



# TOWN OF ERIE

645 Holbrook Street  
Erie, CO 80516

## Meeting Minutes - Final

### BOARD OF TRUSTEES MEETING

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Tuesday, May 10, 2016

6:30 PM

Board Room

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#### STUDY SESSION 5:45 PM IN THE COMMUNITY ROOM

AGENDA FOR THE STUDY SESSION IS A DISCUSSION OF THE REGULAR MEETING  
AGENDA BELOW

#### REGULAR MEETING 6:30 PM IN THE BOARD ROOM

#### I. CALL MEETING TO ORDER

Mayor Harris called the May 10, 2016 Regular Meeting of the Town of Erie Board of Trustees to Order at 6:30 pm.

#### II. PLEDGE OF ALLEGIANCE AND ROLL CALL

**Present:** 7 - Mayor Harris  
Mayor Pro Tem Gruber  
Trustee Carroll  
Trustee Schutt  
Trustee Charles  
Trustee Woog  
Trustee Deakin

#### III. APPROVAL OF THE AGENDA

Trustee Deakin moved to approve the May 10, 2016 Agenda with the amendment of moving Consent Agenda Item 16-154 to Resolutions. The motion was seconded by Trustee Schutt. The motion carried with all present voting in favor thereof.

#### IV. CONSENT AGENDA

Trustee Charles moved to approve the May 10, 2016 Consent Agenda as amended. The motion was seconded by Mayor Pro Tem Gruber. The motion carried with the following roll call vote:

**Aye:** 7 - Mayor Harris, Mayor Pro Tem Gruber, Trustee Carroll, Trustee Schutt, Trustee Charles, Trustee Woog, and Trustee Deakin

[16-149](#) Approval of the April 26, 2016 Meeting Minutes.

[16-145](#) An Ordinance Of The Town Of Erie, Colorado, Disconnecting Certain

Described Real Property From The Town In Accordance with C.R.S. § 31-12-501; And, Setting Forth Details In Relation Thereto. Second Reading.

- [16-168](#) A Resolution By The Board Of Trustees Of The Town Of Erie, Colorado Accepting Dedications As Shown In The Vista Ridge Filing No. 12, 2nd Amendment Final Plat; Authorizing The Appropriate Town Official To Sign The Vista Ridge Filing No. 12, 2nd Amendment Development Agreement; Adopting Certain Findings Of Fact And Conclusions Favorable To Acceptance Of The Dedications And Development Agreement; And, Setting Forth Details In Relation Thereto.
- [16-169](#) A Resolution For The Purpose Of Granting Encroachment License Agreements to Encana Oil & Gas (USA) for Construction of Oil and Gas Related Pipelines in Town Right-of-way.
- [16-171](#) A Resolution Requesting Additional Funds for Unforeseen Repair Items at the Erie Community Center And Setting Forth Details in Relation Thereto
- [16-173](#) A Resolution Approving Armstrong Consultants, Inc. Consulting Agreement for Engineering Services for the Snow Removal Equipment Building Project at the Erie Municipal Airport in the amount of \$97,000.00
- [16-174](#) A Resolution By The Board Of Trustees Of The Town Of Erie, Colorado Accepting Dedications As Shown In The Flatiron Meadows Filing No. 7 Final Plat; Authorizing The Appropriate Town Official To Sign The Flatiron Meadows Filing No. 7 Development Agreement; Adopting Certain Findings Of Fact And Conclusions Favorable To Acceptance Of The Dedications And Development Agreement; And, Setting Forth Details In Relation Thereto.
- [16-175](#) A Resolution By The Board Of Trustees Of The Town Of Erie, Colorado Accepting Dedications As Shown In The Flatiron Meadows Filing No. 6 Final Plat; Authorizing The Appropriate Town Official To Sign The Flatiron Meadows Filing No. 6 Development Agreement; Adopting Certain Findings Of Fact And Conclusions Favorable To Acceptance Of The Dedications And Development Agreement; And, Setting Forth Details In Relation Thereto.
- [16-176](#) A Resolution Authorizing Approval of an Amendment to an Existing Agreement With The Colorado Department of Transportation to Encumber Additional Funds for the Weld County Road 5 Bridge Repair, Federal Aid Project Number BRO M400-007, Project Code 19743; And Setting Forth Details In Relation Thereto.
- [16-183](#) A Resolution By The Board Of Trustees Of The Town Of Erie, Colorado Accepting Dedications As Shown In The Vista Ridge Filing No. 2, 1st

