



**Town of Frederick
Board of Trustees Agenda**
Frederick Town Hall
Board Chambers
401 Locust Street
Tuesday, March 24, 2020

**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. March 10, 2020 Minutes – Meghan Martinez, Town Clerk
- D. Resolution 20-R-17 Authorizing the Supplemental Appropriation Amending the Calendar Year 2019 Budget – Jason Leslie, Finance Director
- E. Resolution 20-R-18 Authorizing the Town Manager to Execute an Agreement with Stone and Concrete Inc. for the Town’s 2020 Concrete and Alleyway Maintenance Program – Jason Berg, Engineer
- F. Resolution 20-R-19 Terminating the Temporary Cost Reduction in Annual Passes and Green Fees for the Bella Rosa Golf Course – Tim Schwartz, Golf Course General Manager

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- G. Resolution 20-R-20 Amending the CBT Cash in Lieu Fee and Thereby Amending the CBT Water Share Fee as set forth in the Adopted Fee Schedule – Sarah Watson, Engineer
- H. Resolution 20-R-21 Continuing the Public Hearing on a Sign Design Program for Guardian Storage – Jennifer Simmons, Planning Director
- I. Resolution 20-R-22 Concerning the Coronavirus (COVID-19) Public Hearing Emergency – Rick Samson, Town Attorney
- J. Ordinance 1337 Declaring a Public Health Emergency as a Result of the Coronavirus and Establishing Acts and Regulations Necessary and Expedient for the Promotion of Health or Suppression of Disease – Rick Samson, Town Attorney
- K. Resolution 20-R-23 Ratifying the Mayor’s Executive Order No. 2 Regarding CORA – Rick Samson, Town Attorney

Action Agenda:

Mayor and Trustee Reports:



Town of Frederick Memorandum

TO: Honorable Mayor and Board of Trustees

FROM: Bryan Ostler, Town Manager

DATE: March 24, 2020

CC: Town Staff
Local Media

SUBJECT: Departmental Report

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):

- April 7, 2020 – No Meeting, Election Day
 - April 14, 2020 – Regular Meeting
 - April 21, 2020 – Work Session
 - April 28, 2020 – Regular Meeting
-

Police Department

- *Police Operations* – The police department continues to provide essential law enforcement service to the community. We are functioning with a full patrol, CSO and investigations staff. All supervisors and command staff are working normal schedules. Administrative staff is covering the front office from 8:00 a.m. until 5:00 p.m., Monday through Friday. Officers have been directed to try and limit personal contact with the public when possible and limit proactive policing to serious or dangerous situations. The police building is closed to public access, but we are encouraging contact by phone, either directly to the office or through dispatch.
- *Personal Protective Equipment* - Each officer has been issued a set of PPE gear, consisting of masks, gloves and other protective equipment to be used when responding to calls involving potentially infected persons. Weld County Dispatch has begun to screen calls and ask health-related questions when people call 911 and request emergency services.
- *Decontamination Procedures* – The department has developed decontamination procedures for employees potentially exposed to the Coronavirus while on calls. This process has already been used as two officers responded to a medical call where CPR was in progress on an elderly female showing signs of potential infection. The decontamination process takes place in the sally port and consists of stripping and sterilizing the officers gear and uniform. The officer's patrol vehicles are also sterilized and then the decontamination area is cleaned and sterilized.

Administration

- *Communications and Engagement* – A webpage on the Town's site has been created dedicated to COVID-19 resources, information and Town updates at www.FrederickCO.gov/Covid19. A page

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dedicated to local business support to assist in information sharing has also been set up; businesses can email Communications@FrederickCO.gov with their business info to post.

- *Social Media* - focus has been placed on sharing reliable COVID-19 resources, the Town election resources and local business support.
- *Events* – Town events are cancelled through the end of April, including Spring Break Give Back, Self Defense Level 2 classes and Clean Up Day.
- *Recruitment and Hiring* – On Monday, March 9, we welcomed two new employees to the Frederick team. Anthony Bixby is our new Accountant / Payroll Administrator and Justin Richmond re-joined the Public Works department after a four-year absence. We are still planning to bring our new Police Officer Brad Bohling on board on Monday, March 23, as long as he is healthy. We are also planning to bring our new Chief Building Official Charles Sandifer on board on Monday, March 30. We have identified our top candidate for the part-time Administrative Assistant position, but we have put that hiring process on hold until at least April.
- *Part-Time Staff* – Our part-time staff members who have been affected by our facility closures, specifically our golf course employees and our school crossing guards, will continue to be paid an average weekly wage, averaged over the last four pay periods, while we remain closed due to the COVID-19 virus.

Public Works

- *Current Public Works Operations* – Due to the COVID-19 virus the Public Works crew is currently working on an as needed basis. Our building remains closed, although we have our office staff rotating in throughout the day so someone is normally in the building from 9:00 am until 4:00 pm. We are completing required emergency utility locates, plowing emergency routes as needed, and are prepared to perform any other emergency work we might have. If weather permits, we are planning to send a few crews out to take care of some potholes that are developing on some of our heavily travelled roads. We also plan on doing some park checks to make sure that we don't have any issues with overflowing trash. All park restrooms will remain closed at this time. Our Fleet Supervisor is responding to any emergency requests from FFFD, Frederick PD, and Public Works.

Planning Department

- *Current Planning Operations* – Due to the COVID-19 virus the Planning staff is working remotely. Staff has been to the office as needed to pick up documents as submittals continue to come in. We have conducted meetings via teleconference and the demand is still strong to build in Frederick.
- *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 fifteen projects that have completed the pre-application step. There are currently no neighborhood meetings scheduled. During this time of social distancing, we are requiring applicants to mail a “notice of intent to submit an application” rather than hold a neighborhood meeting. The notice includes opportunities for the property owners to reach out to staff with process and requirement questions or to the applicant with project questions. Seven projects have completed the neighborhood meeting, allowing them to submit an application. The following applications have been accepted for review and are now quasi-judicial.

<i>Project Name (Date of Application)</i>	<i>Subdivision</i>	<i>General Location</i>	<i>Brief Description</i>
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.

<i>Project Name (Date of Application)</i>	<i>Subdivision</i>	<i>General Location</i>	<i>Brief Description</i>
Carriage Hills Filing 1 Replat A (03/15/2020)	Carriage Hills Filing 1	Generally, west of Frederick Way, north of Highway 52	Replat to remove alleyways, create landscape tracts, and modify construction plans to meet current standards. The number of buildable lots remains the same.
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.
Del Camino South Replat C Lot 1, SNS Ironworks Amended Site Plan (03/15/2020)	Del Camino South	4250 Salazar Way	Site plan amendment to add containers, fixtures on the roof, and outdoor storage facilities to an approved site plan.
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.
Eagle Business Park Flg 4B Lot 3 – Colorado West, LLC, Conditional Use and Site Plan (10/07/19)	Eagle Business Park Filing 4B	4970 Eagle Place	Site plan and conditional use for an office and maintenance building for bus sales and minor service.
Frederick West Business Park Filing 3, Block 3, Lot 1, Subdivision Amendment and Site Plan (01/17/2020)	Frederick West Business Park	7990 Miller Drive	Subdivision amendment and site plan for a 24,616 square foot office and maintenance building.

