

**MINUTES OF THE REGULAR MEETING OF THE  
FAIRPLAY BOARD OF TRUSTEES  
May 6, 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, May 6, 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, Mayor Pro Tem Lynn, and Trustees Ray Douglas, Erik Baum, and Josh Voorhis.

Staff in attendance were Town Administrator Janell Sciacca, Town Treasurer Jennie Danner, Chief of Police Jeff Worley, Grants Manager Tom Flannery, Building Officials Kyle Parag and Troy Dicker (online), Town Planner Scot Hunn (online), Town Engineer Deron Dirksen (online), IT Manager Mike Fisher (online), ORC Keith Chisholm, and Special Events Coordinator Julie Bullock.

**APPROVAL OF AGENDA**

**Motion #1** by Trustee Voorhis, seconded by Mayor Pro Tem Lynn, 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 REGULAR MEETING** – February 5, 2024.
- B. APPROVAL OF MINUTES OF REGULAR MEETING** – March 4, 2024.
- C. APPROVAL OF MINUTES OF REGULAR MEETING** – March 18, 2024.
- D. APPROVAL OF EXPENDITURES** – Paid bills for all Town funds from April 12, 2024, through May 2, 2024, in the amount of \$204,672.72.

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

**CITIZEN COMMENTS**

Scott Dodge, 1317 Meadow Drive, appeared representing Park County Law Enforcement Gives Back and invited the Town to participate in the June 26, 2024, Nate Carrigan Gold Tournament.

**PRESENTATIONS, PROCLAMATIONS AND UPDATES**

- A. Presentation of Burro Buster Scholarship.**  
Mayor Just invited Luke Lindberg to the dais and presented him with a Town of Fairplay Burro Buster Scholarship in the amount of \$2500 to go to furtherance of your education. Just announced the Town issued \$6,500 in Senior scholarships for 2024. Lindberg advised that he would be attending Lincoln Tech school for welding. He received a round of applause and thanked the Town for the funding.
- B. Introduction of Michael Schreiber, CDOT Region 2 North CEPD, and update on US285 bridge and widening project.**  
Schreiber was not in attendance, so no introduction was given, and no update made. Sciacca did remind everyone that the shift to the new bridge was still scheduled to take place on the Friday of Memorial Day weekend.
- C. Presentation from David Shipley, General Manager of Highline, regarding Broadband**  
David Shipley, Senior Vice President and Regional Manager of Highline, provided information on the history of the company since 1996 and the 800 square miles of South Park served. He noted Highline operates in 6 states -Colorado,

Nebraska, Kansas, Georgia, Texas and Michigan. Shipley announced that Highline has applied for and received around \$12M in funding. He advised that there was a great deal of Federal funding available with Colorado receiving close to \$1 billion for rural areas. He then reviewed current service options and then stated Highline is available to help the Town apply for some of the available funding. He advised it was not an easy process, but Highline would definitely be willing to partner with the Town. He advised that they would look to submit applications in 2025 with the hope of funding being received in 2026. Following discussion on funding criteria, and partnership responsibilities, Shipley stated he would work through Grant Manager Flannery when the time came. The Board thanked Shipley for appearing,

#### **PUBLIC HEARINGS**

**A. ARCHITECTURAL REVIEW COMMITTEE** – Consideration of application from Steve Glover for a Certificate of Appropriateness for renovations and an addition to the Single-Family home located at 724 Front Street.

Mayor Just introduced the matter and provided an overview of the Public Hearing format. He opened the hearing at 6:37 PM and Town Planner Hunn reviewed the Staff Report and recommendation for approval with one condition finding the application does meet the required criteria. Applicant Glover was in attendance and provided additional information on the proposed renovations stating the main purpose of the renovations was to bring the structure up to date. Glover stated he lived in at least 6 cities, and this was the first time he had to get a Certificate of Appropriateness and he felt it was a bit of overstepping by government and he complained the process was time consuming and unnecessary. Following discussion regarding batten, Glover stated the intent was to not change any siding on the house and the Board generally agreed that the house and the new addition should match with either batten or T1-11 siding. Glover agreed he would not put batten siding on the addition and would install T1-11 siding consistent with the existing structure. Just closed the hearing at 7:03 pm and request a motion.

