



Town of Frederick Board of Trustees Agenda

Frederick Town Hall
Board Chambers
401 Locust Street
Tuesday, February 28, 2023

7:00 PM

Livestreaming of the Board of Trustees meetings have been transitioned to the Town of Frederick website. The livestream can be accessed at www.frederickco.gov/civicmedia

Public Comment will only be taken in person unless an accommodation is requested through the Town Clerk's Office. If you require an accommodation or have questions about making public comment please contact the Town Clerk's Office:

Meghan Martinez, Town Clerk
mmartinez@frederickco.gov
720-382-5500

Or

Kelly Green, Interim Deputy Town Clerk
kgreen@frederickco.gov
720-382-5500

Please note that the work session scheduled for 5:30 will not be livestreamed as the Town does not livestream work sessions. The livestream of the Regular Board meeting will begin at the conclusion of the work session.

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Town of Frederick
Board of Trustees Agenda
Frederick Town Hall
Board Chambers
401 Locust Street
Tuesday, February 28, 2023

5:30 P.M.

Joint Work Session with Planning Commission

Work Sessions are not livestreamed, the public is invited to attend the work session in person at Town Hall.

Comprehensive Plan Update

7:00 P.M.

Regular Meeting

The livestream of the meeting will begin immediately following the work session.

Call to Order – Roll Call:

Pledge of Allegiance:

Approval of Agenda:

Special Presentations:

Frederick High School Senior Sunset Parade Community Funding Request – Chris Tone and Madison Kirschner

Public Comment: This portion of the agenda is provided to allow members of the audience to provide comments to the Town Board. Please sign in and the Mayor will call you. If your comments or concerns require an action, that item(s) will need to be placed on a later Agenda. Please limit the time of your comments to three (3) minutes.

Staff Reports:

A. Administrative Report – Bryan Ostler, Town Manager

B. Clerk Report – Meghan Martinez, Town Clerk

Consent Agenda: Consent Agenda items are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion of Consent Agenda Items unless a Board

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member so requests, in which case the item may be removed from the Consent Agenda and considered at the end of the Consent Agenda.

- C. January 10, 2023 Minutes – Meghan Martinez, Town Clerk
- D. January 17, 2023 Minutes – Meghan Martinez, Town Clerk
- E. January 24, 2023 Minutes – Meghan Martinez, Town Clerk
- F. January 31, 2023 Minutes – Meghan Martinez, Town Clerk
- G. February 7, 2023 Minutes – Meghan Martinez, Town Clerk
- H. February 16, 2023 Minutes – Meghan Martinez, Town Clerk
- I. List of Bills – Kurtis Adams, Finance Director
- J. Resolution 23-R-09 Authorizing and Directing Staff to Proceed with Amending a Water Court Case 21CW3138 – Sarah Watson, Engineer

Action Agenda:

- K. Consideration of the Appointment of Dennis Stark to the Planning Commission as Alternate B – Meghan Martinez, Town Clerk
- L. Public Hearing First Reading Ordinance 1381 Approving a Franchise Agreement between the Town of Frederick, Colorado and Black Hills Colorado Gas, Inc. – Jason Meyers, Town Attorney
- M. Public Hearing – Consideration of Johnson Farm/Spindle Hill Energy Comprehensive Plan Amendment and Rezone (AKA Columbine Heights, Project No. 2022-010)
 - 1. Ordinance 1385 Regarding Outlot 1 of Johnson Farms/Spindle Hill Energy Minor Subdivision Plat, Rezoning the Property from Agricultural to Residential Low Density (R-1) with a PUD Overlay, and Adopting Certain Findings of Fact and Conclusions Favorable to the Rezoning

Mayor and Trustee Reports:

Adjournment:



TOWN OF FREDERICK BOARD OF TRUSTEES INFORMATION MEMORANDUM

Tracie Crites, Mayor

Dan March, Trustee
Mark Lamach, Trustee
Kevin Brown, Trustee

Adam Mahan, Trustee
Windi Padia, Trustee
Chad teVelde, Trustee

Comprehensive Plan briefing with Planning Commission

Agenda Date: Town Board Meeting - February 28, 2023

Attachments:

- a. Project Schedule
- b. Round 1 Engagement Flyer in English and Spanish

Submitted by: Ali van Deutekom
Planning Manager

Approved for Presentation: Bryan Ostler
Town Manager

Strategic Plan Alignment:



2. Community and Economic Vitality – This request supports the strategic goal of updating the Comprehensive Plan and includes the Downtown Development Plan which supports revitalization strategies on 5th Street.

2.3 Complete analysis on revitalization strategies for 5th Street, engaging all stakeholders and strategic partners, including Downtown beautification, a cultural center with potential programming for youth, and a re-visioning of Crist Park to include lighting and safety improvements

2.4 Continue work on updating the Comprehensive Plan and Downtown Plan.

Summary Statement:

This is the first of three check points with the Board of Trustees and Planning Commission to gather feedback on the Frederick Comprehensive Plan and Downtown Plan update.

Detail of Issue/Request:

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In the fourth quarter of 2022, staff began working with RICK Planning + Design on an update to the Frederick Comprehensive Plan and Downtown Plan. As the project team works through the 18-month process, we have committed to multiple checkpoints with the Board of Trustees and Planning Commission to gather feedback on critical path items. Staff has included the project schedule which identifies the checkpoints, as Attachment A. These checkpoints are important as the balance of the project relies on direction from the Board of Trustees and Planning Commission.

The first round of comprehensive planning outreach effort is well underway. The steering committee selected *Frederick Forward* as the name for this comprehensive planning effort. *Frederick Forward* has a project website at www.frederickforward.org. The website includes a community survey, an interactive project map, and a virtual idea wall. The project team started outreach at the Festival of Lights in December 2022 and since then has had 6 pop-up events, 7 stakeholder meetings and 2 steering committee meetings. At each outreach event we encourage residents to take the community survey and provide feedback on the visual preference boards. Our goal is to reach 750 completed surveys by March 17, 2023. As of February 21, 2023 we are at 475 completed surveys taken in English and Spanish. Staff have included the engagement flyer as Attachment B, to be distributed throughout the community as opportunities arise. Following the closure of our first survey, staff will provide the Planning Commission and Board of Trustees with the survey results.

Staff and the consultant team will be present at the February 28, 2023 Board of Trustees meeting to deliver a robust presentation and solicit feedback from the Board of Trustees and Planning Commission.

Legal Comments:

The Town's Land Use Attorney Todd Messenger, and Town Attorney Jason Meyers, have reviewed the content of the briefing.

Alternatives/Options:

At this time, staff is seeking feedback on the information presented.

Financial Considerations:

In 2022, the Board of Trustees approved the contract for this project at an amount of \$395,475.00 with a 10% contingency. This project is following the proposed project timeline and is on budget.

Staff Recommendation:

Staff recommended receiving the presentation and providing staff with feedback as necessary.

Frederick Comprehensive Plan and Downtown Plan Schedule - 2/15/23

	2022			2023												2024		
TASK	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR
1: Project Kickoff & Initiation																		
2: Public Outreach Plan																		
3: Community Assessment (Comprehensive Plan)																		
4: Existing Conditions (Downtown Plan)																		
5: Round 1 Community Engagement - Visioning & Idea Generation																		
6: Conceptual Alternatives & Approaches																		
7: Round 2 Community Engagement: Review of Key Alternatives																		
8: Creation of Preferred Plan Elements																		
9: Round 3 Community Engagement - Review of Preferred Plan Elements																		
10: Draft Version of Comprehensive Plan																		
11: Draft Version of Downtown Plan																		
12: Finalizing the Comprehensive Plan & Downtown Plan Documents																		
Steering Committee Meetings		*		*		*		*		*		*		*		*		
Briefings with Board & Planning Commission					*					*			*					



Frederick Forward

Frederick Comprehensive Plan and Downtown Plan

Help shape the future of your community!

Frederick Forward is creating a new **20 Year Plan** for the Town, and a master plan for the Downtown district, over the next year!

Provide your thoughts on your Vision for the future of Frederick and how to improve the Town and Downtown. Take the first Community Survey for Frederick Forward, at the link below or using the QR code. Everyone in the Frederick area is welcome to take the survey (open to everyone, not just Town residents).

Visit the project website (www.frederickforward.org) to learn more and to stay up to date on upcoming events!



If you have any questions about Frederick Forward, or would like to send us a comment, please feel free to send us an email at info@frederickforward.org. You can also contact the Planning Manager at the Town of Frederick, Ali van Deutekom, at avandeutekom@frederickco.gov.





¡Adelante Frederick!

Plan Comprensivo Y Plan Del Centro de Frederick

¡Ayuda formar el futuro de tu comunidad!

¡Adelante Frederick está creando un nuevo plan de **20 años** para la ciudad y un plan maestro para el centro durante el próximo año!

Comparte su visión para el futuro de Frederick y cómo pueden mejorar la ciudad y el centro. Participa en la primera Encuesta Comunitaria de Adelante Frederick sobre el sitio web o usando el código QR. Todos en el área de Frederick pueden participar en la encuesta (no solo para los residentes de la ciudad).

¡Visite el sitio web del proyecto (www.frederickforward.org) para obtener más información y mantenerse actualizado sobre eventos siguententes!



Si tienes una pregunta o deseas enviar un comentario, envía un correo electrónico a info@frederickforward.org. También pueden comunicarse con el Gerente de Planificación de Frederick, Ali van Deutekom, en avandeutekom@frederickco.gov.



ORGANIZATION SUMMARY

Organization Name: Frederick High School

Mailing Address: 5690 Tipple Pkwy Frederick, Colorado 80504

Contact Person:

Madison Kirschner

Student Council Sponsor

Name

Title

(303)833-3533 ext. 41016

Phone Number

Fax Number

kirschner_madison@svvsd.org

Email Address

Federal Tax ID: 84-1589326

State Tax ID: 098116164

Please describe your project and the reason for your request:

Frederick High School is hosting the annual Senior Sunset Parade for our school
and town community. We are requesting finds to reimburse two expenses,
including Town of Frederick police services, the temporary use event permit
application fee, and public fees.

Amount Requested: \$ 1900

Number of Town of Frederick Residents and/or visitors that will participate and/or benefit from the program you are proposing: 300

In what way will this program enhance the Town of Frederick's positive image, provide opportunity for informal education, community building and/or family entertainment:

The support of this event will demonstrate that the Town of Frederick supports residents high school students, families, and school events which builds a greater sense of community.

Has your organization applied for a grant from the Town of Frederick before? YES ☒ NO ☐

How much did you receive? \$ 2000

How was the grant money used?

We used \$1370/\$2000 to finance Town of Frederick police and Public Works services and the event permit application fee reimbursement to the FHS Booster Club.

Were there funds left over? If so how those funds utilized by your organization?:

Yes; most recently we used additional funds to offset parade cost that school funds were used for previously for COVID related expenses for the Senior Sunset.

Please provide a list of organizations you have already solicited or will be soliciting)?:
FHS Booster Club

Please include the following attachments:

1. Board of Directors and Key Staff noting any paid staff.
2. Copy of the IRS Determination Letter indicating Tax-Exempt Status of the organization.

Name and Signature of Organization's Project Chairperson:

Madison Kirschner

(303)833-3533 ext. 41016

Name (Please Print)

Telephone Number



01.13.23

Signature

Date

PROGRAM / PROJECT BUDGET

Program Name: Frederick High School Senior Sunset Parade

Total Project Budget (Please Itemize):
(Personnel, Promotion, Supplies, Services, etc.)

Amount:

Police Services

\$ 1330

Public Works

\$ 270

Permit Application Fee

\$ 300

\$

\$

\$

\$

\$

\$

\$

Total Cost (A):

\$ 1,900

Sources of Funding for the Program:
(Gifts and Grants pledged or paid)

Corporations:

\$

Foundations:

\$

Individuals:

\$

Government:

\$

Other:

\$

Total Funds Available (B)

\$

Balance Required (A minus B)

\$

Amount Requested:

\$ 2,000

REQUEST FOR ADDITIONAL FUNDING

(COMPLETE ONLY IF REQUESTING FUNDS EXCEEDING \$500.00)

Funds Requested: 2,000

Please explain why your organization has requested additional funding: The cost of the FHS
2023 Senior Sunset exceeds \$500 with the Town of Frederick personnel and
services needed to host the parade. In the past, we have used additional funds
to pay for Town of Frederick police to provide security at the Senior Sunset
BBQ and we would love to be able to have Town of Frederick Police presence at
the Senior Sunset again this year.



TOWN OF FREDERICK MEMORANDUM

TO: Honorable Mayor and Board of Trustees

FROM: Bryan Ostler, Town Manager

DATE: February 24, 2023

CC: Town Staff
Local Media

SUBJECT: Departmental Report

Upcoming Board of Trustees Work Sessions – If there are topics that the Board would like staff to schedule for discussion, please let me know. The following topics are scheduled for upcoming meetings. These topics may be changed or rescheduled from time to time.

- March 7, 2023 – Work Session: Strategic Plan/CIP Update; DCI Presentation
- March 14, 2023 – Regular Meeting
- March 21, 2023 – Special Meeting: Town Clerk Evaluation
- March 28, 2023 – Regular Meeting
- April 4, 2023 – Work Session: Snow Plowing, Water Dedication Requirements

Communications and Engagement Department

Dynamic, Inclusive & Connected Community 3.1

Town Event Preparation

- Recruitment and Sponsors as of 2/23/2023
- Sponsor commitments totaling \$19,450.00
- 8 chainsaw carver applications
- 27 food truck applications, food vendor spots for events are almost full.
- 12 market vendor applications

Community Partnership

- Attend CV Emergency Management Coordination meeting
- Get acquainted with the Town PIO – met with community members
- Met with FFFD partners regarding Impact Fee's
- Attend FHS Education Foundation meeting
- Attend NISP workshop
- Board Meeting - Attendance at Board meetings to ensure Town communications align with Board's vision and work in progress
- Social Media – Town Instagram plan scheduled for next 75 days
- Maintaining Town Brand Integrity - Design Support

Built on What Matters.

- 2023 Budget book cover and images
- Comp Plan - Frederick Forward logo
- FRED Thread logo
- My Civic 311 Town APP (In progress) -Increase community engagement and options for resident to utilize Town Services via mobile APP

Website

- Accessibility – Transition from Monsido to Audio eye for compliance with the Americans With Disability Act (ADA) and Web Content Accessibility Guidelines (WCAG)
- Revitalize (In progress) – Revitalize with photographs and additional quick links to landing pages. Create Engineering page.
- Submit a Request – Reinforce the process to submit a request for Town services. Intent is to streamline and expedite resident requests, build a repository for analytics, and provide a tool to internally route questions/requests.
- Survey - Explore survey options for community input. Demo FlashVote
 - Work with rep to create first 2023 community survey
- Citizen's Task Force – Provide consultant with materials for community presentation scheduled March 2
- Strategic Plan – Provide 2022 4th Quarter update for presentation to BOT
- FRED Family - Congratulations to Jessica and family who welcomed their new bundle of joy on January 19

Safe and Secure

- Create schedule for PD Social Media content development to include crime prevention, community awareness, public education, etc.
- Fiscally Responsible Governance
- Provide Departmental KPI's as required by Finance for the 2023 budget book

Community Economic Vitality

- Met with Frederick Remodeling business to pitch a story idea. Coming Soon!
- Attend Agilent groundbreaking to capture photos and video celebrating Economic Vitality in Frederick
- Attend Community Meeting regarding Silverstone development

Effective Efficient Strategic Government

- Job posting for Summer Intern
- Career Development – Training: 3CMA webinar, How to Use Data to improve Gov. Communications, Marshall Fire Lessons learned.

Public Works

Facilities

- Completed 24 work orders, 2 immediate need emergency, 5 calls for repair/maintenance, 14 tasks, 3 scheduled / preventative
- Ongoing projects:
 - Town Hall 2nd legal office construction complete, beginning office set up
 - Town Hall ramp handrail replacement to be completed when weather conditions appropriate
 - Town Hall adding card readers to top of basement stairs and lobby
 - ADA self-audit underway

Water

- 45 locates completed
- 8 final reads
- 5 new meter installs in Silverstone subdivision
- 93 rereads
- Meter change out in old town Savannah, and Raspberry Hill
- Fire hydrant repair on Frying pan way completed, was seized up in service now

Streets and Stormwater

- Brad Leach, Damon Jones, James Romero, Teo Martinez, Bryce Shirley, Brad Hirter all attended Rocky Mountain Asphalt conference in Denver
- Town received the new vac truck and all PW employees received training on the whole system.
- Cleared ice in multiple neighborhoods to help with drainage issues and residents concerns
- Team began working on potholes on arterial roads including Silver Birch, Bella Rosa, Tipple Parkway, Ridgeway, and Colorado Blvd.
- Jackhammered and dug out to repair meter pit on 630 Main St that was in need of immediate attention
- Snow event on 2-15-23 teams worked around clock to clear tier 1 and tier 2 routes
- Graded County Road 5 County Road 16.5 and County Road 20.5
- Cleaned up and chipped all trees and Christmas tree drop off

Engineering Department

STRATEGIC, RELIABLE & SUSTAINABLE INFRASTRUCTURE – Frederick is dedicated to investing in existing and future transportation, water, storm water, and technology while planning for sustainable growth and development.

Transportation

- Concrete Alley: A Request for Bid has been advertised for the Town's 2023 Concrete Alley Project. This year's project will complete the concrete alley rehabilitation program. Recommendation for contract award is scheduled to come before the Board at the 3/14 meeting.
- Pavement Maintenance Projects: Request for Bids have been advertised for the Town's 2023 Pavement Maintenance Projects. This includes multiple areas in Town for crackseal, slurry seal, patching, mill and overlay. Recommendations for contract awards are scheduled to come before the Board at the 3/14 meeting.
- Colorado Blvd Mill & Overlay Project: Request for Bids have been advertised to complete the rehabilitation project that began last year. The final stretch is from Tipple Parkway– through the roundabout-down to Highway 52. Recommendation for contract award is scheduled to come before the Board at the 3/14 meeting.
- Silver Birch/Bella Rosa Intersection: Continuing to follow the guidance of the Transportation Master Plan, staff has put out an RFP for design of the ultimate configuration of the he Silver Birch/Bella Rosa intersection. This design will identify the necessary utilities to relocate and the right-of-way to acquire.
- Silver Birch/Godding Hollow Intersection: Design is complete. Staff will be approaching the Board at the 3/7 meeting for direction on acquiring right-of-way northeast of the intersection to fully widen the intersection and install a sidewalk to the skate park.
- Pavement Assessment: The Town contracted with Roadway Asset Services (RAS) to provide a high-level assessment of all the Town's asphalt roadways. This work was completed and results from this assessment will provide guidance for future pavement maintenance programs.
- Neighborhood Speed Control Program: No recent projects to update.

Water

- Potable Infrastructure Master Plan: A contract for design services was awarded to Forsgren Associates Inc. at the October 11th Board Meeting. Design is underway and scheduled to take about a year to complete. Staff has weekly progress meetings with the consultant. The project is on schedule and budget.
- Raw Water Master Plan: A Request for Qualifications for design services has been advertised. A recommendation for contract award is scheduled to come before the Board at the 3/28 meeting.
- Water Rate Study: A Request for Qualifications for design services has been advertised. The goal is to have a study complete in 2023 so fee adjustments could be identified at the end of the year and implemented for 2024. A recommendation for contract award is scheduled to come before the Board at the 4/11 Board meeting.
- Raw Water Change of Use: The water court case is ongoing. The process is lengthy but has significant value to the future water supply of the Town. Staff is supporting a modification to the application to add an additional 4 shares. This comes to the Board on the consent agenda at the 2/28 meeting. Staff will provide the Board with updates throughout the entirety of the water court case.
- Water Conservation Specialist: Engineering is excited to announce a new member to the team. An offer was made and accepted by Kylie Couch for the Water Conservation Specialist position. Her start date was January 30th. Once she gets her “feet wet”, we can introduce her to the Board at a future meeting.
- NISP: On December 9th, 2022, the long awaited Record of Decision was issued by the Army Corps of Engineers for the Northern Integrated Supply Project. A major hurdle was cleared for the Town of Frederick’s future water supply.

Stormwater

- Groundwater Study: A contract for design services was awarded to Smith Environmental at the December 13, 2022 Town Board meeting. An Open House was held on 2/23 in the Board Room. About 15 citizens attended and gave some good feedback for our consultants to evaluate. Installation of monitoring wells are scheduled for the week of March 6th. Design is expected to extend through 2023.
- Concrete Box Culvert(s) on Colorado Blvd/Bella Rosa: A contract for design services was awarded to AVI at the October 25th, 2022 Town Board meeting. Staff has bi-weekly progress meetings with the consultant. The project is on schedule and budget.

Parks and Open Space Department

- POST Commission
 - Regular meetings are now the second Wednesday of each month in order to better accommodate Commissioner’s schedules.
 - The Parks, Open Space and Trails 2022 Annual Report and 2023 Annual Action Plan were approved and are now posted on the Town’s website under the Parks and Open Space page.
 - The Commission, pending legal review and input from the Board, has preliminarily approved a draft set of Bylaws.
 - Commissioners hosted RICK Planning, the Town’s Comprehensive and Downtown Plan consultant at the January meeting to provide input on the future of outdoor recreation.
- Parks, Open Space and Trails
 - The contract and scope of service for the Community Parks Master Plan are finalized and the Project Kickoff meetings will occur in early March. Some preliminary background data collection and land analysis have already begun.
 - Snow removal efforts continued throughout February on Town parks, trails and sidewalks. Park staff will continue to work with other Departments to integrate these amenities into the larger Town Snow Control Plan for next season.
- Golf
 - The lights and faux holiday tree will be removed in the next two weeks. This has been delayed by snow removal high winds. Golf

- Golf staff continues to develop a new business plan for The Back 9 Restaurant, with an emphasis on financial sustainability. They are also working on a Golf Course Maintenance Plan to improve turf quality and playing conditions.
- Staff hosted a booth at the Colorado Golf Expo at the Colorado Convention Center from February 17th to 19th as well attended the Rocky Mountain Turf Conference at the Loveland Events Center in late January.

Frederick Police Department

- **Wellness Checks:** The Police Department recently participated in the Sigma Tactical wellness program on February 22nd and 23rd. The program aimed to provide officers with the tools and resources they need to maintain their mental and physical health, which is essential for them to perform their duties effectively. This initiative ties in with the Town of Frederick's strategic plan of creating a safe and secure town. By prioritizing the wellness of the officers, the department can ensure that they are in a better position to protect the community and respond to emergencies. This program is an example of the department's commitment to investing in their officers' well-being and creating a safer environment for all residents of Frederick.
- **Police Officer Hiring Process:** We continue our search for quality police officer candidates to fill two vacant positions. We strive to hire officers that meet our high standards of integrity, character and performance to serve our great community.

Finance Department

- **Annual Budget Book/Publication:** Completed the annual 2023 Budget Book/Publication, which is currently under review. This effort took 2 months of dedicated focus.
- As a general highlight, prior to 2022, the town had over 20 various bank accounts made from checking, savings, etc., not really leveraging our cash flow in interest bearing accounts. In 2022 the team consolidated a lot of these accounts and invested the cash in CSAFE, which still provides the Town with great cash liquidity while producing higher interest Yields. See below the history of Interest Earned and see how this adjustment for 2022 is taking the town forward.

Interest Earned 2018	\$431,127
Interest Earned 2019	\$660,743
Interest Earned 2020	\$263,705
Interest Earned 2021	\$83,988
Interest Earned 2022	\$1,040,523

Planning Department

- *Development Applications* – The development review process has a few steps land use applications go through prior to submitting an application such as a pre-application meeting and neighborhood meeting. There are six projects that have completed the pre-application step. There are currently two neighborhood meetings scheduled. Eleven projects have completed the neighborhood meeting, allowing them to submit an application. The following applications have been accepted for review and are now quasi-judicial.

