



Town of Frederick Board of Trustees Agenda

Frederick Town Hall
Board Chambers
401 Locust Street
Tuesday, November 12, 2024

7:00 PM

Livestreaming of the Board of Trustees regular meetings have been transitioned to the Town of Frederick website. Work Sessions are not livestreamed. The livestream for the regular meeting can be accessed at www.frederickco.gov/civicmedia

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

Tricia David, Town Clerk
tdavid@frederickco.gov
720-382-5500

Or

Emily Nitcher, Deputy Town Clerk
enitcher@frederickco.gov
720-382-5500

Built on What Matters.



Town of Frederick Board of Trustees Agenda

Frederick Town Hall
Board Chambers
401 Locust Street
Tuesday, November 12, 2024

Work Session 5:00PM

Agenda

Regular Meeting 7:00 PM

Work Session 5:00PM

- A. FRA Master Plan -
Colby Johnson, Parks and Open Space Director
- B. Water Rate Study
- C. Ethics Workshop -

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 Board of Trustees. Please sign in and you will be called. 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

- D. Administrative Report -

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.

- E. Approval of October 22, 2024 Minutes
- F. Resolution No. 62 to Certify Tax Liens -
Kurtis Adams, Finance Director
- G. List of Bills -

Action Agenda

- H. Continued Public Hearing for Ordinance No. 1400 for Land Use Code Amendments to Article 9, Regarding Oil and Gas Drilling and Production and rescinds Ordinance No. 1392 which created a Temporary Moratorium for Oil and Gas Development. -
Ali van Deutekom, Planning Manager
Matt Sura
- I. Public Hearing on the Fiscal Year 2025 Proposed Budget -
Kurtis Adams, Finance Director
- J. Resolution No. 63 Non-Potable Water Infrastructure Master Plan Adoption -
Sarah Watson, Engineer
- K. Resolution No. 64 Granting a Master License Agreement for Fiber Network -
Teena Estrada, Paralegal

Discussion Agenda

Mayor and Trustee Reports

Executive Session

- L. Executive Session for Negotiations

Adjournment



Built On What Matters

TOWN OF FREDERICK

Board of Trustees

Staff Report

Tracie Crites, Mayor

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

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

FRA Master Plan

Agenda Date: 11/12/2024 BOT Meeting

Attachments: 1. FRA Master Plan - Board IM

Reviewed By: Jason Leslie, Deputy Town Manager

Action Type

4) Information: Items that require no specific action and are provided for informational purposes only.

Strategic Plan Alignment:



COMMUNITY AND ECONOMIC VITALITY– 2.1 - Continue the master planning process for Frederick Recreation Area, considering other nearby planning areas, their impacts and needs.

Summary Statement:

Staff is presenting the draft Frederick Recreation Master Plan components to the Board of Trustees for final input, before it's finalized and brought for adoption in January 2025.

Detail of Issue/Request:

The final Frederick Recreation Area Master Plan is a comprehensive vision for the future of that regional park and open space. This presentation is meant to provide a summary of the Plan's components and expected outcomes, but is not a full review, as the document is over 170 pages long.

This project began in the fall of 2022, with an Request for Qualifications issued for approximately 4 weeks. We received seven responses and ultimately selected and negotiated a contract with Design Concepts, out of Lafayette, Colorado. We began our background and analysis work in early 2023, with initial concept proposals and refinement throughout summer and fall 2023. We finalized area concepts and began working on engineering considerations and cost estimation, alongside community engagement, throughout the summer of 2024. Our final master plan narrative is being complete alongside these presentations, in an effort to be able to implement minor adjustments or additions before its completed by the PROST Commission Meeting in December 2024.

Our Plan's goals, created with Town Staff, the PROST Commission and through initial community engagement are:

1. Establish the overall vision for Frederick Recreation Area, including Bella Rosa Golf Course, Milavec Reservoir and surrounding lands.
2. Draw from broad community input to create the vision for the area.
3. Provide the foundation for subsequent capital improvement designs and construction for identified phased improvements.
4. Establish an actionable implementation plan to guide development of the area over the next 20-30 years, including phased capital construction with cost estimation.

Community engagement for this project was extremely robust and impactful to the conceptual site planning, as it progressed throughout the project. In total, we reached about 3,500 people with nearly 3,000 of those being in-person at the 20 Town events and pop-up shops we attended in 2023 & 2024. We also had about 100 survey responses during the initial outreach in early 2023 and around 400 written comments throughout the process.

Staff will spend the majority of this presentation's time discussing the project's vision, concepts and implementation strategies, including funding. We will have all of the final concept imagery, maps and 3-D renderings for discussion. Staff's desire is for the Board to challenge us with any concerns, questions, issues, community voices and any and all such related items that they might have.

Legal Comments:

Not Applicable

Alternatives/Options

Not Applicable

Financial Considerations

Not Applicable

Staff Recommendation

Staff is requesting any feedback, input or questions on this final outline so a final plan can be brought to PROST and the Board of Trustees for adoption this winter.

Community Impact

Frederick Recreation Area's future improvements will be one of the most impactful community projects over the next 20-30 years. Staff have spent two years developing this plan with robust community and stakeholder engagement throughout the process. We've also spent a considerable amount of time and resources to create an actionable plan, that has funding sources ready and waiting to accrue and be applied towards these exciting improvements.



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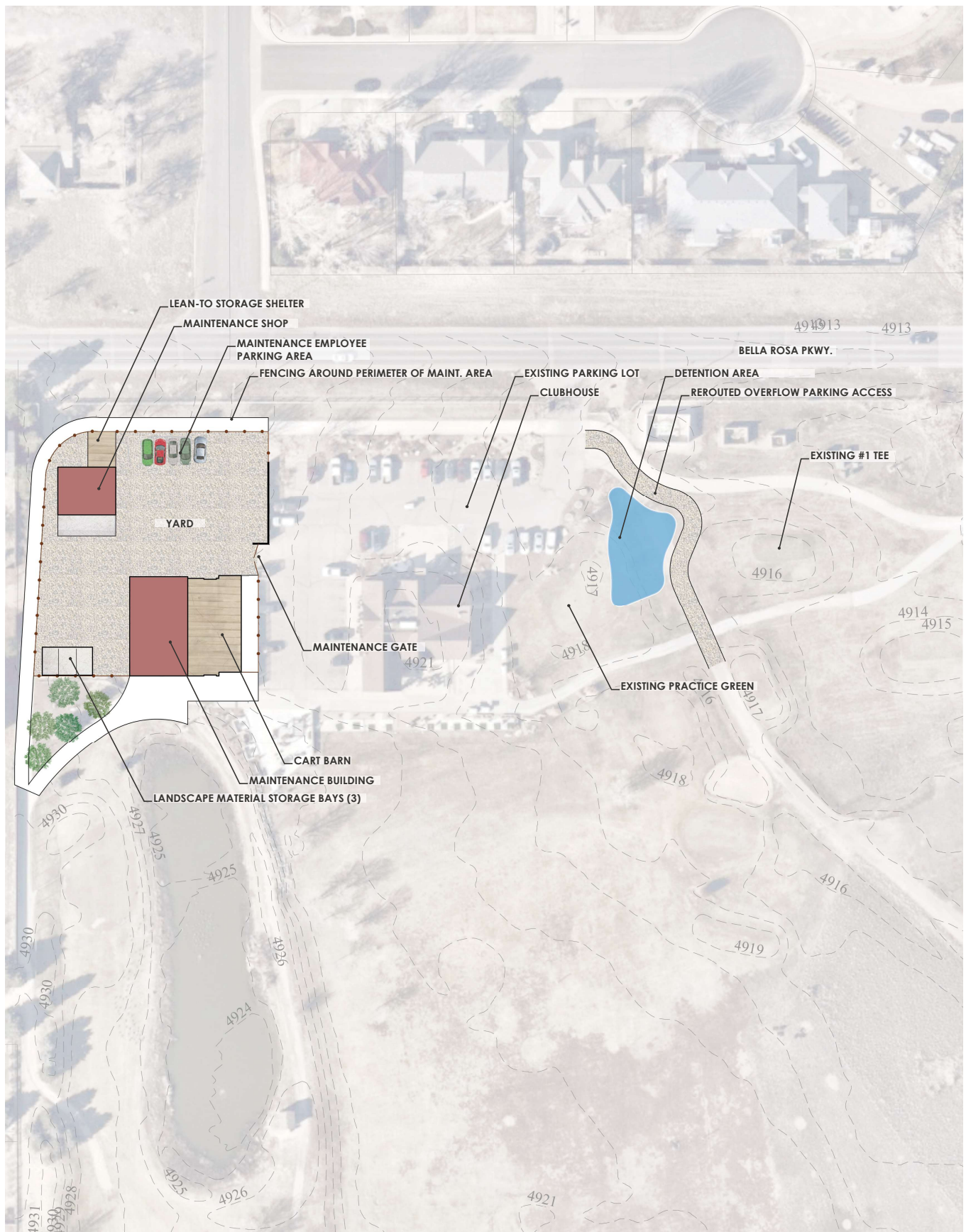


DESIGN CONCEPTS
Community + Landscape Architects

Frederick Recreation Area

MASTER PLAN

August 2024



DESIGN CONCEPTS
Community + Landscape Architects

Frederick Recreation Area

FINAL MASTER PLAN - CLUBHOUSE & MAINTENANCE AREA (PHASE 2)

AUGUST 2024



DESIGN CONCEPTS
Community + Landscape Architects

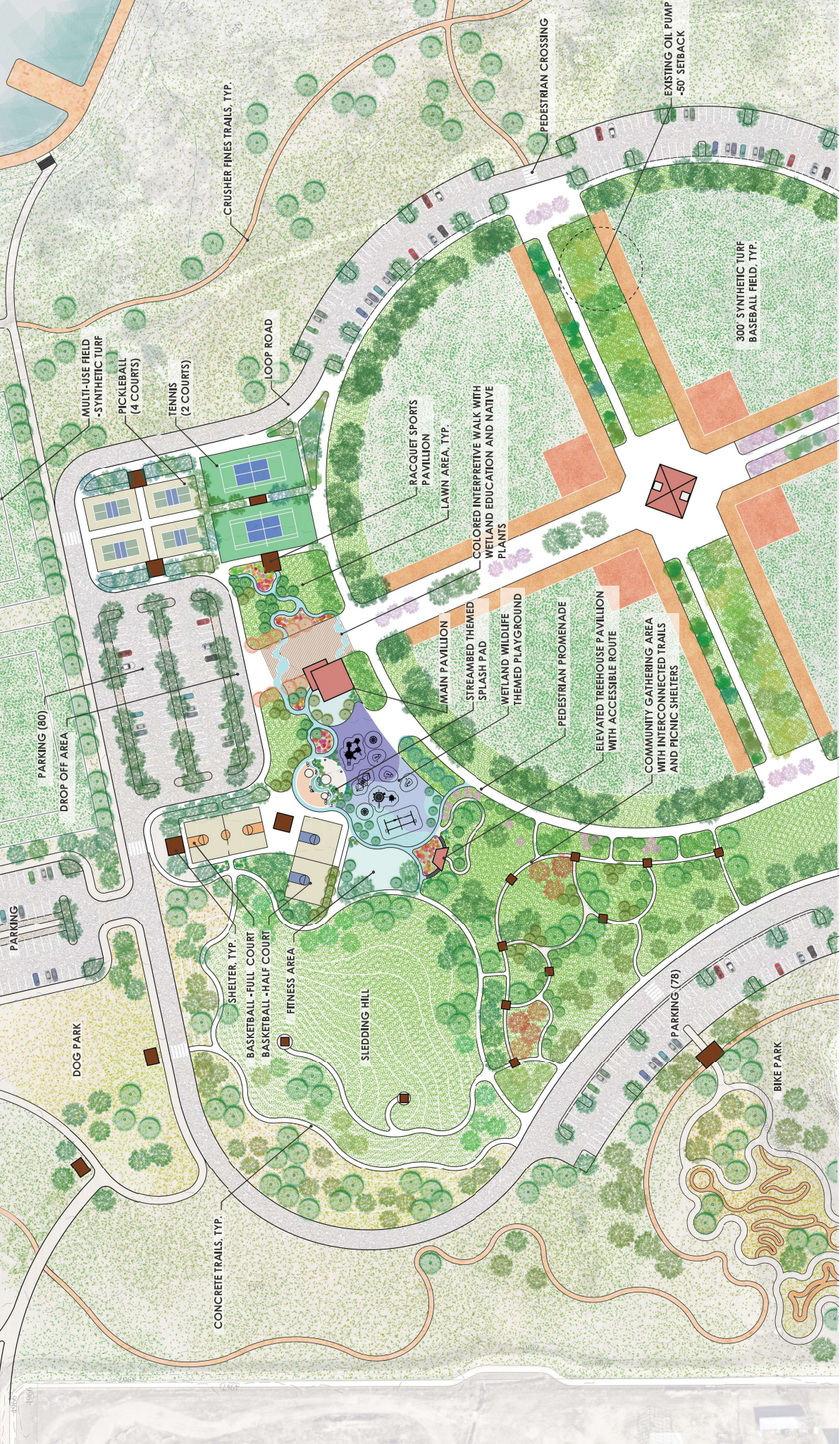
Frederick Recreation Area

FINAL MASTER PLAN - CLUBHOUSE & MAINTENANCE AREA - (PHASE 4)

AUGUST 2024



**DESIGN
CONCEPTS**
Community + Landscape Architects



Frederick Recreation Area

FINAL MASTER PLAN - CENTRAL PLAZA ENLARGEMENT

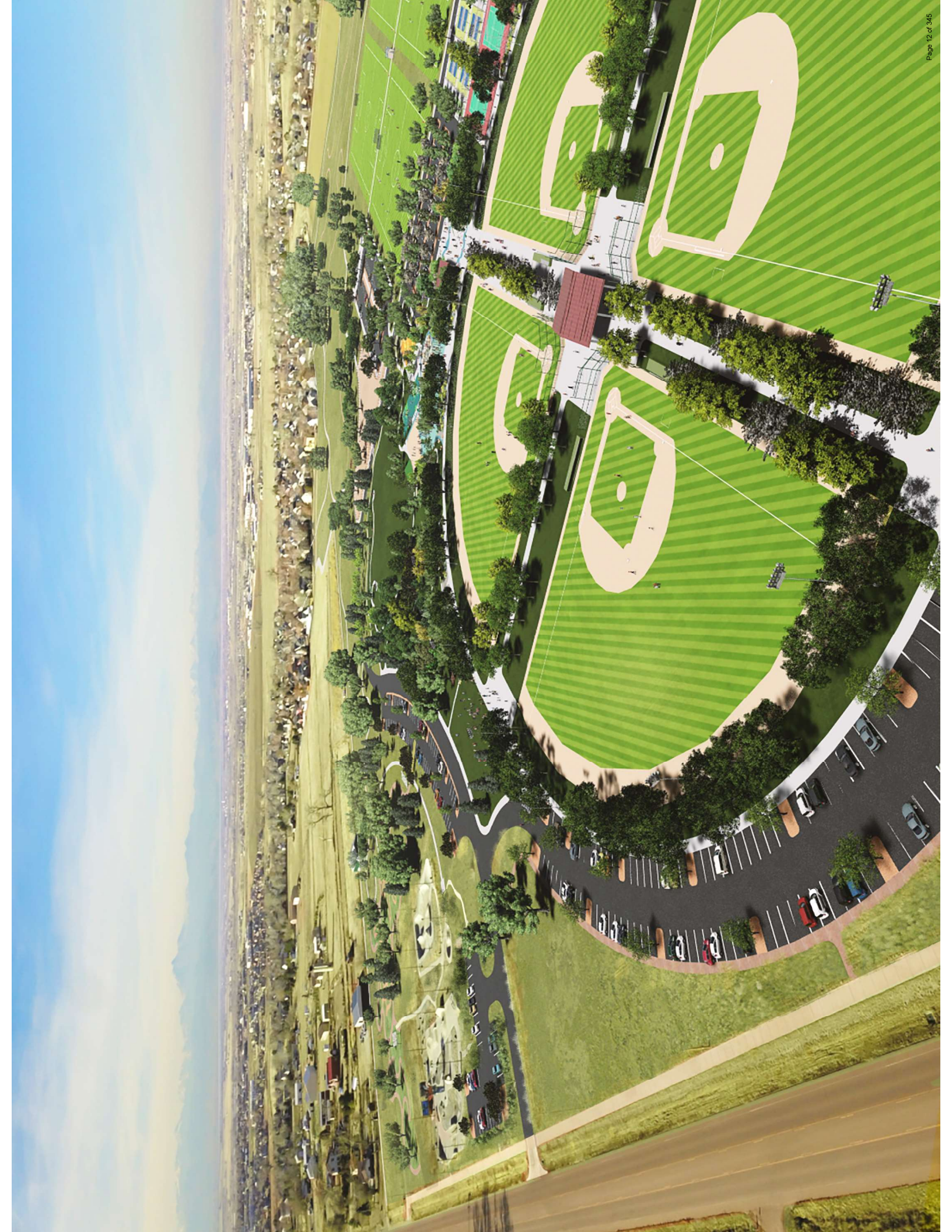
AUGUST 2024



DESIGN
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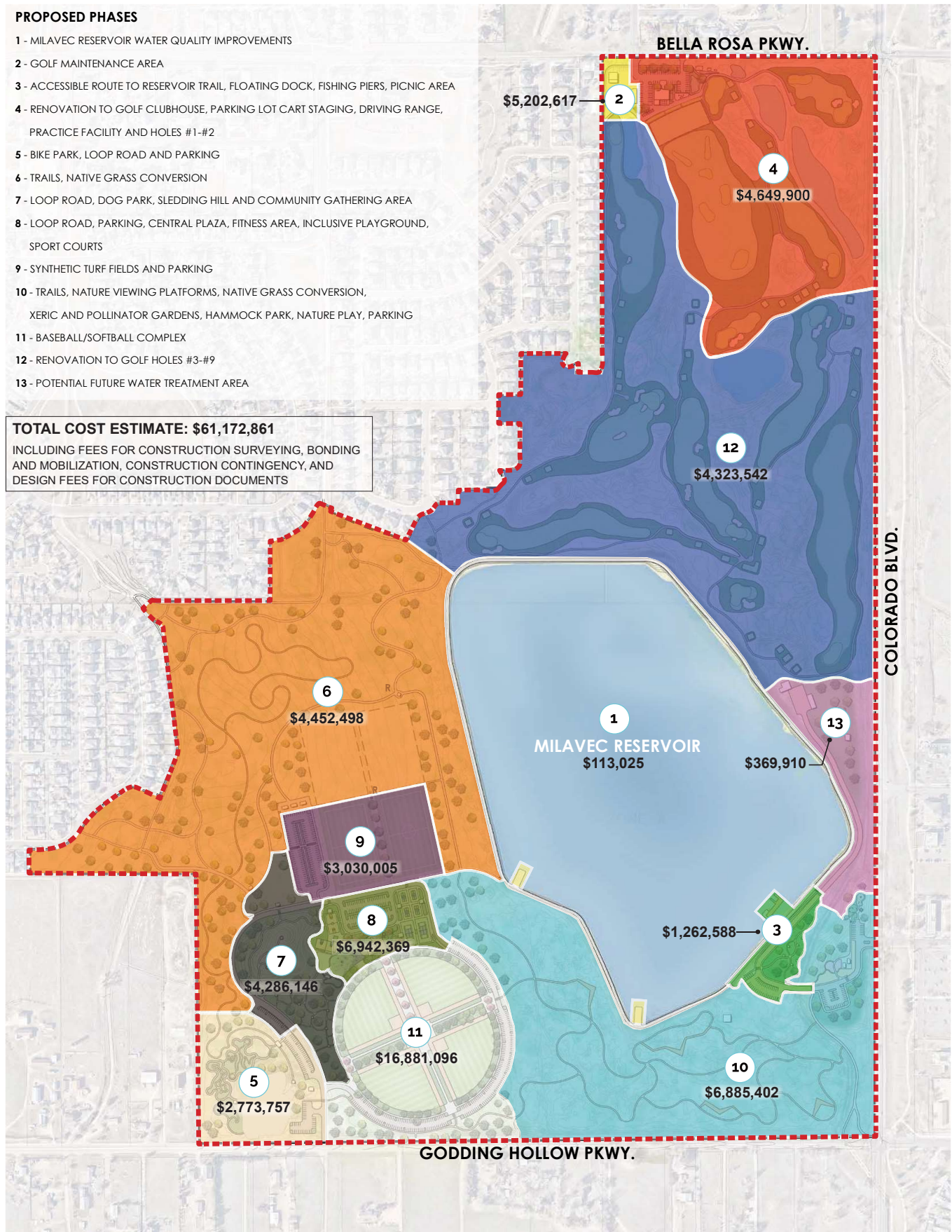


PROPOSED PHASES

- 1 - MILAVEC RESERVOIR WATER QUALITY IMPROVEMENTS
- 2 - GOLF MAINTENANCE AREA
- 3 - ACCESSIBLE ROUTE TO RESERVOIR TRAIL, FLOATING DOCK, FISHING PIERS, PICNIC AREA
- 4 - RENOVATION TO GOLF CLUBHOUSE, PARKING LOT CART STAGING, DRIVING RANGE, PRACTICE FACILITY AND HOLES #1-#2
- 5 - BIKE PARK, LOOP ROAD AND PARKING
- 6 - TRAILS, NATIVE GRASS CONVERSION
- 7 - LOOP ROAD, DOG PARK, SLEDDING HILL AND COMMUNITY GATHERING AREA
- 8 - LOOP ROAD, PARKING, CENTRAL PLAZA, FITNESS AREA, INCLUSIVE PLAYGROUND, SPORT COURTS
- 9 - SYNTHETIC TURF FIELDS AND PARKING
- 10 - TRAILS, NATURE VIEWING PLATFORMS, NATIVE GRASS CONVERSION, XERIC AND POLLINATOR GARDENS, HAMMOCK PARK, NATURE PLAY, PARKING
- 11 - BASEBALL/SOFTBALL COMPLEX
- 12 - RENOVATION TO GOLF HOLES #3-#9
- 13 - POTENTIAL FUTURE WATER TREATMENT AREA

TOTAL COST ESTIMATE: \$61,172,861

INCLUDING FEES FOR CONSTRUCTION SURVEYING, BONDING AND MOBILIZATION, CONSTRUCTION CONTINGENCY, AND DESIGN FEES FOR CONSTRUCTION DOCUMENTS



**DESIGN
CONCEPTS**
Community + Landscape Architects



Built On What Matters

TOWN OF FREDERICK

Board of Trustees

Staff Report

Tracie Crites, Mayor

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

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

Water Rate Study

Agenda Date: 11/12/2024 BOT Meeting

Attachments: None

Reviewed By: Jason Leslie, Deputy Town Manager

Action Type

4) Information: Items that require no specific action and are provided for informational purposes only.

Strategic Plan Alignment:

Strategic, Reliable & Sustainable Infrastructure: Frederick is dedicated to investing in existing and future transportation, water, stormwater, and technology while planning for sustainable growth and development. The Water Rate Study will help the Town understand our current and future service costs and Capital costs and guide the Town in setting rates that are adequate to meet the needs of the Town and our customers as we continue to grow.

Summary Statement:

Following a rate increase from Central Weld County Water District (CWCWD), engineering and finance staff recommended the Town complete a Water Rate Study. The Town Board supported that recommendation, and the contract was awarded to Willdan in 2023. The Water Rate Study has determined if the Town's current rate and fees generate enough revenues to maintain and improve the system, acquire water rights, and participate in the Northern Integrate Supply Project (NISP). The consultant

has reviewed our fund history and future project costs based on the current Capital Improvement Project list for potable water. This work session will focus on the results of that analysis and provide additional detail about the proposed rate structure.

Detail of Issue/Request:

In 2022, the Central Weld County Water District (CWCWD) introduced a significant water rate increase, affecting how the Town collects funds from customers to cover water purchases and system needs. In response, the Town Board authorized a water rate study to assess whether current rates are sufficient and, if not, to determine the rates needed to support the Town's water system for both existing and future customers.

The study's analysis showed that a 9% rate increase may be required, with the primary driver being the Northern Integrated Supply Project (NISP). The Town's current participation in NISP is expected to provide 2,600 acre-feet (AF) of water for potable use, with a portion becoming a reusable water supply after wastewater treatment for non-potable purposes. If the Town decides to increase its NISP participation to address future long-term water supply needs, additional funding will be required. Town Board may consider alternative funding options for the Town's obligations for NISP such as bonds.

In February, staff sought feedback from the Board to help guide the consultant in setting priorities for the new rate structure. The Board's priorities included water conservation, staff impacts, and affordability for residents on fixed incomes. Input from the finance and engineering departments was also incorporated.

Several factors influence the cost of water service, including:

- Geographic location and population density
- Treatment facility size and type
- Customer base and growth trends
- Age of infrastructure
- Regulatory requirements specific to the area
- Quality standards for treatment
- Impact of previous rate increases
- Development, impact, and plant investment fees

The Town's current water billing system includes a monthly base rate and a water usage rate, both determined by tap size. Each tap size has its own base rate and tiered usage rates. As customers use more water, the cost per gallon increases through higher tiers, encouraging water conservation. The non-potable water rates follow a similar tiered structure, where higher usage results in higher costs to discourage excessive water use. Below is a snapshot from the fee schedule, showing the base rates and tiered usage rates.

Potable Water Rates - In Town - 5/8" Taps		
Use (Gallons)	Cost	
Base rate	\$31.57	
3,001 to 5,000 gallons	\$3.20	per 1000 gallons
5,001 to 15,000 gallons	\$4.43	per 1000 gallons
15,000 to 25,000 gallons	\$5.79	per 1000 gallons
25,000 and over	\$8.05	per 1000 gallons

After reviewing existing data and input from the Board, staff, and consultants, three rate structure alternatives were developed:

1. **Cost-of-service update** – Refines existing rates to reflect updated costs.
2. **Simplified structure** – Streamlines rates by shifting from tap size to user category.
3. **Seasonal structure** – Adjusts rates based on seasonal water usage patterns.

Following public outreach, approximately 50% of residents supported the simplified structure (Option 2). This structure replaces the existing system, which uses different tiers for each tap size, with a simpler model that charges based on user type—residential or non-residential. The new structure retains special rates for Prairie Greens, schools, the softball park, and bulk (hydrant) water. No water is included in the base rate, reducing monthly costs for small households and those on fixed incomes. While the previous Board included 3,000 gallons in the base rate to support residents on fixed incomes, the new base rate will be about 50% lower than the current rate.

The proposed rate structure ensures adequate funding for ongoing operations, maintenance, and future projects. With the new rates, the Town's water service costs would be comparable to nearby communities such as Windsor, Longmont, Brighton, Loveland, and others. For a household using 8,000 gallons of water per month, the average bill would be approximately \$20 less than that of neighboring towns.

Given that non-residential users account for a large share of both current and future water use, their rates will increase, and the cost for higher usage tiers will also rise. This structure encourages water conservation across all user categories, ensuring sustainable water management for the Town's long-term needs.

Since the Non-Potable Water Infrastructure Master Plan was developed alongside the water rate study, the recently completed Capital Improvement Project (CIP) list was incorporated into the rate analysis. The plan identifies substantial improvements needed to support non-potable water use for Town parks, open spaces, and developments, requiring a significant increase in non-potable water rates. While the Town and developers will share the costs, projects directly tied to new development will be funded by the developers. The rate increase will primarily affect existing non-potable water users, which include developers, the Town, and the High School.

Staff secured a state grant covering 75% of the \$360,000 cost of the Water Reuse Plan which will begin in 2025. Staff will continue pursuing additional funding opportunities to support future CIP projects and other planning efforts.

Legal Comments:

The Town is required by contract to pay for the water received by CWCWD and the Town's fee schedule as referenced in the Municipal Code dictates how fees and water rates are assessed.

Alternatives/Options

The Town Board may direct staff to work with the consultant to identify if the proposed water rates can fund additional needs of the community.

Financial Considerations

The project is paid for by the Water Fund. If the Water Rates are not established with valid assumptions the Town may not collect the revenues necessary for maintenance of the potable and non-potable water system and purchase additional water shares in accordance with the Short-Term and Long-Term Water Resources Plans. The water fund is an enterprise fund so the revenues are generated by monthly usage fees and one time impact fees collected at building permit for new structures.

Staff Recommendation

Staff recommends the Board direct staff to address any feedback received during the work session and bring the final Water Rate Study back for adoption at a later date. Staff will prepare a communication plan with the Communications & Engagement department ahead of the water rates being effective in Q1 2025.

Community Impact

This study significantly impacts the Town's residents and water customers. The Town is committed to delivering a high level of service, which necessitates ongoing maintenance and improvements to both its potable and non-potable water systems. By investing in infrastructure, the Town ensures a reliable and sustainable water supply. The rate study offers recommendations for maintaining this dependable system while minimizing costs to residents and customers.



Town of Frederick

Admin Report 11.12.24

Upcoming Board of Trustees Work Sessions:

The following is the schedule for upcoming meetings, though topics are subject to be changed or rescheduled:

- November 5, 2024 – Work Session (Cancelled)
- November 12, 2024 – Regular Meeting
- November 19, 2024 – Work Session (Cancelled)
- November 26, 2024 – Regular Meeting (Cancelled)



Effective, Efficient & Strategic Government Operations

- Communications & Engagement training:
 - Ongoing I.T. training
- The Parks, Recreation, Open Space and Trails Commission met on October 9th at the Bella Rosa Golf Course to discuss with staff the final concepts for FRA and a future regional park and open space west of I-25. Also discussed were ongoing updates to the 2025 Capital Improvement Program, as well as updates to existing projects in 2024. In November, the Commission will discuss the final FRA Master Plan document, the 2025 Annual Action Plan, CIP, and an update to our asset management software.
- Parks Manager Mike Harris is now a Certified Parks and Recreation Professional, joining a group of about 6,500 Parks and Recreation professionals nationwide who hold the qualification.
- Open Space and Trails Manager Jordan Davison is now a Certified Arborist through the International Arborist's Association.



Community and Economic Vitality

- The Bella Rosa Fall Scramble was hosted on October 19th with 68 participants. The tournament was a huge success and was the last major event of the season.
- The Frederick Recreation Area Master Plan is nearing completion and is being brought to this Board work session, with PROST adoption scheduled for December and Board adoption in January. Phase 1 of the Master Plan is already underway, with a focus on water quality improvements at Milavec and Phase 2 design included in the 2025 Capital Improvement budget for renovations to the Golf Course maintenance facility.

Built on What Matters.

- At the request of the Board of Trustees, Parks staff purchased and installed a brass plaque dedicated to former Town Trustee Roberta Hattel that was placed near the Miner's Memorial in Crist Park. Trustee Hattel served on the Board and Arts Commission for a number of years and was instrumental in the construction of the Miner's Memorial. Her family visited the site on October 27th and were very appreciative of the honor and support of the Board.



- Downtown Partnership
 - Trick-or-Treat Street incorporated downtown business into Tiny Terror Town. Approximately 15 businesses participated this year.
 - Staff is working on planning for Deck the Downtown, a holiday window decorating contest between downtown businesses.
- For a list of all active development applications currently under review by the Town's Planning Department, Engineering Department, Legal Counsel, Frederick-Firestone Fire Protection District, and external review agencies, please follow these links to our ["What's Developing"](#) map and webpage, ["Development Applications Under Review."](#)



Dynamic, Inclusive & Connected Community

- The holiday parade and time for float building is fast approaching. If you have any plans or ideas for this year's float, please submit them to staff by December 1st so crews have adequate time to implement them.
- Communications Monthly Newsletter:
 - Electronic and mailer
- Weekly Flash, featuring four articles weekly
- Daily postings on social media platforms
- Communication and Campaign Planners
- FRED Culture
 - Wellness walks: 1-on-1 interactions
 - Administrative Services listening tour
- Work on the 2025 Town calendar
- ADA HB 21-1110 Compliance
 - Website updates (alt text and tables) for accessibility
 - PDF remediation

- Town Event Preparation
 - Sponsor commitments for 2024 totaling \$89,000
 - Updates for 2025 sponsor packages
 - 165 market vendor applications
- Tiny Terror Town took place on Saturday, October 19th
 - 17 participants for the Big Beast Bazaar pet costume contest
 - Recruitment of sponsors and volunteers
 - Coordination of Big Beast Bazaar pet costume contest judges and prizes
 - Permit coordination
 - Haunted house planning
 - Coordination of downtown business Trick-or-Treat Street – 17 participating businesses
 - Graphics and map
- Festival of Lights Preparation
 - Recruitment of sponsors and volunteers
 - Parade application on website
 - Rescheduling of fireworks show to December 7th at Festival of Lights
 - Coordination with property owner and vendor
- Thanksgiving Dinner in a Box Preparation
 - Coordination with external agencies
 - 73 applications received
- A volunteer appreciation event is scheduled for Saturday, November 9th
- Coordination of School Tour program to transition back to Town Clerk's office
 - Volunteer Appreciation Planning
- Community Partnerships
 - Carbon Valley Cares Meeting
 - Empty Bowls brochure
- Website Updates
 - Civic Ready website module setup
 - Maintenance on broken links and update of new hires
 - Update election web page
- Town App
 - Process CRM submissions
 - Review and submission categories
- Interdepartmental Collaboration
 - Capital Improvement Project meetings
 - Oil and Gas Regulation update
 - 4x8 Silverstone signs
- Board Meetings
 - Closed captioning for meeting recordings
 - New Mayoral Town Hall office hours



Strategic, Reliable and Sustainable Infrastructure

- Valve exercises and hydrant flushing:
 - Crews completed valve exercises and hydrant flushing in No Name Creek, and valve exercises were initiated in The Farm Subdivision.
 - A total of 30 hydrants were flushed, and 87 valves were exercised.
- Water quality testing was conducted on Iris Parkway and Bruin Boulevard for chlorine levels, E. coli, and coliform to ensure water quality compliance.

- A roadwork sign has been installed on Bella Rosa due to safety concerns.
- Crews observed the installation of two stop valves by Tap Masters for the water line lowering project.
- Water leaks were confirmed and addressed on Gunnison Drive and Harlequin Circle.
- Park and Open Space maintenance staff have been working through fall cleanup and repair items including leaf cleanup, major irrigation repairs, annual playground repairs, soccer field restorations and assisting at Bella Rosa Golf Course. They will begin irrigation blowouts in early November and then transition into installation of holiday lights until early December.
- Golf maintenance staff have been working to complete turf renovations on holes 2, 3 and 4 fairways, major irrigation and pump station repairs, and preparing for the season's last few major events. They've also completed all fall aeration course-wide.
- Fleet staff have been busy preparing snow equipment for the winter season and performing regular maintenance.
 - They have installed the new PlowOps system on each plow vehicle, which will help track each truck and its progress during a snow event. PlowOps will also help with reports after storms and at the end of the season.
 - Fleet also installed radios in the new loader and skid steer to help better communicate during snow events and jobs throughout the year.
 - The grader received a new set of cutting blades ahead of the maintenance of gravel roads this week.
- There has been a recent increase in focus on street sweeping due to the fall weather and dropping leaves. Streets teams have also been focusing on filling potholes and grinding transitions for ADA ramps.
- Street sign replacements have been completed in Rinn Valley and Morningside, and curb markings have been refreshed in the downtown area.
- 150 feet of concrete trickle channel has been removed from Penrose Boulevard and replaced due to settling and drainage issues.
- The Town recently hosted a Senior Cleanup Event, Electronic Drop-Off, and Tree Limb Drop-Off. 64 seniors participated in the Cleanup Event, 154 residents participated in the Electronic Drop-Off, and 28 residents participated in the Tree Limb Drop-Off.



Safe and Secure

- The Police Department is happy to announce the promotion of Tyler Farson to the rank of sergeant. Sergeant Farson joined Frederick in 2021 and has nearly ten years of total experience in law enforcement. He holds numerous specialty assignments within the Police Department, and we are thrilled to have him as our newest supervisor. Congratulations, Sergeant Farson!
- On October 30th, the Police Department hosted a quarterly Neighborhood Watch Block Captain's meeting. The meeting was well attended and had representatives from nine different Frederick subdivisions. Commander Egan discussed our Neighborhood Watch program and its operations, and staff covered important information on how to spot suspicious criminal behavior and how to properly relay information to responding

officers. The Carbon Valley & Mead Victim Services Unit gave a presentation on their responsibility and operations, and Commander Albert finished with Sector Reports and provided information about recent criminal activity in Frederick and trends we have seen. Neighborhood Watch is a great opportunity to develop community relationships with our citizens and form partnerships in fighting crime within the community.



Fiscally Responsible Governance

- Finance is finalizing 2025 Proposed Budget documents for the November 12th Public Hearing No. 1.



Town of Frederick Board of Trustees

Meeting Minutes

October 22, 2024

Work Session 5:00 PM

A. Budget -

Call to Order – Roll Call

Pledge of Allegiance

Approval of Agenda

Move Agenda Item I Resolution 24-R-59 (December 10th Meeting) and Item L 24-R-60 are being moved to later dates (January 14, 2025).

Special Presentations

Public Comment

This portion of the agenda is provided to allow members of the audience to provide comments to the Board of Trustees. Please sign in and you will be called. 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.

No regular public comment. Public comment related to the Action Item on Oil and Gas Regulations will be presented at that time in the agenda.

Staff Reports

B. Administrative Report -
Bryan Ostler, Town Manager

Presentation of the Santa Cops tournament check to the Town of Frederick from Bella Rosa Golf Course for the Santa Cops community program.

Update on new downtown businesses that recently opened.

Thanks for a successful Tiny Terror Town event last week and partnership with our downtown businesses.

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. List of Bills -
Kurtis Adams, Finance Director

- D. Approval of October 08, 2024 Minutes
- E. Resolution 24-R-56 A Resolution of the Town of Frederick, Colorado, Accepting a Right-Of-Way Dedication for the Meadowlark Business Park Subdivision -
Sierra Fedder, Economic Development Specialist
- F. Resolution 24-R-57 A Resolution Of The Town Of Frederick, Colorado, Executing The Third Amendment To The Comprehensive Plan And Downtown Plan Contract For The Purpose Of Adding The Land Use Code Update Scope Of Work -
Audem Gonzales, Senior Planner
- G. Easement Amendments - 30" Water Line Construction -
Christine Francescani, Deputy Town Attorney

Action Agenda

- H. Ordinance No. 1401 for Land Use Code Amendments to Sections 1.15.3..4.4 and 3.4.12 Regarding Natural Medicine -
Bailey Arvizu, Planning Technician
Christine Francescani, Deputy Town Attorney
- I. Resolution 24-R-60 Consideration of a Request for QuikTrip's Monument Sign Height Variance -
Maureen Welsh, Planner II

Item moved to January 14. 2025

- J. Resolution 24-R-61 Consideration of the Ratification of the Adoption of Frederick Forward a Comprehensive Plan and Designating the Future Land Use Map as the 3-mile Plan -
Ali van Deutekom, Planning Manager

Mayor and Trustee Reports

Brown: Youth Commission meeting feedback for Tiny Terror Town, currently at 10 of 20 youth commissioners. The arts committee finalized their bylaws and are looking forward to expanding the program.

Lamach: None

March: None

Mahan: None

teVelde: None

Padia: None

Mayor Crites: Mayor's office hours 10/29 5PM-7PM, work session on 10/29 for follow-up on tonight's oil and gas regulation discussion.

Executive Session

- K. 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 Fiber Network Build.

Entered Executive Session at 9:52PM

In attendance:

Trustees Lamach, March, Mahan, teVelde, Padia
Mayor Pro Tem Brown
Mayor Crites
Town Manager Bryan Oster
Deputy Town Manager Jason Leslie
Town Attorney Jason Meyers
Assistant Town Manager Ryan Johnson
Paralegal Teena Estrada
Deputy Town Clerk Emily Nitcher
Town Clerk Tricia David
Redevelopment Administrator Sierra Fedder

Executive Session Ended at 10:36 PM

Motion to have staff move forward with the recommended service provider and start negotiations with Intrepid/Allo.

Adjournment

Approved by the Board of Trustees:

ATTEST:

Tracie Crites, Mayor

Tricia David, Town Clerk



Built On What Matters

TOWN OF FREDERICK

Board of Trustees

Staff Report

Tracie Crites, Mayor

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

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

Resolution No. 62 to Certify Tax Liens

Agenda Date: 11/12/2024 BOT Meeting

Attachments:

1. Resolution
2. 2024 Special Assessments

Reviewed By: Jason Leslie, Deputy Town Manager

Action Type

2) Administrative: Actions of routine nature that implement policies/directions or effectuate the functioning of government; such as contract approvals/granting of licenses and permits/etc.

Strategic Plan Alignment:



FISCALLY RESPONSIBLE GOVERNANCE– The Town of Frederick plans for, identifies, leverages, and utilizes resources that reflect exemplary stewardship for those who live in Frederick and those who will seek out Frederick in the future.

Summary Statement:

CRS 31–20–105 authorizes municipalities to collect all delinquent charges, assessments or taxes by certifying them to the county treasurer. Weld County Treasurer policies require a resolution or other Board reviewed document to be

recorded with the Clerk and Recorder before special assessment liens are submitted. Town staff works diligently with customers, offering a variety of payment plans in order to minimize the amount of liens being processed and assist those that need additional options to remain current on their accounts.

Detail of Issue/Request:

The State of Colorado has empowered each County to collect delinquent charges, assessments or taxes for themselves and for municipalities. Each year, Weld County accepts a worksheet containing property addresses, property owner names, and outstanding amounts due from municipalities that wish to have the County Treasurer collect the past due amounts. The county then adds the delinquent charges, assessments or taxes along with a 10% fee for processing to the property tax bill associated with the outstanding debt.

Municipalities take advantage of this opportunity and use it to collect a variety of outstanding debt owed to the City/Town for things such as utility bills, property abatements, special assessments, permits, etc. The Town of Frederick has used it in the past primarily for utility bill collection and for property abatement collections. Weld County policy requires that all municipalities provide a resolution in order to certify liens each year. The Resolution attached was written in response to that policy.

The attached special assessment listing is a current draft as many of these could be resolved before submission to Weld County as the Town will be working with those listed for water shut off on November 6, 2024. An updated and final report will be available to the board on November 12, 2024.

Legal Comments:

Not Applicable

Alternatives/Options

The board could decide not to adopt the Resolution as presented. The Town would then need to write off the fees due to the Town at the expense of other citizens.

Financial Considerations

Certifying special assessments to the County for collections increases our collection on past due accounts. This decreases our receivables and increases our cash flow.

Staff Recommendation

Staff recommends adopting Resolution as presented.

Community Impact

Filing a tax lien ensures that local governments receive the necessary revenue to fund essential services such as public safety and infrastructure. This action helps maintain the financial health of the community, promoting overall stability and growth.

**TOWN OF FREDERICK, COLORADO
RESOLUTION 24-R-62**

**A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO,
CERTIFYING VARIOUS LIENS TO THE WELD COUNTY TREASURER'S
OFFICE FOR INCLUSION IN THE APPROPRIATE TAX BILL**

WHEREAS, C.R.S. 31-15-401, empowers municipalities “To provide for and compel the removal of weeds, brush and rubbish of all kinds from lots and tracts of land within such municipalities and from the alleys behind and from the sidewalk areas in front of such property at such time, upon such notice, and in such a manner as such municipalities prescribe by ordinance, and to assess the whole cost thereof, including five percent for inspection and other incidental costs in connection therewith, upon the lots and tracts of land from which the weeds, brush and rubbish are removed.” “In case such assessment is not paid within a reasonable time specified by ordinance, it may be certified by the clerk to the county treasurer who shall collect the assessment, together with a ten percent penalty for cost of collection, in the same manner as other taxes are collected; and

WHEREAS, the Town of Frederick adopted Ordinances 809, 1088, and 1097 that address the rights of the Town to remove any weeds, brush or rubbish, as well as to hold the owner of that property responsible for the costs associated with the removal, up to and including placing a lien with the county treasurer; and

WHEREAS, C.R.S. 31-20-105, allows municipalities to “cause any or all delinquent charges, assessments, or taxes made or levied to be certified to the treasurer of the county and be collected and paid over by the treasurer of the county in the same manner as taxes are authorized.” if authorized to do so by ordinance; and

WHEREAS, Town of Frederick Ordinance 1157 complies with CRS 31-20-105 and is codified at the Frederick Municipal Code Chapter 4, Article II, Section 4-12; and

WHEREAS, the Town of Frederick adopted Ordinance 1114 that states that “The Town may consider any utility service fee a lien upon the respective lots or parcels of land of each customer from the time when due and a perpetual charge against such lots or parcels of land until paid; the Town may foreclose any lien imposed by this Chapter in accordance with the law. The Town may maintain an action in any court of competent jurisdiction for the amount of the charge due and any interest, costs and attorney’s fees as allowed by law. The Town may certify the amount of the charge due to the County Clerk and Treasurer, together with an assessment fee provided for by resolution, to become an assessment upon the property served and to be collected and paid over to the Town Treasurer in the same manner as taxes.”

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

Section 1. The Board of Trustees certifies that the accounts submitted to the Weld County Treasurer are delinquent and should become an assessment on the property served together with any delinquent property abatement fees together and an additional 10% for costs of collection.

Section 2. The Finance Director is authorized to submit the data in any format requested by the Weld County Treasurer no later than November 30, 2024.

Section 3. Severability. In the event any title, section, paragraph, item, sentence, clause, phrase or word of this resolution is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of the resolution which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional were not originally a part of the resolution.

Section 4. Repealer. All laws, ordinances, resolutions, or parts of the same that are inconsistent with the provisions of this resolution, are hereby repealed to the extent of such inconsistency.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 12th DAY OF NOVEMBER, 2024.

TOWN OF FREDERICK:

By _____
Tracie Crites, Mayor

ATTEST:

By _____
Tricia David, Town Clerk

Exhibit A

 Special Assessments 2024 Payable 2025		
Authority Name: Town of Frederick		Contact Name: Jennifer Haessler
Phone Number: 720-382-5553		Email: jhaessler@frederickco.gov
Account #	Certified Amount	Description
R1234567	100.00	EXAMPLE: Code Enforcement Violation
R5543686	679.72	Delinquent Utility Billing
R5501486	918.92	Delinquent Utility Billing
R5531886	257.76	Delinquent Utility Billing
R8417500	200.91	Delinquent Utility Billing
R8413400	531.94	Delinquent Utility Billing
R7838799	172.29	Delinquent Utility Billing
R1099002	185.85	Delinquent Utility Billing
R1319902	260.29	Delinquent Utility Billing
R7958899	287.03	Delinquent Utility Billing
R0771301	679.72	Delinquent Utility Billing
R8944256	249.21	Delinquent Utility Billing
R3616005	300.43	Delinquent Utility Billing
R8983626	7,096.49	Delinquent Utility Billing
R5497486	520.84	Delinquent Utility Billing
R8947886	300.88	Delinquent Utility Billing
R8947898	300.88	Delinquent Utility Billing
R8947843	300.88	Delinquent Utility Billing
R1719302	219.41	Delinquent Utility Billing
R4052206	270.39	Delinquent Utility Billing
R4030306	300.88	Delinquent Utility Billing
R4625907	200.88	Delinquent Utility Billing
P1207798	597.87	Delinquent Utility Billing
R7781599	2,666.56	Delinquent Utility Billing
R8286900	1,093.44	Delinquent Utility Billing
R5507486	872.00	Delinquent Utility Billing
R0219194	219.72	Delinquent Utility Billing
R1317302	474.86	Delinquent Utility Billing
M0164804	300.88	Delinquent Utility Billing
R3449805	346.86	Delinquent Utility Billing
R4248206	168.43	Delinquent Utility Billing
R4181606	300.88	Delinquent Utility Billing
R3451405	244.90	Delinquent Utility Billing
R3309805	321.37	Delinquent Utility Billing
R4578407	300.88	Delinquent Utility Billing
Total: \$		22,144.25

Town of Frederick Bill Report
October 2024

1800DRYCLEAN NORTH METRO DENVER	Uniform Cleaning	306.60
21ST CENTURY EQUIPMENT LLC	Equipment Maintenance	170.49
4 RIVERS EQUIPMENT LLC	Equipment Maintenance	264.75
AAA PEST PROS LLC	Clubhouse exterminator service	85.00
AAA PEST PROS LLC	Pest Control	85.00
AAA PEST PROS LLC	Pest Control	125.00
AAA PEST PROS LLC	Pest Control	60.00
ACCELA INC	User Fees	57,104.48
ACCELA INC	User Fees	19,034.83
ACCELA INC	User Fees	19,034.83
ADAM MARCOVICH	Maintenance	450.00
ADAMSON POLICE PRODUCTS	Police Uniforms	848.72
ADAMSON POLICE PRODUCTS	Police Uniforms	297.80
ADAMSON POLICE PRODUCTS	Police Uniforms	117.00
ADAMSON POLICE PRODUCTS	Police Uniforms	162.00
ADAMSON POLICE PRODUCTS	Police Uniforms	158.40
ADAMSON POLICE PRODUCTS	Police Uniforms	1,125.00
ADAMSON POLICE PRODUCTS	Police Uniforms	15.25
ADAMSON POLICE PRODUCTS	Police Uniforms	25.90
AGFINITY	Fuel & Lube	7,451.47
AGFINITY	PD Fuel & Lube	4,967.65
AGFINITY	Fuel & Lube	2,716.24
AGFINITY	Fuel for maintenance fleet & town vehicles	361.41
AGFINITY	Fuel for maintenance fleet & town vehicles	65.96
ALAN ISAAC	Per Diem NFMT Conference	255.00
ALEX SCHULTZ	Livestream BOT	150.00
ALEX SCHULTZ	Livestream BOT	150.00
ALEXIS GUTIERREZ	IACP Conference Per Diem	230.00
ALL IN ONE PROFESSIONAL SERVICES LLC	Interpreting Services	356.75
ALL IN ONE PROFESSIONAL SERVICES LLC	Interpreting Services	476.65
ALLIANCE SAFETY INC	Safety Vests	378.00
ALLIANCE SAFETY INC	Supplies	54.00
AMERICAN EAGLE DISTRIBUTING	Canned beer for restaurant	172.14
AMERICAN EAGLE DISTRIBUTING	Canned beer for restaurant	90.90
AXON ENTERPRISE INC	Axon Air	6,135.24
BBC RESEARCH & CONSULTING	Inpact Fee Study	7,915.00
BCCONSULTING INC	participant chip fee burro race	222.00
BE BRANDED LLC	TOF Cutlery x 250, Glass Frames x 175	4,513.58
BETTER BUSINESS CLEANING	Monthly cleaning service	6,356.00
BIG M JANITORIAL INC	Frederick Way Mowing	600.00
BK TIRE, INC.	Equipment Maintenance	400.00
BK TIRE, INC.	Vehicle Maintenance	726.20
BK TIRE, INC.	Vehicle Maintenance	20.00
BK TIRE, INC.	Tire Disposal	40.00
BK TIRE, INC.	Vehicle Maintenance	1,172.40
BLACK HILLS ENERGY	Public Works	97.14
BLACK HILLS ENERGY	Admin Services	28.24
BLACK HILLS ENERGY	Town Hall	25.43
BLACK HILLS ENERGY	Fitness Building	31.04
BLACK HILLS ENERGY	Wellness House	32.47
BLACK HILLS ENERGY	Police Dept	50.74
BLACK HILLS ENERGY	Engineering Building	43.71
BLACK HILLS ENERGY	BRGC Shop	25.43
BLACK HILLS ENERGY	BRGC Office	56.38
BLACK HILLS ENERGY	BRGC Clubhouse	108.39
BOWDITCH & CASELL PUBLIC AFFAIRS LLC	Legislative Lobbying Services	7,000.00
BREAKTHRU BEVERAGE COLORADO	Liquor for Restaurant	552.55

Town of Frederick Bill Report
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BRIGHAM YOUNG UNIVERSITY	2024 Scholarship - Hakam Boyce	2,000.00
BRIGHAM YOUNG UNIVERSITY	2024 Scholarship - Joshua Bailey	2,000.00
BRIGHAM YOUNG UNIVERSITY	2024 Scholarship Taggart Boyce	2,000.00
CAPITAL BUSINESS SYSTEMS INC	Town Copier Lease Program	182.61
CAPITAL BUSINESS SYSTEMS INC	Town copier lease program	626.42
CAPITAL BUSINESS SYSTEMS INC	Town copier lease program	218.85
CAPITAL BUSINESS SYSTEMS INC	Town copier lease program	105.80
CAPITAL BUSINESS SYSTEMS INC	Town copier lease program	306.36
CENTRAL WELD COUNTY WATER DIST	Water Charges	309,175.81
CENTRAL WELD CTY WATER DIST	Plant Investment Fee	30,000.00
CERVANTES CONCRETE	Concrete Work	3,800.00
CERVANTES CONCRETE	Walkway Repair Tipple & Ridgeway	8,200.00
CERVANTES CONCRETE	New Side Walk Rideway & Tipple	8,900.00
CINTAS CORPORATION	Fleet Uniforms	35.00
CINTAS CORPORATION	PW Mat Service	36.12
CINTAS CORPORATION	PW Mat Service	36.12
CINTAS CORPORATION	Fleet Uniforms	35.00
CINTAS CORPORATION	PW Mat Service	36.12
CINTAS CORPORATION	Fleet Uniforms	35.00
CINTAS CORPORATION	PW Mat Service	36.12
CINTAS CORPORATION	Fleet Uniforms	35.00
CITY OF DACONO	Santa Cops Tournament	2,115.78
CITY OF LOVELAND	Driving Training	300.00
COBRA PUMA GOLF	Golf shop merchandise	63.65
COLORADO ASPHALT SERVICES LLC	Street Maintenance	2,400.00
COLORADO BARRICADE CO	Vehicle Maintenance	100.44
COLORADO BARRICADE CO	Street Sign Maintenance	851.00
COLORADO STATE UNIVERSITY	Drone Flight School	699.00
COLORADO WATER WELL	Emergency Well Repair	13,978.00
COMCAST CABLE	Town Wide Internet	2,655.00
COMCAST CABLE	Board Room Cable Service	31.95
COMCAST CABLE	Monthly TV & internet service for clubhouse	470.22
COMCAST CABLE	Internet Service for Town Facilities	454.32
COMMUNITY COUNSELOR INC	Counseling Services	500.00
CONFLUENCE INC	Go Outdoors Frederick 2050	12,532.50
COREN PRINTING INC	Printing Svcs - Animal Impound	62.55
CORKAT DATA SOLUTIONS LLC	Adobe Acrobat Pro License	151.13
CORKAT DATA SOLUTIONS LLC	VMWARE Licensing	8,000.00
COSTAR REALTY INFORMATION INC	Monthly Subscription	616.55
DANA KEPNER CO	Water Meters	80,000.00
DANA KEPNER CO	Supplies	119.73
DANA KEPNER CO	Supplies	327.14
DANA KEPNER CO	Supplies	618.56
DANA KEPNER CO	Supplies	695.00
DANA KEPNER CO	Supplies	4,303.40
DANA KEPNER CO	Supplies	3,430.44
DANA KEPNER CO	Supplies	40.00
DANA KEPNER CO	Supplies - Return	(35.70)
DANA KEPNER CO	Water Meters	6,094.40
DANA KEPNER CO	Water Meters	333.84
DANA KEPNER CO	Water Meters	11,719.62
DATASHIELD CORPORATION	Document Shredding - Engineering Services	30.00
DATASHIELD CORPORATION	Document Shredding - Town Hall	40.25
DATASHIELD CORPORATION	Document Shredding - Admin Services	34.50
DATASHIELD CORPORATION	Document Shredding - Engineering Services	34.50
DATASHIELD CORPORATION	Document Shredding - PD	69.00
DATASHIELD CORPORATION	Document Shredding - Town Hall	40.25

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DBC IRRIGATION SUPPLY	Irrigation Central Control	8,608.50
DCB CONSTRUCTION COMPANY	Landscape Escrow refund - Glacier Self Storage Exp	92,710.71
DELL MARKETING LP	Logitech Computer	7,333.16
DELL MARKETING LP	Computer	1,100.00
DELL MARKETING LP	Monitor	2,500.00
DERRICK SCHMIDT	Per Diem NFMT Conference	255.00
DESIGN CONCEPTS CLA INC	FRA Master Plan	13,833.33
DOUGLAS PROCTOR	Coal miner performance at event	400.00
DUNAKILLY MANAGEMENT GROUP CORP	Owner's Representative Services	19,215.00
ELDORADO ARTESIAN SPRINGS INC	Water Delivery Service - Town Hall	77.75
ELDORADO ARTESIAN SPRINGS INC	Water Delivery Service - Administrative Services	45.75
ELDORADO ARTESIAN SPRINGS INC	Water Delivery Service PD	45.75
ELDORADO ARTESIAN SPRINGS INC	Water Delivery	5.95
ELDORADO ARTESIAN SPRINGS INC	Water Delivery	26.95
ELDORADO ARTESIAN SPRINGS INC	Water Delivery	0.59
ELDORADO ARTESIAN SPRINGS INC	Water Delivery Service	43.95
ELDORADO ARTESIAN SPRINGS INC	Water Delivery Service - Administrative Services	36.80
ELDORADO ARTESIAN SPRINGS INC	Water Delivery Service	55.70
ELEMENT WATER CONSULTING INC	Water Resources Services	24,285.00
ELEMENT WATER CONSULTING INC	Water Resource Services	296.25
ELEMENT WATER CONSULTING INC	Water Resource Services	860.00
ELEVATED FIRE SUPPLY	Equipment	1,303.44
ENGLAND THIMS & MILLER INC	Esri & Cartegraph Support	1,783.75
ENTERPRISE FM TRUST	October vehicle lease payment	61,028.45
ENVIROTECH SERVICES, INC.	Street Maintenance	3,609.64
ENVIROTECH SERVICES, INC.	Street Maintenance	3,928.26
ENVIROTECH SERVICES, INC.	Street Maintenance	3,705.93
ENVIROTECH SERVICES, INC.	Street Maintenance	2,833.62
EXPRESS SERVICES INC	Temp services - golf shop payroll	2,100.78
EXPRESS SERVICES INC	Temp services - golf shop payroll	1,966.92
EXPRESS SERVICES INC	Temp services - golf shop payroll	2,186.92
EXPRESS SERVICES INC	Temp services - golf shop payroll	2,884.03
EXPRESS SERVICES INC	Temp services - golf shop payroll	3,122.59
FACTORY MOTOR PARTS CO	Vehicle Maintenance	40.66
FACTORY MOTOR PARTS CO	Vehicle Maintenance	154.20
FACTORY MOTOR PARTS CO	Vehicle Maintenance	70.32
FACTORY MOTOR PARTS CO	Vehicle Maintenance	99.07
FARNSWORTH GROUP INC	Facilities Master Plan	8,322.30
FLEXX PRODUCTIONS LLC	Replacement costs for chair pallets	238.78
FREDERICK HIGH SCHOOL BOOSTER CLUB	Homecoming Parade Donation	2,000.00
FRONT RANGE FLU SHOTS LLC	2024 Flu Shot Clinic	292.00
FRONT RANGE LANDFILL	Landfill Vouchers	6,202.57
FRONT RANGE METALWORKS LLC	Supplies	34.12
GENERAL AIR	Supplies	23.51
GEOTAB USA INC	Subscription	1,578.50
GREEN MILL SPORTSMAN'S CLUB	Range Fees	150.00
HEADSTRONG COUNSELING LLC	Counseling Services	200.00
HEADSTRONG COUNSELING LLC	Counseling Services	100.00
HELENA AGRI ENTERPRISES LLC	Golf course fertilizer application	1,249.99
HELENA AGRI ENTERPRISES LLC	Golf course fertilizer application	6,370.42
HELENA AGRI ENTERPRISES LLC	Golf course fertilizer	177.20
HELENA AGRI ENTERPRISES LLC	Fertilizer for golf course	135.20
HIGH COUNTRY BEVERAGE	Chainsaws and Chuckwagons Beer Garden Credit	(218.05)
HIGH COUNTRY BEVERAGE	Miners Day Beer Garden	1,156.00
HIGH COUNTRY BEVERAGE	Chainsaws and Chuckwagons Beer Garden Credit	(544.20)
HIGH COUNTRY BEVERAGE	Canned beer for restaurant	539.25
HOME DEPOT CREDIT SERVICES	Supplies	26.98

Town of Frederick Bill Report
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HOME DEPOT CREDIT SERVICES	Equipment	54.00
HOME DEPOT CREDIT SERVICES	Supplies	159.21
HOME DEPOT CREDIT SERVICES	Supplies	45.88
HOME DEPOT CREDIT SERVICES	Supplies	540.55
HOME DEPOT CREDIT SERVICES	Supplies	199.00
HOME DEPOT CREDIT SERVICES	Supplies	145.94
HOME DEPOT CREDIT SERVICES	Supplies	220.98
HOME DEPOT CREDIT SERVICES	Supplies	31.48
HOME DEPOT CREDIT SERVICES	Supplies	53.88
HOME DEPOT CREDIT SERVICES	Supplies	11.98
HOME DEPOT CREDIT SERVICES	Supplies	343.96
HR ADVANTAGE GROUP	HR Professional Services	7,200.00
ICMA	ICMA membership renewal	1,198.96
IDEAL FENCING CORPORATION LLC	Guardrail repairs - Silver Birch West	13,375.00
IDEAL FENCING CORPORATION LLC	Guardrail repairs - Silver Birch	13,375.00
IDEAL FENCING CORPORATION LLC	Guardrail repairs - Silver Birch rail extension	3,300.00
IMAGEFIRST HOSPITALITY	Linens for restaurant	70.27
IMAGEFIRST HOSPITALITY	Linen service for restaurant	70.27
IMAGEFIRST HOSPITALITY	Linen service for restaurant	70.27
IMAGEFIRST HOSPITALITY	Linens for restaurant	70.27
INFOSEND INC	Postage	552.27
INFOSEND INC	Newsletter - October	512.20
INFOSEND INC	Postage	1,656.82
INFOSEND INC	Utility Billing Payments and Notifications	563.00
INFOSEND INC	Postage	552.27
INFOSEND INC	Utility Billing Payments and Notifications	140.75
INNOVATE! INC	GIS Support	1,335.00
J & M DISPLAYS INC	Miners Day fireworks reschedule date	2,250.00
JC GOLF ACCESSORIES	Proximity markers for golf course	159.66
JESSICA HILL	Reimbursement for 2024 Event Safety Summit	341.95
KAREN REINHOLD	Abatement fees - 246 7th Street	2,256.00
KAREN REINHOLD	County lien fees - 246 7th Street	225.60
KATY PRESS	Retail Consulting Services	2,400.00
KINSCO LLC	Police Uniforms	43.00
L & M ENTERPRISES INC	Rinn Valley Mowing	1,792.00
LIFE STORIES CHILD & FAMILY ADVOCACY	Investigative Svcs	263.00
LONGMONT TIMES-CALL	Scheduling Software	63.36
LYONS GADDIS TRUST ACCOUNT	Reimbursement of Legal Fees Article 11.4 Pursuant	1,552.20
MAUREEN WELSH	Travel Mileage Reimbursement-APA Conference	209.04
MCCANDLESS INTL TRUCKS OF COLORADO	Equipment Maintenance	11.46
MCCANDLESS INTL TRUCKS OF COLORADO	Equipment Maintenance	479.88
MILE HIGH GOLF CARS	golf cart rental	804.28
MILE HIGH SHOOTING ACCESSORIES LLC	Gun Accessories	2,177.50
MILE HIGH SHOOTING ACCESSORIES LLC	Ammunition	1,335.60
MILLER MENDEL INC	Investigative Services	4.50
MILLER MENDEL INC	Investigative Services	22.50
MILLER MENDEL INC	Investigative Services	1.75
MIRROR IMAGE BREWING COMPANY	Miners Day beer	875.00
MIRROR IMAGE BREWING COMPANY	Tap beer for restaurant	65.00
MOSES WITTEMYER HARRISON & WOODRUFF PC	Legal Services	51,401.90
MOUNTAIN SALES & SERVICE	Ice machine annual service	370.00
NARANJO CIVIL CONSTRUCTORS INC	Colorado Blvd & Bella Rosa Pkwy	556,776.40
NARANJO CIVIL CONSTRUCTORS INC	Retainage	(27,838.97)
NARANJO CIVIL CONSTRUCTORS INC	Hydrant Meter Deposit Return	4,500.00
NATHAN DUMM & MAYER PC	Employment law presentation	2,470.70
NATIONAL TRENCH SAFETY, INC.	Supplies	509.37
NATIONAL TRENCH SAFETY, INC.	Supplies	509.38

Town of Frederick Bill Report
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NEW CONSOLIDATED LOWER BOULDER RESERVOIR	Reimburse for Rule 11 c	535.71
NEW CONSOLIDATED LOWER BOULDER RESERVOIR	Legal Fees	1,128.17
NOCO HUMANE	Animal Impound Fees	520.00
NORTHERN CO. WATER CONSERVANCY DISTRICT	Class B Water Alotment Contract	248,377.30
O'KEEFE PUBLISHING INC	Ad in divot magazine	325.00
OPENGOV INC	Professional Services Deployment	28,410.00
PATRICIA DEMPLE	Travel/Conference Reimbursement	338.30
PAUL C BENEDETTI	Legal Services FURA	660.00
PAUL DIKES GLASS INC	Professional Services	730.00
PAUL DIKES GLASS INC	Professional Services	520.00
PIONEER DEVELOPMENT COMPANY	Urban Renewal Plan	2,616.00
PIONEER DEVELOPMENT COMPANY	Urban Renewal Plan	16,270.00
PIONEER DEVELOPMENT COMPANY	Feasibility Analysis	1,000.00
PIONEER DEVELOPMENT COMPANY	Feasibility Analysis	6,500.00
PLUMMER	Water Treatment Feasability Study	13,352.32
PLUMMER	Water Treatment Feasability Study	24,835.71
POLICE AND SHERIFFS PRESS INC	Photo ID	16.30
POLICE AND SHERIFFS PRESS INC	Photo ID- CSandifer	16.30
POLICE AND SHERIFFS PRESS INC	Photo IDs- JHaessler	16.30
POLICE AND SHERIFFS PRESS INC	Photo IDs- MSkolnick	16.30
POLICE EXECUTIVE RESEARCH FORUM	PERF Registration - Egan	11,200.00
PRAIRIE MOUNTAIN MEDIA	Publishing Costs	111.07
PRAIRIE MOUNTAIN MEDIA	Miners Day Advertising	1,299.00
PRE ACTION FIRE INC	AES Quarterly Monitoring-Evidence Room	105.00
PRE ACTION FIRE INC	AES Quarterly Monitoring	270.00
PRO GOLF REPAIR LLC	Reimburse for lesson and club repairs	2,634.00
PRO GOLF REPAIR LLC	Reimburse for lesson and club repairs	1,461.50
PSYCHOLOGICAL DIMENSIONS	Pre- Employment Psych Eval- SMunholland	425.00
PSYCHOLOGICAL DIMENSIONS	Pre- Employment Psych Eval- DYelvington	425.00
RADIO ENHANCEMENT SYSTEMS LLC	BDA Upgrade	19,129.00
RAIN BIRD INTERNATIONAL INC	Irrigation Central Control	8,415.00
RAMEY ENVIRONMENTAL COMPLIANCE	ORC Services Distribution System-September	115.56
RANGE SERVANT AMERICA INC	Parts for equipment repair	415.00
RB B ARCHITECTS INC	Public Works Facility Project	164,647.00
RED DOG RADIOS LLC	Equipment	2,610.45
REDI SERVICES LLC	port-o-lets and handwash for event	2,950.00
REPUBLIC NATIONAL DISTRIBUTING CO LLC	Wine for restaurant	176.60
RESOURCE CENTRAL	Lawn Removal Program	500.00
RICK ENGINEERING COMPANY - COLORADO	Crist Park Site Plan	1,323.90
RICK ENGINEERING COMPANY - COLORADO	Mendoza Open Space Site Plan	5,016.50
RICK ENGINEERING COMPANY - COLORADO	Frederick Comprehensive Planning	13,877.43
RICK ENGINEERING COMPANY - COLORADO	Frederick Comprehinsive Planning	4,140.41
RICK ENGINEERING COMPANY - COLORADO	Frederick Comprehensive Plan	10,525.74
RINGCENTRAL INC	Town Phone System	3,918.28
ROCKY MTN PLAYGROUND SERVICES LTD	Playground Repair	6,046.41
ROCKY MTN PLAYGROUND SERVICES LTD	Playground Repair	4,732.89
SAFEBUILT COLORADO LLC	Building Inspections	2,300.00
SAFEBUILT COLORADO LLC	Bulding Inspection Services	7,700.00
SAFEWAY	Supplies	21.59
SAFEWAY	Kitchen Supplies	46.36
SAFEWAY	Supplies	62.95
SETCOM CORPORATION	Supplies	883.91
SI PRODUCTS LLC	Staff uniforms	2,224.17
SIGNARAMA	Signs/banner for santa cops tournament	315.00
SIGNARAMA	Signs	62.00
SIMPLY SMILES LIMITED	balloon twisting services	600.00
SMITH ENVIRONMENTAL & ENGINEERING	Final Bill - GW Impacts Study	12,337.58

Town of Frederick Bill Report
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SMITH POWER PRODUCTS INC	Professional Services	787.62
SMITH POWER PRODUCTS INC	Professional Maintenance Service	1,015.20
SOIL HORIZONS	Soil Reports	300.00
SOUTHPAW ELECTRIC	Electric Repair	2,184.00
SOUTHPAW ELECTRIC	Electric Repair	599.00
SOUTHPAW ELECTRIC	Electric Repair	200.00
SOUTHPAW ELECTRIC	Electric Repair	5,042.00
ST VRAIN SANITATION DISTRICT	Sanitation Q4 - Golf Course	0.48
ST VRAIN SANITATION DISTRICT	Sanitation Q4 - PW Facility	75.00
STAPLES ADVANTAGE	Office Supplies	124.62
STAPLES ADVANTAGE	Office Supplies	9.39
STAPLES ADVANTAGE	Office Supplies	47.78
STAPLES ADVANTAGE	Ergonomic Chair Order	1,279.84
STAPLES ADVANTAGE	Office Supplies	55.68
STAPLES ADVANTAGE	Office Supplies	18.49
STAPLES ADVANTAGE	Office Supplies	12.69
STAPLES ADVANTAGE	Office Supplies	20.69
STAPLES ADVANTAGE	Office Supplies	91.98
STAPLES ADVANTAGE	Office Supplies	54.78
STAPLES ADVANTAGE	Office Supplies	46.78
STAPLES ADVANTAGE	Office Supplies	236.37
STAPLES ADVANTAGE	Office Supplies	230.02
STAPLES ADVANTAGE	Office Supplies	63.99
STAPLES ADVANTAGE	Office Supplies	22.19
STAPLES ADVANTAGE	Office Supplies	64.03
STAPLES ADVANTAGE	Office Supplies	53.88
STAPLES ADVANTAGE	Office Supplies	5.09
STAPLES ADVANTAGE	Office Supplies	5.09
STAPLES ADVANTAGE	Office Supplies	31.39
STAPLES ADVANTAGE	Office Supplies	10.49
STAPLES ADVANTAGE	Office Supplies	99.98
STAPLES ADVANTAGE	Office Supplies	75.35
STAPLES ADVANTAGE	Office Supplies	20.39
STAPLES ADVANTAGE	Office Supplies	54.18
STAPLES ADVANTAGE	Office Supplies	55.89
STAPLES ADVANTAGE	Office Supplies	52.11
STAPLES ADVANTAGE	Office Supplies	55.89
STAPLES ADVANTAGE	Supplies	40.78
STAPLES ADVANTAGE	Office Supplies	249.06
STAPLES ADVANTAGE	Office Supplies	18.88
STAPLES ADVANTAGE	Office Supplies	140.34
STAPLES ADVANTAGE	Office Supplies	33.87
STAPLES ADVANTAGE	Office Supplies	46.19
STAPLES ADVANTAGE	Office Supplies	15.09
STAPLES ADVANTAGE	Office Supplies	42.36
STEVEN WALJE	Equipment Loan Program	2,000.00
SUNFLOWER FARM INC	deposit for volunteer appreciation location	500.00
SWEET ROOFING	Roof Repair- Hail Damage May 2023	43,767.00
SWIRE COCA-COLA USA	Coke beverages for restaurant	371.23
SWIRE COCA-COLA USA	Coke products for restaurant	365.60
SYSCO DENVER	Supplies for restaurant	77.27
SYSCO DENVER	Food for restaurant	1,035.87
SYSCO DENVER	Food for restaurant	511.01
TELOS ONLINE INC	Backup Link	75.00
THE SHERWIN-WILLIAMS CO	Supplies	803.11
TIFFANY LOZADA	Travel Reimbursement CCCMA Camp & ICMA Conference	740.83
TLO LLC	Investigative Services	110.00

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TOWN OF FIRESTONE	Santa Cops Golf Tournament	2,115.78
TRACI GARCIA CASTELLS	Reimbursement for GPA Conference	387.41
TRAFFIC SIGNAL CONTROLS INC	Equipment Maintenance	260.00
TRAFFIC SIGNAL CONTROLS INC	Equipment Maintenance	130.00
TRANSWEST TRUCK	Maintenance Supplies	10.73
TRANSWEST TRUCK	Equipment Maintenance	37.62
TRANSWEST TRUCK	Equipment Maintenance	32.38
TRANSWEST TRUCK	Equipment Maintenance	169.54
TRANSWEST TRUCK	Equipment Maintenance	111.73
TRT CONSTRUCTION	Restroom Remodel-ADA	3,500.00
TRUEPOINT SOLUTIONS LLC	ROW Permit Configuration	2,835.71
TYLER TECHNOLOGIES	Insite Transaction Fees	17,113.75
TYLER TECHNOLOGIES	UB Notifications and Calls	15.20
UME CUSTOM EMBROIDERY & IMPRINTING LLC	New Employee Apparel Order	40.76
UME CUSTOM EMBROIDERY & IMPRINTING LLC	ToF Crossbody Sling Bags x 200	3,409.00
UME CUSTOM EMBROIDERY & IMPRINTING LLC	New Employee Embroidery Order- DCrawford	50.98
UME CUSTOM EMBROIDERY & IMPRINTING LLC	ToF Lip Balm x 250	354.74
UNITED POWER	Utility Bill - Median Lights	23.45
UNITED POWER	Utility Bill - Charging Stations	23.45
UNITED POWER	Utility Bill - Median Lights	23.45
UNITED POWER	Utility Bill - FRA Pumphouse & Lake	670.25
UNITED POWER	Utility Bill - Milavec Lake Pump Station	3,351.63
UNITED POWER	Utility Bill - North Pumphouse	559.81
UNITED POWER	Utility Bill - Median Lights	23.85
UNITED POWER	Utility Bill - Centennial Park	345.29
UNITED POWER	Utility Bill - Roundabout Signal	66.47
UNITED POWER	Utility Bill - Charging Stations	383.16
UNITED POWER	Utility Bill - Stop Light	78.77
UNITED POWER	Utility Bill - Traffic Signal - Tipple & Colorado	80.69
UNITED POWER	Utility Bill - Godding Hollow	103.44
UNITED POWER	Utility Bill - Traffic Signal	68.97
UNITED POWER	Utility Bill - South Pumphouse	852.82
UNITED POWER	Utility Bill - Engineering Dept	266.42
UNITED POWER	Utility Bill - Town Hall	50.86
UNITED POWER	Utility Bill - Fitness Building	90.94
UNITED POWER	Utility Bill - Town Hall	634.87
UNITED POWER	Utility Bill - Police Station	1,258.71
UNITED POWER	Utility Bill - Public Works Facility	1,016.12
UNITED POWER	Utility Bill - Wellness House	116.40
UNITED POWER	Utility Bill - Admin Services	790.77
UNITED POWER	Utility Bill - Golf Course Driving Range	137.03
UNITED POWER	Utility Bill - Golf Course	897.93
UNITED POWER	Utility Bill Crist Park & Bridge	55.02
UNITED POWER	Utility Bill Centennial park	75.66
UNITED POWER	FRA Pumphouse	72.96
UNITED POWER	Utility Bill Gateway Project	23.45
UNITED POWER	Utility Bill Gateway Project	59.76
UNITED POWER	Skate Park	301.00
UNITED POWER	FRA Pumphouse & Lake	59.17
UNITED POWER	Utility Bill Signs, Sprinklers & Parks	330.66
UNITED POWER	Utility Bill Crist Park	83.96
UNITED POWER	Utility Bill Savannah Park	23.63
UNITED POWER	Utility Bill Crist Park	51.16
UNITED POWER	Utility Bill Savannah Park	23.51
UNITED POWER	Utility Bill Pole Barn	23.45
UNITED POWER	Utility Bill Savannah Park/Master	23.51
UNITED POWER	Utility Bill 305 1/2 Warwick Park	23.53

Town of Frederick Bill Report
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UNITED POWER	Utility Bill Irrigation Meter	23.45
UNITED POWER	Utility Bill Irrigation Meter	23.62
UNITED POWER	Utility Bill Wind Sculpture	29.82
UNITED POWER	Utility Bill Savannah Park	23.62
UNITED POWER	Utility Bill Centennial park	28.39
UNITED POWER	Utility Bill Countryside Park	24.29
UNIVERSITY AUTO PARTS INC	Vehicle Maintenance	12.82
UNIVERSITY AUTO PARTS INC	Equipment Maintenance	7.94
UNIVERSITY AUTO PARTS INC	Equipment Maintenance	16.18
UNIVERSITY AUTO PARTS INC	Equipment Maintenance	26.45
UNIVERSITY AUTO PARTS INC	Vehicle Maintenance	12.82
UNIVERSITY AUTO PARTS INC	Vehicle Maintenance	130.31
UNIVERSITY AUTO PARTS INC	Equipment Maintenance	236.58
UNIVERSITY AUTO PARTS INC	Equipment Maintenance	92.78
UNIVERSITY AUTO PARTS INC	Vehicle Maintenance	153.57
UNIVERSITY AUTO PARTS INC	Vehicle Maintenance	110.66
UNIVERSITY AUTO PARTS INC	Equipment Maintenance	15.34
UNIVERSITY AUTO PARTS INC	Vehicle Maintenance	80.24
UTILITY NOTIFICATION CENTER OF COLORADO	Utility Locate Services	261.87
UTILITY NOTIFICATION CENTER OF COLORADO	Raw Water Locates	203.82
VANCE BROTHERS INC	Hydrant Meter Deposit Refund-Additional Check	4,535.00
VERIZON WIRELESS	PD MDTs and Cellphones	3,837.72
VERIZON WIRELESS	Public Works/Parks Cell Phones	1,568.28
VERIZON WIRELESS	Public Works/Parks Cell Phones	132.96
VERIZON WIRELESS	Town Cell Phones	1,665.06
VISTA OUTDOOR SALES LLC	Golf shop merchandise	870.40
WASHINGTON STATE UNIVERSITY	2024 Scholarship Kaitlynn Lohmann	2,000.00
WASTE CONNECTIONS OF COLO INC	Professional Trash Services	709.35
WASTE CONNECTIONS OF COLO INC	Monthly trash & recycle service	396.14
WEBER STATE UNIVERSITY	2024 Scholarship - Frances Hudson	2,000.00
WELD COUNTY DEPARTMENT OF PUBLIC	Lab Services	669.50
WELD COUNTY DEPARTMENT OF PUBLIC	Temporary Event Coordinator Fee	180.00
WELD COUNTY SHERIFF	Detention Center Billing	77.16
WEX BANK	Fuel	524.38
WEX BANK	Fuel - Victims Advocate	165.43
WILL STUART	Gas Card Malfunction Reimbursement	43.50
WILLDAN FINANCIAL SERVICES	Water Rate Study	1,200.00
YAMAHA MOTOR FINANCE CORP USA	Cart fleet lease payment	4,895.47
YAMAHA MOTOR FINANCE CORP USA	Range picker cart lease payment	491.92
		<u><u>2,392,099.07</u></u>



Built On What Matters

TOWN OF FREDERICK

Board of Trustees

Staff Report

Tracie Crites, Mayor

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

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

**Continued Public Hearing for Ordinance No. 1400 for Land Use Code
Amendments to Article 9, Regarding Oil and Gas Drilling and Production and
rescinds Ordinance No. 1392 which created a Temporary Moratorium for Oil and
Gas Development.**

Agenda Date: 11/12/2024 BOT Meeting

Attachments:

1. Memo on Code Revisions 10.11.24
2. Exhibit A - Comparison with COGCC Rule and Local Gov regulations
3. Memo on Code Revisions 10.25.24
4. Ordinance 1400
5. Oil and Gas Production Standards document
6. PCR-2024-07B
7. All Comments 101024
8. Comments after 102224

Reviewed By: Jason Leslie, Deputy Town Manager

Action Type

1) Legislative: Actions that relate to subjects of a long term and general applicability; such as the passing of ordinances/resolutions/policies/etc.

Strategic Plan Alignment:



COMMUNITY AND ECONOMIC VITALITY– Frederick is a community that fosters economic, recreational, cultural, and environmental vitality and builds upon and enhances a variety of economic opportunities.



EFFECTIVE, EFFICIENT & STRATEGIC GOVERNMENT OPERATIONS - As an employer of choice, the Town of Frederick will lead the region in a culture of efficiency, innovation, and strategic partnerships in all municipal services to far exceed the community's expectations and exemplify the fact that Frederick is Built on What Matters, its people.

Summary Statement:

Land Use Code Amendments related to oil and gas production.

Detail of Issue/Request:

This item was noticed and heard at the October 22, 2024, Board of Trustees meeting. The Board of Trustees motioned to continue the public hearing to the November 12, 2024, meeting to allow staff time to address additional comments received after publishing the Board of Trustees packet.

