

AGENDA November 1, 2021

**AGENDA for a Regular Meeting
of the Board of Trustees of the Town of Fairplay, Colorado
Monday, November 1, 2021, at 6:00 p.m. at the Fairplay Town Hall Meeting Room
901 Main Street, Fairplay Colorado**

- 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 – October 18, 2021.**
 - B. **APPROVAL OF EXPENDITURES**—Approval of bills of various Town funds in the amount of **\$21,098.53.**
- VI. **CITIZEN COMMENTS**
- VII. **UNFINISHED BUSINESS**
 - A. Continued Board and Staff Discussion Regarding Regulation of Short-Term Rentals within Fairplay Town Limits.
- VIII. **PUBLIC HEARINGS**
 - A. 2021FY Amended and 2022FY Proposed Budgets for All Funds of the Town of Fairplay, Colorado.
- IX. **NEW BUSINESS**
 - A. Should the Board Approve Resolution No. 24, Series of 2021, entitled, **“A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO APPROVING A MEMORANDUM OF AGREEMENT WITH THE COLORADO DEPARTMENT OF TRANSPORTATION FOR THE PURCHASE OF TOWN OWNED RIGHT-OF-WAY AND GRANTING OF TEMPORARY EASEMENTS FOR THE US 285 AND STATE HIGHWAY 9 INTERSECTION IMPROVEMENTS AND WIDENING PROJECT STA M420-001.”?**
 - B. Should the Board Approve Ordinance No. 6, Series of 2021, entitled, **“AN ORDINANCE OF THE TOWN OF FAIRPLAY, COLORADO AMENDING CHAPTER 2, ARTICLE III, SECTION 2-3-40 THE MUNICIPAL CODE.”?**
- X. **BOARD OF TRUSTEE AND STAFF REPORTS**
- XI. **ADJOURNMENT**

Upcoming Meetings/Important Dates

Election Day	November 2, 2021 7:00 AM – 7:00 PM
Veteran’s Day – Town Offices Closed	November 11, 2021
<i>Fairplay Board of Trustees Regular Meeting</i>	<i>November 15, 2021 6:00 PM</i>
CDOT US 285/Hwy 9 Improvement Project Open House	November 18, 2021 5:30 PM
Thanksgiving Holiday – Town Offices Closed	November 25-26, 2021
Holiday Bazaar and A Real Colorado Christmas	December 4, 2021
<i>Fairplay Board of Trustees Regular Meeting</i>	<i>December 6, 2021 6:00 PM</i>

This agenda may be amended. Posted at Fairplay Town Hall, Fairplay Public Library, Fairplay Post Office, and on The Town of Fairplay Website (www.fairplayco.us) on Friday, October 29, 2021.

**MINUTES OF A REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
October 18, 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, October 18, 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 Trustees Eve Stapp, Scott Dodge, Josh Voorhis, and Peter Lynn and Mayor Frank Just. Staff in attendance were Town Treasurer Kim Wittbrodt, Police Chief Bo Schlunsen and Town Administrator/Clerk Janell Sciacca.

APPROVAL OF AGENDA

Motion #1 by Trustee Voorhis, seconded by Trustee Stapp, that the agenda be adopted and 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 – October 4, 2021

B. APPROVAL OF EXPENDITURES—Approval of bills of various Town funds in the amount of **\$30,604,62.**

Motion #2 by Trustee Dodge, seconded by Trustee Lynn, that the Consent Agenda be approved as presented. A roll call vote was taken: Stapp – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

PRESENTATION BY PARK COUNTY SHERIFF TOM MCGRAW REGARDING BALLOT ISSUE 1A.

Sheriff McGraw announced 1A was coming up on the November 2 Ballot requesting a .01 sales tax to help increase pay for Deputies. He reported the County was down 5 road deputies and 8 jail staff and that the most recently hired Deputies all resided in Teller County due to lack of affordable housing in Park County. He added that Teller County's starting salary for Deputies was going up so Park County would be losing more Deputies unless he was able to increase salaries and a recent study showed the County needed to hire 15-19 more Deputies. The tax equates to \$10 on \$1,000 and could result in \$2.5-\$3.2 million in funding next year. His salary was not impacted as it was set by statute. He reminded that not all taxes are bad, especially went spent properly, citing the town Healthcare Clinic as an example. McGraw believed the tax would allow for salary increases and deputy retention as well as funding for specialty units like traffic enforcement for US 285. The first payment would be received February 2022 with monies being placed into a separate account that he would monitor and be very vocal about should anything look out of line. McGraw advised the tax would sunset in 10 years and could potentially be renewed at that time. He added both South Park and Platte Canyon School Districts were also seeking tax increases and he supported those measures too. McGraw then discussed current shifts and equipment and technology needs. He ended his presentation advising that in a worst-case scenario, if the tax measure failed and there was no additional money available in the County budget, he would have to take more Deputies off the road and put them in the Jail because it was state mandated. However, he was hopeful the citizens realized how much this was needed. He thanked the Board for allowing him to present.

CITIZEN COMMENTS

Robert Elliott, 451 Witcher Lane, addressed the Board regarding enforcement of the Town's junk ordinances stating he submitted a complaint and inquiry form detailing the issue. Elliott stated it had been over 2 years since his first complaint and he was discouraged and baffled not knowing what to do. Chief Schlunsen addressed the

matter advising that Staff was working on implementing forms but the process involved multiple steps and took time. Town Administrator Sciacca advised that Staff would be reviewing the code and process with the new Town Attorney in order to determine if any changes were warranted to the ordinances.

NEW BUSINESS

- A.** Should the Board Approve Resolution No. 22, Series of 2021, entitled, “**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO APPROVING PARTICIPATION IN A REVOCABLE SUB-LICENSE AGREEMENT WITH SAVOR THE WILD, LLC FOR TEMPORARY USE OF THE PROPERTY KNOW AS 401 MAIN STREET, FAIRPLAY, COLORADO.**”?

