



# TOWN OF ERIE

645 Holbrook Street  
Erie, CO 80516

## Meeting Minutes - Final

### BOARD OF TRUSTEES MEETING

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Tuesday, February 28, 2017

6:30 PM

Board Room

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Pre-Meeting Community Room

#### 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 28, 2017 Board of Trustees Meeting to order at 6:30pm.

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

Roll Call:

Mayor Pro Tem Gruber - present  
Trustee Carroll - present  
Trustee Charles - present  
Trustee Deakin - present  
Trustee Woog - present  
Trustee Schutt - present  
Mayor Harris - present

#### III. APPROVAL OF THE AGENDA

Trustee Deakin moved to approve the Agenda with the exception of moving Agenda Item #17-086 from Consent to the Resolutions section of the meeting. Trustee Schutt seconded this motion with all voting in favor thereof.

#### IV. CONSENT AGENDA

[17-066](#) Approval of the February 14, 2017 Meeting Minutes

[17-085](#) Approval of the February 21, 2017 Special Meeting Minutes

[17-071](#) A Resolution By The Board Of Trustees Of The Town Of Erie, Colorado Accepting Dedications As Shown In The Erie Highlands Filing No. 11 Final Plat; Authorizing The Appropriate Town Official To Sign The Erie Highlands Filing No. 11 Development Agreement; Adopting Certain Findings Of Fact

And Conclusions Favorable To Acceptance Of Erie Highlands Filing No. 11 Final Plat Dedications And Development Agreement; And, Setting Forth Details In Relation Thereto.

[17-083](#)

A Resolution Authorizing Award Of A Services Contract To J&S Contractors Supply for Annual Signage Supplies In The Amount Not-To-Exceed \$40,800; And Setting Forth Details In Relation Thereto

[17-084](#)

An Ordinance Amending Lease Agreement Between The Town of Erie and Rob Lindow And Sindy Lindow dated April 26, 2016; Authorizing And Directing The Appropriate Town Officers To Sign Said Amendment; And Setting Forth Details In Relation Thereto; And, Declaring and Emergency Therefore.

[17-093](#)

A Resolution By The Board Of Trustees Of The Town Of Erie, Colorado Accepting Dedications As Shown In The Flatiron Meadows Filing No. 10 Final Plat; Authorizing The Appropriate Town Official To Sign The Flatiron Meadows Filing No. 10 Development Agreement; Adopting Certain Findings Of Fact And Conclusions Favorable To Acceptance Of The Dedications And Development Agreement; And, Setting Forth Details In Relation Thereto.

[17-098](#)

A Resolution Of The Town Of Erie, Colorado Amending Town Of Erie Resolution 03-10, Series Of 2003, Which Adopted The Board Of Trustees Rules Of Order And Procedure.

[17-099](#)

Resolution Approving a Construction Agreement with Security Central Inc. for the Erie Ball Field Concessions Surveillance System.

**Trustee Charles moved to approve the Consent Agenda; the motion, seconded by Mayor Pro Tem Gruber, carried with the following roll call vote:**

Mayor Pro Tem Gruber - yes  
Trustee Carroll - yes  
Trustee Charles - yes  
Trustee Deakin - yes  
Trustee Woog - yes  
Trustee Schutt - yes  
Mayor Harris - yes

## **V. PUBLIC COMMENT**

**Public Comment was taken from the following persons:**

Tiffany Taskey, 1909 Alpine Drive, Erie, CO  
Dominic Maes, 1390 Hickory Drive, Erie, CO  
Shannon Dilley, 1449 Hickory Court, Erie, CO  
Kate Darcy, 2084 Primrose Lane, Erie, CO  
Mark Kadlecek, 2473 Vale Way, Erie, CO  
Jennifer Fick, 1778 Parkdale Circle North, Erie, CO  
Angela Lutz-Waldrop, 1751 Crestview Lane, Erie, CO  
Monica Korver, 1559 Hickory Drive, Erie, CO

Liz Fisher, 635 Moffat Street, Erie, CO  
Ed Taylor, 167 Baker Lane, Erie, CO  
Gary Gianetti, 1379 Padfield Place, Erie, CO

The residents spoke regarding their concern for the re-opening of the Pratt Well Site, the noise levels, odors, and the experiences they had in their homes while the Pratt Well Site was being drilled in 2014.

Anne Carto, Community Outreach Manager at Colorado Oil & Gas Association. Anne Carto introduced herself and invited residents; and the Board and staff to use her as a resource.

## VI. PROCLAMATIONS AND PRESENTATIONS

[17-072](#)

National Research Center Citizen Survey Presentation - NRC President Dr. Tom Miller; NRC Senior Survey Associate Damema Mann

Fred Diehl, Assistant to the Town Administrator, presented Agenda Item No. 17-072 along with Dr. Tom Miller and Damema Mann.