On April 3, 2019, the Colorado State Senate passed SB 19-181, which was signed into law by the Governor on April 16, 2019. This legislation amended the Colorado Oil and Gas Conservation Act (COGCA), shifting the Colorado Oil and Gas Conservation Commission's (COGCC) mission from "fostering" the oil and gas industry to "regulating" it to protect public health, safety, welfare, the environment, and wildlife. Additionally, SB 19-181 revised the Local Government Land Use Enabling Act, clarifying the scope of municipal and county authority over land use for oil and gas operations within their jurisdictions. Since 2022, Town staff has collaborated with Matt Sura, our outside counsel on Oil and Gas, to update the Town of Frederick's Land Use Code.

In October 2023, the Board of Trustees adopted interim changes to Article 9 to clarify and address several ambiguous or missing requirements. During the Spring of 2024, the Town enacted a temporary moratorium on processing requests for oil and gas facilities within Frederick. Since then, staff and Matt Sura have researched other municipalities dealing with similar oil and gas issues. In addition, the Board of Trustees was surveyed and asked to identify the top priorities for the new code. The five most important topics were:

1. Public Notice
2. Meeting with Neighbors
3. Setbacks from Homes
4. Alternative Location Analysis
5. Noise Standards

Staff attended the August 13th, 2024 Board of Trustees work session to gather additional feedback on a draft of oil and gas regulations and made adjustments to the

final ordinance presented this evening.

Matt Sura has provided additional information within the memo attached.

The Town has received several e-mails regarding these proposed code amendments. The comments have been attached.

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.

Staff believes all four of the review criteria are being met with these proposed code amendments.

Public Notice: This project was properly noticed according to the requirements found in Section 4.6 of the Frederick Land Use Code.

Planning Commission:

The Planning Commission met on October 3, 2024. The Planning Commission heard the Natural Medicine Healing Center and Oil and Gas Production Land Use Code Amendments as one item. The Commission voted 3-2 to approve PCR-2024-07C which approved the amendments with the conditions. None of the conditions of approval are related to oil and gas production.

Legal Comments:

The Town's Oil and Gas Attorney, Matt Sura, created the draft oil and gas code. The Town Attorney's office has reviewed all the proposed changes. All legal comments have been addressed.

Alternatives/Options

Approval: I move to approve Ordinance 1400, which adopts the Land Use Code amendment package and rescinds Ordinance No. 1392 which created a Temporary Moratorium for Oil and Gas Development.

Approval with Conditions: I move to approve Ordinance 1400, which adopts the Land

Use Code amendment package and rescinds Ordinance No. 1392 which created a Temporary Moratorium for Oil and Gas Development with the following conditions;
1. (list conditions)

Denial: I move to deny Ordinance 1400, which denies the Land Use Code amendment package.

Financial Considerations

Not Applicable.

Staff Recommendation

Staff recommends approving the ordinance as presented.

Community Impact

These code amendments have been drafted to protect the health, safety, and welfare of the residents while still allowing oil and gas production to continue within the Town limits.

LAW OFFICE OF MATTHEW SURA

Matthew Sura LLC • 7354 Cardinal Lane, Longmont, CO 80503 • Phone: 720-563-1866 • mattsura.law@gmail.com

Board of Trustees, Town of Frederick
c/o Jason Meyers, Town Attorney
Town of Frederick
jmeyers@frederickco.gov

RE: MEMO ON OIL AND GAS CODE REVISIONS

10/10/2024

Dear Board of Trustees,

In preparation for the public hearing on Thursday October 3, this memo gives you some background information on state oil and gas regulations and their relationship to local government regulations. Additionally, it outlines the various provisions of the oil and gas regulations and the proposed companion Oil and Gas Standards Document.

Local government authority is limited by a requirement that local oil and gas regulations be “reasonable and necessary” to protect public health, safety, welfare and the environment.

BACKGROUND

The Colorado Energy and Carbon Management Commission (ECMC) regulates oil and gas development in the State. Over the past five years we have witnessed many changes to the commission and to its mission and rules. Prior to 2019, the mission of the ECMC (called the Colorado Oil and Gas Conservation Commission at the time) was to “foster” oil and gas while it also protects public health, safety, welfare, and the environment. The agency’s dual mandate to “foster” the industry while protecting the public often brought the state into conflict with local governments.

In 1994, the Town of Frederick made it illegal to drill within the Town limits without a local oil and gas permit. The ordinance required a \$1,000 permit fee, noise and visual mitigation measures, and a 350-foot setback from homes. In 1999, North American Resources Co., challenged the law by drilling within the Town without first obtaining a permit. Three years later, the Colorado Court of Appeals upheld a lower court decision to strike down the 350-foot setback and the visual and noise mitigation requirements, finding them in conflict with state regulations and therefore preempted by the state.¹ The Town’s current regulations were written after it lost the appeal.

In 2019, the state legislature passed Senate Bill 19-181 which changed the mission from “fostering” the industry to regulating the industry. A significant result of Senate Bill 19-181 was removal of preemption requirements allowing local governments to exceed rules and standards adopted by the state. In the past five years numerous local governments have passed new

¹ *Town of Frederick v. North American Resources Co.*, 60 P.3d 758, 765 (Colo. App. 2002)

regulations; from small municipalities like the Town of Lochbuie, to large counties including Weld County, Larimer County, Adams County, and Arapahoe County.

Another important result of the new regulations was comprehensive new rules at the state oil and gas commission. On November 23, 2020, the COGCC unanimously adopted rules addressing its new Mission Change including requirements for Alternative Location Analysis, and increased setbacks from homes and schools. These regulations took effect on January 15, 2021, and modified series 200-600 of the State regulations. While the overall modifications to the state regulations are fairly broad and comprehensive, a highlighted summary of major changes are listed below:

- **Setbacks** - In Rule 604, the COGCC adopted a “hard setback” that prevents the oil and gas “working pad surface” from being located less than 500 feet from homes or 2,000 feet from school facilities (school property lines). There is also a “soft setback” of 2,000 feet from a building unit (homes or businesses). This 2,000-foot setback can be overcome if, after a hearing, the COGCC Commission finds the proposed operations will provide “substantially equivalent” protections.
- **Alternate Location Analysis** - The purpose of the alternative location analysis is to create a tool to identify the best location that avoids adverse impacts to public health, safety, welfare, the environment, and wildlife resources. If no locations that an Operator proposes in an alternative location analysis are appropriate, Rule 304.b.(2).A.ii authorizes the Commission and Director to request that an Operator analyze additional locations or the Commission may deny the proposed oil and gas location pursuant to Rule 307.
- **Proximate Local Governments** - Operators must give Relevant and Proximate Local Governments (within 2,000 feet) at least 30 days’ notice prior to submission of an Oil and Gas Development Plan (OGDP). Upon request of Relevant Local Government, the Operator and COGCC Director will participate in Formal Consultation Process prior to submission of OGDP. The COGCC will participate as a referral agency to identify any potential conflicts with COGCC rules. In an OGDP, the Operator must state the disposition of the Relevant Local Government. Director will defer to local government unless location is within 2,000 feet of a local government boundary, a home, or other sensitive areas listed in Rule 304.b.(2)B. The Operator can choose to first file with local government, COGCC, or simultaneous permitting. (Rule 303a.(6)).
- **Cumulative Impacts** – The COGCC created a new Form 2B to collect data about cumulative impacts from each newly proposed oil and gas development plan. This information will populate a database that can be used to evaluate cumulative impacts. Additionally, Operators must submit a cumulative impacts plan as an attachment to a Form 2A pursuant to Rule 304.c.(19), in which Operators must demonstrate their plans to address cumulative impacts of each proposed oil and gas location by avoiding, minimizing, and mitigating those impacts. Cumulative Impacts rules are being updated this month.

- **Public Water Supply Protection** – minimum 1,000’ setback from groundwater intakes from groundwater under the direct influence of surface water supply wells (“GUDI Wells”) and PWS supply wells completed in Type III aquifers (“Type III Wells”).
- **Financial Assurance** – ECMC 700 Series Rules. For the lowest producing operators, the state requires a maximum of \$100,000 / location for reclamation and \$20,000-\$40,000 per well for plugging. Higher producing operators post far less per well and may post a blanket bond for all their wells. The highest blanket bond is \$40 million.

PROPOSED FREDERICK OIL AND GAS CODE REVISIONS

The Town has requested proposed regulations to better protect public health, safety, welfare and the environment. In working on these draft code revisions we considered existing state law, the regulations of neighboring local governments, and the specific needs of the Town of Frederick. A side-by-side evaluation of the oil and gas regulations for some of the local governments in the area is attached as Exhibit A.

Sec. 9.4 Location Restrictions. This new section restricts oil and gas facilities to the following zoning districts without obtaining a variance under Section 8.15: Agricultural District (A), Estate District (R-E), Residential Low-Density District (R-1) Business Light Industrial District (BLI), Industrial District (I), and Planned Unit Development Overlay District (PUD-O) - where oil and gas development is a specified use. These zoning changes are also reflected in Article 3.4 and Table 3-7. This section also specifies setbacks for new oil and gas facilities from occupied buildings such as schools and Building Units, Public Water Supplies, parks and open space, and surface water. Oil and gas facilities are also prohibited within the 100-year floodplain.

Sec. 9.5 Prohibited Facilities. Include: Gas storage wells; Injection wells for disposal of oil and gas exploration or production wastes; Drilling pits, waste storage pits, and disposal pits.

Sec. 9.6 Oil and Gas Standards. Oil and Gas Standards Document is a list of required permit conditions to reduce or eliminate impacts to public health, safety, welfare or the environment.

Sec. 9.7 Oil and Gas Access Roads. This section details the requirements for new access roads necessary to access oil and gas locations.

Sec. 9.8 Pipelines. – requirements for Pipelines within the Town.

Sec. 9.9 Emergency Response. This section requires the submittal of an Emergency Response Plan that is described in detail.

Sec. 9.10 Required Operator Submittals. Fees and costs required to be paid by applicant and the requirement for an Annual Operator Registration.

Sec. 9.11 Permits Required. Permits are required for new oil and gas operators in Town as well as for substantial modifications of existing facilities.

- Sec. 9.12 Application Process.** Includes typical review process in Section 4.6 with differences described.
- Sec. 9.13 Review Standards.** Conditional Use Standards of Section 4.9.4 and additional requirements are described.
- Sec. 9.14 Notice to proceed.** Once a Conditional Use is granted, “Notice to Proceed” is granted after the Operators have presented all other necessary permits, including state permits.
- Sec. 9.15 Transfer of Permits.** Requirements for the transfer or sale of oil and gas facilities is described
- Sec. 9.16 Expiration of Permits.** Permits expire after two to three years but may be extended one year.
- Sec. 9.17 Violation and enforcement.** Right to enforce code violations is described.
- Sec. 9.18 Development setbacks from wells and facilities.** Distance new homes must be from existing oil and gas facilities is described.

THE TOWN OF FREDERICK OIL AND GAS STANDARDS DOCUMENT

Rather than populate the Land Use Code with pages of regulations we are proposing to have an “Oil and Gas Standards Document” that may be adopted with the Code but updated administratively to reflect changes in technologies or state rules. The Town Trustees may by resolution update the Standards Document as necessary to reflect major changes in required industry standards and practices.

The proposed standards document will provide up-to-date protections for air quality; water quality and quantity; safety; noise; visual standards; community outreach; reclamation; transportation; wildlife; and seismic surveys.

RESPONSE TO COMMENTS

Specific comments on the Code revisions were received from the Frederick-Firestone Fire Protection District. Their comments were appreciated and were included as changes to Section 9.9.

Specific comments were also received from American Petroleum Institute, Colorado - an industry trade association. The Town appreciates the specific feedback to the proposed Code revisions and standards document and has made several changes as a result of their letter.

CODE REVISIONS

- Standards Document – API mentioned that future updates to the standards document should be through resolution or ordinance to have legal effect. We have made that change to allow updates to be made by resolution.

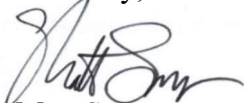
- Pipelines – API requested that pipeline GIS coordinates not be requested or held by the Town. The Town has the right to such information and in fact, needs it for planning purposes. However, flowline mapping information is currently available from ECMC and the Public Utilities Commission is required to do midstream mapping this year. Since these agencies will be able to supply up-to-date maps to the Town, we removed the section requiring operators to supply GIS information in their application.
- Expiration of Permits – API mischaracterizes the proposed requirements. We are proposing a three-year permit with the possibility of extending it to four years. The only reason the two-year requirement would be imposed is if it was needed to avoid conflicts with nearby residential development. The previous trigger for a two-year permit was residential development within 2,000 feet. We changed it to development within 1,000 feet.

STANDARDS DOCUMENT

- Air quality monitoring plans – API asked for the air quality monitoring plans to comply with Air Quality Control Commission’s (AQCC) Regulation 7. That is already stated and required by the document.
- Gas leak detection and repair – The proposed requirements are in line with AQCC Regulation 7 but simply requires faster repair of found leaks. Leaks found within Frederick will be repaired within 72 hours (three days) rather than five working days as required by AQCC Reg 7 (Part B II.E.7.b)
- Electric equipment requirement – API takes exception to Frederick requiring the use of electricity for their production equipment. They would rather have the operators be able to use polluting and noisy generators to produce the electricity needed at the wellsite. Electricity is available throughout Frederick. This is a necessary and reasonable requirement.
- Pipeline infrastructure – API questions the need for pipeline takeaway for oil. By its nature, pipeline takeaway for gas is already required. Requiring pipelines for oil reduced thousands of heavy truck trips from our roads and the polluting tank batteries required if they do not have pipeline takeaway for oil. This is a necessary and reasonable requirement.
- Analysis of plugged and decommissioned wells – API reminds the Town that it only has authority over surface locations and claims the Town cannot require the plugging and abandoning of wells. We have changed “require” to “request” wells to be plugged.

I look forward to our discussion.

Sincerely,



Matt Sura

Special Counsel for the Town of Frederick

LAW OFFICE OF MATTHEW SURA

Matthew Sura LLC • 7354 Cardinal Lane, Longmont, CO 80503 • Phone: 720-563-1866 • mattsura.law@gmail.com

PROPOSED Town of Frederick Oil and Gas Provisions Compared with ECMC Rules and Other Local Jurisdictions

September 24, 2024

The purpose of this memo is to compare the existing and proposed oil and gas regulations in the Town of Frederick Land Use Code (LUC) to those of other local governments and to the rules of the Energy and Carbon Management Commission (ECMC). Boulder County, Commerce City, Fort Collins, Greeley, Larimer County, Longmont, and Weld County were used for this comparison because they have passed strong land use regulations since the ECMC adopted new “Mission Change” rules.

The ECMC Mission Change rulemaking was required by Senate Bill 19-181. Prior to Senate Bill 19-181, the mission of the ECMC was to “foster” (or promote) oil and gas development and protect public health safety and welfare but only after considering cost effectiveness. The new ECMC mission no longer requires promoting the industry. The new mission is to protect public health and safety— without consideration of cost effectiveness.

Incorporating the new mission of the ECMC required a top to bottom rewrite of the ECMC rules. After nearly a year of work, the ECMC passed the mission change rules on November 23, 2020. The new rules took effect on January 15, 2021 but new financial assurance rules were adopted as recently as March 1, 2022.

The documents relied upon for this study include:

- [ECMC Rules](#), last revised in 2023.
- [Boulder County Land Use Code](#), Article 12, adopted on December 15, 2020
- [Commerce City Land Development Code](#), adopted on March 15, 2021.
- [Fort Collins Land Use Code](#), Articles 4 and 5, adopted May 17, 2024.
- [Greeley Development Code](#), Section 24-1102, adopted September 21, 2021.
- [Larimer County Land Use Code](#), Articles 2.9.4 and 11, adopted on July 29, 2021.
- [Longmont Land Development Code](#), Section 15.05.090, adopted in 2012.
- [Weld County 1041 Permit Program](#), Article V, Home Rule Charter, adopted August 3, 2020.

Current and PROPOSED Town of Frederick regulations compared to other jurisdictions

Except for the minor amendments the Town made last year, the Town of Frederick’s oil and gas regulations were written before Senate Bill 19-181 was passed by the legislature and signed by the Governor. As you will see in the following analysis, Frederick’s regulations do not provide very comprehensive or stringent regulations of the oil and gas industry.

Oil and gas operators need to comply with both local and state regulations. On most subjects, the ECMC rules provide a floor for regulations. Senate Bill 19-181 specifically allowed local governments’ land use

regulations to be “stricter” than those of the ECMC.¹ Even if a local government has regulations that are less strict than those of the ECMC, the operator will still be required to comply with state regulations.

The chart below uses the terms “most strict,” “stricter,” “less strict,” “state equivalent,” and “no requirements” to describe regulations. As used in the chart, these terms are imprecise and based on a reading of the regulation as a whole. It did not consider how the regulations are actually administered.

The proposed regulations in this comparison document are, for the most part, modeled from Larimer County’s requirements. There are several areas where we are proposing somewhat stricter requirements. The issues that are proposed to be stricter are the nuisance issues of noise and dust as well as air quality issues. Since any development within the Town of Fredrick will have access to electric utility lines, we have proposed to require use of electricity during drilling within the town whereas that option would not always be practical in a less urban setting.

The comparison below is intentionally cursory and incomplete. This comparison is only meant to identify some of the high-level areas where the Town may want to focus attention during the update of its Land Use Code. When drafted, Frederick’s regulations could cover far more topics than described below.

¹ § 34-60-131 C.R.S.

Comparison of Oil and Gas Regulations

<u>TOPIC</u>	<u>STATE</u>	<u>Boulder County</u>	<u>Commerce City</u>	<u>Ft. Collins</u>	<u>Greeley</u>	<u>Larimer County</u>	<u>Longmont</u>	<u>Weld County</u>	<u>EXISTING</u> <u>Town of Frederick</u> <u>LUC</u>	<u>PROPOSED</u> <u>Town of</u> <u>Frederick LUC</u>
Public Notice	Rule 303.e	Most strict	State equivalent	Most strict	Less Strict	Stricter	Less strict	State equivalent	Less strict	Stricter
Meeting with Neighbors	Rule 304.c(20)	Most strict	Less strict	Most strict	Less strict	Stricter	Less strict	No requirement	Less strict	Stricter
Setbacks from Homes	ECMC Rule 604	Most strict	Stricter	Most strict	Less strict	Stricter	State equivalent	Less strict	No requirements	Stricter
Alternative Loc. Analysis	ECMC Rule 304.b(2)	No requirements	State equivalent	Stricter	No requirement	Stricter	No requirement	Stricter	No requirements	Stricter
Noise Standard	ECMC Rule 423	Stricter	Stricter	Less strict	State equivalent	Stricter	Stricter	Less strict	No requirements	Stricter
Planning Documents	ECMC Rule 304.c	Less strict	Stricter	Less strict	Less strict	Stricter	Less strict	Less strict	Less strict	Stricter
Baseline Water Monitoring	ECMC Rule 609; 318A	Stricter	Stricter	No requirement	No requirement	Stricter	State equivalent	No requirement	No requirements	Stricter
Electric Equipment	No requirements	Stricter	Stricter	No requirement	No requirement	Stricter	State equivalent	No requirement	Stricter	Stricter
Air Quality Mitigation	5 CCR 1001-9 (Reg. 7)	Stricter	Stricter	No requirement	State equivalent	Stricter	State equivalent	State equivalent	No requirements	Stricter
Fencing	ECMC Rule 604.c(2)M	State equivalent	Most strict	Most strict	Stricter	Stricter	Stricter	State equivalent	State equivalent	Stricter
Local Gov. Inspections	No requirements	State equivalent	Stricter	Stricter	Less strict	Stricter	State equivalent	Stricter	Stricter	Stricter
Traffic Management	ECMC Rule 303.c(6)	Stricter	Stricter	No requirement	Less strict	Stricter	State equivalent	Stricter	Stricter	Stricter
Liquid Pipeline req.	No requirements	Most strict	Stricter	No requirement	No requirement	Stricter	No requirement	No requirement	No requirements	Stricter
Dust Mitigation	ECMC Rule 304.c(5)	State equivalent	Stricter	No requirement	No requirement	Stricter	State equivalent	State equivalent	Less strict	Stricter
Visual Mit. / Landscaping	ECMC Rule 424, 425	Stricter	Stricter	Stricter	Less strict	Stricter	No requirement	Less strict	Stricter	Stricter
Wildlife Protection	ECMC 1200 rules	Stricter	State equivalent	Stricter	Less strict	Stricter	Stricter	State equivalent	Less strict	Stricter
Emergency Response	ECMC Rule 304.c(8); 602.j.	Stricter	Stricter	No requirement	Stricter	Stricter	Stricter	Stricter	Stricter	Stricter
Enforcement	ECMC Rules 523-525	State equivalent	Less strict	No requirement	Less strict	Most strict	Stricter	Less strict	Stricter	Stricter
Financial Assurance	ECMC 700 Series	State equivalent	Stricter	No requirement	Less strict	Most strict	Stricter	Less strict	No requirements	No Requirement
Reverse Setbacks	No requirements	No requirements	Most strict	Most strict		Stricter	Stricter	Stricter	Stricter	Stricter

Summary of Regulations

Public Notice:

- **ECMC Requirement:** ECMC Rule 303.e – operator must notice “all Surface Owners, Building Unit owners, and residents, including tenants of both residential and commercial properties, within 2,000 feet of any Working Pad Surface included in the Oil and Gas Development Plan.”
- **Boulder County:** Must notice pending application to all landowners, local governments, physical addresses, surface and water well owners within one mile (5,280 feet).
- **Commerce City:** Requires notice of pending application to all landowners within 2,000 feet from the proposed site.
- **Fort Collins:** 1-mile notice requirement
- **Greeley:** 500-foot notice requirement. Director may extend to 1,000 ft.
- **Larimer County:** Requires written notice for *property owners and tenants* for ½ mile (2,640 feet).
- **Longmont:** Requires notice of adjacent property owners with 150 feet (administrative review) or 1,000 feet (conditional use review)
- **Weld County:** Requires written notice for all parties required by ECMC within 2,000 feet of proposed oil and gas location.
- **Town of Frederick LUC:** Requires notice of all property owners from 1,000 feet from boundary of property on which surface use will occur under permit. (Sec.4.5.6).
- **Proposed Town of Frederick:** Require notice of all property owners from 2,200 feet from boundary of property on which surface use will occur under permit.

Meeting with Neighbors:

- **ECMC Requirement:** ECMC Rule 304.c(20) requires operator have a “community outreach plan” if within 2,000 feet of disproportionately impacted community. Must “be available” to meet with building unit owners within 2,000 feet of proposed location *if requested*.
- **Boulder County:** Must notice required neighborhood meeting to all parties requiring notice (one mile) and also allow public to attend.
- **Commerce City:** Neighborhood meeting may be required at staff discretion.
- **Fort Collins:** 1-mile notice requirement for mandatory neighborhood meeting.
- **Greeley:** Neighborhood meetings only required at the option of planning director.
- **Larimer County:** Neighborhood meeting is required. Requires written notice for affected property owners and tenants for ½ mile (2,640 feet).
- **Longmont:** No neighborhood meeting required for administrative review. Neighborhood meeting required for conditional use review.
- **Weld County:** No neighborhood meeting required.
- **Town of Frederick LUC:** Requires notice for neighborhood meeting of all property owners from 1,000 feet boundary of property on which surface use will occur under permit. (Sec.4.5.2).
- **Proposed Town of Frederick:** Require notice for neighborhood meeting of all property owners from 2,200 feet boundary of property on which surface use will occur under permit.

Setbacks from Homes:

- **ECMC Requirement:** The ECMC Rule 604 requires a minimum 500-foot setback from homes and “building units” and 2,000-foot setback from school facilities. From 500 – 2,000 feet a hearing is required and operator may present “substantially equivalent protections” including BMPs, size of pad, results of alternative location analysis, etc..
- **Boulder County:** In all cases, a Well Pad at an oil and gas facility must be located a minimum of 2,000 feet from: an existing Dwelling and related residential uses; an Educational Facility or licensed

Child Care Center; and public trails and trailheads owned and maintained by the County or any municipality; and workplaces located in the LI, GI, C, B, and T zoning districts. Expectation is for greater than 2,500-foot setback.

- **Commerce City:** Minimum 1,000 feet from homes or residential platted property; minimum 1,500 feet from ten or more homes or “high occupancy building unit”; minimum 2,000 feet from schools and childcare centers.
- **Fort Collins:** Minimum 2,000 feet from wall of occupiable space, recreation trail, outdoor venues, or natural area.
- **Greeley:** Minimum 150-foot setback from homes. 200-foot setback from high density areas. Only allows oil and gas development in industrial zones.
- **Larimer County:** Requires a minimum setback of 1,000 feet from existing or platted residential building units; minimum 2,000 feet from the property line of any school facility, hospital, medical clinic, senior living or assisted living facility, multi-family dwelling, or state license daycare facility.
- **Longmont:** Recommended setback of 750-feet. (Default to ECMC setback).
- **Weld County:** Minimum 500-foot setback from homes with a process for variances to propose wells closer.
- **Town of Frederick LUC:** There are no setbacks for new oil and gas development from existing homes within Frederick.
- **Proposed Town of Frederick:** require a minimum setback of 1,000 feet from property line of existing or platted residential lot; minimum 2,000 feet from the property line of any school facility, hospital, medical clinic, senior living or assisted living facility, multi-family dwelling, or state license daycare facility.

Alternative Location Analysis:

- **ECMC Requirement:** The ECMC Rule 304.b(2) required whenever location is within: a city, 2,000 feet of a home, 2,000 feet of local government boundary, a floodplain, high priority wildlife habitat, 2,640 feet of a public water supply, etc...
- **Boulder County:** Not required.
- **Commerce City:** Alt. Location analysis is required unless proposed o&g location is greater than 2,000 feet from homes, schools, public parks, and outdoor venues.
- **Fort Collins:** Required in all cases.
- **Greeley:** No requirement.
- **Larimer County:** Code requires greater information requirements in alternative location analysis than ECMC
- **Longmont:** No requirement.
- **Weld County:** Requires site analysis that considers at least three alternatives.
- **Town of Frederick LUC:** No requirement.
- **Proposed Town of Frederick:** proposed revisions would require greater informational requirements than ECMC including evaluation of at least three alternative sites.

Noise Mitigation:

- **ECMC Requirement:** ECMC Rule 423 requires allows oil and gas drilling and completion operations at light industrial noise levels of up to 65 dB(A)s in residential areas. Sets limit of 65 dB(C) during drilling and completions. Requires continuous noise monitoring when within 2,000 feet of home.
- **Boulder County:** In no instance may an oil and gas operation produce noise exceeding 60 dB(C). All locations require continuous noise monitoring.

- **Commerce City:** Maximum permissible noise levels is the greater of “50 dB(A) in the hours between 7:00 p.m. to 7:00 a.m. and 55 dB(A) in the hours between 7:00 a.m. to 7:00p.m. or 4 dB(A) higher than baseline ambient sound measured.”
- **Fort Collins:** No specific requirements for oil and gas development. No regulation of c-scale noise.
- **Greeley:** ECMC requirements.
- **Larimer County:** Larimer County requires a strict Noise Mitigation Plan, increased protections near homes, and strict noise limits that are more restrictive than ECMC
- **Longmont:** Noise levels as prescribed by ECMC. City may require additional noise mitigations depending on location including screening, electric motors, and enclosed equipment.
- **Weld County:** Noise requirements are less strict than ECMC requirements for C-scale noise.
- **Town of Frederick LUC:** There is no set decibel limits for resource extraction (oil and gas). Resource extraction (minerals) has a 45dB(A) limit. Sec 4.9.4.c(6) requires that the “applicant shall satisfactorily address the following impacts:” including traffic, noise, odor, light, dust, etc...
- **Proposed Town of Frederick: proposed revisions would utilize most of the same standards in Larimer County but requires a more extensive complaint response process that requires resolving complaints within 24 hours.**

Planning Documents:

- **ECMC Requirement:** ECMC Rule 304.c lists 20 separate plans that are required including a cumulative impacts plan, community outreach plan, topsoil protection plan, operations safety management plan, flood shut-in plan, and interim reclamation plan.
- **Boulder County:** Requires fewer plans than required by ECMC.
- **Commerce City:** Requires 26 separate plans including a Risk Management Plan, Temporary Sanitary Facilities Plan, and an Emergency Resource Mobilization/Cache Plan,
- **Fort Collins:** Very few application requirements however, “development application submittal master list for oil and gas facilities” does not seem to have been created yet.
- **Greeley:** Fewer planning documents than state.
- **Larimer County:** Larimer County requires extensive plans, including all plans required by Commerce City.
- **Longmont:** Must include “specific information for oil and gas well operations and facilities contained in the administrative manual.”
- **Weld County:** Generally requires all of the same planning documents as required by ECMC.
- **Town of Frederick LUC:** Application elements listed in section 9.4 includes a: site plan, operating plan, weed control plan, and an emergency response plan and fire protection plan.
- **Proposed Town of Frederick: proposed revisions would require all plans required by Commerce City and Larimer County.**

Baseline Water Monitoring:

- **ECMC Requirement:** ECMC Rule 615 requires baseline testing of up to four nearby water wells and follow-up testing in six months and six years.
- **Boulder County:** Same requirements as ECMC except must offer to provide baseline testing of all wells within one-mile of the location.
- **Commerce City:** Requires water quality tests of all available sources within ½ mile (as opposed to four required by Rule 615) and requires testing of constituents beyond what is required by the state.
- **Fort Collins:** Not required.
- **Greeley:** No requirement.
- **Larimer County:** Requires water quality tests of all available sources within ½ mile (as opposed to four required by Rule 615) and requires testing of constituents beyond what is required by the state.

- **Longmont:** ECMC standards but City may request additional testing and monitoring and a “water quality monitoring plan.”
- **Weld County:** No requirements.
- **Proposed Town of Frederick:** No requirement.
- **Proposed Town of Frederick:** Require the operator to offer water quality tests of all available sources within ½ mile (as opposed to four required by Rule 615) and requires testing of constituents beyond what is required by the state.

Electric Equipment:

- **ECMC Requirement:** No state requirement to use grid power.
- **Boulder County:** Operations will be electrified to the highest degree possible. Renewable energy sources will be required unless the Applicant proves that they are not feasible in which case off-site renewable offsets may be substituted.
- **Commerce City:** Requires all permanent equipment to be electrified from the power grid. Requires drilling rigs to also use electric line power if within 2,000 feet of a home.
- **Fort Collins:** No requirement.
- **Greeley:** Electric motors may be required as a noise mitigation.
- **Larimer County:** O&GFs shall be equipped with electric-powered engines for motors, compressors, drilling and production equipment, and pumping systems unless no adequate electricity source is available, or it is technically infeasible.
- **Longmont:** Recommends use of electric production equipment. May require electric production equipment as noise mitigation.
- **Weld County:** No requirements.
- **Town of Frederick LUC:** Section 4.9.4.c(3) states: “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.”
- **Proposed Town of Frederick:** Require all permanent equipment to be electrified from the power grid. Requires drilling rigs to also use electric line power if practicable.

Air Quality Monitoring and Mitigation:

- **AQCC Requirement:** Reg. 7 requires control of emission sources of more than 3 tons of VOCs per year as well as regular leak detection inspections, continuous monitoring, and banning methane emissions from pneumatic controllers.
- **Boulder County:** Continuous air quality monitoring program. Requirement to use pipelines for both oil and produced water.
- **Commerce City:** Requires monthly inspections, prompt repair of leaks and public reporting of inspections and repairs for five years. Continuous monitoring program. Requirement to use pipelines for oil.
- **Fort Collins:** No requirements.
- **Greeley:** State requirements.
- **Larimer County:** Requires monthly inspections, prompt repair of leaks. Continuous monitoring program for three years.
- **Longmont:** State minimum requirements. Asks operators to make “reasonable efforts” to reduce pollution.
- **Weld County:** References state requirement for leak detection and repair.
- **Town of Frederick LUC:** No requirements other than dust and odor requirements in Section 4.9.4.c(6).

- ***Proposed Town of Frederick:*** Require all permanent equipment to be electrified from the power grid. Requires drilling rigs to also use electric line power. Requires use of pipelines for oil and gas (to eliminate nearly all truck traffic during production).

Fencing:

- **ECMC Requirement:** ECMC Rule 603.h requires fencing, subject to surface owner approval, if “determined necessary by director.” Pumps and pits require fencing.
- **Boulder County:** Site must be kept secure from trespassers but no specific fencing requirements.
- **Commerce City:** Above-ground Operations shall be fenced and gated as part of the Visual Mitigation Plan and Security Plan. Fencing shall be eight-foot (8') high, wrought iron fencing, Ameristar Impasse, Stronghold fencing, or an equivalent, or better, as approved in the Visual Mitigation Plan. Eight-foot (8') high masonry may be used as an alternate.
- **Fort Collins:** Fencing required in all cases.
- **Greeley:** Fences only required in high-density areas.
- **Larimer County:** “For all phases of site development, fencing shall be installed for security and visual aesthetics of the use.” As part of standards for all development, “If fencing is proposed around the perimeter of a development, any fencing adjacent to a county road or state or federal highway must be compatible with existing land uses, topography and landscaping in the immediate vicinity.”
- **Longmont:** Fencing required for security.
- **Weld County:** Fencing may be required for security at discretion of OGED Director.
- **Town of Frederick LUC:** Section 4.9.4.c(6) states, “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.”
- ***Proposed Town of Frederick:*** Require permanent 6' high fencing for security and aesthetics. Gates must be locked but the Knox Box to allow for emergency entrance.

Local Government Inspections:

- **ECMC Requirement:** The state has its own (40+) inspectors but does not require local governments to inspect oil and gas facilities. State law does allow local governments to fund inspectors through fees, “to cover the reasonably foreseeable direct and indirect costs of permitting and regulation and the costs of any monitoring and inspection program necessary to address the impacts of development and to enforce local governmental requirements.” C.R.S. 29-20-104(2)(c).
- **Boulder County:** Boulder County retains the right to inspect but does not appear to charge for oil and gas inspections.
- **Commerce City:** Commerce City provides for inspections and requires City inspections to be paid for by the operator.
- **Fort Collins:** Inspections are allowed at anytime and must be paid for by operator (Sec. 6.26.3).
- **Greeley:** Must allow an inspection within ten days of request. May not charge for inspections.
- **Larimer County:** Larimer County allows for unannounced inspections and requires inspection invoices to be reimbursed by operator.
- **Longmont:** Inspections allowed upon notice to permittee. Inspection costs borne by operator.
- **Weld County:** OGED staff may inspect at any time. Not requirements for operator to pay for inspection.
- **Town of Frederick LUC:** Section 9.3.b allows for inspections and requires inspection fee (set by resolution) to be reimbursed by operator.
- ***Proposed Town of Frederick:*** Proposed rules allow for unannounced inspections and requires inspection invoices to be reimbursed by operator.

Traffic Management:

- **ECMC Requirement:** ECMC Rule 303.c(6) defers to local governments for transportation planning. Transportation is not regulated by the ECMC.
- **Boulder County:** Requires transportation planning and for operator to pay for “Required improvements to existing transportation system infrastructure to support the proposed oil and gas facilities or operations, as designed and performed by the County”
- **Commerce City:** Extensive transportation and or traffic management requirements including identifying transportation routes and standards for new access road development and transportation fees of up to \$21,172 per well to be paid by operator.
- **Fort Collins:** Traffic impact study may be required.
- **Greeley:** No requirements for traffic management.
- **Larimer County:** requires evaluation of routing alternatives and transportation infrastructure improvements proposed for the proposed O&GF to mitigate projected transportation impacts and demonstrate compliance with County road standards. Requires payment of Capital Transportation Impact fee. (LUC Section 17.3.J; 17.6)
- **Longmont:** Transportation impacts study may be required. Necessary traffic improvements are paid by operator.
- **Weld County:** Requires traffic study. May require a road maintenance agreement.
- **Town of Frederick LUC:** Section 4.9.4.c(6) lists “traffic” as one of the impacts to the addressed. transportation planning and for operator to pay for needed transportation improvements. Weld County requires that operators sign a “road maintenance agreement” to pay for damage from heavy truck traffic.
- **Proposed Town of Frederick:** Require transportation planning and for operator to pay for needed transportation improvements.

Liquid Pipeline Requirements:

- **ECMC Requirement:** No state requirements for pipelines for oil or produced water.
- **Boulder County:** Requires all fluids (produced water and oil) to be piped.
- **Commerce City:** Requires oil to be piped but not produced water.
- **Fort Collins:** Not required but used to the “maximum extent feasible.” (Sec. 4.3.4(f)(5)).
- **Greeley:** No requirements.
- **Larimer County:** Requires water and oil to be piped if feasible.
- **Longmont:** No requirement.
- **Weld County:** No requirements.
- **Town of Frederick LUC:** No requirements.
- **Proposed Town of Frederick:** Require use of pipelines for oil to eliminate most truck traffic from roads. Require use of pipelines for water if feasible.

Dust Mitigation:

- **ECMC Requirement:** ECMC Rule 304.c(5); 427 requires preparation of an extensive dust mitigation plan including evaluation of cumulative effects of dust.
- **Boulder County:** Requires a Dust Suppression Plan.
- **Commerce City:** Requires a dust mitigation plan and that dust be controlled to minimize dust is from roadways or operations. A list of BMPs to control dust are required.
- **Fort Collins:** Has a “Dust Control Manual” required in some cases.
- **Greeley:** No requirements.
- **Larimer County:** Requires a Fugitive Dust Control Plan to prevent or mitigate fugitive dust generated by the construction and operations of the proposed O&GF.

- **Longmont:** “Oil and gas facilities and equipment shall be operated in such a manner that odors and dust do not constitute a nuisance or hazard to public health, safety, welfare..”
- **Weld County:** Requires a dust mitigation plan. Must mitigate dust on roads.
- **Town of Frederick LUC:** Section 4.9.4.c(6) lists “dust” as one of the impacts to be addressed.
- **Proposed Town of Frederick:** **Require dust mitigation plan and response to dust complaints within 24 hours.**

Visual Mitigation / Landscaping:

- **ECMC Requirement:** ECMC Rule 424 contains extensive lighting standards. Rule 425 limited to painting of equipment to match surrounding landscape.
- **Boulder County:** Requires a Landscaping and Screening Plan, a Lighting Plan and Photometric Study.
- **Commerce City:** Requires a Visual Mitigation Plan, site-specific Landscaping Plan, and a Lighting Plan.
- **Fort Collins:** “Land Use Code Section 5.10.1 applies” in addition to other specific requirements for oil and gas facilities.
- **Greeley:** Landscaping may be required to provide ground cover.
- **Larimer County:** Required to follow the aesthetic rules of ECMC and the Larimer County Land Use Code for landscaping, fencing and lighting set forth in Article 4.0.
- **Longmont:** “Applications for all oil and gas facilities may be required to include a visual impact analysis.” Landscaping is not required.
- **Weld County:** No requirements other than painting equipment neutral colors.
- **Town of Frederick LUC:** Section 4.9.4.c(6) lists “light” as one of the impacts to be addressed.
- **Proposed Town of Frederick:** **Require a Visual Mitigation Plan, site-specific Landscaping Plan, and a Lighting Plan.**

Wildlife Protection:

- **ECMC Requirement:** ECMC 1200 rules series contains extensive wildlife protection requirements.
- **Boulder County:** Requires operator to provide a map of critical wildlife habitat and wildlife migration corridors or routes as identified by the Boulder County Comprehensive Plan and the presence of: species listed in the Boulder County Wildlife; An independent expert’s report (i) identifying the presence and population numbers of: species listed in the Boulder County Wildlife Species of Concern listing; Tier 1 and Tier 2 species as identified by CPW; and federally-designated threatened or endangered species, (ii) identifying the anticipated impacts of the proposed oil and gas facilities and operations on wildlife and wildlife habitat, and (iii) recommending measures for avoiding or minimizing such impacts within one mile of proposed location.
- **Commerce City:** Requires Wildlife Mitigation Plan when within ½ mile of sensitive wildlife habitat.
- **Fort Collins:** Requires “buffer zones” around wildlife habitat and studies involving CPW in some cases.
- **Greeley:** Requires consultation with CPW for wells within “sensitive areas.”
- **Larimer County:** Has extensive wildlife requirements, including required consultation with CPW, in General Development Standards (LUC Section 8.4)
- **Longmont:** Longmont has wildlife regulations in Section 15.05.030 that are applicable to oil and gas development.
- **Weld County:** Lists specific wildlife requirements for high priority habitats.
- **Town of Frederick LUC:** Section 9.12 states, “Wildlife. When a well site or production site is located within a designated moderate (blue) or high impact zone (red) on the 1987 Cumulative Impact Maps prepared by the Colorado Division of Wildlife, the applicant shall consult with the Colorado Division of Wildlife to obtain recommendations for appropriate site specific and cumulative

impact mitigation procedures. The operator shall implement such mitigation procedures as are recommended by Colorado Division of Wildlife after consultation with the Town.”

- **Proposed Town of Frederick:** Require wildlife protection plan and consultation with Colorado Parks and Wildlife.

Emergency Response:

- **ECMC Requirement:** ECMC Rule 304.c(8) requires an emergency response plan. ECMC Rule 602.j requires emergency response plan has been coordinated with, reviewed by, and approved by the local emergency response agency, and updated as necessary.
- **Boulder County:** Requires both an Emergency Response Plan as well as an Emergency Preparedness Plan.
- **Commerce City:** Requires detailed emergency response plans including plans for notification and evacuation if necessary as well as a risk management plan. Emergency Response Plan to be written through consultation with emergency response agencies and to include a Resource Mobilization/Cache Plan to ensure emergency responders have available the equipment necessary to respond to any emergency identified in the emergency response plan, which shall provide that the equipment be stationed in locations as to be readily available for any emergency for any oil and gas facility covered by the plan.
- **Fort Collins:** No oil and gas specific emergency response requirements in code.
- **Greeley:** Requires and emergency response plan acceptable to Greeley Fire Department.
- **Larimer County:** Requires detailed emergency response plans including plans for notification and evacuation if necessary as well as a risk management plan. Emergency Response Plan to be written through consultation with emergency response agencies and to include a Resource Mobilization/Cache Plan to ensure emergency responders have available the equipment necessary to respond to any emergency identified in the emergency response plan, which shall provide that the equipment be stationed in locations as to be readily available for any emergency for any oil and gas facility covered by the plan.
- **Longmont:** Requires an “acceptable written emergency response plan.”
- **Weld County:** Requires an Emergency Action Plan (EAP) and Tactical Response Plan (TRP).
- **Town of Frederick LUC:** Section 9.4.3 requires that “Prior to application to the Town, a proposed fire protection plan and emergency response plan shall be submitted to and reviewed by the fire district.” Section 9.13 requires emergency response costs incurred by responders to be paid by the operator.
- **Proposed Town of Frederick:** Require detailed emergency response plans including plans for notification and evacuation if necessary. Emergency Response Plan to be written through consultation with emergency response agencies and to include a Resource Mobilization/Cache Plan to ensure emergency responders have available the equipment necessary to respond to any emergency identified in the emergency response plan, which shall provide that the equipment be stationed in locations as to be readily available for any emergency for any oil and gas facility covered by the plan.

Enforcement:

- **ECMC Requirement:** Rules 523-525. The ECMC has more than 40 inspectors, enforcement officers, and environmental specialists. Penalties may be as high as \$15,000 / day.
- **Boulder County:** “The Director has discretion to assess a civil penalty between \$300 and \$15,000 per violation per day, depending on the nature and severity of the violation, statutory authority, and application of the additional factors...” The county currently has one full time inspector.

- **Commerce City:** For the fourth violation, the city may assess up the maximum fine for a municipality - \$3,084 and may suspend or revoke the oil and gas permit. The city currently has no active oil and gas wells and no inspectors.
- **Fort Collins:** Fort Collins has general code enforcement provisions but not specific to oil and gas.
- **Greeley:** Greeley may enforce regulation by a \$500 fine, or suspend or revoke a permit.
- **Larimer County:** has the ability to require an operator to cease and desist from the Board of County Commissioners, issue fines according to a penalty schedule, or file a civil action.
- **Longmont:** has the ability to require an operator to cease and desist, revoke city oil and gas permit, issue penalties, or file a civil action.
- **Weld County:** Can set a suspension or revocation hearing for violations of development standards.
- **Town of Frederick LUC:** Section 9.14 allows for a penalty of up to \$1,000 / day. The Board of Trustees may revoke an oil and gas conditional use permit if the operator gives false or inaccurate information which they knew to be false.
- **Proposed Town of Frederick:** enforcement can include civil actions, criminal penalties, and suspension or revocation of permit by the Planning Manager or Town Manager.

Financial Assurance:

- **ECMC Requirement:** ECMC 700 Series Rules. For the lowest producing operators, the state requires a maximum of \$100,000 / location for reclamation and \$20,000-\$40,000 per well for plugging. Higher producing operators post far less per well and may post a blanket bond for all their wells. The highest blanket bond is \$40 million.
- **Boulder County:** requires operators provide adequate financial assurances to guarantee performance of all conditions of approval until final reclamation obligations are completed. The type and amount of financial assurances provided will be determined by the County.
- **Commerce City:** requires financial assurance of \$90,000 / well in the form of a surety bond or irrevocable standby letter of credit, or approved combination of the two. Amount will automatically increase with rate of inflation.
- **Fort Collins:** No financial assurance provisions.
- **Greeley:** \$500,000 insurance. No other additional financial assurance requirements.
- **Larimer County:** Requires \$93,000 per well (or the amount required by ECMC if higher).
- **Longmont:** has the ability to require performance security in an amount to cover any damage to public infrastructure.
- **Weld County:** \$2,000 per well financial assurance for surface damages but only if they do not have a surface use agreement.
- **Town of Frederick LUC:** No requirements.
- **Proposed Town of Frederick:** No requirements. Proposing to rely on state rules.

Reverse Setbacks:

- **ECMC Requirement:** ECMC regulates the oil and gas industry. Setbacks of new homes to existing wells is local government jurisdiction.
- **Boulder County:** requires pre-existing facilities to register with the County but does not require a building setback from those facilities.
- **Commerce City:** Commerce City enacted a 1,000-foot setback of new homes from existing working pad surfaces.
- **Fort Collins:** There must be a 2,000-foot buffer from a new occupiable building and a producing oil and gas facilities. Plugged wells have a 500-foot buffer until reclaimed then buffer shrinks to 150 ft. Sec 5.10.3
- **Greeley:** 350-foot setback from wells; 500-foot setback from production equipment. 50-foot setback from plugged well.

- **Larimer County:** Has a 1,000-foot setback during preproduction and early production (first three years), tiered setback for production phase of 200 to 500 feet depending on the number of wells on the oil and gas location, and a post-production phase of 200 feet unless developer can demonstrate well is safely plugged and is not a threat to leak can be reduced to 50 by 100 feet.
- **Longmont:** “Platted residential lots, sports fields and playgrounds shall be 750 feet or more, or the maximum distance practicable, as determined by the city, from existing oil and gas wells and production facilities.” Setbacks from plugged wells is a minimum of 150 feet.
- **Weld County:** No building units shall be closer than 250 feet from any oil and gas facility in any zone district. Minimum 50-foot setback from plugged wells. Sec. 23-4-700.
- **Town of Frederick LUC:** Section 9.8 requires a minimum 200-foot setbacks from a well to the side of a building. Schools or another building used as a place of assembly must be at least 350 feet from a well. There is no reverse setback from plugged wells. Lots must be platted at least 150 feet from an existing oil and gas well or facilities. Weld County requires “Building Units” to be at least 250 feet from wells OR facilities. Buildings must be at least 50 feet from plugged wells. *Weld County Code Section 23-4-700.*
- **Proposed Town of Frederick: Modeled from Larimer County’s regulations. Proposed a 1,000 foot setback during preproduction and early production (first three years), tiered setback for production phase of 200 to 500 feet depending on the number of wells on the oil and gas location, and a post-production phase of 200 feet unless developer can demonstrate well is safely plugged and is not a threat to leak can be reduced to 50 by 100 feet.**

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Board of Trustees, Town of Frederick
c/o Jason Meyers, Town Attorney
Town of Frederick
jmeyers@frederickco.gov

RE: MEMO ON OIL AND GAS CODE REVISIONS – response to comments

10/25/2024

RESPONSE TO COMMENTS SUBMITTED SINCE 10/15/24

Specific comments on the Code revisions and Standards Document were received from Occidental Petroleum (OXY), United Power, and Life Fellowship Church.

CODE REVISIONS

- Plugging and abandonment report – OXY requested more specifics on what information is required by the Town for a Plugging and Abandonment pert. We have supplied that information in Section 9.11.3.d.
- Alternative compliance buffer – Life Fellowship Church requested more clarity in this section. We have made changes to clarify that a well plugged within the last five years that was fully approved by ECMC would be able to receive the 50x100 setback and mentioned that future updates to the standards document should be through resolution or ordinance to have legal effect. We have made that change to allow updates to be made by resolution. Section 9.18.4.b.

STANDARDS DOCUMENT

- Electric equipment requirement – Untied Power requested changes in Section C.9 for clarity. They did not change the substance of our requirements.
- Water reporting – OXY requested to not have to duplicate water reporting that is given to the state. We made the change to Section D.9 to eliminate duplicative reporting.
- Use of temporary tanks – OXY requested that the temporary tanks be allowed onsite for the first year of production. We have made that change in Section E.6.b.
- Integrated Operations Center – Oxy requested the inclusion of “Integrated Operations Center” that could provide 24/7 contacts for complaints. We have made that change in Section H1.
- Complaint Response – OXY requested clarification of the state agencies that would need to receive the information about a release. We have supplied that information in Section H.3.b.

##

**TOWN OF FREDERICK, COLORADO
ORDINANCE NO. 1400**

**AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO,
AMENDING ARTICLE 9, OIL AND GAS DRILLING AND PRODUCTION,
TOWN OF FREDERICK LAND USE CODE, SECTIONS 9.1, 9.2, 9.3, 9.4,
AND 9.14 TO CREATE GREATER OVERSIGHT OF OIL AND GAS
DRILLING AND PRODUCTION WITHIN THE TOWN IN ACCORDANCE
WITH THE AUTHORIZATIONS PROVIDED IN SENATE BILL 19-181,
PROVIDING FOR REPEALER, PROVIDING FOR EFFECTIVE DATE.**

WHEREAS, SB 19-181 expanded the authority of local governments to regulate oil and gas drilling and production; and

WHEREAS, the Board of Trustees desires to exercise its expanded authority to protect the health, safety, and welfare of the residents of the Town; and

WHEREAS, the Town of Frederick Board of Trustees passed a small number of amendments at a public hearing on September 21, 2023 with the expectation that a full overhaul of the oil and gas section of the Code would be needed in 2024; and

WHEREAS, much of the Town's current oil and gas regulations were developed prior to the passage of Senate Bill 19-181, and while the code has been updated in part; additional changes are needed to fully implement the Town's authority authorized in Senate Bill 19-181 to ensure the health and safety issues presented by the exploration for and extraction of liquid and gaseous hydrocarbon resources and related activities are adequately addressed in the Town's zoning and land use regulations; and,

WHEREAS, the Board of Trustees hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to: the Local Government Land Use Control Enabling Act, C.R.S. § 29-20-101, et seq.; C.R.S. § 31-23-301, et seq., (municipal zoning powers); C.R.S. § 24-65.1-101, et seq. (Areas and Activities of State Interest), C.R.S. § 31-15-103 (municipal police powers); C.R.S. § 31-15-401(municipal police powers); and C.R.S. § 31-15-501 (municipal power to regulate businesses); and C.R.S. § 34-60-106 (oil and gas operators must receive local government approval for drilling permit); and C.R.S. § 34-60-131 (local government power to exceed state oil and gas regulations);

WHEREAS, the Town of Frederick Board of Trustees passed a 6-month oil and gas moratorium on April 23, 2024 to preserve the status quo while they made additional changes to the Code.

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

Section 1. Section 1.15 *Definitions*.

1. Terms used in this Code are defined as follows:

Oil and Gas Facility means equipment or improvements used or installed at an oil and gas location for the exploration, production, withdrawal, treatment, or processing of crude oil, condensate, E&P waste, or gas. A properly plugged and abandoned well is not an Oil and Gas Facility.

~~*Special use* means a use which follows the process of an administrative application, but that has special requirements that must be met in order for consideration of approval. Article 9 outlines the specifications for a special use.~~

Section 2. Section 3.3 *Zoning Districts*. Town of Frederick Land Use Code, is hereby amended as follows (strikeout represents deleted text, *** represents large blocks of text that are unchanged by this amendment):

4. Special and Overlay Zoning Districts

c. *H-O Hazard Overlay District*.***

(3) Conditional uses. Uses requiring conditional use review shall be as follows:

(a) Golf courses.

(b) Limited outdoor recreation facilities.

(c) Resource extraction, processes, and sales establishment.

(d) Gas, oil, and other hydrocarbon well drilling and production (as permitted by state and local regulations).

~~(4) Special uses. Uses requiring special use review shall be as follows:~~

~~(a) Gas, oil, and other hydrocarbon well drilling and production (as permitted by state and local regulations).~~

Section 3. Section 3.4 *Permitted, Conditional, Special, and Limited Uses by Zoning District – Use-Specific Standards – Residential Protection Standards – Accessory Use and Structure Standards (Including ADUs and Home Occupations)*. Town of Frederick Land Use Code, is hereby amended as follows (strikeout represents deleted text, *** represents large blocks of text that are unchanged by this amendment):

1. *Interpretation of Use Tables – Multiple Uses of a Lot*. ***

b. *Legend*. The following symbols are used in the matrices in this Division:

~~(iii) “S” means “special use.” Special uses are subject to administrative review for compliance with use-specific standards, and for compliance with general standards for all limited uses, and the general requirements of this Code, which include the standards set out in subsections 2 through 11 of this section, inclusive, as may be applicable. Special uses do not require a public hearing, but have additional notice and public comment requirements compared to limited uses. Special uses are not “as-of-right” uses.~~

Table 3-7. Industrial, Processing, Recycling, Storage, and Disposal Uses

Land Use	Zoning District															
	A	R-E	R-1	R-2	R-3	R-MH1	R-MH2	D-A	D-B	C-N	C-C	C-H52	C-E	BLI	I	P
Resource Extraction (Oil and Gas)	S C	S C	S C	S	S	S	S	S	S	S	S	S	S	S C	S C	S

Section 4. Section 4.4 *Types of applications.* Town of Frederick Land Use Code, is hereby amended as follows (strikeout represents deleted text, *** represents large blocks of text that are unchanged by this amendment):

3. *Administrative applications.* ***

b. The following applications are administrative applications.

- (1) Site plan
- (2) Subdivision amendment
- (3) Plot plan
- (4) Minor modification
- ~~(5) Special use~~
- ~~(6)~~ Temporary use

Section 4. Section 4.11 *Specific Requirements and Review Standards for Administrative Applications.* Subsection “5. Special use.” Town of Frederick Land Use Code, is hereby deleted entirely and the Section renumbered accordingly:

Section 5. Sec. 7.5, *Applicability and exceptions.* Town of Frederick Land Use Code, is hereby amended as follows (strikeout represents deleted text, *** represents large blocks of text that are unchanged by this amendment):

3. Partially exempt signs. The following signs are subject only to Sections 7.7, 7.8, and 7.10, and are exempt from the application of this Article:***

b. Required signs. Signs that are required by law or regulation: ***

- (4) To comply with other laws or regulations ~~(e.g., Colorado Oil and Gas Conservation Commission Rule 210).~~

Section 6. **Article. 9 Oil and Gas Drilling and Production** is hereby stricken and restated as follows.

Article 9.

Oil and Gas Drilling and Production

Sec. 9.1 Purpose.

Sec. 9.2 Definitions.

Sec. 9.3.	Applicability.
Sec. 9.4.	Location Restrictions.
Sec. 9.5	Prohibited Facilities.
Sec. 9.6	Oil and Gas Standards.
Sec. 9.7	Oil and Gas Access Roads.
Sec. 9.8	Pipelines.
Sec. 9.9	Emergency Response.
Sec. 9.10	Required Operator Submittals.
Sec. 9.11	Permits Required.
Sec. 9.12	Application Process.
Sec. 9.13	Review Standards.
Sec. 9.14	Notice to proceed.
Sec. 9.15	Transfer of Permits
Sec. 9.16	Expiration of Permits
Sec. 9.17	Violation and enforcement.
Sec. 9.18	Development setbacks from wells and facilities.
Sec. 9.19	Easements, Plats and Development Plans.

Sec. 9.1. Purpose.

These regulations are enacted to protect public health, safety, welfare and the environment by permitting oil and gas development only where appropriate and in a manner that avoids and minimizes existing and future land use conflicts and adverse impacts to public health, safety, and welfare and the environment.

“Municipal” governments have a recognized, traditional authority and responsibility to regulate land use within their jurisdiction. These regulations are intended as an exercise of this land use authority.

Sec. 9.2. Definitions.

1. All terms used in this Article that are defined in the Act or in Commission regulations, and not otherwise defined in this Section, are defined as provided in the Act or in such regulations as of the effective date of the ordinance codified in this Article. All other words used in this Article are given their usual customary and accepted meaning; and all words of a technical nature, or peculiar to the oil and gas industry, shall be given that meaning which is generally accepted in said oil and gas industry. When not clearly otherwise indicated by the context, the following words and phrases used in this Article have the following meanings:

ECMC Permit means a permit issued by the Colorado Energy and Carbon Management Commission (“ECMC”) to drill, deepen, re-enter or recomple and conduct any other oil and gas operation as allowed under the ECMC regulations.

Future School Facility means a school facility that is not yet constructed, but that the school or school governing body plans to build and use for students and staff within four (4) years of the date of the preapplication conference.

Oil and Gas Operations (“Operations”) means exploring for oil and gas, including conducting seismic operations and the drilling of test bores; siting, drilling, deepening, recompleting, reworking, or abandoning a well; producing operations related to any well, including installing flowlines; the generating, transporting, storing, treating, or disposing exploration and production wastes; and any constructing, site preparing, or reclaiming activities associated with such operations.

Public Water Supply Well means a well or system of wells that provide water via piping or other constructed conveyances for human consumption to at least fifteen (15) service connections or serves an average of at least twenty-five (25) people for at least sixty (60) days each year.

School Facility means any discrete facility or area, whether indoor or outdoor, associated with a school, that students use commonly as part of their curriculum or extracurricular activities. A school facility is either adjacent to or owned by the school or school governing body, and the school or school governing body has the legal right to use the school facility at its discretion.

Town Manager means the Town of Fredrick’s Town Manger or designee.

Working Pad Surface means the portion of an Oil and Gas Location that has an improved surface upon which Oil and Gas Operations take place.

Sec. 9.3. Applicability.

1. *Generally.* Except as otherwise provided in this section, the provisions of this Article shall apply to all surface oil and gas operations occurring within the Town’s boundaries, which shall include, without limitation, any oil and gas operation requiring the commission’s issuance or re-issuance of a drilling permit or any other permit under the ECMC regulations that the Town Manager determines would result in a substantial modification of the oil and gas operations or facilities. Prior to any person commencing any such operations within the Town, that person shall apply for and receive a conditional use permit from the Town in accordance with the standards set out in this Article.

2. *Standards Document.* The Oil and Gas Standards Document ("Standards Document") is hereby adopted by reference. The Standards Document will be on file with the Town Manager. The Town Trustees may, by resolution, update the Standards Document as necessary to reflect major changes in required industry standards and practices.

3. *Existing Oil and Gas Operations.* Except as noted, this Article does not apply to "existing oil and gas operations" which are those surface oil and gas operations for which a drilling permit was issued under the ECMC regulations prior to the effective date of this Article, and under which permit the oil and gas operations were commenced before the effective date. "Existing oil and gas operations" also includes any surface oil and gas operations occurring on real property annexed into the Town on or after the effective date of this Article, provided those operations are occurring as of the effective date of the Annexation pursuant to a drilling permit issued under the ECMC regulations.

4. *Other Applicable Land Use Code Provisions.* In addition to the standards of this Article, all existing and permitted oil and gas operations conducted within the Town shall comply with the following provisions of this Code:

- a. Provisions for geologic hazards, floodplains or floodway required in Section 9.10.
- b. Provisions for wildlife mitigation procedures required in Section 9.12.
- c. Fencing Requirements in Section 2.16.
- d. Landscaping requirements in Section 2.14.
- e. Building permits must be obtained for all aboveground structures to which the International Building Code applies - Chapter 18 of the Municipal Code.
- f. International Fire Code of Chapter 18 of the Municipal Code.

5. *Federal and State Regulations.* The operator shall comply with all applicable federal and state regulations including, without limitation, the OGC act and the ECMC regulations. Where, in any specific case, the requirements of any other Title within the Land Use Code or the regulations of any state or federal agency are in conflict with this Article, the more restrictive requirements shall be imposed.

Sec. 9.4. Location Restrictions.

1. Oil and Gas Locations shall only be located within the following zoning districts without obtaining a variance under Section 8.15: Agricultural District (A), Estate District (R-E), Residential Low-Density District (R-1) Business Light Industrial District (BLI), Industrial District (I), and Planned Unit Development Overlay District (PUD-O) - where oil and gas development is a specified use.

2. Oil and Gas Locations shall be at least two thousand (2,000) feet from the property line of any existing or platted school facilities, future school facilities, day care centers, hospitals, nursing home, memory care, Alzheimer's care, senior housing, or assisted living facilities unless a variance is obtained.
3. Oil and Gas Locations shall be at least one thousand (1,000) feet from the following:
 - a. The property line of any existing dwelling units or platted residential lots less than 2.5 acres in size;
 - b. The nearest edge of any existing dwelling units on lots greater than 2.5 acres in size;
 - c. The nearest edge of any commercial building requiring a certificate of occupancy;
 - d. Parks (active and passive), open space or common open space;
 - e. Community facility;
 - f. Public water supply surface intakes, aquifer recharge area, or public water supply wells; and
 - g. Existing reservoirs and approved future reservoirs.
4. Oil and Gas Locations may not be located between one thousand (1,000) feet and two thousand (2,000) feet of any existing or platted residence, unless one or more of the following conditions are satisfied:
 - a. All existing residential owners or tenants of any of the affected properties within 2,000' of the relevant point of measurement explicitly agree with informed consent to the proposed Oil and Gas Location; or
 - b. Any wells, tanks, separation equipment, or compressors proposed on the oil and gas location will be located more than 2,000' from the relevant point of measurement; or
 - c. The Town decision-making body finds, as part of its review of an application pursuant to section 9.12 and 9.13, that the proposed oil and gas location and conditions of approval will provide substantially equivalent protections for public health, safety, welfare, the environment, and wildlife resources. The Town decision-making body will consider, without limitation:
 - (1) The extent to which the oil and gas location design and any planned practices, preferred control technologies, and conditions of approval avoid, minimize, and mitigate adverse impacts, considering:
 - (a) Geology, technology, and topography;
 - (b) The location of receptors and proximity to those receptors; and
 - (c) The anticipated size, duration, and intensity of all phases of the proposed oil and gas operations at the proposed oil and gas location.
 - (2) The Operator's alternative location analysis conducted pursuant to section 9.12.1.c;

- (3) The results of the Town Manager suitability analysis pursuant to section 9.12.1.c(3).
 - (4) Related oil and gas location siting and infrastructure proposed;
 - (5) How oil and gas facilities associated with the proposed oil and gas location are designed to avoid, minimize, and mitigate impacts on the affected properties; and
 - (6) The operator's actual and planned engagement with nearby residents, property owners, and businesses to consult with them about the planned oil and gas operations.
- 5. Working pad surfaces proposed within Town limits shall be at least five hundred (500) feet from the following:
 - a. Rivers and streams; and
 - b. Ditches that transport water used by, or to augment, a public water supply system.
- 6. The working pad surface shall be located outside of a Federal Emergency Management Agency (FEMA) designated 100-year floodplain.

Sec. 9.5. Prohibited Facilities

The following facilities are prohibited within the Town:

- 1. Gas storage wells;
- 2. Class II injection wells used for oil and gas wastes;
- 3. Class VI injection wells used for geologic storage of carbon dioxide;
- 4. Drilling pits, waste storage pits, and disposal pits;
- 5. Centralized exploration and production waste management facilities;
- 6. Glycol dehydrators or desiccant gas processing dehydrators.

Sec. 9.6. Oil and Gas Standards.

Provisions listed in the Standards Document are required permit conditions to reduce or eliminate impacts to public health, safety, welfare or the environment. Depending on site specific conditions, exceptions to the requirements in the Standards Document may be permitted. The Standards Document addresses: Air quality protection, water quality protection, safety, visual and noise mitigation, community outreach, reclamation, transportation, and wildlife protection. When noted, the minimum health and safety standards in the Standards Document apply to existing oil and gas operations as well as new permits.

Sec. 9.7. Oil and Gas Access Roads

- 1. *Generally.* All private roads used to access the tank battery or the wellhead shall meet or exceed the standards of this Section.

2. *Construction Standards.* The operator shall install a roadway at least 20 feet wide with a minimum unobstructed overhead clearance of 14 feet. The access road shall have a prepared subgrade and an aggregate base course surface a minimum of six (6) inches thick compacted to a minimum density of 95 percent of the maximum density determined in accordance with generally accepted engineering sampling and testing procedures approved by the Director of the Engineering & Utilities Department. The aggregate material, at a minimum, shall meet the requirements for a Class 6, Aggregate Base Course as specified in the Colorado Department of Highways Standard Specifications for Road and Bridge Construction, latest edition.
3. *Grades.* Grades shall be established to provide drainage from the roadway surface and shall be constructed to allow for cross-drainage to waterway (*i.e.*, roadside swales, gulches, rivers, creeks, etc.) by means of an adequate culvert pipe. Adequacy of culvert pipes shall be subject to approval by the Director of the Engineering & Utilities Department.
4. All access roads shall be maintained so as to remain free of weeds and to provide a passable roadway free of ruts and dust at all times.
5. All access roads must be improved as a hard surface (concrete or asphalt) for the first 100 feet from the public right-of-way, unless public right-of-way is not already a hard surface, in which case, operator shall meet the current standards of the public right-of-way.
6. A mud and debris tracking pad shall be located at the end of the access road before entering onto a public right-of-way.
7. The access drive entrance shall include returns with a thirty-foot (30') foot radius.
8. If an access road intersects with a pedestrian trail or walk, the operator shall pave the access road as a hard surface (concrete or asphalt) a distance of 100 feet either side of the trail or walk, unless the trail or walk is not already a hard surface, in which case, operator shall meet the current standards of the trail or walk. If necessary, operator shall replace the trail or walk to address the weight load requirements of the vehicles accessing the well and production sites.
9. Temporary access roads associated with the operations will be reclaimed and reseeded with Town's preferred seed mix within 60 days after discontinued use of the temporary access roads. An exception to temporary access road construction standards and specifications may be made upon agreement of the parties where circumstances warrant a departure given future development needs.

10. *Use of public right-of-ways.* An extra-legal vehicle or load permit shall be required for all extra-legal vehicles or loads as defined in Sections [42-4-401](#) through [42-4-411](#), C.R.S., which use Town streets. Said permit, if required, shall be obtained from the Town Manager prior to such use. The applicant shall comply with all Town and state regulations regarding weight limitations on streets within the Town, and the applicant shall minimize extra-legal truck traffic on streets within the Town.

Sec. 9.8. Pipelines

Any newly constructed or substantially modified pipelines shall meet the following requirements:

1. Flowlines, gathering lines, and transmission lines shall be sited at a minimum of 25 feet away from residential buildings. This distance shall be measured from the nearest edge of the pipeline. Increased setbacks shall be evaluated and required on a case-by-case basis, with the determining locational factor being the size, pressure, and type of pipeline being proposed.
2. Flowlines, gathering lines and transmission lines that pass within 150 feet of residential or non-residential building or the high-water mark of any surface water body shall incorporate leak detection, secondary containment, or other mitigation, as appropriate.
3. Pursuant to ECMC Rules, existing and permitted oil and gas operations must conduct leak detection inspections and pressure testing and monitoring in order to identify flowline leaks or integrity issues. Leaks, spills, or integrity issues will be reported to the Town as soon as practicable but no later than 24 hours after discovery. Spills that have contaminated surface water within 15 miles upstream of a Public Water System must notify the Town and the Public Water System immediately upon discovery.
4. To the maximum extent feasible, pipelines shall be aligned with established roads in order to minimize surface impacts and reduce habitat fragmentation and disturbance.
5. To the maximum extent feasible, operators shall share existing pipeline rights-of-way and consolidate new corridors for pipeline rights-of-way to minimize surface impacts.
6. Operators shall use boring technology when crossing streams, rivers, irrigation ditches or wetlands with a pipeline to minimize negative impacts to the channel, bank, and riparian areas, except that open cuts may be used across irrigation ditches if the affected ditch company approves the technique.

Sec. 9.9. Emergency Response

1. *Generally.* Operators agree to take all reasonable measures to assure that oil and gas operations shall not cause an unreasonable risk of emergency situations such as explosions, fires, gas, oil or water pipeline leaks, ruptures, hydrogen sulfide or other toxic gas or fluid emissions, hazardous material vehicle accidents or spills.
2. *Emergency Action Plan and Tactical Response Plan.*
 - a. Each operator with an existing or proposed oil and gas operation in the Town is required to provide to the Town its Emergency Action Plan for operations within the Town, which shall be in compliance with the applicable provisions of the International Fire Code as adopted in the Town Code. Such plan shall be approved by Carbon Valley Emergency Management Agency (CVEMA) and the Frederick-Firestone Fire Protection District.
 - b. The Emergency Action Plan shall contain, at a minimum, all of the following information:
 - (1) Name, address and phone number, including 24-hour numbers for at least two (2) persons responsible for field operations at the subject oil and gas facility or location, as well as the contact information for any subcontractor of operator engaged for well-control emergencies on the subject oil and gas facility or location;
 - (2) A process by which the operator notifies neighboring residents and businesses within one-half (½) mile (2,640') of the subject oil and gas facility or location to inform them about the on-site operations and emergencies, and to provide sufficient contact information for surrounding neighbors to communicate with operator;
 - (3) Detailed information addressing each category of emergency that has a reasonable potential to occur at the subject oil and gas facility or location severe enough to present an immediate danger to public health, safety, or welfare, including without limitation: explosions; fires; gas; oil or water pipeline leaks or ruptures; hydrogen sulfide or other toxic gas emissions; hazardous material accidents or spills; and natural disasters. Examples of the most likely and worst-case scenarios should be provided, including information on the potential response scenarios;
 - (4) An Emergency Evacuation Plan for the working pad surface of the subject oil and gas facility or location and a plan to evacuate any person(s) residing and/or working within up to one-half (½) mile (2,640') of the same;
 - (5) A provision that any spill outside of the containment area that has the potential to leave the facility or to threaten waters of the state and that is required to be reported to the ECOM or the ECOM's director shall be immediately reported to the Frederick Firestone Fire Protection District emergency dispatch at 911, the Carbon Valley Emergency Management Agency (CVEMA), and to the Manager

and the Engineering & Utilities Department Stormwater Division promptly thereafter.

- (6) The operator shall have current Safety Data Sheets (SDS) for all chemicals used or stored on an oil and gas location. The SDS sheets shall be provided immediately upon request to Town officials, a public safety officer, or a health professional.
 - (7) Detailed information identifying emergency access, and health care facilities anticipated to be used, in connection with emergencies at the subject oil and gas facility or location;
 - (8) An oil and gas facility or location-specific plan for any oil and gas facility or location that involves drilling or penetrating through known zones of hydrogen sulfide gas;
 - (9) A *Water Supply Plan* that will describe available hydrants or any new hydrants necessary in the area in the event of a fire.
 - (10) A statement, and detailed information, indicating that operator has adequate personnel, supplies, and training on hand to implement the Emergency Action Plan immediately at all times during construction and operations at the subject oil and gas facility or location; and
 - (11) Emergency shutdown protocols and procedures to promptly notify the Town of any shutdowns that would have an impact to any area beyond the confines of the working pad surface of the subject oil and gas facility or location.
- c. The Tactical Response Plan (TRP) is a one page (front and back) 8 ½ x 11' card to be consulted in an emergency. The TRP should be based on the template provided by the Weld County Office of Emergency Management (OEM).
- d. The Emergency Action Plan and Tactical Response Plan shall be filed with the Town and the Frederick Firestone Fire Protection District and updated on an annual basis. If no updates to the Plan are made, operator shall provide notice of "No Change" in its annual registration submitted to the Town.

3. *As-Built Facilities Map.* Within 60 days of the start of production, operator will provide an as-built facilities map in a format suitable for input into the Town's GIS system depicting the locations and type of above and below ground facilities, including sizes and depths below grade of all oil and gas flow lines and associated equipment, isolation valves, surface operations and their functions, as well as transportation routes to and from exploration and development sites, for response and management purposes. The information concerning flowlines and isolation valves shall be marked and treated as confidential by the Frederick Firestone Fire Protection District and shall only be disclosed in the event of an emergency or to emergency responders or for the training of emergency responders or as otherwise required by law.

4. *Emergency Response Costs.* The operator shall reimburse any applicable governmental agency or emergency responders for all expenses incurred in connection to any emergency related to an oil and gas facility or location.
5. *Will-Serve Letter.* The operator will receive a will-serve letter from the Frederick-Firestone Fire Protection District stating that the operator has agreed to provide adequate emergency response equipment, any necessary training, or fee-in-lieu satisfactory to the district, to adequately respond to potential events that may result from operations.
6. *Resource Mobilization/Cache Plan.* Operator will organize, produce, and maintain a Resource Mobilization/Cache Plan, to ensure that emergency responders associated with a subject oil and gas location have available the equipment necessary (including adequate firefighting foam) to respond to any emergency identified in the Emergency Action Plan ("Resources Mobilization/Cache Plan"), which shall provide that the equipment be stationed in locations as to be readily available for any emergency occurring at any oil and gas facility or location covered by the subject Emergency Action Plan.

Sec. 9.10. Required Operator Submittals

1. *Generally.* Applications shall be submitted on a form approved by the Manager.
2. *Fees and Costs.* Every applicant shall provide the following fees and financial assurances:
 - a. *Application Fee.* Every application shall include a required fee in the amount set by resolution. Other fees, including but not limited to, capital expansion fees and building fees may also be required.
 - b. *Cost Reimbursement Agreement.* Every applicant shall submit a signed cost reimbursement agreement provided by the Town. Costs to be covered include review of the application, review of report or notices submitted to the Town during oil and gas operations, and review of any application to transfer or plug and abandon operations. The application fee and required cost reimbursement agreement must be received by the Planning Department to process the application.
 - c. *Inspection Fees.* Operator shall reimburse the Town for all inspection costs reasonably incurred to inspect the oil and gas location to determine compliance with this Agreement and any permits issued by the Town. Such fees shall include actual costs incurred by the Town, including employee time, employee supervision, necessary equipment rental, and overhead. Where a well is plugged and abandoned, no Town fees will be imposed thereafter.

- d. *Road Improvements and Maintenance Agreement.* Operator must sign an agreement to pay for ongoing road repair and maintenance costs attributable to its operations. The Town will conduct periodic impact assessments with the operator to determine the extent of any damage accruing to the road caused by the operator's activities. Operator may conduct baseline road condition assessments with a third-party contractor to define existing road conditions. Operator will pay the Town for the cost of the actual repairs for the assessed damage or else arrange and pay the cost of such repairs itself with a contractor acceptable to the Town.
4. *Annual Operator Registration.* All operators with existing or permitted oil and gas operations within the Town shall be responsible for supplying the following Annual Operator Registration information. Operators applying for oil and gas facilities within the Town shall supply this information as part of their application; operators with existing or permitted oil and gas facilities in the Town prior to the effective date of this Article will submit the Annual Operator Registration submittal requirements within 90 days after the effective date of this article; operators who have been annexed into the Town or have received wells from another operator shall file Annual Operator Registration within 60 days after annexation or assuming responsibility for operating existing oil and gas facilities. Annual Operator Registration must be updated and renewed annually by July 1.

Annual Operator Registration submittal requirements shall include:

- a. New or updated Emergency Action Plans as required by section 9.9.2;
- b. Updated leak detection and repair plan as required by Standards Document;
- c. List of any reportable safety events over the past three (3) years as defined by ECMC Rule 602(g) as may be amended. Operator shall also list any root cause analyses conducted and corrective actions taken in response to the incidents, including internal changes to corporate practices or procedures;
- d. List of any spills or releases over the past three (3) years; and
- e. List of any notices of alleged violations issued by the ECMC or CDPHE over the past three (3) years.

Sec. 9.11. Permits Required.

1. *New Oil and Gas Facilities.*
 - a. It shall be unlawful for any person to drill a new well, construct a new facility or install new accessory equipment or structure within the corporate limits of the Town, unless a conditional use permit has been obtained pursuant to this Article. A separate conditional use permit shall be required for each well or production site that has not been previously permitted under this Article.

b. It shall be unlawful for any person to operate a well, facility or accessory equipment or structure within the corporate limits of the Town, except in compliance with the terms and conditions of the conditional use permit.

c. If more than one well or production site is proposed at the same time, the applicant may submit one application for multiple wells and facilities; however, a separate fee shall be required for each well production site included in the application.

d. Any such permit issued pursuant to this Article shall encompass within its authorization the right for the operator, his or her agent, employee, subcontractor or independent contractor or any other persons to perform that work necessary in the drilling, completion or maintenance operations.

e. For the purpose of this Article, the installation of tanks, heaters, separators and other accessory equipment shall be construed as extensions to oil and gas wells and shall accordingly be subject to the same applications, review, permit, regulations, and standards. The application for these accessories when intended to be installed at the same time as the oil or gas well may be merged with an application for an oil or gas permit and shall not require an additional permit fee.

2. *Legacy Oil and Gas Facilities.* By enactment of this Article, the Town hereby approves any well, equipment or facility drilled or constructed prior to the enactment of this Article or that occurred prior to annexation of additional acreage within the Town.

3. *Modification of Existing Oil and Gas Facilities.*

Any proposed change made to an oil and gas facility or operations shall be reviewed by the Planning Department and is subject to one of the following.

a. *New Permit for Substantial Modifications.* A change to a legacy oil gas facility or operations deemed by the Town Manager to be a “substantial modification” is required to obtain a new conditional use permit. As used within this section, a “substantial modification” means addition, removal, replacement, or modification of equipment or other changes to a well site, production site, or operations that increases the site’s footprint, harmful emissions, traffic, noise, or odor, or could negatively impact public health, safety, welfare, or the environment or wildlife. This includes, without limitation, redrilling, sidetracking, twinning, or recompleting a well, or change of use to a geothermal well. Maintenance activities, installation of emission control equipment, and the addition of equipment necessary to fulfill mandated regulatory requirements are not substantial modifications. Prior to any person making such changes to facilities or operations, that person shall apply for and receive a conditional use permit from the Town in accordance with the standards set out in this Article.

b. *Change of Operations Permit.* Modifications to a legacy oil and gas facility that are not deemed “substantial modifications” must receive a change of operations permit. Such

change of operations application will be administratively reviewed and granted so long as the location comes into substantial compliance with all regulations required to protect public health, safety, welfare and the environment.

c. *Amendment of Permit.* Each permit is limited to the facilities as shown in the approved permit plans. To the extent the applicant desires, after initial completion of a well, to substantially change operations or to place additional equipment on a tank battery or wellhead location, which was not shown in the approved plan, the applicant must, except in a situation where additional temporary equipment is necessary for a period of 14 days or less, submit a revised site and operating plan to the Town depicting any changes from the approved conditional use permit. If the staff concludes that the proposed change will not cause additional adverse impacts to public health, safety or welfare or the environment, the amendment can be approved administratively. Upon receipt of the amended site plan and operating plan, the Town shall issue a revised conditional use permit as provided in this Article. In the event the staff concludes the proposed change would cause an additional adverse impact to public health, safety, welfare or the environment, the proposed amendment will trigger new notice and require a new conditional use permitting process.

d. *Plugging and Abandonment Permit.* The plugging and abandoning of a well or pipeline requires a Plugging and Abandonment Permit. An application for a plugging and abandonment permit will include the ECMC Well Abandonment Report (notice of intent), the timeline for plugging activities, and any need to disrupt traffic to accomplish the work. The Permit will be issued administratively and will not require a public hearing.

(1) *Recordation of Well Location.* The plugged and abandoned well shall be permanently marked by a brass plaque and recorded with County Clerk and Recorder as described in the Standards Document.

(2) *Recordation of Pipeline Locations; Notice of Abandonment.* The legal description of all flowlines, including transmission and gathering systems, shall be filed with the Manager and recorded with the Weld County Clerk and Recorder within 30 days after completion of construction. Notice of abandonment of any flowlines shall be filed with the Manager and recorded with the Weld County Clerk and Recorder within 30 days after abandonment. All flowlines, gathering, and transmission lines must be physically removed unless a surface owner agreement executed by an existing surface owner allows abandonment in place or the Manager finds that removal could cause significant damage other infrastructure (such as roads or other utilities) or to the environment.

4. *Seismic Operations.* Seismic survey operations within the Town limits are permitted through right of way permit or other permits as deemed necessary by the Manager. The seismic survey operations must comply with requirements in the Standards Document.

5. *Oil and Gas Pipeline Permit.*

- a. Pipelines shall meet the requirements in Section **9.8** as well as site specific conditions deemed necessary to protect public health, safety, welfare and the environment.
- b. Pipelines related to oil and gas development (that carry gas, oil, or produced water) that are off a working pad surface are allowed in all zoning districts through a Conditional Use Permit.
- c. Pipelines that enter Town property or public right-of-way in the Town must also obtain a public right-of-way permit from the Engineering & Utilities Department.

Sec. 9.12. Conditional Use Application Process

The application process will follow the requirements in section 4.6 except as modified below.

