

TOWN OF BOW MAR, COLORADO
BOARD OF TRUSTEES
MINUTES OF THE REGULAR MEETING
November 16, 2015

CALL The regular meeting of the Board of Trustees of the Town of Bow Mar was called for Monday, November 16, 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 7:04 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 - absent

Public Comment – None

Presentation - Jeff Walker, Regional Transportation District. Mr. Walker is Bow Mar's RTD District Representative, serving since 2011. Mr. Walker gave a general update regarding RTD transportation issues. He said we can expect several new light rail service lines to open in 2016: the Flatiron Fire, the A line from Union Station to the Airport opening April 22, the Gold line to Arvada and Wheat Ridge, the B line, which is the first leg to Boulder (ending in Westminster) and the R line to I-225. In 2018 we can expect two more new lines: the north Metro line from Union Station to 124th, and the Southeast extension from Lincoln station to downtown Lone Tree. In addition, a change in fare structure is coming, with the Downtown Littleton station becoming a local line and the fare dropping to \$2.60. It will cost \$9 to go to the airport from Downtown Littleton and take about an hour, with a transfer at Union Station. RTD will also be rolling out a smart card for fares in the first quarter of 2016, and using this card will give a discount to regular fares. Mayor Pilgrim asked about parking for the light rail stations, commenting that parking in Downtown Littleton fills up by 7 a.m. and Englewood is totally jammed. Mr. Walker responded that there were some earlier discussions about parking improvements but RTD doesn't have the money or the space to acquire more parking at this time. He noted there was opposition to expanding parking in Englewood by neighborhood groups. Recent clarification from the Colorado legislature allows private developers to construct parking facilities near light rail stops, so some private projects are being proposed. He agreed that all of the stops are at capacity and it was noted that those

people traveling to the airport and parking in the lots will make the problem worse. The Board thanked Mr. Walker for an informative report.

Public Hearing - Public Hearing and Possible Board Action Regarding Two Variance Requests at 5001 Bow Mar Drive (Gunning): a 2-foot variance to the south side setback and a 1-foot variance to the front (east) setback for the construction of an additional garage bay. Mr. Gunning attended to explain the reasons for the request (detailed last month) and answer questions for the Board. The request was properly published and posted. Building Commissioner Jane Carlson recommended approval of the variances requested. McKittrick second. The variances were unanimously approved by the Board on roll call vote.

Dennis - Yes
Carlson – Yes
Guilford – Yes

Justen - Yes
McKittrick - Yes
McLaughlin - Yes

First Reading - Year 2016 Budget Ordinances: Ordinance No. 304 to Adopt the Budget, Ordinance No. 305 to Levy Property Taxes and Ordinance No. 306 to Appropriate Sums of Money. Town Clerk Karen Reutzel read the titles of the Ordinances into the record. Finance Commissioner Marsha Dennis introduced the ordinances and explained some minor adjustments to the 2016 Budget that have been made since the October meeting. A public hearing will be held on the budget ordinances in December after publication. The draft Budget can be reviewed on the Bow Mar website.

Report on and Consideration of Additional Revenue Sources for Town Operations – (This New Business item was moved up on the Agenda so that Mr. Clark did not have to wait until the end of the meeting to make his presentation).

Steve Clark of S.B. Clark Companies attended to address his firm’s study concerning the potential revenues that might be realized if Bow Mar were to adopt a sales/use tax. He said that more than 40% of municipal revenues in Colorado are derived from sales and use taxes. In contrast, Bow Mar, which has only property taxes, miscellaneous taxes and building permits as sources of revenue, has the highest mill levy compared with similarly sized jurisdictions such as Foxfield, Columbine Valley, Edgewater and Cherry Hills Village. It was noted that an increase in the building permit fees several years ago was intended to at least partially account for the use taxes (primarily on building materials) that we don’t currently collect. As a result, building permit fees in Bow Mar are higher than other communities, and this difference would translate to a 0.75% use tax. Mr. Clark noted that those other jurisdictions collect a use tax in the 2-3% range. A use tax is generally not considered a new or added tax, but rather a shifting of tax collection from the jurisdiction where building materials are purchased (in the form of sales tax) to the jurisdiction where the materials are delivered for use in a construction project (in the form of a use tax), so that Bow Mar would realize the benefit of the tax rather than an outside jurisdiction.

