



REGULAR COUNCIL MEETING

Town Hall
8720 Spruce Mountain Road
Larkspur, Colorado 80118

May 07, 2020

6:00 PM

AGENDA

Pursuant to the emergency declaration all Town Council members, including the Mayor, and Town Clerk shall be attending the meeting by telephone and members of the public shall have the ability to attend and monitor the meeting by telephone as well.

Join Zoom Meeting

<https://us02web.zoom.us/j/89294219572?pwd=STR0L2xBMINIV2ZtQU9IOGx6ZERBUT09>

Meeting ID: 892 9421 9572

Password: 034786

Dial by your location

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Please mute your phone by pressing “*6.” Everyone wishing to speak will be afforded the opportunity to do so. Please come prepared with your statements. The public will be allowed to speak during public comment only.

PLEASE REMEMBER TO RECORD THE MEETING

I. MEETING CALLED TO ORDER/ROLL CALL:

The Mayor calls the meeting to order and conducts roll call

Mayor Marvin Cardenas: Present

Mayor Pro-tem Isaac Levy: Present

Paul Bowers: Present

Posted: 05-22-20 NLH

Brian Cook: Present
Shannon Buss: Present
William Teague: Present
Sandy McKeown: Present

II. PLEDGE OF ALLEGIANCE: RECITED

III. MOTION TO APPROVE AGENDA:

- Motioned to amend the agenda to include executive sessions/council, and the motion to waive the water and sewer fees for residents and water and sewer fees for commercial.
- **Council Member Paul Bowers made the motion to approve the Agenda. Council Member Sandy McKeown seconded the agenda. All Council members affirmed the agenda amendments in a 7 to zero roll call vote the Motion Passed.**

IV. MOTION TO APPROVE MINUTES: (1810-1815)

- Meeting Minutes April 16, 2020 Draft
Council Member Sandy McKeown related a problem with the motion that she made at the last meeting and found out 4 days after the fact that there was an issue. She would have liked to have been informed prior to finding out from another council member that the motion which was made was under question.
 - ✓ **Council Member William Teague motioned to approve the Meeting Minutes for April 16, 2020. Council Member Paul Bowers seconded the motion. Discussion: In a six (6) to zero (0) abstention roll call vote, the Mayor Affirmed MOTION CARRIED**

V. SCHEDULED PUBLIC APPEARANCES: (10 min limit)

- Mr. Ed Blanchard: Mr. Blanchard wanted to clarify the motion that amended the agenda. He noted that the mayor did not respond in a timely manner to his questions and wants more time to review the answers and then he will come back to make an appearance.

VI. UNSCHEDULED PUBLIC APPEARANCES: (3 min limit) NONE

VII. LEGAL COUNSEL: (1825-1835) Ruthanne Goff gave a brief overview of why council typically goes into executive session regarding personnel matters. She noted that executive sessions are normally entered into to discuss discipline and express employee grievances. The executive session is not meant for employees to sound off or used as a sounding board. The attorney wanted employees to follow the personnel policy and did not want to open the town up to liability. Mayor noted that he received a lot of blame for trying to stop the executive sessions, and the attorney wanted to make sure that we follow the grievance policy. Further discussion took place over the process and Ruthie

Goff noted that the written grievance which then met the requirements to go into executive session was in place. Ruthie Goff offered to conduct a training session to help council and Council Member Brian Cook requested that he would have liked to see a different response from council. Ruthie Goff confirmed that James would like to participate in the executive session and that Heather and Lynn did not want to be there.

VIII. EXECUTIVE SESSION MOTIONS: *"To consider personnel matters, pursuant to C.R.S. § 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees."*

- **MOTION: "I make a motion (Council Member Sandy McKeown) that the Town Council move into executive sessions for the following purposes:**
 - ✓ Pursuant to §24-6-402(4)(f), C.R.S, for discussion of a personnel matter involving the employment of James Stockstill, who was previously informed of the meeting and has given permission for council to enter into executive session; and
 - ✓ Pursuant to §24-6-402(4)(f), C.R.S, for discussion of a personnel matter involving the employment of Heather McCumiskey, who was previously informed of the meeting and has given permission for council to enter into executive session.
 - ✓ Pursuant to §24-6-402(4)(f), C.R.S, for discussion of a personnel matter involving the employment of Lynn Pfaff, who was previously informed of the meeting and has given permission for council to enter into executive session."

