

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
December 4, 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, December 4, 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, Josh Voorhis and Pete Lynn.

Staff in attendance were Town Administrator Janell Sciacca, Town Attorney Nina Williams, Town Treasurer Jennie Danner, Public Works Director Donovan Graham, and Chief of Police Jeff Worley.

APPROVAL OF AGENDA

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

CONSENT AGENDA

A. APPROVAL OF EXPENDITURES – Paid bills for all Town funds from November 18, 2023 through November 30, 2023 in the amount of \$83,891.48.

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

CITIZEN COMMENTS

Candy Thompson, 220 4th Street, stated she lived in the town about 10 years and that she was highly irritated by all the areas around Town where the curbs had been painted red and felt it limited parking.

Greg Johnson, 402 Hathaway, requested information from the Town regarding the CDOT Bridge replacement project. He was very disappointed, but more importantly concerned about the liability it's creating for the town, and specifically for the traffic control plan. He questioned who represented the Town at the construction meetings and what complaints had been received from the public, and what kind of vehicle and pedestrian accidents had occurred in the right of way of for the project for the year.

PROCLAMATIONS, PRESENTATION AND UPDATES

Town Administrator Sciacca advised that she would like to have Chief Worley introduce the Town's newest Officer and Sergeant for the Fairplay Police Department. Chief Worley introduced Sergeant Ron Martinez and advised that he came to the town with a lot of experience. Martinez thanked the Board and town for giving him the opportunity and stated he spent the majority of his career in Pueblo County starting in the Jail and moving up to patrol and then School Resource Officer. He stated he also worked for Aurora and then in Fremont County and Florence where he was a member of the SWAT team. The Board welcomed Martinez to the Town of Fairplay.

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

This update did not take place. Sciacca advised that she spoke to project representatives earlier in the evening and did not know why they did not appear. Sciacca advised that she did become aware that there would not be a shutdown as was previously planned and ACC would be working through the winter to help CDOT with snow removal and continue progress on the project. The only shut down would be during Christmas and New Year's/ *(It was discovered later in the meeting that American Civil Constructor representatives and their PR firm were online, but due to technical difficulties could not be seen in the attendees list)*

PUBLIC HEARINGS

- A. CONTINUED FROM NOVEMBER 20, 2023** – 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 reopened/resumed the Public Hearing at 6:09 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 advised that the applicant was provided the link to join online but she was not seeing them in the list of attendees. Sciacca advised she would continue to contact them by email and make sure they had the correct link. Town Attorney Williams advised to move forward with the hearing as continued and noticed. She also advised that even without the applicant/ applicant's representative being present, the Board had the application, evidence and information in the packet for use in making a determination.

Town Administrator/Clerk Sciacca provided an overview of the Staff Report in the packet reviewing the history to date, state rules and regulations, and the completeness of the application. She noted that the applicant had satisfactorily met the Town and State requirements to apply for a license and it would be up to the Board to make a finding that evidence from the Public Hearing supported approval and granting of said license. Sciacca then reviewed the applicant's required petition as well as two other submitted petitions, one with a required affidavit and one without, that were submitted in opposition to granting the license. Sciacca advised that the party that submitted signatures without the required affidavit had become ill and was not able to get her signature notarized. She also noted that the one affidavit that was submitted had the wording changed and the part that affirmed that the party signing the affidavit actually witnessed every signature had been removed. She reviewed the total signatures indicating that there were 39 qualified residents or business owners in favor and 45 opposed, with those on the qualified petition. If the other petition was considered, the signatures opposed would rise to 68. She also reminded that there is no minimum or maximum number of signatures required but it was clear that the process of requiring petitions did provide the Board with a better representation of the needs and desires. Mayor Just commented that one could say 1 out of every 7 citizens in the Town provided input and he had not seen 1 out of 7 people comment on anything the Town had done in all his years on the Board. Sciacca also reviewed the list and number of currently licensed off-premise licenses - 7 off premise retailers - 1 retail liquor store, 1 brewery manufacturing, 1 brewery manufacturing distillery, 1 winery and 1 distillery, and 2 fermented malt beverage and wine retailers. Sciacca then noted that she had received a message that the applicant's representative was online, but she still could not see him in the list of remote attendees.

