

**MINUTES OF THE REGULAR MEETING OF THE  
FAIRPLAY BOARD OF TRUSTEES  
January 8, 2024**

**WORK SESSION**

The Board conducted a Work Session between 5:00 p.m. and 6:00 p.m. with the Town Engineering firm of SGM where they reviewed and discussed the development of a Water Model for the Town of Fairplay to be used for planning and management decisions and assessing impacts of new development and other external drivers on the Town's water infrastructure.

**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, January 8, 2024 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 Treasurer Jennie Danner, and Chief of Police Jeff Worley.

**APPROVAL OF AGENDA**

**Motion #1** by Trustee Voorhis, seconded by Trustee Lynn, 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 PRIOR MEETING MINUTES** of September 18, 2023.
- B. **APPROVAL OF PRIOR MEETING MINUTES** of October 16, 2023.
- C. **APPROVAL OF EXPENDITURES** – Paid bills for all Town funds from December 1, 2023 to January 4, 2024 in the amount of **\$181,315.08**.
- D. Should the Board of Trustee Approve the Adoption of Resolution No. 1, Series of 2024, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, ESTABLISHING REGULAR MEETING DATES AND DESIGNATING THE PUBLIC PLACES FOR THE POSTING OF MEETING NOTICES AS REQUIRED BY THE COLORADO OPEN MEETINGS LAW FOR THE CALENDAR YEAR OF 2024."?
- E. Should the Board Approve Adoption of Resolution No. 2, series of 2024, 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 2, 2024 SHALL BE A MAIL BALLOT ELECTION."?
- F. Should the Board Approve Adoption of Resolution No. 3, series of 2024, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO APPROVING AN UPDATED PROFESSIONAL LEGAL SERVICES AGREEMENT WITH WILSON WILLIAMS LLP D/B/A WILSON WILLIAMS FELLMAN DITTMAN."?

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

**CITIZEN COMMENTS**

Kerrie Lynn, 851 Hathaway, thanked the Town for keeping them updated on the CDOT Housing project on Hathaway. Mayor Just commented that citizens could contact him at any time with questions, comments or issues. It was noted by Lynn and others in attendance that construction debris (nails, plastic sheeting, etc.) was still being picked up that was strewn about by winds that requested that the sidewalks. Lynn also commented about the icy condition of sidewalks and requested if more trash containers could be put out along Main Street.

**PROCLAMATIONS, PRESENTATION AND UPDATES**

**A.** Mayor's Proclamation Nominating the King and Queen Candidates for the Fairplay Mountain Mardi Gras to be held Saturday, February 10, 2024.

Mayor Just announced that for the 2024 event, two gentlemen were selected to represent Homes For Our Troops (HFOT) which is a 501C3 nonprofit organization that builds and donates specially adapted custom homes nationwide for severely injured Post 911 Veterans. He announced the recipients of those homes are truly what he considered heroes and reminded that he spoke at the ceremony welcoming them to community. Army Sergeant First Class Brian Lowen was injured during his first deployment in Balad, Iraq in a mortar attack. Despite injuries to his wrist, leg, ribs, and sustaining a traumatic brain injury, Brian continued to actively serve. In between surgeries on his wrist and leg, Brian deployed an additional 6 times to Iraq and Afghanistan. The second gentleman is Army Specialist Eric Jordan. Jordan's vehicle was hit by an improvised explosive device during deployment in Ramadi, Iraq. A friend performed lifesaving CPR on Eric. The blast resulted in multiple injuries and cord including spinal cord injury, paraplegia, and tinnitus. Eric's recovery has been trying and difficult coping with not only not being able to walk, but also not being able to put his thoughts into words due to TBI. After several months of therapy and strong determination, Eric was able to speak again and continued private therapy which focused on building his body and confidence back. Just humbly stated that considering the significant injuries and trauma they both went through he never even gathered one iota of feeling sorry for themselves or having remorse that they were in the position they were. Therefore, he felt it quite appropriate to honor them at the 2024 Mountain Mardi Gras and issued the Mayoral Proclamation to that effect reading it into the record. Just stated that we have freedom because of people like these two and we are able to enforce freedom because of people like these two so in his mind, there were no two better people to honor for all they've given for our country. Just requested Staff provide assistance to Lowen and Jordan by putting out donation jars and starting an online campaign.

