



**TOWN OF LARKSPUR
MINUTES OF THE
REGULAR COUNCIL MEETING
SEPTEMBER 4, 2014
TOWN HALL
8720 SPRUCE MOUNTAIN ROAD**

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

ROLL CALL:	PRESENT	ABSENT
Jeremiah Holmes	x	
Jennelle VanGorder	x	
Lester Burch	x	
Sandy McKeown	x	
Joseph Jeske	x	
Mayor Pro-tem Matias Cumsille	x	
Mayor Gerry Been	x	

NON-VOTING

Town Attorney- Scott Krob
Town Manager- Matt Krimmer

PLEDGE OF ALLEGIANCE: Recited at preceding Public Hearing

OTHER ATTENDEES: Kristin Cutbirth, Becky Voth, Florence Burch, Janet Been, James & Vernice Fesing, Myrna Been, Tony Perconti, Paul Erickson, Paul Grant, Kathleen Williams, Peggy Whalen, Beverly O'Donnell

UNSCHEDULED PUBLIC APPEARANCES:

Kristin Cutbirth – The bathrooms in this facility (new Town Hall) are not handicapped. Matt – It's on the list of work still to be done. Kristin – we also need benches outside for the elderly. Matt – It's not in our budget but we can look into it for next year.

Becky Voth – I'm interested in knowing where we stand on the marijuana issue. Just wondering if it comes up again how the council will handle it? Matt – Ideas were discussed at the last meeting to see if an ordinance could be put in place or find a statute to reduce or minimize having it recur as an item for the Town. Scott Krob – Initiatives are brought to the Town Council by way of a citizen petition and right now there is no limit on how many times a petition can be submitted. There are some states that once an initiative is denied won't allow it back for 2 or 3 years. I am consulting with other attorneys in Colorado to see what, if anything, we can do.

Beverly O'Donnell – Are there any incentives for opening a new business? Matt – the Town is offering incentives on waiving building permit fees and offering sales tax share backs. There are also other options like water & sewer tap reductions.

SCHEDULED PUBLIC APPEARANCES:

Vernice Fesing – Karaoke – Informed Council she was very upset with how funds were handled by Mayor Been during and after the Karaoke event that she considered filing a recall on the Mayor. Vernice stated she wanted accountability and a protocol for handling event funds. Councilmembers Sandy McKeown and Matias Cumsille noted they reviewed all the receipts for expenditures and they checked out 100%. Silent auction and raffle ticket receipts were few however. Matias added “I did not see any money stolen in what I reviewed. Some things are inconclusive, but on the table there is no evidence that Gerry took any money.” Sandy commented an audit could be done or the Mayor could be censured by the Council. Vernice stated a recall could cost the Town a lot of money and she did not want to go there. Mayor Been stated “I’ll make it real easy for you Vernice. I did nothing malicious at all so I will make a motion to censure myself and I apologize to everybody. Does the Council have any discussion on that?” Matias said he would like to hear what the audience has to say. Myrna Been – “I think the biggest shock is that the Council didn’t know that a committee had been formed for the Karaoke event.”

Mayor Been made a motion to censor himself for the actions taken at the Karaoke event and taking the receipts home to his private address after the event was over. Joe Jeske seconded the Motion. A roll call vote was taken. Six (6) in favor, zero (0) against, one (1) abstention (Mayor Been); motion carried.

NEW TOWN HALL: The new Town Hall sign has been ordered and it will have the Town logo on it. The Council had mentioned an electronic sign in the past and based on pricing determined it is not in the budget for this year. Fire chief Jamie Bumgarner informed the Town Manager that the LFPD received a grant to put up an electronic sign and asked if the Town would be interested in partnering with them because they would be willing to donate the grant money to put up an electronic sign at Town Hall. The grant amount is \$12,000.00. Sandy asked if is this something they want to use to advertise on? Matt stated if they have a high fire danger they could utilize the sign for that purpose, and yes they would like to utilize the sign for Fire Department events as well. Matt will follow up with LFPD.

Walkways and Handicap Parking – Matt stated we have to put some handicap parking pads in and repair the handicap ramp on the west end. We have a concrete contractor coming out next week to give us some bids.

NEW WELL PROJECT: Work on the amendments to the preliminary engineering report and the environmental report is being done by Wright Water. The cost for the amendments is \$22,000.00. We also have a proposal from Wright Water to do the Pilot Study. Mayor Been commented the Pilot Study is going to tell how to treat and dispose of the radium. The drillers left the site grading and drainage in rough shape and we are holding them accountable to get that corrected. We did have a meeting with IREA on

August 19th concerning the power to the site. The overhead power (temporary) was approximately \$90,000.00 and the underground power source was going to be \$130,000.00. These are rough estimates based on what they observed at the site.

TOWN PARK UPDATE: Requests have been received from folks that want to play soccer on the ball field. The field was designed to allow for that. We are in need of two soccer goals. The pricing for two soccer nets is \$1300.00 and Matt asked for approval to purchase the soccer nets.

A motion was made by Sandy McKeown to approve \$1300.00 for two soccer nets. Mayor Been seconded the motion. A roll call vote was taken. Seven (7) in favor, zero (0) against; motion carried.

CONTINUING BUSINESS: Update on trail – we partnered with the County on grant funding to continue our trail work and were awarded \$200,000 between the Town and the County. The County is revisiting whether or not they want to accept their portion of the award because they feel they didn't want to have to deal with the conditions of the award. It's a lot like dealing with CDPHE with the procedures and paperwork. Matt told the County we want to keep our portion and if there is way to retain all of the grant money from the grant agency we will try to do that.