At 7:54pm, Mayor Harris called for a short break.

Mayor Harris reconvened the meeting at 7:59pm.

[17-087](#)

Erie Municipal Airport - February 2017 Monthly Report

Jason Hurd was ill and unavailable to attend this meeting.

[17-096](#)

Jason Oates-Crestone Peak Resources

Jason Oates from Crestone Peak Resources gave a quick operational update on the well sites and hub facility. Mr. Oates answered questions of the Board regarding well sites in Erie.

Trustee Woog asked for a list of ingredients in the drilling fluid. Mr. Oates stated that he would get a copy of the Safety Data Sheet (SDS) to the Board.

Trustee Charles asked if it was possible to have Mr. Oates or one of his associates commit to attending a Board meeting quarterly to have a conversation like this one and Mr. Oates stated that it's not a problem as long as they're operating in the Town.

Mayor Pro Tem Gruber asked that the Town make the Safety Data Sheet available on the Oil & Gas page of the Town's website once it's received from Mr. Oates.

Trustee Schutt would like the Board and Staff to continue to look into getting our own sound recording in place (regarding the well drilling noise) and how we're going to determine where that goes; how to field the complaints and allow our residents to utilize that sound machine on their property. Trustee Carroll strongly supports the Town having our own monitoring set up to validate resident's concerns.

The Board asked for better communication from Crestone during this process.

Mayor Harris also noted for the resident's that the Town has been proactive in trying to seek other ways to handle the situation and that the Town Administrator has worked very hard on this as well.

The Board will be meeting with Broomfield in March for a joint discussion.

Town Administrator, A.J. Krieger also noted that staff would be meeting with Pinyon to go over the logistics of the Board's request on air quality/sound monitoring and are hoping to have a proposal for the Board to consider on the March 14th agenda.

## **VII. RESOLUTIONS**

### [17-086](#)

A Resolution Approving The 2016 Town Of Erie Parks, Recreation Open Space And Trails Master Plan Update;" And, Setting Forth Details In Relation Thereto.

This item was moved from Consent Agenda.

Trustee Schutt moved to approve Agenda Item No. 17-086. The motion, seconded by Trustee Deakin, carried with all voting in favor thereof.

### [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 Schutt moved to approve Agenda Item No.17-067. The motion, seconded by Trustee Woog, carried with the following voice vote:

Mayor Harris, Mayor Pro Tem Gruber and Trustees Charles, Woog and Schutt voting yes; Trustees Carroll and Deakin voting no.

### [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.

Trustee Schutt moved to approve Agenda Item No. 17-069. The motion, seconded by Trustee Charles, carried with the following voice vote:

Mayor Harris, Mayor Pro Tem Gruber and Trustees Carroll, Charles, Woog and Schutt voting yes; Trustee Deakin voting no.

Mayor Harris called for a 5 minute break at 9:23pm. At this time, Mayor Harris was excused from the meeting.

Mayor Pro Tem Gruber reconvened the meeting at 9:27pm.

### [17-089](#)

PUBLIC HEARING: A Resolution Making Certain Findings Of Fact And Conclusions Favorable To The Site Plan For 460 Jones Court, Austin Industrial Park, Lot 8, Town Of Erie, Colorado; And, Setting Forth Details In Relation Thereto.

Mayor Pro Tem Gruber opened the Public Hearing for Agenda Item No.17-089 and Agenda Item No.17-090 at 9:28pm.

Senior Planner, Deborah Bachelder presented both the Site Plan and Special Review Use applications for 460 Jones Court in Austin Industrial Park, Lot 8.

At 9:40pm, Mayor Pro Tem Gruber swore in the applicants representative, Mickey Leyba of 625 Main Street, Longmont, CO. Ms. Leyba provided testimony on the site, site characteristics, offsite improvements and architecture of the building.

Mayor Pro Tem Gruber closed the Public Hearing for Agenda Item#17-089 and Agenda Item#17-090 at 9:46pm.

Trustee Charles moved to approve Agenda Item#17-089. The motion, seconded by Trustee Schutt, carried with all voting in favor thereof.

[17-090](#)

PUBLIC HEARING: A Resolution Making Certain Findings Of Fact And Conclusions Favorable To The Special Review Use For The Longs Peak Sprinkler Business, A Contractor's Shop And Storage Yard, At 460 Jones Court, Austin Industrial Park, Lot 8, Town Of Erie, Colorado; And, Setting Forth Details In Relation Thereto.

Trustee Charles moved to approve Agenda Item No.17-090. The motion, seconded by Trustee Woog, carried with all voting in favor thereof.

