

1. Meeting Material

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**OFFICIAL MINUTES
REGULAR BOARD MEETING
APRIL 7, 2025
901 MAIN STREET, FAIRPLAY, CO 80440**

I. REGULAR MEETING – CALL TO ORDER

A Regular Meeting of the Fairplay Board of Trustees was called to order on Monday, April 7, 2025, at 6:00 PM at Town Hall, 901 Main Street, Fairplay, CO, having previously been posted in accordance with Colorado Open Meetings law.

II. PLEDGE OF ALLEGIANCE

Mayor Just led the pledge of allegiance.

III. ROLL CALL

BOARD MEMBERS PRESENT: Mayor Frank Just, Trustee Ray Douglas, Trustee Erik Baum, and Trustee Josh Voorhis.

BOARD MEMBERS ABSENT:

STAFF IN ATTENDANCE: Town Administrator Janell Sciacca, Town Attorney Joe Rivera, Town Planner Scot Hunn, Town Engineer Deron Dierksen, Streets & Utilities Superintendent Tim Medlin, and Chief of Police Jeff Worley.

IV. APPROVAL OF AGENDA

MOTION to approve the agenda as presented was made by Trustee Baum and seconded by Trustee Voorhis.

- Roll call vote: Unanimous approval.

V. CONSENT AGENDA

A. APPROVAL OF REGULAR MEETING MINUTES – November 4, 2024

B. APPROVAL OF REGULAR MEETING MINUTES – November 18, 2024

C. APPROVAL OF REGULAR MEETING MINUTES – March 17, 2025

D. APPROVAL OF EXPENDITURES – Paid bills for all Town funds from March 15, 2025, through April 3, 2025, in the amount of \$233,722.81.

MOTION to approve the Consent Agenda as presented with the minutes as written and expenditures as stated was made by Trustee Douglas and seconded by Trustee Voorhis.

- Roll call vote: Unanimous approval.

VI. CITIZEN COMMENTS

Scott Dodge, representing Park County Law Enforcement Gives Back, and Park County Sheriff Tom McGraw presented on behalf of the Nate Carrigan Scholarship Fund. They announced that in 2024 five \$5,000 scholarships were awarded and the same number of scholarships would be presented for 2025. Dodge reported that fundraising efforts for 2025-2026 were underway with the annual golf outing scheduled to be held in Littleton at Raccoon Creek on June 26th starting at 7:30 AM. Dodge then announced National Night Out would be held in Fairplay on Tuesday, August 6th, and that the Fairplay Police Department was hosting/organizing and PCLEGB was requesting the Town's participation and funding. He announced that last year's contribution from the Town was approximately \$3,500 for both the Golf Event and National Night Out. Dodge advised that Park County verbally committed \$2,000 for scholarships and \$1,000 for National Night Out. The Board of Trustees agreed to match last year's contribution and encouraged the County to match the Town's donation. Town Administrator Sciacca announced that she included funding in the 2025 budget for a 3rd Town for 2025.

VII. PROCLAMATIONS, PRESENTATIONS & UPDATES

A. Presentation from Habitat for Humanity Director Owen Dodd. CONTINUED TO APRIL 21, 2025

VIII. PUBLIC HEARINGS

A. BOARD OF ADJUSTMENT – Hearing on request from ACL Real Estate, LLC for variance for relief from parking lot design and landscape standards requirements for Highside Brewing located at 411 US Highway 285, Fairplay..

Mayor Just announced the topic of the Public Hearing and provided an overview of the hearing format. He opened the Public Hearing.

Town Planner Scott Hunn presented the staff recommendation, The code is clear about changes in use dictating application of parking requirements and design standards. The applicant cited the nonconformity section of the code, which usually applies to non-conforming lots or structures. The structure is non-conforming as it encroaches into the 30-foot setback and the change in use from a furniture store to a brewery/tavern triggers the new parking requirements. Town Attorney Rivera provided legal context explaining the difference between use variances and area variances. He clarified that the change from a furniture store to a tavern/bar requires different parking standards. He advised the Board could consider approving the application with conditions or adjusting the number of parking spots required. Applicant David Axelrod presented his case and argued that the property was previously used as a restaurant and bar before becoming a furniture store. He stated that paving the parking lot would cost around \$250,000, which would result in significant hardship for the business. Axelrod mentioned plans for improving the property, including adding handicap signs and a ramp. He requested finding a middle ground that satisfies both the business needs and town requirements.

Mayor Just opened the floor to public comment in favor of granting the variance. Comments were accepted and received from patrons and staff of the bar that lived outside the Town of Fairplay in support of the variance request citing the business's positive impact on the community, the cost and environmental impact of paving, suggestions for alternative solutions like gravel or chip seal, and the need for the town to develop a comprehensive drainage plan. Mayor Just opened the floor to comments against granting the variance. Scott Dodge, 1317 Meadow, expressed concern about going against the UDC (Unified Development Code) that was developed with public input. There being no further comments, the floor was closed to public comment.

The Board deliberated with discussion taking place about potential compromises, such as landscaping and safety improvements. Trustee Voorhis noted the need for a more detailed plan from the applicant on what they are willing to provide. The Board was in general agreement that a blanket variance for all requested items was unlikely. Town Administrator Sciacca raised concerns about setting a precedent for future projects and variance requests. Mayor Just advised that the Board would like to see the applicant come up with a detailed plan including landscaping, parking, and other improvements he was willing to make so that Town Staff could work with him to develop a plan to address both the Town's requirements and the business's needs.

MOTION to stay the request from ACL Real Estate, LLC for variance for relief from parking lot design and landscape standards requirements for Highside Brewing for 90 Days (July 7, 2025) was made by Trustee Baum and seconded by Trustee Douglas.

- Roll call vote: Unanimous approval.

IX. NEW BUSINESS

A. ACCEPTANCE OF RESIGNATION OF TRUSTEE AND MAYOR PRO TEM PETER LYNN AND DISCUSSION REGARDING SOLICITATION OF LETTERS OF INTEREST FOR VACANCY.

Town Administrator Sciacca reported that Mayor Pro Tem Lynn submitted his resignation effective March 17, 2025 and because there was no election in the next 6 months, the Board would need to move forward to solicit letters of interest from citizens to fill the position through April, 2026.

MOTION to accept Pete Lynn's resignation effective March 17, 2025 was made by Trustee Voorhis and seconded by Trustee Baum.

- Roll call vote: Unanimous approval.

B. SELECTION OF MAYOR PRO TEM.

MOTION to appoint Ray Douglas Mayor Pro Tem was made by Trustee Baum and seconded by Trustee Voorhis.

- Roll call vote: Unanimous approval.

C. FIRST READING – Should the Board of Trustees for the Town of Fairplay approve the adoption of Resolution No. 13, Series of 2025, entitled “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, ADOPTING REVISED TOWN OF FAIRPLAY WORLD CHAMPIONSHIP PACK BURRO RACE RULES.”?

Town Administrator Sciacca provided an overview of the Staff report noting changes were made in response to work sessions and requests made by Amber Wann who requested allowing jack chains, which some Burro owners felt prevented them from participating. She advised most changes were non-substantial and were reviewed by the Town Attorney. Trustee Voorhis expressed concerns about the use of Jack Chains, suggesting they only be used at the onset or within city limits. Town Administrator Sciacca

reported that as was past practice, a veterinarian would conduct pre-race and post-race checks on animals, with potential disqualification for any signs of abuse.

MOTION to approve adoption of Resolution No. 13, Series of 2024, as presented was made by Mayor Pro Tem Douglas and seconded by Trustee Baum.

- Roll call vote: Unanimous approval.

D. Discussion regarding sidewalk project priorities for construction in spring/summer 2025, with or without grant funding.

The Board discussed sidewalk project priorities for construction in spring/summer 2025. Sciacca reminded the Board that \$300,000 was allocated for streets and sidewalks in the 2025 Budget and Staff recommended a focus on sidewalks this year and prioritized projects would include:

- 501 Main Street and adjacent section on Fifth Street
- 6th Street between Hathaway and the school entrance
- Hathaway from the north side between 8th and 9th
- 9th Street from Castello to Main
- Castello on the south side between 8th and 6th
- From Witcher/Crawford to the school ballfields
- Castello Avenue from 8th Street to Family Dollar

She advised that Staff was looking into a Safe Routes to School grants for potential funding. She also reported that SGM had provided a quote of \$11,764 for survey work on Front Street for a future project for sidewalks downtown from 4th to 8th Streets. Sciacca requested concurrence on the sidewalk project and prioritization and the Board generally concurred.

MOTION to approve the acceptance of the construction bid for the sidewalk projects as detailed in the packet was made by Trustee Voorhis and seconded by Mayor Pro Tem Douglas.

- Roll call vote: Unanimous approval.

X. OLD BUSINESS

A. Discussion of and request for formal action on Sabbatical Program proposed by Chief Jeff Worley in September 2024.

Chief Worley reviewed the proposed 30-day sabbatical program for police officers to promote wellness. The program aims to address the stressful nature of police work and its potential impact on officers' mental health. The Chief cited recent studies supporting the need for such programs in law enforcement. The proposed sabbatical would not significantly impact the Town's budget but would require the department to manage without an officer for 30 days. The Chief reviewed his proposed implementation details that would avoid leaving the department short-staffed. He also expressed the program would be seen as a valuable benefit that could help attract and retain officers. Town Attorney Rivera advised he would review the program to ensure it complies with legal requirements. The Board requested Rivera draft a resolution for formal adoption of the program, to be reviewed and considered at an upcoming meeting.

B. Report on Right-Of-Way Obstructions and Next Steps.

Town Attorney Rivera presented an overview of his findings on the current code regarding right-of-way use. He stated the existing code already requires permits for encroaching on or using any portion of the right-of-way as well as safety requirements, penalties for violations, and a bond requirement. He also noted two items not in the current code: express time limits and limiting use to areas adjacent to one's property. Discussion ensued regarding whether vehicles should be included in the ordinance and concerns were raised about residents with no other parking options except town right-of-ways. It was generally agreed to focus on non-vehicle obstructions like logs, landscaping rocks, or other personal property, while some Board members felt there was still need to address seasonal parking restrictions, especially for snow plowing. Rivera advised he would update the ordinance title to clarify its application, exclude vehicles from the permit requirement with existing registration requirements, and maintain staff discretion for enforcement based on factors like season, location, and duration. The Board agreed to have Rivera refine the ordinance based on the discussion and present it at a future meeting.

XI. STAFF AND BOARD OF TRUSTEE REPORTS

Chief Worley reported on recent department activities - Completed spring training days, fulfilling state and federal mandated certifications; All officers received training on LIDAR, a handheld radar device for the AVIS project; and the PD was waiting for the calibrated LIDAR device to be sent with the AVIS project being expected to start in about 30 days.

Streets and Utilities Superintendent Medlin provided updates – Staff was removing a berm on the backside of the shop and Park County was using some of the material at the Fairgrounds; looking at obtaining more equipment to improve operations; and work on alleyways would start in the coming weeks.

Mayor Just reported on the investigation of traffic light issues at US285 & CO9. He observed the light cycles at 58 seconds for east-west traffic on Highway 9 and 62 seconds for north-south traffic on 285. Just advised that upgrading to flashing amber turn signals would require significant changes to the existing light assemblies. He reported that the cost of upgrading the 19 total assemblies in the area was deemed prohibitively expensive. The Board agreed to monitor the situation and address any future issues as they arise.

XII. EXECUTIVE SESSION

- A. An executive session of the Board of Trustees to discuss the acquisition of certain real property and to develop negotiation strategy, instruct negotiators, and receive legal advice regarding the same, as authorized under sections 24-6-402(4)(a), (4)(b), and (4)(e) of the Colorado Revised Statutes.

MOTION to move into Executive Session under sections 4-6-402(4)(a), (4)(b), and (4)(e) of the Colorado Revised Statutes to discuss the acquisition of certain real property and to develop negotiation strategy, instruct negotiators, and receive legal advice regarding same was made by Mayor Pro Tem Douglas and seconded by Trustee Baum.

- Roll call vote: Unanimous approval.

XIII. RECONVENE REGULAR MEETING AND ADJOURNMENT.

The regular meeting was reconvened at 9:36 PM.

XIV. ADJOURNMENT.

There being no further business before the Fairplay Board of Trustees, Mayor Just declared the meeting adjourned at 9:36 PM.

ATTEST:

Janell Sciacca, Town Clerk



BOARD OF TRUSTEES, FAIRPLAY, COLORADO

Frank Just, Mayor



**AGENDA for a Regular Meeting
of the Board of Trustees of the Town of Fairplay, CO
Monday, April 7, 2025, at 6:00 P.M. in the
Fairplay Town Hall, 901 Main St, Fairplay, CO**

[Join the TEAMS Meeting](#) (Meeting ID: 272 526 446 874 / Passcode: ju7eS2Wk)

- I. 6:00 PM CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. APPROVAL OF AGENDA**
- V. CONSENT AGENDA** *(This item is intended to streamline the Board Meeting grouping routine, non-controversial business. The public or the Board Members may ask that an item be removed from the Consent Agenda for individual consideration.)*
 - A. APPROVAL OF REGULAR MEETING MINUTES** – November 4, 2024
 - B. APPROVAL OF REGULAR MEETING MINUTES** – November 18, 2024
 - C. APPROVAL OF REGULAR MEETING MINUTES** – March 17, 2025
 - D. APPROVAL OF EXPENDITURES** – Paid bills for all Town funds from March 15, 2025, through April 3, 2025, in the amount of **\$233,722.81.**
- VI. CITIZEN COMMENTS** *(This item allows the public to sign up to address the Board on matters that are not already on the agenda. Comments are limited to 5 minutes per person. On advice of counsel, neither the Board nor Staff members will directly respond to comments; instead, the Board will direct Staff to respond and, when necessary, provide a status update to the Board.)*
- VII. PROCLAMATIONS, PRESENTATIONS & UPDATES**
 - A.** Presentation from Habitat for Humanity Director Owen Dodd.
- VIII. PUBLIC HEARINGS**
 - A. BOARD OF ADJUSTMENT** – Hearing on request from ACL Real Estate, LLC for variance for relief from parking lot design and landscape standards requirements for Highside Brewing located at 411 US Highway 285, Fairplay. *The Board will consider a request for relief from parking lot, landscaping and associated drainage improvement requirements.*
- IX. NEW BUSINESS**
 - A. ACCEPTANCE OF RESIGNATION OF TRUSTEE AND MAYOR PRO TEM PETER LYNN AND DISCUSSION REGARDING SOLICITATION OF LETTERS OF INTEREST FOR VACANCY.** *The Board will vote to accept the resignation of Lynn and set forth the process for selection of an appointee to fill the seat until the next regular election in April 2026.*
 - B. SELECTION OF MAYOR PRO TEM.** *The Board will vote to select a new Mayor Pro Tem.*
 - C. FIRST READING** – Should the Board of Trustees for the Town of Fairplay approve the adoption of Resolution No. 13, Series of 2025, entitled **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, ADOPTING REVISED TOWN OF FAIRPLAY WORLD CHAMPIONSHIP PACK BURRO RACE RULES.”**? *The Board will consider adopting updated Burro Days Official Pack Burro Race Rules.*
 - D.** Discussion regarding sidewalk project priorities for construction in spring/summer 2025, with or without grant funding.
- X. OLD BUSINESS**
 - A.** Discussion of and request for formal action on Sabbatical Program proposed by Chief Jeff Worley in September 2024.
 - B.** Report on Right-Of-Way Obstructions and Next Steps.
- XI. STAFF AND BOARD OF TRUSTEE REPORTS**
- XII. EXECUTIVE SESSION**
 - A.** An executive session of the Board of Trustees to discuss the acquisition of certain real property and to develop negotiation strategy, instruct negotiators, and receive legal advice regarding same, as authorized under sections 24-6-402(4)(a), (4)(b), and (4)(e) of the Colorado Revised Statutes.
- XIII. RECONVENE REGULAR MEETING AND ADJOURNMENT.**

Upcoming Meetings / Events

Park County Intergovernmental Meeting	April 16, 2025
The Flume People's Choice Awards Ceremony & Dinner	April 18, 2025
Board of Trustees Regular Meeting	April 21, 2025
South Park High School CTE Open House	April 30, 2025
Board of Trustees Regular Meeting	May 5, 2025
Board of Trustees Regular Meeting	May 19, 2025
Xcel Energy Wildfire Mitigation Project Temporary Power Outage	May 28, 2025
Town Clean Up Days	June 6-8, 2025
Huck Finn Free Fishing Day at Fairplay Beach	June 7, 2025



**OFFICIAL MINUTES
REGULAR BOARD MEETING
NOVEMBER 4, 2024
901 MAIN STREET, FAIRPLAY, CO 80440**

5:00 PM WORK SESSION TO DISCUSS UPDATING OF THE TOWN OF FAIRPLAY THREE MILE PLAN FOR ANNEXATION.

