p.m.

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 – Resident Peter Babin spoke in favor of the Town adopting a use tax on construction materials and durable goods. He provided the Board with a copy of the Town of Columbine Valley’s ordinance on use tax. He suggested a use tax would be favorable for the Town because it is simply collecting taxes that other jurisdictions would otherwise collect.

Public Hearing - Variance request for a 32 ft. variance into the east side setback at 5215 Sky Trail (Harvey) for the construction of a garden shed. (Continued from April 20 Regular meeting). Commissioner Carlson reported that the homeowners have withdrawn their request for a variance because they have been unable to arrive at an alternative location for the shed.

Public Hearing - Variance request for a 2-ft. variance to the fence height limit of 5 feet at 5555 Bowles Lake Lane (Ergen) for the construction of a security fence. A representative from the landscape contractor, Designs by Sundown, attended to discuss the request. The height of the fence and gate would extend to 7 feet tall including 12 inches of ornamentation above the top rail. The higher fence and gate is required for security purposes. There was clarification about the amount of the variance requested and it was determined that the correct request was published and posted. A representative for the property owner further noted that the adjacent boundary fence surrounding the property has a variance and stands 6-feet tall, so this will make the top rail of the entry gate and fencing consistent with the adjacent fencing. There was no

public comment and no further comments or questions from the Board. The variance request was approved unanimously by motion. (Carlson/Guilford/Unanimous).

First Reading - First Reading of Request for an 18-foot variance into the north side setback at 5055 Lakeshore Drive (Graham) for construction of raised vegetable garden beds. The property owner plans to construct 3-foot raised vegetable beds in the north side setback as part of a landscape plan. It was questioned whether the vegetable beds require a variance and it was determined that the beds are “structures” under the Town ordinances because of their height, so a variance is technically required. A public hearing on the request will be heard at the June Board meeting after proper posting and publication.

First Reading - First Reading of Ordinance No. ____, Amending the Agricultural Zone District. – Town Attorney Jack Reutzal presented the draft amendment. He reviewed that the property owner’s representative, Bill Gouger, had visited the Town last month to fill the Board in on the property owner’s future plans for the property. He reviewed the terms of the proposed amendment, which would allow up to three residences on the property with three (3) accessory structures. The residences would follow the R-2 requirements. Mr. Gouger noted that there is already a residence located approximately in the middle of the property and so these revisions contemplate adding two new structures (one on the north pasture and one on the south pasture) and associated accessory structures. Attorney Reutzal explained that this property (currently zoned Recreation District) has been non-conforming for many years so amending the zone district and re-zoning the property Agricultural would bring it into compliance. It was suggested by the Trustees that some clarification is needed about the minimum acre size for parcels but it was noted by the owner’s representative that it is anticipated that the property will be in some form of common ownership and not subdivided into separate parcels. It was also noted that the maximum allowed home size needs to be addressed in the ordinance because the current formula does not work on such a large parcel. Attorney Reutzal will revise the draft ordinance accordingly so that it will be noticed and published for Public Hearing at the June Board meeting. It was further explained that the Ordinance just amends the Agricultural District. The property owner will still have to apply to re-zone the property to Agricultural once the zone district is amended.

First Reading - First Reading of Ordinance No. ____, Concerning the Regulation of Size and Placement of Garages. Town Attorney Reutzal introduced a draft ordinance intended to address the Board’s concern that garages be in proportion to the principal residence, which is currently not addressed by the Town’s ordinances. He explained the current ordinance places a lot coverage ratio for the entire residence including the garage. This new Section 16-2 is intended to address the relationship between the residence and the garage. He sought further clarification about the parameters the Board is seeking – whether a maximum square footage is sought or a percentage ratio in relation to the house size. Commissioner McKittrick noted that there are some very tall garages too. Commissioner Dennis also noted that the ACC Guidelines discuss a preferred side facing rather than front facing garage. It was determined that the ACC Guidelines are sufficient to address placement issues and that height is already addressed in the zoning code. Mayor Pilgrim stated that garages that are out of proportion with the house are out of

character to the residential nature of the community. There are no commercial, institutional, etc. structures in the community. He suggested that perhaps a percentage that slides down the scale as the house gets larger would be appropriate. The Board agreed that it is appropriate for the Town to regulate the size and scale of garages in proportion to homes by ordinance. Commissioner Justen suggested the garage not exceed 30% of the home size for the smallest house, which percentage would slide down as the house gets bigger, with a square footage cap at the higher levels. Mayor Pilgrim suggested a 25% percentage with a cap of 1,000 square feet, which is a four-car garage. The Board agreed to incorporate these terms into the draft Ordinance. The Ordinance will be noticed and published as a Public Hearing in June.

