

**AGENDA for a Regular Meeting
of the Board of Trustees of the Town of Fairplay, Colorado
Monday, February 1, 2021 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/4205537830877017868>

Connect via Phone: Dial (914) 614-3221

Enter Access Code 232-609-482

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** –January 4, 2021
 - B. APPROVAL OF EXPENDITURES**—Approval of bills of various Town funds in the amount of **\$128,872.60.**
- VI. CITIZEN COMMENTS**
- VII. PUBLIC HEARINGS**
 - A.** Should the Board Approve an Application for a Tavern Liquor License as Applied for by Scott and Jami Gardner, DBA Rocky Mountain Cigar Company, located at Unit C, 640 Highway 285, Fairplay, Colorado?
- VIII. UNFINISHED BUSINESS**
 - A.** Other Discussion Items.
- IX. NEW BUSINESS**
 - A.** Should the Board Approve Adoption of Ordinance No. 1, series of 2021, entitled, **“AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, VACATING A PORTION OF THE RIGHT OF WAY FOR 10TH STREET.”?**
 - B.** Acceptance of Resignation from Trustee Cindy Bear.
 - C.** Other New Business.
- X. BOARD OF TRUSTEE AND STAFF REPORTS**
- XI. ADJOURNMENT**

Upcoming Meetings/Important Dates

Regular Board Meeting Cancelled due to President’s Day Holiday	February 15, 2021
Regular Board Meeting	March 1, 2021
Regular Board Meeting	March 15, 2021

This agenda may be amended.

Posted at Fairplay Town Hall, Fairplay Public Library, Fairplay Post Office, and Town of Fairplay Website on Thursday, January 28, 2021.

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.

This agenda may be amended.

Posted at Fairplay Town Hall, Fairplay Public Library, Fairplay Post Office, and Town of Fairplay Website on Thursday, January 28, 2021.

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 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, January 28, 2021.

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
January 4, 2021**

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 Josh Voorhis. Trustees Cindy Bear and Eve Stapp were absent for the meeting. Also in attendance were Assistant Town Administrator/Public Works Director Mason Green and Town Treasurer Kim Wittbrodt.

AGENDA ADOPTION

Motion #1 by Trustee Voorhis, seconded by Trustee Dodge, that the agenda adopted as presented. Motion carried unanimously. Trustees Bear and Stapp 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** – December 7, 2020
- B. **APPROVAL OF EXPENDITURES** – Approval of bills of various Town Funds in the amount of \$53,439.33
- C. Should the Board Approve Adoption of Resolution No. 1, Series of 2021, entitled, **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, ESTABLISHING A DESIGNATED PUBLIC PLACE FOR THE POSTING OF MEETING NOTICES AS REQUIRED BY THE COLORADO OPEN MEETINGS LAW.”?**
- D. Should the Board Approve Adoption of Resolution No.2, Series of 2021, entitled, **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROVING A SPECIAL USE PERMIT FOR EXPANSION OF THE MIDDLE FORK RV PARK ON PARCEL D, 255 US HWY 285.”?**

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

CITIZEN COMMENTS

No citizen comments were offered.

UNFINISHED BUSINESS

- A. Other discussion items

No other discussion items were offered.

NEW BUSINESS

- A. Should the Board Approve Adoption of Resolution no.3, Series of 2021, entitled, **“A RESOLUTION FOR THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROVING AN AMENDED FEE SCHEDULE.”?**

Town Treasurer Kim Wittbrodt introduced the topic stating that Staff had been working to update several components of the fee schedule, such as building permit fees, returned check fees, and utility late fees. Additionally, wastewater utility fees were added to the fee schedule as well.

There was a brief conversation regarding the increase in the cost of a commercial fishing license during which the Board considered the price more than fair.

Motion #3 by Trustee Voorhis, seconded by Trustee Dodge, that the board approve. A roll call vote was taken: Dodge - yes, Voorhis – yes, Just – yes. Motion carried unanimously. Trustees Bear and Stapp absent.

B. Presentation/Discussion Regarding Utility Rate Study—SGM Engineering

Mayor Just introduced the topic and invited Bailey Leppek and Angie Fowler from SGM Engineering to begin their presentation. Mayor Just also asked that Staff submit any questions the Trustees may have to SGM at a later date so as not to get into the weeds at this time.

Bailey Leppek and Angie Fowler presented SGM Engineering’s findings regarding the Utility Rate Study they performed. The Utility Rate Study found that the Town of Fairplay’s Utility Fund was very healthy, but with upcoming changes to State requirements the Town will need to undertake several capital projects over the next few years in order to comply. This will likely require the raising of utility bills although there has been no determination regarding the amount or time frame these changes will take place.

The Board of Trustees thanked Bailey Leppek and Angie Fowler with SGM Engineering for their presentation.

C. Other new business

No other new business offered.

BOARD OF TRUSTEES AND STAFF REPORTS

Mason Green, Assistant Town Administrator and Public Works Director: Informed the Board that the public works crew was exceeding his expectations daily and that he is very happy with the crew. He then informed the Board of where Staff was at in their exploration of the Infiltration Gallery and thanked the Board for their patience with the short-staffed public works department.

Kim Wittbrodt, Town Treasurer: Informed the Board that the Town’s new Police Officer, Carle Schlaff, had started with the Town.

Josh Voorhis, Trustee: Asked if Town of Fairplay Officers ever run radar on US HWY 285. Staff replied that they did not believe so, and Mayor Just informed those present they do not because US HWY 285 is a US highway rather than a State highway.

Scott Dodge, Mayor Pro Tem: Reminded those present of the next regional CDOT meeting on January 25th at 10am.

Frank Just, Mayor: Stated that he has seen a good number of individuals utilizing the new Electric Vehicle Charging Stations at Town Hall and that he likes the aesthetic they provide. Additionally, Mayor Just thanked the Public Works Department for their work plowing and stated he has seen improvement from past years. This sentiment was also espoused by Trustees Dodge and Voorhis.

ADJOURNMENT

Mayor Just, noting that there being no further business before the Board, declared that the meeting be adjourned at 7:15 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: 1/26/2021

Agenda Item: Bills

Attached is the list of invoices paid from December 30, 2020 through January 26, 2021.

Total Expenditures: \$128,872.60

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
01/25/2021	16819	ACA Products, Inc.	road sand	1	01/16/2021	1,097.95	105670
Total 16:						1,097.95	
01/04/2021	16783	Caselle, Inc	Software Support	1	12/01/2020	439.50	105060
01/04/2021	16783		Software Support	2	12/01/2020	439.50	517206
Total 334:						879.00	
01/12/2021	16796	Cash	reimburse petty cash	1	01/01/2021	10.00	105110
Total 340:						10.00	
01/19/2021	16816	Colorado Bureau of Investi	fingerprint processing/back	1	01/19/2021	38.50	105070
01/19/2021	16817		fingerprint processing/back	1	01/19/2021	38.50	105070
12/30/2020	16771		fingerprint processing/back	1	12/30/2020	38.50	105070
12/30/2020	16773		fingerprint processing/back	1	12/30/2020	38.50	105070
Total 472:						154.00	
01/04/2021	16786	Colorado Municipal League	Membership Dues	1	11/04/2020	958.00	106130
Total 550:						958.00	
01/25/2021	16824	Colorado Rural Water	Membership dues	1	01/04/2021	275.00	517455
Total 562:						275.00	
01/04/2021	16787	Crimestar	Annual Support Fee	1	12/28/2020	300.00	105465
Total 628:						300.00	
01/25/2021	16826	Dana Kepner Company, In	water meter parts	1	01/13/2021	4,193.15	517485
Total 682:						4,193.15	
01/12/2021	16801	Fairplay Flume	legal /ads	1	12/30/2020	35.60	102000
01/12/2021	16801		legal /ads	2	12/30/2020	301.00	512000
Total 868:						336.60	
01/12/2021	16802	Ferrellgas	propane-501 main	1	12/14/2020	903.03	102000
Total 916:						903.03	
01/26/2021	16840	Main Street Garage	interceptor repair	1	01/13/2021	1,794.43	105420
Total 1336:						1,794.43	
01/12/2021	16808	Mountain View Waste	2 yd 2 monthly	1	12/31/2020	75.00	512000
Total 1414:						75.00	
01/25/2021	16832	Pikes Peak Area Council of	membership dues	1	01/05/2021	554.00	105140

