

**MINUTES OF THE REGULAR MEETING OF THE  
FAIRPLAY BOARD OF TRUSTEES  
February 1, 2010**

**CALL TO ORDER REGULAR MEETING OF THE BOARD OF TRUSTEES**

The regular meeting of the Board of Trustees for the Town of Fairplay was called to order at 7:00 p.m. in the Council Chambers located in the Fairplay Town Hall, 400 Front Street, by Mayor Fred Boyce. Following the pledge of allegiance, roll call was answered by Trustees Greg Johnson, Keith Wortman, Gabby Lane and John Deagan. Also in attendance were Police Chief Dave Gottschalk, Public Works Director Jeff Goble, Town Attorney Lee Phillips, Town Treasurer Donna Murray and Town Administrator/Clerk Tina Darrah.

**AGENDA ADOPTION**

**Motion #1** by Trustee Deagan, seconded by Trustee Wortman, that the agenda be adopted with the following amendments:

- *Addition of Presentation from Jeff Spohn, Colorado Division of Wildlife, in Regards to the Fairplay Beach after Citizen Comments and before Unfinished Business.*
- *Addition of a discussion with representatives of the School District in regards to a GOCO grant under Other New Business.*

Motion carried unanimously.

**APPROVAL OF MINUTES –**

**Regular Meeting – January 11, 2010**

**Motion #2** by Trustee Johnson, seconded by Trustee Deagan, that the minutes of January 11, 2010 be approved as presented. Motion carried unanimously.

**APPROVAL OF EXPENDITURES – Approval of bills of various Town Funds**

**Motion #3** by Trustee Deagan, seconded by Trustee Lane, that the expenditures be approved in the amount of \$10,076.88.

Several questions were asked in regards to various bills with no withdrawn bills.

**A roll call vote was taken:** Wortman – yes, Deagan – yes, Boyce – yes, Lane – yes, Johnson – yes. Motion carried unanimously.

**CITIZEN COMMENT**

Marie Chisholm offered statement explaining that she is working on a grant for Park County for \$300,000 for overlay of the bike path between Fairplay and Alma and that she would like a letter of support from the Town of Fairplay to attach to the grant application. The Board approved the request for a letter of support and directed staff to work with Ms. Chisholm on the letter.

Sylvia Wortman, 202 Main Street, offered comment asking the Board to act cautiously in regards to the regulations for Medical Marijuana Dispensaries and requesting that the Board extend the moratorium rather than pursue regulations until the state legislature has had time to act on this issue.

James Callender, 780 Crawford Lane, offered comment asking the Board to consider saying “no” to any more medical marijuana dispensaries in Fairplay.

**PRESENTATION**

Jeff Spohn, Colorado Division of Wildlife Aquatic Manager for the Fairplay Region, offered a presentation and handout in regards to the 2009 DOW Creel Survey conducted at the Fairplay Beach in June, July and August of 2009. He noted that there were 2650 fisherman at the beach those months and \$9,300 worth of fish stocked in the pond at that time. He further noted that 75% of the people surveyed were happy with

their experience at the beach. Some discussion took place in regards to the need for a dredging project at the beach wherein it was noted by Mr. Spohn that this is not a critical project and that he recommended that we use this year to plan the project to be implemented in either 2011 or 2012.

### **UNFINISHED BUSINESS**

Should the Board Approve Adoption of Ordinance No. 2, series of 2009, entitled, "A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory in the County of Park, and More Particularly Described in Attached Exhibit A (Silverheels Market Property)."?

**Motion #4** by Mayor Boyce, seconded by Trustee Lane, that the Board table Ordinance No. 2, series of 2009, entitled, "**A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory in the County of Park, and More Particularly Described in Attached Exhibit A (Silverheels Market Property).**", until the regularly scheduled meeting of March 1, 2010. Motion carried unanimously.

### Other Pending Matters

No other pending matters.

### **NEW BUSINESS**

Eric Earnest of CNG with an update on the Town of Fairplay Natural Gas Franchise agreement and request for extension of agreement.

