

**MINUTES OF THE REGULAR MEETING OF THE  
FAIRPLAY BOARD OF TRUSTEES  
April 6, 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 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 Scott Dodge, Eve Stapp, Ray Douglas, and Frank Just. Also in attendance were Town Attorney Lee Phillips, Town Administrator/ Clerk Tina Darrah, Public Works Director Gary Donnelly, Town Treasurer Kim Wittbrodt and Deputy Town Clerk Claudia Werner.

**AGENDA ADOPTION**

**Motion #1** by Mayor Lane, seconded by Trustee Just, that the agenda be adopted with item C on the Consent Agenda - Renewal of a Tavern License and Change in Manager as Requested by McCall's Park Bar be moved to New Business. 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** – March 16, 2015.
- B. **APPROVAL OF EXPENDITURES** – Approval of bills of various Town Funds in the amount of \$39,995.72.

**Motion #2** by Trustee Just, seconded by Trustee Douglas, that the consent agenda be adopted with the change noted in Motion #1 above. A roll call vote was taken: Dodge – yes, Stapp – yes, Lane – yes, Douglas – yes, Just – yes. Motion carried unanimously.

**CITIZEN COMMENT**

Public Works Director Donnelly introduced Jason Morrison, the recently hired Public Works Director, to the Board of Trustees.

**UNFINISHED BUSINESS**

- A. **Other Discussion Items**

No other discussion items offered.

**NEW BUSINESS**

- A. **Should the Board Approve Renewal of a Tavern Liquor License and Change in Manager as Requested by McCall's Park Bar, located at 511 Front Street?**

Town Administrator/ Clerk Darrah stated that the change in manager is before the Board tonight because the owner of McCall's Park Bar, Bobby McCall, listed Ron Leggett as the manager on the license renewal application this year. Town Attorney Phillips offered clarification regarding case law as it pertains to this request. The Board discussed the change in manager for McCall's Park Bar and noting that the proposed manager has been performing the duties of manager already and based upon staff's recommendation, finds no reason to delay approval of the license renewal and change in manager from Bobby McCall to Ron Leggett.

**Motion #3** by Trustee Just, seconded by Trustee Douglas, that the Board approve renewal of a tavern liquor license and change in manager as requested by McCall's Park Bar, located at 511 Front Street. Motion carried unanimously.

- B. **Request for donation from the American Legion**

The American Legion has submitted a letter asking for a donation of \$100.00 from the Town for the annual Easter Egg Hunt that they host at the South Park City Museum. Town Administrator/ Clerk Darrah stated that the Board has historically donated this amount to the event along with staff time and equipment to help prepare the museum for the event.

**Motion #4** by Mayor Lane, seconded by Trustee Stapp, to approve a \$100.00 donation to the American Legion for the annual Easter Egg Hunt. A roll call vote was taken: Dodge – yes, Stapp – yes, Lane – yes, Douglas – yes, Just – yes. Motion carried unanimously.

- C. Should the Board Approve Adoption of Resolution No. 6, series of 2015, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE PHILLIPS LAW OFFICES, LLC AND HERBERT C PHILLIPS FOR ATTORNEY SERVICES."?

Town Attorney Phillips explained that he has decided to open his own law practice and as such has submitted a new contract to the Town for review and approval. The proposed contract for attorney services reflects the same rates for services and costs as the existing contract and would take effect May 1, 2015 if approved by the Board

**Motion #5** by Mayor Lane, seconded by Trustee Just, that the Board approve adoption of Resolution No. 6, series of 2015, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE PHILLIPS LAW OFFICES, LLC AND HERBERT C PHILLIPS FOR ATTORNEY SERVICES." A roll call vote was taken: Dodge – yes, Stapp – yes, Lane – yes, Douglas – yes, Just – yes. Motion carried unanimously.

- D. Should the Board Approve Adoption of Resolution No. 7, series of 2015, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF FAIRPLAY, COLORADO AND THE UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT."?

Town Administrator/ Clerk Darrah provided a written staff memorandum regarding the IGA with USPWCD explaining that the Town has a 1/3 ownership in the storage rights in the Fairplay Beach Reservoir, as does USPWCD and Park County. In 1991 the Town took on the responsibility of creating the substitute water supply and the augmentation plans for evaporative losses at the reservoir. In 2013 when the Town did the dredge project, Garver Brown, the Water Commissioner, brought this responsibility to the Town's attention and required compliance with the 1991 plans. Tina went on to say that the Town's water attorney has determined that the reservoir must have an augmentation plan, which means that the Town needs to lease water to cover the evaporative losses until such time as the three partners purchase ample water rights to cover these losses annually. The USPWCD has offered to lease the water for a nominal fee of \$900 per year for the next two years while work continues on acquiring sufficient water rights. Staff recommends approval of Resolution No. 7, series 2015.

