



Town of Frederick Board of Trustees Agenda

Frederick Town Hall
Board Chambers
401 Locust Street
Tuesday, December 12, 2023

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:

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

Or

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

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Town of Frederick Board of Trustees Agenda

Frederick Town Hall
Board Chambers
401 Locust Street
Tuesday, December 12, 2023

6:30 P.M.

Work Session

7:00 P.M.

Regular Meeting

Call to Order – Roll Call:

Pledge of Allegiance:

Approval of Agenda:

Special Presentations:

- A. Dr. Haddad, Superintendent St. Vrain Valley School District

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

Staff Reports:

- B. Administrative Report – Bryan Ostler, Town Manager

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. October 10, 2023 Minutes – Emily Nitcher, Assistant Town Clerk
- D. October 17, 2023 Minutes – Emily Nitcher, Assistant Town Clerk

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- E. October 24, 2023 Minutes – Emily Nitcher, Assistant Town Clerk
- F. November 14, 2023 Minutes – Emily Nitcher, Assistant Town Clerk
- G. List of Bills – Kurtis Adams, Finance Director
- H. Resolution 23-R-54 Southwest Weld County DRCOG IGA – Jason Berg, Civil Engineer
- I. Resolution 23-R-61 Frederick Metropolitan District Conflict Waiver for Legal Services –
Jason Meyers, Town Attorney

Action Agenda:

- J. Resolution 23-R-55 Code of Ethics Adoption – Jason Meyers, Town Attorney
- K. 2024 Budget Public Hearing and Adoption – Kurtis Adams, Finance Director
 - a. Resolution 23-R-56 Acknowledging Receipt of the FY 2024 Budget
 - b. Resolution 23-R-57 Resolution to Adopt the 2024 Budget
- k. Resolution 23-R-58 Resolution to Certify Tax Liens – Kurtis Adams, Finance Director
- l. Resolution 23-R-59 Fee Schedule Adoption – Kurtis Adams, Finance Director
- m. Ordinance No. 1390 Building Code Public Hearing and Adoption – Chuck Sandifer, Chief
Building Official
- n. Ordinance No. 1391 Fire Code Public Hearing and Adoption - Chuck Sandifer, Chief
Building Official
- o. Resolution 23-R-60 Mail Ballot Election, Election Official and Election Judges – Kelly
Green, Deputy Town Clerk

Mayor and Trustee Reports:

Adjournment:



Town of Frederick Memorandum

TO: Honorable Mayor and Board of Trustees

FROM: Bryan Ostler, Town Manager

DATE: November 29, 2023

CC: Town Staff
Local Media

RE: Organizational Report

Upcoming Board of Trustees Work Sessions:

If there are topics the Board would like to schedule for discussion, please submit them to me. The following is the schedule for upcoming meetings, though topics are subject to be changed or rescheduled:

- November 28, 2023 – Regular Meeting
 - December 2, 2023 – Festival of Lights
 - December 5, 2023 – Study Session Evaluations (Town Manager)
 - December 12, 2023 – Regular Meeting
 - December 19, 2023 – Canceled
 - December 26, 2023 – Canceled
-



Effective, Efficient & Strategic Government Operations

- Director of People & Culture position:
 - Final interview rounds were conducted in November and the team has provided an offer to the top candidate. Noël Mink has accepted the position and will join Team FRED on January 2, 2024; we will also bring her to meet the Board in January. She has previously worked in the City of Greeley, City of Littleton, and City of Aurora.
- Renae Lehr completed her Certificate in Public Engagement from Pepperdine University. Congratulations, Renae!

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Community and Economic Vitality

- Communications staff showcased the first Town of Frederick Business Award Ceremony across communication platforms.
- The following is a list of all active development applications under review by the Town's Planning Division, Engineering Department, Legal Counsel, Frederick-Firestone Fire Protection District, and external review agencies.

<i>Project Name (Date of Application)</i>	<i>Subdivision</i>	<i>General Location</i>	<i>Brief Description</i>
Bear Industrial Park Replat 3 Block 1 Lot 8 (2/21/2023)	Bear Industrial Park	4210 Bruin Street	Proposed building for excavation company with outdoor storage
Brunemeier Annexation- Wheatlands (4/4/2022)	N/A	Southwest corner of County Road 16 and County Road 17	Proposed single family attached and detached homes.
Carriage Hills Filing 1 Replat A, Block 6 Lot 1-10 (3/6/2023)	Carriage Hills	Eleventh St	Review of design for 11 th Street
Dreamers Ridge Phase I Replat A (7/3/2023)	Dreamers Ridge Phase I	West of CR 5 and Godding Hollow Intersection	Replat with CR 5 Right of Way Dedication to create buildable residential lot
Brigit's Village	Evezich Amendment 2 L3A	131 Aspen Drive	Proposed apartment building with 40 affordable units
St Vrain Sanitation District Administration/Maintenance Facility	Eagle Business Park Filing 5	4609 and 4701 Falcon Pl	Office building and vehicle storage behind proposed building
Transwest Truck Trailer RV Waiver Request	Frederick West Business Center	4160 Commerce Drive	Request to relocate 4.056 acres of RV Storage to 4160 Commerce Dr to expand business operations
Indian Peaks Flg 12 Lot 1 (7/17/2023)	Indian Peaks Business Park	8123 Indian Peaks Avenue	Proposal to underground existing detention pond
Columbine Heights	Johnson Farms/Spindle Hill Energy	Northeast parcel at Highway 52 and Wheatland Boulevard	Proposed residential subdivision with approximately 465 single family detached lots as well as land dedicated for Elementary School
Meadowlark Business Park Replat A Block 1 Lot 2	Meadowlark Business Park	5978 Iris Parkway	Proposal for phased development. Phase 1 being a 20,250-sf industrial building and full buildout will include a 40,000-sf building

Meadowlark Business Park Filing 3 Replat C Block 1 Lot 2	Meadowlark Business Park	5520 Iris Parkway	Proposed 20,640 sf light industrial building with outdoor storage yard
Meadowlark Business Park Filing 3 Block 1 Lots 4-6 (3/20/2023)	Meadowlark Business Park	5571 Iris Parkway	Remove joining lot lines and site plan proposal for core and shell building with outdoor storage.
Miner Park Town Centre (4/3/2023)	Miners Park Town Centre	Northeast corner of Hwy 52 and Colorado Blvd	Propose to vacate and realign existing right of way, rezone property
Nelson Farms	Nelson Farm	Southwest corner of Silver Birch Boulevard and Tipple Parkway	Proposed residential development on 236 acres
Hyundai Dealership Parking Overflow Lot	Raspberry Hill Business Park	8208 Raspberry Way	Proposed amendment to approved site plan for Hyundai Dealership.
Shores On Plum Creek (6/20/2022)	Shores On Plum Creek	North of Highway 52 and east and west of County Road 3.25	Proposed residential and commercial development.
Silverstone Filing 7 (1/18/2021)	Silverstone	North of Highway 52 and south of Tipple Parkway	Proposed Development of 581 residential homes.
Silverstone Marketplace (3/6/2023)	Silverstone	Northwest corner of Colorado Blvd and Highway 52	Proposed development of 34 acres into commercial, including a grocery store and smaller commercial/retail sites
Silverstone Commons	Silverstone	Northwest corner of Highway 52 and William Bailey	Proposed development of a four-lot commercial/retail area.
Wyndham Hill Filing 10 Final Plat and Final Development Plan (11/16/2020)	Wyndham Hill	Generally, west of WCR7, between WCR 14.5 and WCR 16.	Approximately 139 acres to be developed into 495 Single family homes.



Dynamic, Inclusive & Connected Community

- Monthly Newsletter: Electronic and mailer
- Weekly Flash: Features four articles weekly
- Town Event Preparation
 - Recruitment and Sponsors as of 11/22/2023
 - Sponsor commitments totaling \$80,300
 - 124 market vendor applications
 - 16 entries for the Festival of Lights Parade
 - The Thanksgiving Dinner in a Box program distributed over 100 meals to Carbon Valley families in need, impacting over 500 people
 - Festival of Lights preparation for December 2
 - Christmas Video prep for social media

- Volunteer Appreciation Night prep for Dec. 8
- Community Partnerships
 - Partner with Carbon Valley Help Center, Frederick High School, Rocky Mountain Christian Church for holiday programming
- Website Updates
 - Update the Celebrate Frederick web page with business awards
 - Building Department webpage updates
- Town App
 - Monthly Analytics Report
- Interdepartmental Collaboration
 - Departmental project support
 - Continue work/training on Strategic Plan - updates
 - Community Parks Master Comms Plan
 - Snow Plan Comms
 - Top 10 Accomplishments in 2023 planning
 - Frederick Forward Comm
 - Work with IT on transitioning Comms & Engagement phone to MDM – APP review
 - Water Conservation comms planning for 2024
- Board Meetings:
 - Communications staff attendance at Board meetings to ensure Town communications align with the Board’s vision and work in-progress
 - Closed captioning on Board meeting recordings



Strategic, Reliable and Sustainable Infrastructure

- Public Works staff has completed the Christmas lights at Gateway and the 5th Street bridge, and preparation continues for the Festival of Lights parade.
- Street sweeping continues in The Farm, Moore Farm, No Name Creek, and the downtown area.
- Jersey barriers have been installed in areas of the Carriage Hills subdivision where development is happening in order to help the Police Department with complaints.
- Tree removal was completed along the Silver Birch Blvd ditch area where trees were growing in the storm water ditch.
- The lot west of Public Works is being cleaned up for the upcoming land swap.
- Fleet Services is working hard with Geo/Tab on installations in the Town’s plow trucks; one has been completed, and we are waiting on the rest of the equipment to arrive to finish the fleet.
 - Training is scheduled for the first week of December for team members involved with the installations.
- Work continues on the hail damaged vehicles; Fleet staff is working with the Police Department to complete their fleet.
- First aid kits have been ordered to be installed in all Public Works vehicles and machinery.

- Matt Liebing, Steve Smith, and Steve Johnson have all completed CPR classes and training, and Isiah Fernandez completed and passed Backflow Prevention Assembly Tester through the American Backflow Prevention Association.
- Meter changeouts have been conducted on 2nd Street and 14th Street as part of ongoing efforts to upgrade and maintain the metering infrastructure in these areas.
- The Colorado Department of Public Health and Environment (CDPHE) Sanitary Survey provided clarification on specific inquiries related to BPCCC reporting for the year 2022.
- Water staff are continuously working in the Silverstone subdivision on the new valve maintenance program.



Safe and Secure

- Communications staff reviewed and acknowledged 35 newly issued / updated police policies.
- At the beginning of 2023, the Frederick, Dacono, Firestone and Mead Police Departments stood up the Carbon Valley & Mead Victim Services Unit after Weld County discontinued providing services to crime victims in our municipalities. The goal at that time was to staff the unit, which is housed here at Frederick PD, with enough full-time and volunteer staff to provide 24/7 on-call coverage for victims in need. We are proud to announce that as of December, that lofty goal has been attained! Amazing credit goes to Victim Services Coordinator Alexis Gutierrez and Outreach Victim Coordinator Madison Bergman, our two full-time staff members.
- Officer Trevor McCourt, who came to the Police Department via the Adams County Sheriff's Office, successfully completed his rigorous field training program recently. Officer Kyley Leatherwood, formerly with the Greeley Police Department, will be right on his heels next week. Congratulations to you both!
- Frederick's newest police officer, Jacob Valenzuela, will be joining the Police Department at the end of the month.



Fiscally Responsible Governance

- Final 2024 Budget assembly:
 - Town Budget Action Memo
 - Town Budget Resolution
 - Town Fund Exhibits
 - Town Tax Lien Certification
 - Metro District Budget Action Memo
 - Metro District Budget Resolution
 - Metro District Budget Summary (Book)
 - Metro District Audit Exemption Action Memo
 - Metro District Audit Exemption Resolution
 - URA Budget Action Memo
 - URA Budget Resolution
 - URA Budget Summary (Book)
 - URA Lease Purchases & Supplemental Debt Schedule
- 2024 Benefits / Open Enrollment:
 - Staff have been making their selections for 2024 benefits. The team was able to keep the Town's overall benefit package robust and competitive, while negotiating an increase from 19.96% down to 8.2%.



Town of Frederick Board of Trustees

Regular Board Meeting Minutes
Frederick Town Hall, 401 Locust Street
October 10, 2023

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

Roll Call: Present were Mayor Crites, Mayor Pro Tem March, Trustee Lamach, Trustee teVelde, Trustee Brown, and Trustee Padia.

Also present were Town Manager Bryan Ostler, Town Attorney Jason Meyers, and Deputy Town Manager Jason Leslie.

Pledge of Allegiance:

Approval of Agenda:

Special Presentations:

Public Comment:

Cheryl Garcia, 4805 Kingbird Dr – Concerns over Snow Removal, there is a need for a snow removal program for the Elderly. The snow buddies' program is hard to be placed on the list and they provide inconsistent support.

Staff Reports:

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

Consent Agenda:

September 12, 2023, Minutes and September 26, 2023, Minutes:

Motion by Trustee Brown and seconded by Trustee Lamach to approve the September 12, 2023, Minutes and the September 26, 2023, Minutes.

Upon roll call vote Motion passed Unanimously.

Action Agenda:

Resolution 23-R-41 Support of the Town of Frederick's Participation in a Community Wildfire Defense Program grant application to create a Regional Community Wildfire Protection Plan
Parks and Open Space Director Colby Johnson presented. Motion by Trustee Lamach and seconded by Trustee teVelde to approve Resolution 23-R-41.

Upon roll call vote, motion passed unanimously.

Resolution 23-R-42 a resolution approving an agreement for exchange of property in substantially the same form as attached between the town of Frederick and Agilent Technologies, Inc.

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Assistant Town Manager Ryan Johnson Presented.

Recommended action from Staff the Resolution needs to be an Ordinance.

Special Meeting for October 17, 2023.

Motion by Trustee Padia and seconded by Trustee teVelde to direct staff to move forward as directed to finalize the ordinance and notice a public hearing and proceed with the closing process on the contract.

Upon roll call vote Motion passed unanimously.

Special meeting on October 17, 2023, for Ordinance.

Mayor and Trustee Reports:

Trustee Padia: She reported on being the Town representative on the Denver Regional Council of Governments. She will begin attending in November.

Trustee Lamach: He commented on park options for Frederick Recreation Area, citing comments from neighbors and online comments about tent camping.

Mayor Crites: She reported on CR5 and the action and responses.

Executive Session:

Adjournment:

There being no further business of the Board. Mayor Crites adjourned the meeting at 8:11 p.m.

Approved by the Board of Trustees:

ATTEST:

Tracie Crites, Mayor

Kelly Green, Deputy Town Clerk



Town of Frederick Board of Trustees

Regular Board Meeting Minutes
Frederick Town Hall, 401 Locust Street
October 17, 2023

Call to Order: At 5:35 p.m. Mayor Pro Tem March called the meeting to order and requested roll call.

Roll Call: Present were Mayor Pro Tem March, Trustee Lamach, Trustee teVelde, Trustee Mahan, and Trustee Padia.

Also present were Town Manager Bryan Ostler, Town Attorney Jason Meyers, and Deputy Town Manager Jason Leslie.

Pledge of Allegiance:

Approval of Agenda:

Special Presentations:

Public Comment:

Staff Reports:

Consent Agenda:

Action Agenda:

Ordinance No. 1388 Approving an Agreement for Exchange of Property in Substantially the Same Form as Attached Between The Town of Frederick and Agilent Technologies INC. Town Attorney Jason Meyers presented. Motion by Trustee Padia and seconded by Trustee teVelde to approve Ordinance No. 1388.

Upon roll call vote, motion passed unanimously.

Mayor and Trustee Reports:

Executive Session:

Adjournment:

There being no further business of the Board. Mayor Pro Tem March adjourned the meeting at 5:42 p.m.

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Approved by the Board of Trustees:

ATTEST:

Tracie Crites, Mayor

Kelly Green, Deputy Town Clerk



Town of Frederick Board of Trustees

Regular Board Meeting Minutes
Frederick Town Hall, 401 Locust Street
October 24, 2023

Call to Order: At 7:02 p.m. Mayor Crites called the meeting to order and requested roll call.

Roll Call: Present were Mayor Crites, Mayor Pro Tem March, Trustee Lamach, Trustee teVelde, Trustee Brown, and Trustee Padia.

Also present were Town Manager Bryan Ostler, Town Attorney Jason Meyers, and Deputy Town Manager Jason Leslie.

Pledge of Allegiance:

Approval of Agenda:

Special Presentations:

Public Comment:

Staff Reports:

Administrative Report: – Bryan Ostler, Town Manager

Consent Agenda:

List of Bills - Kurtis Admas, Finance Director

Youth Commission Appointment - Anthony Bixby, Accountant II/ Payroll Administrator

Motion by Mayor Pro Tem March and seconded by Trustee Lamach to approve the Consent Agenda.

Upon roll call vote, motion passed unanimously.

Action Agenda:

Ordinance No. 1389 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 Senior Planner Audem Gonzales and Special Counsel Matt Sura presented. Motion by Mayor Pro Tem March and seconded by Trustee Lamach to approve Ordinance No. 1389.

Upon roll call vote, motion passed unanimously.

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Resolution 23-R-42 A Resolution Approving 2023 Grant Submissions Grant Administrator Traci Garcia Castells presented. Motion by Trustee Padia and seconded by Trustee Brown.

Upon roll call vote, motion passes unanimously.

Resolution 23-R-43 A Resolution Authorizing the Mayor to Execute the Professional Services Agreement Between the Town of Frederick and Dunakilly Management Croup, Corp. Deputy Town Manager Jason Leslie Presented. Motion by Mayor Pro Tem March and seconded by Trustee Padia to approve Resolution 23-R-43

Upon roll call vote, motion passed unanimously.

Resolution 23-R-44 a Resolution Approving Addendum to Agreement Between The Town of Frederick and Central Weld County Water District Concerning Domestic Potable Water Service Civil Engineer Sarah Watson presented. Motion by Mayor Pro Tem March and seconded by Trustee teVelde to approve Resolution 23-R-44.

Upon roll call vote, motion passed unanimously.

Resolution 23-R-45 a Resolution of the Board of Trustees of the Town of Frederick Re-establishing the Parks, Recreation, Open Space and Trails Advisory Commission and Approving Bylaws Governing the Operations of the Commission Parks and Open Space Director Colby Johnson presented. Motion by Mayor Pro Tem March and seconded by Trustee Lamach to approve Resolution 23-R-45.

Upon roll call vote, motion passed unanimously.

Resolution 23-R-46 a Resolution of the Town of Frederick in support of 2023 Ballot Measure 2C – Inclusion of Parks, Trails, and Related Amenities in Existing Open Space Tax Expenditures Town Attorney Jason Meyers presented. Motion by Mayor Pro Tem March and seconded by Trustee Padia to approve Resolution 23-R-46.

Upon roll call vote, motion passed unanimously.

Mayor and Trustee Reports:

Trustee Brown: He invited the School Board Member who is running unopposed to meet the Board and get to know them.

Mayor Crites: Mayor Crites asked when the next traffic study for CR5 will be, and to verify is the speed limit is too much. She also mentioned the three Community Crosswalks.

Mayor Pro Tem March: Mayor Pro Tem March wanted to thank the staff for the crosswalk on Frederick Way and St. Vrain.

Executive Session:

Adjournment:

There being no further business of the Board. Mayor Crites adjourned the meeting at 8:10 p.m.

Approved by the Board of Trustees:

ATTEST:

Tracie Crites, Mayor

Kelly Green, Deputy Town Clerk



Town of Frederick Board of Trustees

Regular Board Meeting Minutes
Frederick Town Hall, 401 Locust Street
November 14, 2023

Call to Order: At 7:07 p.m. Mayor Pro Tem March called the meeting to order and requested roll call.

Roll Call: Present were Mayor Pro Tem March, Trustee Lamach, Trustee teVelde, Trustee Padia, and Trustee Mahan.
Trustee Mahan arrived at 7:12 p.m.

Also present were Town Manager Bryan Ostler, and Deputy Town Manager Jason Leslie.

Pledge of Allegiance:

Approval of Agenda:

Move item B to a Public Hearing

Move Items C and D to the Action Agenda

Special Presentations:

Public Comment:

Staff Reports:

Administrative Report: – Bryan Ostler, Town Manager

Consent Agenda:

Resolution 23-R-47 a resolution to change the Town Clerk reporting structure to the Town Manager
Town Manager Bryan Ostler Presented.

Resolution 23-R-48 a resolution authorizing the purchase of 40 units of C-BT Water from Kenjo Legacy, LLC and A.W. Kechter, LLC. Civil Engineer Sarah Watson presented.

Motion by Trustee teVelde and seconded by Trustee Padia to approve the Consent Agenda.

Upon roll call vote, motion passed unanimously.

Trustee Mahan arrived after this motion.

Action Agenda:

Ordinance No. 1390 an Ordinance amending portions of Chapter 18 building regulations of the Frederick Municipal Code Chief Building Official Chuck Sandifer Presented. Motion by Trustee

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Lamach and seconded by Trustee Mahan to adopt on first reading and set a public hearing for December 12, 2023.

Upon roll call vote, motion passed unanimously.

Ordinance No. 1391 an Ordinance amending chapter 18, Article III of the Frederick Municipal Code Regarding Building Regulations by adoption of the 2021 Edition of the International Fire Code with local amendment and providing a penalty Chief Building Official Chuck Sandifer Presented. Motion by Trustee Lamach and seconded by Trustee Mahan to adopt on first reading and set a public hearing for December 12, 2023.

Upon roll call vote, motion passed unanimously.

Resolution 23-R-49 a Resolution to award a contract for Facilities Master Plan and authorizing the Town Manager to execute the contract Deputy Town Manager Jason Leslie presented. Motion by Trustee teVelde and seconded by Trustee Padia to approve Resolution 23-R-49.

Upon roll call vote, motion passed unanimously.

Resolution 23-R-50 a resolution for consideration of the Lot 1, Block 8, Frederick West Business Center Replat F Waiver Request Senior Planner Audem Gonzales presented. Motion by Trustee Mahan and Seconded by Trustee teVelde to approve Resolution 23-R-50 with the following conditions: Development area must be a one for one replacement in square feet as the old facility, Replacement facility can not be opened until the other facility is closed, and the waiver is only for the three mile spacing standards. The Town Attorney is directed to draft such resolution with no further action from the board except for the Mayor's Signature.

Upon roll call vote the motion passed 4 -1.

Resolution 23-R-51 a resolution to approve a Right of Way Vacation pertaining to the Final Plat for Silverstone Marketplace Civil Engineer Eli Betz presented. Motion by Trustee Padia and seconded by Trustee teVelde to approve Resolution 23-R-51 on the Right of Way Vacation on Silverstone Marketplace to be drafted by the Town Attorney for execution by the Mayor, with no further action from the Board.

Upon roll call vote, motion passed unanimously.

2024 Budget Public Hearing Presented by Finance Director Kurtis Adams.

The next Public Hearing for the 2024 Budget will be held on December 12, 2023.

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Mayor and Trustee Reports:

Trustee Lamach: He informed the Board that they needed to un-cancel the Board meeting on November 28, 2023, and directed Staff to prepare the board and get everything together for the meeting on the 28th.

