

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
June 1, 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 Pro-Tem Greg Johnson. Following the pledge of allegiance, roll call was answered by Trustees Gabby Lane and John Deagan. Also in attendance were Town Attorney Lee Phillips, Public Works Director Jeff Goble, Town Administrator/Clerk Tina Darrah and Town Treasurer Donna Murray. Absent from the meeting was Mayor Fred Boyce and Trustee Keith Wortman.

AGENDA ADOPTION

Motion #1 by Trustee Johnson, seconded by Trustee Lane, that the agenda be adopted with the following addition of an item under J. Other New Business:

1. *Acceptance of Resignation from James T. Kirksey from the Planning Commission.*

Motion carried unanimously. (Mayor Boyce and Trustee Wortman absent.)

APPROVAL OF MINUTES - Regular Board Meeting May 18, 2009

Trustee Johnson asked follow-up questions in regards to several issues, but no changes were noted.

Motion #2 by Trustee Deagan, seconded by Trustee Lane, that the minutes be approved as presented. Motion carried unanimously. (Mayor Boyce and Trustee Wortman absent.)

APPROVAL OF EXPENDITURES – Approval of bill of various Town Funds

Motion #3 by Trustee Deagan, seconded by Trustee Lane, that the expenditures be approved in the amount of \$23,761.66.

Discussion ensued during which several bills were questioned. No changes were made.

A roll call vote was taken: Deagan – yes, Lane – yes, Johnson – yes. Motion carried unanimously. (Mayor Boyce and Trustee Wortman absent.)

CITIZEN COMMENT

Tom Naylor, 301 2nd Street, had signed up, but declined to comment at this time, although he did ask to reserve the right to offer comment later during public comment.

Maria Simms spoke on behalf of Vision 20/20 stating that her organization is working with Public Works Director Goble in regards to beautification of Fairplay. She spoke specifically to trash cans, flowers on main Street, hanging baskets, planters and banners on the street light poles if they are strong enough.

John Madsen, 1096 Platte Drive, citizen and Fairplay Sanitation District Board Member, offered comment urging the Board to deny water sales or trades with Boyd Astemborski. He stated that in his opinion the possible mining operation is too close to the aquifer, the South Platte River, wildlife areas and to residential areas. He showed the Board a picture of the property where the mining operation is proposed.

(Clerk's note: this item is the agenda at a later point. Mr. Madsen clarified to the Clerk that he was not speaking on behalf of the Sanitation District, but as a concerned citizen.)

Amanda Woodbury offered comment in regards to the "Welcome to Fairplay" sign on her property at the corner of Highways 285 and 9. She stated that she had spoken to Mike Ratzan and that he had not paid anything on the sign as he thought the Town of Fairplay was paying. She stated that the power was unhooked and asked the Board to remove the sign.

Mr. and Mrs. Lindberg, 230 1/2 Third Street, stated that they were at the meeting to follow-up on the Naylor residence clean-up. They offered a letter to the Board (attached to minutes) and stated that they

were not trying to stir up trouble but that they just wanted the property cleaned up. They stated that they had noticed some positive changes and were pleased to see progress. Trustee Johnson invited them to the code enforcement work shop when scheduled.

PUBLIC HEARINGS:

Should the Board Approve an Application for a Special Event Liquor License for the Fairplay Foundation to have a Beer Garden on Front Street from 5th to 6th street and on 6th Street from Main to Front Street on July 4, 2009 from the hours of 7:00 am to 9:30 pm in conjunction with Fourth of July Celebrations?

Mayor Pro-tem Johnson opened the public hearing at 7:30 p.m. and read a brief opening statement stating jurisdiction and outlining procedures for the public hearing. He then asked for staff comment which was offered by Administrator/Clerk Darrah, stating that the application was complete and timely, all fees had been paid, and that as required, the property was posted with notice of the public hearing. She further stated that no remonstrance's had been filed at the Town Hall and that the Police Chief had no issues with the request. She further offered a staff recommendation of approval.

