

TOWN OF ERIE

*645 Holbrook Street
Erie, CO 80516*



Meeting Minutes

Wednesday, July 7, 2021

6:30 PM

via Virtual Meeting

**<https://bit.ly/2021July7PCMtg>
Council Chambers**

Planning Commission

I. CALL TO ORDER & PLEDGE OF ALLEGIANCE TO FLAG

Chair Zuniga called the July 7, 2021 Planning Commission Meeting to order at 6:35pm.

II. ROLL CALL

Roll Call:

Commissioner Luthi - present
Commissioner Sawusch - present
Commissioner Witt - absent/excused
Commissioner Ames - present
Commissioner Hoback - present
Vice Chair Fraser - absent
Chair Zuniga - present

III. APPROVAL OF THE AGENDA

Commissioner Sawusch moved to amend the agenda to include a discussion regarding the Comprehensive Plan Consultant Contract. The motion, seconded by Commissioner Hoback, carried with the following 4 to 1 roll call vote:

Commissioner Luthi - yes
Commissioner Sawusch - yes
Commissioner Ames - no
Commissioner Hoback - yes
Chair Zuniga - yes

Commissioner Ames provided an explanation regarding his "no" vote. Commissioner Ames is uncomfortable discussing this issue without having counsel or Deborah Bachelder, Planning Manager/Deputy Director of Planning & Development, in attendance to discuss as she has been critical to the process; and receiving the memo from Kendra Carberry, Town Attorney. His inkling is that the discussion shouldn't take place without the right people in attendance.

IV. APPROVAL OF MINUTES

[21-260](#)

Approval of the June 16, 2021 Planning Commission Meeting Minutes

Attachments: [June 16, 2021 Planning Commission Meeting Minutes](#)

Commissioner Luthi moved to approve the meeting minutes of the June 16, 2021 Planning Commission Meeting. The motion, seconded by Commissioner Hoback, carried with the following roll call vote:

Commissioner Luthi - yes
Commissioner Sawusch - yes
Commissioner Ames - yes
Commissioner Hoback - yes
Chair Zuniga - yes

V. PUBLIC COMMENTS

No public comments were taken.

VI. GENERAL BUSINESS

[21-259](#) Planning Commission Study Session - Continuation from 5/19/2021, 6/2/2021, & 6/16/2021

Attachments: [Planning Commission Roles Local Municipalities](#)
[Planning Commissioner Job Description Final](#)
[Planning Commission 2021 Work Plan](#)
[Historic Preservation Master Plan](#)
[Erie Boards - Work Plans](#)

Chair Zuniga began discussion with the Commission on the continued Study Session (Agenda Item 21-259) regarding the existing and proposed role and responsibilities of the Planning Commission.

This agenda item has been tabled from 3 prior meetings for various reasons.

The three main goals identified by the Commission are as follows:

- Professional development goals to provide opportunities to learn more about the role of the Planning Commissioner
- Discuss and figure out what the role of the Planning Commissioner is (How can we best support the Board of Trustees and represent the public)
- Discussion regarding the need that the Town had regarding a Comprehensive Plan update.

Some additional items of discussion included the following:

- Recommendations/approval of the Comprehensive Plan
- Appointing staff to assist with the update
- Hiring a consultant to do the leg work of the update
- Balancing a Steering Committee with representation from various committee/board members and staff
- In the past, the Planning Commission didn't advocate its responsibility for carrying out the Comprehensive Plan update, assigning staff to assist, or selecting a consultant
- What happened during the Steering Committee?
- The Comprehensive Plan would fall to the Planning Commissioners - The Board of Trustees would provide a recommendation to the Commission and the Commission has the authority to approve or deny the draft
- The Comprehensive Plan is not a regulatory document - in Colorado, its a guiding document
- Responsibility and expectation regarding the Comprehensive Plan
- Does the Planning Commission follow the Colorado Statutes as it states?
- State Statute 31-23-205 notes the Commission may appoint such employees as it deems necessary for its work
- Create bylaws
- Tabulation error was caught - that's ok and was fixed
- Communications that occurred after is an issue
- Transparency and the integrity of the process
- How can we move forward?

