OFFICIAL MINUTES
REGULAR BOARD OF TRUSTEES MEETING
JANUARY 6, 2025
901 MAIN STREET, FAIRPLAY, CO 80440

I. 6:00 PM – CALL TO ORDER

A Regular Meeting of the Fairplay Board of Trustees was called to order on Monday, January 6, 2025, at 6:04 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, Mayor Pro Tem Pete Lynn, Trustee Ray Douglas, and Trustee Josh Voorhis.

BOARD MEMBERS ABSENT: Trustee Erik Baum

STAFF IN ATTENDANCE: Town Administrator Janell Sciacca and Town Attorney Joe Rivera.

IV. APPROVAL OF AGENDA

Town Administrator Sciacca noted amendments to the Consent Agenda to include adding minutes of August 19, 2024 and removing minutes for October 7 and October 21, 2024. She also reported that the Board of Adjustment Hearing was going to be continued.

MOTION to approve the agenda as amended was made by Trustee Voorhis and seconded by Trustee Douglas.
• Roll call vote: Unanimous approval.

V. CONSENT AGENDA

A. APPROVAL OF PRIOR MEETING MINUTES FOR:
1. *August 19, 2024*
2. September 9, 2024
3. September 16, 2024
4. ~~October 7, 2024~~
5. ~~October 21, 2024~~

B. APPROVAL OF EXPENDITURES – Paid bills for all Town funds from December 13, 2024, through January 3, 2025 in the amount of $62,909.47.

C. Adoption of Resolution No. 1, Series of 2024, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, ESTABLISHING REGULAR MEETING DATES AND DESIGNATING THE PUBLIC PLACES FOR THE POSTING OF MEETING NOTICES AS REQUIRED BY THE COLORADO OPEN MEETINGS LAW FOR THE CALENDAR YEAR 2025."?

MOTION to approve the Consent Agenda as amended with the minutes as written and expenditures as stated was made by Trustee Douglas and seconded by Mayor Pro Tem Lynn.
• Roll call vote: Unanimous approval.

VI. CITIZEN COMMENTS

Dale Fitting, 456 Front Street expressed concern over time and costs for a Lot Line Elimination application. Town Staff committed to resolving the issue following consultation with the new Town Attorney for clarity on whether it is a minor subdivision or lot line elimination.

VII. PROCLAMATIONS, PRESENTATIONS AND UPDATES

A. Presentation from South Park Food Bank regarding 2024 activities.

Jane Newman appeared and provided the Board with information on the activities of the Food Bank and fundraising efforts for construction of a new building. $450,000 has been secured, an additional $100,000 was expected to be secured next week and the total estimated cost for the new building is approximately $700,000. Concerns were raised regarding the introduction of a $5,000 subdivision fee and its impact on the project which was related to Dale Fitting's comments made at the beginning of the agenda. The board acknowledged the importance of addressing this issue efficiently to avoid delays. Newman requested the renewal of the Use Agreement to allow the Food Bank to continue operating our of the Town's 501 Main Building. Paragraph 7 of the contract was reviewed and mistakenly stated that the user shall be responsible for maintenance beyond the leased premises. A correction was agreed upon to clarify that maintenance responsibility is limited to the leased premises. The Board assured the Food Bank that they were happy to have them as tenants and would work collaboratively to ensure continuity of service. The Board thanked Newman for the report.

VIII. PUBLIC HEARINGS

A. BOARD OF ADJUSTMENT HEARING – The Board of Trustees, sitting as the Board of Adjustment, shall consider a request from David Axelrod of ACL Real Estate, for a variance from the Town's Unified Development Code for landscaping, parking and drainage improvements for the property located at 411 US Hwy 285 and more commonly known as the Highside Brewery"? **- CONTINUED**

IX. NEW BUSINESS

A. ADMINISTRATION OF OATH OF OFFICE to newly appointed Town Attorney Joseph Rivera.
Town Administrator / Clerk Sciacca administered the Oather of Office to newly appointed Town Attorney, **Joseph Rivera**. The Board welcomed Rivera.

B. FIRST READING – Should the Board of Trustees Approve the Adoption of Resolution No. 2, Series of 2024, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO APPROVING A USE AGREEMENT BETWEEN THE TOWN OF FAIRPLAY AND THE SOUTH PARK FOOD BANK FOR USE OF SPACE AT 501 MAIN STREET.

Discussion was held on the amendment to Section 7 and the Town Attorney was given directions to redraft that portion as appropriate.

MOTION to approve Resolution No. 2 as presented and directed the Town Attorney to amend Section 7 regarding maintenance responsibility prior to sending to the Food Bank for signing was made by Mayor Pro Tem Lynn and seconded by Trustee Douglas.

- Roll call vote: Unanimous approval.

