

1. Meeting Materials

Documents:

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

**AGENDA for a Regular Meeting
of the Board of Trustees of the Town of Fairplay, Colorado
Monday, May 1, 2023, at 6:00 P.M. at the Fairplay Town Hall Meeting Room
901 Main Street, Fairplay Colorado**

[Click Here to Join Online](#)

Meeting ID: 265 388 201 530

Passcode: x6QSYx

- 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 EXPENDITURES** – Paid bills for all Town funds from April 12, 2023 through April 27, 2023 in the amount of **\$33,968.15**.
- 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. Proclamation recognizing April 30-May 6, 2023 as the 54th Annual Professional Municipal Clerks Week.
 - B. Proclamation recognizing May 4, 2023 and International Firefighters Day.
 - C. Proclamation recognizing May 7, 2023 as National Fallen Firefighters Memorial Service Day.
 - D. Proclamation recognizing May 9-20, 2023 as National Police Week.
- VIII. **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. 1, Series of 2023 entitled, “**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, AMENDING THE FAIRPLAY MUNICIPAL CODE BY CREATING A NEW ARTICLE 29 OF CHAPTER 16, UNIFIED DEVELOPMENT CODE, ESTABLISHING INCLUSIONARY HOUSING.**” *The Board will consider amending the Unified Development Code to include a generally recognized Affordable Housing Strategy to require a designated percentage of new construction be affordable to persons with a specific AMI for Fairplay.*
 - B. **FIRST READING:** Ordinance No. 5, Series of 2023 entitled, “**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, AMENDING THE FAIRPLAY MUNICIPAL CODE CHAPTER 4, ARTICLE III SALES TAX, SECTION 4-3-50 REGARDING EXEMPTIONS FROM SALES/USE TAXATION.**” *The Board will consider amending the Fairplay Municipal Code to include additional categories that would be exempt from collection of sales/use tax.*
- IX. **NEW BUSINESS:**
 - A. **FIRST READING** – Resolution No. 14, Series of 2023, entitled, “**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, APPROVING A TEMPORARY USE AGREEMENT WITH PROSPECTOR, LLC FOR THE USE OF PUBLICLY OWNED PROPERTY**” *The Board will consider approving an agreement with a local business for temporary use of an unimproved municipal parking lot on Platte Drive.*
- X. **BOARD OF TRUSTEE AND STAFF REPORTS**
- XI. **ADJOURNMENT**

Upcoming Meetings/Important Dates

Start of the US 285 / Hwy 9 CDOT Construction Project	Monday, May 1, 2023
Board of Trustees Regular Meeting	Monday, May 15, 2023
Park County Intergovernmental Meeting	Tuesday, May 23, 2023
Fairplay Town Clean Up Days	Friday-Sunday, June 2, 3 & 4 2023
Huck Finn Day at Fairplay Beach	Saturday, June 3, 2023
South Park Trail Runs	Saturday, June 3, 2023
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TGIFairplay Free Concert – Ryan Chrys & the Rough Cuts	Friday, June 23, 2023
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MEMORANDUM

TO: Mayor and Board of Trustees
FROM: Kim Wittbrodt, Treasurer
RE: Paid Bills
DATE: April 27, 2023

Agenda Item: Bills

Attached is the list of the invoices paid between April 12, 2023, and April 26, 2023.

Total Expenditures: \$33,968.15

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

Please contact me if you have any questions.

Report Criteria:

Detail report type printed

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
04/19/2023	19113	Main Street Garage	Tahoe maintenance	1	04/12/2023	88.85	105420
Total 1336:						88.85	
04/19/2023	19115	Postal Pros Southwest, Inc	water billing	1	04/06/2023	265.95	517218
04/19/2023	19115		insert	2	04/06/2023	75.46	105130
Total 1699:						341.41	
04/25/2023	7311545	Verizon Wireless	Phones	1	04/15/2023	489.93	105455
04/25/2023	7311545		jet pack	2	04/15/2023	40.01	105130
04/25/2023	7311545		cell Phone - public works	3	04/15/2023	40.70	105645
04/25/2023	7311545		cell Phone-Transportation	4	04/15/2023	17.24	105250
04/25/2023	7311545		new phones/monthly charg	5	04/15/2023	423.86	105065
Total 2212:						1,011.74	
04/25/2023	7311548	Xcel Energy	945 quarry road	1	04/18/2023	18.01	517490
Total 2296:						18.01	
04/19/2023	19151	CARD SERVICES	Food for meeting	1	04/01/2023	160.56	105070
04/19/2023	19151		Conference	2	04/01/2023	340.00	105015
04/19/2023	19151		Conference	3	04/01/2023	395.00	105110
04/19/2023	19151		zoom equipment	4	04/01/2023	1,069.63	105060
04/19/2023	19151		Supplies	5	04/01/2023	743.63	105625
04/19/2023	19151		Supplies	6	04/01/2023	100.00	105650
04/19/2023	19151		Food for meeting	7	04/01/2023	80.12	105630
04/19/2023	19151		Food for meeting	8	04/01/2023	147.25	105070
04/19/2023	19151		Supplies	9	04/01/2023	8.97	105027
04/19/2023	19151		web hosting	10	04/01/2023	99.95	105130
04/19/2023	19151		Supplies	11	04/01/2023	256.44	517214
04/19/2023	19151		Supplies	12	04/01/2023	299.81	105030
04/19/2023	19151		Food for meeting	13	04/01/2023	7.79	105070
04/19/2023	19151		Postage	14	04/01/2023	3.00	105035
04/19/2023	19151		Supplies	15	04/01/2023	22.60	105027
04/19/2023	19151		postage	16	04/01/2023	9.25	105162
04/19/2023	19151		Supplies	17	04/01/2023	350.06	105170
04/19/2023	19151		Supplies	18	04/01/2023	166.24	517480
04/19/2023	19151		Supplies	19	04/01/2023	10.13	105630
04/19/2023	19151		car wash	20	04/01/2023	9.00	105420
04/19/2023	19151		car wash	21	04/01/2023	5.75	105420
04/19/2023	19151		car wash	22	04/01/2023	8.50	105625
04/19/2023	19151		Supplies	23	04/01/2023	4.90	105445
Total 2503:						4,298.58	
04/19/2023	19108	CenturyLink	7198362622355B	1	04/03/2023	309.18	105065
Total 2614:						309.18	
04/19/2023	19111	Elkhorn Ranch Owners As	hoa dues	1	04/13/2023	40.00	106130

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
Total 2653:						40.00	
04/25/2023	7311547	Wittbrodt, Kim	cell phone reimb	1	04/24/2023	50.00	105065
Total 2655:						50.00	
04/19/2023	19109	Chaffee County Waste	6 yd weekly	1	04/05/2023	129.00	105023
04/19/2023	19109		6 yd weekly	2	04/05/2023	129.00	105650
04/19/2023	19109		2 yd biweekly	3	04/05/2023	86.00	517675
Total 2801:						344.00	
04/25/2023	7311537	Bullock, Julie	cell phone reimburse	1	04/24/2023	25.00	517226
04/25/2023	7311537		cell phone reimburse	2	04/24/2023	25.00	105645
Total 2812:						50.00	
04/25/2023	7311539	Colorado Analytical Lab	waste water testing	1	04/21/2023	403.00	517665
04/19/2023	19110		water testing	1	04/14/2023	24.00	517475
Total 2864:						427.00	
04/25/2023	7311544	Triangle Electric, Inc.	replace flow meter	1	04/11/2023	1,464.27	517655
Total 2876:						1,464.27	
04/19/2023	19116	Shirley Septic Pumping, In	port a pots	1	04/14/2023	378.13	105120
04/19/2023	19116		cohen park	1	04/14/2023	378.13	105842
04/19/2023	19116		beach	1	04/14/2023	189.06	105842
Total 2893:						945.32	
04/19/2023	19118	Uline	trash clean up supplies	1	04/17/2023	480.03	105134
Total 2993:						480.03	
04/19/2023	19112	Hunn Planning & Policy, LL	planning fees	1	04/13/2023	4,115.28	105105
04/19/2023	19112		planning fees	2	04/13/2023	240.00	105105
04/19/2023	19112		planning fees-cdot	3	04/13/2023	80.00	105145
04/19/2023	19112		planning fees-bill back-bluff	4	04/13/2023	1,040.00	105107
04/19/2023	19112		planning fees-bill back- bea	5	04/13/2023	80.00	105105
Total 3183:						5,555.28	
04/25/2023	7311540	Ernst, Sarah	cell phone reimburse	1	04/24/2023	50.00	105065
Total 3313:						50.00	
04/25/2023	7311536	Bannister, Chris	cell phone reimburse	1	04/24/2023	25.00	105645
04/25/2023	7311536		cell phone reimburse	2	04/24/2023	25.00	517226
Total 3464:						50.00	
04/19/2023	19119	Wagner, Alex	per diem - conference	1	04/19/2023	267.23	105015
04/25/2023	7311546		cell phone reimburse	1	04/24/2023	50.00	105065

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
Total 3506:						317.23	
04/25/2023	7311541	Graham, Donovan	cell phone reimburse	1	04/24/2023	25.00	517226
04/25/2023	7311541		cell phone reimburse	2	04/24/2023	25.00	105645
Total 3519:						50.00	
04/25/2023	7311543	Sciacca, Janell	cell phone reimburse	1	04/24/2023	50.00	105065
Total 3583:						50.00	
04/19/2023	19114	MissionSquare Retirement	retirement plan fee	1	04/17/2023	250.00	106130
Total 3587:						250.00	
04/25/2023	7311542	Kleinschmidt, Sean	cell phone reimburse	1	04/24/2023	25.00	105645
04/25/2023	7311542		cell phone reimburse	2	04/24/2023	25.00	517226
Total 3590:						50.00	
Multiple	19074	Patrick Kelley	alarm monitoring	1	03/08/2023	.00	105023
			alarm monitoring	2	03/08/2023		105023
Total 3615:						.00	
04/25/2023	7311538	Charles Abbott Associates,	building official services	1	03/31/2023	3,703.25	105058
Total 3655:						3,703.25	
04/19/2023	19117	Timberline Motosports	utility vehicle	1	04/18/2023	13,999.00	325820
Total 3703:						13,999.00	
04/19/2023	19120	White Buffalo Art Company	refund overpayment	1	04/14/2023	25.00	104170
Total 3704:						25.00	
Grand Totals:						33,968.15	

VOIDED

Report Criteria:

Detail report type printed

Proclamation

54th ANNUAL PROFESSIONAL MUNICIPAL CLERKS WEEK

April 30 - May 6, 2023

Whereas, The Office of the Professional Municipal Clerk, a time-honored and vital part of local government exists throughout the world, and

Whereas, The Office of the Professional Municipal Clerk is the oldest among public servants, and

Whereas, The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

Whereas, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.

