



**TOWN OF LARKSPUR
MINUTES OF THE
REGULAR COUNCIL MEETING
August 15th, 2013
6PM
Town Hall**

MEETING CALLED TO ORDER: Mayor Gerry Been called the meeting to order at 6:03 PM.

ROLL CALL:

PRESENT	ABSENT	NON-VOTING
Jennelle VanGorder		Town Attorney- Scotty 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, Gary Abel, Kristin Cutbirth, Paul Grant, Marvin Cardenas, Lois Wymore, James McVaney, Matthew Krob, Sgt. Chris Washburn

UNSCHEDULED PUBLIC APPEARANCES:

Sergeant Chris Washburn from the DC Sheriff’s Office stated there were no major crimes to report in the area and asked if anyone had any questions or concerns. There were none.

James McVaney commented on the resubmittal of petitions to the Town Clerk to amend Ordinance 6.23 to change the moratorium expiration date and to present a draft Ordinance 6.24 enacting procedures to regulate the growth, sale, and distribution of recreational marijuana in the Town. Matt Krimmer handed James a copy of a letter sent to Michelle Burhenn earlier today addressing the inadequacy of these petitions and rejecting them for any further action. James noted he disagreed with the Town Attorney’s interpretation of Amendment 64 and stated further action would be forthcoming.

SCHEDULED PUBLIC APPEARANCES:

Marvin Cardenas, Property Exchange Proposal – On behalf of Marvin Cardenas, Shannon Buss presented a proposal offering six plus acres of land on the east side of Plum Creek to the Town in exchange for two 1 inch water taps valued at \$16,000 each. Shannon cited the Council’s previous action of reducing tap fees by \$25,000 each for Joe Yavorski’s planned new buildings in exchange for flood plain property on the east side of Plum Creek as a factor in making this proposal. Shannon noted the acreage being offered was more than what Joe Yavorski offered and the request is for two, one inch taps as

opposed to the two inch taps required by Joe. Following a brief discussion Council tabled action on this item to the next meeting to give them time to evaluate the offer.

NEW WELL PROJECT: Matt informed Council all submissions to USDA Rural Water and the State Revolving Fund have been completed and are in process. He also informed Council the application review date for the State Revolving Fund has been changed from August 23 to October 4.

PARK UPDATE:

- **Vandalism/Rewards** - Matt informed Council of the latest vandalism in the Park where the two spot light fixtures for the flags on the Community Park pole were broken off at the base along with all the solar lights on the fence posts at the driveway and pathway entrances. Matt noted that Mayor Been and he are exploring options to protect the lights and that they will not be replaced until a solution has been found and agreed upon by Council. Matt proposed Council consider offering a reward of up to \$250 to anyone reporting vandalism anywhere in Town where the vandals are apprehended and convicted.

A motion was made by Matias Cumsille and seconded by Joseph Jeske to offer a reward of \$250 to anyone reporting vandalism in the Town where the vandals are identified, apprehended, and convicted and/or made to pay restitution for damages. A roll call vote was taken. Seven (7) in favor, zero (0) against; motion carried.

- **Memorial Tree** - Matt informed Council of the donation of a memorial tree for the Park from an out of state relative of an 18 year old girl killed in an automobile accident last year in Nebraska. The young lady's family still lives in the Larkspur area, loves our Community Park, and requested a living memorial for her. Dana Fuller selected and purchased the tree and along with Matt identified an area behind the ball field backstop where it has been planted. The donor, Mike Zimmerman, is having a memorial plaque made to place on a boulder next to the tree.

BILLS TO BE PAID: \$48,363.99 + 193.85 = \$48,557.84

Matt presented bills to be paid in the amount of \$48,557.84 which included \$193.85 mileage reimbursement to Mayor Been. **A motion was made by Matias Cumsille and seconded by Lester Burch to approve bills totaling \$48,557.84. A roll call vote was taken. Seven (7) in favor, zero (0) against, one (1) abstention for Fischer Enterprises invoices by Mayor Been; motion carried.**

MINUTES: August 1, 2013

Matt presented minutes for the August 1, 2013 Council meeting for approval. Two minor corrections on page three under "Continuing Business" were noted by Mayor Been.

A motion was made by Sandy McKeown to approve the Council meeting minutes of August 1, 2013 with corrections. Lester Burch seconded the motion. A roll call vote was taken. Five (5) in favor, zero (0) against, two (2) abstentions (Sandy McKeown, Matias Cumsille); motion carried.

