



# TOWN OF ERIE

645 Holbrook Street  
Erie, CO 80516

## Meeting Minutes - Final

### BOARD OF TRUSTEES MEETING

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Tuesday, February 14, 2017

6:30 PM

Board Room

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Pre Meeting Community Room 5:45 PM

#### 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 February 14, 2017 Board of Trustees Regular Meeting to order at 7:49pm.

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

##### III. APPROVAL OF THE AGENDA

Trustee Charles moved to approve the February 14, 2017 meeting agenda; the motion was seconded by Trustee Deakin. The motion carried with all voting unanimous in favor.

##### IV. CONSENT AGENDA

[17-050](#) Approval of the January 24, 2017 Meeting Minutes

[17-040](#) An Ordinance of the Town of Erie, Colorado, Amending Title 2, "Finance And Revenue," Chapter 10, "Fee Schedule," Sections 2-10-2 "Administrative Fees" and 2-10-9 "Cemetery Fees" of the Municipal Code of the Town Of Erie, Colorado; Setting Forth Details in Relation Thereto. (SECOND READING)

An Ordinance of the Town of Erie, Colorado, Amending Title 4, "Business Regulations," Chapter 2, "Amusements," Article B, "Special Events," of the Code of Ordinances of the Town of Erie, Colorado; Repealing and Re-Enacting Sections 4-2b-1, 4-2b-2 And 4-2b-3; and, Setting Forth Details in Relation Thereto. (SECOND READING)

[17-041](#) An Ordinance Amending Title 4, "Business Regulations," Chapter 8,

"Alcoholic Beverages," of the Erie Municipal Code to Add a New Section 4-8-3, "Entertainment Districts, Common Consumption Areas and Promotional Associations. (SECOND READING)

- [17-044](#) An Ordinance Of The Town Of Erie, Colorado Terminating A Covenant; And, Setting Forth Details In Relation Thereto. (SECOND READING)
- [17-051](#) A Resolution Authorizing An Inter-Governmental Agreement With Boulder County for 2017 Youth Corps Services In The Amount of \$13,750.00; And, Setting Forth Details In Relation Thereto
- [17-052](#) A Resolution Authorizing Award of a Construction Contract To De Falco Construction, For the Irrigation Pond Improvements In The Amount of \$374,610.62 for Construction and \$9,418.00 for Maintenance; And Setting Forth Details In Relation Thereto.
- [17-053](#) A Resolution Authorizing The Town Of Erie, Colorado, To Enter Into A Mutual Aid Agreement Concerning Law Enforcement Coverage Between The Town Of Erie Colorado, And The Boulder County Sheriff's Office; Authorizing And Directing The Appropriate Town Officers To Sign Said Mutual Aid Agreement; And, Setting Forth Details In Relation Thereto.
- [17-063](#) A Resolution of The Town Of Erie Board of Trustees Approving the Certificate of Appropriateness Application Submitted For Renovation Work to the Property Located at 365 Main Street and Accepting the Recommendations From the Erie Historic Preservation Advisory Board (EHPAB); and Setting Forth Details in Relation Thereto.
- [17-068](#) A Resolution For The Purpose Of Granting an Encroachment License Agreement to United Power, Inc. for Construction of an Underground Power Line in Town Open Space.
- [17-081](#) A Resolution Authorizing the Director of Public Works to Execute a Cooperative Agreement with Boulder County for the State Highway 287 and Isabelle Road (AKA Erie Parkway) Intersection Improvements
- Trustee Charles moved to approve the Consent Agenda; the motion was seconded by Trustee Schutt. The motion carried with the following roll call vote:**
- Trustee Carroll - Yes
  - Mayor Pro Tem Gruber - Yes
  - Trustee Charles - Yes
  - Trustee Deakin - Yes
  - Trustee Woog - Yes
  - Trustee Schutt - Yes
  - Mayor Harris - Yes

## **V. PUBLIC COMMENT**

There was no public comment.

**EXECUTIVE SESSION**

VI. [17-076](#) Executive Session for a conference with the Town Attorney and Special 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 regarding negotiations with Oil and Gas Operators.

Trustee Deakin moved to go into Executive Session for a conference with the Town Attorney and Special Counsel for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402-4b, specifically to receive legal advice regarding negotiations with Oil and Gas Operators. The motion was seconded by Trustee Schutt. The motion carried with all voting unanimously in favor.

