

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
June 6, 2011**

WORKSESSION – 6:30 P.M. AT TOWN HALL

A worksession was called to order at 6:30 p.m. in the Fairplay Town Hall, 400 Front Street, by Mayor Fred Boyce. Those present included Trustees John Deagan, Frank Just, Greg Johnson and Gabby Lane. Also in attendance were Public Works Director Jeff Goble and Town Administrator/Clerk Tina Darrah.

A discussion took place in regards to selection of an engineering firm for the Town of Fairplay, wherein the primary discussion centered on the rates of the two top firms, High Country Engineering and Tetra Tech, the interviews held previously, upcoming projects, and the staff recommendation. Public Works Director Goble offered a staff recommendation of High Country Engineering.

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 John Deagan, Frank Just, Greg Johnson and Gabby Lane. Also in attendance were Town Attorney Lee Phillips, Town Treasurer Derek Martinez, Public Works Director Jeff Goble, Town Planner Ron Newman and Town Administrator/Clerk Tina Darrah.

AGENDA ADOPTION

Motion #1 by Trustee Deagan, seconded by Trustee Just, 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 EXPENDITURES

Motion #2 by Trustee Johnson, seconded by Trustee Lane, that the consent agenda be adopted as presented with bills in the amount of \$9,530.12. A roll call vote was taken: Just – yes, Deagan – yes, Lane – yes, Boyce – yes, Johnson - yes. Motion carried unanimously.

CITIZEN COMMENT

Ashley Bushey, Park County Preservation Planner, offered citizen comment inviting the Board to the Youth Summit Town Hall in Jefferson, Colorado on June 24, 2011 from 9:00 am – 11:00 am.

Mike Smith, Hartsel, offered comment requesting placement on a future agenda on behalf of the Colorado Renewable Resources Cooperative to discuss supplying woody biomass for heat at the Town Shop. He explained that he owns a company called Tree Works and that his company is part of the above mentioned cooperative of logging companies. A brief discussion ensued in regards to his company, heat assessments, and other energy efficiency programs that may compliment the biomass programs.

PUBLIC HEARINGS:

Should the Board Approve a Special Event Liquor License as applied for by the Town of Fairplay, for June 24, July 3, July 29, August 26 and September 4, 2011, for a beer and wine tent at the Fairplay Beach in conjunction with the TGIFairplay Summer Concert Series/Independence Day Celebration/Hooked on Fairplay Fishing Festival?

Mayor Boyce opened the public hearing at 7:12 p.m. and read a brief opening statement stating jurisdiction and outlining procedures for the public hearing. Marie Chisholm objected to the jurisdiction of the Board to conduct this hearing.

(Clerk's note: No basis for the objection was given by Ms. Chisholm.)

He then asked for staff comment, which was offered by Town Administrator Darrah stating that the public hearing had been posted in accordance with Colorado Revised Statutes, that the application was complete and fees prepared. Ms. Darrah offered testimony on behalf of the Town of Fairplay as the applicant, stating that this application was for a special

event liquor license for all Town sponsored events at the Fairplay Beach this summer. She further explained that as previously discussed the Town would be obtaining the liquor license and partnering with a different local non-profit at each event for coordination of sales at the beer and wine tent.

Mayor Boyce asked for public comment in favor of approval of the application.

Carmela Schweer, 808 Main Street, offered comment urging the Board to approve the application and thanking the Town for applying for the liquor license and partnering with these non-profits. She explained that she is affiliated with at least two of the non-profits that will be partnering with the Town and that both of these organizations are very excited and grateful for the opportunity to fundraise in this manner.

Mayor Boyce asked for public comment in opposition to approval of the application.

Marie Chisholm offered comment in opposition to the approval of this license application. She stated that she did not think the Town should be involved in selling alcohol and that the non-profits should have better ways to raise money. She noted that she is always opposed to liquor.

Mayor Boyce closed the hearing at 7:20 p.m.

Motion #3 by Trustee Deagan, seconded by Trustee Lane, that the Board Approve a Special Event Liquor License as applied for by the Town of Fairplay, for June 24, July 3, July 29, August 26 and September 4, 2011, for a beer and wine tent at the Fairplay Beach in conjunction with the TGIFairplay Summer Concert Series/Independence Day Celebration/Hooked on Fairplay Fishing Festival. Motion carried unanimously.

