

1. Meeting Materials

Documents:

[AGENDA.PDF](#)
[PACKET.PDF](#)
[MINUTES.PDF](#)

**AGENDA for a Regular Meeting
of the Board of Trustees of the Town of Fairplay, Colorado
Monday, April 3, 2023, at 6:00 P.M. at the Fairplay Town Hall Meeting Room
901 Main Street, Fairplay Colorado
<https://bluejeans.com/224761986/8838>**

- I. 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 MINUTES OF PRIOR MEETING** – March 20, 2023 Regular Meeting.
- VI. CITIZEN COMMENTS** *(This portion of the agenda allows for the public to sign up to address the Board on matters that are not on the agenda)*
- VII. PROCLAMATIONS, PRESENTATIONS AND UPDATES**
 - A.** Presentation of Certificate of Appreciation from Fairplay Police Department by Chief Bo Schlunsen.
- VIII. NEW BUSINESS**
 - A. Continued from March 23, 2023** – Consideration of a request from Xcel Energy for a letter of support for the Grid Resiliency and Innovation Partnership (GRIP) Project. *The Board will consider a request from Xcel Energy for support of an application to the US Dept of Energy for Wildfire Mitigation and Extreme Weather Resilience funding.*
- IX. PUBLIC HEARINGS** *(This portion of the meeting is where the public is provided facts on important business matters of the Town and given the opportunity to provide input to the Board of Trustees in order to help them make better-informed and appropriate decisions that are in the best interest of the entire community.)*
 - A. FIRST READING:** Ordinance No. 3, Series of 2023 entitled, “**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, AMENDING THE FAIRPLAY MUNICIPAL CODE CHAPTER 16 – UNIFIED DEVELOPMENT CODE, CONCERNING LOCATION AND EXTENT REVIEW PROCEDURES.**”? *The Board will consider amending the Fairplay Municipal Code to include a policy and procedures for review of the location and extent of specified public facilities and uses sought to be constructed or authorized within the Town limits.*
- X. BOARD OF TRUSTEE AND STAFF REPORTS**
 - A.** Report from Warm Springs, LLC regarding 1st Quarter 2023 Operator in Responsible Charge (ORC) responsibilities and activities.
- XI. ADJOURNMENT**

Upcoming Meetings/Important Dates

<i>The Flume People’s Choice Awards Banquet, American Legion Hall</i>	<i>Thursday, April 6, 2023</i>
<i>Fairplay Easter Egg Hunt, South Park City Museum</i>	<i>Sunday, April 9, 2023</i>
<i>Transportation Planning Region (TPR) Meeting (NWFPD - Fairplay)</i>	<i>Monday, April 17, 2023</i>
<i>Board of Trustees Regular Meeting</i>	<i>Monday, April 17, 2023</i>
<i>Board of Trustees Regular Meeting</i>	<i>Monday, May 1, 2023</i>
<i>Board of Trustees Regular Meeting</i>	<i>Monday, May 15, 2023</i>
<i>Fairplay Town Clean Up Days</i>	<i>Friday-Sunday, June 2, 3 & 4 2023</i>

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**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
MARCH 20, 2023**

CALL TO ORDER

A Regular Meeting of the Board of Trustees for the Town of Fairplay was called to order by Mayor Frank Just on Monday, March 20, 2023, at 6:00 p.m. in the Board Room located in the Fairplay Town Hall at 901 Main Street, having previously been posted in accordance with Colorado Open Meetings law.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Mayor Just proceeded with the pledge of allegiance, followed by the roll call, which was answered by Mayor Frank Just, Mayor Pro Tem Dodge, and Trustees Ray Douglas, Josh Voorhis and Pete Lynn.

Staff in attendance were Town Administrator / Town Clerk Janell Sciacca, Town Treasurer Kim Wittbrodt, Chief of Police Bo Schlunsen, Town Planner Scot Hunn (online) and Building Official Kyle Parag.

APPROVAL OF AGENDA

Motion #1 by Trustee Voorhis, seconded by Trustee Douglas, that the agenda be adopted as written. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

CONSENT AGENDA

A. APPROVAL OF MINUTES – March 6, 2023 Regular Meeting.

B. APPROVAL OF EXPENDITURES – Approval of paid bills for Town Funds in the amount of **\$48,618.09**. Town Administrator/Clerk Sciacca noted several non-substantive spelling and format corrections to the March 6 minutes.

Trustee Douglas inquired if the \$1,000 paid to CIRSA was the deductible for the vehicle incident in December. Treasurer Wittbrodt replied it was.

Motion #2 by Mayor Pro Tem Dodge, seconded by Trustee Voorhis, that the consent agenda be approved with the expenditures as stated and the noted corrections to minutes. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

CITIZEN COMMENTS – None.

NEW BUSINESS

A. Consideration of a request from Xcel Energy for a letter of support for the Grid Resiliency and Innovation Partnership (GRIP) Project.

Town Administrator Sciacca advised that Xcel Energy High Country Area Manager Nathan Steele was supposed to attend the meeting to provide an overview and answer questions but did not appear in person or online. Following a brief discussion regarding the difference between mitigation and preventing fires versus protecting infrastructure from fires, the Board generally agreed that it would be best to continue the request to April 3 for Steele to be present.

B. FIRST READING: Resolution No. 11, Series of 2023, entitled, **“A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, APPROVING THE BLUFFS OF FAIRPLAY PLANNED UNIT DEVELOPMENT OVERLAY ZONE DISTRICT APPLICATION LOCATED AT TOWNSHIP 9 RANGE 77**

SOUTH 33, SE4 PART OF SE4 SECTION 33 AND PART OF SW4 SECTION 34 INCLUDING 9-77 (KNOWN AS PARCEL E LARSON MINOR SUBDIVISION).”?

Mayor Just introduced the matter. Town Planner Hunn presented reminding that at the Public Hearing held on March 6, the Board voted 3 to 2 to approve The Bluffs of Fairplay Overlay Zone District or PUD, and Resolution 11 sets forth or memorializes that action and also the conditions of approval. Approval of the Resolution allows Staff to move forward to work with the applicant in the coming months to receive and review final plans for the development and negotiate any development agreement. Trustee Voorhis inquired how the resolution differs from what was approved on March 6. Town Administrator Sciacca replied the resolution formalizes the approval with the conditions listed in the Staff Report and is required by Fairplay Municipal Code Section 16-9-70. She clarified this was the standard process and there was no going back nor negotiating or re-discussing the matter and the Resolution would be recorded with Park County. Trustee Dodge inquired about discussing a letter of credit to secure improvements and Hunn replied that collateralization of infrastructure would be worked out with the development improvements agreement for presentation to the Board at a later date.

