OFFICIAL MINUTES
REGULAR BOARD MEETING
OCTOBER 6, 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, October 6, 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, Mayor Pro Tem Ray Douglas, Trustee Courtney Avery, and Trustee Baum.
BOARD MEMBERS ABSENT:	Trustee Josh Voorhis (Excused)
STAFF IN ATTENDANCE:	Town Administrator Janell Sciacca, Town Attorney Joe Rivera, Town Planner Scot Hunn, and Town Engineer Deron Diercksen.

IV. APPROVAL OF AGENDA

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

- Roll call vote: Unanimous approval.

V. CONSENT AGENDA

A. APPROVAL OF CHECK AND ACH EXPENDITURES ISSUED THROUGH BILL.COM – Paid bills for all Town funds from September 12, 2025, through October 1, 2025, in the amount of **$196,311.23.**

Questions were posed and clarification were provided related to fees charged by Emergent Enforcement Solutions and the costs related to the Town Hall boiler replacement. Sciacca also noted the new format for reporting expenditures advising the Twon recently moved to using Bill.com as was recommended by the Town's account firm Plante Moran.

MOTION to approve the Consent Agenda as presented with the expenditures as state was made by Mayor Pro Tem Douglas and seconded by Trustee Baum.

- Roll call vote: Unanimous approval.

VI. CITIZEN COMMENTS

Scott Dodge, 1317 Meadow Drive, raised concerns regarding trash accumulation on the hillside above Front Street and near the reservoir, largely attributed to bears accessing business dumpsters.

VII. PROCLAMATIONS, PRESENTATIONS AND UPDATES

A. Presentation by Josef Rau, Officer - Investment Sales / Institutional Investments of BOK Financial Capital Markets | BOK Financial Securities, Inc.

Rau provided an overview of current interest rate trends and discussed recommended diversification of the Town's portfolio beyond CSAFE and ColoTrust via the CDARS program. He explained BOK's fee structure and the Board suggested consulting with the Town's accounting firm prior to making any decisions on changing the current investments.

VIII. NEW BUSINESS

A. FIRST READING – Should the Board of Trustees for the Town of Fairplay approve the adoption of Resolution No. 31, Series of 2025, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO APPROVING A REVOCABLE SUB-LICENSE AGREEMENT WITH SAVOR THE WILD, LLC, FOR TEMPORARY USE OF A PORTION OF THE PROPERTY KNOWN AS 401 MAIN STREET, FAIRPLAY, COLORADO**."?

Town Administrator Sciacca presented and recommended approval of the annual application from Savor the Wild with the same terms and conditions.

MOTION to approve Resolution No. 31, Series of 2025, as presented with the expenditures as state was made by Mayor Pro Tem Douglas and seconded by Trustee Baum.

- Roll call vote: Unanimous approval.

IX. PUBLIC HEARINGS

A. CONTINUED FROM SEPTEMBER 15, 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 reminding the matter was continued from September 15 where discussions took place and public comment was accepted. Town Planner Hunn presented an overview of prior issues, discussions and Staff's recommendation for approval with conditions. Hunn noted that the fencing in the easement impaired the purpose of the easement, but Finley provided authorization for the Town to access the easement for maintenance of Town infrastructure and waived liability for the Town if removal of the fence was required. Finley also confirmed there would be no outside storage of any kind and only 6 clean buildings with open space being reserved for snow storage. Town Attorney Rivera confirmed that obligations and benefits run with the land. Town Planner Hunn read the motion into the record. There was no public comment for or against and the Public Hearing was closed.

MOTION to approve the application for a Special Use Permit filed by the Buck Finley, for "Storage—Personal storage units (mini-storage)" to be located at 1171 Bullet Road within the Commercial Zone District with the following conditions:

1. This Special Use Permit shall run with the land.
2. This Variance request shall run with the land.
3. Prior to or concurrent with any building or grading permit application, the Applicant shall update, revise, and correct civil engineering drawing package to ensure compliance with comments and requested revision by the Town of Fairplay consulting engineer dated September 11, 2025.
4. Prior to or concurrent with the issuance of any building or grading permit, the Applicant shall submit to the Town for review documentation creating two new easements along the southern (side) property line and the east (Hwy. 285) side of the property for existing and proposed stormwater and sanitary sewer utilities and facilities.
5. Prior to or concurrent with the issuance of any building or grading permit application for the subject property, the Applicant shall execute the Storm Water and Sanitary Sewer easement agreements by and between the Applicant and the Town of Fairplay.

