

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
June 17, 2019**

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 6:04 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, Paul Kemp and Cindy Bear. Also in attendance were Town Administrator/Clerk Tina Darrah, Public Works Director Jim Brown, Police Chief Marcus Woodward, Town Attorney Paul Wisor, Town Planner Scot Hunn, Town Treasurer Kim Wittbrodt and Assistant to the Town Administrator Mason Green.

AGENDA ADOPTION

Motion #1 by Trustee Dodge, seconded by Trustee Stapp, that the agenda be adopted with the condition that Adjournment be moved to Agenda Item 13 and the Executive Session be moved to Agenda Item 12. 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** – May 20, 2019
- B. **APPROVAL OF EXPENDITURES** – Approval of bills of various Town Funds in the amount of 165,838.80

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

CITIZEN COMMENTS

Jean Farence, a member of the Save South Park group, spoke to the Board about her concerns regarding the use of mercury in historic mining operations, and that mercury may still be found in the tailing piles on Town of Fairplay property along the Middle Fork of the South Platte. Additionally, Ms. Farence stated that she is concerned about discharge of chemicals and silt from both historic mines, and active mines alike. Ms. Farence asked the Board for assistance, and support, for the Save South Park group's request that Park County approve a 1041 permit.

UNFINISHED BUSINESS

- A. Other discussion items

No other discussion items were offered.

PUBLIC HEARING:

Consideration of a Variance as Requested by Park County School District Re-2 for Parking Lot Landscaping Requirements Found in Section 16-11-60 of the Town of Fairplay's Unified Development Code.

Town Attorney Paul Wisor stated that the Board, during the public hearing, would be acting in a quasi-judicial manner and that their decision regarding the variance request would need to be based on information received during this meeting.

Trustee Bear stated that she would recuse herself from this matter, as she is an employee of Park County School District RE-2. Trustee Bear then left the room.

Mayor Just opened the public hearing at 6:26p.m. and read a brief opening statement stating jurisdiction and outlining procedures for the public hearing. There were no objections given to this process.

Town Planner Hunn introduced the topic, stating that the School District is in the process of constructing new ballfields adjacent to the football field. Town Planner Hunn stated that the School District's Request for Variance pertains to the minimum planting requirements for paved parking lots found in the Town of Fairplay's Unified Development Code. Town Planner Hunn then informed the Board of the considerations that they must make with this application, and that staff believes that these considerations have been met.

Town Planner Hunn informed the Board that staff recommends approval of this Request for Variance with two conditions. The first condition being that the applicant must make changes to the site plan for the project and accurately label the parking lot surfacing material as recycled asphalt rather than paving. The second condition being that the applicant, Park County School District RE-2, will have to comply with the Town of Fairplay's Unified Development Code throughout the rest of the project.

Mayor Just asked if it would be sufficient for the applicant to change the material type for the parking lots on the plans in pen, then sign the plans, rather than have entirely new plans created.

Town Planner Hunn stated that the change described by Mayor Just would be enough, and that new plans would not have to be created.

Mayor Just invited the Park County School District to make its case for the approval of this Request for Variance.

Mr. Charlie Shultz, Representative for the Park County School District RE-2 Ballfield Project, stated that he would be speaking on behalf of the School District on this matter. Mr. Shultz stated that this new parking lot would be placed adjacent to the existing football field parking lot. Mr. Shultz stated that the football parking lot is surfaced with recycled asphalt, and as such, was not subject to the Town of Fairplay's minimum planting requirements for paved parking lots found in the Town's Unified Development Code. Mr. Shultz then informed the Board that the new parking lot will have minimal use as it will be mainly used for overflow parking from the football field parking lot. Mr. Shultz stated that it would also be used for parking during baseball games, and for those using the athletic fields. Mr. Shultz then informed the Board that the addition of islands in the parking lot, along with the water usage associated with the plantings, and the drainage required for these plantings, would be an excessive expense for the School District.

Mayor Just then asked the audience if anyone would like to speak in favor of this Variance Request. There were no speakers.

Mayor Just then asked the audience if anyone would like to speak in opposition of this Variance Request.