**B.** Presentation by U.S. Forest Service regarding Kite Lake Improvement Plan.

Trustee Voorhis announced that he was recusing himself and left the room. Erin Reid, Trails Coordinator with the USFS, reviewed a PowerPoint slide providing a background and overview about a plan to improve Kite Lake. Reid announced that the project would incorporate expanding camping sites in the area, public safety improvements, roadway improvements, trail improvements and maintenance and expansion of sanitation facilities. She announced the budget was \$2.6M and the bulk of the funding was coming from a Great Outdoors Colorado Grant and the National Forest Foundation. An application was also being submitted to the Land & Water Trust Fund as well as multiple other places and through presentations. Reid announced that money would go towards a match for the GOCO grant as a cash match and to show that the local community supports the project and has buy in. Mayor Just recommended the Town donate \$5,000.

**Motion #3** by Trustee Dodge, seconded by Trustee Douglas, to donate \$5,000 from benevolence to the Kite Lake Improvement Project. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Lynn – aye. Motion carried unanimously. Trustee Voorhis returned to the room and his seat at the dais.

**C.** Presentation from HomeServe USA regarding ServLine Utilities Protection Insurance.

Dennis Lyon, Regional Manager of HomeServe reviewed a PowerPoint presentation regarding a Leak Protection and Service Line warranty program. Lyon reported that they can be offered independent of one another. He advised that Servline is an affinity partner of the National Rural Water Association and Colorado Rural Water Association and is endorsed by the National League of Cities. Leaks are something that are painful for both municipalities and utilities as well as homeowners with and unexpected financial burden on the homeowner to make repairs and then pay for the high water bill which also results in stressful calls to the Town and most people don't understand that they're responsible for the water and sewer lines that are on their property. There are also costs for the Town in the form of lost revenue lost as a result of making adjustments. Servline offers 2 layers of protection giving the homeowner the opportunity to pay their average water bill and have that overage amount paid by us directly to the Town, which is a win-win. He further explained the program and advised it can turn a negative situation into a positive outcome for everyone involved. Lyon advised there is no cost to the Town and the coverages are \$500, \$1000 and \$2500 and

there is no deductible, and the monthly costs are low. He reviewed the different monthly fees. Servline notifies all the Town customers before the program is put in place and have the opportunity to opt out. He noted that an average of 96% of customers have stayed with the program and Servline works to the Town to set up the billing and coding. Lyon also provided an overview of the opt-in Service Line program and noted the entire program was turnkey. Following discussions and questions, the Board generally agreed the Town would be interested in offering the program and directed Staff to begin the process to move forward.

**D. Presentation from South Park Food Bank regarding 2023 activities.**

Doug Botkin, Food Bank volunteer, presented reviewing the entities activities for 2023. He noted that they received many donations last year and with the exception of rent, utilities, and insurance, the majority of the money was spent on food. There are not paid employees. A grant in 2023 required it be spent on locally sourced food so with legwork they were able to provide vegetables and beef from the South Park area that resulted in some alliances with local farmers and ranchers. Botkin announced that an average of 85 families were served monthly as the second Saturday handout. In 2022 that number was 65. In November 130 turkeys were given away with all the fixings and 100 hams were given away at Christmas. Both resulted in a lot of smiling and happy people. He noted that there was no vetting process to qualify and instead asked 4 questions without judgment. Botkin advised that the Food Bank also provided snacks for the Boys & Girls Club and the Elementary School and sent totes home with older kids filled with food for about 6 families in crisis, so they had something to eat over the weekend. Additionally, they were feeding pets now through an alliance with Mars Corporation. He noted that 18-40 volunteers help on distribution days and ages run from 6 to 89. He ended by stating the South Park Food Bank provides a great service to those in need and is relied upon by a lot of people. He thanked the Board for allowing him to speak and for providing the space at 501 Main. Trustee Dodge inquired what could be done to help the Food Bank. Botkin did not know but felt if things kept going the way they were, their operation would outgrow 501 Main. The Board thanked Botkin for the update.

**NEW BUSINESS**

**A. FIRST READING – Should the Board of Trustees Approve the Adoption of Resolution No. 4, Series of 2024, entitled, “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO APPROVING A TEMPORARY LEASE AGREEMENT WITH THE SOUTH PARK FOOD BANK FOR USAGE OF A PORTION OF THE TOWN-OWNED BUILDING AT 501 MAIN STREET.”?**

Town Administrator Sciacca reviewed the Staff Report reminded the lease agreement originated in 2019 and last year it was updated to reflect the 2,400 s.f. that the Food Bank was now occupying. She noted increased costs at 501 Main with the Food Bank being the only active use in the building and recommended that the lease fee be increased to \$100 from \$10 and suggested if the Board wanted to the increase the amount paid for utilities is probably should be closer to 30% for the amount of space used. Mayor Just inquired what the costs of utilities was for 2023 and Sciacca replied, without December’s bill which had not been paid, the total paid was \$16,457.93. Mayor Just stated that the space the Board agreed to for the Food Bank had grown and the Board needed to understand the precedent being set when another local food bank was fully self-funded with any benefit from the Town servicing families and individuals through sales of donated items through a thrift store. He opened the floor for discussion. General consensus was the service provided by the South Park Food Bank was important but the Town needed to incentivize needed upgrades for old, inefficient appliances and asked Staff to meet with the Food Bank and work out a resolution to bring back to the Board that doesn’t hurt the Food Bank but allows the Town to recover some expenses.

