



REGULAR TOWN COUNCIL MEETING

October 19, 2023, at 6pm

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

MINUTES

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>
Chelsea Dey	<u> </u>	<u>X</u>
Mindy Kazurova	<u>X</u>	<u> </u>
Isaac Levy	<u> </u>	<u>X</u>
Lynn Pfaff	<u>X</u>	<u> </u>

2. PLEDGE OF ALLEGIANCE

3. APPROVE AGENDA

- October 19, 2023, Regular Meeting

MOTION: Sandy McKeown made a motion to approve the regular meeting agenda for October 19, 2023. Mindy Kazurova seconded the motion. No discussion. Five (5) ayes, zero (0) opposed. Motion passed.

AUDIO TIME STAMP: 00:01:19

4. APPROVE MINUTES

- September 28, 2023, Special Meeting Budget Workshop

MOTION: Sandy McKeown made a motion to approve the Special Meeting Budget Workshop Minutes for September 28, 2023. Mindy Kazurova seconded the motion. Roll call vote. Ruth Ann Arfsten abstained. No discussion. Four(4) ayes, zero (0) opposed, one(1) abstained. Motion passed.

AUDIO TIME STAMP: 00:01:19

- October 5, 2023, Regular Town Council Meeting

MOTION: Mindy Kazurova made a motion to approve the Regular Town Council Meeting Minutes for October 5, 2023 Sandy McKeown seconded the motion. Roll call vote. Lynn Pfaff abstained. No discussion. Four(4) ayes, zero (0) opposed, one(1) abstained. Motion passed.

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5. SCHEDULED PUBLIC APPEARANCES (10 Minute Limit)

6. ACCOUNTING REPORT

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

MOTION: Mindy Kazurova made a motion to approve the General Fund Bills including the Road and Bridge and Parks funds in the amount of \$119,292.20. Sandy McKeown seconded the motion. Roll call vote. No discussion. Four(4) ayes, one (1) Ruth Ann Arfsten opposed, zero(0) abstained. Motion passed.

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- Water and Sewer fund

MOTION: Sandy McKeown made a motion to approve the Water and Sewer bills in the amount of \$91,20.25. Lynn Pfaff seconded the motion. Roll call vote. No discussion. Five(5) ayes, zero (0) opposed, zero(0) abstained. Motion passed.

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7. ADVISORY BOARD REPORTS

- None

8. ONGOING CONTINUING BUSINESS

- Sidewalks

9. NEW BUSINESS

- SEMOCOR Report
- Ordinance 2023-05

AN ORDINANCE RENEWING AND APPROVING THE CABLE TELEVISION FRANCHISE AGREEMENT BETWEEN THE TOWN OF LARKSPUR, COLORADO AND COMCAST OF COLORADO IX, LLC

MOTION: Sandy McKeown made a motion to approve Ordinance 2023-05 An Ordinance renewing and approving the cable television franchise agreement between the Town of Larkspur, Colorado and Comcast of Colorado I, LLC. Mindy Kazurova seconded the motion. Roll call vote. No discussion. Five(5) ayes, zero (0) opposed, zero(0) abstained. Motion passed.

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- Resolution 2023-09 RESOLUTION OF THE TOWN OF LARKSPUR OPPOSING PROPOSITION HH

AN UNDUE LIMITATION ON MUNICIPAL BUDGETS AND LOCAL CONTROL OF PROPERTY TAX RELIEF.

MOTION: Sandy McKeown made a motion to approve Resolution 2023-09 a resolution to the Town of Larkspur Opposing Proposition HH. Lynn Pfaff seconded the motion. Roll call vote. No discussion. Five(5) ayes, zero (0) opposed, zero(0) abstained. Motion passed.

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10. CONSTRUCTION & DEVELOPMENT PROJECTS

- 9138 Spruce Mountain Road: Extension requested from Mr. Emerson regarding land use application.

MOTION: Mindy Kazurova made a motion to extend the Land Use Application for 9138 spruce Mountain Road for 6 months. Ruth Ann Arfsten seconded the motion. Roll call vote. No discussion. Five(5) ayes, zero (0) opposed, zero(0) abstained. Motion passed.

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- Travel Center – Memo under legal updates
- Jellystone/Steyn – On hold
- 9181 Spruce Mountain Road – Planner Joy McGee submitted memo to applicant.