<i>Project Name (Date of Application)</i>	<i>Subdivision</i>	<i>General Location</i>	<i>Brief Description</i>
Glacier Business Park 4 th Filing Block2, Lot 3, G2 Motor Cars Conditional Use (03/03/2020)	Glacier Business Park	3770 Eureka Way	Conditional use for a used auto sales.
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.
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 th Street and Walnut Street	Site plan for an approximately 3,723 square foot 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.

<i>Project Name (Date of Application)</i>	<i>Subdivision</i>	<i>General Location</i>	<i>Brief Description</i>
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

- *COVID-19 Finance* - In response to COVID-19, the Finance department is providing the following support:
 - Staff are staggering shifts at Town Hall to provide phone operations between 10:00 a.m. and 2:00 p.m., Monday through Friday, while maintaining proper social distancing;
 - Late fees and water shut-offs will not occur until further notice;
 - Staff is working remotely to keep critical and time sensitive items up-to-date;
 - Analysis is starting to project potential revenue shortfalls within the 2020 budget to identify solutions early;
 - Documentation/information is being developed for staff to track COVID-19 expenses for potential future State/FEMA reimbursements. Waiting on specific information from those agencies, but starting tracking now.

Engineering Department

- *COVID-19 Engineering* – Engineering staff is working remotely. There has been a greater focus on development review and project administration tasks.
- *COVID-19 Building* – Building Staff continues to process permits and perform inspections on a limited basis. Buildings must be of new construction and unoccupied to get an inspection. Midroof inspections are not required at this time.
- *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 follows a schedule that starts at the Thunder Valley School and proceeds east toward Ridgeway Blvd. Work continues but with smaller crews and at a slower pace.
- *Stormwater Master Plan* – 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. The presentation was changed to a GoTo Meeting and Engineering Director Kevin Ash along with Dacono staff presented the project to the DOLA Board on March 18. We will wait until the end of April to know if we are awarded grant funding.
- *Transportation Master Plan* – A contract has been approved to Felsburg, Holt and Ullevig (FHU) to develop a Town of Frederick Transportation Master Plan. This project continues and the consultant is working with staff to determine alternative ways to engage the public for feedback.
- *2020 Concrete Alley Program* – This year’s project is for construction of a concrete alley between 6th and 7th Streets from Elm to Locust. A recommendation to award a construction contract is scheduled for the March 24 Board meeting.

Golf Course

- *Greens Repairs* – Green repairs are being completed with a one-person crew from Modern Golf, LLC. Work may take slightly longer due to the crew size and the snow storm.
- *Golf Course/Restaurant Closure* - Due to the COVID-19 virus, the Bella Rosa staff is working remotely and the Restaurant is closed. One staff member will come by the clubhouse once per day to check the building.



Town of Frederick Memorandum

TO: Honorable Mayor Tony Carey and Board of Trustees

FROM: Meghan Martinez, Town Clerk

DATE: March 20, 2020

SUBJECT: Town Clerk's Report

- *Liquor Licensing*
 - Staff is working with many licensees to assist in answering questions about liquor stock as well as monitoring liquor rulemaking to share information as quickly as possible with local businesses.
- *April 7, 2020 Regular Municipal Election*
 - Ballots have hit Frederick mailboxes as of March 20, 2020.
 - We are utilizing the 24-Hour Dropbox at the Carbon Valley Recreation Center as our official ballot box. Residents can also mail their ballots back via USPS. Town Hall is not a drop-off location and staff is working with the communications department to continually share information about the election.
 - Staff is taking extra precautions in the handling of ballots and mail generally for election staff safety.
 - The election is moving forward smoothly. Voter registration and replacement ballot services are available on an appointment basis every day and staff is committed to making the election offices available as requested by the elector to make sure they can exercise their right to vote.
- *Records Requests*
 - Staff has seen an uptick in records requests. With Executive Order 2, Mayor Carey has given staff some additional time to accommodate requests since the majority of staff is working remotely and it is taking additional time and resources to accommodate requests. Requests are handled on an as received basis.

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Town of Frederick Board of Trustees

Regular Board Meeting Minutes
Frederick Town Hall, 401 Locust Street
March 10, 2020

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

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

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

Metro Districts: Special Counsel Jim Hunsaker discussed the recent Denver Post articles related to metropolitan districts. Special Counsel discussed the districts within the Town and the safeguards in place by the Town of Frederick.

Public Comment:

Brad Simons, 7262 South Garrison Court Littleton, addressed Carriage Hills Metropolitan District and the irrigation issues in Filing #2.

Darby Coleman, 6635 Catalpa Court Frederick, also addressed the irrigation issues regarding the district and spoke on behalf of the district. She also requested that the Town manage the developers to make sure the improvements are completed properly.

Kelly Cross, 6807 Catalpa Circle Frederick, also addressed the park and irrigation issues.

Randy Robinson, 7940 Columbine Avenue Frederick, had questions related to last meeting but his questions were answered.

Jesse Hansel, 6814 6th Street Frederick, also addressed the irrigation issues with the park.

Erin Fosdick, 5138 Mt Buchanan Avenue Frederick, addressed the transportation master plan.

Drew Peterson, 6722 Silver Leaf Avenue Firestone, spoke on behalf of the Carbon Valley Crier to promote the Carbon Valley Community.

Staff Reports:

Administrative Report: Town Manager Bryan Ostler provided a written report. He noted that an offer has been made to a Chief Building Official.

Town Clerk's Report: Town Clerk Meghan Martinez provided a written report. She noted that the Town worked with the Weld County Clerk and Records Office and will be able to use the 24 Hour Drop Box at the Carbon Valley Recreation Center

Consent Agenda:

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

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- February 25, 2020 Minutes
- List of Bills

Upon roll call vote, motion passed unanimously.

Action Agenda:

Public Hearing Ordinance 1336 Adopting by Reference the 2020 Edition of the “Model Traffic Code,” Repealing all Ordinances in Conflict Therewith, and Providing Penalties for Violation Thereof: Town Prosecutor Kristin Brown presented the proposed ordinance.

At 7:49 PM Mayor Carey opened the public hearing.

At 7:49 Mayor Carey closed the public hearing.

Town Attorney Rick Samson noted that the ordinance number is 1336.

Motion by Mayor Pro Tem Brown and seconded by Trustee March to approve Ordinance 1336. Upon roll call vote, motion passed unanimously.

Resolution 20-R-14 Approving a Petition for Inclusion of Land into the Frederick Metropolitan District: Special Counsel Jim Hunsaker presented the proposed resolution. Motion by Mayor Pro Tem Brown and seconded by Trustee O’Neal to approve Resolution 20-R-14. Upon roll call vote, motion passed 3-2 with Trustees DeSantis and Figurilli voting no.

Resolution 20-R-15 Approving the Exercise of Eminent Domain Powers by the Hidden Creek Metropolitan District: Special Counsel Jim Hunsaker presented the proposed resolution. Rich Rodriguez, 3600 S. Yosemite Street Denver, addressed the board on behalf of the district. Casey Flemins, 475 Rose Finch Highlands Ranch, appeared on behalf of the developer and spoke about the ongoing negotiations. Motion by Mayor Pro Tem Brown and seconded by Trustee O’Neal to approve Resolution 20-R-15. Upon roll call vote, motion passed 3-2 with Trustees DeSantis and Figurilli voting no.

