

**MINUTES OF THE REGULAR MEETING OF THE  
FAIRPLAY BOARD OF TRUSTEES  
March 21, 2016**

**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 6:02 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 Planner Ron Newman, Town Attorney Lee Phillips, Town Administrator/ Clerk Tina Darrah, Public Works Director Vaughn Mead, Police Chief Joel Vice, Town Treasurer Kim Wittbrodt and Deputy Town Clerk Claudia Werner.

**AGENDA ADOPTION**

**Motion #1** by Mayor Lane, seconded by Trustee Dodge, that the agenda be adopted as presented. Motion carried unanimously.

**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 ESTIP applications received and water issues.

**Motion #2** by Mayor Lane, seconded by Trustee Douglas, that the Board go into executive session at 6:05 p.m. for the purpose of receiving legal advice pursuant specifically in relation to ESTIP applications received and water issues 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 7:12 p.m. The participants in the executive session were: Mayor Lane, Trustees Dodge, Stapp, Douglas and Just, Town Administrator/Clerk Darrah, Town Attorney Phillips, Public Works Director Mead, Town Treasurer Wittbrodt and Water Attorney Rick Fendel. Mayor Lane announced that no action was taken in the executive session.

**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 7, 2016
- B. **APPROVAL OF EXPENDITURES** – Approval of bills of various Town Funds in the amount of \$22,199.84.

**Motion #3** by Trustee Just, seconded by Trustee Stapp, that the consent agenda be adopted as presented. A roll call vote was taken: Dodge – yes, Stapp – yes, Lane – yes, Douglas – yes, Just – yes. Motion carried unanimously.

**CITIZEN COMMENTS**

No citizen comments offered.

**PRESENTATIONS**

- A. Clean Energy Collective Proposal for Solar Farm on Fairplay Sanitation Owned Property

Jonathan and Kevin Moore with Clean Energy Collective presented their proposal to the Board regarding the opportunity to participate in the savings produced by solar panels in Clean Energy Collective's Community Solar Arrays for Xcel Energy customers under the Xcel Energy Solar Rewards program. They discussed the option of entering into a Power Purchase Agreement to reduce costs on the Fairplay Sanitation District's Xcel Energy bills, as well as the option to enter into a lease agreement for a set monthly amount for their use of the Sanitation District's land. They also answered Board questions regarding the proposal and discussed the possibility of a letter of intent as well as entering into a revocable lease agreement. Dale Fitting, board member and Dale Tuggle, board member elect from the Fairplay Sanitation District Board of Directors were also present and participated in the discussion. Clean Energy Collective will get additional information to the Board, including a sample land lease, prior to further discussion on the proposal.

**PUBLIC HEARINGS**

- A. Should the Board Approve an Application for a new Tavern Liquor License as applied for by Randy and Mary LaCombe dba Trails End Saloon, LLC at the Fairplay Hotel , located at 500 Main Street?

The public hearing was opened at 7:37 p.m. by Mayor Lane.

Town Administrator/ Clerk Darrah presented the Tavern Liquor License application, stated that the application was complete, meets the requirements set forth in the Colorado Liquor Code and therefore staff recommends approval of the application for a Tavern Liquor License as applied for by Randy and Mary LaCombe, Trails End Saloon LLC.

Randy and Mary LaCombe were present to answer Board questions and they discussed various ways that they hoped to involve the community in their business.

Dale Fitting and Derek Kopunec spoke in favor of the Tavern Liquor License.

The public hearing was closed at 7:44 p.m. by Mayor Lane.

**Motion #4** by Trustee Just, seconded by Trustee Douglas, that the Board Approve an Application for a new Tavern Liquor License, as applied for by Randy and Mary LaCombe dba Trails End Saloon, LLC at the Fairplay Hotel, located at 500 Main Street." Motion carried unanimously.

- B.** Should the Board Approve Adoption of Resolution No. 2, 2016, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO GRANTING APPROVAL OF THE APPLICATION FOR A SPECAIL USE PERMIT FOR STAN KOPUNEC."?

The public hearing was opened at 7:47 p.m. by Mayor Lane.

Town Planner Newman presented the Special Use Permit application to allow the display and sales of Park Models at 249 US Hwy. 285 as applied for by Stan Kopunec and concluded that the application appears to be in substantial compliance with the Fairplay Comprehensive Plan but suggested that its approval be conditioned upon the applicant getting approval of their PUD application.

Stan and Derek Kopunec were present to answer Board questions and stated that they did not have any objection to placing a two year limit on the Special Use Permit, in which time they should have time to obtain PUD approval for their proposed subdivision.

The public hearing was closed at 8:19 p.m. by Mayor Lane.