I. CALL TO ORDER

A Regular Meeting of the Fairplay Board of Trustees was called to order on Monday, November 4, 2024, at 6:00 PM at Town Hall, 901 Main Street, Fairplay, CO, having previously been posted in accordance with Colorado Open Meetings law.

PLEDGE OF ALLEGIANCE

Mayor Just led the pledge of allegiance.

ROLL CALL

BOARD MEMBERS PRESENT: Mayor Frank Just, Mayor Pro Peter Tem Lynn, Trustee Ray Douglas, and Trustee Erik Baum.

BOARD MEMBERS ABSENT: Trustee Josh Voorhis (excused)

STAFF IN ATTENDANCE: Town Administrator Janell Sciacca, Chief of Police Jeff Worley, Town Attorney Nina Williams (online), Town Planner Scot Hunn (online), and Town Engineer Deron Dirksen (online).

II. APPROVAL OF AGENDA

MOTION to approve the agenda as presented was made by Trustee Douglas and seconded by Mayor Pro Tem Lynn.

- Roll call vote: Unanimous approval.

III. CONSENT AGENDA

A. APPROVAL OF EXPENDITURES – Paid bills for all Town funds from October 18, 2024, to through October 31, 2024, in the amount of \$115,428.08.

Town Administrator Sciacca responded to questions regarding expenses for leadership training for Police Sergeants, which was part of a grant, and multiple expenses for employee benefits and retirement that were now showing up in the expenses (CEBT, Mission Square, UHC) as they were being processed through Accounts Payable at the recommendation of the Town's Accounting firm Plante Moran.

MOTION to approve the Consent Agenda as presented with the expenditures as stated was made by Trustee Baum and seconded by Trustee Douglas.

- Roll call vote: Unanimous approval.

IV. CITIZEN COMMENTS

Mayor Just shared a thank you card and positive feedback shared from South Park High School Volleyball students who received financial assistance to attend an event.

V. PUBLIC HEARINGS

A. FIRST READING – Should the Board of Trustees for the Town of Fairplay adopt Ordinance No. 8, Series of 2024, entitled "AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, REZONING STONE RIVER FILING NO. 1, BLOCK 16, LOT 1 FROM VACANT LAND TO SINGLE-FAMILY RESIDENTIAL ZONE DISTRICT.?"

Town Planner Hunn presented the Staff Report explaining the rezoning was necessary since the property was considered vacant land following expiration of the original Stone River PUD. This property was separated off as part of a legal proceeding and rezoning was necessary so the applicant could proceed with a Minor Subdivision to create four single-family lots. Hunn recommended approval with no conditions. Applicant Luis Melo appeared online.

Mayor Just opened the floor to public comment. There was no comment in favor. Norwood Price, 652 Tristan Loop, expressed concerns about the potential increase in noise and development disrupting the quiet environment. Price's concerns were noted, but no further action was taken on the opposition. Just closed the floor to public comment.

MOTION to approve Resolution No. 8, Series of 2024, rezoning Stover River Filing No. 1, Block 16, Lot 1, from vacant land to single-family residential as presented was made by Mayor Pro Tem Lynn and seconded by Trustee Douglas.

- Roll call vote: Unanimous approval.

B. FIRST READING – 2024FY Amended Budget and 2025FY Proposed Budget for all Funds of the Town of Fairplay, Colorado.

Mayor Just announced the first reading of the 2024 Amended and the 2025 Proposed Budgets. He reported that there would be several additional opportunities for citizens to review the budgets and provide input. Just stressed that the Town has consistently allowed for more readings and input than was required by law for added transparency. He then opened the public hearing at 6:29 P.M. Town Administrator provided an overview of the very preliminary detail in the packet and responded to questions of the Board. Sciacca advised that Plante Moran would continue to reconcile the Town's accounts and she expected that there would be need to have the second meeting in December in order to adopt the budget allowing Plante Moran added time to ensure everything for year-end was completed. She noted that Plante Moran would be presenting at the November 18 meeting and she would provide updates on the auditor selection, attorney contract recommendations, and the Operator in Responsible charge RFP.

MOTION to continue the Public Hearing on the 2024FY Amended and 2025FY Proposed Budgets for all Funds of the Town of Fairplay, Colorado to November 18, 2024 was made by Trustee Douglas and seconded by Trustee Baum.

- Roll call vote: Unanimous approval.

VI. STAFF AND BOARD OF TRUSTEE REPORTS

A. Review of and discussion regarding Total Employee Compensation for the 2025 Budget year.

Town Administrator Sciacca presented the proposed adjustments to employee salary ranges based on data from the Colorado Municipal League (CML). Sciacca noted that she was proposing a 3% cost of living increase for employees, which was the average rate being offered across the region and this would result in about a \$46,000 increase due to a reduction in salary that would be realized by moving the Grant Manager to a contract position and not hiring for the Treasurer position. She also reviewed proposed changes to the health, vision, dental, and life insurance program which would entail moving the Town to from CEBT to Public Sector Healthcare Group and result in savings overall to the Town. Sciacca also presented a proposal for year-end bonuses stating the historical structure was being maintained where lower-paid employees receive higher bonuses. Schedule a meeting for further discussion of pay equity in specific departments, including Public Works. Sciacca requested Board members provide input on compensation projections.

B. Continued review and discussions on proposed revisions to the Town of Fairplay Employee Handbook with specific focus on Sabbatical Program proposal.

Discussion of the sabbatical program proposal for the Fairplay Police Department was held focusing on its potential benefits for employee mental health and retention. Trustee Baum asked about the requirement for officers to use the sabbatical for mental health. Chief clarified that while the program encourages self-care, officers are not required to undergo therapy or mental health programs during the break. The department has other mechanisms in place for addressing officers in need of mental health support (e.g., employee assistance programs). Mayor Just expressed strong support for the program as a means of showing support for officers' well-being. Trustee Douglas emphasized the importance of encouraging officers to use the sabbatical for mental well-being, including personal growth and relaxation, rather than for leisure activities like vacations. Chief Worley advised that he consulted with Employers Council to ensure that the program was legally sound. The proposal was reviewed by attorneys, who had no significant concerns and even praised it as a beneficial program for employee retention and well-being. Sciacca reported the program will be included in some fashion in the updated employee handbook with review by the Town's Attorney.

VII. ADJOURNMENT.

There being no further business before the Fairplay Board of Trustees, Mayor Just declared the meeting adjourned at 7:32 PM.

BOARD OF TRUSTEES, FAIRPLAY, COLORADO

ATTEST:

Frank Just, Mayor

Janell Sciacca, Town Clerk



**OFFICIAL MINUTES
REGULAR BOARD MEETING
NOVEMBER 18, 2024
901 MAIN STREET, FAIRPLAY, CO 80440**

5:00 PM WORK SESSION REGARDING UTILITY FUND & CAPITAL PROJECTS.

I. CALL TO ORDER

A Regular Meeting of the Fairplay Board of Trustees was called to order on Monday, November 18, 2024, at 6:02 PM at Town Hall, 901 Main Street, Fairplay, CO, having previously been posted in accordance with Colorado Open Meetings law.

PLEDGE OF ALLEGIANCE

Mayor Just led the pledge of allegiance.

ROLL CALL

BOARD MEMBERS PRESENT: Mayor Frank Just, Trustee Ray Douglas, and Trustee Josh Voorhis.
Trustee Erik Baum arrived at 6:39 PM.

BOARD MEMBERS ABSENT: Mayor Pro Tem Pete Lynn (excused)

STAFF IN ATTENDANCE: Town Administrator Janell Sciacca, Town Engineers Deron Dircksen and Scott Forrester,
Chief of Police Jeff Worley.

II. APPROVAL OF AGENDA

Town Administrator Sciacca reported that she would be requesting the removal of the minutes of August 19 and September 9 from the Consent Agenda and the remainder of the agenda was unchanged.

MOTION to approve the Agenda as amended was made by Trustee Voorhis and seconded by Trustee Douglas.

- Roll call vote: Unanimous approval.

III. CONSENT AGENDA

A. APPROVAL OF EXPENDITURES – Paid bills for all Town funds from November 1, 2024, to through November 14, 2024, in the amount of \$62,724.76.

B. APPROVAL OF PRIOR MEETING MINUTES

1. July 15, 2024 Regular Meeting.
2. August 5, 2024 Regular Meeting.
3. ~~August 19, 2024 Regular Meeting.~~
4. ~~September 9, 2024 Special Meeting.~~

MOTION to approve the Consent Agenda as amended with removal of the minutes of August 19 and September 9 and the expenditures as stated was made by Trustee Douglas and seconded by Trustee Voorhis.

- Roll call vote: Unanimous approval.

IV. CITIZEN COMMENTS

John Deagan, 809 Crawford Lane, expressed concern regarding a site plan for the fairgrounds proposed by the County Commissioners and the Fair Board. The current site plan includes changes that would affect horse trailer parking, an RV park, and a composting center. The location is near Crawford Lane. Deagan mentioned that the neighborhood is opposed to the plan and pointed out that the part of the land under consideration is within the Town's jurisdiction. He urged the Board to be aware of the proposal and anticipate that the issue may have to come before them for special approval. The Board thanked Deagan for the information and expressed interest in staying informed on the matter.

V. PRESENTATIONS, PROCLAMATIONS AND UPDATES

A. Introduction of Kari Shea, Partner, and Amanda Karger, Senior Manager from Accounting Firm of Plante Moran with Update on Reconciliation.

Town Administrator Sciacca introduced Kari Shea (online) and Amanda Karger from Plante Moran who provided an update on their work with the Town. Karger and Shea advised their team had to date:

- Completed year-end adjustments totaling \$1.7 million in the Ledger.
- Prepared Federal Highway report for audit and reviewed audit results.
- Supported the close-out of the 2023 general ledger and audit.
- Completed June and July bank reconciliations, booked payroll, and got the general ledger up-to-date.
- August is 99% complete with just a few receipts pending.
- Refining payroll processes for increased efficiency.
- Helped implement better tracking and reporting for payments via Accounts Payable (AP).

Karger and Shea noted the following key recommendations for improvements:

- Payroll: Streamlining payroll entry process by uploading from ADP directly to the general ledger.
- Accounts Receivable (AR): Improve AR processes by recording payments through cash receipting rather than manual journal entries.
- Accounts Payable (AP): Review and potentially change check writing procedures to ensure all checks are generated from the accounting system.
- Revenue and AR: Move away from using Excel for tracking and utilize the Caselle accounting system more effectively.
- Internal Controls: Suggested improvements internal controls through the Caselle system, including implementing approval workflows and improving oversight in AP processes; recommending better documentation for smooth transitions during staff turnover and long-term sustainability.
- Cash Management and Bank Accounts: Suggested simplifying the Town's banking structure and consolidating bank accounts to gain efficiencies; Mentioned that U.S. Bank, a Public Depository Protection Act (PDPA) bank, will improve security of public funds.
- Grant Accounting: PM will assist in tracking grant activity more efficiently by leveraging Caselle.

Town Administrator Sciacca advised she would continue collaborating with Plante Moran on refining and updating processes. She added that Plante Moran would continue ongoing monthly bank reconciliations, begin preparations for 2024 Audit and assist in review of the budgets to ensure accurate financial planning.

Board members expressed their satisfaction with the improvements to the financial processes, including the work on the Town's internal controls and the efficient tracking of payroll and bank reconciliations. They were appreciative of the relationship and working with an experienced accounting firm like Plante Moran to ensure proper oversight and fiduciary responsibility for the Town's finances.

VI. PUBLIC HEARINGS

A. CONTINUED FROM NOVEMBER 4, 2024 – SECOND READING – 2024FY Amended Budget and 2025FY Proposed Budget for all Funds of the Town of Fairplay, Colorado.

Mayor Just opened the Public Hearing at 6:30 PM. Following brief discussion, the Board agreed to set a Work Session for December 2, 2024, to further discuss budgets and focus on salary structure and employee compensation.

MOTION to continue the Public Hearing on the 2024FY Amended and 2025FY Proposed Budgets to December 2, 2024 was made by Trustee Voorhis and seconded by Trustee Douglas.

- Roll call vote: Unanimous approval.

Trustee Baum joined the meeting online at 6:39 PM.

VII. NEW BUSINESS

A. FIRST READING – Should the Board of Trustees for the Town of Fairplay adopt Resolution No. 41, Series of 2024, entitled **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, ACCEPTING A PROPOSAL FROM HINKLE AND COMPANY, P.C., FOR AUDITING SERVICES AND AUTHORIZING THE EXECUTION OF A RELATED PROFESSIONAL SERVICES AGREEMENT.”**?

Town Administrator Sciacca reported that an RFP went out earlier in the year for auditing services after their previous auditor, Mayberry & Company, decided to scale back on clients, and the current agreement was ending. Mayberry did not submit a proposal, and three proposals were received. Hinkle & Company was selected, with the price being competitive and their firm receiving strong recommendations from other entities. Plante Moran assisted in reviewing the proposals and performing due diligence. The Board expressed satisfaction with the decision to move forward with a new auditor. There was agreement that refreshing the auditing firm periodically can provide a different perspective and benefits, even though Mayberry had provided good service in the past.

Sciacca reported that the agreement includes an option for renewal for up to three years, though there is no commitment beyond the 2024 audit year.

MOTION to approve Resolution No. 41, Series of 2024, as presented to accept the proposal from Hinkle and Company, PC for auditing services and approve a related Professional Services Agreement as presented was made by Trustee Voorhis and seconded by Trustee Douglas.

- Roll call vote: Unanimous approval.

B. FIRST READING – Should the Board of Trustees for the Town of Fairplay adopt Resolution No. 42, Series of 2024, entitled “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, ACCEPTING A PROPOSAL FROM MURRAY DAHL BEERY RENAUD, LLP, FOR TOWN ATTORNEY SERVICES, AUTHORIZING THE EXECUTION OF A RELATED PROFESSIONAL LEGAL SERVICES AGREEMENT AND APPOINTING JOSEPH RIVERA TOWN ATTORNEY.”?

Town Administrator Sciacca reported that an RFP for legal services was issued at the same time as the Auditor RFP. Sciacca reported that the Town’s current firm, Wilson Williams, LLP, did not submit a proposal, and three proposals were received. Murray Dahl Beery Renaud, LLP, was selected. Their extensive experience and positive feedback from other municipalities were key factors in the decision. If approved, Staff will organize a December meeting to review the town’s priorities for the upcoming year. It was noted that the firm’s rates were competitive, and their service quality, responsiveness, and availability made them a clear choice.

MOTION to approve Resolution No. 42, Series of 2024, as presented to accept the proposal from Murray Dahl Beery Renaud, LLP, for attorney services, approve a related Professional Legal Services Agreement, and appoint Joseph Rivera Town Attorney as presented was made by Trustee Voorhis and seconded by Trustee Douglas.

- Roll call vote: Unanimous approval.

VIII. STAFF AND BOARD OF TRUSTEE REPORTS

A. Update on PRV Vaults Service by Pipestone and Validation Testing by SGM for Water Model.

Town Engineer Deron Dirksen reported that SGM completed hydraulic modeling and identified necessary improvements for the PRV vaults. The vaults were serviced by Pipestone in October, with new pressure settings and rebuilding the piloting systems. Validation testing was performed by SGM and town staff to ensure functionality. Following the service, the vaults were found to be operating as expected with consistent pressure improvements and pressure levels have significantly improved reducing inconsistencies in the system. A leaking section of 2-inch piping was identified at the Dollar General and the piping will need to be repaired to restore full functionality. It was noted there were occasional fluctuations in pressure (about 15 PSI) in the system, and Staff will track the transient behavior and determine if it's a result of flow tests or other external factors (e.g., hydrant flow by the fire department, domestic demands). The Board expressed appreciation for the system improvements, noting past requests for the work to be done were ignored, and Trustees were seeing improvements at their residences with reduced pressure issues which should in turn result in the need for replacing pressure relief valves.

B. Continued review and discussions on proposed revisions to the Town of Fairplay Employee Handbook with specific focus on revisions to Paid Time Off / Leave.

Town Administrator Sciacca provided review and noted the Town currently allows employees to accrue up to 240 hours of PTO, which equates to six weeks of time off. The policy is very generous and a significant financial liability for the Town, as employees are paid 100% of their PTO upon separation. A proposal to adjust the policy was shared, distinguishing between paid time off, sick leave, vacation, and earned comp time. There would be a cap on sick leave payouts at 320 hours; Vacation time and earned comp time to be 100% paid out; and eliminate the current vacation buyout, where employees can sell back up to 120 hours of unused vacation time after accumulating 240 hours. Some Board members expressed concerns about the high number of vacation hours accruing, especially for long-term employees (up to two months of vacation per year). There was discussion on whether the vacation hours should be reduced or if the accrual rate should be capped to prevent excessive build-up and the general consensus was to encourage employees to take their vacation and comp time, rather than accumulating excessive hours. The accrual of unlimited sick leave was discussed with limiting payouts by years of service and creating a donation system where employees can donate unused sick or vacation time to coworkers in need. A suggestion was made for a health incentive program, where employees who don't use their sick leave for a set period (e.g., three years) could receive a bonus or reduced liability for unused time. Some board members suggested gathering additional feedback from Town employees, especially to understand how these proposed changes would affect them. The matter will be revisited in a future meeting, incorporating employee feedback and involving the new attorney to finalize agreed upon changes.

