

**AGENDA for a Regular Meeting
of the Board of Trustees of the Town of Fairplay, Colorado
Monday, August 1, 2022, at 6:00 p.m. at the Fairplay Town Hall Board Room
901 Main Street, Fairplay, Colorado**

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. APPROVAL OF AGENDA**
- V. CONSENT AGENDA** *(The Consent Agenda is intended to allow the Board to spend its time on more complex items. These items are generally perceived as non-controversial and can be approved by a single motion. The public or the Board Members may ask that an item be removed from the Consent Agenda for individual consideration.)*
 - A. APPROVAL OF MINUTES OF PRIOR MEETING** – June 6, 2022.
 - B. APPROVAL OF MINUTES OF PRIOR MEETING** – June 20, 2022.
 - C. APPROVAL OF EXPENDITURES** – Approval of bills for various Town funds in the amount of **\$25,308.90.**
- VI. CITIZEN COMMENTS**
- VII. PROCLAMATIONS, PRESENTATIONS AND UPDATES**
 - A.** Proclamation recognizing Tuesday, August 2, 2022 as National Night Out in the Town of Fairplay.
- VIII. PUBLIC HEARINGS** *(Legislative)*
 - A.** Should the Board Approve the adoption of Ordinance No. 10, Series of 2022, entitled, “**AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO AMENDING CHAPTER 6 – BUSINESS LICENSES AND REGULATIONS OF THE FAIRPLAY MUNICIPAL CODE ADDING ARTICLE VI – TOBACCO PRODUCTS, AMENDING CHAPTER 10 GENERAL OFFENSES ADDING SECTION 10-11-70 TO ARTICLE XI – MISCELLANEOUS OFFENSES PROHIBITING SMOKING IN PUBLIC PARKS AND RECREATION AREAS AND ADDITIONALLY AMENDING SECTION 10-7-50 REGARDING THE LEGAL MINIMUM AGE FOR PERSONS THAT MAY PURCHASE CIGARETTES OR TOBACCO PRODUCTS.**”?
- IX. NEW BUSINESS**
- X. UNFINISHED/OTHER BUSINESS**
 - A.** Discussion on mid-year pay increases for Town Staff.
 - B.** Discussion regarding August and September, 2022 Regular Board Meeting schedule.
- XI. STAFF AND BOARD OF TRUSTEE REPORTS**
- XII. ADJOURNMENT**
- XIII. WORK SESSION TO DISCUSS CODE UPDATES, 2023 BUDGET SCHEDULE AND OTHER GENERAL TOWN-RELATED MATTERS.**

Upcoming Meetings/Important Dates

National Night Out at Park County Fairgrounds	August 2, 2022
Sheep Mountain Endurance Runs	August 6, 2022
Living History Days at South Park City Museum	August 13-14, 2022
<i>Fairplay Board of Trustees Regular Meeting</i>	<i>August 15, 2022 @ 6PM</i>
First Day of School for South Park Students	August 17, 2022
Ed Snell Memorial Run/Walk 10K Charity Fundraiser	August 20, 2022
TGIFairplay Free Concert Friday With Hazel Miller	August 26, 2022
<i>Fairplay Board of Trustees Regular Meeting CANCELLED</i>	<i>September 5, 2022</i>
<i>Fairplay Board of Trustees Regular Meeting</i>	<i>September 19, 2022 @ 6PM</i>

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
JUNE 6, 2022**

WORK SESSION

The Board held a Work Session whereby they received an update to a report presented at a previous Work Session held on March 7, 2022 regarding testing of a dormant Infiltration Gallery and the Town's water supply.

CALL TO ORDER – REGULAR MEETING

A Regular Meeting of the Board of Trustees for the Town of Fairplay was called to order by Mayor Frank Just on Monday, June 6, 2022 at 6:07 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 Records 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 Scott Dodge and Trustees Josh Voorhis. Trustees Isaiah Goodreau and Pete Lynn were absent.

Staff in attendance were Town Treasurer Kim Wittbrodt, Public Works Director Donovan Graham, Police Chief Bo Schlunsen, and Town Administrator / Town Clerk Janell Sciacca.

