

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
July 2, 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, Gabby Lane, John Deagan and Frank Just. Also in attendance were Town Attorney Lee Phillips, Town Administrator/Clerk Tina Darrah, Public Works Director Jeff Goble, Police Chief Dave Gottschalk and Deputy Town Clerk Claudia Werner.

AGENDA ADOPTION

Motion #1 by Mayor Boyce, 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 MINUTES** – June 13, June 18 and June 25, 2012
- B. **APPROVAL OF EXPENDITURES** – Approval of bills of various Town Funds
- C. Ratification of Approval of the Purchase Contract for the Crawford Parcel.

Motion #2 by Mayor Boyce, seconded by Trustee Lane, that the consent agenda be adopted as presented with bills in the amount of \$22,019.78. A roll call vote was taken: French – yes, Lane – yes, Boyce – yes, Just – yes, Deagan – yes. Motion carried unanimously.

CITIZEN COMMENT

None offered.

PUBLIC HEARINGS

- A. Annexation of Long/DeBonis Property

Mayor Boyce opened the public hearing at 7:03 p.m.

Town Attorney Lee Phillips offered a brief opening statement wherein he stated jurisdiction and outlined procedures for the public hearings on the annexation, zoning and ESTIP agreements.

Mayor Boyce asked for public comment in favor of or in opposition to Resolution No. 22, series of 2012 and Ordinance 2012-3. None offered.

Mayor Boyce closed the public hearing at 7:03 p.m.

1. Should the Board Approve Adoption of Resolution No. 22, series of 2012, entitled, "A Resolution Concerning the Annexation to the Town of Fairplay, Colorado of a Certain Area More Particularly Described Herein Setting Forth Findings of Fact and Conclusions Based Thereon as Required by C.R.S. § 31-12-110 (Long/Shell Property Annexation)."?

Motion #3 by Trustee Deagan, seconded by Trustee Just, that the Board Approve the Adoption of Resolution No. 22, series of 2012, entitled, "**A Resolution Concerning the Annexation to the Town of Fairplay, Colorado of a Certain Area More Particularly Described Herein Setting Forth Findings of Fact and Conclusions Based Thereon as Required by C.R.S. § 31-12-110 (Long/Shell Property Annexation).**" A roll call vote was taken: French – yes, Lane – yes, Boyce – yes, Just – yes, Deagan – yes. Motion carried unanimously.

2. Should the Board Approve Adoption of Ordinance 2012-3, entitled, "A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory in the County of Park, and more Particularly Described in Attached Exhibit A (Long/Shell Property Annexation)."?

Motion #4 by Trustee Just, seconded by Trustee Lane, that the Board Approve the Adoption of Ordinance 2012-3, entitled, **“A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory in the County of Park, and More Particularly Described in Attached Exhibit A (Long/Shell Property Annexation).”** A roll call vote was taken: French – yes, Lane – yes, Boyce – yes, Just – yes, Deagan – yes. Motion carried unanimously.

B. Should the Board Approve Adoption of Resolution 23, series of 2012, entitled, “A Resolution of the Board of Trustees of the Town of Fairplay, Colorado Granting Approval to Zone the Property Located at 21970 and 22186 U S Highway 285 as Commercial One.”?

Mayor Boyce opened the public hearing at 7:06 p.m.

The Board received a staff memorandum stating these properties are currently zoned Commercial in unincorporated Park County, the current uses are consistent with and listed as conforming uses in the Commercial Once Zone District per F.M.C. Sec. 16-10-20, and the adjoining property within the Town limits is zoned Commercial One. The report also states that the Planning Commission recommended approval for this zoning on June 12, 2012.

Mayor Boyce asked for public comment in favor of or in opposition to Resolution No. 23. None offered.

Mayor Boyce closed the public hearing at 7:06 p.m.

Motion #5 by Trustee Just, seconded by Trustee Deagan, that the Board Approve the Adoption of Resolution No. 23, series of 2012, entitled, **“A Resolution of the Board of Trustees of the Town of Fairplay, Colorado Granting Approval to Zone the Property Located at 21970 and 22186 U S Highway 285 as Commercial One.”** Motion carried unanimously.

C. Should the Board Approve Adoption of Resolution No. 24, series of 2012, entitled, “A Resolution of the Board of Trustees for the Town of Fairplay, Colorado Authorizing Execution of an Enhanced Sales Tax Incentive Program (ESTIP) Agreement Between the Town and San Ca Long and Hy Chuyen Cun for the Long Project.”?

Mayor Boyce opened the public hearing at 7:07 p.m.

The Board received a staff memorandum stating that while this a public hearing, it was not posted or published as no such requirement exists, the base amount used for this agreement is 0 as this is a new business within the Town, and the applicant and the Town will have a 50/50 split with a maximum of \$50,000 in sales tax to be rebated to the applicant over a 5 year period.

