

**MINUTES OF THE REGULAR MEETING  
OF THE FAIRPLAY BOARD OF TRUSTEES  
April 7, 2014**

**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, 901 Main Street, by Mayor Gabby Lane who proceeded with the pledge of allegiance, followed by the roll call which was answered by Trustees Eve Stapp, Lynette Barrett, Ray Douglas and Frank Just. Also in attendance were Town Attorney Lee Phillips, Town Administrator/ Clerk Tina Darrah, Public Works Director Gary Donnelly, Police Chief Dave Gottschalk, Town Treasurer Kim Wittbrodt and Deputy Town Clerk Claudia Werner.

**AGENDA ADOPTION**

**Motion #1** by Mayor Lane, seconded by Trustee Douglas, 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 – March 17, 2014
- B. APPROVAL OF EXPENDITURES – Approval of bills of various Town Funds

**Motion #2** by Mayor Lane, seconded by Trustee Just, that the consent agenda be adopted as presented. A roll call vote was taken: Stapp – yes, Barrett – yes, Lane – yes, Douglas – yes, Just – yes. Motion carried unanimously.

**CITIZEN COMMENT**

None offered

**PRESENTATION**

Colorado Association of Chiefs of Police to present Chief Gottschalk with Law Enforcement Executive Certification Plaque

Chief Robert Ticer presented Police Chief Gottschalk with his plaque.

**UNFINISHED BUSINESS**

- A. Other Pending/Outstanding Items
  - 1. CNG Project

Nothing new to report at this time as new snow accumulations have prevented Public Works Director Donnelly and CNG representatives from making a thorough inspection of compromised street shoulders, etc.

- 2. Code Enforcement

Town Administrator/ Clerk Darrah and Public Works Director Donnelly have compiled a list of properties in violation of Fairplay Municipal Code and letters will be sent to everyone on the list. Town Clean Up has been scheduled for May 30<sup>th</sup> through June 1<sup>st</sup>.

- 4. Fee Schedule

Nothing new to report at this time.

- 5. Capital Improvement Fund

Town Treasurer Wittbrodt reported that she and Town Administrator/ Clerk Darrah met with DOLA representative, Greg Winkler, on March 24<sup>th</sup> and she is continuing to work on this agenda item.

**B. Should the Board Approve Adoption of Ordinance No. 2014-1, entitled, 'AN ORDINANCE ADDING A NEW ARTICLE IX TO CHAPTER 4 OF THE FAIRPLAY MUNICIPAL CODE CREATING A PROPERTY IMPROVEMENT INCENTIVE PROGRAM AND PROVIDING CRITERIA FOR PARTICIPATION IN SUCH PROGRAM'.?**

Town Attorney Phillips presented the redrafted ordinance, reflecting the Board's direction from our last regular meeting. Town Treasurer Wittbrodt has "found" \$5,000 in the 2014 budget to be reallocated for this program if it is approved.

Trustee Just challenged the Board and Staff to come up with an additional \$5,000 for this program in 2014.

**Motion #3** by Mayor Lane, seconded by Trustee Just, that the Board Approve Adoption of Ordinance No. 2014-1, entitled, "An Ordinance Adding a New Article IX to Chapter 4 of the Fairplay Municipal Code Creating a Property Improvement Incentive Program and Providing Criteria for Participation in such Program." A roll call vote was taken: Stapp – yes, Barrett – yes, Lane – yes, Douglas – yes, Just – yes. Motion carried unanimously.

Town Administrator/ Clerk Darrah stated that she would contact the Fairplay Flume regarding a press release on the passage of this ordinance.

**C. Other Discussion Items**

No other discussion items offered.

**NEW BUSINESS**

**A. Oaths of Office for Newly Elected Officials**

Mayor Pro Tem Just administered the Oath of Office to Mayor Lane. Mayor Lane administered Oaths of Office to Trustees Stapp, Barrett and Douglas.

**B. Selection of Mayor Pro-Tem**

**Motion #4** by Mayor Lane, seconded by Trustee Stapp, to appoint Frank Just as Mayor Pro-Tem. Motion carried unanimously.

