

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
March 15, 2010**

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 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 Gabby Lane, Keith Wortman, and John Deagan. Also in attendance were Police Chief Dave Gottschalk, Public Works Director Jeff Goble, Town Attorney Lee Phillips, Town Treasurer Donna Murray and Town Administrator/Clerk Tina Darrah. Trustee Greg Johnson was absent.

AGENDA ADOPTION

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

1. March 1, 2010

B. APPROVAL OF EXPENDITURES – Approval of bills of various Town Funds

Motion #2 by Deagan, seconded by Trustee Lane, that the consent agenda be adopted as presented. A roll call vote was taken: Wortman – yes, Deagan – yes, Boyce – yes, Lane – yes. Motion carried unanimously. (Trustee Johnson was absent.)

CITIZEN COMMENT

Marie Chisholm offered public comment in opposition to the Town's decision to borrow money for a new water meter reading system and urged the Board to be more responsible with saving for these types of purchases. She further voiced opposition to the Town entering into an ESTIP Agreement with Colorado East Bank and Trust for the Silverheels Market project. She also voiced opposition to the Town's expenditure of funds to support a Fourth of July Fireworks display. She concluded by asking the Board to be more financially responsible.

UNFINISHED BUSINESS

Should the Board Approve Adoption of Ordinance No. 2, series of 2009, entitled, "A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory in the County of Park, and More Particularly Described in Attached Exhibit A (Silverheels Market Property)."?

Staff comment was offered by Town Attorney Phillips who explained that this ordinance is the vehicle that officially annexes the property known as Silverheels Market into the Town of Fairplay.

Motion #3 by Mayor Boyce, seconded by Trustee Deagan, that the Board approve adoption of Ordinance No. 2, series of 2009, entitled, "**A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory in the County of Park, and More Particularly Described in Attached Exhibit A (Silverheels Market Property).**" A roll call vote was taken: Wortman – yes, Deagan – yes, Boyce – yes, Lane – yes. Motion carried unanimously. (Trustee Johnson was absent.)

Appointment to the Planning Commission

Mayor Boyce invited Mr. Rawlings to come forward and answer questions from the Board in regards to his application to serve as an alternate on the Planning Commission. After Mr. Rawlings answered several

questions from the Board, Mayor Boyce appointed Larry Rawlings as an alternate on the Planning Commission.

Other Pending Matters

None offered.

NEW BUSINESS

PUBLIC HEARING - Should the Board Approve Adoption of Resolution No. 7. 2010, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO AUTHORIZING THE EXECUTION OF AN ENHANCED SALES TAX INCENTIVE PROGRAM (ESTIP) AGREEMENT BETWEEN THE TOWN AND COLORADO EAST BANK AND TRUST LLC FOR THE SILVERHEELS MARKET PROJECT."?

Mayor Boyce opened the public hearing at 7:13 p.m. and asked for staff comment, which was offered by Town Administrator Darrah explaining that this agreement was as previously discussed with the prior owner and offered a five year agreement with a \$50,000 maximum amount to be rebated to the owner. She noted that while the current owner and operator is Colorado East bank and Trust, LLC, the agreement was specifically made transferrable to allow the bank to use this as a marketing tool to increase the likelihood of selling the property.

Mayor Boyce requested public comment in favor of or in opposition to the ESTIP Agreement.

Marie Chisholm offered public comment in opposition to the approval of the ESTIP Agreement.

Mayor Boyce closed the public hearing at 7:16 p.m.

Motion #4 by Trustee Deagan, seconded by Trustee Lane, that the Board approve adoption of Resolution No. 7. 2010, entitled, "**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO AUTHORIZING THE EXECUTION OF AN ENHANCED SALES TAX INCENTIVE PROGRAM (ESTIP) AGREEMENT BETWEEN THE TOWN AND COLORADO EAST BANK AND TRUST LLC FOR THE SILVERHEELS MARKET PROJECT.**" A roll call vote was taken: Wortman – yes, Deagan – yes, Boyce – yes, Lane – yes. Motion carried unanimously. (Trustee Johnson was absent.)

Should the Board Approve Adoption of Ordinance No. 5, 2010, entitled, "AN ORDINANCE OF THE TOWN OF FAIRPLAY, COLORADO, AMENDING CHAPTER 13 OF THE FAIRPLAY MUNICIPAL CODE BY AMENDING PARAGRAPH 13-1-210 (A) RELATING TO PAYMENT OF WATER BILL; PENALTIES AND INTEREST."?

Staff comment was offered by Town Treasurer Murray explaining that this ordinance would reduce the currently charged late fee for overdue water bills from \$15.00 to \$5.00. She noted that the interest rate charged on overdue bills would remain the same. She explained that staff had received numerous complaints about the amount of the late fee and had done research with over ten towns of similar size and budget and discovered that the Town's fee was higher than any other Town contacted. She further noted that the implementation of this reduced late fee could potentially affect the budget in that a smaller amount would be placed in the fund balance at the end of the year, but noted that it would not affect the level of service provided by the Town.

Public comments were offered by Robert Meland and Larry Rawlings in opposition to the ordinance as proposed.

Discussion ensued among the Board with staff input in regards to the current billing practices, the percentage of those affected, budgetary effects, and the history behind the current rate.

Motion #5 by Mayor Boyce, seconded by Trustee Deagan, that the Board approve adoption of Ordinance No. 5, 2010, entitled, "**AN ORDINANCE OF THE TOWN OF FAIRPLAY, COLORADO, AMENDING CHAPTER 13 OF THE FAIRPLAY MUNICIPAL CODE BY AMENDING PARAGRAPH 13-1-210 (A) RELATING TO PAYMENT OF WATER BILL; PENALTIES AND INTEREST.**" A roll call vote was taken: Wortman – yes, Deagan – yes, Boyce – yes, Lane – yes. Motion carried unanimously. (Trustee Johnson was absent.)

