



**Town of Frederick  
Board of Trustees Agenda**  
Frederick Town Hall  
Board Chambers  
401 Locust Street  
Tuesday, March 10, 2020

**6:30 P.M.**

**Work Session:**

Metro Districts – Jim Hunsaker, Special Counsel

**7:00 P.M.**

**Regular Meeting**

**Call to Order – Roll Call:**

**Pledge of Allegiance:**

**Approval of Agenda:**

**Special Presentations:**

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

**Staff Reports:**

- A. Administrative Report – Bryan Ostler, Town Manager
- B. Town Clerk’s Report – Meghan Martinez, Town Clerk

**Consent Agenda:** Consent Agenda items are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion of Consent Agenda Items unless a Board member so requests, in which case the item may be removed from the Consent Agenda and considered at the end of the Consent Agenda.

- C. February 25, 2020 Minutes – Meghan Martinez, Town Clerk
- D. List of Bills – Jason Leslie, Finance Director

**Action Agenda:**

**Built on What Matters.**

- E. Public Hearing Ordinance 1335 Adopting by Reference the 2020 Edition of the “Model Traffic Code,” Repealing all Ordinances in Conflict Therewith, and Providing Penalties for Violation Thereof – Kristin Brown, Special Prosecutor
- F. Resolution 20-R-14 Approving a Petition for Inclusion of Land into the Frederick Metropolitan District – Jim Hunsaker, Special Counsel
- G. Resolution 20-R-15 Approving the Exercise of Eminent Domain Powers by the Hidden Creek Metropolitan District – Jim Hunsaker, Special Counsel
- H. Resolution 20-R-16 Granting a Loan to the Frederick Metropolitan District – Rick Samson, Town Attorney

**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



# Town of Frederick Memorandum

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TO: Honorable Mayor and Board of Trustees

FROM: Bryan Ostler, Town Manager

DATE: March 10, 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):

- March 17, 2020 – Work Session (none planned)
  - March 24, 2020 – Regular Meeting
  - April 7, 2020 – No Meeting, Election Day
  - April 14, 2020 – Regular Meeting
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## Police Department

- *Promotions* – On February 3, after a lengthy testing process, Justin Glantz and Scott Coonrod were both promoted to the rank of Sergeant. Justin has over 19 years of law enforcement experience, returning to our police department after several years in Broomfield. Scott has been with the Frederick Police Department since 2009 and served as a training officer and instructor in different disciplines. Both will make great additions to our team of supervisors.
- *Replacement Vehicles* – The department has recently taken possession of two new patrol vehicles that were approved in the 2020 budget. The vehicles, F150 pickups, were received much earlier than expected when the opportunity to purchase demo vehicles came about. The demo vehicles were displayed at a recent vender show by a local outfitter and therefore were sold at a discounted rate, but still in new condition. The third vehicle approved in the 2020 budget, outfitted as a K9 car, is not expected in until May or later.
- *Hiring Process Update* – On March 5, an offer letter was extended and accepted for a police officer position. Bradley Bohling comes to us with about a year of experience as a jailer in a nearby county and will begin his training with the department on March 23. The police department continues to recruit and accept applications for four open police officer positions. Other candidates have been tested but no others have met the standards to date. We will continue efforts until we identify people that will be quality officers for our community.

## Administration

- *Event Sponsorship* – To date, we have confirmed \$27,860 in overall sponsorships for 2020.
- *Self-Defense Class* – Dates for the Frederick Police Department Level 2 self-defense class are scheduled for April 4 and April 11.

**Built on What Matters.**

- *Spring Break Give Back* – Spring Break Week of March 23 through 27, has volunteer activities planned for each day with 33 slots filled as of March 3.
- *Community Meetings* – Angela and Jessica were presenters at the annual Weld County Health Department event coordinators meeting. Angela attended the Weld County OEM tabletop exercise on the cascading effects of the Coronavirus. Attended the Carbon Valley Chamber of Commerce Business After Hours Meeting.
- *Social Media* –The most engaging post for February was “Night to Shine Thank You” with 3.3K people reached and 665 engagements. Overall post reach is up 39% and post engagement increased by 96%. The Frederick Police Department Facebook page has 1,126 followers. The Town’s Instagram account has 954 followers.
- *Recruitment* - On March 9 we will welcome our new Accountant / Payroll Administrator Anthony Bixby to the Frederick team. We are also excited to welcome our new Police Officer Brad Bohling on March 23. On March 10, staff will be attending a job fair at Araphoe Community College’s police academy in hopes of finding a few new recruits.

### **Public Works**

- *Streets* – Crews cleaned up snow and ice in the drainage areas on 2<sup>nd</sup> St, 3<sup>rd</sup> St, and Elm St. They also checked downtown area for snow and ice, removed and cleaned up where necessary on north-facing curbs. Crews also removed snow and ice in front of mailboxes in various neighborhoods. The downtown area, Colo Blvd and intersections were swept. Crews filled in potholes along Colo Blvd, Majestic St, Frederick Way, in No Name Creek Subdivision and throughout Town. Crews filled in cracks along Skyline Dr and throughout the Countryside Subdivision. Grading was done on CR16.5, Raritan Dr, CR14, and CR17. Crews installed new 35 mph signs on Majestic St. Crews repaired and installed delineators along Colo Blvd Tipple Pkwy and Aggregate Blvd.
- *Parks* – Crews cleared snow and ice off trails in parks. Crews checked all parks and trails for trash and replenished dog bags. Juston Marr and Sean Murphy were trained on monthly park checks. Crews cut back trees along trails in Coal Ridge. Outlet covers in gazebos in Fireman’s Park were replaced. Crews painted gazebos in No Name park (removed graffiti and applied new paint). Crews are servicing mowers in preparation for summer.
- *Water* – Alan Isaac is being trained for water shutoffs. Water reads for the month were performed. On February 29, crews responded to and repaired a water break at 4030 Bruin Blvd.
- *Buildings* – In the ambulance building, windows were sealed and a room was made secure for storage use by police. A toilet was repaired in the police department restroom. Carbon Valley Heating & Air was called in to Bella Rosa for heating issues.
- *Open Space* – Roadway trash that was dumped by individuals was collected. Bulrush Open Space was cleaned up, installing a new trail. Crews hauled out cut down limbs to the public works shop.
- *Stormwater* – Crews checked inlets and outlets of storm drains and cleared debris that was blocking stormwater flow.
- *Miscellaneous* – All trucks/sanders were checked and serviced for upcoming snow events. 2/6/20 Snow event – Two shifts of crews were brought in for snow and ice control; 2/9/20 Snow event – One shift was run for snow and ice control; 2/12/20 snow event – Two shifts were run for snow and ice control; 2/20/20 snow event – Two shifts were run for snow and ice control. Crews graded the road into FRA and filled in potholes. Faded “No Parking” signs by the lake were swapped out. Crews installed a light on a flag pole on the 5<sup>th</sup> St bridge for a U.S. flag. Crews removed “Adopt A Place” signs of groups that are no longer participating.
- *Training* – A snow plow safety training was presented to the entire public works staff. Brad Leach, James Romero, and Alan Isaac attended a grading class in Ft Morgan. Alan Isaac is also training on performing locates in water. Steve Johnson is continuing fleet training in the shop. Crews are working on CIRSA classes for the year. Rusty Ribble, Sarah Troy, and John Ober attended a two-day Supervisor class in Arvada.

### **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 are currently no neighborhood meetings 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.

<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>
Bear Industrial Park, Block 1, Lot 3 – Guardian Storage Sign Design Program Alternative (01/21/2020)	Bear Industrial Park	9051 Bruin Boulevard	Request for a sign plan alternative.
Bear Industrial Park, Replat 5, Block 1, Lot 1 – Dirt One Site Plan (02/18/2020)	Bear Industrial Park	4021 Kodiak Court	Site plan for a 1,120 square foot facility.
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 Village Metro District Amendments (01/24/2020)	Clearview Villages	Generally, at the southwest corner of Silver Birch Boulevard and Godding Hollow Parkway	Amendments to the existing metropolitan district service plan.
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 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 West Business Park Lot 9B – Ziggi’s West Subdivision Amendment, Conditional Use and Site Plan	Glacier West Business Park	3450 Highway 52	Subdivision amendment, conditional use, and site plan for a Ziggi’s Drive Through (624 square feet).
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.

<i>Project Name (Date of Application)</i>	<i>Subdivision</i>	<i>General Location</i>	<i>Brief Description</i>
Hepp Farm – Gooch Zoning Amendment and Subdivision Amendment (03/02/2020)	Hepp Farm	Generally, ¼ mile north of Bella Rosa Parkway and west of Silver Birch Boulevard	Zoning amendment to apply zoning and subdivision amendment to create 2 residential lots.
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.
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 Filing 5 Plat and Final Development Plan	Silverstone	Generally, north of Highway 52 and east of William Bailey Avenue	Plat and development plan for 2 developable lots.
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.

### **Finance Department**

- *2020 Budget* - The 2020 Budget document was submitted to GFOA for its annual Distinguished Budget Presentation Award review this week. The document will be available on the website shortly.
- *2019 Audit* – Audit prep work continues to be completed for the upcoming audit visit in April.

### **Engineering Department**

- *Building Permits* – Through February 2020, 57 single family building permits, 4 multi-family building permits and one commercial building permit have been issued. Comparatively, through

February 2019, 41 single family building permits, zero multi-family building permits and two commercial building permits were issued.

- *Building Official Position* – After the interview process, an offer was provided and accepted by our top candidate. Charles (Chuck) Sandifer will begin employment on March 30.
- *Thunder Valley K-8 Multiuse Trail Project (SRTS Grant)* – The Town approved a contract for construction at the January 14 Board meeting with Concrete Works of Colorado (CWC). Equipment has mobilized and construction has begun. Generally, work will begin at the Thunder Valley School and proceed east toward Ridgeway Blvd. Construction is scheduled to be complete by the beginning of August prior to the start of school.
- *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 (no change)* – 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 were held on January 28 and 29. Future public meetings, surveys and events are being scheduled to showcase the project and gather input.
- *2020 Concrete Alley Program* – The RFP is out for construction of a concrete alley between 6<sup>th</sup> and 7<sup>th</sup> Streets from Elm to Locust. The tentative schedule has a recommendation to award a construction contract coming to the Board at the March 24 meeting.
- *Water Sales (no change)* – Recent discussions with Northern Water indicated that small blocks of CBT Unit sales are in the \$60,000 - \$70,000 range.
- *Aerators (no change)* – Aerators have been ordered for Milavec and Centennial in an effort to circulate water and mitigate odors. The aerator for Centennial has been delivered and awaits installation. The schedule for the Milavec aerators is to have them delivered, installed and operational by mid-April.

### Golf Course

- *Open House* – Bella Rosa will be hosting a facility Open House on Saturday, March 21, from 2:00 p.m. to 4:00 p.m. Check out our 2020 programs and enjoy free hot dogs and lemonade!
- *Spring Break Junior Golf* – Bella Rosa will be hosting a Spring Break junior golf session March 24 through March 27. Please visit the clubhouse or [bellarosagolf.com](http://bellarosagolf.com) for more information.
- *Junior Golf Saturday Classes* – Bella Rosa will be hosting junior Saturday classes starting on March 28. Classes will run for six (6) consecutive weeks and beginners are welcome. Please visit the clubhouse or [bellarosagolf.com](http://bellarosagolf.com) for more information.
- *Greens Repairs* – Equipment has been mobilized for the repair of the three greens that were vandalized in 2019. Once work begins it is expected to take approximately ten days.
- *Signage* – The current signage located at the parking lot entrance and on the club house building have been updated to include “Back 9 at Bella Rosa Restaurant.” Staff is evaluating off-site signage/marketing opportunities for the course and restaurant.