Council Member Shannon Buss seconded the motion. Discussion: In a six (6) to zero (0) abstention roll call vote, the Mayor Affirmed MOTION CARRIED.

Town Clerk moved all residents into the waiting room during the executive session. Town Council entered executive session

Mayor Pro-Tem Isaac Levy concluded the executive session at 2023 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.

Meeting was turned back over to the Mayor

IX. CONTINUING BUSINESS: None was noted at this time

X. ACCOUNTING:

- Financial Update: Town Clerk provided a quick financial update on behalf of the Accounting Manager. Question was asked about employee wages and discussion took place over the separation payment. Council was not brought up to speed on the issue and the laid off employees and confusion took place surrounding the roll of council in that decision.
- Bills to Pay
 - ✓ General Fund:
Council Member Shannon Buss motioned to approve the General Fund Operating Expenses, in the amount of \$48,519.99. Council Member Sandy McKeown seconded the motion. Council Member Brian Cook commented on the Plaque for Jennell Waggle. In a six (6) approved to zero (0) opposed roll call vote, Mayor Marvin Cardenas affirmed, MOTION CARRIED.
 - ✓ Water & Sewer Fund:
Council Member Shannon Buss motioned to approve the Water and Sewer Operating Fund, in the amount of \$248.01. Council Member Paul Bowers seconded the motion. In a six (6) approved to zero (0) opposed roll call vote, Mayor Marvin Cardenas affirmed, MOTION CARRIED.
- Motion: To waive water & sewer fees for residential customers for the billable months of April and May in the amount of \$62.50 *per tap*.
Council Member Shannon Buss motioned to waive the Water and Sewer fees for residential customers, as above. Council Member Isaac Levy seconded the motion. In a six (6) approved to zero (0) opposed roll call vote, Mayor Marvin Cardenas affirmed, MOTION CARRIED.
- Motion: To waive water & sewer fees for commercial customers for the billable month of April in the amount of \$62.50 *per tap*.
Council Member Isaac Levy motioned to waive the Water and Sewer fees for commercial customers, as above. Council Member Shannon Buss seconded the motion. In a five (5) approved to zero, one (1) absent, Council Member Paul Bowers was kicked out of zoom, (0) opposed roll call vote, Mayor Marvin Cardenas affirmed, MOTION CARRIED.

XI. COMMISSION & BOARD REPORTS:

- Planning Commission (PC) Report – Matias Cumsille, Chair: Nothing to report
- Water & Sewer Board (W&S) Report – Tricia Bernhardt, Chair: nothing to report
- Parks & Recreation Board (P&R) Report – Randy Johnson, Chair

XII. NEW BUSINESS:

- **Resolution 2020-14: A Resolution to Extending the Declaration of Disaster Emergency for the Town of Larkspur.**
Council Member Shannon Buss motioned to approve Resolution 2020-14, as above. Council Member Sandy McKeown seconded the motion. In a six (6) approved to zero, (0) opposed roll call vote, Mayor Marvin Cardenas affirmed, MOTION CARRIED.

