



TOWN BOARD AGENDA

REGULAR MEETING

(All items listed for discussion and possible action)

Hybrid Meeting

[Meetings | Town of Foxfield \(colorado.gov\)](#)

South Metro Fire Protection District Station #42
7320 South Parker Road

Thursday, May 16, 2024
6:30 p.m.

Call to Order

1. Oaths of Office For Appointed Board Members
2. Roll Call of Board Members
3. Audience Participation Period (limit 4 minutes per speaker)
4. Consent Agenda
 - a. Approval of Minutes – April 29th, 2024
 - b. Financials April 2024
5. For Discussion
 - a. Board of Trustees Orientation
 - b. Town Projects Updates
6. Reports
 - a. Members of Town Board
 - b. Staff

7. Future Agenda Items

- a. Tunnel and sidewalk repairs
- b. MHFD follow-up
- c. Culvert Clean-up
- d. Wards Discussion
- e. Land Use Code Final Draft
- f. Accessibility
- g. Speed Mitigation
- h. Playground Equipment Installation
- i. Study session on Code Definitions regarding accessory structures and vehicles

8. Adjournment



BOARD OF TRUSTEES MEETING MINUTES

April 29, 2024

1. Call to Order

The meeting was called to order at 6:30 p.m. via Microsoft Teams.

2. Roll Call

The following Trustees were present via Microsoft Teams: Trustee Goddard.

The following Trustees were present in person: Mayor Jones, Trustee Cockrell, and Trustee Thompson.

A quorum was present.

3. Audience Participation

Aaron Thomason of S. Norfolk St. inquired about surveying activity to the west of his property and wanted to confirm zoning regulations for the lots. After verifying the location of the lots, the Board advised that the lots in question were residential.

4. Consent Agenda

Mayor Jones moved to approve the Consent Agenda, with a second from Trustee Goddard. The motion passed unanimously.

5. For Possible Action

a. Board vacancy appointment interviews, deliberations, and vote

Following the Board vacancy interviews the following appointees were selected:

- i. Tim Schultz Ward 1
- ii. Jithu Pakanati Ward 3
- iii. Doug Hodge Trustee-At-Large

b. Gate Policy Update

Town Administrator Proctor proposed that the Gate Policy be updated to allow staff to access the video recordings.

After discussion, the Board suggested changes to provide clarity on roles and information sources.

Mayor Jones moved to approve the Gate Policy Updates as amended, with a second from Trustee Cockrell. The motion passed unanimously.

c. Approval of Expenditure for Accessibility Audit

Town Clerk Schmitz summarized the new proposal for a basic website audit. After discussion, Mayor Jones moved to approve the Expenditure for an Accessibility Audit, with a second from Trustee Cockrell. The motion passed unanimously.

d. 2023 Audited Financial Statements

Town Administrator Proctor introduced the completed 2023 Audited Financial Statements and noted that there were no findings.

Mayor Jones moved to approve the 2023 Audited Financial Statements with a second from Trustee Thompson. The motion passed unanimously.

6. Reports

a. Members of Town Board

- i. Trustee Cockrell reported the DRCOG regional transportation plan was updated recently. Updates included an increase in identified risk areas. Additionally, Bike-to-Work Day is the third week in June.
- ii. Trustee Goddard cautioned that many pines look to be infected, and there will be a likely increase in dead trees.

b. Staff

- i. Town Administrator Proctor explained that the gate vendor continues to evaluate the issues with the Richfield location. She also noted that an LUC draft ready for Board review. A future study session will be scheduled.
- ii. Town Clerk Schmitz noted that there was an inquiry about the 17-acre parcel, but that the inquiry itself would not result in any development. Additionally, Ms. Schmitz noted that the engineering team delivered a residential culvert report with 350 impacted residential culverts. Ms. Schmitz will work on a communication plan and received Board guidance on waiving related permit fees.

7. Future Agenda Items

- a. Tunnel and sidewalk repairs
- b. MHFD follow-up
- c. Speed mitigation
- e. Culvert follow-up
- f. Engineering RFP for 2025
- g. Study session for code definitions regarding accessory structures and vehicles
- h. Playground equipment

8. Adjournment

Mayor Jones adjourned the meeting at 8:34 p.m.

