OFFICIAL MINUTES
REGULAR BOARD MEETING
MARCH 2, 2026
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, March 2, 2026, at 6:02 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 Josh Voorhis and Trustee Courtney Avery

BOARD MEMBERS ABSENT: Trustee Erik Baum (Excused)

STAFF IN ATTENDANCE: Public Works Supervisor Alex Wagner, Town Attorney Joe Rivera, Town Planner Scot Hunn (online), Town Engineer Matt Hutson, Chief of Police Jeff Worley, ORC Keith Chisholm

IV. APPROVAL OF AGENDA

MOTION to approve the agenda as presented was made by Trustee Voorhis and seconded by Mayor Pro Tem Douglas

- Roll call vote: Unanimous approval.

V. CONSENT AGENDA

A. APPROVAL OF PRIOR MEETING MINUTES – October 20, 2026 Regular Meeting

B. APPROVAL OF EXPENDITURES PAID THROUGH BILL.COM – Paid bills for all Town funds from **January 28, 2026** through **March 24, 2026** in the amount of **$168,613.56.**

Mayor Just noted a correction to the timeframe for expenditures. March 24 was changed to February 24.

MOTION to approve the Consent Agenda with B-D removed and the expenditures as stated 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. State Revolving Fund (SRF) Loan public hearing for Capital Project funding for the Town of Fairplay Water Meter Replacement and Well Rehabilitation Project.

Mayor Just announced the public hearing. Town Attorney Rivera briefly explained the SRF loan requirements, noting that public hearings are required for grant recipients. He introduced Water Engineer Ken Hardesty. Hardesty presented stating the purpose of the public hearing was to present information on the proposed water meter replacement and well rehabilitation project, funded in part by a State Revolving Fund (SRF) loan, and to solicit public input. Hardesty reported that existing meters were aging and many were inaccurate or nonfunctional. The project aims to replace all outdated meters with new mechanical and ultrasonic meters with cellular endpoints for automated reading. The benefits include reducing non-revenue water, improving billing accuracy, and providing real-time monitoring of water usage. He also reported that approximately 468–490 meters would be replaced with the majority being ¾ inch mechanical meters. Installation is to be performed by a specialized contractor with minimal disruption to residents. Hardesty then reported that the well rehabilitation project involved 3 supply wells (35–40 years old) that would receive new high-efficiency motors, pumps, and variable frequency drives. The benefits included energy savings, reduced operational costs, and improved flow control. Hardesty also reviewed the financial considerations of the SRF loan indicating the amount requested was $600,000 with no increase to water rates due to the Town's favorable debt service ratio. He added that the loan term aligns with the expected life of the new meters (~20 years).

Mayor Just opened the floor to public comment and questions. The following citizens spoke:
Scott Dodge, 1317 Meadow Drive, inquired about the VFD's being part of a prior project and the costs of each meter and the contractor. Hardesty replied that the VFD replacements were removed from the prior project due to costs, meters were estimated to be about $300 each, and the contractor and meter fees would be about 50/50.

Mary Ann Hartt, 290 Main Stret, inquired how many meters were not working. Hardesty replied that the exact number was not known but a lot of the meters were already past their useful life. Hartt also felt it would be more prudent to contact homeowners and businesses first to replace the meters that were not working. Hardesty explained the rationale for the current project: bulk replacement of aging meters is more efficient than piecemeal replacement. Public Works Supervisor Wagner added that Staff had been contacting property owners, but often times there was no response.

Sheyanne Bossert, 329 9th Street, inquired if when a meter was replaced and usage was being seen if the bill would go up and what the amount of non-revenue water was? It was confirmed that bills would go up when usage was seen and that was the point – everyone was paying their fair share. Hardesty felt the non-revenue water was upwards of 20% and he had seen 25% or higher in other Town's where similar projects were completed. Wagner added that usage was easily seen with the new meters and reads were very accurate, so leaks would be able to be seen more easily as well.