IX. ADJOURNMENT.

There being no further business before the Fairplay Board of Trustees, Mayor Just declared the meeting adjourned at 8:34 PM.

BOARD OF TRUSTEES, FAIRPLAY, CO

ATTEST:

Frank Just, Mayor

Janell Sciacca, Town Clerk



**OFFICIAL MINUTES
REGULAR BOARD MEETING
MARCH 17, 2025
901 MAIN STREET, FAIRPLAY, CO 80440**

I. CALL TO ORDER

A Regular Meeting of the Fairplay Board of Trustees was called to order on Monday, March 17, 2025, at 6:00 PM at Town Hall, 901 Main Street, Fairplay, CO, having previously been posted in accordance with Colorado Open Meetings law.

II. PLEDGE OF ALLEGIANCE

Mayor Just led the pledge of allegiance.

III. ROLL CALL

BOARD MEMBERS PRESENT: Mayor Frank Just, Trustee Ray Douglas, and Trustee Erik Baum.

BOARD MEMBERS ABSENT: Mayor Pro Tem Pete Lynn and Trustee Josh Voorhis (excused)

STAFF IN ATTENDANCE: Town Administrator Janell Sciacca, Chief of Police Jeff Worley, Town Attorney Joe Rivera, Town Planner Scot Hunn, Town Engineer Deron Dirksen, and Building Official Kyle Parag.

IV. APPROVAL OF AGENDA

MOTION to approve the agenda as presented was made by Trustee Baum and seconded by Trustee Douglas.

- Roll call vote: Unanimous approval.

V. CONSENT AGENDA

A. APPROVAL OF REGULAR MEETING MINUTES – March 3, 2025

B. APPROVAL OF EXPENDITURES – Paid bills for all Town funds from February 28, 2025, through March 14, 2025, in the amount of \$87,818.33.

MOTION to approve the Consent Agenda as presented with the minutes as written, and expenditures as stated was made by Trustee Douglas and seconded by Trustee Baum.

- Roll call vote: Unanimous approval.

VI. CITIZEN COMMENTS

Mikayla Batts, a Colorado Mountain College student reported she was conducting a sustainability-oriented research study on Fairplay for her Capstone project and requested individual or group conversations with board members. The Board suggested she present her findings on completion.

VII. PROCLAMATIONS, PRESENTATIONS & UPDATES

A. Presentation from Habitat for Humanity Director Owen Dodd. Continued.

VIII. NEW BUSINESS

A. CERTIFICATE OF APPROPRIATENESS – Should the Board of Trustees for the Town of Fairplay, sitting as the Architectural Review Committee, approve application COA 2025-001 from Michael and Lisa Lapp for exterior renovations to the structure at 611 Main Street?

Town Planner Hunn presented the Staff Report and recommended approval with no conditions. Applicants Mike and Lisa Lapp were in attendance and answered brief questions from the Board regarding the project.

MOTION to approve the application for a Certificate of Appropriateness filed by Michael and Lisa Lapp for the residing and renovation of a residential structure located at 611 Main Street within the Town Center Overlay District, because the proposal meets the Town's criteria and standards for approval, and direct the Town Clerk to issue said Certificate of Appropriateness within seven (7) business days as per the plans submitted and approved was made by Trustee Douglas and seconded by Trustee Baum.

- Roll call vote: Unanimous approval.

- B. FIRST READING** – Should the Board of Trustees for the Town of Fairplay approve the adoption of Resolution No. 11, Series of 2025, entitled “**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF A PROPERTY IMPROVEMENT INCENTIVE PROGRAM (PIIP) AGREEMENT WITH MIKE LAPP FOR THE 611/613 MAIN STREET RESIDING PROJECT.**”?

Town Administrator provided an overview of the Staff Report and advised the PIIP application was directly related to the Certificate of Appropriateness and Staff was recommending approval as presented.

MOTION to approve Resolution No. 11, Series of 2025, as presented was made by Trustee Baum and seconded by Trustee Douglas.

- Roll call vote: Unanimous approval.

- C. FIRST READING** – Should the Board of Trustees for the Town of Fairplay Approve the Adoption of Resolution No. 12, Series of 2025, entitled “**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF A PROPERTY IMPROVEMENT INCENTIVE PROGRAM (PIIP) AGREEMENT WITH DEAN BUTLER FOR THE 662 TRISTAN LOOP EXTERIOR PAINTING PROJECT.**”?

Town Administrator provided an overview of the Staff Report and recommended approval as presented. Applicants Dean and Kathy Butler were in attendance and answered questions from the Board about the project.

MOTION to approve Resolution No. 12, Series of 2025, as presented was made by Trustee Douglas and seconded by Trustee Baum.

- Roll call vote: Unanimous approval.

- D. CERTIFICATE OF APPROPRIATENESS** – Should the Board of Trustees for the Town of Fairplay, sitting as the Architectural Review Committee, approve application 2025 COA-002 from Erin Michalski dba Eagle Rock Ranch, LLC, for enclosure of a walk-in freezer at 530 Front Street?

Town Planner Hunn presented the Staff Report and recommended approval with no conditions. Applicants Erin Michalski was in attendance and answered brief questions from the Board regarding the project.

MOTION to approve the application for a Certificate of Appropriateness filed by Erin Michalski for a new enclosure located at 530 Front Street within the Town Center Overlay District, because the proposal meets the Town’s criteria and standards for approval, and direct the Town Clerk to issue said Certificate of Appropriateness within seven (7) business days as per the plans submitted and approved was made by Trustee Douglas and seconded by Trustee Baum.

- Roll call vote: Unanimous approval.

IX. STAFF AND BOARD OF TRUSTEE REPORTS

Town Administrator Sciacca solicited Board input on Food Bank remaining at 501 Main Street long-term. Mayor Just expressed willingness to allow Food Bank to stay indefinitely, as long as they understand their limits and responsibilities. The Board agreed to consider drafting a letter clarifying their position on the Food Bank's continued presence, potential renovations and shared use of facilities (e.g., culinary kitchen). Town Administrator Sciacca to inform Food Bank president Tina Darrah of the Board's willingness to discuss long-term occupancy.

The Board discussed scheduling a work session to hear a presentation on a potential annexation with Fred Marvel. The tentative date was set for April 28, 2025. Mayor Just mentioned being contacted for a separate meeting with Fred Marvel and his attorney. Attorney Rivera clarified that annexation is a legislative matter, allowing board members to have discussions outside of formal meetings but suggested no Attorney be present.

Building Official Parag reported on increased building activity expected for the year and a potential exemption from energy code requirements for jurisdictions under 2,500 population (Senate Bill 141).

Town Engineer Direksen provided updates on the River Park Trail project - Engineering completed for bridge removal and retaining wall, cost estimate received from AA/FNF, construction expected to begin in early April. He also reported on Burro Park improvements, progress on impact fees study for storm drain, streets, police, municipal buildings, and parks, and collaboration on other general engineering projects.

Town Planner Hunn reported on the in-person Development Review Team meeting held that day, pre-application meetings with potential applicants, including the Food Bank, recent adoption of the three-mile annexation plan, and plans for issuance of an RFP for updating the Comprehensive Plan and Unified Development Code in 2025.

Town Administrator Sciacca reported that Medlin was attending the Colorado Rural Water Conference, Chris Bannister and Tim Murphy were scheduled to take next certifications soon, Brian Rogers was showing interest in wastewater certification and then requested to conduct the Streets inventory with the Mayor and Superintendent Medlin.

Chief Worley reviewed the subsequent automated vehicle identification system (AVIS) and radar processing 11-day study conducted by Emergent Enforcement. 83,691 vehicles recorded during the study period and approximately 14% of vehicles speeding at 10 mph or above, and one vehicle recorded traveling at 100 mph! He clarified that the system was for speed enforcement only, not registration or vehicle weight enforcement.

Town Attorney Rivera reported on his third month as town attorney stating his focus areas included planning issues, lease matters, claimant matters, and contracts. He emphasized his role in helping the Board achieve their goals within legal boundaries.

Mayor Just expressed appreciation for staff and board's ability to find reasonable solutions to issues, shared an anecdote about a conversation with a gentleman at Park County Animal Hospital that was impressed with the town's financial planning.

Town Administrator Sciacca reported on meetings with Park County Public Works regarding fairgrounds improvements. She also sought board input on regulations for buskers (street performers) in town. The Board leaned towards maintaining current restrictions that busking was a commercial activity and not allowed on public streets or sidewalks but permitted on private property.

Trustee Douglas reported on attendance at the AML Policy Committee and a HB that proposes requiring local governments to grant reciprocal business, health, and fire safety licenses for food trucks. CML staff recommended opposing the bill. Board members expressed concerns about potential impacts on local tax revenue and regulatory challenges.

Town Administrator Sciacca announced a second Public Meeting with Xcel Energy regarding the upcoming Wildfire Mitigation Pole Replacement Project that would result in a temporary electric outage. She advised the meeting was set for March 26 at 4PM at the County Building.

X. ADJOURNMENT.

There being no further business before the Fairplay Board of Trustees, Mayor Just declared the meeting adjourned at 7:31 PM.

BOARD OF TRUSTEES, FAIRPLAY, COLORADO

ATTEST:

Frank Just, Mayor

Janell Sciacca, Town Clerk

Report Criteria:

Detail report type printed

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
04/03/2025	21120	Boys & Girls Club of the Hi	2025 Mardi Gras Fundraise	1	04/01/2025	358.38	105166
Total 200:						358.38	
03/27/2025	21101	4 Rivers Equipment	Door Window Replacement	1	03/11/2025	422.83	105625
Total 532:						422.83	
03/27/2025	21107	Ferrellgas	Water Plant	1	02/27/2025	738.29	517495
Total 916:						738.29	
03/27/2025	21111	Law Enforcement Systems	Warning Ticket Books	1	03/19/2025	115.00	105445
Total 1282:						115.00	
03/27/2025	21116	United States Postal Servic	Bulk Mail Permit Fee	1	03/20/2025	350.00	105130
Total 2158:						350.00	
03/27/2025	21118	Xcel Energy	945 Quarry Rd - Water Tan	1	03/18/2025	20.11	517490
04/03/2025	21136		901 MAIN STREET - TOW	1	03/25/2025	228.62	105023
04/03/2025	21136		747 BOGUE ST	1	03/25/2025	16.49	105841
04/03/2025	21136		FAIRPLAY SANITATION	1	03/25/2025	3,491.03	517680
04/03/2025	21136		47001 HWY 9 SIGN	1	03/25/2025	13.05	105640
04/03/2025	21136		fairplay chlorinator	1	03/25/2025	69.69	517470
04/03/2025	21136		WWTP	1	03/25/2025	620.92	517495
04/03/2025	21136		1190 CASTELLO	1	03/25/2025	167.86	105650
04/03/2025	21136		200 2ND	2	03/25/2025	90.27	517470
04/03/2025	21136		157 6TH	3	03/25/2025	106.42	105640
04/03/2025	21136		156 5TH	4	03/25/2025	13.05	105640
04/03/2025	21136		BEACH	5	03/25/2025	13.05	105841
04/03/2025	21136		419 Front Street	6	03/25/2025	13.46	105640
04/03/2025	21136		117 Silverheels Rd Basebal	1	03/25/2025	26.16	105841
04/03/2025	21136		501 MAIN ST	1	03/25/2025	1,030.68	105195
04/03/2025	21136		901 1/2 TOWN SIGN	1	03/25/2025	30.08	105640
04/03/2025	21136		MONUMENT SIGN	1	03/25/2025	217.71	105640
Total 2296:						6,168.65	
03/20/2025	21092	Family Support Registry	14882492	1	03/19/2025	210.00	102265
03/20/2025	21092		15890460	2	03/19/2025	285.69	102265
04/03/2025	21124		14882492 April 4th	1	04/02/2025	210.00	102265
04/03/2025	21124		15890460 April 4th	2	04/02/2025	285.69	102265
Total 2456:						991.38	
03/20/2025	21089	CARD SERVICES		1	03/02/2025	30.00	105015
03/20/2025	21089		office supplies	2	03/02/2025	9.99	105030
03/20/2025	21089		TH Computers	3	03/02/2025	23.00	105060
03/20/2025	21089		Coins	4	03/02/2025	378.66	105110
03/20/2025	21089		Visitor Center Supplies	5	03/02/2025	191.81	105120
03/20/2025	21089		Burro Days	6	03/02/2025	200.00	105162
03/20/2025	21089		MARDI GRAS	7	03/02/2025	503.16	105166

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Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
03/20/2025	21089		PD EQUIPMENT	8	03/02/2025	195.00	105410
03/20/2025	21089		PD Vehicle Maint.	9	03/02/2025	9.00	105420
03/20/2025	21089		PD TRAINING	10	03/02/2025	565.45	105424
03/20/2025	21089		PD Supplies	11	03/02/2025	405.77	105445
03/20/2025	21089		PD EQUIPMENT	12	03/02/2025	527.44	105450
03/20/2025	21089		PD ANALITICS	13	03/02/2025	1,329.80	105465
03/20/2025	21089		SUPPLIES FOR PD	14	03/02/2025	28.86	105478
03/20/2025	21089		PD Supplies	15	03/02/2025	389.98	105480
03/20/2025	21089		PW VEHICLE REPAIRS &	16	03/02/2025	709.37	105625
03/20/2025	21089		PW Supplies	17	03/02/2025	190.73	105630
03/20/2025	21089		PW Supplies	18	03/02/2025	579.33	105682
03/20/2025	21089		MEMBERSHIPS	19	03/02/2025	901.00	106130
03/20/2025	21089		office supplies	20	03/02/2025	124.77	517214
03/20/2025	21089		PW EDUCATION	21	03/02/2025	320.00	517425
03/20/2025	21089		PW TRAINING	22	03/02/2025	370.00	517630
03/20/2025	21089		PW PARTS	23	03/02/2025	88.42	517480
03/20/2025	21089		DUES CREDIT	24	03/02/2025	144.20-	106130
Total 2503:						7,927.34	
03/27/2025	21104	CenturyLink	acct 719-836-4609 502B	1	03/19/2025	82.86	517470
Total 2614:						82.86	
		J & M Displays	4th of July Fireworks	1	03/07/2025		105171
			4th of July Fireworks	2	03/07/2025		105171
04/03/2025	21125		4th of July Fireworks	3	03/07/2025	20,000.00	105171
Total 2800:						20,000.00	
03/27/2025	21106	Colorado Analytical Lab	Coliform - Drinking Water	1	03/11/2025	24.00	517475
Total 2864:						24.00	
04/03/2025	21134	Wagner Rents	HITCH - PW	1	06/15/2024	174.17	105625
Total 2949:						174.17	
03/27/2025	21109	Hunn Planning & Policy, LL	General Planning svcs Fe	1	03/08/2025	2,468.75	105105
03/27/2025	21109		Bill Backs-COAS	2	03/08/2025	618.75	105107
Total 3183:						3,087.50	
03/27/2025	21114	SGM	general engineering	1	02/22/2025	2,343.50	105105
03/27/2025	21114		Bill Back - Stone Creek	1	02/24/2025	3,215.50	105107
03/27/2025	21114		Burro Park Project	1	02/22/2025	2,000.00	105887
03/27/2025	21114		river park project oversight	1	03/03/2025	17,827.57	105886
03/27/2025	21114		general engineering - Fittin	1	02/24/2025	109.00	105105
03/27/2025	21114		Bil Back French Sub	1	02/22/2025	381.50	105107
03/27/2025	21114		general engineering meetin	1	02/21/2025	218.00	105105
03/27/2025	21114		general engineering SHFH	1	02/24/2025	109.00	105105
Total 3272:						26,204.07	
04/03/2025	21132	Town of Alma	Alma citation revenue	1	04/02/2025	5,080.00	104505

