

**AGENDA for a Regular Meeting
of the Board of Trustees of the Town of Fairplay, Colorado
Monday, February 4, 2019 at 6:00 p.m. at the Fairplay Town Hall Meeting Room
901 Main Street, Fairplay Colorado**

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. APPROVAL OF AGENDA**
- V. APPOINTMENT OF NEW TRUSTEE/ OATH OF OFFICE**
- VI. 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 7, 2019
 - B. APPROVAL OF EXPENDITURES** – Approval of bills of various Town funds in the amount of \$104,967.00
- VII. CITIZEN COMMENTS**
- VIII. UNFINISHED BUSINESS**
 - A. Other Discussion Items**
- IX. NEW BUSINESS**
 - A. Proclamation by Mayor Just Nominating the 2019 Mardi Gras King and Queen Candidates**
 - B. Should the Board Approve Adoption of Ordinance 1, Series of 2019, Entitled, “AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, MAKING CONFORMING CHANGES TO REFLECT AMENDMENTS TO THE COLORADO LIQUOR LAWS, INCLUDING THE ELIMINATION OF 3.2% BEER.”?**
 - C. Other New Business**
- X. BOARD OF TRUSTEE AND STAFF REPORTS**
- XI. ADJOURNMENT**

Upcoming Meetings/Important Dates

Presidents Day/ Board of Trustees Meeting Cancelled	February 18, 2019
Town of Fairplay Mardi Gras Celebration	March 2, 2019
Regular Meeting of the Board of Trustees	March 4, 2019
Regular Meeting of the Board of Trustees	March 18, 2019

This agenda may be amended.

Posted at Fairplay Town Hall, Fairplay Public Library, Fairplay Post Office, and Town of Fairplay Website on Thursday, January 31, 2019.



MEMORANDUM

TO: Mayor and Board of Trustees
FROM: Tina Darrah, Town Administrator/Clerk
RE: Appointment of New Trustee
DATE: January 31, 2019

Agenda Item: Appointment of New Trustee

Two citizens have expressed interest in being sworn in as a Trustee to fill Ray Douglas's seat. They are Andrea Bartels and Paul Kemp. Both candidates will have a packet emailed to them and I have suggested that they be at the meeting to answer your questions. I will have an oath of office prepared for each candidate so the appointed person can be sworn in immediately and participate in the rest of the meeting.

Recommended Action:

This should be done by motion – Suggested language – “I make a motion to appoint (name) to fill the seat vacated by Ray Douglas.”

Tina Darrah

From: Paul Kemp <paul@southparkbrewingco.com>
Sent: Wednesday, January 30, 2019 1:17 PM
To: Tina Darrah
Subject: Board of Trustees- application

Tina

Please use this email as my letter of interest for the vacant Board of Trustees position. Please let me know if I have to get anything else to you for consideration.

Thanks,

Paul Kemp
South Park Brewing

Andrea Bartels

255 US Highway 285 #32 | Fairplay, Colorado 80440



Dear Town of Fairplay

January 25, 2019

I am writing to express my strong interest in the position of Trustee of the Town of Fairplay, Colorado. Myself, my husband and my two teenage boys moved to Fairplay about a year and a half ago and I felt at home the moment we arrived in town. We will be building a house over the next few years while we continue to live at Middlefork RV Park. I love this community! I care deeply what happens in Fairplay and I believe I would be an ideal fit for this position.

Since moving to Fairplay, I have enjoyed being involved with the town social events. I have been actively involved in both the town of Fairplay Trustee Meetings and the Board of County Commissioner Meetings for Park County. I am a volunteer at Far View Horse Rescue. I also volunteer at Beaver Ponds Environment Education Center in Fairplay where I was doing such a great job that I was recently hired as Animal Caretaker. I also worked at Middlefork RV Park last summer and loved being able to share this community with the tourists that came through the area on vacation. I, along with my family, am a member of South Park Christian Chapel where I sing in the praise band and enjoy all of the relationships I have made because of my involvement.

This community has been a blessing to me and my family and I enjoy getting involved wherever I am able. I have a heart for this town and would love to be a part of the board of trustees.

Sincerely,

Andrea L Bartel

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
January 7, 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 6:00 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, Ray Douglas, and Cindy Bear. Trustee Eve Stapp was absent. Also in attendance were Town Administrator/Clerk Tina Darrah, Police Chief Marcus Woodward, Town Treasurer Kim Wittbrodt, and Assistant to the Town Administrator/Deputy Clerk Mason Green.

