

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
April 1, 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, April 1, 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 Dodge, and Trustees Ray Douglas, Josh Voorhis and Pete Lynn.

Staff in attendance were Town Administrator Janell Sciacca, Town Treasurer Jennie Danner, Grants Manager Tom Flannery (online) and Chief of Police Jeff Worley.

APPROVAL OF AGENDA

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

CONSENT AGENDA

- A. APPROVAL OF MINUTES OF REGULAR MEETING** – January 8, 2024.
- B. APPROVAL OF MINUTES OF REGULAR MEETING** – January 22, 2024.
- C. APPROVAL OF EXPENDITURES** – Approval of paid bills for all Town Funds from March 28, 2024, to April 11, 2024, in the amount of \$238,137.97.

Town Administrator Sciacca noted the January 22, 2024, minutes were being removed from the consent agenda.

Motion #2 by Trustee Voorhis, seconded by Trustee Douglas, that the Consent Agenda be approved without the January 22, 2024, minutes and the expenditures as stated. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

CITIZEN COMMENTS – None.

PROCLAMATIONS, PRESENTATIONS AND UPDATES

- A.** Update regarding US 285 Widening and Bridge Replacement and CO9 Intersection Improvements Project from CDOT and American Civil Constructors Representatives with Discussion Regarding Decorative Light Poles. Steve Howard of Yeh Construction appeared on behalf of CDOT and Brandon Billie appeared online on behalf of American Civil Constructors. Howard reviewed a proposal to replace light poles on CO9 and US285 to match the Town's existing lighting. Sciacca reminded that the Town was asked about the light poles, and she advised that what the Town requested was overlooked in construction which was noticed by several Trustees. She brought this up in a meeting and CDOT agreed to replace the 9 poles along CO9, but not the 12 along US285. Howard stated the poles on 285 would remain as per plan unless the Town wanted to come up with the money to have them changed. Following additional discussion, the Board generally felt that as long as the ones on Main Street (CO9) were changed, the ones on US 285 could be different. Howard then provided an update on the bridge replacement and widening, and stated traffic should be switched over the new bridge around Memorial Day. It was noted that there would be a push to finish before the next winter season with paving in late October or the 1st week of November, but the end of September would be the real goal. Trustee Voorhis questioned if there would be signage installed for the summer, noting the Forest Service was receiving complaints that it was hard to find them. Howard replied that some of the original signs could be reinstalled or American Civil could probably have some temporary ones made and that would be addressed. Billie stated he would speak with Howard about the signs. Mayor Just asked if they were aware of the barbed-wire fence that had been installed. Howard stated they were well aware of it but had no fence contractor until the spring to take care of that. The Board thanked Howard and Billie for appearing and providing the updates.

PUBLIC HEARINGS

- A. THIRD READING** – Should the Board of Trustees Approve the Adoption of Ordinance No. 2, Series of 2024, entitles, **“AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AMENDING CHAPTER 18 BUILDING REGULATIONS TO IN INCREASE THE DESIGN SNOW LOADS FOR STRUCTURES.”?**

Town Administrator Sciacca noted that Building Official Parag was to have appeared but his wife was due to have a baby any day so that may be why he was not in attendance. She advised that the Staff Report was updated, but she had no issue continuing the matter again. Mayor Just asked for Trustee comments. Trustee Lynn stated he just wanted to make sure the Town was doing this because it was absolutely necessary and what is common sense and what is overreach by the government. Mayor Just felt the language was underwhelming and he took issue with increasing the snow load by 55% when there had not been any issues in Fairplay with roofs collapsing due to snow load. Just felt there was a happy medium that would make more sense and he would like to discourage weekend warrior type work and encourage permits. The Board generally agreed it would be best to continue the item to the April 15 meeting.

Motion #3 by Trustee Douglas, seconded by Trustee Voorhis, to continue the public hearing on Ordinance No. 2, Series of 2024, to April 15, 2024. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, and Voorhis – aye, Lynn – aye. Motion carried unanimously.

- B. FIRST 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 – GENERAL OFFENSES OF THE FAIRPLAY MUNICIPAL CODE REGARDING NOISE AND NOISE PERMITS, AND CHAPTER 11 – STREETS, SIDEWALKS AND PUBLIC PROPERTY REGARDING PARKING AND PARKING PERMITS.”?**

Town Administrator Sciacca provided an overview of the Staff Report and highlighted the most significant items. She advised that the Board could choose to discuss the matter, provide feedback and continue it to a future meeting after they had had time for further review it. Discussions ensued regarding decibel levels, no construction being allowed on Sundays, emergency situations, and overall enforceability. Mayor Just felt the Town needed to have simple and straightforward regulations, and regulations with teeth to address some of the silliness going on in Town. Following additional discussion, the Board generally felt additional time was needed to review the proposed rules and regulations.