Town Administrator Sciacca presented reviewing the Staff Report and recommended approval of Resolution No. 22 as presented approving the Revocable Sub-License Agreement with Savor the Wild, LLC for temporary use of 401 S. Main Street. The applicants were in attendance and responded to general questions about their business and salmon products.

Motion #3 by Trustee Dodge, seconded by Trustee Voorhis, to approve Resolution No. 22, Series 2021, as presented. A roll call vote was taken: Stapp – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

- B.** Should the Board Approve Resolution No. 23, Series of 2021, entitled “**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO APPROVING A COLORADO OPIOIDS SETTLEMENT MEMORANDUM OF UNDERSTANDING.**”?

Town Administrator Sciacca presented reviewing the Staff Report and recommended approval of Resolution No. 23, Series 2021, as presented approving a Colorado Opioids Settlement MOU. There was general discussion on the matter.

Motion #4: by Trustee Dodge, seconded by Trustee Lynn to approve Resolution No. 23, Series 2021, as presented. A roll call vote was taken: Stapp – aye, Dodge – aye, Voorhis – aye, Lynn – aye, Just – aye. Motion carried unanimously.

- C. Submission of FY2021 Amended Budget and FY2022 Proposed Budget to the Board of Trustees for all funds of the Town of Fairplay, CO.**

Town Administrator Sciacca advised the Board that their individual binders were at their respective dais seats. Discussion ensued with the Board providing direction to Staff on capital projects, related expenses and Board priorities and then Staff gave an overview of the public hearing and formal adoption schedule.

BOARD OF TRUSTEE AND STAFF REPORTS

Town Administrator Sciacca advised that Staff would be shifting to submitting reports at the 1st meeting of every month so as to capture one full month of activities unless otherwise preferred by the Board.

ADJOURNMENT

There being no further business before the Board, Mayor Just declared that the regular meeting adjourned at 8:11 p.m.

FAIRPLAY BOARD OF TRUSTEES

Frank Just, Mayor

ATTEST:

Janell Sciacca, Town Clerk



MEMORANDUM

TO: Mayor and Board of Trustees
FROM: Kim Wittbrodt, Treasurer
RE: Paid Bills
DATE: October 28, 2021

Agenda Item: Bills

Attached is the list of invoices paid from October 14, 2021 through October 28, 2021.

Total Expenditures: \$21,098.53

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
10/18/2021	17586	Dana Kepner Company, In	hydrant for block house pro	1	10/12/2021	3,996.36	517495
10/18/2021	17586		Parts for water plant testing	1	10/08/2021	709.59	517430
10/18/2021	17586		Parts for water plant projec	1	10/13/2021	741.02	517430
Total 682:						5,446.97	
10/20/2021	17595	Park County Sheriff's Office	Ammunition	1	10/20/2021	470.00	105432
Total 1594:						470.00	
10/25/2021	17608	Riverside Trophies	engraved name signs & ba	1	10/21/2021	60.00	105070
Total 1804:						60.00	
10/21/2021	17599	Rocky Mountain Rural Heal	covid grant	1	10/21/2021	7,197.64	105085
Total 1816:						7,197.64	
10/20/2021	17597	Xcel Energy	945 quarry road	1	10/12/2021	14.45	517490
Total 2296:						14.45	
10/18/2021	17588	KONICA MINOLTA BUSIN	C364E Copier	1	09/28/2021	310.09	105032
Total 2448:						310.09	
10/18/2021	17583	AmeriGas	lift station	1	09/30/2021	238.54	517680
Total 2468:						238.54	
10/20/2021	17593	CIRSA	additional premium for addi	1	10/15/2021	1,061.87	106115
Total 2490:						1,061.87	
10/25/2021	17607	Mountain Grown Gardens,	flower seed	1	10/21/2021	41.00	105134
Total 2517:						41.00	
10/18/2021	17589	Wittbrodt, Kim	candy for parade	1	10/18/2021	119.92	105110
10/25/2021	17612		cell phone reimb	1	10/25/2021	50.00	105065
Total 2655:						169.92	
10/18/2021	17585	Colorado Natural Gas, Inc.	san office	1	10/05/2021	74.40	517234
10/18/2021	17585		sewer treatment plant	1	10/05/2021	703.21	517680
10/18/2021	17585		natural gas-shop	1	10/05/2021	166.86	105650
10/18/2021	17585		natural gas	1	10/05/2021	92.26	105023
Total 2728:						1,036.73	
10/25/2021	17601	Bullock, Julie	cell phone reimburse	1	10/25/2021	25.00	105645
10/25/2021	17601		cell phone reimburse	2	10/25/2021	25.00	517226

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
Total 2812:						50.00	
10/18/2021	17584	Colorado Analytical Lab	water testing	1	07/15/2021	113.20	517475
10/18/2021	17584		water testing	1	10/14/2021	23.00	517475
10/25/2021	17602		waste water testing	1	10/20/2021	332.00	517665
Total 2864:						468.20	
10/18/2021	17587	Huber Technology, Inc.	bags	1	09/28/2021	530.00	517670
Total 2874:						530.00	
10/20/2021	17596	Promark Industries, LLC	2020 tahoe maintenance	1	10/14/2021	195.23	105425
Total 2887:						195.23	
10/25/2021	17610	Shirley Septic Pumping, In	port a pots	1	10/01/2021	106.09	105842
10/25/2021	17610		cohen park	1	10/01/2021	210.00	105842
10/25/2021	17610		town hall	1	10/01/2021	210.00	105120
Total 2893:						526.09	
10/25/2021	17605	Kaupas Water Labs, Inc.	bleach	1	10/18/2021	840.00	517410
Total 2999:						840.00	
Multiple	Multiple	Hunn Planning & Policy, LL	planning fees	1	09/07/2021	1,721.80	105105
Total 3183:						1,721.80	
10/25/2021	17603	Ernst, Sarah	cell phone reimburse	1	10/25/2021	50.00	105065
Total 3313:						50.00	
10/25/2021	17600	Bannister, Chris	cell phone reimburse	1	10/25/2021	25.00	517226
10/25/2021	17600		cell phone reimburse	2	10/25/2021	25.00	105645
Total 3464:						50.00	
10/25/2021	17611	Wagner, Alex	cell phone reimburse	1	10/25/2021	25.00	105645
10/25/2021	17611		cell phone reimburse	2	10/25/2021	25.00	517226
Total 3506:						50.00	
10/25/2021	17604	Graham, Donovan	cell phone reimburse	1	10/25/2021	25.00	517226
10/25/2021	17604		cell phone reimburse	2	10/25/2021	25.00	105645
Total 3519:						50.00	
10/25/2021	17606	Kenosha Pest Specialist	pest control	1	10/21/2021	30.00	517260
10/25/2021	17606		pest control	1	10/21/2021	30.00	105025
Total 3564:						60.00	
10/25/2021	17609	Sciaccia, Janell	cell phone reimburse	1	10/25/2021	50.00	105065

