

**MINUTES OF THE REGULAR MEETING OF THE  
FAIRPLAY BOARD OF TRUSTEES  
April 5, 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, Gabby Lane, Keith Wortman, and John Deagan. Also in attendance were Police Chief Dave Gottschalk, Public Works Director Jeff Goble, Town Attorney Lee Phillips, Administrative Assistant Jeni Friedrich Town Treasurer Donna Murray and Town Administrator/Clerk Tina Darrah.

**AGENDA ADOPTION**

**Motion #1** by Trustee Johnson, seconded by Trustee Deagan, that the agenda be adopted as presented. Motion carried unanimously.

**CONSENT AGENDA** (The Consent Agenda is intended to allow the Board to spend its time on more complex items. These items are generally perceived as non-controversial and can be approved by a single motion. The public or the Board Members may ask that an item be removed from the Consent Agenda for individual consideration.)

**A. APPROVAL OF MINUTES**

**1. March 15, 2010**

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

A brief staff comment was offered by Treasurer Murray noting that the amount of the bills had been reduced by \$130.00 due to an error on the bill from the Town Planner. She noted that the total bills were now \$81,792.11.

**C. Should the Board Approve An Application for Change of Trade Name on Liquor License as Applied for by Old Red Barn located at 456 Front Street, Fairplay, Colorado?**

**D. Should the Board Approve the Renewal of a Tavern Liquor License as Applied for by McCall Enterprises dba McCall's located at 511 Front Street?**

**E. Should the Board Approve the Renewal of an Hotel and Restaurant Liquor License as Applied for by TAKA Sushi Inc. dba Millonzi's Deli and Restaurant located at 501 Front Street?**

**Motion #2** by Mayor Boyce, seconded by Trustee Deagan, that the consent agenda be adopted as amended. A roll call vote was taken: Wortman – yes, Johnson – yes, Deagan – yes, Boyce – yes, Lane – yes. Motion carried unanimously.

**PRESENTATION – MIKE JOFFE, SOUTH PARK RECREATION DISTRICT**

Mike Joffe, South Park Recreation District Board member and Designated Elected Official, offered a presentation to the Board explaining the reason behind the district's placement of a mill levy increase on the ballot and encouraging the Town Board to support the measure. He explained that the two mill levy increase would be used for operating and capital improvement funds. He explained that May 4 is the election date and that it will be a mail in ballot election. He further noted that the district will be conducting campaign efforts prior to the election and soliciting letters of support.

**CITIZEN COMMENT**

None offered.

**PUBLIC HEARINGS:**

Should the Board Approve Adoption of Ordinance No. 3, series of 2010, entitled, "AN ORDINANCE OF THE TOWN OF FAIRPLAY, COLORADO, AMENDING CHAPTER 16 OF THE FAIRPLAY MUNICIPAL CODE BY ADDING PARAGRAPH 16-18-40(4)(j) RELATING TO SIGNS."?

Mayor Boyce opened the Public Hearing at 7:14 p.m. and requested staff comment which was offered by Public Works Director Goble stating that the purpose of this ordinance is to add a paragraph to the residential section of the sign code to allow churches, non-profits, and other community service organizations to install signs larger than the current four square feet permitted now. He explained that it would allow for signs up to 20 square feet for advertising events and other information to the public.

Mayor Boyce requested public comment in favor of or in opposition to the passage of Ordinance No. 3, 2010.

Public comment was offered by Marie Chisholm stating that the Town has done nothing but fight over the sign code. She stated that that every time someone complains the Town changes the code and urged the Board to keep it the same. She asked why they keep changing the code.

A brief discussion ensued among the Board members with input from the staff in regards to how the change to the code would affect existing signs, churches and the American Legion.

Mayor Boyce closed the hearing at 7:18 p.m.

**Motion #3** by Trustee Lane, seconded by Trustee Johnson, that the Board should approve adoption of Ordinance No. 3, series of 2010, entitled, "**AN ORDINANCE OF THE TOWN OF FAIRPLAY, COLORADO, AMENDING CHAPTER 16 OF THE FAIRPLAY MUNICIPAL CODE BY ADDING PARAGRAPH 16-18-40(4)(j) RELATING TO SIGNS.**" A roll call vote was taken: Wortman – yes, Johnson – yes, Deagan – yes, Boyce – yes, Lane – yes. Motion carried unanimously.

Should the Board Approve Adoption of Ordinance No. 4, series of 2010, entitled, "AN ORDINANCE ADDING A NEW ARTICLE X, TO CHAPTER 18 OF THE FAIRPLAY MUNICIPAL CODE RELATING TO FLOOD DAMAGE PREVENTION, AND REPEALING IN ITS ENTIRETY ARTICLE XXIV OF CHAPTER 16 OF THE FAIRPLAY MUNICIPAL CODE."?