Trustee Padia: The first DRCOG meeting that she will be attending on behalf of the Town of Frederick is the one on November 15th, she will share the information that she receives.

Executive Session:

For a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) regarding oil and gas.

Adjournment:

There being no further business of the Board. Mayor Pro Tem March adjourned the meeting at 9:06 p.m.

Approved by the Board of Trustees:

ATTEST:

Tracie Crites, Mayor

Kelly Green, Deputy Town Clerk

Town of Frederick - List of Bills
October 27, 2023 - November 22, 2023

120WATER	Water safety compliance and monitoring system	15,500.00
1800DRYCLEAN NORTH METRO DENVER	Uniform cleaning services	317.95
AAA PEST PROS LLC	Pest control	510.00
ACE HARDWARE OF FIRESTONE	Supplies	1,106.62
ADAMSON POLICE PRODUCTS	Police uniforms	3,419.09
ADVANCED EXTERIORS INC	Building Permit fee refund	468.70
AGFINITY	Fuel	15,828.34
AIRGAS USA LLC	Equipment repair supplies	345.55
ALL AFFORDABLE CONSTRUCTION	Building Permit fee refund	286.80
ALL PHASE LANDSCAPE	Hydrant Meter Deposit refund	4,500.00
ALLIANCE SAFETY INC	Safety supplies	365.00
ALTITUDE AWARDS AND APPAREL	Uniforms	1,579.00
AMERICAN ARBORIST SERVICE	Tree removal	2,500.00
ANTHONY APONTE	Police coffee tumblers	1,680.00
AVI PC	Colorado Blvd & Bella Rosa Drainage Projects	23,225.00
BETTER BUSINESS CLEANING	Monthly cleaning service	6,356.00
BISCUITS AND BERRIES CATERING	Catering for Business Awards	2,908.57
BK TIRE, INC.	Tire replacement	724.29
BLACK HILLS ENERGY	Natural gas utility	2,424.43
BLUE STAR RECYCLERS	Electronic recycling	6,443.73
BRYCE SHIRLEY	CDL Physical reimbursement	75.00
BUILDING WARRIORS INC	Counseling services	500.00
CAPITAL BUSINESS SYSTEMS INC	Town copier lease program	409.35
CENTRAL WELD COUNTY WATER DIST	Water purchased	166,542.98
CENTRAL WELD CTY WATER DIST	Plant Investment fee reimbursement	36,000.00
CERVANTES CONCRETE	Concrete repair and asphalt patching	30,750.00
CHACON PAVING INC	Asphalt patching	11,719.74
CHARLES SANDIFER	Reimbursement for lunch with staff members	96.45
CINTAS CORPORATION	Mat and uniform service	551.73
CITY OF DACONO	Santa Cops Golf Tournament	2,170.02
CIVIC PLUS	Meeting agenda software	15,815.50
CMI INC	Equipment repairs - PBT	122.95
COLORADO BARRICADE CO	Sign supplies and safety system equipment	49,635.39
COMCAST CABLE	Monthly internet, tv and phone service	636.37
COMCAST PHONE	Town wide internet service	2,655.00
CORKAT DATA SOLUTIONS LLC	Computer equipment	53,074.85
COSTAR REALTY INFORMATION INC	Monthly subscription	590.00
CUMMINS ROCKY MOUNTAIN, INC.	Generator repair	703.31
DANA KEPNER CO	Water meters and supplies	8,534.98
DEFALCO CONSTRUCTION COMPANY	RCP replacement - Bella Rosa & Aggregate Blvd	25,116.85
DESIGN CONCEPTS CLA INC	Community Parks Master Plan/Park Planning	4,474.89
DNI HEATING AC REFRIGERATION	HVAC inspection	245.00
E & G TERMINAL INC	Shop supplies	179.89
ELDORADO ARTESIAN SPRINGS INC	Water delivery service	121.35
ELEMENT WATER CONSULTING INC	Water Engineering Services	19,538.75
ELEVATED PUBLIC SAFETY	Town vehicle safety system supplies	2,421.66
ELITE HAIL SYSTEMS	2022 Ford Super Duty F-350 hail repairs	8,033.63
ELITE HOOD CLEANING & FIRE PROTECTION CO	Fire suppression testing & hood cleaning	1,483.00
ENGLAND THIMS & MILLER INC	Support for OpenGov Cartegraph	1,465.00
ENTENMANN-ROVIN CO	Police badge	145.75
ENTERPRISE FM TRUST	Vehicle lease program	52,166.85
ENVIROSERVE LLC	Waste disposal	934.00
ENVIROTECH SERVICES, INC.	Gravel road treatment	15,770.52
ERIE COFFEE ROASTERS LLC	Coffee services for Business Awards	379.09
FACTORY MOTOR PARTS CO	Maintenance supplies	497.76
FAIRFIELD AND WOODS PC	Legal services	1,769.50
FASTENAL COMPANY	Equipment supplies	14.00

Town of Frederick - List of Bills
October 27, 2023 - November 22, 2023

FORSGREN ASSOCIATES INC	Non-Potable Water Infrastructure Master Plan	2,518.75
FP MAILING SOLUTIONS	Qrtly payment for meter rental	135.00
FRONT RANGE LANDFILL	Landfill voucher program	14,100.13
G & G EQUIPMENT INC	Vehicle maintenance supplies	524.15
GAME CREEK INVESTMENTS LLC	Escrow refund - Tesla Collision Center	5,017.00
GENERAL AIR	Shop supplies	21.82
GEOTAB USA INC	Supplies	15.00
GOLF & SPORT SOLUTIONS LLC	Road base for cart paths	708.65
GREEN MILL SPORTMAN'S CLUB	Range use	600.00
GREEN MOUNTAIN PROMOTIONS	Badge release magnetic name tags	373.75
GUS'S GOODIES	Snacks for restaurant	182.10
HAIL PRO COLLISION LLC	Hail damage repairs to town fleet	138,617.12
HARDLINE EQUIPMENT	Sweeper parts	90.97
HOLCIM WCR INC	2023 Pavement Maintenance Program	42,405.06
HOME DEPOT CREDIT SERVICES	Supplies	1,755.57
HOT SHOT SUPPLY CO	Street supplies	1,226.00
HYDROLOGIK LLC	Verizon Cellular airtime	90.00
IMAGEFIRST HOSPITALITY	Linen service for restaurant	530.89
INFOSEND INC	Utility billing statements & newsletter	3,689.23
INTERMOUNTAIN SALES OF DENVER INC	Equipment purchase - Valve maintenance trailer	89,999.00
INTERSTATE RENTAL & SALES, INC.	Water truck rental for road grading	1,887.45
JAMES ROMERO	Boot reimbursement	56.86
JANE T FELDMAN	Ethics consultation	875.00
JENNIFER S BLANCHARD	Counseling services	500.00
JOY HOUSE LLC	Mayor's Christmas cards	625.00
JUAN HERRERA	Restitution payment	200.00
KAISER PREMIER LLC	Vac truck maintenance	2,832.07
KP & ASSOCIATES	Retail Consulting Services	2,400.00
KYLE A RICHARDS	Livestream BOT	75.00
L & M ENTERPRISES INC	Irrigation clock replacements	3,879.99
L	Road base	1,581.92
L.L. JOHNSON DISTRIBUTING COMPANY	Sidewalk plow	33,070.13
LAZER DESIGNS	Employee appreciation gifts	1,573.20
LETS HIBACHI COLORADO	Catering for town staff appreciation	1,776.00
LONGMONT HUMANE SOCIETY	Animal impound fees	1,052.25
LUXOTTICA USA LLC	Golf shop merchandise	547.60
MARSHALL INFORMATION SERVICE LLC	Consulting services	218.75
MATTHEW SURA LLC	Oil & Gas legal work	20,575.00
MOSES WITTEMYER HARRISON & WOODRUFF PC	Legal services	11,913.07
MOTOROLA SOLUTIONS INC	Radio chargers and batteries	820.77
NATIONAL BUSINESS FURNITURE LLC	Town Hall office furniture	5,530.12
NATIVE ROOFING	Building Permit fee refund	318.20
NICHOLAS PRODUCTIONS LLC	Festival of Lights carolers	315.00
NOVAK COUNSELING SERVICES LLC	Counseling services	190.00
O.J. WATSON COMPANY INC	Maintenance supplies	46.94
OCCUPATIONAL HEALTH CENTERS	Pre-Employment Screening	344.00
O'REILLY AUTOMOTIVE INC	Maintenance supplies	1,110.14
PAUL C BENEDETTI	Legal Services - FURA	7,470.00
PAUL DIKES GLASS INC	Window tinting and replacement	1,000.00
PAYPOINT HR LLC	Compensation analysis	12,500.00
POLICE AND SHERIFFS PRESS INC	Photo IDs	52.05
POTESTIO BROTHERS EQUIPMENT INC	Parts for equipment repair	805.28
PRAIRIE MOUNTAIN MEDIA	Publishing costs	171.10
PRE ACTION FIRE INC	Strobe installation & testing	945.00
PRO GOLF REPAIR LLC	Pro Golf club repairs and lessons	1,451.00
RACO MANUFACTURING & ENGINEERING CO	Alarm Agent Service renewal	900.00
RAFTELIS	Core services business plan	28,441.50

Town of Frederick - List of Bills
October 27, 2023 - November 22, 2023

RAMEY ENVIRONMENTAL COMPLIANCE	ORC Services Distribution System	234.00
RANGE SERVANT AMERICA INC	Golf equipment - Multiflex Picker	12,405.00
RED ROCK ROOFING LLC	Building Permit fee refund	647.37
RICK ENGINEERING COMPANY - COLORADO	Frederick Comprehensive Plan	14,114.55
RINGCENTRAL INC	Town phone system	3,774.03
RUSTY RIBBLE	Boot reimbursement	100.00
RYAN JOHNSON	Mileage reimbursement	419.92
SAFEBUILT COLORADO LLC	Building Inspection Services	14,122.50
SAFEWAY	Supplies	111.31
SAM'S CLUB / GEGRB	Supplies	658.90
SCUDDER PRESS INC	Christmas card printing	379.27
SHRED VAULT COLORADO LLC	Document shredding	455.00
SI PRODUCTS LLC	Staff uniforms	187.74
SMITH ENVIRONMENTAL & ENGINEERING	Frederick GW Impacts Study	11,578.14
SOUNDS OF THE ROCKIES ENTERTAINMENT GROUP	Festival of Lights DJ	375.00
SOUTHPAW ELECTRIC	Electrical repairs	216.00
SPORT & FITNESS INC	Maintenance for fitness equipment	251.63
STAPLES ADVANTAGE	Office supplies	576.35
STUDIO 37 PHOTOGRAPHY LLC	Corporate Networking Event Photography	600.00
SWIRE COCA-COLA USA	Beverage supplies for restaurant	227.94
TELOS ONLINE INC	Back-up link - PW	75.00
THE SHERWIN-WILLIAMS CO	Street supplies	168.95
THE TREE FARM	Landscaping for golf course	89.90
TLO LLC	Investigation fees	110.00
TOWN OF FIRESTONE	Santa Cops Golf Tournament	2,170.02
TRUEPOINT SOLUTIONS LLC	System Configuration and Project Management	1,959.86
TYLER TECHNOLOGIES	Court Case Management conversion	9,140.00
UMB BANK, NA	Frederick Sales & Use Tax	379,300.00
UME CUSTOM EMBROIDERY & IMPRINTING LLC	Logo apparel	6,737.94
UNITED POWER	Electric utility	9,861.14
UNIVERSITY AUTO PARTS INC	Maintenance supplies	464.24
UTILITY NOTIFICATION CENTER OF COLORADO	Water locates	189.63
VERIZON WIRELESS	Phone and wireless services	7,010.02
VIA MOBILITY SERVICES	Transportation	5,280.00
WASTE CONNECTIONS OF COLO INC	Monthly trash & recycle service	636.25
WEAR PARTS & EQUIPMENT CO INC	Snow plow parts and equipment	2,323.32
WELD COUNTY	Radio programming	312.00
WELD COUNTY DEPARTMENT OF PUBLIC	Water testing	504.00
WEX BANK	Fuel	1,336.09
WILLDAN FINANCIAL SERVICES	Water Rate Study	630.00
Total:		1,546,213.77



TOWN OF FREDERICK

Board of Trustees

Action Memorandum

Tracie Crites, Mayor

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

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

Consideration of IGA with Southwest Weld County Subregional Forum of DRCOG

Agenda Date: Town Board Meeting – December 12th, 2023

Attachments:

- a. Intergovernmental Agreement with Southwest Weld County Subregional Forum of the Denver Regional Coalition of Governments
- b. Resolution 23-R-54

Finance Review: Kurtis Adams
Finance Director

Submitted by: Jason Berg
Civil Engineer

Approved for Presentation: Bryan Ostler
Town Manager

☐ Quasi-Judicial

☒ Legislative

☐ Administrative

Strategic Plan Alignment:



Effective, Efficient and Strategic Government Operations – The Town is engaging in intergovernmental partnerships to coordinate, collaborate, and advocate for transportation and multimodal projects that will benefit citizens of the Town of Frederick and those in other regional communities of the Southwest Weld County Forum.

Summary Statement:

The attached Intergovernmental Agreement (IGA) with the Southwest Weld County Subregional Forum of the Denver Regional Coalition of Governments (DRCOG) renews the IGA which expired at the end of the 2020-2023 Transportation Improvement Project (TIP) solicitation process and includes updates in transportation project type as well as amending forum representation, voting participation policies and termination process.

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Detail of Issue/Request:

The Southwest Weld County Subregional Forum as part of DRCOG consists of the City of Brighton, the City of Dacono, the Town of Erie, the Town of Frederick, the Town of Firestone, the Town of Lochbuie, the City of Longmont, the Town of Mead, the City of Thornton and Weld County. Participation in this group encourages collaborative transportation planning enabling each agency to coordinate, collaboration, advocate and submit projects for grant funding that benefit vehicular and multimodal transportations within the subregion and individual participating agencies. Most recently this resulted in the Town of Frederick, in partnership with the Town of Firestone, being awarded through DRCOG a 2024-2027 Transportation Improvement Project (TIP) Grant for the design and construction of WCR13 and WCR20 Intersection Operation Improvements in the amount of \$2,059,000.

Updates to the IGA include expanding transportation types specifically allowing agencies to peruse grant funding for multimodal projects that will benefit the Forum.

Also, the IGA establishes that each Agency shall appoint a Forum representative and one alternate as a regular member empowered to vote on behalf of the Agency.

Additionally, the update establishes that a meeting quorum shall be comprised of a simple majority of the Forum Agency Appointees, which would be six if all Agencies execute the Agreement. As well as authorizes that voting on all Forum actions shall be made by motion duly seconded and approved by a majority of the quorum present.

Finally, termination of the IGA by any participating Agency is updated to include notice to withdraw by duly approved resolution.

Legal Comments:

The Town Attorney's Office has reviewed the IGA and prepared the resolution.

Alternatives/Options:

The Town can choose to or not to approve the IGA in partnership with the Southwest Weld County Subregion Forum of DRCOG.

Financial Considerations:

None.

Staff Recommendation:

Staff recommends approving Resolution 23-R-54 authorizing the Town Manager to enter into the Southwest Weld County Subregion IGA as part of DRCOG.

SOUTHWEST WELD COUNTY SUBREGION FORUM COLLABORATIVE TRANSPORTATION
PLANNING INTERGOVERNMENTAL AGREEMENT AMONG THE CITY OF BRIGHTON, THE
CITY OF DAcono, THE TOWN OF ERIE, THE TOWN OF FREDERICK, THE TOWN OF
FIRESTONE, THE TOWN OF LOCHBUIE, THE CITY OF LONGMONT, THE TOWN OF MEAD,
THE CITY OF THORNTON, AND WELD COUNTY

THIS SOUTHWEST WELD COUNTY SUBREGION FORUM COLLABORATIVE TRANSPORTATION PLANNING AGREEMENT ("Agreement") is entered into effective as of the ____ day of _____, 202__, by and among the City of Brighton, the City of Dacono, the Town of Erie, the Town of Frederick, the Town of Firestone, the Town of Lochbuie, the City of Longmont, the Town of Mead, the City of Thornton, and Weld County, all of said parties being referred to collectively herein as the "Agencies."

WITNESSETH

WHEREAS, the Agencies are authorized by the provisions of Colo. Const. art. XIV, § 18(2)(a) and §§ 29-1-201, *et. seq.*, C.R.S., to enter into contracts with each other for the performance of functions that they are authorized by law to perform on their own; and

WHEREAS, the Agencies wish to set forth their understanding of how the transportation planning efforts in Southwest Weld County will be coordinated for purposes of submitting project funding requests to the Colorado Department of Transportation ("CDOT") and the Denver Regional Council of Governments ("DRCOG") for consideration in their respective Capital Improvement Plans; and

WHEREAS, in 2018 DRCOG modified the Transportation Improvement Program ("TIP") submittal process from a centralized Regional Model where all TIP funding applications were submitted directly to DRCOG, to a new Dual Model that comprises both a Regional Funding process and a Subregional Funding process; and

WHEREAS, the Subregional Funding process component of the Dual Model is comprised of subregions that are defined as the geographical boundaries of counties and include the incorporated Towns, Cities and unincorporated county areas located within a county and Weld County's subregion shall be referenced as the "Southwest Weld County Subregion"; and

WHEREAS, the participating agencies within each subregion will collaborate and submit projects as a subregion to compete directly with other subregions for CDOT and DRCOG Regional Funding, as well as develop a list of recommended projects to use the Subregional Funding; and

WHEREAS, the Agencies agree to coordinate, collaborate, and advocate for other grant funding opportunities to support multimodal transportation projects that will benefit the Forum, as such term is defined below; and

WHEREAS, the Agencies wish to enter into this Agreement to coordinate current and future transportation planning within Southwest Weld County.

NOW, THEREFORE, THE AGENCIES AGREE TO COOPERATE AS FOLLOWS:

- 1. The Southwest Weld County Subregion Forum Project Priority Programming Process ("4P County Hearing Process") for Multimodal Projects.** The Appointees of the Agencies, as defined below, will use good faith efforts to collaborate in identifying priority corridors and in the development of a prioritized countywide list for interstate/state highway system, rail, transit, bicycle, pedestrian, and Transportation Demand Management (TDM) projects. These priority

corridors and list will be presented by the Forum (as such term is defined below) to CDOT and DRCOG for funding consideration during the 4P County Hearing Process and during cyclical updates to CDOT's 10-year Plan, State Transportation Improvement Plan (STIP), RTD's Strategic Plan, and DRCOG's Transportation Improvement Plan (TIP), as applicable.

2. Establishment of the Southwest Weld County Subregion Forum to specifically participate in the DRCOG Dual Model Process.

- A. Establishment of the Forum. There is hereby established by the Agencies the Southwest Weld County Subregional Forum ("Forum"), which is authorized to operate in accordance with this Agreement and take the actions authorized in subsection (E) of this Section 2.
- B. Representation on the Forum. The Agencies shall each appoint a Forum representative, that representative being a public official or other delegate, to serve as a regular member of the Forum ("Appointee"). The Agencies each may designate one (1) alternate to participate in the Forum in the absence of the Appointee ("Alternate").
- C. Establishing a Chair and Vice-Chair. The Appointees and/or Alternates (as determined by individual Agencies) identified to participate in the Forum will meet and vote to elect a Chair and Vice-Chair for the Forum. The Chair, or their designee, will be responsible for: establishing Forum agendas; chairing meetings; coordinating with staff support, as provided in Section 3, to establish meeting locations and prepare agenda packets; and coordinating the presentation of the Forum's recommended portfolio of projects to the DRCOG Board of Directors.
- D. Voting Procedures. A quorum of the Forum must be present to take a vote. The quorum shall be comprised of the simple majority of the Appointees (or Alternates in the absence of an Appointee) (which number shall be six (6) assuming all Agencies execute this Agreement). All Forum actions shall be made by motion duly seconded and approved by a majority of the quorum present. Each Agency shall have one vote. Jurisdiction(s) that do not sign this Agreement shall be considered a "Non-Voting Member(s)" without any authority to vote on Forum matters as set forth in subsection (F) of this Section 2.
- E. Forum Actions. The Forum's actions may include, but are not limited to: establishment of the Forum rules; approving project submittals for Regional Funding; developing a recommended portfolio of projects for Subregional funding; adhering to established rules and procedures set forth by the DRCOG Board; developing and approving any additional rules, procedures, policies, or other activities related to the TIP project selection and evaluation process.
- F. Non-Voting Members. In addition to the Agencies, all DRCOG members and governmental entities with corporate limits wholly or partially within the Southwest Weld County Subregional boundary shall be invited to participate in discussion and provide perspective to the Forum, as well as submit projects for Subregional funding, as Non-Voting Members. This includes all non-signatory jurisdictions to this Agreement, CDOT, transportation management organizations, as well as other entities and agencies that are eligible for the direct receipt of federal TIP funding.
- G. Project Requests for DRCOG Funding. The Agencies agree to submit all DRCOG funding applications for the Southwest Weld County Subregion transportation projects or programs seeking Regional or Subregional funding through the Forum. Submissions may include any transportation related project or program eligible per the DRCOG Board's TIP Policy. The Forum will cooperate and work diligently and in good faith to create a recommended list of projects for submission to DRCOG for each TIP cycle. The Forum shall ensure that all regional

- and subregional projects submitted to DRCOG comply with all grant requirements, such as, but not limited to, DRCOG adopted TIP policy and criteria; any supplemental Forum policies and /or criteria; presence in the adopted *Metro Vision Fiscally-Constrained Regional Transportation Plan*; local match requirements; and, that any project or program that is under the respective jurisdiction of either CDOT and/or RTD are supported by said Agencies.
- H. Criteria and DRCOG Assistance. DRCOG will establish overall criteria regarding project and program eligibility and evaluation of submitted projects. The Forum may choose to establish additional policy and criteria consistent with applicable Federal law and regulations. The Forum or Forum Subcommittee, which is described in Section 3, may request assistance or information, including but not limited to, air quality information and vehicle traffic projections from DRCOG staff. Once the criteria have been approved by DRCOG staff, the Forum will be responsible for reviewing DRCOG staff rankings in order to discuss project applications and recommend project rankings so the Forum recommendations can be forwarded to the DRCOG Board.
- I. Open Meetings; Notice and Agenda Packets for Meetings. All meetings of the Forum and any Forum Subcommittee meetings, specifically pertaining to the DRCOG Dual TIP Model process, shall be open to the public with reasonable time allotted for public comment. Notice of meetings and associated materials shall be posted at least two days prior to the Forum meeting in accordance with DRCOG requirements.
3. Establishment of Forum Subcommittee(s). The Forum agrees to create Forum Subcommittee(s), as needed, when additional technical staff support is required to facilitate the Forum in their decision-making process. Each Forum Subcommittee will consist of one (1) staff representative from each Agency, as designated by each Agency. Forum Subcommittee(s) shall be responsible for gathering data to assist with project information and recommendations, all which will be subject to review and final approval by the Forum.
4. Staff Support. Weld County staff shall be responsible for coordinating with Agencies and facilitating the Southwest Weld County Subregion Forum meetings by taking meeting minutes, developing agenda packets, and ensuring posting requirements are adhered to in conjunction with DRCOG policies.
5. Planning Timeline. The Agencies project review and prioritization shall be coordinated with the DRCOG TIP planning process timeline and the CDOT/Transportation Commission planning timeline for the 4P County Hearing process and STIP programming.
6. Benefits Inure to Agencies Only. It is expressly understood and agreed that the enforcement of terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the undersigned parties and nothing in this Agreement shall give or allow any claim or right of action whatsoever by any other person not included as a party to this Agreement. It is the express intention of this Agreement that any entity, other than the Agencies

that are parties to this Agreement, that receives services or benefits as a result of this Agreement shall be an incidental beneficiary only, including but not limited to Non-Voting Members as defined above.

