



**TOWN OF LARKSPUR
MINUTES OF THE
REGULAR COUNCIL MEETING
MAY 6, 2010**

MEETING CALLED TO ORDER: Mayor Sherilyn West called the meeting to order at 6:05 P.M.

ROLL CALL:

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

PLEDGE OF ALLEGIANCE: Recited.

OTHER ATTENDEES: Ellen & Dave Gardner, Tara Dexter, Lorelei LaFortune, Betty Spreen, Mr and Mrs. Charles Hickey, Gary Abel, Laura Kronick, Dan Krueger, Sheryl Jones, Mike Belsky, Bill Kramer, Bonnie Schwam, Emily Becker, Kristin Cutbirth, Rusty Hall, James Marine.

SCHEDULED PUBLIC APPEARANCES:

- James McVaney – Passed out written information including Ordinances from Fruita, Palmer Lake, and Douglas County regarding regulation of medical marijuana and addressed Council on the benefits of taxing medical marijuana and recommended using medical marijuana tax revenue to fund educational programs on the benefits and use of medical marijuana. Mr. McVaney also commented on the zoning resolution recently passed by Douglas County only allowing medical marijuana activities in industrial zoned districts, one of which is located just North of Larkspur. He asked Council to be responsible in creating the Town’s medical marijuana ordinance.
- Leroy Cruz, USDA Colorado Rural Development, briefed Council on grant opportunities from USDA stimulus finding for municipalities less than 10,000 in population. Also participating were Wayne Lorenz and Emily Becker, Wright Water Engineering (WWE), and Vince Weis, Town Accountant. Following the briefing and discussion Council determined water issues such as a new well and distribution line concerns were of higher priority and directed WWE to meet with Town Staff, Semocor, and CO Rural Water Association to scope the project and prepare a proposal for completing the required engineering and environmental studies.

Lana Wagner made a motion to have Wright Water Engineering (WWE) proceed with preparation of a cost proposal for preparing engineering and environmental studies required for the CO Rural Water Association/USDA grant application to acquire funding to study drilling of a new well and replacement of water distribution lines in the Town. The motion was seconded by Joseph Jeske. A roll call vote was taken. Five (5) in favor, zero (0) against; motion carried.

- Pamela and Chris Rodriguez, Spruce Mountain Liquors Store buyers did not appear.

UNSCHEDULED PUBLIC APPEARANCES: None.

APPROVE MINUTES: April 15, 2010, April 22, 2010

The April 15 minutes were reviewed. Shannon Buss asked minutes reflect her statement about Council complaints.

A motion was made by Shannon Buss and seconded by Lana Wagner to approve the minutes for April 15, 2010 with the addition of the statement on Council complaints. A roll call vote was taken. Five (5) in favor, zero (0) against; motion carried.

The minutes of April 22 special meeting were reviewed. Shannon asked that it be made a matter of record and added to the minutes that she and Councilman Rich Cargill clearly heard Matias Cumsille state that he had to leave the meeting and excuse himself.

A motion was made by Shannon Buss and seconded by Rich Cargill to approve the minutes for April 22, 2010 with the addition of a statement that Shannon Buss and Rich Cargill clearly heard Matias Cumsille state he had to leave the meeting and excuse himself. A roll call vote was taken. Four (4) in favor, zero (0) against, one (1) abstained (Lana Wagner); motion carried.

Mayor West declared a meeting break at 7:20 P.M. and called the meeting back to order at 7:30 P.M.

ADVISORY BOARD REPORTS:

- **Parks and Recreation –**
 - Bonnie Schwam presented highlights of the plans for the Independence Day celebration and requested Council approve a budget for Parks and Recreation of \$2060.

Lana Wagner made a motion to approve up to \$2500 to spend as required for the 2010 Fourth of July celebration on July 5, 2010. Joseph Jeske seconded the motion. A roll call vote was taken. Five (5) in favor, zero (0) against; motion carried.

- Tara Dexter discussed the “movie night” schedule and asked Council to sponsor the first movie night on June 11 for the \$150 cost.

Lana Wagner made a motion to approve \$150 to support the first Larkspur movie night on June 11, 2010. Joseph Jeske seconded the motion. A roll call vote was taken. Five (5) in favor, zero (0) against; motion carried.

- Bill Kramer presented a solicitation proposal for acquiring flowers for the new Park flower beds and the existing flower beds in Petunia Park with an estimated bid cost of up to \$3000. Bill described components and scope

of the proposal. A brief discussion followed. Bill asked Council to approve the proposal with the suggested maximum bid price.

A motion was made by Lana Wagner and seconded by Shannon Buss to approve the solicitation for plants and flowers for the Larkspur Town Parks with an estimated ceiling bid price of \$3000. A roll call vote was taken. Five (5) in favor, zero (0) against; motion carried.

- Minutes of the April 19 and May 3 Board minutes were provided.
- Matt Krimmer informed Council that strong winds had blown over one of the CDOT trees planted in the Park near the south entrance to the new parking lot and it would not be able to be saved. Bill Fischer volunteered to replace the tree at no cost to the Town.
- Matt asked Council to participate and meet with the Board at the Park next Monday evening for a Park tour and social gathering to get to know the Board members and give them an opportunity to get to know the Council.

Joseph Jeske made a motion to approve up to \$150 to pay for food and drinks for the social gathering portion of the Parks and Recreation and Council get together in the Park on May 10, 2010. Lana Wagner seconded the motion. A roll call vote was taken. Five (5) in favor, zero (0) against; motion carried.

