



Town of Frederick Board of Trustees Agenda

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

6:30 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

Built on What Matters.



Town of Frederick Board of Trustees Agenda

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

5:30 P.M.

Work Session

6:30 P.M.

Regular Meeting

Call to Order – Roll Call:

Pledge of Allegiance:

Approval of Agenda:

Special Presentations:

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

Staff Reports:

A. Administrative Report – Bryan Ostler, Town Manager

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.

B. List of Bills – Kurtis Adams, Finance Director

C. Second Amendment to the MOAPI for Carriage Hills Filing 1 – Eli Betz, Civil Engineer

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D. Inclusion/Exclusion agreement for Fire Protection Services – Jason Meyers, Town Attorney

Action Agenda:

Executive Session:

For discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees; regarding the Town Attorney Review.

Mayor and Trustee Reports:

Adjournment:



Town of Frederick Memorandum

TO: Honorable Mayor and Board of Trustees

FROM: Bryan Ostler, Town Manager

DATE: November 15, 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 topics are scheduled for upcoming meetings, though the topics are subject to be changed or rescheduled:

- November 14, 2023 – Regular Meeting
- November 21, 2023 – Study Session Canceled (Thanksgiving Week)
- 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

- The Board of Trustees approved the re-establishment and Bylaws for the Parks, Recreation, Open Space and Trails Commission. The Commission's next Regular Meeting will be held December 13th. The November Meeting was cancelled due to a number of conflicts for members and staff.
- Parks and Golf staff have begun off-season training, certification and education opportunities. They range from person to person, but include opportunities in technical

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aptitudes, leadership, marketing, revenue generation, just to name a few. These are a high priority of the Parks and Golf Team.

- Election Nov. 7 Comms Plan
- Training in progress – Certificate in Public Engagement Pepperdine University
- Webinar – Engagement best practices for NextDoor
- Meeting regarding Town Annual Report



Community and Economic Vitality

- Communications & Engagement staff volunteered at the Frederick-hosted Business Awards Ceremony.
- Staff are working to finalize a concept for Frederick Recreation Area's Master Plan to present to the PROST Commission in December. This concept will take all previous public input, staff and stakeholder input and engineering needs, such as stormwater capacities into consideration.
- Staff are working to create a concept for Crist Park and surrounding greenways/trails for public consideration in late 2024 or early 2025. Initial considerations include a civic courtyard for small gatherings and events along Fifth Street, additional parking and lighting for Downtown activities and improved neighborhood park amenities for the surrounding community.



Dynamic, Inclusive & Connected Community

- Christmas decoration is underway in Town! Streets and Stormwater staff is assisting the Parks Department with Christmas preparations around the 5th Street bridge, the Gateway entrance into Town, and on the medians.
- Monthly Newsletter electronic and mailer
- Weekly Flash features four articles weekly
- Town Event Preparation
 - Recruitment and Sponsors as of 11/15/2023
 - Sponsor commitments totaling \$ 80,300
 - 123 market vendor applications
 - 13 entries for Festival of Lights Parade
 - Coordination with the Carbon Valley Help Center, Frederick High School, and Rocky Mountain Christian Church for annual Thanksgiving Dinner in a Box program
 - Christmas Video prep for social media
 - Volunteer Appreciation Night Prep
- Community Partnerships
 - Town Calendar completion
 - Attend FHS Education Foundation meeting, 11/9
 - Media relations – inquiries Longmont Times Call, KUNC Public Radio, Fox KDVR, 9News
 - Carbon Valley Cares work session 11/2
 - Carbon Valley Networking meeting

- Website Updates
 - Website redesign in progress
 - Update Ballot Question 2C information links throughout website
 - Redesign and update Planning webpages
 - Building Dept. webpage updates and online form support
- Town App
 - Monthly Analytics Report
- Interdepartmental Collaboration
 - Departmental project support
 - Continue work/training on Strategic Plan dashboard
 - Community Parks Master Comms Plan
 - Snow Plan Comms
 - Top 10 Accomplishments in 2023 planning
 - Participate in Town tour for People and Culture position
 - Met with Building Department RE: Notice to Stop Work, and Building Code amendment
 - Innovative Committee collaboration
 - Frederick Forward Comm
 - Assist with Business address list update
- Communications staff attendance at Board meetings to ensure Town communications align with Board's vision and work in progress.
 - Closed captioning on Board meeting recordings
 - BOARD Christmas Card
 - Assist Mayor's Messaging
- Public Works personnel have been working on completing and continuing their education and safety trainings.
 - Tina Rehder and Isiah Fernandez attended a two-day class on water distribution in Loveland.
 - Steve Johnson and Steve Smith attended a class on EVAP diagnostics.
 - Matt Liebling, Steve Johnson, Steve Smith, Cal Harris, Tina Rehder, and Isiah Fernandez all completed CPR training, which was provided by the Frederick Firestone Fire Department.



Strategic, Reliable and Sustainable Infrastructure

- Parks staff have winterized all irrigation systems, amenities and restrooms for the 2023 season. Over the coming weeks, staff will be finalizing the installation of holiday lights Downtown, final mowing of open spaces and parks for the season and fall leaf cleanup.
- Street sweeping and leaf clean-up is underway in various neighborhoods, including Savannah, Carriage Hills, Angel View, Clark Ranch, Raspberry Hill, Eagle Valley, Summit View, Silverstone, and Downtown areas.
- Maintenance crews are actively conducting tree cutbacks within the right-of-way along gravel roads in order to ensure safety and clear sight for passage.

