

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
February 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, February 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, 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, Chief of Police Jeff Worley, Town Engineer Deron Dircksen Town Planner Scot Hunn, and Building Official Kyle Parag.

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** November 20, 2023 Regular Meeting
- B. **APPROVAL OF MINUTES OF** December 4, 2023 Regular Meeting.
- C. Approval of paid bills for all Town Funds from January 19, 2024 to February 2, 2024 in the amount of **\$136,142.87.**

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

PUBLIC COMMENT PERIOD – Acceptance of Town of Fairplay residents' comments on the Park County Conditional Use Permit Application 24CAP-01 for the Ellie Belle Asphalt and Concrete Plant.

Mayor Just greeted all citizens in attendance and thanked them for showing up to voice their opinions on the proposed Park County project. He announced that the Town of Fairplay was not the governing body with jurisdiction over the application but did have a significant voice as an adjacent and directly impacted community. He asked that speakers keep comments civil, to the point and be sure of facts before speaking. He then opened the floor to comments. The following persons spoke against granting of the permit due to health, safety and welfare of the residents and visitors, financial impacts on businesses, detriments to the overall environment and lack of compatibility with the surrounding neighborhood (Town of Fairplay):

Greg Johnson, 402 Hathaway
Jane Koerner, 786 Crawford Lane
Pamela Stone, 420 Front Street (Hand Hotel)
Jason Douglas, 305 4th Street
Monica Douglas, 389 Aspen Way
Christine Keller, Bogue Street
John Deagan, 809 Crawford Lane
Jane Shirley, 295 Ridge Road
Jen Boley, 730 Main Street (Java Moose)
Cindy Bear, 307 Hathaway (South Park School Superintendent)
David (last name and address not available)
Syfan Rahm, 36 Quarry Way
Cirillo Raymond, 4495 County Road 14

James Clark, 327 Quarry Road
Bob White, 20000 Hwy 285 / 415 4th Street
Brian Beck, 450 Hwy 285 (Otto's)
Pual & Tabatha LeMaster, 1954 Platte Drive (Elevate Cleaning)
John Barstow, 42 Lakeside Drive
Robert Lynch, 1751 Lakeside Drive
Debbie Acker, 350 Cottage Grove Rd
Karen Archibald, 767 Busch Run

Mayor Just commended all those that appeared for bringing up valid points. He reminded that the Board of Trustees was not the deciding entity and encouraged everyone attending to attend the Park County Planning Commission meeting on February 14 at the County Building at 856 Hathaway. He also encouraged letters to be submitted for the record. Just also noted that in the past when applications like this were presented, the Board of Trustees sent letters of opposition and this one would be no different. Trustees would also attend the Planning Commission hearing in person. Attendees were encouraged to monitor the Park County agendas and also plan to attend the Board of Commissioners hearing when scheduled. Town Administrator Sciacca recommended the Board approve sending a Resolution of Opposition summarizing the known impacts and the points brought up to the Board during the input session. She recommended a motion of the Board to find that the application does not comply with Fairplay's concerns and conflicts with the interests of the Town's residents, visitors and businesses for the reasons to be outlined in a Resolution of Opposition.

Motion #3 by Mayor Just, seconded by Mayor Pro Tem Dodge, that Board of Trustees of the Town of Fairplay finds that the application does not comply with Fairplay's concerns and conflicts with the interests of the Town's residents, visitors and businesses for the reasons to be outlined and submitted to Park County in a formal Resolution of Opposition. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

Mayor Just closed by stating that he believed everyone could agree that the preponderance of the people have no desire to have that kind of plant in the community, especially not at the location. The citizens in attendance expressed appreciation for the Board sharing information that was not made available by Park County, for allowing their voices to be heard and for listening to their concerns.

PROCLAMATIONS, PRESENTATIONS AND UPDATES

A. Update from Rob Ringle of SGM regarding Town of Fairplay Water Model project. Ringle provided a brief history of the project to date, reviewed the report in the packet providing additional detail on specific points and the summary and recommendations for moving forward. Discussion ensued regarding fluctuating and high or excessive pressures in various parts of Town and how to address them with the installation of pressure reducing valves. Locations of PRVs were discussed and Ringle advised he could look at putting one on the main line to Town. The Board generally agreed with that approach and requested Ringle provide a new scope for review and consideration on March 4.

PUBLIC HEARINGS

A. **FIRST 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 hearing topic and reviewed the format of the hearing. He opened the public hearing at 7:51 p.m. Building Official Kyle Parag reviewed the Staff Report and reasoning for the recommending the change from 65 lbs./s.f. ground snow load to 100 lbs./s.f. Following discussion and it being pointed out that there had been no issues with structures in the Town that were 50 years old and even older structures in South Park City Museum, the Board generally felt additional time was needed to review and think about the proposed change.

