

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
March 4, 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, March 4, 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 and Josh Voorhis. Trustee Lynn was excused due to a scheduled family vacation.

Staff in attendance were Town Administrator Janell Sciacca, Town Treasurer Jennie Danner, Grants Manager Tom Flannery and Building Official Kyle Parag.

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 – Approval of paid bills for all Town Funds from February 3, 2024 to February 29, 2024 in the amount of \$130,349.33.

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

CITIZEN COMMENTS – None.

OLD BUSINESS

A. SECOND READING - Should the Board of Trustees Approve the Adoption of Resolution No. 4, Series of 2024, entitled, **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO APPROVING A TEMPORARY LEASE AGREEMENT BETWEEN THE TOWN OF FAIRPLAY AND THE SOUTH PARK FOOD BANK FOR USE OF SPACE AT 501 MAIN STREET.”?**

Town Administrator Sciacca presented an overview of the Staff Report and reminded the matter was continued from January 8 for Staff to work with the Food Bank Board to come up with a more equitable fee for use of the space in the Town’s building. Sciacca noted the revised agreement was for a \$100 annual rent fee and 25% of the costs of utilities, with electrical being reduced by 25% due to the Town’s renovations currently underway. She also noted the letter from the Food Bank Board advising that they had been granted land and would be anticipating vacating the building within 18-24 months and requesting they be allowed to remain in the current space for the remainder of their time in the building. Sciacca reported that Staff could not support any commitment to allow them to remain in the current space due to the Town’s ongoing efforts to obtain funding for Phase 2 of the renovations which would include retrofitting the back southeast corner for a culinary kitchen and renovating the meeting room, both of which the Food Bank currently occupied. Mayor Just inquired about the 18-24 months stating that seemed to be a very aggressive timeframe. South Park Food Bank representative Jane Newman advised that their builder should be ready to go at the beginning of 2025. The question of where the Food Bank was going to relocate to came up and Newman stated that Dale Fitting was donating the vacant lot across 5th street from 501 Main. Sciacca advised that the Town has obtained a quote to retrofit the back southwest corner of 501 for purposes of relocating the food bank if that time came. Following additional discussion the Board was generally comfortable with committing to provide the Food Bank space for 36 months on a year to year basis. The Board also agreed to opening another restroom in the building so that if the current restroom is out of order, there

is still the ability for Food Bank personnel to use the facility. Newman stated the Food Bank wanted to be good tenants and were trying to make improvements to keep the heat turned down and appreciated the Town working with them.

Motion #3 by Mayor Pro Tem Dodge, seconded by Trustee Voorhis, to adopt Resolution No. 4, Series of 2024, approving a Temporary Lease Agreement with the South Park Food Bank as presented. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Voorhis – aye. The motion carried unanimously.

NEW BUSINESS

A. FIRST READING – Should the Board of Trustees for the Town of Fairplay adopt Resolution No. 12, Series of 2024, entitled **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, ADOPTING THE RECOMMENDED EMPLOYEE PAY SCHEDULE RESULTING FROM A COMPENSATION STUDY.”**?

Town Administrator Sciacca presented an overview of the Staff Report and introduced Diana Portillo-Burger from Employers Council of Colorado who was attending online. Portillo-Burger reviewed a project report slide presentation detailing the project and process used to arrive at the proposed Pay/Salary structure. She fielded questions from the Board and did recommend that following probation, the employees listed as below the minimum be moved up to at least the minimum. Portillo-Burger stated that she felt Fairplay did a good job at keeping up with the market without having done a study in the recent past. Sciacca advised that she had only received positive responses from employees to date with recent increases that were given. A brief discussion ensued about retirement and Sciacca advised she would like to look at switching to PERA for Staff which was comparable to FPPA for Officers and Firefighters. The Board generally agreed. Sciacca also advised that if approved, the schedule would then be updated annually moving forward until an entirely new study was warranted.

Motion #4 by Trustee Voorhis, seconded by Trustee Douglas, to adopt Resolution No. 12, Series of 2024, as presented adopting a new Employee Pay Schedule as presented. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Voorhis – aye. Motion carried unanimously.

B. FIRST READING – Should the Board of Trustees for the Town of Fairplay adopt Resolution No. 13, Series of 2024, entitled **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, ADOPTING AN AMENDED PERSONNEL HANDBOOK.”**?

Town Administrator Sciacca presented an overview of the Staff Report. She reviewed several of the more important proposed changes and noted that with all the lined-out sections it was certainly difficult to track what was being presented and she had intended to produce a page-by-page change report, but fell ill and could not complete it. The Board agreed that trying to figure out all the changes did not allow them to make a decision this evening, so they asked that Staff bring the document back in an easier to comprehend format.