Following public comment, further discussion ensued regarding the importance of leveling the billing field among all residents, the historical lack of accurate usage data since at least 2012 with significant water loss and billing inaccuracies, meters serving multiple residences or unmetered accounts, and a pilot program conducted with 10 meters has demonstrated effective monitoring and data collection. Hardesty clarified installation procedures, compatibility with existing and future meters, and minimal disruption during installation. It was also confirmed that new meters will allow leak detection, real-time usage monitoring, and improved system oversight.

The Board placed an emphasis on achieving long-term system reliability and accurate water management and there was general agreement that the project would provide a foundational upgrade for the next 20 years of system operation.

Town Attorney Rivera then clarified there was requirement of Staff to submit proof of the public hearing to the State of Colorado as part of the SRF loan process. Hardesty agreed and advised he was required to send and affidavit of the posting of the hearing as documentation to the state.

MOTION to approve sending proof of the Town of Fairplay public hearing for Capital Project funding for the Town of Fairplay Water Meter Replacement and Well Rehabilitation Project to the State of Colorado was made by Trustee Voorhis and seconded by Mayor Pro Tem Douglas.

- Roll call vote: Unanimous approval.

B. <u>CONTINUED FROM FEBRUARY 2, 2026</u>: BOARD OF TRUSTEES SITTING AS THE BOARD OF ADJUSTMENT – CASE NO. VAR 2025-001: Consideration of application from Pat Stoinski for a Variance for relief from setback standards and requirements within the Commercial (C) zone district for property located at 1150 Castello Avenue, Fairplay, CO.

Mayor Just announced the public hearing regarding the variance application. Town Attorney Rivera reviewed the history of the matter. The hearing follows a prior lot line adjustment appeal. The Board stayed the appeal to allow the applicant to submit a variance request. Town Planner Hunn apologize for not attending in person stating that he was not aware the matter was moving forward as Staff had reached out to the applicant and had received no response. Hunn directed the Board to the Staff Report in the packet and summarized its contents. Hunn announced his recommendation for denial of the variance and then reviewed each of the findings necessary to grant a variance while also providing related findings for each.

Applicant Pat Stoinski reported that she did not have representation. She read a prepared statement in which she provided a detailed history of what she felt her business, community contributions, publications and local support were. She felt this was necessary stating she felt none of the Board really knew her. She also expressed frustration over prior communications, or lack thereof, and did not feel the Town Engineer or Town Surveyor should have been involved and felt expenses were unwarranted. Stoinski requested the Board's consideration to "start over" and work collaboratively with Town Planner Hunn to develop solutions regarding the shed and lot line adjustments. Town Attorney Rivera reminded Stoinski that this was the hearing that she mentioned she wanted and that her Attorney asked for. He reminded her this was the opportunity to present evidence and ask questions of Town Planner Hunn. Town Planner Hunn reviewed and clarified the history and background which led to the first meeting in November at which Attorney Ben Monarch requested a variance instead of an appeal. The variance application was submitted and was to be heard in February, but the hearing was tabled and a new Attorney took the case. Hunn advised that he met with Ms. Jefferson, the new Attorney, and the last thing Staff heard was that JVAM no longer represented Stoinski. Stoinski then argued that she felt she was not given due process. She continued to request to meet with Town Planner Hunn and stated they offered to cut