Should the Board Approve Adoption of Resolution No. 9, 2010, entitled, "A RESOLUTION APPROVING DOCUMENTS RELATING TO A LOAN FROM UMB BANK COLORADO N.A. TO THE FAIRPLAY

WATER ENTERPRISE BOARD AND AUTHORIZING THE MAYOR TO EXECUTE SAME.”?

Staff comment was offered by Town Treasurer Murray explaining that approval of this resolution authorized the loan for the new water meter reading system as approved in the 2010 Budget.

Public comment was offered by the following:

Marie Chisholm spoke in opposition to the approval of the resolution.

Larry Rawlings asked numerous questions about the effect on water bills and urged the Board to try and “shoot” for a lower interest rate than the 4.9 % proposed.

Robert Meland stated that the Town needed to do things that make people want to move here to bring rates down.

Motion #6 by Mayor Boyce, seconded by Trustee Lane, that the Board approve adoption of Resolution No. 9, 2010, entitled, **“A RESOLUTION APPROVING DOCUMENTS RELATING TO A LOAN FROM UMB BANK COLORADO N.A. TO THE FAIRPLAY WATER ENTERPRISE BOARD AND AUTHORIZING THE MAYOR TO EXECUTE SAME.”** A roll call vote was taken: Wortman – yes, Deagan – yes, Boyce – yes, Lane – yes. Motion carried unanimously. (Trustee Johnson was absent.)

Should the Board Approve Adoption of Resolution No. 10, 2010, entitled, “A RESOLUTION APPROVING ESTABLISHMENT OF A SAVINGS ACCOUNT WITH UMB BANK OF COLORADO N.A.”?

Staff comment was offered by Town Treasurer Murray explaining that as part of our agreement with UMB Bank for the above loan they requested that we open a savings account with UMB. She noted that this accomplishes that request and that if approved the account would be opened with \$1,000.

Motion #7 by Mayor Boyce, seconded by Trustee Lane, that the Board approve adoption of Resolution No. 10, 2010, entitled, **“A RESOLUTION APPROVING ESTABLISHMENT OF A SAVINGS ACCOUNT WITH UMB BANK OF COLORADO N.A.”** A roll call vote was taken: Wortman – yes, Deagan – yes, Boyce – yes, Lane – yes. Motion carried unanimously. (Trustee Johnson was absent.)

Should the Board Approve Adoption of Resolution No. 11, 2010, entitled, “A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY OF THE STATE OF COLORADO AUTHORIZING THE EXECUTION AND DELIVERY OF A MUNICIPAL LEASE AGREEMENT (COLORADO EAST BANK AND TRUST CO BANK LEASE) AND OTHER DOCUMENTS AND AGREEMENTS IN CONNECTION THEREWITH.”?

Staff comment was offered by Town Treasurer Murray noting that this is the lease agreement with Colorado East Bank and Trust, LLC that will allow the purchase of a new police vehicle as budgeted in the 2010 Budget.

Police Chief Gottschalk offered a brief staff comment explaining that in 2001 the Town started lease purchasing new vehicles on a two year capital improvement plan wherein every two years the Town gets a new vehicle and the oldest vehicle is taken out of service. He noted that by that time the vehicle would be 8-10 years old. He also noted that this year the vehicle being taken out of service would remain at Town Hall for use by staff for running town errands and for use in travel to training.

Motion #8 by Trustee Deagan, seconded by Trustee Lane, that the Board approve adoption of Resolution No. 11, 2010, entitled, **“A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY OF THE STATE OF COLORADO AUTHORIZING THE EXECUTION AND DELIVERY OF A MUNICIPAL LEASE AGREEMENT (COLORADO EAST BANK AND TRUST CO BANK LEASE) AND OTHER DOCUMENTS AND AGREEMENTS IN CONNECTION THEREWITH.”** A roll call vote was taken: Wortman – yes, Deagan – yes, Boyce – yes, Lane – yes. Motion carried unanimously. (Trustee Johnson was absent.)

Should the Board Approve Adoption of Resolution No. 12, 2010, entitled, “A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, DELEGATING AUTHORITY AND RESPONSIBILITY TO THE TOWN CLERK TO APPOINT ELECTION JUDGES.”?

Motion #9 by Mayor Boyce, seconded by Trustee Deagan, that the Board approve adoption of Resolution No. 12, 2010, entitled, **“A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF**

FAIRPLAY, COLORADO, DELEGATING AUTHORITY AND RESPONSIBILITY TO THE TOWN CLERK TO APPOINT ELECTION JUDGES.” Motion carried unanimously. (Trustee Johnson was absent.)

Other New Business

None offered.

Committee and Staff Reports

Trustees Lane and Wortman offered an update on the activities of the Town’s marketing work group reminding the Board of the Chamber Mixer that the Town is co-hosting on March 24th at the Coyote Creek Art Studios.

Town Administrator Darrah, Town Treasurer Murray, Public works Director Goble and Police Chief Gottschalk all were present to answer questions in regards to their written staff reports included in the packet.

Trustee Wortman noted that Park County and the Town had recently successfully worked together to resolve a culvert problem in the Town.

ADJOURNMENT

Mayor Boyce, noting that there being no further business before the Board, declared that the meeting be adjourned at 7:53 p.m.

Fred Boyce, Mayor

ATTEST:

Tina Darrah, Town Clerk