



REGULAR COUNCIL MEETING

Town Hall
8720 Spruce Mountain Road
Larkspur, Colorado 80118

May 21, 2020

6:00 PM

MEETING MINUTES

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.

Natasha Holland is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/81568418411?pwd=a2NCSHNkcWtwcHBsbm4vTUNzRU5yQT09>

Meeting ID: 815 6841 8411

Password: 574054

One tap mobile

+13462487799,,81568418411#,,1#,574054# US (Houston)

+16699009128,,81568418411#,,1#,574054# US (San Jose)

Dial by your location

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+1 301 715 8592 US (Germantown)

Meeting ID: 815 6841 8411

Password: 574054

Find your local number: <https://us02web.zoom.us/u/kd29NF9xmc>

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:

PRESENT

ABSENT

Posted: 06-05-20 NLH

Mayor Marvin Cardenas:
Present
Mayor Pro-Tem Isaac Levy:
Present
Paul Bowers: Present
Shannon Buss: Present
William Teague: Present
Brian Cook: Present
Sandy McKeown: Present

II. PLEDGE OF ALLEGIANCE: Recited

III. MOTION TO APPROVE AGENDA: Council Member Shannon Buss motioned to approve the agenda for Town Council Meeting of 05-21-2020. Council Member William Teague seconded the motion. In a six (6) approved to zero (0) opposed roll call vote the Mayor affirmed, MOTION CARRIED.

IV. MOTION TO APPROVE MINUTES: (1850-1855)

- Meeting Minutes May 7, 2020 Draft:
Council Member Shannon Buss motioned to approve the meeting minutes for May 7, 2020. Council Member William Teague seconded the motion. In a six (6) approved to zero (0) opposed roll call vote, the Mayor affirmed, MOTION CARRIED.

V. SCHEDULED PUBLIC APPEARANCES: (10 min limit)

- Mr. Ed Blanchard: did not attend
- Jennifer and/or Tina from Douglas County Community Block Grant Process: cancelled at the last moment

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

VII. CONTINUING BUSINESS: (1820-1840)

- Community Block Grant Decision to Move Forward with Application: Mayor gave a brief update on the status of the Community Block Grant and referred to his meeting with Tina and Jennifer regarding the application for year 2021 grant funds. The grant would go toward replacing old water lines and the infrastructure. Clay believes that the town would likely need about 1.5 to 2 million dollars for this project. The town will research best options for acquiring the most funding. Council Member Shannon Buss asked about the county being on the agenda to discuss the CCBG. Mayor noted that they were going to be here but it changed today given the information that the town would likely need more funding than previously anticipated.

- CAM SOLAR Agreement: Mayor provided a brief update on the CAM SOLAR agreement. He stated he obtained 4 bids and this bid provides the greatest amount of power and panels for the price. Discussion took place over timing of project completion and the prior attempts to install solar panels. Council Member Sandy McKeown wanted a response from the IREA for clarity before moving forward. Town Attorney noted the contract needed a couple of changes to their standard contract and she would recommend. She noted that the Resolution would provide the mayor the authority to negotiate some of the non-substantial information in the contract. Discussion took place over the recommended revisions.
 - ✓ **Resolution 2020-16:** A Resolution approving the Agreement between CAM SOLAR and the Town of Larkspur Council Member Shannon Buss motioned to approve Resolution 2020-16 a Resolution to approve the agreement between the CAM SOLAR and the Town of Larkspur with the revisions as recommended by the Lawyer. Council Member Paul Bowers seconded the motion to approve Resolution approving the Agreement to move forward with the contract. Discussion took place over what the town is required to pay and the \$1,000 in a deposit and language change. **Council Member Shannon Buss withdrawn her original motion and motioned to approve the Resolution 2020-16 as amended with the paying of the \$1000 deposit and make the changes as recommended by the lawyer then the Mayor can execute the agreement. Council Member Paul Bowers seconded the revised motion. Discussion took place over arbitration and having the information early and a lack of discussion. In a five (5) approved to two (2) opposed (Sandy, Brian) roll call vote, the Mayor affirmed. MOTION PASSED. After further discussion Isaac withdrew his opposed vote and approved the Resolution as amended (final vote is reflected above).**
- Back Pay for James Stockstill
 - ✓ **Motion to approve back pay for James Stockstill: in the amount of \$1,592.90.** The total amount of back pay owed to James for the 3 pay periods in which his salary was affected is \$1,592.90 gross. This is the total of \$1,944.90 less the \$352 James was paid in unemployment wages. **Council Member Shannon Buss motioned to approve the back pay for James Stockstill in the amount \$1,592.90. Council Member Brian Cook seconded the motion. In a six (6) approved to zero (0) opposed roll call vote the Mayor Affirmed. MOTION PASSED.**
- Amendment to Dana Fuller Agreement and Resolution
 - ✓ Motion: Amended Agreement for Dana Fuller

