

**MINUTES OF A REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
February 1, 2021**

CALL TO ORDER

A regular meeting of the Board of Trustees for the Town of Fairplay was called to order at 6:05 p.m. in the Council Chambers located in the Fairplay Town Hall, 901 Main Street, by Mayor Frank Just. Mayor Just proceeded with the pledge of allegiance, followed by the roll call which was answered by Trustees Scott Dodge, Josh Voorhis and Cindy Bear. Also in attendance were Public Works Director/Asst. Town Administrator Mason Green, Town Administrator/ Clerk Tina Darrah, Police Chief Bo Schlunsen, Town Attorney Paul Wisor (virtually) and Town Treasurer Kim Wittbrodt. Trustee Eve Stapp was absent.

AGENDA ADOPTION

Motion #1 by Trustee Voorhis, seconded by Trustee Dodge, that the agenda be adopted as presented. Motion carried unanimously. (Trustee Stapp 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 – January 4, 2021.

B. APPROVAL OF EXPENDITURES—Approval of bills of various Town funds in the amount of \$128,873.60

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

CITIZEN COMMENTS

Brian Lilly, 799 Trout Creek Drive, offered comment giving a brief background of his military career, noting that he was not in agreement with the Public Health Orders requiring masks, business restrictions/closures, and requesting that the Town Board make the Town of Fairplay a “Sanctuary COVID City” like the Town of Monument has done.

Kimberley Gregory, 1789 Lakeside Drive, handed out documents to the Town Board, including a document entitled, “Support Petition for Civil Liberties”, that included a proposed Resolution against COVID related restrictions in the Town of Fairplay. Ms. Gregory noted that the petition had 131 signatures at that time. She requested that the Board consider adoption of the Resolution.

Tracy Edstrom, who was in attendance virtually, spoke in favor of the Town Board adopting the proposed Resolution stating that she wanted to see the Town’s businesses choose whether or not they implemented COVID restrictions, such as mask wearing and limited gatherings, rather than being mandated to enforce them.

Brian Lilly, spoke again reading comments from the online petition site in favor of the Resolution.

The Mayor thanked those commenting and stated that the Town Board would discuss the request at a later meeting date.

PUBLIC HEARINGS

Should the Board Approve an Application for a Tavern Liquor License as applied for by Scott and Jami Gardner, DBA Rocky Mountain Cigar Company, located at Unit C, 640 Highway 285, Fairplay, Colorado?

Town Administrator/Town Clerk Darrah recused herself from this item and left the Board room due to potential conflict of interest as the holder of a liquor license in the Town of Fairplay.

Mayor Just opened the Public Hearing at 6:30pm and offered a brief opening statement stating jurisdiction and outlining procedures for the public hearing. He then asked for staff comment, which was offered by Town Treasurer Wittbrodt, explaining that the application before them was from Scott and Jami Gardner for a Tavern Liquor License at the Rocky Mountain Cigar Company located at Unit C, 640 Highway 285, in Fairplay. Ms. Wittbrodt went through the staff investigation and findings, ending with a recommendation of approval. She noted that the public notices were done in accordance with State Statutes and the municipal code and that no remonstrance's had been filed.

Mayor Just asked for applicant comment which was offered by Scott Gardner, encouraging the Board to approve his application, and offering to answer any questions that they might have.

Mayor Just asked for public comment in favor of or opposition to the application. Comments in favor of the application were offered by Eric Vahlme and Sunny Pool. *(Clerk's note: Another comment was offered in favor of the application, however, the quality of the recording made it impossible to hear the name of the person making the comment.)*

No comments were offered in opposition.

Mayor Just closed the public hearing at 6:40 p.m. and asked for Board deliberation and a motion.

After a brief discussion, the following motion was offered:

Motion #3 by Trustee Bear, seconded by Trustee Voorhis, that the Board approve the application for a Tavern Liquor License as applied for by Scott and Jami Gardner, DBA Rocky Mountain Cigar Company located at Unit C, 640 Highway 285, in Fairplay. A roll call vote was taken: Dodge – yes, Just – yes, Voorhis – yes, Bear – yes. Motion carried unanimously. (Trustee Stapp absent.)

UNFINISHED BUSINESS

Other Discussion Items

None offered.

NEW BUSINESS

Should the Board Approve Adoption of Ordinance No. 1, series of 2021, Entitled, "AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO VACATING A PORTION OF THE RIGHT OF WAY FOR 10TH STREET."?

