



# TOWN OF ERIE

645 Holbrook Street  
Erie, CO 80516

## Meeting Minutes - Draft

### BOARD OF TRUSTEES MEETING

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Tuesday, June 13, 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

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

Mayor Harris called the June 17, 2017 Regular Meeting of the Town of Erie Board of Trustees to order at 6:30 pm.

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

#### III. APPROVAL OF THE AGENDA

Trustee Charles moved to approve the June 13, 2017 Agenda with the following amendments: Move IV. Consent Agenda Item 17-223 and Agenda Item 17-232 to VII. Resolutions. The motion was seconded by Trustee Woog. 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

[17-210](#) Approval of May 9, 2017 Draft Meeting Minutes

[17-199](#) A Resolution Of The Town Of Erie, Colorado Authorizing The Town Of Erie To Contribute \$2,000.00 To Coal Creek Meals On Wheels As Part Of The Town's Community Organization Grant Program; And Setting Forth Details

In Relation Thereto.

[17-218](#) A Resolution Authorizing the Award of a Consultant Contract to Merrick and Associates for Wastewater Collection System Master Plan in The Amount of \$79,195.00; And Setting Forth Details in Relation Thereto.

[17-219](#) A Resolution Authorizing Award of a Construction Management Contract To JR Engineering, LLC, For the Zone 3 Waterline Extension Phase 1 In The Amount of \$75,484.00; And Setting Forth Details in Relation Thereto.

[17-220](#) A Resolution Authorizing Award of a Construction Contract To Scott Contracting, Inc., For the Zone 3 Waterline Extension Phase 1 In The Amount of \$1,650,089.70 for Construction; And Setting Forth Details in Relation Thereto.

[17-221](#) A Resolution Authorizing the Award of a Design Contract to RockSol Consulting Group, Inc. for the Erie Parkway Bridge over Coal Creek in The Amount of \$262,602; And Setting Forth Details in Relation Thereto.

[17-224](#) A Resolution Authorizing Award of A Construction Contract To Metro Pavers For Improvements To Portions Of Vista Parkway In The Amount Of \$72,008.62; And Setting Forth Details in Relation Thereto.

[17-225](#) A Resolution Authorizing Award Of A Construction Contract To W.L. Contractors To Install Left Turn Signals On Erie Parkway At Briggs And Powers Intersections In The Amount Of \$62,635.20; and Setting Forth Details in Relation Thereto.

[17-226](#) A Resolution Authorizing a Contract with Aquatic Chemical Solutions for the Re-plaster of the Erie Community Center Pool and Hot Tub in the Amount of \$59,565.00; And, Setting Forth Details in Relation Thereto

[17-227](#) A Resolution Authorizing The Town Of Erie, Colorado, To Enter Into An Agreement For Park Improvements Between The Town Of Erie, Ht Flatiron Lp, A Delaware Limited Partnership And Fidelity Title Insurance Company (Escrow Agent); Authorizing And Directing The Appropriate Town Officers To Sign Said Agreement; And, Setting Forth Details In Relation Thereto

[17-233](#) A Resolution By The Board Of Trustees Of The Town Of Erie, Accepting The Special Warranty Deed of Roadway Right-Of-Way Property from Thomas L. Stanley, Amenda B. Stanley and the Stanley Family Trust Dated January 6, 2009; And, Setting Forth Details In Relation Thereto.

[17-239](#) A Resolution For The Purpose Of Granting an Encroachment License Agreement to Boulder Valley School District for Construction of a Fiber Optic Line in Town Property and Right-of-Way.

Trustee Charles moved to approve the June 13, 2017 Consent Agenda as amended; 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

## **V. PUBLIC COMMENT**

Diane Sherman, 2445 Bellanca Court, Erie, CO. asked the Board to have a left hand turn signal installed at Bonanza and Highway 7 for safety reasons.