- Arterial roads are receiving prompt attention for pothole repairs throughout Town.
- Golf maintenance staff are beginning to prepare for the end of the growing season and will winterize systems in November. Golf operations staff are still busy with golfers, particularly given the warm temperatures, but have noted a significant slow-down from peak season.
- Fleet Services is working with Hail Pro Services on getting vehicles repaired from the April 25th hail storm. Most of the Town's fleet is repaired; approximately 15 units are still in the scheduling process.
- Public Works had 10 units in for service or repairs: 6 scheduled and 4 unscheduled.
- The Police Department had 5 units in for service or repairs: 4 scheduled and 1 unscheduled.
- Fleet Services and the new Fleet Manager are working on finalizing plow trucks and equipment to be ready for snow season.



Safe and Secure

- Santa Cops season is in full swing, with the deadline for applications quickly approaching on Friday, November 17. We solicit applications in all area schools, asking our teachers, school resource officers, and parents to identify kiddos in need, and applications are also available at the front desk of the Police Department. So far this year, we've received 15 families in need, including 35 children. The PD uses funds provided through community donations as well as those raised in the charity golf tournament to provide gifts and warm winter clothes to the families. Wrapping day is Friday, December 15 at the PD, and volunteers are welcome to come see Santa's workshop in full swing!
- Axon RMS – The Police Department continues to work closely with Axon personnel on the new records management system development during multiple weekly meetings. Under the project leadership of Sgt. Bedsaul, the standards portion of the software was deployed last week and is currently in use to document compliments, complaints, and use force incidents, to name a few. The planned go-live for the remainder of the software is still tracking for April 2024 with staff testing the system daily and identifying issues or changes for Axon personnel to address.
- Communications staff addressed records requests with the Weld County District Attorney's Office and evaluated survey software for PD contacts.



Fiscally Responsible Governance

- A huge amount of detail and effort was put in by the Finance Department for the final assembly of the 2024 Proposed Town Budget for Public Hearing #1. Thank you to Finance staff for your commitment and hard work!

Town of Frederick - List of Bills
September 29, 2023 - October 26, 2023

1800DRYCLEAN NORTH METRO DENVER	Uniform cleaning services	310.75
5STARWASHCV LLC	Vehicle maintenance	1,263.83
AAA PEST PROS LLC	Pest control	210.00
AARON HERBERT	Police Employee Loan Program	2,000.00
ACCELA INC	User fees	93,101.73
ACE HARDWARE OF FIRESTONE	Supplies	339.35
ACUSHNET COMPANY	Driving range supplies	4,125.00
ADAM MARCOVICH	Dirt hauls	2,550.00
ADAMSON POLICE PRODUCTS	Police uniforms	410.10
AGILENT TECHNOLOGIES INC	Phase 1 Eligible Expenditure Cost Cert - URA	10,000.00
AIRBOUND INC	Inflatable corn maze	1,110.00
ALI VANDEUTEKOM	Reimbursement for travel & training expenses	4,171.16
ALL IN ONE PROFESSIONAL SERVICES LLC	Interpreting services	568.42
AMANDA DEBORD	Building permit contract services	2,520.00
AMERICAN EAGLE DISTRIBUTING	Beverage order for restaurant	109.69
ANDY FAIRBANKS	Boot reimbursement	146.35
BERMUDA SANDS APPAREL LLC	Staff uniforms	630.72
BETTER BUSINESS CLEANING	Monthly cleaning service	6,356.00
BK TIRE, INC.	PD tire replacement	1,178.00
BLACK HILLS ENERGY	Natural gas utility	890.60
BSN SPORTS LLC	Youth Academy shirts	311.85
BUILDING WARRIORS INC	Counseling services	200.00
BUTCHER AND THE BLONDE LLC	Miners Day meal vouchers	136.00
CAPITAL BUSINESS SYSTEMS INC	Town copier lease program	930.07
CARD SERVICES	Subscriptions, supplies and postage	475.18
CERVANTES CONCRETE	Concrete repair - Pine Street	3,600.00
CILANTRO & LIME LLC	Miners Day meal vouchers	296.00
CINTAS CORPORATION	PW mat service and uniforms	558.04
COMCAST CABLE	Monthly internet, tv and phone service	1,618.37
COMCAST PHONE	Town wide internet service	2,655.00
COREN PRINTING INC	Animal impound and tow forms	348.84
CORKAT DATA SOLUTIONS LLC	Computer equipment & subscriptions	21,793.00
COSTAR REALTY INFORMATION INC	Monthly subscription	590.00
CUSTOM FLAG COMPANY	Flags	549.00
DADCO CONSULTING SERVICES INC	Closing invoice	4,950.00
DANA KEPNER CO	Water supplies	10,939.65
DEERE & COMPANY	Turf Gator	9,913.63
DENVER REGIONAL COUNCIL OF GOVERNMENTS	Membership Contribution 2023/2024	5,400.00
DERRICK SCHMIDT	Travel per diem - Orlando NFMT Conference	207.50
DESIGN CONCEPTS CLA INC	Community Parks Master Plan	42,159.39
DNI HEATING AC REFRIGERATION	HVAC inspection - town buildings	4,455.00
E & G TERMINAL INC	Shop supplies	457.04
ECLIPSE TINTING AND GRAPHICS	Vehicle window tinting	366.40
ED GOODMAN	Reimbursement for training expenses	65.66
ELDORADO ARTESIAN SPRINGS INC	Water delivery service	248.70
ELI BETZ	PE license renewal	60.00
ENTENMANN-ROVIN CO	Police badges	233.75
ENTERPRISE FM TRUST	Vehicle lease program	50,662.84
ENVIROSERVE LLC	Waste disposal	1,681.00
EVOLVE TECHNOLOGIES LLC	Phone support services	75.00
FAIRFIELD AND WOODS PC	Legal services	12,261.00
FERGUSON ENTERPRISES LLC	Water supplies	292.03
FRONT RANGE COMMUNITY COLLEGE	LTAP Chainsaw Safety & Basic Equipment class	400.00
FRONT RANGE FLU SHOTS LLC	Flu Shot Clinic	224.00
FRONT RANGE LANDFILL	Landfill voucher program	5,827.36
G & G EQUIPMENT INC	Parts for equipment repair	1,127.99
GREEN MILL SPORTMAN'S CLUB	Range use	450.00