Semocor Monitoring Well Updates – Semocor met with the State on requirements for new monitoring wells. The monitoring wells have to be drilled by the end of September. Semocor and Wright Water are contacting companies to see if they can do this type of work and meet our deadline. We have one estimate of \$4800.00.

Directional Signs – The signs are being made by Town of Castle Rock sign shop and will be located at Upper Lake Gulch and Spruce Mountain Road.

Speed Limit Signs – We need to consider where the solar powered signs should be installed.

Water Rate Increases – Mayor – we are going to have to address this before the beginning of the year.

Budget Planning – We had a budget retreat last year. The auditors are going to be presenting their report next month on October 18th. After that we will schedule a meeting with Vince to start working on the initial draft of the budget and then schedule the retreat.

Newsletter – A town business will be featured every month. This month features the new business Pure Essentials. Newsletters are available here at Town Hall and on our website.

Autumn Harvest Craft Fest – coming up this weekend in the park from 9:00 a.m. to 4:00 p.m. The Chamber doubled the amount of vendors this year.

LEGAL UPDATES: Scott Krob – A housekeeping update – an Ordinance has been drafted that says all Public Notices will now be posted at the new Town Hall.

Matias Cumsille made a motion to approve Ordinance 1.17, an Ordinance official designating the Town Hall at 8720 Spruce Mountain Road as the official site for posting public notices. The motion was seconded by Sandy McKeown. A roll call vote was taken. Seven (7) in favor, zero (0) against; motion carried.

Trueblood – Reimbursement Request – At the last meeting the Truebloods made a request for a tap and indicated that they should be reimbursed for a waterline they had installed in 1984. Based on Ordinance 5.19 and the brief memo handed out explaining the Ordinance they were relying on wasn't adopted until 1987. Ordinance 5.19 listed a bunch of other ordinances that took the place of or were repealed. Following extensive research another Ordinance could not be found showing entitlement to reimbursement. A decision from council is needed in getting this information back to the Truebloods. Mayor Been suggested this Memo be forwarded to them and give them the opportunity of responding to it.

For Your Information - A lawsuit was brought to the Town by McDivitt Law for an I-25 accident on June 7th, 2014 caused by a deer. Krob Law Offices sent a letter back that politely states there is no basis for them to file suit against the Town and the insurance carrier was also notified.

NEW BUSINESS: The Fence Dump – the bears are just wreaking havoc with the fence. Do we need to electrify it? Jeremiah Holmes stated – “you can hotwire the fence with a timer set to off when most people are not at the dump.” Mayor Been added- the Game Warden said until we find a way to eliminate the food source, we would continue to have the problem. If anybody is willing to offer their services to help us with this problem they are more than welcome. Jeremiah – I've seen dumpsters with lids on top that latch.

Sample Sign – This is a sign that is being proposed by NavPointe that is marketing the property at Upper Lake Gulch. They want to park a trailer and put the sign on the side of the trailer at Upper Lake Gulch; however, the sign would be in violation of Town Ordinance 3.68. We just need to give them the okay to do a sign like this. **Matias Cumsille made a motion to make an exception to the banner ordinance for Nav Pointe for one year and allow a sign up to 40 ft. Lester Burch seconded the motion. A roll call vote was taken. Seven (7) in favor, zero (0) against; motion carried.**

MANAGERS REPORT:

Upcoming Events:

Wacky Bike Ride – Sunday, September 7th

MS Muck Fest – Saturday, September 13th

Wildlander – Saturday, 27th

Larkspur Elementary School PTO Fall Festival – October 25th

Scott Krob – Requested the Town designate his associate, Dan Krob, as Town Attorney. **Matias Cumsille made a motion to appoint and approve Dan Krob to be the Town Attorney replacing Scott Krob effective immediately. Sandy McKeown seconded the motion. A roll call vote was taken. Seven (7) in favor, zero (0) against; motion carried.**

COUNCIL COMMENTS:

Jennelle – When I drive by early in the morning I notice lights on, is that the plan. **Matt** – yes the Sheriff’s department suggested that we leave a light on in the building overnight.

Sandy – What’s going on with Ian Steyn? **Matt** – Ian is going to make an alternative proposal to payment of the \$200,000.00 he owes the Town. He’s not trying to get out of paying it, but he wants to come up with a long term plan of paying it off in conjunction with some development plans. **Matias** – what if he doesn’t pay by December 31st?

Scotty – I’ll have to go back and look at the agreement. **Mayor Been** – he needs to put his plan together and come to us with something. **Matt**- as a courtesy I will continue to remind him that he needs to follow through!

MAYORS COMMENTS:

Mayor – When Vigil’s went out of business they left their business sign up. I think when a business goes out of business they should have to take their sign down. **Matt** – I think the property owner should be responsible. **Scotty** – You should read the sign code. **Matt** – It doesn’t address that. **Scotty** – then we could add something to the Ordinance. **Matt** – Could we send the property owner a letter? **Scotty** – sure you can send it to them now. If that doesn’t work then we can adopt an Ordinance. What about the sign at the Corner Market? **Matt** -They regularly put it up and take it down.

The **North Pavilion** by the fire pit needs 2 or 3 loads of gravel under each of the roofs to build it up and improve drainage to reduce pooling of water.

A motion was made by Matias Cumsille and seconded by Jennelle VanGorder to adjourn the meeting. Motion carried by unanimous voice vote 7-0-0 and Mayor Been adjourned the Council meeting at 8:35 p.m.

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.