

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
December 5, 2011**

CALL TO ORDER WORKSESSION OF THE BOARD OF TRUSTEES - Meeting with the Water Attorney

The work session was cancelled due to weather related concerns.

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 Pro-tem Greg Johnson who proceeded with the pledge of allegiance, followed by the roll call which was answered by Trustees John Deagan, Frank Just, and Gabby Lane. Also in attendance were Public Works Director Jeff Goble, Police Chief Dave Gottschalk, Town Treasurer Derek Martinez, and Town Administrator/Clerk Tina Darrah. Mayor Fred Boyce was absent.

AGENDA ADOPTION

Motion #1 by Trustee Deagan, seconded by Trustee Lane, that the agenda be adopted as presented. Motion carried unanimously. (Mayor Boyce 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 – November 21, 2011

B. APPROVAL OF EXPENDITURES

Motion #2 by Trustee Deagan, seconded by Trustee Just, that the consent agenda be adopted as presented with bills in the amount of \$26,233.62. A roll call vote was taken: Johnson – yes, Just – yes, Deagan – yes, Lane – yes. Motion carried unanimously. (Mayor Boyce absent.)

CITIZEN COMMENT

Marie Chisholm offered public comment in regards to the status of the streets in Fairplay, stating that she felt as though they are deteriorating and that the Town employees did not know how to take care of the streets properly. She elaborated on this statement and further questioned the Board about the proposed sidewalk adjacent to the Beary Beary Tastee Bakery and Cafe. It was noted that this sidewalk is planned in the 2012 budget. Trustee Lane offered comment explaining that the staff is doing the best it can with the limited funds available.

PUBLIC HEARING

(continued) **2011 AMENDED AND 2012 PROPOSED BUDGET**

Mayor Pro-tem Johnson opened the public hearing at 7:09 p.m. and asked for staff comment. Town Administrator Darrah offered staff comment briefly recapping the 2012 budget and 2011 amended budget.

Mayor Pro-tem Johnson asked for public comment. Marie Chisholm asked questions and offered statements about several portions of the general fund and water fund budgets.

Mayor Pro-tem Johnson closed the public hearing at 7:29 p.m.

Should the Board Approve Adoption of Resolution No. 30, series of 2011, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING AN AMENDED 2011 BUDGET FOR THE TOWN OF FAIRPLAY, COLORADO."?

Motion #3 by Trustee Lane, seconded by Trustee Deagan, that the Board approve adoption of Resolution No. 30, series of 2011, entitled, "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING AN AMENDED 2011 BUDGET FOR THE TOWN OF FAIRPLAY, COLORADO.**" A roll call vote was taken: Johnson – yes, Just – yes, Deagan – yes, Lane – yes. Motion carried unanimously. (Mayor Boyce absent.)

Should the Board Approve Adoption of Resolution No. 31, series of 2011, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROPRIATING SUMS OF MONEY TO THE VARIOUS

FUNDS AND SPENDING AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSES AS SET FORTH BELOW, FOR THE TOWN OF FAIRPLAY, COLORADO, FOR THE AMENDED 2011 BUDGET.” ?

Motion #4 by Trustee Lane, seconded by Trustee Deagan, that the Board approve adoption of Resolution No. 31, series of 2011, entitled, “**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSES AS SET FORTH BELOW, FOR THE TOWN OF FAIRPLAY, COLORADO, FOR THE AMENDED 2011 BUDGET.**” A roll call vote was taken: Johnson – yes, Just – yes, Deagan – yes, Lane – yes. Motion carried unanimously. (Mayor Boyce absent.)

Should the Board Approve Adoption of Resolution No. 32, series of 2011, entitled, “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE TOWN OF FAIRPLAY, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2012 AND ENDING ON THE LAST DAY OF DECEMBER 2012.”?

Trustee Johnson initiated a conversation in regards to fund balances and asked if his fellow Trustees were comfortable with the ending fund balances as presented. Trustees Lane, Just and Deagan stated that they were comfortable with the ending fund balances as presented.

Motion #5 by Trustee Lane, seconded by Trustee Johnson, that the Board approve adoption of Resolution No. 32, series of 2011, entitled, “**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE TOWN OF FAIRPLAY, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2012 AND ENDING ON THE LAST DAY OF DECEMBER 2012.**” A roll call vote was taken: Johnson – yes, Just – yes, Deagan – yes, Lane – yes. Motion carried unanimously. (Mayor Boyce absent.)

Should the Board Approve Adoption of Resolution No. 33, series of 2011, entitled, “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2011 TO HELP DEFRAY THE COST OF GOVERNMENT FOR THE TOWN OF FAIRPLAY, COLORADO, FOR THE 2012 BUDGET YEAR.”?

Town Treasurer Martinez offered a brief comment explaining the mill levy and the reduction of the 3.13 mills for the paid 1992 general obligation bond.