Kathleen Schmitz, Town Clerk

Lisa Jones, Town Mayor

March

Treasurer's Report

2024

First Bank Checking

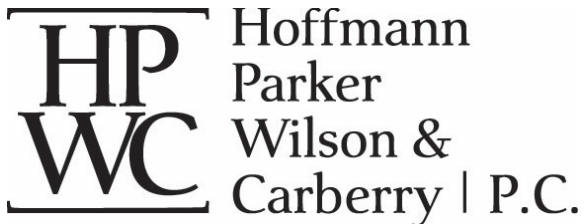
Activity	Credit	Debit	Account Balance
Beginning Balance			\$ 36,177.68
Colo Interac - gate tags	\$ 56.00		
Colo Interac - building permits	\$ 8,991.04		
Colo Interac- Use tax	\$ 3,225.38		
Colo Interac - Animal Control reimbursement	\$ 65.00		
Arapahoe County Open Space Tax	\$ 675.62		
Colo Trust Transfer	\$ 25,000.00		
Adobe credit	\$ 6.51		
Duplicate payment to be reimbursed	\$ 343.75		
CIRSA premium reimbursement	\$ 19.84		
Core - franchise fee	\$ 4,103.95		
Storquest		\$ 77.00	
Caselle - monthly support		\$ 368.00	
Colorado Mediation & Resolution Service-Municipal Judge		\$ 250.00	
Microsoft Online email hosting		\$ 47.73	
Microsoft Phone		\$ 17.76	
First Bank--activity fee		\$ 2.00	
CORE- Irrigation		\$ 23.89	
CORE- Gate electricity Richfield		\$ 30.96	
CORE- Gate electricity Fremont		\$ 31.88	
CORE- Lewiston way lights		\$ 32.87	
HPWC, PC - legal services		\$ 2,810.00	
Terracare Assoc - public works		\$ 10,569.88	
USPS--post office box		\$ 364.00	
ACWWA		\$ 77.99	
CORE - 6806 S Parker Road lights		\$ 83.26	
SafeBuilt - building, CE, P&Z		\$ 5,091.94	
John Cutler -Audit		\$ 2,000.00	
Frank Lawrence -- Sign repair reimbursement		\$ 250.72	
Wizard Works -- gate repair		\$ 1,128.00	
The Villager Legals		\$ 34.26	
J & J Tree Care		\$ 2,300.00	
Adobe		\$ 34.22	
Arapahoe County Use Tax		\$ 925.63	
CIRSA premium		\$ 36.84	
Schmitz, Kathleen		\$ 3,349.21	
Briar, Jeff		\$ 300.14	
Proctor, Karen		\$ 5,592.76	
Ending Balance	\$ 42,487.09	\$ 35,830.94	\$ 42,833.83

Treasurer's Report

ColoTrust General Fund			
Activity	Credit	Debit	Account Balance
Beginning Balance			\$ 1,524,474.39
Transfer from CTF	\$ 1,160.01		
Cigarette Tax	\$ 35.16		
Sales Tax	\$ 38,685.05		
Use Tax	\$ 656.44		
Arapahoe County	\$ 18,008.48		
HUTF	\$ 3,021.31		
ARP transfer for tree trimming	\$ 2,300.00		
Public Service	\$ 1,503.71		
Road and Bridge shareback	\$ 1,769.70		
Interest Income	\$ 6,982.06		
Transfer to CTF		\$ 2,581.58	
Transfer to checking		\$ 25,000.00	
Ending Balance	\$ 74,121.92	\$ 27,581.58	\$ 1,571,014.73
ColoTrust CTF Fund			
Activity	Credit	Debit	Account Balance
Beginning Balance			\$ 20,943.63
CTF Distributon (transferred From GF)	\$ 2,581.58		
Interest Income	\$ 103.51		
Interest Income	\$ 6,982.06		
Transfer to General Fund		\$ 1,160.01	
Ending Balance	\$ 9,667.15	\$ 1,160.01	\$ 29,450.77
ColoTrust Open Space Fund			
Activity	Credit	Debit	Account Balance
Beginning Balance			\$ 249,846.87
Arapahoe County Road and Bridge Shareback due to General Fund	\$ 1,769.70		
Interest Income	\$ 1,117.14		
Sales and Use tax to be transferred to GF	\$ 599.93		
Transfer to General Fund		\$ 2,426.14	
Ending Balance	\$ 3,486.77	\$ 2,426.14	\$ 250,907.50
ColoTrust American Rescue Plan Fund			
Activity	Credit	Debit	Account Balance
Beginning Balance			\$ 98,311.33
Interest Income Deposit	\$ 435.60		
Transfer to General Fund -tree trimming		\$ 2,300.00	
Ending Balance	\$ 435.60	\$ 2,300.00	\$ 96,446.93

