



Town of Frederick  
Board of Trustees Agenda  
Frederick Town Hall  
Board Chambers  
401 Locust Street  
Tuesday, January 28, 2020

**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:**

Police Department Accreditation Presentation

**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
- B. Town Clerk’s Report – Meghan Martinez, Town Clerk
- C. Town Attorney’s Report – Rick Samson, Town Attorney

**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.

- D. January 14, 2020 Minutes – Meghan Martinez, Town Clerk
- E. Resolution 20-R-07 Accepting Designation of the Town of Frederick Comprehensive Plan as the Town’s Three Mile Plan and Accepting an Annual Update to the Comprehensive – Jennifer Simmons, Planning Director

**Built on What Matters.**

- F. Resolution 20-R-08 Authorizing the Mayor to Execute the First Amendment to the Meadowlark Business Park Filing 3 MOAPI– Jason Berg, Engineer

**Action Agenda:**

- G. Resolution 20-R-09 Setting a Public Hearing on Adopting Changes to the Model Traffic Code – Kristin Brown, Prosecutor
- H. Resolution 20-R-10 Referring a Ballot Question to the Registered Electors of the Town of Frederick at the April 7, 2020 Election Related to Local Right to Provide High Speed Internet, Telecommunications, and/or Cable Television Services – Rick Samson, Town Attorney
- I. Resolution 20-R-11 Amending the Water Service Charges for 2021 – Jason Leslie, Finance Director
- J. Request to Consider Implementation of a Fence Permit Process – Kevin Ash, Engineering Director
1. Ordinance 1327 Amending Chapter 18, Article 1 of the Frederick Municipal Code Regarding Building Code Regulations to Require Building Permits for Fences
  2. Resolution 20-R-05 Amending Fees for Municipal Services

**Discussion Items:**

- K. Attainable Housing – Jennifer Simmons, Planning Director

**Mayor and Trustee Reports:**

**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 water and economic development

**Work Session:** General Discussion



# TOWN OF FREDERICK MEMORANDUM

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TO: Honorable Mayor and Board of Trustees

FROM: Bryan Ostler, Town Manager

DATE: January 28, 2020

CC: Town Staff  
Local Media

**SUBJECT: Departmental Report**

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Upcoming Board of Trustees Work Sessions – If there are topics that the Board would like staff to schedule for discussion, please let me know. The following topics are recommended for Board discussion (all meetings will be held in the Town Board Chambers unless otherwise indicated):

- 2/4/2020 – Work Session Meeting (none planned)
  - 2/11/2020 – Regular Meeting
  - 2/18/2020 – Work Session Meeting
  - 2/25/2020 – Regular Meeting
- 

## **Police Department**

- *POST Compliance* – The police department was recently advised that Colorado Peace Officer Standards and Testing has reviewed our training and personnel records for 2019 and determined that we are in one hundred percent compliance with State mandates.
- *Sergeant Promotion Process* – Testing for promotion to Sergeant will take place on January 29. Two candidates have submitted letters of intent to participate in the process. This will be a competitive process with two outstanding candidates.
- *Police Officer Hiring Process* – The department is currently accepting applications for four open police officer positions. We have received a few applications from qualified applicants and plan to start testing in early February, filling the positions as soon as possible.

## **Administration**

- *Recruitment and Hiring* – Interviews for the Chief Building Official position were held on January 23, and hope to have a final candidate identified by the end of the month. Also posted are the Staff Accountant and Administrative Assistant positions, as well as a Public Works Maintenance Technician and a full-time restaurant Server position.
- *Training*– Angela attended the monthly ESPIOC training with presentations by the CO National Guard, Red Cross and the Civil Air Patrol. Angela is taking online Business Made Simple courses. Jessica attended the 3rd annual Municipal Special Events Summit featuring experts in municipal special events permitting, planning and public safety.
- *Self-defense Class* - The Frederick Police Department hosted a Level 1 self-defense class on Saturday, January 25. The class reached full capacity for registration, with 20 people signed up for the course.

**Built on What Matters.**

- *Event Sponsorship* – To date, we have confirmed \$10,740 in overall sponsorships.
- *Carbon Valley Volunteer Fair* – Sixteen local nonprofit organizations were present with volunteer recruitment tables at the fair on Saturday, January 18. Sixty-three residents attended the event. A survey went out to recruiters and attendees.
- *Media* - The Longmont Times featured articles on Frederick's Top 10 in 2019, the metroDPA program and North Range Behavioral Health. The Consumer Report highlighted TRex, the volunteer fair and the Christmas tree disposal program.
- *Community Meetings* - The Rotary Club annual Heros Breakfast, Communities that Care, Dream Builders, Education Foundation for the St. Vrain Valley and monthly Chamber lunch and learn.

### **Public Works**

- *Streets* – Crews continue to remove ice in front of mailboxes and remaining ice in the streets in Fox Run and Eagle subdivisions. Drain pans in the downtown area are also being cleared of ice. School Zone Crossing signs are being installed. School Crossing lights were checked at Godding Hollow and Silver Birch. Batteries were replaced. Crews are resetting and troubleshooting stop lights on Colorado Blvd and Tipple Pkwy, and Godding Hollow and Colorado Blvd.
- *Parks* – Planting beds are being redone at the FRA entrance. The Christmas tree in Crist Park was removed and lights were removed from Crist Park and along the medians. The vinyl fencing along Colorado Blvd and at FRA was repaired. Planters in Johnson Farms were redone and touched up. Weed barrier and decorative rock were added. Crews are working with Rocky Mountain Playground to get replacement slides in FRA and Crist Park playgrounds.
- *Water* – Crews are working on meter replacements. New meters continue to be installed.
- *Buildings* – Crews installed office furniture at Town Hall. Cabinets were installed in the copier room at Town Hall. At Bella Rosa Clubhouse, Crews installed a new TV mount, heat lamp, and floor drain covers. At the PD, Crews checked outside lights, reset the clock, and checked the lights in the court room.
- *Open Space* – Crews cleaned up trash along Colorado Blvd, Tipple Pkwy, and Godding Hollow.
- *Storm Water* – Crews checked and cleaned the trickle channel along Main St. Also, crews checked storm inlets and outlets downtown.
- *Miscellaneous* – Crews assisted the police in a truck spoil spill at Hwy 52 and I-25. Alan Isaac was hired as a Maintenance Worker and started on January 16. Pads for the wood carvings were finished at Sparks Elementary, FRA, and 5<sup>th</sup> Street.
- *Training* – Derrick Schmidt and Jordan Steele passed written CDL tests. Steve Johnson is continuing mechanic training in the PW shop with John Ober and Steve Smith.

### **Planning Department**

- *Development Applications* – The development review process has a few steps land use applications go through prior to submitting an application such as a pre-application meeting and neighborhood meeting. There are eleven projects that have completed the pre-application step. There is currently one neighborhood meeting scheduled and twelve projects have completed the neighborhood meeting, allowing them to submit an application. The following applications have been accepted for review and are now quasi-judicial.

<i><b>Project Name (Date of Application)</b></i>	<i><b>Subdivision</b></i>	<i><b>General Location</b></i>	<i><b>Brief Description</b></i>
Bear Industrial Park, Replat 3, Block 1, Lot 7 – Intec Site Plan (02/19/18)	Bear Industrial Park	9251 Bruin Boulevard	Site plan for a 31,000 square foot facility.
Bear Industrial Park, Block 1, Lot 3 - Guardian Storage Sign Design Program Alternative	Bear Industrial Park	9051 Bruin Boulevard	Request to modify their signs beyond what the Code allows.

<b><i>Project Name (Date of Application)</i></b>	<b><i>Subdivision</i></b>	<b><i>General Location</i></b>	<b><i>Brief Description</i></b>
Carriage Hills Marketplace Filing 1, Subdivision Amendment, Conditional Use, and Site Plan (10/07/19)	Carriage Hills Marketplace	6731 Highway 52, Generally, east of 7-11 and Napa on Frederick Way, north of Highway 52	Subdivision amendment, conditional use, and site plan for a Ziggi's Drive Through (624 square feet) and site plan for a 5,000 square foot commercial building.
Clearview Villages Zoning Amendment, Preliminary Development Plan, Final Development Plan, Preliminary Plat and Final Plat (11/18/19)	Clearview Villages	Generally, at the southwest corner of Silver Birch Boulevard and Godding Hollow Parkway	Zoning amendment, development plan and plat on approximately 102 acres.
Dreamers Ridge II Annexation (12/02/19)	Dreamers Ridge II Annexation	Generally, at the southwest corner of Aggregate Boulevard and Godding Hollow Parkway	Annexation and subdivision of approximately 36.5 acres with a zoning of Residential Estate.
Eagle Business Park Filing 4B, Lot 3 – Colorado West Equipment, Inc Conditional Use (10/07/19)	Eagle Business Park Filing 4B	4970 Eagle Place	Conditional use and site plan for a 16,019 square foot office/warehouse.
Eagle Business Park Filing 3, Lot 1B – Black Diamond Site Plan (10/21/19)	Eagle Business Park Filing 3	7400 Eagle Boulevard	Site plan for a 11,800 square foot office/warehouse.
Glacier Business Park Block 4, Lot 5 – Site Plan Amendment	Glacier Business Park	3771 Monarch Units F and G	Amended site plan to add facilities outside the existing building.
HCT Annexation – McDonald Farms Zoning and Site Plan	HCT Annexation	7440 East I-25 Frontage Road	Zoning of approximately 136.3 acre property and documentation of the existing site.
Meadowlark Business Park Filing 3 Replat C, Block 1, Lot 1 - Universal Fleet RV & Auto Collision Site Plan (09/20/19)	Meadowlark Business Park	7521 Meadowlark Lane	Site plan for 14,020 square foot automotive and recreational vehicle repair facility.
Nelson Lakes Subdivision MOAPI Amendment and Construction Plan Review	Nelson Lakes	Generally, north of CR 16 ½ and west of CR 3 ¼	Amendment to the existing MOAPI and review of construction plans.
Nelson Wells – Kerr McGee (07/15/19)	Lanson Farm	Generally, south of Tipple Parkway, ½ mile west of Silver Birch Boulevard	Special use permit for 24 new wells
Old Town Block 21, Lot 6 – 502 Walnut Street Site Plan	Old Town	Generally, the southeast corner of 5 <sup>th</sup> Street and Walnut Street	Site plan for an approximately 3,723 mortuary.

<b><i>Project Name (Date of Application)</i></b>	<b><i>Subdivision</i></b>	<b><i>General Location</i></b>	<b><i>Brief Description</i></b>
Old Town Block 24, Lot 15 – 206 5 <sup>th</sup> Street Site Plan	Old Town	Generally, the southeast corner of 5 <sup>th</sup> Street and Elm Street	Site plan for an approximately 4, 640 square foot mixed use building.
Prosperity Preliminary Plat (05/06/19)	Prosperity	South of Tipple Parkway/CR 16, ¼ mile east of Ridgeway Boulevard/CR 15	Preliminary plat for 207 single family residential lots.
Raspberry Hill Business Park Lots 4 & 5 Site Plans (10/21/19)	Raspberry Hill Business Park	Generally, north of Godding Hollow Parkway and west of Raspberry Way	Site plans for each lot consisting of 2 buildings approximately 20,250 square feet each.
Raspberry Hill Business Park Replat A, Lot 7A – Stapp Toyota Site Plan Amendment	Raspberry Hill Business Park	8019 Raspberry Way	Amendment to an existing site plan to add covers over parking area
Silverstone Filings 1, 2, and 4 Replat A	Silverstone	Generally, north of Highway 52 and west of William Bailey Avenue	Replat to remove utility easements from side lot lines.
Sonic Site Plan (07/05/16)	Halleck	North of Tipple Pkwy/West of Colorado Blvd	Site plan for a 2,478 square foot restaurant with a drive in and drive through.
Tops Business Park Lots 1, 2, and 5 Site Plan (05/16/18)	Tops Business Park	South of Hurt St/West of Colorado Blvd	Site plan for expansion of the existing storage facility.

- *Skate Park Construction* – Construction of the skate park was delayed through our recent cold weather but will resume Monday, January 27, 2020 and continue as long as weather permits. Should cold, snowy, or rainy weather move in, it may be put on hold again. If you haven't driven by to see the progress, I would encourage you to do so.

### **Finance Department**

- *2020 Budget* – The 2020 approved budget has been submitted to DOLA as required.
- *Staff Accountant* – The vacant staff accountant position has been posted and is open through January 24, 2020. Staff will review applications and select the top candidates for initial interviews in early February.

### **Engineering Department**

- *Thunder Valley K-8 Multiuse Trail Project (SRTS Grant)* – The Town contracted with Concrete Works of Colorado at the January 14 Town Board meeting. Construction activities are scheduled to begin in January and the project is scheduled to take approximately four months to complete.
- *Stormwater Master Plan (no change)* – The initial cost estimate for the Stormwater Master Plan update came in at \$834,000. Five municipalities are impacted by the drainage basins identified in the preliminary scope. Based on the area impacted by the drainage basins, Frederick and Dacono are the most impacted and responsible for \$457,200 and \$309,100 respectively. The \$457,000 amount far exceeded the \$200,000 budgeted in 2019. Engineering reached out to DOLA who has funding to help with stormwater master plans. Frederick and Dacono jointly submitted the grant application in December 2019. The application was reviewed and selected to advance to the presentation stage scheduled for March 17-18 in Golden.

- *Transportation Master Plan* – A contract has been approved to Felsburg, Holt and Ullevig (FHU) to develop a Town of Frederick Transportation Master Plan. They have met with staff and conducted internal status meetings. The initial Advisory Committee meeting was held on January 22, and the initial public stakeholder meetings will be held on January 28 and 29. Future public meetings, surveys and events are being scheduled to showcase the project and gather input.
- *Water Sales (no change)* – Recent discussions with Northern Water indicated that small blocks of CBT Unit sales have escalated above the \$60,000 range. On Jan 2, the Town received a request to purchase a 40-unit block with an asking price of \$70,000/unit. The trend continues to rise.
- *Traffic Counting (no change)* – To identify the volume of truck traffic on Tipple Avenue, staff has installed traffic counters. The initial placement is on the west leg of the Tipple/Ridgeway intersection. These counters continue to be moved to different locations as weather allows.

### **Golf Course**

- *Denver Golf Expo* – Bella Rosa is exhibiting at the Denver Golf Expo in booth 536. The show runs February 7 through 9, at the Denver Merchandise Mart. Bella Rosa will be offering discounted round specials, merchandise specials and promoting the Back 9 Restaurant. Discount coupons are available at the golf shop.
- *Greens project* – The contractor for the greens repair project will be Modern Golf. If weather allows, the contractor is hoping to begin the excavation process in mid-February. The project is expected to take approximately two weeks and sod will then be planted in early Spring.



# Town of Frederick Memorandum

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TO: Honorable Mayor Carey & Board of Trustees

FROM: Linda Glantz, Court Clerk

DATE: January 17, 2020

SUBJECT: 2019 Municipal Court Report

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2019 Municipal Court Report contains;