Town of Frederick - List of Bills
September 29, 2023 - October 26, 2023

GUS'S GOODIES	Snacks for restaurant	105.00
HAIL PRO COLLISION LLC	Fleet hail damage repairs	21,151.57
HARDLINE EQUIPMENT	Equipment supplies	1,806.00
HIGH COUNTRY BEVERAGE	Beverage for restaurant	535.15
HOME DEPOT CREDIT SERVICES	Supplies	1,002.69
IAN ALBERT	Reimbursement for training expenses	68.58
IMAGEFIRST HOSPITALITY	Linen service for restaurant	372.68
INFOSEND INC	Utility billing statements, notices & postage	3,678.37
INNOVATE! INC	GIS support	6,383.54
INTERSTATE FORD	Bucket truck repairs	861.55
INTERSTATE RENTAL & SALES, INC.	Equipment rental	127.50
ION SOLAR	Building Permit fee refund	800.00
IXOM WATERCARE INC	SolarBee repair	1,210.00
JOHN CUTLER & ASSOCIATES	Final billing for audit year ending Dec 2022	2,000.00
JUAN HERRERA	Restitution payment	200.00
JUB ENGINEERS INC	Silver Birch & Bella Rosa Intersection	13,049.80
KP & ASSOCIATES	Retail Consulting Services	2,400.00
KYLE A RICHARDS	Livestream BOT meeting	225.00
L & M ENTERPRISES INC	Irrigation park valve repair	2,058.54
L.L. JOHNSON DISTRIBUTING COMPANY	Stormwater supplies	1,389.20
LANGUAGE LINE SERVICES	Document translation	75.00
LEADSONLINE	Subscription renewal - Investigation System	2,420.00
LIFE STORIES CHILD & FAMILY ADVOCACY	3rd Qtr. billing for 2023	219.00
LINKSOUL	Staff uniform	86.58
LONGMONT HUMANE SOCIETY	Animal impound fees	1,052.25
LUMIN8 TRANSPORTATION TECHNOLOGIES LLC	Traffic signal maintenance	472.50
MAC EQUIPMENT INC	Stormwater supplies	63.34
MASEK GOLF CAR COMPANY	Rental carts & golf cart fleet lease	5,001.75
MAUREEN WELSH	Reimbursement for conference expenses	552.31
MAX DAFFRON	Reimbursement for mileage	388.75
MIRROR IMAGE BREWING COMPANY	Beverage for restaurant	185.00
MOSES WITTEMYER HARRISON & WOODRUFF PC	Legal services	18,738.75
MOUNTAIN STATES LIGHTING	Pole and accessories	1,973.00
NACHO MAMAS TACOS	Meal voucher reimbursement	265.55
NEW CONSOLIDATED LOWER BOULDER RESERVOIR	Lease 150 AF CBT/Rule 11 charge - 152 AF CBT	7,908.21
NOVAK COUNSELING SERVICES LLC	Counseling services	380.00
OCCUPATIONAL HEALTH CENTERS	Pre-Employment Screening	574.00
PATRICIA COCHRAN	Reimbursement for supplies	269.81
PAUL C BENEDETTI	Legal Services - FURA	5,070.00
PAUL DIKES GLASS INC	Windshield replacement	1,075.00
PIONEER DEVELOPMENT COMPANY	Impact report	8,162.68
POLICE AND SHERIFFS PRESS INC	Photo IDs	48.05
POTESTIO BROTHERS EQUIPMENT INC	Parts for equipment repair	1,117.81
PRAIRIE MOUNTAIN MEDIA	Subscription and publishing costs	1,383.97
PRE ACTION FIRE INC	AES Quarterly Monitoring	525.00
PRECISION RIFLE WORKSHOP LLC	Police sniper training	695.00
PSYCHOLOGICAL DIMENSIONS	Pre Employment evaluation	400.00
RACO MANUFACTURING & ENGINEERING CO	Alarm Agent Service renewal	900.00
RAMEY ENVIRONMENTAL COMPLIANCE	ORC Services Distribution System	108.00
RED DOG RADIOS LLC	Radio equipment, installation & programming	11,221.70
REDI SERVICES LLC	Porta john service	395.00
REIF & HUNSAKER PC	Legal services	812.00
RESOURCE CENTRAL	Lawn Replacement Program	1,000.00
RINGCENTRAL INC	Town phone system	7,291.64
ROADWAY ASSET SERVICES LLC	Pavement Condition Survey	4,775.40
ROCKY MTN PLAYGROUND SERVICES LTD	Playground equipment replacement & repair	10,215.75
SAFEBUILT COLORADO LLC	Building Inspection services	12,022.50

