

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
August 5, 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 5, 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 and Erik Baum. He noted that Mayor Pro Tem Lynn and Trustee Voorhis were both excused.

Staff in attendance were Town Administrator Janell Sciacca and Chief of Police Jeff Worley.

APPROVAL OF AGENDA

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

CONSENT AGENDA

A. APPROVAL OF EXPENDITURES – Paid bills for all Town funds from July 12, 2024, through August 1, 2024, in the amount of \$155,126.88

Motion #2 by Trustee Douglas, seconded by Trustee Baum, that the Consent Agenda be approved with the expenditures as stated. A roll call vote was taken: Douglas – aye, Baum – aye, and Just – aye. Motion carried unanimously.

CITIZEN COMMENTS – None.

PRESENTATIONS, PROCLAMATIONS AND UPDATES

A. Proclamation recognizing the extraordinary achievement of South Park High School Graduate Dylan Medina's Graduation from the United States Naval Academy in Annapolis.

Mayor Just recognized Medina's parents who were in attendance and read the proclamation into the record. He provided the Medinas with a copy and then stated it was not every day the Town had the opportunity to recognize one of its own who had such significant achievements. He extended congratulations and best wishes to Dylan on behalf of the Town..

Chief Worley took the opportunity to introduce the Town's newest Officer Mason Prickett. Worley noted that Prickett just graduated from the POST Academy and then worked all of Burro Days. The Board welcomed Prickett and thanked him for taking the time to come before them.

PUBLIC HEARINGS

A. Should the Board of Trustees, acting as the Local Licensing Authority, approve an application from Below Average Report Card Investments, LLC for a new Tavern Liquor License for JL Dyer Public House located at 519 Main Street?

Mayor Just introduced the matter and provided an overview of the format of the public hearing and the Town's jurisdiction to hear the application. He opened the Public Hearing at 6:09 PM and Town Administrator Sciacca provided an overview of the Staff Report and recognized applicant Brad Sheafe who was in attendance. She stated that the application was complete, fees were paid, and Staff was recommending approval and would bring back the Findings of Fact, Conclusions and Order to formalize the Board's action if so approved. Applicant Brad Sheafe introduced his partner Chris Benson's wife Sandy and his wife Krista and daughter Madison in attendance with him. He advised Benson would be the manager and was not in attendance due to a planned family reunion. Sheafe

expressed their excitement about the opportunity and stated they were proposing a community focused establishment with areas for sitting, book clubs and meetings and a fenced in backyard area with picnic tables and additional space for gathering.

Just asked for comment in favor of granting the application. Madison Sheafe, the applicant's daughter, stated community was close to her father's heart and a dream of his was to have his own bar for locals to feel at home. She stated both Sheafe and Benson had worked hard, and she supported them wholeheartedly. There were no comments in opposition and Just closed the floor to public comment and closed the public hearing. Trustee Douglas disclosed that he did attend church with Chris Benson and had conversations with him about the space and use, but not the liquor license itself. Just confirmed that Douglas did not feel anything discussed was ex parte or related to the license application, nor did he stand to gain financially if approved. Therefore, there was no impropriety.

Motion #3 by Trustee Douglas, seconded by Trustee Baum, to approve the application from Below Average Report Card, LLC, for a new Tavern Liquor License for JL Dyer Public House located at 519 Main Street and direct Staff to present the Findings of Fact, Conclusions and Order for formalization of the Board's action at the August 19, 2024 Regular Board Meeting. A roll call vote was taken: Douglas – aye, Baum – aye, and Just – aye. Motion carried unanimously.

Just extended congratulations, and appreciation for them providing the establishment and facilities for the public.

B. SECOND 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."?

The Board generally agreed that postponing Ordinance No. 6 to the following meeting was warranted in order to have all Board members present for discussion and action.

Motion #4 by Trustee Baum, seconded by Trustee Douglas, to continue Ordinance No. 6 to August 19, 2024. A roll call vote was taken: Douglas – aye, Baum – aye, and Just – aye. Motion carried unanimously.