2019 Traffic Breakdown by Charge

Case Types by Month

Juvenile Criminal Cases by Month

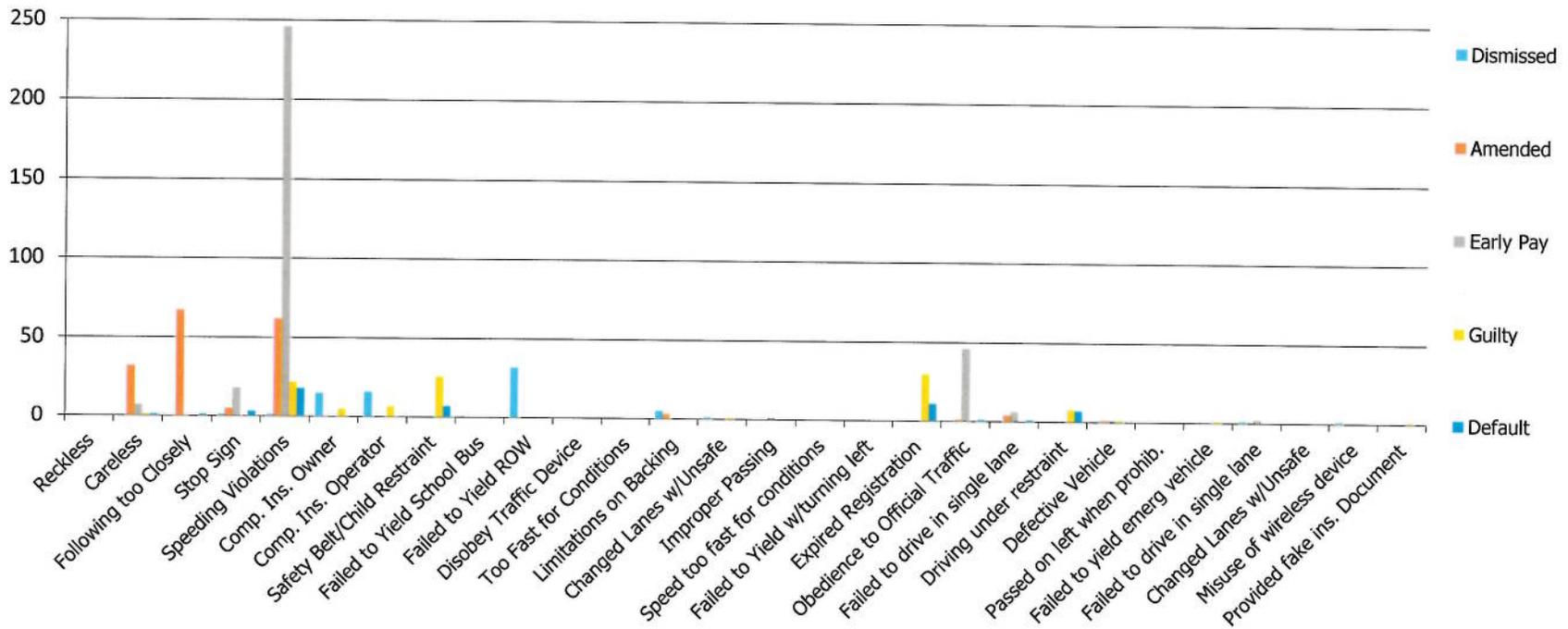
Citations Issued by Month

2019 Court Revenue by Month

2019 Breakdown by Citation Type

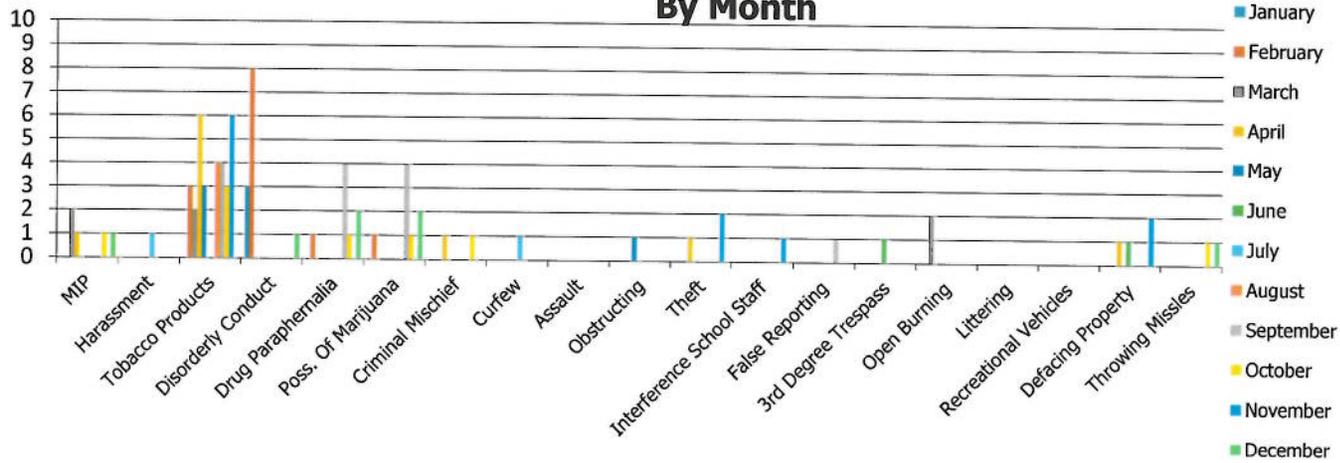
**Built on What Matters.**

## 2019 Traffic Breakdown by Charge

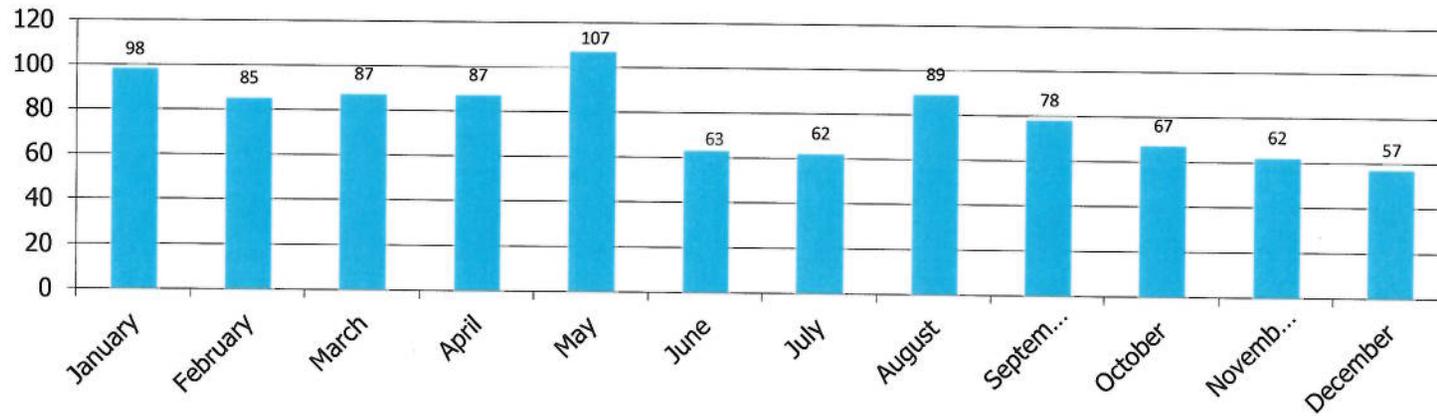




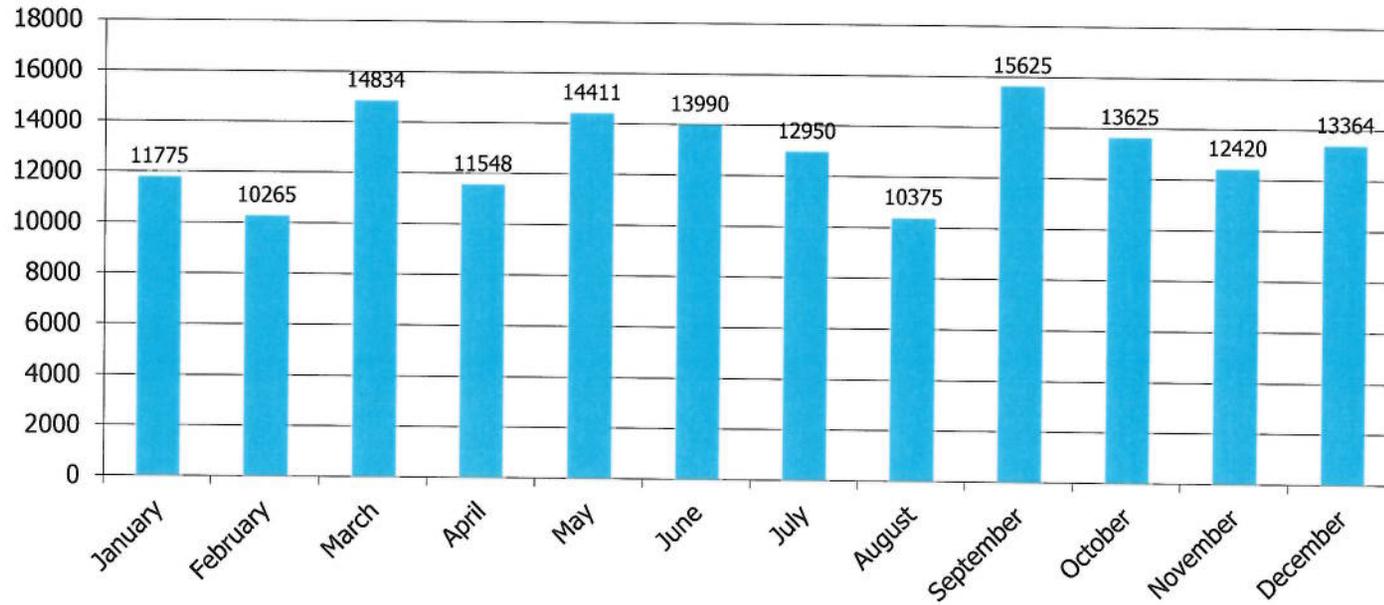
### Juvenile Criminal Cases By Month



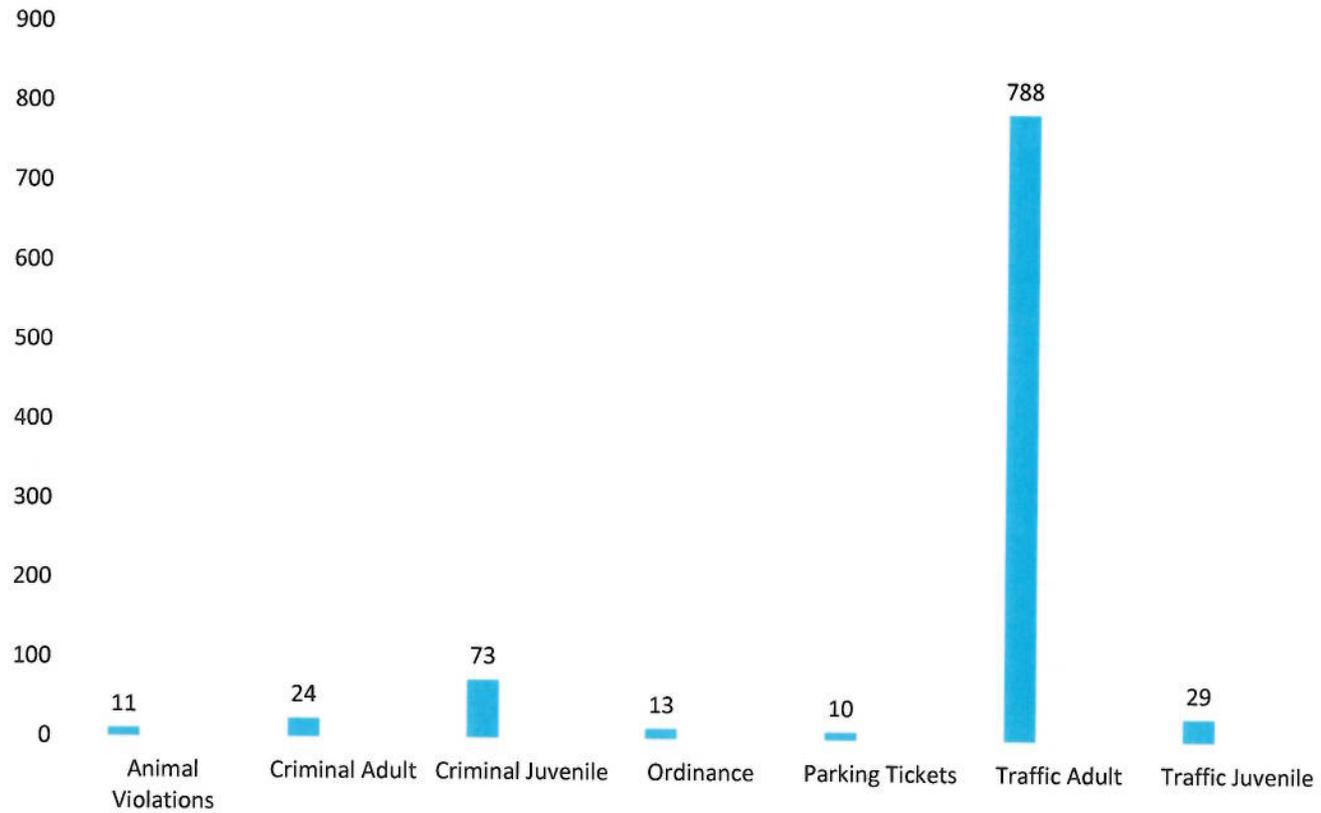
### Citations Issued by Month



## 2019 Court Revenue/Month



## 2019 BREAKDOWN BY CITATION TYPE





# TOWN OF FREDERICK MEMORANDUM

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TO: Honorable Mayor Tony Carey and Board of Trustees

FROM: Meghan Martinez, Town Clerk

DATE: January 24, 2020

**SUBJECT: Town Clerk's Report**

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- *Liquor Licensing*
  - Reviewing the following applications:
    - Petes Place Renewal
    - High Country HOG Special Event Permit
  - Approved the following applications:
    - Pinocchios Renewal
- *Records Management*
  - Town Staff reviewed all retention of records and 120 boxes were purged per the municipal retention schedule
  - Additional storage was created in the basement to accommodate additional records
- *April 7, 2020 Regular Municipal Election*
  - Petition Packets are available at the front desk for individuals interested in running for public office. Packets are due to Town Hall no later than 5:00 P.M. on January 27, 2020. All petitions will be reviewed and sufficiency of each petition will be determined.
  - Election Judges have been appointed and training will be conducted in March.
  - Drawing for placement on the ballot will take place on February 5, 2020 at 5:00 P.M. at Town Hall.
  - Working with vendors to complete ballot artwork and programming of the ballot.
- *Frederick Arts Commission*
  - Finalizing the RFP for skate park art.
  - Commissioner Kress has resigned from the Commission due to moving out of state.

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717 5<sup>th</sup> Avenue - Longmont, Colorado 80501  
POST OFFICE BOX 1079 80502-1079  
T (303) 776-1169 - F (303) 776-5444  
Samsonlongmontlaw.com

TO: Mayor and Trustees, Town of Frederick

FROM: Rick Samson

DATE: 1/24/20

RE: Status Report for January 2020

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On Going Projects:

- Trailers on residential property
- Irrigation water in Carriage Hills 2
- Fox Chase Litigation (Confidential Memo will be provided Tuesday evening)
- Methods to present letters of credit
- Landco (Colorado Blvd. and Godding Hollow)

Recap of time spent in December and January

- Attended Development Review Committee meetings.
- Attended Leadership (Staff) meetings.
- Attended bi-monthly Agenda review meetings.
- Attended Planning Commission meetings.
- Continued to work with Town Staff and the developer of Carriage Hills 2 on irrigation system and releasing LOC.
- Worked with developer's attorney on Carriage Hills water issues.
- Reviewed and approved legal comments on Ziggi's.
- Reviewed and approved legal comments eagle Business Park, Filing 3, Lot1B.
- Fox Chase Inc.- secured and recorded deed of trust and subordination agreements.
- Worked with developer and their bank to secure an appropriate letter of credit for Hidden Creek/LGI.
- Revised Road Maintenance for Kerr-McGee.
- Worked with engineering on amending Meadowlark MOAPI.
- Met with planning staff on multiple planning issues.
- Met with engineering staff on multiple engineering issues.
- Prepared independent contractor agreement for backup prosecutor and Resolution to approve backup prosecutor.

- Worked with Town Clerk on lease agreement for wood carving.
- Drafted proposed changes to the scholarship ordinance.
- Worked with public information office on balloonmeister contract.
- Worked with prosecutor on model traffic code.
- Continued to work with developer on changes to the No Name Creek park agreement.
- Worked with HR on independent contractor agreement.
- Assisted prosecutor with municipal court.
- Worked with Kirstyn on Waste Connections Contract.
- Review and revise Water Rate AM and Resolution.
- Prepared resolutions for the approval of a DOLA grant.
- Prepared resolution for approval of contract with Waste Connections.
- Worked with bank for Archdiocese/St Theresa on letter of credit.

Note: Total hours expended for period November 26 - January 24, 2020: 102.8 hrs.



**TOWN OF FREDERICK BOARD OF TRUSTEES**  
**REGULAR BOARD MEETING MINUTES**  
**FREDERICK TOWN HALL, 401 LOCUST STREET**  
**JANUARY 14, 2020**

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

**Roll Call:** Present were Mayor Carey, Mayor Pro Tem Brown and Trustees O'Neal, DeSantis, and Crites. Trustees Figurilli and March were not present. Also present were Town Attorney Rick Samson, Town Manager Bryan Ostler and Town Clerk Meghan Martinez.

**Pledge of Allegiance:** Mayor Carey invited everyone to join in the Pledge of Allegiance.

**Special Presentations:**

**Rocky Mountain Christian Church Community Funding Request:** Rick Hand and Matt Cote presented the funding request for the Night to Shine Event.

Motion by Mayor Pro Tem Brown and seconded by Trustee Crites to approve \$640.00 for police services for the event. Upon roll call vote, motion passed unanimously.

Motion by Mayor Pro Tem Brown and seconded by Trustee Crites to approve \$2501.00 for the Night to Shine Event. Upon roll call vote, motion passed unanimously.

**Public Comment:**

Mayor Carey announced that no one had signed up for public comment.

**Staff Reports:**

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

**Town Clerk's Report:** Town Clerk Meghan Martinez provided a written report.

**Consent Agenda:**

Motion by Mayor Pro Tem Brown and seconded Trustee Crites to approve the consent agenda which consisted of the following items:

- December 10, 2019 Minutes
- List of Bills
- Resolution 20-R-01 Accepting a Grant of Easement along Tipple Parkway
- Ordinance 1334 Amending Chapter 2, Article IX, Section 2-222 of the Frederick Municipal Code as it Relates to Composition of Commissions
- Resolution 20-R-02 Authorizing the Town Manager to Execute a Contract with concrete Works of Colorado for the Safe Routes to School (SRTS) Thunder Valley Trail Project
- Resolution 20-R-03 Authorizing the Town Manager to Execute an Independent Consultant Agreement for Construction Management Services for the Safe Routes to School (SRTS) Project

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- Resolution 20-R-04 Authorizing the Mayor to Execute the Phase I Agreement with Northern Integrated Supply Project Water Activities Enterprise (NISP)
- Resolution 20-R-06 Appointing a Backup Prosecutor

Upon roll call vote, motion passed unanimously.

**Action Agenda:**

Request to Consider Implementation of a Fence Permit Proces: Motion by Mayor Pro Tem Brown and seconded by Trustee Crites to Table the item to the January 28, 2020 Board Meeting. Upon roll call vote, motion passed unanimously.

**Mayor and Trustee Reports:**

Trustee Crites: Nothing at this time.

Mayor Pro Tem Brown: Nothing at this time.

Trustee ONeal: Nothing at this time.

Trustee DeSantis: He discussed a potential ballot question for the April Election. Motion by Trustee DeSantis for staff to prepare a resolution for the April Election regarding allowing marijuana businesses in the Town of Frederick. Motion died for lack of a second.

Mayor Carey: He mentioned that some broadband providers have not been good neighbors in the community and that there may be a need to open up the market in Frederick.

Motion by Trustee ONeal and seconded by Mayor Pro Tem Brown for staff to prepare a resolution/ballot title for the April election to give the Town authority for municipal broadband services. Upon roll call vote, motion passed unanimously.

He also mentioned that there was an oversight in the contract with the Town Manager related to an allowance for use of his vehicle for Town business. Motion by Mayor Pro Tem Brown and seconded by Trustee ONeal to provide a car allowance for the Town Manager consistent with the allowance provided to previous managers. Upon roll call vote, motion passed unanimously.

Motion by Mayor Pro Tem Brown and seconded by Trustee Crites to go into 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 water and economic development. Upon roll call vote, motion passed unanimously.

Mayor Carey recessed the meeting of the Board of Trustees at 7:24 to go into executive session.

At 8:01 Mayor Carey reconvened the meeting of the Board of Trustees.

There being no further business of the Board, Mayor Carey adjourned the meeting at 8:01 p.m.

