



A Program with the
Colorado Attorney General
and the AARP Foundation



Colorado Attorney General
John W. Suthers



Better Business Bureau
serving Colorado



Keeping Safe Throughout the Holiday Season

During the Holiday Season many of us are very generous and trusting. While you're out shopping for that perfect gift, fraudsters are looking for the perfect target! This holiday season be watchful of the following scams:

Naming a Star

What better gift could you give than a star? Various companies claim you can name a star for between \$20 and \$150. These companies will send you a certificate with the name and location of "your star" promising that its name will be in a star registry. The problem is that stars are only named by the International Astronomical Union. Anyone else who claims to be able to name them is telling you a tale. Like true love and many of the other best things in life, the beauty of the night sky is not for sale, but it is free for all to enjoy.

Spam Solicitations

Never purchase anything from an unsolicited e-mail. No matter how good a deal you think you are getting, it is not worth the risk of losing your money or giving any of your information to a possible scammer. Also, by responding to these e-mails you are proclaiming yourself as easily fooled and a great target for any number of Internet scams, such as identity theft. Spam scams have become so prevalent that they are virtually indistinguishable from legitimate advertisers, and there are legitimate advertisers out there. But, as this is the current reality, don't take the risk.

Online Auction Scams

'Buyer beware' takes on a more crucial meaning when applied to online auctions. The fact is that you are dealing with someone who could disappear at any time. Bid wisely and pay for items using your credit card, better yet a company such as, PayPal, so you can cancel payment if you don't receive your merchandise, or if what you receive is less than you were expecting.

1-800-222-4444

Denver Metro Area
303-222-4444

www.aarpelderwatch.org

November 2009

The 2010 Census

The Census is a count of everyone residing in the United States.

The U.S. Constitution requires a national census once every 10 years to count the population and to determine the number of seats each state will have in the U.S. House of Representatives.

The 2010 Census is important.

It determines the distribution of more than \$400 billion annually of government funding for critical community services, including the Town of Foxfield. It generates thousands of jobs across the country. And it impacts your voice in Congress. Census data are used to determine locations for retail stores, schools, hospitals, new housing developments and other community facilities.

In March 2010, Census questionnaires will be mailed to all households. Please fill out the form and return it by Census Day, which is April 1, 2010.

Filling out the questionnaire is easy.

With only 10 questions, the 2010 Census questionnaire takes approximately 10 minutes to complete. Households are asked to provide key demographic information, including: whether a housing unit is rented or owned; the address of the residence; and the names, genders, ages and races of others living in the household.

By law, the Census Bureau cannot share an individual's response with anyone, including other federal agencies and law enforcement entities.

Filling out the form will help save taxpayer dollars by eliminating the need for Census workers to follow up with households that don't return Census forms.

For more information about the 2010 Census, please visit www.census.gov
<<http://www.census.gov/>>

Frequently Asked Questions

Q. Who should fill out the census questionnaire?

A. The individual in whose name the housing unit is owned or rented should complete the questionnaire on behalf of every person living in the residence, including relatives and non-relatives.

Q. How will the 2010 Census differ from previous censuses?

A. In 2010, every residence will receive a short questionnaire of just 10 questions. More detailed socioeconomic information previously collected through the decennial

census will be asked of a small percentage of the population through the annual American Community Survey. To learn more about the American Community Survey, visit www.census.gov.

Q. How are census data used?

A. Census data determine the number of seats each state will have in the U.S. House of Representatives. Census data also can help determine the allocation of federal funds for community services, such as school lunch programs and senior citizen centers, and new construction, such as highways and hospitals.

KEY CENSUS DATES:

February - March 2010

Census questionnaires are mailed or delivered to households.

March - April 2010

“Be Counted” program is implemented. Census questionnaires are available at select public sites for who did not receive one by mail.

April 1, 2010

Census Day

May - July 2010

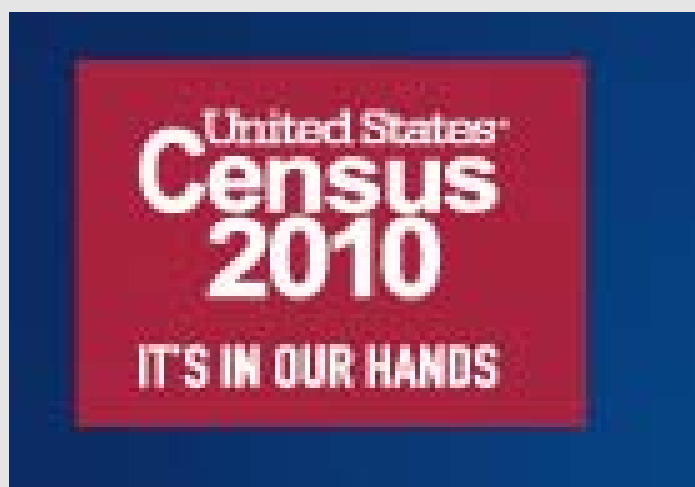
Census takers visit households that did not return a questionnaire by mail.

Dec. 31, 2010

By law, the Census Bureau delivers population counts to the President.

March 2011

By law, the Census Bureau completes delivery of redistricting data to states.



NEIGHBORHOOD HAPPENINGS

PUBLIC WATER – TRANSFER DEEP WATER RIGHTS

You must transfer your deep water rights to ACWWA before you can connect to public water. If you HAVE a mortgage you must get a “Partial Release” from your mortgage company before you can transfer your deep water rights. Getting a “Partial Release” is rather complicated and can take 2 to 3 months. To begin the process of getting a Partial Release, call the Town Clerk. If you do NOT have a mortgage you can transfer your deep water rights in a couple of days. Again, call the Town Clerk.

If you have already transferred your deep water rights, you have either paid the tap fee, or have a credit on the books at ACWWA, or you were paid the credit.

Consider transferring deep water rights before you have water problems! If you need water in an emergency and have NOT obtained a Partial Release AND transferred your deep water rights, you will have to put up half the cost of one acre foot of water (about \$17,750) as collateral until the transfer is completed. If the tap fee has not been paid you will owe the tap fee less your credit for deep water rights. The connection to the house from the water meter pit is approximately \$2,500 to \$3,000. When you complete the Partial Release and transfer your deep water rights your collateral will be refunded

Attention
Foxfield
Residents:



Arapahoe County Water and Wastewater Authority approved a water tap fee rate \$21,200 effective February 1, 2010. This is an increase of \$500.

 Happy
Holidays!

**From Mayor Headley
and the Board of
Trustees**



NEIGHBORHOOD HAPPENINGS



SHERIFF'S NEWS

Aug/Nov, 2009 Call Out Report

Traffic Complaints/Arrests	36	Medical Assist	7
Property Damage	15	Drugs	3
Alarms	11	DUI/Injury Accident	12
Suspicious Person	3	Shoplifting/Theft	8
Disturbance/Complaints	9	Other	20

There were 361 traffic tickets issued in Foxfield in the month of July—Oct

Arapahoe County Sheriff's Department telephone number are:

** Sergeant Kevin Heaton — 720-874-3806
 Email—kheaton@co.arapahoe.co.us

** Arapahoe County Sheriff's Department - 303-795-4711

** Emergency - 911

To report traffic concerns please call the traffic hotline on 720-874-4170



In Remembrance...

Of long time residents Bertie Sipp and Clarice Crowle who recently passed away. Our thoughts and prayers are with their families.

NEIGHBORHOOD HAPPENINGS

We Need YOU!

Have you ever wanted to make a difference in your community?

Now is your chance!



This April we will be holding an election to fill three of our Board of Trustee positions, one from each Ward. The Requirements for being a Board member are the ability to attend Board meetings on the first and third Thursdays of each month and you must have been a resident of Foxfield for one year. If you would be interested in running for one of these exciting positions please contact Becky Catterall on 303-680-1544.

PLEASE HELP

Some time late in the evening of December 6th or early in the morning of December 7th a car traveling at a high speed traveling down East Hinsdale Way left the road and caused considerable damage at the property of 16970 E. Hinsdale Way. The vehicle is thought to be a blue Chevy truck, series 2500 or 3500 with a 6 lug pattern on the wheel.

If you have any information on this vehicle please contact Wayne Laudenback on 303-690-7989.

TOWN EMAIL

The Town has an email list used for communication with residents, so that one may receive important Town announcements, meeting agendas, and information regarding public safety, e.g., alerts from the Arapahoe County Sheriff or plowing status during severe storms. Please send your email address to the Town Clerk, clerk@TownofFoxfield.com. Your email address will be kept confidential and only be used for official Town communication.

dheadley@TownofFoxfield.com

mwatson@TownofFoxfield.com

cfrank@TownofFoxfield.com

azoellner@TownofFoxfield.com

ljones@TownofFoxfield.com

scurrent@TownofFoxfield.com

beaston@TownofFoxfield.com

CORRECTION TO THE JUNE 18, 2009 MINUTES

During public comment, the minutes stated a neighboring dog that is aggressive and vicious (barking, snapping, and charging when out of it's yard)... These minutes were changed to read, a neighboring dog that is aggressive...

Minutes - BOT Regular Meeting - August 6, 2009

Call to Order/Roll Call

The meeting was called to order at 6:40 p.m. at Parker Fire Protection District Station No. 2, Foxfield, CO, 80016.

The following Trustees were present:

Susan Current, Bob Easton, Allyson Zoellner, Con Frank, Mayor Pro Tem Melissa Watson and Mayor Doug Headley.

A quorum was present.

The Pledge of Allegiance was recited.

Contract for Town Administrator – Mayor Headley informed the Board that after meeting with Cheryl Kuechenmeister and reviewing her qualifications he would like the Board to consider approving a contract for her to perform the duties of Administrator for the Town of Foxfield. He stated she charges \$125 per hour and this year she would work no more than fifteen hours per month and the hours may increase next year. He stated she would be a pseudo-employee and will act as a member of the Board. Mayor Headley informed the Board that this year she will be assisting the Town Clerk with financial reports and accounting issues.

A **motion** was made by Mayor Pro Tem Watson to hire Cheryl Kuechenmeister as a Town Administrator for the Town of Foxfield.

Discussion: Mayor Pro Tem Watson asked how often Cheryl would attend Board Meetings. Ms. Kuechenmeister stated it would only be as needed.

For: Trustees Current, Zoellner, Frank, Mayor Pro Tem Watson and Mayor Headley

Against: Trustee Easton

Public Comment – none

Mayor Headley informed reported that Trustee Current had contacted him regarding vandalism of a “DIP” sign. Mayor Headley stated the Sheriff Department wants to know the specifics so reports need to be filed directly

with them.

Minutes of the 7-16-09 & 7-17-09 Meetings and Approval

Trustee Current asked about information in the 7-16-09 minutes regarding the Town mowing a property. She asked if the property owner requested the Town to mow. Mayor Headley stated that Code Enforcement Officer Susie Ellis sent a notice to the property owner and the property owner stated they would mow the property. However, the property went into foreclosure and the Board knew the property would not be mowed and he was concerned the property would go to seed. The Town may or may not be reimbursed for the mowing.

A **motion** was made by Trustee Frank to approve the 7/16/09 minutes as amended.

For: Unanimous Approval.

A **motion** made by Trustee Easton to approve the 7/17/09 minutes as amended.

TREASURER'S REPORT

The Accounts Payable was reported as follows:

R. Catterall – Salary 7-16-09 to 7-31-09 = \$1,202.64

R. Catterall – Aug Car/Rent Allowance = \$230.87

The Villager Legals – Lgl Ntc Inv #2413 = \$11.88

One Handy Guy – Mtc Inv #069073 & 069074 = \$1,462.50

ACCWA – Norf OS Water 6/16 – 7/16/09 = \$59.15

Comcast – Internet 7/14 – 8/13/09 = \$59.95

Qwest – Telephone 7/13 – 8/12/09 = \$63.53

Bondi & CO – 2008 Audit = \$125.00

IREA – Electricity Norf OS 6/15-7/16/09 = \$10.00

Bondi & CO – 2008 Audit = \$360.00

Villager Legals – Inv #2396 = \$10.56

A.C. – July Animal Control = \$120.00

Waste Mgmt – July 4th Inv #7765201-2514-2 = \$151.70

Total Accounts Payable - \$3,867.78

Total US Bank Deposits & Transfers = \$6,735.07

July COT GF Deposits (property tax, etc.) = \$44,176.57

July COT GOB Deposits (Property tax, etc.) = \$72,280.62

Ttl Funds Avlble after invoice are paid = \$548,069.14

A **motion** was made by Trustee Current to approve the Treasury Report as amended and pay the accounts payable.

For: Unanimous approval.

Unfinished Business

Electronic Data Storage – Mayor Headley reported the new computer was installed and Laserfiche was set up. Mayor Headley, Mayor Pro Tem Watson and Becky Catterall, Town Clerk were trained on the system. Mayor Headley stated they started setting up categories that can be changed if we needed. Mayor Pro Tem Watson suggested contacting other municipalities that use Laserfiche to see how they have set up their system.

Centralized Town Email System – Mayor Headley discussed various systems he had researched. Mayor Headley stated he feels the best alternative is Outlook provided by Solve It. He informed the Board it would cost \$153 per month for nine people. He stated Solve It would charge \$400 for a set-up fee and they have a help desk that provides support at \$95 per hour. Trustee Easton stated Board members need to leave personal opinions out of email communications. Mayor Headley agreed and stated the Board Members need to remember they are representing their Ward not themselves. The Town Clerk asked where the funding will come from as the budget didn't include a Town Administrator or a centralized email system. She suggested using the funds budgeted for web design and accounting to cover these expenses.

A **motion** was made Mayor Pro Tem to approve using Solve It for an email system for nine users.

For: Unanimous Approval.

Enforcement of Town Regulations – Mayor Headley reported on behalf of Trustee Jones that the resident with the dog that acted aggressively toward a neighbor on Yampa has responded to the letter sent out by the Town Attorney by putting up chicken wire around his property and a gate to keep his dogs enclosed. Mayor Headley reported that he received an email from the property owner on Waco listing all the work he is doing on his property. He stated he will have the external repairs completed by month end. Mayor Headley stated he has asked Trustee Jones to get a complete report of enforcement activities for the Board. He also asked her to make sure everything is documented so it will hold up in court if necessary. The Board discussed getting copies of the letters sent out to the residents from Susie Ellis.

