

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
March 21, 2011**

SITE VISIT – 10th Street and Main Street – Proposed Gardner Pointe Subdivision

Site visit was conducted at 6:00 p.m. at the 10th Street and Main Street intersection of Block 12 in the Town of Fairplay. Those present included: Mayor Fred Boyce, Trustees Greg Johnson and Gabby Lane, Public Works Director Jeff Goble, Town Attorney Lee Phillips, Town Planner Ron Newman, Town Administrator/Clerk Tina Darrah, Ed Hartshorn on behalf of Amanda Woodbury, Frank Just and Carmela Schweer. Trustees John Deagan and Jimi Callender were absent.

The group assembled had no formal discussion. A review of the portion of 10th Street that has been requested to be vacated was walked with staff pointing out the various boundaries as existing and if vacated.

WORKSESSION – 6:15 P.M. AT TOWN HALL

Work session was called to order at 6:15 p.m. in the Town Hall Break Room 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, Town Attorney Lee Phillips, Town Planner Ron Newman, Town Administrator/Clerk Tina Darrah, Ed Hartshorn on behalf of Amanda Woodbury, Frank Just and Carmela Schweer. Trustees John Deagan and Jimi Callender were absent.

Discussion centered on the desire of the Board to see a land swap occur between the Town and Ms. Woodbury (if the vacation was granted) for the properties on the southeast and southwest portions of Block 12 whereby the Town would receive the triangle owned by Ms. Gardner on the southwest side of Highway 9 and Ms. Woodbury would receive a vacated portion of 10th Street and a triangle owned by the Town adjacent to the southeast corner of block 12. It was pointed out that this item has been discussed in the past and that an appraisal had been done, showing that a street vacation and subsequent land swap would create increased value to properties both on the east and west side of the highway. It was agreed that this could be continued to allow Ms. Woodbury's attorney to further discuss the opportunities presented by the Town for her consideration.

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

AGENDA ADOPTION

Motion #1 by Trustee Johnson, seconded by Trustee Lane, that the agenda be adopted as presented. Motion carried unanimously. (Trustees Deagan 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 14, 2011
- B. **APPROVAL OF EXPENDITURES**
- C. Should the Board Approve Renewal of a Tavern Liquor License as Requested by McCall's Enterprises dba McCall's located at 511 Front Street?
- D. Should the Board Approve the application and report of changes pertaining to the Manager's Registration as Requested by McCall's Enterprises dba McCall's located at 511 Front Street?

It was noted by Town Administrator Darrah that the expenditures included \$97,968.75 to pay off the 1992 GO bond in the water department one year early thereby allowing the Town to reduce the Town's mill levy in 2012 by 3.13 mills.

Motion #2 by Mayor Boyce, seconded by Trustee Lane, that the consent agenda be adopted as presented with bills in the amount of \$170,040.11. A roll call vote was taken: Johnson – yes, Boyce – yes, Lane – yes. Motion carried unanimously. (Trustees Deagan and Callender absent.)

CITIZEN COMMENT

Marie Chisholm offered citizen comment stating that the Town of Fairplay is known for trash blowing around and stating that she had spoken to the Police Chief about the home behind hers being a “flop house” full of “hippies” that are letting their trash be blown on to her property. She demanded that action be taken.

UNFINISHED BUSINESS

Other Pending Matters

None offered.

NEW BUSINESS

Should the Board Approve Adoption of Ordinance No. 3, series of 2011, entitled, “AN ORDINANCE VACATING A PORTION OF 10th STREET, WITHIN THE TOWN OF FAIRPLAY, AS DESCRIBED IN THIS ORDINANCE.”?

Motion #3 by Mayor Boyce, seconded by Trustee Lane, that the Board continue consideration of Ordinance No. 3, series of 2011, entitled, “**AN ORDINANCE VACATING A PORTION OF 10th STREET, WITHIN THE TOWN OF FAIRPLAY, AS DESCRIBED IN THIS ORDINANCE.**” to the April 4, 2011 meeting to allow time for Mr. Hartshorn to confer with his client and landowner, Ms. Woodbury, about the possibility of a land swap between her and the Town in relation to the street vacation request. Motion carried unanimously. (Trustees Deagan and Callender absent.)

