



TOWN BOARD AGENDA

REGULAR MEETING

(All items listed for discussion and possible action)

Hybrid Meeting

[Meetings | Town of Foxfield \(colorado.gov\)](https://www.colorado.gov)

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

Thursday, September 7, 2023
6:30 p.m.

1. Call to Order
2. Roll Call of Board Members
3. Audience Participation Period (limit 4 minutes per speaker)
4. Consent Agenda
 - a. Approval of Minutes – August 17, 2023
5. For Possible Action
 - a. First Reading of Ordinance 03-2023 Amending Article 2 of Chapter 6 to Authorize Retail Establishment Permits and Allow the Town Clerk to Administratively Approve Such Permits
 - b. Culvert Inspection
6. For Discussion
 - a. Bonnie's Barn Inventory
 - b. ARP funds for FVC Incentive to Lease
 - c. Municipal Land Use Code Organization
 - d. FEMA -Minor Tributary Study update
7. Reports

- a. Members of Town Board
- b. Staff
 - i) Clerk's report

8. Future Agenda Items

- a. Erosion Update
- b. FEMA study update

9. Adjournment



MINUTES

BOARD OF TRUSTEES MEETING

August 17, 2023

1. Call to order:

- The virtual 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 Farreau, Trustee Herold*, Trustee Schultz* and Mayor Jones.
- The following Trustees were present in person: Trustee Thompson, and Trustee Cockrell.
- Trustee Goddard was not present.
- *Remote attendance to start the meeting, with in person attendance after roll call.
- A quorum was present.

3. Audience Participation

- None

4. Consent Agenda

- a. Meeting Minutes – July 20, 2023
- b. Financial Reports July 2023

Mayor Jones moved to approve the Consent Agenda, with a second from Trustee Schultz. The motion passed by unanimous roll call vote.

5. For Possible Action

None

6. For Discussion

- a. Accessory Structure Policy Discussion

Mr. Corey Hoffman of Hoffmann, Parker, Wilson & Carberry, P.C. and Mr. Travis Reynolds of SAFEbuilt, introduced a policy discussion around the intent and interpretation of accessory structure size guidelines. After discussion, the Board provided interpretive guidance, which clarified that the intent of accessory structure size guidelines was to limit the visual impact of the structure, by limiting the overall footprint (perimeter). As long as height, setback and other building requirements are met, accessory structures may include below grade space and/or second stories assuming the overall footprint remains the same.

b. Culvert Inspection Estimate

Town Clerk Schmitz introduced the engineering quote for a Town wide culvert inspection. The Board directed staff to send out a notification to residents prior to the work. Additionally, they asked for clarification as to whether the drainage swales and culverts were included in the bid.

Reports

a. Mayor's Report

- *Mayor Jones reported that comments were provided on the recent draft of the Land Use Code updates, and that a future meeting is likely needed to ensure goals are aligned.*

b. Members of the Town Board

- *Trustee Cockrell reported that Fremont turnaround people are now parking in the road because the turnarounds are not useable. She also reported that the Transportation Improvement Project was formally approved by DRCOG.*
- *Trustee Herold reported that the barrels were moved. After discussion, it was decided to move them to the alternative traffic calming recommended location. He wanted to verify whether a permanent solution would require the same placement restrictions. Additionally, it was asked that staff get information on speed control dips.*
- *Trustee Thompson suggested earmarking plastic bag fees for cleanup days. Additionally, Trustee Thompson request a future discussion on potential incentives for the two Foxfield Village Center vacancies. Lastly, she summarized the Hinsdale traffic data, which indicates that the barrel placements have not significantly impacted speeds. As an alternative speed control dips could be installed using ARP money.*
- *Trustee Farreau reported that the gate turnaround ruts are very bad. If paving cannot be scheduled soon, then a temporary filler will be required.*
- *Trustee Schultz asked for an update on the sink hole in the Foxfield Village Center. Staff will get an update. He also noted a tree which is overhanging the road along Richfield. Staff will work with Code Enforcement to have the issue addressed.*

c. Staff

- *Ms. Schmitz reported on the following items:*

- *Mr. Hoffman is drafting a contract for the new gate maintenance vendor. Staff has also asked the vendor to provide the cost for preventive maintenance and the initial gate assessment.*
- *Ms. Schmitz also advised that Google has marked the emails being sent to residents with gmail addresses as spam. She will review options to address the issue.*
- *Ms. Schmitz received feedback from one resident on the garage sale who noted a smaller number of participants, the lack of a map showing the participants, and the lack of a sign with dates.*
- *Lastly, Ms. Schmitz noted that the accessibility standards have been updated again. She is still working on updates but is challenged with time commitments for other duties and projects. After discussion, the Board directed staff to scope the project and put this out to bid.*

