

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
August 18, 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 Pro Tem Frank Just who proceeded with the pledge of allegiance, followed by the roll call which was answered by Trustees Scott Dodge, Eve Stapp and Ray Douglas. Also in attendance were Town Attorney Lee Phillips, Town Planner Ron Newman, Public Works Director Gary Donnelly, Police Chief Joel Vice, Town Treasurer Kim Wittbrodt, and Deputy Town Clerk Claudia Werner. Mayor Gabby Lane was absent.

Mayor Pro Tem Just asked that we all offer our thoughts and prayers to Mayor Gabby Lane and Town Administrator/ Clerk Tina Darrah who are unable to attend tonight's meeting due to family emergencies.

AGENDA ADOPTION

Motion #1 by Trustee Douglas, seconded by Trustee Stapp, that the agenda be adopted as presented. Motion carried unanimously. (Mayor 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** – August 4, 2014
- B. **EXPENDITURES** – Approval of bills of various Town Funds in the amount of \$60,417.06
- C. Should the Board Approve Renewal of a Liquor Store License as Requested by Jake Tetreault DBA Even in the End Liquors, located at 889 Steinfelt Parkway?

Motion #2 by Mayor Pro Tem Just, seconded by Trustee Douglas, that the consent agenda be adopted as presented with bills in the amount of \$60,417.06. A roll call vote was taken: Dodge – yes, Stapp – yes, Just – yes, Douglas – yes. Motion carried unanimously. (Mayor Lane was absent.)

CITIZEN COMMENT

None offered.

PUBLIC HEARINGS

- A. Should the Board, acting as the Board of Adjustment, Approve Adoption of Resolution No. 21, series of 2014, entitled, "A RESOLUTION APPROVING THE APPLICATION FOR A SIDE SETBACK VARIANCE AT CERTAIN REAL PROPERTY COMMONLY KNOWN AND NUMBERED AS 501 U S HIGHWAY 285, FAIRPLAY, COLORADO."?

Mayor Pro Tem Just opened the public hearing at 7:07 p.m. and read a brief opening statement stating jurisdiction and outlining procedures for the public hearing. He then asked for staff comment, which was provided by Town Planner Newman stating that the Board of Trustees is sitting as the Board of Adjustment for the Scholl setback variance application and that all submittal requirements have been met, fees paid and the property was posted in accordance with FMC 16-22-30(e). Ron stated that the primary reason for the 15' side yard setback on corner lots in the C-2 zone district is to provide for a clear sight line and because this building was constructed 50' back from the front lot line rather than the 25' required there is already an ample sight line provided and he recommended approval of this variance request. Town Planner Newman and applicant Todd Scholl answered Board questions regarding the application. No comments were offered by anyone in opposition to or support of the application.

The public hearing was closed by Mayor Pro Tem Just at 7:16 p.m.

Motion #3 by Trustee Douglas, seconded by Mayor Pro Tem Just, to approve adoption of Resolution No. 21, series of 2014, entitled, "A RESOLUTION APPROVING THE APPLICATION FOR A SIDE SETBACK VARIANCE

AT CERTAIN REAL PROPERTY COMMONLY KNOWN AND NUMBERED AS 501 U S HIGHWAY 285, FAIRPLAY, COLORADO". Motion carried unanimously. (Mayor Lane was absent.)

B. Should the Board Approve The Special Event Liquor License as Applied for by the Town of Fairplay for the Plein Air Art Celebration Event?

Mayor Pro Tem Just opened the public hearing at 7:17 p.m. and read a brief opening statement stating jurisdiction and outlining procedures for the public hearing. He then asked for staff comment, which was provided by Deputy Town Clerk Werner stating that the application had been deemed complete, fees paid, and that the hearing had been noticed in accordance with Colorado State Statutes. Staff recommended approval of the special event liquor license.

No comments were offered by anyone in opposition to or support of the application.

Mayor Pro Tem Just closed the public hearing at 7:20 p.m.

Motion #4 by Trustee Douglas, seconded by Trustee Stapp, that the Board approve the Special Event Liquor License as applied for by the Town of Fairplay for September 5 and 6, 2014, for beer and wine to be served at 526 Front Street in conjunction with the Plein Air Art Celebration Event. Motion carried unanimously. (Mayor Lane was absent.)

UNFINISHED BUSINESS

A. Other Pending Items

1. Code Enforcement – Public Works Director Donnelly reported that he and Police Chief Vice have looked into public safety in regards to some old structures around Town. They will contact Linda Balough, Park County Historic Preservation, prior to contacting the owners of the identified properties.
2. Capital Improvement Fund – Town Treasurer Wittbrodt stated that she will discuss this with the Board at the budget workshop on September 17th.

B. Other Discussion Items

No other discussion items offered.

NEW BUSINESS

A. Should the Board Approve Adoption of Ordinance No. 2014-9, entitled, "AN ORDINANCE AMENDING CHAPTER 7 OF THE FAIRPLAY MUNICIPAL CODE BY THE ADDITION OF A NEW ARTICLE VIII REGARDING OUTDOOR WOODBURNING BOILDERS IN THE TOWN OF FAIRPLAY."?

Attorney Phillips presented this ordinance and answered Board questions.

Carol McDevitt, who sells wood burning boilers, passed out brochures for the Central Boiler E-Classic Outdoor Wood Furnaces that they claim are over 90% efficient. Carol stated that she and her husband, Gene, make a point to contact each owner/ manager of the Fairplay Hotel and explain how to use the boiler they have and also inform them about the products that can be used in them.

