



**OFFICIAL MINUTES
REGULAR BOARD MEETING
SEPTEMBER 15, 2025
901 MAIN STREET, FAIRPLAY, CO 80440**

I. REGULAR MEETING – CALL TO ORDER

A Regular Meeting of the Fairplay Board of Trustees was called to order on Monday, September 15, 2025, at 6:00 PM at Town Hall, 901 Main Street, Fairplay, CO, having previously been posted in accordance with Colorado Open Meetings law.

II. PLEDGE OF ALLEGIANCE

Mayor Just led the pledge of allegiance.

III. ROLL CALL

BOARD MEMBERS PRESENT: Mayor Frank Just, Trustee Courtney Avery, Trustee Josh Voorhis and Trustee Baum.

BOARD MEMBERS ABSENT: Mayor Pro Tem Ray Douglas (Excused)

STAFF IN ATTENDANCE: Town Administrator Janell Sciacca, Town Attorney Joe Rivera, and Town Planner Scot Hunn, Town Engineer Deron Dierksen.

IV. APPROVAL OF AGENDA

MOTION to approve the agenda as presented was made by Trustee Voorhis and seconded by Trustee Avery.

- Roll call vote: Unanimous approval.

V. CONSENT AGENDA

A. APPROVAL OF MEETING MINUTES for June 2, 2025 Regular Meeting.

B. APPROVAL OF MEETING MINUTES for June 16, 2025 Regular Meeting.

C. APPROVAL OF MEETING MINUTES for June 23, 2025 Special Meeting.

D. APPROVAL OF RECONCILIATION for all Town financial accounts and funds for the month of June, 2025.

E. APPROVAL OF CHECK EXPENDITURES – Paid bills for all Town funds from August 12, 2025, through September 11, 2025, in the amount of \$63,069.13.

F. APPROVAL OF EFT EXPENDITURES – Paid bills for all Town funds from July 1, 2025 to July 31, 2025, in the amount of \$317,666.53.

Trustee Baum inquired about and EFT to FPPA and Sciacca replied that is the Police Department premiums for the Fire and Police Pension Association.

MOTION to approve the Consent Agenda as presented with the expenditures as state, and the minutes as written was made by Trustee Baum and seconded by Trustee Avery.

- Roll call vote: Unanimous approval.

VI. CITIZEN COMMENTS

Keith Chisholm, 320 Pine, questioned the building codes and difference between Park County and Town rules and regulations. He reported that in putting in a garage his understanding was the Town used the 2018 building codes which required a two-foot monolithic pour and the Building Official told him the Town required a 48 inch or four-foot pour. Sciacca advised she would provide a letter or speak with Chisholm directly.

VII. PUBLIC HEARINGS

A. CONTINUED FROM AUGUST 18, 2025: SPECIAL USE PERMIT – SUP 2025-001: Should the Board of Trustees for the Town of Fairplay approve an application from Buck Finley for a Special Use Permit (SUP) to allow for Personal Storage (Mini-Storage) Units within the Commercial (C) Zone District and to grant a Variance from Design Requirements of the Fairplay Unified Development Code on the property located at 1171 Bullet Road, Fairplay, CO?

Mayor Just announced the application matter and provided an overview of the hearing format. Town Planner Hunn presented an overview of the special use permit application SUP 2025-001 for a mini storage facility at 1171 Board Road. Reviewing key points of the application. He highlighted that the subject property is located in a commercial C zone district and requires a special use permit for architectural appearance, screening, fencing, site circulation, and parking considerations.

Hunn also announced the applicant was requesting a variance from design requirements. Hunn reported that Staff identified several issues that needed to be addressed:

- Some outstanding civil engineering drawing corrections needed;
- Concerns about a proposed fence potentially located over an existing sewer line; and
- Variance request from landscaping standards due to site constraints

Applicant Buck Finley addressed the board proposing a vertical gate solution for the fence crossing the drainage swale. He expressed willingness to sign an agreement giving the Town access to remove the fence if needed for sewer line maintenance and then discussed landscaping plans (proposing 4-6 trees and native shrubs due to limited plantable area after accounting for the detention pond). Finley also mentioned he had given up 13 storage units to provide more room for snow storage and accessibility and explained the building design was oriented north-south to block wind and potentially reduce snow drifts while the roof slope was designed for possible future solar installation.

The floor was opened to public comment and the following parties spoke:

- Scott Dodge, 1317 Meadow Drive, raised concerns about wind and snow drifts, and potential trash blowing into the neighborhood.
- Claudia Werner, 1151 Bullet Road, owner of a nearby commercial property, raised concerns about inconsistencies in the application and changes in zoning regulations since 2013.
- Pete Werner, 1245 Castello Avenue, co-owner of existing area storage facilities, expressed concerns about the impact on future sales tax potential along Highway 285.

Finley added that proposed security features included barbed wire on top of fencing, keypad gate access, cameras, and lighting with a full photometric plan. He added that lighting would be dark sky compliant and motion-activated, and the existing sewer main was 20-25 feet away from the proposed building.

