



# TOWN OF ERIE

645 Holbrook Street  
Erie, CO 80516

## Meeting Minutes - Draft

### Board of Trustees

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Tuesday, September 10, 2019

6:30 PM

Board Room

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#### 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 September 10, 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 Gippe moved to approve the agenda; the motion was seconded by Trustee Haid. 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

Trustee Charles moved to approve the Consent Agenda; the motion was seconded by Trustee Haid. 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

[19-391](#)

A Resolution of the Board of Trustees of the Town of Erie Adopting the Revised Emergency Operations Plan Dated September 10, 2019

**Attachments:** [A. Resolution](#)[B. Town of Erie Emergency Operations Plan Dated September 10, 2019](#)[19-412](#) Approval of August 27, 2019 Meeting Minutes**Attachments:** [August 27, 2019 Draft Meeting Minutes](#)

[19-423](#) A Resolution of the Board of Trustees of the Town of Erie Accepting a Petition for Annexation of a Parcel of Land Located in Unincorporated Boulder County with an Address of 12170 Jasper Road, and Setting a Public Hearing on the Annexation

**Attachments:** [a. Staff Report](#)  
[b. Resolution](#)  
[c. Annexation Petition](#)  
[d. Other Applicant Materials](#)

[19-424](#) A Resolution of the Board of Trustees of the Town of Erie Accepting a Petition for Annexation of Two Parcels of Land Located in Unincorporated Boulder County for Use in the extension of Lombardi Street as described in the petition, and setting a Public Hearing on the Annexation

**Attachments:** [a. Staff Memo](#)  
[b. Resolution](#)  
[c. Annexation Petition](#)  
[d. Other Applicant Materials](#)

[19-428](#) A Resolution of the Board of Trustees of the Town of Erie Approving a Development Agreement and Accepting Dedications as Shown on the Final Plat for the Colliers Hill Filing No. 4D Subdivision

**Attachments:** [a. Resolution](#)  
[b. Development Agreement](#)  
[c. Colliers Hill Filing No. 4D Final Plat](#)

[19-433](#) A Resolution of the Board of Trustees of the Town of Erie Approving a Development Agreement and Accepting Dedications as Shown on the Final Plat for the Colliers Hill Filing No. 4E Subdivision

**Attachments:** [a. Resolution](#)  
[b. Development Agreement](#)  
[c. Colliers Hill Filing No. 4E Final Plat](#)

[19-435](#) A Resolution of the Board of Trustees of the Town of Erie Approving the Consent to Assignment Agreement for the Development Agreement for the

## Colliers Hill Filing No. 4E Subdivision

Attachments: [a. Resolution](#)  
[b. Consent to Assignment Agreement](#)

**V. PUBLIC COMMENT 6:35 PM**

Ray Schlott of 255 Meadow View Parkway, Erie, Colorado, gave public comment on the Colorado Communities for Climate Action agenda item (Agenda Item 19-430).

Brandon Bell of 76 Piney Creek Lane, Erie, Colorado, gave public comment on the proposed changes to UDC.

Bryon Bednar of 280 Skylane Drive, Erie, Colorado, gave public comment on the oil and gas UDC section and proposed changes.

Rich Heigel of 105 Wells Street, Erie, Colorado, gave public comment on developers and businesses that have invested in historic downtown Erie and the parking study.

Candance Whitehouse of 966 Reliance Drive, Erie, Colorado, gave public comment on the oil and gas policy statement.

Peter Olivola of 734 Carbon Street, Erie, Colorado, gave public comment on the proposed circulator and if any street in old town has the capacity to handle the amount of traffic that is likely.

Kelly Miller of 514 Main Street, Erie, Colorado, gave public comment on the resolution to approve membership to the Colorado Communities for Climate Action (Agenda Item 19-430).

Liz Fischer of 635 Moffat Street, Erie, Colorado, gave public comment on the need for more public comment time on initial draft of oil and gas policy statement.

Jan Jones of 5969 County Road 5, Erie, Colorado, gave public comment on traffic, speed of traffic, pollution, and the need to discuss these issues with Town Staff.

Emily Baer of 1035 Cessna Court, Erie, Colorado, gave public comment on oil and gas impacts and the draft oil and gas policy statement.

Shavonnon Blades of 1335 Washburn Street, Erie, Colorado, gave public comment on oil and gas impacts and the proposed changes to the UDC.