<i>New Applications</i> <i>Project Name</i> <i>(Date of Application)</i>	<i>Subdivision</i>	<i>General Location</i>	<i>Brief Description</i>
Bear Industrial Park Replat 3 Block 1 Lot 8	Bear Industrial Park	4210 Bruin	Proposed building for excavation company with outdoor storage
<i>On Going Projects</i> <i>Project Name</i> <i>(Date of Application)</i>	<i>Subdivision</i>	<i>General Location</i>	<i>Brief Description</i>

Bear Industrial Park Block 2, Lot 4 (6/20/2022)	Bear Industrial Park	4201 Kodiak Ct	Proposed 7,506 Sq Ft 1 story building for light industrial.
Bear Industrial Park Replat 1 Block 2 Lot 2 (1/3/2023)	Bear Industrial Park	4180 Busch Place	Proposed installation of low voltage security fence.
Brunemeier Annexation- Wheatlands (4/4/2022)		Southwest corner of County Road 16 and County Road 17	Proposed single family attached and detached homes.
Columbine Heights		North of highway 52, West of WCR 17 and East of Savannah Subdivision	Proposed Rezone
Eagle Business Park Filing 4B Lot 1 (1/18/2022)	Eagle Business Park	4881 Eagle	Proposed 4,800 sq. ft single story building with outdoor storage.
Eagle Business Park Agilent (2/07/2022)	Eagle Business Park	7400 Eagle	Site Plan for Agilent's expansion
File 32H-K268 Pad		6268 County Road 3 1/4	Propose to drill thirty-five (35) horizontal wells.
Glacier West Business Park Filing 2 Replat B Lot 9B	Glacier West	3470 Highway 52	Proposed 2 story building with office space on the top floor and 6 bay carwash on lower floor.
Hidden Creek Amendment 5 Replat (8/15/2022)	Hidden Creek	North of Tipple Parkway and East of Ridgeway Blvd	Proposed relocating lots and revising lot sizes from the final plat.
Meadowlark Business Park Filing 3 Block 2 Lot 3&4 (9/19/2022)	Meadowlark Business Park	5600 Iris Parkway	Request to divide the lot into 2 lots and a new 14,000 sq. ft. office building on the south lot.
Nelson Farms (1/3/2022)		Southwest corner of Silver Birch Blvd and Tipple Blvd	Proposed residential development on 236 acres
Park 4040 Replat B Lot 2 (12/19/2022)		9200 E. I-25 Frontage Road	Proposed 55,000 sq ft. flex warehouse for future unknown tenant
<i>Project Name (Date of Application)</i>	<i>Subdivision</i>	<i>General Location</i>	<i>Brief Description</i>
Penrose Sketch Plan (9/2/2022)	Penrose	Northeast corner of Ridgeway Blvd and Highway 52	Requesting a change in landscaping requirements for water usage.
Prosperity Waiver (8/18/2022)	Prosperity	South of Tipple Parkway and East of Angel View and North of Savannah	Proposed landscaping changes.
Raspberry Hill Business Park Lot 1 (11/7/2022)	Raspberry Hill Business Park	Southeast corner of I025 Frontage Road and Raspberry Way	Proposing exterior renovations to existing building
Raspberry Hill Business Park	Raspberry Hill Business Park	8274 Raspberry Way	Proposed office building and sales of pickup trucks.

Lot 13 (5/2/2022)			
Raspberry Hill Business Park Lots 4&5 (8/15/2022)	Raspberry Hill Business Park	8177 Raspberry Drive	Propose to combine lots for car dealership.
Raspberry Hill Business Park Lots 12 (8/15/2022)	Raspberry Hill Business Park	8177 Raspberry Drive	Proposed outdoor vehicle inventory storage lot.
Shores On Plum Creek (6/20/2022)	Shores On Plum Creek	North of Highway 52 and east and west of County Road 3.25	Proposed residential and commercial development.
Silverstone Filing 7 (1/18/2021)	Silverstone	North of Highway 52 and south of Tipple Parkway	Proposed Development of 581 residential homes.
Wyndham Hill Filing 10 Final Plat and Final Development Plan (11/16/2020)	Wyndham Hill	Generally west of WCR7, between WCR 14.5 and WCR 16.	Approximately 139 acres to be developed into 495 single family homes.



TOWN OF FREDERICK MEMORANDUM

TO: Honorable Mayor Tracie Crites and Board of Trustees

FROM: Meghan Martinez, Town Clerk

DATE: February 24, 2023

SUBJECT: **Town Clerk's Report**

- *Boards, Commissions and Committees*
 - Scholarship Committee: Scholarship Deadline is February 28th.
 - Coordinated with FHS staff on teacher nominations.
 - Working with Legal on Youth Commission Ordinance.
 - Working with Communications on Commissions Recruitment
- *Training*
 - Interim Deputy Town Clerk Kelly Green and Assistant Town Clerk Emily Nitcher will be attending a NoCo Clerks Training on the Colorado Open Records Act next week.
- *Records Requests*
 - The Clerk's Office has responded to 26 Requests for Public Records this year. Requests range from a residential plot plan to application materials related to land use.
- *Board Retreat*
 - Organizing the March 11, 2022 Board Retreat
- *Citizen Task Force*
 - Coordination and communication with task force membership
- *Frederick Municipal Court*
 - The next municipal court date is Thursday, March 9, 2023 starting at 8:00 AM. We invite the Board to attend court sessions as schedules allow.

February Court Numbers										
Early Pay	Traffic	Criminal	Animal	Zoom	Review	Restitution	Pre-Trial	Trial	Total Appearances	Total

Built on What Matters.

25	19	2	0	6	13	0	0	0	40	65
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- *Liquor Licensing:*

Current Liquor Licenses

<u>Licensee</u>	<u>Expiration Date</u>	<u>Status</u>
Back 9 at Bella Rosa	9/3/2023	Approved
Glacier Liquors	9/4/2023	Approved
Rock Solid	10/18/2023	Approved
Peel Pizzeria	11/2/2023	Approved
Mirror Image Brewing Company	11/4/2023	Approved
Mountain Cowboy Brewing Company	11/5/2023	Approved
Circle K Store 2706787	11/12/2023	Approved
7-Eleven Store 38638A	12/25/2023	Approved
Georgia Boys Smokehouse	1/24/2023	Approved
Frederick Liquor and Store	2/21/2023	Approved
Pete's Place	3/9/2023	Approved
7-Eleven Store 35269B	3/21/2023	Approved
WTF!	6/5/2023	Approved
Frederick Travel Center	6/30/2023	Approved
Gabe's Cafe	9/27/2023	Approved

Enforcement Issues

- No current enforcement issues.

TIPS Training:

- The Frederick Police Department will conduct TIPS/Responsible Vendor Training on Monday, March 6th.



TOWN OF FREDERICK BOARD OF TRUSTEES
REGULAR BOARD MEETING MINUTES
FREDERICK TOWN HALL, 401 LOCUST STREET
JANUARY 10, 2023

Call to Order: At 6:36 pm Mayor Crites Called the meeting to order and requested roll call.

Roll Call: Present were Mayor Crites, Mayor Pro Tem March, Trustee Lamach, Trustee Brown, Trustee teVelde, and Trustee Mahan. Trustee Padia was not present. Also Present were Town Manager Bryan Ostler, Town Clerk Meghan Martinez, and Town Attorney Jason Meyers.

Pledge of Allegiance:

Public Comment:

Chief Jeremy Young gave an update on impact fees and the new fire state at Wyndham Hill. They are hoping to break ground in the spring. He asked the Board to reduce the building permit fee and asked for the Town to move forward on the IGA without Firestone's signature.

Executive Session:

Motion by Mayor Pro Tem March and seconded by Trustee Mahan to go into executive session for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) regarding water. Upon roll call vote, motion passed unanimously.

At 6:47 Mayor Crites recessed the meeting to enter into executive session.

Trustee Padia joined the meeting.

At 7:53 Mayor Crites reconvened the regular meeting.

Motion by Mayor Pro Tem March and seconded by Trustee Padia to move forward as discussed in executive session. Upon roll call vote, motion

Staff Reports:

Administrative Report: Town Manager Bryan Ostler provided a written report.

Clerk Report: Town Clerk Meghan Martinez provided a written report.

Consent Agenda:

Trustee Lamach requested Item D be removed from the consent agenda.

Motion by Mayor Pro Tem March and seconded by Trustee Brown to approve the consent agenda which included the following items:

- December 13, 2022 Minutes

Upon roll call vote, motion passed unanimously.

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Item D List of Bills: Trustee Lamach asked for clarification on an item on the list of bills. Deputy Town Manager Jason Leslie indicated that staff would review the list of bills and bring it back for consideration on the 24th of January.

Action Agenda:

Resolution 23-R-01 Authorizing the Mayor to Execute the Nineteenth Interim Agreement with Northern Integrated Supply Project Water Activities Enterprise: Engineer Sarah Watson presented the proposed resolution and agreement. Motion by Mayor Pro Tem March and seconded by Trustee teVelde to approved Resolution 23-R-01. Upon roll call vote, motion passed unanimously.

Mayor and Trustee Reports:

Trustee Padia: Nothing at this time.

Trustee teVelde: Nothing at this time.

Trustee Mahan: Nothing at this time.

Mayor Pro Tem March: Nothing at this time.

Trustee Brown: Nothing at this time.

Trustee Lamach: Nothing at this time.

Adjournment:

There being no further business of the Board. Mayor Crites adjourned the meeting at 8:01 pm.

Approved by the Board of Trustees:

ATTEST:

Tracie Crites, Mayor

Meghan C. Martinez, MMC, Town Clerk



TOWN OF FREDERICK BOARD OF TRUSTEES
SPECIAL BOARD MEETING MINUTES
FREDERICK TOWN HALL, 401 LOCUST STREET
JANUARY 17, 2023

Call to Order: At 6:30 pm Mayor Crites Called the meeting to order and requested roll call.

Roll Call: Present were Mayor Crites, Mayor Pro Tem March, Trustee Lamach, Trustee Brown, Trustee teVelde, Padia, and Trustee Mahan. Also Present were Town Manager Bryan Ostler, Town Clerk Meghan Martinez, and Town Attorney Jason Meyers.

Pledge of Allegiance:

Public Comment:

Mayor and Trustee Reports:

Trustee Brown: Frederick High School's Assistant Principal passed away, he would like to see the Town show their support for the school and faculty.

Trustee teVelde: He asked about the upcoming Board Retreat.

Trustee Padia: She shared some stats about plowing the Town and expressed her support for making Health and Safety as the #1 Priority for the Town.

Executive Session:

Motion by Mayor Pro Tem March and seconded by Trustee Mahan to go into executive session for discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees; regarding the Town Attorney's Annual Evaluation. Upon roll call vote, motion passed unanimously.

At 6:54 Mayor Crites recessed the meeting to enter into executive session.

At 8:43 Mayor Crites reconvened the regular meeting.

Motion by Trustee Brown and seconded by Trustee Lamach to finalize the performance evaluation and increase of compensation as discussed in executive session. Upon roll call vote, motion passed unanimously. It was noted for the record that Trustee Padia was excused from the vote as she had to step of the meeting for an emergency.

Adjournment:

There being no further business of the Board. Mayor Crites adjourned the meeting at 8:46 pm.

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Approved by the Board of Trustees:

ATTEST:

Tracie Crites, Mayor

Meghan C. Martinez, MMC, Town Clerk



TOWN OF FREDERICK BOARD OF TRUSTEES
REGULAR BOARD MEETING MINUTES
FREDERICK TOWN HALL, 401 LOCUST STREET
JANUARY 24, 2023

Call to Order: At 7:01 Mayor Crites called the meeting to order.

Roll Call: Present were Mayor Crites

Also present were Town Manager Bryan Ostler, Town Attorney Jason Meyers, and Assistant Town Clerk Emily Nitcher.

No quorum, Mayor Crites closed the meeting to reconvene at a later date when there will be a quorum.

There being no further business of the Board, Mayor Crites adjourned the meeting at 7:02.

Approved by the Board of Trustees:

ATTEST:

Tracie Crites, Mayor

Emily Nitcher, Assistant Town Clerk



TOWN OF FREDERICK BOARD OF TRUSTEES
SPECIAL BOARD MEETING MINUTES
FREDERICK TOWN HALL, 401 LOCUST STREET
JANUARY 31, 2023

Call to Order: At 5:39 pm Mayor Crites Called the meeting to order and requested roll call.

Roll Call: Present were Mayor Crites, Mayor Pro Tem March, Trustee Brown, Trustee Padia, and Trustee Mahan. Trustees Lamach and teVelde were not present. Also Present were Town Manager Bryan Ostler, Town Clerk Meghan Martinez, and Town Attorney Jason Meyers.

Pledge of Allegiance:

Approval of Agenda:

Items H and I were removed from the agenda.

The second executive session was moved to the end of agenda.

Public Comment:

Executive Session:

Motion by Mayor Pro Tem March and seconded by Trustee Mahan to go into executive session for discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees; regarding the Municipal Judge Review. Upon roll call vote, motion passed unanimously.

At 5:46 Mayor Crites recessed the meeting to enter into executive session.

At 7:07 Mayor Crites reconvened the regular meeting.

Staff Reports:

Administrative Report: Town Manager Bryan Ostler provided a written report.

Clerk's Report: Town Clerk Meghan Martinez provided a written report.

Consent Agenda:

Motion by Mayor Pro Tem March and seconded by Trustee Brown to approve the consent agenda which included the following items:

- Resolution 23-R-02 Approving a Reimbursement Agreement with Columbine Heights, LLC
- Resolution 23-R-03 Approving the Reimbursement Agreement with Community Development Group

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- Resolution 23-R-04 Authorizing the Mayor to Execute an Application to Northern Colorado Water Conservancy District for an Annually Renewable Perpetual Water Contract for Right to Use C-BT Shares
- Resolution 23-R-06 Cancelling Various Meetings

Upon roll call vote, motion passed unanimously.

Action Agenda:

Resolution 23-R-06 Approving an Intergovernmental Agreement with the Frederick Firestone Fire Protection District for Use of the Town Public Works Facility: Public Works Director Kent VanDyne presented the proposed agreement and resolution. Motion by Mayor Pro Tem March and seconded by Trustee Padia to approve Resolution 23-R-06. Upon roll call vote, motion passed unanimously.

List of Bills: Deputy Town Manager Jason Leslie presented the list of bills and outlined the clerical error that was corrected from last meeting. Motion by Mayor Pro Tem March and seconded by Trustee Padia to accept the list of bills. Upon roll call vote, motion passed unanimously.

Mayor and Trustee Reports:

Mayor Pro Tem March: Thanks to Kent and Public Works team for their snow plowing efforts.

Trustee Mahan: He asked a question about water issues in Dacono.

Mayor Crites: She mentioned the condition of Hwy 52 and whether we can work with CDOT to address those issues.

Executive Sessions:

Motion by Trustee Mahan and seconded by Trustee Padia to go into executive session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e)(1) regarding impact fees. Upon roll call vote, motion passed unanimously.

At 7:45 Mayor Crites recessed the meeting to go into executive session.

At 8:28 Mayor Crites reconvened the meeting.

Motion by Trustee Brown and seconded by Trustee Mahan to go into executive session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e)(1) regarding facilities. Upon roll call vote, motion passed unanimously.

At 8:37 Mayor Crites recessed the meeting to go into executive session

At 9:24 Mayor Crites reconvened the meeting.

Adjournment:

There being no further business of the Board. Mayor Crites adjourned the meeting at 9:25 pm.

Approved by the Board of Trustees:

ATTEST:

Tracie Crites, Mayor

Meghan C. Martinez, MMC, Town Clerk



TOWN OF FREDERICK BOARD OF TRUSTEES
SPECIAL BOARD MEETING MINUTES
FREDERICK TOWN HALL, 401 LOCUST STREET
FEBRUARY 7, 2023

Call to Order: At 7:46 pm Mayor Crites Called the meeting to order and requested roll call.

Roll Call: Present were Mayor Crites, Mayor Pro Tem March, and Trustees Mahan, Brown, Padia, teVelde, and Lamach. Also Present were Town Manager Bryan Ostler, Town Attorney Jason, and Town Clerk Meghan Martinez.

Pledge of Allegiance:

Public Comment:

Mayor Crites announced that no one had signed up for public comment.

Consent Agenda:

Acceptance of the Rural Violent Crime Reduction Initiative Grant Award: Commander Dave Egan was available for questions. Motion by Mayor Pro Tem March and seconded by Trustee Brown to accept the award. Upon roll call vote, motion passed unanimously.

Mayor and Trustee Reports:

Trustee teVelde: He attended the Chamber event; it was a great event.

Mayor Crites: She thanked the Board and staff for the discussion today. This matter is serious to the community and we should always strive to be better.

Executive Session:

Motion by Mayor Pro Tem March and seconded by Trustee Lamach to go into executive session for discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees; regarding the Town Manager Annual Evaluation. Upon roll call vote, motion passed unanimously.

At 8:10 Mayor Crites recessed the meeting to go into executive session.

At 9:49 Mayor Crites reconvened the meeting.

Motion by Mayor Pro Tem March and seconded by Trustee teVelde to finalize the performance evaluation and increase of compensation as discussed in executive session. Upon roll call vote, motion passed unanimously.

Adjournment:

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There being no further business of the Board. Mayor Crites adjourned the meeting at 9:51 pm.

Approved by the Board of Trustees:

ATTEST:

Tracie Crites, Mayor

Meghan C. Martinez, MMC, Town Clerk



TOWN OF FREDERICK BOARD OF TRUSTEES

SPECIAL BOARD MEETING MINUTES

FREDERICK TOWN HALL, 401 LOCUST STREET
FEBRUARY 16, 2023

Call to Order: At 6:46 pm Mayor Crites Called the meeting to order and requested roll call.

Roll Call: Present were Mayor Crites, Mayor Pro Tem March, Trustee Lamach, Trustee teVelde, Trustee Brown, Trustee Padia, and Trustee Mahan. Also Present were Town Manager Bryan Ostler, Town Attorney Jason, and Assistant Town Clerk Emily Nitcher.

Pledge of Allegiance:

Public Comment:

Ehren Koelsch, 7163 Orchard Ave., expressed his appreciation for the communication with the public and for his questions being answered. Koelsch also expressed concern over William Bailey Ave. in Countryside as there is a lot of speeding and recommended a roundabout or something else to slow drivers down.

Action Agenda:

Consideration of a Public Finance Agreement between the Town of Frederick and Evergreen Devco, Inc.:

Resolution 23-R-08 Approving a Public Finance Agreement between the Town of Frederick and Evergreen Devco, Inc. Assistant Town Manager Ryan Johnson presented the agreement. Tyler Carlson from Evergreen Devco, Inc was presented and addressed the Board. Motion by Mayor Pro Tem March and seconded by Trustee Lamach to approve resolution 23-R-08. Upon roll call vote, motion passed unanimously.

Ordinance 1384 Providing for a Sales Tax Credit on the Silverstone Property. Assistant Town Manager Ryan Johnson presented. Motion by Mayor Pro Tem March and seconded by Trustee Lamach to approve ordinance 1384. Upon roll call vote, motion passed unanimously.

Mayor and Trustee Reports:

Trustee Lamach: He was happy to participate in the Agilent groundbreaking, it was interesting, fun and a good time. He said the true heroes of the day were the town staff, they were excellent. Wanted to recognize the development staff as they did not get the recognition they deserve at the groundbreaking. He was proud of Mayor Crites for representing the Town.

Mayor Pro Tem March: He said the Agilent groundbreaking was exciting, fun and cold. He thought that shined a torch on Frederick. He stated that Mayor Crites sis an outstanding job. Thank you to everyone.

Trustee Mahan: He expressed what a day, and that he was privileged to be a part of the exciting day.

Trustee teVelde: He was excited that he got to shake the governors hand and thought the Agilent groundbreaking was a big deal for Frederick. He shared that he was contacted by someone who would like to be on the Planning Commission. He would like to relook at the process, and allow for the

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candidates to address the entire board if they choose. He feels that communication with this candidate could have been better. He thinks that we should accommodate those that would like to speak to the board directly.

Trustee Padia: Congratulations Team, it was an Amazing Day.

Mayor Crites: She said thank you to Emily for clerking her first meeting. She stated that it was a great day, and that staff did not get the sunshine that they deserve. She would love to shed the light on the staff and thanked them for every moment of the day. It was a large day for the Town, with the Agilent groundbreaking and moving forward with Evergreen.

Adjournment:

There being no further business of the Board. Mayor Crites adjourned the meeting at 7:34 pm.

Approved by the Board of Trustees:

ATTEST:

Tracie Crites, Mayor

Emily Nitcher, Assistant Town Clerk

Town of Frederick - List of Bills
December 30, 2022 - January 26, 2023

1800DRYCLEAN NORTH METRO DENVER	Uniform cleaning services	221.60
4 RIVERS EQUIPMENT LLC	Equipment and repair parts	184,486.59
AAA PEST PROS LLC	Pest control	125.00
ACE HARDWARE OF FIRESTONE	Supplies	563.08
ADAMSON POLICE PRODUCTS	Police uniforms	5,022.10
AGFINITY	Fuel, oil stock & tank repairs	20,619.08
AIRBOUND INC	Event activities	4,002.00
AIRGAS USA LLC	Shop supplies	55.50
ALTITUDE AWARDS AND APPAREL	Logo jackets	2,372.00
ALTITUDE SIGNAL LLC	Signal processor equipment	22,825.00
AMERICAN LEAK DETECTION	Municipal Leak Detection	2,400.00
ANTHONY FOUNTAIN	Equipment Loan Program	2,000.00
ASCAP	Music licensing	420.00
AVI PC	Colorado Blvd & Bella Rosa Drainage Projects	31,366.38
AXE WOMEN LOGGERS OF MAINE	C&C Axe women show	1,500.00
AXIOM INSTRUMENTAL SERVICES LLC	Signal fire telemetry system	6,565.00
AXON ENTERPRISE INC	Police equipment and supplies	76,998.88
BARGREEN ELLINGSON	Restaurant supplies	3,087.03
BE BRANDED LLC	Nickel snowflake ornaments	644.37
BETTER BUSINESS CLEANING	Monthly cleaning services	5,102.00
BK TIRE, INC.	Tire replacement	720.20
BLACK HILLS ENERGY	Gas utility	12,415.07
BREAKTHRU BEVERAGE COLORADO	Beverage for restaurant	827.65
BUILDING WARRIORS INC	Peer support	2,430.00
CAPITAL BUSINESS SYSTEMS INC	Town copier lease	991.27
CARD SERVICES	Travel, training, supplies & Santa Cops	48,350.54
CARTEGRAPH	Fleet user licenses	1,000.00
CASELLE, INC.	Contract Support & Maintenance	2,207.00
CENTRAL WELD COUNTY WATER DIST	Water purchased	156,879.28
CHRISTMAS DESIGNERS.COM	Christmas lights	5,097.50
CINTAS CORPORATION	Uniforms and mat service	731.24
CIVIC PLUS	Website annual fee renewal	6,936.81
COLORADO BARRICADE CO	Signs	17,540.73
COLORADO TREE COALITION	Tree sale	7,250.00
COLT FENCE AND LANDSCAPE LLC	Fence replacement - PW Facility	5,825.00
COMCAST CABLE	Internet, tv and phone service	1,197.16
COMCAST PHONE	Town wide internet service	2,655.00
COMMUNITY COUNSELOR INC	Counseling services	250.00
COMMUNITY PET HOSPITAL PC	K-9 Annual Wellness Exam	320.48
CORKAT DATA SOLUTIONS LLC	Monthly IT support & computer equipment	32,277.70
COSTAR REALTY INFORMATION INC	Monthly subscription	540.00
DANA KEPNER CO	Water meters	3,309.44
DEERE & COMPANY	Compact utility tractor	37,813.76
DEFALCO CONSTRUCTION COMPANY	Colo. Blvd & Tipple Pkwy intersection improvement	61,744.32
DLT SOLUTIONS LLC	Civil 3D Government subscription	9,436.92
EDUARDO LOPEZ	Equipment Loan Program	2,000.00
ELEMENT WATER CONSULTING INC	Water Engineering Services	34,006.77
ELITE HAIL SYSTEMS	Body repair	4,675.68
ENTERPRISE FM TRUST	Vehicle lease program	52,948.39
ENVIRONMENTAL SYSTEMS RESEARCH INST	ESRI Annual Subscription	27,660.00
ESI EMPLOYEE ASSISTANCE PROGRAM	Employee Assistance Program	3,775.00
EXPRESS SERVICES INC	Admin Assistant	2,449.50
FACTORY MOTOR PARTS CO	Battery replacement & stock parts	408.66
FASTENAL COMPANY	Shop supplies	42.60
FERGUSON ENTERPRISES LLC	Hydrant repairs parts	2,118.50
FIDEL LUCIO DOMINGUEZ	Court fee overpayment	5.00

