

**AGENDA for a Regular Meeting
of the Board of Trustees of the Town of Fairplay, Colorado
Monday, July 20, 2020 at 6:00 p.m. at the Fairplay Town Hall Meeting Room
901 Main Street, Fairplay Colorado AND Virtually via GoToWebinar.**

Virtual Access Information to Join via Internet:

<https://attendee.gotowebinar.com/register/6418631532394827789>

Connect via Phone: Dial (1-562-247-8321)

Enter Access Code 804-012-306

PLEASE SEE DETAILED INSTRUCTIONS AT THE END OF THE AGENDA.

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. APPROVAL OF AGENDA**
- V. CONSENT AGENDA** *(The Consent Agenda is intended to allow the Board to spend its time on more complex items. These items are generally perceived as non-controversial and can be approved by a single motion. The public or the Board Members may ask that an item be removed from the Consent Agenda for individual consideration.)*
 - A. APPROVAL OF MINUTES** –July 6, 2020.
 - B. APPROVAL OF EXPENDITURES**—Approval of bills of various Town funds in the amount of \$23,138.20
 - C.** Should the Board Approve Adoption of Resolution No. 23, Series of 2020, entitled, “**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, GRANTING APPROVAL OF THE APPLICATION FOR AMENDMENT TO THE SPECIAL USE PERMIT FOR THE MIDDLE FORK RV RESORT.**”
 - D.** Should the Board Approve Adoption of Resolution No. 24, Series of 2020, entitled, “**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROVING THE APPLICATION FOR A VARIANCE REQUEST TO THE FAIRPLAY MUNICIPAL CODE HEIGHT LIMITATION ON REAL PROPERTY NUMBERED AS 255 HIGHWAY 285, FAIRPLAY, COLORADO.**”
- VI. CITIZEN COMMENTS**
- VII. UNFINISHED BUSINESS**
 - A.** Other Discussion Items
- VIII. NEW BUSINESS**
 - A.** Discussion/Direction Regarding Snowstorm Sand and Gravel, LLC Application for Amendment of Decree
 - B.** Discussion/Direction Regarding Potential Land Swap with Amanda Woodbury
 - C.** Other New Business
- IX. BOARD OF TRUSTEE AND STAFF REPORTS**
- X. ADJOURNMENT**

Upcoming Meetings/Important Dates

World Pack Burro Association Pack Burro Race

July 26, 2020

This agenda may be amended.

Posted at Fairplay Town Hall, Fairplay Public Library, Fairplay Post Office, and Town of Fairplay Website on Thursday, July 16, 2020.

How to Participate in Virtual Meetings Using GoToWebinar

To help control the spread of the COVID-19 virus the Town of Fairplay will be conducting Town Board meetings both virtually and in person encouraging public participation as usual. These efforts will keep the community, elected officials, staff and residents safe while continuing to conduct important Town business

The Town will be using a virtual meeting format, in conjunction with the usual in person format, for the Town Board of Trustee meetings until further notice and will be utilizing GoToWebinar for the virtual component. To comply with State and County COVID-19 guidelines there will be a limited number of individuals allowed in the meeting room at one time. There will be additional overflow seating provided and **attendees will be asked to wear masks if attending in person**. The public may also participate virtually and the instructions below are provided to describe the various ways this can happen.

*****If you have any symptoms of COVID-19 or are feeling unwell, please attend our meetings virtually. If you are exhibiting symptoms you will be asked to leave the meeting room.*****

The link which will allow you to register for the meeting will be posted on the Town of Fairplay website, www.fairplayco.us under the "Mayor and Board of Trustees" tab and on the most recent agenda. On the most recent agenda there will be a link. Once you follow the link you will need to register for the meeting by providing your full name and email address. **Once you register, you will receive an email with a link and phone number you can use to join the meeting by web or by phone.**

Please note that if you plan to call into the meeting by phone **you must email your public comments to info@fairplayco.us by 4:30pm the day of the meeting.**

TO COMMENT IN ADVANCE IF YOU ARE PLANNING TO ATTEND BY TELEPHONE OR PHONE APP:

- Email info@fairplayco.us to submit your question/comment.
 - **Please be aware that if you join by telephone or phone app you will not be able to ask questions, participate in public hearings or make comments via voice. All public comments must be emailed prior to 4:30pm.**
 - Your comments will be included in the record and read at the appropriate time during the meeting.

TO JOIN THE MEETING BY TELEPHONE OR PHONE APP:

- You will need to register for the meeting via the link provided on the agenda and located on the Fairplayco.us website under "Mayor and Board of Trustees" and on the most recent agenda. You will see a link on the agenda to the registration page. Please enter your full name. After you fill out this form you

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will be sent an email that will provide instructions on how to join the meeting. **You are encouraged to do this ahead of time.**

- Join the live meeting through the instructions GoToWebinar sent to your email address after you followed the step above and registered.
- **If you are joining by telephone you will be required to enter an access code which is located below the “join in” phone numbers. Please note that you must complete the registration prior to receiving the call-in number and access code.**
- You will be joined to the meeting and automatically muted.

