

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
September 19, 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 John Deagan, Frank Just and Greg Johnson. Also in attendance were Town Treasurer Derek Martinez, Town Attorney Lee Phillips, Town Planner Ron Newman, Public Works Director Jeff Goble, Police Chief Dave Gottschalk and Town Administrator/Clerk Tina Darrah. Trustee Gabby Lane was absent.

AGENDA ADOPTION

Motion #1 by Trustee Johnson, seconded by Trustee Deagan, that the agenda be adopted with the following changes: Removal of Item E, under New Business; Under Item XII. Executive Session change the words "potential land purchase" to "potential annexation". Motion carried unanimously. (Trustee Lane was 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** – August 15, 2011
- B. **APPROVAL OF EXPENDITURES**
- C. Should the Board Approve Adoption of Resolution No. 19, series of 2011, entitled, "**A RESOLUTION CONDITIONALLY APPROVING THE RESUBDIVISION OF CERTAIN REAL PROPERTY DESCRIBED AS LOTS 6, 7, AND 8, BLOCK B, TOWN OF FAIRPLAY.**"?

Motion #2 by Mayor Boyce, seconded by Trustee Johnson, that the consent agenda be adopted as presented with bills in the amount of \$40,952.30. A roll call vote was taken: Just – yes, Boyce – yes, Johnson – yes, Deagan - yes. Motion carried unanimously. (Trustee Lane was absent.)

PRESENTATIONS:

Mayor Boyce presented checks from Town sponsored events to the following non-profits: Rocky Mountain Rural Health, Friends of the Fairplay Library and South Park Historical Foundation.

CITIZEN COMMENT

Dr. Kerry Madole offered citizen comment informing the Board of the Haunted Maze that will be placed at the Fairbarn this fall as a fundraiser for 4H and the Boys and Girls Club. He stated that they are in need of volunteers and help getting the information out to the public. He asked that the event be included in any advertising the Town is doing for other Halloween events in Fairplay.

PUBLIC HEARING:

Should the Board Approve a Special Event Liquor License as applied for by South Park Historical Foundation, for October 8, 2011, for an event at 100 Fourth Street from 6:00 p.m. – 8:00 p.m.?

Mayor Boyce opened the public hearing at 7:14 p.m. and offered a brief opening statement stating jurisdiction and outlining procedures for the public hearing. He then asked for staff comment, which was offered by Town Administrator Darrah stating that the public hearing had been posted with notice of the public hearing in accordance with State Statute, that all fees had been paid and that the application was complete and that staff recommended approval of the application. She further noted that the South Park Historical Foundation did request a waiver or reduction of the \$100 Town fee associated with this application.

Mayor Boyce asked for public comment in favor of or in opposition to the issuance of the special event liquor license. No public comments were offered.

Mayor Boyce closed the public hearing at 7:17 p.m.

Motion #3 by Trustee Deagan, seconded by Trustee Just, that the Board approve the application for a special event liquor license for October 8, 2011 as applied for by the South Park Historical Foundation and that the Town of Fairplay fee of \$100 be waived. A roll call vote was taken: Just – yes, Boyce – yes, Johnson – yes, Deagan - yes. Motion carried unanimously. (Trustee Lane was absent.)

Should the Board Approve a Minor Subdivision as applied for by the Town of Fairplay on Behalf of Duane Larsen for an 18.36 acre parcel located on the west side of Hwy. 285, on either side of the Middle Fork of the South Platte River?

Mayor Boyce opened the public hearing at 7:20 p.m. and offered 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. He offered a brief history of the property, its previous divisions, surveys, sales, etc. 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 legally subdivide an 18.36 acre parcel of land located on the west side of Hwy. 285, on either side of the Middle Fork of the South Platte River into two legal parcels, one of which would be purchased by the Town for open space/recreation purposes.

He noted that the application does include a request for a waiver of the subdivision improvement agreement and that staff did recommend in favor of this request.

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

Mayor Boyce closed the public hearing at 7:24 p.m.

Motion #4 by Trustee Deagan, seconded by Trustee Just, that the Board approve the minor subdivision in the form submitted, and also waiving the requirement for an SIA with direction to staff to bring back as a formal resolution at the next meeting. Motion carried unanimously. (Trustee Lane was absent.)

Should the Board Approve a Zoning Request of P (Parks) as applied for by the Town of Fairplay on Behalf of Duane Larsen for an 8.11 acre parcel of land located west of Hwy 285, south of Hwy 9 and includes a portion of the middle fork of the South Platte River running from the north to south shoulder of the river bank?