7. Future Agenda Items

- a. Tunnel and Sidewalk Repairs
- b. Flood Hazard Area Delineation (FHAD) recommendations
- c. Barrel data review
- d. Retail establishment tastings ordinance
- e. Foxfield Village Center update and vacancies
- f. Gate maintenance contract
- g. Paving update
- h. Culvert updates

8. Adjournment

Mayor Jones adjourned the meeting at 8:00 p.m.

Kathleen Schmitz, Town Clerk

Lisa Jones, Mayor



MEMORANDUM

TO: Mayor Jones and Members of the Board

FROM: Kathleen Schmitz, Town Clerk

DATE: September 7, 2023

RE: First Reading Ordinance: 2023-03 An Ordinance Amending Article 2 of Chapter 6 of the Foxfield Municipal Code to allow the Town Clerk to administratively approve Retail Establishment Permits

DISCUSSION:

Attached for first reading is Ordinance 2023-03. This Ordinance amends article 2 of Chapter 6 of the Foxfield Municipal Code to allow the Town Clerk to administratively approve Retail Establishment Permits.

House Bill 23-1061 went into effect on August 7, 2023. The Bill expanded the art gallery permit to allow most retail establishments to serve complimentary beverages at their place of business for up to 24 days a year subject to certain conditions.

RECOMMENDED MOTION:

“I move to approve Ordinance 2023-03 An Ordinance Amending Article 2 of Chapter 6 of the Foxfield Municipal Code to allow the Town Clerk to administratively approve Retail Establishment Permits on first reading.”

ATTACHMENT:

Exhibit A: Ordinance 2023-03

Trustee Bill No. 03
Series of 2023
Town of Foxfield

Introduced by Mayor Jones

**A BILL FOR AN ORDINANCE AMENDING ARTICLE 2 OF CHAPTER 6
OF THE FOXFIELD MUNICIPAL CODE TO AUTHORIZE RETAIL
ESTABLISHMENT PERMITS AND ALLOW THE TOWN CLERK TO
ADMINISTRATIVELY APPROVE SUCH PERMITS**

WHEREAS, C.R.S. § 44-3-424 previously authorized an art gallery to offer complimentary alcoholic beverages for consumption only on the premises;

WHEREAS, on August 7, 2023, House Bill 23-1061 amended the above-mentioned statutory section to allow almost all other types of retail establishments to serve complimentary alcohol beverages at their place of business for up to 24 days a year; and

WHEREAS, the Town now desires to amend the Foxfield Municipal Code to allow the Town Clerk to administratively approve Retail Establishment Permits

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

Section 1. Section 6-2-140, subsection (a) of the Foxfield Municipal Code is hereby amended to add a new subsection (a)(12) to read as follows:

Sec. 6-2-140. Application.

(a) The Authority may issue only the following malt, vinous, and spirituous liquor licenses upon payment of the fee to be determined by the Town by resolution and Section 44-3-505, C.R.S.

* * *

(12) Retail Establishment Permit.

Section 2. Section 6-2-170 of the Foxfield Municipal Code is hereby amended to add a new subsection (d) to read as follows:

Sec. 6-2-170. Initial Appearance Before Board of Trustees.

* * *

(d) The Town authorizes the Town Clerk to administratively approve Retail Establishment Permits as authorized by Section 44-3-424, C.R.S.

Section 3. The Town Board of Trustees hereby finds, determines, and declares that this Ordinance is promulgated under the general police powers of the Town of Foxfield, 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.

Section 4. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 5. This ordinance shall become effective thirty (30) days after final publication.

Adopted as Ordinance No. 03 Series of 2023, by the Board of Trustees of Foxfield, Colorado, and signed and approved by its Mayor or presiding officers this ___ day of _____, 2023.

