



## 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/meetings)

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

**Thursday, October 5, 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 – September 7, 2023
5. FEMA Tributary Study Update and Q&A with MHFD
6. For Possible Action
  - a. Final 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
7. For Discussion
  - a. Village Center Incentives
  - b. Gate Carpool Program
8. Reports
  - a. Members of Town Board
  - b. Staff

## 9. Future Agenda Items

- a. Erosion Update

## 10. Adjournment



## BOARD OF TRUSTEES MEETING

September 7, 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, and Trustee Schultz.

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

Trustee Goddard was not present.

A quorum was present.

### 3. Audience Participation

None

### 4. Consent Agenda

#### a. Meeting Minutes – August 17, 2023

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

### 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

Mayor Jones moved to approve Ordinance 03-2023 Amending Article 2 of Chapter 6 to Authorize Retail Establishment Permits and Allow the Town Clerk to Administratively Approve Such Permits, with a second from Trustee Thompson. The motion passed by unanimous roll call vote.

#### b. Culvert Inspection

After discussion, it was agreed that the Supplemental Agreement should be amended to clarify that visual inspections of both culverts and drainage swales are included in the scope of work.

Mayor Jones moved to approve the 2023 Culvert Assessment Program Supplemental agreement as amended, with a second from Trustee Thompson. The motion passed by unanimous roll call vote.

## 6. For Discussion

### a. Bonnie's Barn Inventory

After discussion, it was agreed to have a roll off ordered for disposal of the Town owned items. The disposal will take place on October 1, 2023.

### b. ARP funds for FVC Incentive to Lease

Town Clerk Schmitz summarized that incentives are possible using general funds with proper justification. Staff will reach out to the realtor or the manager to get an update and report back.

### c. Municipal Land Use Code Organization

Town Clerk Schmitz demonstrated the proposed organization for the updated land use code. No changes were suggested, and the drafting work can continue as proposed.

### d. FEMA -Minor Tributary Study update

Town Administrator Proctor summarized that the State of Colorado has already adopted the Flood Hazard Area Delineation ("FHAD") as outlined in the Tributary study. The FHAD has been sent to the Federal Emergency Management Agency ("FEMA"), with the expectation of eventual adoption. However, the FEMA adoption could take years. The Mile High Flood District team recommended communication begin soon and offered to attend a Board meeting ahead of the Broader communication to help educate the Board.

## Reports

### a. Mayor's Report

#### i. No report

### b. Members of the Town Board

ii. Trustee Herold received an inquiry about whether code violation reporting can be anonymous. Legally any recipient of a violation has the right to know who reported the issue.

iii. Trustee Thompson reported that Centennial Airport has a number of new construction projects including additional hangars, and a new Tower. There is now a new committee which includes the airport operations team, community members, and local FAA staff who are working together in a study group. There is also a Par 150 study to collect data on noise and community impact.

iv. Trustee Schultz reported that he met with a local group of Cub Scouts, who offered their thoughts and suggestions for reducing speeding. He also inquired about the DGO contracts.

c. Staff

i. Ms. Proctor reported that the initial 2024 budget will be presented In October.

ii. Mrs. Schmitz reported that Terracare has removed the distressed Ring Road trees. The planting of new trees will take place once the heat subsides. Additionally, she reported that SIPA has done an RFP to identify vendors specializing in accessibility. She will gather information at the upcoming conference.

7. Future Agenda Items

- a. Tunnel and Sidewalk Repairs
- b. Flood Hazard Area Delineation (FHAD) overview
- c. Barrel data
- d. Supplemental appropriation
- f. Initial 2024Budget
- e. Foxfield Village Center update and vacancies

8. Adjournment

Mayor Jones adjourned the meeting at 8:16 p.m.

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Kathleen Schmitz, Town Clerk

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Lisa Jones, Mayor



## MEMORANDUM

TO: Mayor Jones and Members of the Board

FROM: Kathleen Schmitz, Town Clerk

DATE: October 5, 2023

RE: Final 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 final 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.

No changes have been made to the Ordinance since first reading.

### 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 final 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: October 5, 2023

RE: Village Center Incentives

### DISCUSSION:

As a follow up to the Board's discussion regarding offering some type of incentive to businesses interested in coming to the Village Center, Staff talked with the realtor for the Village Center and researched what other Town's and Cities do.

### Realtor Feedback:

Mr. Kliewer, the realtor for the Village Center, provided the following history and information:

- Their cost per square foot is higher than neighboring sites due to the below factors:
  - The owner paid a high cost for the site before the Parker Road exchange was redone. The change in access lowered traffic to the site.
  - Large repairs have been costly. In addition to the paving, they've had to address drainage issues and a homeless encampment that had formed in the area above the Dairy Queen. A group of roughly 30 individuals had managed to break-in and set up a living space. They had to evict the group and repair the damage that had been done.
  - Taxes are exceptionally high--they are fighting to get them lowered--hopefully, they win their appeal.
- They are getting some interest at the Dairy Queen location, but the smaller back side space is much harder to fill.
- The Dairy Queen wasn't a full-service restaurant site--meaning they didn't have a hood installed. While restaurants are interested in the space the \$80,000 investment to install a hood is prohibitive.
- There was a bank interested in the space but backed out. He said they may reengage later this year.
- Retail stores in general are suffering from thefts run by organized crime. Retailers are starting to close shops in response.

