



**TOWN OF LARKSPUR
MINUTES OF THE
REGULAR COUNCIL MEETING
AUGUST 21, 2014
6:00 P.M.
New Town Hall**

MEETING CALLED TO ORDER: Mayor Gerry Been called the meeting to order at 6:00 PM.

ROLL CALL:

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

OTHER ATTENDEES: Florence Burch, Kristine Cutbirth, Janet Been, Vernice and James Fesing, Ann and Stan Trueblood, James McVaney, Deputy Sheriff Tommy Barella

PLEDGE OF ALLEGIANCE: Recited.

I. UNSCHEDULED PUBLIC APPEARANCES: Tommy Barella – New Watch Commander – Douglas County Sheriff – The Renfest went smooth for the patrol. Sandy mentioned that there was a report of a break-in around the new town hall building. The Mayor said that it was the alarm to the storage shed and when he got there was an officer was already on the scene. Nothing was taken and the door may have been accidently left open.

Vernice Fesing – Vernice stated she volunteered for the August 9th Karaoke event and it went really well and the Town made money. She did not know how much. She mentioned that the Town should have a protocol for Town fundraisers and that there should be receipts for people who make donations and for the Town to keep track of it. Matias inquired as to what happened with the fundraising portion of the event to require a better protocol. Vernice stated there was no accountability for handling of money. Matias also inquired about what procedures were being used. Sandy clarified with Vernice if her idea of protocol would be to have a representative of the Town present with a receipt book keeping track of the monies/donations and giving receipts. Matt Krimmer asked if a volunteer committee had been formed to conduct the event and if so, did they create some kind of procedure? Vernice stated a committee made up of Mayor Been, Janet Been, Sara Lucasi, and herself was set up and that certain people were assigned different tasks. Sara and Vernice did the donations. Vernice offered that

the handling of the monies was discussed beforehand but without a protocol accountability could not be verified.

Mayor Been said that there were some issues that needed to be worked out and suggested Matt and the committee sit down and talk about it to have a report prepared for the next council meeting. The Mayor mentioned that the committee had not met since the August 9th Karaoke event. Matias asked if there needed to be some sort of investigation.

Janet Been mentioned she thought Vernice was upset because Janet collected the money and took the cash box home because the other committee members stayed and continued to party in the Park. Gerry had an event the next day and when he came home we counted all the money out and then called Sara and gave her a preliminary report. Since then, Gerry has been working on an audit of donations received, how much they were, who they were from, what the proceeds were, how much money was spent on advertising, the banner, and karaoke.

Matias stated that the problem is there were no receipts for incoming cash donations. Raffle tickets were sold for a dollar. Donations from stores were mostly gift cards and/or certificates. Mayor Been offered to provide the list of donors for the event.

Matias mentioned that the Town should have a receipt book or ledger to keep track of all incoming funds. Matt mentioned that receipts usually are not written for small donations under \$5.00 unless someone asks for one for tax purposes. We typically do write receipts for donations over \$5.00. Janet offered that they did have receipts for anyone that asked for one.

Sandy suggested that for counting money there should be one representative from the Town, one committee member who isn't involved with the Town council, and any neutral person available.

Matias asked that this issue be put on the next agenda. Mayor Been suggested that a meeting be scheduled with all the volunteers. Matias asked for direction from the Town Attorney, Scott Krob. Scotty suggested a meeting first be held with the karaoke committee and then event protocols be put in place. He suggested that we have some policies established in writing. Joe Jeske mentioned that the Town's finance people always suggest that when money is being exchanged there is always be a backup person on hand.

Janet Been – Thanked all the people that worked on the karaoke event including the volunteers that were not on the committee.

Kristine Cutbirth – Her church had a picnic in the park on Sunday and many people complimented on how beautiful the park is. However, it's very upsetting when you look across the street and see empty lots with weeds knee high. Kristine

wanted to know why we are not enforcing the Ordinance requiring people to keep their weeds cut down. We need to clean up this Town. Matt Krimmer mentioned that the Town Ordinance only requires us to enforce it for noxious weeds. We looked at the Ordinance three years ago and it was very specific as to what weeds needed to be cut. Matias mentioned that one of the lots is his. Matt asked Scott Krob if we could send a friendly letter to the other owners of the lots and suggest they mow their lots. The Council suggested maybe they need to pass a new Ordinance. Scott Krob mentioned that the Municipal Code book already states it is the duty of property owner to keep their lots cut.

II. SCHEDULED PUBLIC APPEARANCES:

- a. American Federation – Minor Subdivision** – On behalf of the Federation Matt requested that Council pass a motion to set a public hearing date for the subdivision proposal.

Joseph Jeske made a motion which was seconded by Lester Burch to set a public hearing date of September 4th, 2014. A roll call vote was taken. Four (4) in favor, zero (0) against, two (2) abstentions (Sandy McKeown, Matias Cumsille); motion carried.