Motion #3 by Mayor Pro Tem Dodge, and seconded by Trustee Lynn, to approve Resolution No. 11, Series of 2023, as presented. A roll call vote was taken: Douglas – nay, Dodge – aye, Just – aye, Voorhis – nay, Lynn – aye. Motion carried 3 to 2.

PUBLIC HEARINGS

A. FIRST READING: Ordinance No. 2, Series of 2023, entitled, **“AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AMENDING CHAPTER 18 BUILDING REGULATIONS TO REMOVE LANGUAGE RELATED TO AUTOMATIC ELECTRICAL AND PLUMBING CODE UPDATES THAT WILL CONFLICT WITH C.R.S. 30-28-211 PROVISIONS.”?**

Mayor Just introduced providing an overview of the format for the proceedings and then opened the Public Hearing at 6:12 p.m. Building Official Parag presented an overview of the Staff Report explaining the intent of the ICC codes adopted in January was to automatically adopt new plumbing and electrical codes to stay in compliance with DORA requirements, but the Attorney General declared this would trigger HB22-1362/CRS 30-28-211 also requiring automatic Energy Code updates. Therefore, Charles Abbott Associates, LLC, was recommending the Town remove certain language from the previous adoption to eliminate direct changes in the adopted codes when the basis code changes. Mayor Just questioned that if the Town had not adopted the 2018 code in January, it would be forced to go to the 2021 code in July and Parag agreed adding this would buy the Town a little time. Mayor Just asked how much time until the Town would have to move to the updated codes and Parag stated that the Energy Board was working on the 2025 code and the Town would be forced to adopt it by July 1, 2025. There being no public comments in favor or in opposition to the Ordinance, Mayor Just closed the floor to further comment and requested a motion to approve.

Motion #4 by Trustee Douglas, seconded by Mayor Pro Tem Dodge, to approve Ordinance No. 2, Series of 2023, as presented with the explanation provided by Building Official Parag. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

WORK SESSION

A. Discussions with the Town of Alma regarding topics of mutual interest and concern.

Town Administrator Sciacca provided a brief background stating that at the Intergovernmental Meeting held on February 28, Town of Alma posed the question as to whether or not the Fairplay Board would be willing to reopen discussions as to whether or not the Town of Alma could somehow be serviced by the Fairplay sewer system. When asked about it, the Board approved scheduling a work session and hence

the evening's meeting. Gary Goettelman, Alma Town Administrator, introduced himself as did Alma Trustees Patrick Gleason, Ian Green, Tim Zingler and Delia Rollow. Mayor Golgoon was unable to attend and Trustee Lafever was late arriving. Goettelman stated that the Town of Alma was pretty far down the road at this point and in the process of applying for another grant for the construction with 60% of the design done so connecting to the Fairplay system wasn't really a viable option any longer. He stated the Town was more interested in pursuing the sharing of an operator (ORC) since their system will require a Class A operator. Trustee Voorhis felt that would make sense recalling in his prior community of Oak Creek, the Town shared its operator with 3 other communities because it was outrageously expensive and hard to find the right operator. Town Administrator Sciacca stated that she had suggested at some time both Towns look to partner to hopefully entice a company to the area to provide the services to both communities. Mayor Just shared part of the prior history of discussions and then shared his insight on the potential costs today to run a sewer line from Alma to Fairplay. He reported that when originally discussed, the costs were \$9.2 million and at today's costs the budget has risen to \$14.48 million, and with a 25-year plan that number would probably triple given the circumstances. Following additional discussion, Mayor Just invited Goettelman to reach out to him for any insight he could provide as they moved forward with their project. Sciacca then also noted that she had mentioned at the Intergovernmental Meeting that Fairplay was accepting 2 shuttle buses and hoped to roll out service in May. She reported that the current Transit Study was indicating one of the desired routes was between Alma and Fairplay so she suggested the Towns partner on a shuttle between the communities during the summer months to start. She added Fairplay would run the service and would look to have Alma subsidize it financially for the benefit of its residents and also help Fairplay qualify for additional funding. Alma expressed general interest in discussing the service as further as details developed. The group also discussed public safety briefly and whether there was also the opportunity to partner on services and then Alma indicated they spoke to the Park County Sheriff's Department but decided against contracting with them due to the fact the Town would not see any different level of services than those already being received and the Sheriff wanted to keep all traffic fine monies. He stated instead he was looking at installing photo radar. Sciacca also advised them to take a look at private companies. Alma Trustee Lafever arrived and Mayor Just stated that the evening's meeting certainly reinforced the need for quarterly intergovernmental meetings to discuss problems in kind. There was also a short discussion on the maintenance of the bike path between the two Towns. It was felt this was the responsibility of the County and money they were receiving from a CDOT MMOF grant was to make it better and potentially usable as a roadway in an emergency evacuation situation. Mayor Pro Tem Dodge invited Alma to attend the Transportation Region meetings and bring the subject up as well as participate in those discussions and get information firsthand. He reported the next meeting was being held in Fairplay on April 17 at the Northwest Fire Protection District location. Trustee Voorhis then stated he would support any way the Towns could partner for funding for the path. Mayor Just closed the Work Session thanking the Alma Board and Administrator for sharing their plight and encouraged support of their Administrator. Sciacca confirmed that the next quarterly Intergovernmental Meeting was set for May 23 and Park County had agreed to host.

STAFF AND BOARD OF TRUSTEE REPORTS

Chief Schlunsen stated there were not a lot of cases to report over the last month but there had been two house fires.

Building Official Parag reported he was fielding a lot of inquiries about construction of new homes, but otherwise things had slowed but he anticipated the workload picking up in the next few months.

Town Administrator Sciacca reported Staff was meeting with the CDOT Workforce Housing development team again Tuesday afternoon and the Town had still not received any formal plans or notification to

vacate the Hathaway Barn. She echoed that she was fielding a lot of inquiries, especially on Short Term Rentals, but most ended up being for County properties. She noted the email Town Treasurer Wittbrodt sent out to the Board relative to the security of the Town's monies adding Staff was confident in its financial security. Sciacca added she would begin making calls to see if she could obtain income and family information to determine a true Fairplay AMI.

Trustee Douglas noted an email from Kerrie Lynn about the lack of cleaning of snow on the sidewalks to the school baseball and track field. Sciacca reported that Staff would be discussing the subject in its weekly meeting and that the Town needed to set a good example.

Trustee Dodge reported he had been hiking around Town looking at things and picking up. He asked if it was possible to change the direction of the entrance for the School and Mayor Just and Chief Schlunsen agreed this was not possible as it would lead to traffic backing up onto Highway 9. Just felt the situation had improved to a palatable point following last year's discussions with the School officials and CDOT.