off 2 feet. She admitted the stairs were a problem and that is where the variance would apply and she wanted the Town to help her out. Town Attorney displayed the existing conditions at the Mayor's request. Stoinski further argued that the plat sent to the Town by her Surveyor Tom Burnett was not approved by her. Mayor Just stated that what was submitted was what the Town had to review. Town Attorney Rivera clarified the process and suggested that if Stoinski did not have any further questions, or the Board did not have questions for Stoinski, then Town Planner Hunn should respond to Stoinski's statements. Town Planner Hunn stated he was happy to meet with her and in June of last year his letter laid out the issues and provided ideas of how to move forward. At the end of the email transmitting the letter he suggested a meeting but never heard anything. Hunn then reviewed the solutions to rectify the situation: Choose a different location for the property line or move it a minimum of 10 feet off the stairs and move the shed. He then read the Town code's definition of a "structure" and stated in his opinion that the shed was a structure. He also believed it could be moved but never received a response as to why it cannot be moved. He reminded that the survey identified early on the issues and she was also made aware of them early on and Staff heard nothing. Staff did provide solutions and tried to help, but he would need clarity from the Board or Attorney what the purpose of the meeting would be. He would also need a decision on the variance request as well as the appeal. Town Attorney then invited Stoinski to make any final statements, responses to Hunn and final points. Stoinski asked if removing 8 feet of the building would fix the issues. Hunn reminded his suggestion was to move the property line 8-10 feet to the north to clear up the issues with the stairs. Stoinski asked if they changed the direction of the stairs if that would help. Hunn said it could. Hunn stated that Staff would have to review any new proposal. Following clarification on procedure and the fact that the only matter at hand was the variance hearing, Mayor Just stated the Town cannot approve something that is non-compliant.

Mayor Just opened the floor to public comment. Scott Dodge, 1317 Meadow Drive, provided a point of clarification noting the subject property was in Light Industrial and not Commercial. Town Planner Hunn agreed and stated his Staff Report was in error. There was no further public comment.

Town Attorney Rivera then directed the Board to page 33 of the packet for motions. Mayor Just opened the floor to either approve or deny the request as presented.

MOTION to deny the application from Pat Stoinski for a Variance for relief from setback standards and requirements within the Light Industrial (LI) zone district for property located at 1150 Castello Avenue, Fairplay, CO, because it does not meet Town code was made by Mayor Pro Tem Douglas and seconded by Trustee Avery.

- Roll call vote: Unanimous. (Note: Trustee Baum joined the meeting via phone during the hearing)

C. Should the Board of Trustees approve the adoption of Ordinance No. 1, Series of 2026, entitled, "**AN ORDINANCE OF THE TOWN OF FAIRPLAY, COLORADO, AMENDING THE TOWN'S LAND USE CODE TO ACCOMMODATE NATURAL MEDICINE BUSINESSES.**"

Town Attorney Rivera presented the ordinance reporting the legislation establishes time, place, and manner restrictions for natural medicine businesses (psilocybin, psilocin, ibogaine, etc.), consistent with state law. State law allows individuals to possess and grow certain substances; however, the proposed ordinance addressed only the manufacture and distribution of psilocybin through state-regulated healing centers. Rivera explained that regulation of these businesses is primarily handled at the state level through the Department of Revenue and Department of Regulatory Agencies and local governments have limited authority and may regulate only through time, place, and manner restrictions. Key provisions of the proposed ordinance include:

- A 1,000-foot buffer between natural medicine businesses and schools, childcare centers, and similar facilities (as permitted by state law).
- A proposed 1,000-foot buffer from residential zoning districts, which is more restrictive than state statute but consistent with actions taken by other municipalities.
- Allowing facilities only through a special use permit, requiring Board approval.
- Permitted zoning districts: commercial and light industrial.
- Businesses must maintain valid state licensing and compliance with all state regulations.
- Applicants must submit detailed floor plans and operational information, similar to liquor licensing requirements.
- Businesses must also obtain a local business license.

Rivera stated that the ordinance was drafted after reviewing regulations from other Colorado municipalities and was designed to be among the most restrictive allowed under state law. Board members discussed zoning restrictions and potential limitations within the Town of Fairplay. Trustee Voorhis questioned how county approvals outside town limits would affect these restrictions and how buffer rules would apply to future childcare facilities. Rivera was positive that a buffer to schools would apply, but could not say the residential zoning buffer would. Scott Dodge, 1317 Meadow Drive, asked if this could be limited to Light Industrial. Rivera replied that was something the Town could do. Sheyanne Bossert, 329 9th Street, inquired if this could be restricted similar to marijuana. Mayor Just replied the Town could not "opt out" due to State regulations that the Town must offer a place.

MOTION to approve adoption of Ordinance No. 1, Series of 2026, as read into the record and as written was made by Trustee Voorhis and seconded by Courtney Avery.