APPROVAL OF AGENDA

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

CONSENT AGENDA

A. APPROVAL OF EXPENDITURES—Approval of bills of various Town funds in the amount of **\$156,437.59.**

Motion #2 by Trustee Voorhis, seconded by Mayor Pro Tem Dodge, to approve the Consent Agenda as written. A roll call vote was taken: Dodge – aye, Just – aye, Voorhis – aye. Motion carried unanimously.

CITIZEN COMMENTS

There were no citizen comments.

PROCLAMATIONS, PRESENTATIONS AND UPDATES

A. Proclamation recognizing June, 2022 as Bike Month and Wednesday, June 22, 2022 as Bike To Work Day.

Mayor Just read the proclamation into the record proclaiming June, 2022 as Bike Month and Wednesday, June 22, 2022 as Bike To Work Day

B. Presentation by Park County School District RE-2 Superintendent Cindy Bear Regarding Vocational / Trades Program.

Bear thanked the Board for letting her speak. She also thanked the Board for the beautiful banners on along the highway stating they have become quite a thing for the community and graduating seniors. The tradition has become something kids really look forward to and makes them really proud. Bear also

thanked the Town for its assistance in resolving the student pick-up issue. She thanked Just for appearing at the School Board meeting and organizing the right people who took action in partnership with the school. She then recalled sitting as a Trustee working on a plan for the building at 501 Main. She then recalled many ideas and options discussed on how the building could benefit the community. Bear then announced the School was starting to make plans related to the passage 4B and one of the promises made was a vocational program for the kids. She stated that the School Administration said it would survey the kids, listen to them and do what could be done to make things happen. Bear then stated the school was out of space and requested the Trustees really think about what's going to benefit this community the most which she believed began with the kids. Bear requested the Board consider valuable space for the kids and the vocational program when remodeling and designing 501 Main. Mayor Just stated he thought it was a great idea and encouraged Bear to come up with a plan and get with Town Administrator Sciacca on how much space might be needed. He also shared that SGM said the structural set for the exterior renovations should be back to the Town by week's end and the Town could move forward to get the bid out yet this year. He thanked Bear for the presentation.

PUBLIC HEARINGS

- A.** Should the Board approve the revocation of the Business License issued to High Country BBQ for 511 US Highway 285?

Mayor Just opened the Public Hearing at 6:27 pm. Town Administrator Sciacca presented the Staff Report which detailed the issue of the applicant not having the required health license for the site. She noted that Staff would be working with the new Building Services Department (Charles Abbott & Associated) on updates to the business licensing process to implement a more formal review process with the appropriate Department signoffs in hopes of eliminating these types of issues in the future. She then recommended the Board revoke the business license for High County BBQ. There were no questions for Sciacca and she advised the Board that Staff was also working to have the non-conforming camping trailer removed from the site by June 10. There were no public comments for or against the revocation.

Motion #3 by Mayor Pro Tem Dodge, seconded by Trustee Lynn, to revoke the business license for High Country BBQ for 511 US Highway 285 as recommended by Staff. A roll call vote was taken: Dodge – aye, Just – aye, Voorhis – aye. Motion carried unanimously.

- B.** Should the Board Approve the adoption of Resolution No. 29, Series of 2022, entitled, **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO AUTHORIZING THE EXECUTION OF A PROPERTY IMPROVEMENT INCENTIVE PROGRAM (PIIP) AGREEMENT BETWEEN THE TOWN AND KEVIN AND TERESA MOORE FOR THE 601 MAIN STREET LANDSCAPE AND PARK PROJECT.”**?

Mayor Just opened the Public Hearing. Town Treasurer Wittbrodt presented the Staff Report noting the applicant was going to be cleaning up the landscaping in the back of their building and create a little park-like atmosphere back there where they hope to build a guitar-shaped concrete pad where they could host different musicians. She reviewed the funding breakdown noting the Town has \$16,713 left in the line item and then recommended approval. There were no questions of Staff. The applicant made a short presentation noting this project has been a dream of his since purchasing the property. It would be done in phases and a survey had already been scheduled. He added that he hoped the area would be used by the community for things such as acoustic performances, brown-bag lunches, etc. It will also have a firepit and water feature. Following additional questions about design, acoustics, and accessibility, Mayor Just thanked the applicant for getting a survey which he stated was often overlooked in projects like this and

then stated he thought it was a great plan. There was no public comment for or against the PIIP agreement.