# TOWN OF FREDERICK MEMORANDUM

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TO: Honorable Mayor Tony Carey and Board of Trustees

FROM: Meghan Martinez, Town Clerk

DATE: March 6, 2020

**SUBJECT: Town Clerk's Report**

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- *Liquor Licensing*
  - Reviewing the following applications:
    - Pete's Place Renewal
    - High Country HOG Special Event Permit
- *April 7, 2020 Regular Municipal Election*
  - Ballots have been printed and will be mail dropped on March 16, 2020.
  - Updated election judge training documents and working with judges to schedule training.
  - Working with Weld County Elections on final election items.
- *Laserfiche Upgrade*
  - Work has started on the document management software upgrade. We expect completion by May.
- *Frederick Arts Commission*
  - The commission will be meeting on March 10<sup>th</sup> to review the submittals for the art in the skate park.
  - Working with Planning Staff on the large center sculpture for the skate park.
- *Records Requests*
  - Completed nine records requests since January 1, 2020 regarding the following topics
    - Permit information for 2019
    - Specific property information such as permits and plans
    - Water letters for developments
    - Development Pre- application information

**Built on What Matters.**



**TOWN OF FREDERICK BOARD OF TRUSTEES**  
**REGULAR BOARD MEETING MINUTES**  
**FREDERICK TOWN HALL, 401 LOCUST STREET**  
**FEBRUARY 25, 2020**

**Call to Order:** At 6:00 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, Figurilli, March and Crites. Also present were Town Attorney Rick Samson, Town Manager Bryan Ostler and Town Clerk Meghan Martinez.

**Executive Session:** Motion by Mayor Pro Tem Brown and seconded by Trustee Crites to go into executive session for discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees; regarding the Town Clerk Annual Evaluation.

At 6:01 Mayor Carey recessed the meeting of the Board of Trustees to enter into executive session.

At 7:00 Mayor Carey reconvened the meeting of the board of Trustees.

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

**Special Presentations:**

**Carbon Valley Half Marathon:** Mike Sindelar, 6488 Saddleback Ave. Firestone and Monica Vickers 9120 Foxfire Street Firestone requested support from the Board for the event. Motion by Mayor Pro Tem Brown and seconded by Trustee Crites to approve \$1000.00 for the Carbon Valley Half Marathon. Upon roll call vote, motion passed unanimously.

**Public Comment:**

Myra Hacker, 6120 Mallow Green Frederick, addressed the water issues in Prairie Greens and the bills provided to them by Yes Communities.

Wanda March, 7740 Sage Green Frederick, addressed the water issues in Prairie Greens and the water bills that are passed on to the home owners by Yes Communities.

Marianne O'Keefe, 6128 Needlegrass Green Frederick, addressed the water issues in Prairie Greens and that there was no communication from Yes Communities. She also addressed the houses that are sitting empty and that the community is not taking care of them.

Kevin Wollenweber, 6270 Indian Paintbrush Frederick, spoke as a new homeowner in Prairie Greens. He would like to see facilitation of a meeting with Yes Communities. He mentioned that warranty work has not been completed on his property and that issues are unresolved since he purchased his house.

Bob Bedsaul, 7982 Larkspur Circle Frederick, spoke regarding the water bills in Prairie Greens. He also mentioned that Yes Communities has not made repairs on items over the past five years.

**Built on What Matters.**

Janet O'Reilly, 6125 Needlegrass Green Frederick, thanked the Board for their contribution for the Night to Shine. She was privileged to be a buddy for one of the attendees. It was a wonderful, magical night. She was very proud of Frederick.

Jim Antone, 510 Kimbark Longmont, spoke on behalf of Yes Communities. They are working to correct the issue.

### **Staff Reports:**

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

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

Town Attorney's Report: Town Attorney Rick Samson 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:

- January 28, 2020 Minutes
- List of Bills

Upon roll call vote, motion passed unanimously.

Ordinance 1335 Revising Chapter 10, Article XII, Section 10-245, of the Frederick Municipal Code Entitled "Curfew-Parks": Town Clerk Meghan Martinez answered questions related to the ordinance.

Motion by Trustee Figurilli and seconded by Trustee March to approve ordinance 1335 with the following amendment that summer hours be from June through August until 10:00 PM and all other months until 9:00 PM. Upon roll call vote, motion failed 1-5 with Mayor Pro Tem Brown and Trustees DeSantis, March, O'Neal, and Crites voting no.

Motion by Mayor Pro Tem Brown and seconded by Trustee Crites to approve Ordinance 1335. Upon roll call vote, motion passed 4-2 with Trustees Figurilli and March voting no.

### **Action Agenda:**

Resolution 20-R-13 Approving a Conditional Use for a Ziggi's Drive-Through Restaurant in Carriage Hills Market Place: Planner Ali van Deutekom presented the proposed resolution. The applicant was present. Motion by Trustee Crites and seconded by Mayor Pro Tem Brown to approve Resolution 20-R-13. Upon roll call vote, motion passed unanimously.

### **Discussion Agenda:**

In House Town Attorney: There was a discussion regarding the Town Attorney position and whether it should be brought in house.

### **Mayor and Trustee Reports:**

Trustee March: Nothing at this time.

Trustee Crites: Nothing at this time.

Mayor Pro Tem Brown: Nothing at this time.

Trustee DeSantis: He mentioned the potholes on Colorado Boulevard and Frederick Way. Town Manager Bryan Ostler indicated that staff is out filling the potholes this week and next week.

Trustee Figurilli: He mentioned the issue on the corner of 3<sup>rd</sup> and Elm and that the sump pumps are running constantly and causes ice in the area. He also asked about the building inspector position. Town Manager Bryan Ostler gave an update that we have made an offer to a final candidate.

Trustee O'Neal: He asked for an update on Safe Routes to School. Town Manager Bryan Ostler indicated that work will be beginning this week. He also discussed the system for people to report items to Public Works and he would like to see that simplified.

Mayor Carey: He asked for discussion of what type of signage the board would like to see at Bella Rosa. The board indicated they would like to see expanded signage and marketing.

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.

At 8:13 Mayor Carey recessed the meeting of the Board of Trustees to go into executive session.

At 9:02 Mayor Carey reconvened the meeting of the Board of Trustees.

**Action Following Executive Sessions:**

Motion by Mayor Pro Tem Brown and seconded by Trustee Crites approve the Underwriter Engagement Agreement with Stifel, Nicolaus and Company, Inc. Upon roll call vote, motion passed unanimously.

Motion by Mayor Pro Tem Brown and seconded by Trustee March that the Town file Statements of Opposition in the Firestone and Parker water cases. Upon roll call vote, motion passed unanimously.

Motion by Mayor Pro Tem Brown and seconded by Trustee March to increase the salary of the Town Clerk to \$91,000 annually effective January 1, 2020. Upon roll call vote, motion passed unanimously.

There being no further business of the Board, Mayor Carey adjourned the meeting at 9:04 p.m.

ATTEST:

Approved by the Board of Trustees:

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Tony Carey, Mayor

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Meghan C. Martinez, CMC, Town Clerk

Town of Frederick - List of Bills  
February 1, 2020 - February 27, 2020

ACE HARDWARE OF FIRESTONE	Supplies	1,201.90
ACUSHNET COMPANY	Shop merchandise	260.77
ADAMSON POLICE PRODUCTS	Police uniforms	210.00
ADIDAS AMERICA INC	Uniforms	66.08
AMANDA PURCELL	Reimbursement for training supplies	58.66
AMERICAN PLANNING ASSOCIATION	Membership dues	819.00
AQUA BACKFLOW INC	Backflow Tracking Program	360.00
ARROWHEAD FORENSICS	Crime scene supplies	58.65
BENTLEY SYSTEMS INC	StormCAD Program	19,237.58
BIRDIEBALL	Golf in school program supplies	1,200.00
BK TIRE, INC.	Tire disposal	85.00
BLACK HILLS ENERGY	Gas utility	5,191.04
BREAKTHRU BEVERAGE COLORADO	Restaurant supplies	985.70
CALLAWAY GOLF	Shop merchandise	196.01
CAMCA	Membership dues	20.00
CARBON VALLEY CAR WASH LLC	Vehicle maintenance	148.72
CARBON VALLEY HEATING & AIR	Building maintenance & repairs	2,374.41
CARD SERVICES	Travel & training/supplies	23,069.32
CASELLE, INC.	Contract Support & Maintenance/HR Module	8,754.00
CENTER FOR EDUCATION & EMPLOYMENT LAW	Employment Law newsletter	159.00
CENTRAL COLLECTION SERVICES	Commission fees	55.80
CENTRAL WELD CTY WATER DIST	Water taps	30,000.00
CENTURYLINK COMMUNICATIONS LLC	Phone services	314.20
CHARLES ABBOTT ASSOCIATES INC	Inspection services - January 2020	45,604.68
CHARLES SANDIFER	Travel reimbursement for interview	573.40
CINTAS CORPORATION	First Aid Supplies/PW uniform service	701.76
CIRSA	Annual Property/Casualty Insurance Premium	199,751.79
CITY OF WESTMINSTER	NATA dues	600.00
COLORADO BARRICADE CO	Street maintenance supplies	129.06
COLORADO GOLF ASSOCIATION	Colorado golf association annual dues	175.00
COLORADO WATER CONGRESS	Membership dues	1,000.00
COMCAST CABLE	Phone, cable and internet service	1,158.04
CORE & MAIN LP	Water & hydrant meter supplies	13,582.99
DANA KEPNER CO	Software Support for Sensus meters	2,166.60
DAVID EGAN	Boot reimbursement	54.99
DENNIS ZEWE	Restitution	75.00
DENVER BUSINESS JOURNAL	Yearly subscription	94.86
DERRICK SCHMIDT	CDL fee reimbursement	16.62
DLT SOLUTIONS LLC	AutoCAD Civil 3D subscription	2,131.02
E-470 PUBLIC HIGHWAY AUTHORITY	Travel	66.80
ECOLOGICAL RESOURCE CONSULTANTS INC	On call services- Water Matters	177.00
EMPLOYERS COUNCIL SERVICES INC	Supervision training	730.00
ENTENMANN-ROVIN CO	Police badges	350.00
EON OFFICE	Office supplies	130.64
EVOLVE TECHNOLOGIES LLC	Office phone equipment	197.16
EZ LINKS GOLF LLC	Golf supplies	550.00
FACTORY MOTOR PARTS CO	Auto parts	499.45

