

**AGENDA**

**For the Board of Trustees of the Town of Fairplay, Colorado  
Monday, January 7, 2019 at 6:00 p.m. at the Fairplay Town Hall Meeting Room  
901 Main Street, Fairplay Colorado**

- I. CALL TO ORDER REGULAR MEETING AT 6:00 P.M.**
- II. PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. APPROVAL OF AGENDA**
- V. 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 –December 3, 2019.**
  - B. APPROVAL OF EXPENDITURES – Approval of bills of various Town funds in the amount of \$380,572.15**
- VI. CITIZEN COMMENTS**
- VII. UNFINISHED BUSINESS**
  - A. Other Discussion Items**
- VIII. NEW BUSINESS**
  - A. Should the Board Approve Adoption of Resolution No. 1, Series of 2019, Approving “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROVING POSTING PLACES FOR MEETING NOTICES.”?**
  - B. Should the Board Approve Adoption of Resolution No. 2, Series of 2019, Entitled, “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROVING PARTICIPATION IN A REVOCABLE SUB-LICENSE AGREEMENT WITH HIGH COUNTRY FOODS LLC., DBA OFF THE GRID FOOD TRAILER, FOR USAGE OF THE PROPERTY KNOWN AS 401 MAIN STREET, FAIRPLAY, COLORADO.”?**
  - C. Should the Board Approve Adoption of Resolution No. 3, Series of 2019, Entitled, “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, ADOPTING A WRITTEN POLICY WITH RESPECT TO THE DESTRUCTION OF PERSONAL IDENTIFYING INFORMATION.”?**
  - D. PRESENTATION BY DAVID KINTZ, ON BEHALF OF THE SALVATION ARMY.**
  - E. Other New Business**
- IX. BOARD OF TRUSTEE AND STAFF REPORTS**
- X. ACCEPTANCE OF RESIGNATION FROM MAYOR PRO TEM RAY DOUGLAS**
- XI. ADJOURNMENT**

**Upcoming Meetings/Important Dates:**

Martin Luther King Day/ Regular Meeting of the Board of Trustees Cancelled  
Regular Board of Trustees Meeting  
Presidents Day/ Regular Meeting of the Board of Trustees Cancelled  
Mountain Mardi Gras

January 21, 2019  
February 4, 2019  
February 18, 2019  
March 2, 2019

**This Agenda May Be Amended.**

*Posted at Fairplay Town Hall, Fairplay Public Library, Fairplay Post Office, and Town of Fairplay Website on Thursday, January 3, 2019*

**MINUTES OF THE REGULAR MEETING OF THE  
FAIRPLAY BOARD OF TRUSTEES  
December 3, 2018**

**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 6:03 p.m. in the Council Chambers located in the Fairplay Town Hall, 901 Main Street, by Mayor Frank Just who proceeded with the pledge of allegiance, followed by the roll call which was answered by Trustees Scott Dodge, Eve Stapp, Ray Douglas, and Cindy Bear. Also in attendance were Town Administrator/Clerk Tina Darrah, Town Attorney Paul Wisor, Police Chief Marcus Woodward, Town Treasurer Kim Wittbrodt, Public Works Director Jim Brown and Assistant to the Town Administrator/Deputy Clerk Mason Green.

**AGENDA ADOPTION**

**Motion #1** by Trustee Dodge, seconded by Trustee Douglas, that the agenda be with the following amendment: *remove the presentation of the Blueprint 2.0 Grow Your Outdoor Recreation Industry Marketing Plan and replace it with a presentation of a check to the South Park Food Bank.* 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** – November 19, 2018
- B. **APPROVAL OF EXPENDITURES** – Approval of bills of various Town Funds in the amount of \$26,140.40

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

**CITIZEN COMMENTS**

**PRESENTATIONS**

Kenny Shaw, President of the South Park Food Bank accepted a check for monies raised for the South Park Food Bank by the Town of Fairplay via the Hazel Miller concert which took place on December 1st as a part of the Real Colorado Christmas Celebration. The check totaled \$849.00.

Mayor Just informed Mr. Shaw that he would personally donate \$151.00 to bring the total donated amount to \$1,000.

**PUBLIC HEARINGS**

- A. (Continued) 2018 Amended Budget and 2019 Proposed Budget

Mayor Just opened the Public Hearing for the 2018 Amended Budget and the 2019 Proposed Budget at 6:13pm.

Mayor Just asked for public comment, to which there was none, before closing the Public Hearing at 6:15pm.

**Motion #3** by Trustee Douglas, seconded by Trustee Stapp, to approve adoption of Resolution No. 43, series of 2018, entitled; **"A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING AN AMENDED 2018 BUDGET FOR THE TOWN OF FAIRPLAY, COLORADO."** A roll-call vote was taken. Dodge - yes, Stapp – yes, Just – yes, Douglas – yes, Bear – yes. Motion carried unanimously.

**Motion #4** by Trustee Stapp, seconded by Trustee Bear, to approve adoption of Resolution No.44, series of 2018, entitled, **"A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSES AS SET FORTH BELOW, FOR THE TOWN OF FAIRPLAY,**

**COLORADO, FOR THE AMENDED 2018 BUDGET.”?** A roll-call vote was taken. Dodge - yes, Stapp – yes, Just – yes, Douglas – yes, Bear – yes. Motion carried unanimously.

**Motion #5** by Trustee Dodge, seconded by Trustee Stapp, to approve adoption of Resolution No.45, series of 2018, entitled, **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE TOWN OF FAIRPLAY, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2019 AND ENDING ON THE LAST DAY OF DECEMBER 2019.”?** A roll-call vote was taken. Dodge - yes, Stapp – yes, Just – yes, Douglas – yes, Bear – yes. Motion carried unanimously.

**Motion #6** by Trustee Dodge, seconded by Trustee Stapp, to approve adoption of Resolution No.46, series of 2018, entitled, **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2018 TO HELP DEFRAY THE COST OF GOVERNMENT FOR THE TOWN OF FAIRPLAY, FOR THE 2019 BUDGET YEAR.”?** A roll-call vote was taken. Dodge - yes, Stapp – yes, Just – yes, Douglas – yes, Bear – yes. Motion carried unanimously.

**Motion #7** by Trustee Douglas, seconded by Trustee Dodge, to approve adoption of Resolution No. 47, series of 2018, entitled, **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSES AS SET FORTH BELOW, FOR THE TOWN OF FAIRPLAY, COLORADO FOR THE 2019 BUDGET YEAR.”?** A roll-call vote was taken. Dodge - yes, Stapp – yes, Just – yes, Douglas – yes, Bear – yes. Motion carried unanimously.

**UNFINISHED BUSINESS**

**A. Other discussion items**

No other discussion items were offered.

**NEW BUSINESS**

**A. Should the Board Approve Adoption of Resolution No. 48, series of 2018, entitled, “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE PLACEMENT OF UTILITY LIENS.”?**

Town Treasurer Wittbrodt introduced the topic and stated that there are five delinquent water/sewer accounts that will have a lien placed upon them if this Resolution is passed. Town Treasurer Wittbrodt stated that her 2018 list had begun with 25 accounts.

Town Administrator Darrah stated that the Town had begun contacting these individuals in September of 2018 and those that remain are those that have not made a sufficient payment or engaged in a payment plan.

Trustee Dodge asked when the money is collected off the lien. Town Treasurer Wittbrodt stated that collection occurs at the time at which property tax is collected.

