



**TOWN OF LARKSPUR
MINUTES OF THE
REGULAR COUNCIL MEETING
May 16th, 2013
6PM
Town Hall**

MEETING CALLED TO ORDER: Mayor Gerry Been called the meeting to order at 6 PM.

ROLL CALL:

PRESENT	ABSENT	NON-VOTING
Jennelle VanGorder		Town Attorney- Scott Krob
Lester Burch		Town Clerk/Manager-
Sandy McKeown		Matt Krimmer
Matias Cumsille		
Joseph Jeske		
Mayor Pro-tem Shannon Buss		
Mayor Gerry Been		

PLEDGE OF ALLEGIANCE: Recited.

OTHER ATTENDEES: Florence Burch, Paul Grant, Capt. Brad Heyden

UNSCHEDULED PUBLIC APPEARANCES:

Capt. Dan Heyden, DCSD, introduced himself and stated there was no crime activity in the Larkspur area to report. Mayor Been stated he has not heard back from Undersheriff Tony Spurlock regarding tour dates of the Sheriff’s range facility. Capt. Heyden said he would pass the message to Undersheriff Spurlock.

SCHEDULED PUBLIC APPEARANCES: None.

NEW WELL PROJECT: Wayne Lorenz, WWE, introduced Shannon Tillack, WWE engineer replacing Emily Becker, and provided a brief bio on Shannon. Shannon and Wayne summarized the meeting with USDA, Julie Scruby and Robert Scarpa, regarding changes and additions to the Town’s loan/grant application and responded to questions from Council members. A copy of the email from Julie Scruby was included in the Council packets. Changes included revising the proposed alternative cost opinions, recalculating the net present value of the cost opinions, revising Table 4, updating the EDU calculations, modifying the financial plan to not include additional income from additional taps and GOCO, calculating short lived assets and salvage value, updating the text of the PER to be consistent with the revised cost estimates, and incorporating the additional minor comments in the PER text. Per Julie Scruby’s request a revised PER reflecting these changes should be submitted to USDA as soon as possible.

Matt asked Wayne to provide an estimate of how much the work by WWE to make these changes would cost. Wayne stated it would be around \$3000.

Matias Cumsille made a motion to provide funding to WWE to update the USDA loan/grant application as required by USDA for an amount not to exceed \$3000. The motion was seconded by Lester Burch. A roll call vote was taken. Seven (7) in favor, zero (0) against; motion carried.

PARK UPDATE:

- **Grand Opening Event** - Matt updated Council on the planning status of the June 1st Park Grand Opening event and mentioned the final planning meeting is scheduled for May 28 at 6 p.m. at the Spur. Copies of the sponsorship levels and sponsor list with donations pledged to date were included in Council's packets. Shannon asked about the budget requested at the last Council meeting and Matt stated he was still gathering cost information about items needed. Shannon asked for a budget to be provided and Matt stated he would email an estimated one to the Council tomorrow (Friday). Matt also commented with the funds already pledged (\$ 4250 cash and \$ 240 gift certificates) he believed expenses would be covered and there would be extra money to put into the Parks and Rec Fund.
- **Fischer Work Remaining** – Matt presented an estimate (#953) from Fischer Enterprises for Park work remaining to be completed which includes fine grading and seeding of sledding hill, cutting trail on North end of park to Spruce Mountain Road, and building trail bridge across drainage swale. The estimate presented two options for straw blankets to cover the sledding hill. Mayor Been explained the difference and recommended the cheaper of the options.

A motion was made by Sandy McKeown and seconded by Matias Cumsille to approve Fischer Enterprises estimate #953 with option 1 for work to be completed in the Town Park in the amount of \$4155. A roll call vote was taken. Six (6) in favor, zero (0) against, one (1) abstention (Mayor Been); motion carried.

- **Trails Grant Stakeholders meeting** – Matt briefed Council on the May 8th Trails Grant Stakeholders meeting held by GOCO who was seeking input regarding the trails grant process used by Colorado State Parks and how GOCO could improve on that process. GOCO informed stakeholders that \$10 million dollars is available to be awarded for the new GOCO Trails grant program and the money would be split with one half, \$5 million, awarded in 2014 and one half, \$5 million, awarded in 2015. The grant award limit has been set at \$1 million per grant award meaning that a possibility exists for only five awards being made each year. Also noted, GOCO is looking for projects that are or will be shovel ready at time of award. Applications for 2014 will be available in November or December of 2013 with awards being announced in April 2014.
- **Sprinkler Systems On** – Matt announced the sprinkler systems in the Park have been activated and are working. Several heads had to be replaced.
- **Softball League** – Matt noted the first league games were played on May 14th and Mayor Been and Shannon Buss both commented on a successful opening of league play. Mayor Been commented the grandstands were 75% full and exciting finishes to both games with late inning rallies deciding the outcomes. Mayor

Been noted the scoreboard controller worked fine but was cumbersome to use and asked Council to consider purchasing a smaller, hand held controller. Council will take his request under consideration. Mayor Been also asked Council to consider acquiring a wireless microphone for the Town's speaker public address system to allow for freedom of movement around the ball field area and use at special events.

