

**AGENDA for a Regular Meeting
of the Board of Trustees of the Town of Fairplay, Colorado
Monday, March 21, 2022, at 6:00 p.m. at the Fairplay Town Hall Board 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 – February 24, 2022 Special Meeting.**
 - B. **APPROVAL OF MINUTES – March 7, 2022 Regular Meeting.**
 - C. **APPROVAL OF EXPENDITURES**—Approval of bills of various Town funds in the amount of **\$67,721.23**
- VI. **CITIZEN COMMENTS**
- VII. **NEW BUSINESS**
 - A. Should the Board Approve adoption of Resolution No. 11, Series of 2022, entitled, “**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO ADOPTING AN AMENDED SCHEDULE OF FEES.**”?
 - B. Should the Board Approve adoption of Ordinance No. 4, Series of 2022, entitled, “**AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO AMENDING CHAPTERS 6 AND 16 OF THE FAIRPLAY MUNICIPAL CODE, CONCERNING BUSINESS LICENSING AND UNIFIED DEVELOPMENT CODE, TO ESTABLISH A SHORT-TERM RENTAL LICENSING PROGRAM.**”?
- VIII. **OTHER BUSINESS**
- IX. **BOARD OF TRUSTEE AND STAFF REPORTS**
- X. **ADJOURNMENT**

Upcoming Meetings/Important Dates

CDOT Central Front Range TPR Meeting in Divide	March 21, 2022 @ 10 AM
Park County Commissioners Work Session & Meeting	March 22, 2022 9 AM & 11 AM
South Park Chamber of Commerce 1 st Mixer – Millonzi’s	March 22, 2022 @ 4:30 PM
Habitat for Humanity Groundbreaking – 521 Castello	March 31, 2022 @ 5 PM
<i>Fairplay Board of Trustees Regular Meeting</i>	<i>April 4, 2022 @ 6 PM</i>
South Park Chamber of Commerce People’s Choice Awards	April 7, 2022 @ 5 PM

**MINUTES OF THE SPECIAL MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES**

FEBRUARY 24, 2022

WORK SESSION - Continued Discussion Regarding Regulation of Short-term Rental (STR) Units within the corporate limits of the Town of Fairplay, Colorado. Specifically, review of application checklist and proposed fee structure.

A Work Session was held at 5:30 PM to review a proposed application form, checklist and proposed fee structure for use in the regulation of Short-term Rental Units with the Town. Several changes were discussed and the Board and Staff generally agreed on the overall form of the documents. Time expired prior to any discussion could be held on fees and it was determined to hold another Work Session to further review the forms as well as the next version of the draft ordinance.

CALL TO ORDER:

A Special Meeting of the Board of Trustees for the Town of Fairplay was called to order by Mayor Frank Just on Thursday, February 24, 2022 at 6:06 p.m. in the Board Room located in the Fairplay Town Hall at 901 Main Street, having previously been posted in accordance with Colorado Open 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 Trustee Eve Stapp, Mayor Pro Tem Scott Dodge, Mayor Frank Just and Trustees Josh Voorhis and Peter Lynn. Staff in attendance were Town Administrator / Town Clerk Janell Sciacca, Town Planner Scot Hunn and Town Attorney Nina Williams.

APPROVAL OF AGENDA

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

PUBLIC HEARINGS

A. Should the Board approve an application from Summit Habitat for Humanity to subdivide and replat .49 acres of land at 521 Castello Avenue into eight (8) lots for the purpose of constructing eight (8) single-family homes.

Mayor Just announced the Public Hearing and Town Administrator Sciacca acknowledged the presence of Town Planner Scot Hunn and Town Attorney Nina Hunn online via Zoom. Town Planner Hunn presented the Staff Report and summarized the Staff's findings advising the Final Plat substantially conforms to the Preliminary Plat previously approved by the Town Board, conforms with the Town's Comprehensive Plan, and meets a preponderance of the Town's Subdivision criteria. Hunn then stated Staff was recommending approval with two (2) conditions as listed in the Staff report:

1. The Town Attorney is directed to draft the appropriate Subdivision Improvements and Development Agreement associated with this approval to secure the construction and installation of required public improvements.
2. As a demonstration of the Town of Fairplay's vesting in the completion of this important community housing project, the Board of Trustees hereby waives all / or a portion of planning (Hunn Planning & Policy, LLC) engineering (SGM) and legal (Wilson Williams, LLP consultant review fees as requested by the applicant in the amount of \$_____.

Town Attorney Williams advised that she reviewed the Staff Report and found it to be in order and it made sense for the Board to allow her to work on the Subdivision and Developments Improvement Agreement. Mayor Just read the opening statement for the Public Hearing into the record and reviewed the jurisdiction of the Board to conduct the hearing, the purpose, form and procedure. There were not objections to the jurisdiction or procedures. Just the requested any member of the Board to disclose any ex parte communication regarding the matter. There were not disclosures made.

Mayor Just then invited the applicant to present. April-Dawn Knudsen, 239 Placer Drive, Alma, and Executive Director of Summit Habitat expressed her excitement for the project. She reported housing in general was a crisis in Colorado and development was needed to provide options. She advised the team moved from duplexes to single-family homes because autonomy of homeownership is so important. She advised that two homeowners already selected to receive units were present and then introduced Board President Natalie Donovan-Flores and Team lead Tom Begley was grateful to put the project forward and thanked the Board for making it possible. Mayor just invited the to-be homeowners to address the Board. Kiersten Krauss, 275 Chisholm Way, Alma, has been renting for over 7 years with uncertainty from year to year. She Stated that rent went up almost 35% on December 1 so to be able to own something in Town close to school and have security for her family will be wonderful. Russ Ron, 305 Fourth Street, stated this was a once-in-a-lifetime chance and he and his 7-year-old daughter were very excited.

Mayor Just opened the floor to comments in favor of the project. Paul Mattson, 155 Foxtail Lane, and Chief of South Park Ambulance District, stated the vast majority of employees come from somewhere else and he was most excited that the project will set a precedent to be replicated throughout the County. Maria Mitchell, 585 Iron Mountain Road, stated this was incredibly exciting and will help 1757 Sheila Waite, 1757 County Road 1, School Board & South Park Chamber President, stated that this is amazing and she thanked the Town for doing this project and she encourage the County to look at this and make it happen a couple more times. Charles Schultz, 227 Baldy Drive, stated the El Pomar Foundation provided \$50,000 seed money for affordable housing in Fairplay. Tom Eisenman, Park County Administrator, stated this was a long time coming and he appreciated the Town and Summit Habitat's efforts. Mayor Just stated he was indirectly involved for some time and promoted it and seeing it come to this point was a gift to his heart and it opened up an opportunity for people to be a permanent part of the community. He complimented April-Dawn for taking this on and putting it on track to get it done and thanked anyone in the room who helped, no matter how small the input. Town Administrator Sciacca noted a letter from Reverend Shaw submitted a letter of support stating this project would be a positive impact for the community. Mayor Just then opened the floor to comments opposed to the project. There were no comments in opposition.

Motion #2 by Mayor Pro Tem Dodge, seconded by Trustee Voorhis, to move out of Planning & Zoning hearing and back into Regular Session. A roll call vote was taken: Stapp – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

Town Administrator Sciacca stated it was a privilege working with the group and she was proud to be part of the process. She acknowledged Park County's generosity in donating the property. She also acknowledged Town Planner Scot Hunn and SGM Engineer Deron Dirksen for all their hard work. Town Planner Scot Hunn stated this was near and dear to his heart and he was waiving his fees for the project. Discussion followed by the Board regarding waiver of the Town's fees and Nina Williams also waived her firm's fees for the project. The Board then generally agreed to continue with the past practice of waiving up to \$10,000 in fees.

Motion #3 by Mayor Pro Tem Dodge, seconded by Trustee Voorhis, to waive Town-related fees up to \$10,000. A roll call vote was taken: Stapp – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

Motion #4 by Mayor Pro Tem Dodge, seconded by Trustee Lynn, to approve the application from Summit Habitat for Humanity to subdivide and replat .49 acres of land at 521 Castello Avenue into eight (8) lots for the purpose of constructing eight (8) single-family homes subject to the two (2) conditions listed in the Staff Report and direct Staff to bring back a resolution to the Board formalizing the action. A roll call vote was taken: Stapp – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

Tom Begley reported Habitat was working on excavation and foundation numbers and also with Fading West Development in Buena Vista for the homes to find an opening in their schedule. Mayor Just inquired about the schedule of completion and Begley replied they had to be completed by the end of 2024. Discussion ensued regarding options, incentives, partnership and additional Habitat projects. The Town also noted the Short-term Rental regulations Fairplay was hoping to use to incentivize developers to dedicate new affordable homes in exchange for Short-term Rental licenses.

