



# TOWN OF ERIE

645 Holbrook Street  
Erie, CO 80516

## Meeting Minutes - Draft

### BOARD OF TRUSTEES MEETING

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Tuesday, September 26, 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

Mayor Pro Tem Gruber called the September 26, 2017 Regular Meeting of the  
Town of Erie Board of Trustees to Order at 6:30 pm.

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

**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 Charles moved to approve the September 26, 2017 Regular Meeting  
agenda; the motion was seconded by Trustee Schutt. The motion carried with all  
present voting in favor thereof.

#### IV. CONSENT AGENDA

This was approved.

[17-348](#)

Approval of the September 12, 2017 Meeting Minutes

[17-330](#)

An Ordinance Of The Town Of Erie, Colorado, Amending Title 2, "Revenue  
And Finance," Chapter 11, "Sales And Use Tax," Section 1, "Sales Tax," Of  
The Erie Municipal Code; And Setting Forth Details In Relation Thereto.  
(SECOND READING)

[17-347](#) A Resolution Authorizing a Contract with Great Ecology for an Open Space Management Plan and Natural Areas Inventory Update in the amount of \$122,208; And, Setting Forth Details in Relation Thereto

[17-354](#) Consideration Of A Resolution By The Board Of Trustees Of The Town Of Erie, Colorado Accepting Dedications As Shown In The Compass Filing No. 3 Final Plat; Authorizing The Appropriate Town Official To Sign The Compass Filing No. 3 Development Agreement; Adopting Certain Findings Of Fact And Conclusions Favorable To Acceptance Of Compass Filing No. 3 Final Plat Dedications And Development Agreement; And, Setting Forth Details In Relation Thereto.

**Trustee Woog moved to approve the 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. PUBLIC COMMENT**

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

[17-351](#) Proclamation from the National Society of Colonial Dames XVII-Brewster of Scrooby Manor Chapter NSCDXVIIC-Proclaiming October as Colonial Heritage Month

[17-353](#) Erie Historic Preservation Advisory Board: Request Approval to Submit a Grant Application to The State Historical Fund for Historical Survey

[17-334](#) United Power-Presentation of Capital Credits

#### **VII. EXECUTIVE SESSION**

[17-352](#) EXECUTIVE Session for the purpose of 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 a personnel matter.

**Trustee Schutt moved to go in to an Executive Session for a conference with the Town Attorney and Special Counsel for the pupose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) specifically, to recieve legal advice regarding personnel matter. The motion was seconded by Trustee Charles; the motion carried with all present voting in favor thereof.**

**Mayor Harris announced that it's Tuesday, September 26, 2017, and the time is 6:49 pm. 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.**

**Upon returning to the open meeting Mayor Harris announced, the time is now**

8:00 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, Jennifer Carroll, Waylon Schutt, Scott Charles, and Geoff Deakin; and Special Counsel Marnie Kloster; 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. Hearing none the Mayor moved onto the next agenda item.

## **VIII. RESOLUTIONS**

### **17-331**

PUBLIC HEARING: A Resolution Of The Board Of Trustees Of The Town Of Erie, Colorado Approving The Service Plan For Parkdale Metropolitan District Nos. 1 Through 3. (This item was continued from the 09/12/2017 Regular Meeting).

Mayor Harris opened the Public Hearing continued from the September 12, 2017 Regular Meeting for Agenda Item 17-331 at 8:32 pm.

Zachary White, Special Counsel for OEO, LLC., of White Bear Ankele Tanaka & Waldron Attorneys at Law, 2154 E. Commons Ave., Suite 2000, Centennial, CO. provided testimony. The applicant, Chris Elliot of OEO, LLC., 7353 S. Alton Way, Suite A-100, Centennial, CO., provided testimony.

Trustee Schutt moved to table Agenda Item 17-331; the motion was seconded by Mayor Pro Tem Gruber. The motion carried with all present voting in favor thereof.

### **17-329**

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 The Woods, 11611 Jasper Road, Erie, Colorado, As A Town Historic Landmark Of Special Historical, Cultural, Interest And Value Of A Historic Nature; And, Setting Forth Details In Relation Thereto.

Trustee Charles moved to approve Agenda Item 17-329; the motion was seconded by Trustee Woog. The motion carried with a five (5) for and two (2) against vote, with Mayor Pro Tem Gruber and Trustee Deakin voting no.

### **17-355**

PUBLIC HEARING: Consideration Of A Resolution By The Board Of Trustees Of The Town Of Erie, Colorado Approving The Colliers Hill Filing No. 2A Final Plat With Conditions, Accepting Dedications As Shown In The Colliers Hill Filing No. 2A Final Plat; Authorizing The Appropriate Town Official To Sign The Colliers Hill Filing No. 2A Development Agreement; Adopting Certain Findings Of Fact And Conclusions Favorable To The Approval, Acceptance Of The Dedications And Development Agreement; And, Setting Forth Details In Relation Thereto.