Mayor Pro-tem Johnson asked for comment from the applicant: Jeff Goble offered to answer any questions on behalf of the Fairplay Foundation.

Mayor Pro-tem Johnson asked for comment in opposition to the liquor license approval:

Marie Chisholm asked about the control measure being used to monitor alcohol consumption and area licensed without a fence. It was stated that barricades would be in place and that the Foundation had agreed to have wristbands on those participating in the beer garden. It was further stated that security would be on hand to monitor the boundaries of the licensed area.

Mayor Pro-tem Johnson asked for comment in favor of the liquor license approval: none offered.

Mayor Pro-tem Johnson offered the applicant an opportunity for rebuttal: none offered.

Mayor Pro-tem Johnson closed the hearing at 7:35 p.m.

Motion #4 by Trustee Deagan, seconded by Mayor Pro-tem Johnson that the Board Approve an Application for a Special Event Liquor License for the Fairplay Foundation to have a Beer Garden on Front Street from 5th to 6th street and on 6th Street from Main to Front Street on July 4, 2009 from the hours of 7:00 am to 9:30 pm in conjunction with Fourth of July Celebrations. Motion carried unanimously. (Mayor Boyce and Trustee Wortman absent.)

Should the Board Approve an Application for a Special Event Liquor License for the Fairplay Foundation to have a Beer Garden on Front Street from 4th to 6th Street on June 27, 2009 from the hours of 10:30 am to 10:30 pm and on June 28, 2009 from the hours of 10:30 am to 8:30 pm in conjunction with South Park Music Fest?

Mayor Pro-tem Johnson opened the public hearing at 7:36 p.m. and read a brief opening statement stating jurisdiction and outlining procedures for the public hearing. He then asked for staff comment which was offered by Administrator/Clerk Darrah, stating that the application was complete and timely, all fees had been paid, and that as required, the property was posted with notice of the public hearing. She further stated that no remonstrance's had been filed at the Town Hall and that the Police Chief had no issues with the request. She further offered a staff recommendation of approval.

Mayor Pro-tem Johnson asked for comment from the applicant: Saam Golgoon was present to answer any questions that the Board had in regards to this license.

Mayor Pro-tem Johnson asked for comment in opposition to the liquor license approval:

Maria Simms asked about insurance for the event. Mr. Golgoon assured her that the event was insured. Ms. Chisholm asked about the Town's liability and was assured by the Town Attorney that the Town was protected from liability in regards to this event.

Mayor Pro-tem Johnson asked for comment in favor of the liquor license approval: none offered.

Mayor Pro-tem Johnson offered the applicant an opportunity for rebuttal: none offered.

Mayor Pro-tem Johnson closed the hearing at 7:41 p.m.

Motion #5 by Trustee Lane, seconded by Mayor Trustee Deagan, that the Board Approve an Application for a Special Event Liquor License for the Fairplay Foundation to have a Beer Garden on Front Street from 4th to 6th Street on June 27, 2009 from the hours of 10:30 am to 10:30 pm and on June 28, 2009 from the hours of 10:30 am to 8:30 pm in conjunction with South Park Music Fest. Motion carried unanimously. (Mayor Boyce and Trustee Wortman absent.)

UNFINISHED BUSINESS

Code Enforcement Follow-Up

Staff comment was offered by Administrator/Clerk Darrah explaining that staff would like to have a work session with the Board about this issue rather than try to discuss such a large and difficult issue in a regularly scheduled meeting.

The Board agreed to schedule a work session for the following Monday, June 8, 2009, at Town Hall at 6:30 p.m. to discuss Code Enforcement with the staff. Ms. Darrah agreed to email a notice to all Board members in regards to this.

Discussion/Action Regarding Trash Can Purchase for Front Street – Public Works Director Goble

Staff comment was offered by Public Works Director Goble explaining that he had been asked to bring back more appropriate looking trash cans for Front Street and that he had included pictures of the ones he had found in the packet. He noted that the cost for four cans is \$1,597 including shipping charges.