Eric Earnest of Colorado Natural Gas explained that the natural gas system targeted to be completed by December 1, 2009 has been delayed to the following two factors: 1) CNG has not obtained the USFS land use permit required for the section of land at the top of Hoosier Pass (they hope to receive it this spring) and 2) CNG was notified that Xcel Energy that they will not be able to supply CNG with the requested gas load to serve the Town of Fairplay in the requested timeframe. He noted that they are working with Xcel and that they should have this in place by 2013. As such, the requested extension date for the construction completion date in the franchise agreement is December 31, 2013.

**Motion #5** by Trustee Deagan, seconded by Trustee Lane, that the staff be directed to work with CNG on a revised Franchise Agreement with an extended deadline of December 31, 2013. Motion carried unanimously.

Trustee Johnson asked about the possibility of placing other utility lines – such as irrigation water – in the trenches used for the natural gas pipeline. Mr. Earnest was amenable to that possibility. Mr. Earnest noted that CNG would bear the cost for the revised franchise agreement and asked for a letter of support from the Town to Xcel Energy. He agreed to send a draft letter for staff to review.

Should the Board Approve Adoption of Ordinance No. 01 series of 2010 entitled, 'AN ORDINANCE AMENDING THE FAIRPLAY MUNICIPAL CODE BY THE ADDITION OF A NEW ARTICLE 4 OF CHAPTER 6 ENTITLED MEDICAL MARIJUANA DISPENSARIES.'?

Town Attorney Phillips and Town Administrator Darrah offered staff comments requesting that the Board table this item due to various regulating bills being presented to the state legislature at this time in regards to medical marijuana dispensaries. A brief discussion ensued in regards to the bills being presented and whether or not the Town should wait to adopt its own regulations.

**Motion # 6** by Trustee Deagan, seconded by Mayor Boyce, that the Board table Ordinance No. 01 series of 2010 entitled, "**AN ORDINANCE AMENDING THE FAIRPLAY MUNICIPAL CODE BY THE ADDITION OF A NEW ARTICLE 4 OF CHAPTER 6 ENTITLED MEDICAL MARIJUANA DISPENSARIES.**", until a later meeting date. Motion carried with four ayes and one nay.

Should the Board Approve Adoption of Ordinance No. 02 series of 2010 entitled, "AN EMERGENCY ORDINANCE EXTENDING A TEMPORARY MORATORIUM ON THE PROCESSING AND APPROVAL OF ANY APPLICATION FOR A TOWN OF FAIRPLAY PERMIT OR LICENSE RELATED TO THE OPERATION OF A BUSINESS THAT SELLS MEDICAL MARIJUANA."?

**Motion # 7** by Trustee Deagan, seconded by Trustee Wortman, that the Board approve adoption of Ordinance No. 02 series of 2010 entitled, "**AN EMERGENCY ORDINANCE EXTENDING A TEMPORARY MORATORIUM ON THE PROCESSING AND APPROVAL OF ANY APPLICATION FOR A TOWN OF FAIRPLAY PERMIT OR LICENSE RELATED TO THE OPERATION OF A BUSINESS THAT SELLS**

**MEDICAL MARIJUANA.**", with the amendment that the moratorium be extended for 90 days rather than 30 days. Motion carried unanimously.

Should the Board Approve Adoption of Resolution No. 04, series of 2010, entitled "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO AUTHORIZING THE EXECUTION OF A CONTRACT WITH HAHN WATER RESOURCES, LLC FOR WELL FIELD HYDROLOGICAL SERVICES." ?

A brief staff comment was offered by Public Works Director Goble explaining that Mr. Hahn has been working for the Town for quite some time and that this agreement formalizes those services. He offered a recommendation of approval.

**Motion # 8** by Mayor Boyce, seconded by Trustee Lane, that the Board approve adoption of Resolution No. 04, series of 2010, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO AUTHORIZING THE EXECUTION OF A CONTRACT WITH HAHN WATER RESOURCES, LLC FOR WELL FIELD HYDROLOGICAL SERVICES.**" A roll call vote was taken: Wortman – yes, Deagan – yes, Boyce – yes, Lane – yes, Johnson – yes. Motion carried unanimously.