**Motion #6** by Trustee Just, seconded by Trustee Douglas, that the Board approve adoption of Resolution No. 7, series of 2015, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF FAIRPLAY, COLORADO AND THE UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT." A roll call vote was taken: Dodge – yes, Stapp – yes, Lane – yes, Douglas – yes, Just – yes. Motion carried unanimously.

- E. Should the Board Approve Adoption of Resolution No. 8, series of 2015, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF A CONTRACT WITH VERIS ENVIRONMENTAL, LLC FOR WORK TO BE PERFORMED AT THE FAIRPLAY SANITATION DISTRICT SLUDGE LAGOON."?

Public Works Director Donnelly provided a written staff memorandum regarding the contract with VERIS Environmental, LLC wherein he explained the need for the removal of the sludge in the lagoon at the wastewater plant. VERIS Environmental (previously Parker Ag) was the only company willing to bid the job after the site review and contract negotiation was conducted. The amount of sludge in the lagoon will be determined once the removal company has mobilized at the wastewater plant, which will determine the overall job cost more precisely. Gary went on to say that VERIS has experience with our sludge pond and he has tentatively scheduled a crane to remove the aerators from the pond prior to the arrival of their press and other equipment. Arrangements have also been made to have a trucking company haul the sludge to the Summit County Landfill and the Public Works Department will do preliminary site work including construction of a berm to hold the pressed sludge material awaiting trucking. Town Attorney Phillips stated that he approves the contract in form and staff recommends approval of Resolution No. 8, series of 2015.

The Board discussed placing a \$150,000 cap on the project and verifying that the Town is has indemnity coverage for the hauling of the sludge. Town Administrator/ Clerk Darrah told the Board that they would be advised if/ when the project cost nears \$150,000 and indemnity would be covered in the contract with the trucking company performing the sludge hauling. The Board also discussed the daily project cost and having the Town's engineers consulted regarding the berm construction. Staff will monitor the daily progress during the removal project and keep the Board apprised over the duration of the project and the Town's engineers can be consulted regarding the berm.

**Motion #7** by Mayor Lane, seconded by Trustee Douglas, that the Board approve adoption of Resolution No. 8, series of 2015, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF A CONTRACT WITH VERIS ENVIRONMENTAL, LLC FOR WORK TO BE PERFORMED AT THE FAIRPLAY SANITATION DISTRICT SLUDGE LAGOON." with an additional provision that the

amount payable is capped at \$150,000. A roll call vote was taken: Dodge – yes, Stapp – yes, Lane – yes, Douglas – yes, Just – yes. Motion carried unanimously.

**F. Other New Business**

No other new business offered.

**MAYOR AND TRUSTEE REPORTS**

Trustee Dodge stated that he noticed there are a couple of flags missing at the cemetery. Public Works Director Donnelly is looking for assistance from the Fire Department to get the flags put up.

Trustee Stapp welcomed Jason Morrison.

Trustee Just asked when the Town would be getting the speed trailer back from Park County and suggested that it be placed near the intersection of Hwy 9 and Hwy 285. Town Administrator/ Clerk Darrah stated that Police Chief Vice has made arrangements with them to get it back soon and he is also working on getting a grant to have permanent speed detection signs installed in Town.

Mayor Lane announced the Boys & Girls Club of South Park Youth of the Year breakfast on April 21<sup>st</sup> to congratulate Victoria Husher, this year's recipient. Gabby also announced Hazel's 100<sup>th</sup> birthday celebration.

**STAFF AND COMMITTEE REPORTS**

Town Administrator/ Clerk Darrah asked the Board members to RSVP for the CML Conference on June 16-19<sup>th</sup> in Breckenridge. Mayor Lane plans to attend 2 days.

Town Administrator/ Clerk Darrah reported that she will be attending the Rural Health Care Forum/ Conference this Wednesday and Thursday with DOLA representative, Greg Winkler. Colorado Rural Health Center is hosting the event and has invited the Town and given us a free pass to attend. This is an opportunity for the Town to network with rural health clinics that may be interested in coming into Fairplay. The Town only received one response to our RFP but it wasn't a viable proposal. Tina has been in contact with JoAnn Kargul at Fairplay Family Practice and she may have some interest when her current lease expires at the end of this year.

Mayor Lane offered to reach out to a contact he made a while back, who offered to assist with getting the clinic reopened in Fairplay.

Tina also reported that Sam Mick has brought in his building plans, which include the awnings that staff recommended.

**ADJOURNMENT**

Mayor Lane, noting that there being no further business before the Board, declared that the meeting be adjourned at 7:52 p.m.

\_\_\_\_\_  
Gabby Lane, Mayor

ATTEST:

\_\_\_\_\_  
Claudia Werner, Deputy Town Clerk