



**TOWN OF LARKSPUR
MINUTES OF THE
TOWN COUNCIL PUBLIC HEARING Continuation
BEAR VIEW ANNEXATION AND PLANNED DEVELOPMENT
November 16, 2009
6:00 P.M.**

PUBLIC HEARING CALLED TO ORDER: Mayor Sherilyn West opened the hearing at 6:04 PM.

ROLL CALL:

PRESENT	ABSENT	NON-VOTING
Kristin Cutbirth		Town Attorney-Scotty Krob
Sheryl Jones		Town Clerk/Manager-
Eve Curry-Harbison		Matt Krimmer
Lana Wagner		
Joseph Jeske		
Mayor Pro-tem Steve Smith		
Mayor Sherilyn West		

PLEDGE OF ALLEGIANCE: Recited.

PUBLIC ATTENDEES: Dan Krueger, Mr. & Mrs. Hickey, Steve Murray

REPRESENTING BEAR VIEW CAMPGROUND: Jack Reutzel, Karen Henry, Bud Searle, Kevin Archer, Ian & Sally Steyn (arrived at 7: 30 PM)

DISCUSSION:

Mayor West asked Scotty Krob to walk through the revised annexation agreement changes and his November 16, 2009 letter to the Council discussing remaining annexation agreement issues. Mayor West opened the discussion addressing access options to the railroad crossing and questions pertaining to the number of vehicles allowed to cross per day based on the railroads agreement with the campground. A lengthy discussion followed which included liability obligations of the Town and traffic monitoring responsibilities. Sheryl Jones asked Bear View to provide an estimated number of crossings per day from May 15 to October 1 since this would be representative of the peak camping period. Sheryl also asked if the campground would be in compliance with current violations by May 15, 2010. Vested rights were also discussed. The site plan process and changes made to the September 7, 2009 version of the PD Guide were reviewed in detail by "Planning Area". Major and minor improvement determinations and responsibilities were discussed. Also discussed were fees in lieu of land dedication for which a counter proposal was made by the Town Council and which had not yet been presented to the applicant for consideration and a request for consideration of a sales tax shareback.

In accordance with the published agenda, Mayor West declared a ten minute break at 7:35 PM and resumed the public hearing at 7:45 PM.

The discussion continued on the fee in lieu of land dedication and upon the Town Attorney's recommendation Council agreed to enter into executive session with the applicant.

Kristin Cutbirth made a motion to enter into executive session with the Mayor, Town Council, Town Attorney, Town Clerk/Manager, and the Bear View representatives and not to extend past 8:15 PM. Joseph Jeske seconded the motion. A roll call vote was taken. Seven (7) in favor, one (1) against (Sheryl Jones); motion carried.

Council entered into executive session at 7:53 PM and exited at 8:17 PM.

Upon coming out of executive session the discussion continued on consideration of a sales tax shareback. The applicant has requested a 1.6% sales tax shareback. After considerable discussion it was agreed that acceptable language reflecting the Council's position should be worked out between the two attorneys. The question to be addressed by the Town's and applicant's attorneys for presentation at the next public hearing is "Are there incentives for the mutual benefit of the Town and the developer?"

COUNCIL ACTION: Continue the public hearing to December 3, 2009 at 5 PM.

A motion to continue the Public Hearing to December 3, 2009 at 5 PM at the Larkspur Town Hall was made by Sheryl Jones and seconded by Joseph Jeske. A roll call vote was taken. Six (6) in favor, zero (0) against; motion carried.

ADJOURN: A motion to adjourn the Public Hearing was made by Lana Wagner and seconded by Sheryl Jones. The hearing was adjourned by unanimous voice vote, six (6) in favor, zero (0) against; motion carried.

Mayor West adjourned the public hearing at 9:37 PM.

Respectfully submitted,

Matt Krimmer
Town Clerk/Manager