

MINUTES

FOXFIELD BOARD OF TRUSTEES SPECIAL MEETING

January 7, 2010

Call to Order/Roll Call

The meeting was called to order at 6:42 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 Headley.

A quorum was present.

The following Staff was present:

Charissa Eckhout, Town Attorney

Public Comment

Fred Mimmack of 16619 E. Easter Avenue stated he was curious about the Town's stand on medical marijuana dispensaries. Mayor Headley explained that the Board would be voting on an ordinance later in the meeting that would place a moratorium on the dispensaries.

Sheriff's Report

Arapahoe County Deputy Workman informed the Board that it has been very quiet in Town. He stated the only recent call was for a suspicious person near a building under construction. The person was arrested.

Minutes of the 12-3-09 & 12-31-09 Meetings and Approval

The Board discussed additional revisions to the minutes.

- A **motion** was made by Trustee Frank to approve the 12/3/09 and 12/31/09 minutes as amended. Seconded by Trustee Current.
- **For:** unanimous approval.

Unfinished Business

- A. Animal Control Service Provider** – Trustee Jones informed the Board she had called the Arapahoe County Commissioners to see if we need an IGA for animal control services. She stated she will try to contact them again as she didn't hear back from them. Trustee Jones stated the Town will have to adopt Arapahoe County's in order for the Town to continue receiving services from Arapahoe County.
- B. Medical Marijuana** – Town Attorney, Charissa Eckhout discussed a memorandum that was sent out regarding medical marijuana dispensaries and the fact that the courts ruled that dispensaries cannot be outlawed based on the idea they violated federal laws. Ms. Eckhout developed an emergency ordinance establishing a one hundred and eighty day moratorium and advised the Board to adopt the ordinance. The Board discussed how to regulate these types of businesses.
- C. Codification RFP** – The Town Clerk informed the Board that Cheryl Kuechenmeister, the Town Administrator, would report on this issue at the next Board meeting or in February.

New Business

- A. Town Planner Contract** – Town Planner, Fred Fox, informed the Board that his contract was up for renewal. He stated the fee schedule is the same as the previous years. Mayor Headley asked if Mr. Fox had a GIS map for the Zoning Ordinance. Fred Fox stated a new map needs to be created because new zoning districts were created with the new Zoning Ordinance. Mr. Fox informed the Board they will need to have a public hearing to amend the zoning map. Fred Fox stated he had been approached by two people who want to build in Foxfield. He asked the Board what was the definition of height. The Board had a lengthy discussion regarding this issue. Trustee Frank discussed a property owner that brought dirt in without a permit. He stated a fine was imposed and the appropriate permits will be obtained. Trustee Jones asked if the property owner will have time to rectify the issue prior to the fines being assessed. Trustee Frank stated they would be able to address the issue, but they need to comply with the law and Corey Hoffmann had instructed him to send out Code Enforcement Officer, Susie Ellis, to address the issue.
- A **motion** was made by Trustee Current to accept the contract for Town Planner services from Foxfire for 2010, as written. Seconded by Trustee Frank.
 - **For:** Unanimous approval.
- B. 2009 Model Traffic Code** – Trustee Current provided the Board with the revised Traffic Code and highlighted the changes from the previous code. She informed the Board the new code contained a sentence stating violations will be addressed in a court that presides in the same county in which the violation was issued. Trustee Current stated this sentence needs to be removed as the Town’s court is in a different county. Charissa Eckhout stated she will prepare an ordinance addressing the new Model Traffic Code.
- C. Posting of Meeting Notices** – Mayor Headley informed the Board that annually the Board needs to approve a resolution designating a public place for posting meeting notices.
- A **motion** was made by Mayor Headley to approve a resolution establishing a designated public place for the posting of meeting notices as required by the Colorado Open Meeting Law. Seconded by Trustee Frank.
 - **For:** Unanimous approval.
- D. Meeting Minutes Format** – The Board discussed changing the minutes from verbatim minutes to action minutes. The Town Clerk asked Charissa Eckhout if the Town needs to pass a resolution to change the minute’s format. The Board discussed this issue and agreed that Charissa should create a resolution to be discussed at the next meeting.

