

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
May 3, 2010**

CALL TO ORDER WORKSESSION OF THE BOARD OF TRUSTEES

A worksession 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, 400 Front Street, by Mayor Fred Boyce. Following the pledge of allegiance, roll call was answered by Trustees Greg Johnson, Gabby Lane, and John Deagan. Also in attendance were Administrative Assistant Jeni Friedrich, Public Works Director Jeff Goble and Town Administrator/Clerk Tina Darrah.

Follow-up on Fairplay Foundation and Update on Special Events

Jeni Friedrich offered comment explaining to the Board that the Fairplay Foundation had dissolved and was requesting that the Town take over the 4th of July event this year, with funds from the Foundation being turned over to the Town for this event.

Discussion ensued in regards to the role of the Foundation, the need for this type of organization, the lack of interest in the organization at this point and the desire to see it come back at some point as a viable organization.

Consensus was reached to have the Town - through the staff, coordinate and operate the 4th of July event in 2010.

Update on Public Works Activities

Public Works Director Goble went through his written report hitting on the following issues:

- Town Streets: Mr. Goble offered the board a handout of different cost breakdowns for repair and replacement of all town street surfaces – showing the cost to resurface all Town Streets down to the costs for the basic repairs and pothole fixes currently taking place and numerous scenarios in between. After much discussion the Board directed Mr. Goble to prepare an RFP requesting sealed bids on the scenario to fix just those roads in dire need this year – Castello and Eighth and Castello and Fifth.
- The Fairplay Beach: Mr. Goble informed the Board that he and his crew had been doing much work at the Beach to prepare it for this summer's events, including dock repairs and installation of electricity.
- Town Clean-up Days: It was explained that the Public Works Crew would be doing curbside pick-up again this year beginning on June 7th and ending on June 11th.
- Cemetery Clean-up: Mr. Goble noted that this was scheduled for Saturday, May 22nd and will concentrate on improvements this year as past years clean-ups had been so successful.
- Annexation of the Town Shop: Mr. Goble informed the Board that he had received a quote for annexation and survey services from engineer, John Littlehorn to provide this service at just under \$3,000. After a brief discussion it was requested that Mr. Goble obtain bids from other surveyors for this service and bring back to the Board for discussion.
- Wayfinding Signs: Mr. Goble reported that he had receive the electronic version of the plans and would be requesting bids from sign companies to provide signs for the first phase of the wayfinding signage plan.
- Town Beautification: Mr. Goble informed the Board that staff had found banners at a reasonable price for the banner poles on the streetlights and those 17 banners would be ordered. He explained that the rest of the street lights would have flower baskets.

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 Greg Johnson, Gabby Lane, and John Deagan. Also in attendance were Public Works Director Jeff Goble, Town Attorney Lee Phillips, Town Treasurer Donna Murray and Town Administrator/Clerk Tina Darrah.

AGENDA ADOPTION

Motion #1 by Trustee Johnson, seconded by Trustee Lane, that the agenda be adopted 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
 - 1. April 5, 2010 Regular Meeting
 - 2. April 19, 2010 Regular Meeting

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

- C. Should the Board Approve Adoption of Resolution No.17, series of 2010, entitled, **“A RESOLUTION APPROVING THE RESUBDIVISION OF CERTAIN REAL PROPERTY DESCRIBED AS TRACT A, FAIRPLAY SPUR SUBDIVISION”**.?

- D. Should the Board Approve Adoption of Resolution No.18, series of 2010, entitled, **“A RESOLUTION GRANTING AN APPLICATION FOR AN AMENDMENT TO THE BEAVER MEADOWS PLANNED UNIT DEVELOPMENT.”**?

- E. Should the Board Approve Adoption of Resolution No.19, series of 2010, entitled, **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROVING THE FINDINGS OF FACT, CONCLUSIONS AND ORDER IN REGARDS TO THE APPLICATION OF THE FAIRPLAY – VALITON HOTEL, LLC FOR A HOTEL AND RESTAURANT RETAIL LIQUOR LICENSE.”**?