MINUTES: Regular Council meetings April 18th and May 2nd

Matt presented minutes from the April 18th and May 2nd Council meetings. Shannon Buss requested her question to DOLA's Clay Brown regarding any impact of offering economic development relief to developers on water and sewer tap fees and his response be added to the April 18th minutes narrative. Council deferred action on the April 18th minutes to the next Council meeting. Scotty Krob noted the attorney present at the May 2nd Council meeting was his son, Matthew, and request it be correctly reflected in the May 2nd minutes.

A motion was made by Matias Cumsille and seconded by Shannon Buss to approve the regular Council meeting minutes for May 2nd with corrections. A roll call vote was taken. Seven (7) in favor, zero (0) against; motion carried.

BILLS TO BE PAID: \$83,481.34

Matt presented bills to be paid in the amount of \$81,481.34. Shannon Buss questioned the partial payment of \$2500 to the Town's auditors Rubin Brown. Matt stated he believed partial payments were in the auditor's contract with Town but would confirm that tomorrow. Shannon stated she believed they should not be paid until their final report has been submitted and accepted by the Council. Council agreed to defer payment of the \$2500 to Rubin Brown pending verification of contractual obligation. Remaining bills to be paid total is \$80,981.34.

A motion was made by Matias Cumsille and seconded by Sandy McKeown to pay bills totaling \$80,981.34. A roll call vote was taken. Six (6) in favor, zero (0) against, one (1) abstention for bills paid to Fischer Enterprises (Mayor Been); motion carried.

Shannon Buss asked how payments for use of the Town's dump by non-residents of the Town are made to which Matt replied most pay by cash. Shannon then asked how the amount charged is determined to which Matt responded Town staff uses the per bag rate chart created by Mike Burhenn when he attempted to operate the dump facility for the Town. Matt also noted the payments are added to the petty cash held at Town Hall. Lester Burch stated non-residents should not be allowed to use the dump even for a fee. Following a short discussion Council agreed.

Lester Burch made a motion to restrict use of the Town's dump to residents with dump cards only. The motion was seconded by Matias Cumsille. A roll call vote was taken. Seven (7) in favor, zero (0) against; motion carried.

SEMOCOR REPORT: Paul Grant informed Council the tank cleaners were expected to start their cleaning on Monday, May 17th. Mayor Been requested to accompany Paul when he does his weekly checks on the spare parts inventory and asked what day the checks are normally done. Paul responded they are usually done on Tuesdays.

CONTINUING BUSINESS:

- **Report on May 8th follow-up meeting with Commissioner Partridge and County Administrator DeBord** – Mayor Been and Shannon Buss briefly discussed the follow-up meeting with Commissioner Partridge and County Administrator DeBord. Also attending the meeting from Douglas County were Holly Carrell, Planning, and Becky Nelson, Economic Development and representing the Town were Mayor Been, Shannon Buss, Scotty Krob, and Matt Krimmer. Action items from the previous meeting were reviewed. Current status of action items is as follows:

1. Waiver of building permit fees – BOCC public hearing held May 14 and OSI fees were waived. Joe Yavorski will be asked to present his request for tap fee reductions at the next Council meeting, June 6.

A follow on discussion regarding extension of building permit fee waivers was held. Council would like to have all fees waived by the County for the next three years and not have to make the request on a case by case basis.

A motion was made by Matias Cumsille and seconded by Shannon Buss to ask the Board of County Commissioners to waive building permit fees for all permit requests coming from the Town of Larkspur for a period of three years in order to stimulate growth and encourage economic development with the Town. A roll call vote was taken. Seven (7) in favor, zero (0) against; motion carried.

2. Road repaving partnership – County has offered to pave Spruce Mountain Road splitting the cost, \$160,000 – 170,000, approximately \$80,000 to the Town and allow the Town to make two payments to the County, one half this year and one half in 2014. County will prepare an IGA to cover this agreement for approval by May 28 in order for work to begin mid-June.

Shannon Buss made a motion to approve the offer from Douglas County to partner in repaving Spruce Mountain Road and to commit \$80,000 to be paid to the County in two installments, \$40,000 in 2013 and \$40,000 in 2014 upon approval of an IGA. The motion was seconded by Matias Cumsille. A roll call vote was taken. Seven (7) in favor, zero (0) against; motion carried.

3. Road surface maintenance and snow plowing – Mayor Been and Matt are looking for available property to accommodate a road maintenance site for the County in exchange for road maintenance and snow plowing services on paved roads in Town.
4. Property tax assessment adjustments – Requires individual requests to BOCC.
5. Property valuation reassessments – Requires individual appeals to County Assessor.
6. Sliver parcel transfers from County to Town – Subject land parcels are being researched by DC Planning.
7. Economic Development and Marketing Support – Becky Nelson is contacting State Office of ED for assistance with information on rural development and will contact and set up meetings with key

individuals. She is also working on setting a meeting with Frank Gray, CREDCO.