Mayor Harris announced it's Tuesday, February 14, 2017 and the time is 7:51pm. 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:

Mayor Pro Tem Mark Gruber; Trustees Dan Woog, Scott Charles, Jennifer Carroll, Waylon Schutt, and Geoff Deakin; Town Administrator A.J. Krieger; Assistant to the Town Administrator Fred Diehl; Community Development Director Marty Ostholthoff; Special Counsel John T. Sullivan; and, Town Attorney Mark Shapiro.

Upon completion of the executive session, Mayor Harris announced, The time is now 9:08pm and the executive session has been concluded. The participants in the executive session were:

Mayor Tina Harris; Mayor Pro Tem Mark Gruber; Trustees Dan Woog, Scott Charles, Jennifer Carroll, Waylon Schutt, and Geoff Deakin; Town Administrator A.J. Krieger; Assistant to the Town Administrator Fred Diehl; Community Development Director Marty Ostholthoff; Special Counsel John T. Sullivan; 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.

Seeing none, the next agenda item is Proclamations and Presentations.

**VII. PROCLAMATIONS AND PRESENTATIONS**

[17-055](#) Erie Historic Preservation Advisory Board Report

A presentation of an annual report was given by Historic Preservation Advisory Board members, Jackie Connor and Dave Snow.

**VIII. RESOLUTIONS**

[17-070](#) A Resolution of The Board of Trustees of The Town Of Erie, Colorado

Designating an Historic Landmark Pursuant to the Provisions of Title 3, "Boards And Commissions," Chapter 3, "Historic Preservation Advisory Board," Section 3-3-8 B. of The Town of Erie Municipal Code; Specifically Designating The Al And Mary Schofield Farm, 2203 North 111th Street, Erie, Colorado, as a Town Historic Landmark of Special Historical, Architectural, Cultural, Interest and Value of A Historic Nature; and, Setting Forth Details in Relation Thereto.

**Trustee Charles moved to approve Agenda Item #17-070; the motion was seconded by Trustee Schutt. The motion carried with the following roll call vote:**

Trustee Carroll - yes  
Mayor Pro Tem Gruber - no  
Trustee Charles - yes  
Trustee Deakin - yes  
Trustee Woog - yes  
Trustee Schutt - yes  
Mayor Harris - yes

[17-067](#)

A Resolution Of The Board Of Trustees Of The Town Of Erie, Colorado Authorizing The Town To Provide Water Taps And Water Service To A Property Located Outside Of The Corporate Limits Of The Town at 2797 County Road 6, Erie, Colorado 80516. Adopting Conditions For The Water Taps And Water Service; And, Setting Forth Details In Relation Thereto.

**Trustee Gruber moved to continue Agenda Item #17-067 and Agenda Item #17-069 to the February 28, 2017 Board of Trustees Regular meeting. The motion was seconded by Trustee Schutt. The motion carried with all voting unanimously in favor.**

[17-069](#)

A Resolution By The Board Of Trustees Of The Town Of Erie, Colorado Accepting The Warranty Deed Of Roadway Right-Of-Way Property From Crestone Peak Resources Holdings, LLC And Liberty Energy, LLC; And, Setting Forth Details in Relation Thereto.

**Agenda Item #17-069 was moved to the February 28, 2017 Board of Trustees Regular Meeting.**

[17-079](#)

A Resolution Authorizing the Town of Erie, Colorado, To Enter Into a Purchase and Sale Agreement with Brothers Redevelopment, Inc. And the Erie Housing Authority for the Sale of Real Property; Authorizing and Directing the Appropriate Town Officers to Sign Said Purchase and Sale Agreement; And, Setting Forth Details in Relation Thereto.

**Trustee Charles moved to approve Agenda Item #17-079; the motion was seconded by Trustee Schutt. The motion carried with all voting unanimously in favor.**

## **IX. ORDINANCES**

[17-048](#)

An Ordinance of the Town of Erie, Colorado, Amending Title 6, "Police and Traffic Regulations," Chapter 1, "Definitions," and Chapter 3, "Offenses Involving Weapons," of the Erie Municipal Code. (SECOND READING)

This was the first reading of this Ordinance. It will be returned for Board Action at the February 28, 2017 Board of Trustees Regular meeting.