Trustee Voorhis reported that trucks and longer, larger vehicles parked at Casa Sanchez and Mr. Burro extended over the sidewalk and into the street/Highway 9 at times making walking difficult for pedestrians. He questioned if there was anything that could be done to remedy the situation. Sciacca advised that the owners could be asked to put up signs to limit use to compact vehicles but it probably would not help, and the parking allowed there had been going on for so long it would be difficult to resolve. Voorhis then reported he would talk to the Biologist in his office to see if she could help the Town out on its wildlife impacts for the Phase 2 of the River Park when she returned to the office next week.

Mayor Just read a thank you letter from the Park County Creative Alliance for the Town's membership and he hoped to also receive one from the Chamber. Sciacca reported that the Chamber President had provided a very nice and well-written letter of support for the Town's Congressionally Directed Spending request for grant funding for the 501 Main renovations. She added that there were multiple grants Staff was working on during the month of March. Just closed by reporting on the upcoming meetings of the Board on April 3 and 17.

ADJOURNMENT

There being no further business before the Fairplay Board of Trustees, Mayor Just declared the meeting adjourned at approximately 7:21 p.m.

BOARD OF TRUSTEES, FAIRPLAY, COLORADO

Frank Just, Mayor

ATTEST:

Janell Sciacca, Town Clerk



Town of Fairplay
400 Front Street • P.O. Box 267
Fairplay, Colorado 80440
(719) 836-2622 phone
(719) 836-3279 fax
www.fairplayco.us

STAFF REPORT

TO: Mayor and Board of Trustees

FROM: Janell Sciacca, Town Administrator

RE: New Business Item A. – Xcel Energy Request for Letter of Support

DATE: April 3, 2023 - Continued from March 20, 2023

BACKGROUND/ANALYSIS:

Xcel Energy High Country Area Manager Nathan Steele has reached out to the government entities within his service area requesting support for Xcel's application to the US Department of Energy for federal funding being distributed to utilities for Wildfire Prevention. According to Steele, Xcel is currently putting about \$250,000,000 a year into wildfire prevention and the grant would be a massive boost to their program. Therefore, Xcel is requesting the Town's endorsement of their application via a letter of support similar to the one attached to this Staff Report.

Staff feels that a letter of support is appropriate and generally supports the request, but Nathan Steele will be in attendance to present and answer any specific questions the Board may have.

STAFF RECOMMENDATION

Staff recommends the Board approve a letter of support for Xcel Energy's application to the US Department of Energy for federal funding for Wildfire Prevention as presented by motion, second and a roll call vote.

Attachments:

- Sample Letter of Support

March 10, 2023

The Honorable Jennifer M. Granholm, Secretary of Energy
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

Re: Letter of Support for Xcel Energy's Grid Resiliency and Innovation Partnership Project

Dear Secretary Granholm:

XXX is pleased to provide a letter of support for Xcel Energy's application to *BIL – Grid Resilience and Innovation Partnerships (GRIP) (DE-FOA-0002740)*, titled Wildfire Mitigation and Extreme Weather Resilience for Xcel Energy. We are very supportive of this funding pursuit and believe that the projects Xcel Energy is seeking funding for will further our community's efforts to reduce the impacts and risks of wildfire to our community and all residents of Colorado.

-Background on partner-

We have a longstanding relationship with Xcel Energy and a common interest in advancing Xcel Energy's pursuit of clean energy while working to ensure energy delivery is reliable and resilient. We support Xcel Energy's request for funding for wildfire mitigating activities including improved asset fire resistance, advanced asset inspection technology, advancements in wildfire safety and restoration response, fire spread modeling capabilities and other included projects.

We encourage the Department of Energy to select Xcel Energy's application for funding from the GRIP program.

Sincerely,

< signature>

< name>

< title>



MEMORANDUM

TO: Mayor and Board of Trustees

FROM: Janell Sciacca, Town Administrator/Clerk

RE: Public Hearings Item A – Ordinance No. 3, Series 2023

DATE: March 30, 2023

Background:

Town Staff was introduced to the Location and Extent process during preliminary discussions with Park County relative to their proposed Workforce Housing project. The Town Attorney was asked to research the process and provide Staff with information on the matter. The Board has been provided a copy of that Wilson Williams LLP memorandum which outlines the process that is to be followed and which is not currently included in the Fairplay Unified Development Code.

Staff researched other Town codes that provide for the process in their jurisdiction and is proposing that the Town of Fairplay adopt Ordinance No. 3, Series of 2023, to include Location and Extent review procedures in our Municipal Code and UDC to ensure that the Town has the ability to utilize this process as it related to the CDOT Workforce Housing Project. Town Planner Scot Hunn has reviewed the proposed Ordinance and supports the adoption of the process.

If adopted, the Ordinance will be published and become effective 30 days from the date it appears in the Flume which still should be prior to demolition of the CDOT building and prior to or around the time of the formal Development Application submittal.

Recommendation:

Staff recommends approval of Ordinance No. 3, Series 2023, presented by motion, second and a roll call vote.

Attachments:

- Ordinance No. 3, Series 2023
- Wilson Williams LLP Memorandum (*not part of public packet*)

TOWN OF FAIRPLAY, COLORADO

**ORDINANCE NO. 3
(SERIES 2023)**

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, AMENDING THE FAIRPLAY MUNICIPAL CODE CHAPTER 16, UNIFIED DEVELOPMENT CODE, CONCERNING LOCATION AND EXTENT REVIEW PROCEDURES

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

WHEREAS, pursuant to C.R.S. § 31-15-401, the Town by and through its Board of Trustees (“Board”), possesses the authority to adopt laws and ordinances within its police power in furtherance of the public health, safety and welfare; and

WHEREAS, pursuant to C.R.S. § 31-23-206, the Town also possesses the authority to adopt a master plan / comprehensive plan to act as an advisory document to guide land development decisions of the Town; and

WHEREAS, the Colorado Revised Statutes and the Colorado Constitution, Chapter XX, Section 6 provide broad authority to local governments to plan for and regulate the use of land within their jurisdictions, as authorized in Article 20 of Title 29, *et seq.*, and Article 23 of Title 31, *et seq.*, C.R.S.; and

WHEREAS, pursuant to such authority, the Town has previously adopted certain regulations within Chapter 16, concerning the Unified Development Code, of the Fairplay Municipal Code (“Code”); and

WHEREAS, the Board finds and determines it is necessary to amend certain provisions of the Fairplay Municipal Code, Chapter 16 – Unified Development Code, in order to provide procedures for the timely review of the location and extent of public facilities or public uses as provided by C.R.S. § 31-23-206 *et seq.*; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD FOR THE TOWN OF FAIRPLAY, COLORADO AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein as conclusions, facts, determinations and findings by the Town of Fairplay Board of Trustees.