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
Total 1660:						554.00	
01/12/2021	16810	Postal Pros Southwest, Inc	water billing	1	01/08/2021	283.80	517218
Total 1699:						283.80	
01/25/2021	16834	Town of Fairplay	850 hathaway	1	12/31/2020	96.00	105186
01/25/2021	16834		501 main	1	12/31/2020	303.20	105195
Total 2134:						399.20	
01/12/2021	16813	United States Postal Servic	postage for newsletter	1	01/12/2021	139.39	105130
Total 2158:						139.39	
01/04/2021	16792	USDA Forest Service	Water Trans Pipeline	1	11/18/2020	151.24	517455
Total 2182:						151.24	
12/31/2020	16780	Utility Notification Center	RTL Transmissions	1	12/31/2020	7.45	517455
12/31/2020	16780		RTL Transmissions	1	12/31/2020	7.45	517650
Total 2194:						14.90	
12/30/2020	16774	Xcel Energy	945 quarry road	1	12/11/2020	17.33	517490
12/31/2020	16782		san plant	1	12/22/2020	4,529.25	517680
12/31/2020	16782		1190 castello	1	12/23/2020	120.32	105650
12/31/2020	16782		200 2nd street	2	12/23/2020	81.06	517470
12/31/2020	16782		157 6th street	3	12/23/2020	70.54	105640
12/31/2020	16782		156 5th street	4	12/23/2020	10.70	105640
12/31/2020	16782		589 beach road	5	12/23/2020	10.70	105841
12/31/2020	16782		419 front street	6	12/23/2020	11.13	105640
01/25/2021	16835		street lights	1	01/04/2021	220.95	105640
01/25/2021	16835		945 quarry road	1	01/14/2021	19.16	517490
Total 2296:						5,091.14	
01/25/2021	16830	KONICA MINOLTA BUSIN	C364E Copier	1	11/28/2020	451.30	102000
01/12/2021	16805		C364E Copier	1	12/29/2020	332.14	102000
Total 2448:						783.44	
01/04/2021	16785	CIRSA	liability ins	1	01/01/2021	14,848.08	106115
01/04/2021	16785		liability ins	2	01/01/2021	14,848.08	517340
01/04/2021	16785		liability ins	3	01/01/2021	10,217.18	105487
01/04/2021	16785		equip insurance	1	01/01/2021	755.00	105614
01/04/2021	16785		Workman's Comp	1	01/01/2021	9,772.00	105414
01/04/2021	16785		Workman's Comp	2	01/01/2021	5,298.50	105614
01/04/2021	16785		Workman's Comp	3	01/01/2021	5,520.50	517014
01/04/2021	16785		Workman's Comp	4	01/01/2021	510.00	105014
01/04/2021	16785		Workman's Comp	5	01/01/2021	37.00	105314
Total 2490:						61,806.34	
01/26/2021	16841	Salt Licking Goat Clothing	shirts for pw	1	01/21/2021	86.38	105630
01/26/2021	16841		shirts for pw	2	01/21/2021	86.38	517480

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
Total 2500:						172.76	
01/12/2021	16795	CARD SERVICES	Supplies	1	01/01/2021	2,549.98	102000
01/12/2021	16795		Supplies	2	01/01/2021	143.69	512000
Total 2503:						2,406.29	
01/12/2021	16803	Hahn Water Resources, LL	consulting	1	01/06/2021	960.00	512000
Total 2509:						960.00	
01/04/2021	16789	Mountain Grown Gardens,	deposit for bloom baskets	1	01/04/2021	2,745.00	105134
Total 2517:						2,745.00	
01/25/2021	16821	CenturyLink	7198362445-final	1	01/06/2021	87.64	517226
12/31/2020	16777		7198362622355B	1	12/19/2020	520.42	105065
12/31/2020	16777		acct 719-836-4609 502B	1	12/19/2020	63.89	517470
01/12/2021	16797		acct 82239760	1	12/24/2020	35.78	102000
Total 2614:						707.73	
01/25/2021	16825	Comm-One Inc.	phone system - pd	1	01/12/2021	225.00	105065
Total 2642:						225.00	
01/25/2021	16823	Colorado Natural Gas, Inc.	sewer treatment plant	1	01/05/2021	2,630.48	517680
01/25/2021	16823		natural gas	1	01/05/2021	288.73	105023
01/25/2021	16823		natural gas-shop	1	01/05/2021	927.97	105650
01/25/2021	16823		san office	1	01/05/2021	345.26	517234
Total 2728:						4,192.44	
01/26/2021	16838	ASCAP	license fee	1	01/26/2021	369.66	105150
Total 2735:						369.66	
01/25/2021	16831	Mobile Record Shredders	record shredding	1	01/13/2021	12.00	105030
Total 2793:						12.00	
01/04/2021	16784	Chaffee County Waste	6 yd weekly	1	01/01/2021	100.00	105650
01/04/2021	16784		6 yd weekly	2	01/01/2021	100.00	105023
Total 2801:						200.00	
01/12/2021	16798	Colorado Analytical Lab	water testing	1	10/08/2020	210.00	512000
01/25/2021	16822		waste water testing	1	01/21/2021	380.00	517665
01/25/2021	16822		water testing	1	01/14/2021	23.00	517475
Total 2864:						613.00	
01/25/2021	16833	Tolin Mechanical	contract maintenance	1	01/15/2021	729.00	517655
Total 2867:						729.00	

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
01/25/2021	16829	In Compliance Products, In	labor poster	1	01/12/2021	25.00	105070
01/25/2021	16829		labor poster	1	01/12/2021	25.00	517214
Total 2872:						50.00	
01/04/2021	16790	Municode	update code book	1	12/04/2020	225.00	105075
Total 2890:						225.00	
01/04/2021	16791	Rise Broadband	internet	1	01/01/2021	111.61	517226
Total 2900:						111.61	
01/12/2021	16800	Fairplay Auto Supply	supplies	1	12/28/2020	92.18	102000
Total 2948:						92.18	
12/30/2020	16772	Apex Technology Systems	domain renewal	1	12/29/2020	50.99	105130
12/30/2020	16772		computer maintenance	1	12/29/2020	800.00	105060
12/30/2020	16772		computer maintenance	2	12/29/2020	240.00	517206
12/30/2020	16772		computer maintenance	3	12/29/2020	360.00	105465
12/30/2020	16772		covid virtual meeting setup	1	12/29/2020	330.00	105085
Total 2986:						1,780.99	
01/20/2021	16818	Bank Midwest	loan payment	1	12/31/2020	12,995.09	105895
Total 3086:						12,995.09	
01/04/2021	16788	Lexipol, LLC	annual subscription	1	12/01/2020	2,373.00	105465
Total 3096:						2,373.00	
01/12/2021	16804	Hunn Planning & Policy, LL	planning fees	1	01/04/2021	650.00	102000
Total 3183:						650.00	
01/12/2021	16807	Montrose Water Factory, L	bottled water	1	12/28/2020	17.00	102000
Total 3211:						17.00	
12/31/2020	16778	DHM Design	phase 2 riverpark	1	12/07/2020	1,556.19	105886
01/25/2021	16827		riverpark design	1	01/13/2021	3,920.00	105886
Total 3254:						5,476.19	
01/12/2021	16811	SGM	engineering	1	01/06/2021	1,096.25	102000
Total 3272:						1,096.25	
01/12/2021	16809	Park County Government	monthly internet	1	01/01/2021	52.50	105455
01/12/2021	16809		monthly internet	2	01/01/2021	52.50	105065
Total 3381:						105.00	
01/25/2021	16828	Glasco UV LLC	lights	1	01/15/2021	380.60	517655

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
Total 3393:						380.60	
01/12/2021	16794	Black Lab Construction, LL	orc contract	1	01/10/2021	500.00	512000
Total 3400:						500.00	
12/31/2020	16781	Warm Springs Consulting	contract	1	12/31/2020	5,000.00	517627
Total 3463:						5,000.00	
01/12/2021	16799	Equilibrium Architecture Inc	501 main	1	01/08/2021	3,900.00	105195
Total 3504:						3,900.00	
12/31/2020	16779	Timberline Properties Horn	plow 850 hathaway	1	12/31/2020	240.00	105186
Total 3510:						240.00	
01/12/2021	16806	Melissa Smith	refund double pay for ticket	1	01/11/2021	100.00	104505
01/12/2021	16806		refund double pay for ticket	2	01/11/2021	15.00	104510
Total 3511:						115.00	
01/12/2021	16812	South Park Health Care	pd physical	1	12/23/2020	40.95	102000
Total 3512:						40.95	
01/25/2021	16820	CDLE Boiler Inspection	boiler inspection 501Main	1	11/18/2020	90.00	105195
Total 3513:						90.00	
01/26/2021	16839	Keith Chisholm	supplies	1	01/26/2021	25.30	517415
01/26/2021	16839		supplies	2	01/26/2021	25.30	517625
01/26/2021	16839		supplies	3	01/26/2021	50.65	517214
Total 3514:						101.25	
Grand Totals:						128,872.60	

Report Criteria:

Detail report type printed

**MAYOR'S OPENING STATEMENT
ROCKY MOUNTAIN CIGAR COMPANY TAVERN LIQUOR LICENSE**

MAYOR JUST:

I will now open the public hearing on the application of Rocky Mountain Cigar Company, LLC, for a new Tavern Liquor License at 640 Highway 285, Unit C, in Fairplay, Colorado.

The Fairplay Board of Trustees, acting as the local liquor licensing authority, has jurisdiction to conduct this public hearing under the Colorado Liquor and Beer Codes found at Title 44, Article 3 of the Colorado Revised Statutes and also under the provisions of the Town's Code. Notice of this hearing has been given as required by C.R.S. Section 44-3-311, and the Chair will make the publisher's affidavit and the posted notice a part of the record of this proceeding.

The purpose of this hearing is to consider whether a new Tavern liquor license should be issued to the applicant. In considering that matter the Board will address the criteria set forth in C.R.S. § 44-3-312 and particularly the reasonable requirements of the neighborhood for the type of license for which application has been made and the desires of the adult inhabitants of the neighborhood.

