



REGULAR TOWN COUNCIL MEETING

June 1, 2023 at 6pm

Town Hall, 8720 Spruce Mountain Road, Larkspur, CO 80118

MINUTES

VIRTUAL MEETING LINK: <https://us02web.zoom.us/j/85760170620>

Meeting ID: 857 6017 0620

One tap mobile

+17193594580,,85760170620# US

+12532050468,,85760170620# US

Find your local number: <https://us02web.zoom.us/j/85760170620>

1. CALL TO ORDER / ROLL CALL

	Present	Absent
Mayor Sherilyn West	<u>X</u>	<u> </u>
Mayor Pro-Tem Sandy McKeown	<u>X</u>	<u> </u>
Ruth Ann Arfsten	<u>X</u>	<u> </u>
Mindy Kazurova	<u>X</u>	<u> </u>
Isaac Levy	<u>X</u>	<u> </u>
Lynn Pfaff	<u>X</u>	<u> </u>

2. PLEDGE OF ALLEGIANCE

3. APPROVE AGENDA

MOTION: Mindy Kazurova made a motion to approve the June 1, 2023 Regular Meeting agenda. Seconded by Ruth Ann Arfsten. No discussion. Six (6) ayes, zero (0) opposed. Motion passed.

AUDIO TIME STAMP: 0:54

4. APPROVE MINUTES

MOTION: Ruth Ann Arfsten made a motion to approve the minutes from May 18, 2023 Regular Meeting. Seconded by Mindy Kazurova. No discussion. Four (4) ayes, zero (0) opposed, two (2) abstained – Sandy McKeown, Lynn Pfaff. Motion passed.

AUDIO TIME STAMP: 1:20

5. SCHEDULED PUBLIC APPEARANCES (10 Minute Limit)

- Evan McShane, bulk water permit

MOTION: Isaac Levy made a motion to approve a bulk water permit to Evan McShane not to exceed 5,000 gallons at the rate stated in the code. Seconded by Mindy Kazurova. Discussion: clarification of code and that this is a one-time permit for 5,000. Six (6) ayes, zero (0) opposed. Motion passed.

AUDIO TIME STAMP: 8:40

- Sam & Tiffany Leeds, tree planting

Posted: 6-16-2023 by HLY

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The Leeds did not appear in person but wrote an email that Mayor West read into the record. They apologized for cutting the tree down and offered a large maple tree to be planted in the park as restitution.

MOTION: Ruth Ann Arfsten made a motion to accept the maple tree that the Leeds have offered to purchase to be placed in the park. Seconded by Lynn Pfaff. No discussion. Five (5) ayes, zero (0) opposed, one (1) abstained – Sandy McKeown. Motion passed.

AUDIO TIME STAMP: 16:52

6. ACCOUNTING REPORT

- Payroll Report

7. ADVISORY BOARD REPORTS

- Planning Commission – Heather Yanda, Secretary
Has not met since last meeting.
- Water & Sewer Board – Lynn Pfaff, Council Liaison
Douglas County is forming a Water Commission and invited jurisdictions to determine a representative to join the commission. Several members of the Water and Sewer Board are interested in joining the commission.

MOTION: Mindy Kazurova made a motion to allow Water and Sewer Board to appoint one of their members to the Douglas County Water Commission. Seconded by Ruth Ann Arfsten. No discussion. Six (6) ayes, zero (0) opposed. Motion passed.

AUDIO TIME STAMP: 19:53

- Parks & Recreation Board – Mindy Kazurova, Council Liaison
Mindy updated the Council on the status of the proposal and potential grants that the Ladies of Larkspur presented on new pickleball courts. The Parks and Rec Board voted to approve a location near the toddler area/horseshoe pits. It will be presented to the Council after all the information is gathered and compiled.
- Board of Adjustment – No update

8. CONTINUING BUSINESS

- Administrative Coordinator/Deputy Town Clerk position selection
Heather Yanda presented her first and second choice for the position. The Council discussed their impressions of the two.