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
Total 3583:						50.00	
10/20/2021	17594	Kristian & Nicole Lawson	refund overpayment of wat	1	10/20/2021	410.00	511017
Total 3585:						410.00	
Grand Totals:						21,098.53	

Report Criteria:
Detail report type printed



MEMORANDUM

TO: Mayor and Board of Trustees

FROM: Nina Williams, Town Attorney

RE: Unfinished Business Item A – Short Term Rental Discussion/Direction

DATE: October 28, 2021

Background: At the Board’s regular meeting on October 4, 2021, there was an initial discussion about moving forward to regulate, and potentially ban, Short Term Rental units within the Town’s boundary. In reviewing notes and discussing this at the Staff level, we felt additional discussion with the Board was warranted prior to any formal recommendation being presented for action.

Below are options that I will review for the Board and answer questions on so that Staff can obtain more precise direction on how to move forward:

Short Term Rental policy options

- Temporary “moratorium”
 - Halt or pause on the submission, acceptance, processing, and approval of applications for short-term rental licenses
 - Gives Board time to review and assess options, before passing an ordinance regulating STRs
- Imposition of a Cap - on maximum amount of STR licenses
 - Town-wide cap, or
 - Capping STRs only in certain zoning districts, or
 - Different caps for each zoning district
- Further distinguish between commercial hotels, motels and bed & breakfasts and short-term rentals
- Limit each short-term rental license to x nights per year (90, 180, etc)
- Limit future STR licenses to primary residents of Fairplay
- Separate application process for STR licenses, including fire inspections, parking requirements, safety, notification procedures, and additional town fees

LEGISLATIVE HEARINGS (Policy issues such as ordinances changing the Code, Budget Hearings, etc)

1. Introduce the topic and announce that the Public Hearing is open at __ (time).
2. Ask for Staff presentation.
3. Ask for public comment in favor of and in opposition.
4. Close the hearing and ask for Board deliberation.

OR

5. Ask for Board discussion so Trustees can ask questions of Staff and suggest any changes.
6. If there are significant changes you may ask/allow for further public comment.
7. Following deliberation, ask for a motion to continue, approve or deny.



MEMORANDUM

TO: Mayor and Board of Trustees

FROM: Janell Sciacca, Town Administrator/Clerk

RE: New Business Item A – CDOT Memorandum of Agreement

DATE: November 1, 2021

Background:

The Town received an Offer Package from the Colorado Department of Transportation for acquisition of Town owned right-of-way and temporary easement for the US 285 and Highway 9 widening and improvement project set to begin summer 2022.

Paul Wisor's firm initially reviewed the documents and noted the following concerns:

1. The language in 2. on page 1 of the MOA is unnecessary and should be stricken;
2. The Temporary Easements agreement and General Warranty Deeds were not included for concurrent review.

Nina Williams has reviewed the package and the previous attorney comments and agreed with the recommendation to strike 2. of the MOA. Nina felt there was no issue with the deeds and easement agreements not being included at this time and she will review those when they are forwarded to the Town by CDOT for execution. This is the standard offer package CDOT sends out for a project like this and it behooves the Town to convey the property and allow for the easements in order to facilitate the much needed safety improvements.

Fiscal Impact:

The Town will realize \$8,000.00 in unanticipated revenue when payment is received from CDOT.

Recommendation:

Following any questions by the Board, Staff recommends approval of Resolution No. 24, Series 2021, approving a Memorandum of Agreement with the Colorado Department of Transportation as presented by motion, second and a roll call vote.

Attachments:

- Legal Descriptions for Right-of-Way and Associated Plan Sheet
- Temporary Easements Exhibit A
- Memorandum of Agreement.

TOWN OF FAIRPLAY, COLORADO

RESOLUTION NO.24
SERIES 2021

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO APPROVING A MEMORANDUM OF AGREEMENT WITH THE COLORADO DEPARTMENT OF TRANSPORTATION FOR THE PURCHASE OF TOWN OWNED RIGHT-OF-WAY AND GRANTING OF TEMPORARY EASEMENTS FOR THE US 285 AND STATE HIGHWAY 9 INTERSECTION IMPROVEMENTS AND WIDENING PROJECT STA M420-001

WHEREAS, the Town of Fairplay has received an offer package from the Colorado Department of Transportation for the purchase of three (3) Town owned right-of way properties and two (2) Temporary Easements for the US 285 and Highway 9 Intersection Improvements and Widening Project STA M420-001 beginning summer 2022; and

WHEREAS, descriptions for the three (3) subject right-of-way parcels, RW-7, RW-8 and RW-36, are attached hereto as Exhibits "A" and are as shown in the associated Right of Way Plan Sheet; and

WHEREAS, a diagram depicting the Temporary Easements, TE-34 and TE-35, is attached hereto as Plan Sheet Exhibit "A"; and

WHEREAS, the Colorado Department of Transportation has offered to compensate the Town \$8,000.00 for acquisition and use of aforementioned properties; and

WHEREAS, the Board of Trustees believes approval of the Memorandum of Agreement is necessary to facilitate much needed traffic related safety improvements and is in the best interests of the Town and its residents;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, as follows:

Section 1. The Board of Trustees of the Town of Fairplay Colorado hereby approves the purchase of portions of Town owned parcels and granting of temporary easements as described and depicted in Exhibits "A" and Plan Sheet Exhibit "A" attached hereto by the Colorado Department of Transportation for Project STA M420-001 and authorizes the Mayor to sign the Memorandum of Agreement attached hereto as Exhibit "B".