Motion #6 by Trustee Deagan, seconded by Trustee Just, that the Board approve adoption Resolution No. 33, series of 2011, entitled, “**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2011 TO HELP DEFRAY THE COST OF GOVERNMENT FOR THE TOWN OF FAIRPLAY, COLORADO, FOR THE 2012 BUDGET YEAR.**” A roll call vote was taken: Johnson – yes, Just – yes, Deagan – yes, Lane – yes. Motion carried unanimously. (Mayor Boyce absent.)

Should the Board Approve Adoption of Resolution No. 34, series of 2011, entitled, “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSES AS SET FORTH BELOW, FOR THE TOWN OF FAIRPLAY, COLORADO, FOR THE 2012 BUDGET YEAR.”?

Motion #7 by Trustee Deagan, seconded by Trustee Lane, that the Board approve adoption of Resolution No. 34, series of 2011, entitled, “**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSES AS SET FORTH BELOW, FOR THE TOWN OF FAIRPLAY, COLORADO, FOR THE 2012 BUDGET YEAR.**” A roll call vote was taken: Johnson – yes, Just – yes, Deagan – yes, Lane – yes. Motion carried unanimously. (Mayor Boyce absent.)

Final Reading and Adoption: Should the Board Approve Adoption of Ordinance No. 3, series of 2011, entitled, “A BILL FOR AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE TOWN OF FAIRPLAY ADOPTING BY REFERENCE THE 2010 EDITION OF THE “MODEL TRAFFIC CODE” REPEALING ALL ORDINANCES IN CONFLICT THEREWITH, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.”?

Mayor Pro-tem Johnson opened the public hearing at 7:47 p.m. and asked for staff comment, which was offered by Town Attorney Phillips stating that this Ordinance would adopt the 2010 edition of the Model Traffic Code, bringing the Town up to date with the other agencies and the State in regards to traffic enforcement rules and regulations.

Mayor Pro-tem Johnson asked for public comment. None offered.

Mayor Pro-tem Johnson closed the public hearing at 7:48 p.m.

Motion #8 by Trustee Deagan, seconded by Trustee Just, that the Board should approve adoption of Ordinance No. 3, series of 2011, entitled, “**A BILL FOR AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE TOWN OF**

FAIRPLAY ADOPTING BY REFERENCE THE 2010 EDITION OF THE "MODEL TRAFFIC CODE" REPEALING ALL ORDINANCES IN CONFLICT THEREWITH, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF", A roll call vote was taken: Johnson – yes, Just – yes, Deagan – yes, Lane – yes. Motion carried unanimously. (Mayor Boyce absent.).

Final Reading and Adoption: Should the Board Approve Adoption of Ordinance No. 4, series of 2011, entitled, AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE BY THE TOWN OF FAIRPLAY TO COLORADO NATURAL GAS, INC. AND ITS LAWFUL SUCCESSORS, TRANSFEREES AND ASSIGNS, FOR THE RIGHT TO MAKE REASONABLE AND LAWFUL USE OF RIGHTS-OF-WAY WITHIN THE TOWN TO CONSTRUCT, OPERATE, MAINTAIN, RECONSTRUCT, REPAIR AND UPGRADE A NATURAL GAS DISTRIBUTION SYSTEM FOR THE PURPOSE OF PROVIDING NATURAL GAS DISTRIBUTION SERVICES TO CITIZENS WITHIN THE TOWN.

Mayor Pro-tem Johnson opened the public hearing at 7:49 p.m. and asked for staff comment, which was offered by Town Attorney Phillips who briefly explained that this is the second and final reading of this Ordinance approving a franchise agreement with CNG.

Mayor Pro-tem Johnson asked for public comment. Robert Burkett, CNG District Manager for Fairplay and Gilpin County was present and offered to answer any questions the Board or public might have.

Trustee Just asked Mr. Burkett about the schedule, the number of and make-up of the work crews, and the service line installation at each residence. Mr. Burkett offered response including the statement that CNG would be installing service lines up to 300 feet at no charge.

No other comment offered.

Mayor Pro-tem Johnson closed the public hearing at 7:55 p.m.

Board discussion ensued in regards to the installation process and the need for regular updates from CNG to the Town Staff and the Board. Mr. Burkett stated that they planned to have a representative at every Town Board meeting once the project is started.

