



# TOWN OF ERIE

645 Holbrook Street  
Erie, CO 80516

## Meeting Minutes - Final

### Board of Trustees

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Tuesday, August 27, 2019

6:30 PM

Board Room

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**TIMES LISTED ARE APPROXIMATIONS**

**STUDY SESSION 6:00 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**

Madam Mayor Carroll called the August 27, 2019 regular Board of Trustees meeting to order at 6:33 pm.

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

**Present:** 7 - Mayor Carroll  
Mayor Pro Tem Deakin  
Trustee Charles  
Trustee Woog  
Trustee Haid  
Trustee Gippe  
Trustee van Woudenberg

#### **III. APPROVAL OF THE AGENDA**

Trustee Woog moved to approve the agenda with the amendment of moving Agenda Item Nos. 19-380 and 19-392 from the Consent Agenda to Resolutions. The motion was seconded by Trustee van Woudenberg. The motion carried with all present voting in favor thereof.

**Aye:** 7 - Mayor Carroll, Mayor Pro Tem Deakin, Trustee Charles, Trustee Woog, Trustee Haid, Trustee Gippe, and Trustee van Woudenberg

#### **IV. CONSENT AGENDA**

Mayor Pro Tem Deakin moved to approve the Consent Agenda; the motion was seconded by Trustee Gippe. The motion carried with the following roll call vote with a six (6) for and one (1) against vote with Trustee Charles voting no.

**Aye:** 6 - Mayor Carroll, Mayor Pro Tem Deakin, Trustee Woog, Trustee Haid, Trustee Gippe, and Trustee van Woudenberg

**Nay:** 1 - Trustee Charles

- [19-366](#) A Resolution Approving an Agreement for Services with Baseline Engineering for Ground Penetrating Mapping of the Mount Pleasant Cemetery
- Attachments:** [Resolution](#)  
[Agreement for Services](#)  
[Proposal](#)
- [19-378](#) A Resolution Of The Board Of Trustees Of The Town Of Erie Accepting Dedications As Shown On The Final Plat For The Angelo Subdivision
- Attachments:** [a. Resolution](#)  
[b. Final Plat](#)  
[c. Application](#)  
[d. Other Applicant Materials](#)
- [19-383](#) A Resolution of the Board of Trustees of the Town of Erie Approving the First Amendment to the Annexation Agreement for the Real Property at 4612 North 119th Street to the Town (Vernon Annexation)
- Attachments:** [a. Resolution](#)  
[b. Annexation Agreement Amendment](#)  
[c. Resolution No. 19-43](#)  
[d. Original Annexation Agreement](#)
- [19-379](#) A Resolution of the Board of Trustees of the Town of Erie Supporting a 2019 Great Outdoors Colorado (GOCO) Local Parks and Outdoor Recreation (LPOR) Areas Application for a Grant for Construction of the Erie Community Park
- Attachments:** [Resolution](#)
- [19-381](#) A Resolution of the Board of Trustees of the Town of Erie Approving the Purchase of a Toro Dingo Compact Utility Loader in the Amount of \$38,798
- Attachments:** [Resolution](#)  
[Price Quote for 25HP TX1000 Diesel Narrow Track with added features](#)  
[Toro Dingo Product Guide](#)
- [19-385](#) Approval of the August 13, 2019 Draft Meeting Minutes
- Attachments:** [August 13, 2019 Draft Meeting Minutes](#)
- [19-399](#) A Resolution of the Board of Trustees of the Town of Erie, Colorado Adopting the Town's Website as the Town's Official Posting Location

**Attachments:** [Resolution](#)

## **V. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA 6:35 PM**

Chris Emerson of 1600 Alpine Drive, Erie, Colorado, gave public comment on the pond in Vista Ridge.

Rich Hiegel of 105 Wells Street, Erie, Colorado, gave public comment on parking.

Jan Jones of 5969 County Road 5, Erie, Colorado, gave public comment on code enforcement and pollution. Emilio Couzvaav donated his time to his Ms. Jones.