11. LEGAL UPDATE

- Memo from Krob Law regarding the Larkspur Travel Center.
- A Power Point regarding camping ban ordinances was presented by Scott Krob. The council will continue to review, and the mayor will check with Douglas County on what type of support they will offer to us regarding alternate shelter.
- The council was asked if they had any questions regarding the Attorney-Client privileged memorandum from Scotty P Krob on October 2nd 2023. There were none. The following motions were made.

MOTION: Sandy McKeown made a motion to not accept the Town Planner's staff report dated August 21, 2023, and supplemented September 20, 2023, 2023 because travel center is not listed as an allowed use within the Town of Larkspur under the current zoning code. Mindy Kazurova seconded the motion. Roll call vote. No discussion. Five(5) ayes, zero (0) opposed, zero(0) abstained. Motion passed.

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MOTION: Sandy McKeown made a motion to direct staff to initiate the process for Town Council to consider whether travel center should be added to the list of allowed uses within the Town and, if so, in which zone districts and under what conditions, with the process to include the Town Planner providing comments to the Planning commission; followed by the Planning Commission considering the planner's comments and public comment at a public meeting, and making a recommendation to the Town Council; followed by the Town Council considering the planner's comments, the Planning Commission's recommendation and deciding whether to adopt an ordinance adding travel center as a use allowed within the Town of Larkspur, and if so, where and under what conditions, as more specifically described in the Town Code. Mindy Kazurova seconded the motion. Roll call vote. No discussion. Three(3) ayes, two (2) opposed, Lynn Pfaff and Ruth Ann Arfsten, zero(0) abstained. Motion passed.

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MOTION: Sandy McKeown made a motion to use Baseline Engineering as the Town Planner during this process under its existing contract if Baseline Engineering is willing to do so. Mindy Kazurova seconded the motion. Roll call vote. No discussion. Four(4) ayes, one (1) opposed, Ruth Ann Arfsten, zero(0) abstained. Motion passed.

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MOTION: Sandy McKeown made a motion considering Town Councils conclusion that travel center is not an allowed use under the current zoning code I move that the current application filed by Off the Chain 2, LLC and MEQ-Larkspur, LLC, not be processed further, unless and until such use is allowed. Mindy Kazurova seconded the motion. Roll call vote. No discussion. Three(3) ayes, two (2) opposed, Lynn Pfaff and Ruth Ann Arfsten, zero(0) abstained. Motion passed.

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MOTION: Mindy Kazurova made a motion to waive the Attorney Client Privilege of the Attorney-Client privileged Memorandum from Scotty P. Krob on October 2, 2023 regarding the Travel Center next steps. Sandy McKeown seconded the motion. Roll call vote. No discussion. Five(5) ayes, zero (0) opposed, zero(0) abstained. Motion passed.

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12. STAFF COMMENTS

13. MAYOR'S REPORT

- Mayor asked for the Friday after Thanksgiving as a day for the staff.

MOTION: Sandy McKeown made a to approve a paid day off for anyone that is scheduled to work on the Friday after Thanksgiving. Mindy Kazurova seconded the motion. Roll call vote. No discussion. Five(5) ayes, zero (0) opposed, zero(0) abstained. Motion passed.

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- Mayor explained that during the construction of the Town hall the week of November 6th that it has been advised that we close the building to the public.
 - Staff can choose to work from home if they have things they can do from home, take vacation time or come in during select times to get work done.
 - The council was in agreeance to closing the building that week Monday through Friday.

14. COUNCIL COMMENTS

- RA. Asked about previous projects Planning Commission had been working. Bit Coin Mining and ADU ordinance. Sanday said she would take the questions to the Planning Commission.
- SM. Asked about the status of the concession stand going to planning Commission. Mayor said that she had followed up with Ron and was waiting to hear back.
- MK. How is the FRT coming along. IGA with the County regarding the CFRT is in progress.
- LP Nothing

15. 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.)

- Sharon Ziencina
- Penny Smith

16. ADJOURN

MOTION: Mindy Kazurova made a motion to adjourn. Ruth Ann Arfsten seconded the motion. No discussion. Four(4) ayes, zero (0) opposed, (Lynn Pfaff left the meeting). Motion passed.

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