AGENDA ADOPTION

Motion #1 by Trustee Douglas, seconded by Trustee Bear, that the agenda be accepted as presented. 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** – December 3, 2019
- B. **APPROVAL OF EXPENDITURES** – Approval of bills of various Town Funds in the amount of \$380,572.15

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

CITIZEN COMMENTS

No Comments were offered.

UNFINISHED BUSINESS

- A. Other discussion items

No other discussion items were offered.

NEW BUSINESS

- A. Should the Board Approve Adoption of Resolution No. 1, series of 2019, entitled, **"A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROVING POSTING PLACES FOR MEETING NOTICES."**?

Town Administrator Darrah explained to the Board of Trustees that under Colorado State Statute, municipalities are required to approve posting places for meeting notices on a yearly basis.

Trustee Dodge noted that the address for the library was incorrect.

Motion #3 by Trustee Dodge, seconded by Trustee Douglas, to approve adoption of Resolution No. 1, series of 2019, entitled, **"A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROVING POSTING PLACES FOR MEETING NOTICES."** With the correction reflecting the correct library address. A roll call vote was taken. Dodge – yes, Just – yes, Douglas – yes, Bear – yes. Motion carried unanimously. (Trustee Stapp absent).

- B. Should the Board Approve Adoption of Resolution No. 2, series 2019, entitled, **"A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROVING PARTICIPATION IN A REVOCABLE SUB-LICENSE AGREEMENT WITH HIGH COUNTRY FOODS LLC., DBA OFF THE GRID FOOD TRAILER, FOR USAGE OF THE PROPERTY KNOWN AS 401 MAIN STREET, FAIRPLAY COLORADO."**?

Town Administrator Darrah introduced the topic, stating that Mike and Peggy Lacell*** are requesting permission from the Board of Trustees to park Off the Grid Food Trailer on the 401 Main Street property like they did last summer. While Sam Mick owns the lot, the Town of Fairplay leases it from him through a revocable-license agreement to use as parking, thus the agreement with Off the Grid Food Trailer must be a revocable sub-license agreement. Town Administrator Darrah also stated that Off the Grid Food Trailer paid \$300/month in rent last year as a trial, and the amount per month would be raised to \$500/month if the Board approved the revocable sub-license agreement.

Motion #4 by Trustee Bear, seconded by Trustee Dodge, that the Board approve Resolution No. 3, series of 2019, entitled, **A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROVING PARTICIPATION IN A REVOCABLE SUB-LICENSE AGREEMENT WITH HIGH COUNTRY FOODS LLC., DBA OFF THE GRID FOOD TRAILER, FOR USAGE OF THE PROPERTY KNOWN AS 401 MAIN STREET, FAIRPLAY COLORADO.** A roll call vote was taken. Dodge—yes, Just— yes, Douglas— yes, Bear— yes. Motion carried unanimously. (Trustee Stapp absent).

- C. Should the Board Approve Adoption of Resolution No. 4, series of 2019, entitled, **"A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, ADOPTING A WRITTEN POLICY WITH RESPECT TO THE DESTRUCTION OF PERSONAL IDENTIFYING INFORMATION."**?

Town Administrator Darrah introduced the topic, stating that the resolution was drafted by Town Attorney Paul Wisor, and that the passage of this resolution brings the Town of Fairplay into compliance with State Law, which requires each level of government in Colorado to have a written policy regarding the destruction of both citizen and staff personal identification information.

Mayor Just added that this just helps to keep the personal information of individuals more secure.

Motion #5 by Trustee Douglas, seconded by Trustee Bear, that the Board approve adoption of Resolution No. 4, series of 2019, entitled, **"A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, ADOPTING A WRITTEN POLICY WITH RESPECT TO THE DESTRUCTION OF PERSONAL IDENTIFYING INFORMATION."** A roll call vote was taken. Dodge - yes, Just - yes, Douglas - yes, Bear - yes. Motion carried unanimously. (Trustee Stapp absent).

D. PRESENTATION BY DAVID KINTZ ON BEHALF OF THE SALVATION ARMY.

David Kintz, who is a part of the South Park Chapter of the Salvation Army, thanked the Board of Trustees for allowing the Salvation Army to take over the running of the Victorian Cowboy Ball's Silent Auction. Mr. Kintz stated that the auction raised \$3000 for this chapter of the Salvation Army and that the total amount raised by the organization over the holidays was \$9,975.