Mayor Boyce opened the Public Hearing at 7:19 p.m. and requested staff comment which was offered by Public Works Director Goble stating that the Town, as a participant in the National Flood Insurance Program, is required to adopt this ordinance that will amend the maps showing the designated Flood Plain in Fairplay. He noted that there are no platted lots in the Town of Fairplay that are affected by the flood plain. He further noted that the ordinance also moves the Flood Plain Regulations from Chapter 16, Zoning and places them in Chapter 18, Building Regulations.

Mayor Boyce requested public comment in favor of or in opposition to the passage of Ordinance No. 4, 2010. No public comments offered.

A brief discussion ensued among the Board members with input from Trustee Deagan in regards to many changes that he thought could be made to streamline the ordinance and make it more applicable to the Town.

**Motion #4** by Trustee Lane, seconded by Trustee Johnson, that the Board should continue the public hearing to consider adoption of Ordinance No. 4, series of 2010, entitled, "**AN ORDINANCE ADDING A NEW ARTICLE X, TO CHAPTER 18 OF THE FAIRPLAY MUNICIPAL CODE RELATING TO FLOOD DAMAGE PREVENTION, AND REPEALING IN ITS ENTIRETY ARTICLE XXIV OF CHAPTER 16 OF THE FAIRPLAY MUNICIPAL CODE.**" until the next regularly scheduled meeting of April 19, 2010, to

allow Public Works Director Goble and Town Attorney Phillips time to review per Trustee Deagan's suggestions. A roll call vote was taken: Wortman – yes, Johnson – yes, Deagan – yes, Boyce – yes, Lane – yes. Motion carried unanimously.

Should the Board Approve a New Hotel and Restaurant Liquor License as Applied for by Fairplay – Valiton Hotel, LLC, for the Property located at 501 Main Street in Fairplay?

Mayor Boyce opened the Public Hearing at 7:23 p.m. and requested staff comment which was offered by Town Administrator Darrah who read a brief opening statement stating jurisdiction and outlining procedures for the public hearing. Town Administrator/ Clerk Darrah offered a staff comment stating that the application before them was from Constance Tiel for a Hotel and Restaurant Retail Liquor License at the Fairplay –Valiton Hotel located at 501 Main Street. Ms. Darrah went through the staff investigation and findings, ending with a recommendation of approval. She noted that the public notices were done in accordance with State Statutes and the municipal code and that no remonstrance's had been filed.

Mayor Boyce requested public comment in favor of or in opposition to the application.

Mayor Boyce closed the hearing at 7:29 p.m.

**Motion #5** by Mayor Boyce, seconded by Trustee Lane, that the Board should approve the Hotel and Restaurant Retail Liquor License as Applied for by Fairplay – Valiton Hotel, LLC, for the property located at 501 Main Street in Fairplay. A roll call vote was taken: Wortman – yes, Johnson – yes, Deagan – yes, Boyce – yes, Lane – yes. Motion carried unanimously.

Should the Board Approve Adoption of Resolution No. 13, 2010, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF AN ENHANCED SALES TAX INCENTIVE PROGRAM (ESTIP) AGREEMENT BETWEEN THE TOWN AND FAIRPLAY-VALITON HOTEL, LLC FOR THE FAIRPLAY HOTEL PROJECT."?

Mayor Boyce opened the Public Hearing at 7:29 p.m. and requested staff comment which was offered by Town Administrator Darrah stating that this public hearing was on the ESTIP agreement applied for by Constance Tiel for the Fairplay-Valiton Hotel. She explained that the agreement as proposed would allow the applicant to receive 50% of the town collected sales tax for the next five years or up to \$61,000 – whichever comes first. She noted that the agreement was approved by the Town's legal counsel.

Mayor Boyce requested public comment in favor of or in opposition to the application.

Mayor Boyce closed the hearing at 7:33 p.m.

A brief discussion ensued among the Board during which several Trustees stated their appreciation for Ms. Tiel's investment in Fairplay and offered their support for this ESTIP Agreement.

**Motion #6** by Trustee Lane, seconded by Trustee Deagan, that the Board should Approve Adoption of Resolution No. 13, 2010, entitled, "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF AN ENHANCED SALES TAX INCENTIVE PROGRAM (ESTIP) AGREEMENT BETWEEN THE TOWN AND FAIRPLAY-VALITON HOTEL, LLC FOR THE FAIRPLAY HOTEL PROJECT.**" A roll call vote was taken: Wortman – yes, Johnson – yes, Deagan – yes, Boyce – yes, Lane – yes. Motion carried unanimously.

Should the Board Approve Adoption of Resolution No. 14, 2010, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF AN ENHANCED SALES TAX INCENTIVE PROGRAM (ESTIP) AGREEMENT BETWEEN THE TOWN AND HEART OF THE MATTER MASSAGE THERAPY FOR THE HEART OF THE MATTER PROJECT."?

Mayor Boyce opened the Public Hearing at 7:35 p.m. and requested staff comment which was offered by Town Administrator Darrah stating that this public hearing was on the ESTIP agreement applied for by Suzanna Jacobsen for the Heart of the Matter Massage Therapy Center. She explained that the agreement as proposed would allow the applicant to receive 50% of the town collected sales tax for the next five years or up to \$5,000 – whichever comes first. She noted that the agreement was approved by the Town's legal counsel.

