



**TOWN OF LARKSPUR
MINUTES OF THE
REGULAR COUNCIL MEETING
APRIL 1, 2010**

MEETING CALLED TO ORDER: Mayor Sherilyn West called the meeting to order at 6:02 P.M.

ROLL CALL:

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

PLEDGE OF ALLEGIANCE: Recited.

OTHER ATTENDEES: Ellen & Dave Gardner, Marvin Cardenas, Tara & Tim Dexter, Lorelei LaFortune, Betty Spreen, Mr and Mrs Charles Hickey, Gary Abel, and two unknown guests.

SCHEDULED PUBLIC APPEARANCES: Courtney Mooney re: Palm/Dexter property sale. Ms. Mooney did not attend the meeting as Dave Palm did not meet the deadline set by Town Council for payment of fee in lieu of land dedication as required by minor subdivision approval of the property. Accordingly, Resolution 10-05 was presented to Council vacating the subdivision approval.

Sheryl Jones made a motion to approve Resolution 10-05 withdrawing and terminating approval of the Palm Minor Subdivision. Stephen Smith seconded the motion. A roll call vote was taken. Six (6) in favor, zero (0) against; motion carried.

UNSCHEDULED PUBLIC APPEARANCES: Jo Rath, owner of the Little Flower Shop in Larkspur, spoke to Council later in the meeting under New Business.

APPROVE MINUTES: February 18, 2010, March 4, 2010, March 18, 2010
A motion was made by Eve Curry-Harbison and seconded by Sheryl Jones to approve the minutes for February 18, 2010 with deletion of one sentence in the Myrna Been Scheduled Public Appearances narrative. A roll call vote was taken. Six (6) in favor, zero (0) against; motion carried.

A motion was made by Eve Curry-Harbison and seconded by Joseph Jeske to approve the minutes for March 4, 2010 with clarification of the reasons for the executive session motion. A roll call vote was taken. Four (4) in favor, zero (0) against, two (2) abstained; motion carried.

A motion was made by Sheryl Jones and seconded by Stephen Smith to approve the minutes for March 18, 2010 with addition of a statement explaining a Council members vote on a Parks and Recreation nominee. A roll call vote was taken. Six (6) in favor, zero (0) against; motion carried.

ADVISORY BOARD REPORTS:

- **Parks and Recreation** – Matt Krimmer informed Council that strong winds had tilted some of the newly replanted trees in the Park to where Fischer Enterprises had to re-stake and provide additional support to keep them upright. Matt also noted that additional drainage work is required along the right of way between Spruce Mountain Road and the new parking area south of the South entrance to the Park.

Fischer Enterprises provided samples of caps for the wooden posts lining the Park road. A short discussion followed and Sheryl Jones suggested checking out availability and pricing of solar light caps which could be spaced to provide low level parking guide lighting.

CONTINUING BUSINESS:

- **Town Hall Railings** – Railings installation has been completed by Classic Iron Works.
- **Medical Marijuana Ordinance discussion** – Eve presented update information regarding actions of the Partnership medical marijuana work group and the State Legislature considering the joint House and Senate bill regarding regulation of medical marijuana and noted it was like a roller coaster of activity. Scotty Krob suggested riding it out to see what eventually gets submitted. Mayor West asked about the status of the County's actions and it appears they are planning a vote soon. Eve noted all that could be done at this time is monitor the activities. Matt suggested Council consider extending the Towns moratorium which Mayor West stated could be done at the next Council meeting
- **Ordinance 1.16 Mayor and Council compensation** – Mayor West presented Ordinance 1.16 providing an increase in compensation for the Mayor from \$200 to \$500 per month and Town Council from \$25 to \$50 per meeting.

Kristin Cutbirth made a motion to approve Ordinance 1.16 providing compensation to the Mayor and Town Council of \$500 per month and \$50 per meeting, respectively. Stephen Smith seconded the motion. A roll call vote was taken. Five (5) in favor, one (1) against (Sheryl Jones); motion carried.

- **Perry Park Well Easement request** – Mayor West asked Scotty Krob to review the letter from Seter and Vander Wall, Attorneys at Law, representing Perry Park Water and Sanitation District regarding their request for well easements and their intent to exercise dominant eminent domain. Scotty Krob presented Council with options for consideration and Council discussed negotiation terms and investigating removal of PPW&S District from those areas which overlap the Town. Council and audience discussion followed regarding water rights. Scotty was directed to prepare a reply to the PPW&S attorney's letter and request a meeting with appropriate parties to discuss the matter.
- **Trueblood property cleanup** – Town staff received complaints of items being moved back onto the Trueblood property behind the fence and concern about a new build up of junk materials. In discussion Mayor West asked what course(s)

of action could/should be taken by the Town. Scotty suggested one option would be to go to municipal court. The Hensen/Abyll property was also discussed and Council agreed both properties should be re-inspected and new letters sent regarding current conditions and follow on actions. Mayor West will contact municipal court to inquire about the process.