Should the Board Approve Adoption of Resolution No. 6, series of 2011, entitled, “A RESOLUTION DESIGNATING THE TOWN OF FAIRPLAY BOARD OF TRUSTEES AS THE FAIRPLAY BOARD OF ADJUSTMENT.”?

Motion #4 by Mayor Boyce, seconded by Trustee Lane, that the Board Approve Adoption of Resolution No. 6, series of 2011, entitled, “**A RESOLUTION DESIGNATING THE TOWN OF FAIRPLAY BOARD OF TRUSTEES AS THE FAIRPLAY BOARD OF ADJUSTMENT.**” Motion carried unanimously. (Trustees Deagan and Callender absent.)

Should the Board Approve Adoption of Resolution No. 7, series of 2011, entitled, “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING FOR DISTRIBUTION OF CONSERVATION TRUST FUNDS BETWEEN THE TOWN OF FAIRPLAY, COLORADO AND PARK COUNTY GOVERNMENT.” ?

Staff comment was offered by Town Administrator Darrah explaining that the Town had been awarded Conservation Trust Funds from Park County for the Beach Staircase project. She explained that this Resolution approves the MOU between the Town and County for use of the grant funds.

Motion #5 by Mayor Boyce, seconded by Trustee Johnson, that the Board Approve Adoption of Resolution No. 7, series of 2011, entitled, “**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING FOR DISTRIBUTION OF CONSERVATION TRUST FUNDS BETWEEN THE TOWN OF FAIRPLAY, COLORADO AND PARK COUNTY GOVERNMENT.**” A roll call vote was taken: Johnson – yes, Boyce – yes, Lane – yes. Motion carried unanimously. (Trustees Deagan and Callender absent.)

Should the Board Approve Adoption of Resolution No. 8, series of 2011, entitled, “A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO SUPPORTING THE AGREEMENT BETWEEN THE TOWN OF FAIRPLAY, COLORADO AND THE PARK COUNTY RE-2 SCHOOL DISTRICT.” ?

Staff comment was offered by Town Administrator Darrah explaining that this IGA between the Town and the School District was requested by GOCO for the recent open space grant awarded to the Town for the purchase of the Spur Tract (for the School). She explained that this IGA binds the School District to the grant agreement that the Town entered into with GOCO in order to receive the funds.

Motion #6 by Trustee Johnson, seconded by Mayor Boyce, that the Board Approve Adoption of Resolution No. 8, series of 2011, entitled, “**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO SUPPORTING THE AGREEMENT BETWEEN THE TOWN OF FAIRPLAY, COLORADO AND THE PARK COUNTY RE-2 SCHOOL DISTRICT.**” A roll call vote was taken: Johnson – yes, Boyce – yes, Lane – yes. Motion carried unanimously. (Trustees Deagan and Callender absent.)

Should the Board Approve Adoption of Resolution No. 9, series of 2011, entitled, “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO APPROVING A REVOCABLE LICENSE AGREEMENT WITH

THE SOUTH PARK – PARK AND RECREATION DISTRICT FOR THE USE OF TOWN-OWNED PROPERTY “THE DITCH PROPERTY” FOR A BMX TRACK.”?

Staff comment was offered by Town Attorney Phillips stating that this is a form submitted by the Town and may have changes after review by the Recreation District. He suggested that the Board approve “in substantially the form submitted” which will allow some insubstantial changes to be made after that review.

A brief discussion ensued in regards to what standards the Town used to recite in the agreement, materials used, drainage, design and layout of the track.

Motion #7 by Mayor Boyce, seconded by Trustee Johnson, that the Board Approve Adoption of Resolution No. 9, series of 2011, entitled, “**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO APPROVING A REVOCABLE LICENSE AGREEMENT WITH THE SOUTH PARK – PARK AND RECREATION DISTRICT FOR THE USE OF TOWN-OWNED PROPERTY “THE DITCH PROPERTY” FOR A BMX TRACK.”** with the note that the license is approved in substantially the form submitted – allowing for insubstantial changes to be made after the Recreation District’s review. A roll call vote was taken: Johnson – yes, Boyce – yes, Lane – yes. Motion carried unanimously. (Trustees Deagan and Callender absent.)