Animal Control – Mayor Headley reported on behalf of Trustee Jones that they met with Pikes Peak regarding

animal control. The representative from Pike Peak stated they don't want to do piece meal work for the Town. Mayor Headley stated they won't contract with municipalities and suggested Foxfield consider working with Centennial who already has an IGA with Pikes Peak. Mayor Headley stated we are waiting on a response on what the cost for services would be. He also stated if we use Pike Peak the Board would have to adopt Centennial's Animal Control ordinance.

Zoning Regulations PUD & Application - CMI – Mayor Headley reported on behalf of Trustee Jones that Barb Cole is reviewing the Town's Zoning Regulations and she would like to have a work session on Thursday, August 20.

Worsham Request – Use by Special Review – Trustee Frank informed the Board that Cliff Schroeder of the Worsham property requested a Use by Special Review and they have submitted an application. Trustee Frank also stated they want to have a public hearing but they haven't met the required criteria yet and the application had to be returned as it contained items that weren't pertinent to the application.

Sales Tax Audit – Mayor Headley met with an auditor from Consortium 3 who stated that since the Town is a statutory town they are not legally allowed to audit retail businesses. Town Attorney, Corey Hoffmann, confirmed this as well. The representative from Consortium 3 asked if could contact the Metro District to see what they are looking for with an audit.

Traffic Engineer – Mayor Headley reported the contract with Elizabeth Stolfus has been completed and signed. He informed the Board he wanted to have the contract in place so she would be available when the Parker/Arapahoe Road intersection and Ring Road work begins, to deal with the increased traffic issues the Town will inevitably experience.

Administrator Town of Foxfield – Mayor Headley passed out a handout discussing initial tasks the Town Administrator would perform. The Town Clerk discussed the financial issues that will be addressed.

Waste Removal Request for Proposal – Mayor Headley stated there have been several complaints from residents regarding the increasing fees for waste removal. Mayor Headley provided Trustee Zoellner with an RFP from Lone Tree. Trustee Zoellner stated that not all residents are upset with the current service and asked if we are keeping a record of the complaints.

Girls Hope Home Application – Mayor Headley informed the Board that the public hearing for the

rezoning of the property on Richfield will be on September 3, 2009.

COMMITTEE REPORTS

Trustee Current discussed the following:

Trustee Current informed the Board she is working on comparing the current Model Traffic Code the Town is using with the 2009 version so the Board will know the changes that they are adopting.

Trustee Current stated the Fourth of July was a success. She stated they had more volunteer help this year than in past years. Also, it was noted there were less people at the event but they stayed longer. Trustee Zoellner said many residents noted there were fewer horses in the parade this year.

Trustee Easton discussed the following:

Trustee Easton had nothing new to report.

Mayor Pro Tem Watson discussed the following:

Mayor Pro Tem Watson reported she has been working on amending the Fence ordinance relating to berms.

Mayor Pro Tem Watson stated she is working with Jerry Zoellner on the website.

Mayor Pro Tem Watson stated she helped with Laserfiche set up.

Trustee Frank discussed the following:

Trustee Frank informed the Board CDOT will be having a final office review on August 12th. He met with ACWWA to discuss a few issues that need to be resolved. He stated he is also working with the City of Aurora on getting a sewer line. ACWWA is assisting Foxfield in obtaining an easement for the sewer line.

Trustee Frank stated CASI is going to provide him with a crack sealing estimate.

Trustee Frank met with the attorney and landscaper for the property owner on Hinsdale regarding ordinance violations on the property. Trustee Frank asked the representatives to provide him with more details on the plans they have to rectify the violations.

Trustee Frank reported the Jehovah's Witness Church has provided a copy of the 2nd Amendment for the Town's review to settle all outstanding issues they had with the Town. He stated they are working on drafting a maintenance agreement for East

Costilla Avenue between now and when East Costilla Ave is closed to begin construction of the Ring Road.

Trustee Frank informed the Board the Town will receive \$406.50 for Use Tax and \$60.98 for permit fees from the month of July.

Mayor's Report

Mayor Headley provided Board with his weekly task list. He discussed the landscaping on the islands in Town. Mayor Headley said he would begin having Leon Goodman set up and take down the electronic speed sign each week.

Mayor Headley stated he had contacted Our Lady of Loreto regarding mowing the weeds along S. Waco Street and they quickly addressed the concerns.

Mayor Headley attended the Metro Mayors Caucus. He stated that the State of Colorado's and most municipality's revenues and sales tax are down considerably. It appears that it will be the middle or late 2011 before things turn around. RTD is concerned about their forecasts for future revenue and when they would bring an issue to the ballot for increasing sales tax so the Light Rail could be completed by 2017.

Correspondence

The Board discussed the medical marijuana memorandum from Corey Hoffmann.

The Board discussed a series of communications regarding weed violations on a berm on Arapahoe Road. Mayor Headley stated the property owner said it would cost \$5,000 to address the violations and he requested more time so he could have the berm removed and replace it with a wall. Mayor Headley informed the Board that he hasn't responded to the request as he wanted to get input from the Board first. Mayor Pro Tem Watson asked if the other berm owners with weed violations have been contacted as well. Mayor Headley stated that Susie Ellis contacted the other property owner along Arapahoe Road with violations. Trustee Frank suggested that the property owner use the money to reshape the berm to make it maintainable. The Board discussed if the Town can legally enforce compliance since the previous property owner didn't comply. Mayor Headley stated he had addressed this issue with Corey Hoffmann who stated the Board can enforce maintenance of the berms.

New Business

ACWWA – Mayor Headley informed the Board that ACWWA needs property owners in Foxfield to exchange their deep water rights so they can aggregate enough

water rights to eventually drill a well. They have also asked for the water rights under the roads in Town. Former Mayor, Steve Sullivan explained how water rights were allocated to each property owner in Town. Mayor Headley stated ACWWA is evaluating what they might do to persuade residents to transfer their deep water rights.

Arapahoe/Parker Road Interchange Parcels – Mayor Headley informed the Board that CDOT needs two small parcels of land for the right-of-way to build the Ring Road. Mayor Headley suggested donating them to CDOT in return for their consideration of miscellaneous items the Town will need, such as top soil. Mayor Headley stated he is waiting for WRC and Trustee Frank’s review of the documentation of the Final Office Review (FOR) from CDOT before requesting that the Board donate the parcels.

Resolutions – none

Ordinances for Introduction and Reading

“An Bill Amending Article III, Section 10, Regarding Requirements of Fences, Berms and Sound Walls in Rural Residential Zoning District”

Mayor Pro Tem Watson provided the Board with a revised version of the ordinance. She discussed the revision she had made which related to berms and property pins for fences. The Board had a lengthy discussion regarding the revisions. Trustee Zoellner asked if the Town should establish a look for sound walls so the Town doesn’t have a hodge podge look. The Board agreed they would like to use the wall along the Ring Road as a template for the construction of future sound walls. The Board set the public hearing date of September 3rd and a mailing of the public hearing should be sent to all residents.

Adjournment

The meeting was adjourned by Mayor Headley at 9:47 p.m.

Minutes - BOT Regular Meeting - August 20, 2009

Call to Order/Roll Call

The meeting was called to order at 6:34 p.m. at Parker Fire Protection District Station No. 2, Foxfield, CO, 80016.

The following Trustees were present:

Susan Current, Bob Easton, Con Frank, Lisa Jones,

Mayor Pro Tem Melissa Watson and Mayor Doug Headley.

A quorum was present.

The Pledge of Allegiance was recited.

Public Comment

Tracy Goodwin of Boys Hope Girls Hope of Colorado provided the Board with a brochure on their organization. She gave a presentation on the purpose of the home and discussed the type of residents that would be living in the proposed new Girls Hope home. Ms. Goodwin informed the Board there would be four scholars and two residential counselors in the home. The scholars enter the home between the ages of ten and fourteen and hopefully they will remain there until they are out of high school. Mayor Headley suggested that Ms. Goodwin contact neighbors surrounding the proposed Girls Hope location to discuss any concerns they may have.

Bill Barnett of 7171 S. Richfield addressed the Board regarding a second violation notice he received regarding the number of licensed vehicles parked on his property. He asked if the number of cars includes those that are not visible from the street. Mr. Barnett read from the Communiqué a previous discussion the Board had regarding the number of cars that should be allowed to be parked on the property and the intent of the ordinance was to address unlicensed cars. Mr. Barnett stated he identified eighteen other properties with violations. Mayor Headley stated the code enforcement officer has or will notify them as well and asked Mr. Barnett to provide the addresses of these properties. Mr. Barnett stated he cannot comply with the law. Trustee Jones explained the process and that failure to comply will result in an issuance of a summons to appear in court, fines if he fails to comply and a potential lien on his property. Mr. Barnett stated he will contact every property owner and he will fight the law. Rick Current of 7234 Richfield Street asked when the law was created and what was the purpose of the law. Trustee Jones stated the ordinance has been in place for several years and discussed the purpose of the law. Mr. Current asked if the law is triggered by a complaint. The Board stated it did not require a complaint any longer but a complaint could alert the Code Enforcement Officer to address the violation. He stated this resident is trying to comply with the law but currently he has a transient situation with his kids coming and going from the property. Mr. Current asked how the notices are delivered. Trustee Jones stated the first notice is posted on the property and mailed. Mr. Barnett stated he never received the first notice and he ran into the Code Enforcement Officer who stated she had posted the second notice.

Carrie Dupont of 17550 E. Arapahoe Road addressed the Board regarding weed violations on the berm along their property. Ms. Dupont informed the Board she would like to remove the berm and put up a sound wall. Mayor Headley discussed the communication the Town has had with Ms. Dupont. Ms. Dupont stated they would like to remove the berm as re-sloping it will take up more of their yard. Mayor Headley stated the Board is working on revising the ordinance regarding fences, berms and sound walls. Ms. Dupont asked what the requirements were for a sound wall. Trustee Frank explained it can only be six feet tall. Mayor Pro Tem discussed the setbacks. Mayor Headley asked Ms. Dupont to send the Board something in writing as to her plans for dealing with violations on the berm. He invited her to attend the public hearing on September 3, 2009 in which the Board will discuss amending the fences, berms and sound walls ordinance. Mayor Pro Tem stated she would send her a copy of the document being considered.

Minutes of the 8-6-09 & 6-18-09 Meetings and Approval

A **motion** was made by Trustee Current to approve the 8/6/09 minutes as amended.

For: Unanimous Approval.

The Board discussed a request from a resident to remove the word "vicious" from the 6-18-09 minutes in Public Comment, as they clearly stated the animal was not vicious. Mayor Headley read the revision to the minutes.

A **motion** was made by Trustee Easton to amend the 6-18-09 minutes regarding a vicious animal.

For: Unanimous approval

TREASURER'S REPORT

The Accounts Payable was reported as follows:

R. Catterall – Salary 8-1-09 to 8-15-09 = \$1,228.93
 A.C. Sheriff – Off-duty Ptrls 6/18 – 7/14/09 = \$1,276.00
 Singing Hills – Norf O.S. Mtc Inv# 19283 = \$198.33
 Hayes, Phillips, Hoffmann... - July Lgl Fees = \$1,942.31
 ACCWA – Norf OS Water 7/6 – 8/6/09 = \$38.21
 Foxfire – C/b Inv #0809-2 = \$3,069.60
 Judge Sidel – Aug Fee = \$40.00
 One Handy Guy – Mtc Inv # 069075 & 069076 = \$2,387.00
 Total Accounts Payable - \$3,867.78
 Total US Bank Deposits & Transfers = \$6,735.07
 July COT GF Deposits (property tax, etc.) = \$44,176.57
 July COT GOB Deposits (Property tax, etc.) = \$72,280.62
 Ttl Funds Available after invoice are paid = \$548,069.14

A **motion** was made by Trustee Current to approve the Treasury Report and pay the accounts payable.

For: Unanimous approval.

Unfinished Business

Centralized Town Email System – Mayor Headley informed the Board the Solve IT is in the process of setting up nine email accounts. Mayor Headley stated the email address would be the first name of each Board member. The Board discussed changing the email to the first initial and last name. Mayor Headley stated he would contact Solve IT to see if he could make the change.

Enforcement of Town Regulations – Trustee Jones provided the Board with a report on the status of the violations in Town. The Board had a lengthy discussion on what is valid communication with the Town. The Board concurs that notices need to be mailed with a delivery certification. The Board also agreed that every notice sent to a property owner should also be sent to the Town Clerk to be kept on file.

Animal Control – Trustee Jones provided the Board with a handout discussing expenses associated with using Pikes Peak for animal control. She stated the first year would cost \$6,177.95 and \$4,399.33 every year thereafter. Trustee Jones also informed the Board the Town would have to get approval from Centennial to use Pikes Peak. The Board discussed the fees and suggested that Trustee Jones contact Arapahoe County to find out what services they would provide and at what cost.

Zoning Regulations PUD & Application - CMI – Mayor Headley informed the Board that he, Trustee Watson and Trustee Jones met with Barb Cole to review a draft of the new processes Ms. Cole has developed for the Zoning Regulations regarding PUD's. Mayor Headley stated the first reading for amending the Zoning Regulations needs to be ready by the second meeting in October so the Town can meet DRCOG's grant deadlines.

Waste Removal Request for Proposal – Mayor Headley stated he is getting the RFP information from Trustee Zoellner and he will begin reviewing the process and current contract.

Girls Hope Home Application – Trustee Frank met with representatives of Boys Hope Girls Hope who were having conflicts with WRC Engineering. Trustee Frank helped resolve the issues so the process could move forward.

Arapahoe/Parker Road Interchange Parcels – Mayor Headley stated the Board will vote on a resolution on this issue later in the meeting. Mayor Headley discussed which parcels CDOT has requested to be donated. Mayor Headley informed the Board the bid date for CDOT is December 3rd so all land issues have to be in

place by then.

COMMITTEE REPORTS

Trustee Jones discussed the following:

Trustee Jones had nothing new to report.

Trustee Frank discussed the following:

Trustee Frank discussed a water issue ACWWA is having on Fremont which is resulting in the pavement sinking. Trustee Frank met with CASI to discuss a fee for fixing the road once the water issue is fixed.

Trustee Frank informed the Board the property owner on Norfolk is pulling permits to finish work and resolve violations on the property.

Trustee Frank discussed right-of-way violations on a property on Hinsdale. He stated the property owner has not responded to the weed violation notices and has instructed the renters to disregard any correspondence from the Town. Mayor Headley suggested having the Town Attorney continue his communication with the owners representative.