Town of Frederick - List of Bills  
February 1, 2020 - February 27, 2020

FAIRFIELD AND WOODS PC	Legal services	10,730.46
FEUERSTEIN CONSULTING LLC	HSIP Construction Management	1,080.00
FP MAILING SOLUTIONS	Postage meter rental	135.00
FREEDOM MAILING SERVICES LLC	Printing services for utility billing	2,664.60
FRONT RANGE METALWORKS LLC	Snow removal equipment	100.00
FRONTIER BUSINESS PRODUCTS	Office supplies	505.81
FRP APPAREL	Uniforms	570.63
HIGH COUNTRY BEVERAGE	Restaurant supplies	215.55
HOME DEPOT CREDIT SERVICES	Maintenance supplies/tools	3,453.98
ITASCA GREENHOUSE INC	Arbor Day saplings	228.26
IWORQ SYSTEMS	System Management Software & Support	1,272.00
JEFF CAHN INC	Judge services	1,200.00
JJ KELLER & ASSOCIATES INC	CDL Training Videos/Literature	451.13
JOHN DEERE FINANCIAL	Mower deck	5,837.59
JUSTIN MCCLARY	CDL Physical reimbursement	150.00
KINSCO LLC	Police uniforms	92.91
KRISTIN NORDECK BROWN PC	Prosecution services	2,016.00
L.G. EVERIST INC	Street maintenance supplies	1,767.28
LONGMONT POLICE DEPARTMENT	Longmont Swat Team membership	5,000.00
MAC EQUIPMENT INC	Equipment supplies	68.82
MCGEE COMPANY	Park & shop supplies	1,019.32
MEDORA CORPORATION	Aerator system	4,530.00
MEGHAN MARTINEZ	Travel reimbursement	31.76
MOUNTAIN SALES & SERVICE	Restaurant equipment lease	200.00
NATIONAL BUSINESS FURNITURE LLC	Office furniture	397.29
NITV FEDERAL SERVICES LLC	CVSA equipment and training	5,595.00
NORTHERN COLORADO CRIME STOPPERS	Membership	400.00
NORTHERN ENGINEERING SERVICES	Skate Park topo mapping	262.50
NORTHERN ENGINEERING SERVICES	Water Line Easement Survey - Nelson Property	1,981.80
NORTHWEST PARKWAY	Travel	5.75
O.J. WATSON COMPANY INC	Auto body repairs	821.00
OCCUPATIONAL HEALTH CENTERS	New hire evaluations	123.00
OPTUM	Merchant HSA Fees	74.25
O'REILLY AUTOMOTIVE INC	Auto part & supplies	238.80
PAUL C BENEDETTI	Legal services	1,975.00
PINNACOL ASSURANCE	Workers Comp Premiums	39,003.00
PRAIRIE MOUNTAIN MEDIA	Publication costs	376.41
PRO GOLF REPAIR LLC	Pro Golf services	116.00
PUBLIC AGENCY TRAINING COUNCIL	Training	350.00
R & R PRODUCTS	Golf Course supplies	288.98
RAMEY ENVIRONMENTAL COMPLIANCE	ORC Services Distribution & Collection Systems	100.00
REDI SERVICES LLC	Porta-john services	592.00
REDNECK TRAILER SUPPLIES	Equipment supplies	202.12
RENEWABLE FIBER INC	Landscape materials	1,688.34
RESOURCE CENTRAL	Garden in a Box Program	1,716.25
ROBERTS EXCAVATION CORP	Hydrant Meter Deposit refund	2,200.00

Town of Frederick - List of Bills  
February 1, 2020 - February 27, 2020

SAFETY & CONSTRUCTION SUPPLY INC	Safety supplies	531.58
SAFEWAY	Supplies	257.28
SAMEDAY OFFICE SUPPLY	Office furniture	358.00
SAM'S CLUB / GEGRB	Supplies	1,712.50
SAMSON LAW FIRM	Legal services	14,000.00
SCOTT MURDOCK TRAILER SALES LLC	Equipment purchase - trailers	23,495.00
SHRED-IT USA	Document shredding	189.77
SIGNARAMA	Signage for fitness wall	1,470.50
SNAP-ON INDUSTRIAL	Shop tools	598.50
SPRADLEY BARR	Police vehicle purchase and equipment install	50,263.00
ST. VRAIN VALLEY SCHOOL DISTRICT	FURA - 2019 TIF Revenue	146,147.31
STAPLES ADVANTAGE	Office supplies	1,449.21
STRIGLOS COMPANIES, INC.	Office computer equipment	4,758.51
SUMMIT STRATEGIES	Economic Development Consulting	5,000.00
SYSCO DENVER	Restaurant food supplies	7,441.69
TEAM PAIN ENTERPRISES INC	FRA Skate Park construction	8,521.50
TELOS ONLINE INC	PW Internet services	309.99
THE ANTIGUA GROUP INC	Golf shop merchandise	5,474.75
THE NAKED HANGER DRY CLEANERS	Uniform cleaning	404.10
TICOS MEXICAN FOODS	Restaurant supplies	45.81
TIM MALONEY	Reimbursement for supplies	81.89
TIMBERLAN	IT services	32,090.75
TOWN OF FREDERICK	Petty cash	130.91
TRANSWEST TRUCK	Equipment supplies	303.70
TRUDILIGENCE	DOT drug testing	380.00
U.S. POSTAL SERVICE (CMRS-FP)	Postage	500.00
UNIFIRST CORPORATION	Mat service	297.10
UNITED POWER	Electric utility	7,315.39
UNIVERSITY AUTO PARTS INC	Auto part supplies	925.94
UPPER CASE PRINTING, INK.	Printing services	1,088.75
UTILITY NOTIFICATION CENTER OF COLORADO	Utility locate transmissions	749.47
VERIZON WIRELESS	Wireless services	1,401.94
VERMEER COLORADO & WYOMING	Equipment purchase - brush chipper	31,604.00
W.L. CONTRACTORS, INC.	Monthly maintenance fee	157.50
WASTE CONNECTIONS OF COLO INC	Trash service	56,379.86
WELD COUNTY CHIEF'S OF POLICE ASSOC	Membership	60.00
WELD COUNTY DEPARTMENT OF PUBLIC	Water testing	1,178.00
WEX BANK	Fuel	5,531.07
WTC-WICKMAN TRACTOR CO	Equipment supplies	383.34
ZEP SALES & SERVICE	Shop supplies	273.84
	Total:	<u>880,433.74</u>



# 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,

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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 - March 10, 2019

**Attachments:** a. Proposed Ordinance No. 1336

**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 Model Traffic Code is the traffic code published by the Colorado Department of Transportation and adopted by most municipalities and counties. The town has adopted the various editions of the code. The code consists of the traffic regulations that can be charged into the Frederick Municipal Court.

### **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.

**Built on What Matters.**

The Public hearing is scheduled for March 10, 2020. After receiving public comment, if any, the Board of Trustees can discuss adoption of the proposed ordinance.

**Legal Comments:**

If adopted, the provisions of the Model Traffic Code consists of those traffic laws that can be charged into the Frederick Municipal Court.

**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 of Trustees adopt the proposed ordinance.

**TOWN OF FREDERICK  
ORDINANCE NO. 1336**

**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 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 Approve a Petition for Inclusion of Land into the Frederick Metropolitan District

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**Agenda Date:** Town Board Meeting – March 10, 2020

**Attachments:**

- a. Memo from Jim Hunsaker, Special Counsel
- b. Resolution 20-R-14
- c. Petition for Inclusion
- d. Frederick Property for Potential Inclusion

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

**Submitted by:** Jim Hunsaker  
Special Counsel

**Approved for Presentation:**   
Town Manager

Quasi-Judicial       Legislative       Administrative

---

### **Summary Statement:**

This request is to authorize the Mayor to execute a Petition for Inclusion of Land within the Frederick Metropolitan District.

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

A significant portion of the real property owned by the Town was included within the District when it was formed. This action is to include most of the remaining property owned by the Town into the District. Property within other local developer districts, property owned by the Town but not yet annexed, and property slated for affordable housing are not included in the description of the property in the Petition for Inclusion.

**Legal Comments:**

The Town's special counsel for metro districts, Jim Hunsaker, has reviewed and approved the proposed Resolution and Petition for Inclusion.

**Alternatives/Options:**

Not include the proposed real property and risk that oil and gas operations take place on the property but no tax revenue is raised.

**Financial Considerations:**

Failure to include the real property within the District could result in the loss of significant tax revenue to the Town.

**Staff Recommendation:**

Staff recommends approval of the resolution.



273 NORTH GRANT STREET · CANBY, OR 97013  
(O) 503-266-3456 (F) 503-266-8555  
VISIT US ONLINE AT CANBYLAW.COM

James M. Hunsaker  
jim@canbylaw.com  
\* licensed in Oregon, Washington, and Colorado

## MEMORANDUM

From: James M. Hunsaker  
Special Counsel to the Town

To: Mayor and Board of Trustees  
Town of Frederick

Re: Inclusion of additional Town Property into the Frederick Metropolitan District

Date: March 10, 2020

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As you all know, the Frederick Metropolitan District was successfully formed last fall. It will provide the opportunity to collect tax revenue from oil and gas operations that take place on Town property (on land that is within the District).

A broad section of Town property was initially included in the District. Because there is other land owned by the Town from which oil and gas companies may drill and operate, it seems logical to include that land into the District.

For your consideration, you have been provided with a Resolution and Petition for Inclusion of Land into the Frederick Metropolitan District. This is a relatively simple process with the purpose of include most of the rest of the real property owned by the Town of Frederick into the District.

### GENERAL PROCESS:

- a) The Town files the Petition with the District (i.e., 100% of the property owners file petition for inclusion with the District);
- b) The District Board holds a public hearing to consider the petition and approves it, denies it, or approves it with conditions; and
- c) If approved, upon Motion to Include the Property, the District Court enters and order approving the inclusion.

### REMINDERS:

- The Town does not pay taxes so this will not impose additional costs on the Town;
- None of the proposed inclusion area is owned by anyone other than the Town. Therefore, no residents will pay any additional taxes as a result of this.

I will be present at the meeting on March 10 to answer any questions that you might have.

**TOWN OF FREDERICK, COLORADO  
RESOLUTION NO. 20-R-14**

**A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO, APPROVING A  
PETITION FOR INCLUSION OF LAND INTO THE FREDERICK METROPOLITAN  
DISTRICT**

**WHEREAS**, the Frederick Metropolitan District (“District”) is a special district located wholly within the boundaries of the Town of Frederick, Colorado (“Town”); and

**WHEREAS**, the only real property included within the District is real property owned by the Town of Frederick; and

**WHEREAS**, the Town desires to include additional real property owned by the Town into the District; and

**WHEREAS**, pursuant to Section 32-1-401(1), C.R.S., the Town can file a Petition to Include Land requesting the inclusion be approved by the Board of Directors of the District; and

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

Section 1. **Petition for the Inclusion of Land.** The Town Board hereby approves of and authorizes the Mayor to execute the Petition for the Inclusion of Land attached hereto as **Exhibit A** to this Resolution.

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 SIGNED THIS 10TH DAY OF MARCH  
2020.**

**ATTEST:**

**TOWN OF FREDERICK**

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

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

**EXHIBIT A**  
**PETITION FOR INCLUSION OF LAND**

IN THE MATTER OF THE	)	
	)	
FREDERICK METROPOLITAN	)	<b>PETITION FOR INCLUSION OF LAND</b>
DISTRICT	)	
	)	
WELD COUNTY, COLORADO	)	

The undersigned hereby respectfully petitions the Frederick Metropolitan District (the "District"), acting by and through its Board of Directors, for the inclusion of the hereinafter described real property ("Real Property") into the boundaries of the District, which real property is situate within the County of Weld, State of Colorado.

The undersigned hereby requests that the Real Property be included in said District and that an Order may be entered in the District Court in and for the County of Weld, State of Colorado, including the Real Property into the boundaries of the District, and that from and after the entry of such Order, said Real Property shall be liable for assessments or other obligations of the District.