And also approved the associated variance request because the proposals meet the Town's criteria and standards for approval, and further direct the Town Planner or Town Attorney to draft a resolution of approval for the Special Use Permit and Variance for the Town Board's review and approval was made by Mayor Pro Tem Douglas and seconded by Trustee Avery.

- Roll call vote: Unanimous approval.

B. FIRST READING – Should the Board of Trustees for the Town of Fairplay approve the adoption of Ordinance No. 6, Series of 2025, entitled "**ORDINANCE OF THE TOWN OF FAIRPLAY, COLORADO, APPROVING A LEASE PURCHASE FINANCING TO PROVIDE FUNDS TO FINANCE THE ACQUISITION OF CERTAIN REAL PROPERTY FOR GOVERNMENTAL OR PROPRIETARY PURPOSES AND IN CONNECTION THEREWITH, AUTHORIZING AND APPROVING A SITE LEASE, A LEASE PURCHASE AGREEMENT AND OTHER DOCUMENTS RELATING TO THE FINANCING; AND PROVIDING OTHER DETAILS AND PARAMETERS AND AUTHORIZATION IN CONNECTION WITH THE FINANCING**."?

Town Attorney Rivera presented an overview of the Staff Report providing and the requirements for authorization for TABOR related reasons. He reviewed the special format of the cover sheet and required public notices to formalize the financing and acquisition of the watershed parcels. He provided additional explanation regarding the financing for the Board and public and noted documents would be presented at a future meeting. The floor was open for public comment and Scott Dodge, 1317 Meadow Drive, expressed support for the acquisition. There were no comments against the acquisition, and the Public Hearing was closed.

MOTION to approve Ordinance No. 6, Series of 2025, as present and read into the record was made by Mayor Pro Tem Douglas and seconded by Trustee Baum.

- Roll call vote: Unanimous approval.

MOTION to convey authority to the Mayor to execute a purchase and sale agreement for the watershed parcels once financing was finalized 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. 7, Series of 2025, entitled "**AN ORDINANCE OF THE TOWN OF FAIRPLAY, COLORADO PERMITTING THE**

C. **FIRST READING** – Should the Board of Trustees for the Town of Fairplay approve the adoption of Ordinance No. 7, Series of 2025, entitled "**AN ORDINANCE OF THE TOWN OF FAIRPLAY, COLORADO PERMITTING THE BOARD OF TRUSTEES TO WAIVE OR MODIFY AN OTHERWISE APPLICABLE REQUIREMENT OF CHAPTER 16 OF THE FAIRPLAY MUNICIPAL CODE (UNIFIED DEVELOPMENT CODE).**"?

Town Attorney Rivera presented the ordinance stating this legislation would allow the Board of Trustees to waive or modify certain Unified Development Code (UDC) requirements when those requirements were not proportional to the scale or impact of a proposed development. This would allow applicants to request waivers early, before incurring costly engineering or study requirements and ensures decisions are made by the Board rather than Staff when code requirements exceed project impacts. Board discussion focused on shifting decision-making responsibility to them as elected officials and improving efficiency, transparency, and fairness. The floor was open for comment and Scott Dodge, 1317 Meadow Drive, expressed support as a benefit to both the public and Town Staff, and allowing earlier clarification and public participation. There were no comments against the ordinance, and the Public Hearing was closed.

MOTION to approve the adoption of Ordinance No. 7. Series of 2025 as presented and read into the record was made by Trustee Baum and seconded by Trustee Avery.

- Roll call vote: Unanimous approval.

X. STAFF AND BOARD OF TRUSTEE REPORTS

Town Administrator Sciacca on ongoing bear-related trash issues, concerns over increased bulk-water sales and companies/individuals trying to profit from the Town's water, sidewalk installation and street striping projects and upcoming travel for a professional conference.

XI. ADJOURNMENT

There being no further business before the Fairplay Board of Trustees., Mayor Just declared the meeting adjourned at 7:25 PM.

BOARD OF TRUSTEES, FAIRPLAY, COLORADO

Frank Just, Mayor

ATTEST:

Janell Sciacca, Town Clerk