



# TOWN OF ERIE

645 Holbrook Street  
Erie, CO 80516

## Meeting Minutes - Draft

### BOARD OF TRUSTEES MEETING

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Tuesday, August 23, 2016

6:30 PM

Board Room

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#### 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 August 23, 2016 Regular Meeting of the Town of Erie Board of Trustees to order at 6:30 pm.

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

**Present:** 7 - Mayor Harris  
Mayor Pro Tem Gruber  
Trustee Carroll  
Trustee Schutt  
Trustee Charles  
Trustee Woog  
Trustee Deakin

#### III. APPROVAL OF THE AGENDA

Mayor Pro Tem Gruber moved to approve the August 23, 2016 agenda with the amendment of moving Agenda Items 16-300 and 16-324 to VII. Resolutions. The motion was seconded by Trustee Charles. The motion carried with all present voting in favor thereof.

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

#### IV. CONSENT AGENDA

Trustee Schutt moved to approve the Consent Agenda as amended; the motion was seconded by Trustee Deakin. 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

[16-301](#)

Approval of the August 9, 2016 Meeting Minutes

- [16-256](#) A Resolution Authorizing Award of a Construction Contract To Excavation & Construction Specialist, Inc., For The Water Tap Saddle Replacement - Kattell St. Project In The Amount of \$143,601.00; And Setting Forth Details In Relation Thereto.
- [16-290](#) An Ordinance Of The Town Of Erie, Colorado, Amending Title 6, "Police And Traffic Regulations," Chapter 4, "Offenses Against The Person," Section 6-4-1, "Assault," Of The Municipal Code Of The Town Of Erie And, Setting Forth Details In Relation Thereto.(SECOND READING)
- [16-291](#) An Ordinance Of The Town Of Erie, Colorado, Amending Title 6, "Police And Traffic Regulations," Chapter 4, "Offenses Against The Person," Section 6-4-4, "Harassment," Of The Municipal Code Of The Town Of Erie And, Setting Forth Details In Relation Thereto. (SECOND READING)
- [16-307](#) A Resolution Authorizing Award of a Construction Contract To Jag's Enterprises, Inc., for the Underpass Repair at Taxiway Project, In The Amount Of \$308,327.00; And Setting Forth Details In Relation Thereto.
- [16-308](#) A Resolution Authorizing Award of a Construction Management Contract To Loris and Associates, Inc., for the Underpass Repair at Taxiway Project, In The Amount Of \$43,000.00; And Setting Forth Details In Relation Thereto.
- [16-309](#) A Resolution Authorizing the Town to Enter into an Agreement with Xcel Energy and Authorizing Payment to Xcel Energy for Providing Power To Pumps for the Underpass Repair at Taxiway Project, In The Amount Of \$32,631.65; And Setting Forth Details In Relation Thereto.
- [16-310](#) A Resolution For The Purpose Of Acquiring Permanent Utility Easement for Providing Power To Pumps for the Underpass Repair at Taxiway Project, In The Amount Of \$10,000; And Setting Forth Details In Relation Thereto.
- [16-311](#) A Resolution Authorizing The Purchase Of A Pressure Membrane Expansion Joints From Pipestone Equipment, LLC In The Amount Of \$22,450.00
- [16-312](#) A Resolution Authorizing Award of a Construction Contract To Fiore & Sons, Inc., For the Zone 3 Waterline Improvement Phase1A Project In The Amount of \$60,057; And Setting Forth Details In Relation Thereto.
- [16-317](#) A Resolution Authorizing a Multi-Year Joint Use Agreement Between the St. Vrain Valley School District RE-1J and the Town of Erie; and Setting Forth Details In Relation Thereto
- [16-320](#) A Resolution Accepting an FAA Grant for the Design of a Snow Removal

Equipment Building at the Erie Municipal Airport in the amount of \$50,689.

#### **V. PUBLIC COMMENT**

Jim Hicks; 2098 Willowbrook Circle, Erie, CO. expressed issues regarding the high cost of his water bill.

Dave Lotton; 365 Main Street, Erie, CO. expressed density concerns over the development of the Castro property.

Donna Geithman, 355 Mains Street, Erie, CO. expressed density concerns over the development of the Castro property.

