



**TOWN OF LARKSPUR
MINUTES OF THE
REGULAR COUNCIL MEETING
MAY 7th, 2009**

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

ROLL CALL:

PRESENT	ABSENT	NON-VOTING
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.

UNSCHEDULED PUBLIC APPEARANCES: (1) Laura Kronick asked how much information was available to the public regarding the Bear View Campground annexation and if water rights were being considered as part of the annexation or PD negotiations. Mayor West explained the public hearing would be the next opportunity for the public to ask questions and receive information on the annexation. Scotty Krob informed Laura that information on the annexation and rezoning would be available to the public at the Public Hearings scheduled June 1 before the Planning Commission and June 4 before the Town Council. He also noted that water rights would be included in both the annexation and rezoning discussions.

(2) Shannon Buss presented a list of annexation, land use, and procedural questions she had raised to Scotty Krob and asked to have Scotty comment on the answers she had received from him. Each question was read and discussed. Shannon disagreed with Scotty on several points and asked Council to consider changes to the annexation Ordinance for clarity. She also questioned the quasi-judicial restrictions and interpretation of rules for disqualification. Shannon challenged Scotty on not following Ordinance procedures to which Scotty requested she submit specifics in writing for him to respond. Council member Eve Curry-Harbison requested the list of issues be provided to Council and Shannon agreed.

Mayor West noted that the Town's Land Use application needed to be corrected to properly reflect its use and clarify the understanding of land use and annexations. Shannon requested Council consider changing the Town's Ordinance to properly define the terms and processes for annexations and land uses.

SCHEDULED PUBLIC APPEARANCES: None.

OTHER ATTENDEES: Gary Abel, Betty Spreen, Laura Kronick, Mike Burhenn, Amy Blanchard, Ian Steyn, Sharon Roman, Bill Fischer, Shannon Buss, Marvin Cardenas, Peter Caplan, Myrna Been, Marty Crayhall Grela

COUNCIL DISCUSSION PROJECTS:

- **Contract for Bull White Trash Recycling Services** – A draft contract for operating the Town Dump and establishing trash recycling services was presented by Mayor West and briefly discussed. The proposal made by Jesus Damien for electronic recycling will be considered a subcontract to this one, if approved, and needs to be worked out between Mike Burhenn and Mr. Damien.

Eve Curry-Harbison made a motion to approve a contract with Bull White Services to operate the Town Dump, provide trash dumpsters, and provide for trash recycling for a trial six month period to begin on June 1, 2009. Steve Smith seconded the motion and a roll call vote was taken. Five (5) in favor, one (1) against (Kristin Cutbirth); motion carried.

- **Penalties for Liquor License violations** – Matt Krimmer informed Council of the liquor license violation by a server at the Spur of the Moment on March 27, 2009 and requested Council give some thought to penalties for the owner of the Spur if the server is found guilty in County Court on June 4, 2009. If the server is found guilty, the Local Liquor Licensing Authority (LLLA - Town Council) may set a hearing for the business owner to appear before the LLLA to explain the violation and decide on any penalties to impose. He also informed Council that the Spur has never had a violation under the present owner and mitigating factors can be considered in determining penalties. Scotty Krob explained the process as outlined in the State Statutes. Mayor West asked Council to give thought to this matter and recommended it be discussed at a Council meeting after the server's court appearance and judgment findings are known.

Councilmember Sheryl Jones left the meeting at 7:04 PM.

ACTION ITEMS:

- **Approve April 16 Meeting Minutes** - Council reviewed minutes of the April 16th, 2009 Regular Town Council meeting. There was no discussion.

A motion to approve the April 16th, 2009 Regular Town Council meeting minutes was made by Steve Smith and seconded by Joe Jeske. A roll call vote was taken. Four (4) in favor, zero (0) against, one (1) abstention (Eve Curry-Harbison); motion carried.

- **Bills to pay** – Mayor West presented Council with a summary of bills to be paid totaling \$239.00. There was no discussion.

Kristin Cutbirth made a motion to approve payment of the bills presented in the amount of \$239.00. Stephen Smith seconded the motion and a roll call vote was taken. Five (5) in favor, zero (0) against; motion carried.

- **GeoCaching Resolution 09-05** – Mayor West presented Resolution 09-05 allowing Geocaching in the Town Park and an application for placement approval. The Geocaching requestor, Marty Crayhall Grela, explained geocaching and answered questions. A brief discussion followed and several modifications to the application form were presented and agreed to.

Stephen Smith made a motion to approve Resolution 09-05 allowing Geocaching in the Town Park with attached application as amended. The motion was seconded by Kristin Cutbirth. A roll call vote was taken. Five (5) in favor, zero (0) against; motion carried.