SEMOCOR REPORT: Paul Grant informed Council he was still waiting for competitive bidding regarding the cleaning of the upper and lower tanks. Mayor Been

informed Council the lift station pumps tripped twice during the CRF and he met with John Leary from Excel Pump Services and Pete Dunbar from PD Electric to diagnose the problem. Conclusion reached is the pumps are old and single phase power is not sufficient. It was suggested to upgrade to three phase power as soon as possible. Mayor Been requested a meeting with Paul as soon as possible to discuss this matter. They agreed to meet tomorrow.

CONTINUING BUSINESS:

- **Economic Development** - Shannon Buss informed Council information received from Navpoint Realty is that bids have been made on the north end properties at Upper Lake Gulch Road by a developer with an expected closing date sometime in September. Proposed uses include a truck stop and small retail businesses on five or six pad sites.
- **Town Hall Update, Edge Building** – Discussion on this topic was deferred to the end of the meeting in order to hold an executive session.
- **Farmers Flea Market update** – Shannon reported there were seven vendors at the first market held on August 10 and that 14-16 vendors were expected for the market on August 17.
- **Autumn Harvest and Craft Fest update** – Planning is well underway and advertising is being distributed.
- **Dump Security Camera update** – Joe Yavorksi and his IT technician inspected the cameras and the network and concluded the best solution would be to eliminate the internet as the connectivity between the cameras and the Town Hall computers and use microwave towers transmitting directly between the maintenance yard and Town Hall. Joe will have his technician provide a report on their findings with recommendations.

LEGAL UPDATES:

- **Perry Park Water and Sanitation Settlement** – Discussion on this topic was deferred to the Executive Session to be held at the end of the regular Council meeting.
- **Federation Water Replacement** – Scotty Krob stated he was still in discussion with the Federations water attorney and a reasonable feasible solution to finding replacement water for water taken from irrigation well has not surfaced. Council discussed a number of ideas none of which appeared very plausible. Scotty will continue working with the Federations attorney to identify and present a solution.

NEW BUSINESS:

- **Trash Facility Ordinance, Rules, & Regulations** – Matt informed Council of issues occurring this week regarding use of the dump and allowable items for disposal. Upon researching the Town's Ordinances, 4.13 and 4.14 and the Dump Rules and Regulations, Matt concluded there were no clear rules regarding use of the dump. Matt distributed copies of Ordinances 4.13 and 4.14 along with the Dump Rules and Regulations and asked Council to review the

documents and provide comments/feedback to clarify and firm up the guidelines and rules in order to create a new Ordinance.

- **Gravel Road Maintenance** – Matt presented bids from Douglas County Asphalt, Inc. and Fischer Enterprises to blade and grade the gravel roads. Bid metrics used were different and an appropriate cost comparison could not be made. Matt was directed to have Fischer Enterprises restate his bid using the metrics used by DC Asphalt.

MANAGERS REPORT: Matt reminded Council of the Senior Initiative Listening Tour at the fire station on Friday, August 23 at 12 noon. He also informed Council that the maintenance man, Jerry Perkins, has been on bereavement leave August 13-15 and will have one more day on August 21.

COUNCIL COMMENTS: **Shannon Buss** 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 to complete. **Joseph Jeske** asked about hanging the American Flag in Town Hall and Matt stated a wall mount has been purchased and he would have the maintenance man hang it before the next meeting. **Lester Burch** asked the Council members to think about why they are here and their responsibility to the Town's electors. **Matias Cumsille** requested the topic of Planning for Saving Money in Next Year's Budget be included on the agenda for the next meeting. There were no other Council comments.

MAYORS COMMENTS: **Mayor Been** reported he served as a judge at the County Fair for the BBQ cook off contest and had a great time tasting some interesting food.

EXECUTIVE SESSION:

Matias Cumsille made a motion to open an Executive Session. The motion was seconded by Joseph Jeske. A roll call vote was taken. Seven (7) in favor, zero (0) against; motion carried.

Scotty Krob declared entry into Executive Session at 7:30 p.m. Topics discussed in Executive Session included a proposal for a new Town Hall and PPW&S exclusion negotiations including alluvial well access rights. Additional information is to be gathered regarding the new Town Hall proposal and an on-site meeting at Upper Lake Gulch Road with the PPW&S attorney and Town representatives will be scheduled as soon as possible. Executive Session ended at 8:13 p.m.

ADJOURN: Lester Burch made a motion to adjourn the regular Council meeting. Matias Cumsille seconded the motion. Motion carried by unanimous voice vote. Mayor Been adjourned the Council meeting at 8:14 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.