



Town of Frederick
Board of Trustees Agenda
Frederick Town Hall
Board Chambers
401 Locust Street
Tuesday, February 22, 2022

6:00 P.M.
Work Session

7:00 P.M.
Regular Meeting

Join Zoom Meeting
<https://zoom.us/j/93119101762>

Meeting ID: 931 1910 1762
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+(Tacoma)

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Meeting ID: 931 1910 1762
Find your local number: <https://zoom.us/u/acwB0TFhJy>

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Public Comment at a Virtual Meeting Board of Trustee Meeting

Interested parties who would like to address the Board of Trustees during the Public Comment portion of the agenda may address the Board of Trustees virtually or in person. **To address the Board in person, individuals may also appear at Town Hall (401 Locust Street Frederick, CO) and are asked to sign up on the sign-up sheet in the Board Room. Individuals who would like to attend virtually are asked to sign up to speak during public comment by emailing the Town Clerk at mmartinez@frederickco.gov. Individuals are asked to provide the Town Clerk the following information:

1. Name
2. Address
3. Topic for Comment
4. Phone Number or Name that will be utilized in the zoom meeting application
5. Any documents that will be shared in the meeting.

The Town Clerk will verify your attendance prior to the meeting and will test your connection and microphone.

If there are public hearings scheduled for the Board of Trustee meeting, individuals who wish to address the Board of Trustees virtually are asked to contact the Town Clerk via email at mmartinez@frederickco.gov by 5:00 PM on date of the meeting. Individuals are asked to provide the Town Clerk the following information:

1. Name
2. Address
3. Public Hearing Item for Comment
4. Phone Number or Name that will be utilized in the zoom meeting application
5. Any documents that will be shared in the meeting

**Individuals that would like to attend the meeting at Town Hall are asked to sign up on the public comment sheet in the board room.

Any individual who is attending the meeting and wishes to be address the Board of Trustees during Public Comment or a Public Hearing may utilize the “raise your hand” feature in the Zoom Meeting App.

How to raise your hand in Zoom

1. During the meeting, click on the icon labeled “Participants” at the bottom center of your PC or Mac screen
2. At the bottom of the window on the right side of the screen, click on the button labeled “Raise Hand.”



3. Your digital hand is now raised. Lower it by clicking the same button, now labeled “Lower Hand”
4. If you are on a mobile device, simply tap “Raise Hand” at the bottom left corner of the screen. The lower hand icon will turn blue and the text below it will switch to say “Lower Hand” while your hand is raised.



Town of Frederick Board of Trustees Agenda

Frederick Town Hall
Board Chambers
401 Locust Street
Tuesday, February 22, 2022

6:00 P.M.

Strategic Plan, Financial Report, and Capital Projects

7:00 P.M.

Regular Meeting

Call to Order – Roll Call:

Pledge of Allegiance:

Approval of Agenda:

Special Presentations:

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 you are attending virtually, you may indicate that you would like to provide comments by utilizing the raise your hand function in the Participant Tab of the Zoom Meeting Application. 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. Town Clerk's 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 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 4, 2022 Minutes – Meghan Martinez, Town Clerk
- D. January 11, 2022 Minutes – Meghan Martinez, Town Clerk
- E. January 25, 2022 Minutes – Meghan Martinez, Town Clerk

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- F. Resolution 22-R-13 Delegating to the Town Clerk the Authority to Appoint Election Judges – Meghan Martinez, Town Clerk

Action Agenda:

- G. Public Hearing Ordinance 1372 Amending Article 1 and Article 3 of the Frederick Land Use Code, Specifically Sections 1.15 and 3.4, to Clarify Locations within the Town where Cemeteries may be Permitted – Ali vanDeutekom, Interim Planning Manager
- H. Consideration of McDonald Farms Conditional Use Request – Maureen Welsh, Planner
- I. Public Hearing Consideration of the Agilent Building Height Waiver Request –Maureen Welsh, Planner
- J. Resolution 22-R-14 Approving Certain Economic Incentives to Hirsh Precision Products in the Form of a 50 Percent Personal Property Use Tax Rebate; Setting Forth the Requisite Findings Recognizing the Valid Public Purpose and Cognizable Benefit Justifications for such Economic Incentives; Approving an Incentive Agreement; and Authorizing the Mayor to Execute an Agreement on Behalf of the Town and the Town Clerk to Attest Thereto - Ryan Johnson, Assistant Town Manager

Discussion Agenda:

- K. Fence Permits – Ryan Johnson, Assistant Town Manager

Mayor and Trustee Reports:

Adjournment:



QUARTER 4

Strategic Plan
Financial Report
Capital Project



STAFF REPRESENTATIVES:

Ryan Johnson, Assistant Town Manager
Jason Leslie, Administrative Services Officer

Quarter 4 2021 Agenda



Strategic Plan Update



Capital Project Report



Financial Report





Strategic Plan Update



Strategic Plan Check In



- Transition from planning phase to implementation phase
- Key decision points in late 2021 and throughout 2022
- All items addressed in 2021/2022 budget



Strategic Plan Progress

Effective, Efficient & Strategic Government Operations

- **Develop a strategy for our current land inventory.**
 - Internal inventory complete
 - Memo drafted and ready to send to Board in Q1 2022
- **Actively pursue Home Rule Status.**
 - Communication strategy for 2022 – In process
 - Late Q2 2022 work session planned with the Board

Fiscally Responsible Governance

- **Bella Rosa moving toward financial self-sufficiency**
 - Golf fee study complete
 - Cost of Goods Sold analysis complete – move to monthly reporting in 2022
 - Late Q2 2022 – complete marketing plan
 - Q4 2021-Q1 2022 – complete event planning – on track
 - Late Q2 2022 work session planned with the Board



Strategic Plan Progress

Community and Economic Vitality



- **Develop a design for Frederick Recreation Area.**
 - Funding included in 2022 budget
 - Q1 2022 – onboard new Parks Director
- **Develop and implement a retail attraction strategy.**
 - Presented retail analysis to Board in November 2021
 - Q1 2022 – begin strategy implementation
- **Explore revitalization strategies for 5th Street, including a potential cultural center with programming for youth.**
 - Project tied to facilities master plan completion
 - Grant Administrator position included in Proposed Fiscal Year 2022 Budget
 - Q1 2022 – actively pursue options for a potential cultural/youth center
- **Complete an update of Zoning Code.**
 - Land Use attorney completed initial recommendations and analysis 12/31/21
 - Listening sessions completed by 12/31/21
 - Q1 2022 – present initial code updates to Board for approval
 - Q1-Q2 2022 – begin work on subsequent code updates
- **Complete an update of the Comprehensive Plan.**
 - Funding included in 2022 budget
 - Q2 2022 – commence solicitation of proposals for consultant



Strategic Plan Progress



Dynamic, Inclusive & Connected Community

- **Complete a community satisfaction survey and establish a regular schedule for surveying the community.**
 - Funding approved in 2022 budget
 - Q1 2022 – present timeline to Board
 - Q1-Q2 2022 – commence survey
 - Q1-Q2 2022 – present survey results to Board
- **Continue offering accessible public engagement, including virtual public comment.**
 - Unfunded position included in 2022 budget



Safe & Secure

- **Continued implementation of 2A**
 - Remodel of PD complete
 - Training room conversion and Chief's office conversion

Strategic Plan Progress

Strategic, Reliable & Sustainable Infrastructure

- **Complete a facilities master plan.**
 - Future staff/space projections completed
 - Q1 2022 – employee/Board survey to be completed
- **Develop a sustainable strategy for park maintenance and expansion.**
 - Parks Director recruitment completed by 12/31/21
 - Q1 2022 – onboard new Parks Director
- **Complete a golf course master plan.**
 - Contractor hired for maintenance building
 - Q3-Q4 2022 – Anticipated construction starting
- **Complete a water master plan for use in economic development.**
 - Phase I (10yr. plan) complete
 - Funding included in 2022 budget
 - Phase I (50yr. plan) complete
 - Q1 2022 – water acquisitions to start





Financial Report



Financial Report – General Fund

- **Revenues are outpacing budgeted expectations**
 - Surplus of \$5,423,379 through end of fourth quarter
 - Sales Taxes and Building Permits are key revenues exceeding budget by 56% and 18%
 - Property Taxes at 99% collection
 - Strong recurring revenues trending to continue into 2022
- **Expenditures are below budgeted amounts**
 - Staff continue to identify cost sharing/saving opportunities

General Fund

	2020 Actual	Budget	2021 Actual	Variance
Revenues	\$9,550,350	\$10,556,863	\$14,785,210	\$4,228,347
Expenditures	\$7,852,214	\$10,556,863	\$9,361,831	(\$1,195,032)
Net Income (Loss)	\$1,698,136		\$5,423,379	\$5,423,379

Financial Report – Street and Alley Fund

- Recurring Revenues (Specific Ownership Taxes, Road & Bridge Taxes, and Highway Users Taxes) are exceeded budget projections slightly by end of year
- One-time Revenue (Transportation Impact Fees) are exceeding budget by 60% - related to building permit issuance
- Expenditures are aligned with budgeted amounts – Transfer to Capital Project occurred in first quarter and will balance to positive Net Income by year-end after final transfers are adjusted

Street and Alley Fund

	2020 Actual	Budget	2021 Actual	Variance
Revenues	\$4,740,822	\$4,427,068	\$4,980,533	\$553,465
Expenditures	\$3,288,258	\$4,427,068	\$5,135,632	\$708,564
Net Income (Loss)	\$1,452,563		(\$155,099)	(\$155,099)

Financial Report – Water Fund



- Recurring Revenues (Potable/Non-Potable Water Sales) are aligned to budget projections
- One-time Revenues (Impact Fees) are exceeding budget by 191% - related to building permits
- Expenditures are aligned with budgeted amounts

Water Fund				
	2020 Actual	Budget	2021 Actual	Variance
Revenues	\$11,627,955	\$10,478,284	\$15,871,812	\$5,393,528
Expenditures	\$2,986,616	\$10,478,284	\$9,849,080	(\$629,204)
Net Income (Loss)	\$8,641,339		\$6,022,732	\$6,022,732

Financial Report – Storm Water Fund



- Recurring Revenues (Customer Storm Water Drainage Fees) are aligned to budget projections
- One-time Revenue (Drainage Impact Fees) are exceeding budget by 40% through fourth quarter
- Expenditures are aligned with budgeted amounts

Storm Water Fund

	2020 Actual	Budget	2021 Actual	Variance
Revenues	\$1,225,321	\$1,137,566	\$1,402,723	\$265,157
Expenditures	\$668,548	\$1,137,566	\$1,150,983	\$13,417
Net Income (Loss)	\$556,773		\$251,740	\$251,740



Financial Report – Golf Fund

- Recurring Revenues (Golf Course Fees, Annual Passes, and Merchandise Sales) are meeting budget projections through fourth quarter – Revenue transfer from General Fund to occur as pre-audit preparation
- Restaurant Revenue is below budget by 21% through year-end – recovering from COVID-19
- Expenditures are exceeding budgeted amounts
 - Transfer to Capital Project occurred in first quarter (\$1,137,640) – Golf Master Plan
 - HVAC, Plumbing, Greens unexpected expenses not in adopted budget

Golf Fund

	2020 Actual	Budget	2021 Actual	Variance
Revenues	\$1,203,146	\$2,147,618	\$717,098	(\$1,430,520)
Expenditures	\$987,596	\$2,147,618	\$2,449,514	\$301,896
Net Income (Loss)	\$215,550		(\$1,732,416)	(\$1,732,416)



Financial Report – Park Improvement Fund

- One-time Revenue (Park Improvement Fee) is exceeding budget by 83% through fourth quarter
- Expenditures are aligned with budgeted amounts - Transfer to Capital Project occurred in first quarter and will balance to positive Net Income by year-end after final transfer adjustments

Park Improvement Fund

	2020 Actual	Budget	2021 Actual	Variance
Revenues	\$927,776	\$1,679,988	\$835,229	(\$844,759)
Expenditures	\$2,063,166	\$679,988	\$1,730,272	\$1,050,284
Net Income (Loss)	(\$1,135,390)		(\$895,043)	(\$1,895,043)



Financial Report – Open Space Fund



- Recurring Revenue (Sales Taxes) are exceeding budget projections by 66% through Q4
- One-time Revenue (Open Space Improvement Fee) is exceeding budget by 73% through Q4
- Expenditures are aligned with budgeted amounts - Transfer to Capital Project occurred in first quarter and will balance to positive Net Income by year-end after final transfer adjustments.

Open Space Fund

	2020 Actual	Budget	2021 Actual	Variance
Revenues	\$1,634,253	\$2,705,052	\$1,665,984	(\$1,039,068)
Expenditures	\$1,781,180	\$2,705,052	\$2,580,011	(\$125,041)
Net Income (Loss)	(\$146,927)		(\$914,027)	(\$914,027)





Capital Project Report



Financial Report – Capital Project Fund



- Capital Project are in progress and many will be wrapped up by end of year
- Golf Course related projects have been put on hold until the Golf Course master plan is completed in 2022 to maximize the most efficient use of funds
- Projects such as Concrete Alley, Pavement Maintenance, Concrete Improvement will be invoiced during Q4 as projects are completed
- Projects such as Open Space Land Acquisitions are multi-year projects and funding is just secured in 2021 with additional amounts in future years to align with total purchase costs so not reflected in Expenditure totals
- Appropriated expenditures in the fund roll-forward each year as capital projects can cross fiscal years due to timing of project completion

Capital Projects Fund

	2020 Actual	Budget	2021 Actual	Variance
Revenues	\$0	\$14,030,333	\$14,030,333	\$0
Expenditures	\$0	\$14,030,333	\$3,619,841	(\$10,410,492)
Net Income (Loss)	\$0		\$10,410,492	\$10,410,492



Questions?





Engineering Capital Improvement Projects - CIP

Staff:

Kevin Ash

Jason Berg

Sarah Watson

Zack Roberson

BUILT ON WHAT MATTERS





2022 CIP Projects

2022 Projects	Street & Alley Fund	Water Fund	Storm Water Fund	Project Total
Pavement Maintenance Program	\$950,000			\$950,000
Concrete & Alleyway Maintenance	\$200,000			\$200,000
Concrete Repair	\$50,000			\$50,000
Colorado Boulevard Capital Maintenance Project	\$1,600,000			\$1,600,000
Colorado/Tipple Intersection Improvement	\$1,000,000			\$1,000,000
Silver Birch/Godding Hollow Intersection Improv	\$140,000			\$140,000
Frederick Speed Management Program	\$30,600			\$30,600
Public Improvement Obligations - Prosperity	\$212,758			\$212,758
Street Lights	\$30,000			\$30,000
Countryside Drainage			\$100,000	\$100,000
Groundwater Impact Project			\$500,000	\$500,000
Stormwater Improvement OSP Project			\$200,000	\$200,000
CBT Unit Purchase		\$14,000,000		\$14,000,000
Northern Integrated Supply Project (NISP)		\$2,175,550		\$2,175,550
Windy Gap Storage		\$600,000		\$600,000
Summit View Raw Water Extension		\$76,500		\$76,500
CWCWD 30" Line		\$2,000,000		\$2,000,000
Subtotal: \$4,213,358		\$18,852,050	\$800,000	\$23,865,408

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Street and Alley CIP Projects

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Pavement Maintenance Program

Projects:

- 2022 Pavement Maintenance Program
- 2022 Seal Project – Pavement Maintenance Program

Program Budget:

- \$950,000

Schedule:

- Bid Release – 01/31
- Pre-Bid Meeting – 02/09
- Bid Closing – 02/18
- Board Meeting – 03/08

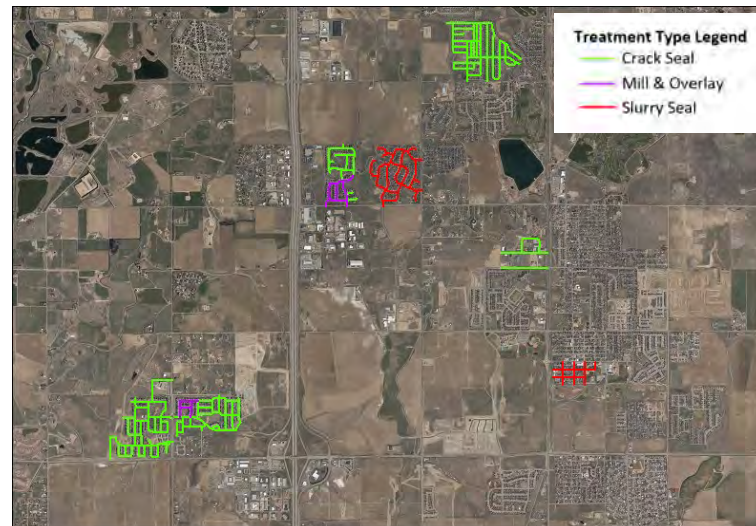
Project Areas:

- Crack Seal and Mastic Crack Seal
 - Johnson Farm
 - No Name Creek West
 - Raspberry Hill
 - Wyndham Hill
 - Meadowlark Business Park
- Slurry Seal
 - Downtown South of 5th Street
 - Eagle Valley
- Patching
 - Raspberry Hill
 - Wyndham Hill
 - Various Locations
- Mill & Overlay (1.5-inch)
 - Raspberry Hill
 - Wyndham Hill

Background:

To manage roadway the Town Engineering Department and Public Works use a Pavement Management System to assist in evaluating the pavement condition, serviceable life and maintenance strategies for Town owned roads and alleyways. A Pavement Management System is a set of tools that includes software and engineering judgment to budget for and plan maintenance and rehabilitation projects to help minimize costs while improving overall pavement conditions. Elements of the Town's Pavement Management System includes inventory, condition data, maps, software, and engineering judgment.

All of this information is available on the Town's website.





Concrete and Alleyway Maintenance Program

Project Location:

- Elm Street to Oak Street and Oak Street to Locust Street between Tipple Parkway and 2nd Street

Program Budget:

- \$200,000

Schedule:

- Bid Release – 02/14
- Pre-Bid Meeting – 02/23
- Bid Closing – 03/04
- Board Meeting – 03/22



Background:

Currently there are only four remaining alleyway segments to be converted to a paved surface. Following this years project only two alleyway segments will remain located just to the east, Locust Street to Walnut Street between Tipple Parkway and 2nd Street. Anticipated program completion will occur in 2023.



Colorado Boulevard Mill & Overlay

Project Location:

- Colorado Boulevard from Tipple Parkway (CTII) to Bella Rosa Parkway

Project Budget:

- \$1,600,000

Schedule:

- Bid Release – 01/31
- Pre-Bid Meeting – 02/10
- Bid Closing – 02/18
- Board Meeting – 03/08

Project Elements:

- Crack Seal and Mastic Crack Seal
- Patching
- Mill & Overlay (2-inch)
- Striping and Thermoplastic Pavement Markings



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- Location identified within the Transportation Master Plan as PAC-1 Tier-3 Short Term Project
 - Tier-3 Intersections are identified for operational improvements, widening and customized elements for challenges.
- Design of Ultimate Intersection Provided by Martin/Martin Consulting Engineers
- With design complete project taken out to bid for construction services

- Design – \$121,560
- Survey, ROW and Easements – \$20,000
- Construction Estimate – \$1,305,000

- \$1,000,000

- CDOT Revitalizing Main Streets Round 2
- Staff meet with CDOT to fine tune application.
- Requested Amount – \$1,000,000

- Bid Release – 02/14
- Pre-Bid Meeting – 02/22
- Bid Closing – 03/04
- Board Meeting – 03/22





Silver Birch Boulevard and Godding Hollow Parkway Intersection Improvement (SBGHI)

Background:

Location identified within the Transportation Master Plan as PAC-4 Tier-2 Short Term Project

- Tier-2 Intersections are identified for operational improvements and widening for high priority turn lanes.

Proposed to improve to coincide with roadway improvements as part of the Clearview Villages subdivision which will construct the southwest portion of the intersection.

- Clearview Villages signal contribution of \$100,000

Request for Qualification for Design Services (RFQ)

- Design of Ultimate Intersection
- Budget – \$140,000

Schedule:

- RFQ Release – 02/14
- Pre-Submission Meeting – 02/22
- RFQ Closing – 03/11
- Board Meeting – 04/12

Project Estimates:

- FHU TMP – \$1,900,000
- Design – \$140,000
- ROW Acquisition – \$20,000
- Construction – \$1,500,000





Frederick Speed Management Program

Project Registration:

Submitted 08/16 – Gary Matten, Frederick Way from HW52 to 5th Street

- Roadway not eligible
 - Collector ADT > 2,500
 - Posted Speed 30mph
- Complaint directed to PD for Speed Trailer

Submitted 08/19 – Angela Mallory, CR16 from CR15 to CR19

- Roadway not eligible
 - County ROW
 - Arterial designation

Submitted 08/25 – Joanne Forster; Grand Mesa Avenue from Glen Canyon Drive to Gunnison Drive

- Posted Speed Limit 25mph and Collector ADT
- Yard Sign and Radar Speed Trailer requested
- Long history dating back to previous owner
 - PD forwarded previous JAMAR Speed Enforcement Evaluator study
 - 08/11 – 08/18 : 85th Percentile Speed – 28mph
 - 08/18 – 08/25 : 85th Percentile Speed – 28mph

Submitted 09/21 – Jesse Hansel, 6th Street from 5th Street to Blue Spruce Street

- Posted Speed Limit 25mph and Collector ADT
- Yard Sign and Radar Speed Trailer requested
- Has indicated he will proceed with Petition Process and begin gathering signatures.
 - Engineering identified 18 homes in the area adjacent to complaint
 - Threshold for study, 30% or 6 signatures needed.

Submitted 12/29 – Rick A. Dahlinger, Wyndham Hill Parkway from Walnut Grove Street to Spring Gulch Street

- Posted Speed Limit 25mph and Collector ADT
- Wyndham Hill TIS indicates 2,915 Year 2025 ADT
- Yard Sign and Radar Speed Trailer requested



Prosperity – Town Obligations

Project Locations:

Tipple Parkway Waterline Extension – \$62,159.08



HW52 & CR15 Right Turn Lane – \$112,334.10



CR15 & Lyden Creek Boulevard Left Turn Lane – \$38,254.70



Background:

Improvements identified are to be constructed by the Developer in Phase 1 of the Prosperity subdivision with reimbursement from the Town. This was approved as part of the development MOAPI by the Board of Trustees on September 14, 2021.