Merrill "Gabby" Lane, 480 Witcher Lane, stated that he is unhappy with the dirt piles on the ballfield site blowing onto Witcher Lane, and with the request for variance from the School District, as his view of a meadow would be replaced with a parking lot containing no plantings. Mr. Lane then stated that the ballfields will not be done for several years and that he is unhappy that the School District is asking for a "shortcut". Mr. Lane also stated that he was upset that the track around the football field was not completed and that High School Track Meets could not currently be held there.

Melanie Eastham, 632 Silverheels Place, stated that she would like a project timeline from the school to be given to the public, and that the School District should communicate with the public, particularly with the neighbors of the project, who want to see it finished.

Mayor Just invited Mr. Shultz to give a rebuttal to those in opposition.

Mr. Shultz stated that it is true that there are some mounds of dirt currently on the site, and that these mounds were a part of the site plan approved by, the Town of Fairplay. Mr. Shultz stated that these dirt piles will be used to create the athletic fields, and to stabilize the soil after the completion of the first phase of the project if there was no secured funding for Phase 2. Mr. Shultz stated he could not give an accurate timeline in which the project would be completed, and that he understands that this project has been a disturbance to the neighbors. Lastly, Mr. Shultz stated that the School District had purchased this land with the intention of building an athletic complex.

Mayor Just then invited those opposed to give a rebuttal to the Park County School District RE-2 rebuttal.

Mr. Lane stated that he was initially for this project and helped to secure the land for the School District, but that he was not aware that this area would become a construction zone for multiple years. Mr. Lane then asked when the project would be finished and that he would like to see the School Districts last project, the

football field and track, completed prior to the start of a new project. Mr. Lane stated that he is in favor of this project, but not the duration of the project and that his view is ruined.

Mayor Just invited the School District to give one more rebuttal to those in opposition.

Mr. Schultz addressed Mr. Lane's concerns regarding the High School Track Meets, stating that the School District works with CHASA to meet criteria for sporting events of all kinds and levels, and that the track was sufficient to hold High School Track Meets. Mr. Shultz then stated again that he could not give a timeline for the project as funding for the project is not secured and will be dependent on grants and in-kind work. Mr. Schultz stated that the water drainage plan for the site was submitted to CDPHE and that the target completion date for the dirt work was July 1, but that they would likely not meet this goal.

Mayor Just asked the Board if they had questions for the applicant.

Trustee Dodge clarified with Mr. Schultz which lot was being discussed and asked what the cost difference of using recycled asphalt vs. paving the parking lot.

Mr. Shultz explained what constitutes recycled asphalt, and that recycled asphalt is about 1/4th the cost of paving the parking lot.

Town Planner Hunn clarified that the Request for Variance pertains to the minimum planting requirements for paved parking lots, and that the Unified Development Code speaks to plantings being required for paved parking lots and has no planting requirements for recycled asphalt.

Mayor Just further explained the scope of the School Districts Variance Request.

Trustee Dodge asked the applicant when the parking lot would be completed and if the School District currently had the funds needed to complete the parking lot.

Mr. Schultz informed the Board that the parking lot is one of the last phases of the project and would be completed after the ballfields. Mr. Shultz stated the project is currently lacking funding.

Trustee Dodge inquired about parking for the new ballfields if the new parking lot is one of the last phases of the ballfield project.

Mr. Schultz stated that the existing football field parking lot would serve as parking for both areas until the new parking lot was completed.

Mayor Just asked Mr. Shultz to confirm that the new parking lot would be used primarily for overflow parking, to which Mr. Shultz reiterated that the parking lot would be used for both overflow parking and for parking near the new athletic complex.

Trustee Dodge inquired if additional landscaping variances would be asked for later in the project timeline.

Town Administrator Darrah stated this was the only Request for Variance.

Mayor Just stated that the landscaping for other areas is shown on the plans and Mr. Schultz showed this to Trustee Dodge.

Town Administrator Darrah clarified that the variance is not regarding the surfacing of the parking lot, but rather that the plans originally showed that the parking lot would be paved, not surfaced using recycled asphalt, and that paving the parking lot is when minimum planting standards are required to be followed under the Town of Fairplay's Unified Development Code. Town Administrator Darrah reiterated that staff recommends approval.