Trustee Carroll was excused from the meeting at 9:48pm.

[17-092](#)

A Resolution Amending and Updating the Town's Purchasing Policy; And, Setting Forth Details In Relation Thereto

Finance Director, Steve Felten presented Agenda Item No. 17-092.

Trustee Schutt moved to approve Agenda Item No. 17-092. The motion, seconded by Trustee Deakin, carried with all voting in favor thereof.

## VIII. ORDINANCES

[17-095](#)

An Ordinance Amending The Investment Policy For The Town Of Erie Colorado; And, Setting Forth Details In Relation Thereto. (Second Reading)

This is a First Reading and will be brought back before the Board at the March 14, 2017 Board of Trustees Meeting.

[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)

Trustee Schutt moved to approve Agenda Item No. 17-048 with the following amendment: Remove 6-3-5 from the Ordinance in its entirety. The motion, seconded by Trustee Charles, carried with the following voice vote:

Trustees Schutt, Woog and Charles voting yes; Mayor Pro Tem Gruber and Trustee Deakin voting no.

Trustee Charles would like follow up into getting metal detectors at the Police and Courts Facility.

Trustee Charles asked that Staff look into having metal detectors installed at the Erie Police and Court Building.

## IX. GENERAL BUSINESS

[17-094](#)

A Sketch Plan Review Of Flatiron Meadows Planning Area H

Senior Planner, Todd Bjerkaas presented Agenda Item No. 17-094 for a Sketch Plan of Flatiron Meadows Planning Area H. This is an informal review and no action is required at this time.

The applicant, Chad Murphy with Hines (HT Flatiron LP) gave an additional presentation on Flatiron Meadows Planning Area H.

## X. STAFF REPORTS

[17-091](#)

Town Hall Remodel Open House

Staff has nothing additional to report.

## XI. BOARD OF TRUSTEES REPORTS & APPOINTMENTS

Trustee Woog - Summarized his understanding of the Oil & Gas topics this evening. Crestone has offered to place a noise monitor at one of the homes that most effective by drilling in the past; they have offered extra noise mitigation; the Town asked Crestone to provide an electric rig to reduce noise pollution; the Board is prepared to hire a consultant for air quality/noise monitoring; the Board is prepared to submit issues to COGCC if necessary; and as we continue to work within our legal means with Oil & Gas companies, the Board will continue to take rational positions and will respect property rights at the same time, doing our best to protect the Town and its residents. The Board will verify any issues that may occur and are doing everything we can to protect our residents safety, health and welfare while still ensuring that we uphold the constitution that we all swore an oath to uphold. Trustee Woog feels good about moving forward after hearing from/speaking to Jason Oates and some of the residents and looks forward to a positive outcome with the Oil & Gas industry in Erie.

Trustee Charles - nothing to report.

Trustee Deakin - nothing to report.

Trustee Schutt - nothing to report.

Mayor Pro Tem Gruber - Was disappointed that the Airport Manager couldn't make it tonight as he had a couple of questions that he would like the Town Administrator to follow up on with the Airport Manager. The Airport Manager mentioned in his report that he had done an inventory of the number of aircraft based at EIK and would like to know what the number is and what's the trend line with regards to numbers at the Airport. Are we going up, going down or are we stable? Second, what's the Town's plan for maintenance on Airport Drive?

Based on the pictures in the report, it appears that the road is in pretty bad shape. If there is a plan, could staff get back to the Board on the timeline for fixing the road. Mayor Pro Tem Gruber attended the NATA Meeting the week of 2/20/17; there were two interesting points that were brought up. RTD reported progress on the North Metro Line which is scheduled to meet 124th Street and open for business in 18 months. There's a Senate Bill 27 that's been looking at texting and driving; they're looking at increasing the fine from \$50 to \$300 and 5 points for texting and driving. On February 23, 2017, Mayor Pro Tem attended Longmont Mayor's Entrepreneurial Summit Meeting. There was interesting dialogue from both entrepreneurs and folks that run maker locations; places where people can do inventions. That sort of thing would fit in nicely in Erie with the folks that might be inventing and making things in their basements. Hopefully an entrepreneur will come to Town and start one here.

## **XII. EXECUTIVE SESSION**

An Executive Session was not held this evening as Special Counsel was not available.

[17-097](#)

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 companies.

## **XII. ADJOURNMENT**

Trustee Charles moved to adjourn the February 28, 2017 Board of Trustees Meeting. The motion, seconded by Trustee Schutt, carried with all voting in favor thereof.

Mayor Pro Tem Gruber adjourned the February 28, 2017 Board of Trustees meeting at 10:50pm.