ATTEST:

Approved by the Board of Trustees:

\_\_\_\_\_  
Tony Carey, Mayor

\_\_\_\_\_  
Meghan C. Martinez, CMC, Town Clerk



# TOWN OF FREDERICK BOARD OF TRUSTEES ACTION MEMORANDUM

Laura Brown, Mayor Pro Tem  
Rocky Figurilli, Trustee  
Salvatore "Sam" DeSantis, Trustee

Tony Carey, Mayor

Tracie Crites, Trustee  
Rusty O'Neal, Trustee  
Dan March, Trustee

## To Ratify Designating the Town of Frederick Comprehensive Plan as The 3-Mile Plan

**Agenda Date:** Town Board Meeting – January 28, 2020

**Attachments:**

- a. Draft Minutes from Planning Commission Meeting 01/07/2020
- b. PCR-2020-01A
- c. Comprehensive Plan Map
- d. Resolution 20-R-07

**Finance Review:** \_\_\_\_\_  
Finance Director

**Submitted by:** \_\_\_\_\_  
Jennifer Simmons  
Planning Director

**Approved for Presentation:** \_\_\_\_\_  
*Tony Carey*  
Town Manager

Quasi-Judicial                       Legislative                       Administrative

**Summary Statement:**

The Town of Frederick originally adopted the Town of Frederick Comprehensive Plan Map on April 20, 2006 and it functioned as the Town’s 3-mile plan until its formal designation with Resolution 08-R-017 March 13, 2008. Since then, resolutions have been adopted annually to continue the designation of the Comprehensive Plan Map as the 3-Mile Plan. This resolution would extend the designation for another year.

**Detail of Issue/Request:**

In March 2008, the Town of Frederick designated the Town of Frederick Comprehensive Plan Map as the Town’s official 3-mile plan with Resolution 08-R-017. This designation complies with Colorado Revised Statute 31-12-105.

As required by State Statute CRS §31-12-105(1), the Town must designate a 3-mile plan to be followed during the annexation process. The plan must be designated and updated annually. The Town has historically used the Comprehensive Plan Map as its 3-mile plan.

Because this is an act that affects the Comprehensive Plan, the Planning Commission must consider the request and take action before presenting it to the Board of Trustees for ratification.

**Public Notice:**

This project was properly noticed according to the requirements of Section 4.5 of the Frederick Land Use Code. No public input has been received.

**Planning Commission:**

This project was presented to the Planning Commission at their January 7, 2020 meeting. The Commission unanimously approved the request.

**Legal Comments:**

The Town Attorney has reviewed and approved the attached Resolution.

**Alternatives/Options:**

The Board of Trustees may choose whether or not to ratify the decision of the Planning Commission.

**Financial Considerations:**

Not applicable.

**Staff Recommendation:**

Staff recommends the Board of Trustees ratify the decision of the Planning Commission by approving the attached resolution.



401 LOCUST STREET • P.O. BOX 435 • FREDERICK, CO 80530-0435

PHONE: (720) 382-5500 • FAX: (720) 382-5520

[WWW.FREDERICKCO.GOV](http://WWW.FREDERICKCO.GOV)

MINUTES  
TOWN OF FREDERICK  
PLANNING COMMISSION  
January 7, 2020  
6:30 PM

CALL TO ORDER: At 6:30 p.m. Chairperson Moe called the meeting to order and requested roll call.

ROLL CALL:

- Present: Chairperson Moe, Vice Chair TeVelde, Commissioners Stark, Scott and Conroy
- Absent: Alternate Commissioner Blair
- Staff: Planning Director Jennifer Simmons, Town Attorney Rick Samson, and Planning Commission Secretary Kathy Larson

ADDITIONS TO THE AGENDA: There were no additions to the agenda.

APPROVAL OF OCTOBER 15, 2019 MINUTES: Motion by Commissioner Stark and seconded by Commissioner Conroy to approve the October 15, 2019 minutes as presented. Upon roll call vote, motion passed unanimously.

CONSIDERATION OF THE COMPREHENSIVE PLAN AS THE 3-MILE PLAN:

Planning Director Jenn Simmons presented the staff report. The Town of Frederick originally adopted the Town of Frederick Comprehensive Plan Map on April 20, 2006 and it functioned as the Town's 3-Mile Plan until its formal designation with Resolution 08-R-017 on March 13, 2008. Since then, resolutions have been adopted annually to continue the designation of the comprehensive Plan Map as the 3-Mile Plan. This resolution would extend the designation for another year.

In March of 2008, the Town of Frederick designated the Town of Frederick Comprehensive Plan Map as the Town's official 3-Mile Plan with Resolution 08-R-017. This designation complies with Colorado Revised Statute 31-12-105.

As required by State Statute, the Town must designate a 3-Mile Plan to be followed during the annexation process. The plan must be designated and updated annually. The Town has historically used the Comprehensive Plan as its 3-Mile Plan.

Because this is an act that affects the Comprehensive Plan, the Planning Commission must review the request before presenting it to the Board of Trustees for ratification on January 28, 2020.

The project was properly noticed according to the requirements of Section 4.5 of the Frederick Land Use Code. No public input has been received.

The application has been reviewed by the Town Attorney. State Statutes require the Planning Commission to have unilateral authority to approve the 3-Mile Plan.

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Planning Commission may recommend approval of the request, denial of the request or approval of the request with conditions.

Staff requests that the Planning Commission consider approving PCR-2020-01A which recommends approval of the request without conditions.

A motion was made by Commissioner Stark and seconded by Commissioner Conroy to recommend approval of PCR-2020-01A "A Resolution of the Planning Commission Approving the Designation of the Town of Frederick Comprehensive Plan Map as the Town's 3-Mile Plan". Upon roll call vote, motion passed unanimously.

OTHER BUSINESS:

Planning Director Simmons shared with the Planning Commission that there will no longer be "paper packets" delivered for the meetings. The packets will be sent out electronically and ipads will be provided at the meetings. There will be paper copies of large maps, etc. for the Commission to look at up close if they want to come a little early.

Chairperson Moe request a hard copy of the "cheat sheet" for each meeting.

The next Planning Commission Meeting will be 4 February 2020 for a Preliminary Plat.

There being no further business of the Planning Commission, Chairperson Moe adjourned the meeting at 6:45PM.

Approved by the Planning Commission:

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Chairperson Moe

ATTEST: \_\_\_\_\_  
Kathy Larson, Planning Commission Secretary

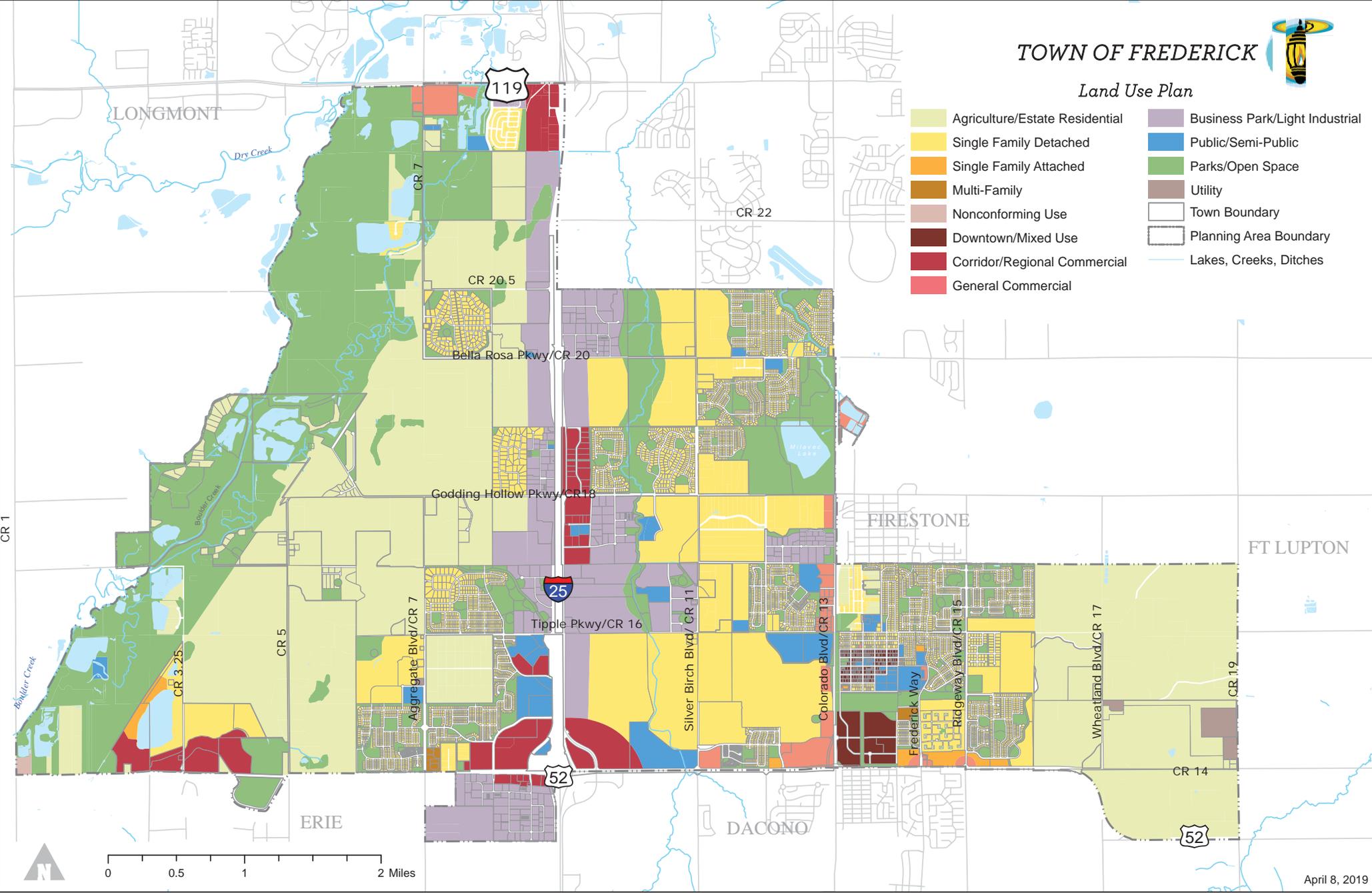


# TOWN OF FREDERICK



## Land Use Plan

- |  |  |
|--|--|
|  Agriculture/Estate Residential |  Business Park/Light Industrial |
|  Single Family Detached         |  Public/Semi-Public             |
|  Single Family Attached         |  Parks/Open Space               |
|  Multi-Family                   |  Utility                        |
|  Nonconforming Use              |  Town Boundary                  |
|  Downtown/Mixed Use             |  Planning Area Boundary         |
|  Corridor/Regional Commercial   |  Lakes, Creeks, Ditches         |
|  General Commercial             |  |





# TOWN OF FREDERICK BOARD OF TRUSTEES ACTION MEMORANDUM

Tony Carey, Mayor

Laura Brown, Mayor Pro Tem  
Rocky Figurilli, Trustee  
Salvatore "Sam" DeSantis, Trustee

Tracie Crites, Trustee  
Rusty O'Neal, Trustee  
Dan March, Trustee

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## Request for First Amendment to the Meadowlark Business Park Memorandum of Agreement for Public Improvements

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**Agenda Date:** Town Board Meeting – January 28, 2020

**Attachments**

- a. First Amendment to the Memorandum of Agreement for Public Improvements
- b. Resolution 20-R-08

**Finance Review:** \_\_\_\_\_  
Finance Director

**Submitted by:** Jason Berg, E.I.  
Civil Engineer

**Approved for Presentation:**   
Town Manager

Quasi-Judicial       Legislative       Administrative

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### **Summary Statement:**

The Developer of Meadowlark Business Park is requesting the first amendment to the Memorandum of Agreement for Public Improvements (MOAPI). The issues addressed within the first amendment to the MOAPI are in Exhibit F and are an update of the phasing plan revisions to the reimbursement plan.

### **Detail of Issue/Request:**

With the recording of Meadowlark Business Park Filing 3 Replat C, a new lot was created that spans two phases of the current public improvement agreement, requiring two amendments to the MOAPI.

The first amendment is the description of the lots that are to be included within Phase 3 and Phase 4. These have been updated as follows:

**Built on What Matters.**

Phase 3 shall consist of Lots 2 and 3 of Block 1, Lots 3 and 4 of Block 2, Lots 1 and 2 of Block 3 Meadowlark Business Park Filing No.3 and Lot 1, Block 1 of Meadowlark Business Park Filing No.3, Replat C.

Phase 4 shall consist of Lots 4, 5, and 6 of Block 1 Meadowlark Business Park Filing No.3 and Lot 2, Block 1 of Meadowlark Business Park Filing No.3, Replat C.

The second amendment regards reimbursement for the construction of Majestic Street and has been amended as follows:

The Developer is required to reimburse the Town of Frederick for the construction of the north half of Majestic Street from Hickory Court to the west property line of Lot 1, Block 1 Meadowlark Business Park Filing No.3, Replat C (William Bailey Avenue) in the amount of \$103,941.06. The amount to be reimbursed is half of the actual cost to construct the roadway that was constructed as part of the Westview Subdivision. Refer the Westview MOAPI, Exhibit F. Payment shall be made to the Town prior to the issuance of Certificate of Occupancy (CO) of Lot 1, Block 1, Meadowlark Business Park Filing No.3, Replat C.

This requirement, currently tied to lots that are part of Phase 3 and 4 that no longer exist, would be included as a Phase 3 requirement with this amendment.

**Legal Comments:**

The amendment has been reviewed by the Town Attorney and the resolution prepared by the Town Attorney.

**Alternatives/Options:**

The Board may approve the resolution as presented, request changes to the MOAPI amendment, or deny the amendment.

**Financial Considerations:**

Reimbursement for the construction of Majestic Street in the amount of \$103,941.06 will occur prior to the issuance of Certificate of Occupancy of Lot 1, Block 1, Meadowlark Business Park Filing No. 3, Replat C with this first amendment to the MOAPI (Phase 3).

**Staff Recommendation:**

Staff recommends approval of the first amendment to the MOAPI as presented.

**FIRST AMENDMENT TO THE  
MEADOWLARK BUSINESS PARK, FILING NO. 3  
MEMORANDUM OF AGREEMENT FOR PUBLIC IMPROVEMENTS**

**THIS FIRST AMENDMENT** to the Meadowlark Business Park Memorandum of Agreement for Public Improvements (FIRST AMENDMENT) is made and entered this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by and between the Town of Frederick, a Colorado municipal corporation, whose address is P.O. Box 435, Frederick, Colorado (TOWN) and Meadowlark Industrial, LLC, a Colorado Limited Liability Company, whose address is 401 Interlocken Boulevard #1407 Broomfield, CO 80021 (DEVELOPER).

**WHEREAS**, the parties entered into a Memorandum of Agreement for Public Improvements (MOAPI) on September 8, 2015, said agreement recorded at the Weld County Clerk and Recorder's office at Reception No. 4204719, hereinafter called the "Agreement"; and

**WHEREAS**, the DEVELOPER has submitted a plat of Meadowlark Business Park Filing No. 3 Replat C which is included as Exhibit A; and

**WHEREAS**, the TOWN has approved said plat of Meadowlark Business Park Filing No. 3 Replat C, with certain conditions; and

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

The following special provisions apply to Meadowlark Business Park Filing No. 3 and also amend certain parts of the "Agreement" as noted.

1. The public improvement requirements and phasing for Meadowlark Business Park Filing No. 3 are as specified in Exhibit B-1, Exhibit D-1, Exhibit E-1, and Exhibit F-1 of this FIRST AMENDMENT.
2. The Area/Phasing Map included herein as part of Exhibit B-1 of this FIRST AMENDMENT.
3. Special Provisions for Meadowlark Business Park Filing No. 3 as included in attached Exhibit F-1.
4. The original "Agreement" contains Exhibit B for Meadowlark Business Park Filing No. 3 that shall still apply and be tied to the updated Phasing Map. All requirements in the original Exhibit B are valid and may be amended at such time as the area defined by the updated Phasing Map as Meadowlark Business Park Filing No. 3 Replat C is developed.

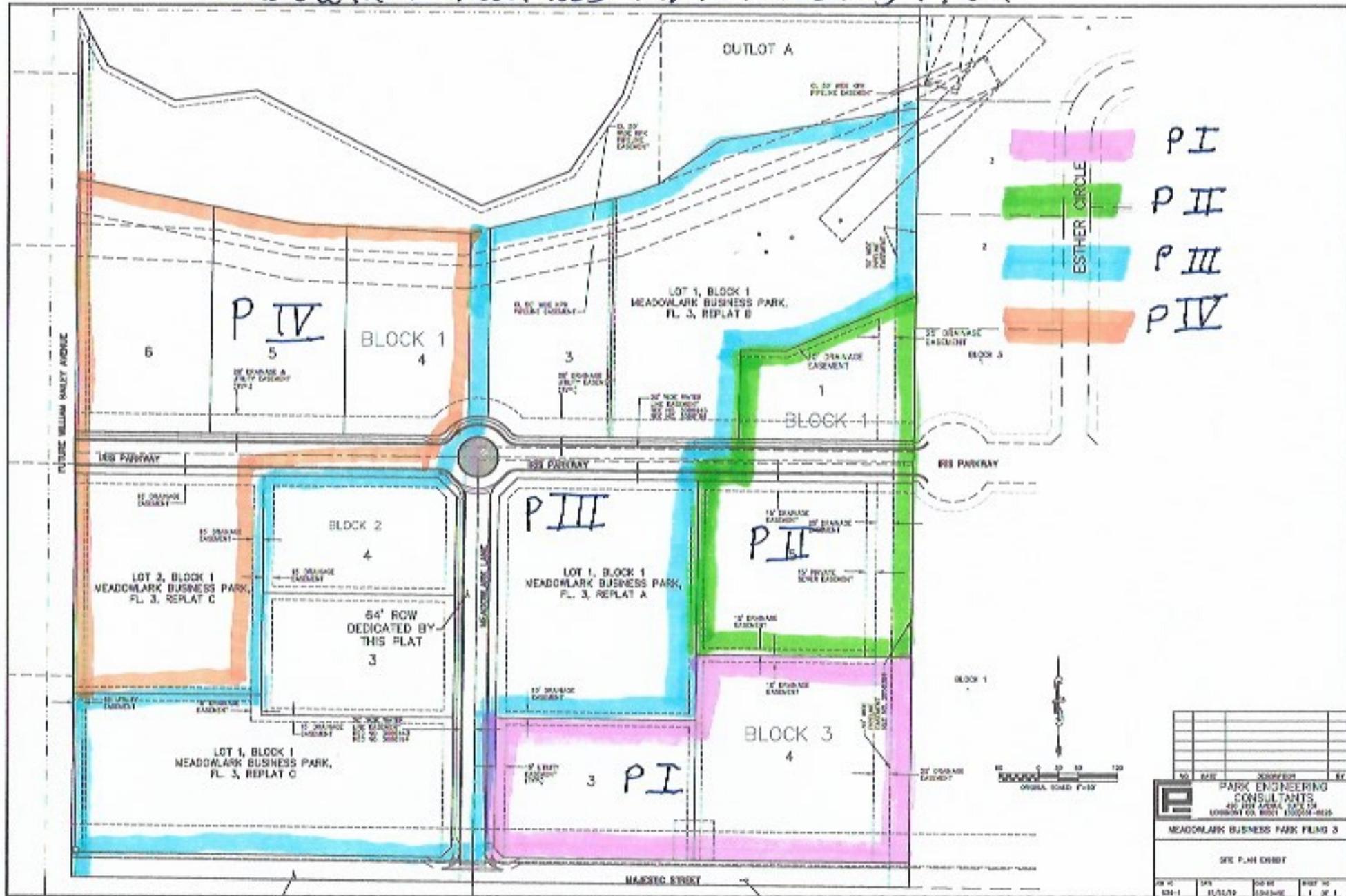
In all other respects, we hereby ratify and confirm the original MOAPI and the amendments thereto.