Should the Board of Trustees Approve a Temporary Construction Easement to IREA?

Staff comment was offered by Public Works Director Goble explaining that IREA has requested two temporary construction easements on Town property for the purpose of installing the wires on their new power poles. He explained that the easements are outside of, but immediately adjacent to, the 75 foot easement granted to IREA last year and are located on town owned land in Beaver Meadows outlot B as shown on the map in the packet.

Trustee Johnson offered comment asking whether or not it was necessary for IREA to apply for building permits for these structures. Public Works Director Goble agreed to look into this and report back to the Board.

Motion #8 by Mayor Boyce, seconded by Trustee Johnson, that the Board authorize the Town Administrator to execute a temporary construction easement agreement between the Town and IREA in a form approved by the Town Attorney. A roll call vote was taken: Johnson – yes, Boyce – yes, Lane – yes. Motion carried unanimously. (Trustees Deagan and Callender absent.)

Bid Award/Contract Award for the Town Hall Roofing Bids

Staff comment was offered by Public Works Director Goble explaining that the Town had received four bids for the reroofing of Town Hall. He presented a comparison spreadsheet, offering a staff recommendation of the lowest bid from R & R Roofing with the following options: ice and water shield on the roof and hauling and disposal of debris. He noted that the staff chose brown as the color of the new metal roof.

Motion #9 by Mayor Boyce, seconded by Trustee Johnson, that the Board approve the bid as submitted by R&R roofing and authorize the staff to enter into the contract as presented with an amount not to exceed \$21,700. A roll call vote was taken: Johnson – yes, Boyce – yes, Lane – yes. Motion carried unanimously. (Trustees Deagan and Callender absent.)

Other New Business

None offered.

PUBLIC HEARINGS:Should the Board Approve the COLOEAST Subdivision a Resubdivision of the property located at 801 Main Street?

Mayor Boyce opened the public hearing at 7:35 p.m. and read a brief opening statement stating jurisdiction and outlining procedures for the public hearing. He then asked for staff comment, which was offered by Town Planner Newman stating that the public hearing had been published in the newspaper, the surrounding neighbors had been notified and that the property was posted with notice of the public hearing, all in accordance with the Fairplay Municipal Code. Staff further explained that the Planning Commission had reviewed the application and offered a recommendation of approval. Mr. Newman explained that this application was to allow the applicant to consolidate the 16 lots currently comprising this block into two lots.

It was recommended by staff that the Town waive any additional submittal requirements for a final plat including the requirement for an SIA as any future development on the land will be required to meet the Fairplay Municipal Code for new construction.

Applicant's testimony was offered by Darrell Coos, Wedgewood Development Company, acting as agent for owner Colorado East Bank and Trust, offering to answer any questions of the Board.

A brief discussion ensued in regards to the subdivision improvement agreement waiver being for new lot one only and access to new lot two.

Mayor Boyce asked for public comment in favor of or in opposition to the resubdivision.

Mayor Boyce closed the public hearing at 7:50 p.m.

Motion #10 by Trustee Johnson, seconded by Trustee Lane, that the Board approve the COLOEAST Resubdivision as submitted with a waiver for the final plat subdivision requirements and a waiver of the subdivision improvement agreement for new lot one only. Motion carried unanimously. (Trustees Deagan and Callender absent.)

It was noted by staff that this approval would be brought back as a formal resolution at the next meeting.

Should the Board Approve the Gardner Pointe Subdivision a Resubdivision of the property located at 902, 980, 990 and 995 Main Street?

Mayor Boyce opened the public hearing at 7:51 p.m. and read a brief opening statement stating jurisdiction and outlining procedures for the public hearing. He then asked for staff comment, which was offered by Town Planner Newman stating that the public hearing had been published in the newspaper, the surrounding neighbors had been notified and that the property was posted with notice of the public hearing, all in accordance with the Fairplay Municipal Code. Staff further explained that the Planning Commission had reviewed the application and offered a recommendation of approval. Mr. Newman explained that this application was to allow the applicant to consolidate the 16 lots that currently make up Block 12 into four new lots.

It was recommended by staff that the Town waive any additional submittal requirements for a final plat including the requirement for an SIA as any future development on the land will be required to meet the Fairplay Municipal Code for new construction.