Mr. Kintz also stated that people in need can contact the Salvation Army directly for aid.

E. Other new business

There was no other new business presented.

BOARD OF TRUSTEES AND STAFF REPORTS

Assistant to the Town Administrator/Deputy Clerk Mason Green thanked those who attended the presentation of the OEDIT Grow Your Outdoor Recreation Industry Marketing Plan.

Police Chief Marcus Woodward informed the Board that the Police Department is busy with training with both new hires approximately 1/3rd of the way through the POST mandated training. Chief Woodward also informed the Board that the Police Department had a quiet New Year's Eve but does have one serious assault case pending.

Mayor Just stated that he has heard reports that there have been fewer issues with liquor establishments since Chief Woodward has come on-board with the Town.

Town Administrator Darrah informed the Board of the following upcoming meetings: the final public open house for DHM's design of the River Park will be on January 23rd at 6:00pm; with the kickoff meeting for the Leadership Committee, for the Community Assessment, scheduled to begin at 4:00pm that same day; and a CDOT meeting for the Summit Stage on February 1st. Town Administrator Darrah also informed the Board that there is news that the Health Clinic in Town is planning to open in April and that she would be getting the Board departmental work plans for 2019 at the next meeting.

Mayor Just stated that he was very pleased with the attendance, and production, of the December events including the Cowboy Victorian Ball and the Real Colorado Christmas celebrations. Mayor Just went on to speak about the return of the Mountain Mardi Gras event, the first of such in at least ten years, that will be held on March 2nd at the Legion Hut.

ACCEPTANCE OF RESIGNATION FROM MAYOR PRO TEM RAY DOUGLAS

Mayor Just introduced the topic, stating that Mayor Pro Tem Douglas was resigning as he had won the race to become the next County Commissioner and would be sworn into that position tomorrow morning. Mayor Just stated that he would miss having Mayor Pro Tem Douglas as a member of the Fairplay Board of Trustees.

Mayor Pro Tem Douglas announced his resignation from the Fairplay Board of Trustees, stating that the last 5 ½ years has been one of the most rewarding things he has done in his life. Mr. Douglas also stated that it had been an absolute honor serving the public.

Motion #6 By Mayor Just, Seconded by Trustee Dodge, that the Board accept Mr. Douglas's resignation from the Town of Fairplay Board of Trustees. A roll call vote was taken. Dodge - yes, Just - yes, Douglas - yes, Bear - yes. Motion carried unanimously. (Trustee Stapp absent).

ADJOURNMENT

Mayor Just, noting that there being no further business before the Board, declared that the meeting be adjourned at 6:36 p.m.

Frank Just, Mayor

ATTEST:

Mason Green, Assistant to the Town Administrator/Deputy Clerk

[This section contains extremely faint and illegible text, likely bleed-through from the reverse side of the page.]



MEMORANDUM

TO: Mayor and Board of Trustees

FROM: Kim Wittbrodt, Treasurer

RE: Paid Bills

DATE: 2/4/2019

Agenda Item: Bills

Attached is the list of invoices paid through January 29, 2019.

Total Expenditures: \$104,967.00

Upon motion to approve the consent agenda, the expenditures will be approved.

Please contact me with any questions.

Report Criteria:

Detail report type printed

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
01/11/2019	14584	B.V. Tool & Equipment Re	Rental equipment	1	12/31/2018	29.34	102000
Total 136:						29.34	
01/11/2019	14586	Colorado Dept of Agricultur	certification of laser gun/tu	1	12/13/2018	87.00	102000
Total 496:						87.00	
01/11/2019	14587	Colorado Mountain News	summit daily ads	1	12/31/2018	50.00	102000
Total 538:						50.00	
01/25/2019	14622	Colorado Rural Water	annual membership dues	1	01/07/2019	275.00	517850
01/25/2019	14622		annual membership dues	1	01/07/2019	275.00	517455
Total 562:						550.00	
01/11/2019	14588	Fairplay Flume	legal /ads	1	12/31/2018	54.69	102000
Total 868:						54.69	
01/25/2019	14629	Main Street Garage	chevy repair	1	01/02/2019	137.41	105625
01/25/2019	14629		chevy repair	2	01/02/2019	137.41	517242
01/25/2019	14629		Tahoe tires	1	01/23/2019	831.51	105420
Total 1336:						1,106.33	
01/11/2019	14593	Mountain View Waste	2 yd 2 monthly	1	12/31/2018	75.00	612000
Total 1414:						75.00	
01/18/2019	14610	Park County Clerk & Recor	sanitation election	1	01/14/2019	557.50	612000
Total 1558:						557.50	
01/29/2019	Multiple	Park County Sheriff's Offic	Ammunition	1	01/08/2019	810.00	105432
01/29/2019	Multiple		4 - reminton wingmaster sh	1	01/08/2019	1,000.00	105450
Total 1594:						1,810.00	
01/29/2019	14642	Pikes Peak Area Council of	annual dues	1	01/08/2019	516.00	106130
Total 1660:						516.00	
01/18/2019	14611	Postal Pros Southwest, inc	utility billing	1	01/04/2019	276.93	507310
Total 1699:						276.93	
01/25/2019	14631	Thompson, Joshua	cell phone reimburse	1	01/25/2019	25.00	517226
01/25/2019	14631		cell phone reimburse	2	01/25/2019	25.00	105645
Total 2108:						50.00	
01/18/2019	14614	Town of Fairplay	525 hathaway	1	12/31/2018	166.20	105190