Mayor Boyce asked for public comment in favor of or in opposition to Resolution No. 24. Sonja Oliver, with The Flume, asked what is an ESTIP agreement and how does it work. Town Attorney Lee Phillips offered an explanation.

Mayor Boyce closed the public hearing at 7:09 p.m.

Motion #6 by Mayor Boyce, seconded by Trustee Just, that the Board Approve the Adoption of Resolution No. 24, series of 2012, entitled, **“A Resolution of the Board of Trustees for the Town of Fairplay, Colorado Authorizing Execution of an Enhanced Sales Tax Incentive Program (ESTIP) Agreement Between the Town and San Ca Long and Hy Chuyen Cun for the Long Project.”** A roll call vote was taken: French – yes, Lane – yes, Boyce – yes, Just – yes, Deagan – yes. Motion carried unanimously.

D. Should the Board Approve Adoption of Resolution No. 25, series of 2012, entitled, “A Resolution of the Board of Trustees for the Town of Fairplay, Colorado Authorizing Execution of an Enhanced Sales Tax Incentive Program (ESTIP) Agreement Between the Town and Tess DeBonis for the DeBonis Project.”?

Mayor Boyce opened the public hearing at 7:10 p.m.

The Board received a staff memorandum stating that while this a public hearing, it was not posted or published as no such requirement exists, the base amount used for this agreement is 0 as this is a new business within the Town, and the applicant and the Town will have a 50/50 split with a maximum of \$105,000 in sales tax to be rebated to the applicant over a 5 year period.

Mayor Boyce asked for public comment in favor of or in opposition to Resolution No. 25. Tess DeBonis expressed her support for the annexation, zoning and ESTIP agreement. Tom DeBonis thanked the Board and Staff for working with them to complete the entire process.

Mayor Boyce closed the public hearing at 7:11 p.m.

Motion #7 by Trustee Lane, seconded by Trustee French, that the Board Approve the Adoption of Resolution No. 25, series of 2012, entitled, "**A Resolution of the Board of Trustees for the Town of Fairplay, Colorado Authorizing Execution of an Enhanced Sales Tax Incentive Program (ESTIP) Agreement Between the Town and Tess DeBonis for the DeBonis Project.**" A roll call vote was taken: French – yes, Lane – yes, Boyce – yes, Just – yes, Deagan – yes. Motion carried unanimously.

UNFINISHED BUSINESS

A. Should the Board Approve Adoption of Resolution No. 26, series of 2012, entitled, "A Resolution of the Board of Trustees for the Town of Fairplay, Colorado Approving a License/Access Agreement with Snowstorm Sand and Gravel, LLC for the Installation and Maintenance of a Stream Flow Measuring Device on Beaver Creek at the Town Ditch Headgate Facility."?

Public Works Director Jeff Goble presented the Board with the history, process and purpose of this license/access agreement with Snowstorm Sand and Gravel.

Trustee Just thanked Town Staff for seeing this process through and getting this wrapped up.

Motion #8 by Trustee Just, seconded by Mayor Boyce, that the Board Approve the Adoption of Resolution No. 26, series of 2012, entitled, "**A Resolution of the Board of Trustees for the Town of Fairplay, Colorado Approving a License/Access Agreement with Snowstorm Sand and Gravel, LLC for the Installation and Maintenance of a Stream Flow Measuring Device on Beaver Creek at the Town Ditch Headgate Facility.**" Motion carried unanimously.

B. Other Pending Items

No other pending items.

Town Treasurer Kim Wittbrodt joined the meeting at 7:12 p.m.

NEW BUSINESS

A. 2011 Audit Presentation

Tim Mayberry, with Holscher Mayberry & Company, presented the Board with a draft of the 2011 independent auditors' report prepared for the Town of Fairplay as well as various financial statements and supplementary information.

Mayor Boyce and Town Administrator/Clerk Tina Darrah thanked him for clearly presenting the Town's financial position.

B. Should the Board Approve Adoption of Ordinance 2012-4, entitled, "An Ordinance Amending Article IV of Chapter 11 of the Fairplay Municipal Code Relating to Fairplay Reservoir."?

Town Administrator/Clerk Tina Darrah presented the Board with an ordinance for their consideration, wherein the use of non-motorized flotation devices would be permitted on the pond at the Fairplay Beach if they obtained a permit from the Town, paid any required fees and provided proof of insurance if necessary. She also provided a copy of the permit application currently in use for other Town owned facilities as well as copies of correspondence received in opposition of this change of permitted use at the Beach.

Mayor Boyce inquired about enforcement if the Board adopts this ordinance.

Trustee Lane stated that he received a number of phone calls in opposition to this use at the Beach.

Saam Golgoon, representing the South Park Recreation District, stated that it would be a good place for the Rocky Mountain Outdoor Education Center to host kayak clinics/classes but went on to say that there are no classes scheduled for this year. He asked the Board to reconsider this ordinance in the fall so that classes could be scheduled for next year if adopted.

Trustee Just asked what the clinics/classes entailed.

