

**MINUTES OF THE REGULAR MEETING
OF THE FAIRPLAY BOARD OF TRUSTEES
August 5, 2013**

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, 901 Main Street, by Mayor Gabby Lane who proceeded with the pledge of allegiance, followed by the roll call which was answered by Trustees Eve Stapp, LaNita French, Ray Douglas and Frank Just. Also in attendance were Town Attorney Lee Phillips, Town Administrator/ Clerk Tina Darrah, Public Works Director Gary Donnelly, Police Chief Dave Gottschalk, Town Treasurer Kim Wittbrodt and Deputy Town Clerk Claudia Werner.

AGENDA ADOPTION

Motion #1 by Mayor Lane, seconded by Trustee French, 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 - June 17, July 1, and July 15, 2013
- B. APPROVAL OF EXPENDITURES – Approval of bills of various Town Funds
- C. Should the Board Approve Renewal of a Liquor Store License as Requested by Jerry and Katherine Potts dba Grub and Stuf located at 379 Hwy 285?

Motion #2 by Trustee Just, seconded by Trustee Douglas, that the consent agenda be adopted as presented. A roll call vote was taken: Stapp – yes, French – yes, Lane – yes, Douglas – yes, Just – yes. Motion carried unanimously.

CITIZEN COMMENT

None offered.

PRESENTATIONS

- A. Check to American Legion-South Park Post 172 for 4th of July fundraising proceeds.

Dave Bellon thanked the Town and accepted the check from Mayor Lane on behalf of the American Legion-South Park Post 172.

- B. Boys & Girls Club of South Park overview of the kids served, programs run and youth outcomes.

Maria Sims, Chief Professional Officer with B&GCSP, gave a 15 minute presentation highlighting the accomplishments of club members as well as present and future programming. She went to explain how the club is strategically planning for the future and covered a variety of their fundraising projects.

UNFINISHED BUSINESS

- A. Other Pending/ Outstanding Items
 - 1. Beach Dredging Project

Public Works Director Donnelly stated that the dredging project is on schedule to finish by the end of August and it is staying within budget. He went on to say that a private citizen wishes to purchase the dredged material and have Ann's Trucking haul it off of Town property.

- 2. CNG Project

Public Works Director Donnelly stated that Tetra Tech has repairs underway throughout Town and the Public Works Department is tracking their hours spent overseeing these repairs.

3. Streetlights

Police Chief Gottschalk has not received a cost estimate from the Xcel Energy engineers. He will follow up with them and provide additional information to the Board when it is available.

4. Code Enforcement

Police Chief Gottschalk stated that there are a few citizens and businesses that will be cited into Municipal Court as they have not contacted the Town or made any noticeable steps towards bringing their properties into compliance since they were sent the first violation notice. Dave went on to say that most of the citizens that were sent violation notices have been working with the Police Department to come into compliance.

5. Fee Schedule Update

Town Treasurer Wittbrodt reported that she has contacted twelve similar size towns and ten of them have shared copies of their fee schedules. The information she has received varies greatly from town to town and she is continuing to compile information for the Board for the purpose of getting our fee schedule updated.

B. Other Discussion Items

Public Works Director Donnelly reported that the Public Works Department will be completing the Sixth Street sidewalk from Castello Avenue to Clark Street this construction season. He went on to say that he feels the best place for a crosswalk, to connect this sidewalk to the Sports Complex, is at the intersection of Sixth Street and Clark Street due to visibility.

NEW BUSINESS

A. Should the Board Approve Adoption of Resolution 2013-10, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF A MONITORING CONTRACT BETWEEN EMERGENCY 24, INC AND THE TOWN OF FAIRPLAY FOR THE MONITORING OF THE SECURITY SYSTEM LOCATED AT 901 MAIN STREET".?

Town Treasurer Wittbrodt provided a written staff report wherein she referenced Town Attorney Phillips and Pat Kelley, Shamrock Security, comments on the proposed contract. The recommended action was to approve Resolution 2013-10, which requires a roll call vote.

Trustee Douglas asked Town Attorney Phillips for his opinion on the monitoring contract. Lee stated that, based on staff's findings, it appears to be the standard contract for the security monitoring industry. He went on to say that he feels the indemnity agreement portion of the contract is unlawful in Colorado but that Emergency 24, Inc is unwilling to remove it from the contract or qualify it by stating "to the extent allowed by law".

Town Treasurer Wittbrodt stated that the company that installed the system, Shamrock Security, recommended this monitoring company. Police Chief Gottschalk stated that Emergency 24, Inc has other monitoring contracts here in Fairplay and he has had a positive experience every time he has dealt with them.

Motion #3 by Mayor Lane, seconded by Trustee Just, to recognize and appreciate Town Attorney Phillips input and to approve adoption of Resolution 2013-10, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF A MONITORING CONTRACT BETWEEN EMERGENCY 24, INC AND THE TOWN OF FAIRPLAY FOR THE MONITORING OF THE SECURITY SYSTEM LOCATED AT 901 MAIN STREET". A roll call vote was taken: Stapp – yes, French – yes, Lane – yes, Douglas – yes, Just – yes. Motion carried unanimously.

B. Other New Business

No other new business.

MAYOR AND TRUSTEE REPORTS

Town Administrator/ Clerk reminded the Board that the Bead & Fiber Show, as well as Living History Days are scheduled for August 10 and 11, the Peach Fundraiser order deadline is August 14, and the Plein Air Arts Celebration is September 3 through 7.

Trustee Just congratulated the Northwest Fire Department as well as the Town of Fairplay for the fireworks show on July 27th and reported that he has received a great deal of positive feedback on them. Frank went on to say that he felt the turnout at Burro Days was good this year and commented that he appreciated Gerrits Kasper using his '46 Chevy truck to carry the Mayor and Trustees in the Burro Days parade.

Mayor Lane reiterated Trustee Just's sentiments and thanked staff for the part they took in all of the July events.

EXECUTIVE SESSION: Pursuant to C.R.S. 24-6-402 (4) (e) and (b) for determining positions relative to matters that may be subject to negotiations; developing strategies for negotiations and instructing negotiators and for the purpose of receiving legal advice pursuant specifically in relation to a potential management contract.

Motion #4 by Trustee Just, seconded by Mayor Lane, that the Board go into executive session at 7:48 p.m. for the purpose of receiving legal advice pursuant to C.R.S. Section 24-6-402 (4) (e) and (b). Motion carried unanimously.

Mayor Lane announced that the meeting was back to open session at 8:37 p.m. The participants in the executive session were: Mayor Lane, Trustees Stapp, French, Douglas and Just, Town Attorney Phillips and Town Administrator/Clerk Darrah. Mayor Lane announced that no action was taken in the executive session.

ADJOURNMENT

Mayor Lane, noting that there being no further business before the Board, declared that the meeting be adjourned at 8:38 p.m.

Mayor, Gabby Lane

ATTEST:

Claudia Werner, Deputy Town Clerk