

1. Meeting Materials

Documents:

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



**AGENDA for a Regular Meeting
of the Board of Trustees of the Town of Fairplay, Colorado
Monday, July 17, 2023, at 6:00 P.M
at the Fairplay Town Hall Board Room
901 Main Street, Fairplay Colorado**

[Click here to join the TEAMS meeting](#)

(Meeting ID: 280 802 469 045 / Passcode: bfurHP)

- I. **CALL TO ORDER**
- II. **PLEDGE OF ALLEGIANCE**
- III. **ROLL CALL**
- IV. **APPROVAL OF AGENDA**
- V. **CONSENT AGENDA** *(This item is intended to streamline the Board Meeting grouping routine, non-controversial business. The public or the Board Members may ask that an item be removed from the Consent Agenda for individual consideration.)*
 - A. **APPROVAL OF EXPENDITURES** – Paid bills for all Town funds from June 29, 2023 through July 13, 2023 in the amount of **\$68,385.07**.
- VI. **CITIZEN COMMENTS** *(This portion of the agenda allows for the public to sign up to address the Board on matters that are not on the agenda)*
- VII. **PUBLIC HEARINGS**
 - A. **TO BE CONTINUED TO AUGUST 7, 2023** – Consideration of a Special Use Permit application from South Park Community Garden to allow for a Community Garden and Greenhouse in the Town Center (TC) Zoning District for the property located at 600 Front Street and legally described as Lot 1 and NW 23 FT of Lot 2, Block 7, T09 R77 S33 SE4, Fairplay.” *This item was posted for hearing on July 17, 2023 and is to be tabled to August 7, 2023.*
- VIII. **NEW BUSINESS**
 - A. Should the Board Approve the adoption of Resolution No. 22, Series of 2022, entitled, “**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF A PROPERTY IMPROVEMENT INCENTIVE PROGRAM (PIIP) AGREEMENT BETWEEN THE TOWN OF FAIRPLAY AND SYLVIA SIMMS FOR THE 824 TROUT CREEK DRIVE WINDOW PROJECT.** *The Board will consider an application from the homeowner of 824 Trout Creek Drive for a property improvement incentive agreement to help fund the replacement of aging windows.*
- IX. **OTHER BUSINESS**
 - A. Review of Civil Engineering Proposal from SGM for Burro Park drainage improvements.
 - B. Review of requests from American Civil Constructors, LLC and MW Golden Constructors for purchase of construction water for US 285 Bridge Replacement and CDOT Employee Housing projects.
- X. **BOARD OF TRUSTEE AND STAFF REPORTS**
- XI. **EXECUTIVE SESSION** Pursuant to C.R.S. Section 24-6-402(4)(f) for the purpose of determining positions relative to matters that may be subject to negotiation, developing strategy for negotiations, and/or instructing negotiators and/or for the purpose of personnel matters under C.R.S. Section 24-6-402(4)(f) regarding the Police Department.
- XII. **ADJOURNMENT**

Upcoming Meetings/Important Dates

Fairplay Gem & Mineral Show	Thursday-Sunday, July 27-30, 2023
TGIFairplay Free Concert – Nalani Effect with Reggie Wooten	Friday, July 28, 2023
74 th Burro Days Celebration	Friday-Sunday, July 28-30, 2023
Board of Trustees Regular Meeting	Monday, August 7, 2023
Living History Days at South Park City Museum	August 12-13, 2023
Board of Trustees Regular Meeting	Monday, August 21, 2023
Final TGIFairplay Free Concert W Hazel Miller and FREE Peaches & Ice Cream	Saturday, August 26, 2023

Posted at Fairplay Town Hall, Fairplay Public Library, Fairplay Post Office, and on The Town of Fairplay Website (www.fairplayco.us) on Friday, July 14, 2023. THIS AGENDA MAY BE AMENDED.



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TGI Fairplay Free Concert – Nalani Effect with Reggie Wooten
74th Burro Days Celebration
Board of Trustees Regular Meeting
Living History Days at South Park City Museum
Board of Trustees Regular Meeting
Final TGI Fairplay Free Concert w/ Hazel Miller and FREE Peaches & Ice Cream
Oktoberfest

Thursday-Sunday, July 27-30, 2023
Friday, July 28, 2023
Friday-Sunday, July 28-30, 2023
Monday, August 7, 2023
August 12-13, 2023
Monday, August 21, 2023
Saturday, August 26, 2023
Saturday, September 16, 2023



MEMORANDUM

TO: Mayor and Board of Trustees
FROM: Kim Wittbrodt, Treasurer
RE: Paid Bills/Financial Statements
DATE: July 13, 2023

Agenda Item: Bills

Attached is the list of the invoices paid between June 29, 2023, and July 13, 2023.

Total Expenditures: \$68,385.07

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

The financial statements for all funds through June 30, 2023 are attached.

Report Criteria:

Detail report type printed

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
07/11/2023	19336	Caselle, Inc	Software Support	1	07/01/2023	906.00	105060
Total 334:						906.00	
07/03/2023	19316	Cash	Petty Cash - 4th Parade Prizes	1	07/01/2023	150.00	105171
Total 340:						150.00	
07/06/2023	19324	Colorado Bureau of Investi	fingerprint processing/back	1	07/06/2023	35.00	105070
Total 472:						35.00	
07/06/2023	19329	Mountain View Waste	Town Clean Up Roll Offs	1	07/01/2023	7,278.72	105135
Total 1414:						7,278.72	
07/06/2023	19331	Utility Notification Center	RTL Transmissions	1	06/30/2023	73.53	517650
07/06/2023	19331		RTL Transmissions	2	06/30/2023	65.79	517455
Total 2194:						139.32	
07/06/2023	19332	Verizon Wireless	jet pack	1	06/15/2023	40.01	105130
07/06/2023	19332		cell Phone - public works	2	06/15/2023	40.70	105645
07/06/2023	19332		Phones	3	06/15/2023	427.33	105065
07/06/2023	19332		Police Air Cards Phone 5	4	06/15/2023	488.84	105455
Total 2212:						996.88	
07/03/2023	19322	Xcel Energy	fairplay sign #1	1	06/21/2023	27.91	105640
07/03/2023	19322		1800 beaver creek road	2	06/21/2023	1,862.30	517495
07/03/2023	19322		monument sign	3	06/21/2023	55.35	105640
07/03/2023	19322		747 bogue	4	06/21/2023	30.86	105841
07/03/2023	19322		chlorinator	5	06/21/2023	167.19	517470
07/03/2023	19322		117 silverheels roa	6	06/21/2023	24.60	105841
07/03/2023	19322		901 Main Street	7	06/21/2023	546.17	105023
07/03/2023	19322		850 Hathaway	8	06/21/2023	302.24	105186
07/03/2023	19322		501 Main Street	9	06/21/2023	775.81	105195
07/03/2023	19322		1190 Castello	10	06/21/2023	85.45	105650
07/03/2023	19322		200 2nd Ave	11	06/21/2023	110.08	517470
07/03/2023	19322		157 6th Street	12	06/21/2023	69.36	105640
07/03/2023	19322		156 5th Street	13	06/21/2023	12.65	105640
07/03/2023	19322		589 Platte Dr.	14	06/21/2023	12.65	105841
07/03/2023	19322		419 Front Street	15	06/21/2023	13.31	105640
07/03/2023	19322		fairplay sanitation	16	06/21/2023	6,836.16	517680
Total 2296:						10,932.09	
07/11/2023	19345	South Park Ace & Lumber	Floor Squeegee parts	1	05/31/2023	52.97	105670
07/11/2023	19345		Parts	2	05/31/2023	22.58	517465
07/11/2023	19345		Plant Food	3	05/31/2023	15.99	105134
07/11/2023	19345		Planter	4	05/31/2023	53.98	105134
07/11/2023	19345		battery	5	05/31/2023	15.99	517480
07/11/2023	19345		Gorilla Tape	6	05/31/2023	12.99	105025
07/11/2023	19345		Lock	7	05/31/2023	24.99	105630

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
07/11/2023	19345		Curbstop extension	8	05/31/2023	70.93	517445
Total 2405:						270.42	
07/06/2023	19327	KONICA MINOLTA BUSIN	C368 Town Hall	1	06/28/2023	566.99	105032
Total 2448:						566.99	
07/03/2023	19317	CenturyLink	acct 719-836-4609 502B	1	06/19/2023	70.88	517470
Total 2614:						70.88	
07/06/2023	19328	Mayberry & Company, LLC	final audit	1	06/27/2023	1,137.50	106117
07/06/2023	19328		final audit	2	06/27/2023	1,137.50	517320
Total 2649:						2,275.00	
07/06/2023	19325	Colorado Natural Gas, Inc.	san office	1	07/06/2023	108.25	517234
07/06/2023	19325		sewer treatment plant	2	07/06/2023	1,558.24	517680
07/06/2023	19325		Public Works Shop	3	07/06/2023	456.69	105650
07/06/2023	19325		901 Main Street	4	07/06/2023	139.26	105023
Total 2728:						2,262.44	
07/03/2023	19320	Mobile Record Shredders	record shredding	1	06/29/2023	12.00	105030
Total 2793:						12.00	
07/11/2023	19337	Chaffee County Waste	san plant	1	07/10/2023	86.00	517675
07/11/2023	19337		6 yd weekly	2	07/10/2023	129.00	105023
07/11/2023	19337		2 yd biweekly	3	07/10/2023	129.00	105650
Total 2801:						344.00	
06/29/2023	19312	Promark Industries, LLC	tahoe repair	1	06/27/2023	488.21	105420
07/11/2023	19343		2022 Chevy Tahoe Light D	1	06/30/2023	216.27	105420
Total 2887:						704.48	
07/11/2023	19340	Fairplay Auto Supply	Carl - Wiper for 2016 Ford	1	06/30/2023	44.34	105420
07/11/2023	19340		Shop Air Hose	2	06/30/2023	505.97	105630
07/11/2023	19340		Waste Water Plant non-det	3	06/30/2023	95.88	517655
07/11/2023	19340		Waaste Water Grease Gun	4	06/30/2023	165.84	517655
07/11/2023	19340		Waste Water - Super Duty	5	06/30/2023	39.98	517655
07/11/2023	19340		Trico Ice Blade	6	06/30/2023	43.98	105670
Total 2948:						895.99	
07/03/2023	19319	Kaupas Water Labs, Inc.	Bleach	1	06/23/2023	1,300.00	517475
Total 2999:						1,300.00	
07/11/2023	19338	Continental Divide Producti	Gazebo Sound	1	06/29/2023	650.00	105150
07/11/2023	19338		Dance System	2	06/29/2023	500.00	105162
07/11/2023	19338		Hazel Mill and the Collectiv	1	06/29/2023	650.00	105150

Town of Fairplay

Paid Invoice Report - Paid Bills - Board
Check issue dates: 6/29/2023 - 7/13/2023Page: 3
Jul 13, 2023 10:08AM