The undersigned represents to the District that it is the current record fee owner of the Real Property and that no other persons, entity or entities own an interest therein except as beneficial holders of encumbrances.

The undersigned further represents to the District that the area sought to be included into the District is located entirely within the Town of Frederick, County of Weld, State of Colorado, and does not include property within any other county or incorporated city, town, or city and county, and that no notice of the proposed inclusion under Section 32-1-207(2), C.R.S., as amended, is required.

Acceptance of the Petition shall be deemed to have occurred upon publication of notice by the Board of Directors of the District of the date, time, and place for the public hearing for consideration of the Petition.

The legal description of the Real Property is as follows, to-wit:

See **Exhibit A** attached hereto and incorporated herein by this reference.

The name and address of the fee owner/petitioner is as follows:

Petitioner/ Owner:	TOWN OF FREDERICK, a Colorado municipal corporation
Address:	PO Box 435 Frederick, CO 80530



**EXHIBIT A**

LEGAL DESCRIPTION

PARCEL	NAME	LEGAL	SITUS	SUBNAME	RECEPTION
131328102002	TOWN OF FREDERICK	TRACT A MENDOZA MINOR	7411 CR 7 WELD	MENDOZA MINOR	
131328402003	TOWN OF FREDERICK	TRACT B MENDOZA MINOR	7201 CR 7 WELD	MENDOZA MINOR	
131328402004	TOWN OF FREDERICK	PT TRACT B MENDOZA MINOR LYING WITHIN BEG CENT 4 COR SEC 28 S00D26'E 233.62' TO TRUE POB S69D20'W 315.17' CURVE L RADIUS 218.90' S52D17'W 119.08' CURVE L RADIUS 88.73' CHORD S02D38'E 96.52' CURVE L RADIUS 540.79' CHORD S48D36'E 183.65' CURVE L RADIUS 142		MENDOZA MINOR	
131129300061	FREDERICK TOWN OF	PT SW4 29 2 67 LOT B RE-947 DESC COMM SW4 SEC 29 N00D10W 416.5 S89D41E 30 TPOB S89D41E 20 S00D10E 386.5 N89D41W 20 N10D10W 386.5 TPOB			4538540
131129340012	FREDERICK TOWN OF	TRACT M HIDDEN CREEK AM NO 1	7234 ANIMAS AVE FREDERICK	HIDDEN CREEK AM NO 1	
131130012008	FREDERICK TOWN OF	FRE MRS OUTLOT B MAPLE RIDGE SUB		MAPLE RIDGE SUB	
131130013004	FREDERICK TOWN OF	FRE MRS OUTLOT C MAPLE RIDGE SUB		MAPLE RIDGE SUB	
131130016011	FREDERICK TOWN OF	FRE MRS OUTLOT A MAPLE RIDGE SUB	222 HAWTHORN ST FREDERICK	MAPLE RIDGE SUB	
131130325007	FREDERICK TOWN OF	FRE 3PE8-7 L7 BLK8 PARKVIEW ESTATES 3RD SUB		PARKVIEW ESTATES 3RD SUB	
131130326042	FREDERICK TOWN OF	FRE 2PE4-OS TR A OPEN SPACE PARKVIEW ESTATES 2ND SUB	11 WALNUT DR FREDERICK	PARKVIEW ESTATES 2ND SUB	
131130334003	FREDERICK TOWN OF	OUTLOT A WY SOCK FINAL PLAT	341 ASPEN DR FREDERICK	WY SOCK FINAL PLAT	3632943
131130411001	FREDERICK TOWN OF	FRE CRE OUTLOTS A-B-C-D COALRIDGE ESTATES	301 WARWICK ST FREDERICK	COALRIDGE ESTATES	
131130411002	FREDERICK TOWN OF	FRE CRE OUTLOTS E AND F COALRIDGE ESTATES	560 HAWTHORN CIR FREDERICK	COALRIDGE ESTATES	4345171
131130417005	FREDERICK TOWN OF	FRE CRERA OUTLOT G COALRIDGE ESTATES RPLT A	702 SUMAC ST 1/2 FREDERICK	COALRIDGE ESTATES RPLT A	
131131100007	FREDERICK TOWN OF	FRE 20754-C PT E2 31 2 67 BEG SE COR L32 BLK33 FREDERICK E891.9' TO SE COR BLK31 E60' S0D51'W 60' TO TRUE POB E100' S0D51'W 100' W100' N0D51'E 100' TO BEG		FREDERICK TOWN	
131131100010	FREDERICK TOWN OF	FRE 20754-E PT NE4 31 2 67 BEG CEN SEC WHENCE N4 COR SEC BEARS N0D51'E 2651.28' N0D51'E 367.62' TO SW COR OF PARCEL DESC IN BK 639 REC #1561477 & TRUE POB N0D51'E 28' S89D43'E 801.79' TH ALG CURVE TO LEFT 96.74' N37D22'E 25.28' TO E LN SAID PARCEL S0D51'	594 MAPLE ST FREDERICK		02099061
131131100028	FREDERICK TOWN OF	FRE PT NE4 31-2-67 BEG N4 COR S89D41'E 646.69' TO POB S89D41'E 30' S01D34'E 502' S89D44'E 311.99' S01D34'E 165.62' S01D34'E 88.32' N89D44'W 342' N01D34'W 755.97' TO POB			
131131102009	FREDERICK TOWN OF	FRE 4MS-OA OUTLOT A MAPLEWOOD SUB FILING #4	316 GRANT ST FREDERICK	MAPLEWOOD SUB FG#4	
131131111012	FREDERICK TOWN OF	FRE 3MS OUTLOT A BLK3 MAPLEWOOD SUB #3	786 CEDAR DR FREDERICK	MAPLEWOOD SUB FG#3	
131131116025	FREDERICK TOWN OF	FRE 5MS OUTLOT B MAPLEWOOD FG 5	830 SPRUCE CT 1/2 FREDERICK	MAPLEWOOD SUB FG#5	
131131118005	FREDERICK TOWN OF	FRE 5MS OUTLOTS C THRU E MAPLEWOOD FG 5		MAPLEWOOD SUB FG#5	
131131119002	FREDERICK TOWN OF	FRE 2PG OUTLOT A PRAIRIE GREENS 2	6486 FREDERICK WAY FREDERICK	PRAIRIE GREENS 2	
131131200001	FREDERICK TOWN OF	FRE 20764 N40' S340' NW4 31 2 67			
131131200037	FREDERICK TOWN OF	FRE PT W2 31 2 67 STRIP OF LAND 150' W (75' EACH SIDE OF C/L UPRR) C/L DESC AS BEG NW COR SEC E134' TO TPOB S0D15'E 4715.09' TH ALG CURVE 601.03' (R=4059.83' CHORD=S03D59'W 600.48') TO S LN SEC EXC BEG COMM SW COR SEC 31 N00D0137E 2657.54' TO POB N00D013	6500 CR 13 FREDERICK		
131131216001	FREDERICK TOWN OF	FRE 20923 L3 THRU 25 BLK16	105 5TH ST FREDERICK	FREDERICK TOWN	2934791
131131216004	FREDERICK TOWN OF	FRE 20922 L1-2 BLK16		FREDERICK TOWN	
131131218003	FREDERICK TOWN OF	FRE 20953 L21 THRU 24 BLK18	323 5TH ST FREDERICK	FREDERICK TOWN	3304181
131131218004	FREDERICK TOWN OF	FRE 20954 L25 THRU 30 BLK18	333 5TH ST FREDERICK	FREDERICK TOWN	
131131218006	FREDERICK TOWN OF	FRE 20944 L1 THRU 4 BLK18	401 LOCUST ST FREDERICK	FREDERICK TOWN	X0012867
131131218007	FREDERICK TOWN OF	FRE 20945 L5-6 BLK18	350 4TH ST FREDERICK	FREDERICK TOWN	
131131218008	FREDERICK TOWN OF	FRE 20946 L7-8 BLK18		FREDERICK TOWN	X0012868
131131218009	FREDERICK TOWN OF	FRE 20947 L9-10 BLK18		FREDERICK TOWN	2719309
131131218010	FREDERICK TOWN OF	FRE 20948 L11-12 BLK18	318 4TH ST FREDERICK	FREDERICK TOWN	3193266
131131218012	FREDERICK TOWN OF	FRE 20951 L13 THRU 20 BLK18 ALSO VAC 1' STRIP OF OAK ST ADJ TO L17	440 OAK ST FREDERICK	FREDERICK TOWN	3851049
131131234008	FREDERICK TOWN OF	FRE HP OUTLOT B HERITAGE PLACE	94 5TH ST FREDERICK	HERITAGE PLACE	