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
Total 3283:						5,080.00	
03/20/2025	21091	Communication Solutions	PD RADIO PROGRAMMIN	1	03/13/2025	1,375.00	105430
Total 3284:						1,375.00	
04/03/2025	21123	Ernst, Sarah	cell phone reimburse	1	04/01/2025	50.00	105065
Total 3313:						50.00	
03/27/2025	21115	UniFirst	calibration for gas monitor	1	03/05/2025	98.64	105625
Total 3462:						98.64	
04/03/2025	21135	Warm Springs Consulting	ORC service water system	1	04/01/2025	4,500.00	517417
04/03/2025	21135		WWTP ORC Services Mar	1	04/01/2025	5,000.00	517627
Total 3463:						9,500.00	
03/25/2025	21100	FBI-LEEDA	FBI-Leeda Registration _	1	03/10/2025	425.00	105424
Total 3529:						425.00	
03/20/2025	21094	Motorola Solutions	PD Radios & Equipment	1	02/25/2025	68,501.08	105450
Total 3540:						68,501.08	
03/20/2025	21099	Watts Upfitting Inc.	Upfitting	1	03/05/2025	916.70	325810
Total 3549:						916.70	
03/27/2025	21113	Phoenix Technology Group	Admin Managed IT Service	1	03/15/2025	1,503.15	105060
03/27/2025	21113		PD Managed IT Service AP	2	03/15/2025	1,503.15	105465
03/27/2025	21113		PW Managed IT Service A	3	03/15/2025	774.35	105645
03/27/2025	21113		UTILITIES MANAGED IT S	4	03/15/2025	774.35	517206
Total 3580:						4,555.00	
03/27/2025	21105	CivicPlus LLC	annual website hosting &	1	03/01/2025	4,929.17	105075
03/20/2025	21090		WEBSITE UPGRADE/HOS	1	03/17/2025	7,207.22	105075
Total 3622:						12,136.39	
03/20/2025	21088	AT&T	OFFICE AT HAND QUART	1	03/07/2025	37.21	105250
03/20/2025	21088		OFFICE AT HAND QUART	2	03/07/2025	124.06	105455
03/20/2025	21088		OFFICE AT HAND QUART	3	03/07/2025	541.06	105065
03/20/2025	21088		OFFICE AT HAND QUART	4	03/07/2025	327.34	517226
03/20/2025	21088		OFFICE AT HAND QUART	5	03/07/2025	210.90	105645
Total 3690:						1,240.57	
03/20/2025	21093	Konica Minolta Premier Fin	events copies	1	03/08/2025	67.42	105170
03/20/2025	21093		PW copier	2	03/08/2025	67.43	105630
03/20/2025	21093		UTILITIES copier	3	03/08/2025	67.42	517214
03/20/2025	21093		ADMIN COPIER	4	03/08/2025	188.42	105032
03/20/2025	21093		PD copier	5	03/08/2025	58.73	105465

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Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
Total 3700:						449.42	
03/27/2025	21117	Utopia Fairplay, Inc.	PW Tire for Skid	1	03/20/2025	51.06	105620
Total 3718:						51.06	
03/20/2025	21096	Plante Moran	1099 SERVICE	1	03/07/2025	2,000.00	517355
03/20/2025	21096		1099 SERVICES	2	03/07/2025	2,955.02	106118
03/20/2025	21096		Monthly Accounting Serv	1	03/14/2025	3,443.75	517355
03/20/2025	21096		Monthly Accounting Serv	2	03/14/2025	3,443.75	106118
Total 3774:						11,842.52	
04/03/2025	21133	Wagner CAT	EQUIPMENT MAINT - PW	1	01/22/2025	1,273.54	105625
Total 3812:						1,273.54	
04/03/2025	21129	PATRIOT PORTABLES AN	Town Hall & 401 Main	1	03/31/2025	1,800.00	105120
04/03/2025	21129		Ball Field	2	03/31/2025	225.00	105842
04/03/2025	21129		Cohen Park	3	03/31/2025	225.00	105883
04/03/2025	21129		Beach	4	03/31/2025	450.00	105880
Total 3860:						2,700.00	
04/03/2025	21128	Murphy, Tim	CRWA CONFERENCE - M	1	03/27/2025	69.71	517630
Total 3872:						69.71	
04/03/2025	21127	Mission Square 306727	Fairplay 306727 Batch 656	1	03/31/2025	236.00	102255
Total 3882:						236.00	
04/03/2025	21126	Mission Square 106501	Fairplay 106501 Batch 681	1	03/31/2025	1,474.34	102255
Total 3883:						1,474.34	
03/20/2025	21097	PUBLIC SECTOR HEALTH	EMPLOYEE BENEFITS M	1	03/10/2025	28,277.78	105013
Total 3900:						28,277.78	
04/03/2025	21122	Elevated Cleaning Co	Town Hall Monthly Cleanin	1	03/31/2025	300.00	105025
04/03/2025	21122		Visitor Center Monthly Clea	2	03/31/2025	250.00	105195
Total 3903:						550.00	
04/03/2025	21130	Thomas Matthew Flannery	Grant Writting Svc. MARC	1	03/31/2025	3,740.00	106122
Total 3909:						3,740.00	
03/20/2025	21095	MURRAY DAHL BEERY &	Feb 2025 Legal Counsel F	1	03/12/2025	8,450.20	105057
Total 3918:						8,450.20	
03/20/2025	21098	Relentless LLC	PD Training	1	03/13/2025	699.00	105424

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Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
Total 3921:						699.00	
03/27/2025	21108	HAXEL WEB DESIGN	Burro Days Website Repair	1	03/20/2025	540.00	105162
Total 3922:						540.00	
03/27/2025	21110	KUMAR, LEONARD	455 MAIN STREET PIIP P	1	03/27/2025	508.00	105185
Total 3923:						508.00	
03/27/2025	21112	Manning Environmental, In	Silicone Tubing for Compo	1	03/17/2025	124.90	517665
Total 3924:						124.90	
04/03/2025	21121	Brian Rogers	Reimbursement - WORK C	1	03/28/2025	230.19	105680
03/27/2025	21103		Reimbursement for Samsu	1	03/07/2025	10.77	105645
Total 3925:						240.96	
03/27/2025	21102	Arkansas Valley Adventure	STR Tax Refund	1	02/18/2025	1,824.00	104096
Total 3926:						1,824.00	
04/03/2025	21131	TIM MEDLIN	REIMBURSEMENT - WOR	1	03/17/2025	53.34	105680
Total 3927:						53.34	
04/03/2025	21119	BARBARA BAILER	UTILITY ACCOUT 185 - W	1	03/06/2025	95.19	517345
Total 3928:						95.19	
Grand Totals:						233,722.81	

Report Criteria:

Detail report type printed

FORMAT TO FOLLOW FOR PUBLIC HEARINGS:

Quasi-Judicial Hearings (Land Use Hearings, Liquor License Hearings, Board of Adjustment, etc. – non-legislative – generally will be in reaction to an application being filed with the Town and when the Town Board is acting as a “Judge”)

1. Mayor’s opening statement reviewing format - Opens the Public Hearing.
2. Have staff present the application and staff report.
3. Ask the applicant to present its case.
4. Ask for Public comment in favor of the application.
5. Ask for public comment in opposition to the application.
6. Ask if the applicant would like to present any rebuttal evidence.
7. Ask the Board if they have questions of the applicant or staff.
8. The Board can now deliberate if you feel there are going to be questions of the applicant or staff during deliberation you may choose to keep the public hearing open during this time.

OR

You may now close the hearing and ask the Board to deliberate.

9. At the end of deliberation, you should ask for a motion to continue, approve or deny the application.

Fairplay Planning Department
 Fairplay Town Hall
 901 Main Street
 Fairplay, Colorado 80440



Fairplay Board of Trustees
 Mayor – Frank Just
 Mayor Pro Tem – Peter Lynn
 Erik Baum
 Ray Douglas
 Josh Voorhis

Town Board of Trustees Board of Adjustment Hearing

ACL Real Estate, LLC. / Highside Brewing Variance Request

Hearing Date:	April 7, 2025
File Name and Process:	Highside Brewing Variance Request
Owner/Applicant:	ACL Real Estate, LLC.
Representative:	Dave Axelrod
Location/Legal:	411 U.S. Hwy. 285 / Lots 1-9, Block 7, Johnson Addition
Staff Member:	Scot Hunn, Town Planner

Staff Report

I. Summary of Request:

The Applicant, ACL Real Estate, LLC., represented by Dave Axelrod, is requesting approval of the following variance requests associated with Highside Brewing, located at 411 Hwy. 285:

1. Variance for relief from the required parking requirements and parking lot design standards.
2. Variance for relief from the required State Highway 285 landscape setback and buffer.

Staff are recommending denial of the variance requests.

II. Background:

The building located at 411 Hwy. 285 and currently housing Highside Brewing was originally constructed in 1950; the Park County Assessor's website also lists improvements that were made to the structure in 1993. The building has been zoned and used, commercially, for some time and most recently was a retail furniture store prior to the Applicant's purchase of the property in 2022 with the intent to convert the retail space into a tasting room.

After purchasing the property, the Applicant met with Town staff to discuss the use of the property. At that time, while discussing the Applicant's intentions to renovate the existing building for use as a tap room and, eventually, to construct a second building on the property for brewing, staff informed the Applicant of the Town's land use regulations, specifically setback requirements, parking requirements, as well as the Town's design standards for parking areas, paving, drainage, and landscaping that would apply to his project because the use of the building had changed (from "Retail Sales Establishment" to "Bar/Drinking Establishment").

Note: When the use of a property or building changes, the current zoning and building codes apply and can be enforced. Therefore, the Town's current zoning requirements and standards are applicable to the project.

Following several meetings with staff, the Applicant informed the Town that he would not be able to comply with the Town's requirements and would be seeking temporary relief from compliance (asking for a one-year deferral) to allow the business to become established prior to taking any further action with regard to parking lot, drainage, or landscaping improvements. This decision was also made in response to the CDOT Hwy. 285 project, specifically to wait until the project was largely completed to understand how that project would affect the Applicant's property.

In 2023, the Board deferred the construction of required parking lot improvements based on a provision of Section 16-10-40 – *Deferral of parking requirements*, UDC. Subsequently, the Board granted another extension in 2024.

Below is that code reference:

Sec. 16-10-40. - Deferral of parking requirements.

- (A) *The Board of Trustees may authorize the deferral of construction of not more than fifty percent (50%) of the required off-street parking spaces and may set such conditions as necessary to guarantee provision of such deferred parking spaces at such time as the Board of Trustees determines such additional parking spaces are needed.*
- (B) *The land area required for provision of deferred parking spaces shall be maintained and reserved and shall be landscaped pursuant to a plan approved by the Board of Trustees, which shall demonstrate that the deferred spaces, when improved, will meet all requirements of this Chapter.*

(C) The Board of Trustees may consider deferral of parking requirements where the need for off-street parking is lessened due to unusual characteristics of use, and reliable data is available to establish that there is not a present need for additional parking.

(D) The Board of Trustees may defer, in extraordinary cases, the requirement that all off-street parking spaces be paved. Such a deferral shall be for a period of not more than one (1) year, and shall be in accordance with such terms and conditions as the Board may from time to time determine.

Additionally, the Town has granted a special use permit to allow the use of a commercial unit in an adjacent building for production brewing and a variance for the location of a grain silo within required side yard setbacks at that same location.

III. Summary of UDC Requirements and Standards:

This portion of the report outlines the sections of the Unified Development Code that are applicable to the variance requests. In this case, the Applicant is requesting variances from several sections of the UDC, including:

1. General Parking Requirements (Section 16-10-10, subsections A, D, and E)
2. Parking Plan (Section 16-10-120)
3. Design Requirements (Section 16-10-130)
4. State Highway 285 Corridor Landscaping Standards (Section 16-11-40)

General Parking Requirements:

Sec. 16-10-10. - General parking requirements.

(A) At the time of the erection of a new structure or at the time of enlargement or change in use of an existing structure within the Town, off-street parking spaces shall be provided as specified in this Chapter and in the sections designated for each use.

(B) No parking shall be eliminated for an existing use if it reduces the required number of parking spaces below the minimum requirements of this Chapter.

(C) Where square feet are specified, the measured area shall be the total inhabitable horizontal floor area of all floors in a building exclusive of garage, storage and utility areas, except for warehouses or other commercial storage areas in which case, the floor area shall be determined by the measurements of the perimeter of the outside of the building wall on each level.

(D) All uses other than single family residential dwellings and two-family dwellings shall be required to submit a site and grading plan prepared by a qualified Colorado licensed professional engineer. The site plan shall be submitted with the application

for any building permit and shall indicate the location and dimensions of off-street parking spaces as well as the number of parking spaces for off-street parking and loading areas and the finished surface material of the parking areas.

- (E) *Required parking spaces shall be constructed as required by these Regulations and made available for use before completion of a final inspection for a building permit or a special use.* The inspection of the required parking spaces shall be conducted by the Town Engineer or the Town Building Official as directed by the Town Administrator.

Parking Plan:

Sec. 16-10-120 - Parking plan.

- (A) Prior to the issuance of a building permit for all uses, except single-family and duplex residences, a parking plan must be submitted which shows the following parking lot or area information:

1. Delineation of individual parking and loading spaces;
2. Circulation area necessary to serve spaces;
3. Access to streets and property to be served;
4. Curb cuts;
5. *Dimensions, continuity, and substance of screening;*
6. *Grading, drainage, surfacing and subgrade details;*
7. Delineation of obstacles to parking and circulation in finished parking area;
8. *Specifications as to signs and bumper guards;*
9. *Location and specifications of shielded lighting for parking areas to be used at night;*
10. *Location and specifications (e.g., plants and materials) for landscaping of the parking area;*
11. *Irrigation plan for the landscaped areas; and*
12. Other pertinent data.

Design Standards:

Section 16-10-130 – Design Requirements.

(A) *Parking and loading areas shall be designed in accordance with the following requirements and the requirements of the Town of Fairplay Public Works Manual:*

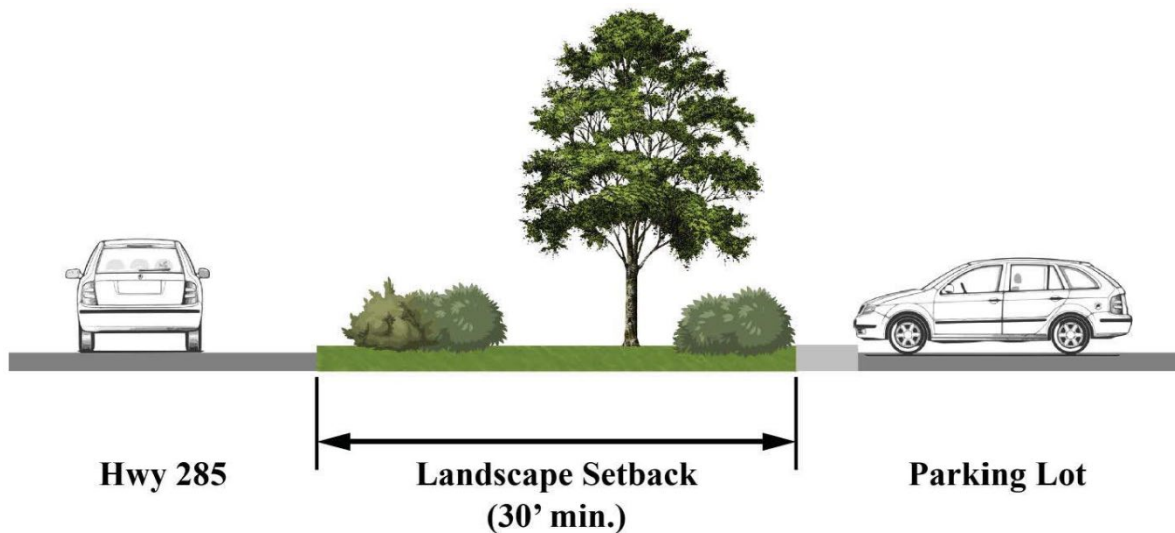
1. ***Surfaces. All off-street parking spaces and maneuvering areas shall be surfaced with asphalt or concrete material.***
2. *Maneuvering space. All parking areas servicing a use requiring three (3) or more parking spaces shall be designed and traffic controlled so that access to and from a public street shall require vehicular traffic to be traveling in a forward direction when entering or exiting from the parking area. **The off-street parking shall be designed so that the parking lot is separated from the street by a physical barrier, which will be adequate to prevent a driver from backing from the off-street parking space directly into the street or across a sidewalk.***
3. *Access requirements and service drives.*
 - a. ***Service drives to off-street parking shall be designed and constructed to facilitate the flow of traffic, and to provide maximum safety of traffic access and egress and maximum safety for pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate the traffic that is anticipated.***
 - b. ***Service drives shall not be more than twenty-four (24) feet in width and shall be clearly and permanently marked and defined through the use of rails, fences, walls or other barriers or markers on frontage not occupied by service drives.***
 - c. *Service drives on the same lot frontage shall be separated by a minimum length of curb of thirty (30) feet. For every one (1) foot by which the lot frontage exceeds one hundred (100) feet, the minimum required length of curb separation shall be increased by one (1) foot for every five (5) feet of property length beyond one hundred (100) feet, up to a maximum requirement of two hundred (200) feet. In the case of a corner lot, service drives shall not be located closer than fifty (50) feet to the intersecting curb and gutter flow lines.*
 - d. *The access to a service drive from a street shall be located not closer than fifteen (15) feet to a side lot line, except that a common service drive to two (2) adjacent properties with a width not exceeding twenty-four (24) feet may be provided at the common lot line.*
 - e. *Access onto any State highway will require an access permit from the Colorado Department of Transportation.*
 - f. ***Corner Vision Clearance Area. Service drives on corner lots shall have a minimum vision clearance area formed by the intersection of the driveway centerline and the street right-of-way line, and a straight line joining said lines through points thirty (30) feet from their intersection. No vehicles or obstacles over forty-two (42) inches in height from the curb elevation may be placed within this area.***

State Highway 285 Corridor Landscaping Standards:

Sec. 16-11-40 - State highway 285 corridor landscaping standards.