The procedure to be followed in this case will be as follows:

1. The applicant, or the applicant's legal counsel, may give an opening statement.
2. Following the opening statement, if any, the applicant and any other persons supporting the application may present any evidence supporting issuance of the license.
3. At the conclusion of the applicant's case, any persons opposing the issuance of the license and any other persons entitled to be heard may present evidence.
4. The applicant may then present any rebuttal evidence.

All witnesses may be cross-examined by any party, counsel for any party or the members of the Authority.

Are there any objections to the jurisdiction of the Liquor Authority or to the form or substance of these proceedings?

Hearing none, the applicant will now present its case.

MEMORANDUM

To: Mayor and Board of Trustees
From: Kim Wittbrodt, Treasurer
Date: January 26, 2021
RE: Rocky Mountain Cigar Company Liquor License Application

On December 28, 2020, Scott and Jami Gardner, owners of the Rocky Mountain Cigar Company, submitted an application for a Tavern Liquor License for the Rocky Mountain Cigar Company, 340 Hwy 285, Unit C, in Fairplay, Colorado. The application was deemed complete, the appropriate fees were paid, and the application set for public hearing before the Board of Trustees on February 1, 2021. Notice of Public Hearing was published in the Fairplay Flume on Friday, January 15, 2021 and posted on the property on January 22, 2021.

The results of the investigation of this application are as follows:

- A background check was completed on Scott and Jami Gardner, the results of which showed no criminal history.
- The building plans and specifications are a true representation of the facilities and the premises comply with applicable zoning, building, health, and fire regulations as related to commercial structures.
- Proof of possession of the premises has been provided.
- For purposes of determining the needs and desires of the neighborhood, the entire corporate limits of the Town of Fairplay have been determined to be the neighborhood. If approved, this liquor license would not appear to be a detriment to the neighborhood. Currently, there are two Tavern Liquor Licenses issued in the Town of Fairplay. It is staffs opinion that issuance of this license would not create an undue concentration of the same class of license, possibly increasing the need for law enforcement resources in Fairplay.

Staff finds that the application is complete, meets the requirements set forth in the Colorado Liquor Code and therefore recommends approval of the application for a Tavern Liquor License as applied for by Scott and Jami Gardner, owners of the Rocky Mountain Cigar Company, 340 Hwy 285, Unit C, in Fairplay, Colorado.

CC: Scott and Jami Gardner via hand delivery and file

NOTICE OF PUBLIC HEARING ON LIQUOR LICENSE APPLICATION

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Board of Trustees of the Town of Fairplay, Colorado, in the Council Chambers of the Fairplay Town Hall, 901 Main Street, Fairplay, Colorado, on Monday, February 1, 2021, beginning at 6:00 p.m. or approximately thereafter. This hearing is on an application for a Tavern License for the Rocky Mountain Cigar Company LLC, located at 640 Hwy. 285, Unit C, Fairplay, Colorado, as submitted by Scott and Jami Gardner. The following information is provided:

APPLICATION REQUEST: Tavern License

LOCATION: 640 Hwy. 285, Unit C, Fairplay, Colorado

DATE OF APPLICATION: December 28, 2020

DATE OF HEARING: February 1, 2021

APPLICANT: Owners, Scott and Jami Gardner
Rocky Mountain Cigar Company LLC
96 County Road 7
Fairplay, CO 80440

All interested parties are encouraged to attend. Further information can be obtained at the Clerk's Office, 901 Main Street, Fairplay, CO, or by calling (719) 836-2622.

For the Board of Trustees
Town of Fairplay, Colorado

Kim Wittbrodt
Town Treasurer

As per Section 12-47-311C.R.S., Public notice - posting and publication, this notice is posted by sign in a conspicuous place on the premises for which this application has been made on or before Friday, January 22, 2021 and published in *The Fairplay Flume* on Friday, January 15, 2021.

AFFIDAVIT

Regarding the Required Posting of Property:

HEARING ON: TAVERN LIQUOR LICENSE

Property Address: 640 Highway 285, Unit C, Fairplay, CO 80440

I, Julie Bullock, hereby certify that I have posted the property located as stated above, with the proper notice for:

Public Hearing before the Town Board on February 1, 2021.

Date of Posting: 1/22/21

Date of Affidavit: 1/22/21

Julie Bullock
Town of Fairplay Staff

Submitting Legal Publications

The deadline for legal notices is 5 p.m. Monday for inserting in that Friday's paper. Legal notices may be delivered in person or mail 918 main, box 0 or mail: Address: 5126 Park County Rd. 64, P.O. Box 460, Bailey, CO 80421. Fax: 303-848-8414. Email: legalnotice@fairplay.com. We request you call to confirm receipt of legal notices that were not personally delivered. 303-848-8414.

Deadline for LEGALS 5 p.m. on Monday for that Friday's paper

IF SPACE IS AVAILABLE, a \$20 LATE FEE will be charged for legal notices received between 5 p.m. Monday and noon Tuesday. Otherwise, all legal publications received after noon Tuesday will go into the paper the following week.

2095 MULLENVILLE RD. FAIRPLAY, CO 80440.
THE PROPERTY DESCRIBED HEREIN IS ALL OF THE PROPERTY CURRENTLY ENCUMBERED BY THE LIEN OF THE DEED OF TRUST.

NOTICE OF SALE
The current holder of the Evidence of Debt secured by the Deed of Trust, described herein, has filed Notice of Election and Demand for sale as provided by law and in said Deed of Trust.
THEREFORE, Notice is hereby given that I will at public auction, at 10:00 A.M. on Wednesday, 02/10/2021, at the Office of the Public Trustee, 856 Gasstello Ave., Suite 1206, Fairplay, CO 80440, sell to the highest and best bidder for cash, the said real property and all interest of the said Grantor(s). Grantor(s) heirs and assigns therein, for the purpose of paying the indebtedness provided in said Evidence of Debt secured by the Deed of Trust, plus attorneys fees, the expenses of sale and other items allowed by law, and will issue to the purchaser a Certificate of Purchase, all as provided by law.
IF THE SALE DATE IS CONTINUED TO A LATER DATE, THE DEADLINE TO FILE A NOTICE OF INTENT TO CURE MAY ALSO BE EXTENDED.

DATE: 10/12/2020
Michelle A. Miller, Public Trustee in and for the County of Park, State of Colorado
By: Amber L. Stolhand, Deputy Public Trustee

The name, address, business telephone number and bar registration number of the attorney(s) representing the legal holder of the indebtedness is:
**DAVID R. DOUGHERTY, #40042
JANeway LAW FIRM, P.C. 9800 S. MERIDIAN BLVD #400, ENGLEWOOD, CO 80112 (303) 766-9880**
The Attorney above is acting as a debt collector and is attempting to collect a debt. Any information provided may be used for that purpose.
As published in the Park County Republican and Fairplay Elumie.
First Publication Date: Dec. 18, 2020
Last Publication Date: Jan. 16, 2021

COMBINED NOTICE - PUBLICATION AND FORECLOSURE SALE NO. 2020-0016
To Whom It May Concern: This Notice is given with regard to the following described deed of trust:
On October 12, 2020, the undersigned Public Trustee caused the Notice of Election and Demand relating to the Deed of Trust described below to be recorded in the County of Park, State of Colorado.
Original Grantor(s): Kevin Zeller and Pearl Zeller
Original Beneficiary(ies): MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR CHERRY CREEK MORTGAGE CO., INC., ITS SUCCESSORS AND ASSIGNS
Current Holder of Evidence of Debt: JPMORGAN CHASE BANK, NATIONAL ASSOCIATION
Date of Deed of Trust: April 21, 2017
County of Recording: Park

Recording Date of Deed of Trust: April 24, 2017
Recording Information (Reception No. and/or Book/Page No.): 734728
Original Principal Amount: \$305,996.00
Outstanding Principal Balance: \$298,421.09

Pursuant to CRS 38-38-101(4)(i), you are hereby notified that the covenants as follows: failure to pay principal and interest when due together with all other payments provided for in the evidence of debt secured by the deed of trust and other violations thereof.
THE LIEN FORECLOSED MAY NOT BE A FIRST LIEN.

NEW LOT 376, WARM SPRINGS, FILING NO. 5, AS DEPICTED ON PLAT AMENDMENT RECORDED JULY 9, 2014 AT RECEPTION NO. 780854, FORMERLY KNOWN AS LOT 376 AND THE EAST HALF OF LOT 374 WARM SPRINGS, FILING NO. 5, COUNTY OF PARK, STATE OF COLORADO
Also known by street and number as:

Trust described below to be recorded in the County of Park records.
Original Grantor(s): Grant Allan Beckman and Floribeth Beckman
Original Beneficiary(ies): High Country Bank
Current Holder of Evidence of Debt: High Country Bank
Date of Deed of Trust: March 07, 2014
County of Recording: Park

Recording Date of Deed of Trust: March 10, 2014
Recording Information (Reception No. and/or Book/Page No.): 705339

Original Principal Amount: \$98,000.00
Outstanding Principal Balance: \$90,267.81

Pursuant to CRS 38-38-101(4)(i), you are hereby notified that the covenants as follows: failure to pay principal and interest when due together with all other payments provided for in the evidence of debt secured by the deed of trust and other violations thereof.
THE LIEN FORECLOSED MAY NOT BE A FIRST LIEN.