water
sewer

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
01/18/2019	14614		23 fuller drive	1	12/31/2018	60.00	105095
Total 2134:						226.20	
01/25/2019	14632	USABlueBook	supplies	1	01/03/2019	148.18	517615
01/25/2019	14632		supplies	1	01/04/2019	121.38	517410
01/25/2019	14632		supplies	1	01/14/2019	234.48	517615
01/25/2019	14632		supplies	2	01/14/2019	171.24	517410
01/29/2019	14645		supplies	1	01/23/2019	95.66	517655
01/29/2019	14645		supplies	1	01/23/2019	323.23	517465
01/29/2019	14645		supplies	1	01/23/2019	1,777.87	517465
01/29/2019	14645		supplies	1	01/24/2019	673.92	517655
Total 2176:						3,545.96	
01/11/2019	14598	Xcel Energy	street lights	1	01/02/2019	204.02	102000
01/25/2019	14635		945 quarry	1	01/15/2019	17.87	517490
Total 2296:						221.89	
01/29/2019	14643	Snowbridge Inc.	line inspections	1	12/11/2018	1,878.75	517620
Total 2382:						1,878.75	
01/25/2019	14623	Darrah, Tina	Cell Phone	1	01/25/2019	50.00	105065
Total 2462:						50.00	
01/25/2019	14616	AmeriGas	Propane	1	12/31/2018	402.37	517495
Total 2468:						402.37	
01/18/2019	14605	CIRSA	liability ins	1	01/01/2019	15,928.89	106115
01/18/2019	14605		liability ins	2	01/01/2019	10,619.26	507220
01/18/2019	14605		liability ins	3	01/01/2019	8,318.83	106115
01/18/2019	14605		workmans comp	1	01/01/2019	4,917.00	105614
01/18/2019	14605		workmans comp	2	01/01/2019	4,609.00	507014
01/18/2019	14605		workmans comp	3	01/01/2019	5,774.00	105414
01/18/2019	14605		workmans comp	4	01/01/2019	423.00	105014
01/18/2019	14605		workmans comp	5	01/01/2019	46.00	105314
Total 2490:						50,635.98	
01/11/2019	14585	CARD SERVICES	Supplies	1	01/01/2019	4,138.60	102000
Total 2503:						4,138.60	
01/25/2019	14634	Wittbrodt, Kim	cell phone reimb	1	01/25/2019	50.00	105065
Total 2655:						50.00	
01/25/2019	14626	ICMA Retirement Corporati	plan fee	1	01/07/2019	77.50	105002
01/25/2019	14626		plan fee	2	01/07/2019	2.50	105302
01/25/2019	14626		plan fee	3	01/07/2019	50.00	105602
01/25/2019	14626		plan fee	4	01/07/2019	120.00	517002

