

**MINUTES OF THE REGULAR MEETING OF THE  
FAIRPLAY BOARD OF TRUSTEES  
August 16, 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 and Jimi Callender. Also in attendance were Town Attorney Lee Phillips, Public Works Director Jeff Goble, Town Treasurer Derek Martinez and Town Administrator/Clerk Tina Darrah. Absent were Trustees Gabby Lane and John Deagan

**AGENDA ADOPTION**

**Motion #1** by Trustee Johnson, seconded by Trustee Callender, that the agenda be adopted as presented. Motion carried unanimously. (Trustees Lane and Deagan 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 MINUTES** – July 19, 2010 and August 2, 2010
- B. **APPROVAL OF EXPENDITURES** – Approval of bills of various Town Funds

Treasurer Martinez noted that the payment to the Buyer family for Cemetery reimbursement listed at \$400 was in error and that the correct amount should be \$450.00 which would bring the total expenditures to \$47,158.29.

**Motion #2** by Mayor Boyce, seconded by Trustee Callender, that the consent agenda be adopted as amended with bills in the amount of \$47,158.29. A roll call vote was taken: Johnson – yes, Boyce – yes, Lane – yes. Motion carried unanimously. (Trustees Lane and Deagan absent.)

**CITIZEN COMMENT:**

None offered.

**PUBLIC HEARING**

Should the Board Approve Resolution No. 29, series of 2010, entitled, “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, GRANTING APPROVAL TO ZONE THE PROPERTY LOCATED AT 640 US HIGHWAY 285 AS COMMERCIAL ONE (C-1).”?

Mayor Boyce opened the public hearing at 7:04 p.m. and read a brief opening statement stating jurisdiction and outlining procedures for the public hearing. Mayor Boyce noted that the application before them was from Colorado East Bank and Trust for zoning of the property located at 640 US Hwy 285 and more commonly known Silverheels Market, stating that that the requested zoning is Commercial One (C-1). It was also noted that the public notices were done in accordance with the municipal code and that the Planning Commission had reviewed the zoning request and offered a recommendation of approval.

Mayor Boyce asked for comment from the applicant. Barbara Coose, agent for the applicant, Colorado East Bank and Trust, spoke briefly about the application urging the Board to approve the zoning as requested.

Mayor Boyce asked for comment in favor of approval of the zoning application. None offered.

Mayor Boyce asked for comments against approval of the zoning application. None offered.

Mayor Boyce closed the public hearing at 7:08 p.m.

**Motion #3** by Mayor Boyce, seconded by Trustee Callender, that the Board approve adoption of Resolution No. 29, series of 2010, entitled, “**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, GRANTING APPROVAL TO ZONE THE PROPERTY LOCATED AT 640 US HIGHWAY 285 AS COMMERCIAL ONE (C-1).**” A roll call vote was taken: Johnson - aye, Callender - aye, Boyce - aye. Motion carried unanimously. (Trustees Lane and Deagan absent.)

Trustee Johnson noted that the deed included in the application was not the most current deed and asked staff to pursue obtaining the current deed for the record.

### **UNFINISHED BUSINESS**

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 at the last meeting the Board had tabled this item to allow time for the school board to meet and discuss the issue. She noted that staff was directed to attend this meeting and did so, explaining that the school board at that time voted unanimously to formally oppose the passage of this ordinance for reasons to be cited by Becky Minnis, Superintendent (see below).

Becky Minnis, Superintendent of Park County RE-2 School District, spoke on behalf of the School Board in opposition to Ordinance No. 7. She read a letter from the School Board to the Town Board requesting that the Town Board consider denial of this application stating numerous safety related concerns, such as: 1) the school zone is Drug Free/Tobacco Free Zone; therefore, alcohol should not be an exception; 2) concern about the general safety risks for students because of patrons who have consumed alcohol and then drive through school zone areas; 3) exposure of students in the elementary and middle schools to patrons who have been drinking near school buildings and playgrounds and the potential for improper behavior and language; and 4) increased risk of students purchasing alcohol through third parties.