That portion of the NE 1/4 of the NE 1/4 of Section 14, Township 13 South, Range 77 West of the 6th P.M., which is more specifically described as follows: Beginning at the NE corner of the NE 1/4 of Range 77 West of 6th P.M.; thence S 89°56'00" West, 973.65 feet; thence S 22°28'20" West, 1223.43 feet to a point along the U.S. Highway 285; thence in a curve along the U.S. Highway 285 and U.S. Highway 24 described as a delta L 1419033; thence along the U.S. Highway L 70533; thence along the U.S. Highway 24 in a curve described as delta 70°34' R, 22°30', 11628.4, 12828.7, 82252.0 feet to a point on the line separating the Sections 13 and 14; thence 359.63 feet North to the Point of Beginning. County of Park, State of Colorado. **TOGETHER WITH ALL WATER AND WATER RIGHTS, DITCH AND DITCH RIGHTS, WELL AND WELL RIGHTS AND WELL PERMIT ASSIGNED TO SUBJECT PROPERTY, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS TO SAID PROPERTY, THE REAL PROPERTY DESCRIBED IN THIS MORTGAGE INCLUDES AS AN IMPROVEMENT TO THE LAND SET FORTH HEREIN, A 1994, HUD CERTIFICATION LABEL # COL 036661 AND COL 036682 MANUFACTURED HOUSING UNIT PERMANENTLY AFFIXED TO SUCH LAND.** Together with all the improvements now or hereafter erected on the property, and all easements, appurtenances, and fixtures now or hereafter a part of the property. All replacements and additions shall also be covered.

Also known by street and number as: 100 West Highway 24, Hartsel, CO 80449
THE PROPERTY DESCRIBED HEREIN IS ALL OF THE PROPERTY CURRENTLY ENCUMBERED BY THE LIEN OF THE DEED OF TRUST.

NOTICE OF SALE
The current holder of the Evidence of Debt secured by the Deed of Trust, described herein, has filed Notice of Election and Demand for sale as provided by law and in said Deed of Trust.
THEREFORE, Notice is hereby given that I will at public auction, at 10:00 A.M. on

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By: Amber L. Stolhand, Deputy Public Trustee

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Project: USDA Forest Service
El Paso, Teller, Clear Creek, Jefferson, and Douglas Counties, Colorado
The Pike and San Isabel National Forests Cimarron and Comanche National Grasslands is requesting input on the Integrated Management of Target Shooting on the Pike National Forest Project. The Integrated Management of Target Shooting project will address the need to provide opportunities for target shooting on National Forest System lands, identify areas unsuitable for dispersed target shooting, designate sites to be developed as shooting ranges, and establish a conditions-based adaptive management framework to manage target shooting in the future.
A scoping period provides those parties interested in or affected by this action an opportunity to make their concerns known and raise any substantive issues to be addressed in the environmental analysis. Those submitting timely, specific written comments will be eligible to file an objection during the objection period which will be provided for this project prior to a final decision, pursuant to 36 CFR 218, subparts A and B.

A description of the proposed activities is available for review on the project website at <https://www.fs.usda.gov/project/project-57807> or <https://www.fs.usda.gov/projects/57807>. For more information on the proposed action, please contact Jennifer DeWoody, NEPA Planner, 719-477-4216, jennifer.dewoody@usda.gov.
How to Comment and Timeline
To be most helpful and considered in the analysis, comments concerning this action should be submitted within 45 calendar days following publication of this notice in the newspaper of record, the Pueblo Citizen (published January 6, 2021). The publication date in the newspaper of record is the exclusive means for calculating the scoping period for this proposal. Individuals and organizations wishing to be eligible to object must meet the information requirements of 36 CFR 218.25, including specific written comments as defined in 218.2 regarding the proposed project along with supporting reasons (218.25 (3)(iii)). Each individual or representative from each entity submitting timely and specific written comments regarding this project must either sign the comments or verify identity upon request (218.24(b)(8)). All written comments received by the responsible official become a matter of public record (218.25(b)(2)).

Comments, including attachments, may be sent electronically by visiting the project website (above) and clicking on the "Comment/Object on Project" link. Comments may be filed via mail, express delivery, or messenger to: Target Shooting Project, c/o Beth Davis, USDA Forest Service, 5575 Cleora Road, Salida, CO 81201. Fax to: 719-477-4233; or by hand delivery to the above address during normal business hours. (Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding holidays)

If the office is open to the public pending public health considerations.
As published in the Park County Republican and Fairplay Elumie on Jan. 15, 2021
(Opportunity to Comment)

OPPORTUNITY TO COMMENT
2021 Trail Routes and Designations
USDA Forest Service, Park County, CO

Colorado Liquor Retail License Application

New License
 New-Concurrent
 Transfer of Ownership
 State Property Only
 Master file

- All answers must be printed in black ink or typewritten
- Applicant must check the appropriate box(es)
- Applicant should obtain a copy of the Colorado Liquor and Beer Code: www.colorado.gov/enforcement/liquor

1. Applicant is applying as a/an
 Individual
 Limited Liability Company
 Association or Other
 Corporation
 Partnership (includes Limited Liability and Husband and Wife Partnerships)

2. Applicant If an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation FEIN Number
 Rocky Mountain Cigar Company LLC Scott + Sam Gardner [REDACTED]

2a. Trade Name of Establishment (DBA) State Sales Tax Number Business Telephone
 Rocky Mountain Cigar Company [REDACTED] 218 556 3809

3. Address of Premises (specify exact location of premises, include suite/unit numbers)
 640 unit C Rt 285 Fairplay, CO 80440

City County State ZIP Code
 FAIRPLAY PARK CO 80440

4. Mailing Address (Number and Street) City or Town State ZIP Code
 96 CO RD 7 FAIRPLAY CO 80440

5. Email Address
 SCOTT.GARDNER00@GMAIL.COM

6. If the premises currently has a liquor or beer license, you must answer the following questions

Present Trade Name of Establishment (DBA)	Present State License Number	Present Class of License	Present Expiration Date
na			

Section A Nonrefundable Application Fees*	Section B (Cont.) Liquor License Fees*
<input checked="" type="checkbox"/> Application Fee for New License <i>Waived</i> \$1,550.00 <input type="checkbox"/> Application Fee for New License w/Concurrent Review \$1,650.00 <input type="checkbox"/> Application Fee for Transfer \$1,550.00	<input type="checkbox"/> Liquor-Licensed Drugstore (County) \$312.50 <input type="checkbox"/> Lodging & Entertainment - L&E (City) \$500.00 <input type="checkbox"/> Lodging & Entertainment - L&E (County) \$500.00 <input type="checkbox"/> Manager Registration - H & R \$75.00 <input type="checkbox"/> Manager Registration - Tavern \$75.00 <input type="checkbox"/> Manager Registration - Lodging & Entertainment \$75.00 <input type="checkbox"/> Manager Registration - Campus Liquor Complex \$75.00 <input type="checkbox"/> Optional Premises License (City) \$500.00 <input type="checkbox"/> Optional Premises License (County) \$500.00 <input type="checkbox"/> Racetrack License (City) \$500.00 <input type="checkbox"/> Racetrack License (County) \$500.00 <input type="checkbox"/> Resort Complex License (City) \$500.00 <input type="checkbox"/> Resort Complex License (County) \$500.00 <input type="checkbox"/> Related Facility - Campus Liquor Complex (City) \$160.00 <input type="checkbox"/> Related Facility - Campus Liquor Complex (County) \$160.00 <input type="checkbox"/> Related Facility - Campus Liquor Complex (State) \$160.00 <input type="checkbox"/> Retail Gaming Tavern License (City) \$500.00 <input type="checkbox"/> Retail Gaming Tavern License (County) \$500.00 <input type="checkbox"/> Retail Liquor Store License-Additional (City) \$227.50 <input type="checkbox"/> Retail Liquor Store License-Additional (County) \$312.50 <input type="checkbox"/> Retail Liquor Store (City) \$227.50 <input type="checkbox"/> Retail Liquor Store (County) \$312.50 <input checked="" type="checkbox"/> Tavern License (City) <i>Waived</i> \$500.00 <input type="checkbox"/> Tavern License (County) \$500.00 <input type="checkbox"/> Vintners Restaurant License (City) \$750.00 <input type="checkbox"/> Vintners Restaurant License (County) \$750.00
Section B Liquor License Fees* <input type="checkbox"/> Add Optional Premises to H & R \$100.00 X _____ Total _____ <input type="checkbox"/> Add Related Facility to Resort Complex \$75.00 X _____ Total _____ <input type="checkbox"/> Add Sidewalk Service Area \$75.00 <input type="checkbox"/> Arts License (City) \$308.75 <input type="checkbox"/> Arts License (County) \$308.75 <input type="checkbox"/> Beer and Wine License (City) \$351.25 <input type="checkbox"/> Beer and Wine License (County) \$436.25 <input type="checkbox"/> Brew Pub License (City) \$750.00 <input type="checkbox"/> Brew Pub License (County) \$750.00 <input type="checkbox"/> Campus Liquor Complex (City) \$500.00 <input type="checkbox"/> Campus Liquor Complex (County) \$500.00 <input type="checkbox"/> Campus Liquor Complex (State) \$500.00 <input type="checkbox"/> Club License (City) \$308.75 <input type="checkbox"/> Club License (County) \$308.75 <input type="checkbox"/> Distillery Pub License (City) \$750.00 <input type="checkbox"/> Distillery Pub License (County) \$750.00 <input type="checkbox"/> Hotel and Restaurant License (City) \$500.00 <input type="checkbox"/> Hotel and Restaurant License (County) \$500.00 <input type="checkbox"/> Hotel and Restaurant License w/one opt premises (City) \$600.00 <input type="checkbox"/> Hotel and Restaurant License w/one opt premises (County) \$600.00 <input type="checkbox"/> Liquor-Licensed Drugstore (City) \$227.50	