The applicant shall provide:

1. **Landscape setback to parking lots—Provide a minimum thirty (30) foot landscape setback from the highway.** The purpose of the setback is to provide a buffer between the street and parking areas. Signage may be included in this setback.
2. **Shrubs—A minimum of one (1) shrub per one hundred fifty (150) square feet of landscaped setback.** Group shrubs and distribute throughout the landscape setback. Trees may be substituted for up to one-half ($\frac{1}{2}$) of the required shrubs at the rate of one (1) tree for ten (10) shrubs.



The developer or assigns shall provide:

- a. **Site trees—A minimum of one (1) tree per five (5) parking spaces.** Group trees together in islands, which are a minimum of ten (10) feet wide. Use the landscaping to break up large expanses of pavement and to create a tree canopy for summer shade.
- b. **Shrubs—A minimum of one (1) shrub per one hundred fifty (150) square feet of landscaped area.** Group plantings in landscape islands.
- c. **Groundcover—Limit areas of irrigated turf.** Grass is discouraged in areas less than ten (10) feet wide. **Install a grass buffer (native grass where possible) around the perimeter to filter runoff and improve water quality.**
- d. **Landscape setback to parking lots—Thirty (30) feet from arterials** or twenty-five (25) feet from other streets. The purpose of the setback is to provide a buffer between the street and

parking areas and to screen the parking from the street. This setback may be reduced to fifteen (15) feet if used in combination with a three to four (3—4) foot articulated masonry or stone decorative wall with trees and shrubs on both the street and parking lot sides of the wall to soften its appearance. Signage may be included in this setback.

- e. *Provide a mechanism for long-term maintenance of landscaping—All landscaping within and adjacent to parking lots shall be owned and maintained by the landowner or occupant.*



(Ord. 2015-3, §1, 1-4-2016)

Staff Response:

The Applicant has been granted two deferrals of all parking and landscape related requirements while also receiving a building permit, final inspections, and a certificate of occupancy to operate the business.

IV. Variance Approval Criteria and Findings:

The variance request(s) are pursuant to Section 16-22-70, *Powers of Board of Adjustment*, Town of Fairplay Unified Development Code (UDC). This is a formal hearing by the Zoning Board of Adjustment and proper public notice was provided.

Section 16-22-70 (B) of the UDC below outlines the criteria and findings necessary for the granting of a variance:

1. *That the variance will not authorize the operation of a use other than those uses specifically enumerated as a primary permitted use for that district in which the property is located and for which the variance is sought.*

2. *One of more of the following special circumstances or conditions exist with respect to the specific property:*
 - a. *Exceptional narrowness, shallowness, or shape of the property at the time of the enactment of the regulation in question;*
 - b. *Exceptional topographic conditions of the property; and*
 - c. *Other extraordinary and exceptional situations or conditions of the property.*
3. *The special circumstances and conditions have not resulted from any act of the Applicant.*
4. *That the variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, or substantially or permanently impair the appropriate use or development of adjacent property.*
5. *That the variance, if granted, is the minimum that will afford relief and is the least modification possible of the provisions of this Chapter which are in question.*
6. *That the granting of the requested variance would relieve a peculiar, exceptional and undue hardship on the applicant, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning regulations as embodied in this Chapter and the Zoning Map.*
7. *That the variance, if granted, will not adversely affect the public health, safety, and welfare.*

Staff Response:

The variance request(s) by the Applicant for relief from several of the Town's standards are based on the premise that the building and the existing parking lot are pre-existing nonconforming improvements and that, based on the Town's nonconformity regulations, as long as these improvements have not been enlarged or expanded, they should be exempted from any requirement to bring them into compliance with the Town's regulations and standards.

The application does not in any way address any of the above criteria or necessary findings.

Staff's opinion is that the Town's nonconformities regulations have no bearing on the requested variances because the establishment of a brewery ("Bar/ drinking establishments") use at the subject property represents a "change in use" from previous retail/commercial uses that immediately preceded the bar/drinking establishment use. A change in use of a property or building triggers a requirement to comply with the Town's regulations.

Further, there has been no demonstration of an extraordinary circumstance; peculiar or exceptional hardship; or any evidence to suggest that the variance(s), if granted, would represent the minimum amount of relief necessary

Therefore, staff suggest that:

1. The variance will not authorize a use that is not permitted within the zone district.

2. An exceptional or extraordinary circumstance DOES NOT exist to justify the variance request because property is not fully built-out and there remains ample room on the property to construct a parking lot according to the Town's requirements and to provide a landscape buffer along Highway 285 in accordance with the Town's requirements; or, to provide more parking and some amount of landscaping which would lessen the degree of variance being sought.
3. Those special or exceptional circumstances ARE the result of the actions of the Applicant. The Applicant purchased the property without properly analyzing the Town's regulations and requirements and before contemplating whether the intended use – a change in use – could be accommodated on the site; the Applicant later asked for two year-long deferrals to extend the time needed to complete the required improvements (paving, drainage, and landscaping); and is effectively relying on a justification for the variance that cites an irrelevant section of the UDC.
4. The variances, if granted, WILL alter the essential character of the neighborhood or district in which the property is located; it WILL NOT, however, substantially or permanently impair the appropriate use or development of adjacent property. The Town has enforced its parking lot, setback, drainage, and landscaping requirements for other recent developments along Highway 285 with the intent to adhere to the Town's Comprehensive Plan and UDC which seek to improve the overall appearance along Highway 285. Allowing this development to avoid adherence to the same standards and requirements, particularly when the property is not extraordinary or peculiar, sets a negative precedence.
5. The variances, if granted, ARE NOT the minimum that will afford relief and is the least modification possible of the provisions of this Chapter which are in question. The Applicant is asking to effectively do nothing to comply with the Town's requirements and standards based on an erroneous and irrelevant rationale that cites the pre-existing nature of the building and parking lot as "nonconforming" and, therefore protected or grandfathered under the Town's nonconformities regulations. If the Applicant were asking for a variance to allow modifications to the existing building, citing the Town's nonconforming structure regulations, perhaps that would be relevant. However, the Applicant has not addressed the parking lot, drainage, and landscaping standards as they relate to the fundamental change in use of the property (from retail to restaurant/bar). There remain alternatives to the Applicant to comply with the Town's requirements for paving of the lot and the provision of properly engineered drainage on the site, while also providing additional parking and some amount of landscaping. There also exist alternatives wherein the Applicant can ask for some amount of relief while also complying with a *majority* of the Town's requirements.
6. The granting of the requested variance WOULD NOT relieve a peculiar, exceptional and undue hardship on the applicant, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning regulations as embodied in this Chapter and the Zoning Map. Any hardship has been created by the actions of the Applicant upon purchasing the property prior to fully investigating the Town's regulations and requirements. Absent that fact, there are no peculiar or exceptional circumstances. Additionally, not requiring the Applicant to comply with the requirements and standards of the UDC would impair the intent and purpose of the UDC which have been enforced on other, similar properties in the District.
7. The variance, if granted, MAY adversely affect the public health, safety, and welfare.

Nonconforming Use Standards

The Applicant has stated in the application that the primary basis or rationale as to why the Town's regulations should not apply to the use and development of the subject property for a brewery is because the building (which encroaches into the CDOT right-of-way) and existing parking situation (which does not comply with the Hwy. 285 landscape buffer, parking lot setback, parking lot design, and landscape requirements) are pre-existing, nonconforming structures and improvements.

The current use of the property and building as categorized by the UDC as "Bar/drinking establishments" is a permitted use. Parking is also a permitted use associated with the principal use of the property. Therefore, the uses cannot be treated as "pre-existing, nonconforming" (and therefore allowed to continue without meeting the Town's zoning requirements and design standards) as is suggested in the variance application for justification of the variances.

Further, the lot exceeds the minimum lot size and minimum lot frontage standards in the Commercial Zone District; therefore, the lot is conforming.

Lastly, the Town's land use regulations are clear regarding changes in use and their effect on code compliance

Section 16-2-50. - Violations.

(A) Where the performance of any act is required or prohibited by the provisions of this Chapter or the Building Code, or wherever any regulation, dimension or limitation is imposed on the use or change of use of or upon any land, on the erection or alteration of any structure, or the use or change of use of such structure, a failure to comply with such provision or regulation shall constitute a violation thereof, and every day on which a violation exists shall constitute a separate violation and offense.

And:

Section 16-10-150. - Completion of improvements.

Required parking spaces shall be improved as required and made available for use before the final inspection is completed by the Building Inspector or the Town Engineer. An extension of time may be granted by the Building Inspector or the Town Engineer, provided a performance bond, or its equivalent, is posted equaling one and one-half (1½) times the cost to complete the improvements as estimated by the Building Inspector or the Town Engineer, and provided the parking space is not required for immediate use. In the event the improvements are not completed within one (1) year, the bond or its equivalent shall be forfeited and the improvements constructed under the direction of the Town.

IV. Zoning Summary:

Zoning

The subject property is located within the Commercial Zone District. The purpose and objectives of the Commercial Zone District are described as follows:

“Commercial adjacent to Highway 285 allows larger more intensive highway oriented commercial. Uses include grocery, restaurants, vehicle service, general retail, business/professional offices, governmental facilities, banks, medical/dental clinics, vehicle sales, motels, car wash, bowling lanes etc. Residential located in the rear of structures or on the second floor primarily serves employees and is secondary to business use. Storage is enclosed and screened with berms, landscaping and/or opaque fencing.”

- Town of Fairplay UDC Section 16-5-20 – Description of Zone Districts

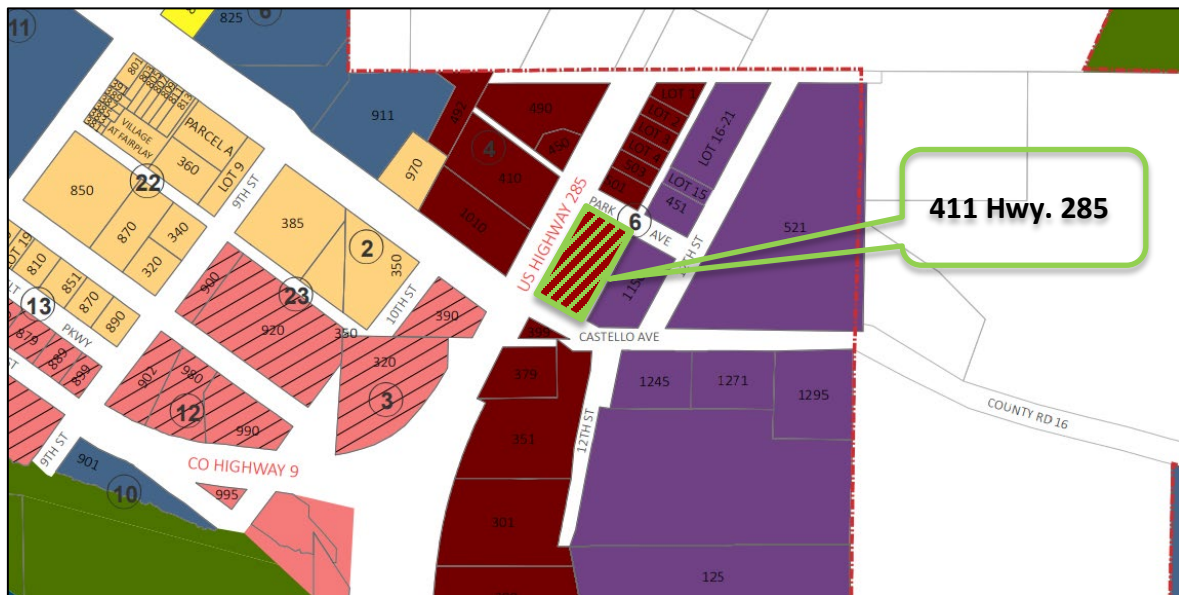


Figure 1: Town of Fairplay Zoning Map

V. Community Plan Policies:

In addition to the standards listed above, the following Town of Fairplay Comprehensive Plan goals and policies are provided for reference.

Community Character, Design & Identity (p. 19)

Goal CCDI-1 – Protect and Improve Fairplay’s Unique Character with Historic Preservation and Quality Design.

Relevant policies include:

A. Support adoption and implementation of building and streetscape design standards which replicate and promote existing historic designs.

Goal CCDI-3 – Define Community Entries and Develop Attractive Landscaped Thoroughfares.

Relevant policies include:

A. Create gateways at the primary entrances to Fairplay.

B. Establish public/private partnerships to design and construct community gateways with attractive thoroughfares.

Transportation (p. 24):

The following excerpt from the “Transportation” chapter of the Comprehensive Plan is relevant to this request:

“...improvements on Highway 285 define the town entryways and enrich the corridor with landscaped medians, historic streetlights, thematic signage and traffic calming to slow speeds and create an attractive public environment.”

Economy (p. 34):

The following excerpt from the “Economy” chapter of the Comprehensive Plan is relevant to this request:

“Public and private partnerships that improve the appearance of and draw of the main commercial corridors (Main Street, Front Street and Highway 285) are actively pursued. Upgraded and continuous sidewalks, landscaping, and other streetscape measures are targeted at enhancing Fairplay’s appearance and identity.”

And:

“Design standards for commercial areas in Fairplay promote historic architecture, dark sky lighting, screened storage and landscaping to improve community appearance.”

Goal EC-1 – Encourage Business Development within the Identified Commercial and Industrial Activity Zones.

- C. Pursue corridor revitalization on Highway 285 and Main Street by working with CDOT and Park County and include landscaped medians, pedestrian enhancements, thematic signage and traffic calming to improve accessibility and business opportunities.*

Goal EC-2 – Create an Environment in Which Local Businesses Prosper

Policies supporting the request(s) include:

- B. Maintain infrastructure to support existing business.*
C. Actively support existing business retention and expansion.

Staff Response:

The Town of Fairplay Comprehensive Plan contains several goals and policies that indicate the Town's intention to work with public agencies and private property owners to require and/or incentivize improvements along the Town's main commercial corridors. The Comprehensive Plan goals and policies are aligned and reinforced by specific regulations and standards of the town's land use regulations (the UDC).

VI. Staff Recommendation:

Staff have evaluated the requests by the Applicant and offer the following conclusions and code interpretations for the Board's consideration:

Variance Recommendations and Suggested Motions (for denial or approval):

Staff recommend denial of the variance request(s) because the standards and criteria for approval of a variance have not been met.

Motion for Denial:

In the event the Town Board, acting as the Board of Adjustments, votes to deny one or more of the variance requests, staff recommend the following motion:

"I move that the Town of Fairplay Town Board of Trustees deny the variance request(s) by ACL Real Estate, LLC., for relief from the strict interpretation of the following Town of Fairplay land use regulations and/or requirements [**specify which of the following are being denied**]:

1. General Parking Requirements (Section 16-10-10, subsections A, D, and E)
2. Parking Plan (Section 16-10-120)
3. Design Requirements (Section 16-10-130)
4. State Highway 285 Corridor Landscaping Standards (Section 16-11-40)

Because the application does not meet the required criteria and standards, and that the Town Board of Trustees direct the Town Attorney and/or the Town Planner to prepare a finding and order and resolution consistent with the Board's decision."

Motion for Approval:

In the event the Town Board, acting as the Board of Adjustments, votes to approve one or more of the variance request(s), staff recommend the following motion:

"I move that the Town of Fairplay Town Board of Trustees approve the variance request(s) by ACL Real Estate, LLC, for relief from the strict interpretation of the following Town of Fairplay land use regulations and/or requirements [**specify which of the following are being approved**]:

1. General Parking Requirements (Section 16-10-10, subsections A, D, and E)
2. Parking Plan (Section 16-10-120)
3. Design Requirements (Section 16-10-130)
4. State Highway 285 Corridor Landscaping Standards (Section 16-11-40)

Because the application meets the required criteria and standards, and that the Town Board of Trustees direct the Town Attorney and/or the Town Planner to prepare a finding and order and resolution consistent with the Board's decision."

ACL Real Estate, LLC
400 N. Park Ave., Unit 10-B
Breckenridge, CO 80424

December 31, 2024

Frank Just, Mayor
Board of Trustees
Town of Fairplay
P.O. Box 267
Fairplay, CO 80440

Re: 411 Hwy 285, Fairplay

Dear Mayor Just and Board of Trustees,

ACL Real Estate, LLC is the owner of 411 Hwy 285. When the building was originally built the current development codes were not in place. It was a restaurant, then a furniture store and is now back to a retail and brew pub.

The building is a non-conforming structure since it was built prior to the current codes. The current building is in the 30' setback set forth in 16-11-40. There has been no change in the structure's footprint since it was built. The building should be considered under 16-21-30; and as such, there should be no further setback or landscaping requirements unless the structure's footprint is changed. More importantly, it would be impossible to move the structure in order to achieve the 30' setback.

