



**TOWN BOARD AGENDA
REGULAR MEETING**

(All items listed for discussion and possible action)

Virtual Meeting

**Thursday, March 3, 2022
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 – February 17, 2022
5. For Possible Action
 - a. Ordinance 2022-01 Adding a New Article 6 of Chapter 6 Regarding Marijuana Delivery Within the Town
 - b. Approval of guardrails for the Fremont gate
6. For Discussion
 - a. Gate Working Group Report
7. Reports
 - a. Correspondence
 - b. Mayor
 - c. Members of Town Board
 - d. Staff
8. Future Agenda Items
9. Adjournment



MINUTES

BOARD OF TRUSTEES MEETING

February 17, 2022

Call to Order/Roll Call

The virtual meeting was called to order at 6:30 p.m. via Zoom.

The following Trustees were present: Amy Snell-Johnson, Debby Farreau, Josie Cockrell, Pam Thompson, and Mayor Lisa Jones. A quorum was present.

Consent Agenda

Mayor Jones moved to approve the following items on the consent agenda:

- a. Approval of Minutes – January 6, 2022
- b. Financial Reports – December 2021

Following a second by Trustee Thompson, the motion passed by unanimous roll call vote.

For Possible Action

Resolution 2022-02 Canceling the April 5, 2022 Regular Election and Declaring Candidates for the Offices of Trustees Elected

Due to there being only one candidate for three open seats, it was necessary to cancel the April 5 election. Mayor Jones moved to approve Resolution 2022-02 Canceling the April 5, 2022 Regular Election and Declaring Candidates for the Offices of Trustees Elected. Following a second by Trustee Thompson, the motion passed by unanimous roll call vote.

Dave Goddard, the newly-elected Ward 2 Trustee, will be sworn in at the April 7, 2022 Board meeting.

Approval of Municipal Judge Agreement

Mayor Jones moved to approve the agreement with the Municipal Judge for an additional two-year term. Following a second by Trustee Thompson, the motion passed by unanimous roll call vote.

For Discussion

Draft Ordinance Allowing Marijuana Delivery

The discussion centered on how simple the marijuana delivery permit will be for Foxfield. As long as the applicant has a State delivery permit and one from at least one other municipality, the Town permit application can be a simple, one-page form.

American Rescue Plan Funds

After a discussion restating the Board's desire to use some of the funds to help local businesses, the Board approved a maximum payout of \$40,000 for that purpose. The remainder of the funds will be used for Town expenses such as road maintenance and administrative costs. Deputy Town Clerk Gallivan is researching a possible program for texting residents that could be financed with ARP funds.

Gates Discussion

Trustee Farreau presented two bids for cameras for the gates. There was discussion regarding types of fencing and barricades to prevent people from driving around the gates. The Board discussed providing some kind of barricade to keep people who are turning around off private property in Chenango and Foxfield.

It was decided to form a Gate Study Group to discuss operation, maintenance and effectiveness of the gates. The Study Group will advise the Board on how to best manage all aspects of the gates. This Gate Study Group will consist of Trustees Farreau, Cockrell and Thompson and Mayor Jones. Their meetings will be posted and public input will be welcome.

Resident Jerry Zoellner suggested wildlife cameras for the gates. It was noted that a borrowed wildlife camera had been tried with disappointing results.

Reports

Mayor Jones

Mayor Jones has been working with Town Administrator Proctor and Town Attorney Hoffmann on the IGA with Arapahoe County regarding ownership and maintenance of Arapahoe Road. Discussions are ongoing.

Members of the Town Board

Trustee Thompson reported on the last CACNR meeting, where she learned some light planes may be detoured to cut down on noise. She inquired about a text service. She asked if a date had been set for the Spring Clean-Up.

Trustee Farreau requested that Terracare remove snow from the sidewalk along Arapahoe Road.

Trustee Cockrell reported there is no real chance for an Open Space grant for land acquisition this year. Only one of the landowners contacted has any interest in selling their vacant land to the Town. She attended an Arapahoe County meeting discussing how to move forward with a County Health Department, necessary due to the demise of Tri-County Health. She noted there is not a hazardous waste disposal event for Foxfield residents and indicated that would be a nice service to provide.

Town Staff

Town Administrator Proctor asked if the Town would like to apply for an Open Space grant to replace the dead trees removed from the Open Space last year.

Deputy Town Clerk Gallivan spoke to the Sheriff's Department regarding camping in the Loop Road tunnel. Lt. Kelso informed her that they have no dedicated homeless liaison but if the Town puts up a No trespassing or No Camping sign, then they can help the campers move on.

Future Agenda Items

- Cannabis delivery
- Gates committee

Randi Gallivan, Deputy Town Clerk

Lisa Jones, Mayor



MEMORANDUM

TO: Mayor Jones and Members of the Board

FROM: Karen Proctor, Town Administrator
Randi Gallivan, Deputy Town Clerk

DATE: March 3, 2022

RE: Ordinance 2022-01 Adding a New Article 6 of Chapter 6 Regarding Marijuana Delivery Within the Town

DISCUSSION:

Attached for Board approval is Ordinance 2022-01 to add a new Article 6 to Chapter 6 of the Foxfield Municipal Code regarding marijuana delivery within the Town of Foxfield.