Fred Starr, Director of Planning & Development provided the Commission with a brief overview of Comprehensive Plan Consultant Contract; noting that the Board

will enter into the contract and budget the money for the Comprehensive Plan. Once a consultant is selected, the intent is to engage the Commissioners as an advisory group in a committee role to participate in the update. Mr. Starr gave a description of the authority of the Commission regarding contracts and agreements. Clarification of the Planning Commission is being worked on by the Town Attorney.

Commissioner Ames noted that in order for the Commission to address the Planning Commission role, the appropriate people, including the Town Attorney, need to be in attendance. Commissioner Ames recommended this item be tabled until that time.

Commissioner Ames moved to table this discussion item to the next Planning Commission Meeting. The motion, seconded by Commissioner Sawusch, carried with the following roll call vote:

Commissioner Luthi - yes
Commissioner Sawusch - yes
Commissioner Ames - yes
Commissioner Hoback - yes
Chair Zuniga - yes

[21-284](#)

Discussion of the Comprehensive Plan Consultant Contract

Chair Zuniga began the discussion with the Commission regarding the Comprehensive Plan Consultant Contract, the selection process, and the events that occurred surrounding the process.

Some comments/discussion items included the following:

- Where this selection process went off track
- Inappropriate communication
- Planning Commission being "cut out" from the process
- Staff (Deborah Bachelder) has worked very hard on this project
- Don't have a "full" picture of the events
- CORA information is available regarding the events
- Tampering of the scores
- Scores entered after the fact to change the outcome shouldn't be included
- What are the right questions to ask?
- What can we do to make this better in the future?
- There was a clear cut defined leader to begin with
- Changing rules at the eleventh hour
- Legal implications for the Town
- Bid rigging
- Taxpayer money/DOLA grant
- Liability
- Restart the process/not a fair process
- Concerns are not about the summing issue
- Is the award made based on the scoring?
- What are next steps?
- How this matter reflects on the Town
- Scoring criteria in the RFP
- Actual language of the addendum/scoring criteria
-

Commissioner Ames suggested the Commission propose a joint study session

with the Board of Trustees to discuss next steps together prior to a decision being made.

Commissioner Sawusch made a motion for the Town Administrator and the Board of Trustees to hire an outside investigative party, or refer the matter to the State Attorney General's Office, for further review due to the severity of the issue. There was no second to this motion. Motion dies.

Commissioner Ames moved to table this discussion item until the next scheduled Planning Commission Meeting if there can be legal representation available to answer questions.

Chair Zuniga asked if the legal representation means having our Town Attorney at this meeting as she believes we need an outside set of eyes on the matter.

Commissioner Ames would like to amend his original motion to the following:

Commissioner Ames made a motion to recommend that the Board of Trustees halt awarding the Comprehensive Plan Contract until further discussion occurs between the Planning Commission and the Town Attorney, to discuss and answer the questions of the Planning Commission regarding this matter. The motion, seconded by Commissioner Hoback, carried with the following roll call vote:

Commissioner Luthi - yes
Commissioner Sawusch - yes
Commissioner Ames - yes
Commissioner Hoback - yes
Chair Zuniga - yes

Commissioner Luthi made a motion regarding the Comprehensive Plan Contract, recommending that the Board of Trustees not accept any scoring tabulations that occurred after 11:59pm on May 23, 2021, and adhere to the process set forth in the addendum of the Request for Proposal (RFP). The motion, seconded by Commissioner Sawusch, carried with the following roll call vote:

Commissioner Luthi - yes
Commissioner Sawusch - yes
Commissioner Ames - yes
Commissioner Hoback - yes
Chair Zuniga - yes

VII. STAFF REPORTS

[21-214](#) Planning & Development Monthly Report

Attachments: [Planning & Development Monthly Report - May](#)

There were no additional staff reports.

VIII. COMMISSIONER REPORTS AND DISCUSSION ITEMS

Commissioner Luthi thanked the Commission for the civil discussions regarding tonight's agenda items.

Neither Commissioner Hoback or Commissioner Ames will not be in attendance at the July 21st meeting.

Chair Zuniga asked the Commission to email Melinda Helmer if you are unable to attend a meeting.

IX. ADJOURNMENT

Chair Zuniga adjourned the July 7, 2021 Planning Commission Meeting at 8:13pm.