Mayor Boyce requested public comment in favor of or in opposition to the application.

Mayor Boyce closed the hearing at 7:37 p.m.

A brief Board discussion took place during which the Board noted that they were very glad to see smaller businesses in Fairplay taking advantage of the ESTIP program.

**Motion #7** by Trustee Lane, seconded by Trustee Deagan, that the Board should Approve Adoption of Resolution No. 14, 2010, entitled, "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF AN ENHANCED SALES TAX INCENTIVE PROGRAM (ESTIP) AGREEMENT BETWEEN THE TOWN AND HEART OF THE MATTER MASSAGE THERAPY FOR THE HEART OF THE MATTER PROJECT.**" A roll call vote was taken: Wortman – yes, Johnson – yes, Deagan – yes, Boyce – yes, Lane – yes. Motion carried unanimously.

### **UNFINISHED BUSINESS**

#### Other Pending Matters

None offered.

### **NEW BUSINESS**

Should the Board Approve Adoption of Resolution No. 15 , 2010, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO AUTHORIZING THE EXECUTION OF AN EASEMENT AGREEMENT BETWEEN THE TOWN OF FAIRPLAY AND INTERMOUNTAIN RURAL ELECTRIC ASSOCIATION (IREA) FOR THE PROPERTY ADDRESSED AS 1190 CR 16 AND KNOWN AS THE PUBLIC WORKS SHOP."?

Staff comment was offered by Town Administrator Darrah explaining that this easement request is to allow a larger easement on the south side of the land housing the Public Works Shop. She explained that the total easement would be 75' wide with only 24' of that easement being on the Town property and the remaining easement on adjacent properties.

Bill Schroeder, Manager of Public Affairs for IREA, offered comment in regards to the need for the widened easement to allow for the larger electric transmission line.

The Board briefly discussed the requested easement asking for clarification of placement and staff recommendations.

**Motion #8** by Trustee Lane, seconded by Trustee Wortman, that, pending review and approval by the Town Attorney, the Board approve adoption of Resolution No. 15 , 2010, entitled, "**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO AUTHORIZING THE EXECUTION OF AN EASEMENT AGREEMENT BETWEEN THE TOWN OF FAIRPLAY AND INTERMOUNTAIN RURAL ELECTRIC ASSOCIATION (IREA) FOR THE PROPERTY ADDRESSED AS 1190 CR 16 AND KNOWN AS THE PUBLIC WORKS SHOP.**" A roll call vote was taken: Wortman – yes, Johnson – yes, Deagan – yes, Boyce – yes, Lane – yes. Motion carried unanimously.

Discussion Regarding Easement Agreement with IREA in Beaver Meadows

Staff comment was offered by both Town Administrator Darrah and Town Attorney Phillips, noting that this item is for discussion only and only in regards to the easement agreement. It was stated that the easement agreement will necessarily be preceded by a public hearing at the next meeting to amend the Beaver Meadows PUD to allow electric transmission lines as a use by right on the affected parcels. Ms. Darrah noted that this easement agreement, if approved, will mandate that the existing easement through the Beaver Meadows Subdivision be abandoned upon completion of the new line. She asked if the Board had any questions in regards to the easement agreement specifically. It was noted by several Board members that this easement is the same that had been previously discussed and reviewed at a site visit.

Town Logo and Tagline Discussion/Determination

Staff comment was offered by Administrative Assistant Friedrich informing the Board that the Town's logo competition had been very well-received with over thirty entries and explaining that the entrants had been judged first by the Marketing Work Group, who had chosen a top five and then offered to the attendees at the Chamber Mixer on March 24<sup>th</sup> an opportunity to vote. She noted that the clear winner from these different venues was by Scott Bullock. She also noted that the marketing work group reviewed over 100 different tag lines for the Town and that the most popular ended up being: "Where History Meets the High Country".

The Board discussed the submissions and reviewed the top five logos and tag lines, ultimately choosing the oval shaped logo by Scott Bullock and the tag line as stated above.

Other New Business

None offered.

Mayor and Trustee Reports

Mayor Boyce inquired about the status of the wayfinding signs. It was noted by staff that the request for proposals would be distributed upon receipt of the new logo.

Trustee Wortman stated that he was very glad to see new businesses moving to Fairplay.

Trustee Deagan offered a brief report on the design of the new school, stating that the design is on hold pending completion of soil testing at the building site.

Trustee Lane offered a brief report on the marketing work group.

Trustee Johnson thanked the marketing work group for what they have done so far with the logo and tagline contest and the great turn out at the chamber mixer. He also noted that he would be attending a transportation symposium with focus on rural transportation systems later in the month.

**ADJOURNMENT**

Mayor Boyce, noting that there being no further business before the Board, declared that the meeting be adjourned at 8:07 p.m.

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Fred Boyce, Mayor

ATTEST:

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Tina Darrah, Town Clerk