JOINING THE MEETING BY WEB AND COMMENTING:

- Join the live meeting through the instructions above.
- You will be joined to the meeting and automatically muted.
- You will be able to comment and/or ask questions by “chat” if attending by internet.
- You will be unmuted in certain cases, such as public hearings or at the Boards request, and able to speak directly to the Board and audience. **Please note you will still need to notify the moderator of your desire to speak via the “raised hand” feature or by commenting to organizers via the chat.**

HELPFUL TIPS FOR A GOOD VIRTUAL MEETING EXPERIENCE:

- If joining through the web, log on 5 minutes before the start of the meeting, since some online products require downloads and installations
 - Please be aware when downloading GoToWebinar to ensure you are on the official website. Scammers have been setting up downloads which, at first glance, appear to be run by GoToWebinar, but in actuality are not and can give a virus to your computer.
- Turn off nearby cellphones if you are using a computer to connect.
- Using a headset or headphones is recommended if listening online.
- **Only** have the virtual meeting application on your computer. If you are running other programs like email or have additional websites open in your browser, it may interfere with your ability to hear or see the information. For best results close all other windows and applications.
- Please limit distractions when possible—i.e. background noise, conversations with others, etc. when you are unmuted.
- Video streaming is a relatively new technology so please be mindful of the following things when connecting via the internet.
 - If you have an older computer, you may be better served by calling in by telephone.
 - If your internet is not reliable consider calling in by telephone

This agenda may be amended.

Posted at Fairplay Town Hall, Fairplay Public Library, Fairplay Post Office, and Town of Fairplay Website on Thursday, July 16, 2020.

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
July 6, 2020**

CALL TO ORDER REGULAR MEETING OF THE BOARD OF TRUSTEES

The regular meeting of the Board of Trustees for the Town of Fairplay was called to order at 6:00 p.m. in the Council Chambers located in the Fairplay Town Hall, 901 Main Street, by Mayor Frank Just who proceeded with the pledge of allegiance, followed by the roll call which was answered by Trustees Scott Dodge and Eve Stapp. Trustees Cindy Bear and Josh Voorhis were absent for the meeting. Also in attendance were Town Administrator/Clerk Tina Darrah, Public Works Director Sean Clark, Town Attorney Paul Wisor, Town Planner Scot Hunn and Assistant Town Administrator Mason Green.

AGENDA ADOPTION

Motion #1 by Trustee Stapp, seconded by Trustee Dodge, that the agenda adopted as presented. Motion carried unanimously. Trustees Bear and Voorhis absent.

CONSENT AGENDA (*The Consent Agenda is intended to allow the Board to spend its time on more complex items. These items are generally perceived as non-controversial and can be approved by a single motion. The public or the Board Members may ask that an item be removed from the Consent Agenda for individual consideration.*)

- A. **APPROVAL OF MINUTES** – June 15 and June 29, 2020
- B. **APPROVAL OF EXPENDITURES** – Approval of bills of various Town Funds in the amount of \$74,281.08

Motion #2 by Trustee Dodge, seconded by Trustee Stapp, that the consent agenda be adopted as presented. A roll call vote was taken: Dodge - yes, Stapp – yes, Just – yes. Motion carried unanimously. Trustees Bear and Voorhis absent.

CITIZEN COMMENTS

No citizen comments were offered.

PUBLIC HEARINGS:

A. Consideration of a Special Events Liquor License as Applied for by Park County for the Park County Fair
Mayor Just opened the public hearing at 6:12 p.m. and asked for staff input.

Town Administrator Darrah introduced the topic stating that the Park County Fair Board had applied for a special event liquor license for the 2020 Park County Fair.

Mayor Just asked for public comment in favor of the approval of the special event liquor license. County Commissioner Ray Douglas spoke in favor of the Town granting this special events liquor license for the Park County Fair.

Mayor Just then asked for comment in opposition. There was none offered.

There was a brief discussion between members of the Board and staff regarding concerns about conforming to State and County CDC guidelines in the liquor licensed areas. Town Administrator Darrah informed the Board that staff did recommend approval with the stipulation that all Public Health Orders and/or Variances as issued by the State are complied with as they pertain to this event.

Mayor Just closed the public hearing at 6:17pm.

Motion #3 by Trustee Dodge, seconded by Trustee Stapp that the Town of Fairplay Approve the Special Event Liquor License as applied for by Park County, for July 14-19, for a Beer Garden in Association with the Park County Fair with the Stipulation that all Public Health Orders and/or Variances issued by the State are Complied with as they Pertain to this Event. A roll call vote was taken: Dodge—aye, Stapp—aye, Just—aye. Motion carried unanimously. Trustees Bear and Voorhis absent.

B. Consideration of a Variance to the Height Requirement as Requested by the Middle Fork RV Park for Sign Installation

Mayor Just opened the public hearing at 6:18pm and asked for staff input.

Town Planner Hunn introduced the topic stating that the applicants are seeking a variance from the Town's sign height limitation due to the fact that their property sits in a depression compared to adjoining properties. Town Planner Hunn then stated that the applicants were seeking a variance of ten feet to install a sign 35ft in height.

Mayor Just asked for public comment in favor of the variance.

Brandon and Jesse Dardanis, owners for the Middle Fork RV Park spoke in favor of the variance, about the design and art of the sign. There was a lengthy discussion regarding the depression the Middle Fork RV Park property resides in compared to adjoining property owners and the height of their signs.

Mayor Just asked for public comment in opposition of the variance. None was offered.

Mayor Just closed the public hearing at 6:45pm.

Motion #4 by Trustee Dodge, Seconded by Trustee Stapp, that staff bring this agenda item back at the next meeting for approval under the consent agenda with the full height variance of 35ft. A roll call vote was taken: Dodge—aye, Stapp—aye, Just—aye. Motion carried unanimously. Trustees Bear and Voorhis absent.

C. Consideration for the Expansion of the Existing Special Use Permit held by the Middle Fork RV Park to Allow Long Term Rentals October-May

Mayor Just opened the public hearing at 6:43 p.m.