Section 2. A new Sec. 16-7-170. Location and extent review for public facilities projects is hereby added to Chapter 16 – Unified Development Code, Article VII – Supplemental Standards, of the Fairplay Municipal Code to read as follows:

Sec. 16-17-70. Location and extent review for public facilities projects.

- (A) Purpose. This Section implements C.R.S. § 31-23-209 and is intended to provide an opportunity for review of the location and extent of specified public facilities and uses sought to be constructed or authorized within the Town of Fairplay, especially as to whether such public use is consistent with the Town of Fairplay Comprehensive Plan and this Code provided however that Location and Extent Review shall not be required for any Town Project for which the majority of funding (including grant funding) is authorized by the Board of Trustees.
- (B) Applicability.
1. Location and Extent Review shall apply to the construction or authorization of any public school, street, square, park or other public way, ground or open space, public building or structure, or major facilities of publicly or privately owned public utility.
 2. Location and Extent Review shall generally apply to the construction of new schools, streets, squares, and other facilities referenced in Subsection 16-17-70(b)(1), but not to maintenance, repair, or improvement of existing facilities.
 3. Notwithstanding the foregoing, the Board of Trustees shall have the final authority to determine whether any given public project must be evaluated through the Location and Extent Review process, after consultation with the Town Planner and other Town Staff and consultants, as needed. The Board of Trustees may waive the Location and Extent Review by resolution finding such review is not necessary.
- (C) Procedure for Location and Extent Review.
1. Public schools.
 - a. Prior to acquiring land or contracting for the purchase of land for a school site, the Board of Education shall consult with and advise the Board of Trustees, in writing.
 - b. Prior to the construction of any structure or building, the Board of Education shall submit a Location and Extent Review application plan for review and comment to the Board of Trustees. Except as otherwise set forth in this Section, the Development Review process shall be the same process described in Chapter 16 of Article 17 of this Code.
 - c. The Board of Trustees may request a public hearing before the Board of Education on the proposed site location or development. If the Board of Trustees requests a hearing, the Board of Education shall promptly schedule the hearing, publish at least one (1) notice in advance of the hearing, and provide written notice of the hearing to the Board of Trustees.
 - d. The Board of Trustees shall consider all information presented at the public hearing. If no hearing is requested, the Board of Trustees shall consider all information provided by the board of education and shall convey its findings and recommendations to the Board of Education.
 - e. Failure of the Board of Trustees to act within sixty (60) business days after the date of official submission of the Location and Extent Review application shall be deemed an approval unless a longer period for review is granted by the board of education.
 - f. The authority to make final determinations as to the location of public schools and the authority to erect buildings and structures shall remain with the board of education.
 2. All other public uses.
 - a. A Location and Extent Review application shall be submitted to the Board of Trustees for approval, pursuant to the Development Review and approval process set forth in this Code, prior to the construction or authorization of any public use that is subject to Location and Extent Review.
 - b. Failure of the Board of Trustees to act within sixty (60) business days after the date of

- official submission of the Location and Extent Review application shall be deemed an approval, unless a longer period is granted by the submitting board, body or official.
- c. If the Board of Trustees disapproves the Location and Extent Review application, it shall communicate its reasons to the submitting board, body or official. The respective submitting board, body or official is authorized to overrule such disapproval by a recorded vote of not less than two-thirds ($\frac{2}{3}$) of its entire membership. Upon overruling, the submitting board, body or official may proceed with construction or authorization of the project, as applicable.
 - d. If the project is not required to be authorized or financed by the Board of Trustees, or other Town official or board, the Board of Trustees' disapproval may be overruled by the body having jurisdiction over the authorization and financing of the project. A vote to overrule by such body shall be by a recorded vote of not less than two-thirds ($\frac{2}{3}$) of its entire membership. In the case of a utility owned by an entity other than a political subdivision, the Board of Trustees' disapproval may be overruled by the Public Utilities Commission by a recorded vote of not less than two-thirds ($\frac{2}{3}$) of its entire membership.
- (D) Standards for Review. The Board of Trustees shall review the extent and location of the proposed public use for its consistency with the goals, policies and objectives stated in the Comprehensive Plan and for its compliance with this Code.

Section 3. **Safety Clause.** The Town Board hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Fairplay, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Board further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 4. Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

Section 5. This Ordinance shall become effective thirty (30) days after final publication.

INTRODUCED, READ AND PASSED, ADOPTED AND ORDERED PUBLISHED IN FULL in a newspaper of general circulation in the Town of Fairplay by the Board of Trustees this ____ day of _____, 2023.

TOWN OF FAIRPLAY, COLORADO

Frank Just, Mayor

ATTEST:

Janell Sciacca, Town Clerk

WASTEWATER PLANT MONTHLY SUMMARY**PLANT PERFORMANCE****JANUARY 2023**

INFLUENT MONTHLY FLOW (MG) 304
 PEAK DAILY FLOW (MG) 0.12
 AVERAGE DAILY FLOW (MG) 0.1
 BOD: EFFLUENT LIMIT: MONTHLY 30MG/L AVERAGE: PEAK 45MG/L 7-DAY AVERAGE

INFLUENT (mg/l)	325	EFFLUENT (mg/l)	6	%REDUCTION	98
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SUSPENDED SOLIDS: EFFLUENT LIMIT: MONTHLY 30 MG/L AVERAGE: PEAK 45 MG/L 7-DAY AVERAGE

INFLUENT (mg/l)	209	EFFLUENT (mg/l)	8	%REDUCTION	96
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PHOSPHOROUS: PROJECTED 2035 LIMIT 3.66MG/L

INFLUENT (mg/l)	6.59	EFFLUENT (mg/l)	2.63	%REDUCTION	60.1
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AMMONIA : MONTHLY LIMIT JANUARY 32 MG/L

INFLUENT (mg/l)	46.29	EFFLUENT (mg/l)	0.03	%REDUCTION	99.9
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TOTAL INORGANIC NITROGEN: PROJECTED 2035 LIMIT 38 MG/L

INFLUENT (mg/l)	46.29	EFFLUENT (mg/l)	12.48	%REDUCTION	73.0
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E-COLI: EFFLUENT LIMIT : 1,920 MPN AVERAGE PER MONTH: PEAK 7 DAY AVERAGE 3,840 MPN

EFFLUENT (MPN)	15
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OPERATIONS REPORT:

Rebuilt UV disinfection unit #1

HVAC controller unit for heater in WWTP quit and would no longer reset or function. Replaced by Tolin Mechanical

WAS (waste activated sludge meter) quit working. It was the original meter from 2008.Ordered replacement.