*** Note that the Division will not accept cash**

Questions? Visit: www.colorado.gov/enforcement/liquor for more information

Do not write in this space - For Department of Revenue use only

Liability Information

License Account Number	Liability Date	License Issued Through (Expiration Date)	Total \$

Application Documents Checklist and Worksheet

Instructions: This checklist should be utilized to assist applicants with filing all required documents for licensure. All documents must be properly signed and correspond with the name of the applicant exactly. All documents must be typed or legibly printed. Upon final State approval the license will be mailed to the local licensing authority. Application fees are nonrefundable. **Questions? Visit: www.colorado.gov/enforcement/liquor for more information**

Items submitted, please check all appropriate boxes completed or documents submitted

I. Applicant information

- A. Applicant/Licensee identified
- B. State sales tax license number listed or applied for at time of application
- C. License type or other transaction identified
- D. Return originals to local authority (additional items may be required by the local licensing authority)
- E. All sections of the application need to be completed
- F. Master file applicants must include the Application for Master File form DR 8415 and applicable fees to this Retail License Application

II. Diagram of the premises

- A. No larger than 8 1/2" X 11"
- B. Dimensions included (does not have to be to scale). Exterior areas should show type of control (fences, walls, entry/exit points, etc.)
- C. Separate diagram for each floor (if multiple levels)
- D. Kitchen - identified if Hotel and Restaurant
- E. Bold/Outlined Licensed Premises

III. Proof of property possession (One Year Needed)

- A. Deed in name of the applicant (or) (matching question #2) date stamped / filed with County Clerk
- B. Lease in the name of the applicant (or) (matching question #2)
- C. Lease assignment in the name of the applicant with proper consent from the landlord and acceptance by the applicant
- D. Other agreement if not deed or lease. (matching question #2)

IV. Background information (DR 8404-I) and financial documents

- A. Complete DR 8404-I for each principal (individuals with more than 10% ownership, officers, directors, partners, members)
- B. Fingerprints taken and submitted to the appropriate Local Licensing Authority through an approved state vendor. **Do not complete fingerprint cards prior to submitting your application.**
The Vendors are as follows:
IdentoGO – <https://uenroll.identogo.com/>
Phone: 844-539-5539 (toll-free)
IdentoGO FAQs: <https://www.colorado.gov/pacific/cbi/identification-faqs>
Colorado Fingerprinting – <http://www.coloradofingerprinting.com>
Appointment Scheduling Website: <http://www.coloradofingerprinting.com/cabs/>
Phone: 720-292-2722 Toll Free: 833-224-2227
- C. Purchase agreement, stock transfer agreement, and/or authorization to transfer license
- D. List of all notes and loans (Copies to also be attached)

V. Sole proprietor/husband and wife partnership (if applicable)

- A. Form DR 4679
- B. Copy of State issued Driver's License or Colorado Identification Card for each applicant

VI. Corporate applicant information (if applicable)

- A. Certificate of Incorporation
- B. Certificate of Good Standing
- C. Certificate of Authorization if foreign corporation (out of state applicants only)

VII. Partnership applicant information (if applicable)

- A. Partnership Agreement (general or limited).
- B. Certificate of Good Standing

VIII. Limited Liability Company applicant information (if applicable)

- A. Copy of articles of organization
- B. Certificate of Good Standing
- C. Copy of Operating Agreement (if applicable)
- D. Certificate of Authority if foreign LLC (out of state applicants only)

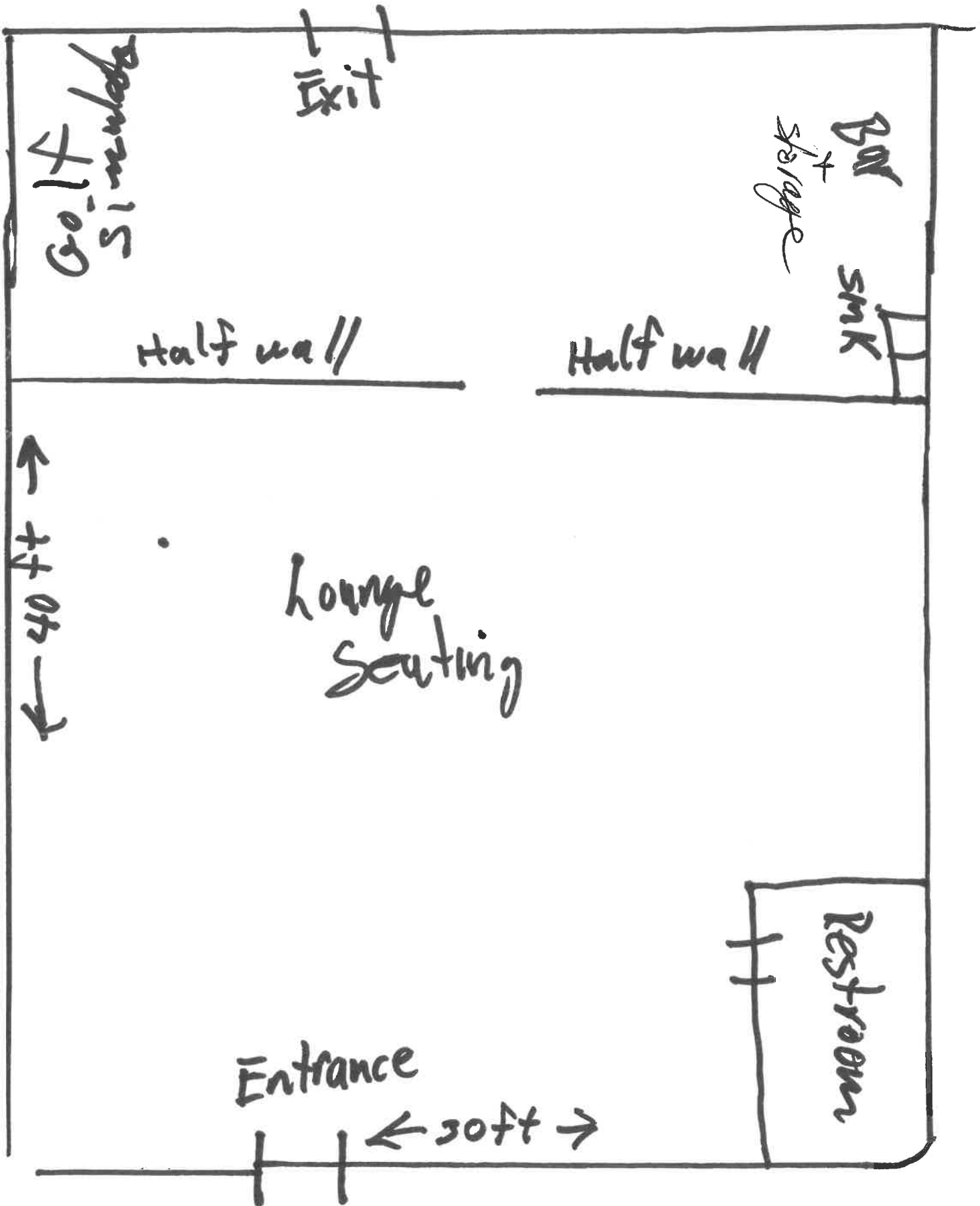
IX. Manager registration for Hotel and Restaurant, Tavern, Lodging & Entertainment, and Campus Liquor Complex licenses when included with this application

- A. \$75.00 fee
- B. Individual History Record (DR 8404-I)
- C. If owner is managing, no fee required

