

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
February 14, 2011**

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 John Deagan. Also in attendance were Public Works Director Jeff Goble, Police Chief Dave Gottschalk, Town Attorney Lee Phillips, and Town Administrator/Clerk Tina Darrah. Trustees Gabby Lane and Jimi Callender were absent.

AGENDA ADOPTION

Motion #1 by Trustee Johnson, seconded by Trustee Deagan, that the agenda be adopted as presented. Motion carried unanimously. (Trustees Lane and 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 MINUTES –February 7, 2011

Trustee Johnson asked that under Mayor and Trustee Reports – Trustee Deagan reports be changed to read “... the parking lot be made available to the public during non-school hours.”

Motion #2 by Mayor Boyce, seconded by Trustee Lane, that the consent agenda be adopted with the amendment as shown above. A roll call vote was taken: Johnson – yes, Boyce – yes, Deagan – yes. Motion carried unanimously. (Trustees Lane and Callender absent.)

CITIZEN COMMENT

None offered.

PUBLIC HEARINGS:

Should the Board Approve Adoption of Ordinance No. 1, series of 2011, entitled, “AN ORDINANCE AMENDING SECTION 16-22-10 OF THE FAIRPLAY MUNICIPAL CODE TO ALLOW THE DESIGNATION OF THE FAIRPLAY BOARD OF TRUSTEES AS THE FAIRPLAY BOARD OF ADJUSTMENT.”?

Mayor Boyce opened the public hearing at 7:05 p.m. and requested staff comment which was offered by Town Administrator Darrah. She explained that this hearing had been noticed in accordance with the municipal code and that the staff and Planning Commission offered a recommendation of approval. Town Attorney Phillips noted that it is very typical in small town such as Fairplay to have the Board of Trustees act as the Board of Adjustment.

Mayor Boyce asked for public comment. None offered.

Mayor Boyce closed the hearing at 7:06 p.m. and asked for Board discussion.

It was discussed that the Board would need to approve a resolution at the next meeting designating them as the Board of Adjustment.

Trustee Johnson offered comment thanking the current Board of Adjustment members for their service. The Board directed staff to send a letter to these members thanking them for their service.

Motion #3 by Mayor Boyce, seconded by Trustee Deagan, that the Board Approve Adoption of Ordinance No. 1, series of 2011, entitled, “**AN ORDINANCE AMENDING SECTION 16-22-10 OF THE FAIRPLAY MUNICIPAL CODE TO ALLOW THE DESIGNATION OF THE FAIRPLAY BOARD OF TRUSTEES AS THE FAIRPLAY BOARD OF ADJUSTMENT.**” A roll call vote was taken: Johnson – yes, Boyce – yes, Deagan – yes. Motion carried unanimously. (Trustees Lane and Callender absent.)

Should the Board Approve Adoption of Ordinance No. 2, series of 2011, entitled, "A BILL FOR AN ORDINANCE AMENDING CHAPTER 16 OF THE FAIRPLAY MUNICIPAL CODE BY THE ADDITION OF A NEW ARTICLE XXVI PROHIBITING CERTAIN USES RELATING TO MEDICAL MARIJUANA." ?

Mayor Boyce opened the public hearing at 7:09 p.m. and requested staff comment which was offered by Town Administrator Darrah. She explained that this hearing had been noticed in accordance with the municipal code and that the staff and Planning Commission offered a recommendation of approval.

Mayor Boyce asked for public comment. None offered.

Mayor Boyce closed the hearing at 7:10 p.m. and asked for Board discussion.

Board comment was offered explaining that this decision has to do with several items, notably the public input received from Fairplay citizens and business owners and the reports of negative secondary effects to public infrastructure by communities with Medical Marijuana Centers. It was further explained that the ordinance was drafted to place this as a land use item because local government has the most control in land use arenas. It was further noted that this does not in any way affect the medical marijuana and caregiver rights given by Amendment 20 to the Colorado Constitution.

Motion #4 by Trustee Deagan, seconded by Trustee Johnson, that the Board Approve Adoption of Ordinance No. 2, series of 2011, entitled, "**A BILL FOR AN ORDINANCE AMENDING CHAPTER 16 OF THE FAIRPLAY MUNICIPAL CODE BY THE ADDITION OF A NEW ARTICLE XXVI PROHIBITING CERTAIN USES RELATING TO MEDICAL MARIJUANA.**" A roll call vote was taken: Johnson – yes, Boyce – yes, Deagan – yes. Motion carried unanimously. (Trustees Lane and Callender absent.)

Trustee Johnson thanked staff for all their work on this issue, especially Town Attorney Phillips and his firm and Chief Gottschalk for protecting the public and the businesses operating in Fairplay and the public for giving their input. He stated that all of this made a difficult decision a lot easier.

UNFINISHED BUSINESS

Other Pending Matters

None offered.

NEW BUSINESS

Discussion Regarding Town of Fairplay Fee Schedule

Staff comment was offered by Town Administrator Darrah explaining that this item was before the Board for discussion and direction. She explained that staff had reviewed the fee schedule and some changes were requested, but that staff would like input from the Board in regards to changes the Board would like instituted. She further asked that the Board direct staff to compile all fees currently in the code for removal from the code and placement in the fee resolution. The Board offered this direction. Staff noted that this could not be a priority item at the moment and that it may be worthwhile to hire this out to temporary help. Town Administrator Darrah promised to update the Board as to the status of this project at an upcoming meeting.

Other New Business

Public Works Director Goble informed the Board that he is in the process of completing the Fishing is Fun Grant for the Beach Dredging Project to be done in 2012. He asked for permission to submit the grant. Consensus was offered to have him pursue the grant with acknowledgment by Town Attorney Phillips that the formal approval would happen at a later date in the form of a grant agreement if the grant is approved.

COMMITTEE AND STAFF REPORTS

Police Chief Gottschalk handed out his monthly report and offered to answer any questions.

Public Works Director Goble went through his written report. Questions were answered in regards to the new meter system and the Town Hall Roof bid request.

Trustee Johnson asked that staff request an update from IREA on the new transmission line, specifically on the line north to Como and when the in-town lines will be placed.

Town Administrator Darrah went through her written staff report and answered questions in regards to the GOCO Grant, the meeting with the NWFPD and the need for fire code updates and a new IGA wherein it was agreed that staff needed to memorialize the meeting with a letter, and the request from Linda Balough to have a work session with the Board to discuss the National Heritage Area and the Town's responsibility when a landowner requests historic designation for a property in the Town of Fairplay.

A brief discussion ensued in regards to code enforcement issues, specifically dangerous buildings.

ADJOURNMENT

Mayor Boyce, noting that there being no further business before the Board, declared that the meeting be adjourned at 7:45 p.m.

Fred Boyce, Mayor

ATTEST:

Tina Darrah, Town Clerk