Total Obligation Amount – \$212,757.88

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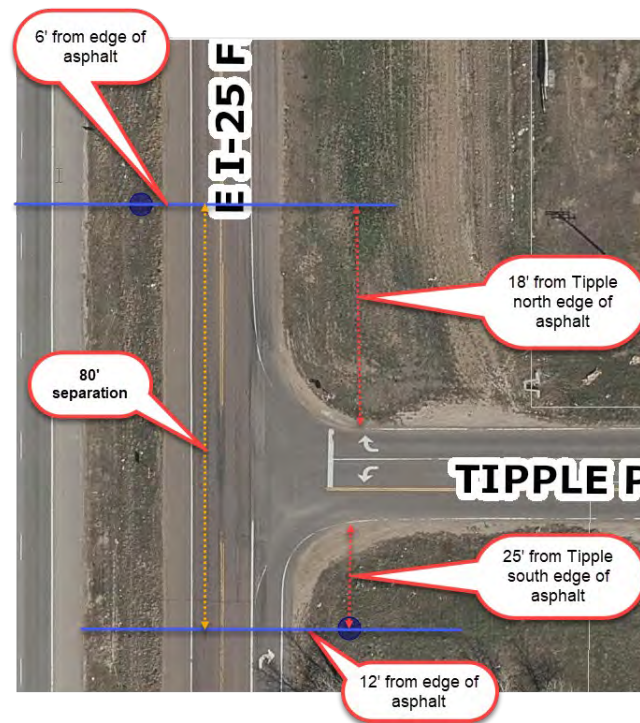
Street Lights

The Town's first location to improve will be Tipple Parkway and the E I-25 Frontage Road.

There will be two lights installed, one on the west side of the Frontage Road and one on the east side of the Frontage Road.

Staff has received a cost estimate from United Power for the project.

Budget: \$30,000





Future CIP Projects

Colorado Boulevard Mill & Overlay_ HW 52 to Tipple Parkway

- Project Year 2023
- Cost Estimate – \$800,000

Colorado Boulevard and Godding Hollow Intersection Improvement

- Transportation Master Plan Tier-2 Short Term Project
- Project Year 2023 Design; 2024 Construction
- Cost Estimate – \$150,000; \$1,200,000

Godding Hollow Parkway (CR 18)

- Roadway Reconstruction from Bulrush Boulevard to Aggregate Boulevard (CR 5 to CR 7)
- Project Year 2024
- Cost Estimate – \$900,000

Bulrush Boulevard (CR 5)

- Roadway Reconstruction Existing Pavement Section
- Project Year 2025
- Cost Estimate – \$1,700,000

Colorado Boulevard and Bella Rosa Parkway Intersection Improvement

- Transportation Master Plan PAC-2 Tier-2 Short Term Project
- Project Year 2025 Design; 2026 Construction
- Cost Estimate – \$150,000; \$1,100,000

Colorado Boulevard and Majestic Street/McClure Avenue Intersection Improvement

- Transportation Master Plan Tier-2 Short Term Project
- Project Year 2026 Design; 2027 Construction
- Cost Estimate – \$120,000; \$750,000



Questions?

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Storm Water CIP Projects

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Countryside Drainage

Project Location:

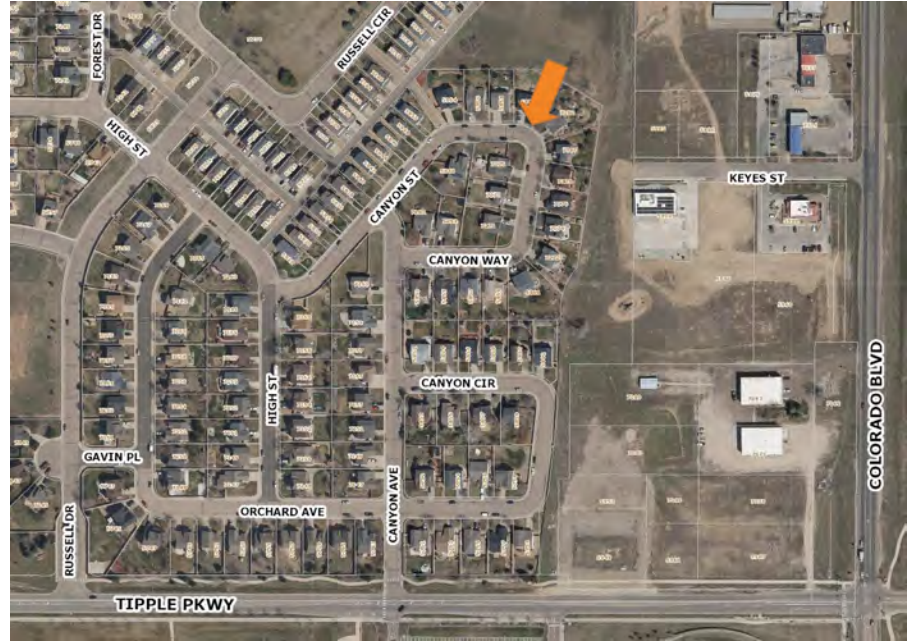
- 2022 Countryside

Schedule:

- 2022 Spring – RFQ
- 2022 Summer – Design
- 2022 Fall - Construction

Project: Inlet Capacity Improvement

- Install addition drainage inlets to Canyon Way to mitigate street flooding. There is no drainage easement for where the swale should be located which prohibits proper drainage.
- This will improve safety of the Town
- Budgeted Amount - \$100,000





Ground Water Impact Project

Project Location:

- Down Town Frederick

Schedule:

- 2022 Spring – RFQ

Project:

- Federal Funding
- The Town has experienced an increased volume of groundwater discharge from sump pumps. Develop a plan how to safely and legally address ground water issues and possible solutions.
- Contract with Consultant for RFQ
- Budgeted Amount - \$500,000





Colorado BLVD Crossing - No Name Creek

Project Location:

- Colorado BLVD – East of Bella Rosa

Schedule:

- 2022 – Design
- 2023 – Construction

Project:

- Identified in the Outfall System Plan
- Upgrade flow capacity across Bella Rosa
- Upgrade flow capacity across Colorado BLVD
- Make a new connection across Colorado BLVD
- Budgeted Amount - \$200,000





Master Drainage Plan – Outfall System Plan (OSP)

Project Location:

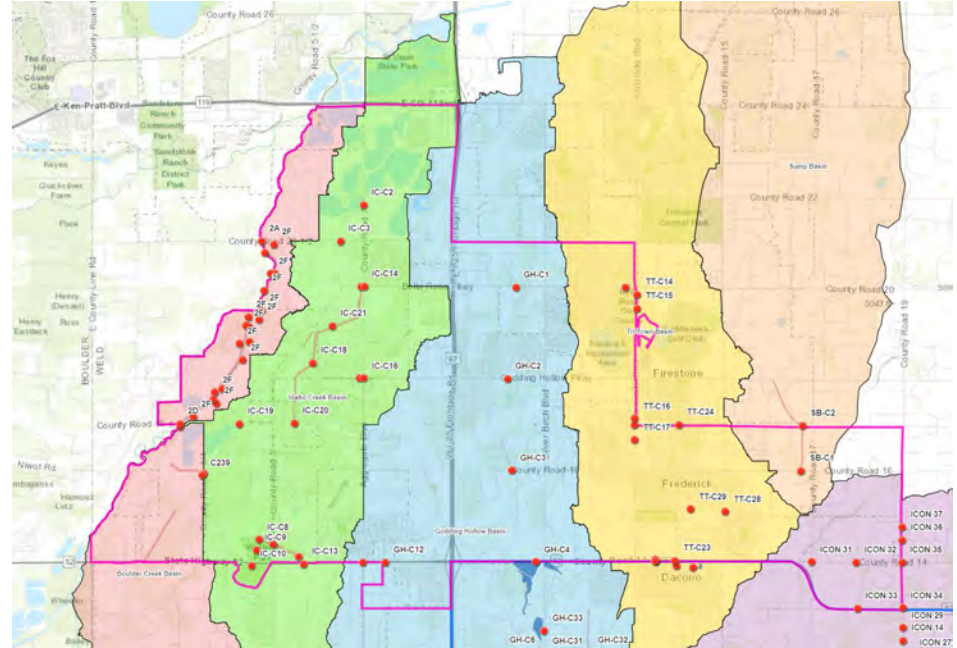
- Town of Frederick

Schedule:

- March 1 – Draft to BOT – Public Input
- April 12 – BOT adoption

Project:

- Outfall System Plan
- Provides plan how to improve storm water and flood mitigation for the Town





Questions?

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Water Fund CIP Projects

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CBT Unit Purchase

The Town needs to continue to purchase CBT water units to offer as incentives for Commercial Development. As specified in the 10-year Water Plan the Town needs to purchase additional CBT units. Staff recommends acquiring at least 200 units in 2022 for incentives.

This purchase is in line with the Town's 2021-2022 Strategic Plan: Strategic, Reliable & Sustainable Infrastructure goal.

Budget:

\$14,000,000 for at least 200 CBT units

20/200

To date we have contracted to purchase 20 CBT units at \$65,000 per unit for a total of \$1,300,000.

Possible Leads:

Contacting people when we hear of possible units for sale.

CBT UNITS





Northern Integrated Supply Project

This project will provide 2,600 AF of a new reliable water source for the Town's future development. The additional water is vital for future growth of the Town as CBT and other high quality water sources are becoming more and more difficult to acquire.

Update:

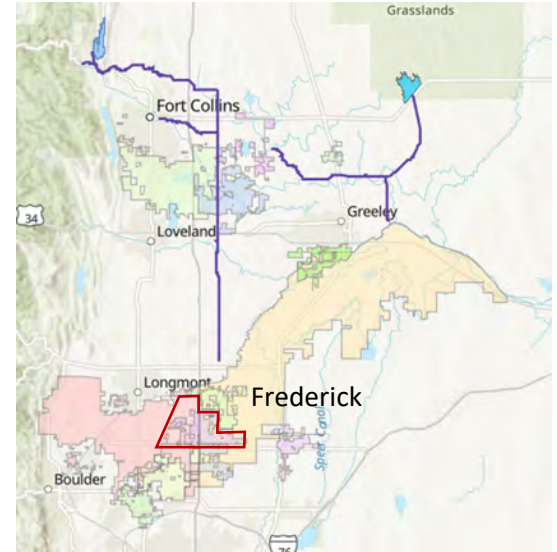
Staff will request a work session for the consideration of allotment contract for NISP water in Q2.

Budgeted: \$2,175,550

Paid: \$1,235,000 (Cost per 18th Interim Agreement was reduced after the Budget was proposed)



Rendering of Glade Reservoir, NCWCD



NISP project map with participants, NCWCD



Windy Gap Storage

These funds will be used to meet the terms of the Windy Gap Dry Creek Storage Agreement between the Town and CWCWD. This allows the Town to firm the 7 unfirmed Windy Gap units it owns. The payments increase over a period of 3 years starting in 2021. The Town will have a long-term lease of 2,000 acre-feet from CWCWD in Dry Creek Reservoir.

The 10-Year Water Supply Plan identifies a dependable yield of 265 AF. This yield could be increased in the future with reuse.

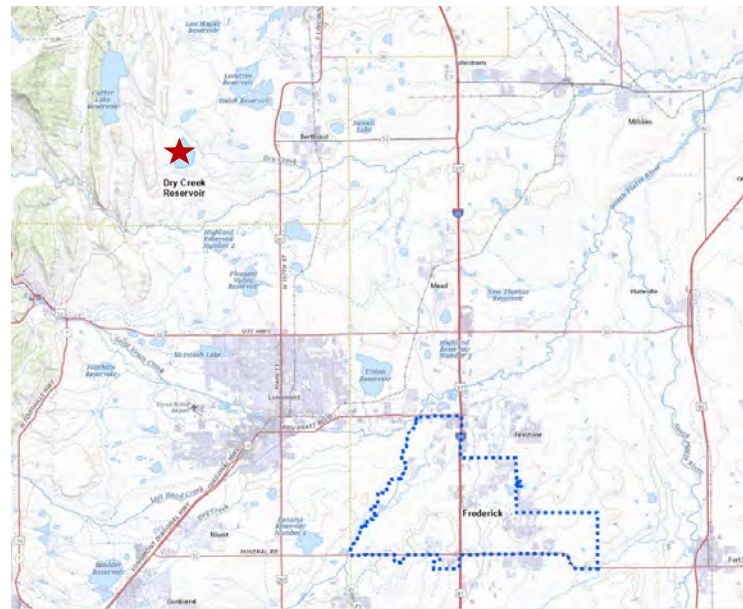
Update:

168 AF of Windy Gap water was delivered to Dry Creek reservoir for Storage in 2021.

Staff is coordinating with CWCWD on an update of their storage accounting.

Budgeted: \$600,000

There may be an opportunity to purchase an addition 1 unit as recommended in the 10-Year Plan this year.





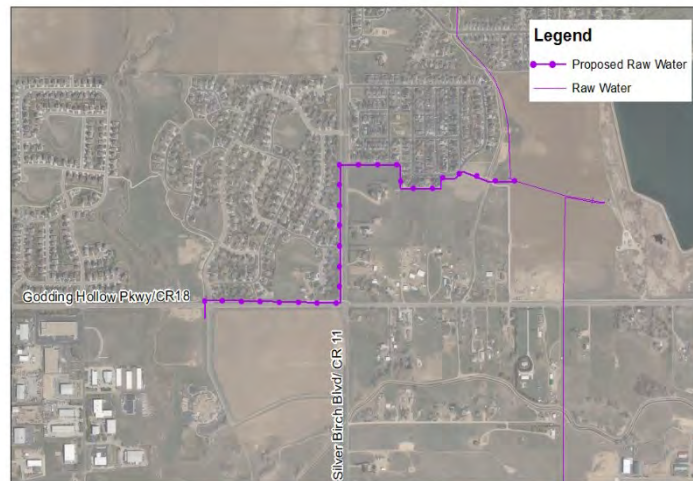
Summit View Raw Water Extension

Raw Water Line is proposed to be extended from the west pump station to the Clearview Project by the Developer. The Town has proposed to reimburse the Developer for a portion of the costs as described in the Clearview MOAPI based on demand. The construction cost listed below also includes funds to extend the raw water line to the Summit View Park from the mainline extension for the park conversion.

The extension improvement was moved to a later phase in the Clearview Project than was proposed when the budget was submitted.

If the Town were to extend the raw water line before the Developer, it would cost the Town more up front and a portion of the cost would be reimbursed from the Developer in the future.

Budgeted: \$76,500





CWCWD 30" Line

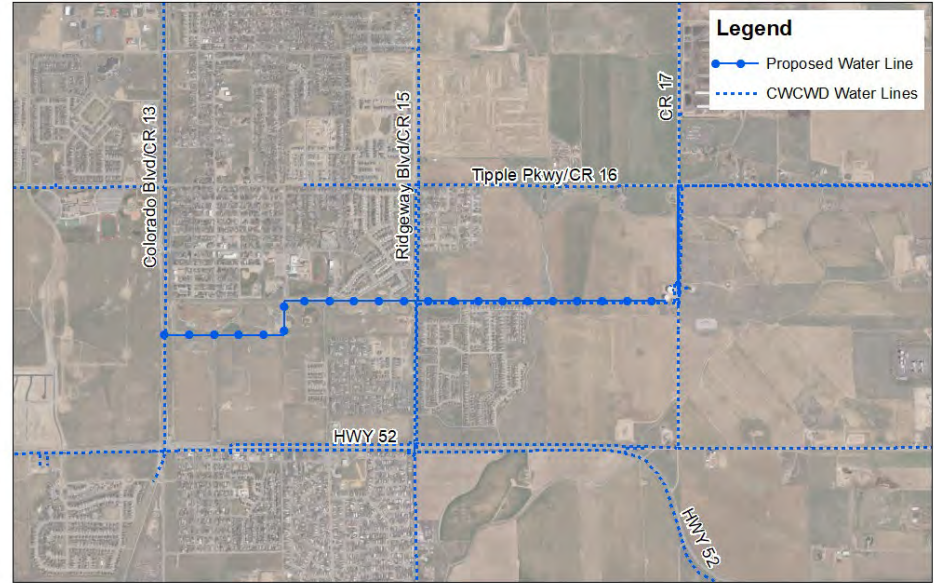
This project was identified in the CWCWD master plan as an improvement needed to support growth within Frederick and Firestone. The installation will benefit Hidden Creek, Silverstone, Prosperity, and other future and existing developments by proving a more reliable fire flow and emergency water supply.

Status:

Staff is reviewing the proposed agreement for the Town's contribution to the project.

Tentative schedule for construction in Fall/Winter 2022

Budgeted: \$2,000,000





Master Plan Updates (Non CIP)

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Water Master Plans

Long-Term Water Supply Plan:

- Staff is working with Element to present the Long-term plan at a work session March 15th.

Water Efficiency Plan:

- The public comment period ends February 15th.
- The State has provided conditional approval and comments on the plan.
- After the comment responses are complete the plan will be presented to the Board for approval.

Water Infrastructure Master Plan:

- Staff is preparing a RFQ for a Potable Master Plan which may include a section on the Non-potable system.
- Will be posted in March



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Questions?

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TOWN OF FREDERICK MEMORANDUM

TO: Honorable Mayor and Board of Trustees

FROM: Bryan Ostler, Town Manager

DATE: February 22, 2022

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 recommended for Board discussion (all meetings will be held in the Town Board Chambers unless otherwise indicated):

- February 22nd – Regular Meeting
- March 1st – Work Session
- March 8th – Regular Meeting
- March 15th – FURA and Work Session
- March 22nd – Regular Meeting
- March 29th – No Meeting, 5th Tuesday

Police Department

Policy Manual Update:

- After almost a year of diligence, we recently released the initial round of the department's new policy manual in Lexipol. These revised and updated policies cover several important areas to include use of force and emergency driving procedures. This ongoing project is important for the professionalism of the department and will assure that we are staying up-to-date with best practices and current law.

Hiring Process Update:

- We continue efforts to recruit and hire quality police officer for our community. This is a highly competitive process with almost every agency in the area trying to hire from the same pool of candidates. Advertising and testing of candidates is on-going and we hope to find new officers on soon.

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Communications and Engagement

Events:

- The carver spots for Chainsaws & Chuckwagons is full. The word is out, this competition is becoming nationally recognized as bringing in world-class carvers!

Community Partnerships:

- The team is supporting the Carbon Valley Help Center with the annual Empty Bowls event. We have designed the tickets, poster, program and set up the online ticket. Happy to help with this community event!
- The team is working with the Carbon Valley Chamber of Commerce who is hosting the Frederick election candidate forum on Monday, March 7.

Design:

- Downtown streetlight banners ordered.
- Working with financial software partner (Tyler) on Town app project
- The new event van is wrapped with an engaging community design.

Planning Department

Development Application:

- 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 eleven projects that have completed the pre-application step. There is currently no neighborhood meetings scheduled. Nine 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 Project Name (Date of Application)</i>	<i>Subdivision</i>	<i>General Location</i>	<i>Brief Description</i>
Eagle Business Park Lot 1 Agilent (2/07/2022)	Eagle Business Park	7400 Eagle Blvd	Site plan amendment to construct a new manufacturing building and warehouse building on the existing Agilent site.
<i>On Going Projects Project Name (Date of Application)</i>	<i>Subdivision</i>	<i>General Location</i>	<i>Brief Description</i>
Bear Industrial Park, Block 1, Lot 8 4210 Bruin Site Plan (02/16/2021)	Bear Industrial Park	4210 Bruin	Site plan for 15,000 sf office and warehouse building for crane company.
Bear Industrial Park Replat 5, Block 1 Lot 2 (10/18/2021)	Bear Industrial Park	4021 Kodiak	Plan for a 1,000 sq. ft. facility with outdoor storage.
Bear Industrial Park Replat 2 Block 2 Lot 1 (1/18/2022)	Bear Industrial Park	4160 Busch Place	Proposed 28,000 sq. ft. warehouse with outdoor space.
Colorado Blvd & Godding Hollow 7-11 Zoning and Final Plat (5/3/2021)		Southwest corner of Colorado Blvd and Godding Hollow	Zone 5.35-acre parcel and plat to create two lots. Northern lot will have a site plan processed for 7-11.
Colorado Blvd & Godding Hollow Conditional Use Site Plan		Southwest corner of Colorado Blvd	Development of southern parcel of land. Users not yet determined.

(5/3/2021)		and Godding Hollow	
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 Filing 3 Lot 1B (1/18/2022)	Eagle Business Park	7400 Eagle	Temporary lot for construction trailers for Agilent. Also updating grading and drainage.
Frederick Town Amendment B Lot 1-501 Walnut (9/8/2021)	Downtown	501 Walnut	Redevelop existing building into co-working office space.
McDonald Farms Conditional Use (10/4/2021)		7440 E. I-25 Frontage Road	Conditional use for recycling facility
Meadowlark Business Park Replat A (5/17/2021)	Meadowlark Business Park	5660 Iris Parkway	Request to divide the lot into 2 lots and a new 14,000 sq. ft. office building on the south lot.
Miners Park Town Center Filing 2 Block 1 (1/11/2022)		North of hwy 52 between Colorado Blvd and Maple Street	Proposed changes to zoning boundaries with keeping the current zoning.
Nelson Farms (1/3/2022)		Southwest corner of Silver Birch Blvd and Tipple Blvd	Proposed residential development on 236 acres
Nelson Lakes MOAPI Amendment (12/6/2021)	Nelson Lakes		Updating MOAPI conditions.
No Name Creek West Block 4 (12/6/2021)	No Name Creek West	9050 Harlequin Circle	Subdividing Lots.
<i>Project Name (Date of Application)</i>	<i>Subdivision</i>	<i>General Location</i>	<i>Brief Description</i>
Prairie Greens II (12/7/2020)	Prairie Greens	6460 Frederick Way	Request for vacation of easement and preliminary design for phase 4.
Raspberry Hill Business Park Lot 13	Raspberry Hill	8274 Raspberry Way	Proposed office building and sales of pickup trucks.
Raspberry Hill Business Park Lot 2 & 3 Truck Ranch (8/13/2021)	Raspberry Hill	8273 Raspberry Way	Site plan to build pickup truck dealership.
Raspberry Hill Business Park -Lots 4 &5 Phasing Plan	Raspberry Hill Business Park	8515 and 8517 Raspberry Way	Proposed vacant building for future unknown tenant.