Discussion took place over the Dana Fuller Agreement and the amount of emails that the Mayor has been sending council. The Mayor agreed to red flag high priority items. **Council Member Sandy McKeown motioned to approve the Amended agreement to include the missing bid \$3685.13. Council Member Shannon Buss seconded the motion. In a six (6) approved to (0) opposed roll call vote, the Mayor Affirmed. Motion Passed.**

- ✓ **Resolution 2020-15:** A Resolution approving the Agreement between Dana Fuller with Moondance Gardens and the Town of Larkspur.

Council Member Sandy McKeown motioned to approve Resolution 2020-15 a Resolution approving the Agreement between Dana Fuller with Moondance Gardens and the Town of Larkspur. Council Member Shannon Buss seconded the motion. In a six (6) approved to zero (0) opposed roll call vote, the Mayor Affirmed. MOTION CARRIED

VIII. ACCOUNTING: (1840-1845)

- **Bills to Pay**

- ✓ **General Fund**

Council Member Isaac Levy asked about an item that resulted from the slash pile removal. Discussion took place over the slash pile removal process. Council Member Brian Cook asked about Castle Pine Wind Water. Council Member Shannon Buss asked about the difference in price from the previous month regarding the slash pile. Park Maintenance Manager clarified some of the expenditures.

Council Member Shannon Buss made the motion to approve the General Fund Operating Expenses in the amount of \$5,507.22. Council Member Isaac Levy seconded the motion. In a six (6) to zero (0) opposed roll call vote, the Mayor Affirmed, MOTION PASSED.

- ✓ **Water & Sewer Fund**

Council Member Sandy McKeown made the motion to approve the W/S Operating Expenses in the amount of \$14,618.16. Council Member Isaac Levy seconded the motion. In a six (6) approved to zero (0) opposed roll call vote, the Mayor Affirmed, MOTION PASSED.

Defibrillator Invoice: was held off to the next meeting for final payment.

- ✓ **MOTION:** To give Heather McCumiskey or Natasha Holland authorization to initiate the following transfers:

- ✓ \$482.31 from WTP Lease Reserve to W/S Checking on May 22, 2020 for the purpose of closing the WTP Lease Reserve, as it is no longer required.

Council Member Isaac Levy made the motion to approve the above transfer. Council Member Shannon Buss seconded the motion. In a six (6) approved to zero (0) opposed roll call vote, the Mayor Affirmed, MOTION PASSED.

- ✓ \$8,770.17 from WTP Construction Checking to W/S Checking on May 22, 2020 for the purpose of closing the WTP Construction Checking, as it is no longer required.

Council Member Sandy McKeown made the motion to approve the above transfer. Council Member William Teague seconded the motion. In a six (6) approved to zero (0) opposed roll call vote, the Mayor Affirmed, MOTION PASSED.

