MINUTES
TOWN OF FREDERICK
BOARD OF TRUSTEES
Frederick Town Hall
December 8, 2009
7:00 p.m.

Attendance: Mayor Eric Doering, Mayor Pro Tem Sue Wedel, Trustees Gerry Pfirsch, Tony Carey, Liberta Hattel, Jim Wollack and Amy Schiers. Also present were Town Administrator Derek Todd, Assistant Town Attorney Cyril Vidergar, Town Clerk Nanette Fornof, and Planning Director Jennifer Simmons. Audience was also present.

ROLL CALL Mayor Doering called the regular meeting to order at 7:00 p.m.; role call was taken and all Trustees were present.

PLEDGE OF ALLEGIANCE Mayor Doering led the audience in the Pledge of Allegiance.

ADDITIONS OR DELETIONS TO THE AGENDA There were no additions or deletions to the agenda.

PUBLIC COMMENT

Sevend Larsen a Raspberry Hill resident read a letter written by Rose and Bob Schenck also Raspberry Hill residents; the letter stated the residents are concerned about the new sizes of houses DR Horton is constructing on the remaining DR Horton owned lots. The houses are approximately 1/3 of the size previously built and about 50% less in value. The new style of homes being built have affected their home values.

Josh Morris also a resident of Raspberry Hill indicated he has read the town's building ordinance and zoning code and would like the Town to implement preventative care as mentioned in the codes. The houses DR Horton is currently building affect the property values and the values of the Community.

Jean Martin stated she was in support of the previous statements; Martin is a Raspberry Hill resident.

Robbie Robison a resident of Raspberry Hill said "ditto" to the previously stated comments.

Mayor Doering requested Planning Director Jennifer Simmons, provide information about the house standards being built at Raspberry Hill. Simmons indicated there was not a block diversity plan approved with the final plat. There has been communication with DR Horton requesting no more than three of the newly proposed homes be built in a row. In phase one there were 200 lots, 59 currently have homes on them, 3 homes under construction and 16 lots remain in DR Horton ownership. The remaining lots are owned by an investment group; the group has not made any movement to build on their lots. The discussion included the Homeowners' Association regulations and Memorandum of Agreement for Public

Improvements. After staff comments, Mayor Doering stated there could be additional comments during the Mayor/Trustee Reports.

Matt Heidenfeld stated he appreciated the Town of Frederick working with the Longmont Humane Society in regards to the impounding of animals. Heidenfeld considers his home to be an animal rescue and is willing to take in stray animals or litters of animals instead on taking them to the Society. Heidenfeld would like to assist the Town in these efforts.

STAFF REPORTS

Administrative Report Town Administrator, Derek Todd, provided the Board with the Administrative Report which highlighted the following items: Information was provided about the Frederick Recreation Area, Phase One Update, Upcoming Board of Trustees Work Session. The Finance and Human Resources Department provided information about the Final Budget Document, and Recruitment Update. The Engineering Department provided information about the Building Division Activity, 2009 chip Seal Project, Leak Detection Survey, Water Conservation Plan and Raw Water Irrigation. The Planning Department provided information about the Parks, Open Space and Trails Master Plan, Great Outdoors Colorado Planning Grant and Bulrush Wetlands Park. The Police Department provided information about the Community Presentation, TDD Equipment Grant Opportunity, PPE Equipment Training and Santa Cops. The Public Works Department provided information about Holiday Lights, Frederick Recreation Area and Snow Plowing.

Town Attorney Report Assistant Town Attorney Cyril Videgar provided the Board of Trustees with a written Status Report and had nothing new to add. There being no questions or comments Mayor Doering proceeded to the Action Agenda.

LOCAL LIQUOR AUTHORITY

AM 2009-116, To Consider Renewal of Glacier Liquor, LLC Retail Liquor License The retail liquor license for Glacier Liquor, LLC will expire on December 27, 2009. The renewal application was received in a timely manner, a police report was received and the Prosecuting Attorney has reviewed the application. The applicant was present; motion by Trustee Wollack to renew Glacier Liquor, LLC Retail Liquor License, Trustee Schiers seconded the motion and motion carried unanimously.

