



**OFFICIAL MINUTES
REGULAR BOARD MEETING
NOVEMBER 3, 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, November 3, 2025, at 6:07 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 and Josh Voorhis. Courtney Avery arrived late at 6:11 PM.

BOARD MEMBERS ABSENT: Trustee Erik Baum (Excused)

STAFF IN ATTENDANCE: Town Administrator Janell Sciacca, Town Attorney Joe Rivera, Town Planner Scot Hunn, Town Engineer Deron Dirksen, and Town Surveyor Tim Barnett.

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 PRIOR MEETING MINUTES – July 7, 2025 Regular Meeting.

B. APPROVAL OF PRIOR MEETING MINUTES – July 21, 2025 Regular Meeting.

C. APPROVAL OF CHECK AND ACH EXPENDITURES ISSUED THROUGH BILL.COM – Paid bills for all Town funds from October 7, 2025, through October 30, 2025, in the amount of **\$134,819.94**.

MOTION to approve the Consent Agenda as presented with the expenditures as stated and minutes as written was made by Mayor Pro Tem Douglas and seconded by Trustee Voorhis.

- Roll call vote: Unanimous approval.

VI. CITIZEN COMMENTS – None.

VII. PUBLIC HEARINGS

A. CONTINUED FROM OCTOBER 20, 2025: APPEAL HEARING – EP 2025-003: Should the Board of Trustees for the Town of Fairplay approve an application from Pat Stoinski appealing the Town Administrator's denial of a Lot Line Adjustment Plat on the property commonly known at 1150 Castello Avenue, Fairplay, CO?

Mayor Just introduced the hearing and provided an overview of the format and jurisdiction, opening the Public Hearing at 6:13 PM. Town Attorney Rivera explained that the Board acts as both judge and jury in this type of hearing deciding whether to affirm or reverse the Town Administrator's denial or approve the appeal with or without conditions. Attorney Ben Monarch presented on behalf of the property owner providing an overview of the intent of the applicant's original application and the issues stemming from existing structures. He argued hardship was from pre-existing structures and felt granting of the appeal would not affect neighbors, change density or use, nor impact safety, drainage, or traffic but would rather legalize existing conditions. Monarch also raised concerns that the owners were billed \$1,500 in third-party review fees, survey costs increased due to the prolonged review process and the owners felt the town's process was confusing and burdensome. Town Planner Hunn explained the Town's reasoning for denying the application and reviewed the process followed. He then explained the proposed lot line would create clear code violations. Hunn also reviewed the options that were suggested by Staff to move the lot line further north or move the shed. He also noted that the applicant's own drawing included a note saying "shed to removed" and Staff indicated they could approve the subdivision if that were the case. Following discussion on procedure, the applicant's Attorney indicated a request to

shift the request to a variance. The Town Attorney explained the separate process that would entail and advised the Board lacked proper jurisdiction to grant any variance at this time. He then outlined options for the Board to decide the appeal as scheduled and make a determination as to whether the lot line adjustment violates the code, deny or approve the appeal with conditions, or stay the appeal and require the applicant to submit a formal variance application. Rivera reviewed potential legal risks for the Board to review a variance request without following proper procedure. Following additional discussion, there was general agreement by the Board to stay the appeal.

MOTION to stay the appeal of the Town Administrator's denial of a Lot Line Adjustment Plat EP-2025-003 on the property commonly known at 1150 Castello Avenue, Fairplay, CO, and direct Stoinski to submit a formal variance application under Article 22 of the Fairplay Municipal Code was made by Mayor Pro Tem Douglas and seconded by Trustee Voorhis.

- Roll call vote: Unanimous approval.

B. FIRST READING – 2025FY Amended Budget and 2026FY Proposed Budget for all Funds of the Town of Fairplay, Colorado.

Mayor Just introduced the hearing and provided an overview of the format. He opened the Public Hearing at 7:33PM. Town Administrator Sciacca reviewed key information noting 2025 was still being reconciled, but all major projects were completed. She noted that Staff was working to move away from use of an Excel spreadsheet for the budget and use of Caselle accounting module. She also reviewed proposed changes to employee benefits and changing the workers' compensation insurance company to save money. Following discussion, Sciacca advised that Staff was requesting continuance of the hearing to November 17 as per the schedule of adoption.

MOTION to continue the hearing on the 2025FY Amended Budget and 2026FY Proposed Budget to November 17, 2026.

- Roll call vote: Unanimous approval.

VIII. NEW BUSINESS

A. Should the Board of Trustees for the Town of Fairplay approve a Second Amendment to the Town of Fairplay Development Agreement with Habitat for Humanity regarding the residential development located at 521 Castello Avenue?

Town Attorney Rivera and Town Engineer Dirksen presented and advised the Board the purpose of the amendment DIA was due to the fact original letter of credit expired, so new construction schedules and financial guarantees were required.

