



## REGULAR TOWN COUNCIL MEETING

July 20, 2023 at 6pm

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

### MINUTES

VIRTUAL MEETING LINK: <https://us02web.zoom.us/j/81007869497>

Meeting ID: 810 0786 9497

One tap mobile

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Find your local number: <https://us02web.zoom.us/j/81007869497>

#### 1. CALL TO ORDER / ROLL CALL

	Present	Absent
Mayor Sherilyn West	<u>X</u>	
Mayor Pro-Tem Sandy McKeown	<u></u>	<u>X</u>
Ruth Ann Arfsten	<u>X</u>	
Chelsea Dey	<u>X</u>	
Mindy Kazurova	<u>X</u>	<u>(6:03pm)</u>
Isaac Levy	<u>X</u>	
Lynn Pfaff	<u></u>	<u>X</u>

#### 2. PLEDGE OF ALLEGIANCE

#### 3. APPROVE AGENDA

- July 20, 2023 Regular Meeting

**MOTION:** Chelsea Dey made a motion to approve the agenda for the July 20, 2023 regular meeting. Ruth Ann Arfsten seconded. No discussion. Four (4) ayes, zero (0) opposed. Motion passed.

**AUDIO TIME STAMP:** 1:01

#### 4. APPROVE MINUTES

- June 15, 2023 Regular Meeting

**MOTION:** Chelsea Dey made a motion to approve the minutes for the June 15, 2023 regular meeting. Ruth Ann Arfsten seconded. No discussion. Five (5) ayes, zero (0) opposed. Motion passed.

**AUDIO TIME STAMP:** 2:10

#### 5. SCHEDULED PUBLIC APPEARANCES (10 Minute Limit)

#### 6. ACCOUNTING REPORT

- Payroll Report
- General Fund (including Road & Bridge and Park funds)

**MOTION:** Mindy Kazurova made a motion to approve the general fund bills in the amount of \$53,499.75. Isaac Levy seconded. No discussion. Five (5) ayes, zero (0) opposed. Motion passed.

Posted: 8-4-2023 by HLY

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**AUDIO TIME STAMP:** 5:48

- Water & Sewer Fund

**MOTION:** Mindy Kazurova made a motion to approve the water & sewer fund bills in the amount of \$21,353.36. Isaac Levy seconded. No discussion. Five (5) ayes, zero (0) opposed. Motion passed.

**AUDIO TIME STAMP:** 9:04

- Cardmember Services Report
- Lodging Tax Review

## **7. ADVISORY BOARD REPORTS**

- Planning Commission – Heather Yanda, Secretary
  - They are reviewing Site Plan ordinance
- Water & Sewer Board – Lynn Pfaff, Council Liaison
- Parks & Recreation Board – Mindy Kazurova, Council Liaison
  - Mindy read a letter from the Parks & Rec Board into the audio record. The letter was a proposal to consider a pond/water feature in the park using ground water. They are requesting to move forward with exploring the possibility of this happening.

Mayor West said that we don't have a lot of resources to put toward researching this possibility now. Will Parker of Semocor advised on things that would need to happen. Dan Krob said he would be happy to donate time to do some research. Chelsea Dey is concerned that money has to come from somewhere to make that happen, and water and sewer should take precedence over something like this. Mayor reminded that we would have to look into water rights. Dan Krob said that Scott Krob does a lot of water law, and he may be able to give us some direction.

Mayor said that staff doesn't have time to research, and we don't have the money to research. Isaac said it would be nice to consider, but it should be part of the five-year plan with all of their ideas. Mindy said the Parks & Rec Board's goal is to have the five-year plan completed by budget season. Mayor West told Mindy to pass along that Council is interested in a water feature, but there is a lot to be considered with it.

- Board of Adjustments

Had a quick introductory meeting to give code of conduct and do introductions. They are having a formal meeting on July 31<sup>st</sup> to appoint a chair, vice-chair, and decide on a set of rules to function by.

## **8. CONTINUING BUSINESS**

- ADU discussion

Changes in the draft ordinance were discussed. Dan will set up a call with Matias Cumsille to work on those changes to be reviewed again.

- Report of Certificate of Occupancy – 168 Columbine received their Certificate of Occupancy for their life and safety permit.

## **9. ONGOING CONTINUING BUSINESS**

- Sidewalk Project
- Cabins – revisit September 2023
- Gazebo/Concession Stand – needs to be stained

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Mayor West presented a proposal that Ron Keyes discussed with her and Heather Yanda pertaining to running a breakfast/coffee shop and lunch business out of the concession stand. A lease would need to be created that would allow him to recoup the upfront cost of having water, sewer, and electricity run to the building. He would be responsible for a tenant finish. Other lease terms were discussed. Council would like it to also be used as a concession stand, which Ron is agreeable to.

A motion was entertained to approve Ron Keyes to hook up water, sewer, and electricity to the concession stand not to exceed an estimated amount, which would be reimbursable to Ron upon the passage of a lease with installments to be determined. Council would like a formal quote before proceeding to be addressed at next meeting along with a draft of a lease.

- Trees in Park and Town ROW Maintenance – in progress

There are two dead trees in Petunia Park. Canopy Tree Care gave us a quote to cut down the trees and clean up the limbs that run through the power lines. The number is low enough that we don't need three bids. The funds are already budgeted.

**MOTION:** Mindy Kazurova made a motion to approve Canopy Tree Service to cut down the two dead trees in Petunia Park. Chelsea Dey seconded. Isaac Levy asked if we had gotten a quote from Great Western Tree Care. The mayor explained that James has a relationship with Canopy and uses them. Canopy used to be in the town. Five (5) ayes, zero (0) opposed. Motion passed.