Motion #4 by Mayor Pro Tem Dodge, seconded by Trustee Voorhis, to approve Resolution No. 29, Series of 2022, as presented. A roll call vote was taken: Dodge – aye, Just – aye, Voorhis – aye. Motion carried unanimously.

- C. Should the Board Approve the adoption of Ordinance No. 8, Series of 2022, entitled, **“AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO AMENDING CHAPTER 16 OF THE FAIRPLAY MUNICIPAL CODE, REGARDING ACCESSORY DWELLING UNITS (“ADUs”) IN THE SINGLE FAMILY RESIDENTIAL (SF-RES) ZONE DISTRICT.”?**

Mayor Just opened the Public Hearing. Town Administrator Sciacca presented an overview of the Staff Report noting this was another step for the Town to incentivize and increase workforce housing and was one of the qualifying strategies on DOLA’s list for obtaining grants and loans through that agency in the future for such purpose and it was also identified by the Board in its April Work Session as one to move forward on. She recommended approval as presented. There were no questions of Staff and there were no public comments for or against the ordinance.

Motion #5 by Mayor Pro Tem Dodge, seconded by Trustee Voorhis, to approve Ordinance No. 8, Series of 2022, as presented. A roll call vote was taken: Dodge – aye, Just – aye, Voorhis – aye. Motion carried unanimously.

- D. Should the Board Approve the adoption of Ordinance No. 9, Series of 2022, entitled, **“AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO AMENDING CHAPTER 16 OF THE FAIRPLAY MUNICIPAL CODE, REGARDING CAMPING, TEMPORARY HOUSING AND STORAGE OF RVS AND VEHICLES.”?**

Mayor Just opened the Public Hearing. Town Administrator Sciacca presented the Staff Report stating the ordinance was an attempt to clean up the code and make it easier to enforce. She recommended approval following the public hearing. Following discussion and the Trustees voicing multiple concerns regarding some of the restrictions and regulations as recommended, it was agreed the matter would be to a future date.

NEW BUSINESS

- A. Should the Board Approve the adoption of Resolution No. 30, Series of 2022, entitled, **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO APPROVING THE SUMMIT COUNTY GOVERNMENT, PARK COUNTY GOVERNMENT, TOWNS OF FAIRPLAY, ALMA AND BRECKENRIDGE INTERGOVERNMENTAL AGREEMENT FOR PROVISION OF INTER-COUNTY COMMUTER BUS TRANSIT SERVICES FOR THE PARK COUNTY COMMUTER ROUTE.”?**

Town Administrator Sciacca presented the Staff and recommended approval as presented. She noted that Summit County already approved the updated agreement, and the Park County Commissioners were considering it on their agenda tomorrow. However, she was not certain if Alma had taken action yet. Sciacca also noted the statistics in the packet that she had obtained from Summit County Transit Director Chris Lubbers for the Board’s information. There were no questions of Staff.

Motion #6 by Trustee Voorhis, seconded by Mayor Pro Tem Dodge, to approve Resolution No. 30, Series of 2022, as presented. A roll call vote was taken: Dodge – aye, Just – aye, Voorhis – aye. Motion carried unanimously.

OTHER BUSINESS – None.

STAFF AND BOARD OF TRUSTEE REPORTS

Chief Schlunsen provided a brief update on Code Enforcement matters. There was discussion about the Town Clean Up event that took place over the weekend and Sciacca stated how great the event was and she thanked everyone who helped out.

Public Works Director Graham provide an overview of his report and noted Star Playgrounds would be coming back and said it would take 2 days to finish up which was debatable by Staff and the Board. Graham also reported on the recent water break and repair and also reported Eric Witzak would be starting as a seasonal employee for the town.

Town Administrator Sciacca noted her report in the packet but noted the CDOT housing meeting was scheduled for June 24. She also noted a good meeting held with Northwest Fire Protection District regarding multiple items including housing and the inspection contract with Charles Abbott & Associates. She also reported the CML conference would be held in the 3rd week of June in Breckenridge and she would be attending, and lastly, budget season was right around the corner.