Town Planner Scot Hunn introduced the topic by informing those present that the owners of the Middle Fork RV Park were seeking an expansion of their properties current Special Use Permit by allowing long term rentals from October-May for all sites. He then stated that Staff recommended approval of this expansion with six conditions and went through those conditions.

Mayor Just asked for those interested in voicing their support of the project to speak.

Brandon Dardanis, owner of the Middle Fork RV Park, explained that their goal in expanding the existing special use permit was to bring more people to Fairplay during the winter months.

Mayor Just asked for public comment against the expansion of the special use permit. There were no comments offered.

Mayor Just began a discussion regarding the staff proposed conditions for approval. This discussion resulted in the striking of one condition and the editing of two others. There was also conversation regarding any plans for foundation-based housing being built in the Park to which the owners of the Middle Fork stated they had no plans to build housing. Lastly there was a discussion regarding utility hookups and the expansion of hookups into spaces without them.

Motion #5 by Trustee Stapp, Seconded by Trustee Dodge, that staff bring this agenda item back at the next meeting for approval under the consent agenda with the following conditions: 1. All previously approved conditions of approval (Resolution 16, Series 2016), with the exception of any restrictions on the number of long-term stays, are valid and in force; 2. This Special Use Permit shall run with the land; 3. The Applicant shall work with Town staff regarding any issues relating to road access into the property, as well as regarding any utility or snow removal issues; 4. No RV's, park models or other portable style home may be placed on a permanent foundation. 5. The Applicant work with Town staff to provide any additional details regarding improvements to landscaping or RV park amenities such as laundry facilities, community rooms/co-working spaces, trails or open spaces. A roll call vote was taken: Dodge—aye, Stapp—aye, Just—aye. Motion carried unanimously. Trustees Bear and Voorhis absent.

UNFINISHED BUSINESS

A. Other discussion items

No other discussion items were offered.

NEW BUSINESS

A. Review of Audit Services Proposal from Mayberry and Company, LLC.

Town Administrator Darrah introduced the topic by reminding the Board that staff solicits bids for financial audit services every four years. She then stated that staff is requesting to skip the solicitation of bids and enter into a new four-year contract with Mayberry and Company as they have been the cheapest by a wide amount the last several RFP processes. Additionally, Town Administrator Darrah stated that staff has a great working relationship with Mayberry and Company and trusted its staff.

The Board expressed their trust in Mayberry and Company and directed staff to place a new four-year contract for audit services with Mayberry and Company on an upcoming agenda.

B. Other new business

No other new business offered.

BOARD OF TRUSTEES AND STAFF REPORTS

Sean Clark, Acting Public Works Director: Informed the Board that the summers capital projects were all in full swing and that a new hire, Chris, starts on the 7th of July. Additionally, Acting Public Works Director Clark stated that the Town had entered into an agreement for Sewer ORC services with Warm Springs Consulting LLC., as Butch Green, Wastewater ORC for the Town, was retiring at the end of the month.

Tina Darrah, Town Administrator: Explained the plan the Board and staff had created to distribute CARES Act monies to local businesses via two grant cycles through which local businesses could receive up to \$5,000 for rent and utility and rent payments.

WORKSESSION

A. Discussion Regarding Expansion Plans for the Middle Fork RV Park

A worksession was held at which the owners of the Middle Fork RV Park presented a potential plan for expansion via the addition of more campsites. The Board reviewed the potential plan and offered limited comments. No decisions were made at this worksession.

ADJOURNMENT

Mayor Just, noting that there being no further business before the Board, declared that the meeting be adjourned at 8:37 p.m.

Frank Just, Mayor

ATTEST:

Mason Green, Assistant Town Administrator



MEMORANDUM

TO: Mayor and Board of Trustees
FROM: Kim Wittbrodt, Treasurer
RE: Paid Bills
DATE: 7/16/2020

Agenda Item: Bills

Attached is the list of invoices paid through July 16, 2020.

Total Expenditures: \$23,138.20

Upon motion to approve the consent agenda, the expenditures will be approved.

Please contact me with any questions.

Report Criteria:

Detail report type printed

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
07/08/2020	16295	Business Solutions Group,	Order of Checks	1	06/29/2020	117.97	517214
07/08/2020	16295		Order of Checks	2	06/29/2020	117.97	105030
Total 292:						235.94	
07/16/2020	16318	Fairplay Flume	ccr report	1	06/30/2020	532.81	517222
07/16/2020	16318		legal ads	2	06/30/2020	57.79	106125
Total 868:						590.60	
07/08/2020	16299	Ferrellgas	propane-501 main	1	06/16/2020	532.82	105195
Total 916:						532.82	
07/16/2020	16319	Mountain View Waste	2 yd 2 monthly	1	06/30/2020	75.00	517675
Total 1414:						75.00	
07/16/2020	16321	Postal Pros Southwest, Inc	water billing	1	07/07/2020	316.54	517218
Total 1699:						316.54	
07/16/2020	16323	Town of Fairplay	501 main	1	06/30/2020	303.20	105195
07/16/2020	16323		850 hathaway	1	06/30/2020	124.50	105186
Total 2134:						427.70	
07/08/2020	16306	USABlueBook	covid supplies	1	07/01/2020	294.00	105630
07/08/2020	16306		covid supplies	1	07/01/2020	339.94	105630
07/08/2020	16306		covid supplies	1	07/01/2020	703.96	105630
Total 2176:						1,337.90	
07/08/2020	16307	Utility Notification Center	RTL Transmissions	1	06/30/2020	46.19	517455
07/08/2020	16307		RTL Transmissions	1	06/30/2020	47.68	517650
Total 2194:						93.87	
07/08/2020	16308	Xcel Energy	street lights	1	07/01/2020	205.33	105640
Total 2296:						205.33	
07/08/2020	16304	South Park Ace & Lumber	Supplies	1	07/01/2020	24.58	517670
07/08/2020	16304		Supplies	2	07/01/2020	5.59	105025
07/08/2020	16304		Supplies	3	07/01/2020	201.44	105630
07/08/2020	16304		Supplies	4	07/01/2020	162.52	105830
07/08/2020	16304		Supplies	5	07/01/2020	4.99	105625
07/08/2020	16304		Supplies	6	07/01/2020	23.76	105850
Total 2405:						422.88	
07/08/2020	16300	KONICA MINOLTA BUSIN	C364E Copier	1	06/28/2020	279.71	105032