Sanitation District Annexation No. 1 Subdivision Amendment (8/16/2021)		8500 Colorado Blvd.	Subdivision amendment to subdivide existing lot into 2 separate lots.
Silverstone Filing 7 (1/18/2021)	Silverstone		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.
Wyndham Hill Filing 6 Replat A FFFPD Station 5 Site Plan (6/7/2021)	Wyndham Hill	Generally, north of Highway 52, West of I-25 on Glacier Way.	Proposed fire station to include 3 bays.

Engineering Department

Colorado Blvd/Tipple Pkwy Intersection Improvements:

- A contract for design services was awarded to Martin/Martin Consulting Engineers at the April 13th Board meeting. Design plans are complete and the project will be ready to bid in early 2022. A second round of the Main Street Grant Program that the project previously applied for is now available. Staff met with CDOT, made modifications to the previous grant application and submitted a revised application on 2/4. Construction is expected to be in late spring/summer of 2022.

Neighborhood Speed Control Program (no change):

- Board approval for the FSMP was given at the August 10th meeting. The program has gone live and we have started receiving requests. The Board will be updated on projects that meet the program criteria and receive Town support for an improvement.

Tipple Pkwy/Frontage Rd Streetlight:

- Coordination efforts continue with CDOT and United Power regarding installation of a streetlight at this intersection. CDOT has indicated that they will support a permit for streetlight. Current design now supports 2 streetlights at this intersection and existing utility locations are being identified prior to construction. Waiting for United Power to begin installation.

Transportation Projects:

- Pavement Maintenance Projects went out to bid on 1/31/22. This includes crackseal and patching, slurry seal, mill and overlay areas throughout Town.
- Colorado Blvd Mill and Overlay went out to bid on 1/31/22.
- Colorado Blvd and Tipple Pkwy intersection improvement project is scheduled to go out to bid on 2/14/22.
- Concrete Alley Project is scheduled to go out to bid on 2/14/22.

Water Master Plan (no change):

- The 10-year plan was adopted at the December 14th meeting. Element is also hard at work with long term (50-year) plan and that should be completed at the end of January 2022. A presentation of the document is tentatively scheduled to come to the Board at the March 15th work session.

Water Efficiency Plan:

- Colorado's Water Conservation Act of 2004 requires that water providers in the State of Colorado who annually supply over 2,000 acre-feet per year (AFY) of water to retail customers (covered entities) are required to submit a water conservation plan for review and

approval to the Colorado Water Conservation Board (CWCB) at least every seven years. A draft of this document was discussed with the Board at the November 30 work session. Board comments were incorporated and the 60-day public viewing and comment period can begin. Staff is looking to bring the final version to the Board in March for feedback and adoption.

Raw Water Change of Use (no change):

- Engineering staff is coordinating with its water attorney and water rights consultant to evaluate its current raw water portfolio to support filing a change of use application in water court so that these raw water shares could be used for future town use. Preliminary data shows the Town having approximately 72 shares of Lower Boulder water or about 1,000 acre feet of water that can be changed to use for all municipal purposes within the Town's service area. Negotiations with the Lower Boulder Board have produced positive results and a Resolution for support of our Water Court application and substitute water supply plan was approved at their July 30th meeting. A final application to water court has now been executed by the Town and filed.
- Additionally, a substitute water supply plan application has now been executed and submitted to the State for approval and use by the Town next year. We expect to have a ruling on the SWSP by irrigation season 2022.

Water Quality Milavec Lake (no change):

- Engineering staff is coordinating with the Lower Boulder Ditch Company to address water quality concerns. An initial meeting occurred on September 29th to discuss stakeholders to include and strategies for advancing this issue.

Stormwater Master Plan (no change):

- Frederick and Dacono jointly submitted a Department of Local Affairs Energy Impact Grant application in December 2019 to develop a stormwater master plan and on April 3, the Town received notification that they were awarded funding! A contract was approved to Anderson Consulting Engineers at the June 23rd, 2020 Town Board meeting. The project is now going through a financial evaluation to identify funding mechanisms to support future projects. Final completion of the contract was complete at the end of 2021. This project is scheduled to go before the Board for final review and feedback at the March 1st work session and then scheduled for adoption at the April 12th Board meeting.

Stormwater:

- Zack Roberson has accepted the position of Stormwater Engineer for the Engineering Department. He will be in charge of floodplain permits, drainage projects and the MS4 Program.

Public Works Department

Streets:

- Snow event from 2/1/22 through 2/4/22 snow and ice control
- Replace 2 stop signs from snow event being hit – Fox Run Boulevard at Silverbirch; 6th Street at Blue Spruce
- Cleared ice in streets around town to assist residents' concerns
- Replaces all street signs / stop signs in Johnson Farm neighborhood and started in Moore Farm neighborhood.

Parks:

- Weekly checks of parks / trash.
- Removed 2 hazardous trees in Crist Park.

Water:

- 8 final water reads
- Hidden Creek mainline pressure test.
- 52 locates completed.

Buildings:

- Repaint of PD office
- Completed monthly building / safety inspections
- Completed relocation / installation of card readers
- Replaced door handle in interview room
- Replaced valve assembly on water fountain at PD
- New offices being set up
- Lockers installed at Wellness gym.

Storm Water:

- Continuous storm drain cleaned out and dead trees near FRA along Godding Hollow and Colorado Boulevard.

Fleet Services:

- 19 total logged service requests
- 9 scheduled: PW – 5; FFFPD – 2; PD – 2
- 10 unscheduled: PW – 4; FFFPD – 3; PD – 3
- Tandem dump truck / plow truck repairs complete back in service 2/1/22

Miscellaneous:

- Removed snow piles from downtown facilities to drain way
- Continued hauling debris from ditch cleaning to dump site in Fort Lupton.
- Crews cleaning out sanders and trucks from snow event.

Training:

- Brad Leach, Gage Robertson, and Rusty Ribble attended asphalt conference on 2/8/22 and 2/9/22.
- Kent VanDyne and Rusty Ribble attended Rocky Mountain Public Works Institute sessions on 2/9/22 and 2/10/22.
- Juston Marr and Matthew Sullivan attended irrigation class for Northern Waters.

Parks and Open Space Department

Commission Meeting:

- Conducted POST Commission Meeting on February 9th at Town Hall. Introduced new staff and discussed the Landscape Review for a subdivision proposal. Next meeting is scheduled for March 2nd at 6:30 at Town Hall and on Zoom.

Parks:

- Worked on invasive species mitigation at Frederick Recreation Area near Godding Hollow. A number of hazards, overgrown and dying Cottonwood and Willow trees were also removed as a part of the projects. Staff removed a considerable amount of trash and debris from the location, along with a homeless encampment.
- Handles a resident concern at Rinn Valley.

Open Space and Trails:

- Snow removal along trails and inside park areas.
- Toured the Mendoza Site and Cottonwood Pit sites to learn the areas.

Golf:

- Continued working on the Golf Course Master Plan. The next meeting with the design consultants is scheduled for late February or early March, weather dependent.
- Maintenance staff are ordering supplies and scheduling the Turf Care Program for the 2022 growing season and continuing to repair and prepare equipment.



TOWN OF FREDERICK MEMORANDUM

TO: Honorable Mayor Tracie Crites and Board of Trustees

FROM: Meghan Martinez, Town Clerk

DATE: February 18, 2022

SUBJECT: Town Clerk's Report

- *Commissions Updates*
 - Scholarship Commission
 - The scholarship application has been released on the Town's website and to the St. Vrain Valley School District.
 - Frederick Arts Commission
 - The commission will be doing condition assessments of the entire art collection.
- *2022 Municipal Election*
 - Overseas and military ballots were mailed per the statutory deadline.
 - Candidates have been invited to introduce themselves at the February 22, 2022 and March 8, 2022 Board Meetings.
 - The 24-Hour Drop Box will be utilized again for this year's election. We are grateful for the partnership with Weld County.
- *Municipal Court*
 - The Town Clerk has taken over municipal court duties and has met with court personnel to discuss the transition. We are grateful for the continued support by PD staff as we transition division.
 - The Assistant Town Clerk – Municipal Court position has been posted and closes on February 28, 2022.
 - Working with Judge Cahn and the Town Attorney to evaluate processes of the court.
- *Clerk's Office Updates*
 - Kelly Green was recently promoted to Assistant Town Clerk – Records and Information

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TOWN OF FREDERICK BOARD OF TRUSTEES
SPECIAL BOARD MEETING MINUTES
FREDERICK TOWN HALL, 401 LOCUST STREET
JANUARY 4, 2022

Call to Order: At 5:50 Mayor Crites called the meeting to order and requested roll call.

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

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 an 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's Annual Evaluation.

At 5:55 Mayor Crites recessed the meeting to go into executive session.

At 8:28 Mayor Crites reconvened the meeting.

Motion by Trustee Mahan and seconded by Trustee Lamach to approve a 5.5% increase for the Town Manager. Upon roll call vote, motion passed unanimously.

There being no further business of the Board, Mayor Crites adjourned the meeting of the Board of Trustees at 8:30 PM.

Approved by the Board of Trustees:

ATTEST:

Tracie Crites, Mayor

Meghan C. Martinez, MMC, Town Clerk

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TOWN OF FREDERICK BOARD OF TRUSTEES

REGULAR HYBRID BOARD MEETING MINUTES

FREDERICK TOWN HALL, 401 LOCUST STREET

JANUARY 11, 2022

Call to Order: At 7:00 Mayor Crites called the meeting to order and requested roll call.

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

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

Staff Reports:

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

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

Consent Agenda:

Motion by Trustee Padia and seconded by Trustee ONeal to approve the consent agenda which contained the following items:

- List of bills
- November 9, 2021 Minutes
- December 7, 2021 Minutes
- December 14, 2021 Minutes
- Ordinance 1368
- Resolution 22-R-01

Upon roll call vote, motion passed unanimously.

Action Agenda:

Public Hearing Amendments to the Frederick Land Use Code:

At 7:08 Mayor Crites opened the public hearing.

Senior Planner Ali vanDeutekom presented the proposed amendments.

At 7:35 Mayor Crites closed the public hearing.

Motion by Trustee Lamach and seconded by Trustee ONeal to approve Ordinance 1369 with the amendment of removing the language "functionally unworkable or". Upon roll call vote, motion passed unanimously.

Motion by Trustee Brown and seconded by Trustee Lamach to approve Ordinance 1370. Upon roll call vote, motion passed unanimously.

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Consideration of the Eagle Business Park Filing 5 Final Plat: Maureen Welsh presented the proposed project. The applicant Curtis McDonald was present. Motion by Trustee Lamach and seconded by Trustee O'Neal that Eagle Business Park Filing 5, case no. 2021-026 and its accompanying MOAPI amendment be approved based on the review criteria found in the Land Use Code Section 4.9.1.c, with no conditions; and to direct the Town Attorney to memorialize this approval as a resolution for prompt execution by Mayor Crites without further action of the Board. Upon roll call vote, motion passed unanimously.

Resolution 22-R-03 Authorizing the Purchase of 20 Units of CBT Water from two separate sellers: Engineer Sarah Watson presented the proposed purchase. Motion by Trustee Mahan and seconded by Trustee Brown to approve Resolution 22-R-03. Upon roll call vote, motion passed unanimously.

Mayor and Trustee Reports:

Trustee O'Neal: He mentioned the downtown height restrictions. He does not support the footnote in the previously approved ordinance.

Motion by Trustee O'Neal and seconded by Trustee Mahan to reconsider Ordinance 1370. Upon roll call vote, motion passed unanimously.

Motion by Trustee O'Neal and seconded by Trustee Brown to approve Ordinance 1370 with the amendment of removing footnote 5 from Table 3-5. Upon roll call vote, motion passed unanimously.

Trustee Brown: He thanked Kent for his response to the young man who mentioned basketball lights. His response was amazing.

Executive Session:

Motion by Trustee Brown and seconded by Trustee Lamach 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 economic development.

At 8:24 Mayor Crites recessed the meeting of the Board to go into executive session.

At 9:07 Mayor Crites reconvened the meeting.

Motion by Trustee Lamach and seconded by Trustee Padia to move forward with an agreement as discussed in executive session. Upon roll call vote, motion passed unanimously.

There being no further business of the Board, Mayor Crites adjourned the meeting of the Board of Trustees at 9:08 PM.

Approved by the Board of Trustees:

ATTEST:

Tracie Crites, Mayor

Meghan C. Martinez, MMC, Town Clerk



TOWN OF FREDERICK BOARD OF TRUSTEES
REGULAR HYBRID BOARD MEETING MINUTES
FREDERICK TOWN HALL, 401 LOCUST STREET
JANUARY 25, 2022

Call to Order: At 7:12 Mayor Crites called the meeting to order and requested roll call.

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

Approval of Agenda:

Town Clerk Meghan Martinez requested

Special Presentations:

Sub-Area Plan Update: Ryan Johnson gave an update on the status of the sub area plan.

Public Comment:

Suzanna Healy, 6239 Warrior Court, inquired about snow removal in the Silverstone neighborhood.

Staff Reports:

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

Consent Agenda:

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

- 22-R-04 Authorizing the Mayor to Execute the Second Amendment to the Hidden Creek Memorandum of Agreement for Public Improvements
- 22-R-05 Approving an Intergovernmental Agreement for Emergency Management

Upon roll call vote, motion passed unanimously.

Action Agenda:

Ordinance 1371 Amending Articles and Sections of the Frederick Land Use Code to Limit the Weight given to the Comprehensive Plan in Land Use Code Decision-Making after it has been in effect without Comprehensive Review and Update: Senior Planner Ali vanDeutekom presented the proposed ordinance. Motion by Mayor Pro Tem March and seconded by Trustee Lamach to approve Ordinance 1371. Upon roll call vote, motion passed unanimously.

Resolution 22-R-06 Authorizing the Mayor to Execute an Application to Northern Colorado Water Conservancy District for an Annual Renewable Perpetual Water Contract for the Right to Use CBT Shares: Engineer Sarah Watson presented the proposed resolution. Motion by Mayor Pro Tem March

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and seconded by Trustee Mahan to approve Resolution 22-R-06. Upon roll call vote, motion passed unanimously.

Resolution 22-R-07 Approving a Petition for Exclusion of Land in Wildflower Metropolitan District No. 2: Assistant Town Manager Ryan Johnson presented the proposed resolution. Motion by Mayor Pro Tem March and seconded by Trustee Padia to approve Resolution 22-R-07. Upon roll call vote, motion passed unanimously.

Mayor and Trustee Reports:

Trustee O'Neal: Hats off to Public Works for the snow removal. He mentioned ice build up on shady streets. He encouraged residents to clear their driveways into their own property. He mentioned that some commercial property owners are pushing their snow into Town streets as well.

Mayor Pro Tem March: He discussed the last snow storms and gave kudos to Public Works for their great job plowing especially without the tandem trucks.

Executive Session:

Motion by Trustee Mahan and seconded by Trustee Brown 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 real property. Upon roll call vote, motion passed unanimously.

At 8:56 Mayor Crites recessed the meeting of the Board to go into executive session.

At 10:02 Mayor Crites reconvened the meeting.

Motion by Mayor Pro Tem March and seconded by Trustee Brown for staff to engage in execution of a Letter of Intent. Upon roll call vote, motion passed unanimously.

There being no further business of the Board, Mayor Crites adjourned the meeting of the Board of Trustees at 10:03 PM.

Approved by the Board of Trustees:

ATTEST:

Tracie Crites, Mayor

Meghan C. Martinez, MMC, Town Clerk



TOWN OF FREDERICK BOARD OF TRUSTEES ACTION MEMORANDUM

Tracie Crites, Mayor

Dan March, Mayor Pro Tem
Windi Padia, Trustees
Kevin Brown, Trustee

Adam Mahan, Trustee
Rusty O'Neal, Trustee
Mark Lamach, Trustee

Delegating Authority to Appoint Election Judges to the Town Clerk

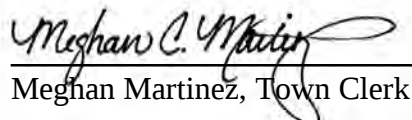
Agenda Date: Town Board Meeting – February 22, 2022

Attachment a. Resolution

Finance Review:

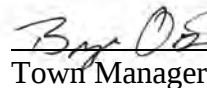
Finance Director

Submitted by:



Meghan Martinez, Town Clerk

Approved for Presentation:



Town Manager

☐ Quasi-Judicial

☒ Legislative

☐ Administrative

Summary Statement:

Staff is requesting the Board of Trustees delegate the authority to appoint election judges to the Town Clerk for the Regular Municipal Election.

Detail of Issue/Request:

C.R.S. 31-10-401 Requires the Board of Trustees appoint election judges at least fifteen days before each municipal election. The Board of Trustees may by resolution delegate to the Town Clerk the authority and responsibility of appointing election judges for the election.

At the October 26, 2021 Board Meeting, the Board requested that staff look into whether this item could be codified into code instead of considered routinely by the Board. Staff believes this item needs to be approved by the Board at each election and cannot be codified in code.

Legal Comments:

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The resolution was reviewed by the Town Attorney and the Town Attorney provided guidance on the Board's question from the October Board Meeting.

Alternatives/Options:

The Board of Trustees may choose to appoint election judges instead of delegating the authority to the Town Clerk

Staff Recommendation:

Staff recommends approving the resolution as presented.

**TOWN OF FREDERICK, COLORADO
RESOLUTION NO. 22-R-13**

**A RESOLUTION DELEGATING TO THE TOWN CLERK
THE AUTHORITY TO APPOINT ELECTION JUDGES**

WHEREAS, on April 5, 2022 a regular municipal election will be held in the Town of Frederick; and

WHEREAS, C.R.S. 31-10-401 requires the Board of Trustees to appoint election judges or to delegate to the Town Clerk the authority and responsibility to appoint election judges; and

WHEREAS, the Board of Trustees has determined to delegate its authority and responsibility to appoint election judges to the Town Clerk.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO:

Section 1. Pursuant to C.R.S. 31-10-401 the Board of Trustees delegates the authority and responsibility to appoint election judges to the Town Clerk.

Section 2. All such appointments made by the Town Clerk shall be accordance with the requirements for judges of election set forth in Part 4 of the Municipal Election Code C.R.S. 31-10-401, et seq.

Section 3. **Effective Date.** This resolution shall be become effective immediately upon adoption.

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

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

INTRODUCED, READ, AND ADOPTED THIS 22nd DAY OF FEBRUARY, 2022.

ATTEST:

TOWN OF FREDERICK

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

Rusty O'Neal, Trustee
Kevin Brown, Trustee
Windi Padia, Trustee

Consideration of Amendments to Articles 1 and 3 of the Frederick Land Use Code

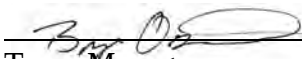
Agenda Date: Town Board Meeting - February 22, 2022

Attachments:

- a. Proposed Ordinance
- b. Planning Commission Minutes
- c. PCR-2022-06A
- d. Map with .25 buffer

Finance Review: _____
Finance Director

Submitted by: Ali van Deutekom
Interim Planning Manager

Approved for Presentation: 
Town Manager

☐ Quasi-Judicial

☐ Legislative

☒ Administrative

Summary Statement:

This is a request to consider amendments to Articles 1 and 3 of the Frederick Land Use with regards to cemeteries.

Detail of Issue/Request:

Background Information:

In 2021, the Board of Trustees adopted a strategic plan. Within the focus area of *Community and Economic Vitality*, the Board established a goal of developing a revitalization strategy for 5th Street. As part of that effort, staff has initiated an exercise to identify land uses that, while allowed under the current zoning, may not support the shared goals of an active and vibrant downtown.

Built on What Matters.

One of these use types is cemetery. Cemeteries are currently permitted on several properties zoned “public” in our Downtown Development Area. The intent of the Downtown Development Area is to preserve and protect the existing, historic and unique character and provide a pedestrian-oriented shopping, dining, entertainment, and living center in the Frederick community. Typically, cemeteries are in direct conflict with these objectives. Staff is suggesting a quarter mile buffer be added, around the Downtown Development Area, where cemeteries are not permitted. Staff is also suggesting we clarify the definition of cemetery. The proposed code amendments are as follows:

Article 1

Section 1.15, Town of Frederick Land Use Code, is amended as follows (double strikethrough is deleted text and double underline is added text):

* * *

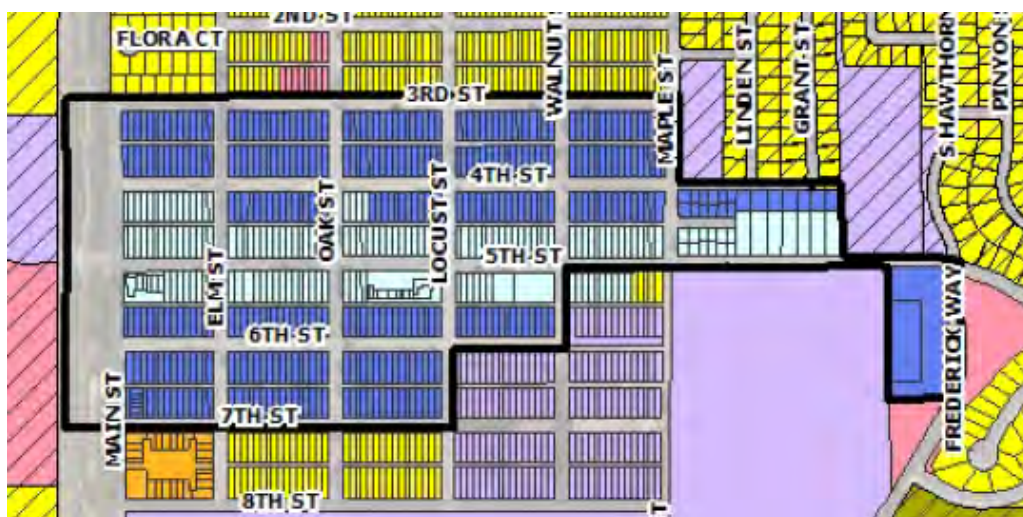
Cemetery means land used or intended to be used for the interment of the remains of human bodies or pets, whether such interment is above ground or below ground. The term “cemetery” includes graveyards, ~~burial of the dead and dedicated for cemetery purposes, including mausoleums, and mortuaries, tombs, and columbariums, when operated in conjunction with, and within the boundaries of, such cemetery.~~

Cemetery means land used or intended to be used for the interment of the remains of human bodies or pets, whether such interment is above ground or below ground. The term “cemetery” includes graveyards, ~~burial of the dead and dedicated for cemetery purposes, including mausoleums, and mortuaries, tombs, and columbariums, when operated in conjunction with, and within the boundaries of, such cemetery.~~

* * *

Downtown means the original business district of the Town.

