

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
May 18, 2009**

CALL TO ORDER REGULAR MEETING OF THE BOARD OF TRUSTEES @ 7:00p.m.

A regular meeting of the Board of Trustees for the Town of Fairplay was called to order at 7:00 p.m. in the Council Chambers located in the Fairplay Town Hall, 400 Front Street, by Mayor Fred Boyce. Following the pledge of allegiance, roll call was answered by Trustees Greg Johnson, Gabby Lane, John Deagan and Keith Wortman. Also in attendance were Town Attorney Lee Phillips, Police Chief Dave Gottschalk, Public Works Director Jeff Goble, Town Administrator/Clerk Tina Darrah and Town Treasurer Donna Murray.

AGENDA ADOPTION

Motion #1 by Trustee Johnson, seconded by Trustee Lane, that the agenda be adopted as presented. Motion carried unanimously.

APPROVAL OF MINUTES - Regular Board Meeting May 4, 2009

The following items were noted:

- 1) The Board asked Town Attorney Phillips to research the percentage of sales tax being charged for street repair and whether or not that can be used for salaries for street repair employees.
- 2) Trustee Johnson asked if the Police Chief had looked at the house mentioned by Ms. Chisholm at 4th and Bogue in regards to code compliance. Chief Gottschalk replied that he had and that he did not believe that the house was non-compliant.
- 3) Trustee Johnson noted that on page 4, in the 2nd paragraph under "other Pending Matters" it was CUSP not the Forest Service that the Town was working with at Cohen Park on tree removal.
- 4) The board asked Town Administrator/Clerk Darrah to contact Patty Chapman with Park County Library and request the letter that was promised them at the last meeting in regards to the site behind the new courthouse being unacceptable for the new library site.
- 5) The Board directed Town Attorney Phillips to draft a letter for the Mayor's signature canceling the water superintendent contract with Jeff Goble, effective the date of his hire as Public Works Director.

Motion #2 by Trustee Lane, seconded by Mayor Boyce, that the minutes be approved with the following amendment:

On page 4, change the second paragraph under "Other Pending Matters", to read:

Public Works employee, Tony Arvin, was present to explain the history behind the request from CUSP and to explain the current process to remove the trees and get rid of the slash. He noted that he would get the name of the person he was working with from the State Forest Service to the Board the following day. He went on to explain that the CUSP is donating 300 trees a year for the next three years and the expected survival rate is ten to twenty percent.

Motion carried unanimously.

APPROVAL OF EXPENDITURES – Approval of bill of various Town Funds

Motion #3 by Trustee Deagan, seconded by Trustee Wortman, that the expenditures be approved in the amount of \$36,799.28.

Trustee Wortman and Trustee Johnson asked for clarification on several of the bills presented for payment. No amendments were made.

A roll call vote was taken: Wortman – yes, Deagan – yes, Boyce – yes, Lane – yes, Johnson – yes. Motion carried unanimously.

CITIZEN COMMENT

Marie Chisholm offered comment in regards to the trash in town and specifically trash in the back of her property. She showed the Board pictures from the fire that happened in the back of her property, possibly due to her neighbor's trash problem.

Ms. Chisholm asked that the Town put a letter in with the water bills telling people how to deal with their trash. She urged them to address this problem.

Ms. Chisholm further requested that the Town start proceedings to take over the Fairplay Sanitation District. She noted that in order for this item to be on the November ballot, the Board would need to notify the County Clerk by July 1, 2009. She ended by urging them to consider this seriously.

Tom Nailer offered public comment by reading a letter to the Board explaining the history of his relationship with his neighbors that have been to Town Board meetings to complain about his property and the accumulation of vehicles and other stuff on it. He explained that he had met with Town Staff to get a fence permit to build a fence around his property, but that he was told he would need a variance because of the proximity to the lot line and the height of the fence he wants to build. He expressed frustration in regards to being treated unfairly and inquired if his neighbors have a fence permit and a variance. He went on to show the Board pictures of his lot. A brief discussion on procedures for a variance and why it would be needed took place.