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
Total 2448:						279.71	
07/16/2020	16314	AmeriGas	850 hathaway	1	07/10/2020	90.15	105186
07/16/2020	16314		1800 CR 656 Beaver Cree	1	06/24/2020	893.46	517495
Total 2468:						983.61	
07/16/2020	16315	CARD SERVICES	Supplies	1	07/01/2020	137.68	517214
07/16/2020	16315		Postage	2	07/01/2020	5.15	105445
07/16/2020	16315		Postage	3	07/01/2020	55.00	105035
07/16/2020	16315		Supplies	4	07/01/2020	43.39	105027
07/16/2020	16315		Supplies	5	07/01/2020	51.27	105030
07/16/2020	16315		help wanted ad	6	07/01/2020	308.00	105630
07/16/2020	16315		Supplies	7	07/01/2020	139.92	105027
07/16/2020	16315		Supplies	8	07/01/2020	92.45	105030
07/16/2020	16315		Supplies	9	07/01/2020	183.67	517214
07/16/2020	16315		Supplies	10	07/01/2020	183.68	105630
07/16/2020	16315		Supplies	11	07/01/2020	58.65	105445
07/16/2020	16315		annual fee	12	07/01/2020	79.00	105140
07/16/2020	16315		Supplies	13	07/01/2020	19.14	105027
07/16/2020	16315		Supplies	14	07/01/2020	129.00	105070
07/16/2020	16315		display for brochures	15	07/01/2020	123.91	105130
07/16/2020	16315		Supplies	16	07/01/2020	95.71	105625
07/16/2020	16315		Supplies	17	07/01/2020	81.70	105625
Total 2503:						1,787.32	
07/08/2020	16297	Comm-One Inc.	phone system maintenanc	1	07/02/2020	112.50	105065
Total 2642:						112.50	
07/16/2020	16317	Earl Nail	refund utility overpayment	1	07/16/2020	96.00	511017
Total 2719:						96.00	
07/08/2020	16296	Colorado Natural Gas, Inc.	natural gas	1	07/02/2020	101.58	105023
07/08/2020	16296		natural gas-shop	1	07/02/2020	75.76	105650
07/08/2020	16296		sewer treatment plant	1	07/02/2020	822.86	517680
07/08/2020	16296		san office	1	07/02/2020	105.95	517234
Total 2728:						1,106.15	
07/08/2020	16301	Mobile Record Shredders	record shredding	1	07/01/2020	12.00	105030
Total 2793:						12.00	
07/16/2020	16316	Colorado Analytical Lab	water testing	1	07/10/2020	23.00	517475
Total 2864:						23.00	
07/08/2020	16305	Tolin Mechanical	boiler repair	1	06/25/2020	425.00	105025
Total 2867:						425.00	
07/16/2020	16322	Promark Industries, LLC	tahoe repair	1	07/06/2020	746.88	105420

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
Total 2887:						746.88	
07/08/2020	16303	Rise Broadband	internet	1	07/01/2020	105.36	517226
Total 2900:						105.36	
07/08/2020	16294	Bank Midwest	loan payment	1	06/30/2020	12,995.09	105895
Total 3086:						12,995.09	
07/08/2020	16302	Montrose Water Factory, L	bottled water	1	06/15/2020	17.00	105120
Total 3211:						17.00	
07/08/2020	16298	DHM Design	riverpark design	1	07/07/2020	105.00	105886
Total 3254:						105.00	
07/16/2020	16320	Park County Government	monthly internet	1	07/01/2020	52.50	105455
07/16/2020	16320		monthly internet	2	07/01/2020	52.50	105065
Total 3381:						105.00	
Grand Totals:						23,138.20	

Report Criteria:

Detail report type printed

RESOLUTION NO. 23
(Series of 2020)

A RESOLUTION OF THE BOARD OF TRUSTEES FOR
THE TOWN OF FAIRPLAY, COLORADO GRANTING
APPROVAL OF THE APPLICATION FOR
AMENDMENT TO THE SPECIAL USE PERMIT FOR
THE MIDDLE FORK RV RESORT.