Mayor Just opened the floor to comments in favor of granting of the license. There were none, and the Mayor then opened the floor to comments opposed to granting of the license. The following persons spoke in opposition:

- Greg Johnson, 402 Hathaway (Resident)
- Duane Thompson, 220 4th Street (Resident)
- Renee Ortega, 780 Trout Creek Drive (Resident)
- James Dean, 301 US Hwy 285 (Business Owner)

Town Attorney Williams then logged on to Teams following the link in the agenda and stated she could see the applicant online. Town Administrator/Clerk Sciacca closed the Teams stream and restarted it at approximately 6:40 p.m. where she could then see applicant representative Tommy Jackson. Town Attorney Williams reviewed the progress of the hearing to this point. Jackson of Decisions Consulting presented on behalf of the applicant Family Dollar. Jackson reminded of the 2 items that were requested at the initial meeting noting that those, the diagram and the petition, were provided. Mr. Jackson reviewed the letter on file summarizing the reasons for granting the license along with a request for approval. Jackson stated that the application was no different than any other grocery store. Mayor Pro Tem Dodge inquired how many Family Dollar Stores in Colorado had liquor available in them. Jackson replied he did not want to speak incorrectly to give a number. Trustee Voorhis inquired if any of the stores in Colorado had their licenses revoked or suspended or been in violation of the current law? Mr. Jackson replied he could not provide that information but none of the stores he worked with had incidents to his knowledge and the main focus was trying to figure out exactly how to make certain the stores that they work with are good corporate citizens and meet those local rules. The stores have a strict no-tolerance policy and anyone who violates are separated from the company. He advised there were at least 3 training courses specific to liquor licensing. Mayor Pro Tem Dodge then stated he was concerned that beer was in a cooler and wine was on an end cap on the opposite side of the store so having them in different spots was a concern. Jackson advised that he could take that concern back to corporate and he was certain they would address it.

Mayor Just reopened the floor to comments from the public and the following people spoke against approval of the application and granting of the license while Tommy Jackson provided:

- Jake Tetreault, 100 Green Bottle Circle and former owner of a liquor store in Town, questioned where the petition submitted came from since everyone in the audience was against Family Dollar having a liquor license. Jackson replied that Liquor Pros conducted the survey and obtained 56 signatures and 71% were in favor and 29% were opposed. Signatures were obtained from businesses and residents. He also noted that 82% didn't respond, 7% declined to participate and disqualified were about 5%. There were 157 contacts made. Tetreault then stated that per the evidence presented by petitions presented by Tina Darrah and James Dean, there are already more than enough license establishments to support the needs of Fairplay and Family Dollar is surrounded by these which are owned by locals and the profits are kept local instead of benefitting a big corporation and he asked the Board vote the application down.
- Greg Johnson, 402 Hathaway, was concerned that the State of Colorado was conducting the background investigations and not the Town and felt the Town was therefore not aware of Family Dollar's violations. Jackson replied that if the store was committing significant numbers of violations, the State would not let habitual offenders apply. Johnson still felt the Town should have conducted the background investigation. He also questioned if the Town verified the signatures. Sciacca replied signatures were not verified and that was the purpose of the affidavit that was required which was signed by the person who obtained those signatures and affirmed that they witnessed them in person. Sciacca clarified that the State of Colorado used to post a list of violations online but it didn't look like that had been updated since 2021. She noted that the most common violations were that someone sold to a minor. She also noted that significant violations would result in a hearing before the Board of Trustees, but selling to a minor resulted

in a citation to the individual that sold the alcohol. She also noted that when the Town Police Department was up and running again, Town Officers could do compliance checks in conjunction with Liquor Enforcement. That was not being done but with Chief Worley's connections that was going to change. Mayor Just asked Sciacca to review the packet materials that were submitted, and she did so. Mayor Just asked if, for the record, there was any information submitted about failed background investigations. Sciacca replied there was not.