- **Resolution 09-06 for Staff Job Descriptions** – Mayor West presented Resolution 09-06 approving staff job descriptions previously accepted by Council. There was no discussion. Several typographical errors were noted for correction.

A motion was made by Kristin Cutbirth and seconded by Joseph Jeske to approve Resolution 09-06 as corrected approving staff job descriptions for Town Clerk, Town Manager, Town Clerk/Manager, and Accounting Administrative Technician. A roll call vote was taken. Four (4) in favor, zero (0) against, one abstention (Eve Curry-Harbison); motion carried.

- **Black Hills Energy ROW Application** – Matt Krimmer presented an application from Black Hills Energy for a Right of Way permit to relocate a gas line for the Larkspur Fire Protection District(LFPD). A short discussion raised two questions, 1) what is the location of the bore under Spruce Mountain Road?, and 2) will gas service be interrupted to other properties?

A motion was made by Kristin Cutbirth and seconded by Joseph Jeske to approve the ROW permit for Black Hills Energy to relocate a gas line connecting to the LFPD pending satisfactory answers to where the bore is to be made and if an interruption of service to other properties would be required. A roll call vote was taken. Five (5) in favor, zero (0) against; motion carried.

- **PD Electric revised bid** – Mayor West presented Council with a revised bid totaling \$4778.93 showing a breakdown of costs for labor and materials to install a new electric panel and components at the Towns maintenance facility to reduce or eliminate power outages and surges for electricity serving the maintenance yard, maintenance buildings, and wastewater treatment plant. A brief discussion occurred.

Joseph Jeske made a motion to approve the bid from PD Electric to install a new electric panel and components at the Towns maintenance facility to reduce or eliminate power outages and surges for electricity serving the maintenance yard, maintenance buildings, and wastewater treatment plant. The motion was seconded by Eve Curry-Harbison. A roll call vote was taken. Five (5) in favor, zero (0) against; motion carried.

MANAGER’S REPORT:

- **Parks and Recreation July 3 budget** – Matt presented Council with a proposed budget for the July 3 Town Fourth of July event in the amount of \$2000. After a short discussion it was agreed that \$1700 would be approved with the allowance for the P&R Board to request additional funding if needed.

Eve Curry-Harbison made a motion to approve a budget of \$1700 for the Parks and Recreation July 3 Fourth of July event with the provision that additional funding would be considered if needed and requested by the Board. The motion was

seconded by Joseph Jeske. A roll call vote was taken. Five (5) in favor, zero (0) against; motion carried.

- **Construction Noise and Cleanup** – Matt Krimmer informed Council of complaints received from residents regarding noise. Mayor West also noted that lights from the fire station were also a problem. Matt has spoken to the foreman of the LFPD contractors regarding this matter. He also noted that the Town does not have a noise Ordinance.
- **Change in PC meeting times** – Matt advised Council of the Planning Commission’s request to hold their meetings at 10 AM instead of 6 PM. Council had no objections as long as meeting times are properly posted. Mayor West stated this information would also be included in the Town’s newsletter.

Marvin Cardenas noted that junk was accumulating on the John Miner property at Plum Avenue and Frink Road. Mayor West stated that Town staff would investigate and take appropriate action.

MAYOR’S COMMENTS: Mayor West advised Council that auditors would be at Town Hall next week to perform data gathering for the 2008 audit.

COUNCIL COMMENTS: Kristin Cutbirth asked about the flag missing at Petunia Park and was informed that due to high winds the flag had entangled in a neighboring tree branch and was shredded. A new flag has been ordered and Town staff has requested SEMOCOR remove the offending tree branch before flying the new flag. Marvin Cardenas noted that the tree at the front of his property was trimmed and water buildup at the top is running down the tree inside the bark causing damage to the health of the tree. Mayor West stated Town staff would check it out. Mayor West called for a 5 minute break at 8:08 PM before entering in to Executive Session.

Motion was made by Stephen Smith and seconded by Kristin Cutbirth to adjourn the regular Council meeting and enter into Executive Session. Roll call vote was taken and all were in favor.

Executive Session was opened at 8:17 PM and concluded at 8:57 PM.

ADJOURN:

Mayor West called for a motion to adjourn the regular Council meeting. Stephen Smith made the motion which was seconded by Joseph Jeske, to adjourn the meeting. The meeting was adjourned with unanimous voice vote by Mayor West at 8:58 P.M..

Respectfully submitted,
Matt Krimmer
Town Clerk/Manager