IX. LEGAL UPDATE: (Ruthie Goff) (1845-1950)

Open Meeting:

- **Conflict of Interest Reporting: (Ruthie Goff)**
Town Attorney reported to the town on the conflict of interest reporting. She commented that when there is a fiduciary duty to the town and a potential vote would alter the responsibility is when a conflict arises. It would be necessary for council members to report the conflict to the Secretary of the State when a conflict arise, and council members vote on the issue or have discussion surrounding the issues. Proper procedure would be to disclose the conflict and abstain from the vote and discussion. If council members know that their vote will be needed for a quorum than council members need to report to the state. When a council member discloses the conflict then provides background information but does not persuade council in either direction, then council does not have to report to the state. Council members hold the responsibility of reporting to the state the Secretary of the State. Questions took place regarding where or when to report the issue and self-reporting.
- **Personnel Policy: (Ruthie Goff)**
Town Attorney noted that personnel policies are typically drafted by the town council members. Although she can provide guidance in areas that need improvement, she does not want to write the personnel policy for the town. She will check the changes that town council wants to make and ensure the changes are legal. She noted the same for hiring process.
- **Changes to Code/Charter for proper Separation of Duties, Hiring Employees changes to code/charter and Background Checks: (Ruthie Goff)**
Town Attorney noted that she might have to get back to the town following background checks and noted as it stands the Mayor has the responsibility of the hiring/firing and employee oversight

as outlined in the Charter. The council can determine how the process will be handled going forward as a collective with the Mayor having the authority for the ultimate decision. Council Member Brian Cook asked if the Mayor could hire someone without the Town Council involvement. The Town Attorney noted that the charter does allow for that. However, if the council wants to be involved in the hiring process that is a decision that the town council can make together. Changing the charter would need to take place, the council would vote on the ballot language that would go out to the vote of the people. Further discussion took place over how to complete the ballot language effectively. Council Member Sandy McKeown wants help from the attorney to see what issues are within the charter.

The issue of how the department head and Town Manager came up. Council Member Sandy McKeown noted the issue is missing some information. Council Member Brian Cook wants Council Member Sandy McKeown to work with the Town Attorney. Council Member Isaac Levy wants Ruthie Goff to review the Charter and provide a why for the changes that she recommends. Council Member Shannon Buss asked why the Town would need to change the charter regarding the Department Head. The Town Attorney noted that the Department Head position falls under the code and would not need a charter change. The charter change would be necessary if the town wanted to remove some of the responsibilities of the Mayor to either the Council or the Town Manager or the Head of the Department of Administration.

Council Member Brian Cook made the motion to have Ruthie suggest the changes that need to be made to the charter. Council Member Sandy McKeown seconded the motion. In a four (4) approved to two (2) opposed (Shannon Buss and William Teague) roll call vote, the Mayor affirmed the MOTION PASSED. Town Attorney noted that she will likely have something ready for the June 18, 2020 meeting.

- Department Head Position: (Ruthie Goff)
The Town Attorney noted that the department head position is something that the town could use while the Town determines the final language. Discussion took place over the position and the void of this department head. However, council members Brian Cook and Sandy McKeown do not want to pursue this position while the charter change is being reviewed. Council Member Sandy McKeown asked about the appointed position. Discussion occurred over the appointed positions.

Council Member Shannon Buss asked to move the executive session till the end of the meeting. Council decided to move executive session to end of meeting.

Executive Session: This is an executive session for the following purpose: to hold a conference with the Town's Attorney to receive legal advice regarding personnel matters and open meetings act, pursuant to C.R.S. § 24-6-402(4)(b).

X. COMMISSION & BOARD REPORTS: (1950-2010)

- Planning Commission (PC) Report – Matias Cumsille, Chair
Planning Commission approved the site plan public hearing and Dana Fuller's tree planting ideas. Dana gave a quick presentation on the list of trees that she believes will do well in the town. Council Member Sandy McKeown asked about shade near the areas where tennis courts and pickle ball wanted to be placed and if that could still occur. Dana stated the size of trees should allow for that. Questions regarding the budget, water needs and the materials needed for this project were addressed. Park Maintenance Supervisor provided answers to questions regarding water capabilities in the park.
Council Member Shannon Buss motioned to approve an all-inclusive price of \$14,950.00 for the SEP Tree Planting Project. Council Member Brian Cook seconded the motion. In a six (6) approved to zero (0) opposed roll call vote, the Mayor affirmed, MOTION PASSED.
- Water & Sewer Board (W&S) Report – Tricia Bernhardt, Chair
None to report
- Parks & Recreation Board (P&R) Report – Randy Johnson, Chair
None to report