**Motion #3** by Trustee Baum, seconded by Mayor Pro Tem Lynn, that the Fairplay Board of Trustees, sitting as the Architectural Review Committee, approve the application for a Certificate of Appropriateness filed by Steve Glover for a remodel and addition to an existing residence located at 724 Front Street within the Town Center Overlay District, with the following condition, and that the Town Clerk issue said Certificate of Appropriateness within seven (7) business days as per the plans submitted and approved by the Committee.

1. The Applicant is encouraged to consider installing 1-1/2" wood bats over the T1-11 siding on the existing residence to match the proposed detailing of the addition and to produce a more traditional board and batten finish around the entirety of the structure.

A roll call vote was taken: Douglas – aye, Baum – aye, Just – aye, and Voorhis – nay, Lynn – aye. Motion carried 4 to 1. Trustee Voorhis stated that while he generally supported the application and improvement to the structure, he did not appreciate Glover's sarcasm and patronizing remarks and it did not make the Trustees job easier.

**B. CONTINUED FROM APRIL 1, 2024 – THIRD READING** – Should the Board of Trustees Approve the Adoption of Ordinance No. 2, Series of 2024, entitled, **"AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AMENDING CHAPTER 18 BUILDING REGULATIONS TO INCREASE THE DESIGN SNOW LOADS FOR STRUCTURES."**?

Mayor Just introduced the matter and opened the hearing at 7:07 PM. Building Officials Kyle Parag and Troy Dicker appeared online. Parag reviewed the history of the discussions on the proposed amendment. Parag stated the reason he was recommending moving up from the 65 was because he had received reports from several places including Park County, the State of Colorado, DOLA and multiple engineers that have stated the Fairplay snow loads were too low and he was presenting this to the Board with a recommendation in reducing or starting with the 722 data and reducing it by 20% down to 80 lbs. per square foot (PSF). He also noted leaving in the footnote that the Board previously discussed of allowing projects such as a solar improvement or any other sort of structural evaluations to use the older 716 standard and the idea behind that was to not prohibit installations such as solar on existing structures that were designed years ago. Mayor Just commented that even at the current snow loads that Fairplay works under, there would have to be 6 feet of stacked snow on the roof to even come close to 45 PSI or PSF. Just added that while he was not taking into account wind load, the wind cleared most of the snow when it falls

or pretty shortly thereafter, if not as it's happening, and he had to wonder why the snow load needed to be raised. He added that his real angst with the proposal was that it would increase the financial burden on a community that was committed to building affordable housing at some point. Parag did not disagree but felt the Town needed to think about future safety. However, he would support whatever decision the Board made. Trustee Baum inquired if there would be any pushback from the County or the State if the Town did not adopt the higher standard. Parag replied that the load should be in line with the Town's opinion of its climatic assessment. He noted the subject came up with all the recent modular housing (CDOT and Spruce Hill) going in. Baum also questioned liability of the Town and Parag replied that if the Town knew its snow load was too low and issued building permits and structure collapsed, it could potentially bring liability to the Town if the correct snow load was not adopted.

Mayor Just opened the floor to public comment. Scott Dodge, 1317 Meadow Drive, did not see why the Town would go to the County's standard. He felt someone building a home could make the decision to go higher than the adopted standard if they wanted to and he felt the Town was ok where it was at. Following additional discussion, the Board closed the floor to public comment and generally agreed that when it could be proved that the increase was needed to keep the people in the Town safe from the potential of a collapse then they would be for raising the snow load.

Mayor Just opened the floor for a motion to approve. There was no such motion, and he then opened the floor for a motion to deny.

**Motion #4** by Trustee Voorhis, seconded by Trustee Douglas, to deny adoption of Ordinance No. 2, Series of 2024. A roll call vote was taken: Douglas – aye, Baum – aye, Just – aye, and Voorhis – aye, Lynn – aye. Motion carried unanimously.

The Board thanked Kyle and Troy for bringing these types of issues to them.

**C. CONTINUED FROM APRIL 1, 2024 – SECOND READING:** Should the Board of Trustees Approve the Adoption of Ordinance No. 3, Series of 2024, entitled, **"AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO AMENDING CHAPTER 10 AND ARTICLE X OF THE FAIRPLAY MUNICIPAL CODE REGARDING NOISE."**?

