

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
October 1, 2012**

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 Frank Just who proceeded with the pledge of allegiance, followed by the roll call which was answered by Trustees Gabby Lane and John Deagan. Also in attendance were Town Attorney Lee Phillips, Public Works Director Jeff Goble, Police Chief Dave Gottschalk, Town Treasurer Kim Wittbrodt and Deputy Town Clerk Claudia Werner. Mayor Fred Boyce and Trustee LaNita French were absent.

AGENDA ADOPTION

Motion #1 by Trustee Deagan, seconded by Trustee Lane, that the agenda be adopted as presented. Motion carried unanimously. (Mayor Boyce and Trustee French were 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 EXPENDITURES – Approval of bills of various Town Funds

Motion #2 by Mayor Pro Tem Just, seconded by Trustee Deagan, that the consent agenda be adopted as presented with bills in the amount of \$38,953.29. A roll call vote was taken: Lane – yes, Deagan – yes, Just - yes. Motion carried unanimously. (Mayor Boyce and Trustee French were absent.)

CITIZEN COMMENT

Marie Chisholm voiced her protest regarding the purchase of a building for a new Town Hall. She went on to state that she felt the Town should be spending money on needed water and street improvements instead. She also asked why residents were being charged for street lights when Xcel Energy pays the Town franchise fees.

Mark Ziolkowski, representing South Park Futbol Club, thanked the Town for their support of the soccer club and presented soccer jerseys, with sponsor names and logos printed on them, to Town Attorney Phillips and Mayor Pro Tem Just. Mark stated that there are currently 80 children enrolled in the soccer program and asked the Board for their support of the new Fairplay Park and Recreation area.

UNFINISHED BUSINESS

No other pending items.

PRESENTATIONS

A. Check to Friends of the Fairplay Library from the Peach Fundraiser and the August 24th Concert.

Mayor Pro Tem Just presented a check in the amount of \$553.64, representing funds raised, to Ann Slubowski for Friends of the Fairplay Library.

B. Check to the South Park Food Bank from the Plain Air Arts Auction on September 8th.

Mayor Pro Tem presented a check in the amount of \$900.00, representing funds raised, to Gaylene Williams for South Park Food Bank.

C. Bill Dvorak, Nat'l Wildlife Federation, regarding request to BLM for Master Leasing Planning for oil and gas development in South Park.

Bill Dvorak passed out a packet to the Board, including related articles, a draft Master Leasing Plan for South Park and related letters of support. He explained what he hoped to accomplish and went on to ask the Board for a letter of support.

Trustee Deagan asked what effect the BLM Master Leasing Plan for South Park would have if approved or adopted.

Bill replied that the plan would force BLM to look at the cumulative impact of all South Park lease applications rather than each application being evaluated individually.

Mayor Pro Tem Just thanked Mr. Dvorak for his presentation and stated the Board would take it under advisement. He went on to say that Town Administrator/Clerk Darrah would contact him with next Board meeting date where the Board would consider a letter of support.

NEW BUSINESS

A. Should the Board Approve Adoption of Ordinance No. 2012-7, entitled, "A Bill for an Ordinance Authorizing the Execution and Delivery by the Town of Fairplay, Colorado of a Lease Purchase Agreement Between the Town, as Lessee, and Fairplay Capital Leasing Corporation, as Lessor, with respect to the Acquisition and Improvement of certain Real Property by the Town for use as its Town Hall and Administration Building; Authorizing Officials of the Town to Take All Action Necessary to Carry Out the Transactions Contemplated Hereby; and Providing for Related Matters."?

Town Attorney Phillips presented this item, explaining that this ordinance approves the lease purchase documents to be used to finance the acquisition of 901 Main Street and establishes the parameters for the financing. Lee recommended a motion to approve Ordinance 2012-7.