Motion # 6 by Trustee Deagan, seconded by Trustee Lane, that the Board approve the purchase of four recycled plastic 32 gallon trash cans at a cost not to exceed \$1,600.00.

A roll call vote was taken: Deagan – yes, Lane – yes, Johnson – yes. Motion carried unanimously. (Mayor Boyce and Trustee Wortman absent.)

Other Pending Matters

No other pending matters.

NEW BUSINESS

Presentation of Dividend Check – Pinnacol, Brian Benner

Brian Benner was present to give the Board a check in the amount of \$3,004.00 noting that this is the fifth year in a row that the Town has received a dividend check Pinnacol, the Town's workman's compensation insurance company.

Presentation – South Park School District RE-2, Facilities Review and Planning Committee, Charles Schultz

Chuck Soper, School District Superintendent, Bud Jankowicz, Chair of the Facilities and Planning Committee, and Foss Smith, offered an update to the Board in regards to facilities planning for the school district, explaining that they are currently working with the BEST (Building Excellent Schools Today) program to receive funding for an athletic complex on a 24 acre site in the Fairplay Spur. They explained that should they get funding through the BEST program, they would be looking at a bond issue in November. Mr. Soper stressed that the School District is intent on being a solid member of the community and in staying in the Town limits of Fairplay.

Should the Board Approve the Renewal of a Hotel and Restaurant Liquor License as Applied for by Taka Sushi Inc. dba Millonzi's Delicatessen and Restaurant located at 501 Front St.?

Motion #7 by Trustee Deagan, seconded by Trustee Lane, that the Board Approve the Renewal of a Hotel and Restaurant Liquor License as Applied for by Taka Sushi Inc. dba Millonzi's Delicatessen and Restaurant located at 501 Front St.. Motion carried unanimously. (Mayor Boyce and Trustee Wortman absent.)

Discussion/Direction Regarding Request from Boyd Astemborski for Trade-out of Bulk Water for Street Sand – Public Works Director Goble

Staff comment was offered by Public Works Director Goble explaining that he had been approached by Mr. Astemborski about the possibility of trading bulk water for aggregate material from a mining operation he his planning adjacent to Town. He explained that the operation is being proposed in the open BLM land immediately adjacent to Tristan Loop in the Stone River subdivision. Several people in the audience voiced their displeasure with this potential mining operation. It was noted that the operation is not in the Town limits and that the property is zoned for mining.

Motion #8 by Mayor Pro-tem Johnson, seconded by Trustee Lane, that the Board deny the request from Boyd Astemborski to trade aggregate material for or purchase bulk water from the Town of Fairplay. Motion carried unanimously. (Mayor Boyce and Trustee Wortman absent.)

Discussion/Action Regarding Boilers at Town Hall – Public Works Director Goble

Staff comment was offered by Public Works Director Goble explaining that on May 22, 2009 he had called All American Heating to come and troubleshoot the heating system at Town Hall to try and figure out why the heat would not turn off. At this time, numerous serious violations were found and it was determined that the boilers needed to be shut off immediately due to life safety issues. He explained that a claim had been filed with the insurance company and that they had sent someone out to view the situation. He further stated that he had received a quote from All American to either repair or replace the system, noting that the cost estimates varied from \$13,000 (repair only) to \$20,000 (complete replacement). He explained that either option should significantly reduce the heating costs at Town Hall.

After a brief discussion, the Board directed Mr. Goble to prepare an RFP and get at least two other bids for their consideration.

Comments were offered by All American Heating explaining that he understood the need for comparable quotes and stating that he would stand behind his work without conditions and guarantee energy efficiency.

Should the Board Approve an Extension Request for the 2008 Audit?

Motion #9 by Trustee Lane, seconded by Mayor Pro-tem Johnson, that the Board approve an extension request for the 2008 audit. Motion carried unanimously. (Mayor Boyce and Trustee Wortman absent.)