Mayor Pro Tem Dodge reported that the Town Cleanup event was successful, and he thanked all the volunteers. He also reported that he and Administrator Sciacca met with CDOT representatives to walk the River Park and look at Phase 2. He felt it went very well and the Town was authorized to submit a match reduction letter for 25% instead of 50%. He also noted people asking him about the cleanup thinking they would be walking around the Town picking up trash. A short discussion ensued, and Sciacca advised a formal program could be looked at for next year.

Trustee Voorhis thanked Staff for help on Saturday to get trash into the dumpsters from the cleanup he helped with at the Beach with the National Honor Society. He questioned the water numbers report in the packet as did Mayor Just. Graham noted a couple of situations that skewed the figures such as Whispering Aspens where the Town takes the sewer but do not provide water. Sciacca noted this was a first attempt to provide the Board water figures and Staff would continue to work on improvements.

Mayor Just reported he received an email from Greg Johnson and he proceeded to read it into the record. Johnson commended the Public Works and Police Departments for their combined efforts to help a senior citizen confined to a wheelchair in cleaning up his property. He also thanked the Board and Staff for enforcing codes. Just commented that citizens do notice things are being remedied and it makes what the Board and Staff do worthwhile.

Sciacca reminded the Board their next meeting on June 20 would start with a Work Session at 4 p.m. DOLA Regional Manager Greg Winkler was scheduled to conduct an elected officials training.

ADJOURNMENT

There being no further business before the Board, Mayor Just declared that the Regular Meeting adjourned at 7:48 p.m.

BOARD OF TRUSTEES, FAIRPLAY, COLORADO

ATTEST:

Frank Just, Mayor

Janell Sciacca, Town Clerk

UNOFFICIAL

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
JUNE 20, 2022**

WORK SESSION

The Board held a Work Session which started at 4PM whereby DOLA Regional Manager Greg Winkler conducted an Elected Officials Training.

CALL TO ORDER – REGULAR MEETING

A Regular Meeting of the Board of Trustees for the Town of Fairplay was called to order by Mayor Frank Just on Monday, June 20, 2022 at 6:06 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 Records 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 Scott Dodge and Trustees Isaiah Goodreau, Josh Voorhis, and Pete Lynn.

Staff in attendance were Town Administrator / Town Clerk Janell Sciacca and Public Works Director Donovan Graham.

APPROVAL OF AGENDA

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

CONSENT AGENDA

A. APPROVAL OF MINUTES - May 2, 2022.

B. APPROVAL OF EXPENDITURES - Approval of bills of various Town funds in the amount of **\$22,904.00.**

Motion #2 by Mayor Pro Tem Dodge, seconded by Trustee Voorhis, to approve the Consent Agenda as written. A roll call vote was taken: Goodreau – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

CITIZEN COMMENTS

Kelsey Hanley, 615 Bogue Street, addressed the Board inquiring about the flexibility or leniency in changing the current definition of our cabin as an Accessory Dwelling Unit (ADU). She felt the property did not meet the true definition due to it being less than 400 s.f. She also noted that due to the size it was not conducive to a long-term rental unit and they wanted to be able to utilize it as a short-term rental which was currently not allowed under the new regulations. Mayor Just advised the Board would push the request to Staff to bring back to them with a recommendation at a later date.

PROCLAMATIONS, PRESENTATIONS AND UPDATES

A. Colorado Natural Gas Hwy 285 Gasline Relocation Project Overview by Joe Berry, Director of Operations.

Mitch Pebley introduced himself stating he was the Director of Operations for Colorado Natural Gas. He provided an overview of the need to relocate the gas line due to the CDOT widening project on US 285 which would result in widening of the bridge and then gave an update on CNG preparations made in order

to accomplish the move. The project was set to start June 27, 2022 and hopefully end around August 31 with boring under the Platte River using a new technology called jack and bore. Pebley introduced team members Joe Berry, District Manager for the Mountain District, and Gabe Vanderstraten, Manager of Construction. He distributed an email detailing the talking points and noted all their contact information was listed for the public's information. Pebley indicated they would work with each business as necessary to maintain access. The contractors were also warned to keep their equipment out of the way so as to not impact traffic and access and he encouraged complaints to be directed to Trustee Goodreau, an employee of CNG, or to him. The Board thanked Pebley for the presentation and update.