**EXHIBIT A**

**Meadowlark Business Park First Amendment**

# Meadowlark Business Park Phasing Plan



NO.	REV.	DESCRIPTION	BY


**PARK ENGINEERING CONSULTANTS**  
 410 10th Avenue, Suite 104  
 Lynchburg, VA 24502-6615

**MEADOWLARK BUSINESS PARK PHASE 3**

SITE PLAN SHEET

DATE	SCALE	SHEET NO.	TOTAL SHEETS
03-1	1/8"=1'-0"	1	1

**EXHIBIT B**

**Meadowlark Business Park First Amendment**

**MEADOWLARK BUSINESS PARK, FILING NO. 3 - PHASE 4**

IRIS PKWY (WEST OF WEST EDGE OF LOT 4, BLK 2)

<b>CONSTRUCTION ITEM</b>	<b>QTY</b>	<b>UNIT</b>	<b>UNIT COST</b>	<b>TOTAL COST</b>
<b>STREET</b>				
6" Vertical curb and gutter	550	LF	\$19.00	\$10,450.00
5' Detached sidewalk 6" thick	165	SY	\$35.00	\$5,775.00
7" Full Depth Asphalt	1,084	SY	\$30.00	\$32,520.00
Subgrade Preparation	1,567	SY	\$1.50	\$2,350.50
Manhole Adjustment	1	EA	\$500.00	\$500.00
Water Valve Adjustment	4	EA	\$300.00	\$1,200.00
Stop & Street Signs, Barricades	2	EA	\$800.00	\$1,600.00
Temporary Turn Around	1	EA	\$4,000.00	\$4,000.00
<b>Subtotal</b>				<b>58,395.50</b>
<b>WATER LINE</b>				
Installed w/ Phase 3	0	EA	0.00	0.00
<b>Subtotal</b>				<b>0.00</b>
<b>SANITARY SEWER</b>				
Installed w/ Phase 3	0	EA	0.00	0.00
<b>Subtotal</b>				<b>0.00</b>
<b>LANDSCAPE &amp; IRRIGATION</b>				
Native Seed Area	395,000	SF	\$0.08	\$31,600.00
<b>Subtotal</b>				<b>\$31,600.00</b>
<b>TOTAL ESTIMATE</b>				<b>89,995.50</b>
Construction Contingency 10%				8,999.55
<b>GRAND TOTAL</b>				<b>\$ 98,995.05</b>

*This cost estimate does not include surveying, testing, permits, dewatering, rock exc., street lighting or tap fees.  
Street landscaping to be installed by adjacent property owner at time of building construction.*

**MEADOWLARK BUSINESS PARK, FILING NO. 3****FUTURE WILLIAM BAILEY STREET**

<b>CONSTRUCTION ITEM</b>	<b>QTY</b>	<b>UNIT</b>	<b>UNIT COST</b>	<b>TOTAL COST</b>
<b>STREET</b>				
6" Vertical curb and gutter	2,660	LF	\$17.00	\$45,220.00
5' Detached sidewalk 6" thick	1,478	SY	\$35.00	\$51,722.22
7" Full Depth Asphalt	6,502	SY	\$30.00	\$195,066.67
Subgrade Preparation	7,241	SY	\$1.50	\$10,861.67
Handicap Ramp with Truncated Domes	6	EA	\$1,300.00	\$7,800.00
Stop & Street Signs, Barricades	3	EA	\$800.00	\$2,400.00
<b>Subtotal</b>				<b>313,070.56</b>
<b>WATER LINE</b>				
Connect to Existing Water Stub	1	EA	\$600.00	\$600.00
Fire Hydrant Assembly (Hydrant, Pipe & TB)	2	EA	\$3,500.00	\$7,000.00
8" PVC Water Line	1,330	LF	\$32.00	\$42,560.00
8" Plug w/ Thrust Block	1	EA	\$350.00	\$350.00
8" Gate Valve & Box	4	EA	\$1,200.00	\$4,800.00
6" Gate Valve & Box	2	EA	\$1,000.00	\$2,000.00
<b>Subtotal</b>				<b>57,310.00</b>
<b>SANITARY SEWER</b>				
8"PVC Sanitary	1,330	LF	\$32.00	\$42,560.00
4' Sanitary Manhole	4	EA	\$3,400.00	\$13,600.00
Tie into existing system	1	EA	\$700.00	\$700.00
Test Sewer Line	1	LS	\$1,000.00	\$1,000.00
<b>Subtotal</b>				<b>57,860.00</b>
<b>STORM SEWER</b>				
Storm Improvements	1	LS	\$50,000.00	\$50,000.00
<b>Subtotal</b>				<b>50,000.00</b>
<b>LANDSCAPE &amp; IRRIGATION</b>				
Tree Lawn Landscaping	19,950	SF	\$1.20	\$23,940.00
<b>Subtotal</b>				<b>\$23,940.00</b>
<b>TOTAL ESTIMATE</b>				<b>502,180.56</b>
Construction Contingency 10%				50,218.06
<b>GRAND TOTAL</b>				<b>\$ 552,398.61</b>

*This cost estimate does not include surveying, testing, permits, dewatering, rock exc., street lighting or tap fees.*

**EXHIBIT F**

**Meadowlark Business Park First Amendment**

## EXHIBIT F-1

### SPECIAL PROVISIONS APPLYING TO PUBLIC IMPROVEMENTS FOR MEADOWLARK BUSINESS PARK FILING NO.3

The following special provisions apply to Meadowlark Business Park Filing No.3 and amend the previous versions of the original MOAPI between the Town of Frederick and Meadowlark Industrial, LLC, dated September 8, 2015, (the AGREEMENT) as detailed below.

**PHASED DEVELOPMENT:** The DEVELOPER is phasing the construction of the aforementioned Development and agrees to provide all permanent and temporary infrastructure and work to provide for services and safety for each phase in accordance with the approved "Construction Plans". Each phase shall be completed and approved by the TOWN prior to issuance of a Certification of Occupancy (CO) for any platted lot in the Development. The DEVELOPER may choose, with approval from the TOWN, to complete any or all phases based on development opportunities. Refer attached Phasing Plan.

A Letter of Credit (LOC) shall be submitted to the Town of Frederick per Section 1.12 prior to the start of construction of any phase. The amount of the LOC shall be calculated from the estimated construction costs of the phase that will be constructed.

On-Site Grading Drainage Improvement for each lot shall be substantially completed prior to the issuance of the building permit. At the sole discretion of the Town, if the improvements are not substantially complete at the time of building permit the Town may accept a LOC from the developer for the grading and drainage improvements.

**Phase 1:** Phase 1 shall consist of Lots 3 and 4 of Block 3. The following improvements shall be constructed per the approved plans and accepted by the applicable agency prior to final inspection:

- Access for both lots shall be constructed at the location of the shared access as shown on the approved Plat;
- Domestic water, fire service lines and fire hydrant shall be constructed from Majestic Street Waterline to provide service to Lot 4;
- The private sewer line shall be constructed in the sewer easement that crosses Lot 5 to provide service to Lot 4;
- The public sewer line shall be extended from the existing sanitary sewer main in Iris Parkway, west to Meadowlark Lane, then south in Meadowlark Lane to provide service to Lot 3;
- The 8-foot sidewalk and the street landscaping on the north side of Majestic Street shall be constructed per the approved plans with the development of each lot as long as sidewalk connectivity is maintained from the developed lot to Majestic Street and Iris Parkway;
- All drainage improvements shall be constructed on Lot 4 prior to or concurrent with the development of Lot 3;

- Individual lot grading and drainage improvements shall be complete to ensure the overall drainage concepts are obtained and do not adversely impact adjacent properties.
- The Developer is required to reimburse the Town of Frederick for the construction of the north half of Majestic Street from the west property line of Rocky Mountain Christian Church (RMCC) to Hickory Court in the total amount of \$59,678.92 as set forth in the RMCC MOAPI. The payment to the Town shall be based on the linear foot frontage of each lot in Phase 1. Lot 3, Block 3 payment is calculated at 382 linear feet at \$84.30/linear foot equals a payment of \$32,202.60. Lot 4, Block 3 payment is calculated at 326 linear feet at \$84.30/linear foot equals a payment of \$27,476.32 to account for rounding error. The total of the two payments shall equal \$59,678.92. Each payment shall be made to the Town Prior to development of each respective lot.

**Phase 2:** Phase 2 shall consist of Lot 5, Block 3 and Lot 1, Block 1. The following improvements shall be constructed per the approved plans and accepted by the applicable agency prior to final inspection:

- Iris Parkway roadway improvement. Including all utilities and signage along the north property line of Lot 5, Block 3 including the temporary cul-de-sac located at the west property line of Lot 5, Block 3;
- The sidewalk and the street landscaping on Iris Parkway shall be constructed per the approved plans with the development of each lot as long as sidewalk connectivity is maintained from the developed lot to allow pedestrians sidewalk connectivity to Majestic Street and Iris Parkway;
- All drainage improvements shall be constructed on Lot 5, Block 3 prior to or concurrent with the development of Lot 1, Block 1;
- Individual lot grading and drainage improvements shall be completed to insure the overall drainage concepts are obtained and do not adversely impact adjacent properties.

**Phase 3:** Phase 3 shall consist of Lots 2 and 3 of Block 1, Lots 3 and 4 of Block 2, Lots 1 and 2 of Block 3 of Meadowlark Business Park Filing No.3 and Lot 1, Block 1 of Meadowlark Business Park Filing No.3, Repalt C. The following improvements shall be constructed per the approved plans and accepted by the applicable agency prior to final inspection:

- Iris Parkway roadway improvements, including all utilities and signage shall be constructed from the east property line of Lot 1, Block 3. These improvements include the permanent round-a-bout at the intersection of Meadowlark Lane and a temporary cul-de-sac (if required by Frederick-Firestone Fire Protection District (FFFPD)) at the west end of the improvements;
- Meadowlark Lane roadway improvements, including all utilities and signage shall be constructed from the round-a-bout to the connection to Majestic Street, including all intersection improvements at Iris Parkway (round-a-bout) and at Majestic Street;
- The sidewalk and the street landscaping on Iris Parkway and Meadowlark Lane shall be constructed per the approved plans with the development of each lot as long as sidewalk connectivity is maintained from the developed lot to allow pedestrians sidewalk connectivity to Majestic Street and Iris Parkway;
- As lots develop, all downstream drainage improvements shall be constructed to sagely convey runoff per the approved plan to the detention pond;

- Individual lot grading and drainage improvements shall be completed to ensure the overall drainage concepts are obtained and to not adversely impact adjacent properties;
- The Developer is required to reimburse the Town of Frederick for the construction of the north half of Majestic Street from Hickory Court to the west property line of Lot 1, Block 1 Meadowlark Business Park Filing No.3, Replat C (William Bailey Avenue) in the amount of \$103,941.06. The amount to be reimbursed is half of the actual cost to construct the roadway that was constructed as part of the Westview Subdivision. Refer the Westview MOAPI, Exhibit F. Payment shall be made to the Town prior to the issuance of Certificate of Occupancy (CO) of Lot 1, Block 1, Meadowlark Business Park Filing No.3, Replat C.

**Phase 4:** Phase 4 shall consist of Lots 4, 5, and 6 of Block 1 and Lot 2, Block 1 of Meadowlark Business Park Filing No.3, Replat C. The following improvements shall be constructed per the approved plans and accepted by the applicable agency prior to final inspection:

- Iris Parkway roadway improvements, including all utilities and signage shall be constructed from the terminus point of the roadway in Phase 3 to William Bailey Avenue, including all intersection improvements at William Bailey Avenue;
- The sidewalk and the street landscaping on Iris Parkway shall be constructed per the approved plans with the development of each lot as long as sidewalk connectivity is maintained from the developed lot to allow pedestrians sidewalk connectivity to Majestic Street, Iris Parkway and William Bailey Avenue;
- As lots develop, all downstream drainage improvements shall be constructed to safely convey runoff per the approved plan to the detention pond;
- Individual lot grading and drainage improvements shall be completed to ensure the overall drainage concepts are obtained and do not adversely impact adjacent properties;
- The developer is required to design and construct the east half of William Bailey Avenue adjacent to Meadowlark Business Park Filing No.3 and Meadowlark Business Park Filing No.3, Replat C prior to CO for Lot 6, Block 1 or Filing No.3 and Lot 2, Block 1 of Filing No.3, Replat C to a collector roadway section. Since half road section are not allowed in the Town the developer shall construct an interim roadway section adjacent to the property as determined by the Town.
  - i. Reimbursement opportunities to the developer will be determined by the estimated cost to design and construct the east half of a collector roadway section vs the actual cost to build the interim roadway. The cost to construct half of the collector roadway shall be determined by a cost estimate prepared by the developer and approved by the Town using recent construction costs.
  - ii. If the cost to construct the interim roadway for William Bailey Avenue adjacent to the site is **greater** that the estimated cost to construct half of a collector roadway, then the developer may be reimbursed by the property owner to the west when development occurs.
  - iii. If the cost to construct the interim roadway for William Bailey Avenue adjacent to the site is **less** than the estimated cost to construct half of a collector roadway, then the developer

shall escrow the difference in funds to the Town. This will allow the Town to expand the roadway to a collector roadway section in the future.

If in the sole opinion of the Town the surrounding traffic does not justify construction of William Bailey Avenue the developer will escrow the funds to the Town equal one-half of the design and construction costs of the roadway prior to final inspection. The cost to construct half of the collector roadway shall be determined by a cost estimate prepared by the developer and approved by the Town using recent construction costs. If the roadway is not constructed a temporary cul-de-sac at the west end of Iris Parkway and/or an all-weather roadway from Iris Parkway south to Majestic Street on the William Bailey Avenue alignment may be required by the FFFPD or the Town. The developer shall pay for these improvements prior to CO for Lot 6, Block 1 or Filing No.3 and Lot 2, Block 1 of Filing No.3, Replat C.

- The original Letter of Credit (LOC) only included construction costs for Phases 1 to 4 on-site improvements. At this time no LOC has been submitted to the Town for the construction of William Bailey Avenue. Additional LOC for these roadways will be required (as determined by the Town) in Phase 4 once the improvements and construction costs have been determined.
- All other public improvements as shown in the approved plans.

**TOWN OF FREDERICK, COLORADO  
RESOLUTION NO. 20-R-08**

**A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO  
AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDMENT  
TO MEADOWLARK BUSINESS PARK FILING 3 MOAPI**

**WHEREAS**, the Memorandum of Agreement for Public Improvements (MOAPI) for the Meadowlark Subdivision was executed by the Town and Meadowlark Industrial, LLC, a Colorado Limited Liability Company on September 8, 2015; and

**WHEREAS**, the Developer desires to modify Phase 3 and Phase 4 of the development by creating a new lot; and

**WHEREAS**, creation of this new lot accelerates the reimbursement for the construction of Majestic Street.

**NOW THEREFORE, BE IT RESOLVED** by the Board of Trustees of the Town of Frederick, Colorado, that:

**Section 1.** The First Amendment to the Memorandum of Agreement for Public Improvements is approved and the Mayor is authorized 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 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 28TH DAY OF  
JANUARY, 2020.**

**ATTEST:**

**TOWN OF FREDERICK**

By \_\_\_\_\_  
Meghan C. Martinez, CMC, Town Clerk

By \_\_\_\_\_  
Tony Carey, Mayor



# TOWN OF FREDERICK BOARD OF TRUSTEES ACTION MEMORANDUM

Tony Carey, Mayor

Laura Brown, Mayor Pro Tem  
Rocky Figurilli, Trustee  
Salvatore "Sam" DeSantis, Trustee

Tracie Crites, Trustee  
Rusty O'Neal, Trustee  
Dan March, Trustee

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## An Ordinance of the Board of Trustees of the Town of Frederick Adopting by Reference the 2020 Edition of the "Model Traffic Code," Repealing All Ordinances in Conflict Therewith; and Providing Penalties for Violation Thereof

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**Agenda Date:** Town Board Meeting - January 28, 2020

**Attachments:**

- a. Proposed Ordinance
- b. Resolution 20-R-09

**Finance Review:** \_\_\_\_\_  
Finance Director

**Submitted by:** Kristin N. Brown  
Prosecutor

**Approved for Presentation:**   
Town Manager

Quasi-Judicial       Legislative       Administrative

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### **Summary Statement:**

The Colorado Department of Motor Vehicles published the 2020 edition of the Model Traffic Code (MTC). The Model Traffic Code is adopted by municipalities and counties as the local traffic code (with specific amendments). The last edition of the MTC was 2010. Frederick has adopted these codes for at least the last thirty years. The draft ordinance enacts the 2020 edition of the MTC.

### **Detail of Issue/Request:**

The proposed ordinance adopts the 2020 edition of the Model Traffic Code. Because the ordinance adopts a code by reference, CRS§31-16-201 *et seq* requires that the ordinance initially be introduced before the governing body at one meeting and then a public hearing scheduled after notice of the public hearing has been published twice in a newspaper, once 15 days before the hearing and again eight days before the hearing. We are requesting the public hearing be scheduled for March 10, 2020.

**Built on What Matters.**

There is no action to be taken by the Board of Trustees on the ordinance at this time; however, there is a resolution establishing the public hearing date of March 10, 2020. This is a request to establish the public hearing date.

**Legal Comments:**

The ordinance and resolution were prepared by the Town Attorney and Town Prosecutor.

**Alternatives/Options:**

If the Board decides not to adopt the 2020 Code, we will continue to operate under the outdated 2010 Code.

**Financial Considerations:**

Not applicable.

