



**TOWN OF LARKSPUR
MINUTES OF THE
REGULAR COUNCIL MEETING
JANUARY 7, 2010**

MEETING CALLED TO ORDER: Mayor Sherilyn West called the meeting to order at 7:12 P.M.

ROLL CALL:

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

PLEDGE OF ALLEGIANCE: Recited.

OTHER ATTENDEES: Pam Madison, Ann Lucia, Barb Sheldon, Jerry West, Tara and Tim Dexter, Mike Belsky, Ellen and Dave Gardner, Christine Walden, Shannon Buss, Marvin Cardenas, Sue and John Montgomery, Rod Flores, Laura Kronick, Betty Spreen, Douglas County Detectives Barella and Hanavan

UNSCHEDULED PUBLIC APPEARANCES: None.

SCHEDULED PUBLIC APPEARANCES: Larkspur Alternative Medicine Center (LAMC) Representatives. Mike Belsky informed Council that the Pony Expresso coffee shop is leasing space to the LAMC to open and operate a medical marijuana dispensary. New walls with doors will be constructed to completely separate this business from the restaurant area which will reduce its seating capacity to 22 seats. The restaurant will continue to operate as a full service restaurant and be open for breakfast, lunch, and dinner seven days a week. Dispensary hours will be different from restaurant hours. Preparation for marijuana food items will take place after regular restaurant hours and utensils and cooking devices will be kept separate. Restaurant hours and dispensary hours will be different and may vary. Dispensary hours initially may be 9 AM to 8 PM. Significant security will be installed including new security cameras, rebar in walls, new alarms, heavy duty safe, etc

A discussion followed regarding taxes owed the Town by Mr. Belsky who asked Council to waive the penalty fees of \$734.08. He stated he would pay the taxes and interest owed for two quarters. Scott Krob advised Council a written request to the Town Tax Official must be made for determination of waiving or adjusting the penalty fees.

APPROVE MINUTES: Minutes for the December 3, 2009 regular Council meeting and the December 3 and 14 Council public hearings were submitted for approval.

Eve Curry-Harbison made a motion to approve minutes of the December 3, 2009 Council Bear View annexation public hearing. Lana Wagner seconded the motion. A roll call vote was taken. Five (5) in favor, zero (0) against; motion carried.

A motion was made by Lana Wagner and seconded by Joseph Jeske to approve minutes of the December 3, 2009 regular Council meeting with corrections. A roll call vote was taken. Five (5) in favor, zero (0) against; motion carried.

Eve Curry-Harbison made a motion to approve the December 14, 2009 Bear View annexation public hearing minutes. Kristin Cutbirth seconded the motion. A roll call vote was taken. Five (5) in favor, zero (0) against; motion carried.

ADVISORY BOARD REPORTS:

- **Parks and Recreation** – With the resignation of Larry Horwitz from Parks and Recreation Board, Matt Krimmer recommended appointing Marty Crandall-Grela, presently an alternate on the Board, to complete Larry's term.

Lana Wagner made a motion to appoint Marty Crandall-Grela to fill the position vacated by Larry Horwitz on the Parks and Recreation Board. Joseph Jeske seconded the motion. A roll call vote was taken. Four (4) in favor, one (1) against (Eve Curry-Harbison); motion carried.

Matt submitted applications from Linda Profaizer and Tim Dexter for appointment as alternates to the Parks and Recreation Board for two year terms.

Kristin Cutbirth made a motion to appoint Linda Profaizer and Tim Dexter to two years terms as alternate board members on the Parks and Recreation Board. Joseph Jeske seconded the motion. A roll call vote was taken. Five (5) in favor, zero (0) against; motion carried.

COUNCIL DISCUSSION PROJECTS:

Open Space Zoning Ordinance 3.102 –Mayor West presented Ordinance 3.102 amending Ordinance 3.43 creating and adding a new open space zone district.

A motion was made by Lana Wagner and seconded by Eve Curry-Harbison to approve Ordinance 3.102 amending Article II of Ordinance 3.43, also known as the Town's zoning code, by adding Section 11A to establish an open space district. A roll call vote was taken. Five (5) in favor, zero (0) against; motion carried.

IGA with Castle Rock for Court Services – Mayor West presented an Intergovernmental Agreement (IGA) with the Town of Castle Rock to provide court services to the Town of Larkspur as may be required for 2010-11. This IGA is exactly the same as the IGA in effect for 2008-09 other than date changes.

A motion was made by Eve Curry-Harbison and seconded by Joseph Jeske to approve an Intergovernmental Agreement between the Town of Castle Rock, Colorado and the Town of Larkspur, Colorado for the operation of a Municipal Court System. A roll call vote was taken. Five (5) in favor, zero (0) against; motion carried.

Resolution 10-01 granting extension to Resolution 08-09 Palm subdivision payment
– Matt Krimmer presented Resolution 10-01 as directed by Council motion at the December 17, 2009 regular Council meeting for approval.

Kristin Cutbirth made a motion to approve Resolution 10-01 granting an extension to Resolution 09-08, to April 1, 2010 for payment of fee in lieu of to the Town of Larkspur. Joseph Jeske seconded the motion. A roll call vote was taken. Four (4) in favor, one (1) against (Eve Curry-Harbison); motion carried.

Spruce Mountain Development Notice to Arlotti – Attorney Scotty Krob presented a draft letter to John Arlotti informing him of actions being considered by the Town Council regarding non-payment of fees owed the Town. These actions include approval of a Resolution dissolving the previously approved subdivision and vacating the Planned Development thereby changing the zoning. The Council approved the draft letter and Resolution for mailing to Mr. Arlotti and requesting he respond to the letter on or before the next Council meeting January 21, 2010.

Medical Marijuana Ordinance discussion – Mayor West informed Council of actions underway by the Partnership of Douglas County Governments to create common definitions, rules, and regulations for the County and Partnership municipalities wherever possible to minimize significant differences between jurisdictions. Two deputies from the Douglas County Sheriff's office (Barella and Hanavan) were in attendance and spoke about the sheriff's office involvement with law enforcement and other organizations. Deputies Hanavan and Barella answered questions from the audience and Council. Matt informed Council of the Partnership creating a medical marijuana work group with representatives from each jurisdiction to address this issue. Dates, times, and locations will be announced when confirmed. Council then discussed various aspects of regulating MMDs and will continue the discussion at the next meeting.

MANAGER'S REPORT: None

MAYOR'S COMMENTS: Mayor West reminded Council of the January 9, 2010 Holiday gathering and dinner at her house beginning around 5:30 PM.

COUNCIL COMMENTS: None.

ADJOURN:

Lana Wagner 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 8:05 PM.

Respectfully submitted,

Matt Krimmer
Town Clerk/Manager