Whereas, The Professional Municipal Clerk serves as the information center on functions of local government and community.

Whereas, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations.

Whereas, It is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.

Now, Therefore, I, Frank Just, Mayor of the Town of Fairplay, Colorado, do hereby recognize the week of April 30 through May 6, 2023, as Professional Municipal Clerks Week, and further extend appreciation to our Professional Municipal Clerks, Janell Sciacca and Sarah Ernst, and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Dated this 1st day of May, 2023.

TOWN OF FAIRPLAY, COLORADO

Frank Just, Mayor



Proclamation

INTERNATIONAL FIREFIGHTERS DAY

May 4, 2023



WHEREAS, International Firefighters' Day was established in 1999 to remember those firefighters worldwide lost in the line of duty protecting the safety of us all; and

WHEREAS, International Firefighters' Day is observed each year on May 4th to recognize, honor, and remember past Firefighters who have lost their lives while serving their communities, to express gratitude to those that have served in this line of work, and to show support and appreciation for those who presently serve; and

WHEREAS, Regardless of the language a Firefighter speaks, or the country in which he or she works and resides, all Firefighters fight against the same enemy - Fire; and

WHEREAS, Firefighters follow a long line of tradition and honor that inspires them to help colleagues, neighbors, and strangers alike; and

WHEREAS, At a moment's notice, Firefighters are quick to respond to uncertain situations to mitigate danger and combat the threat of destructive fire in order to protect individuals, families, and the economic being of our community; and

WHEREAS, The demands of firefighting are accompanied by both personal and physical tolls that all Firefighters knowingly accept while risking their lives to protect the lives of others.

NOW, therefore, I, Frank Just, Mayor of Fairplay, Colorado, do hereby proclaim May 4th 2023, as

INTERNATIONAL FIREFIGHTERS DAY

and I encourage all citizens to show support and appreciation to our City, County, State and Federal Firefighters who protect our lives and property so diligently every day, and by remembering past Firefighters who dedicated their lives to preserve our safety.

Frank Just, Mayor



PROCLAMATION

National Fallen Firefighters Memorial Service Day

May 7, 2023

Whereas, the United States Congress and the President of the United States have designated the day of the annual National Fallen Firefighters Memorial Service as a day to honor Firefighters and Emergency Services Personnel who have sacrificed their lives to save others by lowering the American Flag on all federal buildings to half-staff; and

Whereas, an average of 80 Firefighters courageously make the ultimate sacrifice in the line of duty each year and in Colorado, the service will remember 79 Firefighters who died in 2022 as well as 65 from previous years; and

Whereas, Firefighters and Emergency Services Personnel play an essential role in the protection of lives and prop-erty in our local community; and

Whereas, the National Fallen Firefighters Memorial Weekend marks the weekend following International Firefighters' Day 2023; and

Whereas, it is of major importance that we increase our efforts to reduce deaths, injuries, and property losses from fire;

Now, Therefore, I, Frank Just, Mayor of the Town of Fairplay, Colorado, now call upon all citizens of the Town of Fairplay and upon all patriotic, civic, and educational organizations to observe the day of May 7, 2023, in recognition of the patriotic service and dedicated efforts of our Fire and Emergency Services personnel by lowering American flags on buildings to half-staff.

I respectfully encourage these same organizations as well as the citizens of the Fairplay to remember all fire and emergency personnel who have made the ultimate sacrifice in service to their community and to pay respect to the survivors of our fallen heroes by participating in ***Bells Across America, Light the Night or watching a Forever in Our Hearts® Hero Tribute*** video to honor the sacrifices of these public servants and their families. I encourage our citizens to honor Fire and Emergency services personnel, past and present, who, by their faithful and loyal devotion to duties, have rendered invaluable service to our community and its citizens.

In witness thereof, I have hereto set my hand and caused the Seal of the Town of Fairplay to be affixed.

TOWN OF FAIRPLAY, COLORADO

Frank Just, Mayor



PROCLAMATION

NATIONAL POLICE WEEK

MAY 9-20, 2023

To recognize National Police Week 2023 and to honor the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy.

WHEREAS, there are more than 800,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Fairplay Police Department and Park County Sheriff's Department;

WHEREAS, since the first recorded death in 1786, there are currently 23,785 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty;

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, DC;

WHEREAS, 556 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 224 officers killed in 2022 and 332 officers killed in previous years;

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 35th Candlelight Vigil, on the evening of May 13, 2023;

WHEREAS, the Candlelight Vigil is part of National Police Week, which will be observed this year May 9-20;

WHEREAS, May 15 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half-staff;

NOW, THEREFORE, BE IT RESOLVED that the Town of Fairplay, Colorado, will observe May 9-20, 2023, as National Police Week in Fairplay, and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

TOWN OF FAIRPLAY, COLORADO

Frank Just, Mayor

PUBLIC HEARING FORMAT

LEGISLATIVE HEARINGS (Policy issues such as ordinances amending the Municipal Code, Budget Hearings, Etc.

1. Mayor will introduce the topic and announce that the Public Hearing is open at _____ (time).
2. Mayor will ask for Staff presentation and allow for questions from the Board and suggested amendments, if any.
3. Mayor will solicit public comment in favor of or in opposition to issue/matter.
4. Mayor will close the public hearing and ask for Board deliberation.
5. Following deliberation, Mayor will ask for a motion to continue, approve as presented, approve with stated amendment(s) or deny.



Town of Fairplay

400 Front Street • P.O. Box 267
 Fairplay, Colorado 80440
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 www.fairplayco.us

STAFF REPORT

TO: Mayor and Board of Trustees

FROM: Nina P. Williams, Town Attorney

RE: Public Hearing Item A – Amending FPMC Chapter 16, Unified Development Code, Creating Article 29 Establishing Inclusionary Housing (*Ord. No. 1, Series of 2023*)

DATE: May 1, 2023

BACKGROUND/ANALYSIS:

At the February 13, 2023 affordable workforce housing work session, you discussed various potential options to address the specific issues and urgent needs of your local community and workforce as it relates to housing. One of the ideas presented was inclusionary housing, which would require all new residential development to set aside a certain amount of housing units as deed-restricted and permanently affordable.

On March 6, 2023, a specific draft inclusionary housing ordinance was reviewed and discussed by the Town Board. Direction was obtained to amend certain sections of the ordinance, survey local workforce income and salary ranges, and bring the ordinance back for official consideration at a future meeting.

Based upon such Board direction, we amended and updated the Inclusionary Housing Ordinance, which is attached for consideration and formal action.

We will discuss Area Median Income (AMI) levels to confirm the Ordinance adequately tackles the current workforce housing scarcity in the community. As a reminder, HUD (United States Department of Housing and Urban Development) loops Park County into the “Denver-Aurora-Lakewood” numbers. Their 2022 numbers for 60% AMI are as follows: \$49,260 for a 1-person household; \$56,280 for a 2-person household; \$63,300 for a 3 person household; and \$70,320 for a 4 person household. These numbers are updated annually and will likely be increased when the 2023 numbers are distributed.

STAFF RECOMMENDATION

Staff recommends the Board approve Ordinance 1, Series 2023, as presented by motion, second and a roll call vote.

Attachments:

- Ordinance No. 1, Series 2023

TOWN OF FAIRPLAY, COLORADO

ORDINANCE NO. 1 (SERIES 2023)

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, AMENDING THE FAIRPLAY MUNICIPAL CODE BY CREATING A NEW ARTICLE 29 OF CHAPTER 16, UNIFIED DEVELOPMENT CODE, ESTABLISHING INCLUSIONARY HOUSING

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 Board of Trustees (the “Board”) has the authority, pursuant to C.R.S. §31-16-101, *et seq.*, to adopt and enforce all ordinances and enact laws to govern and regulate the use of land within its territory;

WHEREAS, pursuant to C.R.S. §31-23-301 *et seq.*, the Town also possesses the authority to adopt and enforce zoning regulations;

WHEREAS, the community is currently experiencing a severe housing shortage for the local workforce, due to exacerbated pricing and limited availability in the local housing market;

WHEREAS, pursuant to its authority, the Board desires to establish certain specific rules and regulations to address the significant need for a diverse and affordable housing stock within the community, implement the housing goals of the Town Comprehensive plan, promote the construction of housing that is attainable to the community's workforce, retain opportunities for people that work in the Town to also live in the Town, and maintain a balanced community that provides housing for people of all income levels;

WHEREAS, the Board finds it desirable and appropriate, and in the best interest of the general health, safety, and welfare of its citizens to amend Chapter 16 of the Code, to establish regulations for inclusionary housing.

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

Section 1. The above and foregoing recitals are adopted as express findings and determinations of the Town of Fairplay Board of Trustees.

Section 2. A new Article 29 of Chapter 16, entitled Inclusionary Housing, is hereby adopted to read as follows:

ARTICLE XXIX - Inclusionary Housing

Sec. 16-29-10. Purpose and Objectives.

To ensure and promote residential development that provides a range of housing opportunities for all identifiable economic segments of the population, including households of low-and moderate-income and to retain opportunities for people that work in the Town to also live in that Town, with the goal of maintaining a balanced community and affordability to the community's workforce.

Sec. 16-29-20. General Requirements.