- Monica Douglas, 389 Aspen Way, thanked the Board and Town Administrator for posting all the information online for citizens to view. She felt the current licensed establishments were plenty enough for the little Town of Fairplay. She also felt that the only time the store has looked like they were responsible and clean and orderly was when they were first opened and after that it has been in disarray. Douglas had no confidence that they would not afford someone the ability to hide and shoplift some of that alcohol and she didn't want that for the Town and didn't want it for any minors that shopped there. She stated that when you talk about serving or selling to a minor, it's not a small thing, it's a large thing and she asked that the Board consider that.
- Jake Tetreault, 100 Green Bottle Circle, inquired how thorough the State's background investigation was. Sciacca replied it was very thorough and conducted by CBI which had access to much more information than the Town did. She advised that they also look at financials and are looking for money laundering or other illegal activities. She noted that the Town would also send their fingerprints to CBI, so Master Files eliminated an extra step and provided for a much more comprehensive investigation than the Town could do.
- Monica Douglas, 389 Aspen Way, stated that in the information online from Decisions Consulting LLC., the provided letter tells how they propose enforcement, minimum age requirements, use of handheld scanners to verify birth dates, how to recognize and differentiate between authentic forms of identification, how to confirm the person presenting the identification is the person on the identification card, etcetera, and when she read those things that indicated someone was on the ball and taking the privilege seriously, and while those great things are listed, the execution of those things in her mind was a huge question mark. Douglas added that she was sure Family Dollar had protocols for their managers and their staff there, but she questioned why they can't even get the merchandise on the shelves, or have clean stores, or have enough staff. She felt that they're already struggling with those facets of it, adding in beer and alcohol, which has a higher level of potential risk to people, minors especially, was very concerning.
- Renee Ortega, 780 Trout Creek Drive, voiced the same concerns as Douglas and stated in one of her trips to Family Dollar she rang the bell for 16 minutes before someone came to the counter to check her out. She questioned how much alcohol could be stolen in that situation.
- James Dean, 301 US Hwy 285, stated that he previously reported that alcohol sales is not one of Family Dollar's core business functions and this is an experiment for them and an attempt to booster sales. He had zero faith in their ability to execute the responsibility.

Mayor Pro Tem Dodge inquired of the two liquor license holders, past and present, in the audience to explain how they control liquor. Tetreault replied they had cameras, and alarms that went to the local police department and there were always 2 Staff on at all times. Dean stated he hired a Beer & Wine manager, he trained his managers to be aware of the area and it is monitored by 3 cameras. He did admit that all establishments run the risk that someone will pick something up and walk out with it. However, his Staff greeted every customer and also said goodbye to every customers and there were typically 3 cashiers in the front and no less than 10 Staff on hand. Everyone was monitored, including juveniles and all his Staff were all trained. Trustee Douglas asked Dean if this application went through what would the establishment to resident ratio be. Dean replied it was currently 1 to 183 and with the addition of another license it would be 1 to about 158.

Mayor Just provided Jackson the opportunity to respond to comments. Jackson replied the Family Dollar was no different than any other grocery store that sold liquor and there were precautions that had to be taken and the goal was not break local or state rules. Training and scanners were very important as were secret shoppers. Since it is a small amount of alcohol it would be easier to cover and he asked that it be recognized the Family Dollar was no different than any other store and the corporation would take precautions to make sure that that it's a good corporate citizen and to do the things necessary to make sure that there weren't issues. He thanked the Board for the opportunity and for their time. Mayor Pro Tem Dodge inquired how liquor deliveries would be handled. Jackson replied his understanding, and the way he had seen it done, was that the distributor has a designated place for drop off that was monitored in a restricted area and it was to be put away immediately due to shelf life and for compliance. There being no further questions of Jackson, Mayor Just closed the floor to further comment.

Mayor Just then inquired if it was the opinion of the Board, based on staff's assertion, that the application is complete and that the applicable fees have been paid? All Board members responded affirmatively. Just then inquired of the Board if as a by the preponderance of the evidence, including the submission of two different petitions, one for and one against, did the Board feel that the needs and the desires of the adult population in the Town of Fairplay support this licensing application? Trustee Douglas answered No; Mayor Pro Tem Dodge answered No; Mayor Just answered No; Trustee Voorhis stated that after reviewing the entire licensing application, associated documents, testimony provided, petitions and all other associated documents, his answer was No; Trustee Lynn answered No. Mayor Just then asked the Board if they felt any of them had ex parte communication, any coaching, any directive, any information that the rest of the Board was not been privileged to, or the public was not privileged to in a public meeting about this subject from either party? Trustee Douglas answered No; Mayor Pro Tem Dodge answered No, Trustee Voorhis stated he had members of the public come up to him to but answered that he did not feel compromised; Trustee Lynn also stated that members of the public approached him and answered that he did not feel compromised. Mayor Just answered No and then stated there had been some assertions made in a public meeting that he as Mayor influenced the board's decision and told the rest of the Board how to vote. He then asked if that bore any legitimacy. All members of the Board answered No. Mayor Just then opened the floor to a motion to approve 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. Hearing no motion, the Mayor again opened the floor for a motion to approve. Trustee Voorhis requested an opinion from the Town Attorney if not having a motion was the same as voting the application down? Williams said the applicant has the right to a decision and vote to either approve or deny. Hearing no motion to approve, Just opened the floor to a motion to deny the application for Family Dollar Stores Colorado LLC for New B California Mall Beverage and Wine Liquor license for Family Dollar Store number 30395 located at 1010 Castillo Ave.