Multiple Board members felt they needed additional time to review the packet materials and the Board generally agreed to continue the hearing.

MOTION to continue application SUP 2025-001 to October 6, 2025 was made by Trustee Voorhis and seconded by Trustee Avery.

- Roll call vote: Unanimous approval.

- B. CONTINUED FROM JULY 7, 2025 – TO BE CONTINUED TO OCTOBER 6, 2025:** Should the Board of Trustees for the Town of Fairplay approve the adoption of Ordinance No. 3, Series of 2025, entitled “**AN ORDINANCE ADOPTING BY REFERENCE THE 2024 EDITIONS OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE, INTERNATIONAL EXISTING BUILDING CODE, INTERNATIONAL ENERGY CONSERVATION CODE, INTERNATIONAL SWIMMING POOL AND SPA CODE, INTERNATIONAL WILDLAND-URBAN INTERFACE CODE, INTERNATIONAL FIRE CODE, THE 2023 NATIONAL ELECTRICAL CODE, COLORADO FUEL GAS CODE, COLORADO PLUMBING CODE, COLORADO WILDFIRE RESILIENCY CODE, COLORADO MODEL ELECTRIC READY AND SOLAR READY CODE ALL REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA AND MAINTENANCE OF ALL BUILDINGS OR STRUCTURES, AND BUILDING SERVICE EQUIPMENT; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE OF SEPTEMBER 1, 2025.**”?

Town Administrator Sciacca reported that Building Official Parag would not be available on October 6 and requested instead that the ordinance be continued to October 20.

MOTION to continued Ordinance No. 3, Series of 2025, to October 20, 2025 was made by Trustee Baum and seconded by Trustee Avery.

- Roll call vote: Unanimous approval.

- C. FIRST READING** – Should the Board of Trustees for the Town of Fairplay approve the adoption of Ordinance No. 5, Series of 2025, entitled “**AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AMENDING THE FAIRPLAY MUNICIPAL CODE CHAPTER 13 REGARDING PAYMENTS.**”?

Town Administrator Sciacca presented the proposed change for moving the due date from the last day of the month to the 20th of the month. She advised that rationale was that a significant number of residents paid their bills on the last two days of the month resulting in payments not being applied until the following week if the payment date was a Friday or weekend. She

noted several problems with Xpress Bill Pay over the last two months that also resulted in uses. If approved, the change would take effect November 1st. Information about the proposed change had already been included in recent bills following past discussions with the Board. Sciacca also announced that a special postcard was promised to be sent to all customers notifying them of the change. There was no public comment for or against the ordinance.

MOTION to approve the adoption of Ordinance No. 5, Series of 2025 as presented approving a change in the due date of utility bills to the 20th of each month was made by Trustee Baum and seconded by Trustee Avery.

- Roll call vote: Unanimous approval.

VIII. NEW BUSINESS

- A. FIRST READING** – Should the Board of Trustees for the Town of Fairplay approve the adoption of Resolution No. 27, Series of 2025, entitled “**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO APPROVING A VARIANCE FROM PARKING LOT AND LANDSCAPING IMPROVEMENT STANDARDS FOR HIGHSIDE BREWING, LLC., WITH CONDITIONS.**”?

Town Planner Hunn presented reporting Resolution No. 27 formalizes the variance application for Highside Brewing that was initially discussed on July 7th. He reported the variance relates to off-street parking, Landscaping and Highway 285 corridor buffer requirements and the applicant’s plan includes regrading the lot, formalizing functional parking areas and drive lanes, removing trash and stored equipment along the eastern property boundary, and adding landscaping in the form of barrels and planting boxes along Highway 285. The Board briefly discussed whether the variance set a precedent for other properties on Highway 285, concluding it does not as each variance request is considered individually.

MOTION to approve the adoption of Resolution No. 27, Series of 2025 as presented a variance for Highside Brewing, LLC was made by Trustee Avery and seconded by Trustee Baum.

- Roll call vote: Unanimous approval.

- B. FIRST READING** – Should the Board of Trustees for the Town of Fairplay approve the adoption of Resolution No. 28, Series of 2025, entitled “**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO APPROVING A SPECIAL USE PERMIT FOR A COMMUNITY BUILDING AND A VARIANCE FROM DRIVEWAY DESIGN STANDARDS FOR SOUTH PARK FOOD BANK, WITH CONDITIONS.**”?

Town Planner Hunn presented Resolution No. 28 formalizing a Special Use Permit for a community building and variance from driveway design standards for the South Park Food Bank. He reviewed the following key points: The variance allows for a 14-foot setback from the property line for the driveway instead of the required 15 feet, the special use permit runs with the use not the land, an updated operations plan is required with building permits, and final details on the trash enclosure in the back lot were still needed.

MOTION to approve the adoption of Resolution No. 28, Series of 2025, as presented approving a Special Use Permit and Variance for the South Park Food Bank was made by Trustee Voorhis and seconded by Trustee Baum.