Submitted Annual Biosolids Report to CDPHE for 2022

Collected monthly samples and completed and submitted DMR (discharge monitoring report) to CDPHE

Routine preventative maintenance

ADDITIONAL WORK AT WATER PLANT

Sampled influent gallery per request from engineer & CDPHE

Ordered all plumbing and piping required for building HarmsCO filters for well #4

WASTEWATER PLANT MONTHLY SUMMARY**PLANT PERFORMANCE****FEBRUARY 2023**

INFLUENT MONTHLY FLOW (MG) 265

PEAK DAILY FLOW (MG) 0.1

AVERAGE DAILY FLOW (MG) 0.09

BOD: EFFLUENT LIMIT: MONTHLY 30MG/L AVERAGE: PEAK 45MG/L 7-DAY AVERAGE

INFLUENT (mg/l)	123	EFFLUENT (mg/l)	2	%REDUCTION	98.4
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SUSPENDED SOLIDS: EFFLUENT LIMIT: MONTHLY 30 MG/L AVERAGE: PEAK 45 MG/L 7-DAY AVERAGE

INFLUENT (mg/l)	203	EFFLUENT (mg/l)	8	%REDUCTION	96.1
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PHOSPHOROUS: PROJECTED 2035 LIMIT 3.66MG/L

INFLUENT (mg/l)	5.43	EFFLUENT (mg/l)	2.6	%REDUCTION	52.1
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AMMONIA : MONTHLY LIMIT JANUARY 32 MG/L

INFLUENT (mg/l)	35.67	EFFLUENT (mg/l)	0.08	%REDUCTION	99.8
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TOTAL INORGANIC NITROGEN: PROJECTED 2035 LIMIT 38 MG/L

INFLUENT (mg/l)	35.67	EFFLUENT (mg/l)	15.56	%REDUCTION	56.4
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E-COLI: EFFLUENT LIMIT : 1,920 MPN AVERAGE PER MONTH: PEAK 7 DAY AVERAGE 3,840 MPN

EFFLUENT (MPN) 1

OPERATIONS REPORT:

Installed new WAS flowmeter

Lift station wet pumped out by Shirley Septic

Prolonged power failure / generator started/ had to reset some equipment

Major snowstorm and wind caused ice buildup on clarifier rake drive and tripped out/ scraped ice & reset

CDPHE confirmation of receipt of biosolids report

Monthly samples and DMR report completed

Routine preventative maintenance

High wet well alarm at lift station - pump#2 running but not pumping which led to mechanical seal failure/installed new spare motor and impeller/ordered and received new seal to rebuild other motor

WATER PLANT WORK

Water leak at Gold Pan trailer park - isolated and notified manager

Set up gantry at water plant and removed old piping that we previously disassembled

Lowered new filter housing into place in basement
Replumbed well #4 to flow through filters and back into system (see pics)
Started well#4 to waste to flush and check for leaks
Resampled well #4 for radiologicals as per request from CDPHE

WASTEWATER PLANT MONTHLY SUMMARY**PLANT PERFORMANCE****March 2023**

INFLUENT MONTHLY FLOW (MG) 2861723 (est)
 PEAK DAILY FLOW (MG) 0.137
 AVERAGE DAILY FLOW (MG) 0.099
 BOD: EFFLUENT LIMIT: MONTHLY 30MG/L AVERAGE: PEAK 45MG/L 7-DAY AVERAGE

INFLUENT (mg/l)	111	EFFLUENT (mg/l)	5	%REDUCTION	98
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SUSPENDED SOLIDS: EFFLUENT LIMIT: MONTHLY 30 MG/L AVERAGE: PEAK 45 MG/L 7-DAY AVERAGE

INFLUENT (mg/l)	197	EFFLUENT (mg/l)	6	%REDUCTION	96
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PHOSPHOROUS: PROJECTED 2035 LIMIT 3.66MG/L

INFLUENT (mg/l)	6.31	EFFLUENT (mg/l)	3.05	%REDUCTION	51.7
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AMMONIA : MONTHLY LIMIT March 28.9 MG/L

INFLUENT (mg/l)	38.06	EFFLUENT (mg/l)	0.04	%REDUCTION	99.9
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TOTAL INORGANIC NITROGEN: PROJECTED 2035 LIMIT 38 MG/L

INFLUENT (mg/l)	38.06	EFFLUENT (mg/l)	16.78	%REDUCTION	55.9
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E-COLI: EFFLUENT LIMIT : 1,920 MPN AVERAGE PER MONTH: PEAK 7 DAY AVERAGE 3,840 MPN

EFFLUENT (MPN)	4
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OPERATIONS REPORT:

Submitted monthly DMR for February, composite samples for DMR to lab.

Continued work on the lift station, completed repairs. Replaced motor and impeller with spare that was at the lift station, rebuilt vacuum pump, replaced solenoid, and check valve. Existing plug valves are not seating and unable to isolate the force main. Both plug valves need replaced with new ones, quoted at \$1100 each. While this not affecting operation now, it could at some point.

The lift station is quite old and the existing suction piping and controls should be updated.

We have a quote from Falcon Supply, local reps for Smith & Loveless pumping stations for a complete rebuild, with pump around and labor for \$90,000. With the development on that side of the river, this may be something to look at in the future.

The new VFD for WWTP Blower #2 is installed and operational.

Water Plant

Still waiting on radiological results for well 4 compliance.



MEMORANDUM

TO: Town of Fairplay Board of Trustees

FROM: Donovan Graham, Director of Public Works

RE: Staff Report

DATE: April 4, 2023

The Public Works staff is currently prepping for the spring season, sweeping roads, fixing potholes, etc.

Training is ongoing and Chris Bannister will be attending the Colorado Rural Water Association's weeklong conference this week.

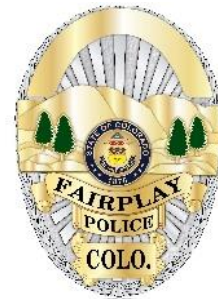
The Water Loss/Production Report will be sent to all Board members later in the week due to the meters not being read until today and Treasurer Wittbrodt being on vacation.

I am currently working with DISSCO out of Denver to lock in a date in mid-May for the rental of a crack seal Melter so we don't have the same issue as last year where they tried to "fit" us into their schedule. This time the Town will be locked in.

Staff is preparing to issue an RFP in April for the Fueling Station.

If there are any questions please feel free to ask.

Chief Bo Schlunsen
FAIRPLAY POLICE DEPARTMENT



To: Fairplay Board of Trustees

From: Police Chief Bo Schlunsen

Date: 30 March, 2023

Re: April report to the Board

For March, we had 19 case reports. We had 18 v.i.n. checks, 2 animal calls, 13 agency assists, 114 directed patrols, 14 traffic stops, 10 traffic citations, 3 arrests, 3 traffic crashes, 93 business checks, 2 citizen assists, 2 code violations, 6 alarms, 1 mental health call and a few other type calls.

