

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES**

October 16, 2017

VOLUNTEER APPRECIATION/ RECOGNITION

The Town of Fairplay hosted a reception in recognition and appreciation of the volunteers and non-profit partners that helped out this year. Mayor Lane presented cards to Visitor Center volunteers Duane Thompson, Terri Joyner, Jean Timmins and Linda Twiehaus. April Dawn Knudsen from the Boys & Girls Club of the High Rockies, Kenny Shaw with the South Park Food Bank and Linda Twiehaus with the Friends of the Fairplay Community were all present to receive checks, presented by Mayor Lane, for their non-profit organizations in recognition of their help with the Town of Fairplay 2017 events.

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, Public Works Director Vaughn Mead, Acting Police Chief Bo Schlunsen, Town Treasurer Kim Wittbrodt, Deputy Town Clerk Claudia Werner and Town Planner Ron Newman.

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 \$54,295.61.
- B. Should the Board Approve Adoption of Resolution No. 19, series of 2017, entitled, “**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROVING THE RESUBDIVISION OF CERTAIN REAL PROPERTY COMMONLY KNOWN AND NUMBERED AS 255, 297, 297½ AND 299 U S HIGHWAY 285, FAIRPLAY, COLORADO.**”?

Motion #2 by Trustee Just, 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

No citizen comments were offered.

PUBLIC HEARINGS

- A. **Continued** – Should the Board Approve Adoption of Resolution No. 16, series of 2017, entitled, “**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, GRANTING APPROVAL OF THE APPLICATION FOR AMENDMENTS TO THE SPECIAL USE PERMIT FOR MIDDLE FORK RV RESORT.**”?

Public hearing re-opened at 6:03 p.m. by Mayor Lane.

Town Administrator/ Clerk Darrah presented the resolution to approve amendments to the Special Use Permit for the Middle Fork RV Resort and explained that the public hearing had been continued to allow time for staff to meet with the applicant to further clarify the application for special use and to discuss timelines for implementation. The resolution allows for 15 spaces to be rented on a month to month basis for up to six months

at any one site. The resolution also states that Mr. Carroll will be moving the RV storage portion of his business and the shipping container that are currently in the RV park to Parcel D by June 30, 2018. Ingress/ egress for the RV park were also discussed in conjunction with this SUP application and the park now has two entrance/ exits that were created by the approval of the resubdivision of the Samuel Mick Subdivision. In addition, Public Works Director Mead spoke with the Fire Department and was informed that they are able to provide service to the park in its current figuration. This resolution does not address the expansion of the existing RV park.

Richard Carroll presented an updated site plan and answered Board questions.

There were no comments in opposition to this application.

Public hearing was closed at 6:08 p.m. by Mayor Lane.

Motion #3 by Trustee Douglas, seconded by Trustee Just, that the Board Approve Adoption of Resolution No. 16, series of 2017, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, GRANTING APPROVAL OF THE APPLICATION FOR AMENDMENTS TO THE SPECIAL USE PERMIT FOR MIDDLE FORK RV RESORT." Motion carried unanimously.

B. Should the Board Approve a Hotel and Restaurant Liquor License as Applied for by Jillian Parrish, owner of Dream Stream Café & Lounge located at 331 U S Hwy 285, Unit A?

Public hearing opened at 6:11 p.m. by Mayor Lane.

Town Administrator/ Clerk Darrah presented the liquor license application for the Dream Stream Café & Lounge and recommended approval pending receipt of a satisfactory background check on the applicant.

Jillian Parrish spoke on behalf of the liquor license and answered Board questions.

Sam Mick, the applicant's landlord, stated that he was in favor of the liquor license.

There were no comments in opposition to this application.

Public Hearing closed at 6:20 p.m. by Mayor Lane.

Motion #4 by Trustee Just, seconded by Trustee Stapp, to direct staff to prepare Findings of Fact, Conclusions and Order to be placed on the November 6, 2017, Board of Trustees consent agenda for the granting of a Hotel and Restaurant retail liquor license for Dream Stream, LLC, pending receipt of a satisfactory criminal background check on the applicant. Motion carried unanimously.

C. Consideration of a Special Use Permit application as submitted by Linda Cole and Kim Wittbrodt to allow Single Family Residential as a permitted use at 532 Front Street.

Public hearing opened at 6:25 p.m. by Mayor Lane.

Town Planner Newman presented the application for a Special Use Permit to allow Single Family Residential as a permitted use at 532 Front Street and stated that it would facilitate the loan process for the sale of the property. He went on to say that the application appears to be in substantial compliance with the Fairplay Comprehensive Plan and that the comprehensive plan encourages single family uses in the Town Center as secondary to business uses.

Kim Wittbrodt explained the reason that she and Linda Cole have applied for this special use permit, spoke in favor of the application and answered Board questions.

J. Van Baal, Front Street LLC, owner of 530 Front Street provided a letter objecting to the rezoning of 532 Front Street and Mayor Lane read the letter into the record.

Public Hearing closed at 6:30 p.m. by Mayor Lane.