Mayor Just asked Town Attorney Wisor why the Town hands the lien over to the County. Town Attorney Wisor informed Mayor Just that, as the primary property taxing entity, the County handles liens as they relate to property tax.

**Motion #8** by Trustee Stapp, seconded by Trustee Douglas, to approve adoption of Resolution No. 48, series of 2018, entitled, **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE PLACEMENT OF UTILITY LIENS.”** A roll call vote was taken. Dodge – yes, Stapp – yes, Just – yes, Douglas – yes, Bear – yes. Motion carried unanimously.

**B. Should the Board Approve Adoption of Resolution No. 49, series 2018, entitled, “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF AN ENHANCED SALES TAX INCENTIVE PROGRAM (ESTIP) AGREEMENT BETWEEN THE TOWN AND MEGAN SEBASTIAN FOR THE SOUTH PARK DISTILLING PROJECT.”?**

Town Administrator Darrah introduced the topic, stating that the agreement proposed a 50/50 split of any accrued sales tax over the amount of \$0 between the Town of Fairplay and South Park Distilling for a period of five-years, or for a total amount of \$20,000. Town Administrator Darrah further explained that South Park Distilling was able

to apply for an ESTIP as the ESTIP requirements allowed businesses to apply which had been in operation for less than one-year.

Mayor Just opened the floor to public comment.

Megan Sebastian, owner of South Park Distilling, spoke about her business and how she hopes the South Park Distilling Tasting Room would help to get more people to Front Street.

Paul Kemp, co-owner of the South Park Brewery, stated that he very much enjoys the ESTIP program and that it has been very beneficial to his brewery. Mr. Kemp further stated that the ESTIP payments he receives generally go back into the brewery.

There was no public comment against the execution of an ESTIP agreement between the Town and South Park Distilling.

Trustee Bear stated that she believes that both Mr. Kemp and Ms. Sebastian are committed members of the Town of Fairplay.

**Motion #9** by Trustee Bear, Seconded by Trustee Douglas, that the Board approve Resolution No. 49, series of 2018, entitled, **A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF AN ENHANCED SALES TAX INCENTIVE PROGRAM (ESTIP) AGREEMENT BETWEEN THE TOWN AND MEGAN SEBASTIAN FOR THE SOUTH PARK DISTILLING PROJECT.** A roll call vote was taken. Dodge—yes, Stapp— yes, Just— yes, Douglas— yes, Bear— yes. Motion carried unanimously.

**C. Should the Board Approve Adoption of Resolution No. 50, series of 2018, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO THE LEASE AGREEMENT BETWEEN SOUTH PARK HEALTH SERVICES DISTRICT (SPHSD) AND THE TOWN OF FAIRPLAY FOR THE USE OF 525 HATHAWAY STREET."?**

Town Administrator Darrah introduced the topic, stating that approving this amendment would make the term of lease between the Town of Fairplay and the SPHSD, and the sub-lease between SPHSD and Health One, run concurrently. Town Administrator Darrah further stated that this is why there are no dates filled in on the new lease, as SPHSD and Health One are currently negotiating.

Trustee Dodge asked Town Attorney Wisor if he could further clarify how the lease operated.

Town Attorney Wisor stated that the Town of Fairplay would remain the landlord over the property at 525 Hathaway as the Town leased the building to SPHSD who then will sub-lease the property to Health One.

Trustee Douglas asked the Town Board and staff if the Town would ever consider selling the building to SPHSD and if so, whether the price would be fair market value.

Town Administrator Darrah stated that a decision to sell the building at 525 Hathaway Street would be a policy decision of the Board of Trustees in office at that time.

**Motion #10** by Trustee Douglas, seconded by Trustee Stapp, that the Board approve adoption of Resolution No. 50, series of 2018, entitled, **"A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE SOUTH PARK HEALTH SERVICES DISTRICT (SPHSD) AND THE TOWN OF FAIRPLAY FOR THE USE OF 525 HATHAWAY STREET."** A roll-call vote was taken. Dodge - yes, Stapp - yes, Just - yes, Douglas - yes, Bear - yes. Motion carried unanimously.

**D. Other new business**

There was no other new business presented.

**BOARD OF TRUSTEES AND STAFF REPORTS**

Assistant to the Town Administrator/Deputy Clerk Mason Green informed the Board that the students from the OEDIT Blueprint 2.0 Grow Your Outdoor Recreation Grant had tried to complete the marketing report for the Town of Fairplay in time to present at this meeting but failed to do so. Assistant to the Town Administrator/Deputy Clerk Green stated that it was likely that the students would present to interested parties the week of December 17.

Police Chief Marcus Woodward informed the Board that CDOT has re-installed and re-adjusted the speed radar signs along HWY 9. Chief Woodward also informed the Board that he had spoken with Colorado State Patrol regarding portable weigh-stations. Further, Chief Woodward urged those present at the meeting to speak with their neighbors about; not parking 'for-sale' cars on HWY 9, as CDOT policy directs CDOT workers to tow those vehicles; and to lock their cars at night due to a rash of car break-ins that have occurred recently and primarily affected un-locked vehicles. Lastly, Chief Woodward informed those present that two new Town of Fairplay Police Officers would be starting work in the month of December.

Public Works Director Jim Brown informed the Board that the signage changes to 7<sup>th</sup> Street, in front of the school, had been completed. Public Works Director Brown further stated that his staff was currently focused on the installation of backflow preventers.

Town Administrator Darrah reported that there is a meeting on Wednesday with DHM Design to present the new preliminary designs for the Fairplay River Park. Town Administrator Darrah further stated that Trustee Dodge aided her in getting a reply from CDOT and that she now has a meeting set up to talk about the Summit Stage and CDOT leasing the Bus Barn to the Town of Fairplay. Town Administrator Darrah informed the Board that there is a meeting on Tuesday December 4<sup>th</sup> to discuss Affordable Housing. Lastly, Town Administrator Darrah informed the Board that Town Attorney Paul Wisor is going to go forward in terms of filing the necessary documents at the Park County Offices, at 10:00am, to dissolve the Sanitation District.

Trustee Dodge stated that he had attended the CDOT regional meeting for the Town of Fairplay's region earlier in the day. Trustee Dodge stated that there is not a lot of money budgeted to the Town's CDOT region and that priority projects for this CDOT region included the addition of a passing lane on HWY 285 south of Town. Lastly, Trustee Dodge reported that there was no funding to address the intersection of HWY 9 and HWY 285.

Trustee Douglas stated that he is excited about the two new hires for the Police Department and gave kudos to the Town Building Inspector Gerrits Kasper for his live Christmas Tree idea.

Trustee Bear stated that it will take a period of time for Town of Fairplay residents to learn about the new one-way direction on 7<sup>th</sup> street.

Mayor Just stated that the Summit Stage is coming to this side of Hoosier Pass April 21<sup>st</sup>. Mayor Just also thanked Trustee Douglas for his service on the Town of Fairplay Board of Trustees as he will vacate his seat next meeting after winning the election to become the new Park County Commissioner.

**ADJOURNMENT**

Mayor Just, noting that there being no further business before the Board, declared that the meeting be adjourned at 7:20 p.m.

\_\_\_\_\_  
Frank Just, Mayor

ATTEST:

\_\_\_\_\_  
Mason Green, Assistant to the Town Administrator/Deputy Clerk



## MEMORANDUM

**TO:** Mayor and Board of Trustees

**FROM:** Kim Wittbrodt, Treasurer

**RE:** Paid Bills

**DATE:** 1/3/2019

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**Agenda Item: Bills**

Attached is the list of invoices paid through January 3, 2019.