NEW BUSINESS

- A. Should the Board Approve the adoption of Resolution No. 31, Series of 2022, entitled, “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO ADOPTING AN AMENDED SCHEDULE OF FEES FOR BUILDING DEPARTMENT SERVICES.”?**

Town Administrator Sciacca presented the Staff Report and recommended approval as presented. She noted that the updating of the fees related directly to the contract with Charles Abbott and Associates (CAA) who the Town approved a Professional Service Agreement with earlier in the year for comprehensive Building Department Services. Sciacca reported the formal switchover would take place July 1. She also noted a correction to section B. number 2). to add the wording “to and” before the \$25,000. Trustee Lynn commented he felt the Town's new fees seemed to be more in line with other jurisdictions. He did inquire if the noticeable increases were due to inflation and the fact there has not been any increase in some time. Sciacca replied that Lynn was correct. She also noted there were many fees that were previously missing that the new schedule covered, some related to the Town taking over Electrical and Plumbing permits and inspections also. Lynn also inquired about delays from the State. Sciacca replied she had no knowledge of that but contractors were reaching out to different entities and with the changes, there should be improvements and better all-around service. Sciacca reminded that the Town's current inspector Alex Wagner would remain part of the process and be the face and often initial contact and uploading/inputting information into the new electronic permitting system. Overall, she felt the process would be much better. Mayor Just reminded that this agreement relieved some liability issues for the Town and Sciacca advised that bringing CAA in also helped with the Town's ISO rating. Sciacca also noted that following her initial contact with CAA, Regional Manager Mike Theisen indicated multiple more local government entities have been reaching out to them looking to do the same thing in their communities.

Motion #3 by Mayor Pro Tem Dodge, seconded by Trustee Goodreau, to approve Resolution No. 31, Series of 2022, as presented and amended. A roll call vote was taken: Goodreau – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

OTHER BUSINESS – None.

STAFF AND BOARD OF TRUSTEE REPORTS

Town Administrator Sciacca reported that Cohen Park was finally open, the Town's first TGIFairplay concert was on Friday on Front Street, and the Board's first meeting in July would be canceled since it fell on Independence Day so the next meeting would be held July 18.

ADJOURNMENT

There being no further business before the Board, Mayor Just declared that the Regular Meeting adjourned at 6:35 p.m.

WORK SESSION

The Board conducted a Work Session with representatives from “The Bluffs of Fairplay” Development Team. The Board provided general feedback on the Preliminary Concept Plan. There was no formal action taken.

BOARD OF TRUSTEES, FAIRPLAY, COLORADO

ATTEST:

Frank Just, Mayor

Janell Sciacca, Town Clerk

UNOFFICIAL



MEMORANDUM

TO: Mayor and Board of Trustees

FROM: Kim Wittbrodt, Treasurer

RE: Paid Bills

DATE: July 29, 2022

Agenda Item: Bills

Attached is the list of the invoices paid between July 15, 2022, and July 28, 2022.

Total Expenditures: \$25,308.90

Upon motion to approve the consent agenda, the expenditures will be approved.

Please contact me with any questions.

Report Criteria:

Detail report type printed

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
07/26/2022	18283	American Water Works Ass	membership fee	1	04/23/2022	355.00	517455
Total 78:						355.00	
07/28/2022	18335	Business Connection	copy old burro booklets	1	07/22/2022	53.26	105162
Total 280:						53.26	
07/26/2022	18284	Business Solutions Group,	Order of Checks	1	07/15/2022	278.44	517214
Total 292:						278.44	
07/26/2022	18282	Cash	change for burro days	1	07/26/2022	2,200.00	101002
Total 340:						2,200.00	
07/28/2022	18336	CDPHE	water program annual fee	1	07/26/2022	220.00	517455
07/26/2022	18285		permit CO0040088	1	07/14/2022	2,733.00	517650
07/26/2022	18285		permit CO0040088	1	07/14/2022	92.00	517650
Total 358:						3,045.00	
07/26/2022	18286	CH Diagnostic & Consultin	Ground MPA water testing	1	04/22/2022	625.00	517430
07/26/2022	18286		Ground MPA water testing	1	07/01/2022	1,190.00	517430
Total 386:						1,815.00	
07/28/2022	18339	Galls, LLC	uniform shirts	1	07/09/2022	335.85	105410
Total 994:						335.85	
07/26/2022	18296	Newman Traffic Signs	signs	1	05/23/2022	50.67	105670
Total 1492:						50.67	
07/26/2022	18297	Park County Sheriff's Office	Donation for national night	1	07/26/2022	2,500.00	105175
Total 1594:						2,500.00	
07/26/2022	18303	Verizon Wireless	jet pack	1	07/26/2022	40.01	105130
07/26/2022	18303		cell Phone - public works	2	07/26/2022	40.70	105645
07/26/2022	18303		Phones and air cards	3	07/26/2022	523.84	105455
Total 2212:						604.55	
07/26/2022	18306	Xcel Energy	8945 quarry road	1	07/15/2022	13.69	517490
Total 2296:						13.69	
07/28/2022	18343	The Emblem Authority	emblems	1	07/13/2022	356.00	105410
Total 2693:						356.00	
07/28/2022	18341	Mobile Record Shredders	record shredding	1	07/27/2022	12.00	105030

