

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
June 15, 2015**

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 Scott Dodge, Eve Stapp, 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 Joel Vice, Town Treasurer Kim Wittbrodt and Deputy Town Clerk Claudia Werner.

AGENDA ADOPTION

Motion #1 by Trustee Just, 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 EXPENDITURES** – Approval of bills of various Town Funds in the amount of \$41,096.11.
- B. **Should the Board approve a request for renewal of a Liquor Store License as applied for by C & Z Inc, dba Even In The End, located at 889 Steinfelt Parkway?**

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

CITIZEN COMMENTS

Megan Permakoff, of 230 ½ Third Street, addressed the Board regarding a reoccurring odor of sewer gas on Front Street. She wanted to make sure the Town was aware of the issue and inquired about a possible resolution. Public Works Director Donnelly stated that there is a low spot in the sewer line beneath the Hand Hotel that causes sewer gas to back up to Millonzi's grease trap. Gary went on to say that the Town is working on finding the best resolution to correcting this issue.

PUBLIC HEARINGS

- A. **Should the Board Approve a Special Event Liquor License as Applied for by the Town of Fairplay for the TGIFairplay Concert Series to be Held on June 26, July 4, July 24, and August 28, 2015?**

Public hearing opened at 7:05 p.m. by Mayor Lane.

Town Administrator/ Clerk Darrah stated that the entire TGIFairplay Concert Series may not be able to be held at the Fairplay Beach due to recent flooding of Beach Road which makes the venue inaccessible and she would like to submit an application for an alternate location for the concert series. She also addressed a Facebook post regarding the Town's applications for special event liquor licenses, stating that the Town is the licensee so that the non-profit partners that the Town shares the liquor proceeds with are not liable for the cost of the liquor in the event that there is a poor turnout due to weather, etc. Tina also presented a staff report wherein she states that all necessary documents and fees have been received and the hearing has been noticed in accordance with Colorado Revised Statutes, therefore staff recommends approval of this application.

The Board of Trustees discussed the application. No public was present to voice support or opposition to the liquor license application.

Public Hearing closed at 7:10 p.m. by Mayor Lane.

Motion #3 by Trustee Just, seconded by Trustee Douglas, that the Board approve the Special Event Liquor License as applied for by the Town of Fairplay for the TGIFairplay Concert Series to be held on June 26, July 4, July 24, and August 28, 2015 with the condition that if necessary the location of the special event can be moved. Motion carried unanimously.

- B. **Should the Board Approve a Special Event Liquor License as Applied for by the Town of Fairplay for the Extreme Running Race Event to be Held on July 11, 2015?**

Public hearing opened at 7:12 p.m. by Mayor Lane.

Town Administrator/ Clerk Darrah stated that this is the second in a series of three running events and the first event was quite successful despite the flooding at the Fairplay Beach. She asked the Board to approve an alternate location for this special event as well and presented a staff report wherein she states that all necessary documents and fees have been received and the hearing has been noticed in accordance with Colorado Revised Statutes, therefore staff recommends approval of this application.

The Board of Trustees discussed the application. No public was present to voice support or opposition to the liquor license application.

Public Hearing closed at 7:13 p.m. by Mayor Lane.

Motion #4 by Trustee Just, seconded by Trustee Douglas, that the Board approve the Special Event Liquor License as applied for by the Town of Fairplay for the Extreme Running Race Event to be held on July 11, 2015 with the condition that if necessary the location of the special event can be moved. Motion carried unanimously.

- C. Should the Board Approve a Special Event Liquor License as Applied for by Ladies Run of Colorado for their Ladies Run Event to be Held on July 11, 2015?

Public hearing opened at 7:15 p.m. by Mayor Lane.

Town Administrator/ Clerk Darrah presented a staff report wherein she states that all necessary documents and fees have been received and the hearing has been noticed in accordance with Colorado Revised Statutes, therefore staff recommends approval of this application.

The Board of Trustees discussed the application. No public was present to voice support or opposition to the liquor license application.

Public Hearing closed at 7:17 p.m. by Mayor Lane.

Motion #5 by Trustee Just, seconded by Trustee Douglas, that the Board approve a Special Event Liquor License as applied for by Ladies Run of Colorado for their Ladies Run event to be held on July 11, 2015. Motion carried unanimously.

- D. Should the Board Approve a Special Event Liquor License as Applied for by the Park County Livestock Committee for the Park County Fair to be Held on July 16 through 19, 2015?

Public hearing opened at 7:18 p.m. by Mayor Lane.

