

1. Meeting Materials

Documents:

[BOARD_OF_TRUSTEES_MEETING_MINUTES-09.20.2021.PDF.PDF](#)
[PACKET \(2\).PDF](#)
[BOARD_OF_TRUSTEES_MEETING_AGENDA-09.20.2021.PDF.PDF](#)

**MINUTES OF A REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
September 20, 2021**

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 September 20, 2021 at 6:04 p.m. in the Council Chambers located in the Fairplay Town Hall, 901 Main Street, having previously been posted in accordance with Colorado Open Records law. Mayor Just proceeded with the pledge of allegiance, followed by the roll call which was answered by Trustees Scott Dodge, Mayor Frank Just, and Trustee Josh Voorhis (via telephone). Trustee Eve Stapp was absent due to illness.

Staff in attendance were Town Treasurer Kim Wittbrodt, Town Attorney Paul Wisor (via Zoom), Public Works Director Donovan Graham, Town Planner Scot Hunn and Town Administrator/Clerk Janell Sciacca.

AGENDA ADOPTION

Motion #1 by Trustee Dodge, seconded by Trustee Voorhis, that the agenda be amended to move New Business item C, Appointment to fill Vacant Seat on the Fairplay Board of Trustees, up on the agenda prior following the Consent Agenda. A roll call vote was taken: Dodge – yes, Just – yes, Voorhis – yes. Motion carried unanimously. (Trustee Stapp absent)

Motion #2 by Trustee Dodge, seconded by Trustee Voorhis, that the amended agenda be adopted as stated. A roll call vote was taken: Dodge – yes, Just – yes, Voorhis – yes. Motion carried unanimously. (Trustee Stapp absent)

CONSENT AGENDA *(The Consent Agenda is intended to allow the Board to spend its time on more complex items. These items are generally perceived as non-controversial and can be approved by a single motion. The public or the Board Members may ask that an item be removed from the Consent Agenda for individual consideration.)*

A. APPROVAL OF MINUTES – August 2, 2021 and August 16, 2021

B. APPROVAL OF EXPENDITURES—Approval of bills of various Town funds in the amount of **\$95,865.31.**

Motion #2 by Trustee Dodge, seconded by Trustee Voorhis, that the consent agenda be adopted as presented. A roll call vote was taken: Dodge – yes, Just – yes, Voorhis – yes. Motion carried unanimously. (Trustee Stapp absent)

NEW BUSINESS

Appointment to Fill Vacant Seat on the Fairplay Board of Trustees; Administration of Oath.

Mayor Just invited sole applicant Peter Lynn to speak. Lynn stated he was a Fairplay resident since 2005 and applied to join the Board in order to start helping maintain liberties and freedom for his generation as well as to be involved and help the community grow balanced and freely. Town Administrator/Clerk Sciacca administered Lynn's Oath and he took his seat at the dais.

Trustee Voorhis excused himself from the meeting citing the need to attend a Fire Planning Meeting for the incident he was on in California for the USFS. Mayor Just thanked Voorhis for his participation.

CITIZEN COMMENTS

Kevin Sellars, 1111 Teton Trail, Como. Sellars, South Park High School and Middle School Principal, stated the School wanted to do more community outreach and advised he spoke to Public Works Assistant and Special Events Coordinator Julie Bullock regarding the Town's sponsorship and installation of 4 new banners at Main and 7th in order to allow the community to recognize South Park as home of the Burros. He thanked the Board for agreeing to consider this. Treasurer Wittbrodt advised

that there was available money in the budget and the Board agreed to allow Staff to move forward with the project.

PUBLIC HEARING(S)

Should the Board approve a rezoning request to Multi-Family for A Parcel of Land in Section 33, Township 9 South, Range 77 West of the Sixth Principal Meridian "Stone River Phase I" Block 11 (Lots 8-13); Block 13; Block 14 (Lots 1-12), formerly Stone River PUD, as applied for by Circle Back Development, LLC.

Mayor Just provided an opening statement and inquired if any member of the Board of Trustees had any ex parte communication with the applicant and each trustee replied there had been none.

Just continued with his opening statement announcing the jurisdiction of the Board and form of proceedings and then inquired if there were any objections to the either. Hearing none, the Just opened the Public Hearing. Town Planner Scott Hunn presented the Staff Report including an overview of the history of the property and expired Stone River PUD, details of the Circle Back Development LLC zoning application and Staff's recommendation for approval subject to the one condition regarding a Subdivision Improvement/Development Improvement Agreement for collateralization of infrastructure.

Nick and Michael Petkovich, Managing Partners of Circle Back Development, Denver, CO provided a history of why they purchased the property and stated that Town's Comprehensive Plan matched their vision for building. They hired Peter Ewers, a nationally renowned architect, who builds energy efficient and environmentally consistent. There will be approximately 6 different contemporary log home look designs that are economically diverse that belong in a Colorado mining town. The plan is to build a single-family home on one of the lots and duplexes on the others.

Mayor Just reminded everyone present of the purpose of the evening's meeting regarding zoning and density. Nick Petkovich advised they also hoped to help address the Town's housing shortage with their project which included a good amount of density which would bring people to town.

Mayor Just opened the floor to comments in favor of the application. There being none, the Mayor opened the floor to comments against the application:

- Tom Coolidge, 439 Fuller Drive, questioned the phasing and total number of units.

- Sheila Skaggs, 666 Tristan Loop, was concerned about the density and traffic congestion that already existed in area and requested they work with CDOT on access to US 285. Michael Petkovich stated they were not seeking to expand on the 350 homes approved in the previous PUD. The lots were in the previous PUD designated as duplex lots and multi-family. The Mayor asked the developer to restate the proposed zoning. Petkovich replied Lot 13, Section 11, would be a multifamily lot but there had been no decision on what exactly was to be built there. Lots 8 & 9, Section 11 would be single family and the rest of the lots would be duplexes, all of which were consistent with the previous PUD.

- Norwood Price, 652 Tristan Loop, stated he was totally against the project and he thought nothing would be built there since the PUD expired. Michael Petkovich stated his appreciation of Price's concern but felt the Town's Comprehensive Plan and UDC supported their application and he hoped to work with the Town on solutions to address any traffic impacts.

- Kerry Lynne, 850 Hathaway, was concerned with who would buy the homes and felt they would be purchased by short-term rental owners. Petkovich stated he would not rebut her concerns because they were legitimate, but he hoped a large portion of the people buying them would be living and working in the community. Town Planner Hunn inquired about the potential of HOA restrictions. The applicant replied there would be no HOA with individual property owners.

- Rebecca Salverson, 664 Tristan Loop, echoed the concerns of the others who spoke before her citing her personal experience as a teacher and seeing the School District hire teachers just to have them quit because they could not find or afford a house. She was also concerned about the road being able to handle the additional traffic volume. The applicant responded that more people would help businesses and in turn provide additional money to the Town to help care for Platte Drive. Mayor Just

advised that Platte Drive is dual ownership with the County, and the Town restricts mining traffic so he encouraged the residents to call the Town with issues.

-Josh Salverson, 664 Tristan Loop, inquired what housing prices would start at. The applicant replied their realtor felt the high \$300s to \$500's with some higher, but none over \$800k and they would try to build as many as possible in the lower ranges. Salverson stated those prices were not affordable for anyone working or living in Fairplay.

-Julie Beitscher, 872 Trout Creek Drive, inquired about the adjacent mine and its proximity to the development. Mayor Just reminded of the purpose of the meeting regarding the zoning application and advised the mine is out of the City's jurisdiction.

-Kathy Butler, 9 Branch Road in Alma and owner of and owner of 662 Tristan Loop, questioned the development timeframe and phases. The applicant stated the current application is Phase 1 of the 8 phases that were previously approved in the PUD. These lots already have infrastructure, and they are ready to submit architectural drawings and get a building permit to put in the foundations before the winter freeze, but construction would be dictated by market demand. 15 lots will have duplexes and 2 lots will have single family homes but use of the 2 biggest lots had not been decided yet. The foundations will be put in and those lots marketed with architectural drawings. He felt the Town's Uniform Development Code supported the development in that area.

Mayor Just stated his concern about the potential density that could result and encouraged the Board to think about how much they would allow on the land and what they could reasonably do to negotiate with the developer. He inquired about further comments

-Rebecca Salverson, 664 Tristan Loop, felt the exact density and timing questions were not answered. Mayor Just felt these concerns were paralleled by the Board. The applicant read from the narrative under Tab 5 of the application packet which detailed the exact plans and stated on the record they would only build duplexes and not fourplexes or larger. The Mayor stated the biggest consternation was that under the Town's code, and build by right rules and regulations, the applicant could increase the density beyond what was stated. The applicant felt the regulations would prohibit this due to the s.f. lot requirements.

Town Attorney Paul Wisor clarified the Comprehensive Plan identifies that both single family and multi-family zoning designations only apply "if" compatible with the neighborhood. He stated the multifamily designation may not be compatible with the neighborhood as it currently exists and there is evidence in the record for moving forward with a single-family recommendation which could also still achieve the developer's goals. Michael Petkovich stated the concerns were valid and he would be happy to alleviate them if the Town could designate the two largest lots at multifamily, the two as single family and the others as duplex lots. Wisor then suggested the Town continue the matter and Staff could work with the applicant to amend the application to identify those properties that better fit as single family and multifamily or all be zoned single family. The applicant volunteered to put his statements in writing but did not want to see a delay and he felt the terms of the PUD were not changing in terms of what was being built, it was only the zoning. Wisor felt site-specific zoning was difficult and a 2 week delay was appropriate in order to protect the Town. Mayor Just felt the easiest solution was to designate single-family zoning with the applicant having the right to come back to the Town and request a Special Use Permit. This would permit the Board to have more control. The Mayor also reminded of the applicants rights for use of the property. The applicant generally agreed but requested a collective Special Use application and hearing. Wisor felt that could be accomplished. Mayor Just requested a continuance to the October 4, 2021 meeting with the applicant to get with the Town Planner to submit an equitable solution. Planner Hunn requested clarification on the process and Wisor advised the Board to continue the matter, and after discussion with Staff, the applicant could withdraw and submit a new application if desired.

- Julie Beitscher, 872 Trout Creek Drive, questioned the zoning for Lots 1 and 13 to multifamily and whether that was in the public's best interests.

Mayor Just opened the floor to questions from the Trustees. Trustee Dodge inquired if Lots 8 & 9 were those the applicant was going to come out of the ground with foundations on. The applicant replied Yes. Dodge also questioned why the applicant was not including all lots in the PUD. The applicant replied it was because the lots in the other Phases were not developed with infrastructure. Dodge asked what the homes on Tristan Loop were zoned. Hunn replied they were unzoned and considered vacant land. Town Administrator Sciacca advised that Staff would be bringing forth action at the next meeting for Board initiated zoning for single family for those properties at the next meeting. Trustee Lynne felt there needed to be an agreement as the homes were needed and he respected and appreciated everyone sharing.

Motion #3 by Trustee Dodge, seconded by Trustee Lynne, to continue the public hearing to the Board's October 4, 2021 regular meeting. A roll call vote was taken: Dodge – yes, Just – yes, Lynne – yes. Motion carried unanimously. (Trustees Stapp and Voorhis absent)

The applicant requested the ability to appear by phone or zoom due to a family wedding and the Board felt that would be appropriate.

UNFINISHED BUSINESS

A. Other Discussion Items. None offered.

NEW BUSINESS

Board discussion regarding Community Garden Lease and Management Agreement for 600 Front Street.

Town Administrator / Clerk Sciacca provided a brief history and overview on the subject. Mayor Just advised of his personal experience and understanding that the Pershings would sell the property to the Town. He also stated he had knowledge of statements made by the Pershings that there were ulterior motives. Trustee Lynn provided his position and questioned some of the funding potentially going to the Pershings. He did not have confidence in the Pershings and did not personally want to continue on that property. He felt it would be best to go where the project succeeding was most probable. Trustee Dodge felt the intent was there to enhance and beautify the property but felt no more time and effort should be wasted on this property and they find a property that would belong to the community. Following additional discussion regarding use of taxpayer monies, the Board generally agreed termination of the lease was appropriate and requested a letter be drafted and brought back to the Board for approval. Town Attorney Wisor advised he had that letter and would forward it to Sciacca.

Board discussion regarding Municipal Attorney Services and Legal Representation for the Town.

Town Attorney Wisor announced he had been appointed Town Manager for Mountain Village and advised his firm was willing to represent the Town as long as the Board so chose. However, he would also provide the Town a list of firms that might be better able to serve the Town of Fairplay. The Board directed Staff to work with Paul Wisor to come back to the Board with recommendations for them to consider.

BOARD OF TRUSTEE AND STAFF REPORTS

Public Works Director Donovan Graham provided an update stating they were closing out summer projects, were on hold for potholes until a new plate compactor could be obtained, were working with Engineer Bill Hahn to complete the infiltration gallery test using gravity feed only to see what kind of flow is received and that the gallery recharges, and the new pickup was being built and should be received in November.

Graham also provided a Special Events update for Coordinator Bullock who was closing out summer events, working on budget detail for each event, working on the December 4 Christmas celebration and holiday lighting contest, confirmed a Holiday Bazaar at the school, scheduled the Mountain Mardi Gras for February 26, adjusted the layout for events to allow for more vendors, get trained on the Burro Days website, and booking 2022 bands. For Marketing and Public Works she is starting to update documents but wants to focus on digital marketing, wants to get a new website, is working on the Fall newsletter and is getting a handle on Public Works organization, helping to get Donovan in to his office and working on getting rid of old Water & Sewer documents as necessary.

Town Administrator Sciacca reviewed a written report. For personnel, she reported Graham was offered and accepted the Public Works Director position and Alex Wagner was promoted to Crew Chief and she met all Staff with exception of the two female officers. She toured facilities with Graham's help and was reading a lot of documents. She advised that for projects she had received the 501 Main architectural drawings for preparation of bids, located the River Park Phase 2 bid documents and would get that back out for bid in October, and she toured Cohen Park while Graham was obtaining new quotes for the Basketball Court. She also noted several possible upcoming development and land use applications and reviewed upcoming meetings and important dates.

Trustee Dodge thanked all the Staff that helped to put on the service for former Mayor Gabby Lane and making is so special for the community. He also thanked Trustee Lynn for stepping up to be a voice for the community.

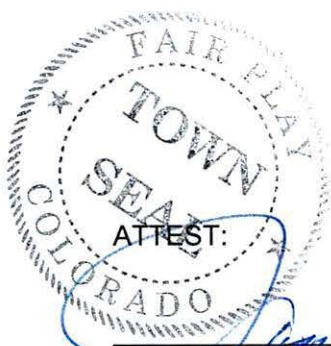
Mayor Just suggested a DOLA Elected Official training session be scheduled at some point in the future for the Board.

Trustee Lynn stated his appreciation for the opportunity serve.

Mayor Just thanked Lynne for joining the Board and echoed Trustee Dodge's comments regarding the Staff's work on Gabby Lane's service. He felt Gabby would have been proud!

ADJOURNMENT

There being no further business before the Board, Mayor Just declared that the regular meeting adjourned at 8:12 p.m.



ATTEST:

Janell Sciacca, Town Clerk

FAIRPLAY BOARD OF TRUSTEES

Frank Just, Mayor

**AGENDA for a Regular Meeting
of the Board of Trustees of the Town of Fairplay, Colorado
Monday, September 20, 2021, at 6:00 p.m. at the Fairplay Town Hall Meeting Room
901 Main Street, Fairplay Colorado**

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. APPROVAL OF AGENDA**
- V. CONSENT AGENDA** *(The Consent Agenda is intended to allow the Board to spend its time on more complex items. These items are generally perceived as non-controversial and can be approved by a single motion. The public or the Board Members may ask that an item be removed from the Consent Agenda for individual consideration.)*
 - A. APPROVAL OF MINUTES – August 2, 2021 and August 16, 2021**
 - B. APPROVAL OF EXPENDITURES**—Approval of bills of various Town funds in the amount of **\$95,865.31.**
- VI. CITIZEN COMMENTS**
- VII. PUBLIC HEARING(S)**
 - A.** Should the Board approve a rezoning request to Multi-Family for A Parcel of Land in Section 33, Township 9 South, Range 77 West of the Sixth Principal Meridian “Stone River Phase I” Block 11 (Lots 8-13); Block 13; Block 14 (Lots 1-12), formerly Stone River PUD, as applied for by Circle Back Development, LLC.
- VIII. UNFINISHED BUSINESS**
 - A.** Other Discussion Items.
- IX. NEW BUSINESS**
 - A.** Board discussion regarding Community Garden Lease and Management Agreement for 600 Front Street.
 - B.** Board discussion regarding Municipal Attorney Services and Legal Representation for the Town.
 - C.** Appointment to Fill Vacant Seat on the Fairplay Board of Trustees; Administration of Oath of Office.
- X. BOARD OF TRUSTEE AND STAFF REPORTS**
- XI. ADJOURNMENT**

Upcoming Meetings/Important Dates

CML District Meeting, Victor, CO	September 27, 2021
PPACG Park County Outreach Mtg	September 28, 2021
Regular Board Meeting	October 4, 2021
Regular Board Meeting	October 18, 2021

**MINUTES OF A REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
August 2, 2021**

CALL TO ORDER

A regular meeting of the Board of Trustees for the Town of Fairplay was called to order at 6:00 p.m. in the Council Chambers located in the Fairplay Town Hall, 901 Main Street, by Mayor Frank Just. Mayor Just proceeded with the pledge of allegiance, followed by the roll call which was answered by Trustees Eve Stapp, Scott Dodge and Josh Voorhis. Also in attendance were Town Treasurer Kim Wittbrodt, Town Attorney Paul Wisor, Assistant Town Administrator/Public Works Director Mason Green and Town Administrator/Clerk Tina Darrah. Trustee Nate Fidler was absent.

AGENDA ADOPTION

Motion #1 by Trustee Voorhis, seconded by Trustee Stapp, that the agenda be adopted as presented. Motion carried unanimously. (Trustee Fidler absent.)

CONSENT AGENDA *(The Consent Agenda is intended to allow the Board to spend its time on more complex items. These items are generally perceived as non-controversial and can be approved by a single motion. The public or the Board Members may ask that an item be removed from the Consent Agenda for individual consideration.)*

A. APPROVAL OF EXPENDITURES—Approval of bills of various Town funds in the amount of **\$25,745.74.**

Motion #2 by Trustee Voorhis, seconded by Trustee Stapp, that the consent agenda be adopted as presented. A roll call vote was taken: Stapp – yes, Dodge – yes, Just – yes, Voorhis – yes. Motion carried unanimously. (Trustee Fidler absent.)

CITIZEN COMMENTS

Laurence Burnett, 8th Street, offered citizen comment requesting that the Town place a 4-way stop at the corner of 8th and Clark as she and other residents feel it is a very dangerous intersection. The Board asked staff to investigate changing this intersection to a 4-way stop.

UNFINISHED BUSINESS**Other Discussion Items**

None offered.

NEW BUSINESS**Discussion Regarding Location of Basketball Court at Cohen Park**

Public Works Director Green offered staff comment reminding the Board that per their direction, he has been working with Kit Axton from Star Playgrounds and Ryan Clifford from Ground Solutions to obtain a cost estimate for the relocation of the proposed basketball court at Cohen Park. After much discussion, it was agreed to wait until after the playground is installed to determine the location of the proposed basketball court. It was noted that the grant Mr. Green had obtained to do the work ends on August 22, 2022, so a decision by spring would be important to complete the work within the allocated time.

Discussion Regarding Town Administrator Position

Mayor Just announced that due to an unfortunate miscommunication the interview that had been planned with a very promising applicant for Town Administrator earlier that day had been rescheduled for later in the week. As such, he had nothing new to report regarding the Town Administrator position.

Other New Business

None offered.

