

**MINUTES OF THE REGULAR MEETING OF THE  
FAIRPLAY BOARD OF TRUSTEES  
July 19, 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, and John Deagan. Also in attendance were Public Works Director Jeff Goble, Town Attorney Lee Phillips, Police Chief Dave Gottschalk and Town Administrator/Clerk Tina Darrah. Trustee Jimi Callender absent.

**AGENDA ADOPTION**

**Motion #1** by Trustee Deagan, seconded by Mayor Boyce, that the agenda be adopted as presented. Motion carried unanimously. (Trustee Callender absent.)

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

**Motion #2** by Mayor Boyce, seconded by Trustee Deagan, that the consent agenda be adopted as amended with bills in the amount of \$5,623.19. A roll call vote was taken: Johnson – yes, Deagan – yes, Boyce – yes, Lane – yes. Motion carried unanimously. (Trustee Callender absent.)

**CITIZEN COMMENT:**

Foss Smith and Fred Depenbrock offered a presentation in regards to a proposed concept for power generation for the Town using a solar thermal collector. They noted key issues as the need for an appropriate site, the potential benefit of reduced energy costs to the Town, no up-front cost to the Town, all data collected would be available to the Town, and the positive publicity the Town would garner by being involved in this type of project. They asked if the Town Board would grant permission for them to pursue this possibility and site selection with Town Staff. The Board unanimously agreed to have staff discuss this proposal with Mr. Smith and Mr. Depenbrock and bring back a more formal proposal at a later date if appropriate.

Keith Wortman offered public comment urging the Board to consider the request from Beary Beary Tastee Bakery and Café to allow them a liquor license. Mr. Wortman further vouched for Ms. Watson's good character.

Sylvia Wortman offered public comment urging the Board to consider the request from Beary Beary Tastee Bakery and Café to allow them a liquor license. Mr. Wortman further vouched for Ms. Watson's good character stating that she had worked for Ms. Watson and that she has seen her try and fit the needs of the Town in to her business model. Ms. Wortman stated that as a substitute teacher she did not see how this would affect the school negatively.

**UNFINISHED BUSINESS**

Other Pending Matters

None offered.

**NEW BUSINESS**

Should the Board Approve Resolution No. 28, series of 2010, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO APPOINTING DEREK MARTINEZ AS TOWN TREASURER."?

A brief statement was offered by Town Administrator Darrah introducing Mr. Martinez to the community listing his background and education. She noted that the Board had many great applicants for the Treasurer position.

**Motion #3** by Mayor Boyce, seconded by Trustee Deagan, to approve Resolution No. 28, series of 2010, entitled, "**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO APPOINTING DEREK MARTINEZ AS TOWN TREASURER.**" A roll call vote was taken: Johnson – yes, Deagan – yes, Boyce – yes, Lane – yes. Motion carried unanimously. (Trustee Callender absent.)

Mayor Boyce administered an oath of office to Derek Martinez.

Should the Board Approve Ordinance No. 7, series of 2010, entitled, "AN ORDINANCE OF THE TOWN OF FAIRPLAY, COLORADO, AMENDING CHAPTER 6 OF THE FAIRPLAY MUNICIPAL CODE BY ADDING SECTION 6-2-100 RELATING TO THE DISTANCE BETWEEN SCHOOLS AND LICENSED LIQUOR ESTABLISHMENTS."?

Staff comment was offered by Town Administrator Darrah stating that per the last meeting she had drafted the proposed ordinance to waive the required 500 foot limit between schools and liquor licensed establishments. She noted that the ordinance would only allow two types of licenses in this area: Beer and Wine and Hotel and Restaurant. She further noted that the Town had received letters and a petition in opposition of the issue from South Park Activities Association, concerned parents, Foss Smith, and a request to table the motion by the School District Board to allow them time to hear from the Colorado Department of Education in regards to the BEST Grant.

It was further noted that this is a legislative action and not an action on any specific liquor license.

**Motion #4** by Trustee Deagan, seconded by Trustee Lane, that this item be tabled until the Town receives formal communication from the Colorado Department of Education in regards to the effect, if any, adoption of this ordinance might have on the BEST Grant and from the School District Board or Superintendent in regards to their opinion of this proposed legislative action. A roll call vote was taken: Johnson – nay, Lane – nay, Boyce – nay, Deagan – aye. Motion did not carry. (Trustee Callender absent.)

