

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
July 16, 2018**

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 Frank Just who proceeded with the pledge of allegiance, followed by the roll call which was answered by Trustees Scott Dodge and Cindy Bear (Trustee Douglas joined the meeting at 7:12 p.m.). Also in attendance were Town Administrator Tina Darrah, Town Attorney Lee Phillips, Public Works Director Jim Brown, Interim Police Chief Bo Schlunsen, Assistant to the Town Administrator Mason Green and Deputy Town Clerk Niki Griffin. (Trustee Eve Stapp was absent.)

AGENDA ADOPTION

Motion #1 by Trustee Dodge, seconded by Trustee Bear, that the agenda be approved as amended. Motion carried unanimously. (Trustee Douglas and Trustee Stapp were 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** – July 02, 2018
- B. **APPROVAL OF EXPENDITURES** – Approval of bills of various Town Funds in the amount of \$429,731.73.

Motion #2 by Trustee Bear, seconded by Trustee Dodge, that the consent agenda be adopted as amended. A roll call vote was taken: Dodge - yes, Just – yes, Bear - yes. Motion carried unanimously. (Trustee Douglas and Trustee Stapp were absent.)

CITIZEN COMMENTS

- A. Hand Hotel Owner Dale Fitting, 600 Main Street, stated that the noise and disruption from the drinking establishment next door after hours is getting excessive. Mayor Just asked Interim Police Chief Schlunsen if he would look into after hours noise and disruption issues.

PUBLIC HEARING

- A. **Should the Board Approve an Application for a New Fermented Malt Beverage (3.2%) License for McFarland Oil, LLC at 640 Hwy 285 in Fairplay, Colorado?**

Mayor 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 offered by Town Administrator Darrah who stated that the public hearing had been posted in accordance with Colorado Revised Statutes and that Mr. Smith had completed the entire liquor license application, paid all of the required fees, and had passed the required building inspections. Town Administrator Darrah then stated that staff recommends approval and answered questions from the Board.

Mayor Just asked for public comment in favor of approval of the application.

Tim Smith, 640 Hwy 285, offered comment as the manager of D & S C Store urging the Board to approve the application.

Mike Stone, resident, asked about the change to Colorado law where in 3.2% licenses change to full strength beer on January 1, 2019. Town Administrator Darrah stated that while this law change could not be factor in determining whether or not to grant this liquor license, Mr. Stone is correct in that state legislature has passed a new law that 3.2% licenses in place on January 1 will automatically be converted to full strength fermented beverage licenses thus allowing full strength beer sales. She noted that this will only allow full strength fermented beverage sales and no other types of alcohol sales would be permitted.

Mayor Just asked for public comment in opposition to the approval of this license application.

There were no comments in opposition

Mayor Just closed the hearing at 7:18 p.m.

Motion #3 by Trustee Dodge, seconded by Trustee Bear, that the Board approve the application for a New Fermented Malt Beverage (3.2%) License for the D & S C Store at 640 Hwy 285. Motion carried unanimously. (Trustee Eve Stapp was absent.)

UNFINISHED BUSINESS

A. Other discussion items

No other discussion items were offered.

NEW BUSINESS

A. Should the Board Approve Adoption of Resolution No. 26, series of 2018 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 STEVE & JULIE BEITSCHER FOR THE 872 TROUT CREEK DRIVE EXTERIOR PROJECT."?

Town Administrator Darrah presented the PIIP application submitted by Steve and Julie Beitscher, homeowners of 872 Trout Creek Drive Exterior Project and stated that the application was complete and in compliance with the PIIP rules and regulations. The applicant is requesting \$503.00 from the Town towards the \$5,249.00 project that will include repair of the siding and painting the house on the property at 872 Trout Creek Drive. There is \$11,357.00 remaining in the PIIP budget for 2018 and Staff recommends approval.

Julie Beitscher introduced herself to the Board and answered Board questions regarding the exterior project at 872 Trout Creek Drive.

Motion #4 by Trustee Dodge, seconded by Trustee Douglas, that the Board Approve Adoption of Resolution No. 26, series of 2018, 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 STEVE & JULIE BEITSCHER FOR THE 872 TROUT CREEK DRIVE EXTERIOR PROJECT." A roll call vote was taken: Dodge - yes, Just - yes, Douglas – yes, Bear. Motion carried unanimously. (Trustee Eve Stapp was absent.)

B. Should the Board Approve an Application for a Modification Of Premises/Change Of Trade Name Request from South Park Pub and Grill, L.L.C. located at 517 Front Street in Fairplay, Colorado?

Town Administrator Darrah introduced the application for a change of Trade Name and modification of premises to expand alcohol consumption to the outdoor area behind the business.

