

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

**September 17, 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 6:00 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, Eve Stapp, Ray Douglas, and Cindy Bear. Also in attendance were Town Administrator/Clerk Tina Darrah, Town Planner Scot Hunn, Interim Police Chief Bo Schlunsen, Town Treasurer Kim Wittbrodt, Town Building Inspector Gerrits Kasper and Assistant to the Town Administrator Mason Green.

**AGENDA ADOPTION**

**Motion #1** by Trustee Douglas, seconded by Trustee Stapp, that the agenda be amended to include discussion regarding a Property Improvement Incentive Program (PIIP) Application for Roz Aceto under Other New Business. 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** – August 20, 2018
- B. APPROVAL OF EXPENDITURES** – Approval of bills of various Town Funds in the amount of \$148,291.06.

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

**CITIZEN COMMENTS**

Joe Torrez, Superintendent of Park County School District RE-2 located at 640 Hathaway St., spoke to the Board of Trustees about Amendment 73 which will be on the ballot this November. Mr. Torrez stated that the School Board was considering passing a resolution in support of Amendment 73 which seeks to provide greater funding to school districts. Mr. Torrez also brought in information sheets for the Board and public.

**PUBLIC HEARINGS**

- A. CONTINUED-** Should the Board Approve Adoption of Ordinance No.4 series of 2018 entitled, "AN ORDINANCE ADDING A NEW SECTION 16-7-150 TO THE FAIRPLAY MUNICIPAL CODE RELATING TO TEMPORARY USE AND HOUSING DURING CONSTRUCTION"?

Mayor Just opened the Public Hearing at 6:09pm and stated that the public hearing had been continued from the previous meeting in order to gather additional public input and allow the Board of Trustees additional time to think on the issue. Town Administrator Darrah stated that there had been no substantial changes to Ordinance No.4 since the meeting on August 20.

Town Building Inspector Gerrits Kasper was asked by Mayor Just to provide his take on the proposed Ordinance. Building Inspector Kasper stated that he had not seen any positive examples of temporary housing during construction and gave several examples. Building Inspector Kasper also stated that people have three years to build a home, and suggested the Board take this into consideration.

Andy Bortles, who lives at lot 32 in the Middle Fork RV Park, was the only person to give a citizen’s comment. Mr. Bortles asked if the six-month limit on temporary housing could be renewed for an additional six months. Mayor Just stated that this was not possible as temporary housing is limited to six months total.

Trustee Douglas sought clarification regarding the following language found under #2 "...facilities must be provided and approved." Town Administrator Darrah stated that this refers to the lot owner.

Discussion between the Board members and Staff ensued regarding which zoned districts temporary housing would be allowed in. Town Administrator Darrah stated that it would be allowed in any lot that was used residential, provided of course they met the requirements to allow temporary housing.

Mayor Just stated that he did not think that the temporary housing should apply to those building a new home on a vacant lot. Mayor Just offered examples as to why this would not be feasible, and the Board directed staff to amend Ordinance No. 4 so that temporary housing is only allowed on lots that have a housing structure under renovation/remodel/rehabilitation. Additionally, the Board directed staff to change Ordinance No.4 to define temporary housing as a self-contained unit, such as an RV.

Mayor Just closed the Public Hearing at 6:32pm and the Board of Trustees directed Staff to bring back Ordinance No. 4, with the requested changes, at the next meeting.

- B. Should the Board Approve Adoption of Resolution No. 31, series of 2018 entitled, “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO APPROVING THE APPLICATION FOR A FRONT YARD SETBACK, SITE TRIANGLE ENCROACHMENT AND MAXIMUM LOT COVERAGE VARIANCE AT CERTAIN REAL PROPERTY COMMONLY KNOWN AND NUMBERED AS 298 SIXTH STREET, FAIRPLAY COLORADO”?**

Mayor Just introduced the topic and opened the public hearing at 6:35pm.

Town Planner Hunn stated that the covered porch encroaches into the sight triangle at the intersection of sixth street and the alley on the west side of the street. Town Planner Hunn also stated that his staff report contains examples of sight triangle variance allowances as well as sections of the Town of Fairplay Comprehensive Plan which support approving this variance. Town Planner Hunn recommended approval of this variance provided that the Senior Center pays the variance fee and has the new construction surveyed and provides the Town with an as-built survey.

Mr. Larry Foster, President of the Senior Coalition, who helps run the Thrift Store located at 298 sixth street, stated that the Senior Coalition is a 501c3 non-profit organization and relied heavily upon the thrift store as a source of income. Mr. Foster also stated that it is essential to have the covering over the porch as it helps to prevent thrift store goods from getting ruined due to the weather.

Trustee Stapp asked if the porch was on the originally approved construction plans. Town Administrator Darrah stated that the porch was on the approved plans, but the covering on the porch was not.

Building Inspector Kasper stated that Mr. Foster had approached him and asked if he could put a covering on the roof. Building Inspector Kasper acknowledged that he did tell Mr. Foster that he could place the covering on the porch and should not have given this permission.

The Board and staff discussed the concept of a sight triangle, and how that applied to this issue, for some time. The Board also confirmed with staff that the covering had been inspected and was up to code and that variances approved at the last public hearing for this property had been followed.

Mayor Just asked Mr. Foster if there were any plans to hang a tarp or other substance from the covering. Mr. Foster replied that there was not. Mayor Just then asked if this could be made a 3<sup>rd</sup> condition for the approval of the variance, that no tarps or other materials that would further block the sight triangle would be hung from the covered porch.

Julie Pettee, who lives at 620 Main St., stated that she has lived across the street from the Senior Center for over twenty years and that she likes the look the covering gives the porch.