- Roll call vote: Unanimous.

VIII. NEW BUSINESS

A. **CONTINUED FROM JANUARY 5, 2026 – TO BE CONTINUED TO MARCH 16, 2026: SECOND READING –** Should the Board of Trustees approve the adoption of Resolution No. 5, Series of 2026, entitled, "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO APPROVING A REVOCABLE LICENSE AGREEMENT BETWEEN THE TOWN OF FAIRPLAY AND THE HELIOS CHARGING FOR INSTALLATION OF ELECTRIC VEHICLE CHARGING UNITS IN THE ALLEY BEHIND 501 MAIN STREET.**"?

Town Attorney Rivera explained he was working on transitioning the use agreement from a license to a lease agreement with a 10-year term and discussions were ongoing to finalize terms.

B. **CONTINUED FROM FEBRUARY 2, 2026: SECOND READING** – Should the Board of Trustees approve the adoption of Resolution No. 11, Series of 2026, entitled, "**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, ACCEPTING A DEPARTMENT OF LOCAL AFFAIRS LOCAL PLANNING CAPACITY GRANT.**"?

Town Attorney Rivera reminded the grant allows the Town to access $112,500 with 50% town match to update the Comprehensive Plan and Unified Development Code. Town Planner Hunn reported the RFP was finalized and was released on Bid.net earlier in the day, and it was clarified that the grant would proceed without going after additional "affordable housing fast tracking funding."

MOTION to approve adoption of Resolution No. 11, Series of 2026, as presented was made by Mayor Pro Tem Douglas and seconded by Trustee Voorhis.

- Roll call vote: Unanimous.

C. **FIRST READING** – Should the Board of Trustees approve the adoption of Resolution No. 12, Series of 2026, entitled, "**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO AMENDING A REFERRED 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 DAY.**"?

It was clarified that the purpose of the resolution was to correct the verbiage of the previously approved question to comply with TABOR requirements.

MOTION to approve adoption of Resolution No. 38, Series of 2025, as presented was made by Trustee Baum and seconded by Trustee Avery.

- Roll call vote: Unanimous.

IX. STAFF AND BOARD OF TRUSTEE REPORTS

Public Works Supervisor Wagner reported that operations are currently in good condition. The Board agreed that Public Works was in the best shape it has been.

Wastewater ORC Keith Chisholm stated he had received a quote for repairing the line on Front Street behind the Park Bar and stated they had been told that SGM was recommending moving the lines into Front Street. The Board has not been made aware of this and Mayor Just suggested any quote be to install a manhole to raise the line. Chisholm also stated he was awaiting a letter from the state on the Town's backflow prevention program.

Trustee Voorhis reported there was a street sign was lying off the highway near 2nd Street.

Trustee Douglas reported he attended the CML Legislative Update and CML was saying there would basically be NO grant funding available for anything. He also noted that money would probably be taken from Prop123. The legislature was also proposing to take HUTF funding as well. Overall, he felt Fairplay was in a good position and he provided an example from Lochbuie where they have a $2M deficit on a regular basis with only a handful of businesses providing revenue.

Trustee Voorhis also questioned if resurfacing of CO9 through Town was going to occur. Mayor Just replied it is part of the Hoosier Pass resurfacing project and he confirmed that on CDOT's site.

Mayor Just reflected on economic development in Fairplay, noting that 48 brick-and-mortar businesses have opened in town since 2018, with a survival rate higher than typical state and national averages. During the COVID-19 pandemic, the Town

distributed $279,000 in financial assistance to support local businesses. He also highlighted strong attendance at the recent Mardi Gras event, which was believed to have had the largest turnout to date.

X. ADJOURNMENT.

There being no further business before the Fairplay Board of Trustees, Mayor Just declared the meeting adjourned at 8:50 PM.

BOARD OF TRUSTEES, FAIRPLAY, COLORADO

Frank Just, Mayor

ATTEST:

Janell Sciacca, Town Clerk