Resolution 20-R-16 Granting a Loan to the Frederick Metropolitan District: Town Attorney Rick Samson presented the proposed resolution. Motion by Mayor Pro Tem Brown and seconded by Trustee O’Neal to approve Resolution 20-R-16. Upon roll call vote, motion passed 3-2 with Trustees DeSantis and Figurilli voting no.

Mayor and Trustee Reports:

Trustee DeSantis: Nothing at this time.

Trustee Figurilli: He is happy that we will have a Town Building Inspector. He asked for an update on the issue on 3rd and Elm. Town Manager Ostler indicated that staff is working through options and will have a solid solution for the budget process.

Trustee O’Neal: He gave kudos to Chief Norris for coming to his aid yesterday. He also mentioned that the CEO of the

Trustee March: He thanked Meghan for getting him signed up for the NetZero conference.

Mayor Pro Tem Brown: Nothing at this time.

Executive Session:

Motion by Mayor Pro Tem Brown and seconded by Trustee March 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.

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:

Tony Carey, Mayor

Meghan C. 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

A Resolution of the Town of Frederick, Colorado Authorizing a Supplemental Appropriation and Amending the Calendar Year 2019 Budget

Agenda Date: Town Board Meeting – March 24, 2020

Attachments: a. Resolution 20-R-17

Finance Review:

Finance Director

Submitted by:



Finance Director

Approved for Presentation:



Town Manager

Quasi-Judicial Legislative Administrative

Summary Statement:

The proposed resolution will modify the 2019 budget to allow additional funding for the Golf Course Fund with assumption of the Town's management and operations of the restaurant at Bella Rosa Golf Course.

Detail of Issue/Request:

The Town of Frederick took over management and operations of the restaurant at Bella Rosa Golf Course on July 1, 2019. Funds for the restaurant division within the Golf Fund have not been budgeted or appropriated. This is a request to amend the 2019 budget to include revenues from the restaurant division in the amount of \$79,175, and to also include appropriation expenses in the amount of \$189,524. The 2019 budget amendment includes a transfer of funds from the General Fund to the Golf Course Fund in the amount of \$110,350 to cover the overall added maintenance, equipment, and expenses with assumption of operations of the restaurant at Bella Rosa Golf Course.

Legal Comments:

The resolution presented was reviewed by the Town Attorney.

Alternatives/Options:

The Board could choose:

- Not to allocate the funding; or
- Change the amount of funding that is provided.

Financial Considerations:

Available funds are in the budget. This would be utilizing unrestricted fund balance within the General Fund and not impact any future financial obligations.

Staff Recommendation:

Staff recommends approval of the resolution as presented.

**TOWN OF FREDERICK, COLORADO
RESOLUTION NO. 20-R-17**

**A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO,
AUTHORIZING A SUPPLEMENTAL APPROPRIATION AND AMENDING
THE CALENDAR YEAR 2019 BUDGET**

WHEREAS, the Town of Frederick has assumed the management and operations of the restaurant at Bella Rosa Golf Course effective July 1, 2019; and

WHEREAS, funds to operate the restaurant at Bella Rosa have not been budgeted or appropriated; and

WHEREAS, the General Fund will transfer funds to the Golf Course Fund to cover the overall added expenses within the Golf Course Fund.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, WELD COUNTY, COLORADO THAT;

Section 1. The budget for 2019 shall be amended to include a transfer of funds from the General Fund to the Golf Course Fund in the amount of \$110,350.

Section 2. The budget for 2019 shall include revenues from the restaurant division of the Golf Course Fund of \$79,175.

Section 3. The budget for 2019 shall be amended to include an additional appropriation expense in the amount of \$189,524 in the Golf Course Fund

Section 4. Effective Date. This resolution shall become effective immediately upon adoption.

Section 5. 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 6. Certification. The Town Clerk shall certify to the passage of this resolution, 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 24th DAY OF MARCH, 2020.

ATTEST:

TOWN OF FREDERICK

By _____
Meghan C. Martinez, CMC, Town Clerk

By _____
Tony Carey, Mayor



TOWN OF FREDERICK

Board of Trustees

Action Memorandum

Tony Carey, Mayor

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

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

Consider Awarding a Contract for the 2020 Concrete and Alleyway Maintenance Program Project

Agenda Date: Town Board Meeting – March 24, 2020

Attachments:

- a. Bid Tabulation from Contractors
- b. Project Maps
- c. Resolution 20-R-18

Finance Review:

Finance Director

Submitted by:

Jason Berg _____
Civil Engineer, EI

Approved for Presentation:



Town Manager

Quasi-Judicial

Legislative

Administrative

Summary Statement:

Bids for the 2020 CONCRETE AND ALLEYWAY MAINTENANCE PROGRAM PROJECT were opened on February 28, 2020 and staff is providing a recommendation for the award of this project.

Detail of Issue/Request:

Staff has identified areas within the Town of Frederick requiring concrete and alleyway maintenance as part of the continuing effort to maintain and improve a critical part of the overall community infrastructure of the Town. The alleyways in the downtown area have been assessed and are currently included in an improvement program that intends to pave the existing dirt alleyways and improve downtown infrastructure. Paving of the alleyways will help to improve the downtown drainage infrastructure and general roadway resiliency. These maintenance improvements will be part of a system that will improve alleys, minor roadway drainage and adjacent concrete pedestrian infrastructure.

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The project will include two downtown alleyway segments in the area between 6th Street and 7th Street from Elm Street to Oak Street and Oak Street to Locust Street. Maps and locations are provided.

The Invitation to Bid was issued February 10, 2020 and advertised two consecutive weeks. The bid opening was February 28, 2020. Five bids were received; staff reviewed the bids, each of the contractor's qualifications, and contacted references.

Staff is recommending this contract award to Stone and Concrete, Inc. as the lowest qualified bidder.

Legal/Political Considerations:

Staff followed the Town's Purchasing Manual procedures. The Town Attorney has drafted the resolution.

Alternatives/Options:

The Town has the option of awarding the contract for this work to the lowest responsible bidder, to negotiate with the lowest responsible bidder, to reject any and all quotes and not proceed with the concrete and alleyway maintenance project this year, or re-bid a different contract scope with budgeted funds.

Financial Considerations:

The Pavement Maintenance Fund has budgeted for these maintenance improvements and would allocate them to this project for an amount not to exceed \$143,997.91.

Staff Recommendation:

Staff recommends that the Board award the contract to Stone and Concrete, Inc., and approve the attached resolution.