Town of Fairplay

Paid Invoice Report - Paid Bills - Board
Check issue dates: 7/15/2022 - 7/28/2022Page: 3
Jul 29, 2022 07:35AM

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
07/26/2022	18300	Summit Choral Society	music at gazebo	1	07/26/2022	200.00	105162
Total 3562:						200.00	
07/28/2022	18340	Kenosha Pest Specialist	pest control	1	07/16/2022	30.00	105025
07/28/2022	18340		pest control	1	07/16/2022	30.00	517260
Total 3564:						60.00	
07/28/2022	18337	CivicPlus LLC	codification	1	06/09/2022	1,272.00	105075
07/28/2022	18337		build website	1	05/31/2022	1,830.00	105070
Total 3622:						3,102.00	
07/26/2022	18304	VERT SITES LLC	trash for burro days	1	07/26/2022	6,255.00	105162
Total 3629:						6,255.00	
07/26/2022	18288	Clint Winn	music for gazebo	1	07/26/2022	50.00	105162
Total 3630:						50.00	
07/26/2022	18295	Nate Carrigan Scholarship	scholarship donation	1	07/26/2022	500.00	105110
Total 3631:						500.00	
07/26/2022	18294	Lawrence Epps	refund burro booth fee	1	07/20/2022	75.00	104756
Total 3632:						75.00	
07/28/2022	18342	Robert Butler	refund burro booth - butler	1	07/27/2022	160.00	104756
Total 3633:						160.00	
Grand Totals:						25,308.90	

Report Criteria:

Detail report type printed



PROCLAMATION NATIONAL NIGHT OUT 2022

WHEREAS, the National Association of Town Watch (NATW) is sponsoring a unique, nationwide crime, drug and violence prevention program on August 2, 2022, entitled National Night Out; and

WHEREAS, the 39th Annual National Night Out provides a unique opportunity for the Town of Fairplay to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts; and

WHEREAS, the Fairplay Board of Trustees plays a vital role in assisting the Fairplay Police Department through joint crime, drug and violence prevention efforts in Fairplay and is supporting National Night Out 2022 locally; and

WHEREAS, it is essential that all citizens of Fairplay be aware of the importance of crime prevention programs and impact that their participation can have on reducing crime, drugs, and violence in Fairplay; and

WHEREAS, police-community partnerships, neighborhood safety, awareness and cooperation are important themes of the National Night Out program;

NOW, THEREFORE WE, Mayor Just and the Fairplay Board of Trustees, do hereby call upon all citizens of Fairplay to join the Fairplay Police Department, Park County Sheriff's Department and the National Association of Town Watch in supporting the 39th Annual National Night Out on August 2, 2022.

FURTHER, LET IT BE KNOWN THAT, WE, Mayor Just and the Fairplay Board of Trustees, do hereby proclaim Tuesday, August 2, 2022, as National Night Out in the Town of Fairplay, Colorado.

Dated this 1st day of August, 2022.

