



**TOWN OF LARKSPUR  
MINUTES OF THE  
REGULAR COUNCIL MEETING  
OCTOBER 1, 2009**

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

**ROLL CALL:**

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

**PLEDGE OF ALLEGIANCE:** Recited.

**OTHER ATTENDEES:** Gary Abel, Shannon Buss, Marvin Cardenas, Ian Steyn, Mr. and Mrs. John Coates

**UNSCHEDULED PUBLIC APPEARANCES:**

**Ian Steyn-** Requested Council call an executive session to discuss billing issues and questions regarding charges to Bear View LLC for annexation and PD zoning activities. Council agreed to hold executive session after agenda item discussions have been concluded at end of regular meeting.

**John Coats-** Presented Council with a bill and letter describing events concerning the meter pit cover at the Larkspur Liquor store on September 26, 2009 which caused damage to the fuel line cover on the underside of his vehicle. Mr Coates was informed the meter pit issue at the Liquor Store was on the agenda for this meeting and his letter and bill would be taken up when that agenda item is discussed.

**Shannon Buss-** Informed Council of Marvin Cardenas and her intending to open a medical marijuana dispensary. The business name is Larkspur Alternative Medicine Center, LLC, and will be located at 8977 S. Spruce Mountain Road, PO Box 13, Larkspur, CO. State Sales Tax License # 27-1037352, Larkspur Business License # 3251. Shannon asked Council to monitor the operation for a six month trial period and requested feedback from Council members during that time. In response to questions concerning security and safeguards she stated that cameras will be installed and supplies will be kept under lock and key. Days and hours of operation are to be determined.

**APPROVE MINUTES:** September 17, 2009 regular meeting, September 21, 2009 public hearing.

**Lana Wagner made a motion to approve minutes of the September 17, 2009 regular Council meeting. Stephen Smith seconded the motion. A roll call vote was taken.**

**Four (4) in favor, zero (0) against, two (2) abstentions (Sheryl Jones, Eve Curry-Harbison); motion carried.**

**Lana Wagner made a motion to approve minutes of the September 21, 2009 Bear View public hearing. Eve Curry-Harbison seconded the motion. A roll call vote was taken. Five (5) in favor, zero (0) against, one (1) abstained (Kristin Cutbirth); motion carried.**

**INVOICES:** Bills totaling \$4,133.72 included payments to Fischer Enterprises for Park Enhancement work and payment to Sharon Roman for medical reimbursements.

**A motion to pay bills totaling \$4,133.72 was made by Eve Curry-Harbison and seconded by Lana Wagner. A roll call vote was taken. Six (6) in favor, zero (0) against; motion carried.**

#### **COUNCIL DISCUSSION PROJECTS:**

**Mountain States Employers Council (MESC) membership** – Mayor West opened the discussion asking Council if they had come to any conclusions regarding continuation of a contract with MESC. Eve Curry-Harbison asked if the Town could get personnel policies and procedures from them which could be tailored to the Town's needs. After a short discussion Mayor West stated she would search the MSEC website for information and asked if any Council member would be willing to help develop appropriate policies and procedures for the Town. No one responded and the Mayor said she would seek more information on this topic.

**Medical Marijuana Dispensaries Moratorium** – Copies of municipal Ordinances regulating medical marijuana and a moratorium ordinance were provided to Council for information along with a white paper from Sensible Colorado on Medical Marijuana Dispensaries and a copy of CDPHE regulation 5 CCR 1006-2, Medical Use of Marijuana. To allow Council time to review information provided this item will be placed on the agenda for discussion at the next Council meeting, October 15, 2009.

**Open Space Zoning** – Mayor West informed Council of the need to rezone the County road maintenance property deeded to the Town by Douglas County at the corner of Frink Road and Plum Avenue. Options to be considered are 1) change the agricultural zone district in zoning Ordinance 3.43 to allow for less than one acre, 2) create a PD zoning for the property, or 3) create a new open space zone district. Following a brief discussion Council asked to have the Town Attorney provide a sample open space zone district ordinance and continue the discussion at the next meeting.

**Meter Pit at Spruce Mountain Liquors** – Mayor West presented Council with a chronology of events regarding the meter pit in front of Spruce Mountain Liquors at 9524 Spruce Mountain Road. The meter pit is presently located in the middle of a parking area in front of the liquor store which vehicles regularly drive over. The installed meter collar and pit cover are not made for traffic flow and have been broken several times. A claim has been submitted by Mr. John Coats in amount of \$197.47 for damage to his vehicle as a result of driving over the meter pit. Since the meter pit is in the town's right of way and the issue of responsibility with John Montgomery has not been resolved

Council decided to pay Mr. Coats for damages, repair the meter pit to meet standards for vehicular traffic, and bill Mr. Montgomery for the repair.

