

**MINUTES OF THE REGULAR MEETING OF THE  
FAIRPLAY BOARD OF TRUSTEES  
April 4, 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 6:00 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 and Frank Just. Also in attendance were Town Attorney Lee Phillips, Town Administrator/ Clerk Tina Darrah, Public Works Director Vaughn Mead, Town Treasurer Kim Wittbrodt and Deputy Town Clerk Claudia Werner. Trustee Ray Douglas was absent.

**AGENDA ADOPTION**

**Motion #1** by Trustee Just, seconded by Trustee Stapp, that the agenda be adopted as presented. Motion carried unanimously. (Trustee Douglas 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 \$16,657.13.

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

**CITIZEN COMMENTS**

No citizen comments offered.

**UNFINISHED BUSINESS**

**A. Should the Board Approve Adoption of Resolution No. 8, 2016, entitled, “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN XPRESS SOLUTIONS, INC. AND THE TOWN OF FAIRPLAY FOR THE PROCESSING OF ELECTRONIC PAYMENTS.”?**

Town Treasurer Wittbrodt stated that this resolution authorizes the execution of an agreement with Xpress Solutions, Inc for the processing of electronic payments. This resolution, as well as Resolution No. 9, is required in setting up Xpress Bill Pay services, which will enable Town of Fairplay customers to pay their bills electronically. This agreement has been reviewed by Town Attorney Phillips.

Town Attorney Phillips stated that the Town may enter into an agreement with a maximum term of 12 months and Xpress Solutions, Inc has agreed to this amendment to the agreement. He also stated that the indemnity clause in the agreement violates provisions in Colorado State Statutes and has notified Xpress Solutions, Inc of this violation and they have acknowledged the Town’s position regarding the clause.

**Motion #3** by Trustee Just, seconded by Trustee Stapp, that the Board approve adoption of Resolution No. 8, 2016, entitled, “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN XPRESS SOLUTIONS, INC. AND THE TOWN OF FAIRPLAY FOR THE PROCESSING OF ELECTRONIC PAYMENTS.” A roll call vote was taken: Dodge – yes, Stapp – yes, Lane – yes, Just – yes. Motion carried unanimously. (Trustee Douglas was absent.)

**B. Should the Board Approve Adoption of Resolution No. 9, 2016, entitled, “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN PAYMENTTECH, LLC, AND JPMORGAN CHASE BANK, N.A., AND THE TOWN OF FAIRPLAY FOR THE PROCESSING OF ELECTRONIC PAYMENTS.”?**

Town Treasurer Wittbrodt stated that this resolution authorizes the execution of an agreement with Paymenttech, LLC and JPMorgan Chase Bank for the processing of electronic payments. This resolution, as well as Resolution No. 8, is required in setting up Xpress Bill Pay services, which will enable Town of Fairplay customers to pay their bills electronically. This agreement has been reviewed by Town Attorney Phillips.

Town Attorney Phillips stated that the Town may enter into an agreement with a maximum term of 12 months and Paymenttech, LLC and JPMorgan Chase Bank have agreed to this amendment to the agreement. He also stated that the

indemnity clause in the agreement violates provisions in Colorado State Statutes and has notified Paymenttech, LLC and JPMorgan Chase Bank of this violation and they have acknowledged the Town's position regarding the clause.

**Motion #4** by Trustee Just, seconded by Trustee Dodge, that the Board approve adoption of Resolution No. 9, 2016, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN PAYMENTTECH, LLC. AND JPMORGAN CHASE BANK N.A., AND THE TOWN OF FAIRPLAY FOR THE PROCESSING OF ELECTRONIC PAYMENTS." A roll call vote was taken: Dodge – yes, Stapp – yes, Lane – yes, Just – yes. Motion carried unanimously. (Trustee Douglas was absent.)

**C. Other discussion items**

Town Treasurer Wittbrodt stated that Caselle has been upgraded as well as the meter reading software and she hopes to notify Town of Fairplay utility customers about Xpress Bill Pay with the May billing statements.

**NEW BUSINESS**

**A. Discussion Regarding Clean Energy Collective Land Lease Discussion**

The Board discussed the option of entering into a revocable license agreement as opposed to a land lease agreement or a power purchase agreement. They also discussed what has been done by other towns, such as Silverthorne, in regards to solar arrays. Dale Fitting, Fairplay Sanitation District Board Member, also participated in the discussion.

The Board of Trustees directed staff to explore other options that could be considered and report back to the them in May regarding staff's findings.

**B. Discussion Regarding Storage Containers in Fairplay**

Town Administrator/ Clerk Darrah stated that staff has heard many comments and complaints regarding the proliferation of metal storage containers in Fairplay. During the UDC process, the containers were discussed at length by the public and the Board alike and as a result of these discussions, the UDC prohibits them in Fairplay. The Police Department has compiled a list of all properties in the Town that had them prior to the adoption of the UDC.

The Board discussed the enforcement of the prohibition of these containers and decided to table this discussion to the April 18<sup>th</sup> Board meeting. Staff will provide the Board with additional information prior to the continuation of this discussion.

**C. Other new business**

No other new business offered.

**MAYOR AND TRUSTEE REPORTS**

Trustee Dodge reported that he attended a Park County meeting last week where displaced residents were discussed.

Trustee Just congratulated the Public Works Department on the improvements he has witnessed within the department and appreciates their dedication to serving the public.

**ADJOURNMENT**

Mayor Lane, noting that there being no further business before the Board, declared that the meeting be adjourned at 7:28 p.m.

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Gabby Lane, Mayor

ATTEST:

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Claudia Werner, Deputy Town Clerk