

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
November 6, 2023**

CALL TO ORDER

A Regular Meeting of the Board of Trustees for the Town of Fairplay was called to order by Mayor Frank Just on Monday, November 6, 2023, at 6:00 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 Meetings 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 Dodge, and Trustees Ray Douglas and Josh Voorhis. Trustee Lynn was excused due to a planned vacation.

Staff in attendance were Town Administrator Janell Sciacca, Town Treasurer Jennie Danner, Public Works Director Donovan Graham, Chief of Police Jeff Worley and Special Events Coordinator Julie Bullock

APPROVAL OF AGENDA

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

CONSENT AGENDA

- A. **APPROVAL OF MINUTES OF REGULAR MEETING** of August 7, 2023.
- B. **APPROVAL OF EXPENDITURES** – Paid bills for all Town funds from October 13, 2023 through November 2, 2023 in the amount of **\$93,358.05**.

Motion #2 by Trustee Douglas, seconded by Trustee Voorhis, that the Consent Agenda be approved with the minutes as written and the expenditures as stated. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Voorhis – aye. The motion carried unanimously.

CITIZEN COMMENTS

Pete Werner, 286 Green Bottle Circle, Fairplay, spoke regarding vandalism at his storage units on Castello Avenue. He advised that when he and his wife tried to contact the Town Police, they were advised to call Park County Sheriff's Office. When they called the Sheriff's Office, there was a message advising that Chaffee County was handling calls. Werner expressed this was all very alarming. A Deputy did show up and was very professional and provided the case report needed to file an insurance claim, but his concern was that the Town Police Department was inactive, and he hoped they would resume services again soon.

PROCLAMATIONS, PRESENTATION AND UPDATES

Update from American Civil Constructors and Yeh Associated regarding CDOT US 285 Widening and CO9 Intersection Improvements Project.

Nick Maleski, Engineer with American Civil Constructors (ACC), advised that everything was moving along, the weather was holding out and they were looking to hopefully switch traffic on to the new bridge at the end of winter. They planned to go full steam ahead with pipe installation as long as possible using ground heaters. The only shut down was planned for the holiday season. Mike Gillen, CDOT representative, advised that CDOT would continue normal plowing operations and ACC had committed to provide whatever support was needed. Snow fencing could be erected to mitigate drifting, and everyone was

committed to keeping the road open. There was discussion about trying to straighten out the curve just after the intersection heading southbound to keep vehicles from crossing the center line into the oncoming lane and it was generally thought that the left hand turn pocket for CO9 could potentially be shortened up a little to smooth out the curve to hopefully keep traffic from cutting through. Mayor Just stated ACC has been 100% on board with reacting to everything that the Town has brought them and that's really what makes a good partnership, and the Town appreciated it. He thanked everyone for the update.

PUBLIC HEARINGS

A. Should the Board of Trustees, acting as the Local Licensing Authority, approve an application from Family Dollar Stores of Colorado, LLC for a new Retail Fermented Malt Beverage and Wine Liquor License for Family Dollar Store #30395 located at 1010 Castello Avenue.

Mayor Just opened the Public Hearing at 6:19 p.m. and read an opening statement on the procedure to be followed. There were no objections to the jurisdiction, form or substance of the proceedings. Town Administrator/Clerk Sciacca introduced applicant representative Tommy Jackson who was appearing remotely via Teams. She then reviewed the Staff Report and general recommendation to approve the application. The applicant's representative, Mr. Jackson, reviewed the letter on file summarizing the reasons for granting the license along with a request for approval.

Mayor Just then opened the floor to public comment and the following person(s) spoke against granting of the license: James Dean, 1733 Coil Drive, Fairplay, spoke against granting of the license citing a change in the competitive nature of local business, selling of alcohol being an experiment for Family Dollar, lack of proof of adult needs and desires in the form of a petition, and insufficient store staffing levels and diagram detail for location of the product.

Tommy Jackson, Decisions Consulting and applicant representative, responded to Dean's comments stating Family Dollar was simply wanting to offer the additional product to customers that shop at their stores. He noted the application was seeking 1 cooler which would be viewed by the clerks and with a camera would meet security standards and to his knowledge Family Dollar had no more issues than any other licensee.

Mayor Just inquired of Staff if there was any information found that would disqualify the applicant's application. Sciacca replied there was none and then addressed Dean's comments on competition. She noted that statute does prohibit "undue concentration" of certain classes of licenses, but Beer & Wine was not in that category, but Liquor Stores and Liquor Licensed Drug Stores were. She noted that the Board did have the power to determine whether or not they felt that there's too many licensed establishments in the town. Every community is different, and this included how the needs and desires were determined. As a Clerk in different communities in Colorado, it was her position to require a petition to prove needs and desires. Prior Staff did not utilize this widely, and most commonly accepted practice but she implemented this upon taking over licensing upon Treasurer Wittbrodt's retirement. She noted that there is no minimum or maximum number of signatures for a petition, but it is incumbent on the applicant to obtain signatures in support of the granting of a license. She noted that since the application was received, she had dealt with 3 different Decisions Consulting staff members. She did provide them with a sample petition and was told it was put out at the store but could not be located for the hearing. She also noted that with the larger corporations and larger number of licenses, there would always be incidents where citations were issued, or licenses were revoked, but it did not preclude them from

obtaining licenses and it was ultimately up to the Board to determine what is right for their community based on all the information available.

