

**MINUTES OF THE REGULAR MEETING OF THE  
FAIRPLAY BOARD OF TRUSTEES  
July 12, 2010**

**CALL TO ORDER WORK SESSION OF THE BOARD OF TRUSTEES**

A work session of the Board of Trustees for the Town of Fairplay was called to order at 6:00 p.m. in the Council Chambers located in the Fairplay Town Hall, 400 Front Street, by Mayor Fred Boyce. Those present included Trustees Greg Johnson and Gabby Lane. Also in attendance were Public Works Director Jeff Goble, Police Chief Gottschalk and Town Administrator/Clerk Tina Darrah.

**Discussion Regarding Various Employee Benefit Package Components**

Discussion centered on the decision as to whether or not to continue to provide health coverage to employees at the current level - with the Town paying 100% of the cost for employees and dependents versus requiring employees to contribute a portion of the cost. It was noted that a nine percent increase had been quoted to continue coverage at the current level with Rocky Mountain Health Plans. Consensus of the Board was that the Town should continue coverage at current levels as this benefit is considered a great retainment and recruitment tool of the Town. Staff was directed to place the health coverage renewal on the next agenda for approval and to include quotes on chiropractic care. Discussion also took place in regards to the Town's current dental plan with staff recommending this coverage be purchased through Delta Dental rather than AIG. Staff was directed to bring back cost comparisons for the dental, life and long-term disability plans with AIG versus other companies as soon as possible. A brief discussion also took place in regards to offering town employees a retirement plan, during which it was agreed that staff would bring this back for discussion at a later date with more information.

**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 Jimi Callender, Greg Johnson, Gabby Lane, and John Deagan. Also in attendance were Public Works Director Jeff Goble, Town Treasurer Donna Murray and Town Administrator/Clerk Tina Darrah.

**AGENDA ADOPTION**

**Motion #1** by Trustee Deagan, seconded by Trustee Lane, 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 – June 21, 2010**
- B. **APPROVAL OF EXPENDITURES – Approval of bills of various Town Funds**

**Motion #2** by Mayor Boyce, seconded by Trustee Callender, that the consent agenda be adopted as amended with bills in the amount of \$23,611.40. A roll call vote was taken: Callender – yes, Johnson – yes, Deagan – yes, Boyce – yes, Lane – yes. Motion carried unanimously.

**CITIZEN COMMENT:**

Julie Bullock, 601 Bogue St., spoke on behalf of the Burro Days Committee, thanking the Board and Staff for their help and funding of the Burro Days event and noting that the Fairplay Hotel has agreed to host a band Saturday night as a fundraiser for the Burro Days Scholarship Fund. Ms. Bullock asked the Board if they would be willing to offer a donation to help pay for the band. Some discussion also ensued in regards to various food vendor issues that had arisen again this year with the Park County Environmental Health Department.

**Motion #3** by Trustee Johnson, seconded by Mayor Boyce, that the Town donate \$200.00 to help defray the costs of the band on Saturday night of Burro Days for the scholarship fundraiser. A roll call vote was taken: Callender – yes, Johnson – yes, Deagan – yes, Boyce – yes, Lane – yes. Motion carried unanimously.

**PUBLIC HEARINGS:**

- A. Should the Board Approve a Special Event Liquor License as Applied for by South Park Sertoma for a Beer Garden at 500 Front Street to be held in conjunction with Burro Days, July 24 and 25, 2010, from the hours of 9:00 a.m. – 6:00 p.m.?

Mayor Boyce opened the public hearing at 7:18 p.m. and offered a brief opening statement stating jurisdiction and outlining procedures for the public hearing. Mayor Boyce then asked for staff comment which was offered by Ms. Darrah, stating that the application was complete and timely, all fees had been paid, and that as required, the property was posted with notice of the public hearing. She further stated that no remonstrance's had been filed at the Town Hall and that the Police Chief had no issues with the request. She further offered a staff recommendation of approval.

Mayor Boyce then asked the applicant for comment. The applicant was not present.

Mayor Boyce asked for public comment in opposition to the application: none offered.

Mayor Boyce asked for public comment in favor of the application: None offered.

Mayor Boyce closed the public hearing at 7: 22 p.m.

**Motion #4** by Trustee Deagan, seconded by Trustee Lane, to approve the special event liquor license as applied for by South Park Sertoma for an event to be held on July 24 and 25 at 500 Front Street. Motion carried unanimously.

**UNFINISHED BUSINESS****Medical Marijuana Centers Update**

Town Attorney Phillips offered the Board a brief update on Medical Marijuana Centers, Cultivation Operations and Infused Operations, explaining the latest legislation passed by the state. Attorney Phillips revisited the history in Colorado since adoption of Amendment 20 up to the adoption of House Bill 1284 which became law on July 1, 2010. He explained that HB1284 created three new classes of medical marijuana uses: the center, the grow operation and the infused products operation. He further explained that the Board had the following options: prohibition by either the Board of Trustees or the electorate, enactment of regulations stricter than HB1284 or follow the regulations being put in place by the Department of Revenue in conformance with HB1284.

Discussion ensued in regards to whether or not this item should be placed on the ballot, what the Department of Revenue was going to enact and when, and what the state legislature might do to change the regulations on medical marijuana in the 2011 session. Consensus of the Board after much discussion was to not put this on the ballot at this time, but to have staff prepare fact/talking points for the Board so that they could discuss with and educate the public to gain educated and quality input about this issue before taking action. It was further noted by Attorney Phillips that the Town had no medical marijuana centers in legal operation and that under the new regulations passed by the Department of Revenue, no applications could be filed until July 2011 - even if the Board did nothing at this point.

