

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
February 27, 2012**

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 who proceeded with the pledge of allegiance, followed by the roll call which was answered by Trustees LaNita French, John Deagan, and Gabby Lane. Also in attendance were Public Works Director Jeff Goble, Police Chief Dave Gottschalk, Town Attorney Lee Phillips and Town Administrator/Clerk Tina Darrah. Trustee Frank Just was absent.

AGENDA ADOPTION

Motion #1 by Trustee Deagan, seconded by Trustee Lane, that the agenda be adopted as presented. Motion carried unanimously. (Trustee Just 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 6, 2012 and February 20, 2012
- B. **APPROVAL OF EXPENDITURES** – Approval of bills of various Town Funds

Motion #2 by Mayor Boyce, seconded by Trustee Deagan, that the consent agenda be adopted as presented with bills in the amount of \$39,114.16. A roll call vote was taken: Boyce – yes, French – yes, Deagan – yes, Lane – yes. Motion carried unanimously. (Trustee Just absent.)

PRESENTATION – Tom Eisenman, Interim Park County Administrator

Tom Eisenman, Interim Park County Administrator, presented preliminary plans for a phased Park County offices building to be built at the site of the current McNamara Building.

CITIZEN COMMENT

None offered.

UNFINISHED BUSINESS

Should the Board Approve the Adoption of Ordinance No. 1, series of 2012, entitled, "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."?

Staff comment was offered by Public Works Director Goble explaining that per the Boards direction this ordinance controls the type and size of cultivation of medical marijuana operations in residential structures by limiting the size of the operation, where the cultivation can take place in a residence, and what persons can have access to the cultivation area. He further explained that this allows the Town's Building Official to enter a premise to perform safety and building code inspections upon receipt of a complaint.

Discussion ensued in regards to the ordinance, with Town Attorney Phillips answering questions and offering comment n regards to the major points of the ordinance. Attorney Phillips noted that this ordinance is similar to what many other municipalities in Colorado have adopted.

Motion #3 by Mayor Boyce, seconded by Trustee Lane, that the Board Approve the Adoption of Ordinance No. 1, series of 2012, entitled, "**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.**" A roll call vote was taken: Boyce – yes, French – yes, Deagan – yes, Lane – yes. Motion carried unanimously. (Trustee Just absent.)

Other Pending Items

No other pending items.

NEW BUSINESS

Should the Board Approve Adoption of Resolution No. 2, series of 2012, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, APPOINTING KIM WITTBRODT AS TOWN TREASURER."?

Motion #4 by Mayor Boyce, seconded by Trustee Lane, that the Board Approve Adoption of Resolution No. 2, series of 2012, entitled, "**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, APPOINTING KIM WITTBRODT AS TOWN TREASURER.**" A roll call vote was taken: Boyce – yes, French – yes, Deagan – yes, Lane – yes. Motion carried unanimously. (Trustee Just absent.)

Mayor Boyce administered the oath of office to Kim Wittbrodt as Town Treasurer.

Should the Board Approve Adoption of Resolution No. 3, series of 2012, 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." ?

Motion #5 by Mayor Boyce, seconded by Trustee Lane, that the Board Approve Adoption of Resolution No. 3, series of 2012, 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: Boyce – yes, French – yes, Deagan – yes, Lane – yes. Motion carried unanimously. (Trustee Just absent.)

Discussion/Direction to Staff Regarding Colorado Natural Gas Conditional Use Permit Referral Request from Park County Planning.

Trustee Deagan recused himself due to potential conflict of interest stating that he is reviewing this application in his capacity as Park County Planner.

Staff comment was offered by Town Administrator Darrah referring to the staff report submitted by Town Planner Newman explaining that the Park County Planning Department had referred a conditional use permit as applied for by Colorado Natural Gas (CNG) to the Fairplay Board of Trustees for review and comment. She explained that the permit is to allow the construction and installation of natural gas pipelines from the Summit/Park County line atop Hoosier Pass, to Alma, Fairplay and other areas of Park County, noting that the project will consist of approximately 360,000 linear feet of pipeline mains and serve approximately 1200 residential and commercial customers.

After a brief discussion the Board offered direction to staff to offer a recommendation of approval to the Park County Planning Department.

Other New Business

No other new business.

COMMITTEE AND STAFF REPORTS

Police Chief Gottschalk went through his annual report with the Board, noting increases in all contact areas, but particularly in traffic, over the last two years. He noted that the department is fully staffed as far as full-time employees, but that there are two openings for part-time officers.

Public Works Director Goble went through his staff report noting that projects are moving forward despite the weather, including the dredging of the beach and the staircase project. He noted that he would like to consider making changes to the Town Clean-Up process this year by requiring citizens drop their items off at the shop, rather than having items picked up at the curb. He explained that for the last two years he has seen an increase in curbside items being left by out of town residents. After a brief discussion, it was agreed that staff would do further research on costs associated with curbside clean-up versus the drop-off option and bring the item back for further discussion. Mr. Goble noted that the cemetery clean-up was scheduled for the weekend before Memorial Day.

Town Administrator Darrah went through her written staff report and offered to answer any questions.

Mayor Boyce noted that the Town had received several People's Choice awards from the Fairplay Flume this year: 1) Best Fishing Spot – Fairplay Beach, Runner-up – Best Picnic spot – Fairplay Beach and runner-up – best live music venue – TGIFairplay Concert Series at the Fairplay Beach.

ADJOURNMENT

Mayor Boyce, noting that there being no further business before the Board, declared that the meeting be adjourned at 7:52 p.m.

ATTEST:

Mayor

Tina Darrah, Town Clerk