**2020 Concrete and Alleyway Maintenance Program Project
Bid Summary**

BID SCHEDULE				Silva Construction, Inc.		KEENE Concrete, Inc.		Stone and Concrete, Inc.	
Item	Unit	Quantity	Cost	Extension	Cost	Extension	Cost	Extension	
Site Work									
1	Mobilization	LS	1	\$ 11,000.00	\$ 11,000.00	\$ 15,000.00	\$ 15,000.00	\$ 5,539.57	\$ 5,539.57
2	Survey and Design	LS	1	\$ 15,000.00	\$ 15,000.00	\$ 12,500.00	\$ 12,500.00	\$ 13,117.79	\$ 13,117.79
3	Traffic Control	LS	1	\$ 11,000.00	\$ 11,000.00	\$ 12,000.00	\$ 12,000.00	\$ 1,799.55	\$ 1,799.55
4	Remove and Replace Curb and Gutter	LF	106	\$ 50.00	\$ 5,300.00	\$ 39.00	\$ 4,134.00	\$ 33.93	\$ 3,596.58
5	Remove Concrete Aprons (6-inch)	SY	87	\$ 17.00	\$ 1,479.00	\$ 18.00	\$ 1,566.00	\$ 13.09	\$ 1,138.83
Earthwork									
6	Road Earthwork – Cut/Fill	CY	575	\$ 55.00	\$ 31,625.00	\$ 38.00	\$ 21,850.00	\$ 33.95	\$ 19,521.25
7	Roadbase Subgrade	CY	250	\$ 60.00	\$ 15,000.00	\$ 37.00	\$ 9,250.00	\$ 37.07	\$ 9,267.50
8	Roadbase 2.5-foot Gravel Shouldering	LF	812	\$ 9.00	\$ 7,308.00	\$ 12.00	\$ 9,744.00	\$ 5.17	\$ 4,198.04
Concrete									
9	Concrete Pavement (6-inch)	SY	1,360	\$ 83.00	\$ 112,880.00	\$ 60.00	\$ 81,600.00	\$ 57.13	\$ 77,696.80
10	Concrete Sidewalk (6-inch)	SY	50	\$ 120.00	\$ 6,000.00	\$ 130.00	\$ 6,500.00	\$ 103.05	\$ 5,152.50
11	Concrete Pavement (10-inch) (High Early)	SY	50	\$ 90.00	\$ 4,500.00	\$ 55.00	\$ 2,750.00	\$ 59.39	\$ 2,969.50
Total Project Cost:					\$ 221,092.00		\$ 176,894.00		\$ 143,997.91

2020 Concrete and Alleyway Program

Alleyway Locations



DISCLAIMER: There are no representations or warranty, express or implied, concerning the accuracy, quality, likely results or reliability of the use of the information contained in this map. The Town assumes no responsibility for any errors, and is not liable for any damages resulting from the use of, or reliance on, the information contained in this map. Please notify the Town at gis@frederickco.gov of any

**TOWN OF FREDERICK, COLORADO
RESOLUTION NO. 20-R-18**

**A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO
AUTHORIZING THE TOWN MANAGER TO EXECUTE AN AGREEMENT
WITH STONE AND CONCRETE, INC. FOR THE TOWN'S 2020 CONCRETE
AND ALLEYWAY MAINTENANCE PROGRAM**

WHEREAS, the Town advertised an Invitation to Bid on the Town's 2020 Concrete and Alleyway Maintenance Program; and

WHEREAS, the Town received five bids and the lowest qualified bidder was Stone and Concrete, Inc.

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

Section 1. The Town Manager is authorized to execute the contract with Stone and Concrete, Inc.

Section 2. Effective Date. This resolution shall become effective immediately upon adoption.

Section 3. Repealer. All resolutions, or parts thereof, in conflict with this resolution are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such resolution nor revive any resolution thereby.

Section 4. Certification. The Town Clerk shall certify to the passage of this resolution and make not less than one copy of the adopted resolution available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 24th DAY OF MARCH 2020.

ATTEST:

TOWN OF FREDERICK

By _____
Meghan C. Martinez, CMC, Town Clerk

By _____
Tony Carey, Mayor



TOWN OF FREDERICK

Board of Trustees

Action Memorandum

Tony Carey, Mayor

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

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

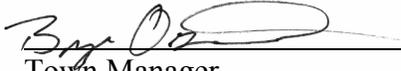
Request to Discontinue Temporary Reduction on Annual Passes and Green Fees at Bella Rosa Golf Course

Agenda Date: Town Board Meeting – March 24, 2020

Attachments: a. Resolution 20-R-19

Finance Review: _____
Finance Director

Submitted by: Tim Schwartz
Golf Course General Manager/Head Golf Professional

Approved for Presentation: 
Town Manager

Quasi-Judicial Legislative Administrative

Summary Statement:

This is a request to discontinue a temporary fee reduction set by the Board of Trustees on annual passes and green fees at Bella Rosa Golf Course.

Detail of Issue/Request:

In mid-July 2019, Bella Rosa staff found the greens located at holes 1, 2 and 9 to be damaged with an unidentified chemical, killing off the grass at these locations. Since then, the holes at these locations were relocated while staff worked to repair the greens. As a result, at the October 1, 2019 meeting, the Board passed a motion to temporarily reduce annual passes by 35 percent and discount green fees by 25 percent at Bella Rosa Golf Course until the greens were repaired. Since this was a Board action with no end date set, action is required by the Board to end the temporary reduction.

At the November 12, 2019 meeting, the Board awarded a contract to Modern Golf & Turf, LLC to repair the three greens. After weeks of weather delays, the work has commenced and is expected to be

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completed within the next few weeks with the greens returning to playable condition for the 2020 season.

Due to the expected completion of the greens repairs, this is a request to discontinue the temporary reduction on annual passes and green fees and return to the rates as set forth in the Town’s Fee Schedule as adopted by the Board in December 2019.

Section 4-60 Golf Course Fund

Green Fees

<u>Monday - Friday</u>	<u>9 holes</u>	<u>18 holes</u>
Adult	\$16	\$24
Senior (55+)	\$13	\$19
Junior (17 & under)	\$9	\$13
Thursday Senior Special includes golf cart	\$16	\$24
Twilight (up to 18 holes after 3:00 pm)	N/A	\$33 w/cart

<u>Weekend/Holiday</u>	<u>9 holes</u>	<u>18 holes</u>
Adult	\$17	\$25
Twilight (up to 18 holes after 3:00 pm)	N/A	\$34 w/cart

Annual Passes

<u>Pass Type</u>	<u>No Cart</u>	<u>With Cart</u>
Adult (7 days)	\$550	\$840
Adult (M-F - no holidays)	\$400	\$610
Senior (7 days)	\$475	\$715
Senior (M-F - no holidays)	\$340	\$515
Junior (7 days)	\$235	N/A
Junior (M-F - no holidays)	\$160	N/A

Legal/Political Considerations:

The attached resolution was prepared by the Town Attorney.

Alternatives/Options:

The Board may choose not to end the reduced rates or amend the Fee Schedule to set a different rate for these fees.

Financial Considerations:

The 2020 budget was adopted with revenues projected at the adopted Fee Schedule rates. Long term discounts will impact the Golf Course Fund from meeting its projected revenues and budgeted expenditures.

Staff Recommendation:

Staff recommends that the Board approve the attached resolution.