Motion #3 by Trustee Deagan, seconded by Trustee Lane, that the Board Approve Adoption of Ordinance No. 2012-7, entitled, "**A Bill for an Ordinance Authorizing the Execution and Delivery by the Town of Fairplay, Colorado of a Lease Purchase Agreement Between the Town, as Lessee, and Fairplay Capital Leasing Corporation, as Lessor, with respect to the Acquisition and Improvement of certain Real Property by the Town for use as its Town Hall and Administration Building; Authorizing Officials of the Town to Take All Action Necessary to Carry Out the Transactions Contemplated Hereby; and Providing for Related Matters.**" A roll call vote was taken: Lane – yes, Deagan – yes, Just - yes. Motion carried unanimously. (Mayor Boyce and Trustee French were absent.)

B. Should the Board Approve Adoption of Resolution No. 30, series of 2012, entitled, "A Resolution Approving an Engagement Letter Between the Town of Fairplay, Colorado and the Law Firm of Kutak Rock LLP for Legal Services Related to the Financing of the Purchase of Certain Real Estate Located at 901 Main Street."?

Town Attorney Phillips presented this item, explaining that this resolution approves the engagement letter between the Town and attorney Dan Lynch and the law firm of Kutak Rock. He went on to state that Mr. Lynch and Kutak Rock LLP will act as independent bond counsel on the lease purchase transaction for the acquisition of the 901 Main Street property. Lee recommended a motion to approve Resolution No. 30, Series of 2012.

Motion #4 by Trustee Lane, seconded by Trustee Deagan, that the Board Approve Adoption of Resolution No. 30, series of 2012, entitled, "**A Resolution Approving an Engagement Letter Between the Town of Fairplay, Colorado and the Law Firm of Kutak Rock LLP for Legal Services Related to the Financing of the Purchase of Certain Real Estate Located at 901 Main Street.**" A roll call vote was taken: Lane – yes, Deagan – yes, Just - yes. Motion carried unanimously. (Mayor Boyce and Trustee French were absent.)

C. Should the Board Approve Adoption of Resolution No. 31, series of 2012, entitled, "A Resolution Accepting the Public Improvements and Infrastructure for Phase I of Filing No. 1 of the Stone River Planned Unit Development."?

Town Attorney Phillips gave a brief introduction of this item including the history of the Stone River Subdivision Agreement and stated he recommended approval of Resolution No. 31, series of 2012.

Public Works Director Goble stated that all improvements and infrastructure for Phase I of Filing No. 1 of the Stone River PUD have been completed, inspected and approved and therefore he recommends approval of Resolution No. 31, series of 2012.

Motion #5 by Trustee Deagan, seconded by Trustee Lane, that the Board Approve Adoption of Resolution No. 31, series of 2012, entitled, "**A Resolution Accepting the Public Improvements and Infrastructure for Phase I of Filing No. 1 of the Stone River Planned Unit Development.**" Motion carried unanimously. (Mayor Boyce and Trustee French were absent.)

Public Works Director Goble stated that Certificates of Occupancy will be issued tomorrow for the three remaining homes in Stone River Phase I Filing No. 1.

D. Other New Business.

Public Works Director Goble stated that the sidewalk will be poured tomorrow completing the stretch between Main Street and Castello Avenue. He went on to say that the preliminary 2013 budget includes continuing this 6th Street sidewalk between Castello Avenue and Clark Street and he would like to finish the sidewalk all the way to the new school sports complex if funding is available.

MAYOR/TRUSTEE REPORTS

Trustee Deagan thanked Staff for their efforts in relation to improvements made to the Town in the past and the foreseeable future.

Trustee Lane agreed with Trustee Deagan, expressing his recognition of the hours put in by Staff at various Town events throughout the year.

Mayor Pro Tem Just concurred with Trustees Deagan and Lane and stated that without the efforts of Staff the Town would not be able to raise the considerable funds for various non-profits organizations that are raised each year at the Beach Concert Series. He went on to thank the Board for their contribution to these fundraisers as well.

ADJOURNMENT

Mayor Pro Tem Just, noting that there being no further business before the Board, declared that the meeting be adjourned at 7:29 p.m.

Mayor Pro Tem, Frank Just

ATTEST:

Claudia Werner, Deputy Town Clerk