

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

CALL The regular meeting of the Board of Trustees of the Town of Bow Mar was called for Monday April 18, 2016, Mayor Rick Pilgrim presiding. The meeting was held at Columbine Valley Town Hall, 2 Middlefield Road, Columbine Valley, CO 80123. A quorum was declared present at 7:02 p.m.

PRESENT	Mayor	Rick Pilgrim
	Mayor-Elect	Tom Feldkamp
	Trustees	Merle McKittrick
		Gary Guilford
		Carrie McLaughlin
		Anne Justen
		Jane Carlson
		Marsha Dennis
	Trustees-Elect:	Barb Cole
		Steve Fabricant
	Attorney	Brian Jumps
	Clerk/Treasurer	Karen Reutzel

Public Comment – None.

First Reading - First Reading of a Variance Request at 4900 Bow Mar Drive (Cherne) for a 2-foot variance to the current height limit for the home to allow the raising of the grade and establishment of a new benchmark. The owners and architect attended to discuss the proposal. They are building a new home and are trying to raise the grade to improve drainage – the road is 5 feet higher than the house. They would like the variance so they can establish a new benchmark. The architect discussed the proposal and the Board asked questions. The ACC asked for a grading plan with a letter from the engineer to support the need for the variance, which was received. This variance request will be set for public hearing at the May meeting subject to proper publication and posting.

Consent Agenda – The Minutes of the Regular Meeting on March 21, 2016 were approved unanimously by motion. (Guilford/Dennis/Unanimous). The Treasurer's Report and payments made in March 2016 were approved unanimously by motion. (Dennis/McKittrick/Unanimous).

Commissioner Reports:

Public Safety – Commissioner Gary Guilford and Police Chief Bret Cottrell reported that there were 43 summons, 4 arrests, and 22 calls for service in Bow Mar during March. There was nothing of real significance to report. A planter box at the north end of Bow Mar Drive was damaged by a hit and run driver. The Board discussed options for repairing the damage before paving can commence and that some re-design needs to happen. It was noted there is Water Board equipment in the area that need to be considered. Additional signage could happen in the short term and traffic cones would help temporarily. Commissioner Guilford, who is retiring from the Board, thanked the Chief for his professionalism and said he has really enjoyed working with him over the years. Mayor Pilgrim echoed those thoughts.

Finance – Commissioner Marsha Dennis reported that during the month of March, the total revenues were at 34% of the year-to-date budgeted amount while expenditures were at 15%. General government expense was 22% of budget, Public Safety 25%, Parks and Rec. 3%, and Public Works 4%. Property and road tax revenue is increasing as tax receipts are received.

The total year-to-date operating surplus of \$140,164 and the net non-recurring income (building and road fees less expense) of \$14,188 result in a total year-to-date surplus of \$154,352. The March financials were approved unanimously by motion. (Guilford/McLaughlin/Unanimous).

Building – Commissioner Jane Carlson reported that March was the Building Department's biggest month ever. She collected over \$48,000 in building permit fees and over \$38,000 in road impact fees for four major remodel projects. She reported on the status of several homes around town.

Parks & Recreation – Commissioner Carrie McLaughlin reported that spring cleanup has commenced for the Town properties. There was a little damage from recent storms, but mostly just getting ready for the warm growing season. The trees on the Sheridan Circle have had some serious dieback and are being evaluated. Commissioner Carlson noted that there are a lot of branches down on the east side of Sheridan (mostly Russian Olives).

Public Works – Commissioner Merle McKittrick prepared a comprehensive road report as he passes his responsibility on to a new road commissioner.

Signage – He reported the status of sign repair. He recommends that at least four to five street signs be refurbished each year. The street signpost at Sheridan/Sunset needs to be moved and reset with a new post.

Summer Road Repair -Early spring potholes were addressed in March. More potholes are visible after recent snow/thaw cycles. A Town pothole count needs to be completed in May so that road maintenance can be arranged for the summer months. Metro Pavers has made the Town's pothole repairs for more than six years.

Road Cuts – March/April -Two construction road cuts were completed. This Xcel roadwork for gas service is close to completion. Xcel has attempted to fix one unacceptable road cut patch at 5255 Bow Mar Drive, but that patch may need to be monitored further. The contractor for a

sewer line replacement at 5210 Bow Mar Drive has not returned calls about the failure of that road cut trench on both edges of the road.

