

TOWN OF BOW MAR, COLORADO
BOARD OF TRUSTEES
MINUTES OF THE REGULAR MEETING
JUNE 20, 2016

CALL The regular meeting of the Board of Trustees of the Town of Bow Mar was called for Monday June 20, 2016, Mayor Tom Feldkamp presiding. The meeting was held at Columbine Valley Town Hall, 2 Middlefield Road, Columbine Valley, CO 80123. A quorum was declared present at 7:01 p.m.

PRESENT	Mayor	Tom Feldkamp
	Trustees	Steve Fabricant
		Barb Cole
		Carrie McLaughlin
		Anne Justen
		Marsha Dennis
	Attorney	Brian Jumps
	Clerk	Sue Blair

ABSENT Trustee Jane Carlson

Public Comment – No public comment was presented. However, Tom Deats presented a letter to the Trustees. A copy of said letter is available from the Town Clerk. The letter from Mr. Deats outlined the history of the building fees and his belief that increasing building fees to match Columbine Valley can be done in lieu of a Use Tax. This is addressed later in the meeting.

Public Hearing – A variance request at 5015 King Crest Lane for a 9-foot variance from the edge of the rear yard setback boundaries for a gas fire pit was brought before the Trustees. No questions were presented.

The variance was approved unanimously by motion. (Cole/Fabricant/Unanimous).

A variance request at 4995 Larkspur Street for a 2.1-foot variance from the zoning restriction that prohibits changing the highest approved ground point located on the front setback line of the property between the property's side lot lines. The owner is requesting that this measurement point be raised by 2.1 feet in order to facilitate proper drainage away from the structure. The owner presented the Trustees with the impervious surface drawings for review. It was noted that a certified drainage plan must be submitted with the building permit. The owner recognized this requirement. It was noted that the building commissioner has reviewed the plans and said they were in compliance with the requirements.

The variance was approved unanimously by motion with the same conditions as noted at the last meeting- the applicant shall provide all items required by Town of Bow Mar Code 16-17 (c) (3) including surface run off calculations and the required drainage report. (Dennis/Fabricant/Unanimous).

First Reading – Proposed Updated Building Code and the Licensing of Contractors Working in Bow Mar. There was no first reading but discussion was had regarding the negotiation with Columbine Valley helping with building inspections. Columbine Valley indicated that the building code needs to be updated. Specifically, that Bow Mar needs to adopt the International Residential Code (IRC). There will be additional supplements to this code, given the uniqueness of the Town. Town Attorney Jumps had a meeting with Weis and Carlson regarding this and the outcome is that a 12-page ordinance is being prepared. Commissioner Cole asked if the BMOI clubhouse will fall under the IRC and Attorney Jumps indicated that it will. When complete, the Trustees will be presented the material in a first reading.

Resolution – Proposed amendment to the Municipal Code Section 4-32 – Purchasing Policy – In the absence of prior authorization by the Board of Trustees, any individual Trustee, the Mayor, the Town Clerk or the Police Department may obligate or charge to the Town’s account any amount not to exceed \$1,000, in lieu of prior authorization of \$500. Town Attorney Jumps said this needed to be done by ordinance instead of resolution as this is a permanent issue. A first reading will happen in July and a second reading in August.

Consent Agenda – The Minutes of the Regular Meeting on May 16, 2016 were unanimously approved as amended by Commissioner Cole, noting that the code notation should read 16-17 (C3). (Cole/McLaughlin/Unanimous).

The Minutes of the Special Meeting on May 25, 2016 were approved unanimously by motion. (Fabricant/Dennis/Unanimous).

The Treasurer's Report and payments made in May were approved unanimously by motion. (Fabricant/Dennis/Unanimous). Commissioner Justen requested clarification regarding the monies moved. Commissioner Dennis explained that this was moving money into an investment account and out of checking. It was clarified that this was not new money but old money moving around. Commissioner Cole requested the confirmation of the road impact fund being allocated specifically for roads and spent on streets so that Commissioner Fabricant is allotted the entirety of the money collected for roads. Commissioner Dennis confirmed this.

