



# TOWN OF ERIE

645 Holbrook Street  
Erie, CO 80516

## Meeting Minutes

### Board of Trustees

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Tuesday, October 12, 2021

6:30 PM

Board Room

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via Virtual Meeting  
<https://bit.ly/OCT12BOT>

#### I. CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Jennifer Carroll called the meeting to order at 6:31 p.m.

#### II. ROLL CALL

**Present:** 6 - Trustee van Woudenberg  
Trustee Bell  
Trustee Harrison  
Mayor Carroll  
Mayor Pro Tem Haid  
Trustee Loflin

#### III. APPROVAL OF AGENDA

Trustee Harrison made a motion to approve the agenda. Trustee Bell seconded the motion. The motion passed by the following vote at 6:33 p.m.

**Ayes** 6 - Trustee van Woudenberg  
Trustee Bell  
Trustee Harrison  
Mayor Carroll  
Mayor Pro Tem Haid  
Trustee Loflin

#### IV. EXECUTIVE SESSION

Mayor Pro Tem Haid made a motion to go into Executive Session. Trustee Bell seconded the motion. The motion passed by the following vote at 6:34 p.m.

**Ayes** 6 - Trustee van Woudenberg  
Trustee Bell  
Trustee Harrison  
Mayor Carroll  
Mayor Pro Tem Haid  
Trustee Loflin

[21-433](#)

Executive Session 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 contract with the Town's Prosecuting Attorney;

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), regarding the Town Attorney's contract; 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), and to consider the purchase, acquisition, lease, transfer or sale of real, personal or other property, pursuant to C.R.S. § 24-6-402(4)(a), concerning the Regency property.

The time is 7:53 p.m. and the Executive Session has ended.

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.

Seeing none, the next item is approval of the Consent Agenda.

#### V. CONSENT AGENDA

[21-431](#) Approval of the September 28, 2021 Board of Trustees Meeting Minutes

*Attachments:* [September 28, 2021 BOT Meeting Minutes](#)

[21-411](#) An Ordinance of the Board of Trustees of the Town of Erie Amending Chapter 10 of Title 2 of the Erie Municipal Code to Allow the Schedule of Fees to be Adopted by Resolution

AND

A Resolution of the Board of Trustees of the Town of Erie Adopting the Town's Fee Schedule

*Attachments:* [Ordinance 30-2021](#)

[Resolution 21-134](#)

[21-426](#) A Resolution of the Board of Trustees of the Town of Erie Approving a Consent to Assignment of the Development Agreement for Rex Ranch Filing No. 3

*Attachments:* [Resolution 21-139](#)

[Town Consent to Assignment](#)

[21-428](#) A Resolution of the Board of Trustees of the Town of Erie Approving the First Amendment to the Morgan Hill Filing 2 Development Agreement

**Attachments:** [Resolution No. 21-140](#)  
[Morgan Hill Filing 2 Development Agreement Amendment](#)

[21-429](#) An Ordinance of the Board of Trustees of the Town of Erie Amending Section 8-1-9 of the Erie Municipal Code Regarding Annual Audits of Water Demands for Water Dedication Purposes

**Attachments:** [Ordinance \(redline\)](#)  
[Ordinance 32-2021](#)

[21-432](#) A Resolution of the Board of Trustees of the Town of Erie Appointing Members to the Historic Preservation Advisory Board

**Attachments:** [Resolution 21-141](#)  
[HPAB Appointment letter 9 29 21](#)

[21-446](#) A Resolution of the Board of Trustees of the Town of Erie Approving the Colorado Opioids Settlement Memorandum of Understanding and the Associated Colorado Subdivision Escrow Agreement and Subdivision Participation Forms

**Attachments:** [Resolution 21-142](#)  
[2021.10.01 email from AG re Opioid Settlement](#)  
[Colorado Opioid MOU](#)  
[Local Government Opioid Escrow Agreement](#)  
[Distributor Opioid Settlement Participation Form](#)  
[Johnson & Johnson - Janssen Opioid Settlement Participation Form](#)  
[Colorado Opioid MOU FAQ](#)  
[Colorado Opioid MOU Summary](#)

Trustee Harrison made a motion to approve the Consent Agenda. Trustee Bell seconded the motion. The motion passed by the following vote at 7:54 p.m.