**TOWN OF FREDERICK, COLORADO
RESOLUTION NO. 20-R-19**

**A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO,
TERMINATING THE TEMPORARY COST REDUCTION IN ANNUAL
PASSES AND GREEN FEES FOR THE BELLA ROSA GOLF COURSE**

WHEREAS, three greens at the Bella Rosa Golf Course were vandalized in July 2019 resulting in the loss of those greens; and

WHEREAS, the Board of Trustees determined that a reduction in the cost of annual passes and green fees was necessary due to the loss of the three greens; and

WHEREAS, by motion made, seconded and adopted, the cost of annual passes and green fees were temporarily reduced; and

WHEREAS, the damaged greens are being repaired and there is no longer a need for reduced fees for annual passes and green fees.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, WELD COUNTY, COLORADO THAT;

Section 1. **The Board of Trustees hereby terminates the temporary reduction in the cost of annual passes and green fees and returns the cost to those established in the Town’s Fee Schedule adopted by the Board in December 2019.**

Section 2. **Effective Date.** This Resolution shall become effective immediately upon adoption.

Section 3. **Repealer.** All resolutions or parts thereof, in conflict with this resolution are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such resolution nor revive any resolution thereby.

Section 4. **Certification.** The Town Clerk shall certify to the passage of this resolution and make not less than one copy of the adopted resolution available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 24TH DAY OF MARCH 2020.

ATTEST:

TOWN OF FREDERICK

By _____
Meghan C. Martinez, CMC, Town Clerk

By _____
Tony Carey, Mayor



TOWN OF FREDERICK

Board of Trustees

Action Memorandum

Tony Carey, Mayor

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

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

Request to Consider Increasing Cash-In-Lieu Rate

Agenda Date: Town Board Meeting – March 24, 2020

Attachments: a. Resolution 20-R-20

Finance Review: _____
Finance Director

Submitted by: Sarah Watson
Civil Engineer

Approved for Presentation: 
Town Manager

Quasi-Judicial

Legislative

Administrative

Summary Statement:

This is a request to increase the Town's cash-in-lieu rate from \$60,000 to \$65,000.

Detail of Issue/Request:

The Town's current cash-in-lieu (CIL) rate is \$60,000 per Colorado Big-Thompson (CBT) unit. The CIL fee is routinely reviewed and adjusted to reflect current market conditions. Recent Sales have been above \$60,000 per unit. Water Brokers who have contacted the Town have quoted sales at \$62,000 to \$65,000 per unit when selling small blocks of units. As the size of the blocks increases the cost per unit decreases. The current rate of \$60,000 is 8 percent less than the recent highest bid. Staff is recommending the Town's CIL rate be set at \$65,000, which is 4.7 percent more than the lower sales price per unit as the Town will purchase large blocks of CBT, not small blocks.

Legal Comments:

The resolution was drafted by the Town Attorney.

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Alternatives/Options:

Cash-in-lieu rates are set at the sole discretion of the Board. The Board may choose to change the rate or not change the rate.

Financial Considerations:

Increasing the cash-in-lieu rate will allow the Town an opportunity to use these funds to purchase CBT units to serve the Town and to keep up with current market conditions.

Staff Recommendation:

Staff recommends approval of the resolution as presented.

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

**A RESOLUTION AMENDING THE CBT CASH IN LIEU FEE AND
THEREBY AMENDING THE CBT WATER SHARE FEE AS SET FORTH IN
THE ADOPTED FEE SCHEDULE**

WHEREAS, Resolution No. 02-R-063 was adopted on December 12, 2002, and;

WHEREAS, Resolution No. 13-R-20 was adopted on April 23, 2013, setting the CBT Water Share Cash in Lieu Fee of \$18,700 for one acre-foot of CBT water; and

WHEREAS, Resolution No. 19-R-24 was adopted on March 12, 2019, setting the CBT Water Share Cash in Lieu Fee of \$45,000 for one acre-foot of CBT water; and

WHEREAS, Resolution No. 19-R-56 was adopted on June 25, 2019, setting the CBT Water Share Cash in Lieu Fee of \$50,000 for one acre-foot of CBT water; and

WHEREAS, Resolution No. 19-R-77 was adopted on September 25, 2019, setting the CBT Water Share Cash in Lieu Fee of \$60,000 for one acre-foot of CBT water; and

WHEREAS, due to the increase in the cost of CBT water shares, it has been determined by the Board of Trustees that further adjustments to the CBT Water Share Fee must be made to keep pace with said rising costs of water rights.

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Frederick, Colorado, as follows:

Section 1. The Cash in Lieu Fee to be required instead of the dedication of CBT water to the Town shall be calculated as \$65,000 per CBT Acre-foot Unit.

Section 2. Effective Date. This resolution is shall take effect immediately.

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 24TH DAY OF MARCH, 2020.

ATTEST;

TOWN OF FREDERICK

Meghan C. Martinez, CMC, Town Clerk

By _____
Tony Carey, Mayor



TOWN OF FREDERICK

Board of Trustees

Action Memorandum

Tony Carey, Mayor

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

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

Request to Continue the Public Hearing for Consideration of Guardian Storage's Sign Design Program Alternative to the Regular Board Meeting of May 12, 2020 at 7:00 p.m.

Agenda Date: Town Board Meeting - March 24, 2020

Attachments:

- a. Exhibit A Tabling Request from Applicant
- b. Resolution 20-R-21

Finance Review: _____
Finance Director

Submitted by: _____
Maureen Welsh
Planner I

Approved for Presentation: _____

Town Manager

Quasi-Judicial

Legislative

Administrative

Summary Statement:

The public hearing for Guardian Storage's Sign Design Program Alternative was noticed for March 24, 2020.

Detail of Issue/Request:

A public hearing was noticed for March 24, 2020. At the applicant's request, the Planning Department suggests the item be continued until the Board Meeting scheduled for May 12, 2020 at 7:00 p.m.

Legal Comments:

Not applicable.

Alternatives/Options:

The Board of Trustees may choose whether or not to continue the public hearing.

Financial Considerations:

Not applicable.

Staff Recommendation:

Staff recommends the public hearing be continued until the regular Board meeting of May 12, 2020 at 7:00 p.m.

**TOWN OF FREDERICK, COLORADO
RESOLUTION NO. 20-R-21**

**A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO,
CONTINUING THE PUBLIC HEARING ON A SIGN DESIGN PROGRAM
FOR GUARDIAN STORAGE**

WHEREAS, a public hearing on the proposed sign design program for Guardian Storage has been set for March 24, 2020; and

WHEREAS, due to the health concerns from the coronavirus there will only be abbreviated meetings for the next month.

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

Section 1. The Board continues the public hearing on the proposed sign design program until May 12, 2020.

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 24TH DAY OF MARCH, 2020.

ATTEST:

TOWN OF FREDERICK

By _____
Meghan C. Martinez, CMC, Town Clerk

By _____
Tony Carey, Mayor

Meghan Martinez

From: Matt Williams <mattw@bscsigns.com>
Sent: Monday, March 02, 2020 3:42 PM
To: Maureen Welsh; Kevin Cohen
Subject: RE: Public Hearing Reschedule

Hey Maureen,

After speaking further with Kevin we would like to move this to the April hearing. Kevin needs to be in attendance. Can you please confirm once it's been published by the town for the April meeting and also confirm the date and time? We definitely don't want to miss April.

