



# TOWN OF ERIE

645 Holbrook Street  
Erie, CO 80516

## Meeting Minutes - Draft

### BOARD OF TRUSTEES MEETING

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Tuesday, February 13, 2018

6:30 PM

Board Room

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Pre Meeting Community Room 5:45 PM

**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 Pro Tem Gruber called the February 13, 2018 Regular Meeting to order at 6:30 pm.

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

Mayor Harris arrived at 7:08 pm.

**Present:** 6 - Mayor Pro Tem Gruber  
Trustee Carroll  
Trustee Schutt  
Trustee Charles  
Trustee Woog  
Trustee Deakin

**Present/Late:** 1 - Mayor Harris

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

Trustee Deakin moved to approve the February 13, 2018 Meeting Agenda with the amendment of moving Agenda Item 18-082 from IV. Consent Agenda to VIII. Resolutions and the amendment of removing Agenda Item 18-062 from the agenda; the motion was seconded by Trustee Schutt. The motion carried with all present voting in favor thereof.

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

[18-067](#)

Approval of the January 23, 2018 Meeting Minutes

[18-061](#)

A Resolution Authorizing The Town Of Erie, Colorado, To Enter Into Three Memorandums Of Understanding With Resource Central For The Slow The Flow Outdoor Inspection Program; The Water-Wise Landscape Seminar And For The Garden In A Box Program; Authorizing And Directing The Appropriate Town Officers To Sign Said Memorandum Of Understanding; And Setting Forth Details In Relation Thereto.

- [18-063](#) A Resolution Approving The Third Amendment To The Fifth Interim Agreement Between Municipal Subdistrict, Northern Colorado Water Conservancy District Windy Gap Firing Project And The Town Of Erie For Participation In The Windy Gap Firing Project; And Authorizing The Payment Of \$600,000 As The Town's Pro Rata Share Of The Project Cost; Authorizing And Directing The Appropriate Town Officers To Sign Said Agreement; And Setting Forth Details In Relation Thereto.
- [18-069](#) A Resolution Authorizing An Inter-Governmental Agreement With Boulder County for 2018 Youth Corps Services In The Amount of \$14,437.50; And, Setting Forth Details In Relation Thereto
- [18-072](#) A Resolution Authorizing Water Assessment and Lease Payments For 2018; And Setting Forth Details In Relation Thereto.
- [18-071](#) A Resolution Authorizing A Contract With The Slide Experts, Inc. for the Erie Community Center Water Slide and Tower Restoration Project In The Amount of \$37,218.00; And, Setting Forth Details In Relation Thereto
- [18-080](#) A Resolution By The Board Of Trustees Of The Town Of Erie, Colorado Accepting Two Separate Grants Of Permanent Access And Utilities Easement Agreements And A License Agreement.
- [18-081](#) A Resolution By The Board Of Trustees Of The Town Of Erie, Colorado Accepting A Grant Of Permanent Access And Utilities Easement Agreement; And, Setting Forth Details In Relation Thereto.
- [18-083](#) A Resolution By The Board Of Trustees Of The Town Of Erie, Colorado Accepting A Grant Of Permanent Access And Utilities Easement Agreement and Vacation of Easement; And, Setting Forth Details In Relation Thereto.
- [18-045](#) An Ordinance Annexing The Stanley Property, To Be Known As The Stanley Annexation To The Town Of Erie, Colorado, Providing For The Effective Date Of This Ordinance; And, Setting Forth Details In Relation Thereto. Second Reading
- [18-046](#) An Ordinance Zoning The Stanley Property, Pursuant To The Petition Of The Owner Thereof, To PLI-Public Lands And Institutions, Providing For The Effective Date Of This Ordinance; And Setting Forth Details In Relation Thereto. Second Reading.
- [18-050](#) An Ordinance Annexing The Rex Ranch Annexation No. 2 Property, Pursuant To The Petition Of The Owner Thereof, To Be Known As The Rex Ranch Annexation No. 2 Annexation To The Town Of Erie, Colorado; Providing For The Effective Date Of This Ordinance; And, Setting Forth

Details In Relation Thereto. SECOND READING.

[18-051](#)

An Ordinance Zoning the Rex Ranch Annexation No. 2 Property, Pursuant to the Petition of the Owner Thereof, to 'LR' – Low Density Residential; Providing For the Effective Date of this Ordinance. SECOND READING.

**Trustee Schutt moved to approve the February 13, 2018 Consent Agenda; the motion was seconded by Trustee Deakin. The motion carried with the following roll call vote:**

**Aye:** 6 - Mayor Pro Tem Gruber, Trustee Carroll, Trustee Schutt, Trustee Charles, Trustee Woog, and Trustee Deakin

## **V. EXECUTIVE SESSION**

**18-068**

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 oil and gas litigation; and, for discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees; specifically, to perform an exit interview with Nancy Parker.