Consent Agenda – The Minutes of the Regular Meeting on April 20, 2015 were approved unanimously by motion. (Dennis/Guilford/Unanimous). The Minutes of the Special Meeting on May 6, 2015 were approved unanimously by motion. (Dennis/Carlson/Unanimous). The Treasurer's Report and payments made in April 2015 were approved unanimously by motion. (McLaughlin/Dennis/Unanimous).

Commissioner Reports

Public Safety – Public Safety Commissioner Gary Guilford and Police Chief Bret Cottrell noted there was no monthly report this month because Columbine Valley's Court Clerk is on vacation. Chief Cottrell reported that April was a quiet month. There were a few reports concerning suspicious vehicles and several reports of an overly aggressive coyote on the Jefferson County side. The police have started patrols of the Beach for BMOI. Staffing is at 100%.

Finance – Finance Commissioner Marsha Dennis reported that total revenues were at 46% of the year-to-date budget while expenditures were at 22%. This status is typical because property taxes are largely collected in the first half of the year but are needed for expenses over the following months. General government expense was at 34%, Public Safety 33%, Parks and Rec 19% and Public Works 8%. The total year-to-date operating surplus was \$153,359 and the net non-recurring income (building permits and road impact fees less building inspection) was \$35,340, which results in a year to date surplus of \$188,699. The April financial statements were approved unanimously by motion. (McLaughlin/Carlson/Unanimous).

Building – Building Commissioner Jane Carlson reported that two permits were issued in April for just over \$14,000, with no road impact fees collected. One was for a 3-month extension of a permit for a new home being constructed on Sky Trail. Several new residences have had heights verified to ensure they are in compliance with Town ordinances.

Parks & Recreation – Parks & Rec. Commissioner Carrie McLaughlin reported that the maintenance season has arrived. There will be a lot more mowing required with the rain. She will be sending out notices for homes with noxious weeds – weeds on the Class A list are required to be completely removed under State law (not just cut down) in order to

avoid seed production. Here is a link to the list:

<https://www.colorado.gov/pacific/agconservation/noxious-weed-species>. A reminder that homeowners are responsible for removal of weeds and proper height of grass on their property. She is working on obtaining bids for removal of the pump house on Pinyon. It was observed that a home that recently sold requires mowing; the Town Clerk will research the new ownership so the Town can send an enforcement letter if necessary.

Public Works – Public Works Commissioner Merle McKittrick reported he is working on updating the last of the street signs and is having a couple of other directional signs repaired. The street snow-event sanding report is due to the State because of the requirement to limit particulates in the air and he plans to work on repairing damaged curbing at the Sheridan circle during future repaving. He continues to work with Bowman Engineers on the road reconstruction plan and on the drainage issues on Sheridan. The Bow Mar Water and Sanitation District project on Sheridan is ongoing. He hopes to coordinated culvert repair on Sheridan with the water district project.

Intergovernmental – Intergovernmental Commissioner Anne Justen reported that she will be attending the DRCOG meeting this month. She has been working extensively on the new website platform which will be going live soon. She said the new platform will be easier to update and will allow enhancement of certain areas, such as the announcement page.

Clerk Comments – Town Clerk Karen Reutzel reported that the next Regular Meeting of the Board will be held on June 15, 2015. The Audit is ongoing. She will be on vacation June 21-30.

Attorney Comments - Town Attorney Reutzel had no comments.

Mayor's Report – Mayor Pilgrim will be joining other Mayors and County Commissioners later this week to talk about transportation funding in the Denver area.

BMOI Report – BMOI President Chris Murdy reported on BMOI's recent activities. See the BMOI report for further details. Mayor Pilgrim commented that after reviewing the new clubhouse plans he was reminded that there is a lot of Bow Mar memorabilia in the hands of many people and suggested that the history wall in the new clubhouse might provide an opportunity to display some of it. He suggested that the Bow Mar Foundation might consider funding the collection/display or storage of some of these items and that perhaps somebody would be interested in taking on such an archiving project. Consultant (and resident) Barb Cole noted that the Comprehensive Plan team put out a call for old files and photos as part of their process. Allen Gerstenberger has been collecting the items and has volunteered to go through these materials.

