



**TOWN OF LARKSPUR  
MINUTES OF THE  
REGULAR COUNCIL MEETING  
JUNE 3, 2010**

**MEETING CALLED TO ORDER:** Mayor Sherilyn West called the meeting to order at 6:00 P.M.

**ROLL CALL:**

<u>PRESENT</u>	<u>ABSENT</u>	<u>NON-VOTING</u>
Eve Curry-Harbison	Joseph Jeske	Town Attorney-Scotty Krob
Lana Wagner		Town Clerk/Manager-
Rich Cargill		Matt Krimmer
Matias Cumsille		
Mayor Pro-tem Shannon Buss		
Mayor Sherilyn West		

**PLEDGE OF ALLEGIANCE:** Recited.

**OTHER ATTENDEES:** Mr and Mrs. Charles Hickey, Gary Abel, Laura Kronick, Ed Blanchard, Mike Belsky, Kristin Cutbirth, James McVaney, Marvin Cardenas, David Cooper and son (BS Troop # 261).

**SCHEDULED PUBLIC APPEARANCES:** None.

**UNSCHEDULED PUBLIC APPEARANCES:** None.

**APPROVE MINUTES:** May 6, 2010, May 20, 2010

The May 6 minutes were reviewed. Shannon Buss requested corrections as follow: on page 5 under Council comments to clarify receipt of railroad letter by Jack Reutzel and not the Town; on page 2 under April 22 minutes review to include Rich Cargill as having heard Marias Cumsille excuse himself from the meeting; on page 4 under Garage Sale to reword the opening sentence to read “Shannon Buss presented Ordinance 3.43.....”; and mentioning that Shannon Buss raised the issue regarding a reminder letter to the Trueblood and Hensen property owners regarding cleanup.

A discussion regarding emails and communication to the Council followed and it was concluded that appropriate email information needs to be distributed to the Council in a timely manner. Also discussed was the content of the written minutes and how much information needed to be included. Shannon stated she did not feel the minutes reflected an accurate accounting of the meeting and needed to be changed.

Shannon Buss mentioned that the current method of recording Council meetings was outdated and needed to be replaced. She also noted that the present form of written minutes was unsatisfactory and needed to be changed. A discussion about upgrading

Council meeting recordings and types of written minutes to be prepared followed. No conclusions were reached regarding recordings.

**A motion was made by Lana Wagner and seconded by Rich Cargill to approve the minutes for May 6, 2010 with corrections. A roll call vote was taken. Three (3) in favor, one (1) against (Shannon Buss), two (2) abstentions (Eve Curry-Harbison, Matias Cumsille); motion carried.**

The minutes of May 20 Council meeting were reviewed.

**A motion was made by Matias Cumsille and seconded by Eve Curry-Harbison to approve minutes of May 20, 2010. A roll call vote was taken. Four (4) in favor, zero (0) against, two (2) abstentions (Lana Wagner, Rich Cargill); motion carried.**

The discussion continued regarding contents of minutes and how much information should be included. Eve Curry-Harbison asked Scotty Krob to provide samples of written minutes from other communities. Mike Belsky suggested investigating digital tape transfer.

#### **ADVISORY BOARD REPORTS:**

- **Parks and Recreation –**

- Movie night June 11 reminder. Signs are needed.
- There was no change in the Corda-Rose bid since all prices were wholesale and labor hours proposed were required to do the job correctly. A brief discussion followed with the Council favoring the proposal from Corda-Rose over the Little Flower Shop.

**A motion was made by Eve Curry-Harbison and seconded by Shannon Buss to approve the bid proposal from Corda-Rose Landscaping (Kellie Graves) for plants, flowers, soils, mulch, and materials for the Larkspur Town Parks for the bid price of \$4675.30. A roll call vote was taken. Six (6) in favor, zero (0) against; motion carried.**

- Draft Ordinance 4.26 Establishing New Fees for Use of the Community Park and Related Facilities – During review of the draft several suggestions were made by Council including adding a fee for a whole park package reservation (get samples from other towns to compare); adding a security, cleanup, and damage deposit which would be refundable in whole or part based on Park inspection; extending reduced fees to other Government entities (spell out/identify entities); and add statement authorizing Council the right to waive fees on an as requested basis. Matt Krimmer will return draft to Parks and Recreation Board with Council comments for additions.

#### **CONTINUING BUSINESS:**

- **Town Maintenance application review process** – Mayor West informed Council that sixteen applications for the part time maintenance position had been received. Mayor West requested Council members review the applications and make recommendations for interviews. Eve Curry-Harbison and Shannon Buss

offered to review the applications. Mayor West commented she will begin the interview process next week after narrowing down the applicants and invited a Council member to join her for the interviews over the next two weeks.