XIII. CONSTRUCTION & DEVELOPMENT PROJECTS:

- Site Plan for Parking Lot for Town Hall: Mayor expects to have the approved site plan for next town council meeting to include the parking lot and cabin sites.
Isaac Levy asked about a plan that was approved approximately 10 years ago. The plan was sent to council members via email.
Brian was hoping that we could discuss this in the next workshop
- Motion to approve the parking lot project.
The Mayor wanted to apologize to council members regarding confusion surrounding the project.
Council Member William Teague motioned to approve finishing the parking lot work. William Teague asked if Bill Fischer was on board with finishing the work. Council Member Shannon Buss seconded the motion. Discussion was open. Sandy McKeown stated that there was a problem with the Mayor not contacting her regarding the park work. She continued to state her grievance with the Mayor regarding a lack of communication, transparency and not being better informed of what was happening. She was not in agreement with spending money in the park when the town has cut back hours and pay to town employees. Council Member Brian Cook agrees with Sandy and wonders what the cost will be to move forward. He says that he understands why the Mayor tried to push this forward given their discussions and sense of urgency but does not agree with moving forward. Council Member Isaac Levy noted that the work was started before approving a plan and following a process. He believes the town deserves better than that. Council Member Shannon Buss believes that proper procedures were not followed. However, she noted that when all the volunteers, heavy equipment, materials, and labor were being donated and wanted to make sure that we should move forward considering the safety issue regarding parking and the betterment of the Town of Larkspur. She thanked Bill Fischer for his help and willingness. She further explained she feels it is important to the town. Council Member Sandy McKeown noted that both the Mayor and Shannon Buss have been on the boards and is concerned with the handling of this situation. Council Member Isaac Levy noted a past incident involving a culvert and a gas line, he believes the incident could have been avoided if the town would have followed the proper procedures and engineering. Council Member Brian Cook noted that he agrees with Isaac Levy. Council Member Isaac Levy questions the giving of topsoil away to Bill Fischer and noted that this is a possible quid quo pro with no council agreement on

giving away these assets. Council Members Shannon Buss states that these allegations are unwarranted. Council Member Brian Cook wanted to make sure that the volunteers were recognized for their work in the park. The Mayor noted the number of volunteers and donations. Council Member Paul Bowers noted the Ren Fair was donating the grader, and the fire department was going to spray down the dirt and donate their hoses. Council Member Brian Cook is disheartened by the process and how the work came about and wants to move forward in working together to complete the project according to the municipal code. Council Member Sandy McKeown noted that she has little information and does not want to vote with little information and is opposed to how this project has been handled. Council Member Paul Bowers wants to bring the park to vote because we have the volunteers and will be saving the town money. Council Member Isaac Levy wants to follow the correct process. Council Member Sandy McKeown would like to investigate the use of grants to complete the project. Council Member Shannon Buss wishes the council could see the value in all the volunteers and noted that she believes that this project has been going on for a long time. Discussion took place over culverts and their purchase, the correct process and perception of how this process has transpired to the town residents. Mayor determined to cease the work in the park till proper protocol was followed despite losing some of the volunteer work for the project. Council Member Sandy McKeown wants to clarify from the attorney the calling of the council members. The Attorney stated that things that require a vote should happen in a public meeting, however getting a feel for where council stands on an issue can occur and recommended the council will go into executive session to go into give possible legal advice on the issue. Council Member William Teague rescinded his motion.

- Dana Fuller's Bids for the Park (Mayor Marvin Cardenas)
 - ✓ Agreement for Professional Services from Moondance Gardens.
Council Member Brian Cook gave his blessing. Mayor noted that the mulching bid could be eliminated to save the town money. Council Member Paul Bowers noted that she has already started work and Mayor stated how much she can do. Council Member Shannon Buss recommended omitting the \$3685 agreed to \$9,000 general park maintenance and the \$1,400 for the weed removal and dead heading.
MOTION: Council Member Shannon Buss motioned to approve the agreement as amended, as above. Council Member Brian Cook seconded the motion. Discussion occurred. Agreement was amended, In a six (6) approved to zero, (0) opposed roll call vote, Mayor Marvin Cardenas affirmed, MOTION CARRIED.
 - ✓ **Resolution 2020-15: A Resolution approving the agreement between Dana Fuller with Moondance Gardens and the Town of Larkspur**

Council did not vote on this resolution but passed the agreement as amended.

XIV. MAYOR'S REPORT:

- **Noting to report at this time do to how late the meeting was lasting**

XV. COUNCIL COMMENTS:

- **Isaac Levy read the vision statement of the town.**
- **Paul Bowers noted an issue with the empty house next to him and the lights being on.**

XVI. ADJOURN: (2200)

- **Council Member Sandy McKeown motioned to adjourn the meeting. Council Member Paul Bowers seconded the motion. All ayes meeting adjourned.**

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.

Town Council meetings can be adjusted plus or minus 15 minutes from the timelines outlined within the Agenda.