- Matt informed Council of the alternatives being researched regarding order placement for the playground equipment including lease purchase options. Interest rates vary and additional fees may apply with a lease. Matt will provide Council with the information as soon as it is available at which time he requested Council provide direction regarding placement of the playground equipment order.
- Park work estimate numbers 732 and 733 from Bill Fischer with revised costs were provided to Council for review. Work on the estimates has been approved. Costs were discussed and Council questioned the \$2800 cost for moving the poles from the Park to the maintenance yard.

Shannon Buss made a motion to approve cost estimates 732 and 733 subtracting \$2800 for moving poles from the Park to the maintenance yard pending a discussion with Bill Fischer. The motion was seconded by Joseph Jeske. A roll call vote was taken. Five (5) in favor, zero (0) against; motion carried.

CONTINUING BUSINESS:

- **Engineering Services for upcoming needs** – Mayor West introduced Rusty Hall, Highline Engineering and James Marine, Aegis Engineering who had been interviewed and provided resumes regarding their experience. Mayor West asked Council to approve Town Staff utilizing their services for future work excluding water and sewer matters. A discussion followed

A motion was made by Lana Wagner and seconded by Shannon Buss to approve allowing Town Staff to utilize the services of Highline Engineering and Aegis Engineering on a case by case basis as appropriate for projects, other than water and sewer, requiring engineering review. A roll call vote was taken. Five (0) in favor, zero (0) against; motion carried.

- **Medical Marijuana Ordinance discussion** – Matt provided an update on the status of HB 1284 with information received from Eve Curry-Harbison and Partnership emails. He noted the legislature is close to having a bill approved.
- **Perry Park Well Easement request** – Mayor West noted Council had received previous letters and informed Council of the latest letter from PPW&S withdrawing their request for the well easements. A discussion on options available to the Town was held and Scott Krob explained the legal nuances pertaining to each. Mayor West asked Scott Krob to look into separation of the PPW&S overlap to the Town’s water and sewer district boundaries and report back with options.
- **Trueblood and Hensen property cleanup** – Matt informed Council the Mayor and he had viewed the Abell/Hensen property and reported very little change to the property was evident from the view last fall. He asked for Council direction on any next steps to take. Lana Wagner suggested some positive solutions be offered to resolve the situation. Mayor West suggested making a list of options to help with solutions, including creating a community project. A reminder letter will be drafted with a list of options. Mayor West noted there was no change noticeable to the Trueblood property and a letter would also be sent as a reminder to keep things under control.
- **Council Retreat** – Matt asked Council for input regarding setting a date for the Council retreat. Council availability is of concern. Matt will continue to work with Council for an acceptable date and location.

NEW BUSINESS:

- **Town Maintenance and Landscaping Plans** – Shannon Buss asked Council to revisit the need for a maintenance person and following a brief discussion will work with the Mayor to create a list of requirements to advertise for the position. Also discussed was having a professional company for maintaining the Towns landscaping needs including the Town Park. Mayor West noted we have used such a company the last two years and if Council has been satisfied we should continue with their services.

A motion was made by Shannon Buss and seconded by Lana Wagner to approve preparing a list of maintenance requirements, prepare an advertisement to hire a Town Maintenance person, and look into retaining the company previously used to do landscaping. A roll call vote was taken. Five (5) in favor, zero (0) against; motion carried.

- **Garage Sale language in Ordinance 3.43** – Shannon Buss presented Ordinance 3.43 and read the language regarding garage sales noting she thought it was ridiculous. Mayor West concurred and suggested eliminating all the language in Ordinance 3.43 regarding garage sales.

A motion was made by Shannon Buss and seconded by Lana Wagner to direct staff to create an Ordinance to eliminate garage sale restrictions. A roll call vote was taken. Five (5) in favor, zero (0); motion carried.

MANAGER'S REPORT: Matt reminded Council of the newly elected officials CML training on May 14 and that Matias Cumsille and Shannon Buss have been confirmed for the training. He also informed Council of the Partnership meeting on May 19, 2010. Matt also submitted an application from Bill Lucero to be an alternate on the Parks and Recreation Board.

Shannon Buss made a motion which was seconded by Joseph Jeske to appoint Bill Lucero as an alternate to the Parks and Recreation Board. A roll call vote was taken. Five (5) in favor, zero (0) against; motion carried.

Matt informed Council that a sign permit request had been received from Bear View Campground to change the existing sign for the "Castle Rock Campground" to a new sign for the "Yogi Bear Jellystone Campground". The new sign would be the same size as the existing sign and be in the same location.

MAYOR'S COMMENTS:

Mayor West informed Council of the new Douglas County Emergency Operations Plan which includes Larkspur and will make copies of the plan available to anyone interested. She also noted the Town audit is nearing completion.

COUNCIL COMMENTS: Shannon Buss asked about status of the Initiative letter to which Scotty Krob replied that it had been responded to as discussed with Myrna Been. Mayor West noted that an Ordinance needs to be created requiring all future annexation requests be put to a vote of the electorate before acting on a petition. Shannon also asked for Town Staff to call Council members when items are emailed and to be notified by phone on all meetings being held by Town Staff. Lana Wagner questioned Shannon and Shannon stated she felt there was a lack of communication regarding town business and wanted to be informed of all emails, all meetings, and other communications, as well as having access to all files. Mayor West stated that efforts would be made to satisfy these requests. Shannon then asked about the Bear View Railroad crossing commitment and transfer of the Bear View water rights. Scotty Krob informed Shannon that a letter had been received by the Bear View attorney, Jack Reutzel, from the railroad which approved increasing the number of crossings and the transfer of water rights was being worked on. NOTE: The Town had not yet been provided a copy of the RR letter at this time. Lana Wagner commented on the number of signs popping up around town in front of businesses and elsewhere.

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 9:27 PM.

Respectfully submitted,
Matt Krimmer
Town Clerk/Manager