- Roll call vote: Unanimous approval.

- C. FIRST READING** – Should the Board of Trustees for the Town of Fairplay approve the adoption of Resolution No. 29, Series of 2025, entitled “**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROVING AN AGREEMENT WITH KUTAK ROCK FOR BOND COUNSEL SERVICES**”?

Town Attorney Rivera presented Resolution No. 29, reporting it approved an agreement with Kutak Rock for bond counsel services and related to the ongoing project to purchase real property adjacent to the water plant and ten shares of water stocks. Bond counsel was necessary to structure the purchase as a lease to work around TABOR restrictions and the goal was to complete the financing within 30-45 days.

MOTION to approve the adoption of Resolution No. 29, as presented approving an agreement with Kutak Rock was made by Trustee Voorhis and seconded by Trustee Avery.

- Roll call vote: Unanimous approval.

IX. OLD BUSINESS

- A. FIRST READING** – Should the Board of Trustees of the Town of Fairplay approve the adoption of Resolution No. 30, Series of 2025, entitled “**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO AUTHORIZING THE SUBMISSION OF A FULL APPLICATION TO THE LAND BANKING PROGRAM.**”?

Town Attorney Rivera presented reporting the resolution authorized the submission of a full application to the land banking program. He reminded that preliminary application was submitted to CHFA (Colorado Housing and Finance Authority) in the spring and reported the town was invited to submit a formal application for the second phase and requires the town to establish

the legal right to purchase the property. Rivera clarified that the option contract provided the Town with the legal right to purchase the property, but with no obligation to do so and the option only becomes active if two conditions are met - The town receives the grant from CHFA and a suitable developer partner was found. He reported that FP Land agreed to pay for all expenses related to the project starting from July 24th, when the Town was notified of advancing to the second round. The Board discussed and agreed upon setting the option deadline for March 31, 2026, will revisit the progress on March 16, 2026, during their regular meeting.

MOTION to approve the adoption of Resolution No. 30. Series of 2025 as presented authorizing the full submission of an application to the CHFA Land Banking program was made by Trustee Voorhis and seconded by Trustee Avery.

- Roll call vote: 3 to 1 with Trustee Baum voting No.

X. STAFF AND BOARD OF TRUSTEE REPORTS

Town Administrator Sciacca reported numerous calls regarding Bear activity in the Town. Trustee Voorhis suggested the Town might consider an ordinance requiring bear-proof containers, while specific problem areas were identified. Sciacca added that the Police Department has been instructed to make contact with residents and business owners that did not properly manage their trash. Sciacca also reported on upcoming events and activities. Trustee Voorhis reported a downed Cohen Park sign near the volleyball court while Mayor Just reported on receiving numerous compliments on the recent sidewalk and curb work.

XI. EXECUTIVE SESSION under C.R.S. §§ 24-6-402(4)(b) and (f) to receive legal advice and to discuss personnel matters related to the Chief of Police and Officer James Deschryver, the subject officer in an internal affairs investigation.

Town Attorney Rivera announced the Executive Session and topic and reminded that no decisions were authorized to be made in Executive Session, and any decisions must be made in open session with discussion. He also stated that no electronic record would be kept as the discussion constituted privileged attorney-client communications.

MOTION to adjourn to enter executive session under C.R.S. §§ 24-6-402(4)(b) and (f) to receive legal advice and to discuss personnel matters related to Chief of Police and Officer James Deschryver, the subject officer in an internal affairs investigation. And at the close of this executive session, the Board shall return to the open meeting for the purpose of taking any formal action deemed necessary. Please be advised that Town staff notified the Chief of Police and Officer James Deschryver of this executive session and neither employee requested an open meeting was made at 7:56 PM by Trustee Baum and seconded by Trustee Avery.

- Roll call vote: Unanimous approval.

XII. RECONVENE REGULAR MEETING AND ADJOURNMENT.

At 8:58 PM, Town Attorney Rivera announced the Executive Session was concluded and the regular meeting reconvened. There were no concerns from any Board member that there was any substantial discussion of any matters not included in the motion for Executive Session or any improper action occurred.

Town Attorney Rivera provided options to appoint an Acting Chief for purposes of the internal affairs investigation:

1. Board of Trustees serves as Chief.
2. Town Administrator serves as Chief.
3. Retaining an outside Chief
4. Chief Worley serves as Chief.

MOTION to authorize Town Administrator Janell Sciacca to act as the Chief of Police under policy 1010, and other relevant policies, as set for in the Fairplay Police Department Policy Manual and Employee Handbook was made by Trustee Voorhis and seconded by Trustee Baum.

- Roll call vote: Unanimous approval.

There being no further business before the Fairplay Board of Trustees., Mayor Just declared the meeting adjourned at 9:00 PM.

ATTEST:

Janell Sciacca, Town Clerk

BOARD OF TRUSTEES, FAIRPLAY, COLORADO

Frank Just, Mayor