**Sheryl Jones made a motion to pay Mr. John Coats the sum of \$197.47 for repair to his vehicle; have the meter pit repaired to allow for vehicular traffic on it; bill liquor store owner, John Montgomery, for the repair; and place a lien on the property if not paid. Eve Curry-Harbison seconded the motion. A roll call vote was taken. Five (5) in favor, zero (0) against, one (1) abstained (Kristin Cutbirth); motion carried.**

**MANAGER'S COMMENTS:**

**Zoning Ordinance complaint regarding 210 W. Columbine** – Matt informed Council of a complaint received from several residents in Larkspur Heights subdivision regarding the accumulation of trash and unlicensed vehicles on the property at 210 W. Columbine. The residents requested the Town take action to have the property cleaned up in accordance with Town Ordinance 4.13. A discussion followed regarding ownership of the property and the age and health of the resident(s). Council directed Town Clerk to determine correct owner of the property and send letter requesting property be cleaned up and stating consequences if action is not started within thirty days.

**Sheryl Jones made a motion directing the Town Clerk to prepare and send a letter to the owner of the property at 210 W. Columbine to clean up the property in accordance with Ordinance 4.13. Eve Curry-Harbison seconded the motion. A roll call vote was taken. Six (6) in favor, zero (0) against; motion carried.**

Matt presented the following as informational items for Council:

**Youth Congress October 3** – Saturday in Parker from 9 AM to 3 PM.

**Planning for GOCO Grants** – October 7, Commissioners Hearing Room in County Building at 6:30 PM.

**Waste Recycling seminar** – October 9, Crowne Plaza Hotel in Colorado Springs, 1 to 4:30 PM.

**Melanie Worley award** – Nomination deadline is October 16 to Wendy Holmes.

**CDOT wastewater agreement** – Waiting on feedback from CDOT headquarters staff per Anthony DeVito, Region I Director.

**Snow plowing and road maintenance contract** – Town Attorney to draft contract for Council approval.

**MAYOR'S COMMENTS:** Mayor West informed Council of a letter received from Ann and Stan Trueblood informing the Town of completion of cleanup of their property at 9504 S. Spruce Mountain Road in accordance with their zoning violation notice and Ordinance 4.13. Eve Curry-Harbison asked about the trailers remaining on the property to which the Mayor informed everyone that they were allowed as long as they remained behind the six foot fence.

Mayor West informed Council of the mil levy breakdown for the Town and the change in appraised property values from 2008-09 to 2009-10. Appraised valuation went up from \$4,872,360 to \$6,932,110. The 10.05 mil levy breakdown is 3.70% for the water fund and 6.35% for the general fund. With 4.50% of the general fund going to the sheriff for law enforcement, the actual portion going to the general fund is 1.85%.

The Mayor also noted she is working on a draft budget which will be provided to Council for review by October 15, 2009.

**COUNCIL COMMENTS:** Eve Curry-Harbison asked about the Spurs liquor license violation and was informed that the server was cited and fined but the owner was not. Accordingly the district attorney did not officially notify the Town thereby no action was taken. Eve also asked about status of town hall railing bids and was informed only one bid had been received to date from Wild Spur with possibly two more to be submitted, one each from Larry Armbruster and Matias Cumsille. She then asked about the Waste Management bid on trash and recycling. Mayor West responded Waste Management was putting a bid together and should be provided the Town by the end of next week.

Kris asked that money be identified in the 2010 budget for a Town maintenance person. Mayor West commented it would be considered and can be discussed at the Council budget workshop to be scheduled.

Lana asked about status of the dump gate to which Mayor West responded the gate is now working however we are still gathering information about alternative solutions including installation of surveillance cameras.

Steve Smith asked about status of investigating skate park options. Matt informed Council that Parks and Recreation board member Bill Kramer was researching information.

Sheryl Jones asked about feedback from Douglas County regarding pictures supplied by Town for movie promo being produced to promote DC and its municipalities. Matt stated he would check with the County.

**A motion to enter into executive session with the Town Council, Town Clerk/Manager, and the representative from Bear View campground, Ian Steyn, to discuss an item of negotiation relating to the Bear View annexation agreement was made by Sheryl Jones and seconded by Lana Wagner. A roll call vote was taken. Six (6) in favor, zero (0) against; motion carried.**

Council entered into executive session at 7:35 PM and exited from executive session at 8:26 PM.

Based on discussion from the executive session Council decided to schedule a Special Council meeting to meet with the town's attorney, planner and engineer to discuss their invoices for the Bear View annexation.

**A motion was made by Eve Curry-Harbison and seconded by Sheryl Jones to set a Special Council meeting with Ian Steyn, the Town's Attorney, Town Planner, and Town Engineer on October 8, 2009 at 6 PM for the purpose of discussing invoices**

**billed to the Town for services provided regarding the Bear View annexation petition and related PD zoning. This meeting is to be non-billable to the Town by the participants. A roll call vote was taken. Six (6) in favor, zero (0) against; motion carried.**

**ADJOURN:**

**Lana Wagner made a motion to adjourn the regular Council meeting which was seconded by Sheryl Jones and approved by unanimous voice vote. The meeting was adjourned by Mayor West at 8:36 PM.**

Respectfully submitted,

Matt Krimmer  
Town Clerk/Manager