ADOPTED this 1ST day of November, 2021.

ATTEST:

Frank Just, Mayor

Janell Sciacca, Town Clerk

EXHIBIT "A"**PROJECT NUMBER: STA M420-001****PARCEL NUMBER: RW-7****PROJECT CODE: 20638-Combo****DATE: April 13, 2021****DESCRIPTION**

A tract or parcel of land No. RW-7 of the Department of Transportation, State of Colorado Project No. CDOT Default containing 6720sq. ft. (0.154 acres), more or less, in Section 34 Township (T.) 9 South (S.), Range (R.) 77 West (W.), of the 6th Principal Meridian, in Park County, Colorado, said tract or parcel being more particularly described as follows:

Commencing at a point on CDOT Right-Of-Way (ROW), whence a found 3 ¼" Aluminum Cap, 6" high in a cairn of stone with standard stamping for a Section Corner plus "BURNETT PLS 11914" depicting the Corner common to Sections 3 & 4 T. 10 S. , R. 77 W. and Sections 33 & 34 T. 9 S., R. 77 W., bears S. 05°53'48" W. a distance of 687.42 feet, said point also being the TRUE POINT OF BEGINNING;

1. Thence along the lot line common to lots "E" & "F-EAST" of "Larson" subdivision N. 63°59'33" W., a distance of 32.15 feet;
2. Thence N. 07°19'07" E., a distance of 291.85 feet;
3. Thence along the lot line common to lots "F-EAST" of "Larson" subdivision and Town of Fairplay S. 86°51'29" E., a distance of 15.00 feet to a point on said ROW;
4. Thence along said ROW S. 04°23'40" W., a distance of 303.64 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described parcel contains 6720sq. ft. (0.154 acres), more or less.

Basis of Bearings: All bearings are based on a grid bearing of N. 35°20'57"W. from CM-MP 65.00 to NGS STA F 302. CM-MP is a CDOT Type II, marked appropriately for its milepost location and control position, and NGS STA F 302 is a standard NGS Bench Mark Disk set in the headwall of a box culvert.

For and on behalf of the
Colorado Department of Transportation
Paul Mandarich, PLS 38382
5615 Wills Blvd.
Pueblo, CO 81008



EXHIBIT "A"**PROJECT NUMBER: STM M420-001****PARCEL NUMBER: RW-8****PROJECT CODE: 20638****DATE: April 13, 2021****DESCRIPTION**

A tract or parcel of land No. RW-8 of the Department of Transportation, State of Colorado Project No. STM M420-001 containing 5,022 sq. ft. (0.115 acres), more or less, in Section 34, Township 9 South, Range 77 West, of the 6th Principal Meridian, in Park County, Colorado, said tract or parcel being more particularly described as follows:

Commencing at a point on CDOT Right-Of-Way (ROW), whence a found 3 ¼" Aluminum Cap, 6" high in a cairn of stone with standard stamping for a Section Corner plus "BURNETT PLS 11914" depicting the Corner common to Sections 3 & 4 T. 10 S. , R. 77 W. and Sections 33 & 34 T. 9 S., R. 77 W., bears S. 05°26'12" W. a distance of 990.99 feet, said point also being the TRUE POINT OF BEGINNING;

1. Thence N. 86°51'29" W., a distance of 15.00 feet;
2. Thence N. 04°23'40" E., a distance of 334.73 feet;
3. Thence S. 87°55'32" E., a distance of 15.01 feet;
4. Thence S. 04°23'40" W., a distance of 335.01 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described parcel contains 5,022 sq. ft. (0.115 acres), more or less.

Basis of Bearings: All bearings are based on a grid bearing of N. 35°20'57"W. from CM-MP 65.00 to NGS STA F 302. CM-MP is a CDOT Type II, marked appropriately for its milepost location and control position, and NGS STA F 302 is a standard NGS Bench Mark Disk set in the headwall of a box culvert.

For and on behalf of the
Colorado Department of Transportation
Paul Mandarich, PLS 38382
5615 Wills Blvd.
Pueblo, CO 81008



EXHIBIT "A"**PROJECT NUMBER: STM M420-001****PARCEL NUMBER: RW-36****PROJECT CODE: 20638****DATE: April 13, 2021****DESCRIPTION**

A tract or parcel of land No. RW-36 of the Department of Transportation, State of Colorado Project No. STM M420-001 containing 763 sq. ft. (0.018 acres), more or less, in Section 34, Township 9 South, Range 77 West, of the 6h Principal Meridian, in Park County, Colorado, said tract or parcel being more particularly described as follows:

Commencing at a point on CDOT Right-Of-Way (ROW), whence a found U.S. Coast & Geodetic Survey 3 ½" Brass Disc in concrete with standard stamping plus "Fairplay 2" & "1970" bears N. 17°16'31" W. a distance of 235.42 feet, said point also being the TRUE POINT OF BEGINNING;

1. Thence N. 87°55'32" W., a distance of 15.01 feet;
2. Thence N. 04°23'40" E., a distance of 61.05 feet;
3. Thence S. 32°45'45" E., a distance of 24.83 feet;
4. Thence S. 04°23'40" W., a distance of 40.66 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described parcel contains 763 sq. ft. (0.018 acres), more or less.

