



TOWN OF ERIE

645 Holbrook Street
Erie, CO 80516

Meeting Minutes - Draft

Board of Trustees

Tuesday, October 22, 2019

7:30 PM

Board Room

REGULAR MEETING 7:30 PM IN THE BOARD ROOM

I. CALL MEETING TO ORDER

Madam Mayor Carroll called the October 22, 2019 regular Board of Trustees meeting to order at 7:34 pm.

II. ROLL CALL

Present: 6 - Mayor Carroll
Mayor Pro Tem Deakin
Trustee Woog
Trustee Haid
Trustee Gippe
Trustee van Woudenberg

Absent: 1 - Trustee Charles

III. APPROVAL OF THE AGENDA

Mayor Pro Tem Deakin moved to amend the agenda by removing Agenda Item No. 19-503 from the agenda. The motion was seconded by Trustee van Woudenberg. The motion carried with all present voting in favor thereof.

Aye: 6 - Mayor Carroll, Mayor Pro Tem Deakin, Trustee Woog, Trustee Haid, Trustee Gippe, and Trustee van Woudenberg

IV. CONSENT AGENDA

Mayor Pro Tem Deakin moved to approve the Consent Agenda; the motion was seconded by Trustee Haid. The motion carried with a five (5) for and one (1) against roll vote with Trustee Woog voting no.

Aye: 5 - Mayor Carroll, Mayor Pro Tem Deakin, Trustee Haid, Trustee Gippe, and Trustee van Woudenberg

Nay: 1 - Trustee Woog

[19-469](#)

A Resolution of the Board of Trustees of the Town of Erie Approving the Sixth Amendment to the Disposition and Development Agreement for the Nine Mile Project

Attachments: [Resolution](#)
[Nine-Mile Sixth Amendment to DDA](#)

[19-501](#) A Resolution of the Board of Trustees of the Town of Erie Approving an Agreement for Services with Floorz for the Town Hall Carpet Replacement Project in an Amount not to Exceed \$50,000

Attachments: [Resolution](#)
[Agreement for Services](#)

[19-503](#) A Resolution of the Board of Trustees of the Town of Erie Accepting a Petition for Annexation of a Parcel of Land Located in Unincorporated Weld County and Comprised of Approximately 150.287 Acres, Identified as a Portion of the East One-Half of Section 21, Township 1 North, Range 68 West, and Setting a Public Hearing on the Annexation

Attachments: [Resolution](#)
[Annexation Plat](#)
[Other Applicant Materials](#)

[19-508](#) A Resolution of the Board of Trustees of the Town of Erie Accepting the Dedication of Public Right-of-Way for the Prince Creek Estates Amendment No 1

Attachments: [Resolution](#)
[Prince Creek Estates Amendment No. 1 Plat](#)

[19-509](#) A Resolution of the Board of Trustees of the Town of Erie Approving a Construction Contract with Mountain Constructors, Inc. for the Coal Creek Outfall Repair Project in an Amount not to Exceed \$59,000

Attachments: [Resolution](#)
[Construction Contract](#)
[Vicinity Map](#)
[Pictures](#)

[19-516](#) Approval of October 8, 2019 Meeting Minutes

Attachments: [October 8, 2019 Draft Meeting Minutes](#)

[19-528](#) A Resolution of the Board of Trustees of the Town of Erie Approving a Development Agreement and Accepting Dedications as Shown on the Final Plat for the Colliers Hill Filing No. 4F Subdivision

Attachments: [a. Resolution](#)
[b. Development Agreement](#)
[c. Colliers Filing No. 4F Final Plat](#)

[19-529](#) A Resolution of the Board of Trustees of the Town of Erie Approving a

Consent to Assignment of the Development Agreement for the Colliers Hill
Filing No. 4F Subdivision

Attachments: [a. Resolution](#)
[b. Town Consent](#)
[c. Assignment of the Development Agreement](#)

V. PUBLIC COMMENT 7:35 PM

Rich Hiegel of 105 Wells Street, Erie, Colorado, gave public comment on parking.

VI. PROCLAMATIONS AND PRESENTATIONS 7:45 PM

[19-522](#) Historic Preservation Advisory Board Bi-Annual Report

Attachments: [Presentation](#)

[19-536](#) Town Administrator's 3rd Quarterly Status Report on 2019 Work Plan

Attachments: [Work Plan 3rd Qtr Status](#)

VII. RESOLUTIONS 8:20 PM

[19-517](#) A Resolution of the Board of Trustees of the Town of Erie Approving an Intergovernmental Agreement with St. Vrain Valley School District RE-1J for the School Resource Officer Program

Attachments: [Resolution](#)
[Intergovernmental Agreement](#)

Trustee Woog moved to approve Agenda Item No. 19-517; the motion was seconded by Trustee Gippe. The motion carried with all present voting in favor thereof.