7. **Government Immunity.** No portion of this Agreement shall be deemed to constitute a waiver of any immunities the Agencies or their officers or employees may possess, nor shall any portion of this Agreement be deemed to have created a duty of care which did not previously exist with respect to any person.
8. **Termination of Agreement.** This Agreement shall remain in effect until terminated by majority vote of the Agencies. Any Agency may withdraw from this Agreement by providing written notice to the Forum Chair of its intent to withdraw at least ninety (90) days prior to its intended date of withdrawal. The notice of intent to withdraw shall be by formal action of the governing body requesting withdrawal, such as a duly approved resolution. Any Agency that withdraws from the Agreement will be considered as a “Non-Voting Member” upon such withdrawal.
9. **Counterparts.** This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original and all such counterparts taken together shall be deemed to constitute one and the same instrument.

By signing this Agreement, the Agencies acknowledge and represent to one another that all procedures necessary to validly contract and execute this said Amendment have been performed, and that the persons signing for each Agency have been duly authorized by such Agency to do so.

**WELD COUNTY
BOARD OF COUNTY COMMISSIONERS**

Mike Freeman, Chair

Date

ATTEST:

APPROVED AS TO FORM:

County Clerk

County Attorney's Office

CITY OF BRIGHTON

(), Mayor

Date

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney's Office

CITY OF DACONO

(), Mayor

Date

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney's Office

TOWN OF ERIE

(), Mayor

Date

ATTEST:

APPROVED AS TO FORM:

Town Clerk

Town Attorney's Office

TOWN OF FREDERICK

(), Mayor

Date

ATTEST:

APPROVED AS TO FORM:

Town Clerk

Town Attorney's Office

TOWN OF FIRESTONE

(), Mayor

Date

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney's Office

TOWN OF LOCHBUIE

(), Mayor

Date

ATTEST:

APPROVED AS TO FORM:

Town Clerk

Town Attorney's Office

CITY OF LONGMONT

(), Mayor

Date

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney's Office

TOWN OF MEAD

Colleen G. Whitlow, Mayor

Date

ATTEST:

APPROVED AS TO FORM:

Town Clerk

Town Attorney's Office

CITY OF THORNTON

(), Mayor

ATTEST:

City Clerk

Date

APPROVED AS TO FORM:

City Attorney's Office

**TOWN OF FREDERICK, COLORADO
RESOLUTION NO. 23-R-54**

**A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO, APPROVING THE
SOUTHWEST WELD COUNTY SUBREGION FORUM COLLABORATIVE
TRANSPORTATION PLANNING INTERGOVERNMENTAL AGREEMENT (“IGA”) AMONG
THE CITY OF BRIGHTON, THE CITY OF DAcono, THE TOWN OF ERIE, THE TOWN OF
FREDERICK, THE TOWN OF FIRESTONE, THE TOWN OF LOCHBUIE, THE CITY OF
LONGMONT, THE TOWN OF MEAD, THE CITY OF THORNTON, AND WELD COUNTY.**

WHEREAS, the Town wishes to foster coordination and collaboration regarding transportation and multimodal projects among local governments; and

WHEREAS, Colo. Const. art. XIV, § 18(2)(a) and §§ 29-1-201, *et. seq.*, C.R.S., authorize local governments to enter into contracts with each other; and

WHEREAS, the Denver Regional Council of Governments has updated the Transportation Improvement Program submittal process to provide for a subregional funding process; and

WHEREAS, the IGA provides for coordination and collaboration among the parties on obtaining funding through this updated process; and

WHEREAS, the IGA provides for coordination on current and future transportation planning within Southwest Weld County.

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

Section 1. Findings of Fact.

a.

Section 2. Order Approving Intergovernmental Agreement.

- a. The Southwest Weld County Subregion Forum Collaborative Transportation Planning Intergovernmental Agreement is hereby APPROVED.
- b. The mayor is authorized to execute the IGA without further action by the Board.

Section 3. Effective Date. This Resolution shall become effective immediately upon adoption.

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

Section 5. Certification. The Town Clerk shall certify 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 SIGNED DECEMBER 12, 2023.

ATTEST:

TOWN OF FREDERICK:

By: _____
Kelly Green, Deputy Town Clerk

By: _____
Traci Crites, Mayor



TOWN OF FREDERICK

Board of Trustees

Action Memorandum

Tracie Crites, Mayor

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

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

Disclosure and Waiver of Conflicts of Interest

Agenda Date: Town Board Meeting - December 12, 2023

Attachments:

- a. Disclosure and Waiver of Conflicts of Interest
- b. Resolution 23-R-61

Finance Review:

Finance Director

Submitted by:

Jason Meyers
Town Attorney

Approved for Presentation:

Bryan Ostler
Town Manager

☐ Quasi-Judicial

☐ Legislative

☒ Administrative

Strategic Plan Alignment:



Effective, Efficient & Strategic Government Operations: As an employer of choice, the Town of Frederick will lead the region in the 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:

The Town of Frederick previously established the Frederick Metropolitan District (Metro District) to provide additional opportunities and mechanisms to further the Town of Frederick's goals and objectives. Currently the Metro District is represented by outside legal counsel, and is a separate legal

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entity from the Town. The current legal counsel for the Metro District has indicated a desire to relinquish representation of the Metro District. Given the close relationship between the Town and the Metro District, there are efficiencies to having the Town Attorney's Office provide legal counsel to the Metro District. A waiver is required to maintain the ethical standards required when the Town Attorney's Office represents separate entities.

Detail of Issue/Request:

The Colorado Rules of Professional Conduct require attorneys to seek permission to represent clients that have the potential for differing interests. The Metro District counsel has indicated a desire to no longer represent the Metro District. As a result, the Metro District will need to obtain new counsel or consider to have legal representation provided by the Town Attorney's Office. In this instance, the Town of Frederick and the Frederick Metropolitan District are two separate legal entities. However, the Metro District Board is comprised of the elected Town of Frederick board members and mayor due to the nature of the property included in the Metro District. As such, the likelihood of a potential conflict between the entities is extremely low.

However, to maintain the highest standards of ethics, the Town Attorney's Office is requesting the formalization of the conflict waiver from both entities before providing legal representation to both. Provided for consideration to both the Town of Frederick and the Frederick Metropolitan District is a Disclosure and Waiver of Conflicts. This conflict waiver would extent to the attorneys in the Town Attorney's Office, as well as support staff. This will allow for the administration functions of the Metro District, including filings and notices, to be provided by the Town Attorney's Office in conjunction with other Town staff that already provide administrate services to the Metro District.

Legal Comments:

The Town Attorney's office has prepared the conflict waiver and resolution for review by the Town Board and the Metro District Board to effectuate the representation of both entities simultaneously.

Alternatives/Options:

The Board can elect not to approve and sign the conflict waiver, and seek alternatives for legal representation.

Financial Considerations:

By combining legal representation there will be a cost savings to the Metro District and efficiencies gained by the Town of Frederick.

Staff Recommendation:

Staff recommends approving the Disclosure and Waiver of Conflicts of Interest for continuity of Town and Metro District operations.

INFORMED CONSENT AND WAIVER OF CONFLICTS OF INTEREST

This informed consent and waiver made is effective the 12th day of December, 2023, by and between: the Town of Frederick, Colorado (hereafter, the “Town”); and Frederick Metro District, Weld County, Colorado (hereafter, the “Metro District”).

WHEREAS, the Town Attorney currently serves as the legal counsel to the Town of Frederick, and the Metro District is represented by the firm, Reif & Hunsaker, who have indicated a desire to terminate representation of the Metro District; and,

WHEREAS, the Town and the Metro District are parties to one or more contractual relationships and are currently comprised of the same individuals on both the Board of Trustees for the Town and the Board of the Metro District; and,

WHEREAS, in an effort to effectuate efficiencies the Metro District and Town of Frederick desire the Town Attorney’s Office to serve as legal counsel for the Metro District; and,

WHEREAS, the Town Attorney reasonably believes that the Town Attorney’s Office is able to provide competent and diligent representation to both the Town and the Metro District; and,

WHEREAS, representation of both entities is not prohibited by law; and,

WHEREAS, the representation does not involve the assertion of a claim by either the Town or the Metro District against the other in litigation or other proceeding; and,

WHEREAS, the Town and the Metro District wish to give informed consent in writing to legal representation of both entities by the Town Attorney’s Office.

WHEREFORE, the Town and the Metro District agree that such representation is not, at present, adverse, and consistent with the Colorado Rules of Professional Conduct governing attorneys, the Town and the Metro District hereby expressly voluntarily, knowingly, and intelligently waive conflicts and give informed consent to such representation of both entities.

Further, the parties agree that the Town or Metro District may revoke consent to such representation, and, to the extent that the situation should arise that representation of either the Town or the Metro District by the Town Attorney’s Office is be deemed adverse to the other entity or materially limited, the Town shall be entitled to be represented by the Town Attorney in such matters, and that the Metro District will need to obtain other representation.

DATED this 12th day of December, 2023.

TOWN OF FREDERICK, COLORADO

FREDERICK METRO DISTRICT

Traci Crites, Mayor

Traci Crites, Metro District Chair

ACKNOWLEDGMENT

Jason Meyers, Frederick Town Attorney

**TOWN OF FREDERICK, COLORADO
RESOLUTION NO. 23-R-61**

**A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO,
APPROVING A DISCLOSURE AND WAIVER OF CONFLICTS
AGREEMENT**

WHEREAS, the Town of Frederick is committed to the principles of good governance;
and,

WHEREAS, the Town desires to approve a Disclosure and Waiver of Conflicts Agreement to provide continuity in the administration and legal representation for the Frederick Metropolitan District to best serve the public interest; and,

WHEREAS, execution of the Disclosure and Waiver of Conflicts Agreement will benefit the Town, its residents, and taxpayers, by promoting efficiencies and cost savings for the Town and the Frederick Metropolitan District.

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

Section 1. The Board of Trustees approves the Disclosure and Waiver of Conflicts Agreement as it is presented in Exhibit A and authorizes the Mayor to execute the same.

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

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

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

**INTRODUCED, READ, PASSED, AND ADOPTED THIS 12TH DAY OF DECEMBER,
2023.**

ATTEST:

TOWN OF FREDERICK

By: _____

By: _____

Kelly Green, Deputy Town Clerk

Tracie Crites, Mayor



TOWN OF FREDERICK

Board of Trustees

Action Memorandum

Tracie Crites, Mayor

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

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

Code of Ethics

Agenda Date: Town Board Meeting - December 12, 2023

Attachments:

- a. Code of Ethics Document
- b. Resolution 23-R-55

Finance Review:

Finance Director

Submitted by:

Jason Meyers / Bryan Ostler
Town Attorney / Town Manager

Approved for Presentation:

Bryan Ostler
Town Manager

☐ Quasi-Judicial

☐ Legislative

☒ Administrative

Strategic Plan Alignment:



Effective, Efficient & Strategic Government Operations: As an employer of choice, the Town of Frederick will lead the region in the 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:

As part of the Board's strategic vision and plan, the Board has directed staff to develop a more robust code of ethics that promotes transparency, accountability, and integrity to the residents of Frederick. Staff met with the Board in late September on a draft document and have incorporated the changes from that meeting.

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Detail of Issue/Request:

In 2020, the Board of Trustees set out on developing a strategic direction and plan, mission statement, and core values of FRED (Family, Respect, Empowerment, and Dedication). As part of this great work in developing transparency to the residents of Frederick whom we serve, the Town has developed a code of ethics that applies to team members and elected officials that is adopted in the attached code. The residents of Frederick are entitled to have a fair, ethical, and accountable local government that has earned the public's full confidence for integrity.

As part of this code, team members and elected officials must conduct themselves in the most ethical, and appropriate manner to foster the trust of the public.

Legal Comments:

The Town Attorney's office has reviewed and approved the attached resolution.

Alternatives/Options:

The Board can adopt the code of ethics, not adopt, or direct staff to revise the code of ethics and come back with some changes.

Financial Considerations:

Not Applicable

Staff Recommendation:

Staff recommends approving the code of ethics and developing a transparency portal to further move forward the Board's strategic initiative of Effective, Efficient and Strategic Government Operations.



CODE OF ETHICS

Adopted December 12, 2023

I. **Mission, Governing Principles & Values.**

The citizens of the Town of Frederick, Colorado, are entitled to have a fair, ethical, and accountable local government that has earned the public's full confidence for integrity. We adopt this Code of Ethics to assure public confidence in local government and its effective and fair operation and to ensure that we comply with all applicable State and local laws relating to conflicts of interest and ethics. Integrity in government requires that decision-makers be independent, impartial, and accountable to those they serve, to that end, all officials and employees of the Town of Frederick, Colorado, must carry out their job responsibilities in accordance with the following principles:

- A. As public servants, Town of Frederick officials and employees are stewards of the public trust, entrusted with and responsible for the property and resources of the Town of Frederick, and shall carry out their duties for the benefit of the people of the Town of Frederick.
- B. The citizens of the Town of Frederick expect and deserve their public servants to act with courtesy, impartiality, honesty, openness, and in accordance with our FRED (Family, Respect, Empowerment, and Dedication) values in the performance of their duties.
- C. Officials and employees must always perform their duties with the best interests of the Town of Frederick in mind, and not for any personal interest or for the interest of family, friends, or business and political associates.

- D. Governmental decisions and policies are made utilizing the proper channels of the government structure, free of coercive or other improper influence.
- E. To gain and retain public confidence in government operations, Town officials and employees must avoid even the appearance of impropriety.

II. Intent.

The purpose of this Code of Ethics is to provide the officials and employees of the Town of Frederick the tools and resources necessary to conduct themselves in the most ethical and appropriate manner possible and to ensure that the Town of Frederick government operates in accordance with its mission, governing principles, and FRED values. It is the intent of the Town of Frederick that its officials and employees adhere to high levels of ethical conduct so that the public will have confidence that persons in positions of public responsibility are acting for the benefit of the public. Officials and employees should comply with both the letter and spirit of this Code of Ethics and strive to avoid situations which create impropriety or the appearance of impropriety. Ethical issues will arise in the course of public service. It is the intent of this Code of Ethics to clarify which actions constitute a breach of the public trust.

III. Definitions.

- A. "Employee" shall mean all members of the Town of Frederick workforce, including but not limited to full-time and part-time employees, and appointed or elected officials and their employees.
- B. "Gift" shall mean anything of monetary value for which consideration of equal or greater value is not made. The term includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the ordinary course of business to a member of the public without regard to that person's status as a Town employee or official. The term "gift" shall not include tokens of award (such as a plaque, memento, or trophy), informational materials related to the recipient's performance of official duties (such as a book, pamphlet, or periodical), or unsolicited items of nominal or trivial value (such as a pen, note pad, or calendar).
- C. "Financial interest" is a monetary gain or loss, a reward or risk that an employee or official, their relative, or their business entity receives for providing a certain services, dealings, or ownership. Such interest can be of a noticeable value for the employee or official, a relative or their business

entity. In addition, it can include any ownership or control in an asset that has the potential to produce a monetary return.

- D. "Official" shall mean a person in an elected or appointed position in the Town of Frederick, Colorado, including members of Town boards, committees, and commissions appointed by the Board of Trustees or Mayor.
- E. "Relative" shall mean a spouse, domestic partner, fiancé/fiancée, intimate partner(s), parent(s), child(ren), brother(s), sister(s), aunt(s), uncle(s), cousin(s), grandparent(s), or grandchild(ren), including "in-law" and "step" relatives. The term "relative" also applies to any person who is a member of the household of or cohabitating with a Town employee regardless of family relationship.

IV. Applicability.

This Code of Ethics applies to the officials and employees of the Town of Frederick, to the extent that the Town Board has adopted the Code, and shall supersede the prior Code of Ethics adopted by the Board of Trustees on November 10, 2008. The provisions of this Code of Ethics shall apply in addition to all applicable federal, State and local laws relating to conflicts of interest and ethics including, but not limited to, the Colorado Constitution, Article XXIX, Colorado Revised Statutes § 24-18-101, et seq., and all rules, regulations, policies and procedures of the Town of Frederick, including any ethical code or policy adopted by any elected official that is applicable to employees of that elected official.

V. Conflicts Of Interest.

No official or employee should have any direct or indirect interest, financial or otherwise, engage in any business or transaction or professional activity, or incur any obligation of any nature, which is in conflict with the proper discharge of his or her duties in the public interest.

- A. Misappropriation of Town Resources: No official, volunteer, or employee shall misappropriate to himself, herself or to others the property, services, or other resources of the Town for private purpose or other compensated non-governmental purposes.
- B. Favoritism: An official or employee shall guard against any relationship that creates conflicts of interest or which might be reasonably construed as evidence of favoritism, coercion, unfair advantage, or collusion.

- C. Improper Influence: An official or employee should not act in a manner that creates by his or her conduct a reasonable basis for the impression that any person can improperly influence him or her or unduly enjoy his or her favor in the performance of his or her official duties, or that he or she is affected by the kinship, rank, position or influence of any party or person.
- D. Privileges or Exemptions: No official or employee should use or attempt to use his or her official position to secure privileges or exemptions for himself, herself or others.
- E. Protection of Public Trust: An official or an employee should endeavor to pursue a course of conduct which will not raise suspicion among the members of the public that he or she is likely to be engaged in acts that are in violation of the public trust.
- F. Official Actions:
 - 1. An official or employee shall not take any direct or official action on any matter in which the official, employee or a relative or business associate has any substantial employment, contractual, or financial interest.
 - 2. An official or employee shall not perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when he or she has a substantial financial interest in a competing firm or undertaking.
- G. Contracting & Transacting Business:
 - 1. Sale or Purchase of Goods or Services:
 - a) No official or employee shall, in his or her official or private capacity, offer for sale or sell goods or services to the Town. A waiver may be granted by the Town Ethics Committee where the circumstances clearly demonstrate that there is no conflict of interest or appearance of a conflict presented by the proposed sale of goods or services to the Town.
 - b) No official or employee shall, for his or her own private purposes, directly or indirectly obtain goods or services for anything less than fair market value from any contractor or vendor that performs work for The Town of Frederick.
 - 2. Transactions on behalf of The Town of Frederick: No official or employee should engage in any transaction as representative or agent of The Town of Frederick with any relative, business associate, or business entity in which he or she has a direct or indirect financial interest.
- H. Personal Investments & Business Ventures:

An official or employee should not acquire or hold an interest in any business or undertaking which he or she has reason to believe may be directly involved in decisions to be made by him or her or which will otherwise create substantial conflict between his or her duty in the public interest and his or her private interest.

I. Outside Employment:

No employee should have outside employment which directly impacts his or her employment with the Town. All employees should receive written permission from his or her supervisor for any outside employment on an annual basis. If the supervisor believes that there is a potential conflict of interest between the person's public responsibility and his or her possible outside employment or outside business activity, they are encouraged to consult the Town Attorney. Officials should also consult with the Town Attorney to ensure that there are no conflicts between their duties to the Town and their other employment. This definition of outside employment is not intended to include temporary employment or contracting work lasting less than 2 weeks or that is intermittent in nature; engagements for special events such as speaking or teaching; so long as the work does not interfere with the employee's job function with the Town.

J. Subsequent Employment:

- (a) During a one (1) year following separation from office or employment, no former official or employee shall obtain employment outside of the Town government in which he or she will take direct advantage, unavailable to others, of matters or information with which he or she took direct official action during his or her service with the Town.
- (b) For one (1) year following termination of service with the Town no former official, or employee shall engage in any action or litigation in which the Town is involved, on behalf of any other person or entity, when the action or litigation involves an issue on which the person took direct official action while in the service of the Town.

VI. Confidential Information.

- A. No official or employee shall use any confidential information received by virtue of that person's office or employment for any private purpose, including but without limitation to commercial purposes, financial gain, or present or future employment.
- B. An official or employee may only use confidential information in the conduct of his or her official Town duties.

- C. Any employee in possession of confidential information will not disclose that information for any purpose without the express written permission of the Town Attorney.
- D. Officials and employees are encouraged to seek guidance from the Town Attorney in determining if information is confidential.

VII. Political Solicitations.

- A. Elected officials and candidates shall not engage in political campaigning at Town meetings or public hearings. No official, candidate, or employee shall use public resources for political campaigning.
- B. Town officials or employees may in their private capacity give financial or other support to political parties and candidates for elected office, unless otherwise restricted.
- C. No official or employee shall directly or indirectly compel or induce a subordinate employee to make or promise to make any political contribution, whether by gift of money, service or other thing of value or support the candidacy of any elected office or ballot measure.
- D. No official or employee may make any employment recommendation or decision based on political affiliation, participation, or contribution.
- E. Senior leadership positions including but not limited to: appointed officials, department directors, and division managers; shall refrain from being involved in political campaigns or from making political donations regarding candidates or ballot initiatives which directly impact Town affairs. These employees may make donations or work on campaigns for federal or statewide offices.

VIII. Hiring and Supervision of Relatives.

The purpose of this section is to avoid favoritism and the appearance of favoritism by officials or employees.

- A. No official or employee shall appoint, hire, or advocate for the appointment or hiring of any person who is the employee's relative.
- B. No official or employee shall participate directly or indirectly in the recruitment and selection process that involves a relative.
- C. No official or employee shall directly or indirectly exercise supervisory, appointment or dismissal or disciplinary authority over any relative of the employee.

- D. No official or employee shall audit, verify, receive or be entrusted with monies received or handled by a relative.
- E. No relative of an official or employee shall have access to that person's confidential information, including payroll processing and personnel records within his or her organization.
- F. In the event that current employees become relatives while employed with the Town, they shall provide immediate notification to the Town Attorney and come into compliance with this policy within 90 days by either being reassigned, departing from employment with the Town, adjustment of responsibilities or reporting structure, or obtaining a waiver from the Ethics Committee.

IX. Gift Ban Policy.

- A. In accordance with the Colorado Constitution, no official or employee may directly or indirectly solicit, accept or receive any gift or other thing of greater than the gift limit amount in effect pursuant to Colorado Constitution Article 29, § 3(2), in any calendar year, without providing consideration of equal or greater value. Gifts include but are not limited to loans, rewards, promises or negotiations of future employment, favors or services, honoraria, travel, entertainment, and special discounts. Exceptions recognized by Colorado law are recognized by the Town.
- B. No official or employee shall directly or indirectly receive a gift regardless of the value where such gift is given with the intent or appearance of influencing, or as a reward for, the person's official actions or duties for The Town of Frederick. No department, office, or agency shall accept any gift from any vendor, applicant for a license, applicant for a land use approval, or any other person having pending or regular business being handled by that department, office, or agency. Donations and grants to the Town such as equipment, property, vehicles, services, etc. are typically not considered gifts and may be approved by the Ethics Committee.
- C. A department, office, or agency may accept a gift from a person or entity with no pending or regular business before it only if it is valued at less than the current statutory gift limit and is placed in a common area to be shared by all employees of the department, office or agency.
- D. In addition to any other disciplinary action, an official or employee, or department, office or agency that accepts a gift in violation of this policy will be required to return the gift to the donor or, if the gift is of such a nature that it cannot be returned, to compensate the donor for the full monetary value of the gift.