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
Total 3123:						1,800.00	
07/06/2023	19323	Centura Health	Forensic Exam with Evidan	1	06/08/2023	600.00	105475
Total 3136:						600.00	
07/03/2023	19315	Brannan Sand and Gravel	road base	1	06/15/2023	180.66	105670
Total 3255:						180.66	
06/29/2023	19313	SGM	town gis	1	06/27/2023	10,542.50	105655
07/06/2023	19330		Affordable Housing In-Kind	1	06/29/2023	1,665.00	105057
07/06/2023	19330		betts Bill Back	2	06/29/2023	1,078.50	105107
07/06/2023	19330		Affordable Housing Related	3	06/29/2023	585.00	105105
07/06/2023	19330		highside brewery - Bill Bac	4	06/29/2023	540.00	105107
07/06/2023	19330		Valiton Hotel - Bill Back	5	06/29/2023	270.00	105107
07/06/2023	19330		Visit Burro Park with Donovan	6	06/29/2023	180.00	207375
07/06/2023	19330		Stone Creek - Bill Back	7	06/29/2023	45.00	105107
Total 3272:						14,906.00	
07/06/2023	19334	Warm Springs Consulting	contract	1	07/03/2023	4,500.00	517417
07/06/2023	19334		contract	2	07/03/2023	5,000.00	517627
Total 3463:						9,500.00	
07/06/2023	19326	Hayes Poznanovic Korver	Utilities Legal	1	06/30/2023	1,019.00	517360
Total 3518:						1,019.00	
06/29/2023	19310	Jim Greer	concert 7/04/2023	1	06/13/2023	3,150.00	105171
Total 3532:						3,150.00	
07/03/2023	19314	Big Cat Builders	PD Door Repair	1	06/26/2023	475.00	105025
Total 3577:						475.00	
07/06/2023	19335	Wilson Williams LLP	General Counsel	1	06/30/2023	1,530.90	105057
07/06/2023	19335		Silver Beaver - Bill Back	2	06/30/2023	115.00	105107
07/06/2023	19335		Valiton - Bill Back	3	06/30/2023	57.50	105107
07/06/2023	19335		Affordable Housing In-Kind	4	06/30/2023	57.50	105057
Total 3586:						1,760.90	
07/11/2023	19341	Hardesty Engineering and	consulting	1	07/10/2023	1,530.00	517432
Total 3618:						1,530.00	
07/11/2023	19339	Curiosity Clubhouse LLC	4th Of July Kids Activities	1	07/05/2023	270.00	105171
06/29/2023	19308		Kiids Activities June Conce	1	06/23/2023	165.00	105150
Total 3667:						435.00	
06/29/2023	19311	Konica Minolta Premier Fin	copier - PW	1	06/24/2023	202.27	105032

Town of Fairplay

Paid Invoice Report - Paid Bills - Board
Check issue dates: 6/29/2023 - 7/13/2023Page: 4
Jul 13, 2023 10:08AM

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
Total 3700:						202.27	
07/03/2023	19318	Denver Industrial Sales &	rental-crack sealing	1	06/13/2023	1,425.00	105670
Total 3709:						1,425.00	
07/03/2023	19321	Rocky Mountain Puppets	puppets 4th	1	05/19/2023	225.00	105171
Total 3712:						225.00	
07/11/2023	19342	Nalani Clisset	july band	1	05/25/2023	460.00	105162 105150
Total 3713:						460.00	
07/11/2023	19346	Utopia Fairplay, Inc.	Tire Repair 2013 Chevy Ta	1	07/06/2023	309.82	105420
Total 3718:						309.82	
06/21/2023	19296	Iconix Clothing	Burro Buster Shirts	1	06/21/2023	450.00	105171
06/29/2023	19309		Final Payment on Burro Bu	2	06/21/2023	436.21	105171
Total 3722:						886.21	
07/06/2023	19333	WAMCAT	Jennie Danner Training	1	07/06/2023	200.00	105015
Total 3723:						200.00	
07/11/2023	19344	Sharona Vakni	Burro Days Vendor Space refund	1	07/10/2023	180.00	104756
Total 3724:						180.00	
Grand Totals:						68,385.07	

Report Criteria:

Detail report type printed



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

STAFF REPORT

TO: Mayor and Board of Trustees

FROM: Janell Sciacca, Town Administrator

RE: PUBLIC HEARING ITEM A – Special Use Permit for Community Garden at 600 Front St
To be tabled to August 7, 2023

DATE: July 17, 2023

BACKGROUND/ANALYSIS:

Staff has been working with an all-volunteer group on an application for a Special Use Permit to allow for a Community Garden at 600 Front Street. There have been a lot of emails going back and forth and the application has been submitted in pieces for Staff review. Town Planner Hunn has asked for updated items and with limited time for the volunteers to provide the requested materials, and then Staff to in turn review them, it was not feasible to move forward to a Public Hearing on this item on July 17. Therefore, Staff is requesting the hearing be tabled to the very next Board meeting which is August 7.

STAFF RECOMMENDATION

Staff recommends the Board continue the Public Hearing of a Special Use Permit to allow for a Community Garden at 600 Front Street that was posted and noticed for July 17, 2023 to August 7, 2023 by motion, second and roll call vote.



MEMORANDUM

TO: Mayor and Board of Trustees

FROM: Alex Wagner, Special Projects Coordinator

RE: Resolution No. 22, Series of 2023 – PIIP Agreement with Sylvia Simms

DATE: July 17, 2023

Resolution No. 22, Series of 2023, approves an agreement with Sylvia Simms for the 824 Trout Creek Drive Window Project. Staff has reviewed this application and found it in compliance with the PIIP rules and regulations.

The homeowner seeks to replace four windows on the property which will improve the street view of the property and the estimate for the work is \$7974.62. The property taxes paid for this property over the last five years is \$860.00 You currently have \$18,917.00 left in your PIIP line item for 2023. Staff recommends approval of this application.

Approval of this resolution will require a motion, second and a roll call vote.

Property Address:

824 Trout Creek Drive SYLVIA Simms

Tax Schedule #:

HOW MUCH PIIP MONEY CAN I APPLY FOR IN 2023?

A - Total Tax Paid	Tax Year	B - Total Mill Levy	C - Fairplay Mill Levy	A / B X C - Total Tax Paid to Fairplay
1361.90	2022	75.9982	11.7999	211.4561
1342.84	2021	72.8218	11.7999	217.59112
949.70	2020	74.603	11.7999	150.21332
924.30	2019	72.6069	11.7999	150.21502
815.28	2018	73.9152	11.7999	130.152

5 Year Total of Taxes Paid to Fairplay

\$860

After you have determined total taxes paid to the Town of Fairplay over the past five years. make adjustment for any prior year's PIIP funds received from the Town.

Additional Notes:

SYLVIA ~~SIMMS~~ SIMMS

TOWN OF FAIRPLAY

Property Improvement Incentive Program (PIIP)

APPLICATION for CONSIDERATION

Name of Applicant (Must be Property Owner): Sylvia, Dallas SimmsProperty Address: 824 Trout Creek Drive, Fairplay, CO 80440Mailing Address: P.O. Box 676, Fairplay, CO 80440Phone: (970) 485 9965Email: sylvia.simms@summitcountyco.pa

Description of Project (attach photo of current property/project area, description and/or drawings of proposed improvements, estimates/bids, further narrative if needed, etc.): _____

Replacing 4 windows at the above stated property.
 Replacing my old windows with the new windows on
 my property will give my home a fresh, updated look
 and improve its overall curb appeal.