Laura Mason, 175 Commander Drive, Erie, Co. also expressed concerns about the light at Bonanza and Highway 7. She was concerned that the length of the signal was not long enough for pedestrians to cross safely. The following Public Comment was from Citizens in regards to health, noise, and safety regarding oil and gas operations around their homes.

Dominic Maes, 1390 Hickory Drive, Erie, CO.

Kate D'Arcy, 2084 Primrose Lane, Erie, CO.

Monica Korber, 1559 Hickory Drive, Erie CO.

Pat Reed, 722 Reliance Drive, Erie, CO.

Christian VanWoudenberg, 1821 Crestview Lane, Erie, CO.

Tiffany Taskey, 1909 Alpine Drive, Erie, CO.

Mark Kadlecek, 2473 Vale Way, Erie, CO.

Liz Fisher, 635 Moffat Street, Erie, CO.

Ruby Narucki, 2460 Bellanca Court, Erie, CO.

Jennifer Fick, 1778 Parkdale Circle N. Erie, CO.

Kerry Luke, 1155 Village Circle, Erie, CO.

Peter Jaumann, 1385 Serene Drive, Erie, CO.

Chris Mortell, 1863 Parkdale Circle N. Erie, CO.

Fred Mahe, 401 Pleades Street, Erie, CO.

Karyl Bunzey, 1351 Northridge Drive, Erie, CO.

Steve Williams, 1406 Falcon Place, Erie, CO.

Fary Gianetti, 1379 Padfield Place, Erie, CO

Eric Axlund, 1247 Lawson Avenue, Erie, CO.

Tim Piowatty, 55 Baker Lane, Erie, CO.

## **VI. PROCLAMATIONS AND PRESENTATIONS**

[17-231](#)

2016 Comprehensive Annual Financial Report Presentation

Steve Felten Director of Finance presented.

[17-244](#)

May Airport Managers Report

Jason Hurd, Airport Manager presented.

**VII. RESOLUTIONS**[17-223](#)

A Resolution Authorizing Award of a Contract To Alpine Demolition Inc., For the Asbestos Abatement and Demolition of Existing Structures at 2140 North 107th Street and 4684 North 119th Street In The Amount of \$101,240.00; And Setting Forth Details in Relation Thereto.

**Mayor Pro Tem Gruber moved to approve Agenda Item 17-223; the motion was seconded by Trustee Carroll. The motion carried with the following roll call vote:**

**Aye:** 4 - Mayor Harris, Mayor Pro Tem Gruber, Trustee Carroll, and Trustee Deakin

**Nay:** 3 - Trustee Schutt, Trustee Charles, and Trustee Woog

[17-232](#)

A Resolution For The Purpose of Granting an Encroachment License Agreement to Zayo Group, LLC for Construction of a Fiber Optic Line in the Town Right-of-Way.

**Mayor Pro Tem Gruber moved to continue Agenda Item 17-232 to the June 27, 2017 Regular Meeting so that staff could provide more information about the "end-user" of the cable; the motion was seconded by Trustee Carroll. The motion carried with all present voting in favor thereof.**

[17-242](#)

PUBLIC HEARING: A Resolution Providing For The Supplemental Appropriation Of Money To Various Funds In The Amounts And For The Purposes Set Forth Below, For The Town Of Erie, Colorado, For The 2017 Budget Year (Continued from the May 9, 2017 Regular Meeting)

**Mayor Harris continued the Public Hearing for Agenda Item 17-242 at 8:23pm. Steve Felten Director of Finance presented. Hearing no one wishing to make Public Comment, Mayor Harris closed the Public Hearing at 8:27 pm.**

**Trustee Schutt moved to approve Agenda Item 17-242; the motion was seconded by Trustee Carroll. The motion carried with the following roll call vote:**

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

**Nay:** 1 - Trustee Woog

**VIII. ORDINANCES**[17-240](#)

An Ordinance Authorizing the Town of Erie, Colorado, To Enter into Lease Agreement with the Erie Chamber of Commerce for the Lease of Town Property Located at 235 Wells Street. First Reading.