Trustee Easton discussed the following:

Trustee Easton informed the Board the next Airport Committee meeting was on September 3rd, the same day as the Board meeting. Mayor Headley stated there will be two public hearings during that Board meeting and it was important that he attend.

Trustee Current discussed the following:

Trustee Current reported she is reviewing the new Traffic Model Code.

Mayor Pro Tem Watson discussed the following:

Mayor Pro Tem Watson reported she has been working on amending the Fence ordinance relating to berms.

Mayor's Report

Mayor Headley stated the most important issue facing the Town in the near future is traffic. He stated a tentative date for closing East Costilla will around March 1st next year. Mayor Headley asked Trustee Current to start getting traffic counts again and to compare them to historical data. He stated it would be very beneficial to have this information prior to East Costilla Avenue closing because at that time members of the Jehovah's Witness Church will begin using the Town's roads.

Correspondence - none

New Business

Amending the 2009 Budget – The Town Clerk provided the Board with a report comparing budgeted expenses versus year-to-date expenditures. The Board discussed

expenditures and revenues and determined they would review the budget monthly to determine if it needs to be amended.

Resolutions

“A Resolution Authorizing the Town of Foxfield to Donate a Parcel and a Construction Easement to Colorado Department of Transportation for Construction of the Parker and Arapahoe Road Interchange and the Water Quality Facility”

Mayor Headley discussed the purpose of the resolution and which parcels would be donated to CDOT. The Board made revisions to the resolution.

A **motion** was made by Trustee Frank to approve a resolution authorizing the Town of Foxfield to donate a parcel and a construction easement to Colorado Department of Transportation for construction of the Parker and Arapahoe Road interchange and the water quality facility as amended by the Board of Trustees.

For: Unanimous Approval

Ordinances for Introduction and Reading

“An Bill Amending Article III, Section 10, Regarding Requirements of Fences, Berms and Sound Walls in Rural Residential Zoning District”

Mayor Pro Tem Watson provided the Board with a revised version of the ordinance containing revisions made at the previous Board meeting. The Board had a lengthy discussion regarding further revisions. Mayor Pro Tem stated she will make the revisions to the ordinance for the public hearing on September 3rd.

Adjournment

The meeting was adjourned by Mayor Headley at 10:02 p.m.

Minutes - BOT Special Meeting - September 3, 2009

Call to Order/Roll Call

The meeting was called to order at 6:35 p.m. at Parker Fire Protection District Station No. 2, Foxfield, CO, 80016.

The following Trustees were present:

Susan Current, Bob Easton, Con Frank, Lisa Jones, Allyson Zoellner, and Mayor Doug Headley.

A quorum was present.

The Pledge of Allegiance was recited.

Town Planner, Fred Fox, stated the address listed on the agenda is incorrect. Mayor Headley gave the background on the purpose of the public hearing.

PUBLIC HEARING – Rezoning of 6718 S. Richfield Street to RR PUD– Boys Hope Girls Hope Home
Mayor Headley opened the public hearing at 6:37 p.m.

Tracy Goodwin of Boys Hope Girls Hope discussed the history of the Boys Hope Girls Hope organization. She stated they are requesting rezoning for this property so they can use it as a group home for girls. It would be very similar to the boys group home that already exists in Town. Ms. Goodwin showed plans for the home and stated the changes to the house will take place in three stages. Ms. Goodwin stated they had received funding from a grant to help with drainage and landscaping expenses. Ms. Goodwin informed the Board she had contacted ten residents neighboring the property. Six of those were in favor of the Girls Home, one had to confer with her husband and the others failed to return her phone calls. Fred Fox gave the staff report on the rezoning application. He stated there was a parking and drainage plan in the Board's packet. Mr. Fox informed the Board if they approve the rezoning request they will also have to approve an ordinance, which included an exhibit that addresses the conditions of the approval. Town Engineer, Alan Leak, discussed drainage concerns and the steps the applicant has taken to address these concerns. Fred Fox stated the septic system will have to be approved by Tri-County Health. Mr. Fox informed the Board the Staff recommends approval of the rezoning application with conditions, which he read into the record. Mayor Headley asked the Board members if they had any questions for the Staff. He opened the floor to comments from the public and hearing none he closed the public hearing at 7:00 p.m. Mayor Headley opened to the discussion to final comments from the Board. The Board concurred they were in favor of the rezoning request. Mayor Headley informed the Board the approval would be for all phases of construction. Fred Fox stated Girls Hope will have to provide the Board with certain approvals per Staff conditions.

A **motion** was made by Trustee Jones to approve an ordinance rezoning the property located at 6718 S. Richfield Street from Rural Residential (RR) to Rural Residential PUD (RR-PUD), and amending the Town of Foxfield zoning map to conform therewith including the following conditions:

- At the time of building permit application for the addition to the home, the applicant will supply a materials and color board and any

materials or color changes to the existing structure for the Town to review prior to approval of any building permit.

- The Town is to be supplied by the applicant with a letter of approval by the Tri-County Health Department of any septic system management plan and expansion plans prior to issuance of a certificate of occupancy (CO) for any existing structure modifications that add a bedroom and/or the structure addition.
- The applicant will need to apply for a grading permit to construct any berm and/or the structure addition to be used to mitigate drainage issues.
- At the time of building permit application, the finished floor elevation of the proposed addition must be at 93.1 or above based on a finished floor elevation of 100.0 at the existing structure front door per the accepted drainage plan prepared by the applicant's engineer, CLC Associates, Inc... If the applicant wishes to have a lower finished floor elevation on the proposed addition, then the top of foundation/stem elevation wall must be at 93.1 or above. The foundation/stem wall and structure will need to be designed to be water proof to prevent the seeping of water into the structure as well as being designed to prevent any uplifting that could be associated with the 100-year flood event. In any event, there shall be no openings into the structure below an elevation of 93.1. Exposed wall elevations on the addition shall not exceed 35 feet.
- At the time of application for a building permit to construct the addition and/or the berm along East Arapahoe Road, there will need to be compliance with the Town's Grading, Erosion and Sediment Control (GESC) Ordinance.
- Provide a landscape plan with final berming details for the re-graded drainage and berm areas at the time of building permit application for Town review.
- Make any technical corrections to the rezoning drawings as directed by Staff prior to recording the rezoning documents.

For: Unanimous approval.

Sheriff's Report – Lieutenant Heaton informed the Board there was no new crime to report. He stated the Sheriff Department is preparing for H1N1 with staffing in case the flu hits their department. Lieutenant Heaton informed the Board they can go on the Sheriff's website to register their cell phone numbers, email addresses, or any number from which they want to receive emergency

notifications. Mayor Headley told Lieutenant Heaton the bulletin boards in Town had been vandalized with paint balls. Sheriff Heaton informed the public that it was important they report any vandalism to their office as soon as possible. Mayor Headley discussed traffic concerns at Richfield. Resident Jerry Zoellner discussed the fact that two cars have green arrows at the same time. Sheriff Heaton stated the Sheriff's Department has been looking into this issue for quite some time and he will share this information with the Roads and Bridge Department.

Final Acceptance of Foxfield Village Center Public Improvements

Town Engineer, Alan Leak, discussed the Probationary Acceptance for this property which included landscaping, drainage and detention ponds. He stated all items on the punch list have been addressed, therefore he recommends approval of the Final Acceptance.

A **motion** was made by Trustee Frank to approve the Certification of Final Acceptance for Foxfield Village Center.

For: Unanimous approval

PUBLIC HEARING – Amending the Zoning Regulations Regarding Fences, Berms, and Sound Walls

Mayor Headley provided the Board with a summary of amendments to the Fences, Berms and Sound walls ordinance written by Trustee Watson and explained to the public the Board has been working on it for several weeks.

Mayor Headley opened the public hearing at 7:22 p.m. and explained the Staff report was the handout provided by Mayor Pro Tem Watson who was not present. He discussed existing berms in Town and explained there were no standards at the time they were created. The Board wanted to establish standards before new berms were constructed. Mayor Headley opened the floor to comments from the Board. Trustee Current discussed native grass wording and stated the wording needs to be consistent throughout the document. Mayor Headley opened the floor to comments from the public. Resident Wayne Laudenback provided the Board with pictures and discussed the fact that in 1986 CDOT removed tons of dirt from the Metro Church property promising they would put in landscaping to mitigate noise. Mr. Laudenback stated the noise from Parker Road could prevent him from being able to sell his property and he would like landscaping or a sound wall put up to help mitigate noise. Trustee Frank stated the Board is working with the developer who currently owns the property to help make it easier for something to be built there. Mayor

Headley stated he would make copies of the documentation to see if the Board can locate the agreement to follow-up on it. Hearing no more comments from the public Mayor Headley closed the public hearing at 7:33 p.m. and opened the floor to Board discussion.

A **motion** was made by Trustee Jones to approve a bill amending article III, section 10, regarding requirements of fences, berms and sound walls in Rural Residential Zoning District as amended.

For: Unanimous approval.

Minutes of the 8-20-09 Meetings and Approval

A **motion** was made by Trustee Easton to approve the 8/20/09 minutes as amended.

For: Unanimous Approval.

TREASURER'S REPORT

The Town Clerk informed the Board that last year the Town received approximately \$15,000 in sales tax from a construction project. The Town Clerk contacted the Department of Revenue and the company paying the taxes and was assured the money belonged to the Town. The Town Clerk stated this month the funds were taken back and when she contacted the State they informed her the taxes were actually use tax and not sales tax. Trustee Frank contacted Arapahoe County Building Department stated there was no building permit pulled at that time so the Town will not recover the funds.

The Accounts Payable was reported as follows:

R. Catterall – Salary 8-16-09 to 8-31-09 = \$1,288.16
 R. Catterall – Sept Car/Rent Allowance = \$230.87
 One Handy Guy – Mtc. Inv #069077 = \$671.00
 Comcast – Internet 8/14 -9/13/09 = \$65.90
 Qwest – Telephone 8/13 – 9/12/09 = \$64.17
 IREA – Norf O.S. 7/16 – 8/14/09 = \$10.00
 A.C. Sheriff – Off-duty Ptrls 7/20 – 8/14/09 = \$1,276.00
 WRC Engr – C/b Inv #2020/108 = \$2,194.95
 WRC Engr – Inv #2061/101 = \$2,586.57
 Villager Legals – Lgl Pub Inv #2446 = \$11.88
 Total Accounts Payable - \$8,379.50
 Total US Bank Deposits & Transfers = \$11,670.95
 Aug COT GF Deposits (property tax, etc.) = \$44,176.57
 Aug COT GOB Deposits (Property tax, etc) = \$72,280.62
 Ttl Funds Avlbl after invoices are paid = \$543,557.42

A **motion** was made by Trustee Current to approve the Treasury Report and pay the accounts payable.

For: Unanimous approval.

Unfinished Business

Centralized Town Email System – Mayor Headley reported that Trustees Watson and Frank have moved over to the new email system. Trustee Frank asked the

Town Clerk when the Board will get a sheet stating how long emails need to be retained. The Town Clerk stated she would create a list from the State Retention schedule for the Board to use.

Enforcement of Town Regulations – Trustee Jones stated she would have the official enforcement report at the next meeting

Animal Control – Trustee Jones reported that she and Becky Catterall met with Thea Thompson of Arapahoe County Animal Control. Arapahoe County is working on a new ordinance which will address vicious animals. If the new ordinance covers the same issues as Foxfield's Vicious Animal ordinance then Arapahoe County will be able to continue providing services without an IGA. Thea stated the fees will increase as they have been the same since they began providing animal control services several years ago. Trustee Jones stated the Board is also considering Pikes Peak providing services and they will be at the September 17, 2009 Board meeting.

Zoning Regulations PUD & Application - CMI – Mayor Headley explained that the Board is in the process of revising the Zoning Regulations. Trustee Jones stated that Planner Barb Cole was hired to create new zoning categories and to update the Zoning Regulations. Trustee Jones informed the public this was being funded by a DRCOG grant the Town received.

Waste Removal Request For Proposal – Mayor Headley explained that the Board has received frequent comments on the increased fees for trash service, however, recently they are getting comments in favor of the service Waste Management provides. He stated the Board is working on developing an RFP to see what other options the Town has. Trustee Zoellner stated she would like to set a specific date to complete the RFP.

Arapahoe/Parker Road Interchange Parcels – Mayor Headley discussed the project. He stated the paperwork to donate the parcels of land has been completed and they were given to CDOT. Trustee Frank explained that CDOT will be putting in a portion of the trail in exchange for the parcels.

COMMITTEE REPORTS

Trustee Easton discussed the following:

Trustee Easton informed the Board he attended the Centennial Airport roundtable meeting. He stated the purpose of the roundtable is to listen to public complaints regarding aircraft noise. Centennial Airport is ranked 27th in the nation for noise issues.

Trustee Jones discussed the following:

Trustee Jones reported there are a couple of new enforcement issues, but the property owners are

working on coming into compliance.

Trustee Jones informed the Board that Barb Cole needs to have the Zoning Regulations completed by December 31, 2009.

Trustee Frank discussed the following:

Trustee Frank reported there was no new building activity in August.

Trustee Frank assisted a property owner in obtaining a Certificate of Occupancy (CO) for his new home.

Trustee Frank informed the Board Our Lady of Loreto Parish will be having an open house next weekend so they are in the process of getting a temporary Certificate of Occupancy (TCO).

Trustee Frank stated he is working with a property owner on Arapahoe Road address violations on their berm as well as drainage concerns.

Trustee Frank reported he received a bid of \$2,400 for crack sealing from CASI. He stated he is waiting on to get information on the bid from another company.

Trustee Frank discussed issues with the pavement on Fremont. He stated CASI gave him a bid of \$4,700 to overlay the dip.

Trustee Frank state next week he will be attending a meeting with Worsham representatives to discuss their application for a Use by Special Review which will come before the Board on October, 1, 2009.

Trustee Zoellner discussed the following:

Trustee Zoellner stated she is working on the waste removal RFP and will be establishing a time line to have the RFP completed.

Trustee Current discussed the following:

Trustee Current stated she had nothing new to report.

Mayor's Report

Mayor Headley discussed traffic concerns and what will happen when Costilla is closed. Mayor Headley stated he held public hearings years ago on the issue and many residents wanted to wait until Costilla Avenue closed to see the impact on the Town. Mayor Headley stated the Town has hired a Traffic Engineer to help address concerns.

Public Comment

Mayor Headley addressed the public and stated that each person speaking will get four minutes to make a comment. He stated the Board will not be responding at this time but they will address questions at a later date.

