

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
January 3, 2011**

CALL TO ORDER WORK SESSION 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. 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, and Town Administrator/Clerk Tina Darrah. Trustee Jimi Callender was absent.

Discussion Regarding Medical Marijuana Centers

Town Attorney Phillips led this discussion with an update on the rulemaking status at the Department of Revenue in regards to Medical Marijuana Centers, Cultivation Operations and Infused Products Operations. He explained that the critical decision for the Board of Trustees at this point is to prohibit or allow these types of facilities. He explained that should the Board decide to prohibit, then he would draft an ordinance for their adoption and if they chose to allow, it would mean drafting rules regulating these operations.

After a lengthy discussion of the options available to the Town and specific discussion in regards to problems identified in neighboring communities that have chosen to allow MMC's the Board directed staff to draft an ordinance prohibiting MMC's, Cultivation Operations and Infused Products Operations.

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, Police Chief Dave Gottschalk, Town Attorney Lee Phillips, Town Treasurer Derek Martinez and Town Administrator/Clerk Tina Darrah. Trustee Jimi Callender was absent.

AGENDA ADOPTION

Motion #1 by Trustee Deagan, 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** –December 6, 2010
- B. APPROVAL OF EXPENDITURES** – Approval of bills of various Town Funds
- C.** Should the Board Approve Renewal of a Tavern Liquor License as Requested by American Legion Post No. 172 located at 601 and 603 Clark Street?
- D.** Should the Board Approve Renewal of a Hotel and Restaurant Liquor License as Requested by Dale and Katherine Fitting dba South Park Steakhouse located at 456 Front Street?

Motion #2 by Mayor Boyce, seconded by Trustee Johnson, that the consent agenda be adopted as presented with bills in the amount of \$36,766.74. A roll call vote was taken: Johnson – yes, Boyce – yes, Lane – yes, Deagan – yes. Motion carried unanimously. (Trustee Callender absent.)

CITIZEN COMMENT

Police Chief Gottschalk introduced the Town's new full-time Police Officer, Mark Ziolkowski, to the Board of Trustees.

UNFINISHED BUSINESS

Other Pending Matters

NEW BUSINESS

Should the Board Approve Adoption of Resolution No. 1, series of 2011, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, ESTABLISHING A DESIGNATED PUBLIC PLACE FOR THE POSTING OF MEETING NOTICES AS REQUIRED BY THE COLORADO OPEN MEETINGS LAW."?

Motion #3 by Trustee Deagan, seconded by Trustee Lane, that the Board Approve Adoption of Resolution No. 1, series of 2011, entitled, "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, ESTABLISHING A DESIGNATED PUBLIC PLACE FOR THE POSTING OF MEETING NOTICES AS REQUIRED BY THE COLORADO OPEN MEETINGS LAW.**" Motion carried unanimously. (Trustee Callender absent.)

PUBLIC HEARING - Should the Board Approve Adoption of Resolution No. 2, series of 2011, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF AN ESTIP AGREEMENT WITH ATOMIX."?

Mayor Boyce opened the public hearing at 7:07 p.m. and requested public comment.

Dale Fitting, owner of several Front Street businesses, encouraged the Board to Approve the agreement with Atomix.

Mayor Boyce closed the hearing at 7:08 p.m.

Motion #4 by Trustee Lane, seconded by Trustee Deagan, that the Board Approve Adoption of Resolution No. 2, series of 2011, entitled, "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF AN ESTIP AGREEMENT WITH ATOMIX.**" A roll call vote was taken: Johnson – yes, Boyce – yes, Lane – yes, Deagan – yes. Motion carried unanimously. (Trustee Callender absent.)

Should the Board Approve Adoption of Resolution No. 3, series of 2011, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH SIPA FOR CREDIT CARD SERVICES."?

Staff comment was offered by Town Treasurer Martinez explaining that this agreement would allow the Town to accept credit cards through the State of Colorado's internet payment system. This would allow the Town to collect payments on line and with credit cards without incurring the fees normally charged by credit card companies for this service. He explained that there is a nominal fee charged to the customer per transaction, which is made very clear to the customer before the payment is authorized. He recommended approval of the agreement.