- b. Truebloods – Continuation of the request by Stan Trueblood for a tap credit.** Ann Trueblood stated their request was to get reimbursed for the sewer line they had installed from the fire house up to the mobile home park. Scott Krob asked Ann if the line was put in at the request of the town or if it was done on your own? Ann responded that it was a suggestion from Tom Burnett, the town engineer at the time. Scott Krob asked if there was a reimbursement agreement made. Ann said “No” and stated that it’s in the ordinance. Krob asked what ordinance she was referring to. Ann said either 5.09 or 5.19, she wasn’t sure and pg.3 §3.5 was cited by Ann Trueblood. **Scott Krob ---**“ I can’t give you an answer tonight, but it looks like that line was put in – in 1984 and the sheet that you gave us indicates that as well. Ordinance 5.19 wasn’t adopted and didn’t become effective until 1988. So it would’ve been governed by an ordinance that came before 5.19 and the heading of 5.19 says that it repealed and superceded 5.01 through 5.08. There are 8 ordinances that I really don’t want to take the council’s time to look through tonight. Becky and I just looked at some of them and we’ll have to see what the Ordinance that was in effect in 1984 says. Sorry I don’t have any answer for you, but we’ll have it for you the next meeting”.

III. NEW WELL PROJECT:

Grading Contract –

The Grading contract has been completed and is essentially closed. A 5% contingency fee is being withheld as agreed to in the contract in the event they need to come back and take care of any deficiencies.

Drilling Contract – Drilling work has been completed. Payroll verification with contractor is in process right now and we are having some difficulties getting the

right information from the contractor regarding the employees that were on the job site. Once that is verified we will send it on to CDPHE for their approval.

Revised Project Budget – Everything in the revised budget remains current pending other work that’s ongoing which may be needed.

Pipeline Route Change - We are awaiting a survey from Archer and Associates. The route has been marked, but the survey points have not been identified. As soon as we have that we will begin negotiations with the property owners on easement agreements for the pipeline.

Water Quality Test Results – Matt reported that tests came back which showed exceeding standard levels for radium, iron, and manganese. We’ve had several meeting with CDPHE to address the issues. We met with their Hazardous Waste Material personnel and they offered suggestions, etc...the bottom line is that there are no standards set by CDPHE and because the money CDPHE gets comes from the Federal Government CDPHE is obligated to comply with Federal Standards. The issue here is that the standards that CDPHE and Federal government have set are unsubstantiated. They are based on preliminary analysis and feedback from a number of wells throughout the country where mineral content exceeded certain contaminant levels. As a result they just chose acceptable standard levels they thought were reasonable and continue to monitor data coming back from various municipalities and agencies throughout the country and then adjust the standards up or down from that data. It’s a subjective process right now and since we are locked in with Federal dollars through the State there is no way we can avoid the issue. Based on that we had a follow-up meeting with Wright Water and they proposed doing a pilot study on the contaminant removal and hazardous waste disposal.

No one in the country has undertaken a pilot study for radium removal and residual disposal. When we researched this we found Illinois has significantly higher levels of radium around the Rockford area (12.5 above standard) and the eastern St. Louis area (6.1 above standard). For the last several years they have been under cease and desist orders by the Federal Government and there are two other towns in Illinois who said “too bad” and are continuing to serve the public and do the best they can to reduce the radium levels and get rid of the containments. So far there have been no complaints from their residents.

Castle Rock is in the same position as we are and they had this issue with CDPHE 2 years ago. They chose to enter into a long term agreement where they can continue to generate water and provide it to their residents, but are being required to monitor it. They were given a 10 year grace period. So they have the next 10 years to provide water to their public, during which they collect and provide data to CDPHE and the Federal Government. Then CDPHE and the Federal Government will take that information and data, reanalyze it and make a determination as to whether it’s acceptable. Castle Rocks radium level is close to ours however they are only doing data collection. By taking on this pilot study

we will be the first municipality in the country to pilot this whole process and if our pilot study proves successful this will be a real feather in our cap for the Town of Larkspur. If it's not successful we haven't lost anything. My recommendation is to go forward with the Pilot Study. A proposal from Wright Water is in your packet and I am still negotiating with them. In the original proposal we were planning to put the residuals into the sewer, but CDPHE will not allow us to do it. Hopefully this pilot study will identify other processes to do that.

Mayor Been added that Wright Water is pretty positive that we can remain on schedule with the pilot study and not really back up our timeline much.

Ann Trueblood asked about cost. Wright Water has estimated the cost of the Pilot Study to be about \$23,000.00, which still falls within our current budget range. We can modify that using the contingency funds established in the original budget. We are not going to seek additional money from other state agencies at this time. CDPHE has offered additional funding if we need it.

The other proposal from Wright Water has to do with the easement for the new pipeline route which relates to having to supplement the Environmental Assessment and the PER.