Resident Bill Barnett of 7171 S. Richfield informed the Board that Code Enforcement Officer, Susie Ellis, stated she is going to take him to court for failure to comply with the Town's ordinance on parking. He asked the Board to give him clarification on the parking ordinance as to whether or not a vehicle is one that is licensed or not. Mr. Barnett asked if it makes a difference if a vehicle is in or out of sight, if the ordinance is only enforced when a complaint is received, does it apply to everyone or is it applied arbitrarily? He asked the Board why he wasn't grandfathered in since the ordinance was passed after he built his garage? He also stated he read about correspondence with Our Lady of Loreto which stated the Town needed three complaints to enforce the ordinance. Mr. Barnett asked who complained against him.

Resident Wayne Chambers of 17450 E. Hinsdale stated he is being harassed for the vehicles on his property. He asked the Board where they were getting their mandates and stated we have too much government.

Resident Peter Svenneby of 7307 S. Waco Street read a letter into the record regarding misinformation in the June 18, 2009 meeting minutes that the dog they were complaining about was vicious or snapped or bit anyone. They stated the dog was at large, charging and exhibiting shy and aggressive behavior. Mr. Svenneby asked that these corrections be made in the June 18th and September 3rd minutes, as well as the Communiqué. He thanked the Board for helping to resolve the issue.

Resident Victor Kanner of 7484 S. Pitkin asked the Board the status of paying down the General Obligation Bonds the Town has for paving. He asked how long it will take to pay off the bonds and wanted to know what would happen to the bonds if Foxfield is taken over by another municipality? He stated the Town needs to maintain its rural feeling and suggested gating the community. Mr. Kanner stated he felt gating the community would increase the value of the properties and will keep unwanted traffic from traveling through our Town.

Resident Branko Mocevic of 16930 E. Hinsdale addressed the Board regarding a problem he is having with weeds on the vacant property behind his property. He asked the Board to contact the property owner ask them to cut the weeds down. He stated if the property owner will not cut the weeds the Town should do it and put a lien on the property for reimbursement of the expense.

Resident Nick Buccola of 16701 E. Easter informed the Board he moved to Foxfield because it was rural lifestyle. He stated he doesn't want a covenant controlled community and he feels the Board has a mandate to make

it that way. Mr. Buccola informed the Board he doesn't want to be hassled because he has too many vehicles parked on his property. He stated those vehicles are part of the rural lifestyle and he doesn't feel like he should have to pay to store them somewhere else. He also stated he felt the ordinances were pitting neighbor against neighbor and we need to go back to the basics where a neighbor can talk to a neighbor to resolve issues they have.

Resident Tom Meigel of 17197 E. Davies Avenue informed the Board he was unaware of the vehicle ordinance and has realized that with the number of drivers in his home and his recreational vehicle he violates the ordinance every night. He asked the Board as public servants to re-examine the ordinance and to let people live how they want to live. Mr. Meigel stated he is a neighbor of Our Lady of Loreto Church which has installed drainage next to his property line. It doesn't work properly and the result is numerous mosquitoes. He stated they also have four to five foot weeds that he would like the Board to ask them to mow or give him guidance on how to address the issues. Mayor Headley stated Board members walked the drainage way and they have been asked to mow the weeds.

Resident Bobby Moore of 7251 S. Quintero Street informed the Board she was there regarding the parking issue and she stated she wants to do with her property what she wants as long as it's kept up nice.

Resident Jerry Zoellner of 16915 E. Costilla Avenue discussed some of the reasons the Board created the ordinances. He stated when the Board created the Rural Residential Property Standards they had difficulty stating what was considered "junk" as everyone opinion is different. Licensing was a way to differentiate. He stated those residents that have commented that they have lived this way for several years were in violation of County ordinances, they just weren't enforced. Mr. Zoellner encouraged everyone to use the website. He stated there is a forum there that allows residents to make comments and leave messages. It can be a great method for communicating.

Resident Tom Downey of 7293 S. Yampa Street addressed the Board regarding comments made against his dog during the June 18, 2008 meeting. He read into record a letter responding to the complaints made by his neighbor, stating they were incomplete and inaccurate in several respects.

Resident Patti Heber of 7212 S. Quintero Street addressed the Board regarding the vehicle ordinance. She stated the ordinance was created to address all the cars parked at the Church. Mrs. Heber commented that it appears the Board

has been against certain residents and that's when the ordinance is enforced. She suggested that the Board let residents address issues among themselves and asked them who were the three residents that made complaints against the property owner on Richfield? Mrs. Heber stated the property owners on her block all own "stuff" and she stated she doesn't care what the Board does until they get into her "stuff".

Resident Leon Goodman of 7231 S. Quintero Street stated he also has "stuff" and he tries to keep it contained and out of sight. He commented that he works in neighboring communities and he doesn't want Foxfield to be like them. Mr. Goodman stated he is scared of the Board and the direction they are going.

Correspondence

Mayor Headley received correspondence from a resident regarding his concern over the traffic in Town. Mayor Headley suggested that the Board should create a committee to work with the Traffic Engineer.

New Business - none

Resolutions - none

Ordinances for Voting

"An Bill Amending Article III, Section 10, Regarding Requirements of Fences, Berms and Sound Walls in Rural Residential Zoning District"

Passed

"A Bill for an Ordinance Rezoning the Property Located at 6718 South Richfield Street from Rural Residential (RR) to Rural Residential PUD (RR-PUD), and Amending the Town of Foxfield Zoning Map to Conform Therewith"

Passed with Conditions

Adjournment

The meeting was adjourned by Mayor Headley at 9:01 p.m.

Minutes - BOT Regular Meeting - September 14, 2009

Call to Order/Roll Call

The meeting was called to order at 4:05 p.m. at Parker Fire Protection District Station No. 2, Foxfield, CO, 80016.

The following Trustees were present:

Susan Current, Bob Easton, Lisa Jones, Allyson Zoellner, Mayor Pro Tem Melissa Watson and Mayor Doug Headley.

A quorum was present.

The Board of Trustees met with Town Attorney, Corey Hoffmann, Town Administrator, Cheryl Kuechenmeister, and Town Planner, Barb Cole to discuss revisions being made to the Zoning Regulations. Corey Hoffmann discussed with the Board the fact that the Town is growing and the Board needs to determine where it wants the Town go as it get bigger. He stated he has never felt comfortable with the idea that Board performs so many different roles, which is riskier than just acting in a quasi-judicial capacity. He asked the Board if they are willing to let go of the other responsibilities. Barb Cole asked the Board if the Town has a Municipal Code. She explained what a municipal code is and how it would be beneficial for the Town to develop one. Cheryl Kuechenmeister stated she is developing an RFP for a municipal codifier. She explained that a codifier will update the code for the Town with new and amended ordinances as well as other information as it evolves. Mr. Hoffmann discussed what type of information is included in a municipal code. Mrs. Kuechenmeister suggested that Board members go to different municipality's websites to see their municipal codes. Mayor Pro Tem Watson asked what the cost would be to create and maintain a municipal code. Mrs. Kuechenmeister stated we won't know that until we get the RFP's returned. Barb Cole discussed information in the Zoning Regulations that is not accurate. Trustee Jones asked Ms. Cole if she would organize things differently if the Town had a municipal code and Ms. Cole stated she would. Trustee Jones discussed the time constraints associated with the DRCOG grant the Town received to pay for Ms. Cole's services and the fact the Town wouldn't have enough time to develop a municipal code in the given time frame. Barb Cole discussed changes she would like to make to the Zoning Regulations and asked the Board if they thought they would codify as that would make a difference as to what information she includes in the Zoning Regulations. The Board discussed creating a municipal code. Barb Cole asked if the Town had an official, signed zoning map. Mayor Headley suggested she contact Fred Fox. Ms. Cole stated it would take her about two hours to put it on a GIS system.

Corey Hoffmann informed the Board that code enforcement needs to be left up to the Code Enforcement Officer. He stated it concerns him that the Board is working outside their scope. Mayor Headley stated the Town hired Susie Ellis and Cheryl Kuechenmeister for their expertise and to provide services so the Board could alleviate some of their responsibilities. Susie Ellis stated the Board's involvement makes her less effective. Mayor Headley provided Corey and Susie with the questions brought up during Public Comment in the 9/3/09 Board

Meeting. Mrs. Kuechenmeister stated that it was inappropriate for the Board to respond to the questions in the meeting and suggested they inform the residents that the Town Clerk will refer their questions to the appropriate staff to respond. Mr. Hoffmann added the Board doesn't have to respond to every comment. The Board discussed communicating changes in meeting procedures to the Town. Trustee Current stated it appeared to residents the Board changed the procedure for that specific meeting. The procedures used in Public Comment were changed to allow the Board to prepare responses to the questions asked. Mayor Headley stated he didn't have time to communicate the changes to the residents. Mayor Headley discussed having work sessions prior to the Board meetings, from six to eight o'clock, and then have the Board Meeting. Corey Hoffman stated he would rather have record of the discussions and notes are only taken during Board Meetings. Trustee Zoellner suggested sending a notice out notifying residents of the changes.

Adjournment

The meeting was adjourned by Mayor Headley at 5:35 p.m.

Minutes - BOT Regular Meeting - September 17, 2009

Call to Order/Roll Call

The meeting was called to order at 6:37 p.m. at Parker Fire Protection District Station No. 2, Foxfield, CO, 80016.

The following Trustees were present:

Susan Current, Con Frank, Lisa Jones, Allyson Zoellner, Mayor Pro Tem Watson, and Mayor Doug Headley.

A quorum was present.

The Pledge of Allegiance was recited.

Pikes Peak/Centennial Animal Control Services

Wayne Reed from the city of Centennial provided the Board with a handout on how animal services, provided by Pikes Peak, are handled in his city. He stated that Pikes Peak already provides services for Chenango and Chaparral Foxfield would be a good fit. Joe Stafford, Field Services Manager from Pikes Peak provided the Board with information on Pikes Peak and discussed the history and philosophy of his organization. Mr. Stafford informed the Board the Town needs to have an ordinance for animal care and control to enforce compliance. Mr. Stafford discussed the handout provided by Wayne Reed.

Mr. Reed informed the Board the initial start-up cost would be \$1,778.62 and after that it would cost approximately \$4,500 each year. Mr. Stafford answered questions from the Board. Trustee Jones asked if there were be additional costs associated with developing the IGA. Mr. Reed stated the Town of Foxfield would have to share the attorney costs incurred with the IGA. Trustee Watson asked what Centennial's budget was for animal control and Mr. Reed stated it is about \$526,000 and licensing fees help with the costs. Wayne Reed informed the Board there cannot be an IGA if the Town doesn't require licensing and rabies shots. Joe Stafford concluded that the goal is to create an environment where people and animals can live in harmony. Resident Tom Meigel asked what would happen if a resident had more than the allowed number of animals. Mr. Stafford stated they may be able to be grandfathered in, but it was up to the Town Board.

Public Comment

Mayor Headley stated the Town Attorney has advised council that any issues related to code enforcement such as mowing and violations of the Rural Residential Property Standards are to be responded to by the Code Enforcement Officer. He informed the public they will have four minutes each to make their comments.

Resident Victor Kanner of 7484 S. Pitkin Street stated he understood that as the Town received sales tax revenue the paving bonds would be paid down. He asked the Board how much has been paid on the bonds. He also asked the Board if Foxfield were taken over by another municipality what would happen to the bonds. Mr. Kanner informed the Board he contacted Waste Management to ask them if he could have garbage pickup less frequently. He stated they will come once a month if he puts his garbage in a metal dumpster and he asked the Board if that violated any ordinances. He stated the dumpster would be on wheels so he can move it as needed. The Board discussed the metal container and stated it needs to be on his property and not in the right-of-way. The Board also asked Mr. Kanner if he knew how large the container was. Mr. Kanner stated he did not know the size of the container. The Board told Mr. Kanner they would review his request. Mr. Kanner informed the Board he had mentioned to the representative at Waste Management that the Town is looking at changing providers to lower costs to the residents. The representative stated they would like to speak with the Town and he stated he would give the Board her email address and phone number.

Resident Bill Barnett of 7171 S. Richfield asked the Board to explain the differences regarding outdoor storage in the Rural Residential Property Standards

section ii and vii. He also asked what is meant by “gross weight” in section viii. Mr. Barnett asked the Board if they will rewrite section vi of the Rural Residential Property Standards regarding the description of a vehicle. He stated section fifteen was clearer. Mr. Barnett commented that the Board has changed their procedure on Public Comment and that several people came to be heard. He also stated that it was his understanding that the questions asked by homeowners at the September 3rd meeting were to be answered. As these questions have not yet been answered, he felt that the homeowners were being ignored. He read from the May 2006 newsletter regarding responses to the survey and the fact that sixty five percent of the people responding didn't want the Board to address various issues such as barking dogs, bright lights at night and fencing. Mr. Barnett addressed Mayor Headley saying he promised to respond to questions from the last meeting and he lied because now he said he would only respond to two questions. Mayor Headley stated he never said that. When corrected, Mr. Barnett apologized. Bill Barnett stated Corey Hoffmann told him if he wants answers to his questions he needs to contact Code Enforcement Officer Susie Ellis and he doesn't want to do that. Town Attorney Charissa Eckhout informed Mr. Barnett the Board cannot respond to his questions as he has been issued a notice so there is a potential for municipal court action. Mr. Barnett read from the Colorado State statutes which allows for collector cars to be kept outside. Mr. Barnett stated he will comply by putting up a fence and moving his collector cars outside.

Resident Tom Meigel of 17197 E. Davies Avenue informed the Board that he had not received an answer to his question of whether or not the Board will review the Rural Residential Property Standards regarding parking. He stated he does not have a legal issue with the Town and therefore his question should be answered.

Minutes of the 9-3-09 Meetings and Approval

A **motion** was made by Trustee Current to approve the 9/3/09 minutes as amended.

For: Unanimous Approval.