Town Administrator Darrah noted a correction to the April 5, 2010 minutes. Treasurer Murray asked that the bills be amended to include a payment to Newman Planning Services, bringing the total bills to \$6,108.11.

Motion #2 by Trustee Deagan, seconded by Trustee Johnson, that the consent agenda be adopted as amended with bills in the amount of \$6108.11. A roll call vote was taken: Johnson – yes, Deagan – yes, Boyce – yes, Lane – yes. Motion carried unanimously.

CITIZEN COMMENT

Lee Phillips, offered public comment as a Fairplay Business Owner, urging all present to vote in the Fairplay Sanitation District election the next day.

PUBLIC HEARINGS:

Should the Board Approve Adoption of Ordinance No. 4, series of 2010, entitled, “AN ORDINANCE ADDING A NEW ARTICLE X, TO CHAPTER 18 OF THE FAIRPLAY MUNICIPAL CODE RELATING TO FLOOD DAMAGE PREVENTION, AND REPEALING IN ITS ENTIRETY ARTICLE XXIV OF CHAPTER 16 OF THE FAIRPLAY MUNICIPAL CODE.”?

Mayor Boyce opened the public hearing at 7:07 p.m. and requested staff comment which was offered by Public Works Director Goble explaining that this ordinance reflects the new FEMA maps and takes the Flood Plain section out of the zoning code and places in the building code. He noted that there are currently no platted parcels in the Town in the flood plain. He further thanked Trustee Deagan for his work on the drafting of the finished ordinance.

Mayor Boyce asked for public comment in favor of or opposed to the ordinance.

Marie Chisholm asked what the code states and what its purpose was. Public Works Director Goble explained that this ordinance simply reflects new FEMA maps, but that these maps did not affect the Town or any platted parcel. Town Administrator Darrah explained that the most important reason that Town was continuing to participate in the process was to make sure that the Town's residents could get flood insurance should they choose. She explained that the Town had to update this ordinance to remain in the National Flood Insurance Program (NFIP).

Mayor Boyce closed the public hearing at 7:14 p.m.

Motion #3 by Mayor Boyce, seconded by Trustee Johnson, that the Board should approve adoption of Ordinance No. 4, series of 2010, entitled, "**AN ORDINANCE ADDING A NEW ARTICLE X, TO CHAPTER 18 OF THE FAIRPLAY MUNICIPAL CODE RELATING TO FLOOD DAMAGE PREVENTION, AND REPEALING IN ITS ENTIRETY ARTICLE XXIV OF CHAPTER 16 OF THE FAIRPLAY MUNICIPAL CODE.**" A roll call vote was taken: Johnson – yes, Deagan – yes, Boyce – yes, Lane – yes. Motion carried unanimously.

Should the Board Approve Adoption of Resolution No. 20, series of 2010, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF AN ENHANCED SALES TAX INCENTIVE PROGRAM (ESTIP) AGREEMENT BETWEEN THE TOWN AND SOUTH PARK STEAKHOUSE FOR THE SOUTH PARK STEAKHOUSE PROJECT."?

Mayor Boyce opened the Public Hearing at 7:15 p.m. and requested staff comment which was offered by Town Administrator Darrah stating that this public hearing was on the ESTIP agreement applied for by Dale Fitting for the South Park Steakhouse. She explained that the agreement as proposed would allow the applicant to receive 50% of the town collected sales tax for the next five years or up to \$25,000 – whichever comes first. She noted that the agreement was approved by the Town's legal counsel.

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

Dale Fitting, owner of the South Park Steakhouse, offered comment stating that his restaurant would be open May- October or November and would be serving lunch and dinner.

Rachael Edwards offered comment in support of the ESTIP Agreement.

Marie Chisholm offered comment in support of the ESTIP Agreement, stating that Mr. Fitting was a wonderful resident and property owner for many years, not just recently, and as such deserves a break like this agreement offers.

Mayor Boyce closed the hearing at 7:21 p.m.

Trustee Johnson offered comment stating his approval of the use of the ESTIP for the new restaurant.