**Motion #4** by Trustee Lynn, seconded by Trustee Douglas, to continue Resolution No. 4, Series of 2024. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

**B. FIRST READING – Should the Board of Trustees Approve the Adoption of Resolution No. 5, Series of 2024, entitled, “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO ACTING BY AND THROUGH THE TOWN OF FAIRPLAY WATER AND WASTEWATER ENTERPRISE, APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH WARM SPRINGS CONSULTING, L.L.C. FOR OPERATOR IN RESPONSIBLE CHARGE (ORC) SERVICES FOR THE TOWN OF FAIRPLAY WATER TREATMENT FACILITY.”?**

Town Administrator Sciacca presented an overview of the Staff Report for both items B & C. She noted that Keith Chisholm was in attendance representing Warm Springs Consulting, LLC and stated Staff was recommending approval to renew the agreements as presented. She noted that Chisholm and Deline had both expressed interest in continuing to serve as ORCs for the Town’s facilities at the same monthly rates as the previous year (\$4,500 for Water and \$5,000 for Wastewater).

**Motion #5** by Trustee Voorhis, seconded by Trustee Douglas, to approve Resolution No. 5, Series of 2024, as presented approving a Professional Services Agreement with Warm Springs Consulting, LLC for ORC Services for the Water Treatment Facility. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

**C. FIRST READING** – Should the Board of Trustees Approve the Adoption of Resolution No. 6, Series of 2024, entitled, **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO ACTING BY AND THROUGH THE TOWN OF FAIRPLAY WATER AND WASTEWATER ENTERPRISE, APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH WARM SPRINGS CONSULTING, L.L.C. FOR OPERATOR IN RESPONSIBLE CHARGE SERVICES (ORC) FOR THE TOWN OF FAIRPLAY WASTEWATER TREATMENT FACILITY.”?**

**Motion #6** by Trustee Voorhis, seconded by Trustee Douglas, to approve Resolution No. 6, Series of 2024, as presented approving a Professional Services Agreement with Warm Springs Consulting, LLC for ORC Services for the Wastewater Treatment Facility. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

**D. FIRST READING** – Should Approve the Adoption of Resolution No. 7, Series of 2024, entitled, **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2023 TO HELP DEFRAY THE COST OF GOVERNMENT FOR THE TOWN OF FAIRPLAY, FOR THE 2024 BUDGET YEAR.**

Town Administrator Sciacca presented an overview of the Staff Report and reminded that SB23-001 passed resulting in reductions in the certifications and property taxes to be paid in 2024. When the bill passed in December, the Town was not certain what the overall impact would be and was waiting for final certification numbers from the Assessor. Those figures were received, and the resolution presented recommended certifying 11.799 mills with anticipation of \$311, 490.00 in revenue, \$76,490 over what was budgeted.

**Motion #7** by Trustee Voorhis, seconded by Trustee Douglas, to approve Resolution No. 7, Series of 2024, as presented levying general property taxes for the 2023 year to help defray the cost of government for the Town of Fairplay for the 2024 budget year. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

**PUBLIC HEARINGS**

**A. FIRST READING** – Should the Board Approve Adoption of Ordinance No. 1, series of 2024, entitled, **“AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AMENDING SECTION 13-1-80 OF THE FAIRPLAY MUNICIPAL CODE ESTABLISHING A SENIOR DISCOUNT AND A SHORT-TERM RENTAL RATE FOR WATER SERVICES.”?**

Mayor Just introduced the ordinance, opened the public hearing at 8:13 PM and reviewed the format for the hearing. Town Administrator Sciacca provided an overview of the Staff Report noting the subject of offering a Senior Discount came up during budget discussions and was generally supported at that time. She noted that similar ordinances were in effect in several other surrounding jurisdictions and the Fairplay’s was modeled after Cripple Creek’s policy and form, which is also where former Attorney Lee Phillips served. Following minimal discussion, Mayor Just recommended leaving the age at 60 and allowing for a 50% reduction.