Town of Frederick - List of Bills
December 30, 2022 - January 26, 2023

FLEXX PRODUCTIONS LLC	Event rentals - Frederick in Flight	9,435.00
FORSGREN ASSOCIATES INC	Potable Water Infrastructure Master Plan	14,556.50
FREEDOM MAILING SERVICES LLC	Utility statements	2,901.72
FRONTIER PRECISION INC	Trimble Catalyst with supplies	12,612.00
FRP APPAREL	Fleet Services jacket embroidery	120.00
G & G EQUIPMENT INC	Park supplies	709.73
GENERAL AIR	Shop supplies	41.48
GRAINGER TECH	Water pumps	3,418.11
GREEN MILL SPORTMAN'S CLUB	Range use	300.00
HAMILTON LINEN	Linen service for restaurant	538.15
HOME DEPOT CREDIT SERVICES	Supplies	5,811.44
INNOVATE! INC	GIS Consultant - Solutions	3,634.45
INTELICA VALUATION SERVICES LLC	Consulting and Appraisal fee	4,635.00
INTERNATIONAL ASSOCIATION OF	Membership dues	190.00
IWORQ SYSTEMS	Pavement Management software	1,200.00
JOHN E. REID & ASSOC, INC.	Training	630.00
JUSTON MARR	Boot reimbursement	100.00
KAISER PREMIER LLC	Equipment repairs	570.00
KIM STRONG	Reimbursement for restaurant supplies	37.13
KINSCO LLC	Police uniforms	154.00
KP & ASSOCIATES	Retail Consulting Services	4,800.00
KYLE A RICHARDS	BOT tricaster production	150.00
LEFT HAND WATER DISTRICT	Rinn Valley irrigation	205.11
LEXIPOL LLC	Membership & subscriptions	11,163.81
LIBERTY INFRASTRUCTURE LLC	Partial Hydrant Meter Deposit refund	1,643.72
LIFE STORIES CHILD & FAMILY ADVOCACY	4th Qtr. billing	219.00
LIGHTING, ACCESSORY & WARNING SYSTEMS	Police equipment and supplies	846.00
LONGMONT HUMANE SOCIETY	Animal impound fees	1,052.25
MAC EQUIPMENT INC	Equipment parts	34.74
MARSH LAW PC	Legal services	35,386.00
MARTIN MARTIN INC	Silver Birch/Godding Hollow intersection	12,370.00
MASEK GOLF CAR COMPANY	Equipment maintenance	80.74
MATTHEW SURA LLC	Legal services	7,225.00
MCCANDLESS INTL TRUCKS OF COLORADO	Vehicle repair parts	1,220.04
MIKE MAROONE FORD LONGMONT	Vehicle repairs	165.00
MITEL	Phone service for town buildings	3,631.77
MONSIDO INC	Web & Accessibility compliance	2,249.00
MOSES WITTEMYER HARRISON & WOODRUFF PC	Legal services	24,797.26
MOTOROLA SOLUTIONS INC	Radio accessories	123.78
MOUNTAIN COWBOY BREWING	Event beer garden	680.00
NATIONAL BUSINESS FURNITURE LLC	Office furniture	6,151.76
NATIONAL RESEARCH CENTER INC	Polco Premium subscription	5,500.00
NORTHERN CO. WATER CONSERVANCY DIST	NISP - Nineteenth Interim Agreement	1,502,540.00
O.J. WATSON COMPANY INC	Equipment repairs	4,335.56
OCCUPATIONAL HEALTH CENTERS	Return to work physical	118.00
O'REILLY AUTOMOTIVE INC	Stock parts	376.44
PAR WEST TURF SERVICES INC	Golf course maintenance	1,784.24
PAUL C BENEDETTI	Legal Services- FURA	9,990.00
POLICE AND SHERIFFS PRESS INC	Photo IDs	138.65
POTESTIO BROTHERS EQUIPMENT INC	Parts for equipment repair	2,285.25
PRAIRIE MOUNTAIN MEDIA	Publishing costs	118.20
PRINT EXPERTS	Events brochures & kiosk posters	498.16
R & R PRODUCTS	Equipment maintenance parts	2,955.60
REDI SERVICES LLC	Porta john service	395.00
REIF & HUNSAKER PC	Legal services	330.00
ROADWAY ASSET SERVICES LLC	Pavement analysis and consulting services	3,033.50

Town of Frederick - List of Bills
December 30, 2022 - January 26, 2023

ROCKY MOUNTAIN CHRISTIAN CHURCH	Restitution	684.94
SAFEWAY	Santa Cops and supplies	546.22
SAM'S CLUB / GEGRB	Supplies	989.05
SESAC	Music licensing	553.00
SHRED VAULT COLORADO LLC	Document shredding	155.00
SILVER STATE CONSULTING GROUP LLC	Weld County Sheriff training	750.00
SMITH ENVIRONMENTAL & ENGINEERING	Frederick GW Impacts Study	22,586.64
SOUTHERN GLAZERS WINE AND SPIRITS	Beverage order for restaurant	1,370.23
SPOT ON SOUND PRODUCTIONS	Sound, stage, and band deposit	4,375.00
SRIXON CLEVELAND GOLF XXIO	Demo golf clubs	722.60
ST VRAIN SANITATION DISTRICT	Sanitation services for the year	5,606.12
STAPLES ADVANTAGE	Office supplies	892.21
STRIGLOS COMPANIES, INC.	Adobe license	60.00
TBK BANK,SSB	PW Facility Loan Payment	84,820.10
TELOS ONLINE INC	Backup connection line to PW	75.00
THE SHERWIN-WILLIAMS CO	Supplies	58.08
TIMOTHY RYAN ATKINSON	Stock photo download	500.00
TLO LLC	Investigation fees	110.00
TRANSWEST TRUCK	Vehicle repair parts	895.44
TRAVISMATHEW LLC	Golf shop merchandise	9.30
TRUEPOINT SOLUTIONS LLC	System Configuration & Project Management	16,533.25
ULTIMATE TRAINING MUNITIONS	Police equipment	5,976.78
UNC FOUNDATION/EAST COLORADO SBDC	Annual sponsorship	3,000.00
UNITED POWER	Electric utility	7,789.25
UNIVERSITY AUTO PARTS INC	Parts and supplies	4,700.49
UPPER CASE PRINTING, INK.	Newsletter printing	1,243.20
US FOODS INC	Restaurant supplies	4,720.59
UTILITY NOTIFICATION CENTER OF COLO	Utility locates	148.20
VERIZON WIRELESS	Cell phone and wireless usage	2,926.19
WASTE CONNECTIONS OF COLO INC	Town trash collection	67,787.42
WELD COUNTY	Annual Dispatch Services/Radio Maintenance	87,733.00
WELD COUNTY CHIEF'S OF POLICE ASSOC	Annual membership dues	175.00
WELD COUNTY DEPARTMENT OF PUBLIC	Water testing	494.00
WELD COUNTY SHERIFF	Guard Terminal services	6,000.00
WEX BANK	Fuel	393.92
WTC-WICKHAM TRACTOR CO	Equipment repair parts	1,050.88
		<u>2,965,832.17</u>



TOWN OF FREDERICK BOARD OF TRUSTEES ACTION MEMORANDUM

Tracie Crites, Mayor

Dan March, Trustee
Mark Lamach, Trustee
Kevin Brown, Trustee

Adam Mahan, Trustee
Windi Padia, Trustee
Chad teVelde, Trustee

To Consider amendment of the Town's water court application and adding four additional Lower Boulder Preferred Shares to the Town of Frederick Water Court Change Case proposed for dedication by Michael Blumenthal group (Columbine Heights, LLC) and Community Development Group (CDG)

Agenda Date: Town Board Meeting – February 28, 2023

Attachments:

- a. Historic Use Location Map
- b. Resolution 23-R-09

Finance Review:

Administrative Services

Submitted by:

Sarah Watson
Civil Engineer, II

Approved for Presentation:

Bryan Ostler
Town Manager

☐ Quasi-Judicial ☐ Legislative ☐ Administrative

Strategic Plan Alignment:

- Fiscally Responsible Governance – Partnering on the water court case will include cost sharing, which will in turn provide savings to the Town.
- Strategic, Reliable, and Sustainable Infrastructure – Continued acquisition of Lower Boulder Preferred Shares is contemplated in the adopted water master plan and goes towards securing water resources for the future of the Town.

Summary Statement:

After approval of the Reimbursement Agreements with Blumenthal Development Group (*Columbine Heights, LLC*) and Community Development Group (CDG) the Town's technical and legal consultants began their due diligence review of the shares.

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Detail of Issue/Request:

In March 2022, Michael Blumenthal, developer of Miner's Park and Columbine Heights, located four Lower Boulder Preferred water shares attached to property for sale in Frederick. Knowing that this was one of the few non-potable water sources the Town has historically used for development water, he initiated a conditional contract with the property owners. After some initial due diligence by staff, it was determined that these shares could provide water for his developments, but because the properties that Michael Blumenthal wanted the water to be used on are located up-gradient of the Lower Boulder Ditch, the shares would have to go through water court to be able to change this use. Since the Town had just begun its own water court change case, a request was made to the Town to add these shares to our current case. Also included in the request is that these shares be used to help meet the water demands for his developments (Miner's Park and Columbine Heights).

On May 3rd, 2022, staff met in executive session with the Town of Frederick Board, presented this option, and received direction to work with the developer on what an agreement might look like. Since that time multiple discussions, negotiations and alternatives have occurred:

1. These shares have been in front of the Lower Boulder Board. The Ditch Board has a Right of First Refusal requirement in the bylaws of the Ditch Company. The Ditch Board voted to not exercise its Right and allow the shares to be sold to the developers.
2. The opportunity for staff to discuss water conservation measures presented itself. Bringing more water is not the only solution – creating a development that uses less water has significant value too.
3. Implementation of water conservation measures caused the developer to re-evaluate their plan and determine that only two shares of Lower Boulder could meet their water demand needs if they were strong in water conservation.
4. With their own valuation showing that only two shares are needed, Michael Blumenthal reached out to CDG to see if they would have use for two shares, and they were interested in the opportunity.
5. CDG has “verbally committed” to water conservation measures for Silverstone – should they get an opportunity from the Town to satisfy their water demands with Lower Boulder shares.
6. The Town had concerns over a single 3-party agreement, and direction was given to the development groups to enter into their own individual agreement with the Town.

After months of negotiation, it feels like we have a positive water conservation direction to move forward. Over the last several years, we have asked developers to get creative and go find their own water. This scenario falls in line with that direction. Also of note is that this request exists only because of the timing of our own change case. This is the last opportunity to amend our water court application. In a month we will be too far down the road to provide due diligence to consider any additional amendments to our change case. This will be the only opportunity to add shares without impacts to our current court schedule.

Following the Town's due diligence on the 4-shares the Town's technical and legal consultants recommend that the Town can move forward with a second Catlin process with the Lower Boulder Ditch Company to seek the approval of the Company to add the 4-shares to the Town's change case. This recommendation comes with conditions that will protect the Town. If the Catlin process is successful staff, technical, and legal consultants will move forward with a motion to amend the change case adding the 4-shares. As listed in the Resolution, the conditions of the Town moving forward with the Catlin and change case amendment will be dependent on:

1. The Blumenthal and CDG groups obtaining a binding dry-up covenant on the undeveloped portion of the historically irrigated land.
2. The raw water yield of the 4-shares will be determined in the change case and is not guaranteed to satisfy all or any specific portion of the Developer's raw water dedication requirements, to be determined by Town staff.

Legal Comments:

The previous Reimbursement Agreements and Resolutions have been drafted and reviewed by both the Town Attorney, Jason Meyers and the Town's Water Attorney, Jennifer DiLalla.

Alternatives/Options:

Not approving staff to move forward with a second Catlin process is an alternative. The Town's water court change case will advance on its own merit and schedule with or without these additional shares added to the change case. Developers are free to do their own change case without the Town doing the heavy lifting. The optics of adding shares to the Town's water court change case that ultimately support residential development may not align with the Board's philosophy.

Only approving one of these 2-shares is an alternative. Originally, only the group represented by Michael Blumenthal was involved and they were solely bringing four preferred shares to the Town for consideration to be used on Miner's Park and Columbine Heights. The Board directed staff to continue negotiations with Mr. Blumenthal and see what a final agreement could look like. Adding another development group, CDG, represents a significant change to the original Board direction.

The Board may also decide to add or change the conditions of the proposed Resolution.

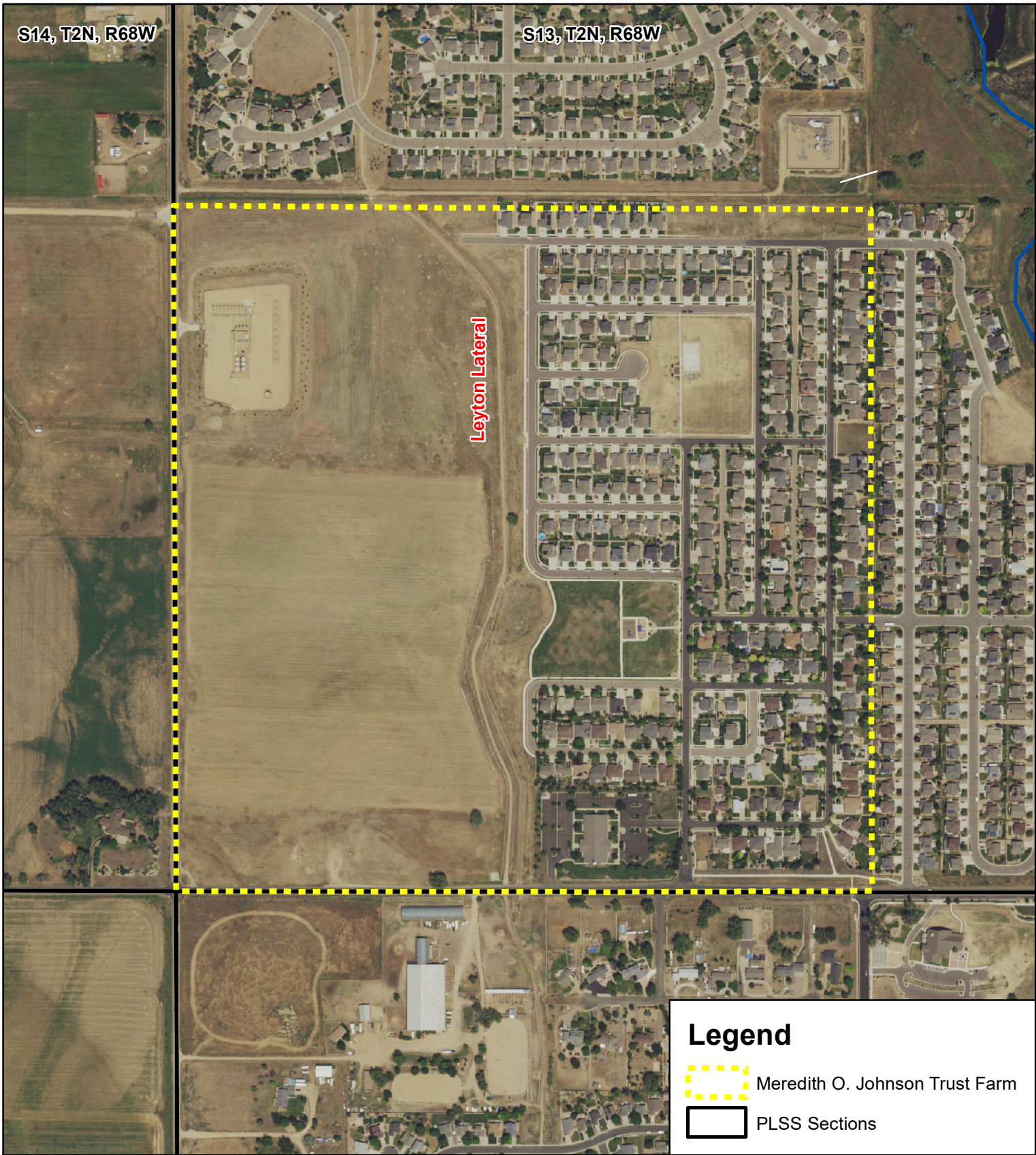
Financial Considerations:

Since these shares will support specific developments, the Reimbursement Agreements ensure that the Town will not incur any additional "Town out of pocket costs" associated with these shares. The developments will pay for the pro-rata share of water court costs associated with these shares throughout the duration of the case. The developers understand there is a level of financial risk involved. The final decreed ruling will determine the value of the shares.

Staff Recommendation:

Lower Boulder Preferred Shares do not come available on the market very often. Adding 4.0 shares to our portfolio is supported by the Water Master Plan.

Staff recommends that the Board approve the attached Resolutions.



TOWN OF FREDERICK

FARM DETAIL

PRELIMINARY WORKING DRAFT

DATE CREATED - 2/2/2023

DATA SOURCES
 CANALS, RIVERS, LAKES, DIVERSIONS, PLSS
 (CDSS, DIVISION 1)
 AERIAL DATED 7/26/2021 (NAIP)
 PARCELS (VARIOUS DEEDS RECORDED BY
 WELD COUNTY & MWHW DEED RESEARCH)

COORDINATE SYSTEM
 NAD 1983



EXHIBIT A



**TOWN OF FREDERICK, COLORADO
RESOLUTION NO. 23-R-09**

**A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO
AUTHORIZING AND DIRECTING STAFF TO PROCEED WITH
AMENDING A WATER COURT CASE 21CW3138**

WHEREAS, the Board of Trustees of the Town of Frederick, Colorado, pursuant to Colorado statute, is vested with the authority of administering the affairs of Frederick, Colorado; and,

WHEREAS, the Town is currently in the early stages of a water change case for water shares in the Lower Boulder Ditch, Water Division 1 Case No. 21CW3138 (“Water Case”), and has the ability to amend the Water Case to add additional shares; and,

WHEREAS, the Town Board approved two agreements to participate in cost sharing of adding an additional 4 water shares to the Water Case; and,

WHEREAS, Town staff, outside counsel, and consultants have conducted initial due diligence on the proposed shares and have determined that adding the subject shares to the Water Case will be in the interest of the Town subject to some conditions.

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Frederick, Colorado:

- 1) Town staff, in conjunction with outside counsel and consultants, are authorized to submit an additional Catlin application to the New Consolidated Lower Boulder Reservoir and Ditch Company to allow incorporation of the four additional shares to the Water Case.
- 2) If the Catlin application is successfully approved, Town staff, in conjunction with outside counsel and consultants, are authorized to file an amendment in Water Division 1 Case No. 21CW3138 to add the additional shares to the change case subject to the following conditions:
 - a. The Developers (Community Development Group and Columbine Heights LLC) shall obtain appropriate binding dry-up covenants on the undeveloped portion of land that has historically been irrigated with the proposed shares. If the Developers fail to obtain said covenants, the Town will consider, at its election, either withdrawing the additional shares from the application or reducing the raw water dedication credit that the Developers will receive from the additional shares.
 - b. The Developers must acknowledge that the raw water yield to the additional shares will be as determined in Case No. 21CW3138 and is not guaranteed to satisfy all or any specific portion of the Developers’ raw water dedication

requirements at Miner's Park, Columbine Heights, Silverstone, and/or any other development and that such raw water dedication requirements to be determined by Town staff as required by the Town of Frederick Municipal Code.

- 3) Prior to the dedication of the additional shares by Developers to the Town, the Developers must provide documentation to the Town of their good and unencumbered title to the additional shares.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 28th DAY OF FEBRUARY, 2023.

ATTEST:

TOWN OF FREDERICK

By _____
Meghan C. Martinez, MMC, Town Clerk

By _____
Tracie Crites, Mayor



TOWN OF FREDERICK BOARD OF TRUSTEES ACTION MEMORANDUM

Tracie Crites, Mayor

Dan March, Mayor Pro Tem
Mark Lamach, Trustee
Adam Mahan, Trustee

Chad teVelde, Trustee
Kevin Brown, Trustee
Windi Padia, Trustee

Consideration of the Appointment of Dennis Stark to the Planning Commission as Alternate B

Agenda Date: Town Board Meeting – February 24, 2023

Attachments:

Finance Review:

Finance Director

Submitted by:

Meghan C. Martin

Town Clerk

Approved for Presentation:

Ray O...

Town Manager

☐ Quasi-Judicial

☐ Legislative

☒ Administrative

Summary Statement:

Staff is submitting one candidate to the Board of Trustees for consideration of appointment to the Planning Commission.

Detail of Issue/Request:

On November 16, 2022 Trustee Padia, Trustee Brown and various members of staff participated on an interview panel for various vacancies on the Town's Boards, Commissions and Committees. After completion of the interviews, the interview panel is recommending the appointment of Dennis Stark to the Planning Commission as Alternate B. The appointment of Mr. Stark to this position will fill the final vacancy on the Planning Commission.

Legal/Political Considerations:

None

Built on What Matters.

Alternatives/Options:

The Board may choose to appoint the candidate or request staff continue to advertise the vacancy.

Financial Considerations:

Not applicable.

Staff Recommendation:

Staff takes no position on this item.

Print

Boards, Commissions, and Committees Application - Submission #33097

Date Submitted: 10/16/2022

Boards, Commissions, and Committees Application

This application is subject to the Colorado Open Records Act and should not be considered confidential.

First Name*

Dennis

Last Name*

Stark

Address1*

6832 Ponderosa Street

Address2

PO Box 294

City*

Frederick

State*

Co

Zip*

80530

Email Address*

dennis.w.stark@gmail.com

Phone Number*

5172065799

Occupation*

Retired

Employer*

N/A-

Board, Commission, or Committee of Interest*

Please indicate which Board, Commission or Committee you would like to apply for. You may select more than one.

- ☐ Building Appeals Board
- ☐ Frederick Arts Committee
- ☐ Historic Preservation Committee
- ☐ Parks, Open Space, and Trails Commission
- ☒ Planning Commission
- ☐ Frederick Urban Renewal Authority

Please summarize the experience and expertise that you would bring to the Board, Commission, or Committee you are applying for.*

I have been on the Planning Commission for the past 6 years and am the current vice-chair. My experience includes planning and zoning-along with economic development. I constantly stay up to date by taking classes, seminars, and on-line training in both planning and community enhancement. I am very familiar with Frederick and the region and stay current on the effects of building and master planning. I have a Master's degree in Public Administration, a BS degree in Management, and an AA degree in Police Science. My training also includes certified government official credentials. I have a minor degree in budget and finance and know the financial impacts that our decisions have on the Town and its citizens. Most of all, I have provided substantial time and effort in making the best possible decisions regarding the future of Frederick. A full resume is available for review.

How Much Time Are You Able to Devote?*

5-10 hours a week

The Town of Frederick is committed to a culture of FRED (Family, Respect, Empowerment, and Dedication), how do you feel you can contribute to the advancement of the FRED culture in the community?*

My past volunteer experience shows how I feel, and am vested, in the Town of Frederick. I am also the manager of the local regional garden, on a volunteer basis, and am extremely active regarding the issues of the community and citizens. My past activities on the Planning Commission show my decision-making process, voting history, and my ability to network in the community and promote the culture of FRED.

Conflict of Interest Disclosure*

Several state laws and municipal ordinances prohibit conflicts of interest on the part of Boards, Commissions, and Committee members. A member of a Board/Commission/Committee shall not perform an official act that may have an economic benefit on a business or other undertaking (whether or not for profit) in which the member has a direct or substantial financial interest.

Board/Commission/Committee members must not be interested in any contract made in their official capacities; or made by any other body, agency, or board of which they are members or employees. Please indicate whether you would have any conflicts while serving as a member of a Board/Commission/Committee.

☐ Yes

☒ No

If you checked yes please explain your conflict in detail.

N/A

By signing below I certify that all information is true and correct to the best of my knowledge.*

Dennis W. STark

Date

10/16/2022



TOWN OF FREDERICK BOARD OF TRUSTEES ACTION MEMORANDUM

Tracie Crites, Mayor

Dan March, Mayor Pro Tem
Mark Lamach, Trustee
Kevin Brown, Trustee

Adam Mahan, Trustee
Windi Padia, Trustee
Chad teVelde, Trustee

ORDINANCE RENEWING THE GRANT OF FRANCHISE FOR BLACK HILLS COLORADO GAS

Agenda Date: Town Board Meeting – February 28, 2023

Attachments:

- a. Ordinance Approving Gas Franchise
- b. Draft Franchise Agreement

Finance Review: _____
Finance Director

Submitted by: Jason Meyers
Town Attorney

Approved for Presentation: Bryan Ostler
Town Manager

☐ Quasi-Judicial

☐ Legislative

☒ Administrative

Strategic Plan Alignment:

Fiscally Responsible Governance: The Town of Frederick plans for identifies and utilizes resources that reflect exemplary stewardship for those who live in Frederick and those who seek out Frederick in the future.