Town of Frederick - List of Bills
September 29, 2023 - October 26, 2023

SAFEWAY	Anniversary cards and supplies	627.36
SAM'S CLUB / GECRB	Membership fees and supplies	1,134.06
SHRED VAULT COLORADO LLC	Document shredding	155.00
SIERRA FEDDER	Mileage reimbursement	503.30
SIGNARAMA	Santa Cops banner & sponsor signs	454.60
SMITH ENVIRONMENTAL & ENGINEERING	Frederick GW Impacts Study	3,037.62
SRIXON CLEVELAND GOLF XXIO	Shipping for golf bag	12.00
ST VRAIN SANITATION DISTRICT	4th quarter services	156.78
STAPLES ADVANTAGE	Office supplies	763.34
STEVEN WALJE	Reimbursement for software program	169.99
SYSCO DENVER	Restaurant supplies	846.32
TELEPHONE TOWN HALL MEETING INC	Telephone town hall meeting	3,088.03
TELOS ONLINE INC	Back-up link	75.00
THE ANTIGUA GROUP INC	CED team jackets	209.03
THE TREE FARM	Trees an plants for golf course	1,304.20
TIFFANY WEED	Reimbursement for supplies	38.31
TLO LLC	Investigation fees	110.80
TRANSWEST TRUCK	Maintenance supplies	105.72
TRAVISMATHEW LLC	Golf shop merchandise	890.97
TRI C CLUB SUPPLY INC	Janitorial supplies	95.02
TRT CONSTRUCTION	PD remodel	25,800.00
TRUEPOINT SOLUTIONS LLC	Configuration Analysis and Prototypes	7,107.22
TYLER TECHNOLOGIES	Insite fees, UB calls, Court conversion & equipment	20,845.90
U.S. POSTAL SERVICE (CMRS-FP)	Postage for meter machine	700.00
UME CUSTOM EMBROIDERY & IMPRINTING LLC	Replacement Frederick In Flight shirt	71.99
UNITED POWER	Electric utility	10,681.15
UNIVERSITY AUTO PARTS INC	Vehicle parts and supplies	2,306.17
UNIVERSITY OF COLO AT BOULDER	2023 Scholarship	2,000.00
US KIDS GOLF LLC	Supplies	47.89
UTILITY NOTIFICATION CENTER OF COLO	Water locates	568.89
VERIZON WIRELESS	Wireless services	6,884.30
VIA MOBILITY SERVICES	Transportation	4,800.00
WATERTRONICS LLC	Watervision renewal	4,570.00
WEBER STATE UNIVERSITY	2023 Scholarship	2,000.00
WELD COUNTY DEPARTMENT OF PUBLIC	Water testing	504.00
WIGHT & COMPANY	Public Policy & Engagement Services	<u>22,500.00</u>
	Total:	610,946.42



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

Update Exhibit A and B for Carriage Hills Filing 1 Public Improvements

Agenda Date: Town Board Meeting - November 28, 2023

Attachments:

- a. Carriage Hills Filing 1 Second Amendment to the MOAPI
- b. Exhibit A – Carriage Hill Filing 1 Replat A
- c. Exhibit B – Engineers Estimated Costs
- d. Exhibit C – Previous Ordinance for reference

Finance Review: _____
Finance Director

Submitted by: Eli Betz
Civil Engineer

Approved for Presentation: Bryan Ostler
Town Manager

☐ Quasi-Judicial

☐ Legislative

☒ Administrative

Strategic Plan Alignment:

- Effective, Efficient, and Strategic Government Operations – This request aligns with the Town's stated desire for efficiency as it will allow a developer to bring about the finalization of his development in good order which increases the economic efficiency of the project.
- Strategic, Reliable and Sustainable Infrastructure – This request furthers the goals of the Town by completing infrastructure necessary to serve residential lots and creating more local routes within the Carriage Hills subdivision which may be useful if alternative routes in the area are needed.

Summary Statement:

This update will include the final recorded plat for exhibit A of the Agreement and the associated costs for exhibit B of the Agreement. The purpose of this is to update the agreement with the newest documents of the project and to make sure that the proper surety is rendered for the public improvement of 11th street.

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Detail of Issue/Request:

This amendment to the MOAPI updates Exhibit A Final Plat maps for Carriage Hill Filing 1 Replat A to what was recorded with the County per the earlier direction of the Board as some updates to the plat were required in ordinance 1341C prior to recording, and updates Exhibit B Engineers Estimate of Costs for Public Improvements to be Constructed to include the costs associated with the public improvements in 11th Street.

Pursuant to the Town's Subdivision regulations and to satisfy Section 1.10 - Financing and Improvement Guarantees - the Developer for the Carriage Hills Filing 1 subdivision is required in the MOAPI to provide the estimate cost of public improvement completion for exhibit B.

These exhibits display the current recorded plat for the sake of good record keeping and the cost for the construction of 11th Street and all of its associated public improvements to include: asphalt pavement, sidewalks, sanitary sewer, stormwater infrastructure, and potable water infrastructure. This cost will be the basis of the surety collected by the Town in the amount of 10% of the estimate per the Agreement.

Legal Comments:

The plat was required by Ordinance 1341C to include further items which were then recorded over a year later, for the sake of demonstrating compliance and good record keeping, exhibit A will be updated to show this recorded plat.

This update is also required per the original Agreement, section 1.10(e) which defines that exhibit B is to include the cost estimate for public improvements and section 2.1 which requires that the public improvements in exhibit B be built.

This was not included in earlier versions of the agreement because the Developer was meeting the obligation specified in section 2.2 while they were acquiring proper Right of Way.

The Second Amendment to the Carriage Hills Filing 1 MOAPI and resolution have been reviewed by the Town Attorney and Town Land Use counsel.

Alternatives/Options:

The Board may approve, deny, or move to reschedule the hearing of this item.

Financial Considerations:

The update of Exhibit B will be the basis of the surety collected for the public improvements. Per the original Agreement, this amount will be 10% of the estimated cost.