TOWN OF FOXFIELD SALES TAX REVENUE

<u>2022</u>	Nov Tax (Jan)	Dec Tax (Feb)	Jan Tax (Mar)	Feb Tax (Apr)	Mar Tax (May)	Apr Tax (Jun)	May Tax (Jul)	Jun Tax (Aug)	Jul Tax (Sep)	Aug Tax (Oct)	Sep Tax (Nov)	Oct Tax (Dec)	TOTALS
Colorado	35,322	25,179	18,488	23,894	27,061	22,707	21,535	18,366	21,373	17,317	17,534	16,310	265,086
Remote	12,097	7,822	8,154	11,229	17,329	18,912	18,539	9,342	11,280	10,096	9,500	14,780	149,080
FVC	23,767	18,843	15,448	18,191	10,044	10,627	8,637	17,200	22,278	18,142	17,887	18,659	199,722
	71,185	51,843	42,091	53,314	54,434	52,245	48,711	44,908	54,931	45,555	44,922	49,749	\$ 613,887.62
<u>2023</u>	Nov Tax (Jan)	Dec Tax (Feb)	Jan Tax (Mar)	Feb Tax (Apr)	Mar Tax (May)	Apr Tax (Jun)	May Tax (Jul)	Jun Tax (Aug)	Jul Tax (Sep)	Aug Tax (Oct)	Sep Tax (Nov)	Oct Tax (Dec)	TOTALS
Colorado	18,032	17,726	15,741	21,479	17,504	19,576	20,521	24,972	16,358	22,882	23,518	20,217	238,526
Remote	11,157	10,836	9,389	10,254	9,137	9,814	10,219	9,738	10,138	13,692	37,948	12,476	154,799
FVC	21,366	17,696	15,181	12,957	13,369	14,164	13,845	17,690	23,338	18,077	17,088	16,572	201,344
	50,555	46,258	40,310	44,691	40,010	43,553	44,585	52,401	49,834	54,651	78,555	49,266	\$ 594,668.90
<u>2024</u>	Nov Tax (Jan)	Dec Tax (Feb)	Jan Tax (Mar)	Feb Tax (Apr)	Mar Tax (May)	Apr Tax (Jun)	May Tax (Jul)	Jun Tax (Aug)	Jul Tax (Sep)	Aug Tax (Oct)	Sep Tax (Nov)	Oct Tax (Dec)	TOTALS
Colorado	28,432	18,598	17,046	27,273									91,348
Remote	11,302	10,141	10,135	9,679									41,257
FVC	15,739	12,391	11,505	14,993									54,628
	55,473	41,130	38,685	51,945	0	0	0	0	0	0	0	0	\$ 187,233.02



Corey Y. Hoffmann
Kendra L. Carberry
Jefferson H. Parker
M. Patrick Wilson
Hilary M. Graham
Kathryn M. Sellars


511 16th Street, Suite 610
Denver, CO 80202-4260
(303) 825-6444

Daniel P. Harvey
Ruthanne H. Goff
Katharine J. Vera
Elizabeth G. LeBuhn
Austin P. Flanagan
Kunal A. Parikh
Bria I. May
Nicholas A. Hartman

Of Counsel
J. Matthew Mire

TOWN OF FOXFIELD
MEMORANDUM

TO: MAYOR AND BOARD OF TRUSTEES

FROM: COREY Y. HOFFMANN, TOWN ATTORNEY 

DATE: MAY 2, 2024

RE: BOARD OF TRUSTEES ORIENTATION

The purpose of this Memorandum is to provide an introduction for some members of the Board, and a review for others, of the various legal issues associated with the Town's structure as a statutory town.