Downtown Development Area means the area that encompasses the Downtown and adjacent areas, which is outlined with a heavy black line in the figure below:



Article 3

Table 3-1, Table of Permitted Uses, in Section 3.4, Matrix of Permitted, Conditional, and Special Uses by Zoning District, Town of Frederick Land Use Code, is amended as follows (double underline is added text, three asterisks represent large amounts of unchanged text):

Table 3-1.B. Table of Permitted Institutional/Civic/Public Uses Any use not permitted in a zone either specifically or by interpretation by the Board of Trustees per Section 3.4(a) is hereby specifically prohibited														
--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

* * *

INSTITUTIONAL/CIVIC/ <u>PUBLIC USES</u>														
Cemeteries.	C	C											P	(28) <u>(29)</u>

* * *

Section 3. Section 3.4.2.b. is amended to add subsection (29) after subsection (28), to read as follows:

(29) Cemeteries shall not be located within the area within the Downtown Development Area, or within one-quarter mile of the boundaries of the Downtown Development Area.

Review Criteria:

Section 4.7.9.b. For the purpose of establishing and maintaining sound, stable, and desirable development within the Town, the text of this Code shall not be amended except:

- (1) To correct a manifest error in the text of this Code;
- (2) To provide for changes in administrative practices as may be necessary to accommodate changing needs of the community and the Town staff;
- (3) To accommodate innovations in land use and development practices that were not contemplated at the adoption of this Code; or
- (4) To further the implementation of the goals and objectives of the Comprehensive Plan.

The proposed amendments accommodate development practices that were not contemplated at the time of the adoption of the Downtown Code. The drafted amendments provide clarifications on definitions. Fully describe the issue or request. Focus on answering what, why and how more thoroughly. This may include referring to trends, statistical charts or policy documents. If you choose to refer to other materials, either include a copy or make the reference clear enough that the reader can easily find the reference material.

Public Notice:

This project was properly noticed according to the requirements of Section 4.5 of the Frederick Land Use Code.

Planning Commission:

Planning Commission was held February 17, 2022. The Commission voted to recommend ~~denial of~~ the request with a vote of 4-0.

The Planning Commission stated the new definition of cemetery would add confusion surrounding mortuaries in downtown. The definition was presented to the Planning Commission as follows:

Cemetery means land used or intended to be used for the interment of the remains of human bodies or pets, whether such interment is above ground or below ground. The term “cemetery” includes graveyards, burial of the dead and dedicated for cemetery purposes, including ~~mausoleums, and mortuaries, tombs, and columbariums, when operated in conjunction with, and within the boundaries of, such cemetery.~~

Staff believes ~~it has~~ adjusted the definition ~~in order to remove any confusion~~ by striking through the word “mortuaries,” as set out below, will remove any confusion. The Land Use Code defines “funeral home” to include mortuaries. Funeral homes are still permitted in the Downtown Development Area.

Cemetery means land used or intended to be used for the interment of the remains of human bodies or pets, whether such interment is above ground or below ground. The term “cemetery” includes graveyards, burial of the dead and dedicated for cemetery purposes, including ~~mausoleums, and mortuaries, tombs, and columbariums, when operated in conjunction with, and within the boundaries of, such cemetery.~~

The Planning Commission suggested staff adjust the presented definition, re-notice the code amendment and bring the item back to a later Planning Commission meeting date for consideration. The Planning Commission is a recommending body so the item still moves forward to the Board of Trustees with a recommendation of denial. The Board may approve the Ordinance language as amended following the Planning Commission meeting; or approve the Ordinance with a further or different amendment; or decline to approve the Ordinance; or table the Ordinance to allow for presentation of the amendment to the Planning Commission.

Legal Comments:

The ordinance was prepared by the Town’s Land Use Attorney.

Alternatives/Options:

The Board of Trustees may enact the request, decline to enact the request, amend the request, or table to a date certain.

Ordinance No.

Enact:

I move that Ordinance No. _____ be approved.

Amendments:

I move that the following language be (added to / removed from) from Ordinance No. _____.

Decline to Enact:

I move that Ordinance No. _____ not be approved at this time.

Table:

I move that Ordinance No. _____ be tabled until the March 22nd, 2022 meeting so staff may take the adjusted definition back to the Planning Commission at their March 17th meeting.

Financial Considerations:

Not Applicable.

TOWN OF FREDERICK, COLORADO

ORDINANCE NO. 1372

AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, AMENDING ARTICLE 1 AND ARTICLE 3 OF THE FREDERICK LAND USE CODE, SPECIFICALLY SECTIONS 1.15 AND 3.4, TO CLARIFY LOCATIONS WITHIN THE TOWN WHERE CEMETERIES MAY BE PERMITTED.

WHEREAS, the Board of Trustees of the Town of Frederick (“Board”) finds that the Town allows for cemeteries in certain zone districts; and

WHEREAS, the Board finds that cemeteries are not an appropriate use within the area that is subject to the Downtown Development Plan (“Downtown Development Area”) and within one quarter mile of the Downtown Development Area; and

WHEREAS, the Board finds that the definition of “cemetery” should be amended to clarify that the term “cemetery” includes columbaria; and

WHEREAS, the Board finds that the phrase “Downtown Development Area” should be defined in the Land Use Code; and

WHEREAS, the Board finds that amendment to the Town’s Land Use Code, Table 3-1.B., is necessary to ensure that cemeteries are placed within the Town appropriately, with due regard to the sensitivity of the use; and

WHEREAS, by Resolution _____, dated _____, the Planning Commission of the Town of Frederick approves the amendments set out in this Ordinance to the extent they constitute subdivision regulations, and recommends that the Board enact the amendments that are set out in this Ordinance.

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

Section 1. Section 1.15, Town of Frederick Land Use Code, is amended as follows (double strikethrough is deleted text and double underline is added text):

* * *

Cemetery means land used or intended to be used for the interment of the remains of human bodies or pets, whether such interment is above ground or below ground. The term “cemetery” includes graveyards, ~~burial of the dead and dedicated for cemetery purposes, including mausoleums, and mortuaries, tombs, and columbariums, when operated in conjunction with, and within the boundaries of, such cemetery.~~

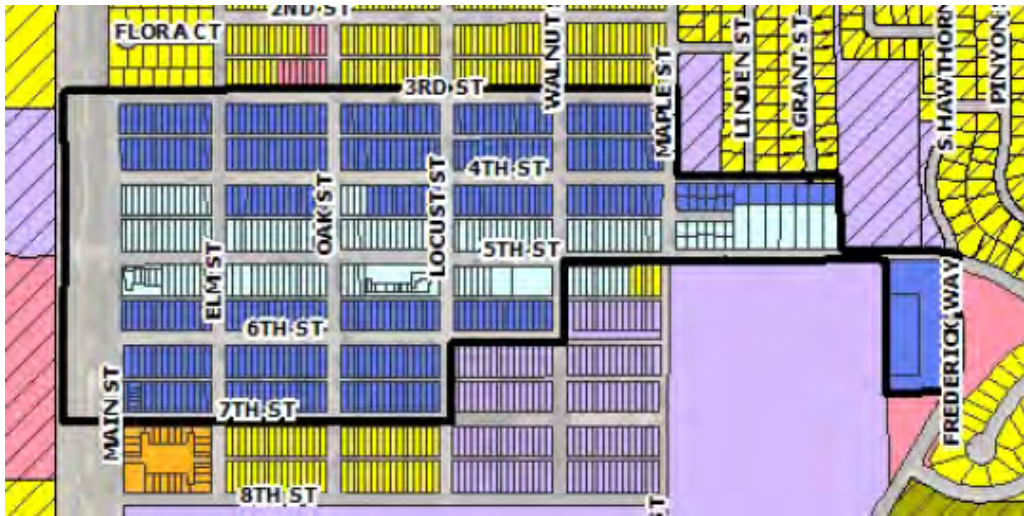
Cemetery means land used or intended to be used for the ~~interment of the remains of human bodies or pets, whether such interment is above ground or below ground. The term “cemetery” includes graveyards, burial of the dead and dedicated for cemetery purposes, including mausoleums, and~~

~~mortuaries, tombs, and columbariums, when operated in conjunction with, and within the boundaries of, such cemetery.~~

* * *

Downtown means the original business district of the Town.

Downtown Development Area means the area that encompasses the Downtown and adjacent areas, which is outlined with a heavy black line in the figure below:



* * *

Section 2. Table 3-1, Table of Permitted Uses, in Section 3.4, Matrix of Permitted, Conditional, and Special Uses by Zoning District, Town of Frederick Land Use Code, is amended as follows (double underline is added text, three asterisks represent large amounts of unchanged text):

Table 3-1.B. Table of Permitted Institutional/Civic/Public Uses	
Any use not permitted in a zone either specifically or by interpretation by the Board of Trustees per Section 3.4(a) is hereby specifically prohibited	

* * *

INSTITUTIONAL/CIVIC/PUBLIC USES													
Cemeteries.	C	C										P	(28) (29)

* * *

Section 3. Section 3.4.2.b. is amended to add subsection (29) after subsection (28), to read as follows:

(29) Cemeteries shall not be located within the area within the Downtown Development Area, or within one-quarter mile of the boundaries of the Downtown Development Area.

Section 4. Effective Date. This Ordinance shall become effective immediately.

Section 5. Validity. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases be declared invalid.

Section 6. Necessity. The Board of Trustees of the Town of Frederick finds that this ordinance is necessary for the immediate preservation and protection of the health, safety, welfare and property of the inhabitants and owners of property in the Town of Frederick.

Section 7. Certification. The Town Clerk shall certify to the passage of this ordinance to the Weld County Clerk and Recorder's office, and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED THIS 22 DAY OF FEBRUARY, 2022.

ATTEST:

TOWN OF FREDERICK

By _____
Meghan Martinez, MMC, Town Clerk

By _____
Tracie Crites, Mayor



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
FEBRUARY 17, 2022
6:00 PM

CALL TO ORDER: At 6:03 p.m. Vice Chair TeVelde called the meeting to order and requested roll call.

ROLL CALL:

- Present: Vice Chair TeVelde, Commissioner Conroy, Commissioner Stark, and Commissioner Scott.
 - o Chairperson Moe was not present.
- Staff: Planner Ali van Deutekom, Deputy Town Clerk Taylor Kittilson, and Land Use Attorney Christine Francescani.

APPROVAL OF AGENDA: There were no changes to the agenda as presented.

APPROVAL OF FEBRUARY 3, 2022 MINUTES: Motion by Commissioner Stark and seconded by Commissioner Conroy to approve the February 3, 2022 Minutes. Upon roll call vote, motion passed unanimously.

CONSIDERATION OF AMENDMENTS TO ARTICLES 1 AND 3 OF THE FREDERICK LAND USE CODE:

Planner Ali van Deutekom presented the proposed amendments.

Planning commission recommended that the definition of cemetery be reworked and the item be brought back to the Planning Commission for consideration.

Motioned by Commissioner Conroy and seconded by Commissioner Scott to approve PCR-2022-06-B, A Resolution of the Planning Commission Recommending Denial of Amendments to the Town of Frederick Land Use Code Articles 1 and 3. Upon roll call vote, motion passed unanimously.

OTHER BUSINESS:

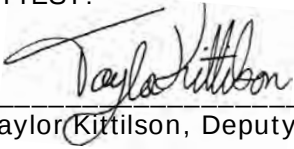
There being no further business of the Planning Commission, Vice Chair TeVelde adjourned the meeting at 6:24 PM.

Built on What Matters.

Approved by the Planning Commission:

Tracy Moe, Chairperson

ATTEST:



Taylor Kittilson, Deputy Town Clerk

**A Resolution of the Planning Commission Recommending Denial of Amendments to
the Town of Frederick Land Use Code Articles 1 and 3**

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

Section 1. The Frederick Planning Commission finds that:

1.3 Amendments to Land Use Code Sections 1 and 3 to clarify the cemetery definition and define the Downtown Development Area and ensure cemeteries are placed appropriately.

1.4 Said amendments do not conform with the applicable requirements of Section 4.7.9.b. of the Frederick Land Use Code.

Section 2. This resolution constitutes the written report, findings and decision of the Town of Frederick Planning Commission.

Section 3. On the basis of the above, the Town of Frederick Planning Commission recommends denial of the application.

This resolution approved this 17th day of February, 2022, by a vote of 4 to 0.

Chad teVelde, Vice Chairman Planning Commission



TOWN OF FREDERICK

Downtown Development Plan Zoning Use Analysis

January 27, 2022

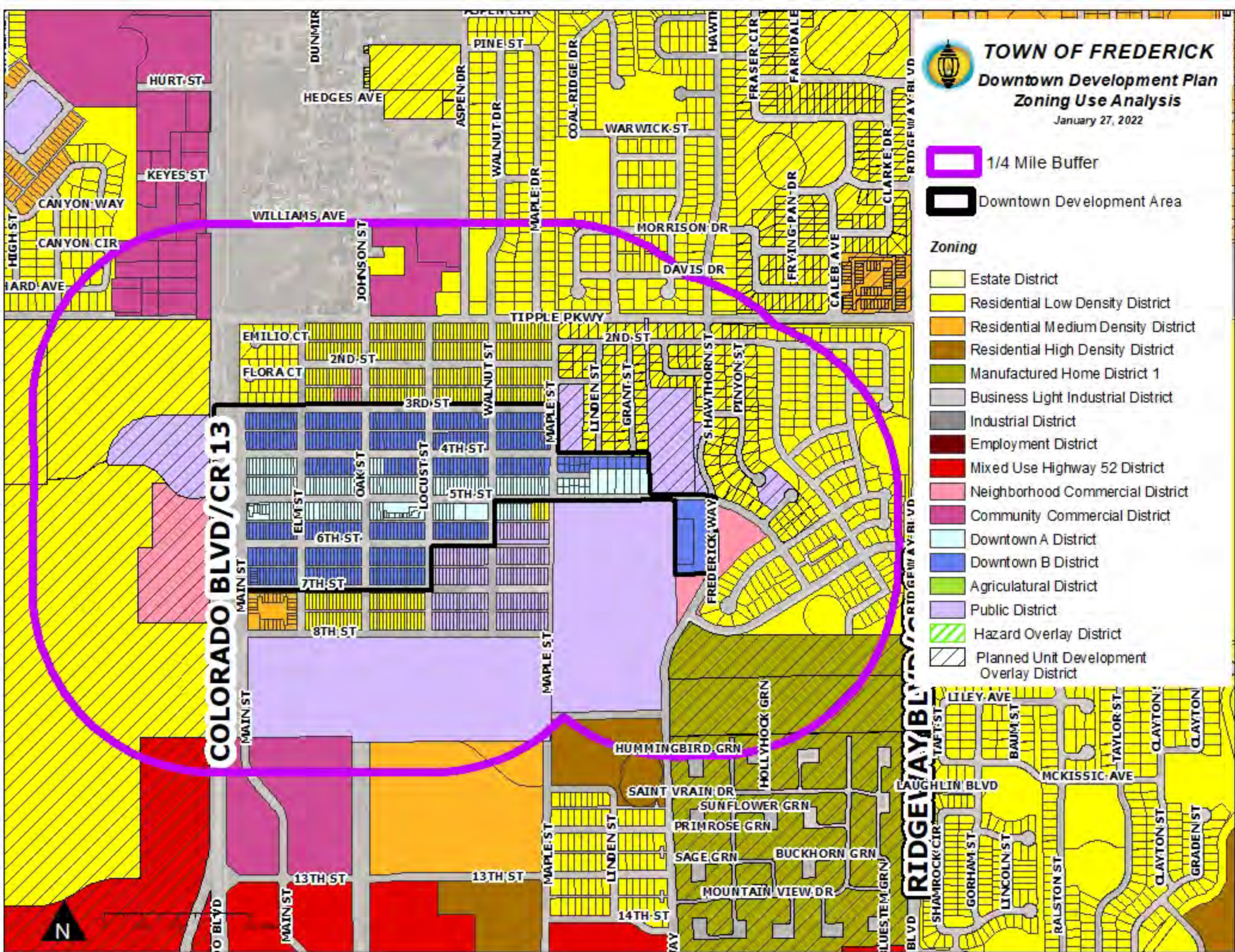


1/4 Mile Buffer

Downtown Development Area

Zoning

- Estate District
- Residential Low Density District
- Residential Medium Density District
- Residential High Density District
- Manufactured Home District 1
- Business Light Industrial District
- Industrial District
- Employment District
- Mixed Use Highway 52 District
- Neighborhood Commercial District
- Community Commercial District
- Downtown A District
- Downtown B District
- Agricultural District
- Public District
- Hazard Overlay District
- Planned Unit Development Overlay District





TOWN OF FREDERICK BOARD OF TRUSTEES ACTION MEMORANDUM

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

Tracie Crites, Mayor

Rusty O'Neal, Trustee
Kevin Brown, Trustee
Windi Padia, Trustee

CONSIDERATION OF MCDONALD FARMS CONDITIONAL USE REQUEST (Project No. 2021-030)

Agenda Date: Town Board Meeting – February 22, 2022

Attachments:

- a. Site Plan
- b. Letter of Intent
- c. Planning Commission Minutes 2-3-2022
- d. Signed PCR-2022-05A

Finance Review:

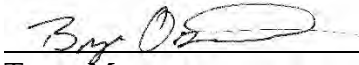
Finance Director

Submitted by:

Maureen Welsh

Planner I

Approved for Presentation:



Town Manager

☒ Quasi-Judicial

☐ Legislative

☐ Administrative

Summary Statement:

This is a request to consider a conditional use for McDonald Farms' non-hazardous material recycling processing operation.

Detail of Issue/Request:

Applicant: Tracy Loftus, Rule Engineering

Owner: Douglas and Marjorie McDonald

Location and Zoning: This property is located at 7440 East I-25 Frontage Road. Located in the south half of Section 26, Township 2 North, Range 68 West of the 6th P.M. The property is zoned Industrial (I).

Built on What Matters.

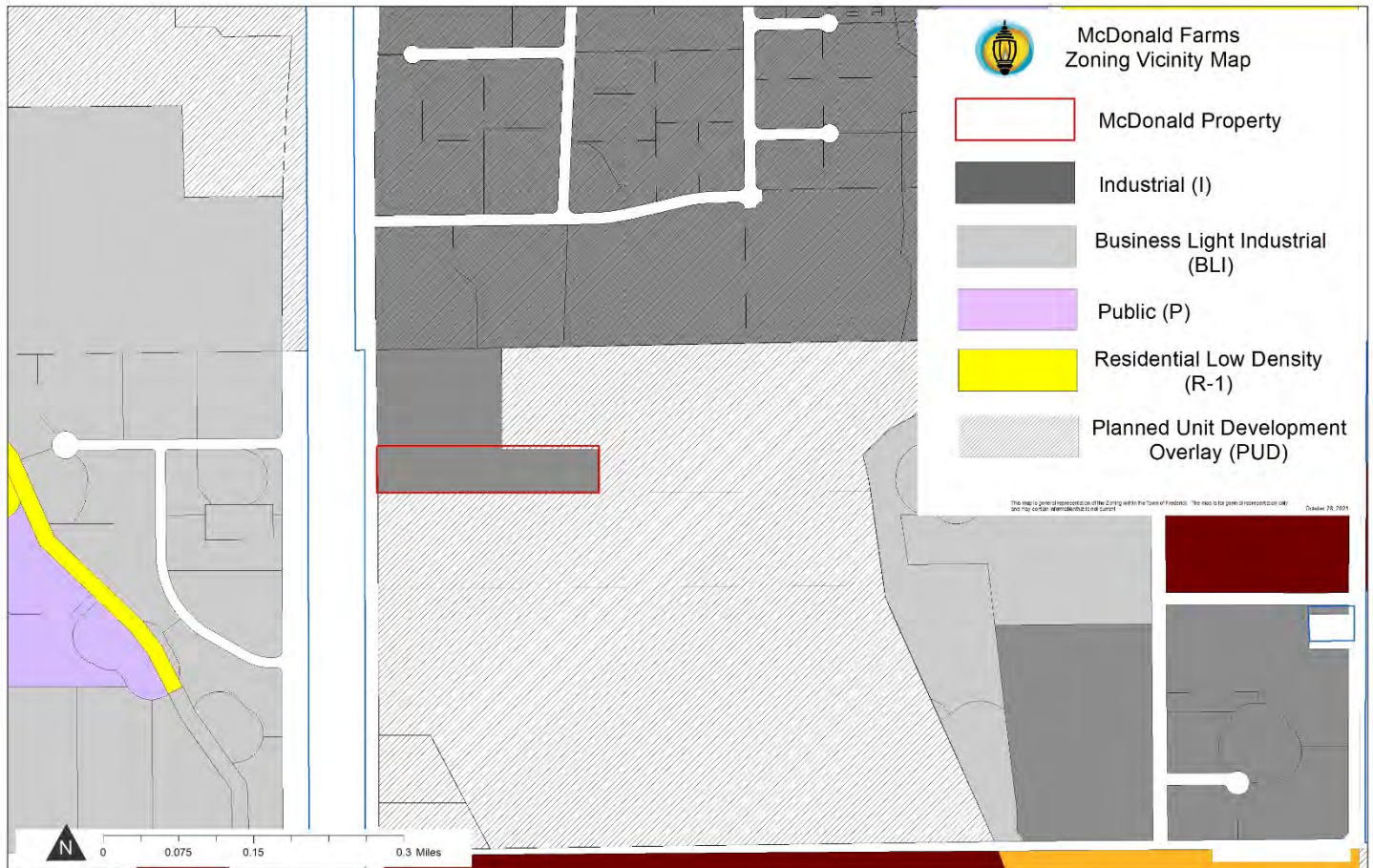
Surrounding Land Uses and Zoning:

North	Land use: Transwest Truck, Trailer and RV and vacant property Zoning: Industrial (I) with a PUD Overlay
South	Land use: Vacant (HCT Annexation) Zoning: To Be Determined (TBD) with PUD Overlay
West	Land use: I-25 Frontage Road Zoning: N/A
East	Land use: Vacant property Zoning: To Be Determined (TBD) with PUD Overlay

Vicinity Map:



Vicinity Map with Zoning:



Background Information:

The McDonald's have conducted their trucking, hauling, and rental businesses at this location for more than twenty-five years. The trucking, hauling and rental businesses occupy 90% of the site. The eastern edge of the property under review today, and the remaining 10% of the property, is currently utilized for their non-hazardous recycling operations. The recycling business was established prior to the property being annexed into the Town, more than twenty years ago. In recent years, the McDonalds had been approached by the Colorado Department of Public Health and Environment (CDPHE) regarding their required Certificate of Designation to continue their recycling operations. In order to receive this Certificate of Designation from the state, the McDonalds must first receive approval from the Town, through a Conditional Use request. The Land Use Code designates recycling facilities as conditionally permitted in the Industrial zone district.