BOARD OF TRUSTEE AND STAFF REPORTS

Trustee Dodge asked if the Town had ever received the data from the speed signs installed on Main Street. It was asked that Police Chief Schlunsen be asked to update the Board on this at a future meeting.

Trustee Voorhis asked that the Board consider raising the commercial fly-fishing permit fee for 2022 due to increased usage at the Fairplay Beach by the commercial companies.

Mayor Just reported on the Community Garden Clean-Up that had taken place the previous weekend, noting that 22 people had shown up and that a lot of progress had been made to clean-up the property.

WORKSESSION REGARDING RIVER PARK PHASE 2

Mayor Just and Trustee Stapp recused themselves from the discussion and left the meeting due to a potential conflict of interest as Mr. Just's company, Betone Civil Constructors, had bid on the project and Ms. Stapp has been employed by said company.

Mayor Pro-tem Dodge took over the meeting at 6:53p.m.

Matthew Whipple, from DHM Design, was present to go over the design plans for the second phase of the River Park improvements, to include a trail and bridge/boardwalk connecting the path that already exists off Front/8th Street to the small parking area created last year near Hwy. 285. Ms. Darrah explained that the reason for the work session was to go over the design as it had changed from what was originally discussed, namely the bridge versus boardwalk portion, and to discuss issues with the bid process as only one bid had been received in response to the Request for Bid. It was noted that this bid was from Betone Civil Constructors.

Mr. Whipple went over the design and explained that they had put the bid package together with a bridge instead of a board walk at their engineer's insistence due to problems with helical piers being placed in the soil composition at the site and because of the height of the structure.

After a lengthy discussion it was agreed that the project would be put back out to bid October 1st with the bridge as a deduct and if no bids were received, the project would go out to bid with the trail only on November 1st.

ADJOURNMENT

Mayor Pro-tem Dodge, noting that there being no further regular business before the Board, declared that the regular meeting be adjourned at 8:19 p.m.

Frank Just, Mayor

ATTEST:

Tina Darrah, Town Clerk

**MINUTES OF A REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
August 16, 2021**

CALL TO ORDER

A regular meeting of the Board of Trustees for the Town of Fairplay was called to order at 6:00 p.m. in the Council Chambers located in the Fairplay Town Hall, 901 Main Street, by Mayor Frank Just. Mayor Just proceeded with the pledge of allegiance, followed by the roll call which was answered by Trustees Nate Fidler, Scott Dodge and Josh Voorhis. Also in attendance were Town Treasurer Kim Wittbrodt, Police Chief Bo Schlunsen, Assistant Town Administrator/Public Works Director Mason Green and Town Administrator/Clerk Tina Darrah. Trustee Eve Stapp was absent.

AGENDA ADOPTION

Motion #1 by Trustee Fidler, seconded by Trustee Voorhis, that the agenda be adopted as presented. Motion carried unanimously. (Trustee Stapp absent.)

CONSENT AGENDA (*The Consent Agenda is intended to allow the Board to spend its time on more complex items. These items are generally perceived as non-controversial and can be approved by a single motion. The public or the Board Members may ask that an item be removed from the Consent Agenda for individual consideration.*)

A. APPROVAL OF MINUTES – July 19, 2021

B. APPROVAL OF EPENDITURES—Approval of bills of various Town funds in the amount of **\$57,514.31.**

Motion #2 by Trustee Voorhis, seconded by Trustee Fidler, that the consent agenda be adopted as presented. A roll call vote was taken: Dodge – yes, Just – yes, Voorhis – yes, Fidler - yes. Motion carried unanimously. (Trustee Stapp absent.)

CITIZEN COMMENTS

Citizen comment was offered by Bob Elliot, 451 Witcher Lane, asking that the Board enforce the Town ordinances that would require the property next door to him to be cleaned up, explaining that he would like to build on his vacant lot, but doesn't want to invest without the property next door being cleaned up/brought into compliance with the Town codes. He stated that he has talked to staff, including Mason, the Police Chief, and other police officers, and no change has been made to the property. He asked that the Board please enforce the junk ordinance.

Mayor Just asked staff what steps have been taken to address Mr. Elliot's complaints. Police Chief Schlunsen stated that he would take responsibility for his department not doing anything yet and promised to begin enforcement actions in a timely manner.

UNFINISHED BUSINESS**Other Discussion Items**

None offered.

NEW BUSINESS

Should the Board Approve Adoption of Resolution No. 20, series of 2021, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO AUTHORIZING THE EXECUTION OF AN EMPLOYMENT AGREEMENT WITH JANELL SCIACCA."?

Mayor Just announced that the Board was excited to have the opportunity to hire Janell Sciacca as the new Town Administrator and Town Clerk. He briefly went through her background, stating that she was highly qualified for the position and that her first day would be Monday, August 30th.

Ms. Sciacca offered a brief comment to the Board stating her excitement to work for the Town of Fairplay as the new Town Administrator and emphasizing her background in municipal government.

Motion #3 by Trustee Voorhis, seconded by Trustee Fidler, that the Board approve adoption of Resolution No. 20, series of 2021, entitled, **"A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO AUTHORIZING THE EXECUTION OF AN EMPLOYMENT AGREEMENT WITH JANELL SCIACCA."** A roll call vote was taken: Dodge – yes, Just – yes, Voorhis – yes, Fidler - yes. Motion carried unanimously. (Trustee Stapp absent.)

Should the Board Approve Adoption of Resolution No. 21, series of 2021, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO DESIGNATING THOSE PERSONS WHO ARE AUTHORIZED TO SIGN ON TOWN BANK ACCOUNTS."?

Motion #4 by Trustee Dodge, seconded by Trustee Fidler, that the Board approve adoption of Resolution No. 21, series of 2021, entitled, **"A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO DESIGNATING THOSE PERSONS WHO ARE AUTHORIZED TO SIGN ON TOWN BANK ACCOUNTS."** A roll call vote was taken: Dodge – yes, Just – yes, Voorhis – yes, Fidler - yes. Motion carried unanimously. (Trustee Stapp absent.)

Other New Business

Mayor Just announced that this was Mason Green's last meeting as he had offered his resignation from the Town. He congratulated Mason on a job well done as did the rest of the Town Board, wishing him best of luck in his future endeavors. A brief break was taken to allow time to present Mason with a parting gift from the Town.

BOARD OF TRUSTEE AND STAFF REPORTS

Police Chief Schlunsen offered a brief comment reporting on the many accidents that had occurred recently.

Public Works Director/Assistant Town Administrator Green reported that the Public Works Crew had conducted a kickoff meeting with the group working on the water infiltration gallery project and that he had asked for regular updates to be given to the Board. He further noted that upon his departure Treasurer Wittbrodt would be heading up the Cohen Park project, Alex Wagner the development projects and Donovan Graham water and other public works related projects.

Trustee Voorhis reminded the Board and Staff that a citizen had asked them to investigate making the intersection of 8th and Clark a 4-way stop. This prompted a brief discussion wherein the Board directed Staff to place four way stop signs at that intersection due to the increased traffic causing safety issues.

Trustee Fidler announced that he is officially resigning from the Board and that this was his last meeting.

Motion #5 by Trustee Dodge, seconded by Mayor Just, that the Board accept the resignation of Nate Fidler and direct staff to advertise the position for appointment at the second meeting in September. A roll call vote was taken: Dodge – yes, Just – yes, Voorhis – no, Fidler - yes. Motion carried. (Trustee Stapp absent.)

Mayor Just asked staff about the residence being built on 6th Street, noting that construction appears to have stalled again. Mr. Green informed him that a letter had been sent to the owner of the property demanding the construction be done by October 1 or violations would be issued.

WORKSESSION REGARDING 501 MAIN STREET

Public Works Director Green introduced the topic explaining that the reason for the work session is to get direction from the Board regarding the façade of the building at 501 Main Street, including the ADA access ramp location. Will Crago, the Architect contracted by the Town to design the façade, had several options to show the Board. After looking at the options and discussing them in depth, it was decided to go with the “Old West” façade and the full deck with a single ADA ramp.

ADJOURNMENT

Mayor Just, noting that there being no further regular business before the Board, declared that the regular meeting be adjourned at 7:04 p.m.

Frank Just, Mayor

ATTEST:

Tina Darrah, Town Clerk



MEMORANDUM

TO: Mayor and Board of Trustees
FROM: Kim Wittbrodt, Treasurer
RE: Paid Bills/Financial Statements
DATE: September 16, 2021

Agenda Item: Bills

Attached is the list of invoices paid from August 12, 2021 through September 16, 2021.

Total Expenditures: \$95,865.31

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

Attached are the financial statements for all funds through August 31, 2021.

Please contact me with any questions.

Report Criteria:

Detail report type printed

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
09/13/2021	17480	Boys & Girls Club	halloween donation	1	09/08/2021	100.00	105170
Total 200:						100.00	
09/01/2021	17454	Caselle, Inc	Software Support	1	08/01/2021	439.50	105060
09/01/2021	17454		Software Support	2	08/01/2021	439.50	517206
Total 334:						879.00	
09/13/2021	17483	Colorado Mountain News	summit daily ads	1	08/31/2021	1,100.40	105150
Total 538:						1,100.40	
08/16/2021	17422	The Flume	burro days newspaper	1	07/31/2021	1,724.57	105162
09/07/2021	17475		display ads	1	08/31/2021	201.00	105150
09/07/2021	17475		legal ads	2	08/31/2021	29.93	106125
Total 868:						1,955.50	
09/07/2021	17463	Ferrellgas	850 hathaway	1	07/30/2021	115.99	105186
09/07/2021	17463		1800 beaver creek road	1	08/19/2021	836.37	517495
Total 916:						952.36	
08/30/2021	17444	Main Street Garage	tire patch	1	07/31/2021	26.38	105420
08/30/2021	17444		interceptor repair	1	08/24/2021	690.52	105420
Total 1336:						716.90	
08/16/2021	17420	Mountain View Waste	2 yd 2 monthly	1	08/01/2021	78.00	517675
09/13/2021	17488		2 yd 2 monthly	1	09/01/2021	78.00	517675
Total 1414:						156.00	
09/13/2021	17489	Postal Pros Southwest, Inc	water billing	1	09/03/2021	263.48	517218
Total 1699:						263.48	
08/25/2021	17435	Salida Fire Extinguisher, LL	fire ext service	1	07/29/2021	100.00	105195
08/25/2021	17435		fire ext service	2	07/29/2021	100.00	105025
08/25/2021	17435		fire ext service	3	07/29/2021	621.50	105630
08/25/2021	17435		fire ext service	4	07/29/2021	166.25	517465
08/25/2021	17435		fire ext service	5	07/29/2021	166.25	517655
Total 1858:						1,154.00	
08/30/2021	17445	Town of Fairplay	community garden water	1	08/30/2021	36.00	105187
09/13/2021	17491		600 front street	1	08/31/2021	36.00	105187
09/13/2021	17491		501 main	1	08/31/2021	308.90	105195
09/13/2021	17491		850 hathaway	1	08/31/2021	101.70	105186
Total 2134:						482.60	
08/16/2021	17423	USABlueBook	credit memo for returns	1	06/25/2021	33.26	517670

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
08/16/2021	17423		supplies	1	08/10/2021	216.17	517670
08/16/2021	17423		supplies	1	08/10/2021	178.57	517670
Total 2176:						361.48	
09/07/2021	17476	Utility Notification Center	RTL Transmissions	1	08/31/2021	31.68	517455
09/07/2021	17476		RTL Transmissions	1	08/31/2021	31.68	517650
Total 2194:						63.36	
09/01/2021	17458	Verizon Wireless	jet pack	1	09/01/2021	40.01	105130
09/01/2021	17458		cell Phone - public works	2	09/01/2021	42.09	105645
09/01/2021	17458		Phones and air cards	3	09/01/2021	291.34	105455
Total 2212:						373.44	
08/25/2021	17439	Xcel Energy	945 quarry road	1	08/13/2021	12.93	517490
09/01/2021	17460		901 main	1	08/18/2021	225.54	105023
09/01/2021	17460		chlorinator	1	08/18/2021	22.65	517470
09/01/2021	17460		747 bogue	1	08/18/2021	14.88	105841
09/01/2021	17460		1800 beaver creek road	1	08/18/2021	1,367.31	517495
09/01/2021	17460		sign #1	1	08/18/2021	11.65	105640
09/01/2021	17460		117 silverheels road	1	08/18/2021	10.80	105841
09/01/2021	17460		850 hathaway	1	08/18/2021	165.83	105186
09/01/2021	17460		501 main	1	08/18/2021	250.41	105195
09/01/2021	17460		monument sign	1	08/18/2021	28.88	105640
09/01/2021	17460		san plant	1	08/23/2021	3,713.07	517680
09/01/2021	17460		1190 castello	1	08/24/2021	88.25	105640
09/01/2021	17460		200 2nd street	2	08/24/2021	101.36	517470
09/01/2021	17460		157 6th street	3	08/24/2021	76.92	105640
09/01/2021	17460		156 5th street	4	08/24/2021	43.97	105640
09/01/2021	17460		589 platte drive	5	08/24/2021	10.80	105841
09/01/2021	17460		419 front	6	08/24/2021	11.34	105640
09/13/2021	17492		street lights	1	09/01/2021	937.78	105640
Total 2296:						7,094.37	
09/13/2021	17490	South Park Ace & Lumber	Supplies	1	08/25/2021	28.76	517214
09/13/2021	17490		Supplies	2	08/25/2021	64.17	105134
09/13/2021	17490		Supplies	3	08/25/2021	57.98	105630
09/13/2021	17490		Supplies	4	08/25/2021	16.37	517480
09/13/2021	17490		Supplies	5	08/25/2021	39.75	517465
09/13/2021	17490		Supplies	6	08/25/2021	15.97	105830
Total 2405:						223.00	
09/07/2021	17468	Laser Graphics	gold pan permits	1	08/31/2021	193.00	105130
Total 2437:						193.00	
09/07/2021	17467	KONICA MINOLTA BUSIN	C364E Copier	1	08/29/2021	464.41	105032
Total 2448:						464.41	
08/16/2021	17415	Darrah, Tina	Cell Phone	1	08/13/2021	50.00	105065

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
Total 2462:						50.00	
08/30/2021	17442	CIRSA	deductible for claim	1	08/06/2021	290.80	105420
Total 2490:						290.80	
08/16/2021	17413	CARD SERVICES	web hosting	1	08/02/2021	221.86	105130
08/16/2021	17413		Supplies	2	08/02/2021	13.80	105170
08/16/2021	17413		burro days alcohol	3	08/02/2021	1,076.14	105162
08/16/2021	17413		Supplies	4	08/02/2021	199.53	105162
08/16/2021	17413		Supplies	5	08/02/2021	7.29	105070
08/16/2021	17413		Supplies	6	08/02/2021	517.50	105171
08/16/2021	17413		Supplies	7	08/02/2021	245.88	105630
08/16/2021	17413		Supplies	8	08/02/2021	114.44	105162
08/16/2021	17413		Supplies	9	08/02/2021	243.03	105170
08/16/2021	17413		Supplies	10	08/02/2021	67.94	105630
08/16/2021	17413		Supplies	11	08/02/2021	54.25	105162
08/16/2021	17413		Supplies	12	08/02/2021	5.72	105195
08/16/2021	17413		Sign	13	08/02/2021	121.99	105670
08/16/2021	17413		Supplies	14	08/02/2021	11.00	105171
08/16/2021	17413		Supplies	15	08/02/2021	47.90	105625
08/16/2021	17413		Supplies	16	08/02/2021	109.36	105162
08/16/2021	17413		Supplies	17	08/02/2021	219.28	105170
08/16/2021	17413		postage	18	08/02/2021	7.49	105445
08/16/2021	17413		Supplies	19	08/02/2021	25.73	105340
08/16/2021	17413		Supplies	20	08/02/2021	15.59	105630
08/16/2021	17413		Supplies	21	08/02/2021	144.57	105030
08/16/2021	17413		Supplies	22	08/02/2021	14.80	105162
08/16/2021	17413		Supplies	23	08/02/2021	69.32	105120
08/16/2021	17413		Supplies	24	08/02/2021	176.97	105445
08/16/2021	17413		car wash	25	08/02/2021	10.75	105420
08/16/2021	17413		Supplies	26	08/02/2021	31.08	105162
08/16/2021	17413		Supplies	27	08/02/2021	80.08	105162
08/16/2021	17413		Supplies	28	08/02/2021	49.37	105162
08/16/2021	17413		Supplies	29	08/02/2021	23.88	105030
08/16/2021	17413		dues	30	08/02/2021	190.00	105070
Total 2503:						4,116.54	
09/13/2021	17486	Hahn Water Resources, LL	consulting	1	09/03/2021	11,802.80	517430
Total 2509:						11,802.80	
08/31/2021	17447	Auto Truck Group	plow for ford	1	08/31/2021	8,440.00	105670
Total 2567:						8,440.00	
08/30/2021	17441	Agent Drain Inc	western inn sewer line	1	07/30/2021	2,440.00	517645
Total 2577:						2,440.00	
08/31/2021	17451	Susan Dunn	posters & ad design	1	08/27/2021	325.00	105170
08/31/2021	17451		posters & ad design	2	08/27/2021	325.00	105162
08/31/2021	17451		posters & ad design	3	08/27/2021	325.00	105150
08/31/2021	17451		Tear off maps	4	08/27/2021	1,457.50	105130
08/31/2021	17451		Tear off maps	5	08/27/2021	92.82	105130

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
Total 2605:						2,525.32	
09/01/2021	17455	CenturyLink	7198362622355B	1	08/19/2021	521.99	105065
09/01/2021	17455		acct 719-836-4609 502B	1	08/19/2021	66.36	517470
09/01/2021	17455		acct 82239760	1	08/24/2021	24.93	105065
Total 2614:						613.28	
08/16/2021	17425	Wittbrodt, Kim	cell phone reimb	1	08/13/2021	50.00	105065
Total 2655:						50.00	
08/25/2021	17432	Dave Slubowski	food for masons party	1	08/25/2021	252.85	105070
Total 2706:						252.85	
09/13/2021	17484	Colorado Natural Gas, Inc.	sewer treatment plant	1	09/03/2021	583.53	517680
09/13/2021	17484		natural gas	1	09/03/2021	94.00	105023
09/13/2021	17484		natural gas-shop	1	09/03/2021	87.95	105650
09/13/2021	17484		san office	1	09/03/2021	59.39	517234
Total 2728:						824.87	
08/16/2021	17410	ASCAP	license fee	1	08/13/2021	367.00	105162
Total 2735:						367.00	
09/07/2021	17473	Shamrock Security Service	security system 901 main	1	08/26/2021	120.00	105023
Total 2752:						120.00	
08/31/2021	17450	Mobile Record Shredders	record shredding	1	08/25/2021	12.00	105030
Total 2793:						12.00	
09/13/2021	17481	Chaffee County Waste	6 yd weekly	1	09/02/2021	100.00	105650
09/13/2021	17481		6 yd weekly	2	09/02/2021	100.00	105023
09/13/2021	17481		san plant	3	09/02/2021	159.00	517675
Total 2801:						359.00	
08/16/2021	17412	Bullock, Julie	cell phone reimburse	1	08/13/2021	25.00	105645
08/16/2021	17412		cell phone reimburse	2	08/13/2021	25.00	517226
Total 2812:						50.00	
09/07/2021	17462	Bullock, Scott	artwork for burro days	1	09/06/2021	425.00	105162
Total 2825:						425.00	
08/16/2021	17421	Stoinski, Pat	PIIP	1	08/13/2021	3,239.00	105185
Total 2844:						3,239.00	
08/25/2021	17429	Colorado Analytical Lab	waste water testing	1	08/23/2021	380.00	517660
08/16/2021	17414		water testing	1	08/13/2021	23.00	517450

