



TOWN OF ERIE

645 Holbrook Street
Erie, CO 80516

Meeting Minutes - Draft

BOARD OF TRUSTEES MEETING

Tuesday, July 11, 2017

6:00 PM

Board Room

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 6:00 PM IN THE BOARD ROOM

I. CALL MEETING TO ORDER

Mayor Harris called the July 11, 2017 Regular Meeting of the Town of Erie Board of Trustees to order at 6:00pm.

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

Trustee Charles moved to approve the July 11, 2017 with the following amendment; remove Agenda Item 17-247 in Resolutions from the Agenda; the motion was seconded by Trustee Schutt. The motion carried with all present voting in favor thereof.

IV. EXECUTIVE SESSION

[17-271](#)

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 Deakin moved to go into an 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 Schutt; the motion carried with all present voting in favor thereof.

For the record Mayor Harris announced It's Tuesday, July 11, 2017, and the time is 6:05 pm and 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; Community Development Department Director Marty Ostholthoff; Police Chief Kim Stewart; Special Counsel John T. Sullivan and Barbara Green; Town Prosecutor Kristin Brown; 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.

At the conclusion of the Executive Session Mayor Harris noted for the record The time is now 7:20 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, Waylon Schutt, and Geoff Deakin; Town Administrator A.J. Krieger; Assistant to the Town Administrator Fred Diehl; Public Works Director Gary Behlen; Community Development Department Director Marty Ostholthoff; Police Chief Kim Stewart; Special Counsel John T. Sullivan and Barbara Green; Town Prosecutor Kristin Brown; 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.

There were no concerns voiced. The Board continued to the next Agenda item.

V. CONSENT AGENDA

[17-266](#)

Approval of the June 27, 2017 Meeting Minutes

[17-269](#)

A Resolution Awarding a Contract to W.L. Contractors for Repairs to the Erie Parkway and County Line Road Traffic Signal Cabinet in the Amount of \$17,845.70; and Setting Forth Details in Relation Thereto.

[17-274](#)

A Resolution to Approve the 2017 - 2018 St. Vrain Valley School District School Resource Officers Agreement

Trustee Schutt moved to approve the July 11, 2017 Consent Agenda; the motion was seconded by Trustee Charles. 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

VI. PUBLIC COMMENT

Dominic Maes, 1390 Hickory Place, Erie, CO. expressed concern over oil and gas operations in Erie.

Gerry Olow, 225 Meadow View Parkway, Erie, CO. expressed concerns over the proposed nuisance ordinance regarding odors.

Mark Mathews, 1800 Glenarm Place, Denver, CO. spoke as counsel to the COGCC and express concerns over the proposed nuisance ordinance, stating that the enforcement standards were too broad.

Tiffany Taskey, 1909 Alpine Drive, Erie, CO. also expressed concern over oil and gas operations in Erie.

Kate D'Arcy, 2084 Primrose Place, Erie, CO. expressed support for the proposed nuisance ordinance.

Chris Mortell, 1863 Parkdale Circle North, Erie, CO. thanked the Mayor and Board for considering the proposed nuisance ordinance and hiring an environmental planner.

Bradley Beck, 1277 St. John Street, Erie, CO. opposed the proposed nuisance ordinance stating that he felt it was too broad and may violate the 4th amendment.

Pat Reed, 722 Reliance Drive, Erie, CO. read an email that was sent to the Board of Trustees in support of the proposed nuisance ordinance.

Josh Joswich, 645 Los Pinos Drive, Bayfield, CO. represented Earthwork Oil and Gas Accountability Project, and noted that he would be giving a presentation at the Erie Community Center on Thursday July 14th at 6:30 pm on oil and gas gathering lines.

VII. PROCLAMATIONS AND PRESENTATIONS

[17-230](#)

Historic Preservation Master Plan - Final

[17-267](#)

Sustainability Committee-Updates-Survey Results

[17-268](#)

Erie Municipal Airport - June 2017 Monthly Report

Following this presentation Mayor Harris called for a break at 8:46 pm and reconvened the meeting at 8:57 pm.