**Motion #5** by Trustee Just, seconded by Trustee Douglas, to Approve Adoption of Resolution No. 2, 2016, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO GRANTING APPROVAL OF THE APPLICATION FOR A SPECAIL USE PERMIT FOR STAN KOPUNEC" with the addition of item 2a. The Special Use Permit shall expire without further Board of Trustees action on March 21, 2018. Motion carried unanimously.

## **NEW BUSINESS**

- A.** Request for Donation from the American Legion for the annual Easter Egg Hunt

Jeff Goble requested a \$100 donation to help cover the expenses associated with the Easter Egg Hunt, which is hosted by the American Legion. He also asked if the Public Works Department would remove the snow in front of the South Park City Museum entrance gate.

**Motion #6** by Mayor Lane, seconded by Trustee Just, that the Board approve a \$100 donation to the American Legion to help cover the expense of the annual Easter Egg Hunt. A roll call vote was taken: Dodge – yes, Stapp – yes, Lane – yes, Douglas – yes, Just – yes. Motion carried unanimously.

- B.** Request for Donation from South Park Activities Association for the Hurdle Hero Program

The South Park Activities Association (SPAA) requested a donation of \$175 from the Town for the Hurdle Hero program. SPAA is actively seeking donations to cover the cost of 50 hurdles at \$175 each to use at the newly resurfaced track.

**Motion #7** by Mayor Lane, seconded by Trustee Stapp, that the Board approve a \$175 donation to the South Park Activities Association to cover the cost of one hurdle for the newly resurfaced track at the Park County RE-2 School's Fairplay campus. 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 Ordinance No. 2, 2016, entitled, "AN ORDINANCE AMENDING THE FAIRPLAY MUNICIPAL CODE BY THE ADDITION OF A NEW SECTION 6-2-110 RELATING TO ADMINISTRATIVE APPROVALS OF CERTAIN LIQUOR LICENSE APPLICATIONS."?

Town Administrator/ Clerk Darrah stated that this ordinance allows the administrative approval of the following types of liquor licenses: special events permits; renewals; transfers of ownership; change of corporate status or manager registration. These will only be approved administratively if there is no derogatory information regarding the licensee, its partners, officers, directors, managers, or shareholders, and/or no violations of the Beer and Liquor Code. All new liquor license applications will come before the Board of Trustees as well as any of the listed applications where the above conditions have not been met.

**Motion #8** by Mayor Lane, seconded by Trustee Douglas, that the Board Approve Adoption of Ordinance No. 2, 2016, entitled, "AN ORDINANCE AMENDING THE FAIRPLAY MUNICIPAL CODE BY THE ADDITION OF A NEW SECTION 6-2-110 RELATING TO ADMINISTRATIVE APPROVALS OF CERTAIN LIQUOR LICENSE APPLICATIONS." Motion carried unanimously.

**D.** Discussion and Consideration of Adoption of Resolution No. 4, 2016, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, ADOPTING RULES AND REGULATIONS FOR THE FAIRPLAY CEMETERY."?

Town Administrator/ Clerk Darrah stated that this resolution authorizes adoption of the rules and regulations for the Fairplay Cemetery. These regulations were written to help staff in its operation of the Cemetery and to more clearly define the Staff/Board roles in regards to the Cemetery.

After a brief discussion, the Board asked that the regulations as presented, be amended to remove the last sentence in Section 7 "Metal spike is to be ½ inch by 10 inches long, and should be pounded in at least 1 inch below ground surface." prior to adoption.

**Motion #9** by Mayor Lane, seconded by Trustee Just, to approve adoption of Resolution No. 4, series of 2016, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, ADOPTING RULES AND REGULATIONS FOR THE FAIRPLAY CEMETERY." Motion carried unanimously.

**E.** Should the Board Approve Adoption of Resolution No. 5, 2016, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO DETERMINING THAT THE REGULAR MUNICIPAL ELECTION TO BE HELD ON APRIL 5, 2016 SHALL BE CANCELLED PURSUANT TO FAIRPLAY MUNICIPAL CODE, ARTICLE 2, SECTION 2-1-30."?

Town Administrator/ Clerk Darrah stated that this resolution authorizes the cancelling of the Regular Municipal Election scheduled for April 5, 2016. Per State Statute and the Fairplay Municipal Code, the election can be cancelled when there are no more candidates running than the number of offices vacant. There were two seats open and only two candidates filed nomination petitions to fill those seats. Those two candidates will be declared elected for four year terms upon cancellation of the election.

**Motion #10** by Mayor Lane, seconded by Trustee Douglas, to approve adoption of Resolution No. 5, series of 2016, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO DETERMINING THAT THE REGULAR MUNICIPAL ELECTION TO BE HELD ON APRIL 5, 2016 SHALL BE CANCELLED PURSUANT TO FAIRPLAY MUNICIPAL CODE, ARTICLE 2, SECTION 2-1-30." Motion carried unanimously.

**F.** Should the Board Approve Adoption of Resolution No. 6, 2016, 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 HEADWATER AUTHORITY OF THE SOUTH PLATTE (HASP)."

