



Built On What Matters

Town of Frederick FURA Commission Agenda

Frederick Town Hall

401 Locust Street

Tuesday, January 28, 2025

6:00 PM

Call to Order – Roll Call

Pledge of Allegiance

Approval of Agenda

Special Presentations

Public Comment

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

Staff Reports

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.

- A. Resolution 25-FURA-01 Setting the Posting Place for Frederick Urban Renewal Authority Meeting Agendas
- B. Resolution 25-FURA-02 Conflicts of Interest - Ryan Johnson, Assistant Town Manager

Action Agenda

Discussion Items

Commissioner Reports

Other Business

Executive Session

Executive Session: For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S. Section 24- 6-402(4)(e)(1) regarding Meadowlark Business Park.

- C. Executive Session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e)(1) regarding the former Public Works facility. -

Adjournment



Built On What Matters

TOWN OF FREDERICK FURA Commission Staff Report

Tracie Crites, Chairperson

Kevin Brown, Commissioner
Dan March, Commissioner Mark
Lamach, Commissioner Renata
Stemp, Commissioner Geno
Lechuga, Commissioner

Adam Mahan, Commissioner
Windi Padia, Commissioner
Chad teVelde, Commissioner
Perry Buck, Commissioner
Christopher Vigil Commissioner

Resolution 25-FURA-01 Setting the Posting Place for Frederick Urban Renewal Authority Meeting Agendas

Agenda Date:

FURA January 28, 2025

Attachments:

1. Resolution FURA Posting Places

Reviewed By:

Action Type

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

Strategic Plan Alignment:



EFFECTIVE, EFFICIENT & STRATEGIC GOVERNMENT OPERATIONS -

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

1.1 Develop and implement a strategy for delivering a parks, streets and downtown "win" including assessing available political capital.

1.2 Complete an update to the Municipal Code in connection with 2.5 below.

Summary Statement:

Colorado Revised Statutes requires FURA adopt a resolution annually setting the posting places for meeting agendas. Statute also requires that legal notices when necessary and applicable be published in a newspaper of general circulation within the Town of Frederick.

Detail of Issue/Request:

The attached Resolution designates the posting places required by State Statute as the Town of Frederick Website for 2025. In addition, the resolution designates the Longmont Times Call as the newspaper for publication of legal notices for the Town of Frederick.

Legal Comments:

Not Applicable

Alternatives/Options

The URA could choose different locations for posting and advertising as desired.

Financial Considerations

Not applicable.

Staff Recommendation

Staff recommends approval of the attached resolution.

Community Impact

The impact on the community will be that they will be informed of when FURA meetings will happen as they will know when and where to find the information.

**FREDERICK URBAN RENEWAL AUTHORITY
RESOLUTION NO. 25-FURA-01**

**A RESOLUTION ESTABLISHING THE POSTING PLACE FOR
FREDERICK URBAN RENEWAL AUTHORITY MEETING AGENDAS FOR 2025**

WHEREAS, C.R.S. 24-6-402(2)(c) requires that the Urban Renewal Authority designate public place(s) for posting notice of meetings of any local public body, at the first public meeting as defined by the Statutes.

WHEREAS, C.R.S. 24-6-402 (2)(c) also requires the notice of the meeting to be posted no less than 24 hours prior to the holding of the meeting; and

WHEREAS, C.R.S. §24-6-402(2)(c) provides that it is the intent of the General Assembly to transition from posting meeting notices in physical locations to posting notices on a website; and

WHEREAS, the Urban Renewal Authority has a section of the Town website accessible at no charge to the public; and

WHEREAS, C.R.S. 24-70-101 *et. seq.* provides for the publication of legal notices in a newspaper of general circulation within the municipality; and

WHEREAS, it has been determined that there is no newspaper published within the county that is in general circulation in the Town; and

WHEREAS, the Longmont Daily Times-Call has the highest numbers of circulation of a newspaper within the Town; and

WHEREAS, the Urban Renewal Authority wishes to establish posting places for the year 2025; and

WHEREAS, the Urban Renewal Authority wishes to affirm that it is appropriate to publish all legal publications for the Urban Renewal Authority in the newspaper with the highest general circulation within the Town for the Year 2023 which is the Longmont Daily Times-Call.

NOW THEREFORE BE IT RESOLVED BY THE COMMISSIONERS OF THE FREDERICK URBAN RENEWAL AUTHORITY, AS FOLLOWS:

Section 1. The posting places for Urban Renewal Authority Meeting Agendas will be as follows:

Town of Frederick Website www.frederickco.gov

Section 2. The Longmont Times-Call is designated as the official newspaper for the publication of legal notices.

INTRODUCED, READ, PASSED AND ADOPTED THIS 28th DAY OF JANUARY 2025

ATTEST:

FREDERICK URBAN RENEWAL AUTHORITY

Tricia David, Assistant Secretary

Tracie Crites, Chair



Built On What Matters

TOWN OF FREDERICK FREDERICK URBAN RENEWAL AUTHORITY Staff Report

Tracie Crites, Chairperson

Kevin Brown, Commissioner
Dan March, Commissioner
Mark Lamach, Commissioner
Renata Stemp, Commissioner
Geno Lechuga, Commissioner

Adam Mahan, Commissioner
Windi Padia, Commissioner
Chad teVelde, Commissioner
Perry Buck, Commissioner
Christopher Vigil Commissioner

Resolution 25-FURA-02 Conflicts of Interest

Agenda Date: FURA January 28, 2025

Attachments:

1. 25-FURA-02 Resolution
2. 2025 FURA Disclosure and Waiver of Conflicts of Interest

Reviewed By: Jason Leslie, Deputy Town Manager

Action Type

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

Strategic Plan Alignment:



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



EFFECTIVE, EFFICIENT & STRATEGIC GOVERNMENT OPERATIONS

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

Summary Statement:

This request is to consider adopting a Conflicts of Interest Waiver. This would allow a representative from the Town Attorney's Office to assist in representing the Authority going forward.