Motion #3 by Mayor Pro Tem Dodge, seconded by Trustee Douglas, to continue the public hearing on Ordinance No. 3, Series of 2024, to April 15, 2024. A roll call vote was taken: Douglas – aye, Dodge – 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. 15, Series of 2024, entitled **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROVING A PROPOSAL FROM SERVLIN BY HOMESERVE AND AUTHORIZING PARTICIPATION IN AND OFFERING OF CUSTOMER LEAK PROTECTION AND SERVICE LINE PROTECTION PROGRAMS.”?**

Town Administrator Sciacca provided an overview of the Staff Report and reminded that the Board has a presentation from Dennis Lyons on January 8 regarding this program. She stated at that time the Board requested a proposal for the Town to review and consider. She reminded that the Board discussed implementing the Leak Protection Program for all customers and allowing Servline to offer the Service Line Protection Programs as an option. Sciacca also reminded that the Leak Protection Program would replace the Town’s existing leak forgiveness policy which would result in that revenue actually going into the Utility Fund instead of being written off. Mayor Just also noted that the current leak forgiveness policy had not been applied consistently to all customers and this new policy would be. Sciacca also noted that while the Town was opting in for the Leak Protection for all accounts, customers did have the ability to opt out and those customers would not be eligible for any forgiveness for leaks. The program would not be implemented for several months and during that time Staff would update the billing system, put notices in the monthly bills and Servline would send out direct mail notices. Sciacca reviewed the different levels the Board could choose from and recommended opting in at \$2,500 per occurrence for all three

categories. The Board generally agreed and then felt the Town should opt out of adding any administrative fee for the Town.

Motion #4 by Trustee Voorhis, seconded by Trustee Douglas, to approve Resolution No. 15, Series of 2024, as presented approving a proposal from Servline for a Leak Protection program at the \$2,500 per occurrence level for all categories. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, and Voorhis – aye, Lynn – aye. Motion carried unanimously.

STAFF AND BOARD OF TRUSTEE REPORTS

Chief Worley stated he had nothing to add to his written report and apologized for the lateness. Several Trustees had not been able to review the report so the Chief highlighted several activities for them. Trustee Voorhis expressed his appreciation for the number of vehicles he had seen the Officers pull over around Town and stated the Liquor Store had noticed a decrease in the number of DUIs at the store.

A. Review of End of Term Audit Report from Plante Moran.

Treasurer Danner noted the Audit Report that had been distributed to the Board. Sciacca provided an overview of why the report was conducted and noted that nothing significant was found, but there were some recommendations for separation of duties and Danner's memo addressed how Staff was responding. She also noted the Town's official audit should be coming in at any time and Staff expected another clean opinion.

Town Administrator Sciacca then noted the report provided by Crew Chief Kleinschmidt and all the great information he provided in it. She noted the item in both her and Kleinschmidt's reports confirming the water line in Hathaway was in fact a 6" line and the Town would not have to complete that line replacement project and could shift those monies elsewhere. She then noted that amount of water meters that had been replaced by Chris Bannister and that the number of non-working or problem meters was slowing dropping. She also noted that Town Engineer Deron Dirksen has started providing a report since he was providing more services with no Public Works Director. She also provided an update on the 501 Main renovation project and noted drywall was up and she and Grants Manager Flannery has submitted a Congressionally Directed Spending request for the next phase of work on the building. She noted Flannery was in attendance online and thanked him for helping get that submitted with the short notice. She also noted that Senator Bennet might be coming into Town and Staff hoped to be able to take him to 501 Main to show the progress and money spent by the Town which might help him to support the Town's application. Sciacca then requested permission from the Board to donate the shed that was sitting unused at the Town's ballfield to the School. She advised that Sheriff McGraw had asked if it was being used and stated there was desire to use it at the School's ballfields. Mayor just expressed appreciation for Staff bringing this request to the Board and not making the decision to dispose of Town assets without their input. He felt it was appropriate to donate the building before it got burned down like a previous one. The entire Board supported donating the shed as requested.

Grants Manager Flannery provided an overview of his activities. He reported that the Town's Park County Land and Water Trust Fund application was submitted for the River Park MMOF grant match. He was not certain when it would be heard but felt it would not be at the next meeting.

Trustee Douglas reported that he attended an intergovernmental training the prior Thursday evening that was put on by PPACG for elected officials. The guest speaker addressed the distrust at the federal level but noted how that distrust trickles down to the local level. He stated there was wide representation, but that another one might be hosted closer to Fairplay.

Mayor Pro Tem Dodge expressed his opinion and appreciation for the Town's efforts in being transparent with the public. He stated it was refreshing to be part of the Board for the last 10 years and he hoped leadership continued those efforts and not making rash decisions.

Trustee Voorhis reiterated prior comments of appreciation for the noticeable differences with the enforcement activities of the Police Department.

Trustee Lynn observed that economic indicators were trending toward a recession, and he just wanted the Staff and Board to be aware of this.

Trustee-elect Baum inquired about an ordinance to address illegal squatting. He noted recent reports and destructiveness seen and asked if the Town could take a look at it.

Mayor Just inquired about the expiration of the current ESTIP agreements. It was noted how well Otto's was doing. Sciacca reported the owner Brian Beck was very vested in the Town and had even purchased several properties to provide housing for his employees. Danner did not have the detailed information and advised she would look it up and provide that to the Board.

ADJOURNMENT

There being no further business before the Fairplay Board of Trustees, Mayor Just declared the meeting adjourned at 7:39 p.m.

BOARD OF TRUSTEES, FAIRPLAY, COLORADO

Frank Just, Mayor

ATTEST:

Janell Sciacca, Town Clerk