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
09/13/2021	17482		water testing	1	09/07/2021	190.00	517475
Total 2864:						593.00	
08/25/2021	17437	South Park Brewing	kegs for 4th of July	1	07/05/2021	1,048.00	105171
08/25/2021	17437		beer for burro days	1	07/26/2021	1,909.00	105162
Total 2873:						2,957.00	
09/07/2021	17474	Shirley Septic Pumping, In	cohen park	1	08/06/2021	210.00	105842
09/07/2021	17474		cohen park	1	09/03/2021	210.00	105842
09/07/2021	17474		town hall	1	08/06/2021	210.00	105120
09/07/2021	17474		town hall	1	09/03/2021	210.00	105120
Total 2893:						840.00	
09/07/2021	17472	Rise Broadband	internet	1	09/01/2021	113.53	517226
Total 2900:						113.53	
09/13/2021	17485	Fairplay Auto Supply	parts	1	08/31/2021	80.98	105630
09/13/2021	17485		parts	2	08/31/2021	36.56	105134
09/13/2021	17485		parts	3	08/31/2021	42.99	517242
Total 2948:						160.53	
08/25/2021	17438	White, Kathleen	back flow tests	1	08/20/2021	60.00	517210
08/25/2021	17438		back flow tests	2	08/20/2021	60.00	105025
Total 3004:						120.00	
08/25/2021	17431	Continental Divide Winery	wine for burro days	1	08/18/2021	890.00	105162
Total 3105:						890.00	
08/25/2021	17430	Continental Divide Producti	sound for hazel miller	1	08/25/2021	650.00	105150
Total 3123:						650.00	
08/30/2021	17440	351 Highway 285, LLC	estip- 2nd quarter	1	08/25/2021	3,133.93	105076
Total 3154:						3,133.93	
08/16/2021	17418	Green, Mason	cell phone reimburse	1	08/13/2021	25.00	105645
08/16/2021	17418		cell phone reimburse	2	08/13/2021	25.00	517226
Total 3175:						50.00	
09/07/2021	17465	Hunn Planning & Policy, LL	planning fees	1	09/07/2021	1,721.80	105105
Total 3183:						1,721.80	
09/07/2021	17469	Montrose Water Factory, L	bottled water	1	08/09/2021	26.25	105120
Total 3211:						26.25	
08/25/2021	17433	Garfield & Hecht, P.C.	legal	1	07/31/2021	1,771.50	105187

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
Total 3270:						1,771.50	
08/25/2021	17436	SGM	engineering-habitat	1	08/23/2021	1,404.00	105105
08/25/2021	17436		middlefork	1	08/23/2021	2,431.50	105105
Total 3272:						3,835.50	
08/31/2021	17449	High Country Roto-Rooter	clean out valve boxes	1	08/17/2021	1,042.50	517445
Total 3287:						1,042.50	
09/01/2021	17456	Internetwork Experts Corp.	computer maintenance	1	09/01/2021	46.75	105065
Total 3312:						46.75	
08/16/2021	17416	Ernst, Sarah	cell phone reimburse	1	08/13/2021	50.00	105065
Total 3313:						50.00	
09/13/2021	17487	Macdonald Equipment Co.	grader rental	1	08/30/2021	6,900.00	105670
Total 3316:						6,900.00	
08/16/2021	17419	Mountain Essentials	estip 2nd qtr	1	08/13/2021	612.96	105076
Total 3370:						612.96	
09/07/2021	17470	Park County Government	monthly internet	1	09/01/2021	52.50	105065
09/07/2021	17470		monthly internet	2	09/01/2021	52.50	105455
09/07/2021	17470		monthly internet	3	09/01/2021	105.00	517226
Total 3381:						210.00	
09/01/2021	17457	Tandem Design Lab	burro days website	1	08/31/2021	50.00	105162
09/01/2021	17457		website update contract	2	08/31/2021	350.00	105130
Total 3384:						400.00	
09/01/2021	17461	Warm Springs Consulting	contract	1	09/01/2021	5,000.00	517627
09/01/2021	17461		contract	1	09/01/2021	4,500.00	517417
Total 3463:						9,500.00	
08/16/2021	17411	Bannister, Chris	cell phone reimburse	1	08/13/2021	25.00	517226
08/16/2021	17411		cell phone reimburse	2	08/13/2021	25.00	105645
Total 3464:						50.00	
08/16/2021	17424	Wagner, Alex	cell phone reimburse	1	08/13/2021	50.00	105645
Total 3506:						50.00	
09/07/2021	17464	Hayes Poznanovic Korver	legal	1	09/03/2021	88.00	517360
Total 3518:						88.00	

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
08/16/2021	17417	Graham, Donovan	cell phone reimburse	1	08/13/2021	50.00	105645
Total 3519:						50.00	
09/01/2021	17459	Vivian Pershing	rent-600 front	1	09/01/2021	500.00	105187
Total 3547:						500.00	
08/25/2021	17434	Kenosha Pest Specialist	pest control	1	08/20/2021	30.00	517210
08/25/2021	17434		pest control	1	08/20/2021	30.00	105025
Total 3564:						60.00	
08/30/2021	17443	Friends and Fans of the Fa	supplies-employee party	1	08/30/2021	53.98	105070
Total 3575:						53.98	
08/30/2021	17446	Carl Brady	refund water overpayment	1	08/30/2021	34.00	514205
08/30/2021	17446		refund water overpayment	2	08/30/2021	2.00	104749
08/30/2021	17446		refund water overpayment	3	08/30/2021	60.00	514605
Total 3576:						96.00	
08/31/2021	17448	Big Cat Builders	repair san plant roof	1	08/29/2021	730.00	517645
Total 3577:						730.00	
08/31/2021	17309	Michael Pare	winning time ticket	1	08/31/2021	500.00	105162
Total 3578:						500.00	
08/31/2021	17306	Sean Dewitt	best marching parade	1	08/31/2021	100.00	105162
Total 3579:						100.00	
09/07/2021	17471	Phoenix Technology Group	computer	1	08/31/2021	1,154.60	105060
09/07/2021	17471		computer	2	08/31/2021	769.72	517206
Total 3580:						1,924.32	
09/07/2021	17466	Jennifer Boley	PIIP 730 Main	1	09/07/2021	3,526.00	105185
Total 3581:						3,526.00	
Grand Totals:						95,865.31	

Report Criteria:

Detail report type printed

TOWN OF FAIRPLAY
REVENUES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING AUGUST 31, 2021

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>TAXES</u>					
10-40-05 AD VALOREM TAX	6,343.99	191,522.51	195,115.00	3,592.49	98.2
10-40-10 SPEC. OWNERSHIP TAX	2,439.13	15,461.26	25,000.00	9,538.74	61.9
10-40-30 INTEREST ON PROPERTY TAX	180.73	245.88	1,000.00	754.12	24.6
10-40-40 DELINQUENT TAXES	.00	.00	500.00	500.00	.0
10-40-55 50% SHAREBACK OF R&B LEVY	337.61	7,131.31	7,000.00	(131.31)	101.9
10-40-60 MOTOR VEHICLE REGISTRATION	368.88	2,478.78	3,000.00	521.22	82.6
10-40-70 SALES TAX	142,214.46	834,977.89	1,022,794.00	187,816.11	81.6
10-40-75 SALES TAX - STREETS	47,404.81	278,325.93	340,931.00	62,605.07	81.6
10-40-80 HIGHWAY USER'S TAX	3,011.44	19,147.22	32,000.00	12,852.78	59.8
10-40-85 SEVERANCE TAX	.00	.00	2,500.00	2,500.00	.0
10-40-86 MINERAL LEASE REVENUE	.00	.00	500.00	500.00	.0
10-40-90 CIGARETTE TAX	310.11	2,150.90	2,500.00	349.10	86.0
10-40-96 LODGING TAX	4,876.00	30,936.00	40,000.00	9,064.00	77.3
TOTAL TAXES	207,487.16	1,382,377.68	1,672,840.00	290,462.32	82.6
<u>LICENSES</u>					
10-41-10 LIQUOR LICENSES	200.00	5,800.00	3,000.00	(2,800.00)	193.3
10-41-30 DOG LICENSES	.00	100.00	100.00	.00	100.0
10-41-32 LIVESTOCK PERMIT	.00	25.00	120.00	95.00	20.8
10-41-34 COMMERCIAL FLY FISHING PERMIT	.00	450.00	300.00	(150.00)	150.0
10-41-40 BUILDING PERMITS	.00	(1,753.50)	5,000.00	6,753.50	(35.1)
10-41-41 SURCHARGE: STREETS	25.50	41.83	394.00	352.17	10.6
10-41-42 SURCHARGE: PARKS & REC	25.50	41.83	394.00	352.17	10.6
10-41-50 FRANCHISE TAX	2,308.36	34,852.48	50,000.00	15,147.52	69.7
10-41-60 GOLD PANNING PERMITS/DONATION	3,500.00	9,990.00	7,000.00	(2,990.00)	142.7
10-41-70 BUSINESS LICENSES	125.00	7,250.00	7,000.00	(250.00)	103.6
10-41-80 SIGN PERMITS	90.00	340.00	100.00	(240.00)	340.0
10-41-90 EXCAVATION PERMIT	200.00	500.00	100.00	(400.00)	500.0
10-41-92 MECHANICAL PERMIT	.00	50.00	.00	(50.00)	.0
10-41-94 STREET CUT PERMIT	.00	.00	500.00	500.00	.0
10-41-96 FENCE PERMIT	120.00	200.00	280.00	80.00	71.4
10-41-97 SPECIAL EVENTS PERMIT	.00	270.00	1,400.00	1,130.00	19.3
10-41-98 RESIDE/REROOF PERMIT	100.00	1,500.00	2,000.00	500.00	75.0
TOTAL LICENSES	6,692.36	59,657.64	77,688.00	18,030.36	76.8
<u>FEE INCOME</u>					
10-42-75 PLANNING & DEVELOPMENT FEES	5,226.50	8,193.50	2,000.00	(6,193.50)	409.7
10-42-90 COPIES & FAXES	.00	93.35	200.00	106.65	46.7
TOTAL FEE INCOME	5,226.50	8,286.85	2,200.00	(6,086.85)	376.7

TOWN OF FAIRPLAY
REVENUES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING AUGUST 31, 2021

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>LAW ENFORCEMENT</u>					
10-45-05 TRAFFIC FINES	540.00	6,330.00	12,000.00	5,670.00	52.8
10-45-10 SURCHARGE: POLICE TRAINING	60.00	900.00	1,500.00	600.00	60.0
10-45-15 COURT COSTS	.00	185.00	620.00	435.00	29.8
10-45-20 DEFAULT FEES	.00	90.00	150.00	60.00	60.0
10-45-30 OTHER FINES	.00	.00	500.00	500.00	.0
10-45-80 VIN INSPECTIONS	20.00	177.50	300.00	122.50	59.2
10-45-90 MISCELLANEOUS	1,909.00	2,364.00	1,000.00	(1,364.00)	236.4
10-45-95 GRANT/REIMBURSEMENT	.00	2,685.00	.00	(2,685.00)	.0
TOTAL LAW ENFORCEMENT	2,529.00	12,731.50	16,070.00	3,338.50	79.2
<u>INTEREST INCOME</u>					
10-46-05 INTEREST ON COLOTRUST	5.89	89.86	3,000.00	2,910.14	3.0
10-46-30 INTEREST ON CHECKING	36.82	309.53	425.00	115.47	72.8
TOTAL INTEREST INCOME	42.71	399.39	3,425.00	3,025.61	11.7
<u>MISCELLANEOUS INCOME</u>					
10-47-00 MISCELLANEOUS INCOME	100.00	128,227.11	5,000.00	(123,227.11)	2564.5
10-47-10 CEMETERY	.00	50.00	300.00	250.00	16.7
10-47-38 TOWN CLEAN UP DONATIONS	.00	305.00	.00	(305.00)	.0
10-47-39 FOURTH OF JULY	.00	6,964.00	8,000.00	1,036.00	87.1
10-47-49 STREET LIGHTING	971.13	7,239.00	10,800.00	3,561.00	67.0
10-47-50 SUMMER CONCERT SERIES	2,739.00	2,739.00	5,000.00	2,261.00	54.8
10-47-52 REAL COLORADO CHRISTMAS	.00	.00	500.00	500.00	.0
10-47-56 BURRO DAYS	2,250.00	47,134.04	50,000.00	2,865.96	94.3
10-47-59 BURRO DAYS RETAIL SALES	102.00	8,402.87	10,000.00	1,597.13	84.0
10-47-62 501 MAIN - RENT & UTILITY	.00	802.77	1,800.00	997.23	44.6
10-47-81 GRANT-COHEN PARK	.00	195,698.00	.00	(195,698.00)	.0
10-47-82 CAMPING PERMITS/FACILITY USE	118.00	814.70	100.00	(714.70)	814.7
10-47-90 MISCELLANEOUS REVENUE-EVENTS	.00	6,419.66	500.00	(5,919.66)	1283.9
10-47-91 TOWN HALL - 901 MAIN	.00	.00	12,397.00	12,397.00	.0
TOTAL MISCELLANEOUS INCOME	6,280.13	404,796.15	104,397.00	(300,399.15)	387.8
TOTAL FUND REVENUE	228,257.86	1,868,249.21	1,876,620.00	8,370.79	99.6

TOWN OF FAIRPLAY
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING AUGUST 31, 2021

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>ADMINISTRATION</u>					
10-50-02 401(A) EMPLOYER MATCH	5.19	1,834.57	4,273.00	2,438.43	42.9
10-50-05 SALARIES -ADMIN./CLERK/TREASUR	9,432.35	85,376.77	132,426.00	47,049.23	64.5
10-50-11 SS/MEDICARE EXPENSE	724.38	6,690.12	10,268.00	3,577.88	65.2
10-50-12 UNEMPLOYMENT EXPENSE	28.39	262.35	403.00	140.65	65.1
10-50-13 EMPLOYEE HEALTH INSURANCE	3,018.59	22,957.61	28,940.00	5,982.39	79.3
10-50-14 WORKER'S COMPENSATION	.00	510.00	502.00	(8.00)	101.6
10-50-15 EDUCATION	.00	1,712.43	4,500.00	2,787.57	38.1
10-50-16 ADMIN VEHICLE	276.92	2,304.37	3,600.00	1,295.63	64.0
10-50-20 TOWN HALL EXPENSE	.00	15,496.78	30,994.00	15,497.22	50.0
10-50-23 TOWN HALL EXPENSE - UTILITIES	380.21	3,853.08	6,000.00	2,146.92	64.2
10-50-25 TOWN HALL EXP - REPAIR & MAINT	333.57	7,334.82	7,000.00	(334.82)	104.8
10-50-27 TOWN HALL EXPENSE - SUPPLIES	.00	669.19	1,200.00	530.81	55.8
10-50-30 OFFICE SUPPLIES	192.45	1,801.63	4,000.00	2,198.37	45.0
10-50-32 EQUIPMENT RENTAL	331.00	2,786.22	5,000.00	2,213.78	55.7
10-50-35 POSTAGE EXPENSE	.00	561.09	650.00	88.91	86.3
10-50-40 BANK/CREDIT CARD FEES	39.00	276.00	948.00	672.00	29.1
10-50-55 BOARD OF TRUSTEE SALARY	75.00	675.00	1,800.00	1,125.00	37.5
10-50-57 TOWN ATTY LEGAL SERVICES	2,737.50	7,315.00	20,000.00	12,685.00	36.6
10-50-60 COMPUTER/SOFTWARE/SUPPORT	439.50	3,662.74	7,000.00	3,337.26	52.3
10-50-65 TELEPHONE/INTERNET	820.73	9,497.28	10,200.00	702.72	93.1
10-50-70 MISCELLANEOUS EXPENSE	482.12	7,261.62	6,000.00	(1,261.62)	121.0
10-50-75 CODIFICATION	.00	225.00	1,000.00	775.00	22.5
10-50-76 ESTIP AGREEMENT	3,746.89	6,834.46	7,500.00	665.54	91.1
10-50-85 COVID EXPENSES	.00	15,984.96	.00	(15,984.96)	.0
TOTAL ADMINISTRATION	23,063.79	205,883.09	294,204.00	88,320.91	70.0

TOWN OF FAIRPLAY
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING AUGUST 31, 2021

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>COMMUNITY DEVELOPMENT</u>					
10-51-05 PROFESSIONAL FEES	5,122.50	17,798.58	20,000.00	2,201.42	89.0
10-51-10 EDUCATION/BENEVOLENCE (BOT)	1,600.80	1,699.60	5,000.00	3,300.40	34.0
10-51-20 VISITOR CENTER	95.57	1,493.73	3,000.00	1,506.27	49.8
10-51-30 ADVERTISING AND MARKETING	2,006.72	6,571.63	15,000.00	8,428.37	43.8
10-51-34 TOWN BEAUTIFICATION	.00	5,490.00	10,000.00	4,510.00	54.9
10-51-35 TOWN CLEAN UP	.00	7,368.48	9,000.00	1,631.52	81.9
10-51-40 DUES AND MEMBERSHIPS	.00	554.00	500.00	(54.00)	110.8
10-51-50 TGIFAIRPLAY EXPENSE	1,594.10	6,067.49	7,000.00	932.51	86.7
10-51-62 BURRO DAYS	8,727.89	33,025.02	47,000.00	13,974.98	70.3
10-51-70 MISCELLANEOUS EVENTS	1,128.34	5,023.11	8,000.00	2,976.89	62.8
10-51-71 FIREWORKS/4TH OF JULY	1,719.20	15,014.02	12,000.00	(3,014.02)	125.1
10-51-74 REAL COLORADO CHRISTMAS	.00	.00	1,000.00	1,000.00	.0
10-51-75 DONATIONS	.00	500.00	2,000.00	1,500.00	25.0
10-51-80 FAIRPLAY FORWARD	.00	.00	10,000.00	10,000.00	.0
10-51-85 PROPERTY IMPROVEMENT INCENTIV	3,239.00	9,164.00	20,000.00	10,836.00	45.8
10-51-86 850 HATHAWAY-BUS BARN	521.50	6,789.02	12,000.00	5,210.98	56.6
10-51-87 600 FRONT STREET	2,735.00	3,235.00	.00	(3,235.00)	.0
10-51-95 501 MAIN STREET	671.34	8,090.86	43,000.00	34,909.14	18.8
10-51-96 501 MAIN STREET REMODEL	.00	14,850.00	.00	(14,850.00)	.0
TOTAL COMMUNITY DEVELOPMENT	29,161.96	142,734.54	224,500.00	81,765.46	63.6
<u>JUDICIAL SYSTEM</u>					
10-53-02 401(A) EMPLOYER MATCH	4.40	62.56	123.00	60.44	50.9
10-53-05 MUNICIPAL JUDGE SALARY	648.62	5,397.43	8,432.00	3,034.57	64.0
10-53-10 COURT CLERK	304.80	2,490.68	3,782.00	1,291.32	65.9
10-53-11 SS/MEDICARE EXPENSE	72.40	602.00	934.00	332.00	64.5
10-53-12 UNEMPLOYMENT EXPENSE	2.83	23.60	37.00	13.40	63.8
10-53-13 EMPLOYEE HEALTH INSURANCE	86.19	658.75	2,586.00	1,927.25	25.5
10-53-14 WORKER'S COMPENSATION	.00	37.00	46.00	9.00	80.4
10-53-20 COURT ATTORNEY	.00	.00	500.00	500.00	.0
10-53-30 EDUCATION	.00	.00	500.00	500.00	.0
10-53-40 OPERATING EXPENSE	25.73	25.73	450.00	424.27	5.7
10-53-50 DUES AND MEMBERSHIPS	.00	136.00	100.00	(36.00)	136.0
TOTAL JUDICIAL SYSTEM	1,144.97	9,433.75	17,490.00	8,056.25	53.9

TOWN OF FAIRPLAY
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING AUGUST 31, 2021