The parking area for this building is also non-conforming since it is installed prior to the adoption of 16-11-40 and extends into the 30' setback. Although the use of the property has changed three times over the years, the parking area has never changed. Therefore it should be considered under 16-21-30; and as such there should be no further setback or landscaping requirements. It would not be possible to provide the current number of parking spaces if the 30' setback were required.

The property has a sufficient number of parking spaces for its current use (16-10-130), but the parking lot is not paved and does not meet the current drainage requirements.

With regard to paving the parking area, this would create drainage issues that ACL is not able to resolve on site. It has been and will continue to be better to have the parking area a porous surface where the drainage happens naturally through the ground.

With regard to drainage, there are no drainage ditches, culverts or drainage pipes adjoining the property or in the adjacent area. If the parking lot is paved, there is nowhere for the drainage to go, except onto the adjacent property; which is not allowed by the development code. It would be a huge expense to ACL to try to retrofit the entire area with proper drainage. It is not possible to retain or dispose of drainage on site.

Page 2

ACL Real Estate, LLC respectfully requests that its building and its parking area be designated as non-conforming and no further upgrades (setbacks, landscaping and paving) would be required unless the physical structures are changed in the future. In the alternative, ACL would respectfully request a variance or other decision from the Board of Trustees which would allow the current status of the building and parking lot to remain (no setbacks, landscaping or paving) unless and until these structure on the property are changed.

Yours Truly,

David Axelrod, Manager



STAFF MEMO

TO: Mayor Just and Honorable Board of Trustees

FROM: Janell Sciacca, Town Administrator/Clerk/Interim Treasurer

Date: April 7, 2025

Re: New Business Item A – Trustee Vacancy
New Business Item B – Selection of Mayor Pro Tem

BACKGROUND / ANALYSIS

Trustee, and Mayor Pro Tem, Peter Lynn submitted his resignation from the Fairplay Board of Trustees on Monday, March 17, 2025.

As per Town of Fairplay Municipal Code section 2-2-10(d):

“The Board of Trustees, within sixty (60) days of the creation of said vacancy, by a majority vote of all remaining members thereof, shall select and appoint, from among the duly qualified electors of the Town, a suitable person to fill the vacancy or, alternatively, call a special election to fill said vacancy. Any person appointed or elected to fill a vacancy shall hold office until the next regular election and until his or her successor is elected and qualified. If the term of the person creating the vacancy was to extend beyond the next regular election, the person elected to fill the vacancy shall be elected for the unexpired term.”

Trustee Lynn took office in April 2022 and his term of office would have ended in April 2026. Therefore, the candidate selected to replace Lynn will hold the office until the Town’s Regular Municipal Election in April, 2026.

In order to move forward, the Board should vote to accept Lynn’s resignation and then set forth the process of selecting a replacement.

The Board should also vote to select a replacement Mayor Pro Tem from among the remaining Trustees.

ATTACHMENTS

- Lynn Resignation Letter

Peter Lynn Board of Trustee
851 Hathaway St.
Fairplay, CO 80440

March 17 2025

Town of Fairplay
Mayor Frank Just & Janell Sciacca Town Administrator
901 Main St/PO Box 267
Fairplay, CO 80440
(719)836-2622

Dear Mayor Just & Janell,

It is with a long and weighted decision that I hereby put forth my official letter of resignation from my position as an honorary member of the board of trustees to the Town of Fairplay.

My resignation will be effective on March 17 2025.

Regrettably the factual stresses, obligations and responsibilities of life, family and business (like many of us) consumes the majority of my time and energy. Of which over the course and culmination of the last twenty years has left me feeling extremely drained and burned out. This condition has begun to effect my health and well being. The best decision for me, my health, my family and in my humble and honest opinion for The Town of Fairplay is for me to graciously and respectfully step away from my duties and allow someone with more time, energy and heart felt commitment to take my place.

With great respect to you both and to all my fellow board members and town staff I wish to say thank you for the opportunity to serve in our local government and hope for you all the best. I will always be a friend to The Town of Fairplay.

Sincerely Peter J Lynn



Town of Fairplay

901 Main Street • P.O. Box 267
 Fairplay, Colorado 80440
 (719) 836-2622 phone
 (719) 836-3279 fax
 www.fairplayco.us

MEMO

TO: Mayor and Board of Trustees

FROM: Julie Bullock, Special Events Coordinator
 Kelsey Sprys, Special Events Assistant and Administrative Technician

RE: Resolution to adopt newly written rules for the World Championship Pack Burro Race

DATE: 4/7/25

Staff has updated the current burro race rules. The Town Attorney also reviewed the new rules, made some suggestions, and suggestions were taken into account in the new document. This new set of rules aligns with many of the Western Pack Burro Association rules and are more appropriate for our burro race in Fairplay. In addition to fixing some minor grammatical and spelling errors, a few of the more substantial changes to the rules include:

- Jack chains will now be allowed using a pressure-release technique. A description of jack chains has been included.
- A sentence was added to explain that the use of jack chains must now be indicated on the burro race registration form and that all participants using a jack chain will have their burro checked before and after the race by the race veterinarian or race official.
- The word “lessor” was removed from the entire document and replaced with “burro owner.”
- A reference to sportsmanship was added under the “course” paragraph.
- Information under the “race officials” paragraph was simplified and redefined.
- Jack chains were removed from the “cruelty” paragraph.

The burro race rules and this resolution are presented to adopt the newly updated rules for the Town of Fairplay’s World Championship Pack Burro Race recommended with applicable changes.

STAFF RECOMMENDATION

Staff recommends the Board approve the Resolution to adopt the newly written Burro Race rules as presented by motion, second and a roll call vote.

Attachment:

- The final version of the Burro Race Rules dated 4/7/25

TOWN OF FAIRPLAY, COLORADO**RESOLUTION NO. 13
(SERIES 2025)****A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, ADOPTING REVISED TOWN OF FAIRPLAY WORLD CHAMPIONSHIP PACK BURRO OFFICIAL RACE RULES.**

WHEREAS, the Town of Fairplay, Colorado (the "Town") is a statutory town, duly organized and existing under the laws of the State of Colorado;

WHEREAS, the Town has been celebrating Burro Days with a Pack Burro Race since 1949; and

WHEREAS, the Town constantly seeks to improve on the professionalism of the event, the participation of runners and burros in the World Championship Pack Burro Race, and preserve the outstanding reputation of its Fairplay Burro Days event as a whole; and

WHEREAS, the Town feels it is in the best interest of the Burro Days event to update the Burro Days World Championship Pack Burro Race Official Rules.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO:

Section 1. The Fairplay World Championship Park Burro Race Official Rules attached hereto as "Exhibit A" are hereby adopted.

Section 2. This Resolution shall take effect immediately upon adoption.

RESOLVED, APPROVED, and ADOPTED this 7th day of April, 2025.

TOWN OF FAIRPLAY, COLORADO

Frank Just, Mayor

ATTEST:

Janell Sciacca, Town Clerk



Town of Fairplay

901 Main Street • P.O. Box 267

Fairplay, Colorado 80440

(719) 836-2622

www.fairplayco.us

THE WORLD CHAMPIONSHIP PACK BURRO RACE

Fairplay, CO

OFFICIAL RULES

ENTRY

Each entrant, or their sponsor, will pay a \$65 registration fee. This fee can be paid online via the registration website, or must accompany a paper entry application, prior to or on race day. If paying by check, make checks payable to "Town of Fairplay."

Entry fees are non-refundable and non-transferable. Please talk with the Race Director if the participant needs to cancel due to an extenuating circumstance.

EQUIPMENT

Each burro is required to be equipped with a regulation pack saddle, packed with prospector's paraphernalia, and must include a pick, shovel, and gold pan. It is strongly recommended that all participants carry at least one quart of water, food (an energy bar), and weather appropriate clothing (such as a windbreaker). Loss of all or part of the pack and paraphernalia will disqualify the runner.

The runner may hold the burro with a single lead rope that does not exceed 15 feet in length (measured from the furthest end of the rope to tip of the buckle,) and is attached to the halter. It may not be affixed to the saddle or to any other part of the burro. This rope may be single knotted or looped. It is also suggested that the runner be in front or behind the burro and not extended out to the side of your burro with your lead rope.

Jack chains may be used only if used with a pressure-release technique. A jack chain is a chain or strap which is used to apply pressure over the muzzle, under the chin, or through the mouth. Any racer coming across the finish line with nose and/or chin injuries on the animal resulting from the jack chain will be disqualified. The use of a jack chain must be indicated on the burro race registration form. The race veterinarian or a race official will check each donkey using a jack chain before and after the race to make sure there is no injury to the animal.

BURRO

Runners are responsible for securing their own burro for participation in the event. The burro can be one that the runner personally owns, one that they have borrowed from a friend or family member, or

one that they have rented from a burro owner of their choosing. In any case where the burro is owned by anyone other than the participant him or herself, the owner of the burro will be known as the burro owner.

Entry fees are separate from any burro rental fee a runner may incur from a burro owner.

It is the sole responsibility of the runner to secure a burro for the event. Contact the Town of Fairplay for reputable burro rental sources. Race organizers and the Town of Fairplay are not a part of any agreement made between a runner and their burro owner.

The following is the definition of a burro and is to be used in selecting a burro: The word “burro” comes from the Spanish word meaning donkey. A donkey is defined as being an ass. They have chestnuts on the forelegs only, while other animals of the same species, such as mules or horses, have them on their hind and forelegs. The tail has no hair, except on its lower part, which has a brush.

For those participating in the “Long Course,” it is *suggested* that the team have completed at least 3 training runs together before racing *if possible*.

Burros must be sound and in good health. We will not permit the participation of a lame burro in the event. The race veterinarian, or other race official, shall have the authority to disqualify any animal prior, during, and/or after the race. The race director or Town of Fairplay designee shall have the authority to disqualify any runner and animal that does not match the above description, or whose animal is sick, doped, injured, or mistreated.

Winning burros can be held in a designated area by the race committee for up to 30 minutes for veterinarian checks. While held in the designated area, only the runner is permitted to be with the burro.

All runners must keep their burros under control. Any burro that interferes with another runner or burro may be disqualified.

After disqualification or completion of the event, all burros are to be returned to a corral or trailer within 30-minutes. They may not be left unattended.

RACE OFFICIALS

Defined as any person performing the duties of a race director, the Town of Fairplay and its staff, or officially recognized race staff or registered volunteer.

Burro racers and burro owners are not race officials. It is imperative that individuals not present themselves as a race official, or behave in any manner that may confuse participants, landowners, other vendors, volunteers, *actual* race officials, or the public into believing that they *are* a race official.

COURSE

The race route must be followed exactly as it has been laid out. Race officials will make every attempt to mark the route with signs, surveyor's tape, people and/or checkpoints. Race officials do not guarantee that the course will remain free of course obstructions (downed fencing, fall trees, rock falls, vandalism, etc.) in the hours between marking has started and race operations have terminated. Therefore, it is up to the runner to know the route.

Do not cut switchbacks or any other aspect of the route. If a runner loses their burro, they must retrieve the burro, return to the place where the burro got away, and resume racing from there. Failure to do so will result in disqualification. Sportsmanship is defined as an understanding of and commitment to fair play, ethical behavior and integrity, and general goodwill toward an opponent. Failure to follow these rules may result in disqualification as decided by the race director or Town of Fairplay designee.

CRUELTY

Any runner mistreating his/her animal may be disqualified. No needles, electric prods, narcotics, clubs or whips, or anything other than the halter rope may be used.

TEAM

Runner and burro starting the race must remain a team throughout the contest. Should any runner hand their lead, rope, halter, etc. to any other person, this will signify that the team has quit the event, and they will be officially disqualified.

Burro owners are considered an extension of the runner, often referred to as "crew" or "team." Owners are expected to follow the rules, policies and/or procedures of the event as outlined herein, just as the runners are.

Spectators are allowed on the course, as are family and friends. They may offer water, food and encouragement but may not assist the runner with their burro or interfere with any other racers in doing so. No contestant shall interfere with other contestants by deliberate personal contact or receive help deliberately from others.

Everyone must remain at least 15 feet off to the side of the official finish line for the event, and 15 feet past the finish line. They may not be *at or in* the finish line, or in the road on the way to the finish line. Runners will lead their burro off the official course upon completion of their race and transfer handling of the burro outside of any finish corral.

NO RIDING

The runner may lead, drive, push, pull, or carry the burro. The runner may not ride the burro. The runner shall at no time progress except under his/her own power.

COURSE RULES

The lead rope and the runner's voice are the only permitted ways to motivate a burro. Using anything other than the lead rope or the runner's voice to motivate the burro may result in disqualification. No runner shall interfere with other runners by deliberate personal contact, nor shall they use anything other than the speed of travel to keep from being passed. No one shall scare or startle any opponent's burro.

No one is authorized to run with a runner at any time while on the trail. Pacing is not allowed.

Any race official may stop a burro while on the course to check out equipment, the runner, or the burro. If the race official or other authorized person feels that a violation has occurred, runner and burro may be disqualified.

LIABILITY

No city/town, private-property owners along the course, sponsoring businesses, governmental agencies, persons, or organizations will be responsible in the case of accident or injury to runners or burros. Each entrant must sign a waiver and/or release and a hold harmless agreement.

WINNING TEAM

The winning combination consists of a human and burro which must cross the finish line as a unit. The human may be leading or following the burro but the burro's nose crossing the finish line first constitutes the winner.

TIES

In the event of a tie, the prize money involved, if any, will be equally divided by the contestants involved.

APPEALS

Should a race official disqualify a runner, they may continue the race (a second offense will pull them from the course). Disqualified runners may appeal their grievance to the race director. Appeals must be submitted no later than 1 hour after notification of disqualification. If a runner wants to file a complaint against another runner, it must be filed within 1 hour of the runner filing the complaint completing the race. **The decisions of the race director and The Town of Fairplay will be final.**

FIREARMS

The carrying and/or use of firearms will not be permitted.

CODE OF ETHICS

Each runner and burro team are required to follow the race code of ethics, which states:

You agree to abide by the following code of conduct before, during, and after this event. You agree to

be respectful to all other athletes, race staff/officials, and thankful to all volunteers. Feedback regarding the general event (Burro Days) or the World Championship Pack Burro Race, may be directed towards The Town of Fairplay. Please be respectful and constructive with your feedback.

A FEW LAST WORDS TO THE RACERS

This is your race. Keep it clean and remember that spectators make the race possible, so please grin and bear it if they become troublesome.

ENJOY THE RACE!

Adopted by the Town of Fairplay Board of Trustees on April 7, 2025



STAFF MEMO

TO: Mayor Just and Honorable Board of Trustees

FROM: Janell Sciacca, Town Administrator/Clerk/Interim Treasurer
Tim Medlin, Street & Utilities Superintendent

Date: April 7, 2025

Re: New Business Item D – Sidewalks Discussion

BACKGROUND / ANALYSIS

In 2025 Budget discussions last fall/winter, the Board agreed to make installation of new and much-needed sidewalks through the community a priority, and budgeted funds accordingly.

In early March, Street Superintendent Medlin obtained rough estimates on the costs of installation for the following locations:

- 6th & Hathaway
- 8th & Hathaway
- 8th & Castello
- 5th & Main

At the end of March, 2025, Mayor Just and Streets Superintendent Medlin and I toured the town and re-assessed the work that needs to be done. The following is a preliminary prioritization list that we came up with:

- ✓ 501 Main Sidewalk from Main to Alley (*Scheduled for first part of April to be done before summer events*)
- ✓ 6th Street Between Hathaway and School Entrance ADA Ramp(s)/Crosswalks at Church
- ✓ Hathaway Street North Side between 8th and 9th and Completion of School ADA Ramp/Crosswalk
- ✓ 9th Street from Castello to Main Street
- ✓ Castello Ave South Side Between 8th-6th Street
- ✓ Witcher to School Ballfields
- ✓ Castello Ave from 8th Street to Family Dollar (*Can be done as part of potential Circle K improvements*)

In addition to actual sidewalk installations, a survey of Front Street needs to be completed in order to begin to look at a plan for sidewalks that would connect downtown to Burro Park when done. SGM will be providing a quote for this work.

RECOMMEND / REQUEST

Staff is requesting feedback on sidewalk priorities and direction to move forward with installations for 2025, with or without grant funding. Staff will be applying for a Safe Routes to School for sidewalks bordering the school. However, the Board approved \$300,000 in the Streets/Sidewalks line 10-56-70, which could accomplish many of these projects if grant funding is not received. In addition, the Streets assessment did not reveal any significant areas or big projects for 2025 other than beginning work on Aspen so that it can be paved in 2026. Therefore, that would allow the majority of that funding to go toward sidewalk improvements and making significant progress in walkability of our Town.

