

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
August 19, 2024**

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, August 19, 2024, 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, and Trustees Ray Douglas, Erik Baum and Josh Voorhis, and Mayor Pro Tem Pete Lynn.

Staff in attendance: Town Administrator Janell Sciacca, Chief Jeff Worley, and Town Attorney Brandon Dittman (online).

APPROVAL OF AGENDA

There were no additions, deletions, amendments or corrections to the agenda.

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

CONSENT AGENDA

A. APPROVAL OF MINUTES OF PRIOR REGULAR MEETING – May 6, 2024.

B. APPROVAL OF EXPENDITURES – Paid bills for all Town funds from August 2, 2024, through August 15, 2024, in the amount of \$235,362.61.

Sciacca responded to various questions regarding expenses. She also recognized Deputy Clerk Sarah Ernst for taking on all the AP entry and processing with Danner's departure. Sciacca also advised that Events Assistant Kelsey Sprys, whose first day was August 19, and advised she would be learning the AR and AP processes as well in order to provide for separation of duties and redundancy.

Motion #2 by Trustee Voorhis, seconded by Trustee Douglas, that the Consent Agenda be approved with the minutes as written and the expenditures as stated. Douglas – aye, Baum – aye, Just – aye, Voorhis – aye; Lynn – aye. Motion carried unanimously.

CITIZEN COMMENTS

Jason Genson, 255 Front Street, appeared to ask for the Town's approval to allow for and assistance in putting on a Halloween Trunk or Treat event on Front Street. He announced that he had obtained sponsorship from Family Dollar and was working with other entities, agencies and businesses to put the event together. Genson was requested to submit a Special Event Permit and to work with the Museum and Boys & Girls Club to complement their planned activities.

PUBLIC HEARINGS

A. FIRST READING – Should the Board of Trustees for the Town of Fairplay adopt Ordinance No. 7, Series of 2024, entitled "**AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO GRANTING A FRANCHISE TO PUBLIC SERVICE COMPANY OF COLORADO FOR THE NON-EXCLUSIVE RIGHT TO PROVIDE, SELL, AND DELIVER GAS AND ELECTRICITY TO THE TOWN AND ITS RESIDENTS THROUGH THE NON-EXCLUSIVE REASONABLE USE OF TOWN STREETS, PUBLIC UTILITY EASEMENTS, AND OTHER TOWN PROPERTY.**"?

Mayor Just introduced the ordinance. Town Administrator Sciacca reported on the expiring franchise agreement and the new agreement in the packet. She noted this was the first reading and the Board would need to set the Public Hearing for September 16, during which time additional and required public notices would be made by Staff. She introduced Town Attorney Brandon Dittman who was appearing online to provide the Board additional information and answer questions. Dittman explained the franchise process and notices required under Colorado law. He advised

that Xcel completed 3 notices that were required prior to the evening's introduction and following any questions from the Board, the second reading and formal public hearing would need to be set. Dittman then explained that franchises are what Xcel would be paying the Town for use of its right of way and placement of facilities. The franchise agreement establishes the rates and terms. Dittman further explained that the majority of these agreements across Colorado take the same form and contain the same terms and conditions – 20 years at 3% of electric revenues. He advised that in addition, the Town received 1% that was segregated into an electric undergrounding fund, and this was not a part of other franchises. Dittman reviewed several other components of the agreement and then answered questions of the Board regarding addition of Veteran benefits, the actual availability of service status for the Town, incentives for solar and other renewable energy alternatives, option for CORE energy to provide electric, amount in the underground fund, and ramifications of not approving the agreement. Dittman advised he would follow up with Xcel on the applicable Board questions in order to provide that information at the hearing. The Board thanked Dittman for attending and for working on this matter on behalf of the Town.

Motion #3 by Trustee Voorhis, seconded by Trustee Baum, to approve the 2nd Reading of Ordinance No. 7 and set the Public Hearing for September 16, 2024, at 6:00 p.m. Douglas – aye, Baum – aye, Just – aye, Voorhis – aye; Lynn – aye. Motion carried unanimously.

B. THIRD READING - Should the Board of Trustees for the Town of Fairplay adopt Ordinance No. 6, Series of 2024, entitled **"AN ORDINANCE CREATING SECTION 7-2-200, WITHIN NUISANCES, OF THE FAIRPLAY MUNICIPAL CODE, ESTABLISHING PARKING LOT REGULATIONS."**?

Mayor Just introduced the item, advised of the Town's authority to conduct the hearing and the format. He opened the Hearing at 6:42 p.m. Town Administrator Sciacca provided an overview of the Staff Report noting this was the 3rd reading and the Board had decided to continue the matter from August 5 and several Trustees were not in attendance to provide their position and vote on the legislation. While some Board members were in favor of putting the regulations in place and were concerned that if the Town did not intervene there would be injuries and accidents where lots were in poor condition, multiple Board members expressed concern that the legislation was government overreach and felt issues would be addressed through civil remedies by anyone injured or experiencing damage due to the property owner's negligence.