NEW BUSINESS:

- **Engineering Services for upcoming needs** – Rusty Hall and James Marine, Highline Engineering and Aegis Engineering, respectively, presented information regarding their qualifications to perform engineering functions for the Town. Several Council members asked questions. Mayor West requested Council allow Town Staff to use their services on small projects which may be coming to the Town. Council asked for more time to study the proposal and no decisions were made.

At this point Mayor West invited Jo Rath to make her presentation to the Council.

Jo Rath, owner of the Little Flower Shop in Larkspur, presented Council with background on the business, her experience in gardening and flowers, and offered a discount to the Town on plants and materials to fill the flower beds at the Town Park. Mayor West asked her to attend the next Parks and Recreation Board meeting and provide an estimate with cost breakdown and a plan for planting in the Park. She was also advised that government entities require a minimum of three bids.

- **Resolution 10-04 canceling April 6 election and certifying unopposed candidates** – Mayor West presented Council with Resolution 10-04 canceling the April 6, 2010 election for Mayor and Town Council and declaring the unopposed candidates as elected. After almost two minutes of silence Mayor West asked the Town Attorney to explain the consequences of not canceling the election and the financial and regulatory impacts. A motion was made following the explanation.

A motion was made by Stephen Smith and seconded by Joseph Jeske to approve Resolution 10-04 canceling the April 6, 2010 election and declaring unopposed candidates for Mayor and Town Council as elected. A roll call vote was taken. Five (5) in favor, one (1) against (Kristin Cutbirth); motion carried.

- **2009 Goals Review** – The list of Council goals and priorities for 2009-10 created at the January 2009 Council Retreat was reviewed and briefly discussed. More than half of the goals were addressed and continue to be worked on.

Mayor West declared a break at 7:52 PM and resumed the meeting at 8:04 PM.

- **Application for Stimulus funds for Water and Sewer** – Matt presented information from the US Department of Agriculture Rural Development regarding American Recovery and Reinvestment Act (ARRA) Water and Wastewater Loan and Grant Program. A meeting with the ARRA Circuit Rider is scheduled for April 9, at approximately 4 PM.
- **Armbruster property horses** – Complaints received at Town Hall regarding the number of horses on the Armbruster property were checked with Town Ordinance 3.43 and determined that the number of hooved animals allowed was one per two acres. It will first be necessary to determine the number of acres on which the horses are grazing. Matt noted his discussion with Mr. Armbruster and provided

copies of the Ordinance to him. Sheryl Jones requested certified letters be sent notifying the property owners of the violation.

- **Planning Commission** – Membership on and continuation of the Planning Commission (PC) was discussed and it was agreed to ask the two new Council members also on the PC to remain on the PC for another sixty days allowing time to recruit new members. Council also determined it was necessary to clearly define the PC process and establish qualification requirements and interview process for PC appointees. Since the Town's Charter does not allow monetary compensation for board and commission members it was concluded another form of reward should be established.

MANAGER'S REPORT: Matt reported and provided information on the following topics:

- **Status of Restroom Sales**
- **Charity Bike Ride April 18**
- **Chatfield Summit June 16**
- **Larkspur Fun Run May 22**
- **Newly Elected Officials Training May 14-15** – A discussion on who should attend this training was held and Matt noted that if there are three persons from one municipality a fourth can attend for free. New Council members will be contacted regarding availability and encouraged to attend this training and registration made accordingly.

Sheryl Jones made a motion which was seconded by Eve Curry-Harbison to pay for the three new Council members to attend the CML newly elected officials training on May 14-15, 2010. A roll call vote was taken. Six (6) in favor, zero (0) against; motion carried.

- **New Council Orientation April 8, 4 PM**
- **CML Railroad meeting April 7, 9-11 AM**
- **CML Communications Conference April 14-15, all day**
- **Castle Rock Front Range Economic Summit April 16, 9 AM – 2:30 PM**
- **Sheriffs Coffee and Tour April 29**

MAYOR'S COMMENTS:

The Mayor noted that three courtesy Ordinance letters would be sent to the three empty lot property owners in Town reminding them to have the weeds cut on those lots by May 1, 2010. Mayor West also informed Council the Town passed CIRSA's safety and lost time insurance review with a 100% rating.

COUNCIL COMMENTS: Eve inquired about the PC hearing minutes and asked the status of the response to Myrna Been regarding petitions. One set of minutes remain to be completed and all will be provided to PC members prior to their meeting on April 12. Matt informed Council of having received a letter from Myrna Been this afternoon which Scotty briefly addressed indicating full compliance with State statutes. Matt asked Scotty to provide a written response with his legal comments. Eve also asked about meeting with Vince Weis, Town Accountant, regarding AccuFund and Paychex. Matt also handed out a summary of the Larkspur business licenses.

ADJOURN:

Sheryl Jones made a motion to adjourn the regular Council meeting which was seconded by Joseph Jeske and approved by unanimous voice vote. The meeting was adjourned by Mayor West at 9:09 PM.

Respectfully submitted,

Matt Krimmer
Town Clerk/Manager