ADJOURNMENT

There being no further business before the Board, Mayor Just declared that the Regular Meeting adjourned at 6:51 p.m.

BOARD OF TRUSTEES, FAIRPLAY, COLORADO

ATTEST:

Frank Just, Mayor

Janell Sciacca, Town Clerk

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
MARCH 7, 2022**

WORK SESSION - Presentation by Hahn Water Resources, LLC and team of the report regarding Recommendations on Treatment Process and Cost for Expanding the Town Water Supply.

A Work Session was held at 4:30 PM with Hahn Water Resources, LLC and the team reviewing a PowerPoint presentation detailing the Town's current water rights, current water production and water demand along with potential added water production upon the bringing online of the infiltration gallery and one additional well. Hahn and team also addressed the overall project status explaining gallery testing was delayed as a meter needed for testing had been unavailable. Additionally, after a successful attempt of conveyance from the gallery, further attempts were unsuccessful, and Staff was working to identify the problem(s). The team also reviewed and explained alternative treatment methods along with recommendations to utilize cartridge filters that were better suited to high-quality water, no backwash/wastewater disposal requirements and relatively low cost and maintenance. As-Builts created by the team were also briefly reviewed and the Board was advised this was done due to the fact originals had been located. Probable construction costs for Water Treatment Facility improvements for the Cartridge Filter Option and Membrane Plant, other related improvements not included in the cost estimate, permitting issues and potential sources of funding were also reviewed along with potential schedules for a Self-funded project versus a Grant/Loan funded project. Upon conclusion of the presentation, the Board generally agreed to support Staff moving forward with a water quality study and simultaneously working on all expansion and improvement options and grants. Hahn and the team were thanked for their presentation and requested to provide a subsequent agreement for the next phase of the project for the Board's consideration.

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, March 7, 2022 at 6:00 p.m. in the Board Room located in the Fairplay Town Hall at 901 Main Street, having previously been posted in accordance with Colorado Open Records law.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Mayor Just proceeded with the pledge of allegiance, followed by the roll call which was answered by Mayor Pro Tem Scott Dodge, Mayor Frank Just and Trustees Josh Voorhis and Peter Lynn. Just announced that Trustee Stapp was unable to attend due to another appointment which conflicted.

Staff in attendance were Police Chief Bo Schlusen and Town Administrator / Town Clerk Janell Sciacca.

APPROVAL OF AGENDA

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

CONSENT AGENDA

- A. APPROVAL OF MINUTES – February 7, 2022 Regular Meeting.

B. APPROVAL OF EXPENDITURES—Approval of bills of various Town funds in the amount of **\$50,741.54**

Motion #2 by Trustee Voorhis, seconded by Trustee Lynn, to approve the Consent Agenda as written. A roll call vote was taken: Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

CITIZEN COMMENTS

A. Katherine Fitting and Carol Talbert - Update on South Park Health Service District activities.

Dr. Fitting distributed and reviewed a one-sheet handout providing an overview of the District's general accomplishments, pandemic-related successes, and recent purchase of 722 Main Street. She indicated plans were in progress to develop a pharmacy, which will be a public/private partnership. Mayor Just inquired if the Town could share this on its Facebook page and Dr. Fitting replied absolutely. The Mayor also complimented the group on their phenomenal idea of utilizing a student loan forgiveness program to attract and retain talent. Mayor Pro Tem Dodge stated his agreement with the Mayor. The Board thanked Fitting for her presentation and Mayor Just requested that they consider selecting a couple for the Mardi Gras King & Queen contest in 2023 so as to be included in the not-for-profit fundraising associated with that event.

PUBLIC HEARINGS

B. Should the Board Approve a Retail Liquor License Application from South Park Brewing, LLC dba South Park Brewing for a new Brew Pub Liquor License at 297½ US Highway 285, Fairplay, CO.

Town Clerk Sciacca presented on behalf of Treasurer Wittbrodt. She reviewed the Staff Report advising that the application was concurrent review and therefore the State was reviewing the application at the same time subsequently reducing the time to obtain the new license by half. She advised that the application was in order and fees were paid and that the State advised they were only waiting on the Town's approval.

Mayor Just read the Opening Statement into the record setting forth the purpose of the hearing and the procedures as to the form and content of the proceedings. There were no objections to the jurisdiction, form or substance of the proceedings. Applicant Paul Kemp, 685 Silverheels Circle, Fairplay, gave his opening statement advising after 8 years in business it was a natural progression to take the next step to add options for locals and customers. Mayor Just opened the floor to public comment. There were no comments in support of the application and there were no comments in opposition to the application. Mayor Just closed the floor to public comment and the applicant responded to one Board inquiry regarding the installation of some form of a barrier separating the patio from the parking lot. Following discussion and clarification by the Town Clerk and Police Chief, Kemp advised he would install a form of separation other than just the painted line and also erect appropriate signs.

Motion #3 by Trustee Voorhis, seconded by Mayor Pro Tem Dodge to approve the application from South Park Brewing, LLC dba South Park Brewing for a new Brew Pub Liquor License at 297½ US Highway 285 as presented. A roll call vote was taken: Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

Motion #4 by Trustee Lynn, seconded by Mayor Pro Tem Dodge, to direct Staff to work with the Town Attorney to prepare and issue a Statement of Findings according to the Board's previous motion. A roll call vote was taken: Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

- C. Should the Board Approve a Retail Liquor License Application from Casa Sanchez 4, LLC dba Casa Sanchez 4 for a new Hotel & Restaurant Liquor License at 706 Main Street, Fairplay, CO.

Town Clerk Sciacca presented on behalf of Treasurer Wittbrodt. She reviewed the Staff Report advising that the application was concurrent review and therefore the State was reviewing the application at the same time subsequently reducing the time to obtain the new license by half. She advised that the application was in order and fees were paid and that while the fingerprint investigation results had not been received, Staff anticipated no issues since the application already had two other licenses, one in Buena Vista and one in Leadville.

Mayor Just read the Opening Statement into the record setting forth the purpose of the hearing and the procedures as to the form and content of the proceedings. There were no objections to the jurisdiction, form or substance of the proceedings. Applicant Rogelio Sanchez Ramirez, 28793 Westwinds Place, Buena Vista, gave his opening statement advising that due to distance from and concerns of the South Park School District, he would not offer liquor when school was in session. Mayor Just opened the floor to public comment. There were no comments in support of the application and there were no comments in opposition to the application. Superintendent of Schools Cindy Bear expressed her appreciation to the applicant for his willingness to refrain from offering/serving alcohol to patrons during school hours. Mayor Just closed the floor to public comment.

Motion #5 by Trustee Voorhis, seconded by Trustee Lynn, to move out of Liquor Licensing Authority hearing into Board deliberations. A roll call vote was taken: Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

Motion #6 by Mayor Pro Tem Dodge, Trustee Voorhis, to approve a Retail Liquor License Application from Casa Sanchez 4, LLC dba Casa Sanchez 4 for a new Hotel & Restaurant Liquor License at 706 Main Street, Fairplay as presented and direct Staff to work with the Town Attorney to prepare and issue a Statement of Findings. A roll call vote was taken: Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

NEW BUSINESS

- A. Should the Board Approve adoption of Resolution No. 8, Series of 2022, entitled, “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO APPROVING A SECOND AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH PARK COUNTY AND ALMA FOR E911 TELEPHONE SERVICE.”?

Town Administrator Sciacca introduced Park County Communications Director Maria Mitchell who reviewed the reasoning behind the request to amend the agreement and update the IGA to current processes and increase the 911 surcharge (or ETC) up to \$3.00.

Motion #7 by Mayor Pro Tem Dodge, seconded by Trustee Voorhis, to approve Resolution No. 8, Series 2022 as presented. A roll call vote was taken: Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

- B. Should the Board Approve adoption of Resolution No. 9, Series of 2022, entitled, “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO APPROVING THE SUMMIT HABITAT FOR HUMANITY SUBDIVISION AND FINAL PLAT AT 521 CASTELLO, FAIRPLAY, CO.”?

Town Administrator Sciacca provided an overview of the Staff Report and requested approval of Resolution No. 9 as presented with the two (2) conditions as listed.

Motion #8 by Trustee Voorhis, seconded by Trustee Lynn, to approve Resolution No. 9, Series 2022, as presented with the following two (2) conditions:

1. The Subdivision Improvements and Development Agreement associated with this approval to secure the construction and installation of the required public improvements, in the form set forth and attached as "Exhibit A," is hereby approved and the Mayor is authorized to execute such agreement.
2. The Town Board hereby reduces, subsidizes and waives all local development review fees, including but not limited to building permit fees, planning and legal review fees, engineering consultant review fees, and other Town fees, up to Ten Thousand Dollars (\$10,000.00), for this affordable housing development.