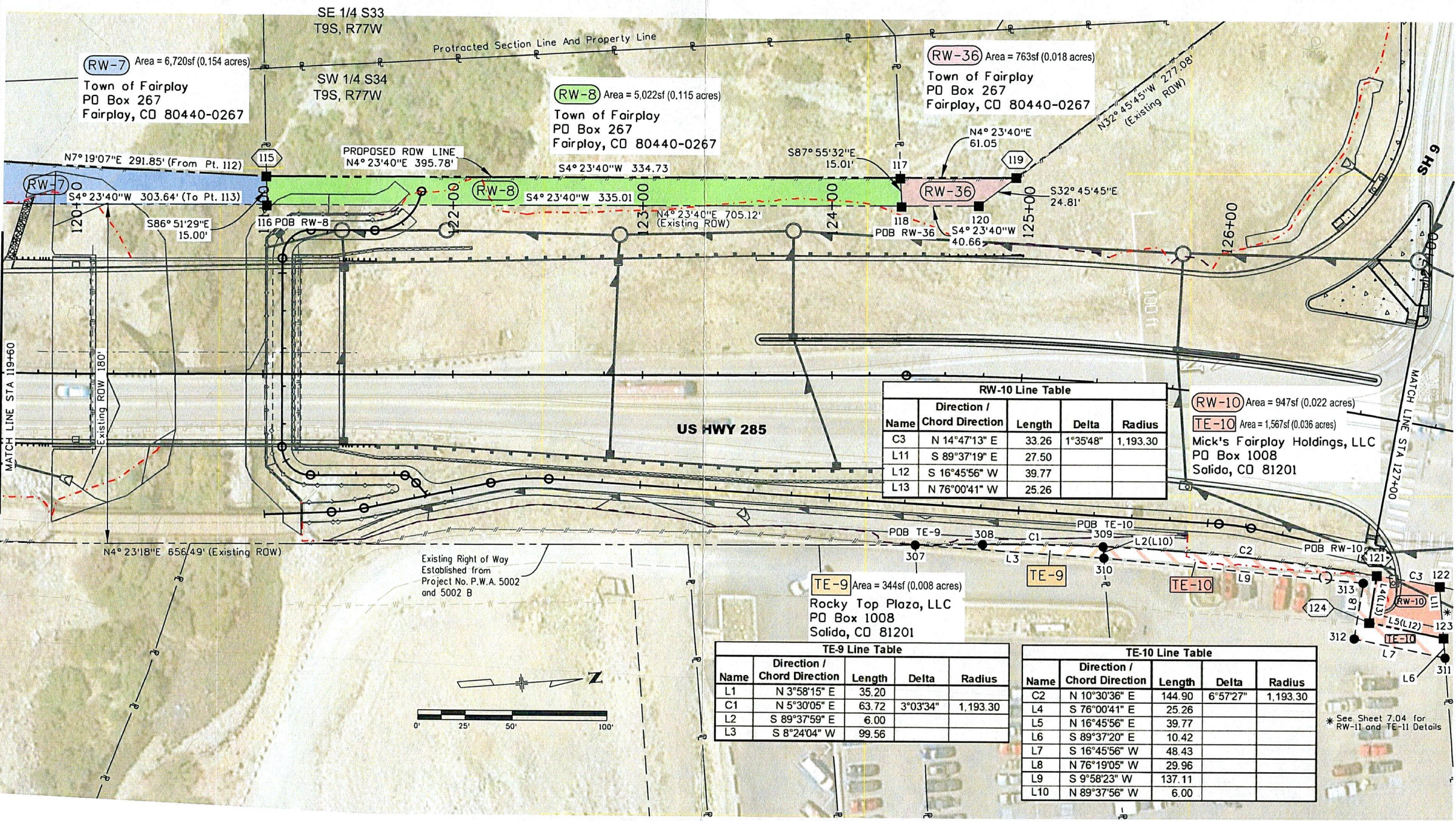
Basis of Bearings: All bearings are based on a grid bearing of N. 35°20'57"W. from CM-MP 65.00 to NGS STA F 302. CM-MP is a CDOT Type II, marked appropriately for its milepost location and control position, and NGS STA F 302 is a standard NGS Bench Mark Disk set in the headwall of a box culvert.

For and on behalf of the
Colorado Department of Transportation
Paul Mandarich, PLS 38382,
5615 Wills Blvd.
Pueblo, CO 81008



Sheet Revisions			Sheet Revisions			Sheet Revisions		
Date	Description	Initials	Date	Description	Initials	Date	Description	Initials
mm/dd/yy	xxxxxxx	xxx	mm/dd/yy	xxxxxxx	xxx	mm/dd/yy	xxxxxxx	xxx

Right of Way Plans		
Plan Sheet		
Project Number:	STA M420-0	15
Project Location:	Intersection US 285 and SH 9 At Fairplay, CO	
Project Code:	Last Mod. Date	Subset
20638-Cambal	06-29-2021	7.03 of 7.08
		Sheet No.
		7.03



RW-10 Line Table

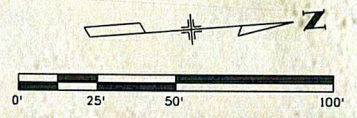
Name	Direction / Chord Direction	Length	Delta	Radius
C3	N 14°47'13" E	33.26	1°35'48"	1,193.30
L11	S 89°37'19" E	27.50		
L12	S 16°45'56" W	39.77		
L13	N 76°00'41" W	25.26		

TE-9 Line Table

Name	Direction / Chord Direction	Length	Delta	Radius
L1	N 3°58'15" E	35.20		
C1	N 5°30'05" E	63.72	3°03'34"	1,193.30
L2	S 89°37'59" E	6.00		
L3	S 8°24'04" W	99.56		

TE-10 Line Table

Name	Direction / Chord Direction	Length	Delta	Radius
C2	N 10°30'36" E	144.90	6°57'27"	1,193.30
L4	S 76°00'41" E	25.26		
L5	N 16°45'56" E	39.77		
L6	S 89°37'20" E	10.42		
L7	S 16°45'56" W	48.43		
L8	N 76°19'05" W	29.96		
L9	S 9°58'23" W	137.11		
L10	N 89°37'56" W	6.00		