X. Distribution.

- A. A copy of this Code of Ethics and any amendments to this Code shall be provided to every official and employee of the Town via the Town's website; it shall also be distributed via electronic mail each year.
- B. A guide with frequently asked questions shall be provided to assist officials and employees in understanding the Code when elected or hired, or and any updated guides will be provided upon release.

XI. Enforcement.

Any official or employee who violates the Colorado Constitution or Colorado statutes or this Code of Ethics may be fined, disciplined, or prosecuted, in any manner provided by law. In addition, any employee who aids and assists an official or employee in violating this Code of Ethics is subject to disciplinary action, up to and including, termination of employment.

XII. Advice

Any official or employee with a question regarding the applicability of this Code of Ethics to their behavior should contact the Town Attorney with questions. The Town Attorney issue a non-binding information opinion or may refer this question to the Ethics Committee for a formal decision which will be issued and relied upon in future proceedings. The Ethics Committee may issue a waiver of any provision of this Code should they determine by majority vote that it would be in the best interest of the Town and in keeping with its FRED values.

XIII. Ethics Committee

- A. There is hereby created an Ethics Committee for the Town of Frederick. The Committee shall consist of two Town Trustees appointed by the Board of Trustees on an annual basis, the Town Attorney, the City Manager, and director of the human resources department. The Town Attorney and the City Manager may delegate their participation to other City employees within their department with the permission of the Trustees.

- B. This Committee may render written opinions on requests for advice on any ethics issue arising under this Code. These opinions shall be public documents, but the names of the requestor and other identifying information may be redacted upon request of the person seeking advice. The Committee may also issue waivers to provisions under this Code, if they determine by majority vote that a waiver would be in the best interest of the Town.
- C. This Ethics Committee shall investigate and issue a report regarding any complaint filed by a citizen of Frederick alleging a violation of this code by any official or employee of the Town.
- D. The Ethics Committee shall promulgate rules and procedures for the processing, investigation, and issuance of decisions on matters brought pursuant to this policy. These rules and regulations, and subsequent amendment thereto, shall be subject to approval by the Board of Trustees by resolution.
- E. If a request for advice, waiver, or a complaint involves a member of the Board of Trustees, or member of the Ethics Committee, the Committee may, in their discretion, retain an independent outside Ethics Investigator to make recommendations or draft reports. In determining whether to engage an outside Ethics Investigator, the subject of the advice, waiver, or complaint shall refrain from participating in the decision-making process.
- F. The Ethics Committee, acting by majority vote, shall be the final decision-making body for the Town of Frederick relating to matters brought pursuant to this policy.

**TOWN OF FREDERICK, COLORADO
RESOLUTION NO. 23-R-55**

**A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO,
ADOPTING THE TOWN OF FREDERICK, COLORADO CODE
OF ETHICS**

WHEREAS, the Town of Frederick is committed to the principles of good governance;
and

WHEREAS, team members and elected officials must conduct themselves in the most
ethical and appropriate manner to foster the trust of the public; and

WHEREAS, the Town endorses the following code of ethics and conduct to provide
guidance for staff, elected officials, and appointed officials including advisory boards and other
volunteers (hereafter referred to collectively as “public servants”) to perform their duties in a
way that best serves the public interest and honors public trust; and

WHEREAS, the Town recognizes the value of adopting a code of ethics and conduct
to provide ethical guidance to public servants in the course of their duties which is reflective of
the values of the Town; and

WHEREAS, adoption of the Town of Frederick, Colorado Code of Ethics will benefit the
city, its residents, and taxpayers, by establishing these guidelines.

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

Section 1. The Board of Trustees authorizes the adoption of the Town of Frederick,
Colorado Code of Ethics as it is presented in Exhibit A and as it may be revised and amended
by the Board of Trustees in the future.

Section 2. The Board of Trustees, by adopting the Code of Ethics, hereby establishes the
Ethics Committee and directs the Ethics Committee to promulgate rules and procedures for
the processing, investigation and issuance of decisions on matters brought pursuant to the
Code of Ethics for consideration by the Board of Trustees.

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

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

Section 5. Certification. The Town Clerk shall certify to the passage of this resolution and make

not less than one copy of the adopted resolution available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 12TH DAY OF DECEMBER, 2023.

ATTEST:

TOWN OF FREDERICK

By: _____

By: _____

Kelly Green, Deputy Town Clerk

Tracie Crites, Mayor



TOWN OF FREDERICK BOARD OF TRUSTEES Action Memorandum

Tracie Crites, Chair

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

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

A Resolution Acknowledging Receipt of the FY 2024 Budget

Agenda Date: Town Board Meeting – December 12, 2023

Attachments: a. Resolution 23-R-56

Finance Review: Kurtis Adams
Finance Director

Submitted by: Kurtis Adams
Finance Director

Approved for Presentation: Bryan Ostler
Town Manager

☐ Quasi-Judicial

☐ Legislative

☒ Administrative

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:

The resolution provided verifies that the Town of Frederick Board received a preliminary budget in compliance with State Statute.

Built on What Matters.

Detail of Issue/Request:

To be in compliance with CRS 29-1-105, the Town of Frederick Board must receive a preliminary budget for the upcoming fiscal year no later than October 15 of each year. The resolution provided verifies that the board received the preliminary budget on October 10, 2023, and has met this statutory requirement.

Legal/Political Considerations:

The resolution was reviewed by the Town Attorney.

Alternatives/Options:

Not applicable.

Financial Considerations:

Not applicable.

Staff Recommendation:

Staff recommends approval of the resolution as presented.

**TOWN OF FREDERICK, COLORADO
RESOLUTION NO. 23-R-56**

**A RESOLUTION OF FREDERICK, COLORADO
RECEIPT OF THE FY 2024 PRELIMINARY BUDGET**

WHEREAS, the preliminary budget for fiscal year (FY) 2024 was presented to the Board on October 10, 2023.

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

Section 1. That the preliminary budget for 2024 was presented to the Town board on October 10, 2023.

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 Deputy 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 DECEMBER, 2023.

ATTEST:

TOWN OF FREDERICK:

By _____
Kelly Green, Deputy Town Clerk

By _____
Tracie Crites, Chair



TOWN OF FREDERICK

Board of Trustees

Action Memorandum

Tracie Crites, Mayor

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

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

A Resolution to Adopt the 2024 Budget

Agenda Date: Town Board Meeting - December 12, 2023

Attachments:

- a. Resolution 23-R-57 to adopt the 2024 Budget
- b. Associated Budget Materials

Finance Review: Kurtis Adams
Finance Director

Submitted by: Kurtis Adams
Finance Director

Approved for Presentation: Bryan Ostler
Town Manager

☐ Quasi-Judicial

☐ Legislative

☒ Administrative

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:

Adoption of the attached resolution allows for the execution of the 2024 Budget as presented.

Built on What Matters.

Detail of Issue/Request:

The attached 2024 Budget for the Town of Frederick, Colorado includes a number of important features and objectives to be achieved. As the budget was developed, the initial focus was to continue to provide the core services expected and delivered by the Town of Frederick. Those core services to be provided by Frederick include police services, planning services, water and storm water utility services, parks maintenance by public works, transportation networks and associated infrastructure, building and construction oversight, and various administrative duties including finance, human resources and administration.

As part of the budget development, the priorities and core functions of the Town were to ensure services and delivery of those services where either maintained or an enhancement of the existing services were provided to the community. Some of this may include regular evaluation of the procedures and processes in place while others require capital outlays and improvement. As a result, we do not anticipate any reduction or elimination of any of the high quality services or programs provided to the Community. A number of capital items are being addressed in the budget that will produce significant outcomes for the community. These improvements are a result of implementation of the various plans that have been developed in concert with the Board, Staff and most importantly, the Community. Some of the more notable items that have been included in the budget include:

- Fund-wide (All Funds)

- 2% across the board wage increase to all full-time Town personnel – Effective January 2024
- Up to 3% merit increase – Effective late January or early February 2024, in conjunction w/Performance Evaluations
- Isolated market increase – Percentage T.B.D. End of Q1 following compensation study, to include 20 competitors/jurisdictions
- Estimated 10% group insurance increase to Town-incurred medical premiums, maintaining same employer/employee contribution share
- Continued (up to) 10% retirement match for Town personnel
- 5 (five) additional FTEs to support Town Strategic Plan:
 - Oil & Gas Liaison – Unfunded 2023
 - C&ED Neighborhood Services Coordinator – Unfunded 2023
 - POST – Parks Planning, Design, & Construction Coordinator
 - Public Works – Maintenance Technician {Snow Control Plan (40%) & Storm Water (60%)}
 - Public Works – Water Maintenance Technician {Snow Control Plan (20%) & Storm Water (80%)}
- Raftelis Financial Consultants, Inc. to provide core services study inclusive of a five-year business plan
- Paypoint HR, LLC to conduct employee compensation and classification study/survey within the Town's demographic region

- General Fund

- Revenues
 - Approximately \$1,369,500 increase in Property Tax revenue from final Weld County net assessed property valuation
 - Approximately \$1,820,500 increase in combined General, Public Safety, and Building Sales Tax revenue
- Internal Services

- Internal Services Department will continue to house all Town costs associated with Unemployment Tax, Workers' Compensation, Group Insurance, Bank & Merchant Fees, Property/Casualty Insurance, and Audit
- Capital Improvement Projects: \$670,000
 - Server Infrastructure Replacement Plan - \$300,000
 - IT Strategic Plan - \$100,000
 - POST & Public Landscape Dedication & Development - \$50,000
 - PD Axon Core+ Plan - \$150,000
 - PD Communication System - \$20,000
- Community & Economic Development
 - Two FTE additions of Neighborhood Services Coordinator and Oil & Gas Liaison
 - Creation of fifth C&ED Division – Neighborhood Services
- Police
 - Two Police Officer FTE additions to be reviewed in Q1 of 2024
 - Overall budget increase of \$1,280,075 related to wage & fringe, equipment and supplies, and fleet vehicle lease program
- Information Technology
 - Overall budget increase of \$618,120 related to wage & fringe, hardware/software upgrades (server replacement), security & recovery, and professional services
- Public Works
 - Snow & Ice Control Plan – Plowing Efficiency Improvements
 - Equipment Additions:
 - Plow Hook Truck(s) (Single Axle & Tandem)
 - Loader (John Deere)
 - Two FTE additions of Maintenance Technician (Snow Control Plan & Water/Storm Water) and Water Maintenance Technician (Snow Control Plan & Water)
- Transfers In | Transfers Out
 - Transfers In: Public Safety Impact Fees for Police Vehicle Program
 - Transfers Out: Golf Fund Subsidy and Events Fund Subsidy
- **Street and Alley Fund**
 - Silverstone Marketplace Infrastructure Funding:
 - Interfund Loan from Water Fund - \$1,545,437
 - ARPA Flex Federal Revenue Eligibility - \$1,334,563 (Hwy 52 Portion)
 - Capital Improvement Projects: \$5,119,000
 - Pavement Maintenance Program - \$950,000
 - Colorado Blvd Infrastructure (Silverstone) - \$2,880,000
 - CR13/CR20 Intersection Improvement - \$234,000
 - Prosperity-Public Improvement Obligations - \$24,000
 - Carriage Hills-Public Improvement Obligations - \$36,000
 - Silver Birch & Bella Rosa Pkwy Intersection Improvement - \$140,000
 - Concrete Repair - \$50,000
 - BobCat ToolKat - \$60,000
 - Loader John Deere - \$175,000
 - Plow Hook Truck (Single Axle) - \$250,000
 - Plow Hook Truck (Tandem) - \$300,000

- **Water Fund**

- One FTE addition of Water Maintenance Technician
- Capital Improvement Projects: \$4,035,000
 - Milavec Delivery Improvement - \$75,000
 - Milavec Water Quality Improvements - \$150,000
 - Emergency Water Connection - \$125,000
 - CBT Unit Purchase(s) - \$2,585,000
 - Raw Water Booster Station - \$250,000
 - Pumphouse Raw Water Repairs - \$150,000
 - Pond Raw Water Repairs - \$50,000
 - Wyndham Hill-Ditch Diversion Structure - \$200,000
 - POST & Public Landscape Dedication & Development - \$50,000
 - Community Parks Master Plan - \$25,000
 - Neighborhood Park Improvement & Water Conservation Plan - \$50,000
 - Irrigation Central Control - \$125,000
 - Loader John Deere - \$75,000
 - Plow Hook Truck - \$50,000
 - Plow Hook Truck (Tandem) - \$75,000

- **Storm Water Fund**

- Capital Improvement Projects: \$1,680,000
 - Drainage Improvement OSP - C2, 14, 15 - \$1,395,000
 - Drainage Improvement OSP - C28 - \$65,000
 - Bobcat ToolCat - \$20,000
 - John Deere Loader - \$75,000
 - Plow Hook Truck (Single Axle) - \$50,000
 - Plow Hook Truck (Tandem) - \$75,000

- **Public Safety Fund**

- 2A revenues dedicated to operations of Police Department and Public Safety activities
- Impact Fee collections are budgeted Transfers In to General Fund to assist in acquisition of Police Department capital and patrol fleet vehicle leases; budgeted Transfer In of \$300,000
- 1% of Town Sales Tax (3.5%) revenue assigned to Public Safety activities
- Expected \$936,500 increase in Public Safety Sales Tax from 2023

- **Open Space Fund**

- One-half percent (.5%) Sales Tax revenue with prior restriction to Open Space Fund, to now support/include Park Improvement Fund operational activities, effective January 1, 2024
- Capital Improvement Projects: \$875,000
 - POST & Public Landscape Dedication & Development - \$50,000
 - Colorado Blvd Median Improvements - \$200,000
 - Capital Equipment Program - \$165,000
 - Community Parks Master Plan - \$50,000
 - Mendoza Open Space Site Plan - \$100,000
 - FRA Tunnel Upgrades - \$50,000
 - Tree Program - \$10,000
 - Trails Maintenance Program - \$75,000
 - POST Master Plan Update - \$75,000

- Neighborhood Park Improvement & Water Conservation Plan - \$100,000

- **Park Improvement Fund**

- One-half percent (.5%) Sales Tax revenue with prior restriction to Open Space Fund, to now support/include Park Improvement Fund operational activities, effective January 1, 2024
- One FTE addition of Parks Planning, Design, & Construction Coordinator
- A continued reduction of Park Improvement Fees is anticipated for 2024, with planned 55% decrease of anticipated building permit revenue
- Budgeted Transfer In of \$324,000 from Open Space Fund to offset planned reduction of non-recurring revenues

- **Facilities Fund**

- 3rd year of fund existence; created to operate, maintain, and renovate Town buildings and sites; establish standards and best practices for managing buildings and support systems, equipment, and furniture
- Fund meets operational expenses by monthly fund revenue transfers based upon departmental usage of building square footage
- Capital Improvement Project: \$50,000 Court Room Remodel (two offices)

- **Fleet Fund**

- 3rd year of fund existence, created to maintain municipal vehicles and heavy equipment
- Services include fleet management, vehicle repair, preventative maintenance, quality control inspections, procurement, and administering service and parts contracts with vendors
- Fund meets operational expenses by monthly fund revenue transfers based upon departmental usage of vehicles
- Roughly 50% of budgeted expenses related to vehicle lease program

- **Golf Fund**

- Bella Rosa Golf Course operations remain non self-sustaining, but with a positive trajectory with the liquidation of restaurant activities
- An estimated 2024 net loss of \$667,500 for this Proprietary Fund will require a General Fund budgeted Transfer In
- Per Board direction, 2024 General Fund subsidy is set at roughly 40% to assist in revenue offset
- Capital Improvement Projects: \$235,000
 - Capital Equipment Program - \$50,000
 - Community Parks Master Plan - \$25,000
 - Golf Course Irrigation Audit & Repairs - \$100,000
 - Golf Clubhouse Insulation Repairs - \$60,000

- **Events Fund**

- Town Event expenditures are afforded by 50% in Sponsorship revenue and 50% General Fund subsidy
- Total Transfer In revenues include a \$40,000 commitment from the Board and \$145,300 from the General Fund

- **Art in Public Places Fund**
 - o 1% of total construction costs is transferred annually from the Street & Alley Fund in order to maintain existing infrastructure and acquire additional art and wood carving purchases
- **Oil Royalty Fund**
 - o Annual disbursements are not to exceed 4.5% of fund balance, with \$65,000 budgeted for community donations, scholarships, and continuing education

As a result of the consistent delivery of services and a number of capital improvements planned, we would expect revenues and expenditures to increase when measured across all funds. In the same instance though, these expenditures could change if revenues do not come in as projected. As always, we will monitor these on a monthly basis for any abnormalities.

The Town of Frederick's budgetary basis of accounting method is a modified accrual basis, which combines accrual-basis accounting with cash-basis accounting. Modified accrual accounting recognizes revenues when they become available and measurable and with a few exceptions, recognizes expenditures when they are incurred. This system divides available funds into separate entities within the organization to ensure that the money is being spent where it was intended. The figures presented in the attached resolution represent the estimated cash balances for the budget year 2024. The figures in Exhibit A reflect the total value of all assets and liabilities in each fund.

Presented for consideration is the 2024 Fiscal Year Budget. The proposed 2024 budget was presented to the Board in October, 2023. Any applicable Board changes are presented to the Board in either late October or November, 2023. No further details of any changes in funds have occurred since October 2023.

General Fund – There has been an overall increase in the 2023 projected ending fund balance of \$4,046,473. The increase is the net effect of the following transactions:

Description	Impact
Projected tax and fee revenues were 20% higher than budget	2,540,992
Projected license and permit revenues were 107% higher than budget	837,849
Administration Department(s) expenses were decreased	(177,336)
Internal Services expenses were decreased	(366,223)
Community & Economic Development expenses were decreased	(736,917)
Town Attorney Division expenses were decreased	(141,213)
Public Works Department expenses were decreased	(120,420)

Legal Comments:

State law requires the Town to adopt a budget and set the mill levy, to be certified and sent to Weld County, by December 15th of each year. Failing to adopt the 2024 budget could result in a loss of 10% of the revenue from the State and County.

Alternatives/Options:

If the 2024 budget is not passed, an emergency meeting must be held in December to ensure that the mill levy certification can be sent to Weld County by 5:00 pm of the statutory deadline.

Financial Considerations:

The budget document refers to the financial condition of the Town including the revenues, expenditures, activities, purposes and goals. The budget document will be the basis by which we operate and strive to achieve greatness for the Community while operating within the parameters set by the budget document.

Staff Recommendation:

Staff recommends passing the resolution to adopt the 2024 budget.

TOWN OF FREDERICK, COLORADO
RESOLUTION 23-R-57
RESOLUTION TO ADOPT 2024 BUDGET

**A RESOLUTION OF FREDERICK, COLORADO, SUMMARIZING
EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A
BUDGET FOR THE CALENDAR YEAR 2024.**

WHEREAS, on November 14, 2023 the Town Board of the Town of Frederick has received from Town staff a proposed 2024 budget for its consideration, and;

WHEREAS, upon due and proper notice, published and posted in accordance with the law, said proposed budget was open for inspection by the public at a designated place, public hearings were held on November 14, 2023, and December 12, 2023, and interested taxpayers were given the opportunity to file or register any objections to said budget, and;

WHEREAS, the Town Board has modified the proposed budget and now wishes to appropriate revenues and expenditures for the 2024 budget ensuring that the budget remains in balance, as required by law, and;

WHEREAS, the Board of Trustees considered all objections of the electors and other relevant factors concerning the budget, and;

WHEREAS, the Board of Trustees is required by state law to adopt an annual budget prior to December 15, 2023;

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

Section 1. That the budget as submitted, amended, and hereinabove summarized by fund, hereby is approved, adopted, as the budget of the Town of Frederick for the year stated above.

Section 2. That the budget hereby approved and adopted shall be signed by the Mayor and Town Clerk and made a part of the Public Records of the Town of Frederick.

Section 3. The following sums are hereby appropriated from the revenue and fund balance of each fund, to each fund, for the purposes stated in the budget document.

<u>Fund</u>	<u>Beginning Cash Est.</u>	<u>Revenues</u>	<u>Transfers In</u>	<u>Expenditures</u>	<u>Transfers Out</u>	<u>Ending Est. Cash</u>
General	15,390,908	18,902,500	300,000	19,360,750	852,750	14,379,908
Street & Alley	4,394,926	7,123,000	0	8,123,350	0	3,382,576
Conservation Trust	318,831	114,000	0	20,000	0	412,831
Water	127,507,196	9,868,500	0	13,495,875	0	123,879,821
Storm Water	7,922,302	1,511,000	0	3,336,850	0	6,096,452
Golf	155,206	619,200	667,500	1,286,700	0	155,206
Park Improvement	189	662,000	0	662,000	0	189
Open Space	6,155,823	1,920,000	0	2,540,750	0	5,535,073
Public Safety	473,595	300,000	0	0	300,000	473,595
Oil Royalty	1,729,804	115,000	0	65,000	0	1,779,804
Capital Facilities	4,616,302	234,000	0	218,000	0	4,632,302
Facilities	319,181	681,500	0	681,500	0	319,181
Fleet	612,370	1,278,000	0	1,214,000	0	676,370
Art in Public Places	65,861	41,000	0	30,000	0	76,861
Events	202,641	90,275	185,300	275,575	0	202,641

Section 4. Effective Date. This resolution shall become effective immediately upon adoption.

Section 5. 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 6. 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 DECEMBER, 2023.