TREASURER'S REPORT

The Accounts Payable was reported as follows:

R. Catterall – Salary 9-1-09 to 9-15-09 = \$1,447.40
 Board Compensation – 3rd Qtr. = \$1,939.35
 Town Administrator Salary - August = \$1,005.37
 Solve IT – September Fees = \$170.00
 Singing Hills Lndscpe – Norf. Mtc Inv #19441 = \$198.33
 Stanley Rios – Webhost 5/10- 8/10/09 = \$36.00
 ACCWA – Wtr Norf O.S. 8/7 – 9/3/09 = \$45.19
 WRC Engr. – C/b Inv #2020/109 = \$1,542.88

Foxfire – Aug C/b Inv #0909-2 = \$2,336.75
 Hayes, Phillips Hoffmann... - Aug Legal Fees = \$954.11
 Community Matters – Planner Inv #2324 = \$7,980.00
 Judge Sidel – Sept Judge Fee = \$40.00
 Villager Legals – Lgl Pub. Inv #2488 & #2487 = \$27.72
 Total Accounts Payable - \$17,723.10
 Total US Bank Deposits & Transfers = \$12,305.76
 Sep COT GF Deposits (property tax, etc.) = \$856.44
 Sep COT GOB Deposits (Property tax, etc.) = \$1,665.33
 Ttl Funds Avlble after invoices are paid = \$534,247.57

Mayor Headley discussed the Community Matters Invoice for Barb Cole's planner services.

A **motion** was made by Trustee Watson to approve the Treasury Report and pay the accounts payable.

For: Unanimous approval.

Unfinished Business

Enforcement of Town Regulations – Trustee Jones provided the Board with a monthly summary report from Susie Ellis. She stated Ms. Ellis will meet with Mayor Headley on September 18th to address issues at Foxfield Village Center. Mayor Headley added that property owners with weed violations have been contacted and the issues will be addressed.

Zoning Regulations PUD & Application - CMI – Mayor Headley reported the Board met with Barb Cole on September 14th and the meeting was very informative. Trustee Jones informed the Board that Barb Cole would like to have input on the Zoning Regulation revisions from all of the Board members and asked if the Board would like to review the revisions as one large product or piece meal. The Board concurred they would like to review the document a piece at a time. Trustee Jones discussed various concerns brought up by Ms. Cole.

Waste Removal Request For Proposal – Trustee Zoellner discussed putting out an RFP for waste removal. She asked the Board if Cheryl Kuechenmeister, the Town Administrator, would put out the RFP since she has so much experience with the RFP process.

COMMITTEE REPORTS

Trustee Frank discussed the following:

Trustee Frank reported that ACWWA had addressed the water issues at the Fremont entrance. He stated he received two bids to put down overlay on Fremont, one for \$4,700 from CASI and one for \$2,640 from Straight Line. He stated these two companies also gave him a bid on crack sealing. CASI's bid was \$2,479.50 and Straight Line's was \$4,968.00. Trustee Frank stated he will use Straight Line for the Fremont overlay and CASI for crack

sealing. Trustee Frank discussed cracking in the roads that's appearing from broken off corners that need to be overlaid. Straight Line gave him a bid of \$14,850 versus CASI's bid of \$5,900. He informed the Board Straight Line's bid included more corners than CASI's bid. He stated he will budget funds to address the corners next year. Trustee Frank asked for approval to have Straight Line overlay Fremont and CASI to do the crack sealing. The Board approved the request. Trustee Current asked if new stop bars had been put down. Mayor Headley stated he had the material for a couple more.

Trustee Frank reported he met with the engineer for the Worsham property to discuss the goals of the Town and the plans for the Worsham property.

Trustee Frank informed the Board the Our Lady of Loreto rectory is working on getting their Temporary Certificate of Occupancy as their goal is to move in on September 23rd. He stated they are also working on getting a Letter of Credit for landscaping that wasn't completed.

Mayor Headley discussed changes in the landscaping on the Norfolk open space near the Ring Road.

Trustee Jones discussed the following:

Trustee Jones asked the Board how to proceed with animal control. The Board discussed the benefits and costs with using Centennial's versus Arapahoe County's services. They agreed they would wait to hear from Arapahoe County on their Vicious Animal ordinance before they make a decision.

Trustee Watson discussed the following:

Trustee Watson reported she updated the Zoning Regulations with the current ordinances. She provided the new document to Barb Cole and Corey Hoffmann.

Trustee Watson stated she is going to meet with Jerry Zoellner to discuss putting information on the website.

Trustee Watson informed the Board she has been working on replacing the damaged bulletin board doors. She stated she found a local supplier so they were less expensive to replace.

Trustee Watson discussed a spreadsheet she had created listing all of the Town's ordinances. She sent the list to Corey Hoffmann and will post it on the website.

Trustee Zoellner discussed the following:

Trustee Zoellner informed the Board she has been

reviewing previous documentation on the RFP the Town sent out for a single service trash provider. She stated the process took six months. Trustee Zoellner asked the Town Attorney if the Town had to have a formal RFP or can they informally select a waste removal service. Town Council, Charissa Eckhout stated she would look into this issue.

Trustee Current discussed the following:

Trustee Current had nothing new to report.

Mayor's Report

Mayor Headley discussed a contract for snow removal. He stated that Meadow Hills, the company that previously provided this service, no longer is in business so he asked Singing Hills Landscaping to do snow removal for the Town. Mr. Scoville, the owner of Meadow Hills, contacted him to say they would do snow removal for one more year. The Board had a lengthy discussion on how Mr. Scoville could provide this service without violating Town ordinances. Ms. Eckhout stated per town ordinances a resident can have one vehicle for his business parked outside on his property.

Mayor Headley provided the Board with a report detailing traffic sign graffiti in Foxfield. He emphasized the importance of reporting every incident.

Mayor Headley informed the Board he had sent the questions from the September 3rd Public Comment to Corey Hoffmann to review. Mr. Hoffmann stated it was up to the Code Enforcement Officer to respond to enforcement questions. Legal Council, Charissa Eckhout, stated it was important to let Susie Ellis respond to the questions. Mayor Headley stated tonight's questions will be listed and sent to the appropriate person to be answered. Trustee Jones asked when the Board will respond to the questions. Mayor Headley stated the Board is working on gathering the information to needed to answer the questions. The Board discussed how to address comments made during Public Comment.

Mayor Headley asked the Board if they should consider using the definition of a vehicle that was in the Parking ordinance. The Board agreed they would look at the definitions. Ms. Eckhout recommended that discussion of this issue be done at the next Board meeting.

Mayor Headley asked Legal Council what the gross weight signs in Town mean. She stated they mean what they say, but if everyone who enters Town is over the specified limit then maybe the signs should be taken down or the weight limit changed. She also informed the Board there should be an alternate route for heavier vehicles.

Correspondence

Legal Council, Charissa Eckhout, summarized the memorandum regarding identity theft and the fact act. She concluded that enforcement has been delayed.

New Business

Amending the 2009 Budget – Town Clerk, Becky Catterall, provided the Board with two reports comparing year to date revenues and expenditures to budgeted amounts. She stated the budgets for the Special Improvement District, open space grant, and McDanal grant funds will need to be amended. The Board discussed expenditures for the other funds and determined they will continue to review the expenses to make sure they are within established budget. The Town Clerk stated she would like to have a public hearing on amending the budgets during the first meeting in November.

The Town Clerk informed the Board she would like to the Board to come to the October 15th meeting with expenditures they would like included in the 2010 budget.

The Town Clerk informed the Board she had sent out an RFP to perform the 2009 audit to seven companies. She stated Cheryl Kuechenmeister prepared the RFP and will attend the October 15th meeting to discuss the proposals.

Resolutions - none

Ordinances for Voting - none

Adjournment

The meeting was adjourned by Mayor Headley at 10:00 p.m.

Minutes - BOT Regular Meeting - October 1, 2009

Call to Order/Roll Call

The meeting was called to order at 6:38 p.m. at Parker Fire Protection District Station No. 2, Foxfield, CO, 80016.

The following Trustees were present:

Susan Current, Bob Easton, Con Frank, Lisa Jones, Allyson Zoellner, Mayor Pro Tem Watson and Mayor Doug Headley.

A quorum was present.

The Pledge of Allegiance was recited.

Sheriff's Report – Lieutenant Heaton discussed the graffiti in Town and the fact that it is in neighboring communities as well. Lieutenant Heaton discussed a string of robberies on Arapahoe Road including a robbery at the dry cleaner in Town. He stated the violators were

caught the next night. Lieutenant Heaton informed the Board there is information on their website on how to prevent the spread of the H1N1 flu. A resident asked if she should report a paint ball incident and Lieutenant Heaton stated they absolutely should and discussed how to report an incident.

PUBLIC HEARING – Use By Special Review – Worsham Property

Mayor Headley opened the public hearing at 6:43 p.m. The Town Clerk confirmed that all noticing requirements had been met. Town Planner, Fred Fox, explained the Use By Special Review was for an earthen stockpiling and re-compaction plan. Mr. Fox gave the Staff report.

Town Engineer, Alan Leak, provided the Board with three handouts. He discussed one handout which gave a timeline of stockpiling activities on the property and the change in regulations that took place during that time frame. Mr. Leak also discussed the handout regarding the suggested phase I of CDOT's roadway construction plans. He informed the Board they had a handout discussing their options on this application. Fred Fox stated the Staff recommendation is approval of the Use By Special Review application with the condition that applicant add to Phase two as item F: "The previous (existing) stockpile is to be removed or graded per the approved Overlot Grading Permit/GESC plans no later than one (1) year after Ring Road paving or December 31, 2011, whichever occurs first and any other conditions deemed necessary by the Board of Trustees. Mayor Headley opened the floor to questions from the Board. The Board asked questions regarding the restrictions on the placement of the dirt stockpiles and the fact that the current stockpiles are not part of the approved PDP. They also discussed the timing of the box culvert and how that impacts the placement of the dirt. Mayor Headley opened the floor to a presentation from the applicant. Mace Pemberton, Engineer for Worsham, stated the uncertainty of the CDOT project has slowed things down. He discussed the planned phases for the stockpiling and movement of the dirt. He informed the Board timing of the project is important so they won't have to use Town roads to move the dirt. He concluded they would like the Board's approval so they can get the project moving ahead. Mayor Headley opened the floor to questions from the Board Members. The Board asked questions about the compaction of the dirt, the height of the piles and the time frame for removal of the dirt. Mr. Pemberton stated the timing is based on CDOT. Trustee Frank asked when the Board would know the dates they had previously requested for completing the over lot grading. Mr. Pemberton stated they didn't have a specific date as they are working through a sequence of events to figure that out. Mayor Headley opened the floor to questions from

the public. Resident, David Patterson, stated he has a problem with the heights of the piles. He stated previously they brought in dirt without any limits or controls on how much was brought in. He asked what controls the Town would have to make sure Worsham does what they say they are going to do. Mr. Patterson also asked if they were going to compact as currently they have fill over fill. He concluded that he is concerned the project will get bogged down and he will have a twenty foot wall of dirt in his backyard. Resident, Leon Goodman, stated he was concerned with the appearance and that he thinks it is important that the Worsham and Foxfield Village Center properties meet. He suggested that the money being used to move the dirt be used to help build the box culvert thus eliminating the need to move the dirt. Mr. Goodman concluded that the Board should put a limit on how much time they have to move the dirt as it has already been seven years. Resident, Carasal Yarian, stated CDOT's plans have been known for a very long time. She stated the Cliff Schroeder refused to work with the Town so she has no sympathy for him. She concluded that engineers know that dirt shouldn't be moved and suggested letting CDOT keep the dirt. Resident, Harold Yarian, stated he has a problem with this plan because it offers only a partial solution and it talks about what might be in the future. He stated the property owner needs to address the dirt pile that was improperly put there. Mayor Headley closed the floor to comments from the public and gave Mr. Pemberton the opportunity to respond to the public comment. Mr. Pemberton stated stockpiling is a way to stage for further action. He said they didn't put in the box culvert as its purpose is for water flows that don't generate on their property. Mayor Headley opened the floor to discussion from the Board. The Board had a lengthy discussion regarding the original piles and the fact they have been there too long. They also discussed consequences if a time frame isn't met. Trustee Frank suggested continuing the public hearing to have them address shortening the stockpiling schedule. Town Attorney, Corey Hoffmann, stated he would talk to CDOT regarding when they will allow work to begin. The Board discussed an alternate time line.

A **motion** was made by Trustee Easton to continue the public hearing to October 15, 2009.

For: Unanimous approval

Public Comment

Wayne Chambers of 17450 E. Hinsdale asked the Board what the status was on the parking violation on the property on Richfield.

Leon Goodman of 7231 S. Quintero St. discussed the animal control presentation from the previous meeting.

He stated it's too expensive and the Town should try to continue working with Arapahoe County. Mr. Goodman discussed the 7,000 pound weight limit signs in Town. He informed the Board the roads are constructed to hold vehicles weighing 95,000 pounds. He stated the signs have no value to the Town as they are not enforced. Mr. Goodman stated there is a little lift on the paving on Fremont. Trustee Frank stated it will settle.

Bill Barnett of 7171 Richfield thanked the Board for the letter responding to the questions he brought up during the previous two meetings.

Tom Neuman of Richfield expressed concerns with the verbiage in the Rural Residential Property Standards regarding storage.

Tom Meigel of 17197 E. Davies Avenue thanked the Board for their work and for looking at the outdoor storage of vehicles. Trustee Frank stated they had spoken with the landscaper for the neighboring property who stated the weeds will be addressed. Mayor Headley added they have been given a deadline to have the mowing done. Mr. Meigel stated he was concerned with the area where the water sits. Trustee Frank stated the drainage system is designed to do that.

Minutes of the 9-14-09 and 9-17-09 Meetings and Approval

Trustee Watson discussed additional revisions to the 9-17-09 meeting minutes.

A **motion** was made by Trustee Jones to approve the 9/14/09 and 9/17/09 minutes as amended.

For: Unanimous Approval.

TREASURER'S REPORT

The Accounts Payable was reported as follows:

R. Catterall – Salary 9-16-09 to 9-30-09 = \$1,217.52
 R. Catterall – Oct Car/Rent Allowance = \$230.87
 Straight Line Sawcutting – Pav Inv # 6494 = \$2,640.00
 One Handy Guy – Mtc Inv #069081 = \$236.00
 WRC Engineering – Inv #2061/102 = \$4,415.40
 IREA – Norf O.S. 8/14/09 – 9/15/09 = \$10.00
 Singing Hills Ldscp – Norf. OS Inv #19498 = \$269.40
 Comcast – Internet 9/14 – 10/13/09 = \$59.95
 Qwest – Telephone 9/13 – 10/12/09 = \$63.53
 A.C. Sheriff – Off-duty Patrols = \$1,276.00
 Total Accounts Payable - \$10,418.67
 Total US Bank Deposits & Transfers = \$16,162.90
 Sep COT GF Deposits (property tax, etc.) = \$44,176.57
 Sep COT GOB Deposits (Property tax, etc.) = \$72,280.62
 Ttl Funds Avlble after invoices are paid = \$541,552.00

A **motion** was made by Trustee Current to approve the Treasury Report and pay the accounts

payable.