Motion #5 by Mayor Pro Tem Just, seconded by Trustee Stapp, that the Board Approve Adoption of Ordinance No. 2014-9, entitled, "AN ORDINANCE AMENDING CHAPTER 7 OF THE FAIRPLAY MUNICIPAL CODE BY THE ADDITION OF A NEW ARTICLE VIII REGARDING OUTDOOR WOODBURNING BOILDERS IN THE TOWN OF FAIRPLAY." A voice vote was taken: Dodge – yes, Stapp – yes, Just – yes, Douglas - no. Motion carried 3-1. (Mayor Lane was absent.)

Mayor Pro Tem Just asked Attorney Phillips to readdress this issue when evidence can be presented that outdoor wood burning boilers are 90% efficient.

B. Should the Board Approve Adoption of Ordinance No. 2014-10, entitled, "AN ORDINANCE REPEALING AND REENACTING CHAPTER 18, ARTICLE XII OF THE FAIRPLAY MUNICIPAL CODE CONCERNING THE CULTIVATION AND PROCESSING OF MARIJUANA IN RESIDENTIAL STRUCTURES."?

Attorney Phillips presented this ordinance, explaining that it will amend the Fairplay Municipal Code governing marijuana cultivation in residences for both medical and recreational use as well as prohibit the use of compressed flammable gas in the THC extraction process within a residential structure. Lee answered Board questions and recommended approval of the ordinance.

Motion #6 by Trustee Stapp, seconded by Trustee Douglas, to Approve Adoption of Ordinance No. 2014-10, entitled, "AN ORDINANCE REPEALING AND REENACTING CHAPTER 18, ARTICLE XII OF THE FAIRPLAY

MUNICIPAL CODE CONCERNING THE CULTIVATION AND PROCESSING OF MARIJUANA IN RESIDENTIAL STRUCTURES.” Motion carried unanimously. (Mayor Lane was absent.)

C. Should the Board Approve a Certificate of Appropriateness for the Swissaire Condo Project?

Public Works Director Donnelly presented this application for exterior work on the Swissaire Condo building and answered Board questions.

Motion #7 by Trustee Douglas, seconded by Trustee Stapp, to approve a Certificate of Appropriateness for the Swissaire Condo Project. Motion carried unanimously. (Mayor Lane was absent.)

D. Should the Board Approve Adoption of Resolution No. 22, series of 2014, entitled, “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF A PROPERTY IMPROVEMENT INCENTIVE PROGRAM (PIIP) AGREEMENT BETWEEN THE TOWN AND SWISSAIRE CONDO ASSOCIATION FOR THE SWISSAIRE CONDO PROJECT.”?

Town Administrator/ Clerk Darrah provided a written staff report wherein she stated that the condo association has decided to stucco the building rather than paint it. They also plan to replace windows and repair decks and roofs for a total project cost of over \$30,000. The application is for the total amount of property taxes paid by this property over the last five years - \$4,475.

Motion #8 by Trustee Douglas, seconded by Trustee Dodge, to approve adoption of Resolution No. 22, series of 2014, entitled, “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF A PROPERTY IMPROVEMENT INCENTIVE PROGRAM (PIIP) AGREEMENT BETWEEN THE TOWN AND SWISSAIRE CONDO ASSOCIATION FOR THE SWISSAIRE CONDO PROJECT.” A roll call vote was taken: Dodge – yes, Stapp – yes, Just – yes, Douglas – yes. Motion carried unanimously. (Mayor Lane was absent.)

E. Other New Business

No other new business offered.

STAFF AND COMMITTEE REPORTS

Deputy Town Clerk Werner asked the Board for their help with the free ice cream and peach social at our last TGIFairplay concert of the season on August 22nd.

Town Treasurer Wittbrodt reported that staff is working on the proposed 2015 Budget that she will be presenting to the Board on September 17th. Kim noted that business at the Java Moose was up 29% in July over a year ago.

Public Works Director Donnelly reported that his department has been busy with the summer events, including their trip to pick up the peaches on the Western Slope this Wednesday. Street, ditch and culvert repairs and maintenance are ongoing. The water supply tank will be repainted by the end of next week and the completion of the 6th Street sidewalk project will be accomplished before winter. Trail work planning and maintenance continue and he is looking forward to improving the Town owned property near the bridge for public access and use. Gary talked with Mayor Pro Tem Just regarding gravel production from Town owned property.

Town Planner Newman reported that the Land Use Code update is nearing completion.

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 the Town owned property located at 525 Hathaway Street.

Motion #9 by Mayor Pro Tem Just, seconded by Trustee Dodge, that the Board go into executive session at 8:10 p.m. for the purpose of receiving legal advice pursuant specifically in relation to the Town owned property located at 525 Hathaway Street pursuant to C.R.S. Section 24-6-402 (4) (e) and (b). Motion carried unanimously. (Mayor Lane was absent.)

Mayor Pro Tem Just announced that the meeting was back to open session at 8:33 p.m. The participants in the executive session were: Mayor Pro Tem Just, Trustees Dodge, Stapp and Douglas, Town Treasurer Wittbrodt and Town Attorney Lee Phillips. Mayor Pro Tem Just announced that no action was taken in the executive session.

ADJOURNMENT

Mayor Pro Tem Just, noting that there being no further business before the Board, declared that the meeting be adjourned at 8:34 p.m.

Mayor

ATTEST:

Claudia Werner, Deputy Town Clerk