



**REGULAR COUNCIL MEETING**

**November 7, 2019**

Town Hall

8720 Spruce Mountain Road

6:00 PM

**MEETING MINUTES**

**I. MEETING CALLED TO ORDER/ROLL CALL:**

	<u>PRESENT</u>	<u>ABSENT</u>
Mayor Marvin Cardenas	X	
Isaac Levy	X	
Jennell Waggle	X	
Brian Cook	X	
Sandy McKeown	X	
Shannon Buss	X	
Mayor Pro-tem Paul Bowers		

**Staff Present:** Heather McCumiskey (Accounting Manager), Lynda Travis (Town Clerk), Walt Korinke (Advisor), Paul Grant (with Semacor), Dan Krob (Town Attorney).

**II. PLEDGE OF ALLEGIANCE: Recited.**

**III. SCHEDULED PUBLIC APPEARANCES: (10 min limit)**

• **Ski Trails (Michael Brothers)**

Brothers presented on grooming ski trails and requested the town allow use of trails for cross country skiing.

Buss and Waggle requested the trails be maintained for walkers in the winter and suggested an alternate route for other use.

McKeown and Waggle enquired as to whether the maintained trails could be multipurpose. Brothers explained single use for trails is recommended since different activities have differing effects on the trail and require different trail preparation.

The presentation concluded with the Town Council being in favor of the ski trails for the upcoming winter season. There was also a consensus to discuss allocating funds at the upcoming 2020 budget work session.

**IV. UNSCHEDULED PUBLIC APPEARANCES: (3 min limit). None.**

**V. PRESENTATIONS**

- **Meyers & Sams, Inc. dba GMS, Inc.**

GMS representative, Mark Morton, was present to answer questions from Town Council. Buss asked whether GMS has had any oversight on the Jellystone campground. Morton responded GMS has reviewed drawings related to the drainage due to a grading permit that came into the town on or about September but that no onsite inspections have been done. He stated it is typical for the design professional of a project to be the one who performs the onsite inspections. Morton said if asked to perform an onsite inspection GMS could do it but that is not the usual process.

Buss stated municipalities might require a different oversight process. Morton agreed that in some cases it is appropriate for a town representative to be on site to ensure infrastructure is built according to the plans. The example he gave was if a town was going to take on a water line after it was constructed.

Levy asked who was responsible for dust emitting from the Jellystone project. Morton stated it is the county who might have to obtain an air pollution permit. Krob stated the development was annexed into the town and therefore was not county responsibility. Discussion continued regarding responsibility in this area and Cardenas directed Krob to research the matter.

Cook asked for specificity of what parts of the project GMS is involved with. Morton answered that GMS are reviewing initial design plans but not actual construction. Cardenas stated he was under the impression GMS was overseeing the entire project and because Jellystone is private property the town is not responsible for inspections.

Cook questioned who would address noncompliance of the project should it occur. Morton stated the owner would be responsible and the health department would have approvals over the water and wastewater aspects of the project. Cook asked who is paying the costs for the oversight aspects of the project and what liability the town has in the project. Morton said the town being an issuing entity for the grading permit gives them some liability.

McKeown asked how projects are divided. Morton responded that most projects are separated into major water, sewer, stormwater and drainage management systems.

Bowers asked Morton if the town should at least be overseeing the grading and building permits. Cardenas stated SAFEbuilt would be responsible for the building permits. Town Council then asked GMS to be involved in the grading permit parts of the project. Morton agreed GMS would be involved.

Buss asked about review fees. Morton stated a professional service agreement had already been signed with the town. Buss then asked if GMS could start reviewing. Morton agreed to the direction and said it would require some “backtracking” to review already completed parts of the project. Morton also suggested initiating communication with Jellystone via a telephone conference.

Cook suggested having a meeting involving GMS, the town and Jellystone. Buss asked how small developments such as coffee shops would be charged by GMS. Morton responded the scope, size and expertise of a project would affect the costs. Buss also asked if GMS works with SAFEbuilt. Morton replied they do not.

Discussion ensued amongst Town Council and it was decided SAFEbuilt would be invited to an upcoming regular meeting.

## VI. MINUTES:

- **Council Meeting October 17, 2019 Draft**

Buss requested amendments to the October 17, 2019 meeting minutes.

Specific items to amend:

- Expound on the audit by including the discussion between Councilmember Buss and the auditor.
- Correction to the Park and Recreation Section where it states, “Rob Lilly is a new member.” Buss stated a new member would need to be appointed by town council. Cardenas agreed and reported Lilly still needed to submit a board application.
- Remove “Marvin Cardenas” from being the one who appointed Councilmember Buss as it was Town Clerk who appointed her.

**McKeown motioned to approve the October 17, 2019 meeting minutes with the amendments as mentioned above. Waggle seconded the motion. In a seven (7) to zero (0) roll call vote, THE MOTION CARRIED.**

- **Council Special Meeting October 24, 2019 Draft**

**Waggle motioned to approve the October 24, 2019 minutes. McKeown seconded the motion. In a five (5) to zero (0) roll call vote, THE MOTION CARRIED. Mckeown and Buss abstained.**

## VII. ACCOUNTING (Heather McCumiskey)

- **Financial Update**

McCumiskey presented on the town’s financials and discussed the upcoming budget work session and hearing to be held on November 14, 2019 and November 21, 2019, respectively. Budget adoption date is scheduled for December 5, 2019.