Total Expenditures: \$380,572.15

Upon motion to approve the consent agenda, the expenditures will be approved.

Please contact me with any questions.

## Report Criteria:

Detail report type printed

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
12/04/2018	14457	B.V. Tool & Equipment Re	Rental of lift	1	11/14/2018	1,182.90	105625
Total 136:						1,182.90	
12/18/2018	14518	Business Connection	insert in sp events	1	08/15/2018	150.00	105183
12/18/2018	14518		insert in sp events	2	08/15/2018	150.00	105174
Total 280:						300.00	
12/04/2018	14458	Caselle, Inc	Software Support	1	12/01/2018	439.50	105060
12/04/2018	14458		Software Support	2	12/01/2018	219.75	507360
12/04/2018	14458		Software Support	3	12/01/2018	219.75	617360
01/03/2019	14572		Software Support	1	12/01/2018	439.50	105060
01/03/2019	14572		Software Support	2	12/01/2018	219.75	507360
01/03/2019	14572		Software Support	3	12/01/2018	219.75	617360
Total 334:						1,758.00	
12/04/2018	14459	Cash	change for events	1	12/03/2018	200.00	101002
Total 340:						200.00	
12/04/2018	14463	CIRSA	liability ins	1	11/16/2018	35.87	106115
Total 418:						35.87	
01/03/2019	14561	4 Rivers Equipment	auger bit	1	12/26/2018	433.45	105625
Total 532:						433.45	
12/18/2018	14521	Colorado Mountain News	holiday ads	1	11/30/2018	421.31	105174
12/18/2018	14521		holiday ads	2	11/30/2018	181.31	105183
Total 538:						602.62	
01/03/2019	14574	Colorado Municipal League	Membership Dues	1	01/01/2019	930.00	106130
Total 550:						930.00	
01/03/2019	14575	Crimestar	Annual Support Fee	1	12/28/2018	300.00	105340
01/03/2019	14575		Annual Support Fee	2	12/28/2018	900.00	105465
Total 628:						1,200.00	
01/03/2019	14563	Entenmann-Rovin Co	badges	1	12/21/2018	306.00	105410
Total 850:						306.00	
12/13/2018	14499	Fairplay Flume	legal ads	1	11/30/2018	38.54	507195
12/13/2018	14499		display ads	2	11/30/2018	977.10	105174
12/13/2018	14499		display ads	3	11/30/2018	335.48	105183
Total 868:						1,351.12	

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
12/13/2018	14504	Main Street Garage	dodge repair	1	11/26/2018	556.92	105625
12/13/2018	14504		dodge repair	2	11/26/2018	278.46	507180
12/13/2018	14504		dodge repair	3	11/26/2018	278.47	617155
Total 1336:						1,113.85	
12/13/2018	14507	Mountain View Waste	2 yd 2 monthly	1	11/30/2018	75.00	617167
Total 1414:						75.00	
12/04/2018	14470	Newman Traffic Signs	signs	1	11/20/2018	466.13	105870
Total 1492:						466.13	
12/04/2018	14473	Postal Pros Southwest, Inc	water billing	1	11/07/2018	149.94	507310
12/04/2018	14473		water billing	2	11/07/2018	149.95	617310
12/27/2018	14554		water billing	1	12/07/2018	137.76	507310
12/27/2018	14554		water billing	2	12/07/2018	137.76	617310
Total 1699:						575.41	
12/18/2018	14536	Thompson, Joshua	cell phone reimburse	1	12/18/2018	25.00	105645
12/18/2018	14536		cell phone reimburse	2	12/18/2018	12.50	507320
12/18/2018	14536		cell phone reimburse	3	12/18/2018	12.50	617320
Total 2108:						50.00	
12/27/2018	14557	Town of Fairplay	23 fuller drive	1	10/31/2018	60.00	105095
12/13/2018	14513		23 fuller drive	1	11/30/2018	60.00	105095
12/13/2018	14513		525 hathaway	1	11/30/2018	171.90	105190
Total 2134:						291.90	
12/13/2018	14514	USABlueBook	supplies	1	11/21/2018	149.10	617140
Total 2176:						149.10	
01/03/2019	14580	USDA Forest Service	Water Trans Pipeline	1	01/01/2019	147.83	507230
Total 2182:						147.83	
12/04/2018	14477	Utility Notification Center	RTL Transmissions	1	11/30/2018	7.25	507230
12/04/2018	14477		RTL Transmissions	1	11/30/2018	7.25	617340
01/03/2019	14570		RTL Transmissions	1	12/31/2018	8.70	507230
01/03/2019	14570		RTL Transmissions	1	12/31/2018	8.70	617340
Total 2194:						31.90	
12/04/2018	14479	Verizon Wireless	Police Air Cards	1	12/01/2018	120.03	105455
01/03/2019	14581		cellular phone usage	1	01/01/2019	380.47	105455
01/03/2019	14581		supplies	2	01/01/2019	158.80	105445
Total 2212:						659.30	
12/04/2018	14480	Xcel Energy	945 quarry road	1	11/12/2018	15.00	507185
12/04/2018	14480		901 main	1	11/15/2018	156.64	105023
12/04/2018	14480		747 bogue	1	11/15/2018	1.44	105841



Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
12/04/2018	14480		1800 beaver creek road	1	11/15/2018	648.01	507390
12/04/2018	14480		chlorinator	1	11/15/2018	103.97	507390
12/04/2018	14480		fairplay sign #1	1	11/15/2018	10.89	105640
12/04/2018	14480		117 silverheels road	1	11/15/2018	10.18	105841
12/04/2018	14480		525 hathaway	1	11/15/2018	136.57	105190
12/04/2018	14480		san plant	1	11/23/2018	4,087.80	617104
12/04/2018	14480		1190 castello	1	11/26/2018	144.10	507390
12/04/2018	14480		1190 castello	2	11/26/2018	144.10	105650
12/04/2018	14480		200 2nd street	3	11/26/2018	17.82	507390
12/04/2018	14480		157 6th street	4	11/26/2018	74.41	105640
12/04/2018	14480		156 5th street	5	11/26/2018	10.18	105640
12/04/2018	14480		589 beach road	6	11/26/2018	10.18	105841
12/18/2018	14542		street lights	1	12/03/2018	201.58	105640
01/03/2019	14571		945 quarry road	1	12/12/2018	17.51	507185
01/03/2019	14571		747 bogue	1	12/18/2018	10.28	105841
01/03/2019	14571		117 silverheels road	1	12/18/2018	10.26	105841
01/03/2019	14571		525 Hathaway	1	12/18/2018	177.01	105190
01/03/2019	14571		san plant	1	12/24/2018	4,521.98	617104
01/03/2019	14571		1190 castello	1	12/26/2018	154.39	507390
01/03/2019	14571		1190 castello	2	12/26/2018	154.40	105650
01/03/2019	14571		200 2nd street	3	12/26/2018	18.47	507390
01/03/2019	14571		157 6th street	4	12/26/2018	75.99	105640
01/03/2019	14571		156 5th street	5	12/26/2018	10.18	105640
01/03/2019	14571		589 platte drive	6	12/26/2018	10.18	105841
Total 2296:						10,943.62	
12/18/2018	14538	True Value	Supplies	1	12/03/2018	31.48	617155
12/18/2018	14538		Supplies	2	12/03/2018	39.97	507170
12/18/2018	14538		Supplies	3	12/03/2018	22.48	617140
12/18/2018	14538		Supplies	4	12/03/2018	77.83	105630
12/18/2018	14538		Supplies	5	12/03/2018	244.56	105830
12/18/2018	14538		Supplies	6	12/03/2018	34.26	507160
12/18/2018	14538		Sp	7	12/03/2018	3.79	105625
12/18/2018	14538		Supplies	8	12/03/2018	46.88	105670
12/18/2018	14538		Supplies	9	12/03/2018	117.06	105174
12/18/2018	14538		Supplies	10	12/03/2018	15.32	507130
12/18/2018	14538		Supplies	11	12/03/2018	.02	105640
01/03/2019	14569		Supplies	1	12/26/2018	49.73	617303
01/03/2019	14569		Supplies	2	12/26/2018	17.97	105027
01/03/2019	14569		Supplies	3	12/26/2018	34.95	507160
01/03/2019	14569		Supplies	4	12/26/2018	5.28	507155
01/03/2019	14569		Supplies	5	12/26/2018	27.98	617140
01/03/2019	14569		Supplies	6	12/26/2018	12.18	105630
01/03/2019	14569		Supplies	7	12/26/2018	17.97	617155
01/03/2019	14569		Supplies	8	12/26/2018	36.99	105445
Total 2405:						836.70	
12/13/2018	14511	Royal Publishing	advertising	1	11/30/2018	90.00	105130
Total 2416:						90.00	
01/03/2019	14565	Laser Graphics	Business Cards	1	12/28/2018	128.00	105030
01/03/2019	14565		Business Cards	1	12/27/2018	332.00	105445