Commissioner Reports:

Public Safety – Police Chief Cottrell was absent but submitted a report for review in which it was noted that 39 summons were issued, 3 arrests were made and 28 calls for assistance came in during the month of May. Commissioner Barb Cole reviewed the written report submitted to the Board and highlighted a few key points:

- the homeowner with extra vehicles and boats has been contacted by the Police, as is the practice.
- If there is a situation at the beach that needs immediate attention, contact Arapahoe County dispatch at 303-795-4711 and the call will go directly to the Columbine Valley officer on duty.
- Columbine Valley will be watching for golf cart issues this summer with the underage driving, lack of lights on the golf cart, unsafe driving, etc. On the first offense a warning

will be issued and on the second offense a ticket will be issued and parents contacted. Mayor Feldkamp asked if Chief Cottrell would prepare a short summary of golf cart requirements be sent out in the Bow Mar Blast.

The public safety report was approved unanimously by motion. (Fabricant/McLaughlin/Unanimous).

Finance – Commissioner Dennis reported that during the month of May, the total revenues were at 59% of the year-to-date budgeted amount while expenditures were at 27%. General government expense was 49% of budget, Public Safety 41%, Parks and Rec. 27%, and Public Works 7%.

The total year-to-date operating surplus was \$228,232 and the net non-recurring income of \$97,275 results in a total year-to-date surplus of \$325,507.

The May financials were approved unanimously by motion. (Cole/McLaughlin/Unanimous).

Building – Commissioner Jane Carlson submitted a written report in her absence. One question was raised in which Commissioner Cole requested the Town Attorney Jumps confirm with Columbine Valley that collecting for sewer lines was correct procedure.

The building report was approved unanimously by motion. (Fabricant/Dennis/Unanimous).

Parks & Recreation – Commissioner Carrie McLaughlin reported that landscape is moving along and irrigation is on for the season. There was illegal dumping at the Sheridan entrance twice. The question was raised if we paid for it and Commissioner McLaughlin indicated that we did as no parties have been identified as the offending party.

The parks and recreation report was approved unanimously by motion. (Dennis/Cole/Unanimous).

Public Works – Commissioner Steve Fabricant reported that the planter is repaired and the cautionary triangles will be addressed with the resident for replacement. The drainage report for the Town will be completed next week and will be reported on at the July meeting. Commissioner Fabricant also outlined the road work to be done in 2016 as it will be starting at the end of June/beginning of July. The planned work to be done will be paving Bow Mar Drive from Sheridan to the newly repaired planter and from the corner at Marston to the stop sign up the hill. This scope of work leaves money left in the \$225K budget and Commissioner Fabricant asked the Trustees to consider adding the upper portion of Lakeshore Drive, going no further than Redwood Drive. This will be submitted separately to the Trustees for approval. In addition, a “no outlet” sign is requested at Sombrero Circle as many large vehicles are getting stuck in the circle.

The public works report was approved unanimously by motion. (Cole/Dennis/Unanimous).

Intergovernmental – Commissioner Anne Justen reported that the Littleton Valley Villas project withdrew the application to annex into Littleton, so the project rests with Arapahoe County. Mayor Feldkamp reported that the Town has not been contacted by the developer, whose paperwork states nearby municipalities have been included in planning the development. The on-going project is a 50-paired unit development of 25 buildings on 5.6 acres. Commissioner Justen indicated that a letter to oppose the project should be considered as she believes the density will cause traffic problems and will cause Wilder to be overcrowded. A public hearing is to be held on August 2nd. Commissioner Justen also reported that Mr. Michael Penny has been let go as City Manager from the City of Littleton. Evidently, his firing was due to transparency issues and to a feeling that he withheld important information from some council members. Commissioner Justen discussed The Bluffs development and gave a history of this project. The current concern is the reported easement that should close the entrance off Sheridan and make it an emergency only access. Commissioner Justen is going to approach Mr. Koelbel and request this action be taken to keep excess traffic out of Bow Mar. Commissioner Justen will report further after the meeting. Mayor Feldkamp asked if the easement is in writing and was told that a copy cannot be located at this time.

The intergovernmental report was approved unanimously by motion. (Dennis/Fabricant/Unanimous).

Attorney Comments - Town Attorney Brian Jumps report will be under New Business.

Clerk Comments – Town Clerk Sue Blair reported that the next Regular Meeting is on July 18, 2016. Clerk Blair discussed the Use Tax timeline if the question is to be on the November ballot.

