

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
December 1, 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 6:00 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 Scott Dodge, Eve Stapp, Ray Douglas and Frank Just. Also in attendance were Town Attorney Lee Phillips, Town Administrator/ Clerk Tina Darrah, Police Chief Joel Vice, 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** – November 17, 2014
- B. **APPROVAL OF EXPENDITURES** – Approval of bills of various Town Funds in the amount of \$9,383.46.

Motion #2 by Mayor Lane, seconded by Trustee Stapp, that the consent agenda be adopted as presented with bills in the amount of \$9,383.46. A roll call vote was taken: Dodge – yes, Stapp – yes, Lane – yes, Douglas – yes, Just – yes. Motion carried unanimously.

CITIZEN COMMENT

No citizen comments offered.

PUBLIC HEARING

- A. 2015 Town of Fairplay Budget

Public hearing opened at 6:02 p.m.

Mayor Lane asked if there were any public comments regarding the 2015 Town of Fairplay Proposed Budget and stated that the proposed budget was available for public viewing at Town Hall and on the Town's website.

No public comment was offered.

Public Hearing closed at 6:03 p.m.

Motion #3 by Mayor Lane, seconded by Trustee Douglas, that the Public Hearing on the 2015 Town of Fairplay Budget be continued to a special Board meeting, scheduled for December 8, 2014 at 6:00 p.m.. Motion carried unanimously.

- B. Should the Board, acting as the Board of Adjustment, Approve Adoption of Resolution No. 25, series of 2014, entitled, "A RESOLUTION APPROVING THE APPLICATION FOR A SIDE AND REAR SETBACK VARIANCE AT CERTAIN REAL PROPERTY COMMONLY KNOWN AND NUMBERED AS 419 FRONT STREET, FAIRPLAY, COLORADO."?

Mayor Lane opened the public hearing at 6:04 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 in a written report by Town Planner Newman and presented by Deputy Clerk Werner, stating that the Board of Trustees is sitting as the Board of Adjustment for the Pocius 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). The purpose for the variance is to allow for the placement of a temporary storage building at the Southeast corner of the property and he recommended approval of this variance request. Ron's report states that the application for variance meets the following conditions; the temporary storage building will not alter the essential character of the neighborhood or impair the appropriate use or development of adjacent property and the variance will not adversely affect the public health safety and welfare of the Town Center. The proposed location for the temporary storage building is over a Fairplay Sanitation District easement but the applicant has verbal approval from the District to place the temporary structure there. Russell and Leesa DeBaun, tenants, and Pat Pocius,

owner, were present to answer Board questions regarding the application. No comments were offered by anyone in opposition of the variance request.

The public hearing was closed by Mayor Lane at 6:14 p.m.

Motion #4 by Trustee Just, seconded by Trustee Douglas, to approve adoption of Resolution No. 25, series of 2014, entitled, "A RESOLUTION APPROVING THE APPLICATION FOR A SIDE AND REAR SETBACK VARIANCE AT CERTAIN REAL PROPERTY COMMONLY KNOWN AND NUMBERED AS 419 FRONT STREET, FAIRPLAY, COLORADO" with the condition that the applicant agrees to move the structure if the sewer line needs to be accessed. Motion carried unanimously.

UNFINISHED BUSINESS

A. Discussion Regarding a Lease Agreement with Rocky Mountain Rural Health for the Property Located at 525 Hathaway Street.

Dale Fitting, Vice President of Rocky Mountain Rural Health (RMRH), spoke on behalf of RMRH and provided handouts covering donors who gave funds with the understanding that this property would remain a health care facility and a summary of services provided by RMRH. Dale stated that he is authorized by the RMRH Board to sign the Termination Agreement and the Lease Agreement so that RMRH may continue offering the services they are currently providing. He went on to ask the Board to place a deed restriction on the property requiring that it remains a health care facility.

Mayor Lane stated that the Town's agreement with DOLA requires the Town of Fairplay to keep the property as an operating health care facility and the Town of Fairplay intends to move forward to pursue that goal immediately.

Attorney Phillips stated that there will need to be an Exhibit A to the Lease Agreement, which should be a description and/or drawing of the area leased to RMRH.

Dale Fitting stated that he would provide the Town of Fairplay with a current inventory of items within the building and a drawing that can be used for Exhibit A to the Lease.

Motion #5 by Trustee Just, seconded by Trustee Dodge, to approve the Termination Agreement and Lease Agreement in substantially the form presented. A roll call vote was taken: Dodge – yes, Stapp – yes, Lane – yes, Douglas – yes, Just – yes. Motion carried unanimously.

B. Other Pending Items - Code Enforcement

Police Chief Vice stated that there is nothing new to report.

Other Discussion Items

No other discussion items offered.

NEW BUSINESS

A. Should the Board Approve Adoption of Resolution No. 26, series of 2014, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, APPROVING THE LIST OF WATER LIENS TO BE CERTIFIED TO THE PARK COUNTY TREASURER."?

Town Treasurer Wittbrodt stated that this resolution authorized the certification of delinquent water customers to the Park County Treasurer for inclusion on property tax assessments. Kim went on to say that although every effort has been made to contact property owners with delinquent accounts, there are still eight accounts that will be turned over to the Park County Treasurer for collection. Staff recommended approval of Resolution No. 26, series of 2014.

Motion #6 by Trustee Just, seconded by Trustee Stapp, that the Board Approve Adoption of Resolution No. 26, series of 2014, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, APPROVING THE LIST OF WATER LIENS TO BE CERTIFIED TO THE PARK COUNTY TREASURER." Motion carried unanimously.

B. Other New Business

Town Administrator/ Clerk Darrah reminded the Board that the Real Colorado Christmas and Town Tree Lighting would be held on December 6th as well as the annual Holiday Bazaar held at the Park County RE-2 School. Tina told the Board that Kim Wittbrodt had been chosen by the South Park Chamber of Commerce as this year's True Pioneer Award winner and she would be recognized at the Tree Lighting Ceremony on the 6th as well as at the December Chamber mixer.

MAYOR AND TRUSTEE REPORTS

Trustee Dodge inquired about the South Park City sign in disrepair at the intersection of Hwy. 285 and CR 3. Town Administrator/ Clerk Darrah stated that the sign was owned by the museum and located on Park County property.

Trustee Just recognized the Board and Staff for the dedication that went into the agreements entered into by the Town today.

EXECUTIVE SESSION: Pursuant to C.R.S. 24-6-402 (4) (b) and (e) 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 Fairplay Beach water reservoir.

Motion #5 by Mayor Lane, seconded by Trustee Just, that the Board go into executive session at 6:47 p.m. for the purpose of receiving legal advice from the Town Attorney and instructing negotiators in regards to the Fairplay Beach water reservoir pursuant to C.R.S. Section 24-6-402 (4) (b) and (e). Motion carried unanimously.

Mayor Lane announced that the meeting was back to open session at 7:09 p.m. The participants in the executive session were: Mayor Lane, Trustees Just, Douglas, Stapp and Dodge, Town Administrator/Clerk Darrah and Town Attorney Phillips. 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 7:10 p.m.

Mayor

ATTEST:

Claudia Werner, Deputy Town Clerk