A roll call vote was taken: Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

- C.** Should the Board Approve adoption of Resolution No. 10, Series of 2022, entitled, A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH PHOENIX TECHNOLOGY GROUP FOR MANAGED INFORMATION TECHNOLOGY (IT) SERVICES.?"

Town Administrator Sciacca provided an overview of the Staff Report and requested approval of Resolution No. 10 as presented for Managed IT Services for the Town.

Motion #9 by Trustee Lynn, seconded by Trustee Voorhis, to approve Resolution No. 10, Series 2022, as presented. A roll call vote was taken: Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

- D.** Should the Board Approve an Amendment to the Professional Services Agreement with Just Be You, Inc. DBA Star Playgrounds granting an extension for the completion of Cohen Park Playground.?"

Town Administrator Sciacca provided an overview of the Staff Report and requested approval of the Amendment to the Professional Service Agreement for the completion of the playground at Cohen Park.

Motion #10 by Trustee Voorhis, seconded by Mayor Pro Tem Dodge, to approve the Amendment to the Professional Services Agreement with Just Be You, Inc. DBA Star Playgrounds as presented. A roll call vote was taken: Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

OTHER BUSINESS

A. Continued review of and discussion regarding Town of Fairplay Fee Schedule.

Town Administrator Sciacca advised that multiple fees were updated and the items in red still required discussion and Board direction. One specifically needing to be addressed was the Commercial Fly Fishing fee. Sciacca reminded of the information the Board received from the Dillon outfitter and advised that Staff felt the appropriate amount to charge on the gross revenue was 5% which was consistent with State parks. It was decided that the \$150 permit fee would also still apply, and the title would change to Commercial Fishing Permit so as to include ice and other instructional fishing-related businesses. There was also discussion regarding increasing tap fees for new builds as well as outside user fees and development fees. Sciacca distributed a September 2020 memo from Hunn Planning & Policy and advised

that at that time Scot Hunn noted several processes and fees that were not included in the Town's schedule along with recommendations whereby he felt fees associated with certain processes should be increased. The Board directed Staff to bring back an updated schedule containing recommended changes for review and approval.

BOARD OF TRUSTEE AND STAFF REPORT

Chief Schlunsen advised his report was in the packet. He added that the Town was helping the County and State Patrol out and had recently moved to 24/7 coverage due to the Sheriff's Department's change of hours. Mayor Just inquired about the Town's need to add another full-time Officer and Chief Schlunsen said that would be good. The Board requested a formal proposal be brought back to them. Town Administrator Sciacca advised that the overall salaries were also being looked at.

Town Administrator Sciacca advised the Public Works Director's report was in the packet and he was not in attendance due to being out plowing snow. Chief Schlunsen advised the Board that Graham volunteered to pick up a citizen who was a paraplegic when she returned partway from New Mexico where her vehicle was being repaired and became stranded. The Board expressed their appreciation of Graham and asked that he be compensated by the Town for fuel.

Town Administrator Sciacca advised her report was in the packet. She then distributed a Base Map for the Town's new GIS mapping system that had been created by SGM as part of the project budgeted for in 2022 and advised training was forthcoming and Staff would begin making updates and adding pertinent information. She also reported that Staff decided to move forward on a new website with Municode, after obtaining several quotes. She noted this was done after the Statewide Internet Portal Authority option was found to be delayed by 6-8 months and would not represent the character of Fairplay. She reviewed some of the options that would be available through Municode in the base fee and some optional packages and it would be up in 6-8 weeks. Sciacca also reported Staff would be conducting its second Development Review Team meeting on Monday, March 21 and had a fairly lengthy list of items to discuss including 3 lot line adjustments/eliminations, needed code updates and developments that were in process. She also recognized Kim Wittbrodt for 10 years of service with the Town.

Trustee Voorhis advised there was a chair outside the condos on the hill across from the County building and Chief Schlunsen advised he would take care of removal and put it in the Town's dumpster. Sciacca advised that Staff was looking at adding electronics recycling and paper shredding to the upcoming Town-wide clean-up and that Officer Schlaff was working on the list of Code Enforcement violations making progress with voluntary compliance.

Mayor Just thanked all the Town Staff, Board members and citizens for all the help with the 2022 Mountain Mardi Gras last weekend. He said it was a topic of conversation around Town and everyone was looking forward to and already planning for next year's event.

Town Administrator Sciacca reminded the Board of the March 21 Work Session at 5:30 PM to discuss Short-term Rentals. She also advised the Chamber of Commerce was holding its first Mixer event on March 22 at Millzoni's at 4PM. Mayor Just advised that he and Administrator Sciacca had confirmed the meetings for which Board members were paid, which was approved by the Voters, and

ADJOURNMENT

There being no further business before the Board, Mayor Just declared that the Regular Meeting adjourned at 7:45 p.m.

BOARD OF TRUSTEES, FAIRPLAY, COLORADO

ATTEST:

Frank Just, Mayor

Janell Sciacca, Town Clerk

UNOFFICIAL



MEMORANDUM

TO: Mayor and Board of Trustees
FROM: Kim Wittbrodt, Treasurer
RE: Paid Bills/Audit
DATE: March 18, 2022

Agenda Item: Bills

Attached is the list of invoices paid from March 3, 2022 through March 18, 2022.

Total Expenditures: \$67,721.23

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
03/08/2022	17925	ACA Products, Inc.	Jand	1	02/12/2022	1,131.44	105670
Total 16:						1,131.44	
03/08/2022	17928	Dana Kepner Company, In	block house tapping sleeve	1	02/28/2022	1,091.01	517495
Total 682:						1,091.01	
03/11/2022	17958	The Flume	display ads	1	02/28/2022	420.00	105166
03/11/2022	17958		legal /ads	2	02/28/2022	349.85	106125
Total 868:						769.85	
03/11/2022	17953	Ferrellgas	850 hathaway	1	01/31/2022	917.84	105186
03/11/2022	17953		propane-501 main	1	02/04/2022	651.20	105195
03/11/2022	17953		propane-501 main	1	02/21/2022	645.70	105195
Total 916:						2,214.74	
03/08/2022	17933	Mountain View Waste	roll off	1	03/01/2022	655.00	105134
Total 1414:						655.00	
03/08/2022	17936	Postal Pros Southwest, Inc	water billing	1	03/03/2022	306.80	517218
Total 1699:						306.80	
03/08/2022	17941	Town of Fairplay	850 hathaway	1	02/28/2022	101.70	105186
03/08/2022	17941		501 main	1	02/28/2022	308.95	105195
Total 2134:						410.65	
03/08/2022	17942	USABlueBook	supplies	1	02/24/2022	234.14	517445
Total 2176:						234.14	
03/08/2022	17945	Xcel Energy	901 main	1	02/22/2022	230.21	105023
03/08/2022	17945		san plant	1	02/22/2022	3,763.20	517680
03/08/2022	17945		1190 castello	1	02/22/2022	199.51	105650
03/08/2022	17945		200 2nd street	2	02/22/2022	90.94	517470
03/08/2022	17945		157 6th street	3	02/22/2022	75.48	105640
03/08/2022	17945		156 5th street	4	02/22/2022	11.38	105640
03/08/2022	17945		589 platte drive	5	02/22/2022	11.38	105841
03/08/2022	17945		419 front	6	02/22/2022	11.78	105640
03/08/2022	17945		117 silverheels road	1	02/22/2022	11.38	105841
03/08/2022	17945		chlorinator	1	02/22/2022	130.61	517470
03/08/2022	17945		747 bogue	1	02/22/2022	15.35	105841
03/08/2022	17945		1800 beaver creek road	1	02/22/2022	709.60	517495
03/08/2022	17945		fairplay sign #1	1	02/22/2022	13.25	105640
03/08/2022	17945		monument sign	1	02/22/2022	31.16	105640
03/08/2022	17945		850 hathaway	1	02/22/2022	276.58	105186
03/08/2022	17945		501 main	1	02/22/2022	455.14	105195
03/08/2022	17945		street lights	1	03/01/2022	815.40	105640

Town of Fairplay

Paid Invoice Report - Paid Bills - Board
Check issue dates: 3/3/2022 - 3/18/2022Page: 2
Mar 18, 2022 08:05AM

