

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
January 12, 2015**

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 6:00 p.m. in the Council Chambers located in the Fairplay Town Hall, 901 Main Street, by Mayor Pro Tem Frank Just who proceeded with the pledge of allegiance, followed by the roll call which was answered by Trustees Scott Dodge, Eve Stapp and Ray Douglas. Also in attendance were Town Treasurer Kim Wittbrodt, Town Administrator/ Clerk Tina Darrah, Public Works Director Gary Donnelly, Police Chief Joel Vice, Deputy Town Clerk Claudia Werner and Public Works Assistant Vaughn Mead. Mayor Gabby Lane was absent.

AGENDA ADOPTION

Motion #1 by Trustee Douglas, seconded by Trustee Stapp, that the agenda be adopted as presented. Motion carried unanimously. (Mayor Lane was 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 in the amount of \$25,825.24.
- B. Should the Board Approve A Request for Renewal of a 3.2% Beer Off Premise Liquor License as applied for by Fairplay Markets, LLC, dba, Prathers Market, located at 301 US Hwy 285?
- C. Should the Board Approve a Request for Renewal of a Hotel and Restaurant Liquor License as applied for by Dale and Katherine Fitting, dba, South Park Steakhouse, located at 456 Front Street?
- D. Should the Board Approve a Request for Renewal of a Tavern Liquor License as applied for by American Legion Post, dba, South Park Post No. 172, located at 601/603 Clark Street?

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

CITIZEN COMMENT

No citizen comments offered.

PRESENTATION: Donation Check to the South Park Relief Fund

Mayor Pro Tem Just presented Pat Pocius, with the South Park Relief Fund, a check in the amount of \$1,000.00, representing the proceeds from the Silent Auction at the Cowboy Victorian Ball held on December 13, 2014.

UNFINISHED BUSINESS

- A. Other Pending Items - Code Enforcement

Police Chief Vice stated that there is nothing new to report.

- B. Other Discussion Items

Mayor Pro Tem Just read a letter of appreciation from Mary Kanack for the Town of Fairplay sponsoring the Plein Air Festival, which resulted in a donation to the South Park Food Bank of \$1,582.50.

NEW BUSINESS

- A. Should the Board Approve Adoption of Ordinance No. 1, 2015, entitled, "AN ORDINANCE OF THE TOWN OF FAIRPLAY, COLORADO, AMENDING CHAPTER 13 OF THE FAIRPLAY MUNICIPAL CODE BY AMENDING PARAGRAPH 13-1-210(a) RELATING TO PAYMENT OF WATER BILLS; PENALTIES AND INTEREST."?

Town Treasurer Wittbrodt explained the reasons why this ordinance is recommended. Now that the water and sewer billing has been combined into one monthly utility bill, it is important that both have the same due date. The utility/ accounting software used by the Town cannot accommodate varied due dates on the combined bill. While both bills have historically been due on the last day of the month, the Municipal Code allows for a five day grace period after the due date

on water billing and the Sanitation District does not allow for a grace period on monthly sewer billing, therefore staff recommends approval of Ordinance No. 1, 2015.

Trustee Dodge asked how citizens will be notified of this change and Treasurer Wittbrodt stated that a notice will be printed in the bill as well as placing an explanation in the newsletter which will be sent to all utility customers. Mayor Pro Tem inquired as to approximately how many customers utilize the grace period on an average month and Deputy Clerk Werner stated that it was less than 5% of our customers.

Motion #3 by Trustee Douglas, seconded by Trustee Stapp, that the Board approve adoption of Ordinance No. 1, 2015, entitled, "An Ordinance of the Town of Fairplay, Colorado, amending Chapter 13 of the Fairplay Municipal Code by amending Paragraph 13-1-210(a) relating to payment of water bills; penalties and interest." Motion carried unanimously. (Mayor Lane was absent.)

- B.** Should the Board Approve Adoption of Resolution No. 1, 2015, 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."?

Mayor Pro Tem Just stated that there are no changes from the posting places established in 2014.

Motion #4 by Trustee Stapp, seconded by Trustee Douglas, that the Board approve adoption of Resolution No. 1, 2015, 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 meeting law." Motion carried unanimously. (Mayor Lane was absent.)

- C.** Discussion/ Acceptance of Deed from Stone Creek HOA

Town Administrator/ Clerk Darrah provided copies of documents from September 2014, wherein Sarah Griffin with the Stone Creek at Fairplay HOA expressed a desire to legally dissolve the HOA. Staff finds no reason to object to the dissolution which includes the Town's acceptance of a deed to the parcel of land currently owned by the HOA and Attorney Phillips has reviewed and approved the dissolution paperwork. Therefore, staff recommends acceptance of the deed from Stone Creek HOA.

Mayor Pro Tem Just inquired about the size of the parcel proposed to be deeded to the Town and Trustee Dodge replied that it is .67 acre. Trustee Dodge asked if acceptance of the deed would create any liability issues for the Town and Town Administrator/ Clerk Darrah and Public Works Director Donnelly replied that they did not foresee any issues.

Motion #5 by Mayor Pro Tem Just, seconded by Trustee Douglas, that the Board approve acceptance of the Quit Claim Deed from Stone Creek at Fairplay Homeowners Association Inc for Lot 18, Block 5, Filing 1, Fairplay Stone Creek, Park County, Colorado. Motion carried unanimously. (Mayor Lane was absent.)