VIII. RESOLUTIONS[17-247](#)

A Resolution of the Board of Trustees of the Town of Erie, Colorado Designating An Historic Landmark Pursuant to the Provisions of Title 3, "Boards And Commissions," Chapter 3, "Historic Preservation Advisory Board," Section 3-3-8 B. of the Town of Erie Municipal Code; Specifically Designating Allan Farms, 4684 North 119th Street, Erie, Colorado, as a Town Historic Landmark of Special Historical, Architectural, Cultural, Interest and Value of a Historic Nature; And, Setting Forth Details in Relation Thereto.

This item was removed from the July 11, 2017 Agenda.

[17-259](#)

PUBLIC HEARING: A Resolution Of The Board Of Trustees Of The Town Of Erie, Colorado Approving The Amended And Restated Service Plan For The Wise Farms Metropolitan District Nos. 1-2; And, Authorizing The Town Of Erie, Colorado, To Enter Into An Intergovernmental Agreement Between The Town Of Erie And The Wise Farms Metropolitan District Nos. 1-2, Ensuring Compliance With The Approved Service Plan And The Erie Municipal Code; Authorizing And Directing The Appropriate Town Officers To Sign Said Intergovernmental Agreement; And Setting Forth Details In Relation Thereto.

This Public Hearing was continued from the June 27, 2017 Regular Meeting of the Town of Erie Board of Trustees. Mayor Harris continued the Public Hearing at 8:57 pm. Hearing no one wishing to make public comment Mayor Harris closed the Public Hearing at 9:00 pm.

Trustee Charles moved to approve Agenda Item 17-259; the motion was seconded by Trustee Woog. The motion carried with all present voting in favor thereof.

IX. ORDINANCES[17-250](#)

An Ordinance Of The Town Of Erie, Colorado, Amending Title 5, "Public Health And Safety," Chapter 1, "Abatement Of Nuisance Code," And Title 1, "Administration And Personnel," Chapter 4, "Municipal Court; General Penalty," Of The Erie Municipal Code; Setting Forth Details In Relation Thereto (SECOND READING)

Trustee Schutt moved to approve Agenda Item 17-250 declaing an emergency; the motion was seconded by Trustee Carroll. The motion failed with a (5) five to (2) two vote in favor of. *

***C.R.S. 31-16-105 Emergency Ordinance must be adopted by an affirmative vote of three-fourths of the members of the governing body of the Town.**

Mayor Harris called for a break at 9:40 pm and reconvened the meeting at 9:50 pm.

[17-270](#)

PUBLIC HEARING: Consideration of Ordinance __-2017 (SECOND READING): An Ordinance Of The Town Of Erie, Colorado, Approving Nine Mile Corner Planned Development Rezoning; Making Findings Supporting Nine Mile Corner Planned Development Rezoning; And, Setting Forth Details In Relation Thereto. (SECOND READING)

Mayor Harris opened the Public Hearing for Agenda Item 17-270 at 9:51 pm and continued the Public Hearing to the July 25, 2017 Regular Meeting.

X. GENERAL BUSINESS

XI. STAFF REPORTS

[17-264](#)

Community Development Monthly Report

XII. BOARD OF TRUSTEES REPORTS & APPOINTMENTS

Trustee Carroll reported on the participation of Eco-Cycle at the Erie Brewfest and asked the Board for approval for the Town to spend approximately \$900.00 to promote zero waste at the remaining two Concerts in the Park. General Board consensus was to approve this expenditure. In addition Trustee Carroll asked the Town Administrator to research the option for the Town to hire an Oil and Gas Lobbyist, and to provide information on the possible benefits.

Trustee Woog asked staff to research the idea of shaving off the landscaping at the 119th Street roundabout to produce better visibility. Trustee Charles noted he had attended the recent Colorado Municipal League Annual Conference and provided a brief update.

XIII. ADJOURNMENT

Trustee Schutt moved to adjourn the July 11, 2017 Regular Meeting 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.

Mayor Harris adjourned the meeting at 10:11 pm.