Discussion ensued in regards to issues surrounding the BEST Grant, the impact of this legislation on the school children, classes of licenses, hours of operation, and the potential economic benefits, wherein it was noted that the Town could not limit the hours of operation, but could determine what types of licenses to include in the waiver. Town Administrator Darrah requested that the Board reconsider tabling the issue until a formal response could be received from the CDE in regards to the BEST grant and until the school Board could discuss and offer an opinion. She noted that the petitions received against this legislation, while inaccurate in that they requested a denial of a specific location for a liquor license, nonetheless listed only reasons having to do with distance from the school property. She explained that should the Board pass this ordinance and a liquor license were applied for by an establishment adjacent to the school not one of the reasons listed in the petitions received could be considered in regards to that license application.

**Motion #5** by Mayor Boyce, seconded by Trustee Johnson, to reconsider **Motion # 4**. A roll call vote was taken: Johnson – yes, Deagan – yes, Boyce – yes, Lane – yes. Motion carried unanimously. (Trustee Callender absent.)

Trustee Johnson called the question and Mayor Boyce performed a roll call vote on Motion #4 as written above: Johnson – yes, Deagan – yes, Boyce – yes, Lane – yes. Motion carried unanimously. (Trustee Callender absent.)

Trustee Johnson asked staff to bring the definitions of the different classes of liquor licenses to the next meeting.

Action Regarding Renewal of Rocky Mountain Health Plans Insurance Policy

Staff comment was offered by Town Administrator Darrah explaining that at a previous work session the Board discussed at length different options for varying degrees of health insurance coverage for employees explaining that currently the Town pays 100% of the coverage for employee and dependents. She explained that it was discussed that the Town could consider changing the policy to have an employee contribution to help defray the costs of the dependent coverage, but that after much discussion it was agreed by the Board that this was a valuable benefit to offer the employees and indeed may help recruit and retain qualified staff, despite wages being lower than those paid in other municipalities around the state. She noted that the Police Chief had asked for the possible inclusion of chiropractic care and the Board directed staff to research and bring back the rate with chiropractic care included. She explained that the rate sheet for Chiropractic care was included in the packet.

**Motion #6** by Trustee Johnson, seconded by Trustee Lane, that the Board approve renewal of the Town of Fairplay's current health insurance plan with Rocky Mountain Health Plans and with the addition of Chiropractic

care at the rate of 20 visits per year with a \$20.00 co-pay. A roll call vote was taken: Johnson – yes, Deagan – yes, Boyce – yes, Lane – yes. Motion carried unanimously. (Trustee Callender absent.)

Discussion Regarding Planner Newman's Staff Report Regarding Alternative and Renewable Energy Options

Town Planner Ron Newman went through his written report addressing the ability of the current Fairplay Municipal Codes to address renewable, sustainable or alternative energy and suggesting options for code amendments that would allow Fairplay residents and businesses unobtrusive access to renewable energy sources. He explained that the current code is mostly silent on the issue, but has very few impediments to installing alternative or renewable energy components, the most notable being the 30 foot limit on height of structures. He listed the following five items as proposed code amendments that may alleviate impediments to a Fairplay resident installing renewable energy components:

1. Allow administrative height waivers for solar panels, wind generators and other energy components. This would eliminate the need for a height variance.
2. Provide the reduction or elimination of permit fees for the installation of alternative and renewable energy components.
3. Define allowable accessory uses to include ground-mounted solar panels, wind generators and other sources of renewable power that may not be attached to the main structure.
4. Encourage the incorporation of renewable energy components in Planned Unit Developments, by reducing fees where applicable and by allowing solar panels and wind generators to occupy the required open space land.
5. Encourage subdivision developers to design the subdivision in such a way as to lay out streets and lots to take advantage of solar orientation.

Trustee Johnson asked if external boilers should be included in this discussion. Staff agreed that it should be included and regulated. Consensus of the Board was to have staff bring the above recommendations back as a code change at a future meeting.

Other New Business

Mayor Boyce announced that the National League of Cities Annual Conference would be in Denver this year and stated that he would like to attend if possible. Staff agreed to research and bring back more information.

COMMITTEE AND STAFF REPORTS

Public Works Director Goble offered to answer any questions of the Board in regards to his written report. Town Administrator Darrah reminded the Board of the concert on July 25 and of the Peach Fundraiser. Police Chief Gottschalk informed the Board that he would like to apply for a \$10,000 Block Grant for funding to rebuild the evidence room.

Mayor Boyce, noting that there being no further business before the Board, declared that the meeting be adjourned at 8:35 p.m.

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Fred Boyce, Mayor

ATTEST:

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Tina Darrah, Town Clerk