Trustee Wortman brought up the section in the Municipal Code that deals with nuisance and was clear in his desire to see Code Enforcement dealt with in Town.

Town Attorney Phillips noted that the Town has the necessary procedures in place in the code book to enforce the nuisance section of the code.

Mayor Boyce asked that Code Enforcement be placed on the next agenda.

UNFINISHED BUSINESS

Should the Board Approve Adoption of Resolution No. 2009-5, entitled, "A Resolution of the Board of Trustees of the Town of Fairplay, Colorado, Adopting Banner Application Requirements and Specifications for the Use of the Town's "Welcome Poles."?"

Staff comment was offered by Administrator/Clerk Darrah explaining that in their packets they had received two versions of the banner specifications – both from Littlehorn Engineering, but one with staff changes per input from the Public Works Director and Chaz della Porta. She noted that the one with staff changes had a reduced fee and that it also made the Town's Building Official responsible for banner approval and inspection rather than the Town Engineer.

A brief discussion ensued during which the Board received input from Mr. della Porta especially in regards to the requirement for the additional triangle in the corners and the placement of the grommets.

Motion #4 by Trustee Johnson, seconded by Trustee Wortman, that the fifth sentence in paragraph 3 under "Banner Specifications", be changed to read:

"A steel or brass grommet with not less than a ½-inch inside diameter hole shall be inserted into each corner and at least two (2) foot intervals along the top and five (5) foot intervals along the bottom of the banner."

Motion carried unanimously.

Motion #5 by Trustee Johnson, seconded by Trustee Lane, that the fourth full sentence in paragraph 3 under "Banner Specifications" be deleted from the document. Motion carried unanimously.

Motion #6 by Trustee Lane, seconded by Trustee Johnson, that the Board should approve adoption of Resolution No. 2009-5, entitled, "**A Resolution of the Board of Trustees of the Town of Fairplay,**

Colorado, Adopting Banner Application Requirements and Specifications for the Use of the Town's "Welcome Poles." With the changes as recommend by staff and including the changes made in **Motions #4** and **#5** above. Motion carried unanimously.

Should the Board Approve Adoption of Resolution No. 2009-6, entitled, "A Resolution of the Board of Trustees of the Town of Fairplay, Colorado, Approving the "Deed of Gift" of a Sculpture entitled, "Flame of Fairplay" from Artist, Chaz della Porta."?

Staff comment was offered by Town Attorney Phillips explaining that this Resolution accepted the Deed of Gift of the "Flame of Fairplay" sculpture being generously donated by Artist, Chaz della Porta.

Motion #7 by Mayor Boyce, seconded by Trustee Lane, that the Board Approve Adoption of Resolution No. 2009-6, entitled, "**A Resolution of the Board of Trustees of the Town of Fairplay, Colorado, Approving the "Deed of Gift" of a Sculpture entitled, "Flame of Fairplay" from Artist, Chaz della Porta.**"

A brief discussion took place in regards to the possibility of location changes. It was noted by Mr. della Porta that he would be okay with location changes if it happened within a close timeframe such as within the next two to five years, but that he feels like public art should not be moved once it has been established in a specific location for some time. It was noted that the agreement does allow for a location change if both parties agree. It was further requested that staff work with Mr. della Porta to ensure that the chosen location is not in the CDOT right-of-way and is definitely on Town owned property.

A roll call vote was taken: Wortman – yes, Deagan – yes, Boyce – yes, Lane – yes, Johnson – yes. Motion carried unanimously.

Other Pending Matters

Trustee Wortman asked about the status of the Stimson property clean-up, noting that it was his recollection that they had been given a deadline of May 1, 2009 to clean-up the barn and property. Staff agreed to look into this and report back to the Board.

NEW BUSINESS

Should the Board Approve Adoption of Resolution No. 2009-7, entitled, "A Resolution of the Board of Trustees of the Town of Fairplay, Colorado, Accepting a Petition for Annexation and Establishing July 6, 2009 as the Date of Public Hearing on the Requested Annexation of Parcels of Unincorporated Territory Located in the County of Park (Silverheels Market Annexation)."