Should the Board Approve a Condominiumization Request for 640 US Highway 285 as applied for by Wedgewood Development Co. acting as agent for Colorado East Bank and Trust?

Mayor Boyce opened the public hearing at 7:22 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 convert the existing Silverheels Market to a commercial condominium which will consist of six units within the existing structure. He explained that the site plan will not change and will be commonly owned with the exception of the two fuel pump islands which will be a part of Unit D. He further noted that the C-1 zoning will remain unchanged.

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.

Applicant's testimony was offered by Barbara Coos, Wedgewood Development Company, acting as agent for owner Colorado East Bank and Trust, offering to answer any questions of the Board and explaining that the reason the Bank has decided to condominiumize is that they believe it will be easier to sell the six units individually.

A brief discussion took place in regards to the procedure to be followed in this type of land use action, the building permit process, the utilities set-up and utility billing, and the common elements.

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

Ken Brumm and Mike Krueger asked to see the map and wondered if a new building was being proposed. They further questioned the parking and the lot configuration. After looking at the map and the site plan they stated that they were not against the condominiumization.

Mayor Boyce closed the public hearing at 7:42 p.m.

Trustee Johnson voiced concerns in regards to the sanitary sewer service, the water meter/tap set-up, and whether or not the application meets all the requirements of the subdivision code.

Motion #4 by Trustee Johnson, seconded by Mayor Boyce, that the public hearing be reopened at 7:44 p.m. and continued to the June 20, 2011 meeting at 7:00 p.m. to allow time for the following items to be obtained: 1) letter of waiver from Public Works Director Goble in regards to the water meters/taps; 2) letter from the Fairplay Sanitation District

approving the sanitary sewer system; and 3) report from Planner Newman stating that the condominiumization meets all requirements of the subdivision code. Motion carried unanimously.

Should the Board Approve the Variances as requested by Carmela Schweer for the property located at 808 Main Street?

Mayor Boyce opened the public hearing at 7:50 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. Mr. Newman explained that this application was one part of a lengthy land use process that would allow the property in question to be zoned Residential so Ms. Schweer could receive a reverse mortgage on her property. He explained that a Lot Line Elimination had already been approved making this one lot rather than two and that this is the next step as Ms. Schweer's zoning could not be changed to R-1 unless variances were granted to the minimum lot size and to the front, rear and side yard setbacks. He explained that the approval, if granted, should be contingent on the rezoning gaining approval.

Applicant's testimony was offered by Carmela Schweer, stating that she was trying to get a reverse mortgage but the bank will not do this on a commercially zoned property. She explained that her property has always been used as a residence but due to its location on Main Street it was zoned B – Business when the Town was zoned. She urged them to approve the application and offered to answer any questions.

Mayor Boyce asked for public comment in favor of or in opposition to the variances requested. None offered.

Mayor Boyce closed the hearing at 8:04 p.m.

Motion #5 by Trustee Lane, seconded by Johnson, that the Board grant the variances as requested for the property located at 808 Main Street by Carmela Schweer conditional upon approval of the rezoning request being approved for the property and directing the Town Attorney to draft the approving resolution for consideration on the June 20, 2011 agenda. Motion carried with four ayes and one nay.

Should the Board Approve the Rezoning as requested by Carmela Schweer for the property located at 808 Main Street?

Mayor Boyce opened the public hearing at 8:05 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 rezone the property located at 808 Main Street from B-Business to R-1 Residential to allow the applicant to apply for a reverse mortgage as stated above. It was noted that all evidence and testimony from the previous public hearing would be incorporated as part of this hearing.

Discussion ensued in regards to "spot" zoning", the comprehensive plan, and placement of conditions on rezonings. Town Attorney Phillips explained that while the Board can place conditions on the rezoning requiring that the zoning be reviewed upon change of ownership, the Town cannot place an automatic "reverter" condition on the approval.

Applicant's testimony was offered by Carmela Schweer, stating that she was trying to get a reverse mortgage but the bank will not do this on a commercially zoned property. She explained that her property has always been used and taxed as a residence but due to its location it was zoned B – Business when the Town was zoned. She urged them to approve the application and offered to answer any questions. She further stated her agreement with the condition as stated by Town Attorney Phillips above.

Mayor Boyce asked for comment in favor of or against the application. None offered.