1. Form of Government

The Town of Foxfield is a statutory town within the meaning of C.R.S. § 31-4-301, *et seq.* As such, the "legislative and corporate authority" of the Town is vested in the Board of Trustees. The Board of Trustees is then required pursuant to C.R.S. § 31-4-304 to:

... appoint a clerk, treasurer, and town attorney, or shall provide by ordinance for the election of such officers, and may appoint such other officers, including a town administrator, as it deems necessary for the good government of the corporation...

In addition, the Town has a contract Town Administrator, and thus much of the discussion will address the effect of that decision on the operations of the Town as a legal entity as described below.

Statutory municipalities such as the Town of Foxfield derive their authority from state law and they are creatures of statute. The powers of a statutory municipality are generally described by C.R.S. § 31-15-103(2) as follows:

(2) **All such municipalities shall have the powers, authority and privileges granted by this title and any other law of this state together with such *implied and incidental powers, authority and privileges as may be reasonably necessary, proper, convenient, or useful to the exercise thereof.*** All such powers, authority and privileges are subject to the restrictions and limitations provided for in this title and in any other law of this state.

Title 31 then contains grants of various powers and functions to a municipality including, by way of example, grants of administrative powers [C.R.S. § 31-15-201, *et seq.*], financial powers [C.R.S. § 31-15-301, *et seq.*], police powers [C.R.S. § 31-15-401, *et seq.*], authority to regulate businesses [C.R.S. § 31-15-501], authority to adopt building and fire codes [C.R.S. § 31-15-601, *et seq.*], authority regarding public buildings and property [C.R.S. § 31-15-701, *et seq.*], and authority regarding zoning and subdivision [C.R.S. § 31-23-101, *et seq.*].

The other laws of the State of Colorado that apply to the Town in addition to those in Title 31 are of course many and varied, and include by way of example, the Colorado Open Meetings Law, C.R.S. § 24-6-401, *et seq.* ["political subdivision of the state" defined by C.R.S. § 24-6-402(1)(c) to include a "town"], the Colorado Open Records Act, C.R.S. § 24-72-200.1, *et seq.* ["political subdivision" defined by C.R.S. § 24-72-202(5) to include a "town"], and the Colorado Code of Ethics, C.R.S. § 24-18-101, *et seq.* ["local government" defined by C.R.S. § 24-18-102(5) to include a "town"] to name a few.

The framework above is outlined because the laws regulating municipalities also serve to provide the parameters for municipal liability and governmental immunity. To greatly oversimplify, so long as the Town and its elected and appointed officials are acting within the general parameters of the scope of corporate authority set forth in Colorado law, the Town is generally immune from liability in tort, subject to a very few statutory exceptions applicable to the Town. In addition, so long as the individual board members and Town employees are acting within the scope of their respective positions, such individuals are protected from individual liability. C.R.S. § 24-10-110.

Moreover, as it relates to the relationship between the Board of Trustees and the Town Administrator, having a contract Town Administrator provides that the administrative functions and duties of the Town are vested in the Town Administrator including generally the following: (1) responsibility for the efficient administration of the town; (2) supervision of the enforcement of all laws and ordinances; and (3) responsibility for recommending an annual budget and keeping the Board of Trustees apprised of the financial condition of the Town. This delegation of the administrative functions of the Town to a Town Administrator allows the Board of Trustees to focus on the "bigger picture" legislative and quasi-judicial activities defined below.

While I will discuss these issues in more detail at the April 7, 2022, meeting, what follows is an outline of the difference between quasi-judicial versus legislative functions of the Board of Trustees. This discussion will further act as the "backdrop" for the discussion at the April 7, 2022, meeting.

2. Decision Making Process – Quasi Judicial Versus Legislative Functions

The operation of the Board of Trustees can generally be broken up into two functions, one is a legislative function, and the other is a quasi-judicial function.

