

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
August 2, 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 Greg Johnson, Gabby Lane, Jimi Callender and John Deagan. Also in attendance were Town Attorney Lee Phillips, Police Chief Dave Gottschalk and Town Administrator/Clerk Tina Darrah.

AGENDA ADOPTION

Motion #1 by Trustee Deagan, seconded by Mayor Boyce, 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 – July 12, 2010**
- B. **APPROVAL OF EXPENDITURES** – Approval of bills of various Town Funds

Town Administrator Darrah noted that a bill to Petrock, Fendel in the amount of \$776.50 had been removed bringing the bills to a total of \$40,864.71.

- C. Should the Board Approve Renewal of a Retail Liquor Store Retail Liquor License as Applied for by C&Z Enterprises, Inc. dba Even in the End Liquor Store located at 889 Steinfelt Parkway in Fairplay?

Motion #2 by Trustee Johnson, seconded by Trustee Lane, that the consent agenda be adopted as amended with bills in the amount of \$40,864.71. A roll call vote was taken: Johnson – yes, Deagan – yes, Callender – yes, Boyce – yes, Lane – yes. Motion carried unanimously.

CITIZEN COMMENT:

Marie Chisholm offered citizen comment stating that the Board of Trustees had violated the Open Meetings Law of Colorado when they voted at a previous meeting to donate \$200 to the Burro Days Committee during Citizen Comment. She accused the Board of ignoring contrary advice from the Town's Attorney.

(Clerk's note: This occurred at the regularly scheduled meeting of July 12, 2010 and the action was condoned by the Town Attorney on the record.)

Foss Smith offered citizen comment updating the Board in regards to the proposed Liquor License ordinance informing the Board that CDE had stated that they would not stop the BEST Grant should the proposed legislation be enacted. Mr. Smith noted that the School Board had asked that the item be tabled until they could make a formal motion at their next meeting. Mr. Smith also offered comment asking the Board to deny the legislation in consideration of the safety of students per his written request at the previous meeting.

Kim Wittbrodt offered citizen comment stating that while she is very pro-business and supports business growth, she did not support the proposed liquor license legislation because of safety issues and urged the Board to wait for a response from the School Board, consider the letters received in opposition and to vote against this legislation.

Maria Sims offered citizen comment as a parent and as the Executive Director of the South Park Boys and Girls Club, urging the Board to vote against this legislation for various reasons. She listed the need to restrict access and availability to alcohol for youth, the visibility of alcohol related signs and delivery vehicles adjacent to the school, and traffic concerns.

UNFINISHED BUSINESS

Should the Board Approve Ordinance No. 7, series of 2010, entitled, "AN ORDINANCE OF THE TOWN OF FAIRPLAY, COLORADO, AMENDING CHAPTER 6 OF THE FAIRPLAY MUNICIPAL CODE BY ADDING SECTION 6-2-100 RELATING TO THE DISTANCE BETWEEN SCHOOLS AND LICENSED LIQUOR ESTABLISHMENTS."?

Staff comment was offered by Town Administrator Darrah bringing a request from Becky Minnis, Superintendent of the School District, to the Board's attention. In that letter she requested that the Board table this item until after the School Board meeting of August 9, 2010, during which the School Board would be discussing this item and offering a formal opinion.

Motion #3 by Trustee Deagan, seconded by Trustee Lane, that the Board table Ordinance No. 7, series of 2010, entitled, "**AN ORDINANCE OF THE TOWN OF FAIRPLAY, COLORADO, AMENDING CHAPTER 6 OF THE FAIRPLAY MUNICIPAL CODE BY ADDING SECTION 6-2-100 RELATING TO THE DISTANCE BETWEEN SCHOOLS AND LICENSED LIQUOR ESTABLISHMENTS.**", until receipt of formal communication form the School District Board or Superintendent. Motion carried unanimously.

The Board directed staff to attend the School Board meeting on August 9th.

Other Pending Matters

None offered.

NEW BUSINESS

Other New Business

None offered.

MAYOR AND TRUSTEE REPORTS

Mayor Boyce stated that he is interested in attending the National League of Cities Conference in Denver this November/December. He also noted that the Board Retreat scheduled for August 27th was going to have to be rescheduled. September 17, 2010 was the agreed upon date.

Trustee Lane noted that the Town had received a letter commending Chief Gottschalk for helping a stranded census worker.

Trustee Johnson asked that staff research plans from Qwest to provide the Town with high-speed internet. He also asked that staff review all Franchise Agreements. It was noted that since telephone companies do not have franchise agreements, and the CNG Franchise extension was still being worked on, the only active agreement the Town would have is with Xcel.

ADJOURNMENT

Mayor Boyce, noting that there being no further business before the Board, declared that the meeting be adjourned at 7:21 p.m.

Fred Boyce, Mayor

ATTEST:

Tina Darrah, Town Clerk