**C. Discussion Regarding Request to Plan a Disc Golf Course at Two Mile High Baseball Fields – Ryan Stamper.**

Ryan Stamper presented his proposal for a 18 – 27 hole disc golf course on Town owned land near the Two Mile High Baseball Fields and used an aerial map to show the Board the area he has in mind for the project.

Mayor Lane asked Ryan for a brief description of the sport and also inquired about the maintenance of the course, when/if completed.

Trustee Just asked about design and construction of the pathways connecting the tees and inquired about whether a 404 permit would be required.

Trustee Stapp asked about liability exposure to the Town.

Ryan answered all Board questions and brought discs used in the sport, a disc golf magazine, and the aerial photo of the area as aids.

Mayor Lane directed staff to work with Ryan Stamper on the course design.

**D. Should the Board Approve the Request from Linda Balough for a Letter of Support to have the South Park City Museum Listed on the National Register of Historic Places?**

Linda Balough nominated the South Park City Museum to the National Registry and is asking for a letters of support from the Town of Fairplay for the Colorado State Review Board as well as the National

Registry. Linda went on to say that the Colorado State Review Board is meeting in May and supporters of the nomination are welcome to attend.

**Motion #5** by Mayor Lane, seconded by Trustee Stapp, to direct staff to write a letter of support and authorize the Mayor to sign the letter. Motion carried unanimously.

Mayor Lane stated that he would like to attend the Colorado State Review Board hearing in May.

**E. Discussion Regarding Outside Wood Boilers in the Town of Fairplay**

Mayor Lane stated that the Town has received numerous complaints from Front Street merchants about the existing wood boiler located on Front Street.

Trustee Just stated that he would like Town to ensure that owners of existing wood boilers are burning only wood and approved wood products. Frank went on to say that he is in favor of placing a moratorium on the installation of new wood boilers until such time that they are no longer a public nuisance.

Attorney Phillips stated that the Town has the power to control air quality within the Town limits via ordinance. Lee went on to say that he can prepare an emergency ordinance to prohibit new wood boilers and include regulations on what can be burned in existing wood boilers.

The Board directed Attorney Phillips to prepare the Emergency Ordinance for consideration at the next Board meeting.

**F. Discussion Regarding Petition for Dissolution of the Stone River Metropolitan District**

Attorney Phillips explained the Town's potential actions in regards to the petition for dissolution that was received by Administrator/ Clerk Darrah. He cited language included in the Stone River Metro District's Service Plan and stated that should the development revive and construction resume, a new district can be formed to finance public improvements.

**Motion #6** by Trustee Just, seconded by Mayor Lane, to direct staff to proceed with a letter demanding dissolution of the current Stone River Metropolitan District. Motion carried unanimously.

**G. Should the Board Approve Adoption of Ordinance No. 2014-2, entitled, "AN EMERGENCY ORDINANCE MODIFYING A TEMPORARY SUSPENSION OF THE PROCESSING AND APPROVAL OF ANY APPLICATION FOR A BUILDING PERMIT IN THE TOWN'S R-B RESTRICTED BUSINESS AND B BUSINESS ZONE DISTRICTS AND DECLARING THE INTENTION OF THE BOARD OF TRUSTEES TO CONSIDER THE ENLARGEMENT OF THE TOWN'S H HISTORIC DISTRICT OVERLAY ZONE TO INCLUDE ADDITIONAL PROPERTIES LOCATED IN THE R-B RESTRICTED BUSINESS AND B BUSINESS ZONE DISTRICTS."?**

This ordinance defines the boundary of the area included in the temporary suspension on building permits and extends the temporary suspension which allows time to complete the land use code update, including the design criteria/ guidelines for certain zone districts.

Administrator/ Clerk Darrah has scheduled a meeting with Attorney Phillips, Planner Ron Newman, and consultants Davis Farrar and Leslie Lamont before the next Steering Committee meeting. The purpose of this meeting is to discuss architectural guidelines, etc.