1. Step 1: Pre-Application Conference

- a. *Concept Review.* The applicant shall attend a pre-application conference with the Town. The purpose of the meeting is to discuss the permit submittal requirements, the review process, and the list of oil and gas standards that are required to reduce or eliminate impacts to public health, safety, welfare or the environment. If not already provided by the Applicant, the Town may require an Alternative Location Analysis that must be completed prior to submittal of the permit application.
- b. *Preliminary Site Analysis.* The applicant shall prepare and submit a Preliminary Site Analysis to the Town for review at the pre-application conference. The Preliminary Site Analysis shall include the following information:
 - (1) All drilling and spacing units proposed by the applicant within one (1) mile of the Town's boundaries;
 - (2) The proposed location for the oil and gas location and all features defined below, completely contained within, or within ¼ mile of all drilling and spacing units proposed by the applicant;
 - (3) Any existing residential, platted residential, or property currently entitled for residential use, not including properties zoned for agricultural use over five (5) acres in size;
 - (4) Properties designated for future residential use in the Town's adopted Comprehensive Plan, including mixed use;
 - (5) Any school, nursing facility as defined in § 25.5-4-103(14), C.R.S., hospital, life care institutions as defined in § 12-13-101, C.R.S., or correctional facility as defined in § 17-1-102(1.7), C.R.S.;
 - (6) Any fire stations, police facilities, and public works facilities.

- (7) Any operating Child Care Center as defined in § 26-6-102(1.5), C.R.S. Any public or private recreation facilities;
- (8) Outdoor place of assembly areas;
- (9) Public or private parks, including trails;
- (10) Senior living, assisted living facilities, or group homes;
- (11) Areas within the FEMA 100-Year Floodplain boundary;
- (12) The centerline of all USGS perennial and intermittent streams;
- (13) All public water system facilities including but not limited to treatment plants, raw water reservoirs, intake structures, storage tanks, and pump stations;
- (14) Wetlands; and
- (15) Sensitive wildlife areas.

c. *Alternative Location Analysis.* All applicants must submit an alternative location analysis. The alternative location analysis will include, at a minimum, the following information:

- (1) A map depicting the following elements within three (3) miles of the proposed surface location. (This requirement may be limited to one (1) mile for a proposed single vertical or directional well):
 - (a) All drilling and spacing units proposed by the applicant;
 - (b) All existing or platted school facilities, future school facilities, day care centers, hospitals, nursing home, memory care, Alzheimer's care, senior housing, or assisted living facilities;
 - (c) All platted residential subdivisions;
 - (d) 100-year floodplain;
 - (e) Current or planned future identified public drinking water supply areas;
 - (f) Designated Outdoor Activity Areas or recreational open spaces;
- (2) The analysis shall evaluate a minimum of three potential sites that can reasonably access the mineral resources within the proposed drilling and spacing unit(s), including the following information for each site:
 - (a) General narrative description of each site;
 - (b) Any factors listed in the location criteria that the site does not satisfy;
 - (c) Off-site impacts that may be associated with each site;
 - (d) Proposed truck traffic routes and access roads for each site; and
 - (e) Any information pertinent to the applicable review criteria that will assist the Town Manager in evaluating the sites.
- (3) *Location Suitability Criteria.* The following suitability criteria will be used in the Town Manager's consideration of the suitability of the proposed sites:

- (a) The proposed site's conformance with all Town regulations;
 - (b) The absence of any significant impacts the proposed site may have on adjacent properties;
 - (c) Adequate surface acreage and suitable topography for safe and efficient operations;
 - (d) The ability to adequately mitigate negative impacts from the proposed site;
 - (e) The ability to consolidate facilities with other planned drilling and spacing units;
 - (f) The ability to reconfigure proposed drilling and spacing unit applications to provide more suitable surface use locations; and
 - (g) Any other relevant considerations impacting public health, welfare, safety, and the environment.
- (4) *Suitability Analysis.* The Town Manager will determine suitability of all proposed sites based on the suitability criteria above. The Town Manager may also recommend analysis of additional sites if no locations appear to meet the suitability criteria or if there are additional locations that appear to meet the minimum suitability criteria that have been suggested by planning staff.

2. Step 2: Neighborhood Meetings.

All Oil and Gas Conditional Use applications shall be required to notify property owners and tenants of the Neighborhood Meeting a minimum of ½ mile (2,640 feet) from the parcel containing proposed Oil and Gas Location.

3. Step 3: Application Submittal.

Upon receipt of a complete application, the Town shall forward the application to the appropriate referral agencies. At minimum, the application shall be referred to Weld County, the Police Department, the ECMC, and the appropriate Fire District. Referral agencies shall be provided thirty (30) days to respond with any comments. After such period, the Town may proceed on the Application whether or not the Town has received comments from the notified referral agencies.

4. Step 4: Notice of Application and posting of property.

The area of notification for notice of application is ½ mile (2,640 feet) from the parcel containing proposed Oil and Gas Location.

5. Step 7: Final Staff Review and Staff Report

a. Town staff will complete a final review of the resubmitted application materials and then prepare a final staff report explaining how the application is or is not consistent with the review criteria and applicable Town ordinances, regulations and standards.

b. *Conditions of approval.* Staff will propose a list of conditions of approval, including requiring the use of Oil and Gas Standards, to reduce or eliminate impacts to public health, safety, welfare, or the environment. In proposing conditions of approval, the staff shall consider the following factors, among other considerations:

- (1) Site-specific factors of the proposed new oil and gas location;
- (2) The extent the conditions are necessary to prevent significant degradation of the health, safety, and welfare of Town and area residents;
- (3) The extent to which conditions of approval will promote the use of existing facilities and reduction of new surface disturbance;
- (4) The extent to which legally accessible and technologically feasible alternative sites exist for the proposed new oil and gas location; and
- (5) The extent to which the proposed oil and gas location is within land used for residential, industrial, commercial, agricultural, or other purposes.

6. Step 8: Notice of public hearing and posting of the property.

The area of notification for the notice of public hearing is ½ mile (2,640 feet) from the parcel containing proposed Oil and Gas Location.

Sec. 9.13. Review Standards.

Town decision-making body shall review the conditional use permit application and any evidence presented at public hearing for compliance and will explain how the application is or is not consistent with these review standards as well as Town ordinances, regulations, any recommendations of staff and the criteria for a variance, if applicable.

1. All standards for conditional use review pursuant to Section 4.9.4 are met.
2. The application complies with the location restrictions provided in Section 9.4 unless a variance is obtained.
3. The application substantially complies with the provisions and practices in the Standards Document;
4. There are no outstanding violations of ECMC rules or Town of Frederick code provisions at any well site or production site owned or operated by the applicant within the Town limits.
5. The proposal will, to the extent necessary and reasonable, avoid adverse impacts on public health, safety, welfare, and the environment, including wildlife resources, or will adequately minimize and mitigate potential adverse impacts.

Sec. 9.14. Notice to proceed.

Prior to commencement of operations for which a use permitted by conditional review has been approved, a "Notice to Proceed" shall be obtained from the Town Manager. The Town Manager shall issue the "Notice to Proceed" upon receipt of the following:

1. A copy of the resolution approving a use permitted by conditional review for a well or wells.
2. A copy of the approved site plan.
3. A copy of recorded easements that will prevent the prohibited land uses within the buffers listed in **9.18.1** above until the location has been properly plugged and abandoned.
4. A copy of an approved extra legal vehicle or load permit issued by the Town Manager pursuant to this Code, if applicable.
5. Proof of compliance with any conditions placed in the approved conditional use permit;
6. A copy of any other necessary permits, such as building permits and grading permits, if applicable;
7. Copies of any necessary county, state or federal permits issued for the operation if not previously submitted;
8. Copies of all necessary ECMC permits; and
9. Copies of all necessary Air Pollution Control Division permits.

Sec. 9.15. Transfer of Permits

Conditional use permits may be assigned to another operator only with the prior written consent of the Manager and upon a showing to the Manager that the new operator can and will comply with all conditions of the transferred permit and with all of the applicable provisions of this Land Use Code. The existing operator shall assign the permit to the new operator on a form provided by the Town and the new operator shall also sign the form agreeing to comply with all of the conditions of the permit and all applicable provisions of this Land Use Code. Such modification will be approved so long as the new operator complies with the following:

1. The new operator must certify that it will comply with all aspects of the existing conditional use permit.
2. The new operator has filed an Annual Operator Registration.
3. The location is in compliance with all applicable local and state regulations and permits.

Sec. 9.16. Expiration of Permits

1. A conditional use permit shall expire and be null and void if drilling and completion operations on all of the permitted wells are not completed and producing within three years after the date the permit is issued. If necessary to avoid conflicts with new residential development

within 1,000 feet, the permit may be limited to two years. In either event, the applicant may request in writing that the Manager approve an extension of such permit not to exceed one year. To approve any such extension, the Manager must find that the applicant has an existing and valid permit from ECMC for the subject oil and gas operations, the extension will not conflict with planned residential development in the area, and that the conditional use permit is in compliance with Town standards as of the date of the extension request.

2. The conditional use permit shall automatically expire with the abandonment and reclamation of all associated wells.

Sec. 9.17. Violation and enforcement.

1. *Unlawful to construct or install unapproved oil and gas facilities.* Except as otherwise provided in this Article, it is unlawful to construct, install or cause to be constructed or installed any oil and gas facility within the Town unless approval has been granted by the Board of Trustees. The unlawful drilling or redrilling of any well or the production therefrom is a violation of this Article.

2. *Penalty.* Any person, firm, corporation or legal entity which constructs, installs or uses or causes to be constructed, installed or used, any oil, gas or injection well, well site or production site, or commits any act or omission in violation of any provision of this Article or of the conditions and requirements of the oil and gas conditional use permit, may be punished by a fine located in Section 1-73 of the Municipal Code. Each day of such unlawful operation constitutes a separate violation.

3. *Civil action.* In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered or used, or any land is or is proposed to be used, in violation of any provision of this Article or the conditions and requirements of the oil and gas conditional use permit, the Town Attorney, in addition to the other remedies provided by law, ordinance or resolution, may institute an injunction, mandamus, abatement or other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration or use.

4. *False or inaccurate information.* The Board of Trustees may revoke an oil and gas conditional use permit if it is determined after an administrative hearing held on at least ten (10) days' notice to the applicant that the applicant provided information and/or documentation upon which approval was based, which the applicant, its agents, servants or employees knew, or reasonably should have known, was materially false, misleading, deceptive or inaccurate.

5. *Prospective application.* Unless specifically provided otherwise, this Article shall apply only to wells which are drilled or substantially modified in the Town on and after the date that the ordinance codified in this Article is adopted.

6. *Suspension and Revocation of Conditional Use Permit.*

- a. *Generally.* If at any time the Manager has reasonable grounds to believe that an operator is in violation of any enforceable provision of this Land Use Code with respect to oil and gas operations, the Manager may suspend the operator's permit. The Manager shall give the operator's designated agent written notice of the suspension and, upon receiving such notice, the operator shall immediately cease all operations under the permit, except those reasonably required to protect the public's health and safety.
- b. *Written Notice of Suspension.* The written notice of suspension shall state with specificity the alleged violation(s). The suspension shall continue in effect until the Manager determines that the violation(s) has been satisfactorily corrected. At any time during the suspension, the operator may appeal the Manager's action to the Municipal Court Judge by filing with the Town Clerk a written notice of appeal stating with specificity the operator's grounds for appeal.
- c. *Appeal.*
 - (1) Within 30 days of the Town Clerk's receipt of that notice, a public hearing shall be held before the Municipal Court Judge. The hearing shall be conducted as a quasi-judicial proceeding with the operator having the burden of proof, and with the Manager.
 - (2) After hearing and receiving evidence and testimony from the operator, from the Manager, and from other Town Staff and consultants, and after receiving public comment, the Municipal Court Judge may revoke the permit, terminate the suspension of the permit, or take such other action as it deems appropriate under the circumstances, taking into consideration and balancing the protection of the public's health, safety and welfare and the operator's rights under this Land Use Code, the conditional use permit, and state law to conduct its oil and gas operations.
 - (3) Within 25 days after the hearing, the Municipal Court Judge shall adopt its written findings and conclusion supporting its decision. The Municipal Court Judge's written findings and conclusions shall constitute the Municipal Court Judge's final decision.

7. *Recovery of fees.* Should the Town prevail in any action for legal or equitable relief for a violation of the provisions of this Article, in addition to any other penalties or remedies which may be available, the Town shall be entitled to recover any damages, costs of action, expert witness fees and reasonable attorney's fees incurred. (Ord. 735 §§3-8, 2004; Ord. 1389 § 6, 2023)

Sec. 9.18. Development setbacks from wells and facilities.

The purpose of this section is to allow land uses in the vicinity of oil and gas locations that are compatible with the industrial nature of oil and gas operations and disallow those land uses that are incompatible in order to protect public health, safety, and welfare.

1. Minimum setbacks from permitted working pad surfaces:

- a. No new residential, commercial, or mixed uses, school facilities, day care centers, hospitals, nursing home, memory care, Alzheimer's care, senior housing, or assisted living facilities may be constructed within the following minimum setbacks:

Oil and Gas Working Pad Surface	Lot Setback from Facility	Building Setback from Facility
Oil and gas production facility without wells	150'	200'
1 - 4 wells	150'	200'
5 - 14 wells	150'	350'
15 or more wells	150'	500'

- b. Measurements shall be taken from the closest edge of the closest oil and gas facility to the lot line or side of the building.

- c. The setback from a flowline or gathering line shall be a minimum of 15 feet. Increased setbacks shall be evaluated on a case-by-case basis, with the determining locational factor being the size, pressure, and type of pipeline being proposed.

- d. Streets shall not be platted within seventy-five (75) feet of a producing oil or gas well or its production facilities.

2. *Pre-Production Phase Occupancy Restrictions:* For permitted or existing oil and gas locations where all permitted wells have not entered production, no new residential, or mixed-use building units shall be permitted to be occupied within 1,000 feet of such oil and gas location. This includes, but is not limited to, school facilities, hospitals, medical clinics, senior living or assisted living facilities, or state licensed daycares. This section does not apply to industrial, commercial, agricultural, or open space uses. Measurements shall be taken from the edge of the oil and gas location.

3. *Early Production Phase Occupancy Restrictions:* No new residential or mixed-use buildings shall be allowed to be occupied within 1,000 feet of permitted or existing working pad surfaces for three years after the final well permitted for the location has been put into production. This includes, but is not limited to, school facilities, hospitals, medical clinics, senior living or assisted living facilities, or state licensed daycares. This section does not apply to industrial, agricultural, commercial, or open space uses. Measurements shall be taken from the edge of the working pad surface. This three-year prohibition may be limited to one year under the following conditions:

- a. Surface owner has requested a waiver of this requirement after one full year of production;
- b. Surface owner has provided any residents or new lot owners with a copy of the waiver request as well as the noticing requirements in “Plat Requirements” in 9.19.2; and
- c. After reviewing the safety, accident, and compliance records of the oil and gas operations, Manager has approved the requested waiver.

4. *Post-Production Phase:* For oil and gas wells that have been plugged and abandoned, no building may be placed within 200 feet of the well-bore which must be located and confirmed through digging and exposing the plugged and capped well as described in Sec. 9.19.3. There shall be access for ingress and egress to the buffer of a width of not less than 26 feet. An applicant may be granted an “alternative compliance buffer” as described below.

a. Alternative compliance buffer reduction from plugged and abandoned wells. Upon applicant request, the Manager may approve a reduced buffer distance from a plugged and abandoned well in lieu of the minimum 200-foot buffer distance provided that the approved reduced buffer is not less than 50 feet in width and 100 feet in length. The plugged and abandoned well shall be located in the center of the buffer. There shall be access for ingress and egress to the buffer of a width of not less than 26 feet. Such access will be granted by an easement created through a separate document and shown on the plat with Weld County Clerk and Recorder reception number before the plat is recorded.

b. An alternative compliance buffer reduction plan shall be prepared and submitted in accordance with the submittal requirements established by the Manager. At a minimum, the plan must:

- (1) Clearly identify and discuss the proposed buffer reduction and the ways in which the plan eliminates or minimizes the potential adverse effects to the level achieved by the 50 x 100-foot buffer.
- (2) Include information regarding environmental testing and monitoring for the site. Engineering review, site investigation, sampling, and/or monitoring shall be conducted to demonstrate that the well has been properly abandoned and that soil,

air and water quality have not been, and will not be, adversely impacted by oil and gas operations or facilities or other sources of contamination. Such sampling and monitoring shall be conducted by a qualified environmental engineering or consulting firm with experience in oil and gas investigations. Manager approval that the sampling and monitoring plan contains the information required pursuant to this subsection is required prior to sampling occurring. If the well was plugged and abandoned within the past five years and any necessary remediation was granted a “no further action” decision from the ECMC, submittal of state records of the plugging and remediation will be sufficient to satisfy this requirement.

- A. Include documentation of plugging activities, abandonment and any subsequent inspections.
- B. Include the results of soil sampling, ground water sampling, including soil gas testing if necessary.
- C. Include a written report verifying that the soil and groundwater samples meet applicable EPA and State residential regulations and that a reduced buffer would not pose a greater health or safety risk for future residents or users of the site.

(3)

- (4) Include a site survey, historical research, and/or physical locating techniques to determine exact location and extent of oil and gas operations and facilities.
- (5) The plugged and abandoned well shall be permanently marked by a brass plaque and recorded with County Clerk and Recorder as described below.

- c. Review Criteria. To approve an alternative compliance buffer reduction plan, the Manager must first find that the proposed alternative plan eliminates or minimizes the adverse effects referenced in the purpose of this Section equally well or better than would a plan which complies with the separation and spacing standards of this Section.
- d. The Manager may require conditions of approval which may specify a larger buffer distance or require that the following actions be completed by a qualified professional before development may occur, including but not limited to:
 - (1) Remediation of environmental contamination to background levels.
 - (2) Re-plugging of a previously abandoned well.

Sec. 9.19. Easements, Plats and Development Plans.

1. *New Oil and Gas Locations.* Prior to the issuance of a conditional use permit, an operator must obtain easements that will prevent the prohibited land uses within the buffers listed in Sec 9.18.1 above until the location has been properly plugged and abandoned. The Town will review these easements to ensure they provide adequate buffers and will automatically expire once the

wells are plugged and abandoned. The easements must be recorded prior to receiving a Notice to Proceed pursuant to Section 9.14.

2. *Plat Requirements for Existing Oil and Gas Locations.* Every final plat and site-specific development plan which falls within a buffer described in this section shall submit a location diagram of the location of the well or production site and depict the buffer and the restriction on the final plat or site-specific development plan. The following information shall be denoted on all preliminary and final plats:

- a. The reception number, date, and recording location of all relevant surface use agreements;
- b. The location of all oil and gas production facilities, access roads, and any associated easements;
- c. The location of any flowline and gathering line easements that are still being used; and
- d. A plat designation surrounding such flowlines and gathering lines, and a note expressly prohibiting any habitable building or structure within the designated setback from those facilities.
- e. No final plat shall be submitted to the Town for approval if such plat includes any lot, upon which a dwelling unit or public or private school could be built, within 1,000 feet from an existing or proposed oil or gas well unless the subdivider records against title to such lots the following notice, in at least 14-point font: "As required by Section 9.19 of the Town of Frederick Land Use Code, notice is hereby given that [insert description of lot] contains, or in the future could contain, a dwelling unit or public or private school within 1,000 feet of a producing or proposed oil or gas well. For more information contact the Town of Frederick Planning Department or the Energy and Carbon Management Commission." Such written notice may only be amended or terminated by the owner of such lot to correct typographical errors or to reflect the plugging and abandonment of wells. When any lot subject to the above written notice is first sold after plat approval to a purchaser intending to occupy the dwelling unit, the seller must provide the above written notice, in at least 14-point font, to the purchaser.

3. *Plugged and Abandoned Wells.*

- a. Prior to submittal of a final plat or site-specific development plan, each plugged and abandoned well shall be located and surveyed. The plugged and abandoned well shall be permanently marked by a brass plaque set in concrete similar to a permanent benchmark to monument its existence and location. Such plaque shall contain all information required on a dry hole marker by the Energy and Carbon Management Commission. The exact location will be recorded at the Weld County Clerk and Recorder.

b. On every final plat or site-specific development plan which contains a plugged and abandoned well, there shall be dedicated a well maintenance and workover setback depicted on the plat, the dimensions of which shall provide a 100-foot buffer unless Manager has granted an alternative compliance buffer of not less than 50 feet in width and 75 feet in length. No structures shall be located within this setback. The plugged and abandoned well shall be located in the center of the setback. There shall be an easement to provide access for ingress and egress to the setback of a width of not less than 26 feet to monitor or replug the well if necessary.

4. *Vacation of Existing Easements.* No easement may be vacated for a previous or existing well, flowline, or gathering line, unless documentation is provided to the Town demonstrating such well, flowline, or gathering line has been vacated in compliance with all applicable Colorado Energy and Carbon Management Commission regulations.

Section 7. Effective Date.

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

Section 8. Repealer.

All ordinances, resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance or resolution nor revive any ordinance or resolution thereby. Specifically, this ordinance repeals the 6-month oil and gas moratorium which was adopted on April 23, 2024.

Section 9. Certification.

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

**INTRODUCED, READ, PASSED AND ADOPTED THIS 12TH DAY OF
NOVEMBER, 2024.**

ATTEST:

TOWN OF FREDERICK

By _____
Tricia David, Town Clerk

By _____
Tracie Crites, Mayor

**TOWN OF FREDERICK
OIL AND GAS STANDARDS
("Standards Document")**

A. INTRODUCTION.

1. This Oil and Gas Standards Document ("Standards Document"), is adopted and enacted by the Board of Trustees of the Town of Frederick ("Town") pursuant to the authority established in Section 9.3.2 of the Frederick Land Use Code ("Code") and any enabling and amending ordinance and shall be enforced as set forth in the Code. This Standards Document and each individual provision is reasonable and necessary to achieve the purposes stated herein.
2. This Standards Document, and each provision herein, is enacted to protect public health, safety, and welfare and the environment by regulating specific areas of Oil and Gas Operations ("Operations") within the Town. This document establishes **minimum** standards and may be exceeded voluntarily or as determined by the Town in the processing of an Oil and Gas Permit, depending on the nature of the proposed Operations and location.
3. Where used in this Standards Document, the term "practicable" shall mean, in the Town Manager's ("Manager's") opinion, that: (a) there is no technology reasonably available to conduct the proposed Operations in compliance with the standard and waiver of the provision will not have a significant adverse effect on public health, safety, welfare, or the environment; (b) an alternative approach not contemplated by the standard is demonstrated to provide a level of protection of public health, safety, welfare, and the environment that would be at least equivalent to the standard; or (c) application of the standard would create an undue hardship because of unique physical circumstances or conditions existing on or near the site of the Oil and Gas Facility, which may include without limitation topographical conditions, shape or dimension of the site, or inadequate public infrastructure, provided adequate protection of public health, safety, welfare, and the environment will be ensured through other means. Except where the term "practicable" is used, modifications of these standards shall not be permitted except through a variance.
4. All terms used herein shall have the meaning set forth in the Code, unless a different definition is stated in this document; otherwise, terms and abbreviations shall have their generally accepted meaning as determined by reference to industry and regulatory standards.
5. Each provision is an integral part of this Standards Document and the Town's regulations of oil and gas development. Notwithstanding the foregoing, if any provision or a part thereof (or any application thereof) is found to be invalid by a court, such invalidity shall not affect the remaining parts of the provision or of this Standards Document which can be given effect without the invalid portion or application, provided such remaining portions or applications are not determining by the court to be inoperable. To this end, each provision within this Standards Document are declared to be severable.

B. SUMMARY OF REVISIONS. [RESERVED]

C. AIR QUALITY PROTECTION.

Operator's Oil and Gas Operations, Facilities and Locations shall comply with the air quality standards (collectively, "Air Quality Standards") set forth in this Section C, the purpose of which is to protect human health and safety; prevent injury to plant and animal life; prevent damage to property; prevent unreasonable interference with the public welfare; preserve visibility; and protect scenic values in the Town. The Air Quality Standards are established to prevent or mitigate the degradation of the Town's air and visibility resources; prevent odors and other air pollution problems; and to improve the quality of life and the general welfare in the Town.

1. *Air Emissions Mitigation Plan.* An air emissions mitigation plan shall be submitted by Operator with the Application filed with the Town, demonstrating how the development and operation of the subject Oil and Gas Facility or Location will minimize and mitigate adverse impacts to air quality, and demonstrating compliance with and implementation of the Air Quality Standards in this Section C ("Air Emissions Mitigation Plan").
 - a. Operator shall, through a manufacture-test or other recognized data analysis method, demonstrate hydrocarbon destruction or control efficiency that complies with a design destruction efficiency of 98% or better.
 - b. Operator shall use no-bleed continuous and intermittent pneumatic devices.
 - c. Operators shall not use glycol dehydrators or desiccant gas processing dehydrators.
 - d. Operator shall use current best management practices during liquids unloading (i.e. maintenance activities to remove liquids from existing wells that are inhibiting production), designed to minimize hydrocarbon emissions to the greatest extent practicable.
 - e. Operator shall reduce emissions from oil and gas pipeline maintenance activities such as pigging or blowdowns. Any maintenance activity involving the intentional venting of gas from a well tank, compressor or pipeline, beyond routine pipeline maintenance activity and pigging, requires forty-eight (48) hour advance written notice to the Town of such proposed venting. Such notice shall identify the duration and nature of the venting event, a description as to why venting is necessary, a description of what vapors will likely be vented, what steps will be taken to limit the duration of venting, and what steps Operator proposes to undertake to minimize similar events in the future. If venting is required, or if accidental venting occurs, Operator shall provide such notice to the Town of such event as soon as possible, but in no event longer than 24 hours from the beginning of the event, including without limitation the information listed above, an explanation as to the cause, and how the event will be avoided in the future; notices shall be supplemented as additional information becomes available.
 - f. Operator shall use telemetric control and monitoring systems, including surveillance monitors, to detect when pilot lights on control devices are extinguished.
 - g. Operator shall construct oil and gas pipeline infrastructure prior to the Production Phase.
2. *Ambient Air Monitoring Plan.* The Air Emissions Mitigation Plan will include an ambient air monitoring plan, describing how Operator will conduct baseline monitoring prior to construction of the subject Oil and Gas Facility or Location ("Ambient Air Monitoring Plan"). The Ambient Air Monitoring Plan shall also describe how Operator will conduct high-frequency monitoring and collect periodic canister samples (or equivalent method capable of speciating air samples) during the drilling, completion, and production phases of Operator's Oil and Gas Operations. Air pollutants monitored shall include methane and total VOCs (including BTEX).
 - a. Baseline, pre-drilling monitoring shall be conducted within five hundred feet (500') of the Oil and Gas Facility or Location over a thirty (30)-day period. Baseline monitoring shall track levels and changes in monitored air pollutant concentrations. Baseline monitoring data shall be provided as part of Operator's Oil and Gas Application submitted to the Town.
 - b. High-frequency monitoring for hydrocarbons shall occur at frequencies of no less than once per hour during drilling and completion phases of Oil and Gas Operations. Each hydrocarbon monitor shall include a sampling device to automatically collect a speciated air sample when the monitor levels reach a threshold concentration level as defined in the Ambient Air Monitoring Plan, or in response to a request by the LGD. Meteorological monitoring is also required during the time that air quality monitoring is conducted. High-frequency monitoring of production Oil and Gas Operations will continue until three (3) years have passed from the date the last Well drilled on the subject Oil and Gas Location entered its production phase of Oil and Gas Operations, unless a School, licensed childcare center, hospital, or residence is within one thousand feet (1,000') of the edge of the subject Oil and Gas Location. In such instances, high-frequency monitoring shall be required until all Wells

at such Oil and Gas Location are plugged and abandoned. Continuation of high-frequency monitoring may also be required at the discretion of the CDPHE Director if repeated emissions at threshold concentrations, as defined in the Ambient Air Monitoring Plan, are detected, or as a result of repeated odor violations.

- c. In the event a speciated sample is triggered, the Town shall be notified. Depending on the circumstances, expedited lab analysis may be required by the Town.
 - d. Operator's Air Quality Monitoring Plan shall meet the minimum requirements of the CDPHE's Air Quality Control Commission ("AQCC") Regulation 7, Section VI.C., and shall receive approval from the CDPHE prior to beginning air quality monitoring at the subject Oil and Gas Location.
 - e. When submitting an Air Quality Monitoring Plan to the CDPHE, Operator shall submit the same at least ninety (90) days in advance of the above-described pre-drilling monitoring, to account for the Town's thirty (30)-day pre-drilling air quality monitoring requirement.
 - f. The Air Quality Monitoring Plan submitted to CDPHE for review shall include the pollutants identified in this Section C.
 - g. The CDPHE will review the monthly reports of the Air Quality Monitoring Plan through the first six (6) months of hydrocarbon production from the subject Oil and Gas Location. After such period, Operator shall retain a third-party consultant to implement the approved plan to monitor air quality for the timelines identified in this Section C. Monthly reports would then be submitted to the Town, rather than to the CDPHE, by the last day of each month.
3. *Air Quality Action Advisory Days.* The Operator shall utilize the following "Action Advisory Days Provisions," to the extent reasonably practicable, to reduce emissions on Air Quality Action Advisory Days posted by the CDPHE for the Front Range area. The Action Advisory Days Provisions shall be described in the Air Emissions Mitigation Plan and shall include how air quality alerts are received, outline specific emission reduction measures, and include requirements for documenting the measures implemented, including the following:
- a. Minimizing vehicle traffic and engine idling;
 - b. Reducing truck and worker traffic;
 - c. Delaying vehicle refueling;
 - d. Suspending or delaying use of fossil fuel powered equipment;
 - e. Postponing construction and maintenance activities, unless repairing identified leaks or releases;
 - f. Postponing Well maintenance and liquid unloading that would result in emission releases to the atmosphere; and
 - g. Postponing or reducing Oil and Gas Operations with high potential to emit VOCs, NO_x and Particulate Matter, e.g. dust or smoke.
4. *Venting.* Venting is prohibited, except as allowed in ECMC Rules.
5. *Flaring.* Flaring is prohibited, except as allowed in ECMC Rules.
6. *Odor.* Operator's Oil and Gas Operations, Facilities and Locations shall comply with AQCC Regulation No. 2 Odor Emission, 5 CCR 1001-4; AQCC Regulation No. 3, 5 CCR 1001-5; and AQCC Regulation No. 7, 5 CCR 1001-9, Sections VII and VIII, and this Standards Document.
- a. If a resident within one-half (½) mile (2,640') of an Oil and Gas Location or Facility complains of odor (either directly to Operator, to the ECMC, or to the Town), Operator must determine whether the odor is caused by Operator's Oil and Gas Operations. Within twenty-four (24) hours of being notified of such odor complaint, Operator will provide the Town and complainant with a complete description of all Oil and Gas Operations occurring at the subject Oil and Gas Facility or Location at the time of the odor complaint. If Operator or Town determines that the odor which is the subject of the complaint

is caused by Operator's Oil and Gas Operations, Operator shall resolve such odor concern to the maximum extent practicable within twenty-four (24) hours. Within seventy-two (72) hours of the odor complaint, Operator shall report its conclusions, and the resolution of the odor complaint, to the Town and the complainant.

- b. If it is determined that Operator caused odors in violation of the Code, Operator may be required to cease or change its Oil and Gas Operations, notify affected residents, and/or temporarily relocate residents until the subject Oil and Gas Facility or Location is no longer causing an odor violation.
- c. If odor persists after Operator investigation and mitigation measures, and there are reasonable grounds to believe that the subject Oil and Gas Facility or Location is causing the odor, the Town may require Operator to conduct additional investigation, which may include audio, visual, and olfactory inspections or instrument based (e.g., infrared camera) leak inspections, and take appropriate corrective action based on the results of such investigation and the severity of odor.
- d. In response to odor complaints, the Town may require Operator to collect and analyze a speciated air sample to measure for volatile organic compounds or hazardous air pollutants known to cause potential health risks, and to have acute health guideline values identified by the Agency for Toxic Substances and Disease Registry and/or CDPHE to further evaluate the risk of the odor. Speciated air sample collection shall be done utilizing a third-party vendor approved by the Town.

7. *Fugitive Dust.* The fugitive dust requirements in ECMC Rule 427 shall apply to Operator's Oil and Gas Operations, Facilities and Locations. A dust mitigation plan shall be submitted by Operator with the Application filed with the Town, demonstrating how the development and operation of the subject Oil and Gas Facility or Location will minimize and mitigate adverse impacts to air quality ("Dust Mitigation Plan").

- a. If a resident (including business and agriculture) within one-half ($\frac{1}{2}$) mile (2,640') of an Oil and Gas Location or Facility complains of dust directly to Operator, to the ECMC, or to the Town, Operator must assist the Town to determine whether the complained of dust is caused by Operator's Oil and Gas Operations. Within twenty-four (24) hours of being notified of such dust complaint, Operator will provide the Town and complainant with a complete description of all Oil and Gas Operations occurring at the subject Oil and Gas Facility or Location at the time of the dust complaint. If the Town determines the complained of dust is caused by Operator's Oil and Gas Operations, Operator shall resolve the dust concern to the maximum extent practicable within twenty-four (24) hours. Within seventy-two (72) hours of such dust complaint, Operator shall report its conclusions, and the resolution of the dust complaint, to the Town and the complainant.
- b. If Operator's Oil and Gas Facilities or Locations are determined to be causing dust that constitutes a nuisance or hazard to public health, safety, welfare, or the environment, the Town may require additional dust mitigation efforts as necessary and reasonable at any point during Operator's Oil and Gas Operations.
- c. Silica dust must be contained to the maximum extent practicable during the hydraulic fracturing process at any Oil and Gas Facility or Location.

8. *Gas Leak Detection and Repair Plan.* A leak detection and repair plan shall be submitted with Operator's Application filed with the Town and updated as necessary ("Leak Detection and Repair Plan").

- a. A Leak Detection and Repair Plan shall describe a leak detection and repair ("LDAR") program acceptable to the CDPHE using modern leak detection technologies, such as infrared ("IR") cameras, for equipment used at an Oil and Gas Facility or Location.
- b. A Leak Detection and Repair Plan shall disclose techniques, methods and protocols that will be utilized at Operator's subject Oil and Gas Facilities and Locations to identify, prevent, contain, document, repair, and report leaks, and shall demonstrate how it will comply with and implement the standards in this Section A.

- c. Operator shall conduct leak detection and repair inspections at every Oil and Gas Facility and Location a minimum of once every year, or at greater frequencies as required by the CDPHE for the subject emission source, using modern leak detection technologies (infrared cameras, etc.) and equipment. The results of said inspections, including all corrective actions taken, shall be reported to the Weld County Health Department, and the LGD, upon request.
 - d. Repair of leaks shall occur within seventy-two (72) hours of detection. If a leak is not repaired within seventy-two (72) hours of detection, Operator must use other means to stop the leak, including but not limited to, isolating the component or shutting-in the subject Well, unless such other means will cause greater emissions. If it is anticipated that a repair will take longer than seventy-two (72) hours, Operator shall provide a written explanation to the Town and the LGD as to why more time is required and how the leak will be contained.
 - e. Equipment leaks that pose an imminent safety risk to persons, wildlife, or the environment require Operator to take the most appropriate safety response action, which may include shut down of the affected equipment or Oil and Gas Facility or Location, and a prohibition on the resumption of Oil and Gas Operations, until the Operator has provided evidence that the leak has been repaired.
 - f. Upon request, Operator will also provide the Town an opportunity to attend and observe a routine leak inspection.
9. *Electric Equipment.* Operator's Oil and Gas Operations, Facilities or Locations shall be subject to the following:
- a. All permanent production equipment, such as compressors, motors and artificial lift equipment at Operator's Oil and Gas Facilities or Locations shall utilize electric line power to mitigate noise and to reduce emissions.
 - b. All drilling rigs used to drill to target depth on Operator's Oil and Gas Locations shall utilize electric line power unless after discussions with United Power, such power needs at Oil and Gas Operations, Facilities, or Locations cannot be met.
 - c. Operator shall use electric power for hydraulic fracturing Oil and Gas Operations on Operator's Oil and Gas Locations unless after discussions with United Power, such power needs at Oil and Gas Operations, Facilities, or Locations cannot be met. In such an instance, Operator shall use Tier IV hydraulic fracturing engines (or technology that achieves equivalent or better emission reductions.)
 - d. Operator will minimize use of diesel generators for temporary power, including the use of liquified or compressed natural gas for power generation, to further reduce emissions and noise on Operator's Oil and Gas Locations; provided however, that Operator shall be authorized to maintain back-up diesel generators for temporary power on its Oil and Gas Facilities and Locations, to protect public health, safety and welfare, and the environment, in the event of an unexpected electrical outage.
 - e. *Air Quality Conditions of Approval in ECMC Permit.* Consistent with b and c above, Unless specifically waived by United Power, Operator will propose the following language to be inserted as conditions of the ECMC's approval of an Oil and gas Development Plan, Form 2A, or Form 2:
 - i. "All drilling rigs on Operator's Oil and Gas Locations shall utilize electric line power."
 - ii. "Operator shall use electric power for hydraulic fracturing Oil and Gas Operations on Operator's Oil and Gas Locations." Or, if electric power needs cannot be met, "Operator shall use Tier IV hydraulic fracturing engines (or technology that achieves equivalent or better emission reductions.)"
10. *Dehydrators.* Glycol dehydrators and desiccant gas processing dehydrators are prohibited on Operator's Oil and Gas Facilities and Locations.
11. *Compressor Engines.* Compressor engines are prohibited within Town limits, except for wellhead, gas lift, air, vapor recovery unit ("VRU"), and/or gas gathering compressors, which shall be located on

Operator's Oil and Gas Facilities or Locations. Operator shall use enclosures of compressor engines where necessary to provide visual and/or noise mitigation at Operator's Oil and Gas Facilities and Locations. VRU and gas gathering compressor engines will be installed with sound walls to buffer noise.

12. *Pilot Lights.* Operator shall use telemetric control and monitoring systems on Operator's Oil and Gas Facilities and Locations, including surveillance monitors, to detect when pilot lights on control devices are extinguished.
13. *STAR Program.* Operator shall participate in the Natural Gas STAR program, or other equivalent voluntary program(s), to encourage innovation in pollution control at each of Operator's Oil and Gas Facilities and Locations.
14. *Pipeline Infrastructure.* Operator shall construct Pipeline infrastructure to carry both oil and gas for any Oil and Gas Facilities and Locations prior to the beginning production Oil and Gas Operations.

D. WATER QUALITY AND QUANTITY.

Operator's Oil and Gas Operations, Facilities and Locations shall comply with the water quality standards (collectively, "Water Quality Standards") set forth in this Section D, the purpose of which is to: protect human health and safety; prevent injury to plant and animal life; prevent damage to property; prevent unreasonable interference with the public welfare; and to protect water quality. The Water Quality Standards are established to prevent or mitigate the degradation of the Town's water resources; prevent odors and other pollution problems; and to improve the quality of life and the general welfare in the Town.

1. *Water Quality Protection.* Operator's Oil and Gas Operations, Facilities and Locations shall not cause degradation to surface or ground water, or to wetlands, within the Town.
2. *Water Quality Report/Plan.* A water quality report/plan shall be submitted with all Oil and Gas Facility or Location Applications filed with the Town ("Water Quality Report/Plan"). The Water Quality Report/Plan shall demonstrate how the development and operations of the subject Oil and Gas Facility or Location will avoid adverse impacts to surface and ground waters in the Town, identify all private and community permitted water wells of public record within one-half (½) mile (2,640') of the subject Oil and Gas Facility or Location, and demonstrate compliance with and implementation of standards in the Code, ECMC Rules, and this Section D.
3. *Chemical Disclosure, Storage & Prohibitions.* Operator's Oil and Gas Operations, Facilities or Locations shall be subject to the following:
 - a. Prior to any hydraulic fracturing Oil and Gas Operations, Operator shall provide the Town with a copy of the Chemical Disclosure Registry form provided by Operator to the ECMC pursuant to the ECMC's "Hydraulic Fracturing Chemical Disclosure."
 - b. Use of PFAS chemicals is prohibited in drilling or hydraulic fracturing fluids, or in firefighting foam, used in or on Operator's Oil and Gas Operations, Facilities and Locations.
 - c. Drilling and completion chemicals shall be removed from Oil and Gas Facilities and Locations no less than sixty (60) days following the completion of drilling and completion Oil and Gas Operations.
 - d. Operator shall not permanently store flowback from hydraulic fracturing, or produced water, at any Oil and Gas Facility or Location.
 - e. Operator shall not use any substances that are prohibited by state or federal rules or regulations at any Oil and Gas Facility or Location.

4. *Spills.* Operator's Oil and Gas Operations, Facilities or Locations shall be subject to the following:
 - a. Operator shall prepare, and provide to the Town, a fluid leak detection plan as described in the ECMC Rules ("Fluid Leak Detection Plan").
 - b. Operator shall notify the Town and Weld County as soon as possible of spills on Oil and Gas Facilities or Locations that threaten the Town Public Water System water supplies or the water within a natural river or stream.
 - c. Operator shall provide the Town with a copy of any self-reporting submissions that Operator provides to the ECMC due to any spills at Oil and Gas Facilities or Locations.
5. *Stormwater.* Operator's Oil and Gas Operations, Facilities or Locations shall comply and conform to the Town's stormwater control regulations found in the Code, Chapter 13.
 - a. Maintenance of Machinery.
 - i. Operator shall not conduct any vehicle maintenance at any Oil and Gas Facility or Location.
 - ii. Operator shall not conduct routine field maintenance of mobile machinery within three hundred feet (300') of any water body as defined by the Code.
 - iii. All machinery fueling at Oil and Gas Facilities or Locations must occur over impervious material.
6. *Baseline and Monitoring Water Source Tests.* As required by and submitted to the ECMC and CDPHE, baseline and monitoring Water Source sampling/testing shall be provided to the LGD for the life of the subject Oil and Gas Facility or Location, and during any post-closure assessments of such Oil and Gas Facility or Location.
 - a. Operator shall offer non-confidential baseline and monitoring Water Source sampling/testing, free of charge, to all well-owners of public record within one-half (½) mile (2,640') of any of Operator's Oil and Gas Facilities or Location.
 - b. Operators baseline and monitoring water testing will test for the analytes listed in Table 1 below, in addition to the analytes tested pursuant to ECMC Rules, at Oil and Gas Facilities and Locations.
 - c. Operator must attempt to collect initial baseline samples, and monitoring samples, from all available potable Water Sources within a one-half (½) mile radius of Oil and Gas Facilities or Locations. Potable Water Sources include registered water wells or permitted or adjudicated springs.
 - d. In conducting the foregoing baseline and monitoring water sampling/testing, Operator shall make reasonable efforts to obtain the consent of the owner of the Water Source. If Operator is unable to locate and obtain permission of the Water Source owner, Operator must advise the Town that Operator could not obtain access to the Water Source from the owner thereof.
 - e. Operator may rely on existing groundwater sampling data from any Water Source within the radii described above, provided that such sampling data: (i) was collected in accordance with accepted standards and (ii) was collected within the twelve (12) months preceding the commencement of the drilling phase of Operator's Oil and Gas Operations for the subject Oil and Gas Location. Such data includes measurement of all of the constituents measured in Table 2 below, and confirmation that there has been no significant oil and gas activity within a one (1) mile radius in such time period between the original sampling and the commencement of the drilling phase of Operator's Oil and Gas Operations for the subject Oil and Gas Facility or Location.
 - f. Operator shall follow standard industry procedures in collecting baseline and monitoring water samples, consistent with the ECMC's model Sampling and Analysis Plan.
 - g. Operator shall report the location of any baseline or monitoring water sample Water Source using GPS with sub-meter resolution.
 - h. Operator shall report results of field observations made during the conduct of any baseline or monitoring water sampling, including reporting on damaged or unsanitary Well conditions, adjacent potential pollution sources, odor, water color, sediment, bubbles, and effervescence, to the Town.

- i. Operator shall provide copies of all baseline and monitoring water sampling/testing results to the Town, the ECMC, and the Water Source owner(s), if reasonably locatable, within thirty (30) days after Operator receives the same.
- j. *Subsequent Water Source Sampling.* If any baseline or monitoring water sampling shows water contamination, additional measures shall be required, including:
 - i. If free gas or a dissolved methane concentration level greater than one (1) milligram per liter (mg/l) is detected in a Water Source subject to Operator's baseline or monitoring water sampling, Operator shall determine the gas type using gas compositional analysis and stable isotope analysis of the methane (carbon and hydrogen).
 - ii. If such determination indicates thermogenic, or a mixture of thermogenic and biogenic, gas, an action plan to determine the source of such gas shall be prepared by Operator.
 - iii. Operator's immediate notification of the Town, the ECMC, and the owner of the subject Water Source shall be required if such methane concentration increases by more than five (5) mg/l between sampling periods, or increases to more than ten (10) mg/l.
 - iv. Operator's immediate notification of the Town, the ECMC, and the owner of the subject Water Source shall be required if BTEX and/or TPH are detected. Such detections may result in required subsequent sampling for additional analytes.
 - v. Operator's further Water Source sampling/testing in response to complaints from water source owners.
 - vi. Operator's timely production and distribution of water sampling/testing results, in electronic deliverable format, to the Town, the ECMC and the Water Source owners.
 - vii. *Qualified Independent Professional Consultant.* All baseline, monitoring and subsequent Water Source sampling/testing must be conducted by a qualified, independent professional consultant engaged by Operator.

TABLE 1

GENERAL WATER QUALITY
Alkalinity, Conductivity & TDS, pH, Dissolved Organic Carbon (or Total Organic Carbon), Bacteria, Perfluorinated Compounds (PFCs), and Hydrogen Sulfide
MAJOR IONS
Bromide, Chloride, Fluoride, Magnesium, Potassium, Sodium, Sulfate, and Nitrate + Nitrite as N
METALS
Arsenic, Barium, Boron, Chromium, Copper, Iron, Lead, Manganese, Selenium, Strontium, Mercury, Uranium, and Radium
DISSOLVED GASES and VOLATILE ORGANIC COMPOUNDS
Methane, Ethane, Propane, BTEX as Benzene, Toluene, Ethylbenzene and Xylenes, Total Petroleum, and Hydrocarbons (TPH)
OTHER
Water Level, Stable isotopes of water (Oxygen, Hydrogen, Carbon), Phosphorus.

7. *Waste and Wastewater Management.* Operator shall implement and submit a waste and wastewater management plan to the Town with the Application that complies with the following (“Waste and Wastewater Management Plan”):
 - a. No Class II injection Wells are to be located within Town limits.
 - b. No land treatment of oil-impacted or contaminated drill cuttings are permitted within the Town.
 - c. All fluids on Oil and Gas Facilities or Locations shall be contained, and there shall be no discharge of fluids.
 - d. Wastewater shall be stored in tanks, transported by tanker trucks and/or pipelines, and disposed of at licensed disposal or recycling sites in accordance with applicable law and the operator’s Waste and Wastewater Management Plan.
 - e. If requested, the amount of water disposed or recycled shall be reported to the Director of Engineering and Utilities Department.
 - f. The Waste and Wastewater Management Plan shall incorporate secondary containment and stormwater measures consistent with this Standards Document.
8. *Wetlands Protection Plan.* If applicable, Operator shall implement a *Wetlands Protection Plan* demonstrating the oil and gas operations shall, to the maximum extent practicable, avoid causing degradation to wetlands within the Town. Among other methods to achieve compliance with this standard, the proposed oil and gas operation shall not alter historic drainage patterns and/or flow rates or shall include acceptable mitigation measures to compensate for anticipated drainage impacts.
9. *Water Supply.* Operator’s Oil and Gas Operations, Facilities or Locations shall be subject to the following:
 - a. Operator shall comply with applicable State of Colorado, Department of Natural Resources and other applicable state regulations concerning the source(s) of water used in the drilling and completion phases of Operator’s Oil and Gas Operations.
 - b. All water volumes actually used by Operator during Operator’s Oil and Gas Operations shall be reported by Operator to the State of Colorado in accordance with ECMC rules and regulations.
 - c. All fresh water used in Operator’s Oil and Gas Operations for hydraulic fracturing shall be transported to Oil and Gas Facilities or Locations by means other than by truck, unless Operator provides notice to the Town, therein demonstrating extenuating circumstances which will allow trucks to deliver water for no more than seven (7) days or less. If the transportation of water by means other than truck exceeds seven (7) days, Operator will seek any necessary amendments to this MOU.
 - d. Water will be reused to the greatest extent practicable during the drilling and hydraulic fracturing phase or oil and gas development.
 - e. Operator will assure that water suppliers transporting water to Operator’s Oil and Gas Facilities and Locations have acquired all necessary permitting, easements, etc. for such transportation. The water transportation route and Water Source will depend on which water supplier is chosen for a given Oil and Gas Operation; once confirmed, and in each case, Operator will provide the water transportation route and Water Source information to the Town. Where reasonably practicable, Operator may utilize Town Road Right-of-Way, and Town drainage culverts for the laying and operation of temporary water lines on the surface, upon prior notice to the Town of such intended use. If necessary, Operator will bury temporary water lines at existing driveway and gravel road crossings, or utilize existing culverts, if available.
10. *Closed-Loop Pitless Systems for the Containment and/or Recycling of Drilling Fluids.* Operator’s Oil and Gas Operations, Facilities or Locations shall be subject to the following:
 - a. Wells shall be drilled, completed and operated using closed-loop systems for containment and/or recycling of all drilling, completion, flowback and produced fluids.

b. Operator shall recycle drilling and hydraulic fracturing fluids to the greatest extent practicable.

11. *Water Resources Map.* Operator shall prepare a topographic map (“Water Resources Map”) showing the horizontal distance and approximate bearing from Oil and Gas Facilities and Locations to:

- a. All surface Waters of the State within one-half (1/2) mile (2,640’) of the subject Oil and Gas Facility or Location. Such map will indicate which surface water features are downgradient;
- b. All Water Sources within one-half (1/2) mile (2,640’) of the subject Oil and Gas Facility or Location;
- c. Any Public Water System facilities, including intake structures, water wells, storage facilities, recharge areas, and treatments plants within one-half (1/2) mile (2,640’) of the subject Oil and Gas Facility or Location;
- d. ECOM Rule 411 buffer zones, as may be amended, within one-half (1/2) mile (2,640’) of the subject Oil and Gas Facility or Location; and
- e. Any surface waters within one-half (1/2) mile (2,640’) of the subject Oil and Gas Facility or Location that are fifteen (15) stream miles upstream of a Public Water System intake.

12. *Containment Berms.* Operator’s Oil and Gas Operations, Facilities or Locations shall be subject to the following:

- a. Operator shall utilize steel-rim berms (or similar material of comparable durability, designed and installed to prevent leakage and resist degradation from erosion or routine operation) around all permanent separation and storage equipment at the subject Oil and Gas Facility or Location, with sufficient capacity to contain one and one-half (1.5) times the maximum volume of liquids that such equipment will contain at any given time plus sufficient freeboard to prevent overflow.
- b. All berms and containment devices shall be inspected quarterly by Operator and maintained in good condition.
- c. Secondary containment, such as duck ponds or lined earthen berms for temporary tanks, shall be used.
- d. Secondary containment shall be constructed with a synthetic or engineered liner that contains all primary containment vessels and is mechanically connected to the steel ring to prevent leakage.
- e. No potential ignition sources shall be installed inside the secondary containment area unless the containment area encloses a fired vessel, or such sources are rated in accordance with industry codes and standards.
- f. For Oil and Gas Facilities or Locations within one thousand feet (1,000’) and up-gradient of a surface water body, tertiary containment, such as an earthen berm, is required around such Oil and Gas Facilities or Locations.

E. SAFETY.

Operator’s Oil and Gas Operations, Facilities and Locations shall comply with the safety standards (collectively, “Safety Standards”) set forth in this Section E, the purpose of which is to: protect human health and safety; prevent injury to plant and animal life; prevent damage to property; and prevent unreasonable interference with the public welfare.

1. *Emergency Response Plan, Will-Serve Letter, and Resource Mobilization/Cache Plan.* Operators must comply with Code section 9.9 – Emergency Response.
2. *Discharge Valves.* Open-ended discharge valves on all storage tanks, Pipelines and other containers within the subject Oil and Gas Facility or Location shall be secured, and shall not be accessible to the general public. Open-ended discharge valves within the subject Oil and Gas Facility or Location shall be placed within the interior of the secondary containment area.

3. *Flammable Material.* All ground within twenty-five feet (25') of any tank, or other structure containing flammable or combustible materials, located on the subject Oil and Gas Facility or Location shall be kept free of dry weeds, grass, or rubbish, and shall conform to ECMC Rules and the applicable fire code for such Oil and Gas Facility or Location. Landscaping is prohibited within twenty-five feet (25') of any tank, or other structure containing flammable or combustible materials, located on the subject Oil and Gas Facility or Location.
4. *Safety Management Plan.* Operator shall maintain a safety management plan for Operator's Oil and Gas Operations ("Safety Management Plan"), including: hazard review, operating procedures, safety training program, maintenance procedures, compliance audits, and design measures.
5. *General Maintenance.* Operator shall conduct Oil and Gas Operations, and maintain all equipment, pursuant to applicable manufacturer specifications, consistent with technological limitations and reasonable and customary maintenance practices.
6. *Use of Pipelines.* Operator's Oil and Gas Operations, Facilities and Locations shall comply with the following:
 - a. Operator shall use Pipelines for the transport of oil and gas from Oil and Gas Facilities and Locations. Where practicable, Operator will use Pipelines to transport produced water from the same as well.
 - b. Operator shall be permitted to utilize temporary tanks during drilling, flowback, workover, completion, hydraulic fracturing, maintenance, and during the first year of production at Oil and Gas Facilities and Locations.
 - c. Operator shall obtain all state and local government approvals necessary for the construction and use of Pipelines associated with Oil and Gas Facilities and Locations.
7. *Analysis of Plugged and Decommissioned Wells.* Operator's Oil and Gas Operations, Facilities and Locations shall comply with the following:
 - a. Before and after the hydraulic fracturing of any new Well(s), Operator shall assess the integrity of all Wells (Active, Dry & Abandoned, Injecting, Plugged & Abandoned, Producing, Shut-In, and Temporarily Abandoned) where the surface location of such Wells are both within Town limits and within one thousand five hundred feet (1500') of the completion interval of the projected track of the borehole of the proposed new Well(s), based upon examination of ECMC and other publicly available records ("Well Assessment"). Well Assessments shall include assessment of leaking gas, oil, or water into the ground surface or into subsurface Water Sources, taking into account plugging and cementing procedures described in any recompletion, or plugging and abandonment, reports filed with the ECMC. Well Assessments shall be provided to the Town.
 - b. Based on the results of a Well Assessment, the Town may request Operator to plug and abandon, in compliance with all ECMC Rules in relation to Well abandonment and plugging, any of the Operator's existing Wells or such Wells identified in the Well Assessment that are under Operator's ownership, control or authority. Additionally, the Town may request that Operator attempt to negotiate the plugging and abandonment of other Wells of concern identified in the Well Assessment that are not owned, controlled and/or within Operator's authority, but only to the extent that such Wells are within one thousand five hundred feet (1500') of the completion interval of the projected track of the borehole of the proposed new Well(s). If Wells of concern identified in the Well Assessment are not plugged and abandoned, Operator must supply a follow-up monitoring plan, which will be used to prevent or detect any communication between the Well(s) of concern identified in the Well Assessment and the proposed new Well(s).
 - c. Operator shall provide notification to the Town, and to applicable fire district(s) associated with the subject Oil and Gas Facility of Location not less than fourteen (14) days prior to commencing plugging

and abandonment Oil and Gas Operations. Operator shall notify the Town and the ECMC of the results of such plugging and cementing procedures.

- d. For each Well abandoned by Operator within Town limits, for which appropriate access and permission to perform tests is granted, a soil gas survey testing the soil within a ten foot (10') radius of the subject Well shall be completed prior to production from a proposed new Well(s), and again one (1) year after production has commenced on the new Well(s) ("Soil Gas Survey"). Every Well abandoned by Operator and for which Operator has obtained appropriate access and permission, shall also be subject to such Soil Gas Survey testing one (1) year after production has commenced on a new Well(s). Operator shall provide the results of such Soil Gas Survey to the Town and the ECMC within one (1) month of conducting the same, or advise the Town that access to the previously abandoned Well(s) could not be obtained.

8. *Surface Safety Valve and Automatic Safety Protective Systems.* Operator's Oil and Gas Operations, Facilities and Locations shall comply with the following:

- a. Operator will install an automated safety system, governed by safety devices and a programmable logic computer, at each Oil and Gas Facility and Location ("Auto Safety System").
- b. Each Auto Safety System shall include a surface safety valve ("SSV") or wellhead master control valve installed for each new Well, before the commencement of the production phase, connected to the production tubing at the surface. The SSV or wellhead master control valve shall monitor multiple flowing pressures and rates having predetermined maximum and/or minimum threshold values programmed, and will remotely shut the Well down should certain upset conditions be detected. Additionally, the Auto Safety System shall provide the ability to remotely shut-in Wells on demand through operator remote intervention.
- c. The SSV or wellhead master control valve will have documented, quarterly testing to ensure functionality per the same's manufacturer's specifications.

9. *Flowback Best Management Practices.* Operator's Oil and Gas Operations, Facilities and Locations shall comply with the following:

- a. Before Flowback, Operator shall:
 - i. Construct the subject Oil and Gas Facility or Location in a manner that is capable of remote emergency shut down consistent with this Attachment A;
 - ii. Tie Flowback equipment into combustors;
 - iii. Notify appropriate fire district associated with the subject Oil and Gas Facility or Location at least twenty-four (24) hours before production Flowback is scheduled to begin for the first time on the subject Oil and Gas Facility or Location; and
 - iv. Conduct a pre-startup safety review, which will review the subject Oil and Gas Facility or Location equipment spacing requirements and safety procedures.
- b. During Flowback, Operator shall:
 - i. Utilize gas monitors that are capable of detecting lower explosive level and hydrogen sulfide, which gas monitors emit an audible tone linked to Operator representative mobile phones, in order to notify people on and off the subject Oil and Gas Facility or Location;
 - ii. Utilize automatic tank gauging to measure tank levels, and have twenty-four (24) hour manned Oil and Gas Operations;
 - iii. Transport Flowback gas to sales Pipelines, when possible.

F. NOISE MITIGATION STANDARDS

Operator's Oil and Gas Operations, Facilities and Locations shall comply with the noise mitigation standards (collectively, "Noise Mitigation Standards") set forth in this Section F, the purpose of which is to: protect human health and safety; prevent damage to property; prevent unreasonable interference with the public welfare; preserve visibility; and protect scenic, aesthetic, and historic values in the Town. The Noise Mitigation Standards are established to improve and prevent degradation to the quality of life and the general welfare of the Town. The following requirements are in addition to the noise requirements in Chapter 7.32, Sound Limitations, Frederick Municipal Code.

1. *Noise Requirements for Oil and Gas Facilities and Locations.* Operator's Oil and Gas Operations, Facilities and Locations shall comply with the following:
 - a. Noise generated from Oil and Gas Facilities and Locations shall comply with the following maximum permissible noise levels appropriate for the Zone Area Designation of the adjacent land uses as determined by the Town. Noise Abatement will be used as part of the Town's determination for land uses surrounding land surrounding the subject Oil and Gas Facility or Location, and may be different from the Town's zone districts.

Table 2: Maximum Permissible Noise Levels		
Zone Area Designations	7:00 am to next 7:00 pm	7:00 pm to next 7:00 am
Residential/Agricultural/Rural	55 db(A)	50 db(A)
Commercial	60 db(A)	55 db(A)
Light Industrial	70 db(A)	65 db(A)
Industrial	80 db(A)	75 db(A)
All Areas	60db(C)	60 db(C)

In the hours between 7:00 a.m. and 7:00 p.m., the noise levels permitted above may be increased by ten (10) db(A) for a single period of not to exceed fifteen (15) minutes in any one (1) hour period. In the hours between 7:00 p.m. and 7:00 a.m., the noise levels shall not be exceeded; therefore Oil and Gas Operations shall employ strategic planning for noise-inducing activities to be conducted between the hours between 7:00 a.m. and 7:00 p.m.

- b. Noise levels shall be measured at or within twenty-five feet (25') of the boundary line of the tract of land upon which the subject Oil and Gas Facility or Location is located. When evaluating a noise complaint, the Town shall measure sound at or within twenty-five feet (25') of the boundary line of the tract of land upon which the subject Oil and Gas Facility or Location and other property boundaries which are more representative of the noise impact.
- c. During construction, drilling, and completion phases of Oil and Gas Operations, the Town will require continuous noise monitoring for all Oil and Gas Facilities and Locations located within one-half (½) mile (2,640') of any existing Residential Building Unit(s), Schools, or state-licensed child care facilities. The Town may adjust this distance based on the location, nature, and size of the same. The Town may require continuous noise monitoring to be conducted by an approved third-party consultant.
- d. Oil and Gas Operations shall be conducted, and Oil and Gas Facilities and Locations shall be operated, so the ground vibration inherently and recurrently generated does not constitute a nuisance at any point along the boundary line of the tract of land upon which such Oil and Gas Operations are conducted and/or upon which the subject Oil and Gas Facility or Location is located.
- e. In situations where low-frequency noise from an Oil and Gas Facility or Location is reasonably believed to exceed the standards in Table 2 above, a sound level measurement shall be taken twenty-five feet (25') from the exterior wall of the subject Building Unit(s) nearest to the noise source, using a noise meter calibrated to the db(C) scale. If such reading exceeds 60 db(C), the Town shall require

Operator to obtain a low-frequency noise impact analysis, conducted by a qualified sound engineer, including identification of any reasonable control measure(s) available to mitigate such low-frequency noise impact ("Noise Impact Analysis"). Such Noise Impact Analysis shall be implemented at the subject Oil and Gas Facility or Location, and shall be provided to the Town for consideration and possible action.

2. *Noise Mitigation Plan.* A noise mitigation plan shall be required for the Application filed with the Town ("Noise Mitigation Plan"). The Noise Mitigation Plan shall demonstrate how Oil and Gas Operations at the subject Oil and Gas Facility or Location will mitigate noise and vibration impacts to comply with the Noise Mitigation Standards contained in this Attachment A and the Code. The Noise Mitigation Plan shall include the following:
 - a. The hours of maximum noise emissions, type, frequency, and level of noise to be emitted, and proposed mitigation measures.
 - b. A minimum five (5) day (two days being the weekend) baseline noise analysis.
 - c. Modeled maximum A- and C-weighted decibel levels for all phases of development shall be presented using contour maps from the subject Oil and Gas Facility or Location (combining noise sources) at three hundred fifty feet (350'), five hundred feet (500'), one thousand feet (1,000'), two thousand feet (2,000'), and to the property line of the adjacent properties. Such contour maps shall demonstrate both unmitigated and mitigated decibel levels.
 - d. A plan of proposed mitigation measures to be implemented by the subject Oil and Gas Facility or Location during each phase of development shall be provided to ensure compliance with the maximum permissible noise levels as listed in Table 2 above.
 - e. The Noise Mitigation Plan may be required to be updated periodically to address additional noise expected when artificial lift is added to the subject Oil and Gas Facility or Location as provided for below.
3. *Artificial Lift.* Artificial lift will not be accomplished through the use of traditional pump jacks.
 - a. Alternatives such as gas lift, linear rod pumps, or a hydraulic pumping unit may be used at Oil and Gas Facilities and Locations, and are to be as low profile as practicable, with a maximum height of thirty feet (30'). An alternative artificial lift system may be used if it causes less visible and auditory impacts, and is agreed to by both Operator and the Town.
 - b. When an artificial lift system is requested for an Oil and Gas Facility or Location, Operator will provide the Town with a proposed design for the same. Upon receipt and review of the same, the Town may require an updated Noise Mitigation Plan to address the additional noise created by the artificial lift system, and to protect other development that has occurred, or is anticipated to occur, that could be affected by the increased noise.
4. The Town may require Operator to implement additional noise mitigation measures if there is a Residential Building Unit, Public Park, or High Occupancy Structure within two thousand feet (2,000') of the subject Oil and Gas Facility or Location, based on any of the following additional site-specific characteristics:
 - a. Nature and proximity of adjacent development (design, location, use);
 - b. Prevailing weather patterns, including wind directions;
 - c. Type and intensity of the noise emitted; and
 - d. Vegetative cover on or adjacent to the site or topography.
 - e. Additional noise mitigation measures may include, but are not limited to:
 - i. Continuous noise monitoring by a third-party contractor, at the expense of Operator, during construction, drilling, and completion phases, with instruments placed between the subject Oil

- and Gas Facility or Location and Residential Building Units within two thousand feet (2,000'). Continuous noise monitoring data shall be provided to the Town.
- ii. Sound walls around the subject Oil and Gas Facility or Location during drilling and completion phases to mitigate noise impacts;
 - iii. Use of electric-powered motors and pumping systems on the subject Oil and Gas Facility or Location.
 - iv. Construction of buildings or other enclosures where Oil and Gas Operations create noise and visual impacts that cannot otherwise be mitigated due to proximity, density or intensity of adjacent land use.
 - v. Quiet design mufflers (*i.e.*, hospital grade or dual dissipative) equal to or better than noise mitigation technologies shall be utilized for non-electrically operated equipment at the subject Oil and Gas Facility or Location.
 - vi. Motors, generators, and engines at the subject Oil and Gas Facility or Location shall be enclosed in acoustically insulated housings or covers.
 - vii. Subject to Section C.9 of this Standards Document, obtaining all electric power from utility line power or renewable sources at the subject Oil and Gas Facility or Location;
 - viii. Utilizing best practices to minimize noise impacts during drilling, completion, and all other phases of Oil and Gas Operations, including, where reasonably available at market costs and in agreement with Operator's Oil and Gas Operations schedule, the use of "quiet fleet" noise mitigation measures during the completion phase of Oil and Gas Operations;
 - ix. Restrictions on the unloading of pipe or other tubular goods between 6:00 p.m. and 8:00 a.m. at the subject Oil and Gas Facility or Location;
 - x. Subject to Section C.9 of this Standards Document, the use of electric drill rigs at the subject Oil and Gas Facility or Location; and
 - xi. The use of Tier IV or better diesel engines, or electric line power, for hydraulic fracturing pumps at the subject Oil and Gas Facility or Location.
5. *Noise Complaints.* Noise complaints shall be responded to as soon as possible.
- a. If a resident (including business and agriculture) within one mile (5,280') of an Oil and Gas Location or Facility complains of noise directly to Operator, to the ECMC, or to the Town, Operator must assist the Town to determine whether the complained of noise is caused by Operator's Oil and Gas Operations. Within twenty-four (24) hours of being notified of such noise complaint, Operator will provide the Town and complainant with a complete description of all Oil and Gas Operations occurring at the subject Oil and Gas Facility or Location at the time of the noise complaint. If the Town determines the complained of noise is caused by Operator's Oil and Gas Operations, Operator shall resolve the noise concern to the maximum extent practicable within twenty-four (24) hours. Within seventy-two (72) hours of such noise complaint, Operator shall report its conclusions, and the resolution of the noise complaint, to the Town and the complainant.
 - b. If Operator's Oil and Gas Facilities or Locations are determined to be causing noise that constitutes a nuisance or hazard to public health, safety, welfare, or the environment, the Town may require additional noise mitigation efforts as necessary and reasonable at any point during Operator's Oil and Gas Operations.
 - c. At any time, the Town may require continuous noise monitoring, conducted by an approved third-party consultant, until noise concerns are abated.

G. VISUAL STANDARDS.

Operator's Oil and Gas Operations, Facilities and Locations shall comply with the visual standards (collectively, "Visual Standards") set forth in this Section G, the purpose of which is to: protect human health and safety; prevent damage to property; and prevent unreasonable interference with the public welfare. The Visual Standards are established to improve and to prevent degradation to the quality of life and the general welfare in the Town. The following requirements are in addition to the visual requirements in the Code, Section 2.14 – Landscaping.

1. *Visual Mitigation Plan.* Operator shall prepare and implement a visual mitigation plan and comply with applicable provisions of ECMC Rules and the steps identified in this Standards Document ("Visual Mitigation Plan").
2. *Visual Mitigation Methods.* The Town may require Operator to implement the following visual mitigation methods may be required on a site-specific basis:
 - a. Use of low-profile tanks less than 16 ft. in height;
 - b. Use of equipment with reduced height and profiles;
 - c. Facility painting, vegetative or structural screening, land berming, and landscaping;
 - d. Earthen berms around the perimeter of fencing with turf grass or ground cover generally recognized by landscape architects and horticulturalists for local area use for the purpose of general screening;
 - e. Establishment and proper maintenance of ground cover, trees and shrubs for screening and aesthetic purposes;
 - f. Designing an Oil and Gas Facility to utilize natural screens where possible; and
 - g. Construction of fences for use with or instead of landscaping or berming
3. *Fencing.* At the time of initial installation, pumps, wellheads, and production equipment at Oil and Gas Facilities and Locations shall be adequately fenced to restrict access by unauthorized persons. For security purposes, all Oil and Gas Facilities and Locations, and all equipment used in Oil and Gas Operations concerning a completed Well, shall be surrounded by a fence six feet (6') in height, and so long as the fence material is noncombustible and allows for adequate ventilation, the gates within such fences shall be locked. The following specific standards shall apply to all Oil and Gas Facilities and Locations. Fence enclosures shall meet Code standards in Section 2.16 and be constructed of materials reasonably suitable for the subject Oil and Gas Facility or Location, and the associated Oil and Gas Operations, which are technologically and operationally feasible, and which are compatible with the surrounding land uses, but shall not include solid masonry walls. All fences and walls shall be equipped with at least one (1) gate, provided that all such gate(s) shall meet the following specifications:
 - a. Gates shall be constructed in a manner that meets the applicable specifications or of such other approved material that, for safety reasons, provides adequate security;
 - b. Gates shall be provided with a combination catch and locking attachment device for a padlock, and shall be kept locked except when being used for access to the subject Oil and Gas Facility or Location; and
 - c. Operator must provide the fire protection district(s) associated with the subject Oil and Gas Facility or Location with a "Knox Padlock" or "Knox Box with a key" to access the subject Oil and Gas Facility or Location, to be used only in case of an emergency.
4. *Landscaping.* Operator shall prepare a *Landscaping Plan* that contains, at minimum, the following components:
 - a. Initial landscaping, if required by an approved Landscaping Plan, and any fencing will be installed within 6 months of finishing drilling and completion operations.
 - b. The operator shall submit to the Town a temporary *Irrigation Plan* and implement said plan, once approved by the Town, for the first two years after the plant material has been planted. If it is

practicable to provide a permanent irrigation system, the operator shall submit an *Irrigation Plan* for permanent watering and the operator shall provide a performance guarantee for such landscaping that is acceptable to the Manager. Produced water may not be used for landscaping purposes.

- c. The application shall include an analysis of the existing vegetation on the site to establish a baseline for re-vegetation upon temporary or final reclamation or abandonment of the operations. The analysis shall include a written description of the species, character and density of existing vegetation on the site and a summary of the potential impacts to vegetation as a result of the proposed operations. The application shall include any commission-required interim and final reclamation procedures and any measures developed from a consultation with the Manager regarding site specific re-vegetation plan recommendations.
- d. If water for irrigation use is unavailable at the location, the initial phase may utilize natural topography and fencing surrounding the location, as well as any trees already established near the property.
- e. Once water for irrigation use is available to the area, the Operator must implement any final landscaping as described in the Landscaping Plan. The Operator must consult with the Town as well as meet Code requirements at the time the final landscaping is installed.
- f. Existing significant trees (a deciduous tree with a caliper of greater than 4 inches or an evergreen tree that is 15 feet or greater in height) shall be preserved to the maximum extent practicable and may help satisfy the landscaping and visual mitigation requirements. All required landscape plans shall accurately identify the locations, species, size, and condition of all significant trees, each labeled showing Operator's intent to either remove, transplant, or protect. Trees that meet one or more of the following removal criteria shall be exempt from the requirements contained in this subsection:
 - i. Dead, diseased, or naturally fallen trees, or trees found to be a threat to public health, safety or welfare;
 - ii. Trees that are determined by the Town to substantially obstruct clear visibility at driveways and intersections; or
 - iii. Tree species that constitute a nuisance to the public such as cotton-bearing cottonwood, Siberian or Chinese elm, Russian olive and female box-elder. Native cotton-bearing cottonwood trees and female box-elder trees, when located in a natural area buffer zone, are not nuisance tree species.

5. *Lighting.*

- a. Exterior lighting shall be directed away from residential and other sensitive areas or shielded from said areas to eliminate glare. Light spillage beyond the perimeter of an Oil and Gas Location should be minimized.
- b. All permanent lighting or lighting higher than a perimeter wall must be downward facing.
- c. All bulbs must be fully shielded to prevent light emissions above a horizontal plane drawn from the bottom of the fixture.
- d. Prior to installation of permanent lighting on any Oil and Gas Location, Operator shall submit to the Town a *Lighting Plan* and the Town shall communicate with Operator any modifications to the plan that it deems appropriate. Operator shall make such modifications as reasonably required by the Town and as required by law.
- e. The *Lighting Plan* shall indicate the location of all outdoor lighting on the site and any structures, and include cut sheets (manufacturer's specifications with picture or diagram) of all proposed fixtures.
- f. During the Drilling and Completion Phases, consistent with applicable law, Operator will construct a minimum 32 ft. in height wall around as much of the perimeter of the well pads as operations allow to reduce light escaping from the site, unless taller, shorter, or no walls are mutually agreed to by Town and Operator on a site-specific basis.

6. *Trailers.* Operator's Oil and Gas Operations, Facilities and Locations shall comply with the following:

- a. Construction trailers are permitted at Oil and Gas Facilities and Locations as an accessory use during active construction, drilling and completion phases or workover Oil and Gas Operations only.
- b. Permanent residential trailers are prohibited at Oil and Gas Facilities and Locations.
- c. Until ninety (90) days following the end of the completion phase of Oil and Gas Operations on any Oil and Gas Facility or Location, temporary residential and/or security trailers are permitted, as needed for on-site Oil and Gas Operations, for exclusive use by the Operator's personnel and the personnel of its subcontractors, on a temporary basis.

H. COMMUNITY OUTREACH, NOTIFICATION, REPORTING & OVERSIGHT STANDARDS

Operator's Oil and Gas Operations, Facilities and Locations shall comply with the community outreach, notification, reporting and oversight standards (collectively, "Community Standards") set forth in this Section H, the purpose of which is to: protect human health and safety; prevent damage to property; and prevent unreasonable interference with the public welfare. The Community Standards are established to improve and to prevent degradation to the quality of life and the general welfare in the Town.

1. *Operator Contact.* Operator shall supply a contact name, address and phone number, including twenty-four (24) hour numbers for at least two (2) persons, or integrated operations center, responsible for Oil and Gas Operations on Oil and Gas Facilities and Locations, as well as the contact information for any subcontractor of Operator engaged for well-control emergencies. Such contact information will be updated as necessary, and in the annual review of the Emergency Management Plan for the subject Oil and Gas Facility or Location.
2. *Outreach to Affected Residents.* Operator's Oil and Gas Operations, Facilities and Locations shall comply with the following:
 - a. Operator shall maintain a list, updated annually, of the residents and business owners within one-half (1/2) mile (2,640') of an Oil and Gas Location ("Affected Residents").
 - b. Operator shall create a community outreach plan for Oil and Gas Facilities and Locations proposed within one-half (1/2) mile (2,640') of any Residential Building Unit ("Community Outreach Plan"). The Community Outreach Plan shall provide for consultation, outreach, and engagement that includes a description of any measures taken to directly mitigate adverse impacts to the Affected Residents;
 - c. Provide at least thirty (30) days advanced written notice to Affected Residents of mobilization and rigging up for Oil and Gas Operations;
 - d. Notify Affected Residents in writing within ten (10) days of any reportable events that could have impacts beyond the subject Oil and Gas Facility or Location, including fires, explosions, blow-outs, venting, or large spills (over 100 barrels); and
 - e. Provide such notices to the local fire district(s) associated with the subject Oil and gas Facilities or Locations.
 - f. Operator may satisfy the foregoing notification requirements through a website, email, direct correspondence, or through direct mail to Affected Residents.
3. *Complaint Response.* Operator's Oil and Gas Operations, Facilities and Locations shall comply with the following:
 - a. Operator shall maintain a dedicated phone line to receive complaints that is open twenty-four (24) hours per day, seven (7) days a week. Such phone number shall be posted at all Oil and Gas Facilities and Locations and provided to the ECMC Director.
 - b. Operator shall document and review all complaints, and provide the complainant with an initial, written response within twenty-four (24) hours. Responses to complaints shall also be provided to the ECMC

Director and, if appropriate, other interested state officials such as the Air Pollution Control Division, for an odor or air pollution complaint. A spill that has impacted surface water should be reported to the state Water Quality Control Division, Drinking Water Emergency, or Security Incident line: 1-877-518-5608.

- c. Any additional complaint responses and/or corrective actions will be communicated to the complainant, the landowner(s), the ECMC Director and, if appropriate, other interested state officials.
4. *Risk Management.* Operator shall create and implement a risk management plan for all new and substantially modified Oil and Gas Facilities and Locations (“Risk Management Plan”). The Risk Management Plan shall include risk identification, responsibilities, assessment, response, planning mitigation and, methods of risk avoidance and control that implement techniques to prevent accident/loss and reduce the impact after an accident/loss occurs. Operators shall periodically update and revise the Risk Management Plan, but shall ensure that the same occurs at least every three (3) years, and after any incident.
 - a. Operator shall develop a risk identification in a risk table which will identify the subject Oil and Gas Facility or Location by name; describe the risk; identify any health, safety, or environmental impact; identify any impact to Operator’s development schedule; provide a description of the risk area and associated factors; and indicate whether it is an unmitigated or mitigated risk.
 - b. Operator shall assign persons or entities under its control or direction to have responsibility for managing risks identified, and Operator’s plan to support the risk mitigation. Such assignment shall not limit Operator’s responsibility.
 - c. Operator shall identify any planned mitigation response (including emergency response, tactical response, and notifications) for certain identified risks.
 - d. Operator will implement a compliance and audit program. Operator shall determine and document an appropriate response to each of the findings of the compliance audit, and document that deficiencies have been corrected. If Operator utilizes a self-reporting mechanism to any governmental agency, that self-reporting mechanism will be described in the Risk Management Plan. If Operator self-reports, any findings included in the self-reporting to any other governmental agency will be provided to the Town.
 - e. The Town may retain outside consultants, at Operator’s cost, to review any Risk Management Plan, and may require modifications to such Risk Management Plan based on its review.
 5. *Bi-Annual Updates to Town.*
 - a. Operator biannually shall provide a formal written Progress Report update to the local government designee, to be shared publicly, as to the progress of Operations, including but not limited to:
 - i. Any reportable spills or reportable accidents at locations;
 - ii. Any notice of alleged violations from the Town or ECMC; and
 - iii. A summary of complaints to the Operator and ECMC.
 - b. Updates shall begin at the beginning of construction and continue throughout drilling and completion operations and cease once the final well approved for an Oil and Gas Location has been drilled and has been in production for one full year.
 6. *Incident and accident reporting.* Operator’s Oil and Gas Operations, Facilities and Locations shall comply with the following:
 - a. Within twenty-four (24) hours of any reportable safety event, as defined in the ECMC Rules, as may be amended, or any accident or natural event involving a fire, explosion, or detonation requiring emergency services or completion of a ECMC Form 22, Operator shall submit a report to the Town that includes the following, to the extent available: fuel source; location; proximity to residences and other occupied buildings; cause; duration; intensity; volume; specifics and degree of damage to

properties, if any, beyond the subject Oil and Gas Facility or Location; injuries to persons; emergency response; and remedial and preventative measures to be taken within a specified amount of time. Additional reporting shall be provided after the conclusion of the event if the event lasts longer than twenty-four (24) hours.

- b. The Town may require Operator to conduct a root cause analysis of any reportable safety events or Grade 1 gas leaks, each as defined by ECMC Rules.
- c. Any spill or release that is reportable to the ECMC shall be simultaneously reported to the Town's Manager and the applicable fire district.

7. *Signs and Markers.* Operator shall mark each and every Well in a conspicuous place, from the time of initial drilling until final abandonment, as follows:

- a. General Sign Requirements.
 - i. No sign required under this Standards Document shall be installed at a height exceeding six feet (6').
 - ii. Operator shall maintain all signs in a legible condition, and shall replace damaged or vandalized signs within sixty (60) days.
- b. Drilling and Recompletion Operations.
 - i. Operator shall provide directional signs, no less than three (3) square feet and no more than six (6) square feet in size, during all drilling and recompletion Oil and Gas Operations.
 - ii. All signs shall be at locations sufficient to advise emergency crews where drilling or recompletion Oil and Gas Operations are taking place.
 - iii. All sign locations shall include the first point of intersection of a public road and the access road to the subject Oil and Gas Facility or Location, and thereafter at each intersection of the access route access road to the subject Oil and Gas Facility or Location, except where the same is clearly obvious to uninformed third parties in any weather or condition.
 - iv. Signs not needed to meet other obligations under this Attachment A shall be removed as soon as practical after drilling and recompletion Oil and Gas Operations are complete.
- c. Permanent Designations.
 - i. Oil and Gas Wells. Within sixty (60) days after the completion phase of a Well, a permanent sign shall be located at both the wellhead and near the surface equipment (if not at the wellhead), which shall identify the subject Well, the name and contact information of the Operator, and the legal description, including the subject governmental quarter section.
 - ii. Surface Equipment. Within sixty (60) days after the installation of a Tank battery at an Oil and Gas Facility or Location, a permanent sign shall be located at the Tank battery. At the option of Operator, or at the request of the Town, such sign may be placed at the intersection of the access road to the subject Oil and Gas Facility or Location with a public road nearest the subject Tank battery, if the same is readily apparent from such location. Such sign shall provide: the name of the Operator; a phone number at which Operator may be reached at all times; a phone number for local emergency services; the lease name or Well name(s) associated with the subject Tank battery; the public road used to access the subject Oil and Gas Facility or Location; and the legal description, including the governmental quarter section.
 - iii. Tanks and Containers. All Tanks with a capacity of ten (10) barrels or greater shall be labeled or posted with the following information:
 - a) Name of Operator;
 - b) Operator's emergency contact telephone number;
 - c) Tank capacity;
 - d) Tank contents; and
 - e) National Fire Protection Association Label.