Mr. Clark noted that significant revenues are also realized in other jurisdictions from a use tax on automobiles. He made some projections of potential revenue that might be realized if the residents were to vote on a use tax. He also noted that Bow Mar's per capita expenditures for General Government, Public Safety and Public Works based on 2014 budget are \$461.47 per person, which is much lower than similar jurisdictions. In comparison, Town of Columbine Valley is \$682.01 per person, Foxfield is \$617.14, Cherry Hills Village is \$792.51 and Edgewater is \$1,885.20.

Commissioner Carlson commented that adopting a use tax makes a lot of sense. People are doing bigger construction projects now and the Board needs to make sure the Town has revenue to provide expected services to its residents. It was commented that the report's estimates for building permit income are conservative compared to recent years, but Mr. Clark explained that building permit income is cyclical, and the purchase of new automobiles is more predictable and steady. The mechanics of a use tax was discussed. Enacting a use tax would be a ballot question to be voted on by the Bow Mar voters. The Board will continue to study the issue over the coming months. Mr. Clark was thanked for his comprehensive report.

Consent Agenda – The Minutes of the Regular Meeting on October 19, 2015 were approved unanimously by motion. Guilford/Dennis/unanimous. The Treasurer's Report and payments made in October were unanimously approved by motion. Dennis/McKittrick/unanimous.

Public Safety - Public Safety Commissioner Gary Guilford and Police Chief Brett Cottrell reported that 59 summonses were issued during the month of October, with 13 in Bow Mar, 1 arrest, and 29 Bow Mar calls for service. Chief Cottrell noted that there were several reports of problem coyotes running around Town. He said two or three are no longer a problem and the police are watching out for any others that are causing issues. He emphasized that a couple of sick looking coyotes had mange (which is caused by a mite) but they were not rabid. There were more mail thefts last weekend – in fact, at one address an entire mailbox was stolen. Another resident received a pile of mail from several nearby jurisdictions. Otherwise, October was a nice quiet month. Commissioner McLaughlin mentioned problems with construction trucks parking in the middle of the road. Chief Cottrell responded that an emergency vehicle must be able to navigate a road, so if a construction truck is preventing access they will ask the contractor to move their vehicle.

Finance – Finance Commissioner Marsha Dennis reported that at the end of October, the total revenues were 101% of the year-to-date budgeted amount while expenditures were at 87%. General Government expense was at 83% of budget, Public Safety 82%, Parks and Rec. 83% and Public Works 93%. As anticipated, Public Works went from 28% of budget last month to 93% of budget because invoices for the mill levy road repairs were processed during October.

The total year-to-date operating surplus of \$44,061 and the net non-recurring income (building and road fees less expense) of \$105,449 results in a total year-to-date surplus of

\$149,510. The October financial reports were approved unanimously by motion. Guilford/Carlson/Unanimous.

Building – Building Commissioner Jane Carlson reported that approximately \$1,500 was collected for several smaller projects in October and fees to the Building Inspector totaled almost \$2,500. Several ongoing larger projects are approaching final conclusion. A couple of anticipated projects are on hold until next spring. Two other homes in Bow Mar sold recently and one will be a scrape and the other a remodel.

Parks & Recreation – Parks & Rec. Commissioner Carrie McLaughlin reported that the entrance sign at Sheridan fell down. The loss is not covered by insurance. Although high winds are suspected, Commissioner McKittrick saw a boulder shattered and a directional sign knocked down in the triangle. The sign repair contractor will be out soon to evaluate the sign and see what can be salvaged. The two supporting posts are rotted and need to be replaced.

Public Works - Public Works Commissioner Merle McKittrick reported that he met with Vision Land to reconcile final charges on the 2015 road project. He noted that eight road cuts were made this year in connection with construction projects. He is looking into seal coating Sheridan and repairing shoulders along Sheridan in 2016. Further pothole work will also wait until next year. He noted that tomorrow may be our first snow plow event.