For: Unanimous approval.

Unfinished Business

Zoning Regulations PUD & Application - CMI –

Trustee Jones spoke with Barb Cole who stated Articles 1 and 2 are completed and Article 3 almost done. She is creating Articles 3, 4, and 5 and will include a section for definitions. Trustee Jones stated that Barb hasn't received any comments from the Board on the first two articles. Corey Hoffmann stated he will review the entire document when it's completed. The Board discussed when to have a workshop and public hearing. Trustee Jones stated she will let everyone know the dates.

Waste Removal Request For Proposal – Trustee Zoellner stated she will discuss the RFP with Cheryl Kuechenmeister.

RFP for 2009 Audit – The Town Clerk reported she received four RFP's and the average fee for the 2009 audit is \$10,500. She informed the Board that Cheryl Kuechenmeister will be at the next Board meeting to review each proposal with the Board.

Animal Control Service Provider – Trustee Jones reported that Arapahoe County hasn't yet adopted their vicious animal ordinance. We are waiting to hear if we would need to adopt an IGA. Trustee Jones stated Dumb Friends League came to Town to address an malnourished horse. She stated Dumb Friends League may be able to help us with animal abuse issues. Trustee Jones is looking into other animal control options.

2010 Budget – The Town Clerk presented the Board with a Proposed Budget for 2010. She asked the Board to review the document and bring suggestions to the next meeting.

COMMITTEE REPORTS

Trustee Watson discussed the following:

Trustee Watson had nothing new to report.

Trustee Current discussed the following:

Trustee Current had nothing new to report.

Trustee Jones discussed the following:

Trustee Jones had nothing new to report

Trustee Easton discussed the following:

Trustee Easton had nothing new to report

Trustee Zoellner discussed the following:

Trustee Zoellner stated she had nothing new to report.

Trustee Frank discussed the following:

Trustee Frank reported the Temporary Certificate of Occupancy was issued for the rectory.

Trustee Frank reported plans have been submitted for construction of a new house on East Briarwood Place.

Trustee Frank reported East Fremont Avenue had settled nine inches before it was resurfaced

Mayor's Report

Mayor Headley attended the Arapahoe County Open Space meeting where they discussed plans for five, twenty five and one hundred years.

Mayor Headley attended the Arapahoe County Commissioner and Mayors breakfast in Bennett.

Correspondence - none

New Business

Records Retention Procedures – The Town Clerk provided the Board with a copy of a resolution from 2005 stating the Town adopts the state retention schedule. The Town Clerk asked Corey Hoffmann if records to be destroyed had to be documented and he stated they did, as well as the date destroyed.

Public Meeting Procedures – Mayor Headley discussed ordinances that defined the procedure for meetings in the Town of Foxfield. Trustee Bill No. 6 repealed Trustee bill No. 2. Trustee Bill No. 2 needs to be updated and revised. He informed the Board he is working on a draft of a new ordinance to update Trustee Bill No. 6 which would include rules for public comment.

RFP for Codification – The Town Clerk reported that RFP's were sent to four companies. She stated the deadline to have them returned is October 16, 2009.

Reviewing the Definition of a Vehicle – Mayor Headley stated from previous meetings the Board has been requested to review the definition of a vehicle as well as what is a valid number of vehicles allowed to be parked on a rural residential property. The Board had a lengthy discussion on these issues. Town Attorney Corey Hoffmann offered to put together a menu of vehicle types and suggested that the Board could narrow it down from there.

Mayor Headley informed the Board the contract for snow removal was completed. He stated it has the condition that there can only be one business vehicle parked outside.

Resolutions - none

Ordinances for Voting - none

Adjournment

The meeting was adjourned by Mayor Headley at 10:03 p.m.

Minutes - BOT Regular Meeting - October 15, 2009

Call to Order/Roll Call

The meeting was called to order at 6:37 p.m. at Parker Fire Protection District Station No. 2, Foxfield, CO, 80016.

The following Trustees were present:

Susan Current, Bob Easton, Con Frank, Lisa Jones, Allyson Zoellner, Mayor Pro Tem Watson and Mayor Doug Headley.

A quorum was present.

The following Staff was present:

Cheryl Kuechenmeister, Town Administrator
Charissa Eckhout, Town Attorney

The Pledge of Allegiance was recited.

PUBLIC HEARING – Use By Special Review – Worsham Property

Mayor Headley informed the Board that the applicant has requested that the public hearing be continued to the November 5th Board meeting. Town Planner, Fred Fox, stated the applicant didn't have enough time to respond to all of the questions brought up at the last Board meeting. The Board discussed the situation and determined to move the meeting to the second meeting in November.

A **motion** was made by Trustee Frank to move the Use by Special Review public hearing for stockpiling dirt on the Worsham property to November 19th. Seconded by Trustee Zoellner.

For: unanimous approval.

Public Comment

Mayor Headley responded to questions brought up at the previous Board meeting.

Leon Goodman of 7231 S. Quintero Place informed the Board that after the last meeting he spoke with Town Attorney, Corey Hoffmann, regarding what is the definition of a vehicle. He stated Colorado Statute 42 defines a vehicle as anything with a motor. Mr. Goodman encouraged the Board to adopt the state's definition of a vehicle.

Linda Barnett of 7171 S. Richfield stated that at the last meeting Corey Hoffmann discussed allowing residents to get a permit for vehicles over the allowed limit. She stated she and her husband were in favor of this option.

Minutes of the 10-15-09 Meetings and Approval

A **motion** was made by Trustee Jones to approve the 9/15/09 minutes as amended. Seconded by

Trustee Current.

For: Unanimous Approval.

Unfinished Business

Zoning Regulations PUD & Application - CMI – Trustee Jones informed the Board there is a work session on October 20th at 1:00 p.m., at the South Metro Fire Station to discuss changes Barb Cole has made to the Zoning Regulations. Trustee Jones asked the Board to come to the work session with comments on the revisions.

Waste Removal Request For Proposal – Town Attorney, Charissa Eckhout, provided the Board with a memorandum on the waste removal contract. Ms. Eckhout stated the Board can continue with the current waste removal provider, but if they want to change service providers they will have to send out an RFP. The Board discussed what action they want to take on this issue. After a lengthy discussion on this issue the Board determined they would send out an RFP. Trustee Zoellner stated she had provided Cheryl Kuechenmeister with the documents from the previous RFP the Town sent out and examples of RFP's from other municipalities. She informed the Board that she, Cheryl, and the Town Clerk will work together to create a list of items they would like included in the RFP. Cheryl Kuechenmeister asked the Board to provide her with any and all comments from the residents.

RFP for 2009 Audit –Cheryl Kuechenmeister discussed the RFP process for the 2009 audit. She discussed the bids received and stated John Cutler was the best candidate. She discussed the municipalities that use this firm and she contacted all of the references. Ms. Kuechenmeister recommended that the Board use John Cutler and Associates for the 2009 audit. Mayor Headley stated the Board will make a decision on this issue at the next Board meeting. Ms. Kuechenmeister she and the Town clerk are working on developing financial reports. She informed the Board she is researching new governmental software that will make financial reporting easier.

Animal Control Service Provider – Trustee Jones spoke with Thea Thompson of Arapahoe County and they have determined they won't be adopting Foxfield's Vicious Animal ordinance, therefore, the Town would need an IGA with Arapahoe County for them to enforce our ordinance. Trustee Jones stated she will create a side by side comparison of Arapahoe County and Centennial's animal control services. The Board had a lengthy discussion on this issue.

2010 Budget – Cheryl Kuechenmeister provided the Board with Financial Procedures that she had developed from the auditor's request for internal controls. Ms.

Kuechenmeister asked the Board if they would like to meet with the auditor she recommended and the Board stated they felt confident in her recommendation. Town Clerk, Becky Catterall, informed the Board she had created the preliminary 2010 budget as a starting point for discussion. She asked the Board to review the budget and to send any suggestions or revisions to be discussed at the next Board meeting. She stated she is planning on having a public hearing on this issue at the first meeting in December. Ms. Catterall stated she will have a public hearing on amending the 2009 budget at the November 19th Board meeting.

Public Meeting Procedures – Mayor Headley stated he has been working on developing meeting procedures. He stated he would like to have them completed by the second meeting in November.

Reviewing the Definition and Number of Vehicles in Rural Residential Standards Charissa Eckhout informed the Board that Corey Hoffmann has been working on information on this issue that he will have available for the next Board meeting. The Board discussed using permits for residents that are over the limit. They also had a lengthy discussion on the state's definition of a vehicle.

New Business

Financial Procedures – The Town Clerk discussed the procedures and stated she was concerned with the \$50 limit for her to make purchases without a second signature as it costs more than that for her to purchase ink cartridges. The Board discussed what to change the limit to.

Reports

Committee

Mayor Pro Tem Watson:

Mayor Pro Tem Watson has been working extensively with Barb Cole on reviewing and editing the new Foxfield Zoning Ordinance

Trustee Jones:

Trustee Jones spoke with Code Enforcement Officer, Susie Ellis, regarding her invoices. Ms. Ellis stated things will be slowing down in the next few months. Trustee Zoellner suggested that weed spraying should not take place too early because it could kill the birds that nest in the ground. She stated the Board also needs to consider the fact that weeds are also food for some birds.

Trustee Jones informed the Board the banners and signage that violated Town ordinances have been removed from Foxfield Village Center.

Trustee Zoellner stated the managers at the Dusty Boot have stated the Town's policies are preventing them from being successful. Trustee Zoellner informed the Board the managers have also complained that their signage is too small and cannot be seen from Parker Road. They have asked if they could have some leniency in the sign rules as the down turn in the economy is severely hurting them. The Board discussed this issue and decided to hold a public hearing on amending the sign code at the November 19th Board meeting.

Trustee Jones asked Susie Ellis if the Town could bill her directly, without going through IB Associates. Ms. Ellis stated she is researching the request.

Trustee Easton:

Trustee Easton had nothing new to report.

Trustee Current:

Trustee Current had nothing new to report.

Trustee Zoellner:

Trustee Zoellner had nothing new to report.

Trustee Frank:

Trustee Frank spoke with the landscaper addressing ordinance violations on E. Hinsdale., who stated they have almost completed their work.

Trustee Frank reported that ACWWA has completed cementing in a waterline pipe.

Trustee Frank discussed putting recycled asphalt on Costilla.

Mayor's Report

Mayor Headley created a list of new residents that have recently moved into Town. He asked if a Board member would volunteer to visit the people on the list and welcome them to Town.

Mayor Headley discussed information he had received regarding the Arapahoe County Open Space grant. He stated he will send the information to the Board.

Mayor Headley discussed the Jehovah's Witness 2nd Addendum and the past due chargeback expenses owed. He stated he will be discussing this issue with Corey Hoffmann and will ask him to begin the collection process.

Treasury Report

The Accounts Payable was reported as follows:

R. Catterall – Salary 10-1-09 to 10-14-09 = \$1,116.73

C. Kuechenmeister - Sept. Salary = \$1,461.56
 Hayes, Phillips, Hoffmann - Sept Lgl Fees = \$2,532.10
 Xact Data Discovery – C/b Tape Dup = \$60.00
 WRC Engineering – Inv #2061/103 = \$1,452.75
 WRC Engineering – c/b Inv #2020/110 = \$4,243.73
 Singing Hills Ldscp – Norf. O.S. Inv #19670 = \$198.33
 Judge Sidel – Oct Fee = \$40.00
 Solve IT – Email System Inv #7195 = \$142.50
 One Handy Guy – Mtc. Inv #069086 = \$371.50
 Community Matters – Inv #2325 = \$ 6,442.00
 IB Assoc-Enforc Inv #2009-FX07,08,09 = \$ 5,460.00
 Total Accounts Payable - \$23,521.20
 Total US Bank Deposits & Transfers = \$10,227.46
 Oct COT GF Dep (property tax, etc.) = \$1,340.94
 Oct COT GOB Dep (Prop tax, etc.) = \$3,122.55
 Ttl Funds Avlbl after invcs are pd = \$507,214.23

A **motion** was made by Trustee Easton to approve the Treasury Report and pay the accounts payable. Seconded by Trustee Current.
For: Unanimous approval.

Staff Report

Charissa Eckhout had nothing to report.

Correspondence - none

Resolutions - none

Ordinances for Voting - none

Adjournment

The meeting was adjourned by Mayor Headley at 8:46 p.m.

Minutes - BOT Regular Meeting - November 5, 2009

Call to Order/Roll Call

The meeting was called to order at 6:37 p.m. at Parker Fire Protection District Station No. 2, Foxfield, CO, 80016.

The following Trustees were present:
 Susan Current, Bob Easton, Con Frank, Lisa Jones, and Mayor Pro Tem Watson.

A quorum was present.

The following Staff was present:
 Cheryl Kuechenmeister, Town Administrator
 Corey Hoffmann, Town Attorney

The Pledge of Allegiance was recited.

Public Comment – none

Town Administrator Report

Foxfield Financial Policies and Procedures – Town Administrator Cheryl Kuechenmeister explained that these procedures were driven from comments made during the 2008 audit. The Board discussed amending the amount the Town Clerk could spend without a second signature to \$250, not to exceed \$1,000 in a month.

A **motion** was made by Mayor Pro Tem Watson to approve the Financial Policies and Procedures with the amended amounts of \$250 without second signature not to exceed \$1,000 in a month. Seconded by Trustee Current.

For: unanimous approval.

Passed

Auditor Selection – Cheryl informed the Board the fee on the RFP for John Cutler to perform the 2009 audit is \$7,500. Mrs. Kuechenmeister asked for comments from the Board and hearing none she made a recommendation that the Board engage John Cutler & Associates to conduct the audit of the financial statements for the year ending December 31, 2009.

A **motion** was made by Trustee Frank to engage John Cutler for the 2009 audit. Seconded by Trustee Easton.

For: unanimous approval.

Passed

Solid Waste Collection RFP – Mrs. Kuechenmeister provided the Board with a draft of the proposed RFP she had developed for waste removal. She highlighted the revisions she made to the RFP the Town had previously used. The Board discussed the revisions and how to prevent abuses of some of the services included in the RFP. Mrs. Kuechenmeister asked the Board if the document was ready to be mailed out and the Board concurred. She asked the Board to provide her with the names of waste removal companies that weren't currently on the list.