## **VII. RESOLUTIONS 6:45 PM**

### [19-380](#)

A Resolution of the Board of Trustees of the Town of Erie Approving Schlosser Signs, Inc. for Manufacture and Installation of Open Space Signs in the Amount of \$27,975

**Attachments:** [Resolution](#)

[Schlosser Signs, Inc. Signage Proposal](#)

**Trustee Charles moved to approve Agenda Item No. 19-380; the motion was seconded by Trustee van Woudenberg. The motion carried with the following roll call vote:**

**Aye:** 7 - Mayor Carroll, Mayor Pro Tem Deakin, Trustee Charles, Trustee Woog, Trustee Haid, Trustee Gippe, and Trustee van Woudenberg

### [19-392](#)

A Resolution of the Board of Trustees of the Town Of Erie Approving an Agreement for Professional Services with Lithos Engineering for Completion of a Mine Subsidence Evaluation of the Northwest Corner of Erie Parkway and I-25

**Attachments:** [Resolution](#)

[Agreement](#)

[Lithos Engineering Scope Letter](#)

**Mayor Pro Tem Deakin moved to approve Agenda Item No. 19-392; the motion was seconded by Trustee Gippe. The motion failed with the following roll call vote with a five (5) against and two (2) for vote with Mayor Pro Tem Deakin and Trustee Gippe voting yes.**

**Aye:** 2 - Mayor Pro Tem Deakin, and Trustee Gippe

**Nay:** 5 - Mayor Carroll, Trustee Charles, Trustee Woog, Trustee Haid, and Trustee van Woudenberg

### [19-292](#)

A Resolution of the Board of Trustees of the Town of Erie Approving an Agreement for Professional Services with Burns & McDonnell Engineering Company, Inc. for Design Services for a Hydroelectric Facility at the Lynn Morgan Water Treatment Facility Site in an Amount not to Exceed \$150,000

**Attachments:** [Resolution Agreement](#)  
[Feasibility Study](#)

Trustee Haid moved to approve Agenda Item No. 19-292 with the clarification that the Agreement for Services should be in the amount of \$134,675, not \$150,000. The motion was seconded by Trustee van Woudenberg. The motion carried with the following roll call vote with a five (5) for and two (2) against vote with Trustee Charles and Trustee Woog voting no.

**Aye:** 5 - Mayor Carroll, Mayor Pro Tem Deakin, Trustee Haid, Trustee Gippe, and Trustee van Woudenberg

**Nay:** 2 - Trustee Charles, and Trustee Woog

[19-376](#)

PUBLIC HEARING: A Resolution of the Board of Trustees of the Town of Erie Approving a Special Review Use for a Mini Warehouse/Self Storage Facility

**Attachments:** [a. Staff Report](#)  
[b. Resolution No. 19-\\_\\_\\_\\_\\_ \(BOT-Special Review Use\)](#)  
[c. Resolution P19-20 \(PC-Special Review Use\)](#)  
[d. Special Review Use/Site Plan Document](#)  
[e. Applications and Narrative](#)  
[f. Referral Agency Comments](#)  
[g. Other Applicant Materials](#)  
[h. Neighborhood Meeting Summary](#)  
[i. Public Comment](#)  
[j. Staff Presentation](#)  
[k. Applicant Presentation](#)

Madam Mayor Carroll opened the public hearing for Agenda Item Nos.19-376 and 19-382 at 7:21 pm.

The Board of Trustees acknowledged that they recieved a letter from Ms. Towner regarding the proposed project.

Audem Gonzales, Senior Planner, presented to the Board of Trustees. The applicant, Brandon Grebe of GYS Development, presented to the Board of Trustees.

There was no one present that wished to give public comment.

Brandon Grebe responded to questions from the Board of Trustees on materials used, entrance for the storage facility, loading/unloading parking, security concerns, neighborhood business signs, and when construction was anticipated.

Audem Gonzales, Senior Planner, responded to questions from the Board of Trustees regarding the number of parking spots originally required for this site.

Fred Starr, Director of Planning & Development, responded to questions regarding traffic concerns and the absence of a turning lane.

Madam Mayor Carroll closed the public comment portion of the public hearing at 8:24 pm.

Madam Mayor Carroll re-opened the public comment portion of the public hearing at 8:25 pm to receive additional information from Town Staff.

Madam Mayor Carroll closed the public comment portion of the public hearing at 8:26 pm.

Trustee Charles moved to approve Agenda Item No. 19-376; the motion was seconded by Mayor Pro Tem Deakin. The motion carried with a six (6) for and one (1) against vote with Trustee Haid voting no.