131131300026	FREDERICK TOWN OF	FRE PT W2 31-2-67 BEG S4 COR N00D51'E 115.32' TO TRUE POB THENCE N00D51'E 110.01' N89D46'W 1245.16' N31D48'W 84.12' N00D10'E 1935.01' S89D59'E 1313.93' N00D51'E 134.94' N00D.51'E 280.72' N00D51'E 119.24' N00D51'E 219.38' N89D41'W 2212.38' S00D32'E 15.14'	630 8TH ST FREDERICK	FREDERICK TOWN	2872350
131131301010	FREDERICK TOWN OF	OUTLOT A MINERS PARK TOWN CENTRE	6387 MAPLE ST FREDERICK	MINERS PARK TOWN CENTRE	
131131302002	FREDERICK TOWN OF	TRACT 1B MINERS PARK TOWN CENTRE FG 2 AMD	6016 COLORADO BLVD FREDERICK	MINERS PARK TOWN CENTRE FG 2 AMD	
131132000021	FREDERICK TOWN OF	20766-C PT SE4NE4 32-2-67 BEG N0D01'E 342.9' OF E4 COR SEC S89D58'W 130' S0D01'E 44.2' S89D23'W 200' N0D01'W 150' N89D23'E 330.01' S0D01'E 107.14' TO BEG EXC MINS			
131132002013	FREDERICK TOWN OF	FRE AV OUTLOTS D & G ANGEL VIEW ESTATES		ANGEL VIEW ESTATES SUB	
131132007001	FREDERICK TOWN OF	FRE AV OUTLOT A ANGEL VIEW ESTATES	6650 RIDGEWAY BLVD FREDERICK	ANGEL VIEW ESTATES SUB	
131132201029	FREDERICK TOWN OF	FRE SAV TRACT E SAVANNAH	6304 RALSTON ST 1/2 FREDERICK	SAVANNAH SUB	
131132206010	FREDERICK TOWN OF	OUTLOT E ANGEL VIEW ESTATES	7985 ANGEL VIEW DR FREDERICK	ANGEL VIEW ESTATES SUB	
131132211055	FREDERICK TOWN OF	FRE SAV TRACT L SAVANNAH	7964 COLUMBINE AVE FREDERICK	SAVANNAH SUB	
131132217002	FREDERICK TOWN OF	FRE SAVAMD1 AKA RPLT A TRACT 2 SAVANNAH AMD 1 AKA RPLT A	7932 COLUMBINE AVE FREDERICK	SAVANNAH SUB RPLT A	
131132217011	FREDERICK TOWN OF	FRE SAVAMD1 AKA RPLT A TRACT 11 SAVANNAH AMD 1 AKA RPLT A	6315 RALSTON ST FREDERICK	SAVANNAH SUB RPLT A	
131132301030	FREDERICK TOWN OF	FRE SAV TRACT S SAVANNAH	7998 LILEY AVE 1/2 FREDERICK	SAVANNAH SUB	
131132304015	FREDERICK TOWN OF	FRE SAV TRACT F SAVANNAH	7971 LILEY AVE FREDERICK	SAVANNAH SUB	
131132306033	FREDERICK TOWN OF	FRE SAV TRACT Q SAVANNAH	6125 EMERSON AVE 1/2 FREDERICK	SAVANNAH SUB	
131132308055	FREDERICK TOWN OF	FRE SAV TRACT G SAVANNAH	6180 PENROSE BLVD 1/2 FREDERICK	SAVANNAH SUB	
131132308056	FREDERICK TOWN OF	FRE SAV TRACT J SAVANNAH	6178 RALSTON ST FREDERICK	SAVANNAH SUB	
131132309022	FREDERICK TOWN OF	FRE SAV TRACT H SAVANNAH	6201 RALSTON ST FREDERICK	SAVANNAH SUB	
131132309023	FREDERICK TOWN OF	FRE SAV TRACT I SAVANNAH	6193 RALSTON ST FREDERICK	SAVANNAH SUB	
131132313026	FREDERICK TOWN OF	FRE SAV TRACT K SAVANNAH	7962 LILEY CT FREDERICK	SAVANNAH SUB	
131132317001	FREDERICK TOWN OF	FRE SAVAMD1 AKA RPLT A TRACT 1 SAVANNAH AMD 1 AKA RPLT A	7924 COLUMBINE AVE FREDERICK	SAVANNAH SUB RPLT A	
131132317003	FREDERICK TOWN OF	FRE SAVAMD1 AKA RPLT A TRACT 3 SAVANNAH AMD 1 AKA RPLT A	6185 CLAYTON ST FREDERICK	SAVANNAH SUB RPLT A	
131132317006	FREDERICK TOWN OF	FRE SAVAMD1 AKA RPLT A TRACT 6 SAVANNAH AMD 1 AKA RPLT A	6131 GRADEN ST FREDERICK	SAVANNAH SUB RPLT A	
131132317008	FREDERICK TOWN OF	FRE SAVAMD1 AKA RPLT A TRACT 8 SAVANNAH AMD 1 AKA RPLT A	6131 EVAN JONES CIR FREDERICK	SAVANNAH SUB RPLT A	
131133318002	FREDERICK TOWN OF	FRE JFSHE L3A JOHNSON FARMS/SPINDLE HILL ENERGY MINOR REPLAT A (JOHNSON FARMS/SPINDLE HILL ENERGY ANNEX #2)	6400 WHEATLAND BLVD FREDERICK	JOHNSON FARMS SPINDLE HILL ENERGY MINOR SUB RPLT	
131309100083	FREDERICK TOWN OF	PT NE4 9-2-68 A 20' STRIP E LOT A & B OF REC EXEMPT RE-3164			
131313317001	FREDERICK TOWN OF	FRE JF OUTLOT A JOHNSON FARM		JOHNSON FARM SUB	3871743
131313317002	FREDERICK TOWN OF	FRE JF OUTLOT B JOHNSON FARM		JOHNSON FARM SUB	3871743
131313317003	FREDERICK TOWN OF	FRE JF OUTLOT C JOHNSON FARM		JOHNSON FARM SUB	3871743
131313317004	FREDERICK TOWN OF	FRE JF OUTLOT D JOHNSON FARM		JOHNSON FARM SUB	3871743
131313320009	FREDERICK TOWN OF	OUTLOT O JOHNSON FARM SUB AMD# 3		JOHNSON FARM SUB AMD# 3	
131313320010	FREDERICK TOWN OF	OUTLOT P JOHNSON FARM SUB AMD# 3	5484 ELDORADO DR FREDERICK	JOHNSON FARM SUB AMD# 3	
131313320011	FREDERICK TOWN OF	OUTLOT Q JOHNSON FARM SUB AMD# 3	5498 ELDORADO DR FREDERICK	JOHNSON FARM SUB AMD# 3	
131313401036	FREDERICK TOWN OF	FRE 1NNC OUTLOT A NONAME CREEK ESTATES #1 (PARK)	5754 E WETLANDS DR FREDERICK	NONAME CREEK ESTATES #1	
131313401037	FREDERICK TOWN OF	FRE 1NNC OPEN SPACE NONAME CREEK ESTATES #1	5820 W CONSERVATION DR FREDERICK	NONAME CREEK ESTATES #1	
131313416015	FREDERICK TOWN OF	FRE 1NNCRB OUTLOT B NONAME CREEK ESTATES #1 RPLT B	5773 E WETLANDS DR FREDERICK	NONAME CREEK ESTATES FG#1 RPLT B	
131313417020	FREDERICK TOWN OF	FRE 1NNC OUTLOT C NONAME CREEK ESTATES #1	5772 E WETLANDS DR 1/2 FREDERICK	NONAME CREEK ESTATES #1	
131313418013	FREDERICK TOWN OF	FRE CR OUTLOT A CANSANO RANCH	5708 CAPISTRANO WAY FREDERICK	CANSANO RANCH	
131313421009	FREDERICK TOWN OF	FRE NNCW OUTLOT G NONAME CREEK WEST		NONAME CREEK WEST	
131313423015	FREDERICK TOWN OF	FRE NNCW OUTLOT H NONAME CREEK WEST		NONAME CREEK WEST	
131313423016	FREDERICK TOWN OF	FRE NNCW OUTLOT E NONAME CREEK WEST		NONAME CREEK WEST	
131313423017	FREDERICK TOWN OF	FRE NNCW OUTLOT F NONAME CREEK WEST		NONAME CREEK WEST	
131313424027	FREDERICK TOWN OF	FRE NNCW OUTLOT A NONAME CREEK WEST		NONAME CREEK WEST	

131313426025	FREDERICK TOWN OF	FRE NNCW OUTLOT B NONAME CREEK WEST		NONAME CREEK WEST
131313428011	FREDERICK TOWN OF	FRE NNCW OUTLOT C NONAME CREEK WEST		NONAME CREEK WEST
131313428012	FREDERICK TOWN OF	FRE NNCW OUTLOT D NONAME CREEK WEST		NONAME CREEK WEST
131314002011	FREDERICK TOWN OF	FRE BIP OUTLOT A BEAR INDUSTRIAL PARK	4495 BELLA ROSA PKWY FREDERICK	BEAR INDUSTRIAL PARK
131314308010	FREDERICK TOWN OF	FRE DCSRA TRACT B DEL CAMINO SOUTH REPLAT OUTLOT A	4503 SALAZAR LN FREDERICK	DEL CAMINO SOUTH RPLT OTLT A
131315301008	FREDERICK TOWN OF	FRE 1RVR OUTLOT A RINN VALLEY RANCH 1ST FG	3105 RINN VALLEY DR FREDERICK	RINN VALLEY RANCH 1ST FG
131315301009	FREDERICK TOWN OF	FRE 1RVR OUTLOT B 1 RINN VALLEY RANCH 1ST FG	9391 BIRCH RD FREDERICK	RINN VALLEY RANCH 1ST FG
131315303031	FREDERICK TOWN OF	FRE 1RVR OUTLOT C RINN VALLEY RANCH 1ST FG	9486 HOMESTEAD DR FREDERICK	RINN VALLEY RANCH 1ST FG
131315303032	FREDERICK TOWN OF	FRE 1RVR OUTLOT D RINN VALLEY RANCH 1ST FG	3511 COTTONWOOD CIR FREDERICK	RINN VALLEY RANCH 1ST FG
131315306016	FREDERICK TOWN OF	FRE 2RVR OUTLOT E BLK1 RINN VALLEY RANCH 2ND FG	3100 RINN VALLEY DR FREDERICK	RINN VALLEY RANCH 2ND FG FINAL PLAT
131315306017	FREDERICK TOWN OF	FRE 2RVR OUTLOT F BLK1 RINN VALLEY RANCH 2ND FG		RINN VALLEY RANCH 2ND FG FINAL PLAT
131315307020	FREDERICK TOWN OF	FRE 2RVR OUTLOT G BLK2 RINN VALLEY RANCH 2ND FG		RINN VALLEY RANCH 2ND FG FINAL PLAT
131315308027	FREDERICK TOWN OF	FRE 2RVR OUTLOT J BLK3 RINN VALLEY RANCH 2ND FG		RINN VALLEY RANCH 2ND FG FINAL PLAT
131322406007	FREDERICK TOWN OF	FRE 2MSE OUTLOT A MORNINGSIDE ESTATES #2	8027 MORNINGSIDE DR 1/2 FREDERICK	MORNINGSIDE ESTATES SUB FG#2
131322411012	FREDERICK TOWN OF	FRE 10IP5-OC OUTLOT C INDIAN PEAKS PUD 10TH FILING	8483 E INTERSTATE 25 FRONTAGE RD FREDE*	INDIAN PEAKS PUD 10TH FG
131322411013	FREDERICK TOWN OF	PT LOT 11 BLK 5 INDIAN PEAKS PUD 10TH FG COMM NW COR S00D02W 204.54 TPOB N87D53E 6.10 CURVE L		INDIAN PEAKS PUD 10TH FG
131322412005	FREDERICK TOWN OF	23.13 (R=50.00 CH=S12D53W) S89D38 1.00 N00D02E 22.12 TO POB		INDIAN PEAKS PUD 10TH FG
		FRE 7IP-OB OUTLOT B INDIAN PEAKS PUD 7TH FILING	8115 W INTERSTATE 25 FRONTAGE RD FREDE*	INDIAN PEAKS PUD 7TH FG
		PT L3 BLK 7 INDIAN PEAKS PUD 8TH FG DESC AS BEG SW COR LOT 3 TH ALG W LN N0D02'E 267.29' TO TPOB TH		INDIAN PEAKS PUD 8TH FG
		N87D53'E 9.50' TH 3.04' AGL NON TANG CURVE TO R (R=50' CHORD=N32.0642W) S89D38'W 7.88' S0D02'W		INDIAN PEAKS PUD 8TH FG
		2.87' TO TPOB		INDIAN PEAKS PUD 8TH FG
131322413006	FREDERICK TOWN OF	FRE EV OUTLOT B EAGLE VALLEY	4815 EAGLE BLVD FREDERICK	EAGLE VALLEY
131323011015	FREDERICK TOWN OF	FRE EV OUTLOT A EAGLE VALLEY	4819 OSPREY CIR FREDERICK	EAGLE VALLEY
131323013007	FREDERICK TOWN OF	FRE EVRA OUTLOTS K L M & N EAGLE VALLEY REPLAT A		EAGLE VALLEY RPLT A
131323017010	FREDERICK TOWN OF	FRE RHS TRACT A RASPBERRY HILL SUBDIVISION		RASPBERRY HILL SUB FINAL PLAT
131323302011	FREDERICK TOWN OF	FRE RHS TRACT F RASPBERRY HILL SUBDIVISION		RASPBERRY HILL SUB FINAL PLAT
131323303025	FREDERICK TOWN OF	FRE RHS TRACT G RASPBERRY HILL SUBDIVISION		RASPBERRY HILL SUB FINAL PLAT
131323303026	FREDERICK TOWN OF	FRE FR2 TRACT B FOX RUN 2 SUB		FOX RUN 2 SUB
131324015020	FREDERICK TOWN OF	FRE FR2 TRACT A FOX RUN 2 SUB		FOX RUN 2 SUB
131324015021	FREDERICK TOWN OF	FRE FR2 TRACT D FOX RUN 2 SUB		FOX RUN 2 SUB
131324018044	FREDERICK TOWN OF	FRE MF TRACT C MOORE FARM	8713 TRIPLE CROWN DR FREDERICK	MOORE FARM SUB
131324105028	FREDERICK TOWN OF	TRACT HH WILDFLOWER SUB FG #1 AMD #1	6997 WILDFLOWER DR FREDERICK	WILDFLOWER SUB FG NO 1 AM NO 1
131327303030	FREDERICK TOWN OF	TRACT II WILDFLOWER SUB FG #1 AMD #1	6998 WILDFLOWER DR FREDERICK	WILDFLOWER SUB FG NO 1 AM NO 1
131327314026	FREDERICK TOWN OF	TRACT JJ WILDFLOWER SUB FG #1 AMD #1	6997 PRIMROSE PL FREDERICK	WILDFLOWER SUB FG NO 1 AM NO 1
131327415013	FREDERICK TOWN OF	TRACT H WILDFLOWER SUB FG #1 AMD #1	7260 MARIPOSA DR FREDERICK	WILDFLOWER SUB FG NO 1 AM NO 1
131327420023	FREDERICK TOWN OF	OUTLOT A FOX RUN	5457 BOBCAT ST 1/2 FREDERICK	WILDFLOWER SUB FG NO 1 AM NO 1
131324210001	FREDERICK TOWN OF	OUTLOT D FOX RUN	5324 BOBCAT ST FREDERICK	
131324210004	FREDERICK TOWN OF	OUTLOT G FOX RUN	5051 FOX RUN BLVD FREDERICK	
131324210007	FREDERICK TOWN OF			
131324301008	FREDERICK TOWN OF	FRE SVE OUTLOT A SUMMIT VIEW ESTATES	5150 MOUNT AUDUBON ST FREDERICK	SUMMIT VIEW ESTATES 1ST FG FREDERICK
131324302029	FREDERICK TOWN OF	FRE SVE OUTLOT B SUMMIT VIEW ESTATES	5151 MOUNT AUDUBON ST FREDERICK	SUMMIT VIEW ESTATES 1ST FG FREDERICK