Codification RFP – Cheryl discussed the annual costs associated with codification. She informed the Board that she had included \$12,000 in the 2010 budget to cover the fees. The Board discussed this issue. Mrs. Kuechenmeister stated she will have more information on the RFP in the future.

Fund Accounting Software – Mrs. Kuechenmeister informed the Board that she and Mrs. Catterall visited the town of Parker to view a demonstration of Caselle

financial software. She stated this software is used by one hundred municipalities in Colorado. She explained that the cost of the audit last year was high due to the time the auditor had to spend on developing financial reports. Mrs. Kuechenmeister stated the cost for the software is \$3,900, which includes the software, setup, conversion from Quickbooks, and 11/2 to 2 days of training. She informed the Board it would require several hours of her and the Town Clerks time to manually create the financial reports needed for the audit and if the Board acquires the software this year the data from Quickbooks will be uploaded to the new software and we will be able to create the necessary reports. The Board had a brief discussion on this issue and concurred that Mrs. Kuechenmeister could move forward on purchasing this software.

ACCWA Presentation – Linda Lehrer

Linda Lehrer is a resident of Antelope and works as a geologist. She stated former Mayor Steve Sullivan had contacted her to assist him in providing ACWWA water to Foxfield residents. Ms. Lehrer also negotiated a deal to provide water to Antelope residents. She has continued working on projects for ACWWA. Ms. Lehrer showed a slide show on the future of ACWWA and areas they are working on developing.

Minutes of the 10-15-09 Meetings and Approval

A **motion** was made by Trustee Current to approve the 10/15/09 minutes as amended. Seconded by Trustee Easton.

For: unanimous approval.

Passed

Unfinished Business

Jehovah's Witness 2nd Addendum to the Maintenance Agreement – Mayor Pro Tem Watson discussed the history of the agreement. She informed the Board that the maintenance agreement states that in lieu of paving Costilla the church will pay the Town of Foxfield \$32,000 which the Town may use to develop a frontage road along Parker Road. Mayor Pro Tem Watson explained that Foxfield will take over the responsibility of maintaining Costilla once the fees have been paid to the Town. She also stated this issue was triggered with the church's request for a third congregation and they will now be allowed to have a maximum of three congregations. Town Attorney, Corey Hoffmann, stated one of the conditions of the agreement is the church has to pay approximately \$4,800 on past due chargeback billing fees. Mr. Webb, attorney for the Jehovah's Witness congregation, stated they are presently putting together the fees, and asked the Board if they could do something

to maintain Costilla as it is very hard to drive on. He stated they are working on the exhibit to the agreement and asked if a member from each congregation could attend the meetings between Foxfield and CDOT. Mr. Hoffmann stated he would pass their request on to Alan Leak of WRC Engineering as he represents the Town in these negotiations.

A **motion** was made by Trustee Easton to approve the 2nd Addendum to the Development Agreement and the Maintenance Agreement with the understanding we'll sign the agreements upon the receipt of the reimbursable costs. Seconded by Trustee Current.

For: unanimous approval.

Passed

Zoning Regulations PUD – Trustee Jones reported that Barb Cole is done with her work on the Zoning Regulations and is awaiting comments from Corey Hoffmann. Trustee Jones discussed Ms. Cole's expenses and stated the project will cost approximately \$4,000 more than the Board had budgeted. The Town Clerk stated there was \$15,000 budgeted for Planner expenses and \$10,000 for matching the DRCOG grant so her expenses should be covered.

Animal Control Service Provider – The Board discussed two alternatives for animal control services. Corey Hoffmann suggested researching independent or free lance animal officers. He also stated that CIRSA may have a writer that would cover the insurance for agents. Mr. Hoffmann stated the CML website may offer suggestions on this issue. He volunteered to contact Parker to find out if there are any officers that work off-duty. Mr. Hoffmann also offered to contact Arapahoe County's attorney to find out what would be involved in the IGA process.

2010 Budget and Amending 2009 Budget – Town Clerk, Becky Catterall, discussed budget versus actual expenditures for all funds. She stated that currently the only budget that needs to be amended is the Special Improvement District as when we budget we have no way of knowing how much principal the accountant will request to be paid. The Board reviewed the proposed 2010 budget and discussed revisions to the document. Ms. Catterall stated the public hearing to amend the budget will be during the November 19th Board meeting and the public hearing for the 2010 budget will be during the first meeting in December.

Meeting Procedures – Corey Hoffmann received a copy

of the proposed document for review. He stated he will get comments to the Board for discussion at the next meeting.

Reviewing the Definition and Number of Vehicles in Rural Residential Standards Corey Hoffmann provided the Board with a draft of summarization of comments from the previous meeting. The Board concurred they liked the proposed concept and asked Mr. Hoffmann to develop more specific criteria. He stated this revision will be a part of the Rural Residential Property Standards.

Amending the Sign Code – Mayor Pro Tem Watson informed the Board that after discussions with Service Star she came to the understanding that they would have to revise the Development Plan to change monuments signs so there is no need to amend the code. The Board concurred.

New Business

Medical Marijuana – Corey Hoffmann informed the Board he has done considerable research on this issue. He drafted an emergency ordinance putting a moratorium on these types of businesses so the Town can research it further. He stated if the Board wants to prohibit medical marijuana dispensaries they will have to reinforce the Nuisance ordinance. The Board had a lengthy discussion on this issue. Mr. Hoffmann informed the Board they cannot vote on this ordinance as they don't have the required $\frac{3}{4}$ vote to pass the emergency ordinance. Trustee Easton stated this issue was recently discussed at the Centennial Airport meetings and it was noted that the ACLU would sue any municipality that passed a moratorium. The Board agreed there was no need to pass a moratorium and directed Mr. Hoffmann to draft an ordinance amending the Nuisance ordinance to disallow these types of dispensaries.

Increasing Town Administrators Hours for November – Mayor Pro Tem Watson stated the Town Administrator is approved to work fifteen hours per month, but due to her work on RFP's and finances Mayor Headley has suggested increasing her hours to twenty in November.

Mayor Pro Tem Watson made a **motion** to increase the Town Administrator's hours to twenty for the month of November. Seconded by Trustee Frank.

For: unanimous approval.

Passed

Reports Committee

Trustee Easton:

Trustee Easton attended the Airport Community round table where they discussed the history of noise. He reported that Centennial Airport has been funded to purchase noise measuring equipment. This equipment will be able to monitor any aircraft that comes within six miles of Centennial Airport.

Trustee Current:

Trustee Current had nothing new to report.

Trustee Frank:

Trustee Frank reported the Town will be getting over \$6,000 from building permits and use tax for the month of October.

Trustee Frank informed the Board that crack sealing was completed this week and he the Board to let him know if they identify any cracks in the roads.

Trustee Frank stated the right-of-way violations on Hinsdale have been resolved.

Trustee Jones:

Trustee Jones had nothing new to report.

Mayor Pro Tem Watson:

Mayor Pro Tem Watson informed the Board she has been working with iGov on developing a new website. She stated the Town's needs to pay the balance due on the contract. Mayor Pro Tem Watson will have a phone conference with them on November 12th at 10:00 a.m.

Mayor Pro Tem Watson, Mayor Headley and Becky Catterall met with representatives from Service Star to the Foxfield Metro District. They asked to have a representative from the Town sit on the Board. She stated the next meeting will be on November 9th at 10:30 a.m. Mayor Pro Tem Watson stated they also have asked to eliminate the operating costs for the Metro District to reduce the costs to their vendors.

Mayor Pro Tem Watson discussed the fact that after meeting with Service Star she realized there was no need to amend the Sign code.

Mayor Pro Tem Watson reported that she has been working with Barb Cole on definitions for the Zoning Regulations.

Mayor's Report - none

Staff

The Accounts Payable was reported as follows:

R. Catterall – Salary 10-15-09 to 10-31-09 = \$1,184.71
 C. Kuechenmeister - Oct Salary = \$1,461.56
 R. Catterall – Nov Car/Rent Allowance = \$230.87
 Tom Scoville – Snow Removal Inv #1001 = \$3,560.00
 The Villager Legals – Lgl Pub Inv #2620 = \$18.04
 ACWWA – Wtr. Norf. O.S. 9/4 – 9/30/09 = \$45.19
 Comcast – Internet 10/14 – 11/13/09 = \$65.90
 Qwest – Telephone 10/13 – 11/12/09 = \$63.49
 IREA – Elect for Norf. OS 9/15 – 10/13/09 = \$10.00
 One Handy Guy – Mtc Inv #069088 & #069090 = \$88.00
 One Handy Guy – Norf. Mtc. Inv #069089 = \$43.00
 Foxfire – C/b Inv #1009-2 = \$3,545.40
 iGov – Website Development = \$403.00
 A. C. Sheriff – Off-duty Patrols = \$1,508.00
 Total Accounts Payable - \$12,227.16
 Total US Bank Deposits & Transfers = \$18,102.82
 Nov COT GF Deposits (property tax, etc.) = \$41,150.90
 Nov COT GOB Deposits (Property tax, etc.) = \$3,961.70
 Ttl Funds Available after invoices are paid = \$530,735.43

A **motion** was made by Trustee Current to approve the Treasury Report and pay the accounts payable. Seconded by Trustee Easton.

For: unanimous approval.

Passed

The Town Clerk provided the Board with a report showing actual revenues and expenditures versus budgeted amounts.

Town Attorney

Corey Hoffmann informed the Board that CDOT filed condemnation papers on the Worsham property. He stated the date this will be done is December 10, 2009.

Correspondence - none

Resolutions

“A Resolution Adopting the Parker Road Corridor Study Recommendations”

Mayor Pro Tem Watson discussed the history of the Parker Road Corridor Study and the recommendations in the report. She stated Arapahoe County is looking for all local communities to adopt the report and commit to help with funding of the project in the future.

A **motion** was made by Mayor Pro Tem Watson to approve a resolution adopting the Parker Road Corridor Study Recommendations. Seconded by

Trustee Frank.

For: unanimous approval

Passed

Ordinances for Introduction and Voting

“A Bill for an Emergency Ordinance Imposing a Temporary Moratorium of Ninety (90) Days in Duration on the Processing of Any Application for a Town of Foxfield Permit or License Related to the Operation of a Business That Sells Medical Marijuana; Directing the Prompt Investigation of the Town’s Regulatory Authority Over Such Businesses; Declaring the Intention of the Board of Trustees to Consider the Adoption of Appropriate Town Regulations with Respect to Such Businesses if Permitted by Law, and Declaring an Emergency”

Tabled

Adjournment

The meeting was adjourned by Mayor Pro Tem Watson at 9:06 p.m.

Minutes - BOT Regular Meeting - November 19, 2009

Call to Order/Roll Call

The meeting was called to order at 6:34 p.m. at Parker Fire Protection District Station No. 2, Foxfield, CO, 80016.

The following Trustees were present:

Susan Current, Bob Easton, Con Frank, Lisa Jones, Allyson Zoellner, Mayor Pro Tem Watson, and Mayor Headley.

A quorum was present.

The following Staff was present:

Charissa Eckhout, Town Attorney
 Alan Leak, Town Engineer
 Fred Fox, Town Planner

The Pledge of Allegiance was recited.

PUBLIC HEARING CONTINUED - Use By Special Review to excavate, compact, and stockpile dirt on the Worsham property.

Mayor Headley continued the public hearing at 6:36 p.m. Town Planner Fred Fox stated this public hearing was continued from October 1, 2009 so the applicant could respond to issues identified by the Board at the October 1 meeting. Town Engineer, Alan Leak, stated the issues were a reduction in the height of the stockpiles, a

reduction in the length of time the stockpiles would be allowed and the applicant would provide letters of credit. Mr. Leak informed the Board that applicant's have responded by agreeing to push the western stockpile to the north which will reduce the height of the stockpile from ten to eight feet, but the eastern stockpile will remain the same. He stated CDOT will not likely be completed with their improvements until September and the applicant has commence grading in Phase 2 within thirty days of the completion and release of CDOT's work on the Ring Road, Loop Ramp, and associated drainage areas. Lastly, the applicant will supply a letter of credit to the Town for this work. Mr. Leak stated the Staff has a revised the conditions to include review and approval of a Floodplain Impact Analysis indicating that the adjacent properties are not impacted by the encroachment. Mayor Headley opened the floor to comments from the Board. Trustee Frank discussed which residents could possibly be impacted by the grading. Alan Leak stated possibly the Patterson property, but no more than currently. Trustee Frank discussed the letter of credit and asked who would establish the amounts. Mr. Leak stated there would be a letter of credit for each phase. The first phase would require a letter in the amount of \$50,977.20 and \$177,462.25 for the second phase. Mayor Headley asked if the fill dirt on west side would be compacted like the east side as so that it would not have to be moved again. Alan Leak stated that the additional stockpile on the north end would be compacted so that the dirt would not have to be moved again. Mayor Headley stated the plans show "Ultimate Finished Grade" and he asked how they know that is the finished grade. Alan Leak stated they don't know specifically. Mayor Headley noted that the contour line of the proposed grade could be approximately five feet lower than the grade required to connect to a future easement across Foxfield Village Center. He asked why it was not called a rough grade. Mr. Pemberton stated that they debated how to name the grading and chose "Ultimate Finished Grade". There was discussion as to whether there was enough fill dirt on the Worsham property to raise the grade to the level of Foxfield Village Center. Mr. Pemberton stated that there was enough dirt on the south end of the Worsham property to raise the proposed grade to the grade of Foxfield Village Center. Mayor Headley suggested at a minimum that the plans read "Estimated Ultimate Finished Grade". Mayor Headley discussed the slopes of the stockpiles. Hearing no more comments from the Board, Mayor Headley opened the floor to comments from the applicant. Mace Pemberton, Engineer for the Worsham property, stated the flood plains limits were defined eight years ago, but they are willing to go thru further analysis to prove there won't be any damage to neighboring properties. Mr.