The McDonald's current operation involves collecting organic waste from entities such as grocery stores and landscaping businesses. The waste includes organic materials such as; leaves, twigs, and food grease collected from commercial kitchens and grocery stores. The organic waste materials are hauled to the designated recycling area on site, and are deposited on a curbed concrete pad. Any liquids discharged from the waste are drained to the pad which then drains into an underground sump for daily transfer to a wastewater treatment plant. The employees sort the non-recyclable material from the pile prior to loading it onto their truck, which is then transferred to a composter. Non-recyclable materials can include large tree limbs, and other inorganic material. These items are transferred to a landfill. All waste

on site is removed daily to prevent any offensive odors or pest issues. The area in which these recycling operations occur is approximately 420 square feet.

Request:

This is a request to consider the Conditional Use for a recycling facility to be permitted by the Town. Pending the approval of this request, the McDonalds will then receive all required permitting through the state in order to compliantly continue their business operations.

Conditional Use Review Criteria:

Section 4.9.4 of the Town of Frederick Land Use Code, sets forth the following review criteria for the proposed planning action.

The conditional use will satisfy all applicable provisions of this Code and subdivision regulations unless a variance is being requested.

1. The conditional use will satisfy all applicable provisions of this Code and subdivision regulations unless a variance is being requested.

Staff Comment: No variance is being requested with this application.

2. The conditional use will conform with or further the goals, policies and strategies set forth in the Comprehensive Plan.

Staff Comment: Both the Comprehensive Plan and pending 25/52 Subarea Plan designate this property for industrial land uses. Recycling Facilities are conditionally permitted in the Industrial zone district.

3. The conditional use will be adequately served with public utilities, services and facilities (i.e., water, sewer, electric, schools, street system, fire protection, public transit, storm drainage, refuse collection, parks system, etc.) and not impose an undue burden above and beyond those of the permitted uses of the district.

Staff Comment: This site is currently in operation and is served by all necessary utilities. It will not require any increased or additional services.

4. The conditional use will not substantially alter the basic character of the district in which it is located or jeopardize the development or redevelopment potential of the district.

Staff Comment: This application's approval will not substantially alter the basic character of the district as no changes to the property or existing operations are being requested.

5. The conditional use will result in efficient on-and off-site traffic circulation which will not have a significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.

Staff Comment: The traffic generated from the site will not increase with the approval of this request. The site and the existing road improvements, adequately serve this business' uses.

6. Potential negative impacts of the conditional use on the rest of the neighborhood or of the neighborhood on the conditional use have been mitigated through setbacks, architecture, screen walls, landscaping, site arrangement or other methods. The applicant shall satisfactorily address the following impacts:

- a. Traffic;
- b. Activity levels;

Staff Comment: Traffic will not be changed nor directly impacted with the approval of this conditional use request. This conditional use request will not increase the daily traffic trips and overall activity levels.

- c. Light;
- d. Noise;

Staff Comment: Adequate lighting for the site has been reviewed and approved per the Land Use Code. The recycling facility operations are set back from the right of way and adjacent properties. There is also an eight-foot wooden screen fence that provides both a noise and visual barrier.

- e. Odor;

Staff Comment: This conditional use request provides the community a means of decreasing noxious odors by removing waste from populated areas.

- f. Building type, style and scale;

Staff Comment: All buildings on site are existing and are not proposed to change with this conditional use request.

- g. Hours of operation;

Staff Comment: The hours of operation are from 7 AM to 7 PM.

- h. Dust; and
- i. Erosion control.

Staff Comment: There is no dust created with the recycling operation. There are no erosion control concerns. The site is also annually inspected by a CDPHE Erosion Control Specialist.

7. The applicant has submitted evidence that all applicable local, state, and federal permits have been or will be obtained.

Staff Comment: McDonald Farms has expressed their commitment to comply with all regulatory requirements. Pending the approval of this conditional use request from the Town, the recycling area has been determined by the CDPHE to require a Certificate of Designation. The Planning Department has been frequently updating the CDPHE on the status of this application so that if approved, the Certificate of Designation can be applied for directly after. The CDPHE has rigorous

requirements for obtaining a Certificate of Designation and have stated that they will be working closely with the McDonalds to ensure compliance.

Public Notice:

This project was properly noticed according to the requirements of Section 4.5 of the Frederick Land Use Code.

Legal Comments:

The application has been reviewed by the Town Attorney, whose comments have been incorporated accordingly.

Planning Commission:

A Planning Commission meeting was held on February 3, 2022. The Planning Commission had a question regarding the conditional use and whether or not approving this conditional use as proposed will allow the applicant to make changes to their recycling operation in the future. Staff had replied and stated that this conditional use approval is based on the stated review criterion and is based on the site plan which only allows the recycling operation to operate within the 420 square foot section. The conditional use approval will not allow the applicant to operate outside of those stated parameters. Upon answering their questions, the Planning Commission found the project to be acceptable to move forward to hearing by the Board of Trustees. The Planning Commission recommended approval without conditions by approving PCR-2022-05A with a vote of 4-0.

Alternatives/Options:

The Board of Trustees may approve the request, deny the request, or approve the request with conditions.

Financial Considerations:

Not applicable

Recommended Motions:

Approval:

I move that McDonald Farms Conditional Use, case no. 2021-030 be approved based on the review criteria found in the Town Land Use Code Section 4.9.4, with no conditions; and to direct the Town Attorney to memorialize this approval as a resolution for prompt execution by Mayor Crites without further action of the Board.

Approval with Conditions:

I move that McDonald Farms Conditional Use, case no. 2021-030 be approved based on the review criteria found in the Town Land Use Code Section 4.9.4, and based on the following conditions;

1. (list specific conditions)
- 2...
- 3...

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

Denial:

I move that McDonald Farms Conditional Use, case no. 2021-030 be denied based on the following findings of fact (list specific facts); and to direct the Town Attorney to reduce this denial, along with the findings of fact, to writing for prompt execution by Mayor Crites without further action of the Board.

CONDITIONAL USE

LOCATED IN THE SOUTH HALF OF SECTION 26, TOWNSHIP 2 NORTH, RANGE 68 WEST OF THE 6TH P.M.,
COUNTY OF WELD, STATE OF COLORADO

Certificate of Ownership.

Know all men by these presents *The McDonald Family Limited Liability Limited Partnership* being the Owner(s), Mortgagee or Lien-holder of certain lands in Frederick, Colorado, described herein, has caused a Conditional Use Map as an amendment to the permitted uses within the applicable zoning district to be prepared for said land to show how the lot, parcel or tract will be developed:

REMAINDER OF PARCEL NO. 131326000074 AS RECORDED IN BOOK 1477, PAGE 541 S RECEPTION NO. 2424282;
PART OF LOT B OF RECORDED EXEMPTION NO. 1313 26 3 RE 865, LESS C.D.O.T. UNIT 5 TAKINGS TRACT NO. 506 REV., PROJECT NO. NH IRCX 025 3(109), BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 26, TOWNSHIP 2 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 26 AND CONSIDERING THE WEST LINE OF SAID SOUTHWEST 1/4 AS BEARING S00°00'00"E WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO; THENCE S00°00'00"E ALONG SAID WEST LINE, A DISTANCE OF 543.85 FEET; THENCE N89°12'25"E, A DISTANCE OF 117.39 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF THE EAST FRONTAGE ROAD OF INTERSTATE 25, SAID POINT ALSO BEING THE POINT OF BEGINNING, THENCE N89°12'25"E, A DISTANCE OF 1153.47 FEET; THENCE S00°00'00"E, A DISTANCE OF 239.85 FEET TO A JOG POINT ON THE NORTH LINE OF A PARCEL AS RECORDED AS RECEPTION NO. 2688680 OF THE WELD COUNTY RECORDS; THENCE S89°12'25"W, ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 1152.77 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF THE EAST FRONTAGE ROAD OF INTERSTATE 25, THENCE N00°00'00"W, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 239.85 FEET TO THE POINT OF BEGINNING, SAID REMAINDER CONTAINS AN AREA OF 276,706 SQ. FT. OR 6.4 ACRES, +/-.

COUNTY OF WELD, STATE OF COLORADO

Thus described Conditional Use Site Plan Map contains 6.4 acres more or less, together with and subject to all easements and rights-of-way existing and/or of public record. All conditions, terms, and specifications designated or described herein shall be binding on the owner, its heirs, successors, and assigns. The signature of any representative of any partnership or corporate entity indicates that all required partnership or corporate approvals have been obtained.

Executed this _____ day of _____, 20____.

Owners:

BY: _____
Douglas L. McDonald
General Partner
The McDonald Family Limited Liability Limited Partnership

State of Colorado)
County of) ss

The foregoing certificate of ownership was acknowledged before me by Douglas L. McDonald, acting in his capacity as General Partner of The McDonald Family Limited Liability Limited Partnership, this _____ day of _____, 20____.

Witness My Hand and Seal _____

My commission expires _____

Notary Public _____

and

Marjorie R. McDonald
General Partner
The McDonald Family Limited Liability Limited Partnership

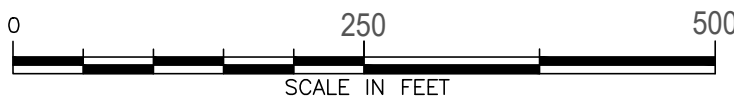
State of Colorado)
County of) ss

The foregoing certificate of ownership was acknowledged before me by Marjorie R. McDonald, acting in his capacity as General Partner of The McDonald Family Limited Liability Limited Partnership, this _____ day of _____, 20____.

Witness My Hand and Seal _____

My commission expires _____

Notary Public _____



- General Notes:
- Legals obtained from Title Commitment number 1428102, prepared by Stewart Title Guaranty Company, Effective date: September 28, 2021.
 - Basis of Bearings: The West line of the Southwest Quarter of Section 26 is assumed to bear South 00°00'00" West.
 - No creation of a legal non-conforming use for the existing uses on site is conferred by this rezoning application. A conditional use permit for some of the existing uses shall be required in order to continue operation.

Surveying Certificate:

I, _____, a registered Professional Land Surveyor in the State of Colorado, do hereby certify that the Conditional Use Map shown hereon is a correct delineation of the above described parcel of land.

I further certify that this Conditional Use Map and legal description were prepared under my personal supervision and in accord with applicable State of Colorado requirements on this _____ day of _____, 20____.

(SEAL) By _____
(registered land surveyor, reg. no.)

Owner:
The McDonald Family Limited
Liability Limited Partnership
7440 E I-25 Frontage Rd
Frederick CO 80516
(303) 772-4577

Engineer
Rule Engineering, LLC.
1055 Kipling St
Lakewood, CO 80215
(303) 431-8500

Contact: Kerri Crawford

Surveyor
Intermill Land Surveying, Inc.
1301 North Cleveland Avenue
Loveland, CO 80537
(970) 669-0516

Contact: Steven John Stencel

Planning Commission Certificate:

Approved by the Frederick Planning Commission with Planning Commission Resolution 20____-____ this _____ day of _____, 20____.

Chairman _____

Planning Commission Secretary _____

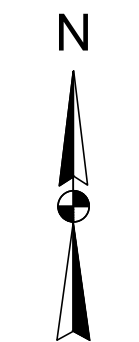
Certificate of Approval by the Board of Trustees:

This Conditional Use Site Plan Map is be known as the McDonald Farms Conditional Use Site Plan Map, and is approved and accepted by Resolution No. _____, passed and adopted at the regular meeting of the Board of Trustees of Fredrick, 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 _____



North
Arrow

A PORTION OF THE SOUTH HALF OF SECTION 26, TOWNSHIP 2 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO.

[illegible]



7440 I-25 Frontage Road Frederick, CO 80516
(303) 772-4577 Fax (303) 442-5706

September 30, 2021

Ms. Jennifer Simmons, Planning Director
Town of Frederick
401 Locust Street
Frederick, CO 80530

RE: Letter of Intent for Conditional Use (Certificate of Designation)
McDonald Family Limited Liability Limited Partnership

Dear Ms. Simmons:

As the owners of parcel 131326000074, located at 7440 East I25 Frontage Road, we want to reassure the Town of Frederick that we intend to continue the uses of the property for our trucking, hauling, and rental businesses which have operated for more than 25 years at this location. These activities dominate the 6.4+ acre parcel.

We estimate that more than 90 percent of the site is used for these business purposes and they are the only uses visible from the Frontage Road or adjacent properties. At the rear of site we use a small area - less than 10 percent of the parcel - for recycling of strictly non-hazardous materials.

Organic wastes from grocery stores and landscaping sources is hauled to our site and deposited on a curbed concrete pad. Any liquids drain to the pad which drains into an underground sump for daily transfer to a wastewater treatment plant. Employees sort inappropriate material from the pile before it is loaded for hauling to a composter. Composters cannot handle large limbs or inorganic material like countertops or bowling balls. Waste that cannot be composted is sent to a landfill as ordinary trash.

All waste is removed daily to prevent the development of offensive odor or pest problems.

Occasionally some material is wet enough to require solidification by adding sawdust, sand, cement kiln dust, or autofluff (the shredded remains of recycled vehicles) before it can be landfilled. It is also removed daily.

Other recycling operations, generally requiring manual separation of materials into haulable containers, may also occur. We are currently decommissioning totes to recycle the plastic and aluminum frames.

Oily water is received into lined rolloff containers where the water is recycled to the National Western Facility as organic waste water and the solids are sent to a landfill for disposal.



7440 I-25 Frontage Road Frederick, CO 80516
(303) 772-4577 Fax (303) 442-5706

These recycling activities are essential to the sustainability of our environment. We are recycling, loading, and unloading within a fenced area of only 140 feet by 430 feet.

With the Town of Frederick's approval of a Conditional Use, we plan to pursue a Certificate of Designation from the Colorado Department of Public Health and the Environment.

Please insert this letter and attachments into our Conditional Use application file. If there are any questions, feel free to contact Scott McDonald, Limited Partner, at the above number or email him at smcdonald@mcdonaldfarmsinc.com.

Yours truly,

A handwritten signature in black ink, appearing to read "Douglas L. McDonald".

Douglas L. McDonald
General Partner
McDonald Family Limited Liability Limited Partnership

A handwritten signature in black ink, appearing to read "Marjorie R. McDonald".

Marjorie R. McDonald
General Partner
McDonald Family Limited Liability Limited Partnership

ATT: Conditional Use Application files

cc wi att: Jerry Henderson, CDPHE (digital only)
Monte Stroud, CDPHE (digital only)
Michael Bankoff, CDPHE (digital only)
Robert Fickel, Esq. (digital only)
Rule Engineering LLC (digital only)
file



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
FEBRUARY 03, 2022
6:00 PM

CALL TO ORDER: At 6:02 p.m. Chairperson Moe called the meeting to order and requested roll call.

ROLL CALL:

- Present: Chairperson Moe, Commissioner Conroy, Commissioner Stark, and Commissioner Scott.
 - o Vice Chair TeVelde was not present
- Staff: Planner Maureen Welsh and Deputy Town Clerk Taylor Kittilson.

APPROVAL OF AGENDA: There were no changes to the agenda as presented.

APPROVAL OF JANUARY 20, 2022 MINUTES: Motion by Commissioner Conroy and seconded by Commissioner Stark to approve the January 20, 2022 Minutes. Upon roll call vote, motion passed unanimously.

CONSIDERATION OF MCDONALD FARMS CONDITONAL USE:

Planner Maureen Welsh presented the proposed use.

At 6:20 Chairperson Moe opened the public hearing.

At 6:21 Chairperson Moe closed the public hearing.

The applicant, Scott McDonald (1630 Diamond Way, Berthoud, CO), was present and addresses the commission with a short presentation.

Motioned by Commissioner Conroy and seconded by Commissioner Scott to approve PCR-2022-05A. Upon roll call vote, motion passed unanimously.

OTHER BUSINESS:

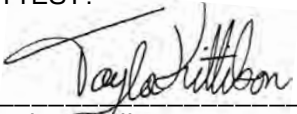
There being no further business of the Planning Commission, Chairperson Moe adjourned the meeting at 6:26 PM.

Built on What Matters.

Approved by the Planning Commission:

Tracy Moe, Chairperson

ATTEST:



Taylor Kittilson, Deputy Town Clerk

2 A Resolution of the Planning Commission

3 Recommending Approval of the McDonald Farms Conditional Use

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 McDonald Farms Conditional Use has been submitted.

9 1.2 Said application was found to be complete through the review process.

10 1.3 Said application was considered during a public meeting held February 3, 2022.

11 1.4 Proper notice was given according to Section 4.5 of the Frederick Land Use Code.

12 1.5 Said application conforms with the applicable requirements of Section 4.9.4 of the
13 Frederick Land Use Code.

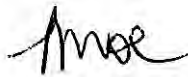
14 Section 2.

15 2.1 A public hearing was held and the public was able to provide testimony.

16
17 2.2 The Planning Commission recommendation is based on competent, substantial
18 evidence in the written record and the testimony provided at the public hearing.

19
20 Section 3. On the basis of the above, the Town of Frederick Planning Commission
21 recommends approval of the application.

22
23 This resolution approved this 3rd day of February, 2022 by a vote of 4 to 0.

24
25 

26 Tracy Moe, Chairperson, Planning Commission



TOWN OF FREDERICK BOARD OF TRUSTEES ACTION MEMORANDUM

Tracie Crites, Mayor

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

Rusty O'Neal, Trustee
Kevin Brown, Trustee
Windi Padia, Trustee

CONSIDERATION OF THE AGILENT BUILDING HEIGHT WAIVER REQUEST (Project No. 2021-035)

Agenda Date: Town Board Meeting - February 22, 2022

Attachments:

- a. Letter of Intent
- b. Conceptual Elevations
- c. Conceptual Site Plan

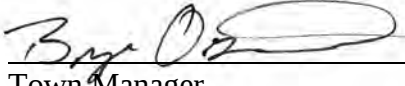
Finance Review:

Finance Director

Submitted by:

Maureen Welsh
Planner II

Approved for Presentation:


Town Manager

☒ Quasi-Judicial

☐ Legislative

☐ Administrative

Summary Statement:

The applicant is requesting a waiver from Land Use Code Section 3.5, Table 3.5- Commercial, Industrial, Agricultural, Public and Hazard Density and Dimensional Standards maximum building height for Industrial buildings, stated as 50 feet maximum.