We are working a new sex assault case. Sgt. Grover arrested a man for assault on a child in Texas that, unfortunately, resulted in the death of the child. This subject fought Sgt. Grover for quite some time and two citizens came to her aid. The warrant she was arresting him on has been upgraded to some type of homicide.

We all completed a four-hour arrest control class.



MONTHLY REPORT

TO: Mayor and Board of Trustees
 FROM: Janell Sciacca, Town Administrator / Clerk
 RE: Monthly Report
 DATE: March, 2023 Monthly Report



PROJECTS

1. RIVER PARK PHASE 2
 - CDOT is requiring the use of 2 electronic systems for grant expense tracking and reporting. They are the B2Gnow and LCPtracker and I have attended 2 separate trainings to try and make sure the Town is ready to utilize these when the project gets funded and is underway.
 - Trustee Voorhis provided me contact information for a local Biologist who is hopefully going to help the Town with the biological assessment portion of the required environmental process.
 - I am working with CDOT Staff to hopefully have them complete an “in-house” review of the Historical and Archeological assessment requirements.
 - SGM has agreed to update the plan set if CDOT requires and changes and they can also help complete any of the other Environmental process work for other clearances that are needed either in-house or through a trusted vendor.
2. INFILTRATION GALLERY / WELL #4
 - Staff has received preliminary indication that the SRF loan application will be approved with a significant portion (50%+) qualifying for BIL principal forgiveness.
 - Staff is working to answer final questions and provide requested information or documentation.
3. 501 MAIN
 - Staff submitted 2 separate Congressionally Directed Spending grant request to Hickenlooper and Bennet and has been answering questions and providing additional information as requested
 - Staff will also be submitting for a Tier I Energy / Mineral Impact Assistance Fund grant on April 3.
4. TRANSIT STUDY AND TRANSIT PROGRAM
 - The Transit Study team has been on hiatus for the last month for different reasons. We hope to regroup and move forward in early April.
 - Staff will be meeting with Cripple Creek Transit Director Ted Schweitzer to discuss Fairplay service.
 - The Colorado Association of Transit Authorities holds its conference in Pueblo in early May and Staff plans to attend to start making connections and learn as much as possible to put to use with Fairplay’s implementation and program.

EVENTS AND ACTIVITIES

- ✓ As of the end of March there are still only 15 Short Term Rental permits that have been issued and no new applications have been received. Alex is conducting site visits this month checking for compliance with posting requirements.
- ✓ Staff will be working in March to submit multiple Grant applications for all the projects and priorities the Town wants to accomplish in 2023 that were outlined in the February 20 Work Session.
- ✓ The ChargePoint charging stations should be operational again soon. Staff is still researching alternatives for the installation of additional charging stations in the Town.
- ✓ The next Transportation Planning Region (TPR) Meeting will be held in Fairplay on Monday, April 17, 2023 in the Northwest Fire Protection District Training / Meeting Room

- ✓ I participated in the South Park National Heritage Area Q1 Board Meeting where we reviewed Grant applications and voted to recommend awarding almost \$90,000 of project funding to the County Board of Commissioners.
- ✓ Mayor Pro Tem Dodge, Trustee Douglas and I all participated in a CML Town Hall on March 29 regarding the [SB23-213 Land Use Legislation](#). There were more than 300 attendees and CML encouraged all municipalities to:
 1. Read the text of the [bill](#);
 2. [Sign on to the letter](#) being issued to the Colorado General Assembly in opposition;
 3. Pass a resolution (*sample attached*) in opposition; and
 4. Contact our [legislators](#) to voice concerns and voice opposition.
- ✓ I participated in the Heart of Colorado Virtual Funder Roundtables on Thursday, March 30 meeting and talking with Colorado Health Foundation, Anschutz Family Foundation, Coors Foundation, El Pomar Foundation, Gates Family Foundation, and the Boettcher Foundation about project funding for Fairplay and specifically 501 Main, Transit, Cohen Park, and Childcare. All of these organizations expressed interest in or encouraged an application for funding for 501 Main. The Boys & Girls Club, Rocky Mountain Rural Health, Circle of Advocacy and Resilience 12/20 were a few other Park County non-profits that participated.
- ✓ Town Staff participated in the South Park School District's Career Expo on March 29.



- ✓ Staff is working on cleaning out and disposing of non-vital records and files in Town Hall.
- ✓ Town Staff is beginning preparations for the Town Clean Up Days on June 2, 3 & 4 and hoping to incorporate Electronics Recycling and Shredding Services for a nominal fee. *Staff is requesting the Board's approval of the additional expenses to provide the added services.*
- ✓ Alex Wagner attended an ADA Coordinator seminar in Cripple Creek on Tuesday, March 28
- ✓ CML Staff visited Town Hall with cookies and met with the Mayor, Trustee Douglas and Staff as part of their 100 Year Celebration.
- ✓ Staff has obtained 2 quotes for replacement of Town Hall sliding glass doors and windows. *Staff is requesting the Board's review and approval of the additional expenses and will try to locate grant funds to offset the project cost.*

DEVELOPMENT / LAND USE

- ★ Staff did not hold a Development Review Meeting in March but will meet again in April to discuss the CDOT Workforce Housing Project, a Minor Subdivision at Beaver Creek/Silverheels, an Exemption Plat for the Riverwalk Plaza, a new application for Stone Creek and the UDC update.
- ★ Scot Hunn has provided the Town Attorney and I with an updated copy of the proposed UDC changes for the PUD section for final review and comment prior to conducting a Work Session with the Board.
- ★ There are a lot of inquiries for different parcels throughout the Town and Staff is preparing for a busy spring/summer development-wise.

RESOLUTION NUMBER _____

**RESOLUTION OF THE [NAME OF MUNICIPALITY] IN OPPOSITION
TO STATEWIDE LAND USE AND ZONING PREEMPTIONS IN SENATE BILL 23-213**

WHEREAS, for a century, the State of Colorado has committed both in statute and in the state constitution to the local control of land use planning and zoning because local governments are closest to the land and to the people that occupy it;

WHEREAS, zoning and land use cannot be viewed separately from the impacts of proposed uses of land on surrounding properties and a community as a whole, including the ability to ensure adequate water and utilities; to provide enough public safety services, schools, and recreational services; to make sure that sufficient and safe infrastructure is available to handle increased population or more intense uses; to align development with the community's economic goals; to prevent displacement of existing people; to preserve important historical sites; and to protect open space and the environment in general;

WHEREAS, Senate Bill 23-213 would place statewide mandates on hyper local land use matters and substitute the judgment of legislators and state regulators who lack the understanding needed to make the right decisions for our community;

WHEREAS, Senate Bill 23-213 will undermine long-range planning efforts and will severely limit our ability to maintain reasonable zoning regulations to ensure a high quality of life and sound economic environment for our current and future residents, workers, and business owners;

WHEREAS, Senate Bill 23-213 silences the voices of our residents by taking away the right to be heard at public hearings on zoning matters or to use their constitutional rights of initiative or referendum to address zoning and land use matters;

NOW, THEREFORE, be it resolved by the [City Council/Board of Trustees] of the [Name of Municipality] that:

1. It is the position of the [Name of Municipality] that municipalities are best suited to determine appropriate zoning laws for their communities and that collaboration and cooperation – not top-down statewide mandates and giveaways to special interests – are the solution to Colorado's affordable housing problem;
2. The [Name of Municipality] opposes Senate Bill 23-213 and strongly urges its legislators to vote NO on this unprecedented and irresponsible preemption.