- **Medical Marijuana Ordinance discussion** – Scott Krob presented a summary of approved Colorado legislation (SB 10-109 and HB 10-1284). Dave Cooper asked if the Town can be more restrictive than the State to which Scotty replied yes. A discussion on restrictions and timing to act on local legislation was held. The option of taking the matter to a vote of the electorate was also discussed including the matter of a local election versus a coordinated election and the timing and costs of each. Gary Abel asked if any complaints had been received on the current facility to which the Mayor replied there have been concerns expressed from both in town and outside of town residents.. Marvin also compared MMD licensing to liquor laws and licensing. Lana Wagner stated she believed taking approval to a vote of the people was the right way to go and Matias Cumsille asked Lana why she favored going to a vote of the people. Lana responded it was the right thing to do to see if town residents really wanted a MMD. Shannon Buss noted that taking MMD operations approval to a vote of the electors was unconstitutional and Marvin Cardenas stated that there is a lot of litigation pending when the bills get signed. James McVaney referred to the Towns moratorium and supported Shannon and Marvin’s point about constitutional challenges. Mayor West stated this discussion will be continued at the next Council meeting. Matt was asked to get cost comparisons for a coordinated vs. local election.
- **Garage Sale Ordinance 3.103** – Mayor West presented Ordinance 3.103 which removes all language in Ordinance 3.43 ARTICLE II, SECTION 2, 2.2(D); SECTION 3, 3.2(D); AND SECTION 4, 4.2(E) repealing restrictions on garage sales.

**A motion was made by Shannon Buss and seconded by Rich Cargill to approve Ordinance 3.103 removing garage sale restrictions from Ordinance 3.43 and eliminating garage sale language in ARTICLE II, SECTION 2, 2.2(D); SECTION 3, 3.2(D); AND SECTION 4, 4.2(E) . A roll call vote was taken. Five (5) in favor, zero (0), one abstained (Eve Curry-Harbison); motion carried.**

- **Park Enhancement project update** – Matt informed Council that the irrigation lines were being installed and drip lines and sprinkler heads are being added with work expected to be completed within two weeks. He also shared the cost comparisons from the sprinkler bids received last year so the new Council members could relate to the cost of the current work. Matt noted that all restrooms in the Park are operational. Lana Wagner commented that only two restrooms were open and had no toilet paper yesterday. He also informed Council that the new playground equipment is being shipped on June 14. Shannon Buss asked to have the Park inspected for safety concerns particularly the proximity of the horseshoe pits to the old playground and the volleyball court border. Mayor West emailed CIRSA to set a date for inspections.

#### **NEW BUSINESS:**

- **Chatfield Water Summit** – Mayor West reminded Council of the summit on June 16 and Matt commented that the Chatfield Authority manager asked at least

one representative from each member organization attend. Larkspur is the only member organization not having signed up at this time. Mayor West asked if anyone was interested in attending and if not she would be willing to represent the Town. No one else expressed an interest in attending.

- **Town Clean up Day** – Mayor West mentioned setting a date for “clean up day” and asked for volunteers to organize the event. Shannon Buss offered to take the lead, arrange for groups and help organize. Lana Wagner volunteered contacting youth groups and other organizations to participate. A short discussion followed and Mayor West noted that a big dumpster will be ordered and placed in the Town dump. The date of August 7, 2010 was tentatively agreed to as clean up day.

**MANAGER'S REPORT:** May 25 - Matt met with forester Keith Worley regarding Park fire safety. The Town Parks all meet fire standards including the new structures. Mr. Worley offered suggestions for thinning out undergrowth shrubs and scrub oak as an added safety feature and recommended using Eagle Scout projects as sources.

May 26 – Attended Chatfield Water Authority meeting. DRCOG Water Quality responsibilities are being eliminated requiring CWA to pick up those responsibilities which could result in a member dues increase.

June 2 – Met with Matt Call, Edge Commercial Realty, regarding zoning restrictions for the property at 8783 Spruce Mountain Road. He was asking if the Town would allow industrial type equipment to be parked or stored behind approved fencing. He was provided with information as to what is permitted under current Business zoning. Matt also informed Council of a follow on conversation with Dave Palm regarding the process for subdivision and associated fees.

Matt presented information on the DC Human Needs Assessment presentation on Tuesday, June 8, 7:30-9:30 AM at Sky Ridge Medical Center for anyone interested in attending.

Matt recommended that the Towns sign Ordinance 3.68 be reviewed for updating as many of the sign needs and concerns are not adequately addressed and can be interpreted in different ways. Shannon Buss stated that this is a topic that should be taken up by the Planning Commission. It was agreed to assign this to the Planning Commission for review. A short discussion followed regarding temporary signs.