Attachment:

- High Peak Construction Concrete Work Quote

Town of Fairplay, Concrete Work				
6th ST & Hathaway	QTY	UOM	Unit Price	Total
Mobilization	1	LS	700,00	\$ 700,00
Eco Pan 2.5 CY	2	EA	400,00	\$ 800,00
Demolition				
Sidewalk	369	SQFT	5,00	\$ 1.845,00
General Clean up	16	MHR	65,00	\$ 1.040,00
Haul and Dispose	369	LS	2,50	\$ 922,50
Site Concrete				
Ramp	369	SQFT	30,00	\$ 11.070,00
Tactile Warning Pavers at Ramp	20	EA	500,00	\$ 10.000,00
6" Sidewlak	425	SQFT	10,00	\$ 4.250,00
Grading & Compaction	120	MHR	65,00	\$ 7.800,00
Gravel 6" of Depth	20	CUYDS	40,00	\$ 800,00
Ready Mix - Material	20	CUYDS	270,00	\$ 5.400,00
Rebar for all Elements and Misc Materials				
Wire Mesh	794	SQFT	0,55	\$ 436,70
Misc Support Equipmnet (Generator, PPE, Water, Fuel etc.)	1	LS	500,00	\$ 500,00
Lumber and Misc Forming Materials	1	LS	900,00	\$ 900,00
Equipment				
Mini Excavator	1	Weeks	563,00	\$ 563,00
Skid Steer	1	Weeks	440,00	\$ 440,00
Roller Compactor	1	Weeks	495,00	\$ 495,00
			Total	\$ 47.962,20

Town of Fairplay, Concrete Work				
8th & Hathaway	QTY	UOM	Unit Price	Total
Mobilization	1	LS	700,00	\$ 700,00
Eco Pan 2.5 CY	1	EA	400,00	\$ 400,00
Site Concrete				
Ramp	136	SQFT	30,00	\$ 4.080,00
Tactile Warning Pavers at Ramp	2	EA	500,00	\$ 1.000,00
Grading & Compaction	40	MHR	65,00	\$ 2.600,00
Gravel 6" Thickness	4	CUYDS	40,00	\$ 160,00
Ready Mix - Material	4	CUYDS	270,00	\$ 1.080,00
Rebar for all Elements and Misc Materials				
Wire Mesh	136	SQFT	0,55	\$ 74,80
Misc Support Equipmnet (Generator, PPE, Water etc.)	1	LS	500,00	\$ 500,00
Lumber and Misc Forming Materials	1	LS	400,00	\$ 400,00
Equipment				
Mini Excavator	1	Weeks	563,00	\$ 563,00
Skid Steer	1	Weeks	440,00	\$ 440,00
Roller Compactor	1	Weeks	495,00	\$ 495,00
			Total	\$ 12.492,80

Town of Fairplay, Concrete Work				
Castello St & 8th	QTY	UOM	Unit Price	Total
Mobilization	1	LS	700,00	\$ 700,00
Eco Pan 2.5 CY	3	EA	400,00	\$ 1.200,00
Site Concrete				
Ramp	216	SQFT	30,00	\$ 6.480,00
Tactile Warning Pavers at Ramp	20	EA	500,00	\$ 10.000,00
6" Sidewalks Gray	4350	SQFT	10,00	\$ 43.500,00
Grading & Compaction	600	MHR	65,00	\$ 39.000,00
Gravel 6" of Depth	90	CUYDS	40,00	\$ 3.600,00
Ready Mix - Material	90	CUYDS	270,00	\$ 24.300,00
Backfilling and Compaction	323	CUYDS	6,50	\$ 2.099,50
Rebar for all Elements and Misc Materials				
Wire Mesh	600	SQFT	0,55	\$ 330,00
Misc Support Equipmnet (Generator, PPE, Water etc.)	1	LS	900,00	\$ 900,00
Lumber and Misc Forming Materials	1	LS	1.200,00	\$ 1.200,00
Import Common Fill (Provided By Owner)	1	LS	1.200,00	\$ 1.200,00
Equipment				
Mini Excavator	1	Weeks	563,00	\$ 563,00
Skid Steer	1	Weeks	440,00	\$ 440,00
Roller Compactor	1	Weeks	495,00	\$ 495,00
			Total	\$ 136.007,50

Town of Fairplay, Concrete Work				
Main & 5th	QTY	UOM	Unit Price	Total
Mobilization	1	LS	700,00	\$ 700,00
Eco Pan 2.5 CY	1	EA	400,00	\$ 400,00
Demolition				
Sidewalk Removal	600	SQFT	5,00	\$ 3.000,00
General Clean up	16	MHR	65,00	\$ 1.040,00
Haul and Dispose	600	SQFT	2,50	\$ 1.500,00
Site Concrete				
6" Stamped Sidewalk Gray	600	SQFT	15,00	\$ 9.000,00
6" Sidewalk Gray	600	SQFT	10,00	\$ 6.000,00
Concrete Steps	2	EA	130,00	\$ 260,00
Grading & Compaction	120	MHR	65,00	\$ 7.800,00
Gravel 6" of Depth	27	CUYDS	40,00	\$ 1.080,00
Ready Mix - Material	27	CUYDS	270,00	\$ 7.290,00
Rebar for all Elements and Misc Materials				
Wire Mesh	1200	SQFT	0,55	\$ 660,00
Misc Support Equipmnet (Generator, PPE, Water, Fuel etc.)	1	LS	500,00	\$ 500,00
Bonde Breaker and Curing	1	LS	900,00	\$ 900,00
Lumber and Misc Forming Materials	1	LS	700,00	\$ 700,00
Equipment				
Mini Excavator	2	Weeks	563,00	\$ 1.126,00
Skid Steer	2	Weeks	440,00	\$ 880,00
Roller Compactor	2	Weeks	495,00	\$ 990,00
Sledgehammer	1	Weeks	200,00	\$ 200,00
			Total	\$ 44.026,00



STAFF MEMO

TO: Mayor Just and Honorable Board of Trustees

FROM: Janell Sciacca, Town Administrator/Clerk/Interim Treasurer
Jeff Worley, Chief of Police

Date: April 7, 2025

Re: Old Business Item A – Police Department Sabbatical Program

BACKGROUND / ANALYSIS

Chief Jeff Worley presented the attached information to the Board in September of 2024. Staff recalls that at that time, the Board was receptive to introducing the program in Fairplay as a mechanism to help retain good Officers and provide them an additional benefit that would support and promote their mental health.

Staff reported the policy would be brought back for formal adoption once the proper method to do so was determined with the assistance of the Town Attorney. Staff also advised that the program should be incorporated in some fashion in the updated and revised Employee Handbook.

Because the Handbook will not be adopted until later this year, and with the direction of the Town's new Town Attorney Joe Rivera, Staff is seeking to move forward with adoption of the Sabbatical Program so the Police Department can implement the policy in 2025.

RECOMMENDATION

Staff suggests the Board review the policy again, ask questions of Chief Worley, and then if still supportive of adoption of the program for the Town of Fairplay Police Department, the Board adopt the proposed Sabbatical Program as presented by motion, second and a roll call vote.

ATTACHMENTS

- Worley's September 3, 2024 Proposal Memorandum



Town of Fairplay

Police Department

901 Main Street
Fairplay, CO, 80440
(719) 836-2840

To: Janell Sciacca, Town Administrator
From: Jeff Worley, Chief of Police
Date: September 3, 2024
Re: Proposal for New Wellness Benefit for Police Personnel – Sabbatical Program

The Concern Over Law Enforcement Mental Health

It has long been recognized in the field of mental health, and not just anecdotally but via extensive research, that law enforcement officers, especially those who have worked in the field for an extensive time, suffer from mental health disorders. Based on this research, the risk to the mental health of police officer is an increasing concern which affects their overall welfare. One such study, a 2024 report conducted through the Department of Health Education and Behavioral Sciences, Mahidol University, and published by the National Institute of Health, concluded that “[t]he number of police officers suffering from mental illnesses is becoming a significant public health concern. Police officers are more likely to experience mental health problems than the general population.”ⁱ In fact, this same recent study confirms earlier research that police personnel experience psychological health disorders at a rate significantly higher than other professions. The report found that “[o]ne in every seven police officers worldwide suffered from post-traumatic stress disorder (PTSD) or depression, and one in every ten struggled from other mental illnesses. When compared to the general population, police personnel have approximately twice the prevalence of PTSD and depression (20% vs 7% to 9%) and are associated with a lower quality of life.”ⁱⁱ Based on these studies, it is clear that preemptively addressing the causal factors is critical to any organization that employs police personnel.

Officers are subjected to any number of extraordinary circumstances not experienced by members of general society. “Officers see the worst of humanity every day; no one calls the police when things are going well. Exposure to such repeated crisis situations can influence perception, cause bias, and, ultimately, impact decision-making.”ⁱⁱⁱ While “[p]olice officers generally carry out their sworn duties and responsibilities with dedication and valor ... some stresses are too much to take, and every officer has his or her breaking point. For some, it may come in the form of a particular traumatic experience, such as a gruesome accident or homicide, a vicious crime against a child, a close personal brush with death, the death or serious injury of a partner, the shooting of a perpetrator or innocent civilian, or an especially grisly or large-scale crime.”^{iv} As such, “[p]olice officers are often in situations where life-changing decisions must be made.”^v On a more personal front, a 2021 study by Violanti and Steege further showed that compared to the general public, police officers “face a 54

percent higher risk of dying by suicide.”^{vi} Along the same line, it has been found that, on average, a 50-year-old police officer will “live only 7.8 additional years while a U.S. white male for the same period was expected to live an additional 35 years.”^{vii} In other words, the damage incurred to the psyche of police officers from line-of-duty trauma is not limited to the person of the officer; indeed, it is not only officers who pay a great price for such horrific experiences, but their personal relationships and the communities they serve are often adversely, even permanently, impacted when those professionals are no longer psychologically well-balanced.

At least as much of a concern as the psychologically hazardous situations that officers encounter in the field are certain internal aspects of their workplaces. One such internal variable that has “best explained mental health problems in police officers is a lack of social support within the organization. For these professionals, the perception of support from peers and superiors is essential.”^{viii} While organizations cannot control the kind of calls for service, nor the situations and conditions to which their officer might be exposed during response to such calls, what they can influence are the internal factors related to working conditions and preventative services offered to employees. Thus, “[t]he use of effective mental health promotion programs can assist in reducing police officers’ psychological problems.”^{ix}

Proposal for New Police Officer Benefit: Sabbatical Program

Based on the concerning research findings surrounding the mental well-being of officers, as well as on my own confirmatory observations and experiences over the last 35 years in the law enforcement field, I propose a new mental health benefit for Fairplay officers called the **Sabbatical Program**. The idea is the brainchild of Paul Wegner, Chief of Police of Paynesville Police Department, MN. Due to high turn-over, cynicism, and officer health issues – much of which can be attributed to the national surge of anti-police attitudes that have prevailed since 2021 – Chief Wegner faced a difficult challenge in meeting the policing needs of his community. What he realized was that he was facing a mental health crisis in his agency that was magnified on a national level. Thinking “outside the box,” Chief Wegner instituted a simple but powerful wellness benefit designed to address the psychological and physical health of his officers. While in its nascent stage, the Sabbatical Program is so far showing promising results as reflected by the positive outlook of the members of his department.

I recently consulted with Chief Wegner about his pioneering idea. Armed with his insight, I offer to the Town for consideration this simple program as an added wellness benefit for police members. The essentials of the new benefit follow:

- Every three years, officers will take 160 consecutive hours of time off (in essence, four weeks of duty time) based on the date of their hiring.
- The 160 hours of Sabbatical time are not drawn from the officer’s PTO bank and will instead come from the hours they would have worked during the time period they are on sabbatical. (As radical as the notion sounds, officers will be paid for four weeks they did not work.)
- The 160 hours of Sabbatical time cannot be used in conjunction with PTO, sick time, leave under the Family Medical Leave Act, or in conjunction with leave as an accommodation.
- Prior to a Sabbatical taken, arrangements will be made with the District Attorney’s Office, the local municipal court, and other pertinent entities that the officer will not be available during the 160 hours he or she is off.
- No communication, including electronic, concerning work matters will be directed at the officer during the Sabbatical.

- The above arrangements are made to allow officers to disconnect completely from work and its related stressors to focus on faith, family, friends, hobbies or wherever their healthy interests lie.
- Although there will be no mandates by the Department on how an officer spends the Sabbatical time, they will be encouraged to use it in healthy, non-work-related pursuits.
- An individual shall be entitled, upon return from Sabbatical, to be restored to the position held by the employee with the same terms and conditions of employment when the Sabbatical time commenced.
- The Police Department of the Town of Fairplay prohibits retaliation against any employee for utilizing or requesting Sabbatical time.

(Note: To prevent all officers from using their Sabbatical in a single year's time, creating a scheduling nightmare, our current staff will use their first Sabbatical on a tier-based system. In the first tier, Sergeants have the benefit available next year and then every three years after. The second tier, comprised of veteran officers, will be able to use their Sabbatical in two years and then every three years thereafter. Our most inexperienced officers, in the third tier, will have the benefit first available to them in three years. Their next Sabbatical will next occur following three years hence.)

The new benefit's greatest merits for the Town on the bases of financial and practical considerations are that it does not affect the PD budget (other than a rare instance of compensatory or overtime), does not add dollars to the budget, and may only necessitate a temporary adjustment of the schedule.

Benefits to the Town and Our Community

In addition to the above advantages, there are numerous benefits to be had by our officers, the Town, and the community we serve. Amongst these are:

- Recruitment of new employees – In this day when police work is not always considered a viable or desirable career, the benefits the Town and Department presently offer are quite attractive. The addition of a Sabbatical Program would add greatly to the appeal of working for Fairplay. (Chief Wegner related to me that after he established the program, his department started receiving inquiries from people interested in working for Paynesville PD, inquiries his agency had not received before.)
- Retention of current staff – While larger wages can lure officers away from their current departments, FPD's schedule and relatively good wage are two factors in the retention we presently enjoy. I believe that the added benefit of the Sabbatical Program would only enhance the desire to stay with FPD.
- Mental and physical health enhancement – Obviously, this new benefit is aimed at preventing mental health in our officers and increasing their resilience. And, of course, mental health has direct ties with our physical health, thus potentially reducing medical problems amongst our employees, thus minimizing medical or early retirements. Importantly, healthy officers possess more positive attitudes and make better decisions, therefore the risk of violating the rights of our citizens due to overreaction, fatigue, or apathy may be reduced.
- An authentic concern shown for employees – A committed step like this confirms to our officers that the Town genuinely values their overall well-being, adding significantly to their job satisfaction.

Conclusion

While the results of the Sabbatical Program from Paynesville and other police agencies offering this benefit are “not in” yet (and may not be for decades), there exists *prima facie* evidence that organizations that care for their employees and take substantial steps to promote their good have healthier, happier, and more satisfied workers, who remain employed (voluntarily *and* involuntarily) benefitting those they serve on a long-term basis. It stands to reason, then, that in professions that expose their members to the kinds of mental and physical hazards that law enforcement officers experience would greatly improve the hardiness of those members through appealing preventative measures, safeguards against debilitating psychological conditions and their associated physical disorders. The “no-brainer” about the new benefit is that it “costs” the Town very little in terms of dollars and cents but could be a “return” that profits Fairplay and its officers immeasurably.

References

- ⁱ Santre, S. (2024). “Mental Disorders and Mental Health Promotion in Police Officers.” Health Psychology Research, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10875161/#:~:text=Public%20safety%20personnel%20were%20found,rate%20of%20psychological%20health%20problems.&text=One%20in%20every%20seven%20police,struggled%20from%20other%20mental%20illnesses>.
- ⁱⁱ Ibid.
- ⁱⁱⁱ Jaeger, S. (2023). “The Impact of Life Experiences on Police Officers.” FBI Law Enforcement Bulletin, <https://leb.fbi.gov/articles/perspective/perspective-the-impact-of-life-experiences-on-police-officers>.
- ^{iv} Miller, L. (1999). “Law Enforcement Traumatic Stress: Clinical Syndromes and Intervention Strategies.” The American Academy of Experts in Traumatic Stress, Inc, https://ovc.ojp.gov/sites/g/files/xyckuh226/files/media/document/ci_police_stress_and_interventions-508.pdf.
- ^v Jaeger, S. (2023).
- ^{vi} Lawrence, D., Dockstader, J., Solomon, K., Schlosser, L., Willis, J. (2024). Law Enforcement Deaths by Suicide. CNA, <https://www.cna.org/reports/2024/03/law-enforcement-deaths-by-suicide>.
- ^{vii} Violanti, J., Hartley, T., Gu, J., Fekedulegn, D., Andrew, M., Burchfiel, C. (2013). Life Expectancy in Police Officers: A Comparison with the U.S. General Population. International Journal of Emergency Mental Health and Human Resilience, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4734369/#:~:text=For%20example%2C%20the%20YPLL%20was,CI%3A%205.8%2D37.7>).
- ^{viii} Santre, S. (2024).
- ^{ix} Ibid.



