

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
September 20, 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, John Deagan and. Also in attendance were Town Attorney Lee Phillips, Public Works Director Jeff Goble, Town Treasurer Derek Martinez and Town Administrator/Clerk Tina Darrah. Trustee Jimi Callender was absent.

AGENDA ADOPTION

Motion #1 by Trustee Deagan, seconded by Mayor Boyce, that the agenda be adopted as presented. Motion carried unanimously. (Trustee Callender 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** – August 16, 2010 and September 13, 2010
- B. **APPROVAL OF EXPENDITURES** – Approval of bills of various Town Funds

Motion #2 by Mayor Boyce, seconded by Trustee Lane, that the consent agenda be adopted as presented with bills in the amount of \$3,870.77. A roll call vote was taken: Johnson – yes, Boyce – yes, Lane – yes, Deagan - yes. Motion carried unanimously. (Trustee Callender absent.)

CITIZEN COMMENT:

None offered.

UNFINISHED BUSINESS

No other unfinished business.

Other Pending Matters

None offered.

NEW BUSINESS

Presentation of 2009 Audit – Tim Mayberry

Auditor Tim Mayberry was in attendance to present the 2009 financial audit of the Town of Fairplay to the Board of Trustees stating that financially the Town is in good shape and that he was happy to see that the Town had built the General Fund and Water Fund ending fund balances back up to more than adequate levels. He went through the management letter with the Board noting several areas of concern in regards to bookkeeping and internal controls.

Motion #3 by Trustee Deagan, seconded by Mayor Boyce, that the Board approve acceptance of the 2009 Audit as presented. Motion carried unanimously. (Trustee Callender absent.)

Should the Board Approve Ordinance No. 8, series of 2010, entitled, "AN ORDINANCE AMENDING SECTION 4-7-40 OF THE FAIRPLAY MUNICIPAL CODE RELATING TO THE ENHANCED SALES TAX INCENTIVE PROGRAM."?

Staff comment was offered by Town Attorney Phillips explaining that this ordinance is per the Board's previous direction amending the ESTIP Ordinance allowing the Board to waive the currently existing 12 month limitation on eligibility in the ESTIP Program allowing the Board to enter in to agreements with businesses that were new or expanded outside of (prior to) the preceding 12 month period. He noted that the ordinance will require that the applicant show the existence of extraordinary circumstances justifying the waiver.

Motion #4 by Trustee Deagan, seconded by Trustee Johnson, that the Board approve adoption of Ordinance No. 8, series of 2010, entitled, "**AN ORDINANCE AMENDING SECTION 4-7-40 OF THE FAIRPLAY MUNICIPAL CODE RELATING TO THE ENHANCED SALES TAX INCENTIVE PROGRAM.**" A roll call vote was taken: Johnson - yes, Boyce – yes, Deagan – yes, Lane – yes. Motion carried unanimously. (Trustee Callender absent.)

Should the Board Approve Resolution No. 32, series of 2010, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO OPPOSING PROPOSITION 101 AND AMENDMENTS 60 AND 61."?

Motion #5 by Trustee Deagan, seconded by Mayor Boyce, that the Board approve adoption of Resolution No. 32, series of 2010, entitled, "**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO OPPOSING PROPOSITION 101 AND AMENDMENTS 60 AND 61.**" Motion carried unanimously. (Trustee Callender absent.)

Direction Regarding Referral Request from Park County in Regards to a Temporary Asphalt Batch Plant at 44580 Highway 9, Approximately 3 miles Southeast of Fairplay.

Staff comment was offered by Town Administrator Darrah explaining that the referral request before the Board from the Park County Planning Department is for a Conditional Use Permit for a Temporary Asphalt Batch plant at 44580 Highway 9, which is approximately three miles southeast of Fairplay. She referred the Board to the report in the packet from Town Planner Ron Newman noting that the staff saw no conflict with the Town's interests in this request.

Trustee Deagan stated that he saw no negative impact to the Town of Fairplay.

Trustee Johnson asked several questions in regards to the duration of the permit and stating in his opinion this is the preferred location for this type of activity. In regards to the duration of the permit it was discussed that this is classified as a "temporary" permit, which means that it is seasonal and once formally approved by the county will have to be approved annually on an administrative level, which will not include an opportunity for a referral response from the Town.

Motion #6 by Trustee Lane, seconded by Mayor Boyce, directing staff to offer a referral of no conflict to the County and stating this is our preferred site for this activity. Motion carried unanimously. (Trustee Callender absent.)

Other New Business

None offered.

STAFF AND COMMITTEE REPORTS

Town Administrator Darrah went through her report with the Board; reminding the Board of several upcoming meetings.

Treasurer Martinez offered a brief report in regards to his activities, especially in regards to correcting the discrepancies in the 2008 payroll with the IRS and the Social Security Administration.

Public Works Director Goble offered to answer any questions in regards to his written report and read a statement into the record – attached.

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 pending discussions with the Fairplay Sanitation District.

Motion #7 by Mayor Boyce, seconded by Trustee Lane, that the Board go into executive session at 8:15 p.m. for a conference with the Town Attorney for the purpose of receiving legal advice and for instruction to negotiators in regards to pending discussions with the Fairplay Sanitation District under C.R.S. Section 24-6-402(4)(b) and (e). Motion carried unanimously. (Trustee Callender absent.)

Mayor Boyce announced that the meeting was back to open session at 9:17 p.m. The participants in the executive session were: Mayor Boyce, Trustees 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.

ADJOURNMENT

Mayor Boyce, noting that there being no further business before the Board, declared that the meeting be adjourned at 9:18 p.m.

Fred Boyce, Mayor

ATTEST:

Tina Darrah, Town Clerk