- (A) Any land use application for projects of two (2) or more residential housing units brought under the annexation, planned unit development, rezoning, subdivision, subdivision exemption, condominium, condominium exemption, special use, site plan development review or multi-family site plan review sections of this Chapter are required to include at least fifty percent (50%) of the total number of residential dwelling units as affordable dwelling units, pursuant to requirements set forth in this Article, and subject to the following standards:
 - (1) The prices for sale or rents charged for permanently affordable priced dwelling units shall not exceed a price that is affordable to a household earning the applicable percentage of Area Median Income (AMI) for Park County as defined annually by the United States Department of Housing and Urban Development (HUD), at the time such unit is sold or rented, and as further specified in Sections 16-29-50 and 16-29-60.
 - (2) Affordable dwelling units shall be permanently restricted as defined by the Town regulations, unless a different timeframe is required as part of a Low Income Housing Tax Credit project.
 - (3) If the calculations for inclusionary housing results in a fraction of a dwelling unit, the fraction of the unit shall be provided as a complete affordable unit or a fee-in-lieu shall be provided per section 16-29-40.
- (B) Units built as affordable in the project should be comparable to the market rate housing units in exterior finish and design and integrated into the overall project.
- (C) Income Eligibility Required. No person shall sell, rent, purchase or lease an affordable dwelling unit created pursuant to this Article except to a program eligible household. A private owner of a single affordable unit may rent the unit in accordance with the provisions of this Article as set forth in section 16-29-50. All sales, rentals, purchases and leases shall comply with provisions of this Article.
- (D) Deed Restriction Required. No person offering an affordable dwelling unit for rent or sale pursuant to this Article shall fail to lawfully reference in the grant deed conveying title of any such unit, and record with the County Clerk and Recorder, a covenant or declaration of restrictions in a form provided and approved by the Town Attorney. Such deed restriction shall reference applicable contractual arrangements, covenants and resale restrictions as are necessary to carry out the purposes of this Article.

- (E) Good Faith Marketing Required. All sellers or owners of affordable dwelling units shall engage in good faith marketing and public advertising efforts each time an affordable dwelling unit is rented or sold such that members of the public who are qualified to rent or purchase such units have a fair chance to become informed of the availability of such units.
- (F) Required Agreements. Those applicants creating residential developments under this Chapter shall enter into an inclusionary housing development agreement with the Board of Trustees. Such agreements may be part of a development agreement, annexation agreement or subdivision agreement and shall document how the applicant will meet the requirements of this Article including:
 - (1) Defining the inclusionary housing development, including the total number of units; the total number of affordable housing units required; and the total number of affordable housing units provided;
 - (2) Design standards to assure the affordable units will be comparable to market rate units and are integrated into the development;
 - (3) The requirement that each required affordable housing unit must receive its certificate of occupancy before development of every sixth market-rate housing unit within the development, unless an alternative schedule is approved by the Town; and
 - (4) The deed restrictions and additional agreements, in a form acceptable to the Town, as necessary to carry out the purposes of this Article.
- (G) Accessory dwelling units shall not be considered inclusionary housing for the purpose of compliance with the requirements of this Article.
- (H) An applicant shall not be eligible to submit for a building permit until the affordable housing agreement and any required deed restrictions are approved by the Board of Trustees and recorded by the Park County Clerk and Recorder.

Sec. 16-29-30. Options for Satisfaction of Inclusionary Housing Requirement.

An applicant may seek an alternative to providing the required percentage of affordable housing under this Article by any of the following methods:

- (A) Providing the Required Housing Off-Site. This may be met only through the dedication of land to the Town or a qualified housing developer as approved by the Town, with guarantee that the land to be dedicated will allow for, and be developed with, the number of required affordable housing units, and that such units will be deed-restricted as provided for in this Article.
- (B) Dedicating Land Within the Project. Provided it is large enough and located appropriately to accommodate at least the minimum number of required affordable units, land within a project may be dedicated to the Town or a qualified housing developer as approved by

the Town. The units to be built within the project shall be comparable to the market rate housing units in exterior finish and design to blend into the overall project, and such units shall be deed-restricted as provided for in this Article.

- (C) Paying a Fee in Lieu of Providing Units as Defined in Section 16-29-40 and in the amounts set forth in the Town Fee Schedule, adopted and amended by the Board of Trustees from time to time. This alternative is only available if the calculation for inclusionary housing results in a fraction of a dwelling unit or if the development is for five (5) units or less.
- (D) Providing fewer units, but which are affordable to households earning fifty (50) percent or less of the AMI for Park County for the HUD. For the purposes of this option, an affordable dwelling unit at fifty percent (50%) or less AMI shall equal one and a half (1.5) units at sixty percent (60%) or less AMI.
- (E) The Town Board, in its sole and exclusive discretion, may consider Other Public Benefit proposals to offset an applicant's required percentage of affordable housing, pursuant to the following:
 - (1) No more than 50% of the required percentage of affordable housing may be offset by Other Public Benefits.
 - (2) To be counted as Other Public Benefits, an applicant must show that its proposal is not solely for the use of the project or development's residents or owners. Project amenities (parks, open space, recreation path, health/fitness centers/pools intended only for project use) will not be considered as Other Public Benefits.
 - (3) Other Public Benefits shall be over and above what is otherwise required to obtain approval of the project or development, pursuant to the Unified Development Code.
 - (4) Other Public Benefits may include, but are not limited, public parks and trails that close an existing gap in connectivity, opportunities for local food production, access to streams, water and public lands in locations with minimal to no access, rehabilitation and preservation of streams, water and public lands and opportunities for educational programs including those in underserved communities.
- (F) Any alternatives for satisfaction of the inclusionary housing requirement shall be approved by agreement with the Board of Trustees as described within this Article.

Sec. 16-29-40. In-Lieu Fee.

If an in-lieu fee is permitted and chosen for all or part of the inclusionary housing required for the project, the fee shall be calculated as described in the Town's fee schedule, established, adopted and amended by the Board of Trustees from time to time, and be due prior to the issuance of the certificate of occupancy.

Sec. 16-29-50. Program Requirements for For-Sale Units.

- (A) Affordable Unit Price. The prices charged for any affordable units shall not exceed prices greater than what is affordable to households earning sixty percent (60%) the Area Median Income (AMI) for Park County.
- (B) Approved Purchases for Affordable Dwelling Units. A developer or owner shall sell to a qualified purchaser after completing a good faith marketing and selection process approved by the Town and/or applicable housing authority.
- (C) Sale Restriction. No person shall sell an affordable dwelling unit except to a person that meets the income asset and other eligibility requirements of this Article or any asset and income eligibility requirement that is included in any applicable contract, deed restriction or any other agreements to which the Town is a party or beneficiary.
- (D) Resale Restriction. All affordable ownership dwelling units developed under this Article shall be subject to following restrictions:
 - (1) Approved Purchasers. A seller of an affordable dwelling unit must select an income-eligible purchaser by a method that complies with the good faith marketing and selection process defined by the applicable housing administrative regulations and deed restriction. All purchasers of affordable dwelling units shall be part of program eligible households.
 - (2) Resale Price. The resale price of any affordable dwelling unit shall not exceed the purchase price paid by the owner of that unit with the following exceptions:
 - a. Closing Costs. Customary closing costs and costs of sale, which may include customary realtor fees, as reviewed and approved by the Town Administrator.
 - b. Permanent Capital Improvements. Consideration of eligible permanent capital improvements installed by the seller that have been approved in advance by either the Town Administrator or Board of Trustees in accordance with Town Code, deed restriction, applicable housing authority regulations or administrative rules and guidance.
 - c. Resale Price. The resale price may include an inflationary factor or shared appreciation factor as applied to the original sale price pursuant to rules as may be established by the Town Administrator, deed restriction, applicable housing authority regulations or administrative rules and guidance to provide for such consideration. In developing rules, the Town may consider the purposes of this Article, common private, nonprofit and governmental lending practices, as well as any applicable rules or guidelines issued by federal or state agencies affecting the provision or management of affordable housing. In the event that the Town has not adopted rules that contemplate a particular arrangement for the use of an inflationary factor or shared appreciation factor,

the Town Administrator is authorized to approve a resale price formula that is consistent with the purposes of this Article, common private, nonprofit and governmental lending practices, as well as any applicable rules or guidelines issued by federal or state agencies affecting the provision or management of affordable housing.

(3) Special Fees. The seller of an affordable dwelling unit shall neither levy nor charge any additional fees or any finder's fee nor demand any other monetary consideration other than provided in this Article.

(E) Ownership Associations. When accepting for-sale unit as meeting the inclusionary housing obligation, the Town Administrator and/or applicable housing authority may review the condominium association declaration to assess the impact on buyers of affordable units. The Town Administrator and/or applicable housing authority is authorized to establish rules regarding allowable terms in condominium declarations in order to ensure that the purposes of this Article are accomplished.

(F) Rental restrictions. The owner of an affordable unit may rent the unit to an income eligible renter by a method that complies with the administrative regulations and/or applicable deed restriction. At no point shall rent price exceed a price that is affordable to a household earning sixty percent (60%) of the Area Median Income (AMI) for Park County, as defined annual by HUD.

Sec. 16-29-60. Program Requirements for Rental Units.

Maximum Rent. Rents charged for any affordable unit shall not exceed a price greater than what is affordable to households earning sixty percent (60%) of the AMI for Park County, as defined annually by HUD.

Sec. 16-29-70. Administrative Regulations.

The Town Administrator is authorized to adopted administrative regulations to be utilized in the enforcement of the provisions of this Article. To the extent the Town Administrator deems necessary, rules and regulations pertaining to this Article will be developed and approved by the Board of Trustees, and thereby maintained and enforced in order to assure that the purposes of this Article are accomplished. No person shall violate any rule or regulation issued by the Town Administrator under this Article.

Section 3. Severability. If any section, sentence, clause, phrase, word, or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 4. Effective Date. This Ordinance shall become effective thirty (30) days after final publication.

INTRODUCED, READ, ADOPTED, AND ORDERED PUBLISHED this ____ day of _____ 2023.