**VI. PROCLAMATIONS AND PRESENTATIONS 6:45 PM**

[19-434](#) A Proclamation Recognizing September 17 - 23, 2019 as Constitution Week

Attachments: [Proclamation](#)

**VII. RESOLUTIONS 6:50 PM**

[19-430](#) A Resolution of the Board of Trustees of the Town of Erie Approving Membership to Colorado Communities for Climate Change in the Amount of \$5,000

**Attachments:** [Resolution](#)  
[CC4CA Policy Statement](#)

**Mayor Pro Tem Deakin moved to approve Agenda Item 19-430; the motion was seconded by Trustee van Woudenberg. The motion carried with a five (5) for and two (2) against roll call 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

[19-418](#) A Resolution of the Board of Trustees of the Town of Erie Approving Change Order No. 1 with the A-1 Chipseal Company for the Street Maintenance of Vista Parkway and Erie Parkway in the Amount of \$567,204.60

**Attachments:** [a. Resolution](#)  
[b. Change Order](#)  
[c. Vicinity Map](#)

**Trustee Gippe moved to approve Agenda Item 19-418; the motion was seconded by Trustee Charles. 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

#### **LAND DEVELOPMENT RESOLUTIONS AND ORDINANCES 7:15 PM**

[19-440](#) PUBLIC HEARING: A Resolution of the Board of Trustees of the Town of Erie, Colorado Approving the Second Amendment to the Consolidated Service Plan for Erie Commons Metropolitan Districts Nos. 1 and 2

**Attachments:** • [2019.09.06 ECMD CDGE - September request to TOE](#)  
[Resolution](#)  
[Second Amendment to the Erie Commons Metropolitan District Nos. 1 and 2](#)  
[Land Use Application](#)

**Madam Mayor Carroll opened the public hearing for Agenda Items 19-440, 19-439, 19-422, and 19-421 at 7:20 pm.**

**The Town Administrator, Malcolm Fleming, provided a brief introduction and summarized the purpose of the Erie Commons Metropolitan Nos. 1 -2 District Service Plan Amendment and Erie Commons Metropolitan Service Plan No. 3 proposal. Mr. Fleming explained that the Amendment to Erie Commons Metropolitan Nos. 1 - 2 Service Plan would enable the district to refinance and take advantage of lower interest rates. Mr. Fleming added that the Erie Commons**

Metropolitan Service Plan No. 3 proposal would allow businesses to opt into district with a lower mill levy. Additionally, Mr. Fleming explained that proposing to amend the Annexation Agreement sets density levels and amending the Planned Development would allow for residential development.

The applicant, Jon Lee, of the Community Development Group, 2500 Arapahoe Ave., Suite 220, Boulder, Colorado, summarized the history of Erie Commons development and why it was zoned mixed use. Mr. Lee explained how the proposed zoning aligns with the Urban Land Institute Panel's recommendation. Additionally, Mr. Lee explained the Erie Commons Metropolitan District Nos. 1 -2 Service Plan's residential impact on commercial. Mr. Lee also explained the financial benefit to the Urban Renewal Area as well as the benefit and forecasted savings to residents and commercial owners.

The applicant, Steve Rane, of the Community Development Group, 2500 Arapahoe Ave., Suite 220, Boulder, Colorado, presented on the financial details to the Board of Trustees. Mr. Rane reported that the costs for Erie Commons was higher than expected and forecasted. Mr. Rane reported that the Erie Commons Metropolitan District Nos. 1 – 2 Service Plan Amendment would allow the district to take advantage of assessed value and historically low interest rates. Mr. Rane reported that the Erie Commons Metropolitan District Nos. 1 – 2 Service Plan Amendment and proposed Erie Commons Metropolitan District No. 3 would result in \$531,000 (projected) annual savings to residents and commercial owners. Mr. Rane reported on the property tax burden on commercial property owners.

Chris LaRue, Senior Planner, presented to the Board of Trustees on the Annexation Agreement and the Planned Development Amendment No. 9.

Malcolm Fleming, Town Administrator, added that the Town did engage EPS Financial Firm to evaluate the financial aspects of the Erie Commons Metropolitan District Nos. 1 – 2 Service Plan Amendment and proposed Erie Commons Metropolitan District No. 3.

Kendra Carberry, Town Attorney, reported that the rezoning is not conditional regardless of actions by the metropolitan districts.

William Martin of 1125 Petras, Erie, Colorado, providing public comment in favor of the proposed changes.

Josh Beitelspacher of 168 Maxwell Circle, Erie, Colorado, reported on concerns regarding the metropolitan districts and the possibility of an increase in mill levy.

Bonnie Nelson of 289 S. Briggs Street, Erie, Colorado, gave public comment in opposition to the Planned Development Amendment No. 9.

Helen Huckster of 275 Briggs Street, Erie, Colorado, gave public comment on concerns regarding Boulder Creek Builders products from Longmont, Colorado.

Chris LaRue responded to Board questions regarding setbacks and the addition of a zoning definition.

David Sinkey of Boulder Creek Neighborhoods presented on the wee cottages concept and responded to Board questions regarding the product and attainable housing options.

Malcolm Fleming responded to Board questions and confirmed that the Erie Commons rezoning and Planning Development Amendment No. 9 is consist with the Urban Land Institute's recommendation of density for Erie Commons.