Staff Recommendation:

Staff recommends that these exhibits be updated so that Town infrastructure can be built in a timely manner.

**CARRIAGE HILL FILING 1
SECOND AMENDMENT TO
MEMORANDUM OF AGREEMENT FOR PUBLIC IMPROVEMENTS**

THIS SECOND AMENDMENT to the Carriage Hills Filing 1 Memorandum of Agreement for Public Improvements (“SECOND AMENDMENT”) is made and entered this ____ day of _____, 20__ by and between the Town of Frederick, a Colorado Municipal Corporation, whose address is 401 Locust Street, P.O. Box 435, Frederick, CO 80530 (“TOWN”), Carriage Hills Development, Inc., a Colorado corporation, whose address is 1217 Fox Hill Dr., Longmont, CO 80504 (“DEVELOPER”), and Elea Development LLC, a Colorado Limited Liability Corporation, whose address is 1040 S Gaylord Street, Suite 1, Denver, CO 80209 (“OWNER”).

WHEREAS, the Town and Carriage Hills LLC entered into Carriage Hill Filing 1 Memorandum of Agreement for Public Improvements on February 18, 2005, recorded at the Weld County Clerk and Recorder’s office at Reception No. 3268883, hereinafter called the “AGREEMENT”; and

WHEREAS, Carriage Hills Development, Inc., an entity separate from Carriage Hills LLC, acquired and replatted Block 6 of Carriage Hills Filing No. 1 Replat A, recorded January 14, 2022 at the Weld County Clerk and Recorder’s office at Reception No. 4794113; and

WHEREAS, the Town and Carriage Hills Development, Inc. entered into Carriage Hills Filing 1 First Amendment to the Memorandum of Public Improvements on June 16, 2022, recorded with the Weld County Clerk and Recorder’s Office at Reception No. 4844739, hereinafter called the “FIRST AMENDMENT”; and

WHEREAS, Block 6 of Carriage Hills Filing No. 1 Replat A is now owned by Elea Development LLC; and

WHEREAS, DEVELOPER is preparing to begin construction of public improvements for Filing 1 Replat A of the Carriage Hills subdivision, specifically the improvements in the Right of Way identified as 11th Street in the aforementioned Plat;

WHEREAS, DEVELOPER has submitted construction plans for Filing 1 Replat A of the Development; and

WHEREAS, paragraph 14.8 of the AGREEMENT requires that the TOWN approve any transfer of title to any portion of the development.

Now therefore, in consideration of the foregoing, the parties hereto promise, covenant, and agree as follows:

1. This SECOND AMENDMENT updates Exhibit A with the Carriage Hills Filing No. 1, Replat A, as recorded by the Weld County Clerk and Recorder on January 14, 2022,

reception number 4794113, demonstrating compliance with Town Ordinance No. 1341C, attached hereto as Exhibit C.

2. The Total Public Improvement costs for Filing 1 Replat A are included as Exhibit B of this SECOND AMENDMENT, which is appended to the original Exhibit B and is hereby incorporated.
3. The Finance and Public Improvement Guarantees for Filing 1 Replat A of Carriage Hills, as required by Section 1.10 of the AGREEMENT, shall be based upon the Total Public Improvement cost as specified in item 2 above.
4. Exhibit A, Map and Legal Description, attached to this SECOND AMENDMENT, replaces AGREEMENT Exhibit A and is hereby incorporated.
5. Pursuant to paragraph 14.8 of the AGREEMENT, the TOWN approves the transfer of title to property governed by the AGREEMENT and the parties to this SECOND AMENDMENT.
6. OWNER, as owner of property governed by the AGREEMENT, as of the effective date of this SECOND AMENDMENT, will be governed by all provisions of the AGREEMENT and FIRST AMENDMENT, and should DEVELOPER fail to complete any of its obligations under the AGREEMENT or FIRST AMENDMENT, OWNER is jointly responsible for ultimate compliance with the AGREEMENT and FIRST AMENDMENT with regard to the obligations applicable to property owned by OWNER.
7. *Ratification of Agreement.* Except as specifically amended hereby, TOWN, DEVELOPER, and OWNER agree that the MOAPI, as amended, continues uninterrupted, shall remain in full force and effect, and shall be binding as amended upon the Parties hereto. In the event of any conflict between the AGREEMENT, FIRST AMENDMENT, and this SECOND AMENDMENT, the terms of this SECOND AMENDMENT shall prevail.
8. *Counterparts.* This SECOND AMENDMENT 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.

IN WITNESS WHEREOF, the parties have executed this agreement as of the date first set forth above.

DEVELOPER
CARRIAGE HILLS DEVELOPMENT, INC.

By: _____

Print Name:

Print Title:

State of Colorado }
 } ss.
County of _____ }

The foregoing instrument was acknowledged before me this ____ day of _____,
_____, by _____.

Witness my hand and official seal.

My commission expires:

Notary Public

OWNER
ELEA DEVELOPMENT LLC

By: _____

Print Name:

Print Title:

State of Colorado }
 } ss.
County of _____ }

The foregoing instrument was acknowledged before me this ____ day of _____,
_____, by _____.

Witness my hand and official seal.

My commission expires:

Notary Public

TOWN OF FREDERICK

By _____
_____, Mayor

ATTEST:

By _____
_____, Town Clerk

EXHIBIT A

MAP AND LEGAL DESCRIPTION

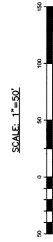
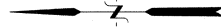
474413 - Project 2 of 2
C:\Users\j\Documents\474413 - Project 2 of 2.dwg
12/15/2021 10:00:00 AM

CARRIAGE HILLS FILING NO. 1 REPLAT A

FINAL PLAT

A SUBDIVISION OF A PART OF THE SE1/4
OF SECTION 31, T2N, R67W OF THE 6TH P.M.,
TOWN OF FREDERICK, COUNTY OF WELD, STATE OF COLORADO.
AREA = 7.828 ACRES, MORE OR LESS.