C. Consideration of Approval of Letter to Park County Commissioners requesting a Moratorium on new development applications in Mining Districts until Land Use Code update process is completed.

Town Administrator Sciacca reminded that the Asphalt and Concrete Plant application had been withdrawn, but she cautioned that it could return as a permitted use so everyone should be vigilant and keep their eyes open. She noted that Park County Director of Operations Mike Smith had advised the Mayor and Mayor Pro Tem that the County received a grant to update their land use regulations and that is was her recommendation that the Town respectfully request a moratorium on heavy impact land uses in Mining Districts, especially those close to populated areas, until the rewrite was completed. Sciacca advised that if approved, the letter could be presented to the Board of Commissioners the next day at their next regular meeting. Following additional discussion about the lack of transparency demonstrated and communication in the County’s process, Trustee Voorhis voiced his desire that the Town do whatever was possible to try improving the relationship. Sciacca felt the relationship had improved, but that it was often quite difficult to get responses or schedule meetings with County staff, but Town staff would continue to put forth every effort and hopefully the Intergovernmental meetings would continue to advance this.

Motion #5 by Trustee Voorhis, seconded by Mayor Pro Tem Dodge, to approve issuance of a letter to Park County Commissioners requesting a Moratorium on new development applications in Mining Districts until Land Use Code

update process is completed. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Voorhis – aye. Motion carried unanimously.

PUBLIC HEARINGS

A. SECOND 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 topic and provide an overview of the hearing format. He opened the Public Hearing at 7:24 p.m. and asked for Staff presentation. Building Official Parag advised that he asked a structural engineer to put together a document to show illustrate the differences of roof structures. However, he could not get one, so he drafted the example in the packet for decks and proceeded to explain the differences beam spans based on snow loads. Following discussions regarding impacts of solar panels and concerns relative to added costs increasing the snow load would add for a homeowner, and creating a situation where homeowners don't want to pull permits, Parag reported that he was going to recommend 80 lbs but raised to 100 after finding out Park County is going to the new ASNB 722 and he felt 100 was the middle ground. The Board generally supported Parag conducting additional research and coming back to the Board with a hybrid approach and something more consistent with Park County for the March 18 meeting.

BOARD OF TRUSTEE AND STAFF REPORTS

Building Official Parag advised that there were a lot of conversations about possible construction, and it should be an exciting year.

Town Treasurer Danner reported that the audit took place last week. She also noted that the Town was set to go out for RFP for audit services for 2025.

Town Administrator Sciacca noted the 2 reports emailed to the Board late for grants and Public Works. She recognized Grants Manager Tom Flannery in attendance online. She also noted that the Board would see future reports from Crew Chief Kleinschmidt moving forward. Flannery reported that he had about 5 grants in process. Sciacca also reported that Chief Worley was not in attendance as he was testifying in a trial in Canon City. Mayor Just reported that the Chief's Report contained the information the Board had been wanting to see, statistics! Sciacca reported that two Officers were involved in a minor accident when someone stopped to ask them a question and due to the slippery road, he slid into the Town's car which pushed it up against an embankment. There was no damage and no injuries. Mayor Just asked if Sciacca would have the Chief separate out calls for service for residential versus commercial. He wanted to the information to respond to some business owners that reported they received no service from the Town Police Department, no snow removal service, etc.

Town Administrator Sciacca reported that the Town would begin enforcing the code and shutting off delinquent customers. She noted that the budget for 501 Main would be significantly over due to rising costs and the high rate subcontractors were charging for services but JOC was doing everything possible to keep the costs as low as possible. She also reported that there were 75 Transit survey responses as of last week, but service would hopefully begin between Alma and Fairplay is a driver could be found. She also noted that a Notice of Violation had been issued to Casa Sanchez for the trash and rubbish built up near the alley with a deadline to clean it up. If it was not cleaned up, the Town would proceed to clean it up and bill them or lein the property as necessary. She also reported that she would be participating in interviews for the new Superintendent. Sciacca then advised that she had been contacted by her former City Manager from Woodland Park who was involved with Homes for Our Troops and he was raising money for garage floor coatings for Brian Lowen and Eric Jordan. The total needed was \$8,000 and she inquired if the Board would be willing to donate \$1,000 to the cause. She stated that the homes built for these heroes were turning out to be 2 of the most expensive in the nation so this funding could not be absorbed. She advised that funds were still available in benevolence and donations and there was indication that Teller County Legion was donating \$1,000 and the Legion Riders were also going to donate. Mayor Just advocated that the Town donate \$1,500 per home and count that amount toward the Mardi Gras total. The Board generally agreed and then Mayor Pro Tem Dodge stated he would donate \$1,000 while future Trustee Erik Baum stated he would also donate \$1,000. Sciacca thanked everyone for their generosity.