MOTION: Ruth Ann Arfsten made a motion to hire Shasta Thompson for the Administrative Coordinator/Deputy Town Clerk position for the Town of Larkspur at \$22 for 25 hours a week. Seconded by Lynn Pfaff. Discussion: Isaac Levy inquired about why we are hiring part time instead of full time when Heather Yanda was full time. Heather explained that she feels she can run a more efficient staff than what the previous town clerk did by utilizing current staff better. Isaac also inquired about the migration in the filing system to the municipal system. Heather explained that all files have been transferred to the new system and the digital system matches the paper filing system. The next

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phase is developing a nomenclature system in the digital file folders. Six (6) ayes, zero (0) opposed. Motion passed.

AUDIO TIME STAMP: 38:24

- Wooden bear placement

MOTION: Sandy McKeown made a motion to replace the wood bear where he was in front of Town Hall. Seconded by Isaac Levy. No discussion. Six (6) ayes, zero (0) opposed. Motion passed.

AUDIO TIME STAMP: 47:38

- Planner selection
Mindy Kazurova presented her impressions of the planning firms (all four firms that applied) that were interviewed. Council discussed the firms' qualifications.

MOTION: Mindy Kazurova made a motion to retain Ben Thurston with Baseline on a contract basis to do the planner services for the travel center project. Seconded by Sandy McKeown. Discussion: Isaac Levy cautioned Council around community concerns and the process of using the planner versus going through the Planning Commission and Town Council for a decision. Ruth Ann Arfsten followed up with reminding Council of Ben Thurston's comments around working "with" the Council and community. Mindy Kazurova also commented on Ben's interview responses. Lynn Pfaff inquired about who has decision making power. Mayor West and Dan Krob explained the process depending on different scenarios. Five (5) ayes, one (1) opposed – Isaac Levy. Motion passed.

AUDIO TIME STAMP: 56:23

- Survey Glen Walk property line proposal
Mayor West showed Council the survey map where three property owners – Fesing, Lindquist, and American Federation - have personal items over the property line. She has spoken to all three property owners – two are agreeable to an encroachment agreement, one is not. Dave Fesing claims that he owns the road but has not provided paperwork to prove this claim, and the county assessors page and deeds do not support this claim. Until he can prove ownership, the Town will move forward as owner.

Dan Krob explained the purpose of an encroachment agreement. An encroachment agreement protects the Town in case someone gets hurt on our property, disallows property owners from claiming the property as their own, establishes a historical record of where the fence was to prevent further encroachment, and puts property owners on notice so that we can take back the property in a given amount of time should the need arise. The mayor further noted that the other option would be to have the property owners move the fences and any personal items off of the Town's easement. Both properties with fences on our easement were purchased with the existing fences.

The mayor will give the agreement to Dave Fesing, although it is questionable whether he will sign it or not. Dan Krob also said that he had not found record in the chain of title that Mr. Fesing or anyone else has rights to the property. The agreement will be recorded with the county and attached to the land, so that future owners are aware.

MOTION: Sandy McKeown made a motion to direct Dan Krob to write an encroachment easement agreement. Seconded by Lynn Pfaff. Discussion: Isaac Levy was asked to recuse himself due to living in one of the properties. Four (4) ayes, one (1) opposed – Ruth Ann Arfsten, one (1) abstained – Isaac Levy. Motion passed.

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AUDIO TIME STAMP: 1:24:53

9. ONGOING CONTINUING BUSINESS

- Sidewalk Project – waiting on property owner to sign and return easement
- Cabins – revisit September 2023
- Gazebo/Concession Stand – permit issued; construction underway
- Water Alarm Install – alarm is installed; waiting on Comcast
- Trees in Park and Town ROW Maintenance – in progress
- Tree Stump Carving/Bear Repair
- Survey Glen Walk Property Line: Complete
- Planner Search
- Road striping and court striping June 2nd

10. NEW BUSINESS

- Raise for Ken Meisinger

Mayor West recommended that the Council approve a raise for Ken Meisinger, which was requested by Ken, to \$25 per hour. The budget supports this raise due to Heather Yanda making less than previous Town Clerk and hiring a part time replacement of Heather rather than full time. The mayor spoke of his merits and brought up a local data entry position with the LVFA that offered insurance benefits working from home at \$25 an hour. Sandy McKeown asked for background of hire date (August 1, 2021) and evaluations. Mayor reported on his quarterly review performance, which has always been with high scores. Ruth Ann Arfsten said that Ken does an amazing job and thanked him. Heather Yanda asked that the Council consider \$26 per hour due to his work ethic and performance and the fact that he is running the Town's accounting as well as a utility company.