TOWN OF FREDERICK:

By _____
Tracie Crites, Mayor

ATTEST:

By _____
Kelly Green, Deputy Town Clerk

Town of Frederick, Colorado

General Fund	2022 Actuals	2023 Actuals Jan - Oct	2023 Adopted Budget	2023 Year-End Estimates	2024 Proposed Budget
Beginning Fund Balance	13,069,082	11,344,435	11,344,435	11,344,435	15,390,908
<u>Revenues:</u>					
Taxes & Fees	11,646,434	12,634,160	12,620,000	15,160,992	15,951,000
Licenses & Permits	1,151,330	1,351,958	784,500	1,622,349	860,500
Fines & Forfeitures	115,361	113,659	108,000	136,390	121,000
Earnings on Investment	218,157	498,026	625,000	597,631	586,000
Miscellaneous Revenue	749,936	418,674	675,000	502,409	295,000
Grants & Contributions	272,106	89,802	804,000	89,802	1,089,000
<i>Transfer In</i>	-	250,000	250,000	250,000	300,000
Total Operating Revenues	14,153,324	15,356,278	15,866,500	18,359,573	19,202,500
<u>Expenditures:</u>					
Administration	4,494,490	2,228,553	2,851,600	2,674,264	3,949,460
Internal Services	2,537,558	2,108,564	2,896,500	2,530,277	3,106,000
Community & Economic Development	449,101	774,952	1,106,700	929,942	1,562,650
Town Attorney	315,399	207,406	390,300	248,887	364,100
Finance	209,235	147,212	203,250	176,654	277,500
Courts	80,956	65,514	132,200	78,617	121,700
Legislative	166,895	136,169	215,000	163,403	311,100
Engineering	455,201	81,226	138,000	97,471	146,500
Planning	327,359	435,868	1,083,200	523,041	1,106,265
Police	5,318,321	4,923,928	6,377,100	5,908,714	8,070,125
Public Works	622,206	141,233	289,900	169,480	345,350
<i>Transfer Out</i>	901,250	812,350	812,350	812,350	852,750
Total Expenditures	15,877,971	12,062,975	16,496,100	14,313,100	20,213,500
Excess (Deficiency) of Revenues and Other Sources over Expenditures	(1,724,647)	3,293,303	(629,600)	4,046,473	(1,011,000)
Ending Fund Balance	11,344,435	14,637,738	10,714,835	15,390,908	14,379,908

Town of Frederick, Colorado

Street & Alley Fund	2022 Actuals	2023 Actuals Jan - Oct	2023 Adopted Budget	2023 Year-End Estimates	2024 Proposed Budget
Beginning Fund Balance	5,682,393	3,568,469	3,568,469	3,568,469	4,394,926
<u>Revenues:</u>					
Taxes & Fees	3,727,934	2,670,017	3,791,000	3,204,020	3,300,000
Charges for Services	931,151	790,822	991,000	948,986	933,000
Earnings on Investment	86,206	-	-	-	-
Miscellaneous Revenue	15,659	10,622	5,000	12,747	10,000
ARPA Revenue	-	-	-	-	1,334,563
Interfund Loan (Water Fund)	-	-	-	-	1,545,437
<i>Transfer In</i>	-	-	-	-	-
Total Operating Revenues	4,760,950	3,471,460	4,787,000	4,165,752	7,123,000
<u>Expenditures:</u>					
Operations & Maintenance	2,174,909	1,613,414	2,422,450	1,936,097	2,607,550
Capital Outlay	4,287,378	1,135,032	4,715,000	1,362,038	5,119,000
Debt Service	412,587	34,300	408,800	41,160	408,800
<i>Transfer Out</i>	-	-	-	-	-
Total Expenditures	6,874,874	2,782,746	7,546,250	3,339,295	8,135,350
Excess (Deficiency) of Revenues Over Expenditures	(2,113,924)	688,714	(2,759,250)	826,457	(1,012,350)
Ending Fund Balance	3,568,469	4,257,183	809,219	4,394,926	3,382,576

Town of Frederick, Colorado

Conservation Trust Fund	2022 Actuals	2023 Actuals Jan - Oct	2023 Adopted Budget	2023 Year-End Estimates	2024 Proposed Budget
Beginning Fund Balance	132,269	226,254	226,254	226,254	318,831
<u>Revenues:</u>					
Intergovernmental	93,985	77,148	95,000	92,577	114,000
Earnings on Investment	-	-	-	-	-
<i>Transfer In</i>	-	-	-	-	-
Total Operating Revenues	93,985	77,148	95,000	92,577	114,000
<u>Expenditures:</u>					
Other	-	-	2,500	-	20,000
Capital Outlay	-	-	2,500	-	-
<i>Transfer Out</i>	-	-	-	-	-
Total Expenditures	-	-	5,000	-	20,000
Excess (Deficiency) of Revenues and Other Sources over Expenditures	93,985	77,148	90,000	92,577	94,000
Ending Fund Balance	226,254	303,401	316,254	318,831	412,831

Town of Frederick, Colorado

Water Fund	2022 Actuals	2023 Actuals Jan - Oct	2023 Adopted Budget	2023 Year-End Estimates	2024 Proposed Budget
Beginning Fund Balance	122,218,619	126,984,802	126,984,802	126,984,802	127,507,196
<u>Revenues:</u>					
Charges for Services	4,338,402	3,440,887	4,063,900	4,129,065	3,735,500
Miscellaneous Revenue	36,318	43,966	120,000	52,759	95,000
Total Operating Revenues	4,374,720	3,484,853	4,183,900	4,181,824	3,830,500
<u>Expenses:</u>					
Operations & Maintenance	5,904,553	3,419,445	5,770,400	4,103,334	9,127,875
Capital Outlay	-	3,988,552	4,000,000	4,000,000	3,910,000
Depreciation	458,070	458,000	458,000	458,000	458,000
Debt Service	-	-	-	-	-
<i>Transfer Out</i>	-	-	-	-	-
Total Operating Expenses	6,362,623	7,865,997	10,228,400	8,561,334	13,495,875
Operating Income (Loss)	(1,987,903)	(4,381,144)	(6,044,500)	(4,379,510)	(9,665,375)
<u>Non-Operating Revenues (Expenses):</u>					
Tap Fees	-	79,272	207,000	95,126	120,000
Capital Investment Fees	6,239,219	4,005,648	9,280,000	4,806,778	5,918,000
Interest Expense	514,867	-	-	-	-
<i>Transfer In</i>	-	-	-	-	-
Total Non-Operating Revenues (Expenses)	6,754,086	4,084,920	9,487,000	4,901,904	6,038,000
Excess (Deficiency) of Revenues and Other Sources over Expenses	4,766,183	(296,224)	3,442,500	522,394	(3,627,375)
Ending Fund Balance	126,984,802	126,688,578	130,427,302	127,507,196	123,879,821

Town of Frederick, Colorado

Storm Water Fund	2022 Actuals	2023 Actuals Jan - Oct	2023 Adopted Budget	2023 Year-End Estimates	2024 Proposed Budget
Beginning Fund Balance	7,515,372	8,033,369	8,033,369	8,033,369	7,922,302
<u>Revenues:</u>					
Charges for Services	1,211,047	675,167	872,000	810,200	850,000
Miscellaneous Revenue	33,251	7,470	-	8,964	10,000
Total Operating Revenues	1,244,298	682,636	872,000	819,164	860,000
<u>Expenses:</u>					
Operations & Maintenance	660,124	897,574	1,150,000	1,077,089	1,526,850
Capital Outlay	-	490,572	500,000	490,572	1,680,000
Depreciation	131,516	130,000	130,000	130,000	130,000
Transfer Out	-	-	-	-	-
Total Operating Expenses	791,640	1,518,145	1,780,000	1,697,660	3,336,850
Operating Income (Loss)	452,658	(835,509)	(908,000)	(878,496)	(2,476,850)
<u>Non-Operating Revenues (Expenses):</u>					
Capital Revenues	-	639,525	613,000	767,430	601,000
Miscellaneous Revenue	-	-	65,000	-	50,000
Interest Income	65,339	-	-	-	-
Transfer In	-	-	-	-	-
Total Non-Operating Revenues (Expenses)	65,339	639,525	678,000	767,430	651,000
Excess (Deficiency) of Revenues and Other Sources over Expenses	517,997	(195,984)	(230,000)	(111,067)	(1,825,850)
Ending Fund Balance	8,033,369	7,837,385	7,803,369	7,922,302	6,096,452

Town of Frederick, Colorado

Golf Fund	2022 Actuals	2023 Actuals Jan - Oct	2023 Adopted Budget	2023 Year-End Estimates	2024 Proposed Budget
Beginning Fund Balance	43,275	38,794	38,794	38,794	155,206
<u>Revenues:</u>					
Charges for Services	532,690	683,939	983,550	820,726	619,200
Grants & Contributions	-	-	-	-	-
Miscellaneous Revenue	118,689	-	-	-	-
<i>Transfer In (from General)</i>	901,250	629,100	629,100	629,100	667,500
Total Operating Revenues	1,552,629	1,313,039	1,612,650	1,449,826	1,286,700
<u>Expenditures:</u>					
Operations & Maintenance	1,509,890	912,177	1,419,650	1,094,612	1,001,700
Capital Outlay	-	38,169	107,500	45,802	235,000
Depreciation	47,220	193,000	193,000	193,000	50,000
<i>Transfer Out</i>	-	-	-	-	-
Total Expenditures	1,557,110	1,143,345	1,720,150	1,333,414	1,286,700
Excess (Deficiency) of Revenues and Other Sources over Expenditures	(4,481)	169,693	(107,500)	116,412	-
Ending Fund Balance	38,794	208,487	(68,706)	155,206	155,206

Town of Frederick, Colorado

Park Improvement Fund	2022 Actuals	2023 Actuals Jan - Oct	2023 Adopted Budget	2023 Year-End Estimates	2024 Proposed Budget
Beginning Fund Balance	880,904	(39,324)	(39,324)	(39,324)	189
<u>Revenues:</u>					
Taxes and Fees	440,710	233,450	725,000	280,140	331,000
Charges for Services	4,345	-	-	-	-
Earnings on Investment	4,909	-	-	-	-
Miscellaneous Revenue	6,560	3,775	7,000	4,530	7,000
<i>Transfer In (from General)</i>	-	-	-	430,000	324,000
Total Operating Revenues	456,524	237,225	732,000	714,670	662,000
<u>Expenditures:</u>					
Operations & Maintenance	1,276,009	562,631	731,000	675,157	662,000
Capital Lease	-	-	-	-	-
Capital Outlay	100,743	-	-	-	-
<i>Transfer Out</i>	-	-	-	-	-
Total Expenditures	1,376,752	562,631	731,000	675,157	662,000
Excess (Deficiency) of Revenues and Other Sources over Expenditures	(920,228)	(325,406)	1,000	39,513	-
Ending Fund Balance	(39,324)	(364,730)	(38,324)	189	189

Town of Frederick, Colorado

Open Space Fund	2022 Actuals	2023 Actuals Jan - Oct	2023 Adopted Budget	2023 Year-End Estimates	2024 Proposed Budget
Beginning Fund Balance	3,918,901	5,302,556	5,302,556	5,302,556	6,155,823
<u>Revenues:</u>					
Taxes & Fees	1,912,739	1,664,425	1,583,000	1,997,310	1,920,000
Grants & Contributions	-	-	-	-	-
Earnings on Investment	50,748	-	-	-	-
Miscellaneous Revenue	650	-	-	-	-
<i>Transfer In</i>	-	-	-	-	-
Total Operating Revenues	1,964,137	1,664,425	1,583,000	1,997,310	1,920,000
<u>Expenditures:</u>					
Operations & Maintenance	536,345	748,705	1,203,200	898,446	1,616,750
Capital Outlay	44,137	204,664	306,250	245,597	600,000
<i>Transfer Out</i>	-	-	-	-	324,000
Total Expenditures	580,482	953,369	1,509,450	1,144,043	2,540,750
Excess (Deficiency) of Revenues and Other Sources over Expenditures	1,383,655	711,056	73,550	853,267	(620,750)
Ending Fund Balance	5,302,556	6,013,612	5,376,106	6,155,823	5,535,073

Town of Frederick, Colorado

Public Safety Fund	2022 Actuals	2023 Actuals Jan - Oct	2023 Adopted Budget	2023 Year-End Estimates	2024 Proposed Budget
Beginning Fund Balance	416,495	487,163	487,163	487,163	473,595
<u>Revenues:</u>					
Permits & Fees	159,516	197,027	250,000	236,432	300,000
Miscellaneous Revenue	-	-	-	-	-
<i>Transfer In</i>	-	-	-	-	-
Total Operating Revenues	159,516	197,027	250,000	236,432	300,000
<u>Expenditures:</u>					
Capital Outlay	88,848	-	-	-	-
<i>Transfer Out</i>	-	250,000	250,000	250,000	300,000
Total Expenditures	88,848	250,000	250,000	250,000	300,000
Excess (Deficiency) of Revenues and Other Sources over Expenditures	70,668	(52,973)	-	(13,568)	-
Ending Fund Balance	487,163	434,190	487,163	473,595	473,595

Town of Frederick, Colorado

	2022 Actuals	2023 Actuals Jan - Oct	2023 Adopted Budget	2023 Year-End Estimates	2024 Proposed Budget
Capital Facilities Fund					
Beginning Fund Balance	6,130,522	6,124,527	6,124,527	6,124,527	4,616,302
<u>Revenues:</u>					
Taxes and Fees	264,523	143,313	445,000	171,975	234,000
Intergovernmental	16,470			-	
Earnings on Investment	87,782			-	
<i>Transfer In</i>	-	-	-	-	-
Total Operating Revenues	368,775	143,313	445,000	171,975	234,000
<u>Expenditures:</u>					
Capital Outlay	120,310	142,892	176,000	171,471	218,000
Debt Service	254,460	84,820	174,000	1,508,730	-
<i>Transfer Out</i>	-	-	-	-	-
Total Expenditures	374,770	227,712	350,000	1,680,200	218,000
Excess (Deficiency) of Revenues and Other Sources over Expenditures	(5,995)	(84,399)	95,000	(1,508,225)	16,000
Ending Fund Balance	6,124,527	6,040,128	6,219,527	4,616,302	4,632,302

Town of Frederick, Colorado

Facilities Fund	2022 Actuals	2023 Actuals Jan - Oct	2023 Adopted Budget	2023 Year-End Estimates	2024 Proposed Budget
Beginning Fund Balance	-	(6,667)	(6,667)	(6,667)	319,181
<u>Revenues:</u>					
Department Allocation	-	420,000	630,000	630,000	681,500
Earnings on Investment	120	-	-	-	-
Miscellaneous Revenue	-	163,116	-	195,739	-
<i>Transfer In (from General)</i>	513,000	-	-	-	-
Total Operating Revenues	513,120	583,116	630,000	825,739	681,500
<u>Expenditures:</u>					
Operations & Maintenance	519,786	411,142	630,000	493,370	681,500
Capital Outlay	-	5,435	-	6,521	-
Debt Service	-	-	-	-	-
<i>Transfer Out</i>	-	-	-	-	-
Total Expenditures	519,786	416,576	630,000	499,892	681,500
Excess (Deficiency) of Revenues and Other Sources over Expenditures	(6,667)	166,540	-	325,847	-
Ending Fund Balance	(6,667)	159,873	(6,667)	319,181	319,181

Town of Frederick, Colorado

Fleet Fund	2022 Actuals	2023 Actuals Jan - Oct	2023 Adopted Budget	2023 Year-End Estimates	2024 Proposed Budget
Beginning Fund Balance	-	(51,093)	(51,093)	(51,093)	612,370
<u>Revenues:</u>					
Department Allocation	-	753,667	1,130,500	1,130,500	1,214,000
Earnings on Investment	-	-	-	-	-
Miscellaneous Revenue	4,369	615,504	-	615,000	64,000
<i>Transfer In (from General)</i>	524,000	-	-	-	-
Total Operating Revenues	528,369	1,369,171	1,130,500	1,745,500	1,278,000
<u>Expenditures:</u>					
Operations & Maintenance	532,023	880,864	1,115,500	1,057,037	1,199,000
Capital Outlay	47,440	19,945	15,000	25,000	15,000
Debt Service	-	-	-	-	-
<i>Transfer Out</i>	-	-	-	-	-
Total Expenditures	579,463	900,809	1,130,500	1,082,037	1,214,000
Excess (Deficiency) of Revenues and Other Sources over Expenditures	(51,093)	468,362	-	663,463	64,000
Ending Fund Balance	(51,093)	417,269	(51,093)	612,370	676,370

Town of Frederick, Colorado

Oil Royalty Trust Fund	2022 Actuals	2023 Actuals Jan - Oct	2023 Adopted Budget	2023 Year-End Estimates	2024 Proposed Budget
Beginning Fund Balance	1,622,962	1,672,516	1,672,516	1,672,516	1,729,804
<u>Revenues:</u>					
Intergovernmental	168,725	81,940	160,000	98,328	115,000
Earnings on Investment	9,113	-	-	-	-
<i>Transfer In</i>	-	-	-	-	-
Total Operating Revenues	177,838	81,940	160,000	98,328	115,000
<u>Expenditures:</u>					
Operations & Maintenance	78,284	-	15,000	-	-
Donation & Scholarship	50,000	34,200	75,000	41,040	65,000
<i>Transfer Out</i>	-	-	-	-	-
Total Expenditures	128,284	34,200	90,000	41,040	65,000
Excess (Deficiency) of Revenues and Other Sources over Expenditures	49,554	47,740	70,000	57,288	50,000
Ending Fund Balance	1,672,516	1,720,256	1,742,516	1,729,804	1,779,804

Town of Frederick, Colorado

Art in Public Places Fund	2022 Actuals	2023 Actuals Jan - Oct	2023 Adopted Budget	2023 Year-End Estimates	2024 Proposed Budget
Beginning Fund Balance	23,277	61,941	61,941	61,941	65,861
<u>Revenues:</u>					
Grants & Contributions	1,000	-	1,000	-	1,000
Earnings on Investment	604	-	-	-	-
<i>Transfer In</i>	51,630	11,000	11,000	11,000	40,000
Total Operating Revenues	53,234	11,000	12,000	11,000	41,000
<u>Expenditures:</u>					
Operations & Maintenance	4,428	5,900	10,000	7,080	10,000
Capital Outlay	10,142	-	20,000	-	20,000
<i>Transfer Out</i>	-	-	-	-	-
Total Expenditures	14,570	5,900	30,000	7,080	30,000
Excess (Deficiency) of Revenues and Other Sources over Expenditures	38,664	5,100	(18,000)	3,920	11,000
Ending Fund Balance	61,941	67,041	43,941	65,861	76,861

Town of Frederick, Colorado

Events Fund	2022 Actuals	2023 Actuals Jan - Oct	2023 Adopted Budget	2023 Year-End Estimates	2024 Proposed Budget
Beginning Fund Balance	51,080	137,008	137,008	137,008	202,641
<u>Revenues:</u>					
Grants & Contributions	97,778	121,235	97,750	121,235	90,275
Miscellaneous Revenue	1,759	-	-	-	-
<i>Transfer In (from GF & Board)</i>	173,000	183,250	183,250	183,250	185,300
Total Operating Revenues	272,537	304,485	281,000	304,485	275,575
					28,910
<u>Expenditures:</u>					
Operations	186,609	199,043	281,000	238,851	273,075
Capital Outlay	-	-	-	-	2,500
<i>Transfer Out</i>	-	-	-	-	-
Total Expenditures	186,609	199,043	281,000	238,851	275,575
Excess (Deficiency) of Revenues and Other Sources over Expenditures	85,928	105,442	-	65,634	-
Ending Fund Balance	137,008	242,450	137,008	202,641	202,641



TOWN OF FREDERICK

Board of Trustees

Action Memorandum

Tracie Crites, Mayor

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

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

A Resolution to Certify Tax Liens

Agenda Date: Town Board Meeting – December 12, 2023

Attachments: a. Resolution 23-R-58

Finance Review: Kurtis Adams
Finance Director

Submitted by: Kurtis Adams
Finance Director

Approved for Presentation: Bryan Ostler
Town Manager

☒ Quasi-Judicial

☒ Legislative

☒ Administrative

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

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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.

Legal Comments:

Not applicable. The resolution has been reviewed and approved by the Town Attorney.

Alternatives/Options:

Do not adopt 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.

**TOWN OF FREDERICK, COLORADO
RESOLUTION 23-R-58**

**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, 2023.

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 DECEMBER, 2023.

TOWN OF FREDERICK:

By _____
Tracie Crites, Mayor

ATTEST:

By _____
Kelly Green, Deputy Town Clerk

[illegible]

[illegible]

[illegible]

[illegible]



TOWN OF FREDERICK

Board of Trustees

Action Memorandum

Tracie Crites, Mayor

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

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

Resolution Amending the Fee Schedule - 2024

Agenda Date: Town Board Meeting – December 12, 2023

Attachments:

- a. Resolution 23-R-59
- b. Exhibit A – Fee Schedule Changes

Finance Review: Kurtis Adams
Finance Director

Submitted by: Kurtis Adams
Finance Director

Approved for Presentation: Bryan Ostler
Town Manager

☐ Quasi-Judicial

☐ Legislative

☒ Administrative

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:

Described below are a number of fees for various services that staff are requesting to be updated or removed from the fee schedule. The fee schedule is reviewed regularly and is amended solely based on need and to ensure that the services delivered to individuals are not being paid for by all taxpayers.

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Detail of Issue/Request:

Chapter 2 - Administration

Section 2-78 Administrative Fees Schedule

Simplification of Park Shelter Rentals:

This fee change is intended to simplify the shelter rental structure and adhere to applicable rules pertaining to resident and non-resident use. This eliminates multiple fee levels pertaining to number of hours and number of people. It will now be a one-day rental at a single base rate. Additionally, Federal grant funds were utilized in the construction of some park shelters, which generally prohibits user fees based on residency. We also intend to utilize Federal funds in the future, and the current fee structure could jeopardize our eligibility. The increase in fees is related to staff time for processing reservations and preparation and cleanup of park shelters. In 2024, we will allow reservations at the pergola at Crist Park and the Big & Little Fred Shelters at Frederick Recreation Area.

<u>Park Fees (reserved park pavilion – up to five hours):</u>			
<u>Town of Frederick Resident</u>			
1-50 people		\$25.00	
Shelter Rental - One Day - Up to 99 people			\$75.00
Each additional hour beyond five hours		\$5.00	
51-100 people		\$35.00	
Each additional hour beyond five hours		\$5.00	
101-200 people		\$60.00	
Each additional hour beyond five hours		\$5.00	
Over 200 people		\$75.00 min and based on park impact	
Each additional hour beyond five hours		\$5.00	
<u>Non-Resident</u>			
1-50 people		\$50.00	
Each additional hour beyond five hours		\$5.00	
51-100 people		\$75.00	
Each additional hour beyond five hours		\$5.00	
101-200 people		\$125.00	
Each additional hour beyond five hours		\$5.00	
Over 200 people		\$150.00 min and based on park impact	
Each additional hour beyond five hours		\$5.00	
Liquor Permits for Shelter Rentals		\$25.00	\$100.00
Bounce House Permits for park reservations		\$15.00	

Alcohol Permit for Shelter Rentals:

This fee change is an increase for park shelter reservations who request the ability to consume alcohol. The increase is needed due to staff time for processing the permit, for additional cleanup associated with alcohol consumption, and for potential additional law enforcement relating to alcohol consumption.

Liquor Permits for Shelter Rentals		\$25.00	\$100.00
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Chapter 13 – Municipal Utilities

Section 13.55.4 Procedures

The number of taps has increased in the Town and the diversity of the tap sizes has also increased. As the sizes of taps becomes more diverse, the Town needs to update the fee schedule to include tap fees and usage rate fees for the different tap sizes for Potable and Non-potable water use.

The proposed changes include adding 3” and 4” tap fees and usage fees for potable and non-potable water usage, where the current fee schedule did not include those fees. Changes were also made to the tables and fee descriptions to clarify common questions that staff receive from residents, customers and developers.