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
Total 2686:						250.00	
01/18/2019	14606	Colorado Natural Gas, Inc.	natural gas-shop	1	01/03/2019	668.91	507390
01/18/2019	14606		san office	1	01/03/2019	250.84	617104
01/18/2019	14606		525 hathaway	1	01/03/2019	445.08	105190
01/18/2019	14606		natural gas	1	01/03/2019	243.08	105023
01/18/2019	14606		sewer treatment plant	1	01/03/2019	2,377.83	617104
Total 2728:						3,985.54	
01/25/2019	14630	Mead, Vaughn	cell phone reimb	1	01/25/2019	25.00	105645
01/25/2019	14630		cell phone reimb	2	01/25/2019	25.00	517226
Total 2739:						50.00	
01/25/2019	14628	Kasper, Gerrits	cell phone reimb	1	01/25/2019	50.00	105645
Total 2747:						50.00	
01/24/2019	14615	Collegiate Peaks Bank	loan number 170047001	1	12/31/2018	15,496.78	105020
Total 2748:						15,496.78	
01/18/2019	14612	Shamrock Security Service	security monitoring 525 Hat	1	01/07/2019	100.00	105190
01/18/2019	14612		security system 901 main	1	01/07/2019	120.00	102000
Total 2752:						220.00	
01/25/2019	14618	Bullock, Julie	cell phone reimburse	1	01/25/2019	50.00	105065
Total 2812:						50.00	
01/29/2019	14638	Colorado Analytical Lab	waste water testing	1	01/25/2019	380.00	517665
01/25/2019	14621		water testing	1	01/21/2019	23.00	517475
Total 2864:						403.00	
01/29/2019	14644	Tolin Mechanical	annual contract - 6mo pymt	1	01/15/2019	694.00	517655
Total 2867:						694.00	
01/25/2019	14627	In Compliance Products, In	labor poster	1	01/07/2019	25.00	517210
01/25/2019	14627		labor poster	1	01/07/2019	25.00	105070
Total 2872:						50.00	
01/29/2019	14639	HACH Company	parts lab equip	1	01/17/2019	929.98	517655
Total 2875:						929.98	
01/11/2019	14595	Triangle Electric, Inc.	heater repairs	1	12/27/2018	817.11	612000
Total 2876:						817.11	
01/11/2019	14591	Jean Krak	website maintenance	1	12/31/2018	95.00	102000

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
Total 2945:						<u>95.00</u>	
01/25/2019	14633	White, Kathleen	cell phone reimb	1	01/25/2019	25.00	105845
01/25/2018	14633		cell phone reimburse	2	01/25/2019	25.00	517226
Total 3004:						<u>50.00</u>	
01/07/2019	14583	CEBT	wemer - cobra	1	01/01/2019	1,525.00	102265
Total 3075:						<u>1,525.00</u>	
01/18/2019	14609	Lexipol, LLC	annual subscription	1	12/10/2018	2,238.00	105465
Total 3098:						<u>2,238.00</u>	
01/18/2019	14608	Green, Mason	mileage	1	01/14/2019	46.44	105070
01/25/2019	14625		cell phone reimburse	1	01/25/2019	50.00	105085
Total 3175:						<u>96.44</u>	
01/11/2019	14590	Hunn Planning & Policy, LL	planning fees	1	12/31/2018	1,000.00	102000
Total 3183:						<u>1,000.00</u>	
01/25/2019	14617	Brown, Jimmy	cell phone reimburse	1	01/25/2019	25.00	105645
01/25/2019	14617		cell phone reimburse	2	01/25/2019	25.00	517226
Total 3189:						<u>50.00</u>	
01/11/2019	14592	Montrose Water Factory, L	bottled water	1	12/04/2018	8.75	102000
Total 3211:						<u>8.75</u>	
01/25/2019	14620	Clayton Conway	music at gazebo	1	01/25/2019	50.00	105162
Total 3216:						<u>50.00</u>	
01/18/2019	14607	DHM Design	riverpark design	1	01/10/2019	4,133.17	105886
Total 3254:						<u>4,133.17</u>	
01/25/2019	14624	Garfield & Hecht, P.C.	legal	1	12/31/2018	1,901.50	105057
Total 3270:						<u>1,901.50</u>	
01/11/2019	14589	Grover, Barbara	fuel reimbursement	1	12/31/2018	109.91	102000
Total 3273:						<u>109.91</u>	
01/11/2019	14594	Town of Alma	gift for lees retirement	1	12/31/2018	455.28	102000
Total 3283:						<u>455.28</u>	
01/18/2019	14613	Sound Junction	dj for mardi graw deposit	1	01/10/2019	300.00	105170

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
Total 3285:						<u>300.00</u>	
01/25/2019	14819	Carmen Dolen	plein air refund	1	01/25/2019	125.00	102295
Total 3286:						<u>125.00</u>	
01/29/2019	14840	High Country Roto-Rooter	vacuum pump truck	1	12/13/2018	2,712.50	517655
01/29/2019	14840		flne cleaning	1	12/26/2018	807.50	517655
Total 3287:						<u>3,520.00</u>	
Grand Totals:						<u><u>104,967.00</u></u>	