I. RECLAMATION.

Operator shall comply with these reclamation standards to: protect human health and safety; prevent injury to plant and animal life; prevent damage to property; and prevent unreasonable interference with the public welfare. These standards are established to restore the Town's resources and to improve the quality of life and the general welfare in the Town.

1. *Interim Reclamation Plan.* Operator shall implement an interim reclamation plan ("Interim Reclamation Plan"), including:
 - a. A plan and diagram to reduce the size of the subject Oil and Gas Facility or Location to a Working Pad Surface.
 - b. Operator shall prepare, and provide to the Town, a Topsoil Protection Plan, as required by ECMC Rules.
 - c. *Removal of Debris.* All construction-related debris shall be removed from the subject Oil and Gas Facility or Location for proper disposal in a timely manner. All Oil and Gas Facilities or Locations shall be maintained free of debris and excess materials at all times during Oil and Gas Operations. Operator shall not burn or bury debris at any time at any Oil and Gas Facility or Location.
 - d. *Removal of Equipment.* All equipment used for drilling, re-completion and maintenance of the subject Oil and Gas Facility or Location shall be removed from the same within thirty (30) days of completion of such work, weather conditions permitting, unless otherwise agreed to by the Surface Owner. Permanent storage of removable equipment at any Oil and Gas Facility or Location is prohibited.
2. *Final Reclamation Plan.* Operator must submit an Oil and Gas Facility or Location Final Reclamation Plan, and reclaim an Oil and Gas Facility or Location, not later than six (6) months after plugging and abandoning the last Well at such Oil and Gas Facility or Location, weather and planting season permitting. In addition to any ECMC Rule reclamation requirements, Operator shall:
 - a. Notify the LGD of the commencement and completion of such activity;
 - b. Remove all equipment from the subject Oil and Gas Facility or Location;
 - c. Remove all Pipelines, Gathering Lines and Flowlines after one (1) year of non-use, calculated from the date when the last Well utilizing the same is plugged and abandoned, unless this requirement is waived in writing by the ECMC Director; and
 - d. Reclaim and revegetate, to the satisfaction of the Town and in consultation with the Surface Owner, all temporary access roads associated with Oil and Gas Operations at the subject Oil and Gas Facility or Location within three (3) years after seeding, or as directed by the Surface Owner in a Surface Use Agreement, and subject to applicable ECMC Rule variances.
 - e. Coordinates for the location of the decommissioned Well(s), and any associated Gathering Lines or Flowlines, shall be provided with the notice of the completion of Well plugging and abandonment. This information will also be provided in a format suitable for input into the Town's GIS system.
3. *Marking and recording of plugged and abandoned wells.*
 - a. The ECMC Well Abandonment Report must be accurately completed and filed with the Town and the ECMC.
 - b. The location of all plugged and abandoned Wells must be recorded with the Weld County Clerk and Recorder.
 - c. Operator shall permanently mark all plugged and abandoned Wells, by a brass plaque set in concrete, similar to a permanent benchmark, to monument the same's existence and location. Such plaque shall

contain the information required by the ECMC to properly identify the subject plugged and abandoned Well.

J. TRANSPORTATION AND CIRCULATION.

Operator's Oil and Gas Operations, Facilities and Locations shall comply with the transportation and circulation standards (collectively, "Transportation Standards") set forth in this Section J, the purpose of which is to: protect human health and safety; prevent injury to plant and animal life; prevent damage to property; and prevent unreasonable interference with the public welfare. The Transportation Standards are established to restore the Town's resources and to improve the quality of life and the general welfare in the Town.

1. *Transportation Management Plan.* Operator shall establish a transportation management plan ("Transportation Management Plan") for each Oil and Gas Facility or Location, including the following:
 - a. Estimated weights of vehicles when loaded, a description of the vehicles, including the number of wheels and axles of such vehicles and trips per day;
 - b. Details regarding access locations for each Oil and Gas Facility or Location, including sight distance, turning radius of vehicles, and a template indicating this is feasible, sight distance, turning volumes, in and out from each Oil and Gas Facility or Location for an average day, and what to expect during the peak hours;
 - c. A truck routing map and truck turning radius templates will be used to determine if improvements are necessary at intersections along the route to the subject Oil and Gas Facility or Location;
 - d. Restriction of non-essential traffic to and from any Oil and Gas Facility or Location to periods outside of peak am and pm traffic periods and during school hours (generally 7-8 am and 3-6 pm) if the subject Oil and Gas Facility or Location, or the access road(s) to the same are within one thousand feet (1,000') of a School.
 - e. A traffic study, if deemed necessary, to identify the need for any additional traffic lanes, and any other recommendations from traffic study, which would be subject to the final approval of the Town's Director of Engineering and Utilities Department or designee.
2. *Access Roads.* Designs for private access roads to Oil and Gas Facilities and Locations shall be pursuant to Section 9.7 of the Code.
3. *Public Improvements.* Necessary transportation system improvements, as determined by Town staff, will be paid for by the Operator. If public road improvements are necessary to accommodate Oil and Gas Operations at any Oil and Gas Facility or Location, and before work will be permitted within any Town right-of-way, Operator shall draft engineered drawings, to be prepared by a Colorado licensed civil engineer, in conformance with Town standards, for review and approval by the Town.
4. Operator will comply with all Transportation and Circulation requirements as contained in the Land Use Code, in any approved plans, and as may be reasonably required by the Town's Traffic Engineer.
5. Operator will comply with all applicable hazardous material regulations at all Oil and Gas Facilities and Locations.
6. Operator will obtain necessary access permits for all Oil and Gas Facilities and Locations, which the Town will not unreasonably withhold.
7. *Mud Tracking.*

- a. Operator shall take all practicable measures to ensure that vehicles do not track mud or debris onto public streets from any Oil and Gas Facility or Location.
 - b. Operator shall immediately clean any mud or debris deposited on public streets adjacent to any Oil and Gas Facility or Location.
8. *Chains.* Traction chains from heavy equipment shall be removed before entering a public street from any Oil and Gas Facility or Location.

K. WILDLIFE

Operator's Oil and Gas Operations, Facilities and Locations shall comply with the wildlife standards (collectively, "Wildlife Standards") set forth in this Section K, the purpose of which is to protect, preserve and prevent injury to plant/animal life and the environment.

1. *Wildlife Protection Plan.* Operator's Application filed with the Town for any Oil and Gas Facility or Location must contain a wildlife protection plan ("Wildlife Protection Plan"), containing: a map of ecologically important areas, including critical wildlife habitat areas, riparian areas, rivers, water bodies, wetlands, potential conservation areas as identified by the Colorado Natural Heritage Program, Species of Concern listing, Tier 1 and Tier 2 species as identified by Colorado Department of Parks and Wildlife, and of federally-designated threatened or endangered species, as mapped by other applicable federal and state governmental agencies or discovered upon inspection, on and within one (1) mile of the parcel(s) on which the Oil and Gas Facilities and Locations are proposed to be located.
2. *Consultation with CPW.* Consultation with the Colorado Department of Parks and Wildlife must occur when required by ECMC Rules, or as requested by the LGD, due to known or suspected wildlife resources in the area. If so required, the LGD will be invited to the consultation.
3. *Endangered Species.* The Operator shall not engage in activities which, in the opinion of the Colorado Parks and Wildlife, threaten endangered species.

L. SEISMIC SURVEYS

1. As a part of the administrative review process, applicants will provide to the Town:
 - a. Timeline for work to be accomplished;
 - b. A map of any existing mines underlying the project area, and within 2,000-feet of the project boundary;
 - c. An assessment by a certified engineer demonstrating that the proposed vibrations will not damage any of these mines or other historic infrastructure;
 - d. A map of the seismic study area showing planned source and receiving locations;
 - e. A map showing the route that vibroseis trucks will follow;
 - f. An assessment by a certified engineer demonstrating that the roads to be utilized in the project are able to endure the vibrations generated by the project;
 - g. Financial assurance in a form and amount acceptable to the Town;
 - h. A traffic control plan; and
 - i. Other information as the Town deems necessary.

2. During the seismic testing, the Permittee shall survey and monitor the testing so as to keep source points a minimum distance from critical infrastructure identified by the Town so as to cause no damage thereto. Critical infrastructure includes, but is not limited to:

Private water wells

300'

3. *Traffic Control.* When seismic testing, including the source or receiving, is performed within the public right-of-way, Permittee shall at its expense provide adequate traffic control. A *Traffic Control Plan* acceptable to the Town shall be approved prior to the start of any work. Traffic control shall be in general compliance with the then current *Manual on Uniform Traffic Control Devices for Streets and Highways*.
4. *Public Notice*
 - a. No less than seven (7) calendar days in advance of the use of vibroseis trucks within the Seismic Study Area, Permittee shall cause to be mailed notice of the planned activity to all residents or businesses located on the roads that will be used by vibroseis trucks within the entire seismic study area. In addition, notice shall be given to all homeowners' associations, special districts, and Town franchisees which have facilities or infrastructure within the study area. The notice shall include, at a minimum, an explanation of the planned operations, the dates when the activities will occur, 24/7 source and contact names and numbers for additional information, and explanation as to what may be expected or experienced during the seismic testing in the way of noise, duration of vibration, etc. In addition, the Permittee shall utilize public outreach vehicles such as social media and the internet to provide additional information to the public. Social media and internet notifications shall be coordinated with the Town of Frederick.
 - b. No more than 96 hours in advance of and no less than 24 hours in advance of seismic testing, notice shall be given to all residents or businesses located on the roads that will be used by vibroseis trucks within the entire seismic study area. The notice shall consist of a door hanger type pamphlet acceptable to the Town that clearly indicates when the vibratory activity will occur and advises the occupant of the nature of the vibration activity. The notice shall also include 24/7 contact information for occupants to report problems or ask questions.
5. *Hours of Operation.* The seismic testing, in residential areas, shall not commence prior to 9 a.m. and shall end by 5 p.m., Monday through Friday.
6. Vibration and peak particle velocity monitoring shall be undertaken at all source locations in urban areas within 500ft of structures or buildings within the seismic study area, and at no time shall the peak particle velocity exceed 0.2 inches per second at the location of those structures.

[END OF OIL AND GAS STANDARDS DOCUMENT]

PCR-2024-07B

A Resolution of the Planning Commission

Recommending Approval with Conditions of Amendments to the Town of Frederick Land Use Code Amending Section 1.15, Definitions; Amending Section 3.4, General Commercial Uses; and Amending Article 9, Oil and Gas Drilling and Production

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

- Section 1. The Frederick Planning Commission finds that:
- 1.1 Amendments to the Frederick Land Use Code are needed to meet recent changes to Colorado State Law and changes to community needs and preferences.
 - 1.2 Said amendments generally conform with the applicable requirements of Section 4.7.9.b of the Frederick Land Use Code.
 - 1.3 Said amendments were considered during a public meeting held on October 3rd, 2024, at which time the public was able to provide testimony.
 - 1.4 Proper notice was given according to Section 4.5 of the Frederick Land Use Code.
- Section 2. The Planning Commission's recommendation is based on competent, substantial evidence in the written record and the testimony provided at the public hearing.
- Section 3. On the basis of the above, the Town of Frederick Planning Commission recommends that the Board of Trustees approve the Land Use Code amendments with the following conditions:
1. Amend Table 3-12 to change setbacks from 250 ft to 1000 ft.
 2. Add to Section 3.4 the requirement that all primary entrances must face the street frontage.
 3. Amend Table 3-12 to strike out 250 ft required setback in C-E zone for Natural Medicine Healing Center.
 4. Amend Section 3.4 to change the process for setback exemptions from an administrative approval to a conditional use.

This resolution was approved this 3rd day of October, 2024 by a vote of 3 to 2.



Tracy Moe, Chairperson, Planning Commission

September 12, 2024

Hi, My name is Cheryl Detwiler.

I've been a resident of Frederick for 58 years.

My family started immigrating to this small town back in 1939. This is home, always will be.

I've work for the DA's office; I have for 34 years. What I enjoy most about this work is working with Law Enforcement. Working with the public, serving others.

My family roots are all in Colorado. I can't imagine living in any other state. The beauty of the outdoors, the changing of the seasons... the memories of my childhood. My son lives in the home I grew up in. I get to watch him raise him children in the same home I grew up in, and my parents helped me raise him in. This is home.

I appreciate the planning commission reviewing regulation to keep the community safe.

However, increasing oil and gas regulations we have to take a real look at how that can impact the way of living in this area. The harm it has done to our community financially, the challenges it has cause by escalating costs. Our way of life has been impacted tremendously ... we've got to stop and take a real look at what is going on around us. My son has recently told me he will be relocating to AZ because he and his family cannot get ahead out here. This means he is taking my first Grandchild away from me.... This is the reality of burdensome regulations on a crucial industry.

As a lifelong resident of Frederick, I urge the planning commission to increase transparency with the public when it comes to oil and gas regulations.

Sincerely,

Cheryl Detwiler

5846 Canyon Way

Frederick, CO 80504

Dear Mayor Crites and Trustees,

As a constituent who lives in Frederick and works in oil and gas, I'm writing to you to ask you to please don't stop oil and gas operations in the Town of Fredrick through over-regulation. I'm proud to work in this industry! It supports my family and allows us to patronize local businesses in our town as well as helps keep energy cost low and for other Coloradans.

We're fortunate to live in Colorado where we have an abundant supply of natural resources and as an industry, we are committed to being good stewards of the environment and operating with safety and respect for our neighbors. Colorado is widely known for having amongst the cleanest oil and natural gas molecules in the world produced under some of the country's strongest regulations. In addition, the oil and natural gas industry provides significant funding to local governments like Frederick and the loss of this revenue would severely impact our local budget and threaten the livelihoods of working families. Please stand with me and my family and continue to allow safe and responsible oil and gas operations in Frederick.

Thank you for your time,

Paige Lindbloom

STAKEHOLDER RELATIONS

Office: 720.929.4573 | Response Line: 866.248.9577 | Denver

Zero In™ at oxy.com

[LinkedIn](#) | [YouTube](#) | [Instagram](#) | [Facebook](#)

I am Rose Naukam

My family moved to Colorado in 1959, grew up here, married into the Air Force, 1973, moved, came back a few times, then came back to stay in 1987.

Like many others, I have a lot of allergies, and asthma; however, not just pollutants cause suffering. Pollen, dust, smoke, anything burning, causes symptoms. Most of which are just a part of life.

I was a lab tech in an environmental lab for several years, in the early 90's. our hazardous materials limits were measured in parts per million, so I see now that pollution limits are in ppb, parts per billion, in other words, 1,000 times lower concentration, than thirty years, even 20 years ago.

I believe that this new standard is so low that the measured amounts of pollution are not a significant hazard to the environment.

To protect the people, the economy, the desirable flow of goods and services, we must stay with the regulations as they are, and just continue to follow them. Anything anyone does anywhere can affect the entire country.

Gas and oil production in this country, enables life to carry on, comfortably, inexpensively, and healthfully!

All politicians, must remember; Of the people, by the people, and for the people.

I urge the planning commission to increase transparency with the public when it comes to oil and gas regulation.

Hello, my name is Edward Stephenson, I have been a resident of Colorado for 25 years, with 4 of the last ones being in Frederick. My spouse has been a lifelong resident of the area for 40 plus years.

While Frederick has done a good job attracting a diverse palette of businesses, we must not forget our business partners in oil & gas. I have many friends in this industry. These jobs provide good paying jobs and stimulate the local economy.

Over regulation creates job loss and can depress the local economy, creates housing values to decrease and withdrawals spending in the local businesses.

Colorado is one of the most regulated states when it comes to oil and gas, there is no need to further regulate this industry at the local level. Time and resources could be better utilized focusing on other issues that the community needs, such as infrastructure and attracting more businesses.

I appeal to you to work with both sides on the issue.

Respectfully,

Edward Stephenson

Hello,

My name is Jesse Coonce, and I have lived in Colorado for 34 years. I originally grew up in the foothills of boulder and I belong to a group of people who cannot afford to live in the towns that they grew up in.

Growing up, my family was in the construction industry and built/remodeled homes in the Boulder area. As I got older, the city began to add more fees, and made the entire permitting process more difficult to navigate, and even costlier to participate. This forced our hand to drastically raise costs for clients and puts an even tighter squeeze on a limited housing market.

As a business owner, I find it difficult to keep up with more regulations year after, and keeping up with changes in the tax system is already difficult enough for small business owners. In my line of work, I drive from client to client servicing their needs, and disruptions in the cost of energy, greatly reduce my ability to provide customers with the best prices.

Additionally, I have concerns with regulations on oil and gas, permeating into other industries like construction, especially with the amount of homes Colorado needs to build. I urge the Planning Commission to involve all parties when making decisions on potential regulations, and give all stakeholders a voice in this process.

Sincerely

Jesse Coonce

Hello,

My name is David Pickett, and I have lived in Frederick for 17 years. As a Colorado native, and having grown up in Louisville, I decided it was time to move our expanding family where we could afford to have a larger home and yard. This led us to move east and north, into Weld County, to this affordable, charming small town.

Over the decade and a half we've been here, I have seen the benefits that the oil and gas industry brings to Weld County. We have mostly great roads, great public servants, freedom, and I love the overall quality of life. My family has made the decision to homeschool our children, but it is comforting to know that the schools are very well funded and provide many options.

Our favorite restaurant in town is Georgia Boys BBQ. I drive by frequently and can't help but notice, that during lunch-time the streets are full of trucks that service the oil and gas industry. What a great boost to our little downtown restaurants! I am a Realtor, and over the years have seen the path to home ownership become much more difficult. People are struggling to keep up with inflation, and everyone's bills are becoming overwhelming. I have concerns that people who have lived here their entire lives are being priced out of the market and they will be unable to upgrade or even down-size their home when the need arises.

While I appreciate the Town of Frederick looking out for us, there needs to be a balanced discussion on the impacts of oil and gas. Colorado already has the most strict regulations in the nation, and I urge the planning commission to bring all parties to the table, and consider the negative impacts that further regulations would have on the community.

Thank you for your consideration,

David Pickett, REALTOR

303.579.9992

My name is Roger, and have lived in Colorado all my life. I've been in Frederick for 4 years now. My wife and I moved from the western slope to be near family. We enjoy the small town feeling. I urge the planning commission to trust the regulations the State of Colorado has set in place and not over regulate oil and gas.



October 3, 2024

Planning Commission
Town of Frederick
401 Locust Street
Frederick, CO 80530

Submitted via email: planneronduty@frederickco.gov and AVanDeutekom@frederickco.gov

Dear Members of the Planning Commission,

The American Petroleum Institute Colorado (API Colorado) appreciates this opportunity to provide comments on the Town of Frederick's (the Town) draft regulations addressing oil and gas development. The American Petroleum Institute (API) represents all segments of America's oil and natural gas industry. API was formed in 1919 as a standards-setting organization and has developed more than 800 standards to enhance operational and environmental safety, efficiency and sustainability. Its nearly 600 members produce, process, and distribute most of the nation's energy.

These comments address the proposed regulations item-by-item. However, we have overarching concerns regarding this process. Primarily, our concern with the Town's lack of stakeholder outreach and subsequent feedback regarding the amendments. We note that despite direction from the Board of Trustees at its August 13, 2024 meeting encouraging town staff to engage with industry, stakeholder outreach did not happen. We feel that without robust stakeholder feedback and subsequent iterations, this process has not been conducive to a careful, complete, and thorough review of highly technical materials.

API Colorado notes that while Senate Bill 19-181 granted local governments substantial authority to regulate surface impacts of oil and gas operations, the Act also imposed a significant qualifier. Regulation must be both reasonable and necessary. Just as important, actions must be supported by substantial evidence. API Colorado encourages alignment with state rules, including consistent definitions, standards, and practices. Clear guidance and feasible requirements will help ensure operators continue to meet requirements in an efficient and effective manner. For these reasons, API Colorado suggests the following revisions.

ORDINANCE

Sec. 9.3. Applicability.

2. Standards Document. API Colorado has concerns with this provision. While the Town is free to administratively revise its standards document without benefit of a notice and comment process, the standard so modified would serve only as guidance and could not be made legally binding or enforceable. To the extent the Town intends an amendment to be binding and not mere guidance, the Town must provide the necessary procedural safeguards. These concerns are also valid for Sec. 9.6. Oil and Gas Standards and Sec. 9.13. Review Standards.

3. *Existing Oil and Gas Operations.* This provision could benefit from clarification. Under state law, if the Colorado Energy and Carbon Management Commission (ECMC) and the Town have issued a permit to construct and operate an oil and gas location, that permit stands as a vested right.

Sec. 9.8. Pipelines

1. This section includes the term “transmission line,” which is not defined. To the extent it refers to pipelines regulated by the Colorado Public Utilities Commission (PUC) or the Pipeline and Hazardous Materials Safety Administration (PHMSA), Frederick should consult those agencies to determine whether its regulation of pipelines is lawful. We also remind the Town that its jurisdiction is limited to surface impacts.

3. The ECMC rules provide comprehensive regulation of flowlines, including safety and integrity requirements. API Colorado encourages the Town to rely upon those rules.

6. API Colorado would like to reiterate our comments above regarding the Town’s authority to regulate gathering lines and transmission lines. With respect to mapping, API Colorado strongly urges Frederick to adopt the safety precautions adopted by the ECMC and the PUC. These facilities, particularly above-ground ancillary facilities, are exposed and susceptible to vandalism and even terrorism. For that reason, the state and PHMSA carefully limit the scale at which maps are made available to the public.

Sec. 9.16. Expiration of Permits

1. This provision notes a conditional use permit will expire if drilling and completion operations are not completed and producing within three years or, in some cases, two years. API Colorado notes it can be difficult to mobilize all necessary equipment for a location. The need to assess availability of grid power can involve lengthy negotiations, as can siting of pipelines. A two-year permit may force an operator to reduce the size of a location and to develop multiple properties in order to stay within the two-year limit. As written, this provision may create additional surface disturbance. API Colorado encourages the town to reconsider this section in light of this.

TOWN OF FREDERICK OIL AND GAS STANDARDS (“STANDARDS DOCUMENT”)

C. Air Quality Protection.

2. *Ambient Air Monitoring Plan.* To avoid confusion and redundancy, the Town should defer to the Air Pollution Control Division’s (APCD) monitoring requirements, which are currently being revised. The Town lacks the expertise and resources to interpret and manage highly complex monitoring programs while APCD does so routinely and collects large amounts of data to guide future modeling.

6. Odor.

a. This section presumes that an odor issue can be traceable and that it likely will be traced to the oil and gas operation. Odor detection and attribution is challenging and often highly transient. The Town should explain how it would trace an odor complaint to a source and should identify other potential sources of odor, including transportation, agriculture, and landfills.



8. *Gas Leak Detection and Repair Plan.* This provision requires leak repairs within 72 hours of detection. API Colorado notes this is inconsistent with the Environmental Protection Agency (EPA) and state leak detection and repair (LDAR) regulations. While most leaks are repaired at the time an operator conducts a routine LDAR inspection, some occasions may require specific equipment that is needed but not immediately available. In addition, EPA and state leak detection programs recognize that some equipment, such as compressors, cannot be repaired without shutting in an operation and potentially causing greater emissions than would occur otherwise. The Town should require compliance with EPA and state leak detection programs, which are detailed and robust.

9. *Electric Equipment.*

a. This section requires all permanent equipment to be electric. We note, depending on the location, providing electric service may require rights-of-way or easements that cannot be secured, or could cause greater environmental disturbance than relying upon other technologies. As a reminder, Senate Bill 19-181 requires regulations to be both necessary and reasonable. This requirement meets neither of those standards.

b., c., and e. API Colorado notes that public utilities do not routinely waive service within their franchise areas in which they have an obligation to serve. However, a public utility may notify an operator that it currently lacks the capacity to serve large new intermittent loads or that it will take significant time to extend service for drilling. This section does not reflect the real-world realities of securing service for large loads. Additionally, public utilities generally do not currently provide high volume, high voltage resources to serve fluctuating loads. Electrifying completion operations is currently unrealistic in most situations.

14. *Pipeline Infrastructure.* While this provision requires Operators to construct pipeline infrastructure, we note pipeline takeaway often is contracted to midstream companies and may not be constructed by the operator. We suggest the Town revise this section to reflect that this stage may not be an operation conducted by the applicant.

D. Water Quality and Quantity.

11. *Water Supply.*

a and c. These sections refer to applicable regulations yet does not identify the these specific regulations. API Colorado seeks clarification as to the rules the Town is referring to and will require operators to comply with.

E. Safety.

7. *Analysis of Plugged and Decommissioned Wells.*

b. We remind the Town that local governments lack authority over downhole operations. Frederick does not have the authority to require that a well be plugged and abandoned; this authority rests with the ECOMC. The Town should defer to the ECOMC policy and practice for this requirement.

As stated, the regulations proposed by the Town overlap with regulations set forth by the state, which left unaddressed could lead to unclear and duplicative standards. We ask that Frederick address these



American Petroleum Institute
Colorado

Alejandra Major
Associate Director
API Colorado
202-682-8020
majora@api.org

provisions. API Colorado appreciates the opportunity to provide comments on these proposed changes, and we look forward to working with the Town in developing standards for safe and reliable operation. We understand the Town's desire to protect public health and the environment and we share in those goals. Thank you.

Sincerely,

A handwritten signature in cursive script that reads 'Alejandra Major'.

Alejandra Major
Associate Director
majora@api.org

From: [Bryan Ostler](#)
To: [Jason Meyers](#); [Ryan Johnson](#); [Ali van Deutekom](#); [Renae Lehr](#)
Subject: FW: Written Comment on Oil and Gas Regulations 10-8-24
Date: Tuesday, October 8, 2024 6:14:18 PM

FYI

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

From: Rhianna Johnson <rhiannajohnson04@gmail.com>
Sent: Tuesday, October 8, 2024 1:53 PM
To: Board of Trustees <BoardofTrustees@frederickco.gov>
Subject: Written Comment on Oil and Gas Regulations 10-8-24

Caution! This message was sent from outside your organization.

To the Board of Trustees,

Hello, my name is Rhianna Johnson. I have been a resident of Colorado my entire life. I am a homeschooling Mom of 3 children, living here in Frederick, CO. Frederick has been my home for the past six years, and we previously lived in Firestone, where my husband was an elementary teacher for seven years. We are very active in the town, attending all of the town events and having our children in sports through the Rec center programs. Family and our small town are the center of our lives, and I appreciate all you have done to keep our community clean and safe.

However, my husband is a minister, and due to our limited income, and the rising costs in our economy, he has had to work extra jobs. This has taken away from our family time, and he has missed many of the kids sporting events. The current high gas prices have limited our family trips to the mountains, which is one of the primary reasons we homeschool. Our teenage daughter receives her driver's license next month, and is contemplating quitting sports in order to afford gas for a car that is being gifted to her from relatives.

We really appreciate the Rec center and the public services in our community, and we realize that severance taxes from oil and gas industries support many of our public services. We've noticed that Frederick is considering new regulations on oil and gas, but we know that the State of Colorado already has some of the strictest regulations in the nation. Please do not add more regulations on top of those already in place. We need these industries to operate as freely as possible for the wellbeing of our economy and our daily lives. I urge the Board of Trustees to not implement these burdensome regulations and to increase transparency about these regulations with the community.

Thank you,
Rhianna Johnson
203 Hawthorn Street

Sent from my iPad

From: [Ryan Johnson](#)
To: [Ali van Deutekom](#)
Subject: FW: Energy freedom for all
Date: Thursday, October 10, 2024 10:56:04 AM

Ryan Johnson | Assistant Town Manager
Town of Frederick | 720-382-5538
RJohnson@FrederickCO.gov | FrederickCO.gov

[Click here to see what matters to us!](#)

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

From: Fred Mahe <fredwmahe@gmail.com>
Sent: Thursday, October 10, 2024 10:40 AM
To: Board of Trustees <BoardofTrustees@frederickco.gov>
Subject: Energy freedom for all

Caution! This message was sent from outside your organization.

Good afternoon Honorable Board,

Thank you for the hours and hours you spend to volunteer for our great little town. I have done the same for the Town of Erie and now for a non profit in Greeley. I know how much time you spend.

I understand that there is a push for more energy regulations and to convince you to add additional burdens to our town and its energy operations. I would ask that you bring everyone to the table and learn about the existing regulations that the State of Colorado has. Our state has vast resources has some of the strongest and strictest regulations in place to protect our citizens. The people of Frederick are very safe from energy operations.

The bigger problem is if additional unnecessary burdens are put in place the funding that schools receive could drop even more. This is not good for the kids in our community as the school budgets are already stretched. The people who work in the oil and gas industry are your neighbors, your friends and family. We all use gas in our cars, home and in the products we buy. Battery cars are fine, but should be a choice, not mandatory. Collecting oil and gas from our home state is better than using resources to ship it in from another country. Also, if you are worried like I am about the environment, let's harvest eagerly from a place who has strong regulations like our state of Colorado.

Please don't add additional restrictions and ban the engery industry from Frederick, this will only drive the cost up for the poorest among us who can't afford to pay more.

Frederick Mahe
303-328-8234

Ali, Audemn, and Matthew Sura:

I am submitting additional comments based on the 10/22/24 Public Hearing with regard to the proposed Ordinance 1400 amending Article 9 of the Oil and Gas Production code for the Town of Frederick. First, I want to thank the Mayor and Trustees for allowing Life Fellowship Church (LFC) the extended time to hear our concerns. I also want to thank the Town Attorney and Matthew Sura for taking a few moments to help me better understand the intent of the requirements for oil and gas well abandonment included in Article 9. While the decision to table the Ordinance was not necessarily what I was hoping for I now understand the exception I was asking for could not be granted and with changes to the ordinance could be to the LFC benefit. With that in mind let me share my additional thoughts. The basis for our concern as expressed in my previous written comments and as expressed at the Public Hearing are still valid.

I believe the proposed setback of 200 feet to an abandoned oil and gas well to be excessive and will place an unreasonable development and financial hardship on land owners, developers, oil and gas companies, and in particular Life Fellowship Church (LFC). I believe the setbacks should be set to match the Weld County setback of 50 feet or the proposed reduced setback of 50 ft X 100 ft. That being said, if the Town insists on implementing the "Alternative Compliance Buffer Reduction Plan" I offer the following comments and suggestions:

1. I was left with the impression in speaking with the Town Attorney and Matt Sura (Matt can correct me if I misunderstood.) after the Hearing that the intention is not to duplicate the responsibility of the ECMC, but to utilize the rules currently in place to ensure the public safety. This concern was also expressed by one of the trustees. It is my understanding the intentions are that if a well is abandoned in accordance with the current ECMC rules, that would be adequate to allow a reduced setback to 50 ft X 100 ft. Unfortunately, I do not believe that is what is stated in Section 9.18 Article 4.b.
 - a. It seems an article simply stating that the reduced buffer of 50 ft X 100 ft would be approved, as stated in Article 4.a., if P&A were completed in accordance with current ECMC Rules and Regulations would be appropriate. Possible wording for 4.b.: "The Manager will approve a reduce buffer distance equal to that specified in Article 4.a. if an oil or gas well has been plugged and abandoned after (*date most recent rules were adopted*) in accordance with the ECMC Rules and Regulations." [I have been unable to determine the last date the plug and abandonment rules have been updated. Maybe Matt can assist with that date.]

That simple statement would easily address the setback requirements for abandonment of all wells going forward. It will make clear to all parties that the reduced setback requirements will be approved going forward. And it will not require the town to make a judgement call. If the ECMC approves the plugging and abandonment of a well it will be adequate for the Town.

- b. With regard to the LFC property such a statement would allow for the reduced setback limits for 3 of the 4 wells since one well was P&A in January of this year

and two others will be abandoned in 2025. At this time, I am unsure if that statement would include the fourth well which was abandoned on 9/14/14. Should the latest revision to the P&A rules predate 9/14/14 all wells on the LFC property could be approved for the reduced setback based on abandonment in accordance with the ECMC rules. This would address the concerns of LFC.

2. For all oil and gas wells abandoned prior to the date the ECMC abandonment criteria was updated may not be as easily addressed if the Town is convinced a 50-foot setback is inadequate. However, using a 50-foot setback would be consistent with Weld County and it would allow adequate space for equipment should the well have to be replugged. It appears setback limits for P&A wells are not established based on technical data. Setback limits are arbitrarily, set at a distance of what appears to be adequate to ensure public safety. What that distance should be varies based on the locality.

There were two examples of catastrophic failures given at the Public Meeting. The Firestone example had horrible consequences but it was not due to a plugged and abandoned well. While the Johnstown failure was associated with a plugged and abandoned well there was not significant damage associated with the well and the eruption associated with the failure was short lived. Failures of plugged and abandoned wells are extremely rare and a reaction to these events must be kept in perspective.

3. What I am sure of is that the Town should not take on the responsibilities of a regulatory agency. As currently written the Ordinance states the "Manager" will be placed in the position of writing requirements for abandonment as Article 4.b. states: "An alternative compliance buffer reduction plan shall be prepared and submitted in accordance with the submittal requirements established by the Manager." It then goes on to give the minimum requirements. Implementing Article 4.b. as written will place the Town in the position of becoming a regulatory "agency" responsible for writing plug and abandonment rules, remediation standards, and enforcement of those rules. I understand the Town is currently looking to hire an individual to oversee the oil and gas operations within the Town of Frederick. Will that person have the expertise to write standards, evaluate plugged and abandonment adequacy, define and oversee site assessments, determine adequacy of remediation and give approval for final closure. That would seem to be assuming much more risk than establishing a 50-foot setback and may not reduce the risk. Why would the Town want to take on that responsibility?

As I have previously stated, I have completed these assessments and have overseen remediation in a regulatory position and as a consultant and the Town does not want to take on that responsibility. My experience completing these assessments is limited to Wyoming. In Wyoming if soil or groundwater contamination is found the Department of Environmental Quality is notified and they become responsible for identifying the responsible party and enforcing remediation of the site. Doesn't the State of Colorado have a similar agency responsible for the protection of soils and waters of the state? Doesn't the ECMC do this for oil and gas wells later found to have contamination on site?

The frequency of problems associated with plugged and abandoned wells seems to be small and the risk to the public not significant. Therefore, I would recommend a minimum 50-foot setback for wells plugged and abandoned prior to the date the ECMC rules for abandonment were last updated. If contamination is found at a future date the ECMC can become responsible to find the responsible party and ensure cleanup.

The preferred oversight of oil and gas operations for both the land owner and Town should be from an entity that has existing rules and regulations and that has the expertise to make decisions based on the data.

4. I would like to address the costs associated with the proposed ordinance. At the Public Hearing Matt and I were in disagreement as to the associated costs. We were not talking about the costs for the same thing. The total cost would actually be the combined cost Matt was giving and the cost I was giving. Matt was giving a cost to redrill and replug a previously plugged and abandoned well. He gave a cost of around \$30,000. That would be OK if that is all a party had to do to ensure approval for the reduced setback. Unfortunately, as written, the requesting party would also have to complete the site assessment to determine the presence of contamination. That is the cost I was referring to which could easily run tens of thousands of dollars depending on the soil types and presence of groundwater. If contamination is detected, defining the extent of the contamination and remediation can easily reach \$100,000 and more.

That is my basis for suggesting the 200-foot setback will become the default. However, to arbitrarily state a P&A well that is not P&A to current standards is required to P&A to current standards could potentially trigger a site assessment should contamination be detected during that operation.

5. If the fourth P&A well on the LFC property has not been abandoned in accordance with the latest ECMC Rules and Regulations what is going to be required to obtain the reduced setback? No matter what, the Town will find themselves in the position of determining if the abandoned well that was approved by COGCC as in compliance with the then approved P&A standards at the time is in compliance with the current rules. Who in the Town is going to make that determination? Is it safe to assume that all wells P&A prior to implementation of the current rules will not have been plugged and abandoned to the current standards? Even if a 200-foot setback is applied will the well still have to be P&A to current standards? The ordinance as written does not give LFC comfort as what will be required.

It is good that the Town is taking the safety of their residents seriously but it is also important that the risks associated with oil and gas production are reasonably managed. It appears that all new wells will be managed in a cautious manner. Older wells are harder to manage and placing unrealistic burdens on the current property owners must be a consideration.

My primary concern is the impact the setback criteria established by the proposed ordinance will have on LFC. However, I have tried to present my thoughts on the pitfalls the Town may incur should you proceed as proposed. I am hoping to have a face-to-face conversation about

any proposed changes to avoid a confrontation at a Public Hearing that does not allow for open dialogue.

From: [Susan Aldridge](#)
To: [Ali van Deutekom](#)
Cc: [Jason Meyers](#); [Jason Leslie](#); [Brian Blehm](#); [Bill Meier](#); [Trista Fugate](#)
Subject: Land Use Code Amendments Regarding Oil and Gas Drilling and Production
Date: Tuesday, October 22, 2024 4:56:20 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[Comments to Frederick by UP PDF.pdf](#)

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Hi Ali, Jason and Jason, on behalf of United Power, please consider the attached comments to the proposed land use code amendments related to oil and gas drilling and production.

We value our members and our partnership with the Town. While United Power is grateful to serve all members with energy distribution and gladly will do so in the future, we wanted to provide some color around our suggested changes to the proposed land use code amendments, and particularly as to Mr. Sura's statement in his October 10, 2024, memorandum that "electricity is available throughout Frederick." As a member-owned distribution cooperative, our purpose is to safely provide affordable, reliable service to our members. Inherent in that is planning, cost considerations, and availability of transmission. While the Town of Frederick is within our service territory and we proudly serve its existing businesses and community members, each new, added distribution of power, particularly at the loads that oil and gas may necessitate, will require a level of discussion with United Power prior to any commitments. The comments you see in this redline reflect that position.

We are glad to answer any questions you may have concerning these comments and welcome the opportunity to discuss these regulations more fully, specifically the provision that, as written, requires United Power action.

Sincerely,
Susan Aldridge



Susan Aldridge

Director of Government Relations and Deputy General Counsel

Office: 720-685-5631 | **Mobile:** 720-606-1110 | saldridge@unitedpower.com

United Power | www.unitedpower.com

500 Cooperative Way Brighton, CO 80603

Powering Lives, Powering Change, Powering the Future—The Cooperative Way



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Built On What Matters

TOWN OF FREDERICK

Board of Trustees

Staff Report

Tracie Crites, Mayor

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

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

Public Hearing on the Fiscal Year 2025 Proposed Budget

Agenda Date: 11/12/2024 BOT Meeting

Attachments: 1. 2025 Proposed Budget

Reviewed By: Jason Leslie, Deputy Town Manager

Action Type

1) Legislative: Actions that relate to subjects of a long term and general applicability; such as the passing of ordinances/resolutions/policies/etc.

Strategic Plan Alignment:

Fiscally Responsible Governance - 6.2 Implement tools to enhance organizational transparency regarding budget and project performance as evidence of being responsible stewards of valuable public resources.

Summary Statement:

This is the first of two public hearings on the 2025 Budget.

Detail of Issue/Request:

In compliance with CRS 29-1-105, the Town Board received the preliminary budget during its first budget work session on October 8, 2024. Since then, the Board held one additional discussion on the proposed budget on November 12, 2024. This is the first of two advertised public hearings for the fiscal year 2025 proposed budget. The second

public hearing is scheduled for Tuesday, December 10, 2024, at 7:00p.m. The budget is scheduled for consideration of adoption at the December 10, 2024, regular board meeting. Fiscal year 2025 runs from January 1, through December 31, 2025.

The public hearings provide the opportunity for the public to provide comment on the fiscal year 2025 Proposed Budget. The budget document is available for public review online at www.FrederickCO.gov and at the Administrative Services Building, 311 Fifth Street, Frederick, CO 80530 or Town Hall, 401 Locust Street, Frederick, CO 80530, Monday through Friday, 8 a.m. to 5 p.m.

Legal Comments:

Not Applicable

Alternatives/Options

Not Applicable

Financial Considerations

Not Applicable

Staff Recommendation

Not Applicable

Community Impact

Not Applicable

TOWN OF FREDERICK ANNUAL BUDGET FY 2025

GENERAL FUND | EXPENSE SUMMARY

	2023 Actual	2024 Budget	2024 Projected	2025 Proposed
Town Manager's Office	595,890	463,725	485,155	515,485
Economic Development - Admin	338,815	518,700	253,150	1,375,855
Economic Development - Planning	562,580	1,106,265	486,571	919,600
Economic Development - GIS	241,047	278,700	196,152	198,840
Economic Development - Building	492,998	528,650	408,322	486,430
Economic Development - Neighborhood Services	0	236,600	75,000	238,650
Town Attorney	285,818	364,100	292,198	399,335
Town Clerk	212,754	370,800	141,734	189,620
Community Engagement	403,178	457,465	311,426	428,830
Human Resources	408,598	482,950	561,103	486,180
Information Technology	1,262,950	2,174,520	1,307,350	1,931,200
Finance & Internal Services	3,062,149	3,383,500	3,618,639	4,620,430
Court	94,000	121,700	106,920	129,705
Golf Course	1,303,429	1,286,700	1,091,472	1,975,150
Legislative (Board)	243,925	311,100	252,444	318,400
Public Works - Administrative	275,464	345,350	183,295	70,250
Public Works - Engineering	76,162	146,500	111,125	292,100
Police Department	6,990,294	8,070,125	7,335,297	8,689,010
Transfers Out	1,479,250	852,750	852,750	2,331,600
Totals	\$18,329,302	\$21,500,200	\$18,070,103	\$25,596,670

**TOWN OF FREDERICK
ANNUAL BUDGET
FY 2025**

GENERAL FUND | EXPENSE SUMMARY

	Personnel Services			Contract Services	Commodity	Other Charges	Total Operating Costs	Capital Outlay	Debt Service	Total
Town Manager	398,300			79,500	22,160	15,525	515,485	---	---	515,485
Town Clerk	119,000			48,000	18,120	4,500	189,620	---	---	189,620
Town Attorney	314,700			53,500	13,635	17,500	399,335	---	---	399,335
Legislative	25,900			210,500	1,000	48,000	285,400	33,000	---	318,400
Courts	86,700			35,800	6,205	1,000	129,705	---	---	129,705
Community and Engagement	261,400			61,400	29,205	57,825	409,830	19,000	---	428,830
Human Resources	206,700			88,200	19,280	172,000	486,180	---	---	486,180
Finance	226,900			19,350	34,985	3,750	284,985	---	---	284,985
Finance - Internal Services	271,000			10,000	0	6,386,045	6,667,045	---	---	6,667,045
Police	6,341,200			1,176,725	256,500	597,285	8,371,710	317,300	---	8,689,010
Public Works - Admin	49,500			9,750	7,500	3,500	70,250	---	---	70,250
Public Works - Engineering	67,100			197,000	5,000	23,000	292,100	---	---	292,100
Golf Course	831,000			844,630	249,520	0	1,925,150	50,000	---	1,975,150
ED - Admin	216,400			826,290	14,415	68,750	1,125,855	250,000	---	1,375,855
ED - Planning	500,900			388,850	22,900	6,950	919,600	---	---	919,600
ED - Building	399,200			65,020	19,360	2,850	486,430	---	---	486,430
ED - GIS	96,500			86,900	14,640	800	198,840	---	---	198,840
ED - Neighborhood Svcs	118,900			117,550	800	1,400	238,650	---	---	238,650
Information Technology	108,200			490,100	1,232,900	0	1,831,200	100,000	---	1,931,200
Totals	\$10,639,500			\$4,809,065	\$1,968,125	\$7,410,680	\$24,827,370	769,300	\$0	\$25,596,670

Total Cash Available

\$35,237,520

Ending Fund Balance

\$9,640,850

% of Total Budget

41.57% 18.79% 7.69% 28.95% 96.99% 3.01% 0.00% 100.00%

Town of Frederick

2025 Proposed Budget - Program Summary

GENERAL FUND

General Administration

Town Manager's Office			
<u>Program Name</u>	<u>Program Description</u>	<u>Fund</u>	<u>Cost of Service</u>
Economic Development	Business retention and recruitment.	General	96,943
Regional Partnerships	Creating and fostering relationships with State and Federal Partners.	General	46,963
Local Partnerships	Creating and fostering relationships with local partners.	General	50,063
External Communication	Creating and fostering relationships with the community.	General	20,898
Internal Communication	Creating and fostering relationships within the organization.	General	20,715
Town Administration and Operations	Oversight, coordination, and direction regarding day-to-day activities.	General	103,298
Strategic Planning	Implementing and monitoring long-term goals and objectives.	General	79,660
Organizational Development	Training, culture development, succession planning, leadership development.	General	56,230
Intergovernmental Relations	Creating and fostering positive relationships with other governmental entities.	General	20,798
Developer Obligations and Liabilities	Infrastructure improvements through MOAPIs.	General	19,915
Total Town Manager's Office programs			\$ 515,485

Town Attorney			
<u>Program Name</u>	<u>Program Description</u>	<u>Fund</u>	<u>Cost of Service</u>
Governance	Review and compliance of Town, County, and State laws.	General	83,210
Boards and Commissions	FURA, Board of Trustees, Commissions, Frederick Metro District.	General	82,211
Contracting	Review and regulate contracts, IGA, vendor agreements for the Town.	General	107,402
Intergovernmental Relations	Creating and fostering positive relationships with other governmental entities.	General	57,047
Customer Service	Assist and provide customer service to both internal and external customers. Partnering with departments.	General	57,330
Town Administration and Operations	Oversight, coordination, and direction regarding day-to-day activities.	General	12,135
Total Town Attorney programs			\$ 399,335

Town of Frederick
2025 Proposed Budget - Program Summary
GENERAL FUND

Town Clerk			
<u>Program Name</u>	<u>Program Description</u>	<u>Fund</u>	<u>Cost of Service</u>
Election Administration	Preparation and conduction of all Town elections.	General	34,375
Agenda Management	Management of Board of Trustee packets, URA packets, Liquor Authority packets, Metro District packets, and commission packets.	General	33,375
Municipal and Land Use Code Maintenance	Laws of the Town of Frederick.	General	19,400
Licensing	Business, liquor, peddler/solicitor.	General	22,975
Fred TV	Online Board recordings.	General	5,950
Records Management	Ordinances, public hearings, final payments.	General	58,675
Risk Management	Insurance policy management, loss assessments, claim processing.	General	750
Town Administration and Operations	Oversight, coordination, and direction regarding day-to-day activities.	General	14,120
Total Town Clerk programs			\$ 189,620
Community Engagement			
<u>Program Name</u>	<u>Program Description</u>	<u>Fund</u>	<u>Cost of Service</u>
External Communication	Frederick Flash, Monthly Newsletter, Social Media, Website, Media Relations, Events Brochure, General Information Brochure.	General	231,810
Internal Communication	Internal Communication, Culture development, Community Relations Strategic Plan.	General	26,526
Community Outreach	BBQ Tour, Youth Programming, Community Survey, Volunteer Program, Adopt a Place, Memorial Bench and Tree, Self-Defense Classes.	General	76,849
Branding	Ensuring the protection and expansion of Frederick's brand with ads, SEO, branded giveaway items, branded apparel, business cards.	General	42,287
Communications Administration	Administrative tasks such as entering purchase orders, budgeting, training, and maintaining membership with the following organizations: ESPIOC, PRSA, 3CMA, Weld County PIOs group.	General	50,975
Commissions	The volunteer commissions help with everything from planning public art to executing the tree sale program.	General	386
Total Community Engagement programs			\$ 428,830

Town of Frederick
2025 Proposed Budget - Program Summary
GENERAL FUND

Human Resources			
<u>Program Name</u>	<u>Program Description</u>	<u>Fund</u>	<u>Cost of Service</u>
Recruitment and Selection	Recruiting, hiring, onboarding.	General	105,404
Employee Relations	Employee performance, recognition, wellness, morale.	General	101,705
Learning & Development	HR training and professional memberships, staff training, tuition reimbursement.	General	131,715
Risk Management	Insurance policy management, loss assessments, claim processing.	General	55,342
Benefits Administration	Employee benefit program analysis and administration.	General	92,015
Total Human Resources programs			\$ 486,180
Information Technology			
<u>Program Name</u>	<u>Program Description</u>	<u>Fund</u>	<u>Cost of Service</u>
IT Infrastructure	Email, internet, telephones, network storage, connectivity, back-up/recovery, database management, records center, application hosting, application development, server platform.	General	771,370
Customer Service	Help desk, PC support, PC replacement program, software replacement program, printer/scanner device support, mobile device support, telephone programming and support, GIS mapping and application development.	General	98,230
Security	Cyber security, firewalls/intrusion protection, patch management, PC virus protection, vulnerability management, compliance (CJIS/CIRSA), endpoint protection, remote network access/VPN.	General	654,420
Administration	Software license compliance, inventory control, software maintenance contracts, budget, technology contracts and purchasing, capital asset management, census.	General	296,220
Product Management	GIS, website management, project management, automation.	General	110,960
Total Information Technology programs			\$ 1,931,200

Town of Frederick
2025 Proposed Budget - Program Summary
GENERAL FUND

Finance	<u>Program Name</u>	<u>Program Description</u>	<u>Fund</u>	<u>Cost of Service</u>
Finance Administration		Oversight, coordination, and direction regarding day-to-day financial activities, policy analysis, economic development activities.	General	62,680
Payroll		Managing employee compensation, including salary calculations, tax deductions, benefit administration, and compliance with labor laws and regulations, in order to efficiently and accurately handle payroll tasks.	General	22,690
Budget and Research		Review, analyze, and compile annual budget documents. Review, analyze, and update long-term financial plans and forecasts for organization. Review and analyze rate structures and levels for enterprise funds.	General	28,845
Accounting Services		Includes preparation of monthly financial reports and Comprehensive Annual Financial Report, Accounts Payable, Accounts Receivable, investment services, and general accounting services.	General	28,923
Grant Management		General grant oversight.	General	23,612
Materials Management		Ordering supplies/services for organization, processing payment for purchases.	General	22,690
Utility Billing and Cashiering		Collect and process all payments for services/licenses, etc. Maintain all utility billing accounts, rate structures, process utility bills, and shut off notices.	General	46,180
Debt Management		Management of debt for all funds/bond issuance.	General	23,090
Customer Service		Collect, sort, and disburse all incoming mail. Provide information to internal and external customers.	General	26,275
Town Administration and Operations		Town-wide Group, Property, and Casualty Insurance, Worker's Compensation, Fiscal Audit, Banking/Merchant fees, and transfer out.	General	6,667,045
Total Finance programs				\$ 6,952,030

Town of Frederick

2025 Proposed Budget - Program Summary

GENERAL FUND

<u>Program Name</u>	<u>Program Description</u>	<u>Fund</u>	<u>Cost of Service</u>
Restorative Justice	Alternative offender program.	General	12,510
Municipal Court	Judicial operations.	General	117,195
Total Court programs		\$	129,705
<u>Program Name</u>	<u>Program Description</u>	<u>Fund</u>	<u>Cost of Service</u>
Board Outreach	Communication and meeting with community members.	General	50,880
Board Strategic Planning and Organizational Development	Development of clear goals and objectives for the organization and community.	General	49,485
Legal Matters and Advice	Legal Matters for the Town including Town Attorney.	General	38,590
Elections	All Town Elections.	General	30,000
Board Regional Partnerships	Creating and fostering relationships across regional partners at State and Federal levels.	General	10,990
Board Local Partnerships	Creating and fostering working relationships with local partners.	General	48,985
Board Legislative	Agenda related items.	General	29,475
Community Betterment	Projects as directed by Board.	General	59,995
Total Legislative (Board) programs		\$	318,400
<u>Program Name</u>	<u>Program Description</u>	<u>Fund</u>	<u>Cost of Service</u>
Workplace Safety and Injury Prevention	Comply with federal, state, and local standards and codes as they relate to healthful working conditions, provide safety training, provide necessary safety equipment, and supplies.	General	5,905
Facility Maintenance	Maintain and repair town facilities and properties including the bank property, rental house, etc.	General	14,430
Administration	Oversight, coordination, and direction regarding day-to-day public works activities.	General	16,075
Fleet Operations	Management and maintenance of town fleet vehicles and partnership with Frederick-Firestone Fire District.	General	10,075
Asset Management Planning	Review, inspect and analyze asset condition and plan for repairs and replacement.	General	2,475

Town of Frederick

2025 Proposed Budget - Program Summary

GENERAL FUND

Capital Project Development	Analyze the towns long term needs for services and put together a plan to address those.	General	495
Capital Project Management	Manage, assist, supervise capital improvement projects.	General	4,950
Procurement	Procurement process for purchases, managing purchase orders, submitting pay requests.	General	2,475
Dispatch and Scheduling	Manage service order processing and scheduling of needed repairs, testing, and provide information to internal and external customers.	General	13,370
Total Public Works Admin programs			\$ 70,250
Public Works Engineering			
	<u>Program Name</u>	<u>Fund</u>	<u>Cost of Service</u>
Permitting	Permit processing for new development and for modifications to existing structures.	General	49,290
Inspections	Inspection of new and existing structures and infrastructure.	General	132,342
Plan Review	Review all design infrastructure of new development for compliance with Town standards and specifications.	General	45,704
Code Enforcement	Review of infrastructure and structures for health, safety, and welfare compliance.	General	9,454
Administration	Answering resident calls and questions, updating engineering page on website, meeting with residents, training, personnel.	General	14,214
Development Review	Review of development projects, meeting with prospective developers, drafting agreements between the Town and property owners, creating items to go before the Board, developer improvement guarantee collection.	General	16,535
Inspection of Public Improvements	Review of approved construction drawings, inspection of water lines, curb gutter and sidewalk, streets, etc. for new developments, inspections of Capital improvement projects, releasing developer improvement guarantee.	General	23,220
Fleet Maintenance	Management and maintenance of town fleet vehicles.	General	1,342
Total Public Works Engineering programs			\$ 292,100

Town of Frederick

2025 Proposed Budget - Program Summary

GENERAL FUND

Community & Economic Development Administration		
<u>Program Name</u>	<u>Program Description</u>	<u>Fund</u> <u>Cost of Service</u>
Attraction, Retention, & Expansion	Attract and retain primary employers to support a healthy economy and provide access to jobs for residents.	General 899,779
Commercial & Retail Development	Attract new retailers and retain existing retailers to sustain a healthy tax base, and encourage a strong business environment.	General 125,629
Urban Renewal and Redevelopment	Facilitate development and redevelopment of commercial properties in Urban Renewal Areas.	General 111,832
Downtown Business Support	Provide support for the growth and vitality of downtown businesses in the Town of Frederick.	General 140,383
Strategic Planning	Maintain long term economic plan for future economic development opportunities.	General 79,427
Town Administration and Operations	Oversight, coordination, and direction regarding day-to-day activities.	General 18,805
Total Community & Economic Development Admin programs		\$ 1,375,855
Community & Economic Development Planning		
<u>Program Name</u>	<u>Program Description</u>	<u>Fund</u> <u>Cost of Service</u>
Development Review Management	Review of land use applications in compliance with Land Use Code.	General 356,957
Comprehensive Plan Management	Implementation and maintenance of Comprehensive Plan and its supplemental documents.	General 81,462
Business Retention/Expansion	Efforts to attract/retain businesses to/within the community.	General 10,018
Administration	Includes the day to day operations of the Planning Department including general, safety, and training supplies as well as miscellaneous items.	General 48,926
Metro District Management	Review of and ongoing interaction with metropolitan districts.	General 14,514
5th St. Revitalization		General 128,921
Land Use Code Management & Enforcement	Participation in enforcement of the Land Use Code. Often includes participation by Chief Building Official, Town Prosecutor, and Community Service Officers.	General 105,879
Training and Professional Development	Quality training and educational activities to support high quality employee service for the community.	General 33,718
Commission Administration	Administration of the Planning Commission and POST Commission, as well as preparation for and participation in meetings.	General 100,530

Town of Frederick

2025 Proposed Budget - Program Summary

GENERAL FUND

Community Outreach	Administer and/or participate in the following: Annual Arbor Day event as required for Tree City USA designation, Tree City USA designation, Unity in the Community.	General	5,009
Planning Department Memberships	Professional memberships with planning organizations.	General	3,005
Tree Sale Administration	Manage Town tree sale program.	General	2,505
Annexations	The TOF is able to assist with annexation of properties.	General	4,508
Oil & Gas	Strengthening municipal oversight and community engagement in oil and gas operations while promoting economic growth.	General	23,650
Total Community & Economic Development Planning programs			\$ 919,600
Community & Economic Development Building			
<u>Program Name</u>	<u>Program Description</u>	<u>Fund</u>	<u>Cost of Service</u>
Permitting	Permit processing for new development and for modifications to existing structures.	General	119,760
Inspections	Inspection of new and existing structures and infrastructure.	General	119,760
Code Enforcement	Review of infrastructure and structures for health, safety, and welfare compliance.	General	146,200
Building Admin	Provide support for the growth and vitality of downtown businesses in the Town of Frederick.	General	100,710
Total Community & Economic Development Building programs			\$ 486,430
Community & Economic Development GIS			
<u>Program Name</u>	<u>Program Description</u>	<u>Fund</u>	<u>Cost of Service</u>
GIS Infrastructure	Email, internet, telephones, network storage, connectivity, backup/recovery, database management, records center, application hosting, application development, server platform.	General	14,200
Customer Service	Help desk, PC support, PC replacement program, software replacement program, printer/scanner device support, mobile device support, telephone programming and support, GIS mapping and application development.	General	29,450
Security	Cyber security, firewalls/intrusion protection, patch management, PC virus protection, vulnerability management, compliance (CJIS/CIRSA), endpoint protection, remote network access/VPN.	General	25,725

Town of Frederick

2025 Proposed Budget - Program Summary

GENERAL FUND

Administration	Software license compliance, inventory control, software maintenance contracts, budget, technology contracts and purchasing, capital asset management, census.	General	86,715
Product Management	GIS, website management, project management, automation.	General	42,750
Total Community & Economic Development GIS programs			\$ 198,840
Community & Economic Development Neighborhood Services			
<u>Program Name</u>	<u>Program Description</u>	<u>Fund</u>	<u>Cost of Service</u>
Permitting	Permit processing for new development and for modifications to existing structures.	General	75
Inspections	Inspection of new and existing structures and infrastructure.	General	35,745
Code Enforcement	Review of infrastructure and structures for health, safety, and welfare compliance.	General	174,525
NS Admin	Provide support for the growth and vitality of downtown businesses in the Town of Frederick.	General	28,305
Total Community & Economic Dev Neighborhood Svcs programs			\$ 238,650
Police Department			
<u>Program Name</u>	<u>Program Description</u>	<u>Fund</u>	<u>Cost of Service</u>
Patrol Services	Uniformed police services in the community.	General	2,278,960
Investigations	Criminal investigations.	General	486,934
Property and Evidence	Secure storage of evidence and victim property.	General	159,155
Community Services	Code enforcement and animal control.	General	617,473
Special Weapons & Tactics	IGA Longmont - High Risk Response Team.	General	219,334
School Resource Officers	Effective liaison with school students and faculty.	General	633,420
Police Records	Criminal justice records for public and system.	General	35,794
Administration	Oversight, management and direction of police.	General	1,003,092
K9 Program	Working dog for drugs and criminal apprehension.	General	259,728
Community Policing/Outreach	Maintain and improve relations with community.	General	487,628
Fleet Maintenance	Provide vehicles for department tasks.	General	938,393
Communications	911 and police dispatch services.	General	170,752
Training and Professional Development	Training and Professional memberships for personnel.	General	1,056,530
Grant Funding	Grant funded overtime for traffic enforcement, equipment, special duty programming.	General	94,893

Town of Frederick
2025 Proposed Budget - Program Summary
GENERAL FUND

School Crossing Guards	School crossings protected by part-time guards.	General	75,914
Inter agency Initiatives	JAC, Victim Assistance, Drug Task Force, Kids Place, Emergency Management Program.	General	171,011
Total Police Department programs			\$ 8,689,010
Golf Course			
	<u>Program Name</u>	<u>Fund</u>	
Golf Operations	Operation of the golf course clubhouse, pro shop and customer services.	Golf	731,025
Golf Course Maintenance	Maintenance of the golf course grounds, facilities and equipment.	Golf	182,500
Golf Programming	Recreational program administration, operations and materials for leagues, junior golf, learn-to-golf, tournaments and other special events.	Golf	639,468
Food and Beverage Operations	Operation of food and beverage offerings at the golf course.	Golf	65,000
Golf Course Improvements	Planning, design, procurement and/or construction of improvements to golf course operations, grounds, facilities and equipment.	Golf	274,058
Budget and Research	Review, analyze, and compile annual budget documents. Review, analyze, and update long-term financial plans and forecasts for organization. Review and analyze rate structures and levels for enterprise funds.	Golf	41,550
Accounting Services	Includes preparation of monthly financial reports and Comprehensive Annual Financial Report, accounts payable, accounts receivable, investment services, and general accounting services.	Golf	41,550
Total Golf Course programs			\$ 1,975,150
Total General Fund programs			\$ 25,596,670

TOWN OF FREDERICK
ANNUAL BUDGET
FY 2025

STREET & ALLEY FUND | EXPENSE SUMMARY

	2023 Actual	2024 Budget	2024 Projected	2025 Proposed
Engineering	2,182,656	4,431,500	4,934,885	3,109,600
Public Works	1,343,843	2,086,850	1,513,111	1,977,855
Operational Expenses	1,476,959	1,617,000	1,125,091	1,808,520
Totals	\$5,003,458	\$8,135,350	\$7,573,087	\$6,895,975

**TOWN OF FREDERICK
ANNUAL BUDGET
FY 2025**

STREET & ALLEY FUND | EXPENSE SUMMARY

	Personnel Services	Contract Services	Commodity	Other Charges	Total Operating Costs	Capital Outlay	Debt Service	Total
Engineering	---	133,000	0	9,600	142,600	2,967,000	---	3,109,600
Public Works	---	1,117,265	224,690	14,900	1,356,855	621,000	---	1,977,855
General Operations	1,268,200	200	---	6,500	1,274,900	---	533,620	1,808,520
Totals	\$1,268,200	\$1,250,465	\$224,690	\$31,000	\$2,774,355	\$3,588,000	\$533,620	\$6,895,975

Total Cash Available

\$8,607,381

Ending Fund Balance

\$1,711,406

% of Total Budget

18.39%

18.13%

3.26%

0.45%

40.23%

52.03%

7.74%

100.00%

Town of Frederick
2025 Proposed Budget - Program Summary
STREETS AND ALLEY FUND

<u>Program Name</u>	<u>Program Description</u>	<u>Fund</u>	<u>Cost of Service</u>
Streets Admin	Administrative expenses related to wage and fringe, operations, and debt service.	Streets	97,090
Pavement Maintenance	Chip seal, overlays, striping.	Streets	1,030,000
Frederick Speed Management Program	Traffic calming projects and print media.	Streets	90,000
Inspection/Condition Assessments	Review and inspection of street and sidewalk infrastructure.	Streets	166,057
Concrete Maintenance	Pave alleys, repair curb and gutter and cross pans.	Streets	288,942
Transportation Expansion and Capital Improvements	Reconstruct and widen streets, construct traffic signals, address parking needs.	Streets	1,647,000
Transportation System Planning	Master plans, regional coordination with CDOT, DRCOG, NATA, grants.	Streets	192,566
Road Repairs	Crack sealing, pothole patching, replacement of damaged roadway sections, and delineators.	Streets	56,697
Trash Removal	Solid waste removal.	Streets	862,400
Transportation Outreach and Education	Communication and meeting with community members regarding transportation topics.	Streets	4,727
Workplace Safety and Injury Prevention	Comply with federal, state, and local standards and codes as they relate to healthful working conditions, provide safety training, provide necessary safety equipment and supplies.	Streets	38,237
Median Maintenance	Maintaining median infrastructure which includes weeding, gravel replacement, mowing, tree trimming, concrete replacement, etc.	Streets	57,317
Street Sweeping	Maintaining clean streets with an organized street sweeping schedule.	Streets	224,671
Training and Professional Development	Quality training and educational activities to support high quality employee service for the community.	Streets	28,261
Right of Way Mowing	Maintaining right of way areas.	Streets	74,270
Streets Fleet Operations	Management and maintenance of town fleet vehicles.	Streets	126,265

Town of Frederick
2025 Proposed Budget - Program Summary
STREETS AND ALLEY FUND

<u>Program Name</u>	<u>Program Description</u>	<u>Fund</u>	<u>Cost of Service</u>
Traffic Control	Directing vehicular and pedestrian traffic around work projects.	Streets	71,119
Sidewalk Maintenance	Maintaining sidewalk safety by repairing cracked, deteriorated, or misaligned sidewalks.	Streets	50,674
Streets Storm Response and Recovery	Management and restoration of infrastructure and facilities following an incident.	Streets	640,726
Traffic Signal Maintenance	Ensure safe installation, operation, and maintenance of traffic signals.	Streets	46,999
Traffic Engineering	Review and analyze methods to ensure the safe and efficient movement of citizens and goods on public roadways.	Streets	93,200
Snow and Ice Removal	Snow and ice removal/management on primary streets, bike lanes, and frequently used paths in an effort to maintain open travel during and after snow storms.	Streets	263,797
Street Sign Maintenance	Repair and replacement of the Town's street signs.	Streets	10,250
Customer Service	Collect, sort, and disburse all incoming mail. Provide information to internal and external customers.	Streets	24,861
Utility Billing and Cashiering	Collect and process all payments for services/licenses, etc. Maintain all utility billing accounts, rate structures, process utility bills, and shut off notices.	Streets	39,250
Grant Management	General grant oversight.	Streets	49,270
Accounting Services	Includes preparation of monthly financial reports and Comprehensive Annual Financial Report, accounts payable, accounts receivable, investment services and general accounting services.	Streets	39,331
Budget and Research	Review, analyze, and compile annual budget documents. Review, analyze, and update long-term financial plans and forecasts for organization. Review and analyze rate structures and levels for enterprise funds.	Streets	48,384

Town of Frederick
2025 Proposed Budget - Program Summary
STREETS AND ALLEY FUND

<u>Program Name</u>	<u>Program Description</u>	<u>Fund</u>	<u>Cost of Service</u>
Debt Management	Management of debt for all funds/bond issuance.	Streets	533,620
Total Street and Alley Fund programs		\$	6,895,975

TOWN OF FREDERICK
ANNUAL BUDGET
FY 2025

CONSERVATION TRUST FUND | EXPENSE SUMMARY

	2023 Actual	2024 Budget	2024 Projected	2025 Proposed
Operational Expenses	0	20,000	17,500	0
Totals	\$0	\$20,000	\$17,500	\$0

**TOWN OF FREDERICK
ANNUAL BUDGET
FY 2025**

CONSERVATION TRUST FUND | EXPENSE SUMMARY

	Personnel Services	Contract Services	Commodity	Other Charges	Total Operating Costs	Capital Outlay	Debt Service	Total
Operations	0	0	0	0	0	---	---	0
Totals	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Total Cash Available

\$579,400

Ending Fund Balance

\$579,400

% of Total Budget

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Town of Frederick
2025 Proposed Budget - Program Summary
CONSERVATION TRUST FUND

<u>Program Name</u>	<u>Program Description</u>	<u>Fund</u>	<u>Cost of Service</u>
Public Site Improvements	Development, replacement, or improvement of park and other public areas.	CT	0
Total Conservation Trust programs			\$ -

TOWN OF FREDERICK
ANNUAL BUDGET
FY 2025

PARKS & OPEN SPACE FUND | EXPENSE SUMMARY

	2023 Actual	2024 Budget	2024 Projected	2025 Proposed
Planning	53,045	0	45,000	0
Public Works	627,234	1,523,750	844,819	1,952,525
Operational Expenses	1,552,774	1,355,000	1,562,299	2,209,200
Totals	\$2,233,053	\$2,878,750	\$2,452,118	\$4,161,725

**TOWN OF FREDERICK
ANNUAL BUDGET
FY 2025**

PARKS & OPEN SPACE FUND | EXPENSE SUMMARY

	Personnel Services	Contract Services	Commodity	Other Charges	Total Operating Costs	Capital Outlay	Debt Service	Total
Public Works	---	1,203,330	59,195	---	1,262,525	690,000	---	1,952,525
General Operations	2,209,200	---	---	---	2,209,200	---	---	2,209,200
Totals	\$2,209,200	\$1,203,330	\$59,195	\$0	\$3,471,725	\$690,000	\$0	\$4,161,725

Total Cash Available								\$8,612,432
Ending Fund Balance								\$4,450,707
% of Total Budget	53.08%	28.91%	1.42%	0.00%	83.42%	16.58%	0.00%	100.00%

Town of Frederick
2025 Proposed Budget - Program Summary
PARKS & OPEN SPACE FUND

<u>Program Name</u>	<u>Program Description</u>	<u>Fund</u>	<u>Cost of Service</u>
Open Space Planning and Project Management	Planning, supervising, assisting, coordinating, and review of existing and potential projects.	Open Space	66,276
OS Improvements	Installation and/or restoration of open space improvements including: trees, grasses and vegetation, signs, benches, etc.	Open Space	394,184
Trail Improvements	Installation and/or restoration of trails.	Open Space	22,092
Open Space Expansion	Support of POST MIP implementation.	Open Space	22,092
Infrastructure Maintenance and Expansion	Maintenance of Open Space areas, new infrastructure assets.	Open Space	314,260
Mosquito Control	Mosquito spraying that occurs from late spring through summer.	Open Space	74,184
Integrated Pest Management	General pest control.	Open Space	88,368
Trail Maintenance	Maintenance of existing trails including concrete repair, mowing and weed control.	Open Space	200,828
Resource and Wildlife Management	Conservation and preservation of ecology, plant ecology, botany, wildlife management, and natural resources including the Wetlands.	Open Space	739,580
Graffiti Removal	Removal and restoration of Town assets that have been defaced.	Open Space	53,850
Open Space Public Education and Outreach	Public education program on open space and conservation of these areas.	Open Space	47,092
Open Space Signs	Maintenance and replacement of existing open space signage.	Open Space	13,046
Noxious Weed Control	Control and management of noxious and invasive weeds.	Open Space	176,736
Parks Maintenance	Maintenance of park areas, including shrub pruning, weed control, fertilization, sweeping hard surfaces, cleaning and repairing park benches and tables, maintaining splash park, etc.	Parks	243,012

Town of Frederick
2025 Proposed Budget - Program Summary
PARKS & OPEN SPACE FUND

<u>Program Name</u>	<u>Program Description</u>	<u>Fund</u>	<u>Cost of Service</u>
Tree Maintenance	Horticulture, tree trimming, replacing dead trees.	Parks	171,552
Parks Mowing	Mowing of the town parks.	Parks	377,100
Parks Fleet Maintenance	Management and maintenance of town fleet vehicles.	Parks	268,290
Playground Maintenance	Maintaining park playground areas.	Parks	220,866
Parks Building Maintenance	Maintaining park buildings, restrooms, and shelters.	Parks	154,123
Youth Recreation Activities	Investigation and analysis of various youth recreation activities that would be possible for the Town.	Parks	169,184
Parks Irrigation	Maintain irrigation system and water for Town park areas.	Parks	153,468
Private Special Events	Park preparation and any necessary clean up after private rentals and Town Events.	Parks	54,072
Workplace Safety and Injury Prevention	Comply with federal, state, and local standards and codes as they relate to healthful working conditions, provide safety training, provide necessary safety equipment and supplies.	Parks	22,092
Budget and Research	Review, analyze, and compile annual budget documents. Review, analyze, and update long-term financial plans and forecasts for organization. Review and analyze rate structures and levels for enterprise funds.	Parks	33,138
Accounting Services	Includes preparation of monthly financial reports and Comprehensive Annual Financial Report, accounts payable, accounts receivable, investment services, and general accounting services.	Parks	44,684
Grant Management	General grant oversight.	Parks	11,046
Customer Service	Collect, sort, and disburse all incoming mail. Provide information to internal and external customers.	Parks	15,464
Materials Management	Ordering supplies/services for organization, processing payment for purchases.	Parks	11,046

Town of Frederick
2025 Proposed Budget - Program Summary
PARKS & OPEN SPACE FUND

<u>Program Name</u>	<u>Program Description</u>	<u>Fund</u>	<u>Cost of Service</u>
	Total Parks & Open Space programs	\$	4,161,725

TOWN OF FREDERICK
ANNUAL BUDGET
FY 2025

PUBLIC SAFETY FUND | EXPENSE SUMMARY

	2023 Actual	2024 Budget	2024 Projected	2025 Proposed
Transfer Out (PD Capital)	250,000	300,000	300,000	350,000
Totals	\$250,000	\$300,000	\$300,000	\$350,000

**TOWN OF FREDERICK
ANNUAL BUDGET
FY 2025**

PUBLIC SAFETY FUND | EXPENSE SUMMARY

	Personnel Services	Contract Services	Commodity	Other Charges	Total Operating Costs	Capital Outlay	Debt Service	Total
Operational Expenses	0	0	0	0	0	350,000	---	350,000
Totals	\$0	\$0	\$0	\$0	\$0	\$350,000	\$0	\$350,000

Total Cash Available								\$351,000
Ending Fund Balance								\$1,000
% of Total Budget	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%

Town of Frederick
2025 Proposed Budget - Program Summary
PUBLIC SAFETY FUND

<u>Program Name</u>	<u>Program Description</u>	<u>Fund</u>	<u>Cost of Service</u>
Vehicle and Equipment Replacement	Routine PD vehicle and equipment replacements, transferred to General Fund.	Public Safety	350,000
Total Public Safety programs			\$ 350,000

TOWN OF FREDERICK
ANNUAL BUDGET
FY 2025

CAPITAL FACILITIES FUND | EXPENSE SUMMARY

	2023 Actual	2024 Budget	2024 Projected	2025 Proposed
Operational Expenses	1,680,748	218,000	590,000	3,068,000
Totals	\$1,680,748	\$218,000	\$590,000	\$3,068,000

**TOWN OF FREDERICK
ANNUAL BUDGET
FY 2025**

CAPITAL FACILITIES FUND | EXPENSE SUMMARY

	Personnel Services	Contract Services	Commodity	Other Charges	Total Operating Costs	Capital Outlay	Debt Service	Total
Capital Facilities	0	837,000	0	0	837,000	2,230,000	1,000	3,068,000
Totals	\$0	\$837,000	\$0	\$0	\$837,000	\$2,230,000	\$1,000	\$3,068,000
Total Cash Available								\$4,687,382
Ending Fund Balance								\$1,619,382
% of Total Budget	0.00%	27.28%	0.00%	0.00%	27.28%	72.69%	0.03%	100.00%

Town of Frederick
2025 Proposed Budget - Program Summary
CAPITAL FACILITIES FUND

<u>Program Name</u>	<u>Program Description</u>	<u>Fund</u>	<u>Cost of Service</u>
Debt Service	Debt service for existing Town obligations.	Cap Fac	1,000
Contract Services	Professional service potential needs.	Cap Fac	837,000
Capital	Building and Infrastructure maintenance.	Cap Fac	2,230,000
Total Capital Facilities programs		\$	3,068,000

TOWN OF FREDERICK
ANNUAL BUDGET
FY 2025

FACILITIES FUND | EXPENSE SUMMARY

	2023 Actual	2024 Budget	2024 Projected	2025 Proposed
Operational Expenses	541,999	681,500	536,247	778,200
Totals	\$541,999	\$681,500	\$536,247	\$778,200

**TOWN OF FREDERICK
ANNUAL BUDGET
FY 2025**

FACILITIES FUND | EXPENSE SUMMARY

	Personnel Services		Contract Services		Commodity		Other Charges		Total Operating Costs	Capital Outlay	Debt Service	Total
Operational Expenses	309,800		296,100		13,750		1,550		621,200	157,000	---	778,200
Totals	\$309,800		\$296,100		\$13,750		\$1,550		\$621,200	\$157,000	\$0	\$778,200

Total Cash Available

\$958,890

Ending Fund Balance

\$180,690

% of Total Budget

39.81%

38.05%

1.77%

0.20%

79.83%

20.17%

0.00%

100.00%

Town of Frederick
2025 Proposed Budget - Program Summary
FACILITIES FUND

<u>Program Name</u>	<u>Program Description</u>	<u>Fund</u>	<u>Cost of Service</u>
Grounds Maintenance	Maintain the grounds so that they are safe, aesthetically pleasing, and fit for public use.	Facilities	105,325
Workplace Safety and Injury Prevention	Comply with federal, state, and local standards and codes as they relate to healthful working conditions, provide safety training, provide necessary safety equipment, and supplies.	Facilities	83,825
Facility Maintenance	Maintain and repair town facilities and properties including the bank property, rental house, etc.	Facilities	464,900
Public Works Administration	Oversight, coordination, and direction regarding day-to-day public works activities.	Facilities	124,150
Total Facilities programs			\$ 778,200

TOWN OF FREDERICK
ANNUAL BUDGET
FY 2025

FLEET FUND | EXPENSE SUMMARY

	2023 Actual	2024 Budget	2024 Projected	2025 Proposed
Operational Expenses	1,172,662	1,214,000	1,454,763	1,583,500
Totals	\$1,172,662	\$1,214,000	\$1,454,763	\$1,583,500

**TOWN OF FREDERICK
ANNUAL BUDGET
FY 2025**

FLEET FUND | EXPENSE SUMMARY

	Personnel Services		Contract Services	Commodity	Other Charges	Total Operating Costs	Capital Outlay	Debt Service	Total
Operational Expenses	293,300		1,062,500	176,700	51,000	1,583,500	---	---	1,583,500
Totals	\$293,300		\$1,062,500	\$176,700	\$51,000	\$1,583,500	\$0	\$0	\$1,583,500

Total Cash Available

\$1,631,147

Ending Fund Balance

\$47,647

% of Total Budget

18.52%

67.10%

11.16%

3.22%

100.00%

0.00%

0.00%

100.00%

Town of Frederick
2025 Proposed Budget - Program Summary
FLEET FUND

<u>Program Name</u>	<u>Program Description</u>	<u>Fund</u>	<u>Cost of Service</u>
Workplace Safety and Injury Prevention	Comply with federal, state, and local standards and codes as they relate to healthful working conditions, provide safety training, provide necessary safety equipment, and supplies.	Fleet	13,633
Administration	Oversight, coordination, and direction regarding day-to-day fleet activities.	Fleet	925,733
Fleet Maintenance	Maintain and repair town facilities and properties including the bank property, rental house, etc.	Fleet	310,635
Fleet Operations	Management and maintenance of town fleet vehicles and partnership with Frederick-Firestone Fire District.	Fleet	303,902
Asset Management Planning	Review, inspect and analyze asset condition and plan for repairs and replacement.	Fleet	9,366
Procurement	Procurement process for purchases, managing purchase orders, submitting pay requests.	Fleet	5,866
Customer Service	Assist and provide customer service to both internal and external customers. Partnering with departments.	Fleet	6,866
Training and Professional Development	Quality training and educational activities to support high quality employee service for the community.	Fleet	7,500
Total Fleet programs			\$ 1,583,500

TOWN OF FREDERICK
ANNUAL BUDGET
FY 2025

EVENTS FUND | EXPENSE SUMMARY

	2023 Actual	2024 Budget	2024 Projected	2025 Proposed
Operational Expenses	220,050	275,575	285,780	274,075
Totals	\$220,050	\$275,575	\$285,780	\$274,075

**TOWN OF FREDERICK
ANNUAL BUDGET
FY 2025**

EVENTS FUND | EXPENSE SUMMARY

	Personnel Services			Contract Services		Commodity		Other Charges		Total Operating Costs		Capital Outlay		Debt Service		Total
Events	0			0		0		269,075		269,075		5,000		---		274,075
Totals	\$0			\$0		\$0		\$269,075		\$269,075		\$5,000		\$0		\$274,075
Total Cash Available																\$544,709
Ending Fund Balance																\$270,634
% of Total Budget	0.00%			0.00%		0.00%		98.18%		98.18%		1.82%		0.00%		100.00%

Town of Frederick
2025 Proposed Budget - Program Summary
EVENTS FUND

<u>Program Name</u>	<u>Program Description</u>	<u>Fund</u>	<u>Cost of Service</u>
Vehicle Lease	Event van.	Events	13,100
Frederick In Flight	A hot air balloon festival to showcase our community to a regional audience.	Events	75,275
Chainsaws and Chuckwagons	A woodcarving competition that adds festivities to Downtown Frederick and art pieces to the town's collection.	Events	73,100
Miners Day	A celebration of the town's history to connect current residents with each other and their past.	Events	84,900
Tiny Terror Town	Safe community event that connects residents and downtown businesses for Halloween fun.	Events	3,500
Community Programs	Community tour and talks.	Events	7,900
Festival of Lights	A kickoff to the holiday season that showcases Crist Park and the town's lighting displays.	Events	16,300
Total Events programs			\$ 274,075

TOWN OF FREDERICK
ANNUAL BUDGET
FY 2025

ART IN PUBLIC PLACES FUND | EXPENSE SUMMARY

	2023 Actual	2024 Budget	2024 Projected	2025 Proposed
Operational Expenses	5,900	30,000	8,160	30,000
Totals	\$5,900	\$30,000	\$8,160	\$30,000

**TOWN OF FREDERICK
ANNUAL BUDGET
FY 2025**

ART IN PUBLIC PLACES FUND | EXPENSE SUMMARY

	Personnel Services			Contract Services	Commodity		Other Charges	Total Operating Costs		Capital Outlay		Debt Service	Total
Art in Public Places	---			10,000	---		---	10,000		20,000		---	30,000
Totals	\$0			\$10,000	\$0		\$0	\$10,000		\$20,000		\$0	\$30,000
Total Cash Available													\$93,800
Ending Fund Balance													\$63,800
% of Total Budget	0.00%			33.33%	0.00%		0.00%	33.33%		66.67%		0.00%	100.00%

Town of Frederick
2025 Proposed Budget - Program Summary
ART IN PUBLIC PLACES FUND

<u>Program Name</u>	<u>Program Description</u>	<u>Fund</u>	<u>Cost of Service</u>
Public Art	Placement, education, and creation of bronze art and other art in the community.	Art	30,000
Total Arts in Public Places programs		\$	30,000

TOWN OF FREDERICK
ANNUAL BUDGET
FY 2025

WATER FUND | EXPENSE SUMMARY

	2023 Actual	2024 Budget	2024 Projected	2025 Proposed
General Administration	1,563,777	1,617,500	1,044,382	1,984,200
Engineering	2,710,140	6,975,525	7,257,159	12,830,805
Public Works	931,950	1,154,850	1,057,934	2,151,605
Totals	\$5,205,866	\$9,747,875	\$9,359,475	\$16,966,610

**TOWN OF FREDERICK
ANNUAL BUDGET
FY 2025**

WATER FUND | EXPENSE SUMMARY

	Personnel Services	Contract Services	Commodity	Other Charges	Total Operating Costs	Capital Outlay	Debt Service	Total
General Admin	1,425,200	139,000	---	420,000	1,984,200	---	---	1,984,200
Engineering	---	8,236,450	28,505	15,850	8,280,805	4,550,000	---	12,830,805
Public Works	517,100	219,265	1,244,240	5,000	1,985,605	166,000	---	2,151,605
Totals	\$1,942,300	\$8,594,715	\$1,272,745	\$440,850	\$12,250,610	\$4,716,000	\$0	\$16,966,610

Total Cash Available

\$142,481,272

Ending Fund Balance

\$125,514,662

% of Total Budget

11.45%

50.66%

7.50%

2.60%

72.20%

27.80%

0.00%

100.00%

Town of Frederick
2025 Proposed Budget - Program Summary
WATER FUND

<u>Program Name</u>	<u>Program Description</u>	<u>Fund</u>	<u>Cost of Service</u>
Water Admin	Oversight, coordination, and direction regarding day-to-day public works activities.	Water	223,545
Water Resource Management	Water rights tracking, acquisition of rights, filing of decrees, water conservation, and water rental to farmers.	Water	4,291,489
Water Source Projects	Permitting, design, and construction of new water source storage.	Water	6,727,000
Raw Water System Improvements	Meter upgrades, meter replacements, design of new raw water main lines, park conversions from potable water to raw water, and GIS layers management.	Water	2,927,170
Potable Water System Improvements	Mainline extensions, abandonment of old lines, and GIS layers management.	Water	67,645
Meter Services	This program includes all meter related services from placing new meters, to testing, repairing, and reading.	Water	1,355,606
Hydrant Repair and Replacement	Repairing and replacing fire hydrants for fire protection.	Water	56,710
Water Education Outreach	Communication and meeting with citizens and community members regarding water sourcing and storage.	Water	51,710
Training and Professional Development	Quality training and educational activities to support high quality employee service for the community.	Water	5,000
Water Quality Operations	Water quality monitoring and testing.	Water	107,170
Water Conservation	Public education regarding the practice of using water efficiently to reduce unnecessary usage.	Water	89,710
Water Fleet Operations	Management and maintenance of town fleet vehicles.	Water	281,265
Infrastructure Maintenance	Repair and replace water mains.	Water	100,460
Employee Certification	Employee certification and continued education in water management	Water	56,710

Town of Frederick
2025 Proposed Budget - Program Summary
WATER FUND

<u>Program Name</u>	<u>Program Description</u>	<u>Fund</u>	<u>Cost of Service</u>
Water - Storm Response and Recovery	Management and restoration of infrastructure and facilities following an incident.	Water	66,460
Workplace Safety and Injury Prevention	Comply with federal, state, and local standards and codes as they relate to healthful working conditions, provide safety training, provide necessary safety equipment and supplies.	Water	59,960
Utility Billing and Cashiering	Collect and process all payments for services/licenses, etc. Maintain all utility billing accounts, rate structures, process utility bills, and shut off notices.	Water	465,000
Customer Service	Collect, sort, and disburse all incoming mail. Provide information to internal and external customers.	Water	34,000
Total Water programs			16,966,610

TOWN OF FREDERICK
ANNUAL BUDGET
FY 2025

STORM WATER FUND | EXPENSE SUMMARY

	2023 Actual	2024 Budget	2024 Projected	2025 Proposed
Engineering	437,017	170,250	271,754	588,955
Public Works	212,609	241,100	222,597	457,905
General Operations	1,221,792	1,245,500	990,434	1,665,500
Totals	\$1,871,418	\$1,656,850	\$1,484,784	\$2,712,360

TOWN OF FREDERICK
ANNUAL BUDGET
FY 2025

STORM WATER FUND | EXPENSE SUMMARY

	Personnel Services	Contract Services	Commodity	Other Charges	Total Operating Costs	Capital Outlay	Debt Service	Total
Engineering	---	278,850	28,505	1,600	308,955	280,000	---	588,955
Public Works	---	206,465	85,440	---	291,905	166,000	---	457,905
General Operations	1,494,000	6,500	---	165,000	1,665,500	---	---	1,665,500
Totals	\$1,494,000	\$491,815	\$113,945	\$166,600	\$2,266,360	\$446,000	\$0	\$2,712,360

Total Cash Available

\$9,498,660

Ending Fund Balance

\$6,786,300

% of Total Budget

55.08%

18.13%

4.20%

6.14%

83.56%

16.44%

0.00%

100.00%

Town of Frederick
2025 Proposed Budget - Program Summary
STORM WATER FUND

<u>Program Name</u>	<u>Program Description</u>	<u>Fund</u>	<u>Cost of Service</u>
Storm Water Admin	Administrative expenses related to wage and fringe, operations, and debt service.	Storm	324,645
Storm Drainage Maintenance	Clear drainage outfalls, repair sewers, and manholes.	Storm	579,300
Storm System Expansion	Construct storm sewers, box culverts, detention ponds, and grants.	Storm	517,800
Storm Planning and Project Management	Management and restoration of infrastructure and facilities following an incident.	Storm	6,425
Ditch and Culvert Maintenance	Ditch cleaning, roadside shoulder grading, inspection, and cleaning of culverts and drain grates.	Storm	78,440
Training and Professional Development	Quality training and educational activities to support high quality employee service for the community.	Storm	16,500
Workplace Safety and Injury Prevention	Comply with federal, state, and local standards and codes as they relate to healthful working conditions, provide safety training, provide necessary safety equipment, and supplies.	Storm	2,988
Fleet Capital & Maintenance	Purchase, maintenance, and lease costs for storm drainage operations.	Storm	126,265
Storm Response and Recovery	Management and restoration of infrastructure and facilities following an incident.	Storm	472,550
Budget and Research	Review, analyze, and compile annual budget documents. Review, analyze, and update long-term financial plans and forecasts for organization. Review and analyze rate structures and levels for enterprise funds.	Storm	149,400
Accounting Services	Includes preparation of monthly financial reports and Comprehensive Annual Financial Report, accounts payable, accounts receivable, investment services, and general accounting services.	Storm	74,700

Town of Frederick
2025 Proposed Budget - Program Summary
STORM WATER FUND

<u>Program Name</u>	<u>Program Description</u>	<u>Fund</u>	<u>Cost of Service</u>
Grant Management	General grant oversight.	Storm	250,992
Utility Billing and Cashiering	Collect and process all payments for services/licenses, etc.		
	Maintain all utility billing accounts, rate structures, process utility bills, and shut off notices.	Storm	82,475
Customer Service	Collect, sort, and disburse all incoming mail. Provide information to internal and external customers.	Storm	29,880
Total Storm Water programs		\$	2,712,360

TOWN OF FREDERICK
ANNUAL BUDGET
FY 2025

OIL ROYALTY TRUST FUND | EXPENSE SUMMARY

	2023 Actual	2024 Budget	2024 Projected	2025 Proposed
Operational Expenses	34,200	65,000	7,714	73,000
Totals	\$34,200	\$65,000	\$7,714	\$73,000

**TOWN OF FREDERICK
ANNUAL BUDGET
FY 2025**

OIL ROYALTY TRUST FUND | EXPENSE SUMMARY

	Personnel Services	Contract Services	Commodity	Other Charges	Total Operating Costs	Capital Outlay	Debt Service	Total
Oil Royalty	---	0	---	73,000	73,000	---	---	73,000
Totals	\$0	\$0	\$0	\$73,000	\$73,000	\$0	\$0	\$73,000
Total Cash Available								\$1,863,714
Ending Fund Balance								\$1,790,714
% of Total Budget	0.00%	0.00%	0.00%	100.00%	100.00%	0.00%	0.00%	100.00%

Town of Frederick
2025 Proposed Budget - Program Summary
OIL ROYALTY TRUST FUND

<u>Program Name</u>	<u>Program Description</u>	<u>Fund</u>	<u>Cost of Service</u>
Scholarships	High School Scholarship Program, Continuing Education Program.	Oil Royalty	58,000
Community Grants	Donations to Non-profit organizations in the Tri Town Area.	Oil Royalty	15,000
Planning and Project Management	Economic Development.	Oil Royalty	0
Total Oil Royalty programs		\$	73,000



Built On What Matters

TOWN OF FREDERICK

Board of Trustees

Staff Report

Tracie Crites, Mayor

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

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

Resolution No. 63 Non-Potable Water Infrastructure Master Plan Adoption

Agenda Date: 11/12/2024 BOT Meeting

Attachments:

1. Resolution
2. Frederick NPW Infr Master Plan-10.29.24

Reviewed By: Jason Leslie, Deputy Town Manager

Action Type

1) Legislative: Actions that relate to subjects of a long term and general applicability; such as the passing of ordinances/resolutions/policies/etc.