Intergovernmental – Intergovernmental Commissioner Anne Justen said that last month's DRCOG meeting was very interesting because it dealt with air quality issues and electrical car charging. She has been monitoring the three projects that LIFT is following. These include Clayton Family Farms east of Brookhaven on Bowles, slated for 22 single family homes; Littleton Valley Villas, which is a subdivision proposing 58 attached homes with a proposed annexation into Littleton, located at Bowles and South Platte Canyon. Columbine Square is still proposing 340 multi-family units. Nothing has happened with that project since December 2013.

Clerk Comments – Town Clerk Karen Reutzel reported that the next Regular Meeting will be held on December 14, 2015. This is the second Monday of the month in order to meet the deadline to certify the mill levy to the counties on December 15. The Colorado Municipal League Open House will be held on December 3 from 4:30-6:30 and all Board members are welcome. She reported that a few deadlines for the April 5 municipal election will come right after the first of the year. Petitions to run for the positions of Mayor or Trustee will be available starting January 2 from the office of the Town Clerk and can be circulated starting January 5. Completed petitions must be filed with the Clerk by January 25. If a ballot issue is proposed, the entire ballot language would have to be certified to Arapahoe County by approximately Feb 5 if they will be providing assistance with our election, with mail ballots being mailed starting March 14. The Board agreed that a use tax ballot question would be too rushed for the April ballot and would probably need to wait until the November 2016 ballot.

The Arapahoe County Foundation requested that the Town again make a contribution toward the Arapahoe County Youth Award, which recognizes Arapahoe County students who have overcome adversity to succeed in school. The Board agreed to contribute \$100, consistent with what it has done over the past few years. The Foundation awarded nine \$1,000 scholarships to deserving high school seniors in 2015.

Attorney Comments - Town Attorney Jack Reutzel reported that this would be the last meeting he would be attending as Town Attorney. He will be available if the Town needs assistance as it looks for a new Town Attorney but will not be attending regularly. Attorney Reutzel was thanked for his service to the Town by the Mayor and the Board. Mayor Pilgrim said he has been a pleasure to work with.

Mayor's Report

BMOI Report – BMOI President Chris Murdy was not able to attend, but submitted a report by email. Please see the BMOI report for details.

Old Business:

Discussion and Possible Board Action to Approve Resolution 2015-001 Adopting the Town of Bow Mar Comprehensive Plan. Town Attorney Reutzel explained the revisions he made to the Resolution. A motion was made to adopt the Resolution, which adopts the Comprehensive Plan as an advisory document. (Justen/McLaughlin). Mayor Pilgrim thanked Ann Pitinga, who assisted CMI as a volunteer, for attending the meeting. She said they tried to incorporate any remaining changes and fixed some small typos in the document. Ann and the CMI team (Barb Cole, Michael Davenport, Allen Gerstenberger) were thanked for their hard work in bringing the Town into the “modern age.” Mayor Pilgrim commented that it took a while to get there, but that is a mark of our community. We don't like to do things too rapidly. He said the Plan will be very helpful to the Town. It was noted that it took Denver 10 years to adopt a Comprehensive Plan, so comparatively speaking we were “lightning fast.” Commissioner Justen amended her motion to adopt the Resolution, to specify that approval is subject to final review of the Plan to insure there are no additional typos discovered after a final proofreading. The motion passed unanimously on roll call vote. The final Plan will be made available on the website.

Dennis - Yes
Carlson – Yes
Guilford – Yes

Justen - Yes
McKittrick - Yes
McLaughlin - Yes

Discussion and Possible Board Action to Approve Resolution 2015-002 of Arapahoe County Multi-Hazard Mitigation Plan – Mayor Pilgrim reported he spoke with officials at Arapahoe County who were requesting the Town adopt the hazard plan along with other Arapahoe County jurisdictions. He told the Board he is concerned about the unintended consequences of adopting a hazard plan that requires the Town to do something or creates an unfunded mandate. He did not get a response from the County allaying his concerns. The Trustees opted to decline to adopt the hazard plan. Town Clerk Reutzel will pass the Board's decision on to the County officials.