Lisa Jones, Mayor

ATTEST:

Kathleen Schmitz, Town Clerk

Town Seal

Corey Y. Hoffmann, Town Attorney
(Approved as to Form)



MEMORANDUM

TO: Mayor Jones and Members of the Board

FROM: Kathleen Schmitz, Town Clerk

DATE: September 7, 2023

RE: 2023 SEH Culvert Inspection Estimate

DISCUSSION:

As a follow-up to the previous discussion on the proposed culvert inspections, staff has clarified the scope of work associated with the fee estimate. SEH will visually inspect all culvert and drainage swales in the Town ROW (driveway and roadway). They will not, without direction, perform any calculations or surveys. They will make notes like "swale appears to be silted in or excessive vegetation blocking culvert end". If the Board wishes to have SEH do area flows and swale/culvert sizing calculations for certain areas, the analysis is pretty straight forward—they would use equations and spreadsheets from Mile High Flood District for those calculations.

Attached as Exhibit A is the Fee Estimate which details the projected cost. Attached as Exhibit B is the Culvert Assessment Program Supplemental Agreement. Staff is seeking approval to execute the agreement and schedule the work. Staff would propose allocating ARP funds to this project.

RECOMMENDED MOTION:

"I move to approve the 2023 Culvert Assessment Program Supplemental Agreement."

Or

“I move to approve the 2023 Culvert Assessment Program Supplemental Agreement as amended to include targeted sizing calculations.”

ATTACHMENTS:

Exhibit A – Fee Estimate

Exhibit B – Culvert Assessment Program Supplemental Agreement

FEE ESTIMATE

Town Culvert Assessment 2023							
August 3, 2023							
Task	Description	Snr. Proj. Manager	Project Manager	Senior Designer	Staff Engineer II	Senior Accountant	Task Subtotal
2023 Hourly Rates		\$218.00	\$200.00	\$130.00	\$126.00	\$129.00	
		SJ	EO	KC (GIS)	AGT/KB	SO	
1	Administration	0.5	2			3	\$896.00
2	Program Development						
2.1	Program planning and mapping	0.5	1	8	1		\$1,475.00
2.2	Field Investigation		6		60		\$8,760.00
2.3	Culvert summary map and inventory report	1	2	4	20		\$3,658.00
	Subtotal Hours	2	11	12	81	3	
	Subtotal Fees	\$436.00	\$2,200.00	\$1,560.00	\$10,206.00	\$387.00	
	Total Project Estimated Labor						\$14,789.00
	Expenses 600 miles @ \$0.655/miles						\$393.00
	Total Time & Materials Not-to-Exceed Fee						\$15,182.00



Supplemental Letter Agreement

In accordance with the Master Agreement for Professional Services between Town of Foxfield (“Client”), and Short Elliott Hendrickson Inc. (“Consultant”), effective January 1, 2015, and the 2023 Contract Amendment, this Supplemental Letter Agreement dated [REDACTED] authorizes and describes the scope, schedule, and payment conditions for the Consultant’s work on the Project described as: **2023 Culvert Assessment Program**

Client’s Authorized Representative: Karen Proctor, Town Administrator

Address: P.O. Box 461450
Foxfield, Colorado 80046-1450

Telephone: 303.905.9339 **e-mail:** kproctor@townoffoxfield.com

Project Manager: Erica Olsen

Address: 2000 S. Colorado Blvd. Suite 6000
Denver, CO 80222

Telephone: 303.586.5828 **e-mail:** eolsen@sehinc.com

The Basic Services to be provided by the Consultant as set forth herein are provided subject to the General Conditions and Exhibits attached to this Agreement.

Understanding: Per the request of the Town Board, SEH was asked to provide a scope and fee proposal to you for assessment of culverts within the right-of-way of the Town. The purpose of the assessment is to determine the extent and cost of required maintenance and replacement to improve and maintain drainage and reduce the risk of damage to roadways and property. Project goals for deliverables is to develop a repair and replacement plan, provide an Engineer’s Estimate of Probable Construction Cost for the Town’s use in budget planning, and enable the Town to utilize these deliverables prepare contracting documents to secure a contractor to implement a phased annual plan.

SEH’s project team will consist of Erica Olsen, P.E., who will serve as Project Manager, along with Scott Jardine, P.E., as Senior Advisor (QA/QC), Kevin Cody, GIS Mapping and Inventory and Graduate Engineer/Field Representatives Abril Gonzalez-Torres and Kyle Boldt (water resources).

Project History: The last full Town Culvert Assessment was completed in 2014. The assessment included field review of 372 culverts and adjacent drainageways. 54 culverts cross public streets and 318 are at private driveway accesses.

Scope of Services:

Proposed services include the following:

Task 1 – Administration

- Project task set up and close-out
- Miscellaneous task coordination with Town staff.