Town of Fairplay

Frank Just, Mayor

ATTEST:

Janell Sciacca, Town Clerk



MEMORANDUM

TO: Mayor and Board of Trustees

FROM: Janell Sciacca, Town Administrator/Clerk

RE: Public Hearings Item B – Ordinance No. 5, Series of 2023 Sales Tax Exemptions

DATE: May 1, 2023

Background:

The Town Treasurer's Office was contacted last year by the Colorado Department of Revenue during an internal file audit to verify the Town's current tax rates. Around the same time, the Department of Revenue also reached out to the Town when an error was found on a local business owner's sales tax return relating to an exemption for propane and wood pellets that was claimed. The owner had not collected applicable taxes for these items believing the Town had elected to adopt exemptions for collection of sales/use tax.

In reviewing these matters with CDOR Staff, it was determined that the only exemption the Town's code allows for is food for domestic home consumption. State publication DR 1002, which is attached for the Board's reference, lists Colorado sales/use tax rates and optional exemptions that can be adopted/allowed for by local jurisdictions. Staff has reviewed the list of options along with the exemptions other municipal jurisdictions have approved and is recommending the Board of Trustees add the following exemptions to the Town of Fairplay items that local businesses do not have to collect and remit sales/use tax for:

- B. Machinery and machine tools as provided for in 39-26-709(1).
- C. Gas, electricity and other specified fuels for residential use as provided for in 39-26-715(1)(a)(II).
- K. Renewable energy components as provided for in 39-26-724.
- S. Period products as provided for in C.R.S. § 39-26-717(m)(1).
- T. Diapers and incontinence products as provided for in C.R.S. § 39-26-717(n)(1).

While Staff is only recommending the aforementioned to be consistent with other local government entities, the Board can certainly opt to include any of the other items on the list if so desired.

Recommendation:

Staff recommends approval of Ordinance No. 5, Series 2023, as presented by motion, second and a roll call vote to add additional allowed sales/use tax exemptions to the Fairplay Municipal Code.

Attachments:

- Ordinance No. 5, Series 2023
- Colorado Publication DR 1002

TOWN OF FAIRPLAY, COLORADO

**ORDINANCE NO. 5
(SERIES OF 2023)**

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, AMENDING THE FAIRPLAY MUNICIPAL CODE CHAPTER 4, ARTICLE III SALES TAX, SECTION 4-3-50 REGARDING EXEMPTIONS FROM SALES/USE TAXATION.

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. §29-2-105, the Town by and through its Board of Trustees (“Board”), possesses the authority to exempt certain tangible personal property sold at retail or the furnishing of services from sales/use tax by the express inclusion of the exemption either at the time of adoption of the initial sales tax ordinance or resolution or by amendment thereto; and

WHEREAS, the Town now desires to include additional exemptions on certain tangible personal property sold at retail or the furnishing of services from sales/use tax with this ordinance;

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

Section 1. Chapter 4 – Revenue and Finance, Article III – Sales Tax, Sec. 4-3-50 subsection (a) only is amended to read as follows:

Sec. 4-3-50. General provisions and exemptions from taxation.

(a) For the purpose of collection, administration and enforcement of this Article by the Executive Director of the Department of Revenue, the provisions of Section 39-26-114, C.R.S., shall be deemed applicable and incorporated into this Article, except *sales of food as provided in Section 39-26-102(4.5) and Section 29-2-105(1)(d), C.R.S.:*

1. Sales of food as provided in Section 39-26-707(1)(e) and 39-26-104(4.5).
2. Machinery and machine tools as provided for in 39-26-709(1).
3. Gas, electricity and other specified fuels for residential use as provided for in 39-26-715(1)(a)(II).
4. Renewable energy components as provided for in 39-26-724.
5. Period products as provided for in C.R.S. § 39-26-717(m)(1).
6. Diapers and incontinence products as provided for in C.R.S. § 39-26-717(n)(1).

Section 2. Severability. Should any section, subsection, paragraph, clause or other provision of this Ordinance or of the Municipal Code provisions enacted hereby is held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or other provision shall not affect any of the remaining provisions of this Ordinance or the Municipal

Code, the intent being that the same are severable.

Section 3. This Ordinance shall become effective 30 days following its publication in a newspaper of general circulation within the Town as per Section 1-3-61 of the Fairplay Municipal Code.

INTRODUCED, READ, ADOPTED, AND ORDERED PUBLISHED this 1st day of May, 2023.

TOWN OF FAIRPLAY, COLORADO

Frank Just, Mayor

ATTEST:

Janell Sciacca, Town Clerk

Colorado Sales/Use Tax Rates

For most recent version see [Tax.Colorado.gov](https://tax.colorado.gov)

This publication, which is updated on January 1 and July 1 each year, lists Colorado Sales/Use Tax rates throughout the state. All state collected city/county sales taxes or rate changes may become effective only on January 1 or July 1. The total tax rate for any jurisdiction must be computed by adding all taxes applicable to that jurisdiction. The Colorado sales tax lookup tool is available at <https://colorado.ttr.services/>

Retail Marijuana Sales Tax (RMS)

The RMS tax rate is 15% with no exemptions. Use tax is not applicable. The Colorado Sales Tax Service Fee (also known as the Vendor's Fee) is 0%. Tax is remitted electronically only. Retail marijuana and retail marijuana products are taxable.

State Sales Tax

The state sales/use tax rate is 2.9% with exemptions A, B, C, D, E, G, H, K, L, M, O, P, Q, R, **S, T, U, V**. The sale of retail marijuana and retail marijuana products are exempt from the 2.9% state tax. Additional sales/use exemptions found at [Tax.Colorado.gov](https://tax.colorado.gov). The Colorado sales tax Service Fee rate (also known as Vendor's Fee) is as follows:

State Service Fee

Net Taxable Sales	Service Fee Rate	Maximum Service Fee Allowed
\$100,000 or less	5.3%	N/A
\$100,001 - \$1,000,000	4.0%	\$1,000
Greater than \$1,000,000	0.0%	\$0.00

*Please see the service fee worksheet DR 0103 for further instructions on calculating the service fee.

Retail Delivery Fees

Effective July 1, 2022: Retailers or marketplace facilitators that collect the sales tax on tangible personal property sold and delivered to a location in Colorado, including property delivered by a third party, must collect and remit a \$0.27 retail delivery fee for each sale. For information on how to register and file a Retail Delivery Fee account, go to, [Tax.Colorado.gov/retail-delivery-fee](https://tax.colorado.gov/retail-delivery-fee)

Exemptions

County, Municipality, and Special District Sales/Use Tax Exemptions Options: If an exemption is not listed, state-collected local jurisdictions do not have that exemption option.

A Food for domestic home consumption §§ 39-26-707(1)(e) & 39-26-102(4.5), C.R.S.	M Sales for the benefit of Colorado schools, school activities, and school organizations §§ 39-26-725 & 39-26-718(1)(c), C.R.S.
B Machinery and machine tools, other than those described in exemption (P) below § 39-26-709(1), C.R.S.	O Property used in space flight § 39-26-728, C.R.S.
C Gas, electricity, and other specified fuels for residential use § 39-26-715(1)(a)(II), C.R.S.	P Machinery or machine tools used in the processing of recovered materials by a business listed in the inventory prepared by the Department of Public Health & Environment § 39-26-709(1), C.R.S.
D Low-volume sales by charitable organizations § 39-26-718(1)(b), C.R.S.	Q Sales on retail marijuana and retail marijuana products §§ 39-28.8-202 & 39-26-729, C.R.S.
E Farm equipment, not including animal identification equipment unless expressly exempted by the city or county, §§ 39-26-716(1)(d), (2)(b), and (2)(c), C.R.S. See HB19-1162	R Manufactured homes constructed on a permanent chassis in compliance with Manufactured Home Construction and Safety Standards (HUD Code) § 39-26-721(3), C.R.S.
G Food, not including candy and soft drinks, sold through vending machines § 39-26-714(2), C.R.S.	S Diapers and incontinence products as specified in § 39-26-717(2)(n)
H Certain medium and heavy-duty vehicles, engines, motors, and conversion parts § 39-26-719(1), C.R.S.	T Period products as specified in § 39-26-717(2)(m)
K Renewable energy components § 39-26-724, C.R.S.	U Heat pump systems as defined in § 39-26-732
L Beetle wood products as defined in § 39-26-723, C.R.S. effective July 1, 2021.	V Residential energy storage systems as defined in § 39-26-733

County Lodging District Tax (CLD) (Continued)

CLD	Boundaries	CLD Tax Rate	Service Fee
Rio Grande County	Rio Grande County Limits	2%	0
Saguache County	Saguache County Limits	1.90%	0
San Juan County	San Juan County Limits	2%	0
San Miguel County	San Miguel County Limits (Mountain Village, Telluride omitted)	2%	0
Sedgwick County	Sedgwick County Limits (Julesburg omitted)	2%	0
Summit County	Unincorporated Summit County Only	2%	0