Patty Hasslacher; 3260 Billington Drive, Erie, CO. expressed traffic concerns on Arapahoe Ridge with the development of the Nine Mile project.

James Briars; 635 Moffat Street, Erie, CO. expressed density concerns over the development of the Castro property.

Julie MacKenzie; 310 High Street, Erie CO. expressed density concerns over the development of the Castro property.

Malcolm MacKenzie; 310 High Street, Erie, CO. expressed density concerns over the development of the Castro property.

Lois Joyce; 514 Balcolm Street, Erie, CO. expressed density concerns over the development of the Castro property.

Todd Poyezdala; 405 Main Street, Erie, CO. expressed density concerns over the development of the Castro property.

Bob Karsted; 3256 Billington Drive, Erie, CO. expressed traffic concerns on Arapahoe Ridge with the development of the Nine Mile project.

Kim Godard; 3264 Billington Drive, Erie, CO. expressed traffic concerns on Arapahoe Ridge with the development of the Nine Mile project.

Sarah Iwanski, 145 Maxwell Avenue, Erie, CO. asked the Board to consider design issues for the Urgent Care project.

Dominique Rosario; 345 Main Street, Erie, CO. expressed density concerns over the development of the Castro property.

Charlie Forbare; 330 High Street, Erie, CO. expressed density concerns over the development of the Castro property.

#### **VI. PROCLAMATIONS AND PRESENTATIONS**

[16-302](#)

Proclaiming September as National Attendance Month

**VII. LAND DEVELOPMENT RESOLUTIONS AND ORDINANCES****16-297**

PUBLIC HEARING: A Resolution Regarding The Erie High School Annexation No. 2; Adopting Certain Findings Of Fact And Conclusions Favorable To The Annexation.

Mayor Harris opened the Public Hearing for Agenda Items 16-297; Agenda Item 16-298 and Agenda Item 16-299 at 7:10 pm. Hearing no one wishing to make public comment on these items, Mayor Harris closed the Public Hearing at 7:18 pm.

Trustee Charles moved to approve Agenda Item 16-297; the motion was seconded by Trustee Schutt. The motion carried with all present voting in favor thereof.

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

**16-298**

An Ordinance Annexing The Erie High School Annexation No. 2 Property, Pursuant To The Petition Of The Owner Thereof, To Be Known As The Erie High School Annexation No. 2 To The Town Of Erie, Colorado; Providing For The Effective Date Of This Ordinance; And, Setting Forth Details In Relation Thereto. (SECOND READING)

This was the first reading of Agenda Item 16-298, it will be returned to the September 13, 2016 Regular Meeting of the Town of Erie Board of Trustees for action.

**16-299**

An Ordinance Zoning The Erie High School Annexation No. 2 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)

This was the first reading of Agenda Item 16-299 it will be returned to the September 13, 2016 Regular Meeting of the Town of Erie Board of Trustees for action.

**VIII. RESOLUTIONS****16-300**

A Resolution Finding Substantial Compliance Of The Annexation Petitions Regarding The Annexation Of Certain Properties In Boulder County, Colorado, To The Town Of Erie, Said Annexation To Be Known As The Schmidt Annexation To The Town of Erie.

Trustee Schutt moved to approve Agenda Item 16-300; the motion was seconded by Trustee Charles. The motion carried with all present voting in favor thereof.

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

[16-324](#) A Resolution To Set A Public Hearing On An Ordinance Creating And Establishing The Four Corners Business Improvement District, And Designating The Area As A Location For New Business Or Commercial Development.

**Trustee Carroll moved to approve Agenda Item 16-324; the motion was seconded by Trustee Schutt. The motion carried with a four to three vote in favor.**

**Aye:** 4 - Mayor Harris, Trustee Carroll, Trustee Woog, and Trustee Deakin

**Nay:** 3 - Mayor Pro Tem Gruber, Trustee Schutt, and Trustee Charles

[16-295](#) PUBLIC HEARING: A Resolution Making Certain Findings Of Fact And Conclusions Favorable To The Special Review Use For An Accessory Dwelling Unit At 487 Graham Circle; And, Setting Forth Details In Relation Thereto.