Snowplowing -The March 23rd blizzard tested the limits of the Town's snowplow resources. Deep, heavy wet snow is difficult to push in poor visibility without larger, city plow trucks. Four residents along Bow Mar Drive reported mailbox damage, although it was clear that the snowplow itself had not impacted them. More likely, the significant amount of heavy snow could have pushed/damaged the mailboxes. The affected homes were interested in compensation from the plow driver. Chief Cottrell reported that government snowplows are immune from all liability under state law. Homeowners' insurance policies should cover the damage. Our snowplow contractor has been plowing for the last 13 years. It was a rough storm. Two large landscape boulders were dislodged at the Belleview circle, likely by a larger city plow truck turning around the day of the blizzard. Our snowplow vendor nudged the boulders out of the intersection, but it required a bobcat from Weston Landscape to return the boulders to the median.

2016 - Year 2 Road Preservation and Paving Program - Bowman/VLC is currently seeking bids for (1) repairing/paving/crack sealing Bow Mar Drive along Marston Reservoir and (2) paving the upper/northern portion of Lakeshore Drive. The Bow Mar Drive paving project is now complicated by the need for a prompt repair/redesign of the landscape barrier at the north end of Bow Mar Drive. That planter and dead end signage were extensively damaged by a hit and run driver on April 7th.

2017 - Year 3 Road Preservation and Paving Program -The lower portion of Lakeshore Drive is scheduled for Year 3 repair and paving. Before that work can begin, drainage issues should be addressed. He recommended that the Board approve the Bowman/VLC quote of \$13,000 for (1) a survey and evaluation of the Bowles Lake watershed in the summer of 2016 and (2) preparation of a study and recommendations for improved storm water drainage and runoff control. This amount is already in the 2016 Public Works budget. The Board approved the expenditure of the funds unanimously by motion. (McKittrick/Carlson/Unanimous).

Intergovernmental – Commissioner Anne Justen reported that she attended the DRCOG meeting, which mainly set up items for future meetings; there was nothing that really impacts Bow Mar directly. Reporting on regional development, she said that the Clayton Family Farms in Littleton is moving forward with 22 detached single-family homes near Federal & Bowles. There is nothing new about Columbine Square. The South Suburban Park & Rec. District is having their election on May 3rd – property owners in the district can vote by absentee ballot or at several voting locations. Rain barrel regulations were recently passed by the legislature allowing some recapture of rainwater, which previously was not allowed. Dumpsters were ordered to collect broken tree and shrub branches from the March storm and more could be ordered for the recent April storm.

Clerk Comments – Town Clerk Karen Reutzel reported that the next Regular Meeting was on May 16, 2016. Clerk Reutzel reported the election went smoothly and thanked the election judges who worked very hard until late in the night on election day (Tom Deats, Lynnette Baer, Julie Hopkins, Carrie Williams and Beth Hoffman), as well as the Columbine Valley staff for acting as a drop-off location and Commissioner Guilford who assisted with the canvass of votes

as Mayor Pro Tem. The Audit is ongoing as we continue to respond to auditor's questions, which will hopefully be wrapped up in May. Commissioner Carlson's birthday was recognized with cupcakes and the Happy Birthday song.

Attorney Comments Town Attorney Brian Jumps had no report.

Mayor's Report – Mayor Rick Pilgrim thanked the Town, the Board, neighbors and friends for their support over the years as he leaves his position as Mayor. He said he has had the opportunity to work with fifteen Trustees, three Town Attorneys and two Clerks during his long tenure as Mayor, and the experience has been very humbling and a privilege. The group gave Mayor Pilgrim a standing ovation.

BMOI Report – BMOI Board Member M. A. Williams attended to give the BMOI report. BMOI is working on membership activities and getting ready for Beach Cleanup in May. They are getting the social and party reservation system up to speed with the new website. He had no update on the marina/clubhouse project. Commissioner McLaughlin asked about the status of a new system for Beach entry. Mr. Williams said options are still being considered. The lack of Wi-Fi in the area limits options at the present time.