Madam Mayor Carroll closed the public comment portion of the public hearing at 8:44 pm.

Trustee Charles moved to approve Agenda Item 19-440; the motion was seconded by Trustee Haid. 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

[19-439](#) PUBLIC HEARING: A Resolution of the Board of Trustees of the Town of Erie, Colorado Approving with Conditions the Service Plan for Erie Commons Metropolitan District No. 3

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

[Service Plan for Erie Commons Metropolitan District No. 3](#)

Trustee Charles moved to approve Agenda Item 19-439; 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

[19-422](#) PUBLIC HEARING: A Resolution of the Board of Trustees of the Town of Erie Approving the Fourth Amendment to the Annexation Agreement for Erie Commons (Erie Commons Annexation)

**Attachments:** [a. Staff Memo](#)

[b. Resolution](#)

[c. Draft Annexation Agreement](#)

[d. Applicant Materials](#)

Trustee Woog moved to approve Agenda Item 19-422; the motion was seconded by Trustee Haid. 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

[19-421](#) PUBLIC HEARING: An Ordinance of the Board of Trustees of the Town of Erie Approving with Conditions the Erie Commons Planned Development Amendment No. 9

- Attachments:** [a. 2019.09.06 ECMD CDGE - September request to TOE](#)  
[b. Staff Memo](#)  
[c. Ordinance](#)  
[d. PD Map & Development Guide Amendment](#)  
[e. Applicant Materials](#)  
[f. Notice & Publishing Information](#)

Trustee Haid moved to approve Agenda Item 19-421; the motion was seconded by Trustee Charles. 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

**19-438** A Resolution of the Board of Trustees of the Town of Erie, Colorado approving the Westerly Metropolitan District Nos. 1-4 Service Plan

**Madam Mayor Carroll** opened the public hearing at 8:57 pm.

Trustee Charles moved to continue Agenda Item 19-438 to the September 24, 2019 regular Board of Trustees meeting. The motion was seconded by Trustee Haid. 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

## **IX. GENERAL BUSINESS 8:30 PM**

[19-425](#) Oil and Gas Policy Statement - Draft Review

- Attachments:** [2019.09.10 Discussion DRAFT 1.1 of BOT Policy on Oil and Gas \(002\)](#)  
[Draft Oil and Gas Policy Statement \(from August 20, 2019 Study Session\)](#)

The Board of Trustees reached a consensus to reprioritize sections of the policy statement on oil and gas and bring back for approval at the September 24, 2019 regular Board of Trustees meeting.

[19-443](#) Local Regulation and Taxation of Tobacco Products

The Board of Trustees reached consensus to request more information from Town Staff on raising the age from 18 to 21 for the purchase of tobacco products within town limits.

## **X. STAFF REPORTS 9:00 PM**

[19-416](#) Erie Municipal Airport Monthly Report - August 2019

- Attachments:** [Monthly Report - August](#)

[19-417](#) Public Works Monthly Report - September

- Attachments:** [Monthly Report](#)

[19-419](#) Erie Parkway, Montgomery Drive, Colliers Boulevard and Colliers Parkway Road Closures

[19-426](#) Unified Development Code Chapter 12 Revisions

**Attachments:** [UDC Chapter 12 Revision Notes BOT Study Session 08.20.2019](#)

## **XI. BOARD OF TRUSTEES REPORTS & APPOINTMENTS 9:30 PM**

Trustee van Woudenberg reported that he would be meeting with Town Attorneys tomorrow for update on their work on oil and gas related documents and UDC changes.

Mayor Pro Tem Deakin thanked Public Works staff for the coordination of the repaving of Vista Ridge. Mayor Pro Tem Deakin asked that Town Staff plan around school start and stop times. Mayor Pro Tem Deakin also directed staff to touch base with Ray Schlott regarding his proposal to change priority of smart water meters for areas not monitored to reduce water waste.

Trustee Charles reported that Biscuit Day is on Saturday, September 21, 2019.

Trustee Gippe reported that he attended a Strategic Planning meeting at the Police Department last week. Trustee Gippe reported on the ONE meeting and encouraged the public to ask their HOA about their ONE representative. Trustee Gippe also reported that the last Farmers Market is this Thursday. Additionally, Trustee Gippe reported on an Oil and Gas ABC's meeting on Thursday at 6 pm at Erie Community Center. Trustee Gippe also reported that the Broncos lost last night and Yankees secured a playoff seat.

Trustee Woog reported that he would be attending a 9/11 memorial in Broomfield at Memorial Park at 8 am. Trustee Woog also discussed the importance of remembrance of 9/11 and those lost.

Madam Mayor Carroll reported that she met with the Erie Chamber and Ben Pratt, and that changes were coming.

## **XII. ADJOURNMENT 10:00 PM**

Madam Mayor Carroll adjourned the September 10, 2019 regular Board of Trustees meeting at 9:40 pm.