Strategic, Reliable & Sustainable Infrastructure: Frederick is dedicated to investing in existing and future transportation, water, storm water, and technology while planning for sustainable growth and development.

By working with utility providers through the franchise process, the Town is able to protect the use of its rights of way as well as generate revenues that assist in providing services to the residents of the Town.

Built on What Matters.

Summary Statement:

The Town is authorized to grant or renew franchise agreements for the utility providers to provide services within the Town of Frederick. The Town has worked with Black Hills Colorado Gas, Inc. (BHCG) and its predecessors in interest to provide natural gas services with the Town of Frederick. The franchise agreement dictates the terms of the use of public rights of way for gas infrastructure. The agreement with BHCG has an expired term and needs to be updated to current standards.

Detail of Issue/Request:

In order to facilitate the appropriate use of public rights of way for the placement of utilities, Colorado and Federal Law provides the opportunity for municipalities to grant franchises to providers of utilities. The Town utilized outside counsel to assist in the negotiation and drafting of the updated franchise agreement. The proposed agreement is attached would renew the franchise agreement for a period of 15 years, which is fairly standard for these types of agreements. In exchange for the use of the public rights of way, BHCG remits franchise fees to the Town equal to three percent of gross receipts derived from the sale, distribution, and transportation of natural gas delivered within the Town of Frederick. BHCG is required to operate and maintain their own infrastructure and relocate the infrastructure in the case of conflict with the Town's public projects if needed.

Legal/Political Considerations:

The Town Attorney has reviewed the franchise agreement and drafted the enabling ordinance. In order to comply with applicable statutes, this ordinance will require two readings before enacting.

Alternatives/Options:

The Town Board may decide to delay entering the franchise agreement or may direct staff to negotiate additional terms. In this event, the current franchise will continue until a new agreement is reached or the franchise is terminated. The Board could deny to renew the franchise and direct staff to move towards termination of the franchise which would result in significant legal processes and potential litigation to ensure compliance with state and federal law.

Financial Considerations:

The Town receives franchise fee revenue from BHCG in the amount of three percent of gross receipts derived from the sale, distribution, and transportation of natural gas delivered within the Town.

Staff Recommendation:

Staff recommends that the Board approve on first reading the terms of the franchise agreement through enacting the enabling ordinance. The second reading and final adoption is scheduled for March 28, 2022.

ORDINANCE NO. 1381

AN ORDINANCE APPROVING A FRANCHISE AGREEMENT BETWEEN THE TOWN OF FREDERICK, COLORADO, AND BLACK HILLS COLORADO GAS, INC.

WHEREAS, the Town of Frederick, Colorado (the "Town"), is authorized to grant or renew franchises to construct, reconstruct, operate, and maintain natural gas systems, using public rights of way and properties within Town boundaries; and

WHEREAS, Black Hills Colorado Gas, Inc., ("BHCG") has constructed and desires to continue to operate and maintain natural gas services within the Town, and wishes to renew its Franchise Agreement with the Town; and

WHEREAS, the Town has a legitimate and necessary role in ensuring the availability of natural gas services within in its jurisdiction, in accordance with applicable law and the provisions thereof; and

WHEREAS, the Town Board of Trustees desires to grant to BHCG, and BHCG desires to accept, the terms and conditions set forth herein for the use of Town-owned rights of way and easements, and rights of way and easements dedicated and accepted for public use, in installing and operating a natural gas system in the Town; and

WHEREAS, the public has had adequate notice and opportunity to comment on BHCG's proposal to continue to provide natural gas service in the Town; and

WHEREAS, the Town Board of Trustees has determined it is in the best interest of the Town and the community to grant a Franchise to the BHCG for the term provided in the Franchise Agreement.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO, AS FOLLOWS:

Section 1. Approval. The Town Council hereby approves the Franchise Agreement between the Town of Frederick, Colorado, and Black Hills Colorado Gas, Inc., in the form attached as ***Exhibit 1***. The Mayor and other proper Town officials are hereby authorized to execute the Franchise Agreement by and on behalf of the Town.

Section 2. Implementation. Town officials are hereby authorized to take such action as appropriate to implement the Franchise Agreement.

Section 3. Preemption and Severability. If any part of this Ordinance shall, for any reason, be found by a court of law invalid or in conflict with state or federal law, such final judgment shall not affect the remaining provisions of this Ordinance.

Section 4. Safety Clause. The Town Board of Trustees finds and declares that this Ordinance is promulgated and adopted for public health, safety and welfare and bears a rational relation to the legislative objective sought to be obtained.

PASSED, APPROVED, AND ADOPTED this ____ day of _____ 2022. by the Board of Trustees of the Town of Frederick Colorado, by a vote of ____ for and ____ against.

ATTEST: TOWN OF FREDERICK

Approved as to form:

Approved as to content:

AN AGREEMENT GRANTING BLACK HILLS COLORADO GAS, INC. D/B/A BLACK HILLS ENERGY, ITS LESSEES, SUCCESSORS AND ASSIGNS, A NATURAL GAS FRANCHISE AND THE AUTHORITY TO CONSTRUCT, OPERATE, MAINTAIN, AND EXTEND NATURAL GAS DISTRIBUTION PLANT AND SYSTEM, AND GRANTING THE RIGHT TO USE THE STREETS, ALLEYS, AND OTHER PUBLIC PLACES WITHIN THE PRESENT OR FUTURE CORPORATE LIMITS OF THE TOWN OF FREDERICK, COLORADO.

ARTICLE I

Whenever the word “Town” is hereinafter employed, it shall designate the Town of Frederick, Weld County, Colorado, the “Grantor”, and whenever the word “Grantee” is used, it shall designate not only Black Hills Colorado Gas, Inc. d/b/a Black Hills Energy, but also its successors and assigns

ARTICLE II

FRANCHISE GRANTED

Town hereby grants a non-exclusive Franchise Agreement (“Franchise” or “Agreement”) to Grantee, its lessees, successors and assigns. Grantee is hereby granted the right, privilege, franchise, permission and authority to lay, construct, install, maintain, operate and extend in, along, over or across the present and future streets, alleys, avenues, bridges, public rights-of-way and public easements as are now within the present or future limits of said Grantor, a natural gas distribution system and all facilities necessary for the purpose of supplying natural gas or processed gas and other operations connected therewith or incident thereto for all purposes to the inhabitants of said Grantor and consumers in the vicinity thereof, and for the distribution of natural gas from or through said Grantor to points beyond the limits thereof. Such facilities shall include, but not be limited to, all mains, services, pipes, conduits and all other apparatus and appliances necessary or convenient for transporting, distributing, and supplying natural gas for all purposes for which it may be used, and to do all other things necessary and proper in providing natural gas service to the inhabitants of Grantor and in carrying on such business.

TERM

This franchise shall take effect on the first day of the month following the date this Franchise is finally approved by the Colorado Public Utilities Commission (the “Effective Date”), at which time Grantee will begin to collect the franchise fee set forth herein, and this franchise shall remain in effect for a period of fifteen (15) years from the Effective Date of this Franchise.

FRANCHISE FEES OR TAXES

In exchange for the Franchise granted herein, Grantee shall collect from all customers located within the corporate limits of Grantor, but not from the Grantor, and pay to Grantor an amount equal to three percent (3%) of gross receipts derived from the sale, distribution, and transportation of natural gas delivered within the present limits of Grantor, as amended from time

to time. Gross receipts as used herein are revenues received from the sale, distribution or transportation of natural gas, after adjustment for the net write-off of uncollectible accounts and corrections of bills.

The amount paid by Grantee shall be in lieu of, and Grantee shall be exempt from, all other fees, charges, taxes or assessments which the Grantor may impose for the privilege of doing business within the limits of Grantor, including, without limitation, excise taxes, occupation taxes, licensing fees, or right-of-way permit fees, and in the event the Grantor imposes any such fee, charge, tax or assessment, the payment to be made by Grantee in accordance with this Agreement shall be reduced in an amount equal to any such fee, charge, tax or assessment imposed upon the Grantee. The exemption of fees as noted in this Section shall only apply to right-of-way permits concerning the natural gas delivery which is the subject of this Agreement. Ad valorem property taxes imposed generally upon all real and personal property within the present or future corporate limits of Grantor shall not be deemed to affect Grantee's obligations under this Agreement.

Grantee shall report and pay any amount payable under this Agreement on a monthly basis. Such payment shall be made no more than thirty (30) days following the close of the period for which payment is due. Initial and final payments shall be prorated for the portions of the periods at the beginning and end of any franchise granted by the Grantor to Grantee.

Grantee shall list the franchise fee collected from customers as a separate item on bills for utility service issued to its customers. If the franchise fee specified in this Article is declared illegal, unconstitutional, or void for any reason by any court of proper authority or the Colorado Public Utilities Commission, Grantee is contractually bound to pay the Town an amount that would be, as near as practicable, equivalent to the amount which would have been paid by the Grantor as a franchise fee hereunder, prior to such declaration provided that such contractual amounts may be collected lawfully from Grantee's customers. In such a case, the Parties agree to negotiate in good faith amend the Franchise to implement an alternate lawful franchise fee. Any customer refunds ordered by the Commission or other authority due to an unlawful or prohibited collection of the franchise fee collected by Grantee and remitted to Grantor shall be refunded by Grantor.

MAP AND ANNEXATION

Within ten (10) days of the date of this Agreement, Grantor shall provide Grantee with a map of its corporate limits (the "Map"). The Map shall be of sufficient detail to assist Grantee in determining whether their customers reside within Grantor's corporate limits. The Map along with Grantee's Geographic Information System ("GIS") mapping information shall serve as the basis for determining Grantee's obligation hereunder to collect and pay the franchise fee from customers; provided, however, that if the Grantor's corporate limits are changed by annexation or otherwise, it shall be the Grantor's sole responsibility to (a) update the Map so that the changes are included therein, and (b) provide the updated Map to the Grantee. Grantee's obligation to collect and pay the franchise fee from customers within an annexed area shall not commence until the later: (a) of sixty (60) days after Grantee's receipt from Grantor of an updated Map including such annexed area, or (b) such time after Grantee's receipt from the Grantor of an updated Map including such annexed area as is reasonably necessary for Grantee to identify the customers in the annexed area obligated to pay the franchise fee.

Grantor shall provide copies of annexation ordinances to Grantee on a timely basis to ensure appropriate franchise fee collection from customers within the corporate limits of the Town as set forth above.

Grantee shall not be liable for paying franchise fees from or to any customer originally or subsequently identified, or incorrectly identified, by Grantor, as being subject to the franchise fee or being subject to a different level of franchise fees or being exempt from the imposition of franchise fees.

NO DISCRIMINATION

Except as permitted by law, the Colorado Public Utilities Commission, and the Company's Tariffs as approved by the Colorado Public Utilities Commission, the Company shall not, as to rates, charges, services, facilities, rules, regulations, or in any other respect, make or grant any preference or advantage to any corporation or person or subject any corporation or person to any prejudice or disadvantage, provided that nothing in this section shall be taken to prohibit the establishment from time to time of a graduated scale of charges and classified rate schedules to which any customer coming within an established classification would be entitled.

ARTICLE III

PROVISION FOR INADEQUATE ENERGY SUPPLIES

If an energy supplier is unable to furnish an adequate supply of energy due to an emergency, an order or decision of a public regulatory body, or other acts beyond the control of the Grantee, then the Grantee shall have the right and authority to adopt reasonable rules and regulations limiting, curtailing or allocating extensions of service or supply of energy to any customers or prospective customers, and withholding the supply of energy to new customers, provided that such rules and regulations shall be uniform as applied to each class of customers or prospective customers, and shall be non-discriminatory as between communities receiving service from the Grantee.

CONSTRUCTION AND MAINTENANCE OF GRANTEE'S FACILITIES

Any pavements, sidewalks or curbing taken up, potholing, and any and all excavations made shall be done in such a timely and expeditious manner as to cause only such inconvenience to the inhabitants of Grantor and the general public as is reasonably necessary. Repairs and replacements shall be made promptly by Grantee at its expense, leaving such properties in as good as condition as existed immediately prior to excavation and in compliance with all applicable regulations and requirements adopted by the Town. The Grantee shall comply with the Town's requests for reasonable and prompt action to remedy all damage to public and/or private property, adjacent to streets, public utility easements, or other Town property, where the Grantee is performing construction, excavation, maintenance, or repair work. The Town reserves the right to restore property and remedy damages caused by Grantee activities at the reasonable expense of

the Grantee in the event the Grantee fails to perform such work within a reasonable time (not to exceed 90 days) after written notice from the Town. Upon taking into considering the scope of repairs, responsibility for damages, and other extenuating factors as applicable, the Town will not unreasonably withhold approval of a reasonable written request for extension of the 90-day period.

Grantee agrees that for the term of this franchise, it will use its best efforts to maintain its facilities and equipment in a condition sufficient to meet the current and future energy requirements of Grantor, its inhabitants, and industries. While maintaining its facilities and equipment, Grantee shall obtain all permits approvals as required by this Agreement, the Town Municipal Code, and applicable regulations. In emergency situations, Grantee shall take immediate unilateral actions as it determines are necessary to protect the public health, safety, and welfare; in which case, Grantee shall notify Grantor as soon as reasonably possible. Within a reasonable time thereafter, Grantee shall request, and Grantor shall issue any permits or authorizations required by Grantor for the actions conducted by Grantee during the emergency situation.

Grantor will give Grantee no less than 90-days prior written notice of plans for street improvements where paving or resurfacing of a permanent nature is involved that affects Grantee's facilities, unless such project is required due to emergency circumstances in which case notice will be given as soon as practicable. The notice shall contain the nature and character of the improvements, the rights-of-way upon which the improvements are to be made, the extent of the improvements, and the time when the Grantor will start the work, and, if more than one right-of-way is involved, the order in which the work is to proceed. The notice shall be given to the Grantee as soon as practical in advance of the actual commencement of the work, considering seasonable working conditions, to permit the Grantee to make any additions, alterations, or repairs to its facilities.

EXTENSION OF GRANTEE'S FACILITIES

Upon receipt and acceptance of a valid application for service, Grantee shall, subject to its own economic feasibility criteria as approved by the Colorado Public Utilities Commission make reasonable extensions of its distribution facilities to serve customers located within the current or future corporate limits of Grantor. Grantee shall provide Grantor with reasonable notice of significant projects that impact Grantor.

RELOCATION OF GRANTEE'S FACILITIES

Grantee shall temporarily or permanently relocate, remove, change, or alter the position of any Grantee facility at no cost to the Town whenever such relocation is necessary for the completion of any public project requiring such relocation including but not limited to: the change the grade of or other alteration any street, alley, avenue, bridge, public right-of-way, or public place for a public purpose ("Public Project:").

In the event of any relocation contemplated pursuant to this Section, the Grantee and the Town agree to cooperate on the location and relocation of the Grantee facilities. Following relocation from the public right-or-way or Town streets, all property shall be restored to its former

condition or better by the Grantee at its expense; provided, however, Grantee will be reimbursed for expenses incurred on behalf of a private development. The relocations set forth in this Section shall be completed within a reasonable time based on the scope of the relocation, not to exceed ninety (90) days from the date on which the Town requests, in writing, that the relocation commence. Grantee shall receive an extension of time to complete a relocation where the Grantee's performance was delayed due to weather, supply chain issues, labor shortages, significant scope of the relocation, lack of easement or right-of-way for the relocation of its facilities, or Force Majeure. The Grantee has the burden of presenting evidence to reasonably demonstrate the basis for the delay. Upon written request of the Grantee, the Town may also grant the Grantee reasonable extensions of time. Approval of requests for extension will not be unreasonably withheld by the Town. Each relocation shall be complete only when the Grantee actually relocates the Grantee facilities, restores the relocation site in accordance with this Agreement or as otherwise agreed with the Town, and removes from the site or properly removes or abandons in place (as permitted in the Town's reasonable discretion) all unused Grantee facilities, equipment, material and other impediments.

Nothing provided herein shall prevent the Company from recovering its Relocation costs and expenses from third parties.

If Grantor orders or requests Grantee to relocate its facilities or equipment for the primary benefit of a commercial or private project, or as a result of the initial request of a commercial or private developer or other non-public entity, and such removal is necessary to prevent interference, then Grantee shall receive payment for the cost of such relocation as a precondition to relocating its facilities or equipment. In no case, however, shall the Town be required to advance funds for relocations necessitated by a Public Project. Nor shall any commercial or private project be able to rely upon the Town's approval of such commercial or private project as a basis for payment of the cost of such relocation.

Grantor shall consider reasonable alternatives in designing its public works projects and exercising its authority under this section so as not to arbitrarily cause Grantee unreasonable additional expense. If alternative public right-of-way space is available, Grantor shall also provide a reasonable alternative location for Grantee's facilities. Grantor shall give Grantee written notice of an order or request to vacate a public right-of-way; provided, however, that its receipt of such notice shall not deprive Grantee of its right to operate and maintain its existing facilities in such public right-of way until it (a) if applicable, receives the reasonable cost of relocating the same and (b) obtains a reasonable public right-of-way, dedicated utility easement, or private easement alternative location for such facilities.

COORDINATION WITH GRANTOR

For all new Grantee installation or replacement of infrastructure in Grantor's right of way longer than a quarter of a mile, Grantee will provide Grantor with a minimum notice of 30 days. For all installation or replacement of infrastructure not longer than a quarter of a mile in Grantor's right of way, Grantee shall provide Grantor with a minimum notice of 14 days.

ARTICLE IV

RECORDS

Grantor shall have access to and the right to examine, during normal business hours, Grantee's books, receipts, files, records and documents as is reasonably necessary to verify the accuracy of payments due hereunder; provided, that Grantor shall not exercise such right more than twice per calendar year, unless necessitated by a court order, audit or any other reasonable rationale requested in good faith by Grantor. If it is determined that a mistake was made in the payment of any franchise fee required hereunder, such mistake shall be corrected promptly upon discovery such that any under-payment by Grantee shall be paid within thirty (30) days of recalculation of the amount due, and any over-payment by Grantee shall be deducted from the next payment of such franchise fee due by Grantee to Grantor; provided, that neither party shall have the obligation to correct a mistake that is discovered more than one (1) year after the occurrence thereof.

GOVERNING RULES AND REGULATIONS

The franchise granted hereunder is subject to all conditions, limitations and immunities now provided for, or as hereafter amended, and applicable to the operations of a public utility, by state or federal law. The rates to be charged by Grantee for service within the present or future corporate limits of Grantor and the rules and regulations regarding the character, quality, and standards of service to be furnished by Grantee, shall be under the jurisdiction and control of such regulatory body or bodies as may, from time to time, be vested by law with authority and jurisdiction over the rates, regulations, and quality and standards of service to be supplied by Grantee. In determining the rights and duties of the Grantee as specifically provided for in this Agreement, the terms of this Agreement shall take precedence over any conflicting terms or requirements contained in any other ordinance enacted by the Grantor.

PROVISION FOR INADEQUATE ENERGY SUPPLIES

If an energy supplier is unable to furnish an adequate supply of energy due to an emergency, an order or decision of a public regulatory body, or other acts beyond the control of the Grantee, then as permitted by the Colorado Public Utilities Commission, the Grantee shall have the right and authority to adopt reasonable rules and regulations limiting, curtailing or allocating extensions of service or supply of energy to any customers or prospective customers, and withholding the supply of energy to new customers, provided that such rules and regulations shall be uniform as applied to each class of customers or prospective customers, and shall be non-discriminatory as between communities receiving service from the Grantee.

CONFIDENTIAL INFORMATION

Grantor acknowledges that certain information it might request from Grantee pursuant to this Agreement may be of a proprietary and confidential nature, and that such requests may be subject to the Homeland Security Act or other confidentiality protections under state or federal law. If Grantee requests that any information provided by Grantee to Grantor be kept confidential due to its proprietary or commercial value, Grantor and its employees, agents, and representatives shall

maintain the confidentiality of such information, to the extent allowed by law. If the Grantor is requested or required by law to disclose information that has been identified as confidential or proprietary by Grantee, including but not limited to a request made under the Colorado Open Records Act, §§ 24-72-201, et seq., C.R.S., the Grantor shall promptly notify the Grantee of the request or requirement, so that Grantee may seek an appropriate protective order or other relief. In any such legal action the Grantee shall join the person requesting the information and the Grantor. In no circumstance shall the Grantor provide to any third-party confidential information provided by the Grantee pursuant to this Agreement without first conferring with the Grantee. The Grantee shall defend, indemnify, and hold the Grantor harmless from any claim, judgment, costs, and attorneys' fees incurred in participating in any litigated proceeding.

CONTINUATION OF UTILITY SERVICE.

In the event this Franchise is not renewed at the expiration of its term or is terminated for any reason, and the Grantor has not provided for alternative gas utility service, the Grantee shall have no obligation to remove any Grantee Facilities from Town streets, public utility easements, or other Town property or discontinue providing gas utility service unless otherwise ordered by the Colorado Public Utilities Commission, and shall continue to provide gas utility service within the Town until the Town arranges for gas utility service from another provider. The Grantor acknowledges and agrees that the Grantee has the right to use Town streets, public utility easements, or other Town property during any such period. The Grantee further agrees that it will not withhold any temporary gas utility service necessary to protect the public. The Town agrees that in the circumstances of this Section, the Grantee shall be entitled to monetary compensation as provided in the Tariffs and the Grantee shall be entitled to collect from Customers and, upon the Town's compliance with applicable provisions of law, shall be obligated to pay the Town, at the same times and in the same manner as provided in this Franchise, an aggregate amount equal to the amount which the Grantee would have paid as a franchise fee as consideration for use of Town streets, public utility easements, or other Town property. Only upon receipt of written notice from the Town stating that the Town has adequate alternative gas utility service for residents and upon order of the Colorado Public Utilities Commission shall the Grantee be allowed to discontinue the provision of Utility Service to the Town and its residents.

ARTICLE V

MATERIAL BREACH

Notice/Cure/Remedies. Except as otherwise provided in this Franchise, if a party (the "breaching party") to this Agreement fails or refuses to perform any of the terms or conditions of this Agreement (a "material breach"), the other party (the "non-breaching party") may provide written notice to the breaching party of such material breach. Upon receipt of such notice, the breaching party shall be given a reasonable time, not to exceed ninety (90) days, subject to Force Majeure, in which to remedy the material breach. If the breaching party does not remedy the material breach within the time allowed in the notice, the non-breaching party may exercise the following remedies for such material breach:

1. specific performance of the applicable term or condition; and

2. recovery of actual damages from the date of such breach incurred by the non-breaching party in connection with the breach but excluding any consequential damages.

If a breach is of such a type or nature that it cannot reasonably be remedied in ninety (90) days, the breaching party shall immediately inform and demonstrate to the non-breaching party of the fact that the material breach cannot reasonably be remedied in ninety (90) days. The breaching party shall immediately begin work to cure the material breach and shall diligently and expeditiously prosecute to completion all work necessary to remedy the material breach.

Termination of Franchise by Town. In addition to the foregoing remedies, if the Grantee fails or refuses to perform any material term or condition of this Agreement (a “material breach”), the Grantor may provide written notice to the Grantee of such material breach. Upon receipt of such notice, the Grantee shall be given a reasonable time, not to exceed ninety (90) days, subject to Force Majeure, in which to remedy the material breach. If a breach is of such a type or nature that it cannot reasonably be remedied in ninety (90) days, the Grantee shall immediately inform and demonstrate to the Grantor of the fact that the breach cannot reasonably be remedied in ninety (90) days. The Grantee shall immediately begin work to cure the breach and shall diligently and expeditiously prosecute to completion all work necessary to remedy the breach. If the Grantee does not remedy the material breach within the time provided in this subparagraph, the Grantor may, at its sole option, terminate this franchise. This remedy shall be in addition to the Grantor’s right to exercise any of the remedies provided for elsewhere in this Franchise. Upon such termination, the Grantee shall continue to provide Utility Service to the Town and its residents under its tariffs until the Grantor makes alternative arrangements for such service and until otherwise ordered by the PUC and the Grantee shall be entitled to collect from residents and shall be obligated to pay the Grantor, at the same times and in the same manner as provided in the Franchise, an aggregate amount equal to the amount which the Grantee would have paid as a franchise fee as consideration for use of the Town right-of-way, streets, alleys, utility easements, and other Town property Grantee is otherwise permitted to use under this Agreement.