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
Total 2437:						460.00	
12/04/2018	14468	KONICA MINOLTA BUSIN	C364E Copier	1	11/17/2018	588.30	105032
01/03/2019	14576		C364E Copier	1	12/17/2018	392.53	105032
Total 2448:						960.83	
12/18/2018	14523	Darrah, Tina	Cell Phone	1	12/18/2018	50.00	105065
Total 2482:						50.00	
12/18/2018	14519	CARD SERVICES	Supplies	1	12/03/2018	148.49	507303
12/18/2018	14519		Supplies	2	12/03/2018	148.49	617303
12/18/2018	14519		Postage	3	12/03/2018	150.00	105035
12/18/2018	14519		Postage	4	12/03/2018	33.73	105445
12/18/2018	14519		food for meeting	5	12/03/2018	120.79	105070
12/18/2018	14519		Supplies	6	12/03/2018	82.42	105445
12/18/2018	14519		uniforms	7	12/03/2018	11.96	105445
12/18/2018	14519		food for meeting	8	12/03/2018	20.35	105070
12/18/2018	14519		Supplies	9	12/03/2018	73.45	507303
12/18/2018	14519		Supplies	10	12/03/2018	73.45	617310
12/18/2018	14519		dues	11	12/03/2018	155.00	105015
12/18/2018	14519		advertising	12	12/03/2018	175.00	105172
12/18/2018	14519		Supplies	13	12/03/2018	163.58	105174
12/18/2018	14519		Supplies	14	12/03/2018	20.60	105070
12/18/2018	14519		lodging for band	15	12/03/2018	264.09	105174
12/18/2018	14519		web hosting	16	12/03/2018	14.99	105130
12/18/2018	14519		training	17	12/03/2018	279.00	105635
12/18/2018	14519		Supplies	18	12/03/2018	9.00	105174
12/18/2018	14519		Supplies	19	12/03/2018	75.83	507303
12/18/2018	14519		Supplies	20	12/03/2018	75.84	617303
12/18/2018	14519		Supplies	21	12/03/2018	13.51	105174
12/18/2018	14519		training	22	12/03/2018	60.00	617150
12/18/2018	14519		Supplies	23	12/03/2018	34.99	507303
12/18/2018	14519		Supplies	24	12/03/2018	35.00	617303
12/18/2018	14519		Supplies	25	12/03/2018	180.65	507160
12/18/2018	14519		Supplies	26	12/03/2018	105.64	105174
12/18/2018	14519		Supplies	27	12/03/2018	10.58	617180
Total 2503:						2,536.43	
12/18/2018	14524	Fairplay - Valiton Hotel	vic tea food	1	12/01/2018	108.11	105174
12/18/2018	14524		victorian ball food	1	12/09/2018	786.52	105183
Total 2547:						894.63	
12/03/2018	14455	South Park Food Bank	holiday concert donation	1	12/03/2018	849.07	104790
Total 2563:						849.07	
01/03/2019	14562	Chapel, Rick	uniforms	1	12/31/2018	97.71	105410
Total 2575:						97.71	
12/04/2018	14467	High Country Engineering	jva passthrough	1	11/15/2018	956.00	617203
12/04/2018	14467		Engineering for FEMA	1	11/28/2018	1,000.00	507195

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
Total 2603:						1,956.00	
12/27/2018	14556	Susan Dunn	artwork & printing	1	10/12/2018	656.25	105150
12/27/2018	14556		artwork & printing	2	10/12/2018	218.75	105171
12/27/2018	14556		artwork & printing	3	10/12/2018	3,075.00	105130
12/27/2018	14556		artwork & printing	4	10/12/2018	125.00	105162
12/27/2018	14556		artwork & printing	5	10/12/2018	1,187.50	105172
12/27/2018	14556		artwork & printing	1	10/12/2018	586.49	105172
12/27/2018	14556		artwork & printing	2	10/12/2018	5,338.83	105130
12/27/2018	14556		posters & ad design	1	12/17/2018	625.00	105174
Total 2605:						11,822.82	
12/04/2018	14461	CenturyLink	7198362622355B	1	11/19/2018	454.94	105065
12/04/2018	14461		7198362445	1	11/19/2018	106.68	617320
12/04/2018	14461		acct 719-836-4609 502B	1	11/19/2018	57.85	507320
12/04/2018	14461		alarm line-525 Hathaway	1	11/19/2018	43.90	105190
01/03/2019	14573		7198362445	1	12/18/2018	106.68	617320
01/03/2019	14573		acct 719-836-4609 502B	1	12/19/2018	59.38	507320
01/03/2019	14573		alarm line-525 Hathaway	1	12/19/2018	43.90	105190
01/03/2019	14573		7198362622355B	1	12/19/2018	454.94	105065
12/04/2018	14461		acct 82239760	1	11/23/2018	38.21	105065
01/03/2019	14573		acct 82239760	1	12/23/2018	27.98	105065
Total 2614:						1,384.46	
12/18/2018	14540	Wittbrodt, Kim	cell phone reimb	1	12/18/2018	50.00	105065
Total 2655:						50.00	
12/18/2018	14522	Colorado Natural Gas, Inc.	natural gas-shop	1	12/04/2018	450.44	507390
12/18/2018	14522		natural gas	1	12/04/2018	211.83	105023
12/18/2018	14522		san office	1	12/04/2018	233.93	617104
12/18/2018	14522		sewer treatment plant	1	12/04/2018	1,445.92	617104
12/18/2018	14522		525 hathaway	1	12/04/2018	419.77	105190
Total 2728:						2,761.89	
01/03/2019	14579	South Park Telephone	internet 901 main	1	01/01/2019	29.98	105455
01/03/2019	14579		internet 901 main	2	01/01/2019	29.97	105065
12/04/2018	14476		internet 901 main	1	12/01/2018	29.97	105065
12/04/2018	14476		internet 901 main	2	12/01/2018	29.98	105455
Total 2730:						119.90	
12/18/2018	14530	Mead, Vaughn	cell phone reimb	1	12/18/2018	12.50	617320
12/18/2018	14530		cell phone reimb	2	12/18/2018	12.50	507320
12/18/2018	14530		cell phone reimb	3	12/18/2018	25.00	105645
Total 2739:						50.00	
12/18/2018	14527	Kasper, Gerrits	cell phone reimb	1	12/18/2018	50.00	105645
12/18/2018	14527		mileage reimburse	2	12/18/2018	90.50	105635
Total 2747:						140.50	