STAFF MEMO

TO: Board of Trustees

From: Joe Rivera, Town Attorney

Date: April 7, 2025

Re: Obstructions in the Town's Rights-of-Way

BACKGROUND

At the February 3, 2025, Board meeting, the Board discussed parking issues and use of the Town's rights-of-way for property storage and/or as a work area.

As part of this discussion, the Board instructed Town staff to revise the Fairplay Municipal Code to accommodate the use of the Town's rights-of-way for personal property storage and/or as a work area, so long as (1) the personal use of the right-of-way was time-limited and (2) the use did not impede traffic or impair access to municipal utilities (those located adjacent to or beneath the portion of the right-of-way at issue), (3) the use of the right-of-way would be limited to the portions of the right-of-way adjacent to the resident's home or business address and, (4) before the use of the Town's right-of-way started, town staff approved and issued a permit allowing the use.

The Board approved the issuance of a citation for any un-permitted use of the Town's right-of-way for property storage and/or as a work area.

The Board also discussed the permit application. The permit application would require the applicant to (1) describe the proposed use (property storage, use of the right-of-way as a work area, or both) and (2) submit a map or diagram of the portion of the right-of-way reserved for personal use and (3) the Town would not charge for the permit.

Upon the receipt of a complete permit application, Town staff would then either (1) approve the permit application, (2) deny it, or (3) approve it with conditions. In reviewing the permit application, Town staff would not permit any use of the right-of-way for property storage and/or as a work area, if the use

- 1) too greatly impeded vehicle or pedestrian use of the public right-of-way,
- 2) impaired access to municipal utilities or hindered drainage,
- 3) created unsafe conditions,

- 4) exceeded **BLANK** calendar days (depending upon the use and season and location), or,
- 5) the area at issue extended beyond the portions of the right-of-way adjacent to the resident's home or business address.

CURRENT CODE

Sections 11-2-10 through 80 of the current Fairplay Municipal Code satisfy many of the Board's requirements:

- Unless they first obtain a permit to do so, section 11-2-10 prohibits any “person, public or private utility, or governmental or quasi-governmental entity” from encroaching on or disturbing “any portion or all of any street or way dedicated to public use, or any public place within the Town.”
- Section 11-2-20 requires permit applicants to describe “with particularity the location and description of the work”, provide beginning and end dates for the permitted use, and allows the Town to request a map and “such other information as might be reasonably required to evaluate the application.”
- Sections 11-2-20 and 30 requires permit applicants to “establish and enforce such safety measures as are reasonable to protect the traveling public from any and all harm during the work” and permits the Town to require “reasonable and appropriate” safety measures “as a condition of the permit”;
- Section 11-2-20 requires applicants to “take such precautions as may be reasonable and prudent to ensure that the work will not damage or endanger any public utility, whether above or below grade.”
- Section 11-2-80 provides the Town the authority to issue a citation and impose penalties for improper use of the Town's right-of-way.

Sections 11-2-10 through 80 exceed the Board's requirements because these sections require permit applicants to post a bond as a condition of encroaching upon or disturbing the Town's rights-of-way.

Sections 11-2-10 through 80 do not satisfy the Board's requirements because these sections do not (1) expressly limit the amount of time a right-of-way may be used for personal property storage or as a work area or (2) limit the portion of the available right-of-way to the portion that is adjacent to the resident's home or business address.

Although these sections are in Article II of the Fairplay Municipal Code under the header “Excavations,” they may still be applied to require a permit as a condition of the use of the Town's right-of-way for property storage and/or as a work area.

NEXT STEPS

Decide whether the present code is sufficient to properly manage the use of the Town's right-of-way for property storage and/or as a work area.

For the use of the Town's right-of-way for property storage and/or as a work area, does the board want staff to revise the code to (1) expressly limit the amount of time a right-of-way may be used for personal property storage and/or as a work area or (2) limit the portion of the available right-of-way to the portion that is adjacent to the resident's home or business address?

Does the Board want to apply the Bond requirements presently in the code to the use of the Town's right-of-way for property storage and/or as a work area?

Are there any other suggested changes to the Town's code?

ATTACHMENTS

Sections 11-2-10 through 80 of the current Fairplay Municipal Code.

ARTICLE II Excavations

Sec. 11-2-10. Excavations prohibited.

No person, public or private utility, or governmental or quasi-governmental entity (hereafter collectively and singularly referred to as *person*) shall cut, excavate, encroach upon or otherwise damage, disturb or destroy any portion or all of any street or way dedicated to public use, or any public place within the Town, except as provided in this Article.

Sec. 11-2-20. Permit procedure.

Any person desiring to commit any of the acts set forth in Section 11-2-10 shall apply for a permit to the Streets Superintendent or Town Administrator on an application form provided by the Town Clerk. Such application shall set forth the name, address and telephone number of the applicant and, if the applicant is an agent or independent contractor, the name, address and telephone number of the principal or the person contracting with the applicant. The application shall describe with particularity the location and description of work, and upon the request of the Town shall be accompanied by a map, plat or plans showing the location and description of work and such other information as might be reasonably required to evaluate the application. The application shall also set forth the estimated commencement and completion dates of work and the estimated time, if any, that any street or other location will be closed to public use. At the time of application, the applicant shall also agree to the following conditions upon issuance of a permit:

- (1) The applicant shall use his or her best efforts to avoid complete closure of any street, way or public place to public use. If such closure is unavoidable, however, the applicant shall notify the Town Clerk at least one (1) hour in advance of the time of actual closure and at the time of actual reopening of the street or way.
- (2) The applicant shall, prior to commencement of work, take such precautions as may be reasonable and prudent to ensure that the work will not damage or endanger any public utility, whether above or below grade, including but without limitation, consulting with the Fairplay Water Superintendent, the Fairplay Sanitation District and all impacted public utility service providers.
- (3) The applicant shall establish and enforce such safety measures as are reasonable to protect the traveling public from any and all harm during the work. The Streets Superintendent or Town Administrator may at the time of approval of the application, or at any time prior to completion of the work, establish such specific safety measures as he or she deems reasonable and appropriate as a condition of the permit.
- (4) The applicant's work shall be performed in accordance with accepted good practice and in a workmanlike manner, and shall comply with all of the requirements or recommendations of any federal, state or local laws, statutes, ordinances or regulations that may apply.
- (5) The applicant agrees to maintain the work at all times and agrees to indemnify and hold harmless the Town, its agencies, officers and employees from any and all claims, losses, and damages, including costs, expenses and attorney fees, which may be based upon, arise out of or otherwise be connected with the installation, maintenance, alteration, removal or presence of the work, or any work or facility connected thereto, including injury or damage to persons or property.
- (6) Only emergency work shall be performed on Saturdays, Sundays or holidays. No open trench or hole may remain so after dark, unless the Streets Superintendent specifically approves in writing because the applicant establishes the necessity thereof. In such case, the safety measures shall include a barrier

effective to prevent pedestrians, bicyclists and equestrians from entering the immediate area, with sufficient flashing yellow warning lights to prevent vehicular traffic from entering the immediate area.

- (7) The applicant shall provide sufficient information accurately to locate any underground installation in the future. In the case of any installation installed by one (1) of the agencies set forth in subsection (2), above, the agency may retain the information. In the case of any installation connected to an installation of one (1) of the agencies listed in subsection (2) above, the information shall be supplied to that agency, and that agency shall be responsible for maintaining such information in a reasonably accessible manner. In the case of any other installation, such information shall be filed with and kept by the Town Clerk. The Town may, as a condition of the permit, require the applicant to post a sign above the ground warning of the installation's existence.
- (8) The applicant, if he or she is an agent or independent contractor of another person, shall verify and represent that he or she has authority to bind the principal or person with whom he or she has contracted to all of the conditions imposed by this Article, or by the permit issued pursuant hereto.
- (9) Prior to commencing work, the applicant shall post a bond, as hereinafter provided, to ensure the applicant's compliance with the provisions of this Article.
- (10) Any underground installation in a road, street or way shall be initially installed beneath the surface of the right-of-way at a minimum depth of thirty (30) inches and all lines, cables, pipes, etc., installed parallel within the roadway shall be placed at least thirty (30) inches into the roadway from the shoulder of the road and around the end of all culverts at a minimum depth of thirty (30) inches below the bottom of all ditches, except in the case of asphalt or other hard surface roads. All installations in the right-of-way of asphalt or other hard surface roads shall be placed in a location agreed upon by the Town and the applicant. All exceptions to the requirements of this Article must be so noted on the applicant's work plans and initialed by the Streets Superintendent or Town Administrator. Any disturbed portion of the right-of-way shall be restored to the condition existing immediately prior to the installation. Backfilling shall be made in minimum two-foot lifts, tamped and packed by mechanical compactor, and the last twelve (12) inches shall be of crushed rock or gravel.
- (11) Any underground installation that is three (3) or more inches in diameter and crosses a roadway shall be encased in pipe of larger diameter and the crossing shall be as nearly perpendicular to the roadway as physically possible. This installation shall be installed by the method of boring or jacking beneath the road surface. No water shall be used in the boring and no tunneling shall be permitted. The use of pipe will not be required for installations less than three (3) inches in diameter.
- (12) All proposed aboveground installations shall be staked and inspected by the Town prior to commencement of work. All aboveground installations must be located so as not to hinder the Town's normal road maintenance and snow removal operations.

Sec. 11-2-30. Approval of application.

The Town's approval of the application shall constitute the permit to commence work, and the applicant may thereafter commence work upon compliance with all of the conditions imposed and upon posting the required bond. The Town may impose such additional conditions as may be reasonable for the preservation of the health, safety and welfare of the Town, its citizens and the traveling public, or to protect the right and privileges of the agencies set forth in Section 11-2-20(2).

Sec. 11-2-40. Amount of bond.

- (a) All bonds required to be posted shall be in an amount not less than five hundred dollars (\$500.00). The amount of the bond shall be based upon the estimated cost to repair the maximum amount of damage the

applicant proposes to do to the street, public way or other place. Notwithstanding the foregoing criteria for determining the amount of the bond, the bond shall be held to ensure full compliance with all of the provisions of this Article. The applicant may petition the Board of Trustees to review the amount of any bond required under this Article.

- (b) The Board of Trustees may waive the requirement for a bond for any person who has been granted a franchise by the Town to use and/or occupy the Town's streets and rights-of-way. The Fairplay Sanitation District shall be exempt from the bond requirements imposed by this Article. Any such waiver or exemption shall in no way relieve any person of liability for failure to comply with any other requirements imposed by this Article.

(Ord. 7, 1984 §113; Ord. 11, 2002 §1)

Sec. 11-2-50. Types of bond.

The bond required may be a cash bond, a performance bond or a license and permit bond. In the event the applicant posts a performance bond or a license and permit bond, the bond shall be issued by a corporate surety licensed by the Colorado Insurance Commissioner to do business in the State, or by such other corporate surety as the Town Attorney may approve. The bond shall be irrevocable for one (1) year.

Sec. 11-2-60. Release of bond.

The Streets Superintendent or Town Administrator shall inspect the work approximately one (1) year after the completion of work, and shall notify the applicant of any further work that may be required to finish restoration of the right-of-way to its condition prior to the work. Upon satisfactory restoration, the Town Clerk shall release the bond posted by the applicant. The applicant may appeal any adverse decision regarding a bond to the Board of Trustees. If the applicant posted a cash bond, the Town Clerk may release the bond by payment to the applicant or by payment jointly to the applicant and the principal or the person with whom the applicant contracted, at the Town Clerk's sole discretion. In no event shall the Town Clerk be obligated to ascertain the ultimate source of the funds posted.

Sec. 11-2-70. Application of bond.

If the applicant fails or refuses to perform the work required to restore the right-of-way or other place within a reasonable time after written notice by the Town of the work required, which notice shall set forth a time reasonable under all the circumstances, the Town may proceed to perform such work. Upon completion of the work, the Town shall determine the cost for such completion, and shall promptly provide written notice of the cost to the applicant and, if applicable, the surety. If the applicant posted a cash bond, the Town Clerk shall immediately apply the bond to the payment of the cost of completion, and shall thereupon release the excess, if any. If the applicant posted a performance bond or a license and permit bond, the applicant or his or her surety shall pay the cost of completion to the Town Clerk within thirty (30) days after the Town Clerk sends the written notice of the cost of completion.

Sec. 11-2-80. Violations.

Knowingly violating or failing to comply with any of the provisions of this Article or conditions of the permit shall constitute a violation of this Article and shall be punishable as provided in the general penalty provisions of this Code. It is also unlawful for any person to remove any safety warnings or barricades emplaced pursuant to this Article.



**AGENDA for a Regular Meeting
of the Board of Trustees of the Town of Fairplay, CO
Monday, April 7, 2025, at 6:00 P.M. in the
Fairplay Town Hall, 901 Main St, Fairplay, CO**

[Join the TEAMS Meeting](#) (Meeting ID: 272 526 446 874 / Passcode: ju7eS2Wk)

- I. 6:00 PM CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. APPROVAL OF AGENDA**
- V. CONSENT AGENDA** *(This item is intended to streamline the Board Meeting grouping routine, non-controversial business. The public or the Board Members may ask that an item be removed from the Consent Agenda for individual consideration.)*
 - A. APPROVAL OF REGULAR MEETING MINUTES** – November 4, 2024
 - B. APPROVAL OF REGULAR MEETING MINUTES** – November 18, 2024
 - C. APPROVAL OF REGULAR MEETING MINUTES** – March 17, 2025
 - D. APPROVAL OF EXPENDITURES** – Paid bills for all Town funds from March 15, 2025, through April 3, 2025, in the amount of **\$233,722.81.**
- VI. CITIZEN COMMENTS** *(This item allows the public to sign up to address the Board on matters that are not already on the agenda. Comments are limited to 5 minutes per person. On advice of counsel, neither the Board nor Staff members will directly respond to comments; instead, the Board will direct Staff to respond and, when necessary, provide a status update to the Board.)*
- VII. PROCLAMATIONS, PRESENTATIONS & UPDATES**
 - A.** Presentation from Habitat for Humanity Director Owen Dodd.
- VIII. PUBLIC HEARINGS**
 - A. BOARD OF ADJUSTMENT** – Hearing on request from ACL Real Estate, LLC for variance for relief from parking lot design and landscape standards requirements for Highside Brewing located at 411 US Highway 285, Fairplay. *The Board will consider a request for relief from parking lot, landscaping and associated drainage improvement requirements.*
- IX. NEW BUSINESS**
 - A. ACCEPTANCE OF RESIGNATION OF TRUSTEE AND MAYOR PRO TEM PETER LYNN AND DISCUSSION REGARDING SOLICITATION OF LETTERS OF INTEREST FOR VACANCY.** *The Board will vote to accept the resignation of Lynn and set forth the process for selection of an appointee to fill the seat until the next regular election in April 2026.*
 - B. SELECTION OF MAYOR PRO TEM.** *The Board will vote to select a new Mayor Pro Tem.*
 - C. FIRST READING** – Should the Board of Trustees for the Town of Fairplay approve the adoption of Resolution No. 13, Series of 2025, entitled **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, ADOPTING REVISED TOWN OF FAIRPLAY WORLD CHAMPIONSHIP PACK BURRO RACE RULES.”**? *The Board will consider adopting updated Burro Days Official Pack Burro Race Rules.*
 - D.** Discussion regarding sidewalk project priorities for construction in spring/summer 2025, with or without grant funding.
- X. OLD BUSINESS**
 - A.** Discussion of and request for formal action on Sabbatical Program proposed by Chief Jeff Worley in September 2024.
 - B.** Report on Right-Of-Way Obstructions and Next Steps.
- XI. STAFF AND BOARD OF TRUSTEE REPORTS**
- XII. EXECUTIVE SESSION**
 - A.** An executive session of the Board of Trustees to discuss the acquisition of certain real property and to develop negotiation strategy, instruct negotiators, and receive legal advice regarding same, as authorized under sections 24-6-402(4)(a), (4)(b), and (4)(e) of the Colorado Revised Statutes.
- XIII. RECONVENE REGULAR MEETING AND ADJOURNMENT.**

Upcoming Meetings / Events

Park County Intergovernmental Meeting	April 16, 2025
The Flume People's Choice Awards Ceremony & Dinner	April 18, 2025
Board of Trustees Regular Meeting	April 21, 2025
South Park High School CTE Open House	April 30, 2025
Board of Trustees Regular Meeting	May 5, 2025
Board of Trustees Regular Meeting	May 19, 2025
Xcel Energy Wildfire Mitigation Project Temporary Power Outage	May 28, 2025
Town Clean Up Days	June 6-8, 2025
Huck Finn Free Fishing Day at Fairplay Beach	June 7, 2025

*Posted at Fairplay Town Hall, Fairplay Public Library, 501 Main Visitor Center, Prather's Market and on the Town of Fairplay Website (www.fairplayco.us) on Thursday, April 3, 2025. **THIS AGENDA MAY BE AMENDED.***