TOWN OF FAIRPLAY, COLORADO

Frank Just, Mayor



Town of Fairplay

400 Front Street • P.O. Box 267
 Fairplay, Colorado 80440
 (719) 836-2622 phone
 (719) 836-3279 fax
 www.fairplayco.us

STAFF REPORT

TO: Mayor and Board of Trustees

FROM: Janell Sciacca, Town Administrator

RE: Public Hearing Item A – Ord. 10, Series 2022 Amending the Fairplay Municipal Code Related to Tobacco Regulations, Restrictions and Penalties

DATE: August 1, 2022

BACKGROUND/ANALYSIS:

In December 2019 the President signed legislation amending the Federal Food, Drug, and Cosmetic Act, and raising the federal minimum age for sale of tobacco products from 18 to 21 years. The minimum age of sale applies to all retail establishments and persons with no exceptions. The Town's code was not updated to reflect this change.

Staff is recommending two additional changes to Tobacco rules and regulations as follows:

1. To eliminate the minimum distance between a school and a retail tobacco establishment.

This change is consistent with the reduction previously approved in 2013 by the Board for liquor establishments that appears in Sec. 6-2-100 "no required minimum distance between a building in which malt, vinous or spirituous liquor is sold."

2. To prohibit smoking and use of electronic smoke devices in all the Town's public parks and recreation areas.

This change is also consistent with alcohol restrictions which appear in Sec. 10-8-20 (a) making it "unlawful for any person to possess or have under his or her control any fermented beverage, malt, vinous and spirituous liquors in an open container, or in a container the seal of which is broken...upon property owned, operated, leased or maintained by the Town."

STAFF RECOMMENDATION:

Following the Public Hearing, Staff recommends the Board approve Ordinance No. 10, Series 2022 as presented by motion, second and a roll call vote.

Attachments:

- Ord. 10, Series of 2022

"Where History Meets the High Country"

TOWN OF FAIRPLAY, COLORADO

**ORDINANCE NO. 10
(SERIES 2022)**

AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO AMENDING CHAPTER 6 – BUSINESS LICENSES AND REGULATIONS OF THE FAIRPLAY MUNICIPAL CODE ADDING ARTICLE VI – TOBACCO PRODUCTS, AMENDING CHAPTER 10 GENERAL OFFENSES ADDING SECTION 10-11-70 TO ARTICLE XI – MISCELLANEOUS OFFENSES PROHIBITING SMOKING IN PUBLIC PARKS AND RECREATION AREAS AND ADDITIONALLY AMENDING SECTION 10-7-50 REGARDING THE LEGAL MINIMUM AGE FOR PERSONS THAT MAY PURCHASE CIGARETTES OR TOBACCO PRODUCTS.

WHEREAS, the Town of Fairplay, Colorado (“Town”) is a statutory town, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, pursuant to C.R.S. § 31-15-401, the Town by and through its Board of Trustees (“Board”), possesses the authority to adopt laws and ordinances within its police power in furtherance of the public health, safety and welfare; and

WHEREAS, the Board of Trustees desires to update the Fairplay Municipal Code to amend the distance allowed between a retail tobacco establishment to parallel that for liquor establishments, and

WHEREAS, the Board of Trustees also desires to update the Fairplay Municipal Code to correct the minimum legal age of a person that may purchase tobacco from 18 to 21 to conform with federal and state laws; and

WHEREAS, the Board of Trustees additionally believes it is in the best interests of the community as a whole to prohibit smoking and use of electronic smoking devices in all Town parks and recreation areas.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD FOR THE TOWN OF FAIRPLAY, COLORADO AS FOLLOWS:

Section 1. Chapter 6 – Business Licenses and Regulations is amended with the creation of Article VI – Tobacco Products as follows:

ARTICLE VI – Tobacco Products

Sec. 6-6-10. – Distance between schools and retail tobacco establishments in Business and Restricted Business Zone Districts.

- (a) Pursuant to the authority granted in Section 44-7-104.7(1)(d)(II), C.R.S., there shall be no required minimum distance between a retail tobacco location within

the Business Zone District or the Restricted Business Zone District, and any public or parochial school or campus of any college, university or seminary.

Section 2. Chapter 10 – General Offenses is amended with the creation of Section 10-11-70 as follows:

Sec. 10-11-70. – Prohibition of smoking and use of electronic smoking devices in public parks and recreation areas.