## **X. GENERAL BUSINESS**

[17-020](#) A Sketch Plan Review of Parkdale (Erie Gateway South)

Senior Planner, Todd Bjerkaas presented a sketch plan review of Parkdale (Erie Gateway South). The applicant, John Prestwich with PCS Group, also gave a presentation on the sketch plan and was available for questions. No formal action is required on this item.

[17-064](#) Proclamation Procedure Policy Discussion

After discussion amongst the Board, the Board decided to adopt this policy as part of the Rules & Regulations striking the line that reads "Not used to express a position on a public issue" under the Purpose section of the Proclamation Procedure Policy.

## **XI. STAFF REPORTS**

[17-049](#) Community Development Monthly Report

[17-054](#) Economic Development Quarterly Report

[17-074](#) Monthly Communications Report – January 2017

[17-075](#) Year End Communications Report – 2016

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

[17-065](#) Tree Board Appointment

As Trustee Carroll was excused from the meeting at 9:50pm, Mayor Harris conveyed information that Trustee Carroll wanted the Board to consider. The Tree Board reviewed the applications and are recommending that Arthur Henderlong be appointed as he was the best candidate with the best experience. Mayor Harris moves to appoint Arthur Henderlong to the Tree Board. The motion was seconded by Trustee Charles. The motion carries with all voting unanimously in favor.

The second item concerning Tree Board is the removal of Jacob Paul from the Tree Board for attendance purposes.

Trustee Charles moved to remove Jacob Paul from the Tree Board. The motion was seconded by Trustee Schutt. The motion carried with all voting unanimously in favor.

Mayor Harris asked that the vacancy on the Tree Board be posted.

Trustee Charles - Trustee Charles was in attendance at the 1st Annual Daddy/Daughter Dance at the Erie Community Center. It was a really awesome

event. Thank you to all that were involved. The Historic Preservation Advisory Board contracted with a consultant to do the Master Plan. When it is completed, their main point of contact, Elizabeth Watson, would come and present to the Board. They are requesting that \$1,500 be available to fly Elizabeth in to give this presentation. Town Administrator, A.J. Krieger noted that there was \$10,000 budgeted in 2017 for the Historic Preservation Committee. General consensus of the Board is to allow this additional expenditure.

Mayor Pro Tem Gruber - Wanted to make the Board aware of the meetings he has been to recently. He attended the NATA (North Area Transportation Alliance) meeting on January 26, 2017. Outcome of the meeting is the number one goal for 2017 is WIG, a wildly important goal, the improvements to State Highway 7 and I-25 and completing the BRT Study for State Highway 7. The second meeting attended was the Metro Mayors Caucus on behalf of the Mayor on February 1, 2017. One of the suggestions that came out of that is that the Town really needs to query its residents about their transportation needs and preferences. Can we add a question on our Citizen Survey when that comes up about transportation; that's useful information for the caucus and for lobbying the State House on transportation. They also developed principles/guidelines for the discussion of construction defects reform. Third meeting was the CML Legislative Policy Committee on February 10, 2017. There are currently 500 bills at the State House. Mayor Pro Tem Gruber gave a handout to the Board on issues that CML is lobbying for on our behalf.

Trustee Deakin - No report just a comment. Regarding the survey, not exceeding the number of questions that people over readily respond to. Given the questions the Board wants to ask, should a study session be set to discuss this with the "survey organizer" or with staff to coordinate what the Board wants to ask? Town Administrator, A.J. Krieger stated that they will be at the next meeting.

Trustee Schutt - No report.

Trustee Woog - Would like to ask staff to bring, if its ready, the possibility for a golf cart trail. Either the next meeting or next couple meetings for staff to bring whatever information has been gathered for that. (Costs, locations, options.)

Mayor Harris - Another outcome from the meeting with the Oil and Gas counsel is to direct staff to get a quote from Pinyon to monitor noise levels at the Pratt and Waste Connections well sites that are about ready to come online again. The Board would like to be proactive with measuring the noise levels so that we can respond quickly to our citizens concerns with data to back up the concerns that our citizens have. Also would like staff to send a letter to the COGCC and Matt Lepore to let them know that we will be monitoring the site and we have a reputable agency that will be monitoring.

### **XIII. ADJOURNMENT**

Trustee Charles moved to adjourn the February 14, 2017 Board of Trustees Regular meeting; the motion was seconded by Trustee Schutt. The motion carried with all voting unanimously in favor.

Mayor Harris adjourned the meeting at 10:40pm.