Matt Williams
Sales Executive



7245 W 116TH PL
BROOMFIELD CO 80020

O: 303.464.0644

C: 720.297.7761

WWW.BSCSIGNS.COM

From: Maureen Welsh <MWelsh@frederickco.gov>
Sent: Thursday, February 27, 2020 4:14 PM
To: Matt Williams <mattw@bscsigns.com>; Kevin Cohen <hkc@guardianstorage.com>
Subject: RE: Public Hearing Reschedule

Hello,

Do you have an update on whether or not you are able to have a representative at the public hearing on March 24th? Again, I thank you for being so accommodating.

Thank you,

Maureen Welsh | Planner
Town of Frederick | 720.382.5654
mwelsh@frederickco.gov | www.frederickco.gov



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From: Matt Williams <mattw@bscsigns.com>
Sent: Tuesday, February 25, 2020 11:38 AM
To: Maureen Welsh <MWelsh@frederickco.gov>; Kevin Cohen <hkc@guardianstorage.com>
Subject: RE: Public Hearing Reschedule

Hey Kevin,

I was planning on being out of town that week also. I know this is very important and it's already been bumped once so I don't want to bump it again and neither do you. Let me see if I can move some things around on my end that week so at least I can make it. I'll get back to you no later than tomorrow.

Matt Williams
Sales Executive



7245 W 116TH PL
BROOMFIELD CO 80020

O: 303.464.0644
C: 720.297.7761
WWW.BSCSIGN.COM

From: Maureen Welsh <MWelsh@frederickco.gov>
Sent: Tuesday, February 25, 2020 11:07 AM
To: Kevin Cohen <hkc@guardianstorage.com>; Matt Williams <mattw@bscsigns.com>
Subject: RE: Public Hearing Reschedule

Kevin,

It is required that someone representing the applicant be in attendance to answer any potential questions from the Board. This can be anyone with general knowledge of the project. It does not have to be anyone specific.

Let me know,

Maureen Welsh | Planner



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From: Kevin Cohen <hkc@guardianstorage.com>
Sent: Tuesday, February 25, 2020 11:03 AM
To: Maureen Welsh <MWelsh@frederickco.gov>; Matt Williams <mattw@bscsigns.com>
Subject: Re: Public Hearing Reschedule

Ugh. Bummer. I am out of town on March 24, but we can't push it back any further as we really need to get our signage squared away for our busy season, which starts in the spring. How much of an issue if I am not in attendance?



Kevin Cohen | Development Partner-Western Region

1555 S 76th Street, Superior, CO 80027

c: 303.250.2059

hkc@guardianstorage.com

www.guardianstorage.com

From: Maureen Welsh <MWelsh@frederickco.gov>
Date: Tuesday, February 25, 2020 at 10:59 AM
To: KEVIN COHEN <hkc@guardianstorage.com>, Matt Williams <mattw@bscsigns.com>
Subject: Public Hearing Reschedule

Hello,

Our Town Attorney, Rick brought to my attention that this project was never published by the Town. Our Code requires that Sign Design Program Alternatives be published 15 days prior to the public hearing. Our Town Clerk, Meghan will be removing the item from tonight's agenda, meaning neither of you are required to be present tonight.

I apologize for this miss.

I am sending our Town Clerk, Meghan the notice of hearing to be sent to the publisher. This means your agenda item will get bumped to the March 24th hearing.

If you have any questions feel free to email or call.

Again, I apologize for this mishap.

Thank you,

Maureen Welsh | Planner

Town of Frederick | 720.382.5654

mwelsh@frederickco.gov | www.frederickco.gov



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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

Request to Adopt a Resolution Concerning the Coronavirus (COVID-19) Public Health Emergency

Agenda Date: Town Board Meeting – March 24, 2020

Attachments: a. Resolution 20-R-22

Finance Review:

Finance Director

Submitted by:

Rick Samson
Town Attorney

Approved for Presentation:



Town Manager

Quasi-Judicial

Legislative

Administrative

Summary Statement:

Due to the coronavirus and Governor's Declaration of a State of Emergency in Colorado, this resolution reaffirms the declaration of a local disaster and declares a public health emergency for the Town of Frederick.

Detail of Issue/Request:

Besides declaring an emergency, this resolution establishes procedures for remote attendance by Trustees who are unable able to attend a scheduled Board meeting and procedures for conducting a meeting electronically with no one at the Town Hall.

Legal Comments:

These emergency procedures are authorized under CRS §31-15-101(2), 31-15-103, 31-15-401(1)(b) and 24-33.5-701 *et seq* and the emergency resolution was prepared by the Town Attorney.

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Alternatives/Options:

The Board may choose to not enact these emergency procedures, which would effectively prevent the Town from continuing to operate effectively during a crisis when trustees may not be able to attend a meeting.

Financial Considerations:

Not applicable.

Staff Recommendation:

Staff recommends adoption of this resolution as prepared.

**TOWN OF FREDERICK, COLORADO
RESOLUTION NO. 20-R-22**

**A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO,
CONCERNING THE CORONAVIRUS (COVID-19) PUBLIC HEALTH
EMERGENCY**

WHEREAS, on March 10, 2020, Jared Polis, the Governor of the State of Colorado, declared a state-wide state of emergency in response to the spread of coronavirus (COVID-19) within the State of Colorado; and

WHEREAS, on March 19, 2020 the Mayor of the Town of Frederick declared a local disaster pursuant to CRS §24-33.5-701 *et seq.*; and

WHEREAS, pursuant to CRS 24-33.5-709(1) the Board of Trustees of the Town of Frederick confirms the Mayor's declaration of a local disaster that protecting the public health of the Town of Frederick is the Board's top priority; and

WHEREAS, the Board of Trustees is empowered by CRS § 31-15-401(1)(b), "to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease"; and

WHEREAS, the Board of Trustees finds and determines that the adoption of this Resolution is necessary for the promotion of health and the suppression of disease; and

WHEREAS, the Board of Trustee further finds and determines that the adoption of this resolution is proper under CRS §31-15-101(2), 31-15-103, 31-15-401(1)(b) and 24-33.5-701 *et seq.* and other applicable law.

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

Section 1. This resolution shall be known and may be cited as the "Town of Frederick Coronavirus (COVID-19) Resolution."

Section 2. Public Health Emergency Declared. The Board of Trustees hereby declares that a public health emergency relating to the coronavirus (COVID-19) exists within the Town. Such circumstance is referred to in this resolution as the "public health emergency." The public shall be notified of this declaration through general dissemination to the news media, posting on the Town website, or other means of publicity intended to advise the general public.

Section 3. Duration of Declaration of Public Health Emergency. The declaration of the public health emergency as provided in Section 3 of this resolution shall remain in effect until the Mayor declares that the emergency has passed.

Section 4. Board of Trustees Meetings and Departments.

- a. For the duration of the public health emergency, if a member of the Board of Trustees reasonably determines that his or her personal attendance at a Board of Trustees meeting would not be prudent, such Board of Trustee member may participate by telephone, video conferencing, or other electronic means to any Board of Trustee meeting ("Electronic Participation"). Such Board of Trustee member participating via telephone or other

electronic means shall be deemed present for purposes of determining a quorum unless there is a quasi-judicial matter on the agenda. Such member of Board of Trustees may participate but not vote in a quasi-judicial public hearing; however, such member may maintain the electronic connection and monitor and listen to the hearing. Such member may participate and vote on administrative or legislative matters. Electronic Participation is also available to a Board of Trustees member during an executive session.