Old Business:

Discussion and Possible Board Action to Approve Street Closure Connected with Leukemia/Lymphoma Foundation Fundraising Dinner on August 12, 2016 – Resident Heather Fleck gave the Board details on a committee's proposal to host a "Farm-to-Table" Dinner for at least 100 people on August 12. This would be a fundraiser for the L&L society in support of former resident Jim Chrisman's Man of the Year bid. Tickets are \$125 each and invitations need to go out soon. They would like to close Lakeshore from Aspen to just south of Juniper (through traffic would be directed down Juniper) so that long dining tables can be placed in the road. The group will place barriers, cones, and signage in the area. They will provide at least 3 days advance notice to the affected homeowners and police, and notify residents by the Blast and the Bulletin. They will provide diners access to bathroom facilities and shuttle transportation via golf carts from the Marston tennis court parking lot to help with parking issues. The Board unanimously approved the proposal by motion. (McKittrick/Dennis/Unanimous).

New Business:

Departure of Retiring Officials – Mayor Pilgrim thanked outgoing Commissioners Guilford and McKittrick their service. Both made concluding comments. Commissioner McKittrick said he has appreciated working with the Board, Town Attorney, Clerk and everyone else. He said he has always tried to make Bow Mar a better place. Commissioner Guilford said it has been an honor to serve the Town over the years, noting that he served two terms in the 1980's and three terms most recently. He is fortunate to now have three generations of family living in Town. Commissioner Dennis reminded everyone of the Open House to recognize the outgoing Mayor and Board members on May 1.

Administration of Oaths of Office to Newly Elected Officials - Mayor Pilgrim administered the oath of office to incoming Mayor Feldkamp. Mayor Feldkamp administered the oath of office to each of the Commissioners including new commissioners Barb Cole and Steve Fabricant. Mayor Feldkamp assigned each commissioner his or her area of responsibility, as follows: Barb Cole – Public Safety Commissioner. Steve Fabricant – Public Works Commissioner. Marsha Dennis – Finance Commissioner. Jane Carlson – Building Commissioner. Carrie McLaughlin – Parks & Recreation Commissioner. Anne Justen – Intergovernmental Commissioner. Mayor Feldkamp thanked the outgoing Mayor and Board members for their service to the Town.

Election of the Mayor Pro Tem. Commissioner Justen made a motion that Commissioner McLaughlin be elected Mayor Pro Tem in recognition of her long tenure on the Board, which was seconded. The Board unanimously elected Commissioner McLaughlin as the Mayor Pro Tem.

Discussion and Possible Board Action Regarding the Intergovernmental Agreement with the Town of Columbine Valley for the Provision of Certain Clerk and Administrative Functions Currently 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 Feldkamp introduced the IGA. He said the Columbine Valley Board has invited the Bow Mar Board to a Work Session on April 23rd from 2-3 p.m. to get to know each other and discuss the IGA. April 23rd. He said he would like to go into this meeting having approved the IGA. It was noted that Columbine Valley will not take action on the IGA tomorrow (April 19) at their meeting and there will be no action at the April 23 Work Session.

Commissioner Justen said she has a long list of questions about the IGA that have not been settled. She doesn't feel the document has any clarity to it. Mayor Feldkamp said that there was prior approval by the previous Board as to the form of the IGA. There was discussion about whether or not that prior vote bound the Board and the prior minutes were reviewed. Commissioner Cole reported about her discussions with Columbine Valley Town Administrator J.D. McCrumb about the timing and process that Columbine Valley plans to employ regarding the IGA. She indicated they were considering adopting the IGA by ordinance and would not act until their May meeting. Commissioner Cole commented that she is new and needs to get her head around the agreement. Commissioner Justen has numerous questions. Town Attorney Jumps commented that the previously approved form of the IGA has not been revised, but will require minor changes to address timing issues and dates and the terms needs to be updated due to the delay in adoption. Mr. Jumps does not anticipate further changes from Columbine Valley. Discussion ensued about whether the IGA needs to be adopted by ordinance or whether it can be adopted as an action item by the Board by motion. It was noted by the Town Clerk that prior IGAs such as the Public Safety IGA with Columbine Valley and the Animal Control IGA with Sheridan were adopted as action items. Mr. Jumps explained that the expenditure of funds was previously approved by ordinance through a budget amendment approved earlier in the year.

Commissioner Cole expressed concern about the IGA provision requiring the licensing of contractors in Town. Currently the Town does not require contractors obtain a license to operate within its boundaries. Commissioner Carlson noted that Building Inspector Terry Weiss has been asking us to license contractors since he became the Building Inspector. Town Attorney Jumps said that issue would be made an agenda item for a future meeting. Most communities of our size have some kind of licensing requirements.