WHEREAS, the Applicant, Brandon Dardanis for the Middle Fork RV Resort (hereinafter referred to as Applicant) submitted an Application to the Town of Fairplay, Colorado, to amend the existing Special Use Permit on real property known as 255 Highway 285, Fairplay, Colorado, to allow long-term rentals from October to May; and

WHEREAS, the Board of Trustees at its July 6, 2020, regularly scheduled meeting did review said application and approved the granting of an amendment to the Special Use Permit for the Middle Fork RV Resort on real property known as 255 Highway 285; and

WHEREAS, the Board of Trustees for the Town of Fairplay, Colorado, finds that notice of the public hearing on Applicant's application was properly and timely published and mailed as per Fairplay Municipal Code UDC Article VI and reviewed, and considered, recommendations, comments, and arguments of Town staff and the public; and

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO THAT;

1. All previously approved conditions of approval (Resolution 16, Series 2017), with the exception of any restrictions on the number of long-term stays, are valid and in force.
2. The Applicant's request for an amended Special Use Permit for the Middle Fork RV Resort located on real property known as 255 Highway 285 is hereby granted to allow all currently existing spaces (per attached map) to be set aside for long-term rentals from the period of October through May. This special use permit does not allow for expansion of the RV Park.
3. The Board hereby determines that this Special Use Permit SHALL run with the land.

4. The Applicant shall work with Town staff regarding any issues relating to road access into the property, as well as regarding any utility or snow removal issues.
5. No RV's, park models or other portable style home may be placed on a permanent foundation.
6. The Applicant work with Town staff to provide any additional details regarding improvements to landscaping or RV park amenities such as laundry facilities, community rooms/co-working spaces, trails or open spaces.
7. Safety Clause. The Board of Trustees hereby finds, determines, and declares that this Resolution is promulgated under the general police power of the Town of Fairplay, that it is promulgated for the health, safety, and welfare of the public and that this Resolution is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Resolution bears a rational relation to the proper legislative object sought to be attained.
8. Severability. If any clause, sentence, paragraph or part of this Resolution or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.
9. Effective Date. This Resolution shall become effective July 20, 2020.

RESOLVED, APPROVED AND ADOPTED by the Board of Trustees of the Town of Fairplay this 20th day of July, 2020.

ATTEST:

Frank Just, Mayor

Tina Darrah, Town Administrator

RESOLUTION NO. 24
(Series of 2020)

A RESOLUTION OF THE BOARD OF TRUSTEES FOR
THE TOWN OF FAIRPLAY, COLORADO APPROVING
THE APPLICATION FOR A VARIANCE REQUEST TO
THE FAIRPLAY MUNICIPAL CODE HEIGHT
LIMITATION ON REAL PROPERTY NUMBERED AS
255 HIGHWAY 285, FAIRPLAY, COLORADO.

WHEREAS, the Applicant, Brandan Dardanis for the MiddleFork RV Park (hereinafter referred to as Applicant), has applied for a variance to the Fairplay Municipal Code height limitations at certain real property known as 255 Highway 285 of Fairplay (the "Property"); and

WHEREAS, a public hearing on the application was held before the Board of Trustees of the Town of Fairplay on July 6, 2020, preceded by public notice of such hearing as required by Section 16-4-20 of the Fairplay Municipal Code; and

WHEREAS, at the public hearing the Board of Trustees, acting as the Board of Adjustment, heard evidence from interested parties and considered the factors for approval of a variance set forth in Section 16-22-70 (B).

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO THAT;

1. **Approval and waiver.** The application for variance from sign height limitations on the Property as depicted in the application and specifically identified as Exhibit A hereto is hereby granted and the variance of 10' is approved. The Board finds that the requirements and conditions of Sec. 16-22-70 (B) are met.

2. **Safety Clause.** The Board of Trustees hereby finds, determines, and declares that this Resolution is promulgated under the general police power of the Town of Fairplay, that it is promulgated for the health, safety, and welfare of the public and that this Resolution is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Resolution bears a rational relation to the proper legislative object sought to be attained.

3. **Severability.** If any clause, sentence, paragraph or part of this Resolution or the application thereof to any person or circumstances shall for any reason be adjudged by a court

of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

4. Effective Date. This Resolution shall become effective July 20, 2020.

RESOLVED, APPROVED AND ADOPTED by the Board of Trustees of the Town of Fairplay this 20th day of July, 2020.

ATTEST:

Frank Just, Mayor

Tina Darrah, Town Administrator



MEMORANDUM

TO: Mayor and Board of Trustees

FROM: Tina Darrah, Town Administrator

RE: Discussion/Direction Regarding Snowstorm Sand and Gravel, LLC Application for Amendment of Decree

DATE: July 16, 2020

This item is before you tonight for direction to the Town's Water Attorney, Rick Fendel, in regards to a filing in water court by Snowstorm Sand and Gravel to change the requirements for its water rights to use the new gage constructed on the town's property on Beaver Creek. Rick will be participating in the meeting virtually.

Rick is recommending that Fairplay file a friendly "statement of opposition" and monitor the case to be able to respond if conditions are proposed by another party that might require Snowstorm to do something contrary to our agreement. It is likely not to happen, but Fairplay should be in the conversation if it does. Basically, we would be filing to confirm that use of the gage conforms to our agreement with Snowstorm. The deadline to file is August 31.

Rick's plan would be simply to monitor, confirm the relief requested is consistent with our agreement, and make sure that stays the case as Snowstorm negotiates with any other objectors (there may not be any, though we cannot know that until after August 31). If it goes well, it could take only a few months and minimal review of the ruling. If there are other objectors, there might be two or three versions to review, again merely to confirm it all stays consistent with our Snowstorm agreement. Negotiations with others would have to take an unexpected turn to run up substantial costs, but of course that is the scenario where we need to be in the room.

Recommended Motion:

Motion to direct Rick to file a friendly "statement of opposition" and monitor the case to be able to respond if conditions are proposed by another party that might require Snowstorm to do something contrary to our agreement. This will require a second and a roll call vote.