- b. The Board of Trustees may discontinue the use of Electronic Participation by one or more members during a meeting where the participation results in delays or interference in the meeting process; e.g., where the telephone connection or connection by other electronic means is repeatedly lost, the quality of the connection is unduly noisy or otherwise problematic to the conduct of the meeting, or the listening member is unable to hear speakers using a normal speaking voice amplified to a level suitable for the meeting audience in attendance.
- c. Whenever a Board of Trustees member is allowed to participate in a Board of Trustees meeting by telephone or other electronic means pursuant to this Rule, the following additional rules shall be observed:
 - i. All members of the Board of Trustees must be able to hear one another or otherwise communicate with one another, and be able to hear all discussion and testimony in a manner designed to provide maximum notice and participation;
 - ii. Members of the public present at the meeting location must be able hear all discussion, testimony, and votes;
 - iii. All votes held at the meeting shall be conducted by roll call;
 - iv. To the extent possible, full and timely notice shall be given to the public setting advising that one or more members of the Board of Trustees may participate in the meeting electronically.
- d. In the event it is necessary to conduct a meeting electronically, the meeting shall be conducted using a platform like Zoom or GoToMeeting which shall be made available to the general public subject to the constraints of subsection b. above. Notifications shall be posted on the Town website.
- e. Whenever the public health emergency makes it imprudent or impossible for Board of Trustees, or any Town board, commission, or committee, to meet at a previously scheduled date and time, such meeting shall be deemed to be postponed until a quorum of the Board of Trustees, commission, or committee is able to meet, not to exceed one (1) week.
- f. Any official act or meeting required to be performed at any regular location of the Board of Trustees board, commission, or committee or any Town department is valid when performed at any temporary location under this section.
- g. The provisions of this section shall apply to all executive, legislative, and judicial branches, powers and functions conferred upon the Town and its officers, employees, and authorized agents by the Colorado Constitution, Colorado Statutes, the Town Municipal Code.

Section 5. Conflict with Other Laws.

If any provision of this resolution conflicts with the Municipal Code, the Municipal Code shall control. If any provision of this resolution conflicts with any provision of the Frederick Municipal Code, or any provision of the Board of Trustees' Procedures and Rules of Order, this resolution shall control.

Section 6. Effective Date. This resolution shall become effective immediately upon adoption.

Section 7. 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 8. 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 24th DAY OF MARCH, 2020.

ATTEST:

TOWN OF FREDERICK

By _____
Meghan C. Martinez, CMC, Town Clerk

By _____
Tony Carey, Mayor



TOWN OF FREDERICK

Board of Trustees

Action Memorandum

Tony Carey, Mayor

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

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

Request to Consider an Emergency Ordinance Declaring a Public Health Emergency as a Result of the Coronavirus and Establishing Acts and Regulations Necessary and Expedient for the Promotion of Health or the Suppression of Disease

Agenda Date: Town Board Meeting – March 24, 2020

Attachments: a. Ordinance No. 1337

Finance Review: _____
Finance Director

Submitted by: Rick Samson
Town Attorney

Approved for Presentation: 
Town Manager

Quasi-Judicial Legislative Administrative

Summary Statement:

Due to the proliferation of the Coronavirus (COVID-19), the Governor's Declaration of a State of Emergency in Colorado and the Town of Frederick's Resolution Declaration of a State of Emergency, the attached emergency ordinance was prepared to provide for a chain of command and authority to make decisions to preserve the safety and health of the Town of Frederick.

Detail of Issue/Request:

As the highest elected official in the Town, it is reasonable and necessary to vest this authority in the elected Mayor to do all acts and make all regulations which may be necessary or expedient for the promotion of public health, safety and welfare or the suppression of disease during the declared emergency.

Legal Comments:

These emergency procedures are authorized under CRS §31-15-101(2), 31-15-103, 31-15-401(1)(b) and 24-33.5-701 *et seq* and the emergency ordinance was prepared by the Town Attorney. It may be necessary to override or enact rules and regulations on a temporary basis and an ordinance is the proper way to provide for that. It is an emergency ordinance and is effective immediately upon adoption otherwise it would not be effective until 30 days after publication. To be adopted as an emergency ordinance, it requires the unanimous vote of all six trustees.

Alternatives/Options:

The Board may choose to not enact these emergency procedures, which would effectively prevent the Town from continuing to operate effectively during a crisis when decisions need to be made quickly without time to post a meeting notice and trustees may not be able to attend a meeting.

Financial Considerations:

Not applicable.

Staff Recommendation:

Staff recommends adoption of this ordinance as presented.

**TOWN OF FREDERICK, COLORADO
ORDINANCE NO. 1337**

**AN ORDINANCE OF THE TOWN OF FREDERICK COLORADO DECLARING
A PUBLIC HEALTH EMERGENCY AS A RESULT OF THE CORONAVIRUS AND
ESTABLISHING ACTS AND REGULATIONS NECESSARY AND EXPEDIENT FOR
THE PROMOTION OF HEALTH OR THE SUPPRESSION OF DISEASE**

WHEREAS, CRS §31-15-101(2) provides that all such municipalities shall have the powers, authority, and privileges granted by this title and by any other law of this state together with such implied and incidental powers, authority, and privileges as may be reasonably necessary, proper, convenient, or useful to the exercise thereof. All such powers, authority, and privileges are subject to the restrictions and limitations provided for in this title and in any other law of this state; and

WHEREAS, CRS §31-15-103 provides that municipalities shall have power to make and publish ordinances not inconsistent with the laws of this state, from time to time, for carrying into effect or discharging the powers and duties conferred by this title which are necessary and proper to provide for the safety and to preserve the health of such municipality and the inhabitants thereof not inconsistent with the laws of this state; and

WHEREAS, CRS §31-15-401 provides that, the governing bodies of municipalities have the power to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease; and

WHEREAS, because the Board of Trustees has declared a public health emergency due to the coronavirus, this Ordinance concerns the immediate and ongoing administration and operation of the Town, its adoption as an emergency measure is necessary to the immediate preservation of the public health, safety and welfare.

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

Section 1. During the period of a declared public health emergency, the Mayor has the authority to exercise all executive and administrative powers.

Section 2. Emergency Measure. The Board of Trustees finds and determines that because this Ordinance concerns the immediate and ongoing administration and operation of the Town, its adoption as an emergency measure is necessary to the immediate preservation of the public health, safety and welfare, and this Ordinance shall therefore take effect March 24, 2020, as provided by law.

Section 3. Severability. If any part, section, subsection, sentence, clause, or phrase of this ordinance is for any reason held invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof,

irrespective of the fact that one or more part, sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. Repealer. All ordinances or resolutions and motions of the Board of Trustees of the Town of Frederick or parts thereof in conflict with this ordinance are, to the extent of such conflict, hereby superseded and repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution, or motion thereby.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 24th DAY OF MARCH 2020.