NEW TOWN HALL – We are still making some minor changes and taking care of a few maintenance issues. Town staff moved here this week. We still have files and other materials down in the old town hall annex. We will be working down there and pulling out files that can be destroyed in accordance with the retention schedule. Once that is totally cleaned up the old Town Hall building will be available for meetings and other things. A meeting has been scheduled with the Director of the Douglas County Libraries to come down and look at the building. They were very enthusiastic of making it a part-time library.

TOWN PARK UPDATE – Water spigots – we did get piping coverage for the “Bill Lucero” spigot however the spigot was pulled out of the ground and was laying there. It's been put in the storage and Arlen will reinstall it. The other spigot by the ball park bleachers was run over and repaired by Bill Fischer. The cost was \$553.00.

BILLS TO PAY – **Matias Cumsille made a motion to approve expenses from the General Fund in the amount of \$24,181.72. Joe Jeske seconded the motion. A roll call vote was taken. Five (5) in favor, zero (0) against, one (1) abstention for Fischer Enterprises invoices (Gerry Been), motion carried.**

Matias Cumsille made a motion to approve the expenditures from the Water & Sewer Fund of \$11,810.16. Joseph Jeske seconded the motion. A roll call vote was taken. Six (6) in favor, zero (0) against; motion carried.

SEMOCOR – Lower gate PRV doesn't function correctly and it is in the plan to fix or replace it when the new waterline is installed.

CONTINUING BUSINESS – Raising the water rates – Is still high on the list of action items and even more so now that we are approaching these next phases of the water project.

LEGAL UPDATES – Marijuana Petition Legislation - Scott Krob addressed the issue of what if marijuana proponents want to file another petition this year – could they do so – and is there anything to restrict them from coming back year after year? There is nothing in Colorado statutes to keep them from coming back each year. That’s the rule in most states with regards to co- initiatives or referendums. There are minority states, I think 5 or 6, where they do say if it’s the same topic or substantially the same topic, then in the previous year – you have to wait 2 years. I don’t know if there is any interest any place in Colorado or other towns in Colorado that are seeing the same level of interest in having some kind of a legislative fix, but I can check to see what the other states have done. Lester added he would like to know what the other towns are going to do. Scotty will send out an inquiry.

Matias asked if there any way to work the laws so that it’s nearly impossible to submit a petition? Scott replied you can re-zone, but you can’t zone to the point to exclude it. They had a test case where they tried to zone out adult entertainment facilities and said that you can only put them industrial types of zoned areas.

NEW BUSINESS – The county commissioners would like to schedule another meeting with our Town council. They offered two dates – September 25th and October 6th. They would like to do the dinner somewhere here in Larkspur.

MANAGERS REPORT –

The Auditors will be making their report to the council on September 18th.

Matt would like to plan a budget workshop and is suggesting early October for the meeting. The Council agreed to the second Thursday in October.

Park shelter panels are very cumbersome to put up and take down and Matt would like to research alternative options.

Reminder that Town Hall is going to be closed on Labor Day.

Matt requested a Public Hearing be set for the Federation Subdivision on September 4th. **A motion was made by Joseph Jeske and seconded by Lester Burch to set a public hearing on the AFHR Subdivision request on September 4th at 5:30 p.m. at Town Hall. A roll call vote was taken. Four (4) in favor, zero (0) against, two (2) abstentions (Matias Cumsille, Sandy McKeown); motion carried.**

Official Posting Board has been moved from the Old Town Hall to the New Town Hall and is to the left of the front door at the top of the handicap ramp. Matt will draft a resolution to make it official and present it to the Council for approval at the next meeting.

Planning Commission Group – This group will be working on the Master Plan for the town because it hasn't be updated in 10 years. Only two volunteers have expressed an interest in participating. We will advertise for more volunteers for this group again.

COUNCIL COMMENTS:

Matias Cumsille - Remind Ian Steyn of his commitment to pay the balance of \$200,000 per the annexation agreement.

Speed limit signs – Matt will be using vacation time in October to attend an exhibition and seminar on traffic signage and traffic control. It's in Wisconsin and less than a mile from where he grew up.

Vendors in the Park – no one has signed up to date.

Has OSI paid anything on their water and sewer taps? They have not to date.

Commercial Properties have been added to the website.

CDBG Funds – I think we should participate with them again. The county's demographics are different than the towns.

Sandy McKeown – What is the status of the towing business? Matt – they're up and running. The JLM Building has been taken over by Pure Essentials – Mayor Been – we should spotlight them in the newsletter.

The new business in the cottage building is a medical reclamation office. They dispose of medical waste, but it's only their administrative office in the building.

MAYORS COMMENTS

I made my comments during the Karaoke discussion.

ADJOURN

A motion was made by Matias Cumsille and seconded by Joe Jeske to adjourn the meeting. Motion carried by unanimous voice vote 6-0-0 and Mayor Been adjourned the Council meeting at 7:45 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 digital recording of the meeting, maintained in the office of the Town Clerk.