XI. NEW BUSINESS: (2025-2030)

- **Resolution 2020-17:** A Resolution approving the letter agreement to renew the lease agreement with the AFHR.
Council Member Shannon Buss motioned to approve the Resolution 2020-17 a resolution approving the letter agreement to renew the lease agreement with the AFHR. Council Member Brian Cook seconded the motion. Discussion took place over clarifying the agreement and what was to be paid. The Town has thirty days to pay this renewal fee, the fee is \$6,000.00. In a four (4) approved to zero (0) opposed, two (2) abstained (Isaac Levy and Sandy McKeown) roll call vote, the Mayor Affirmed. MOTION CARRIED
- Sale of Bulk Water to Ames Construction: Council Member Sandy McKeown asked about the billing. The Mayor clarified the process and will have William Parker with Semocore obtain readings at the end of the month and then the Town will send out the Bill after Will takes the readings. Council Member Brian Cook noted that they are taking roughly 18,000 gallons per day and was wondering if there is a maximum amount of water that can be taken. He also noted that this was filtered water and wanted the cost for the town to produce a gallon

water. Further discussion took place over the water issue. All council members agree that we should have this finished in 30 days.

XII. CONSTRUCTION & DEVELOPMENT PROJECTS: (2030-2040)

- Mayor provided an update on the campground and the soft opening weekend and stated that he sent out an email regarding their variance opening.
- Mayor spoke about residential fires being allowed from Randy Johnson **Kevin Archer site plan price will be \$4,000 - \$4,500. Council Member Isaac Levy motioned to approve a maximum \$4,500 for the site plan. Council Member Brian Cook seconded the motion.** Discussion took place regarding the COVID19 Budget that was drafted by the Accounting Manager. Council Member Sandy McKeown wants to wait until next year to work on this project. Council Member Isaac Levy wanted to know what was going to be taken from the General Fund to add to the park. Council Member Brian Cook asked if there was money in the budget to do this. Council Member Sandy McKeown asked about the timeline regarding the completion of the project. The Mayor noted that this was something that he was hoping to have accomplished by the end of the year with the Town's approval. Council Member William Teague asked about the playground equipment replacement. Park Maintenance Manger stated that the CIRSA audit report red flagged three items and was hoping to replace the hazardous equipment and noted that it would be around \$10,000.00. **In a six (6) approve to zero (0) opposed roll call vote, the Mayor Affirmed. The MOTION PASSED.**

XIII. MAYOR'S REPORT: (2030-2050): As noted above.

XIV. COUNCIL COMMENTS: (2050-2150)

Council Member Sandy McKeown asked about Moltz Construction. The Mayor gave a brief update on what is happening with Moltz Construction. Council Member Shannon Buss asked about seeding and the broken-down fence.

Executive Session: This is an executive session for the following purpose: to hold a conference with the Town's Attorney to receive legal advice regarding personnel matters and open meetings act, pursuant to C.R.S. § 24-6-402(4)(b).

Council Member Isaac Levy motioned to enter into executive session to hold a conference with the Town's Attorney to receive legal advice regarding personnel matters and open meetings act, pursuant to C.R.S. § 24-6-402(4)(b). Council Member Brian Cook seconded the motion. In a six (6) approved to zero (0) opposed roll call vote the Mayor Affirmed, MOTION PASSED.

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

Mayor recited the final announcement regarding the exit of the executive session:

“The time is now 0948, and the executive session has been concluded. The participants in the executive session were Marvin Cardenas, Isaac Levy, William Teague, Sandy McKeown, Brian Cook, Shannon Buss, Paul Bowers, Natasha Holland, Ruthanne Goff.

For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to enter into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concern for the record.

Hearing none, the next agenda item is a motion to adjourn.”

XV. ADJOURN: (2148)

Council Member Shannon Buss motioned to adjourn the meeting. Council Member Brian Cook seconded the motion. All ayes the 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.