Aye: 6 - Mayor Carroll, Mayor Pro Tem Deakin, Trustee Woog, Trustee Haid, Trustee Gippe, and Trustee van Woudenberg

VIII. LAND DEVELOPMENT RESOLUTIONS AND ORDINANCES 8:30 PM

[19-474](#) PUBLIC HEARING: A Resolution of the Board of Trustees of the Town of Erie Approving the Annexation Agreement for the Annexation of the Real Property at 12170 Jasper Road to the Town (Zilis Annexation)

Attachments: [Resolution](#)
[Annexation Agreement](#)
[Staff Memo](#)
[Other Applicant Materials](#)
[Staff Presentation](#)
[Notice](#)
[Comments](#)

Madam Mayor Carroll opened the public hearing for Agenda Item Nos. 19-474, 19-478, 19-479, and 19-480 at 8:07 pm.

Chris LaRue, Senior Planner, presented to the Board of Trustees.

The applicant's representative, Rosie Dennett, and Chris LaRue, Senior Planner, responded to Board questions regarding the reason for annexation, objections from neighboring properties, why there is multiple annexations, fiscal impacts, benefits, building plans, and who would pay tap fees.

Nancy Pugh of 12234 Jay Road, Erie, Colorado, gave public comment on concerns with the Zilis annexation.

Madam Mayor Carroll closed the public comment portion of public hearing for Agenda Item Nos. 19-474, 19-478, 19-479, and 19-480 at 8:21 pm.

Trustee Woog moved to approve Agenda Item No. 19-474; the motion was seconded by Trustee Haid. The motion carried with a five (5) for and one (1) against vote with Trustee van Woudenberg voting no.

Aye: 5 - Mayor Carroll, Mayor Pro Tem Deakin, Trustee Woog, Trustee Haid, and Trustee Gippe

Nay: 1 - Trustee van Woudenberg

[19-478](#)

PUBLIC HEARING: A Resolution of the Board of Trustees of the Town of Erie Making Certain Findings of Fact Regarding the Proposed Annexation of the Real Property at 12170 Jasper Road to the Town (Zilis Annexation)

Attachments: [b. Resolution](#)
[a. Staff Memo](#)
[c. Other Applicant Materials](#)
[d. Staff Presentation](#)
[e. Notice](#)
[f. Comments](#)

Trustee Adam moved to approve Agenda Item No. 19-478; the motion was seconded by Mayor Pro Tem Deakin. The motion carried with a five (5) for and one (1) against vote with Trustee van Woudenberg voting no.

Aye: 5 - Mayor Carroll, Mayor Pro Tem Deakin, Trustee Woog, Trustee Haid, and Trustee Gippe

Nay: 1 - Trustee van Woudenberg

[19-479](#) PUBLIC HEARING: An Ordinance of the Board of Trustees of the Town of Erie Annexing to the Town the Real Property at 12170 Jasper Road (Zilis Annexation)

Attachments: [Ordinance](#)
[Staff Memo](#)
[Annexation Maps](#)
[Other Applicant Materials](#)
[Staff Presentation](#)
[Notice](#)
[Comments](#)

Trustee Haid moved to approve Agenda Item No. 19-479; the motion was seconded by Mayor Pro Tem Deakin. The motion carried with a five (5) for and one (1) against vote with Trustee van Woudenberg voting no.

Aye: 5 - Mayor Carroll, Mayor Pro Tem Deakin, Trustee Woog, Trustee Haid, and Trustee Gippe

Nay: 1 - Trustee van Woudenberg

[19-480](#) PUBLIC HEARING: An Ordinance of the Board of Trustees of the Town of Erie Zoning Certain Recently Annexed Property to Rural Residential (Zilis Annexation)

Attachments: [Ordinance](#)
[Staff Memo](#)
[Zoning Map](#)
[Other Applicant Materials](#)
[Staff Presentation](#)
[Notice](#)
[Comments](#)

Trustee Haid moved to approve Agenda Item No. 19-480; the motion was seconded by Trustee Woog. The motion carried with a five (5) for and one (1) against vote with Trustee van Woudenberg voting no.

Aye: 5 - Mayor Carroll, Mayor Pro Tem Deakin, Trustee Woog, Trustee Haid, and Trustee Gippe

Nay: 1 - Trustee van Woudenberg

[19-489](#) PUBLIC HEARING: A Resolution of the Board of Trustees of the Town of Erie Making Certain Findings of Fact Regarding the Proposed Annexation of Two (2) Parcels of Land Located in Unincorporated Boulder County for Use in the Extension of Lombardi Street

Attachments: [Resolution](#)
[Staff Memo](#)
[Other Appliant Materials](#)
[Staff Presentation](#)
[Notice](#)
[Comments](#)

Madam Mayor Carroll opened the public hearing for Agenda Item Nos. 19-489, 19-493, and 19-494 at 8:25 pm.