STAFF AND BOARD OF TRUSTEE REPORTS

A. Presentation of DRAFT Employee Handbook.

Town Administrator Sciacca provided an overview and highlighted important changes for the Board's information. She reminded that the handbook had been reviewed by Employers Council of Colorado and the Town Attorney and came back with significant changes, so instead of trying to sort through them, an entirely different and new handbook was being proposed. This version was a culmination of recommendations from Employers Council, but also significant portions of other State of Colorado employee manuals as well as multiple Towns/Cities rules and regulations. She added that there were many clarifications added, policies that should not be included taken out, and multiple other changes proposed in order to make the document easier to understand and apply. Sciacca advised that one of the items that needed Board input was Paid Time Off (PTO). She noted that the current policy was extremely generous and a significant liability for the Town because an employee leaving the Town's employment was entitled to have all PTO paid out and most government entities split paid time off into multiple categories such as Vacation, Sick, Comp Time instead with only vacation and comp being paid out at 100%. Baum felt the current PTO was very "generous." Just felt six weeks was a lot. Sciacca also noted that 12 holidays were standard and proposed with updates to add Juneteenth. She noted that some employees had asked about adding a personal day. She also noted that the manual was updated to account for the 10-hour shifts that were being worked by all but one employee and not requiring them to take 2 hours of PTO for a holiday. She inquired about changing the Police week to 86 hours as per FLSA whereby an Officer would not earn OT or Comp Time until 86 hours were worked. Chief Worley stated this was not popular with Officers and the Board generally agreed to stay with the standard 80 hours. Following additional questions and discussion, Sciacca advised there was no rush to adopt the updated manual, and the Board agreed and requested additional time to continue review and have their questions answered and suggested the document be brought back at meetings throughout the remainder of the year.

B. Presentation of proposed 2025 Budget Schedule

Town Administrator Sciacca noted the Proposed Budget Schedule in the packet. She advised that former Treasurer Danner advised that the June reconciliation was not completed prior to her departure. She advised that she spoke to Plante Moran, the Town's contract accounting company, and they indicated they could take over and complete the reconciliation. She reviewed the schedule and inquired about adding a meeting on September 9 since September 2 was Labor Day. The Board generally agreed to adding a meeting on September 9.

Sciacca then reviewed her monthly report highlighting projects and upcoming meetings and events. She advised that the Bathymetric survey at the Beach was taking place the following day, August 6. She also reported that part-time Events Assistant Kelsey Sprys was offered a full-time position upon Treasurer Danner's departure and reminded that Plante Moran would be taking over all accounting duties at this time and discussions regarding a replacement Treasurer could take place in the future. Sciacca also reported that one promising application had finally been received for the Streets Superintendent and in the interim another Public Works Maintenance Worker position was posted so the team would hopefully be returning to full staffing soon.

Mayor Just thanked Sciacca for responding to comments and concerns he shared with her and following up to correct issues with benches being moved and unequal distribution of flowers on Front Street. He stated that Front Street looked much better than it ever has, and everybody should have the opportunity to have benches and flowers. He advised that during his birthday dinner several visitors that were eating next to him became aware he was the Mayor and shared compliments on how nice the Town of Fairplay looked and how surprised they were with all the shopping opportunities in our small town. Just also reported on the Fair kickoff parade turnout stating it was a great parade, and he was looking forward to the Burro Days parade.

Sciacca then addressed a rumor that was surfacing in the community that Danner left because she was asked to do something that went against her morals. Sciacca advised that in speaking with Danner the only thing Danner ever said she was concerned about was the budget, specifically the amount of money being spent on the Police Department and several other line items where more than what was budget was spent. The rumor also included an allegation that Danner sent a text message to the former Town Administrator with this information. Sciacca stated that she had nothing to hide and neither did the Town and the budget would be amended as usual to account for changes recognized throughout the year for unforeseen or other expenses that went over budget. She emphatically denied any wrongdoing and felt her actions and her truthfulness showed her high ethics. Sciacca also noted that she spoke directly to Danner after the rumor surfaced and Danner denied sending a text message. Sciacca also noted that Chief Worley reported to her that he and Danner spoke, and Danner imparted to him that she really liked working at the Town and wished she did not have to leave but her health was deteriorating due to the stress. Sciacca also reminded that the Town conducted an annual audit and during her time as Administrator there had only clean findings. She also stated she had an open-door policy and always encouraged employees and the Board to come to her with anything. Sciacca stated she would never ask anyone to do something immoral, illegal or unethical and in fact her upbringing with a father that was in law enforcement and her over 30 years in public service have instilled in her enforcement of the laws, code and rules and regulations and with fairness and equal treatment. She extended an open invitation to anyone who had an issue with anything she had done since coming to the Town to bring it to her or the Board of Trustees.