Trustee Voorhis inquired about the actual location of the alcohol wanting to know if the black circles on the diagram represented the locations. Sciacca responded that she was originally told it was one endcap and one cooler. Mr. Jackson stated it was not a large amount and there would definitely not be more alcohol than normal merchandise and would be no different than any other store selling beer and wine, but he could not confirm the exact location. Mayor Just inquired about the results of the background investigation and Sciacca advised that the Town did not conduct its own investigation due to the fact the applicant had a Master File with the State. Investigations were conducted at the state level so that the applicants did not have to have fingerprints and investigations done in each jurisdiction. She noted that the background investigation done by the State was more comprehensive and thorough with the resources available to them. The applicant's background was in compliance. Sciacca then noted that the Board could continue the hearing to allow for the applicant to produce a petition as well as clarify the location of the product. The applicant did not object to a continuance.

Motion #3 by Trustee Voorhis, seconded by Trustee Douglas, to continue consideration of the application from Family Dollar Stores of Colorado, LLC for a new Retail Fermented Malt Beverage and Wine Liquor License for Family Dollar Store #30395 located at 1010 Castello Avenue to November 20, 2023. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Voorhis – aye. The motion carried unanimously.

B. INITIAL HEARING – 2023FY Amended Budget and 2024FY Proposed Budget for all Funds of the Town of Fairplay, Colorado.

Town Administrator Sciacca introduced the initial hearing on the 2023FY Amended Budget and 2024FY Proposed Budget and provided an overview of the legislative hearing process noting that instead of closing the hearing and deliberating, Staff was requesting the hearing be continued to November 20. Mayor Just opened the Public Hearing at 6:48 p.m. Sciacca reminded that the budget was posted online at the Town's website and was in the current packet. She provided an overview of the Staff Report and noted the budget would be changing right up to the week before adoption on December 4. She requested that the Board contact staff at any time during the next 2 months with questions. She noted the work session at the end of this meeting to discuss the General Fund, staffing levels and employee pay and benefits. There were no public comments or questions from the Board.

Motion #4 by Mayor Pro Tem Dodge, seconded by Trustee Voorhis, to continue the Public Hearing on the Town of Fairplay 2023FY Amended Budget and 2024FY Proposed Budgets to November 20, 2023. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Voorhis – aye. The motion carried unanimously.

NEW BUSINESS

A. FIRST READING – Resolution No. 31, Series of 2023, entitled “**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROVING AN ENERGY AND MINERAL IMPACT ASSISTANCE FUND GRANT AGREEMENT WITH THE COLORADO DEPARTMENT OF LOCAL AFFAIRS IN THE AMOUNT OF \$199,850 FOR THE FAIRPLAY WTP CARTRIDGE FILTRATION SYSTEM PROJECT EIAF-09529.**”

Town Administrator Sciacca provided an overview of the Staff Report and noted all three New Business items were interrelated to the current Infiltration Gallery project at the Town's water plant. She stated approval of the resolution allowed the Town to accept a grant from the Department of Local Affairs for the Water Treatment Plant Cartridge Filtration System and Infiltration Gallery Project. She recommended

approval to accept the grant and keep the project moving forward, noting the grant was one of the two sources of funding the Town had obtained to bring the gallery online and increase water production for the Town.

Motion #5 by Mayor Pro Tem Dodge, seconded by Trustee Voorhis, to approve adoption of Resolution No. 31, Series of 2023, approving an EIAF grant agreement with the Colorado Department of Local Affairs in the amount of \$199,850 as presented. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Voorhis – aye. The motion carried unanimously.

B. FIRST READING – Resolution No. 32, Series of 2023, entitled “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH HARDESTY ENGINEERING & MAPPING, LLC FOR BIDDING AND CONSTRUCTION OBSERVATION SERVICES FOR THE TOWN OF FAIRPLAY – WATER TREATMENT PLANT UPGRADE PROJECT.

Town Administrator Sciacca provided an overview of the Staff Report advising the agreement formalized services of Ken Hardesty for bidding and oversight of construction services for the infiltration gallery project. She noted this contract could not be approved and expenditures would not be eligible for reimbursement until the DOLA grant was formalized. She again recommended approval as presented to keep the project moving forward.

Motion #3 by Trustee Voorhis, seconded by Mayor Pro Tem Dodge, to approve Resolution No. 32, Series of 2023, approving a Professional Services Agreement with Hardesty Engineering & Mapping, LLC as presented. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Voorhis – aye. The motion carried unanimously.

Mayor Just complimented contractor Hardesty stating he had been around this kind of business for a lot of years and worked with a lot of consultants and he felt Hardesty has risen to the top and represented the Town’s interests which was certainly appreciated.

C. FIRST READING – Resolution No. 33, Series of 2023, entitled “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROVING A CONSTRUCTION CONTRACT WITH VELOCITY CONSTRUCTORS, INC. FOR THE TOWN OF FAIRPLAY – WATER TREATMENT PLANT UPGRADE PROJECT.