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
12/13/2018	14512	Shamrock Security Service	alarm line repair - 525 Hath	1	08/27/2018	200.00	105190
Total 2752:						200.00	
12/04/2018	14469	Mobile Record Shredders	record shredding	1	11/21/2018	12.00	105030
12/27/2018	14553		record shredding	1	12/20/2018	12.00	105030
Total 2793:						24.00	
12/04/2018	14462	Chaffee County Waste	6 yd weekly	1	11/05/2018	100.00	105650
12/04/2018	14462		6 yd weekly	2	11/05/2018	100.00	105023
Total 2801:						200.00	
12/18/2018	14517	Bullock, Julie	cell phone reimburse	1	12/18/2018	50.00	105065
Total 2812:						50.00	
12/13/2018	14509	Psychological Dimensions,	psych evaluations	1	12/06/2018	975.00	105480
Total 2816:						975.00	
12/04/2018	14466	Heart of the Rockies Radio	radio ads	1	11/30/2018	250.00	105174
12/04/2018	14466		radio ads	2	11/30/2018	250.00	105183
01/03/2019	14564		holiday radio ads	1	12/31/2018	299.00	105130
Total 2836:						799.00	
12/13/2018	14497	4th Artillery Quadrille Ense	band for vic ball	1	12/01/2018	1,175.00	105183
Total 2854:						1,175.00	
12/04/2018	14464	Colorado Analytical Lab	waste water testing	1	11/27/2018	380.00	617140
12/18/2018	14520		waste water testing	1	12/17/2018	380.00	617140
12/18/2018	14520		water testing	1	12/13/2018	40.00	507140
Total 2864:						800.00	
12/18/2018	14537	Tolin Mechanical	san plant repair	1	11/19/2018	276.00	617155
01/03/2019	14567		furnace repair - san office	1	12/28/2018	321.00	617155
Total 2867:						597.00	
01/03/2019	14568	Triangle Electric, Inc.	san plant repairs	1	12/26/2018	796.30	617155
Total 2876:						796.30	
12/28/2018	14558	Water Technology Group	aerators	1	11/12/2018	28,000.00	617155
Total 2884:						28,000.00	
12/13/2018	14508	Municode	update code book	1	12/05/2018	225.00	105075
Total 2890:						225.00	
01/03/2019	14578	Rise Broadband	internet	1	01/01/2019	103.68	617320
12/04/2018	14474		internet	1	12/01/2018	103.68	617320

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
Total 2900:						207.36	
12/18/2018	14525	Fairplay Auto Supply	supplies	1	11/28/2018	42.36	105420
12/18/2018	14525		supplies	2	11/28/2018	39.88	105134
12/18/2018	14525		supplies	3	11/28/2018	83.48	105825
Total 2948:						165.72	
12/27/2018	14552	MEBULBS	bulbs	1	12/18/2018	111.43	105830
01/03/2019	14566		bulbs	1	12/26/2018	166.79	617155
Total 2987:						278.22	
12/18/2018	14534	Schlunsen, Arthur	cell phone reimburse	1	12/18/2018	50.00	105455
Total 2988:						50.00	
12/18/2018	14539	White, Kathleen	cell phone reimburse	1	12/18/2018	25.00	105645
12/18/2018	14539		cell phone reimburse	2	12/18/2018	12.50	507320
12/18/2018	14539		cell phone reimburse	3	12/18/2018	12.50	617320
Total 3004:						50.00	
12/27/2018	14548	Colorado Mountain College	scholarship-Matthew McBe	1	12/27/2018	500.00	105171
Total 3121:						500.00	
12/04/2018	14472	Peak Materials	salt sand	1	11/28/2018	511.31	105670
12/18/2018	14531		salt/sand	1	11/29/2018	520.65	105670
Total 3181:						1,031.96	
01/03/2019	14577	Omni Real Estate	rent 93 fuller drive	1	01/01/2019	1,100.00	102268
12/04/2018	14471		rent	1	12/01/2018	1,100.00	102268
Total 3187:						2,200.00	
12/18/2018	14526	Green, Mason	cell phone reimburse	1	12/18/2018	50.00	105645
Total 3175:						50.00	
12/13/2018	14503	Hunn Planning & Policy, LL	planning fees	1	12/10/2018	1,000.00	105105
Total 3183:						1,000.00	
12/18/2018	14516	Brown, Jimmy	cell phone reimburse	1	12/18/2018	12.50	617320
12/18/2018	14516		cell phone reimburse	2	12/18/2018	12.50	507320
12/18/2018	14516		cell phone reimburse	3	12/18/2018	25.00	105645
Total 3199:						50.00	
12/04/2018	14460	CEBT	cobra - werner	1	12/01/2018	1,431.00	102240
Total 3209:						1,431.00	
12/13/2018	14506	Montrose Water Factory, L	bottled water	1	11/06/2018	8.75	105120

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
Total 3211:						8.75	
12/04/2018	14456	American West Constructio	fire hydrant repair/replace	1	11/19/2018	2,402.00	507155
Total 3247:						2,402.00	
12/13/2018	14498	DHM Design	riverpark design	1	11/12/2018	6,079.99	105880
12/27/2018	14550		riverpark design	1	12/13/2018	9,054.00	105886
Total 3254:						15,133.99	
12/18/2018	14533	Sara Griffith	software for presentation	1	12/18/2018	155.40	105125
12/18/2018	14533		mileagefor students	1	12/18/2018	103.14	105125
Total 3258:						258.54	
12/18/2018	14515	Alec Sabatini	mileage for students	1	12/18/2018	103.14	105125
Total 3259:						103.14	
12/18/2018	14541	Woodward, Marcus	cell phone reimburse	1	12/18/2018	50.00	105455
Total 3264:						50.00	
12/18/2018	14528	Laura Beshilas	mileage for student	1	12/18/2018	103.14	105125
Total 3269:						103.14	
12/04/2018	14465	Garfield & Hecht, P.C.	legal	1	10/31/2018	1,693.90	105057
12/27/2018	14551		legal	1	11/30/2018	931.40	105057
Total 3270:						2,625.30	
12/04/2018	14478	Vectra Bank	loan payment	1	11/16/2018	210,000.00	617504
12/04/2018	14478		loan payment	2	11/16/2018	56,454.15	617502
Total 3271:						266,454.15	
12/04/2018	14475	SGM	engineering	1	11/15/2018	120.75	105105
12/27/2018	14555		engineering	1	12/17/2018	1,775.75	105105
Total 3272:						1,896.50	
12/13/2018	14501	Grover, Barbara	uniform reimbursement	1	12/13/2018	454.95	105410
Total 3273:						454.95	
12/13/2018	14505	Michael Lorance	santa	1	12/03/2018	225.00	105174
Total 3274:						225.00	
12/13/2018	14500	Forensic Truth Group	testing	1	11/30/2018	280.00	105480
Total 3275:						280.00	
12/13/2018	14510	Purple Cat Tea	tea for vic tea	1	12/13/2018	38.84	105174