Mayor Just provided an overview of the format of the hearing and opened the Public Hearing at approximately 7:40 pm. Town Administrator Sciacca presented an overview of the Staff Report noting she and the Mayor had reviewed and made amendments to the prior version. She noted this would replace all of Article X of Chapter 10 in the code. She noted that any reference or use of decibels to determine excessive noise was removed and instead members of the Police Department would make the determination based on a reasonable person standard. She noted the table needed to be amended to allow for mowing of lawns on Sundays between 12 noon and 7 pm. Mayor Just added that this is not a change in the code, it is a modification of the existing code to remove language that made no sense, especially the references to decibels. He noted for demonstrative purposes that as he was speaking at that moment his decibel meter said he was at 76 decibels so the code was ridiculous representing that 50 decibels could be considered a violation. Trustee Baum questioned the Town's authority over complaints about mining operations and how loud those were. Sciacca replied that those operations were outside the Town and the Town had no jurisdiction and this was monitored by Park County and the State. She added the Town would have to lodge a complaint with Park County Development Services or the State Division of Mining and Reclamation. Trustee Voorhis stated he liked the idea that the complaining party and the officer would be the ones testifying to a complaint. Mayor Pro Tem Lynn questioned where the prohibition of construction activities on Sunday was. Sciacca replied that would be added to 10-10-40(3).

Mayor Just opened the floor to public comment. Scott Dodge, 1317 Meadow Drive, commented for his neighbors advising they were concerned that the Town was going to get too restrictive so they would not be able to do certain things on Sundays when they only have one or two days off during the week. They just wanted to make sure that

the Town was not going to allow kids to ride their bikes up and down the street screaming and yelling. Mayor Just responded advising that is why the responsibility was being turned over to Police personnel.

Mayor Just closed the floor to public comment and opened the floor to a motion.

**Motion #5** by Trustee Voorhis, seconded by Trustee Douglas, to approve the adoption of Ordinance No. 3 Series of 2024, with the stated amendments. A roll call vote was taken: Douglas – aye, Baum – aye, Just – aye, and Voorhis – aye, Lynn – aye. Motion carried unanimously.

#### **NEW BUSINESS**

**A. FIRST READING** – Should the Board of Trustees for the Town of Fairplay adopt Resolution No. 16, Series of 2024, entitled “**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROVING AN PROFESSIONAL SERVICES AGREEMENT WITH SGM FOR ADDITIONAL WATER DISTRIBUTION MODEL SERVICES.**”?

Sciacca provided an overview of the Staff Report noting the main purpose of the agreement was to address pressure issues throughout the Town and the Professional Services Agreement detailed the Scope of Work. She noted that Scope 1 was actually \$16,000 and Scope #2 was \$12,700 and each was independent of the other. Phase #2 would also not been started without Board approval. Sciacca noted Town Engineer Dirksen was online to answer questions. Mayor Just provided a general synopsis of the pressure issues and what was occurring throughout Town and the dangers of possible property damage. Following additional discussion and examples of pressure issues, the Mayor opened the floor to a motion.

**Motion #6** by Trustee Voorhis, seconded by Mayor Pro Tem Lynn, to approve Resolution No. 16, Series of 2024, as presented approving an agreement with SGM for additional Water Distribution Model services. A roll call vote was taken: Douglas – aye, Baum – abstain, Just – aye, and Voorhis – aye, Lynn – aye. Motion carried with 4 ayes and 1 abstention.

**B. FIRST READING** – Should the Board of Trustees for the Town of Fairplay adopt Resolution No. 17, Series of 2024, entitled “**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, ADOPTING A REMOTE PARTICIPATION POLICY, WHEN A LOCAL DISASTER EMERGENCY IS NOT IN EFFECT.**”?

Sciacca provided an overview of the Staff Reported and noted a prior policy was adopted when COVID hit. When the pandemic ended, entities found these policies provided for greater meeting participation by Board members and the public and they amended them to allow for remote participation at all times. The proposed policy replaces the COVID policy and puts parameters in place for participation under today’s circumstances.

**Motion #7** by Trustee Baum, seconded by Trustee Douglas to approve Resolution No. 17, Series of 2024, as presented approving a Remote Participation Policy. A roll call vote was taken: Douglas – aye, Baum – aye, Just – aye, and Voorhis – aye, Lynn – aye. Motion carried unanimously.