The Board of Trustees is acting in a legislative capacity or exercising legislative authority when it acts upon a general rule or policy which is applicable to an open class of individuals, interests, or situations. *Snyder v. Lakewood*, 189 Colo. 421, 542 P.2d 371 (1975). The Board of Trustees is acting in a legislative capacity when it acts, for example, on budget and finance; or the adoption of general ordinances, such as smoking, nuisances or signs. Generally, any ordinance of general application that will be incorporated into the Town of Foxfield Municipal Code is legislative in nature.

However, when a general rule is applied to specific individuals, interests, or situations, this is an exercise of quasi-judicial authority. The Board of Trustees (and a Planning Commission or the Board of Adjustment) is acting in a quasi-judicial capacity when they act upon a rezone, variance, subdivision, or site plan.

The earmarks of quasi-judicial action are well established in numerous Colorado appellate decisions, an example of which is as follows:

Snyder v. City of Lakewood, 189 Colo. 421, 542 P.2d 371 (1975) sets out a test for determining when an agency's action is "judicial or quasi-judicial" and subject to certiorari review.

Under the *Snyder* test, the action of an agency will be deemed quasi-judicial for 106(a)(4) purposes if:

- (1) A state or local law requires that the body give adequate notice to the community before acting;
- (2) A state or local law requires that the body conduct a public hearing pursuant to notice at which time concerned citizens must be given an opportunity to be heard and present evidence; and
- (3) A state or local law requires the body to make a determination by applying the facts of a specific case to certain criteria established by law.

See also, City and County v. Eggert, 647 P.2d 216, 221 (Colo. 1982); *Cherry Hills Resort Development Co. v. City of Cherry Hills Village*, 757 P.2d 622, 626-628 (Colo. 1988).

The important distinction between legislative action and quasi-judicial action is that the courts apply a more lenient or "hands off" approach in their review of legislative decisions. The court's hands off approach to review legislative actions stems from a concern for the separation of powers between what is a judicial action which the courts are capable of reviewing, versus legislative action, which the courts are neither capable or equipped to review. This concern for separation of powers has manifested itself into what has become a traditional rule – a court will not inquire into legislators' motives in making a decision.

On the other hand, the courts have shown a willingness to inquire into motives where the court felt the action taken was quasi-judicial in nature. *See, City of Colorado Springs v. District Court In and For El Paso County*, 184 Colo. 177, 519 P.2d 98 (1973) (Court held that the City Council in denying a requested zoning change was acting in a quasi-judicial capacity and therefore the District Court had jurisdiction to decide whether the City Council acted arbitrarily and capriciously, or abused its discretion, or failed to pursue its authority in a regular way). Therefore, where the action to be taken by the Board of Trustees is quasi-judicial in nature, as set out above, the courts will inquire into the motives of the decision maker. As a result, the matters discussed below should be considered for quasi-judicial proceedings.

A. *Ex Parte* Contacts

The members of the Board of Trustees may use their own personal knowledge in deciding a specific matter before the Board of Trustees. Whenever personal knowledge is relied upon in deciding a specific case, *e.g.*, the facts known to the Board Members and not otherwise disclosed, it should be recited in and made a part of the record. The reasons for requiring that personal knowledge be disclosed on the record are two-fold: (1) a reviewing court will not consider a Board's alleged special knowledge used in making its decision where neither the facts the Board relied on, nor the nature of the special information appears in the record; and (2) it has been held that due process is denied unless the Board's knowledge is disclosed in time to afford an opportunity for an applicant or other interested party to challenge their personal knowledge.

Although it is not improper for a Board Member to have personal knowledge of a specific property as a resident of the Town, it is not proper to discuss with someone not a member of the Board or staff the merits of an application which is to be the subject matter of a quasi-judicial proceeding. It is most strenuously recommended that as a Board Member, you do not discuss with any person outside the confines of the public hearing (staff excluded) the subject matter of a quasi-judicial proceeding.

This type of contact is improper because you are sitting in the role of a judge in a quasi-judicial proceeding. As you are aware, judges may only make decisions based upon the evidence that is presented at trial. This requirement is based upon the fundamental need for fairness and the

constitutional right to due process. For the reason that you are adjudicating the rights of others in a quasi-judicial proceeding, you may only consider the evidence that is represented at the public hearing in making a decision. Some of the exceptions to this rule were discussed above.