PUBLIC HEARINGS

AM 2009-118, A Public Hearing to Consider the Amended Final Plat for Sandstone Ridge Estates The application for final plat on Sandstone Ridge Estates was initially filed in 2003, the applicant is requesting an amendment to the final plat of approximately 36 acres and 66 lots. The applicant was present. Mayor Doering opened the public hearing at 7.45p.m. Mike Carr, a member of Rinn Valley Church, informed the Board the reasons negotiations have ceased between the Church and the applicant is because the applicant was requesting the Church to pay for the ditch improvements and construction of fence around the property. There being no additional comments or questions from the public

Mayor Doering closed the public hearing at 7:46p.m. Motion by Mayor Pro Tem Wedel to approve Resolution 09R055, A RESOLUTION REGARDING THE REVIEW OF THE AMENDED FINAL PLAT OF SANDSTONE RIDGE ESTATES SUBDIVISION, AND ADOPTING CERTAIN FINDINGS OF FACT AND CONCLUSIONS FAVORABLE TO THE FINAL PLAT, Trustee Wollack seconded the motion and motion carried unanimously. Motion by Trustee Wollack to adopt Ordinance 1024, AN ORDINANCE APPROVING THE AMENDED FINAL PLAT OF SANDSTONE RIDGE ESTATES SUBDIVISION, Mayor Pro Tem Wedel seconded the motion and motion carried unanimously.

AM 2009-112, To Consider Adopting an Ordinance Amending the Frederick Land Use Code by Reference The Board of Trustees set a public hearing to consider the 2009 Land Use Code updates. Articles 1, 2, 3, 4, 6 and 7 had proposed amendments. Planning Director Jennifer Simmons, described the recommended changes. Mayor Doering opened the Public Hearing at 7:58p.m.; there being no comments or questions Mayor Doering closed the Public Hearing at 7:58p.m. Motion by Trustee Pfirsch to adopt Ordinance #1025, AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, AMENDING ARTICLES 1, 2, 3, 4, 6 & 7 OF THE FREDERICK LAND USE CODE, 2004 BY ADOPTION BY REFERENCE OF THE "2009 COMPREHENSIVE REVISIONS"; AMENDING CERTAIN SECTIONS OF THE FREDERICK LAND USE CODE IN CONNECTION WITH THE ADOPTION OF SUCH REVISIONS; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH, amending the definition of "Public School" to include contracted, Trustee Wollack seconded the motion and motion carried unanimously.

ACTION AGENDA

AM 2009-114, An Ordinance of the Town of Frederick, Colorado, Repealing and Re-Enacting Frederick Municipal Code 10-221 Through 10-227 Regarding Offenses Related to Firearms and Weapons, and Repealing Frederick Municipal Code 10-228 Through 10-230 Chapter 10 of the Frederick Municipal Code sets forth the offenses in town. The provisions related to weapons were inconsistent with state law and in need of revisions. In the proposed ordinance, definitions have been added for clarification, provisions have been revised for consistency with state law and some provisions have been repealed for consistency with state law. Motion by Trustee Wollack to adopt Ordinance 1026, AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, REPEALING AND RE-ENACTING FREDERICK MUNICIPAL CODE §10-221 THROUGH §10-227 REGARDING OFFENSES RELATED TO FIREARMS AND WEAPONS, AND REPEALING FREDERICK MUNICIPAL CODE §10-228 THROUGH §10-230, with addressing the clarification of the word "automatic" under section 10-221, Section 3, Trustee Pfirsch seconded the motion and motion carried unanimously.

AM 2009-121, To Consider Adopting an Ordinance Amending the Frederick Municipal Code – Marijuana Dispensary and Growth Facility In 2000, Colorado voters passed Colorado Constitutional Amendment 20, amending Article XVIII of the Constitution by adding Section 14; medical use of marijuana for persons suffering from debilitating medical conditions. The proposed ordinance set forth the structure and terms applicable to

the Town's licensing of medical marijuana growth and dispensing activities generally permitted under Section 14 and CCR 1006-2, including local law enforcement oversight of such operations. Several issues concerning this ordinance were discussed. Issues being the transfer of ownership, inspections, number of facilities, if allowable under Federal law and cost of license. After further discussion the Board indicated there were several areas of the ordinance that needed to be addressed and during the time of follow up, Trustee Wollack made a motion to enforce a 180 day moratorium on receiving application for or allowing acceptance of application, Mayor Pro Tem Wedel seconded the motion and motion carried with Trustee Carey voting "nay" to the motion.

During the Business License for medical marijuana operation discussion, the Board after discussion with Assistant Town Attorney Vidergar, Trustee Carey made a motion to reconsider the motion adopting Ordinance 1025, AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, AMENDING ARTICLES 1, 2, 3, 4, 6 & 7 OF THE FREDERICK LAND USE CODE, 2004 BY ADOPTION BY REFERENCE OF THE "2009 COMPREHENSIVE REVISIONS"; AMENDING CERTAIN SECTIONS OF THE FREDERICK LAND USE CODE IN CONNECTION WITH THE ADOPTION OF SUCH REVISONS; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH, Mayor Pro Tem Wedel seconded the motion and motion carried unanimously.