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
Total 3276:						38.84	
12/13/2018	14502	Hans Van Baal	plip reimbursement-530 fro	1	12/13/2018	486.65	105185
Total 3277:						486.65	
12/18/2018	14535	Temple Display Ltd.	tree light	1	12/04/2018	190.42	105174
Total 3278:						190.42	
12/18/2018	14532	Platte River Saloon	business holiday light winn	1	12/14/2018	300.00	105110
Total 3279:						300.00	
12/18/2018	14529	Matt Brooks	residential lighting winner	1	12/14/2018	200.00	105110
Total 3280:						200.00	
12/27/2018	14547	Andy Gutierrez	uniform allowance	1	12/27/2018	528.78	105410
Total 3281:						528.78	
12/27/2018	14549	Connie Hastings	refund utility overpayment	1	12/27/2018	101.70	501017
Total 3282:						101.70	
Grand Totals:						380,572.15	

## Report Criteria:

Detail report type printed



## MEMORANDUM

**TO:** Mayor and Board of Trustees  
**FROM:** Tina Darrah, Town Administrator/Clerk  
**RE:** Resolution Approving Posting Places for Meeting Notices  
**DATE:** January 3, 2019

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This resolution establishes the designated places for posting of the agenda. This is the same as was approved for 2018.

Recommended Action:

Motion to approve Resolution No. 1-2019. This needs a second and a voice vote.



**TOWN OF FAIRPLAY, COLORADO**

**RESOLUTION 1**  
**(Series 2019)**

**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.**

**WHEREAS**, Section 24-6-402(2)c of the Colorado Revised Statutes, as amended, requires that the public place or places for posting public notices of the meetings of the local public body shall be designated annually at the local public body's first regular meeting of each calendar year.

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO THAT:**

**Section 1:** The designated public place for the posting of meeting notices as required by the Colorado Open Meetings Law, C.R.S. 24-6-402(2)c, shall be the Fairplay Office of the United States Postal Service located at 517 Hathaway Street, Fairplay, Colorado 80440, Town Hall located at 901 Main Street, Fairplay, Colorado 80440, Park County Library located at 401 Main Street, Fairplay, Colorado 80440 and on the Town of Fairplay's web site located at [www.fairplayco.us](http://www.fairplayco.us). The Town Clerk shall be responsible for posting the required notices no later than twenty-four (24) hours prior to the holding of the meeting. All meeting notices shall include specific agenda information, where possible.

**APPROVED AND ADOPTED THIS 7th DAY OF JANUARY, 2019.**

\_\_\_\_\_  
Frank Just, Mayor

(SEAL)

**ATTEST:**

\_\_\_\_\_  
Tina Darrah, Town Clerk



## MEMORANDUM

**TO:** Mayor and Board of Trustees  
**FROM:** Tina Darrah, Town Clerk  
**RE:** Revocable Sub-License Agreement for 401 Main Street  
**DATE:** December 28, 2018

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Mike and Peggy Leczel of Off the Grid Food Truck have requested permission to use the lot at 401 Main Street again this year for their food truck. If you recall, last year, they sub-leased it from the Town for the months of May-September for \$300 per month – this year they would like the same timeframe but have agreed to pay \$500 per month. All other conditions remain the same as last year. Staff recommends approval of the agreement.

**Recommended Action:**

Motion to approve Resolution No. 2, series of 2019. This will require a second and a roll call vote.

**TOWN OF FAIRPLAY, COLORADO**

**RESOLUTION NO. 2**

**Series of 2019**

**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROVING PARTICIPATION IN A REVOCABLE SUB-LICENSE AGREEMENT WITH HIGH COUNTRY FOODS LLC, DBA OFF THE GRID FOOD TRAILER, FOR USAGE OF THE PROPERTY KNOWN AS 401 MAIN STREET, FAIPLAY, COLORADO.**

**WHEREAS**, the Town of Fairplay was asked to grant usage of this property to High Country Foods LLC to operate a food trailer from May through September; and,

**WHEREAS**, the Town of Fairplay is allowed, through the its lease of the property, to grant usage of this property to High Country Foods LLC; and

**WHEREAS**, the Town Board recognizes the benefit in having High Country Foods LLC as a business in the Town of Fairplay.

**NOW THEREFORE, BE IT RESOLVED THAT THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO THAT** the Board of Trustees hereby authorizes the Town Administrator and/or Mayor to sign the Agreement attached hereto as Exhibit "A".

**RESOLVED, APPROVED, and ADOPTED** this 7<sup>th</sup> day of January, 2019.

**TOWN OF FAIRPLAY, COLORADO**

(Seal)

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

## **REVOCABLE SUB-LICENSE AGREEMENT**

THIS AGREEMENT is made this \_\_\_\_ day of \_\_\_\_\_, 2019, by and between High Country Foods LLC, DBA Off the Grid Food Trailer ("Off The Grid") and the Town of Fairplay, Colorado (the "Town").

For and in consideration of the sum of five hundred dollars (\$500.00) paid monthly by Off the Grid to the Town for each month of use, the covenants herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

### **SECTION 1. THE LICENSE**

The Town leases the property commonly known and numbered as 401 Main Street, Fairplay, Colorado (the "Property"). Subject to all the terms and conditions hereto, the Town hereby grants to Off the Grid a license to occupy and use a portion the Property, as depicted in Exhibit A, for the purpose set forth in Section 2 herein.

### **SECTION 2. TERMS OF AGREEMENT**

A portion of the Property, as depicted in Exhibit A, may be used and occupied by Off the Grid for the purpose of the placement and operation of a temporary food vending cart for a period of time, beginning May 1, 2018, and ending September 30, 2019. Off the Grid is required to pay the agreed upon fee for each month of usage on the 1<sup>st</sup> of each month. Off the Grid is required to place trash receptacles on the Property and may place tables, canopies, temporary signage and portable toilets on the Property as depicted on the attached map. No items, including the food trailer, placed on the Property by Off the Grid may block access to the parking lot, alley or sidewalk.

### **SECTION 3. TERMINATION**

Either party may terminate this Agreement by giving written notice to the other party specifying the date of termination, such notice to be given not less than thirty (30) days prior to the date specified therein. Upon termination the Property shall be returned to its original condition.

### **SECTION 4. MAINTENANCE**

Off the Grid shall, at its own expense, keep and maintain in good repair any fixtures or structures constructed, placed, operated or maintained on the Property and, within thirty (30) days of termination of this Agreement, shall remove such fixtures. Trash must be disposed of daily

### **SECTION 5. DAMAGE TO PROPERTY**

Off the Grid shall be responsible for all damage to the Property arising out of or resulting from the use of the Property by Off the Grid, its agents, employees, visitors, patrons and invitees. Off the Grid shall notify the Town immediately upon discovery of any damage to the Property. Off the Grid shall correct and repair the damage within one (1) week of notification or knowledge of the damage unless otherwise directed by the Town.