B. Conflicts of Interest

There are many possible conflicts of interest in quasi-judicial matters which make it impossible to establish any definitive rule as to whether an interest is improper. Therefore, a determination of whether an interest is improper must be based on the factual circumstances of each case. As a consequence, only guidelines can be provided that will aid in the avoidance of conflicts of interest.

Associational ties, personal interest, or financial interests may create a real or perceived conflict of interest. One test, used by the courts in determining if there was an improper conflict of interest, is to base their decision not on whether the decision maker was in fact influenced by a relationship, but whether such a relationship would appear to a disinterested observer to have compromised the decision maker's impartiality. *See, Save a Valuable Environment v. City of Bothell*, 89 Wash.2d 862, 576 P.2d 401, 407-08 (1978).

As a general rule of thumb, any time a Board Member has any potential conflict of interest, whether it is a personal interest, financial interest, family or business relationship, with respect to a quasi-judicial proceeding, such potential conflict of interest should be made a part of the record. Once the potential conflict of interest is made a part of the record, the Board Member should not vote on the matter or try to influence the vote of the other members unless a majority of the Board Members determine that there is no conflict of interest.

In the event the Board Member personally feels that this potential conflict of interest will substantially influence his decision in a quasi-judicial matter, he should disqualify himself. In addition, if the Board of Trustees decides that it appears that a potential conflict of interest will substantially influence the decision of the Board Member, then official action should be taken to disqualify that person.

C. Prejudgment

In quasi-judicial proceedings, the role of the Board of Trustees is analogous to that of a judge who is required to hear facts and objectively apply pre-established standards such as statutes, ordinances, or other applicable law. However, in the realm of land use decision making, it is unlikely that Board Members will be totally without opinions concerning the development of their community. Therefore, to avoid the appearance of pre-judgment, it is recommended that the Board of Trustees allow all testimony and evidence to be presented. In addition, Board Members should avoid making statements which indicate that they are operating under pre-judgment; for example, "informing opposing speakers that they are just wasting their time in testifying."

May 2, 2024
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3. Conclusion

The above is intended to provide a framework for our discussion scheduled for May 16, 2024. I am also happy to address any other questions the Board may have. If you have any questions in advance, please do not hesitate to contact me.



MEMORANDUM

TO: Mayor Jones and Members of the Board
FROM: Karen Proctor, Town Administrator
DATE: May 16, 2024
RE: Town Project Update

DISCUSSION:

Following is a list of current larger projects that staff and the Board is working on:

1) American Rescue Plan (ARP) Town Funds

On May 10th, 2021, the U.S. Department of the Treasury announced the launch of the Coronavirus State and Local Fiscal Recovery Funds, established by the American Rescue Plan Act of 2021. The Town of Foxfield was allocated a total of \$196,555.51 of American Rescue Plan funds. The funds can be used for most Government operation expenses and must be used by December 31, 2025.

To date the Town has spent \$110,105. The funds have been used to provide for some grants to Town of Foxfield small businesses, paving of the gate turnarounds, equipment to hold remote Board meetings, updates to the Master Plan and Land Use Code, road maintenance and the removal of dead Town trees.

There is \$86,451 plus \$10,504 (interest) for a total of \$96,954 funds remaining. Some of these funds are currently allocated to fund the completion of the Land Use Code update, to work towards accessibility compliance, gate improvements and Town culvert repairs.

2) Land Use Code Update/Revisions

In January 2023, the Town of Foxfield was awarded a grant from the Department of Local Affairs (DOLA) in the amount of \$6,100 to help fund the revision of the Towns Land Use

Code. Staff and the Board have been working with Austin Pierce Flannagan, an attorney with Hoffmann, Parker, Wilson & Carberry, P.C, on this revision. A final draft has been received and is being reviewed by the Board. A public hearing to adopt the updated code will be held in the near future.