Trustee Douglas commented that he noticed Casa Sanchez applied for outdoor seating and inquired if they had paid for the abatement of trash earlier in the year. Sciacca replied they had not, but a lien had been placed on the property and that money would be recovered when taxes were paid. The Outdoor Seating application was for their property and entailed the filing of a report and payment to the State in conjunction with Casa Sanchez. She noted that it was appropriate for the Board to bring this up during annual renewal of their Liquor and Business Licenses.

Chief Worley advised his report was in the packet. Mayor Just stated he was proud and glad to be reading the reports from Worley versus what was received in the past and the current reports provided details on activities the Board should know about. Worley stated that the numbers were pure numbers as he eliminated extra patrol figures or follow-ups and the like. Worley also noted that the SRO selection process was moving forward but he did not expect to have this position filled and put someone in the school fulltime until the second half of the year and until that time Officers were signing up to serve as SRO under an agreement in place with the School for \$50/hour. He stated he was seeking 75% of the new SRO to be paid by the school. He then reminded that National Night Out was taking place August 6 at the Fairgrounds and invited the Board to attend. Worley also reported that the PD was holding a second round of interviews to fill the open Officer position, and the new Tahoe Patrol units were received and in-service.

Trustee Douglas asked about the Fair water figures. Sciacca stated she knew about 95,000 was used from the hydrant meters but would have to get the remainder of those figures from Chris Bannister. Douglas also inquired about the patio fencing at Mr. Burro and Casa Sanchez sticking out into the street. Sciacca advised she would have Building Official Parag address the concern. Douglas also reported he had a great time checking IDs at Burro Days and talking to people from other states and even other countries and he also enjoyed being a Judge for Llama Rama.

Sciacca reported that there was an electrical issue with a vendor and Julie Bullock was dealing with that. She also noted that Bullock would provide her annual Events update to the Board sometime in the fall.

Baum noted recent articles about Bouncy Houses taking flight and children being injured or killed. He didn't believe the Town should do anything about this, but felt parents might be made aware of potential conditions so they could make the decision on whether or not to let their kids play in them. Baum also reported that the Intergovernmental Meeting was enlightening, and he had a lot more questions but was going to reach out directly to folks. He added that he was not crazy about the way the County was talking about fiscal disbursements when certain Departments were struggling, specifically the Sheriff.

Mayor Just reported that he felt Burro Days was the grandest event he'd seen since he came to Town marking the 75th Anniversary. His personal estimate was 14,000-15,000 people attended based on parking availability and the sheer number of people walking around. He echoed the comments of Douglas on people attending from other States and Countries and how they all loved the event and commented on how glad they were to be attending. He felt it was a very well-orchestrated event and that everything went off without a hitch.

Sciacca did note that Sales Tax figures were holding steady, and she hoped they would go up when the July 4 and Burro Days numbers came in. However, when she was walking around during Burro Days she had heard several vendors say that their sales were down and they were not seeing the volume of people buying like they had in the past but she was going to be optimistic that these were the minority because everywhere she went the shops and booths were full of people and several brick and mortar businesses did state this was their best year. She also noted that the PA system still needed work and stated that when she walked around during the parade there were many places where the announcements could not be heard so Staff would continue to work on it.

Mayor Just weighed in on Sciacca's announcement regarding the text that was sent to the former Town Administrator. He stated he was livid to hear this and felt that why it could not be prevented, it was the classic back door underhandedness from somebody that didn't have the guts to bring this up in public and provide specifics on supposed wrongdoings. He was aware of the text firsthand, and he did not appreciate it. He stated he had the fullest confidence in everything Sciacca was doing for the Town and the Board without exception and if it happens again he will get to the bottom of it and if found to be a current employee of the Town he would encourage Sciacca to take appropriate action. Sciacca thanked the Board for their support and stated she still loved her job and working for the Town of Fairplay.

Just also reported that he attended the Homes for our Troops Key Ceremonies for Brian Lowen and Eric Jorden on Saturday and was privileged to speak. He also reported that everyone was very appreciative for all the Town's support to help realize such beautiful homes to these warriors. He also reported the Baseball team that Lowen

helped coach won the Western Division this year and they were ecstatic to be part of the Grand Marshall Float with Lowen during Burro Days. Just finished by recognizing completion of the Infiltration Gallery project and thanked the Board for following through on the project to help double water production.

ADJOURNMENT

There being no further business before the Fairplay Board of Trustees, Mayor Just declared the meeting adjourned at 8:08 p.m.

BOARD OF TRUSTEES, FAIRPLAY, COLORADO

ATTEST:

Janell Sciacca, Town Clerk

Frank Just, Mayor