Motion #3 by Trustee Voorhis, seconded by Mayor Pro Tem Dodge, that Ordinance No. 2, Series of 2024, be continued to March 4, 2024. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

NEW BUSINESS

A. FIRST READING - Should the Board of Trustees Approve the Adoption of Resolution No. 10, Series of 2024, entitled, **"A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH HARDESTY ENGINEERING AND MAPPING, LLC FOR ON-CALL WATER RESOURCE AND WASTEWATER ENGINEERING AND PLANNING."**?

Town Administrator Sciacca presented providing an overview of the Staff Report. She recommended approval as presented to allow for the Town to continue moving forward on multiple projects related to utilities.

Motion #4 by Trustee Douglas, seconded by Trustee Voorhis, to approve Resolution No. 10, Series of 2024, as presented approving a Professional Services Agreement with Hardesty Engineering and Mapping, LLC for On-Call Water Resource and Wastewater Engineering and Planning. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

BOARD OF TRUSTEE AND STAFF REPORTS

Chief Worley noted his report was late and inquired if the Board received it. It was sent to the Board in an email and while they had received it some did not have time to review it. Worley reported that the Department was operational and, on the road, as of today. Park County was still providing coverage, but he felt the Department would be at 100% by April 1. The Board expressed their unanimous support of the Department and appreciation to Worley for making it a reality.

Mayor Just recognized an audience member and asked her to introduce herself. Beth Birch with the Park County Advocate, a brand-new newspaper service in Park County stated she was working with Kelly Kirkpatrick as a reporter. Mayor Just welcome Birch and thanked her for attending.

Town Engineer Deron Dirksen noted his report in the packet and stated there were some high-level engineering matters and he was happy to include additional information for future reports. There was a brief discussion regarding the status of the Burro Park plans and Dirksen reported that investigations and discussions were ongoing regarding the potential of turning Front Street into a dead end.

Town Planner Scot Hunn reported that two meetings were held earlier in the day. One with Mustang Ridge and the applicant was considering switching from a PUD amendment to a straight subdivision with rezoning. Staff were also wrapping up an exemption plat in Beaver Meadows and discussing parking improvements for a property on Main Street which was being considered for purchase. He also noted that he and Dirksen did drive out to the proposed Asphalt and Concrete site and had provided some comments to the Town Administrator for inclusion in the response and resolution.

Town Administrator Sciacca reviewed several points in the packet report. She noted the Staff photos and that a good time was had by all the Staff that day and it was a good chance for everyone to get to know each other. Sciacca thanked the Mayor for providing pulled pork. She also noted that she and Special Events Coordinator Bullock met with the Scream Agency and was looking forward to getting some fresh and new ideas and materials from them for the Town's marketing efforts.

Town Treasurer Danner advised she would provide the Sales Tax figures at the next meeting.

Mayor Pro Tem Dodge inquired if all the short-term rental licenses had been issued. Sciacca replied No, and there were many renewals in process, but the figure was way under the 20 licenses.

Trustee Voorhis asked if CDOT could repaint the striping on 285. Sciacca advised that it was supposed to have been completed earlier in the day by the contractor, but they wanted to try cleaning the pavement first so the paint would

stick better. She noted that she would bring it up at the Thursday project meeting and she would also remind them of the need to remove the barbed wire on the fence along 285. Voorhis also asked who was supposed to be conducting plowing on the streets near the USFS building. Sciacca advised that she would talk with Streets Foreman Kleinschmidt tomorrow. Voorhis also asked if Staff could arrange for the Fairgrounds redevelopment group to present to the Board. He felt it important that the Board know the proposal there and that the Town relay the potential limits of the Town's water and sewer infrastructure.

ADJOURNMENT

There being no other regular business before the Fairplay Board of Trustees, Mayor Just declared the meeting adjourned at 8:41 p.m. and the Board moved into Executive Session.

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, and Chief of Police Jeff Worley would be the participants.

Motion #5 by Mayor Pro Tern Dodge, seconded by Trustee Douglas, 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, Lynn - aye. The motion carried unanimously.

At 9:30 p.m., Mayor Just announced that the Executive Session had been concluded and the participants were he, Mayor Pro Tern Dodge, Trustees Douglas, Voorhis and Lynn, Town Administrator Sciacca and Chief Worley. 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, the meeting was adjourned at 9:31 p.m.

BOARD OF TRUSTEES, FAIRPLAY, COLORADO

Frank Just, Mayor

ATTEST:

Janell Sciacca, Town Clerk