Strategic Plan Alignment:

Strategic, Reliable & Sustainable Infrastructure: Frederick is dedicated to investing in existing and future transportation, water, stormwater, and technology while planning for sustainable growth and development. The Non-Potable Water Infrastructure Master Plan will support the Town's goal by identifying improvements needed for the Non-Potable Water System to be reliable and sustainable.

Summary Statement:

The Non-Potable Water Infrastructure Master Plan helps guide the Town and staff in planning and decision-making for non-potable water system improvements. The previous plan required an update to reflect how the system has expanded since its initial creation and to align with recent changes in the Town's Comprehensive Plan. This updated plan will identify future Capital Improvement Projects (CIP) to be completed by both the Town and future developments.

Detail of Issue/Request:

In 2023 through the thorough review process of RFPs completed by Engineering staff the highest rated firm, Forsgren Associates, Inc (Forsgren), was awarded the contract for the Non-Potable Master Plan. The Non-Potable Water Infrastructure Master Plan will provide a guideline for the improvement and expansion of raw water service within the Town. The plan will address:

- Reliability and sustainability of non-potable water infrastructure, current and future
- Water management and conservation
- Water quality
- Town connectivity
- Relationship between land use, housing and non-potable water for livable communities
- Public engagement

Forsgren has prepared the plan based on an analysis of the Town's Water Resource Plans, water usage within parks, GIS mapping, condition and reliability assessments of existing infrastructure, high level water quality review, and hydraulic model creation and analysis. Community engagement was also a key part of the process. Since Forsgren was the consultant for the Potable Water Infrastructure Master Plan, the Town was able to integrate this project with public outreach efforts for the Potable Plan, and feedback collected was incorporated into the Non-Potable Water Plan as well.

The Town's raw water supply can serve both the east and west sides of I-25, but the infrastructure differs between these areas. On the east side, there are fewer ditches and water storage facilities, which means most areas will need infrastructure expansion since they are not adjacent to the Lower Boulder Ditch. On the west side, the situation is more favorable because many properties are former or current farmland with water rights tied to the land, as well as existing ditches and storage facilities. As a result, less infrastructure is needed to provide non-potable water to these areas. The plan proposes that the west side primarily use existing local water rights, with direct connections to the existing ditches and storage facilities for irrigation.

For example, the Shores on Plum Creek development will use on-site water storage for irrigation, and the Nelson Lakes property is expected to rely on its access to the Lower Boulder Ditch for irrigation. At the Wyndham Hill development, which is adjacent to the Lower Boulder Ditch, the Town and developer are working toward permitting a new diversion from the ditch and the construction of a pond. The development has already installed a raw water system that will connect to the pond once it is complete. Similarly, the Bulrush Wetlands directly receive water from the Lower Boulder Ditch, so no additional connection to the larger raw water system is required.

The Master Plan report includes a list of Capital Improvement Projects (CIP), similar to the recent Potable Water Infrastructure Master Plan. These projects will be incorporated into the Town's overall CIP list and are included in the ongoing Water Rate Study. The short-term projects focus on converting areas from CBT water to non-potable irrigation, with project costs and the value of CBT water savings outlined in the

report. In some cases, the cost of conversion exceeds the value of the CBT water saved. In those instances, staff recommends that the Engineering and Parks departments work together to explore ways to reduce water usage for irrigation and conserve water when the project costs cannot be fully offset by the CBT savings.

The plan estimates potential savings of 146.2 acre-feet (AF) of water, equivalent to approximately 243 CBT units. At an assumed cost of \$70,000 per unit, this represents a savings of about \$17 million. The total estimated cost to convert areas from CBT irrigation to non-potable water is approximately \$14.58 million, which is equivalent to about 208 CBT units. In addition, the plan recommends \$4.05 million in projects to improve the reliability and resilience of the existing non-potable water system. While those infrastructure improvements do not directly save water, they are essential to ensure the Town can provide non-potable water reliably to customers and Town properties.

This plan provides valuable guidance as the non-potable water system expands in the future. As the Town progresses with the Lower Boulder Ditch share change case, more water will become available for non-potable irrigation, and interest in non-potable water capacity will grow as development continues in areas targeted for non-potable use. The plan will also guide staff on what to require from new developments when non-potable water is used for irrigating parks and open spaces.

This Non-Potable Water Master Plan supports the Town's goal of expanding sustainable water use, reducing reliance on CBT water, and ensuring reliable service for future growth. By implementing the recommended projects, the Town will position itself for long-term water management success.

Legal Comments:

The Town has multiple customers that are served by the raw water system that rely on a reliable supply to maintain their landscaping.

Alternatives/Options

The Town Board can provide feedback on the proposed plan and or require changes to the proposed plan.

Financial Considerations

The Capital Improvement Project list has been incorporated into the Water Rate Study. If improvements are required to serve development, development will be required to pay for the improvement or their fair share of the improvement.

Staff Recommendation

Staff recommends adoption of the Non-Potable Water Infrastructure Master Plan.

Community Impact

The Town has adopted Water Conservation and Water Resources plans to switch most parks to non-potable water for irrigation. Expanding the non-potable system will help save CBT water for drinking and other essential uses. Using more non-potable water now means the Town will need to buy less CBT water in the future. If these improvements aren't made, or if new developments don't use non-potable water for irrigation, the Town and Development will have to purchase more CBT water to meet future demands.

**TOWN OF FREDERICK, COLORADO
RESOLUTION NO. 24-R-63**

**A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO,
ADOPTING THE TOWN OF FREDERICK NON-POTABLE WATER
INFRASTRUCTURE MASTER PLAN**

WHEREAS, the Town retained the consultant team from Forsgren Associates, Inc (Forsgren), to assist with the creation of the Non-Potable Water Infrastructure Master Plan for the Town of Frederick; and

WHEREAS, Forsgren used a process that delivered technical expertise and involvement from staff; and

WHEREAS, the Town and Forsgren engaged in an iterative process to develop the Non-Potable Water Infrastructure Master Plan, which sets out a list of future Capital Improvement Projects, required development funded improvements, future non-potable water infrastructure locations and recommendations and strategies for the Town to meet the demands of the community; and

WHEREAS, the Board of Trustees of the Town of Frederick, Colorado, held a public work session on July 23rd, 2024 and considered the Non-Potable Water Infrastructure Master Plan as an official document and policy of the Town of Frederick.

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

- Section 1. Adoption of Plan.** The Board of Trustees finds adoption of the Non-Potable Water Infrastructure Master Plan to be in the best interest of the Town of Frederick, and hereby approves the plan, which is attached as **Exhibit A** to this Resolution.
- Section 2. Effective Date.** This resolution shall 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 THIS 12TH DAY OF
NOVEMBER, 2024.**

ATTEST:

TOWN OF FREDERICK:

By: _____

Tricia David, Town Clerk

By: _____

Tracie Crites, Mayor

EXHIBIT A
(Non-Potable Water Infrastructure Master Plan)



TOWN OF FREDERICK

Non-Potable Water Infrastructure Master Plan



OCTOBER 2024

FORSGREN
Associates Inc.

Prepared by:

Mike Waresak, P.E.

Will Koger, P.E.

Pierce Powers, P.E.



56 Inverness Drive East, Suite 112
Englewood, CO 80112

Acknowledgements

The Town of Frederick's staff provided extremely valuable input towards the development of this report. Forsgren would specifically like to thank Civil Engineer Sarah Watson, P.E., as well as the Public Works and Planning Department staffs for their information and suggestions related to this report.

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- A. GIS Pipe Map
- B. Risk and Reliability Pipeline Ratings, Infrastructure Condition Assessment
- C. Future Buildout NPW Infrastructure Plan Map
- D. Short-Term NPW Capital Improvements Map
- E. Preliminary Opinions of Project Cost
- F. Future Buildout Demands Calculations

ACRONYMS

AF, AC-FT	acre-feet
AFY	acre-feet per year
ALT	alternative
AVG	average
C-BT	Colorado-Big Thompson
CCF	hundred cubic feet
CDPHE	Colorado Department of Public Health and Environment
CFS	cubic feet per second
CIP	Capital Improvements Plan
CR	County Road
CWCB	Colorado Water Conservation Board
CWCWD	Central Weld County Water District
EDU	equivalent dwelling unit
FT-MSL	feet, mean sea level
GAL	gallons
GPCD	gallons per capita per day
GPD	gallons per day
GPM	gallons per minute
HP	horsepower
KGAL	one thousand gallons
LHWD	Left Hand Water District
LTWRP	Long-Term Water Resources Plan
MP	Master Plan
MG	million gallons
MGD	million gallons per day
NPW	non-potable water
PS	Pump Station
PSI	pounds per square inch
SFE	single family equivalent
SH	State Highway
WEP	Water Efficiency Plan
WTP	water treatment plant

EXECUTIVE SUMMARY

Frederick is experiencing rapid growth, highlighting the importance of strategic water planning to provide reliable and sustainable infrastructure. Non-Potable Water (NPW) is important to reduce demand for potable water, especially during irrigation season when water demands are at their peak.

Consistent with Frederick's goals for Strategic, Reliable & Sustainable Infrastructure, this Non-Potable Water Infrastructure Master Plan:

1. Develops a plan to reduce dependency on potable water to irrigate parks and open spaces, and instead utilize NPW.
2. Outlines a vision to expand the NPW system for irrigation of parks and open spaces constructed for future development.
3. Provides recommendations consistent with guidance included in previously completed Town water plans, the recent Comprehensive Plan Update, and pending revisions to the landscaping requirements in the Town's Land Use Code.
4. Documents a Capital Improvements Plan to improve reliability and sustainability for the NPW system.



Crist Park

Current Non-Potable Water System

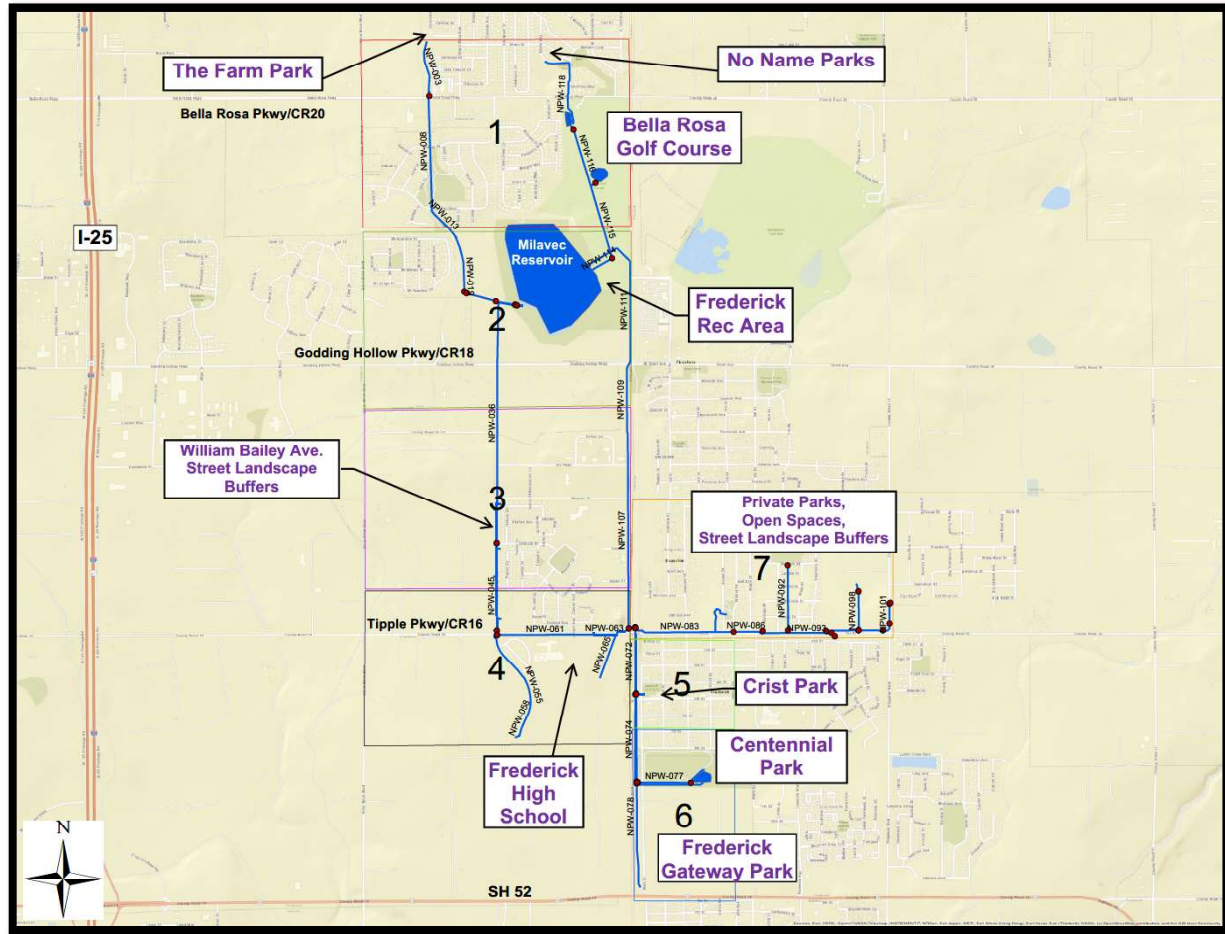
Frederick's current non-potable water service area is east of Interstate 25 as shown in Figure 1. Frederick's non-potable water infrastructure conveys water to selected lands on the east side of Interstate 25, including Bella Rosa Golf Course, Frederick High School, Frederick Recreation Area, Centennial Park, and other properties shown in Figure 1.

The Bulrush Wetlands Park on the west side of I-25 receives water directly from the Lower Boulder Ditch and has no NPW infrastructure. Frederick is currently working with the Wyndham Hill residential development, also located west of I-25, to construct a diversion on the Lower Boulder Ditch to utilize the Town's ditch shares for irrigation of Wyndham Hill's parks and open spaces.

Frederick holds shares in the Lower Boulder Ditch, which can supply water to Milavec Reservoir from Boulder Creek. From Milavec Reservoir, the Town's infrastructure conveys NPW through gravity and pumped transmission pipes. Milavec Reservoir is the Town's

current NPW source, although diversions directly from the Lower Boulder Ditch are recommended where practical for future expansion of the NPW system.

Figure 1 – Current Non-Potable Water System, Town of Frederick



Infrastructure Condition Assessment

This Master Plan includes an assessment of the existing NPW infrastructure. Most of the infrastructure is in good condition with many years of remaining useful life. The only NPW line replacement recommended for the short-term planning period is the 8-inch pipeline along Colorado Boulevard, between the East Milavec Pump Station and Tipple Parkway. Upgrades to the East Milavec Pump Station and Centennial Park Pump House are also recommended to improve redundancy and increase capacity to meet future estimated NPW demands.



Public Engagement for Master Plan

Milavec Reservoir

The public outreach for this Non-Potable Water Infrastructure Master Plan was primarily through an on-line survey. The input received from the survey is incorporated into the Master Plan approaches and recommendations, and addressed as follows:

Topic	How Topic is Addressed in Master Plan
Utilize NPW for irrigation	Recommends expanding NPW system to irrigate existing and future parks and open spaces.
Water Quality	Recommends continuing efforts to improve water quality at Milavec Reservoir, and recommends filtration be added at the Centennial Pump Station.
Affordability of water	NPW infrastructure for parks and open spaces in future developments are recommended to be paid for by the developers.
Low-water landscaping	Master Plan irrigation demand estimates are based on using more native grasses and low-water use landscaping for future parks and open spaces.

Future NPW Service Area

The Town's existing NPW infrastructure is east of I-25, allowing cost-effective expansion to irrigate properties east of the interstate. The Lower Boulder Ditch and other creeks and ditches flow through the west side of I-25, providing opportunities for direct connections for irrigation of existing and future parks and open spaces west of the interstate. Lower irrigation demands are also generally expected west of I-25 due to the floodplains, agricultural and low-density residential land uses, and commercial zoning along the I-25 west frontage road.

West of I-25, several properties, including Wyndham Hill and the Town's Mendoza Open Space, are positioned for direct connections to irrigation ditches. See Figure 2.

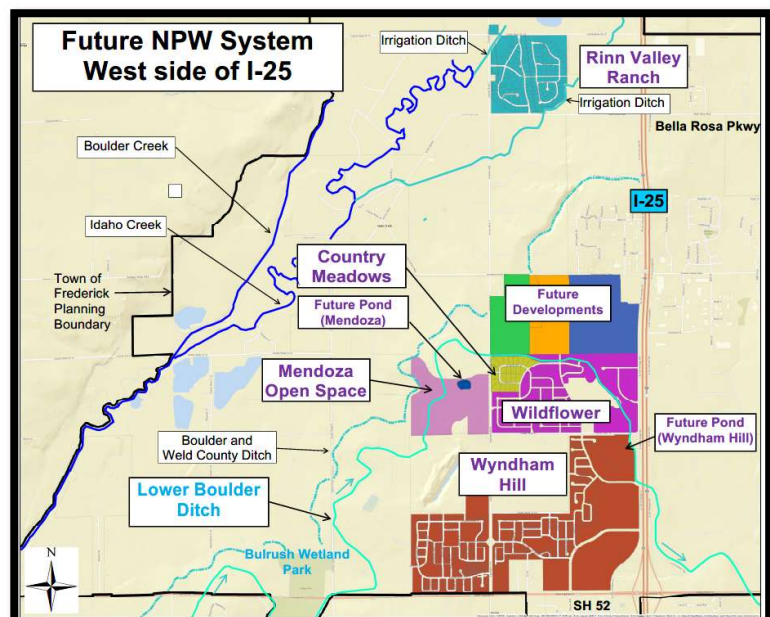


Figure 2 – Future NPW System, West Side of I-25

On the east side of I-25, the priority for expansion of the NPW system is to irrigate parks and open spaces that are currently being irrigated with potable water. As other properties and associated parks and open spaces are developed throughout the Town's Planning Area, ideally NPW will be extended to these areas to further preserve Frederick's potable water.

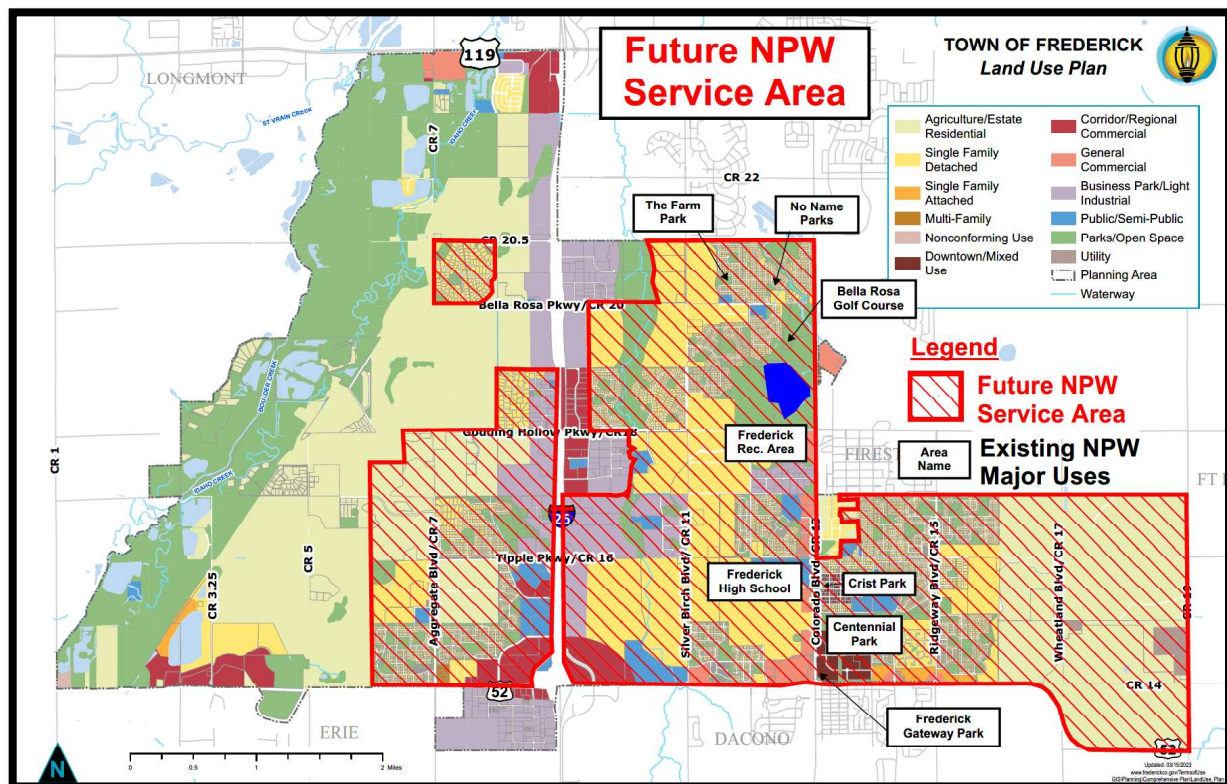
The Town has plans for the 25/52 Subarea East to be a 600-acre multi-use development northeast of the I-25/State Highway 52 interchange. The Lower Boulder Ditch flows through this property, as well as the Nelson Farm property, and these two areas are expected to connect directly to the Lower Boulder Ditch for irrigation water.

Larger areas for expansion of the NPW infrastructure include the southeast area of the Town Planning Area to Weld County Road (WCR) 19, and west of Milavec Reservoir along Godding Hollow Parkway (WCR 18). The Town's recently completed Comprehensive Plan Update results in denser development through more multi-family residential development. The Town also is implementing new population-based methods to calculate required areas for parks and open spaces, and this was referenced to estimate NPW irrigation demands using the modified land uses.

To minimize financial burden to existing Town customers, NPW improvements needed for future development are recommended to be funded by the developers.

Figure 3 below shows the future expected Frederick NPW service area through buildout of the Planning Area on both sides of I-25. Buildout is anticipated to occur around 2070.

Figure 3 – Future NPW Service Area, Town of Frederick



Projected Non-Potable Water Demands

Table 1 below provides a summary of the current and estimated short-term and long-term NPW irrigation demands for parks and open spaces, through build-out of the Frederick planning area. The estimated build-out demand is approximately 2,116 AFY, which is slightly higher than the 1,960 AFY projected in Frederick’s Long-Term Water Resources Plan (LTWRP).

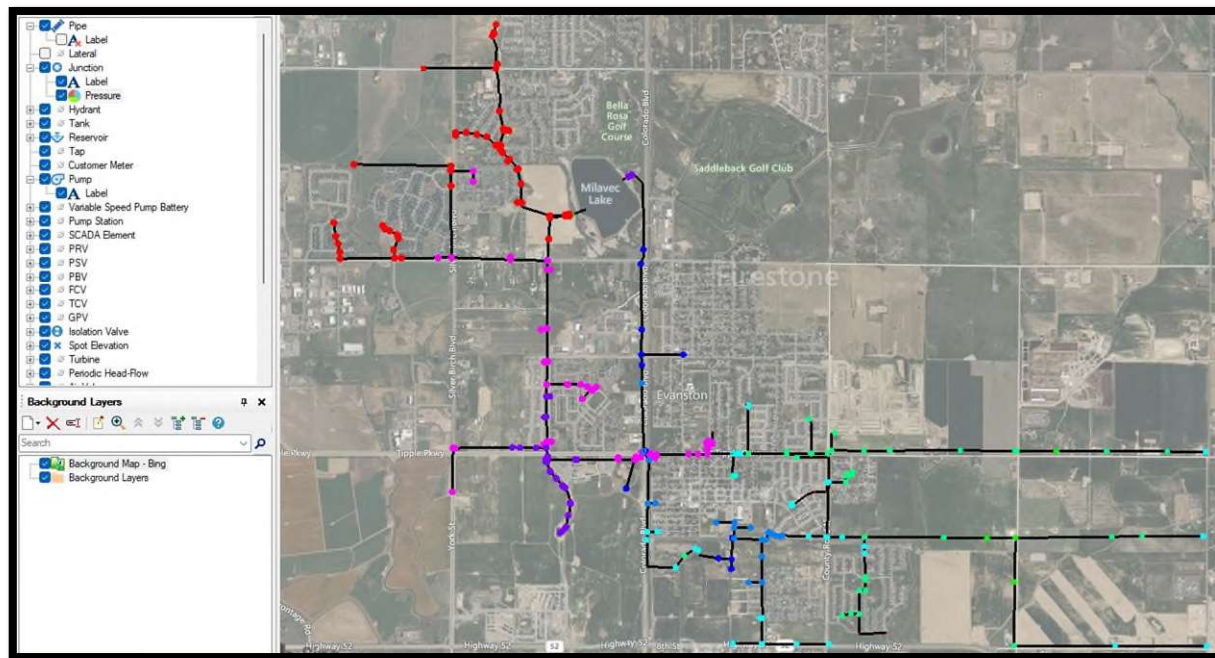
Table 1 - NPW Irrigation Demands Summary

Description	Est. NPW Demand (AFY)
Existing NPW System	452
Short-Term Future Demand	143
Future Build-out, East of I25	1,161
Future Build-out, West of I25	360
Total	2,116

Hydraulic Model

A hydraulic model was developed to size and locate infrastructure for the future service area. The model can be updated, as development or Town zoning designations change, to confirm NPW infrastructure is planned and designed to accommodate future development.

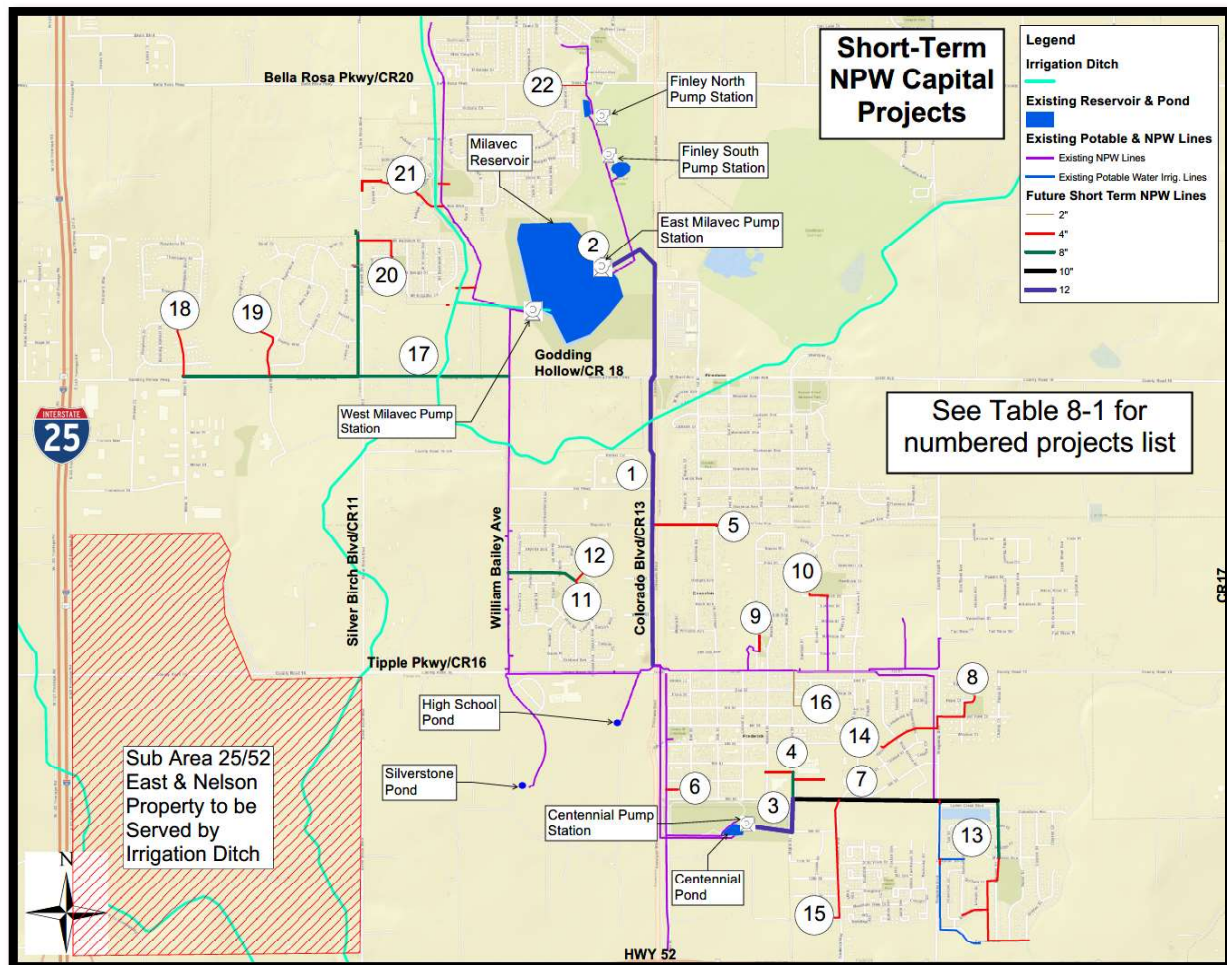
Frederick Non-potable Water System, Buildout Conditions Hydraulic Model Screenshot



Short-Term Capital Improvements Plan

To achieve the Town’s goal to irrigate additional existing parks and open spaces with NPW instead of potable water, a Short-Term Capital Improvements Plan (CIP) was developed to expand NPW to irrigate existing parks and open spaces. There were 22 Short-Term Capital projects identified as shown in Figure 3.

Figure 3 – Short-Term NPW Capital Projects



In collaboration with Town Engineering staff, the 22 projects were divided into four tiers based generally on location and priority. Opinions of Probable Cost were developed for each project, for a total of \$18.625 million to deliver an estimated 143.2 AFY of NPW to irrigate parks and open spaces. Please refer to Table 8-1 in Section 8 of this Master Plan for a list of the 22 projects corresponding by number to the map shown in Figure 3.

Table 2 provides a summary of the estimated costs and NPW demands. The timing of the Short-Term Improvements will be dependent on availability of funding.

**Table 2 - Short-Term Capital Improvements
Total Estimated Costs and NPW Demands**

Project Group	Preliminary Opinion of Probable Cost	NPW Demand (AFY)
Tier 1 Projects	\$7,359,000	25.4
Tier 2 Projects	\$2,840,000	41.0
Tier 3 Projects	\$3,124,000	33.7
Tier 4 Projects	\$5,302,000	43.1
TOTAL	\$18,625,000	143.2

Development will drive the timing of other recommended future infrastructure through buildout of the planning area. Town planning and engineering staff will be able to utilize the information in this Master Plan to require that developers construct NPW lines as shown, and adequately sized to sustain future development.

Cost Comparison to C-BT Units

To determine the cost-effectiveness of the Short-Term NPW Improvements projects, the estimated project costs are compared to the cost of purchasing Colorado-Big Thompson (C-BT) water units, which is the Town's primary potable water supply. The current cost of one C-BT unit is approximately \$70,000, and is equivalent to 0.6 AF. The estimated 143.2 AFY is equivalent to 238.67 C-BT units, which has a value of \$16,706,900 at the current C-BT cost. However, this value of C-BT units will likely increase over time due to inflation.

The first two Tier 1 projects are the replacement of the existing NPW pipeline along Colorado Boulevard, and upgrades to the East Milavec Pump Station. These are essentially maintenance projects that could be excluded from the C-BT cost comparison. The combined estimated cost of these two projects is \$4.05 million. Therefore, when these two projects are excluded from the cost comparison the total estimated costs decrease to \$14,575,000, which is less than the \$16,706,900 value of the equivalent C-BT units. There is also the potential for a portion of the Centennial Park Pump Station Upgrade (Project No. 3) to be funded by the developer of Miner's Park Town Centre, which would further reduce the Town's costs for the projects.

It is also noted that 6 of the 22 projects are estimated to cost greater than the current \$70,000 per C-BT unit cost. From this C-BT cost comparison perspective, these 6 projects are not considered to be cost-effective on an individual project basis. The Town may wish to consider alternatives to constructing these NPW line extensions, such as turf replacement or xeriscape landscaping modifications at the parks and open spaces to reduce or eliminate potable water usage. See Section 9 of this Master Plan for additional details.

Future Development Reviews

Future NPW infrastructure recommended and shown in this Master Plan is intended to provide minimum requirements to aid the Town in development reviews. Except where otherwise explicitly agreed by the Town, it is the responsibility of developers to design and construct the necessary NPW infrastructure based on the most recent available information at the time of development, and in accordance with all Town of Frederick policies, guidelines, codes, rules, and regulations.

It is further noted Town Engineering staff directed this Master Plan be based on developers constructing irrigation ponds and associated pump houses to irrigate future parks and open spaces. This reduces the peak NPW demand on the Town's system.

Therefore, Town staff should require each development to provide the necessary irrigation ponds to provide water storage and reduce peak NPW demands supplied by the Town.



Coal Ridge Park

Future Master Plan Updates

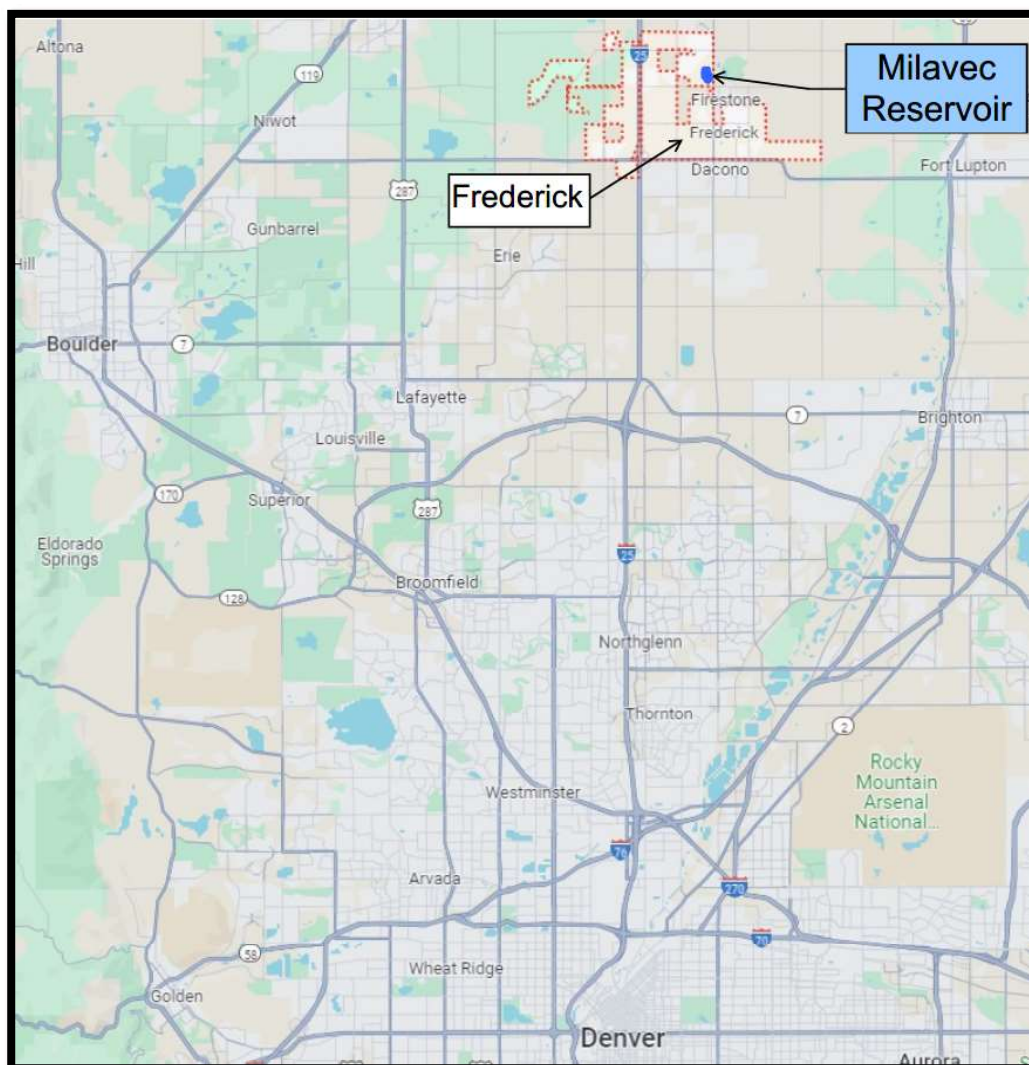
It is recommended that this Master Plan be updated every five to seven years to confirm recommendations, budget costs and project schedules.

1.0 INTRODUCTION

1.1 Overview

The Town of Frederick straddles the Interstate 25 corridor in southern Weld County, approximately 25 miles north of Denver and 10 miles northeast of Boulder, as shown in Figure 1.1. Milavec Reservoir is a 60-acre lake on the east side of I-25 and is the primary storage site for the Town’s Non-Potable water (NPW), also referred to as “raw” water. Boulder Creek supplies water to Milavec Reservoir via the Lower Boulder Ditch. Frederick’s NPW system provides irrigation to some parks and open spaces on the east side of Interstate 25, including the Frederick Recreation Area and Centennial Park. The NPW system also irrigates the Town-owned Bella Rosa Golf Course with water from Milavec Reservoir. Frederick’s Bulrush Wetlands Park, west of I-25, utilizes water directly from the Lower Boulder Ditch.

Figure 1.1 Location Map, Town of Frederick



1.2 Master Plan Goals

Frederick is experiencing rapid growth, highlighting the importance of strategic water planning to provide reliable and sustainable infrastructure. Non-Potable Water (NPW) is important to the Town’s water portfolio because it reduces demand for potable water, especially during irrigation season when water demands are at their peak. Existing irrigation ditches, Milavec Reservoir, and other smaller ponds position Frederick to expand their existing NPW infrastructure.



Bella Rosa Golf Course, Finley South Pond

With more development on the horizon, the Town selected Forsgren Associates Inc. (Forsgren) to prepare this Non-Potable Water Infrastructure Master Plan (MP) to maximize the use of NPW to irrigate current and future parks and open spaces. Through an effective NPW system, the Town can preserve limited water resources to achieve long-term drinking water reliability and sustainability by reducing use of potable water for irrigation.

This MP is informed by the Town’s 10-year and Long-Term Water Resources Plans and is consistent with these and other water-related studies, including the recently completed Potable Water Infrastructure Master Plan. This MP focuses on the Town’s NPW infrastructure; it does not include evaluation of water supplies or water rights, which are evaluated in-depth in other Town studies. Specifically, the goals of this MPlan are to:

1. Improve NPW irrigation service to current and future users
2. Outline a vision for the “buildout” NPW system
3. Evaluate reliability and sustainability of infrastructure
4. Recommend and prioritize short-term and long-term infrastructure improvements
5. Develop estimates of project costs for recommended short-term improvements
6. Be consistent with guidance included in previous water plans, as well as Frederick’s Comprehensive Plan Update, and pending Land Use Code revisions.

In achieving the goals stated above, this Plan is also consistent with Frederick’s small-town, livable community character through improved irrigation of parks and open spaces.

1.3 Coordination with Comprehensive Plan Update

The Town recently completed an update to its Comprehensive Plan to guide future development, infrastructure and amenities. Non-potable water is an important resource to enhancing the livelihood of Frederick as laid out in the Comprehensive Plan’s vision.

Public feedback on the Comprehensive Plan update indicates citizens would like to see more amenities and recreational opportunities while preserving Frederick’s small-town character.

Forsgren collaborated with Town staff and the Comprehensive Plan consultant to include NPW issues in the Comprehensive Plan public outreaches as described in Section 3.

The Comprehensive Plan Update includes Land Use Plan recommendations to increase multi-family residential development. This increasing development density is considered for the estimates for future parks and open space areas, and associated irrigation demands.

2.0 INFRASTRUCTURE CONDITION ASSESSMENT

2.1 Existing Non-Potable Water Infrastructure

Frederick's NPW infrastructure conveys water to selected lands on the east side of Interstate 25. The Bulrush Wetlands Park on the west side of I-25 receives water directly from the Lower Boulder Ditch and has no NPW infrastructure. Frederick is currently working with the Wyndam Hill residential development, also located west of I-25, to construct a diversion on the Lower Boulder Ditch to utilize the Town's ditch shares for irrigation of Wyndam Hill's parks and open spaces.

Frederick holds shares in the Lower Boulder Ditch, which supplies water to Milavec Reservoir. From Milavec, the Town's infrastructure conveys NPW through a combination of gravity and pumped transmission pipes. Milavec Reservoir is the Town's main NPW source, although diversions directly from the Lower Boulder Ditch are recommended where practical for future expansion of the NPW system.



Milavec Reservoir

The Town's NPW infrastructure includes:

- Milavec Reservoir
- East pump station at Milavec Reservoir and transmission pipes to convey NPW to Town-owned parks and open spaces.
- West pump station at Milavec Reservoir and transmission pipes. This pump station primarily conveys NPW to privately owned parks and open spaces, but also to Frederick High School, and the Town-owned skate park at the Frederick Recreation Area.
- Gravity pipeline from Milavec Reservoir to two ponds at Bella Rosa Golf Course (Finley North Pond & Finley South Pond).
- Irrigation pump houses at Centennial Park, Finley North Pond & Finley South Pond.

This Master Plan does not include evaluation of irrigation piping and irrigation application systems supplied from Town-owned pump houses. These systems are maintained by the Frederick Parks and Open Space Department and are being evaluated in a separate report. Evaluation of existing irrigation infrastructure not owned by the Town is also beyond the scope of this study. This includes privately owned systems and Frederick High School's system owned by St. Vrain Valley School District.

Town-owned parks and open spaces that are irrigated with NPW include:

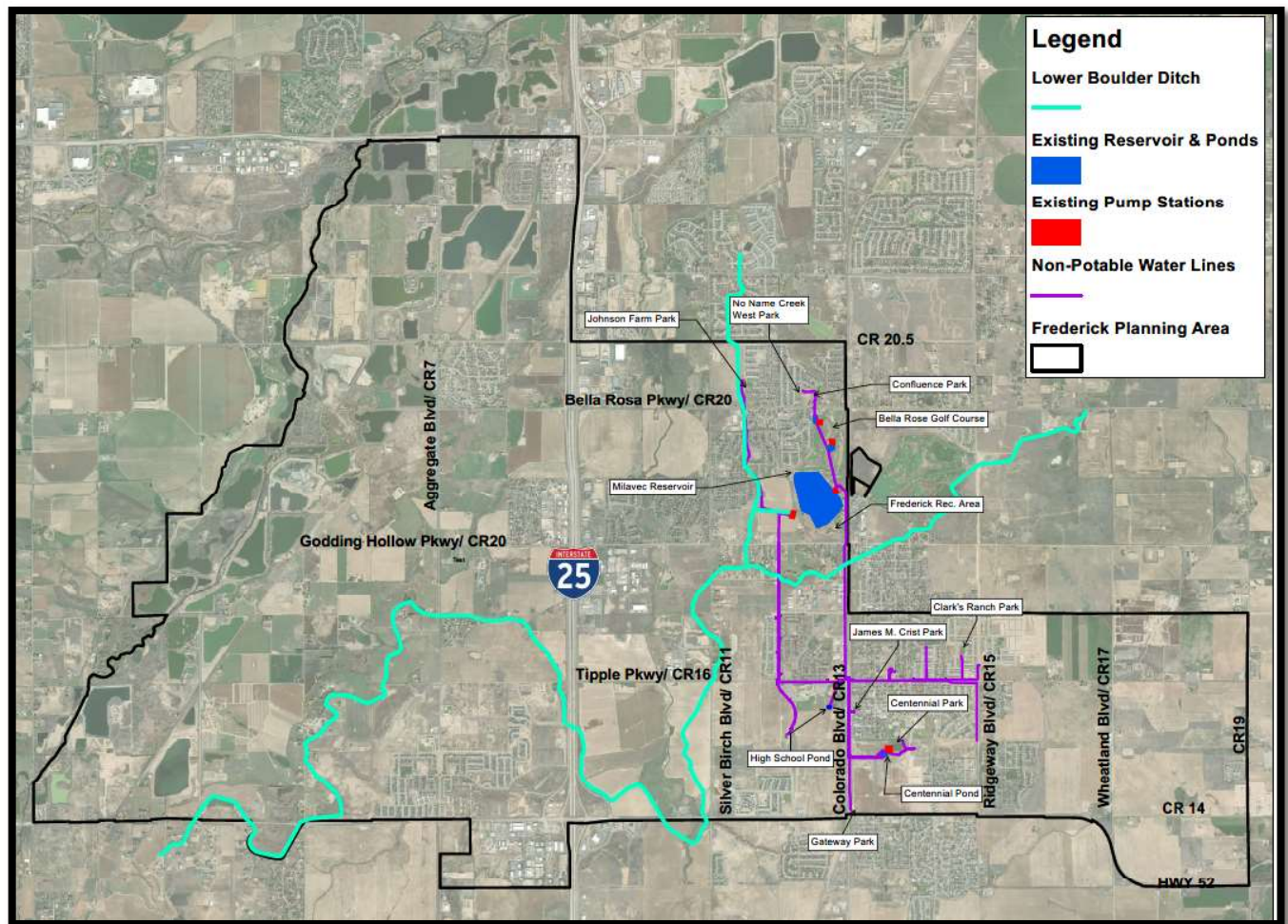
- Frederick Recreation Area (FRA)
- Centennial Park
- James M. Crist Park
- Frederick Gateway Park
- Johnson Farm Park
- No Name Parks

Non-Town parks, open spaces, and street rights-of-way irrigated with NPW include:

- Frederick High School
- St. Brigit Church open space
- Maple Ridge II open space and adjacent Tipple Parkway landscape buffer
- Clark Ranch/Village East open space
- Carriage Hills II open space, and adjacent Tipple Parkway and Ridgeway Boulevard landscape buffers
- William H. Bailey Avenue west landscape buffer and park (Westview)
- William H. Bailey Avenue east landscape buffer (Countryside and Cobb)

Two private developments, Silverstone and Hidden Creek, also have NPW service, but usage data for these developments is not available. Refer to Figure 2.1 for a map of the Town's existing NPW system. The system includes over 10 miles of pipe, predominantly between 4-inch and 10-inch diameter.

Figure 2.1 Town of Frederick, Non-Potable Water System and Service Area Map



2.1.2 Frederick High School Irrigation

Frederick High School receives NPW from the Town's West Milavec Pump Station system into an onsite pond. The School District utilizes water from their pond to irrigate athletic fields and open spaces on the property. The high school is one of the largest users of NPW.

2.1.3 Town Engineering Department Input

Based on feedback from the Frederick Engineering Department, the most significant issue with the existing NPW system is inadequate water volume and pressure in the eastern portion of the system along Tipple Parkway. This portion of the system receives water from the West Pump Station at Milavec Reservoir. The Town's NPW distribution system includes an interconnect between the East and West Pump Station zones at the Colorado Boulevard/Tipple Parkway intersection that the Town utilizes to improve water pressure at the eastern portion of the system along Tipple Parkway. The Town is also installed two additional pumps in 2024 at the West Milavec Pump Station to address the issue. In 2024,

Town staff reported a blockage was found in the pipe system, and the water volume and pressure has since improved in the eastern portion of the Tipple Parkway system.

Regarding breaks or repairs in the NPW distribution system, Town staff reports that there have been only two known breaks. One occurred when another utility bore hit the Town's NPW line on Colorado Boulevard, north of Tipple Parkway. The other break occurred on the NPW line along Colorado Boulevard to Frederick Gateway Park at State Highway 52. The cause of this pipe break is unknown, but is suspected to have been due to freezing.

2.2 Risk and Reliability Rating System – NPW Piping

A risk and reliability rating system was developed to evaluate the NPW piping system. NPW waterlines were divided into over 120 individual pipe segments, primarily between fittings and valves. A risk and reliability rating was calculated for each pipe segment using the three factors listed below.

- Condition
- Criticality
- Vulnerability

A value was assigned for each of the three factors based on Tables 2.1, 2.2 and 2.3 below, and an overall score was calculated. Each pipe received only one value (highest) from each of the three factors. This score was used to rank the NPW waterlines from the highest risk to lowest. The pipe condition is based solely on the estimated remaining useful life as shown in Table 2.1. Field tests were beyond the scope of this Master Plan and were not performed.

Table 2.1 - Pipe Condition

Criteria	Condition Assessment	Point Rating
Remaining Useful Life < 10 yrs	Poor	4
Remaining Useful Life 11 to 20 yrs	Fair	3
Remaining Useful Life 21 to 40 yrs	Good	2
Remaining Useful Life > 40 yrs	Very Good	1

Table 2.2 - Pipe Criticality

Criteria	Criticality Assessment	Point Rating
Transmission Main from water supply	Extremely High	4
*Regional and Community Parks	Extremely High	4
Main Feeder Pipe	High	3
Athletic Field Irrigation	High	3
Neighborhood Parks	Medium	2
Open Spaces and Pocket Parks	Low	1

*Regional and Community Parks include:

- Frederick Recreation Area
- Centennial Park

Table 2.3 - Pipe Vulnerability

Criteria	Vulnerability Assessment	Point Rating
High maintenance difficulties	Very High	3
History of Pipe Breaks or Repairs	High	2
Higher Pressure	Medium	1
No history of pipe breaks, not higher pressure	Low	0

Asbestos-cement (AC) pipe is no longer used for public water infrastructure. AC pipe is considered relatively safe for water conveyance provided it is not compromised in a way that would release asbestos fibers into the water or the air. If a pipe connection needs to be made to the AC pipe, or if the AC pipe needs to be repaired, stringent safety measures must be taken to protect workers and the public from inhaling asbestos. For these reasons, AC pipe is assigned a Very High rating in the Pipe Vulnerability category.

The estimated useful life of each pipe segment varies based on the pipe material as listed in Table 2.4 below. Town staff provided approximate installation dates that were used to calculate the remaining useful life for each pipe. In some instances, no data is available to confirm the installation date. In these cases, remaining useful life is listed as “unknown.”

Table 2.4 - Pipe Useful Life Estimates

Pipe Material	Estimated Useful Life (years)
Polyvinyl Chloride (PVC)	100
Asbestos Cement (AC)	70
Copper	50

2.2.1 Total Risk & Reliability Rating

The summation of points for the three categories provides the Total Rating. The maximum possible rating is 11. Pipes with higher Total Ratings carry greater risk. Pipes with a Total Rating of 7 or more have a higher likelihood of failure and are recommended for replacement or rehabilitation. Refer to the Pipe Map and Risk & Reliability Rating spreadsheet table in the Appendix for ratings for each numbered pipe segment.

2.2.2 Summary of NPW Pipe Ratings

Based on Town staff input, most of the NPW distribution system is constructed of polyvinyl chloride (PVC) pipe, which has an estimated useful life of approximately 100 years. All the PVC pipes were installed in 2008 or later, so the remaining useful life is greater than 80 years for most of the NPW distribution system.

The exception is the 8-inch asbestos-cement (AC) NPW line along Colorado Boulevard between the Milavec Lake East Pump Station and Tipple Parkway. This pipe was installed in approximately 1978, originally as a potable waterline from the Town's old water treatment plant. AC pipe's estimated useful life is 70 years, so this pipe has an estimated remaining useful life of 24 years. Because this NPW line is AC pipe, it also received a Very High Vulnerability rating.

The 8-inch NPW line along Colorado Boulevard has other features that make it an important infrastructure component. There is an interconnect at the Tipple Parkway intersection that connects this Milavec East Pump Station discharge pipe with the Milavec West Pump Station distribution pipe. The Town has used this interconnect to supply additional water and pressure to the Milavec West distribution system.

The 8-inch NPW line along Colorado Boulevard transitions from AC to PVC south of Tipple Parkway, eventually discharging to the irrigation pond at Centennial Park. The Town irrigates this community park by pumping out of this pond. Therefore, the 8-inch Colorado Boulevard NPW line is critical to the reliability of the Town's NPW system.

The 8-inch AC pipe between the East Pump Station and Tipple Parkway, along Colorado Boulevard, received a Total Rating of 9 and is therefore recommended for replacement. No other pipes received a Total Rating above 6, so no other NPW lines are recommended for replacement.

2.2.3 Conclusions – NPW Pipe Ratings

Based on relatively long remaining useful pipeline lives and minimal history of line breaks, the only NPW line recommended for replacement is the 8-inch AC pipe between the East Milavec

Pump Station and Tipple Parkway.

It is recommended the Town track locations of future line breaks and update the pipe rating table approximately every five to seven years as ratings and priorities will change based on repairs and remaining useful pipe lives.

2.3 NPW Pump Stations and Equipment

Based on site visits and information supplied by the Town, the condition of existing pump stations and treatment equipment are described below.

2.3.1 East Milavec Pump Station

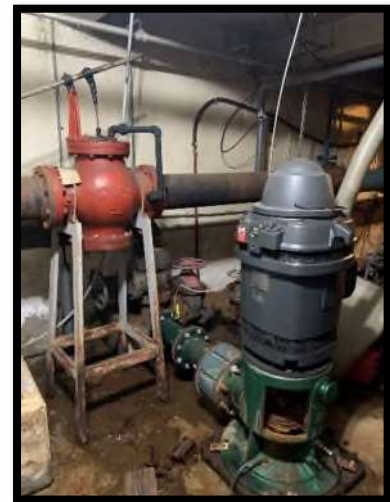
The East Milavec pumping equipment is housed in the lower level of the old water treatment building on the east side of the lake. The age of the building is unknown, and the building interior needs lighting and safety access upgrades for this lower level, which the Town is planning to undertake. The south side of the building includes a fishing



East Milavec Pump Station

mural that contributes to the aesthetics of the recreation area. The Town is separately studying the feasibility of a potential potable water treatment plant on this side of the lake. For these reasons, replacement of the building should be delayed until decisions are made regarding a potential water treatment facility. However, repainting of the other exterior walls is needed as the paint has worn off in several places.

There are two vertical turbine NPW pumps housed in this building that serve two different functions. One pump is rated for 850 gallons per minute (gpm) and has a 60-horsepower (hp) motor with a variable frequency drive (VFD). This 60hp pump is used primarily to transfer water from Milavec Reservoir to fill the pond at Centennial Park. A secondary function of this pump is to supplement the West Pump Station pressure zone when the Town opens the piping interconnect at Colorado Boulevard and Tipple Parkway. This pump was last replaced in 2017 and is considered to be in good condition based on general appearance and feedback from Town Engineering staff.



East Milavec Pump Room

The second pump is rated for 180 gpm. This 20-hp pump delivers water from the lake to

irrigate the Frederick Recreation Area. This pump also has a VFD, and was installed in approximately 2009. It is 15 years old and in fair condition. Replacement of this pump should be scheduled in the Town's maintenance program within the next five years.

The Town is unable to remotely monitor the pump equipment, so a new telemetry system is recommended.

It is recommended the East Milavec Pump Station be upgraded as follows:

- Install a second pump to fill the Centennial Park irrigation pond, sized for 960-gpm capacity to meet the Short-Term future demand outlined in Section 7 of this Master Plan. A second pump also provides redundancy to improve system reliability.
- Install a smaller pressure-sustaining pump to minimize motor starts for the larger pumps when the interconnect with the West Pump Station system is opened.
- Reconfigure the piping and install electrical upgrades needed to accommodate the additional pumps
- Upgrade the lighting and access for the pump room
- Repaint the exterior walls
- Upgrade the telemetry system to provide remote monitoring capabilities

2.3.2 West Milavec Pump Station

The West Milavec Pump Station is a wood-framed building constructed over a concrete wetwell, located on the west side of the lake. The pump station was constructed in 2016 and the building appears to be in satisfactory condition. This station pumps water from Milavec Reservoir north to Johnson Farm, and south to the William Bailey Avenue landscaped buffers, Frederick High School pond, and the NPW users along Tipple Parkway.



West Milavec Pump Station

When the pump station was originally constructed, a prefabricated pump and piping skid was installed that included one vertical turbine pump and a smaller pressure-sustaining pump. The skid also included spaces for two additional vertical turbine pumps. During the time this Plan was being developed, the Town engaged a contractor to install two additional vertical turbine pumps of similar pumping capacity to the original pump, and modify the controls to incorporate the new pumps.

Each of the three vertical turbine pumps has a 150-hp motor and is rated for a pumping capacity of approximately 1335 gpm. The original pump was installed in 2016, and the other two pumps were installed in 2024. These types of pumps have useful lives of 15 to 20 years, and are considered to be in good condition.



West Milavec Pump Skid



West Milavec Pump Station Filters

The West Milavec Pump Station is also equipped with two in-line self-cleaning filters. These filters, installed in 2016, are on the pump discharge pipes, and are in good condition. However, the Town is considering constructing an enclosure to protect the filters from the weather.

No other upgrades are recommended for the West Milavec Pump Station.

2.3.3 Centennial Park Pump House

The Centennial Park Pump House is located adjacent to the pond. The age of the building is unknown, but appears to be in fair condition. One main 40-hp vertical turbine pump is used to irrigate portions of the park. The rated pumping capacity is 450 gpm. This pump was installed in 2003 and is near the end of its typical useful life. Later in this Plan the Centennial Park Pump House is recommended for use as a regional pump station with an expanded NPW service area, requiring an upgraded capacity for the pump station. The existing pump should be replaced in conjunction with that recommended upgrade.



Centennial Park Pump House

2.3.4 Centennial Park Irrigation Pond

The irrigation pond at Centennial Park stores raw water pumped out of Milavec Reservoir by

the East Milavec Pump Station. The pond has a surface area of approximately 74,000 square feet, or 1.7 acres. Based on information in the 2008 Raw Water Master Plan, the pond is approximately 10 feet deep. Since the level in the pond is maintained by pumping water from the East Milavec Pump Station, a reasonable pond sizing approach is to have sufficient volume in the top 3 feet to meet a maximum daily irrigation demand. This volume provides storage to allow time for maintenance events at the East Milavec Pump Station. Based on the 2008 Raw Water Master Plan, the top 3 feet has an estimated volume of 215,290 cubic feet, or 1.6 million gallons.

Based on meter data for the Centennial Park Pump House, average irrigation demand is approximately 75,000 gpd. Utilizing a maximum daily factor of 2.5 results in a current maximum daily demand of 187,500 gallons.

In Section 7 of this Master Plan, in, upgrades are described for the Centennial Park Pump House to meet future conditions. Recommended short-term projects result in Centennial Park Pump Station providing irrigation water to the Thunder Valley Athletic Fields, and parks and open spaces at Angel View Estates, Savannah, Maplewood Filing No. 5, and Carriage Hills. This will bring the estimated average irrigation demand to approximately 175,000 gpd. Using the 2.5 factor results in a short-term maximum daily irrigation demand of 437,500 gpd.

Section 7 of this Master Plan also estimated future buildout conditions for the Centennial Park Pump Station, which adds an average daily irrigation demand of 436,800 gpd. Combining this with the 175,000 gpd for current and short-term projects results in a total buildout average daily demand of approximately 612,000 gpd. Applying the 2.5 factor estimates a maximum daily irrigation demand of approximately 1.53 mgd.

The volume for the top 3 feet of the pond was estimated in the 2008 Raw Water Master Plan to be 1.6 million gallons, so there appears to be sufficient storage in the pond to meet future buildout conditions.

The potential relocation of the irrigation pond is being considered in conjunction with the development of the Miners Park Town Centre property directly south of Centennial Park. Relocating the irrigation pond would allow the connection of Locust Street to Miners Park, while also providing the opportunity for the developer to enlarge the existing stormwater pond. The size of the irrigation pond, if relocated, should be at least equivalent to its current size to ensure it is adequate to meet future conditions.

2.3.5 Bella Rosa Golf Course Pump Houses

The Finley North and South Pump Houses at Bella Rosa Golf Course are wood-framed structures constructed over wetwells, located adjacent to their respective ponds. Each pump house has one vertical turbine pump used to irrigate portions of the golf course. Both building structures are in fair condition. Evaluation of the pumping equipment at the golf course is beyond the scope of this Plan, but is being reviewed separately by the Town's Parks and Open Space Department.

2.3.6 Milavec Reservoir Aeration and Mixing Systems

Three solar-powered floating water circulators are utilized at Milavec Reservoir to improve water quality. These circulators were installed in 2020 and are in good condition. There are also two air compressors inside the decommissioned water treatment plant on the east side of the lake. These compressors inject air into the lake to improve water quality. The age of these compressors is unknown, but based on visual observation they appear to be in fair condition. The Town also recently installed an ultrasonic treatment system as an additional algae control method. No upgrades to the existing Milavec Reservoir water quality equipment are recommended.

2.3.7 Telemetry Systems

The Town's current telemetry system allows monitoring of the West Milavec Pump Station, and water levels for Milavec Reservoir, Centennial Park pond, North Finley pond, and South Finley pond. The Town is unable to monitor the East Milavec Pump Station, so it is recommended that a telemetry system be installed in conjunction with the recommended upgrades to that pump station. The telemetry system should be integrated into the Town's existing software used to monitor the West Milavec Pump Station.

2.4 Conclusions

2.4.1 NPW Piping System

Based on relatively long remaining useful pipeline lives and minimal history of line breaks, the only NPW line replacement recommended for the ten-year planning period is the 8-inch AC pipe between the East Milavec Pump Station and Tipple Parkway. It is recommended the Town track locations of future line breaks and update the pipe rating table approximately every five years as ratings and priorities will change based on repairs and remaining useful pipe lives.

2.4.2 NPW Pump Stations and Equipment

Upgrades to the East Milavec Pump Station and Centennial Pump House are recommended as described in this Section. These improvements should be incorporated into the Short-Term Capital Improvements recommended later in this Master Plan.

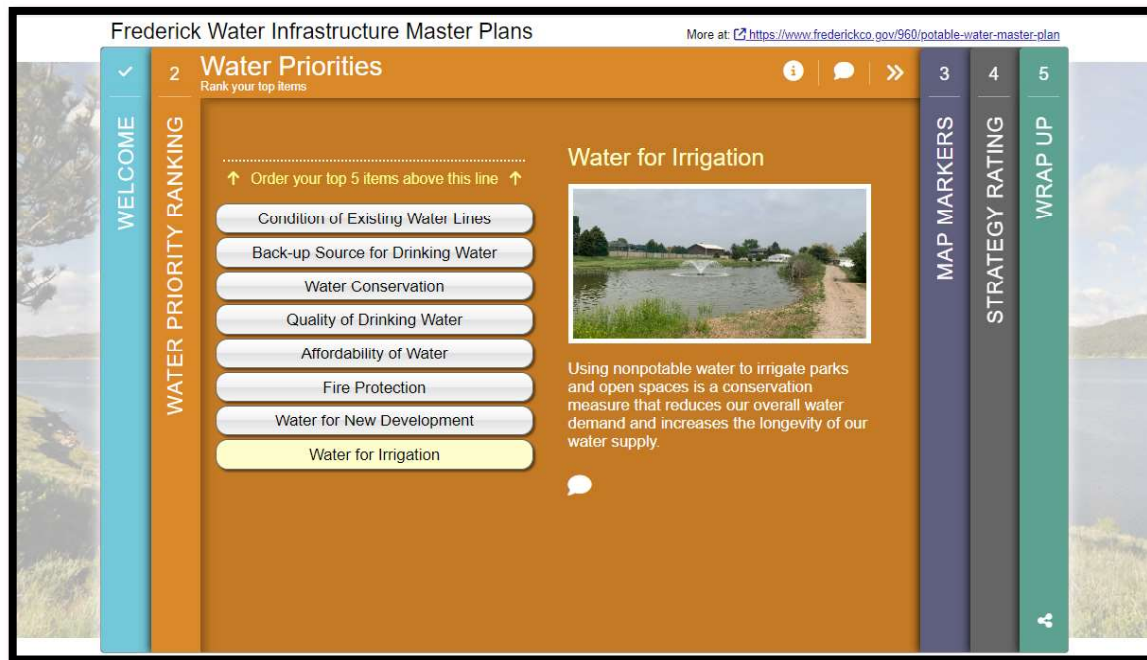
2.4.3 Centennial Park Pond

The existing Centennial Park Pond has adequate capacity to meet current and future irrigation demand conditions for the foreseeable future. If the pond is relocated in conjunction with the development of the Miners Park property, the surface area and volume of the pond should not be reduced.

3.0 PUBLIC ENGAGEMENT

3.1 Web-based Public Survey

An online platform (Metroquest) was developed by Forsgren’s subconsultant, Michael Baker International, to engage the community on water issues during summer 2023, including both potable and non-potable (raw) water. The Town advertised the survey on their Facebook page, website, and electronic newsletter (Frederick Flash). Flyers in English and Spanish with QR codes and website links to the MetroQuest page were distributed at public events. The survey was active for over two months and had 111 unique participants provide input.



On-line Water Survey Screenshot

3.1.1 Public Comments – Water Priorities

Community members were asked to rank their water priorities. With respect to the Town’s NPW system, the following priorities ranked highest by the participants.

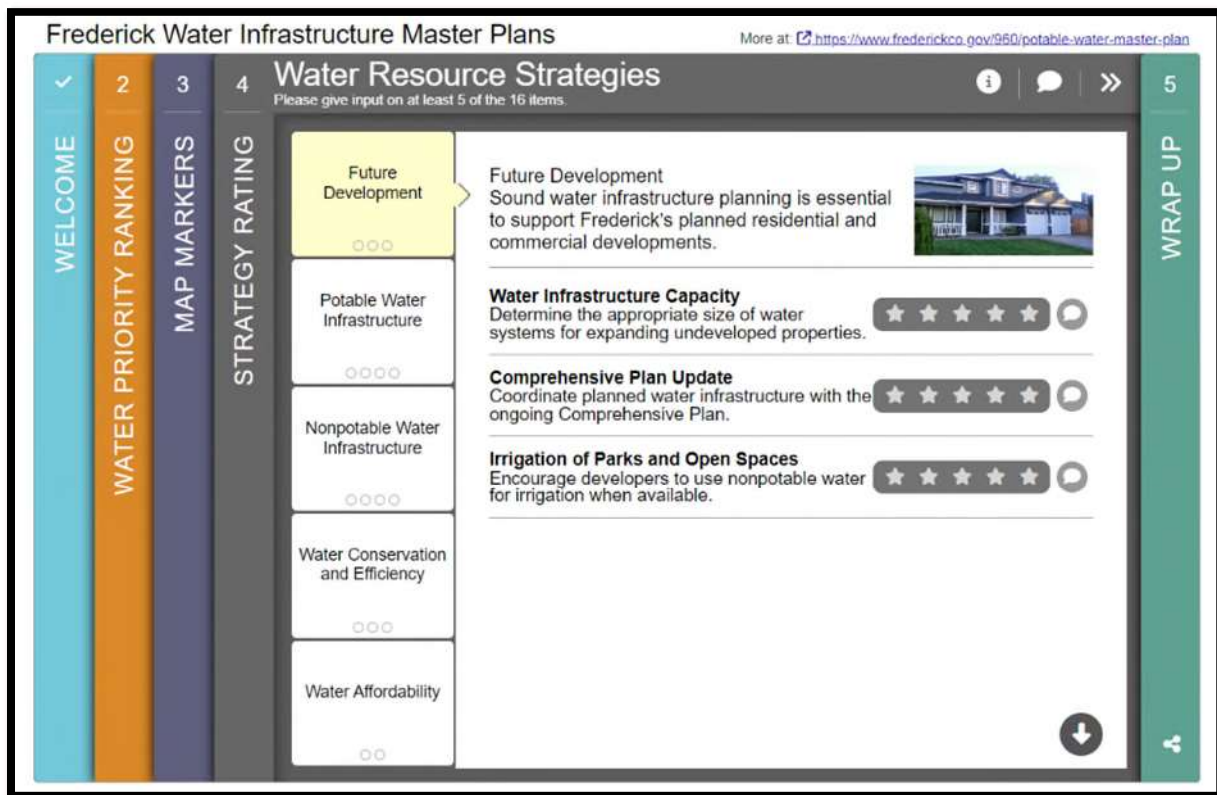
- Utilize NPW for irrigation to preserve potable water
- Water quality
- Water affordability
- Low-water landscaping

The overall theme is that participants want the Town to be a good steward of water resources. Comments related to NPW included:

- Utilize NPW for irrigation of parks and open spaces, especially for future development
- Desire to see improved water quality at Milavec Reservoir
- Developers should pay their fair share for water infrastructure for future development
- Utilize waterwise landscaping and irrigation systems

3.2 Water Strategy Input

The strategy rating slide included five categories and a total of 16 strategies. Participants were asked to rate each strategy on a scale of 1 to 5 based on number of stars selected, with five



stars being the highest importance, and one star being the lowest importance. The five general categories for the strategies included:

1. Future Development
2. Potable Water Infrastructure
3. Non-potable Water Infrastructure
4. Water Conservation and Efficiency
5. Water Affordability

Based on input from the Water Strategy survey screen, the public indicated that topics of highest importance are:

1. Require developers to pay their fair share of water infrastructure costs.

2. Develop a multi-year Capital Improvements Plan to prioritize upgrades for replacement and expansion of existing infrastructure.
3. Convert parks and open space irrigation to non-potable water to conserve potable water.
4. Support policies that require xeriscaping or low-water landscaping.

3.3 Public Engagement Conclusions

The public outreach for this Non-Potable Water Infrastructure Master Plan was primarily through the on-line survey. The input received from the survey is incorporated into the Master Plan approaches and recommendations, and addressed as follows:

Topic	How Topic is Addressed in Master Plan
Utilize NPW for irrigation	Recommends expanding NPW system to irrigate existing and future parks and open spaces.
Water Quality	Recommends continuing efforts to improve water quality at Milavec Reservoir, and recommends filtration be added at the Centennial Pump Station.
Affordability of water	NPW infrastructure for parks and open spaces in future developments are recommended to be paid for by the developers.
Low-water landscaping	Master Plan irrigation demand estimates are based on using more native grasses and low-water use landscaping for future parks and open spaces.

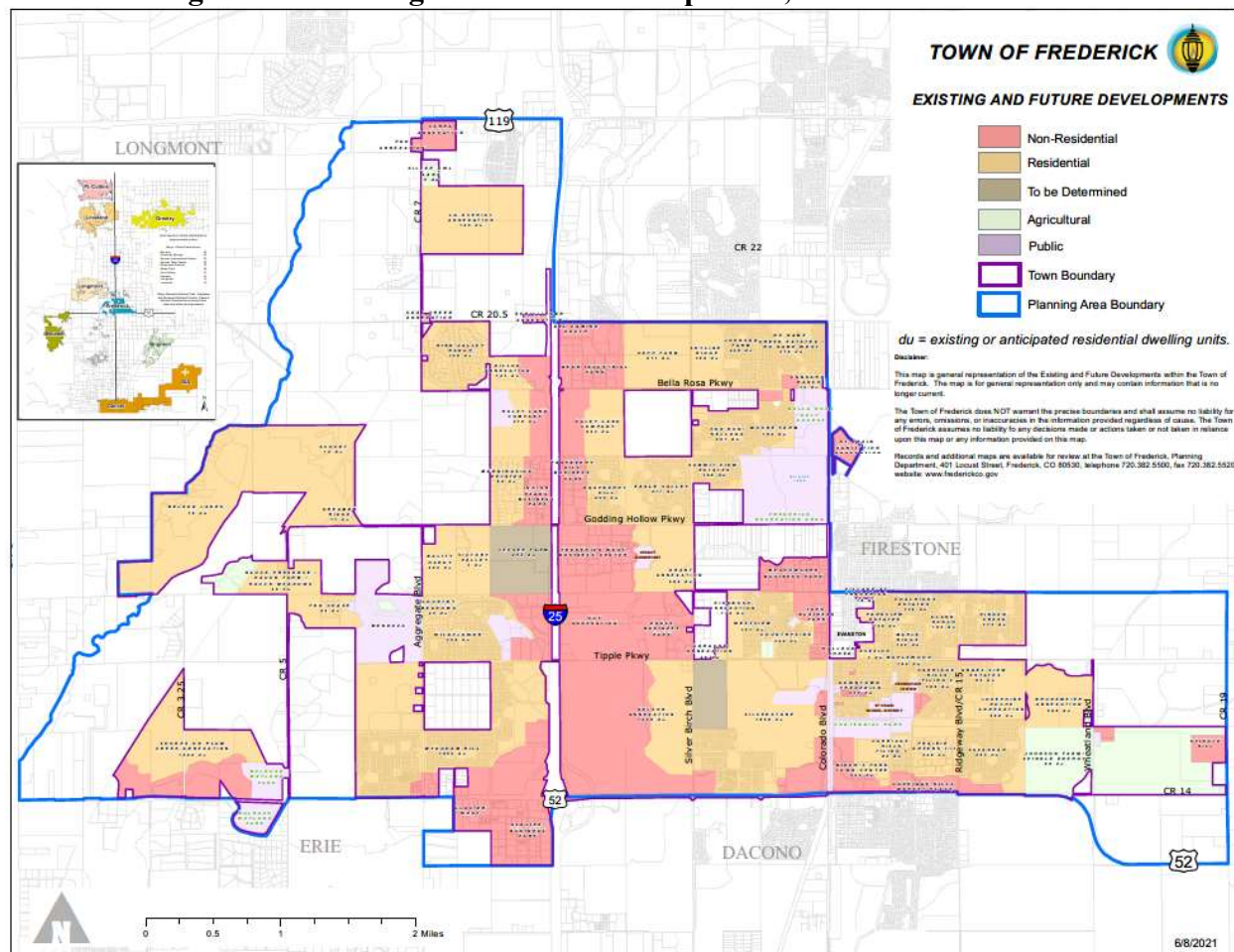
4.0 PLANNING

4.1 Growth Planning Overview

The Town Planning Department provided information related to development trends, targeted growth areas, and new development applications that are at various stages in the Town's review process. Most undeveloped areas within the Town's planning boundary generally do not have NPW infrastructure.