No Limitation. Except as provided herein, nothing in this Agreement shall limit or restrict any legal rights or remedies that either party may possess arising from any alleged breach of this franchise.

FORCE MAJEURE

It shall not be a breach or default under this Agreement if either party fails to perform its obligations hereunder due to Force Majeure. Force Majeure shall include, but not be limited to, the following: 1) physical events such as acts of God, landslides, lightning, earthquakes, fires, freezing, storms, floods, washouts, explosions, breakage or accident or necessity of repairs to machinery, equipment or distribution or transmission lines; 2) acts of others such as strikes, work-force stoppages, riots, sabotage, epidemics, pandemics, supply chain issues beyond the control of the Company, insurrections or wars; 3) governmental actions which specifically prevent compliance with this Franchise such as necessity for compliance with any court order, law, statute, ordinance, executive order, or regulation promulgated by a governmental authority having

jurisdiction; and (4) any other causes, whether of the kind herein enumerated or otherwise not reasonably within the control of the affected party to prevent or overcome. Each party shall make reasonable efforts to avoid Force Majeure and to resolve such event as promptly as reasonably possible once it occurs in order to resume performance of its obligations hereunder; provided, however, that this provision shall not obligate a party to settle any labor strike.

INDEMNIFICATION AND HOLD HARMLESS

Except as otherwise provided forth herein, the Grantee shall indemnify, defend, and hold the Town harmless from and against claims, demands, liens and all liability or damage of whatsoever kind on account of or arising from the grant of this Agreement, the exercise by the Grantee of the related rights, or from the operations of the Grantee within the Town, and shall pay the costs of defense plus reasonable attorneys' fees. The Town shall (a) give prompt written notice to the Grantee of any claim, demand, or lien with respect to which the Town seeks indemnification hereunder and (b) unless in the Town's judgment a conflict of interest may exist between the Town and the Grantee with respect to such claim, demand or lien, shall permit the Grantee to assume the defense of such claim, demand, or lien with counsel satisfactory to the Town. If such defense is assumed by the Grantee, the Grantee shall not be subject to any liability for any settlement made without its consent. If such defense is not assumed by the Grantee or if the Town determines that a conflict of interest exists, the parties reserve all rights to seek all remedies available in this Franchise against each other. Notwithstanding any provision hereof to the contrary, the Grantee shall not be obligated to indemnify, defend or hold the Town harmless to the extent any claim, demand or lien arises out of or in connection with any negligent or intentional act or failure to act of the Town or any of its officers, employees, contractors, agents or vendors,

IMMUNITY

Nothing in this Section or any other provision of this Franchise shall be construed as a waiver of the notice requirements, defenses, immunities, and limitations the Town may have under the Colorado Governmental Immunity Act (C.R.S. §24-10-101, *et. seq.*) or of any other defenses, immunities, or limitations of liability available to the Town by law.

NOTICE

Both parties shall designate from time to time in writing representatives for the Grantee and the Town who will be the persons to whom notices shall be sent regarding any action to be taken under this Franchise. Notice shall be in writing and forwarded by certified mail, reputable overnight courier, hand delivery, or other forms of delivery as may be agreed to by the parties in writing, to the persons and addresses as hereinafter stated, unless the persons and addresses are changed at the written request of either party. Notice shall be deemed received (a) three (3) days after being mailed via the U.S. Postal Service, (b) one (1) business day after mailed if via reputable overnight courier, or (c) upon hand delivery if delivered by courier. Until any such change shall hereafter be made, notices shall be sent as follows:

To the Town:	Town of Frederick
	P.O. Box 435

Frederick, CO 80530

Attn: Town Administrator

With a copy to: Town of Frederick
P.O. Box 435
Frederick, CO 80530

Attn: Town Attorney

To the Grantee: Black Hills Colorado Gas, Inc.
Tom Henley
Manager of Community Relations
Email: tom.henley@blackhillscorp.com
Phone: (303-566-3549

And to

Black Hills Colorado Gas, Inc
d/b/a Black Hills Energy
Attention: Legal Department
1515 Arapahoe St., Suite 1200
Denver, CO 80202

SUCCESSORS AND ASSIGNS

All rights, privileges and authority granted to Grantee hereunder shall inure to the benefit of Grantee's lessees, successors and assigns, subject to the terms, provisions and conditions herein contained, and all obligations imposed upon Grantee hereunder shall be binding upon Grantee's lessees, successors and assigns.

NO THIRD-PARTY BENEFICIARIES

This Agreement constitutes a Franchise Agreement between the Grantor and Grantee. No provision of this Agreement shall inure to the benefit of any third person, including the public at large, so as to constitute any such person as a third-party beneficiary of the agreement or of any one or more of the terms hereof, or otherwise give rise to any cause of action for any person not a party hereto.

SEVERABILITY

If any clause, sentence, or section of this Agreement is deemed invalid by any judicial, regulatory, or legislative body having proper jurisdiction, the remaining provisions shall not be affected.

NON-WAIVER

Any waiver of any obligation or default under this Agreement shall not be construed as a waiver of any future defaults, whether of like or different character.

REPEAL CONFLICTING FRANCHISES

This Agreement, when accepted by Grantee as provided below, shall constitute the entire agreement between the Grantor and the Grantee relating to the Franchise granted by Grantor hereunder, and the same shall supersede all prior Franchises relating thereto, and any terms and conditions of such prior Franchises or parts of Franchises in conflict herewith are hereby repealed. Ordinance No. 850 of the Town of Frederick, Colorado, is hereby repealed as of the Effective Date hereof.

EFFECT AND INTERPRETATION OF AGREEMENT

The captions that precede each section of this Agreement are for convenience and/or reference only and shall not be taken into consideration in the interpretation of any of the provisions of this Ordinance.

APPLICABLE LAW

Colorado law shall apply to the construction and enforcement of this Franchise. The parties agree that venue for any litigation arising out of this Franchise shall be in the District Court for Weld County, State of Colorado.

ACCEPTANCE

Upon final passage and approval of the Ordinance approving this Franchise by Grantor, in accordance with applicable laws and regulations, Grantee shall file its acceptance by written instrument, within sixty (60) days of passage by the Board of Trustees, with the Clerk of the Town of Frederick, Colorado. The Clerk of the Town of Frederick, Colorado shall sign and affix the community seal to acknowledge receipt of such acceptance and return one copy to Grantee. If Grantee does not, within sixty (60) days following passage of the Ordinance, either express in writing its objections to any terms or provisions contained therein, or reject the Ordinance in its entirety, Grantee shall be deemed to have accepted the Ordinance and all of its terms and conditions.

[Mayor or other Authorized Official]

Attest:

Clerk of Town of Frederick, Colorado



TOWN OF FREDERICK BOARD OF TRUSTEES ACTION MEMORANDUM

Tracie Crites, Mayor

Dan March, Trustee
Mark Lamach, Trustee
Kevin Brown, Trustee

Adam Mahan, Trustee
Windi Padia, Trustee
Chad teVelde, Trustee

Consideration of Johnson Farm/Spindle Hill Energy Comprehensive Plan Amendment and Rezone (AKA Columbine Heights, Project No. 2022-010)

Agenda Date: Town Board Meeting - February 28th, 2023

Attachments:

- a. Comprehensive Plan Amendment Map
- b. Zoning Map
- c. Letter of Intent
- d. Planning Commission Minutes 10-6-22
- e. Signed PCR-2022-12A
- f. Signed PCR-2022-13A
- g. Wheatly, LLC Letter
- h. Applicant's response to Wheatly, LLC Letter

Finance Review: _____
Administrative Services

Submitted by: _____
Maureen Welsh
Planner II

Approved for Presentation: _____
Bryan Ostler
Town Manager

☒ Quasi-Judicial

☐ Legislative

☐ Administrative

Strategic Plan Alignment:



2. Community and Economic Vitality- Frederick is a community that fosters economic, recreational, cultural, and environmental vitality and enhances various economic opportunities.

Built on What Matters.

Summary Statement:

This is a request to consider the proposed Comprehensive Plan Amendment and Rezoning of 142.9 acres.

Detail of Issue/Request:

Applicant: Kirby Smith, Kirby Smith and Associates, Inc.

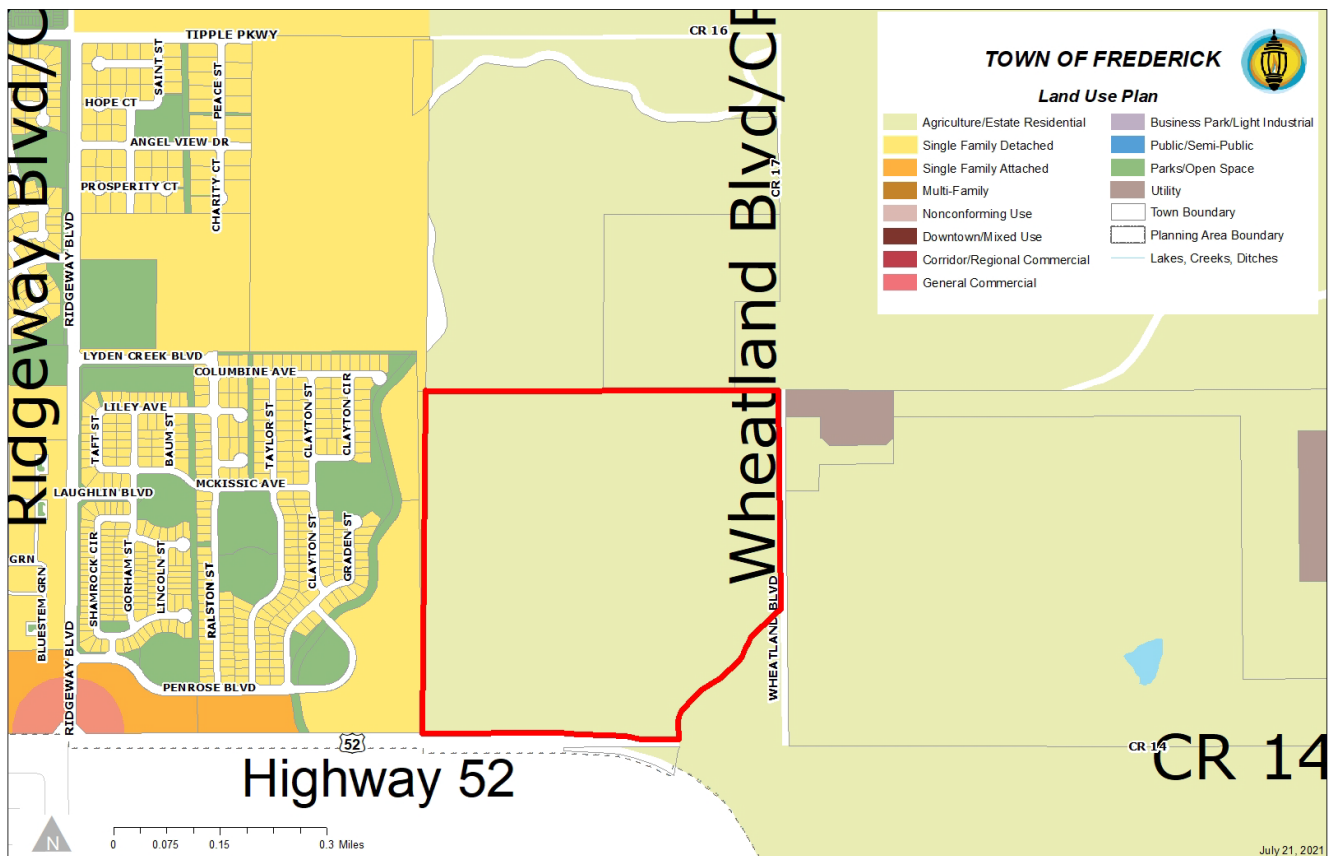
Owner: Johnson Farms LLP

Location and Zoning: This property is located east of the Savannah subdivision, north of Highway 52 and west of Wheatlands Boulevard/ County Road 17. The property is zoned Agricultural (A).

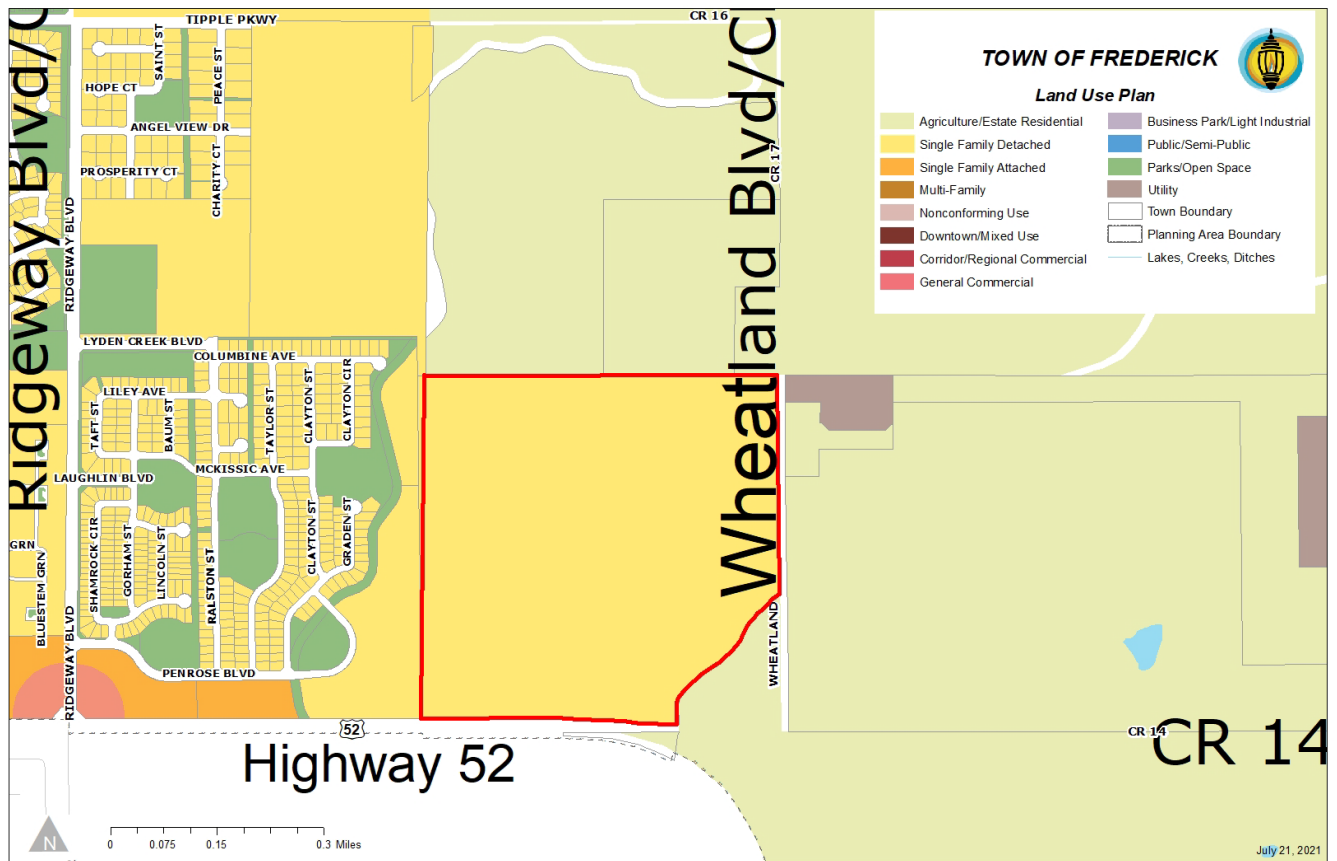
Surrounding Land Uses and Zoning:

North	Land use: Vacant (Brunemeier Annexation) Zoning: Residential Low Density (R-1) with PUD Overlay
South	Land use: Agricultural Zoning: Agricultural (A) in Weld County
West	Land use: Vacant/Open Space in Savannah Subdivision Zoning: Residential High Density (R-3) and Residential Low Density (R-1)
East	Land use: Agricultural Zoning: Agricultural (A)

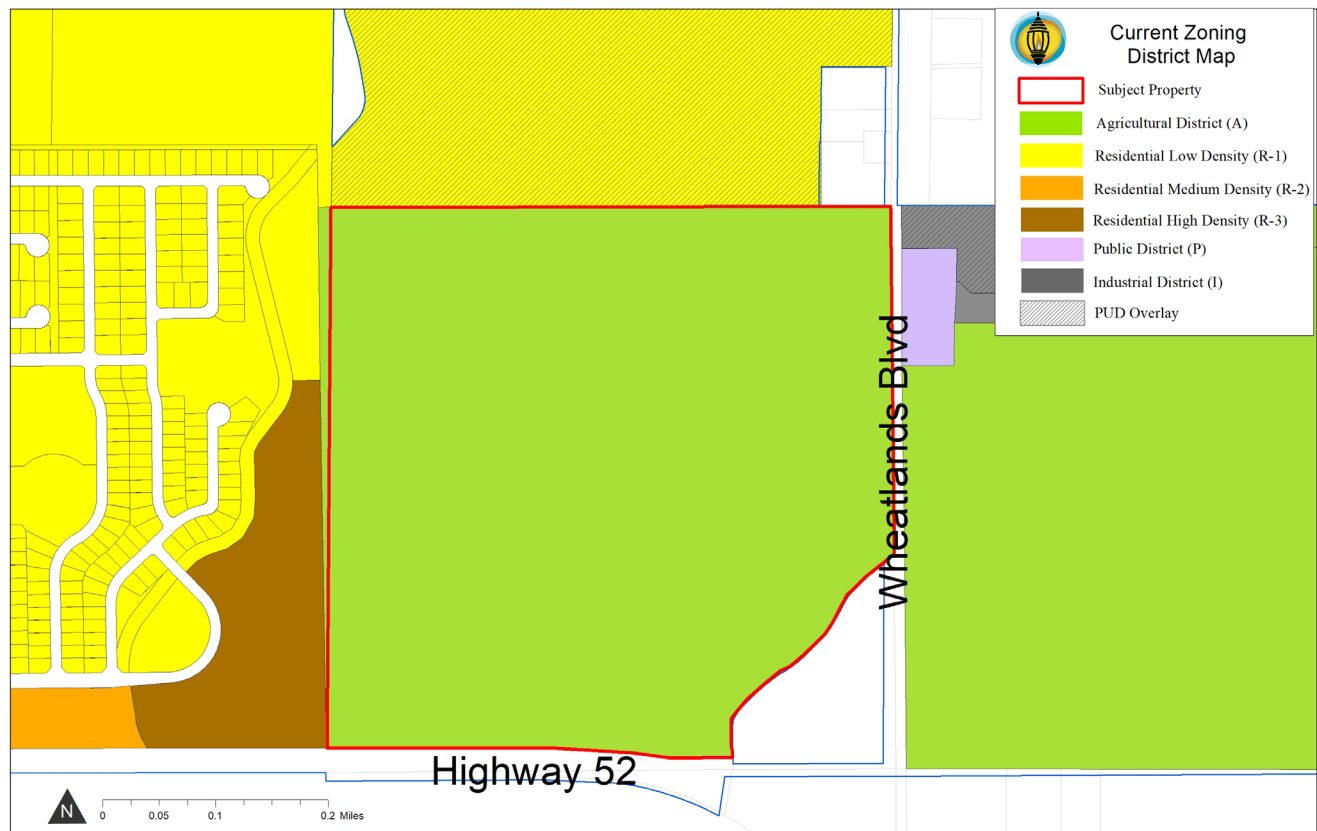
Current Comprehensive Plan Designation:



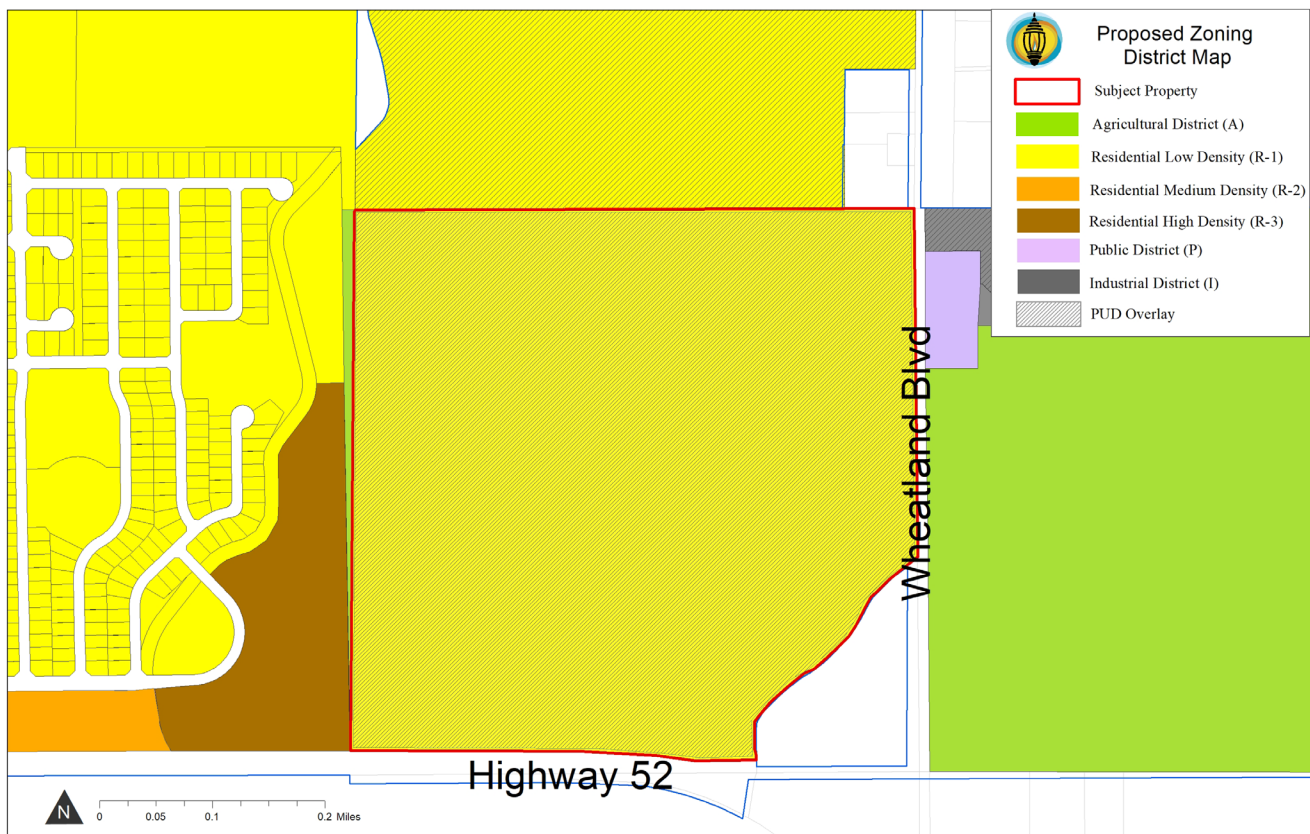
Proposed Comprehensive Plan Designation:



Vicinity Map with Existing Zoning:



Vicinity Map with Proposed Zoning:



Background Information:

The Johnson Farms/ Spindle Hill Energy Annexation and Zoning was approved by the Town in 2006. At that time, the 142.9-acre parcel was zoned as Agricultural. The 1996 and 2016 Comprehensive Plans have designated this parcel's land use as Agriculture/Estate Residential. The intent of this land use designation is to accommodate both agricultural land uses and large-lot single-family development which contribute to the rural character of the Town.

The Agricultural zone district permits residential uses such as single family detached dwellings at a density of 0.5 acres per dwelling unit. The Agricultural zone district also permits agricultural land uses such as farming, greenhouses, and open-air farmers' markets.

Request:

In order to process a rezone request, the Town requires that the zoning map matches the intent of the Comprehensive Plan map. Our Board of Trustees is considering both applications tonight in staff's effort to ensure that the Town's zoning map and Comprehensive Plan map are cohesive.