Mayor Just asked Mr. Shultz if Park County School District RE-2 would meet with the neighbors to hear their concerns and try to better mitigate the dust from the dirt piles.

Mr. Shultz stated Park County School District RE-2 would meet with the neighbors and focus on dust mitigation.

Motion #3 by Trustee Dodge, seconded by Trustee Stapp, that the Board Approve Adoption of Resolution No. 13, Series of 2019, Entitled "A RESOLUTION FOR THE TOWN OF FAIRPLAY, COLORADO, APPROVING A REQUEST FOR VAIRANCE FROM THE PARKING LOT LANDSCAPING REQUIRMENTS PURSUANT TO SECTION 16-11-60 OF THE TOWN OF FAIRPLAY'S UNIFIED DEVELOPMENT CODE." A voice vote was taken. Motion carried unanimously.

NEW BUSINESS

- A. Should the Board Approve Adoption of Resolution No. 14, Series of 2019, Entitled, "A Resolution Of The Board Of Trustees For The Town Of Fairplay, Colorado, Adopting A Memorandum Of Understanding Between The Town Of Fairplay And Dale And Katherine Fitting For Use Of The Hand Hotel."?**

Town Administrator Darrah introduced the topic, stating that this memorandum would formalize the informal agreement between the Town of Fairplay and Dale and Katherine Fitting for the use of the Hand Hotel during several summer events.

Mr. Dale Fitting, owner of the Hand Hotel, articulated the ways in which the Hand Hotel has been used for the Town's summer events in the past—stating that these same uses were present in the memorandum.

Mayor Just asked Mr. Fitting if both he and Town Special Events Coordinator Julie Bullock worked on the memorandum together.

Mr. Fitting confirmed that he and Special Events Coordinator Bullock had worked on the memorandum together and that he was satisfied with the MOU as written.

Motion #4 by Trustee Stapp, seconded by Trustee Kemp, that the Board Approve Adoption of Resolution No. 14, Series of 2019, Entitled, "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, ADOPTING A MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF FAIRPLAY AND DALE AND KATHERINE FITTING FOR USE OF THE HAND HOTEL.**" A voice vote was taken. Motion carried unanimously.

- B. Should the Board Approve Resolution 15, Series of 2019, Entitled, "A Resolution Of The Board Of Trustees For The Town Of Fairplay, Colorado Authorizing The Execution Of An Enhanced Sales Tax Incentive Program (ESTIP) Agreement Between The Town And Nicole McChesney For The Mountain Essentials Project."?**

Town Administrator Darrah introduced the topic, stating that Ms. McChesney has leased the space at 520 Front Street, which was formerly The Last Tangle hair salon, for the purposes of a retail business. Town Administrator Darrah stated that the base amount for this agreement would be \$0, and that the sales tax rebate would continue for five years, or until \$20,000 in sales tax has been remitted to Ms. McChesney, whichever came first. Town Administrator Darrah stated that this is the same agreement the Town has entered into with other businesses in the past.

Mayor Just asked how much sales tax has been remitted to business owners through the ESTIP.

Town Administrator Darrah stated that the amount of sales tax remitted via the ESTIP is approximately \$500,000 over the last ten years.

Mayor Just spoke about the ESTIP, and how it helps new and expanding business owners. Mayor Just then stated he likes what Ms. McChesney is doing with her retail business.

Motion #5, by Trustee Dodge, Seconded by Trustee Kemp, that the Board Approve Resolution 15, Series of 2019, Entitled, "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO AUTHORIZING THE EXECUTION OF AN ENHANCED SALES TAX INCENTIVE PROGRAM (ESTIP) AGREEMENT BETWEEN THE TOWN AND NICOLE MICCHESNEY FOR THE MOUNTIAN ESSENTIALS PROJECT.**" A roll-call vote was taken. Dodge – yes, Stapp – yes, Just – yes, Kemp – yes, Bear – yes. Motion carried unanimously.