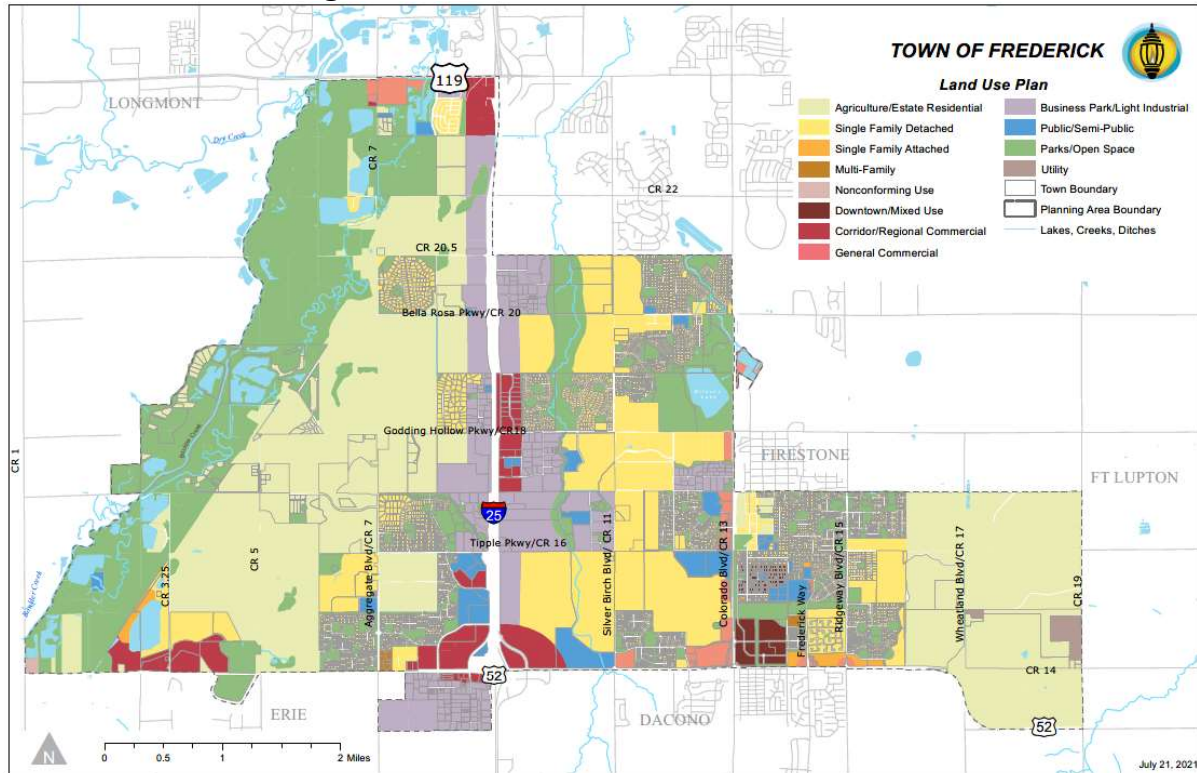
The Planning Department provided the land use and zoning exhibits shown below in Figures 4.1, 4.2 and 4.3. These exhibits include land uses and parcel sizes, and Figure 4.1 provides the expected number of dwelling units for some of the properties in the Town's planning area.

Figure 4.1 Existing and Future Developments, Town of Frederick



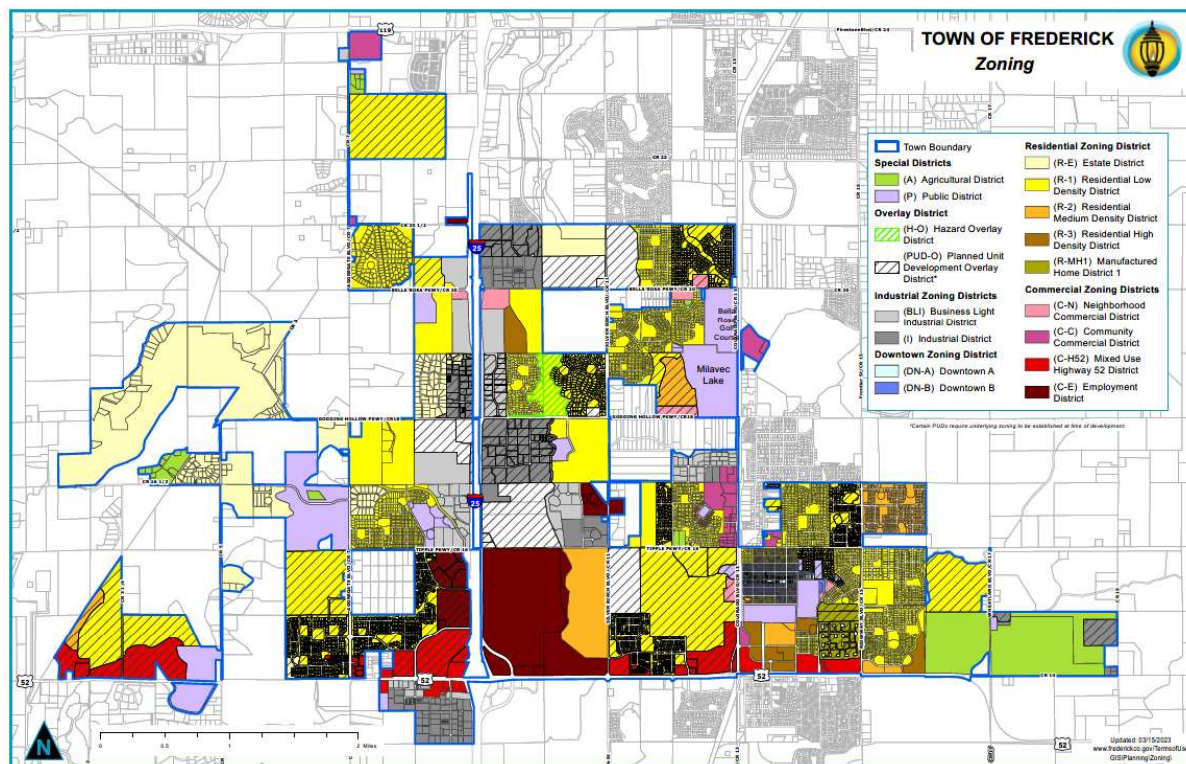
Source: Town of Frederick

Figure 4.2 Land Use Plan, Town of Frederick



Source: Town of Frederick

Figure 4.3 Zoning Map, Town of Frederick



Source: Town of Frederick

4.2 Frederick Comprehensive Plan - 2024 Update

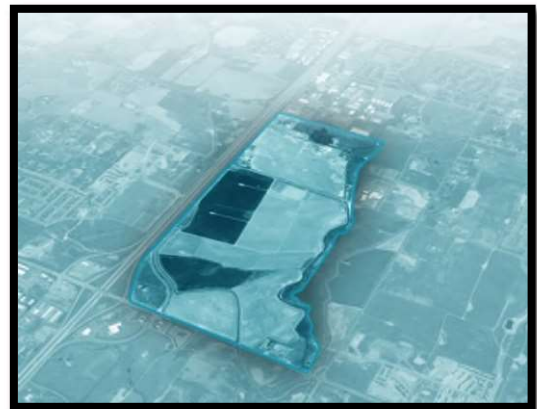
The timing of this NPW Infrastructure Master Plan overlapped with the Town’s development of an update to the Comprehensive Plan. The Comprehensive Plan update includes a revised land use map that includes some new land use categories and generally results in more multi-family development. This Master Plan utilizes the information in this updated land use map, combined with additional input from Town staff, to estimate future NPW irrigation demands.

The Town has identified the I-25/SH 52 interchange as a potential large, mixed-use destination to attract both local and regional visitors. The 2024 Comprehensive Plan Update also identifies the Weld County Road (WCR) 19 Subarea in the eastern portion of the Town Planning Boundary. The WCR 19 Subarea is expected to be a mix of low-density residential and commercial development.

4.3 Frederick 25/52 East Subarea Plan

Frederick is planning a mixed-use development for over 600 acres on the northeast side of the I-25/SH 52 interchange. In 2022, the Town prepared the 25/52 East Subarea Plan (*Houseal Lavigne, 3/22/22*) outlining a vision for a retail and commercial center with residential units, creating an attractive gateway to the east side of Frederick.

The 25/52 East Subarea Plan’s conceptual land use for the development is summarized in Table 4-1.



From 25/52 Subarea Plan (Houseal Lavigne, 2022)

Table 4-1 25/52 East Subarea Plan – Conceptual Land Use

Description	Acres
Retail/Entertainment	140
Corporate Campus/Office	126
Mixed Residential (Single & Multi-family)	150
Public/Civic	12
Recreation	23
Industrial	192
TOTAL	643

Source: 25/52 Subarea Plan, Houseal Lavigne, 3/22/22

The Lower Boulder Ditch runs through the 25/52 East Subarea land, and it is recommended NPW for irrigation of parks and open spaces be directed from the ditch to a local pond. The land use acreages shown in Table 4-1 serve as the basis for estimating NPW demands.

4.4 Frederick 10-Year Water Resources Plan and Long-Term Water Resources Plan

The Town's 10-Year Water Resources Plan (WRP) and Long-Term Water Resources Plan (*Element Water Consulting, 12/6/21 and 5/13/22* respectively) are important references for this Non-Potable Water Infrastructure Master Plan. The 10-year Water Resources Plan identifies specific parks and open space properties that the Town desires to convert from potable to non-potable water irrigation. Additionally, Town staff indicated that long-term, they would like most or all the parks and open spaces for current and future developments to be irrigated with NPW to reduce stresses on the potable supply. The 10-year WRP estimates raw water demand to increase to 1,030 acre-feet per year (AFY) by the year 2030. The Long-Term Water Resources Plan (LTWRP) estimates a buildout raw water demand of approximately 1,960 AFY to occur within the 50-year planning period.

4.5 Frederick Water Efficiency Plan

Frederick's Water Efficiency Plan (WEP) (*Element Water Consulting, October 2022*) lists a series of water efficiency goals estimated to reduce potable usage by approximately 160 AFY by 2030. Much of this reduction is achieved through the Town's plan to convert targeted potable irrigation accounts to raw (i.e., non-potable) water irrigation, with the stated goal of converting 76 AFY from potable to non-potable irrigation by 2030. Other water efficiency activities include installation of Automatic Meter Reading (AMR) systems to improve meter and recording accuracy, several irrigation conservation programs such as turf replacement and smart irrigation controllers, and an update to Town standards for landscape design, which was recently adopted.

4.6 Methodology for Future Parks and Open Space Areas

The Town Planning and Parks & Open Spaces Departments are in the process of modifying calculation methods for required open spaces and parks. The methodology under consideration utilizes population-based formulas. The Town does not expect larger regional parks to be constructed in conjunction with future development, so park estimates are based only on smaller pocket parks. Town staff provided the formulas shown in Table 4-2.

Table 4-2 Parks and Open Space Area Guidelines from Town Staff

Description	Town Guidelines
Open Space - Residential	17 acres x (no. of residents), 10 acre minimum
Pocket Parks - Residential	8.5 acres x (no. of residents), min ¼ acre, max 2 acre each park
Open Space - Commercial	15% of commercial property to be open space

After review and discussions with Town staff, the formulas were modified for more densely developed land uses to arrive at reasonable overall areas for parks and open spaces.

The 2024 Comprehensive Plan Update includes land use classifications and development type guidance as shown in Table 4-3. Based on this guidance, an estimated dwelling unit per acre (DU/AC) density was calculated for anticipated development within the Town’s future NPW service area as shown in Table 4-3.

Table 4-3 Land Use and Development Guidance

¹ Land Use Classification	¹ Preferred Development Mix	² Est. DU/AC
Single-Family Oriented	80% Single-Family Detached, 20% Single Family Attached, 2 to 12 DU’s per acre	6
Estate Residential	1 Single-Family home every 5 acres	0.2
Multi-Family	14 to 24 DU’s per acre	20
Adaptable Neighborhood	50% Single-Family Detached, 35% Single-Family Attached, 15% Multi-Family, 2 to 12 DU’s per acre	9.6
Downtown Hub	30% Single-Family Detached, 40% Single-Family Attached, 30% Multi-Family, 6 to 28 DU’s per acre	11.5

¹Land Use Classifications from Comprehensive Plan 2024 Update, Town of Frederick

²Estimated dwelling units per acre (DU/AC) used for this NPW Infrastructure Master Plan

Based on the estimated dwelling units per acre shown in Table 4-3, the number of dwelling units and residents is calculated for future development. The number of residents for each future development is estimated at 2.94 capita/unit for single-family residential based on U.S. Census Data for Frederick. Multi-family is estimated at 2.3 capita/unit.

4.7 Landscaping Guidelines and Irrigation Demand Estimate Criteria

Based on input from Town staff, landscaping for pocket parks is estimated at 50% high irrigation use (turf – Kentucky Bluegrass or similar), and 50% medium irrigation use for native grasses, trees and shrubs. Approximately 25% of the medium irrigation use area is assumed to be mulch or gravel, requiring no irrigation. Open spaces are considered low irrigation use areas that utilize native grass and low-water demand shrubs, perennials and trees.

Irrigation demand is estimated based generally on criteria included in the Town’s Water Dedication Ordinance, as shown in Table 4-4.

Table 4-4 NPW Irrigation Demand Criteria

Irrigation Classification	Land Uses	Est. Irrigation Demand (AFY/ac)
High Demand	Kentucky Bluegrass or similar	2.5
Medium Demand	Some shrubs and perennials, trees, tall fescue grass	1.6
Low Demand	Native grasses (buffalo grass, blue grama grass), some shrubs and perennials)	0.8

5.0 CURRENT AND FUTURE NON-POTABLE WATER DEMANDS

5.1 Current Non-Potable Water Demands

Table 5-1 below provides non-potable water (NPW) usage for the period October 31, 2021 to October 31, 2022 based on the Town's main flow meters measuring water leaving Milavec Reservoir by either gravity or pumps. The table also includes the calculated average daily usage for the typical 6-month irrigation period of May 1 to October 31, 2022.

The daily NPW demand averaged approximately 589,000 gallons per day (gpd) during the 6-month irrigation season for 2022, of which approximately 228,200 gpd was conveyed to the two irrigation ponds (Finley North and South) at the Town's Bella Rosa Golf Course by gravity pipes from Milavec Reservoir.

Table 5-1 Non-Potable Water Usage, 2022

Meter	^aAnnual (gal)	Annual (AF)	Avg Daily 5/1 to 10/31 (gpd)
Milavec West 1 (West Pump Station)	20,314,610	62	112,653
Milavec West 2 (Johnson Farm only current property)	2,442,201	7	13,534
To Finley 1 & 2 ponds (Bella Rosa GC & No Name Ck W.)	71,172,047	218	228,168
Milavec Pump House (East Pump Station)	43,307,662	133	183,167
Frederick Recreation Area	9,893,661	30	51,481
Total	147,130,181	452	589,003

^a 2022 Annual data based on October 31, 2021 through October 31, 2022



Finley North Pond, Bella Rosa Golf Course

The individual properties with the highest NPW usage are Frederick High School, the Frederick Recreation Area, and Centennial Park. Table 5-2 provides NPW use for the individual meters, which all receive NPW from one of the main meters listed in Table 5-1. Several meters showed no usage.

Table 5-2 Individual Non-Potable Water Meter Usage, 2022^a

Meter	^aAnnual (gal)	Annual (AF)	Avg Daily Use 5/1 to 10/31 (gpd)
Milavec West 2 (Johnson Farm)	2,442,201	7.5	13,534
No Name Creek (from golf course ponds)	3,065,914	9.4	18,155
Centennial Park (from pond pump house)	14,502,379	44.5	74,553
Carriage Hills 2	0	0	0
St. Brigit	400,829	1.2	2,106
Frederick High School	14,521,176	45	80,671
Countryside 1 (William Bailey Ave ROW)	14,682	0.05	82
Countryside 2 (William Bailey Ave ROW)	0	0	0
Cobb	0	0	0
Westview 1	252,526	0.8	1,403
Westview 2	1,037,615	3.2	5,765
Westview 3	879,579	2.7	4,887
Village East	5,867,659	18.0	32,598
Maple Ridge II	614,000	1.9	3,411
Frederick Recreation Area	9,893,661	30	51,481
Total	53,492,221	164.17	288,646

^a 2022 Annual data based on October 31, 2021 through October 31, 2022

5.2 Future Non-Potable Water Demands

5.2.1 Short-Term NPW Properties

The Town's 10-year Water Resources Plan identified properties recommended to be converted from potable water irrigation to NPW. Through discussions with Town staff, minor adjustments to this list of properties have been made, resulting in the properties shown in Figure 5.1 and Table 5-3. It is noted that some of the properties are not currently irrigated, but are included because they could be irrigated and it is preferred that NPW be utilized to further conserve potable water. The estimated irrigation demand for these properties is approximately 143 AFY. The 2022 potable water billing records were used to estimate demands. If water billing records were not available, irrigation demands are estimated as described in Section 4.

Figure 5.1 Potable to NPW Irrigation Conversion Properties

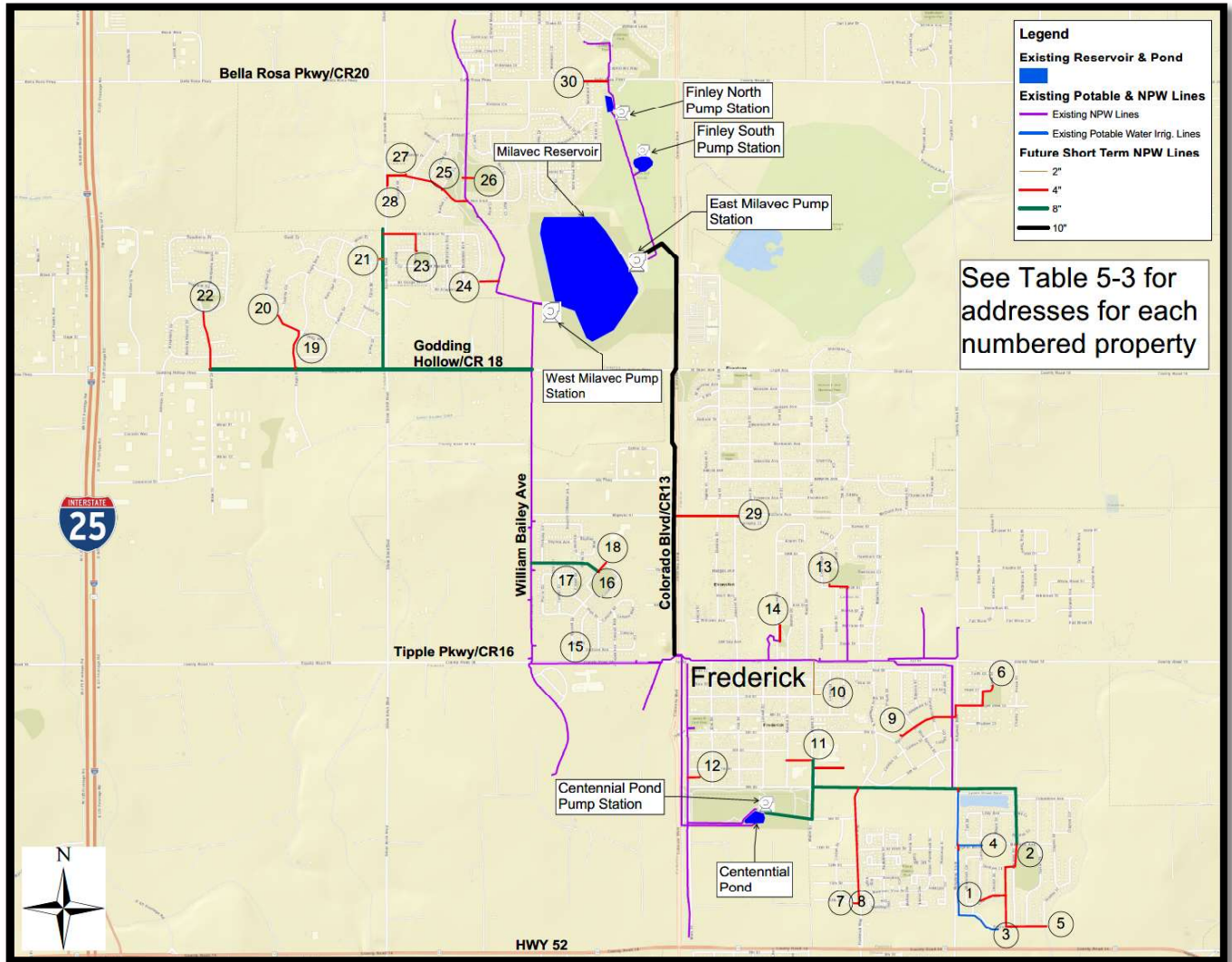


Table 5-3 Potable to NPW Irrigation Properties

Subdivision	Map No.	Address	¹ Annual Demand (gallons)	Demand (AFY)	Land Use
³ Savannah	1	6125 1/2 Emerson Ave	585,000	1.8	Open Space
	2	6201 Ralston St	3,211,000	9.9	Park
	3	7125 Penrose Blvd	1,400,000	4.3	Open Space
	4A	7989 1/2 Laughlin Blvd	1,700,000	5.2	Open Space
	4B	7969 Gorham Ct	1,213,000	3.7	Open Space
	5	6108 Graden St	1,065,000	3.3	Open Space
Angle View Estates	6	6914 1/2 Saint St	881,000	2.7	Open Space
Carriage Hills	7	6669 14th St	586,000	1.8	Open Space
	8	6679 14th St	129,000	0.4	Open Space
Maplewood FG #5	9	830 Spruce Ct	691,000	2.1	Park
Maplewood FG #2	10	340 Maple St	388,000	1.2	Park
Thundervally Sports Field	11	² Multiple addresses	6,907,000	21.2	Open Space/Turf
Grove Townhomes	12	742 Main St	912,000	2.8	Open Space
Coalridge Estates	13	301 Warwick St	4,256,000	13.1	Park
Firefighter's Park	14	11 Walnut Dr	933,000	2.9	Park
Countryside	15	7143 1/2 Russell Dr	171,000	0.5	Open Space
	16	5730 Russell Cir	2,658,000	8.2	Park
	17	7393 1/2 Grimson St	428,000	1.3	Open Space
Rocky Mountain Church	18	5860 Majetic St	4,003,000	12.3	Open Space
Eagle Valley	19	4800 1/2 Falcon Dr	863,000	2.6	Open Space
	20	4819 Osprey Cir	1,414,000	4.3	Park
	21	4890 Eagle Blvd	32,600	0.1	Open Space
⁴ Raspberry Hill	22A	8039 1/2 Raspberry Dr	3,126,000	9.6	Open Space
	22B	8245 1/2 Miller Dr	1,399,000	4.3	Park
Summit View Estates	23	5130 Mt Pawnee Ave	1,210,000	3.7	Park
	24	5111 Mt Buchanan Ave	898,000	2.8	Open Space
Fox Run	25	5365 Fox Run Blvd	1,277,000	3.9	Park
	26	5401 1/2 Fox Run Blvd	415,000	1.3	Park
	27	5051 Fox Run Blvd	633,300	1.9	Open Space
	28	5303 Coyote Dr	838,000	2.6	Open Space
Village at Frederick	29	295 Brophy Ct	455,000	1.4	Open Space
Moore Farm	30	8859 1/2 Shetland Dr	1,960,000	6.0	Open Space
TOTAL			46,637,900	143.1	

Notes:

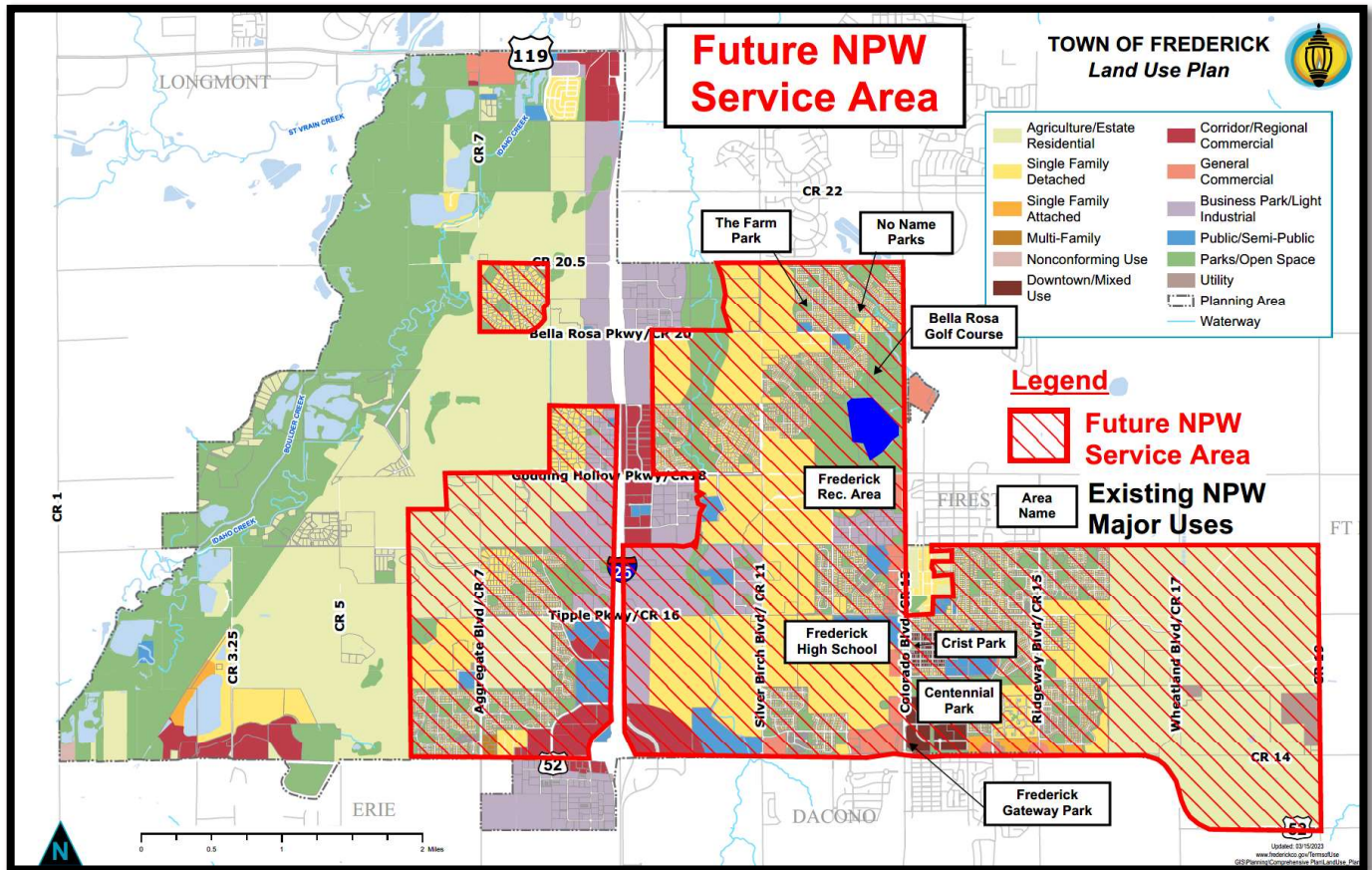
1. Annual Demand based on 2022 potable water billing records, unless otherwise noted. Demands for properties without meters estimated as described in Section 4 of this report.
2. Thunder Valley Sports Fields meter addresses include 555 8th St, 656 Locust St, and 600 5th St.
3. Savannah areas irrigation piping to be connected to reduce quantity of NPW meters.
4. Raspberry Hill meters to be combined into one NPW meter.

5.2.2 Future NPW Service Area

The Town's existing NPW infrastructure is east of I-25, which facilitates more cost-effective expansion east of the interstate compared to extending infrastructure to the west side of the interstate. The Lower Boulder Ditch and other creeks and ditches flow through the west side of I-25, providing

opportunities for direct connections for irrigation of existing and future parks and open spaces on the west side. Lower irrigation demands are generally expected there due to floodplains, agricultural and low-density residential land uses, and commercial zoning along the I-25 west frontage road. Figure 5.2 shows the future expected NPW service area in Frederick.

Figure 5.2 Future NPW Service Area

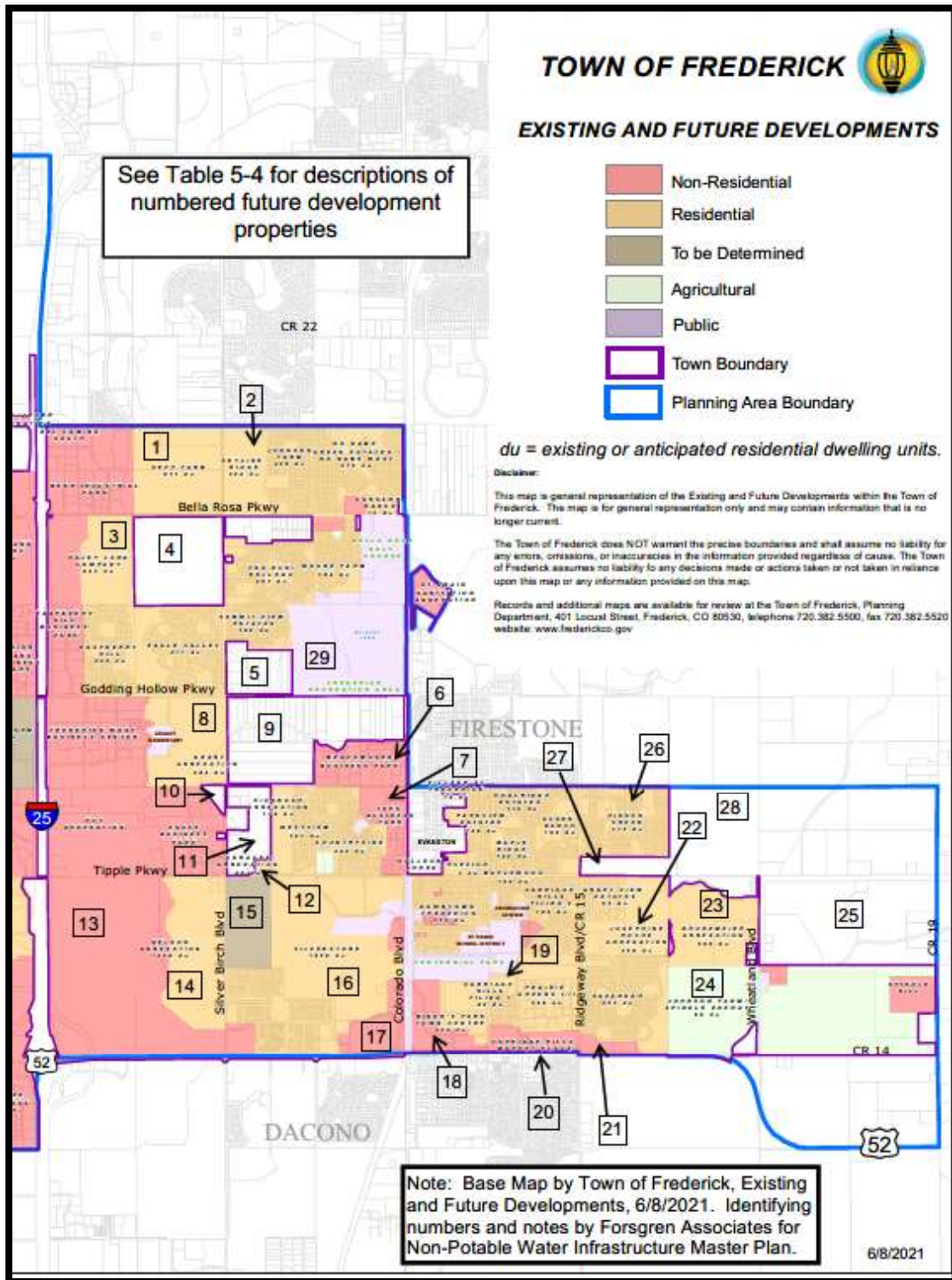


Base Land Use Map from Town of Frederick

Future NPW Demands - East of Interstate-25

Based on discussions with Town staff, future development that can utilize expansions to the Town's existing NPW infrastructure for irrigation of parks and open spaces are primarily expected to be east of I-25, within the Town's planning boundaries. See Figure 5.3 and Table 5-4 for property locations and estimated NPW demands through buildout, which is projected to occur around the year 2070. The Town's recent Comprehensive Plan Update modifies the land use classifications and densities that will dictate the development of many of these properties. Densities, acreages, and irrigation demands for the future parks and open spaces are estimated for each property using the criteria described in Section 4 of this report. See Appendix F for additional details on estimated NPW demands for future buildout.

Figure 5.3 Future Properties, East of I-25



Source: Base map is excerpt from Town of Frederick Existing and Future Developments Map, 6/8/2021

Table 5-4 Non-potable Water Demands, Future Development, East of I-25

Area No.	Description	^a Apprx Area (AC)	Comp Plan Update Land Use	EDU's per acre	EDU's	# of resid.	Annual Irrigation Demand (AFY)
1	Hepp Farm	150	Adapt Nbd	9.6	1440	4104	33.9
2	Skyline Ridge	58	Adapt Nbd	9.6	557	1587	13.7
3	Haley Land Company	100	Adapt Nbd	9.6	960	2736	23.4
4	WCR 11 & WCR 20	80	Adapt Nbd	9.6	768	2189	19.4
5	WCR 11 & WCR 18 (N. of G.H.)	57	SF Oriented	6	342	1006	30.9
6	Meadowlark Bus Park	9	Bus Flex	-	-	-	1.1
7A	Tops Business Park (comm)	15	Mixed Use	-	-	-	1.8
7B	Tops Business Pk (MultiFam)	15	Mixed Use	20	300	690	6.2
8	Grant Annexation	95	SF Oriented	6	570	1676	48.0
9A	WCR 11 & WCR 18 -Adapt Nbd	143	Adapt Nbd	9.6	1373	3913	36.4
9B	WCR 11 & WCR 18 - Bus Flex	66	Bus Flex	-	-	-	8.4
9C	WCR 11 & WCR 18 -Commerc	7.5	Mixed Use	-	-	-	1.6
9D	WCR 11 & WCR 18 -Multi Fam	7.5	Mixed Use	20	150	345	3.1
10	Silver Birch Rd-light indust.	8	Bus Flex	-	-	-	1.1
11	Kickbush Annexation	72	SF Oriented	6	432	1271	37.7
12	Goracke Annexation	2	Adapt Nbd	9.6	19	55	2.2
^b 13	25/52 East Subarea	643	Mixed Use	-	-	-	155.2
14	Nelson Annexation	285	Adapt Nbd	9.6	2736	7798	72.3
15	Silver Birch Blvd/Tipple Pky	100	Adapt Nbd	9.6	960	2736	24.4
16	Silverstone future resident.	180	Adapt Nbd	9.6	1728	4925	40.7
17A	Silverstone-Mixed Use, Com	46	Mixed Use	-	-	-	7.4
17B	Silverstone-Resid, DT Hub	138	DT Hub	11.5	1587	3650	32.0
18A	Miners Park-Resid, DT Hub	56	DT Hub	11.5	644	1481	13.6
18B	Miners Park-Comm, DT Hub	31	DT Hub	-	-	-	6.3
19	Carriage Hills Filing 1	21	SF Oriented	6	126	371	13.0
20	Carriage Hills Market Place	17	Adapt Nbd	9.6	163	465	5.7
21	East of Carriage Hills Market	13	Adapt Nbd	9.6	125	356	4.9
22	Josephine Roche Annex	91	SF Oriented	6	546	1606	46.0
23A	Brunemeier Annex-SF Orient.	72	SF Oriented	6	432	1271	37.0
23B	Brunemeier Annex-Adapt Nbd	33	Adapt Nbd	9.6	317	903	27.0
24	Johnson Farm/Spindle (west)	147	SF Oriented	6	882	2594	74.0
^b 25	WCR-19 Subarea	1256	TBD	-	-	-	115.5
26	Hidden Creek	142	SF Oriented	6	852	2505	106.0
27	South of Hidden Creek	26	Adapt Nbd	9.6	250	712	8.4
28	East of Hidden Creek	142	Adapt Nbd	9.6	1363	3886	50.0
29	Fred. Rec Area (west of lake)	53	Parks/Open	-	-	-	47.5
30	Thunder Valley-east field		Athl. Field	-	-	-	4.8
TOTALS		4377			19,622	54,831	1,161

Notes: ^aApproximate areas from aerial mapping. ^bSee tables 5-5 and 5-6 for subarea irrigation demand estimates.

The Town's Comprehensive Plan Update includes plans for two multi-use subareas, the 25/52 East Subarea, and the Weld County Road 19 (WCR-19) Subarea. These subareas are described in Section 4 of this report. Tables 5-5 and 5-6 below provide NPW demand estimates for irrigation of parks and open spaces for these areas. The NPW demands shown should be re-evaluated after more detailed plans for these subareas are developed.

Table 5-5 25/52 East Subarea, Estimated NPW Demand

No.	Development Type	Approx. Area (AC)	Land Use	EDU's per acre	EDU's	# of resid.	Annual Irrigation Demand (AFY)
A	Residential, Single Family	100	SF Oriented	6	600	1764	51
B	Residential, Multi-family	50	Multi-Fam	20	1000	2300	15
C	Commercial	140	Bus Flex	-	-	-	17
D	Offices	126	Bus Flex	-	-	-	16
E	Industrial	192	Bus Flex	-	-	-	24
F	Public/Civic	12	Public	-	-	-	3
G	Recreation	23	Parks/Open	-	-	-	29
	TOTALS	643			1600	4,064	155

Table 5-6 WCR-19 Subarea, Estimated NPW Demand

No.	Development Type	Approx. Area (AC)	Land Use	EDU's per acre	EDU's	No. of resid.	Annual Irrigation Demand (AFY)
A	Residential, Estate-Agr	879	Estate Res	0.2	176	517	25.8
B	Open Space Buffers	63	Parks/Open	-	-	-	51.0
C	Commercial /Industrial	314	Bus Flex	-	-	-	38.7
	TOTALS	1256			176	517	115.5

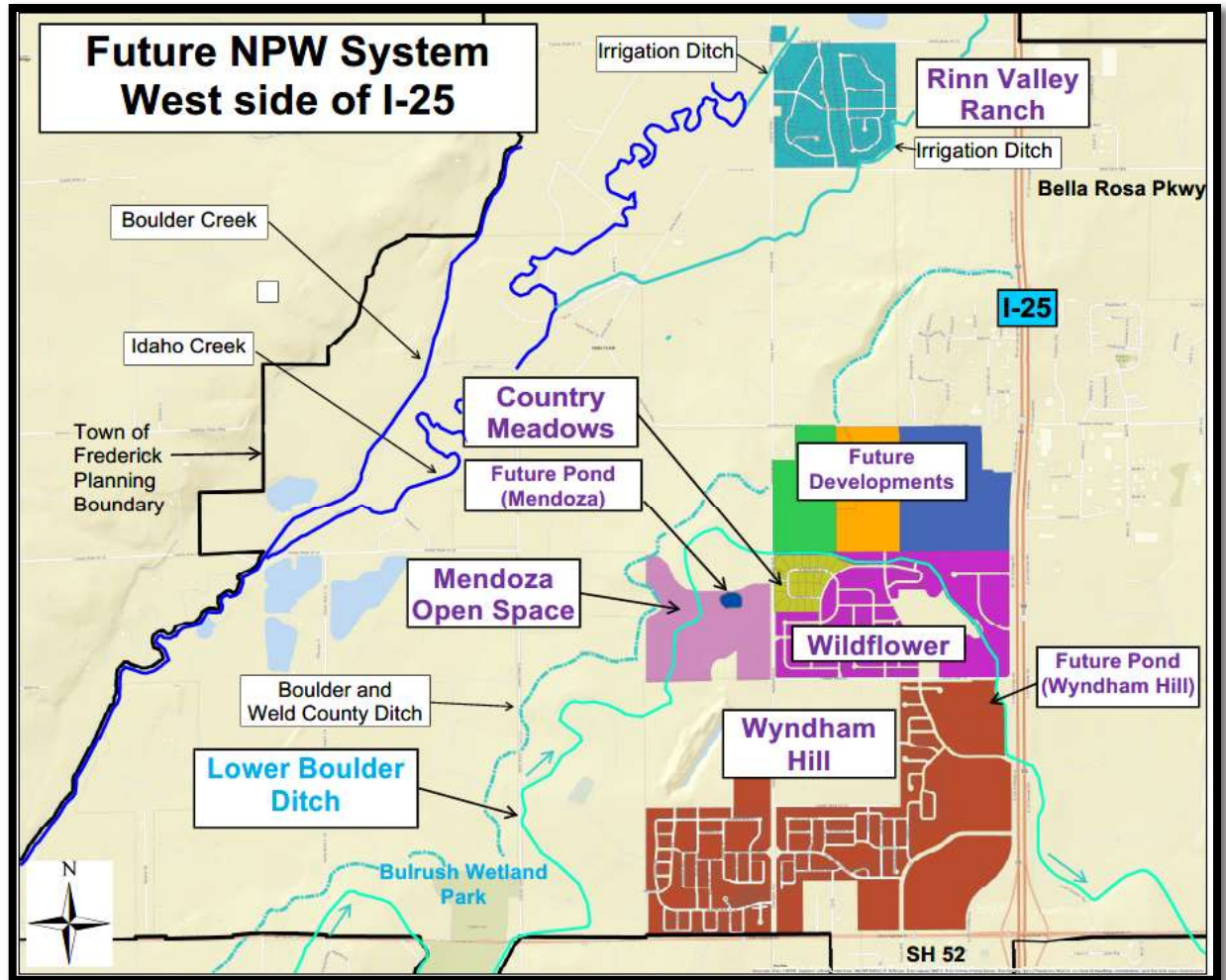
Future NPW Demands – West of I-25

Properties west of I-25 can be served with NPW irrigation directly from the Lower Boulder Ditch, the Godding Idaho Creek diversion, Idaho Creek, the Boulder & Weld County ditch, or other ditches. Properties identified for potential direct connections to streams and ditches include Wyndham Hill, Rinn Valley Ranch, Wildflower, Country Meadows, and other future developments just to the north of Wildflower and Country Meadows.

The Town is currently working with Wyndham Hills to construct a ditch diversion to feed a private pond and irrigation system for Wyndham Hills. The Town plans to develop the Mendoza Open Space into a park, and the Lower Boulder Ditch flows through the Mendoza Open Space. Since these properties will be supplied with raw water directly from the ditch, no NPW infrastructure is planned

to be extended west across I-25. See Figure 5.4 for a map of the potential properties west of I-25 that could utilize NPW from existing streams and ditches.

Figure 5.4 Potential Properties for NPW Irrigation, West of I-25



Raw water irrigation demand for Wyndham Hills is estimated at approximately 60 AFY based on past irrigation use. Town staff intends to pursue a low irrigation demand landscaping plan for the Mendoza property. Table 5-7 provides an estimate of NPW irrigation demands for the properties west of I-25. See Appendix F for additional details on estimated NPW demands for future buildout.

Table 5-7 Non-potable Water Demands, Future Development West of I-25

Area No.	Description	Approx. Area (AC)	Comp Plan Update Land Use	EDU's per acre	EDU's	# of resid.	Annual Irrigation Demand (AFY)
1A	Wildflower – Residential	118	SF Oriented	6	708	2082	59.0
1B	Wildflower – Business	140	Bus Flex	-	-	-	16.8
2	Wyndham Hill	570	Exist Resid	-	-	-	60.0
3	Country Meadows	33	SF Oriented	6	198	583	17.0
4	Public/Institutional	70	Public/Inst	-	-	-	14.0
5	Rinn Valley Ranch	140	Exist Resid	-	-	-	11.6
6	Resid., North of Wildflower	135	SF Oriented	6	810	2382	68.0
7	Comm., North of Wildflower	80	Bus Flex	-	-	-	9.6
8	Mendoza Open Space	114	Park/OS	-	-	-	104.0
	TOTALS	1400			1716	5,047	360

The total estimated future NPW demand for both the east and west sides of the interstate is approximately 1,495 AFY, not including the 25/52 East and WCR-19 Subareas.

5.3 NPW Demands Summary

Table 5-8 summarizes the current and estimated short-term and long-term NPW irrigation demands for parks and open spaces through buildout of the Frederick planning area. The estimated buildout demand is approximately 2,116 AFY, which is slightly higher than the 1,960 AFY projected in Frederick's Long-Term Water Resources Plan (LTWRP).

Table 5-8 NPW Irrigation Demands Summary

Description	Est. NPW Demand (AFY)
Existing NPW System	452
Short-Term Future Demand	143
Future Build-out, East of I25	1,161
Future Build-out, West of I25	360
Total	2,116

6.0 WATER QUALITY

6.1 Background

Milavec Reservoir is Frederick's primary water source for non-potable irrigation of selected parks and open spaces. The reservoir has experienced some blue-green algae issues over recent years. The warm, stagnant, and nutrient-rich water of the lake is conducive for algal growth. Several strategies are being utilized to prevent blue-green algae growth, and the Town is currently performing more detailed water quality analyses through other ongoing studies.



The main source of water to Milavec Reservoir is the Lower Boulder Ditch, which is a diversion from Boulder Creek. A source of water and nutrients into Milavec Reservoir is the City of Boulder's wastewater plant effluent discharge into Boulder Creek. Runoff from fertilized lands may also be contributing nutrients to the creek. High levels of nutrients, specifically phosphorous and nitrogen, promote algae growth in the reservoir. The Town is actively working to prevent and address algae when present.

6.2 Water Quality for NPW Systems

With respect to the Town's Non-Potable Water (NPW) infrastructure, minimizing algae transfer to the piping and irrigation systems is important to avoid clogging pipes, irrigation

sprinklers, and drip irrigation emitters. Larger sediment can also clog these components.

Water from Milavec Reservoir is conveyed to the NPW system by the East and West Milavec Pump Stations, and through a gravity pipeline to Bella Rosa Golf Course. The East Milavec Pump Station pumps water to the pond at Centennial Park where it is stored prior to being pumped by the Centennial Park Pump House. The West Milavec Pump Station pumps water to the irrigation pond at Frederick High School, but also directly to parks and open spaces. The gravity pipeline to the golf course conveys water to the Finley North and South ponds at the golf course prior to being pumped by a pump house at each pond.



Town staff has not reported issues with algae being transferred from the Milavec Reservoir to the Centennial Park pond or golf course ponds. These ponds allow solids to settle prior to being pumped to irrigation systems. The West Milavec Pump Station has a filtration system that removes particles larger than 300 microns (0.3 millimeter), which helps prevent irrigation emitters from clogging.

6.3 Current Water Treatment Strategies

The Town has implemented the following methods of water treatment at Milavec Reservoir.

6.3.1 Aeration and Water Circulation

Solar-powered floating water circulators and aeration of the water are two measures the Town uses to manage algal blooms at Milavec Lake. Air is generated by two aeration blowers inside the decommissioned treatment building on the east side of Milavec Reservoir, and injected into the water through air pipes. The Town also injects air into the Centennial Park pond, and aerates and circulates water at the Finley North Pond at Bella Rosa Golf Course with a fountain feature in the middle of the pond.



Most recently, the Town installed an ultrasonic treatment system at Milavec Reservoir to further improve algae control. Ultrasonic devices reduce algal blooms by emitting ultrasonic waves that kill the algae. This system is being monitored by Town staff for its effectiveness. Chemical addition is not a preferred treatment strategy due to concerns of potential harmful effects on fish and other aquatic life in the lake.

6.3.2 Filtration

The West Milavec Pump Station has a filtration system that filters water pumped from the lake into the existing NPW distribution system. These filters help minimize the solids and algae that is conveyed to the irrigation systems at parks and open spaces.



6.3 Recommendations

It is recommended that the Town continue with current water treatment practices and monitor the effectiveness of the ultrasonic system.

Reducing nutrients flowing into Milavec Reservoir will help with algae control. The Town should continue working with upstream stakeholders and partners to reduce nutrients. The City of Boulder is planning upgrades to its wastewater treatment facility to meet new CDPHE regulations for nutrients. These upgrades are aimed at reducing phosphorous concentrations in the effluent discharged to Boulder Creek.

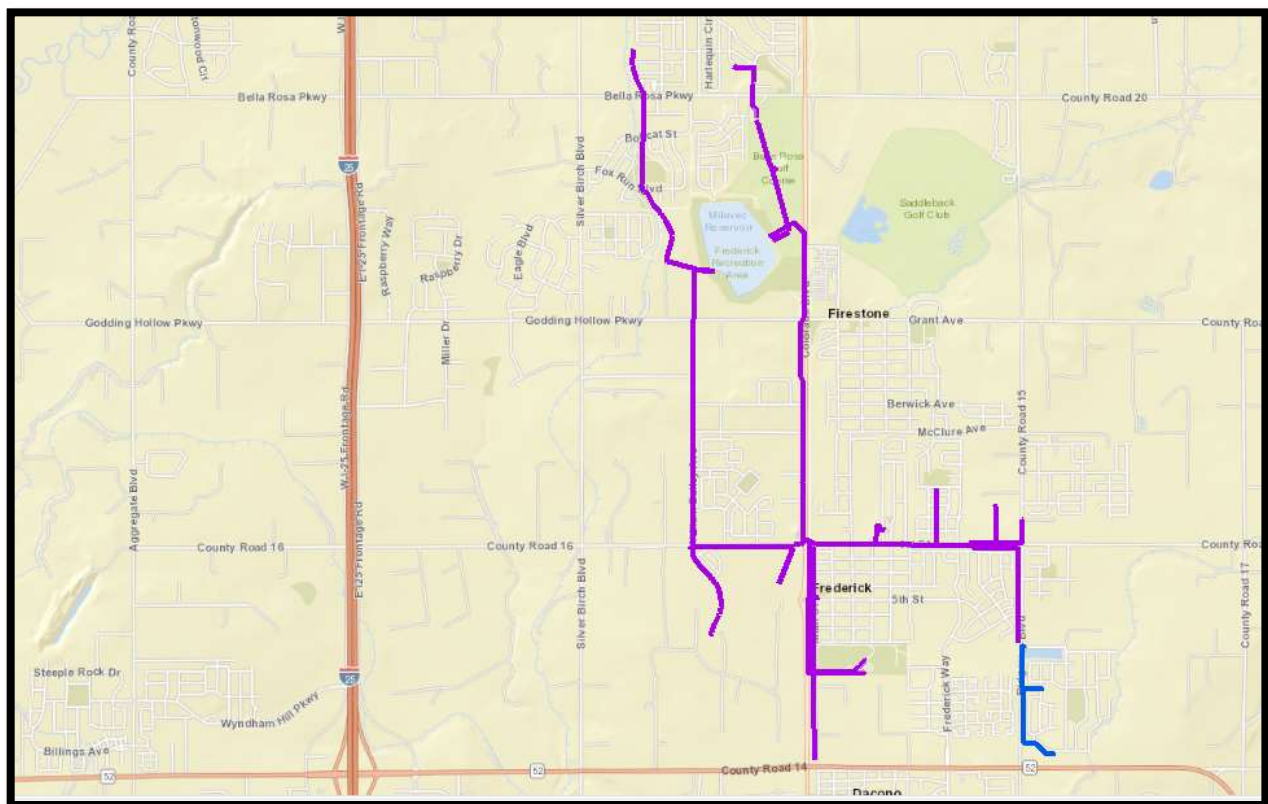
Working with landowners along the Lower Boulder Ditch to use lower amounts of fertilizers on yards and gardens can also reduce nutrient loading to Milavec Reservoir. A natural vegetation buffer at the reservoir's inflow ditches is another nutrient control measure that can be considered.

Many chemicals, algaecides, and herbicides on the market help control algae but are not recommended. These chemicals risk exposing the lake to other toxins in the short term which can negatively impact other water quality parameters and plant and aquatic life.

7.0 GIS MAPPING AND HYDRAULIC MODELING

7.1 GIS Map Update

The Town provided an existing non-potable water system map in ArcGIS format. Based on information and discussions with the Town, updates and corrections were made to the existing GIS files. Waterline sizes and locations were updated using maps and construction record information provided by the Town. Additionally, the Town furnished information for a recently constructed 8-inch non-potable waterline running south on Ridgeway Boulevard, from Tipple Parkway, and this line was added to the GIS map. Larger scale printouts of the entire existing GIS mapping are provided in the appendix.



Frederick Non-Potable Water System, GIS Map Update, Screenshot Sample

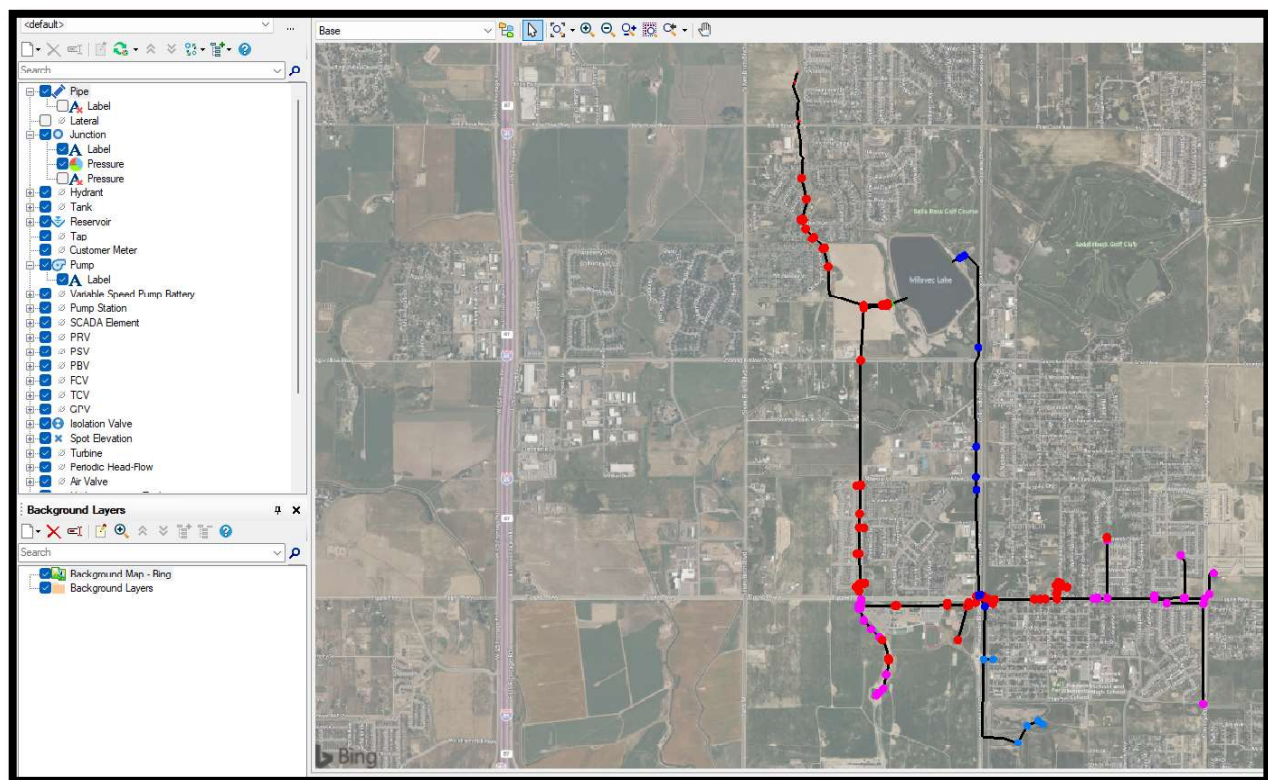
7.2 Hydraulic Model

7.2.1 Description

A computer-based hydraulic model is an important analysis tool for water systems. Forsgren developed the Town's NPW WaterGEMS model using the updated GIS Map data and NPW demands based on 2022 meter usage, which included daily and some limited hourly meter data. This model includes the systems pressurized by the East and West Milavec Reservoir pumping stations, but does not include the golf course pump houses and irrigation piping

(beyond the scope of this report). The gravity pipes to the Bella Rosa Golf Course ponds are also not included since the WaterGEMS analysis is most beneficial for pressurized piping. The East and West Milavec Pump Stations were modeled using pump and operating information provided by the Town.

Based on review of the meter data, a peaking factor of eight times the average daily demand is utilized in the model to estimate the peak-hour demand for users directly connected to the NPW system. The Town does not currently limit the days or times for NPW irrigation. For the Future Conditions Hydraulic Model and based on direction from Town staff, it is assumed future developments will be required to construct ponds to store the NPW received from the system prior to being pumped for irrigation. This allows for reduced peak instantaneous demands delivered from the Town's system for future conditions.



Frederick Non-potable Water System, Existing Model Screenshot

7.2.2 Current Conditions Hydraulic Model

The Current Conditions Hydraulic Model is based on existing infrastructure and metered irrigation demands for each user. Two scenarios were run with the current model based on criteria shown in Table 7-1. Pressures throughout the distribution system for those scenarios were above the acceptable minimum standard of 20 psi at the point of use. Therefore, no pump upgrades are needed to meet current demands.

Table 7-1 NPW Hydraulic Model Demand Scenarios

Scenario No.	Demand Scenario	Non-Potable Water Demands
1	Average Daily	Based on 2022 Meter Usage
2	Peak Hour	8 x Avg. Daily

A higher peaking factor was applied to the West Pump Station portion of the system as a sensitivity test to attempt to replicate the low water availability in the eastern portion of the system during high demand times as reported by Town staff. Even at this extreme peak factor, the hydraulic model maintained acceptable pressures. Therefore, it is recommended that the Town conduct field investigations to confirm mapping accuracy, and ensure valves are fully open and no line blockages exist to resolve the reported low water availability for users on the east end of the system.

7.2.3 Short-Term Improvements & Buildout Conditions Hydraulic Model

A hydraulic model for future conditions is a planning tool that aids in sizing infrastructure with adequate capacity to irrigate parks and open spaces within the Town's planning boundary. Information from the Town's Comprehensive Plan, pending Comprehensive Plan Update, 2008 Raw Water Master Plan, 10-Year Water Resources Plan and Land Use Map were analyzed to understand where and how areas of expected growth can best be served by existing and future infrastructure.

Future conditions were modeled in two phases. To accommodate the Town's short-term transition of most of the existing parks and open spaces from potable to non-potable irrigation, a Short-Term Improvements model was developed. For the second future phase, Buildout Conditions were modeled to include NPW demands created from future developments.

The timing of the future phases will likely overlap, and be progressive in nature, resulting in additional interim phases that are difficult to accurately predict. Therefore, the hydraulic models should be re-evaluated regularly to confirm NPW infrastructure for each future development is designed to meet the cumulative irrigation needs for their respective timings.

Short-Term Improvements Hydraulic Model

This model includes all existing demands while also incorporating selected potable water demands for parks and open spaces that will be transitioned to non-potable irrigation.

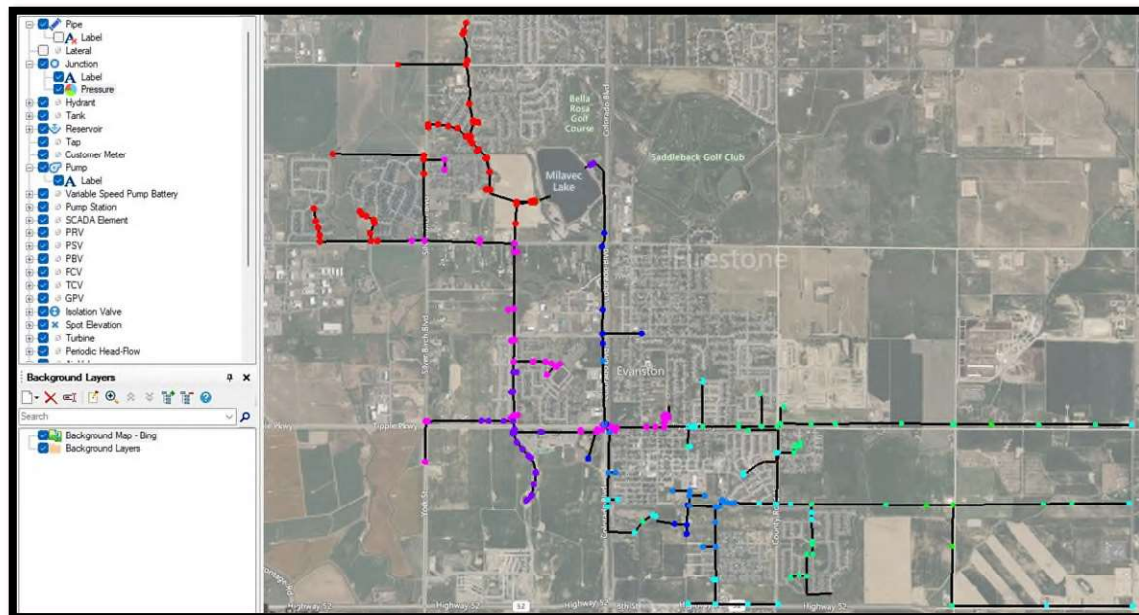
The Centennial Park pump house was upgraded in the model to meet Short-Term Conditions and to position it as a regional pump station in the ultimate Buildout Condition model. In the Short-Term model, the service area for the Centennial Park Pump Station expands east to the

Savannah neighborhood, and the pump station's NPW distribution system is interconnected with the existing NPW line on Ridgeway Boulevard to provide redundancy for the Tipple Parkway NPW system. To meet the Short-Term Conditions demand, the Centennial Park Pump Station is upgraded to a minimum 960 gpm capacity.

The same flow scenarios shown in Table 7-1 were used to analyze the Short-Term Conditions model. Although the main pump at the East Milavec Pump Station is large enough to meet the demands for this Short-Term model condition, it is recommended a second main pump be installed for redundancy, and a smaller pressure-sustaining pump be installed to meet smaller demands. The West Milavec Pump Station was upgraded in 2024 with two additional main pumps, so no upgrades are needed. With the recommended pump upgrades described above, required demands and pressures are met.

Buildout Conditions Hydraulic Model

The Buildout Conditions hydraulic model includes the demands in the Short-Term model, plus estimated irrigation demands for future development. This model was validated using the same flow scenarios described in Table 7-1 with one difference. Demands added due to future development were all assumed, based on discussions with Town staff, to have irrigation ponds as was recommended in the 2008 Raw Water Master Plan. Therefore, a lower peak-hour demand factor of 1.5 times the Average Daily demand is applied since the water can be stored prior to being pumped from the pond, providing flow equalization for the system.

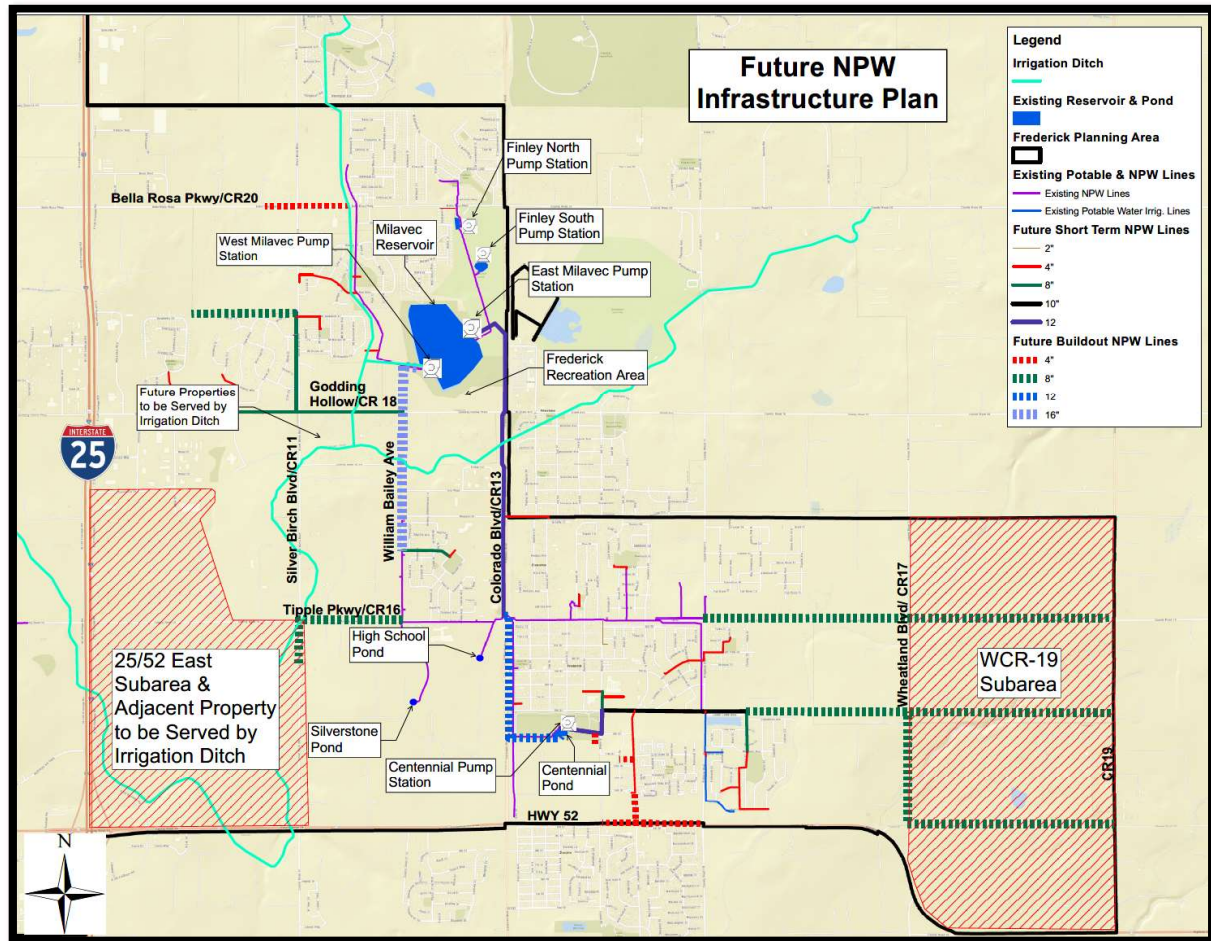


Frederick Non-potable Water System, Buildout Conditions Model Screenshot

To serve buildout described in Section 5, NPW main extensions are planned as development occurs within the Town's planning boundaries on the east side of I-25. These NPW

extensions and associated demands were added to the model to develop the Buildout Conditions model. Major future infrastructure improvements are shown in Figure 7.1. See the Appendix for a full-size copy of the Figure 7.1 map.

Figure 7.1 Future Buildout NPW Infrastructure Plan



With much of the future growth occurring within the eastern portion of the Town planning boundary, the Centennial Park Pump Station and the East Milavec Pump Station (that transfers water from Milavec Reservoir to the pond at Centennial Park) both require upgrades to meet buildout conditions. The capacity of the East Milavec Pump Station is upgraded from its current capacity of 850 gpm to 1542 gpm, and the Centennial Park Pump Station is also upgraded to 1542 gpm to meet the outputs calculated by the model.

The existing 8-inch NPW line along Colorado Boulevard between the East Milavec Pump Station and Tipple Parkway is upgraded to 12-inch diameter. As demands increase towards buildout, it will also be necessary to upgrade the 8-inch pipe to 12-inch south of Tipple Parkway and extending to the Centennial Park irrigation pond. Additionally, as demands increase and approach buildout, the valve sizes inside the West Milavec Pump Station need to

be replaced with larger valves, and the existing 10-inch NPW line, from the West Milavec Pump Station which extends south to Grimson Street, will be upgraded to a 16-inch line. Alternatively, a parallel 12-inch NPW line could be installed. With these recommended piping and pump upgrades, required demands and pressures in the Buildout Conditions model were met.

Table 7-2 below provides a summary of the recommended NPW infrastructure improvements identified through the hydraulic model simulations. There will likely be interim phases between the Short-Term and Buildout conditions. Therefore, the timing of development and NPW demands for the associated parks and open spaces should be carefully evaluated to determine if additional infrastructure upgrades are needed to accommodate each development.

Table 7-2 Summary of NPW Infrastructure Improvements

Demand Scenario	East Milavec Pump Station	West Milavec Pump Station	Centennial Park Pump Station	Distribution Piping Modifications
Current	None required	¹ None required	None required	None required
Short-Term	Add main 960-gpm pump and pressure sustaining pump	None	Increase capacity to 960 gpm	² NPW line extensions to existing parks and open spaces
Buildout	Increase capacity to 1542 gpm	Increase pipe and valve sizes	Increase capacity to 1542 gpm	² Upgrade Colorado Blvd NPW line from 8" to 12", upgrade NPW line from West Milavec Pump Station to Grimson St from 10" to 16", extend NPW lines to future growth areas

¹The West Milavec Pump Station was upgraded in 2024 with installation of two additional 1340-gpm pumps to supplement the one existing 1345-gpm pump. This table is based on these three pumps being operational.

²Although the existing 8-inch NPW line on Colorado Boulevard is adequate to meet Short-Term demands, this pipe north of Tipple Pkwy has been recommended as a Short-Term infrastructure upgrade. Therefore, when this pipe is replaced in the Short-Term it will be upgraded to 12-inch diameter to meet Buildout demands.

7.3 Pressure Zones

Frederick's current NPW system is divided into four pressure zones. The Bella Rosa Golf Course is supplied by gravity from Milavec Reservoir to the Finley North and South Ponds, creating a gravity or low-pressure zone. The other three pressure zones are created by the discharge piping from the East and West Milavec Pump Stations, and the Centennial Park Pump House. The West Milavec and Centennial Park Pump Station pressure zones are expanded for the Short-Term and Buildout conditions. Properties adjacent to the Lower Boulder Ditch are planned to be served with raw water directly from the ditch to irrigation ponds. Pressure zones for the Short-Term and Buildout NPW systems are shown in Figures 7.2 and 7.3.

Figure 7.2 Short-Term Improvements Model – Pressure Zones

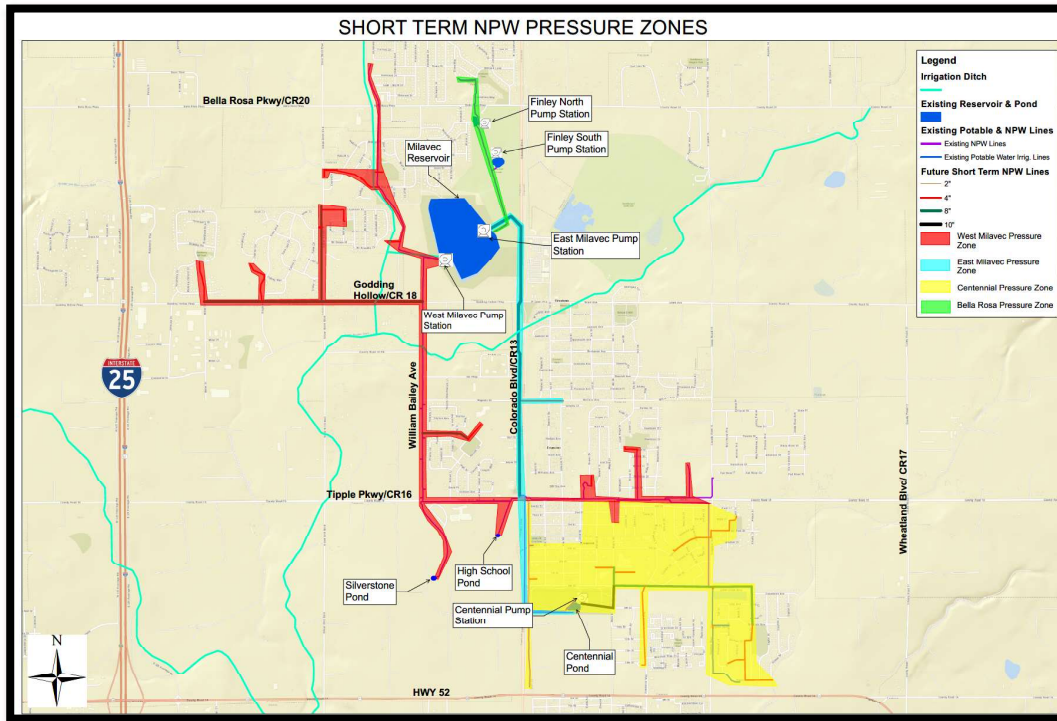
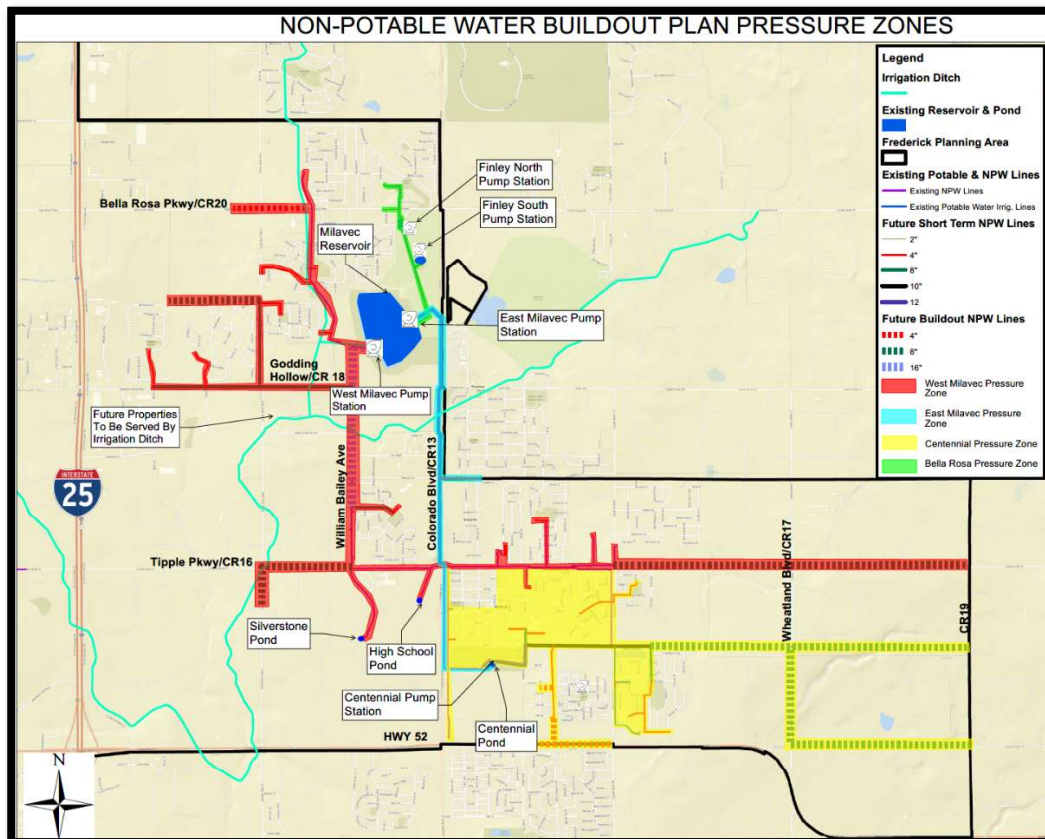


Figure 7.3 Buildout Model – Pressure Zones



8.0 CAPITAL IMPROVEMENTS PLAN

The planned NPW system expansions shown in Figure 7.2 for Future Build-Out will be dependent on the timing of development planning and construction. To achieve the Town's goal to irrigate additional existing parks and open spaces with NPW instead of potable water, a Short-Term Capital Improvements Plan (CIP) has been developed to expand NPW to the 30 property areas identified in Figure 5.1 of Section 5. The timing of the Short-Term CIP will depend on funding availability.

8.1 Short-Term Capital Improvements Plan

The Short-Term CIP includes 22 projects as shown in the map in Figure 8.1. All NPW infrastructure projects are east of I-25. A full-size copy of the map is included in the Appendix. Refer to Table 8-1 for project names corresponding to the project numbers in Figure 8.1.

Figure 8.1 Short-Term NPW Capital Improvements Projects

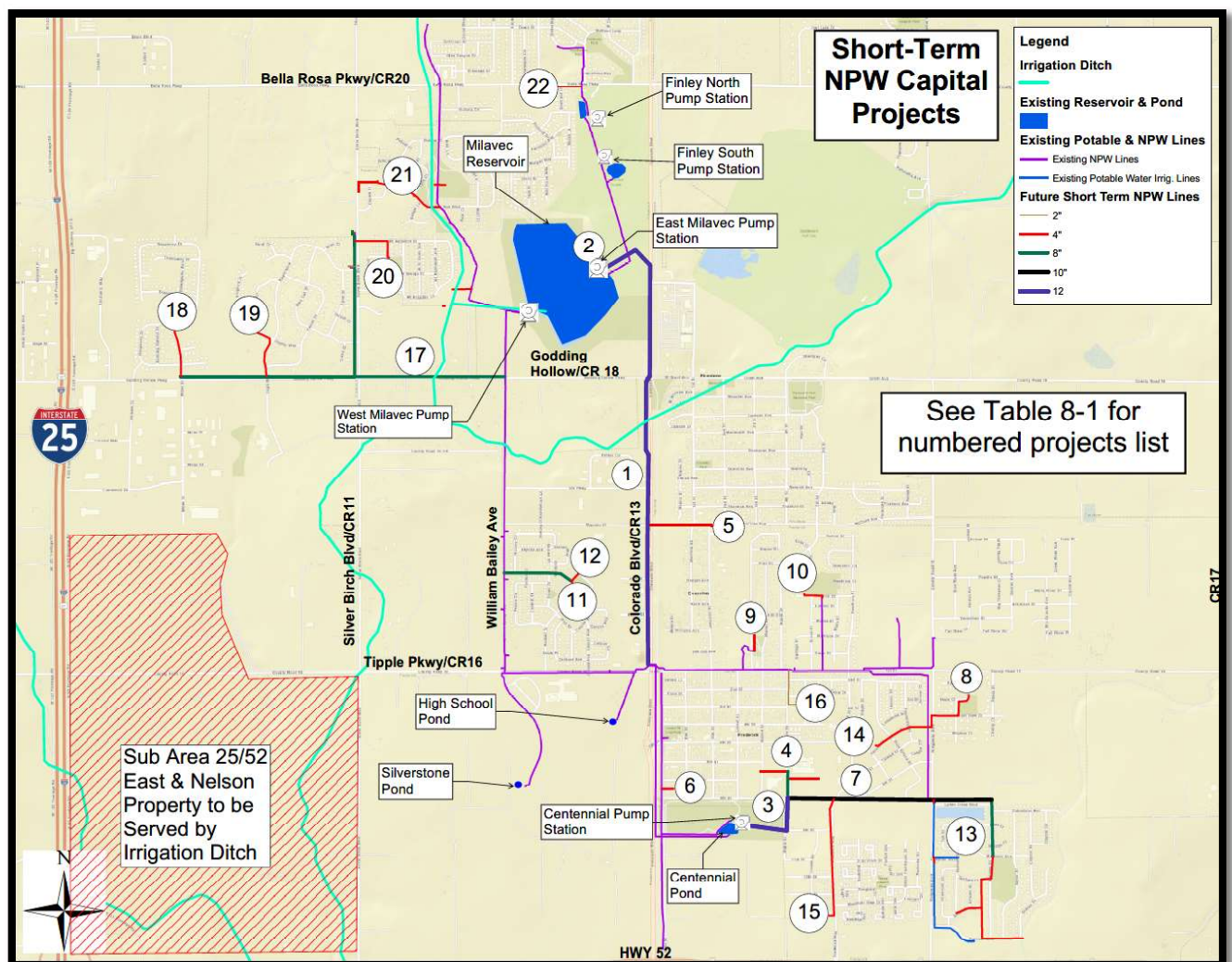


Table 8-1 Short-Term Capital Improvements Projects

Project No.	Project Name	Location
1	Colorado Blvd NPW Pipe Replacement	Colorado Blvd, north of Tipple Pkwy
2	East Milavec Pump Station Upgrade	Milavec Reservoir, Fred. Rec Area
3	Centennial Park PS Upgrade & North NPW Line	Centennial Park
4	Thunder Valley Area Athletic Fields	Thunder Valley & Carbon Valley Rec Fields
5	Village at Frederick	McClure Avenue, east of Colorado Blvd
6	Grove Townhomes	East of Main Street
7	Centennial Park to Ridgeway Blvd NPW	East of Centennial Park, to Ridgeway Blvd
8	Angel View Estates	East of Ridgeway Blvd
9	Firefighters Park	Aspen Drive
10	Coal Ridge Estates	Warwick Street
11	Countryside	Russell Circle
12	Rocky Mountain Christian Church	Majestic Street
13	Savannah	Leyden Creek Blvd/Ralston Street
14	Maplewood Filing #5	Spruce Court
15	Carriage Hills	14 th Street
16	Maplewood Filing #2	Maple Street
17	West Milavec NPW Transmission Main	Godding Hollow Road
18	Raspberry Hill	Miller Drive
19	Eagle Valley	Eagle Blvd
20	Summit View Estates	Silver Birch Blvd
21	Fox Run	Fox Run Blvd
22	Moore Farm Open Space	Bella Rosa Parkway

Notes:

1. Refer to Figure 8.1 for project map with corresponding project numbers.

8.2 Short-Term Capital Projects

The projects listed in Table 8-1 have been divided into four tiers, primarily based on locations within the service area, and in some cases the proximity of the properties to existing NPW lines. Preliminary Opinions of Probable Cost (POPC) are provided for each project, along with their respective estimated NPW demand. Detailed POPCs are provided in the Appendix.