**Motion #8** by Trustee Lynn, seconded by Trustee Voorhis, to approve Ordinance No. 1, Series of 2024, as amended with the age of 60 years and a 50% discount. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

**BOARD OF TRUSTEE AND STAFF REPORTS**

Chief Worley reported that all the Town’s Officers had now been hired and proposed to conduct a Badge Pinning Ceremony at the next Board meeting on January 22. Worley advised that after 2 weeks of training beginning on January 22, the Officers would be seen regularly throughout the community with regular shifts starting February 5. Mayor Just extended congratulations to Worley for a job well-done and stated that the Board would be grateful to have them and honor them in acknowledgement of what they are stepping into. Worley also advised that he met with officials of the Town of Alma on January 3 to discuss providing law enforcement of them and the meeting went well. An IGA was drafted and reviewed by the Town Administrator and Town Attorney. The agreement would allow for the hiring of one additional Officer and that person was another really promising candidate from Texas with a Colorado POST certificate. Sciacca advised that this proposal was recommended to the prior Chief about a year and a half earlier, but Worley saw the potential and moved it forward while also being up front and transparent with Sheriff McGraw. Worley advised that the agreement provided for an Officer, living quarters, office space, vehicles, and payment of a portion of his salary. He also noted that both South Park Ambulance District and Northwest Fire Protection had also offered lodging accommodations. The Board thanked the Chief and Sciacca for making the idea a reality.

Town Administrator Sciacca reminded that Public Works Director Donovan Graham left the Town’s employment, and she was recommending a bit of a restricting and not hiring a new Director. She advised that Sean Kleinschmidt had stepped up wanting to take a leadership role, so he was being promoted to Crew Chief and both Chris Bannister and Mark Kleinschmidt were taking on more responsibilities as well while Alex Wagner was also going to be taking over some administrative duties, but no new titles. Each was being provided a pay increase for the added duties. She also reported that Town Engineer Deron Dirksen with SGM would be helping with technical matters under the current agreement. Sciacca stated that they were all excited about the opportunity. Sciacca then reported that mobilization by Velocity Constructors would occur later in January for the Infiltration Gallery and Well #4 project.

Trustee Douglas reported that he submitted his petition to run for Trustee and would be honored to continue to serve. He noted that during signature gathering there were many comments that citizens would be happy to see police activity again to control the speeding and stop sign running. Douglas also reported that he and Mayor Pro Tem Dodge went to Canon City and participated in the Front Range Transportation Planning Region meeting where they brought up the roundabout and sidewalks on US 285 to the Sinclair.

Mayor Pro Tem Dodge echoed the comments of Douglas regarding the TPR meeting in Canon. He then announced that someone would need to step up to the plate and continue attending those meetings when he was off the Board to represent the Town and its wants and needs. He advised that he and Douglas also brought up resurfacing of CO9 through Town.

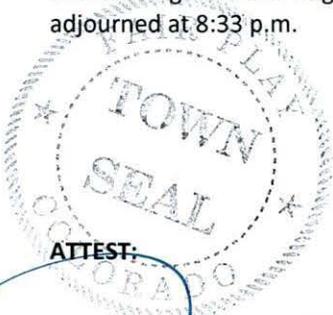
Trustee Voorhis questioned barbed wire fencing that had been put up along south US285 for the highway project stating he thought CDOT was supposed to be following CPW standards on fencing. He was concerned about deer and other wildlife being snagged by the barbed-wire and asked Staff to follow up with CDOT. Voorhis also noted the large amount of trash near the CDOT Housing project with the plastic blowing off the homes and felt it was reckless behavior for them not to address the winds impact which frustrated him. Mayor Just felt Fading West owed the Town cleanup come summer.

Trustee Lynn suggested tarps for the roll off dumpsters as well. Sciacca advised with the recent issues and untruths, she reached out to CDOT Director of Transportation John Lorme which did get their attention. Lynn then reported that the Sheriff’s Office was wanting to donate about 70 old mattresses to the Town for emergency supplies and he would go look at them and move them to 501 Main if they were in good condition. He also noted that he would continue to work on emergency supplies all winter.

Mayor Just reported on the upcoming Mardi Gras event on February 10 noting he was ordering food and it was going to be another big event. He reported that crawfish were not an option this year. He reminded the nonprofit benefitting this year was Homes for Our Troops, that Hazel Miller was providing music and it would be a not-to-miss event.

**ADJOURNMENT**

There being no other regular business before the Fairplay Board of Trustees, Mayor Just declared the meeting adjourned at 8:33 p.m.



**ATTEST:**

  
Janell Sciacca, Town Clerk

BOARD OF TRUSTEES, FAIRPLAY, COLORADO

  
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Frank Just, Mayor