State-Collected City Sales Taxes

City	County in which City is Located	City Sales Tax Rate	Service Fee Allowed	Exemptions	Use Tax Rate	Use Tax (paid to city or county) applies to:
Aguilar	Las Animas	3%	1.50%		3%	Motor Vehicles, Building Materials
Akron	Washington	2.50%	3.33%	B, C, K	2.50%	Motor Vehicles, Building Materials
Alamosa	Alamosa	2.50%	2% ⁷	E	2.50%	Contact City directly
Alma	Park	3%	3.33%		None	
Antonito	Conejos	4%	3.33%		None	
Ault	Weld	3%	0		3%	Motor Vehicles, Building Materials
Basalt	Eagle, Pitkin	3%	3.33%		None	
Bayfield	La Plata	3%	3.33%		None	
Bennett	Adams, Arapahoe	4%	3.33%		2%	Building Materials
Berthoud	Larimer, Weld	4%	3.33%		4%	Motor Vehicles, Building Materials
Blanca	Costilla	3%	3.33%	B, C, K	None	
Blue River	Summit	2.50%	2%		None	
Brush	Morgan	4%	3.33%		4%	Motor Vehicles, Building Materials
Buena Vista	Chaffee	2.50%	3.33%		None	
Burlington	Kit Carson	3%	3.33%	A, B, C, E, K	3%	Motor Vehicles, Building Materials
Calhan	El Paso	3%	3.33%	A, B, C, K, S, T	3%	Motor Vehicles, Building Materials
Cañon City	Fremont	3%	3.33%	D, G, M, R, S, T	3%	Contact City Directly
Cedaredge	Delta	2%	3.33%	C, D, S, T	2%	Motor Vehicles, Building Materials
Center	Rio Grande, Saguache	4%	3.33%	C	None	
Cheyenne Wells	Cheyenne	2%	3.33%	A, B, C, D, K	2%	Motor Vehicles, Building Materials
Cokedale	Las Animas	1%	0	A, B, D	None	
Collbran	Mesa	2%	3.33%	A, B, C, K	None	
Columbine Valley	Arapahoe	3%	3.33%	A, B, C, K	3%	Motor Vehicles, Building Materials
Crawford	Delta	2%	3.33%		None	
Creede	Mineral	4%	3.33%		None	

State-Collected City Sales Taxes (Continued)

City	County in which City is Located	City Sales Tax Rate	Service Fee Allowed	Exemptions	Use Tax Rate	Use Tax (paid to city or county) applies to:
Crestone	Saguache	3.5%	0		None	
Cripple Creek	Teller	2.30%	0	A	None	
De Beque	Mesa	2%	3.33%	A, B, C, K	2%	Building Materials
Del Norte	Rio Grande	2%	3.33%		None	
Dillon	Summit	2.50%	0		None	
Dinosaur	Moffat	2.10%	3.33%	C, D	None	
Dolores	Montezuma	3.50%	0		None	
Dove Creek	Dolores	3.10%	3.33%	C	1%	Motor Vehicles
Eads	Kiowa	2%	3.33%		2%	Motor Vehicles, Building Materials
Eagle	Eagle	4.50%	3.33%		4%	Building Materials
Eaton	Weld	3%	3.33%		3%	Building Materials
Eckley	Yuma	2.10%	0	A, B, C, D, E, G, H, K, M, O, P	2.10%	Motor Vehicles
Elizabeth	Elbert	4%	3.33%		3%	Motor Vehicles, Building Materials
Empire	Clear Creek	5%	0		3%	Motor Vehicles, Building Materials
Erie	Boulder, Weld	3.50%	3.33%	C, D, M	3.50%	Motor Vehicles, Building Materials
Estes Park	Larimer	5%	3.33%		2%	Motor Vehicles
Fairplay	Park	4%	3.33%	A	None	
Firestone	Weld	3.60% ⁴	0	A, B, K	2.60%	Motor Vehicles, Building Materials
Flagler	Kit Carson	2%	3.33%	B, C, K	None	
Fleming	Logan	2%	2.22%	B, C, D, E, G, H, K, M	2%	Motor Vehicles, Building Materials
Florence	Fremont	2.50%	3.33%		2.50%	Motor Vehicles, Building Materials
Fort Lupton	Weld	4%	3.33%		4%	Motor Vehicles, Building Materials
Fort Morgan	Morgan	4%	3.33%		4%	Motor Vehicles, Building Materials
Fountain	El Paso	3.4%	0	A, B, C, K	2%	Motor Vehicles, Building Materials
Fowler	Otero	3%	3.33%	B, C, K	2%	Motor Vehicles
Foxfield	Arapahoe	3.75%	0	A, B, C, K	3%	Building Materials
Fraser	Grand	5%	0		4%	Motor Vehicles, Building Materials
Frederick	Weld	3.50%	3.33%	A, B, C, K	3.50%	Motor Vehicles, Building Materials
Fruita	Mesa	3%	3.33%	A, E	3%	Motor Vehicles, Building Materials
Garden City	Weld	3%	3.33%		None	
Georgetown	Clear Creek	4.50%	0		3.50%	Motor Vehicles

State-Collected City Sales Taxes (Continued)

City	County in which City is Located	City Sales Tax Rate	Service Fee Allowed	Exemptions	Use Tax Rate	Use Tax (paid to city or county) applies to:
Gilcrest	Weld	4%	4%		4%	Motor Vehicles, Building Materials
Granada	Prowers	2%	3.33%		2%	Motor Vehicles, Building Materials
Granby	Grand	4%	3.33%		4%	Motor Vehicles, Building Materials
Grand Lake	Grand	5%	3.33%		5%	Motor Vehicles, Building Materials
Green Mountain Falls	El Paso, Teller	3%	2%		3%	Motor Vehicles, Building Materials
Grover	Weld	1%	0	A, B, C, D, E, G, H, K, L, M, O, P, Q, R	1%	Motor Vehicles
Haxtun	Phillips	3.50%	3.33%		3.50%	Motor Vehicles, Building Materials
Hayden	Routt	5%	3.33%		2%	Building Materials
Holly	Prowers	3%	3.33%		None	
Holyoke	Phillips	1.50%	3.33%		1.5%	Motor Vehicles, Building Materials
Hooper	Alamosa	2%	0	C	None	
Hot Sulphur Springs	Grand	4%	3.33%	A, B, C, K	None	
Hotchkiss	Delta	2%	3.33%		None	
Hudson	Weld	4%	3.33%	A	4%	Building Materials
Hugo	Lincoln	2%	3.33%	B, K	2%	Motor Vehicles, Building Materials
Idaho Springs	Clear Creek	5%	0	S, T	3%	Motor Vehicles, Building Materials
Ignacio	La Plata	3%	3.33%		None	
Johnstown	Larimer, Weld	3.50% ⁴	3.33%		3.5%	Motor Vehicles, Building Materials
Julesburg	Sedgwick	2.30%	3.33%		1%	Motor Vehicles, Building Materials
Keenesburg	Weld	3%	3.33%	A	3%	Building Materials
Kersey	Weld	3.60%	3.33%		3.60%	Building Materials
Kiowa	Elbert	1.50%	3.33%		1.5%	Building Materials
Kit Carson	Cheyenne	2%	3.33%		2%	Motor Vehicles, Building Materials
Kremmling	Grand	4%	3.33%		None	
Lakeside	Jefferson	2.80% ⁴	0		None	
La Jara	Conejos	3%	3.33%		3%	Motor Vehicles, Building Materials
La Junta	Otero	3%	3%	D, E, M	3%	Contact city directly
LaSalle	Weld	3.50%	3.33%		2%	Motor Vehicles, Building Materials
La Veta	Huerfano	3.50%	3.33%		None	
Larkspur	Douglas	4%	0	A, B, C, D, E, G, H, L, K, M, O, P, Q, R	None	

State-Collected City Sales Taxes (Continued)

City	County in which City is Located	City Sales Tax Rate	Service Fee Allowed	Exemptions	Use Tax Rate	Use Tax (paid to city or county) applies to:
Las Animas	Bent	4%	3.33%		4%	Motor Vehicles, Building Materials
Limon	Lincoln	2.75%	3.33%	D, E, M	2.75%	Motor Vehicles, Building Materials
Lochbuie	Adams, Weld	4%	0	S, T	2%	Motor Vehicles, Building Materials
Log Lane Village	Morgan	3%	0		3%	Motor Vehicles, Building Materials
Lyons	Boulder	3.50%	3.33%		3%	Motor Vehicles, Building Materials
Manassa	Conejos	1%	3.33%		None	
Mancos	Montezuma	4%	0		None	
Manitou Springs	El Paso	3.90%	0		3.80%	Motor Vehicles, Building Materials
Manzanola	Otero	2%	3.33%	A, B, C, K	2%	Motor Vehicles
Marble	Gunnison	4%	3.33%		None	
Mead	Weld	3%	0	A, B, C, K	3%	Motor Vehicles, Building Materials
Milliken	Weld	2.50%	3.33%		2.50%	Motor Vehicles, Building Materials
Minturn	Eagle	4%	0		4%	Building Materials
Moffat	Saguache	2%	3.33%	C, D, E, G, H	None	
Monte Vista	Rio Grande	3%	3.33%		None	
Montezuma	Summit	2%	3%		None	
Monument	El Paso	3.50% ⁴	3.33%	A, B, C, K	2%	Motor Vehicles, Building Materials
Morrison	Jefferson	3.75%	3.33%		3.75%	Motor Vehicles, Building Materials
Mountain View	Jefferson	4%	0		3%	Motor Vehicles, Building Materials
Naturita	Montrose	4%	3.33%		3%	Motor Vehicles, Building Materials
Nederland	Boulder	4.25%	0		3%	Motor Vehicles, Building Materials
New Castle	Garfield	3.50%	3.33%		2%	Building Materials
Norwood	San Miguel	3%	3.33%	C	None	
Nucla	Montrose	4%	3.33%		2%	Motor Vehicles
Nunn	Weld	2%	0		2%	Motor Vehicles, Building Materials
Oak Creek	Routt	3%	3.33%		None	
Olathe	Montrose	4%	3.33%		1%	Motor Vehicles, Building Materials
Ophir	San Miguel	2%	0	A, B, C, D, E, G, H, K, M, O, P, R	None	
Ordway	Crowley	2%	3.33%		2%	Motor Vehicles, Building Materials

State-Collected City Sales Taxes (Continued)