Table D For sites in Frederick who are not subject to the Native Water Dedication Requirement or who select Alternative 1E described in Section 13-55.3 of the Municipal Code					
Meter Size		Service Fees:			
Meter Size	CBT Water Dedication Requirement	CWCWD Capital Improv. Fee	Frederick Capital Improv. Fee	Meter Installation Fee *	Total
5/8"	Calculated per Municipal Code Sec. 13-2-205	\$12,000	\$2,535	\$800	\$15,335
3/4"		\$18,000	\$3,803	\$1,000	\$22,803
1"		\$30,000	\$7,605	\$1,300	\$38,905
1 1/2"		\$60,000	\$15,210	\$3,025	\$78,235
2"		\$96,000	\$25,350	\$3,440	\$124,790
3"		\$180,000	\$72,000	\$4,600	\$256,600
4"		\$300,000	\$178,000	\$5,800	\$483,800

Section 13.55 Procedures – Non-Potable Water Service

Non-Potable Meter Fees:					
			Meter Size	Meter Installation Fee	
			5/8"	\$1,018	
			3/4"	\$1,175	
			1"	\$1,724	
			1 1/2"	\$3,248	
			2"	\$4,782	
			3"	\$5,750	
			4"	\$7,200	

Non-Potable Water Rate Tables

Section 13.74 (c).(2)

Non-Potable Rate Structure (with water shares provided to Town) - In Town						
Large and Non-Residential Services with onsite storage and/or pump provided by user as required						
Use (Gallons)	5/8" (<1.0 af)	3/4" (<2.0 af)	1" (<4.0 af)	2" (<13.2 af)	3" (<25 af)	4"
Base Cost	\$5.94	\$11.88	\$23.76	\$78.41	\$78.41	\$78.41
0 to 15K	\$0.52	\$0.52	\$0.52	\$0.52	\$0.52	\$0.52
15K to 30K	\$0.78	\$0.52	\$0.52	\$0.52	\$0.52	\$0.52
30K to 60K	\$0.78	\$0.78	\$0.52	\$0.52	\$0.52	\$0.52
60K to 200K	\$0.78	\$0.78	\$0.78	\$0.52	\$0.52	\$0.52
200K to 300K	\$0.78	\$0.78	\$0.78	\$0.78	\$0.52	\$0.52
300K to 400K	\$0.78	\$0.78	\$0.78	\$0.78	\$0.78	\$0.52
400K and over					\$0.78	\$0.78

Section 13.74 Water Service Charges

Potable Water:

The proposed resolution will increase the water rates for the Town of Frederick to meet the current and future needs of the Town's water system. To accommodate for both fixed and variable costs, we are recommending a regular increase of five percent (5%) annually on every calendar year (2021 through 2025) on a costs per 1,000-gallon basis.

Potable Water Rate Tables:						
Potable Water Rates - In Town - 5/8" Taps						
Use (Gallons)	Cost					
Base rate	\$31.57					
3,001 to 5,000 gallons	3.05 3.20		per 1000 gallons			
5,001 to 15,000 gallons	4.22 4.43		per 1000 gallons			
15,000 to 25,000 gallons	5.51 5.79		per 1000 gallons			
25,000 and over	7.67 8.05		per 1000 gallons			
Potable Water Rates - In Town - Larger Taps						
Use (Gallons)	3/4"	1"	1 & 1/2"	2"	3"	4"
Base Cost	\$35.61	\$61.18	\$116.74	\$185.50	\$347.03	\$597.40
0 to 30K	2.59 2.72	2.59 2.72	2.59 2.72	2.59 2.72	2.59 2.72	2.59 2.72
30K to 60K	2.59 2.72	2.59 2.72	2.59 2.72	2.59 2.72	2.59 2.72	2.59 2.72
60K to 100K	3.45 3.62	2.59 2.72	2.59 2.72	2.59 2.72	2.59 2.72	2.59 2.72
100K to 200K	3.45 3.62	3.45 3.62	2.59 2.72	2.59 2.72	2.59 2.72	2.59 2.72
200K to 300K	3.45 3.62	3.45 3.62	3.45 3.62	2.59 2.72	2.59 2.72	2.59 2.72
300K to 400K	5.36 5.63	3.45 3.62	3.45 3.62	3.45 3.62	2.59 2.72	2.59 2.72
400K to 500K	5.36 5.63	5.36 5.63	3.45 3.62	3.45 3.62	3.45 3.62	2.59 2.72
500K to 600K	5.36 5.63	5.36 5.63	5.36 5.63	3.45 3.62	3.45 3.62	3.45 3.62
600K and over	5.36 5.63	5.36 5.63	5.36 5.63	5.36 5.63	3.45 3.62	3.45 3.62
Potable Water Rates - Evanston - 5/8" Taps						
Use (Gallons)	Cost					
Base rate	\$56.41					
3,001 to 5,000 gallons	3.05 3.20		per 1000 gallons			
5,001 to 15,000 gallons	4.22 4.43		per 1000 gallons			
15,000 to 25,000 gallons	5.51 5.79		per 1000 gallons			
25,000 and over	7.67 8.05		per 1000 gallons			
Potable Water Rates - Evanston - Larger Taps						
Use (Gallons)	3/4"	1"	1 & 1/2"	2"	3"	
Base Cost	\$62.89	\$96.12	\$168.37	\$257.76	\$367.09	
0 to 30K	2.59 2.72	2.59 2.72	2.59 2.72	2.59 2.72	2.59 2.72	
30K to 60K	2.59 2.72	2.59 2.72	2.59 2.72	2.59 2.72	2.59 2.72	
60K to 100K	3.45 3.62	2.59 2.72	2.59 2.72	2.59 2.72	2.59 2.72	
100K to 200K	3.45 3.62	3.45 3.62	2.59 2.72	2.59 2.72	2.59 2.72	
200K to 300K	3.45 3.62	3.45 3.62	3.45 3.62	2.59 2.72	2.59 2.72	
300K to 400K	5.36 5.63	3.45 3.62	3.45 3.62	3.45 3.62	2.59 2.72	
400K to 500K	5.36 5.63	5.36 5.63	3.45 3.62	3.45 3.62	3.45 3.62	
500K to 600K	5.36 5.63	5.36 5.63	5.36 5.63	3.45 3.62	3.45 3.62	
600K and over	5.36 5.63	5.36 5.63	5.36 5.63	5.36 5.63	5.36 5.63	
Potable Water Rates - Misc.						
	Base Rate		Per 1,000 gallons			
Frederick Elementary School	\$695.25		2.59 2.72			
Frederick Middle/Senior High School	\$625.73		2.59 2.72			
Frederick Softball Facility (CVRD)	\$40.63		2.59 2.72			
Prairie Greens Subdivision	\$463.50		2.59 2.72			
Bulk Potable for construction	\$0.00		15.35 16.12			

Section 13.74 Water Service Charges

Addition of Fire Flow Test Fee:

Under this proposal, a nominal fee of \$200 will be applied to each fire flow test conducted within the Town of Frederick. This fee will be applicable to all commercial and industrial properties where engineers deem a fire flow test necessary. This initiative aims to ensure that the costs associated with conducting these essential tests, crucial for evaluating the water supply available for firefighting purposes, are adequately covered.

Section 13.74 Water Service Charges					
	Duplicate Utility Bill				\$2.00
	Hydrant Meter Deposit				\$4,500.00
	Fire Flow Test				\$200.00

Land Use Code-Article 1

1.11 Fees

Simplification of Special Event Permitting in Town Parks:

This fee change eliminates differing and redundant fees associated with special events held in Town parks. It creates one fee, which in addition to other applicable special event fees will charge \$150 for the use of Town-owned parks. This special event permitting structure differs from park shelter reservations in that it is intended for a public event of any size or private events with 100 or more people, includes a higher fee structure and is available at all Town parks, not just those with a reservable park shelter.

Facility Use fee (Per Day):					
	Crist Park				\$200.00
	Frederick Recreation Area				\$150.00
	Centennial Park				\$150.00
	Town Park Use Fee				\$150.00

Oil & Gas Inspection Fee:

This is not a new fee. It is best practice to list fees collected via a fee schedule and not within a code document. The oil and gas inspection fee was approved for removal from Article 9 of the Frederick Land Use Code at the Board of Trustees meeting on October 24th, 2023 with Ordinance No. 1389. With this amendment, the inspection fee needs to be added to the fee schedule.

Oil and Gas Well Inspection			\$400.00 per well, per year
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Temporary Use Application and Special Event Application:

Previously, the Town of Frederick had processed all temporary use and special event applications under one type of process, “temporary use”. Grouping small and large events with temporary structures left applicants confused and staff without the information needed to make informed decisions. Staff from multiple departments have worked to define and distinguish between the two types of applications and created processes to match. We have created a new “temporary use application” process and moved the former temporary use process to “special event application.” With the creation of a new “temporary use application” we are requesting a \$100.00 fee.

1.11 Fees					Fee	Deposit
	Temporary Use Application				\$100.00	
	<u>Special Event Application</u>					
	***Non-Refundable Application Fee				\$300.00	
	Additional Application Late Fee				\$150.00	
	(App is submitted less than 30 days prior to the event)					
	***Damage Deposit					\$500.00
	Barricade & Cone Rental Deposit					\$200.00
	Barricade Rental (each pair)				\$100.00	
	Cone Rental for 10 Cones				\$25.00	
	Cones (Each cone after 10)				\$3.00	
	Trash Can Rental (per can)				\$10.00	
	Commercial use of Town property where attendance					
	is limited to under 50 persons				\$175.00	
	***Required for All Temporary Use Special Event Applications on Town Properties					
	Vesting Property Rights				\$1,000.00	
	Written Interpretation				\$100.00	
	Zoning Compliance Letter				\$75.00	

Legal Comments:

The resolution was drafted by the Town Attorney.

Alternatives/Options:

The Board could choose not to adopt the fee schedule changes as presented or handle them individually and adopt them in a series of items if desired.

Financial Considerations:

A number of these changes help to insure the sustainability and accuracy of the town funds.

Staff Recommendation:

Staff recommends approval of the resolution as presented.

**TOWN OF FREDERICK
RESOLUTION NO. 23-R-59**

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

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

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

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

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

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

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

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

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

INTRODUCED, READ, PASSED, AND ADOPTED ON THIS 12TH DAY OF DECEMBER, 2023.

ATTEST:

TOWN OF FREDERICK:

Kelly Green, Deputy Town Clerk

By _____
Tracie Crites, Mayor

EXHIBIT A

Chapter 2 - Administration Section 2-78 Administrative Fees Schedule

Simplification of Park Shelter Rentals:

This fee change is intended to simplify the shelter rental structure and adhere to applicable rules pertaining to resident and non-resident use. This eliminates multiple fee levels pertaining to number of hours and number of people. It will now be a one-day rental at a single base rate. Additionally, Federal grant funds were utilized in the construction of some park shelters, which generally prohibits user fees based on residency. We also intend to utilize Federal funds in the future, and the current fee structure could jeopardize our eligibility. The increase in fees is related to staff time for processing reservations and preparation and cleanup of park shelters. In 2024, we will allow reservations at the pergola at Crist Park and the Big & Little Fred Shelters at Frederick Recreation Area.

Park Fees (reserved park pavilion—up to five hours):					
Town of Frederick Resident					
1-50 people				\$25.00	
Shelter Rental - One Day - Up to 99 people					\$75.00
Each additional hour beyond five hours				\$5.00	
51-100 people				\$35.00	
Each additional hour beyond five hours				\$5.00	
101-200 people				\$60.00	
Each additional hour beyond five hours				\$5.00	
Over 200 people				\$75.00 min and based on park impact	
Each additional hour beyond five hours				\$5.00	
Non-Resident					
1-50 people				\$50.00	
Each additional hour beyond five hours				\$5.00	
51-100 people				\$75.00	
Each additional hour beyond five hours				\$5.00	
101-200 people				\$125.00	
Each additional hour beyond five hours				\$5.00	
Over 200 people				\$150.00 min and based on park impact	
Each additional hour beyond five hours				\$5.00	
Liquor Permits for Shelter Rentals				\$25.00	\$100.00
Bounce House Permits for park reservations				\$15.00	

Alcohol Permit for Shelter Rentals:

This fee change is an increase for park shelter reservations who request the ability to consume alcohol. The increase is needed due to staff time for processing the permit, for additional cleanup associated with alcohol consumption, and for potential additional law enforcement relating to alcohol consumption.

Liquor Permits for Shelter Rentals			\$25.00	\$100.00
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Chapter 13 – Municipal Utilities

Section 13.55.4 Procedures

The number of taps has increased in the Town and the diversity of the tap sizes has also increased. As the sizes of taps becomes more diverse, the Town needs to update the fee schedule to include tap fees and usage rate fees for the different tap sizes for Potable and Non-potable water use.

The proposed changes include adding 3” and 4” tap fees and usage fees for potable and non-potable water usage, where the current fee schedule did not include those fees. Changes were also made to the tables and fee descriptions to clarify common questions that staff receive from residents, customers and developers.

Table D For sites in Frederick who are not subject to the Native Water Dedication Requirement or who select Alternative 1E described in Section 13-55.3 of the Municipal Code					
Meter Size		Service Fees:			
Meter Size	CBT Water Dedication Requirement	CWCWD Capital Improv. Fee	Frederick Capital Improv. Fee	Meter Installation Fee*	Total
5/8"	Calculated per Municipal Code Sec. 13-2-205	\$12,000	\$2,535	\$800	\$15,335
3/4"		\$18,000	\$3,803	\$1,000	\$22,803
1"		\$30,000	\$7,605	\$1,300	\$38,905
1 1/2"		\$60,000	\$15,210	\$3,025	\$78,235
2"		\$96,000	\$25,350	\$3,440	\$124,790
3"		\$180,000	\$72,000	\$4,600	\$256,600
4"		\$300,000	\$178,000	\$5,800	\$483,800

Section 13.55 Procedures – Non-Potable Water Service

Non-Potable Meter Fees:					
				Meter Size	Meter Installation Fee
				5/8"	\$1,018
				3/4"	\$1,175
				1"	\$1,724
				1 1/2"	\$3,248
				2"	\$4,782
				3"	\$5,750
				4"	\$7,200

Non-Potable Water Rate Tables
Section 13.74 (c).(2)

Non-Potable Rate Structure (with water shares provided to Town) - In Town						
Large and Non-Residential Services with onsite storage and/or pump provided by user as required						
Use (Gallons)	5/8" (<1.0 af)	3/4" (<2.0 af)	1" (<4.0 af)	2" (<13.2 af)	3" (<25 af)	4"
Base Cost	\$5.94	\$11.88	\$23.76	\$78.41	\$78.41	\$78.41
0 to 15K	\$0.52	\$0.52	\$0.52	\$0.52	\$0.52	\$0.52
15K to 30K	\$0.78	\$0.52	\$0.52	\$0.52	\$0.52	\$0.52
30K to 60K	\$0.78	\$0.78	\$0.52	\$0.52	\$0.52	\$0.52
60K to 200K	\$0.78	\$0.78	\$0.78	\$0.52	\$0.52	\$0.52
200K to 300K	\$0.78	\$0.78	\$0.78	\$0.78	\$0.52	\$0.52
300K to 400K	\$0.78	\$0.78	\$0.78	\$0.78	\$0.78	\$0.52
400K and over					\$0.78	\$0.78

Section 13.74 Water Service Charges

Potable Water:

The proposed resolution will increase the water rates for the Town of Frederick to meet the current and future needs of the Town's water system. To accommodate for both fixed and variable costs, we are recommending a regular increase of five percent (5%) annually on every calendar year (2021 through 2025) on a costs per 1,000-gallon basis.

Potable Water Rate Tables:						
Potable Water Rates - In Town - 5/8" Taps						
Use (Gallons)	Cost					
Base rate	\$31.57					
3,001 to 5,000 gallons	3.05 3.20		per 1000 gallons			
5,001 to 15,000 gallons	4.22 4.43		per 1000 gallons			
15,000 to 25,000 gallons	5.51 5.79		per 1000 gallons			
25,000 and over	7.67 8.05		per 1000 gallons			
Potable Water Rates - In Town - Larger Taps						
Use (Gallons)	3/4"	1"	1 & 1/2"	2"	3"	4"
Base Cost	\$35.61	\$61.18	\$116.74	\$185.50	\$347.03	\$597.40
0 to 30K	2.59 2.72	2.59 2.72	2.59 2.72	2.59 2.72	2.59 2.72	2.59 2.72
30K to 60K	2.59 2.72	2.59 2.72	2.59 2.72	2.59 2.72	2.59 2.72	2.59 2.72
60K to 100K	3.45 3.62	2.59 2.72	2.59 2.72	2.59 2.72	2.59 2.72	2.59 2.72
100K to 200K	3.45 3.62	3.45 3.62	2.59 2.72	2.59 2.72	2.59 2.72	2.59 2.72
200K to 300K	3.45 3.62	3.45 3.62	3.45 3.62	2.59 2.72	2.59 2.72	2.59 2.72
300K to 400K	5.36 5.63	3.45 3.62	3.45 3.62	3.45 3.62	2.59 2.72	2.59 2.72
400K to 500K	5.36 5.63	5.36 5.63	3.45 3.62	3.45 3.62	3.45 3.62	2.59 2.72
500K to 600K	5.36 5.63	5.36 5.63	5.36 5.63	3.45 3.62	3.45 3.62	3.45 3.62
600K and over	5.36 5.63	5.36 5.63	5.36 5.63	5.36 5.63	3.45 3.62	3.45 3.62
Potable Water Rates - Evanston - 5/8" Taps						
Use (Gallons)	Cost					
Base rate	\$56.41					
3,001 to 5,000 gallons	3.05 3.20		per 1000 gallons			
5,001 to 15,000 gallons	4.22 4.43		per 1000 gallons			
15,000 to 25,000 gallons	5.51 5.79		per 1000 gallons			
25,000 and over	7.67 8.05		per 1000 gallons			
Potable Water Rates - Evanston - Larger Taps						
Use (Gallons)	3/4"	1"	1 & 1/2"	2"	3"	
Base Cost	\$62.89	\$96.12	\$168.37	\$257.76	\$367.09	
0 to 30K	2.59 2.72	2.59 2.72	2.59 2.72	2.59 2.72	2.59 2.72	
30K to 60K	2.59 2.72	2.59 2.72	2.59 2.72	2.59 2.72	2.59 2.72	
60K to 100K	3.45 3.62	2.59 2.72	2.59 2.72	2.59 2.72	2.59 2.72	
100K to 200K	3.45 3.62	3.45 3.62	2.59 2.72	2.59 2.72	2.59 2.72	
200K to 300K	3.45 3.62	3.45 3.62	3.45 3.62	2.59 2.72	2.59 2.72	
300K to 400K	5.36 5.63	3.45 3.62	3.45 3.62	3.45 3.62	2.59 2.72	
400K to 500K	5.36 5.63	5.36 5.63	3.45 3.62	3.45 3.62	3.45 3.62	
500K to 600K	5.36 5.63	5.36 5.63	5.36 5.63	3.45 3.62	3.45 3.62	
600K and over	5.36 5.63	5.36 5.63	5.36 5.63	5.36 5.63	5.36 5.63	
Potable Water Rates - Misc.						
	Base Rate		Per 1,000 gallons			
Frederick Elementary School	\$695.25		2.59 2.72			
Frederick Middle/Senior High School	\$625.73		2.59 2.72			
Frederick Softball Facility (CVRD)	\$40.63		2.59 2.72			
Prairie Greens Subdivision	\$463.50		2.59 2.72			
Bulk Potable for construction	\$0.00		15.35 16.12			

Section 13.74 Water Service Charges

Addition of Fire Flow Test Fee:

Under this proposal, a nominal fee of \$200 will be applied to each fire flow test conducted within the Town of Frederick. This fee will be applicable to all commercial and industrial properties where engineers deem a fire flow test necessary. This initiative aims to ensure that the costs associated with conducting these essential tests, crucial for evaluating the water supply available for firefighting purposes, are adequately covered.

Section 13.74 Water Service Charges					
	Duplicate Utility Bill				\$2.00
	Hydrant Meter Deposit				\$4,500.00
	Fire Flow Test				\$200.00

Land Use Code-Article 1

1.11 Fees

Simplification of Special Event Permitting in Town Parks:

This fee change eliminates differing and redundant fees associated with special events held in Town parks. It creates one fee, which in addition to other applicable special event fees will charge \$150 for the use of Town-owned parks. This special event permitting structure differs from park shelter reservations in that it is intended for a public event of any size or private events with 100 or more people, includes a higher fee structure and is available at all Town parks, not just those with a reservable park shelter.

Facility Use fee (Per Day):					
	Crist Park			\$200.00	
	Frederick Recreation Area			\$150.00	
	Centennial Park			\$150.00	
Town Park Use Fee					\$150.00

Oil & Gas Inspection Fee:

This is not a new fee. It is best practice to list fees collected via a fee schedule and not within a code document. The oil and gas inspection fee was approved for removal from Article 9 of the Frederick Land Use Code at the Board of Trustees meeting on October 24th, 2023 with Ordinance No. 1389. With this amendment, the inspection fee needs to be added to the fee schedule.

Oil and Gas Well Inspection			\$400.00 per well, per year
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Temporary Use Application and Special Event Application:

Previously, the Town of Frederick had processed all temporary use and special event applications under one type of process, "temporary use". Grouping small and large events with temporary structures left applicants confused and staff without the information needed to make informed decisions. Staff from multiple departments have worked to define and distinguish between the two types of applications and created processes to match. We have created a new "temporary use application" process and moved the former temporary use process to "special event application." With the creation of a new "temporary use application" we are requesting a \$100.00 fee.

1.11 Fees						Fee	Deposit
	Temporary Use Application					\$100.00	
	<u>Special Event Application</u>						
	***Non-Refundable Application Fee					\$300.00	
	Additional Application Late Fee					\$150.00	
	(App is submitted less than 30 days prior to the event)						
	***Damage Deposit						\$500.00
	Barricade & Cone Rental Deposit						\$200.00
	Barricade Rental (each pair)					\$100.00	
	Cone Rental for 10 Cones					\$25.00	
	Cones (Each cone after 10)					\$3.00	
	Trash Can Rental (per can)					\$10.00	
	Commercial use of Town property where attendance						
	is limited to under 50 persons					\$175.00	
	***Required for All Temporary Use Special Event Applications on Town Properties						
	Vesting Property Rights					\$1,000.00	
	Written Interpretation					\$100.00	
	Zoning Compliance Letter					\$75.00	



TOWN OF FREDERICK

Board of Trustees

Action Memorandum

Tracie Crites, Mayor

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

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

An Ordinance of the Town of Frederick, Colorado Amending Portions of Chapter 18 Building Regulations of the Frederick Municipal Code

Agenda Date:

Town Board Meeting – December 12, 2023

Attachments:

- a. Revised draft of Section 18 of the Frederick Municipal Code
1. Proposed Revised Building Code Ordinance No. 1390

Finance Review:

Administrative Services

Submitted by:

Chuck Sandifer
Chief Building Official

Approved for Presentation:

Bryan Ostler
Town Manager

☐ Quasi-Judicial

☐ Legislative

☐ Administrative

Strategic Plan Alignment:



- **Effective, Efficient Strategic Government Operations** - This request aligns with Section 1.2 of the Strategic Plan by updating the Town of Frederick Municipal Code.



- **Safe & Secure** - This request aligns with Section 5.2 of the Strategic Plan by improving public safety via more robust safety practices outlined in the updated codes.



- **Community and Economic Vitality**

Built on What Matters.

Summary Statement:

Staff request the Board of Trustees adopt Ordinance No. 1390 on second reading. The Town of Frederick has been in the 2018 International Code Council (I-Codes) and the 2020 National Electrical Code (NEC) since June 20, 2021. Since these are substantial changes, Staff are requesting that these changes be adopted by reference. Staff presented this item for initial consideration at the November 14, 2023 Board of Trustees meeting and set December 12th, 2023 for a public hearing. Since initial consideration, no amendments have been made nor comments received in writing, online or electronically for or in opposition to the proposed adoption.