Town Administrator/ Clerk Darrah presented a staff report wherein she states that all necessary documents and fees have been received and the hearing has been noticed in accordance with Colorado Revised Statutes, therefore staff recommends approval of this application.

The Board of Trustees discussed the application. No public was present to voice support or opposition to the liquor license application.

Public Hearing closed at 7:19 p.m. by Mayor Lane.

Motion #6 by Trustee Douglas, seconded by Trustee Stapp, that the Board approve a Special Event Liquor License as applied for by the Park County Livestock Committee for the Park County Fair to be held on July 16 through 19, 2015. Motion carried unanimously.

UNFINISHED BUSINESS

- A. Other Discussion Items

No other discussion items offered.

NEW BUSINESS

- A. Should the Board Approve Adoption of Ordinance No. 2, 2015, entitled, "AN ORDINANCE AMENDING ARTICLE IV OF CHAPTER 11 OF THE FAIRPLAY MUNICIPAL CODE RELATING TO FAIRPLAY RESERVOIR"?

Trustee Stapp recused herself due to a potential conflict of interest in regards to flotation devices at the Fairplay Beach.

Town Administrator/ Clerk Darrah stated that per the Board's direction at the last meeting, staff has prepared Ordinance No. 2, 2015 allowing non-motorized flotation devices, by special permit only at the Fairplay Beach.

Trustee Douglas inquired about the associated fees and Administrator Darrah stated that it would be \$10 for a half day and \$20 for a full day.

Trustee Dodge commented that he would like to see more willows removed in the Beach area to make more of the shoreline accessible.

Motion #7 by Mayor Lane, seconded by Trustee Just, that the Board Approve Adoption of Ordinance No. 2, 2015, entitled, "AN ORDINANCE AMENDING ARTICLE IV OF CHAPTER 11 OF THE FAIRPLAY MUNICIPAL CODE RELATING TO FAIRPLAY RESERVOIR". Motion carried 4-0. Trustee Stapp abstained from the vote.

B. Should the Board Approve Adoption of Resolution No. 11, series of 2015, entitled, "A RESOLUTION ADOPTING THE PARK COUNTY HAZARD MITIGATION PLAN UPDATE DATED NOVEMBER 2013."?

Town Administrator/ Clerk Darrah presented information regarding the Park County Hazard Mitigation Plan Update and stated that although there are some errors in the Fairplay information, the Town must adopt it prior to making corrections and staff recommends approval of the Park County Hazard Mitigation Plan Update.

Gene Stanley, Park County Emergency Operations Director, was present to answer any additional questions the Board had. Both Darrah and Stanley stated that all necessary corrections will be submitted once FEMA has approved the plan that has been adopted via resolution by Park County, Alma, Fairplay, and all special districts within Park County.

Town Attorney Phillips explained that the Town of Fairplay will not be eligible for Federal grants or relief funds unless the Town adopts the plan update.

Motion #8 by Trustee Just, seconded by Trustee Douglas, that the Board approve adoption of Resolution No. 11, series of 2015, entitled, "A RESOLUTION ADOPTING THE PARK COUNTY HAZARD MITIGATION PLAN UPDATE DATED NOVEMBER 2013." Motion carried unanimously.

C. Should the Board Approve Adoption of Resolution No. 12, series of 2015, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE TOWN OF FAIRPLAY, COLORADO AND DAKOTA SKY, LLC AND LORNA ARNOLD."?

Town Treasurer Wittbrodt stated that she met with Lorna Arnold regarding delinquent lodging tax and utility payments for the Fairplay Hotel and Town Attorney Phillips prepared the proposed payment agreement for approval by the Board and the Fairplay Hotel.

Town Administrator/ Clerk Darrah stated that staff seeks Board approval of this payment agreement due to the size of the amount owed.

Trustee Just stated that this is not the first time the Town has extended this sort of agreement to a local business.

Trustee Dodge stated that he feels it is the Town's responsibility to be a good neighbor and help businesses in need get through the lean months.

Trustee Douglas inquired about the Town's other forms of recourse and wanted to know if the Fairplay Hotel had agreed to the terms of the payment agreement. Town Treasurer Wittbrodt stated that they have agreed to the terms.

Trustee Dodge asked if the balance owed was all incurred by the current owner of the Fairplay Hotel and Town Administrator/ Clerk Darrah stated that it was.

Motion #9 by Trustee Just, seconded by Trustee Dodge, that the Board approve adoption of Resolution No. 12, series of 2015, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE TOWN OF FAIRPLAY, COLORADO AND DAKOTA SKY, LLC AND LORNA ARNOLD." A roll call vote was taken: Dodge – yes, Stapp – yes, Lane – yes, Douglas – yes, Just – yes. Motion carried unanimously.