This request is to consider a Comprehensive Plan Amendment to change the land use designation of this property from Agriculture/Estate Residential to Single Family Detached. In tandem with the Comprehensive Plan Amendment request, the applicant is requesting a re-zoning of this property from Agricultural to Residential Low Density with a Planned Unit Development (PUD) Overlay.

The single family detached land use designation's intent is to provide stand-alone structures for individual families while providing a balance of local connectivity and conservation design to improve both motorized and non-motorized transportation. The Residential Low Density zone district permits single family detached dwellings at rate of 5 dwelling units per acre.

A PUD permits and encourages innovative design and high quality, master-planned developments on large parcels of land. A PUD is created to allow and encourage compatible uses to be developed in accordance with a unified development plan in harmony with the environment and surrounding neighborhood. A PUD is intended to permit greater flexibility in the application of zoning and development standards and greater freedom in providing a mix of land uses in the development of a balanced community. PUDs are expected to preserve critical environmental resources, provide above-average open space and recreational amenities, include exceptional design and provide greater efficiency in the layout and provision of roads, utilities and other infrastructure. Any proposed modifications to the Land Use Code per the PUD would be considered by the Board through a separate application.

Review Criteria:

Comprehensive Plan Amendment:

Section 4.7.10.a The Comprehensive Plan may be amended pursuant to the following criteria:

- (1) The amendment improves the implementation of one or more goals, policies, and strategies of the Town of Frederick Comprehensive Plan.
- (2) The amendment will not pose a detrimental impact on existing or planned Town facilities, services or transportation facilities.
- (3) The amendment will not interfere with the existing or emerging land use patterns and densities/intensities of the surrounding neighborhoods as depicted on the Land Use Plan and contained within the Town of Frederick Comprehensive Plan.
- (4) The amendment will not interfere with, or prevent, the provision of any of the area's (neighborhood's) existing, planned, or previously committed services.

Staff Comment: Criterion 1) The intent of the Comprehensive Plan Amendment request is to accommodate a future residential subdivision within the Residential Low Density zone district. One of the Comprehensive Plan's current Goals is to encourage development within the Primary Growth Area to leverage existing community facilities and infrastructure. With the Town having experienced a significant amount of growth in recent years, many of the Comprehensive Plan's objectives have been realized. Almost all of the Town's Primary Growth Area has been accounted for. With this property directly abutting the Primary Growth Area, this region of Town could be considered the next primary area for growth and development. A second Goal that this request would implement is the support of our transportation system to accommodate the Town's growing population while ensuring safety and mobility for all modes of travel. This proposal would capitalize on the Objective of ensuring new neighborhoods are well-connected to older neighborhoods through both motorized and non-motorized transportation at time of developmental review. Criterion 2) Impacts to the Town's facilities, services or transportation facilities have yet to be identified. Any impact to these facilities and services will be considered and addressed when development is proposed. Criterion 3) With this parcel being located on the far east end of Town, it is not anticipated that this proposal will interfere with any existing or emerging land use patterns that Frederick is currently experiencing. Criterion 4) The proposed amendment is not anticipated to interfere with or prevent the provision of any existing, planned, or previously committed services.

Zoning:

Section 4.7.2.d For the purpose of establishing and maintaining sound, stable and desirable development within the Town, the official zoning map shall not be amended except:

- (1) To correct a manifest error in an ordinance establishing the zoning for a specific property;
- (2) To rezone an area or extend the boundary of an existing district because of changed or changing conditions in a particular area or in the Town generally;
- (3) To bring the official zoning map into conformity with the policies and goals of the Comprehensive Plan; provided, that if a Comprehensive Plan update has not occurred in the five (5) years preceding the application date, the Board specifically finds that the public health, safety, and welfare will be advanced by amending the official zoning map to conform to the Comprehensive Plan;
- (4) To provide land for a community-related use that was not anticipated at the time of the adoption of the Comprehensive Plan, and which specifically advances public health, safety, or welfare by optimizing the delivery of necessary services or amenities that the Town Board determines are a high priority;
- (5) To encourage development or redevelopment of an area that has changed or is changing to such a degree that it is in the public interest to encourage development or redevelopment in accordance with an amended official zoning map.

Staff Comment: Criterion 2 is being met. By expanding the existing residential low density zone district boundary further east, it accommodates the type of residential growth that is continually attracted to Frederick's community.

Planning Commission:

A Planning Commission meeting was held on October 6, 2022. The applicant discussed the Miners Park Town Centre development proposal and its relation to this Comprehensive Plan Amendment and Rezone request in detail. The Planning Commissioners had questions regarding topics such as the originally held Neighborhood Meeting, access onto the property from Highway 52, connection to existing subdivision roadways, and xeriscaping. Upon answering their questions, the Commission took both items to a vote. They had approved the Comprehensive Plan Amendment request with a vote of 3 to 1 and approved the Rezone request with a vote of 3 to 1.

Public Notice: This project was properly noticed according to the requirements found in C.R.S. §24-6-402(2)(c).

Legal Comments:

The Town's Land Use Attorney has reviewed and provided comment on the requests.

Alternatives/Options:

Comprehensive Plan Amendment:

Motion to Ratify:

I move that the Board of Trustees ratify the Planning Commission's October 6, 2022 approval of the Johnson Farm/Spindle Hill Energy Comprehensive Plan Amendment, case no. 2022-010; and to direct

the Town Attorney to memorialize this ratification as a resolution for prompt execution by Mayor Crites without further action of the Board.

Motion to Not Ratify:

I move that the Board of Trustees not ratify the Planning Commission's October 6, 2022 approval of the Johnson Farm/Spindle Hill Energy Comprehensive Plan Amendment, case no. 2022-010; and to direct the Town Attorney to reduce this motion to writing for prompt execution by Mayor Crites without further action of the Board.

Rezone:

Motion to Approve:

I move to adopt **Ordinance No. 1385**, entitled, "Johnson Farm/Spindle Hill Energy Rezone," upon a finding that sufficient rezoning criteria set out in the Town of Frederick Land Use Code Section 4.7.2.d. have been satisfied.

Motion to Approve with Conditions:

I move to adopt **Ordinance No. 1385**, entitled, "Johnson Farm/Spindle Hill Energy Rezone," conditioned upon the following: _____, based upon a finding that, with the imposition of said conditions, sufficient rezoning criteria set out in the Town of Frederick Land Use Code Section 4.7.2.d. have been satisfied.

Motion to Deny:

I move to reject **Ordinance No. 1385**, entitled, "Johnson Farm/Spindle Hill Energy Rezone," upon a finding that none of the rezoning criteria set out in the Town of Frederick Land Use Code Section 4.7.2.d. have been satisfied.

Financial Considerations:

Not Applicable.

Staff Recommendation:

Staff is seeking Board direction regarding the rezoning request. Staff recommends that if the Board chooses not to ratify the Comprehensive Plan Amendment approval, that the rezoning request also be denied.

JOHNSON FARMS/SPINDLE HILL ENERGY MINOR SUB PLAT

Comprehensive Plan Amendment

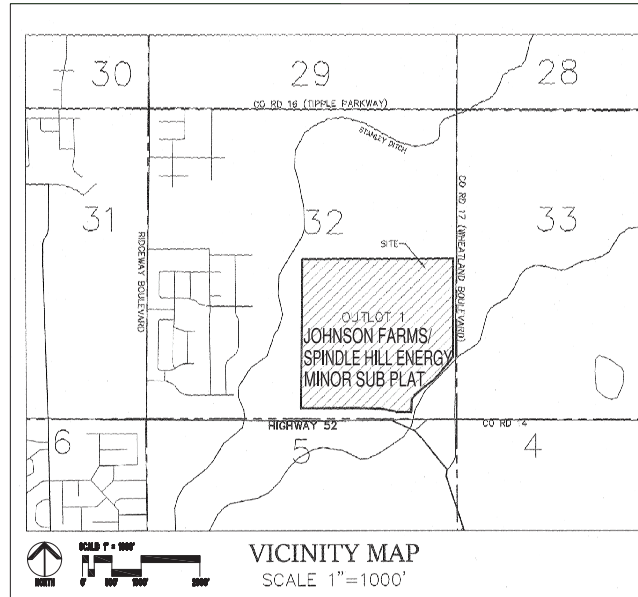
A Portion Of The SE 1/4 Of Section 32, T 2 N, R 67 W of the 6th P.M.

Weld County, Colorado

142.914 TOTAL ACRES

Sheet 1 Of 2

VICINITY MAP



LEGAL DESCRIPTION:

JOHNSON FARMS / SPINDLE HILL ENERGY MINOR SUBDIVISION,
OUTLOT 1. 142.91 ACRES MORE OR LESS.
PART OF THE SOUTH HALF OF SECTION 33, AND THE SOUTHEAST
QUARTER OF SECTION 32, TOWNSHIP 2
NORTH, RANGE 67 WEST OF THE PRINCIPAL MERIDIAN, COUNTY OF
WELD, STATE OF COLORADO

TOTAL ACREAGE:

142.91 ACRES

PROJECT TEAM:

PROPERTY OWNER:

COLUMBINE HEIGHTS, LLC
17 BEACON HILL LANE
GREENWOOD VILLAGE, CO 80211
CONTACT: MICHAEL BLUMENTHAL
303-960-0900

CIVIL ENGINEER:

CIVILAIN ENGINEERING
P.O. BOX 8
HYGIENE, CO 80503
CONTACT: GARRETT WALSTAD
(303) 961-7387

SURVEYOR:

R.W.BAYER & ASSOCIATES
121705 TEJON ST. UNIT 700
WESTMINSTER, CO 80234
CONTACT: GREG BAYER
303-452-4433

LAND USE PLANNER/LANDSCAPE ARCHITECT:

KIRBY SMITH & ASSOCIATES, INC.
6201 SOUTH HUDSON COURT
CENTENNIAL, CO 80121
CONTACT: KIRBY SMITH
303-694-9484

SHEET INDEX:

SHEET NUMBER:	SHEET NAME:
SHEET 1	- COVER SHEET
SHEET 2	- COLUMBINE HEIGHTS COMPREHENSIVE PLAN AMENDMENT

Prepared By:
Planner:



Kirby Smith & Associates, Inc.
Land Planning/Design/Architecture
6001 So. Bowen Court, Centennial, CO 80122
(303) 694-9484 Fax (303) 694-9474

Prepared For:
Columbine Heights, LLC
c/o Michael Blumenthal
17 Beacon Hill Lane
Greenwood Village, CO 80211
(303) 796-0900

JOHNSON FARMS/SPINDLE HILL ENERGY
MINOR SUB PLAT
Comprehensive Plan Amendment
Cover Sheet

Date Prepared: 07/15/22
Revisions: 09/12/22

JOHNSON FARMS/SPINDLE HILL ENERGY MINOR SUB PLAT

Comprehensive Plan Amendment

A Portion Of The SE 1/4 Of Section 32, T 2 N, R 67 W of the 6th P.M.
Weld County, Colorado
142.914 TOTAL ACRES
Sheet 2 Of 2

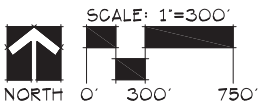
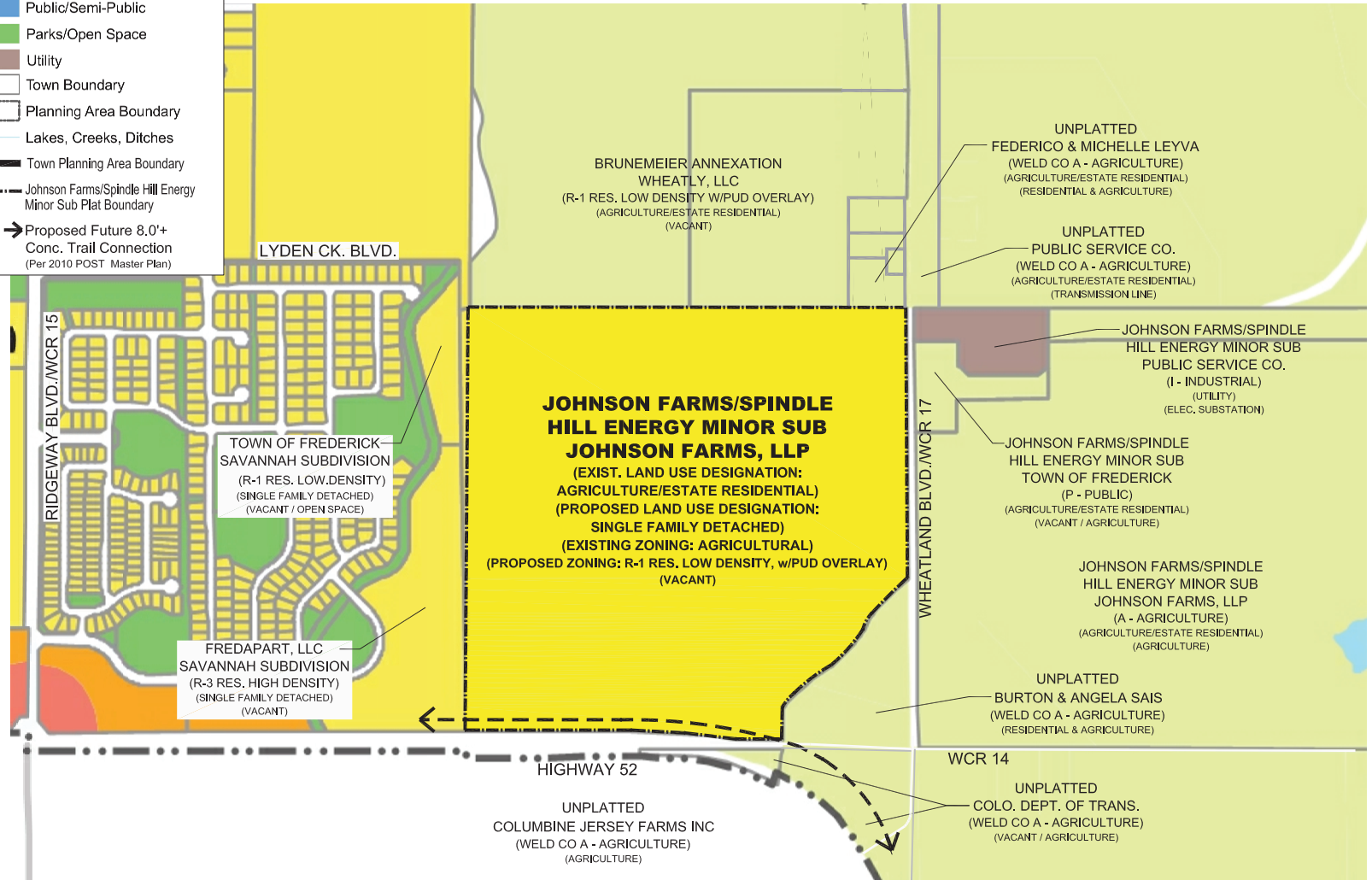
TOWN OF FREDERICK



Land Use Plan

	Agriculture/Estate Residential		Business Park/Light Industrial
	Single Family Detached		Public/Semi-Public
	Single Family Attached		Parks/Open Space
	Multi-Family		Utility
	Nonconforming Use		Town Boundary
	Downtown/Mixed Use		Planning Area Boundary
	Corridor/Regional Commercial		Lakes, Creeks, Ditches
	General Commercial		Town Planning Area Boundary
Adjacent Property Labels Legend			Johnson Farms/Spindle Hill Energy Minor Sub Plat Boundary
ANNEXATION/SUBDIVISION NAME			Proposed Future 8.0'+ Conc. Trail Connection (Per 2010 POST Master Plan)
OWNERSHIP NAME			
(EXIST. ZONING)			
(COMP. PLAN AMENDMENT/LAND USE DESIGNATION)			
(EXISTING LAND USE)			

Proposed Comprehensive Plan Amendment



THE TOWN OF FREDERICK'S 2016 COMPREHENSIVE PLAN IS UTILIZED AS THE BACKGROUND BASE MAPPING AND LEGEND FOR THIS EXHIBIT.

Prepared By:
Planner:



Kirby Smith & Associates, Inc.
Land Management & Planning
2001 So. Bowen Court, Suite 100, Golden, CO 80602
(303) 666-5454 Fax (303) 666-5474

Prepared For:
Columbine Heights, LLC
c/o Michael Humenual
17 Beacon Hill Lane
Greenwood Village, CO 80011
(303) 796-0900

JOHNSON FARMS/SPINDLE HILL ENERGY
MINOR SUB PLAT
Comprehensive Plan Amendment
Comp. Plan Amendment
Date Prepared: 07/15/22
Revisions: 09/12/22

JOHNSON FARMS / SPINDLE HILL ENERGY MINOR SUB PLAT - REZONE

LOCATED IN SECTION 32, TOWNSHIP 2 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF
FREDERICK, COUNTY OF WELD, STATE OF COLORADO.

CIVIL ENGINEER

CIVIL ENGINEERING
P.O. BOX
HYDENE, CO, 80533
(303)961-7387
CONTACT: GARRETT WALSTAD

OWNER/DEVELOPER

COLUMBINE HEIGHTS, LLC
17 BEACON HILL LANE
GREENWOOD VILLAGE, CO, 80111
(303)796-0900
CONTACT: MICHAELBENTON@MSN.COM

LANDSCAPE ARCHITECT

KIRBY SMITH & ASSOCIATES, INC.
6201 S. HUDSON COURT
CENTENNIAL, CO, 80121
CONTACT: KSAKIRBY@AOL.COM

LAND PLANNER

KIRBY SMITH & ASSOCIATES, INC.
6201 S. HUDSON COURT
CENTENNIAL, CO, 80121
CONTACT: KSAKIRBY@AOL.COM

LAND SURVEYOR (ORIGINAL FINAL PLAT)

POWER SURVEYING COMPANY, INC.
6911 BROADWAY
DENVER, CO, 80221
(303)452-4433
CONTACT: RICHARD B. GABRIEL

LAND SURVEYOR (REZONE MAP)

R.W. BAYER & ASSOCIATES
12170 TEJON ST. UNIT 700
WESTMINSTER, CO, 80234
(303)452-4433
CONTACT: GREG BAYER

LAND SURVEYOR (TOPOGRAPHIC SURVEY AND FUTURE PLATTING)

R.W. BAYER & ASSOCIATES
12170 TEJON ST. UNIT 700
WESTMINSTER, CO, 80234
(303)452-4433
CONTACT: GREG BAYER

NOTES:

1. ALL LINEAR DISTANCES ARE U.S. SURVEY FEET.
2. BASIS OF BEARINGS: THE NORTH LINE OF THE SOUTHEAST ONE-QUARTER OF SECTION 32, TOWNSHIP 2 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, MONUMENTS SHOWN HEREON IS ASSUMED TO BEAR N89°02'30"E.
3. THIS PROPERTY IS LOCATED IN UNSHADED ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) PER FIRM MAP NUMBERS 08123C2083E WITH AN EFFECTIVE DATE OF 01/20/2016. A FLOOD "A" DESIGNATION IS LOCATED SOUTH OF HIGHWAY 52 WHICH IS OUTSIDE OF THE SHOWN PROJECT BOUNDARY.
4. THIS PROPERTY IS CURRENTLY ZONED A AGRICULTURAL DISTRICT.
5. THIS MAP IS NOT A LAND SURVEY PLAT OR IMPROVEMENT SURVEY PLAT, DOES NOT REPRESENT A MONUMENTED LAND SURVEY, AND IS NOT INTENDED FOR THE PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND.

CERTIFICATE OF OWNERSHIP:

KNOW ALL MEN BY THESE PRESENTS THAT

JOHNSON FARMS LLP, A COLORADO LIMITED LIABILITY PARTNERSHIP

BEING THE OWNER(S), MORTGAGEE OR LIEN HOLDER OF CERTAIN LANDS IN FREDERICK, COLORADO, HAVE CAUSED AN AMENDMENT TO THE OFFICIAL ZONING MAP OF THE TOWN OF FREDERICK TO BE PREPARED FOR SAID LAND TO SHOW HOW THE LOT, PARCEL OR TRACT WILL BE DEVELOPED. THIS LAND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

OUTLOT 1, JOHNSON FARMS/SPINDLE HILL ENERGY MINOR SUBDIVISION, LYING WITHIN THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 2 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO.

THIS DESCRIBED TRACT CONTAINS 142.914 ACRES MORE OR LESS, TOGETHER WITH AND SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY EXISTING AND/OR PUBLIC RECORD, DO HEREBY AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF FREDERICK, WELD COUNTY, COLORADO AS DEPICTED HEREON, SUBJECT TO APPROVAL BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK.

EXECUTED THIS _____ DAY OF _____, 20____

JOHNSON FARMS, LLP,
A COLORADO LIMITED LIABILITY PARTNERSHIP, LLP

BY: _____
AS: _____

ACKNOWLEDGE:

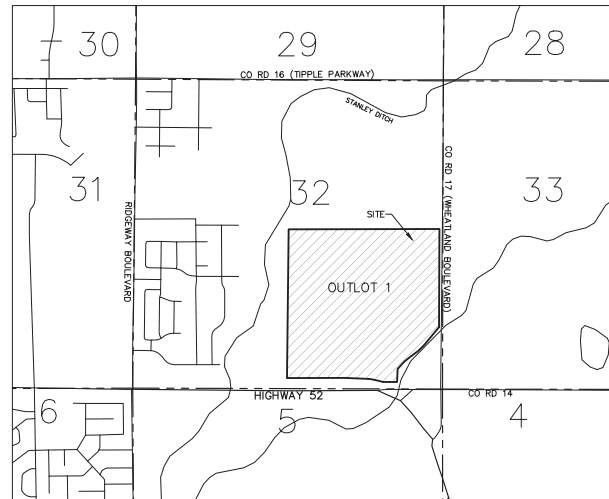
STATE OF COLORADO

COUNTY OF _____ } SS

THE FOREGOING CERTIFICATE OF OWNERSHIP WAS ACKNOWLEDGED BEFORE ME BY
OF _____, ACTING IN HIS CAPACITY AS _____, 20____
OF _____, THIS _____ DAY OF _____, 20____

WITNESS MY HAND AND SEAL:

NOTARY PUBLIC
MY COMMISSION EXPIRES _____



VICINITY MAP

SCALE 1"=1000'

SHEET INDEX

SHEET 1	COVER SHEET
SHEET 2	REZONE MAP

PREPARED BY:

R.W. BAYER & ASSOCIATES, INC.
12170 TEJON STREET, UNIT 700
WESTMINSTER, COLORADO 80234
(303)452-4433
RWBSURVEYING@HOTMAIL.COM
CAD FILE: 20031/200318.DWG
PAGE 1 OF 2
DATE PREPARED: JUNE 01, 2020

CAD FILE: 22029/22029.DWG REVISIONS:
6/30/22: REVISED ZONING LABELS AND DATE FOR SURVEY CERTIFICATE
9/10/22: REVISED TITLE

REZONE MAP

OUTLOT 1 OF JOHNSON FARMS/SPINDLE HILL ENERGY SUBDIVISION, BEING A PART OF THE SOUTEAST ONE-QUARTER OF SECTION 32, TOWNSHIP 2 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO.

PLANNING COMMISSION CERTIFICATE:

APPROVED BY THE FREDERICK PLANNING COMMISSION WITH PLANNING COMMISSION
RESOLUTION 20____, THIS _____ DAY OF _____, 20____

CHAIRMAN _____

PLANNING COMMISSION SECRETARY _____

CERTIFICATE OF APPROVAL BY THE BOARD OF TRUSTEES:

THIS AMENDMENT TO THE OFFICIAL ZONING MAP AMENDS ORDINANCE NO. _____ AND IS TO BE KNOWN AS THE JOHNSON FARMS / SPINDLE HILL ENERGY MINOR SUB PLAT - REZONE AND IS APPROVED AND ACCEPTED BY ORDINANCE NO. _____ PASSED AND ADOPTED AT THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF FREDERICK, COLORADO, HELD ON _____, 20____. ALL CONDITIONS, TERMS AND SPECIFICATIONS DESIGNATED OR DESCRIBED HEREIN SHALL BE BINDING ON THE OWNER, ITS HEIRS, SUCCESSORS, AND ASSIGNS.