Estimated Cost of Project: \$7,974.62Amount of PIIP Funds Applied for (cannot exceed amount of property tax paid to the Town of Fairplay over the last five years): \$850.00 x 4 years = \$3,400

Amount of Matching Funds from Applicant (must be at least 50% of the cost of the project): _____

~~\$7,974.62~~ \$4,574.62

Upon submission of this completed application a meeting will be scheduled for you to meet with the Town Staff regarding your application and the program.

By signing this application you certify that you have received and read the rules and regulations of the PIIP Program - Ordinance No. 1, 2014.

Applicant signature: S. Simms Date: 5/29/23









6/30/2023
 The Home Depot At Home Services
 9500 W. 49th Avenue, Unit A-100
 Wheat Ridge, CO 80033
 Toll Free: (877) 903-3768
 Local: (303) 940-5738



12:37 PM

Customer Invoice

Job #:	11228046	Store:	1525 AVON/MAIL
Homeowner:	M/M Dallas Simms	Branch:	Denver North
	M/M	Product:	Andersen 100 Windows
	824 Trout Creek Drive	Consultant:	Paul Scheidig
	Fairplay, CO 80440		
	(970) 333-9939		

Original Contract Amount: \$7,974.62
Contract Amendments:

Deposits/Payments:
 5/19/2023 \$7,600.00 HD Command # 30006-30006-30006-3-103

Adjusted Contract Amount: \$7,974.62

Balance Due: \$374.62

Please collect balance due:

___ Check: Check # _____

___ Please use the same form of payment as I used for my deposit. (Circle payment type if more than one was used)

___ I would like to use another credit card for my balance due. (We will contact you by phone for payment information.)

Certificate of Completion

Please note additional comments below, including any open items still to be completed:

The installation has been completed to my satisfaction, subject to the open items listed above.

Homeowner: _____ Date: _____

Subcontractor's Waiver and Release of Lien

Upon Subcontractor's receipt of the check from THE HOME DEPOT SERVICES, Inc. with respect to the above referenced job, this document shall be effective to waive and relinquish and forever release the right of the Subcontractor or any right of any other party claiming under Subcontractor, to any lien, stop notice or any other right against a labor or material bond on the job. Subcontractor represents that all parties or laborers furnishing services or materials on the job have been fully paid for their services or materials. Subcontractor agrees to cause the prompt release of any lien claims by these parties or laborers. Subcontractor further agrees to hold harmless and indemnify THE HOME DEPOT SERVICES, Inc. and the above named customer and the owner of title to the above referenced job site from and against all costs and expenses arising from or by reason of any lien or any release or discharge of any such lien. This waiver and release covers the final payment to Subcontractor for all labor, services, equipment, or material furnished on the job, except for disputed claims for extra work. Before any receipt of this document returns upon it, the parties should verify evidence of payment to Subcontractor. Last Payment - If last payment is presented confirm that Last Sale Removal procedures were followed and a certified removal was on site during the operations.

Subcontractor acknowledges and agrees to the above terms and conditions.

Subcontractor Company: _____ Individual Subcontractor- Signature: _____

Date: _____ Individual Subcontractor- Print Name: _____

6/30/2023

WORK ORDER

12:33 PM

Job #: 11239048
 Branch: Denver North
 Price List: Western Colorado
 Sale Date: 5/19/2023
 Homeowner: M/W Dallas Simms
 Install Address: 824 Trout Creek Drive

Work Order #: 1
 Installer: ALL AROUND WINDOWS & RES
 ISM: MARTIN BRADSHAW
 ISM Phone:
 Crew: Brady East
 Measurer: MARTIN BRADSHAW
 Branch Phone: (303) 940-5738
 OC Phone:

City, St, Zip: Fairplay, CO 80440
 Home Phone: (970) 333-9939 Work Phone:
 Cell Phone:
 Cross Street:

*** Lead Paint Info *** No Test - SWP Not Required

Special Considerations

Installer Notes: Direct fit without cutbacks. Should stick out about 1/4 inch past exterior trim. NEED HEAD FLASHING Window Slickers: Yes

Manufacturer Notes: ***AED GAP TUBES***

Hardie Paint Colors: Siding - Soffit - Trim - Window/Door -

Description	UI Size	Square Feet	Order Qty	Installed Qty	Rate	Extended Amount	Give Reason for Reduction
Wood_E Window & Door Wraps F&U 121 - 150 UI	120.25-150		5		\$40.00	\$240.00	
Wood_E Window & Door Wraps F&U Up to 120 UI	0-120		1		\$80.00	\$80.00	
100 - 1 PNL Slider	120.01-150		5		\$275.00	\$825.00	
100 - Single Hung	0-120		1		\$250.00	\$250.00	

Indicate with an X if additional labor is required: ☐

Total: \$1,395.00

If additional labor is required, call FI immediately

TOWN OF FAIRPLAY, COLORADO**RESOLUTION NO. 22
(Series of 2023)**

A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF A PROPERTY IMPROVEMENT INCENTIVE PROGRAM (PIIP) AGREEMENT BETWEEN THE TOWN AND SYLVIA SIMMS FOR THE 824 TROUT CREEK DRIVE WINDOW PROJECT.

WHEREAS, the Town Board of the Town of Fairplay specifically finds that entering into this PIIP Agreement will enhance the appearance of the property thereby enhancing the appearance of the Town as a whole; and

WHEREAS, the Town Board finds that enhancing the appearance of the property and the Town promotes the public welfare including the expansion of retail sales tax and/or property tax generating business and expanded employment opportunities; and

WHEREAS, the Board of Trustees has reviewed the PIIP Agreement and finds it to be in compliance with the provisions of Section 4-9-80 of the Fairplay Municipal Code.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, that the Mayor is authorized to enter into this agreement between the Town of Fairplay and Sylvia Simms as described in the agreement, attached hereto as “Exhibit A”, and to execute the same on behalf of the Town.

RESOLVED, APPROVED, and ADOPTED this 17th day of July 2023.