Discussion and Possible Board Action to Approve Expenditures on Electrical and Lighting Repairs at the Traffic Circles – Commissioner McLaughlin reported that the lighting systems at the Belleview and Sheridan traffic circles both have serious issues, with broken and missing light fixtures. She has received two repair proposals, with a third coming tomorrow. She intends to replace rather than repair the fixtures that we have, which are old halide fixtures. She also wants to look into the lights along the walls at Sheridan. She said the priority is to get a light on the Belleview Circle replaced. It is also extremely dark on the Sheridan Circle and walls. Given the urgent nature of the

repairs, the Board authorized an amount up to \$9,000 to repair the lights at the Circles in 2015, pending final quotes. (Carlson/Justen/unanimous).

Status and Discussion of Replacement of Town Administrative Positions:

- Update on Options for Town Administrator/Clerk position – Mayor Pilgrim reviewed the three options: hiring one or more employees, independent contractors, or contracting with another jurisdiction (Town of Columbine Valley). The Board has been clear that there is no interest in directly hiring one or more employees since that would entail a number of responsibilities including retirement and health care and other commitments by the Town to meet regulations. He noted that several people have expressed an interest and would like to know what the next step might be. He asked those interested to submit a letter of interest and resume as the application, and an interview committee was formed. The Board has determined that it in the best interests of the Town to hire an independent contractor as opposed to an employee. The Mayor and several Trustees will also be meeting with the Columbine Valley Town Board to follow-up on their proposal for providing these services.
- Update on Search for Town Attorney- Mayor Pilgrim noted that Town Attorney Reutzel provided him with a list of municipal law firms to contact. However, he has also been in contact with Bow Mar resident and attorney Brian Jumps, and Mr. Jumps has offered his services. He has been serving as an ACC member and has municipal law experience. The Board was very favorable with his selection and determined he would be a good fit. The Board voted by motion to retain him as Town Attorney beginning in December. Mr. Jumps offered to contribute the \$300 a month stipend toward the Town Administrator/Clerk position. The Board expressed that an honorarium was appropriate for the work done by the Town Attorney and noted that the \$300/month has been in place for as long as anyone can remember. The Board considered an adjustment to \$500/month beginning in 2016.

New Business:

Report on and Consideration of Additional Revenue Sources for Town Operations — this item was considered earlier in the evening.

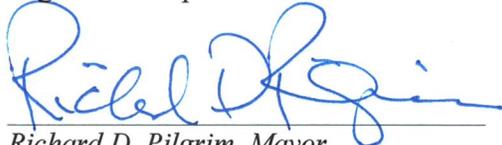
Commissioner Guilford reported he received a bid that day to remove the pump house on Pinyon. It has been difficult to find a contractor willing to do the work, and a contractor working in Town has a bobcat on site this week would be willing to do the work, so the Board needs to move quickly on the opportunity. A utility locate will be required. The Board approved an expense not to exceed \$12,500 to remove the pumphouse structure and its contents and cap the concrete hole. McKittrick/McLaughlin/Unanimous. Mayor Pilgrim will advise the adjacent neighbor of the impending work.

At 9:18 p.m, a motion was made and approved to go into Executive Session for the purpose of discussing upcoming negotiations. Guilford/Dennis/Unanimous.

No business was conducted during the Executive Session. The Board reconvened after the Executive Session at 9:46 p.m.

After the Executive Session ended and the meeting resumed, the Board voted to continue to pursue negotiations with the Town of Columbine Valley regarding an IGA to provide Town Clerk/Administrator services for the Town, and to simultaneously move forward with interviews for the independent contractor option with the goal to come to a conclusion in time for the December 14 meeting. Carlson/Dennis/Unanimous. Commissioners Dennis and Carlson will join Mayor Pilgrim in meeting with the Town of Columbine Valley about a potential IGA. Mayor Pilgrim, Commissioner Guilford and Town Clerk Reutzel will comprise the interview committee for an independent contractor.

Adjournment - There being no further business the meeting was adjourned at 9:56 p.m. (Guilford/McKittrick/Guilford/Unanimous). The next Regular Meeting is scheduled for December 14, 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