Motion #4 by Mayor Boyce, seconded by Trustee Deagan, that the Board should Approve Adoption of Resolution No. 20, 2010, entitled, "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF AN ENHANCED SALES TAX INCENTIVE PROGRAM (ESTIP) AGREEMENT BETWEEN THE TOWN AND SOUTH PARK STEAKHOUSE FOR THE SOUTH PARK STEAKHOUSE PROJECT.**" A roll call vote was taken: Johnson – yes, Deagan – yes, Boyce – yes, Lane – yes. Motion carried unanimously.

UNFINISHED BUSINESS

Other Pending Matters

Trustee Johnson stated that he had looked at the berm at the Public Works Shop and that while he did not see the problem at the southerly intersection, he did see a problem at the jail intersection with the location of the stop sign being too far from the intersection. Public Works Director Goble agreed to discuss this issue with the appropriate Park County Director about the situation.

NEW BUSINESS

Appointment of New Trustee – Oath of Office

Mayor Boyce announced that the Town had received five applicants for the Trustee seat vacated by Keith Wortman. He noted that one applicant, Chuck Pisano, had withdrawn his interest. Mayor Boyce asked the remaining four applicants to stand and make a statement to the Board in regards to their interest in filling the vacant seat.

Jimi Callender, Rachael Edwards, Robert Meland, and Frank Just, each offered a brief statement explaining their interest and qualifications.

Motion #5 by Mayor Boyce, seconded by Trustee Deagan, to appoint Jimi Callender to the vacant seat on the Board of Trustees, noting that he felt this was the most fair appointment as Mr. Callender had run for election and received the next highest number of votes after those elected.

Trustee Johnson requested that the vote happen by secret ballot and trustee Lane concurred, stating his support of Ms. Edwards.

Mayor Boyce withdrew **Motion #5** and asked for a secret ballot vote. Votes were counted by Town Clerk Darrah, who reported that Mr. Callender had received the highest number of votes.

Motion #6 by Mayor Boyce, seconded by Trustee Deagan, to appoint Jimi Callender to the vacant seat on the Board of Trustees. A roll call vote was taken: Johnson – yes, Deagan – yes, Boyce – yes, Lane – yes. Motion carried unanimously.

Mayor Boyce administered an Oath of Office to Mr. Callender, who took his seat at the Board table.

Discussion Regarding Appointment to the Planning Commission

This item was continued to the next meeting on May 17, 2010 as neither applicant was present.

Should the Board Approve Adoption of Resolution No.21, series of 2010, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING EXECUTION OF AN AGREEMENT WITH KONICA/MINOLTA FOR LEASE OF COPIER EQUIPMENT."?

Staff comment was offered by Town Administrator Darrah explaining that this agreement would replace the lease with Konica-Minolta approved last year in April – made formal at the May 4, 2009 meeting. She explained that at that time the rep from Konica-Minolta quoted the Town \$252.77 per month plus a very low price for color copies - .014 per page - and set the included monthly copies at 1500 black and white only and overage at .018 per page, which was way too low of a number (on both counts). She noted that the Town amended this original contract in July to include a three hole punch which brought the monthly bill to \$259.99 with copies as stated above. Ms. Darrah explained that the staff has been in discussions with the company for some time – since the first bill was received with a much higher amount being charged for color than was on the original contract. She explained that the contract was changed after approval by the rep - unaware to staff.

Ms. Darrah stated that staff was finally were able to meet with management at Konica-Minolta, with the outcome the contract before them for approval. She explained that the new monthly payment will be \$356.00 which includes 6,000 black and white copies with overage at .009 per copy and 1,000 color copies at .065 per copy and that this lease will be with an updated newer model machine. She noted that nothing else should change from the original agreement.

Several questions were asked to clarify the original agreement and the proposed.

Motion #7 by Mayor Boyce , seconded by Trustee Johnson, that the Board should Approve Adoption of Resolution No. 21, 2010, entitled, “**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH KONICA/MINOLTA FOR LEASE OF COPIER EQUIPMENT.**” A roll call vote was taken: Callender – yes, Johnson – yes, Deagan – yes, Boyce – yes, Lane – yes. Motion carried unanimously.