Resolved this ____ of 2023.

Mayor

Attest:

Municipal Clerk

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Events 2023

Stay & Play

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FOR A FULL EVENT SCHEDULE

- APRIL 6** (The Flume's) **PEOPLE'S CHOICE AWARDS** At Fairplay American Legion
- APRIL 9** **FAIRPLAY EASTER EGG HUNT** At South Park City Museum
- JUNE 3** **HUCK FINN DAY** At Fairplay Beach, Free Fishing in Colorado Weekend
- JUNE 3** **SOUTH PARK TRAIL RUNS - 38-MILE, MARATHON, 15-MILE**
- JUNE 23** **FREE CONCERT ON FRONT STREET** w/ Ryan Chrys & the Rough Cuts
- JUNE 28** **SOUTH PARK CHAMBER SUMMER MIXER** At South Park Saloon, Alma
- JULY 4** **FAIRPLAY'S INDEPENDENCE DAY CELEBRATION** - Burro Buster 5k, Parade, Food, Kids' Activities, Strut Your Mutt, Flea Market, **FIREWORKS & FREE CONCERT** w/ Narrow Gauge
- JULY 8-9** **SILVERHEELS 100 MILE ENDURANCE RUN**
- JULY 9** **LAST CALL FIFTIES - 50 MILE & 55k ENDURANCE RUNS**
- JULY 7-16** **PARK COUNTY FAIR** - Vendors, Carnival, Animals & Rodeo
- JULY 27-30** **FAIRPLAY GEM, MINERAL & JEWELRY SHOW** At River Park Event Site
- JULY 28** **FREE CONCERT ON 5th STREET** w/ The Nalani Effect w/ Regi Wooten
- JULY 29** **FREE CONCERT ON 5th STREET** w/ Split Window
- JULY 28-30** **74th BURRO DAYS** - Burro, Llama, Dog & Outhouse Races, Parade, Rides, Cowboy Church, Live Music, Vendors & Burro Days Museum
- AUG 5** **SHEEP MOUNTAIN ULTRAS - 50 Mile & 50k**
- AUG 12-13** **LIVING HISTORY DAYS** At South Park City Museum
- SATURDAY AUG 26** **FREE CONCERT ON FRONT STREET** w/ Hazel Miller & The Collective & Free Colorado Peaches & Ice Cream
- SEPT 16** **OKTOBERFEST IN FAIRPLAY** At South Park Brewery & Taproom
- OCT 28** **SOUTH PARK CHAMBER FALL MIXER** At Salado, Fairplay
- OCT 31** **HALLOWEEN SPOOKTACULAR** HOSTED BY Boys & Girls Club of the High Rockies
- OCT 31** **HAUNTED HALLOWEEN MUSEUM** At South Park City Museum
- DEC 2** **A REAL COLORADO CHRISTMAS CELEBRATION & FESTIVAL of TREES, HOLIDAY BAZAAR, CHILI COOK-OFF**



PRESENTS

THE 2023

PEOPLE'S CHOICE AWARDS

FREE

FOR ALL TO ATTEND!

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CASA SANCHEZ**

**DELICIOUS
HOMEMADE
DESSERTS**

CASH BAR

23

**THURSDAY
APRIL 6TH
5:00PM - 7:00PM**

**FAIRPLAY
AMERICAN LEGION**

**601 CLARK STREET
FAIRPLAY, COLORADO**

**COME SUPPORT YOUR
SOUTH PARK
COMMUNITY AND
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LOCAL WINNER'S OF
THE FLUME'S
PEOPLE'S CHOICE
AWARDS!**

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**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
APRIL 3, 2023**

CALL TO ORDER

A Regular Meeting of the Board of Trustees for the Town of Fairplay was called to order by Mayor Frank Just on Monday, April 3, 2023, at 6:00 p.m. in the Board Room located in the Fairplay Town Hall at 901 Main Street, having previously been posted in accordance with Colorado Open Meetings law.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Mayor Just proceeded with the pledge of allegiance, followed by the roll call, which was answered by Mayor Frank Just, Mayor Pro Tem Dodge, and Trustees Ray Douglas and Pete Lynn. Trustee Voorhis was absent due to a fire incident.

Staff in attendance were Town Administrator / Town Clerk Janell Sciacca, Chief of Police Bo Schlunsen, Public Works Director Donovan Graham, Operators in Responsible Charge Marty Deline and Keith Chisholm.

APPROVAL OF AGENDA

Motion #1 by Trustee Lynn, seconded by Trustee Douglas, that the agenda be adopted as written. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Lynn – aye. Motion carried unanimously.

CONSENT AGENDA

A. APPROVAL OF MINUTES OF PRIOR MEETING – March 20, 2023 Regular Meeting.

Sciacca reported a change was made to the minutes whereby a comment attributed to Trustee Dodge was actually made by Mayor Just.

Motion #2 by Mayor Pro Tem Dodge, seconded by Trustee Douglas, that the consent agenda be approved with the noted correction to the minutes. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Lynn – aye. Motion carried unanimously.

CITIZEN COMMENTS

Steve Glover, 724 Front Street, stated his concern over the Bluffs Development that he saw on Facebook and he didn't think the bank would approve loans for single-wide mobile homes. He felt the public should have had more opportunity to comment and he wanted to see a dog park and volunteered to help clean it. Town Administrator Sciacca inquired if Glover had seen the email she sent with all the accurate details on the Bluffs PUD. She noted that the Town provided all required notices and Mayor Just clarified that the Board only approved zoning and the developer had more hurdles to get over so there would be additional opportunity for input. Glover stated he saw the plan on Facebook which showed a mixture of apartments and single-wide mobile homes and Mayor Just encouraged Glover to visit the Town's website to look at the packet of information because there were no mobile homes proposed. Sciacca encouraged him to subscribe to the agenda packet emails so he would get the correct information sent directly to him and Mayor Just implored everyone present to not rely on Facebook for information on Town business and instead recommended subscribing to the Town's website for notifications.