**Mayor Harris opened the Public Hearing for Agenda Item 16-295 at 7:20 pm. Hearing no one wishing to make public comment, Mayor Harris closed the Public Hearing at 7:29 pm.**

**Trustee Schutt moved to approve Agenda Item 16-295; the motion was seconded by Trustee Charles. The motion carried with all present voting in favor thereof.**

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

[16-296](#) PUBLIC HEARING: A Resolution Making Certain Findings Of Fact And Conclusions Favorable To The Special Review Use For An Accessory Dwelling Unit At 190 Briggs Street; And, Setting Forth Details In Relation Thereto.

**Mayor Harris opened the Public Hearing for Agenda Item 16-296 at 7:30 pm. Hearing no one wishing to make Public Comment, Mayor Harris closed the public Hearing at 7:37 pm.**

**Trustee Woog moved to approve Agenda Item 16-296; the motion was seconded by Trustee Charles. The motion carried with all present voting in favor thereof.**

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

[16-321](#) PUBLIC HEARING: A Resolution Approving an Amendment to the 2015 Town Of Erie Comprehensive Plan, Land Use Plan Map to Designate Property Located in Section 36, Township 1 North, Range 69 West of the 6th Principal Meridian as LDR-Low Density Residential, CC-Community Commercial, P/OS-Parks/Open Space, I-Industrial, And

P/QP-Public/Quasi Public, Adopting Certain Findings of Fact and Conclusions Favorable to Amending the 2015 Town of Erie Comprehensive Plan.

Mayor Harris opened the Public Hearing for Agenda Item 16-321 at 7:38 pm

**Public Comment:**

Barb Lorenze; 452 Simmons Court, Erie. CO. has concerns about overcrowding and density, and asked the Board to look into getting public transportation for this area.

Mayor Harris closed the Public Hearing for Agenda Item 16-321 at 7:53 pm.

Trustee Schutt moved to approve Agenda Item 16-321; the motion was seconded by Trustee Charles. The motion carried with all present voting in favor thereof.

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

16-322

A Resolution Re-Adopting A Three Mile Plan For the Town Of Erie, Colorado; and Setting Forth Details in Relation Thereto.

Trustee Schutt moved to approve Agenda Item 16-322; the motion was seconded by Trustee Charles. The motion carried with all present voting in favor thereof.

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

16-323

Resolutions Finding Substantial Compliance Of Petitions For Annexation Of Certain Real Property To The Town Of Erie, Said Annexations To Be Known As Erie Gateway South Annexation No. 1, Erie Gateway South Annexation No. 2, Erie Gateway South Annexation No. 3, Erie Gateway South Annexation No. 4, Erie Gateway South Annexation No. 5, and Erie Gateway South Annexation No. 6.

Mayor Pro Tem Gruber moved to approve Agenda Item 16-323; A Resolution Finding Substantial Compliance Of Petitions For Annexation Of Certain Real Property To The Town Of Erie, Said Annexations To Be Known As Erie Gateway South Annexation No. 1; the motion was seconded by Trustee Charles. The motion carried with all present voting in favor thereof.

Trustee Charles moved to approve Agenda Item 16-323; A Resolution Finding Substantial Compliance Of Petitions For Annexation Of Certain Real Property To The Town Of Erie, Said Annexations To Be Known As Erie Gateway South Annexation No. 2; the motion was seconded by Mayor Pro Tem Gruver. The motion carried with all present voting in favor thereof.

Trustee Charles moved to approve Agenda Item 16-323; A Resolution Finding Substantial Compliance Of Petitions For Annexation Of Certain Real Property To The Town Of Erie, Said Annexations To Be Known As Erie Gateway South Annexation No. 3; the motion was seconded by Mayor Pro Tem Gruber. The motion carried with all present voting in favor thereof.

Mayor Pro Tem Gruber moved to approve Agenda Item 16-323; A Resolution Finding Substantial Compliance Of Petitions For Annexation Of Certain Real Property To The Town Of Erie, Said Annexations To Be Known As Erie Gateway South Annexation No. 4; the motion was seconded by Trustee Charles. The motion carried with all present voting in favor thereof.

Trustee Charles moved to approve Agenda Item 16-323; A Resolution Finding Substantial Compliance Of Petitions For Annexation Of Certain Real Property To The Town Of Erie, Said Annexations To Be Known As Erie Gateway South Annexation No. 5; the motion was seconded by Mayor Pro Tem Gruber. The motion carried with all present voting in favor thereof.