#### **SECTION 6. INSURANCE**

Off the Grid agrees to procure insurance coverage which includes and covers the Property that is the subject of this Agreement, and to name the Town as an additional insured thereon. Such insurance policy shall at a minimum include liability and property damage insurance, with policy limits for bodily injury and property damage in an amount to be agreed upon by the parties. A Certificate of Insurance showing the Town as an additional insured thereon shall be provided to the Town within thirty (30) days of execution of this Agreement. The failure to provide the Certificate of Insurance shall be grounds for immediate revocation of this License Agreement.

#### **SECTION 7. NOTICES**

Any notice given pursuant to this Agreement by either party to the other shall be in writing and mailed by certified mail, return receipt requested, postage prepaid, and addressed as follows:

To the Town:           Town of Fairplay  
                              901 Main Street  
                              P.O. Box 267  
                              Fairplay, CO 80440

To Off the Grid:       Mike and Peggy Leczel  
                              PO Box 329  
                              Fairplay CO, 80440

#### **SECTION 8. MISCELLANEOUS**

A. Agreement Binding. This Agreement shall inure to the benefit of and be binding upon the heirs, successors and assigns of the parties hereto, subject to any other conditions and covenants contained herein.

B. Applicable Law. The laws of the State of Colorado and applicable federal, state and local laws, rules, regulations and guidelines shall govern this Agreement.

C. Amendment. This Agreement may not be amended except in writing by mutual agreement of the parties, nor may rights be waived except by an instrument in writing signed by the party charged with such waiver.

D. Headings. The headings of the sections of this Agreement are inserted for reference purposes only and are not restrictive as to content.

E. Assignment. Off the Grid may not assign or transfer this Agreement, except upon the express written authorization of the Town.

IN WITNESS WHEREOF, the parties have duly executed this Agreement, effective the day and year first above written.

**TOWN OF FAIRPLAY, COLORADO**

By: \_\_\_\_\_  
Frank Just, Mayor

ATTEST:

\_\_\_\_\_  
Tina Darrah, Town Clerk

**OFF THE GRID**

\_\_\_\_\_  
Mike Leczel

\_\_\_\_\_  
Peggy Leczel



## MEMORANDUM

**TO:** Mayor and Board of Trustees

**FROM:** Tina Darrah, Town Administrator/Clerk

**RE:** Resolution Approving Adoption of a Written Policy with Respect to the Destruction of Personal Identifying Information

**DATE:** January 3, 2019

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This resolution was drafted by Town Attorney Wisor to bring the Town into compliance with HB 18-1128, which mandates that the Town have a written policy regarding the destruction of personal identifying information. Mr. Wisor will be present at the meeting to answer any questions that you have in regards tot the policy document.

**Recommended Action:**

Motion to approve Resolution No. 3-2019. This needs a second and a voice vote.

**TOWN OF FAIRPLAY, COLORADO  
RESOLUTION NO. 3  
(SERIES 2019)**

**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY,  
COLORADO, ADOPTING A WRITTEN POLICY WITH RESPECT TO THE  
DESTRUCTION OF PERSONAL IDENTIFYING INFORMATION**

**WHEREAS**, the Colorado General Assembly has adopted House Bill 18-1128 (“HB 18-1128”) entitled “Protections for Consumer Data Privacy”; and

**WHEREAS**, HB 18-1128 mandates local governments such as the Town of Fairplay (“the Town”) adopt policies and procedures regarding the destruction of personal identifying information for the protection of Colorado residents and consumers; and

**WHEREAS**, HB 18-1128 sets forth requirements regarding the protection of personal identifying information; and

**WHEREAS**, HB 18-1128 imposes certain reporting requirements in the event of a security breach with respect to personal identifying information; and

**WHEREAS**, the Town desires to be in compliance with HB 18-1128 for the purpose of ensuring the health, safety and welfare of the public.

Now, therefore, be it resolved by the board of trustees of the town of Fairplay, Colorado that:

Section 1: The Town Board of Trustees hereby adopts the “Policy Regarding Disposal of Personal Identifying Information and Reporting of Security Breaches” attached hereto as Exhibit A.

Section 2: The Town Board of Trustees hereby finds, determines, and declares that this Resolution is promulgated under the general police power of the Town of Fairplay, that it is promulgated for the health, safety and welfare of the public and that this Resolution is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Board of Trustees further determines the Resolution bears a rational relation to the proper legislative object sought to be attained.

Section 3. If any clause, sentence or paragraph or part of this Resolution of the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the application to other persons or circumstances.

Section 4. This Resolution shall become effective immediately.



**RESOLVED, APPROVED AND ADOPTED THIS 7TH DAY OF JANUARY 2019.**

\_\_\_\_\_  
Frank Just, Mayor

\_\_\_\_\_  
Tina Darrah, Town Clerk

**EXHIBIT A**

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## **POLICY REGARDING DISPOSAL OF PERSONAL IDENTIFYING INFORMATION AND REPORTING OF SECURITY BREACHES**

### Section 1. Purpose

The purpose of this Policy is to implement the terms of Colorado House Bill 18-1128 (the "Act") concerning strengthening protections for consumer data privacy. The Act requires that all covered entities have in place a written policy for the destruction or proper disposal of paper and electronic documents containing personal identifying information. The Act further sets forth parameters regarding notification of security breaches related to personal identifying information.

### Section 2. Applicability

This Policy shall apply to all Departments (defined below) under the supervision and control of the Town of Fairplay Board of Trustees.

### Section 3. Definitions

"Biometric Data" means unique biometric data generated from measurements or analysis of human body characteristics for the purpose of authenticating the individual when he or she accesses an online account.

"Departments" means, collectively, all departments under the supervision and control of the Fairplay Board of Trustees.

"Determination that a Security Breach Occurred" means the point in time at which there is sufficient evidence to conclude that a security breach has taken place.

"Encrypted" means rendered unusable, unreadable, or indecipherable to an unauthorized person through a security technology or methodology generally accepted in the field of information security.

"Medical Information" means any information about a consumer's medical or mental health treatment or diagnosis by a health care professional.

"Notice" means:

- written notice to the postal address listed in the records of the governmental entity;

- telephonic notice;
- electronic notice, if a primary means of communication by the governmental entity with a Colorado resident is by electronic means or the notice provided is consistent with the provisions regarding electronic records and signatures set forth in the federal "electronic signatures in global and national commerce act", 15 U.S.C. sec. 7001 et seq.; or
- substitute notice, if the governmental entity required to provide notice demonstrates that the cost of providing notice will exceed two hundred fifty thousand dollars, the affected class of persons to be notified exceeds two hundred fifty thousand Colorado residents, or the governmental entity does not have sufficient contact information to provide notice substitute notice consists of all of the following:
  - e-mail notice if the governmental entity has e-mail addresses for the members of the affected class of Colorado residents;
  - conspicuous posting of the notice on the website page of the governmental entity if the governmental entity maintains one; and
  - notification to major statewide media.

"Personal identifying information" means, a social security number; a personal identification number; a password; a pass code; an official state or government-issued driver's license or identification card number; a government passport number; biometric data, as defined in section 6-1-716 (1)(a), C.R.S.; an employer, student, or military identification number; or a financial transaction device, as defined in section 18-5-701 (3), C.R.S.

"Personal Information" means (A) a Colorado resident's first name or first initial and last name in combination with any one or more of the following data elements that relate to the resident, when the data elements are not encrypted, redacted, or secured by any other method rendering the name or the element unreadable or unusable: social security number; driver's license number or identification card number; student, military, or passport identification number; medical information; health insurance identification number; or biometric data, as defined in this section; (B) a Colorado resident's username or e-mail address, in combination with a password or security questions and answers, that would permit access to an online account; or (C) a Colorado resident's account number or credit or debit card number in combination with any required security code, access code, or password that would permit access to that account.