Motion by Mayor Pro Tem Wedel to adopt Ordinance 1025, AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, AMENDING ARTICLES 1, 2, 3, 4, 6 & 7 OF THE FREDERICK LAND USE CODE, 2004 BY ADOPTION BY REFERENCE OF THE "2009 COMPREHENSIVE REVISIONS"; AMENDING CERTAIN SECTIONS OF THE FREDERICK LAND USE CODE IN CONNECTION WITH THE ADOPTION OF SUCH REVISIONS; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH, with all reference to medical marijuana provisions removed from the proposed amendments, Trustee Pfirsch seconded the motion and motion carried unanimously.

AM 2009-111, Resolution Authorizing Town to Enter into Intergovernmental Agreement with Firestone, Colorado, for Purposes of Providing Coverage for the Position of Court Clerk The Intergovernmental Agreement provides for the coverage of the court clerk to cover court sessions(s) when the Frederick or Firestone court clerk is unexpectedly unavailable. Motion by Trustee Schiers to approve Resolution 09R056, A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO, APPROVING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF FREDERICK, COLORADO AND THE TOWN OF FIRESTONE, COLORADO, Trustee Wollack seconded the motion and motion carried unanimously.

AM 2009-119, Resolution of Sufficiency to Annex 1.02 Acres St. Vrain/ Tri-Area Sanitation District Annexation #2 Mayor Doering removed himself for this portion of the meeting. Mayor Pro Tem Wedel conducted this portion of the meeting. St. Vrain Sanitation District has requested the annexation of 1.02 acres adjacent to the former Tri-Area Sanitation Facility along Colorado Boulevard and east of Milavec Lake. Staff finds the petition and application for annexation is in substantial compliance with applicable provisions of the Land Use Code. Motion by Trustee Pfirsch to approve Resolution 09R057, A RESOLUTION OF

INTENT TO ANNEX CERTAIN PROPERTIES IN WELD COUNTY, COLORADO TO THE TOWN OF FREDERICK, SAID ANNEXATION TO BE KNOWN AS "ST. VRAIN / TRI-AREA SANITATION DISTRICT ANNEXATION #2", Trustee Wollack seconded the motion and motion carried unanimously.

AM 2009-120, Proposed Revisions to the Municipal Code Section for Animal Control and Proposed Fees for Animal Licenses The upcoming year 2010 contract between the Town of Frederick and Longmont Humane Society was discussed. The discussion included the low cost spay and neuter clinics, having irresponsible owners be accountable for the cost of sheltering strays, recommendation on limiting the number of animals permitted per household, new fee schedules for altered and unaltered animals and exception cost for breeders. Motion by Trustee Carey to direct staff to draft an ordinance implementing the discussed items and instating the unaltered animal tag be $125, there was a friendly amendment from Mayor Pro Tem recommending the unaltered animal tag fee be twice the fee for altered animal dog tag fee. The amendment was accepted, Trustee Hattel seconded the motion and motion carried unanimously. Trustee Pfirsch made a motion to direct staff to implement the penalty for first time offenders for non animal tags to be increased and a portion be returned to the offender is the animal becomes altered. The motion was then seconded by Mayor Pro Tem Wedel; motion failed. Trustees Schiers, Pfirsch and Hattel voted "for" the motion, Mayor Pro Tem Wedel, Trustee Carey, Trustee Wollack and Mayor Doering voted "against" the motion.

AM 2009-115, To Consider the Adoption Draft of the Downtown Development Plan The Downtown Development Study began in earnest in September, 2008. Throughout the last year, Pacific Municipal Consultants (PMC) has worked with the Planning Department, Ad Hoc Committee, business owners, Planning Commission, Board of Trustees and other interested parties to arrive at the proposed draft of the Downtown Development Plan. Mark Brodeur, consultant with PMC spoke to the Board about the process and thanked them and staff for a wonderful product. Motion by Mayor Pro Tem Wedel to approve Resolution 09R058, A RESOLUTION ACCEPTING AND RECOMMENDING APPROVAL OF THE ADOPTION DRAFT OF THE DOWNTOWN DEVELOPMENT PLAN AS A DESIGNATION OF PROPOSED DEVELOPMENT PARAMETERS FOR THE DOWNTOWN AREA WITHIN THE TOWN OF FREDERICK, Trustee Wollack seconded the motion and motion carried unanimously.