Detail of Issue/Request:

Applicant: Kevin Haugh, CRB Group

Owner: Agilent Technologies

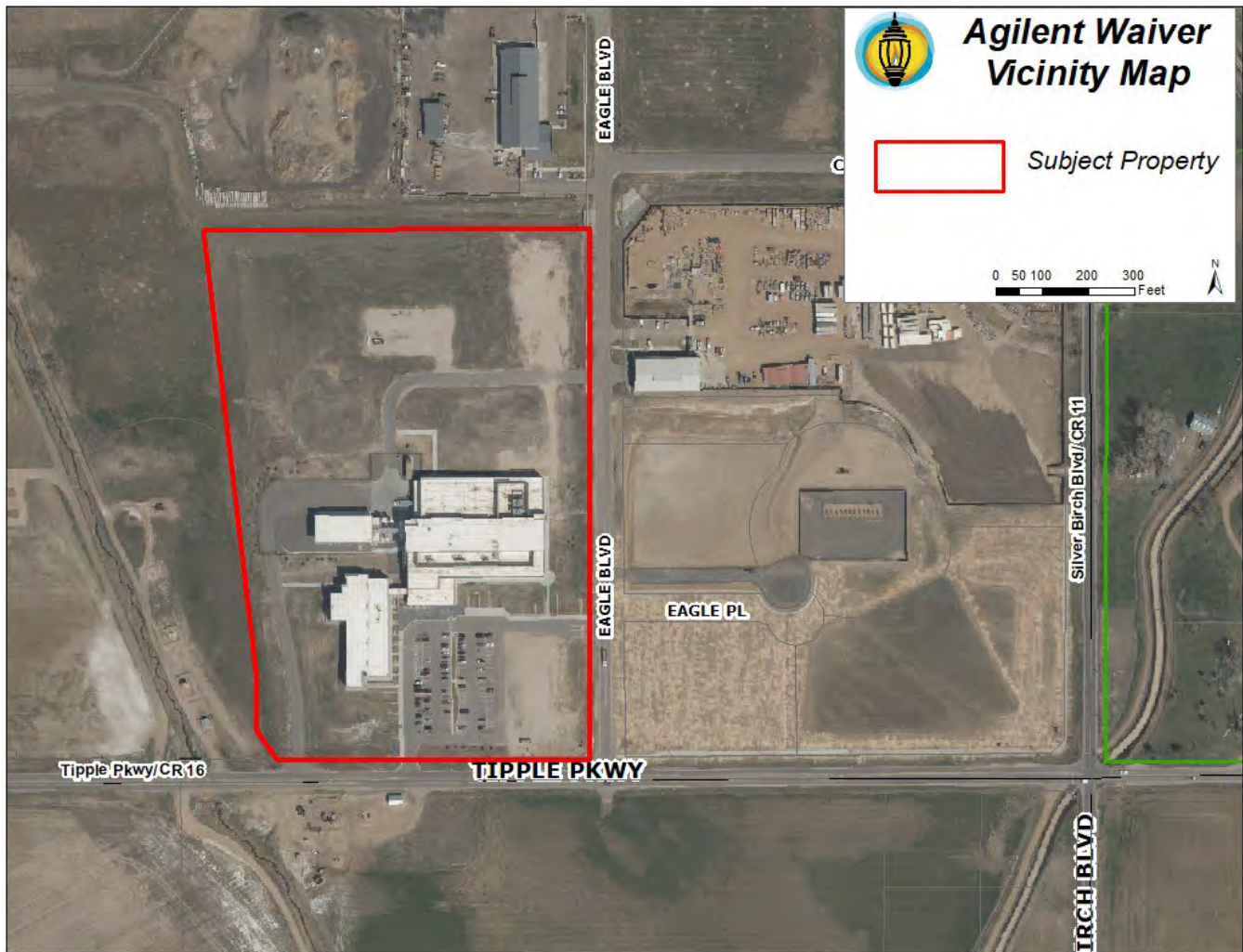
Location and Zoning: The site is located at the northwest corner of Tipple Parkway and Eagle Boulevard at 7051 Eagle Boulevard. The zoning is Industrial (I).

Built on What Matters.

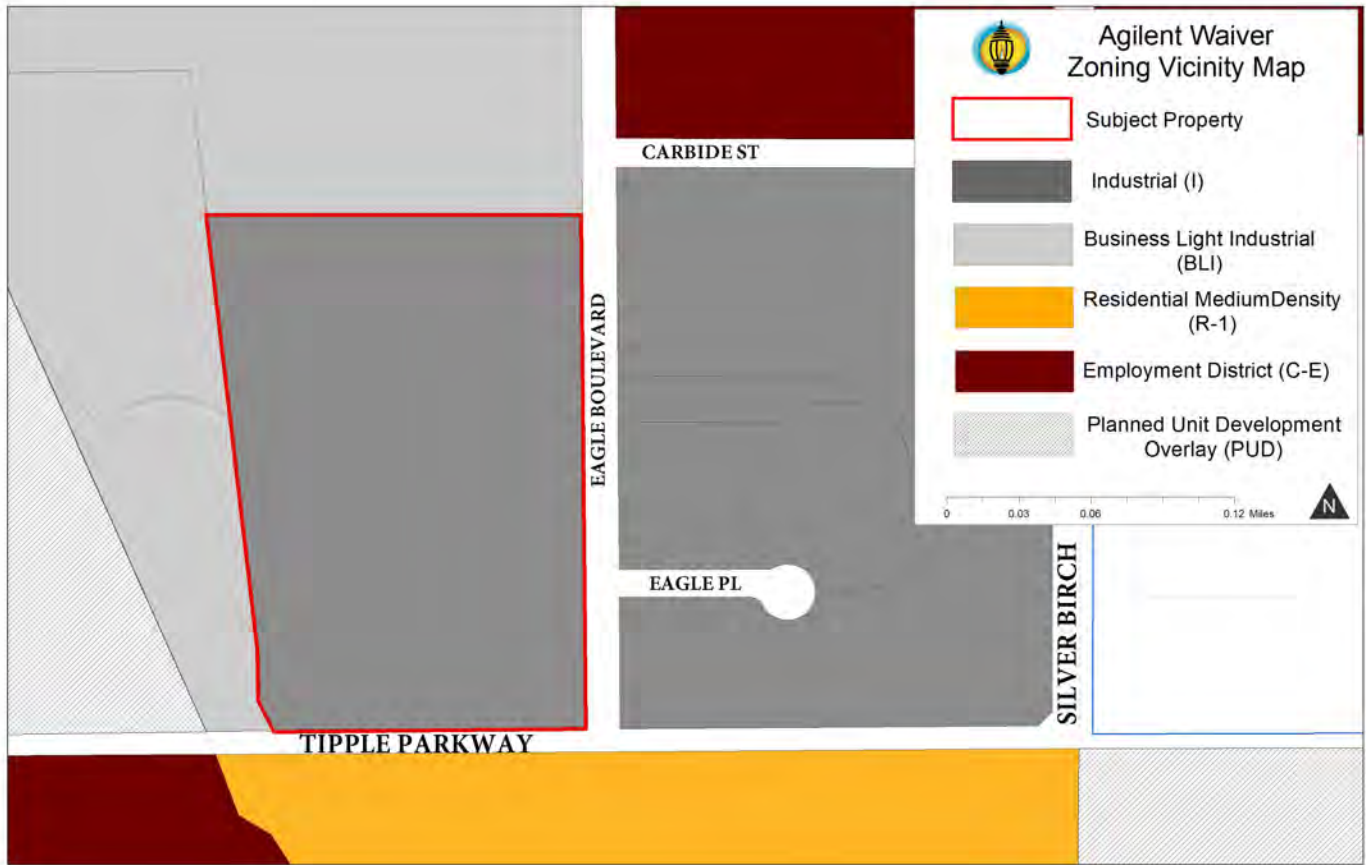
Surrounding Land Uses and Zoning:

North	Land use: Town of Frederick Public Works Facility Zoning: Business Light Industrial (BLI)
South	Land use: Vacant land Zoning: Residential Medium Density (R-2)
West	Land use: Oil and Gas Operations Zoning: BLI
East	Land use: Light industrial/storage yard Zoning: I (Industrial)

Vicinity Map:



Vicinity Map with Zoning:



Background Information:

Agilent is in the process of expanding its existing site at 7051 Eagle Boulevard. They are proposing a new manufacturing building and a new warehouse and utilities building to accommodate their continued and expanding operations. The proposed manufacturing building includes a vertically stacked process that requires the highest occupied floor elevation to be at 34 feet. Due to requirements of the Food and Drug Administration (FDA), there needs to be a significant amount of air distribution ductwork to supply clean air to the facility, above the occupied floor. In order to meet the FDA's requirements and ensure all exhaust is safely removed from the facility, the exhaust fans will be located on the roof behind a screen wall. The screen wall will be 83 feet in height.

In an effort to not disturb or alter the essential character of the neighborhood, the applicant is proposing to set this future building back from the Eagle Boulevard approximately 90 feet. This setback allows them to maintain a distance of 1 foot horizontally from the property line, for each vertical foot of building height. This proposal will not only support the Town's strategic goals by providing approximately 400 jobs at high paying salaries, it will also support Agilent's long-term plan to continue operations within the Town of Frederick.

Request:

The applicant is requesting a waiver from the Land Use Code Subsection 2, Table 3-5 of Section 3.5 which restricts the maximum building height in the Industrial zone district to 50 feet. The applicant is

proposing their future building to be 83 feet in height due to FDA requirements as well as business operation requirements. The applicant is requesting this height increase in the permitted height of their proposed manufacturing building as opposed to a sprawling facility that covers more developable land in Town which allows for more diverse commercial uses in the Eagle Business Park.

Review Criteria:

Section 4.7.8 of the Town of Frederick Land Use Code sets forth the following review criteria for the proposed planning action.

1. The waiver, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor diminish the value, use or enjoyment of adjacent property.
2. The waiver, if granted, is the minimum variance that will afford relief and is the least modification possible of the subdivision ordinance provisions which are in question.
3. Such practical difficulties or unnecessary hardships has not been created by the applicant.

Staff Comment: Criterion 1) The granting of this waiver will not alter the essential character of the Eagle industrial and light industrial business park. The applicant is proposing to set the building farther back from the property lines than what code strictly requires in order to diminish the impact of the increased height. Criterion 2) The applicant is not requesting a building height that's higher than what's needed in order to meet federal and business operational requirements. Criterion 3) The applicant has not created this unnecessary hardship as it is both federal and operational demands that are requiring them to request this waiver from our Land Use Code.

Legal Comments:

The application has been reviewed by the Town Attorney, whose comments have been incorporated accordingly.

Alternatives/Options:

Approval:

I move that Agilent Height Waiver, case no. 2021-035 be approved based on the review criteria found in the Town Land Use Code Section 4.9.4, with no conditions; and to direct the Town Attorney to memorialize this approval as a resolution for prompt execution by Mayor Crites without further action of the Board.

Approval with Conditions:

I move that Agilent Height Waiver, case no. 2021-035 be approved based on the review criteria found in the Town Land Use Code Section 4.9.4, and based on the following conditions;

1. (list specific conditions)

2...

3...

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

Denial:

I move that Agilent Height Waiver, case no. 2021-035 be denied based on the following findings of fact (list specific facts); and to direct the Town Attorney to reduce this denial, along with the findings of fact, to writing for prompt execution by Mayor Crites without further action of the Board.

Financial Considerations:

Not Applicable.



December 10, 2021

Agilent **Project Endeavor**

Jennifer Simmons, AICP
Planning Director
Town of Frederick
401 Locust Street
Frederick Colorado 80530

Dear Jennifer,

CRB in conjunction with Fluor Corporation have been engaged by Agilent to design an expansion to their existing campus at 7051 Eagle Boulevard. As Agilent's representative, we are submitting a request for a waiver per the Town of Frederick Land Use Code, section 4.7, 8.0 Waivers.

The waiver requested is regarding Land Use Code Section 3.5, Table 3.5, Commercial, Industrial, Agricultural, Public and Hazard Density and Dimensional Standards, Maximum Building Height (feet) for Industrial buildings, stated as 50 feet.

The new expansion includes a vertically stacked process that requires the highest occupied floor elevation to be at 34'. Above this occupied floor, due to clean manufacturing requirements for drug substance as required by the Food and Drug Administration, will be located a significant amount of air distribution ductwork to supply clean air to the facility. This equipment will fit below a 61' high roof, and to provide integral fall protection a 65' parapet height is requested. In order to safely remove exhaust from the processes, exhaust fans will be located on the roof, and extend to a height of 83' at the top. A screen wall will be provided to fully screen this equipment.

Per Land Use Code 4.7 Section 8.b, we believe we have mitigated any detrimental effect on the public good by setting the building back from property lines by a distance of 90 feet from Eagle Boulevard, which maintains a distance of 1' horizontally from the property line for each vertical foot of building height requested. This aligns with the public building exception 1, to Section 3.5, Table 3.5; although not a public building, we believe following the spirit of the exception mitigates any detriment to the public. We have also maintained a distance of 75 from the north property line of 75', and will keep the 85' high screen wall at least 85' from the property line. The height waiver will allow a taller, more compact facility rather than a sprawling facility that covers more land surface.

Please refer to attached drawings showing building elevations, with heights indicated, as well as an overall site plan for the proposed site development. While we are not requesting a site plan approval at this time, the height waiver is necessary to confirm any design limitations.

Please also see attached Minor and Major Project Pre-Application. Note these things:

Project Noticing: Notices will be mailed to all property owners within 1,000 feet on Friday 12/10 or Monday 12/13/2021. Notices to mineral interests will follow later per our 12/9/2021 e-mail correspondence.

Project Name: The project name for this project is Agilent Technologies Project Endeavor.

Mailing List for adjacent property owners: CRB has identified these adjacent property owners within 1,000 feet of Agilent's property line:

Kent Nelson Family,
David Nelson Family,
Carol Coburn Family;

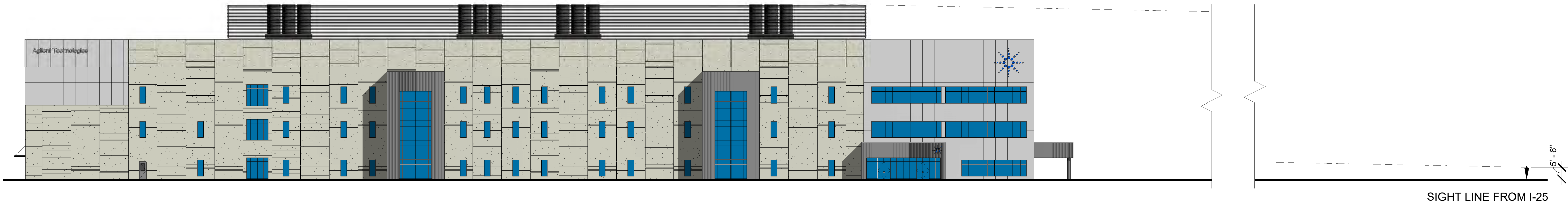
McDonald Family LLC Partnership
Shade Tree Eagle, LLC
SCI Equipment, LLC
Anadarko E&P Onshore LLC
John Petraitis
Mettle Collaborative Group, LLLP
4881 Eagle Place LLC
Jeffrey P Koza and OB Begley

On-site Noticing: We will reach out to a signage company to confirm availability of signage.

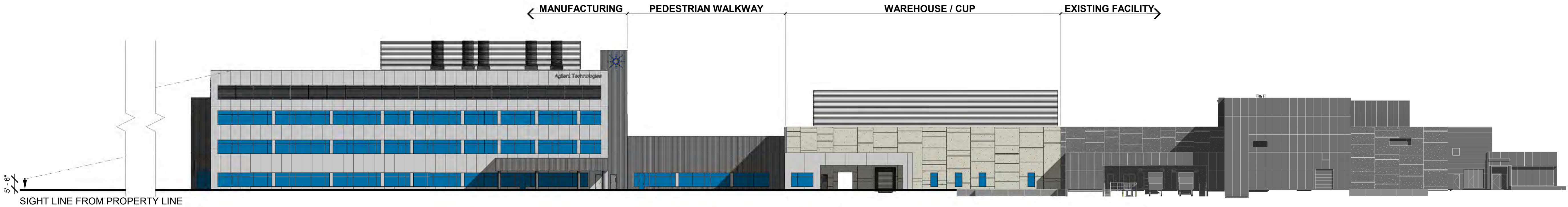
Please let me know if you need any additional information for this request.

Thank you,

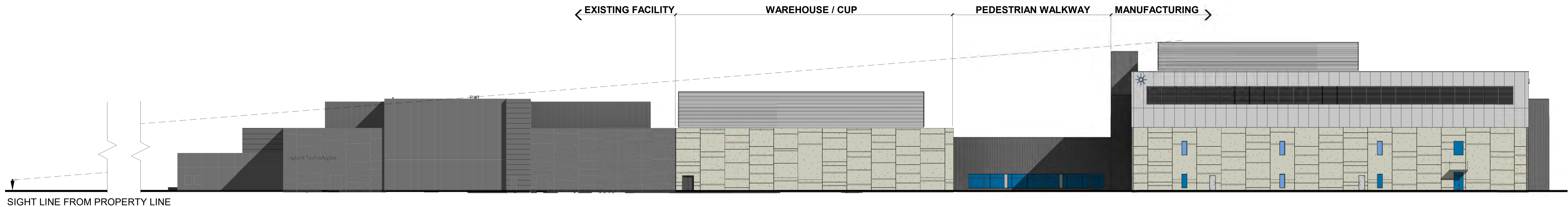
Kevin Haugh AIA



① NORTH SITE ELEVATION
1" = 30'-0"



② WEST SITE ELEVATION
1" = 30'-0"



③ EAST SITE ELEVATION
1" = 30'-0"

0 30' 60' 90'
SCALE: 1"=30'-0"

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CRB ARCHITECTS-ENGINEERS P.C.
11001 WEST 120TH AVENUE
SUITE 450
BROOMFIELD, CO 80021
PHONE: 303-993-1820
FAX: 303-993-1822

CONSULTING ENGINEER



12499 West Colfax Avenue
303.431.6100

Lakewood, Colorado 80215
martinmartin.com

CLIENT



Agilent Technologies

7051 Eagle Blvd, Frederick, Colorado 80504, USA
717.572.6191

PROJECT TITLE

**AGILENT TECHNOLOGIES
PROJECT ENDEAVOR**

REV	BY	DATE	DESCRIPTION
A	MMB	12/09/2021	ISSUED FOR HEIGHT WAIVER
B	MMB	01/19/2021	ISSUED FOR HEIGHT WAIVER

LICENSEE

PRELIMINARY
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INFORMATION CONTAINED HEREIN IS CONSIDERED CONFIDENTIAL. THIS DOCUMENT IS NOT TO BE USED, REPRODUCED, OR DISCLOSED IN WHOLE OR PART WITHOUT THE PRIOR WRITTEN PERMISSION OF AGILENT.

PROJ. NO.	B1AT & 216936.01	DESIGNED BY:	MMB
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SHEET SIZE:	24x36	APPROVED BY:	

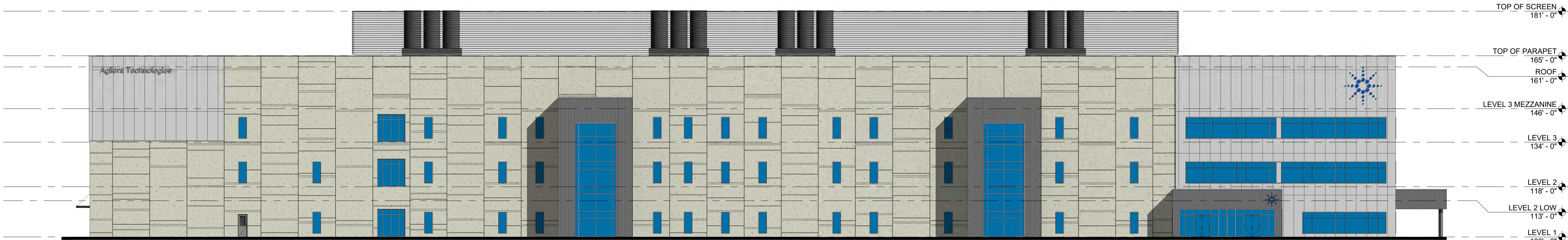
DRAWING TITLE

**ARCHITECTURAL
SITELINE ELEVATIONS**

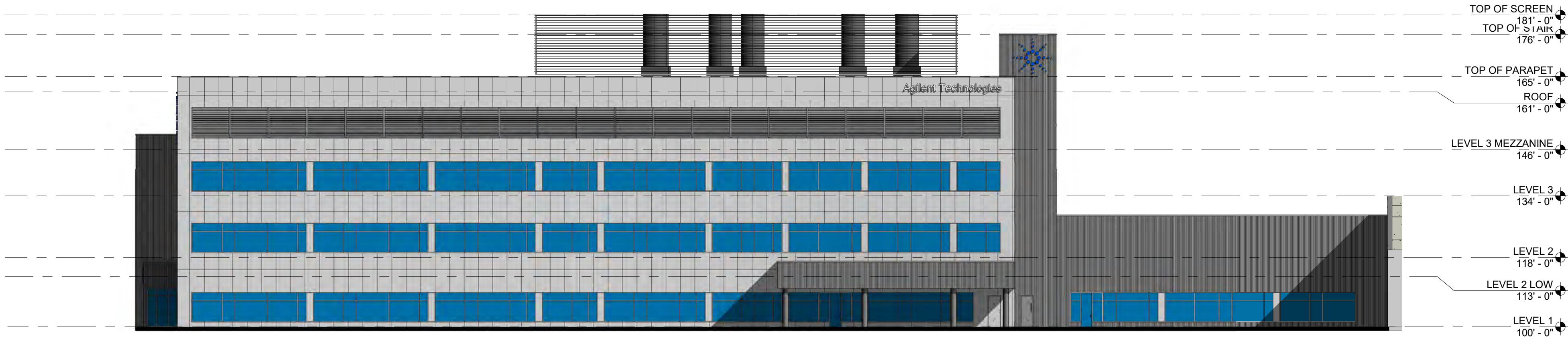
DRAWING NUMBER

US-CO-FDK-

Z-A1-4000



1 NORTH MANUFACTURING ELEVATION
1" = 20'-0"



2 WEST MANUFACTURING ELEVATION
1" = 20'-0"

0 20' 40' 60'
SCALE: 1"=20'-0"

ELEVATION MATERIAL LEGEND

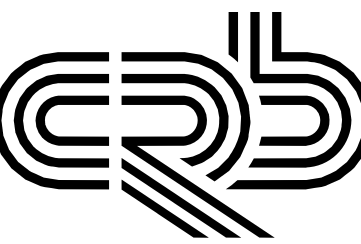
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	FLAT METAL PANELS	25%
	CORRUGATED METAL PANELS	15%
	GLAZING	3%
	LOUVER / SCREENWALL	16%