C. FIRST READING – Should the Board of Trustees Approve the Adoption of Resolution No. 3, Series of 2024, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO ACTING BY AND THROUGH THE TOWN OF FAIRPLAY WATER AND WASTEWATER ENTERPRISE, APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH WARM SPRINGS CONSULTING, L.L.C. FOR OPERATOR IN RESPONSIBLE CHARGE (ORC) SERVICES FOR THE TOWN OF FAIRPLAY WATER TREATMENT FACILITY."?

Town Administrator Sciacca provided an overview of the Staff Report and reported that the agreement included an increase in the fee from $5,000 to $5,750 per month. She noted revisions to the Scope of Services and the addition of Exhibit A.2. with Specific Deliverables that would be reviewed monthly and reported on to the Board.

MOTION to approve Resolution No. 3 as presented was made by Trustee Voorhis and seconded by Mayor Pro Tem Lynn.

• Roll call vote: Unanimous approval.

D. FIRST READING – Should the Board of Trustees Approve the Adoption of Resolution No. 4, Series of 2024, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO ACTING BY AND THROUGH THE TOWN OF FAIRPLAY WATER AND WASTEWATER ENTERPRISE, APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH WARM SPRINGS CONSULTING, L.L.C. FOR OPERATOR IN RESPONSIBLE CHARGE SERVICES (ORC) FOR THE TOWN OF FAIRPLAY WASTEWATER TREATMENT FACILITY."?

Town Administrator Sciacca provided an overview of the Staff Report and reported no increase over the $4,500 per month was proposed. She again noted the revisions to the Scope of Services and the addition of Exhibit A.2. with Specific Deliverables that would be reviewed monthly and reported on to the Board.

MOTION to approve Resolution No. 4 as presented was made by Trustee Douglas and seconded by Trustee Voorhis.
• Roll call vote: Unanimous approval.

E. FIRST READING – Should Approve the Adoption of Resolution No. 5, Series of 2024, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH HARDESTY ENGINEERING AND MAPPING, LLC, FOR ONCALL ENGINEERING SERVICES. The Board will consider a resolution approving an agreement for engineering services for water and sewer programs and projects.

Town Administrator Sciacca provided an overview of the Staff Report and acknowledged contributions to the Town system and operations by Ken Hardesty. She reported the 2025 budget included an allocation of $10,000 for services.

MOTION to approve Resolution No. 5 as presented was made by Trustee Voorhis and seconded by Trustee Douglas.
• Roll call vote: Unanimous approval.

F. FIRST READING – Should Approve the Adoption of Resolution No. 6, Series of 2024, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH TOM FLANNERY FOR GRANT WRITING AND MANAGEMENT SERVICES. The Board will consider a resolution approving an agreement for Grant writing and management services.

Town Administrator Sciacca provided an overview of the Staff Report noting the transition of Flannery from town employee to contractor. She reported the per hour billable rate would be $85.00.

MOTION to approve Resolution No. 6 as presented was made by Trustee Douglas and seconded by Mayor Pro Tem Lynn.
• Roll call vote: Unanimous approval.

X. BOARD OF TRUSTEE AND STAFF REPORTS

Town Administrator Sciacca requested to schedule a January 27th to discuss the proposed Three Mile Plan for Annexation and then a separate work session on Wildland Fire Code revisions for February 3rd at 5:00 PM. She also reported on the upcoming intergovernmental meeting set for January 29 reviewing potential topics. Other reports were given on a downed utility pole on Front Street, the pharmacy building on Main, a US 285 open house on January 16th identified water leak at the Forest Service building.

Additional reports included speeding enforcement on US 285 and it was noted that CDOT has shown interest in working with Fairplay to address access, design, and safety improvements.

Trustee Voorhis reported CDOT recently plowed the Hoosier Pass parking for the first time this winter following receipt of letters from Summit County, Breckenridge, Fairplay and Alma that supported the request for regular plowing.

Mayor Just and the Trustees requested increased patrols on 6th and around the school. Sgt. Martinez indicated he would share the information with the Police Department personnel.

Discussions were held with Town Attorney Rivera with expectations of him regarding meeting attendance and communications with the Board and Staff. He was requested to provide motions in advance for complex issues.
Mayor Just announced that the Fairplay Mountain Mardi Gras was scheduled for February 15, 2025 and he encouraged the Board members to participate.

XI. ADJOURNMENT

There being no further business before the Fairplay Board of Trustees, Mayor Just declared the meeting adjourned at 8:04 PM.

FAIR PLAY TOWN SEAL COLORADO

BOARD OF TRUSTEES, FAIRPLAY, COLORADO

Frank Just, Mayor

ATTEST:

Janell Sciacca

Janell Sciacca, Town Clerk