"Where History Meets the High Country"



SHAREHOLDERS
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July 1, 2020

Town of Fairplay
P.O. Box 267
Fairplay, Colorado 80440

**Re: Case No. 2020CW3094
Snowstorm Sand & Gravel, LLC
Application for Amendment of Decree**

To Whom It May Concern:

The Snowstorm Sand and Gravel company ("Snowstorm"), by and through its attorneys, filed an Application for Change of Streamflow Quantification Point on June 30, 2020 with the Weld County District Court, Water Division 1. Pursuant to the requirements of Section 37-92-302(2)(b), C.R.S., and as a courtesy to you as a non-applicant owner of property potentially affected by Snowstorm's application, Snowstorm hereby provides notice of the Application, a copy of which is enclosed. The Application seeks to modify Snowstorm's water court decree issued in Case No. 95CW170 to acknowledge installation of the stream measuring structure recently installed on Fairplay's municipal waterworks property in keeping with the irrevocable license agreement between Fairplay and Snowstorm.

Sincerely,

A handwritten signature in blue ink, appearing to read "Evan D. Ela", is written over a light blue horizontal line.

Evan D. Ela

EDE/mo
Enclosure

cc: Rick Fendel, Petrock & Fendel
Gene Erwin, Snowstorm S&G

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<p>DISTRICT COURT, WATER DIVISION 1, STATE OF COLORADO</p> <p>Court Address: Weld County Courthouse 901 – 9th Avenue Greeley, CO 80631</p> <p>Phone Number: 970-351-7300</p>	<p>DATE FILED: June 30, 2020 5:30 PM FILING ID: A79E2EC983794 CASE NUMBER: 2020CW3094</p>
<p>APPLICATION FOR CHANGE OF DECREED STREAMFLOW QUANTIFICATION POINT BY SNOWSTORM SAND AND GRAVEL COMPANY</p> <p>IN PARK COUNTY</p>	
<p>Counsel for Applicant Snowstorm Sand & Gravel LLC: Evan D. Ela, #23965 Joseph W. Norris, #46202 Collins Cockrel & Cole, P.C. 390 Union Blvd., Suite 400 Denver, CO 80228-1556 Telephone: (303) 986-1551 email: eela@cccfirm.com, jnorris@cccfirm.com</p>	<p>▲ COURT USE ONLY ▲</p> <p>Case No.: 2020CW__</p>
<p>APPLICATION FOR AMENDMENT OF DECREE TO CHANGE STREAMFLOW QUANTIFICATION POINT ON BEAVER CREEK</p>	

1. Name, Address and Telephone Number of Applicant.

Snowstorm Sand and Gravel LLC (“Snowstorm”)
2510 E. Independence, Suite 300
Shawnee, OK 74804
(770) 329-5430

2. Background. This application seeks to amend the final decree issued by the District Court, Water Division 1, in Case No. 95CW170 to change the decreed point of streamflow quantification on Beaver Creek for the Poorman Ditch water right from the location originally determined in Case No. 95CW170. The state water officials have determined in cooperation with the Applicant that a new administratively modified location is a superior site to measure streamflow in Beaver Creek, a meandering and overgrown braided channel impacted by historical dredge and placer mining, for the purpose of determining the water legally available to the Poorman Ditch water right. No structure exists at the originally decreed location, but a new measuring structure has been constructed and approved by state water officials at a more suitable measuring point

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located approximately 7,000 feet downstream from the originally decreed location. The new measuring point is located on land owned by the Town of Fairplay, and was installed pursuant to an irrevocable license for use of the site issued to Snowstorm by the Town of Fairplay. The Poorman Ditch water right is currently diverted by Snowstorm from the Middle Fork of the South Platte River. Snowstorm continues to produce gravel and related products from its property near the point of diversion on the Middle Fork (the Poorman Ditch water right was changed to this diversion location by the 95CW170 Decree).

3. Water Decree to be Amended.

- (a) Decree. Issued in case No. 95CW170 on November 20, 1997, and granting, among other things, a change in the point of diversion for the Poorman Ditch water right and requiring a determination of water available to the Poorman Ditch priority in Beaver Creek.
- (b) Legal Description of the Poorman Ditch. A point on the Middle Fork of the South Platte River where the Middle Fork of the South Platte River intersects the boundary between Sections 19 and 30, Township 9 South, Range 77 West, 6th P.M., Park County, Colorado.
- (c) Appropriation Date. December 31, 1867.
- (d) Use. Placer mining purposes.
- (e) Amount. 4.0 cfs.
- (f) Source. Middle Fork of the South Platte River, subject to the availability of water in Beaver Creek.

4. Description of the Proposed Change. No water right is being changed except to the extent that the new administratively modified point of measurement for quantification of water available to the Poorman Ditch water right will be located as described below. No other change is sought by this application.

- (a) Legal Description of the Original Quantification Point: The original Poorman Ditch streamflow quantification point as described in the 95CW170 Decree is located on Beaver Creek near the NE corner of the SE ¼ of Section 17, Township 9 South, Range 77 West of the 6th Principal Meridian. The location is shown on **Attachment A** to this application. No structure exists at this location.
- (b) Legal Description of the New Administratively Modified Point/Structure: Snowstorm has installed a measuring flume and recording device at a point on Beaver Creek in the SE ¼ of the SE ¼ of Section 20, Township 9 South, Range

77 West of the 6th Principal Meridian, 470 feet from the east section line and 625 feet from the south section line of said Section 20; UTM coordinates of NAD83 Zone 13, 412432 East and 4344747 North. The location is shown on Attachment A to this application.

