

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
May 17, 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 Jimi Callender, Greg Johnson, Gabby Lane, 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.

AGENDA ADOPTION

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

PROCLAMATION - PUBLIC WORKS WEEK

Mayor Boyce read a Proclamation naming the week of May 17-23rd as Public Works Week in the Town of Fairplay.

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 – May 3, 2010
- B. APPROVAL OF EXPENDITURES – Approval of bills of various Town Funds

Motion #2 by Trustee Deagan, seconded by Trustee Lane, that the consent agenda be adopted as amended with bills in the amount of \$36,146.31. A roll call vote was taken: Callender – yes, Johnson – yes, Deagan – yes, Boyce – yes, Lane – yes. Motion carried unanimously.

CITIZEN COMMENT

None offered.

PUBLIC HEARINGS:

Should the Board Approve a Special Events Liquor License as applied for by the South Park Open, for June 12, 2010, for a beer tent at the Fairplay Beach in conjunction with the Hooked on Fairplay Fishing Fest?

Mayor Boyce opened the public hearing at 7:05 p.m. and Town Administrator Darrah read a brief opening statement stating jurisdiction and outlining procedures for the public hearing. Mayor Boyce then asked for staff comment which was offered by Ms. Darrah, stating that the application was complete and timely with the exception of the Certificate of Good Standing from the Secretary of State's Office which was outdated, all fees had been paid, and that as required, the property was posted with notice of the public hearing.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 pending receipt of a current Certificate of Good Standing from the Colorado Secretary of State's office.

Mayor Boyce then asked the applicant for comment. The applicant was not present.

Mayor Boyce asked for public comment in opposition to the application: none offered.

Mayor Boyce asked for public comment in favor of the application: none offered.

Motion #3 by Trustee Deagan, seconded by Trustee Johnson, to approve the special event liquor license as applied for by South Park Open for an event to be held on June 12 at Fairplay Beach pending receipt by Town Staff of a current Certificate of Good Standing. Motion carried unanimously.

Mayor Boyce closed the public hearing at 7:10 p.m.

UNFINISHED BUSINESS

Other Pending Matters

None offered.

NEW BUSINESS

Should the Board Approve Adoption of Ordinance No. 7, series of 2010, entitled, "AN EMERGENCY ORDINANCE EXTENDING A TEMPORARY MORATORIUM ON THE PROCESSING AND APPROVAL OF ANY APPLICATION FOR A TOWN OF FAIRPLAY PERMIT OR LICENSE RELATED TO THE OPERATION OF A BUSINESS THAT SELLS MEDICAL MARIJUANA".?

Staff comment was offered by Town Attorney Phillips stating that the state legislature had a final vote on two bills before them addressing medical marijuana centers, but that he and his staff had not had time to adequately review the bills and draft appropriate regulations for the Board to consider. It was noted that Trustee Deagan had read the bill and that he thought the options before the Board will be to ban medical marijuana centers (dispensaries), create regulations that are more restrictive than the State of Colorado's or to enact regulations that are the same as the States.

It was determined that the Board would discuss this item further at a worksession set for Monday, June 21, 2010 at 6:00 p.m.

Motion #4 by Trustee Callender, seconded by Trustee Deagan, that the Board should approve adoption of Ordinance No. 7, series of 2010, entitled, "**AN EMERGENCY ORDINANCE EXTENDING A TEMPORARY MORATORIUM ON THE PROCESSING AND APPROVAL OF ANY APPLICATION FOR A TOWN OF FAIRPLAY PERMIT OR LICENSE RELATED TO THE OPERATION OF A BUSINESS THAT SELLS MEDICAL MARIJUANA**". A roll call vote was taken: Callender – yes, Johnson – yes, Deagan – yes, Boyce – yes, Lane – yes. Motion carried unanimously.

Selection of Interview Committee for the Position of Municipal Court Judge

After a brief discussion it was agreed that Trustees Johnson and Deagan and Town Administrator Darrah would be the interview committee for the Municipal Court Judge position.

Other New Business

None offered.

Committee and Staff Reports

Treasurer Murray offered to answer any questions in regards to her written staff report included in the packet. A brief discussion took place about the training that had taken place with Christine Stouder in regards to Caselle and governmental accounting.

Public Works Director Goble offered to answer any questions in regards to his written staff report included in the packet.

Police Chief Gottschalk handed out his monthly report. He noted that Officer Rob Jones had received a commendation from the Park County Sheriff's office and read the commendation to the Board. Officer Jones was present and the Board thanked him for his service.

Trustee Deagan asked about Code Enforcement activity. Chief Gottschalk stated that he had been out of town but that as soon as Town Clean-up was done activity in this arena would increase.

Trustee Johnson inquired as to any trends in crime, wondering if we were showing an increase/decrease in criminal activity. Chief Gottschalk stated that the Town is maintaining a status quo at this point.

Town Administrator Darrah offered to answer any questions about her written staff report included in the packet, specifically inquiring about the residential land that had been donated to the Town in Elkhorn Ranches. The Board directed her to discuss the possibility of placing this on the market with several realtors to get feedback on the market.

A brief discussion took place in regards to a retreat/training/goal setting for the Board, staff and appointed Boards wherein it was determined that Trustee Johnson and Town Administrator Darrah would get together and organize this retreat.

EXECUTIVE SESSION –Pursuant to C.R.S. 24-6-402 (4) (b) and (e) for the purpose of receiving legal advice and for instruction to negotiators in regards to the Acquisition of Property and the Annexation of Certain Properties Adjacent to Fairplay.

Motion #5 by Mayor Boyce, seconded by Trustee Deagan, that the Board go into executive session at 8:00 p.m. for a conference with the Town Attorney for the purpose of receiving legal advice and for instruction to negotiators in regards to the Acquisition of Property and the Annexation of Certain Properties Adjacent to Fairplay under C.R.S. Section 24-6-402(4)(b) and (e). Motion carried unanimously.

Mayor Boyce announced that the meeting was back to open session at 9:08 p.m. The participants in the executive session were: Mayor Boyce, Trustees Callender, Johnson, Deagan and Lane, Public Works Director Goble, Town Administrator/Clerk Tina Darrah and Town Attorney Lee Philips. Mayor Boyce announced that no action was taken in the executive session.

Mayor Boyce, noting that there being no further business before the Board, declared that the meeting be adjourned at 9:09 p.m.

Fred Boyce, Mayor

ATTEST:

Tina Darrah, Town Clerk