TOWN OF FAIRPLAY, COLORADO

Frank Just, Mayor

ATTEST:

Janell Sciacca, Town Clerk

**PROPERTY IMPROVEMENT INCENTIVE PROGRAM AGREEMENT
(824 TROUT CREEK DRIVE WINDOW REPLACEMENT PROJECT)**

THIS PROPERTY IMPROVEMENT INCENTIVE PROGRAM AGREEMENT (824 Trout Creek Drive, Window Project) (hereafter referred to as the "824 Trout Creek Drive Window Project PIIP Agreement") is made and executed this 17th day of July, 2023, by and between the TOWN OF FAIRPLAY, COLORADO, a Colorado statutory municipal corporation, (hereafter referred to as the "Town"), and Sylvia Simms (hereafter referred to as the "Owner").

W I T N E S S E T H

WHEREAS, the Owner is the owner of certain real property in the Town commonly described as 824 Trout Creek Drive, (the "Property"); and

WHEREAS, the Owner proposes to improve the Property by replacing four windows, in which said improvements will enhance the appearance of the Property and of the Town; and

WHEREAS, in entering into this PIIP Agreement, the Town Board of the Town specifically finds that the criteria for approval of a PIIP Agreement set forth in Section 4-9-80 of the Fairplay Municipal Code are met; and

WHEREAS, the parties hereto wish to set forth in full their agreement as to the nature and extent of the improvements which shall be constructed and installed by the Owner within and upon the Property, and the manner for and extent of the reimbursement to the Owner for a portion of the cost of such construction materials; and

WHEREAS, the parties wish to memorialize all aspects of their agreement as to the terms and conditions of such reimbursement in this PIIP Agreement.

NOW THEREFORE, the parties hereto, for themselves, their successors and assigns (to the extent this PIIP Agreement is assignable, as specified hereinafter), in and for the consideration of the performance of the mutual covenants and promises set forth herein, the receipt and adequacy of which are hereby acknowledged, do hereby covenant and agree as follows:

1. **Authority.** This PIIP Agreement is entered into in compliance with the provisions of Article 9, Chapter 4 of the Fairplay Municipal Code.

2. **Scope of Work.** The parties hereby mutually agree that Owner shall construct, or cause to be constructed, the improvements to the Property set forth in **Exhibit A** hereto (the "Work" or the "Project"). Such work shall be completed to the reasonable satisfaction of the Town prior to any reimbursement pursuant to this PIIP Agreement. Any change in the Scope of Work shall require the prior written approval of the Town and may result in a decrease in the amount of the

reimbursement should the Town reasonably determine that the change diminishes the cost or value of the improvements. The construction or installation of the improvements shall commence no later than September 1, 2023, and shall be completed no later than December 31, 2023. Should the work not commence or not be completed by the dates specified above, this PIIP Agreement shall terminate and be of no further force or effect and the Town shall have no further obligations hereunder.

3. **Cost of Project.** The estimated cost of the Project is Seven Thousand Nine Hundred Seventy-Four Dollars and sixty-two cents (\$7,974.62).

4. **Contractor.** All Around Windows and Restoration.

5. **Property tax rebate and matching funds.** The parties hereby mutually agree that the maximum amount of real property taxes to be rebated to Owner by the Town shall be Eight Hundred and Sixty Dollars (\$860) and that such amount does not exceed the amount of real property taxes paid on the Property to the Town during the preceding five years. The owner shall pay not less than an amount equal to fifty percent (50%) of the total cost of the Project. Should the cost of the Project decrease during the work the property tax rebate provided by the Town shall be reduced to assure that the Owner contributes at least fifty percent (50%) of the total cost of the Project.

6. **Maintenance of improvements.** The Owner shall maintain the improvements in good condition and repair for a period of five years from and after the date of completion. Should the Owner not perform this maintenance obligation Owner shall, upon written demand from the Town, refund to the Town all monies rebated to the Owner by the Town pursuant to this PIIP Agreement.

7. **Completion of work and payment of rebate.** Upon completion of the Work, Owner shall notify the Town of such completion and the Town shall perform an inspection of the improvements. If the improvements are completed in a satisfactory and workmanlike manner the Town shall accept same and shall, within thirty (30) day following such acceptance, rebate to the Owner the amount required by Paragraph 5 above.

8. **Annual appropriation.** The parties specifically acknowledge and agree that no undertaking on the part of the Town to rebate property taxes as specified herein constitutes a debt or obligation of the Town within any constitutional or statutory provision. The Town's obligations hereunder shall be subject to annual appropriation by the Town Board unless and until approved by the Town's electors.

9. **Assignment/Third party beneficiaries.** None of the obligations, benefits, and provisions of this PIIP Agreement shall be assigned in whole or in any part without the express written authorization of the Fairplay Town Board. In addition, no third party may rely upon or enforce any provision of this PIIP Agreement, the same being an agreement solely between the Town and the Owner, and which agreement is made for the benefit of no other person or entity.

10. **Successors and assigns.** This PIIP Agreement may be recorded and shall be binding on Owner's successors and assigns.

11. **Amendments.** This PIIP Agreement shall be subject to amendment only by a written instrument and executed by each party. Any such amendment shall require the approval by the Town Board of the Town of Fairplay at a regular or special meeting of the Town Board, and execution thereof by the Mayor and attestation by the Town Clerk.

12. **Notices.** Any written notices provided for or required in this PIIP Agreement shall be deemed delivered when either personally delivered or mailed, postage fully prepaid, certified or registered mail, return-receipt requested, to the parties at the following addresses:

To the Town: Town Administrator
 Town of Fairplay
 PO Box 267
 Fairplay, CO 80440

To the Owner: Sylvia Simms
 P.O. Box 676
 Fairplay, CO 80440

EXECUTED the day and year first above written.