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>PUBLIC SAFETY</u>					
10-54-01 POLICE SALARIES	13,346.77	132,733.72	213,379.00	80,645.28	62.2
10-54-04 PART TIME OFFICERS	500.00	500.00	.00 (	500.00)	.0
10-54-05 PENSION CONTRIBUTION	1,534.86	14,785.87	20,271.00	5,485.13	72.9
10-54-09 SRO-CONTRACT PARK CO	.00	.00	20,000.00	20,000.00	.0
10-54-10 UNIFORMS AND ACCESSORIES	.00	1,404.41	3,500.00	2,095.59	40.1
10-54-11 SS/MEDICARE EXPENSE	231.25	2,028.11	3,094.00	1,065.89	65.6
10-54-12 UNEMPLOYMENT EXPENSE	41.54	399.70	640.00	240.30	62.5
10-54-13 EMPLOYEE HEALTH INSURANCE	3,707.05	34,795.47	92,655.00	57,859.53	37.6
10-54-14 WORKER'S COMPENSATION	.00	9,772.00	15,000.00	5,228.00	65.2
10-54-15 FUEL	1,034.08	5,891.30	12,000.00	6,108.70	49.1
10-54-20 VEHICLE MAINTENANCE	3,653.49	11,668.01	8,000.00 (	3,668.01)	145.9
10-54-24 PROFESSIONAL TRAINING EXPENSE	.00	1,970.17	3,500.00	1,529.83	56.3
10-54-26 IN-SERVICE TRAINING EXPENSE	.00	.00	1,000.00	1,000.00	.0
10-54-28 VEHICLE RENTAL PAYMENT	2,381.42	19,100.04	28,869.00	9,768.96	66.2
10-54-30 RADAR & RADIO MAINTENANCE	.00	845.41	1,000.00	154.59	84.5
10-54-32 AMMUNITION	.00	.00	500.00	500.00	.0
10-54-45 OPERATING SUPPLIES	184.46	1,042.57	1,000.00 (	42.57)	104.3
10-54-50 EQUIPMENT EXPENSE	.00	918.00	2,000.00	1,082.00	45.9
10-54-53 GRANT-EQUIPMENT & SUPPLIES	.00	2,485.20	.00 (	2,485.20)	.0
10-54-55 TELEPHONE - POLICE LINE	343.85	2,450.69	5,000.00	2,549.31	49.0
10-54-60 MEMBERSHIPS - DUES	.00	.00	500.00	500.00	.0
10-54-65 COMPUTER/SOFTWARE/SUPPORT	.00	3,963.99	5,000.00	1,036.01	79.3
10-54-75 INVESTIGATIVE SERVICES	.00	111.86	3,500.00	3,388.14	3.2
10-54-80 OFFICER RECRUITING	.00	98.50	500.00	401.50	19.7
10-54-87 LIABILITY INSURANCE	.00	10,217.18	8,394.00 (	1,823.18)	121.7
10-54-97 PUBLIC RELATIONS	.00	50.00	500.00	450.00	10.0
 TOTAL PUBLIC SAFETY	 26,958.77	 257,232.20	 449,802.00	 192,569.80	 57.2

TOWN OF FAIRPLAY
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING AUGUST 31, 2021

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>PUBLIC WORKS</u>					
10-56-01 SALARIES	14,955.23	89,200.80	112,143.00	22,942.20	79.5
10-56-02 401(A) EMPLOYER MATCH	157.02	1,964.09	3,594.00	1,629.91	54.7
10-56-10 SEASONAL WAGES	.00	.00	10,000.00	10,000.00	.0
10-56-11 SS/MEDICARE EXPENSE	1,126.89	6,770.10	9,344.00	2,573.90	72.5
10-56-12 UNEMPLOYMENT EXPENSE	35.11	204.84	366.00	161.16	56.0
10-56-13 EMPLOYEE HEALTH INSURANCE	2,494.09	18,103.00	18,901.00	798.00	95.8
10-56-14 WORKER'S COMPENSATION	.00	6,053.50	6,394.00	340.50	94.7
10-56-15 FUEL	452.52	2,170.96	5,000.00	2,829.04	43.4
10-56-25 REPAIRS & MAINT - EQUIPMENT	137.04	13,863.19	15,000.00	1,136.81	92.4
10-56-30 TOOLS, MAT'L'S, & SUPPLIES	1,143.80	4,963.79	5,000.00	36.21	99.3
10-56-35 EDUCATION & TRAINING	.00	764.27	2,000.00	1,235.73	38.2
10-56-40 ELECTRIC STREET LIGHTS & SIGNS	1,078.55	6,327.09	4,000.00	(2,327.09)	158.2
10-56-45 TELEPHONE	217.09	1,644.63	2,100.00	455.37	78.3
10-56-50 MAINTENANCE BUILDING - UTILITY	565.01	6,490.84	8,600.00	2,109.16	75.5
10-56-60 VEHICLE RENTAL PAYMENT	2,041.84	15,820.96	21,420.00	5,599.04	73.9
10-56-70 STREET REPAIRS	11,775.82	221,519.10	150,000.00	(71,519.10)	147.7
10-56-82 TOWN SHOP BUILDING REPAIRS	.00	2,518.79	2,000.00	(518.79)	125.9
TOTAL PUBLIC WORKS	36,180.01	398,379.95	375,862.00	(22,517.95)	106.0
<u>PARKS & RECREATION</u>					
10-58-30 TOOLS, MATERIALS, & SUPPLIES	246.53	937.53	4,000.00	3,062.47	23.4
10-58-41 PARKS UTILITIES	36.16	250.51	400.00	149.49	62.6
10-58-42 VAULT RESTROOMS MAINTENANCE	.00	480.50	2,500.00	2,019.50	19.2
10-58-50 CEMETERY EXPENSE	.00	441.79	300.00	(141.79)	147.3
10-58-83 COHEN PARK PROJECT	.00	103,089.44	.00	(103,089.44)	.0
10-58-86 FAIRPLAY RIVER PARK	2,065.00	41,575.15	64,800.00	23,224.85	64.2
10-58-95 LAND LEASE PAYMENT	.00	145,388.58	25,990.00	(119,398.58)	559.4
TOTAL PARKS & RECREATION	2,347.69	292,163.50	97,990.00	(194,173.50)	298.2
<u>NON-DEPARTMENTAL EXPENDITURE</u>					
10-61-15 LIABILITY INSURANCE	.00	14,848.08	18,912.00	4,063.92	78.5
10-61-17 AUDIT FEES	.00	4,375.00	4,375.00	.00	100.0
10-61-23 TREASURER'S FEES - MILL LEVY	211.51	3,446.81	4,000.00	553.19	86.2
10-61-25 PUBLISHING EXPENSE	22.70	1,501.63	1,500.00	(1.63)	100.1
10-61-30 DUES & MEMBERSHIPS	.00	998.00	2,000.00	1,002.00	49.9
10-61-60 ABATEMENT	.00	.00	2,000.00	2,000.00	.0
TOTAL NON-DEPARTMENTAL EXPEND	234.21	25,169.52	32,787.00	7,617.48	76.8
TOTAL FUND EXPENDITURES	119,091.40	1,330,996.55	1,492,635.00	161,638.45	89.2
NET REVENUE OVER EXPENDITURES	109,166.46	537,252.66	383,985.00	(153,267.66)	139.9

TOWN OF FAIRPLAY
REVENUES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING AUGUST 31, 2021

CONSERVATION TRUST FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>INTERGOVERNMENTAL REVENUES</u>					
20-44-10 COLORADO LOTTERY FUNDS	.00	2,551.27	4,000.00	1,448.73	63.8
TOTAL INTERGOVERNMENTAL REVE	.00	2,551.27	4,000.00	1,448.73	63.8
<u>INTEREST INCOME</u>					
20-46-50 INTEREST INCOME SAVINGS	.00	.00	12.00	12.00	.0
TOTAL INTEREST INCOME	.00	.00	12.00	12.00	.0
TOTAL FUND REVENUE	.00	2,551.27	4,012.00	1,460.73	63.6

TOWN OF FAIRPLAY
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING AUGUST 31, 2021

CONSERVATION TRUST FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>OPERATION EXPENSE</u>					
20-73-03 BASEBALL FIELD IMPROVEMENTS	.00	.00	5,000.00	5,000.00	.0
20-73-10 COHEN PARK - IMPROVEMENTS	.00	.00	1,000.00	1,000.00	.0
TOTAL OPERATION EXPENSE	.00	.00	6,000.00	6,000.00	.0
TOTAL FUND EXPENDITURES	.00	.00	6,000.00	6,000.00	.0
NET REVENUE OVER EXPENDITURES	.00	2,551.27	(1,988.00)	(4,539.27)	128.3

TOWN OF FAIRPLAY
REVENUES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING AUGUST 31, 2021

INTERNAL SERVICE FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>REVENUE</u>					
32-47-20 DEPT RENTAL PAYMENTS	6,465.10	50,741.96	71,708.00	20,966.04	70.8
TOTAL REVENUE	6,465.10	50,741.96	71,708.00	20,966.04	70.8
TOTAL FUND REVENUE	6,465.10	50,741.96	71,708.00	20,966.04	70.8

TOWN OF FAIRPLAY
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING AUGUST 31, 2021

INTERNAL SERVICE FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>EXPENDITURES</u>					
32-58-10 POLICE VEHICLES	.00	27,994.35	.00	(27,994.35)	.0
32-58-30 PUBLIC WORKS VEHICLES	.00	32,891.00	40,000.00	7,109.00	82.2
TOTAL EXPENDITURES	.00	60,885.35	40,000.00	(20,885.35)	152.2
TOTAL FUND EXPENDITURES	.00	60,885.35	40,000.00	(20,885.35)	152.2
NET REVENUE OVER EXPENDITURES	6,465.10	(10,143.39)	31,708.00	41,851.39	(32.0)

TOWN OF FAIRPLAY
REVENUES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING AUGUST 31, 2021

FAIRPLAY UTILITY ENTERPRISE

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>WATER REVENUE</u>					
51-42-05 POTABLE WATER	36,259.90	270,074.71	400,000.00	129,925.29	67.5
51-42-20 LIEN REVENUE	493.44	5,971.26	.00	(5,971.26)	.0
51-42-30 LIEN REVENUE - INTEREST	23.60	39.93	.00	(39.93)	.0
51-42-32 WATER FACILITY MAINTENANCE FEE	.00	365.46	500.00	134.54	73.1
51-42-34 WATER METERS, PRV, PARTS	.00	411.21	1,000.00	588.79	41.1
51-42-36 PENALTY NON-COMPLIANCE	40.00	320.00	480.00	160.00	66.7
51-42-40 PLANT INVESTMENT FEES	.00	.00	7,500.00	7,500.00	.0
51-42-60 OTHER WATER REVENUE	.00	.00	1,000.00	1,000.00	.0
TOTAL WATER REVENUE	36,816.94	277,182.57	410,480.00	133,297.43	67.5
<u>WASTEWATER REVENUE</u>					
51-46-05 WW USER FEES	56,252.25	447,023.36	668,160.00	221,136.64	66.9
51-46-20 LIEN REVENUE	.00	6,784.84	.00	(6,784.84)	.0
51-46-30 LIEN REVENUE - INTEREST	.00	16.32	.00	(16.32)	.0
51-46-40 PLANT INVESTMENT FEES	.00	.00	8,351.00	8,351.00	.0
51-46-60 OTHER WASTEWATER REVENUE	.00	.00	100.00	100.00	.0
TOTAL WASTEWATER REVENUE	56,252.25	453,824.52	676,611.00	222,786.48	67.1
<u>INTEREST/FEE REVENUE</u>					
51-48-10 INTEREST ON INVESTMENTS	8.36	158.19	7,000.00	6,841.81	2.3
51-48-30 LATE FEES	726.19	5,673.42	12,000.00	6,326.58	47.3
TOTAL INTEREST/FEE REVENUE	734.55	5,831.61	19,000.00	13,168.39	30.7
TOTAL FUND REVENUE	93,803.74	736,838.70	1,106,091.00	369,252.30	66.6

TOWN OF FAIRPLAY
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING AUGUST 31, 2021

FAIRPLAY UTILITY ENTERPRISE

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>EMPLOYEE EXPENSES</u>					
51-70-01 SALARIES	15,091.50	113,866.63	199,954.00	86,087.37	57.0
51-70-02 401A EMPLOYER MATCH	227.52	2,808.28	6,459.00	3,650.72	43.5
51-70-11 SS/MEDICARE EXPENSE	1,136.43	8,671.66	15,388.00	6,716.34	56.4
51-70-12 UNEMPLOYMENT EXPENSE	40.63	313.63	603.00	289.37	52.0
51-70-13 EMPLOYMENT HEALTH INSURANCE	3,734.35	28,254.17	58,545.00	30,290.83	48.3
51-70-14 WORKER'S COMPENSATION	.00	5,520.50	4,424.00	(1,096.50)	124.8
51-70-15 BOARD OF TRUSTEE SALARIES	40.00	400.00	1,200.00	800.00	33.3
TOTAL EMPLOYEE EXPENSES	20,270.43	159,834.87	286,573.00	126,738.13	55.8
<u>OFFICE/GENERAL EXPENSE</u>					
51-72-02 BANK/CREDIT CARD FEES	594.41	4,058.85	6,000.00	1,941.15	67.7
51-72-06 COMPUTER/SOFTWARE/SUPPORT-O	439.50	4,089.58	13,000.00	8,910.42	31.5
51-72-10 MISCELLANEOUS	90.00	854.59	1,000.00	145.41	85.5
51-72-14 OFFICE SUPPLIES	1,310.47	3,036.39	3,500.00	463.61	86.8
51-72-18 POSTAGE EXPENSE	275.93	2,383.78	4,000.00	1,616.22	59.6
51-72-22 PUBLISHING EXPENSE	.00	445.63	600.00	154.37	74.3
51-72-26 TELEPHONE EXPENSE	186.61	1,624.84	4,500.00	2,875.16	36.1
51-72-30 TOWN HALL RENTAL PAYMENT	.00	.00	12,397.00	12,397.00	.0
51-72-34 UTILITIES-OFFICE	96.17	1,801.83	2,500.00	698.17	72.1
51-72-38 VEHICLE/EQUIP RENTAL TO ISF	2,041.84	15,820.96	21,420.00	5,599.04	73.9
51-72-42 VEHICLE MAINTENANCE/REPAIR	.00	4,179.93	5,000.00	820.07	83.6
TOTAL OFFICE/GENERAL EXPENSE	5,034.93	38,296.38	73,917.00	35,620.62	51.8
<u>CONTRACTUAL FEES</u>					
51-73-20 AUDITOR FEES	.00	4,375.00	4,375.00	.00	100.0
51-73-40 INSURANCE-PROPERTY/LIABILITY	.00	14,848.08	12,608.00	(2,240.08)	117.8
51-73-60 LEGAL FEES	.00	2,136.00	5,000.00	2,864.00	42.7
TOTAL CONTRACTUAL FEES	.00	21,359.08	21,983.00	623.92	97.2

TOWN OF FAIRPLAY
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING AUGUST 31, 2021

FAIRPLAY UTILITY ENTERPRISE

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>WATER - PLANT & EQUIPMENT</u>					
51-74-10 CHEMICAL AND SUPPLIES	.00	1,359.55	2,000.00	640.45	68.0
51-74-15 COMPUTER EXPENSE-WATER SYSTE	.00	1,975.24	5,000.00	3,024.76	39.5
51-74-17 CONTRACT PLANT OPERATOR	4,500.00	31,500.00	6,000.00	(25,500.00)	525.0
51-74-20 DITCH MAINTENANCE	.00	.00	500.00	500.00	.0
51-74-25 EDUCATION	.00	389.98	3,000.00	2,610.02	13.0
51-74-30 ENGINEERING FEES	.00	3,523.75	10,000.00	6,476.25	35.2
51-74-35 FUEL	226.26	1,028.52	2,000.00	971.48	51.4
51-74-40 HASP MEMBERSHIP DUES	.00	.00	1,400.00	1,400.00	.0
51-74-45 LEAKS AND REPAIRS	1,042.50	2,432.50	10,000.00	7,567.50	24.3
51-74-50 MISCELLANEOUS	23.00	2,182.02	2,000.00	(182.02)	109.1
51-74-55 PERMITS/DUES/LOCATES	255.64	1,165.80	1,000.00	(165.80)	116.6
51-74-60 PUMPHOUSE EXPENSE	.00	.00	500.00	500.00	.0
51-74-65 REPAIR & MAINTENANCE-EQUIP	166.25	743.91	10,000.00	9,256.09	7.4
51-74-70 UTILITIES	206.58	1,725.99	2,500.00	774.01	69.0
51-74-75 TESTING AND SUPPLIES	.00	144.00	2,500.00	2,356.00	5.8
51-74-80 TOOLS AND SUPPLIES	89.99	703.23	2,000.00	1,296.77	35.2
51-74-85 WATER METERS	.00	4,914.75	4,000.00	(914.75)	122.9
51-74-90 WATER TANKS	12.93	124.38	1,000.00	875.62	12.4
51-74-95 WATER TREATMENT PLANT	1,413.68	6,955.16	15,000.00	8,044.84	46.4
TOTAL WATER - PLANT & EQUIPMENT	7,936.83	60,868.78	80,400.00	19,531.22	75.7
<u>WASTEWATER-PLANT & EQUIPMENT</u>					
51-76-15 CHEMICALS AND SUPPLIES	.00	.00	3,000.00	3,000.00	.0
51-76-20 COLLECTION SYSTEM MAINTENANC	.00	5,417.50	30,000.00	24,582.50	18.1
51-76-25 COMPUTER EXPENSE-WWW SYSTEM	.00	722.29	3,600.00	2,877.71	20.1
51-76-27 CONTRACT - ORC	5,000.00	35,000.00	60,000.00	25,000.00	58.3
51-76-30 EDUCATION	.00	120.00	.00	(120.00)	.0
51-76-35 ENGINEERING FEES	.00	.00	10,000.00	10,000.00	.0
51-76-40 FUEL	226.26	1,028.44	2,000.00	971.56	51.4
51-76-45 MISCELLANEOUS	3,170.00	13,367.20	1,000.00	(12,367.20)	1336.7
51-76-50 PERMITS/DUES/LOCATES	38.28	212.52	4,300.00	4,087.48	4.9
51-76-55 REPAIRS AND MAINTENANCE-EQUIP	116.25	6,955.17	55,000.00	48,044.83	12.7
51-76-60 SLUDGE REMOVAL/DISPOSAL	768.00	100,768.00	100,000.00	(768.00)	100.8
51-76-65 TESTING AND SUPPLIES	.00	3,763.06	6,000.00	2,236.94	62.7
51-76-70 TOOLS AND SUPPLIES	488.85	1,185.36	2,000.00	814.64	59.3
51-76-75 TRASH	3.00	519.25	900.00	380.75	57.7
51-76-80 UTILITIES-PLANT	4,508.00	42,309.17	60,000.00	17,690.83	70.5
TOTAL WASTEWATER-PLANT & EQUIP	14,318.64	211,367.96	337,800.00	126,432.04	62.6
<u>DEBT SERVICE</u>					
51-80-02 LOAN PRINCIPAL	.00	.00	216,700.00	216,700.00	.0
51-80-04 LOAN INTEREST	.00	50,213.14	97,341.00	47,127.86	51.6
TOTAL DEBT SERVICE	.00	50,213.14	314,041.00	263,827.86	16.0

TOWN OF FAIRPLAY
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING AUGUST 31, 2021

FAIRPLAY UTILITY ENTERPRISE

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
TOTAL FUND EXPENDITURES	47,560.83	541,940.21	1,114,714.00	572,773.79	48.6
NET REVENUE OVER EXPENDITURES	46,242.91	194,898.49	(8,623.00)	(203,521.49)	2260.2

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



Fairplay Board of Trustees
Mayor – Frank Just
Mayor Pro Tem - Scott Dodge
Eve Stapp
Josh Voorhis

Town Board of Trustees Hearing

Circle Back Development, LLC. Stone River Phase I – Zone District Amendment

Hearing Date:	September 20, 2021
File Name and Process:	Stone River Phase I – Zone District Amendment
Owner/Applicant:	Circle Back Development, LLC.
Representative:	Nick Petkovich, Michael Petkovich
Legal Description:	A Parcel of Land in Section 33, Township 9 South, Range 77 West of the Sixth Principal Meridian “Stone River Phase I” Block 11 (Lots 8-13); Block 13; Block 14 (Lots 1-12)
Existing Zoning:	Expired/Vacant Land (Formerly “Stone River PUD”)
Proposed Zoning:	Multi-Family (MF)
Staff Member:	Scot Hunn, Town Planner

Staff Report

I. Summary of Request:

The Applicant, Circle Back Development, LLC., represented by Nick and Michael Petkovich, is requesting approval of a Zone District Amendment (rezoning) to re-establish zoning on several lots within Phase I of the former Stone River Planned Unit Development (PUD) following the lapse or extinguishment of the PUD vesting in early August, 2021.