MOTION: Mindy Kazurova made a motion to approve a pay raise for Ken Meisinger to \$26 per hour. Seconded by Ruth Ann Arfsten. No discussion. Six (6) ayes, zero (0) opposed. Motion passed.

AUDIO TIME STAMP: 1:32:34

- Proposed budget and Capital Improvement Project workshop dates
August 31, September 28, October 19, November 16, December 7

11. CONSTRUCTION & DEVELOPMENT PROJECTS

- 233 Perry Park Ave – Rezone pre application meeting June ; working on annexation agreement
Dan Krob talked about use and where a special event center might fit. Dan advised against using a wedding venue designation to avoid a future influx of wedding venues in the Town of Larkspur. Council expressed it was in favor of the project moving forward when the property owners presented it and are still in favor but has concerns about noise and growing intensity of use, which can be addressed in the annexation agreement.
- 9138 Spruce Mountain Road – no new update
- Travel Center – no new update
- Jellystone/Steyn – no new update
- 9181 Spruce Mountain Road – Land use application submitted for a site plan; they are adding a seating area with garage doors where people can eat

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12. LEGAL UPDATE

Dan Krob recommended that the Town amend the code to differentiate between a small project and large project and use of planner and to amend code to give planner recommendation rather than decision making power. Isaac Levy recommended that the Town have someone look at the entire land use code and do a revamp of the code. Mindy Kazurova discussed the planning firms that offer code assessments and revisions. Mayor West said that we will get a quote and look at 2024 budget for this to happen.

13. STAFF COMMENTS

Heather Yanda asked Council for direction regarding ordinance violations. Should there be a written form? Do we act on non-resident complaints? Dan Krob pointed out that all health, safety, and welfare violations should be acted on regardless of whether it comes from a resident or non-resident. Council agreed that there should be a written form, that town residents only should be considered a formal complaint and acted on, unless it is a health and safety violation, and that acting on a complaint should be determined on a case-by-case basis. Staff evaluates the complaint and determines what goes to the Council for a decision. Heather asked if all complaints are “worthy” of being brought to Council. Dan Krob suggested a Tiered Nuisance Abatement but may not be necessary due to the small amount of issues we have. Isaac recommended that if a violation is dangerous, it should be brought to Council, but if it is not if may not need to go to Council.

14. MAYOR’S REPORT

15. COUNCIL COMMENTS

Sandy McKeown inquired about the hairdresser’s property and the various items left on the property, talked about town email issues, and southern Douglas County representation being important. She commended Mayor West for participating in Douglas County groups to represent the southern end of the county to help keep our open space. She encouraged more participation in Douglas County for this reason.

Isaac Levy brought up a Colorado Renaissance Festival ticket increase, which will be addressed during the capital improvement plan process. He requested an update on internet at the library. Mayor explained that we are waiting on Comcast to get the corrected contract to us. He requested a meeting with SAFEbuilt to go over the ordinance violation for 168 Columbine Street and to make sure they are updated on the violations. He also asked about the water grants (CDBG and Small Communities Grants) and where we are in the process and clarification on the solar panels and generator for the water treatment project.

Mindy Kazurova went to the massage therapist in cabin 4. Judy Boyles, the business owner, would like to find a way to use it year-round. There was talk about tenant improvements.

16. UNSCHEDULED PUBLIC APPEARANCES (Per Resolution 2022-27, each person will have 3 minutes to speak. If there are more than 15 people signed up to speak, the time limit may be lowered to 90 seconds per person.)

17. ADJOURN

MOTION: Mindy Kazurova made a motion to adjourn. Seconded by Lynn Pfaff. No discussion. Six (6)

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ayes, zero (0) opposed. Motion passed.

AUDIO TIME STAMP: 2:22:47