THE TOWN OF FAIRPLAY, COLORADO

 Frank Just, Mayor

ATTEST:

 Janell Sciacca, Town Clerk

OWNER:

 Sylvia Simms

June 26, 2023

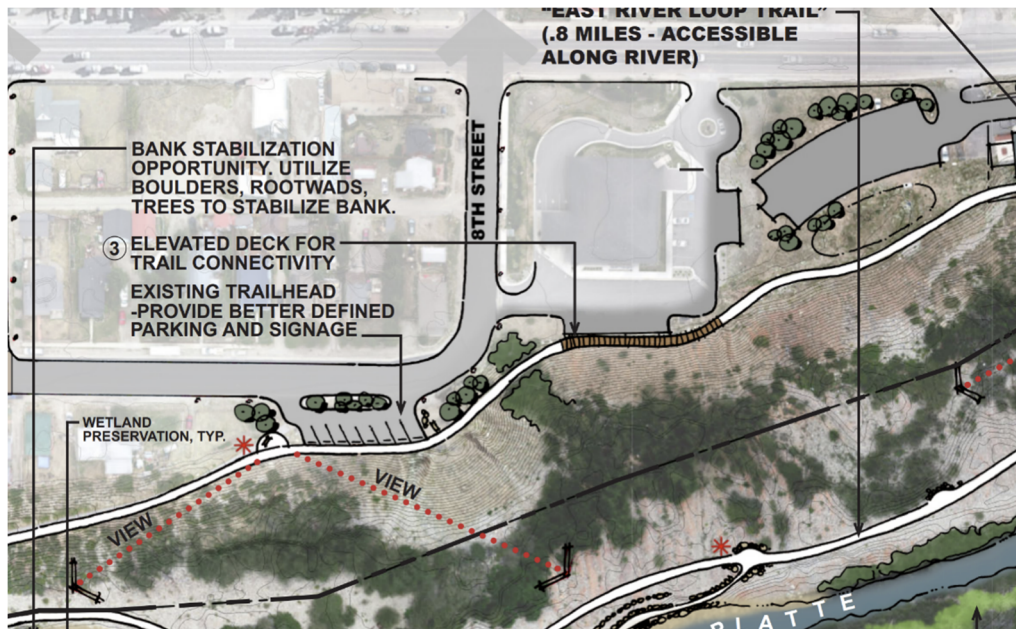
Town of Fairplay
Janell Sciacca - Town Administrator
901 Main Street / Post Office Box 267
Fairplay, CO 80440
jsciacca@fairplayco.us

RE: Burro Park, Fairplay, Colorado 80440 – Civil Engineering Proposal

Dear Janell:

Thank you for contacting SGM and this opportunity. As requested, we are providing this proposal for Civil Engineering services for Burro Park which is located at the western corner of Front Street and 8th Street in Fairplay, Colorado. The Town provided information included:

- Conversations and site visit with staff for scope of work.
- [Google Earth kmz](#) file for limits of survey.
- And river park master plan exhibit shown below.



Per our meetings, you are requesting a proposal for Burro Park improvements such as site plan, grading, and drainage.

Our estimate is based upon a single iteration of the design development for your provided site plan. We have included extra budget at the concept level so that we can work through site plan changes prior to getting into preliminary and final design. SGM proposes to work on a time and materials basis and bill only the actual hours necessary to complete the application (rather than lump sum). Our invoices include

phase and tasks codes with notes that will allow you to understand what aspects we have spent time on. Below are specific categories and tasks to help break down the estimated fees we envision. This is a budgetary estimate. Totals listed below include SGM QA/QC for all deliverables.

Project Management

SGM's Project Management will consist of one site visit (hopefully this can be combined with other projects to save time and money), meetings with client, internal coordination, and QA/QC. The milestones will include 30%, 90%, and final Design submittals to the owner. Project Management after that for quantity take-offs, cost estimating, bid specs, construction administration, etc. are not included in this proposal.

Project Management T&M Estimated Cost: \$4,204

Survey and Existing Conditions Map

To help save time and money, SGM reached out to the previous surveyor Tom Burnett at Burnett Land Surveying who surveyed the adjacent area for the river park.

It is currently anticipated Survey and Existing Conditions Map of the site will be provided by others to SGM in AutoCAD and PDF formats. It is anticipated this information will be provided to SGM in July 2023. This provided AutoCAD drawing will contain surface features such as edge of pavement, any visible water curb stops, sewer manholes, curb and gutter, property corners, fences, tie to any previous surveys that may be available, and provide a 1 ft. contour interval showing the above.

SGM limits of survey are larger than the Burro Park specific area due to confirming enough information is captured. With existing town areas, it is always difficult to determine where to stop and tie-into the existing conditions so this allows future flexibility.

Survey and Existing Conditions Map T&M Estimated Cost: \$1,980

Design and Engineering

SGM will provide the following CAD design engineering services for your use. SGM will take one proposed layout by the Town in AutoCAD format and design and engineer the proposed site plan, proposed grading plan, and proposed erosion control plan. SGM will accommodate changes, but changes will be billed per time and materials.

The Construction Drawings will be signed and stamped by a Professional Engineer to be submitted to you for your use for town approval. The set will probably be the following:

- Cover
- Legend & Abbreviations
- General Notes
- Proposed Site Plan
- Proposed Grading Plan
- Proposed Erosion Control Plan

- Detail Sheets – Site Plan, Grading Plan, Utility Plan, & Erosion Control

Design and Engineering T&M Estimated Cost: \$18,036

Total T&M Estimated Cost: \$24,220

Deliverables:

- Construction Drawings signed and stamped by a professional engineer submitted to you for your use.

I have attached our standard Letter Agreement for Professional Services. If you find these terms acceptable, please fill in appropriate billing/contact information (name, billing address, phone number and email address), sign a copy and return it to me (retaining a copy for their files).

Exclusions

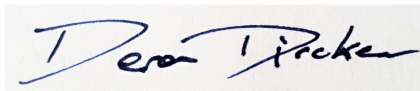
To be transparent while providing the work described in this scope, the following items are listed as being excluded from this proposal. SGM has a wide range of expertise in engineering, surveying, etc. so these items can be provided for an additional fee. These are noted below as it appears, they are either unnecessary at this time or being otherwise provided through your coordination.

- Structural engineering for retaining walls. Assumed walls are less than 4-feet tall.
- Hydrologic or hydraulic calculations
- Existing Utility locates or SUE work.
- Cost estimating
- Survey
- Geotech Engineering
- Quantity take-offs, Engineer Opinion of Probable Costs
- Bidding services

Thank you for the opportunity to provide these services. Please feel free to contact me if I may provide further information or detail.