Mayor Pro Tem Dodge invited everyone to attend the Park County Law Enforcement Gives Back for their next meeting which was being held at Town Hall. He reminded that PCLE was not just about scholarships and golf, but also a sponsor of National Night Out. He stated the group would be giving out five \$5,000 scholarships in 2024. He also reported that he was glad to see the Officers out and about.

Trustee Voorhis asked about the owner of the lot to the north of the Forest Service office noting a lot of trucks and equipment were showing up and being stored there. Sciacca noted that the lot was being used for storage by American Civil Constructions but most of the vehicles belonged to the new owner Beautiful Gardens. She noted that he was going to seek a rezoning to allow for his landscape and garden business as well as a food truck, but the application had not been submitted. She stated Staff would follow up.

Mayor Just complimented the Public Works staff on the recent plowing of Town stating that snow is being pushed the right way and Front Street looked amazing. Sciacca noted that she and Crew Chief Kleinschmidt and Special Projects Coordinator Wagner drove around to look at things and did stop to talk with the owner on Front Street storing his 5th wheel in the right of way and had worked out a deal for him to remove it his back yard when the snow melted. She noted another not so productive interaction with the owner and employee of the Park Bar with snow being thrown back into the street. The owner was provided with a copy of the Snow Removal Policy and her employee continued to shovel snow back into the street while they talked. Overall she felt progress was being made On some of these long-standing issues.

Trustee Douglas reported he attended the CML Legislative Update where transportation, psychedelic mushrooms, parking standards, and other important matters were discussed. He also inquired about the semi-truck and trailers still parked on 3rd street. Sciacca reported that the Police had made contact and told the owner to move them as they were impacting snow removal and the owner said he would use a snow blower to help the Town out. She told the Officers that was not acceptable, and they needed to be removed. Douglas also noted the stack of logs on that same street that remained in the right-of-way.

Mayor Just reported on two women of Fairplay that had recently experienced life shattering trauma – one had stroke and cancer and the other a brain tumor. He noted GoFund me pages set up to help both with expenses. He stated both were good people and needed help and encouraged everyone to provide that. He also reported that the motorcycle noise had returned to Town as of Saturday and the issue needed to be addressed. He felt he knew where they could be found and would share that with the Chief.

EXECUTIVE SESSION - Pursuant to C.R.S. Section 24-6-402(4)(e) For the purpose of determining positions relative to matters that may be subject to negotiation, developing strategy for negotiations, and/or instructing negotiators and to discuss a purchase, acquisition, lease, transfer, or sale of real, personal, or other real property interest under C.R.S. 24-6-402(4)(a) and the following additional details are provided for identification purposes: potential real property acquisition and negotiating parameters surrounding same.

Just announced the topic and statute authorizing the Executive Session and stated that He, Mayor Pro Tern Dodge, Trustees Douglas, Voorhis and Lynn, Town Administrator Sciacca would be the participants.

Motion #5 by Trustee Douglas, seconded by Mayor Pro Tern Dodge, to adjourn to Executive Session pursuant to C.R.S. Section 24-6-402(4)(e) for the purpose of determining positions relative to matters that may be subject to negotiation, developing strategy for negotiations, and/or instructing negotiators and to discuss a purchase, acquisition, lease, transfer, or sale of real, personal, or other real property interest under C.R.S. 24-6-402(4)(a) and the following additional details are provided for identification purposes: potential real property acquisition and negotiating parameters surrounding same. A roll call vote was taken: Douglas - aye, Dodge - aye, Just - aye, Voorhis - aye. The motion carried unanimously.

RECONVENE REGULAR MEETING AND ADJOURNMENT

At 9:25 p.m., Mayor Just reconvened the Regular Meeting and announced that the Executive Session had been concluded and the participants were he, Mayor Pro Tern Dodge, Trustees Douglas and Voorhis, and Town

Administrator Sciacca. 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. Hearing none, Mayor Just declared the meeting adjourned at 9:26 p.m.

A circular seal for Fair Play Town, Colorado. The outer ring contains the text "FAIR PLAY" at the top and "COLORADO" at the bottom, separated by two stars. The inner circle contains the word "TOWN" at the top and "SEAL" at the bottom. A blue ink signature, "Janell Sciacca", is written across the seal and extends to the right.
ATTEST:

Janell Sciacca, Town Clerk

BOARD OF TRUSTEES, FAIRPLAY, COLORADO

A blue ink signature, "Frank Just", is written over a horizontal line.

Frank Just, Mayor