Staff comment was offered by Town Attorney Phillips explaining that this Resolution states that the annexation petition received from Timm Armstrong for the Silverheels Market Annexation is in substantial compliance with state statutes and as such sets the date for the public hearing before the Board of Trustees for July 6, 2009. He noted that upon passage the notice will be in the Fairplay Flume five times.

Motion #8 by Trustee Deagan, seconded by Trustee Lane, that the Board should approve adoption of Resolution No. 2009-7, entitled, "**A Resolution of the Board of Trustees of the Town of Fairplay, Colorado, Accepting a Petition for Annexation and Establishing July 6, 2009 as the Date of Public Hearing on the Requested Annexation of Parcels of Unincorporated Territory Located in the County of Park (Silverheels Market Annexation).**"

A roll call vote was taken: Wortman – yes, Deagan – yes, Boyce – yes, Lane – yes, Johnson – yes. Motion carried unanimously.

A brief discussion ensued in regards to the timeline to zone the property and the need for an updated three-mile plan to be adopted before the annexation hearing.

Should the Board Approve the Renewal of a Retail Liquor Store License as Applied for by C & Z Enterprises dba Even in the End Liquors located at 889 Steinfeld Parkway?

Motion #9 by Trustee Deagan, seconded by Trustee Lane, that the Board should approve the application for renewal of a Retail Liquor Store License as applied for by C & Z Enterprises dba Even in the End Liquors located at 889 Steinfeld Parkway. Motion carried unanimously.

Discussion/Action Regarding Donation to CUSP

Staff comment was offered by Public Works Director Goble explaining that CUSP has spent over 20 hours at Cohen Park identifying and falling diseased trees professionally. He explained that they are chipping and hauling the fallen trees to the town shop so people can use them as mulch. He further noted that this will not spread disease. Mr. Goble explained that the expense would have been close to \$4000 fro a contractor to accomplish the work that CUSP has done and as such he asked the Board to authorize a donation of \$750 to CUSP.

Motion #10 by Mayor Boyce, seconded by Trustee Deagan, that the Town should donate \$750 to CUSP for their help with the infested tree removal and disposal at Cohen Park.

A roll call vote was taken: Wortman – yes, Deagan – yes, Boyce – yes, Lane – yes, Johnson – yes. Motion carried unanimously.

Discussion/Action Regarding New Trash Cans for Various Town-Owned Properties

Staff comment was offered by Public Works Director Goble explaining that the current trash can set-up is not good for public settings as the loose lids allow dumping of household trash by residents and also when the lids blow off or are not replaced properly trash tends to get blown in the surrounding area. He stated that he would like to get two trash cans for each park and six for Front Street as there currently are no public trash receptacle on Front Street. A brief discussion took place in regards to the design and whether or not this is the design the Board would like to see on Front Street. Mr. Goble agreed to bring alternative designs for Front Street to the next meeting.

Motion #11 by Trustee Johnson, seconded by Trustee Lane, that staff purchase six trash cans for the parks at an amount not to exceed \$2000.

A roll call vote was taken: Wortman – yes, Deagan – yes, Boyce – yes, Lane – yes, Johnson – yes. Motion carried unanimously.

Propane Bid Award

Staff comment was offered by Treasurer Murray explaining that only one bid had been received. She noted that she had called all of the local companies providing this service to let them know that the Town was soliciting bids for this service.

A brief discussion took place in regards to “option a” which did not lock in a price per gallon, but offered a protected price authorization at \$.30 cents over their laid in cost versus “option b” which offered a price per gallon of \$1.17 for the first fill only and then a locked in price of \$1.60 per gallon for the remainder of the term.

Motion #12 by Trustee Lane, seconded by Trustee Johnson, to approve acceptance of the bid from Amerigas with “option a” as the chosen price point.