Motion #3 by Trustee Douglas, seconded by Trustee Lynn, to deny the application from Family Dollar Stores of Colorado, LLC finding that the applicant has not satisfied the Board of Trustees that there is a need and desire in the Town of Fairplay for the issuance of a new Retail Fermented Malt Beverage and Wine Liquor License for Family Dollar Store #30395 located at 1010 Castello Avenue . A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. The motion carried unanimously.

Trustee Voorhis thanked Jackson for doing a good job. Just echoed that and appreciated his diligence and stated that he hoped they could get things squared away in the store so there was more positive community input. Jackson thanked everyone. Mayor Just thanked all the citizens for showing up and

reminded that the process had to be fair and open and he hoped they were satisfied the Board does its due-diligence.

B. CONTINUED FROM NOVEMBER 20, 2023 – THIRD HEARING AND FINAL HEARING – 2023FY Amended Budget and 2024FY Proposed Budget for all Funds of the Town of Fairplay, Colorado.

Mayor Just introduced and resumed the Public Hearing from November 20, 2023 at 7:37 p.m. Town Treasurer Danner presented and reminded this was the 3rd and final hearing and there were four resolutions to be considered later in the agenda. She noted that the Mill Levy was not being approved this evening due to the last minute Senate Bill that was passed which extended the deadline into 2024. Danner stated that Staff was happy to answer any questions from the Board or public. Sciacca added that the Board would adopt the Mill Levy on January 8 and the deadline to file it with the County Treasurer was January 10, so the Town would be in compliance.

Mayor Just asked Trustee Lynn to reiterate his comment from the last meeting. Lynn restated that he appreciated the diligence of Staff to do their very best to always maintain a conservative outlook to try and keep us in the black. Mayor Just stated that led to his segway of thanking the Board for being diligent and understanding, knowing and having a real idea about what is in the Town budget, its components and what it takes to run a town this size. He appreciated them always asking pertinent questions about budgetary items and being so generous and forthcoming when it came to the Department Head requests and the Board's commitment to salaries, maintaining and keeping our employees and making sure that those employees have the tools and equipment and wherewithal that they need by virtue of our financing options. Town Administrator Sciacca thanked Treasurer Danner, Public Works Director Graham and Chief Worley to the team effort in preparing the budget this year. She noted that they all met on multiple occasions and it was nice to know that everyone was on the same page. She thanked the Board as well and stated that this Board was one of the best she had opportunity to work with. Trustee Douglas then commented that the Town needed to spend the taxpayer money wisely and not just hold it in the bank, and it should always be done appropriately. Mayor Just added that the Town had to pay its employees well or they would go elsewhere, and the Town would struggle to replace them. He did not like the numbers and stated they were big and ugly, but it was prudent to make sure everyone was paid appropriately for where the Town is. Mayor Pro Tem Dodge commented that Fairplay has an absolutely incredible staff with depth of knowledge that I don't think any other community can touch. He felt it was incredible that we can foresee things coming, make a plan for it and correct it and get it moving in the right direction. Dodge added that it's been amazing sitting on this Board for the last nine years to be able to see what has been done. Mayor Just closed by the budget addresses all of the areas of significant need and we're real rebuilding a Police Department that is no small undertaking, even for the smallest communities, and the Town has done it with the most important thing in mind and that's drawing good qualified people by virtue of pay and the Town's good reputation. He felt this budget was the first in his 12 years on the Board that he really, truthfully, honestly deeply felt that the Town addressed paying people what they are worth with action to be taken on the budget.

Motion #4 by Mayor Pro Tem Dodge, seconded by Trustee Voorhis, to close the public hearing for the 2023 fiscal year amended budget and 2024 proposed budget for all funds of Town of Fairplay, Colorado at 7:49 p.m. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. The motion carried unanimously.

NEW BUSINESS

A. FIRST READING – Should the Board Approve Adoption of Resolution No. 34, series of 2023, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO,

APPROVING AND INTERGOVERNMENTAL AGREEMENT FOR LAW ENFORCEMENT WITH THE PARK COUNTY BOARD OF COMMISSIONERS AND PARK COUNTY SHERIFF'S OFFICE.”?