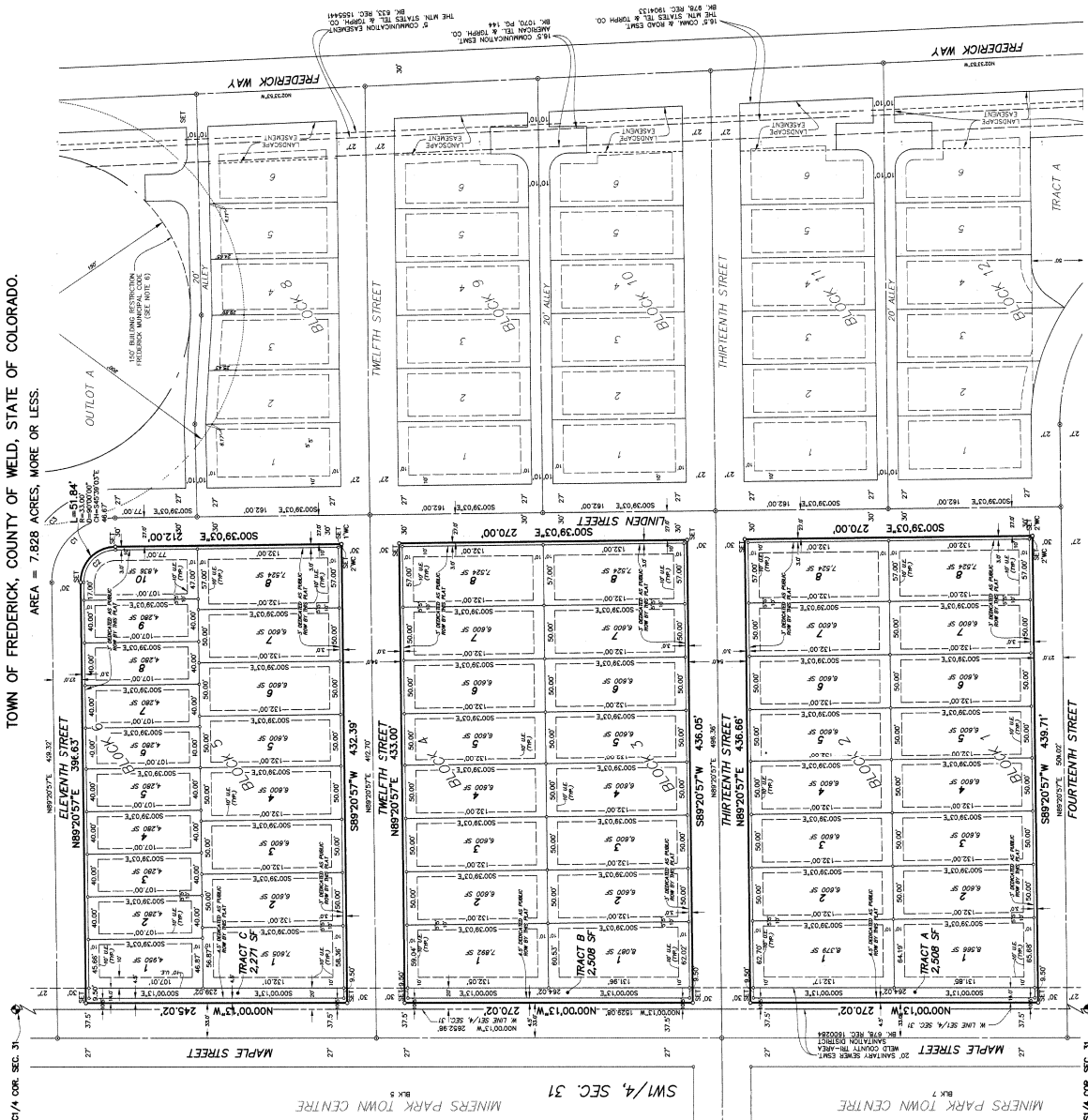
CURVE TABLE			
CURVE #	LENGTH	RADIUS	DELTA
C1	84.25	60.00	90°00'00"
C2	47.12	30.00	90°00'00"
C3	136.96	87.00	90°00'00"



- LEGEND
- BOOK
 - COMMUNICATION
 - EASEMENT
 - LANDSCAPE EASEMENT
 - MOUNTAIN
 - PAVE
 - RECEPTION NUMBER
 - RIGHT-OF-WAY
 - TELEPHONE
 - TELEGRAPH
 - TYPICAL
 - UTILITY EASEMENT
 - PROPERTY CORNER

PETER D. TIGHE
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 2371
DATE: DECEMBER 13, 2021

CIVIL ARTS
ENGINEERING
PLANNING
SURVEYING



SE1/4, SEC. 31
PRAIRIE GREENS
CWS COMMUNITIES, LP

SW1/4, SEC. 31

SE1/4 COR. SEC. 31

EXHIBIT B

PUBLIC IMPROVEMENTS TO BE CONSTRUCTED



ENGINEERING
PLANNING
SURVEYING

P 303.682.1131
F 303.682.1149

info@civilarts.us
www.civilarts.us

1500 Kansas Avenue, Suite 2-E
Longmont, CO 80501

Carriage Hills Filing No. 1 Replat A - 11th Street
Exhibit B
Schedule of Improvements - Site

