

**MINUTES OF A REGULAR MEETING OF THE  
FAIRPLAY BOARD OF TRUSTEES  
JUNE 21, 2021**

**CALL TO ORDER**

A regular meeting of the Board of Trustees for the Town of Fairplay was called to order at 6:01 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, Nate Fidler and Josh Voorhis. Also in attendance were Public Works Director/Asst. Town Administrator Mason Green, Town Treasurer Kim Wittbrodt, Town Planner Scot Hunn and Town Administrator/ Clerk Tina Darrah. Trustee Eve Stapp was absent.

**AGENDA ADOPTION**

**Motion #1** by Trustee Fidler, seconded by Trustee Voorhis, 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** –June 7, 2021

**B. APPROVAL OF EPENDITURES**—Approval of bills of various Town funds in the amount of **\$39,324.22.**

**C.** Approval of Findings of Fact, Conclusions and Order in RE: Application of South Park Cigars for a Tavern Retail Liquor License

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

**CITIZEN COMMENTS**

No citizen comment was offered.

**PUBLIC HEARINGS**

**Should the Board Approve a Special Use Permit for 400 US Hwy 285 to allow the Display and Sale of Shed Depot USA's Model Sheds?**

Mayor Just opened the Public Hearing at 6:03 pm 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 Planner Hunn, explaining that the application before them was from Sam Mick to allow the display and sale of Shed Depot's model sheds on his property located at 400 US Hwy 285 (the vacant lot adjacent to the Family Dollar). Mr. Hunn went thru his staff report and concluded by offering a staff recommendation of approval with the following conditions:

- 1) The special use permit shall NOT run with the land; approval is personal to the applicant.
- 2) Sheds shall be located to adhere to front, side, and rear yard setbacks.
- 3) Hours of pick-up and delivery are limited to Monday-Friday 9am-5pm.
- 4) No exterior lighting is approved as part of this permit.

- 5) All signage shall comply with the Town’s sign regulations.

Mayor Just asked for applicant comment which was offered by Tomi Shake, acting on behalf of the applicant, encouraging the Board to approve the application, and offering to answer any questions that the Board might have.

Mayor Just asked for public comment in favor of the application. No comments offered.

Mayor Just asked for public comment in opposition to the application. No comments offered.

Mayor Just closed the public hearing at 6:15 p.m. and asked for Board deliberation and a motion.

Discussion ensued regarding the following items: lock of the sheds, upkeep of the sheds, cleaning, and maintenance of the sheds, point of sale, yard/lot maintenance, building permit, access/egress to lot, unauthorized use of sheds, and security plan.

Per the discussion the following conditions were added to the five conditions proposed by staff:

- 6) Access will not be permitted from US Hwy. 285.
- 7) The special use permit will be reviewed as necessary by Town Staff for compliance with the Town Code and the conditions of the special use permit.

**Motion #3** by Trustee Voorhis, seconded by Trustee Fidler, that the Board approve the application to allow the display and sale of Shed Depot’s model sheds on the property addressed as 400 US Hwy. 285 with the seven conditions as stated above and further directing staff to bring this back as a formal resolution at the next meeting. A roll call vote was taken: Dodge – yes, Just – yes, Voorhis – yes, Fidler – yes. Motion carried unanimously. (Trustee Stapp absent.)

**UNFINISHED BUSINESS**

Other Discussion Items

None offered.

**NEW BUSINESS**

Should the Board Approve Adoption of Resolution No. 16, series of 2021, entitled, “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO APPROVING A CONTRACT FOR THE COHEN PARK PROJECT BETWEEN JUST BE YOU, INC., DBA STAR PLAYGROUNDS, AND THE TOWN OF FAIRPLAY, COLORADO.”?

Staff comment was offered by Public Works Director Green informing the Board that this contract is between the Town and Star Playgrounds for the Cohen Park Project. He informed the Board that the open house at Cohen Park had gone well and the contract before them included as many desired elements as possible as voiced by those present at the open house. He explained that while this contract includes the basketball court in the originally proposed location, this is subject to change if the court is relocated to a more desirable location. He explained that he is working with Star Playgrounds to get an actual number to move the court and that he would submit it to the Board as soon as he received it. He further explained that if it comes in at a higher price than what is proposed currently, a change order could be submitted for those costs if that was the direction the Board agreed upon.

**Motion #4** by Trustee Voorhis, seconded by Trustee Dodge, that the Board approve adoption of Resolution No. 16, series of 2021, entitled, “**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO APPROVING A CONTRACT FOR THE**

**COHEN PARK PROJECT BETWEEN JUST BE YOU, INC., DBA STAR PLAYGROUNDS, AND THE TOWN OF FAIRPLAY, COLORADO**", with the condition that the Board review and approve the location of the basketball court. A roll call vote was taken: Dodge – yes, Just – yes, Voorhis – yes, Fidler - yes. Motion carried unanimously. (Trustee Stapp absent.)

#### Discussion/Direction Regarding Parklets on Front Street

Staff comment was offered by Town Administrator/Clerk Darrah explaining that this item is before the Board as it has recently been brought to staff's attention that a couple businesses on Front Street have put up parklets in the Town's right of way in front of their businesses without authorization. She noted that the only businesses on Front Street that currently have revocable license agreements allowing "parklets" are McCall's Park Bar, Platte River Saloon and Millonzi's, reminding the Board that last summer during COVID the Board allowed these types of uses on Town right-of-way due to the pandemic causing extenuating circumstances for business owners. She further reminded the Board that they had extended the authorization for these parklets in front of the three restaurants only until October of 2021, which coincides with the Governor's order extending outdoor liquor licenses. Ms. Darrah informed the Board that staff had received a request from Mountain Essentials to be allowed a parklet which has been included in the packet. Ms. Darrah noted that also in the packet were letters from business owners asking that no parklets be allowed on Front Street.

Ms. Darrah recalled that the Town Board did not intend for these to be permanent uses until language could be added to the UDC which would permit/license the use with necessary conditions as determined by the Town Board. She explained that since this code change had not yet happened, staff is looking for direction on how to proceed with accepting applications for parklets on Front Street.

Discussion ensued among the Board wherein it was decided to continue to allow the three previously approved revocable licenses to continue, but not to allow any others on Front Street at this time. They further discussed the need for a 'parklet program' to be written creating a more formal application process with uniform requirements before any further applications are considered.

#### Other New Business

None offered.

#### BOARD OF TRUSTEE AND STAFF REPORTS

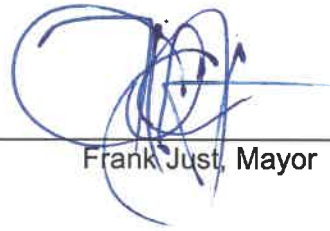
Public Works Director/Asst. Town Administrator Green reported briefly on Public Works projects such as the flowers, pothole repair and the street paving.

Trustee Voorhis noted that he is working with Mr. Green on a plan to fix the outhouse at Cohen Park.

Mayor Just announced that Jonathon Cain had accepted the position of Town Administrator noting that his first day would be Monday, July 19, 2021.

#### ADJOURNMENT

Mayor Just, noting that there being no further regular business before the Board, declared that the regular meeting be adjourned at 7:15 p.m.



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Frank Just, Mayor

ATTEST:



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Tina Darrah, Town Clerk