Mayor Just opened the floor to public comment. Scott Dodge, 1317 Meadow Drive, agreed with those that felt this was a property owner issue for all private property owners, but a different matter for publicly owned lots. He felt there were other more important "nuisances" that needed addressing. Chief Worley was asked if citations were issued for accidents in parking lots and he responded they were in limited situations for violations such as improper backing, DUI, careless and reckless driving, etc., but not for potholes. There being no one else wanted to speak, the floor was closed to public comment.

Following additional discussion, Sciacca suggested taking no action or denying the ordinance and allowing Staff to continue to work with property owners as issues arose.

Motion #4 by Trustee Voorhis, seconded by Trustee Baum, to approve the 2nd Reading of Ordinance No. 7 and set the Public Hearing for September 16, 2024, at 6:00 p.m.. Douglas – aye, Baum – aye, Just – aye, Voorhis – nay; Lynn – aye. Motion carried 4 to 1.

NEW BUSINESS

A. TO BE CONTINUED TO SEPTEMBER 16, 2024 - Consideration of Request from ACL Real Estate, LLC, for an additional extension of 1-year Deferment of parking and landscape improvements for Highside Brewery located at 411 US Hwy 285.

Motion #5 by Trustee Baum, seconded by Trustee Voorhis, to continue the request from ACL Real Estate, LLC, to September 16, 2024, at 6:00 p.m. Douglas – aye, Baum – aye, Just – aye, Voorhis – aye; Lynn – aye. Motion carried unanimously.

B. Transmittal of Final Report –University of Colorado Denver Urban and Regional Planning Program Mountain Studio 2013 Comprehensive Plan Assessment Findings and Recommendations.

Town Administrator Sciacca advised that the report link was mailed out to the Board separately and she and Town Planner Hunn were reviewing it and would be happy to take input from the Board or answer any questions.

OLD BUSINESS

A. Continued review of and discussion on proposed Employee Handbook update

Town Administrator Sciacca reviewed the Staff Report and the listing of significant changes from the prior version. She advised there was no hurry to adopt since there was a policy in place and her focus was to make things clear, easy to understand and up to date which included removing items that should be in ancillary policies instead of a handbook. Trustees provided comments and input including concerns about the generous PTO policy which provided for almost 5 weeks of vacation during the first year of employment. They generally wanted to see a fair policy that reduced the Town's liability by breaking the PTO into separate banks of sick, vacation, earned comp time, etc. Sciacca advised that there was information available on an HR listserv and she would research and bring some of that information back for the Board to review.

STAFF AND BOARD OF TRUSTEE REPORTS

Town Administrator Sciacca noted her report in the packet and reported that the Town's paving project would be starting on the 20th, the pre-con meeting for the River Park project was taking place on Wednesday, SGM was starting work on the impact fees, a new SGM Staffer was taking over the Water Model project as Rob had left the company, Scot Hunn was drafting an updated 3-Mile annexation plan, as of August payment the Town was only .41% under is Sales Tax projections; and last Friday the Staff and the Mayor conducted an interview for the Streets & Utilities Superintendent position with a local candidate who was offered the job and did accept.

Trustee Douglas advised he would miss the September 16 meeting due to hunting season.

Trustee Baum advised he did have a trip coming up and would need to participate online and he would like to see crosswalks with a button and flashing lights on Main Street in 2 spots due to all the pedestrian traffic in the area.

Trustee Voorhis reported there was a landscape storage lot between the Family Dollar and Forest Service building. He also stated that during Burro Days he heard another race had been scheduled by someone who wanted to stick it to the Town. This person did the same thing in another community and Voorhis did not want to see Burro Days jeopardized so he hoped there was a solution. He also suggested the Town sponsor Burros and add a shorter 5K race that he would even participate in.

Mayor Pro Tem Lynn cautioned that the new curb and gutter along the CDOT housing project appeared to have the potential to create some drainage issues for the neighbor to the east. Sciacca replied she would have Town Engineer Dirksen look into it. She also reported that CDOT was soliciting suggestions for complex names and to let her know if anyone had some good ideas.

Mayor Just felt the later than normal paving would benefit the Town and there would be more consistency and less cracking due to the higher temperatures. It was noted that Park County was finally going to have Platte Drive paved. Just also touched on the potential drainage issue along Hathaway and proposed that the Town finished the curb and gutter in 2025 down to 9th Street and around the corner to the Boys and Girls Club.

ADJOURNMENT

There being no further business before the Fairplay Board of Trustees, Mayor Just declared the meeting adjourned at 7:58 p.m.

ATTEST:

Janell Sciacca, Town Clerk

BOARD OF TRUSTEES, FAIRPLAY, COLORADO

Frank Just, Mayor