Item	Description	Quantity	Units	Cost	Total
1	Site Preparation / Earthwork				
	11th Street	1	LS	\$5,000.00	\$5,000.00
				Sub-total	\$5,000.00
2	Erosion Control				
	Stabilized Staging Area	1120	SY	\$7.00	\$7,840.00
	Vehicle Tracking Control	1	EA	\$1,800.00	\$1,800.00
	Concrete Washout	1	EA	\$1,200.00	\$1,200.00
	Silt Fence	1200	LF	\$2.50	\$3,000.00
	Inlet Protection	2	EA	\$35.00	\$70.00
	Seed & Mulching	1	AC	\$165.00	\$165.00
	Rock Socks	2	EA	\$250.00	\$500.00
				Sub-total	\$14,575.00
3	Sanitary Sewer				
	Tie to existing main	1	EA	\$2,800.00	\$2,800.00
	8" PVC SDR 35 Sewer Main	195	LF	\$28.00	\$5,460.00
	PVC SDR 25 Sewer Services	10	Lots	\$900.00	\$9,000.00
	4' dia Sanitary Sewer Manhole	2	EA	\$2,100.00	\$4,200.00
	Adjust Manholes to Final Grade	2	EA	\$400.00	\$800.00
				Sub-Total	\$22,260.00
4	Water				
	8-inch PVC C900 Water Main	455	LF	\$65.00	\$29,575.00
	8-inch Gate Valves	2	EA	\$2,500.00	\$5,000.00
	FH Assy.	2	EA	\$7,500.00	\$15,000.00
	3/4-inch Services (Type K Copper)	460	LF	\$23.00	\$10,580.00
				Sub-total	\$60,155.00
5	Roadways				
	Subgrade Stabilization	2000	SY	\$4.50	\$9,000.00
	Asphalt Paving 6.5-inch Full Depth	2000	SY	\$32.00	\$64,000.00
				Sub-total	\$73,000.00
6	Concrete Flatwork				
	6-inch Vertical Curb	1200	LF	\$20.00	\$24,000.00
	5-foot Wide Sidewalk 6-inch Depth	1200	LF	\$25.00	\$30,000.00
	HC Ramps	1	LF	\$1,200.00	\$1,200.00
				Sub-total	\$55,200.00
				Sub-Total	\$230,190.00
				Mobilization 5%	\$11,509.50
				Contingency 10%	\$23,019.00
				Total	\$264,718.50

EXHIBIT C
PREVIOUS ORDINANCE

TOWN OF FREDERICK, COLORADO
ORDINANCE NO. 1341C

**AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO,
APPROVING WITH CONDITIONS THE FINAL PLAT FOR CARRIAGE HILLS
FILING 1, REPLAT A AND THE VACATION OF CERTAIN ALLEYS AND
STREETS IN CARRIAGE HILLS FILING 1.**

WHEREAS, the Town of Frederick Planning Commission reviewed the Application of Carriage Hills Development, Inc, on July 21, 2020, and recommended approval of the Final Plat for Carriage Hills Filing 1, Replat A with the condition that the applicant provide a summary of metropolitan district maintenance responsibilities and that the applicant address the presence of burrowing owls; and

WHEREAS, the Board of Trustees of the Town of Frederick, Colorado, on Tuesday, August 11, 2020, reviewed the application of Carriage Hills Development, Inc, for the Final Plat for Carriage Hills Filing 1, Replat A, of the following real property, to wit;

See attached Exhibit A

Town of Frederick, County of Weld, State of Colorado.

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

Section 1. The Final Development Plan for Carriage Hills Filing 1, Replat A is hereby approved with the following conditions.

- i. The applicant provide a summary of metropolitan district maintenance responsibilities, as related to this replat.
- ii. All Colorado Parks and Wildlife requirements be met.

Section 2. The vacation of certain alleys and streets in Carriage Hills Filing 1 are hereby approved with the following conditions.

- i. The applicant completes the additional 10 foot vacation of right-of-way on Block 6, Lots 1-10 prior to recordation of this plat.

Section 3. Effective Date. This ordinance shall be published and become effective as provided by law.

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 the ordinance. The Town Board hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

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

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED THIS 11th DAY OF AUGUST 2020.

ATTEST:

TOWN OF FREDERICK

By

Meghan C. Martinez, CMC, Town Clerk

By

Tracie Crites, Mayor

Exhibit A

A description of CARRIAGE HILLS FILING NO. 1, REPLAT A located in the SE1/4 of Section 31, T2N, R67W of the 6th P.M., in the Town of Frederick, Weld County, Colorado. For: Carriage Hills Development, Inc.

LEGAL DESCRIPTION

Three tracts of land located in the SE1/4 of Section 31, T2N, R67W of the 6th P.M., County of Weld, State of Colorado, described as follows:

Blocks 1 and 2, Carriage Hills Filing No. 1, together with the hereby vacated alley lying between said Blocks;

AND

Blocks 3 and 4, Carriage Hills Filing No. 1, together with the hereby vacated alley lying between said Blocks;

AND

Block 5, Carriage Hills Filing No. 1, together with the hereby vacated 10-foot alley lying adjacent to said Block.

Area = 293,894 square feet (6.747 acres), more or less.



TOWN OF FREDERICK

Board of Trustees

Action Memorandum

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

Tracie Crites, Mayor

Adam Mahan, Trustee
Windi Padia, Trustee
Chad TeVelde, Trustee

RE: INCLUSION/EXCLUSION AGREEMENT FOR FIRE PROTECTION SERVICES

Agenda Date: Town Board Meeting – November 28, 2023

Attachments:

- a. Petition for Exclusion of Property from the Mountain View Fire District
- b. Petition for Inclusion of Property into the Frederick Firestone Fire Protection District
- b. Resolution 23-R-52

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: The Town of Frederick will lead the region in a culture of efficiency and innovation in all municipal services that far exceed the community's expectations, magnifying the fact that Frederick is Built on What Matters.