Background:

The Stone River PUD was originally approved in 2006. The PUD Development Agreement was approved and signed on August 7, 2006 and a final plat for the subdivision was approved in September of that same year. The residential PUD was approved to allow up to 350 dwelling units consisting of single-family, duplex, tri-plex, four-plex structures and other multi-family structures within seven phases. The PUD included zoning for low density (3-5 dwelling units/acre), medium density (5-8 dwelling units/acre), multi-family (6-13 dwelling units/acre) and mixed (up to 20 dwelling units/acre) uses along with several open space tracks of land.

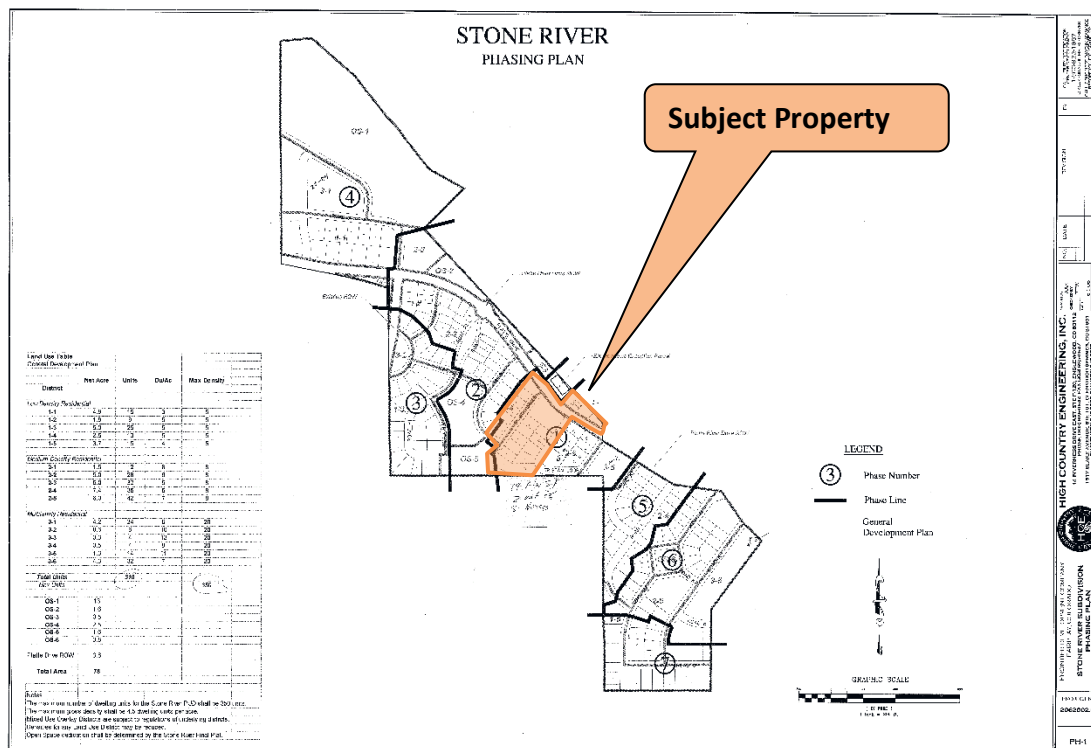


Figure 1: 2006 Stone River Phasing Plan

Circle Back Development (CBD) purchased a majority of the PUD land area in 2019 and approached the Town in the summer of 2021 with plans to develop duplex homes on several lots within the formally platted “Phase I” area of the PUD which is the only phase where infrastructure has been completed, inspected and accepted by the Town. This is also the area where a small number of single-family homes have been constructed in the Tristen Loop area of the subdivision.

However, PUD vesting expired on August 7th, 2021 before the Applicant could submit any development plans. As a result, the property, including lots within Phase I currently served by infrastructure, is now zoned “Vacant Land” and has no designated uses, dimensional limitations (setbacks, height restrictions, lot coverage maximums) or other development standards or controls.

In order to permit the Applicant to submit building permits for this area of the Town already served by infrastructure, and to allow the Town to properly regulate development in this area, Town staff has advised the Applicant that a rezoning request would need to be considered and acted upon by the Board of Trustees at a public hearing.

Per the application, the Applicant requests approval for the following:

“Our goal is to build single-family homes on two of the developed lots within Section 11, and build duplex homes on the remaining lots in Phase I.”

The Applicant further intends to work with the Town to develop a new PUD plan for the remainder of their property, but to rezoning Phase I now in order to start building:

“We anticipate that it will take significant time to reach agreement over the complicated terms of a new PUD for the entire Stone River property. Our goal is to have one foundation laid before the ground freezes in late October and then build one model home over the winter months. After doing so, we plan to use the model to sell additional homes on the developed, vacant lots in Phase I.”

Staff is **recommending approval** of the rezoning request, with conditions.

II. Summary of Process and Code Requirements:

The following section of Article IV – *Public Notice*, Town of Fairplay Unified Development Code (UDC) is applicable to the rezoning request:

Public Notice			
Type of Application	Minimum Notice	Property Owner Notice	Additional Requirements
Zoning • Variance • Zoning Amendment	10 days prior to hearing	Notice shall be mailed/hand delivered to all adjoining property owners including those directly across adjoining street or alley	• Publication of Notice in Newspaper • Posting of Notice on subject property • Copy of Application available at Town Hall

Staff Response:

Staff mailed notices to all adjoining property owners on Thursday, September 9, 2021; a notice appeared in the September 10, 2021 edition of The Flume; a minimum size twenty-two (22) inches wide by twenty-six (26) inches tall sign with print at least one (1) inch high was installed on the subject property in a conspicuous place facing Platte Drive and Tristan Loop on September 8, 2021; and one (1) complete copy of the application including all supporting documentation was available for public inspection at Town Hall during regular business hours at least ten (10) days prior to the noticed public hearing.

The following sections of Article V – *Zoning Districts and Map*, Town of Fairplay Unified Development Code (UDC) are applicable to the rezoning request:

Section 16-5-10 – *Zone Districts Established*

“In order to regulate the location, height, bulk and size of buildings and other structures; the percentage of lot which may be occupied; the size of lots, courts and other open spaces;

the density and distribution of population and the location and uses of land, buildings and structures for trade, industry, residence, recreation, public activities or other purposes, the incorporated area of the Town is hereby divided into the following districts: Single Family Residential; Multi-family Residential; Transitional; Town Center; Commercial; Multi-use; Light Industrial; Civic Center; Parks-Open Space-Trails.”

Staff Response:

Staff suggests that rezoning of the subject property will bring the property further into compliance with the stated goals and policies of the Town by establishing a viable zone district which, in turn, will allow the Town to regulate development, densities, distribution of population in an area already served by infrastructure and to permit the beneficial residential use of the land.

Section 16-5-20 – Description of Zone Districts (Multi-Family Residential)

“Multi-family residential permits a variety of residential uses which includes single-family, duplex and multi-family buildings. Other more intensive uses such as churches, community facilities and schools must be carefully planned to avoid adverse impacts to the residential character.”

Staff Response:

Staff suggests the multi-family zoning designation requested by the Applicant is generally appropriate to allow for single-family and duplex development (what the Applicant is proposing). However, this zoning designation will also permit (by right) the development of multi-family structures (greater than two units).

Staff believes that single-family and duplex development will be compatible with the surrounding area. The previously approved Stone River PUD designated the Phase I lots in question as “Low Density,” “Medium Density,” and “Multi-family” in 2006.

As a reminder, the Low-Density zoning designation in the previous PUD allowed for single-family *and* duplex development at a similar density to what the Applicant proposes now. The Medium Density zoning designation in the previous PUD – which applied to a majority of the lots that the Applicant now wishes to develop - allowed for single-family, duplex, tri-plex and four-plex structures at a slightly higher density than what is proposed by the Applicant.

Section 16-5-60 – Amendments and rezoning

(A) This Chapter, including the official Zoning Map and ay zone district boundaries, may be amended from time to time.

(B) The Board of Trustees may amend this Chapter, the Official Zoning Map and/or any zone district boundary; including, the number of districts, shape of district boundaries and/or the zoning designation of property. The Trustees may solicit the recommendations of the Town Planner on amendments. No amendment shall be effective unless voted upon by the Board of Trustees after a public hearing thereon at

which citizens and parties in interest shall have a had an opportunity to be heard. Notice of a public hearing shall be made in compliance with the requirements of Article IV. A zoning amendment or rezoning may be granted where the following findings are made:

- 1. That the rezoning is consistent with the Town's goals, policies and plans; and*
- 2. That the rezoning is substantially compliant with the Fairplay Comprehensive Plan; and*
- 3. That the land to be rezoned was previously zoned in error and the existing zoning is inconsistent with the Town's goals, policies and plans; and*
- 4. That the area for which rezoning is requested has changed substantially such that the proposed rezoning better meets the needs of the community; and*
- 5. That the rezoning is incidental to a comprehensive revision of the Town's zoning map which recognizes a change in conditions and is consistent with the Town's goals, policies and plans.*

Staff Response:

Staff suggests that the rezoning is appropriate and is consistent with the goals, policies and plans of the Town, specifically the 2013 Town of Fairplay Comprehensive Plan.

Although the land to be rezoned was not previously zoned in error, the PUD zoning has expired and the existing zoning – “Vacant Land” – is inconsistent with the Town's goals, policies and plans. Effectively, the Applicant and other properties within the former Stone River PUD have no zoning and, therefore, no approved uses or, importantly, land use or development standards. Further, since the time that the Stone River PUD was approved (and later failed to be developed during and after the Great Recession), the Fairplay area and market conditions have changed substantially such that the proposed rezoning and subsequent build out of those portions of “Phase I” that are currently served by infrastructure will better meet the needs of the community.

III. Zoning Analysis:

Previous Zoning

The subject property – a portion of “Phase I” - was previously zoned “Low Density,” “Medium Density,” and “Multi-family” within the Stone River PUD.

Proposed Zoning

The proposed Multi-Family (MF) zoning will permit similar zoning as existed prior to the extinguishment of the Stone River PUD. From a practical standpoint, when reviewing the “Table of Uses” within the Town of Fairplay Unified Development Code (UDC), the MF zone district permits the exact same uses as are allowed within the “Single-Family” (SF) zone district, with the exception that multi-family (>2 units) are permitted by right within the MF zone district (and not permitted in the SF zone district), and duplex units are only permitted with the SF zone district via the special use permit process.

Staff believes that the proposed MF zoning for the subject property is appropriate given that the previously approved PUD zoning permitted single-family and duplex development; effectively, the impacts and resulting density will be the same or similar to what the Town previously approved for the same area within the PUD in 2006. More specifically, each of the developed lots (those with single-family homes built) in the Tristen Loop area could have originally developed duplexes, for comparison.

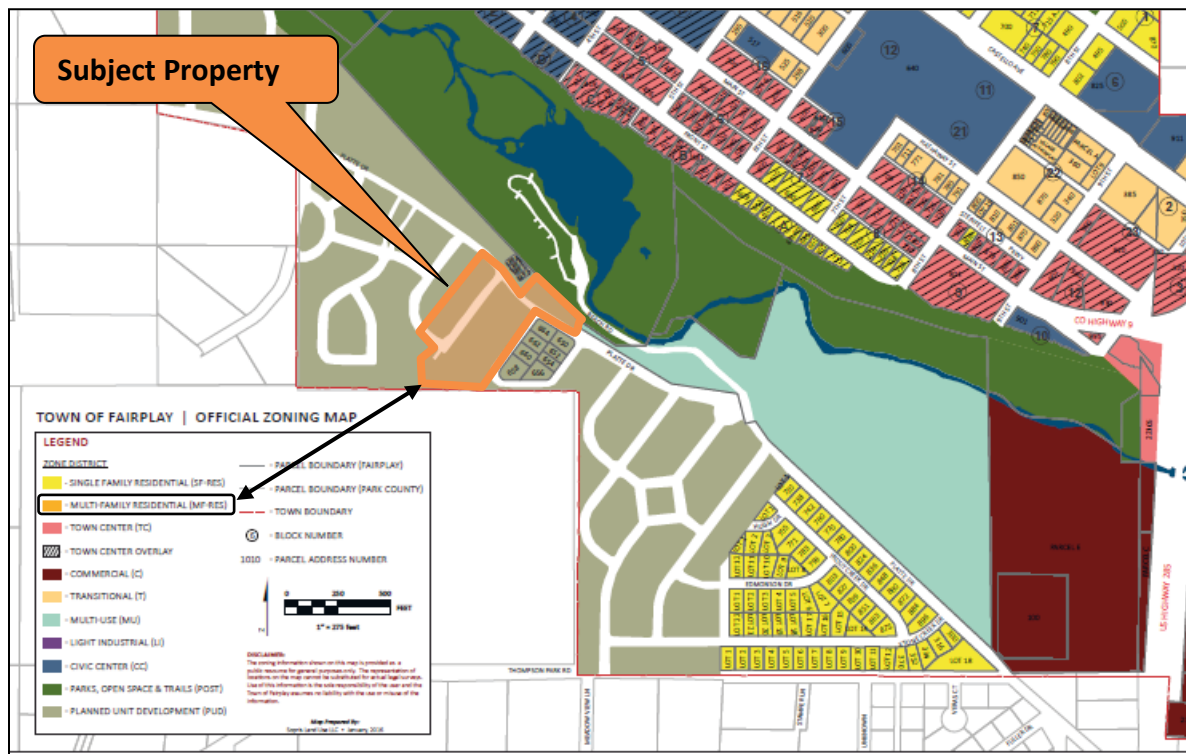


Figure 2: Town of Fairplay Zoning Map

IV. Staff Findings:

The following summarizes staff's findings:

- The 2013 Comprehensive Plan – particularly the economy, community character, and housing policies - generally supports this proposal; the proposal is in substantial conformance with the Town of Fairplay's goals, policies and plans.
- The site is served by adequate vehicular access, water and sewer infrastructure that has been inspected and accepted by the Town.
- The proposed Multi-Family zoning will permit the Applicant to pursue beneficial, compatible use of the subject property in conformance with the criteria and standards of the Town of Fairplay Unified Development Code, Section 16-5-60 – *Amendments and rezoning*, until such time that the Applicant successfully completes a new PUD for the entirety of the Stone River property.

Staff Recommendation and Suggested Condition(s):

Staff suggests that the proposed rezoning for Circle Back Development, LLC., generally meets a preponderance of the Town's Zone District Amendment criteria and standards as well as the Town's comprehensive plan goals.

Staff is **recommending approval** with condition(s).

In the event the Town Board of Trustees votes to approve the rezoning request for Circle Back Development, LLC., staff respectfully suggests the following condition(s) of approval:

1. Prior to any development of new infrastructure such as alleyways, sidewalks or other public improvements within "Phase I" as previously platted per the "Stone River Filing No. 1 Final Plat" recorded on September 19, 2006, the Applicant shall submit detailed engineering plans and cost estimates for infrastructure and other public improvements and shall execute a new Development/Subdivision Improvements Agreement with the Town of Fairplay.

Attachments:

- Development Application
- Development Narrative
- Stone River Filing No. 1 Final Plat
- Conceptual Designs



DEVELOPMENT APPLICATION

TOWN OF FAIRPLAY

PO Box 267
FAIRPLAY, CO 80440
719-836-2622

APPLICATION TYPE

- | | |
|---|---|
| ☐ Planned Unit Development | ☐ Special Use Permit |
| ☐ Subdivision | ☐ Architectural Review |
| ☒ Zoning Map Amendment (Rezoning) | ☐ Site Plan Review |
| ☐ Variance | |

APPLICANT INFORMATION

Applicant: CIRCLE BACK DEVELOPMENT, LLC Date: 8/31/2021

Applicant's Address: 2148 S Lafayette St, Denver CO 80210

Applicant's Phone: 703-475-5893 Fax: _____

Email Address: _____

OWNER INFORMATION

Applicant's Relationship to Owner: SELF

Owner: CIRCLE BACK DEVELOPMENT, LLC

Owner's Address: 2148 S Lafayette St, Denver CO 80210

Owner's Phone: 703-475-5893 Fax: _____

Email Address: _____

PROPERTY INFORMATION

Address: _____

Parcel #: SEE TAB 1 - SPECIFIC LEGAL DESCRIPTION PAGE 1 AND 2 OF THE PUD

Subdivision: _____

Lot: _____ Block: _____

Existing Zoning: _____

Number of Acres: _____

PROJECT PROPOSAL

General Description of Project:

SEE STATEMENT OF PURPOSE

SIGNATURES

I declare under the penalty of perjury that the above information is true and correct to the best of my knowledge.



Owner

8/31/2021

Date

The owner and/or applicant must be present at all meetings and hearings. All public hearings must be properly noticed according to the Fairplay Municipal Code. All submittal requirements must be met and signatures of all owners of the property must appear before the application will be accepted by the Town of Fairplay. Partnerships or corporations may have the authorized general partner or corporate officer sign the application. (Attach additional pages if necessary.)

NOTE: No application will be accepted or processed unless it is complete and all fees are paid. In the event the town must retain outside professional services to process or evaluate an application, the applicant shall bear the cost of same, inclusive of engineering and legal fees, in addition to the base application fee. A deposit to cover the reasonable anticipated costs for outside professional services may be required at the time of application. All applications shall be evaluated under the standards and requirements set forth in Section 15 of the Zoning Code and must be accompanied by seven (7) copies of a proposed site plan/plat prepared by a professional engineer or surveyor.

I hereby certify that I am the applicant named above and that the information contained herein and on any attachments hereto is in all respects true and accurate to the best of my knowledge and belief. I also understand that a building permit may not be issued for the property subject to this application until the application receives final approval by the Board of Trustees.



CIRCLE BACK DEVELOPMENT, LLC

Applicant

FOR TOWN USE ONLY

Application Checklists

- ☐ Complete Application.
- ☐ Proof of Ownership (deed) for project property
- ☐ Written authorization from property owner(s) for agent (if applicable)
- ☐ Existing PUD plat/recording information
- ☐ Proposed site development plan/plat (7 copies). If there are structures on property, they must be on plat with all dimensions
- ☐ List of persons entitled to notice (by name and mailing address)
- ☐ Mailing envelopes (stamped and addressed) for persons entitled to notice
- ☐ Proposed development improvements agreement (if applicable). (3 copies)
- ☐ Fees and/or deposit
- ☐ Other See last page of Statement of Purpose

Statement of Purpose

Application To Rezone Lots

Executive Summary

On August 7, 2021, the Planned Unit Development and Improvements Agreement (“PUD”) for the Stone River property expired. On behalf of the current owner of this property, Circle Back Development LLC, we would like to start building homes on our 19 developed lots located in Phase 1. (As noted below, we recently sold two of the lots in Phase 1). However, when the PUD expired, the Final Site Plat also expired. Therefore, the Stone River property is no longer zoned as a “planned unit development” and the lots defined in the expired Final Site Plat no longer ‘exist’. All the lots in Phase 1, and the infrastructure, have been inspected and approved by the Town of Fairplay. Nonetheless, we cannot start construction until the property is rezoned.