Detail of Issue/Request:

Update the following codes:

2020 NEC to the 2023 NEC (National Electrical Code)
2018 IRC to the 2021 IRC (International Residential Code)
2018 IBC to the 2021 IBC (International Building Code)
2018 IPC to the 2021 IPC (International Plumbing Code)
2018 IMC to the 2021 IMC (International Mechanical Code)
2018 IFGC to the 2021 IFGC (International Fuel Gas Code)
2018 IECC to the 2021 IECC (International Energy Conservation Code)
2018 IPMC to the 2021 IPMC (International Property Maintenance Code)
2018 ISPSC to the 2021 ISPSC (International Swimming Pool & Spa Code)

Adopting the newer codes would make the Town of Frederick consistent with other municipalities. There would be better code consistency for contractors coming into Frederick to do work. The State of Colorado will be adopting the 2023 NEC statewide soon.

Over the course of the summer and fall 2023, potential applicants seeking to develop or build in Frederick have been advised that the Town anticipates adopting this version of building codes in the future. In addition, notifications will be sent to all contractors licensed in Frederick via email if adopted advising of the implementation date. That notification has the Building Division email link for questions, concerns, or comments. The anticipated date for implementation is January 1, 2024. As required for public hearings, an official public notice will be published in the Longmont Times Call.

Notifications shall also be posted:

- Frederick Flash
- Frederick Facebook and Twitter pages
- Frederick Newsletter

All publications will have the Building Division email address for questions, concerns, or comments.

Legal Comments:

New code verbiage has been reviewed and edited. The Town Attorney has drafted the ordinances as resolutions. A full listing of those proposed edits will be provided for the public hearing.

Alternatives/Options:

The Town has the option of not approving the 2021 I-Codes and 2023 NEC and staying with the 2018 I-Codes and the 2020 NEC. This is not recommended for the following reasons:

- Being consistent with the same version the Frederick Firestone Fire Protection District provides increased continuity for contractors doing work in Frederick.
- Keeping pace with the current version of building codes addresses advanced in sustainability, energy efficiency and safety practices within the industry.
- By the Town adopting the most current version of building codes, this avoids a scenario where the we would have to follow default State mandated energy or sustainability measures as the more current building codes comply with those State standards.

Financial Considerations:

There will be no cost impact for adopting all updated I-Codes and NEC.

Staff Recommendation:

Staff recommends the Board of Trustees approve Ordinance No. 1390 on second reading and cause the same to be published for 30 days prior adoptio

ORDINANCE NO. 1390

**AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, AMENDING
PORTIONS OF CHAPTER 18 BUILDING REGULATIONS OF THE
FREDERICK MUNICIPAL CODE.**

WHEREAS, the Town of Frederick is a statutory municipality created and organized pursuant to Title 31, Colorado Revised Statutes; and,

WHEREAS, the Town of Frederick has authority, pursuant to Colorado Revised Statutes § 31-15-401 et. seq. and C.R.S. § 31-15-601 et. seq. to enact and enforce building codes for the orderly and safe development within the Town; and,

WHEREAS, the Town of Frederick has adopted building regulations as codified in Chapter 18 of the Frederick Municipal Code; and,

WHEREAS, pursuant to C.R.S. §31-15-602, the Town is required to adopt and enforce an energy code that complies with the requirements of the State of Colorado; and,

WHEREAS, pursuant to C.R.S. §12-155-106, the Town is required to adopt and enforce a plumbing code that complies with the requirements of the State of Colorado; and,

WHEREAS, pursuant to C.R.S. §12-115-107, the Town is required to adopt and enforce an electric code that complies with the requirements of the State of Colorado; and,

WHEREAS, many of the State standards are adopted model codes produced by the International Code Council and contain references between codes; and

WHEREAS, many of the State has recently adopted updated versions of several codes to a more recent edition; and

WHEREAS, the Board of Trustees has determined that the various adopted code editions for the Town must be updated to be compliant with the State of Colorado; and,

WHEREAS, pursuant to C.R.S. §31-16-202, the adoption of the various codes may be done by reference.

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

Section 1. Section 18-1-60, Frederick Municipal Code, entitled “Adopted” is hereby amended with deleted language struck through and added language underlined as follows:

Sec. 18-1-60. Adopted.

The following codes are hereby adopted and enacted by reference:

(1) The ~~2018~~ 2021 *International Building Code*, as published by the International Code Council, ~~500 New Jersey Avenue NW, 6th Floor, Washington, DC 20001~~ 4051 Flossmoor Road, Country Club Hills, IL 60478, ~~August 31, 2017~~ October 23, 2020, Chapters 1 through 35 inclusive and Appendices A, ~~C, D, E, F, G, H, I, J, K, and N~~, is hereby incorporated by this reference as part of this Building Code to have the same force and effect as if set forth in this Chapter in every particular, save and except such portions as are added, amended, deleted, or replaced in this Chapter. The adopted code includes comprehensive provisions and standards regulating the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of buildings and structures for the purpose of safeguarding the public health, safety and general welfare. All references in this Code to the *International Building Code* are to the edition referenced above.

(2) The ~~2018~~ 2021 *International Residential Code*, as published by the International Code Council, ~~500 New Jersey Avenue NW, 6th Floor, Washington, DC 20001~~ 4051 Flossmoor Road, Country Club Hills, IL 60478, ~~August 31, 2017~~ January 21, 2021, Chapters 1 through 44 inclusive and Appendices ~~F, H and K~~ AA, AB, AC, AE, AF, AH, AI, AM, AN, AO, and AT, is hereby incorporated by this reference as part of this Building Code to have the same force and effect as if set forth in this Chapter in every particular, save and except such portions as are added, amended, deleted, or replaced in this Chapter. The adopted code includes comprehensive provisions and standards regulating the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of the attached one (1) and two (2) family dwellings and multiple single-family dwellings (townhouses) not more than three (3) stories in height with a separate means of egress and their accessory structures. The purpose of this Code is to provide minimum requirements to safeguard the public health, safety and general welfare, through affordability, structural strength, means of the egress facilities, stability, sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment. All references in this Code to the *International Residential Code* are to the edition referenced above.

(3) ~~The 2020~~ 2023 *National Electric Code*, as published by the NFPA, 1 Batterymarch Park, Quincy, MA 02169-7471, ~~August 5, 2019~~ August 12, 2022, Effective date September 1, 2022, Chapters 1 through 9 and Appendices A through I, as adopted by the Colorado State Electrical Board, including appendices, is hereby incorporated by this reference as a part of this Building Code to have the same force and effect as if set forth in this Chapter in every particular, save and except such portions as are added, amended, deleted, or replaced in this Chapter. The purpose of this Code is regulating the installation of electric conductors and

equipment within or on public and private buildings or other structures, including mobile homes, recreational vehicles, floating buildings and other premises such as yards, carnivals, parking lots and industrial substations; the installation of conductors and equipment that connect to the supply of electricity; the installation of other outside conductors and equipment on premises; and the installation of optical fiber cable in the Town. All references in this Code to the *National Electric Code* are to the edition referenced above-

(4) The ~~2018~~ 2021 *International Mechanical Code*, as published by the International Code Council, ~~500 New Jersey Avenue NW, 6th Floor, Washington, DC 20001~~ 4051 Flossmoor Road, Country Club Hills, IL 60478, August 31, 2017 March 6, 2020, Chapters 1 through 15 inclusive and Appendix A, is hereby incorporated by this reference as a part of this Building Code to have the same force and effect as if set forth in this Chapter in every particular, save and except such portions as are added, amended, deleted, or replaced in this Chapter. This Code shall regulate the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. This Code shall also regulate those mechanical systems, system components, equipment and appliances specifically addressed herein. All references in this Code to the *International Mechanical Code* are to the edition referenced above.

(5) The ~~2018~~ 2021 *International Fuel Gas Code*, as published by the International Code Council, ~~500 New Jersey Avenue NW, 6th Floor, Washington, DC 20001~~ 4051 Flossmoor Road, Country Club Hills, IL 60478, August 31, 2017 March 6, 2020, Chapters 1 through 8 and Appendices A through C, is hereby incorporated by this reference as a part of this Building Code to have the same force and effect as if set forth in this Chapter in every particular, save and except such portions as are added, amended, deleted, or replaced in this Chapter. The adopted code includes comprehensive provisions and standards regulating the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of fuel gas piping systems, fuel gas utilization equipment and related accessories within this jurisdiction. All references in this Code to the *International Fuel Gas Code* are to the edition referenced above.

(6) The ~~2018~~ 2021 *International Plumbing Code*, as published by the International Code Council, ~~500 New Jersey Avenue NW, 6th Floor, Washington, DC 20001~~ 4051 Flossmoor Road, Country Club Hills, IL 60478, August 31, 2017 March 6, 2020, Chapters 1 through ~~46~~ 15 and Appendices B, C and E, is hereby incorporated by this reference as a part of this Building Code to have the same force and effect as if set forth in this Chapter in every particular, save and except such portions as are added, amended, deleted, or replaced in this Chapter. The adopted code includes comprehensive provisions and standards regulating the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing systems within this jurisdiction. This Code shall also

regulate nonflammable medical gas, inhalation anesthetic, vacuum typing, nonmedical oxygen systems and sanitary and condensate vacuum collection systems. All references in this Code to the *International Plumbing Code* are to the edition referenced above.

(7) The ~~2018-2021~~ *International Existing Building Code*, as published by the International Code Council, ~~500 New Jersey Avenue NW, 6th Floor, Washington, DC 20001~~ 4051 Flossmoor Road, Country Club Hills, IL 60478, ~~August 2017~~ December 28, 2020, Chapters 1 through 16 inclusive and Appendices A, B, and C and Resource Chapter A, is hereby incorporated by this reference as a part of this Building Code to have the same force and effect as if set forth in this Chapter in every particular, save and except such portions as are added, amended, deleted, or replaced in this Chapter. The adopted code is intended to provide alternative approaches to remodeling, repair, or alteration of existing buildings. Many existing buildings and structures do not comply with the current building code requirements for new construction. Although many of these buildings are potentially salvageable, rehabilitation is often cost-prohibitive because compliance with all the requirements for new construction could require extensive changes that go well beyond the value of the building or the original scope of the rehabilitation. At the same time, it is necessary to regulate construction in existing buildings that undergo additions, alterations, renovations, extensive repairs or change of occupancy. Such activity represents an opportunity to ensure that new construction complies with the current building codes and that existing conditions are maintained, at a minimum, to their current level of compliance or are improved as required to meet basic safety levels. To accomplish this objective, and to make the rehabilitation process easier, this Code allows for options for controlled departure from full compliance with the *International Codes* dealing with new construction, while maintaining basic levels for fire prevention, structural and life safety features of the rehabilitated building. All references in this Code to the *International Existing Building Code* are to the edition referenced above.

(8) The ~~2018-2021~~ *International Energy Conservation Code*, as published by the International Code Council, ~~500 New Jersey Avenue NW, 6th Floor, Washington, DC 20001~~ 4051 Flossmoor Road, Country Club Hills, IL 60478, ~~August 2017~~ January 29, 2021, Chapters 1 through 6, ~~inclusive including appendices~~, is hereby incorporated by this reference as a part of this Building Code to have the same force and effect as if set forth in this Chapter in every particular, save and except such portions as are added, amended, deleted, or replaced in this Chapter. The adopted code regulates minimum energy conservation requirements for new buildings. The IECC addresses energy conservation requirements for all aspects of energy uses in both commercial and residential construction, including heating and ventilating, lighting, water heating, and power usage for appliances and building systems. All references in this Code to the *International Energy Conservation Code* are to the edition referenced above.

(9) The ~~2018-2021~~ *International Property Maintenance Code* as published by the International Code Council, ~~500 New Jersey Avenue NW, 6th Floor, Washington, DC 20001~~ 4051 Flossmoor Road, Country Club Hills, IL 60478, ~~August 17, 2017~~ September 30, 2020, Chapters 1 through 8 inclusive and Appendix A ~~and B~~, is hereby incorporated by this reference as a part of this Building Code to have the same force and effect as if set forth in this Chapter in every particular, save and except such portions as are added, amended, deleted, or replaced in this Chapter. This Code is intended to establish minimum maintenance standards for basic equipment, light, ventilation, heating, sanitation, and fire safety. Responsibility is fixed among owners, operators, and occupants for code compliance. The IPMC provides for the regulation and safe use of existing structures in the interest of the social and economic welfare of the community. All references in this Code to the *International Property Maintenance Code* are to the edition referenced above.

(10) The ~~2018 2021~~ *International Swimming Pool and Spa Code* as published by the International Code Council, ~~500 New Jersey Avenue NW, 6th Floor, Washington, DC 20001~~ 4051 Flossmoor Road, Country Club Hills, IL 60478, ~~August 31, 2017~~ October 30, 2020, Chapters 1 through 11 inclusive, is hereby incorporated by this reference as a part of this Building Code to have the same force and effect as if set forth in this Chapter in every particular, save and except such portions as are added, amended, deleted, or replaced in this Chapter. This Code is intended to regulate the minimum requirements for the design, construction, alteration, repair and maintenance of swimming pools, spas, hot tubes and aquatic facilities to adequately protect public health, safety and welfare of the community. All references in this Code to the *International Swimming Pool and Spa Code* are to the edition referenced above.

Section 2. Section 18-1-70, Frederick Municipal Code, entitled "Amendments" is hereby amended in the various subparagraphs with deleted language struck through and added language underlined as follows (sections without changes are omitted from this ordinance and remain within the code):

(3) Section 109.2 of the *International Building Code* is deleted in its entirety and reenacted to read as follows:

"109.2 Scheduled permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the Board of Trustees. The Board of Trustees may amend the tables and schedules providing for fees by the adoption of a resolution.

109.2.1 Plan review. A plan review fee shall be paid when a permit application is submitted."

(4) Section 109.4 of the *International Building Code* is deleted in its entirety and reenacted to read as follows:

"109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, gas, mechanical, electrical or plumbing system

before obtaining the necessary permits shall be subject to an additional fee equal to the permit fee."

- (5) Section 113.1 of the *International Building Code* is deleted in its entirety and reenacted to read as follows:

"113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a Board of Adjustments, to be referred to as the "Building Appeals Board." The Building Appeals Board shall be comprised of at least one (1) member of the Board of Trustees and two (2) members of the community appointed by the Board of Trustees. The Board shall adopt rules and procedure for conducting its business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the building official."

- (6) Section 113.2 of the *International Building Code* is deleted in its entirety and reenacted to read as follows:

"113.2 Application for appeal. A person shall have the right to appeal the decision of the building official to the Building Appeals Board. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code did not fully apply, or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the building official within 20 days after the notice was served."

- (7) Section 113.3 of the *International Building Code* is deleted in its entirety and reenacted to read as follows:

"113.3 Qualifications, limitations of authority. The Building Appeals Board shall consist of members who are qualified by expertise and training to pass on matters pertaining to building construction and are not Town employees. The Building Appeals Board shall have no authority relative to the interpretation of the administrative provisions of this code, nor shall the Board be empowered to waive requirements of this code."

- (8) Section 113 of the *International Building Code* is amended by the addition of the following Section 113.4 to read as follows:

"113.4 Records. The building official shall maintain a permanent record of all variance actions, including justification for their issuance. The building official, or his designee, shall attend all meetings of the Building Appeals Board and shall maintain a record of such proceedings, including all conclusions and findings underlying the Board's decisions."

- (9) Section 114 of the *International Building Code* is hereby deleted in its entirety.

(15) Add Section R105.1.1 of the *International Residential Code* ~~is amended~~ to read as follows:

"R105.1.1 Excavation permit. No person shall excavate for a foundation for a building or a structure without first having obtained a permit from the building official."

(15A) Amend Section R105.2 "Work Exempt from Permit".

Building:

- 1) Other than storm shelters, one-story detached accessory structures, provided the floor area does not exceed ~~200~~ **120** square feet.

No change for items 2 through 9

- 10) ~~Decks not exceeding 200 square feet (18.58 square meters) in area, that are not more than 30" (762 mm) above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.~~

Delete it in its entirety.

(16) Section R106.1.4 of the *International Residential Code* is amended to read as follows:

R106.1.4 Information for construction in areas prone to flooding. If design flood elevations are not included on the community's Flood Insurance Rate Map (FIRM), the Town Flood Plain Administrator and the applicant shall obtain and reasonably utilize any design flood elevation and floodway data available from other sources."

(22) Section R112.2 of the *International Residential Code* is deleted in its entirety and reenacted to read as follows:

"R112.2 Application for appeal. A person shall have the right to appeal the decision of the building official to the Building Appeals Board. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code did not fully apply or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the building official within 20 days after the notice was served."

(24) *Section R313.2 of the 2021 International Residential Code (Automatic Fire Sprinkler Systems) is deleted in its entirety. All other referenced codes associated with Section R313.2 are also deleted.*

(25) *Delete Section R403 (Frost-Protected shallow foundations) in its entirety.*

(28) Section G2415.12 of the *International Residential Code* is deleted in its entirety and reenacted to read as follows:

"G2415.12 (404.12) Minimum burial depth. Underground piping systems shall be installed a minimum depth of 18" (457 mm) below grade, except as provided for in Section 2415.12.1."

(46) Section ~~108~~ 115 of the *International Mechanical Code* is deleted in its entirety.

(47) Section ~~[A]109.1~~ [A]114 of the *International Mechanical Code* is deleted in its entirety and reenacted to read as follows:

"~~[A]109.1~~ [A] 114.1 General, qualifications. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a Board of Adjustments, to be referred to as the "Building Appeals Board." The Building Appeals Board shall be comprised of at least one (1) member of the Board of Trustees and two (2) members of the community appointed by the Board of Trustees. The Board shall adopt rules and procedure for conducting its business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the building official. The Building Appeals Board shall consist of members who are qualified by expertise and training to pass on matters pertaining to building construction and are not Town employees."

(48) Section ~~[A]109.2~~ [A]114.2 of the *International Mechanical Code* is deleted in its entirety and reenacted to read as follows:

"~~[A]109.2~~ [A]114.2 Application for appeal. A person shall have the right to appeal the decision of the building official to the Building Appeals Board. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code did not fully apply or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the building official within 20 days after the notice was served."

(49) Section ~~[A]109.3~~ [A]114.3 of the *International Mechanical Code* is deleted in its entirety and reenacted to read as follows:

"~~[A]109.3~~ [A]114.3 Limitations of authority. The Building Appeals Board shall have no authority relative to the interpretation of the administrative provisions of this Code, nor shall the board be empowered to waive requirements of this Code."

(50) Section ~~[A]109.4~~ [A]114.4 of the *International Mechanical Code* is deleted in its entirety and reenacted to read as follows:

"~~[A]109.4~~ [A]114.4 Records. The building official shall maintain a permanent record of all variance actions, including justification for their issuance. The building official, or his designee, shall attend all meetings of the Building Appeals Board and shall maintain a record of such proceedings, including all conclusions and findings underlying the Board's decisions."

(51) Section A109 of the *2012 International Mechanical Code* is hereby amended by the deletion of the following sections: A109.5, Postponed hearings; A109.64, Decision; A109.7, Court review. (DOES NOT EXIST)

(56) Section [A]106.6.2 of the *2012 International Fuel Gas Code* is hereby deleted in its entirety and reenacted to read as follows:

"~~[A]106.6.2 Fee schedule.~~ The fees for work shall be in accordance with the schedule as established by the Board of Trustees. The Board of Trustees may amend the tables and schedules providing for fees by the adoption of a resolution."

(DOES NOT EXIST)

(57) Section [A]108 **A115** of the *International Fuel Gas Code* is hereby deleted in its entirety.

(58) Section [A]109.1-**A114.1** of the *International Fuel Gas Code* is hereby deleted in its entirety and reenacted to read as follows:

"~~[A] 109.1~~ **A114.1 General, qualifications.** In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a Board of Adjustments, to be referred to as the "Building Appeals Board." The Building Appeals Board shall be comprised of at least one (1) member of the Board of Trustees and two (2) members of the community appointed by the Board of Trustees. The Board shall adopt rules and procedure for conducting its business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the building official. The Building Appeals Board shall consist of members who are qualified by expertise and training to pass on matters pertaining to building construction and are not Town employees."

(59) ADD: "**A114.2 Application for appeal.** A person shall have the right to appeal the decision of the building official to the Building Appeals Board. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code did not fully apply, or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the building official within 20 days after the notice was served."

(60) ADD: "**A114.3 Limitations of authority.** The Building Appeals Board shall have no authority relative to the interpretation of the administrative provisions of this Code, nor shall the Board be empowered to waive requirements of this Code."

(61) ADD: [A] **114.4 Records.** The building official shall maintain a permanent record of all variance actions, including justification for their issuance. The building official, or his designee, shall attend all meetings of the Building Appeals Board and shall maintain a record of such proceedings, including all conclusions and findings underlying the Board's decisions."

~~(62) Section [A]109 of the 2012 International Fuel Gas Code is hereby amended by the deletion of the following sections: [A]109.5, Postponed hearing; [A]109.6, Board decision; [A]109.7, Court review.~~

(70) Section ~~[A]106.6.2~~ **[A]109.2** of the *International Plumbing Code* is hereby deleted in its entirety and reenacted to read as follows:

~~"[A]106.6.2~~ **[A]109.2 Fee schedule.** The fees for all plumbing work shall be in accordance with the schedule as established by the Board of Trustees. The Board of Trustees may amend the tables and schedules providing for fees by the adoption of a resolution."

(73) Section ~~[A]109.2~~ **[A]113.1** of the *International Plumbing Code* is hereby deleted in its entirety and reenacted to read as follows:

~~"[A]109.2~~ **[A]113.1 Application for appeal.** A person shall have the right to appeal the decision of the building official to the Building Appeals Board. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code did not fully apply or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the building official within 20 days after the notice was served."

(74) Section ~~[A]109.3~~ **[A]113.2** of the *International Plumbing Code* is hereby deleted in its entirety and reenacted to read as follows:

~~"[A]109.3~~ **[A]113.2 Limitations of authority.** The Board of Adjustments shall have no authority relative to the interpretation of the administrative provisions of this Code, nor shall the Board be empowered to waive the requirements of this Code."

(75) Section ~~[A]109.4~~ **[A]113.3** of the *International Plumbing Code* is hereby deleted in its entirety and reenacted to read as follows:

~~"[A]109.4~~ **[A]113.3 Records.** The building official shall maintain a permanent record of all variance actions, including justification for their issuance. The building official, or his designee, shall attend all meetings of the Building Appeals Board and shall maintain a record of such proceedings, including all conclusions and findings underlying the Board's decisions."

~~(76) Section [A]109 of the 2012 International Plumbing Code is hereby amended by the deletion of the following sections: [A]109.5, Postponed hearing; [A]109.6, Board decision; [A]109.7, Court review.~~

~~(79) Subsection N1101.11~~ **N1101.9 (R302.1)** of the *International Residential Code* is hereby amended to read as follows:

~~"N1101.09~~ **N1101.9 (R302.1) Interior design conditions.** The interior design temperatures used for heating and cooling load calculations shall be a maximum of 70°F (21°C) for heating and minimum of 75°F (24°C) for cooling."

