

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
October 3, 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, Public Works Director Jeff Goble, Police Chief Dave Gottschalk and Town Administrator/Clerk Tina Darrah. Trustee Gabby Lane arrived at 7:05 p.m.

AGENDA ADOPTION

Motion #1 by Trustee Deagan, seconded by Trustee Just, that the agenda be adopted as presented. 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** – September 19, 2011
- B. **APPROVAL OF EXPENDITURES**
- C. Should the Board Approve Adoption of Resolution No. 20, series of 2011, entitled, **“A RESOLUTION APPROVING THE RESUBDIVISION OF CERTAIN REAL PROPERTY LOCATED ON THE WEST SIDE OF COLORADO HIGHWAY 285 SOUTH OF THE MIDDLE FORK OF THE SOUTH PLATTE RIVER REFERRED TO AS PARCELS E AND F.”?**
- D. Should the Board Approve Adoption of Resolution No. 21, series of 2011, entitled, **“A RESOLUTION APPROVING THE ZONING OF THE PROPERTY COMMONLY KNOWN AS PARCEL F, LARSON MINOR SUBDIVISION, FAIRPLAY, COLORADO.”?**
- E. Should the Board Approve Adoption of Resolution No. 22, series of 2011, entitled, **“A RESOLUTION APPROVING THE APPLICATION FOR A HEIGHT VARIANCE AT CERTAIN REAL PROPERTY COMMONLY KNOWN AND NUMBERED AS 800 6th STREET, FAIRPLAY, COLORADO.”?**

Motion #2 by Mayor Boyce, seconded by Trustee Johnson, that the consent agenda be adopted as presented with bills in the amount of \$99,001.23. A roll call vote was taken: Just – yes, Boyce – yes, Johnson – yes, Deagan - nay. Motion carried. (Trustee Lane was absent.)

CITIZEN COMMENT

None offered.

UNFINISHED BUSINESS

Franchise Status Update – Colorado Natural Gas

Eric Earnest, Colorado Natural Gas, was present to discuss the status of their Franchise Agreement with the Town and more specifically the new projected dates for bringing natural gas to Fairplay. He informed the Board that they are projecting a completion date for build out of the initial distribution system of December 31, 2012. He went on to state that they have obtained all necessary permits and have reached an agreement with Xcel for delivery of gas.

Discussion ensued in regards to the following items: distribution installation, tariff, conversion of appliances, other utility lines being placed in the same trench as the natural gas lines – especially irrigation lines, correct insurance amounts, and adoption process for the revised franchise agreement.

Other Pending Items

No other pending items.

NEW BUSINESS

Should the Board Approve Adoption of Resolution No. 23, series of 2011, entitled, “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE TOWN OF FAIRPLAY, COLORADO AND HORIZON HOLDINGS IN REGARDS TO A DONATION FOR AN OPEN SPACE/RECREATION LAND PURCHASE.”?

Motion #3 by Mayor Boyce, seconded by Trustee Deagan, that the Board approve adoption of Resolution No. 23, series of 2011, entitled, “**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE TOWN OF FAIRPLAY, COLORADO AND HORIZON HOLDINGS IN REGARDS TO A DONATION FOR AN OPEN SPACE/RECREATION LAND PURCHASE.**” A roll call vote was taken: Just – yes, Boyce – yes, Johnson – yes, Deagan – yes, Lane - yes. Motion carried unanimously.

Should the Board Approve Adoption of Resolution No. 24, series of 2011, entitled, “A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE ERECTION AND MAINTENANCE OF AN “OFFICIAL ADVERTISING DEVICE”.”?

Motion #4 by Trustee Deagan, seconded by Trustee Just, that the Board Approve Adoption of Resolution No. 24, series of 2011, entitled, “A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE ERECTION AND MAINTENANCE OF AN “OFFICIAL ADVERTISING DEVICE”.

Discussion ensued in regards to the design of the sign and the desire of the Board that the sign be designed to more closely match the branding of the Town.

Motion #4 was amended to include the following language as part of the resolution:

NOW THEREFORE, BE IT RESOLVED THAT THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO that the Board of Trustees hereby authorizes the erection and maintenance of the above mentioned “Official Advertising Device” for the public purposes declared above pursuant to the Colorado “Outdoor Advertising Act”, C.R.S. (1973) Section 43-1-40, et. seq., and the regulations duly enacted thereunder, “provided however, that the Town shall have final approval rights over sign form and content.”

Motion carried unanimously.

Request for Participation in a Recreation Master Plan – Kim Wittbrodt

Kim Wittbrodt was present and asked the Board to participate in the creation of a Recreation Master Plan for the area of Fairplay that includes the new Athletic Field, the Recreation Center and the Town’s ball fields. She explained that the total cost is \$8,700 and that the Town’s portion would be \$2,700. She explained that the plan would be developed by students with the Colorado Center for Community Development program and would be completed by the end of the year, allowing grants to be applied for as early as next year. She went on to explain that either the school or the recreation district would be the agency contracted with CCCD.

