



**TOWN OF LARKSPUR  
MINUTES OF THE  
SPECIAL COUNCIL MEETING  
SEPTEMBER 10<sup>th</sup>, 2007**

**MEETING CALLED TO ORDER:** Mayor Sherilyn West called the meeting to order at 5:00 P.M.

**ROLL CALL:**

<b>PRESENT</b>	<b>ABSENT</b>	<b>NON-VOTING</b>
Mayor Sherilyn West		Town Attorney- Scotty Krob
Mayor Pro-tem Steve Smith		Town Clerk/Manager-
Eve Curry-Harbison		Matt Krimmer
Kristin Cutbirth		
Florence Burch		
Lester Burch		
Sheryl Jones		

**UNSCHEDULED PUBLIC APPEARANCES:** None.

**SCHEDULED PUBLIC APPEARANCES:** Max Cumsille, Rosario Menacol, Matias Cumsille.

**OTHER ATTENDEES:** Marvin Cardenas, David Fesing, Planning Commission (PC) members Shannon Buss, Ann Rock, Joe Jeske, Kathleen White, and William Lucero.

**DISCUSSION OF AMERICAN FEDERATION OF HUMAN RIGHTS (AFHR) BUILDING PLANS:**

Max Cumsille presented AFHR’s scenario of events regarding the addition of a basement to their site plan after receiving the Town’s approval for a site plan without a basement. His explanation was that he completely overlooked the requirement to come back to the Planning Commission and Town Council. He did, however, obtain approvals from the Larkspur Fire Protection District (LFPD), the Intermountain Rural Electric Association (IREA), the Soils Engineer, and the County’s planning engineers. Max apologized profusely to the Planning Commission and Town Council admitting his mistakes and taking full responsibility for the oversight.

Eve Curry-Harbison asked why the date shown on LFPD’s second Plan Review document was the same date as shown on LFPD’s first Plan Review document, 04/09/07. Matias responded that they did not know why the LFPD did not change the review date even though the third page of the document had been changed to show the new basement requirements.

Florence Burch stated she understood the definition of “pavilion” to mean an open air structure providing overhead protection from the elements. Mayor West said her understanding was the original intent as shown in the site plan to be a closed structure on

a concrete slab. Shannon Buss clarified the PC's understanding was the structure would be a fully enclosed building. Max explained that the Federation traditionally names the buildings on their property and their choice of calling the building a pavilion may have been poor in that they did not use the name as its definitional meaning implies.

Florence asked about drainage. Max explained the County required exterior foundation drainage and a sump pump for the basement must be installed.

Sheryl Jones questioned wrong and inconsistent dates on the plans and various supporting/approval documents. Florence produced a copy of a letter from the Douglas County building department dated 03/26/06 regarding approval for an elevator. The letter was signed by Bill Gardner, Douglas County Elevator Inspector. No one could explain the reason for wrong and inconsistent dates.

Steve Smith asked for clarification on the approval process. Mayor West and Shannon Buss explained the process and recommended the approval procedure be improved such that the town maintains control and minimizes the potential for future problems.

Lester Burch requested that all work on the building be stopped until the updated plans showing a basement have been reviewed by the PC and approved by the Town Council. Kristin Cutbirth commented that this entire issue could have been avoided had a town planner been involved. Shannon Buss agreed a town planner was needed however recommended that a town planner only be used on a case by case basis to minimize costs. Shannon also commented that once the Planning Commission reviews and approves the plan changes, the Town Engineer must also review and approve the basement portion of the plans before the plans are sent back to the Town Council for final approval.

Marvin Cardenas commented that the process of plan approval between the Town of Larkspur and Douglas County needs to be improved. Matt Krimmer suggested a checklist be developed requiring initials or signatures for each step of the process.

Eve Curry-Harbison requested the letter from the Douglas County Elevator Inspector be investigated regarding the date discrepancy and the issuance of the LFPD approvals with the same date be validated.

Steve Smith stated the Town needs a code enforcement officer to mitigate these types of problems. Bill Lucero accused the Mayor of not enforcing the Town Ordinances and said he believed a code enforcement officer was not needed if the Mayor did her job.

David Fesing introduced himself as the chairman of the Towns Board of Adjustments and recommended this issue be worked out expeditiously. He did not believe the Board of Adjustments needed to become involved.

Mayor West informed Max that in order to review the revised plans a new Site Application Fee of \$150.00 would be required and a minimum of \$500.00 toward the \$1500.00 Use by Special Review Fee was needed. Max said he would pay the entire amount immediately.

**Lester Burch made a motion the Town Council review the revised AFHR Site Plan with basement after review and approval by the Planning Commission and upon verification of the validity of the LFPD approval documents and the Douglas County Elevator Inspector letter, and upon receipt of the appropriate fees. The motion was seconded by Eve Curry-Harbison and a roll call vote was taken. Seven (7) in favor, zero (0) against; motion carried.**

Mayor West informed Max Cumsille that if he paid the required fees at the conclusion of the Council's special meeting, the PC could review the Site Plans during their regularly scheduled meeting this same evening. Shannon Buss concurred.

Scotty Krob arrived at 6:15 P.M. and was briefed by the Mayor on what had been discussed and agreed to between the AFHR and the Town Council.

Sheryl Jones addressed the AFHR representatives stating that the quit claim deed needs to be finalized as soon as possible. Max responded that he would contact his attorney and advise us of the status.

Kristin Cubirth asked Matias to have the weeds on his lot along Spruce Mountain Road cut as soon as possible and no later than this coming weekend. Matias stated it would be taken care of.

Kristin also stated that the Council needs to look into hiring a Town Planner. Shannon added that a Town Planner should only be considered on a case by case basis. Mayor West stated that a Town Planner may be able to better communicate the building permit process and will draft a Request For Proposal (RFP) for a Town Planner.

**ADJOURN:**

**A motion to adjourn the Special Council meeting was made by Florence Burch and seconded by Lester Burch. Voice vote was taken. Seven (7) for and zero (0) against. Mayor West adjourned the Council at 6:30 PM.**

Respectfully submitted,

Matt Krimmer  
Town Clerk/Manager