**Staff Recommendation:**

Staff recommends the Board set the public hearing date for March 10, 2020.

**TOWN OF FREDERICK  
ORDINANCE NO. 1335**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK ADOPTING BY REFERENCE THE 2020 EDITION OF THE “MODEL TRAFFIC CODE,” REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.**

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

Section 1. Adoption.

Pursuant to parts 1 and 2 of article 16 C.R.S. of Title 31, there is hereby adopted by reference the 2020 edition of the “Model Traffic Code” promulgated and published as such by the Colorado Department of Transportation, Traffic Engineering and Safety Branch, 2829 W. Howard Place, Denver, CO 80204. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the Town. The purpose of this Ordinance and the Code adopted herein is to provide a system of traffic regulation consistent with state law and generally conforming to similar regulations throughout the state and the nation. Three (3) copies of the Model Traffic Code adopted herein are now filed with the office of the Town Clerk of Frederick, Colorado, and may be inspected during regular business hours.

Section 2. Deletions.

The 2020 edition of the Model Traffic Code is adopted as if set out at length save and except the following articles and/or sections which are declared to be inapplicable to this municipality and are therefore expressly deleted:

1409(4), (9)	Compulsory insurance – penalty – legislative intent.
1410.5	Providing false evidence of proof of motor vehicle insurance – penalty
Part 17	Penalties and procedures
Part 18	Vehicles abandoned on public property

The subsection of any specific section of the Code which classifies the section as a petty offense.

The subsection of any specific section of the Code which classifies the section as a class A or class B traffic infraction.

The subsection of any specific section of the Code which classifies the section as a class 1 or class 2 misdemeanor traffic offense.

The subsection of any specific section of the Code which establishes a penalty upon conviction. Penalties for violation of any provision of the Model Traffic Code are as designated in this Ordinance.

Section 3. Additions or Modifications:

The said code adopted is subject to the following additions or modifications:

**103. Scope and effect of Code – exceptions to provisions.**

(b) For provisions of sections 1401, 1402, 1413 and 1211 of this Code which shall apply upon streets and highways and elsewhere throughout the jurisdiction.

**107. Obedience to police officers.**

No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control or regulate traffic. Any person who violates any provision of this section commits a criminal violation and is subject to penalties set forth at Frederick Municipal Code 1-72(b).

**109. Low-power scooters, animals, skis, skates, and toy vehicle on highways.**

(7) For the sake of uniformity and bicycle, electrical assisted bicycle, electric scooter, and low-power scooter safety throughout the state, the department in cooperation with the department of transportation shall prepare and make available to all local jurisdictions for distribution to bicycle, electric assisted bicycle, electric scooter, and low-power scooter riders a digest of state regulations explaining and illustrating the rules of the road, equipment requirements, and traffic control devices that are applicable to the riders and the bicycles, electrical assisted bicycles, electric scooters, or low-power scooters. Local authorities may supplement this digest with a leaflet describing any additional regulations of a local nature that apply within their respective jurisdictions.

(11) Where suitable bike paths, horseback trails, or other trails have been established on the right-of-way or parallel to and within one-fourth mile of the right-of-way of heavily traveled streets and highways, the department of transportation may, subject to the provisions of section 43-2-135, by resolution or order entered within its minutes, and local authorities may, where suitable bike paths, horseback trails, or other trails have been established on the right-of-way or parallel to it within four hundred fifty feet of the right-of-way of heavily traveled streets, by ordinance, determine and designate, upon the basis of an engineering and traffic investigation, those heavily traveled streets and highways upon which shall be prohibited any bicycle, electrical assisted bicycle, electric scooter, animal rider, animal-drawn conveyance, or other class or kind of nonmotorized traffic that is found to be incompatible with the normal and safe movement of traffic, and, upon such a determination, the department of transportation or local authority shall erect appropriate official signs giving notice of the prohibition; except that, with respect to controlled access highways, C.R.S. 42-4-1010(3) applies. When official signs are erected, a person shall not violate any of the instructions contained on the official signs.

**119. Driving under restraint.**

(1) Any person who drives a motor vehicle or off-highway vehicle upon any street or highway with knowledge that the person's license or privilege to drive, either as a resident or

nonresident, is under restraint for an outstanding judgement is in violation of this section, which is designated a traffic infraction.

(2)(a) In a prosecution for a violation of this section, the fact of the restraint may be established by certification that a notice was mailed by first class mail pursuant to CRS 42-2-119(2) to the last known address of the defendant, or by the delivery of such notice to the last known address of the defendant, or by personal service of such notice upon the defendant.

(b) In a prosecution for a violation of this section, the fact of restraint in another state may be established by certification that notice was given in compliance with such state's laws.

## **221 Bicycle, electric scooter and personal mobility equipment.**

(1) No other provision of this part 2 and no provision of part 3 of this Code applies to a bicycle, electrical assisted bicycle, electric scooter, or EPAMD or to equipment for use on a bicycle, electric assisted bicycle, electric scooter, or EPAMD except those provisions in this Code made specifically applicable to such vehicle.

(2) Every bicycle, electrical assisted bicycle, electric scooter, or EPAMD in use at the times described in section 204 shall be equipped with a lamp on the front emitting a white light visible from a distance of at least five hundred feet to the front.

(3) Every bicycle, electrical assisted bicycle, electric scooter, or EPAMD shall be equipped with a red reflector of a type approved by the department, which shall be visible for six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle.

(4) Every bicycle, electrical assisted bicycle, electric scooter, or EPAMD when in use at the times described in section 204 shall be equipped with reflective material of sufficient size and reflectivity to be visible from both sides for six hundred feet when directly in front of lawful lower beams of head lamps on a motor vehicle or, in lieu of such reflective material, with a lighted lamp visible from both sides from a distance of at least five hundred feet.

(5) A bicycle, electrical assisted bicycle, electric scooter, or EPAMD or its rider may be equipped with lights or reflectors in addition to those required by subsections (2) to (4) of this section.

(6) A bicycle, electrical assisted bicycle, or electric scooter shall not be equipped with, nor shall any person use a bicycle, electrical assisted bicycle, or electric scooter, any siren or whistle.

(7) Every bicycle, electric assisted bicycle, or electric scooter shall be equipped with a brake or brakes that will enable its rider to stop the bicycle, electric assisted bicycle, or electric scooter within twenty-five feet from a speed of ten miles per hour on dry, level, clean pavement.

(8) A person engaged in the business of selling bicycle, electrical assisted bicycle, or electric scooters at retail shall not sell any bicycle, electric assisted bicycle or electric scooter

unless the bicycle, electrical assisted bicycle, or electric scooter has an identifying number permanently stamped or cast on its frame.

(8.5) A local government may regulate the operation of an electric scooter in a manner that is no more restrictive than the manner in which the local government may regulate the operation of a class 1 electric assisted bicycle.

**234. Slow-moving vehicles – display of emblem.**

(1)(a) All machinery, equipment, and vehicles, except bicycles, electrical assisted bicycles, electric scooters, and other human-powered vehicles, designed to operate or normally operated at a speed of less than twenty-five miles per hour on a public highway must display a triangular slow-moving vehicle emblem on the rear.

(c) Bicycles, electric assisted bicycles, electric scooters, and other human-powered vehicles may, but need not, display the emblem specified in this subsection (1).

**503. Projecting loads on passenger vehicles.**

Except with regard to the operation of a motorcycle, a bicycle, electrical assisted bicycle, or electric scooter, a person shall not operate a passenger-type vehicle on any highway with any load carried on the vehicle extended beyond the line of the fenders on the left side of the vehicle nor extending more than six inches beyond the line of the fenders on the right side of the vehicle.

**612. When signals are inoperative or malfunctioning.**

(1)(a) When a driver approaches an intersection and faces a traffic control signal that is inoperative, that remains on steady red or steady yellow during several time cycles, or that does not recognize a motorcycle that is operated by the driver, the provisions controlling entrance to a through street or highway from a stop sign or highway, as provided under section 703, apply until a police officer assumes control of traffic or until the traffic control signal resumes normal operation.

(b) If a traffic control signal at a place other than an intersection ceases to operate or malfunctions as specified in subsection (1)(a) of this section, drivers may proceed past the signal only with caution, as if the signal were flashing yellow.

**614. Designation of highway maintenance, repair, or construction zones – signs – increase in penalties.**

(1)(a) If maintenance, repair, or construction activities are occurring or will occur within four hours on a portion a state highway, the department of transportation may designate such portion of the highway as a highway maintenance, repair or construction zone. Any person who commits any traffic infraction or traffic offense in a maintenance, repair, or construction zone that is designated pursuant to this section is subject to increased penalties as set forth at Frederick Municipal Code 8-7.

(b) If maintenance, repair, or construction activities are occurring or will occur within four hours on a portion a roadway that is not a state highway, the public entity conducting the activities may designate such portion of the highway as a highway maintenance, repair or construction zone. Any person who commits any traffic infraction or traffic offense in a maintenance, repair, or construction zone that is designated pursuant to this section is subject to increased penalties as set forth at Frederick Municipal Code 8-7.

**615. School zones – increase in penalties.**

(1) Any person who commits a traffic infraction or a traffic offense in a school zone is subject to increased penalties as set forth at Frederick Municipal Code 8-7.

**616. Wildlife crossing zones – increase in penalties.**

(1) Except as described by subsection (4) of this section, a person who commits a traffic infraction or a traffic offense in a wildlife crossing zone is subject to increased penalties as set forth at Frederick Municipal Code 8-7.

**802. Pedestrians’ right-of-way in crosswalks.**

(3) A pedestrian shall not suddenly leave a curb or other place of safety and ride a bicycle, electric assisted bicycle, or electric scooter, or walk or run into the path of a moving vehicle that is so close as to constitute an immediate hazard.

**1101. Speed limits.**

(2) Where speed limits are posted by an official traffic control device, it shall be unlawful for any person to drive any vehicle in excess of the posted speed limit. Except when a special hazard exists that requires a lower speed limit, or where no speed limit sign is posted, the following speeds shall be lawful:

(a) Twenty-five (25) mph in any residential district, as defined at C.R.S. 42-1-102(80), as amended;

(b) Thirty (30) mph in any business district, as defined at CRS 42-1-102(11), as amended;

(c) Fifteen (15) mph in any alley;

[subsections 2(d) through 2(h) shall remain unmodified]

**1204. Stopping, standing, or parking prohibited in specified places.**

(1)(l) At any other place where yellow or red curb markings prohibit stopping.

(2)(g) At any other place where yellow or red curb markings prohibit standing.

(3)(c) At any other place where yellow or red curb markings prohibit parking.

(4)(a) Subsection (1)(a) of this section does not prohibit a person from parking a bicycle, electrical assisted bicycle or electric scooter on a sidewalk in accordance with the provisions of section 1412(11)(a) and (11)(b).

(b) Subsection (1)(f) of this section does not prohibit any persons from parking two or more bicycles, electrical assisted bicycles or electric scooters abreast in accordance with the provisions of section 1412(11)(d).

(c) Subsections (2)(a), (2)(c), and (2)(d) of this section do not apply to a bicycle, electrical assisted bicycle, or electric scooter parked on a sidewalk in accordance with section 1412(11)(a) and (11)(b).

#### **1211. Limitations on backing.**

(1) The driver of a vehicle, whether on public or private property which is used by the general public for parking purposes, shall not back the same unless such movement can be made with safety and without interfering with other vehicles or traffic.

(2) The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway.

#### **1401. Reckless driving.**

(1) A person who drives a motor vehicle, bicycle, electrical assisted bicycle, electric scooter, or a low-power scooter in such a manner as to indicate either a wonton or a willful disregard for the safety of persons or property is guilty of reckless driving. A person convicted of reckless driving of a bicycle, electrical assisted bicycle or electric scooter is not subject to C.R.S. 42-2-127.

#### **1402. Careless driving.**

(1) A person who drives a motor vehicle, bicycle, electrical assisted bicycle, electric scooter, or a low-power scooter in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, and use of the streets and highways and all other attendant circumstances, is guilty of careless driving. A person convicted of careless driving of a bicycle, electrical assisted bicycle or electric scooter is not subject to C.R.S. 42-2-127.

#### **1407.5. Splash guards – when required.**

(3) This section does not apply to:

(g) Bicycles, electrical assisted bicycles or electric scooters.

**1412. Operation of bicycles, electric scooters and other human-powered vehicles.**

(1) A person riding a bicycle, electrical assisted bicycle, or electric scooter has all the right and duties applicable to the driver of any other vehicle under this Code, except as to special regulations in this Code and except as to those provisions that by their nature can have no application. Bicycle, electrical assisted bicycle, and electric scooter riders shall comply with the rules set forth in this section and section 221, and, when using streets and highways within the Town, are subject to local ordinances regulating the operation of bicycles, electrical assisted bicycles, and electric scooters as provided in C.R.S. 42-2-111. Notwithstanding any contrary provision in this Code, when the Town has adopted an ordinance or resolution pursuant to C.R.S. 42-2-1412.5, riders are subject to the local ordinance or resolution.

(3) A bicycle, electrical assisted bicycle, or electric scooter shall not be used to carry more persons at one time than the number for which it is designed or equipped.

(4) A person riding upon any bicycle, electrical assisted bicycle, or electric scooter shall not attach the vehicle or the rider to any motor vehicle upon a roadway.

(5)(a) Any person operating a bicycle, electrical assisted bicycle or electric scooter upon a roadway at less than the normal speed of traffic shall ride in the right-hand lane, subject to the following conditions:

(c) A person riding a bicycle, electrical assisted bicycle, or electric scooter upon a one-way roadway with two or more marked traffic lanes may ride as near to the left-hand curb or edge of the roadway as judged safe by the rider, subject to the following conditions:

(6)(a) Persons riding bicycles, electrical assisted bicycles, or electric scooters upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles and electric scooters.

(b) Persons riding bicycle, electrical assisted bicycle, or electric scooter two abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.

(7) A person operating a bicycle, electrical assisted bicycle, or electric scooter shall keep at least one hand on the handlebars at all times.

(8)(a) A person riding a bicycle, electrical assisted bicycle, or electric scooter intending to turn left shall follow a course described in sections 901(1), 903, and 1007 or make a left turn in the manner prescribed in subsection (8)(b) of this section.

(b) A person riding a bicycle, electrical assisted bicycle, or electric scooter intending to turn left shall approach the turn as closely as practicable to the right-hand curb or edge of the roadway. After proceeding across the intersecting roadway to the far corner of the curb or intersection of the roadway edges, the rider shall stop, as much as practicable, out of the way of traffic. After stopping, the rider shall yield to any traffic proceeding in either direction along the roadway that the rider has been using. After yielding and complying with any official traffic

control device or police officer regulating traffic on the highway along which the rider intends to proceed, the rider may proceed in the new direction.

(9)(a) Except as otherwise provided in this subsection (9), every person riding a bicycle, electrical assisted bicycle, or electric scooter shall signal the intention to turn or stop in accordance with section 903; except that a person riding a bicycle, electrical assisted bicycle, or electric scooter may signal a right turn with the right arm extended horizontally.

(b) A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet traveled by the bicycle, electrical assisted bicycle, or electric scooter before turning and shall be given while the bicycle, electrical assisted bicycle, or electric scooter is stopped waiting to turn. A signal by hand and arm need not be given continuously if the hand is needed in the control of operation of the bicycle, electrical assisted bicycle, or electric scooter.

(10)(a) A person riding a bicycle, electrical assisted bicycle, or electric scooter upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing the pedestrian. A person riding a bicycle, electrical assisted bicycle, or electric scooter in a crosswalk shall do so in a manner that is safe for pedestrians.

(b) A person shall not ride a bicycle, electrical assisted bicycle, or electric scooter upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk where the use of bicycles, electrical assisted bicycles, or electric scooters is prohibited by official traffic control devices or local ordinances. A person riding a bicycle, electrical assisted bicycle, or electric scooter shall dismount before entering any crosswalk where required by official traffic control devices or local ordinances.

(c) A person riding or walking a bicycle, electrical assisted bicycle, or electric scooter upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk has all the rights and duties applicable to a pedestrian under the same circumstances, including the rights and duties granted as required by section 802.

(11)(a) A person may park a bicycle, electrical assisted bicycle, or electric scooter on a sidewalk unless prohibited or restricted by an official traffic control device or local ordinance.

(b) A bicycle, electrical assisted bicycle, or electric scooter parked on a sidewalk must not impede the normal and reasonable movement of pedestrian or other traffic.

(c) A bicycle, electrical assisted bicycle, or electric scooter may be parked on the road at any angle to the curb or edge of the road at any location where parking is allowed.

(d) A bicycle, electrical assisted bicycle, or electric scooter may be parked on the road abreast of one or more bicycles or electric scooters near the side of the road or any location where parking is allowed in such a manner as does not impede the normal and reasonable movement of pedestrians and traffic.

(e) In all other respects, bicycle, electrical assisted bicycle, or electric scooter parked anywhere on a highway must conform to the provisions of part 12 or this Article 4 regulating the parking of vehicles.

(12)(b) If any person riding a bicycle, electrical assisted bicycle, or electric scooter violates any provision of this Article 4 other than this section that is applicable to such a vehicle and for which a penalty is specified, the person is subject to the same specified penalty as any other vehicle; except that section 42-2-127 does not apply.

(13) Upon request, the law enforcement agency having jurisdiction shall complete a report concerning an injury or death incident that involves a bicycle, electrical assisted bicycle, or electric scooter on the roadways of the state, even if the accident does not involve a motor vehicle.

[subsection (14) shall remain as originally published]

**1413. Eluding or attempting to elude a police officer.**

It shall be unlawful for any operator of a motor vehicle who a police officer has reasonable grounds to believe has violated state law or municipal ordinance, who has received a visual or audible signal such as a red light or a siren from a police officer driving a marked vehicle showing the same to be an official police, sheriff, or Colorado state patrol car directing the operator to bring the operator's vehicle to a stop, and who willfully increases his or her speed or extinguishes his or her lights in an attempt to elude such police officer, or will fully attempt in any other manner to elude the police officer, or does elude such police officer.

**1703. Parties to a crime.**

Every person who commits, conspires to commit, or aids or abets in the commission of any act declared in this Code to be a traffic infraction or traffic offense, whether individually or in connection with one or more other persons or as a principal, agent, or accessory, is guilty of such offense or liable for such offense, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits or directs another to violate any provision of this Code is likewise guilty of such offense or liable for such offense.