**Aye:** 6 - Mayor Carroll, Mayor Pro Tem Deakin, Trustee Charles, Trustee Woog, Trustee Gippe, and Trustee van Woudenberg

**Nay:** 1 - Trustee Haid

[19-382](#)

PUBLIC HEARING: A Resolution of the Board of Trustees of the Town of Erie Approving a Site Plan For a Mini Warehouse/Self Storage and Office Facility

- Attachments:**
- [a. Staff Report](#)
  - [b. Resolution No. 19-\\_\\_\\_\\_\\_ \(BOT-Site Plan\)](#)
  - [c. Resolution P19-21 \(PC-Site Plan\)](#)
  - [d. Special Review Use/Site Plan Document](#)
  - [e. Applications and Narrative](#)
  - [f. Referral Agency Comments](#)
  - [g. Other Applicant Materials](#)
  - [h. Neighborhood Meeting Summary](#)
  - [i. Public Comment](#)
  - [j. Staff Presentation](#)
  - [k. Applicant Presentation](#)

Trustee Charles moved to approve Agenda Item No. 19-382; the motion was seconded by Mayor Pro Tem Deakin. The motion carried with a six (6) for and one (1) against vote with Trustee Haid voting no.

**Aye:** 6 - Mayor Carroll, Mayor Pro Tem Deakin, Trustee Charles, Trustee Woog, Trustee Gippe, and Trustee van Woudenberg

**Nay:** 1 - Trustee Haid

[19-409](#)

PUBLIC HEARING: A Resolution of the Board of Trustees of the Town of Erie Approving the First Amendment to the Service Plan for Parkdale Metropolitan Districts Nos. 1-3

**Attachments:** [Resolution](#)  
[Cover Letter](#)  
[First Amendment to Service Plan re Inclusion Area 2019-08-27](#)

Madam Mayor Carroll opened the public hearing for Agenda Item No. 19-409 at 8:38 pm.

The Special District's Council, Megan Murphy of White Bear Ankele Tanaka & Waldron, presented to the Board of Trustees.

There was no one present that wished to give public comment.

Megan Murphy responded to questions from the Board of Trustees on why the inclusion of the area didn't occur earlier.

Madam Mayor Carroll closed the public comment portion of the public hearing at 8:40 pm.

Trustee Charles moved to approve Agenda Item No. 19-409; the motion was seconded by Trustee Woog. The motion carried with all present voting in favor thereof.

**Aye:** 7 - Mayor Carroll, Mayor Pro Tem Deakin, Trustee Charles, Trustee Woog, Trustee Haid, Trustee Gippe, and Trustee van Woudenberg

## **VIII. ORDINANCES 7:05 PM**

[19-393](#) An Ordinance of the Board of Trustees of the Town of Erie Approving a Purchase and Sale Agreement and Authorizing the Purchase of Tract A of the Rex Ranch Subdivision for \$732,500

**Attachments:** [Ordinance](#)  
[Purchase Agreement](#)  
[Site Assessment](#)  
[Market Valuation](#)

Mayor Pro Tem Deakin moved to approve Agenda Item No. 19-393; the motion was seconded by Trustee Charles. The motion carried with the following roll call vote of a six (6) for and one (1) against vote with Trustee Woog voting no.

**Aye:** 6 - Mayor Carroll, Mayor Pro Tem Deakin, Trustee Charles, Trustee Haid, Trustee Gippe, and Trustee van Woudenberg

**Nay:** 1 - Trustee Woog

[19-400](#) An Ordinance of the Board of Trustees of the Town of Erie Amending Titles 5 and 6 of the Erie Municipal Code, Related to Nuisances and Code Enforcement

**Attachments:** [Ordinance](#)

Trustee Gippe moved to approve Agenda Item No. 19-400, the motion was seconded by Mayor Pro Tem Deakin. The motion carried with a five (5) for and

**two (2) against vote with Trustee Charles and Trustee Woog voting no.**

**Aye:** 5 - Mayor Carroll, Mayor Pro Tem Deakin, Trustee Haid, Trustee Gippe, and Trustee van Woudenberg

**Nay:** 2 - Trustee Charles, and Trustee Woog

[19-407](#) An Ordinance of the Board of Trustees of the Town of Erie Amending Title 6 of the Erie Municipal Code, Related to Possession of Marijuana

**Attachments:** [Ordinance](#)

**Trustee Gippe moved to approve Agenda Item No. 19-407; the motion was seconded by Mayor Pro Tem Deakin. The motion carried with all present voting in favor thereof.**

**Aye:** 7 - Mayor Carroll, Mayor Pro Tem Deakin, Trustee Charles, Trustee Woog, Trustee Haid, Trustee Gippe, and Trustee van Woudenberg

[19-401](#) An Ordinance of the Board of Trustees of the Town of Erie Amending Chapter 8 of Title 4 of the Erie Municipal Code, Related to Alcohol Beverages