PROCLAMATIONS, PRESENTATIONS AND UPDATES

A. Presentation of Certificate of Appreciation from Fairplay Police Department by Chief Bo Schlunsen.

Chief Schlunsen reported on an incident that occurred when Sgt. Grover responded to the Sinclair station on a call of a man trying to break into vehicles. She made contact and attempted to arrest him after finding out he had a warrant out of Texas. The man ran from the Sgt. Into a field across US 285 where she was able to catch him, but he resisted arrest. Back Country Towing owner/operators Heath Mcfarren and Travis Sirhall jumped in to help Sgt. Grover subdue the man. Schlunsen presented them with a Certificate of Appreciation and \$50 Gift Card. He expressed gratitude for their outstanding civic duty. The Board of Trustees thanked Mcfarren and Sirhall with a round of applause and took a picture with them for Staff to share on the Town Facebook page.

NEW BUSINESS

A. Continued from March 23, 2023 – Consideration of a request from Xcel Energy for a letter of support for the Grid Resiliency and Innovation Partnership (GRIP) Project.

Town Administrator Sciacca referred the Board to the Staff Report and then introduced High Country Area Manager Nathan Steele. Steele reminded that he and other Xcel representatives attended a Board meeting last fall and gave a presentation on improvements being done across Colorado and in Park County. He reminded that Park County is part of the Closer Pilot program and Xcel is currently putting between \$200 and \$250 million dollars into wildfire mitigation. Xcel is going after funding to help with innovative programs, technologies and equipment and the money will help accelerate efforts. Mayor Just stated that if there's money out there that the Town can help the company that furnishes its power secure on behalf of the community, he was in favor. There was no disagreement voiced and Just requested authorization to sign the letter of support. There was general agreement and Just advised the letter would be signed and forwarded to Steele. Sciacca then advised that Staff was working with Steele and Xcel representatives on the upcoming renewal of the franchise agreement. She thanked Steele for appearing, for sharing information and contacts on programs and for the relationship the Town had with Xcel. The Board thanked Steele for appearing.

PUBLIC HEARINGS

A. FIRST READING: Ordinance No. 3, Series of 2023 entitled, “AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, AMENDING THE FAIRPLAY MUNICIPAL CODE CHAPTER 16 – UNIFIED DEVELOPMENT CODE, CONCERNING LOCATION AND EXTENT REVIEW PROCEDURES.”

Mayor Just introduced providing an overview of the format for the proceedings and then opened the Public Hearing at 6:24 P.M. Town Administrator Sciacca presented an overview of the Staff Report advising that sometimes State law takes power away from the Town regarding development, and in this instance, it would be development by other governmental entities. She noted that the Location and Extent process was brought to her attention during discussions with the County about their future affordable housing project. The Town Attorney provided general guidance in a memorandum to the Board at that time and now the CDOT housing project was coming on Hathaway and the Town needed to have a process in place since they have elected to do all the permitting at the State level. This process will ensure the Board and community does see the plan and has opportunity to provide input and either approve or disapprove it. Even if disapproved, CDOT can continue to build the project they want to. Following discussion and review of suggested edits by the Town Attorney, the Board agreed to leave in “or major facilities of publicly or privately owned public utility” in (B)1. Another discussion ensued about proposed legislation (SB 213) giving the state more authority to dictate what will be built and when and where. It was noted that the process proposed to be added to the Municipal Code with the current resolution defends the Town from such attempts. Just then opened the floor to public comment. Keith Chisholm, 320 Pine Drive, Fairplay, stated he felt local control was important. There were no further public comment and Just closed the floor to public comment and closed the public hearing. Following Board discussion, Sciacca advised that if

approved, the ordinance would be published and should become effective prior to the commencement of the CDOT project. She reported they still had to complete demolition which was not scheduled to begin until May 15 and then would be in effect for any such future projects.

Motion #3 by Mayor Pro Tem Dodge, seconded by Trustee Douglas, to approve Ordinance No. 3, Series of 2023, with the noted amendment. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Lynn – aye. Motion carried unanimously.

STAFF AND BOARD OF TRUSTEE REPORTS

A. Report from Warm Springs, LLC regarding 1st Quarter 2023 Operator in Responsible Charge (ORC) responsibilities and activities.

Keith Chisholm and Marty Deline, contract Operators In Responsible Charge (ORC) for the Town Water and Sewer systems presented and reviewed documents in the packet and reported on their various activities and progress on projects and responsibilities. They were encouraged by the Board to work with Public Works Director Graham at budget time to provide input on funding needs and requests. The Board thanked them for their report.

Town Administrator Sciacca highlighted sections of her report. She also noted the resolution opposing SB-213 and advised the Board would see that at the next meeting. She provided an update on the River Park project clearances and advised Trustee Voorhis has provided contact information for a local biologist to assist with the environmental clearance but noted the SGM will also be able to help if necessary. She reported that Congressionally Directed Spending requests were submitted to both Hickenlooper and Bennet for 501 Main, she participated in the Heart of Colorado Virtual Funders Roundtable meeting with 6 different foundations or corporations about potential funding for projects including 501 Main, Town Staff participated in Career Day at the School, the Town sponsored the Boys & Girls Club Chili Cook-Off, sales tax revenues had declined and Staff will continue to monitor them, Staff was preparing for Town Clean Up which would include electronics recycling and the Board approved the expense out of the Town Budget up to \$2,500 which would be offset by charged fees, two quotes to replace Town Hall windows were received in addition to the one from Andersen, the Town was visited by CDOT representatives who dropped off flyers about all the upcoming bridge replacement projects and chain up station, and there would be a week long closure of CO 9 between Fairplay and Breckenridge for one bridge project. Sciacca also obtained additional direction to utilize salary ranges for calculation of a true Fairplay AMI for the inclusionary housing ordinance since she had met significant resistance from those spoken to about sharing their household incomes and family size information. She also reported Town Attorney Williams would be at the next meeting.

Mayor Pro Tem Dodge provided a report on the CML remote Town Hall that he, Trustee Douglas and Town Administrator Sciacca attended regarding SB-213. He noted there were around 400 participants voicing similar concerns and asking a whole lot of questions. He was concerned that the Town policies and procedures might not matter if the bill were to pass. Trustee Douglas echoed many of Dodge's comments and Town Administrator Sciacca advised she would send out all the information from CML including the link for each Board member to individually sign on to the letter of opposition drafted by CML.

Mayor Just encouraged everyone in attendance to make it a point to let people know what was sitting in the legislature and how it could impact their life. He cautioned that if the bills go through the Town and citizens of a community may not have a voice.

ADJOURNMENT

There being no further business before the Fairplay Board of Trustees, Mayor Just declared the meeting adjourned at approximately 8:02 p.m.

BOARD OF TRUSTEES, FAIRPLAY, COLORADO

Frank Just, Mayor

ATTEST:

Janell Sciacca, Town Clerk