(80) ~~Add Subsection N1102.3.6 (R402.3.6) of the *International Residential Code* is hereby amended to read as follows:~~

~~"**N1102.3.6 (R402.3.6) Replacement fenestration.** When a permit is required and where some or all an existing fenestration unit is replaced with a new fenestration product, including sash and glazing, the replacement fenestration unit shall meet the applicable requirements for U-factor and SHGC in Table N1102.1.1. (R402.1.1.)"~~

(81) Subsection ~~N1103.4 (R403.4)~~ N1103.5 (R403.5) of the *International Residential Code* is hereby amended to read as follows:

~~"**N1103.4 (R403.4) N1103.5 (R403.5) Service hot water systems.** Energy conservation measures for service hot water system shall be in accordance with Section N1103.4.1 (R403.4.1)."~~

(83) ~~RESERVED Subsection C101.4.3, Exception 5, of the *International Energy Conservation Code* is hereby amended as follows:~~

~~"5. Reroofing of roofs where the insulation is not exposed. Roofs without insulation in the cavity and where the insulation is exposed during reroofing shall be insulated either above or below the sheathing." DELETE~~

(85) ~~RESERVED Subsection C401.2 of the *International Energy Conservation Code* is hereby amended as follows:~~

~~"**C401.2 Application.** Commercial buildings shall comply with one of the following:
1. The requirements of ANSI/ASHRAE/IESNA 90.1.
2. The requirements of Sections C402, C403, C404 and C405.
3. The requirements of Section C407, C402.4, C403.2, C404, C405.2, C405.3, C405.4, C405.6 and C405.7." DELETE~~

(86) Subsection 402.2.6 of the *International Energy Conservation Code* is hereby amended as follows:

C402.2.6 Insulation of radiant heating systems. Radiant panels, and associated U-bends and headers, designed for sensible heating of an indoor space through heat transfer from the thermally effective panel surfaces to the occupants or indoor space by thermal radiation and natural convection and the bottom surfaces of floor structures incorporating radiant heating shall be insulated with a minimum of R-5."

(87) ~~RESERVED. Table C402.3 of the *International Energy Conservation Code* is hereby deleted in its entirety and replaced with the following:~~

TABLE C402.3 BUILDING ENVELOPE REQUIREMENTS

<u>Climate Zone</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4 Except Marine</u>	<u>5 And Marine 4</u>	<u>6</u>	<u>7</u>	<u>8</u>
<u>Vertical fenestration (40% maximum of above-grade wall)</u>								
<u>U-factor</u>	<u>1.20</u>	<u>0.75</u>	<u>0.65</u>	<u>0.55</u>	<u>0.55</u>	<u>0.55</u>	<u>0.45</u>	<u>0.45</u>

<u>Climate Zone</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4 Except Marine</u>	<u>5 And Marine 4</u>	<u>6</u>	<u>7</u>	<u>8</u>
<u>Framing materials other than metal with or without metal reinforcement or cladding</u>								
<u>U-factor</u>	<u>1.20</u>	<u>0.75</u>	<u>0.65</u>	<u>0.40</u>	<u>0.35</u>	<u>0.35</u>	<u>0.35</u>	<u>0.35</u>
<u>Metal framing with or without thermal break</u>								
<u>Curtain wall/ storefront U-factor</u>	<u>1.20</u>	<u>0.70</u>	<u>0.60</u>	<u>0.50</u>	<u>0.45</u>	<u>0.45</u>	<u>0.40</u>	<u>0.40</u>
<u>Entrance Door U-factor</u>	<u>1.20</u>	<u>1.10</u>	<u>0.90</u>	<u>0.85</u>	<u>0.80</u>	<u>0.80</u>	<u>0.80</u>	<u>0.80</u>
<u>All other U-factor^a</u>	<u>1.20</u>	<u>0.75</u>	<u>0.65</u>	<u>0.55</u>	<u>0.55</u>	<u>0.55</u>	<u>0.45</u>	<u>0.45</u>
<u>SHGC— all frame types</u>								
<u>SHGC: PF < 0.25</u>	<u>0.25</u>	<u>0.25</u>	<u>0.25</u>	<u>0.40</u>	<u>0.40</u>	<u>0.40</u>	<u>0.45</u>	<u>0.45</u>
<u>SHGC: 0.25 < PF < 0.5</u>	<u>0.33</u>	<u>0.33</u>	<u>0.33</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>
<u>SHGC: PF < 0.5</u>	<u>0.40</u>	<u>0.40</u>	<u>0.40</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>
<u>Skylights (3% maximum)</u>								
<u>U-factor</u>	<u>0.75</u>	<u>0.75</u>	<u>0.65</u>	<u>0.60</u>	<u>0.60</u>	<u>0.60</u>	<u>0.60</u>	<u>0.60</u>
<u>SHGC</u>	<u>0.35</u>	<u>0.35</u>	<u>0.35</u>	<u>0.40</u>	<u>0.40</u>	<u>0.40</u>	<u>NR</u>	<u>NR</u>

NR = No requirement.

PF = Projection factor (402.3.3).

^a: All others includes operable windows, fixed windows and nonentrance doors.

(88) RESERVED. Subsection C402.3.3.1 and Table C402.3.3.1 of the *International Energy Conservation Code* are hereby deleted in their entirety.

(94) Section 101.1 of the *International Swimming Pool and Spa Code* is amended to by substituting the words "The Town of Frederick" in lieu of the words "[NAME OF JURISDICTION]"

(95) Sections 105.6.2, 105.6.3, 107.4, and 107.5 **113.4** of the *International Swimming Pool and Spa Code* are hereby deleted in their entirety.

(96) Section 108 **111** of the *International Swimming Pool and Spa Code* are hereby deleted in their entirety and replaced with the following:

“Section 108 111. Means of Appeal. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a Board of

Adjustments, to be referred to as the "Building Appeals Board." The Building Appeals Board shall be comprised of at least one (1) member of the Board of Trustees and two (2) members of the community appointed by the Board of Trustees. The Board shall adopt rules and procedure for conducting its business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the building official. The Building Appeals Board shall consist of members who are qualified by expertise and training to pass on matters pertaining to building construction and are not Town employees."

Section 3. Section 18-92, Frederick Municipal Code, entitled "Amendments" is hereby amended in the various subparagraphs with deleted language struck through and added language underlined as follows (sections without changes are omitted from this ordinance and remain within the code):

(6) Section 1103.01 is hereby amended to read as follows:

"1103.01. Fence.

"1. Fence materials shall conform to the Town of Frederick Zoning Codes and Subdivision Regulations, Section 16-16-10, Fences and walls.

"a. Steel components: All steel components including fabric, pipe and fittings shall be first quality, full weight, hot-dipped galvanized materials. Zinc coating shall be applied to the interior and exterior of materials and shall conform to ASTM B6, Specification for Zinc-Prime Western Grade. Materials for fence posts and rails shall meet the strength testing requirements for Group 1A or Group 1C piping in accordance with ASTM F669, Strength Requirements of Metal Posts and Rails for Industrial Chain Link Fence. Gates shall be constructed in accordance with ASTM F900.

"b. Wood components. Unless otherwise specified, wood fences shall be composed of the following:

"1. Posts: 4 inches by 6 inches rough sawn, No. 2 Grade, Red Cedar with chamfered tops, no knot holes.

"2. Boards: 2 ~~inch~~-inches by 8 ~~inch~~-inches rough sawn, No. 2 Grade, Red Cedar, no knot holes.

"3. Stain: Olympic No. 721 Semi-Transparent stain, color as selected by the Town Engineer."

Section 4. Severance Clause. If an article, section, paragraph, sentence, clause or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees of the Town of Frederick, Colorado hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any one part or parts may be declared invalid or unconstitutional.

Section 5. Repeal. All other ordinances, or parts of any ordinances or other Code provisions in conflict herewith are hereby repealed.

Section 6. Effective Date. This ordinance shall take effect thirty days after publication.

INTRODUCED, READ, AND PASSED ON FIRST READING ON THIS ____ DAY OF _____, 2023.

ATTEST:

TOWN OF FREDERICK

By _____
Kelly Green, Deputy Town Clerk

By _____
Tracie Crites, Mayor

INTRODUCED, READ, PASSED AND ADOPTED ON SECOND READING FOLLOWING A PUBLIC HEARING THIS ____ DAY OF _____, 2023.

ATTEST:

TOWN OF FREDERICK

By _____
Kelly Green, Deputy Town Clerk

By _____
Tracie Crites, Mayor



TOWN OF FREDERICK

Board of Trustees

Action Memorandum

Tracie Crites, Mayor

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

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

2021 International Fire Code Adoption

Agenda Date:

Town Board Meeting – December 12, 2023

Attachments:

- a. Revised draft of Section 18 of the Frederick Municipal Code
1. Proposed Revised Fire Code Ordinance No. 1391

Finance Review:

Administrative Services

Submitted by:

Chuck Sandifer
Chief Building Official

Approved for Presentation:

Bryan Ostler
Town Manager

☐ Quasi-Judicial

☐ Legislative

☐ Administrative

Strategic Plan Alignment:



- **Effective, Efficient Strategic Government Operations** - This request aligns with Section 1.2 of the Strategic Plan by updating the Town of Frederick Municipal Code.



- **Safe & Secure** - This request aligns with Section 5.2 of the Strategic Plan by improving public safety via more robust safety practices outlined in the updated codes.



- **Community and Economic Vitality**

Built on What Matters.

Summary Statement:

Staff request the Board of Trustees adopt Ordinance No. 1391 on second reading. The Frederick Firestone Fire Protection District has previously adopted the International Fire Code. As a result, the Town is also required to mirror that action to ensure consistency between the two bodies. Staff presented this item for initial consideration at the November 14, 2023 Board of Trustees meeting and set December 12th, 2023 for a public hearing. Since initial consideration, no amendments have been made nor comments received in writing, online or electronically for or in opposition to the proposed adoption.

Detail of Issue/Request:

Update the following codes:

2018 IFC to the 2021 IFC (International Fire Code) (Already adopted by FFFD).

Adopting the newer codes would make the Town of Frederick consistent with other municipalities. There would be better code consistency for contractors coming into Frederick to do work. The State of Colorado will be adopting the 2023 NEC statewide soon.

Over the course of the summer and fall 2023, potential applicants seeking to develop or build in Frederick have been advised that the Town anticipates adopting this version of building codes in the future. In addition, notifications will be sent to all contractors licensed in Frederick via email if adopted advising of the implementation date. That notification has the Building Division email link for questions, concerns, or comments. The anticipated date for implementation is January 1, 2024. As required for public hearings, an official public notice will be published in the Longmont Times Call.

Notifications shall also be posted:

- Frederick Flash
- Frederick Facebook and Twitter pages
- Frederick Newsletter

All publications will have the Building Division email address for questions, concerns, or comments.

Legal Comments:

New code verbiage has been reviewed and edited. The Town Attorney has drafted the ordinances as resolutions. A full listing of those proposed edits will be provided for the public hearing.

Alternatives/Options:

The Town has the option of not approving the 2021 International Fire Code. This is not recommended as consistency between the two governing entities is necessary to ensure effective customer service.

Financial Considerations:

There will be no cost impact for adopting all updated building codes.

Staff Recommendation:

Staff recommends the Board of Trustees approve Ordinance No. 1391 on second reading and cause the same to be published for a period of 30 days prior to adoption.

TOWN OF FREDERICK, COLORADO
ORDINANCE NO. 1391

**AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, AMENDING
CHAPTER 18, ARTICLE III OF THE FREDERICK MUNICIPAL CODE
REGARDING BUILDING REGULATIONS BY ADOPTION OF THE 2021
EDITION OF THE INTERNATIONAL FIRE CODE WITH LOCAL
AMENDMENTS, AND PROVIDING A PENALTY.**

WHEREAS, the adoption of the codes enumerated in this chapter is necessary to protect life, health, and property within the Town, to prevent nuisances within the Town, to preserve and enforce the general welfare, and to protect safety, order and security of the Town and the inhabitants thereof.

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

Section 1. Section 18-71 of the *Frederick Municipal Code* is hereby repealed in its entirety and reenacted to read as follows:

“18-71 2021 Edition of the International Fire Code, adopted.

(a) Subject to the amendments set forth in Section 18-71.5 below, the **2021 edition of the International Fire Code®** as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, D.C. 20001, November 2020, including the outline of contents, index, Chapters 1 through 80 inclusive, and Appendices B through N, is hereby adopted and incorporated by this reference as part of this Building Code. The **2021 edition of the International Fire Code®** shall have the same force and effect as if set forth in this chapter in every particular, save and except such portions as are added, amended, deleted, or replaced in this chapter. All references in this code to the **International Fire Code®** are to the 2021 edition of the International Fire Code referenced above with the local amendments set forth in Section 18-71.5. The purpose and subject matter of the **International Fire Code®** is to:

- (1) Regulate and govern the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices;
- (2) Provide greater safety and protection to the public from conditions hazardous to life or property in the occupancy of buildings or premises; and
- (3) Provide for the issuance of permits and collection of fees therefor.

(b) The Town Clerk shall maintain sufficient copies of the International Fire Code as required by law in the Town Hall.

(c) The International Fire Code adopted herein shall be enforced by the Frederick-Firestone Fire Protection District having jurisdiction within the Town and which shall serve as the Bureau of Fire Prevention of the Town.

18-71.5 Additions and deletions.

The following additions, amendments and deletions are made to the International Fire Code.

Section 111.1 of the International Fire Code is amended to read:

In order to hear and decide appeals of orders, decisions or determinations made by the Fire Code Official in the application and interpretation of this International Fire Code, there is hereby created a board of appeals. The three-member board of appeals shall be comprised of the Chief Building Official, the Fire Chief, and an independent fire safety engineer, architect, industrial hygienist, or other qualified individual with expertise in interpreting and applying this International Fire Code with respect to the specific issues being appealed, and who is mutually agreed upon by the Chief Building Official and the Fire Chief. The board of appeals may adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a copy to the Fire Code Official.

Section 111.3 is deleted in its entirety.

Section 904.1 is amended to read:

General. Automatic fire-extinguishing systems, other than automatic sprinkler systems, shall be designed, installed, inspected, tested, and maintained in accordance with the provisions of this section and the applicable referenced standards. Alarms shall be required to indicate the operation of alternative automatic fire-extinguishing systems, distinctive audible, visible alarms and warning signs shall be provided to warn of pending agent discharge. All alternative automatic fire-extinguishing systems shall be monitored by a building fire alarm system in accordance with NFPA 72.

Section 904.3.4 is amended to read:

Alarms and warning signs. Alarms shall be required to indicate the operation of automatic fire-extinguishing systems. Distinctive audible, visible alarms and warning signs shall be provided to warn of pending agent discharge. Where exposure to automatic-extinguishing agents poses a hazard to persons, and a delay is required to ensure the evacuation of occupants before agent discharge, a separate warning signal shall be provided to alert occupants once agent discharge has begun. Audible signals shall be in accordance with Section 907.5.2.

Section 904.3.5 is amended to read:

Monitoring. All automatic fire-extinguishing systems shall be monitored by a building fire alarm system in accordance with NFPA 72.

Section 907.2.7.1 is deleted in its entirety.

Appendix A of the International Fire Code is deleted in its entirety, and the following new Appendix A is added:

Appendix A – Board of Appeals

Section A101 – General.

A101.1 Scope. A board of appeals shall be established within the jurisdiction for the purpose of hearing applications for modification of the requirements of the International Fire Code pursuant to the provisions of Section 108. The board shall be established and operated in accordance with this section, and shall be authorized to hear evidence from appellants, the Fire Code Official, and other interested parties pertaining to the application and intent of this International Fire Code for the purpose of issuing orders pursuant to these provisions.

A101.2 Membership. The three-member board shall consist of the Chief Building Official, the Fire Chief, and an independent fire safety engineer, architect, industrial hygienist, or other qualified individual with expertise in interpreting and applying this code with respect to the issues being appealed. The Fire

Chief and the Chief Building Official shall mutually agree upon the individual to serve as the third board member.

A101.3 Quorum. All three members of the board are required for a quorum. In varying the application of any provisions of this International Fire Code or in modifying an order of the Fire Code Official, an affirmative vote of at least two of the three board members is required.

A101.4 Secretary of the Board. The Fire District's Administrative Assistant shall serve as the secretary of the board and shall keep a detailed record of all its proceedings, which shall set forth the reasons for its decisions, and the vote of each member.

A101.5 Meetings. The board shall meet within ten (10) days after notice of appeal has been received, or as soon thereafter as practicable.

A101.6 Procedures. The board shall establish rules and regulations for its own procedures not inconsistent with the provisions of the Frederick Municipal Code and laws of the State of Colorado.

A101.7 Decisions. Every decision shall be promptly filed in writing in the office of the Fire Code Official, the town administrator, and town clerk and shall be open to public inspection. A copy of such decision shall be kept publicly posted in the office of the Fire Code Official for twenty-one days (21) days after filing. A certified copy of the board's decision shall be sent by mail or otherwise to the appellant by the Fire Code Official.

A101.8 Board of Trustees Review. The town board of trustees, at its discretion and by motion, may review any decision of the board of appeals within twenty-one (21) days after the date of issuance of the board's written decision. In the event of such review, the following procedures shall apply:

A101.8.1 The board of trustees shall consider the board's decision at a public hearing held subsequent to the meeting at which the decision was made and notice of such public hearing shall be provided to the appellant at least five (5) days in advance of the public hearing.

A101.8.2 The board of trustees call up review process shall be discretionary; in addition to the information submitted at its public hearing, the board of trustees may receive and consider the board's minutes, any staff reports, and reviews and recommendations provided by town staff or fire district staff, and such other information as the board of trustees determines relevant to review of the decision subject to its call up.

A101.8.3. The board of trustees may uphold, reverse, or modify the decision of the board. The board of trustees' decision shall be promptly filed in writing in the office of the Fire Code Official and the town clerk and shall be open to public inspection. A copy of such board of trustee's decision shall be kept publicly posted in the office of the Fire Code Official for twenty-one days (21) days after filing. A certified copy of the board of trustees' decision shall be sent by mail or otherwise to the appellant by the town clerk.

A101.8.4 Failure of the board of trustees to formally determine to review a decision of the board of appeals prior to the expiration of twenty-one (21) days after the date of issuance of the board's written decision shall render the board's decision final for purposes of judicial review.

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

Section 3. Certification. The Town Clerk shall certify to the passage of the ordinance codified herein, and not less than one (1) copy of the codes adopted by this Article, shall be kept in the

office of the Town Clerk at all times and may be inspected by any interested person at any time during regular offices hours but may not be removed from the Town Clerk's office except upon proper order of a court of law. Copies of the codes adopted by this Article may be purchased from the Town Clerk upon the payment of a fee to be set by resolution of the Board of Trustees.

Section 4. Severability. If any part, section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of this ordinance. The Town Board of Trustees hereby declares that it would have passed this ordinance, including each part, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses, or phrases are declared invalid.

Section 5. Repealer. All ordinances, resolutions, and motions of the Board of Trustees of the Town of Frederick, or parts thereof, in conflict with this ordinance are to the extent of such conflict hereby superseded and repealed; provided, that such repealer shall not repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution or motion thereby.

INTRODUCED, READ, AND ORDERED PUBLISHED THIS ____ DAY OF _____, 2023.

ATTEST:

TOWN OF FREDERICK

By _____
Kelly Green, Deputy Town Clerk

By _____
Tracie Crites, Mayor

INTRODUCED, READ, PASSED AND ADOPTED FOLLOWING A PUBLIC HEARING THIS ____ DAY OF _____, 2023.

ATTEST:

TOWN OF FREDERICK

By _____
Kelly Green, Deputy Town Clerk

By _____
Tracie Crites, Mayor

ADOPTED AS THE FIRE CODE OF THE FREDERICK-FIRESTONE FIRE PROTECTION DISTRICT AS OF THE EFFECTIVE DATE OF THIS ORDINANCE- C.R.S. §32-1-1002(1)(d)

**Board of Directors of the
Frederick-Firestone Fire Protection District,
a political Subdivision of the State of Colorado**

ATTEST:

By: David Stout 7-10-23
David Stout, President Date

By: Robert E. Freeman
Robert Freeman, Secretary Date



TOWN OF FREDERICK

Board of Trustees

Action Memorandum

Tracie Crites, Mayor

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

Adam Mahan, Trustee
Chad teVelde, Trustee
Mark Lamach, Trustee

Consideration of a Resolution Authorizing Mail Ballot Election and Designating an Election Official and Delegating the Authority to Appoint Election Judges to the Designated Election Official

Agenda Date: Town Board Meeting – December 12, 2023

Attachments: a. Resolution 23-R-60

Finance Review: Kurtis Adams
Finance Director

Submitted by: Kelly Green
Deputy Town Clerk

Approved for Presentation: Bryan Ostler
Town Manager

☐ Quasi-Judicial

☒ Legislative

☐ Administrative

Strategic Plan Alignment:



Effective, Efficient Strategic Government Operations – The Town of Frederick leads the region to a culture of efficiency, innovation, and strategic approach to all municipal services, ultimately exceeding the community's expectations.



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.

Built on What Matters.

Summary Statement:

Each election cycle, the Board of Trustees must request authorizing for a Mail Ballot Election and appointment of an Election Official Designation and election judges for each regular municipal election.

Detail of Issue/Request:

Staff is requesting the Board of Trustees designate a mail ballot election as the method of election for the April 2, 2024 regular municipal election and to designate the Election Official to be Deputy Town Clerk Kelly Green and/or her designee. Staff is also requesting the Board of Trustees for grant authority to the Designated Election Official and/or her designee to appoint election judges.

Historically, the Town has conducted municipal elections as mail ballot elections. Approval of a mail ballot election will allow staff to transmit a ballot to every active registered elector in the Town of Frederick.

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

Legal Comments:

The resolution was reviewed by the Town Attorney.

Alternatives/Options:

The Board may choose not to conduct a mail ballot election and order a polling place election.

Financial Considerations:

This item has been budgeted in the proposed 2024 Fiscal Year Budget.

Staff Recommendation:

Staff recommend approval of the proposed resolution.

**TOWN OF FREDERICK, COLORADO
RESOLUTION NO. 23-R-60**

**A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO,
AUTHORIZING A MAIL BALLOT ELECTION, DESIGNATING
AN ELECTION OFFICIAL AND DELEGATING THE
AUTHORITY TO THE ELECTION OFFICIAL TO APPOINT
ELECTION JUDGES**

WHEREAS, the next regular municipal election is on April 2, 2024; and,

WHEREAS, the amendments to the municipal election law allow for mail ballot elections in April of even numbered years; and,

WHEREAS, the Board of Trustees prefers a mail ballot election as opposed to polling place election; and,

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

WHEREAS, the Board of Trustees has determined to delegate its authority and responsibility to appoint election judges to the Designated Election Official.

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

Section 1. The Board of Trustees authorizes the designated election official, Deputy Town Clerk Kelly Green and/or her designee to conduct a mail ballot election for the April 2, 2024 regular municipal election.

Section 2. Pursuant to C.R.S. 31-10-401 the Board of Trustees delegates the authority and responsibility to appoint election judges to the Designated Election Official and/or her designee.

Section 3. All such appointments made by the Designated Election Official and/or her designee shall be accordance with the requirements for judges of election set forth in Part 4 of the Municipal Election Code C.R.S. 31-10-401, et seq.

Section 4. Effective Date. This resolution shall be become effective immediately upon adoption.

Section 5. 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 6. 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
DECEMBER, 2023.**

ATTEST:

TOWN OF FREDERICK

By_____

Kelly Green, Deputy Town Clerk

By_____

Tracie Crites, Mayor