This Ordinance is simply to allow marijuana delivery within the Town. The State would collect any sales tax as with any other business. The Clerk will set up the permitting process and renewing the permits will be no more difficult than annual renewal of business licenses.

The State has an in-depth process for issuing delivery permits, as do many larger municipalities. Per Town Attorney Hoffmann, all Foxfield would need is a simple, one-page permit application. As long as the applicant has both a State and at least one other municipality delivery permit, we would not need to do any further research to issue a delivery permit specific to Foxfield.

The applicant would complete the one-page application and submit it to Foxfield along with the fee set by the Board of Trustees. Staff recommends an annual fee of \$100 for this permit.

RECOMMENDED MOTION:

"I move to approve Ordinance 2022-01 Adding a New Article 6 to Chapter 6 Regarding Marijuana Delivery Within the Town."

ATTACHMENT:

Exhibit A: Ordinance 2022-01

Trustee Bill No. 1
Series of 2022
Town of Foxfield

Introduced by

**A BILL FOR AN ORDINANCE ADDING A NEW ARTICLE 6 TO CHAPTER 6
REGARDING MARIJUANA DELIVERY WITHIN THE TOWN**

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

Section 1. The Town of Foxfield Municipal Code is amended by the addition thereto of a
new Article 6 of Chapter 6 to read as follows:

ARTICLE 6

Marijuana Delivery

Sec. 6-6-10. Delivery of Medical Marijuana.

(a) The Board of Trustees hereby authorizes the Town Clerk to administratively approve the issuance of a medical marijuana delivery permit to any licensed medical marijuana business. The permitting procedure shall comply with C.R.S. § 44-10-501(11).

(b) All deliveries made within the Town shall comply with C.R.S. § 44-10-501(11) and 1 CCR 212-3.

(c) All medical marijuana and medical marijuana infused products delivered to an address within the Town are subject to Town sales tax.

Sec. 6-6-20. Delivery of Retail Marijuana.

(a) The Board of Trustees hereby authorizes the Town Clerk to administratively approve the issuance of a retail marijuana delivery permit to any licensed retail marijuana store and licensed retail marijuana transporter. The permitting procedure shall comply with C.R.S. § 44-10-601(13).

(b) All deliveries made within the Town shall comply with C.R.S. § 44-10-601(13) and 1 CCR 212-3.

(c) All retail marijuana and retail marijuana infused products delivered to an address within the Town are subject to Town sales tax.

Section 2. 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 3. 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 4. This ordinance shall become effective thirty (30) days after final publication.

Adopted as Ordinance No. 01 Series of 2022, by the Board of Trustees of Foxfield, Colorado, and signed and approved by its Mayor or presiding officers this 3rd day of March, 2022.




Lisa Jones, Mayor

ATTEST:



Miranda Gallivan, Deputy Town Clerk

Town Seal



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





MEMORANDUM

TO: Mayor Jones and Members of the Board

FROM: Karen Proctor, Town Administrator

DATE: March 3, 2022

RE: Guardrails at the Fremont Gate

DISCUSSION:

It has been observed, and evidence suggests, that cars are driving around the Fremont gates. Below is a revised picture showing where the guardrails would be installed (white lines) on Fremont. The length has been slightly decreased and a couple of delineators (yellow dots) have been added to the turnaround area.



Terracare's quote in the amount of \$5,387.58 is attached as Exhibit A for the Board's approval. The quote is only good for 10 days because prices are going up fast and most suppliers will only give quotes good for 7 days. Staff suggests that the Board move forward with the guardrails at Fremont and not wait to do them at the same time as the ones at Richfield because that process will take some additional time. ARP funds could be used to fund this expense.

ATTACHMENTS:

Exhibit A: Terracare Proposal



7272 S. Eagle St. Centennial CO. 80112

To: Town Of Foxfield	Contact: Karen Proctor
Address: P.O. Box 461450 Foxfield, CO 80046	Phone: 303-680-1544
Project Name: Guardrail And Delineators At Fremont Gate	Fax:
Project Location: Richfield, Foxfield, CO	Bid Number: 003
	Bid Date: 2/25/2022

Item Description	Estimated Quantity	Unit	Unit Price	Total Price
Install Wood Guard Railing (Not A DOT Spec.)	200.00	LF	\$26.13	\$5,226.00
Install Delineators	3.00	EACH	\$53.86	\$161.58

Notes:

- No permits or fee's included.
- No testing of concrete, asphalt, or soils included.
- We are not responsible for acts of God, or weather protection, working in freezing conditions frost/snow mitigation
- Due to the availability and the increasing costs for materials, this quote is only good for 10 days, we reserve the rights to adjust our pricing when we get the notice to proceed.

Payment Terms:

Pricing for this proposal is valid for 10 days. Terracare reserves the right to revise or withdraw this proposal if pricing is not accepted within 10 days of receipt.

ACCEPTED: The above prices, specifications and conditions are satisfactory and hereby accepted. Buyer: _____ Signature: _____ Date of Acceptance: _____	CONFIRMED: Terracare Associates Authorized Signature: <i>Bill Winfield</i> Estimator: Scott Siskind (303) 419-4020 scott.siskind@myterracare.net
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