

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
September 10, 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 Gabby Lane, Frank Just and John Deagan. Also in attendance were Town Attorney Lee Phillips, Town Administrator/Clerk Tina Darrah, Public Works Director Jeff Goble, Town Planner Ron Newman and Deputy Town Clerk Claudia Werner. Trustee LaNita French was absent.

AGENDA ADOPTION

Motion #1 by Mayor Boyce, seconded by Trustee Lane, that the agenda be adopted as presented. Motion carried unanimously. (Trustee French 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 20, 2012

Motion #2 by Mayor Boyce, seconded by Trustee Deagan, that the consent agenda be adopted as presented. Motion carried unanimously. (Trustee French was absent.)

CITIZEN COMMENT

None offered.

UNFINISHED BUSINESS

No other pending items.

NEW BUSINESS

A. PUBLIC HEARING – Mick's Resubdivision

Should the Board Approve Adoption of Resolution No. 29, series of 2012, entitled, "A Resolution of the Board of Trustees of the Town of Fairplay, Colorado Granting Approval of the Final Plat of the Mick's Resubdivision of Lots 1, 2, 3 and 7, Block 4 the Johnson Addition to the Town of Fairplay."?

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

Town Attorney Phillips offered a brief opening statement wherein he stated jurisdiction and outlined procedures for the public hearing on the proposed Mick's Resubdivision.

Town Planner Newman presented his staff report indicating that the resubdivision meets all minimum Fairplay Municipal Code requirements for a minor subdivision. He went on to state that a subdivision improvements agreement is required on all final plats but may be waived by the Board since public improvements are currently in place. Ron also included his staff report on the parking plan for the Family Dollar Store at the same time, finding that the plan meets all requirements of the Fairplay Municipal Code and recommended approval.

Sam Mick, the applicant, came forward and after giving a brief description of the proposed resubdivision answered Board questions.

Trustee Just inquired about the plan for deliveries to the Family Dollar Store and Sam stated the trucks would enter the property from the west on Castello Avenue as shown on the site plan.

Mayor Boyce inquired about the location of the dumpsters. Bonnie Dallas also addressed Sam Mick regarding the proposed dumpster location and Sam offered to fence or build a dumpster enclosure.

Town Attorney Phillips advised those in attendance that during a public hearing, members of the audience are to address the Board only and they will all have an opportunity to speak.

Mayor Boyce asked for public comment in favor of or in opposition to Resolution No. 29, series of 2012.

Town Administrator/Clerk Darrah distributed a letter to the Board, submitted by Pete Werner, regarding an interest he felt he may have in the alley being vacated as part of the Mick's Resubdivision. The Board reviewed this correspondence.

Town Attorney Phillips explained the alley vacation process and went on to state that he had met with Mr. Werner earlier in the week regarding his concerns.

Deputy Town Clerk Werner stated that she felt the language in the dedication on the original Johnson's Addition Subdivision Plat did not apply in this case as the Town would be retaining public use of the vacated alley for drainage, access and utilities.

Mayor Boyce closed the Public Hearing at 7:20 p.m.

Motion #3 by Trustee Deagan, seconded by Trustee Just, that the Board Approve Adoption of Resolution No. 29, series of 2012, entitled, "**A Resolution of the Board of Trustees of the Town of Fairplay, Colorado Granting Approval of the Final Plat of the Mick's Resubdivision of Lots 1, 2, 3 and 7, Block 4 the Johnson Addition to the Town of Fairplay.**" Motion carried unanimously. (Trustee French was absent.)

B. Should the Board Approve Adoption of Ordinance No. 2012-6, entitled, "An Ordinance Vacating an Alleyway Generally Located in the Town of Fairplay and More Particularly Described in this Ordinance and Reserving to the Town an Easement for Drainage, Access and Utilities."?

Town Attorney Phillips presented the staff report for this ordinance, stating that adoption of this ordinance will vacate the Town's fee ownership in the 20' wide alleyway depicted on the Mick's Resubdivision Plat but the Town will be retaining an easement for drainage, access and utility purposes. Lee also stated that the Mick's surveyor, Baseline Surveys LLC, will provide a legal description of the alley to be inserted before the ordinance can be recorded and he stated that Mick is currently under contract to purchase this property and therefore the preceding resolution and this ordinance will not be recorded until he is the owner of record.

Motion #4 by Trustee Just, seconded by Trustee Lane, that the Board Approve Adoption of Ordinance No. 2012-6, entitled, "**An Ordinance Vacating an Alleyway Generally Located in the Town of Fairplay and More Particularly Described in this Ordinance and Reserving to the Town an Easement for Drainage, Access and Utilities.**" subject to the addition of the precise legal description, to be approved by the Town Administrator and Town Attorney, after adoption of the ordinance. Motion carried unanimously. (Trustee French was absent.)

