

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
Monday, March 2, 2020**

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, and Cindy Bear, (Trustee Kemp absent). Also in attendance were Town Administrator/Clerk Tina Darrah, Town Treasurer Kim Wittbrodt, Chief of Police Marcus Woodward, Assistant Town Administrator Mason Green, Deputy Clerk Sarah Ernst, and Town Planner Scot Hunn.

AGENDA ADOPTION

Motion #1 by Trustee Dodge, seconded by Trustee Stapp, that the agenda be adopted with the amendment that item C under New Business be removed. Motion carried unanimously. (Trustee Kemp 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** –February 3 and 4, 2020.
- B. **APPROVAL OF EXPENDITURES**—Approval of bills of various Town funds in the amount of \$82,458.15.
- C. **Should the Board Approve Adoption of Resolution No. 4, Series of 2020, Entitled, “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROVING THE 501 MAIN STREET ADAPTIVE RESUSE/FEASIBILITY STUDY.”?**

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

CITIZEN COMMENTS

No Citizen requested time to speak.

PUBLIC HEARING

Should the Board Approve Adoption of Resolution No. 5, Series 2020, Entitled, “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROVING A VARIANCE FROM THE SIDE YARD SETBACK FOR THE PROPERTY KNOWN AS 711 HATHAWAY STREET, FAIRPLAY, COLORADO.”?

Mayor Just opened the Public Hearing at 6:05 pm and read a brief opening statement stating jurisdiction and outlining procedures for the public hearing where the Board of Trustees are sitting as the Board of Adjustment for the Nall side yard setback variance .

Town Planner Scot Hunn explained that the Mr. Nall’s proposal will help legalize the non-conformities that go way back to before zoning existed. Mr. Nall is selling the house and this variance will help clear up the title. Mr. Nall asked if there were any questions but no questions were presented.

Attorney Hunn stated that the staff recommends the application be approved.

Mayor Just closed the public hearing at 6:15 pm.

Motion #3 by Trustee Stapp, seconded by Trustee Bear, to approve adoption of Resolution No. 5, Series 2020, entitled **A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROVING A VARIANCE FROM THE SIDE YARD SETBACK FOR THE PROPERTY KNOWN AS 711 HATHAWAY**. A roll call vote was taken: Dodge – yes, Stapp – yes, Just – yes, Bear – yes. Motion was carried unanimously. (Trustee Kemp absent).

UNFINISHED BUSINESS

Other Discussion Items

No unfinished business and no other discussion items were offered.

NEW BUSINESS

Should the Board Approve Adoption of Resolution No. 6, Series of 2020, Entitled, A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROVING A REVOCABLE SUB-LICENSE AGREEMENT BETWEEN THE TOWN OF FAIRPLAY AND HIGH COUNTRY FOODS, LLC., DBA OFF THE GRID FOOD TRAILER FOR PARTIAL USE OF THE PROPERTY KNOWN AS 401 MAIN STREET.

Town Administrator Darrah introduced the topic, explaining that the owners of High Country Foods, LLC., DBA Off the Grid Food Trailer owned by Peggy and Mike Leczel, would like to use the lot at 401 Main Street again this summer at the rate of \$500.00 a month. They also requested use of Town water this year.

Ms. Darrah explained that staff recommended against issuance of the sub-lease this year due to the increase of ridership on the bus and the additional mid-day route. Staff sees the need for the parking lot to remain open for parking – for both visitors and residents.

Ms. Darrah stated that she had talked to the Leczel's about staffs concerns and they were still very interested in leasing a spot in the lot this summer.

Staff also offered the option that the Board approve the sub-lease for this year, with the clear understanding that this is not a permanent location for Off the Grid, and stated that staff would be happy to try and help the applicants find a more suitable location for their business.

Mayor Just asked if there were any additional questions, there were none and he asked for a motion to approve.

Motion # 4 by Trustee Dodge, seconded by Trustee Bear, to approve the adoption of Resolution No. 6, Series of 2020, entitled, **"A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROVING A REVOCABLE SUB-LICENSE AGREEMENT BETWEEN THE TOWN OF FAIRPLAY AND HIGH COUNTRY FOODS, LLC., DBA OFF THE GRID FOOD TRAILER FOR PARTIAL USE OF THE PROPERTY KNOWN AS 401 MAIN STREET."**? A roll call vote was taken: Dodge – yes, Stapp – yes, Just – yes, Bear – yes. Motion carried unanimously. (Trustee Kemp absent)

Should the Board Approve Adoption of Resolution No 7, Series of 2020, Entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, DETERMINING THAT THE REGULAR MUNICIPAL ELECTION TO BE HELD ON APRIL 7, 2020 SHALL BE CANCELLED PURSUANT TO FAIRPLAY MUNICIPAL CODE, ARTICLE 2, SECTION 2-1-30."?

The Town Administrator Darrah introduced the topic and explained that she received three nomination forms and per State Statute and Fairplay Municipal Code, the election can be canceled when there are no more candidates running than number of offices vacant. The three candidates will be declared elected on April 7th and sworn in April 20, 2020.

Staff recommend the approval of Resolution No. 7.