Old Business:

Report on Comprehensive Plan Development Process – Commissioner Justen said that the Community Matters consultant team has made considerable progress in developing the Comprehensive Plan. Community Matters President Barb Cole gave the Board a

summary of where they are and what has been learned so far. They have done 17 confidential interviews and completed five focus groups interviews. The sixth group is the Bow Mar youth and that will happen sometime next week after school is out. She reported that they have received 191 surveys to date, which is an incredible 2/3rds response. All mapping for the project has been completed. They are tabulating building permit data to get an idea of development activity over the years. She discussed their schedule going forward, including a Community Open House to be tentatively held from 4-7 p.m. on the date of the June 15 meeting (details to follow separately).

Discussion and Possible Board Action Following General Growth Partner's Request to Suspend Annexation Petition for the Southwest Plaza Mall Property including Evaluation of Potential Follow-up Work by Town Consultants and Review and Discussion of Summary Report to Residents

Mayor Pilgrim asked the Trustees to consider if there is additional follow-up work for the consultants now that the annexation process has been suspended. He suggested the Town's financial consultant be asked to assist with the evaluation of a use tax. The other area to potentially study is whether administrative changes to the operation of the Town should be made. It was agreed that the potential of a use tax should be explored. Barb Cole said that the Comprehensive Plan team is already examining the use tax question as part of their project. They will give a "big picture" perspective of possible options. Commissioner Carlson said the Town should also look at the administrative side based on S.B. Clark's recommendation that too much hands-on work by Trustees could jeopardize governmental immunity. Barb Cole said her committee will also have several suggestions to make administrative matters work more easily and smoothly. Their report won't be finalized until July. The Board discussed a draft summary of the annexation process that Mayor Pilgrim prepared. The Board agreed that it is appropriate to send a comprehensive summary to the residents of Town and that such summary should be mailed. A motion was made and unanimously approved to mail a letter to all residents summarizing the process once final comments have been incorporated into the draft. (Justen/Guilford/Unanimous).

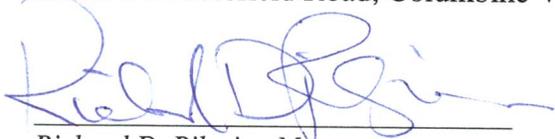
Discussion and Possible Board Action to Renew Contract with Republic Services for Trash Collection – The Board reviewed the renewal contract with Republic Services. Only minor revisions have been incorporated into the renewal, which will be for a five-year term. The Board unanimously approved execution of the renewal contract by motion. (Justen/Guilford/Unanimous).

Discussion and Possible Board Action Concerning the Pumphouse on Pinyon – McLaughlin/Guilford. It was noted that the one bid obtained to remove the Pumphouse on Pinyon and its mechanical equipment has been rescinded. Commissioner McLaughlin will continue to solicit bids from contractors for this project.

New Business:

Discussion and Dispensation of Xcel Easement Property and Possible Ownership by the Town – Commissioner Justen explained that during the Comprehensive Plan mapping process, a small strip of land along the far eastern side of Town was found to be owned by a former resident. The long, skinny ½ acre parcel runs behind several homes along Aspen and is subject to an Xcel easement. The former resident believed that the parcel had been deeded to the Town when she and her late husband sold their former residence, and she would now like to deed it to the Town. Mayor Pilgrim expressed that the Town would prefer that the parcel not be held by a private party. The property is subject to a small tax lien. Town Attorney Reutzal asked how the parcel would be maintained. It was determined that the adjacent homeowners should maintain the parcel because it is not accessible by the Town and in some areas has been incorporated into homeowners' yards. A motion was made and unanimously approved to direct the Town Attorney and Town Clerk to 1) draft a quit claim deed for the parcel for execution by the former resident, 2) redeem the tax lien at the cost of the Town, and 3) notify the adjacent homeowners what is occurring and that they are all responsible for maintaining the portions of the parcel adjoining their property. (Guilford/Justen/Unanimous).

Adjournment - There being no further business the meeting was adjourned at 9:05 p.m. (Dennis/Guilford Unanimous). The next Regular Meeting is scheduled for June 15, 2015 at No. 2 Middlefield Road, Columbine Valley, CO. The meeting will begin at 7:00 p.m.



Richard D. Pilgrim, Mayor



Karen V. Reutzal, Town Clerk