131324302030	FREDERICK TOWN OF	FRE SVE OUTLOT C & D SUMMIT VIEW ESTATES		SUMMIT VIEW ESTATES 1ST FG FREDERICK	
131324305005	FREDERICK TOWN OF	FRE SVE OUTLOT E SUMMIT VIEW ESTATES	5134 MOUNT PAWNEE AVE 1/2 FREDERICK	SUMMIT VIEW ESTATES 1ST FG FREDERICK	2838724
131324306030	FREDERICK TOWN OF	FRE 2SVE OUTLOT A SUMMIT VIEW ESTATES 2ND	5223 MOUNT ARAPAHO CIR 1/2 FREDERICK	SUMMIT VIEW ESTATES 2ND FG	2838724
131325401015	FREDERICK TOWN OF	FRE TB E12' L3 TOPS BUSINESS PARK PT SE4 25 2 68 LOTS 8 & 9 HALLECK SUB COMM SE4 COR S89D44W 100 N00D11E 30 S89D44W 401.21 TO POB S89D44W 186.29 N00D11E 20 N89D44E 186.29 S00D11W 20 TO POB	7289 COLORADO BLVD FREDERICK	TOPS BUSINESS PARK	
131325405016	FREDERICK TOWN OF	FRE CS TRACT L COUNTRYSIDE	7143 RUSSELL DR FREDERICK	HALLECK SUB COUNTRYSIDE SUB	
131325408027	FREDERICK TOWN OF	FRE CS TRACT F COUNTRYSIDE	5730 RUSSELL CIR FREDERICK	COUNTRYSIDE SUB FREDERICK WEST BUSINESS CENTER FG#3	
131325424001	FREDERICK TOWN OF			FREDERICK WEST BUSINESS CENTER FG#3	
131326106008	FREDERICK TOWN OF	N20' OUTLOT B FREDERICK BUSINESS CENTER FG#3		COUNTRY MEADOWS FARM SUB FG#1 AM#1	
131326203004	FREDERICK TOWN OF	N 20' OF L1 BLK 3 FREDERICK WEST BUSINESS CENTER FG# 3			
131327001028	FREDERICK TOWN OF	FRE 1CMF TRACT A COUNTRY MEADOWS FARM FG #1 AMD #1 PT SW4 34-2-68 AND BEING PT OF ST DIMITRIE SUB AMD COMM S4 COR SEC S89D36'W 1424' N0D25'W 75'	3122 N BUTTERCUP CIR FREDERICK		
131334303017	FREDERICK TOWN OF	TPOB N0D25'W 360' N89D35'E 32' S0D25'E 360' S89D36'W 32' TPOB PT SW4 34-2-68 AND BEING PT OF ST DIMITRIE SUB AMD COMM S4 COR SEC S89D36'W 908' N0D25'W 30'	6040 PURITAN LN FREDERICK	ST DIMITRIE SUB AM	
131334303018	FREDERICK TOWN OF	TPOB S89D36'W 516' N0D25'W 45' N89D36'E 516' S0D25'E 45' TPOB PT LOT 2 AND TRACT A MINERS VILLAGE FG1 BEG E4 COR OF SEC N0D07'W 78'S89D52'W 30' TPOB N07D15'W 528' CURVE TO R(R=2560'CHORD=N03E41'W 318') N0D07'W 326'N50D20'W 21' S89D27'W 73' N0D32'W 60'	3287 HWY 52 FREDERICK	ST DIMITRIE SUB AM	
131336101022	FREDERICK TOWN OF	N89D27'E 73' N49D15'E 123' N0D07'W 7' CURVE TO R(R=2560'CHORD=N0 NORTH 50FT PT LOTS 1-2 MINERS VILLAGE FG1 BEG NW COR LOT 1 N89D44'E 2625' S0D07'E 1301' S89D52'W 145' CURVE TO R(R=175'CHORD=N65D19'W 146') N40D31'W 155' CURVE TO L (R=175'CHORD=N65D19'W 146') S89D52'W 191' CURVE TO L(R=175'CHORD=S73D26'W 99') S57D0'W 15	6757 COLORADO BLVD FREDERICK	MINERS VILLAGE FG#1 SUB AM	
131336101031	FREDERICK TOWN OF	PT LOTS 1-2 MINERS VILLAGE FG1 BEG NW COR LOT 1 N89D44'E 2625' S0D07'E 1301' S89D52'W 145' CURVE TO R(R=175'CHORD=N65D19'W 146') N40D31'W 155' CURVE TO L (R=175'CHORD=N65D19'W 146') S89D52'W 191' CURVE TO L(R=175'CHORD=S73D26'W 99') S57D0'W 150' CURVE TO		MINERS VILLAGE FG#1 SUB AM	
131336101032	FREDERICK TOWN OF	FRE GBP OUTLOT A GLACIER BUSINESS PARK AMD 1ST	5950 GLACIER WAY FREDERICK	MINERS VILLAGE FG#1 SUB AM GLACIER BUSINESS PARK 1ST FG AM	
146703102009	FREDERICK TOWN OF				



# 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,

## **Request to Authorize Hidden Creek Metropolitan District to Exercise its Eminent Domain Powers**

**Agenda Date:** Town Board Meeting – March 10, 2020

**Attachments:**

- a. Memo from Jim Hunsaker, Special Counsel
- b. Resolution 20-R-15
- c. Exhibit A (Utility and ROW Easements)

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

**Submitted by:** Jim Hunsaker  
Special Counsel

**Approved for Presentation:**   
Town Manager

Quasi-Judicial                       Legislative                       Administrative

### **Summary Statement:**

This action is to authorize Hidden Creek Metropolitan District to exercise its eminent domain powers to condemn a 20-foot section of right-of-way, if necessary.

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

The Town requires LGI, developer of the Hidden Creek Subdivision, to acquire an additional 20-foot right-of-way to expand Ridgeway Boulevard to the 100' wide arterial street standard. The arterial street standard is comprised of two thru lanes in each direction, a center turn lane, and sidewalk, bike lane, and tree lawn on both sides of the road. This road widening affects two County property owners who are adjacent to Ridgeway. LGI has reached an agreement with one of the property owners, but not with the other, Mr. Bill Bradford. The tract in question is a 20' x 140' piece of property that contains 2810 ft.<sup>2</sup> or 0.06 acres, more or less.

**Built on What Matters.**

Anticipating that an agreement cannot be reached with Mr. Bradford, this piece of property must be acquired by condemnation. The District's Service Plan requires written consent of the Board of Trustees prior to the District exercising its power of eminent domain. This request authorizes the District to exercise its power of eminent domain for the sole purpose of acquiring this 20-foot strip of land.

There is still the opportunity for LGI to negotiate the purchase of the 20-foot strip without going through condemnation.

**Legal Comments:**

The Town's special counsel for Metro Districts, Jim Hunsaker, has reviewed and approved the proposed Resolution.

**Alternatives/Options:**

Expansion of Ridgeway Boulevard to a full 100' is part of the Town's Transportation Plan. If the property owner is unwilling to sell the 20-foot-wide strip, the only option is to condemn it.

**Financial Considerations:**

The cost of acquiring the property and building the road is an expense of the developer and not the Town.

**Staff Recommendation:**

Staff recommends approval of the Resolution as presented.



273 NORTH GRANT STREET · CANBY, OR 97013  
(O) 503-266-3456 (F) 503-266-8555  
VISIT US ONLINE AT CANBYLAW.COM

James M. Hunsaker  
jim@canbylaw.com  
\* licensed in Oregon, Washington, and Colorado

## MEMORANDUM

From: James M. Hunsaker  
Special Counsel to the Town

To: Mayor and Board of Trustees  
Town of Frederick

Re: Hidden Creek Metropolitan District – Authorizing Condemnation

Date: March 10, 2020

---

The Town of Frederick imposes many restrictions on the special districts that it approves for the protection of the Town and its residents/businesses. One of these restrictions requires a special district to seek prior written consent from the Town before the special district exercises its power of eminent domain (condemnation).

In this case, the Town is requiring public improvements to Ridgeway Boulevard as part of the development of a portion of the Hidden Creek development. The Hidden Creek Metropolitan District desires to use its power of eminent domain in order to condemn the property necessary for the public improvements.

The proposed resolution provides a limited consent from the Town of Frederick to the Hidden Creek Metropolitan District to condemn the property described therein. The consent is limited to the property shown.

I will be present at the meeting on March 10 to answer any questions that you might have.