Mayor Boyce opened the public hearing at 7:25 p.m. and offered 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 consider zoning the 8.11 acre parcel created by the previous land use action and planned for purchase by the Town for open space/recreation purposes as P – Parks. He noted that the remaining parcel already carried a zoning of C-1 Commercial.

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

Mayor Boyce closed the public hearing at 7:27 p.m.

Motion #5 by Trustee Just, seconded by Trustee Deagan, that the Board approve the zoning as requested with direction to staff to bring back as a formal resolution at the next meeting. Motion carried unanimously. (Trustee Lane was absent.)

Should the Board Approve a Height Variance as applied for by the Park County School District RE-2 to allow placement of a wind turbine at the site of the new athletic complex?

Mayor Boyce opened the public hearing at 7:30 p.m. and offered a brief opening statement stating jurisdiction and outlining procedures for the public hearing. Trustee Johnson declared a conflict of interest explaining that he had prepared the grant application. Mayor Boyce then asked for staff comment, which was offered by Town Planner Newman stating that the property was posted with notice of the public hearing 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' to allow placement of a wind turbine at the new athletic complex/football field. 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 Foss Smith, 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. Mike Iozzo spoke on behalf of the Park County School District Board, urging the Board to approve the variance request.

Mayor Boyce closed the public hearing at 7:40 p.m.

Motion #6 by Trustee Just, seconded by Mayor Boyce, that the Board approve the height variance as requested with direction to staff to bring back as a formal resolution at the next meeting. Motion carried with two aye votes and one nay. (Trustee Lane was absent and Trustee Johnson was excused from voting due to stated conflict of interest.)

UNFINISHED BUSINESS

Beach Staircase Project Update/ Discussion In regards to Bids/Projected Costs/Phasing

Staff comment was offered by Public Works Director Goble explaining that staff has been working on design and engineering of the project and that as "real" numbers are gathered with better knowledge of the soil at the site and steel costs, it has become clear that this is a more costly project than originally estimated by CCCD. He explained that the first and preferred option of the staircase being constructed solely out of steel and tempered steel is coming in at about \$85,000 for just that portion (not including the concrete and excavation). In light of that, he explained that staff had asked the engineers to prepare the same design but with wood elements and wire mesh elements. He noted that with these types of changes, the estimated cost has been reduced to about \$50,000. He also noted that staff would like to phase the project, finish the concrete and excavation work right now as Phase One and call the fabrication and erection of the staircase Phase Two, thus allowing the staff time to apply for next year's CTF grant from the County for Phase Two and allow the CTF grant received this year to be used for Phase One.

Discussion ensued in regards to the pros and cons of the two design options wherein the maintenance and longevity of the structure were the two main issues contemplated. The Board came to consensus that the staff should proceed with the preferred all steel structure and apply for the CTF grant from Park County for Phase Two.

Other Pending Items

No other pending items.

NEW BUSINESS

Discussion Regarding Request for Donation from South Park Futbol

Comment was offered by Natalie Daknis asking the Board for a donation to support the South park Futbol group. She stated that they started the soccer club several years ago and this year have grown to 72 kids with seven teams. She explained that they are non-profit youth soccer organization, run by all volunteers and that any funding they receive will go towards the cost of uniforms.

Motion #7 by Trustee Deagan, seconded by Trustee Johnson, that the Board donate \$100.00 to the South Park Futbol group. A roll call vote was taken: Just – yes, Boyce – yes, Johnson – yes, Deagan - yes. Motion carried unanimously. (Trustee Lane was absent.)

Presentation by Park County Development Services Director, Tom Eisenman

Comment was offered by Tom Eisenman, Park County Development Services Director, informing the Board that the County was in the planning stages of a new County Annex building at the site of the defunct "McNamara" building adjacent to the new Communications Center on Clark Street in the Town of Fairplay.

Should the Board Approve a Grant of Easement From Park County Government for a Waterline Easement

Staff comment was offered by Public Works Director Goble explaining that the Town has received all of the required forms and maps for the new easement next to the Communications Center building. He recommended that the Board approve the grant of easement.

Motion #8 by Mayor Boyce, seconded by Trustee Just, that the Board accept the grant of easement for the waterline recently moved/installed at the site of the new communication building from Park County. Motion carried unanimously. (Trustee Lane absent.)

Should the Board Approve the Change Order to Include Painting of the Garage at Town Hall As presented by ABC Construction?

Staff comment was offered by Public Works Director Goble explaining that the staff has determined that the garage structure at Town Hall is sound enough to continue using for the next few years and as such, would like to have it painted the same colors as Town hall has been painted.