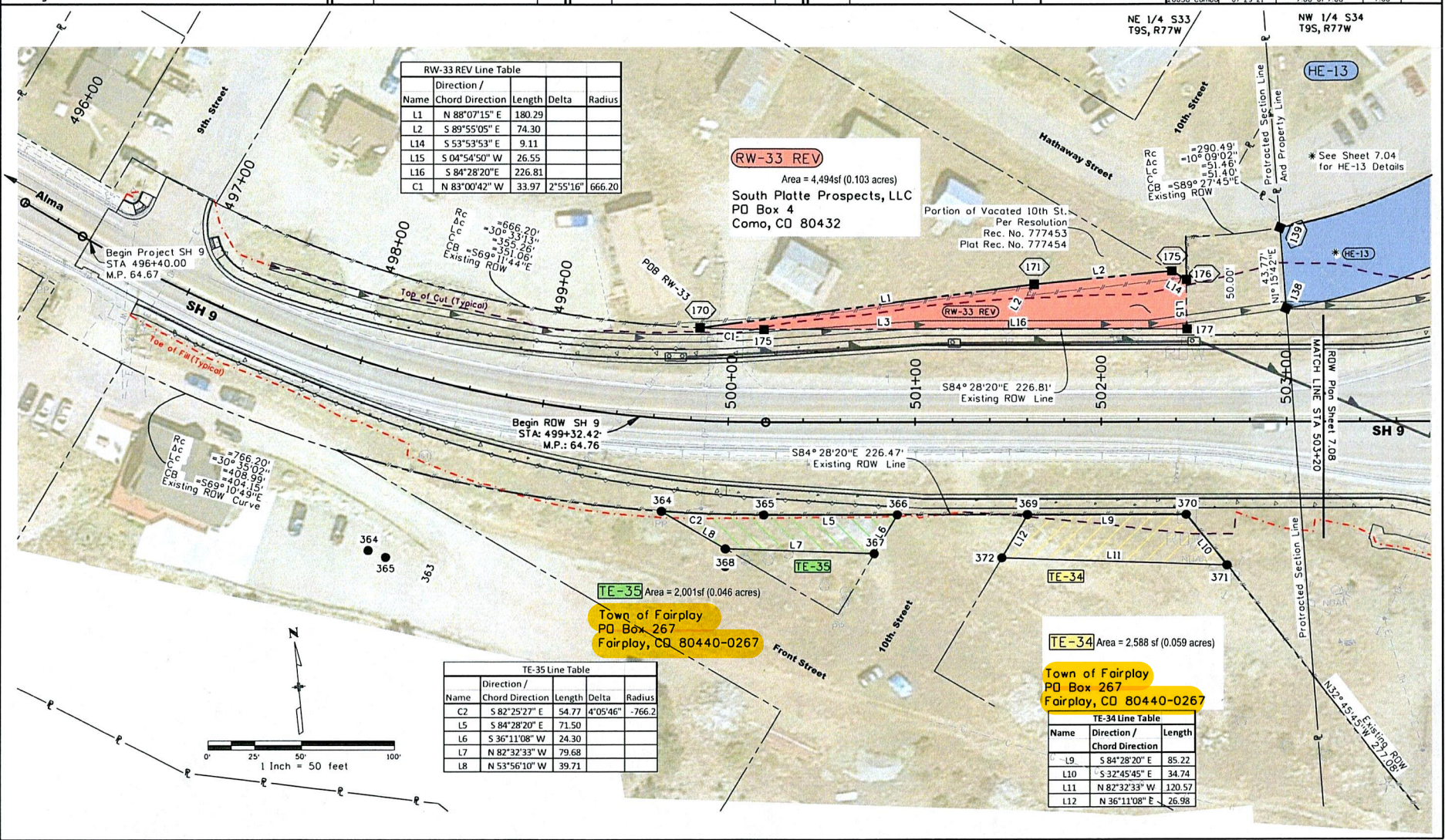
* See Sheet 7.04 for RW-11 and TE-11 Details

EXHIBIT "A"

Colorado Department of Transportation
 5615 Wills Boulevard
 Pueblo, CO 81008
 Phone: 719-546-5454
 FAX: 719-546-5414
 Region 2 PM

Sheet Revisions			Sheet Revisions			Sheet Revisions		
Date	Description	Initials	Date	Description	Initials	Date	Description	Initials
07/21/21	Changed TE-33 to TE-35 (New Owner)	PMW	mm/dd/yy	XXXXXXXX	XXX	mm/dd/yy	XXXXXXXX	XXX
07/29/21	Revised RW-33 and Deleted RW-34	PMW						

Right of Way Plans			
Plan Sheet			
Project Number:	STA M420-001		
Project Location:	Intersection US 285 and SH 9 At Fairplay, CO		
Project Code:	Last Mod Date	Subst	Sheet No.
20638-Comb	07-29-21	7.08 of 7.08	7.08



Region 2

EXHIBIT B
COLORADO DEPARTMENT OF
TRANSPORTATION
MEMORANDUM OF
AGREEMENT

Project Code: 20638	Parcel No: RW-7, RW- 17 TE-34, TE-35 & RW-36
Project No: STA M420-001	
Location: SH 285/Fairplay	
County: Park	Highway No: 285

This agreement made on (date) _____ is between the State of Colorado for the use and benefit of the Colorado Department of Transportation (GRANTEE) for the purchase of the parcel(s) listed above from the Owner(s) **Town of Fairplay** (GRANTOR).

Just compensation was determined by an appropriate valuation procedure prepared in accordance with Colorado state laws and regulations. The amount of money and/or compensation listed below is full consideration for the following land, easements, improvements, and damages of any kind.