**Motion #7** by Trustee Just, seconded by Trustee Barrett, to approve adoption of Ordinance No. 2014-2, entitled, "An Emergency Ordinance Modifying a Temporary Suspension of the Processing and Approval of any Application for a Building Permit in the Town's R-B Restricted Business and B Business Zone Districts and Declaring the Intention of the Board of Trustees to Consider the Enlargement of the Town's H Historic District Overlay Zone to Include Additional Properties Located in the R-B Restricted Business and B Business Zone Districts." A roll call vote was taken: Stapp – yes, Barrett – yes, Lane – yes, Douglas – yes, Just – yes. Motion carried unanimously.

**H. Should the Board Approve Adoption of Resolution No. 9, series of 2014, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, APPOINTING TINA DARRAH AS TOWN CLERK AND TOWN ADMINISTRATOR."?**

I. Should the Board Approve Adoption of Resolution No. 10, series of 2014, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, APPOINTING KIM WITTBRODT AS TOWN TREASURER."?

J. Should the Board Approve Adoption of Resolution No. 11, series of 2014, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, APPOINTING HERBERT C. (LEE) PHILLIPS AS TOWN ATTORNEY."?

K. Should the Board Approve Adoption of Resolution No. 12, series of 2014, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, APPOINTING BRIAN GREEN AS MUNICIPAL COURT JUDGE."?

**Motion #8** by Trustee Just, seconded by Trustee Douglas, to approve adoption of Resolution Nos. 9, 10, 11, and 12, series of 2014, entitled, "Resolutions of the Board of Trustees of the Town of Fairplay, Colorado, Appointing Tina Darrah as Town Clerk and Town Administrator, Kim Wittbrodt as Town Treasurer, Herbert C. (Lee) Phillips as Town Attorney, and Brian Green as Municipal Court Judge." Motion carried unanimously.

Mayor Lane administered Oaths of Office to Town Administrator/ Clerk Tina Darrah, Town Treasurer Kim Wittbrodt, Town Attorney Herbert C. (Lee) Phillips, and Municipal Court Judge Brian Green.

L. Other New Business

No other new business offered.

### **MAYOR AND TRUSTEE REPORTS**

Trustee Stapp congratulated Police Chief Gottschalk on his certification and Treasurer Wittbrodt on finding \$5000 for re-appropriation for funding PIIP.

Trustee Just congratulated Mayor Lane and Trustees Stapp, Barrett and Douglas on their re-election and stated that he looks forward to continuing to work with them on the Board.

Trustee Douglas congratulated everyone on their re-appointments.

Mayor Lane expressed appreciation for the current Board and Staff and stated that he looks forward to working together over the next four years.

**EXECUTIVE SESSION:** Pursuant to C.R.S. 24-6-402 (4) (e) and (b) for determining positions relative to matters that may be subject to negotiations; developing strategies for negotiations and instructing negotiators and for the purpose of receiving legal advice pursuant specifically in relation to a potential land purchase.

**Motion #9** by Trustee Just, seconded by Trustee Douglas, that the Board go into executive session at 8:07 p.m. for the purpose of determining positions relative to matters that may be subject to negotiations/ developing strategies for negotiations and instructing negotiators and for the purpose of receiving legal advice pursuant specifically in relation to a potential land purchase pursuant to C.R.S. Section 24-6-402 (4) (e) and (b). Motion carried unanimously.

Mayor Lane announced that the meeting was back to open session at 8:46 p.m. The participants in the executive session were: Mayor Lane, Trustees Stapp, Barrett, Douglas and Just, Town Administrator/Clerk Darrah, Town Attorney Phillips and Public Works Director Donnelly. Mayor Lane announced that no action was taken in the executive session.

### **ADJOURNMENT**

Mayor Lane, noting that there being no further business before the Board, declared that the meeting be adjourned at 8:47 p.m.

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Mayor, Gabby Lane

ATTEST:

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Claudia Werner, Deputy Town Clerk