**This Ordinance was introduced on first reading and will be returned for Board action at the June 27, 2017 Regular Meeting of the Town of Erie Board of Trustees.**

**IX. GENERAL BUSINESS**[17-106](#)

Broadband Assessment and Feasibility Study RFP

Board consensus was to direct Staff to proceed with issuing a Request for Proposals on this item.

**X. STAFF REPORTS**[17-229](#)

Community Development Monthly Report

[17-238](#)

WCR 6 Road Closure

**XI. BOARD OF TRUSTEES REPORTS & APPOINTMENTS**

Trustee Woog thanked the Erie Chamber of Commerce for the Erie Brew Fest.

Trustee Charles noted that he was excited about attending the upcoming Colorado Municipal League Annual Meeting.

Mayor Pro Tem Gruber reported that he had delivered an address at the annual Memorial Day gathering at Mount Pleasant Cemetery, which was very well attended. He attended the MCC & MMC meetings the week of May 29, 2017, the I-25 Coalition Meeting the week of June 7, 2017. Mayor Pro Tem Gruber asked

why the Ruth Schricke portion of the spine trail been rerouted so as not to conflict with the dog park, Farrell

Buller, Director of Parks and Recreation will look into this. Staff responded to questions on silt left on the

Coal Creek Trail taxiway underpass, the Stakeholder Energy Summit - appointment of participants - Vickie

Marble & Lori Saine; an Ordinance requiring flow line mapping status; measuring noise at the Wolley Becky

Sosa & Morgan Hill fracking site at CR 10-1/2; the CDPHE mobile laboratory stationed 1,500 feet from the

drill site; and obtaining a copy of the MSDS for the material being used to mask drill mud odors.

**XII. EXECUTIVE SESSION**[17-241](#)

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 operations within and adjacent to the Town of Erie.

Trustee Schutt 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 operations within and adjacent to the Town of Erie. The motion was seconded by Trustee Charles; the motion carried with all present voting in favor thereof.

It's Tuesday, June 13, 2017, and the time is 9:11pm. 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; Public Works Director Gary Behlen; Chief of Police Kimberly Stewart; Special Counsel John T. Sullivan; and, Town Attorney Mark Shapiro.

This is an executive session for the following purpose:

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 operations within and adjacent to the Town of Erie.

Upon the conclusion of the Executive Session, Mayor Harris announced:

The time is now 10:47pm, 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; Public Works Director Gary Behlen; Chief of Police Kimberly Stewart; 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.

Following the Executive Session the following motions were made:

Trustee Carroll moved to direct Special Counsel to work with our Town Attorney to bring the Board of Trustees an ordinance requiring mapping of flowlines and gathering lines within Town limits; the motion was seconded by Trustee Woog. The motion carried with all present voting in favor thereof.

Mayor Pro Tem Gruber moved to direct Special Counsel to provide Crestone Peak Resources notice of a violation of the Operator Agreement related to noise; the motion was seconded by Trustee Carroll. The motion carried with a (6) six for and (1) one against, with Trustee Woog voting no.

Mayor Pro Tem Gruber moved to direct Special Counsel to determine if the Town has the legal authority to require the Colorado Oil and Gas Conservation Commission (COGCC) to enforce rule 805 within the Town of Erie; the motion was seconded by Trustee Deakin. Trustee Woog stated for the record that he was unable to disclose why he was voting no because these items were discussed in Executive Session. The motion carried with a (6) six for and (1) one against, with Trustee Woog voting no.

## **XII. ADJOURNMENT**

Trustee Schutt moved to adjourn the June 13, 2017 Regular Meeting; the motion was seconded by Trustee Charles. The motion carried with all present voting in favor thereof.

Mayor Harris adjourned the meeting at 10:52 pm.