Commissioner Justen had several questions: She questioned the line of authority provision that says that the Mayor is in charge with the relationship with Columbine Valley and shall be the primary point of contact. She said this is counter to the Board of Trustees' assignments and responsibilities. Commissioner Dennis stated that the line of authority provision was trying to avoid Columbine Valley staff receiving conflicting direction from six different Trustees. It was clarified that methods of communications between the Board and the Columbine Valley staff that would be assisting them with their respective departments would be established after the IGA is underway. Town Attorney Jumps said this provision was added to benefit Bow Mar's commissioners. Mayor Pilgrim clarified that this is an umbrella agreement and the fine points will be figured out as you work together.

The history of the negotiations with Columbine Valley was discussed. It was noted that if it doesn't work, the Board has six months to do something different because the agreement includes a 6-month cancellation provision. It was noted that the IGA is trying to find economies of scale with a neighboring jurisdiction and this is not anything different than what we do with the police force or what other municipalities do. This is a fairly small document that gives a framework to work with. It has standards of care and bullet points but does not address every situation. Commissioner Cole asked if the IGA was put out to competitive bid, and the response was no. Columbine Valley was considered because of our current relationship with Columbine providing police and court services and the location for Town Board meetings. Larger municipalities such as Littleton would not be able to provide the level of service we require.

Commissioner Justen is concerned that she has not seen any financials and is uncomfortable not having transition costs detailed. It was noted that transition costs will exist no matter what the Board decides and will include physically moving the Town files, IT support for moving electronic files and software and staff time for training and orientation about the Town's processes, structure and key agreements. Transition costs are included in the 2016 Budget. Concern was expressed about the language that states that Columbine Valley has direct control of how they provide the services. It was explained that this is independent contractor status boilerplate language. A Motion was made and seconded to approve the IGA. (Dennis/Carlson). On roll call vote, three Commissioners voted in favor (Dennis, Carlson, Fabricant) and three were opposed (Justen, Cole, McLaughlin). Mayor Feldkamp cast the tie-breaking vote in favor of approving the IGA.

Carlson	Yes	Fabricant	Yes
Cole	No	Justen	No
Dennis	Yes	McLaughlin	No
Feldkamp	Yes		

Appointment of Appointed Officials (Town Attorney and Interim Town Clerk-Treasurer) and Administer Oaths of Office. Mayor Feldkamp administered the oath of office to Town Attorney Brian Jumps.

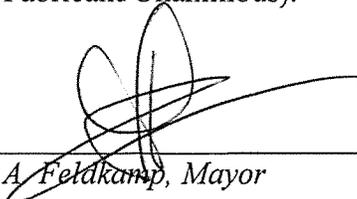
Discussion and Possible Board Action Regarding an Agreement for Interim Clerk Functions and Transition Assistance by the Current Town Clerk/Treasurer. A motion was made to extend the extend Town Clerk Karen Reutzel’s contract through the end of May at the current rate (\$7,500 per month, \$500 in rent). Commissioner Justen stated that she believed this approval needed to be by ordinance. Town Attorney Jumps will investigate. The need for the extension was discussed. Clerk Reutzel stated that she is committed to assisting with the transition of duties to Columbine Valley and has stayed on to ensure an orderly transition. The Board approved the contract extension unanimously by motion. (Dennis/Carlson/Unanimous). Mayor Feldkamp administered the oath of office of Town Clerk/Treasurer to Clerk Reutzel.

Discussion and Possible Board Action Regarding Request for the Denver Century Ride on June 18 to Include a Route through Bow Mar. – Chief Cottrell discussed the group’s plan to include Bow Mar as part of their bike ride route. The route maps and proposal had been circulated to the Board. Chief Cottrell reported the police have no problem with it. They are providing their own marshals and security. It was noted that by the time the riders get to Bow Mar they will be quite dispersed. The Board approved the proposal unanimously by motion. (McLaughlin/Dennis/Unanimous).

Discussion and Possible Board Action Regarding Damage to Mailboxes During the March Blizzard. – This item was discussed earlier in the Public Works report and it was concluded that the Town has no liability for this incident and no further discussion was required.

Discussion and Possible Board Action Regarding Repair or Redesign of Damaged Planter Area at North end of Bow Mar Drive. This item was discussed earlier during the Public Works report. The new Public Works Commissioner Fabricant will need to assess and come back with a proposal in a future month.

Adjournment There being no further business, the meeting was adjourned at 8:58 p.m. (Dennis/Fabricant/Unanimous).



 Thomas A. Feldkamp, Mayor



 Karen V. Reutzel, Town Clerk and Treasurer