Motion #5 by Trustee Stapp, seconded by Trustee Dodge, that the Board direct staff to draft a resolution, Granting Approval of the Application for a Special Use Permit to Allow Single Family Residential as a Permitted Use at 532 Front Street. Motion carried unanimously.

D. Consideration of a Special Use Permit application as submitted by Anannt Enterprises LLC, for Western Inn Motel & RV Park, to amend the current Special Use Permit to allow 30 day RV stays within a 180 day period and to allow 2 permanent RV spaces for employees at 490 U S Hwy 285.

Public hearing opened at 6:36 p.m. by Mayor Lane.

Town Planner Newman presented the application for the amendment of the current Special Use Permit for Western Inn Motel & RV Park, located at 490 U S Hwy 285 which has been in use at the current location for at least 20 years. The RV park is currently operated as a legal non-conforming use under a previous zoning code that restricts a RV stay to 10 days. The purpose of this special use request is to bring the RV park into compliance with the current UDC, which allows a 30 day stay within a 180 day period. In addition, the application requests that two permanent recreational vehicles be allowed for employees, when needed. Town Planner Newman stated that the application appears to be in substantial compliance with the Fairplay Comprehensive Plan and Unified Development Code.

Parthiv Patel, Anannt Enterprises LLC, was present to answer Board questions.

There were no comments offered in opposition to this application.

Public hearing was closed at 6:44 p.m. by Mayor Lane.

Motion #6 by Trustee Just, seconded by Trustee Douglas, that the Board direct staff to draft a resolution, Granting Approval of the Application for a Special Use Permit to Allow 30 Day RV Stays within a 180 Day Period and to Allow 2 Permanent RV Spaces for Employees at 490 U S Highway 285. Motion carried unanimously.

UNFINISHED BUSINESS

- A. Should the Board Approve Adoption of Ordinance No. 2, series 2017, entitled, "AN ORDINANCE AMENDING SECTION 16-5-30 OF THE FAIRPLAY MUNICIPAL CODE RELATING TO TABLE OF USES."?

Town Administrator/ Clerk Darrah presented Ordinance 2, series 2017 and stated that it reflects Staff's understanding of the Board's direction at the October 2, 2017, Board meeting regarding adding Dog Training Facility as a use in the table of uses located in Section 16-5-30 of the Fairplay Municipal Code.

Motion #7 by Trustee Just, seconded by Trustee Stapp, to direct staff to notice a public hearing regarding amending Section 16-5-30 of the Fairplay Municipal Code to include Dog Training Facility as a use. Motion carried 4-0. (Trustee Dodge recused himself.)

- B. Special Use Permit Compliance/ Conex Containers

Town Administrator/ Clerk Darrah provided a written staff memorandum, updating the Board regarding SUP Compliance for Conex Containers. She stated that Acting Police Chief Schlunsen delivered letters of non-compliance to those properties that had not yet brought their properties into compliance with special use permits granted earlier this year allowing conex containers with certain conditions. A copy of Acting Police Chief Schlunsen's report was attached as well as a copy of the SUP granted to Mr. Kopunec, as his property was the only one out of compliance at the time of the meeting.

Mr. Kopunec was unable to attend the meeting because of an emergency at his ranch. The Board discussed their options and Acting Police Chief Schlunsen answered their questions regarding the non-compliance of Mr. Kopunec's property, as he has made visual inspections of the property and talked with the Kopunecs.

The Board directed staff to serve Mr. Kopunec with a notice of a SUP Revocation Hearing to be held on November 6, 2017 at 6 p.m. unless his property is in compliance prior to that time along with a list of the items needed to bring the property into compliance with their SUP.

- C. Other discussion items

No other discussion items were offered.

NEW BUSINESS

- A. Presentation of 2017 Amended and 2018 Preliminary Budget and setting of Public Hearing on November 6, 2017 @ 6 p.m.

Town Treasurer Wittbrodt distributed the preliminary budget for year 2018 and recommended that the Board set a public hearing on the budget for November 6, 2017 at 6 p.m. and a budget work session for October 23, 2017 at

6 p.m. She also stated that the Fairplay Sanitation District Board of Directors would be invited to this work session.

Motion #8 by Trustee Dodge, seconded by Trustee Stapp, that the Board set a Public Hearing on the 2017 Amended Budget and 2018 Preliminary Budget for November 6, 2017 at 6 p.m. and further to set a budget work session for October 23, 2017 at 6 p.m. Motion carried unanimously.

B. Other new business

Trustee Just asked that the Board revisit the Noise Ordinance located in Section 10-10-43(3) of the Fairplay Municipal Code. Town Administrator/ Clerk Darrah reported that she has researched the policies regarding noise in Buena Vista, Breckenridge and Dillon.

The Board directed staff to schedule a work session to review neighboring communities' policies on noise and discuss the Town's noise ordinance.

MAYOR AND TRUSTEE REPORTS

No Mayor and Trustee Reports were offered.

ADJOURNMENT

Mayor Lane, noting that there being no further business before the Board, declared that the meeting be adjourned at 7:23 p.m.

Gabby Lane, Mayor

ATTEST:

Claudia Werner, Deputy Town Clerk