We intend to work with the Town of Fairplay to reach agreement over the terms of a new PUD. However, we also recognize that it will take significant time to reach a mutually acceptable PUD covering a host of complicated issues. Based on the recommendations of Scot Hunn, Planning Director, we are applying to have two of the developed lots in Phase 1 zoned single family, and the remaining lots in Phase 1 rezoned as multi-family residential (“MF - Res”).

Background

On August 7, 2006, the Town of Fairplay entered into the PUD with Frontier Development Company, LLC. The PUD set the terms and conditions for the development of the Stone River property. Hart Mountain, Inc. purchased the Stone River property from Frontier Development and built eight homes.

On August 19, 2019, Circle Back Development LLC (“CBD”) purchased the vacant lots on the Stone River property from Hart Mountain, Inc. CBD is the sole owner of the lots at issue. (See Tab 2 - Warranty Deed). Last month, CBD sold lots 3 and 4 in Section 15 of Phase 1. Those lots are not part of this application to rezone. Any reference in this application to “Phase 1” excludes those two lots. The undersigned, Nick Petkovich, has authority to sign and file this application. (See Statement of Authority - Tab 3).

On August 7, 2021, the vested property rights set forth in the former PUD and the Stone River Filing No. 1 Final Plat (“Final Site Plat”) covering the Stone River property both expired. (See Tab 4 - PUD Section 19.1). Accordingly, all the property located in Stone River is no longer zoned as a “Planned Unit Development” and none of the lots are recognized or zoned as anything other than vacant land.

The legal description of the entire Stone River property is stated in the expired PUD. (See Tab 1 - Specific Legal Description page 1 and 2 of the PUD). The legal description for the former

Phase 1 lots at issue is set forth in the former Site Plat for Phase 1. (See Tab 5 - specific legal description for Phase 1).

Statement of Purpose

We anticipate that it will take significant time to reach agreement over the complicated terms of a new PUD for the entire Stone River property. Our goal is to have one foundation laid before the ground freezes in late October and then build one model home over the winter months. After doing so, we plan to use the model to sell additional homes on the developed, vacant lots in Phase 1.

However, given the fact that the PUD and the Final Site Plat have both expired, we cannot initiate construction until zoning has been reestablished for the remaining lots in Phase 1. We intend to work with the Town to reach mutually acceptable terms for a new PUD, but recognize that process will take considerable time. In the interim, however, we would like to initiate construction. There is a demand for housing in the general geographical area. It is in the Town's and CBD's mutual interest to have the housing built in Fairplay rather than in adjoining towns.

Recently, we met with Scot Hunn, Planning Director, to seek his counsel on the best path forward to accomplish our goals noted above. We advised Scot that we wanted to rezone the lots in Phase 1 so we could lay a foundation before the ground freezes in October this year.

In response, by email dated August 16, 2021, Scot recommended that CBD could expedite construction by filing an application to have these lots zoned as Multi-Family Residential (MF-Res). (See Tab 6 - Scot's email).

By email dated August 30, 2021, Scot recommended that we limit the scope of our application to rezone the lots exclusively in Phase 1, because the Town has approved and platted those lots. In doing so, Scot noted:

"My understanding based on our previous meetings and specifically regarding Paul Wisor's letter is that the only portion of the previously approved PUD that you can potentially move forward on are the lots within previously approved/platted "Phase I" so long as those lots are rezoned to establish your desired zone district (MF)." (See Tab 11 - Scot's August 30 email).

In his August 30th email, Scot further noted that the Town has inspected and approved the infrastructure on the lots in Phase 1:

"Phase I was originally platted along with a Subdivision Improvements/Development Agreement, infrastructure was installed, and then inspected and accepted by the Town. Other than the fact that the lots no longer have zoning, they could otherwise be developed with homes." (See Tab 11)

Accordingly, we are filing this application to rezone the remaining lots in Phase 1 as defined in the expired Final Site Plan. (See Tab 9 - Expired Site Plan pages 10 and 11; See also Tab 5 - Phase 1 lots at issue).

Specific Rezoning Request

Under the terms of the expired PUD and the expired Final Site Plat, Section 13 (15,236 SF) was zoned multi-family residential. ("MF-Res"). (See Tab 5 - Phase 1 Site Plat; See also Tab 9 - Final Site Plan pages 5, 10 and 11). We are asking that Section 13 be rezoned under the same zoning density designation—MF-Res.

Under the terms of the expired PUD and the expired Final Site Plat, the rest of the lots at issue in Phase 1 were zoned medium density, consisting of single family homes and duplex homes. (See Tab 9 - Final Site Plat pages 10 and 11; See also expired PUD Section 7). Our goal is to build single family homes on two of the developed lots in Section 11, and build duplex homes on the remaining lots in Phase 1. We are seeking Board approval to have the following two lots zoned "single family" because these lots are 5,047 square feet and 5,696 square feet:

Section 11 - Lot 8 is 5,047 SF

Section 11 - Lot 9 is 5,696 SF

All of the lots listed above are at least 25' by 100'. (See Tab 5; See also Tab 9 pp. 10 and 11).

In addition, our goal is to build duplexes on the remaining lots in Phase 1. Accordingly, we are seeking Board approval to have the following lots in Phase 1 as MF-Res:

Section 11 - Lot 10 - 6,000 SF

Section 11 - Lot 11 - 6,000 SF

Section 11 - Lot 12 - 6,017 SF

Section 11 - Lot 13 - 7,622 SF

Section 13 N/A - 15,236 SF

Section 14 - Lot 1 - 26,698 SF

Section 14 - Lot 2 - 6,000 SF

Section 14 - Lot 3 - 6,000 SF

Section 14 - Lot 4 - 6,000 SF

Section 14 - Lot 5 - 6,000 SF

Section 14 - Lot 6 - 6,368 SF

Section 14 - Lot 7 - 8,432 SF

Section 14 - Lot 8 - 9,981 SF

Section 14 - Lot 9 - 7,619 SF

Section 14 - Lot 10 - 7,067 SF

Section 14 - Lot 11 - 6,000 SF

Section 14 - Lot 12 - 6,000 SF

All of the lots listed above are at least 60' by 100'. (See Tab 5 and Tab 9 pp. 10 and 11).

Our Application Complies With UDC Section 6-5-60(B)(1-5)

Section 16-5-60 (B)(1)

As Scot noted in his August 30th email, the Town has approved and platted all the lots at issue in Phase 1. The Town also inspected and approved all the infrastructure on these lots.

The Town's goals and policies are also reflected in the Town of Fairplay UDC. As required under Section 16-5-40 of the UDC, both single home lots in our proposed subdivision are over 5,000 square feet. The remaining MF-Res/duplex lots in our proposed subdivision are all 6,000 square feet or larger. (See Tab 5 - Lots sizes in proposed subdivision).

The Town's former approvals indicates our request to have the remaining developed lots in Phase 1 rezoned complies with the Town's goals, policies and plans.

Section 16-5-60 (B)(2)

Our application for rezoning is "substantially compliant with the Fairplay Comprehensive Plan." As expressly stated in the Comprehensive Plan, the Town of Fairplay "encourages small lots" that are consistent with the "original Fairplay lot grid of 25 feet by 100 feet. - totaling 5,000 square feet per lot. (See page 28, Goal H-2 of the Comp. Plan).

Also, in keeping with the goals of the Comprehensive Plan, we intend to build homes that reflect the historic mountain/mining community character of Fairplay. (See draft duplex home designs - Tab 10).

Finally, we also intend to comply with the goals of the Comprehensive plan by building "energy sustainable" homes to the extent reasonably possible. (See page 29 of the Comp. Plan). We hired Ewers Architects in Golden, Colorado to design a broad scope of homes. Peter Ewers is a nationally recognized architect focusing primarily on energy sustainable designs and construction.

Section 16-5-60 (B)(3, 4 and 5)

As detailed above, we are seeking Board approval to have the land rezoned because the former zoning approved by the Board has expired. Accordingly, this "change in conditions" requires rezoning. Our application also meets the needs of the community as reflected in the Comprehensive Plan and the Town's expressly stated goals to have homes built in Fairplay on smaller lots to reflect the history of the Town.

Our Application Complies With UDC Section 16-5-70

16-5-70 (A)(1)

As detailed above, CBD owns the Stone River Property and Nick Petkovich has authority to sign this Application. (See Tabs 2 and 3).

16-5-70 (A)(2)

See description of proposed zoning change detailed above. (See also Tab 5).

16-5-70 (A)(3)

Our application to have these lots rezoned is justified by the fact that the Town approved zoning for the remaining lots in Phase 1 has expired. As further detailed above, this request complies with the Town's goals stated in Town of Fairplay's UDC and the goals stated in the Town's Comprehensive Plan. The surrounding properties are all zoned residential.

16-5-70 (A)(4)

As detailed above, the Town has approved the lots in Phase 1. The Town also inspected and approved the infrastructure on the developed lots at issue. The density levels of the lots subject to this application substantially comply with the Town's goals expressly stated in the UDC and the Comprehensive Plan. As stated in Section 7 of the expired PUD, the Town approved single family homes and duplex homes to be built on the lots in Phase 1.

These factors indicate the Town viewed the zoning of these lots as being in substantial compliance with the Town's goals.

16-5-70 (A)(5)

As defined in the expired PUD and the Final Site Plat, all the property to the North and South of Phase 1 had been zoned residential and to a limited degree open space. (See Tab 9 - Final Site Plat). Under the terms of the expired PUD, the residential zoning varied among low density, medium density and multi-family density. The property to the South of the Stone River property is all zoned single family residential.

The land to the East of Stone River is zoned "parks, open space & trails". The land to the West of Stone River is undeveloped property and not incorporated within the Town of Fairplay. (See zoning map set forth in the Comprehensive Plan).

For these reasons, our application to have the remaining developed lots in Phase 1 rezoned as detailed above offers a consistent, logical and seamless transition from the surrounding zone districts and land uses.

16-5-70 (A)(6)

We propose the zoning amendment state:

“The Town approves the Application to Rezone the lots in Phase 1 as follows:

Single Family Density

Section 11 - Lot 8 is 5,047 SF

Section 11 - Lot 9 is 5,696 SF

Multi-Family Residential Density

Section 11 - Lot 10 - 6,000 SF

Section 11 - Lot 11 - 6,000 SF

Section 11 - Lot 12 - 6,017 SF

Section 11 - Lot 13 - 7,622 SF

Section 13 - N/A - 15,236 SF

Section 14 - Lot 1 - 26,698 SF

Section 14 - Lot 2 - 6,000 SF

Section 14 - Lot 3 - 6,000 SF

Section 14 - Lot 4 - 6,000 SF

Section 14 - Lot 5 - 6,000 SF

Section 14 - Lot 6 - 6,368 SF

Section 14 - Lot 7 - 8,432 SF

Section 14 - Lot 8 - 9,981 SF

Section 14 - Lot 9 - 7,619 SF

Section 14 - Lot 10 - 7,067 SF

Section 14 - Lot 11 - 6,000 SF

Section 14 - Lot 12 - 6,000 SF”

Conclusion

Accordingly, we respectfully request that the Board approve our application to rezone the remaining developed lots in Phase 1 as detailed above.

Our \$150.00 check for this Application fee is enclosed. Circle Back Development further agrees to pay the costs incurred by the Town of Fairplay to hire consultants to review this Application.

Application Checklist

In support of this Application, we are specifically incorporating the following required documents attached to our Application for subdivision:

1. Complete Application - Satisfied;
2. Proof of Ownership (See Tabs 2 and 3);
3. Written authorization from property owners for agent - Not applicable;
4. Existing PUD/recording information - Not applicable
5. Proposed site development plan/plat (See Tab - 5);
6. List of persons entitled to notice by name and address (See Tab 7);

7. Proposed development improvements agreement - Not applicable;
8. Fees and /or deposit (See \$150 Application fee enclosed;
9. Other:

Section 16-3-20 Common Submittal Requirements

1. Town Clerk's Application Form (Satisfied);
2. Legal Description (See Tab 1);
3. Proof of Legal Ownership (See Tabs 2 and 3);
4. Owners/Lessees of mineral rights (See Tab 8 - Fidelity Title Report Schedule B Part 11 - Exceptions Item 8);
5. Names and addresses of adjacent property owners (See Tab 7);
6. Statement of Purpose and Description of Proposal - See above;
7. Vicinity Map (See Tab 9);
8. Agreement to pay - See above; and
9. Application fee - See enclosed.

Section 16-3-30 Drawing and Report Requirements

See Tab 9 - fully executed "Stone River Filing No. 1 Final Plat.

Section 16-3-40 Site Plans

See Tab 5 - Proposed Subdivision Site Plan

Section 16-5-60

See above.

Section 16-5-70

See above



Nick Petkovich
Managing Partner
Circle Back Development LLC

CONSTRUCTION DOCUMENTS FOR
STONE RIVER, PHASE 1

A PART OF SECTION 33, TOWNSHIP 9 SOUTH, RANGE 77 WEST
OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF FAIRPLAY, COUNTY OF PARK, STATE OF COLORADO

SHEET INDEX

T1	TITLE SHEET
T2	P.U.D. REGULATIONS
SP1	GENERAL DEVELOPMENT PLAN
PH1	PHASING PLAN
GR1	GRADING & EROSION CONTROL PLAN
MU1	MASTER UTILITY PLAN
PPRD0-PPRD02	ROAD PLAN & PROFILE
PPSS-01	SANITARY SEWER PLAN & PROFILE
DET-ST	GENERAL NOTE AND DETAIL SHEET
DET-WT1-3	WATER DETAIL SHEET
DET-SS1-3	SANITARY SEWER DETAIL SHEET
DET-ER	EROSION CONTROL DETAIL SHEET
DET-POND	TEMPORARY DETENTION FACILITY DETAIL SHEET

PROJECT CONTACT LIST

DEVELOPER
Frontier Development, LLC
8101 East Prentice Avenue, Floor 5
Greenwood Village, CO 80111
Contact: Scott L. Grose
Ph: 303.468.7550
Fx: 303.496.0996
Email: sgrose@frontiercapitalllc.com

PLANNER
Design Concepts
211 North Public Road, Suite 200
Lafayette, CO 80026
Contact: Tim Wilson, ASLA
Ph: 303.664.5301
Fx: 303.664.5313
Email: tim@dcla.net

CIVIL ENGINEER
High Country Engineering, Inc.
14 Inverness Drive East, Suite F120
Englewood, CO 80112
Contact: Todd West, P.E.
Ph: 303.925.0544
Fx: 303.925.0547
Email: twest@hceeng.com



UNCC
CALL BEFORE
YOU DIG

1-800-922-1987

Utility Notification
Center of Colorado
4400 South Union Avenue, Suite 100
Lafayette, CO 80026
800-922-1987

CALL BUSINESS DAYS IN ADVANCE
BEFORE YOU DIG, GRADE OR EXCAVATE
FOR THE MARKING OF UNDERGROUND
MEMBER UTILITIES

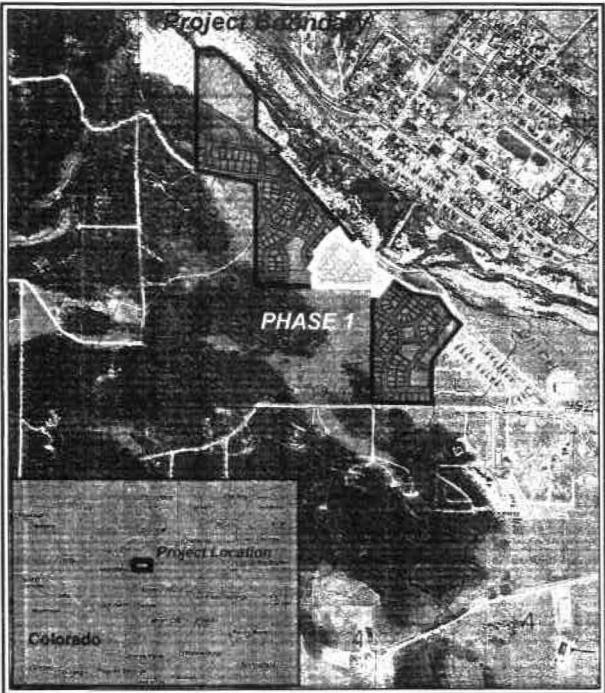
1.1.2022: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL
ACTION BASED UPON ANY OBJECT IN THIS SURVEY WITHIN NINE YEARS
AFTER YOU FIRST DISCOVER SUCH OBJECT. IN NO EVENT MAY ANY ACTION
BASED UPON ANY OBJECT IN THIS SURVEY BE COMMENCED MORE THAN TEN
YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREIN.

DIRECTOR OF PUBLIC WORKS
400 Front Street
P.O. Box 267
Fairplay, CO 80440
Contact: John Schmidt
Ph: 719.836.2622
Fx: 719.836.3279
Email: rockyjs9@yahoo.com

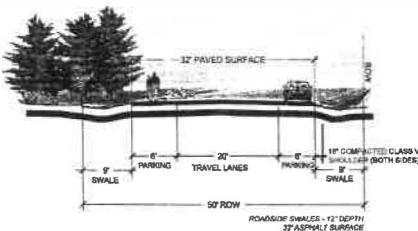
WATER AND SANITATION DISTRICT
Fairplay Sanitation District
Consultant: AquaTest, Inc.
P.O. Box 1905
400 W. Midland, Suite 250
Woodland Park, CO 80866
Contacts: Dave Stanford
Jeff Goble
Ph: 719.836.4810
Fx: 719.836.4564
Email: dave@aquatest.biz
jeff@aquatest.biz

WATER ENGINEER
Hydrokinetics, Inc.
12975 W. 24th Place
Golden, CO 80401
Contact: Scott Melford
Ph: 303.237.8865
Fx: 303.237.8869
Email: hydrokinetics@comcast.net

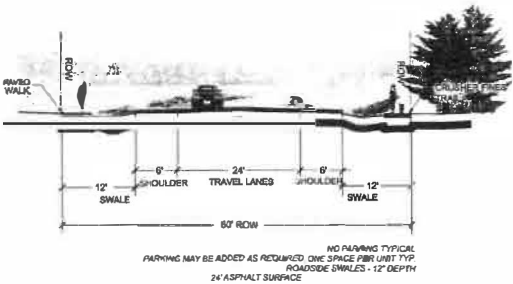
GEOTECHNICAL ENGINEER
Yeh and Associates, Inc.
5700 East Evans Avenue
Denver, CO 80222
Contact: Jere Strickland, P.E.
Ph: 303.781.9590
Fx: 303.781.9583
Email: jstrickland@yeh1.net



Vicinity Map
SCALE 1" = 1000'



LOCAL RESIDENTIAL - SECTION
STONE RIVER P.U.D.



PLATTE DRIVE - SECTION
STONE RIVER P.U.D.