The Board and staff discussed parking, and how that could impede sight triangles as well. It was decided that parking was a separate issue and that Town Administrator Darrah would need to speak with Town Attorney Phillips if the Board wished to pursue this at a later time.

The public hearing was closed at 7:04pm

**Motion #3** by Trustee Douglas, Seconded by Trustee Stapp, that the Board Approve Adoption of Resolution No. 31, series of 2018, entitled, “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROVING THE APPLICATION FOR A FRONT YARD SETBACK, SITE TRIANGLE ENCROACHMENT AND MIZIMUM LOT COVERAGE VARIANCE AT CERTAIN REAL PROPERTY COMMONLY KNOWN AND NUMBERED AS 298 SIXTH STREET FAIRPLAY, COLORADO.” Provided that the property owner pays the variance fee, provides the Town with a new survey of the property showing the as built structure, and

agrees to not hang a tarp or anything else that would further block the sight triangle from the porch covering. Motion carried unanimously.

**UNFINISHED BUSINESS**

**A. Other discussion items**

No other discussion items were offered.

**NEW BUSINESS**

**A. Should the Board Approve Adoption of Resolution No. 32, 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 TOWN HALL AND SWISSAIRE CONDO FOR THE 620 MAIN STREET EXTERIOR PROJECT”?**

Town Treasurer Wittbrodt introduced the topic, stating that the owners of 620 Main Street had applied for a PIIP three years ago and the project for which they received funds was perhaps one of the most successful PIIP projects so far. Treasurer Wittbrodt also stated that if the new PIIP was approved, it would go towards re-roofing the structure. Treasurer Wittbrodt stated that the total amount for this PIIP would be \$2,351 and, if approved, the remaining PIIP budget would be \$3,025.

Mayor Just thanked Town Attorney Phillips for the creation of the PIIP program.

**Motion #4** by Mayor Just, seconded by Trustee Dodge, that the Board Approve Adoption of Resolution No. 27, series of 2018, and the amended revisions to the document, 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 TOWN HALL AND SWISSAIRE CONDO FOR THE 620 MAIN STREET EXTERIOR PROJECT.” A roll call vote was taken. Dodge – Aye, Stapp – Aye, Just – Aye, Douglas – Aye, Bear – Aye. Motion carried unanimously.

**B. Should the Board Approve Adoption of the “DEBRIS MANAGEMENT PLAN FOR PARK COUNTY” ?**

Town Administrator Darrah introduced the topic, stating that Park County had given the plan to the Town on August 3<sup>rd</sup> and had told her that there was no opportunity for the Town to suggest changes and if the Town chose not to adopt the plan it would not be eligible for FEMA funds in the future.

Trustee Douglas stated that he did not like that the Town was not able to suggest changes and that the word “draft” was watermarked onto several of the pages. The rest of the Board agreed that it would have been nice to be able to suggest changes.

Trustee Bear asked if Alma had adopted the plan. Town Administrator Darrah did not know if they had or not.

Some discussion regarding disaster created debris and the negative impact they have on disaster areas.

**Motion #5** by Trustee Dodge, Seconded by Trustee Douglas, that the Board approve adoption of the “DEBRIS MANAGEMENT PLAN FOR PARK COUNTY” provided that Park County provide the Town with a version of the plan without the watermarked “draft” to sign. Motion carried unanimously.

**C. Other new business**

Town Treasurer Wittbrodt began the discussion regarding a Property Incentive Improvement Program (PIIP) application for the property known as 500 Fourth Street. Town Treasurer Wittbrodt stated that Ms. Aceto is the new owner of 500 Fourth Street and that she is planning to use the money to replace the old windows. Treasurer Wittbrodt stated that the total cost of this PIIP would be \$427.

The Board directed Staff to let Ms. Aceto proceed with her project and to place the resolution for this PIIP agreement on the October 1<sup>st</sup> agenda for ratification.

**BOARD OF TRUSTEES AND STAFF REPORTS**

Assistant to the Town Administrator Green stated that he had spent time with the 5<sup>th</sup> grade classes at Edith Teter Elementary for the promotion of the "If I was Mayor for a Day" essay contest. Assistant to the Town Administrator Green also stated that the third-grade class was also participating in the contest, but their topic was "Why I love my Town." Winners of the contest will receive a cash prize and be invited to sit behind the dais, with the Town Board, during a regular meeting. Assistant to the Town Administrator Green also stated that he had held a site visit for the students involved in the Grow Your Outdoor Recreation Industry grant project and that they would be performing a survey of outdoor recreation user-groups which they will turn into a marketing plan complete with suggestions on how local businesses can capture more tourist traffic.

Town Administrator Darrah shared that \$32,872, worth of artwork had been sold during the Plein Air Festival. Town Administrator Darrah stated that it took less than 12 hours to make this amount of sales and that non-profits would receive checks at the October 1<sup>st</sup> meeting.

Trustee Dodge stated that the Plein Air Event was awesome.

Trustee Bear and Mayor Just brought up the one-way portion of Hathaway in front of the school, stating that it is dangerous. Trustee Bear and Mayor Just asked Town Administrator Darrah to look into placing the one-way signage in a more obvious location and potentially making 7<sup>th</sup> street, along the school, one-way as well. Town Administrator Darrah stated that she will get something on an upcoming agenda.

**ADJOURNMENT**

Mayor Just, noting that there being no further business before the Board, declared that the meeting be adjourned at 7:46 p.m.

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Frank Just, Mayor

ATTEST:

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Mason Green, Assistant to the Town Administrator