Should the Board Approve Adoption of Resolution No. 05, series of 2010, entitled "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF A CONTRACT WITH ACORN PETROLEUM, INC. FOR PROVIDING BULK FUEL EQUIPMENT AND SERVICES TO THE TOWN OF FAIRPLAY."?

Staff comment was offered by Public Works Director Goble explaining that this resolution would allow the Town to have vehicle and equipment at the Town Shop saving the Town money in fuel costs. Discussion ensued in regards to other potential providers of this same service and the need for comparison quotes.

**Motion # 9** by Mayor Boyce, seconded by Trustee Johnson, to table Resolution No. 05, series of 2010, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF A CONTRACT WITH ACORN PETROLEUM, INC. FOR PROVIDING BULK FUEL EQUIPMENT AND SERVICES TO THE TOWN OF FAIRPLAY.**", until March 1, 2010 to allow time for staff to pursue comparison quotes. Motion carried unanimously.

Should the Board Approve Renewal of a Tavern Liquor License as Requested by American Legion Post 172 located at 601/603 Clark Street?

Staff comment was offered by Town Administrator/Clerk Darrah stating that the application was remitted in a timely manner, all fees were paid, and the renewal was approved by the Police Department.

**Motion # 10** by Trustee Deagan, seconded by Trustee Lane, that the Board approve the application for renewal of a Tavern Liquor License as applied for by the American Legion Post, South Park Post No. 172 located at 601/603 Clark Street in Fairplay. Motion carried unanimously.

#### Other New Business

#### Discussion with Representatives of the School District in regards to a GOCO Grant

Staff comment was offered by Town Administrator Darrah explaining that she had been approached that day by representatives of the School District in regards to the property in the Fairplay Spur adjacent to the land being purchased by the School District as part of the BEST grant. She explained that this 12 acres is an integral part of the long range recreation plan for the School District, however, they cannot purchase it under the BEST grant program and as such, they have requested that the Town partner with them in the purchase of this land. She explained that the request is for the Town to apply for a GOCO grant to purchase the property with the School District completing the grant paperwork. She stated that the grant is for \$151K – with a \$50K matching funds need, which the School District will be responsible for raising. She noted that the Town will own the land and lease it back to the District, but that GOCO grants generally stipulate that no indoor facilities can be built on the open space for at least 25 years, which is of some concern due to future growth potential. It was further stated that the grant is due March 2<sup>nd</sup> and a draft due to GOCO by February 19<sup>th</sup> for initial review to determine necessary changes in the final draft. She also noted that the intended purpose of the land would be for regulation sized high school baseball field. Ms. Darrah noted the following points to be addressed: need for a master recreation plan with the Town/School/Rec District, maintenance, liability, cost of improvements/responsibility for those costs and ownership of the improvements.

Charles Schultz spoke on behalf of the school district and further explained the BEST grant and the need for the GOCO grant. After a lengthy discussion the Board agreed to move forward with the sponsorship of the GOCO grant and asked Mr. Schultz to bring a draft of the grant to the next meeting for further discussion.

Mayor and Trustee Reports

Trustee Deagan offered a brief report noting that he is on the design advisory group for the new school and that they recently took a trip to view a school that was built by the same architect and general contractor and one that is currently being built by the same general contractor as will be used at Fairplay's new school. He noted that they were very impressive.

Trustee Lane noted that the Town's Marketing Advisory Group would be having a meeting Wednesday, February 3, 2010.

Mayor Boyce reminded the Board about the Mardi Gras fundraising dinner on Saturday, February 20<sup>th</sup>, hosted by the Fairplay Foundation at the American Legion.

**ADJOURNMENT**

Mayor Boyce, noting that there being no further business before the Board, declared that the meeting be adjourned at 8:45 p.m.

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Fred Boyce, Mayor

ATTEST:

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Tina Darrah, Town Clerk