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martinmartin.com

CLIENT



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717.572.6191

PROJECT TITLE

AGILENT TECHNOLOGIES
PROJECT ENDEAVOR

REV	BY	DATE	DESCRIPTION
A	MMB	12/09/2021	ISSUED FOR HEIGHT WAIVER
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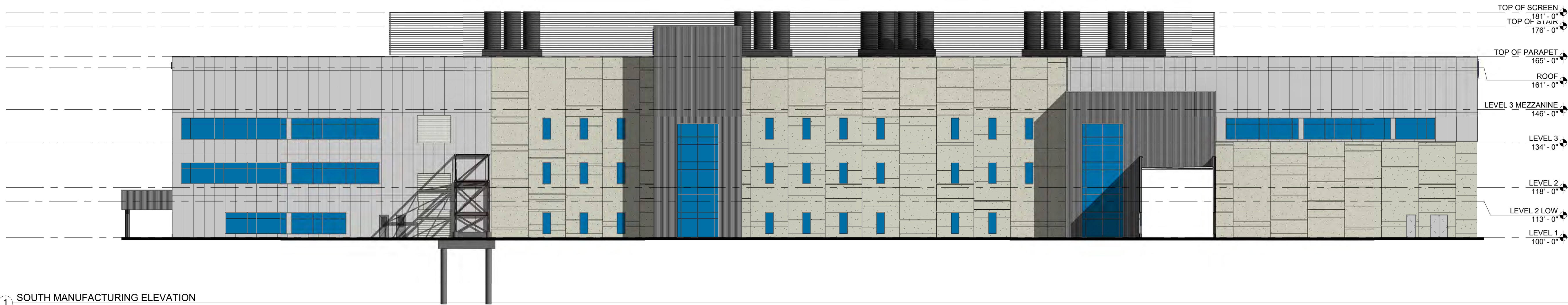
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SCALE:	As indicated	CHECKED BY:	AB
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DRAWING TITLE

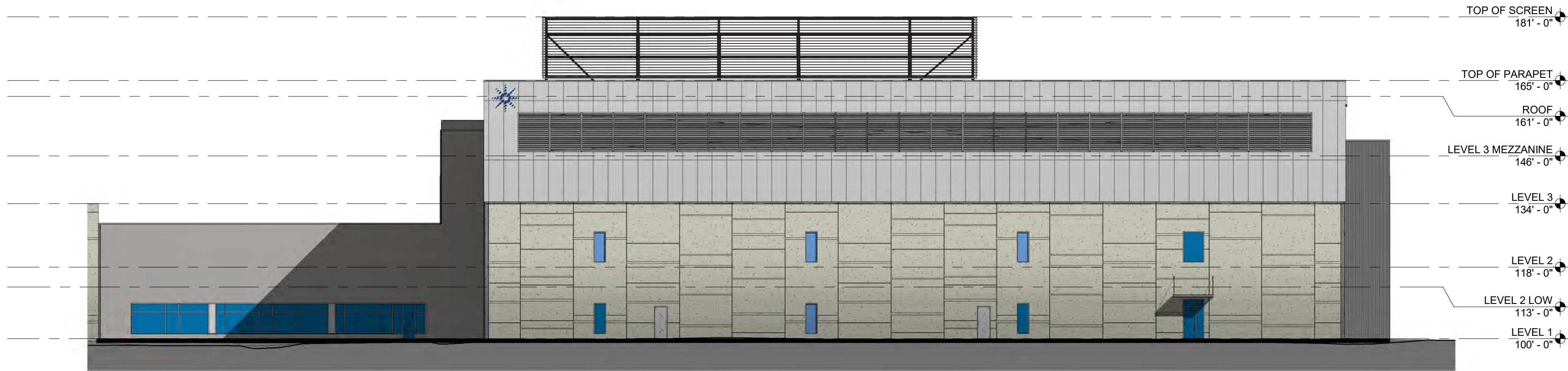
ARCHITECTURAL
EXTERIOR ELEVATIONS -
MANUFACTURING

DRAWING NUMBER

US-CO-FDK-
Z-A1-4001



1 SOUTH MANUFACTURING ELEVATION
1" = 20'-0"



2 EAST MANUFACTURING ELEVATION
1" = 20'-0"



ELEVATION MATERIAL LEGEND

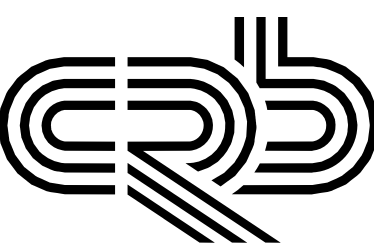
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SCALE:	As indicated	CHECKED BY:	AB
SHEET SIZE:	24x36	APPROVED BY:	

DRAWING TITLE

ARCHITECTURAL
EXTERIOR ELEVATIONS -
MANUFACTURING

DRAWING NUMBER

US-CO-FDK-
Z-A1-4002



TOWN OF FREDERICK BOARD OF TRUSTEES ACTION MEMORANDUM

Tracie Crites, Mayor

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

Rusty O'Neal, Trustee
Kevin Brown, Trustee
Windi Padia, Trustee

To Consider an Economic Development Assistance Agreement with Hirsh Precision Products

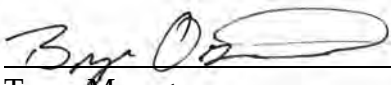
Agenda Date: Town Board Meeting – February 22, 2022

Attachments:

- a. Personal Property Tax Agreement
- b. Resolution

Finance Review: _____
Finance Director

Submitted by: Ryan Johnson
Assistant Town Manager Community & Economic Development

Approved for Presentation: 
Town Manager

☐ Quasi-Judicial

☒ Legislative

☐ Administrative

Strategic Plan Alignment:

- Community and Economic Vitality – This request aligns with the Town's retail strategy by increasing daytime employment and adding new primary employers to the local community. Additional daytime population will help drive the need for and substantiate the case for additional retail services within the Town.

Summary Statement:

Consideration of a request for assistance and an agreement in substantially the same form as attached for personal property tax rebates for Hirsh Precision Products.

Detail of Issue/Request:

In 2020, the Board adopted an incentive policy (Resolution 20-R-67) aimed at stimulating certain types of economic growth in the community. That policy, contemplates a couple of different alternatives for providing assistance to qualifying companies that address or provide the following:

Built on What Matters.

- Diversifying the local business and manufacturing base by helping to attract new business;
- Encouraging existing businesses to reinvest;
- Supporting new business that compliments the existing local economy;
- Increasing the ad valorem and sales tax base;
- Increasing quality employment opportunities within Frederick; and
- Stimulating economic development which otherwise would not occur, or would be delayed longer than is expedient for maximum public benefit

In 2021, staff started working with our regional partners at Upstate Colorado Economic Development on a prospective company looking to expand in the area. The company, Hirsh Precision Products currently has operations in both Louisville, CO and Boulder, CO. For more than 40 years, Hirsh Precision has served customers in the medical, aerospace, and technology industries with trusted precision manufacturing services with a steadfast commitment to quality.

This project contemplates leasing an existing 65,000 square foot facility in Frederick. This will allow the company to consolidate operations into one facility, establish their headquarters in Frederick and allow for future expansion. The company plans to relocate 90 current employees as well as add 28 new employees as part of the expansion. The initial project is anticipated to include a \$7-million-dollar investment inclusive of new equipment and tenant improvements. The average annual wage for the company is \$68,000 per year.

Under the adopted incentive policy, a request for incentives may be considered on a case by case basis by the Board for any incentives outside of the fee reductions otherwise contemplated. The company did make such a request to both the Town and Weld County. Recently, Staff received direction that was supportive of negotiating an agreement with this company. Under this request, a proposed 50% rebate on personal property use tax for net new equipment purchases was considered by the Weld County Commissioners for a period of ten years. Similarly, as a match to that proposal, a local match of 50% personal property use tax rebates is requested at this time for the same ten-year period. Based on the project information provided by the company, this request would result in a local rebate of \$26,233 made over the ten-year period. This request is performance based meaning that if the company reduces their investment in the project, the incentive would also adjust accordingly. This is the most preferred form of incentive because it is easier to administer and is more transparent.

Legal Comments:

The Town Attorney's Office has reviewed and approved both the attached agreement and resolution.

Alternatives/Options:

The Town could choose to not approve this agreement. This alternative is not recommended as the cost of relocating a company is burdensome. In this case, the proposed assistance works to help close the financial gap on the project. Additionally, this would not be supportive of maintaining strong relationships with our regional partners at Upstate Colorado Economic Development or the Weld County Commissioners. This project aligns squarely with the targeted industries and the type of project the Board previously identified in its adopted incentive policy.

The Town could choose to provide a smaller amount of assistance. This alternative is not recommended because the 50% is consistent with what the Weld County Commissioners are providing and represents an equitable match. For this reason, an amount greater than 50% is also not supported at this time. This helps provide equity across the board for these requests and is consistent with historical actions.

The company would also be allowed to apply for fee reductions from the Town consistent with the adopted incentive policy. Such a request would be considered administratively at that time and requires no action of the Board.

Financial Considerations:

50% rebate on personal property use tax over a ten-year period beginning in 2023 and ending in 2032. This represents new money that the Town has not realized in the past and therefore there is no negative impact to the current general fund. But for this project occurring, this revenue would not be realized by the Town. This request does not require any subsidy from taxpayers in the community as this is performance based solely influenced by the investment the company chooses to make.

Staff Recommendation:

Staff recommends approving this request and attached agreement in substantially the same form as attached.

AGREEMENT PURSUANT TO C.R.S. § 31-15-903
FOR ECONOMIC DEVELOPMENT INCENTIVES
WITHIN THE TOWN OF FREDERICK, COLORADO

THIS AGREEMENT is made and entered into this ____ day of _____, 2022, by and between the Town of Frederick, a body corporate and politic of the state of Colorado, by and through the Town of Fredrick Board of Trustees, whose address is 401 Locust Street, Frederick, CO 80530, hereinafter referred to as, "Taxing Authority," and Hirsh Precision Products whose corporate address is 4300 Godding Hollow Pkwy, Frederick, CO 80504 hereinafter referred to as, "Taxpayer."

WITNESSETH:

WHEREAS, Taxing Authority desires to promote economic development within the Town of Frederick, Colorado, for the purposes of generating employment opportunities for residents of Frederick, thereby stimulating the economic well-being of the Town of Frederick's citizens, and

WHEREAS, C.R.S. § 31-15-903 provides that the Taxing Authority may negotiate incentive payments to taxpayers who establish new business facilities or who expand existing business facilities, and

WHEREAS, Taxpayer represents that it has invested or intends to invest in qualifying personal property and wishes to receive the incentive payment benefits available pursuant to C.R.S. § 31-15-903, and

WHEREAS, Taxpayer has been determined to be currently eligible to receive the incentive payment benefits available pursuant to C.R.S. § 31-15-903, and

WHEREAS, the Taxing Authority. By and through the Board of Trustees for the Town of Frederick authorized incentives pursuant to Resolution 22-R-____

NOW, THEREFORE, the parties hereto hereby agree to the following:

1. Subject to annual appropriation by Taxing Authority, fifty-percent (50%) of the amount of personal property taxes paid by the Taxpayer for personal property located at Taxpayer's Facility at 4300 Godding Hollow Pkwy, Frederick, CO 80504 ("the Facility"), placed into service in Weld County in:
 - a. 2022, and appearing on the personal property declaration schedule submitted by the Taxpayer to the Weld County Assessor, which personal property has not appeared on previous schedules, shall be paid to the Taxpayer by the Taxing Authority for the ten (10) tax years beginning 2023 and ending 2032 (hereinafter referred to as, "10-Year Term").

All tax incentive payments made pursuant to this Agreement shall hereinafter be referred to as, "Tax Incentive Payments." Taxpayer shall submit to the Town of Frederick an

affidavit certifying the aggregate cost and year of acquisition of Taxpayer's personal property that, to Taxpayer's best knowledge, information and belief, qualifies for incentive payments under C.R.S. § 31-15-903, for the 10-Year Term. The amounts so certified shall be subject to review by the Town of Frederick.

2. Tax Incentive Payments shall be made by Taxing Authority only upon appropriation, and only if:
 - a. All taxes and assessments levied and assessed on Taxpayer by Taxing Authority for Facility are current, and
 - b. In each year of this Agreement, Taxpayer remains eligible to receive the Tax Incentive Payments under criteria established in C.R.S. § 31-15-903 and the Resolution of the Taxing Authority, and
3. Any appropriated Tax Incentive Payments shall be made to Taxpayer by Taxing Authority within 90 days of receipt by the Taxing Authority from Weld County of full payment by the Taxpayer of all personal property taxes due and receipt of an affidavit from the Taxpayer stating that the Taxpayer remains eligible for such payment pursuant to C.R.S. § 31-15-903.
4. The Tax Incentive Payments shall not be made by Taxing Authority if an amendment to the Colorado Constitution limiting property taxes is subsequently passed after the date of this Agreement, or if a court of competent jurisdiction declares any portion of this Agreement, C.R.S. § 31-15-903 (as may be amended), to be invalid or unconstitutional.
5. Any Tax Incentive Payments made under this Agreement that are determined not to be legal under the laws of the State of Colorado or State of Colorado property tax limitation, shall be repaid to the Town of Frederick.
6. TAX INCENTIVE PAYMENTS TO TAXPAYER SHALL ONLY BE MADE TO THE EXTENT REVENUES ARE AVAILABLE AND APPROPRIATED IN EACH OF THE TEN (10) TAX YEARS OF THE 10-YEAR TERM.
7. This Agreement is not assignable.
8. Acceptance of any Tax Incentive Payment by Taxpayer constitutes agreement by both parties to fund the Tax Incentive Payment for the tax year involved.
9. Claim for a Tax Incentive Payment must be submitted to Taxing Authority by Taxpayer by October 1st of each year or Taxpayer waives the right to receive payment for that year.
10. All notices required or permitted under this Agreement shall be given in writing and shall be effective when delivered in the case of hand delivery, when transmitted, in the case of facsimile transmission or five days after mailing, when mailed, provided that mailed notices shall be sent by certified mail, return receipt requested. Notices shall be sent to the

following addressees at the following addresses or facsimile numbers or to such other addressees, addresses or facsimile numbers as a party may designate from time to time by notice given pursuant to this paragraph:

If to the County: Town of Frederick
 c/o Town Manager
 P.O. Box 435
 Frederick, CO 80530

If to Taxpayer: David Rosenthal, CFO
 Hirsh Precision Products
 4300 Godding Hollow Pkwy
 Frederick, CO 80504
 David.rosenthal@hppi.com

11. Each of the parties will execute and deliver such other instruments and documents and will take all such other actions as the other party may reasonably request and as may reasonably be required in order to effectuate the purpose of this Agreement and to carry out its terms.
12. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.
13. This Agreement constitutes the entire agreement between the parties and supersedes and replaces all prior and contemporaneous agreements, representations, both written and oral, between the parties with respect to the subject matter of this Agreement. No variation or modification of this Agreement, and the waiver of the Agreement's provisions or conditions, shall be binding unless made in writing and signed by duly authorized officers of the Town and Taxpayer. As permitted hereunder, this Agreement shall be binding upon, and inure to the benefit of, the parties and their respective successors and assigns. This Agreement shall be governed by and construed according to the laws of the state of Colorado.
14. It is expressly understood and agreed that the enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the undersigned parties and nothing in this Agreement shall give or allow any claim or right of action whatsoever by any other person not included in this Agreement. It is the express intention of the undersigned parties that any entity other than the undersigned parties receiving services or benefits under this Agreement shall be an incidental beneficiary only.

[Signature Page to Follow]

The above and foregoing AGREEMENT PURSUANT TO C.R.S. § 31-15-903 FOR ECONOMIC DEVELOPMENT INCENTIVES WITHIN THE TOWN OF FREDERICK, COLORADO was hereby approved on the ____ day of _____ A.D., 2022.

ATTEST:

BOARD OF TRUSTEES
FREDERICK, COLORADO

BY: _____
Meghan Martinez, Town Clerk

Mayor Tracie Crites

APPROVED AS TO FORM:

Town Attorney

TAXPAYER:
Hirsh Precision Products

By: _____
David Rosenthal, CFO

TOWN OF FREDERICK, COLORADO
RESOLUTION NO. 22-R-14

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO, APPROVING CERTAIN ECONOMIC INCENTIVES TO HIRSH PRECISION PRODUCTS IN THE FORM OF A 50 PERCENT PERSONAL PROPERTY USE TAX REBATE; SETTING FORTH THE REQUISITE FINDINGS RECOGNIZING THE VALID PUBLIC PURPOSE AND COGNIZABLE BENEFIT JUSTIFICATIONS FOR SUCH ECONOMIC INCENTIVES; APPROVING AN INCENTIVE AGREEMENT; AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT ON BEHALF OF THE TOWN AND THE TOWN CLERK TO ATTEST THERETO

WHEREAS, the Board of Trustees, through the enactment of Resolution 20-R-67, has found and determined that the stimulation of economic development through the creation of new employment opportunities, the establishment of a sound tax base, and the promotion of business and industry, serves the general welfare of the citizens of Frederick; and

WHEREAS, the Board of Trustees, through those same Resolution, has established a justification for an economic incentives program to foster economic development within the Town; and

WHEREAS, Hirsh Precision Products has submitted a request for the occupancy of a facility approximately 65,000 square feet (the "Project") on the property; and

WHEREAS, the Project will create additional employment opportunities and it is anticipated that the Project will increase the sales tax and real property tax base of the Town; and

WHEREAS, the Town desires to offer certain economic development incentives to Hirsh Precision Products as an inducement to complete this Project within the Town.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO, AS FOLLOWS:

Section 1. A valid purpose and cognizable benefit to the Town exists for the Project, and the Project justifies the provision of economic incentives for the following reasons:

- a. Diversifying the local business and manufacturing base by helping to attract new business;
- b. Encouraging existing businesses to reinvest;
- c. Supporting new business that compliments the existing local economy;
- d. Increasing the ad valorem and sales tax base;
- e. Increasing quality employment opportunities within Frederick; and
- f. Stimulating economic development which otherwise would not occur, or would be delayed longer than is expedient for maximum public benefit

Section 2. The economic incentive of a fifty percent (50%) reimbursement of local personal property use taxes paid by Hirsh Precision Products on new equipment purchases related to the Project paid by Hirsh Precision Products to the Town within the Town in 2022, and appearing on the personal property declaration schedule by the Weld County Assessor for ten (10) tax years beginning 2023 and 2032 is approved, subject to the conditions, requirements, understandings, and agreements set forth in an Incentive Agreement.

Section 3. An Incentive Agreement between Hirsh Precision Products and the Town of Frederick is hereby approved.

Section 4. The Mayor is hereby authorized to execute an Incentive Agreement on behalf of the Town and the Town Clerk to attest thereto, in substantially the form presented at this meeting, with such technical additions, deletions, and variations as the Town Attorney may deem necessary or appropriate and not inconsistent with this Resolution.

RESOLVED THIS 22nd DAY OF FEBRUARY, 2022.

TOWN OF FREDERICK, COLORADO

Mayor Tracie Crites

ATTEST:

BY: _____
Meghan Martinez, Town Clerk

APPROVED AS TO FORM:

Jason Meyers, Town Attorney



TOWN OF FREDERICK BOARD OF TRUSTEES INFORMATION MEMORANDUM

Tracie Crites, Mayor

Rusty O'Neal, Trustee
Mark Lamach, Trustee
Adam Mahan, Trustee

Dan March, Trustee
Kevin Brown, Trustee
Windi Padia, Trustee

Fence Permit Discussion

Agenda Date: Town Board Work Session February 22, 2022

Attachments:

- a. Attachment A – Original Agenda Memo from 11-12-19
- b. Proposed Fence Permit Application
- c. Section 2.16
- d. Proposed Fence Permit Ordinance
- e. Proposed Fence Permit Fee Schedule Resolution
- f. Proposed Fence Permit Fees
- g. Proposed Fence Permit Brochure

Submitted by: Ryan Johnson

Assistant Town Manager

Approved for Presentation:


Town Manager

Strategic Plan Alignment:

- Community and Economic Vitality

Detail of Issue/Request:

In 2019, Staff had been directed to research and prepare a process for requiring fence permits within the Town of Frederick. Staff presented that information to the Board in late 2019. At that time, the decision and direction was to discontinue this process. Recently, a request was made to circle back and hold a discussion regarding a potential fence permit process. Attached, are the documents that were presented in 2019 for discussion at the February 15, 2022 Work Session.

Legal Comments:

Built on What Matters.

There are no legal considerations at this time.

Financial Considerations:

There is no fiscal component at this time since this is a discussion topic.

Staff Recommendation:

Present this information to the Board for discussion at the February 15, 2022 Work Session.



TOWN OF FREDERICK BOARD OF TRUSTEES ACTION MEMORANDUM

Tony Carey, Mayor

Laura Brown, Mayor Pro Tem
Rocky Figurilli, Trustee
Salvatore "Sam" DeSantis, Trustee
Trustee

Tracie Crites, Trustee
Rusty O'Neal, Trustee
Dan March,

Request to Consider Implementation of Fence Permit Process

Agenda Date:

Town Board Meeting – November 12, 2019

Attachments:

- a. Fence Permit Application
- b. Section 2.16 Land Use Code (Current)
- c. Fence Permit Informational Brochure
- d. Ordinance 1327
- e. Resolution 19-R-98
- f. Exhibit A – Fence Permit Valuation Fee

Finance Review:

Finance Director

Submitted by:

Michael Theisen
Chief Building Official

Approved for Presentation:

Kirstyn Panovich
Acting Town Manager

☐ Quasi-Judicial

☐ Legislative

☒ Administrative

Summary Statement:

This is a request to adopt an ordinance to revise the Frederick Municipal Code to implement a fence permit process for the Town of Frederick.

Detail of Issue/Request:

At the May 14, 2019 meeting, the Board of Trustees directed staff to research the option of implementing a fence permitting process. On June 11, 2019, staff presented information on a fence permitting process, including potential benefits, neighboring locality procedures and the inspection process. As a result, the Board directed staff to prepare an action item for consideration by the Board to

Built on What Matters.

implement a fence permit process. At the September 24, 2019 Town Board meeting staff presented an action item for a proposed fence permit process. After discussion, the Board requested that the item be tabled until November 12, 2019, to allow staff additional time to draft an ordinance and provide additional information on the permitting process.

Staff has drafted an ordinance that requires building permits for all fences and the enclosed brochure includes general information on material and height requirements as defined in section 2.16 of the Land Use Code. In addition, the attached resolution updates the Town's Fee Schedule to include fees for fence permits. Once the permit process is established, information on the process and costs will be made available on the Town's website and promoted in partnership with the Town's Communications Division.