Amendment Final Plat; Authorizing The Appropriate Town Official To Sign The Vista Ridge Filing No. 2, 1st Amendment Development Agreement; Adopting Certain Findings Of Fact And Conclusions Favorable To Acceptance Of The Dedications And Development Agreement; And, Setting Forth Details In Relation Thereto.

[16-188](#)

A Resolution Authorizing Award of a Design Build Contract To Fischer Construction, Inc., and JVA Consulting Engineers, Inc., For the Water Plant Solids Handling Equipment Project In The Amount of \$188,065; And Setting Forth Details In Relation Thereto.

#### **V. PUBLIC COMMENT**

Carol Melampy-2058 Alpine Drive, Erie, CO. spoke favorably to the Board about the Police Department's Citizen Academy.

Rachel Folger-615 Briggs Street, Erie, CO. informed the Board of an upcoming picnic as Coal Miners Park sponsored by Homes For Heros.

Adam Haid, 1376 Lawson Avenue, Erie, CO. provided the Board with an update on the Single Track.

#### **VI. PROCLAMATIONS AND PRESENTATIONS**

[16-192](#)

STAR AWARD - Awarded to Wendi Palmer, Public Works

[16-170](#)

Public Works Week Proclamation

[16-172](#)

Honorary Proclamation Police Week and Peace Officers' Memorial Day 2016

#### **VII. LAND DEVELOPMENT RESOLUTIONS AND ORDINANCES**

[16-184](#)

An Ordinance By The Board of Trustees Of The Town Of Erie, Colorado Regarding The Erie Highlands Zoning Map Amendment No. 1, Rezoning, Adopting Certain Finds Of Fact And Conclusions Favorable To The Rezoning. (SECOND READING)

Mayor Harris opened the Public Hearing for Agenda Item 16-184; Agenda Item 16-185; and Agenda Item 16-186 at 6:56 pm. Debra Bachelder, Senior Planner presented staff recommendations for the approval of these Agenda Items.

Public Testimony on Behalf of the Applicant:

Layla Rosales-Principial-Terracina Design  
Bruce Rau-Denver Vice President of Land Development & Government Relations

This Ordinance was introduced on first reading.

[16-185](#)

An Ordinance By The Board Of Trustees Of The Town Of Erie, Colorado Regarding The Erie Highlands PUD Zoning Map Amendment No. 1, Rezoning, Adopting Certain Findings Of Fact And Conclusions Favorable To The Planned Unit Development Overlay Rezoning.(SECOND READING)

This Ordinance was introduced on First Reading.

[16-186](#)

A Resolution By The Board of Trustees Of The Town Of Erie, Colorado Regarding Erie Highlands Preliminary Plat No. 2, Adopting Certain Findings Of Fact And Conclusions Favorable To The Preliminary Plat. (Continued from the May 10, 2016 Meeting)

Hearing no else wishing to make public comment; Mayor Harris closed the Public Hearing for Agenda Item 16-185; Agenda Item 16-186 and Agenda Item 16-187 at 7:24 pm.

**Trustee Charles moved to continue Agenda Item 16-186 to the June 14, 2016 Regular Meeting of the Town of Erie Board of Trustees. The motion was seconded by Trustee Schutt. The motion carried with all present voting in favor thereof.**

**Aye:** 7 - Mayor Harris, Mayor Pro Tem Gruber, Trustee Carroll, Trustee Schutt, Trustee Charles, Trustee Woog, and Trustee Deakin

[16-187](#)

PUBLIC HEARING: A Resolution By The Board Of Trustees Of Erie, Colorado Making Certain Findings Of Fact And Conclusions Favorable To The Colliers Hill Preliminary Plat No. 2; Imposing Conditions Of Approval; Approving the Colliers Hill Preliminary Plat No. 2 With Conditions; And Setting Forth Details In Relation Thereto

Mayor Harris opened the Public Hearing for Agenda Item 16-187 at 7:24 pm. Todd Bjerkas, Planner presented staff recommendations for approval.