A brief discussion ensued with several technical questions from the Board in regards to how the program works.

Motion #5 by Mayor Boyce, seconded by Trustee Lane, that the Board Approve Adoption of Resolution No. 3, series of 2011, entitled, "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH SIPA FOR CREDIT CARD SERVICES.**" A roll call vote was taken: Johnson – yes, Boyce – yes, Lane – yes, Deagan – yes. Motion carried unanimously. (Trustee Callender absent.)

Discussion Regarding Draft Ordinance Amending Section 16-22-10 of the Fairplay Municipal Code to allow the designation of the Fairplay Board of Trustees as the Fairplay Board of Adjustment.

Staff comment was offered by Town Administrator/Clerk Darrah explaining that this ordinance would allow the Board of Trustees to act as the Board of Adjustment for the Town of Fairplay, noting that this Board has not had a meeting since well before she had started with the Town in April of 2009 and that there has been a vacancy in the three member Board since October of 2009. Both she and Town Attorney Phillips noted that many other small municipalities operate in the proposed manner.

After a brief discussion it was agreed that staff should bring this to the Planning Commission for recommendation and then schedule as a public hearing before the Board of Trustees in accordance with the zoning code.

Discussion/Approval of a Proposal from Tim Balough for Web-Site Development Services

Staff comment was offered by Town Administrator/Clerk Darrah explaining that the web development Mayor Boyce, Trustee Lane, Bill Davis, Tina Darrah and Jeni Friedrich had met to review the five proposals received in response to the Town's RFP for web design services and that at that meeting it was determined that the Town's current webmaster, Tim Balough, would be interested and capable of redesigning the Town website to fit our needs and desires. She explained that the cost for Mr. Balough's services would be significantly less than with any of the other companies and that the staff and committee recommended this approach.

Motion #6 by Trustee Lane, seconded by Trustee Deagan, that they approve the proposal for website design as submitted by Tim Balough in the amount of \$2,100.00. A roll call vote was taken: Johnson – yes, Boyce – yes, Lane – yes, Deagan – yes. Motion carried unanimously. (Trustee Callender absent.)

Discussion Regarding Land Sale Proposal from Jeff Carnahan for 8.11 Acres

It was determined that this item would be more appropriately addressed in an executive session.

EXECUTIVE SESSION - Pursuant to C.R.S. 24-6-402 (4) (e) for determining positions relative to matters that may be subject to negotiations; developing strategies for negotiations and instructing negotiators.

Motion #7 by Mayor Boyce, seconded by Trustee Johnson, that the Board go into executive session at 7:36 p.m. for a conference with the Town Attorney for the purpose of receiving legal advice pursuant to C.R.S. 24-6-402 (4) (e) for determining positions relative to matters that may be subject to negotiations; developing strategies for negotiations and instructing negotiators. A roll call vote was taken: Johnson – yes, Boyce – yes, Lane – yes, Deagan – yes. Motion carried unanimously. (Trustee Callender absent.)

Mayor Boyce announced that the meeting was back to open session at 7:45 p.m. The participants in the executive session were: Mayor Boyce, Trustees Lane, Deagan, and Johnson, Town Administrator/Clerk Tina Darrah and Town Attorney Lee Philips. Mayor Boyce announced that no action was taken in the executive session.

Other New Business

None offered.

MAYOR AND TRUSTEE REPORTS

Trustee Deagan noted that the school is moving along with their site plan; in particular he noted that the current playground is being shown as a parking lot. He stated that at one time it was discussed that ownership of this area be taken by the Town for future business development due to its location on Main Street. Trustee Deagan wondered if this should be discussed/pursued by the Board.

Trustee Lane thanked Public Works for the installation of the new way finding signs and stated that he was looking forward to a new year and new challenges.

Trustee Johnson asked that staff research and bring any IGA's that the Town currently has in force back to the Board for review.

Mayor Boyce offered thanks for a great 2010 and stated that he is looking forward to a new year.

ADJOURNMENT

Mayor Boyce, noting that there being no further business before the Board, declared that the meeting be adjourned at 7:55 p.m.

Fred Boyce, Mayor

ATTEST:

Tina Darrah, Town Clerk