**MAYOR'S COMMENTS:** Mayor West commented on her meeting with Wright Water Engineering and CO Rural Water to discuss requirements for the engineering and environmental studies required for grant and loan dollars and that based on the process involved including public hearings and time constraints we would not be able to submit an application for the stimulus dollars from CO Rural Water. The engineering and environmental studies will, however, be completed to be able to apply for funding from other sources in the future. Shannon Buss mentioned we need to find other grants. Mayor West stated the Town is well below the State average for water and sewer rates and the Town's rates needed to increase in order to be eligible for grant and loan funding. The State water rate average for like systems is \$35 per month. Following a short discussion it was concluded that some work needs to be done to address the Town's water and sewer rates. Mayor West is creating a list of items to address.

## **COUNCIL COMMENTS:**

Lana Wagner asked that all emails received with attachments be date stamped.

Eve Curry-Harbison asked why the Independence Day article on page 24 of the Perry Park Sentinel listed Tara Dexter's home phone number and personal email address for information. Eve believed it was inappropriate to have a volunteers phone number and email address listed for information.

Eve Curry-Harbison asked what was meant by the statement made by Matt at the last Partnership meeting about it being quiet on the political front. Matt responded it was simply a comment pertaining to the issues around annexation of the Bear View campground. Eve also asked if the Flower Shop was still open since she never sees anyone there.

Shannon Buss asked Scotty if there was any new information on researching separation of Perry Park Water and Sanitation for Larkspur overlapping districts. Scotty responded no.

Shannon Buss asked about mowing and stated she will call RS Enterprises to set a meeting to discuss doing the mowing again this year.

Shannon Buss asked about the Information Center Booth in the Park and stated the owner, Tony Caterino, should be paying his fair share since he is conducting personal real estate business at the site. Mayor West mentioned that she and Matt met with Tony and discussed his use of the property and stated he was not conducting personal real estate transactions at the booth. Marvin Cardenas commented he knew that Brad Bradford had transacted real estate business regarding the Garcilaso property. Kristin Cutbirth commented she agreed with Shannon and Marvin and does not believe a private business should be run on Town property. Eve asked Tony be invited to the next Council meeting and bring proof of benefit to the Town. Kris stated he should pay rent or the Town should offer to buy the Information Center from Tony. Lana suggested the booth could be located somewhere other than on Town property.

Shannon suggested putting billboards on Town property along I 25. Shannon noted CDOT had offered to provide signage for Larkspur at the time they were closing the rest areas. Matt stated Council took no action on the CDOT offer. Matt will provide Shannon with his CDOT contact information and Shannon will contact CDOT's on this matter.

Shannon Buss mentioned several burglaries occurred in Town and that Mary Gacilaso's classic pick-up truck had been stolen. She also suggested a Neighborhood Watch be set up in Town as there have been other vehicles stolen and other burglaries have occurred. A lengthy discussion followed regarding the various burglaries and vandalism acts and ideas offered for addressing the problems.

Lana Wagner mentioned CO grant dollars available for radar guns. She will get more information regarding sources and qualifications.

Shannon reviewed the emails provided her and had questions on several of them

regarding their content.

Shannon also raised concern about Matt's representation of the Town at the Partnership Managers meetings and asked why it is not an open meeting for the public and elected officials. She also stated she does not see the need for Larkspur to participate in the Partnership. Lana Wagner and Mayor West commented that the Managers meeting sets the agenda for the Partnership meeting and items discussed at the managers meeting are related to what is presented to the Partnership. The discussion moved to open discussion of Executive Sessions and revealing topics discussed during those sessions. Scotty Krob stated open discussion violates confidentiality of the Council members. Shannon Buss feels she should be able to discuss what was addressed in executive sessions with the former Council members.

Scotty Krob requested Council go into executive session to discuss a matter pertaining to Bear View annexation regarding possible litigation challenging the annexation.

**A motion was made by Lana Wagner and seconded by Matias Cumsille to enter into executive session to discuss a matter pertaining to Bear View annexation regarding possible litigation challenging the annexation. A roll call vote was taken. Six (6) in favor, zero (0) against; motion carried.**

Council entered in to executive session at 9:24 PM and resumed the regular meeting at 10:00 PM.

**ADJOURN:**

**Lana Wagner made a motion to adjourn the regular Council meeting which was seconded by Matias Cumsille and approved by unanimous voice vote. The meeting was adjourned by Mayor West at 10:01 PM.**

Respectfully submitted,  
Matt Krimmer  
Town Clerk/Manager