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
Total 2296:						6,852.35	
03/08/2022	17939	South Park Ace & Lumber	Supplies	1	02/25/2022	37.97	105134
03/08/2022	17939		Supplies	2	02/25/2022	10.36	105830
03/08/2022	17939		Supplies	3	02/25/2022	28.57	105682
03/08/2022	17939		Supplies	4	02/25/2022	13.99	105186
03/08/2022	17939		Supplies	5	02/25/2022	21.58	105630
03/08/2022	17939		Supplies	6	02/25/2022	61.03	105166
Total 2405:						173.50	
03/08/2022	17931	KONICA MINOLTA BUSIN	C364E Copier	1	02/26/2022	450.18	105032
Total 2448:						450.18	
03/11/2022	17950	CARD SERVICES	Supplies	1	03/01/2022	1,310.79	105166
03/11/2022	17950		return	2	03/01/2022	143.99-	105625
03/11/2022	17950		return	3	03/01/2022	32.26-	105830
03/11/2022	17950		Supplies	4	03/01/2022	63.80	105171
03/11/2022	17950		Supplies	5	03/01/2022	63.80	105150
03/11/2022	17950		Supplies	6	03/01/2022	95.70	105162
03/11/2022	17950		Supplies	7	03/01/2022	5.96	105170
03/11/2022	17950		Supplies	8	03/01/2022	21.09	105630
03/11/2022	17950		Supplies	9	03/01/2022	21.09	517214
03/11/2022	17950		Supplies	10	03/01/2022	136.76	105030
03/11/2022	17950		Supplies	11	03/01/2022	10.00	105070
03/11/2022	17950		Postage	12	03/01/2022	8.56	105630
03/11/2022	17950		Postage	13	03/01/2022	58.00	105035
03/11/2022	17950		Supplies	14	03/01/2022	5.64	105027
03/11/2022	17950		Supplies	15	03/01/2022	5.00	105166
03/11/2022	17950		Supplies	16	03/01/2022	15.24	105445
03/11/2022	17950		Supplies	17	03/01/2022	395.78	105625
03/11/2022	17950		Supplies	18	03/01/2022	132.91	105186
03/11/2022	17950		Supplies	19	03/01/2022	147.92	105682
03/11/2022	17950		Supplies	20	03/01/2022	344.99	105670
03/11/2022	17950		Postage	21	03/01/2022	40.55	105445
03/11/2022	17950		Postage	22	03/01/2022	11.85	105430
03/11/2022	17950		web hosting	23	03/01/2022	17.99	105130
03/11/2022	17950		Supplies	24	03/01/2022	39.85	105166
03/11/2022	17950		Food for meeting	25	03/01/2022	22.87	105070
03/11/2022	17950		car wash	26	03/01/2022	15.00	105420
03/11/2022	17950		Supplies	27	03/01/2022	171.20	105475
03/11/2022	17950		car wash	28	03/01/2022	7.00	105420
Total 2503:						2,993.09	
03/11/2022	17956	Mayberry & Company, LLC	progress bill audit	1	03/08/2022	4,080.00	106117
03/11/2022	17956		progress bill audit	2	03/08/2022	2,720.00	517320
Total 2649:						6,800.00	
03/08/2022	17937	SENSUS USA	1 yr. support - meter reade	1	02/16/2022	1,949.94	517415
Total 2675:						1,949.94	
03/08/2022	17927	Colorado Natural Gas, Inc.	natural gas-shop	1	03/02/2022	907.90	105650

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
03/08/2022	17927		sewer treatment plant	1	03/02/2022	2,287.07	517680
03/08/2022	17927		san office	1	03/02/2022	279.21	517234
03/08/2022	17927		natural gas	1	03/02/2022	264.77	105023
Total 2728:						3,738.95	
03/11/2022	17954	Frank Just	mardi gras food	1	03/11/2022	2,287.79	105166
Total 2754:						2,287.79	
03/11/2022	17957	Mobile Record Shredders	record shredding	1	03/08/2022	12.00	105030
Total 2793:						12.00	
03/11/2022	17951	Chaffee County Waste	6 yd weekly	1	03/03/2022	107.50	105650
03/11/2022	17951		6 yd weekly	2	03/03/2022	107.50	105023
03/11/2022	17951		2 yd biweekly	3	03/03/2022	69.00	517675
Total 2801:						284.00	
03/08/2022	17926	Colorado Analytical Lab	water testing	1	03/04/2022	24.00	517475
Total 2864:						24.00	
03/08/2022	17938	Shirley Septic Pumping, In	beach	1	02/18/2022	124.09	105842
03/08/2022	17938		cohen park	1	02/18/2022	246.00	105842
03/08/2022	17938		town hall	1	02/18/2022	228.00	105120
Total 2893:						598.09	
03/11/2022	17952	Fairplay Auto Supply	supplies	1	02/28/2022	152.09	105630
03/11/2022	17952		supplies	2	02/28/2022	870.29	105625
Total 2948:						1,022.38	
03/08/2022	17929	Hunn Planning & Policy, LL	planning fees	1	03/01/2022	568.75	105105
Total 3183:						568.75	
03/08/2022	17932	Montrose Water Factory, L	bottled water	1	02/28/2022	17.50	105120
Total 3211:						17.50	
03/08/2022	17930	Infinity Certified Welding	helium and tank	1	02/18/2022	314.29	105166
Total 3297:						314.29	
03/08/2022	17935	Park County Government	monthly internet	1	03/01/2022	52.50	105455
03/08/2022	17935		monthly internet	2	03/01/2022	52.50	105065
03/08/2022	17935		monthly internet	3	03/01/2022	105.00	517226
Total 3381:						210.00	
03/08/2022	17940	Timberline Properties Hom	plow 850 hathaway	1	02/28/2022	200.00	105186
Total 3510:						200.00	

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
03/11/2022	17955	Graham, Donovan	mileage to pick up Beth Co	1	03/08/2022	67.86	105070
Total 3519:						67.86	
03/08/2022	17944	Wear Parts & Equipment C	plow parts	1	02/24/2022	509.34	105670
03/08/2022	17944		grader blades	1	02/19/2022	826.84	105625
Total 3589:						1,336.18	
03/08/2022	17934	Mytech Partners, Inc.	internet	1	03/02/2022	46.75	105060
Total 3603:						46.75	
03/08/2022	17943	Utility Associates, Inc.	body cameras	1	01/03/2022	30,960.00	105450
Total 3604:						30,960.00	
Grand Totals:						67,721.23	

Report Criteria:
 Detail report type printed



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STAFF REPORT

TO: Mayor and Board of Trustees

FROM: Janell Sciacca, Town Administrator

RE: New Business Item A – Resolution No. 11 Adopting Amended Fee Schedule

DATE: March 21, 2022

BACKGROUND/ANALYSIS:

Section 4-4-10 of the Fairplay Municipal Code is written as follows:

Sec. 4-4-10. Fees set by resolution; review.

Except as may be otherwise established by individual ordinance, fees, assessments or charges for permits, licenses or services as called for in this Code shall be set from time to time by resolution duly adopted by the Board of Trustees. The Town Clerk shall regularly review all fees, assessments and charges and shall make recommendations on the same to the Board of Trustees as he or she deems necessary and prudent. It is the intent of the Board of Trustees that all municipal fees and charges shall, at a minimum, be reviewed annually in conjunction with the adoption of the Town's annual budget, and that additions, deletions or adjustments in such fees and charges shall be adopted and become effective by resolution at the commencement of each new fiscal year as part of the Town's annual budget process. A failure to conduct an annual review of any fee, assessment or charge shall not in any way affect the continuing validity thereof, and all fees, assessments and charges shall remain in full force until amended by subsequent resolution or ordinance adopted by the Board of Trustees.

The current Fee Schedule was last updated in December 2020. The Board has reviewed an updated DRAFT of recommended changes on several occasions over the last few months and Staff is now recommending that in order to put in place new or updated fees for multiple permits and licenses the Board review the schedule one last time and provide final input on the RED items so that this Fee Schedule can be adopted for implementation on April 1, 2022. Staff is continuing to review Development Fees and Water & Sewer Fees and will bring back recommendations to the Board on those items as soon as possible but felt it was important to move forward to implement this schedule to allow for Staff to start assessing new or increased fees and begin updating forms and applications.

STAFF RECOMMENDATION

Following discussion, Staff recommends the Board approve Resolution No. 11, Series 2022 as presented by motion, second and a roll call vote.

Attachments:

- Resolution No. 11, Series 2022 & Exhibit A "Schedule of Fees"

TOWN OF FAIRPLAY, COLORADO

RESOLUTION NO. 11
Series of 2022

A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, ADOPTING AN AMENDED SCHEDULE OF FEES.

WHEREAS, the Town of Fairplay is authorized to establish and amend fees charged by the Town for various services, permits and licenses; and

WHEREAS, the Town staff has reviewed current services and fees and made its recommendation to the Board of Trustees; and

WHEREAS, the Board of Trustees reviewed recommended changes to the fee schedule as prepared and presented by staff at a regular meeting held on March 21, 2022; and

WHEREAS, the Board of Trustees desires to adopt the updated Fee Schedule for the remainder of the 2022 Budget Year;

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

Section 1. Town fees as outlined in attached Exhibit "A" are hereby adopted, shall become effective April 1, 2022, and shall replace all previous resolutions establishing Town fees.