Report Criteria:

Detail report type printed

TOWN OF FAIRPLAY, COLORADO

PROCLAMATION

**NOMINATING THE 2019 MARDI GRAS KING
AND QUEEN CANDIDATES**

WHEREAS, The Town of Fairplay is proud to host its first annual Mardi Gras Celebration; and

WHEREAS, The Town of Fairplay, its citizens, and greater community members place a high priority on charitable giving; and

WHEREAS, Local non-profit organizations work diligently to provide our community with services, opportunities and greater access to our beautiful natural world; and

WHEREAS, Gaining the title of Mardi Gras King & Queen is contingent upon raising the most money for a local charity of each couple's choice; and

WHEREAS, the 2019 Nominees are fun-loving, community driven, non-profit supporting, longtime residents of our small mountain town; and

WHEREAS, The nominees and their charities include: Dave and Karleen Dyc, who are supporting the Mosquito Range Heritage Initiative; Troy and Crystal Shifflett, who are supporting the South Park Food Bank; Sam Weaver and Megan Permakoff, who are supporting Two Mile High, Inc.; and

WHEREAS, The 2019 Town of Fairplay Mardi Gras King and Queen will be announced March 2nd at the Town of Fairplay Mardi Gras Celebration, amidst delicious, decadent and to-die-for delicacies, and terrific, traditional adult beverages;

NOW THEREFORE I, Frank Just, Mayor of the Town of Fairplay, do hereby proclaim Dave and Karleen Dyc, Troy and Crystal Shifflett, and Sam Weaver and Megan Permakoff the Nominees for the Town of Fairplay's 2019 Mardi Gras Celebration, and thus, do order herewith the immediate commencement of this years Mardi Gras rivalry and competition!

Given under my hand and official seal of the Town of Fairplay, Colorado, this 4th day of February, 2019.

Seal

Frank Just, Mayor



MEMORANDUM

TO: Mayor and Board of Trustees
FROM: Tina Darrah, Town Administrator/Clerk
RE: Ordinance Making Conforming Changes to Reflect Amendments to the Colorado Liquor Laws
DATE: January 31, 2019

This ordinance was drafted by Town Attorney Wisor to bring the Town into compliance with new State Liquor Laws, including the elimination of 3.2 % Beer and addition of Fermented Malt Beverage. As we have discussed in the past, all 3.2% Licensees changed to FMB Licensees on January 1st of this year. Mr. Wisor will be present at the meeting to answer any questions that you have in regard to the ordinance.

Recommended Action:

Motion to approve Ordinance No. 1-2019. This needs a second and a voice vote.

TOWN OF FAIRPLAY, COLORADO
ORDINANCE # 1
(SERIES 2019)

AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, MAKING CONFORMING CHANGES TO REFLECT AMENDMENTS TO THE COLORADO LIQUOR LAWS, INCLUDING THE ELIMINATION OF 3.2% BEER.

WHEREAS, Prior to July 1, 2016, Colorado liquor laws strictly limited the ability of retail establishments to sell various alcohol beverage products in sealed containers for off-premises consumption by, among other provisions, only allowing retail establishments to obtain a fermented malt beverage retailer's license under the "Colorado Beer Code" that authorized the sale of beer with a maximum alcohol content of 3.2% alcohol by weight or 4% alcohol by volume; and

WHEREAS, in 2016, the General Assembly enacted Senate Bill 16-197, which dramatically altered the landscape of the off-premises retail liquor industry by, among other things, eliminated, as of January 1, 2019, the maximum alcohol content of beer sold by fermented malt beverage retailers; and

WHEREAS, in 2018, pursuant to HB 18-1025, the General Assembly relocated the law related to beer, liquor and special events to Title 44.

Now, therefore, be it ordained by the Board of Trustees of the Town of Fairplay, Colorado that:

Section 1: That Section 6-2-10(a) of the Fairplay Municipal Code and Ordinance 11, 2002 §1 be amended as follows:

ALCOHOLIC BEVERAGE MEANS FERMENTED MALT BEVERAGE OR MALT, VINOUS, OR SPIRITUOUS LIQUORS; EXCEPT THAT "ALCOHOL BEVERAGE" SHALL NOT INCLUDE CONFECTIONERY CONTAINING ALCOHOL WITHIN THE LIMITS PRESCRIBED BY SECTION 25-5-410 (1)(I)(II), C.R.S.