Chris LaRue, Senior Planner, presented to the Board.

Nancy Pugh of 12234 Jay Road, Erie, Colorado, gave public comment on the progress of the subdivision.

The applicant, Andy Trietly of 9801 E Easter Avenue, Centennial, Colorado, responded to Board questions regarding potential development planned for the area, recent activity on-site, mine subsidence, the selection of a roundabout, and plans to expand the width of the road.

Madam Mayor Carroll closed the public comment portion of public hearing for Agenda Item Nos. 19-489, 19-493, and 19-494 at 8:35 pm.

Mayor Pro Tem Deakin moved to approve Agenda Item No. 19-489; the motion was seconded by Trustee Woog. The motion carried with all present voting in favor thereof.

Aye: 6 - Mayor Carroll, Mayor Pro Tem Deakin, Trustee Woog, Trustee Haid, Trustee Gippe, and Trustee van Woudenberg

[19-493](#)

PUBLIC HEARING: An Ordinance of the Board of Trustees of the Town of Erie Annexing to the Town the Real Property Identified as Two (2) Parcels of Land Located in Unincorporated Boulder County for Use in the Extension of Lombardi Street

Attachments: [Ordinance](#)
[Staff Memo](#)
[Annexation Maps](#)
[Other Appliant Materials](#)
[Staff Presentation](#)
[Notice](#)
[Comments](#)

Mayor Pro Tem Deakin moved to approve Agenda Item No. 19-493; the motion was seconded by Trustee Haid. The motion carried with all present voting in favor thereof.

Aye: 6 - Mayor Carroll, Mayor Pro Tem Deakin, Trustee Woog, Trustee Haid, Trustee Gippe, and Trustee van Woudenberg

[19-494](#)

PUBLIC HEARING: An Ordinance of the Board of Trustees of the Town of Erie Zoning Two (2) Parcels of Certain Recently Annexed Property for Use in the Extension of Lombardi Street to Agricultural/Open Space and Low-Density Residential

Attachments: [Ordinance](#)
[Staff Memo](#)
[Annexation Maps](#)
[Other Appliant Materials](#)
[Staff Presentation](#)
[Notice](#)
[Comments](#)

Trustee Haid moved to approve Agenda Item No. 19-494; the motion was seconded by Mayor Pro Tem Deakin. The motion carried with all present voting in favor thereof.

Aye: 6 - Mayor Carroll, Mayor Pro Tem Deakin, Trustee Woog, Trustee Haid, Trustee Gippe, and Trustee van Woudenberg

IX. ORDINANCES 9:20 PM

[19-450](#)

An Ordinance of the Board of Trustees of the Town of Erie Amending 8-4-1, 8-4-2, 8-4-3, 8-4-5, 8-4-8, 8-4-11, 8-4-12, 8-4-13, 8-4-14, 8-4-15 and 8-4-16 of the Erie Municipal Code Regarding Stormwater Regulations

Attachments: [Ordinance](#)
[Presentation](#)

Mayor Pro Tem Deakin moved to approve Agenda Item No. 19-450; the motion was seconded by Trustee Haid. The motion carried with all present voting in favor thereof.

Aye: 6 - Mayor Carroll, Mayor Pro Tem Deakin, Trustee Woog, Trustee Haid, Trustee Gippe, and Trustee van Woudenberg

[19-523](#)

PUBLIC HEARING: An Ordinance 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 2019 Budget Year

Attachments: [Ordinance & Schedule A](#)
[Budget overview memorandum](#)
[Supplemental requests schedules](#)

Madam Mayor Carroll opened the public hearing for Agenda Item Nos. 19-523, 19-534, and 19-535 at 8:46 pm.

The Finance Director, Steve Felten, presented to the Board.

There was no one present that wished to give public comment.

Steve Felten responded to Board questions regarding budgeting for revenues and expenses and recurring revenues.

Madam Mayor Carroll closed the public comment portion of public hearing for Agenda Item Nos. 19-523, 19-534, and 19-535 at 8:49 pm.

Trustee Haid moved to approve Agenda Item No. 19-523; the motion was seconded by Mayor Pro Tem Deakin. The motion carried with a five (5) for and one (1) against vote with Trustee Woog voting no.