Testimony on behalf of the applicant:

Jerry Richmond-Executive Vice President-Raintree Investment Coporation  
Dawn Becker-Senior Associate LAI Design Group

Public Comment

Terry Reidel, 4726 Betty Place, Erie, CO. expressed concerns to the Board regarding the impact of Colliers Hill on Parkland Estates neighborhood.

Mayor Harris closed the Public Hearing for Agenda Item 16-187 at 8:19 pm

**Mayor Pro Tem Gruber moved to approve Agenda Item 16-187; the motion was seconded by Trustee Charles. The motion carried with all present voting in favor thereof.**

**Aye:** 7 - Mayor Harris, Mayor Pro Tem Gruber, Trustee Carroll, Trustee Schutt, Trustee Charles, Trustee Woog, and Trustee Deakin

## **VIII. ORDINANCES**

### **16-190**

An Ordinance Amending Ordinance No. 15-2016 Relating To The Authorization Of Wastewater Enterprise Revenue Refunding Bonds, Series 2016, Providing For Other Details In Connection Therewith, And Declaring An Emergency.

**Trustee Charles moved to suspend Resolution 02-44 to allow passage of Agenda Item 16-190 on the first reading and as an emergency; the motion was seconded by Mayor Pro Tem Gruber. The motion carried with all present voting in favor thereof.**

**Trustee Charles moved to approve Agenda Item 16-190 as an emergency; the motion was seconded by Trustee Woog. The motion carried with the following roll call vote:**

**Aye:** 7 - Mayor Harris, Mayor Pro Tem Gruber, Trustee Carroll, Trustee Schutt, Trustee Charles, Trustee Woog, and Trustee Deakin

## **IX. RESOLUTIONS**

### **16-154**

A Resolution Awarding A Construction Contract To CoCal Landscape Services, Inc. In The Amount Of \$123,140.00 To Construct A Xeriscape Demonstration Garden At The Water Treatment Facility

**Trustee Schutt moved to approve Agenda Item 16-154; the motion was seconded by Trustee Charles. The motion failed with the following roll call vote:**

**Nay:** 7 - Mayor Harris, Mayor Pro Tem Gruber, Trustee Carroll, Trustee Schutt, Trustee Charles, Trustee Woog, and Trustee Deakin

### **16-166**

A Resolution to Approve a Vendor Agreement with Kelly Enterprises LTD for the Downtown Neighborhood Block Party events.

**Trustee Schutt moved to approve Agenda Item 16-166; the motion was seconded by Trustee Charles. The motion carried with the following roll call vote:**

**Aye:** 7 - Mayor Harris, Mayor Pro Tem Gruber, Trustee Carroll, Trustee Schutt, Trustee Charles, Trustee Woog, and Trustee Deakin

### **16-167**

A Resolution Of The Town Of Erie, Colorado, Modifying The Service Plan For The Redtail Ranch Metropolitan District By Providing For A Six Month Extension For The Dissolution Date; And, Setting Forth Details In Relation

There to.

**Mayor Pro Tem Gruber moved to approve Agenda Item 16-167; the motion was seconded by Trustee Schutt. The motion carried with all present voting in favor thereof.**

**Aye:** 7 - Mayor Harris, Mayor Pro Tem Gruber, Trustee Carroll, Trustee Schutt, Trustee Charles, Trustee Woog, and Trustee Deakin

[16-189](#)

A Resolution of the Town of Erie, Colorado, Awarding a Construction Management at Risk Agreement to Fransen Pittman General Contractors for the Town Hall Remodel of the South Wing, Main Floor and Main Entrance in an Amount Not to Exceed \$1,700,000; and Setting Forth Details in Relation Thereto.