**1704. Offenses by persons controlling vehicles.**

It is unlawful for the owner or any other person employing or otherwise directing the driver of any vehicle to require or knowingly permit the operation of such vehicle upon a highway in any manner contrary to law or this Code.

**APPENDIX – DEFINITIONS**

- (28.8)(a) "Electric scooter" means a device:
- (I) Weighing less than one hundred pounds;
  - (II) With handlebars and an electric motor;
  - (III) That is powered by an electric motor; and

(IV) That has a maximum speed of twenty miles per hour on a paved level surface when powered solely by the electric motor.

(b) “Electric scooter” does not include an electrical assisted bicycle, EPAMD, motorcycle or low-power scooter.

(28.5) “Electrical assisted bicycle” means a vehicle having two or three wheels and fully operable pedals, and an electric motor not exceeding seven hundred fifty watts of power. Electrical assisted bicycles are further required to conform to one of three classes as follows:

\* \* \*

(48.5) “Low-power scooter” does not include a toy vehicle, bicycle, electric assisted bicycle, electric scooter, wheelchair, or any device designed to assist people with mobility impairments who use pedestrian rights-of-way.

(58) “Motor vehicle” means any self-propelled vehicle that is generally and commonly used to transport persons and property over the public highways or a low-speed electric vehicle; except that the term does not include electrical assisted bicycles, electric scooters, low-power scooters, wheelchairs, or vehicles moved solely by human power. For the purposes of reckless driving, sec. 1401, farm tractors and off-highway vehicles, as defined at C.R.S. 33-14.5-101(3), operated on streets and highways, “motor vehicle” includes a farm tractor or an off-highway vehicle that is not otherwise classified as a motor vehicle. For purposes of section 118, driving under restraint, “motor vehicle” includes a low-power scooter.

(112) “Vehicle” means a device that is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks. “Vehicle” includes a bicycle, electrical assisted bicycle, electric scooter, or EPAMD, but does not include a wheelchair, off-highway vehicle, snowmobile, farm tractor, or implement of husbandry designed primarily or exclusively for use and used in agricultural operations or any device moved exclusively over stationary rails or tracks or designed to move primarily through the air.

#### Section 4. Penalties.

The following penalties, herewith set forth in full, shall apply to this ordinance:

(1) It is unlawful for any person to violate any of the provisions adopted in this ordinance.

(2) Upon conviction, the following penalties may be imposed:

(a) Penalties for Civil Traffic Infractions: Upon conviction, or entry of guilty plea of plea of nolo contendere, to a civil traffic infraction a fine not to exceed one thousand dollars (\$1,000.00) may be imposed. As guidance, penalties for civil traffic infractions may be imposed at thirty dollars (\$30.00) for each point assessed (based on the original charge) as set forth below:

<u>Points assessed</u>	<u>Penalty</u>
0 point violation	\$30.00
1 point violation	\$30.00
2 point violation	\$60.00
3 point violation	\$90.00
4 point violation	\$120.00
6 point violation	\$180.00
8 point violation	\$240.00
12 point violation	\$360.00

(b) Penalties for Noncivil Traffic Offenses:

(I) Any person eighteen (18) years of age or older, convicted of a traffic offense, as set forth in subsection (2)(b)(II) of this section, may be incarcerated for a period not to exceed 364 days or fined by an amount not to exceed two thousand six hundred fifty dollars (\$2,650.00), or both. Any juvenile under the age of eighteen (18) years at the time of the offense may be fined by an amount not to exceed one thousand dollars (\$1,000.00).

(II) Noncivil traffic offenses subject to penalties as set forth in subsection (2)(b)(I) are as follows:

<u>Model Traffic Code Section</u>	<u>Description of Offense</u>	<u>Points</u>
1101	Speeding (25 – 39 mph over speed limit)	6
1101	Speeding (40+ mph over speed limit)	12
1105	Speed contest	12
1401	Reckless driving	8
1409	Compulsory insurance	4
1413	Eluding or attempting to elude police	12
1903	Fail to stop for school bus	6

(3) Penalties for traffic infractions or offenses in a designated maintenance, repair or construction zone pursuant to section 614, or a designated school zone pursuant to section 615, or a designated wildlife crossing zone pursuant to section 616, of the Model Traffic Code, 2020 edition, shall be double the penalty for such violation as set forth above.

(4) Overweight Vehicles: Upon conviction, entry of guilty plea of a plea of *nolo contendere* to a violation related to the size, weight or load of a vehicle or truck, the court may impose a fine not to exceed two thousand six hundred fifty dollars (\$2,650.00) per count. As a guide, penalties may be imposed at one hundred dollars (\$100.00) for every one thousand (1,000) pounds overweight.

Section 5. Application.

This ordinance shall apply to every street, alley, sidewalk area, driveway, park and to every other public way or public place or public parking area, either within or outside the corporate limits of this municipality, the use of which this municipality has jurisdiction and authority to regulate. The provisions of sections 1401, 1402, 1413 and 1211, respectively reckless driving, careless driving, eluding a police officer and limitations on backing shall apply not only to public places and ways but also throughout this municipality.

Section 6. Frederick Municipal Code Section 10-248.a. is hereby revised to read as follows:

**Sec. 10-248 Recreational vehicles.**

a. Defined: *Recreational vehicle* means a self-propelled wheeled or tracked vehicle primarily designed to be operated for recreational purposes on land, or on land and water, other than roads or highways. The definition shall include, but is not limited to, motorbikes, tote-goats, dune buggies, go-carts, snowmobiles and all-terrain vehicle (“ATV’s”). Recreational vehicle does not include any self-propelled wheeled or tracked vehicle that is equipped with all required safety equipment and is licensed by the State. Recreational vehicle does not include any electric scooter, electric bicycle, low-power scooter or low speed electric vehicle, as those are defined and regulated in the Model Traffic Code, 2020 edition, as adopted by reference by the Town.

Section 7. Validity.

If any part or parts of this ordinance are for any reason held to be invalid such decision shall not affect the validity of the remaining portions of this ordinance. The Frederick Board of Trustees 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 be declared invalid.

Section 8. Repeal.

Existing or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

Section 9. Interpretation.

This ordinance shall be so interpreted and construed as to effectuate its general purpose to conform with the State’s uniform system for the regulation of vehicles and traffic. Article and section headings of the ordinance and adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope meaning or extent of the provisions of any article or section thereof.

Section 10. Certification

The Town shall certify to the passage of this ordinance and make not less than three copies of the adopted Code available for inspection by the public during normal business hours.

Section 11. Effective Date. This Ordinance shall take effect 30 days after publication following adoption.

**INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.**

\_\_\_\_\_  
Tony Carey, Mayor

**ATTEST:**

\_\_\_\_\_  
Meghan Martinez, CMC, Town Clerk

**TOWN OF FREDERICK, COLORADO  
RESOLUTION NO. 20-R-09**

**A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO,  
SETTING A PUBLIC HEARING ON ADOPTING CHANGES TO THE  
MODEL TRAFFIC CODE**

**WHEREAS**, the Town of Frederick adopted its current Model Traffic Code in 2010; and

**WHEREAS**, the Model Traffic Code has been substantially revised by the State Legislature and the latest revision is now the 2020 edition of the Model Traffic Code

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

**Section 1.** CRS §31-16-201 *et seq* codifies the procedures for adopting a code by reference which includes introducing the adopting ordinance at a meeting, scheduling a public hearing on the ordinance after notice of the public hearing has published twice in a newspaper, once 15 days before the hearing and again eight days before the hearing.

**Section 2.** In order to comply with the notice requirements, the public hearing on the adoption of the 2020 Model traffic Code shall be held on Tuesday, March 10, 2020.

**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 SIGNED 28TH DAY OF JANUARY,  
2020.**

**ATTEST:**

**TOWN OF FREDERICK**

By \_\_\_\_\_  
Meghan C. Martinez, CMC, Town Clerk

By \_\_\_\_\_  
Tony Carey, Mayor



# TOWN OF FREDERICK BOARD OF TRUSTEES ACTION MEMORANDUM

Tony Carey, Mayor

Laura Brown, Mayor Pro Tem  
Rocky Figurilli, Trustee  
Salvatore "Sam" DeSantis, Trustee  
Trustee

Tracie Crites, Trustee  
Rusty O'Neal, Trustee  
Dan March,

## Consideration of Resolution to Refer a Ballot Question to the Registered Electors at the April 7, 2020 Election Related to Local Right to Provide High-Speed Internet, Telecommunications, and/or Cable Television Services

**Agenda Date:** Town Board Meeting – January 28, 2020

**Attachments:** a. Resolution 20-R-10

**Finance Review:** \_\_\_\_\_  
Finance Director

**Submitted by:** \_\_\_\_\_  
Town Attorney

**Approved for Presentation:**   
Town Manager

Quasi-Judicial                       Legislative                       Administrative

### **Summary Statement:**

At the January 14, 2020 meeting, the Board requested information regarding placing a question regarding municipally provided broadband services on the April 2020 election ballot.

### **Detail of Issue/Request:**

Until 2005, municipalities throughout Colorado enjoyed the right and authority to provide high-speed internet, advanced telecommunications, and cable television services to their residences and businesses. In 2005, the State Legislature enacted Senate Bill 05-152 (codified in Article 27 of Title 29, C.R.S.) to revoke and deny all Colorado municipalities the right to provide directly or indirectly high-speed internet, advanced telecommunications, and cable television services to residents and businesses; however, Bill 05-152 expressly authorized every local government to submit a ballot question to the

local voters to reauthorize and reclaim the local right to provide high-speed internet, telecommunications, and cable television services to residents, businesses, and other local entities.

The attached Resolution contains ballot language for the April 7, 2020 election that would allow the Town to provide high-speed internet, telecommunications, and cable television services to residents, businesses, and other local entities.

**Legal Comments:**

The Resolution and ballot language was drafted by the Town Attorney.

**Alternatives/Options:**

To not submit this issue to the voters of Frederick means that Frederick would be prohibited from providing high speed internet services to its citizens.

**Financial Considerations:**

Not applicable.

**Staff Recommendation:**

Staff takes no position as this is a decision of the governing body.

**TOWN OF FREDERICK, COLORADO  
RESOLUTION NO. 20-R-10**

**A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO,  
REFERRING A BALLOT QUESTION TO THE REGISTERED ELECTORS  
OF THE TOWN OF FREDERICK AT THE APRIL 7, 2020 ELECTION,  
RELATED TO THE LOCAL RIGHT TO PROVIDE HIGH-SPEED  
INTERNET, TELECOMMUNICATIONS, AND/OR CABLE TELEVISION  
SERVICES**

**WHEREAS**, the Town of Frederick (the “Town”), is a Colorado statutory town duly organized and existing under the laws of the State of Colorado; and

**WHEREAS**, pursuant to the regular municipal election will be held on Tuesday, April 7, 2020; and

**WHEREAS**, until 2005, municipalities throughout Colorado enjoyed the right and authority to provide high-speed internet, advanced telecommunications, and cable television services to their residences and businesses; and

**WHEREAS**, in 2005, the State Legislature enacted Senate Bill 05-152 (codified in Article 27 of Title 29, C.R.S.) to revoke and deny all Colorado municipalities the right to provide directly or indirectly high-speed internet, advanced telecommunications, and cable television services to residents and businesses; and

**WHEREAS**, Senate Bill 05-152 expressly authorizes every local government to submit a ballot question to the local voters to reauthorize and reclaim the local right to provide high-speed internet, telecommunications, and cable television services to residents, businesses, and other local entities; and

**WHEREAS**, the Board of Trustees has the authority, and desires to place a proposed ballot question on the April 7, 2020 municipal election ballot concerning the local right to provide high-speed internet services, telecommunications services, and/or cable television services; and

**WHEREAS**, construction, use, and operation of facilities and infrastructure for the purpose of providing high-speed internet services, telecommunications services, and/or cable television services and the ability to partner with private and public sector partners to provide such services would likely attract internet providers, enhance local economic development efforts, and potentially increase competition, thereby decreasing the costs of these services to residents, businesses, and other local entities; and

**WHEREAS**, the Board of Trustees has determined it is in the best interests of the Town to refer a ballot question to the voters concerning the Town’s ability to provide directly or

indirectly high-speed internet, advanced telecommunications, or cable television services, as authorized pursuant to C.R.S. § 29-27-201, through private companies or public sector partners.

**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 approves and refers the following ballot question for submission to the voters to appear on the ballot for the municipal election to be held on April 7, 2020:

“BALLOT QUESTION 2A

SHALL THE TOWN OF FREDERICK, WITHOUT INCREASING TAXES BY THIS MEASURE, AND TO RESTORE LOCAL AUTHORITY THAT WAS DENIED TO LOCAL GOVERNMENTS BY THE COLORADO GENERAL ASSEMBLY AND FOSTER A MORE COMPETITIVE MARKETPLACE, BE AUTHORIZED TO PROVIDE HIGH-SPEED INTERNET, INCLUDING IMPROVED HIGH BANDWIDTH SERVICES BASED ON NEW TECHNOLOGIES, TELECOMMUNICATIONS SERVICES, AND/OR CABLE TELEVISION SERVICES TO RESIDENTS, BUSINESSES, SCHOOLS, LIBRARIES, NON-PROFIT ENTITIES AND OTHER USERS OF SUCH SERVICES EITHER DIRECTLY OR INDIRECTLY WITH PUBLIC OR PRIVATE SECTOR PARTNERS, AS EXPRESSLY PERMITTED BY ARTICLE 27, TITLE 29 OF THE COLORADO REVISED STATUTES?

YES \_\_\_\_\_  
NO \_\_\_\_\_”

**Section 2.** This Resolution shall serve to set the title and content for the ballot question set forth herein and the ballot title for such question shall be the text of the question itself.

**Section 3.** The Town Clerk is authorized to correct typographical errors and omissions and to cause to be entered into any blanks of the ballot question the appropriate ballot question number or letter upon designation of the ballot number or letter by the appropriate election official. The Town Clerk shall certify the ballot content for the special election, including the ballot question set forth above to the Weld County Clerk no later than 60 days before the election, pursuant to C.R.S. § 1-5-203(3)(a).

**Section 4.** The Town Manager, Town Attorney and Town Clerk are hereby authorized and directed to take all necessary and appropriate action to effectuate the provisions of this Resolution including the taking of all reasonable and necessary action to cause such approved ballot question to be printed and placed on the ballot for the coordinated election.

**Section 5. Effective Date.** This resolution shall become effective immediately upon adoption.

**Section 6. 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 7. 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 28TH DAY OF JANUARY, 2020.**

**ATTEST:**

**TOWN OF FREDERICK**

By \_\_\_\_\_  
Meghan C. Martinez, CMC, Town Clerk

By \_\_\_\_\_  
Tony Carey, Mayor



# TOWN OF FREDERICK BOARD OF TRUSTEES ACTION MEMORANDUM

Tony Carey, Mayor

Laura Brown, Mayor Pro Tem  
Rocky Figurilli, Trustee  
Salvatore "Sam" DeSantis, Trustee

Tracie Crites, Trustee  
Rusty O'Neal, Trustee  
Dan March, Trustee

## **Resolution Changing the Water Rates for Town of Fredrick Water Customers**

**Agenda Date:** Town Board Meeting – January 28, 2020

**Attachments:** a. Resolution 20-R-11

**Finance Review:** \_\_\_\_\_  
Finance Director

**Submitted by:** \_\_\_\_\_  
Finance Director

**Approved for Presentation:** \_\_\_\_\_  
Town Manager

Quasi-Judicial

Legislative

Administrative

### **Summary Statement:**

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.

### **Detail of Issue/Request:**

Costs within the Water Fund are split out between fixed and variable. The fixed costs are dollars which are necessary costs, essential to maintain the system regardless if a drop of water is sold or not. Some of these include: the monthly flat fee we pay to Central Weld County Water District (CWCWD) for water, personnel associated with administrative and billing duties, maintaining the water system to test for its quality and the need to repair any lines that may break, and assessments that are charged to the Town for the water shares. The variable costs include items that are related to capital improvements including line extensions to potable and non-potable water lines, new services that are established in the system, and the availability of new water projects such as the Northern Integrated Supply Project (NISP).

To accommodate for both the 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.

**Built on What Matters.**

We believe by increasing these water rates we will help to ensure our position financially as we prepare for the incoming growth that will necessitate additional water acquisition in our system.

**Legal Comments:**

The resolution was reviewed by the Town Attorney.

**Alternatives/Options:**

- The Board can recommend that we make other modifications to the rate structure other than those presented for consideration.
- The Board may choose to leave the rates as is in their current condition.

**Financial Considerations:**

It is important that we have a good financial position for the acquisition of additional water as the community continues to grow, as well as the ability to withstand potential water main breaks which could prove potentially costly based on the size of the main that breaks.

**Staff Recommendation:**

The staff recommends approval of the resolution as presented which will increase water rates five percent (5%) each year for the next five years moving forward on a per 1,000-gallon basis.

**TOWN OF FREDERICK, COLORADO  
RESOLUTION NO. 20-R-11**

**A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO, AMENDING  
THE WATER SERVICE CHARGES FOR 2021**

**WHEREAS**, Section 13-42 of the Frederick Municipal Code directs the Town Manager to annually recommend to the Board of Trustees changes in water rates sufficient to meet spending and savings goals for the current year; and

**WHEREAS**, the Town Manager has recommended changes in the water service charges for 2021; and

**WHEREAS**, The Board anticipates that water rates will increase each year for the next five years based on increased consumption and changes in the rates as passed through from the Central Weld County Water District.

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

**Section 1.** The Town of Frederick Fee Schedule Section 13.74 Water Service Charges for potable water shall be amended annually, for the years 2021 through 2025, as follows:

“The rate for “Use (Gallons)” above the “Base rate” for potable water shall be increased 5% each year for all categories in the Potable Water Rate Tables, for the years 2021 through 2025.”