**Other Pending Matters**

None offered.

**NEW BUSINESS****Discussion Regarding Request for Change to 500 foot limit Around Schools for Liquor License Approval**

Staff report was offered by Town Administrator Darrah explaining that she had recently been approached by Linda Watson of Beary Beary Tastee Bakery and Cafe who inquired about obtaining a liquor license for her establishment. She explained that they spoke briefly about this and the statute that prohibits the Town acting upon any application received for a liquor license that is within 500 feet of a school (C.R.S. 12-47-313 (d) (I)). Ms. Darrah explained that this can be waived per state statute which reads:

*C.R.S. 12-47-313 (d)(III) The local licensing authority of any city and county, by rule or regulation, the governing body of any other municipality, by ordinance, and the governing body of any other county, by*

*resolution, may eliminate or reduce the distance restrictions imposed by this paragraph (d) for any class of license, or may eliminate one or more types of schools or campuses from the application of any distance restriction established by or pursuant to this paragraph (d).*

Ms. Darrah went on to report that she had spoken to Becky Minnis, the new Superintendent at the school, and asked for her input and that she bring this to the school board for their input. She noted that meeting was taking place that evening. Ms. Darrah concluded her staff report by noting that while it is clear that the Board can consider this type of legislation, she recommended caution in the types of licenses the waiver would allow, suggesting that it be open only to certain classes of licenses – those that require on site food sales, such as Beer and Wine and/or Hotel and Restaurant licenses. She further noted she had been informed by Police Chief Gottschalk that George at the Brown Burro would also be interested in seeing this legislation pass as he may be interested in obtaining a liquor license for his establishment.

Discussion ensued among the Board with input from Town Attorney Phillips and Town Administrator Darrah after which the Board directed staff to draft an ordinance for review at their next meeting that would eliminate the 500 foot limit for certain types of licenses as described above.

#### Discussion Regarding Request for Change to ESTIP Requirements

Staff report was offered by Town Administrator Darrah explaining that she had received an ESTIP application from Jake at Even in the End Liquor Store. She explained that approximately two years ago Jake had made numerous improvements to his business that made him eligible for the ESTIP program and that several Trustees encouraged him at that time and after to apply for the program. She stated that while she had received the application; the Town's ESTIP ordinance clearly states that the program is for improvements within the preceding 12 months:

#### *Sec. 4-7-40. Participation.*

*Participation in ESTIP shall be based upon approval by the Board of Trustees, exercising its legislative discretion in good faith. Any owner or proprietor of a newly established or proposed retail sales tax-generating business or location, or the owner or proprietor of an existing retail sales tax-generating business or location which wishes to expand substantially or has expanded substantially in the twelve (12) months preceding the application for ESTIP participation, may apply to the Town for inclusion within the ESTIP, provided that the new or expanded business is reasonably likely to generate enhanced sales taxes of at least one thousand dollars (\$1,000.00) in the first year of operation. (Ord. 2008-03A)*

Discussion ensued in regards to various ways that the code could be changed to allow the Board to accommodate Even in the End wherein staff was directed to draft a code change that would allow the Board to review applications received after the 12 month deadline if extenuating circumstances were in existence that prevented the submittal or review of an ESTIP application.

#### Discussion Regarding Conservation Trust Fund Grant with Park County

Staff report was offered by Town Administrator Darrah explaining that she had been approached by Kathy Boyce recently who informed her that the County would be accepting conservation trust fund grants up to \$25,000 this fall for recreation/outdoor projects. She explained that she would like to apply for this grant to place a staircase from Front Street down to the Beach area, noting that she had spoken to Public Works, Dale Fitting and Gary Nichols, whom are all supportive of the project. She noted that she would have a lot of preliminary work to do, including working with Dale in regards to access – the Town does have a right of way at the site – but it may need to be adjusted as the Hotel is encroaching on it. She stated that if the Board was in agreement with the project, she would move forward in gathering prices and dealing with the land/right of way issue. She concluded by stating that she thought this access would go a long way in creating better flow between this great recreational area and the Town's shopping district.

Trustee Johnson had several questions in regards to maintenance and design. Ms. Darrah explained that at this point she had not completed all necessary research because she had not had the Board's blessing to move forward. The Board offered consensus to move forward with the grant application.

#### Other New Business

No other new business.

MAYOR AND TRUSTEE REPORTS

Trustee Johnson asked for a date to be set for the Board Retreat – the Board decided on August 27, 2010. He also asked the Board about their interest in a grant from the Governor's Energy Office that would be designed to help the business community with energy conservation. After a brief discussion the Board concurred that Trustee Johnson should pursue this grant if possible.

Trustee Callender spoke briefly about the CML Conference, noting that he had attended numerous great seminars and met many vendors and companies that may be of benefit to the Town in the future.

Trustee Deagan noted that he had asked staff to produce a letter stating the Town's concerns in regards to changes to traffic flow at the school as proposed by the architects working on the new school project.

Trustee Lane thanked all those that had participated in the 4<sup>th</sup> of July and a Ladies Run event, noting that next year is the 25<sup>th</sup> anniversary of Ladies Run.

Mayor Boyce, noting that there being no further business before the Board, declared that the meeting be adjourned at 8:22 p.m.

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Fred Boyce, Mayor

ATTEST:

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Tina Darrah, Town Clerk