Task 2– Program Development

- Program planning and mapping
 - Desktop review of Google Map aerial imagery and develop updates to the 2014 Town GIS base map with known culverts and characteristics identified.
- Field Investigation
 - Field locate culverts, photograph and assess in GIS program.
- Culvert Summary Map and Inventory Report
 - Create data summary for deliverable to Town.
 - Includes recommendations and rankings of needs for system and individual Town Culverts.
 - Includes list of resident responsible culverts with maintenance needed. (Without knowing the extents of this list, follow up with individual residents is excluded from this task)
 - Includes opinion of probable construction cost for Town culvert work as needed.

Scope Exclusions

The proposed work does not include:

- Field Survey
- Utility Locates
- Follow up with residents for driveway culvert maintenance

Schedule:

Work shall be completed over a 6 week period beginning with Town Notice-to-Proceed.

Administrative set-up, desktop review and field staff scheduling – 1 Week

GIS Mapping – 1 Week

Field Investigation – 2 Weeks

Data Evaluation, Summary Map, and Report – 2 Weeks

Payment:

Attached is a spreadsheet with estimated hours for each task based on the hourly rates in our 2023 on-call contract amendment. The total, not-to-exceed, fee for this proposal is **\$15,182.00**. These fees include all labor, expenses, mileage and materials. Additional work, if requested, shall be compensated in accordance with the rates provided.

Other Terms and Conditions:

Other or additional terms contrary to the Master Agreement for Professional Services that apply solely to this project as specifically agreed to by signature of the Parties and set forth herein:

1. An item of work that is not specifically included and identified as a "Task" within the Scope of Work is specifically excluded from the Scope of Work.

SEH will not proceed with this work without prior approval from the Town of Foxfield. If this proposal is accepted, please sign below and return a pdf copy to SEH. Please feel free to call Erica Olsen or Scott Jardine with any questions.

Thank you for providing SEH this opportunity to assist you with this important project.

Sincerely,

SHORT ELLIOTT HENDRICKSON INC.

Erica Olsen, P.E. (CO)
Project Manager
720.280.3695

Accepted for the Town of Foxfield

By: _____

Title: _____

Date: _____

DRAFT



MEMORANDUM

TO: Mayor Jones and Members of the Board

FROM: Kathleen Schmitz, Town Clerk

DATE: September 7, 2013

RE: Town Storage

DISCUSSION:

The Town has historically stored various Town owned items at 7179 S. Quintero Street. Bonnie Burke, who owns the property, would like the Town to remove the items from her property. Additionally, the Town currently pays Terracare to mow Mrs. Burke's field at a cost of approximately \$1,000 annually as compensation for storage. Staff has visited the site to get an inventory which is listed below.

1. 9 large cafeteria style tables with attached benches (poor condition).
2. 3 large round tables (fair condition)
3. Three large canopies (unknown condition)
4. One small rectangular table (poor condition)
5. One large rectangular table without benches (poor condition)
6. 4 metal trash cans (poor condition)
7. Approximately 20 plastic school chairs (fair to poor condition)
8. Large Trough (fair condition, very heavy)

Staff is seeking direction on how to either move, store or dispose of the items. Some possible options may be:

1. Order a roll-off at a cost of \$225.00 per haul and \$25.00 for over 5 tons.
2. Pay for a large storage unit (Cost range would be \$100-\$125 per month) and move all items to storage and dispose of items over time with Curbside pickup, next year's Clean-up day, etc.



MEMORANDUM

TO: Mayor Jones and Members of the Board

FROM: Kathleen Schmitz, Town Clerk

DATE: September 7, 2013

RE: Foxfield Village Center Vacancy Incentives

DISCUSSION:

Foxfield Village Center currently has two vacancies. For discussion today are potential ways to incentivize new merchants to sign leases. Staff has sought preliminary advice as to any legal considerations which are detailed below.

1. The use of ARP funds for business incentives is limited. Small businesses that might receive the incentive must show they have been negatively impacted by the pandemic. That's harder to show now. In theory, the Town could either have a program where people apply and have to demonstrate how they were negatively impacted. In the alternative, the Town could offer it to the owner(s) of the spaces if those owners qualify as small businesses and they can show that they have been negatively impacted. There is a general assumption that most small businesses that were in existence when the pandemic started or started during the pandemic were negatively impacted. However, now, the situation is a bit different – national and state emergency declarations are lifted and there haven't been recent restrictions that might negatively impact businesses.
2. The Colorado Constitution prohibits aid to private corporations in the absence of a governmental purpose. However, practically speaking, it happens all the time. If the Town articulates the need for governmental purposes, then general funds could be used for incentives.