Saam stated that they would offer basic training for youth and beginners interested in learning to kayak.

Trustee Just suggested that the Board wait to reconsider adoption of Ordinance 2012-4 until the dredging project is completed at the Fairplay Beach.

Motion #9 by Mayor Boyce, seconded by Trustee Just, that the Board Table further Discussion and Possible Adoption of Ordinance No. 2012-4, entitled, "**An Ordinance Amending Article IV of Chapter 11 of the Fairplay Municipal Code Relating to Fairplay Reservoir.**" until the Dredging Project has been completed later this year. Motion carried unanimously.

C. Should the Board Approve Adoption of Ordinance 2012-5, entitled, "An Ordinance Amending the Fairplay Municipal Code by the Addition of a New Section 2-6-110 Relating to the Board of Trustees Serving as Planning Commission."?

Motion #10 by Trustee Just, seconded by Trustee Lane, that the Board Approve the Adoption of Ordinance No. 2012-5, entitled, "**An Ordinance Amending the Fairplay Municipal Code by the Addition of a New Section 2-6-110 Relating to the Board of Trustees Serving as Planning Commission.**" Motion carried unanimously.

D. Should the Board Approve Adoption of Resolution No. 27, series of 2012, entitled, "A Resolution of the Board of Trustees for the Town of Fairplay, Colorado Authorizing the Execution of a Trademark License Agreement Between the Town of Fairplay, Colorado and G & J Davis Inc."?

Town Administrator/ Clerk Tina Darrah stated that adoption of this resolution will allow George Davis of the Brown Burro to use the Town Logo on merchandise to be sold at his restaurant and coffee shop at retail. The associated license agreement does not require the applicant to pay a fee for the logo's use during the term of this agreement but one may be imposed should the use change or the term be renewed. Staff recommended approval of Resolution No. 27, series of 2012.

Motion #11 by Mayor Boyce, seconded by Trustee Lane, that the Board Approve the Adoption of Resolution No. 27, series of 2012, entitled, "**A Resolution of the Board of Trustees for the Town of Fairplay, Colorado Authorizing the Execution of a Trademark License Agreement Between the Town of Fairplay, Colorado and G & J Davis Inc.**" Motion carried unanimously.

E. Should the Board Approve Adoption of Resolution No. 28, series of 2012, entitled, "A Resolution of the board of Trustees of 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."?

Town Administrator/Clerk Tina Darrah stated the purpose of this resolution is to accept the generous donation from Horizon Holdings for the purpose of purchasing the Crawford property and the agreement, drafted by Lee, includes assurances from the Town that the land purchased will be used for the intended purpose. Staff recommends approval of Resolution No. 28, series of 2012.

Motion #12 by Mayor Boyce, seconded by Trustee Lane, that the Board Approve the Adoption of Resolution No. 28, series of 2012, entitled, "**A Resolution of the board of Trustees of 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: French – yes, Lane – yes, Boyce – yes, Just – yes, Deagan – yes. Motion carried unanimously.

F. Discussion on Request for Donation from Burro Days Committee

Town Administrator/ Clerk Tina Darrah stated that Julie Bullock with the Burro Days Committee could not be here tonight but that this donation request has historically been approved by the Board for help in hosting the Saturday evening dance during Burro Days. She also stated that the budget line item for donations has available funds for this \$200 donation.

Motion #13 by Trustee Just, seconded by Trustee Lane, that the Board Approve a Donation of \$200.00 to the Burro Days Committee. A roll call vote was taken: French – yes, Lane – yes, Boyce – yes, Just – yes, Deagan – yes. Motion carried unanimously.

G. Other New Business

No other new business.

MAYOR/TRUSTEE REPORTS

Trustee French informed the Board that she and Deputy Town Clerk Claudia Werner attended the South Park Chamber mixer last week and the USA Pro Cycling Challenge was brought up by Jodi Messa and Susan Simpson. Jodi and Susan had stated that they are planning a parking lot party on Friday, August 24th as the participants come through Fairplay.

Trustee Just stated that he had considered various priorities for the Town for 2013 and after taking a closer look at the current condition of Cohen Park he felt that the volleyball area could be used for a winter ice skating pond.

Public Works Director Jeff Goble stated that the Public Works Department has already removed approximately 60 tree stumps from Cohen Park.

Trustee Just suggested the continuation of clean up and rejuvenation at the park.

Town Administrator/Clerk Tina Darrah asked if any of the Board members were interested in being in the 4th of July parade and also asked if they had suggestions for judges.

Public Works Director Jeff Goble stated that Chief Roll, Northwest Fire Protection District, had given him permission to use the charcoal smoker at the Fairplay Beach for preparation of the dinner to be served during the 4th of July Summer Concert.

ADJOURNMENT

Mayor Boyce, noting that there being no further business before the Board, declared that the meeting be adjourned at 7:57 p.m.

Mayor

ATTEST:

Claudia Werner, Deputy Town Clerk