A brief discussion ensued in regards to the level of involvement by each agency, Park County’s level of involvement – especially in regards to the Fairgrounds area, and the timing of the funding.

Mr. Earnest of Colorado Natural Gas was present in the audience and stated that they plan to become involved in the community and would like to help with this important project, to that end, \$2,000 was offered. This was briefly discussed and it was determined that this donation might be better suited for use as matching funds as grants are applied for to begin implementation of the plan, i.e. grants for regulation size baseball fields.

Motion #5 by Trustee Lane, seconded by Mayor Boyce, that the Board authorize funds in the amount of \$2,700 to be used as one-third match for funding of a Recreation Master Plan for the area of Fairplay that includes the new Athletic Field, the Recreation Center and the Town's ball fields. A roll call vote was taken: Just – yes, Boyce – yes, Johnson – yes, Deagan – yes, Lane - yes. Motion carried unanimously.

Discussion Regarding Request from Gold Pan Mobile Home Park – Faye Hamilton

Presentation was offered by Faye Hamilton, manager of the Gold Pan Mobile Home Park, who went through a brief history of the water leak in 2010 at the Park that created a large water bill that was subsequently placed as a tax lien on the property. She explained that per the letter in their packet from owner, Bob Brands, they are requesting to settle the amount owed of \$22,619.50 with a 20% payment of \$4,523.90.

Discussion ensued during which Town Administrator Darrah explained that the precedent in these types of cases has been such: when a customer has had a leak, staff has agreed to "settle" for 50% of the amount owed above their normal monthly usage, with the normal monthly usage included in the amount owed. She further noted that this has only happened a few times and each and every time, the customer has had the leak fixed as soon as possible.

The Board directed staff to draft a settlement agreement of 50% of the amount owed over and above the normal usage with 20% of that due immediately and the remaining 30% to be paid over time with a negotiated payment schedule, present this to Mr. Brands and if acceptable to him, bring back to the Board for approval on October 10, 2011 in a special meeting.

Upon concerns being raised about the cost of this settlement being "passed on" to those living in the Park, it was promised by Ms. Hamilton that this would not cause an increase in fees to residents at the Park.

Discussion Regarding Public Comment Period for the Draft Environmental Assessment for the Fairplay Mining Proposal

Discussion was led by Trustee Johnson, who asked that this item be placed on the agenda to determine the Board's position on the proposed gold mine adjacent to Fairplay. Discussion items included concerns raised about the mine being too close to neighborhoods in Fairplay and the negative impacts this mine could have on those properties, including noise, dust, and truck traffic. At the conclusion of the discussion it was determined that the Town's comments be directed to addressing or mitigating possible effects of mining at this site.

Motion #7 by Trustee Johnson, seconded by Mayor Boyce, that the Board directs staff to prepare a written response to BLM in opposition to the Fairplay Mining Proposal as submitted by Boyd Astemborski. Motion carried unanimously.

Discussion Regarding Sample Ordinance – "AN ORDINANCE AMENDING CHAPTER 18 OF THE FAIRPLAY MUNICIPAL CODE BY THE ADDITION THERETO OF A NEW ARTICLE XI CONCERNING THE CULTIVATION OF MEDICAL MARIJUANA IN RESIDENTIAL STRUCTURES."

Police Chief Gottschalk offered staff comment explaining that this ordinance is to address cultivation of medical marijuana by caregivers in residential structures. He explained that he has had several problems with homes being modified in unsafe ways to cultivate marijuana and that this cultivation is further causing public nuisance issues such as noxious odors, undue traffic, light pollution, and sewer system issues. Town Attorney Phillips explained that this ordinance treats medical marijuana cultivation in residential structures as a building code issue.

Discussion ensued in regards to the pros and cons of the ordinance and its implementation, whether or not this issue is already adequately addressed in the nuisance and building codes, whether or not the sanitation district has had any issues, and whether or not HOA's have addressed this or are having similar issues.

Motion #8 by Trustee Just, seconded by Trustee Deagan, that the staff move forward with this draft and bring it back for formal approval at a later date. Motion carried unanimously.

Trustee Johnson asked that staff discuss this issue with the Sanitation District, especially in regards to paragraph seven.

Other New Business

Town Administrator Darrah offered a brief reminder to the Board of meetings the following week.

MAYOR AND TRUSTEE REPORTS

Mayor Boyce noted that the Town Board had received a thank you card from the South Park High School students that had participated in the Plein Air event.

ADJOURNMENT

Mayor Boyce, noting that there being no further business before the Board, declared that the meeting be adjourned at 9:00 p.m.

Mayor Fred Boyce

ATTEST:

Tina Darrah, Town Clerk