Staff comment was offered by Town Administrator Darrah who explained that the application before the Board was from South Park Pub and Grill, LLC to change their trade name from South Park Pub and Grill to Platte River Saloon and that the application also included a modification of premises request to expand their liquor licensed area to include the "backyard" area of the property as shown on the map in the Board packet. Ms. Darrah noted that the application shows appropriate containment via fencing, that all of the paperwork is complete, and the appropriate fee had been paid.

Ms. Darrah further stated that the Board had expressly removed the "backyard" from the liquor licensed premises that was approved as part of the original Change of Location application. She reminded the Board that this was due to concerns brought up during the public hearing from the neighboring property owners, namely the Hand Hotel. She also noted that it has been a little over one month since South Park Pub has been open in its new location and Acting Chief Schlunsen has not received any complaints. It was noted that he did check with the Sheriff's Department to see if they have responded to calls involving this location while they were covering the Town and they have been to one call – it was on Tuesday, June 26th at just before 8pm for a dispute/disturbance.

Citizen comment was offered by Dale Fitting, owner of the Hand Hotel, asking that the modification of premises be denied due to noise complaints by hotel guests.

The applicant, Ellen Canchola, offered brief comment asking the Board to approve her request and stating that she did not plan to have excessive noise in the modified premises if approved.

The Board proceeded to discuss the application with questions for Town Attorney Phillips and Town Administrator Darrah.

Motion #5 by Trustee Douglas seconded by Trustee Bear, that the Board approve the request for a change of trade name and deny the modification of premises as applied for by South Park Pub and Grill, LLC for the property located at 517 Front Street. Motion carried unanimously. (Trustee Stapp absent.)

C. Should the Board Approve Adoption of Resolution No. 26, series of 2018 entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT WITH THE STATE OF COLORADO, AUTHORIZING THE LOCAL AFFAIRS, AND THE TOWN OF FAIRPLAY, COLORADO FOR AN ENERGY IMPACT ASSISTANCE FUND GRANT FOR THE FAIRPLAY RIVER PARK MASTER PLAN."?

Town Administrator Darrah thanked the Board for allowing this to be on tonight's agenda. Town Attorney Phillips stated that this was not added until today due to the delivery of the information on Friday and Staff being out of the office attending training. Mayor Just stated this grant will allow the master plan of the River Park project to finally kick off.

Motion #6 by Trustee Dodge, second by Trustee Bear, that the Board Adoption of Resolution No. 26, series of 2018 entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT WITH THE STATE OF COLORADO, AUTHORIZING THE LOCAL AFFAIRS, AND THE TOWN OF FAIRPLAY, COLORADO FOR AN ENERGY IMPACT ASSISTANCE FUND GRANT FOR THE FAIRPLAY RIVER PARK MASTER PLAN." Roll Call. Motion carried unanimously. (Trustee Eve Stapp was absent.)

D. Other new business

No other new business offered.

BOARD OF TRUSTEES AND STAFF REPORTS

Interim Police Chief Schlunsen reported there had not been a ton of activity. Interim Police Chief Schlunsen also stated that there have not been applications submitted for Police Officers.

Public Works Director Brown reported that three small leaks were detected but these were not the source of the large water leak. Trustee Dodge mentioned an area that was suspect and should be followed up on. Public Works Director Brown also reported that the repairs to the access road, spillway and dredging were underway, they are on schedule and that the Fire Hydrant replacement should be completed in August. Public Works Director Brown outlined how the leak detection testing would be handled, turning off water on zones to isolate areas that show increase in flow.

Mayor Just reminded everyone that if you see standing water, unrelated to weather, it should be reported to our Public Works Department.

Town Administrator Darrah asked for direction from the Board regarding Fireworks display during Burro Days. Mayor Just recommends move the fireworks display to another holiday or another time of year. All Board members agree that not having fireworks display at Burro Days and moving to another time would be a good idea considering we are still in a Stage 2 Fire Ban. Town Administrator Darrah asked the Board to consider if the August 6th meeting could be turned into a work session, meeting at 6:00 p.m.

Town Attorney Phillips stated the Fairplay Sanitation District Dissolution Hearing will be August 17, 2018 at 1:15 p.m.; a letter and notice of hearing was distributed to Board and Staff.

Trustee Dodge stated that the town is packed full of citizens and travelers, this is a testament to the outstanding customer service provided by our town and businesses.

Trustee Bear stated she was grateful and impressed with the Fire Command that came to assist with the Weston Pass Fire. They ran their operation very professionally.

Mayor Just spoke about a friend he had made whose son was providing support to the Weston Pass Fire.

ADJOURNMENT

Mayor Just, noting that there being no further business before the Board, declared that the meeting be adjourned at 8:15 p.m.

Frank Just, Mayor

ATTEST:

Niki Griffin, Deputy Town Clerk