Sincerely,

SGM



Deron J. Dirksen, PE
Senior Engineer I
derond@sgm-inc.com
303-903-0717

CC: Dan Cokley

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
JULY 17, 2023**

CALL TO ORDER

A Regular Meeting of the Board of Trustees for the Town of Fairplay was called to order by Mayor Frank Just on Monday, July 17, 2023, at 6:00 p.m. in the Board Room located in the Fairplay Town Hall at 901 Main Street, having previously been posted in accordance with Colorado Open Meetings law.

PLEDGE OF ALLEGIANCE AND ROLL CALL

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

Staff in attendance were Town Administrator / Town Clerk Janell Sciacca, Public Works Director Donovan Graham, and Chief of Police Bo Schlunsen.

APPROVAL OF AGENDA

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

CONSENT AGENDA

- A. APPROVAL OF EXPENDITURES** – Paid bills for all Town funds from June 29, 2023 through July 13, 2023 in the amount of **\$68,385.07**.

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

CITIZEN COMMENTS

South Park High School Volleyball Coach Barb McGraw announced that she was in attendance to recognize Mayor Just on behalf of the students at South Park High School for his help in building the sand volleyball court and for his unwavering support. She presented him with a plaque thanking him and stating his support was greatly appreciated. Just humbly accepted the award and thanked McGraw.

PUBLIC HEARINGS

- A. TO BE CONTINUED TO AUGUST 7, 2023** – Consideration of a Special Use Permit application from South Park Community Garden to allow for a Community Garden and Greenhouse in the Town Center (TC) Zoning District for the property located at 600 Front Street and legally described as Lot 1 and NW 23 FT of Lot 2, Block 7, T09 R77 S33 SE4, Fairplay.

Mayor Just announced item A was requested to be continued by Staff. Town Administrator announced that because the item was posted and the public notice was published in the newspaper, a formal motion to continue it to August 7, 2023 was required.

Motion #3 by Trustee Douglas, seconded by Mayor Pro Tem Dodge, to continue the request for a Special Use Permit from South Park Community Garden for a Community Garden and Greenhouse at 600 Front Street as requested by Staff. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. The motion carried unanimously.

NEW BUSINESS

- A. Should the Board Approve the adoption of Resolution No. 22, Series of 2023, entitled, “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE EXECUTION OF A PROPERTY IMPROVEMENT INCENTIVE PROGRAM (PIIP) AGREEMENT BETWEEN THE TOWN OF FAIRPLAY AND SYLVIA SIMMS FOR THE 824 TROUT CREEK DRIVE WINDOW PROJECT.**

Town Administrator Sciacca reminded that Special Projects Coordinator Alex Wagner had taken over the ESTIP and PIIP programs and had worked with Ms. Simms on this application. Mayor Just noted the agenda showed the series of the resolution as 2022 and asked that the record show the series was 2023. Sciacca then provided an overview of the Staff Report advising the request was for the replacement of 4 windows and the property taxes paid to the Town and available to be used for this project were \$860.00. She noted the overall cost of the project was estimated to be \$7,974.62 and Staff was recommending approval of the request as presented. Sciacca advised the applicant was present to answer any questions. Mayor Just reminded that former Town Attorney Lee Phillips was to be credited for coming up with this program and allowing the citizens and business owners to apply for rebate money to help offset improvements to their properties. The applicant, Mr. Simms was appreciative of the opportunity to apply for the funding.

Motion #4 by Trustee Lynn, seconded by Trustee Voorhis, to approve Resolution No. 22, Series of 2023, approving a Property Improvement Incentive Program (PIIP) agreement between the Town and Sylvia Simms as presented. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. The motion carried unanimously.

OTHER BUSINESS

- A. Review of Civil Engineering Proposal from SGM for Burro Park drainage improvements.**

Town Administrator Sciacca advised that Deron Dircksen was in attendance online and prepared the proposal after reviewing the River Park Masterplan and walking the property with Public Works Director Donovan Graham. She noted the costs came in at 24,200, which was more than the \$10,000 that was proposed to be used out of the Conservation Trust Fund and that there was still sufficient money in that fund to cover the costs or the Board could take the funding out of another line in the General Fund. Dircksen then presented an overview of the proposal noting the survey encompassed more than just the parking area so that if they get into something and they needed to chase the drainage or something else there would be existing information, but he felt the scope could be kept to the parking stalls, trailhead and drainage pan and keep the fees on the lower side. Following discussions on any existing drainage plan, a hydraulic study and the size of the drainage pan, and revegetation versus riprap, Trustee Dodge inquired if the survey could determine existing encroachments. Dircksen advised that he would take a look at that and the discussions were helpful. Voorhis inquired what the time estimate was and Dircksen advised the survey was at least 3-4 weeks out and another 3-4 weeks for design. Just advised that he thought SGM did a fly-over survey in 2015-16 and if he could look into that it might save some money.

Motion #5 by Trustee Douglas, seconded by Trustee Voorhis, to approve the Drainage Improvement Design for Burro Park from SGM and approve the Professional Services Agreement attached thereto as presented. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn- aye. Motion carried unanimously.

- B. Review of requests from American Civil Constructors, LLC and MW Golden Constructors for purchase of construction water for US 285 Bridge Replacement and CDOT Employee Housing projects.**

Town Administrator Sciacca advised that she has been approached by both CDOT project contractors American Civil Constructors and MW Golden to buy construction water. She advised both contractors that

it was not the Town's policy to sell water for construction projects and the requests would have to be reviewed and approved by the Board. Sciacca advised that she had researched other Town's fees and was recommending that because both projects were in Town and benefited Fairplay directly the Board could justify granting the requests. She reported that MW Golden was requesting 80,000 over about a month and American Civil had yet to provide the total amount, but originally thought they would need 100,000 over a month or two. She then advised that surrounding communities' construction water prices varied, but it appeared \$.30/gallon might be appropriate. There was discussion about the Town's ability to meet demands with the extra use and Mayor Just noted that there had been times when over 1,000,000 gallons were lost in a month and the Town still met demands. He also noted that the fills could help to flush the system. Following additional discussion, the Board generally agreed to offer the construction water to both contractors at \$.50/gallon.