Land (described in attached exhibits)	12,505 Sq.ft <input checked="" type="checkbox"/> /acres <input type="checkbox"/>	\$ 6,950.00
Permanent Easement (described in attached exhibits)	Sq.ft <input type="checkbox"/> /acres <input type="checkbox"/>	\$
Temporary Easements (described in attached exhibits)	4,589 Sq.ft <input checked="" type="checkbox"/> /acres <input type="checkbox"/>	\$ 1,000.00 (min)
Improvements:		\$
Damages		\$
	Gross Total	\$ 7,950.00
	Incentive Payment	\$
	Net Total	\$ 8,000.00 (rd)

Other conditions: The Temporary Easement will terminate two (2) years from the date construction starts or 30 days after completion of construction, whichever is earlier. The phrase "date construction starts" means the date the contractor enters the property to begin construction. No other document is required.

The GRANTOR:

- 1) Will, at the closing, pay all taxes (including prorated taxes for the current year) and special assessments for the current year;
- 2) ~~Has entered into this agreement only because the GRANTEE has the power of eminent domain and requires the property for public purposes;~~
- 3) Will be responsible for securing releases from all liens, judgments and encumbrances to deliver clear, unencumbered title to GRANTEE. Any encumbrance required to be paid by GRANTOR shall be paid at or before closing from the proceeds of the transaction hereby contemplated or from any other source;
- 4) Will execute and deliver to GRANTEE those documents indicated below;
- 5) Excepts from the subject property described herein in the attached Exhibits, the mineral estate and including all coal, oil, gas and other hydrocarbons, and all clay and other valuable mineral in and under said subject property. The GRANTOR hereby covenants and agrees that the GRANTEE shall forever have the right to take and use, without payment of further compensation to the GRANTOR, any and all sand, gravel, earth, rock, and other road building materials found in or upon said subject property and belonging to the GRANTOR; and
- 6) The GRANTOR further covenants and agrees that no exploration for, or development of any of the products, as described above, and owned by the GRANTOR heretofore or hereafter the date set forth above and hereby excepted will ever be conducted on or from the surface of the premises described in the attached Exhibits, and that in the event any of such operations may hereafter be carried on beneath the surface of said premises, the GRANTOR shall perform no act which may impair the subsurface or lateral support of said premises. These covenants and agreements hereunder, shall inure to and be binding upon the GRANTOR and its heirs, personal and legal representatives, successors and assigns forever.

NOTE: At GRANTOR'S sole discretion, the GRANTOR may convey the underlying mineral estate owned by GRANTOR to the GRANTEE. GRANTEE makes no representations about the nature, title or value of the mineral estate. In transactions where GRANTOR conveys the underlying mineral estate to GRANTEE, Paragraphs 5 and 6, as set forth above, will be deleted from this Memorandum of Agreement and the conveyance document.

The GRANTEE:

- 1) Will be entitled to specific performance of this agreement upon tender of the agreed consideration;
- 2) Will be held harmless from any claims against the property or to any interest in the property, except for any benefits due under relocation law;
- 3) Will make payment after receiving acceptable conveyance instruments from the GRANTOR;
- 4) Will take possession and use of the parcel(s) when it deposits the consideration, as set forth above, into an escrow account for the benefit of the GRANTOR, or when GRANTEE disburses funds to GRANTOR. Transfer of title to the parcel(s) shall occur upon performance of any and all terms under this agreement, and release of the payment from escrow to the GRANTOR, unless other arrangements are made that follow Title III of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended; and
- 5) Will prepare the following documents:

- | | |
|--|--|
| <input checked="" type="checkbox"/> General Warranty Deed | <input type="checkbox"/> Utility Easement |
| <input type="checkbox"/> Access Deed | <input type="checkbox"/> Permanent Easement |
| <input type="checkbox"/> Full Release(s) Book/Page: | <input type="checkbox"/> Slope Easement |
| <input type="checkbox"/> Partial Release(s) | <input checked="" type="checkbox"/> Temporary Easement |
| <input type="checkbox"/> Or (specify) | |
| <input type="checkbox"/> Title Company to prepare documents except | |

Order Warrant \$ 8,000.00	Payable to: Town of Fairplay
Order Warrant \$	Payable to:
Real Estate Specialist	GRANTOR (signature) Attach form W-9
	_____ By: Frank Just, Mayor
	GRANTOR _____
Division approval (Region ROW Manager/Supervisor)	GRANTEE (signature)

cc: Project Development Branch – ROW Services (original)
 Property Owner
 Region Right-of-Way Manager
 Region Program Engineer/Resident Engineer/Project Engineer



MEMORANDUM

TO: Mayor and Board of Trustees
FROM: Janell Sciacca, Town Administrator/Clerk
RE: New Business Item B – Ordinance No. 6, Series 2021
DATE: November 1, 2021

Background:

From time-to-time parts of the Code become unnecessary, are found to be conflict with state law, are found to be contradictory with current practice, are obsolete, etc. From discussions with the past Administrator, I was advised that the Board, previous Staff and previous legal counsel all discussed and agreed to repeal Section 2-3-40(b)(5) of the code because the requirement is an outdated practice and could inhibit the Town's ability to attract and/or retain key employees. The proposed ordinance was prepared following those past discussions but not placed on an agenda for formal action until the discussion came up again during the recent search and interview process for the Town Administrator position.

Fiscal Impact:

Staff intends to review the Fairplay Municipal Code in its entirety during the ensuing year and will budgeting accordingly to make whatever other necessary updates may be found. This will be discussed during the upcoming public budget hearings.

Recommendation:

Following discussion and questions by the Board, Staff recommends approval of Ordinance No, 6, Series 2021, as presented by motion, second and a roll call vote.

Attachments:

- Ordinance No. 6, Series 2021.