McCumiskey presented information on a new auditor for 2019. Town Council directed her to bring information back on a few more auditors. She also agreed to provide town council with the report received from this year's audit.

- **Bills to Pay**

- ✓ **General Fund**

- Buss motioned to approve payment from the general fund in the amount of \$12,857.45. Levy seconded the motion. In a (7) to zero (0) roll call vote, THE MOTION CARRIED.**

- ✓ **Water & Sewer Fund**

- McKeown motioned to approve payment from the water and sewer fund in the amount of \$9,578.20. Levy seconded the motion. In a (7) to zero (0) roll call vote, THE MOTION CARRIED.**

**VIII. COMMISSION & BOARD REPORTS:**

- **Planning Commission (PC) Report** – Matias Cumsille, Chair
  - Cardenas stated there was nothing to report.
- **Water & Sewer Board (W&S) Report** – Tricia Bernhardt, Chair
  - Cardenas stated there was nothing to report.
- **Parks & Recreation Board (P&R) Report** – Randy Johnson, Chair
  - Johnson reported he is pursuing several grant opportunities. He also stated he was exploring cost share opportunities with the county and he would keep town council apprised to the situation.
- **Financial Advisory Board (FAB) Report**-Walter Korinke, Chair
  - Korinke stated the last meeting was cancelled and the next meeting would most likely be after the budget work session and hearing.

**IX. CONSTRUCTION & DEVELOPMENT PROJECTS:**

- **Jellystone at Larkspur**
  - Cardenas stated that moving forward the Town would conduct inspections at Jellystone and be more involved.
- **Water Treatment Plant**
  - Paul Grant, from Semacor, reported a few minor issues including a valve that recently went out.
- **Dumler Travel Center**
  - Cardenas reported on a forced main that will have to come from Dumler Travel Center.

- **Moltz Constructors**
  - Moltz submitted a Temporary CO request through SAFEbuilt to place a tank for sewage.

**X. CONTINUING BUSINESS:**

- **To Do List for Town Council** (Lynda Travis)

Buss wanted the record to reflect and to clarify that “cash receipts” as mentioned in the To Do List within the packet did not mean actual cash since the town does not accept cash anymore. The Accounting Manager confirmed her statement.

Korinke asked if the ~160K set aside for sidewalks had been added to the list and if there had been any actions in this area.

Buss sought clarification on how the To Do List works. Staff provided clarification noting it was a continuation of Lee Staab’s “Suspense List” but that it had evolved and now was presented in a Word format rather than Excel. Buss also spoke in favor of the list and stated it was good to see what staff are working on.

Dump cards were discussed including but not limited to the price and dump card numbers.

**Levy and Cook requested a “Completed List” be included as a supplement to the provided “To Do List.”**

- **Bear Ordinance *draft*** (Marvin Cardenas)

Municipal Attorney, Dan Krob presented a draft bear ordinance to town council. Cardenas stated the draft bear ordinance would be provided to town council by early next week for review.

**XI. LEGAL UPDATES:**

**Krob sought clarification on park and recreation ordinance amendments. He stated he would formalize the changes into an ordinance and bring it forward for town council to review and subsequently approve or disapprove.**

The update led to Town Council discussing enforcement. Cardenas informed everyone the Town is in an intergovernmental agreement (IGA) with the Douglas County Sheriff’s department for enforcement of state and local ordinances. Discussion concluded with Town Council agreeing they would like to review the IGA, suggest amendments and have a meeting with the sheriff’s department to further discuss it.

**XII. NEW BUSINESS:**

- **Motion:** To approve Leasing and Maintenance Agreement for a new Ricoh copy machine through Frontier.

**Town Council was in consensus to move forward with the Leasing and Maintenance Agreement**

**XIII. COUNCIL COMMENTS:**

- **UC Denver Larkspur Gateway Project (Sandy McKeown)**  
McKeown presented on the project. She and town council agreed the Planning Commission should take on the project. Mayor Cardenas agreed the direction to the Planning Commission.

McKeown reported her and Levy would not be present at the November 21, 2019 budget hearing.

Waggle asked if the town could charge a surcharge to persons paying with credit cards. Krob responded surcharges are not currently legal in Colorado.

Buss opened the conversation with the Town Attorney regarding his untimely responses and nonresponses. Krob addressed Buss' concerns and it was decided communication would improve from henceforth. Clean up and codification of the Larkspur Municipal Code was also discussed.

**XIV. MAYOR'S REPORT:**

- Update Town Council and Board Contact Information.
  - *\*There was no update.*

**XV. MAYOR'S COMMENTS:**

Cardenas reported on the following:

- Cindy Kramer requests the town purchase bricks from her at a discount for use at the library.
- A railroad study would cost \$27,000. He asked town council how they would like to proceed. Levy stated he was on the fence with the matter. Waggle mentioned liability concerns. Discussion ensued amongst town council.
- Concession stands update.
- Cabin update.
- Activities Coordinator update and upcoming meetings with potential class instructors.
- Persons currently in violation of the Larkspur code and desiring to have consistency with everyone following the same rules.

**XVI. ADJOURN- 8:45 p.m.**

Please note: This agenda may be subject to change. Items may be added or deleted as required. The Town of Larkspur has adopted rules governing the public participation process in Town Council Meetings. All audience members must refrain from commenting during meetings unless recognized to speak. Loud speech and boisterous

behavior from audience members is not permitted and constitutes grounds for removal from the meeting. Please deactivate all cell phones during the meeting.