FERMENTED MALT BEVERAGE MEANS BEER AND ANY OTHER BEVERAGE OBTAINED BY THE FERMENTATION OF ANY INFUSION OR DECOCTION OF BARLEY, MALT, HOPS, OR ANY SIMILAR PRODUCT OR ANY COMBINATION THEREOF IN WATER CONTAINING NOT LESS THAN ONE-HALF OF ONE PERCENT ALCOHOL BY VOLUME, EXCEPT THAT "FERMENTED MALT BEVERAGE" DOES NOT INCLUDE CONFECTIONERY CONTAINING ALCOHOL WITHIN THE LIMITS PRESCRIBED BY SECTION 25-5-410 (1)(I)(II).

MALT LIQUORS INCLUDES BEER AND SHALL BE CONSTRUED TO MEAN ANY BEVERAGE OBTAINED BY THE ALCOHOLIC FERMENTATION OF ANY INFUSION OR DECOCTION OF BARLEY, MALT, HOPS OR ANY OTHER

SIMILAR PRODUCTS, OR ANY COMBINATION THEREOF IN WATER, CONTAINING NOT LESS THAN 0.5% ALCOHOL BY VOLUME.

Retail license means a grant to a licensee to sell ALCOHOLIC ~~fermented malt~~ ALCOHOLIC beverages pursuant to ~~the Colorado Beer Code (Article 46 of Title 12, C.R.S.) or a grant to a licensee to sell malt, vinous or spirituous liquors pursuant to the Colorado Liquor Code (Article 47 of Title 12, C.R.S.)~~ SECTIONS 44-3-101, ET SEQ. AND 44-4-101 ET SEQ., C.R.S.

Retail licensee or licensee means the holder of a license ALCOHOLIC ~~to sell fermented malt beverages pursuant to the Colorado Beer Code (Article 46 of Title 12, C.R.S.) or the holder of a license to sell malt, vinous or spirituous liquors pursuant to the Colorado Liquor Code (Article 47 of Title 12, C.R.S.)~~ SECTIONS 44-3-101, ET SEQ. AND 44-4-101 ET SEQ., C.R.S.

SPIRITUOUS LIQUORS MEANS ANY ALCOHOLIC BEVERAGE OBTAINED BY DISTILLATION, MIXED WITH WATER AND OTHER SUBSTANCES IN SOLUTION, AND INCLUDES AMONG OTHER THINGS, BRANDY, RUM, WHISKEY, GIN, POWDERED ALCOHOL, AND EVERY OTHER LIQUID OR SOLID PATENTED OR NOT, CONTAINING 0.5% ALCOHOL BY VOLUME AND WHICH IS FIT FOR USE FOR BEVERAGE PURPOSES. ANY LIQUID OR SOLID CONTAINING BEER OR WINE IN COMBINATION WITH ANY OTHER LIQUOR, EXCEPT AS PROVIDED IN PARAGRAPH B AND D HEREIN, SHALL NOT BE CONSTRUED TO BE FERMENTED MALT, MALT OR VINOUS LIQUORS, BUT SHALL BE CONSTRUED TO BE SPIRITUOUS LIQUORS.

VINOUS LIQUOR INCLUDES WINE AND FORTIFIED WINES CONTAINING NOT LESS THAN 0.5% AND NOT EXCEEDING 21 % OF ALCOHOL BY VOLUME AND ARE PRODUCED BY THE FERMENTATION OF THE NATURAL SUGAR CONTENTS OF FRUITS OR OTHER AGRICULTURAL PRODUCTS CONTAINING SUGAR. FOR THE PURPOSE OF SIMPLIFYING THE ADMINISTRATION OF THIS CHAPTER, SAKE IS DEEMED A VINOUS LIQUOR.

Section 2: That Section 6-2-10(b) of the Fairplay Municipal Code and Ordinance 11, 2002 §1 be amended as follows:

All other terms shall be defined as set forth in the provisions of ~~the Colorado Beer Code, the Colorado Liquor Code and Special Event Permits~~, SECTIONS 44-3-101, ET SEQ., 44-4-101 ET SEQ., AND 44-5-101, ET SEQ., C.R.S. as the definitions presently exist or may hereafter be amended.