Town Administrator/ Clerk Darrah stated that the Town is one-third owner of the storage rights in the Fairplay Beach Reservoir along with Upper South Platte Water Conservancy District and Park County. In 1991 the Town of Fairplay agreed to take on the responsibility of creating the substitute water supply plan and the augmentation plan for evaporative losses at the reservoir. This resolution authorizes an intergovernmental agreement with Headwater Authority of the South Platte to lease water for the next two years while the three partners continue to work on acquiring sufficient water rights to cover the annual losses.

**Motion #11** by Trustee Just, seconded by Trustee Stapp, to approve adoption of Resolution No. 6, 2016, 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 HEADWATER AUTHORITY OF THE SOUTH PLATTE (HASP)." A roll call vote was taken: Dodge – yes, Stapp – yes, Lane – yes, Douglas – yes, Just – yes. Motion carried unanimously.

**G.** Should the Board Approve Adoption of Resolution No. 7, 2016, 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, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF PARK, COLORADO, AND THE UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT BY AND THROUGH ITS AUGMENTATION AND SUBSTITUTE WATER SUPPLY ENTERPRISE AND WATER ACTIVITY FUND."?

Town Administrator/ Clerk Darrah stated that this resolution will approve an updated intergovernmental agreement that will replace the 1989 IGA between the three entities that share ownership of the Beach Reservoir. The Town's water attorney, Rick Fendel, was available to answer any Board questions regarding the new agreement.

**Motion #12** by Trustee Just, seconded by Trustee Dodge, to approve adoption of Resolution No. 7, 2016, 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, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF PARK, COLORADO, AND THE UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT BY AND THROUGH ITS AUGMENTATION AND SUBSTITUTE WATER SUPPLY ENTERPRISE AND WATER ACTIVITY FUND." A roll call vote was taken: Dodge – yes, Stapp – yes, Lane – yes, Douglas – yes, Just – yes. Motion carried unanimously.

**H. Discussion/ Direction regarding Agreement with Kaupas Lab/ Water Specialist (KL/WS)**

Public Works Director Mead stated that this agreement is with Ed Kaupas to act as the Town's Water Plant and Distribution System ORC until he has received his "D" water treatment license and Class 1 distribution license. He went on to say that he has signed up to test for both licenses on the next available testing date.

**Motion #13** by Mayor Lane, seconded by Trustee Just, to approve the agreement with Kaupas Lab/ Water Specialist. A roll call vote was taken: Dodge – yes, Stapp – yes, Lane – yes, Douglas – yes, Just – yes. Motion carried unanimously.

**I. Discussion/ Direction regarding Xpress Bill Pay**

Town Treasurer Wittbrodt stated that she has received information from Caselle and Xpress Bill Pay regarding the Town getting set up to accept online payments for utilities and other Town services. The service will allow customers to pay with debit/ credit cards or their bank accounts. They will also be able to set up recurring payments and staff will work towards paperless billing for utility bills. Xpress Bill Pay is the preferred company that Caselle recommends for this service as it is fully integrated to our customer utility accounts and the general ledger in Caselle. The upfront cost for the service is \$5,000 and covers license fees, set up and staff training.

**Motion #13** by Mayor Lane, seconded by Trustee Just, to authorize staff to pursue the purchase of service to accept online customer payments. A roll call vote was taken: Dodge – yes, Stapp – yes, Lane – yes, Douglas – yes, Just – yes. Motion carried unanimously.

**J. Other new business**

The Board discussed changing the starting time for Board meetings and decided that the regular Board of Trustees meetings would start at 6:00 p.m. from Labor Day through Memorial Day and start at 7:00 p.m. after Memorial Day and up to Labor Day.

**UNFINISHED BUSINESS**

**A. Other Discussion Items**

No other discussion items offered.

**STAFF AND COMMITTEE REPORTS**

Public Works Director Mead provided a written staff report, wherein he covered wastewater treatment plant performance for the month of February, updated information regarding the water system, and an update on various other public works projects.

Police Chief Vice stated that he attended a three day conference last week that covered medical and recreational marijuana as well as drunk driving. He also stated that it has been a difficult time in Park County as a result of the loss of Sheriff's Deputy Nate Carrigan on February 24<sup>th</sup>. The Fairplay Police Department has been supportive of the Sheriff's Office and the entire department attended Carrigan's memorial service on March 14<sup>th</sup>. Chief Vice expressed his pride in the Fairplay Police Department staff.

Town Administrator/ Clerk Darrah expressed her pride in Chief Vice and his leadership.

**ADJOURNMENT**

Mayor Lane, noting that there being no further business before the Board, declared that the meeting be adjourned at 9:05 p.m.

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Gabby Lane, Mayor

ATTEST:

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Claudia Werner, Deputy Town Clerk