- C. Discussion Regarding a Liquor License Modification of Premises for Platte River Saloon located at 517 Front Street.**

Town Administrator Darrah introduced the topic, stating that Ms. Ellen Canchola, owner of the Platte River Saloon, was requesting a modification of her liquor license to include the backyard in the licensed area, that Ms. Canchola was aware of the rules that this would require, and that her application was complete. Town Administrator Darrah then reminded the Board that Ms. Canchola had applied for a liquor license in the spring of 2018 which included both the back yard and a portion of the sidewalk in front of 517 Front Street. These areas were not included in the approved license at that time.

Town Administrator Darrah further reminded the Board that Ms. Canchola had, in summer 2018, then applied for a modification of premises which only included the backyard of 517 Front Street. Town Administrator Darrah stated that, at the time of this application, the Board had denied the application, stating that Ms. Canchola needed to prove to be a good neighbor to the adjacent Hand Hotel and other Front Street businesses, as well as not be the cause of alcohol related troubles such as fighting.

Town Administrator Darrah went on to state that this current application does not contain a portion of the sidewalk, only the backyard, and that there have been no noise complaints against the business since last October. Police Chief Marcus Woodward confirmed that there had been no noise complaints against the business since October.

Ms. Canchola, owner of the Platte River Saloon, stated that she would like to have outdoor seating to capitalize on the views, and that she would close the backyard to liquor sales at 9:00 PM when the kitchen closed.

Mayor Just asked for confirmation from Ms. Canchola that the backyard would close at 9:00 PM to liquor sales. Ms. Canchola confirmed that the backyard would close at 9:00PM to liquor sales.

Trustee Dodge asked if a fence around the backyard had already been constructed.

Ms. Canchola stated that the fence was currently being built.

Mayor Just asked the type of fence, to which Ms. Canchola stated it is wood.

Mayor Just asked Ms. Canchola if she was aware she was legally responsible for the conduct of her customers.

Ms. Canchola stated that she was aware of this.

Town Attorney Wisor reminded the Board that they have the legal right to impose conditions on the applicant when approving modification of premises requests.

Trustee Stapp asked what would happen if Ms. Canchola failed to comply with any conditions set upon her.

Town Administrator Darrah stated that the Town would follow due process and state statute to address any violations.

Mayor Just stated that the Board could act if the conditions were not being met.

Motion #6, by Trustee Dodge, Seconded by Trustee Bear, that the Board Approve a Liquor License Modification of Premises for the Platte River Saloon, located at 517 Front Street, to Expand the Licensed Area to Include the Backyard of 517 Front Street, Provided the Backyard Area be Closed Off by 9:00 PM Nightly. A voice vote was taken. Motion carried unanimously.

D. Discussion/Approval of a Records Management System for the Fairplay Police Department.

Police Chief Woodward introduced the topic and Park County Sheriff Tom McGraw who was present for the meeting. Police Chief Woodward spoke to the Board about the intricacies of Police Records Management systems and stated that the Town had an opportunity to upgrade its Records Management system. Chief Woodward informed the Board that this new system, Global Safety, was being offered to the Town at a discount, and that the Park County Sheriff's Department is transitioning to this same system. Additionally, Chief Woodward stated that the Park County Sheriffs Department would host the Fairplay Police Departments information on their server, which is less costly for the Town, and much more secure. Lastly, Police Chief Woodward informed the Board that his staff would transition past records into the new system and that they would lose no records during the transition.

Trustee Bear asked if transitioning to the new system would give the Fairplay Police Department access to past Park County Sheriff calls.

Police Chief Woodward informed Trustee Bear that this is correct.

Mayor Just asked if this new system would share information with Federal databases, to which Police Chief Woodward replied in the affirmative.

Mayor Just then asked the recurring cost of the Global Safety system. Police Chief Woodward informed the Board that the recurring cost would be \$1128 annually.

Town Treasurer Wittbrodt asked if the Town would need to continue to pay for the Police Departments old system while staff transferred records into the new system. Police Chief Woodward stated that the Town would not need to continue paying for the old system.

Mayor Just stated that he feels it is important for the Fairplay Police Department to have accurate information and feels the cost is acceptable.

Trustee Bear inquired as to how long the data migration would take from the old system to the new one.

Police Chief Woodward informed Trustee Bear that there was no time crunch to move the data, as the Police Department would still have access to the old system.