- Incentives will be helpful to locating the right tenant. The tenant would need to generate a reasonable amount of foot traffic for the location to make sense.
- Tax incentives would certainly be helpful.

Comparative Practices:

Staff has compiled some of the economic development policies used in other small Towns. Included below are excerpts from the Town of Hayden's Economic Development Policy.

Economic development policies introduce the Town business case for incentives, such as:

The Town of Hayden, Colorado, is committed to encouraging new or existing business expansion in the areas of retail, commercial and light industrial/manufacturing that will bring quality economic growth to our community. The Town also supports pursuing commercial/industrial growth that compliments existing businesses. The Town is extremely interested in improving its tax base, improving property values, providing new item and service availability for its citizens and expanding job growth that will sustain long-term economic success and provide beneficial returns to Hayden and its citizens. In an effort to encourage new or expanding business development, the Town of Hayden may offer incentives, on a case-by-case basis, to qualifying businesses.

Next, the policies define the qualifications, such as:

1. The business must make a considerable investment in plant, equipment, building, operational, and/or employees during the calendar year in which application is made for incentives.
2. The business must be willing to provide an economic impact analysis that estimates the total economic benefits to Hayden and the incentive payback period. To be eligible for incentives, the payback period must be within a reasonable time (approximately 5 years).
3. The business must provide on-going company information for monitoring purposes. (All company information will be held in strict confidence.) Upon incentive approval by the Hayden Town Council, the company will be required to enter into an agreement with the Town of Hayden guaranteeing that mutually agreed to investment/jobs will be created within a specific period of time. If the company is unable to reach guaranteed levels, the Town of Hayden will have the ability to recover payments on either a full or pro-rated basis.

Following the guidelines, the policies typically lay out incentive opportunities, such as:

1. Building Permit Fees being reduced or waived.
2. Use Tax for building materials being reduced or waived.
3. Property tax rebates for a defined period of time.

Lastly, policies typically outline a process for businesses to follow, such as:

1. A meeting with the Town Manager, or their designee, is required to determine initial eligibility and feasibility. If it is determined that this incentive policy may apply the Town Manager, or their designee, shall direct the applicant to prepare a proposal to include at a minimum:
  - Eligibility Status/Requirements met
  - Incentive(s) requested
  - Economic Impact Analysis
  - Monitoring Process
2. The proposal is then forwarded to the Economic Development Commission for review and recommendation to the Town Council. The recommendation can be based on the original proposal, changes to, or additions to the applicant's proposal.
3. The application, recommendations from the Economic Development Commission and Town Manager are forwarded to the Town Council for final approval.
4. Following a decision by the Town Council, the Town Manager shall inform the applicant, and if any incentive is approved a formal agreement shall be entered into between the Town and the applicant.

Other options to consider:

- The Town could drop the business licenses altogether. This doesn't create a lot of revenue for the Town but may be attractive to increased businesses.
- The Town could offer an incentive to a potential restaurant to help with the cost of a hood installation.

Staff is seeking guidance as to next steps.

Would the Board like to consider incentives. If so should staff reach out to Mr. Hoffmann to get legal advice as to what would be allowed and what steps should be taken to draft policies and form a business development committee?



MEMORANDUM

TO: Mayor Jones and Members of the Board

FROM: Karen Proctor, Town Administrator

DATE: October 5, 2023

RE: Gate Carpool Pilot Program

DISCUSSION:

In September of 2022 the Board approved and added the following to the Gate Policy:

CARPOOL PILOT PROGRAM

The carpool pilot program began in September 2022 and was to be reevaluated in 2023. The initial terms of the program are listed below.

- A maximum of 40 tags will be available to carpool participants
- There will be a \$25 yearly fee and \$8 per RFID tag
- A Foxfield resident must be a participant of the carpool
- A maximum of three (3) non-resident participants in the carpool can receive RFID tags.
- Only one (1) carpool per household/address is eligible for the pilot.
- The Foxfield resident participating in the carpool, that uses a route affected by the gates, will need to complete a document that lists all carpool participants' (names and addresses) and purpose for carpool (ie. school, work, after school activities). The Foxfield resident will need to attest that the information on the document is correct. They will be responsible for making the payment and delivering RFID tags to the carpool participants.

In the past year the Town has issued 12 tags, to 7 households that are utilizing this program. The feedback from the residents that are using the program is generally positive. Staff did entertain questions about the restriction of one carpool per household. While the number of households using the program was limited; those households using the program tended to have more than one carpool.

Does the Board desire to move the pilot program to a permanent program? If the Board chooses to support a permanent program should the program be adopted as originally written or should the restriction of one carpool per household be removed as long as the total number of carpool tags does not exceed 25?

RECOMMENDED MOTION:

“I move to approve the continuation of the gate carpool program as originally approved.”

Or

“I move to approve the continuation of the gate carpool program as amended to remove the limitation of the number of household carpools.”