Town Administrator Sciacca provided an overview of the Staff Report advising the agreement awarded and approved a contract with Velocity Constructors for installation of the cartridge filtration system and other related project improvements at the Water Plant. She noted that John Swain with Velocity was appearing online and stated again that this contract could not be approved, and expenditures would not be eligible for reimbursement until the DOLA grant was formalized and recommended approval as presented to keep the project moving forward. Once approved, a preconstruction meeting would be held and notice to proceed would be issued.

Motion #3 by Trustee Douglas, seconded by Mayor Pro Tem Dodge, to approve Resolution No. 33, Series of 2023, approving a construction contract with Velocity Constructors, Inc. for the Water Treatment Plan Upgrade Project as presented. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Voorhis – aye. The motion carried unanimously.

STAFF AND BOARD OF TRUSTEE REPORTS

Chief Worley noted his report was in the packet and stated he would be happy to answer any questions. Mayor Just stated he was impressed that Worley had been able to work with El Paso County to obtain POST certification training at no cost to the Town! Worley stated this was a blessing to the Town for sure but said he could not take credit as El Paso County opened it up to the region. Worley took the opportunity to review the schedule for interviews and onboarding of Staff. He also noted that he had received a draft IGA from Park County Sheriff's Office and that it needed quite a few changes, so he was going to meet with Sheriff McGraw to discuss them before bringing that document to the Board.

Public Works Director Graham provided a report on his Department's progress on meter repairs and changeouts. He noted these changes were helping to bring the water loss number down to a more acceptable level. It was clarified that the number of meters needing attention was closer to 90-96 and not the 49 as was shown in the Water Loss & Production Report. The Board asked that accolades be passed on to Chris Bannister who was doing the majority of this work. Sciacca also recognized Bannister for reporting NWFPD spraying water in the school parking lot at the sports complex. She noted that they were supposed to be tracking and reporting those figures, but the Town was not receiving and of the information nor advance notice of training such as the one Bannister noticed. She and Bannister spoke to Capt. Stamp who said he would remind Chief Olme, but she very much appreciated Bannister's heads up on the matter.

Treasurer Danner noted her report in the packet and stated she was excited for the first Work Session.

Town Administrator Sciacca noted her written report in the packet stating there were a lot of updates in there. She did report that Habitat for Humanity was seeking Certificates of Occupancy for the 3 homes that were complete but Staff had concerns about multiple things and Habitat let their letter of credit expire and they were seeking a reduction or release of the surety, so Staff was working on new costs and a related construction schedule for an amendment to the Development Improvement Agreement. She also noted that the Xcel franchise agreement was coming up and she did not feel the Town Attorney had the expertise to negotiate this on behalf of the Town, so she recommended seeking new counsel or special counsel in order to ensure the Town was protected and had future capacity. The Board generally agreed. Sciacca then asked the Board for agreement to allow the Summit Stage to add a stop in front of Town Hall on Main Street which would mean more commuters in the Town Hall parking lot. The Board generally agreed to allow for the extra stop and use of the Town Hall lot. Sciacca then noted that the 501 Main project was moving forward, and the initial costs were still \$350,000-\$400,000 and included several layout changes. Staff would still be seeking grants to offset the total bill. Sciacca then reported that she did submit the Prop123 commitment.

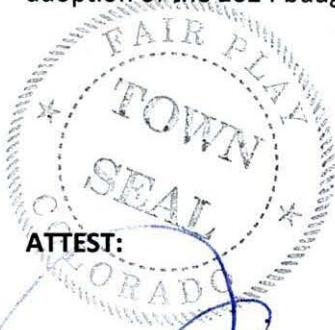
Mayor Just reported that he attended and participated in the Homes For Our Troops event at the Legion Hall honoring two post-911 heroes who were receiving homes in the area. He stated it was one of those uplifting moments that made you feel really good that you're a part of it. He sat shoulder to shoulder with a severely injured veteran and didn't know it. It was a touching moment and he felt privileged to be the key speaker for the Town.

ADJOURNMENT

There being no other regular business before the Fairplay Board of Trustees, Mayor Just declared the meeting adjourned at 7:28 p.m.

WORK SESSION REGARDING TOWN OF FAIRPLAY BUDGET REGARDING THE GENERAL FUND, STAFFING LEVELS AND EMPLOYEE BENEFITS AND PAY. Staff presented predicted and proposed revenue and

expenses for the General Fund, a preliminary proposal for staffing for 2024, preliminary benefits numbers for 2024, proposed 2023 yearend bonuses and responded to questions and recommendations and requests from the Board. It was noted that Employers Council was still working on the Pay Schedule so Town Administrator Sciacca and Mayor Just would exchange proposed salary information for 2024 to come to final numbers in case Employer’s Council was not able to complete the new schedule in time for adoption of the 2024 budget.



ATTEST:

Janell Sciacca

Janell Sciacca, Town Clerk

BOARD OF TRUSTEES, FAIRPLAY, COLORADO

Frank Just

Frank Just, Mayor