C. Review / Approval of Family Dollar Parking and Landscaping Plan located at 1010 Castello Avenue.

Public Works Director Goble presented his staff report, wherein he agrees with Town Planner Ron Newman that the plan submitted by Sam Mick is in compliance with all applicable Town codes and he therefore recommends approval of the plan.

Trustee Just suggested that approval of the parking and landscaping plan be made contingent upon the dumpster for the Family Dollar having a three sided enclosure. Sam Mick agreed to do this.

Bonnie Dallas, an adjoining property owner, expressed concern over the location of the dumpster in relation to the lower entrance to her property, where she rents retail space to the Bucking Horse Gallery. She offered to grant Sam Mick an easement in an effort to get the proposed dumpster location moved. Sam stated that the alternate location had already been proposed and denied by Family Dollar Store.

Trustee Just asked Sam Mick if he would be amenable to constructing a three sided dumpster enclosure with a cover. Sam agreed.

Public Works Director Goble stated that the maximum fence height is 6' and this should be taken into consideration when planning the enclosure.

Trustees Just and Deagan stated that the covered enclosure for the series of dumpsters would be more visually pleasing for adjoining property owners, passing traffic and store patrons.

Sam Mick stated that he would submit the plans for the covered enclosure with his building permit application.

Motion #5 by Trustee Just, seconded by Trustee Deagan, that the Board Approve the Family Dollar Parking and Landscaping Plan located at 1010 Castello Avenue subject to the addition of the addition of a three sided covered dumpster enclosure, to be approved by Town staff. Motion carried unanimously. (Trustee French was absent.)

D. Review / Approval of Park County Consolidated Offices Parking and Landscaping Plan located at 825 Clark Street.

Public Works Director Goble presented his staff report, wherein he states that the plan submitted by Park County is in compliance with all applicable Town codes and he therefore recommends approval of the plan.

Trustee Deagan asked if the parking spaces would have concrete stops to delineate the spaces and help to eliminate vehicles taking up more than one space.

Public Works Director Goble stated that the Town code does not require delineation of spaces or paving of parking areas other than handicap accessible spaces. He went on to say that this could be recommended to Park County.

Trustee Just asked if the parking plan design would impact the Town of Fairplay in any way and Jeff stated it would not.

Motion #6 by Trustee Just, seconded by Trustee Lane, that the Board Approve the Park County Consolidated Offices Parking and Landscaping Plan located at 825 Clark Street as submitted. Motion carried 3 - 1. Trustee Lane – aye, Mayor Boyce – aye, Trustee Deagan – nay, Trustee Just – aye (Trustee French was absent.)

Bonnie Dallas returned to meeting and expressed her disappointment with the Board's approval of the Family Dollar Parking and Landscaping plan, especially the dumpster location and asked why the Town notifies adjacent property owners if they aren't going to address their concerns.

Mayor Boyce stated that public opinions are always valued but the issue of the dumpster and/or enclosure placement at the Family Dollar Store site should be worked out between Sam Mick and his neighbors.

E. Other New Business

Town Administrator/Clerk Darrah reported on Plein Air Arts Celebration with positive feedback from artists and patrons. She went on to state that total art sales totaled \$8,235, with \$887.50 going to the South Park Food Bank. The Town will receive approximately \$1500 in commissions and the artists will receive approximately \$5,600 from sales. She went on to say that she would be talking with Coyote Creek Arts Studio about taking over the event after they have their 501(c)3 status. Tina also credited all of the staff for their involvement individually as well as the American Legion for the role they played in the successful event.

Trustee Just stated that Town staff effort was noticed and appreciated.

Tina also updated the Board on the proposals submitted for the Comprehensive Plan and Land Use Code. She informed the Board that four proposals had been received and gave copies of each to the Board with a copy of the RFP that was sent out. She went on to suggest that the October 1 firm selection deadline may be too ambitious and suggested that the Board give direction on interview and selection process.

Trustee Deagan stated that he would like to set up a Board Work Session to review the proposals when all Board members can be present.

Trustee Lane stated that he would not be available from September 13th through the 19th.

Trustee Just suggested that the selection date be postponed until budget deadlines are met.

MAYOR/TRUSTEE REPORTS

Trustee Lane commended staff on a job well done with the summer event schedule.

Trustee Just suggested that the speed limit be reduced on 6th Street between the school campus and the sports complex to 15 MPH.

Public Works Director Goble stated that he would speak to Police Chief Gottschalk about this.

Town Attorney Phillips recommended that a traffic study be completed prior to changing the speed limit.

Mayor Boyce expressed his pleasure with the results of the Plein Air Arts Celebration and went on to state that he would not be available for the next two Board meetings.

ADJOURNMENT

Mayor Boyce, noting that there being no further business before the Board, declared that the meeting be adjourned at 7:50 p.m.

Mayor, Fred Boyce

ATTEST:

Claudia Werner, Deputy Town Clerk