NOTES

- (1) THE TOWN OF FAIRPLAY DIRECTOR OF PUBLIC WORKS SIGNATURE AFFIXED TO THIS DOCUMENT INDICATED THAT THEY HAVE REVIEWED THE DOCUMENT AND FOUND IT IN GENERAL CONFORMANCE WITH THE TOWN OF FAIRPLAY STANDARDS. THROUGH ACCEPTANCE OF THIS DOCUMENT, ASSUMES NO RESPONSIBILITY, OTHER THAN STATED ABOVE, FOR THE COMPLETENESS AND/OR ACCURACY OF THESE DOCUMENTS. THE OWNER AND ENGINEER UNDERSTAND THAT THE RESPONSIBILITY FOR THE ENGINEERING ADEQUACY OF THE FACILITIES DEPICTED IN THIS DOCUMENT LIES SOLELY WITH THE REGISTERED PROFESSIONAL ENGINEER WHOSE STAMP AND SIGNATURE IS AFFIXED TO THIS DOCUMENT.
- (2) ALL ROADWAY CONSTRUCTION SHALL CONFORM TO TOWN OF FAIRPLAY CONSTRUCTION STANDARDS.
- (3) ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION BY THE TOWN OF FAIRPLAY. THE TOWN RESERVES THE RIGHT TO ACCEPT OR REJECT ANY SUCH MATERIALS AND WORKMANSHIP THAT DOES NOT CONFORM TO ITS STANDARDS AND SPECIFICATIONS.
- (4) THE CONTRACTOR SHALL NOTIFY THE TOWN OF FAIRPLAY DIRECTOR OF PUBLIC WORKS (719.836.3022), A MINIMUM OF 48 HOURS AND A MAXIMUM OF 96 HOURS PRIOR TO STARTING CONSTRUCTION.
- (5) LOCATION OF EXISTING UTILITIES SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO ACTUAL CONSTRUCTION. FOR INFORMATION CONTACT: TOWN OF FAIRPLAY PUBLIC WORKS AND FAIRPLAY SANITATION DISTRICT.
- (6) THE CONTRACTOR SHALL HAVE ONE (1) SIGNED COPY OF THE PLANS (ACCEPTED BY TOWN OF FAIRPLAY DIRECTOR OF PUBLIC WORKS) AND ONE (1) COPY OF THE ROADWAY DESIGN AND CONSTRUCTION STANDARDS AT THE JOB SITE AT ALL TIMES.
- (7) INSPECTION: CONSTRUCTION SHALL NOT BEGIN UNTIL A PERMIT HAS BEEN ISSUED. IF A TOWN OF FAIRPLAY INSPECTOR IS NOT AVAILABLE AFTER PROPER NOTICE OF CONSTRUCTION ACTIVITY HAS BEEN PROVIDED, THE PERMITTEE MAY COMMENCE WORK IN THE INSPECTOR'S ABSENCE. HOWEVER, THE TOWN OF FAIRPLAY RESERVES THE RIGHT NOT TO ACCEPT THIS IMPROVEMENT IF SUBSEQUENT TESTING REVEALS AN IMPROPER INSTALLATION.
- (8) PAVING SHALL NOT START UNTIL A SOILS REPORT AND PAVEMENT DESIGN IS ACCEPTED BY TOWN OF FAIRPLAY DIRECTOR OF PUBLIC WORKS AND SUBGRADE COMPACTION TESTS ARE TAKEN AND ACCEPTED BY THE INSPECTION SECTION.
- (9) ALL STATIONING IS BASED ON CENTERLINE OF ROADWAYS UNLESS OTHERWISE NOTED.
- (10) EXCEPT WHERE OTHERWISE PROVIDED FOR IN THESE PLANS AND TOWN OF FAIRPLAY SPECIFICATIONS, THE COLORADO DEPARTMENT OF TRANSPORTATION M&S STANDARDS, LATEST EDITION, SHALL APPLY.

TRACT A owners
TREVOR L. WEST
TRI MOUNT REAL ESTATE ADVISOR
404-521-7530
T.West@TriMountReal.com
Bought
2011

ALL FIRE HYDRANTS SHALL BE INSTALLED PER TOWN OF FAIRPLAY STANDARDS. THE NUMBER AND LOCATIONS AS SHOWN ON THIS WATER MAIN INSTALLATION ARE CORRECT AS SPECIFIED BY THE NORTH WEST FIRE PROTECTION DISTRICT.

NORTH WEST FIRE PROTECTION DISTRICT DATE

"THESE CONSTRUCTION PLANS FOR STONE RIVER SUBDIVISION, PHASE 1 WERE PREPARED BY ME (OR UNDER MY DIRECT SUPERVISION) IN ACCORDANCE WITH THE APPLICABLE REQUIREMENTS OF THE TOWN OF FAIRPLAY DESIGN STANDARDS."

DIRECTOR OF PUBLIC WORKS

DATE

THESE CONSTRUCTION PLANS HAVE BEEN REVIEWED BY THE TOWN OF FAIRPLAY FOR PUBLIC STREET, UTILITY, AND DRAINAGE IMPROVEMENTS ONLY.

Public Works Department Acceptance Block

TODD ERIC WEST, P.E. DATE
COLORADO NO. 37643
FOR AND ON BEHALF OF HIGH COUNTRY ENGINEERING, INC.



HIGH COUNTRY ENGINEERING, INC.

14 INVERNESS DRIVE EAST, STE F-120, ENGLEWOOD, CO 80112
PHONE (303) 925-0844 FAX (303) 925-0607
1517 BLAKE AVENUE, STE 101, GLENWOOD SPRINGS, CO 81601
PHONE (970) 843-8676 FAX (970) 845-2555
WWW.HCEENG.COM

STONE RIVER
Filing 1 Final Plat
33-9S-77W
Town of Fairplay

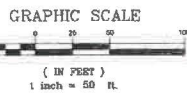
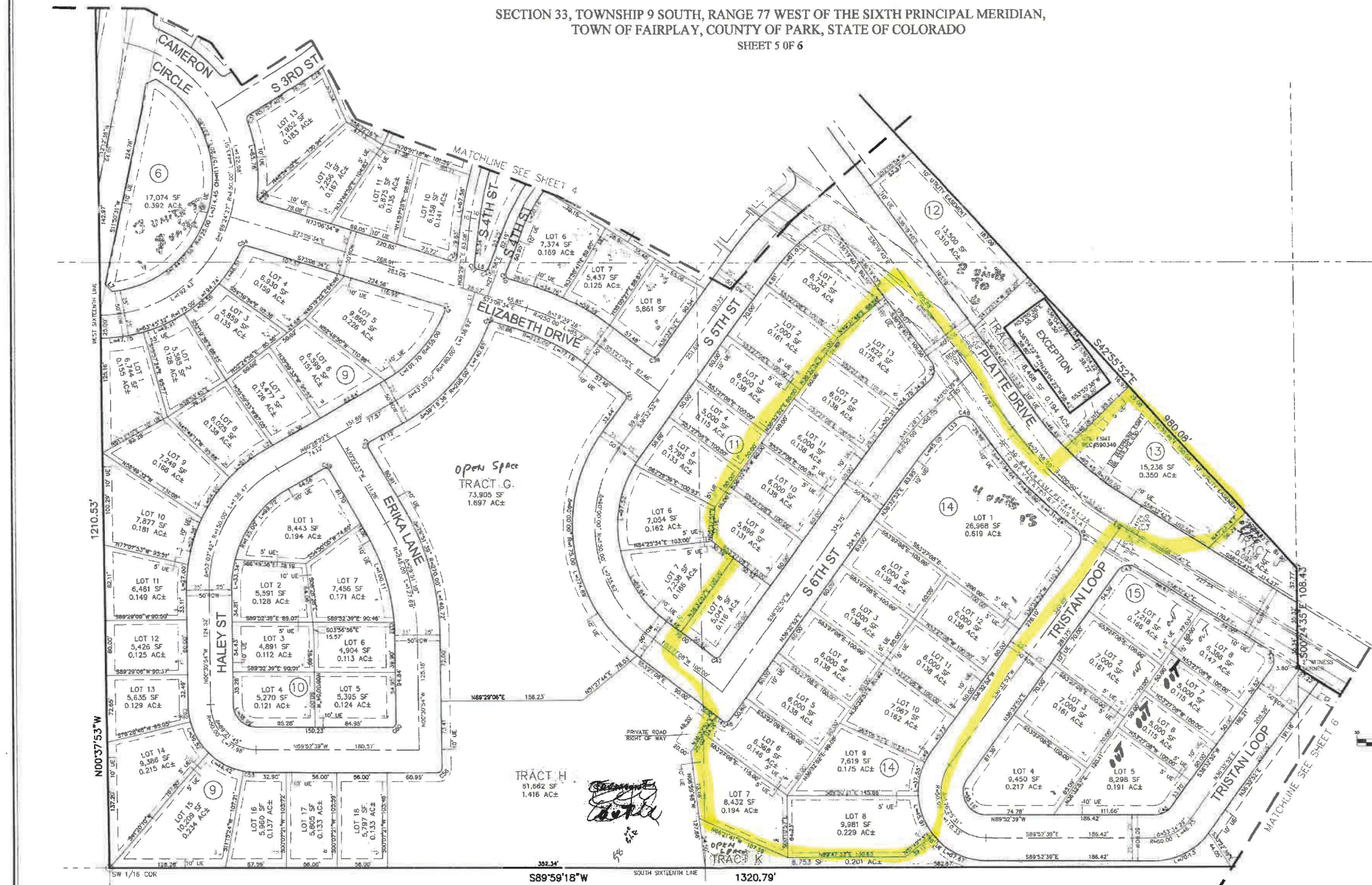
DRAWING NUMBER

DRAWING NUMBER

DRAWING NUMBER

STONE RIVER FILING NO. 1 FINAL PLAT

SECTION 33, TOWNSHIP 9 SOUTH, RANGE 77 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
TOWN OF FAIRPLAY, COUNTY OF PARK, STATE OF COLORADO
SHEET 5 OF 6



LEGEND

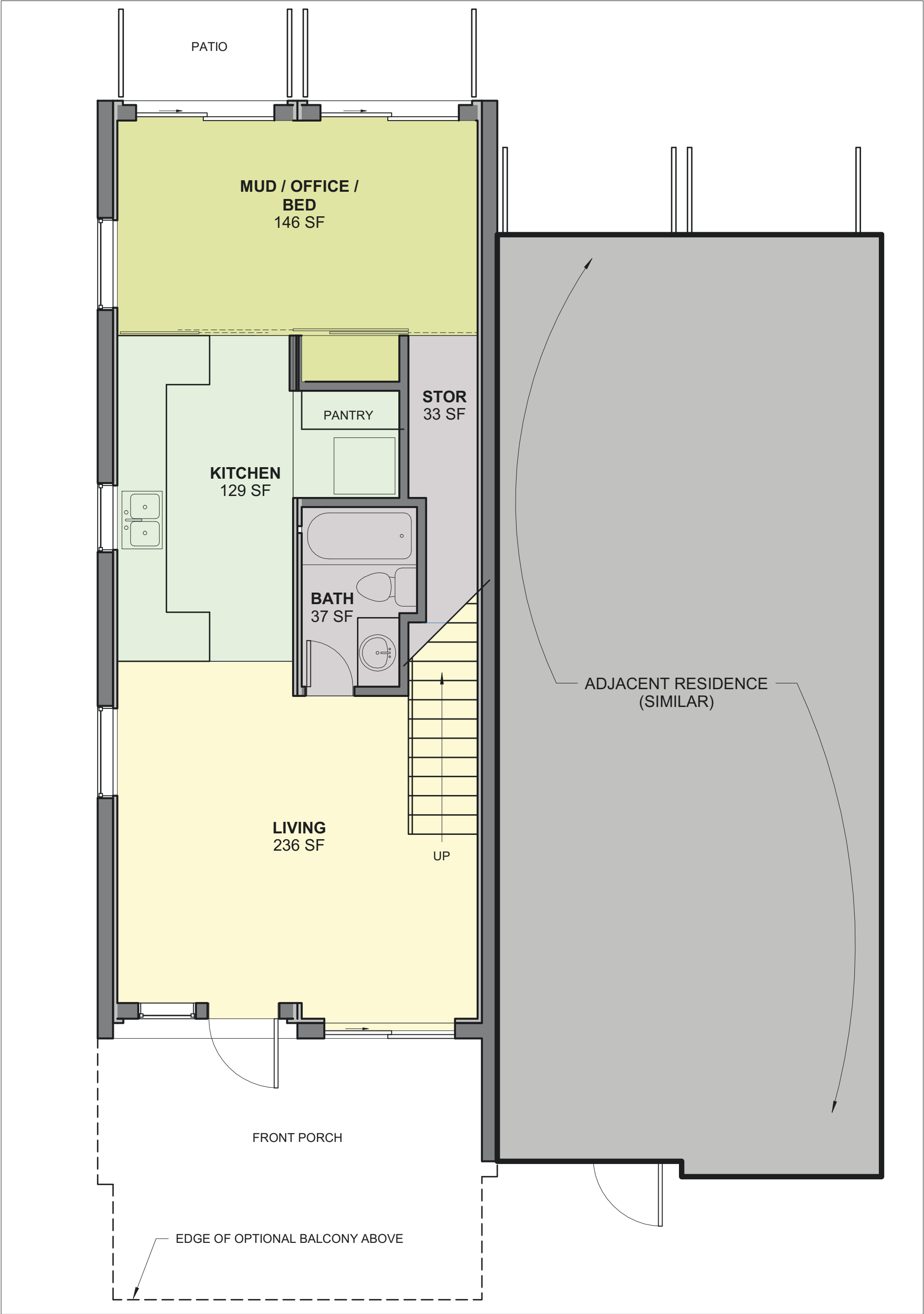
- ▲ FOUND 1-1/2" ALUMINUM CAP
STAMPED BURNETT PLS 11944
- FOUND 2" ALUMINUM CAP
STAMPED CROW HILL
PLS 25890
- SET #5 REBAR WITH PLASTIC CAP
STAMPED HICE PLS 24669
- UE UTILITY EASEMENT

NOTE:
1. FOR LINE AND CURVE TABLES SEE SHEET 7.



HIGH COUNTRY ENGINEERING, INC.
14 INVERNESS DRIVE EAST, STE F-120, ENGLEWOOD, CO 80112
PHONE (303) 925-0544 FAX (303) 925-0547
1817 BLAKE AVENUE, STE 101, GLENWOOD SPRINGS, CO 81601
PHONE (970) 945-6678 FAX (970) 945-2555
WWW.HCENG.COM

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS PLAT WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BE BROUGHT UPON ANY DEFECT IN THIS PLAT OR CONTAINED HEREIN MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION HEREIN.