**Attachments:** [Ordinance](#)

**Trustee Charles moved to approve Agenda Item No. 19-401; the motion was seconded by Mayor Pro Tem Deakin. The motion carried with a six (6) for and one (1) against vote with Trustee Woog voting no.**

**Aye:** 5 - Mayor Pro Tem Deakin, Trustee Charles, Trustee Haid, Trustee Gippe, and Trustee van Woudenberg

**Nay:** 2 - Mayor Carroll, and Trustee Woog

## **IX. GENERAL BUSINESS 7:20 PM**

[19-371](#) Review and comment of the Colliers Hill Filing No. 4G Sketch Plan application for 201 single-family lots southwest of WCR 10 and WCR 5

**Attachments:** [a. Staff Memo](#)  
[b. Staff & Agency Review Comments](#)  
[c. Sketch Plan Exhibits](#)  
[d. Applicant Materials](#)  
[e. PC Meeting Minutes](#)

## **X. STAFF REPORTS 7:50 PM**

[19-360](#) 14th Annual Fall Clean Up

[19-398](#) Home Rule

**Attachments:** [Home Rule Summary](#)

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**XI. BOARD OF TRUSTEES REPORTS & APPOINTMENTS 8:20 PM**

Mayor Pro Tem Deakin reported on Erie Village's sixth annual Porch Eliminations event.

Trustee Scott Charles reported on the Historic Preservation Advisory Board's meeting on August 26, 2019 and an update the advisory board recieved on the Holbrook Street Survey. Trustee Charles also reported on the Historic Preservation Advisory Board's participation in Biscuit Day on September 21, 2019.

Trustee Gippe reported on the upcoming Biscuit Day event. Trustee Gippe also reported on his attendance of an Denver Regional Council of Governments event last weekend. Trustee Gippe reported that the Country Christmas Parade is scheduled for December 6, 2019.

Trustee Woog attended the Highway 52 Coalition and that Town Staff would recieve a letter requesting funds for improvements to Highway 52.

Trustee van Woudenberg reported that oil and gas conversations continue. Trustee van Woudenberg thanked Town Staff for their help at the Farmer's Market last Thursday to set up booth for oil and gas conversations.

Trustee Haid expressed hopes that there could be areas or a way to allow dogs to walk off leash. Trustee Haid reported that there would be a booth to view plans for disc golf at the Farmer's Market this Thursday. Trustee Haid reported that a topic came up at Coffee & Conversations regarding altercations on multi-use trails and inquired if Town Staff could look into ways increase politeness on trails.

Madam Mayor Carroll reported on the Coffee & Conversations event last Saturday. Madam Mayor Carroll reported that residents think a bridge is being considered to connect to Moffat Street. Madam Mayor Carroll requested a Notify Me summarizing the next steps and to provide an update to the Board of Trustees on what is being discussed. Madam Mayor Carroll reported on concerns on the fee structure for Police Department fines and the possibility of a fee restructure. The Board of Trustees reached a consensus to consider a restructure of the Police Department fine fee schedule. Madam Mayor Carroll reported on the detention pond at Vista Ridge and that the Town is working with residents and the Vista Ridge Metropolitan District.

**XII. EXECUTIVE SESSION 8:30 PM**

[19-408](#)

Executive session to hold a conference with the Town Attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b) and to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e), concerning the I-25 Urban Renewal Authority.

Mayor Pro Tem Deakin moved to go into an Executive Session to hold a conference with the Town Attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b) and to determine positions relative to matters that may be subject to negotiations, develop a strategy for



negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e), concerning the I-25 Urban Renewal Authority. Trustee Charles seconded the motion; the motion carried with all present voting in favor thereof.

Madam Mayor Carroll announced; It's Tuesday, August 27, 2019, and the time is 10:12 pm. For the record, I am the presiding officer, Madam Mayor Carroll. As required by the Open Meetings Law, this executive session is being electronically recorded. Also present at this executive session are the entire Board of Trustees, Town Attorney Kendra Carberry, Deputy Town Administrator Farrell Buller and Town Administrator Malcolm Fleming.

Madam Mayor Carroll announced; the time 10:23 pm, and the executive session has concluded. 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 action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record.

Hearing none, Mayor Carroll moved to the next agenda item

Aye: 7 - Mayor Carroll, Mayor Pro Tem Deakin, Trustee Charles, Trustee Woog, Trustee Haid, Trustee Gippe, and Trustee van Woudenberg

### **XIII. ADJOURNMENT 9:00 PM**

Madam Mayor Carroll adjourned the August 27, 2019 regular Board of Trustees meeting at 10:23 pm.