



Town of Larkspur
Town Council Special Meeting
Town Hall
8720 Spruce Mountain Road
Wednesday, 11 March 2020
6:00 P.M.

RE: REFUND THE SEWER TAP FEES TO TIM DUMLER

1. Special Meeting called to order: Mayor Cardenas called the meeting to order
2. Pledge of Allegiance: Recited
3. Roll Call:

	<u>Present</u>	<u>Absent</u>
Paul Bowers, Mayor Pro-tem:	Present	
Sandy McKeown:	Present	
Isaac Levy:	Present	
Jennell Waggle:	Present	
Brian Cook :	Present	
Shannon Buss:	Present	
Marvin Cardenas, Mayor:	Present	
4. Approval of the Special Meeting Agenda: Council Member Shannon Buss motioned to approve the Town Council Meeting Agenda for 3/11/2020. Council Member Brian Cook seconded the motion. In a six (6) approved, zero (0) opposed roll call vote, Mayor Cardenas affirmed, THE MOTION CARRIED.
5. Executive Session for the following purposes: to hold a conference with the Town Attorney to receive legal advice regarding the agreement between the Town and Tim Dumler, pursuant to C.R.S. § 24-6-402(4)(b).
 - a. Council Member Jenell Waggle motioned to go into executive session. Council Member Isaac Levy seconded the motion. In a six (6) approved, zero (0) opposed roll call vote, Mayor Cardenas affirmed, THE MOTION CARRIED.
 - b. Mayor called the executive session to “hold a conference with the Town’s attorney to receive legal advice on specific legal questions pursuant to C.R.S. Section 24-6-402(d)” at 1805 pm.

- c. **Recording was turned off as directed by the attorney for attorney-client privilege for the duration between 1807 and 1844 pm as authorized by C.R.S section 24-6-402(d).**
- d. **Council Member Sandy McKeown motioned to exit the executive session. Council Member Isaac Levy seconded the motion. In a six (6) approved, zero (0) opposed roll call vote, Mayor Cardenas affirmed, THE MOTION CARRIED.**
- e. **Mayor Marvin Cardenas concluded the executive session at 1845 pm. The Council was given the opportunity to discuss any improper action that they thought occurred during the executive session that might have been in violation of the Open Meetings Law.**

6. Consideration to refund the sewer tap fees to Tim Dumler:

- a. Council decided to call the attorney back if they needed further guidance.
- b. Tim Dumler was asked about why he needed the refund by council member Isaac Levy. Tim Dumler's plan is to have the money turned over to the state to pay the fine. Mr. Dumler has about 18 months left before even beginning the sewer system development. Council Member Brian Cook asked about the request to refund the money and noted that the town is not required to refund the money. Mr. Dumler noted his disappointment in the Council because of how much he has done for the Town and the fact that he wants to ensure the Town receives \$43,000 additional dollars from the fine that he was charged by the State. Council Member Brian Cook wanted to be reassured that Mr. Dumler was not backing out of the agreement he make with the Town. Council Member Isaac Levy mentioned the rumor regarding Mr. Dumler. Tim Dumler responded by stating his disappointment again in the Council's reaction to rumor and stated he was available by call.

7. Council comments:

- a. Isaac Levy sought to reassure Mr. Dumler that the Council is still excited for the project
- b. Shannon Buss believes that the money should be refunded as Tim Dumler was backed into a corner to purchase the sewer tap prior to being ready.
- c. Sandy McKeown believes that the discussion got way off topic.

- d. Paul Bowers believes that the rumor that Tim Dumler is selling the project was a shock and thought that Tim Dumler should have been more proactive in providing updates. Further discussion took place over rumors versus facts.
- e. Brian Cook no other comments
- f. Jennell Waggle wanted to reassure Mr. Dumler that the Council and the Town are still excited about the building of the travel center.
- g. Mayor Marvin Cardenas believes that the Council should not have listened to the rumors and searched out the facts.

8. Town Persons' Comments (10 minutes):

- a. Town's person David Wade commented on about the prior selling of the property and why the Town sold the property to the Renaissance festival for significantly more than the price Mr. Dumler paid for the property.
- b. It was noted that this decision was based on the continual revenue that the travel center would provide in comparison to the one-time sales purchase outlined by the Renaissance Festival.

9. Council Action:

- a. Motion: To give Heather McCumiskey authorization to initiate the following transfers for the purpose of having the funds necessary to refund Tim Dumler's Sewer Tap Fees:
 Transfer \$80,052.41 from W/S WTP Lease Reserve to W/S Operating on March 11, 2020. Transfer \$59,525.75 from W/S Capital Reserve to W/S Operating on March 11, 2020. Transfer \$421.84 from Larkspur Tap Fees Reserve to W/S Operating on March 11, 2020. For a total of \$140,000

✓ **Council Member Isaac Levy motioned to approve the above transfers. Council Member Brian Cook seconded the motion. A discussion took place of the interest. In a six (6) to zero (0) roll call vote, Mayor Cardenas affirmed, THE MOTION CARRIED.**

Tim Dumler made an announcement about his dealings with IREA regarding the easement under the powerlines and stated once he completes his negotiations, he wants to donate that property back to the Town. Council Member Shannon Buss wants to thank Tim Dumler for his help and assistance to the Town.

- b. **Resolution No. 2020-08 A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LARKSPUR APPROVING THE**

AGREEMENT BETWEEN TIM DUMLER d/b/a OFF THE CHAIN 2, LLC AND THE TOWN OF LARKSPUR

Council Member Shannon Buss motioned to approve the above resolution. Council Member Jennell Waggle seconded the motion. In a six (6) to zero (0) roll call vote, Mayor Cardenas affirmed, THE MOTION CARRIED.

10. AGREEMENT FOR PERMIT REVOCATION AND REFUND OF WATER AND/OR WASTEWATER TAP PERMIT APPLICATION FEES

- ✓ **Council Member Jennell Waggle motioned to approve the above agreement for permit revocation. Council Member Isaac Levy seconded the motion. In a six (6) to zero (0) roll call vote, Mayor Cardenas affirmed, THE MOTION CARRIED.**

Adjourn: Council Member Shannon Buss made the motion to adjourn the meeting. Council Member Isaac Levy seconded the motion, all ayes, MOTION CARRIED. Meeting Adjourned.

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.