



**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