3) Gates

In April 2021 gates were installed at the Fremont and Richfield entrance to Town as a traffic control mechanism to help limit the excessive cut through traffic. DGO installed the gates and provided maintenance for two years. A new gate maintenance vendor was hired in 2023, however due to the passing of the owner the Town needed to find a new vendor. We are currently working with Wizard Works as our gate maintenance provider. Unfortunately, the gates have never functioned at 100% and Wizard Works is working to provide the Town with suggested improvements. We have a small group of residents that fix the gates when they have been hit and broken.

4) Open Space playground equipment installation

In November 2022, the Town of Foxfield received \$7,222.68 as a result of a sharing amount provided under the terms of the Metropolitan Football Stadium District Act and was to be allocated to fund Youth Activity Programs. The Town conducted a survey to obtain community input on possible uses and a decision was made to purchase natural playground equipment for the Foxfield Open Space area. The equipment is planned to be installed this spring/summer.

5) RFP for Engineers

The Town of Foxfield has used Short Elliott and Henderson (“SEH”) as engineering contractors for many years. It is the Boards desire, and best practice, to put out a request for proposal for possible new Town Engineers.

6) Events:

The Town sponsors a few key events, with the largest social gathering on July 4th. With no Town owned buildings and part time staff, community involvement is vital to successful events. The Board may be asked to volunteer time to help organize or run these events. This year’s July 4th parade starts at 10:30 and the picnic will be hosted at 7132 S. Uravan Court. Other events include a clean-up day in June, a community wide garage sale in August, and a Large Item curbside pickup in September.

7) Accessibility Requirements

In July of 2024, Colorado passed House Bill 21-1110, requires state and local public entities to meet certain website and documentation technical standards. The Town has until July 1, 2024, to either fully comply with the standards, or create a accessibility plan detailing the path to compliance. The Town has received a grant, funded by the

Statewide Internet Portal Authority (“SIPA”) and Allyant, an accessibility technology firm, and has received a software license to help remediate documents. Additionally, the Town is working with Allyant to begin a website audit. Staff will be responsible for remediating all documents, updating the accessibility plan and fixing any identified issues noted in the audit. Additionally, all newly created communication and documents must meet accessibility standards.

8) Culverts

In November 2023, at the Boards request, SEH performed a Town wide culvert assessment. Culverts are essential to Town drainage and water flows, and issues could present or create a public hazard by damaging the roadway. SEH provided a report which detailed suggested remediations for Town owned and residential culverts. The Town is awaiting a quote from Terracare, the vendor who provides landscaping services to the Town. Once a quote is received and approved, Town owned culvert repairs will begin. Additionally, the staff is working on communication to residents, many of whom will be asked to clean-up or repair residential culverts.

9) MHFD- Cherry Creek Minor Tributaries MDP

Mile High Flood District, on behalf of FEMA, has engaged consultants and local governments as part of a multi-year study of the Cherry Creek basin. Foxfield is heavily impacted by the study as the Chenango Tributary runs through town. As a result of the study, MHFC and their consultant have recommended a number of costly remediations to mitigate risk in the event of a 100-year flood. The Town’s staff and SEH has requested that the proposal be adjusted and scaled down for budgetary practical reasons. There are very few structures in the flood plain, and thus, the recommendations should be better scoped and sized to reflect both the limited impact and the limited resources of Foxfield.

10) Easter Trail Study

The goal of this project is to create a safe connection from Foxfield and other communities east of Parker Rd to the trails, retail, and other facilities on the west side of Parker Rd. This would be accomplished through a path adjacent to but separated from Parker Rd between Fremont and Chambers Way and along Chambers Way to the Cherry Creek Trail trailhead at Cherokee Tr. The exact trail alignment is yet to be determined but one possibility is shown in the map below.

The first step for this project is to conduct a study. The study will evaluate trail feasibility, identify a preferred alignment, evaluate potential right-of-way, utility, and environmental impacts, and complete a conceptual design and cost estimate. Arapahoe County Open Spaces is the project sponsor with the Town of Foxfield as an adopting agency partner. This study was selected for funding by the Denver Regional Council of Governments

(DRCOG) for inclusion in the Transportation Improvement Program (TIP) for FY 2024-2027 as an Air Quality/Multimodal Project.

The exact timeline for this project is still being determined. Arapahoe County will provide project management and administration, including conducting an RFP process to identify a consultant to complete the study.