Motion #9 by Trustee Deagan, seconded by Trustee Just, that the Board should approve adoption of Ordinance No. 4, series of 2011, entitled, "**AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE BY THE TOWN OF FAIRPLAY TO COLORADO NATURAL GAS, INC. AND ITS LAWFUL SUCCESSORS, TRANSFEREES AND ASSIGNS, FOR THE RIGHT TO MAKE REASONABLE AND LAWFUL USE OF RIGHTS-OF-WAY WITHIN THE TOWN TO CONSTRUCT, OPERATE, MAINTAIN, RECONSTRUCT, REPAIR AND UPGRADE A NATURAL GAS DISTRIBUTION SYSTEM FOR THE PURPOSE OF PROVIDING NATURAL GAS DISTRIBUTION SERVICES TO CITIZENS WITHIN THE TOWN.**" A roll call vote was taken: Johnson – yes, Just – yes, Deagan – yes, Lane – yes. Motion carried unanimously. (Mayor Boyce absent.)

UNFINISHED BUSINESS

No other new business.

NEW BUSINESS

Should the Board Approve Adoption of Resolution No. 35, series of 2011, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, DETERMINING THAT THE REGULAR MUNICIPAL ELECTION TO BE HELD ON APRIL 3, 2012 SHALL BE A MAIL BALLOT ELECTION."?

Staff comment was offered by Town Administrator Darrah explaining that this resolution would allow the April 2012 election to be conducted as a mail ballot election rather than a polling place election. She explained that this is how the April 2010 Election was conducted and it did result in a larger turn-out than in previous years. She went on to request that the Board allow her to conduct the 2012 Regular Election via mail ballot.

Motion #10 by Trustee Deagan, seconded by Trustee Just, that the Board should approve adoption of Resolution No. 35, series of 2011, entitled, "**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, DETERMINING THAT THE REGULAR MUNICIPAL ELECTION TO BE HELD ON APRIL 3, 2012 SHALL BE A MAIL BALLOT ELECTION.**" Motion carried with three ayes and one nay by Trustee Lane.

Should the Board Approve Adoption of Resolution No. 36, series of 2011, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING AN AGREEMENT WITH ICMA-RC FOR A 401A MONEY PURCHASE PLAN."?

Staff comment was offered by Treasurer Martinez explaining that this resolution and the next approves the contract with ICMA-RC for a 401A Retirement Plan and allows loans to be taken in the plan.

A lengthy discussion ensued in regards to the plan itself, the provisions outlined in the plan, and the many options/ scenarios available in determining how the plan will be implemented and function long-term as recommended by staff.

Motion #11 by Trustee Deagan, seconded by Trustee Just, that the Board should approve adoption of Resolution No. 36, series of 2011, entitled, “**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING AN AGREEMENT WITH ICMA-RC FOR A 401A MONEY PURCHASE PLAN.**” A roll call vote was taken: Johnson – yes, Just – yes, Deagan – yes, Lane – yes. Motion carried unanimously. (Mayor Boyce absent.)

Should the Board Approve Adoption of Resolution No. 37, series of 2011, entitled, “A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING AN AMENDED AGREEMENT WITH ICMA-RC FOR ALLOWANCE OF LOANS IN THE 401A MONEY PURCHASE PLAN.”?

Motion #12 by Trustee Just , seconded by Trustee Deagan, that the Board should approve adoption of Resolution No. 37, series of 2011, entitled, “**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING AN AMENDED AGREEMENT WITH ICMA-RC FOR ALLOWANCE OF LOANS IN THE 401A MONEY PURCHASE PLAN.**” A roll call vote was taken: Johnson – yes, Just – yes, Deagan – yes, Lane – yes. Motion carried unanimously. (Mayor Boyce absent.)

Discussion/Direction Regarding Request for Letter of Support from Friends of the Fairplay Library

Town Administrator Darrah explained that the Friends of the Fairplay Library had requested a letter of support from the Board as shown in the letter in the packet. While support was offered for a new library, discussion ensued among the Board in regards to concerns about the building design, the incorporation of office spaces in the design, and the statements being made by the Friends group that the building will place no burden on the taxpayer, now or in the future, in that it is being stated that no “tax dollars’ are being used for the design/building/maintenance.

Consensus was offered to have staff to draft an appropriate letter of support.

Discussion Regarding Participation in the South Park Solar Gardens Project – Trustee Greg Johnson

Trustee Johnson acting as the Park County Energy Coordinator, presented this item asking the Board if they were interested in participating in the South Park Solar Gardens Project. He explained that at this point all he is asking for is an expression of interest, not a commitment. He went on to explain the Solar Garden Project and how it begins and builds. He explained that he needs ten interested parties to pursue, reiterating that there is no commitment at this time. After discussion, the Board agreed to show interest and asked that as soon as more information is available it be brought to them for review and especially before any final commitment is offered.

Other New Business

No other new business.

MAYOR AND TRUSTEE REPORTS

Trustee Johnson read his resignation letter into the record with an effective date of December 30, 2011.

ADJOURNMENT

Mayor Pro-Tem Johnson, noting that there being no further business before the Board, declared that the meeting be adjourned at 9:01 p.m.

Mayor

ATTEST:

Tina Darrah, Town Clerk