Chief Worley presented and urged the Board to accept the IGA. He stated that realistically, what Park County has done, is given us breathing room to build this Police Department in away that is going to be exemplary. The Sheriff himself has been extremely amiable in terms of the charges and met with him on 2 occasions and agreed to take off any calls that we've disputed. Worley stated that he believe that it's been a good and mutual benefit to both Park County and Fairplay. He urged the Board to consider approving the IGA again noting it has already been in process now since the end of August under a verbal agreement and its worked so the Board was simply being asked to codify the verbal agreement into written form. Worley also reported that he was hoping the new PD would be in process no later than March, but there was a good chance that by February the Town would have Officers actually on road answering calls for service. Mayor Just recalled that for years the Board was told Fairplay just could not hire good Officers. He commented that it is extremely expensive to run a Police Department and it just took the right person and time to make it happen for Fairplay. He added that it's going to be to the benefit of the Town as long as the Town understands that we're spending money wisely and the police force is actively engaged in providing the Town with safety and an aspect of hometownness. He then stated that the agreement now reflects some of the changes that he recommended and it was as good of an agreement as the Town could ask for with the situation. Town Administrator Sciacca complimented Worley on meeting with the Sheriff and handling the IGA and billings. She was handling matters prior and now Worley was doing it using his professional knowledge, skills and abilities and was build rapport at the same time with the Sheriff. She stated he was working diligently to protect the Town's interests. Worley then advised that if approved tonight, the agreement would go to the County Commissioners tomorrow.

Motion #5 by Trustee Voorhis, seconded by Trustee Douglas, to approve adoption of Resolution No. 34, Series of 2023, approving an Intergovernmental Agreement for Law Enforcement with the Park County Board of Commissioners ad Park County Sheriff's Office as presented. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. The motion carried unanimously.

B. FIRST READING – Should the Board Approve Adoption of Resolution No. 35, series of 2023, entitled, **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING AN AMENDED 2023 BUDGET FOR THE TOWN OF FAIRPLAY, COLORADO.”?**

Motion #6 by Trustee Voorhis, seconded by Trustee Lynn, to approve Resolution No. 35, Series of 2023, summarizing expenditures and revenues for each fund and adopting and amended 2023 Budget for the Town of Fairplay as presented. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. The motion carried unanimously.

C. FIRST READING – Should the Board Approve Adoption of Resolution No. 36, series of 2023, entitled, **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSES AS SET FORTH BELOW, FOR THE TOWN OF FAIRPLAY, COLORADO, FOR THE AMENDED 2023 BUDGET.”?**

Motion #7 by Trustee Voorhis, seconded by Trustee Douglas, to approve Resolution No. 36, Series of 2023, appropriating sums of money to the various funds and spending agencies, in the amounts and for the purposes as set forth below for the Town of Fairplay, Colorado for the amended 2023 budget as

presented. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. The motion carried unanimously.

- D. FIRST READING** – Should the Board Approve Adoption of Resolution No. 37, series of 2023, entitled, **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE TOWN OF FAIRPLAY, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2024 AND ENDING ON THE LAST DAY OF DECEMBER 2024.”?**

Motion #8 by Trustee Voorhis, seconded by Mayor Pro Tem Dodge, to approve Resolution No. 37, Series of 2023, summarizing expenditures and revenues for each fund and adopting a budget for the Town of Fairplay, Colorado, for the calendar year beginning on the first day of January 2024 and ending on the last day of December 2024 as presented. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. The motion carried unanimously.

- E. FIRST READING** – Should the Board Approve Adoption of Resolution No. 38, series of 2023, entitled, **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSES AS SET FORTH BELOW, FOR THE TOWN OF FAIRPLAY, COLORADO FOR THE 2024 BUDGET YEAR.”?**

Motion #9 by Trustee Voorhis, seconded by Mayor Pro Tem Dodge, to approve Resolution No. 38, Series of 2023, appropriating sums of money to the various funds and spending agencies, in the amounts and for the purposes as set forth below, for the Town of Fairplay, Colorado for the 2024 budget year as presented. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. The motion carried unanimously.

- F. FIRST READING** – Should the Board Approve Adoption of Resolution No. 39, series of 2023, entitled, **“A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO CERTIFYING DELINQUENT 2023 UTILITY ACCOUNTS TO THE PARK COUNTY TREASURER.”?**

Town Treasurer Danner noted that since the distribution of the packet there had been an update and there were only 2 accounts to certify in the total amount of \$2,030.72. She recommended approval.