**Ayes:**  
Trustee van Woudenberg  
Trustee Bell  
Trustee Harrison  
Mayor Carroll  
Mayor Pro Tem Haid  
Trustee Loflin

## **VI. PUBLIC COMMENT AND NON-AGENDA ITEMS**

Mayor Carroll read the Public Comment Rules and Opened Public Comment at 7:55 p.m. with the following speakers:

1. Tony Gambie spoke about impact fees.
2. Dean Herms representing Braun Michner spoke regarding the airpark.

3. Dane Kornasiewicz spoke about Springhill subdivision density concerns.
4. DeWayne Drummond thanked Trustee Gippe for his service.

With no further speakers the Public Comment closed at 8:04 p.m.

## VII. GENERAL BUSINESS

### 21-409

Consideration of a Community Organization Grant Request from NAACP Boulder County

**Attachments:** [NAACP Boulder County Grant Request Presentation](#)

Alicia Graves and Michelle Willingham, both with NAACP Boulder County, presented this item at 8:12 p.m.

**Trustee Loflin made a motion to double the amount requested to \$9,976.12 and approve the grant. Trustee Harrison seconded the motion. The motion passed by the following vote at 8:22 p.m.**

**Ayes** 6 - Trustee van Woudenberg  
Trustee Bell  
Trustee Harrison  
Mayor Carroll  
Mayor Pro Tem Haid  
Trustee Loflin

### 21-362

First Reading: An Ordinance of the Board of Trustees of the Town of Erie Granting a Natural Gas Franchise to Black Hills Colorado Gas, Inc. d/b/a Black Hills Energy

**Attachments:** [Ordinance 26-2021 Franchise Agreement](#)

Todd Fessenden, Public Works Director presented the item at 8:23 p.m.

Ashley Campbell, Mike Harrington and Carly West from Black Hills Energy presented a presentation at 8:26 p.m.

**Trustee Bell made a motion to move this item to second reading. Mayor Pro Tem Haid seconded the motion. The motion failed by the following vote at 8:57 p.m.**

**Ayes** 3 - Trustee Bell  
Mayor Carroll  
Mayor Pro Tem Haid

**Nayes** 3 - Trustee van Woudenberg  
Trustee Harrison  
Trustee Loflin

### 21-435

An Ordinance of the Board of Trustees of the Town of Erie Amending

Chapter 5 of Article 2 of the Erie Municipal Code, to Modify the Town's Impact Fees

**Attachments:** [Ordinance 33-2021-Clean](#)  
[Ordinance 33-2021- Changes](#)  
[Consultant Study](#)  
[Consultant Power Point](#)

Mayor Pro Tem Haid made a motion to table this item and bring back at a future meeting. Trustee Loflin seconded the motion. The motion passed by the following vote at 8:56 p.m.

**Ayes** 6 - Trustee van Woudenberg  
Trustee Bell  
Trustee Harrison  
Mayor Carroll  
Mayor Pro Tem Haid  
Trustee Loflin

#### 21-447

Planning Commission's action to continue until December 1 consideration of proposed Ordinance Repealing and Reenacting Section 10-6-14 of the Erie Municipal Code, Regarding Development and Design Standards for Oil and Gas Facilities and Locations and requesting a joint study session with the Board of Trustees to discuss the proposed Ordinance.

**Attachments:** [Advanced Agenda as of 10-07-2021](#)

Malcolm Fleming, Town Administrator, presented the item at 8:59 p.m.

The Board directed staff to provide more information on the possibility of a joint study session and support for Planning Commission members at 9:36 p.m.

#### 21-451

Discussion of actions Board may take as a result of Trustee Gippe resignation

**Attachments:** [Advanced Agenda as of 10-07-2021](#)

Trustee Harrison made a motion to declare the vacancy. Trustee van Woudenberg seconded the motion. The motion passed by the following vote at 10:01 p.m.

**Ayes** 6 - Trustee van Woudenberg  
Trustee Bell  
Trustee Harrison  
Mayor Carroll  
Mayor Pro Tem Haid  
Trustee Loflin

### **VIII. STAFF REPORTS**

### **IX. BOARD MEMBER REPORTS AND ANNOUNCEMENTS**

Board members discussed the various traffic construction areas, a possible Executive Session discussing Open Space purchase strategies, drainage issues in Erie Highlands, upcoming events Eeery Erie, Boo on Briggs and Thanks to Trustee Gippe for his time and service on the Board.

**X. ADJOURNMENT**

Mayor Carroll adjourned the meeting at 10:21 p.m.

Approved   
Mayor

Attest   
Town Clerk