Staff comment was offered by Town Administrator Darrah explaining that this ordinance approves the vacation of a portion of the 10th Street ROW per the land exchange agreement with South Platte Partners, LLC/Amanda Woodbury that was approved in October of 2020. She reminded the Board that Mayor Just had worked with Ms. Woodbury to craft a deal exchanging the parcel she owns adjacent to Town Hall for the parcel the Town owns adjacent to the 10th Street ROW that abuts her property on the north side of Hwy. 9 across from the Town Hall, noting that the trade includes the Town vacating a portion of the 10th Street ROW on the north side of the road (Hwy. 9) and conveying that land to Ms. Woodbury. She further noted that the real state contract was approved previously, but a closing date had not been officially set as the closing, the street vacation and the lot consolidation are all contingent upon each other being approved. She further explained that this means that if the Board approve this ordinance, it will not be effective until/unless the real estate transaction successfully happens.

A brief discussion ensued with a few questions being asked and answered in regard to the utility easement and the process of closing on the real estate.

Motion #4 by Trustee Dodge, seconded by Trustee Voorhis, to approve adoption of Ordinance No. 1, series of 2021, Entitled, "**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO VACATING A PORTION OF THE RIGHT OF WAY FOR 10TH STREET.**" A roll call vote was taken: Dodge – yes, Just – yes, Voorhis – yes, Bear – yes. Motion carried unanimously. (Trustee Stapp absent.)

Acceptance of Resignation from Trustee Cindy Bear

Mayor Just announced the item stating how sad he was to see Trustee Bear resign, but that he certainly understood her reasons for doing so. Trustee Bear commented that she was incredibly grateful for her time on the Board and that her time commitments were such between family and work that she simply had to let something go. Mayor Just and Trustees Dodge and Voorhis expressed their gratitude to Cindy for her service to the Town.

Motion #5 by Mayor Just, seconded by Trustee Voorhis, to accept the resignation of Cindy Bear as a Trustee for the Town of Fairplay. A roll call vote was taken: Dodge – yes, Just – yes, Voorhis – yes, Bear – yes. Motion carried unanimously. (Trustee Stapp absent.)

Consensus was offered directing staff to advertise the position of Trustee in the Flume, on social media and in the Town newsletter for consideration at the March 1, 2021 meeting.

Other New Business

None offered.

BOARD OF TRUSTEE AND STAFF REPORTS

Public Works Director/Asst. Town Administrator Green offered a brief staff report about various public works related projects and in particular about the playground project he is working on for Cohen Park. He informed the Board about a grant opportunity that he was pursuing. They offered consent for him to submit the grant application in pursuit of funds for Cohen Park.

Town Treasurer Wittbrodt offered staff comment informing the Board that the annual audit has been scheduled for the last week of February.

Town Administrator Darrah thanked the Board and staff for allowing her time off in January and that she would be coming back to the office in February on a part-time basis while transitioning back to full-time.

Police Chief Bo Schlusen offered a brief staff comment noting that his new officer was working out well and informing the Board that it has been slow so far this year.

Trustee Voorhis thanked the Public Works staff for their quick response and professionalism during a recent water leak event.

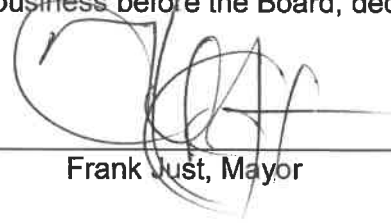
Trustee Bear thanked everyone again for her time on the Board.

Mayor Just offered comment about concerns he had heard about safety of the school zone, especially in regard to Main Street/Highway 9 near the school during drop-off and pick-up hours. He explained that parents are especially concerned about the crosswalks on Main Street. He asked Trustee Dodge to bring it up to his CDOT contacts via the regional transportation committee that Trustee Dodge sits on.

Trustee Dodge stated that he would be happy to get materials/letters to the committee and to County Commissioner Dick Elsner. He asked the Mayor to get him bullet points of the main concerns being expressed so he could convey it correctly.

ADJOURNMENT

Mayor Just, noting that there being no further regular business before the Board, declared that the regular meeting be adjourned at 7:28 p.m.



Frank Just, Mayor

ATTEST:



Tina Darrah, Town Clerk