8.2.1 Tier 1 Projects

The Tier 1 projects include upgrades to existing infrastructure and extension of NPW to the athletic fields at the Thunder Valley K-8 school, the adjacent preschool, and the nearby ballfield on Locust Street. These fields have a high irrigation demand and are in close proximity to Centennial Park, allowing them to be cost-effectively connected to NPW. Other Tier 1 projects extend NPW to open spaces at the Village at Frederick and Grove Townhomes.

Existing infrastructure upgrades include replacement of the 8-inch Colorado Boulevard NPW line with a 12-inch line, and upgrades to the East Milavec and Centennial Park Pump Stations. The Centennial Park Pump Station Upgrade may be partially funded by the developer of Miners Park Town Centre, located south of Centennial Park. The developer is considering the relocation of the pond and pump station, which would require the construction of a new pump station building.

Table 8-2 below lists the recommended Tier 1 projects and their respective estimated costs and irrigation demands.

**Table 8-2 Tier 1 NPW Projects,
Preliminary Opinions of Probable Costs and Irrigation Demands**

Project No.	Project	Preliminary Opinion of Probable Cost	NPW Demand (AFY)
1	Colorado Blvd AC Pipe Replacement	\$3,340,000	N/A
2	East Milavec Pump Station Upgrade	\$710,000	N/A
3	Centennial Park Pump Station Upgrade & North NPW Line	\$2,167,000	N/A
4	Thunder Valley Athletic Fields	\$337,000	21.2
5	Village at Frederick	\$643,000	1.4
6	Grove Townhomes	\$162,000	2.8
	TOTAL	\$7,359,000	25.4

8.2.2 Tier 2 Projects

An important Tier 2 project is a proposed transmission main, supplied by the Centennial Park Pump Station, that extends east from Centennial Park to Ridgeway Boulevard, connecting to the Town's existing 8-inch NPW line on Ridgeway Boulevard. This Ridgeway Boulevard connection allows NPW to be supplied north to Tipple Parkway, improving reliability for the existing Tipple Parkway NPW line that has experienced some past issues with supplying adequate irrigation. This transmission main will supply NPW to both Tier 2 and Tier 3 projects.

Other Tier 2 projects extend NPW lines to existing parks and open spaces on the east side of Frederick, and also to Countryside Park and Rocky Mountain Christian Church from the existing NPW line on William Bailey Avenue. Table 8-3 below lists the recommended Tier 2 projects and their respective estimated costs and irrigation demands.

**Table 8-3 Tier 2 NPW Projects,
Preliminary Opinions of Probable Costs and Irrigation Demands**

Project No.	Project	Preliminary Opinion of Probable Cost	NPW Demand (AFY)
7	Centennial Park to Ridgeway Blvd	\$1,073,000	N/A
8	Angel View Estates	\$382,000	2.7
9	Firefighters Park	\$103,000	2.9
10	Coal Ridge Estates	\$200,000	13.1
11	Countryside	\$967,000	10.0
12	Rocky Mountain Christian Church	\$115,000	12.3
	TOTAL	\$2,840,000	41.0

8.2.3 Tier 3 Projects

Tier 3 projects extend NPW to properties in the eastern portion of the service area, with the largest irrigation demand being parks and open spaces in the Savannah residential development. To reduce project costs, Town staff suggested an existing potable water line on Ridgeway Boulevard that is currently dedicated to irrigation of open spaces in Savannah be repurposed as a NPW line. This is recommended provided Town staff field verifies that there are no drinking water service connections on this line.

If it is confirmed there are no service connections, the pipe should be physically disconnected from the potable water system and instead connected to the NPW system. Some open spaces within the Savannah project are not currently irrigated but are included for NPW irrigation as recommended by Town staff due to their potential for future irrigation. Other Tier 3 projects include NPW line extensions to Carriage Hills, and Maplewood Filings No. 2 and No. 5.

Table 8-4 lists the recommended Tier 3 projects and their respective estimated costs and irrigation demands.

**Table 8-4 Tier 3 NPW Projects,
Preliminary Opinions of Probable Costs and Irrigation Demands**

Project No.	Project	Preliminary Opinion of Probable Cost	NPW Demand (AFY)
13	Savannah	\$1,727,000	28.2
14	Maplewood Filing No. 5	\$390,000	2.1
15	Carriage Hills	\$738,000	2.2
16	Maplewood Filing No. 2	\$269,000	1.2
	TOTAL	\$3,124,000	33.7

8.2.4 Tier 4 Projects

The projects included in Tier 4 are supplied with NPW from the West Milavec Pump Station, and extend to the northern portion of the service area, north of Godding Hollow Road. There is currently no NPW infrastructure west of William Bailey Avenue. The largest Tier 4 project is a NPW transmission main connects to the existing NPW main at the intersection of William Bailey Avenue and Godding Hollow Road, and extends west along Godding Hollow Boulevard to the Raspberry Hill development. This transmission main also supplies NPW to the Eagle Valley and Summit View Estates developments. Other Tier 4 projects connect to existing NPW lines to provide irrigation water to Fox Run and Moore Farm open spaces. Table 8-5 lists the recommended Tier 4 projects and their respective estimated costs and irrigation demands.

**Table 8-5 Tier 4 NPW Projects,
Preliminary Opinions of Probable Costs and Irrigation Demands**

Project No.	Project	Preliminary Opinion of Probable Cost	NPW Demand (AFY)
17	West Milavec NPW Transmission Main	\$1,941,000	N/A
18	Raspberry Hill	\$518,000	13.9
19	Eagle Valley	\$550,000	7.0
20	Summit View Estates	\$1,345,000	6.5
21	Fox Run	\$663,000	9.7
22	Moore Farm	\$285,000	6.0
	TOTAL	\$5,302,000	43.1

9.0 CONCLUSIONS AND RECOMMENDATIONS

9.1 Master Plan Summary

Based on feedback from Town staff and review of pipe ages, most of the Town's NPW infrastructure appears to be in sound condition, with relatively long remaining useful pipeline lives and minimal history of pipe failures. The only NPW line recommended for replacement in the short-term is the 8-inch pipe between the East Milavec Pump Station and Tipple Parkway. It is recommended this older pipe be replaced with a new 12-inch pipe to accommodate higher water demands forecasted for the future. Upgrades to the East Milavec Pump Station and Centennial Pump House are recommended.



East Milavec Pump Station

These piping and pump station improvements are incorporated into the recommended Short-Term Capital Improvements Plan.

The hydraulic model indicates adequate pressures are met throughout the NPW system. Town staff reported issues with meeting irrigation demands at the east end of Tipple Parkway, but the hydraulic model produced adequate pressure results. Follow-up discussions with Town staff indicate that a blockage was discovered and eliminated, and that the system operation has improved. It is recommended the Town continue to monitor this situation.

Water planning studies conducted by the Town in recent years identify a need to preserve potable water supplies by utilizing more NPW for irrigation of parks and open spaces. The Town's 2022 Water Efficiency Plan includes a goal of converting 76 AFY from potable to non-potable water irrigation by 2030. This Master Plan recommends Short-Term Capital Improvements to deliver NPW to additional properties throughout Town that far exceeds this 76 AFY goal.

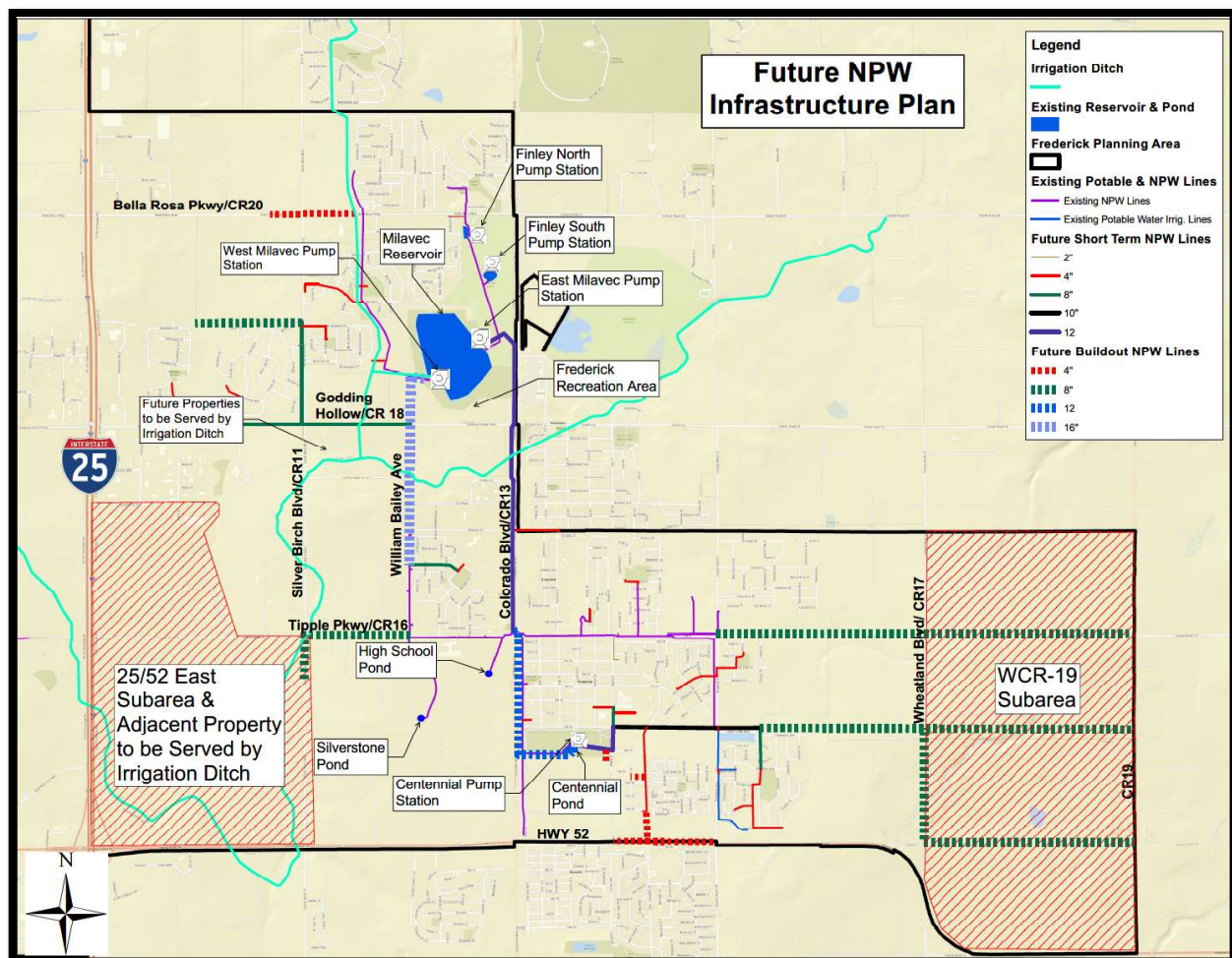
Future growth within Frederick's planning area will result in construction of additional parks and open spaces in accordance with Town requirements. Through buildout, anticipated around the year 2070, an irrigation demand of over 1,500 AFY is estimated for future development, which includes 1,161 AFY east of I-25, and 360 AFY on the west side of the interstate. Table 9-1 provides a summary of the current, short-term, and buildout NPW demands. It is recommended that these future parks and open spaces be irrigated with NPW instead of potable water.

Table 9-1 NPW Irrigation Demand Summary

Description	Est. NPW Demand (AFY)
Existing NPW System	452
Short-Term Future Demand	143
Future Build-out, East of I25	1,161
Future Build-out, West of I25	360
Total	2,116

General locations for future Short-Term and Build-out NPW lines east of I-25 are shown in Figure 9.1. Land close to the Lower Boulder Ditch east of I-25 is proposed to be served by diversions from the ditch. Properties on the west side of I-25 are to be served directly from several existing irrigation ditches, and will therefore not require construction of new infrastructure.

Figure 9.1 Future Buildout NPW Infrastructure Plan



A Short-Term Capital Improvements Plan is provided in Section 8, with estimates of project costs totaling approximately \$18.63 million to deliver an estimated 146 AFY of NPW to irrigate parks and open spaces. Table 9-2 provides a summary of the estimated costs and NPW demands. The timing of the Short-Term Improvements will depend on availability of funding.

**Table 9-2 Short-Term Capital Improvements
Total Estimated Costs and NPW Demands**

Project Group	Preliminary Opinion of Probable Cost	NPW Demand (AFY)
Tier 1 Projects	\$7,359,000	25.4
Tier 2 Projects	\$2,840,000	41.0
Tier 3 Projects	\$3,124,000	33.7
Tier 4 Projects	\$5,302,000	43.1
TOTAL	\$18,625,000	143.2

The timing of other recommended future infrastructure through buildout of the planning area will be driven by development. Town planning and engineering staff will be able to utilize the information in this Master Plan to require that developers construct NPW lines as shown, and adequately sized to sustain future development.

9.2 Cost-Effectiveness of NPW Infrastructure Expansion

To determine the cost-effectiveness of the Short-Term Improvements projects that convert potable irrigation to NPW, estimated costs can be compared to the cost of purchasing Colorado-Big Thompson (C-BT) water units, which is the Town's primary potable water supply. The current cost of one C-BT unit is approximately \$70,000, and is equivalent to 0.6 AFY. The total estimated NPW demand of 143.2 AFY is therefore equivalent to 238.67 C-BT units, which have a current value of approximately \$16,706,900. This value is less than the total estimated cost of the Short-Term Improvements projects, but the cost of C-BT units will likely increase with inflation, which will bring the two values closer.

Also, the first two Tier 1 projects (Projects No. 1 and 2) can be considered maintenance projects and when these projects are excluded from the cost comparison, the total estimated costs decrease to \$14,575,000, which is significantly less than the \$16,706,900 value of the equivalent C-BT units. There is also the potential for a portion of the Centennial Park Pump Station Upgrade (Project No. 3) to be funded by the developer of Miner's Park Town Centre, which would further reduce the Town's costs for the projects.

A more detailed analysis was performed to evaluate each NPW line extension project on an individual basis to determine its cost-effectiveness comparing equivalent C-BT value to quantity of irrigation water. There are six projects estimated to cost greater than the current \$70,000 per C-BT unit cost. The Town may wish to consider alternatives to constructing these NPW line extensions,

such as turf replacement or xeriscape landscaping modifications to reduce or eliminate potable water usage. Table 9-3 below provides C-BT unit cost comparisons for the projects.

**Table 9-3 Short-Term Capital Improvements
Cost Comparison to Equivalent C-BT Units**

No.	Project	Est. Cost (Million \$)	Demand (AFY)	Est. Equiv C-BT Units	Approx. Equiv C-BT Cost (Million \$)	Est. Cost per Equiv. C-BT Unit
Tier 1						
1	Colorado Blvd Pipe Replacement	\$3.34	0	0	N/A	
2	Milavec East Pump St. Upgrade	\$0.71	0	0	N/A	
3	Centennial PS & North NPW Line	\$2.17	0	0	N/A	
4	Thunder Valley Sports Fields	\$0.34	21.2	35.33	\$2.47	\$9,623
5	Village at Frederick	\$0.64	1.4	2.33	\$0.16	\$274,286
6	Grove Townhomes	\$0.16	2.8	4.67	\$0.33	\$34,286
	Subtotal	\$7.36	25.4	42.33	\$2.96	
Tier 2						
7	Centennial Park to Ridgeway	\$1.07	0	0	N/A	
8	Angel View Estates	\$0.38	2.7	4.50	\$0.32	\$84,444
9	Firefighters Park	\$0.10	2.9	4.83	\$0.34	\$20,690
10	Coal Ridge Estates	\$0.20	13.1	21.83	\$1.53	\$9,160
11	Countryside	\$0.97	10.0	16.67	\$1.17	\$58,200
12	Rocky Mt Christian Church	\$0.12	12.3	20.50	\$1.44	\$5,854
	Subtotal	\$2.84	41.0	68.33	\$4.78	
Tier 3						
13	Savannah	\$1.73	28.2	47.00	\$3.29	\$36,809
14	Maplewood Filing 5	\$0.39	2.1	3.50	\$0.25	\$111,429
15	Carriage Hills	\$0.74	2.2	3.67	\$0.26	\$201,818
16	Maplewood Filing 2	\$0.27	1.2	2.00	\$0.14	\$135,000
	Subtotal	\$3.13	33.7	56.17	\$3.94	
Tier 4						
17	West Milavec NPW Transm Main	\$1.94	0		N/A	
18	Raspberry Hill	\$0.52	13.9	23.17	\$1.62	\$22,446
19	Eagle Valley	\$0.55	7.0	11.67	\$0.82	\$47,143
20	Summit View Estates	\$1.35	6.5	10.83	\$0.76	\$124,615
21	Fox Run	\$0.66	9.7	16.17	\$1.13	\$40,825
22	Moore Farm	\$0.29	6.0	10.00	\$0.70	\$29,000
	Subtotal	\$5.31	43.1	71.90	\$5.03	
	GRAND TOTALS	\$18.64	143.2	238.67	\$16.71	\$78,101

Notes:

1. One C-BT unit = 0.6 AF, at current cost of \$70,000 per C-BT unit.
2. Individual projects with costs greater than \$70,000 per C-BT unit denoted in red.

9.3 Public Engagement

An on-line public survey was developed to allow citizens the opportunity to voice their input into this Non-Potable Water Infrastructure Master Plan. Table 9-3 summarizes the public's priority issues and describes how this Master Plan generally addresses each topic.

Table 9-3 Summary of Public Input

Topic	How Topic is Addressed in Master Plan
Utilize NPW for irrigation	Recommends expanding NPW system to irrigate existing and future parks and open spaces.
Water Quality	Recommends continuing efforts to improve water quality at Milavec Reservoir, and recommends filtration be added at the Centennial Pump Station.
Affordability of water	NPW infrastructure for parks and open spaces in future developments are recommended to be paid for by the developers.
Low-water landscaping	Master Plan irrigation demand estimates are based on using more native grasses and landscaping for future parks and open spaces.

9.4 Potential Funding Sources

NPW infrastructure may not be eligible for grant and low-interest loan programs that have historically been used for potable water and wastewater projects. Funding options for NPW infrastructure may be limited to issuance of municipal bonds. The Town is currently in the process of completing a water rate study that is expected to incorporate the costs for Short-Term NPW Capital Improvements.

9.5 Recommendations

Preserving Frederick's potable water supply is critical to sustainability. The Short-Term Capital Improvements to expand the Town's NPW system will provide a significant amount of potable water savings. With the rapid pace of development in Frederick, it is important that both potable and non-potable water system improvements are planned to reliably meet both present and future needs. This Non-Potable Water Infrastructure Master Plan will be a valuable tool for Town staff to reference in their review of new development requests to ensure that new infrastructure provides long-term reliability, while also being consistent with the Town's land use and comprehensive plan goals.

Future non-potable water infrastructure recommended and shown in this Master Plan is intended to provide minimum requirements for future infrastructure to aid the Town in future development reviews. One important design criteria item is the requirement that future developments construct irrigation ponds to reduce peak irrigation demands delivered by the Town's NPW infrastructure. The peak demands in the Master Plan are based on these future ponds being constructed to provide the storage needed to reduce peak demands delivered by the Town's main pump stations.

It is the responsibility of developers to design and construct the necessary NPW infrastructure based on the most recent available information at the time of development, and in accordance with all Town of Frederick policies, guidelines, codes, rules, and regulations. It is also recommended that developers be responsible for the associated costs of the NPW infrastructure.



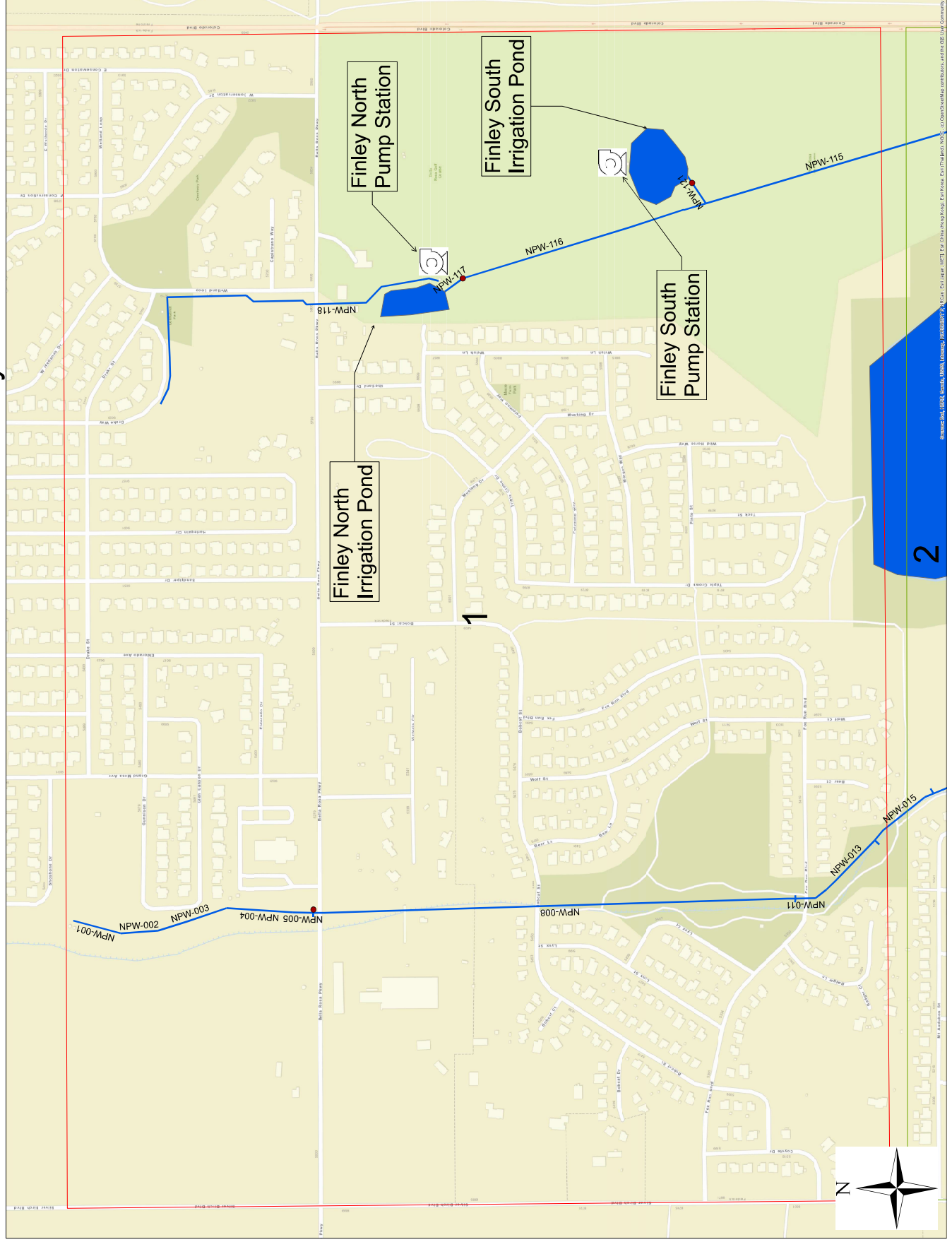
Centennial Park, Chainsaws and Chuckwagons Festival

APPENDICES

APPENDIX A

The map shows a residential area with a proposed water main line highlighted in blue. The map is divided into seven numbered sections (1-7) by colored lines. The blue line starts at the bottom left, goes east through section 1, then north through sections 2, 3, 4, 5, 6, and 7. Various street names and lot numbers are visible. A north arrow is in the bottom right corner.

Town of Frederick Non-Potable Water System Grid



The map displays the Milavec Reservoir, a large blue area, and the surrounding land. A network of water supply lines is shown, with key components labeled:

- Milavec East Pump Station:** Located near the top left of the reservoir.
- Milavec West Pump Station:** Located near the bottom left of the reservoir.
- Water Supply Lines:** Labeled with codes such as NPW-115, NPW-112, NPW-111, NPW-109, NPW-103, NPW-036, NPW-018, NPW-019, NPW-024, NPW-025, and NPW-030.
- Grading and Utility Paths:** Labeled with codes such as NPW-013, NPW-015, NPW-016, NPW-017, NPW-018, NPW-019, NPW-020, NPW-021, NPW-022, NPW-023, NPW-024, NPW-025, NPW-026, NPW-027, NPW-028, NPW-029, NPW-030, NPW-031, NPW-032, NPW-033, NPW-034, NPW-035, NPW-036, NPW-037, NPW-038, NPW-039, NPW-040, NPW-041, NPW-042, NPW-043, NPW-044, NPW-045, NPW-046, NPW-047, NPW-048, NPW-049, NPW-050, NPW-051, NPW-052, NPW-053, NPW-054, NPW-055, NPW-056, NPW-057, NPW-058, NPW-059, NPW-060, NPW-061, NPW-062, NPW-063, NPW-064, NPW-065, NPW-066, NPW-067, NPW-068, NPW-069, NPW-070, NPW-071, NPW-072, NPW-073, NPW-074, NPW-075, NPW-076, NPW-077, NPW-078, NPW-079, NPW-080, NPW-081, NPW-082, NPW-083, NPW-084, NPW-085, NPW-086, NPW-087, NPW-088, NPW-089, NPW-090, NPW-091, NPW-092, NPW-093, NPW-094, NPW-095, NPW-096, NPW-097, NPW-098, NPW-099, NPW-100, NPW-101, NPW-102, NPW-103, NPW-104, NPW-105, NPW-106, NPW-107, NPW-108, NPW-109, NPW-110, NPW-111, NPW-112, NPW-113, NPW-114, NPW-115, NPW-116, NPW-117, 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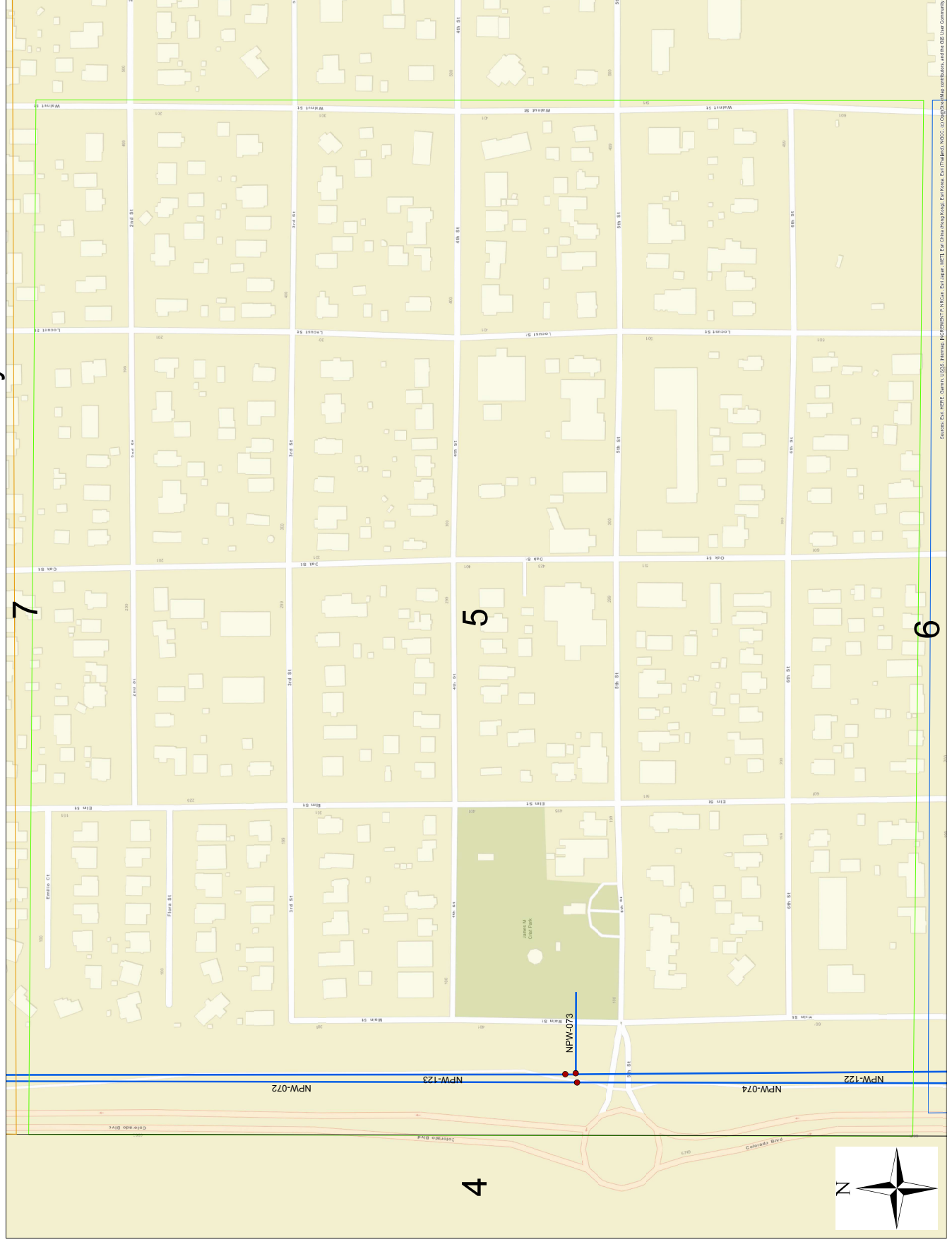
This is an aerial map of a residential area, likely in the United States, showing a grid overlay. The grid is labeled with numbers 2, 3, 4 horizontally and 7, 8, 9 vertically. A red dot is located at the intersection of grid lines 3 and 8. The map shows streets, buildings, and a large green field. A north arrow is in the bottom right corner.

The map includes the following labels:

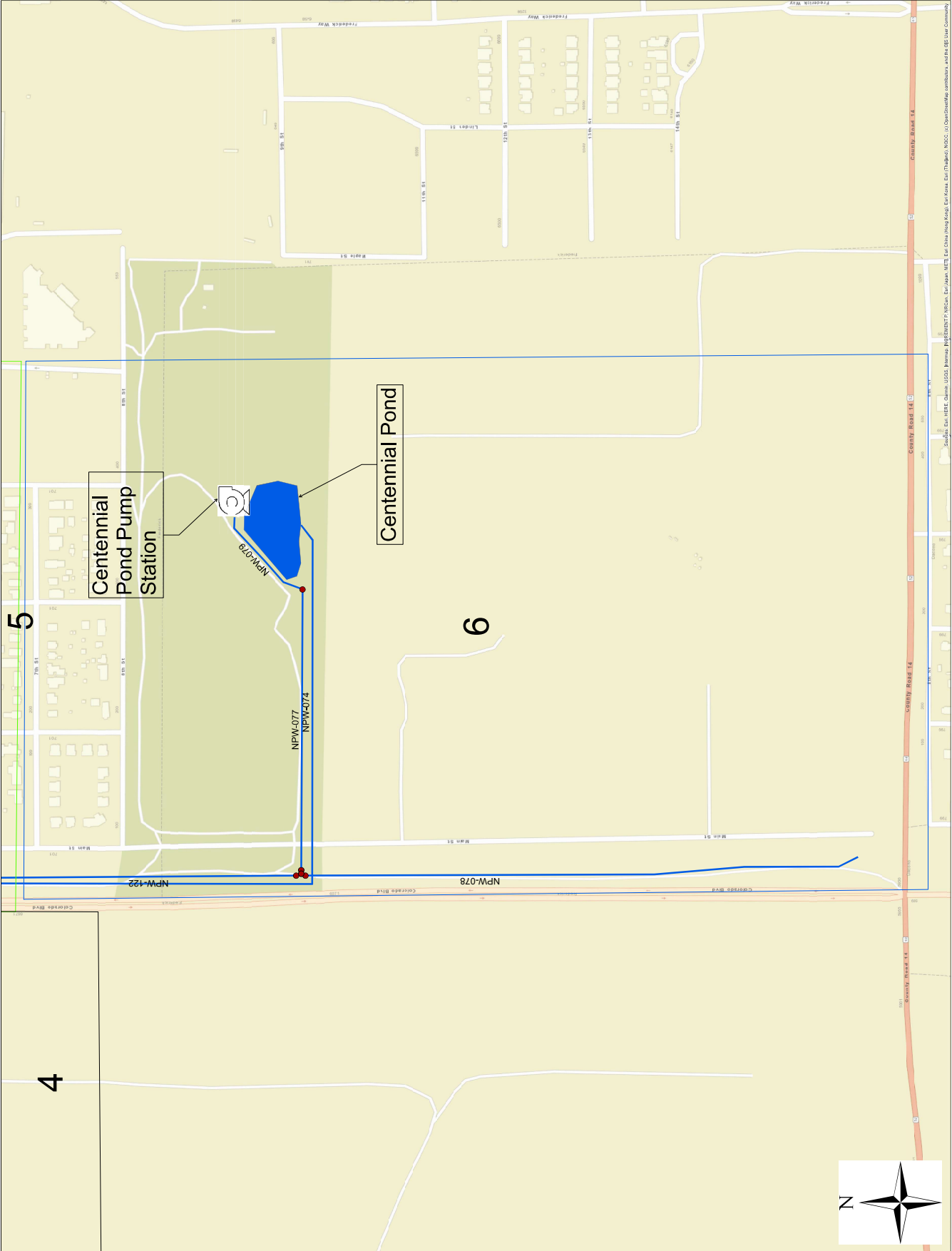
- Horizontal grid lines: 2, 3, 4
- Vertical grid lines: 7, 8, 9
- Streets:
 - North: NPW-107, NPW-108, NPW-109
 - East: NPW-036, NPW-039, NPW-040, NPW-041, NPW-043, NPW-044, NPW-045
 - South: NPW-036, NPW-039, NPW-040, NPW-041, NPW-043, NPW-044, NPW-045
 - West: NPW-036, NPW-039, NPW-040, NPW-041, NPW-043, NPW-044, NPW-045
- Other labels: NPW-036, NPW-039, NPW-040, NPW-041, NPW-043, NPW-044, NPW-045

A north arrow is located in the bottom right corner of the map.

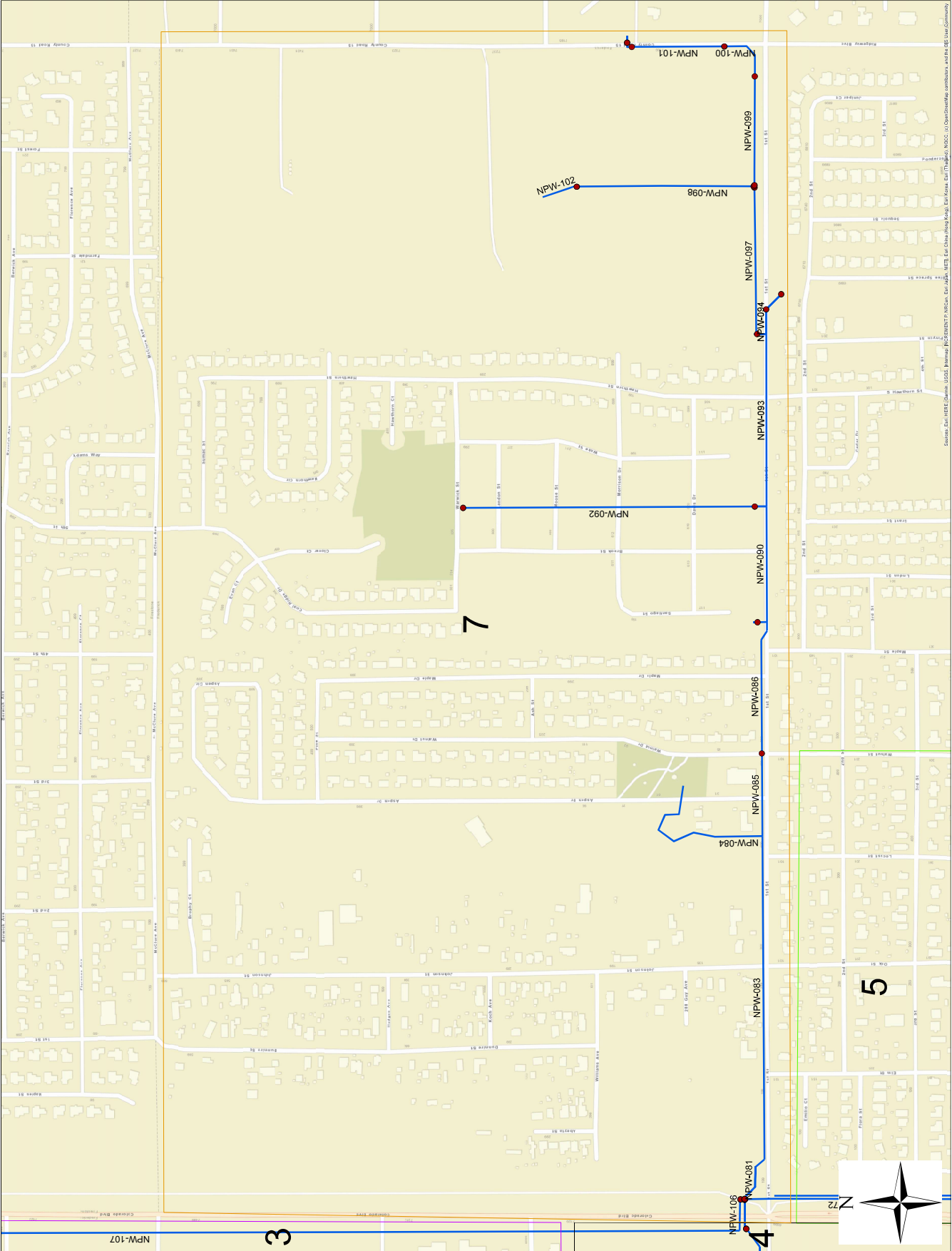
Town of Frederick Non-Potable Water System Grid



Town of Frederick Non-Potable Water System Grid



Town of Frederick Non-Potable Water System Grid



Legend

• Raw Water Valves

— Non-Potable Water Lines

APPENDIX B

Town of Frederick Non-Potable Water System Condition Assessment
September 2024

Pipe Ratings

Pipe Data							Reliability Ratings			
System Type	Line Segment	Size	Material	Approx. Installation Date	Age (yrs)	Remaining Useful Life (yrs)	Pipe Condition	Criticality	Vulnerability	Total Rating
Pressurized	NPW-001	4"	PVC	2017	7	93	1	2	1	4
Pressurized	NPW-002	4"	PVC	2017	7	93	1	2	1	4
Pressurized	NPW-003	4"	PVC	2017	7	93	1	2	1	4
Pressurized	NPW-004	4"	PVC	2017	7	93	1	2	1	4
Pressurized	NPW-005	4"	PVC	2017	7	93	1	2	1	4
Pressurized	NPW-006	6"	PVC	2017	7	93	1	1	1	3
Pressurized	NPW-007	6"	PVC	2017	7	93	1	1	1	3
Pressurized	NPW-008	6"	PVC	2017	7	93	1	3	1	5
Pressurized	NPW-009	4"	PVC	2017	7	93	1	2	1	4
Pressurized	NPW-010	4"	PVC	2017	7	93	1	2	1	4
Pressurized	NPW-011	8"	PVC	2017	7	93	1	3	1	5
Pressurized	NPW-012	8"	PVC	2017	7	93	1	3	1	5
Pressurized	NPW-013	8"	PVC	2017	7	93	1	3	1	5
Pressurized	NPW-014	8"	PVC	2017	7	93	1	2	1	4
Pressurized	NPW-015	10"	PVC	2017	7	93	1	4	1	6
Pressurized	NPW-016	10"	PVC	2017	7	93	1	4	1	6
Pressurized	NPW-017	4"	PVC	2017	7	93	1	1	1	3
Pressurized	NPW-018	10"	PVC	2017	7	93	1	4	1	6
Pressurized	NPW-019	10"	PVC	2017	7	93	1	4	1	6
Pressurized	NPW-020	10"	PVC	2017	7	93	1	4	1	6
Pressurized	NPW-021	10"	PVC	2017	7	93	1	4	1	6
Pressurized	NPW-022	6"	PVC	2017	7	93	1	1	1	3
Pressurized	NPW-023	6"	PVC	2017	7	93	1	1	1	3
Pressurized	NPW-024	10"	PVC	2017	7	93	1	4	1	6
Pressurized	NPW-025	10"	PVC	2017	7	93	1	4	1	6
Pressurized	NPW-026	6"	PVC	2017	7	93	1	1	1	3
Pressurized	NPW-027	10"	PVC	2017	7	93	1	4	1	6
Pressurized	NPW-028	10"	PVC	2017	7	93	1	4	1	6
Pressurized	NPW-029	10"	PVC	2017	7	93	1	4	1	6
Pressurized	NPW-030	10"	PVC	2017	7	93	1	4	1	6
Pressurized	NPW-031	4"	PVC	2017	7	93	1	1	1	3
Pressurized	NPW-032	10"	PVC	2017	7	93	1	4	1	6
Pressurized	NPW-033	6"	PVC	2017	7	93	1	1	1	3
Pressurized	NPW-034	10"	PVC	2017	7	93	1	4	1	6
Pressurized	NPW-035	10"	PVC	2017	7	93	1	4	1	6
Pressurized	NPW-036	10"	PVC	2008	16	84	1	4	1	6
Pressurized	NPW-037	10"	PVC	2008	16	84	1	4	1	6
Pressurized	NPW-038	10"	PVC	2008	16	84	1	4	1	6
Pressurized	NPW-039	Unknown	PVC	Unknown	Unkn	Unknown	1	1	1	3
Pressurized	NPW-040	10"	PVC	2008	16	84	1	4	1	6
Pressurized	NPW-041	10"	PVC	2008	16	84	1	4	1	6
Pressurized	NPW-042	Unknown	PVC	Unknown	Unkn	Unknown	1	1	1	3
Pressurized	NPW-043	10"	PVC	2008	16	84	1	4	1	6
Pressurized	NPW-044	Unknown	PVC	Unknown	Unkn	Unknown	1	1	1	3
Pressurized	NPW-045	10"	PVC	2008	16	84	1	4	1	6
Pressurized	NPW-046	10"	PVC	2008	16	84	1	4	1	6

Pressurized	NPW-047	10"	PVC	2008	16	84	1	4	1	6
Pressurized	NPW-048	6"	Unknown	Unknown	Unk	Unknown	1	1	1	3
Pressurized	NPW-049	6"	Unknown	Unknown	Unkn	Unknown	1	1	1	3
Pressurized	NPW-050	10"	Unknown	Unknown	Unkn	Unknown	1	4	1	6
Pressurized	NPW-051	8"	Unknown	2020	4	Unknown	1	3	1	5
Pressurized	NPW-052	8"	Unknown	2020	4	Unknown	1	3	1	5
Pressurized	NPW-053	8"	Unknown	2020	4	Unknown	1	3	1	5
Pressurized	NPW-054	8"	Unknown	2020	4	Unknown	1	3	1	5
Pressurized	NPW-055	8"	Unknown	2020	4	Unknown	1	3	1	5
Pressurized	NPW-056	8"	Unknown	2020	4	Unknown	1	3	1	5
Pressurized	NPW-057	8"	Unknown	2020	4	Unknown	1	3	1	5
Pressurized	NPW-058	8"	Unknown	2020	4	Unknown	1	3	1	5
Pressurized	NPW-059	8"	Unknown	2020	4	Unknown	1	3	1	5
Pressurized	NPW-060	8"	Unknown	2020	4	Unknown	1	3	1	5
Pressurized	NPW-061	8"	Unknown	2008	16	Unknown	1	3	1	5
Pressurized	NPW-062	Unknown	Unknown	Unknown	Unkn	Unknown	1	1	1	3
Pressurized	NPW-063	8"	Unknown	2008	16	Unknown	1	3	1	5
Pressurized	NPW-064	4"	PVC	2012	12	88	1	3	1	5
Pressurized	NPW-065	4"	PVC	2012	12	88	1	3	1	5
Pressurized	NPW-066	8"	PVC	2008	16	84	1	3	1	5
Pressurized	NPW-067	8"	PVC	2008	16	84	1	3	0	4
Pressurized	NPW-068	8"	PVC	2008	16	84	1	3	0	4
Pressurized	NPW-069	8"	PVC	2008	16	84	1	3	0	4
Pressurized	NPW-070	8"	PVC	2008	16	84	1	3	0	4
Pressurized	NPW-071	8"	PVC	2008	16	84	1	3	0	4
Pressurized	NPW-072	8"	PVC	Unknown	Unk	Unknown	1	3	0	4
Pressurized	NPW-073	4"	PVC	2002	22	78	1	2	1	4
Pressurized	NPW-074	8"	PVC	2008	16	84	1	4	0	5
Pressurized	NPW-075	4"	PVC	2008	16	84	1	1	0	2
Pressurized	NPW-076	6"	PVC	2008	16	84	1	1	0	2
Pressurized	NPW-077	6"	PVC	2008	16	84	1	2	0	3
Pressurized	NPW-078	4"	PVC	Unknown	Unk	Unknown	1	2	2	5
Pressurized	NPW-079	6"	PVC	2008	16	84	1	2	0	3
Pressurized	NPW-080	8"	PVC	2008	16	84	1	3	1	5
Pressurized	NPW-081	8"	PVC	2008	16	84	1	3	1	5
Pressurized	NPW-082	8"	PVC	2008	16	84	1	3	1	5
Pressurized	NPW-083	8"	PVC	2008	16	84	1	3	0	4
Pressurized	NPW-084	4"	PVC	2013	11	89	1	2	0	3
Pressurized	NPW-085	8"	PVC	2008	16	84	1	3	0	4
Pressurized	NPW-086	8"	PVC	2008	10	90	1	3	0	4
Pressurized	NPW-087	8"	PVC	2014	10	90	1	3	0	4
Pressurized	NPW-088	6"	Unknown	Unknown	Unk	Unknown	1	1	0	2
Pressurized	NPW-089	6"	Unknown	Unknown	Unk	Unknown	1	1	0	2
Pressurized	NPW-090	8"	PVC	2014	10	90	1	3	0	4
Pressurized	NPW-091	8"	PVC	2017	11	89	1	1	0	2
Pressurized	NPW-092	8"	PVC	2017	7	93	1	1	0	2
Pressurized	NPW-093	8"	PVC	2014	10	90	1	3	0	4
Pressurized	NPW-094	8"	PVC	2014	10	90	1	3	0	4
Pressurized	NPW-095	8"	PVC	2014	10	90	1	3	0	4
Pressurized	NPW-096	6"	PVC	2018	11	89	1	3	0	4
Pressurized	NPW-097	8"	PVC	2018	6	94	1	3	0	4
Pressurized	NPW-098	8"	PVC	2018	6	94	1	2	0	3
Pressurized	NPW-099	8"	PVC	2020	4	96	1	3	0	4

Pressurized	NPW-100	8"	PVC	2020	4	96	1	3	0	4
Pressurized	NPW-101	8"	PVC	2020	4	96	1	2	0	3
Pressurized	NPW-102	8"	PVC	2018	6	94	1	2	0	3
Pressurized	NPW-103	8"	PVC	2020	4	96	1	2	0	3
Pressurized	NPW-104	8"	PVC	2020	4	96	1	2	0	3
Pressurized	NPW-105	8"	PVC	2002	22	78	1	4	1	6
Pressurized	NPW-106	8"	PVC	2002	22	78	1	4	1	6
Pressurized	NPW-107	8"	AC	1978	46	24	2	4	3	9
Pressurized	NPW-108	8"	AC	1978	46	24	2	4	3	9
Pressurized	NPW-109	8"	AC	1978	46	24	2	4	3	9
Pressurized	NPW-110	8"	AC	1978	46	24	2	4	3	9
Pressurized	NPW-111	8"	AC	1978	46	24	2	4	3	9
Pressurized	NPW-112	8"	AC	1978	46	24	2	4	3	9
Pressurized	NPW-113	8"	AC	1978	46	24	2	4	3	9
Gravity	NPW-114	8"	PVC	2004	20	80	1	3	0	4
Gravity	NPW-115	8"	PVC	2004	20	80	1	3	0	4
Gravity	NPW-116	8"	PVC	2004	20	80	1	3	0	4
Gravity	NPW-117	8"	PVC	2004	20	80	1	3	0	4
Pressurized	NPW-118	4"	PVC	2011	13	87	1	2	0	3
Pressurized	NPW-119	6"	PVC	2018	6	94	1	3	1	5
Pressurized	NPW-120	Unknown	Copper	2018	6	44	1	1	1	3
Pressurized	NPW-121	Unknown	PVC	2004	20	80	1	3	1	5
Pressurized	NPW-122	4"	PVC	2008	16	84	1	2	0	3
Pressurized	NPW-123	2"	PVC	2008	16	84	1	1	0	2
Pressurized	NPW-124	8"	PVC	2020	4	96	1	3	0	4

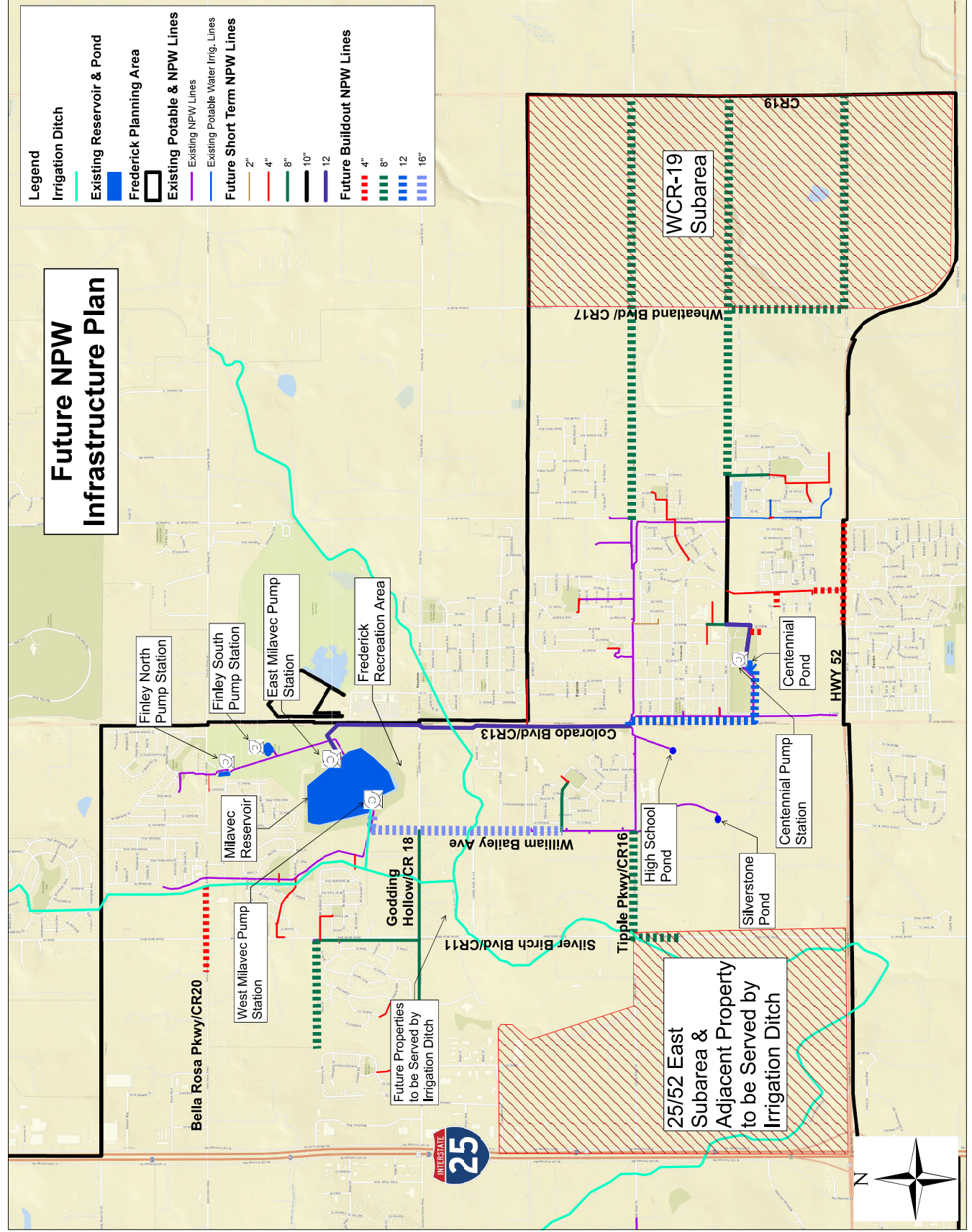
**Town of Frederick Non-Potable Water System Condition Assessment
September 2024**

Pump Stations and Equipment

Equipment	# of Units	Installation Date	Age (yrs)	Remaining Useful Life (yrs)
East Milavec Pump Station				
60 HP Vertical Turbine Pump	1	2017	7	13
20 HP Vertical Turbine Pump	1	2009	15	5
West Milavec Pump Station				
150 HP Vertical Turbine Pump	1	2016	8	12
7.5 HP Pressure Sust. Pump	1	2016	8	12
Filtomat Filters	2	2016	8	17
Milavec Reservoir Water Treatment				
SolarBee Mixers	3	2020	4	6
Air Injection	2	Unknown	Unkn	Unknown
Centennial Park Pump Station				
40 HP Vertical Turbine Pump	1	2003	21	-

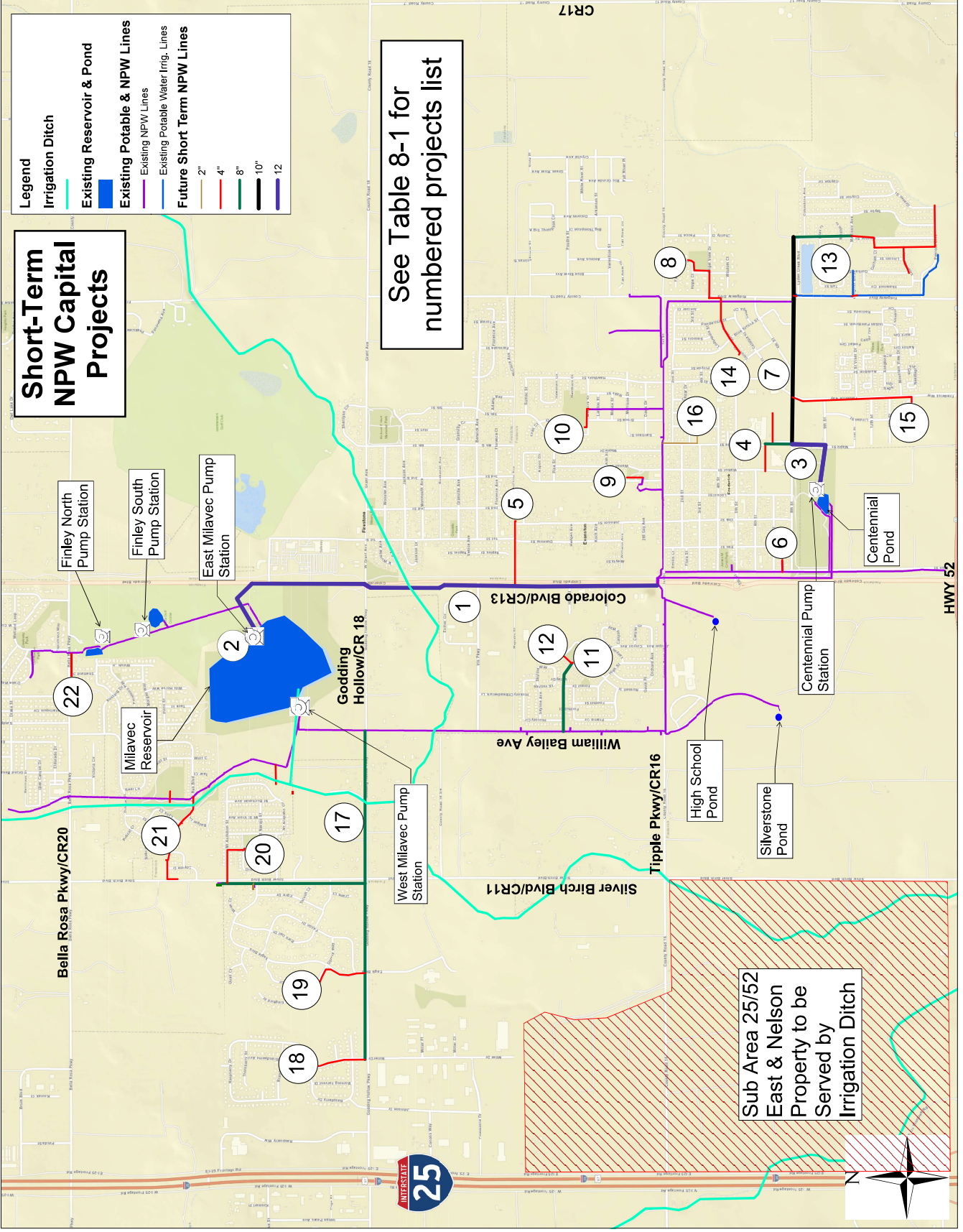
APPENDIX C

NON-POTABLE WATER BUILDOUT PLAN



APPENDIX D

SHORT TERM NON-POTABLE WATER CAPITAL PROJECTS



APPENDIX E

Town of Frederick - Non-Potable Water Infrastructure Master Plan**MAP REF. #1****Preliminary Opinion of Probable Costs****Colorado Blvd NPW Pipe Replacement****October 2024**

Item No.	Line Item Description	Quantity	Unit	Unit Price	Line Item Cost
1	Contractor Mobilization & General Conditions	1	LS	\$200,000	\$200,000
2	12" NPW Line	7800	LF	\$200	\$1,560,000
3	12" Valve	4	LF	\$4,500	\$18,000
4	Grout existing 8" AC Pipe	200	LF	\$20	\$4,000
5	Road Crossing (jack & boring)	160	LF	\$1,700	\$272,000
6	Asphalt Repair	200	SY	\$120	\$24,000
7	Concrete Repair	10	CY	\$800	\$8,000
8	Erosion & Sediment control	1	LS	\$30,000	\$30,000
9	Traffic control	1	LS	\$40,000	\$40,000
10	Potholing	30	EA	\$800	\$24,000
11	Material Testing	1	LS	\$20,000	\$20,000
	Sub Total				\$2,200,000
	Construction Contingency (30%)			30%	\$660,000
	Engineering & Permitting (20%)			20%	\$440,000
	Environmental & Geotechnical			\$20,000	\$20,000
	Easements & ROWs			\$20,000	\$20,000
	Project Total				\$3,340,000

Notes:

1. This Preliminary Opinion of Probable Costs is Class 4 AACE for Study or Feasibility level, with accuracy range as defined by AACE.
2. Costs based on current dollars as of the date of the probable cost opinion.
3. Construction Contingency based on current project development stage.
4. The Engineer has no control over the cost of labor, materials, equipment, or services furnished by others, or over the Contractor(s) methods of determining prices or over competitive bidding or market conditions. The Engineer cannot and does not guarantee that actual costs will not vary from this Conceptual Opinion of Probable Costs.

Town of Frederick - Non-Potable Water Infrastructure Master Plan**Preliminary Opinion of Probable Costs****East Milavec Pump Station Upgrade****October 2024****MAP REF. #2**

Item No.	Line Item Description	Quantity	Unit	Unit Price	Line Item Cost
1	Contractor Mobilization & General Conditions	1	LS	\$43,000	\$43,000
2	Backup NPW Pump and Pressure Sustaining Pump	1	EA	\$200,000	\$200,000
3	Piping and valves	1	LS	\$50,000	\$50,000
4	Reconfiguration of existing equipment and piping	1	LS	\$50,000	\$50,000
5	Interior building improvements	1	LS	\$30,000	\$30,000
5	Electrical	1	LS	\$50,000	\$50,000
6	Controls and telemetry	1	LS	\$50,000	\$50,000
	Sub Total				\$473,000
	Construction Contingency (30%)			30%	\$141,900
	Engineering & Permitting (20%)			20%	\$94,600
	Environmental & Geotechnical			\$0	\$0
	Easements & ROWs			\$0	\$0
	Project Total				\$710,000

Notes:

1. This Preliminary Opinion of Probable Costs is Class 4 AACE for Study or Feasibility level, with accuracy range as defined by AACE.
2. Costs based on current dollars as of the date of the probable cost opinion.
3. Construction Contingency based on current project development stage.
4. The Engineer has no control over the cost of labor, materials, equipment, or services furnished by others, or over the Contractor(s) methods of determining prices or over competitive bidding or market conditions. The Engineer cannot and does not guarantee that actual costs will not vary from this Conceptual Opinion of Probable Costs.

Town of Frederick - Non-Potable Water Infrastructure Master Plan

MAP REF. #3

Preliminary Opinion of Probable Costs

Centennial Park Pump St Upgrade & North NPW Line

October 2024



Item No.	Line Item Description	Quantity	Unit	Unit Price	Line Item Cost
1	Contractor Mobilization & General Conditions	1	LS	\$57,100	\$57,100
2	Centennial Park Pump Station Upgrade	1	LS	\$800,000	\$800,000
2	12" NPW Line	2000	LF	\$210	\$420,000
3	12" Valve	2	EA	\$4,500	\$9,000
4	Asphalt Repair	800	SY	\$120	\$96,000
6	Concrete Repair	3	CY	\$800	\$2,400
7	Traffic control	1	LS	\$5,000	\$5,000
8	Potholing	10	EA	\$800	\$8,000
9	Erosion & Sediment Control	1	LS	\$10,000	\$10,000
10	Material Testing	1	LS	\$20,000	\$20,000
	Sub Total				\$1,427,500
	Construction Contingency (30%)			30%	\$428,300
	Engineering & Permitting (20%)			20%	\$285,500
	Environmental & Geotechnical			\$15,000	\$15,000
	Easements & ROWs			\$10,000	\$10,000
	Project Total				\$2,167,000

Notes:

1. This Preliminary Opinion of Probable Costs is Class 4 AACE for Study or Feasibility level, with accuracy range as defined by AACE.
2. Costs based on current dollars as of the date of the probable cost opinion.
3. Construction Contingency based on current project development stage.
4. The Engineer has no control over the cost of labor, materials, equipment, or services furnished by others, or over the Contractor(s) methods of determining prices or over competitive bidding or market conditions. The Engineer cannot and does not guarantee that actual costs will not vary from this Conceptual Opinion of Probable Costs.
5. North NPW extension to south of Thunder Valley K-8 school for NPW connections.

Town of Frederick - Non-Potable Water Infrastructure Master Plan

Preliminary Opinion of Probable Costs

Thunder Valley Sports Fields NPW Extensions

October 2024

MAP REF. #4



Item No.	Line Item Description	Quantity	Unit	Unit Price	Line Item Cost
1	Contractor Mobilization & General Conditions	1	LS	\$19,800	\$19,800
2	4" NPW Line	1200	LF	\$120	\$144,000
3	4" Valve	2	EA	\$2,500	\$5,000
3	Meter Vault	4	EA	\$3,000	\$12,000
4	Asphalt Repair	80	SY	\$120	\$9,600
5	Concrete Repair	10	CY	\$800	\$8,000
6	Erosion & Sediment control	1	LS	\$5,000	\$5,000
7	Potholing	5	EA	\$800	\$4,000
8	Traffic Control	1	LS	\$5,000	\$5,000
9	Materials testing	1	LS	\$5,000	\$5,000
	Sub Total				\$217,400
	Construction Contingency (30%)			30%	\$65,300
	Engineering & Permitting (20%)			20%	\$43,500
	Environmental & Geotechnical			\$5,000	\$5,000
	Easements & ROWs			\$5,000	\$5,000
	Project Total				\$337,000

Notes:

1. This Preliminary Opinion of Probable Costs is Class 4 AACE for Study or Feasibility level, with accuracy range as defined by AACE.
2. Costs based on current dollars as of the date of the probable cost opinion.
3. Construction Contingency based on current project development stage.
4. The Engineer has no control over the cost of labor, materials, equipment, or services furnished by others, or over the Contractor(s) methods of determining prices or over competitive bidding or market conditions. The Engineer cannot and does not guarantee that actual costs will not vary from this Conceptual Opinion of Probable Costs.

Town of Frederick - Non-Potable Water Infrastructure Master Plan

Preliminary Opinion of Probable Costs

Village at Frederick NPW Extension

October 2024

MAP REF. #5



Item No.	Line Item Description	Quantity	Unit	Unit Price	Line Item Cost
1	Contractor Mobilization & General Conditions	1	LS	\$37,700	\$37,700
2	4" NPW Line	1200	LF	\$120	\$144,000
3	Road Crossing	100	LF	\$1,000	\$100,000
4	4" Valve	2	EA	\$2,500	\$5,000
5	Meter Vault	1	EA	\$3,000	\$3,000
6	Asphalt Repair	800	SY	\$120	\$96,000
7	Erosion & Sediment Control	1	LS	\$10,000	\$10,000
8	Traffic Control	1	LS	\$10,000	\$10,000
9	Potholing	5	EA	\$800	\$4,000
10	Materials Testing	1	LS	\$5,000	\$5,000
	Sub Total				\$414,700
	Construction Contingency (30%)			30%	\$124,500
	Engineering & Permitting (20%)			20%	\$83,000
	Environmental & Geotechnical			\$10,000	\$10,000
	Easements & ROWs			\$10,000	\$10,000
	Project Total				\$643,000

Notes:

1. This Preliminary Opinion of Probable Costs is Class 4 AACE for Study or Feasibility level, with accuracy range as defined by AACE.
2. Costs based on current dollars as of the date of the probable cost opinion.
3. Construction Contingency based on current project development stage.
4. The Engineer has no control over the cost of labor, materials, equipment, or services furnished by others, or over the Contractor(s) methods of determining prices or over competitive bidding or market conditions. The Engineer cannot and does not guarantee that actual costs will not vary from this Conceptual Opinion of Probable Costs.

Town of Frederick - Non-Potable Water Infrastructure Master Plan

Preliminary Opinion of Probable Costs

Grove Townhomes NPW Extension

October 2024

MAP REF. #6

FORSGREN
Associates Inc.

Item No.	Line Item Description	Quantity	Unit	Unit Price	Line Item Cost
1	Contractor Mobilization & General Conditions	1	LS	\$9,200	\$9,200
2	4" NPW Line	300	LF	\$120	\$36,000
3	4" Valve	2	EA	\$2,500	\$5,000
3	Meter Vault	1	EA	\$3,000	\$3,000
4	Asphalt Repair	30	SY	\$120	\$3,600
5	Concrete Repair	20	CY	\$800	\$16,000
6	Erosion & Sediment control	1	LS	\$10,000	\$10,000
7	Potholing	10	EA	\$800	\$8,000
8	Traffic Control	1	LS	\$5,000	\$5,000
9	Materials testing	1	LS	\$5,000	\$5,000
	Sub Total				\$100,800
	Construction Contingency (30%)			30%	\$30,300
	Engineering & Permitting (20%)			20%	\$20,200
	Environmental & Geotechnical			\$5,000	\$5,000
	Easements & ROWs			\$5,000	\$5,000
	Project Total				\$162,000

Notes:

1. This Preliminary Opinion of Probable Costs is Class 4 AACE for Study or Feasibility level, with accuracy range as defined by AACE.
2. Costs based on current dollars as of the date of the probable cost opinion.
3. Construction Contingency based on current project development stage.
4. The Engineer has no control over the cost of labor, materials, equipment, or services furnished by others, or

Town of Frederick - Non-Potable Water Infrastructure Master Plan

Preliminary Opinion of Probable Costs

Centennial Park to Ridgeway Blvd NPW Transmission Line

October 2024

MAP REF. #7



Item No.	Line Item Description	Quantity	Unit	Unit Price	Line Item Cost
1	Contractor Mobilization & General Conditions	1	LS	\$62,600	\$62,600
2	10" NPW Line	2600	LF	\$200	\$520,000
3	10" Valve	2	EA	\$4,000	\$8,000
4	Asphalt Repair	150	SY	\$120	\$18,000
5	Concrete Repair	15	CY	\$800	\$12,000
6	Traffic control	1	LS	\$20,000	\$20,000
7	Potholing	10	EA	\$800	\$8,000
8	Erosion & Sediment Control	1	LS	\$20,000	\$20,000
9	Material Testing	1	LS	\$20,000	\$20,000
	Sub Total				\$688,600
	Construction Contingency (30%)			30%	\$206,600
	Engineering & Permitting (20%)			20%	\$137,800
	Environmental & Geotechnical			\$20,000	\$20,000
	Easements & ROWs			\$20,000	\$20,000
	Project Total				\$1,073,000

Notes:

1. This Preliminary Opinion of Probable Costs is Class 4 AACE for Study or Feasibility level, with accuracy range as defined by AACE.
2. Costs based on current dollars as of the date of the probable cost opinion.
3. Construction Contingency based on current project development stage.
4. The Engineer has no control over the cost of labor, materials, equipment, or services furnished by others, or over the Contractor(s) methods of determining prices or over competitive bidding or market conditions. The Engineer cannot and does not guarantee that actual costs will not vary from this Conceptual Opinion of Probable Costs.

Town of Frederick - Non-Potable Water Infrastructure Master Plan

Preliminary Opinion of Probable Costs

Angel View Estates NPW Extension

October 2024

MAP REF. #8

FORSGREEN
Associates Inc.

Item No.	Line Item Description	Quantity	Unit	Unit Price	Line Item Cost
1	Contractor Mobilization & General Conditions	1	LS	\$21,900	\$21,900
2	4" NPW Line	1100	LF	\$120	\$132,000
3	4" Valve	2	EA	\$2,500	\$5,000
4	Meter Vault	1	EA	\$3,000	\$3,000
5	Asphalt Repair	340	SY	\$120	\$40,800
6	Erosion & Sediment Control	1	LS	\$10,000	\$10,000
7	Traffic Control	1	LS	\$10,000	\$10,000
8	Potholing	10	EA	\$800	\$8,000
9	Materials Testing	1	LS	\$10,000	\$10,000
	Sub Total				\$240,700
	Construction Contingency (30%)			30%	\$72,300
	Engineering & Permitting (20%)			20%	\$48,200
	Environmental & Geotechnical			\$10,000	\$10,000
	Easements and ROWs			\$10,000	\$10,000
	Project Total				\$382,000

Notes:

1. This Preliminary Opinion of Probable Costs is Class 4 AACE for Study or Feasibility level, with accuracy range as defined by AACE.
2. Costs based on current dollars as of the date of the probable cost opinion.
3. Construction Contingency based on current project development stage.
4. The Engineer has no control over the cost of labor, materials, equipment, or services furnished by others, or over the Contractor(s) methods of determining prices or over competitive bidding or market conditions. The Engineer cannot and does not guarantee that actual costs will not vary from this Conceptual Opinion of Probable Costs.

Town of Frederick - Non-Potable Water Infrastructure Master Plan

Preliminary Opinion of Probable Costs

Firefighters Park NPW Extension

October 2024

MAP REF. #9



Item No.	Line Item Description	Quantity	Unit	Unit Price	Line Item Cost
1	Contractor Mobilization & General Conditions	1	LS	\$5,900	\$5,900
2	4" NPW Line	300	LF	\$120	\$36,000
3	4" Valve	2	EA	\$2,500	\$5,000
4	Meter Vault	1	EA	\$3,000	\$3,000
5	Erosion & Sediment Control	1	LS	\$5,000	\$5,000
6	Traffic Control	1	LS	\$3,000	\$3,000
7	Potholing	5	EA	\$800	\$4,000
8	Materials Testing	1	LS	\$3,000	\$3,000
	Sub Total				\$64,900
	Construction Contingency (30%)			30%	\$19,500
	Engineering & Permitting (20%)			20%	\$13,000
	Environmental & Geotechnical			\$5,000	\$5,000
	Project Total				\$103,000

Notes:

1. This Preliminary Opinion of Probable Costs is Class 4 AACE for Study or Feasibility level, with accuracy range as defined by AACE.
2. Costs based on current dollars as of the date of the probable cost opinion.
3. Construction Contingency based on current project development stage.
4. The Engineer has no control over the cost of labor, materials, equipment, or services furnished by others, or over the Contractor(s) methods of determining prices or over competitive bidding or market conditions. The Engineer cannot and does not guarantee that actual costs will not vary from this Conceptual Opinion of Probable Costs.

Town of Frederick - Non-Potable Water Infrastructure Master Plan

Preliminary Opinion of Probable Costs

Coalridge Estates NPW Extension

October 2024

MAP REF. #10



Item No.	Line Item Description	Quantity	Unit	Unit Price	Line Item Cost
1	Contractor Mobilization & General Conditions	1	LS	\$11,900	\$11,900
2	4" NPW Line	500	LF	\$120	\$60,000
3	4" Valve	2	EA	\$2,500	\$5,000
4	Meter Vault	1	EA	\$3,000	\$3,000
5	Asphalt Repair	270	SY	\$120	\$32,400
6	Concrete Repair	2	CY	\$800	\$1,390
7	Erosion & Sediment Control	1	LS	\$3,000	\$3,000
8	Traffic Control	1	LS	\$5,000	\$5,000
9	Potholing	5	EA	\$800	\$4,000
10	Materials Testing	1	LS	\$5,000	\$5,000
	Sub Total				\$130,690
	Construction Contingency (30%)			30%	\$39,300
	Engineering & Permitting (20%)			20%	\$26,200
	Environmental & Geotechnical			\$0	\$0
	Easements & ROWs			\$3,000	\$3,000
	Project Total				\$200,000

Notes:

1. This Preliminary Opinion of Probable Costs is Class 4 AACE for Study or Feasibility level, with accuracy range as defined by AACE.
2. Costs based on current dollars as of the date of the probable cost opinion.
3. Construction Contingency based on current project development stage.
4. The Engineer has no control over the cost of labor, materials, equipment, or services furnished by others, or over the Contractor(s) methods of determining prices or over competitive bidding or market conditions. The Engineer cannot and does not guarantee that actual costs will not vary from this Conceptual Opinion of Probable Costs.

Town of Frederick - Non-Potable Water Infrastructure Master Plan

Preliminary Opinion of Probable Costs

Countryside NPW Extension

October 2024

MAP REF. #11



Item No.	Line Item Description	Quantity	Unit	Unit Price	Line Item Cost
1	Contractor Mobilization & General Conditions	1	LS	\$58,300	\$58,300
2	8" NPW Line	1800	LF	\$180	\$324,000
3	4" NPW Line	250	LF	\$120	\$30,000
4	8" Valve	2	EA	\$3,500	\$7,000
5	4" Valve	2	EA	\$2,500	\$5,000
6	Meter Vault	3	EA	\$3,000	\$9,000
7	Asphalt Repair	1400	SY	\$120	\$168,000
8	Concrete Repair	2	CY	\$800	\$1,588
9	Erosion & Sediment Control	1	LS	\$10,000	\$10,000
10	Traffic Control	1	LS	\$10,000	\$10,000
11	Potholing	10	EA	\$800	\$8,000
12	Materials Testing	1	LS	\$10,000	\$10,000
	Sub Total				\$640,888
	Construction Contingency (30%)			30%	\$192,300
	Engineering & Permitting (20%)			20%	\$128,200
	Environmental & Geotechnical			\$5,000	\$5,000
	Easements & ROWs			\$0	\$0
	Project Total				\$967,000

Notes:

1. This Preliminary Opinion of Probable Costs is Class 4 AACE for Study or Feasibility level, with accuracy range as defined by AACE.
2. Costs based on current dollars as of the date of the probable cost opinion.
3. Construction Contingency based on current project development stage.
4. The Engineer has no control over the cost of labor, materials, equipment, or services furnished by others, or over the Contractor(s) methods of determining prices or over competitive bidding or market conditions. The Engineer cannot and does not guarantee that actual costs will not vary from this Conceptual Opinion of Probable Costs.

Town of Frederick - Non-Potable Water Infrastructure Master Plan

Preliminary Opinion of Probable Costs

Rocky Mountain Christian Church NPW Extension

October 2024

MAP REF. #12



Item No.	Line Item Description	Quantity	Unit	Unit Price	Line Item Cost
1	Contractor Mobilization & General Conditions	1	LS	\$6,500	\$6,500
2	4" NPW Line	300	LF	\$120	\$36,000
3	4" Valve	2	EA	\$2,500	\$5,000
4	Meter Vault	1	EA	\$3,000	\$3,000
5	Asphalt Repair	30	SY	\$200	\$6,000
6	Concrete Repair	3	CY	\$800	\$2,400
7	Erosion & Sediment Control	1	LS	\$5,000	\$5,000
7	Potholing	5	EA	\$800	\$4,000
8	Materials Testing	1	LS	\$3,000	\$3,000
	Sub Total				\$70,900
	Construction Contingency (30%)			30%	\$21,300
	Engineering & Permitting (20%)			20%	\$14,200
	Environmental & Geotechnical			\$3,000	\$3,000
	Easements & ROWs			\$5,000	\$5,000
	Project Total				\$115,000

Notes:

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2. Costs based on current dollars as of the date of the probable cost opinion.
3. Construction Contingency based on current project development stage.
4. The Engineer has no control over the cost of labor, materials, equipment, or services furnished by others, or over the Contractor(s) methods of determining prices or over competitive bidding or market conditions. The Engineer cannot and does not guarantee that actual costs will not vary from this Conceptual Opinion of Probable Costs.

Town of Frederick - Non-Potable Water Infrastructure Master Plan

Preliminary Opinion of Probable Costs

Savannah NPW Extension

October 2024

MAP REF. #13



Item No.	Line Item Description	Quantity	Unit	Unit Price	Line Item Cost
1	Contractor Mobilization & General Conditions	1	LS	\$83,400	\$83,400
2	10" NPW Line	1100	LF	\$200	\$220,000
3	8" NPW Line	900	LF	\$180	\$162,000
4	4" NPW Line	2200	LF	\$120	\$264,000
5	10" Valve	1	EA	\$4,500	\$4,500
5	8" Valve	1	EA	\$3,500	\$3,500
5	4" Valve	2	EA	\$2,500	\$5,000
6	Meter Vault	5	EA	\$3,000	\$15,000
7	Asphalt Repair	2500	SY	\$120	\$300,000
8	Concrete Repair	10	CY	\$800	\$8,000
9	Erosion & Sediment Control	1	LS	\$20,000	\$20,000
10	Traffic Control	1	LS	\$20,000	\$20,000
11	Potholing	15	EA	\$800	\$12,000
12	Materials Testing	1	LS	\$20,000	\$20,000
	Sub Total				\$1,137,400
	Construction Contingency (30%)			30%	\$341,300
	Engineering & Permitting (20%)			20%	\$227,500
	Environmental & Geotechnical			\$20,000	\$20,000
	Easements & ROW Acquisition			\$10,000	\$10,000
	Project Total				\$1,727,000

Notes:

1. This Preliminary Opinion of Probable Costs is Class 4 AACE for Study or Feasibility level, with accuracy range as defined by AAC
2. Costs based on current dollars as of the date of the probable cost opinion.
3. Construction Contingency based on current project development stage.
4. The Engineer has no control over the cost of labor, materials, equipment, or services furnished by others, or over the Contractor(s) methods of determining prices or over competitive bidding or market conditions. The Engineer cannot and does not guarantee that actual costs will not vary from this Conceptual Opinion of Probable Costs.
5. Entire Savannah neighborhood slated to be slurry sealed in 2025. Coordinate project timeline with asphalt repair

Town of Frederick - Non-Potable Water Infrastructure Master Plan

Preliminary Opinion of Probable Costs

Maplewood FG #5 NPW Extension

October 2024

MAP REF. #14



Item No.	Line Item Description	Quantity	Unit	Unit Price	Line Item Cost
1	Contractor Mobilization & General Conditions	1	LS	\$22,800	\$22,800
2	4" NPW Line	1200	LF	\$120	\$144,000
3	4" Valve	2	EA	\$2,500	\$5,000
4	Meter Vault	1	EA	\$3,000	\$3,000
5	Asphalt Repair	400	SY	\$120	\$48,000
6	Concrete Repair	5	CY	\$800	\$4,000
7	Erosion & Sediment control	1	LS	\$10,000	\$10,000
7	Potholing	5	EA	\$800	\$4,000
8	Traffic Control	1	LS	\$5,000	\$5,000
9	Materials testing	1	LS	\$5,000	\$5,000
	Sub Total				\$250,800
	Construction Contingency (30%)			30%	\$75,300
	Engineering & Permitting (20%)			20%	\$50,200
	Environmental & Geotechnical			\$3,000	\$3,000
	Easements & ROWs			\$10,000	\$10,000
	Project Total				\$390,000

Notes:

1. This Preliminary Opinion of Probable Costs is Class 4 AACE for Study or Feasibility level, with accuracy range as defined by AACE.
2. Costs based on current dollars as of the date of the probable cost opinion.
3. Construction Contingency based on current project development stage.
4. The Engineer has no control over the cost of labor, materials, equipment, or services furnished by others, or over the Contractor(s) methods of determining prices or over competitive bidding or market conditions. The Engineer cannot and does not guarantee that actual costs will not vary from this Conceptual Opinion of Probable Costs.