CONSENT AGENDA

Motion by Trustee Wollack, seconded by Mayor Pro Tem Wedel to approve the Consent Agenda with the following items; Approval of the List of Warrants for December 8, 2009, AM 2009-107, To Consider Resolution 09R0059, A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE TOWN OF FREDERICK, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY, 2010, AND ENDING ON THE LAST DAY OF DECEMBER, 2010, AM 2009-109, To Consider Resolution 09R060, A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2009, TO HELP DEFRAY THE COST OF GOVERNMENT FOR THE TOWN OF FREDERICK,

COLORADO, FOR THE 2010 BUDGET YEAR, Resolution 09R061, A RESOLUTION PROVIDING FOR THE APPLICATION OF FUNDS REMAINING FROM PREVIOUS YEARS' PROPERTY TAX LEVIES TO THE EARLY REDEMPTION OF OUTSTANDING BONDS AND TO A REFUND TO TAXPAYERS, AND DIRECTING A PERMANENT REDUCTION IN THE TOWN'S FUTURE TAX LEVY FOR THE BONDS BEING REDEEMED, AM 2009-108, To Consider Resolution 09R0062, A RESOLUTION APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNT AND FOR THE PURPOSE AS SET FORTH BELOW, FOR THE TOWN OF FREDERICK, COLORADO, FOR THE 2010 BUDGET YEAR, AM 2009-106, To Consider Resolution 09R063, A RESOLUTION ADOPTING A CAPITAL IMPROVEMENT PLAN FOR THE YEAR 2010 FOR THE TOWN OF FREDERICK, COLORADO, AM 2009-117, To Approve Resolution 09R064, A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO, APPROVING THE SECOND ADDENDUM TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWNS OF FREDERICK, DACONO AND FIRESTONE, AND THE CARBON VALLEY PARKS AND RECREATION DISTRICT FOR SENIOR CITIZEN PROGRAMMING. AM 2009-110, To Consider an Agreement with Central Weld County Water District to Assume Shares in the Northern Integrated Supply Project, AM 2009-113, Adopt Ordinance 1027, AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, REINSTATING ORDINANCE 981, AS PREVIOUSLY ADOPTED ON DECEMBER 9, 2008, AM 2009-122, Approval of Temporary Authorized Signature for Bank Accounts and Safety Deposit Box and Approval of the November 10, 2009, Regular Meeting Minutes and the November 17, 2009, Special Meeting Minutes. Motion carried unanimously.

DISCUSSION AGENDA

IM 2009-019 Information Regarding "Seeking to Build Community" provided information about the "Seeking to Build Community" Frederick Listening Tour by the Board of Trustees. Mayor Doering talked about the goals, the schedule, and a possible survey. The Frederick Listening Tour is scheduled to be in February 2010 and to be held in several different locations and different time frames. Staff and the Board will be working together on the details and present the information to the community via, website, newsletter, etc.

MAYOR AND BOARD REPORTS

Trustee Carey discussed the Frederick Police Department helping at Carbon Valley Charter school, and Raspberry Hill residents housing sizes situation. The Raspberry Hill residents would like some resolution to the housing square footage issue; after a lengthy discussion, Mayor Doering requested Mayor Pro Tem Wedel and Trustee Wollack, staff and a few of the Raspberry Hill residents to meet and talk about the town's regulations, Homeowners' Agreement and DR Horton responsibility.

Trustee Hattel thanked those who helped make the Holiday Tree Lighting event a huge success and made comment to the lack of lighting at Weld County Road 20 and Highway 52.

Trustee Pfirsch made mention of the DROG meeting next week.

Trustee Schiers also thanked staff and the Cultural and Performing Arts Commission for their efforts in making the Holiday Tree Lighting event a huge success.

Trustee Wollack thanked the Raspberry Hill residents for waiting till Mayor and Trustee Reports to hear the discussion regarding the house square footage at their subdivision. Trustee Wollack also thanked staff for their hard work throughout the year.

Mayor Pro Tem Wedel made mention about Matt Heidenfeld's offer to rescue homeless animals; the discussion included Heidenfeld entering into a contract between him and the Town of Frederick. Mayor Pro Tem Wedel made comment about the letter received from the "Save the Poudre" group. Motion by Mayor Pro Tem Wedel to direct staff to compose a letter declining their offer, Trustee Wollack seconded the motion and motion carried unanimously.

Mayor Doering made comment about the Town's Employee Holiday Party, letter from the Longmont Post Office regarding picking up packages at the Frederick Post Office. Other items mentioned were the Holiday Party at Valley Bank and Trust, Holiday Tree Lighting Event and his appointment to the State of Colorado Air Quality Commission, and requested a motion for an Executive Session to be held on December 15, 2009, from 6-8p.m. Motion by Mayor Pro Tem Wedel to hold an Executive Session on December 15, 2009, from 6-8p.m., Trustee Wollack seconded the motion and motion carried unanimously. The Executive Session is 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, motion carried unanimously.

There being no further discussion, Mayor Doering closed the regular meeting at 10:18p.m.

Nanette S. Fornof, Town Clerk

Approved by the Board of Trustees

Eric E. Doering, Mayor