"Personal Information" does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records or widely distributed media.

"Security Breach" means the unauthorized acquisition of unencrypted computerized data that compromises the security, confidentiality, or integrity of personal information maintained by a governmental entity good faith acquisition of personal information by an employee or agent of a governmental entity for the purposes of the governmental entity is not a security breach if the personal information is not used for a purpose unrelated to the lawful government purpose or is not subject to further unauthorized disclosure.

"Town" means the Town of Fairplay, Colorado, acting by and through the Fairplay Board of Trustees.

The definitions of the Act are further hereby incorporated into this Policy to the extent not set forth above.

#### Section 4. DISPOSAL OF PERSONAL IDENTIFYING INFORMATION

It shall be the policy for all Departments that, unless otherwise required by state or federal law or regulation, when any paper or electronic documents containing personal identifying information are no longer needed by the Departments, the Departments shall destroy or arrange for the destruction of such paper and electronic documents within the Departments' custody or control by shredding, erasing, or otherwise modifying the personal identifying information in the paper or electronic documents to make the personal identifying information unreadable or indecipherable through any means.

The Departments shall implement inter-departmental procedures and policies which address the specific nature of their offices to ensure compliance with this Policy and the Act.

#### Section 5. PROTECTION OF PERSONAL IDENTIFYING INFORMATION

All Departments shall protect personal identifying information from unauthorized access, use, modification, disclosure, or destruction. The Departments, shall implement and maintain reasonable security procedures and practices that are appropriate to the nature of the personal identifying information given the nature of the Town and its size as a governmental entity.

The Departments shall require that in all contracts with third parties, which either do, or could result in, the exchange of personal identifying information, contractual terms to ensure third parties are subject to, and abiding by, the terms of the Act and this Policy.

#### Section 6. NOTIFICATION OF SECURITY BREACH

The Departments shall immediately notify the Town Administrator when it becomes aware that a Security Breach may have occurred. The Departments shall conduct a good faith prompt investigation to determine the likelihood that personal information has been or will be misused. The Town shall give Notice, as provided below, to the affected Colorado residents unless the investigation determines that the misuse of information about a Colorado resident has not occurred and is not reasonably likely to occur.

Notice shall be made in the most expedient time possible and without unreasonable delay, but not later than thirty (30) days after the date of determination that a Security Breach occurred, consistent with the legitimate needs of law enforcement and consistent with any measures necessary to determine the scope of the breach and to restore the reasonable integrity of the computerized data system.

In the event the Town is required to provide Notice, as defined in Section 3, the following information shall be provided to all affected Colorado residents:

- the date, estimated date, or estimated date range of the security breach;
- a description of the personal information that was acquired or reasonably believed to have been acquired as part of the security breach;
- information that the resident can use to contact the governmental entity to inquire about the security breach;
- the toll-free numbers, addresses, and websites for consumer reporting agencies;
- the toll-free number, address, and website for the federal trade commission; and

- a statement that the resident can obtain information from the federal trade commission and the credit reporting agencies about fraud alerts and security freezes.

If an investigation by the Town determines that personal information has been misused or is reasonably likely to be misused, then the Town shall, in addition to the notice otherwise required by above, and in the most expedient time possible and without unreasonable delay, but not later than thirty (30) days after the date of determination that a security breach occurred, consistent with the legitimate needs of law enforcement and consistent with any measures necessary to determine the scope of the breach and to restore the reasonable integrity of the computerized data system:

- Direct the person whose personal information has been breached to promptly change his or her password and security question or answer, as applicable, or to take other steps appropriate to protect the online account with the person or business and all other online accounts for which the person whose personal information has been breached uses the same username or e-mail address and password or security question or answer.
- For log-in credentials of an e-mail account furnished by the Town, the Town shall not comply with this section by providing the security breach notification to that e-mail address, but may instead comply with this section by providing notice through other methods, as defined in Section 3, or by clear and conspicuous notice delivered to the resident online when the resident is connected to the online account from an internet protocol address or online location from which the Town knows the resident customarily accesses the account.

The breach of encrypted or otherwise secured personal information must be disclosed in accordance with this section if the confidential process, encryption key, or other means to decipher the secured information was also acquired in the security breach or was reasonably believed to have been acquired.

Departments are prohibited from charging the cost of providing such notice to individuals.

In accord with Section 5, if the Departments use a third-party service provider to maintain computerized data that includes personal information, then the Departments shall require that the third-party service provider shall give notice to and cooperate with the Town in the event of a security breach that compromises such computerized data, including notifying the Town of any security breach in the most expedient time and without unreasonable delay following discovery of a security breach, if misuse of personal information about a Colorado resident occurred or is likely to occur. Cooperation includes sharing with the Town information relevant to the security breach; except that such cooperation does not require the disclosure of confidential business information or trade secrets.

#### Section 7. REPORTING OF SECURITY BREACH

If the Town must notify Colorado residents of a data breach pursuant to this Policy, then the Town shall provide notice of any security breach to the Colorado Attorney General in the most expedient time possible and without unreasonable delay, but not later than thirty (30) days after the date of determination that a security breach occurred, if the security breach is reasonably believed to have affected five hundred Colorado residents or more, unless the investigation determines that the misuse of information about a Colorado resident has not occurred and is not likely to occur.

The breach of encrypted or otherwise secured personal information must be disclosed in accordance with this section if the confidential process, encryption key, or other means to decipher the secured information was also acquired or was reasonably believed to have been acquired in the security breach.

If the Town is required to notify more than one thousand (1,000) Colorado residents of a security breach pursuant to this Policy, the Town shall also notify, in the most expedient time possible and without unreasonable delay, all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis, as defined by the federal "Fair Credit Reporting Act", 15 U.S.C. sec.1681a (p), of the anticipated date of the notification to the residents and the approximate number of residents who are to be notified. Nothing in this Policy requires the Town to provide to the consumer reporting agency the names or other personal information of security breach notice recipients. This Section 6 does not apply to a person who is subject to Title V of the federal "Gramm-Leach-Bliley Act", 15 U.S.C. sec. 6801 et seq.

A waiver of these notification rights or responsibilities is void as against public policy.

Effective: January 7, 2019

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Frank Just, Mayor

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Tina Darrah, Town Clerk





## MEMORANDUM

**TO:** Mayor and Board of Trustees  
**FROM:** Tina Darrah, Town Administrator  
**RE:** Resignation of Trustee Douglas  
**DATE:** December 28, 2018

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With Ray's election as Park County Commissioner, he has had to resign as Trustee. As such, he has submitted a resignation letter for your acceptance. At this time, it would also be appropriate to direct staff to advertise the vacant Trustee position.

**Recommended Action:**

Motion to the resignation of Ray Douglas as Trustee for the Town of Fairplay. This will need a second and a voice vote.

January 7, 2018

Serving the Town of Fairplay, both as a Trustee and as Mayor Pro Tem, has been an absolute pleasure and honor for me. I am so grateful to have had the opportunity to serve the citizens of Fairplay, and I look forward to continuing to do so as a Park County Commissioner. I would like to thank the rest of the Board, and the Town staff for all the support they have given me as a Town of Fairplay Trustee.

Respectfully,



Ray Douglas