Reports

A. Committee

- a. Trustee Jones:**
- i.** Trustee Jones asked if a letter had been sent out to IB and Associates letting them know we no longer require their services. Mayor Headley stated he had sent a letter out. She stated she will send a new contract to Susie Ellis for her services under a new organization.
- b. Trustee Current:**
- i.** Trustee Current stated she had nothing new to report.

- c. Trustee Frank:
 - i. Trustee Frank informed the Board that he had been contacted by Ron Sprawls of WRC Engineering regarding property owners who have started doing work in the right-of-way without obtaining the appropriate permits. He stated Ron is now requiring a \$20,000 bond for access permits, as has always been required, but not always collected. Trustee Jones asked if the process is in writing and Trustee Frank stated it was. Trustee Jones suggested putting all applications on the website.
 - ii. Trustee Frank reported was no permit fees collected in the month of December.
- d. Trustee Easton:
 - i. Trustee Easton informed the Board he had attended the Centennial Airport roundtable discussion on noise where fourteen members from the public spoke regarding noise complaints. He stated the discussion was very informative and the committee is ready to move forward but it will take at least two years to implement the noise monitoring system.

B. Mayor's Report

Mayor Headley stated that over the past year he had several phone calls from residents concerned about the cut through traffic. A couple of residents volunteered to help with this issue. He stated he would like to get a committee working by March to come up with ways to address traffic, especially before construction starts on the Ring Road and interchange.

Mayor Headley reported that Worsham is completing Phase I. He stated that CDOT's schedule is moving out so it could delay the next phase of work on the Worsham property.

C. Staff

- i. The Accounts Payable was reported as follows:

- R. Catterall – Salary 12-16-10 to 12-31-10 = \$1,145.01
- R. Catterall – Jan Car/Rent Allowance = \$230.87
- C. Kuechenmeister – Dec Salary = \$1378.69
- Pinnacol – 2010 Workman's Comp fees = \$436.00
- CIRSA – 2010 Insurance = \$4605.00
- CIRSA – 2010 VAMP Insurance = \$33.00
- Metro Mayors Caucus – 2010 Dues = \$56.28
- CML – 2010 Dues = \$633.00
- CMCA – 2010 Dues = \$60.00
- DRCOG – 2010 Dues = \$600.00
- A.C. – Dec Animal Control = \$60.00
- Foxfire – C/b Inv #1109-2 = \$872.45
- Total Accounts Payable - \$9,237.85
- Total US Bank Deposits & Transfers = \$32,932.53
- Dec COLOTRUST GF Deposits (property tax, etc.) = \$51,435.28
- Dec COLOTRUST GOB Deposits (Property tax, etc.) = \$8,360.52
- Total Funds Available after invoices are paid = \$525,394.76

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

The Town Clerk discussed a request she had received to audit the sales tax receipts for the businesses in Foxfield Village Center. She asked the Board if they wanted her to request an audit of all the businesses or select a few.

D. Town Attorney

- i. None

Correspondence

Mayor Headley informed the Board he received a request from the city of Aurora that the Town provide them with a signed copy of the IGA for the construction of the waterline in Foxfield.

Mayor Headley received a letter from resident Tom Neuman regarding his concern that he is limited on how he can use his property in terms of parking his vehicles. Mayor Headley responded to Mr. Neuman's letter.

Trustee Current informed the Board that she disagrees with the five car limit listed in the Rural Residential Property Standards. She also commented that accessory structures should be ten to twelve feet from the property line and she disagrees that a manure pile has to be twenty five feet from the property line. Trustee Current stated she felt rushed when voting on the ordinance and she would like to continue discussions on these three issues. Mayor Headley stated these items will be on the agenda for further discussions.

Resolutions

"A Resolution Establishing a Designated Public Place for the Posting of Meeting Notices as Required by the Colorado Open Meeting Law"

- **Passed**

Ordinances for Introduction and Reading

Adjournment

The meeting was adjourned by Mayor Headley at 8:40 p.m.

Becky Catterall, Town Clerk & Treasurer

Douglass W. Headley, Mayor