- (c) Calculation to account for change in watershed size above the modified quantification point: Snowstorm's water rights engineer, Spronk Water Engineers, has developed an equation to reduce measured flow at the new modified stream measurement location on Beaver Creek to account for the ratio in size of contributing watershed at the new location to the size of the contributing watershed at the original measurement location on Beaver Creek. The area of the contributing watershed above the originally decreed point of measurement was found to equal 8.5 square miles and the area of the contributing watershed above the modified point of measurement equals 10.1 square miles, meaning that the watershed above the original point contains 84% of the contributing watershed area at the administratively modified point. To adjust the stream flow measured at the modified point, flow measurements observed or recorded at the modified point will be adjusted downward by multiplying such measurements by 0.84 to determine the equivalent flow at the originally decreed point of measurement.

5. Name and address of potentially affected landowners.

Town of Fairplay
P.O. Box 267
Fairplay, Colorado 80440

WHEREFORE, Snowstorm respectfully requests the judgment and decree of this Court granting the change in streamflow quantification point, amendment of the final decree issued in Case No. 95CW170 to describe the new administratively modified point and attendant adjustment factor, and such other relief as the court deems proper.

Respectfully submitted this 30th day of June, 2020.

E-filed per C.R.C.P. Rule 121



Evan D. Ela, #23965

VERIFICATION

STATE OF GEORGIA

COUNTY OF Gwinnett

)
) ss.
)

I, Eugene Erwin, Asset Manager for Snowstorm Sand and Gravel LLC, state under oath that I have read the foregoing Application for Change of Streamflow Quantification Point and that the contents thereof are true and correct to the best of my knowledge and belief.

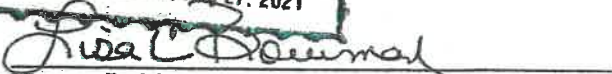

Eugene Erwin, Asset Manager
Snowstorm Sand & Gravel LLC

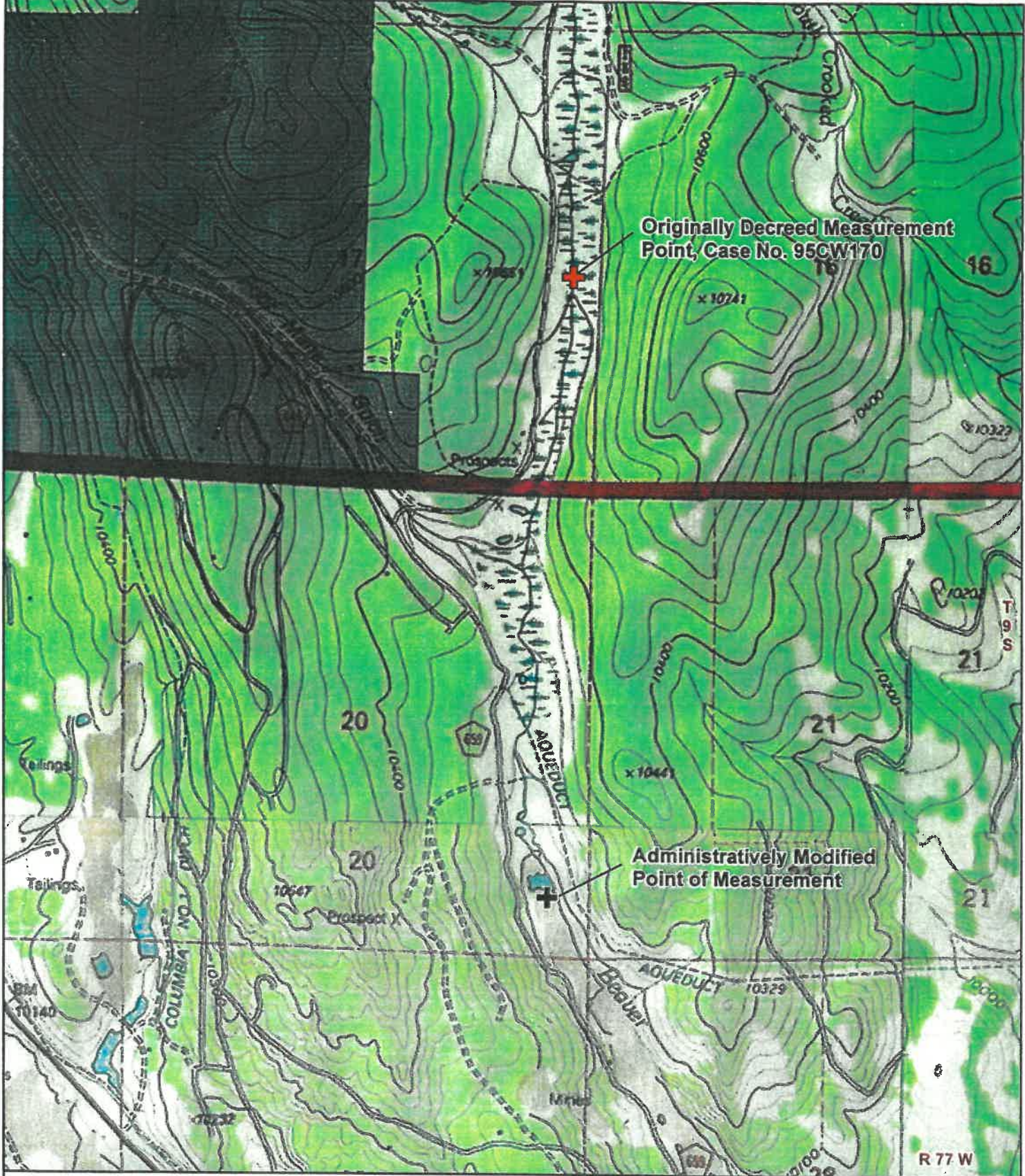
Subscribed under oath before this 30 day of June, 2020, by Eugene Erwin.