Mike Smith, President of RE-2 School Board, urged the Board to leave the distance requirements as they are now, reiterating the school's safety related concerns, noting that the school and its grounds are a safe haven for the children of the community. He showed drawings of the new school with prospective businesses within the 500' limit.

Kim Wittbrodt, spoke in opposition to Ordinance No. 7 urging the Board to leave the distance requirements as they currently are for right now, but stated that reconsideration may be more appropriate at a later date – once the new school is built and the school grounds reconfigured. She also noted that there was a conflict with the school in that a mandatory athletic meeting was being held at this same time so many concerned parents were unavailable to attend this meeting and state their concerns and opposition to Ordinance No. 7.

Ann Slubowski, spoke in opposition to Ordinance No. 7 urging the Board to leave the distance requirements as they currently are and stating her concerns with student safety.

**Motion #4** by Mayor Boyce, seconded by Trustee Callender, that the Board postpone indefinitely consideration of 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.**"

Discussion ensued among the Board in regards to various safety issues, lobbying efforts from the community, the difficulty with having a school in the Town's business district, other licensees within 500 feet of the school, the timing of this request versus looking at it at a later date after the new school is complete, possible variations on the proposed ordinance in regards to distance requirements, class of license, etc. It was agreed that this item should be reconsidered at a later date with different options as it can be an important component of economic growth.

**A roll call vote was taken:** Johnson - aye, Callender - aye, Boyce - aye. Motion carried unanimously. (Trustees Lane and Deagan absent.)

### Other Pending Matters

None offered.

### **NEW BUSINESS**

Should the Board Approve Resolution No. 30, series of 2010, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, SUPPORTING THE AGREEMENT BETWEEN

THE TOWN OF FAIRPLAY AND THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND.”?

Staff comment was offered by Town Administrator Darrah explaining that this Resolution authorizes the grant contract between the Town and GOCO for the grant to purchase the Fairplay Spur Tract 2.

**Motion #5** by Mayor Boyce seconded by Trustee Callender, that the Board approve adoption of Resolution No. 30, series of 2010, entitled, “**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, SUPPORTING THE AGREEMENT BETWEEN THE TOWN OF FAIRPLAY AND THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND.**” A roll call vote was taken: Johnson - aye, Callender - aye, Boyce - aye. Motion carried unanimously. (Trustees Lane and Deagan absent.)

Discussion Regarding Website RFP

Staff comment was offered by Town Administrator Darrah stating that the draft RFP in the Board packet is for web design services to revamp the Town's website to make it reflective of the current Board and new direction the Town is taking in regards to tourism and marketing. She explained that once approved the RFP would be sent to many web design companies – especially those specifically involved in municipal contracts and that the deadline for submittal would be September 24<sup>th</sup> with a projected award date of November 2, 2010. She further noted that the selection committee, with at least one member of the Board of Trustees on it, would review the proposals with final award being done by the Board of Trustees. After a brief discussion, the Board offered consensus to move forward with the RFP process.

Other New Business

None offered.

**STAFF AND COMMITTEE REPORTS**

Treasurer Martinez offered to answer any questions in regards to his written report.

Public Works Director Goble offered to answer any questions in regards to his written report.

Town Administrator Darrah went through her report with the Board and requested an executive session as stated below:

**EXECUTIVE SESSION –Pursuant to C.R.S. 24-6-402 (4)(a) and (b) for the purpose of receiving legal advice and discussion in regards to the Acquisition of Property.**

**Motion #5** by Mayor Boyce, seconded by Trustee Callender, that the Board go into executive session at 7:52 p.m. for a conference with the Town Attorney for the purpose of receiving legal advice and discussion in regards to the Acquisition of Property under C.R.S. Section 24-6-402(4)(a) and (b). Motion carried unanimously. (Trustees Lane and Deagan absent.)

Mayor Boyce announced that the meeting was back to open session at 8:21 p.m. The participants in the executive session were: Mayor Boyce, Trustees Johnson and Callender, Public Works Director Goble, Town Administrator/Clerk Tina Darrah and Town Attorney Lee Philips. Mayor Boyce announced that no action was taken in the executive session.

**ADJOURNMENT**

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