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

Motion #6 by Trustee Just, seconded by Mayor Boyce, that the Board approve the rezoning request from Carmela Schweer for the property located at 808 Main Street to be rezoned from Business (B) to Residential (R-1) with the condition of the addition of a clause requiring a zoning review upon change of ownership and further directing the Town Attorney to draft the adopting resolution for consideration at the June 20, 2011 meeting. Motion carried with three ayes and two nays.

A brief discussion ensued in regards to how this document would be recorded and tracked in the event of a change in ownership. Staff explained that it would be recorded with the County Clerk's office, in the Town records; including the address file and that a note would be placed on the water billing record.

UNFINISHED BUSINESS

Discussion/Decision Regarding Engineering Firm Selection

Motion #7 by Trustee Just, seconded by Trustee Lane, that the Board direct staff to draft a Professional Services Agreement/Contract with High Country Engineering for Engineering Services to the Town of Fairplay and place for formal approval on the June 20, 2011 agenda. Motion carried unanimously.

Other Pending Items

No other pending items.

NEW BUSINESS

Presentation and Acceptance of 2010 Audit - Tim Mayberry

Staff comment was offered by Treasurer Martinez introducing the Town's Auditor, Tim Mayberry.

Mr. Mayberry presented the Board with the 2010 Audit and went through it briefly highlighting fund balances and discussing the management letter.

The Board directed staff to place this on the next agenda for acceptance allowing them time to review and ask questions of the staff and/or auditor.

Should the Board Recommend Approval of the Request for Historical Designation for the property located at Second and Castello Streets as applied for by Nancy Stimson?

Town Administrator Darrah offered a brief staff comment explaining that this request is for a recommendation to the Park County for historical designation of the property owned by Nancy Stimson located at Second and Castello Streets. Ms. Darrah explained that the process and requirements for historical designation have been discussed at various worksessions with the Board of Trustees and the Planning Commission. Ms. Darrah introduced Ashley Bushey, Park County's Preservation Planner, who offered comment stating that she was present to offer technical assistance and answer any questions the Board might have about the process.

Nancy Stimson, applicant, offered comment about the property and its uses, history and stories. She stated that she would like to see history promoted in Fairplay and felt this would be a good spot to do this. She explained that she would like to continue improving this property and needs the funds to do this. She explained that designating it historically will help with attainment of funds and thus urged them to offer a recommendation for historical designation of her property.

Linda Bjorklund, preparer of the application, spoke about the application and how she felt it matched the two criteria for historical designation - significance and integrity. She went through the application reiterating and elaborating on Ms. Stimson's comments about the property and its uses and story.

Marie Chisholm offered comment stating that the property is a piece of Fairplay's history and urging the Board to approve the recommendation for historical designation.

Discussion ensued among the Board with input from staff in regards to the application, the requirements for designation, the state of the property itself, the options available for designation, and the process.

Motion #8 by Trustee Deagan, seconded by Trustee Lane, that the Board deny the request for historical designation for the property located at Second and Castello Streets as applied for by Nancy Stimson. Motion carried with three ayes and two nays.

Discussion/Direction Regarding Request for Fee Waiver from South Park Seniors, Inc.

Marie Chisholm was present to request that the \$500.00 excavation/street cut fee recently paid by the South Park Seniors, Inc. for work done on their sewer line that required a street cut into the Town right of way be refunded due to financial hardship.

Motion #9 by Trustee Deagan, seconded by Trustee Lane, that the Board approve reimbursement of the \$500.00 street cut fee paid by the South Park Seniors, Inc. A roll call vote was taken: Just – yes, Deagan – yes, Lane – yes, Boyce – yes, Johnson - yes. Motion carried unanimously.

Other New Business

No other new business.

MAYOR AND TRUSTEE REPORTS

Trustee Johnson asked the Board if they are interested in having him looking into the Solar Garden Act. He explained that it is a program for entities in the Xcel service area that requires at least ten entities to partner together to build a solar array. After a brief discussion the Board agreed to have Trustee Johnson look into the Town participating in this possibility.

ADJOURNMENT

Mayor Boyce, noting that there being no further business before the Board, declared that the meeting be adjourned at 9:36 p.m.

Mayor Fred Boyce

ATTEST:

Tina Darrah, Town Clerk