RESOLVED, APPROVED AND ADOPTED THIS 21st day of MARCH, 2022.

TOWN OF FAIRPLAY, COLORADO

Frank Just, Mayor

ATTEST:

Janell Sciacca, Town Clerk

TOWN OF FAIRPLAY, COLORADO
SCHEDULE OF FEES
Effective April 1, 2022 Per Sec. 4-4-10

DEPARTMENT / ITEM		AUTHORITY	NOTE(S)		
ADMINISTRATION					
Copies	8 1/2 x 11 Letter	\$.25 / page	C.R.S. 24-72-205		
	8 1/2 x 14 Legal	\$.50 / page			
	11 x 17 Ledger	\$1.00 / page			
Fax	Send	\$1.00 / page			
	Receive	\$1.00 / page			
Insufficient Funds	NSF Returned Check Fee	\$34.00	Sec. 13-1-210		
Manual / Plan / Code Copies	Based on Plan Type/Size	\$5.00-\$25.00			
Municipal Code	USB Flash Drive	\$15.00	Sec. 1-3-110		
	Hard Copy Book With Tabs	Codifier Rate			
Notary Service	Depends on Service Type	\$0.00 - \$5.00	No Closing Documents		
Town Hall Mtg Room Rental*	1/2 Day Weekday (Up to 4 Hrs)	\$10.00	Not For Profit - Waived		
	Full Day Weekday (Over 4 Hrs)	\$20.00			
	Weekend	\$30.00			
	Post Event Cleaning	\$100.00/hr		1 Hour Minimum Charge	
Special Meetings	Fees for Accomodating Time Constraints	Staff & Attorney Costs	Sec. 2-2-70(c) Reasonable Costs for Time		
TOWN CLERK					
Animal					
Dog License (Annual)	Unaltered	\$10.00	Sec. 7-6-160(d) Limit of 3 Dogs / Dwelling Unit		
	Nuetered / Altered	\$5.00			
	Replacement /Duplicate License	\$1.00			
Livestock Permit	Fowl or Rabbit	\$5.00/each	Sec. 7-7-40 Application Fee Non-Refundable Max 12 animals/acres		
	Annual Maximum Per Property	\$25.00			
	Horse, Cow, Sheep, Goat, Llama (25lbs+)	\$25.00		Sec. 7-7-50 1 acre / equine or bovine; 2,000 s.f./ goat, sheep, etc. w/ max of 4 / acre	
Business Licenses	Initial Application	\$25.00	Sec. 6-1-40 (a)		
	Annual Renewal	\$25.00			
	Late Renewal Charge After January 31	\$12.50 or 50% Fee	Sec. 6-1-40 (b)	Mandatory per code (Shall pay)	
	Massage Parlor License - New	\$350.00	Sec. 6-1-110(a)		
	Massage Parlor License - Annual Renewal	\$150.00			
	Sexually Oriented Business License	\$350.00 + \$75.00 Mngr Reg	Sec. 16-27-190	Fees Charged Annual on Renewal	
	Special Event Business License	\$10.00	Sec.	6-1-100(f) says no license required	
	Peddler/Solicitor/Transient	\$50.00/year	Sec. 6-1-120(c)		
Short-Term Rental License	Lodging Tax Per Night Per Occupied Room	\$2.00	Sec. 6-3-30	Voter Approved April 1, 2008	
	New License Application Fee	\$300.00	Sec. 6-5-20 (a)		
	Annual Renewal Application Fee	\$300.00	Sec. 6-5-20 (a)		
	Penalty for Operating Without a License	\$150 or Denial of License*	Sec. 6-5-20 (a)	*DOL Subject to BOT Hearing	
Liquor Licenses*					
Application Related Fees	New Retail	\$1,000.00	Sec. 6-2-40 See CDOR Liquor Enforcement Fee Schedule DR8500 As applicable by license type		
	Annual Renewal	\$100.00			
	Late Renewal	\$500.00			
	Ownership Transfer	\$750.00			
	Change of Location	\$750.00			
	Corporate/LLC Change	\$100.00/Member			
	Manager Registration	\$75.00			
	Background Check	\$50.00/member			
	Special Event	\$100.00		Sec. 6-2-110(f)	
	Tastings Permit	\$100.00		Sec. 6-2-90(c)	
	Temporary Permit	\$25.00		Sec. 6-2-60	
	Annual License Fee Beer & Wine	\$48.75			See CDOR Liquor Enforcement

Brew Pub	\$75.00
Club	\$41.25
Distillery Pub	\$75.00
Fermented Malt Beverage	\$3.75
Hotel & Restaurant	\$75.00
Retail Liquor Store	\$22.50
Tavern	\$75.00
Vinter's License	\$75.00

Records Requests

Research & Retrieval Fee	33.58/hour	C.R.S. 24-72-205(6)(b) 1st Hour is Free
Paper Copies	See Administration	Bulk Rate for Large Requests
Electronic Copies/Transmittal	\$0.00	
Audio	\$15.00	
Video	\$25.00	

COURT

Court Fees

Court Costs	\$31.00	Sec. 2-4-110
Default Judgement Fee	\$30.00	
Failure to Appear Fee	\$30.00	
Training & Equipment Surcharge	\$15.00	Sec. 2-4-90
Transcript - CD Only	\$15.00	
Warrant Fee	\$50.00	
Witness Fees	Same as District Court	Sec. 6-3-140
Copies	See Administration	

CEMETERY

Burial Fees

Casket Opening / Closing	\$300.00
Cremaains Opening / Closing	\$150.00
Weekend/Holiday Service Charge	\$225.00
Monument Deposit (Refundable)	\$300.00/each
Cremation Hole	\$50.00
Casket Disinternment	\$100.00
Cremaains Disinternment	\$50.00

PARKS / RECREATION / EVENTS

Permits & Licenses

Commerical Fishing Permit	\$150.00 + 5% of Gross Revenue	Sec. 6-4-20	Proof of insurance required
Gold Panning Permit	\$10.00/daily \$40.00/weekly \$100.00/annually	Sec. 11-3-20 to 60	Use of Hand Tools Only & Gravity Flow Sluice. Electrical or Hand-Pump Sluice Devices PROHIBITED w/ limit of 1 Gallon Material Removal
Violation Penalty	\$100.00 + Restitution		
Street Closure / Parade Permit	\$10.00/half day	Sec. 16-1-100(a)	
Beach Camping Permit	\$10.00/day (4 Day Limit)	Sec. 11-4-60	See Beach & Reservoir Regulations
Special Event Permit	Event Organizer Fee	Sec. 16-1-100(a)	For Vendor Without Bus License

Park Pavilion Rental Fees

Cohen Park W/ Electricity	\$10.00/day	Sec. 11-5-20	Deposit May be Required Based on size of group
Beach W/Out Electricity	\$10.00/day		
Cemetery W/Out Electricty	\$10.00/day		
Post Event Cleaning	\$100.00/hr		1 Hour Minimum Charge

BUILDING DEPARTMENT

Permits & Fees

Building Permit

Commercial	\$.75/s.f.*	Sec. 16-2-30 and Sec. 18-1-30 (109.2)
Residential	\$1.00/s.f.*	
Garage / Shed Over 120 s.f.	\$.50/s.f.*	
Non-structural Remodel	\$165.00	

Other Permits

Building Move and Set	75% of Bldg Permit Fee*	
Deck	\$110.00	
Demolition	\$165.00	
Driveway	\$55.00	
Excavation	\$110.00	
Fence	\$44.00	
Mechanical	\$55.00	
Residing	\$110.00	
Reroofing	\$110.00	
Site Review	\$0.00	
Sign	\$55.00	Sec. 16-25-50

Performance / Security

\$1,000.00 / Unpaved
\$2,000.00 / Paved

Refundable After 1 Year Upon
Approval by Inspector

20

Surcharge Applicable to All Building Permits 10% *Surcharge may be higher at Town's discretion based on project*

PLANNING & DEVELOPMENT*

Land Use

Annexation	\$1,000.00	Sec. 16-2-40
Appeal (Administrative or BOA)	\$100.00	Sec. 16-23-20; Sec. 16-22-100
Rezoning		
Residential	\$150.00	
Commercial	\$250.00	
PUD	\$300.00	
Special Use Permit	\$300.00	Sec. 16-6-30(A)
Variance	\$100.00	

Subdivisions

Application Fees - New

Major Residential/PUD	\$500.00 + \$25.00/lot	Sec. 16-13-20(A)	\$1,000 Deposit Required*
Minor Residential/PUD	\$300.00 + \$25.00/lot	Sec. 16-13-20(A)	\$1,000 Deposit Required*
Major Subdivision - Non-residential/PUD	\$750.00 + \$25.00/lot	Sec. 16-14-10(B)	\$1,000 Deposit Required*
Minor Subdivision - Non-residential/PUD	\$500.00 + \$25.00/lot	Sec. 16-15-20(B)	\$1,000 Deposit Required*