Mayor's Report – Mayor Tom Feldkamp outlined the Metro Mayor Caucus he had attended and explained that the group had addressed 4 main issues with communication to the State Government, as follows:

- Opposition letter regarding Amendment 69. This would add an additional \$27 billion dollars to the state budget by actions such as a 10% sales tax on selling your home.
- A letter to support Initiatives 98 and 140. This is with regard to primary elections and the \$20 million the state is missing out on due to the current procedure.
- A letter asking the State to put forward an amendment to de-Bruce the State. The excess money can then be distributed to the elderly, education, etc.
- A letter to the Governor asking him to veto HB16-1309. This House Bill will require a public attorney to be hired for any persons being arraigned.

Mayor Feldkamp then outlined the timeline for getting the proposed Use Tax on the November ballot for the Town. There must be a 1st reading, a 2nd reading and a 30-day wait period before certification of the on September 7th. The Use Tax will be on building materials and could bring \$50K - \$75K to the Town. This tax is being paid already but passing a Use Tax for the Town will bring that money back to the Town. Town Attorney Jumps also noted that a Use Tax is typical of municipalities comparable in size to Bow Mar. This will be discussed later in the meeting as the agenda indicates.

BMOI Report – BMOI Board Member Chris Murdy attended to give the BMOI report. Mr. Murdy indicated that the new website and reservation system is working well. The use of older lifeguards who tend to live in the area is helping keep non-members off the beach. BMOI is looking at a new control system for the gate and the pedestrian walk into the area. This will correlate with the clubhouse system and help to reduce non-members from entering. The police are stepping up patrol in the area and this is helping after hour issues as well. Mr. Murdy gave an update on the marina and clubhouse plans: an architect and contractor have been hired for preconstruction design and budgeting. The Board is waiting on the 3 bids for the marina. The Wagner's have offered use of the earth moving equipment - BMOI just needs to pay for operators. Also of note is that the financials are strong, even though membership is slightly down. The strong financials are partially due to more initiation fees than expected. BMOI will be replacing its treasurer, one beach manager, and the president next year election.

Old Business:

Potential Use Tax Ballot Measure on November Ballot. This was previously discussed in the Mayor's comments. Town Attorney Jumps and Town Clerk Blair are drafting an ordinance and ballot question and have asked for guidance on proposed collection, proposed amount, and proposed exemptions (if any). Commissioner Cole asked if the use tax has to be the same as a sales tax? Attorney Jumps said that it did. Before final details are discussed, Mayor Feldkamp wanted to find out if the Trustees wanted to move forward with putting the question to the voters in November 2016 versus 2017. Commissioner Cole, Commissioner Dennis and Commissioner Fabricant were in favor of November 2016 while Commissioner Justen and Commissioner McLaughlin expressed concern about a successful outcome for November 2016. The memo from Tom Deats was addressed and Mayor Feldkamp outlined that the fee schedule in the memo would lose money for Bow Mar and the residents would be paying taxes twice. A special meeting for the first reading will be scheduled within the next two weeks. Attorney Jumps was directed to use the same exemptions as Columbine Valley and set the Use Tax at 3%.

New Business:

Front Country Loop Project: Commissioner McLaughlin requested the Trustees consider donating \$40K of its Jefferson County Open Space account to the Front Country Loop project. This project will create a 150-mile soft surface trail that would encircle the entire metro area. Currently Bow Mar has \$587K in the Jefferson County Open Space account. This account can only be used for projects that are public spaces and the last time Bow Mar used any of the money was in 1997. If the Town participates, it will be the first contributor towards the project. Commissioner McLaughlin will provide additional information about the project at the July regular meeting.

Commissioner Duties: Town Attorney Jumps indicated he will be reviewing the code with regard to commissioner's duties. He will be doing this to help the Town outline what it is looking for from each commissioner. This will lead the Trustees in the direction of policy making instead of operational activities. Mayor Feldkamp directed Attorney Jumps to work with Clerk Blair and review other jurisdictions as he presents options.

Adjournment

There being no further business, the meeting was adjourned at 8:39 p.m.
(Cole/Dennis/Unanimous).



Thomas A. Feldkamp, Mayor



Sue Blair, Town Clerk