Aye: 5 - Mayor Carroll, Mayor Pro Tem Deakin, Trustee Haid, Trustee Gippe, and Trustee van Woudenberg

Nay: 1 - Trustee Woog

[19-534](#) PUBLIC HEARING: An Ordinance of the Board of Trustees of the Town of Erie Adopting the Town's 2020 Budget

Attachments: [Ordinance](#)
[2020 Budget Overview](#)
[Town - 2020 Budget Ordinance - Budget Summary & Detail Schedules.pdf](#)

Mayor Pro Tem Deakin moved to approve Agenda Item No. 19-534; the motion was seconded by Trustee Haid. The motion carried with a five (5) for and one (1) against vote with Trustee Woog voting no.

Aye: 5 - Mayor Carroll, Mayor Pro Tem Deakin, Trustee Haid, Trustee Gippe, and Trustee van Woudenberg

Nay: 1 - Trustee Woog

[19-535](#) PUBLIC HEARING: An Ordinance of the Board of Trustees of the Town of Erie Appropriating Sums of Money to the Various Funds for Calendar Year 2020

Attachments: [Ordinance](#)

Trustee Haid moved to approve Agenda Item No. 19-535; the motion was seconded by Mayor Pro Tem Deakin. The motion carried with a five (5) for and one (1) against vote with Trustee Woog voting no.

Aye: 5 - Mayor Carroll, Mayor Pro Tem Deakin, Trustee Haid, Trustee Gippe, and Trustee van Woudenberg

Nay: 1 - Trustee Woog

X. STAFF REPORTS 9:30 PM

[19-484](#) Public Works Monthly Report - October

Attachments: [Monthly Report](#)

[19-502](#) CDPHE Environmental Leadership Program - Bronze Award

Attachments: [Certificate](#)

[19-518](#) Ground Penetrating Radar Mapping Results of Mount Pleasant Cemetery

Attachments: [Job Summary of GPR Mapping](#)

XI. BOARD OF TRUSTEES REPORTS & APPOINTMENTS 9:40 PM

Trustee Gippe reported on Boo on Briggs this Saturday, October 26, 2019, from 4 pm - 7 pm, the Erie Parkway bridge grand opening on Monday, October 28, 2019, at 2 pm, the Planning Open House at the Erie Community Center, the Halloween Safety Stop, DPZ Charrette between November 4, 2019 to November 8, 2019, and the Veterans' Day event on Monday, November 11th at noon.

Trustee Woog asked if Scott deLouise was already appointed to the Colorado Aeronautical Board. Trustee Woog also inquired on the inspection process and a specific inspection.

Trustee van Woudenberg asked Town Staff to update the oil and gas webpage to include the current language of the moratorium and the CDPHE study.

Trustee Haid reported that the disc golf meeting was canceled and postponed to later date. Trustee Haid requested that Town Staff ensure new businesses are provided with exemplary customer service.

Madam Mayor Carroll reported that a letter appointing Scott deLouise to Colorado Aeronautical Board would be on the next Board agenda. Madam Mayor Carroll complimented the DPZ mailer. Madam Mayor Carroll inquired on the location of the upcoming Veterans' event. Madam Mayor Carroll requested that Town Staff update the Board on the connector bridge and asked to discuss on the November 12, 2019 Board meeting. Madam Mayor Carroll read a letter from a resident of non-voting age that proposed that Erie businesses only give plastic straws on request. The Board reached a consensus to invite the resident to the next Sustainability Advisory Board meeting.

XII. EXECUTIVE SESSION 9:50 PM

[19-520](#) An Executive Session for discussion of a personnel matter 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, pursuant to C.R.S. § 24-6-402(4)(f), concerning a performance evaluation of the Town Administrator as provided for in the Town Administrator Employment Agreement.

Mayor Pro Tem Deakin moved to go into an Executive Session for discussion of a personnel matter 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, pursuant to C.R.S. § 24-6-402(4)(f),

concerning a performance evaluation of the Town Administrator as provided for in the Town Administrator Employment Agreement. Trustee Haid seconded the motion; the motion carried with all present voting in favor thereof.

Madam Mayor Carroll announced; It's Tuesday, October 22, 2019, and the time is 9:04 pm. For the record, I am the presiding officer, Madam Mayor Carroll. As required by the Open Meetings Law, this executive session is being electronically recorded. Also present at this executive session are the entire Board of Trustees and Town Administrator Malcolm Fleming.

Madam Mayor Carroll announced; the time is 9:42 pm, and the executive session has concluded. 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 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, Mayor Carroll moved to the next agenda item

Aye: 6 - Mayor Carroll, Mayor Pro Tem Deakin, Trustee Woog, Trustee Haid, Trustee Gippe, and Trustee van Woudenberg

XIII. ADJOURNMENT 10:20 PM

Madam Mayor Carroll adjourned the October 22, 2019 regular Board of Trustees meeting at 9:42 pm.