City	County in which City is Located	City Sales Tax Rate	Service Fee Allowed	Exemptions	Use Tax Rate	Use Tax (paid to city or county) applies to:
Otis	Washington	2%	3.33%		2%	Motor Vehicles, Building Materials
Ouray	Ouray	4%	3.33%		None	
Ovid	Sedgwick	1%	3.33%		1%	Motor Vehicles, Building Materials
Palisade	Mesa	2%	3.33%	A, B, C, K	None	
Palmer Lake	El Paso	3%	3.33%	A	3%	Motor Vehicles, Building Materials
Paonia	Delta	3%	3.33%		None	
Parachute	Garfield	3.75%	0		3.75%	Building Materials
Pierce	Weld	2%	3.33%	B, K	2%	Motor Vehicles, Building Materials
Pitkin	Gunnison	3%	0		None	
Platteville	Weld	3%	3.33%		2%	Building Materials
Poncha Springs	Chaffee	2%	3.33%		2%	Building Materials
Ramah	El Paso	2%	0	A, B, C, K	2%	Motor Vehicles
Red Cliff	Eagle	3%	3.33%		3%	Building Materials
Rico	Dolores	5%	0		None	
Rocky Ford	Otero	4%	3%	E	3%	Motor Vehicles, Building Materials
Romeo	Conejos	1%	3.33%		None	
Saguache	Saguache	4%	3.33%		None	
Salida	Chaffee	3%	0		None	
San Luis	Costilla	3%	3.33%	A	None	
Sawpit	San Miguel	3%	0		3%	Building Materials
Sedgwick	Sedgwick	1%	0	B, C, K	None	
Seibert	Kit Carson	2%	3.33%	B, C, D, K	2%	Motor Vehicles, Building Materials
Severance	Weld	3%	3.33%	C	3%	Building Materials
Silt	Garfield	3%	3.33%	D, E, H, K, L, M, O, Q, R	3%	Motor Vehicles, Building Materials
Silver Cliff	Custer	3%	3.33%		3%	Motor Vehicles, Building Materials
Silver Plume	Clear Creek	3%	3.33%		None	
Silverton	San Juan	1%	0	A, B, C, D, E, G, H, K, M	None	
Simla	Elbert	4%	3.33%	A, B, C, K	None	
South Fork	Rio Grande	2%	3.33%	C	None	
Springfield	Baca	2%	3.33%		None	
Stratton	Kit Carson	2%	3.33%	A, B, C, D, K	None	
Superior	Boulder, Jefferson	3.46%	3.33% ⁶		3.46%	Motor Vehicles, Building Materials
Trinidad	Las Animas	4%	3.33%		4%	Motor Vehicles, Building Materials



MEMORANDUM

TO: Mayor and Board of Trustees

FROM: Janell Sciacca, Town Administrator/Clerk

RE: New Business Item A – Resolution No. 14, Series 2023, Temporary Use Agreement with Prospector, LLC

DATE: May 1, 2023

Background:

Zak Richardson and Prospector, LLC is building 14 new homes on Sun Rock Drive and Star Rock Drive in Spruce Hill. These are modular homes and will be shipped in on trailers.

Mr. Richardson has approached the Town asking for temporary use of the parking lot at 200 Platte Drive for staging and storage of the homes until they can be set on their permanent foundations. Mr. Richardson has indicated this is scheduled to occur during the month of May, 2023 and he felt there would only be about 4 homes on the property at any given time since they will be set on the foundations at a rate of about 4 per week beginning May 1.

The attached Temporary Use Agreement was sent to and agreed upon by Richardson, and Staff recommends approval to assist in the completion of this project which will provide 14 new homes in the area.

Recommendation:

Staff recommends approval of Resolution No. 14, Series 2023, presented by motion, second and a roll call vote to approve a Temporary Use Agreement between the Town of Fairplay and Prospector, LLC.

Attachments:

- Resolution No. 14, Series 2023
- Exhibit A – Location Map

TOWN OF FAIRPLAY, COLORADO

**RESOLUTION NO. 14
(Series of 2023)**

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, APPROVING A TEMPORARY USE AGREEMENT WITH PROSPECTOR, LLC.

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

WHEREAS, the Town has the authority to enter into agreements and contracts for any lawful municipal purpose pursuant to C.R.S. § 31-15-101; and

WHEREAS, the Town has received a request from Prospector, LLC for temporary use of certain real property owned by the Town for staging and storage of modular homes during the month of May, 2023 before they are set on permanent foundations;

WHEREAS, the Board of Trustees feels it is in the best interests of the project, community and all involved parties to permit the temporary use; and

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

Section 1. The Board of Trustees hereby approves the Temporary Use Agreement attached hereto as "Exhibit A" and authorizes the Mayor to execute same on behalf of the Town.

Section 2. This resolution shall become effective upon adoption.

RESOLVED, APPROVED, and ADOPTED this 1st day of May, 2023.

TOWN OF FAIRPLAY, COLORADO

Frank Just, Mayor

ATTEST:

Janell Sciacca, Town Clerk

TEMPORARY USE AGREEMENT

THIS AGREEMENT entered into this 1st day of May, 2023, by and between the **TOWN OF FAIRPLAY, COLORADO**, a statutory town and municipal corporation, whose address is 901 Main Street, Fairplay, CO 80440 and hereinafter referred to as “Town”, and **Prospector**, whose primary place of business is **Spruce Hills Community - 84 Sun Rock Dr, Fairplay, CO 80440** and hereinafter referred to as “Grantee”.

WITNESS:

WHEREAS, the Town owns is owner of certain real property and described below (“Property”), and;

WHEREAS, Grantee is the **Prospector** (“Use, Project, Etc”) which is requesting use of Town-owned property commencing on May 1st, 2023 and ending on May 28th, 2023.; and

WHEREAS, Grantee has requested, subject to the terms of this agreement, to utilize the Property for storing modular boxes; and

WHEREAS, the Board of Trustees for the Town of Fairplay finds it in the best interest of all parties involved to allow for said use.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which consideration is hereby mutually acknowledged, and the other promises, covenants and agreements hereinafter set forth and in furtherance of the understanding of the parties, it is hereby agreed as follows:

1. **Recitals.** The above recitals are true and correct and incorporated herein by this reference.
2. **Property:** Vacant semi-improved land located at 200 Platte Drive, Fairplay, CO 80440 and as depicted within the sketch attached hereto as “**Exhibit A.**”
3. **Use of Property:**
 - (a) Subject to the terms of this Agreement, commencing on the Commencement Date (defined below) and terminating on the Termination Date (defined below), Town provides to Grantee a temporary, non-exclusive right to utilize the Property solely for activities associated with the Use/Project/Etc, including temporary modular box storage. Use extends to all approved agents, tenants, contractors, subcontractors, licensees, and employees of Grantee. The Property shall only be accessed and utilized by the Grantee and only for the purposes indicated herein.
 - (b) Grantee shall not construct any improvements in or on the Property nor use the Property for any different purposes than activities associated with the Project without

- the prior written consent of the Town, which consent may be withheld in Town's sole and absolute discretion.
- (c) This right to utilize the Property for the Project: (i) shall not attach to the Property; (ii) shall not be construed as a license, easement, lease or any other encumbrance against the Property; (iii) does not confer upon Grantee any interest in the Property or real property rights whatsoever; and (iv) is non-exclusive, and Town reserves the right to simultaneously utilize and allow others to utilize the Property.
 - (d) Upon the Termination Date or early termination of this Agreement, Grantee shall restore the Property to an acceptable status which shall be reviewed and approved by the Board of Trustees of the Town at the Commencement Date.
4. **Term**: The term of this Agreement (the "**Term**") shall commence on May 1, 2023 (the "**Commencement Date**") and shall end on the earlier to occur of either four (4) weeks from the Commencement Date or completion of the Project and restoration of the Property by the Grantee (the "**Termination Date**"). If Grantee violates any of the terms herein, Town shall have the right to immediately terminate this Agreement and all rights contained herein.
 5. **Compensation**: Grantee shall pay to Town the sum of **\$10**, with the total payment of **\$10** payable within fourteen (14) calendar days of the Commencement Date, and other good and valuable consideration. Town may, without further notification, terminate this Agreement and regain control of the Property exclusive of Grantee or its agents or subcontractors if payment is not made within the above time limit. Acceptance of a late payment does not establish a custom or usage, or a right to make future late payments if the agreement is extended or renewed.
 6. **Covenants of Grantee**:
 - (a) Grantee shall comply at all times with all present and future laws, regulations, rules and directives of any association, or any governmental authority that have application to the Property, and/or the Project which shall include, without limitation, obtaining any and all necessary governmental permits and/or approvals. Grantee shall be responsible for all the acts and activities of any use occurring by it or anyone with whom it is working. Grantee shall not store, use or dispose of any toxic waste and hazardous substances on the Property. Grantee shall not dispose of or allow the leakage of any petroleum products on the Property.
 - (b) Grantee shall compel its agents, tenants, contractors, subcontractors, licensees, employees, or anyone else on behalf of Grantee to comply with the provisions of this Agreement. The breach of such provision by Grantee's tenants, agents, contractors, subcontractors, licensees, employees, or anyone else on behalf of Grantee, shall be deemed a breach by Grantee.
 7. **Lien**: Grantee agrees that any construction lien arising from Grantee's or its contractors' or subcontractors' use of the Property shall be bonded off or otherwise removed of record

within ten (10) days after the date of any such construction lien. This obligation shall survive the Termination Date or early termination of this Agreement.

8. Property Condition/Damage:

- (a) Grantee accepts the Property on an “as-is, where-is” basis (with all faults and in its existing condition) in the broadest sense of the term. Grantee agrees to maintain the Property in good, clean condition and to not commit or permit to be committed any waste of the Property. Grantor does not warrant or represent that the Property is safe or suitable for the Permitted Use and Grantee expressly assumes all such risks. Grantee assumes all risk of loss to any property stored on the Property. Grantor shall not be responsible for any loss or damage to any property stored on the Property whether caused by the negligence of Grantor, its agents, tenants, contractors, subcontractors, licensees, and employees or by fire, hurricane, flood or other cause whatsoever.
- (b) If the designated Property, or any part of the buildings on the designated property, or any equipment located on the designated property during the term of this agreement shall be damaged by the act, default, or negligence of the Grantee or its agents, tenants, contractors, subcontractors, licensees, and employees or any person admitted to the designated property by Grantee, the user will pay to the Town upon demand such sum as shall be necessary to restore the designated property or equipment contained in or on the designated property to their present condition. Grantee assumes full responsibility for the character, acts and conduct of all persons admitted to the designated property with the consent of the Grantee or by or with the consent of any person acting for or on behalf of Grantee. Grantee shall be responsible to maintain order and protect persons and property.