Name: <u>Rocky Mountain Cigar Company LLC</u>		Type of License: <u>Tavern</u>		Account Number: <u>82714581</u>	
7. Is the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers under the age of twenty-one years?					Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
8. Has the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers ever (in Colorado or any other state):					
a. Been denied an alcohol beverage license?					<input type="checkbox"/> <input checked="" type="checkbox"/>
b. Had an alcohol beverage license suspended or revoked?					<input type="checkbox"/> <input checked="" type="checkbox"/>
c. Had interest in another entity that had an alcohol beverage license suspended or revoked?					<input type="checkbox"/> <input checked="" type="checkbox"/>
If you answered yes to 8a, b or c, explain in detail on a separate sheet.					
9. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes", explain in detail.					<input type="checkbox"/> <input checked="" type="checkbox"/>
10. Are the premises to be licensed within 500 feet, of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?					<input type="checkbox"/> <input checked="" type="checkbox"/>
Waiver by local ordinance? <input type="checkbox"/> <input type="checkbox"/>					
Other: _____					
11. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of greater than (>) 10,000? NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.					<input type="checkbox"/> <input checked="" type="checkbox"/>
12. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of less than (<) 10,000? NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.					<input type="checkbox"/> <input checked="" type="checkbox"/>
13 a. For additional Retail Liquor Store only. Was your Retail Liquor Store License issued on or before January 1, 2016?					<input type="checkbox"/> <input type="checkbox"/>
13 b. Are you a Colorado resident?					<input checked="" type="checkbox"/> <input type="checkbox"/>
14. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any <u>current</u> financial interest in said business including any loans to or from a licensee.					<input type="checkbox"/> <input checked="" type="checkbox"/>
15. Does the applicant, as listed on line 2 of this application, have legal possession of the premises by ownership, lease or other arrangement?					<input checked="" type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Ownership <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Other (Explain in Detail) _____ a. If leased, list name of landlord and tenant, and date of expiration, exactly as they appear on the lease:					
Landlord	<u>M Federal Properties LLC</u>	Tenant	<u>Rocky Mountain Cigar Company LLC</u>	Expires	<u>9/1/26</u>
b. Is a percentage of alcohol sales included as compensation to the landlord? If yes, complete question 16.					<input type="checkbox"/> <input checked="" type="checkbox"/>
c. Attach a diagram that designates the area to be licensed in black bold outline (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11".					
16. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies) will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business? Attach a separate sheet if necessary.					
Last Name	<u>X Gardner</u>	First Name	<u>Sami</u>	Date of Birth	<u>2/15/76</u>
				FEIN or SSN	<u>[REDACTED]</u>
				Interest/Percentage	<u>50%</u>
Last Name		First Name		Date of Birth	
				FEIN or SSN	
				Interest/Percentage	
Attach copies of all notes and security instruments and any written agreement or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.					
17. Optional Premises or Hotel and Restaurant Licenses with Optional Premises: Has a local ordinance or resolution authorizing optional premises been adopted?					<input type="checkbox"/> <input checked="" type="checkbox"/>
Number of additional Optional Premise areas requested. (See license fee chart) <input type="text"/>					
18. For the addition of a Sidewalk Service Area per Regulation 47-302(A)(4), include a diagram of the service area and documentation received from the local governing body authorizing use of the sidewalk. Documentation may include but is not limited to a statement of use, permit, easement, or other legal permissions.					
19. Liquor Licensed Drugstore (LLDS) applicants; answer the following:					
a. Is there a pharmacy, licensed by the Colorado Board of Pharmacy, located within the applicant's LLDS premise? If "yes" a copy of license must be attached.					<input type="checkbox"/> <input checked="" type="checkbox"/>

Name <i>Rocky Mountain Cigar Company LLC</i>	Type of License <i>Tavern</i>	Account Number <i>82714581</i>		
20. Club Liquor License applicants answer the following: Attach a copy of applicable documentation				
a. Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
b. Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?		Yes <input type="checkbox"/> No <input type="checkbox"/>		
c. How long has the club been incorporated?		Yes <input type="checkbox"/> No <input type="checkbox"/>		
d. Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above?		Yes <input type="checkbox"/> No <input type="checkbox"/>		
21. Brew-Pub, Distillery Pub or Vintner's Restaurant applicants answer the following:				
a. Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)		Yes <input type="checkbox"/> No <input type="checkbox"/>		
22. Campus Liquor Complex applicants answer the following:				
a. Is the applicant an institution of higher education?		Yes <input type="checkbox"/> No <input type="checkbox"/>		
b. Is the applicant a person who contracts with the institution of higher education to provide food services? If "yes" please provide a copy of the contract with the institution of higher education to provide food services.		Yes <input type="checkbox"/> No <input type="checkbox"/>		
23. For all on-premises applicants.				
a. Hotel and Restaurant, Lodging and Entertainment, Tavern License and Campus Liquor Complex, the Registered Manager must also submit an Individual History Record - DR 8404-I and fingerprint submitted to approved State Vendor through the Vendor's website. See application checklist, Section IV, for details.				
b. For all Liquor Licensed Drugstores (LLDS) the Permitted Manager must also submit a Manager Permit Application - DR 8000 and fingerprints.				
Last Name of Manager <i>Gardner</i>		First Name of Manager <i>James</i>		
24. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
25. Related Facility - Campus Liquor Complex applicants answer the following:				
a. Is the related facility located within the boundaries of the Campus Liquor Complex? If yes, please provide a map of the geographical location within the Campus Liquor Complex. If no, this license type is not available for issues outside the geographical location of the Campus Liquor Complex.		Yes <input type="checkbox"/> No <input type="checkbox"/>		
b. Designated Manager for Related Facility- Campus Liquor Complex		Yes <input type="checkbox"/> No <input type="checkbox"/>		
Last Name of Manager		First Name of Manager		
26. Tax Information.				
a. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business?		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
b. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.?		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
27. If applicant is a corporation, partnership, association or limited liability company, applicant must list all Officers, Directors, General Partners, and Managing Members. In addition, applicant must list any stockholders, partners, or members with ownership of 10% or more in the applicant. All persons listed below must also attach form DR 8404-I (Individual History Record), and make an appointment with an approved State Vendor through their website. See application checklist, Section IV, for details.				
Name <input checked="" type="checkbox"/> <i>James Scott Gardner</i>	Home Address, City & State <i>96 Cly Rd 7 Fair play, CO</i>	DOB <i>8/14/64</i>	Position <i>Managing Member</i>	%Owned <i>50</i>
Name <input checked="" type="checkbox"/> <i>Jami K Gardner</i>	Home Address, City & State <i>96 Cly Rd 7 Fair play, CO</i>	DOB <i>2/15/76</i>	Position <i>Managing Member</i>	%Owned <i>50</i>
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
** If applicant is owned 100% by a parent company, please list the designated principal officer on above. ** Corporations - the President, Vice-President, Secretary and Treasurer must be accounted for above (Include ownership percentage if applicable) ** If total ownership percentage disclosed here does not total 100%, applicant must check this box: <input checked="" type="checkbox"/> Applicant affirms that no individual other than these disclosed herein owns 10% or more of the applicant and does not have financial interest in a prohibited liquor license pursuant to Article 3 or 5, C.R.S.				

Name <i>Rocky Mountain Cigar Company LLC</i>	Type of License <i>Tavern</i>	Account Number <i>82714581</i>
Oath Of Applicant		
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.		
Authorized Signature <i>[Signature]</i>	Printed Name and Title <i>J. Scott Gardner Managing Member</i>	Date <i>12/28/2020</i>
Report and Approval of Local Licensing Authority (City/County)		
Date application filed with local authority	Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application)	
The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) or a DR 8000 (Manager Permit) has been:		
<input checked="" type="checkbox"/> Fingerprinted <input checked="" type="checkbox"/> Subject to background investigation, including NCIC/CCIC check for outstanding warrants		
That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with and aware of, liquor code provisions affecting their class of license		
(Check One)		
<input checked="" type="checkbox"/> Date of inspection or anticipated date <u><i>1/26/21</i></u> <input type="checkbox"/> Will conduct inspection upon approval of state licensing authority		
<input type="checkbox"/> Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1,500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of > 10,0000?		Yes No <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Is the Liquor Licensed Drugstore(LLDS) or Retail Liquor Store (RLS) within 3,000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of < 10,0000?		<input type="checkbox"/> <input type="checkbox"/>
NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.		
<input type="checkbox"/> Does the Liquor-Licensed Drugstore (LLDS) have at least twenty percent (20%) of the applicant's gross annual income derived from the sale of food, during the prior twelve (12) month period?		<input type="checkbox"/> <input type="checkbox"/>
The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 44, Article 4 or 3, C.R.S., and Liquor Rules. Therefore, this application is approved.		
Local Licensing Authority for <i>Town of Fairplay</i>	Telephone Number <i>4103 7198362622</i>	<input checked="" type="checkbox"/> Town, City <input type="checkbox"/> County
Signature <i>[Signature]</i>	Print <i>Kim Withbrodt</i>	Title <i>Treasurer</i>
Signature	Print	Title
		Date <i>1/26/21</i>



640 unit C Rt 285

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF DOCUMENT FILED

I, Jena Griswold, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office, the attached document is a true and complete copy of the

Articles of Organization

with Document # 20201222792 of
Rocky Mountain Cigar Company LLC

Colorado Limited Liability Company

(Entity ID # 20201222792)

consisting of 3 pages.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 12/23/2020 that have been posted, and by documents delivered to this office electronically through 12/28/2020@ 11:47:50.

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 12/28/2020 @ 11:47:50 in accordance with applicable law. This certificate is assigned Confirmation Number 12810812



Jena Griswold

Secretary of State of the State of Colorado

*****End of Certificate*****

Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."



Colorado Secretary of State
 Date and Time: 03/06/2020 09:47 AM
 ID Number: 20201222792
 Document number: 20201222792
 Amount Paid: \$50.00

Document must be filed electronically.
 Paper documents are not accepted.
 Fees & forms are subject to change.
 For more information or to print copies
 of filed documents, visit www.sos.state.co.us.