MAYOR _____

ATTEST: _____

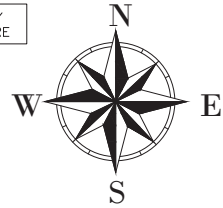
TOWN CLERK _____

R.W. BAYER & ASSOCIATES, INC.
12170 TEJON ST., NO 700
WESTMINSTER, COLORADO 80234
(303) 452-4433 RWBSURVEYING@HOTMAIL.COM

SCALE:	DATE: APRIL 7, 2022	DRW BY: E.A.P.	CKD BY: R.W.B.	PROJ. NO: 2022-029
BOOK: ---	PAGE: --	FILE NO: 32-2N.67-12L	SHEET: 1 OF 2	

JOHNSON FARMS / SPINDLE HILL ENERGY MINOR SUB PLAT - REZONE

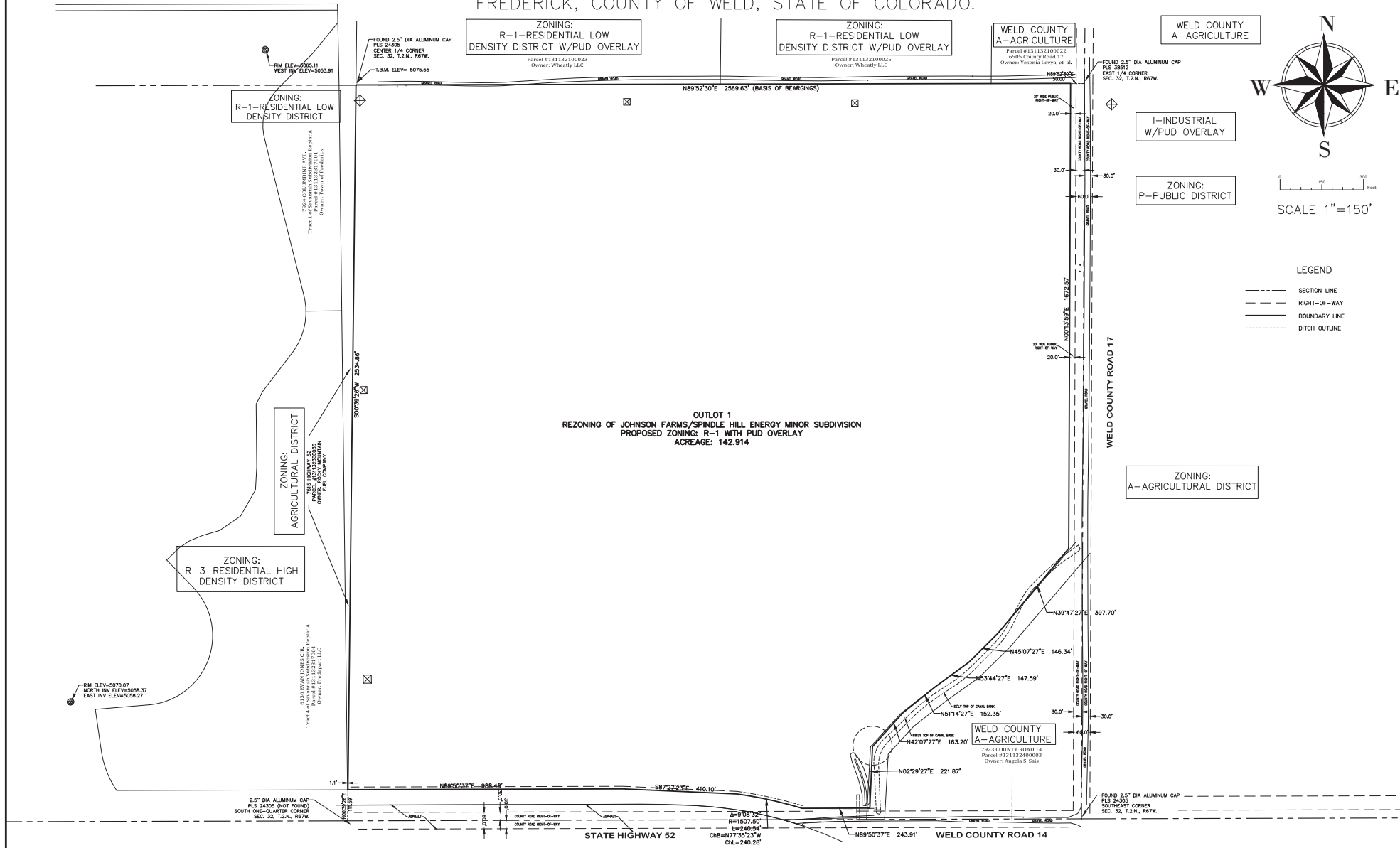
LOCATED IN SECTION 32, TOWNSHIP 2 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF FREDERICK, COUNTY OF WELD, STATE OF COLORADO.



SCALE 1"=150'

LEGEND

- SECTION LINE
- - - RIGHT-OF-WAY
- BOUNDARY LINE
- - - DITCH OUTLINE



R.W. BAYER & ASSOCIATES, INC.

12170 TEJON ST., NO 700
WESTMINSTER, COLORADO 80234
(303) 452-4433 RWBSURVEYING@HOTMAIL.COM

CAD FILE: 22029/2029.DWG REVISIONS:
6/30/22: REVISED ZONING LABELS AND DATE FOR SURVEY CERTIFICATE
9/10/22: REVISED TITLE

REZONE MAP

OUTLOT 1 OF JOHNSON FARMS/SPINDLE HILL ENERGY SUBDIVISION, BEING A PART OF THE SOUTEAST ONE-QUARTER OF SECTION 32, TOWNSHIP 2 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO.

SCALE: 1"=150'

DATE: APRIL 7, 2022

DRW BY: E.A.P.

CKD BY: R.W.B.

PROJ. NO: 2022-029

BOOK: ---

PAGE: --

FILE NO: 32-2N.67-12L

SHEET: 2 OF 2



Kirby Smith & Associates, Inc.

April 26, 2022

Revised September 2, 2022

Town of Frederick Planning Department
401 Locust Street/P.O. Box 435
Frederick, CO 80530

RE: Columbine Heights Property – 142.914 Ac. – Comprehensive Plan Amendment & Rezone (to R-1 w/PUD Overlay)
Application

Dear Planning Department:

Our company, Kirby Smith & Associates, Inc., on behalf of the property developers, Columbine Heights, LLC, are proposing a new single family detached residential community within the Town of Frederick. The project is located north of State Highway 52, and west of WCR 17 (parcel number 1311-32-4-17-004). The project includes **142.914 acres** and is currently **zoned Agricultural (A)** in the Town of Frederick, and proposes to **amend the Town's Comprehensive Plan from Agriculture/Estate Residential to Single Family Detached land use designation, and Rezone to Residential Low Density (R-1 with PUD overlay).**

The intent is to then develop this property as a high quality residential community, containing all Single Family Detached lots at a density of about 2.75 DU/Ac; a 12 acre Elementary School site (which the St. Vrain Valley School District has indicated that they are very interested in and will accept); and over 33% of the property as park and open space areas.

The property's future residential lots and school site are proposed to be accessed via a new north/south collector street connecting at the south with Hwy 52 (at a location which was recently determined by the Town engineering staff and CDOT), and continuing north into the neighboring Wheatfield proposed Single Family Residential community, in the general alignment shown on the Town's Transportation Master Plan (approved in February 2022). This collector street is expected to intersect with another east/west collector street within the proposed Wheatfield community (also shown on the Town's Transportation Master Plan) which is planned to connect to Ridgeway Blvd. along the Lyden Creek Blvd. alignment. Other access will be provided from WCR 17 to the east.

The property is located adjacent to Hwy. 52 and Weld County agricultural land to the south; an existing Weld County A-1 zoned residence near the southeast corner; Town of Frederick annexed agricultural land to the east; the Savannah Subdivision (single family detached residential zoned R-1) and more specifically directly adjacent to the 18.9 acre multi-family Tract (zoned R-3), and 4.4 acre open space tract owned by the Town of Frederick to the west (both also within the Savannah Subdivision); and the aforementioned Wheatfield future residential property (zoned R-1 with PUD Overlay) to the north.

The site is made up of gently sloping terrain, generally oriented toward the southeast and to the northwest, with a ridge running through the property from generally the northeast corner to the southwest corner. The site gently rises away from Hwy 52, WCR 17, and the Town open space areas to the west toward the higher ground across the middle and northern portions of the property. The Stanley Ditch Lateral forms the property far southeast property boundary; there are existing overhead power transmission lines in easements located along the north and west property lines; an existing pipeline easement along the eastern property line; there is one active oil and gas multi-well site near the southeast corner of the property; and two previously capped and abandoned well sites in the eastern half of the property. Much of the overall property offer future homes views toward the mountains of the Colorado Front Range to the west. The entire property (other than the active well site area) is currently used for agricultural production. No perennial waters, other than the adjacent irrigation ditch have been observed on the property.



Kirby Smith & Associates, Inc.

The Columbine Heights property is designated Agriculture/Estate Residential in the Town's Comprehensive Plan, which we believe to be an oversight due to the current zoning, and existing and future land use of the surrounding properties. The adjacent properties which abut the subject property to the north and west are zoned R-1 and R-3 in Frederick (the Savannah neighborhood to the west is zoned R-1 and R-3, and the Wheatfield property to the north, zoned R-1 with PUD Overlay). Both are zoned for Single Family Detached and possibly some Single Family Attached uses. Therefore this property should be designated for similar land uses and designated as Single Family Detached. Therefore a Comprehensive Plan Amendment is being proposed with this rezoning.

Dependent upon required approval processing, development could commence in early 2023, with lot sales commencing at a shortly thereafter.

Owners: Johnson Farms LLP
c/o Susan Troutt
16 Sunset Cir
Longmont, CO 805014708

Developers: Columbine Heights, LLC
c/o Michael Blumenthal
17 Beacon Hill Lane
Greenwood Village, CO 80211

Applicant/Representative: Kirby Smith & Associates, Inc.,
Mr. Kirby Smith -303-694-9484
6201 So. Hudson Ct.
Centennial, CO 80121

Sincerely,

Kirby J. Smith
President



401 Locust Street • P.O. Box 435 • Frederick, CO 80530-0435

Phone: (720) 382-5500 • Fax: (720) 382-5520

www.frederickco.gov

MINUTES
TOWN OF FREDERICK
PLANNING COMMISSION
MEETING CONDUCTED IN PERSON AND VIA ZOOM
OCTOBER 06, 2022
6:00 PM

CALL TO ORDER: At 6:09 p.m., Chairperson Moe called the meeting to order and requested roll call.

ROLL CALL:

- Present: Chairperson Moe, Commissioner Mahoney, Commissioner Scott, and Commissioner Stark.
- Not present: Commissioner Conroy
- Staff: Planning Manager Ali van Deutekom, Planner Maureen Welsh, Land Use Attorney Christine Francescani, and Deputy Town Clerk Taylor Kittilson.

APPROVAL OF AGENDA:

There were no changes to the agenda as presented.

APPROVAL OF SEPTEMBER 15, 2022 MINUTES:

Motion by Commissioner Stark and seconded by Commissioner Scott to approve the September 15, 2022 Minutes.

Upon roll call vote, motion passed unanimously, with Commissioner Mahoney abstaining from voting.

JOHNSON FARM/SPINDLE HILL ENERGY COMPREHENSIVE PLAN AMENDMENT, CASE NO.2022-010 & JOHNSON FARM/SPINDLE HILL ENERGY REZONE:

Planner Maureen Welsh presented the proposed comprehensive plan amendment.

Applicant Kirby Smith (6201 S Hudson Court, Littleton CO, 80121) addressed the commission with a short presentation.

Applicant Tyler Bray (1401 Lawrence Street, Suite 1100, Denver CO, 80202) addressed the commission with a short presentation.

At 6:49 Chairperson Moe opened the public hearing.

At 6:50, Chairperson Moe closed the public hearing.

Motion by Commissioner Scott and seconded by Commissioner Mahoney to approve the Johnson Farm/Spindle Hill Energy Comprehensive Plan Amendment, case no. 2022-010 based on the review criteria found in the Town Land Use Code Section 4.7.10, with no conditions; and to direct the Town Attorney to memorialize this approval as a resolution for prompt execution by Chairperson Moe without further action of the Commission.

Built on What Matters.

Upon roll call vote, motion passed 3 – 1, with Commissioner Stark voting against the approval.

Motion by Commissioner Scott and seconded by Commissioner Mahoney to approve PCR-2022-12 A, the Johnson Farm/Spindle Hill Energy Rezone.

Upon roll call vote, motion passed 3 – 1, with Commissioner Stark voting against the approval.

OTHER BUSINESS:

Discussion about applying for vacancies on the commission.

Commissioner Stark clarified that he voted against the proposed comprehensive plan amendment and the rezone in order to be consistent.

There being no further business of the Planning Commission, Chairperson Moe adjourned the meeting at 6:59 p.m.

Approved by the Planning Commission:



Tracy Moe, Chairperson

ATTEST:



Taylor Kittilson, Deputy Town Clerk

1 **PCR-2022-12A**

2 **A Resolution of the Planning Commission**

3 **Recommending Approval of the Johnson Farm Spindle Hill Energy Rezone**

4
5 Be it resolved by the Planning Commission of the Town of Frederick, Colorado:

6
7 Section 1. The Frederick Planning Commission finds that:

8 1.1 An application for the Johnson Farm Spindle Hill Energy Rezone has been
9 submitted.

10 1.2 Said application was found to be complete through the review process.

11 1.3 Said application was considered during a public meeting held October 6, 2022.

12 1.4 Proper notice was given according to Section 4.5 of the Frederick Land Use Code.

13 1.5 Said application conforms with the applicable requirements of Section 4.2 of the
14 Frederick Land Use Code.

15 Section 2.

16 2.1 A public hearing was held and the public was able to provide testimony.

17
18 2.2 The Planning Commission recommendation is based on competent, substantial
19 evidence in the written record and the testimony provided at the public hearing.

20
21 Section 3. On the basis of the above, the Town of Frederick Planning Commission
22 recommends approval of the application.

23
24 This resolution approved this 6th day of October, 2022 by a vote of 3 to 1.

25
26 

27 _____
28 Tracy Moe, Chairperson, Planning Commission
29
30
31

1 **PCR-2022-13A**

2 **A Resolution of the Planning Commission**

3 **Recommending Approval of the Johnson Farm Spindle Hill Energy Comprehensive Plan**
4 **Amendment**

5
6 Be it resolved by the Planning Commission of the Town of Frederick, Colorado:

7
8 Section 1. The Frederick Planning Commission finds that:

9 1.1 An application for the Johnson Farm Spindle Hill Energy Comprehensive Plan
10 Amendment has been submitted.

11 1.2 Said application was found to be complete through the review process.

12 1.3 Said application was considered during a public meeting held October 6, 2022.

13 1.4 Proper notice was given according to Section 4.5 of the Frederick Land Use Code.

14 1.5 Said application conforms with the applicable requirements of Section 4.2 of the
15 Frederick Land Use Code.

16 Section 2.

17 2.1 A public hearing was held and the public was able to provide testimony.

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20 evidence in the written record and the testimony provided at the public hearing.

21
22 Section 3. On the basis of the above, the Town of Frederick Planning Commission
23 recommends approval of the application.

24
25 This resolution approved this 6th day of October, 2022 by a vote of 3 to 1.

26 

27
28 _____
29 Tracy Moe, Chairperson, Planning Commission
30
31

Columnar Investments
Texas and Colorado
512.638.6682
jlandwehr@traylor.com
columnarinvestments.com



City of Frederick
c/o Maureen Welsh
401 Locust St.
Frederick, CO 80530

RE: Columbine Heights Comprehensive Plan Amendment and Rezoning Hearing

Ms. Welch,

I received notice of the Columbine Heights Project and their request for comprehensive plan amendment and rezoning. I represent Wheatly, LLC. owner of Wheatlands Master Planned Community, located immediately to the North of this proposed project. We have been engaged with the City regarding the planning and development of Wheatlands for some time, having submitted a preliminary development plan earlier this year. We have considerable concerns regarding the lack of information provided by this group and their unwillingness to coordinate with their neighbors.

At this time, our initial concerns are regarding transportation, drainage, utility connection and capacity.

One of our major concerns regards the Columbine Heights transportation plan. We have been provided very little information regarding their proposed transportation plan and alignment, but it appears to us that they are not adhering to the recently revised Transportation Master plan. At the request of the City Staff, we have revised our transportation plan to strictly adhere to the current transportation master plan. We feel that the City's Planning and Engineering staff has set the bar when applying their long-range plans, and Columbine Heights needs to maintain this standard. Our worry is that their proposed alignment will impede traffic circulations in Wheatlands and surrounding areas. Until sufficient information is provided to understand their proposed traffic master plan revisions and a comprehensive traffic analysis has been conducted a rezoning should not be allowed.

Another major issue is their stormwater drainage and erosion plans. We understand that this project is proposing to use our site for outfall of storm water drainage. If this is their plan, they have not approached us with adequate information to evaluate this nor have they proposed an acquisition of easements and cost sharing of their improvements. We need significantly more information to understand how they are going to adhere to City, State and Federal rules regarding their drainage.

Other issues include their ability to connect and obtain capacity for water and wastewater service. Their proposed residential zoning will have a significant impact on water and wastewater capacity in the region. If they are planning on utilizing existing and future infrastructure in the area, they have not approached us with adequate information to evaluate this nor have they proposed an acquisition of easements and cost sharing of their improvements.

Regards,

A handwritten signature in blue ink, appearing to read "John C Landwehr".

John C Landwehr
Wheatly, LLC.

Columnar Investments
Texas and Colorado
512.638.6682
jlandwehr@traylor.com
columnarinvestments.com

Johnson Farms/Columbine Heights (JF/CH)
Responses To The Letter Below
(Received By Town Staff On 10/06/22)
Prepared 10/13/22



City of Frederick
c/o Maureen Welsh
401 Locust St.
Frederick, CO 80530

RE: Columbine Heights Comprehensive Plan Amendment and Rezoning Hearing

Ms. Welch,

I received notice of the Columbine Heights Project and their request for comprehensive plan amendment and rezoning. I represent Wheatly, LLC. owner of Wheatlands Master Planned Community, located immediately to the North of this proposed project. We have been engaged with the City regarding the planning and development of Wheatlands for some time, having submitted a preliminary development plan earlier this year. We have considerable concerns regarding the lack of information provided by this group and their unwillingness to coordinate with their neighbors. < Please see the attached summary of Johnson Farms/Columbine Heights e-mail correspondence with the Wheatlands' planning and engineering design team (beginning in Feb. 2022 thru Sept. 29, 2022).

At this time, our initial concerns are regarding transportation, drainage, utility connection and capacity.

✓ In the attached e-mail summary there are several highlighted references where JF/CH plans & engineering CAD files have been provided.

One of our major concerns regards the Columbine Heights transportation plan. We have been provided very little information regarding their proposed transportation plan and alignment, but it appears to us that they are not adhering to the recently revised Transportation Master plan. At the request of the City Staff, we have revised our transportation plan to strictly adhere to the current transportation master plan. We feel that the City's Planning and Engineering staff has set the bar when applying their long-range plans, and Columbine Heights needs to maintain this standard. Our worry is that their proposed alignment will impede traffic circulations in Wheatlands and surrounding areas. Until sufficient information is provided to understand their proposed traffic master plan revisions and a comprehensive traffic analysis has been conducted a rezoning should not be allowed.

^ The attached e-mail summary also contains JF/CH correspondence with Town engineering staff, regarding street alignments.

^ Please note that a Traffic Analysis is not required at the Rezone stage. But will be provided with PDP/Prelim. Plat application.

Another major issue is their stormwater drainage and erosion plans. We understand that this project is proposing to use our site for outfall of storm water drainage. If this is their plan, they have not approached us with adequate information to evaluate this nor have they proposed an acquisition of easements and cost sharing of their improvements. We need significantly more information to understand how they are going to adhere to City, State and Federal rules regarding their drainage. ^ The JF/CH property drainage is primarily oriented to the west and south, NOT north toward the Wheatlands property.

Other issues include their ability to connect and obtain capacity for water and wastewater service. Their proposed residential zoning will have a significant impact on water and wastewater capacity in the region. If they are planning on utilizing existing and future infrastructure in the area, they have not approached us with adequate information to evaluate this nor have they proposed an acquisition of easements and cost sharing of their improvements.

Regards,

A handwritten signature in blue ink, appearing to read "John C Landwehr".

John C Landwehr

Wheatly, LLC.

^ Coordination of water and wastewater infrastructure are items to be addressed at the Prelim. Development Plan/Prelim. Plat stage. However as indicated in the attached e-mail correspondence summary, JF/CH has reached out to and shared information with the Wheatlands development team on multiple occasions, but have yet to be able to schedule a meeting with them. Mr. Landwehr will be added to all such future correspondence.

**Columbine Heights E-Mail Correspondence With Wheatlands Property Development Team
February 11, 2022 Thru September 29, 2022**

-----Original Message-----

From: Kirby Smith <ksakirby@aol.com>

To: kristin@tbgroupp.us <kristin@tbgroupp.us>; jclaeys@highland-ds.com <jclaeys@highland-ds.com>;
garrett@civilianengineering.com <garrett@civilianengineering.com>

Sent: Thu, Sep 29, 2022 11:34 am

Subject: Re: Columbine Heights / Wheatfield Concept Plans

Hi Kristin,

Thanks for your reply. We understand your need to review your proposed new plans with the Town before releasing them for our viewing. However, can you advise if you were able to align with our proposed north/south collector?

Please let us know.

Thank you, Kirby

Kirby Smith, PLA, ASLA

Kirby Smith & Associates, Inc.

Land Planning ♦ Site Design ♦ Landscape Architecture

6201 So. Hudson Court, Centennial, CO 80121

Mobile: 303-638-1847 Phone: 303-694-9484 Fax: 303-694-9272

e-mail: ksakirby@aol.com

-----Original Message-----

From: kristin@tbgroupp.us <kristin@tbgroupp.us>

To: Kirby Smith <ksakirby@aol.com>; jclaeys@highland-ds.com <jclaeys@highland-ds.com>; garrett@civilianengineering.com
<garrett@civilianengineering.com>

Sent: Thu, Sep 29, 2022 9:48 am

Subject: RE: Columbine Heights / Wheatfield Concept Plans

Hi Kirby –

I think I mentioned we were working through the collector roads internally in my last update. We have wrapped up connecting on that but will need to coordinate with the Town next. I'd recommend checking back in about 2 weeks since it can sometimes be difficult to schedule meetings with staff. If we are ready to share alignments before then, I'll be sure to let you know.

Best,
Kristin

Kristin Turner

Partner

TB | Group

landscape architecture | planning

444 Mountain Avenue

Berthoud, Colorado 80513

970.532.5891 x105

Kristin@TBGroup.us

www.TBGroup.us

From: Kirby Smith <ksakirby@aol.com>
Sent: Thursday, September 29, 2022 9:13 AM
To: kristin@tbgroun.us; jclaeys@highland-ds.com; garrett@civilianengineering.com
Subject: Re: Columbine Heights / Wheatfield Concept Plans

Hi Kristen & Jason,

Just wanted to touch base regarding my message from earlier this week (below).

We'd appreciate an update as to the status of these inquiries.

Thank you, Kirby

Kirby Smith, PLA, ASLA

Kirby Smith & Associates, Inc.

Land Planning ♦ Site Design ♦ Landscape Architecture

6201 So. Hudson Court, Centennial, CO 80121

Mobile: 303-638-1847 Phone: 303-694-9484 Fax: 303-694-9272

e-mail: ksakirby@aol.com

-----Original Message-----

From: Kirby Smith <ksakirby@aol.com>

To: kristin@tbgroun.us <kristin@tbgroun.us>; jclaeys@highland-ds.com <jclaeys@highland-ds.com>; garrett@civilianengineering.com <garrett@civilianengineering.com>

Sent: Mon, Sep 26, 2022 11:05 am

Subject: Re: Columbine Heights / Wheatfield Concept Plans

Hi Kristin & Jason,

Kristin, I just left you a voicemail message about the following. We'd like to get a new plan for the above property with your revised street layout to send to our traffic engineer (so they can complete trip assignments for their report). Please let us know when you expect to be able to have this available?

Jason, please advise if you'd still be able to schedule a call with Garrett Walstad and I to review some of the grading, drainage and utility interaction between these two properties? If so let us know some times that would work for you.

Thank you, Kirby

Kirby Smith, PLA, ASLA

Kirby Smith & Associates, Inc.