Application Fees - Resubdivision

Major Residential/PUD	\$25.00/lot
Minor Residential/PUD	\$25.00/lot
Major Subdivision - Non-residential/PUD	\$5.00/1,000 s.f. non-residential lot area + \$25.00/residential lot
Minor Subdivision - Non-residential/PUD	\$5.00/1,000 s.f. non-residential lot area + \$15.00/residential lot

Other Application Fees

Lot Line Adjustment	\$500.00
Lot Line Elimination	\$500.00
Subdivision/Development Improvement Agmt	\$100.00

Professional Fees*

Deposit	\$1,000.00	<i>Required to cover reasonable costs</i>
Planning Fees	Per PSA Approved by Board	
Engineering	Per PSA Approved by Board	
Other	Per PSA Approved by Board	

Other

Certificate of Appropriateness	\$10.00	Sec. 16-8-100
Encroachment License	\$150.00	
Exemption Plat	\$50.00	Sec. 16-20-50
Flammable Materials	\$100.00	
Home Occupation	\$50.00	
Land Dedication Fee	Land or Cash	Sec. 16-18-20
Parks/Open Space Fee - SFR	\$500.00/per unit	Sec. 16-18-20
Parks/Open Space Fee - SFR	\$350.00/per unit	Sec. 16-18-20
Parking Plan	\$50.00	
Public Facilities Fees - Nonresidential	8% of Current Market Land	Sec. 16-18-20
Public Notice & Hearing Related Fees	Actual Costs	Sec. 16-2-40(D)
Recording Costs	As Applicable	

POLICE

Fees & Charges

VIN Inspection	\$10.00	Sec. 2-5-20
VIN Certification	\$20.00	
Records Copies	\$2.00/page	
Records Search	\$25.00	
PBTs	\$10.00	
Civil Standby/Document Service Fee	\$25.00/hour	
Burn Permit	Issued by Fire District	Sec. 7-2-130

PUBLIC WORKS

Permits Street Access / Cut Permit \$550.00 Sec. 11-1-20 *Performance Bond/Security Required*

WATER

Bulk Water

In Town Resident	\$5.70/1,000 gallons	Sec. 2-7-40
Out of Town Resident	\$11.40/1,000 gallons	

Plant Investment Fee

1.0 SFE Tap	\$7,500.00	Sec. 13-1-60
1.8 SFE Tap	\$13,500.00	
4.0 SFE Tap	\$30,000.00	
7.0 SFE Tap	\$52,500.00	

	16.0 SFE Tap	\$120,000.00	
	28.0 SFE Tap	\$210,000.00	
	Outside User Fees	Double	
	Fire Protection Only Tap	25% of PIF + Tapping Charge Sec. 13-1-80	
Water Service / Usage Fees	3/4" Tap / 1.0 SFE	\$34.00 + \$5.70 / 1,000 Gal	Sec. 13-1-60
	1" Tap / 1.8 SFE	\$61.20 + \$5.70 / 1,000 Gal	Sec. 13-1-10
	1 1/2" Tap / 4.0 SFE	\$136.00 + \$5.70 / 1,000 Gal	
	2" Tap / 7.0 SFE	\$238.00 + \$5.70 / 1,000 Gal	
	3" Tap / 16.0 SFE	\$544.00 + \$5.70 / 1,000 Gal	
	4" Tap / 28.0 SFE	\$952.00 + \$5.70 / 1,000 Gal	
	Outside User Fees	Double	
Other Fees	Accessory Dwelling Unit	<i>1/4 or 1/2 Tap Fee??</i>	Sec. 16-7-10 (I) <i>Water Service Expansion/Connection Fee</i>
	Backflow Testing (31 Days Past Due)	\$150.00	Sec. 13-2-20(e)
	Backflow Testing (61+ Days Past Due)	\$500.00	
	Delinquent Account Fee	\$5.00/month + 1% Interest on Balance	
	Failure to Provide Meter Access	\$20.00/incident	
	Failure to Pay/Code Violation	\$150.00	
	Lien Charge	\$100.00 + Recording/Other	Sec. 13-1-240(a)
	NSF Returned Check Fee	\$31.00	Sec. 13-1-210
	Unauthorized Water Turn On	\$150.00	
	Water Shut Off / Turn On	\$25.00 / ea	Sec. 16-1-210
	Water Shut Off / Turn On - After Hours	\$50.00 / ea	
	Water Supply Protection District Permit	Testing, Engineering, Inspect	Sec. 13-3-70(a)

WASTEWATER

System Investment Fee (SIF)	1 - EQR (Equivalent Residential Unit)	\$8,351.00	Sec. 2-7-40
	1 - EQR (Outside User)	Double	
Wastewater Service Fee	1 - EQR User Fee	\$60.00	
	1 - EQR (Outside User)	Double	
Other Fees	<i>ADU Water Service/Expansion Fee</i>	<i>1/4 or 1/2 of Primary Bldg Tap Fee</i>	<i>Sec. 16-7-10 (I)</i>
	Delinquent Account Fee	\$5.00/month + 1% Interest on Balance	
	Disconnect / Reconnect Fee	\$1,000.00 / ea	
	Failure to Install Grease Trap/Interceptor	Per Section 1.9(K) of Rules	
	Failure to Maintian Grease Trap/Interceptor	50% of monthly use fee	
	Improper Discharge of Sewage	\$500.00 or Actual Cost of Damages	
	Inclusion Application	\$200.00 + Attorney Fees	
	Lien Charge	\$100.00 + Recording/Other Fees	
	Line Extension Inspection Fee	\$3.00/l.f. of Sewer Main	
	Line Extension Plan Review Fee	Costs of Engineering Review	
	Post Construction Bond	\$500.00	
	Reinspection Fee	\$75.00	



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STAFF REPORT

TO: Mayor and Board of Trustees

FROM: Janell Sciacca, Town Administrator

RE: New Business Item B – Ordinance No. 4, Series 2022 Short-term Rental Regulations

DATE: March 21, 2022

BACKGROUND/ANALYSIS:

On November 22, 2021, through Ordinance 2021-08, the Town Board imposed a 3-month temporary moratorium on Short-Term Rental (STR) applications to review and draft STR regulations that made the most sense to the Fairplay community, and the needs of its residents. After conducting two separate Work Sessions in January on the 10th and 31st, the Board subsequently extended the Moratorium at a Regular Meeting held on February 7, thereby providing additional time to further discuss and gather public input on the matter. Three additional Work Sessions were held on February 14, February 24 and March 14. The Ordinance presented for the Board's review and adoption is a result of the extensive and exhaustive process.

Following the March 14 meeting, Town Attorney Williams updated the Ordinance to include Town Planner Hunn's relevant comments. This resulted in deleting the prior subsection (7) of 16-7-160(b), which was confusing and repetitive/duplicative of Section 6-5-20(i), updating of the Table of Uses and addition of a definition for Apartment Building. Williams also gave one final review to Chapter 6, Article III – Lodging Occupation, and added subsection 6-5-20(r) for some added clarification.

Town Planner Hunn has reviewed the final draft and found it to meet his criteria and standards. Fire Marshal McDonald is reviewing the Fire and Safety checklist and discussing a fee for the Fire Department inspection with Chief Olme.

The moratorium is set to expire on May 6, 2022. If adopted March 21, the Ordinance would be published in the Flume and become effective 30 days following the publication. During the 30-day window Staff would finalize the application form and checklists and prepare packets for distribution to interested applicants, giving priority to the currently licensed property owners as per the Board's direction. Staff is proud of the Town's process and extremely pleased with the resulting regulations which will help to protect the Town's housing stock and infrastructure and hopefully help to reduce impacts on Fire, Police and other Emergency personnel while also protecting visitors to our community and our residents.

STAFF RECOMMENDATION / ACTION REQUIRED:

Staff recommends the Board approve Ordinance No. 4, Series 2022 as presented by motion, second, and a roll call vote.