Mayor Pro Tem Gruber moved to approve Agenda Item 16-323; A Resolution Finding Substantial Compliance Of Petitions For Annexation Of Certain Real Property To The Town Of Erie, Said Annexations To Be Known As Erie Gateway South Annexation No. 6; the motion was seconded by Trustee Charles. The motion carried with all present voting in favor thereof.

## **IX. ORDINANCES**

### **[16-294](#)**

PUBLIC HEARING: An Ordinance Favorable To Erie Commons PD Amendment No. 7 (SECOND READING)

Mayor Harris opened the Public Hearing for Agenda Item 15-294 at 7:55 pm.

Presenting for the Applicant were:

Darryl Brown of Boulder Community Health

Nathan Pillatzke of PEH Architects

Public Comment

Elle Cabbage of Erie Chamber of Commerce expressed support for the Urgent Care Facility Project

Zoe Lewis; 152 Maxwell Avenue, Erie, CO. expressed concerns about increased traffic, lighting, hours open and general safety.

T.J. Kindsfather, 142 Maxwell Avenue, Erie, CO. asked for more neighborhood involvement in the planning process.

This was the first reading of Agenda Item 16-294 it will be brought back to the September 13, 2016 Regular Meeting of the Town of Erie Board of Trustees for action.

## **X. GENERAL BUSINESS**

### **[16-293](#)**

Main Street Sketch Plan Review

Steve Poppitz presented as applicant for this project.

No Board Action was required.

Mayor Harris called for a break at 8:33 pm and reconvened the meeting at 8:45 pm.

### **[16-314](#)**

Cancellation of November 22, 2016 and December 27, 2016 Regular Meetings.

Trustee Schutt moved to cancel both the November 22, 2016 and December 27, 2016 Regular Meetings of the Town of Erie Board of Trustees. The motion was

seconded by Trustee Charles. The motion carried with all present voting in favor thereof.

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

## **XI. STAFF REPORTS**

[16-280](#) Parks & Recreation Department Recognizes Boulder County Youth Corps Work Team

[16-304](#) 11th Annual Fall Clean Up

[16-313](#) Water and Wastewater Monthly Report

[16-319](#) Monthly Communications Report - July 2016

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

Mayor Harris requested that staff make a tab on the Town Website that will take people directly to Nine Mile Project updates.

Mayor Pro Tem Gruber suggested that the Town look at an average billing option for the water bills. He asked for detailed budget information for the 2017 Budget prior to the scheduled November 5, 2016 Study Session. Trustee Schutt reminded people that the Dog Park opening would be on Wednesday.

Trustee Carroll noted that they would be having a Sustainability Ad Hoc Committee Meeting next week and also be setting up a table at the Erie Great Outdoor Adventure to solicit feedback from citizens.

Trustee Charles noted that the Historic Preservation Board would be giving the Board of Trustees and update at the September 13th meeting.

## **XIII. EXECUTIVE SESSION**

[16-303](#) EXECUTIVE SESSION specifically, 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 discuss the annual performance evaluation of Town Administrator A.J. Krieger.

Trustee Schutt moved to go into Executive Session 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 discuss the Annual performance evaluation of Town Administrator AJ Krieger.



The motion was seconded by Mayor Pro Tem Gruber

Mayor Harris announced its Tuesday, August 23, 2016 and the time is 9:51 p.m. 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, Geoff Deakin, Waylon Schutt and, Jennifer Carroll; Town Administrator A.J. Krieger; and Human Resource Manager, Jan Sloat.

Upon completion of the Executive Session, Mayor Harris announced that the time is now 12:07 p.m., and the executive session has been concluded. The participants in the executive session were:

Mayor Pro Tem Mark Gruber, Trustees Dan Woog, Scott Charles, Geoff Deakin, Waylon Schutt and, Jennifer Carroll; Town Administrator A.J. Krieger; and Human Resource Manager, Jan Sloat.

#### **XIV. ADJOURNMENT**

Trustee Schutt moved to adjourn the August 23, 2016 Regular Meeting of the Town of Erie Board of Trustee; the motion was seconded by Trustee Charles. The motion carried with all present voting in favor thereof.

Mayor Harris adjourned the meeting at 12:08 pm.