A roll call vote was taken: Wortman – yes, Deagan – yes, Boyce – yes, Lane – yes, Johnson – yes. Motion carried unanimously.

Discussion/Direction Regarding Referral Response on Request from Park County for a Conditional Use Permit to Operate a portable Asphalt Plant in Unincorporated Park County.

Trustee Deagan briefly explained the process and described the application. A brief discussion ensued centering on the following items: location of the proposed asphalt plant being too close to Town; whether or not the asphalt would be used locally; the possible wear and tear on Town streets as the asphalt is transported; weight limits on Town streets; and location of highway improvements by CDoT this calendar year.

Consensus was offered by the Board to direct staff to send a referral of non-compliance explaining that the Town Board understands the need for the service but is opposed to the proposed site and including items as outlined in the staff report prepared by Town Planner, Ron Newman.

Other New Business

None offered.

COMMITTEE/STAFF REPORTS

Rachel Edwards offered a report from the Planning Commission noting that they had met acting as the Historical Preservation Committee with the Park County Library. She explained that Park County is considering placing the new library at its current site behind the old courthouse. She noted that the State Historical Fund will have to approve any plans due to the funds they have given to the restoration of the old courthouse building. Ms. Edwards noted that Linda Balough was at the meeting and expressed her approval of the plans to build the library at this site, as it will ensure that the old courthouse building is maintained and will make it more historically accurate. Ms. Edwards briefly discussed the possibility of a breezeway between the buildings making the old courthouse handicap accessible. She noted that the size is approximately 15000 square feet and that the architects have promised to bring examples of other buildings they have done with a similar historical nature. Ms. Edwards noted that they had also discussed parking and retention of as much green space as possible. She explained that the initial concept for parking is to incorporate diagonal parking on three sides of the block.

Trustee Deagan expressed his concern over the Town's historic preservation zone district, stating that it needed some work and suggested it be amended with an emergency ordinance. Administrator/Clerk Darrah agreed to look into this possibility, noting that it may not be possible due to the public hearing requirements of zoning code in regards to text or mapping changes.

Administrator/Clerk Darrah offered to answer any questions in regards to her written staff report. She further reminded the Board about the Community Job Development meeting in Alma on May 20th at the Alma Town Hall beginning at 5:00 p.m. She further asked if the Town Board wanted to join Action 22 as a member and if they would like to have someone from Action 22 do a presentation before them about the organization. It was agreed that at this time, the Board did not want to schedule a presentation and Ms. Darrah agreed to look into the benefits of membership before committing.

Public Works Director Goble spoke briefly about his plans for Town Clean-Up Day, explaining that he would like to conduct it differently this year, whereby we would inform citizens that they could put items to disposed of at the curb and Public Works would go from home to home picking the items up and disposing of them at a dumpster to be located at the Town shop. He explained that he was working on a brochure that he would deliver door to door during meter readings at the beginning of June. It was noted by the Board that this might be an opportunity for a separate mailing or an insert in the water bills.

It was further noted by an audience member that it would be a good idea to talk to the local churches about who may need help with the clean-up.

Chief Gottschalk offered to answer any questions from his written report.

Treasurer Murray noted that she had given the Board financials for the first quarter of 2009 and also for the month of April. She noted that while many of the items may not be attributed to their appropriate line item, the bottom line should be accurate. She explained that she would be continuing to work on clean-up of the various line items and should have them accurate financials at the six month mark.

Administrator/Clerk Darrah noted that she had contacted DOLA and that a one-on-one training in regards to governmental budgeting and accounting was being planned for Ms. Murray. She further noted that Greg Winkler, the Town's DOLA representative, had agreed to plan a goal setting session and budget

work session with the Town staff and Town Board later in the summer after the financials are in order, but before the Town gets too far into the budget season.

ADJOURNMENT

Mayor Boyce, noting that there being no further business before the Board, declared that the meeting be adjourned at 9:35 p.m.

Fred Boyce, Mayor

ATTEST:

Tina Darrah, Town Clerk