MOTION to approve the Second Amendment to the Town of Fairplay Development Agreement with Habitat for Humanity regarding the residential development located at 521 Castello Avenue as presented and approve the Mayor to sign was made by Trustee Voorhis and seconded by Mayor Pro Tem Douglas.

- Roll call vote: Unanimous approval.

B. FIRST READING – Should the Board of Trustees for the Town of Fairplay approve the adoption of Resolution No. 32, Series of 2025, 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 ERIN MICHALSKI FOR THE 530 FRONT STREET FREEZER ENCLOSURE PROJECT.”?

Town Administrator Sciacca presented the Staff Report advising the applicant had to leave but had joined online. Sciacca recommended approval as presented noting sufficient funding remained in the budget for this project.

MOTION to approve the adoption of Resolution No. 32, Series of 2025, as presented and was made by Mayor Pro Tem Douglas 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 Resolution No. 35, Series of 2025, entitled “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO DETERMINING THAT THE REGULAR MUNICIPAL ELECTION TO BE HELD ON APRIL 7, 2026 SHALL BE A MAIL BALLOT ELECTION.”?

Town Administrator and Clerk Sciacca presented the Staff Report and recommended approval as presented. She reported that there would be three positions up for election – the Mayor and 2 Trustees. She also noted a question to raise the Town's lodging tax was also being presented.

MOTION to approve the adoption of Resolution No. 35, Series of 2025, as presented and was made by Mayor Pro Tem Douglas and seconded by Trustee Avery.

- Roll call vote: Unanimous approval.

- D. FIRST READING** – Should the Board of Trustees for the Town of Fairplay approve the adoption of Resolution No. 36, Series of 2025, entitled “**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO REFERRING A QUESTION TO THE ELECTORS OF THE TOWN OF FAIRPLAY ON WHETHER THE LODGING OCCUPATION TAX SHALL BE INCREASED TO A MAXIMUM OF \$5.00 PER OCCUPIED ROOM PER NIGHT.**”?

Town Administrator and Clerk Sciacca presented the Staff Report and recommended approval as presented.

MOTION to approve the adoption of Resolution No. 36, Series of 2025, as presented was made by Trustee Voorhis and seconded by Mayor Pro Tem Douglas.

- Roll call vote: Unanimous approval.

IX. STAFF AND BOARD OF TRUSTEE REPORTS

A. Report on implementation of Fairplay Police Department Sabbatical Program.

Town Attorney Rivera reviewed the new policy for the Town PD. He advised that officers become eligible after 36 months of full-time service for 4 consecutive weeks of paid leave and the leave is unrestricted to avoid workers' compensation liability issues. Rivera reported that one officer had used the sabbatical and returned refreshed and appreciative of the program. Discussion ensued about the Chief's ability to amend use for an officer that has not met eligibility requirements, and the Board generally agreed the Chief could request the Board approve earlier sabbatical eligibility for certain officers to stagger scheduling and avoid many officers becoming eligible simultaneously.

- X. 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.

Town Attorney Rivera announced the purpose of the Executive Session, authorization under statute, and the participants being himself, Town Administrator Sciacca and the Town Board members. A motion to move into Executive Session was requested.

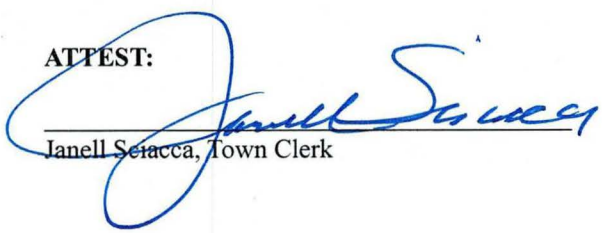
MOTION to move into Executive Session under C.R.S. §§ 24-6-402(4)(b) and (f) to receive legal advice and to discuss personnel matters related to Chief of Police and Officer James Deschryver, the subject officer in an internal affairs investigation was made at 8:23 PM by Trustee Voorhis and seconded by Trustee Avery.

- Roll call vote: Unanimous approval.

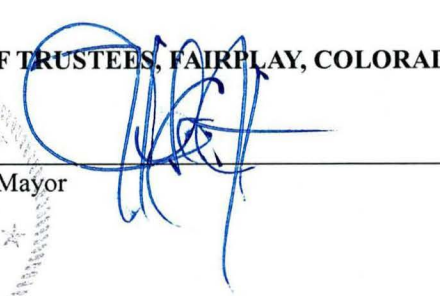
XI. ADJOURNMENT

There Executive Session was adjourned at 8:47 PM, and there being no further business before the Fairplay Board of Trustees., Mayor Just declared the meeting adjourned at 8:48PM.

ATTEST:


Janell Sciacca, Town Clerk

BOARD OF TRUSTEES, FAIRPLAY, COLORADO


Frank Just, Mayor