Park County Sheriff Tom McGraw informed the Board that an Intergovernmental Agreement (IGA) between the Sheriff's Office and the Fairplay Police Department for usage of the Park County Sheriff's server, was being drafted, and that the purpose of the IGA was to minimize cost for the Town, and increase coordination between the two entities.

Mayor Just thanked Sheriff McGraw for attending the meeting.

Motion #7, by Trustee Dodge, Seconded by Trustee Kemp, that the Board Authorize Staff to Purchase a New Police Records Management System for a Cost Not to Exceed \$12,528. A roll-call vote was taken. Dodge – yes, Stapp – yes, Just – yes, Kemp – yes, Bear – yes. Motion carried unanimously.

E. Other new business

No other new business offered.

BOARD OF TRUSTEES AND STAFF REPORTS

Assistant to the Town Administrator Green informed the Board that the Town was awarded approximately \$2400 through the Blueprint 2.0 Implementation Grant which will be used for the advertisement of Fairplay's outdoor recreation opportunities on a Summit Stage bus. Assistant to the Town Administrator Green also informed the Board that the Office of Economic Development and International Trade (OEDIT) re-opened the Implementation Grant and there is another \$1500 available that staff is applying for.

Public Works Director Brown stated that the water and sewer plants are running well, the PRV's have been repaired, and that the paving project has been pushed back a week due to weather. Public Works Director Brown also informed the Board that staff is waiting on striping bids for roads and parking lots, and that the traffic study will be implemented over the next several weeks.

Town Administrator Darrah informed the Board that the South Park Food Bank will be able to stay in its current location longer than was anticipated and does not need to move locations right away. Town Administrator Darrah informed the Board that the Town received the grant for 501 Main Street, and that the final draft of the Community Assessment will be presented in July. Lastly, Town Administrator Darrah stated that the ore bucket had been delivered to Town Hall, and that the Valiton Hotel would be undergoing a transfer of liquor license in the near future.

Town Planner Hunn informed the Board that he is working to update the Town's Fee Schedule, as well as parts of the Municipal Code.

Trustee Bear thanked the Town of Fairplay Police Department for their increased presence on the School campus during recent months. Trustee Bear encouraged the Board to support school safety.

Trustee Kemp stated that he is concerned about the lack of crosswalks near the school campus, as well as people parking vehicles in locations which obstruct the visibility of businesses.

Public Works Director Brown informed Trustee Kemp that there were recommendations for additional crosswalks in the Traffic Study.

The Board directed Staff to explore the parking and obstruction of business signs issue.

Mayor Just updated those present on the Summit Stage usage—stating that the ridership has increased a lot and that he expects it to continue to do so.

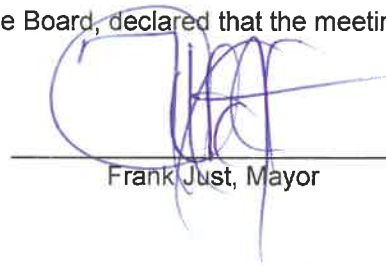
EXECUTIVE SESSION: Pursuant to C.R.S. 26-6-402(4)(b)

Motion #8, by Trustee Dodge, Seconded by Trustee Stapp, that the Board Enter an Executive Session, Pursuant to C.R.S. 26-6-402(4)(b) for Purposes of Receiving Legal Advice, Specifically in Relation to the Town's Water Rights Portfolio. Motion carried unanimously.

Mayor Just announced that the meeting was back to open session at 9:06 PM. The participants in the executive session were: Mayor Just, Trustees Bear, Kemp, Stapp, and Dodge, Town Administrator/Clerk Darrah, Public Works Director Jim Brown, Assistant to the Town Administrator/Deputy Clerk, Town Planner Scot Hunn, Town Attorney Paul Wisor, and the Town's Water Attorney Rick Fendell. It was announced that no action had been taken in the Executive Session.

ADJOURNMENT

Mayor Just, noting that there being no further business before the Board, declared that the meeting be adjourned at 9:07 p.m.



Frank Just, Mayor

ATTEST:



Mason Green, Assistant to the Town Administrator