Pemberton discussed the timeline for moving the dirt and stated everything will be determined by when CDOT gets the grading completed. Trustee Frank stated there needs to be a landscaped berm on the east side of the property and he asked who will be involved in creating and landscaping it. Alan Leak stated CDOT will construct the berm and the applicant will fill the dirt in against the slope of the berm. Trustee Frank asked the applicant if they could save some dirt to use as top soil, and Mr. Pemberton stated they would to that. Mayor Headley stated that pests live on the property and the Town passed an ordinance that pests must be removed by the developer prior to beginning work on the property. Mayor Headley opened the floor to public comment. Resident Harold Yarian of 16505 E. Costilla Avenue provided the Board with a handout discussing the history and comments on the application to move the stockpiles of dirt on the Worsham property. He stated tons of dirt was brought in without any approved plan and they currently don't have a plan for developing the property. He recommended that the Board deny the application and let CDOT place the dirt where they need it. Resident Carasel Yarian of 16505 E. Costilla Avenue, asked when all the compaction would be completed and if the berm would be completed before the Ring Road was opened. Mr. Leak stated the berm would be in place prior to the Ring Road opening. Ms. Yarian stated the last time there was construction on Parker Road there were thousands of cars impacting Ward one. She requested that CDOT place officers at the entrances to Town to prevent non-residents from entering Foxfield. Alan Leak stated that CDOT will say the roads are public and anybody can use them. Applicant Cliff Schroeder responded to Mr. Yarian's comments saying the dirt came on the site at an invitation from former Mayor Steve Sullivan as Regis was developing at that time and they had surplus dirt. Mr. Schroeder stated there were no regulations in place at that time and the understanding was once the Ring Road was built we would have to remove the dirt. He stated we've been very restricted and once CDOT releases the property they will move very quickly. Resident Leon Goodman of 7231 S. Quintero Street asked if the Ultimate Final Grade would be the same as Foxfield Village Center. Mr. Pemberton stated there is a twenty four foot wall there and they will get as high as they possibly can. Mr. Goodman recommended that the Board require them to be the same. Resident Barbara Mimmack of 16609 E. Easter Avenue, asked why it took so long for them to move the dirt and why haven't the residents been informed of any development plans. Resident Fred Mimmack of 16609 E. Easter Avenue gave his public comment time to Carasel Yarian. Ms. Yarian stated the Board gave the applicant Carte Blanc in hopes you would work with the Service Star development, but you just became a stumbling block.

Mayor Headley closed floor to the public and asked the Board for questions. Mayor Headley stated that due to the economy there probably would not be development on this property for quite some time and approval of this application will help resolve some of the concerns about the grading of the property and prepare it for future commercial development. Trustee Frank stated it would be beneficial if Worsham would make the grade as high as Foxfield Village Center to help address parking issues and it would help in moving forward in addressing the wall. Alan Leak stated the established grade is to accommodate the trail. The Board discussed Phase 2 commencing on the “completion” of the Ring Road. Mayor Headley asked if an alternative trail location south through Worshams property was evaluated. Alan Leak stated that the alternative would be reviewed. The Board concurred that “completion of the Ring Road” should be determined and coordinated with CDOTs “release” of the construction easements for each of the areas - Ring Road, drainage area, and Loop Road. The Board asked that the plans read “release of each area” versus “completion of the Ring Road”. Alan Leak stated that he would work with CDOT to determine the milestones in CDOTs schedule that would release each of the areas. Trustee Frank asked if an agreement can be reached with Service Star, will Worsham move in dirt to allow for extra parking at Foxfield Village Center. Mr. Pemberton stated they could do that, but it would be part of Phase two. Mayor Headley asked how wide the easement was for the buried culvert through the drainage area and Mr. Leak responded it was fifty feet and would most likely be owned by the Town of Foxfield. Mayor Headley closed the floor to comments from the Board.

A motion was made by Trustee Frank that the Town of Foxfield accept the Use by Special Review to move, excavate, compact and stockpile dirt on the Worsham property with the condition that they are amenable to moving along with Phase IIb. – allowing parking along the Service Star area if there is an agreement that can be reached between the two entities. Seconded by Trustee Jones

Discussion: Alan Leak stated he had three conditions which are:

- 1 – Review and approval of the flood plain analysis
- 2 – Submittal and acceptance of the two Letter of Credits in the amounts of \$50,977.20 and \$177,462.25
- 3 – Revisions to the plan to add the word “estimated” prior to the Ultimate Finished Grade and to correct spelling errors.

Trustee Frank amended his motion to include the three conditions presented by the Town Engineer. Seconded by Trustee Easton.

For: unanimous approval

Passed

Mayor Headley closed the public hearing at 8:08 and called for a break. The Board meeting resumed at 8:16 p.m.

LANDSCAPING ISSUE – Our Lady of Loreto

Fred Fox gave the history of the permit request to allow landscaping in the right-of-way. He stated the Board approved a landscaping plan in 2000 that had a row of Ash trees in the right-of-way along Waco. In 2007 the Board passed an ordinance prohibiting anything to be placed in the Town’s right-of-way except with a permit. The landscaping plan was not completed until 2008. The Town Attorney, Charissa Eckhout, stated this is a legal issue and the Board needs to be sensitive to that. The Board discussed alternative to resolving the problem. Geri Myhre stated he was present to discuss the issue. The Board discussed issuing a permit. Mr. Myhre stated it seems ridiculous to pay for extra insurance to have the trees in the right-of-way and stated it would be best to move the trees as quickly as possible. Mr. Fox stated they need to be two feet within the right-of-way. Trustee Frank stated he had spoken with the landscapers and they would move the trees. Trustee Frank thought the cost would be around \$500. Mayor Pro Tem Watson asked if the Parish would pay for it and Mr. Myhre stated they most likely would not. Trustee Frank asked if they would pay for half of the fee since a permit wasn’t pulled prior to doing the landscaping. Mr. Myhre stated they didn’t know a permit was required and they placed the trees where the Board had requested they be planted. Trustee Frank asked what point they used to measure from and Mr. Myhre responded that he didn’t know the answer. Mr. Myhre stated he would find out the cost to move the trees and would contact Trustee Frank to resolve the issue. Mayor Headley stated if the cost is under \$1000 the Town will split the fee. The Board concurred.

PUBLIC HEARING – Amending the Zoning Regulations – Barb Cole

Mayor Headley gave a brief history of the project. Planner, Barb Cole, gave an overview on policy changes. She stated previously there was no organization. Ms. Cole discussed the layout of the articles of the document. She stated the Town needs to have an official zoning map. The Town Clerk stated she had one in the file. Barb Cole provided the Board with an email detailing the changes to the Zoning Regulations. She recommended that the Town adopt a new Grading, sediment, erosion control ordinance as the current one only applies to

existing lots. Barb Cole also informed the Board they need to adopt the Arapahoe County building ordinances by reference because right now the Town does not have the authority to do many things such as subdivisions, grading and floodplains. The Board had lengthy discussions on the definition of a vehicle, revising weight limits in Town and the definition of original grade. The Board determined to continue the public hearing to December 3, 2009 so they can further clarify some of the definitions.

A **motion** was made by Trustee Jones to continue the public hearing to December 3, 2009 at 6:30 p.m. Seconded by Trustee Zoellner.

For: unanimous approval.

PUBLIC HEARING – Amending the 2009 Budget

Mayor Headley opened the public hearing at 10:27 p.m. The Town Clerk discussed the year to date expenditures versus the budgeted amounts and concluded the only budget that needs to be amended is the one for the Special Improvement District. She stated this has to be done every year as the Town does not know much revenue will be received in assessment payments each year and the principal that is called is based upon the payments.

A **motion** was made by Trustee Easton to approve a resolution to Amend the 2009 Budget for the Town of Foxfield. Seconded by Mayor Pro Tem Watson.

For: unanimous approval.

Passed.

Mayor Headley closed the public hearing at 10:31 p.m.

Public Comment

Resident Leon Goodman of 7231 S. Quintero Street informed the Board he would like to be on the planning commission.

Minutes of the 11-5-09 Meetings and Approval

The Board asked the Town Clerk to listen to the meeting tapes regarding the approval of the Jehovah's Witness Maintenance agreement and 2nd Addendum. She stated she would and make any appropriate revisions.

A **motion** was made by Trustee Current to approve the 11/5/09 minutes as amended. Seconded by Trustee Jones.

For: unanimous approval.

Passed

Unfinished Business

Animal Control Service Provider – Trustee Jones informed the Board that Town Attorney, Corey

Hoffmann, spoke with Arapahoe County regarding developing an Intergovernmental Agreement for animal control services. Arapahoe County stated they would have to discuss this issue with the County Commissioners to see if they would approve an IGA. Trustee Jones stated she had discussed this issue with Code Enforcement Officer, Susie Ellis, who stated she would issue summons, but she isn't qualified to remove animals.

2010 Budget and Amending 2009 Budget – Town Clerk, Becky Catterall, discussed budget versus actual expenditures for all funds. She stated that included expenditures discussed in previous meetings and the revenues and expenditures are \$20,000 apart. The Board discussed removing codification from the 2010 budget. Ms. Catterall stated we had the funds to cover codification, but she would have to discuss how to take this one time expenditure from the fund balance versus showing it as an annually budgeted expenditure.

Meeting Procedures – Charissa Eckhout discussed the ordinance that was created to address procedures so the Board and the public will know how situations will be addressed. Trustee Easton stated he did not approve of the ordinance and provided the Board with an alternative. He stated meeting procedures should be a resolution rather than an ordinance. Mayor Headley asked the Board to review the information provided by Trustee Easton and they will discuss it at the next Board meeting.

Reviewing the Definition and Number of Vehicles in Rural Residential Standards Charissa Eckhout discussed the amended Rural Residential Property Standards ordinance. She stated the ordinance was amended to address the definition of a vehicle and medical marijuana dispensaries. The Board had a lengthy discussion regarding permitting vehicles over the limit and what should be the number of allowed vehicles. Mayor Headley stated they would discuss this issue further at the next meeting.

Fund Accounting Software – The Town Clerk informed the Board she had received the agreements for the new fund accounting software. She stated Corey Hoffmann has reviewed the documents and has approved them as to form. Mayor Headley has signed the agreements.

New Business - none

Reports Committee

Trustee Frank:

Trustee Frank had nothing new to report

Mayor Pro Tem Watson:

Mayor Pro Tem Watson reported she has been working with iGov to create a new website. She stated she will be meeting again with them next week and would like to meet with Mayor Headley prior to the meeting.

Mayor Pro Tem Watson informed the Board she attended the Foxfield Village Center Metro District meeting. She stated the Metro District Board decided to wait until the new valuations came out before addressing eliminating the mil levy for operational costs.

Trustee Jones:

Trustee Jones informed the Board she had contacted Susie Ellis to see if the Town can contract with her directly. Susie suggested that Trustee Jones review the contract to see if we need to give IB Associates thirty days notice of the change.

Trustee Jones stated that Foxfield Village Center has asked if they can have until the spring to resolve landscaping issues.

Trustee Jones stated the owner with the dilapidated fence on Buckley has asked if they could have until spring to fix the fence. The Board concurred they need to replace the fence as soon as possible as it isn't fair to the other residents to let them wait until spring.

Trustee Easton:

Trustee Easton provided the Board with a resolution that the Board adopt Roberts Rules of Order. Mayor Headley asked the Board to review the document and they would discuss it at the next meeting.

Trustee Current:

Trustee Current informed the Board she has reviewed and completed the new Traffic Code. She stated they will address at the first meeting in January.

Mayor Headley provided Trustee Current with an invitation to a Census gathering.

Trustee Zoellner:

Trustee Zoellner had nothing new to report.

Mayor's Report

Mayor Headley informed the Board he will attend the Mayor's breakfast at 7:00 a.m. on November 20th.

Staff

The Accounts Payable was reported as follows:

R. Catterall – Salary 11-1-09 to 11-15-09 = \$1,155.48
 Solve IT – Email Inv #7437 & Inv #7157 = \$510.00
 Community Matters – Planner Inv #2328 = \$10,668.25
 The Villager Legals – Lgl Pub Inv #2660 = \$11.44
 Hayes, Phillips, Hoffmann ... - Oct Lgl Fees = \$3,040.40
 WRC Engineering – C/b Inv #2020/111 = \$1,764.96
 WRC Engineering – Inv #2061/104 = \$513.20
 Arapahoe County – Oct Animal Control = \$30.00
 ACCWA – Water Norf O.S 10/1/09 – 10/31/09 = \$38.21
 Judge Sidel – Nov Fee = \$40.00
 IREA – Water Norf O.S 11/13/09 – 11/29/09 = \$10.00
 Foxfire – C/b Inv #1109-2 = \$872.45
 Tom Scoville – Snow Removal Inv #1007 = \$1,155.00
 A. C. Sheriff – Off-duty Patrols = \$1,276.00
 Total Accounts Payable - \$21,085.39
 Total US Bank Deposits & Transfers = \$20,119.38
 Nov COT GF Deposits (property tax, etc.) = \$41,150.90
 Oct COT GOB Deposits (Property tax, etc.) = \$3,961.70
 Ttl Funds Available after invoices are paid = \$530,735.43

A **motion** was made by Trustee Easton to approve the Treasury Report and pay the accounts payable. Seconded by Trustee Current.
For: unanimous approval.

Passed

Town Attorney

Charissa Eckhout reminded the Board that memorandums from the attorney are confidential and cannot be shared with anyone other Board members.

Correspondence - none

Resolutions

"A Resolution to Amend the 2009 Budget for the Town of Foxfield"

Passed

Ordinances for Introduction and Reading

"A Bill for an Ordinance Adopting the Town of Foxfield Zoning Ordinance"

"A Bill for an Ordinance Repealing and Reenacting the Town of Foxfield Rural Residential Property Standards"

Adjournment

The meeting was adjourned by Mayor Headley at 11:15 p.m.

The *Communiqué* is available for advertisements. All ads accepted are subject to review. Rights reserved to decline or re-work. Ads and articles preferred on a floppy disk or CD.

Advertising Costs and Deadlines

Please contact the editor for monthly deadlines.

FULL SHEET AD: \$65

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Articles and Letters

Public Interest stories and related Town interest articles are encouraged. If you have interesting tidbits, snippets and happenings that you would like to share we welcome your input. Letters to the Editor are also welcome and need to be to the Editor by 2nd Wednesday of the month. All articles published must have the authors name and address. They may be edited for publication due to space limitations.

Becky Catterall, Editor
303-680-1544

BOARD OF TRUSTEES

Town of Foxfield established 1994

Mayor: Doug Headley 303-400-8584

Town Clerk:

Becky Catterall 303-680-1544

Town Fax: 720-214-3632

Trustees

Ward 1:Bob Easton 303-400-3167

Ward 2:Susan Current 303-680-1986

Ward 3:Lisa Jones 303-690-5035

At Large: Melissa Watson 303-766-8899

Allyson Zoellner 303-680-8276

Con Frank 303-680-0876

Communiqué Editor:

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