**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(4)(b), specifically, to receive legal advice regarding oil and gas litigation; and, for discussion of a personnel matter under C.R.S Section 24-6-402(4)(f) and not involving; any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees; specifically, to perform an exit interview with Nancy Parker. The motion was seconded by Trustee Charles. The motion carried with all present voting in favor thereof.**

**Mayor Pro Tem Gruber announced; it's Tuesday, February 13, 2018, and the time is 6:33 pm. For the record, I am the presiding officer, Mayor Pro Tem Gruber. As required by the Open Meetings Law, this executive session is being electronically recorded.**

**Also present at the first portion of the executive session were the following persons:**

**Mayor Pro Tem Mark Gruber, Trustees Dan Woog, Scott Charles, Jennifer Carroll, Geoff Deakin, Waylon Schutt, and Town Administrator A.J. Krieger; Assistant to the Town Administrator Fred Diehl; Assistant to the Town Administrator Marty Ostholthoff; Chad Taylor, Environmental Planner; Special Counsel John Sullivan and Barbara Green; and Town Attorney Mark Shapiro.**

Mayor Harris arrived at 7:08 pm during the first portion of the executive session.

The participants present at the second portion of the executive session were:

Mayor Tina Harris; Mayor Pro Tem Mark Gruber, Trustees Dan Woog, Scott Charles, Jennifer Carroll, Geoff Deakin, Waylon Schutt; and Town Attorney Mark Shapiro.

Mayor Harris announced; The time is now 8:49 pm, 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, Geoff Deakin, Waylon Schutt, and Town Administrator A.J. Krieger; Assistant to the Town Administrator Fred Diehl; Assistant to the Town Administrator Marty Ostholthoff; Chad Taylor, Environmental Planner; Special Counsel John Sullivan and Barbara Green; 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.

Following the executive session, Trustee Deakin motioned to allow Trustees to disclose the executive session to speak with Town Staff; the motion was seconded by Mayor Harris. The motion carried with five (5) for and (2) two against vote with Trustee Charles and Trustee Woog voting no.

Hearing no concerns the Mayor moved onto the next agenda item.

## VI. PUBLIC COMMENT

## VII. PROCLAMATIONS AND PRESENTATIONS

[18-023](#) Boulder Valley School District Presentation

[18-066](#) Erie Municipal Airport Monthly Report - January 2018

## VIII. RESOLUTIONS

[18-082](#) A Resolution By The Board Of Trustees Of The Town Of Erie, Colorado Consenting To A Request By The Sierra Vista Metropolitan District To Dissolve.

Trustee Schutt moved to approve Agenda Item 18-082; the motion was seconded by Trustee Charles. The motion carried with all present voting in favor thereof.

[18-073](#) A Resolution Authorizing Award Of A Construction Contract To Scott Contracting, Inc. For The Kenosha Road Culvert Replacement Project In The Amount Of \$68,462.00 With A Contingency Not To Exceed \$6,538.00; And Setting Forth Details In Relation Thereto

Trustee Charles moved to approve Agenda Item 18-073; the motion was seconded by Trustee Schutt. The motion carried with the following roll call vote:

**Aye:** 7 - Mayor Harris, Mayor Pro Tem Gruber, Trustee Carroll, Trustee Schutt, Trustee Charles, Trustee Woog, and Trustee Deakin

## **IX. ORDINANCES**

### [18-075](#)

An Ordinance Of The Town Of Erie, Colorado, Repealing And Replacing Title 2, Chapter 5 Article A, "Impact Fees Established," Of The Erie Municipal Code; And, Setting Forth Details In Relation Thereto, and Declaring an Emergency Therefore.

Mayor Pro Tem Gruber motioned to suspend Ordinance No. 07-2018; the motion was seconded by Trustee Schutt. The motion carried with all present voting in favor thereof.

Trustee Charles moved to approve Agenda Item 18-075; the motion was seconded by Trustee Woog. The motion carried with all present voting in favor thereof.

## **X. GENERAL BUSINESS**

### [18-070](#)

Acceptance of the Schofield Farm Open Space Master Plan

### [18-059](#)

Erie Village Filing No. 5 Sketch Plan

### [18-084](#)

Cancellation of April 10, 2018 Regular Meeting

## **XI. STAFF REPORTS**

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

Trustee Deakin requested that the Town Administrator address OSTAB's technical issues with obtaining packets electronically and accessing the smart board in the Community Room. Trustee Deakin also expressed concerns over traffic impacts of Crestone's Sierra Vista property purchase.

Trustee Carroll expressed Vista Ridge residents' concerns over flooding. The conclusion was that the outfall of water was altered resulted in drainage issues is being addressed. Trustee Carroll requested permanent signage for the businesses at the airport.

Trustee Woog attended Economic Development Council and complimented Ben Pratt, Economic Development Manager.

## **XIII. ADJOURNMENT**

Trustee Charles moved to adjourn the February 13, 2018 Regular Meeting of the Town of Erie Board of Trustees; the motion was seconded by Trustee Woog. The motion carried with all present voting in favor thereof.