Applicant's testimony was offered by Ed Hartshorn, acting as agent for owner Amanda Woodbury, offering to answer any questions of the Board.

Mayor Boyce asked for public comment in favor of or in opposition to the resubdivision.

Amanda Woodbury offered comment stating that she has owned this property since 1996 and is unable to do anything with it in its current configuration. She urged the Board to approve the subdivision.

Motion #11 by Trustee Johnson, seconded by Trustee Lane, that the Board go into executive session at 7:36 p.m. for a conference with the Town Attorney for the purpose of receiving legal advice pursuant to C.R.S. 24-6-402 (4) (b) specifically in relation to the Gardner Pointe Subdivision. A roll call vote was taken: Johnson – yes, Boyce – yes, Lane – yes, Motion carried unanimously. (Trustees Deagan and Callender absent.)

Mayor Boyce announced that the meeting was back to open session at 8:24 p.m. The participants in the executive session were: Mayor Boyce, Trustees Lane and Johnson, Town Administrator/Clerk Tina Darrah, Town Planner Ron Newman and Town Attorney Lee Philips. Mayor Boyce announced that no action was taken in the executive session.

Mayor Boyce closed the public hearing at 8:25 p.m.

Motion #12 by Mayor Boyce, seconded by Trustee Johnson, that the Board approve the Gardner Pointe Subdivision with the original lot lines and the following conditions: waiver of the final plat subdivision requirements as recommended in planner Newman's report and including a waiver of the requirement for a subdivision improvement agreement. Motion carried unanimously. (Trustees Deagan and Callender absent.)

It was noted by staff that this approval would be brought back as a formal resolution at the next meeting.

Should the Board Approve the RE-2 School District Campus Resubdivision as requested by Park County School District RE-2 for the property located at 640 Hathaway Street?

Mayor Boyce opened the public hearing at 8:27 p.m. and read a brief opening statement stating jurisdiction and outlining procedures for the public hearing. He then asked for staff comment, which was offered by Town Planner Newman stating that the public hearing had been published in the newspaper, the surrounding neighbors had been notified and that the property was posted with notice of the public hearing, all in accordance with the Fairplay Municipal Code. Staff further explained that the Planning Commission had reviewed the application and offered a recommendation of approval. Mr. Newman explained that this application was to allow the applicant to consolidate the 10 plus acres that currently house the Fairplay schools at 640 Hathaway into one new lot. He noted that the subdivision does include a subdivision improvement agreement.

Applicant's testimony was offered by Matt Hahn of Catalyst Planning Group, acting as agent for owner Park County School District RE-2, offering to answer any questions of the Board.

Mayor Boyce asked for public comment in favor of or in opposition to the resubdivision.

Foss Smith spoke in favor of the resubdivision and urged the Boards approval.

Mayor Boyce closed the public hearing at 8:33 p.m.

Motion #13 by Trustee Johnson, seconded by Mayor Boyce, that the Board approve the RE-2 School District Campus Resubdivision as well as the Subdivision Improvement Agreement in substantially the form submitted. Motion carried unanimously. (Trustees Deagan and Callender absent.)

It was noted by staff that this approval would be brought back as a formal resolution at the next meeting.

Should the Board Approve the Height Variance as requested by Park County School District RE-2 for the property located at 640 Hathaway Street?

Mayor Boyce opened the public hearing at 8:35 p.m. and read a brief opening statement stating jurisdiction and outlining procedures for the public hearing. He then asked for staff comment, which was offered by Town Planner Newman stating that the public hearing had been published in the newspaper, the surrounding neighbors had been notified and that the property was posted with notice of the public hearing, all in accordance with the Fairplay Municipal Code. Staff further explained that the Planning Commission had reviewed the application and offered a recommendation of approval. Mr. Newman explained that this application is to allow the applicant to exceed the height limitation of 30'. He reviewed with the Board the criteria listed in the code for a variance to be granted. He offered a recommendation of approval stating that these requirements had been met.

Applicant's testimony was offered by Bruce Larsen, Larsen Incitti Architects, and Matt Hahn, Catalyst Planning Group, acting as agent for owner Park County School District RE-2, offering to answer any questions of the Board.