Motion #9 by Trustee Deagan, seconded by Trustee Just, that the Board approve Change Order One – "Option Two" in the amount of \$3,300.00 as submitted by ABCConstruction incorporating the painting of the garage at Town Hall in the original bid. A roll call vote was taken: Just – yes, Boyce – yes, Johnson – yes, Deagan - yes. Motion carried unanimously. (Trustee Lane was absent.)

Discussion/Direction Regarding Agreement with Property Owner, Grumet to Dispose of Dangerous Building

This item was removed from the agenda.

Approval/Award of Concrete Bid for Staircase Project

Staff comment was offered by Public Works Director Goble explaining that of the six companies he had faxed bid packages to for the concrete work at the Beach staircase Project, only two responded – Freelance Foundations with a bid of \$20,100 and Colorado Coring and Cutting with a bid of \$21,000. He offered a staff recommendation that the bid be awarded to Freelance Foundations.

Motion #10 by Trustee Deagan, seconded by Mayor Boyce, that the Board approve the bid for the Beach Staircase project concrete work in the amount of \$20,100 as submitted by Freelance Foundations. A roll call vote was taken: Just – yes, Boyce – yes, Johnson – yes, Deagan - yes. Motion carried unanimously. (Trustee Lane was absent.)

Discussion/Direction in Regarding Proposals for Town Auditor

Staff comment was offered by Treasurer Martinez informing the Board that 23 requests for proposals had been sent out and of these, the Town had five responses. He explained that he had summarized the firms, the answers as received by references upon calling and the proposal amounts. He further noted that the goal for the discussion is to give staff direction on which firm they would like to proceed with hiring as the Town's auditor.

Discussion ensued among the Board with input from Town Attorney Phillips, Treasurer Martinez and Administrator Darrah. Discussion points were; past performance of Johnson, Holscher and Co., the recommendations and comments offered for all firms, the costs associated with each firm's proposal and the Board's expectations from the Town's Auditor.

Motion #11 by Trustee Just, seconded by Trustee Deagan, that the Board award a one year contract for auditing services to Johnson, Holscher and Co. A roll call vote was taken: Just – yes, Boyce – yes, Johnson – no, Deagan - yes. Motion carried. (Trustee Lane was absent.)

Other New Business

No other new business.

MAYOR AND TRUSTEE REPORTS

Mayor Boyce offered comment stating the success of the Plein Air event that had just taken place in Fairplay.

COMMITTEE AND STAFF REPORTS

Police Chief Gottschalk informed the Board that he still had two grants outstanding that he would hear on in October – one for bullet proof vests and one for updating the computer systems. He further announced that he would be starting the process of a developing a strategic plan for the Police Department. He also announced that Officer Barkus had attended DRE (Drug Recognition Expert) school. He noted that he is planning the Halloween Spooktacular event again this year in conjunction with the American Legion.

Town Treasurer Martinez informed the Board that he had spoken to CIRSA about getting bonded and that he had looked into various investment scenarios. He explained that after researching, he decided to stay with the Town’s current investments. He informed the Board that the Caselle software training in Utah would cost about \$3,750, which he did not believe would be cost effective at this point due to the eminent upgrades being required by Caselle. He did note that he would be attending the CGFOA Conference in November.

Public Works Director Goble informed the Board that he had authorized funds out of the Water Department to update the Towns maps to an electronic format. He explained that he had worked with Planner Newman to hire Yvonne Barnes to get the Town’s maps into a GIS System that can be turned over to the Town for maintenance, updates, additional layers, etc. He noted that the maps being done by Ms. Barnes would include an updated zoning layer.

Town Administrator Darrah went through her written report and offered to answer any questions of the Board.

EXECUTIVE SESSION: Pursuant to C.R.S. 24-6-402 (4) (e) for determining positions relative to matters that may be subject to negotiations; developing strategies for negotiations and instructing negotiators in regards to a potential land purchase.

Motion #12 by Trustee Johnson, seconded by Trustee Just, that the Board go into executive session at 9:22 p.m. pursuant to C.R.S. 24-6-402 (4) (e) for determining positions relative to matters that may be subject to negotiations; developing strategies for negotiations and instructing negotiators in regards to a potential annexation. A roll call vote was taken: Deagan – yes, Just – yes, Johnson – yes, Boyce – yes. Motion carried unanimously. (Trustee Lane was absent.)

Mayor Boyce announced that the meeting was back to open session at 9:41 p.m. The participants in the executive session were: Mayor Boyce, Trustees Deagan, Just and Johnson, 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 9:42 p.m.

Mayor Fred Boyce

ATTEST:

Tina Darrah, Town Clerk