ABOVE SPACE FOR OFFICE USE ONLY

Articles of Organization

filed pursuant to § 7-90-301 and § 7-80-204 of the Colorado Revised Statutes (C.R.S.)

1. The domestic entity name of the limited liability company is

Rocky Mountain Cigar Company LLC

(The name of a limited liability company must contain the term or abbreviation "limited liability company", "Ltd. liability company", "limited liability co.", "Ltd. liability co.", "limited", "l.l.c.", "llc", or "Ltd.". See §7-90-601, C.R.S.)

(Caution: The use of certain terms or abbreviations are restricted by law. Read instructions for more information.)

2. The principal office address of the limited liability company's initial principal office is

Street address

96 County Rd 7

(Street number and name)

Fairplay

(City)

CO

(State)

80440

(ZIP/Postal Code)

United States

(Country)

(Province – if applicable)

Mailing address

(leave blank if same as street address)

(Street number and name or Post Office Box information)

(City)

(State)

(ZIP/Postal Code)

(Province – if applicable)

(Country)

3. The registered agent name and registered agent address of the limited liability company's initial registered agent are

Name

(if an individual)

Gardner

(Last)

James

(First)

Scott

(Middle)

(Suffix)

or

(if an entity)

(Caution: Do not provide both an individual and an entity name.)

Street address

96 County Rd 7

(Street number and name)

Fairplay

(City)

CO

(State)

80440

(ZIP Code)

Mailing address

(leave blank if same as street address)

(Street number and name or Post Office Box information)

(City) CO _____
(State) (ZIP Code)

(The following statement is adopted by marking the box.)

The person appointed as registered agent has consented to being so appointed.

4. The true name and mailing address of the person forming the limited liability company are

Name
(if an individual) Gardner James Scott
(Last) (First) (Middle) (Suffix)
or

(if an entity)
(Caution: Do not provide both an individual and an entity name.) _____

Mailing address 96 county rd 7
(Street number and name or Post Office Box information)

Fairplay CO 80440
(City) (State) (ZIP/Postal Code)
CO United States
(Province - if applicable) (Country)

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

The limited liability company has one or more additional persons forming the limited liability company and the name and mailing address of each such person are stated in an attachment.

5. The management of the limited liability company is vested in

(Mark the applicable box.)

one or more managers.

or

the members.

6. (The following statement is adopted by marking the box.)

There is at least one member of the limited liability company.

7. (If the following statement applies, adopt the statement by marking the box and include an attachment.)

This document contains additional information as provided by law.

8. (Caution: Leave blank if the document does not have a delayed effective date. Stating a delayed effective date has significant legal consequences. Read instructions before entering a date.)

(If the following statement applies, adopt the statement by entering a date and, if applicable, time using the required format.)

The delayed effective date and, if applicable, time of this document is/are _____
(mm/dd/yyyy hour:minute am/pm)

Notice:

Causing this document to be delivered to the Secretary of State for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that the document is the individual's act and deed, or that the individual in good faith believes the document is the act and deed of the person on whose behalf the individual is causing the document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S., the constituent documents, and the organic statutes, and that the individual in good faith believes the facts stated in the document are true and the document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the Secretary of State, whether or not such individual is named in the document as one who has caused it to be delivered.

9. The true name and mailing address of the individual causing the document to be delivered for filing are

Gardner	James	Scott	
<i>(Last)</i>	<i>(First)</i>	<i>(Middle)</i>	<i>(Suffix)</i>
96 county rd 7			
<i>(Street number and name or Post Office Box information)</i>			
Fairplay	CO	80440	
<i>(City)</i>	<i>(State)</i>	<i>(ZIP/Postal Code)</i>	
<i>(Province – if applicable)</i>	United States		<i>(Country)</i>

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

- This document contains the true name and mailing address of one or more additional individuals causing the document to be delivered for filing.

Disclaimer:

This form/cover sheet, and any related instructions, are not intended to provide legal, business or tax advice, and are furnished without representation or warranty. While this form/cover sheet is believed to satisfy minimum legal requirements as of its revision date, compliance with applicable law, as the same may be amended from time to time, remains the responsibility of the user of this form/cover sheet. Questions should be addressed to the user's legal, business or tax advisor(s).

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF GOOD STANDING

I, Jena Griswold, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

Rocky Mountain Cigar Company LLC

is a

Limited Liability Company

formed or registered on 03/06/2020 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20201222792 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 01/25/2021 that have been posted, and by documents delivered to this office electronically through 01/26/2021 @ 10:36:24 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 01/26/2021 @ 10:36:24 in accordance with applicable law. This certificate is assigned Confirmation Number 12886844 .



Jena Griswold

Secretary of State of the State of Colorado

*****End of Certificate*****

Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."

ROCKY MOUNTAIN CIGAR COMPANY LLC
96 COUNTY ROAD 7
FAIRPLAY, CO 80440-4027

1037

82-0214/1070

12/28/2020
DATE

PAY TO THE
ORDER OF

Town of Fairplay
One thousand One hundred Sixty Five
DOLLARS \$ 1175.00

Photo
Safe
Deposit
Case #1037



FOR Town of Fairplay by Scott Gardner

⑆ 107002147⑆ 062727698⑆ 01037

Member Since

ROCKY MOUNTAIN CIGAR COMPANY LLC
96 COUNTY ROAD 7
FAIRPLAY, CO 80440-4027

1038

82-0214/1070

12/29/2020
DATE

PAY TO THE
ORDER OF

Town of Fairplay
One hundred and
DOLLARS \$ 100.00

Photo
Safe
Deposit
Case #1038



FOR 2nd background by Scott Gardner

⑆ 107002147⑆ 062727698⑆ 01038

Member Since



MEMORANDUM

TO: Mayor and Board of Trustees

FROM: Tina Darrah, Town Administrator/Clerk

RE: Ord. No. 1– An Ordinance Vacating a Portion of the 10th Street Right of Way per the Land Exchange Agreement with South Platte Partners, LLC

DATE: January 28, 2021

This ordinance approves the vacation of a portion of the 10th Street ROW per the land exchange agreement with South Platte Partners, LLC/Amanda Woodbury that was approved in October of 2020. As a reminder, Mayor Just worked with Ms. Woodbury to craft a deal exchanging 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. This trade includes the Town vacating a portion of the 10th Street ROW on the north side of the road (Hwy. 9) and conveying that land to Ms. Woodbury. The real state contract was approved previously, but we have not officially set a closing date. The closing, the street vacation and the lot consolidation are all contingent upon each other being approved. This means that although you will approve this ordinance, it will not be effective until/unless the real estate transaction successfully happens. The same with the lot consolidation (which was approved administratively per the Municipal Code).

Recommended Action:

Motion to approve Ordinance No. 1. This will require a second and a roll call vote.

**TOWN OF FAIRPLAY, COLORADO
ORDINANCE NO. 1
(SERIES 2021)**

**AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE
TOWN OF FAIRPLAY, COLORADO, VACATING A PORTION
OF THE RIGHT OF WAY FOR 10TH STREET**

WHEREAS, South Platte Prospects, L.L.C. (“SPP”) is the owner of certain real property located in the Town of Fairplay described as New Lot 2, Block 12, Gardner Pointe Resubdivision; and

WHEREAS, Town of Fairplay (“Town”) is the owner of certain real property described as Block 11, in the Town of Fairplay (“Block 11”); and

WHEREAS, a portion of the right-of-way for 10th Street, which is owned by the Town, is located between New Lot 2 and Block 11; and

WHEREAS, as part of a Land Exchange Agreement, the Town has agreed to convey Block 11 to SPP and to vacate the portion of the 10th Street right-of-way located between New Lot 2 and Block 11, as shown on Exhibit A attached hereto and incorporated herein by reference; and

WHEREAS, SPP has submitted a lot consolidation application (“Application”) to the Town to combine New Lot 2 and Block 11, including the right-of-way to be vacated by the Town; and

WHEREAS, pursuant to C.R.S. § 43-2-303, the Town Board of Trustees (“Board”) has the authority to vacate, by ordinance, any roadway or part thereof located within the corporate limits of the Town; and

WHEREAS, the Board finds and determines that the portion of the right-of-way requested to be vacated is not presently needed, nor will it be needed in the future, for any municipal purpose, and that the lands adjoining the vacated portion of the right-of-way have an established public road or private-access easement connecting said lands with another established public road; and

WHEREAS, the Board now desires to vacate that portion of 10th Street described herein subject to the terms and conditions of this Ordinance.

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

1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of the Town of Fairplay Board of Trustees.

2. Right-of-Way Vacation. The Board hereby approves the vacation of that portion of the 10th Street right-of-way described above and depicted on Exhibit A. This vacation shall be effective on the date this fully-executed Ordinance and Exhibit A are recorded, and title to the property vacated hereby shall vest in the owners of the abutting lands (New Lot 2 and Block 11), each abutting owner taking to the center of the vacated right-of-way.