9. Indemnification/Insurance:

- (a) The Town shall have no responsibility for the safety and or security of any person participating in the use of the property by Grantee. Grantee covenants and agrees to defend, protect, indemnify and hold harmless Town, its officers, agents, employees, mortgagees, and lenders from and against all claims, demands, actions, causes of action, suits, damages, judgments, orders, decrees, costs and expenses, including any action or proceedings brought thereon, and all costs, losses, expenses and liability (including reasonable attorney's fees and cost of suit) for property damage, personal injury, liability or death which shall occur arising out of or occasioned by any activities of Grantee, its agents, contractors, sub-contractors, licensees, or employees during the Term.
- (b) The indemnity provisions provided in this Section 9 shall survive the Termination Date of this Agreement or early termination. The parties acknowledge that good, sufficient and independent consideration has been given for the indemnities provided for in this Agreement and Grantee acknowledges that but for the indemnities provided to Town in this Agreement, Town would not have entered into this Agreement.

- (c) Grantee and all its sub-contractors shall maintain at all times during the terms of this Agreement and while Grantee and/or its subcontractors are utilizing or performing work on the Property pursuant to the terms of this Agreement, comprehensive general liability insurance with limits of not less than **One Million (\$1,000,000.00)** combined single limit, bodily injury, death and property damage per occurrence. Each policy of insurance shall name Town as an additional insured on a primary and noncontributory basis.
 - (d) Upon execution of this agreement, a copy of required certificates of insurance shall be delivered to Town and prior to entry upon the Property by Grantee or its agents, tenants, contractors, subcontractors, licensees, and employees.
10. **Access to Property for Maintenance:** Town reserves the right to close the Property for maintenance as necessary at its sole discretion. Town will attempt to give reasonable notice of closure.
 11. **Compliance with Law:** Grantee shall comply with all laws of the United States and of the State of Colorado, all ordinances of the Town of Fairplay, all rules and requirements of the Police and Fire Departments or other municipal authorities of the Town of Fairplay. Grantee will not do or suffer to be done anything on the designated Property during the term of this agreement in violation of any such laws, ordinances, rules, or requirements. If Grantee's attention is called to any such violation on their part or of any person employed by or admitted to the designated Property by Grantee, they will immediately desist from and correct or cause to be corrected such violation.
 12. **Days and Hours of Operation:** The hours and Property availability for the Project will be determined by the parties based upon schedules provided by Grantee and submitted in advance to the Town Administrator.
 13. **Assignment:** Grantee shall not assign this agreement without the prior written consent of the Town, nor use of the Property other than as specified in this agreement.
 14. **Modification:** Any modification of this agreement or additional obligation assumed by either party in connection with this agreement shall be binding only if evidenced in writing signed by each party or an authorized representative of each party.
 15. **No Recording:** This Agreement shall not be recorded in the Public Records.
 16. **Authority.** The persons signing below on behalf of Town and Grantee have full power and authority to bind Town and Grantee to the terms hereof and accept the terms and conditions herein.

IN WITNESS WHEREOF, Town and Grantee have executed this Agreement as of the day and year first above written.

**TOWN OF FAIRPLAY, COLORADO
("Town")**

By: _____
Frank Just, Mayor

ATTEST:

Janell Sciacca, Town Clerk

**PROSPECTOR, LLC
("Grantee")**

By: _____

Name: _____

Title: _____

EXHIBIT A - Temporary Use Agreement with Prospector, LLC

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MONTHLY REPORT

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



PROJECTS

1. RIVER PARK PHASE 2
 - Contact was made with the local Biologist that the Town was referred to by Trustee Voorhis. She has provided a draft report for use in the Environmental review process, but the Town may still have to have SGM perform additional work for this clearance.
 - CDOT has now agreed to conduct all the Archaeology, History, Paleo and Section (4)(f) clearances in-house which reduces the out-of-pocket expense to the Town greatly and allows us to move closer to the formal agreement.
2. INFILTRATION GALLERY / WELL #4
 - Ken Hardesty and I attending the Colorado Water Resources & Power Development Authority meeting on Friday, April 21 for the vote to approve the Town's Drinking Water Revolving Fund Loan.
 - On April 25, the Town received the formal letter of approval for \$300,150, which consists of \$136,843.87 of BIL Supplemental Loan and \$163,306.13 of up-front BIL Principal Forgiveness.
 - I spoke to Alan Matlosz of Stifel Public Finance Group and inquired about Bond Counsel assistance as the Town must obtain a certified opinion on the debt. He is going to provide me the name and number of a professional recommendation for this.
3. 501 MAIN
 - There has been no feedback on the Congressionally Directed Spending (CDS) grant applications.
 - Staff is looking at the potential of applying directly to the USDA for a Rural Development Community Facilities Direct Loan or Grant as another potential funding option.
 - The Town was not able to submit for a DOLA Energy / Mineral Impact Assistance Fund grant as there is a requirement that all new facilities, additions, and renovation projects that meet certain criteria must conform to the High Performance Certification Program (HPCP) policy adopted by the Office of the State Architect (OSA). The Town's project meets the criteria and it must obtain a third party verification to be eligible.
 - I do have leads on 2 different professional companies that work directly with public entities to provide GC services for these types of projects and hope to obtain quotes in early May on what their services would cost the Town.
4. TRANSIT STUDY AND TRANSIT PROGRAM
 - Envida, the company that paid for the latest Park County Transit Study, has requested that the project be closed out since the interest to move ahead with a survey that would address County-wide service is not supported by Park County.
 - It has been 10 months since the Town accepted transfer of the 2 buses from Cripple Creek and the Cripple Creek Care Center. The Care Center bus remains in Cripple Creek as CDOT cannot find the title. There is no indication when the bus will ultimately be physically transferred to the Town.
 - The New Applicant Questionnaire Form for access to the Colorado Transit and Rail Awards Management System has been submitted so the Town can gain access to the State system where all Transit related grants are managed from application through closeout.

EVENTS AND ACTIVITIES

- ✓ As of the end of April there are still only 15 Short Term Rental permits that have been issued and no new applications have been received. Alex has completed all site visits for these properties
- ✓ The ChargePoint charging stations were made operational this month and Staff has received a call from ChargePoint inquiring about the installation of additional stations throughout the Town and in Alma.
- ✓ The Transportation Planning Region (TPR) Meeting was held in Fairplay on Monday, April 17, 2023 at the NWFPD. It was a very good turnout and CDOT staff even drove through the Town inspecting roads, signs, etc.



- ✓ Mayor Pro Tem Dodge and Trustee Douglas participated in the second CML Town Hall on April 21 regarding [SB-23-213](#). CML continues to monitor the situation and update municipalities as necessary.
- ✓ I attended the Colorado City and County Managers Association (CCCMA) Conference in Glenwood on April 26-28 meeting, collaboration, and learning with colleagues from across the state while also connecting with different vendors that provide important services to local government entities. I made some great connections and brought back some new ideas and information that I think will greatly benefit the Town and community.
- ✓ The Mayor and Staff hosted Ms. Normington's 4th Grade Class on April 20 to help them learn about Civics.
- ✓ Staff is going to try to work with the School District to help provide more opportunities for incorporating civics activities into the curriculum for the 2023-2024 School year.
- ✓ Staff continues to prepare for Town Clean Up Days on June 2, 3 & 4 and is incorporating beautification efforts and food to help make this year's event the most successful one to date.
- ✓ Alex Wagner attended the Downtown Colorado, Inc. Conference in Loveland April 11-14 and is working on some ideas for improving downtown Fairplay.

DEVELOPMENT / LAND USE / BUILDING

- ★ Staff held its Development Review Meeting on Monday, May 10. The major topics of discussion were the respective CDOT and County Workforce Housing Projects.
- ★ There has been an increase in general inquiries and Kyle, Alex and I continue to work together to ensure consistent information is provided.
- ★ Alex has updated the Quick Permits and Water & Sewer Service and Street Cut applications making the fillable and also including pertinent information or code citations.
- ★ Alex is also working with Kim to figure out how to allow for easier online payments through Xpress Bill Pay.

THE CDOT US 285 BRIDGE REPLACEMENT AND CO 9 INTERSECTION IMPROVEMENTS PROJECT STARTS MAY 1 – Staff is still working with CDOT and ACC to set a Public Information Meeting Date and Time

Chief Bo Schlunsen
FAIRPLAY POLICE DEPARTMENT



To: Fairplay Board of Trustees

From: Police Chief Bo Schlunsen

Date: 27 April, 2023

Re: May report to the Board

For March, we had 14 case reports. We had 24 v.i.n. checks, 7 animal call, 12 agency assists, 135 directed patrols, 17 traffic stops, 14 traffic citations, 5 summonses for various code violations, 2 arrests, 1 traffic crashes, 86 business checks, 5 citizen assists, 12 code violations, 2 alarms, 5 mental health calls, 4 suspicious vehicle/person calls and a few other type calls.

Nothing of note to report.



MEMORANDUM

TO: Town of Fairplay Board of Trustees

FROM: Donovan Graham, Director of Public Works

RE: Staff Report

DATE: May 1, 2023

I will have the water report sent out by Wednesday.

Chris did pass his water distribution test, so he is now certified in water distribution. Chris will also be attending the Back flow tester training at the end of the month so the town will have a certified back flow tester on staff.

The public works department will be starting crack seal operations next week pending our equipment is available.

Due to the strange nature of the weather last week sweeping operations were put on hold but will continue this week as I will be staffed.

The new UTV has been purchased and outfitted for watering flowers this summer, it has a 100 gal water tank, 7.7 gpm water pump and LED warning lights installed this machine should cut our watering time almost in half.

If there are any questions, please feel free to ask.