Section 3: That Section 6-2-20 of the Fairplay Municipal Code and Ordinance 11, 2002 §1 be amended as follows:

Pursuant to declaration by the General Assembly, the ~~Colorado Beer Code, Section 12-46-101 et seq., C.R.S., the Colorado Liquor Code, Section 12-47-101 et seq., C.R.S., and Special Event Permits, Section 12-48-101 et seq., C.R.S.,~~ SECTIONS 44-3-101, ET SEQ., 44-4-101 ET SEQ., AND 44-5-101, ET SEQ., C.R.S. as they presently exist or may hereafter be amended, shall apply to the sale of ~~fermented malt beverages,~~ alcoholic beverages, ~~special malt liquors, spirituous liquors and vinous liquors~~ in the Town.

Section 4. That Section 6-2-30 of the Fairplay Municipal Code and Ordinance 11, 2002 §1 be amended as follows:

The Board of Trustees finds and determines that it is empowered by Section ~~12-47-135~~44-3-505, C.R.S., to fix and collect certain fees in connection with the application for issuance, transfer and renewal of certain types of beer, wine and liquor licenses. The Board of Trustees further finds that the fees established in this Article are reasonable and are in amounts sufficient to cover actual and necessary expenses incurred by the Town in connection with the handling of such licenses and applications therefor.

Section 5. That Section 6-2-60(a) of the Fairplay Municipal Code and Ordinance 6, 1991 be amended as follows:

(a) Purpose. This Section is enacted in accordance with ~~Sections 12-46-106.5, and 12-47-106.5~~ 44-3-303, C.R.S., which authorize a local licensing authority, at its discretion, to issue a temporary permit to a transferee of a fermented malt beverage license or a liquor license issued by the state licensing authority.

Section 6. That Section 6-2-70(b)(1) of the Fairplay Municipal Code and Ordinance 11, 2002 §1 be amended as follows:

Eligible facilities. Outdoor sports and recreational facilities as defined in Section ~~12-47-103(13.5)~~ 44-3-103(33)(b), C.R.S., are eligible for licensing as an optional premises or an optional premises for a hotel and restaurant.

Section 7. That Section 6-2-90(a) of the Fairplay Municipal Code and Ordinance 1, 2005 be amended as follows:

(a) The Town hereby enacts liquor tasting provisions by reference from ~~Sections 12-47-103 and 12-47-301~~ 44-3-309, C.R.S., and accepts all terms and conditions of said statutes.

Section 8. That Section 6-2-100 of the Fairplay Municipal Code and Ordinance 2013-1 be amended as follows:

Pursuant to the authority granted in Section ~~12-47-313~~44-3-313(1)(d)(III), C.R.S., there shall be no required minimum distance between a building in which malt, vinous or spirituous liquor is sold pursuant to the issuance of only a Brew Pub License as defined in Section ~~12-47-415~~44-3-419, C.R.S., a Beer and Wine Retail Liquor License as defined in Section ~~12-47-409~~44-3-411, C.R.S., or Hotel and Restaurant Retail Liquor License as defined in Section ~~12-47-411~~44-3-413, C.R.S., within the Business Zone District or

the Restricted Business Zone District, and any public or parochial school or campus of any college, university or seminary.

Section 9. That Section 6-2-110(b), (d) and (f) of the Fairplay Municipal Code and Ordinance 2016-2 §2 be amended as follows:

(b) Pursuant to C.R.S. § 12-4844-5-107(5)(a), a local licensing authority need not notify the state licensing authority to obtain the state licensing authority's approval or disapproval of applications for special event permits. The Town avails itself of this statute and hereby delegates to the Town Clerk the authority to issue special events permits.

(d) Upon receipt of an application for a special event permit the Town Clerk shall, as required by C.R.S. § 12-4844-5-107(5)(c), access information made available on the state licensing authority's website to determine the statewide permitting activity of the organization applying for the permit. The Town Clerk shall consider compliance with the provisions of C.R.S. § 12-4844-5-105(3), which restricts the number of permits issued to an organization within a calendar year to fifteen (15), before approving any application.

(f) Each application for a special event permit shall be accompanied by an application fee in an amount equal to the maximum local licensing fee established by C.R.S. § 12-4844-5-107(2).

Section 10. If any clause, sentence or paragraph or part of this Ordinance of the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the application to other persons or circumstances.

Section 11. This Ordinance shall become effective thirty (30) days after publication.

**ORDAINED, APPROVED AND ADOPTED THIS 4TH DAY OF FEBRUARY
2019.**

Frank Just, Mayor

Tina Darrah, Town Clerk