The applicant, Jon Lee of Community Development Group of Erie, Inc., 2500 Arapahoe Road, Suite 220 Boulder, CO., provided testimony.

Trustee Charles moved to approve Agenda Item 17-355; the motion was seconded by Trustee Woog. The motion carried with all present voting in favor thereof.

Mayor Harris closed the Public Hearing for Agenda Item 17-355 at 9:05 pm.

## **IX. ORDINANCES**

### **17-332**

An Ordinance Of The Town Of Erie, Colorado, Rezoning The Dearmin Property Pursuant To The Petition Of The Owner Thereof, From RP-3-Rural Preservation 3 To LR-Low Density Residential, NMU-Neighborhood Mixed-Use, PLI-Public Lands And Institutions, And AG/OS-Agricultural/Open Space; And, Providing For The Effective Date Of This Ordinance; And Setting Forth Details In Relation Thereto. (SECOND READING).

Trustee Charles moved to approve Agenda Item 17-332; the motion was seconded by Trustee Deakin. The motion carried with all present voting in favor thereof.

Trustee Schutt moved to approve Agenda Item 17-332 as presented with the amendment that they remove PLI zoning-Public Lands and Institutions and replace it with LR-Low Density Residential zoning; the motion was seconded by Trustee Carroll. The motion carried with all present voting in favor thereof.

### **17-358**

An Ordinance of the Town of Erie, Colorado, Amending Title 2, "Revenue and Finance," Chapter 10, "Fee Schedule," Section 4, "Public Works Fees," Of the Erie Municipal Code; Amending the Method of Calculating Monthly Wastewater Volume Charges for Commercial Customers; and, Setting Forth Details in Relation Thereto.

This was the First Reading of Agenda Item 17-358 it will be returned to the October 10, 2017 Regular Meeting for Board Action.

### **17-359**

An Ordinance Of The Town Of Erie, Colorado, Repealing And Replacing Title 2, "Revenue And Finance," Chapter 5, "Impact Fees And Refunds," And Chapter 5 Article A, "Impact Fees Established," Of The Erie Municipal Code; And, Setting Forth Details In Relation Thereto.

This was the First Reading of Agenda Item 17-359 it will be returned to the October 10, 2017 Regular Meeting for Board Action.

## **X. GENERAL BUSINESS**

### **17-362**

Proposed Erie Fall Composting Event

Agenda Item 17-362 was discussed and will be brought back for further direction.

## **XI. STAFF REPORTS**

[17-350](#)

Fall Clean Up Results

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

Trustee Charles thanked the Historic Preservation Advisory Board for hanging out so long and for their input. Trustee Charles recommended walking downtown with the new Guide for Exploring Historic Downtown Erie, Colorado. Trustee Charles thanked the Board of Trustees, Town of Erie Staff, Historic Preservation Advisory Board, and the community for their patience with his absence. Trustee Charles also thanked the community for their support following a serious car accident his wife was in.

Mayor Pro Tem Gruber thanked the Town of Erie for their donation to the Erie Historical Society for Biscuit Day. Mayor Pro Tem informed the public of an event on Thursday, September 28, 2017 at the Erie Community Center. Weld County Commissioner Barbara Kirkmeyer and the Mayor Pro Tem will be handing out gas monitors to Weld County residents only.

**XIII. EXECUTIVE SESSION**[17-343](#)

EXECUTIVE SESSION for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) and, specifically to discuss negotiations regarding the Nine Mile development, and acquisition of property within or adjacent to the Town; and, for a conference with the Town Attorney 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 CDOT activity.

Mayor Pro Tem Gruber moved to go in to an Executive Session for determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-401(4)(e) and, specifically to discuss negotiations regarding the Nine Mile development, and acquisition of property within or adjacent to the Town; and for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-401(4)(b) specifically, to receive legal advice regarding CDOT activity. The motion was seconded by Trustee Charles; the motion carried with all present voting in favor thereof.

Mayor Harris announced that it's Tuesday, September 26, 2017, and the time is 9:23 pm. 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.

Upon returning to the open meeting Mayor Harris announced, the time is now 10:34 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, Jennifer Carroll, Waylon Schutt, and Geoff Deakin; and Town Administrator A.J. Krieger; Assistant to the Town Administrator Fred Diehl; Community Development Director Marty Ostholthoff; and Town Attorney Mark Shapiro.

For the record, if any person 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. Hearing none the Mayor moved onto the next agenda item.

#### **XIV. ADJOURNMENT**

Trustee Charles moved to adjourn the September 26, 2017 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.

Mayor Harris adjourned the meeting at 10:35 pm.