Safe and Secure: Continue to foster and improve the relationship quality with public safety/emergency agencies seeking ways to collaborate and leverage resources where feasible.

Summary Statement:

The Town of Frederick has entered into an Intergovernmental Agreement (IGA) with the Frederick Firestone Fire Protection District (FFFPD) to provide emergency fire and medical response within the Town of Frederick. Pursuant to the IGA, the Town, during the annexation process, is required to facilitate the inclusion of newly annexed property in to the FFFPD so the appropriate mill levy is being collected and remitted to the FFFPD. This also ensures that the appropriate fire response entity is responding to matters within the Town's corporate limits. When the Town purchased the Mendoza property and annexed the property (along with Dr. Mendoza's private residence) this inclusion and exclusion process was not completed.

Detail of Issue/Request:

The Town of Frederick works with FFFPD to provide fire and emergency services to the citizens of Frederick. In 2019, several parcels of land were annexed to the Town of Frederick. Some of these properties belong to the Town of Frederick, and one is privately owned. Properties that are annexed into the Town should be included into the FFFPD boundaries so they may be served, pursuant to the IGA, by FFFPD; and also have appropriate taxes collected by the district.

It was recently discovered that exclusion from Mountain View Fire Protection District ("MVFPD") and Inclusion into FFFPD was not completed at the time of annexation of these parcels. These parcels need to be excluded from MVFPD, and included into FFFPD. In order to remedy this issue and provide efficient Fire Protection/Emergency response services, an inclusion/exclusion agreement must be executed between the Town, MVFPD, and FFFPD and filed with the District Court. This will ensure the IGA with FFFPD is harmonious with the Town's corporate limits, and ensure all affected parcels can receive Fire Protection Services from FFFPD.

Staff has worked with the FFFPD and MVFPD to incorporate both the Town's parcels and the parcel owned by Dr. Mendoza into a single inclusion/exclusion process. This will reduce the total costs to the districts and will also incentivize Dr. Mendoza to participate since the Town will be paying for our exclusion fee regardless. As reflected in the attached agreements, Dr. Mendoza has already signed his portion of the documents.

Legal/Political Considerations:

The Town Attorney has reviewed the Inclusion/Exclusion Agreements and drafted the resolution.

Alternatives/Options:

The Town Board may approve the Inclusion/Exclusion Agreements and direct staff to finalize the process.

The Town Board may decide to delay entering into the inclusion/exclusion agreement or may direct staff to negotiate additional terms.

The Town Board may decide not to approve the inclusion/exclusion agreement, resulting in delayed emergency services response to the affected parcels and disharmony with our corporate limits pertaining to our existing IGA with FFFPD.

Financial Considerations:

The petition for exclusion from MVFPD requires a standard fee set by the MVFPD Board of \$1000.00. This is to cover the costs of attorney review, filing of the petition, as well as a portion of the lost revenues from the properties being removed from the MVFPD taxing district. The MVFPD has allowed the Town's parcels and the private parcel to combine applications and request a single fee. As this matter was not effectuated with the annexation process in 2019, the Town is anticipating paying the totality of the fee.

Staff Recommendation:

Staff recommends Board approval of the Inclusion/Exclusion Agreement and approval of Resolution 23-R-52.

TOWN OF FREDERICK, COLORADO
RESOLUTION NO. 23-R-52

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF
FREDERICK, COLORADO, APPROVING INCLUSION/EXCLUSION
AGREEMENTS FOR ANNEXED PARCELS WITHIN THE TOWN OF FREDERICK**

WHEREAS, the Town and Frederick Firestone Fire Protection District (“FFFPD”) have previously entered into an Intergovernmental Agreement (“IGA”) for providing emergency services within the Town of Frederick. and,

WHEREAS, the Town of Frederick works with FFFPD to provide fire and emergency services to the citizens of Frederick.

WHEREAS, the Town of Frederick is a community that fosters Effective, Efficient & Strategic Government Operations and seeks to foster and improve the relationship quality with public safety/emergency agencies seeking ways to collaborate and leverage resources where feasible; and,

WHEREAS, several annexed parcels of land in the Town of Frederick have not been Excluded from Mountain View Fire Protection District (“MVFPD”), nor Included into FFFPD since the time of annexation.; and,

WHEREAS, in order to provide the most efficient and effective fire protection and emergency services to the annexed parcels, the annexed parcels must be ; and,

WHEREAS, the application requires approval from the Board of Trustees, authorizing the Exclusion/Inclusion of the annexed parcels,

WHEREAS, the Exclusion/Inclusion Agreement requires for the Board of Trustees to authorize the mayor to execute an Exclusion/Inclusion Agreement for Fire Protection Services with MVFPD and FFFPD.

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

1. The Town Board is supportive of the Exclusion of the annexed parcels of land from MVFPD, and Inclusion into the FFFPD.
2. The mayor is hereby authorized to execute necessary documents and agreements to effectuate the Inclusion/Exclusion Agreement after review and negotiation by the Town Attorney as applicable.

RESOLVED THIS ____ DAY OF _____, 2023.

TOWN OF FREDERICK, COLORADO

Mayor Tracie Crites

ATTEST:

BY: _____
Kelly Green, Deputy Town Clerk

APPROVED AS TO FORM:

Jason Meyers, Town Attorney