Motion #10 by Trustee Douglas, seconded by Mayor Pro Tem Dodge, to approve Resolution No. 39, Series of 2023, certifying delinquent 2023 utility accounts to the Park County Treasurer as presented. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. The motion carried unanimously.

- G. FIRST READING** – Should the Board Approve Adoption of Resolution No. 40, series of 2023, entitled, **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, ADOPTING A SCHEDULE OF FEES FOR FY2024.”**

Town Administrator Sciacca reported that the fees being amended were discussed as part of the budget process. They were the business license, gold panning, camping, and certificate of appropriateness fees. She also noted a separate schedule of fees that were drafted by Chief Worley that he was recommending being amended or put in place for the Police Department. She did note that she would bring back some recommendations for possibly changing the rates for short term rental units after the first of the year based on information from other jurisdictions. She also reported that she spoke to Park County Director of Operations Mike Smith and asked that the Town be given authority to sign off on any short term rental

units in Whispering Aspen and Spruce Hill since those were on the Town sewer system. Smith agreed this was appropriate.

Motion #11 by Trustee Voorhis, seconded by Mayor Pro Tem Dodge, to approve Resolution No. 40, Series of 2023, adopting a schedule of fees for FY 2024 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 reported that he submitted a brief update on the status of the PD and asked if there were any questions about next steps. There were none.

Public Works Director Graham reported that more red paint had been ordered to finish painting identified curbs throughout Town, Staff had replaced 20 water meters and would continue trying to do several each week.

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

Town Administrator Sciacca noted her report in the packet and she shared on behalf of Special Events Coordinator Julie Bullock that the Festival of Trees brought in \$1,858.00 for local non-profits. It was a great event with 11 different chili entries and Staff was already thinking how to make things bigger and better next year.

Trustee Douglas inquired about the status of the CDOT houses in the middle of Hathaway Street. Sciacca replied the units were supposed to be off the street today and that MW Golden said the Town agreed to allow them to stay on the street for roofing, which was supposed to have been done by Thanksgiving. Contractor and weather issues and the holidays all caused delays and as soon as the last 2 were moved, no more units would be allowed in the street and would instead have to be kept elsewhere or completely on the property. Sciacca advised Graham that all future agreements on this project needed to be in writing.

Town Attorney Williams reported that her firm was growing. On January 1 four attorneys specializing in telecommunications, utilities and local government practice from the firm of Kissinger and Feldman would be joining them which would grow the firm to a total of 9 attorneys. Sciacca stated she was happy to know one of them had significant public utility experience and could help with the Xcel franchise that was coming up for renewal in 2024. Williams also noted that their firms rates would go up for 2024 but Fairplay was still one step behind all the other clients. She also thanked the Board and Staff for their baby gift and stated her daughter was very vocal and active.

Trustee Douglas asked if when it snowed if the crews could put down sand and gravel on the hill going up the Heights. Graham said that was the first road the crews hit when they arrived to work and he also hit it with a sander before the tree lighting.

Mayor Just thanked the Board members for attending the Saturday night Tree Lighting, Festival of Trees and Chili Cook-Off stating it represents the Town well. Mayor Pro Tem Dodge felt the Town put on a world class event and he liked to see the community, neighbors, friends and staff participating and they got to taste some awesome chilis too.

Trustee Voorhis also stated his appreciation for all that Staff did for the event. He then stated that anything that could be done on sidewalks to keep them clear for walking would be appreciated.

Trustee Lynn thanked the Board for its comments about Hathaway Street and everyone doing their best to address the citizens comments and concerns. He then reported that he was asked at the Bazaar if the Community Garden project was going to be required to remove the propane tank on that site even though it was not going to be used. They would like to keep it but would be willing to move it. Sciacca replied that they were told that it had to be removed because the code requires all utilities to be underground and natural gas is available in that area. Removal was a condition of approval of the Conditional Use Permit.

Mayor Just reminded the Board they were schedule for the Christmas Lights judging on Thursday, December 14. Sciacca reminded that the Town Christmas Party was Friday, December 15.


ADJOURNMENT

There being no other regular business before the Fairplay Board of Trustees, Mayor Just declared the meeting adjourned at 8:37 p.m.



ATTEST:


Janell Sciacca, Town Clerk

BOARD OF TRUSTEES, FAIRPLAY, COLORADO


Frank Just, Mayor