**AUDIO TIME STAMP:** 1:36:20

- Survey Glen Walk Property Line: Encroachment agreements given to property owners

## 10. NEW BUSINESS

- Semocor report

Will Parker addressed the fact that we are using more water due to the heat. New sewer irrigation pump was installed and is working efficiently. A water line broke and had to be replaced, and the irrigation is running well now.

Isaac asked about the digital water meters. Will updated everyone that the grant is moving forward. They are getting the exact meter sizes that they need, which will take place during the next meter read. They will then finalize the orders. Installs will hopefully begin later this year depending on the pace of the grant execution. The mayor added that we also have to choose the software. She is working with Dannah from GMS on moving through the grant.

Isaac inquired about sludge removal. Will responded that we have not dredged the first (primary) pond, but we have done the second pond. We are trying to build that budget before they do that. The state has not said we have to take the waste to Clean Harbors, which is the only location in Colorado that accepts our waste due to the radium. The money is already addressed in the budget, we just have to save more to get that taken care of.

- CRF wastewater flows

The agreement with the Colorado Renaissance Festival was written in 2006 and allows for a certain amount of sewer discharge. They did not reach their maximum amount in June because they only operated for two weekends in June. They went over in July because there are four weekends of events. Will Parker stated that the overage did not affect the plant and hasn't made us exceed any state regulations. There has no negative impact on the town. Jim Paradise is willing to pay the overage. The agreement says that they are to place port-o-potties if they go over their 25,000 gallons. The mayor proposed that we allow CRF to not place port-o-potties since there hasn't been a negative effect on our systems, and because many people would choose to use a bathroom over a port-o-potty even if they were placed on the fairgrounds. Dan Krob advised that we could make a motion to not enforce that part of the agreement this year. The agreement may need to be amended for next year.

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**MOTION:** Mindy Kazurova made a motion to not enforce the max flows of 25,000 gallons per day in the Renaissance Festival agreement as long as there is no negative impact to our sewer plant for the rest of the 2023 season. Isaac Levy seconded. No discussion. Five (5) ayes, zero (0) opposed. Motion passed.

**AUDIO TIME STAMP:** 1:51:09

- Liability insurance for service providers

A previous attorney made all contracted service providers get liability insurance. Due to the limited hours and the fact that we are his only client, Paul Gustafson has decided that he cannot afford that for himself. It is \$700 to renew. The mayor does not want to lose Paul. He knows our system and knows what he's doing. The mayor further explained that in some months he only bills us for two hours and even his past hourly increase may not make the cost of insurance worth the expense.

Dan Krob explained with Dana of Moondance Gardens and the scope of work that she does, liability insurance is not crucial. In regard to Paul Gustafson, he asked if his scope of work is risky enough that he needs to carry the insurance. Isaac brought up that he does have access to sensitive information, and it makes sense that he carry it. Dan thought that he could have a contract with a service fee as well as his hourly rate to pay for the insurance.

Council would like to retain Paul's services and will negotiate a contract that includes a monthly service charge in addition to an hourly wage.

**MOTION:** Mindy Kazurova made a motion to direct mayor to negotiate a contract with terms to include insurance as base price to cover the cost of Paul Gustafson's insurance plus an hourly rate. Isaac Levy seconded. Chelsea Dey asked if we would have the service fee paid monthly instead of for the year. The mayor confirmed it would be monthly. Five (5) ayes, zero (0) opposed. Motion passed.

**AUDIO TIME STAMP:** 2:02:04

## **11. CONSTRUCTION & DEVELOPMENT PROJECTS**

- 233 Perry Park Ave – Public Hearing before Planning Commission was 7/12, Town Council 7/20
- 9138 Spruce Mountain Road – in progress; waiting on site plan items
- Travel Center – no new update
- Jellystone/Steyn – no new update
- 9181 Spruce Mountain Road – Land use application submitted

## **12. LEGAL UPDATE**

No updates.

## **13. STAFF COMMENTS**

None.

## **14. MAYOR'S REPORT**

- Thank you to Mindy Kazurova for opening up the Spur to host the PDCG meeting on 7/19/23.
- Sheriff has coordinated with the port of entry team to conduct a commercial truck inspection on 7/31/23 in the town hall parking lot. They will weigh them and inspect. This is happening in response to Sam Doyle's request at a previous meeting.
- The mayor met with Sheriff Weekly who provided a memo addressing his recommendation and concerns on the proposed travel center along with crime statistics on travel centers/truck stops, which she handed out. Dan Krob stated that it has been forwarded to the planner. It should not be given out to the public.

## **15. COUNCIL COMMENTS**

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Isaac Levy

- Inquired about the sidewalk easement on former Been property with Pasha Kazmer. The mayor has not heard back from him but will follow up again.
- Inquired about the timeline of the sidewalk. Kevin Archer stated that the engineering would be complete the first week of August. Isaac asked if there is anyone else who could do this type of work in the future.

Ruth Ann Arfsten

- There are fireworks being set off in town.
- Regarding lease with Canopy, Great Western should be considered in the future for bids. The mayor agreed.
- CORE Electric was going through properties and cutting trees going through property lines. She expressed that she had not been advised. They stopped worked and never came out again.

**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.)

Tom from Sage Port area communicated that an ADU should be a separate building and whoever owns it should not be allowed to charge rent. He also thinks that our IT guy should have insurance.

**17. ADJOURN**

**MOTION:** Mindy Kazurova made a motion to adjourn. Chelsea Dey seconded. No discussion. Five (5) ayes, zero (0) opposed. Motion passed.

**AUDIO TIME STAMP:** 2:17:40