**Section 2. Effective Date.** This resolution shall become effective January 1, 2021.

**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 SIGNED 28TH DAY OF JANUARY, 2020.**

**ATTEST:**

**TOWN OF FREDERICK**

By \_\_\_\_\_  
Meghan C. Martinez, Town Clerk

By \_\_\_\_\_  
Tony Carey, Mayor



# TOWN OF FREDERICK BOARD OF TRUSTEES ACTION MEMORANDUM

Tony Carey, Mayor

Laura Brown, Mayor Pro Tem  
Rocky Figurilli, Trustee  
Salvatore "Sam" DeSantis, Trustee

Tracie Crites, Trustee  
Rusty O'Neal, Trustee  
Dan March, Trustee

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## Request to Consider Implementation of Fence Permit Process

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**Agenda Date:** Town Board Meeting – January 28, 2020

**Attachments:**

- a. Fence Permit Application
- b. Section 2.16 Land Use Code (Current)
- c. Fence Permit Informational Brochure
- d. Ordinance 1327
- e. Resolution 20-R-05
- f. Exhibit A – Fence Permit Valuation Fee

**Finance Review:** \_\_\_\_\_  
Finance Director

**Submitted by:** Kevin Ash  
Engineering Director

**Approved for Presentation:**   
Town Manager

Quasi-Judicial       Legislative       Administrative

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### **Summary Statement:**

This is a request to adopt an ordinance to revise the Frederick Municipal Code to implement a fence permit process for the Town of Frederick. This item was tabled a second time from the January 14, 2020 Board meeting.

### **Detail of Issue/Request:**

At the May 14, 2019 meeting, the Board of Trustees directed staff to research the option of implementing a fence permitting process. On June 11, 2019, staff presented information on a fence permitting process, including potential benefits, neighboring locality procedures and the inspection process. As a result, the Board directed staff to prepare an action item for consideration by the Board to

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implement the fence permit process. On September 24, 2019, staff presented an action item for proposed fence permit, the Board discussed possible changes to the proposed fence permit and voted to table until November 12, 2019 Board meeting. At the November 12, 2019 meeting, the item was tabled to the January 14, 2020 Board meeting. At the January 14 meeting, the item was tabled to the January 28, 2020 meeting.

Staff has drafted an ordinance that requires building permits for all fences and the enclosed brochure includes general information on material and height requirements as defined in section 2.16 of the Land Use Code. In addition, the attached resolution updates the Town's Fee Schedule to include fees for fence permits. Once the permit process is established, information on the process and costs will be made available on the Town's website and promoted in partnership with the Town's Communications Division.

The Municipal Code does not include material and design requirements for fencing. Fence design standards are included under Section 2.16, Fences and Walls in the Town of Frederick Land Use Code, a copy of which is attached. Some of the highlights of this section include materials, height and maintenance requirements, which are described in brief in the informational brochure, which will be included in the new resident packet, as well as to those seeking to obtain a fence permit within Frederick. Modification of the current fence and wall criteria in the Land Use Code is under review at this time. Further direction from the Board is needed and an ordinance will need to be prepared for a future meeting to update the appropriate sections of the Land Use Code.

#### **Legal/Political Considerations:**

The attached ordinance and resolution was prepared by the Town Attorney, with input from the Chief Building Official and Town Staff.

#### **Alternatives/Options:**

The Town has the option of not adopting a new fence permit process and continuing with the current policy of not permitting fences. Section 2.16(g) Maintenance gives the Town Building Inspector or Community Services Officer the authority to order the removal or repair of dilapidated, unsightly or dangerous fences, walls or retaining walls.

#### **Financial Considerations:**

This process will set a fee of \$50 for single family residential fences. The fee for all other fences will be based on a valuation using the Building Permit Fees table under Section 18-1-70 in the Town's fee schedule. Review of the fence permit will fall under the Building Division.

#### **Staff Recommendation:**

Staff does not have a recommendation and is seeking direction from the Board on one of the below options:

1. Approve the attached ordinance to create a fence permit process within the Town of Frederick. In addition, approve the attached resolution to establish a fence permit fee within the Town's Fee Schedule.
2. Deny approval of the attached ordinance and resolution and not establish a fence permit or associated fee.



# **General Process for Fence Permits**

## **STEP 1: Application Submission and Permit Fee**

- Complete Fence Permit Application.
- Submit the application to the Town of Frederick with the following attachments:
  - Two copies of a plot plan or drawing/sketch: (ex. Google maps screenshot, sketch, attached Diagram Example Worksheet)
    - Indicate **dimensions, location** and **materials** of the fence.
    - Show the location of the primary structure and any accessory structures.
    - Show streets and alleyways, indicate frontage of lot.
  - Itemized list of **material and labor costs** associated with project.
- Staff will collect the permit fee at this time. Permit fee is non-refundable if the permit is denied.
  - Single Family Residential: \$50
  - Other than Single Family Residential: Fee based on valuation of total project cost.
  - Use Tax is collected on all permits.

**NOTE:** If you are using a contractor or company to install the fence, all contractors must be licensed by the Town of Frederick.

## **STEP 2: Staff Review**

- All required items listed above must be received in order for the Building Official and Planning staff to review the application.

## **STEP 3: Permit Issuance**

- Upon approval, the Building Department will notify you when the permit is ready to be picked up.
- The permit must be displayed in a visible location at the job site until project completion.

**NOTE:** You must be in possession of a valid permit before beginning any construction.

## **STEP 4: Construct Fence**

**No Inspection required for Fences seven (7) feet high and under.**

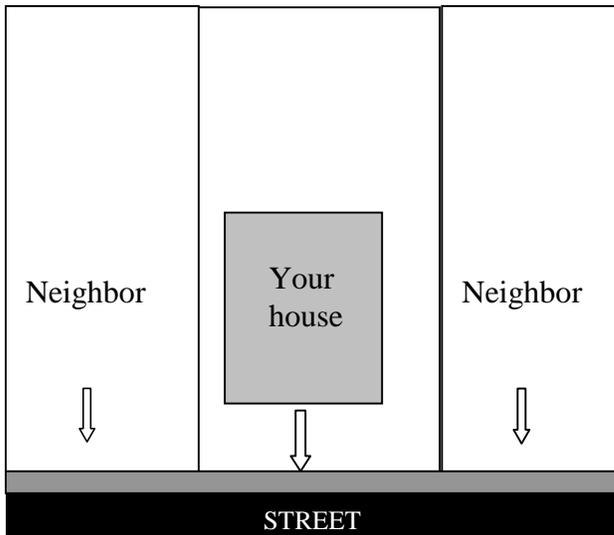
# Diagram Example Worksheet

In-lieu of a plot plan or drawing/sketch, please utilize the diagram below. Two copies are required.

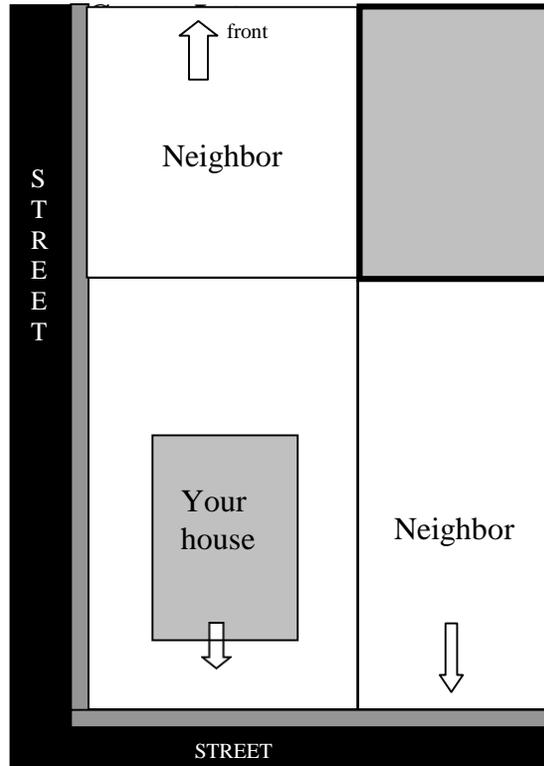
Please select the diagram below that best represents your home and lot. Place "X's" where you will be placing your fence and indicate distance from sidewalks if applicable. It is the responsibility of the homeowner or contractor to submit plans to their HOA, build fence according to approved fencing detail and material for their area and ensure that their fence is placed appropriately. Fences are not allowed to go beyond the front of the house.

**The Town is NOT responsible for enforcing HOA rules and covenants.**

## Interior Lot

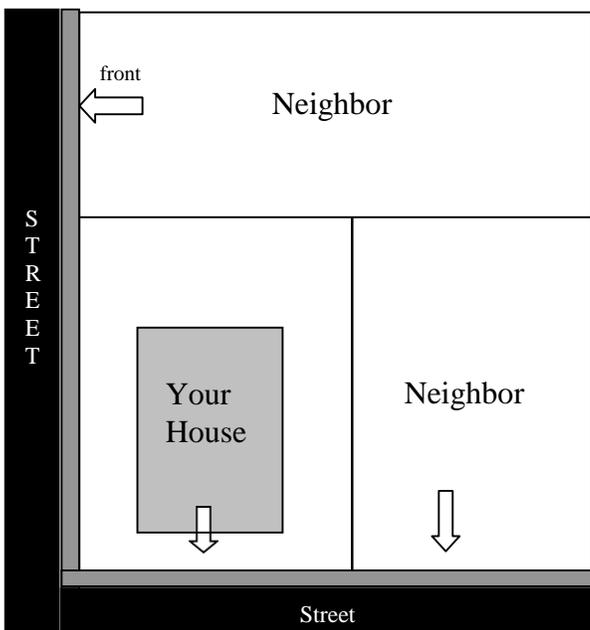


## Regular Corner Lot



## REVERSE CORNER LOT

(When side of neighbor's house faces back of your house)



Notes:

## Sec. 2.16. Fences and walls.

1. *Intent.* It is the intent of this Section to ensure that walls and fences are attractive and in character with the neighborhood.
2. *General provisions.*
  - a. *Compatibility.* Walls and fences shall be architecturally compatible with the style, materials and colors of the principal buildings on the same lot.
  - b. *Visual interest.* If used along collector or arterial streets, such features shall be made visually interesting by integrating architectural elements such as brick or stone columns, varying the alignment or setback, softening the appearance with plantings, or through similar techniques.
    - (1) In order to prevent mundane expanses of fencing, a fence must have a unique element located every fifty (50) feet.
    - (2) Retaining walls in residential districts:
      - (a) Adjacent to a local street are exempt from this requirement;
      - (b) Adjacent to a collector or arterial street and more than three hundred (300) square feet shall have a unique element every fifty (50) feet.
    - (3) Retaining walls in a non-residential zoning district and more than three hundred (300) square feet shall have a unique element every fifty (50) feet.
  - c. *Fence/wall materials.*
    - (1) Stone walls, brick walls with a stone or cast stone cap, treated wood fences, decorative metal, cast iron fences, stucco walls, and stone piers are encouraged.
    - (2) Solid walls and fences are permitted in rear and side yards of all zoning districts, provided they are not within the site distance triangle.
    - (3) Fences used within front setbacks of all zoning districts shall be at least fifty percent (50%) open. Allowable fences are split rail, wrought iron, picket or other opaque fences of a similar nature.
    - (4) Hedges may be used in the same manner and for the same purposes as a fence or wall.
    - (5) Solid fences shall be constructed to meet the wind design criteria of the currently adopted building code, using a basic wind speed of ninety (90) miles per hour.

(6) Other materials may be incorporated in fences and walls as may be approved by the Planning Director.

(7) Chain link fencing is permitted in the following instances:

(a) In the Industrial zoning district with the following restrictions:

- i) The chain link is vinyl coated;
- ii) It is no taller than eight (8) feet anywhere on the premises.

(b) Around a publicly owned recreation area with the following restrictions:

- i) The chain link is vinyl coated.

(c) Around the playground area of a state licensed child care center with the following restrictions:

- i) The chain link is vinyl coated.
- ii) The fence is less than five (5) feet tall.

d. *Prohibited materials.*

(1) Contemporary security fencing such as concertina or razor wire, barbed wire or electronically charged fences are prohibited unless specifically allowed by the Board of Trustees. Electric barrier fencing installed and used with a transmitter collar worn by a dog(s) for the purpose of maintaining the dog(s) within the owner or keeper's premises shall be permitted.

(2) Chain link fencing with or without slats shall not be used as a fencing material except as identified in Section [2.16.2.c\(7\)](#).

e. *Retaining walls.* Retaining walls shall be designed to resist loads due to the lateral pressure of retained material in accordance with accepted engineering practice and shall not be unsightly or detrimental to abutting property.

(1) Retaining walls are permitted where required for landscaping or architectural purposes.

f. *Height limitations.* Fences or walls shall be:

(1) No more than forty-two (42) inches high between the front building line and the front property line. For corner lots, front yard fence regulations shall apply to both street sides of the lot.

- (2) No more than forty-two (42) inches high if located on a side yard line in the front yard, except if required for demonstrated unique security purposes.
- (3) No more than seven (7) feet high for an opaque privacy fence located on a rear property line or on a side yard line in the rear yard.
- (4) No more than seven (7) feet high for opaque privacy fences that are located directly adjacent to and integrated with the architecture of the house or connected to a courtyard.
- (5) No more than thirty (30) inches high when located within the site distance triangle, and fences or walls within this site distance triangle shall not be solid.
- (6) In the Industrial (I) zone district, a chain link fence may be up to eight (8) feet tall.
- (7) Fences around a recreation court (e.g., tennis, squash racket, squash tennis or badminton) or around a publicly owned recreation area may exceed seven (7) feet in height if the fence is at least fifty percent (50%) open.

g. *Maintenance.*

- (1) Dilapidated, unsightly, or dangerous fences, walls, or retaining walls shall be removed or repaired when so ordered by the Building Inspector or Community Service Officer according to Municipal Code Chapter [7](#), Article II or Chapter [11](#), Article III.

3. *Warranty period.* Developers shall provide a warranty period for perimeter fences along arterial and collector streets of two (2) years. Provision for compliance shall be as outlined in the warranty section of the Memorandum of Agreement for Public Improvements (MOAPI). (Ord. 1145 § 15 (Exh. A), 2013)

**The Frederick Land Use Code is current through Ordinance 1295, passed 2018.**

Disclaimer: The Town Clerk's Office has the official version of the Frederick Land Use Code. Users should contact the Town Clerk's Office for ordinances passed subsequent to the ordinance cited above.

[Town Website: www.frederickco.gov](http://www.frederickco.gov)

Town Telephone: (720) 382-5500

[Code Publishing Company](#)



## FENCE MATERIALS AND DESIGN

Section 2.16, Fences and Walls, of the Frederick Land Use Code, outlines the types of materials allowed for fences within the Town of Frederick.

A variety of fence and wall materials are allowed including:

- Treated wood
- Decorative metal
- Cast iron fences
- Stucco walls
- Stone walls
- Brick walls with a stone cap
- Chain link (with restrictions in certain zones)

Materials that are generally not permitted include security fencing such as razor wire, barbed wire, or electronically charged fences; chain link fencing is only allowed as under section 2.16(2)(c) (7).

If you have any questions regarding allowable or prohibited materials, contact the Planning Department at (720) 382-5650.

More information on materials is available online at [Frederick.Municipal.Codes/LUC/2.16](https://www.frederickco.gov/Planning/2016-Land-Use-Code/2.16-Fences-and-Walls)

## MORE INFORMATION

### Fence Permit Fee

For single family residential properties, there is a flat fee of \$50, plus use tax. For all other properties, the fee is based on valuation of total project cost.

### Application

The fence permit application is available at Town Hall during regular business hours or online at [FrederickCO.gov/Fences](https://www.frederickco.gov/Fences).

### Questions?

For questions, please contact the Town of Frederick Building Division at (720) 382-5604 or email [MTheisen@FrederickCO.gov](mailto:MTheisen@FrederickCO.gov).

## CONTACT US

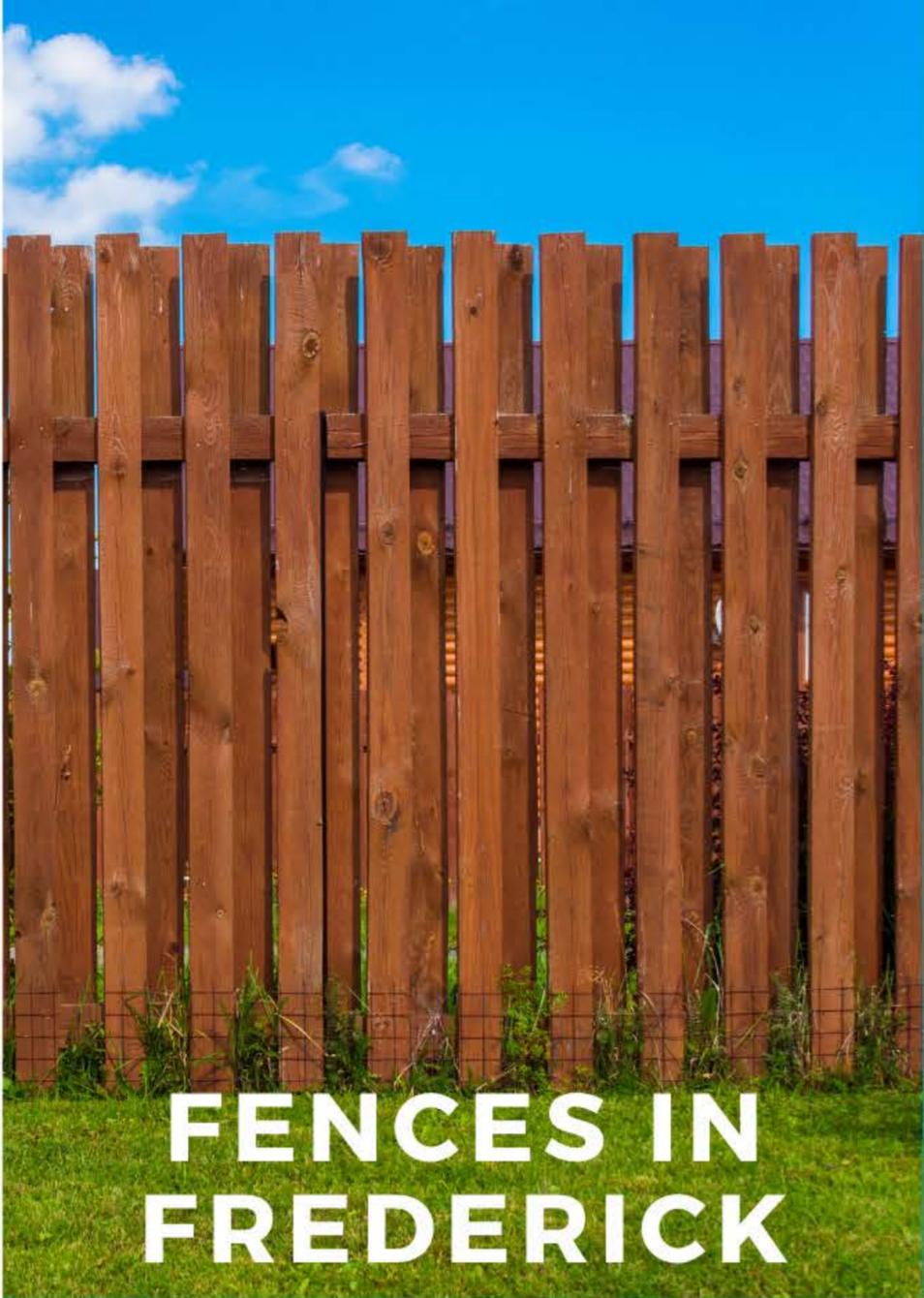
Town of Frederick  
Engineering Department  
Building Division  
401 Locust Street  
Frederick, CO 80530

Phone: (720) 382-5604

Fax: (720) 382-5520

Email: [Building@FrederickCO.gov](mailto:Building@FrederickCO.gov)

[FrederickCO.gov](https://www.frederickco.gov)



## FENCES IN FREDERICK

Frequently Asked Questions  
about Installing, Altering or  
Relocating Fences in Frederick



Built On What Matters

# DO I NEED A FENCE PERMIT?

Yes. A permit is needed:

- To install a new fence
- To move an existing fence
- To alter an existing fence (such as materials)

The fence permit process ensures that fences are installed in accordance with current land use and building regulations, do not negatively impact sight lines and ensure that fences are attractive and in character with the community.