Mayor Boyce asked for public comment in favor of or in opposition to the variance request.

Foss Smith offered comment in support of the variance request noting that of the major criteria's the school was working with when designing the new facility, safety and security were utmost. He explained that the BEST Grant required the project to be LEED Gold which required them to minimize the footprint of building instigating the need for a two story building. He did note that the new height is not much different than the existing gym and urged the Boards approval.

Marie Chisholm, offered comment against the variance stating that the school has taken too much room in the community since 1944 and that architects present all sorts of fancy things, like high ceilings, that are impractical and do not take into consideration what the melting/freezing/snow does to buildings at this elevation. She reiterated the need for the school to move out of the community and stressed the need for more parking.

Foss Smith replied that all parking is off-street in this design and in fact the school is going to offer parking for town events when school is not in session. He further noted that while the school had looked at moving out of the Town it was not feasible.

Trustee Lane asked if they had taken the snow and ice at this elevation into consideration. Mr. Larsen replied that they had spent much time analyzing this and have done their best to foresee any problems, noting that they may not get it right the first time, but are doing their best.

Mayor Boyce closed the public hearing at 9:00 p.m.

Motion #14 by Trustee Johnson, seconded by Trustee Lane, that the Board approve the height variance as requested by the Park County School District for the property at 640 Hathaway Street. Motion carried unanimously. (Trustees Deagan and Callender absent.)

It was noted by staff that this approval would be brought back as a formal resolution at the next meeting.

MAYOR AND TRUSTEES REPORTS

Mayor Boyce noted that he would be writing the Town a check in reimbursement for the parking allowance funds he had received and did not use for the recent conference he attended.

Trustee Lane offered a reminder of the annual cemetery clean-up day scheduled for May 21st noting that he needed people to volunteer. He further noted that there would be a barbeque after the clean-up event.

Trustee Johnson inquired about the Town Clean-up week. Public Works Director Goble stated that it is planned for the first full week in June. Trustee Johnson further noted that a worksession is scheduled for Monday, May 28th.

COMMITTEE AND STAFF REPORTS

Town Administrator Darrah noted that in addition to her written report, the annual CML Conference is scheduled for June 21-24 in Vail and asked interested Board members to contact her as soon as possible.

Public Works Director Goble reported that Town Hall had a sewer line break recently and that this line would need to be replaced this summer. He further noted that Tyler McDermott had resigned and that an ad for Public Works Assistant had been placed in the local newspaper and notices distributed. He further noted that the Fishing is Fun Grant had been submitted on time. He asked that people stay off the ice at the Fairplay Beach as it has gotten very thin. It was also noted that the engineering selection committee of Trustee Johnson, Trustee Deagan, Town Administrator Darrah and Mr. Goble would meet in a timely manner to review/interview firms and a recommendation would be brought back to the Board at the April 18th meeting.

Police Chief Gottschalk noted that he had to buy three additional user licenses for Crimestar explaining that this was an unexpected expense of \$2,250.00. He noted that Public Works had reconstructed the evidence room and that Pat Kelly is donating an alarm system to the Town for the evidence room.

Acceptance of Resignation from Trustee Jimi Callender

Motion #15 by Mayor Boyce, seconded by Trustee Johnson, that the Board accept the resignation of Trustee Jimi Callender. Motion carried unanimously. (Trustee Deagan absent.)

Appointment of Trustee to fill Vacancy

The following candidates were present and offered comment to the Town Board to fill the vacancy left by Mr. Callender's resignation: Rachael Edwards, Carmela Schweer, and Frank Just. Jerry Norris was not present but had submitted a letter of interest.

The Board voted by secret ballot to appoint Frank Just, followed by a formal motion – below:

Motion #16 by Mayor Boyce, seconded by Trustee Johnson, that the Board appoint Frank Just to fill the seat vacated by Mr. Callender. Motion carried unanimously. (Trustee Deagan absent.)

Mr. Just was sworn in as a Trustee by Mayor Boyce.

ADJOURNMENT

Mayor Boyce, noting that there being no further business before the Board, declared that the meeting be adjourned at 9:25 p.m.

Fred Boyce, Mayor

ATTEST:

Tina Darrah, Town Clerk