(a) Definitions. As used in this Section:

- (1) *Electronic smoking device* means any portable electronically actuated device which in operation causes the user to exhale any smoke, vapor, or other substance resulting in chemically altered human exhalation. Electronic smoking device includes any device manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or under any similar product name or descriptor. The term electronic smoking device does not include any asthma inhaler or other device that has been specifically approved by the United States Food and Drug Administration.
- (2) *Public property* means any real property owned or controlled by the Town of Fairplay, including without limitation, parks, trails, open space, playgrounds, and recreation facilities, but excluding streets, sidewalks, and alleys.
- (3) *Smoke* or *smoking* means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, or other device containing tobacco.

(b) Prohibition. Smoking and the use of electronic smoking devices on public property is prohibited

Section 3. Chapter 10 – General Offenses, Article VII – Minors, Sec. – 10-7-50 is repealed and reenacted as follows:

Sec. 10-7-50. – Cigarettes and tobacco products.

(a) Definitions. For purposes of this Code, the following words shall have the meanings ascribed hereafter:

- (1) *Minor* means a person under twenty-one (21) years of age.
- (2) *Tobacco Product* means: (i) any product which contains, is made or derived from tobacco or used to deliver nicotine, synthetic nicotine, or other substances intended for human consumption, whether heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, bidis, snus, nicotine product, mints, hand gel; or (ii) any electronic smoking device. "Tobacco product" includes any component, part, accessory, or associated tobacco paraphernalia of a tobacco product whether or not sold separately. The term does not include any product that contains marijuana or any product made from or derived

from tobacco and approved by the Food and Drug Administration ("FDA") for use in connection with cessation of smoking.

(3) *Electronic Smoking Device* means any product containing or delivering nicotine intended for human consumption that can be used by an individual to simulate smoking in the delivery of nicotine or any other substance, even if marketed as nicotine-free, through inhalation from the product. "Electronic smoking device" includes any refill, cartridge, or component part of a product, whether or not marketed or sold separately. "Electronic smoking device" does not include any product that has been approved or certified by the FDA for sale as a tobacco cessation product or for other medically approved or certified purposes.

- (b) It is unlawful for a person to knowingly furnish, by gift, sale, or any other means, a tobacco product to a minor. It shall be an affirmative defense to prosecution under this subsection that the person furnishing the cigarettes or tobacco products was presented with and reasonably relied upon a valid state driver's license or other government-issued form of identification which identified the person receiving the cigarettes or tobacco products as being twenty-one (21) years of age or older.
- (c) Any person who is under twenty-one (21) years of age and who purchases any cigarettes or tobacco products, as defined herein, shall be punished as set forth in Chapter 1, Article IV, or the Court may allow such person to perform community service and be granted credit against the fine and court costs at a rate to be determined by the Municipal Court for each hour of work performed.
- (d) In addition, any person twenty-one (21) years of age or under who uses an altered, reproduced and/or false form of identification for the purposes of obtaining cigarettes or tobacco products shall, in addition to any penalty imposed pursuant to subsections (b) and (C), be punished as set forth in Chapter 1, Article IV.
- (e) It is unlawful for a person to sell or offer a tobacco product by use of a vending machine or coin-operated machine.
- (f) Any person who is in charge of or in control of a retail business of any kind, with the exception of a tobacco business as defined herein, must stock and display tobacco products in the business in a manner so as to make all tobacco products inaccessible to customers without the assistance of a retail clerk, thereby requiring a direct face-to-face exchange of the tobacco product from an employee of the business to the customer.
- (g) Any person who sells or offers to sell any cigarette or tobacco products shall display all warning signs as specified and required by state and federal law.
- (h) Any person convicted of, or pleading guilty or nolo contendere to, a violation of this Section shall be punished as set forth in Chapter 1, Article IV.

Section 4. **Safety Clause.** The Town Board hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Fairplay, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Board further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 5. Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

Section 6. This Ordinance shall become effective thirty (30) days after final publication.

INTRODUCED, READ AND PASSED, ADOPTED AND ORDERED PUBLISHED IN FULL in a newspaper of general circulation in the Town of Fairplay by the Board of Trustees this _____ day of _____, 2022.

TOWN OF FAIRPLAY, COLORADO

Frank Just, Mayor

ATTEST:

Janell Sciacca, Town Clerk