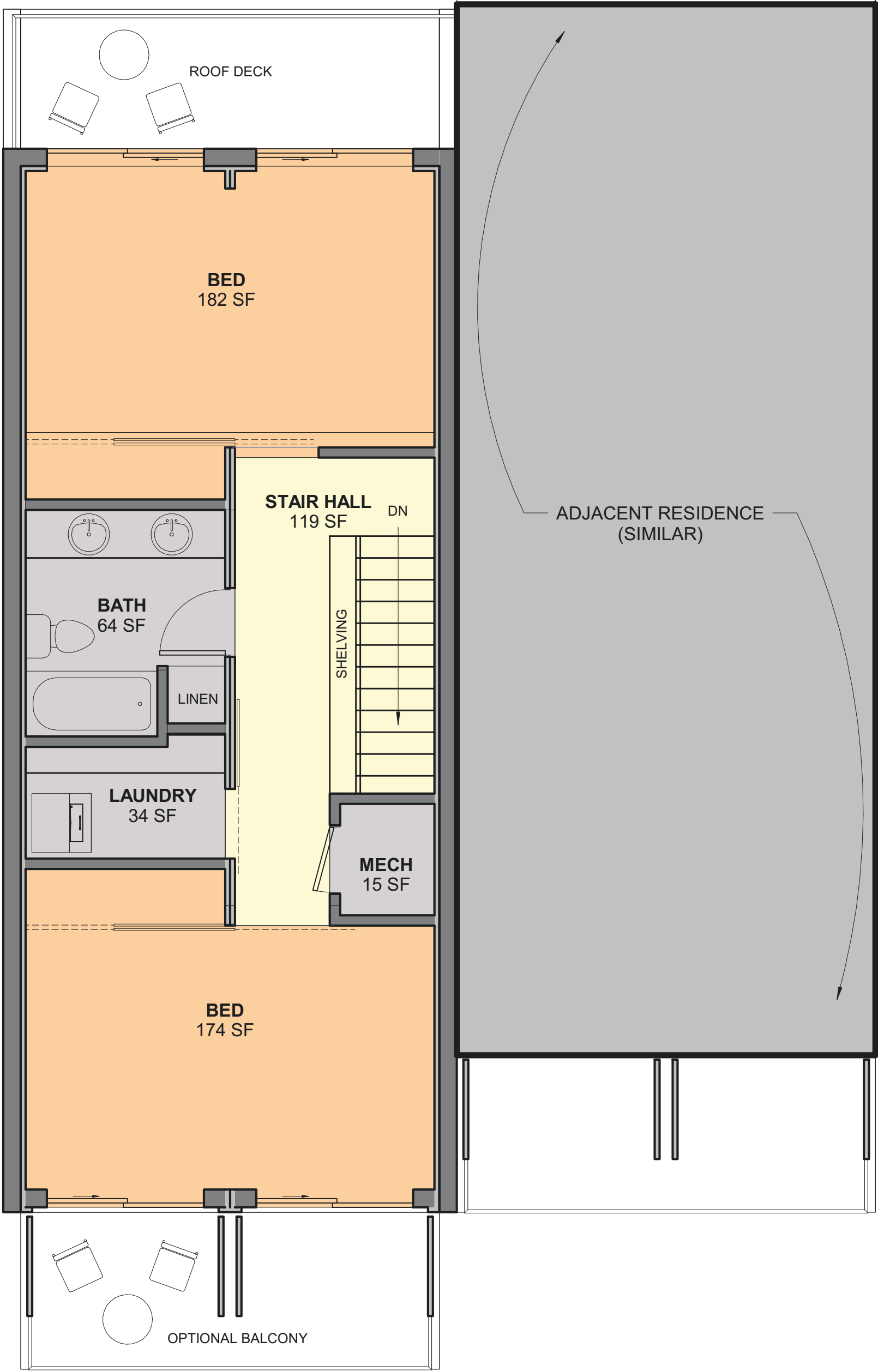


A.1

FIRST FLOOR PLAN

Scale 1/4" = 1'-0"
Project 1810
Date 07.07.21

FAIRPLAY TOWNHOMES

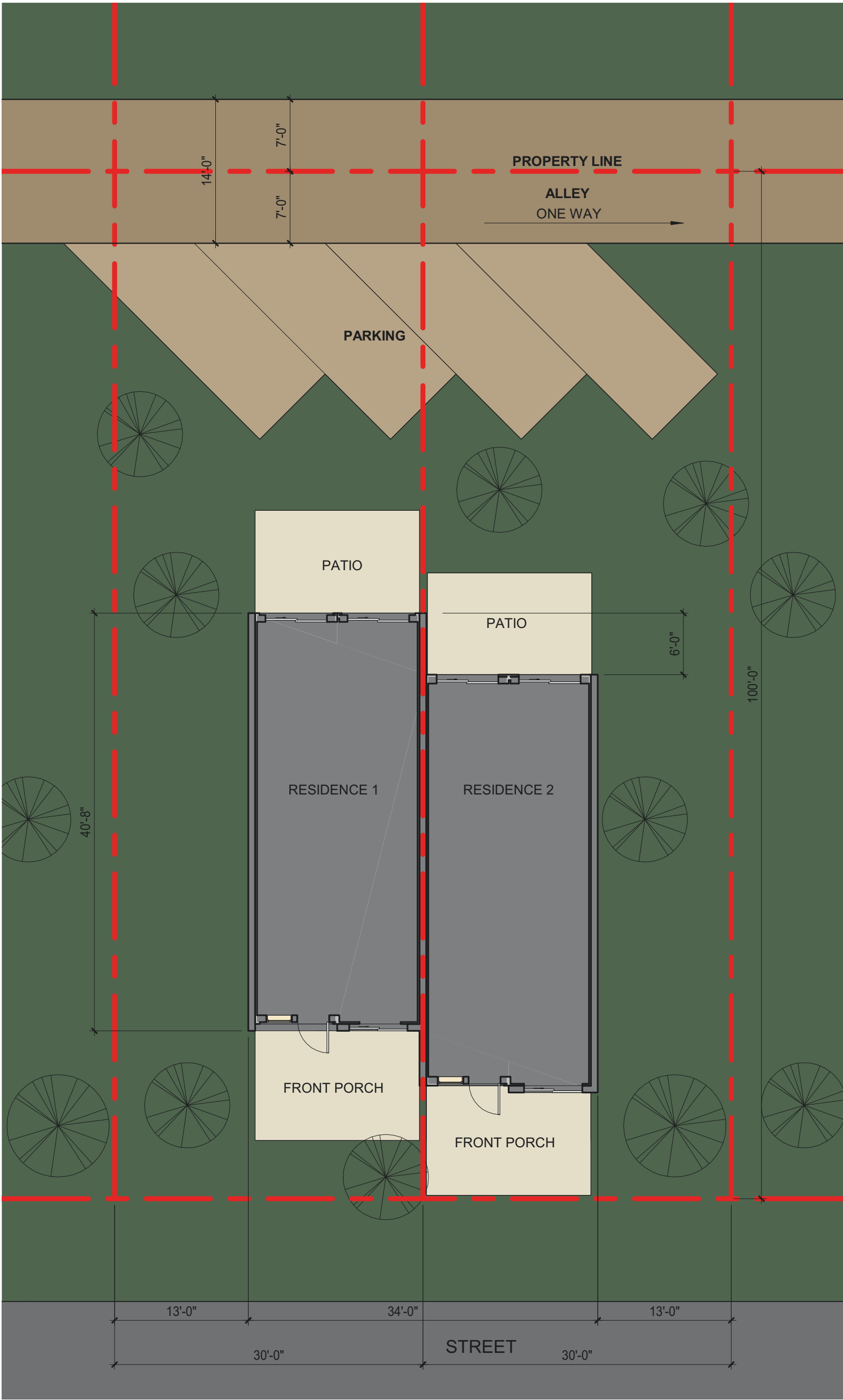


A.2

SECOND FLOOR PLAN

Scale 1/4" = 1'-0"
Project 1810
Date 07.07.21

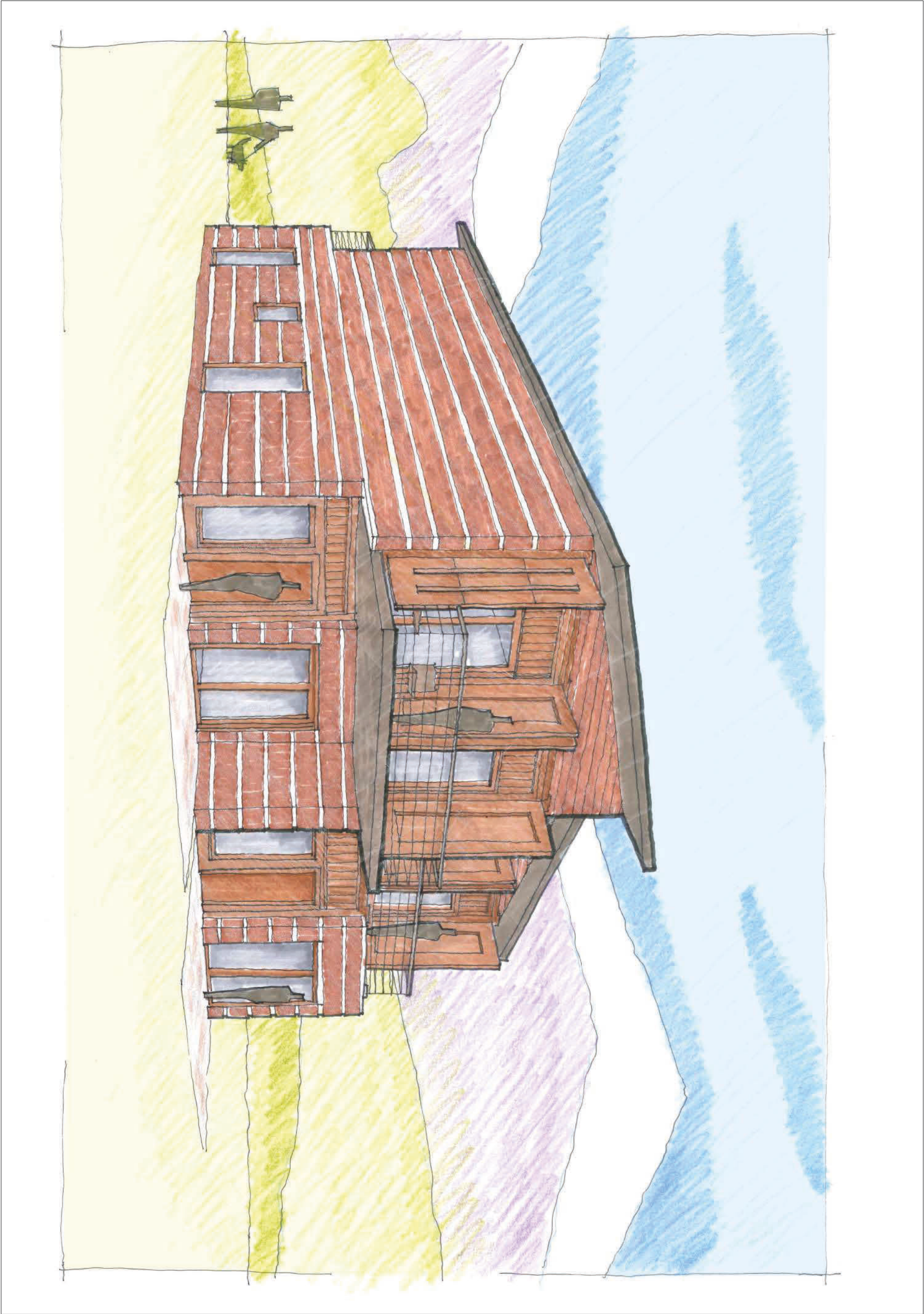
FAIRPLAY TOWNHOMES



A.3 SITE PLAN

Scale 1" = 10'-0"
Project 1810
Date 07.07.21

FAIRPLAY TOWNHOMES



COMMUNITY GARDEN LEASE AND MANAGEMENT AGREEMENT

This Lease Agreement ("Lease") is entered into this 1 day of June, 2021, between Vivian and Keith Pershing, owners of property located at 600 Front St., Fairplay, CO, ("Owners"), and the Town of Fairplay, statutory town and political subdivision of the State of Colorado ("Town"), on behalf of the Fairplay Community Garden Group ("FCGG"), collectively referred to as "the Parties".

WHEREAS, the parties intend to work together to manage and enhance the Fairplay Community Garden ("Garden"), at 600 Front St., Fairplay, Colorado, 80440; and

WHEREAS, the Owners have real property situated at 600 Front St., Fairplay, CO ("Premises"); and

WHEREAS, the parties desire to enter this Lease for the purpose of constructing the Fairplay Community Garden ("Garden"); and

WHEREAS, the lease of the Premises is made for a term, at the rate and pursuant to the covenants, terms, conditions, and other stipulations set forth in this Lease.

NOW, THEREFORE, it is agreed as follows:

I. Authority. The Town is authorized to enter into this Lease pursuant to §31-15-101(1)(a) C.R.S. §31-16-10(1)(a) and (c) and 31-15-801, C.R.S.

II. Premises and Terms.

1. Lease of Premises. Owners hereby leases to the Town, and the Town hereby leases from Owners, a parcel of partially developed land for the purposes of a community garden to be maintained and managed by the FCGG.

2. Term. The term of this Lease shall be for five (5) years commencing on the first day of the month following the month during which the Town of Fairplay, by majority vote, ratify renewing this Lease, (the "Commencement Date") and terminating five (5) years after the Commencement Date, unless sooner terminated as provided below.

3. Rent. The Town shall pay to Owners the sum of five hundred dollars (\$500.00) per month as lease payment for use of the Premises.

4. Permitted Use. The Town may use the Premises for a community garden, to be managed by the FCGG and for related events that the Town determines in its sole discretion are in the public interest and having a nexus to the FCGG. The Town may have a pecuniary interest in such events. The Owners may not interfere in the quiet enjoyment and use of the Premises for its intended purpose. The Town, by and through the FCGG, reserves the right to install improvements not inconsistent with the Town's uses, including without limitation, gazebos, fountains, drip lines, garden boxes, storage shed(s), and overhead entrance(s) or

other signs in a manner consistent with Town ordinances.

- a. With respect to the Town's use for a community garden, it is agreed that the FCGG is in exclusive possession and control of the Premises and that the FCGG is solely responsible for managing, supervising, and monitoring all aspects of such gardening activities and events, including but not limited to the conditions of the Premises and any and all safety guidelines, rules, or recommendations related to such gardening activities and events. It being agreed that the Owners have no duty whatsoever with respect to such recreational activities and events and specifically no duty whatsoever pertaining to the conditions of the Premises nor any safety guidelines, rules, or recommendations related to such gardening activities and events, including but not limited to irrigation, management of plants, weed control, and permitting of signage and other improvements.

- III. Insurance. The Town shall provide insurance, either through its insurance carrier, CIRSA, or by a third-party insurer in amounts and with coverage determined by the Town to be in the Town's best interests. The Town shall name Owners and FCGG as an "also insured" in any CIRSA or third-party insurance policy purchased by the Town or by any person or entity using the Garden from which the Town requires third-party insurance. Owners shall provide to the Town a certificate of insurance naming the Town as an "also insured", in amounts agreeable to both the Town and Owners, only during periods of time and events that Owners use the Premises for its own purposes and in its sole discretion. The Town and Owners recognize and agree that this Agreement qualifies and extends liability limits to Owners as private landowner as described in C.R.S. §33-41-103, Parks and Wildlife, Limitations on Landowner's Liability.
- IV. Indemnification. The Town shall indemnify, defend and hold Owners harmless from and against any and all claims, actions, liability, costs, expenses and damages of every kind and nature, including reasonable attorney's fees arising from the Town's use and occupancy of the Premises in all circumstances. In accordance with C.R.S. §33-41-103(d), Owners and the Town recognize that Owners are a private landowner and shall not be liable for any and all claims, actions, liability, costs, expenses and damages of any kind and nature, including reasonable attorney's fees arising from the Town's or the FCGG's management of the land or portion thereof which is used for recreational purposes as defined by the referenced statute. Owners shall indemnify, defend and hold the Town harmless from and against any and all claims, actions, liability, costs, expenses, and damages, including reasonable attorney's fees arising from acts of negligence by Owners during periods of time that Owners use the Premises for its own purposes in its sole discretion.
- V. Construction/Improvements. The Town and/or FCGG may, but need not, improve the Premises as the Town deems necessary to make the Garden suitable for its intended usage. Such improvements may include, but are not limited to, leveling areas of the Premises, sodding areas of Premises, installing water lines, electric utilities, water sprinkler systems, fencing and security apparatus. In the event the Town or FCGG uses contractors and laborers for such improvements, the Town shall indemnify Owners for

any mechanic's liens or other encumbrances placed on the Premises by virtue of such construction or improvement. Improvements made and paid for by the Town or FCGG shall remain with the Premises upon termination of this Lease, unless the Town or FCGG can remove such improvements without causing undue damage to the Premises.

- VI. **Maintenance/ Repairs.** The FCGG shall be responsible for all general maintenance of the Garden, the parking areas, and fencing of the Garden. Such maintenance shall include, but not be limited to, maintaining, flower beds, planting areas, trails and areas of natural flora, and shall include, but not be limited to, mowing, weeding, planting, feeding, aerating, fertilizing, replacing sprinkler system parts, and other minor repairs and maintaining such areas as is necessary or agreed upon by the parties. Owners shall be responsible for the maintenance and repairs of all areas of the Garden FCGG.
- VII. **Assignment/Sublet.** This Lease shall not be assigned to any third party without the written consent of the other party.
- VIII. **Utility Expenses.** Arranging for, maintaining and paying for all Water and Electrical service to the Garden shall solely be the responsibility of the Town.
- IX. **Access/Environmental.** Owners shall have unrestricted access to the Premises for the purpose of inspecting the same. No hazardous material, as defined by any state, federal or local ordinance or law, shall be permitted on or near the Premises, unless such hazardous material is authorized by law and used for the purposes for which was intended.
- X. **Early Termination.** The Town reserves the right to terminate this Lease at any time by giving Owners 30-days' written notice of its termination. Owners reserve the right to terminate this Lease at any time by giving the Town 30-days' written notice of its termination.
- XI. **Surrender/Subordination.** The Town shall surrender the Premises in good condition and repair upon termination of this Lease as contemplated herein. The Town agrees that this Lease is subordinate to any encumbrances which may attach to the Premises, and shall abide by and cooperate with any reasonable alterations to this lease necessary to satisfy such encumbrances, including but not limited to, early termination of this Lease.
- XII. **General Provisions,**
 - 1. **Relationship:** The parties agree that no relationship between the parties exists or is intended to be created under this Lease other than Lessor/Lessee.
 - 2. **Binding Effect:** The covenants, agreements, and obligations contained herein shall extend to, bind, and inure to the benefit not only to the parties, but to their respective successors in interest, and assigns.
 - 3. **Severability:** Any unenforceable provisions contained herein shall not exclude or negate any other provisions contained herein,

4. Governing Law: The parties agree that this lease shall be governed by the laws of the State of Colorado.
5. Amendments: All amendments to this document shall be in writing and signed by authorized representatives of that party.

XIII. Management of the Garden

1. A Steering Committee, consisting of members of the Town Board and staff or their designee, Owners or their designee, and representatives of the FCGG and other partner organizations as necessary, shall serve as an advisory committee to the Town and FCGG, overseeing all activities and projects related to the Garden. No organization shall have a majority of members on the steering committee.
2. The roles and responsibilities of the Town shall include lessee, manager, and event approval.
3. The roles and responsibilities of the FCGG shall include all regular maintenance and event management as approved by the Town.
 - a. The roles and responsibilities of Owners shall include landownership, lessor, and manager of improvements and enhancements on their property unrelated to FCGG improvements. Enhancement means the creation, construction, renovation or additions to any Garden amenities beyond what already exists. Notwithstanding, Owner shall ^{have} no responsibility or authority over the FCGG improvements.
4. Revenues generated from Town-sponsored activities in the Garden, if any, shall be the sole property of the Town. FCGG revenues shall be expended at the discretion of FCGG

XIV. Taxes. Owner shall be solely responsible for all property and related taxes applicable to the Property. FCGG shall properly pay all sales, use or other taxes related to FCGG operations, and shall take no action resulting in a lien or other encumbrance being placed on the Premises.

IN WITNESS WHEREOF, the Parties, intending to legally bind themselves, have set their hands on the date first written above.

OWNERS, VIVIAN AND KEITH PERSHING

By: Vivian Pershing
Vivian Pershing, Owner

By: Keith A. Pershing
Keith Pershing, Owner

TOWN OF FAIRPLAY

By: [Signature]
Frank Just, Mayor

FCGG

By: [Signature]
Peter Lynn, President



MEMORANDUM

TO: Mayor and Board of Trustees
FROM: Janell Sciacca, Town Administrator/Clerk
RE: New Business Item B – Appointment to Fill Vacant Seat on Board of Trustees
DATE: September 20, 2021

Background: Nate Fidler resigned from the Board of Trustees on August 16, 2021. Per Section 2-2-10 (d) of the Fairplay Municipal Code, the Board of Trustees must select and appoint from duly qualified electors of the town, a suitable person to fill the vacancy or call a special election to fill the vacancy.

Public Notices seeking letters of interest were published in the September 3 and September 10, 2021 editions of the Flume with a deadline for submittal of Wednesday, September 15 at close of business. One citizen submitted, Peter J. Lynn, submitted his letter which is attached for your review.

Mr. Lynn was invited to attend the September 20, 2021 Regular Board meeting to answer questions regarding his interest. If Mr. Lynn is appointed by majority vote of the Board, I will administer his Oath of Office and he shall serve until the next regular election in April, 2022, which was the end of the term held by Mr. Fidler.

Recommended Board Action:

Staff recommends, that following questioning, a motion be made to appoint Peter J. Lynn to the Fairplay Board of Trustees for the term ending April 5, 2022.

Attachment:

- Peter Lynn Letter of Interest

From:
Peter J Lynn
851 Hathaway St.
Fairplay, CO 80440

To:
Mayor Frank Just & The Fairplay Board of Trustees
961 Main St.
Fairplay, CO 80440

I Peter J. Lynn am sending this letter of interest to the Mayor of Fairplay, Colorado, Frank Just and to the Fairplay Board of Trustees to bring attention to my request of consideration in joining the Fairplay Board of Trustees.

I have been a full time resident of Fairplay along with my wife since 2005. We have been full time residents of Colorado since 1997. We have one daughter who attends Fairplay public schools, she is currently in 6th grade at the middle school. We are small business owners and predominately service Park County. The above mentioned information is to simply state that we are full time residents of Fairplay and are very much settled and invested in this community.

My personal interest in joining the Fairplay Board of Trustees is to help to facilitate, to the best of my ability, the continued, and efficient governance and management of our beautiful town and community. I am very much a supporter of limited constitutional government, a government of the people, by the people and for the people. I feel it is time for myself and people of my generation to step up and accept the responsibility to help manage our local government and to maintain a strict adherence to our unalienable rights, given to us by our creator and so eloquently drafted by our Founding Fathers of these United States of America. I do believe that local government is the best place to maintain and defend these rights, to help continue the hard work in maintaining our town and community and to effect change, with diplomacy and common sense where it be necessary. I would like to see our community maintain balance between growth and the quality of life for which many of us came here to experience.

I appreciate your time and consideration of my request to join the Fairplay Board of Trustees

Sincerely, Peter J. Lynn

A handwritten signature in dark ink, appearing to read 'Peter J. Lynn', followed by a long horizontal line extending to the right.

**AGENDA for a Regular Meeting
of the Board of Trustees of the Town of Fairplay, Colorado
Monday, September 20, 2021, at 6:00 p.m. at the Fairplay Town Hall Meeting Room
901 Main Street, Fairplay Colorado**

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. APPROVAL OF AGENDA**
- V. CONSENT AGENDA** *(The Consent Agenda is intended to allow the Board to spend its time on more complex items. These items are generally perceived as non-controversial and can be approved by a single motion. The public or the Board Members may ask that an item be removed from the Consent Agenda for individual consideration.)*
 - A. APPROVAL OF MINUTES – August 2, 2021 and August 16, 2021**
 - B. APPROVAL OF EXPENDITURES**—Approval of bills of various Town funds in the amount of **\$95,865.31.**
- VI. CITIZEN COMMENTS**
- VII. PUBLIC HEARING(S)**
 - A.** Should the Board approve a rezoning request to Multi-Family for A Parcel of Land in Section 33, Township 9 South, Range 77 West of the Sixth Principal Meridian “Stone River Phase I” Block 11 (Lots 8-13); Block 13; Block 14 (Lots 1-12), formerly Stone River PUD, as applied for by Circle Back Development, LLC.
- VIII. UNFINISHED BUSINESS**
 - A.** Other Discussion Items.
- IX. NEW BUSINESS**
 - A.** Board discussion regarding Community Garden Lease and Management Agreement for 600 Front Street.
 - B.** Board discussion regarding Municipal Attorney Services and Legal Representation for the Town.
 - C.** Appointment to Fill Vacant Seat on the Fairplay Board of Trustees; Administration of Oath of Office.
- X. BOARD OF TRUSTEE AND STAFF REPORTS**
- XI. ADJOURNMENT**

Upcoming Meetings/Important Dates

CML District Meeting, Victor, CO	September 27, 2021
PPACG Park County Outreach Mtg	September 28, 2021
Regular Board Meeting	October 4, 2021
Regular Board Meeting	October 18, 2021