**TOWN OF FREDERICK, COLORADO  
RESOLUTION NO. 20-R-15**

**A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO, APPROVING THE  
EXERCISE OF EMINENT DOMAIN POWERS BY THE HIDDEN CREEK  
METROPOLITAN DISTRICT**

**WHEREAS**, the Hidden Creek Metropolitan District (“District”) is a special district located wholly within the boundaries of the Town of Frederick, Colorado (“Town”); and

**WHEREAS**, on September 8, 2015 the Town’s Board of Trustees (“Board”) approved the service plan dated August 3, 2015 for the District by Town Resolution 15R57 (collectively the “Service Plan”); and

**WHEREAS**, Section V.A.17 of the Service Plan provides the District shall not exercise its statutory power of eminent domain without the prior written consent of the Town Board; and

**WHEREAS**, pursuant to Section 32-1-1004(4), C.R.S. the District is statutorily empowered to “exercise the power of eminent domain and dominant eminent domain and, in the manner provided by article 1 of title 38, C.R.S., may take any property necessary to the exercise of the powers granted, both within and without the special district, only for the purposes of fire protection, sanitation, street improvements, television relay and translator facilities, water, or water and sanitation, except for the acquisition of water rights, and, within the boundaries of the district, if the district is providing park and recreation services, only for the purpose of easements and rights-of-way for access to park and recreational facilities operated by the special district and only where no other access to such facilities exists or can be acquired by other means”; and

**WHEREAS**, the Town is requiring public improvements to Ridgeway Boulevard as part of the development of the certain property within the District; and

**WHEREAS**, efforts to acquire certain property interests, including, but not limited to, fee simple, permanent easement(s), utility easement(s), and/or temporary construction easement(s), more particularly described on **Exhibit A**, attached hereto and incorporated herein by this reference, (the “Property Interests”) for the completion of the public improvements to Ridgeway Boulevard have been unsuccessful; and

**WHEREAS**, as a result of such unsuccessful efforts the District may need to exercise its statutory eminent domain power in order to acquire the Property Interests; and

**WHEREAS**, in accordance with Section V.A.17 of the Service Plan the Town wishes to provide its prior written consent to the District to exercise its statutory eminent domain power in order to acquire the Property Interests; and

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

Section 1. **Authorization.** The Town Board hereby provides its written consent to the District authorizing it to exercise its statutory eminent domain power in order to acquire the Property Interests described on **Exhibit A** to this Resolution.

Section 2. **Limited Effect.** Except as expressly modified by this Resolution, all provisions of the Service Plan shall remain in full force and effect.

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 THIS 10TH DAY OF MARCH 2020.**

**ATTEST:**

**TOWN OF FREDERICK**

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

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

**EXHIBIT A**  
Right-of-Way

# EXHIBIT "A"

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH,  
RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
TOWN OF FREDERICK, COUNTY OF WELD, STATE OF COLORADO  
SHEET 1 OF 2

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF FREDERICK, COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 29 TO BEAR NORTH 00°10'18" WEST, A DISTANCE OF 2646.29 FEET BETWEEN A FOUND 3 1/4 BRASS CAP "U.S. CADASTRAL SURVEY T2N R67W S30 S29 + S31 S32 1952 BUREAU OF LAND MANAGEMENT" AT THE SOUTHWEST CORNER OF SAID SECTION 29, AND A FOUND 3 1/4 BRASS CAP "U.S. CADASTRAL SURVEY PENALTY \$250 FOR REMOVAL S30 + S29 1952 BUREAU OF LAND MANAGEMENT" AT THE WEST 1/4 CORNER OF SAID SECTION 29, AS SHOWN ON THE FINAL PLAT OF HIDDEN CREEK - AMENDMENT NO. 1 RECORDED 1/27/2016 AT RECEPTION NO. 4176526 WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT SAID SOUTHWEST CORNER; THENCE ALONG SAID WEST LINE, NORTH 00°10'18" WEST, A DISTANCE OF 557.00 FEET; THENCE DEPARTING SAID WEST LINE AND ALONG THE SOUTHERLY LINE EXTENDED OF SAID FINAL PLAT OF HIDDEN CREEK - AMENDMENT NO. 1, SAID LINE ALSO BEING THE NORTHERLY LINE EXTENDED OF LOT A, RECORDED EXEMPTION NO 1311-29-2-RE 947 RECORDED 1/16/1987 AT RECEPTION NO. 02085065, SOUTH 89°41'24" EAST, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG THE NORTHERLY LINE OF SAID LOT A, SOUTH 89°41'24" EAST, A DISTANCE OF 10.00 FEET; THENCE DEPARTING SAID NORTHERLY LINE, SOUTH 00°10'18" EAST, A DISTANCE OF 140.50 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT A, ALSO BEING A POINT ON A NORTHERLY LINE OF LOT B OF SAID RECORDED EXEMPTION; THENCE ALONG SAID SOUTHERLY LINE, NORTH 89°41'24" WEST, A DISTANCE OF 10.00 FEET; THENCE DEPARTING SAID SOUTHERLY LINE, NORTH 00°10'18" WEST, A DISTANCE OF 140.50 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 1,405 SQ.FT. OR 0.03 ACRES, MORE OR LESS.

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.

JOHN B. GUYTON  
COLORADO P.L.S. #16406  
CHAIRMAN/CEO, FLATIRONS, INC.



FSI JOB NO. 18-71,756

JOB NUMBER: 18-71,756(A)  
DRAWN BY: E. ALTERMAN  
DATE: MAY 09, 2019

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

**Flatirons, Inc.**  
*Surveying, Engineering & Geomatics*



3825 IRIS AVE, STE 395  
BOULDER, CO 80301  
PH: (303) 443-7001  
FAX: (303) 443-9830  
[www.FlatironsInc.com](http://www.FlatironsInc.com)

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TOWN OF FREDERICK, COUNTY OF WELD, STATE OF COLORADO

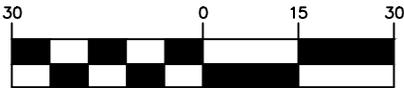
SHEET 2 OF 2

## Legend

AS PER THE PLAT OF  
HIDDEN CREEK -  
(P) AMENDMENT NO. 1  
RECORDED 1/27/2016  
AT REC NO. 4176526  
AS PER THE RECORDED  
EXEMPTION NO.  
(P1) 1311-29-2-RE 947  
RECORDED 1/16/1987  
AT REC. NO. 02085065



## GRAPHIC SCALE

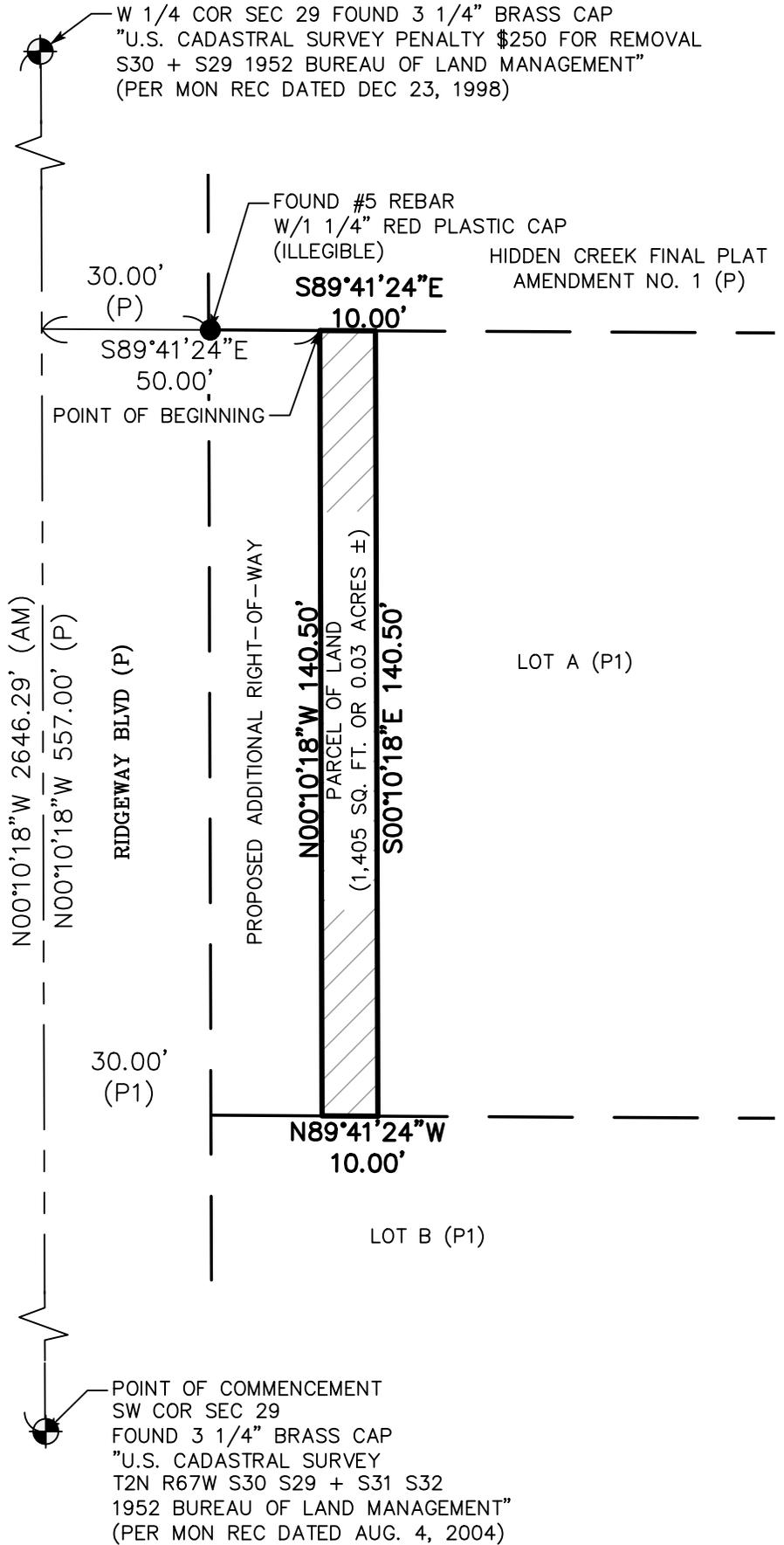


( IN FEET )  
1 inch = 30 ft.



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BY:EALTERMAN FILE:71756 UTIL EASEMENTS.DWG DATE:5/9/2019 4:19 PM

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CONSIDERING THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 29 TO BEAR NORTH 00°10'18" WEST, A DISTANCE OF 2646.29 FEET BETWEEN A FOUND 3 1/4 BRASS CAP "U.S. CADASTRAL SURVEY T2N R67W S30 S29 + S31 S32 1952 BUREAU OF LAND MANAGEMENT" AT THE SOUTHWEST CORNER OF SAID SECTION 29, AND A FOUND 3 1/4 BRASS CAP "U.S. CADASTRAL SURVEY PENALTY \$250 FOR REMOVAL S30 + S29 1952 BUREAU OF LAND MANAGEMENT" AT THE WEST 1/4 CORNER OF SAID SECTION 29, AS SHOWN ON THE FINAL PLAT OF HIDDEN CREEK – AMENDMENT NO. 1 RECORDED 1/27/2016 AT RECEPTION NO. 4176526 WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT SAID SOUTHWEST CORNER; THENCE ALONG SAID WEST LINE, NORTH 00°10'18" WEST, A DISTANCE OF 557.00 FEET; THENCE DEPARTING SAID WEST LINE, SOUTH 89°41'24" EAST, A DISTANCE OF 30.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF RIDGEWAY BLVD, SAID POINT BEING AT THE SOUTHWEST CORNER OF SAID FINAL PLAT OF HIDDEN CREEK – AMENDMENT NO. 1, AND THE NORTHWEST CORNER OF LOT A, RECORDED EXEMPTION NO 1311-29-2-RE 947 RECORDED 1/16/1987 AT RECEPTION NO. 02085065, AND THE POINT OF BEGINNING;

THENCE ALONG THE NORTHERLY LINE OF SAID LOT A, SOUTH 89°41'24" EAST, A DISTANCE OF 20.00 FEET; THENCE DEPARTING SAID NORTHERLY LINE, SOUTH 00°10'18" EAST, A DISTANCE OF 140.50 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT A, ALSO BEING A POINT ON A NORTHERLY LINE OF LOT B OF SAID RECORDED EXEMPTION; THENCE ALONG SAID SOUTHERLY LINE, NORTH 89°41'24" WEST, A DISTANCE OF 20.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT A, ALSO BEING A POINT ON SAID EASTERLY RIGHT-OF-WAY LINE AND A NORTHWESTERLY CORNER OF SAID LOT B; THENCE ALONG THE WESTERLY LINE OF SAID LOT A, NORTH 00°10'18" WEST, A DISTANCE OF 140.50 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 2,810 SQ.FT. OR 0.06 ACRES, MORE OR LESS.