Land Planning ♦ Site Design ♦ Landscape Architecture

6201 So. Hudson Court, Centennial, CO 80121

Mobile: 303-638-1847 Phone: 303-694-9484 Fax: 303-694-9272

e-mail: ksakirby@aol.com

-----Original Message-----

From: Kirby Smith <ksakirby@aol.com>

To: kristin@tbgroun.us <kristin@tbgroun.us>; jclaeys@highland-ds.com <jclaeys@highland-ds.com>; garrett@civilianengineering.com <garrett@civilianengineering.com>

Sent: Wed, Sep 21, 2022 10:49 am

Subject: Re: Columbine Heights / Wheatfield Concept Plans

Hi Kristin & Jason,

Kristin, thanks for your reply below. Please let us know if you have new plan alternatives to share?

Jason, please advise if you'd still be able to schedule a call with Garrett Walstad and I to review some of the grading, drainage and utility interaction between these two properties? If so let us know some times that would work for you.

Thank you, Kirby

Kirby Smith, PLA, ASLA

Kirby Smith & Associates, Inc.

Land Planning ♦ Site Design ♦ Landscape Architecture

6201 So. Hudson Court, Centennial, CO 80121

Mobile: 303-638-1847 Phone: 303-694-9484 Fax: 303-694-9272

e-mail: ksakirby@aol.com

-----Original Message-----

From: kristin@tbgroup.us <kristin@tbgroup.us>

To: Kirby Smith <ksakirby@aol.com>; jclaeys@highland-ds.com <jclaeys@highland-ds.com>; garrett@civilianengineering.com <garrett@civilianengineering.com>

Sent: Wed, Sep 14, 2022 5:44 pm

Subject: RE: Columbine Heights / Wheatfield Concept Plans

Hi Kirby –

We are working through some options now and would be happy to share them once they are vetted by the team and the Town. I'll keep you posted. Feel free to check back in with me if you don't hear from me soon.

I'll leave it to you all and Jason to coordinate a time to grading and drainage.

Best,
Kristin

Kristin Turner
Partner

TB | Group

landscape architecture | planning

444 Mountain Avenue
Berthoud, Colorado 80513
970.532.5891 x105
Kristin@TBGroup.us
www.TBGroup.us

From: Kirby Smith <ksakirby@aol.com>

Sent: Wednesday, September 14, 2022 5:26 PM

To: jclaeys@highland-ds.com; garrett@civilianengineering.com

Cc: kristin@tbgroup.us

Subject: Re: Columbine Heights / Wheatfield Concept Plans

Hi Jason & Kristin,

Just thought I'd touch base to see if you have any updates regarding the north/south collector alignment?

Please let us know how you're progressing.

Also, please advise if you'd still be able to schedule a call with Garrett Walstad and I to review some of the grading, drainage and utility interaction between these two properties? If so let us know some times that would work for you.

Thank you, Kirby

Kirby Smith, PLA, ASLA

Kirby Smith & Associates, Inc.

Land Planning ♦ Site Design ♦ Landscape Architecture

6201 So. Hudson Court, Centennial, CO 80121

Mobile: 303-638-1847 Phone: 303-694-9484 Fax: 303-694-9272

e-mail: ksakirby@aol.com

-----Original Message-----

From: Garrett Walstad <garrett@civilianengineering.com>

To: 'Jason Claeys' <jclaeys@highland-ds.com>; 'Kirby Smith' <ksakirby@aol.com>

Cc: kristin@tbgroup.us

Sent: Thu, Sep 1, 2022 10:34 pm

Subject: RE: Columbine Heights / Wheatfield Concept Plans

Hi Jason, It's good to hear from you and I hope that your design is coming along ok.

I have attached my CAD as well. There is still information to be desired, but it should provide you backgrounds for the general layout and grading.

I was hoping to talk with you about possible routing our western pond outflow (this is the extremely limited release Tri-county sump basin) through your site and into the city storm sewer. The ditch company has a zero storm inflow policy that I would rather leave alone if possible. Unfortunately we are surrounded by ditches.

Please let me know if/when you would be ready/available to discuss any cross-site coordination tactics. Thanks!

Sincerely,

Garrett Walstad, P.E.
Manager

303.961.7387

P.O. Box 8

Hygiene, CO 80533

www.civilianengineering.com

-----Original Message-----

From: Jason Claeys <jclaeys@highland-ds.com>

To: Kirby Smith <ksakirby@aol.com>; garrett@civilianengineering.com <garrett@civilianengineering.com>

Cc: kristin@tbgroup.us <kristin@tbgroup.us>

Sent: Thu, Sep 1, 2022 5:07 pm

Subject: RE: Columbine Heights / Wheatfield Concept Plans

Thanks Kirby, We appreciate the background info and we'll see what we can do to get them to align.

Thank you,

Jason T. Claeys, P.E., LEED AP
Highland Development Services, Inc. | jclaeys@highland-ds.com
6355 Fairgrounds Avenue, Suite 100 | Windsor, CO 80550
D 970.674.7570 | M 970.817.1712

From: Kirby Smith <ksakirby@aol.com>

Sent: Thursday, September 1, 2022 4:43 PM

To: Jason Claeys <jclaeys@highland-ds.com>; garrett@civilianengineering.com

Cc: kristin@tbgroup.us

Subject: Re: Columbine Heights / Wheatfield Concept Plans

Hi Jason & Kristin,

Thanks for your follow up message below. As requested please see the attached CAD and xref files for the Columbine Heights property.

Please note that we have recently meet with the CDOT and the Town staff, and have confirmed that our proposed north/south collector intersection alignment is in compliance with the CDOT access plan for Hwy 52, and in compliance with the Town's Transportation Master Plan.

Also, based on discussions with the School District for their future elementary school site in Columbine Heights they require frontage along the collector street as we have proposed. Therefore, we'd hope you can match our proposed collector street alignment at your south property line. We do however have more flexibility regarding where a north/south local street connection can be shared further toward the east.

Garrett can provide more detailed grading, drainage, and utility information if you should need this as well.

Please let us know if you have any questions; and keep in touch with regard to your future plan alternatives.

Thank you, Kirby

Kirby Smith, PLA, ASLA

Kirby Smith & Associates, Inc.

Land Planning ♦ Site Design ♦ Landscape Architecture

6201 So. Hudson Court, Centennial, CO 80121

Mobile: 303-638-1847 Phone: 303-694-9484 Fax: 303-694-9272

e-mail: ksakirby@aol.com

-----Original Message-----

From: Jason Claeys <jclaeys@highland-ds.com>

To: Kirby Smith <ksakirby@aol.com>; garrett@civilianengineering.com <garrett@civilianengineering.com>

Cc: kristin@tbggroup.us <kristin@tbggroup.us>

Sent: Thu, Sep 1, 2022 3:44 pm

Subject: RE: Columbine Heights / Wheatfield Concept Plans

Hi Kirby / Garrett,

Kristin is testing the site to determine impacts and feasibility of shifting the north-south collector through Wheatland. Unsure how this may impact Columbine but we will share what we come up with when ready.

Would you be able to share the base CAD files for Columbine to use for reference as we test different options?

Thank you,

Jason T. Claeys, P.E., LEED AP

Highland Development Services, Inc. | jclaeys@highland-ds.com

6355 Fairgrounds Avenue, Suite 100 | Windsor, CO 80550

D 970.674.7570 | M 970.817.1712

From: Kirby Smith <ksakirby@aol.com>

Sent: Wednesday, July 6, 2022 10:53 AM

To: garrett@civilianengineering.com; kristin@tbggroup.us; Jason Claeys <jclaeys@highland-ds.com>

Cc: michaelbent@msn.com

Subject: Re: Columbine Heights / Wheatfield Concept Plans

Hi Kristin & Jason,

I thought I'd touch base regarding Garrett's earlier message below. We'd like to get together with you to coordinate street alignments for these two properties.

Based on our correspondence with Jason Berg we believe that our north, south collector street alignment is what the town has referred to in your recent comments.

Per Garrett's message, the attached redlined plan was put together using the plans you submitted and some of your town comments. We'd like to discuss if this close to what you had in mind to address the Town's comments?

Please let us know when you'd be available for a conference call?

Thank you, Kirby

Kirby Smith, PLA, ASLA

Kirby Smith & Associates, Inc.

Land Planning ♦ Site Design ♦ Landscape Architecture

6201 So. Hudson Court, Centennial, CO 80121

Mobile: 303-638-1847 Phone: 303-694-9484 Fax: 303-694-9272

e-mail: ksakirby@aol.com

-----Original Message-----

From: Garrett Walstad <garrett@civilianengineering.com>

To: kristin@tbgroupp.us <kristin@tbgroupp.us>; Jason Claeys <jclaeys@highland-ds.com>

Cc: Kirby Smith <ksakirby@aol.com>; MICHAEL BLUMENTHAL <michaelbent@msn.com>

Sent: Fri, Jun 24, 2022 6:12 am

Subject: RE: Columbine Heights / Wheatfield Concept Plans

Hi Kristin and Jason,

We are following up on this and seeing if you have any updated plans or want to coordinate some things moving forward?

Attached is a redlined plan that we have put together using the plans you submitted and some town comments. Is this close to what you had in mind?

Please let us know if you have any feedback or time for a conversation to discuss some of this with us. Thanks!

Sincerely,

Garrett Walstad

Manager

Civilian Engineering LLC

303.961.7387

P.O. Box 8

Hygiene, CO 80533

www.civilianengineering.com

-----Original Message-----

From: Garrett Walstad <garrett@civilianengineering.com>

To: kristin@tbgroupp.us; 'Jason Claeys' <jclaeys@highland-ds.com>

Cc: 'Kirby Smith' <ksakirby@aol.com>; 'MICHAEL BLUMENTHAL' <michaelbent@msn.com>

Sent: Thu, Apr 21, 2022 4:50 pm

Subject: RE: Columbine Heights / Wheatfield Concept Plans

Oh yeah, no problem. Thanks for that info. Let us know when you have had time to read through and want to discuss. We will plan on holding the location of the proposed collector as shown on our plans for now. Thanks!

Sincerely,

Garrett Walstad

303.961.7387

From: kristin@tbgroup.us <kristin@tbgroup.us>
Sent: Thursday, April 21, 2022 4:27 PM
To: Garrett Walstad <garrett@civilianengineering.com>; 'Jason Claeys' <jclaeys@highland-ds.com>
Cc: 'Kirby Smith' <ksakirby@aol.com>; 'MICHAEL BLUMENTHAL' <michaelbent@msn.com>
Subject: RE: Columbine Heights / Wheatfield Concept Plans

Assuming the Town is on schedule, we are expecting comments back by the end of next week.

Best,
Kristin

Kristin Turner
Partner

TB | Group
landscape architecture | planning

444 Mountain Avenue
Berthoud, Colorado 80513
970.532.5891 x105
Kristin@TBGroup.us
www.TBGroup.us

From: Garrett Walstad <garrett@civilianengineering.com>
Sent: Thursday, April 21, 2022 4:20 PM
To: 'Jason Claeys' <jclaeys@highland-ds.com>
Cc: 'Kirby Smith' <ksakirby@aol.com>; 'MICHAEL BLUMENTHAL' <michaelbent@msn.com>; kristin@tbgroup.us
Subject: RE: Columbine Heights / Wheatfield Concept Plans

Yep, that sounds good. Please let us know when that is. Thanks Jason.

Sincerely,

Garrett Walstad
303.961.7387

From: Jason Claeys <jclaeys@highland-ds.com>
Sent: Thursday, April 21, 2022 4:07 PM
To: Garrett Walstad <garrett@civilianengineering.com>
Cc: 'Kirby Smith' <ksakirby@aol.com>; 'MICHAEL BLUMENTHAL' <michaelbent@msn.com>; Kristin Turner (kristin@tbgroup.us)
<kristin@tbgroup.us>
Subject: RE: Columbine Heights / Wheatfield Concept Plans

Hi Garret,

Thanks for reaching out. Can we schedule a meeting after we get comments back from the Town?

Thanks,

Jason T. Claeys, P.E., LEED AP
Highland Development Services, Inc. | jclaeys@highland-ds.com
6355 Fairgrounds Avenue, Suite 100 | Windsor, CO 80550
D 970.674.7570 | M 970.817.1712

From: Garrett Walstad <garrett@civilianengineering.com>
Sent: Thursday, April 21, 2022 9:46 AM
To: Jason Claeys <jclaeys@highland-ds.com>
Cc: 'Kirby Smith' <ksakirby@aol.com>; 'MICHAEL BLUMENTHAL' <michaelbent@msn.com>
Subject: FW: Columbine Heights / Wheatfield Concept Plans

Hi Jason, I hope this finds you doing well.

Below is some correspondence we received from the Town. Please let me know if you have any time to discuss - in particular, the proposed road locations.

I have attached some preliminary CAD files for your use, including survey and the basic civil plans so far. We are still in the basic stages but would like to dial some of this in with you. Thanks in advance for any feedback.

Sincerely,

Garrett Walstad
303.961.7387

From: Jason Berg <JBerg@frederickco.gov>
Sent: Monday, April 18, 2022 9:47 AM
To: Kirby Smith <ksakirby@aol.com>
Cc: garrett@civilianengineering.com; michaelbent@msn.com
Subject: RE: Columbine Heights / Wheatfield Concept Plans

Hello Kirby,

Please see responses below.

Thank you,

Jason Berg | Civil Engineer
Town of Frederick | 720-382-5601
JBerg@FrederickCO.gov | FrederickCO.gov

From: Kirby Smith <ksakirby@aol.com>
Sent: Friday, April 15, 2022 4:43 PM
To: Jason Berg <JBerg@frederickco.gov>
Cc: garrett@civilianengineering.com; michaelbent@msn.com
Subject: Re: Columbine Heights / Wheatfield Concept Plans

Hi Jason,

Thanks for the updated Transportation Master Plan Map that you sent last month.

I wanted to follow up with you about several items concerning the proposed Columbine Heights Conceptual Plan (see attached). We're currently preparing to submit a Comprehensive Plan Amendment and Rezone application, to rezone this property to R-1 With PUD Overlay. We're also getting underway with some preliminary engineering and efforts to coordinate with the Wheatfield property to the north.

1. There are 15 lots proposed along the north/south collector street (west of the proposed school site). We wanted to make sure that these lots would be able to access directly on this proposed new collector street. Or if any type of variance would be needed, or other provisions included in the PUD?

Driveway access to collector roadway is not permitted.

2. Regarding the Town's Driveway Spacing Detail for Single Family Residential, this seems to be set up for the Town's full size R-1 lots (Min. 6250 SF) or larger lots. In the case of an R-1 zone with PUD Overlay, would these dimensional standards for driveway spacing be able to be reduced to accommodate lots of 45', 50' and 60' widths?

Driveway spacing in areas with smaller lots could likewise be reduced while maximizing available spacing.

3. The attached conceptual plan shows a proposed stub street toward the west, off of the proposed collector street (in the SW portion of the property). This was originally shown when the property to the west was thought to be future multi-family development. Now we understand that this has been deeded to the Town for open space uses. Therefore we wanted to confirm that the Town has no need to for such a future street connection, and that this can be removed for future planning and engineering efforts. Please advise.

I am unaware of an open space designation/dedication. The owner of this property provided by Weld County is Fredapart LLC with R3 zoning and existing roadway ditch crossings, please provide street connection.

4. Also, please let us know if you have received any plans for review for the Wheatfield property? Or had any further discussions with them regarding collector street alignments in this area? Our engineer has attempted to contact them recently, but has not heard back from them as yet.

Wheatlands has submitted to the Town and proposed a N/S collector roadway that cuts to the eastern side of the property aligning with your identified local street rather remaining closer to the half-section line. This will not be accepted. Plans should be available on the Town website. <https://frederickco.maps.arcgis.com/apps/webappviewer/index.html?id=51a9c1e8a9fc41dd9d684f924194421a>

Please let us know about the above, or if a conference call would be best to discuss these various items with our team? We'd like to continue to proceed with our preliminary engineering work on this. So we'd be happy to schedule such a call sometime next week if that works for you.

We look forward to your reply, or any follow up questions you may have.

Thank you, Kirby

Kirby Smith, PLA, ASLA

Kirby Smith & Associates, Inc.

Land Planning ♦ Site Design ♦ Landscape Architecture

6201 So. Hudson Court, Centennial, CO 80121

Mobile: 303-638-1847 Phone: 303-694-9484 Fax: 303-694-9272

e-mail: ksakirby@aol.com

-----Original Message-----

From: Garrett Walstad <garrett@civilianengineering.com>

To: 'Jason Claeys' <jclaeys@highland-ds.com>

Cc: 'MICHAEL BLUMENTHAL' <michaelbent@msn.com>; 'KSAKirby' <ksakirby@aol.com>; 'Andy Bartel' <abartel@highland-ds.com>; 'Kristin Turner' <kristin@tbgroun.us>

Sent: Fri, Apr 1, 2022 11:35 am

Subject: Columbine Heights / Wheatlands

Hi Jason,

We are moving along with our project and were hoping to collaborate our proposed design. Attached is our latest concept, with feedback email from the Town. Please let us know if you can send us your latest (CAD would be ideal) to help coordinate this, and/or when you would be available to discuss. Thanks!

Sincerely,

Garrett Walstad, P.E.

Manager

303.961.7387

P.O. Box 8

Hygiene, CO 80533

www.civilianengineering.com

-----Original Message-----

From: Jason Berg <JBerg@frederickco.gov>

To: Kirby Smith <ksakirby@aol.com>

Cc: garrett@civilianengineering.com <garrett@civilianengineering.com>; michaelbent@msn.com <michaelbent@msn.com>

Sent: Wed, Mar 16, 2022 1:38 pm

Subject: RE: Columbine Heights / Wheatfield Concept Plans

Hello Kirby,

I noticed that the Town Transportation Master Plan Master Streets Inventory Map included in your email is not the updated version approved by the Town Board on 02/08/2022 and I have attached it for your reference. The primary item here would be the interior collector roadway and maintaining conductivity through both developments ideally remaining closer to the half section line as shown. The Columbine Heights conceptual plan with additional local street connection to the east aligns closer to this master plan which may require Wheatlands to relocate. The location of your proposed HW52 entrance also appears to align with that of the CDOT ACP location identifying a new full movement access location.

Thank you,

Jason Berg | Civil Engineer

Town of Frederick | 720-382-5601

JBerg@FrederickCO.gov | FrederickCO.gov

From: Kirby Smith <ksakirby@aol.com>

Sent: Wednesday, March 16, 2022 12:22 PM

To: Jason Berg <JBerg@frederickco.gov>

Cc: garrett@civilianengineering.com; michaelbent@msn.com

Subject: Re: Columbine Heights / Wheatfield Concept Plans

Hi Jason,

We've recently come on board to work with Michael Blumenthal & Garrett Walstad on the proposed Columbine Heights property development. We have a neighborhood meeting scheduled for March 23rd; and Garrett is awaiting completion of various site survey information for this property. Per your message from last month (below), following next week's meeting and receipt of pending survey information we plan to get in touch with the Wheatfield development consultants to coordinate future plans and connections.

In the mean time we have taken a look at our two respective concept plans, along with the Town's 2021 Transportation Master Plan. Based on this initial review we have prepared the attached revision to the Columbine Heights Concept Plan which indicated our internal collector street connecting into the Wheatfield's proposed east-west collector street (see attached concept plan); and adding a new local street connection into the Wheatfield community further to the east. This also shows the Wheatfield proposed east-west collector continuing to the west and tying into the existing Lyden Creek Blvd. alignment (as shown on the two attached Transportation Master Plan figures).

Please take a look at these conceptual street connections and let us know your thoughts. Also let us know if you have provided Wheatfield any preliminary comments concerning their proposed plans that you could share with us.

We look forward to your reply.

Thank you, Kirby

Kirby Smith, PLA, ASLA

Kirby Smith & Associates, Inc.

Land Planning ♦ Site Design ♦ Landscape Architecture

6201 So. Hudson Court, Centennial, CO 80121

Mobile: 303-638-1847 Phone: 303-694-9484 Fax: 303-694-9272

e-mail: ksakirby@aol.com

From: garrett@civilianengineering.com <garrett@civilianengineering.com>

Sent: Friday, February 11, 2022 3:26 PM

To: 'Jason Berg' <JBerg@frederickco.gov>

Cc: 'MICHAEL BLUMENTHAL' <michaelbent@msn.com>; 'Jason Claeys' <jclaeys@highland-ds.com>; 'Andy Bartel' <abartel@highland-ds.com>

Subject: RE: Columbine Heights / Wheatlands

Thanks Jason.

We are in the basic stages right now, but I have attached the concept plan. Do you have something similar we could review to better see how these developments might fit together? We look forward to coordinating with you on this and will let you know more as we move forward. Thanks.

Sincerely,

Garrett Walstad, P.E.

Manager

303.961.7387

P.O. Box 8

Hygiene, CO 80533

www.civilianengineering.com

From: Jason Berg <JBerg@frederickco.gov>

Sent: Friday, February 11, 2022 12:33 PM

To: garrett@civilianengineering.com

Cc: 'MICHAEL BLUMENTHAL' <michaelbent@msn.com>; Jason Claeys <jclaeys@highland-ds.com>; Andy Bartel <abartel@highland-ds.com>

Subject: Columbine Heights / Wheatlands

Garrett,

After quickly reading through your email I thought it would be beneficial to connect you with Jason Claeys and Andy Bartel of Highland Development Services. Jason and Andy are working on a development plan for Parcel 131132100023 and 131132100025 located just to your north. I thought it would be beneficial connecting all parties so that there may be coordination between each proposed development which seem to be in similar stages of planning and design. I know you had questions related to ROW improvements and waterline connections for looping of the system, working together may benefit both parties for a more cohesive development plans for the area.

Thank you,

Jason Berg | Civil Engineer

Town of Frederick | 720-382-5601

JBerg@FrederickCO.gov | FrederickCO.gov

**TOWN OF FREDERICK, COLORADO
ORDINANCE NO. 1385**

**AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO,
REGARDING OUTLOT 1 OF JOHNSON FARMS/ SPINDLE HILL
ENERGY MINOR SUBDIVISION PLAT, REZONING THE PROPERTY
FROM AGRICULTURAL TO RESIDENTIAL LOW DENSITY (R-1)
WITH A PUD OVERLAY, AND ADOPTING CERTAIN FINDINGS OF
FACT AND CONCLUSIONS FAVORABLE TO THE REZONING.**

WHEREAS, the Board of Trustees of the Town of Frederick, Colorado, held a public hearing on October 25, 2022, pursuant to published notice, on the petition of Kirby Smith, Kirby Smith and Associates, Inc., on behalf of the owner, Johnson Farms LLP, a Colorado limited liability partnership, for the rezoning of the following real property (“Subject Property”); to wit:

OUTLOT 1 OF JOHNSON FARMS/ SPINDLE HILL ENERGY MINOR
SUBDIVISION PLAT

WHEREAS, the Planning Commission of the Town of Frederick considered the application at a public hearing on October 6, 2021, and made a favorable recommendation to the Board of Trustees by way of Planning Commission Resolution PCR-2022-12A; and

WHEREAS, as provided herein, the Board of Trustees finds that the application satisfies the pertinent criteria of the Town of Frederick Land Use Code and is hereby APPROVED.

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF
FREDERICK, COLORADO, AS FOLLOWS:**

Section 1. Findings of Fact.

- a. The proposed zoning of the Subject Property is consistent with the Comprehensive Plan, duly adopted by the Planning Commission of the Town of Frederick.
- b. The requested amendment of the official zoning map is appropriate because of changed or changing conditions in the area of the Subject Property and in the Town generally.

Section 2. Conclusions Regarding Requested Rezoning.

- a. The Official Zoning Map shall be amended such that the Subject Property is rezoned to Residential Low Density (R-1) with a PUD Overlay.

Section 3. Effective Date. This Ordinance shall become effective 30 days after publication as provided in C.R.S. § 31-16-105.

Section 4. Repealer. All ordinances, resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance or resolution nor revive any ordinance or resolution thereby.

Section 5. Certification. The Town Clerk shall certify to the passage of this Ordinance and make not less than one copy of the adopted Ordinance available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 25th DAY OF OCTOBER, 2022.

ATTEST:

TOWN OF FREDERICK

By _____
Meghan Martinez, MMC, Town Clerk

By _____
Tracie Crites, Mayor