Discussion/Direction to Staff Regarding Zoning Code Changes to the Historic Overlay District – Trustee John Deagan

Comment was offered by Trustee Deagan explaining that it had recently been brought to his attention that the Town's Historic Overlay Zone District had several issues inherent in the language of the code giving broad usage allowances and very little oversight by the Town Board of the type of building or usage allowed. A very brief discussion ensued during which the Board authorized Trustee Deagan to continue to work with Town Attorney Phillips on proposed language fixing these issues.

EXECUTIVE SESSION pursuant to C.R.S. 24-6-402 (4)(e) to discuss negotiations for Highway 285 Corridor Annexation

Motion #10 by Mayor Pro-tem Johnson, seconded by Trustee Deagan, that the Board go into executive session at 8:55 p.m. for the purpose of discussing negotiations for Highway 285 Corridor Annexation pursuant to C.R.S. Section 24-6-402 (4) (e). Motion carried unanimously. (Mayor Boyce and Trustee Wortman absent.)

Mayor Pro-tem Johnson announced that the meeting was back to open session at 9:22 p.m. The participants in the executive session were: Mayor Pro-tem Johnson, Trustees Deagan and Lane, Town Administrator/Clerk Tina Darrah, Public Works Director Jeff Goble and Town Attorney Lee Philips. Mayor Pro-tem Johnson announced that no action was taken in the executive session.

Discussion/Action Regarding Extraterritorial Water Use Agreement

Staff comment was offered by Town Attorney Phillips explaining that he had been approached by several business owners on Highway 285: Sam Mick; Tom Debonis; and Brian Hutchison, in regards to annexing their properties to the Town in order to get municipal water services as the system they had been receiving water from may no longer be viable.

These business owners were present and explained that they felt they had three options: 1) come into town; 2) help the current owner to make it a viable situation; or 3) drill an independent well for their usage. They asked the Town what incentives they would be willing to offer if they came in to Town.

Town Attorney Phillips explained that the Town was willing to, upon receipt of the annexation petition, allow them to begin the process of hooking into the Town's water system and to sell them water and water taps at the in-town rates before they annexation is complete. He did note that should the annexation not happen then the charge would be at the out-of-town rates and that they would be expected to reimburse the Town (at the out of town rate) for any water used and the taps sold.

Discussion ensued about the annexation process, during which the current owner of the water system serving these businesses noted that he owned the adjacent 85 home mobile home park and would possibly be interested in annexing to the Town. Town Attorney Phillips stated that he would meet with him at a later time to discuss the process.

Motion #11 by Trustee Deagan, seconded by Mayor Pro-tem Johnson, that staff be directed to work with the above named business owners in regards to an extraterritorial water use agreement and annexation petition and processes. Motion carried unanimously. (Mayor Boyce and Trustee Wortman absent.)

Other New Business

Staff comment was offered by Administrator/Clerk Darrah explaining that Mr. Kirksey had offered his resignation due to moving outside the Town limits.

Motion #12 by Trustee Deagan, seconded by Mayor Pro-tem Johnson, that the Board accepts Mr. Kirksey's resignation and directs staff to advertise the position. Motion carried unanimously. (Mayor Boyce and Trustee Wortman absent.)

MAYOR AND TRUSTEE REPORTS

Trustee Deagan stated that he had just read the report from Greg Kimsey, Park County Building Official, in regards to the library location possibility adjacent to the new courthouse and that he was not sold on abandoning that location as a potential site for the library. A brief discussion ensued about the site that is currently being proposed for the new library adjacent to/attached to the current library and the old courthouse.

Administrator/Clerk Darrah suggested that in light of the communication issues seeming to exist between the Town and the County that the Town offers to host a meeting with local elected officials – and that this be a possible topic of discussion. The Board agreed to have her look into this possibility.

Trustee Lane announced that the cemetery clean-up had been rescheduled for June 20th at 10:00 a.m.

ADJOURNMENT

Mayor Pro-tem Johnson, noting that there being no further business before the Board, declared that the meeting be adjourned at 9:43 p.m.

Fred Boyce, Mayor

ATTEST:

Tina Darrah, Town Clerk