

**MINUTES OF A REGULAR MEETING OF THE  
FAIRPLAY BOARD OF TRUSTEES  
November 22, 2021**

**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 22 2021 at 6:00 p.m. in the Council Chambers located in the Fairplay Town Hall, 901 Main Street, having previously been posted in accordance with Colorado Open Records 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 Pro Tem Scott Dodge, Mayor Frank Just and Trustees Eve Stapp, Josh Voorhis (*by phone*) and Peter Lynn.

Staff in attendance were Town Treasurer Kim Wittbrodt, Police Chief Bo Schlunsen, Public Works Director Donovan Graham, Town Attorney Nina Williams and Town Administrator/Clerk Janell Sciacca.

**APPROVAL OF AGENDA**

Trustee Lynn inquired about fees paid to Hahn Water Resources and SGM Engineering. Treasurer Wittbrodt explained that Hahn is a consultant performing an evaluation of water plant while SGM is the Town's contract engineering firm. Mayor Just added Hahn is helping conduct testing of the Town's infiltration gallery and Town Administrator Sciacca added that many of the fees associated with SGM are also categorized as "bill-backs" and are reimbursed to the Town by project applicants.

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

**CONSENT AGENDA**

- A. **APPROVAL OF MINUTES** – November 1, 2021
- B. **APPROVAL OF EXPENDITURES**—Approval of bills of various Town funds in the amount of **\$39,861.76.**

Mayor Just also noted the amended November 1, 2021 minutes that were placed at each Trustees seat.

**Motion #2** by Trustee Lynn, seconded by Trustee Dodge, that the Consent Agenda be approved with the November 1, 2021 minutes as amended. A roll call vote was taken: Stapp – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

**CITIZEN COMMENTS**

None.

**UNFINISHED BUSINESS**

None.

**PUBLIC HEARINGS**

- A. **CONTINUED FROM NOVEMBER 1, 2021** - 2021FY Amended and 2022FY Proposed Budgets for All Funds of the Town of Fairplay, Colorado.

Just opened the Public Hearing at 6:05 PM noting this was continued from the previous meeting of November 1, 2022. Town Treasurer Wittbrodt reminded this was the 2<sup>nd</sup> to last public hearing and requested that upon completion of the evening's discussions, the hearing be continued to December 6. Wittbrodt advised the budget in the packet had been updated to reflect current numbers and the one item that was discussed at the previous meeting which was fencing for the wastewater plant had been scheduled for a cost of \$8,500. Town Administrator Sciacca noted that the Police Department still planned to hire a full-time Police Officer and the bypass at the block house would also be done if parts came in and both were included in the amended 2021 budget. There were no questions from the Trustees while Mayor Just inquired if any costs had been obtained on replacing the dais with modular type furniture. Wittbrodt and Sciacca replied they would include monies and find something. There were no public comments made in favor or opposition of the amended or proposed budgets.

**Motion #3** by Trustee Dodge, seconded by Trustee Stapp, that the Public Hearing on the 2021 FY amended and 2022FY Proposed Budgets be continued to December 6, 2021. A roll call vote was taken: Stapp – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

### **NEW BUSINESS**

- A. Should the Board Approve Emergency Ordinance No. 7, Series of 2021, entitled, **“AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO IMPOSING A TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING AND APPROVAL OF APPLICATIONS FOR A SHORT-TERM RENTAL LICENSE, AND DECLARING AN EMERGENCY.”?**

Town Attorney Williams presented noting the passage of the emergency ordinance would allow the Board time to investigate and discuss different options for regulating short-term regulations. These would be discussed at an upcoming Work Session. Williams advised 4 affirmative votes were required for the ordinance to become effective immediately. Town Administrator Sciacca advised that if adopted, the ordinance would be published in the newspaper, distributed in the December water bills and the Town's upcoming newsletter.

Mayor Just opened the floor to discussion. Trustee Dodge felt housing and short-term rentals should be separated out and stated that he did not believe the Town really had a housing stock. He felt the issue of short-term rentals could be regulated appropriately with a new license and updated fees but it was not the main reason for the shortage of housing. Mayor Just disagreed and reminded of the past discussions held at prior meetings regarding the housing stock shortage. Trustee Lynn agreed there was clearly a housing stock shortage. Dodge again stated his position that the restriction on or regulation of short-term rentals was not really going to create more available units and he would like to see an entirely separate discussion on that subject. Mayor Just felt that short term rentals did take homes off the market that would otherwise be available for purchase. Dodge asserted that restricting short term rentals only impacted what someone could do with their property but still did not create more housing availability. Mayor Just felt the Town was being proactive in keeping corporations from buying up units for rentals the Town would run out of available housing. Following additional discussion, the Board generally agreed to move forward with the ordinance and schedule a work session on the subject. Trustee Stapp announced she was conflicted due to the fact she was being faced with selling her home and could see both sides of the argument. Town Attorney Williams provided basic guidance to Stapp and then Dodge questioned if the Board could move forward with a work session without the moratorium. Williams replied the Board could do that but the granting of new licenses would continue. Mayor Just added that the moratorium would simply put a “pause” on the granting of new licenses and did not equate to any legislative action while giving the Town time to further discuss the matter and determine what it may be up against. Trustee Voorhis felt the temporary pause did not indicate what decision the Board would ultimately make but just