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.

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COLORADO P.L.S. #16406  
CHAIRMAN/CEO, FLATIRONS, INC.



FSI JOB NO. 18-71,756

JOB NUMBER: 18-71,756(A)  
DRAWN BY: E. ALTERMAN  
DATE: MARCH 12, 2019

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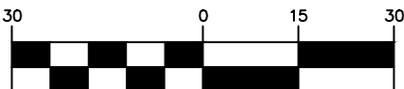
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RECORDED 1/16/1987  
AT REC. NO. 02085065



## GRAPHIC SCALE

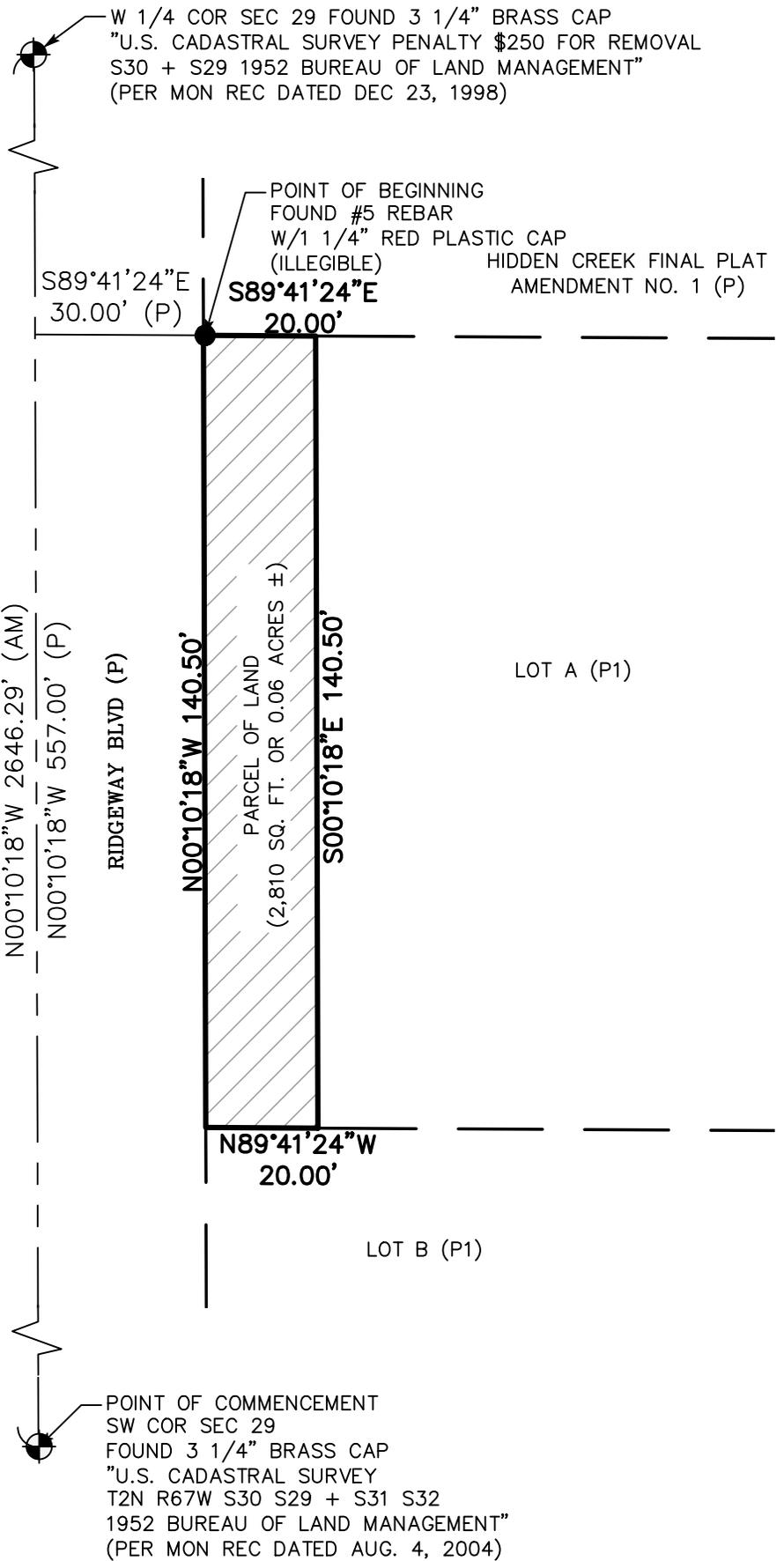


( IN FEET )  
1 inch = 30 ft.



JOB NUMBER: 18-71,756(A)  
DRAWN BY: E. ALTERMAN  
DATE: MARCH 12, 2019

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.



BY: EALTERMAN FILE: 71756 ROW EASEMENTS.DWG DATE: 3/12/2019 10:08 AM

**Flatirons, Inc.**  
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# 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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## A Resolution Authorizing a Repayment Agreement and Promissory Note Between the Frederick Metropolitan District and the Town of Frederick

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**Agenda Date:** Town Board Meeting - March 10, 2020

**Attachments:**

- a. Resolution 20-R-16
- b. Repayment Agreement
- c. Promissory Note

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

**Submitted by:** Rick Samson  
Town Attorney

**Approved for Presentation:**   
Town Manager

Quasi-Judicial       Legislative       Administrative

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### **Summary Statement:**

The resolution presented establishes a repayment agreement between the Frederick Metropolitan District and the Town of Frederick to ensure that the Frederick Metropolitan District is able to satisfy the note between the Frederick Metropolitan District and the Town of Frederick using future property tax revenue.

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

The Frederick Metropolitan District was formed in 2019. The District currently has minimal revenue sources to support its operating expenses. The Town of Frederick has offered to provide the District an unsecured loan in the amount of \$100,000 at zero percent (0%) interest, with repayment due in 25 years. The District will utilize property taxes generated with revenue from oil and gas wells on the property for repayment on the loan. Annual payments will be submitted to the Town of Frederick by May 1, when funds become available.

**Built on What Matters.**

**Legal Comments:**

The resolution, repayment agreement, and promissory note were prepared by the Town Attorney with review by the District Attorney.

**Alternatives/Options:**

The Town of Frederick may consider not approving this agreement as presented, and in doing so would make operations for the District extremely difficult.

**Financial Considerations:**

Failure to approve this resolution would result in an extremely challenging financial position for the Frederick Metropolitan District.

**Staff Recommendation:**

Staff recommends approval of the resolution, repayment agreement, and promissory note as presented.

**TOWN OF FREDERICK, COLORADO  
RESOLUTION NO. 20-R-16**

**A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO  
GRANTING A LOAN TO THE FREDERICK METROPOLITAN  
DISTRICT**

**WHEREAS**, the Frederick Metropolitan District (FMD) currently has no source of funding for its activities; and

**WHEREAS**, the Town of Frederick is willing to loan the FMD \$100,000, subject to repayment within a period of not more than 25 years at 0% interest.

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

**Section 1.** The Board authorizes providing an unsecured loan in the amount of \$100,000 to the Frederick Metropolitan District specifically for general operating expenses conditioned on the FMD executing a promissory note and the Repayment Agreement.

**Section 2.** The Board authorizes the Mayor to execute the Repayment Agreement on behalf of the Town for a term not to exceed 25 years and at 0% interest rate.

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

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

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

**INTRODUCED, READ, PASSED, AND ADOPTED THIS 10TH DAY OF MARCH 2020.**

**ATTEST:**

**TOWN OF FREDERICK**

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

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

## **REPAYMENT AGREEMENT**

This Agreement made this 10th day of March 2020 by and between, the **Town of Frederick, Colorado**, a political subdivision of the State of Colorado (Town) and the **Frederick Metropolitan District**, a quasi-municipal corporation and political subdivision of the State of Colorado (District) collectively referred to as (the parties).

**WHEREAS**, the Town has offered to loan the District \$100,000 for general operating expenses; and

**WHEREAS**, the District has agreed to accept the loan, execute this Repayment Agreement and a promissory note; and

**WHEREAS**, the District proposes to repay the loan from property taxes generated with revenue from oil and gas wells on the property; and

**WHEREAS**, the parties have agreed to enter into this Repayment Agreement for the repayment of the obligation.

### **NOW THEREFORE THE PARTIES AGREE AS FOLLOWS;**

1. The Town will provide an unsecured loan to the District in the amount of \$100,000 at 0% interest, due in 25 years.

2. The District pledges to make future annual payments by May 1 of each year as property taxes are received from Weld County.

3. The District, in addition to executing a promissory note, further pledges to make additional payments at such time as additional funds become available.

4. Each party will adopt Resolutions memorializing this transaction.

5. Entire Agreement. This Agreement sets forth the entire agreement of the parties hereto with respect to the matters contained herein.

6. Severability. If any provision of this Agreement is deemed by any court of competent jurisdiction to be invalid or void, the remaining provisions remain in full force and effect.

7. Waiver. No failure or delay on the part of the Escrow Agent in exercising any right, power or remedy may be or may be deemed to be a waiver thereof; nor may any single or partial exercise of any right, power or remedy preclude any other or further exercise of any right, power or remedy.

8. Further Assurance. Each of the parties shall at the request of the other party deliver to the requesting party all further documents or other assurances as may be reasonably necessary or desirable to give effect to this Agreement.

9. Attorney Fees. District agrees to reimburse the Town for any cost and attorney fees incurred by the Town in drafting or enforcing this agreement.

10. Time. Time shall be of the essence.

11. Governing Law. This Agreement shall be governed and interpreted in force according to the laws of the State of Colorado.

12. Counterparts. This Agreement may be executed in counterparts, each of which so executed shall be deemed an original and all of which shall constitute one and the same instrument.

**IN WITNESS WHEREOF**, the parties have hereunto executed this Agreement as of the date and year first above written.

**TOWN OF FREDERICK, COLORADO**

**FREDERICK METROPOLITAN  
DISTRICT**

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

By \_\_\_\_\_  
, President

ATTEST

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

**PROMISSORY NOTE**

\$100,000

Frederick, Colorado, March \_\_\_\_, 2020

For Value Received, The Frederick Metropolitan District promises to pay to the order of The Town of Frederick, Colorado at Frederick, Colorado, or at such other place the holder may hereafter designate, the principal sum of One hundred thousand Dollars, together with interest thereon at the rate of 0% percent per annum, payable on or before March 1, 2045.

FREDERICK METROPOLITAN DISTRICT

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, President