8. Scenic by-way designation - Becky will research this matter.

County Staff Contacts are as follow:

- ✓ Karl Lucero, Road Repaving
- ✓ Holly Carrell, Planning Department
- ✓ Korby Lintz, Building Department
- ✓ Rod Meredith, Road Maintenance
- ✓ Becky Nelson, Economic Development

Matt will work with each contact on related actions.

- **Girl Scout Project Recycling Proposal** – No follow up response has been received from Alexa Weber regarding this proposal.
- **Report on Auditors** – Matt commented the auditors concluded their work at Town Hall on Monday, May 15 and requested the Council meeting on June 20 to make their presentation of the audit report.
- **After Hours On Call Duty Phone** – Mayor Been is still researching information on phones and will discuss at next meeting.

LEGAL UPDATES:

1) Scotty Krob informed Council that PPW&S has decided to challenge the Exclusion Plan and offered to provide details to Council in executive session. Council deferred further discussion to a later time.

2) Scotty addressed the matter of challenging property taxes. He informed Council of not finding any precedence for a municipality or other governmental entity to initiate a class action suit on behalf of or with property owners. He also noted consulting with other municipal attorneys, CML, and the States attorney's office and was advised against pursuing such action. Following a short discussion Shannon Buss requested Scotty to go forward the steps for a class action against the County Assessor.

3) Regarding action on recreational marijuana the Town's Ordinance 6.23 placing a moratorium on issuance of licenses for any recreational marijuana related businesses is in effect and not set to expire until November 4, 2014. Therefore no action is necessary at this time.

4) In reviewing the Town's tax code regarding special events such as the Insanity Mud Run, Scotty determined a sales tax could not be applied to the registration fee for participants. He did note, however, an entertainment tax could be considered. Council decided not to pursue this at this time.

5) Scotty presented a draft letter to Security Surveillance Systems regarding the non-functional cameras at the dump. Upon review of the draft Council approved the letter.

NEW BUSINESS: None.

MANAGERS REPORT:

- Matt informed Council of the Womens Crisis Center bike ride taking place on May 18th and coming through the Town.

- Matt also informed Council that Becky Mobley will be on vacation May 23-29 and Sharon Roman will be off May 30-31.
- Matt presented bids from Angry Squirrel and Affordable Tree Care to remove a dead tree in the Town Park and several trees behind the maintenance building to include removal of wood chips. The bid from Angry Squirrel was one half the bid from Affordable Tree Care. Mayor Been will check with the fire department regarding wood chips sprayed on the ground and/or removal.

Matias Cumsille made a motion to approve the bid from Angry Squirrel to remove the dead tree in Town Park and five small trees behind the maintenance building at the Town's maintenance yard including chipping and removal, if needed, for a cost not to exceed \$725. The motion was seconded by Lester Burch. A roll call vote was taken. Seven (7) in favor, zero (0) against; motion carried.

Florence Burch informed Council of a tree and several bushes that posed a potential fire hazard near Columbine and Curtis Streets. Mayor Been and councilmember Cumsille will check it out and report back to Council.

- Matt presented a quote from Trusted Consulting Group (TCG) regarding software licenses for Business Outlook installed on the Town computers noting the town does not have correct licensing for the software and is using the software illegally. This was discovered when the new HP computer was installed. TCG is recommending purchase of five (5) licenses, one for the new computer and one for each of the three computers we have plus a spare license in the event a fifth computer is acquired. Following a discussion regarding being in violation of using proprietary software and information received from Attorney Scott Krob and Council Member Matias Cumsille, Council concluded no licenses would be purchased. Matt recommended purchasing one license for the new HP computer since it did not have the Outlook software on it.

A motion was made by Shannon Buss and seconded by Jennelle VanGorder to approve purchase of one software license for Business Outlook software for \$284.21 to be installed on the new HP computer. A roll call vote was taken. Seven (7) in favor, zero (0) against; motion carried.

COUNCIL COMMENTS: Shannon asked Matt if there was any news on changing CDOT's electronic sign from Tomah Road to Larkspur. Matt said it was still on his list of action items but not a high priority at this time. There were no other Council comments.

MAYORS COMMENTS:

- Mayor Been informed Council he was getting information on acquiring 2x2x6 concrete blocks to build bays in the maintenance yard for storing gravel, salt and sand, road base, red breeze, wood chips, etc. Mayor Been estimated a need for 50-75 blocks at approximately \$43/block not included loading and unloading costs. Matias asked the Mayor to provide a total cost proposal for the next Council meeting.

ADJOURN: Matias Cumsille made a motion to adjourn the regular Council meeting. Lester Burch seconded the motion. Motion carried by unanimous voice vote. Mayor Been adjourned the Council meeting at 8:20 PM.

Respectfully submitted,
Matt Krimmer
Town Clerk/Manager

These minutes are only a summary of the proceedings of the meeting. They are not intended to be comprehensive or to include each statement, person speaking or to portray with complete accuracy. The most accurate record of the meeting is the audiotape of the meeting, maintained in the office of the Town Clerk.