Detail of Issue/Request:

To date, the Frederick Urban Renewal Authority has been represented by legal counsel outside of the organization. This is a very normal structure given how nuanced urban renewal law can be and how complex the projects are at times. Quite successfully, FURA has been represented by the same legal counsel for many years. Recently, FURA's attorney mentioned potential retirement as a future consideration.

In the event that FURA's current legal counsel resigns or retires, a significant amount of institutional knowledge would also be impacted. Additionally, day-to-day continuity may be impacted. Because the Town of Frederick and the Frederick Urban Renewal Authority are two separate entities, this presents a practical difficulty as to why the same attorney cannot effectively represent both entities. Within the last year, the Town Attorney's Office has been able to add a Deputy Town Attorney who specializes on more land use related items. Because there are multiple attorney's available within the Town, there is a potential solution to bridging the potential information gap in the event FURA needs to find different legal counsel.

Under this proposal, if approved, this would allow for the Town Attorney's Office to represent FURA in addition to FURA's existing legal counsel. That would then allow Staff to include this attorney in other legal matters and conversations to help ensure continuity in the future. In the event FURA's outside legal counsel move's on from FURA, the Authority would then be able to take the necessary time to re-evaluate future legal representation needs. Typically, an organization might still have outside legal counsel to advise on more technical or nuanced issues that arise. This proposal would require both approval by the Town of Frederick Board of Trustees and FURA prior to being implemented.

Legal Comments:

This Waiver was provided by the Town Attorney's Office and mirrors that of other similar agreements that have been previously entered in to.

Alternatives/Options

The Authority could choose to keep the status quo. The Authority's current legal counsel is one of the foremost resources on the subject of urban renewal in Colorado and has been instrumental in writing the law as it exists today. However, given the feedback about potential retirement, Staff do not recommend this alternative as there is a significant amount of urban renewal work at different stages occurring in Frederick currently. Most of Frederick's key corridors and gateways are near proposed or existing urban renewal plan areas. Providing for the ability for overlap allows the Authority to consider its longer term needs in the event that outside counsel is desired at some future point.

Financial Considerations

The Authority already incurs a cost for professional services for outside legal counsel. In the event that we rely more on internal resources, the outside cost to the Authority may be reduced.

Staff Recommendation

Staff recommend approval Resolution No. 25-FURA-02 and the attached waiver in substantially the same form as presented.
<u>Community Impact</u>

FREDERICK URBAN RENEWAL AUTHORITY

RESOLUTION NO. 25-FURA-02

**A RESOLUTION OF THE FREDERICK URBAN RENEWAL
AUTHORITY, APPROVING A DISCLOSURE AND WAIVER OF
CONFLICTS AGREEMENT**

WHEREAS, the Frederick Urban Renewal Authority is committed to the principles of good governance; and,

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

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

**NOW THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE
FREDERICK URBAN RENEWAL AUTHORITY THAT:**

Section 1. The Frederick Urban Renewal Authority approves the Disclosure and Waiver of Conflicts Agreement as it is presented in Exhibit A and authorizes the Chair to execute the same.

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 Secretary 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 ADOPTED THIS 28th DAY OF JANUARY, 2025.

ATTEST:

FREDERICK URBAN RENEWAL AUTHORITY

By: _____
Tricia David, Secretary

By: _____
Tracie Crites, Chair

INFORMED CONSENT AND WAIVER OF CONFLICTS OF INTEREST

This informed consent and waiver made is effective the ____ day of _____, 2025, by and between: the Town of Frederick, Colorado (hereafter, the “Town”), and Frederick Urban Renewal Authority, Weld County, Colorado (hereafter, “FURA”).

WHEREAS, the Town Attorney currently serves as the legal counsel to the Town of Frederick, and FURA is represented by Paul Benedetti, who has indicated a potential for retirement; and,

WHEREAS, the Town and FURA 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 FURA; and,

WHEREAS, in an effort to effectuate efficiencies, FURA and Town of Frederick desire the Town Attorney’s Office to serve as additional legal counsel for FURA; 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 FURA; 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 FURA against the other in litigation or other proceeding; and,

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

WHEREFORE, the Town and FURA agree that such representation is not, at present, adverse, and consistent with the Colorado Rules of Professional Conduct governing attorneys, the Town and FURA 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 FURA may revoke consent to such representation, and, to the extent that the situation should arise that representation of either the Town or FURA by the Town Attorney’s Office is 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 FURA will need to obtain other representation.

DATED this ____ day of _____, 2025.

TOWN OF FREDERICK, COLORADO

FREDERICK URBAN RENEWAL
AUTHORITY

Traci Crites, Mayor

Traci Crites, FURA Chair

ACKNOWLEDGMENT

Jason Meyers, Frederick Town Attorney