3. Reserved Easements. Notwithstanding the vacation approved by Section 2 of this Ordinance, the Town reserves for itself a five-foot wide utility and maintenance easement as shown on the proposed plat submitted as part of the Application. The Owners shall dedicate such easement to the Town on said plat, which shall be recorded upon final approval of the Application.

4. Agreement. Signature by SPP below shall constitute its agreement with the foregoing conditions and the findings, terms, and provisions of this Ordinance.

5. Effective Date. This Ordinance shall take effect upon recording in the records of the Clerk and Recorder for Park County, Colorado.

INTRODUCED, READ, ADOPTED, AND ORDERED PUBLISHED this 1st day of February, 2021.

Frank Just, Mayor

Tina Darrah, Town Clerk

AGREED:

South Platte Prospects, L.L.C.

By: _____
Name: _____
Title: _____

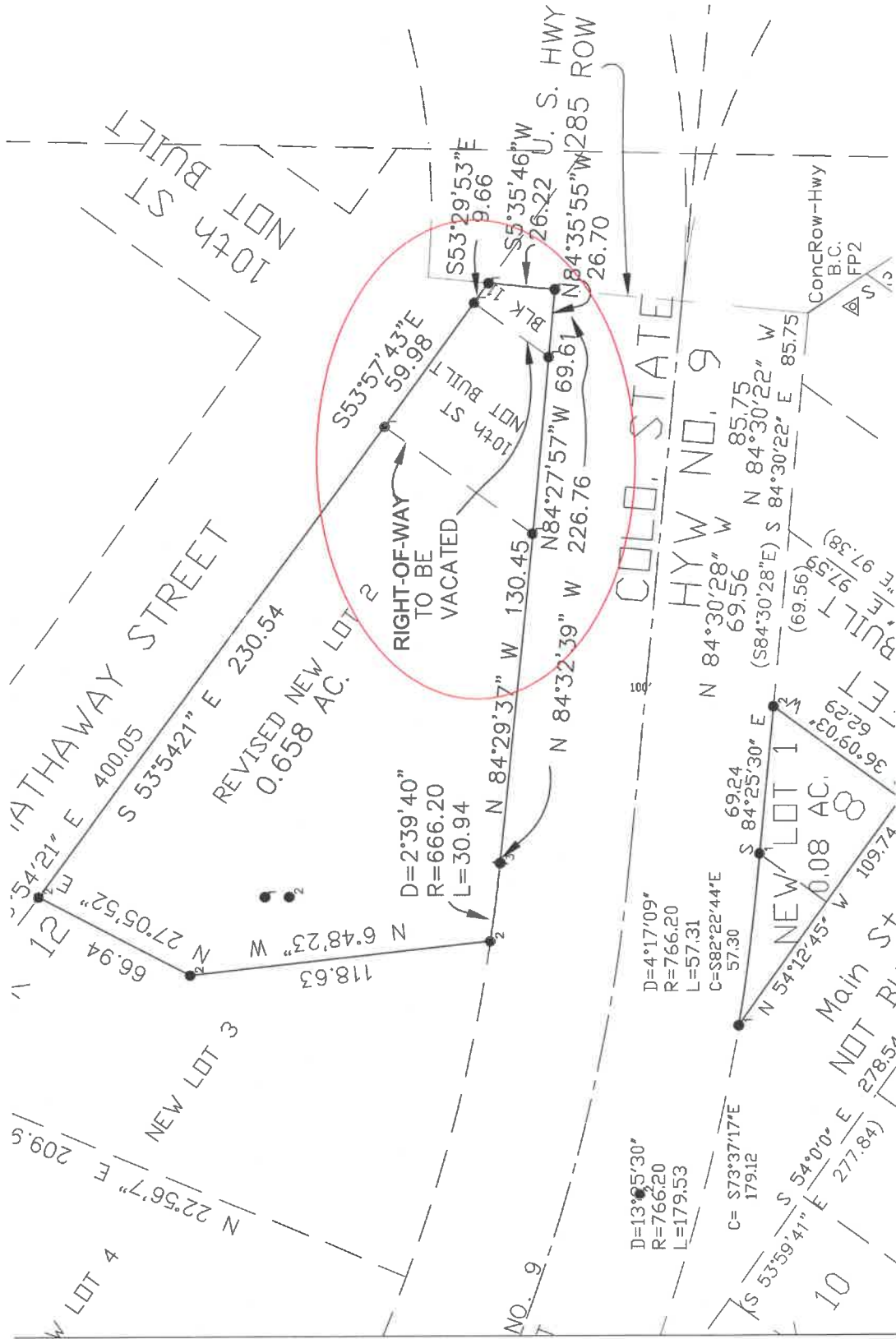


EXHIBIT A



MEMORANDUM

TO: Mayor and Board of Trustees
FROM: Tina Darrah, Town Administrator
RE: Resignation of Trustee Bear
DATE: January 28, 2021

Please see the resignation letter (included in your packet) as submitted by Trustee Cindy Bear. The Board generally accepts a Trustee resignation via motion. At this time, it would also be appropriate to direct staff to advertise the vacant Trustee position.

Recommended Action:

Motion to accept the resignation of Cindy Bear as a Trustee for the Town of Fairplay. This will need a second and a voice vote.

January 18, 2021

Town of Fairplay,

It is with a heavy heart that I submit my resignation as a Town of Fairplay Trustee. I have so enjoyed learning about the town and working with all of you. It has been a wonderful experience all around.

Unfortunately, my personal life has become extremely busy and although I hoped I could continue to manage everything, my children are paying the price for my time commitments outside of my family. It has come to the place where I must make some choices and my family has to come first.

I will always support the town in every way I can and I look forward to working with all of you in a slightly different way.

All my best,


Cindy Bear



MEMORANDUM

TO: Mayor and Board of Trustees

FROM: Mason Green, Public Works Director/ Assistant Town Manager

RE: Monthly Staff Report

DATE: January 28, 2020

As of today we are fully staffed! We would like to welcome Donovan Graham to our team, we are very excited to have him and feel that he brings a diverse skillset to our crew.

We continue to have a very productive winter both in front of and behind the scenes. Chris Bannister has taken on water operations with gusto and, with Marty Deline not acting as our water ORC, he has a great teacher to work side by side with every day. Chris is also taking advantage of online training classes and plans to attend the upcoming water conference in April. Alex Wagner has jumped into the Building Inspector role head-first as we have received more permit applications in the last month than throughout the majority of the fall. Alex has also shown desire to learn the basics of the water system and has stated he would like to pursue his D license after mastering the Building Inspector role. I am very happy with the work they put in on a daily basis.

On Wednesday 1/26 we were notified by Trustee Voorhis of a waterline break in Town. At the time of this writing, we plan to have repairs done by the end of the day (1/28). The break is likely on the service line/curb-stop but there and not the actual main line, but we will need to excavate to be certain. I will have the complete story for you at the Board of Trustees Meeting.

Tina, Scot Hunn, representatives from SGM Engineering and myself have been working with Mustang Ridge to review their development application. Despite some confusion they plan to submit their preliminary plans for our review and comments soon. This development application will likely come before the board this spring.

In creating the budget for 2021 we had planned to pursue the Park County CTF grant with the hopes to use those funds to build a basketball court at Cohen Park. As the County decided to not offer their CTF grant due to COVID I began to explore additional opportunities after speaking with Frank in regards to the urgency and priority of this project. My contact at the Colorado Health Foundation let me know of a playground upgrade grant which requires minimal match monies from partner municipalities—however, the grant is not applicable for just a basketball court. To get around this I have engaged two playground/sports companies to create pricing and a graphic showing a new playground structure, ADA accessible walking material, a basketball court and several “workout stations” to create a “Family Wellness and Play Area”. These actions are supported by CIRSA inspection reports which ding us annually for a lack of ADA surfacing at the playground as well as the deterioration of the jungle gym. If

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the grant is obtained these companies would take the project from start to finish and act as project managers. The work currently being done by 3rd party organizations is being done for free and they understand the work is contingent upon obtaining grant monies. There is no financial commitment from the Town at this time.

I would like to ensure that there is a consensus of support for this grant application and project before submittal. The due date for this Colorado Health Foundation grant is February the 15th and we would always be able to decline a grant reward if needed. The match percentage that would be required of the Town is an unknown as the Colorado Health Foundation tailors their grants to rural Colorado communities. For example, I was told by my contact at the Colorado Health Foundation that the Town of Delores received a \$1,000,000 grant for extremely minimal match monies required. The total cost of the Town of Fairplay project would most certainly be under \$500,000 and likely much closer to \$250,000. I will have a quote for the work, along with the graphic showing the proposed improvements the week of 2/1 and would be happy to pass along additional information when I receive it.

The Infiltration Gallery project continues to progress as well. We have had continuing conversations with Bill Hahn regarding who is needed on our team for this project. Bill Hahn, our Water Engineer, Ed Duerr, a Treatment and Membrane Specialist, and Ken Hardesty, a Structural Engineer and Project Manager are putting together a proposal and scope for the project that I hope to have the first few weeks of February. This team will allow us to efficiently diagnose the situation and take appropriate steps in a timely manner. In the meantime, we are looking at how we can cut a rough access road down to the gallery for access.

I am sure I have left things out of this report that you may be interested in, please do not hesitate to ask me questions.

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