**Trustee Schutt moved to approve Agenda Item 16-189; the motion was seconded by Trustee Charles. The motion carried with the following roll call vote:**

**Aye:** 7 - Mayor Harris, Mayor Pro Tem Gruber, Trustee Carroll, Trustee Schutt, Trustee Charles, Trustee Woog, and Trustee Deakin

[16-191](#)

A Resolution By The Board Of Trustees Of The Town Of Erie, Colorado Recognizing The Minor Amendment Of The Flatiron Meadows Filing No. 2 Final Plat; Acknowledging The Flatiron Meadows Filing No. 2, 1st Amendment Plat; And, Setting Forth Details In Relation Thereto.

**Trustee Schutt moved to approve Agenda Item 16-191; the motion was seconded by Trustee Charles. The motion carried with all present voting in favor thereof.**

**Aye:** 7 - Mayor Harris, Mayor Pro Tem Gruber, Trustee Carroll, Trustee Schutt, Trustee Charles, Trustee Woog, and Trustee Deakin

## **X. GENERAL BUSINESS**

### **Cancellation of May 24, 2016 Regular Meeting of the Town of Erie Board of Trustees**

**Trustee Deakin moved to cancel the May 24, 2016 Regular Meeting of the Town of Erie Board of Trustees; the motion was seconded by Trustee Woog. The motion carried with all present voting in favor thereof.**

**Aye:** 7 - Mayor Harris, Mayor Pro Tem Gruber, Trustee Carroll, Trustee Schutt, Trustee Charles, Trustee Woog, and Trustee Deakin

## **XI. STAFF REPORTS**

[16-177](#)

Community Development Monthly Report

- [16-178](#) Urban Drainage and Flood Control District (UDFCD)
- [16-179](#) Erie Municipal Airport - April 2016 Monthly Report
- [16-180](#) 2015 Town of Erie Police Department Annual Report
- [16-181](#) Proclaim May 2016 as Older Americans Month
- [16-182](#) Sunset West Single Track Trail Construction Update - Blackline

**Mayro Harris called for a break at 9:15 pm and reconvened the meeting at 9:25 pm.**

## **XII. BOARD OF TRUSTEES REPORTS & APPOINTMENTS**

Mayor Harris asked about the ownership of the property located at Wells Street and Pierce Street. This ot is owned by the Town of Erie.

Trustee Schutt noted that he would not be at the June 14, 2016 Regular Meeting.

**Trustee Schutt moved to reappoint Trustee Gruber as the Mayor Pro Tem; the motion was seconded by Trustee Woog. The motion carried with all present voting in favor thereof.**

Trustee Carroll reported on the recent Arbor Day/Earth Day event and noted the upcoming Spring Cleanup Day.

Trustee Woog asked about the traffic signal at County Line Road and Austin Street. Public Works Director Gary Behlen reported that work on it would begin at the end of the month.

Trustee Charles also noted that Arbor Day/Earth Day was a great event and noted the upcoming Town Fair.

Mayor Pro Tem Gruber asked about if there was a timing program in place for traffic signals on Erie Parkway. Public Works Director Gary Behlen noted that they would work on any issues that they were made aware of. Mayor Pro Tem also provided a transportation update on roads. Mayor Pro Tem asked about the Snow Removal Policy and the Town Administrator said they would have a policy for next snow season, he also asked about lead in our water system and was told that the Town does not believe that there was any issues with this. Mayor Harris asked if the Town would be able to send about 300 copies of the Water Report to the Middle School.

Trustee Deakin wanted to reiterate his comments regarding Erie Highlands

Resolutions that the Town Board pay more attention and adhere more strictly to the UDC regarding more parks and trails. He also congratulated the Fifth Graders at Red Hawk for their participation in Field Day.