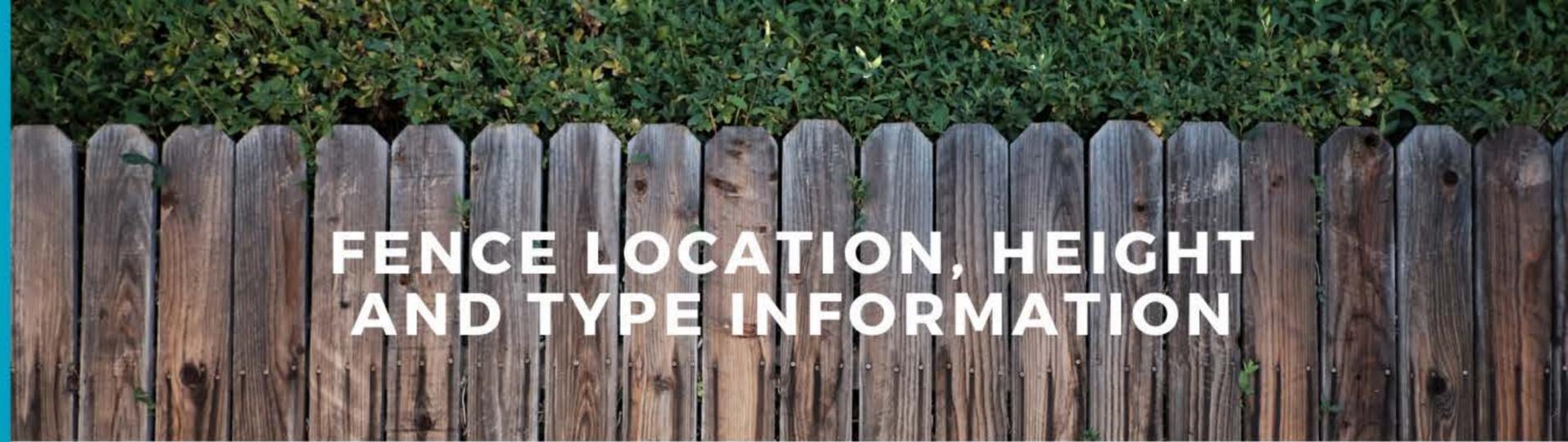
# HOW DO I GET A FENCE PERMIT?

Permits are issued by the Town of Frederick's Building Division. Applicants must submit an application and two copies of a plot plan or sketch using the provided diagram examples to identify existing buildings, fences, streets and alleys, as well as the location of proposed fences and/or alterations.

Applications are available online at [FrederickCO.gov/Fences](http://FrederickCO.gov/Fences).

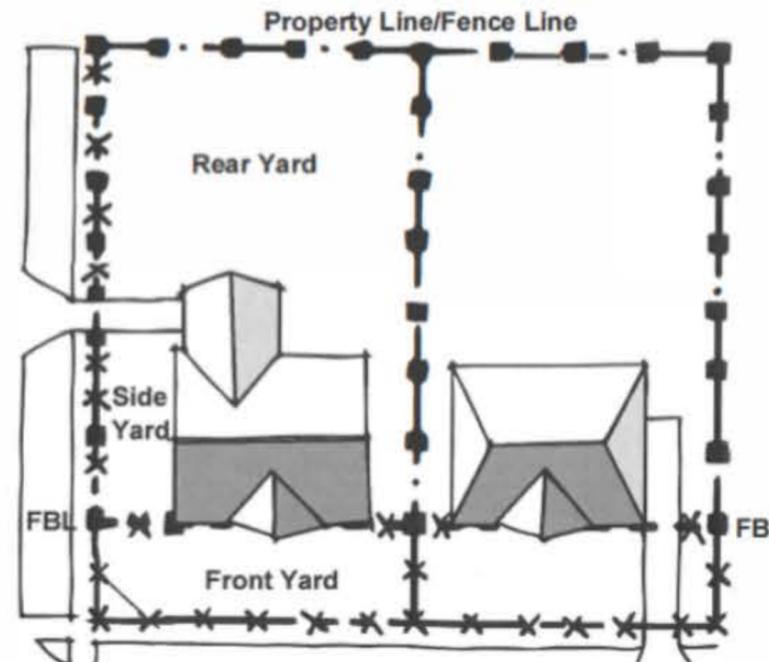
Mail to:  
 Frederick Building Division  
 PO Box 435  
 Frederick, CO 80530

Email to:  
[MTheisen@FrederickCO.gov](mailto:MTheisen@FrederickCO.gov)



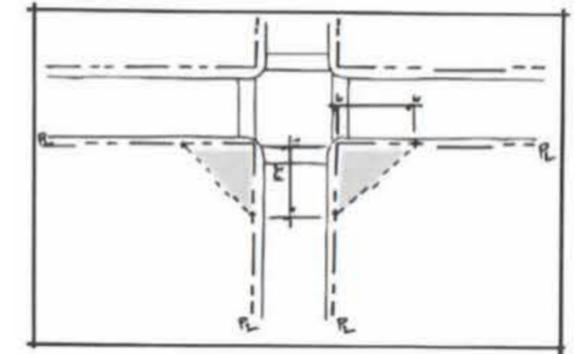
# FENCE LOCATION, HEIGHT AND TYPE INFORMATION

## RESIDENTIAL FENCE HEIGHT AND PLACEMENT



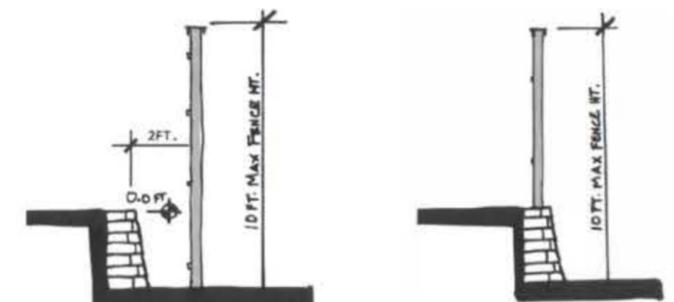
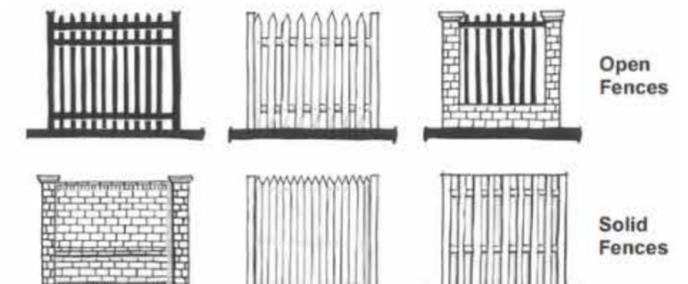
	<ul style="list-style-type: none"> <li>• Fence height is limited to 7 feet behind the Front Building Line (FBL)</li> <li>• Solid fences are permitted</li> </ul>
	<ul style="list-style-type: none"> <li>• Height is limited to 42 inches</li> <li>• Fence must be at least 50% open</li> </ul>
	<ul style="list-style-type: none"> <li>• Either type of fence or a combination of the two outlined above is permitted depending on location of the "front" of the house</li> </ul>

## SIGHT DISTANCE TRIANGLE



Do you have a corner lot? If so, then sight distance restrictions apply. Solid fences taller than 30 inches are not permitted in the sight distance triangle (indicated in gray). If you are planning on building a fence impacting a sight distance triangle, please contact the Building Division for assistance.

## EXAMPLES OF FENCE TYPES AND FENCES ON RETAINING WALLS



**TOWN OF FREDERICK, COLORADO  
ORDINANCE NO. 1327**

**AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, AMENDING  
CHAPTER 18, ARTICLE I, OF THE *FREDERICK MUNICIPAL CODE* REGARDING  
BUILDING CODE REGULATIONS TO REQUIRE BUILDING PERMITS FOR  
FENCES.**

**WHEREAS**, the provisions of the Frederick Building Code are 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; and

**WHEREAS**, the purpose of this amendment is to require building permits for all fences.

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

**Section 1.** Section 18-1-70 of the *Frederick Municipal Code* is hereby amended by the addition of the following subsections:

“(94) Section 105.2 Building: of the *International Residential Code* is amended by the replacement of the phrase “2. Fences not over 7 feet (2134 mm) high” with the words “2. Deleted” (Design standards for fences and walls are included in the Land Use Code undersection 2.16.)

“(95) Section 105.2 Building: of the *International Building Code* is amended by the replacement of the phrase “2. Fences not over 7 feet (2134 mm) high” with the words “2. Deleted” (Design standards for fences and walls are included in the Land Use Code undersection 2.16.)

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

**Section 3. 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 4. 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  
28TH DAY OF JANUARY, 2020.**

**ATTEST:**

By \_\_\_\_\_  
Meghan C. Martinez, CMC, Town Clerk

**TOWN OF FREDERICK**

By \_\_\_\_\_  
Tony Carey, Mayor

**TOWN OF FREDERICK, COLORADO  
RESOLUTION NO. 20-R-05**

**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 be 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 28TH DAY OF JANUARY, 2020.**

**ATTEST;**

**TOWN OF FREDERICK**

\_\_\_\_\_  
Meghan C. Martinez, CMC, Town Clerk

By \_\_\_\_\_  
Tony Carey, Mayor

## EXHIBIT A

### Section 18-1-70 Building Code Permit Fees

Building Permit Fees:

Value of Project	Fee
\$1.00 to \$500	\$23.50
\$501 to \$2,000	\$23.50 for the first \$500 plus \$3.05 for each additional \$100 or fraction thereof, up to and including \$2,000
\$2,001 to \$25,000	\$69.25 for the first \$2,000 plus \$14.00 for each additional \$1,000 or fraction thereof, up to and including \$25,000
\$25,001 to \$50,000	\$391.75 for the first \$25,000 plus \$10.10 for each additional \$1,000 or fraction thereof, up to and including \$50,000
\$50,001 to \$100,000	\$643.75 for the first \$50,000 plus \$7.00 for each additional \$1,000 or fraction thereof, up to and including \$100,000
\$101,001 to \$500,000	\$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000 or fraction thereof, up to and including \$500,000
\$500,001 to \$1,000,000	\$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1,000 or fraction thereof, up to and including \$1,000,000
\$1,000,001 and up	\$5,608.75 for the first \$1,000,000 plus \$3.65 for each additional \$1,000 or fraction thereof

Plan Review Fee

65% of Building Permit Fee

Fence Permit Fee:

Residential:

Flat Rate

\$50.00

Commercial:

Valuation of Project

Building Permit Fee Valuation

*\*Use Tax is collected on all building permits.*



# TOWN OF FREDERICK BOARD OF TRUSTEES INFORMATION MEMORANDUM

Tony Carey, Mayor

Laura Brown, Mayor Pro Tem  
Rocky Figurilli, Trustee  
Salvatore "Sam" DeSantis, Trustee

Tracie Crites, Trustee  
Rusty O'Neal, Trustee  
Dan March, Trustee

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## Discussion of Attainable Housing

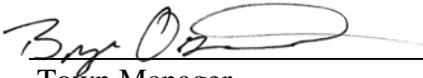
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**Agenda Date:** Town Board Meeting – January 28, 2020

**Attachments:** a. None

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**Submitted by:** Jennifer Simmons  
Planning Director

**Approved for Presentation:**   
Town Manager

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### **Detail of Issue/Request:**

In response to the request for information from a number of communities regarding attainable housing, the Planning Staff collected the following information. If there are additional questions, we're happy to do additional research.

#### **Berthoud**

PrairieStar is a 190-acre, master-planned community in Berthoud, Colorado. The project consists of the following breakdown:

- 17 acres are devoted to commercial/retail/office use
- 71 acres of residential including multi-family, town homes, cottage lots and standard (detached single family) lots totaling 854 housing units. The gross density is 4.49 dwelling units per acre.
- 73 acres of open space. 70 of these acres are privately maintained by the metro district.

The residential lot sizes range from 22' wide to 70' wide to allow for a variety of home buyer and builder options. One builder in particular, Mission Homes, has made it their mission to offer single family detached units starting at \$250,000. They've been able to accomplish this by building on 26.5 foot wide lots and making garages and backyard landscaping optional. They are targeting: first-time homebuyers, newlyweds, single parents and single-income families. The homes range in size from 928-1,184 square feet. In order to keep costs down, they've focused on hiring local businesses to design,

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build, market and sell the homes. The community is focused on providing a wealth of amenities such as; parks, bike paths, a dog park, community gardens, pool, ball courts and a village center. The presence of undeveloped land that is held for the common enjoyment of the neighboring residents and the community at large allows builders to shrink the size of the lots and amount of landscaping provided to each individual homeowner. It also helps that the community is across the street from a new, licensed PGA Tour course, TPC Golf Course.

We are working to schedule time to visit this project and have discussion with the Berthoud elected officials in February. As dates and times are finalized, they will be communicated to you.

### **Minneapolis**

The City of Minneapolis adopted the Minneapolis 2040 plan with the goal of increasing affordable housing, reducing racial disparities, and increasing living wage jobs in the city. After being adopted by the Minneapolis City Council in October 2019, over 300 new policy changes went into effect in January 2020.

The Minneapolis 2040 plan describes Affordable Housing as rental housing with rent and income restrictions (typically 60% of AMI or below) or housing for homeownership with income restrictions as governed by local, state and federal housing assistance programs.

The following lists policy changes that will help Minneapolis 2040 reach their overall goals;

- Allowing more diverse housing options in R-1 zoned areas (R-1 is typically single family detached homes)
- Up zoning (duplex and triplex on single lots)
- Off-street parking for new homes is **not** required
- Affordable housing in high amenity neighborhoods. (Homes in close proximity to employment centers, public transit, low crime, and schools)
- Increasing height restrictions for apartment buildings in areas near public transit to allow for more people to live near transit hubs
- Increase Housing Density
  - Allowing accessory dwelling units in single family neighborhoods
  - Densifying high amenity neighborhoods

These are just a small portion of the types of goals and policy changes Minneapolis will implement to accommodate their rapidly growing population.

### **Breckenridge**

The Town of Breckenridge, Colorado is working to ensure that affordable housing is integrated throughout the community to provide a variety of housing options for the local workforce. In order to work toward this goal, they've used a number of incentives to reduce the cost of new units including:

- Free density
- Annexation fee waivers
- Requiring no plant investment fees for water service
- Waiving building permit fees
- Exempting real estate transfer taxes
- Awarding development review points for other non-workforce housing projects.

The Town of Breckenridge development code uses a combination of traditional zoning and performance zoning and incentivizes development that benefits the community such as deed restricted workforce housing. The primary goal of this is to provide housing that is affordable to the people working in the community. The housing inventory in this program includes for sale townhomes, apartments, for sale single family homes, for sale condos, and student housing rentals. The Town has partnered with Summit County to expand the incentives they are able to offer.

### **City of Longmont**

The City of Longmont currently has an inclusionary housing requirement. This requires that 12% of any for-sale units must be affordable to households at or below 80% of the area median income (AMI) by selling for a price determined by the City and updated annually. Additionally, 12% of any rental units must be affordable to households at or below 60% of the AMI, by renting for an amount determined by the City. All units must be kept affordable.

The City offers the following incentives for affordable housing requirements:

- Expedited development review processing
- Minimum lot area in the R-SF, R-MN, and R-MF zoning districts shall be reduced by 20% for projects including at least 10% affordable rental housing or affordable owner housing (City of Longmont Land Development Code Section 15.03.080.B.1.b)
- Minimum lot width in the R-SF, R-MN and R-MF zoning districts shall be reduced by 20% for projects including at least 10% affordable rental housing or affordable owner housing (City of Longmont Land Development Code Section 15.03.080.B.2.b)
- Affordable housing meeting the requirements of Section 15.04.0303.A.2 and accessory dwelling units meeting the requirements of Section 15.04.040.C.1 are not subject to the upper density range limits specified in subsection 3.a above, or included in the calculation of density on a lot or parcel (City of Longmont Land Development Code Section 15.03.080.B.3.d).
- Height/Density bonuses – up to 20% increase in density or height over what is allowed per zoning code
- Fee waivers – a percentage of certain development fees may be waived for qualifying projects. Reductions can range from 50 - 75 % for for-sale units and from 20 – 50% for rental units.
- Subsidy for water/sewer system developments fees – projects that provide more than the minimum required affordability may qualify for a percentage of the fees to be subsidized.

### **Town of Frederick**

The Town of Frederick Land Use Code permits accessory dwelling units in our Agricultural, R-E, R-1, and R-2 zoning districts. There are specific dimension requirements based on the zoning district. Only one accessory dwelling unit is permitted per lot. We currently have known accessory dwelling units in Downtown, Summit View Estates, Angel View Estates, and Maple Ridge.

### **Legal Comments:**

Not applicable.

### **Alternatives/Options:**

The Trustees may choose to direct staff to take further action or complete additional research.

**Financial Considerations:**

Should the Trustees direct staff to take further action, the associated financial consideration will be determined at that time.

**Staff Recommendation:**

Staff defers to direction from the Trustees.