Motion #5 by Trustee Bear, seconded by Trustee Dodge, that the Board Approve Adoption of Resolution No. 7, Series 2020, Entitled, **"A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, DETERMINING THAT THE REGULAR MUNICIPAL ELECTION TO BE HELD ON APRIL 7, 2020 SHALL BE CANCELLED PURSUANT TO FAIRPLAY MUNICIPAL CODE, ARTICLE 2, SECTION 2-1-30."**? A roll call vote was taken: Dodge – yes, Stapp – yes, Just – yes, Bear – yes. Motion carried unanimously. (Trustee Kemp absent)

Should the Board Approve Adoption of Resolution No. 9, Series of 2020, Entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO APPROVING A CONTRACT WITH PAVEMENT MAINTENANCE SERVICES, INC. FOR THE 2020 PAVING OVERLAY PROJECT."?

Town Administrator Darrah introduced the topic and explained that the Town is in year five of the overlay project. She stated that the Town had received two bids for the project, PMS was the lowest but still \$4000.00 over budgeted amount.

Staff recommended that the Board approve the PMS bid.

Motion #6 by Trustee Dodge, seconded by Trustee Bear, that the Board Approve the Adoption of Resolution No. 9, Series of 2020, Entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO APPROVING A CONTRACT WITH PAVEMENT MAINTENANCE SERVICES, INC. FOR THE 2020 PAVING OVERLAY PROJECT."?

A roll call vote was taken: Dodge – yes, Stapp – yes, Just – yes, Bear – yes. Motion was carried unanimously. (Trustee Kemp absent).

Ms. Darrah told the Board that they had not received any bids on the parking lot or access road project. Darrah explained that due to this fact, the Town has asked PMS to bid on the Town Hall parking lot paving project but since PMS has no excavator Ms. Darrah has asked Mayor Just to provide a bid on the excavation portion of the project.

Appointment of Economic and Business Development Advisory Board Members.

Town Administrator Darrah addressed the topic, explaining that the staff has been pleased with the interest of various organizations and individuals for their willingness to serve on the Board. She reminded all that the Advisory Board is structured to secure participation from various economic sectors and community organizations within the Town. Letters of interest have been received from: Monetta Dardanis – Owner, Middle Fork RV Park, Kristen Farr – Owner, Salado, James Dean – Owner, Prathers Market, Maggie Clark – Manager, South Park Recreation Center, John Angelico – Owner, United Country, Jennie Angelico, South Park National Heritage Area, Wayne Albers – President, South Park Chamber of Commerce.

The staff also suggest that Paul Kemp be appointed to the Board as the at-large member and also that Trustee Dodge be appointed as a representative for the Board of Trustees.

Motion # 7 by Trustee Stapp, seconded by Mayor Just, that the listed applicants be appointed to the Economic and Business Development Advisory Board. Unanimous voice vote. (Trustee Kemp absent).

Other New Business

No additional new business was presented.

BOARD OF TRUSTEE AND STAFF REPORTS

Assistant Town Administrator, Mason Green – Stated that he has been working with Special Events Coordinator, Julie Bullock, in regards to the Wearable Arts Event, and possibly collaborating with other community groups.

Mason Green also stated that the agreement with Chargepoint for Electric vehicle Charging Stations is moving along and more information will be presented at the March 16th Meeting.

Town Treasurer, Kim Wittbrodt – Stated that the Town Audit took place last week.

Police Chief, Marcus Woodward – Mentioned that the police are working with Emergency Services and the Fire Department on a campaign to get smoke alarms out to the public who might need them.

Chief Woodward also spoke about the issue of vaping products being sold to under age customers. He was approached by the principal at the school about helping them acquire a grant to help with providing awareness of underage vaping.

As the State of Colorado does not have a law on the books regarding this topic, the Town would like to work towards creating an ordinance?

Some local businesses are already adhering to the Federal law requiring someone to be at least twenty one to purchase such products. Chief Woodward stated that he would like direction to modify our town codes in order to assist the school in getting the grant and assist in providing accurate direction for those businesses that sell tobacco and vaping related items.

Board gave direction for the staff to work on appropriate wording for the code revision. More information will be shared as this project moves forward.

Trustee, Scott Dodge – Commended the Police Department for handling the incident on February 11th. He also spoke about CDOT securing funds for the intersection project in 2021. More will be shared as it become available.

Town Administrator, Tina Darrah - Shared that the Town did receive the access permit to relocate the access to Town Hall on Main Street.

Trustee, Cindy Bear – Shared her appreciation for Chief of Police Marcus Woodward for his help on getting a grant to provide awareness about underage vaping.

Mayor, Frank Just – Shared his appreciation to all the helped with the Mardi Gras event. He said that there were about 244 people who attended, 112 lbs. of rice was cooked, the DJ was seamless, and he is still getting positive comments about the event food and atmosphere, even from people who did not go. A great event all around.

Trustee, Eve Stapp – Thanked Mike Leczel and Josh Voorhis for all their help with Mardi Gras they were there 11 hours. She stated that the number one hero was a sixteen year old boy (Mayor Just's grandson, Lincoln), he helped out with balloons and climbing ladders to assist with the lightbulbs.


ADJOURNMENT

With no additional comments, Mayor Just adjourned the meeting at 6:58pm.

ATTEST:



Sarah Ernst, Deputy Town Clerk



Frank Just, Mayor