## **BOARD APPOINTMENTS**

### **PLANNING COMMISSION**

Mayor Harris moved to reappoint Eric Bottenhorn to the Planning Commission; the motion was seconded by Trustee Schutt. The motion carried with all present voting in favor thereof.

Mayor Harris moved to appoint Kelly Zuniga to the Planning Commission; the motion was seconded by Trustee Deakin. The motion carried with all present voting in favor thereof.

Mayor Harris moved to appoint Emery Tracy to the Planning Commission; the motion was seconded by Trustee Deakin. The motion carried with a (4) four for and (3) three against vote, with Trustees Wook, Charles and Schutt voting no.

### **BOARD OF ADJUSTMENT**

Trustee Charles moved to reappoint Galen Christopher, Andrew Horvitz and Jrrrod Vanlandingham (Alternate) to the Boards of Adjustment; the motion was seconded by Trustee Schutt. The motion carried with all present voting in favor thereof.

### **HISTORIC PRESERVATION**

Trustee Charles moved to reappoint David Lotton and Sarah Wise to the Historic Preservation Board; the motion was seconded by Trustee Schutt. The motion carried with all present voting in favor thereof.

Mayor Harris moved to appoint Michael Katryniuk to the Historic Preservation Board; the motion was seconded by Trustee Woog. The motion carried with all present voting in favor thereof.

### **OPEN SPACE AND TRAILS**

Trustee Deakin moved to reappoint Dawn Fraser to the Open Space and Trails Board; the motion was seconded by Trustee Charles. The motion carried with all present voting in favor thereof.

Trustee Deakin moved to appoint Phil Brink and Robert Braudes to the

Open Space and Trails Board; the motion was seconded by Trustee Schutt. The motion carried with all present voting in favor thereof.

### **TREE BOARD**

Trustee Carrol moved to reappoint Kim Tuck and Erica Beatman and appoint Ron Merx to the Tree Board; the motion was seconded by Trustee Charles. The motion carried with all present voting in favor thereof.

### **XIII. EXECUTIVE SESSION**

**EXECUTIVE SESSION for a conference with the Town Attorney and Special Legal Counsel for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b); specifically, to receive legal advice concerning the City of Lafayette's intention to condemn Town of Erie Urban Renewal property and interfere with the Town of Erie's Disposition and Development Agreement.**

Trustee Deakin moved to go into Executive Session for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b); specifically, to receive legal advice concerning the City of Lafayette's intention to condemn Town of Erie Urban Renewal property and interfere with the Town of Erie's Disposition and Development Agreement.

Mayor Harris announced its Tuesday, May 10, 2016 and the time is 10:01 p.m. For the record, I am the presiding officer, Mayor Tina Harris. As required by the Open Meetings Law, this executive session is being electronically recorded. Also present at this executive session are the following persons:

Trustees Mark Gruber, Dan Woog, Scott Charles, Geoff Deakin, Waylon Schutt and, Jennifer Carroll; and Town Administrator A.J. Krieger; Public Works Director Gary Behlen, Assistant to the Town Administrator Fred Diehl, and Town Attorney Mark Shapiro.

This is an executive session for the following purpose:

For receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b); specifically, to receive legal advice concerning the City of Lafayette's intention to condemn Town of Erie Urban Renewal property and interfere with the Town of Erie's Disposition and Development Agreement.

Upon completion of the Executive Session, Mayor Harris announced that the time is now 10:12 p.m., and the executive session has been concluded. The participants in the executive session were:

Mayor Tina Harris, Trustees Mark Gruber, Dan Woog, Scott Charles, Geoff Deakin, Waylon Schutt and, Jennifer Carroll; and Town Administrator A.J. Krieger; Public Works Director Gary Behlen, Assistant to the Town

Administrator Fred Diehl, and Town Attorney Mark Shapiro.

For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record.

#### **XIV. ADJOURNMENT**

**Trustee Schutt moved to adjourn the May 10, 2016 Regular Meeting of the Town of Erie Board of Trustees; the motion was seconded by Trustee Charles.**

**Mayor Harris adjourned the meeting at 10:14 pm.**