Motion #6 by Trustee Voorhis, seconded by Trustee Lynn, to approve selling construction water to American Civil Constructors and MW Golden at \$.50/gallon. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

BOARD OF TRUSTEE AND STAFF REPORTS

Chief Schlunsen noted he was working on code violations on Trout Creek and behind Mr. Burro / Casa Sanchez. Schlunsen also noted that the PD was still waiting on its 4 radar units to come back from being certified. He advised they were sent out in May. Sciacca reported that she approved the purchase of a Lidar unit and Schlunsen added that the unit would not be received for about 45 days. He also reported that the County Fair went well and there were only a couple medical calls on Friday related to the rodeo.

Public Works Director Graham reported his Staff was preparing for Burro Days. Sciacca added that Staff was meeting Thursday to get ready.

Town Administrator Sciacca reported on a Facebook post that appeared accusing the Town and County of not meeting their responsibilities for the Summit Stage under the IGA and the drivers were suffering because of this. She just wanted the Board to know that she followed up with Summit Stage Transit Director Chris Lubbers. He disputed all allegations stating they were planning to deadhead from Summit until something changed and this actually worked out better for them facilities and security-wise and they also had no plans to charge for the service. He felt this might be a union maneuver. Sciacca advised that she continued to look for adequate facilities but there were none that could house a bus in the Fairplay area and for the time being, they would operate out of Summit County. Sciacca then reported that she confirmed Stan Kopunec had passed away when she met with his son Derek, she emailed the County Manager about the condition of Platte Drive who said they would make repairing the potholes a priority, the 501 Main repairs were to begin after Burro Days, the Town did not get awarded any Congressionally Directed Spending monies for 501 Main and Staff would start looking at USDA or DOLA grants. She then distributed a draft budget schedule and noted that new Town Treasurer Jennie Danner trained with former Town Treasurer Kim Wittrodt the previous Friday and the Board would formally appoint Danner on August 7.

Trustee Douglas questioned progress on Stop Work orders and whether any of the ones in Building Official Kyle Parag's report from last month had come in and pulled a permit. Sciacca advised that some had, and Parag could provide an updated report at the next meeting. She also noted that Charles Abbott and Northwest Fire were still working on an agreement. Douglas also inquired about paving on Aspen Way and Public Works Director Graham replied not this year due to needed drainage improvements that would have to be done prior. Douglas inquired about his ability to serve on the Fair Board and whether or not

that would be a conflict. There was general consensus that there was not a conflict, and his service could benefit the Town with the sharing of information.

Trustee Voorhis inquired if someone needed to have an electrician or could do some work themselves. Sciacca advised they should check with Building Official Kyle Parag.

Mayor Just reported a citizen had complained about the narrow paving job on Witcher and Bogue. He reminded this person of the history and the fact that the platform will allow the Town to pave out those kinds of roads to 20 feet in width in the future. He stated there are a lot of things that go into the thought process of what the Board does, why the Board does it and where the Board does it. Mayor Just commended the entire Board for being involved in the July 4 parade stating it was the first time he recalled that happening. Sciacca then reported that during the Fair parade, a Fair Board member felt it would be a good idea to allow cattle to run down the street similar to the Pikes Peak or Bust. There were cowboys on horses wrangling them, but the Town was not advised that would occur and it was a significant liability and from her understanding, it was also never mentioned in a Fair Board meeting. Sciacca stated Staff would certainly inquire about this in the future when the permit was applied for next year's parade. Mayor Just finished by reporting that he had received more compliments than ever for the fireworks show on Independence Day. Many people knew the Town doubled its budget and were very appreciative of that.

EXECUTIVE SESSION Pursuant to C.R.S. Section 24-6-402(4)(f) for the purpose of determining positions relative to matters that may be subject to negotiation, developing strategy for negotiations, and/or instructing negotiators and/or for the purpose of personnel matters under C.R.S. Section 24-6-402(4)(f) regarding the Police Department.

At 7:27 p.m., Mayor Just announced that the Town Board would be moving into Executive Session. He announced the topic and statute authorizing the Executive Session and requested a corresponding motion.

Motion #7 by Trustee Douglas, seconded by Mayor Pro Tem Dodge, to adjourn to Executive Session Pursuant to C.R.S. Section 24-6-402(4)(f) for the purpose of determining positions relative to matters that may be subject to negotiation, developing strategy for negotiations, and/or instructing negotiators and/or for the purpose of personnel matters under C.R.S. Section 24-6-402(4)(f) regarding the Police Department. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn - aye. The motion carried unanimously.

Mayor Just announced that he, Mayor Pro Tem Dodge, Trustees Douglas, Voorhis and Lynn and Town Administrator Sciacca would be involved in the Executive Session as would Town Attorney Williams who would be participating remotely via a Teams link.

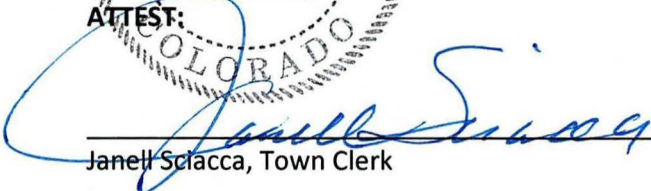
At 8:52 p.m. Mayor Just announced that the Executive Session had been concluded and the participants were he, Mayor Pro Tem Dodge, Trustees Douglas, Voorhis and Lynn, Town Administrator Sciacca and Town Attorney Williams. He announced for the record that if any person who participated in the Executive Session believed that any substantial discussion of any matters not included in the motion to go into Executive Session occurred during the Executive Session, or that any improper action occurred during the Executive Session in violation of the Open Meetings Law, that person state their concerns for their record.

ADJOURNMENT

Hearing no concerns, and there being no further business before the Fairplay Board of Trustees, Mayor Just declared the meeting adjourned at 8:53 p.m.



ATTEST:


Janell Sciacca, Town Clerk

BOARD OF TRUSTEES, FAIRPLAY, COLORADO


Frank Just, Mayor