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

MEMO

Date: 5/1/23
 To: Town of Fairplay Board of Trustees
 From: Julie Bullock
 Re: Special Event Coordinator Update

Below is a brief overview of current marketing and event projects:

Marketing

- The Town of Fairplay events postcard was mailed out as a boxholder mailing on 4/28/23. The quantity sent out was 3,214 and included Alma, Como, Hartsel, Jefferson and Fairplay boxholders. The three hotels in town will also receive a good stack to share with their guests and they are currently available for our visitors to pick up in the Visitor Center.
- The Town map/brochure is in the process of getting updated and should go to print in the next two weeks.
- 10,000 copies of the Town rack card will be distributed again through Colorado Activity Center throughout the year.

Events

- Town Clean Up – June 2-4, flyers are completed and will start getting put up and sent out via social media first week of May. Currently seeking volunteers to help with our efforts on that weekend. We are excited to add electronic recycling to our clean up day and anticipate a good number of people taking advantage of this opportunity. We will be offering a free BBQ between 11am – 3pm on Saturday for residents that are helping to clean up Fairplay.
- Permitted Events – Several individually run events will be returning to Fairplay this summer including the Colorado Women Flyfishers (two dates at the Beach), Human Potential Running Series (three ultra-running event weekends), and the Park County Fair Royalty Parade with a “cattle run” down Front Street to celebrate the Rodeo.
- As you will see by the event postcard the Town events are all scheduled, and details are being finalized for all the summer fun coming up!
- Burro Days Update – As of 4/28/23 we have sold 95 of the 126 vendor booth spaces available, which is 76%! This is very early for that many booths to be sold. Staff anticipates that we will sell out quite early this year. A wait list will be kept when we are full as things always change a bit.
- Independence Day Celebration – Staff is excited to be offering a bigger and more exciting fireworks display this year! While details are still in the works, we have added a ventriloquist to the event schedule and hired Curiosity Clubhouse to create and manage more kids’ activities in the middle of the day. Staff will offer more details as they are confirmed.
- TGI Fairplay Free Concert Series – All of the bands are booked, still confirming food vendors and looking for volunteers! We will be hosting a liquor training on June 7 with liquor enforcement for all volunteers working in the adult-beverage tents. More details to come as confirmed.

TGIFairplay! ⁴¹

Where History Meets the High Country



Events 2023

VISITFAIRPLAY.net
FOR A FULL EVENT SCHEDULE



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 - 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

JULY 28 FREE CONCERT on 5th STREET w/ The Nolani Effect w/ Regi Wooten

JULY 29 FREE CONCERT on 5th STREET w/ Split Window

JULY 28-30 74th BURRO DAYS

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 - Boys & Girls Club at the High Rockies

OCT 31 HAUNTED HALLOWEEN MUSEUM at South Park City Museum

DEC 2 A REAL COLORADO CHRISTMAS CELEBRATION -
FESTIVAL at TREES, HOLIDAY BAZAAR, CHILI COOK-OFF

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
MAY 1, 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, May 1, 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, Public Works Director Donovan Graham, and Chief of Police Bo Schlunsen and Town Attorney Nina Williams.

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 EXPENDITURES – Paid bills for Town Funds from April 12, 2023 through April 27, 2023 in the amount of **\$33,968.15**.

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

CITIZEN COMMENTS – None.

PROCLAMATIONS, PRESENTATIONS AND UPDATES

- A.** Proclamation recognizing April 30-May 6, 2023 as the 54th Annual Professional Municipal Clerks Week.
- B.** Proclamation recognizing May 4, 2023 and International Firefighters Day.
- C.** Proclamation recognizing May 7, 2023 as National Fallen Firefighters Memorial Service Day.
- D.** Proclamation recognizing May 9-20, 2023 as National Police Week.

Mayor Just read each proclamation into the record and signed them recognizing April 30-May 6, 2023 as the 54th Annual Professional Municipal Clerks Week; May 4, 2023 and International Firefighters Day; May 7, 2023 as National Fallen Firefighters Memorial Service Day; and May 9-20, 2023 as National Police Week.

Members of the Northwest Fire Protection District were in attendance. Mayor Just asked that each stand and give their name. Firefighters Nick Bell, Lauren Wendland, Drew Schulz, Matthew Teuton, Anthony Lanata and Fire Chief Kristy Olme introduced themselves. The crew and Chief were recognized, applauded and thanked by the Board and the viewing public for their service. Town Administrator Sciacca advised that she invited the Chief and firefighters to attend to be recognized and she announced that Chief Olme was currently serving as President of the State Fire Chief's Association. Chief Olme thanked the Board for

having them attend and announced that she recently attended the Colorado Professional Firefighters Memorial in Lakewood, where four names were added to the wall and 574 were scheduled to be added internationally in September. Olme reported that they were working hard to control line-of-duty deaths and NWFPD was doing many things in its organization to ensure personnel safety. She also reported on the establishment of a cancer trust and heart trust and work being done to address mental health. Olme closed by announcing the ultimate goal was to not put any names on the wall, especially in Colorado, and she thanked the Town for the relationship with the Town and for recognizing the firefighters and the job they do. Just announced that Sciacca would get them a signed copy of each of the Proclamations.

Town Administrator Sciacca inquired if there was any local recognition ceremony for Police Officers and Chief Schlunsen said there was not. Mayor Just then instructed the Chief to take all the Town Officers out for lunch or dinner on the Town in recognition and appreciation of their service. Chief Schlunsen thanked the Board for the gesture.

PUBLIC HEARINGS

A. FIRST READING: Ordinance No. 1, Series of 2023 entitled, **“AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, AMENDING THE FAIRPLAY MUNICIPAL CODE BY CREATING A NEW ARTICLE 29 OF CHAPTER 16, UNIFIED DEVELOPMENT CODE, ESTABLISHING INCLUSIONARY HOUSING.”**

Mayor Just introduced the Ordinance and reviewed the legislative-related hearing format. He then opened the Public Hearing at 6:18 p.m. Town Attorney Williams provided an overview of the Staff Report reminding the Board they conducted a work session on February 13 to discuss affordable housing. Inclusionary housing was discussed as a strategy and a draft ordinance was presented to the Board on March 6. She provided a summary of what the ordinance entailed and led a discussion on AMI levels. She also reviewed possible options for the satisfaction of the required percentage of units. Williams reported that she put in 60% AMI using HUD numbers and the Park County Housing Needs Assessment from 4 years ago. She also noted that she took into consideration figures obtained by town Administrator Sciacca in an informal local salary survey. Mayor Just stated his position that even \$1,000 for a 1-bedroom home was off-base for the area and pay levels. Following additional discussion regarding AMI and rent / mortgage levels, Williams cautioned that there could be very few viable residential developments depending on the numbers the Board wanted to see. The Board agreed that they wanted to be able to negotiate based on where a developer wanted to be, but the starting point would be 50% AMI and incentivize developers to go with a lower AMI if they provide less units. Kerrie Lynn, 851 Hathaway Street, thanked the Board for trying to do what they could to help the community. There was no public comment for or against any amendments and Mayor Just requested a motion to continue Ordinance No. 1.

Motion #3 by Trustee Voorhis, seconded by Mayor Pro Tem Dodge, to continue Ordinance No. 1, Series of 2023 to the May 15, 2023 agenda. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

B. FIRST READING: Ordinance No. 5, Series of 2023 entitled, **“AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, AMENDING THE FAIRPLAY MUNICIPAL CODE CHAPTER 4, ARTICLE III SALES TAX, SECTION 4-3-50 REGARDING EXEMPTIONS FROM SALES/USE TAXATION.”**

Mayor Just introduced the Ordinance and reviewed the legislative-related hearing format. He then opened the Public Hearing at 7:17 p.m. Town Administrator Sciacca provided an overview of the Staff Report advising the recommended changes would add multiple exemptions that the Town currently did not include but were consistent with other jurisdictions around the State. She noted State form DR 1002

in the packet which outlined the allowed exemptions and advised that additional exemptions could be added if the Board so chose. Mayor Just questioned why B. Machinery and Machine Tools should be included and Sciacca provided the definition for those items. Following discussion, B. was removed. Trustee Voorhis stated his proposal to allow exemptions options A, C, K, M, R, S, T, U and V. Mayor Just also suggested L. Sciacca then confirmed that the exemption options the Board was opting to include were A, C, K, L, M, R, S, T, U and V. Treasurer Wittbrodt advised that the exemptions would not go into effect until July 1 and Staff would get the word out to all the impacted businesses.

Motion #4 by Trustee Voorhis, and seconded by Mayor Pro Tem Dodge to approve Ordinance No. 5, Series of 2023 as amended. A roll call vote was taken: Douglas – nay, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

NEW BUSINESS

A. FIRST READING – Resolution No. 14, Series of 2023, entitled, “**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, APPROVING A TEMPORARY USE AGREEMENT WITH PROSPECTOR, LLC FOR THE USE OF PUBLICLY OWNED PROPERTY.**”

Town Administrator Sciacca presented an overview of the Staff Report noting Zak Richardson of Prospector, LLC was requesting use of the Town’s Parking Lot off of Platte Drive for temporary storage of his modular homes that would be arriving. Richardson felt there would be no more than 4 homes at a time since they would be rotated out for placement on foundations as available. She advised the fee would be \$10, \$1,000,000 in insurance was being required and the developer felt all units would be removed by May 28, so she recommended approval to help get the homes completed and available for sale. Mayor Pro Tem Dodge questioned any impact on the adjacent property owner and Public Works Director Graham advised the drainage ditch between the Commercial Condos and the Town’s lot was a natural barrier.

Motion #5 by Trustee Voorhis, seconded by Trustee Douglas, to approve Resolution No. 14, Series of 2023, as presented. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

BOARD OF TRUSTEE AND STAFF REPORTS

Chief Schlunsen reported that the couple recognized at a previous meeting for helping Sgt. Grover to apprehend a criminal were given tickets to a Rockies game by Xcel High Country Area Manager Nathan Steele.

ADJOURNMENT

There being no further business before the Fairplay Board of Trustees, Mayor Just declared the meeting adjourned at approximately 8:57 p.m.



ATTEST:


Janell Sciacca, Town Clerk

BOARD OF TRUSTEES, FAIRPLAY, COLORADO


Frank Just, Mayor