The Municipal Code does not include material and design requirements for fencing. Fence design standards are included under Section 2.16, Fences and Walls in the Town of Frederick Land Use Code, a copy of which is attached. Some of the highlights of this section include materials, height and maintenance requirements, which are described in brief in the informational brochure, which will be included in the new resident packet, as well as to those seeking to obtain a fence permit within Frederick.

Modification of the current fence and wall criteria in the Land Use Code is under review at this time. Further direction from the Board is needed and an ordinance will need to be prepared for a future meeting to update the appropriate sections of the Land Use Code.

Legal/Political Considerations:

The attached ordinance and resolution was prepared by the Town Attorney, with input from the Chief Building Official and Town staff.

Alternatives/Options:

The Town has the option of not adopting a new fence permit process and continuing with the current policy of not require a permit to install fences. Section 2.16(g) Maintenance gives the Town Building Inspector or Community Services Officer the authority to order the removal or repair of dilapidated, unsightly or dangerous fences, walls or retaining walls.

Financial Considerations:

This proposed process will set a fee of \$50 for single family residential fences. The fee for all other fences will be based on a valuation using the Building Permit Fees table under Section 18-1-70 in the Town's fee schedule. Review of the fence permit will fall under the Building Division.

Staff Recommendation:

The attached ordinance will create a fence permit process within the Town of Frederick. In addition, the attached resolution will establish a fence permit fee within the Town's Fee Schedule.



Fence Permit Application

Directions:

1. Attach two copies of a plot plan, drawing/sketch or the attached Diagram Example Worksheet of the property to include existing buildings, fences, streets, alleys and proposed fences. Some lots and subdivisions may have specific requirements for type, height and fencing material allowed. Please verify requirements with the Town Land Use Code Section 2.16, available online at frederick.municipal.codes/LUC. The Town does not have responsibility over additional HOA requirements.
2. Attach documents and/or drawings detailing design and construction of the fence to include material, height and installation method.
3. It is the responsibility of the property owner and/or contractor to locate property lines and install fencing accordingly. Improperly placed fencing could result in fencing having to be moved or removed at the property owner's expense.
4. A Fence Permit is not required for temporary fences erected in conjunction with a valid Building Permit or Temporary Use Permit.
5. Call Before You Dig! For utility line locates, dial: 811 or 1-800-922-1987.
6. By signing below, the applicant acknowledges they have read this application and agree to install the fencing according to any or all of the following that apply: Town of Frederick Land Use Code, Subdivision Final Development Plans and/or International Building Codes.

Property

Owner: _____ Phone: _____

Address: _____ Subdivision: _____

Contractor Information (If Applicable) Any contractor doing work in the Town of Frederick is required to obtain a contractor's license before a permit will be issued.

Name: _____ Phone: _____

Address: _____

Contractors License with Town of Frederick: _____ License# _____

Valuation Total: \$ _____ Fence Type (ex: 3-rail, Privacy, etc.): _____

Material: Wood _____ Vinyl _____ Other _____ Height: _____ Length: _____

Owner/Contractor: _____

Signature

Date

Building Department Use: _____

Received By: _____

Fence Permit: \$ _____

Date Received: _____

Use Tax: \$ _____

Permit #: _____

Total: \$ _____

General Process for Fence Permits

STEP 1: Application Submission and Permit Fee

- Complete Fence Permit Application.
- Submit the application to the Town of Frederick with the following attachments:
 - Two copies of a plot plan or drawing/sketch: (ex. Google maps screenshot, sketch, attached Diagram Example Worksheet)
 - Indicate **dimensions, location** and **materials** of the fence.
 - Show the location of the primary structure and any accessory structures.
 - Show streets and alleyways, indicate frontage of lot.
 - Itemized list of **material and labor costs** associated with project.
- Staff will collect the permit fee at this time. Permit fee is non-refundable if the permit is denied.
 - Single Family Residential: \$50
 - Other than Single Family Residential: Fee based on valuation of total project cost.
 - Use Tax is collected on all permits.

NOTE: If you are using a contractor or company to install the fence, all contractors must be licensed by the Town of Frederick.

STEP 2: Staff Review

- All required items listed above must be received in order for the Building Official and Planning staff to review the application.

STEP 3: Permit Issuance

- Upon approval, the Building Department will notify you when the permit is ready to be picked up.
- The permit must be displayed in a visible location at the job site until project completion.

NOTE: You must be in possession of a valid permit before beginning any construction.

STEP 4: Construct Fence

No Inspection required for Fences seven (7) feet high and under.

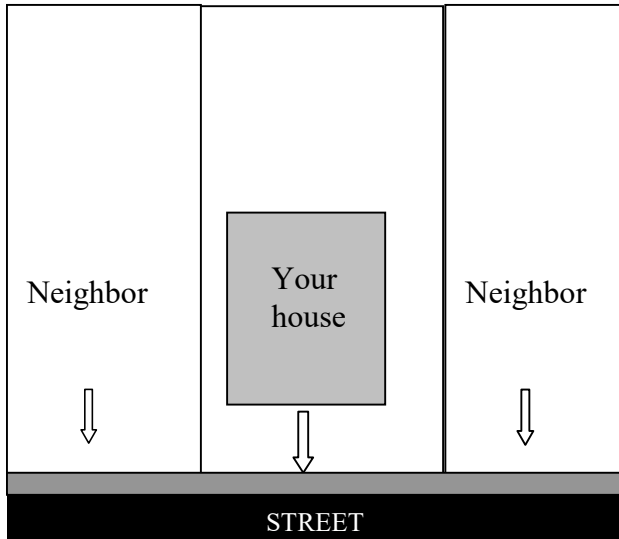
Diagram Example Worksheet

In-lieu of a plot plan or drawing/sketch, please utilize the diagram below. Two copies are required.

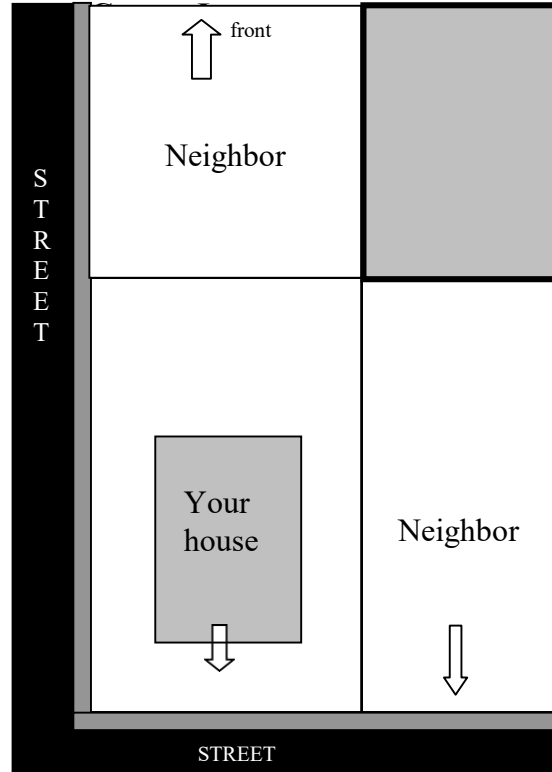
Please select the diagram below that best represents your home and lot. Place “X’s” where you will be placing your fence and indicate distance from sidewalks if applicable. It is the responsibility of the homeowner or contractor to submit plans to their HOA, build fence according to approved fencing detail and material for their area and ensure that their fence is placed appropriately. Fences are not allowed to go beyond the front of the house.

The Town is NOT responsible for enforcing HOA rules and covenants.

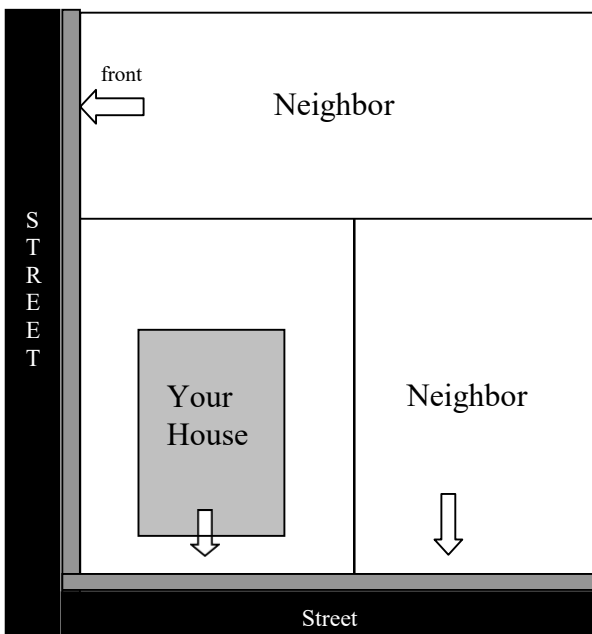
Interior Lot



Regular Corner Lot



REVERSE CORNER LOT (When side of neighbor's house faces back of your house)



Notes:

Sec. 2.16. Fences and walls.

1. *Intent.* It is the intent of this Section to ensure that walls and fences are attractive and in character with the neighborhood.

2. *General provisions.*

a. *Compatibility.* Walls and fences shall be architecturally compatible with the style, materials and colors of the principal buildings on the same lot.

b. *Visual interest.* If used along collector or arterial streets, such features shall be made visually interesting by integrating architectural elements such as brick or stone columns, varying the alignment or setback, softening the appearance with plantings, or through similar techniques.

(1) In order to prevent mundane expanses of fencing, a fence must have a unique element located every fifty (50) feet.

(2) Retaining walls in residential districts:

(a) Adjacent to a local street are exempt from this requirement;

(b) Adjacent to a collector or arterial street and more than three hundred (300) square feet shall have a unique element every fifty (50) feet.

(3) Retaining walls in a non-residential zoning district and more than three hundred (300) square feet shall have a unique element every fifty (50) feet.

c. *Fence/wall materials.*

(1) Stone walls, brick walls with a stone or cast stone cap, treated wood fences, decorative metal, cast iron fences, stucco walls, and stone piers are encouraged.

(2) Solid walls and fences are permitted in rear and side yards of all zoning districts, provided they are not within the site distance triangle.

(3) Fences used within front setbacks of all zoning districts shall be at least fifty percent (50%) open. Allowable fences are split rail, wrought iron, picket or other opaque fences of a similar nature.

(4) Hedges may be used in the same manner and for the same purposes as a fence or wall.

(5) Solid fences shall be constructed to meet the wind design criteria of the currently adopted building code, using a basic wind speed of ninety (90) miles per hour.

(6) Other materials may be incorporated in fences and walls as may be approved by the Planning Director.

(7) Chain link fencing is permitted in the following instances:

(a) In the Industrial zoning district with the following restrictions:

- i) The chain link is vinyl coated;
- ii) It is no taller than eight (8) feet anywhere on the premises.

(b) Around a publicly owned recreation area with the following restrictions:

- i) The chain link is vinyl coated.

(c) Around the playground area of a state licensed child care center with the following restrictions:

- i) The chain link is vinyl coated.
- ii) The fence is less than five (5) feet tall.

d. *Prohibited materials.*

(1) Contemporary security fencing such as concertina or razor wire, barbed wire or electronically charged fences are prohibited unless specifically allowed by the Board of Trustees. Electric barrier fencing installed and used with a transmitter collar worn by a dog(s) for the purpose of maintaining the dog(s) within the owner or keeper's premises shall be permitted.

(2) Chain link fencing with or without slats shall not be used as a fencing material except as identified in Section [2.16.2.c\(7\)](#).

e. *Retaining walls.* Retaining walls shall be designed to resist loads due to the lateral pressure of retained material in accordance with accepted engineering practice and shall not be unsightly or detrimental to abutting property.

(1) Retaining walls are permitted where required for landscaping or architectural purposes.

f. *Height limitations.* Fences or walls shall be:

(1) No more than forty-two (42) inches high between the front building line and the front property line. For corner lots, front yard fence regulations shall apply to both street sides of the lot.

(2) No more than forty-two (42) inches high if located on a side yard line in the front yard, except if required for demonstrated unique security purposes.

(3) No more than seven (7) feet high for an opaque privacy fence located on a rear property line or on a side yard line in the rear yard.

(4) No more than seven (7) feet high for opaque privacy fences that are located directly adjacent to and integrated with the architecture of the house or connected to a courtyard.

(5) No more than thirty (30) inches high when located within the site distance triangle, and fences or walls within this site distance triangle shall not be solid.

(6) In the Industrial (I) zone district, a chain link fence may be up to eight (8) feet tall.

(7) Fences around a recreation court (e.g., tennis, squash racket, squash tennis or badminton) or around a publicly owned recreation area may exceed seven (7) feet in height if the fence is at least fifty percent (50%) open.

g. *Maintenance.*

(1) Dilapidated, unsightly, or dangerous fences, walls, or retaining walls shall be removed or repaired when so ordered by the Building Inspector or Community Service Officer according to Municipal Code Chapter [7](#), Article II or Chapter [11](#), Article III.

3. *Warranty period.* Developers shall provide a warranty period for perimeter fences along arterial and collector streets of two (2) years. Provision for compliance shall be as outlined in the warranty section of the Memorandum of Agreement for Public Improvements (MOAPI). (Ord. 1145 § 15 (Exh. A), 2013)

The Frederick Land Use Code is current through Ordinance 1295, passed 2018.

Disclaimer: The Town Clerk's Office has the official version of the Frederick Land Use Code. Users should contact the Town Clerk's Office for ordinances passed subsequent to the ordinance cited above.

Town Website: www.frederickco.gov

Town Telephone: (720) 382-5500

Code Publishing Company

**TOWN OF FREDERICK, COLORADO
ORDINANCE NO. 1327**

**AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, AMENDING
CHAPTER 18, ARTICLE I, OF THE *FREDERICK MUNICIPAL CODE* REGARDING
BUILDING CODE REGULATIONS TO REQUIRE BUILDING PERMITS FOR
FENCES.**

WHEREAS, the provisions of the Frederick Building Code are necessary to protect life, health, and property within the Town, to prevent nuisances within the Town, to preserve and enforce the general welfare, and to protect safety, order and security of the Town and the inhabitants thereof; and

WHEREAS, the purpose of this amendment is to require building permits for all fences.

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

Section 1. Section 18-1-70 of the *Frederick Municipal Code* is hereby amended by the addition of the following subsections:

- “(94) Section 105.2 Building: of the *International Residential Code* is amended by the replacement of the phrase “2. Fences not over 7 feet (2134 mm) high” with the words “2. Deleted” (Design standards for fences and walls are included in the Land Use Code undersection 2.16.)
- “(95) Section 105.2 Building: of the *International Building Code* is amended by the replacement of the phrase “2. Fences not over 7 feet (2134 mm) high” with the words “2. Deleted” (Design standards for fences and walls are included in the Land Use Code undersection 2.16.)

Section 2. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 3. Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town Board hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

Section 4. Repealer. All ordinances or resolutions and motions of the Board of Trustees of the Town of Frederick or parts thereof, in conflict with this ordinance are to the extent of such conflict hereby superseded and repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution or motion thereby.

**INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED THIS
12TH DAY OF NOVEMBER, 2019.**

ATTEST:

By _____
Meghan C. Martinez, CMC, Town Clerk

TOWN OF FREDERICK

By _____
Tony Carey, Mayor

**TOWN OF FREDERICK
RESOLUTION NO. 19-R-98**

**A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO,
AMENDING FEES FOR MUNICIPAL SERVICES**

WHEREAS, The Town of Frederick has adopted Ordinance No. 1161 which established a process for establishing certain municipal fees; and

WHEREAS, Ordinance No. 1161 directed the Town Clerk to prepare and publish by posting a listing of all such fees; and

WHEREAS, pursuant to the Ordinance No. 1161, the fee schedule is reviewed and updated periodically by resolution; and

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, WELD COUNTY, COLORADO THAT:

Section 1. The Board of Trustees hereby amends the Fee Schedule with the changes noted on the attached Exhibit A.

Section 2. **Effective Date.** This resolution and attached Exhibit A shall be become effective immediately upon adoption.

Section 3. **Repealer.** All resolutions, or parts thereof, in conflict with this resolution are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such resolution nor revive any resolution thereby.

Section 4. **Certification.** The Town Clerk shall certify to the passage of this resolution and make not less than one copy of the adopted resolution available for inspection by the public during regular business hours.

**INTRODUCED, READ, PASSED, AND ADOPTED ON THIS 12TH DAY OF
NOVEMBER, 2019.**

ATTEST;

Meghan C. Martinez, CMC, Town Clerk

TOWN OF FREDERICK

By_____
Tony Carey, Mayor

EXHIBIT A

Section 18-1-70 Building Code Permit Fees

Building Permit Fees:

Value of Project	Fee
\$1.00 to \$500	\$23.50
\$501 to \$2,000	\$23.50 for the first \$500 plus \$3.05 for each additional \$100 or fraction thereof, up to and including \$2,000
\$2,001 to \$25,000	\$69.25 for the first \$2,000 plus \$14.00 for each additional \$1,000 or fraction thereof, up to and including \$25,000
\$25,001 to \$50,000	\$391.75 for the first \$25,000 plus \$10.10 for each additional \$1,000 or fraction thereof, up to and including \$50,000
\$50,001 to \$100,000	\$643.75 for the first \$50,000 plus \$7.00 for each additional \$1,000 or fraction thereof, up to and including \$100,000
\$101,001 to \$500,000	\$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000 or fraction thereof, up to and including \$500,000
\$500,001 to \$1,000,000	\$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1,000 or fraction thereof, up to and including \$1,000,000
\$1,000,001 and up	\$5,608.75 for the first \$1,000,000 plus \$3.65 for each additional \$1,000 or fraction thereof

Plan Review Fee

65% of Building Permit Fee

Fence Permit Fee:

Residential:

Flat Rate

\$50.00

Commercial:

Valuation of Project

Building Permit Fee Valuation

**Use Tax is collected on all building permits.*



FENCE MATERIALS AND DESIGN

Section 2.16, Fences and Walls, of the Frederick Land Use Code, outlines the types of materials allowed for fences within the Town of Frederick.

A variety of fence and wall materials are allowed including:

- Treated wood
- Decorative metal
- Cast iron fences
- Stucco walls
- Stone walls
- Brick walls with a stone cap
- Chain link (with restrictions in certain zones)

Materials that are generally not permitted include security fencing such as razor wire, barbed wire, or electronically charged fences; chain link fencing is only allowed as under section 2.16(2)(c) (7).

If you have any questions regarding allowable or prohibited materials, contact the Planning Department at (720) 382-5650.

More information on materials is available online at Frederick.Municipal.Codes/LUC/2.16

MORE INFORMATION

Fence Permit Fee

For single family residential properties, there is a flat fee of \$50, plus use tax. For all other properties, the fee is based on valuation of total project cost.

Application

The fence permit application is available at Town Hall during regular business hours or online at FrederickCO.gov/Fences.

Questions?

For questions, please contact the Town of Frederick Building Division at (720) 382-5604 or email MTheisen@FrederickCO.gov.

CONTACT US

Town of Frederick
Engineering Department
Building Division
401 Locust Street
Frederick, CO 80530

Phone: (720) 382-5604
Fax: (720) 382-5520
Email: Building@FrederickCO.gov

FrederickCO.gov



FENCES IN FREDERICK

Frequently Asked Questions
about Installing, Altering or
Relocating Fences in Frederick



Built On What Matters

DO I NEED A FENCE PERMIT?

Yes. A permit is needed:

- To install a new fence
- To move an existing fence
- To alter an existing fence (such as materials)

The fence permit process ensures that fences are installed in accordance with current land use and building regulations, do not negatively impact sight lines and ensure that fences are attractive and in character with the community.

HOW DO I GET A FENCE PERMIT?

Permits are issued by the Town of Frederick's Building Division. Applicants must submit an application and two copies of a plot plan or sketch using the provided diagram examples to identify existing buildings, fences, streets and alleys, as well as the location of proposed fences and/or alterations.

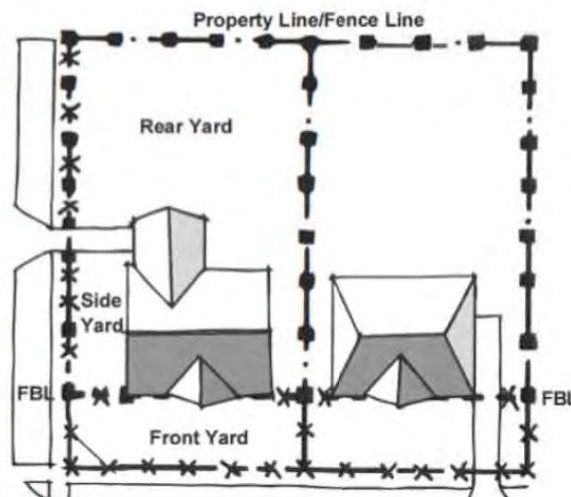
Applications are available online at FrederickCO.gov/Fences.

Mail to:
Frederick Building Division
PO Box 435
Frederick, CO 80530

Email to:
MTheisen@FrederickCO.gov

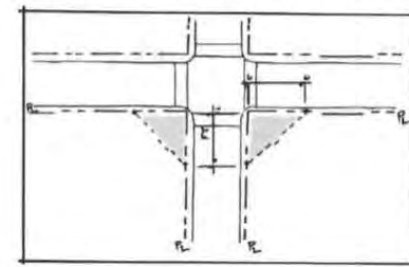
FENCE LOCATION, HEIGHT AND TYPE INFORMATION

RESIDENTIAL FENCE HEIGHT AND PLACEMENT



- Fence height is limited to 7 feet behind the Front Building Line (FBL)
- Solid fences are permitted
- ✕ Height is limited to 42 inches
- ✕ Fence must be at least 50% open
- ✕ Either type of fence or a combination of the two outlined above is permitted depending on location of the "front" of the house

SIGHT DISTANCE TRIANGLE



Do you have a corner lot? If so, then sight distance restrictions apply. Solid fences taller than 30 inches are not permitted in the sight distance triangle (indicated in gray). If you are planning on building a fence impacting a sight distance triangle, please contact the Building Division for assistance.

EXAMPLES OF FENCE TYPES AND FENCES ON RETAINING WALLS