Attachments:

- Ordinance No. 4, Series 2022

TOWN OF FAIRPLAY, COLORADO**ORDINANCE NO. 4
(SERIES 2022)****AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO AMENDING CHAPTERS 6 AND 16 OF THE FAIRPLAY MUNICIPAL CODE, CONCERNING BUSINESS LICENSING AND UNIFIED DEVELOPMENT CODE, TO ESTABLISH A SHORT-TERM RENTAL LICENSING PROGRAM**

WHEREAS, the Town of Fairplay, Colorado (“Town”) is a statutory town, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, pursuant to C.R.S. § 31-15-401, the Town by and through its Board of Trustees (“Board”), possesses the authority to adopt laws and ordinances within its police power in furtherance of the public health, safety and welfare; and

WHEREAS, pursuant to C.R.S. § 31-23-301 the Town also possesses the authority to adopt and enforce zoning regulations; and

WHEREAS, pursuant to C.R.S. § 31-15-501, the Town also possesses the authority to regulate the operation and licensing of businesses generally within its jurisdiction; and

WHEREAS, pursuant to such authority, the Town has previously adopted certain regulations within Chapter 6, concerning business licenses and regulations, and Chapter 16, concerning the unified development code, of the Fairplay Municipal Code (“Code”); and

WHEREAS, in order to protect residential integrity and community character within the Town, the Board finds and determines it is necessary to amend certain provisions of Chapter 6 and Chapter 16 to adopt licensing regulations and restrictions on the renting or leasing of real property for occupancy of less than 30 days; and

WHEREAS, the Board finds such regulations will also ensure clarity, increased enforcement, fairness and consistency with the goals of the Town, for its residents, businesses and customers; and

WHEREAS, the Board also finds and determines that the establishment of a licensing program will accomplish these goals, and that the subject regulations concerning short-term rentals are necessary to health, safety and welfare of the public and to prevent adverse impacts to adjacent properties, neighborhoods and quality long-term rental housing units within the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD FOR THE TOWN OF FAIRPLAY, COLORADO AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein as conclusions, facts, determinations and findings by the Town of Fairplay Board of Trustees.

Section 2. A new Article V, concerning Short Term Rentals, is hereby added to Chapter 6, Business Licenses and Regulations, of the Fairplay Municipal Code to read as follows:

Sec. 6-5-10. Definitions.

For the purpose of this Article the following words and terms have the following meanings, unless the context clearly indicates otherwise. Definitions included in Chapters 1, 6 and 16 of this Code shall apply to this Article unless they are otherwise expressly defined herein.

Applicant means the owner of the property, or the person controlling the corporate ownership of the property, used as a short-term rental business, as evidenced on the recorded deed for the property.

Local contact person means the person designated by the owner or the owner's authorized agent or representative who shall be available twenty-four (24) hours per day, seven (7) days per week for the purpose of: (1) Responding within sixty (60) minutes to property code violations and/or complaints regarding the condition, operation, or conduct of occupants of the short-term rental unit and (2) taking remedial action to resolve such violations and/or complaints.

Short-term rental business means the occupation of leasing or renting one (1) or more short-term rental units.

Short-term rental unit means a privately owned residential dwelling unit, or portion thereof, that is rented or used for furnishing lodging accommodation and occupancy for any period less than thirty (30) consecutive days, not to include accessory dwelling units, apartment buildings, bed and breakfast establishments, campgrounds, RV parks, hotels, motels, dormitories, boarding and rooming houses or RVs, tents, campers or other temporary structures.

Lodging occupation tax means the tax levied pursuant to Chapter 6, Article III.

Sec. 6-5-20. Licensing; limitations; requirements.

- (a) It shall be unlawful for any person or entity to engage in the short-term rental business without first applying for and procuring a license from the Town Clerk. The initial license fee, renewal license fee and penalty for operating without a license shall be established by resolution of Town Board, as may be amended from time to time, and payable annually in advance.
- (b) Licenses may only be issued to owners of properties who are also one of the following:
 - (1) A natural person;
 - (2) A trust, if the beneficiary of the trust is a natural person; or
 - (3) An entity registered with the Colorado Secretary of State.
- (c) Upon approval of a short-term license pursuant to this Article, the Town Clerk shall issue a license number specific to the subject property and the licensee.
- (d) Short-term rental businesses shall include their business license number in the title of the listing for all public advertising, including but not limited to webhosting services such as Airbnb, Home Away, Trip Advisor, VRBO, Kayak, Orbitz, etc.
- (e) Applications for a short-term rental license shall be submitted on a form provided by the Town, and the Town shall accept no incomplete applications. Applications shall include all information required on the application form checklist.
- (f) Each licensee shall submit to the Town, on a yearly basis, and upon renewal, an affidavit, signed by the licensee and notarized, attesting, under penalty of perjury, to the duration and

frequency of the prior year's short-term rental history, including the specific number of rooms and nights rented in the prior year, as well as confirmation of payment of all applicable sales and lodging occupation taxes.

- (g) The name of the license applicant must match the name of the owner on the deed for the property, or the person controlling the corporate ownership of the property. The applicant shall submit to the Town a copy of the recorded deed, showing the recording data with the Park County Clerk and Recorder.
- (h) The maximum number of short-term rentals shall not exceed: six and a half percent (6.5%) of the total number of residential units within the Town, a running tally of which shall be kept in the Town Clerk's office, and open and available for public inspection at all times during business hours.
- (i) Exception to Cap. The cap identified in subsection (h) of this Section 6-5-20 can be exceeded only upon Town Board's sole discretion related to a land use application process, such as an annexation, planned unit development or subdivision, where the applicant is providing at least one (1) deed restricted workforce housing unit within the development, not exceeding a price affordable to a household earning sixty (60) percent of the Area Median (AMI) for the Denver-Aurora-Lakewood Metropolitan Statistical Area as defined annually by the United States Department of Housing and Urban Development (HUD), for every one (1) additional short-term rental unit within the development, and pursuant to the terms and conditions imposed by Town Board upon approval of the subject land use application.
- (j) In the event the maximum number of permitted short-term rentals has been met, no new applications for short-term rentals will be accepted. If and when new or additional short-term rental licenses become subsequently available, the Town will post notice of such license availability at those public place(s) designated annually by the Town Board as the place(s) for the posting of public notices, and the Town Clerk shall process such applications in the order they are received by the Town.
- (k) Short-term rental businesses must have a local contact person who shall be responsible for ensuring compliance with provisions of this Code including, but not limited to, reports for the lodging occupation tax, removal of snow and ice, and other property maintenance requirements. The local contact person must be available twenty-four (24) hours per day, seven (7) days per week for the purpose of: (1) responding within sixty (60) minutes to property code violations and/or complaints regarding the condition, operation, or conduct of occupants of the short-term rental unit and (2) taking remedial action to resolve such violations and/or complaints.
- (l) Each short-term rental unit shall provide a delineated off-street or off-right-of-way parking plan for guests' cars, which provides for parking for all users of the rental space including owners.
- (m) Each short-term rental unit shall have a clearly visible notice posted within the unit that includes the following:
 - (1) Licensee and local contact person's contact information;
 - (2) The short-term rental business license number;
 - (3) Additional emergency contact information;
 - (4) Location of fire extinguisher(s) and emergency evacuation routes and directions;
 - (5) The maximum number of people in terms of permitted sleeping occupancy;
 - (6) The maximum number of people permitted in the unit at any one time;

- (7) The location for parking vehicles and the maximum number of parked vehicles and/or combination of vehicles permitted for the unit;
 - (8) Local trash and recycling storage location, schedule and instructions;
 - (9) Snow removal instructions;
 - (10) Water and sewer restrictions, if applicable;
 - (11) Fire and burning restrictions;
 - (12) Town contact information.
- (n) The address and/or street number of each short-term rental unit shall be clearly posted and visible from the roadway, for all emergency response personnel.
- (o) The Town Clerk shall maintain a list of currently-licensed short term rental properties in the Town subject to public view on the Town's website and in the Clerk's office during regular business hours.
- (p) Minimum health and safety standards; inspections.
- (1) Each short-term rental unit licensed under this Article shall comply with all building, fire, housing and health codes which, if violated, would constitute an imminent danger and potentially subject the license to revocation.
 - (2) Each short-term rental shall contain working and updated smoke detector(s), carbon monoxide detector(s) and fire extinguisher(s).
 - (3) All wood burning, wood pellet, lp or natural gas stoves in the short-term rental unit must be inspected annually and deemed safe and properly maintained.
 - (4) No license under this Article shall be issued until the short-term rental unit and licensed premises are inspected by the Town Clerk or their designee, including the Fire Department and the Building Department, for compliance with this section, and such inspections are approved by the Town Clerk. If, after inspection, the Town Clerk or their designee, notifies the applicant of the inspection failure, such notification shall include a list of all items which shall be remedied and a timeline for correction, before the Town Clerk issues their inspection approval.
 - (5) A property inspection of the short-term rental unit and licensed premises shall be conducted before the issuance of any license under this article, and before the renewal of any license under this article.
- (q) For purposes of municipal utilities, the use of the short-term rental unit and the licensed premises shall be considered commercial.
- (r) Short-term rental businesses shall comply with all provisions of Chapter 6, Article III, regarding Lodging Occupation Tax, except that the Town Clerk is given the discretion to permit quarterly remittance and quarterly tax form affidavits.