Staff is seeking guidance on any potential next steps.



MEMORANDUM

TO: Mayor Jones and Members of the Board

FROM: Kathleen Schmitz, Town Clerk

DATE: September 7, 2023

RE: Municipal Code Land Use Organization

Mayor Jones and Trustee Thompson recently met with Austin Pierce Flanagan, esq. and Corey Hoffman, esq. to discuss the organization approach to the Land Use Code updates. The structural updates have simplified the code and enabled a reduction of approximately 50 pages. However, there are varying opinions as to whether the structure is user friendly. Therefore, staff would like to present an example (accompanied by a demo during the meeting) that will help visually depict the current structure, the proposed structure that is in draft form, and an alternative structure to ensure the correct direction is given to the legal team. It should be noted that the work being done is currently on budget, however a change in organization structure may incur additional costs.

Example Topic: Fences

Current Code:

1. Word Search results: 88
2. Sections: Sec. 7-1-20. Nuisance defined; Sec. 7-2-10. Definitions; Sec. 16-3-60; Sec. 16-3-70; Sec. 16-2-110, Sec. 16-3-20; Sec. 16-3-50, Sec. 16-3-60;-Sec. 16-3-70; Sec. 16-3-90; Sec. 16-3-130, Sec. 16-4-20; Sec. 16-4-30; Sec. 16-4-50; Sec. 16-5-40; Sec. 16-6-10.
3. General Structure: Mentioned under multiple topics and mentioned separately under the standards for Rural Residential, Village Commercial and Planned Development.
4. Index Example:

Sec. 16-3-60. Fences, berms and sound walls in the large lot rural residential zone district.....40

Sec. 16-3-70. Screening, fences and walls in nonresidential areas.48

Proposed Draft* still a work in progress with additional simplifications to come:

1. Word Search results: 78
2. Articles 2, 3 and 4
3. General Structure: Fences are predominately discussed within article 4: Dimensional and Development Standards. The standards are further organized by district:

General Structure Example:

Fences, Berms, and Sound Walls

Fences in Large Lot Rural Residential Zone District.
Screening, Fences and Walls in Nonresidential Areas.

4. Index Example:

Article 4: Dimensional and Development Standards	Error! Bookmark not defined.
defined.	

Fences, Berms, and Sound Walls	2
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Alternative Structure** examples are theoretical only

1. Word Search results: 78
2. Articles 2, 3 and 4, 5, and 6
3. General Structure: Articles would be organized by district, with Dimensional and Development Standards listed separately under each district.

General Structure Example:

Rural Residential

Fences, Berms, and Sound Walls

Village Commercial

Fences, Berms, and Sound Walls

Planned Development

Fences, Berms, and Sound Walls

4. Index Example:

Article 4: Rural Residential	Error! Bookmark not defined.
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Fences, Berms, and Sound Walls	2
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Article 5: Village Commercial	80
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Fences, Berms, and Sound Walls	105
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Article 6: Planned Development	150
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Fences, Berms, and Sound Walls	180
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MEMORANDUM

TO: Mayor Jones and Members of the Board

FROM: Kathleen Schmitz, Town Clerk

DATE: September 7, 2013

RE: FEMA/MHFD Minor Tributary Study

Members of the SEH team and Staff met with MHFD to discuss the status and the next steps regarding the minor tributary study. This study is a part of the understanding for the whole Cherry Creek basin and regional stormwater master planning. Outlined below is a summary of the discussion.

1. An initial study, conducted by MHFD on behalf of FEMA, identified some of the areas along Hinsdale as a flood plain which has been approved by the State of Colorado, but the timing of FEMA adoption, which is expected, is uncertain.
2. Following the initial study MHFD engaged a third party to assess and suggest potential steps to mitigate the risk of a 100-year flood.
3. In the current draft, the alternatives for mitigation within the Town of Foxfield were presented as a do nothing or do all recommendation with the do all option carrying a hefty price tag. In the latest meeting it was agreed that the third-party consultant will assess options to meet a 25-year flood scenario in an effort to provide more realistic steps the Town can consider.
4. Once we have a revised list of potential mitigation steps those will be brought back to the Board.
5. We have also discussed a communication plan to help educate the residents ahead of any broader publication. While more broadly, a video is being planned, our community will likely want a more hands-on approach.