TOWN OF FAIRPLAY, COLORADO

**ORDINANCE NO. 06
(SERIES 2021)**

**AN ORDINANCE OF THE TOWN OF FAIRPLAY, COLORADO
AMENDING CHAPTER 2, ARTICLE III, SECTION 2-3-40 OF THE
MUNICIPAL CODE**

WHEREAS, the Board of Trustees has, by ordinance, adopted regulations for the requirements of hiring officers and employees of the Town, including the Town Administrator, which are codified in Chapter 2, Article III, Section 2-3-40 of the Municipal Code of the Town of Fairplay; and

WHEREAS, the Board of Trustees hereby finds and determines that amending Section 2-3-40 is in the best interests for the overall function and operation of the Town;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO:

Section 1. Paragraph (b)(5), of Section 2-3-40. Town Administrator, of the Fairplay, Colorado Municipal Code is hereby repealed in its entirety.

Section 2. If any clause, sentence or paragraph or part of this Ordinance 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 the application to other persons or circumstances.

Section 3. This Ordinance shall become effective thirty (30) days after publication.

**ORDAINED, APPROVED AND ADOPTED AT A REGULAR MEETING HELD ON
NOVEMBER 1, 2021.**

FAIRPLAY BOARD OF TRUSTEES

By: _____
Frank Just, Mayor

ATTESTED:

Janell Sciacca, Town Clerk



MEMORANDUM

TO: Mayor and Board of Trustees

FROM: Janell Sciacca, Town Administrator / Clerk

RE: Monthly Report

DATE: October, 2021 Monthly Report

PERSONNEL

- Staff Appreciation Held October 1 – THANK YOU BOARD OF TRUSTEES!!!!!!
- One employee with COVID-19 exposure and quarantine
- PW Laborer position posted, interviews being scheduled with several good candidates
- PD doing background on FT Officer candidate

ADMINISTRATION

- Preliminary FY2022 Budget and FY2021 Amended Budgets submitted to BoT
- Public Hearing schedule is November 1, November 15 and December 7
- US 285 / Hwy 9 Improvement Project Public Information Mtg Set November 18 @ 5:30
- Offer received for purchase of Town owned property in Como, counteroffer extended
- Mayor & Town Hall Staff hosted Edith Teter 1st Grade Class for Meet & Greet September 29
- Attended Rocky Mountain Rural Health Ribbon Cutting and Open House Oct 1
- Initial Mardi Gras planning meeting held Oct 7
- Julie and I will be meeting with Town businesses in Nov/Dec on Marketing & Events
- Town Staff and Board members participated in SPHS Homecoming Parade Thursday, Oct 28
- New Burro Banners bought by Town to be installed on Main prior to Homecoming
- Initial IT assessment conducted by private technology group on Friday, Oct 22
- Town Code will be hosted online by Municode 1st week of November, ancillary documents to be added so all will be available in one place, will be searchable and easily printed/referenced
- Beginning work with Statewide Internet Portal Authority/Colorado.gov on new Town website
- Scanned and OCR'd 2019-2021 packets for easier searching for information

DEVELOPMENT / LAND USE

- Staff held meet and greet and project meeting with SGM and Scot Hunn on Wednesday, Oct 27
- Multiple development projects are still in the works but little movement has been seen
- Town Hall has received many individual inquiries about miscellaneous properties and uses
- Staff conducted inspection for Valiton Hotel Oct 19, minor outstanding issues only
- Staff held meet and greet and project meeting with SGM and Scot Hunn on Wednesday, Oct 27
- Conversation started with SGM and Park County regarding implementation of Town GIS system
- Staff working on outstanding issues for several building permit and code violations, meeting with Town Attorney to discuss Nov. 1

CAPITAL PROJECTS

1. RIVER PARK
 - Sent CDOT construction drawings to DHM for review, access road and parking lot behind the Fairplay sign near Town Hall will definitely be impacted by widening and bridge replacement
 - Received offer from adjacent property owner to discuss opportunity to help with development of north end of park
2. 501 MAIN
 - Construction drawings are at SGM for engineering and bid prep (still 6-8 weeks out)
 - Bidding may still take place late 2021, otherwise expenses will need to shift to 2022.
3. COHEN PARK
 - PW obtaining quotes for Basketball Court and working on plan to fix Volleyball Court
 - Renovated sign almost complete
 - Playground equipment still expected to be installed 2021

UPCOMING:

<ul style="list-style-type: none"> • FY2022 Budget Hearings and Adoption • Zoning Map Update • Municipal Code Updates • Public Works Manual Adoption 	<ul style="list-style-type: none"> • Short Term Rental Regulations for Town • Affordable Housing Discussion • 2022 Election
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COLORADO
Department of Transportation

US-285 and CO-9 Intersection Improvements

What: Open House

When: Thursday, Nov. 18, 2021 at 5:30 pm

Where: Park County Board Room, 856 Castello Ave, Fairplay

What: CDOT is planning improvements on US 285 and CO 9 in Fairplay, including pavement replacement, bridge replacement, lane additions, turn lane additions, and addition of drainage inlets beginning spring / summer 2022. This open house will include exhibits of proposed improvements. Representatives from CDOT, Town of Fairplay, and Park County will be present for questions.

Contact Info:

Scott Schnake, PE
Resident Engineer - Colorado Department of Transportation
719-227-3237

Janell Sciacca
Town Administrator / Clerk - Town of Fairplay
719-836-2622





MEMORANDUM

TO: Town of Fairplay Board of Trustees

FROM: Donovan Graham, Director of Public Works

RE: Staff Report

DATE: November 1, 2021

We received our new plate tamper and have started our pothole program back up.

We removed all flowers, extra benches and trash cans in preparation for the snow.

All public works staff did attend and complete a LTAP workplace safety course in Silverthorne.

All copper and lead testing were completed as required by Colorado law and we are in compliance.

Our new F350 did arrive but due to steel shortages the plow install is delayed by a month or two.

Public works staff interviewed one person last Thursday and Two this morning we are in discussions on person for best fit.

A meeting was held at Cohen Park on Oct. 28 with the Playground equipment company resulting in one change in placement for the workout equipment. Demolition of the old equipment will start in early November and the new equipment is delayed due to supply shortages.