Sec. 6-5-30. Application, issuance and renewals.

- (a) Any person desiring a license to engage in the short-term rental business shall apply to the Town Clerk, on application forms provided by the Town Clerk. New license applications must be submitted at least thirty (30) days prior to the date of the intended use and no advertising of the property as a short-term rental prior to issuance of a license is permitted. Licenses shall be issued and valid for one calendar year, from January 1 through December 31, and shall expire within the calendar year for which it was issued. New license application fees shall not be pro-rated or reduced.
- (b) The Town Clerk may issue a new short-term rental business license upon all the following conditions:

- (1) The applicant has submitted a complete application form and provided all required information regarding the short-term rental unit, including, but not limited to a copy of the applicable sales tax license, the total number of bedrooms, the local contact person, and a delineated off-street or off-right-of-way parking plan for guests' cars.
 - (2) The applicant has paid the appropriate fee(s) established by the Town Board, and has paid all taxes and fees owed to the Town, including those related to other properties and purposes within the Town.
 - (3) The property to be used for a short-term rental business has completed and complied with the Town short-term rental unit inspection worksheet.
 - (4) All applicable requirements in Section 6-5-20 and Section 16-7-160 are met.
- (c) The Town Clerk may renew a short-term rental business license upon all the following conditions:
- (1) The applicant has submitted a complete renewal application form and provided all required information regarding the short-term rental unit, including, but not limited to a copy of the applicable sales tax license, the local contact person, and a delineated off-street or off-right-of-way parking plan for guests' cars.
 - (2) The applicant has paid the appropriate fee(s) established by the Town Board, and all applicable taxes throughout the previous year, including sales tax, and has paid all taxes and fees owed to the Town, including those related to other properties and purposes within the Town, and that the applicant has submitted the required lodging occupation tax form affidavits whether or not the unit was rented and taxes were paid during the applicable reporting period.
 - (3) The property to be used for a short-term rental business has completed and complied with the Town short-term unit inspection worksheet and there are no outstanding health and safety violations on the property that are related to the short-term rental license renewal checklist, any other application requirements set by the Town or the Fire Department, or any violations of Chapter 18 of this Code as it relates to habitability.
 - (4) The applicant has submitted the appropriate affidavits, as required by Section 6-5-20.
 - (5) There have been no violations of the provisions of this Article, this Code, or of any law, or regulation pertaining to the requirements of the application, or at the property, or of any of the terms pertaining to the license over the past year.
 - (6) All applicable requirements in Section 6-5-20 are met.
- (d) It is the duty of each short-term rental licensee to ensure that all of the information provided in a license application is kept up to date at all times, and it shall be unlawful for a licensee to fail to provide updated information to the Town within ten (10) days after the date upon which any information provided is no longer accurate.
- (e) No license issued under this Article shall be transferable and no license is valid as to any person or entity other than the person or entity named thereon.

Sec. 6-5-40. Revocation and suspension.

Any license issued pursuant to this Article may be suspended or revoked by the Town Board, upon ten (10) days' written notice, to a licensee stating the contemplated action and, in general, the grounds therefor, and after a reasonable opportunity for the licensee to be heard, for any of the following reasons:

- (a) Failure to pay the Occupational Lodging Tax pursuant to this Code, Chapter 6, Article III, or any other tax, such as sales tax, or the annual license fee established by the Town Board, or failure to submit the required lodging occupation tax form affidavits whether or not the unit was rented and taxes were paid during the applicable reporting period.
- (b) False statement of material fact contained in the application;
- (c) Failure to file any report or furnish any other information that may be required by the provisions relating to this Article;
- (d) If any fact or condition exists which, if it had existed or had been known to exist at the time of the application for such license, would have warranted the refusal of the issuance of such license; or
- (e) Violation of any provisions of this Article, or of any law or regulation pertaining to the requirements of the application, or at the property, or of any of the terms pertaining to the license.

Sec. 6-5-50. Penalties.

In addition to any other remedies available at law or equity, engaging in the short-term rental business within the Town without a license shall subject the property owner to a fine in an amount to be established by resolution of the Town Board, as may be amended from time to time, and as provided in Chapter 1, Article IV of this Code, or a denial of a license altogether.

Section 3. Section 16-5-30 of the Fairplay Municipal Code, concerning the table of uses, is Hereby amended to read as follows:

Sec. 16-5-30. Table of uses.

Table of Uses									
P=Permitted Use, S=Special Use, ■=Prohibited Use									
Land Use	Residential		Mixed Use	Commercial			Light Indus.	Public	
	SF-Res	MF-Res	T	TC	C	MU	LI	CC	POST
...									
<u>Short-term rental units</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>■</u>	<u>■</u>	<u>■</u>	<u>■</u>	<u>■</u>

Section 4. A new section 16-7-160, concerning Short Term Rentals, is hereby added to Chapter 16, Unified Development Code, Article VII, Supplemental Standards, of the Fairplay Municipal Code to read as follows:

Sec. 16-7-160.- Short term rentals.

Short term rentals shall be subject to the following regulations:

- (a) Registration and licensing requirements
 - (1) All short-term rentals shall comply with Chapter 6 Article V of the Fairplay Municipal Code, which establishes conditions under which a property owner may apply for a short-term rental license.
- (b) Conditions and standards.
 - (1) Short-term rentals are not permitted in an apartment building at any time in any zoning district.
 - (2) Short-term rentals are not permitted in accessory dwelling units (ADUs), recreational vehicles (RVs) which include all such vehicles that bear a vehicle identification number (VIN), tents, teepees, campers or other temporary structures, at any time in any zoning district.
 - (3) No short-term rental shall be operated in such a way as to constitute a nuisance.
 - (4) The maximum number of occupants permitted in a short-term rental shall be established at the time of initial licensing and based upon the Water & Sewer Equivalent Residential (EQR) use calculation for the property.
 - (5) Events, such as concerts, parties and weddings, are prohibited.
 - (6) The designated parking for vehicles of short-term rental guests shall be addressed at the short-term rental application and licensing stage, and shall meet the off-street parking standards identified in Chapter 16 Article X.

Section 5. Section 16-26-20 of the Fairplay Municipal Code, concerning Definitions, Unified Development Code, is hereby amended by the addition of the following term:

Sec. 16-26-200.- Definitions.

...

Apartment building means a detached structure containing three (3) or more separate, independent dwelling units for rent, each unit housing one (1) family living together as a single housekeeping unit, but not including condominiums, motels, hotels or similar commercial facilities.

Section 6. Current Business Licensees. If the amount of short-term rental license applications submitted upon the adoption of this ordinance exceed the cap imposed by the ordinance, the City Clerk shall process short-term rental license applications submitted by current business licensees (those who hold a valid and active business license with the Town) and who operate a short-term rental first, before processing subsequent short-term rental license applications.

Section 7. Safety Clause. The Town Board hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Fairplay, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Board further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 8. Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or of such Code

provision, the intention being that the various sections and provisions are severable.

Section 9. This Ordinance shall become effective thirty (30) days after final publication.

INTRODUCED, READ AND PASSED, ADOPTED AND ORDERED PUBLISHED IN FULL in a newspaper of general circulation in the Town of Fairplay by the Board of Trustees this ___ day of _____, 2022.

TOWN OF FAIRPLAY, COLORADO

Frank Just, Mayor

ATTEST:

Janell Sciacca, Town Clerk



MARCH MIXER

JOIN LOCAL BUSINESS OWNERS AND THE
SOUTH PARK CHAMBER OF COMMERCE FOR FOOD, DRINKS,
AND NETWORKING AT OUR FIRST MIXER OF THE YEAR!

TUESDAY, MARCH 22, 2022
4:30PM - 6:30PM



**HOSTED BY
MILLONZI'S**

501 FRONT STREET
FAIRPLAY, CO

MEMBERS - \$10 | NON-MEMBERS - \$15 | KIDS - FREE

ADMISSION INCLUDES FOOD AND ONE DRINK TICKET

SIGN UP TO JOIN THE CHAMBER, NETWORK WITH
SOUTH PARK BUSINESS OWNERS, MEET YOUR
NEW CHAMBER BOARD, AND WIN PRIZES!

Come Celebrate!

**Ground
Breaking
Ceremony**
for the
**Park County
Workforce
Housing Project**

5th & Castello Ave.

In the Town of Fairplay
between St. Joe's &
South Park Schools.

**Thursday
March 31, 2022
5:00 pm**

In partnership with
the Town of Fairplay
and Park County
Government,

Summit Habitat for
Humanity is excited
to announce the
Park County
Workforce Housing
Project.

These eight homes
will provide
homeownership
opportunities for
families and
individuals who are
working, living in,
and serving our
community.



Summit
Habitat
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