Town of Frederick - Non-Potable Water Infrastructure Master Plan

Preliminary Opinion of Probable Costs

Carriage Hills NPW Extension

October 2024

MAP REF. #15



Item No.	Line Item Description	Quantity	Unit	Unit Price	Line Item Cost
1	Contractor Mobilization & General Conditions	1	LS	\$44,100	\$44,100
2	4" NPW Line	2400	LF	\$120	\$288,000
3	4" Valve	2	EA	\$2,500	\$5,000
4	Meter Vault	1	EA	\$3,000	\$3,000
5	Asphalt Repair	800	SY	\$120	\$96,000
6	Concrete Repair	20	CY	\$800	\$16,000
7	Erosion & Sediment control	1	LS	\$10,000	\$10,000
7	Traffic Control	1	LS	\$5,000	\$5,000
8	Potholing	10	EA	\$800	\$8,000
9	Materials testing	1	LS	\$10,000	\$10,000
	Sub Total				\$485,100
	Construction Contingency (30%)			30%	\$145,600
	Engineering & Permitting (20%)			20%	\$97,100
	Environmental & Geotechnical			\$5,000	\$5,000
	Easements & ROWs			\$5,000	\$5,000
	Project Total				\$738,000

Notes:

1. This Preliminary Opinion of Probable Costs is Class 4 AACE for Study or Feasibility level, with accuracy range as defined by AACE.
2. Costs based on current dollars as of the date of the probable cost opinion.
3. Construction Contingency based on current project development stage.
4. The Engineer has no control over the cost of labor, materials, equipment, or services furnished by others, or over the Contractor(s) methods of determining prices or over competitive bidding or market conditions. The Engineer cannot and does not guarantee that actual costs will not vary from this Conceptual Opinion of Probable Costs.

Town of Frederick - Non-Potable Water Infrastructure Master Plan

Preliminary Opinion of Probable Costs

Maplewood FG #2 NPW Extension

October 2024

MAP REF. #16



Item No.	Line Item Description	Quantity	Unit	Unit Price	Line Item Cost
1	Contractor Mobilization & General Conditions	1	LS	\$15,700	\$15,700
4	2" NPW Line	800	LF	\$100	\$80,000
5	2" Valve	2	EA	\$1,500	\$3,000
6	Meter Vault	1	EA	\$3,000	\$3,000
7	Asphalt Repair	320	SY	\$120	\$38,400
8	Concrete Repair	10	CY	\$800	\$8,000
9	Erosion & Sediment control	1	LS	\$10,000	\$10,000
10	Potholing	5	EA	\$800	\$4,000
11	Traffic Control	1	LS	\$5,000	\$5,000
12	Materials testing	1	LS	\$5,000	\$5,000
	Sub Total				\$172,100
	Construction Contingency (30%)			30%	\$51,700
	Engineering & Permitting (20%)			20%	\$34,500
	Environmental & Geotechnical			\$5,000	\$5,000
	Easements & ROWs			\$5,000	\$5,000
	Project Total				\$269,000

Notes:

1. This Preliminary Opinion of Probable Costs is Class 4 AACE for Study or Feasibility level, with accuracy range as defined by AACE.
2. Costs based on current dollars as of the date of the probable cost opinion.
3. Construction Contingency based on current project development stage.
4. The Engineer has no control over the cost of labor, materials, equipment, or services furnished by others, or over the Contractor(s) methods of determining prices or over competitive bidding or market conditions. The Engineer cannot and does not guarantee that actual costs will not vary from this Conceptual Opinion of Probable Costs.

Town of Frederick - Non-Potable Water Infrastructure Master Plan

Preliminary Opinion of Probable Costs

West Milavec NPW Transmission Main (Goddling Hollow Rd)

October 2024

MAP REF. #17



Item No.	Line Item Description	Quantity	Unit	Unit Price	Line Item Cost
1	Contractor Mobilization & General Conditions	1	LS	\$114,000	\$114,000
2	8" NPW Line	5900	LF	\$160	\$944,000
3	8" Valve	4	EA	\$3,500	\$14,000
4	Asphalt Repair	700	SY	\$120	\$84,000
5	Concrete Repair	5	CY	\$800	\$4,000
6	Erosion & Sediment control	1	LS	\$20,000	\$20,000
7	Traffic control	1	LS	\$30,000	\$30,000
8	Potholing	30	EA	\$800	\$24,000
9	Material Testing	1	LS	\$20,000	\$20,000
	Sub Total				\$1,254,000
	Construction Contingency (30%)			30%	\$376,200
	Engineering & Permitting (20%)			20%	\$250,800
	Environmental & Geotechnical			\$10,000	\$10,000
	Easements & ROWs			\$50,000	\$50,000
	Project Total				\$1,941,000

Notes:

1. This Preliminary Opinion of Probable Costs is Class 4 AACE for Study or Feasibility level, with accuracy range as defined by AACE.
2. Costs based on current dollars as of the date of the probable cost opinion.
3. Construction Contingency based on current project development stage.
4. The Engineer has no control over the cost of labor, materials, equipment, or services furnished by others, or over the Contractor(s) methods of determining prices or over competitive bidding or market conditions. The Engineer cannot and does not guarantee that actual costs will not vary from this Conceptual Opinion of Probable Costs.
5. Cost opinion based on 8" NPW main being constructed primarily outside of pavement on Godding Hollow Road.

Town of Frederick - Non-Potable Water Infrastructure Master Plan

Preliminary Opinion of Probable Costs

Raspberry Hill NPW Extension

October 2024

MAP REF. #18



Item No.	Line Item Description	Quantity	Unit	Unit Price	Line Item Cost
1	Contractor Mobilization & General Conditions	1	LS	\$30,500	\$30,500
2	4" NPW Line	1300	LF	\$120	\$156,000
3	4" Valve	2	EA	\$2,500	\$5,000
4	Meter Vault	3	EA	\$3,000	\$9,000
5	Asphalt Repair	870	SY	\$120	\$104,400
6	Concrete Repair	3	CY	\$800	\$2,400
7	Erosion & Sediment Control	1	LS	\$10,000	\$10,000
8	Traffic Control	1	LS	\$5,000	\$5,000
9	Potholing	10	EA	\$800	\$8,000
10	Materials Testing	1	LS	\$5,000	\$5,000
	Sub Total				\$335,300
	Construction Contingency (30%)			30%	\$100,600
	Engineering & Permitting (20%)			20%	\$67,100
	Environmental & Geotechnical			\$10,000	\$10,000
	Easements & ROWs			\$5,000	\$5,000
	Project Total				\$518,000

Notes:

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2. Costs based on current dollars as of the date of the probable cost opinion.
3. Construction Contingency based on current project development stage.
4. The Engineer has no control over the cost of labor, materials, equipment, or services furnished by others, or over the Contractor(s) methods of determining prices or over competitive bidding or market conditions. The Engineer cannot and does not guarantee that actual costs will not vary from this Conceptual Opinion of Probable Costs.

Town of Frederick - Non-Potable Water Infrastructure Master Plan

Preliminary Opinion of Probable Costs

Eagle Valley NPW Extension

October 2024

MAP REF. #19



Item No.	Line Item Description	Quantity	Unit	Unit Price	Line Item Cost
1	Contractor Mobilization & General Conditions	1	LS	\$32,700	\$32,700
2	4" NPW Line	1300	LF	\$120	\$156,000
3	2" NPW Line	100	LF	\$100	\$10,000
4	4" Valve	2	EA	\$2,500	\$5,000
5	2" Valve	2	EA	\$1,500	\$3,000
6	Meter Vault	3	EA	\$3,000	\$9,000
7	Asphalt Repair	870	SY	\$120	\$104,400
8	Concrete Repair	2	CY	\$800	\$1,600
9	Erosion & Sediment Control	1	LS	\$10,000	\$10,000
10	Traffic Control	1	LS	\$10,000	\$10,000
11	Potholing	10	EA	\$800	\$8,000
12	Materials Testing	1	LS	\$10,000	\$10,000
	Sub Total				\$359,700
	Construction Contingency (30%)			30%	\$108,000
	Engineering & Permitting (20%)			20%	\$72,000
	Environmental & Geotechnical			\$5,000	\$5,000
	Easements & ROWs			\$5,000	\$5,000
	Project Total				\$550,000

Notes:

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2. Costs based on current dollars as of the date of the probable cost opinion.
3. Construction Contingency based on current project development stage.
4. The Engineer has no control over the cost of labor, materials, equipment, or services furnished by others, or over the Contractor(s) methods of determining prices or over competitive bidding or market conditions. The Engineer cannot and does not guarantee that actual costs will not vary from this Conceptual Opinion of Probable Costs.
5. Eagle Valley is slated to be crack sealed in 2027. Coordinate project timeline with asphalt repair.

Town of Frederick - Non-Potable Water Infrastructure Master Plan

Preliminary Opinion of Probable Costs

Summit View Estates NPW Extension

October 2024

MAP REF. #20



Item No.	Line Item Description	Quantity	Unit	Unit Price	Line Item Cost
1	Contractor Mobilization & General Conditions	1	LS	\$79,700	\$79,700
2	8" NPW Line	2500	LF	\$180	\$450,000
3	4" NPW Line	1200	LF	\$120	\$144,000
4	8" Valve	2	EA	\$3,500	\$7,000
5	4" Valve	2	EA	\$2,500	\$5,000
6	Meter Vault	2	EA	\$3,000	\$6,000
7	Asphalt Repair	870	SY	\$120	\$104,400
8	Concrete Repair	5	CY	\$800	\$4,000
9	Erosion & Sediment Control	1	LS	\$20,000	\$20,000
10	Traffic Control	1	LS	\$20,000	\$20,000
11	Potholing	20	EA	\$800	\$16,000
12	Materials Testing	1	LS	\$20,000	\$20,000
	Sub Total				\$876,100
	Construction Contingency (30%)			30%	\$262,900
	Engineering & Permitting (20%)			20%	\$175,300
	Environmental & Geotechnical			\$10,000	\$10,000
	Easements & ROWs			\$20,000	\$20,000
	Project Total				\$1,345,000

Notes:

1. This Preliminary Opinion of Probable Costs is Class 4 AACE for Study or Feasibility level, with accuracy range as defined by AACE.
2. Costs based on current dollars as of the date of the probable cost opinion.
3. Construction Contingency based on current project development stage.
4. The Engineer has no control over the cost of labor, materials, equipment, or services furnished by others, or over the Contractor(s) methods of determining prices or over competitive bidding or market conditions. The Engineer cannot and does not guarantee that actual costs will not vary from this Conceptual Opinion of Probable Costs.
5. Summit View Estates is slated to be patched in 2025 and cracked sealed in 2026.
Coordinate project timeline with asphalt repair.
6. Mill and Overlay scheduled for 2028 for all Silver Birch Blvd within Frederick.
7. Probable Cost Opinion based on NPW line being installed outside of pavement on Silver Birch Blvd.

Town of Frederick - Non-Potable Water Infrastructure Master Plan

Preliminary Opinion of Probable Costs

Fox Run NPW Extension

October 2024

MAP REF. #21



Item No.	Line Item Description	Quantity	Unit	Unit Price	Line Item Cost
1	Contractor Mobilization & General Conditions	1	LS	\$39,600	\$39,600
2	4" NPW Line	2000	LF	\$120	\$240,000
3	4" Valve	2	EA	\$2,500	\$5,000
4	Meter Vault	3	EA	\$3,000	\$9,000
5	Asphalt Repair	830	SY	\$120	\$99,600
6	Concrete Repair	5	CY	\$800	\$4,000
7	Erosion & Sediment control	1	LS	\$10,000	\$10,000
7	Traffic Control	1	LS	\$10,000	\$10,000
8	Potholing	10	EA	\$800	\$8,000
9	Materials testing	1	LS	\$10,000	\$10,000
	Sub Total				\$435,200
	Construction Contingency (30%)			30%	\$130,600
	Engineering & Permitting (20%)			20%	\$87,100
	Environmental & Geotechnical			\$5,000	\$5,000
	Easements & ROWs			\$5,000	\$5,000
	Project Total				\$663,000

Notes:

1. This Preliminary Opinion of Probable Costs is Class 4 AACE for Study or Feasibility level, with accuracy range as defined by AACE.
2. Costs based on current dollars as of the date of the probable cost opinion.
3. Construction Contingency based on current project development stage.
4. The Engineer has no control over the cost of labor, materials, equipment, or services furnished by others, or over the Contractor(s) methods of determining prices or over competitive bidding or market conditions. The Engineer cannot and does not guarantee that actual costs will not vary from this Conceptual Opinion of Probable Costs.

Town of Frederick - Non-Potable Water Infrastructure Master Plan

Preliminary Opinion of Probable Costs

Moore Farm NPW Extension

October 2024

MAP REF. #22



Item No.	Line Item Description	Quantity	Unit	Unit Price	Line Item Cost
1	Contractor Mobilization & General Conditions	1	LS	\$16,700	\$16,700
2	4" NPW Line	800	LF	\$120	\$96,000
4	4" Valve	2	EA	\$2,500	\$5,000
5	Meter Vault	1	EA	\$3,000	\$3,000
6	Asphalt Repair	360	SY	\$120	\$43,200
7	Erosion & Sediment Control	1	LS	\$5,000	\$5,000
8	Traffic Control	1	LS	\$5,000	\$5,000
9	Potholing	5	EA	\$800	\$4,000
10	Materials Testing	1	LS	\$5,000	\$5,000
	Sub Total				\$182,900
	Construction Contingency (30%)			30%	\$54,900
	Engineering & Permitting (20%)			20%	\$36,600
	Environmental & Geotechnical			\$5,000	\$5,000
	Easements & ROWs			\$5,000	\$5,000
	Project Total				\$285,000

Notes:

1. This Preliminary Opinion of Probable Costs is Class 4 AACE for Study or Feasibility level, with accuracy range as defined by AACE.
2. Costs based on current dollars as of the date of the probable cost opinion.
3. Construction Contingency based on current project development stage.
4. The Engineer has no control over the cost of labor, materials, equipment, or services furnished by others, or over the Contractor(s) methods of determining prices or over competitive bidding or market conditions. The Engineer cannot and does not guarantee that actual costs will not vary from this Conceptual Opinion of Probable Costs.

APPENDIX F

Assumptions and Criteria**Estimated Population per Dwelling Unit**

Multi-Family =	2.3	capita/edu
Single-Family =	2.94	capita/edu (per US Census data)

***Irrigation Water Use**

High irrigation use	2.5	AFY
Medium irrigation use	1.6	AFY
Low irrigation use	0.8	AFY

*(from Town Water Dedication Ordinance)

Open Space and Park Areas Criteria

Open space = 17 ac x # of residents/1000, 10 acre minimum (per Town, expected code change)

Pocket Parks = 8.5 ac x # of residents/1000, min. 1/4 acre, max 2 acres (per Town, expected code change)

Open Space, low irrigation use, 0.8 AFY (from Town ordinance for Water Dedication)

Pocket Parks: 50% high irrig use (2.5 AFY) and 50% medium irrig use (1.6 AFY), from Town Ordinance for Water Dedication.

Also, of the 50% medium irrig use, half of this area will be gravel or mulch with no irrigation.

For Adaptable Neighborhd and Multi-Family, modified formulas to 15% for open space area, and 25% of calculated park area

Development Density Criteria

Per Comp Plan Update, Adaptable Neighborhood, 4 to 24 DU/AC, preferred mix of 50% Single Family Detached, 35% Single Family Attached, 15% Multi-Family. Overall, 2.85 people/DU

Per Comp Plan Update, "Single Family Oriented", 2 to 12 DU/AC, preferred mix of 80% Single Family Detached, 20% Single Family Attached.

Adaptable Neighborhood = 9.6 du/ac

Downtown Hub residential = 11.5 du/ac

Single Family Oriented = 6 du/ac

Multi-family = 20 du/ac

Multi-family at Downtown Hub = 24 du/ac

Agric/Estate - 0.2 du/ac

Commercial and Business Flex, Open space = 15% of area

TABLE F-1, Future Demands EAST of I-25

Area No.	Description/Land Use	Approx. Area (AC)	EDU's per acre	EDU's	# of residents	Open Space (AC)	Open Space Irrigation (AFY)	Pocket Parks (AC)	Pocket Parks Irrigation (AFY)	Street ROW/Gateway Buffer Area (AC)	Street ROW/Gateway Buffer Irrigation (AFY)	Total Irrigation Demand (AFY)
1	Hepp Farm-Adapt Nbhd	150	9.6	1440	4104	23	18	9	15	1.1	0.9	33.9
2	Skyline Ridge-Adapt Nbhd	58	9.6	557	1587	9	7	4	6	0.9	0.7	13.7
3	Haley Land Co.-Adapt Nbhd	100	9.6	960	2736	15	12	6	10	1.8	1.4	23.4
4	WCR 11 & WCR 20 (Silver Birch Rd & Bella Rosa Pkwy)-Ad Nbd	80	9.6	768	2189	12	10	5	8	1.8	1.4	19.4
5	WCR 11 & WCR 18 (Silver Birch Rd & Godding Hollow, north of Godding Hollow-SF Orient	57	6	342	1006	17	14	9	15	2.3	1.9	30.9
6	Meadowlark Bus Park (undev.)	9	-	-	-	1.4	1.1	-	-	-	-	1.1
7A	Tops Business Park (comm)	15	-	-	-	2.3	1.8	-	-	-	-	1.8
7B	Tops Bus. Park (Multi-Family)	15	20	300	690	2.3	1.8	2	3	1.8	1.4	6.2
8	Grant Annexation	95	6	570	1676	28	23	15	25	-	-	48.0
9A	WCR 11 & WCR 18 (Silver Birch Rd & Godding Hollow, south of Godding Hollow)-Adaptable Neighborhood	143	9.6	1373	3913	21	18	9	15	4.2	3.4	36.4
9B	WCR 11 & WCR 18 (Silver Birch Rd & Godding Hollow, south of Godding Hollow) - Business Flex	66				9.9	7.9	-	-	0.6	0.5	8.4
9C	WCR 11 & WCR 18 (Silver Birch Rd & Godding Hollow, south of Godding Hollow) - Mixed Use - Commercial	7.5				1.1	0.9			0.9	0.7	1.6
9D	WCR 11 & WCR 18 (Silver Birch Rd & Godding Hollow, south of Godding Hollow) - Mixed Use - Multi-Family	7.5	20	150	345	1.1	0.9	1	2	0.3	0.2	3.1
10	**Silver Birch Rd-light indust	8	-	-	-	1.2	1.0	-	-	0.2	0.1	1.1
11	**Kickbush Annexation	72	6	432	1271	22	18	11	19	0.9	0.7	37.7
12	**Goracke Annexation	2	9.6	19	55	0.30	1	0.25	1	0.3	0.2	2.2
13	**25/52 East Subarea	643	-	-	-	-	-	-	-	-	-	155.2
14	**Nelson Annexation	285	9.6	2736	7798	43	35	17	35	2.8	2.3	72.3
15	Silver Birch Blvd/Tipple Pkwy	100	9.6	960	2736	15	12	6	10	3.0	2.4	24.4
16	Silverstone future residential	180	9.6	1728	4925	27	22	11	18	0.8	0.7	40.7
17A	Silverstone Mixed-Use, Comm	46				7	6			1.8	1.4	7.4
17B	Silverstone-Resid-DT Hub	138	11.5	1587	3650	21	16.6	8	14	1.8	1.4	32.0
18A	Miners Park-Resid, DT Hub	56	11.5	644	1481	8	7	3	6	0.7	0.6	13.6
18B	Minters Park-Comm, DT Hub	31				5	4			2.9	2.3	6.3
19	Carriage Hills Filing 1	21	6	126	371	6	6	4	7	-	-	13.0
20	Carriage Hills Market Place	17	9.6	163	465	3	3	1.00	2	0.9	0.7	5.7
21	East of Carriage Hills Market	13	9.6	125	356	2	2	1.00	2	1.1	0.9	4.9
22	Josephine Roche Annex	91	6	546	1606	27	22	14	24	-	-	46.0
23A	Brunemeier Annex-SF Orient	72	6	432	1271	22	18	11	19	-	-	37.0
23B	Brunemeier Annex-Adapt Nbd	33	9.6	317	903	15	13	8	14	-	-	27.0
24	Johnson Farm/Spindle (west)	147	6	882	2594	44	36	23	38	-	-	74.0
25	*WCR-19 Subarea	1255						-	-	-	-	115.5
26	Hidden Creek	142	-	852	2505	43	69	22	37	-	-	106.0
27	South of Hidden Creek	26	9.6	250	712	4	4	2	3	1.7	1.4	8.4
28	East of Hidden Creek	142	9.6	1363	3886	21	35	9	15	-	-	50.0
29A	Fred Rec Area - west-native	50	-			50	40.0			-	-	40.0
29B	Fred Rec Area - west-turf	3	-			0		3	8	-	-	7.5
30	Thunder Valley-east ball field	1.92					5					4.8
	TOTALS	4377.92		19621	54831	530	490	210	370	30	30	1,161

Notes: *See separate tables for 25-52 East Subarea and WCR-19 Subarea
 ** Properties planned to be supplied directly from irrigation ditch
 **Properties fed directly from ditch = 268.48 AFY

TABLE F-2**25-52 East Subarea, Future NPW Demands**

No.	Development Type	Approx. Area (AC)	EDU's per acre	EDU's	# of equiv residents	Open Space (AC)	Open Space Irrigation (AFY)	Pocket Parks (AC)	Pocket Parks Irrigation (AFY)	Street ROW/Gateway Buffer Area (AC)	Street ROW/Gateway Buffer Irrigation (AFY)	Total Irrigation Demand (AFY)
A	Residential, Single Fam	100	6	600	1764	30	24	15	25	2.8	2.2	51
B	Residential, Multi-family	50	20	1000	2300	8	6	5	9			15
C	Commercial	140	-	-		21.0	17	-	-			17
D	Offices	126	-	-		18.9	16	-	-			16
E	Industrial	192	-	-		28.8	24					24
F	Public/Civic	12	-	-		1.8	2	1	1			3
G	Recreation	23				12	10	12	19			29
TOTALS		643					100	32	54			155

TABLE F-3**WCR-19 Subarea, Future NPW Demands**WCR-19 Subarea, 1280 AC1255 AC

(per Comprehensive Plan Update map 4-19-24)

Per Town on 6/5/24, assume approx 25% of area on east end is Commercial/Industrial, and the rest is Estate/Agric

No.	Development Type	Approx. Area (AC)	EDU's per acre	EDU's	# of equiv residents	Open Space (AC)	Open Space Irrigation (AFY)	Pocket Parks (AC)	Pocket Parks Irrigation (AFY)	Street ROW/Gateway Buffer Area (AC)	Street ROW/Gateway Buffer Irrigation (AFY)	Total Irrigation Demand (AFY)
A	Residential, Estate/Agric.	879	0.2	176	517	9	8	5	11	8.5	6.8	26
B	Open space buffer	63				63	51	-	-			51
C	Commercial /Industrial	314	-	-		47	38			0.9	0.7	39
TOTALS		1255					100	5	11			115

TABLE F-4, Future Demands WEST of I-25WEST OF I-25

Area No.	Description	Approx. Area (AC)	EDU's per acre	EDU's	# of residents	Open Space (AC)	Open Space Irrigation (AFY)	Pocket Parks (AC)	Pocket Parks Irrigation (AFY)	Street ROW/Gateway Buffer Area (AC)	Street ROW/Gateway Buffer Irrigation (AFY)	Total Irrigation Demand (AFY)
1A	Wildflower - SF Oriented	118	6.0	708	2082	35	29	18	30		-	59.0
1B	Wildflower - Business Flex	140				21	17		-		-	16.8
2	Wyndham Hill	570					-	-	-		-	60.0
3	Country Meadows	33	6.0	198	583	10	8	5	9		-	17.0
4	Public/Institutional	70				18	14		-		-	14.0
5	Rinn Valley Ranch	140				2.0	1.6	6	10		-	11.6
6	SF Oriented-N. of Wildflower	135	6	810	2382	40	33	21	35		-	68.0
7	Business Flex-N. of Wildflower	80				12	9.6		-			9.6
8	Mendoza Open Space	114				100	80	14	24		-	104.0
TOTALS		1400		1716	5047	240	190	60	110	-	-	360



Built On What Matters

TOWN OF FREDERICK

Board of Trustees

Staff Report

Tracie Crites, Mayor

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

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

Resolution No. 64 Granting a Master License Agreement for Fiber Network

Agenda Date: 11/12/2024 BOT Meeting

Attachments:

1. Resolution 24-R-64
2. Fiber Master License Agreement Intrepid
3. Intrepid Fiber MOA

Reviewed By: Jason Leslie, Deputy Town Manager

Action Type

2) Administrative: Actions of routine nature that implement policies/directions or effectuate the functioning of government; such as contract approvals/granting of licenses and permits/etc.

1) Legislative: Actions that relate to subjects of a long term and general applicability; such as the passing of ordinances/resolutions/policies/etc.

Strategic Plan Alignment:

- Strategic, Reliable and Sustainable Infrastructure – This request aligns with the Town's dedication to investing in existing and future technology while planning for sustainable growth and development.
- Community and Economical Vitality – This request aligns with the Town's desire to build upon and enhance the Town by providing an opportunity to provide reliable fiber network to the Town.

Summary Statement:

The Town desires to approve a Master License Agreement and Memorandum of Agreement for a fiber network build.

Detail of Issue/Request:

In alignment with the Board of Trustees mini retreat on May 28, 2024, staff created and posted a “Request for Information” (RFI) seeking proposals from fiber providers to build a fiber network within the Town of Frederick. The RFI was posted on July 24, 2024, and sought information regarding the following areas of concern for the community:

1. ability, capacity, and skill as a provider to provide fiberoptic services to the community
2. approach to community complaints or concerns during construction process
3. reliability, integrity, reputation, and efficiency
4. approach to handling poor performance by subcontractors
5. approach/ability to build a ubiquitous system including service to all residential, commercial, and industrial areas of Town, including both sides of I-25 and future development areas as the Town continues to grow
6. philosophy and approach to community involvement and outreach, including community events, grant programs, outreach programs, etc.
7. existing workload and proposed schedule for build out
8. ability or intent to provide video and telephone services in addition to internet services
9. network design, route paths, methods of construction and how to mitigate impacts to the community
10. ability to provide dark fiber, ISP, connectivity, etc. to Town facilities

The Town received 4 responses, one of which was determined to be nonresponsive. The remaining three providers were interviewed by Town Staff on September 30, 2024. Information was compiled and provided to the Board of Trustees in executive session on October 22, 2024, for the purpose of providing parameters for negotiations to staff. Following the executive session, the Town Board directed staff to move forward with negotiations with Intrepid Fiber and finalize a Master License Agreement (MLA) and partnership agreement.

This action item is to approve the two contracts, the MLA that will govern the use of the Town-owned rights-of-way by Intrepid Fiber. The agreement covers limitations and expectations for this use. For example, there are provisions that detail the responsibility of the provider to move their infrastructure in the case of a Town project. The Memorandum of Agreement governs the relationship between the Town and Intrepid in regards to items that are generally not typical for a MLA, such as allowing for permit fees to be waived in exchange for Intrepid paying the actual costs for the Town to obtain third-party inspection services. This will alleviate the strain on Town staff during the construction process and allow the network build out to move more quickly.

If approved, Town staff will work with Intrepid to provide information to the public

regarding the project process, timeline, and finalize design work in our best effort to minimize the impact on the community.

Legal Comments:

A Master License Agreement sets forth the terms for the use of Town-owned rights-of-way by a utility provider. Unlike a cable provider or gas provider, telecommunication entities are not required to obtain a franchise agreement. The Master License Agreement is utilized in place of a traditional franchise agreement. Further, in an effort to memorialize the partnership between the Town and the fiber provider, an additional Memorandum of Agreement has been created. The Master License Agreement and Memorandum of Agreement have been reviewed by the Town Attorney in draft form and will be implemented subject to finalization, review and approval by the Town Attorney.

Alternatives/Options

Possible alternatives include, choosing not to approve the Master License Agreement and Memorandum of Agreement with Intrepid, resubmitting the RFI and reviewing further submissions to the RFI to gather more information, and choosing to enter into a Master License Agreement and Memorandum of Agreement with a different entity.

Financial Considerations

Currently, this item is net neutral to the Town, unless the Town chooses to add infrastructure surrounding the fiber network. The Town will be waiving certain permitting fees in lieu of payment by the fiber provider for a third party, that will report to the Town, to administer inspections during the project.

Staff Recommendation

Staff recommends approving the Master License Agreement and Memorandum of Agreement in order to move forward with the fiber network build by Intrepid.

Community Impact

This will positively impact the community of Frederick, by facilitating continued efforts to complete a fiber network build, and provide fiber services to the community. During the construction phase, which could last around 18 months, there will be construction crews throughout the Town. Necessarily, there may be impacts to residential properties subject to utility easements as construction is completed.

**TOWN OF FREDERICK, COLORADO
RESOLUTION NO. 24-R-64**

**A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO GRANTING
A MASTER LICENSE AGREEMENT AND A MEMORANDUM OF
AGREEMENT FOR FIBER NETWORK**

WHEREAS, the Town of Frederick, Colorado has solicited information for a fiber network build out; and,

WHEREAS, the Board of Trustees finds that the most desirable respondent for this contract award is Intrepid fiber.

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

1. The Board of Trustees wishes to partner with Intrepid Fiber on building a fiber network within the Town of Frederick "Project" as reflected in the accompanied Action Memorandum and authorizes the Mayor to sign a Master License Agreement and Memorandum of Agreement, subject to finalization and review by the Town Attorney, that is substantively the same as the draft agreements attached hereto as Exhibits A and B.

**INTRODUCED, READ, PASSED, AND SIGNED THIS 12TH DAY OF NOVEMBER,
2024.**

TOWN OF FREDERICK

By: _____
Tracie Crites, Mayor

ATTEST:

By: _____, Town Clerk

TOWN OF FREDERICK

NONEXCLUSIVE MASTER LICENSE AGREEMENT FOR FIBER OPTIC NETWORK

This Master License Agreement (“Agreement”) is dated as of the day of , 2024 (the “Effective Date”), and entered into by and between the Town of Frederick, a Colorado statutory town (the “Town”), and BIF IV Intrepid OpCo LLC (the “Company”) (each a “Party” and collectively, the “Parties”).

RECITALS

A. The Town holds good and valid title to the Public Rights of Way (“ROW”) and desires to protect and preserve the ROW. The Town further maintains police power authority to regulate access to and use of the ROW and Public Utility Easements in a manner that protects the public health, safety, and welfare, consistent with Applicable Law. The Company must comply with all Town codes, requirements, standards and specifications, and all other applicable federal, state, and local regulations.

B. The Company is in the business of providing Services to its customers through fiber-based telecommunications and broadband networks, including the network (the “Network”) to be installed in the Town, in accordance with regulations promulgated by the Federal Communications Commission (“FCC”) and pursuant to this Agreement. The installation is expected to include roughly _____ feet of underground and aerial fiber optic cable.

C. For purposes of operating the Network, the Company wishes to locate, place, attach, install, operate, control, and maintain Equipment in the Public Right-of-Way (as defined in § 1.7 below) and Public Utility Easements (as defined in § 1.8) in the locations detailed in Supplemental Sites Licenses as shown on **Exhibit B**.

D. Town desires to grant to Company a nonexclusive license (“License”) for the above-stated purpose, upon the terms and conditions contained below, and in accordance with Applicable Law.

AGREEMENT

NOW, THEREFORE, for consideration, the receipt and sufficiency of which is hereby acknowledged, Town hereby grants to Company, with respect to such interest as Town may have in the ROW, the authorization to install, construct, operate, maintain, repair, inspect, remove and replace the Equipment in, under, or along the ROW, subject to the following conditions:

Section 1. Definitions. The following definitions shall apply generally to the provisions of this Agreement.

1.1 “**Applicable Law**” means any statute, ordinance, judicial decision, order (including without limitation, FCC orders), executive order or regulation having the force and effect of law that determines the legal standing of a case or issue.

1.2 “**Town**” means the Town of Frederick, a Colorado statutory town.

1.3 “**Claims**” means (1) losses, liabilities, costs and expenses of any sort, including attorneys’ fees; (2) fines and penalties; (3) costs, including without limitation investigation, removal, remedial, and restoration costs, and consultant and other fees and expenses; and (4) all other reasonably related costs or expenses.

1.4 “**Equipment**” means electronics equipment, transmission equipment, shelters, conduit, coaxial cables, mounts, generators, containment structures, hangers, pull boxes, conduit, pedestals, brackets, fiber optic cable and other accessories and component equipment related to the operation of Company’s Network.

1.5 “**Hazardous Substance**” means any substance or material defined or designated, or other similar term by any Applicable Law presently in effect or promulgated in the future, as such laws, regulations or rules may be amended from time to time; and it shall be interpreted to include without limitation any substance which after release into the environment will or may reasonably be anticipated to cause sickness, death or disease.

1.6 “**Network**” or collectively “**Networks**” means one or more of the fiber-optic communication or telecommunication systems operated by the Company to serve its customers in the Town.

1.7 “**Public Right-of-Way**” or “**Rights-of-Way**” or “**ROW**” means the space in, upon, above, along, across, and below the public streets, roads, highways, lanes, courts, ways, alleys, boulevards, sidewalks and bicycle lanes as the same now or may hereafter exist, that are under the jurisdiction of the Town. This term shall not include Town parkland, trails, state or federal rights of way, or any property owned by any person or entity other than the Town, except as provided by Applicable Law or pursuant to an agreement between the Town and any such person or entity.

1.8 “**Services**” means the telecommunications or broadband services provided through the Network by the Company to its customers. Services also includes the lease of a Network, or any portion thereof, to another person or entity, or the provision of capacity or bandwidth on the Network to another person or entity, provided that Company at all times retains exclusive control over the Network and remains responsible for locating, servicing, repairing, relocating, or removing its Network pursuant to the terms of this Agreement.

Section 2. Term. This Agreement shall be effective as of the Effective Date and shall extend for a term of ten (10) years from the date it has been executed by both parties, unless it is earlier terminated by either party in accordance with the provisions herein. Provided, however, that if the Company’s Network is not operational and providing Services to customers within the Town within two (2) years of the Effective Date of this Agreement, this Agreement may be terminated by the Town, in its sole discretion, upon ninety (90) days written notice. This Agreement will be automatically extended for additional term(s) of ten (10) years from the expiration date of the then current term, unless either party notifies the other in writing of its desire to not exercise this automatic extension (and enter renewal negotiations) at least three (3) years before the expiration of this Agreement.

Section 3. Scope of Agreement. All rights expressly granted to the Company under this Agreement, which shall be exercised at the Company’s sole cost and expense, shall be subject to

Applicable Law. All rights expressly granted to the Company under this Agreement shall be subject to the Town's lawful exercise of its police powers and the prior and continuing right of the Town under Applicable Laws to use any parts of the Public ROW exclusively or concurrently with any other person or entity and shall be further subject to all deeds, easements, dedications, conditions, covenants, restrictions, leases, licenses, permits, franchises, encumbrances, and claims of title of record which may affect the Public ROW. Except with respect to the License granted herein, nothing in this Agreement shall be deemed to grant convey, create, or vest in the Company a real property interest in land, including any fee, leasehold interest, or easement. Any work performed pursuant to the rights granted under this Agreement shall be subject to, and conform with, Applicable Law. Nothing in this Agreement shall be deemed to grant a franchise, nor permit the Town to collect a franchise fee. This Agreement does not grant a franchise or other right to utilize the Public ROW to construct a cable system, provide cable or other video programming services, construct a wireless communications facility, or provide wireless communications services. Notwithstanding the expiration of this Agreement, and so as long as the Parties are negotiating in good faith, and until such time as either a new agreement has been reached or the Town has determined not to renew this Agreement, Company shall have the right to continue to occupy and use the ROW pursuant to the terms of this Agreement.

Section 4. Construction. The Company intends to install its Network at the locations set forth on the plan and profile sets to be approved by the Town and submitted as a request for supplemental site license. The Company shall be required to obtain a supplemental site license and Public ROW permit for each Equipment location within, or to perform any excavation or other work in the Public ROW in connection with its Network deployment covering, 21,120 linear feet or less Public ROW segments by submitting all information required by **Exhibit A** and using the form attached as **Exhibit B** prior to beginning construction. The Town will authorize the Company to commence construction with the grant of a supplemental site license and the provision of all necessary permits, and Town's granting or approval applicable to such licenses shall not be unreasonably, withheld, conditioned, or delayed. Approved supplemental site licenses will be attached to this document as part of **Exhibit C**.

4.1 Obtaining Required Permits. If the attachment, installation, operation, maintenance, or location of the Equipment is in the Public ROW, the Company shall apply for the appropriate permits and pay any standard and customary permit fees. The Town shall respond to the Company's requests for permits in the ordinary course of its business and shall otherwise cooperate with the Company in facilitating the deployment of the Network in the Public ROW in a reasonable and timely manner, except that: (a) Company may not submit more than one (1) permit application during any one (1) month period; and (b) regardless of the number of permits the Town issues, Company shall be limited to deploying no more than 21,120 linear feet of Network Equipment in any given month, for a maximum of up to 253,440 linear feet in any twelve (12) month period (or, put another way, the Town shall not be obligated to issue a set number of permits in any given month or twelve (12) month period, nor is it required to issue more permits than what would be necessary for Company to perform excavations and other work within a Public ROW segment greater than 21,120 linear feet in length in any given month, or 253,440 linear feet in length in the aggregate in any twelve (12) month period). As a condition of obtaining any permit that involves digging or other excavation in the Public ROW, the Company shall at a minimum, as part of its application submittal materials, identify on its fiber plan and profile set the following information: all pothole and boring locations, the boring and installation method for its Equipment, number and size of conduits, cover depth of conduit, dimension clearance from the proposed conduit

and existing utilities, the horizontal and vertical locations of any other existing underground utility or other facilities in the Public ROW in the proximity of the proposed work area, in accordance with state laws for subsurface utility engineering, and what work will be self-performed and what work, if any, will be performed by subcontractors. For each supplemental site license request, Company shall provide construction drawings for review by the Town, stamped by an engineer licensed in the state of Colorado that identifies all utilities, identifies the location of all Equipment to be installed, where the installation will occur (back of sidewalk, in the paved surface of the roadway), a profile with potholed locations of existing utility crossings (including water and sanitary sewer service lines), a plan for conducting emergency repairs and all anticipated, expected restoration work. If revisions to the construction drawings are required by the Town, Company shall provide revised drawings for review until final approval. The Company shall then include the final construction drawings with the appropriate permit application. Company shall be allowed to seek permits year-round and all permits granted by Town shall stay open for no fewer than twelve (12) months from the date the permit was granted. All work associated with a permit must be completed, including all restoration of pavement, sidewalks, landscaping, and other items, before a permit can be closed and a new permit issued.

4.2 **Fees.** In the event that the fees included in Town's ROW fee schedule are not sufficient to cover the cost of Town's review of Company's supplemental site license applications for authorization to install specific Equipment, Company hereby agrees to pay the Town any costs that the Town incurs to allow the Town to recover its actual costs for plan review, engineering and surveying review, and for construction observation, inspection and materials testing during the construction process prior to issuance of the ROW permit. Should the Town elect to utilize an engineering consultant to perform any review or observation duties or utilize a third party to perform utility locates and inspections, the Company hereby agrees to pay that cost, plus a 10% administrative fee, less the applicable fees collected pursuant to the Town's permit fee schedule had the work been performed by Town staff, prior to issuance of the ROW permit.

4.3 **Public Infrastructure Security.** Company shall provide financial security, in the form of a bond, letter of credit (in a form approved by the Town), cash, or escrow, for the cost to repair or reconstruct all public infrastructure anticipated to be required with any supplemental site license. The Company shall provide an engineer's estimate of the anticipated work for review with the associated supplemental site license and shall provide security in the approved amount prior to issuance of the supplemental site license and any required construction permit. When all required repairs or reconstruction of public infrastructure has been completed in accordance with Town standards, the Town shall release the security back to the Company. Should the Company fail to complete the required repairs or reconstruction within a reasonable timeframe in which to minimize impacts to the public, as determined by the Town designee, the Town may use this security for the sole purpose of completing the repairs or reconstruction.

4.4 **Restoration Security.** Company shall provide financial security, as determined by the Town, in the form of a bond, letter of credit (in a form approved by the Town), cash, or escrow, which amount is to secure the anticipated costs of necessary restoration of areas of private property and privately owned improvements disturbed with the construction. When all restoration work has been completed by the Company, the Town shall

release the security back to the Company. Should the Company fail to complete the restoration, the Town may use this security for the sole purpose of completing the restoration work, including reimbursing a third-party property owner who caused such restoration following Company's failure to adhere to the requirements of Section 4. The release of the restoration security by the Town does not relieve the Company of any remaining obligations associated with private property restoration, including landscaping or other improvements not owned by the Town.

4.5 **Utility Notification Center.** Company shall contact the Utility Notification Center of Colorado, <https://www.colorado811.org/>, for location of any underground utilities, and locate the Equipment as required. Company shall use commercially reasonable efforts to coordinate with Town and any affected utilities to undertake locations in accordance with the policies of each entity.

4.6 **Location of Equipment.** Potholes must be performed so any conflicts with existing utilities can be avoided are shown in the profile view of the drawings to be approved by the Town. Potholes must be filled with flo-fill or flashfill and the backfill method must be approved by the Town prior to undertaking such work. GIS data on the potholes and pipe material, if it can be visually identified, shall be submitted with each Supplemental Site License. All Equipment shall be placed a minimum of: (i) ten (10) feet, measured horizontally, from existing and known planned storm sewer, sanitary sewer, potable and non-potable water lines, and water and sanitary sewer service lines; and (ii) eighteen (18) inches, measured vertically, above or below, existing and known planned storm sewer, sanitary sewer, potable and non-potable water lines, and water and sanitary sewer service lines and wherever possible at perpendicular crossings. Unless otherwise approved by the Town, all Equipment shall be placed underground or via attachment to existing utility poles in compliance with the pole owner process for attachment. Any Equipment proposed to be located above ground must be screened in the manner approved by the Town and the approval of the entity responsible for the maintenance of the property on which the Equipment is located.

4.7 To the extent that Company or any of its contractors cause damage to other utility facilities (including water and sanitary sewer service lines), at the discretion of the Town, all construction within the Town shall cease in order to allow the affected utilities to have the damage repaired. Any contractor of Company that causes damage to another utility's facilities may be forbidden by the Town from doing any further work under this Agreement. Should a stop work order be issued as a result of any damage caused by the Company or any of its contractors, such stop work order may not be lifted until such time as all damaged parties have been fully compensated for their actual damages incurred.

4.8 **Relocation of Equipment.** The Company understands and acknowledges that Town may require the Company to relocate one or more of its Equipment installations horizontally or vertically. The Company shall at Town's direction relocate such Equipment at the Company's sole cost and expense not later than ninety (90) days after receiving written notice that the Town reasonably determines that the relocation is needed for any of the following purposes: (a) if required for the construction, completion, repair, relocation, or maintenance of a Town facility or Public ROW; (b) because the Equipment is interfering with or adversely affecting proper operation of street lights, traffic signals, governmental communications networks or other Town property; or (c) to protect or preserve the public

health or safety. In any such case, Town shall use its best efforts (but shall not be required to incur financial costs) to afford the Company a reasonably equivalent alternate location. If the Company shall fail to relocate any Equipment as requested by the Town within thirty (30) days after the above-referenced notice in accordance with the foregoing provision, the Town shall be entitled to relocate the Equipment at the Company's sole cost and expense, without further notice to the Company.

4.9 Removal and Abandonment of Equipment Prior to Agreement Termination or Expiration

4.9.1 Notification of Abandoned Equipment. If at any time prior to the expiration or termination of this Agreement Company intends to discontinue use of any Equipment, it shall notify Town in writing of the intent to discontinue use. Such notice shall describe the Equipment for which the use is to be discontinued, a date of discontinuance of use, which date shall not be less than thirty (30) days from the date such notice is submitted to the Town and the method of removal and restoration. The Company may not remove, destroy, or permanently disable any such Equipment during said thirty (30) day period without written approval of Town. After thirty (30) days from the date of such notice, Company shall remove and dispose of such Equipment as set forth in the notice, as the same may be modified by the Town, restore any property damaged by such removal, and shall complete such removal, disposal, and restoration within sixty (60) days, unless additional time is requested from and approved by Town. If Company fails to complete this removal and restoration work on or before the sixty (60) days subsequent to the issuance of notice pursuant to this Section, then the Town, upon written notice to the Company, shall have the right at the Town's sole election, but not the obligation, to perform this removal and restoration work and charge the Company for the actual costs and expenses, including, without limitation, reasonable administrative costs. The Company shall pay to the Town actual costs and expenses incurred by the Town in performing any removal and restoration work and any storage of the Company's property after removal within sixty (60) days after the date of a written demand for this payment from the Town.

4.9.2 Conveyance of Equipment. At the discretion of the Town, and upon written notice from Town within thirty (30) days of the notice of abandonment, Company may abandon the Equipment in place, and shall further convey full title and ownership of such abandoned Equipment to Town in a form acceptable to Town. The consideration for the conveyance is Town's permission to abandon the Equipment in place. The Company shall be responsible for all obligations as owner of the Equipment, or other liabilities associated therewith, until the conveyance is completed.

4.9.3 Abandonment of Equipment in Place. At the discretion and upon written notice of Town, Company may abandon the Equipment in place, but Company still retains the responsibility for all obligations as Owner of the Equipment, or other liabilities associated therewith.

4.9.4 The provisions of the Section shall survive the expiration or earlier termination of this Agreement. Unless removed by the Town as set forth herein, the Company may remove its Equipment from the ROW at any time at its discretion,

provided that any such removal is in compliance with Applicable Law.

4.10 Removal and Abandonment of Equipment Upon Agreement Termination or Expiration

4.10.1 Removal of Equipment. Upon the expiration or termination of this Agreement, Company may remove the Equipment from all Facilities in the Public ROW. Prior to undertaking any removal work, however, the Company shall provide the Town written notification of its intent to remove the Equipment and the anticipated beginning and completion dates for the removal work. If the Company starts and then fails to complete this removal and any necessary restoration work on or before sixty (60) days subsequent to the date for completion as specified in the notice provided pursuant to this Section, then the Town, upon written notice to the Company, shall have the right at the Town's sole election, but not the obligation, to perform this removal and restoration work and charge the Company for the actual costs and expenses, including without limitation, reasonable administrative costs. The Company shall pay to the Town actual costs and expenses incurred by the Town in performing any removal and restoration work and any storage of the Company's property after removal within sixty (60) days after the date of a written demand for this payment from the Town. After the Town receives the reimbursement payment from the Company for the removal and/or restoration work performed by the Town, the Town shall promptly return to the Company the property belonging to the Company and removed by the Town pursuant to this Section at no liability to the Town. If the Town does not receive reimbursement payment from the Company as set forth above, or if Town does not elect to remove such items at the Town's cost after the Company's failure to so remove, any items of the Company's property remaining on or about the Public ROW may, at the Town's option, be deemed abandoned and the Town may dispose of such property in any manner permitted by Law. Unless removed by the Town as set forth herein, the Company may remove its Equipment from the Public ROW at any time at its discretion, provided that any such removal is in compliance with applicable zoning and permitting requirements.

4.10.2 Abandonment of Equipment. Upon the expiration or termination of this Agreement, the Company may request that the Town permit the Company to leave the Equipment in place as is and the Company may propose that it transfer its ownership of the Equipment to the Town. To do so, the Company shall send written notice to the Town of its intent to transfer ownership of the Equipment within thirty (30) days of the date of expiration or termination. The Town, in its sole and absolute discretion, shall determine whether to accept or reject the proposal to transfer ownership and shall advise the Company of its decision within ninety (90) days of receipt of the Company's notice. If the Town agrees to accept ownership, the Company shall execute and deliver to the Town bills of sale in a format acceptable to the Town, and such other documents as the Town deems necessary to effectuate such transfer of ownership to the Town within thirty (30) days of the Town's written notice of its intent to accept the transfer. If the Company does not propose to transfer ownership, or if it does and the Town decides not to accept ownership, the Town may direct the Company to remove its Equipment within ninety (90) days of notice, at the Company's sole expense.

4.10.3 Company must exercise one or both of the options provided in Section 4.10.1 or 4.10.2, above, within six (6) months of the date of termination or expiration of this Agreement or assign or transfer ownership as contemplated in Section 10 of this Agreement. The Town shall notify the Company when it has one (1) month remaining before the six (6) month timeframe for removal or abandonment expires. The Town's failure to notify the Company shall not toll or otherwise affect the running of the six (6) month time frame for removal or abandonment. If Company does not take any action to remove its Equipment pursuant to Section 4.10.1 or fails to affirmatively abandon or remove its Equipment pursuant to Section 4.10.2 within this six (6) month timeframe, then the Town may, in its sole discretion, notify the Company that the Company will be deemed to have remised, released, quitclaimed, and sold to the Town all title and ownership in any Equipment remaining in the Public ROW, and the permanent abandonment in place and transfer of ownership of that Equipment shall automatically vest in the Town without necessity of an additional agreement or instruments of conveyance. Alternatively, the Town may notify the Company of its intent to remove Equipment in the Public ROW, at the Company's sole cost, and in addition to any remedies available pursuant to Applicable Law, may utilize any security provided by the Company pursuant to this Agreement to recover such costs. Notwithstanding any provisions of this Section 4.10 to the contrary, the Town may, in its sole discretion, decide to take ownership of some portions of the Equipment, while requiring removal at the Company's expense of other portions of the Equipment.

4.10.4 The provisions of Section 4.10 shall survive the expiration or earlier termination of this Agreement.

4.11 **Damage and Restoration.** Unless otherwise provided by Applicable Law, whenever the installation, removal, or relocation of any Equipment is required or permitted under this Agreement, and such installation, removal, or relocation shall cause the Public ROW or any Town or other public or private property to be damaged, or whenever Company, in connection with any of its operations, causes damage to the ROW or any other public or private property, the Company, at its sole cost and expense, shall repair or cause to be repaired, the damage and return the ROW or other property in which the Equipment is located and all affected property to a safe and satisfactory condition, as follows: if the Town determines that any damage poses a risk to the safety or health of the public, such damage shall be repaired within twenty-four (24) hours; any damage to public infrastructure, including roadways, sidewalks, drainage or utility infrastructure, and associated items, or actively operating irrigation systems, shall be repaired within five (5) days; any other damage to private property shall be repaired within fifteen (15) days. If the Company does not repair the damage as described herein, then the Town shall have the option, upon five (5) days' prior written notice to the Company, to perform or cause to be performed such reasonable and necessary work on behalf of the Company and to (1) use the Company's Restoration Security to fund such work and (2) charge the Company for the actual costs incurred by the Town at Town's standard rates, including administrative time. Upon the receipt of a demand for payment by the Town, the Company shall promptly reimburse the Town for such costs. In the case of fire, disaster or other emergency impacting the public health and safety, the Town may remove or disconnect the applicable Equipment located in the ROW or on any other property of the Town. To the

extent feasible as a result of any emergency, the Town shall provide reasonable notice to the Company prior to taking such action and if the situation safely permits, provide the Company with the opportunity to perform such action within twenty-four (24) hours unless, in the Town's reasonable discretion, the imminent threat to public health safety or welfare makes such notice impractical.

4.12 **Public Engagement.** Prior to beginning any work to install its Network at the locations set forth on the plan and profile to be approved by the Town and submitted as a request for supplemental site license, Company shall first notify residents of the work (via door hangers) a minimum of seventy-two (72) hours in advance of performing the work and the language on the door hangers must be approved by the Town.

4.13 **General Warranty.** Company warrants that all Equipment installed by it shall be in accordance with generally accepted professional practices and the level of competency presently maintained by others in the same or similar type of work, and in compliance with the Town municipal code and any regulations promulgated thereunder ("Town Regulations"); (b) the plans and specifications provided by the Company to the Town and approved by the Town (the "Plans"); and (c) the same standards that Company applies to construction of its own facilities (collectively referred to as the "Construction Standards"). Company further warrants that the Equipment shall be free from obstructions and otherwise fully comply with the Construction Standards.

Section 5. Other Utilities, Other Service Providers

5.1 Company agrees and understands that if Town has permitted or allowed natural gas gathering, storage, transmission, distribution, or related facilities within the ROW, Company has been fully advised by Town that such natural gas facilities may now transport and may continue to transport natural gas at significant pressures. Company shall advise all employees, agents, contractors, and other persons who enter upon the Public ROW the existence and nature of such natural gas facilities and the potential danger and risk involved.

5.2 Company agrees and understands that any natural gas facilities, if located within the ROW, may be subject to cathodic protection by rectifier and related anode beds, and that Town shall not be liable for stray current or interfering signals induced in the Equipment as a result of the operating of the cathodic protection system.

5.3 Company agrees and understands that if Town has permitted and allowed to be constructed electric transmission, distribution, or related facilities within the ROW, Company has been fully advised by Town that such electric facilities may now transmit and may continue to transmit electric current at significant voltages, and that the conductors on electric lines may not be insulated. Company shall advise all of its employees, agents, contractors, and other persons who enter upon the Public ROW of the existence and nature of such electric facilities and the potential danger and risk involved.

Section 6. Hazardous Substances Company agrees that Company, its contractors, subcontractors, and agents, will not use, generate, store, produce, transport or dispose any Hazardous Substance on, under, about or within the area of the ROW or adjacent property in violation of any Applicable Law. Except to the extent of the negligence or intentional misconduct of Town, Company

shall pay, indemnify, defend, and hold Town harmless against and to the extent of any loss or liability incurred by reason of any Hazardous Substance produced, disposed of, or used by Company pursuant to this Agreement. Company shall ensure that any on-site or off-site storage, treatment, transportation, disposal, or other handling of any Hazardous Substance will be performed by persons who are properly trained, authorized, licensed and otherwise permitted to perform those services. The Parties recognize that Company is only using a small portion of the ROW and that Company shall not be responsible for any environmental condition or issue except to the extent resulting from Company's, its agents' or contractors' specific activities and responsibilities under this Agreement.

Section 7. Indemnification Company shall indemnify, defend, and hold the Town, its employees, officers, elected officials, agents, and contractors (the "Indemnified Parties") harmless from and against all injury, loss, damage, or liability (or any Claims in respect of the foregoing), costs or expenses arising from the installation, use, maintenance, repair or removal of the Network and any Equipment, or the Company's breach of any provision of this Agreement. Company's indemnification obligations extend to any Claims asserted by and person or entity, including without limitation employees of Company or its contractors, subcontractors, or their employees; and any Claims arising from, or alleged to be arising in any way from, the acts or omissions of Company, its sublessees, invitees, agents, or employees.

7.1 Town shall give the Company timely written notice of the making of any Claim or of the commencement of any action, suit, or other proceeding in connection with any Claim. In the event such Claim arises, Town shall tender the defense thereof to the Company and the Company shall reasonably consult and reasonably cooperate with the Town Attorney's Office while conducting its defense. Town and the Indemnified Parties shall cooperate fully therein with Company's legal representative and shall be consulted on any settlements of claims prior to the execution of any settlement agreements.

7.2 If separate representation to fully protect the interests of both parties is or becomes necessary, such as a conflict of interest between the Indemnified Party and the counsel selected by Company to represent the Town, the Company shall pay for all reasonable expenses incurred by the Town as a result of such separate representation; provided, however, in the event separate representation becomes necessary, Town shall select its own counsel and any other experts or consultants, subject to the Company's prior approval, which shall not be unreasonably withheld. Town's expenses hereunder shall include all reasonable out-of-pocket expenses, such as consultants' fees.

Section 8. Insurance

8.1 The Company shall obtain and maintain, at its own cost and expense, at all times during the term of this Agreement: (a) Commercial General Liability insurance with a limit of liability of at least of Five Million Dollars (\$5,000,000) per occurrence (combined single limit), for bodily injury and property damage, and Five Million Dollars (\$5,000,000) general aggregate and which provides coverage for bodily injury, death, damage to or destruction of property of others, including loss of use thereof, and including products and completed operations; (b) excess or umbrella liability on an occurrence basis in excess of the commercial general liability insurance, which has coverage as broad as such policy, with a limit of at least Two Million Dollars (\$2,000,000); and (c) Workers' Compensation Insurance as required by law and employers' liability insurance with limits of One Million Dollars (\$1,000,000) bodily

injury each accident, Five Hundred Thousand Dollars (\$500,000) disease each employee, and Five Hundred Thousand Dollars (\$500,000) bodily injury disease policy limit; (d) Commercial Auto insurance with limits of One Million Dollars (\$1,000,000). Notwithstanding the foregoing, upon sixty (60) days' prior notice to and review by Company, no more than once every three (3) years, Town may increase the aforementioned limits of insurance in its reasonable discretion in order to provide for levels of coverage similar to that required of other rights of way users at that point in time.

8.2 All of the insurance coverages identified in Section 8.1, except the workers' compensation insurance and employer's liability insurance, shall include Town as an additional insured as their interest may appear under this Agreement. Each of such insurance coverages shall contain a waiver of subrogation for Town's benefit. Further, the insurance coverages identified in Section 8.1 will be primary and noncontributory with respect to any self-insurance or other insurance maintained by Town.

8.3 Upon execution of this Agreement and upon any subsequent request of Town, Company shall provide Town with a Certificate of Insurance and blanket additional insured endorsements evidencing the coverage required by this Section 8.

8.4 All of the insurance policies Company and its subcontractors that undertake trenching, directional boring within the ROW are required to maintain pursuant to this Section 8 shall be obtained from insurance carriers having an A.M. Best rating of at least A-VII. Policies shall be written on an occurrence basis, if policies are not written on an occurrence basis, the Company shall agree to purchase a tail policy to cover the duration of the statute of limitations in the event a claims made policy is canceled. All other subcontractors shall be subject to reasonably appropriate insurance requirements set by Company which are commensurate with the type of work the subcontractor is performing.

8.5 **Governmental Immunity.** The Town and its officers, attorneys and employees are relying on, and do not waive or intend to waive by any provision of this Agreement, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, C.R.S. §§ 24-10-101, *et seq.*, as amended, or otherwise available to the Town and its officers, attorneys, or employees of the Town.

Section 9. Notices

9.1 Any notice, request, demand, statement, or consent herein required or permitted to be given by either party to the other hereunder, shall be in writing signed by or on behalf of the party giving the notice and addressed to the other at the address as set forth below:

If to the Town:

Town of Frederick
Attn: Town Manager
401 Locust Street
Frederick, Colorado 80530
Email: bostler@frederickco.gov

with a copy to:

Town of Frederick
Attn: Town Attorney
401 Locust Street
Frederick, Colorado 80530
Email: jmeyers@frederickco.gov

and

If to Company:

BIF IV Intrepid OpCo LLC dba Intrepid Fiber Networks
Attn: Legal
11001 W 120th Ave
Broomfield, Colorado 80021
Email: shane.peverill@intrepidfiber.com

A Party may by notice in writing change its address for the purpose of this Agreement, which address shall thereafter be used in place of the former address. Each notice, demand, request, or communication which shall be mailed to any of the aforesaid shall be deemed sufficiently given, served, or sent for all purposes hereunder (i) two (2) business days after it shall be mailed by United States certified mail, postage prepaid and return receipt requested, in any post office or branch post office regularly maintained by the United States Postal Service, (ii) upon personal delivery, or (iii) one (1) business day after deposit with any recognized commercial air courier or express service. Any communication made by e-mail or similar method shall not constitute notice pursuant to this Agreement.

9.2 **Emergency Contact.** Company shall make certain that it has a designated contact person available 24/7 in the event of an emergency requiring Town to take immediate action. Company's 24/7 call center number is: (844) 380-8090.

Section 10. Assignment/Transfer of Ownership or Control

In this Section, the following words have the meanings indicated:

"Control" means actual working control in whatever manner exercised. "Control" includes, but may not necessarily require, majority stock ownership.

“Proposed Transferee” means a proposed purchaser, transferee, lessee, assignee or person acquiring ownership or control of this Agreement or of the Company.

10.1 The Company shall not sell, transfer, lease, assign, sublet or dispose of, in whole or in part, either by forced or involuntary sale, or by ordinary sale, contract, consolidation or otherwise, this Agreement or any of the rights or privileges therein granted, without the prior consent of the Town, except that such consent shall not be required for sales, transfers, leases, assignments, subleases or disposals to any parent, subsidiary, affiliate or any person, firm or corporation that shall Control, or be under common Control, with the Company. The consent required by the Town shall not be unreasonably withheld or delayed, but may be conditioned upon the performance of those requirements necessary to ensure compliance with the specific obligations of this Agreement imposed upon the Company by the Town. The Company shall provide no less than thirty (30) days written notice to the Town of the details of any transaction described herein that requires Town consent. Notwithstanding anything to the contrary in this Section, no Town consent is required for transfers to non-affiliates that are currently operating in the Town and are in full compliance of all obligations to the Town. The Company shall provide no less than thirty (30) days written notice to the Town of a transaction covered in this Section to a non-affiliate that it believes is compliant with its obligations to the Town.

10.2 The requirements of this Subsection shall not, except as set forth below, apply to any surviving successor entity or newly created successor entity in the event of a merger, reorganization or consolidation involving Licensee. The Town reserves the right to be reimbursed for its reasonable costs relating to a transfer of ownership. Licensee shall not change its name under which it does business with the public without providing at least thirty (30) days prior notice to the Town. This Section shall apply to a change in control of the Company if the successor entity meets any of the following criteria, with a rebuttable presumption that a transfer of control has occurred upon the acquisition or accumulation by any person or group of persons of fifty-one percent (51%) or more of the voting shares of the Company:

- i Has ever been convicted or held liable for acts involving deceit including any violation of federal, state or local law or regulations, or is currently under an indictment, investigation or complaint charging such acts; or
- ii Has ever had a judgment in an action for fraud, deceit, or misrepresentation entered against the proposed transferee by any court of competent jurisdiction; or
- iii Has pending any material legal claim, law suit, or administrative proceeding arising out of or involving a network and/or equipment similar to that contemplated by this Agreement, except that any such Claims, suits or proceedings relating to insurance Claims, theft of service, or employment matters need not be disclosed; or
- iv Is financially insolvent; or
- v Does not have the financial and technical capability to enable it to maintain and operate the network and equipment for the remaining term of this Agreement.

10.3 If the successor entity meets any of these criteria, the Town's consent must be obtained to the transfer of this Agreement or any of the rights provided hereunder. The consent required shall not be unreasonably withheld or delayed, but may be conditioned upon the performance of those requirements necessary to ensure compliance with the specific obligations of this Agreement imposed upon the Company by the Town.

10.4 In seeking the Town's consent to any change in ownership or control, the Company shall indicate whether it has failed to comply with any provision of this Agreement at any point during the term of this Agreement.

10.5 The consent or approval of the Town to transfer by the Company does not constitute a waiver or release of the rights of the Town in or to its Public Right-of-Way or easements and any transfer shall by its own terms be expressly subject to the terms and conditions of this Agreement.

10.6 Any sale, transfer or assignment of this Agreement will bind the successor in interest to the terms of this Agreement.

10.7 Notwithstanding anything contained in this Agreement, the Company may pledge or collaterally assign this Agreement or the assets of the Network and Equipment without the Town's consent for the purpose of financing provided that such pledge or collateral assignment of assets shall not impair the Company or mitigate the Company's responsibility and capability to meet all its obligations under the provisions of this Agreement.

Section 11. Miscellaneous Provisions. The provisions that follow shall apply generally to the obligations of the parties under this Agreement.

11.1 A Company representative shall have one copy of the applicable rights of way permit issued for work authorized under any supplemental site license in the Public ROW and available during construction or maintenance of any Equipment.

11.2 **Non-exclusive Use.** The Parties understand and agree that Town permits other persons and entities to install utility facilities in the ROW. In permitting such work to be done by others, Town shall not be liable to Company for any damage caused by those persons or entities.

11.3 **Severability of Provisions.** If any provision of this Agreement is invalid or unenforceable with respect to any Party, the remainder of this Agreement or the application of such provision to persons other than those as to whom it is held invalid or unenforceable, shall not be affected and each provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

11.4 **No Waiver.** A Party shall not be excused from complying with any of the terms and conditions of this Agreement by any failure of a Party upon any one or more occasions to insist upon or to seek compliance with any such terms or conditions. Both the Town and

Company expressly reserve all rights they may have under Applicable Law to the maximum extent possible, and neither Town nor Company shall be deemed to have waived any rights they may now have or may acquire in the future by entering into this Agreement.

11.5 **Federal and State Authorizations.** The Company has obtained all government licenses, permits and authorizations from the Federal Communications Commission which are required in order to provide the Services.

11.6 **Governing Law; Jurisdiction.** This Agreement shall be governed and construed by and in accordance with the laws of the State of Colorado. Venue for any proceeding arising out of this Agreement shall be in Weld County.

11.7 **Force Majeure.** With respect to any provisions of this Agreement, the violation or noncompliance of any term of this Agreement which could result in the imposition of a financial penalty, damages, forfeiture or other sanction upon a party, such violation or noncompliance shall be excused where such violation or noncompliance is the result of acts of God, war, civil disturbance, strike or other labor unrest, pandemics, or other events, the occurrence of which was not reasonably foreseeable by such Party and is beyond such Party's reasonable control, and which was not caused and could not have been avoided by a Party which used its best efforts in its operations to avoid such results. If a Party believes that a reason beyond its control has prevented or delayed its compliance with the terms of this Agreement, it shall provide documentation as reasonably required by the other Party to substantiate its claim. If that party has not yet cured the deficiency, it shall also provide the other party with its proposed plan for remediation, including the timing for such cure.

11.8 **Limitation of Liability.** Except for indemnification pursuant to Section 8, neither Party shall be liable to the other, or any of their respective agents, representatives, employees for any lost revenue, lost profits, loss of technology, rights or services, incidental, punitive, indirect, special or consequential damages, loss of data, or interruption or loss of use of service, even if advised of the possibility of such damages, whether under theory of contract, tort (including negligence), strict liability or otherwise.

11.9 **Representations and Warranties.** Each of the parties to this Agreement represents and warrants that it has the full right, power, legal capacity, and authority to enter into and perform the parties' respective obligations hereunder and that such obligations shall be binding upon such party without the requirement of the approval or consent of any other person or entity in connection herewith.

11.10 **No Third-Party Beneficiaries.** This Agreement benefits only the parties hereto and their successors and permitted assigns. There are no third-party beneficiaries.

11.11 **Public Disclosure.** Company acknowledges that this Agreement is public record within the meaning of the Colorado Open Records Act, C.R.S. § 24-72-202(6), and accordingly may be disclosed to the public.

11.12 **Co-Builds.** Should the Town desire to place its own facilities for Town purposes in trenches or bores opened by the Company, the Company shall cooperate with the Town in any construction by the permittee that involves trenching or boring, provided that the

Town has first notified the Company in some manner that it is interested in sharing the trenches or bores in the area where the Company's construction is occurring. The Company shall allow the Town to place its facilities in the Company's trenches and bores, provided the Town pays any incremental increase in cost of the trenching and boring. The Town shall be responsible for maintaining its respective facilities buried in the Company's trenches and bores under this subsection. The Town is solely responsible for obtaining any additional permits that may be needed in advance. If the Town fails to obtain other applicable necessary permits, the Company has no obligations under this subsection. The Town shall be responsible for all damages related to its use of the ROW.

11.13 **Use of conduits by the Town.** The Town may install or affix and maintain its own facilities for Town purposes in or upon any of the Company's ducts, conduits, or equipment in the ROW and other public places, at a charge to be negotiated between the Parties. For the purposes of this subsection, Town purposes includes without limitation the use of the structures and installations for Town fire, police, traffic, water, telephone, or signal systems not in competition with the Company.

11.14 **Amendment of Agreement.** This Agreement may not be amended except pursuant to a written instrument signed by both Parties.

11.15 **Entire Agreement.** This Agreement contains the entire understanding between the parties with respect to the subject matter herein. There are no representations, agreements, or understandings (whether oral or written) between or among the parties relating to the subject matter of this Agreement which are not fully expressed herein. Any prior oral or written agreements or licenses between the parties concerning use of the Public ROW is superseded by this Agreement.

11.16 This Agreement may be executed in two original counterparts, each of which shall be deemed an original of this instrument.

11.17 All Exhibits to this Agreement are hereby incorporated into this Agreement by reference.

In witness whereof, and in order to bind themselves legally to the terms and conditions of this Agreement, the duly authorized representatives of the parties have executed this Agreement as of the Effective Date.

SIGNATURE PAGE FOLLOWS.

THE TOWN OF FREDERICK

By: _____
Tracie Crites, Mayor

ATTEST:

APPROVED AS TO FORM:

By: _____
Tricia David, Town Clerk

By: _____
Jason Meyers, Town Attorney

BIF IV INTREPID OPCO LLC

By: _____
Name: _____
Title: _____

EXHIBIT A

COMPANY SHALL PROVIDE THE FOLLOWING AS IS APPLICABLE TO BE CONSIDERED BY THE TOWN IN WHETHER TO GRANT THE SUPPLEMENTAL SITE LICENSE:

1. Company and Owner of Utility
2. Plan and profile drawings, engineering design, and specifications for installation of the Equipment, including the equipment shelters, cables, conduit(s) (including size and number of conduit(s)), pull boxes, hand hole(s)/pedestals, fiber runs, point of demarcation, electrical distribution panel, electric meter, electrical conduit and cabling, and all other associated equipment. Where applicable, the design documents shall include specifications on design and ADA compliance.
 - a. The plot plan shall show ROW limits, existing sidewalk size, existing utilities both in aerial and profile view (including water and sanitary sewer service lines), existing trees, fences, and other above ground improvements, traffic control signs and equipment, and other existing improvements.
3. The number, size, type, and proximity to the facilities of all communications conduit(s) and cables to be installed.
4. Location of potholes, bore pits, open cuts/trenching, and a pothole log.
5. Maps and exhibits shall include scale, legend and direction.
6. Description of the utility services required to support the facilities to be installed.
7. Current plan for conducting emergency repairs.
8. A typewritten legal description with (1) the Section, Township and Range, and County being affected, and if it is part of a subdivision, it shall be stated also; (2) the Point of Beginning to an established land corner or to a subdivision plat that is tied to an established land corner, with curves showing radius, delta, arc length and angle to radius point if curve is non-tangent, and area to be included in square feet; and (3) the legal description SIGNED and SEALED by a surveyor registered in the State of Colorado.
9. Any other information, documentation, and materials the Company is required to provide under the Agreement for purposes of obtaining a permit and/or Supplemental Site License.

ALL SUPPLEMENTAL SITE LICENSE MATERIALS SHALL BE LABELED WITH THE APPLICABLE SUPPLEMENTAL SITE ID NUMBER

THE TOWN WILL RETAIN ALL DOCUMENTATION FOR GRANTED SUPPLEMENTAL SITE LICENSES

EXHIBIT B

FORM OF SUPPLEMENTAL SITE LICENSE

SUPPLEMENTAL SITE LICENSE

THIS SUPPLEMENTAL SITE LICENSE is entered into this [REDACTED] day of [REDACTED], 20[REDACTED] (the “Effective Date”) by and between the Town of Frederick, Colorado (the “Town”) and [REDACTED] (“Company”) (each a “Party” and collectively, the “Parties”).

Section 1. Supplemental Site License. The Town grants to Company a nonexclusive, revocable Supplemental Site License to locate, construct, operate, control and maintain the Equipment, as contemplated and defined in that certain Master License Agreement For Fiber Optic Network in connection with the operation of Company’s Network, between Town and Company dated [REDACTED], 2024 (the “Master License Agreement”), within the Public ROW (as defined in the Master License Agreement) segment shown in **Exhibit A**, attached hereto and incorporated herein by this reference (“Equipment Location”).

The grant of this Supplemental Site License indicates that at the time of its execution, Company is materially compliant with all other Supplemental Site Licenses granted by the Town for grids which are under construction at time of application or have been completed immediately prior to application. Should Company be in violation of any material term of any Supplemental Site License granted by the Town, Town shall provide Company written notice of such violation and the Town shall have the option to deny Company’s Supplemental Site License applications which are subject to the Town’s approval at the time the Town informed Company of the applicable violations. In the event the Town denies the issuance of new Supplemental Site Licenses pursuant to the provisions of this Section 1, Town and Company shall promptly meet and negotiate in good faith to determine the obligations Company must fulfill prior to the issuance of new Supplemental Site Licenses. If Company and Town mutually agree on the obligations Company must perform, Company shall promptly undertake performance of such obligations and so as long as Company is diligently pursuing performance and notwithstanding the fact the obligations have not been fulfilled, Town shall have the option to commence the issuance of new Supplemental Site Licenses.

Section 2. Incorporation of Agreement. All of the terms and conditions of the Master License Agreement are incorporated herein by reference and made a part hereof without the necessity of repeating or attaching the Master License Agreement. In the event of a contradiction, modification, or inconsistency between the terms of the Master License Agreement and this Supplemental Site License, the terms of this Supplemental Site License shall govern. This Supplemental Site License shall, when executed, be attached as part of **Exhibit C** to the Master License Agreement. Capitalized terms used in this Supplemental Site License shall have the same meaning described for them in the Master License Agreement unless otherwise indicated herein.

Section 3. Plan and Profile. Plans and profiles for the construction and installation of the applicable Equipment at the Equipment Location shall be stamped by an engineer licensed in the state of Colorado and approved by the Town before beginning any work within the ROW or public utility easements or other easements benefiting the Town within the Town or installation of such Equipment. Plans shall show Company’s drawings of Equipment as compiled in accordance with Town’s practices and procedures as they are in effect from time to time, as well as any information required by

Applicable Law. “As-Built” drawings with respect to the Equipment will be provided to the Town within thirty (30) days after completion of installation of the applicable grid. Depths of the existing Town utilities (including water and sanitary sewer service lines) shall be potholed and surveyed, as specified in Section 4 of the Master License Agreement.

Section 4. Equipment. The Equipment to be installed at the Equipment Location is described in **Attachment 1, Table 1**, attached hereto and incorporated herein by this reference.

Section 5. Term of Supplemental Site License. The term of this Supplemental Site License shall be as set forth in Section 3 of the Master License Agreement.

Section 6. Commencement Date of Supplemental Site License. The commencement date of this Supplemental Site License is the date Company completes installation of the applicable Equipment at the Equipment Location and receives final approval of the installation from the Town (“Installation Date”).

Section 7. Approvals. It is understood and agreed the Company’s ability to install its Equipment in the ROW is contingent upon its obtaining all of the appropriate certificates, permits and other approvals (collectively the “Governmental Approvals”) that may be required under Applicable Law (as defined in the Master License Agreement), and such approval which shall not be unreasonably withheld, conditioned, or delayed by the Town. In the event that (i) any of such applications for such Governmental Approvals should be finally rejected; (ii) any Governmental Approval issued to Company is canceled, expires, lapses, or is otherwise withdrawn or terminated by governmental authority; or (iii) Company determines the Equipment Location is no longer technically compatible or financially feasible for its use, Company shall have the right to terminate all or part of this Supplemental Site License. Notice of Company’s exercise of its right to terminate shall be given to the Town in writing by certified mail, return receipt requested, and shall be effective upon the mailing of such notice by Company, or upon such later date as designated by Company. All standard and customary permit fees paid to said termination date shall be retained by the Town. Upon such termination, all or part of this Supplemental Site License, as applicable, shall be of no further force or effect except to the extent of the obligations to comply with the representations, warranties and indemnities made by each party to the other hereunder and in the Master License Agreement and the Town’s obligation to repay to the Company any fees which Company may have accrued and which are subject to reimbursement under the applicable Supplemental Site License.

Section 8. Nonliability. Company acknowledges that the Town’s review and approval of the plans for the Equipment is done in furtherance of the general public health, safety, and welfare and that no specific relationship with, or duty of care to Company or third parties is assumed by such review approval.

Section 9. Hold Harmless. In connection with any activities undertaken pursuant to this Supplemental Site License, Company agrees to indemnify, defend, and hold the Town harmless from any claims brought by any third party against the Town pursuant to Section 7 of the Master License Agreement.

Section 10. Notice and Communications. All notices, requests, and demands to or upon any Party to this Supplemental Agreement shall be made in accordance with the terms of the Master License Agreement.

Section 11. Governmental Immunity. The Town and its officers, attorneys and employees are relying on, and do not waive or intend to waive by any provision of this Supplemental Site License, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, C.R.S. §§ 24-10-101, *et seq.*, as amended, or otherwise available to the Town and its officers, attorneys, or employees.

Section 12. Incorporation of Exhibits. All Exhibits to this Agreement are hereby incorporated into this Agreement by reference.

THE TOWN OF FREDERICK

By: _____
Bryan Ostler, Town Manager

ATTEST:

APPROVED AS TO FORM:

By: _____
Tricia David, Town Clerk

By: _____
Jason Meyers, Town Attorney

BIF IV INTREPID OPCO LLC

By: _____
Name: _____
Title: _____

ATTACHMENT 1 TO SUPPLEMENTAL SITE LICENSE

Table 1

[illegible]

EXHIBIT C

SUPPLEMENTAL SITE LICENSES

THE FOLLOWING SUPPLEMENTAL SITE LICENSES HAVE BEEN GRANTED BY THE TOWN:

[illegible]

MEMORANDUM OF AGREEMENT REGARDING FIBER NETWORK
INSTALLATION

This Master License Agreement (“Agreement”) is dated as of the [REDACTED] day of [REDACTED], 2024 (the “Effective Date”), and entered into by and between the Town of Frederick, a Colorado statutory town (the “Town”), and BIF IV Intrepid OpCo LLC (the “Company”) (each a “Party” and collectively, the “Parties”).

RECITALS

- A. On July 24, 2024 the Town posted a Request for Information Town of Frederick Fiber Build Out (“RFI”), seeking a community partnership with a fiber provider to meet the needs of the Town of Frederick.
- B. Company responded to the RFI, and provided their proposal to meet the Town of Frederick’s desires for a fiber network build out within the Town of Frederick.
- C. The Parties have reached agreement and entered into a Nonexclusive Master License Agreement For Fiber Optic Network (“MLA”) dated [REDACTED] which governs the use of the Town’s Public Rights of Way (“ROW”) by the Company.
- D. Consistent with the representations made by Company in the RFI process, Company is intending to build a ubiquitous fiber network throughout the Town of Frederick (“the Project”) and allow for Allo Communications to provide ISP services.
- E. The Parties wish to partner in other capacities beyond the MLA in providing services to the Town of Frederick residents.

AGREEMENT

NOW, THEREFORE, for consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

- 1. Request for Information Response.** Company hereby incorporates its representations made in the RFI proposal, and agrees to provide services consistent with the proposal provided to the Town.
- 2. Inspection Services**
 - 1.1 In an effort to expedite the Project completion timeline, the Parties agree to engage in the selection of a third-party inspection service provider (“Inspector”). This Inspector will be contracted by the Town to provide services specific to the inspection and review of the Project. Company will be

responsible for the actual costs of the services provided. Parties agree to coordinate in the selection and determination of costs prior to Company being responsible for the costs of Inspector.

- 1.2 Upon selection and approval of the Inspector, the Town will waive any permitting fees associated with the initial construction of the Project. Once the Project is completed and the Inspector services are terminated by the Town, Company will be responsible for the payment of regular permitting fees on any future permits required to be pulled.

3. Blanket Permitting.

- 2.1 Notwithstanding the requirements of the MLA 4.1, limiting the number of permit applications that may be issued during any one (1) month period, the Parties agree that Company may submit permitting in bulk based on a per neighborhood basis of approximately 300-400 households for the work in residential areas, or per business/industrial park area.
- 2.2 Parties agree that Company may request three (3) working permits be active at a time to allow for pre-construction, duct construction, and activation or restoration work to occur in parallel. During the initial construction of the Project and for a period of one (1) year following, these permits may also include work for maintenance, repairs or testing, including simple traffic control setups (basic signs and cones), and placement of facilities/equipment on existing utility poles that Company is approved by the pole owner(s) for attachment by Company.

4. Public Outreach and Engagement.

- 3.1 Parties will coordinate on the Project announcement and a groundbreaking ceremony to commemorate the Project. Parties agree to work together to produce or create any communication media. The Town agrees to include a page on the Town website that outlines the Project and will direct residents and businesses to the Intrepid and Allo websites for further information.
- 3.2 Company, upon request, will provide the Town a report regarding the tracking and resolution of complaints logged during the Project.

5. **Bonding Requirements.** During the initial buildout of the Project, Company may provide bonding required pursuant to the MLA sections 4.3 and 4.4 on a Project-based bond that covers any permitting and planned restoration, rather than bonding on a per permit basis.

6. **Town Fiber Facilities.** Upon coordination with Company, Town may add facilities to proposed fiber routes at cost. Parties agree to work together to coordinate any such

Town facilities.

7. **Town Owned Property Easements.** In an effort to alleviate the impact of the Project to Town residents and ROW, Parties agree to consider during the planning of the Project, the opportunity of the Town granting Company easements to install its network on Town owned properties other than ROWs. If, after a coordinated planning effort is conducted, fiber routes or infrastructure placement areas are identified for potential easements, such agreements will be further negotiated at that time.
8. **Project Groundbreaking.** Company acknowledges the immediate need for a fiber network in the Town of Frederick, and therefore commits to begin construction on the Project by _____, 2025, subject to extension by the Town for good cause shown or force major beyond the control of Company. Failure to begin the project construction by this time may result in this Memorandum of Agreement being void ab initio at the option of the Town. In such case, the Town shall not be responsible for any damages or costs incurred by Company in reliance upon this Agreement.

THE TOWN OF FREDERICK

By: _____
Tracie Crites, Mayor

ATTEST:

APPROVED AS TO FORM:

By: _____
Tricia David, Town Clerk

By: _____
Jason Meyers, Town Attorney

BIF IV INTREPID OPCO LLC

By: _____
Name: _____
Title: _____