ATTEST:

TOWN OF FREDERICK

By _____
Meghan C. Martinez, CMC, Town Clerk

Tony Carey, Mayor



TOWN OF FREDERICK

Board of Trustees

Action Memorandum

Tony Carey, Mayor

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

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

Request to Adopt a Resolution Ratifying Mayor's Executive Order No. 2 Regarding CORA

Agenda Date: Town Board Meeting – March 24, 2020

Attachments:

- a. Resolution 20-R-23
- b. Executive Order No. 2

Finance Review: _____
Finance Director

Submitted by: Rick Samson
Town Attorney

Approved for Presentation: 
Town Manager

Quasi-Judicial Legislative Administrative

Summary Statement:

Due to the coronavirus, the Governor's Declaration of a State of Emergency in Colorado and the Frederick Mayor's declaration of a state of emergency, the Mayor issued Emergency Order No. 2 regarding time limits for complying with Colorado Open Records (CORA) requests.

Detail of Issue/Request:

The Mayor's Emergency Order is only effective for seven days and this Resolution simply ratifies the Executive Order to give the Town Clerk and Town staff additional time to comply with a CORA request since there is limited staffing due to the declared State of Emergency.

Legal Comments:

Emergency procedures are authorized under CRS §31-15-101(2), 31-15-103, 31-15-401(1)(b) and 24-33.5-701 *et seq* and the resolution was prepared by the Town Attorney.

Alternatives/Options:

To not enact these emergency procedures would put Town staff at risk to comply with a records request.

Financial Considerations:

Not applicable.

Staff Recommendation:

Staff recommends adoption of this resolution as presented.

**TOWN OF FREDERICK, COLORADO
RESOLUTION NO. 20-R-23**

**A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO,
RATIFYING THE MAYOR'S EXECUTIVE ORDER NO. 2 REGARDING
CORA**

WHEREAS, on March 10, 2020, Jared Polis, the Governor of the State of Colorado, declared a state-wide state of emergency in response to the spread of coronavirus (COVID-19) within the State of Colorado; and

WHEREAS, on March 19, 2020 the Mayor of the Town of Frederick declared a local disaster pursuant to CRS §24-33.5-701 *et seq.*; and

WHEREAS, pursuant to CRS 24-33.5-709(1) the Board of Trustees of the Town of Frederick confirmed the Mayor's declaration of a local disaster that protecting the public health of the Town of Frederick is the Board's top priority; and

WHEREAS, the Board of Trustees is empowered by CRS § 31-15-401(1)(b), "to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease"; and

WHEREAS, the Board of Trustees finds and determines that the adoption of this Resolution is necessary for the promotion of health and the suppression of disease; and

WHEREAS, the Board of Trustee further finds and determines that the adoption of this resolution is proper under CRS §31-15-101(2), 31-15-103, 31-15-401(1)(b) and 24-33.5-701 *et seq.* and other applicable law.

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

Section 1. Executive Order No. 2 issued by the Mayor on Friday, March 20, 2020 re CORA requests is confirmed and ratified as if more fully set forth herein.

Section 2. Duration of the CORA changes. The duration of the changes to CORA shall remain in effect until the Mayor declares that the emergency has passed.

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 24th DAY OF MARCH 2020.

ATTEST:

TOWN OF FREDERICK

By _____
Meghan C. Martinez, CMC, Town Clerk

By _____
Tony Carey, Mayor

EXECUTIVE ORDER NO. 2
IN AND FOR THE TOWN OF FREDERICK, COLORADO

WHEREAS, the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, et seq. (the "Act"), provides procedures for statewide and local prevention of, preparation for, response to, and recovery from disasters and emergencies;

WHEREAS, pursuant to the Act, an "emergency" is an unexpected event that places life or property in danger and requires an immediate response through the use of state and community resources and procedures, and an "emergency epidemic" is cases of an illness or condition, communicable or noncommunicable, caused by bioterrorism, pandemic influenza, or novel and highly fatal infectious agents or biological toxins;

WHEREAS, pursuant to C.R.S. § 24-33.5-709, a local disaster emergency was declared by the Mayor on March 19, 2020;

WHEREAS, on March 20, 2020, Governor Polis issued an Order _____;

NOW, THEREFORE, IT IS HEREBY ORDERED, on this 20th day of March 2020, that for the duration of this Public Health Emergency the following rules shall apply to all requests under the Colorado Open Records Request:

I. AUTHORITY:

The Colorado Open Records Act, C.R.S. § 24-72-201, *et seq.* ("CORA") authorizes the official custodian to issue rules with reference to the inspection of public records which are reasonably necessary to limit operational disruption caused by access to the records.

II. PURPOSE OF RULE:

- A. To establish a rule and expectations concerning the processing of CORA requests by the Town during the current coronavirus pandemic.
- B. To provide clear direction to Town staff concerning the allocation of Town resources to CORA requests during this period and the prioritization of the same relative to other public duties and functions.
- C. To protect the Town and its residents from potential disruption of Town services during the coronavirus pandemic due to the diversion of scarce Town resources and personnel from necessary operations.

III. SCOPE:

This Rule shall apply to all public records maintained by the Town with the exception of records kept, made or maintained by the Frederick Police Department (WRPD) or the

Frederick Municipal Court and requested under the Criminal Justice Records Act (“CCJRA”), C.R.S. § 24-72-301, *et seq.*

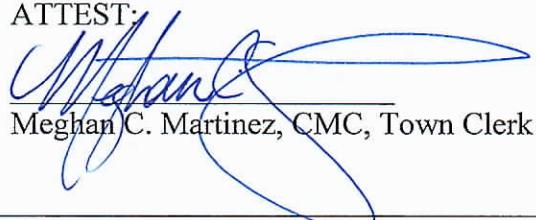
VI. DURATION:

This Rule shall become effective immediately upon issuance and shall remain in effect until written notice of its revocation is issued by the Frederick Board of Trustees acting through the Mayor.

V. PROCEDURES:

- A. During the effectiveness of this Rule, CORA requests shall be processed by Town personnel as quickly as reasonably possible after such personnel have performed any pending or scheduled duties that are necessary to maintain Town operations and services, to protect the public health or to comply with any order, declaration or directive affecting the Town issued by any governmental agency or official with jurisdiction.
- B. In no event shall a Town employee be required to come to Town facilities when s/he is working remotely, with Town authorization, solely to locate records, perform on-site research or take other action in response to a filed CORA request.
- C. As soon as practical after receiving a CORA request, the Town Clerk's Office shall issue written notice to the requesting party that the current health pandemic constitutes extenuating circumstances under CORA and that the Town shall accordingly process and respond to the request in not less than ten (10) working days.
- D. Town staff involved in processing a CORA request shall use their best efforts to provide appropriate response to the requesting party within three (3) working days if the same can be done in compliance with Subsection A. above.

IT IS FURTHER ORDERED that this Order shall be given prompt and general publicity, filed immediately with the Town Clerk, and a copy of it shall be sent to the Weld County Clerk and Recorder and the Colorado Office of Emergency Management.

<p>ATTEST:</p>  <p>Meghan C. Martinez, CMC, Town Clerk</p>	<p>TOWN OF FREDERICK, COLORADO</p> <p>By </p> <p>Tony Carey, Mayor</p>
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