Should the Board Approve Adoption of Resolution No.22, series of 2010, entitled, “A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, APPOINTING TINA DARRAH AS TOWN CLERK AND TOWN ADMINISTRATOR.”?

Motion #8 by Trustee Deagan, seconded by Trustee Callender, that the Board should Approve Adoption of Resolution No. 22, 2010, entitled, “**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPOINTING TINA DARRAH AS TOWN CLERK AND TOWN ADMINISTRATOR.**” A roll call vote was taken: Callender – yes, Johnson – yes, Deagan – yes, Boyce – yes, Lane – yes. Motion carried unanimously.

Mayor Boyce administered an Oath of Office to Ms. Darrah.

Should the Board Approve Adoption of Resolution No.23, series of 2010, entitled, “A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, APPOINTING DONNA MURRAY AS TOWN TREASURER.”?

Motion #9 by Trustee Lane, seconded by Trustee Johnson, that the Board should Approve Adoption of Resolution No. 23, 2010, entitled, “**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPOINTING DONNA MURRAY AS TOWN TREASURER .**” A roll call vote was taken: Callender – yes, Johnson – yes, Deagan – yes, Boyce – yes, Lane – yes. Motion carried unanimously.

Mayor Boyce administered an Oath of Office to Ms. Murray.

Should the Board Approve Adoption of Resolution No.24, series of 2010, entitled, “A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, APPOINTING HERBERT C. (LEE) PHILLIPS AS TOWN ATTORNEY.”?

Motion #10 by Trustee Deagan, seconded by Trustee Lane, that the Board should Approve Adoption of Resolution No. 24, 2010, entitled, “**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPOINTING HERBERT C. (LEE) PHILLIPS AS TOWN ATTORNEY .**” A roll call vote was taken: Callender – yes, Johnson – yes, Deagan – yes, Boyce – yes, Lane – yes. Motion carried unanimously.

Mayor Boyce administered an Oath of Office to Mr. Phillips.

Should the Board Approve Adoption of Resolution No.25, series of 2010, entitled, “A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, APPOINTING STANLEY MAYHEW AS MUNICIPAL COURT JUDGE.”?

Motion #11 by Mayor Boyce, seconded by Trustee Johnson, to table Resolution No, 25 and offer direction to staff to request letters of interest from persons interested in acting as the Town of Fairplay Municipal Judge. Motion carried unanimously.

Other New Business

Town Administrator Darrah reminded the Board about the Elected Officials Dinner scheduled for Monday, May 10, 2010 at the South Park Steakhouse.

Mayor and Trustee Reports

Mayor Boyce asked several questions in regards to the South Park Arts Celebration – Plein Air Event.

Trustee Johnsons reported on his attendance at a recent transportation symposium stating that he would

be offering a report at the elected officials dinner as this would be pertinent to all entities present. Trustee Johnson stated that he would like to run for the Board of Directors of CML and that if the Board agreed he would need an endorsement from the Town Board. Staff was directed to draft the necessary endorsement letter.

Town Administrator Darrah noted that CML was offering training for Elected Officials on May 14 and 15 in Denver and Trustees Callender, Johnson, and Lane decided to attend.

Trustee Lane noted that a cemetery clean-up was scheduled for May 22nd and that there was a need for a volunteer with a gas powered weed eater and/or rakes. He also asked about the possibility of Fairplay obtaining "kids" crossing signs in the middle road similar to those in Alma. Public Works Director Goble agreed to look into this item.

Trustee Deagan noted that he had attended a meeting the previous Friday with the RE-2 Design Group and proceeded to show the rest of the Board a map of suggested design and improvements. Discussion centered on curb and gutter improvements on Hathaway upon construction completion and the possibility of the Town paving the alley between 7th and 8th streets should the school pave Hathaway. The construction timeline was briefly discussed.

Carmella Schweer offered public comment asking if the Town has a speed limit sign in the alley currently. Staff agreed to review this item. Marie Chisholm offered comment stating that the alley did have speed limit signs.

Mayor Boyce, noting that there being no further business before the Board, declared that the meeting be adjourned at 8:15 p.m.

Fred Boyce, Mayor

ATTEST:

Tina Darrah, Town Clerk