- D.** Approval of Mountain Peak Controls bid to replace existing OPTO-22 Control System

Public Works Director Donnelly and Town Administrator/ Clerk Darrah explained the importance of replacing the existing OPTO-22 components that are not functioning or incompatible at the Fairplay Sanitation District plant. Butch Green recommended that the Town engage Mountain Peak Controls to go through the system and install compatible components to increase efficiency and become compliant with the current discharge permit. Staff contacted Electric Power and Process, the company that did some of the original electrical installation at the plant, and solicited a bid from them but they declined to provide one. Staff recommends going ahead with Mountain Peak Controls to make the sewer plant fully automated with the Allen Bradley system and take the cost out of Sanitation District contingency funds.

Trustee Dodge expressed his concern regarding the fact that there was only one bid submitted for this automation process and Administrator/ Clerk Darrah explained that staff attempted to obtain additional bids but the other companies declined to bid the project. Trustee Stapp asked about staff training for the new system and Plant Operator Mead stated that it is a fully automated system that would be self explanatory. Trustee Douglas asked about the warranty in regards to substantial completion of the project and Administrator/ Clerk Darrah replied that substantial completion should take approximately two weeks and then the one year warranty period would begin, but she offered to verify this information. Trustee Dodge expressed, again, his concern regarding only one bid received and Administrator/ Clerk Darrah and Mayor Pro Tem Just explained that due to the specialized nature of the bid, sometimes only one bid can be obtained but Tina offered to continue the pursuit of additional bids if the Board would be willing to hold a special meeting to get this resolved as soon as possible. She went on to say that both, the responsible operator, Butch Green, and the Town's engineers were comfortable with the bid price from Mountain Peak Controls.

Motion #6 by Trustee Douglas, seconded by Trustee Stapp, that the Board approve the bid as submitted by Mountain Peak Controls in the amount of \$19,878.00. A roll call vote was taken: Dodge – no, Stapp – yes, Douglas – yes, Just – yes. Motion carried. (Mayor Lane was absent.)

E. Discussion/ Approval regarding reimbursement agreement with Rebecca Bramlett for police officer training.

Police Chief Vice reported that Officer John Welch has notified him that his family has moved to Farmington, NM, and he is currently looking for employment in the Farmington area and will be leaving the Fairplay Police Department in the near future. Chief Vice was contacted by Rebecca Bramlett, currently working as an animal control officer for the Park County Sheriff's Department for the past seven years, regarding employment with the Fairplay Police Department. Chief Vice stated that he has worked with Bramlett on numerous occasions and finds her to be a hard working professional. Bramlett does not have the POST certification required to be a law enforcement officer but is willing to pay all expenses associated with the completion of the academy and acquiring POST certification if the Town will pay her a minimal salary during the four month training period. In addition, Bramlett agrees to repay this salary to the Town in the event that her employment terminates for any reason within two years from the date of hire.

The Board requested that staff make changes to paragraph 8 of the agreement removing the words "or delayed" and "or delay", include language in paragraph 9 to cover either elective or disciplinary leave, and include language in the agreement regarding reimbursement to the Town from Bramlett in the event that Bramlett does not complete POST certification.

Trustee Dodge asked if Officer Welch has already given notice and Chief Vice stated that he has not given the Town a firm date when he will be leaving Fairplay, but he is actively looking for employment and interviewing in the Farmington area. Trustee Dodge asked what would happen if a POST certified candidate applied for the position and Administrator/ Clerk Darrah stated that the position would not be advertised. Trustee Douglas inquired about the Town's investment in each police officer and Chief Vice replied that the initial screenings are a couple hundred dollars. Mayor Pro Tem Just asked what the cost of POST certification is and Chief Vice stated it is approximately \$6,000.00.

Staff reported that similar reimbursement programs are common in other municipalities and have been proven to be successful and create loyalty and trust between the employee and employer. The Board supported the idea of using this reimbursement agreement as a pilot program for Town staff recruitment.

Motion #7 by Trustee Douglas, seconded by Trustee Stapp, that the Board approve the reimbursement agreement with Rebecca Bramlett for Police Officer Training with the amendments as stated above. A roll call vote was taken: Dodge – yes, Stapp – yes, Douglas – yes, Just – yes. Motion carried unanimously. (Mayor Lane was absent.)

F. Other New Business

Town Administrator/ Clerk Darrah reported that she met with Richard Hamilton and he left a copy of the complaint he has filed with the Federal District Court regarding the illegal discharge which occurred at the Alma Placer Mine.

STAFF AND COMMITTEE REPORTS

Chief Vice reported that Hans Van Baal offered to make a donation to the Fairplay Police Department and asked what the department needed. Chief Vice let him know that the department does not have any hard plate body armor that will withstand rifle bullets. Hans Van Baal made a donation of \$1,000.00 to the Fairplay Police Department to aid in the acquisition of the armor.

Town Administrator/ Clerk Darrah stated that she will be out of the office the rest of this week and in and out next week, but will be available if needed.

Mayor Pro Tem Just offered an accommodation to Vaughn Mead for his dedication to the Town and commended him on all of the time and effort he has put in working at the sewer plant since the Town entered into the management agreement with the Fairplay Sanitation District.

Trustee Stapp thanked staff for preparing and distributing the Town Newsletter.

ADJOURNMENT

Mayor Pro Tem Just, noting that there being no further business before the Board, declared that the meeting be adjourned at 7:02 p.m.

Frank Just, Mayor Pro Tem

ATTEST:

Claudia Werner, Deputy Town Clerk