provided time to discuss which direction the Board felt was best for the Town. Mayor Just also reminded the related matter he felt strongly about was the overall safety of the community and visitors citing the need for additional regulations and inspections that needed to be addressed. Town Administrator advised the effective date in the ordinance needed to be changed from November 15, 2021 to November 22, 2021.

**Motion #4** by Trustee Voorhis, seconded by Trustee Lynn, to approve Ordinance No. 7, Series 2021 with the start date amended to November 22, 2021. A roll call vote was taken: Stapp – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

- B. Should the Board Approve Ordinance No. 8, Series of 2021, entitled, **“AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO AMENDING CHAPTER 16 OF THE FAIRPLAY MUNICIPAL CODE, ADDING ARTICLE XXVIII, REGARDING THE PROHIBITION OF MEDICAL AND RECREATIONAL MARIJUANA.”?**

Town Administrator Sciacca presented reviewing the Staff Report. She advised that she discovered the previously existing regulations were overwritten when the UDC was adopted in 2015 upon an inquiry regarding the Town’s position allowing such uses. Reinstating the previously existing code section was a simple housekeeping matter and upon approval of the ordinance and publication in the newspaper, the signed document would be sent to Municode for updating of the Town’s online code. She recommended approval of Ordinance No. 8, Series 2021, as presented. Trustee Lynn inquired about the shop on US 285 and was advised that establishment was just outside the Town limits into Park County.

**Motion #5:** by Trustee Dodge, seconded by Trustee Stapp to approve Ordinance No.8, Series 2021, as presented. A roll call vote was taken: Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

#### **BOARD OF TRUSTEE AND STAFF REPORTS**

Chief Schlunsen distributed and reviewed a written report regarding the status on code violations advising progress was slow but things were happening and he would continue to provide updates. Schlunsen reported that he had offered his Officer position to a 9-year El Paso County Deputy veteran who accepted and would be starting around the 1<sup>st</sup> of December.

Public Works Director Graham advised the Town welcomed Sean Kleinschmidt to the team and he was a good fit. He also reported that the crew had been busy potholing, installed a stop sign base at Crawford and 6<sup>th</sup> and would put up the sign as soon as received. Graham advised that he started looking outside Colorado for graders and found a fleet of 2014 CAT M2-140 models in South Dakota for \$40,000-\$50,000 less than any he has looked at in Colorado so he would be making a trip to take a look next month. He also noted a handout from Events Coordinator Bullock of next week’s Christmas events.

Town Administrator Sciacca reminded of Town Hall closures for the upcoming holidays, reported the proof of insurance was received for the stone building move so that was getting closer and she would attending multiple transportation related meetings in early December. The Board discussed dates in January for the short-term rental work session and decided to schedule it on January 10, 2022 at 4 PM. Sciacca advised there would be the need for multiple other work sessions after in 2022 on water after the infiltration gallery testing was complete, adoption of the Public Works manual, UDC updates, next year’s marketing plan, and flood plain mapping.

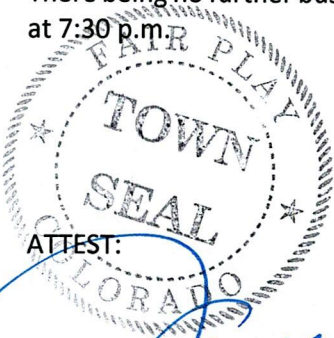
Trustee Dodge reported the CDOT Open House on November 18 was well attended and pointed out some additional concerns including access to US 285 by the Fire District. He also wanted to further discuss housing at a future work session.

Mayor Just felt the CDOT meeting went well, and the current plan was widely accepted. Most concerns voiced were about Platte Drive. He was pleased with the overall turnout and feedback. Sciacca reminded that there would be at least one additional meeting after the contractor was selected.

Mayor Just took opportunity extend well wishes to everyone as the Thanksgiving holiday approached. He specifically thanked the Board for their attendance at meetings and service to the community.

**ADJOURNMENT**

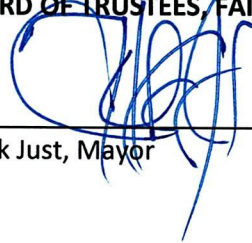
There being no further business before the Board, Mayor Just declared that the regular meeting adjourned at 7:30 p.m.



ATTEST:

  
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Janell Sciacca, Town Clerk

**BOARD OF TRUSTEES, FAIRPLAY, COLORADO**

  
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Frank Just, Mayor