D. Should the Board Approve Adoption of Resolution No. 13, series of 2015, 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 DOUGLAS SMITH FOR THE SNOWSHOE REALTY SIDING PROJECT."?

Town Administrator/ Clerk Darrah presented the proposed agreement with Douglas Smith for the Snowshoe Realty Siding Project. Staff finds the application to be in compliance with the PIIP rules and regulations and is for \$2,122 towards residing the property at 519 Main Street. The Town has received \$2,122 over the past five years in property taxes on this property and the total estimated residing project cost is \$4,800. There is \$4,200 left in the PIIP budget for 2015 prior to approval of this application. The Board approved a Certificate of Appropriateness for this residing project at the last regular meeting.

Trustee Dodge stated that he is in favor of approval and appreciates the impact that this program is making.

Trustee Just recognized Town Attorney Phillips for introducing the idea of the PIIP project to the Board of Trustees.

Motion #10 by Trustee Just, seconded by Trustee Stapp, that the Board approve adoption of Resolution No. 13, series of 2015, 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 DOUGLAS SMITH FOR THE SNOWSHOE REALTY SIDING PROJECT." A roll call vote was taken: Dodge – yes, Stapp – yes, Lane – yes, Douglas – yes, Just – yes. Motion carried unanimously.

E. Camping at Cohen Park during Special Events

Town Administrator/ Clerk Darrah presented a staff report, wherein she provided a copy of the current municipal code as it relates to the hours of closure and permit process for Cohen Park. Tina stated that this is before the Board due to a request to allow tent camping at Cohen Park during special events.

Josh Voorhis, of 505 Eighth Street, would like the Town to delineate the camping area, take care of trash removal, and have police enforcement of noise after hours if camping is permitted at the park. Josh stated that nearly 1/3 of the people camping on US Forest Service property have warrants out for their arrest and argued that forest camping in the immediate area is unlimited.

Marie Reisbeck, of 599 Eighth Street, stated her concern regarding existing crime in the Cohen Park neighborhood and stated that she is not in favor of allowing overnight camping in Cohen Park. She stated that the Park County Fair Grounds isn't allowing camping because of problems with campers.

Laurence Burnett, of 490 Eighth Street, stated her concern about the safety of neighborhood children and wanted to know how much oversight the Town would provide if camping were allowed at Cohen Park.

Mayor Lane stated that the Town would not promote camping at Cohen Park or make changes to the Fairplay Municipal Code pertaining to Cohen Park without getting additional input from the neighborhood residents.

Trustee Just thanked the citizens for coming and giving their input.

F. Other New Business

No other new business offered.

STAFF AND COMMITTEE REPORTS

Town Treasurer stated that the final draft of the 2014 audit needs to be accepted. She went on to say that sales tax revenues are up from last year.

Town Administrator/ Clerk Darrah stated that Town staff is very dedicated and went on to say that this past weekend, due to flooding, they worked extra hours making adjustments accommodate the Extreme Running Race staged at the Fairplay Beach and high water related issues at the water and sanitation plants. Tina also updated the Board regarding Summit Care Clinic's interest in the health care clinic on Hathaway Street and stated that their CEO, Sarah Vaine has offered to attend the next meeting to speak directly with the Board.

Incoming Public Works Director Morrison provided a written staff report updating the Board on the sludge removal project as well as ammonia levels at the Sanitation Plant. Jason also stated that the paving project will be completed before the 4th of July weekend. Outgoing Public Works Director Donnelly stated that he believes the sludge removal project at the Sanitation Plant has come in under budget. The paving of Eighth Street and Castello Avenue is slated for next week. The TGIFairplay concert and pig roast can be held at the Fairplay Beach on June 26th only if considerable repairs are made to Beach Road. Public Works continues to work on repairs to the road and culvert at the water plant.

Mayor Lane recognized Vaughn Mead for going above and beyond with the repairs to the pond liner at the Sanitation Plant.

Police Chief Vice provided a staff report, wherein he updated the Board on an increase in the number of calls for service which is typical for June, Officer Bramlett's training is going well above expectations and Officer Zerby has begun to assist with her training, and the hiring of Bo Schlusen as a reserve officer. Joel also reported that the individuals suspected of cutting down trees at the Fairplay Beach have been charged.

ADJOURNMENT

Mayor Lane, noting that there being no further business before the Board, declared that the meeting be adjourned at 8:20 p.m.

Gabby Lane, Mayor

ATTEST:

Claudia Werner, Deputy Town Clerk