Witness my hand and official seal.

My commission expires:




Notary Public



Background Map is USGS 7.5 minute quadrangle map (ESRI)

**Poorman Ditch Measuring Point
Snowstorm Sand and Gravel**



03/30/2020



MEMORANDUM

TO: Mayor and Board of Trustees

FROM: Tina Darrah, Town Administrator

RE: Discussion/Direction Regarding Potential Land Swap with Amanda Woodbury

DATE: July 16, 2020

This item is before you tonight as Mayor Just has been in conversation with Amanda Woodbury about a potential land swap of the parcel she owns adjacent to Town Hall for the parcel the Town owns adjacent to the 10th Street ROW that abuts her property on the north side of Hwy. 9 across from the Town Hall. Please see the included map for reference. This potential trade would include the Town vacating the 10 Street ROW on the north side of the road - again as shown on the map.

As Mayor Just has put this deal together, I will defer to him for comment. Below is an email from Ms. Woodbury to the Mayor about the proposal.

From: Mandy Gardner <mandywdbry66@gmail.com>
Date: July 14, 2020 at 7:49:57 PM MDT
To: Frank Just <frank@betonellc.com>
Subject: Re: 10th ROW plus Block 11

Frank,

I've decided to agree to trade my lot #1, .08 acres with power to a pole and a pile of river rock that was never used to build a low rock wall defining the perimeter of the property. This lot is one of the 4 surveyed in 2010 when I subdivided Block #12 to create Gardner Pointe in honor of my late husband James B. Gardner.

The area designated as 10th street will need to be permanently abandoned and a resolution will need to be issued to prove that. The new lot will need to be surveyed with corner pins marking the four corners. I will need to be able to fence the new point into the current area and have it legally included in the resubdivision in place of the original triangle across the street. I will not

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automatically allow any advertising signs that are on the property currently. They will need to apply to me for that privilege specifically.

The entire trade agreement must be presented to me before it is finalized giving me the opportunity to make any necessary changes or get questions answered.

Sincerely, Amanda Woodbury

719-839-8024

mandywdbry66@gmail.com

South Platte Prospects, l.l.c. owns this schedule # 349 and my other business properties and needs to be the owner after this change is made. That address is P.O. Box 4, Como, CO 80432-0004

Those of you that have been on the Board for many years, will likely remember that this was discussed previously, but an agreement was not reached with Ms. Woodbury. Should the Board agree to this, staff will start working on the paperwork and bring a contract back for more formal approval. If you have any questions, please contact me.

Recommended Motion:

Motion to direct staff to draft all necessary documents for the land swap with Ms. Woodbury as described above and shown on the attached map. This will require a second and a roll call vote.

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To: Fairplay Board of Trustees
From: Acting Police Chief Bo Schlunsen
Date: 16 July, 2020
Re: July Report to the Board

It has been quite a while since a Police Department staff report was submitted to the board, what with all that's happened. This report will contain all that's happened since Marcus Woodward left.

For March 22 through April 25, we took 4 animal call, 23 bar checks, 3 burglary/theft reports, 7 dispute calls, 1 code violation, 1 vandalism call, 2 criminal summonses issued, 8 agency assists, 1 disorderly conduct, 1 drug call, 4 alarms, 1 fire call, 77 instances of directed patrol, 4 juvenile complaints, 1 parking complaint, 1 mental health call, 5 suspicious persons calls, made 15 reports and 5 welfare checks.

For April 26 through June 6, we took 5 animal calls, made 23 bar checks, 1 burglary/theft, 8 dispute calls, 13 code violations, 21 agency assists, 10 criminal summonses issued, 2 disorderly conduct calls, 2 domestic violence, 1 DUI, 4 alarms, 100 instances of directed patrol, 6 homeless complaints, 5 mental health calls, 1 parking complaint, 11 suspicious persons, 1 trespass, 3 traffic warnings, 6 vin inspections, 4 welfare checks, 1 crash, 1 DUI, 1 domestic, 3 alcohol summonses, 17 reports.

For June 7 through July 11, we took 8 animal calls, 7 bar checks, 10 dispute calls, 17 agency assists, 5 code violations, 4 alarms, 5 emergency/9-1-1 calls, 4 homeless calls, 77 instances of directed patrol, 5 suspicious persons, 9 crashes, 7 traffic warnings, 17 traffic tickets/summonses, 6 vin inspections, 4 welfare checks, 1 vehicle impound, 4 vandalism, 30 reports.

We trained for an hour on SB 20-217 with Paul Weiser, all qualified with firearms and trained for 4 hours with Sheriff's Department.



901 Main St ~ PO Box 267 Fairplay, CO 80440
P: 719-836-2840 F: 719-836-2849 Email: bschlunsen@fairplayco.us

During this difficult period, I think the populace behaved pretty well – better than I expected. That is starting to change with the re-opening of the economy. DUI's are going up around the County as are traffic offenses. Speeds really picked up in the County and nationwide. I believe we'll see an uptick in disputes and DVs if we go back into shutdown.



FAIRPLAY POLICE DEPARTMENT
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