#### **STAFF AND BOARD OF TRUSTEE REPORTS**

**A.** Discussion regarding upgrades or replacements recommended or desired at Beaver Creek Water Treatment Plant.

Town Contract Water and Wastewater Engineer Ken Hardesty reviewed his packet memorandum discussing the history and individual items, their importance, timeline and associated costs. Following discussion, Mayor Just stated that he felt all the items were safety issues and he highly recommend that the Town allocate the funds for the entire \$97,500 to complete the upgrades and replacements by Hardesty.

**Motion #8** by Trustee Voorhis, seconded by Trustee Douglas to approve allocation of \$97,500 as recommended for Water Treatment Plant upgrades and replacements. A roll call vote was taken: Douglas – aye, Baum – aye, Just – aye, and Voorhis – aye, Lynn – aye. Motion carried unanimously.

Mayor Just asked that Hardesty be applauded for the diligent work on the Gallery project, the manner in which he's did it, the quality of work that was received and the professional oversight. The Board gave Hardesty a round of applause and thanked him and stated they look forward to working with him on future Town projects.

Chief Worley stated his report stood as presented and asked for questions. Mayor Just commended him on making 24/7 police services for Fairplay and Alma a reality and stated it was a big step for the Town. Just also noted a very nice article in the Park County Advocate about the department and what the Town has accomplished and the quality of people. Douglas stated it was a significant commitment by the Board to make this happen. Worley stated that when he met with Sciacca, she said here is what we want to do and the Board said committed to money and support behind the effort. Worley thanked the Board for their support. Sciacca also reported that she and the Chief would be meeting with Alma Town Administrator Goettelman the following week to discuss the agreement and fees for a first quarter check in, but overall, Alma was happy with the arrangement.

Treasurer Danner advised she and Sciacca were working to see when the Town would get its audit from Mayberry. Sciacca noted that Tim Mayberry had suffered a concussion during the winter and she and Danner would continue to try and get the report to the Board.

Sciacca reported that work at 501 Main was moving along, and the ceiling tiles and flooring and Staff was targeting May 26 for a soft-opening by hosting an elected officials meeting with Congresswoman Brittany Pedersen. She also noted upcoming CML regional workshops. Sciacca then announced that Bailey Days representatives have asked if they could use the Town's shuttles for their event. She stated an agreement would be drafted and they would have to pay for drivers, insurance and fuel. She requested Board approval of the request which would be for June 22 and 24. She also advised that this was allowed because there was no federal funding associated with the Town's grant. The Board generally agreed to allow for the use.

Planner Hunn reported on an opportunity for the Town to partner with CU Denver on a summer intensive Colorado Mountain Studio program for graduate students in the Urban Planning Master's program and for them to focus on a project or problem. He introduced the idea to Sciacca who jumped on the opportunity. They both felt this was a good opportunity to focus on information to update to the 2013 Comprehensive Plan. He noted this was free to the Town. A tentative schedule was drafted and a scope and the project was set to begin in June and end the last week of July. Hunn felt this could result in some really great foundational work for the Town to move forward on some updates of planning documents.

Trustee Baum reported that he would like the Town to look into illegal squatting and what options the Town had in protecting homeowners. Sciacca reported that she did bring this up with the Town Attorney who thought Woodland Park might have just adopted something Fairplay could review.

Trustee Lynn stated the road cut has been made and digging started at the CDOT project on Hathaway. He hoped they would find a 6-inch Main. Chisholm stated the Town was shutting off the water tomorrow. Just asked if notice was given to the neighborhood. Lynn stated his household did receive a call.

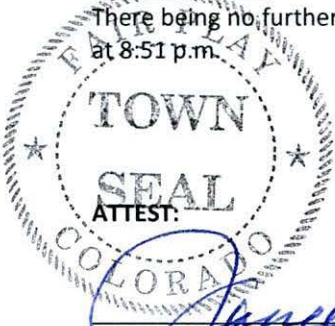
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**ADJOURNMENT**

There being no further business before the Fairplay Board of Trustees, Mayor Just declared the meeting adjourned at 8:51 p.m.

**BOARD OF TRUSTEES, FAIRPLAY, COLORADO**

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Frank Just, Mayor



ATTEST:

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Janell Sciacca, Town Clerk