



# TOWN OF ERIE

645 Holbrook Street  
Erie, CO 80516

## Meeting Minutes - Draft

### Board of Trustees

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Tuesday, September 14, 2021

6:45 PM

via virtual meeting

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<https://bit.ly/0914TRUSTEES>

#### I. CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Carroll called the meeting to order at 6:46 p.m.

#### II. ROLL CALL

**Present:** 7 - Mayor Pro Tem Haid  
Mayor Carroll  
Trustee Gippe  
Trustee van Woudenberg  
Trustee Bell  
Trustee Harrison  
Trustee Loflin

#### III. EXECUTIVE SESSION

[21-349](#)

Executive Session to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e), and to consider the purchase, acquisition, lease, transfer or sale of real, personal or other property, pursuant to C.R.S. § 24-6-402(4)(a), concerning the Regency property.

**Mayor Pro Tem Haid made a motion to move to Executive Session to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e), and to consider the purchase, acquisition, lease, transfer or sale of real, personal or other property, pursuant to C.R.S. § 24-6-402(4)(a), concerning the Regency property. Trustee Harrison seconded the motion. The motion passed by the following vote at 6:50 p.m.**

**Ayes** 7 - Mayor Pro Tem Haid  
Mayor Carroll  
Trustee Gippe  
Trustee van Woudenberg  
Trustee Bell  
Trustee Harrison  
Trustee Loflin

#### IV. APPROVAL OF AGENDA

The time is 6:59 p.m. 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.

Seeing none, the next item is Approval of the Agenda.

Mayor Pro Tem Haid made a motion to amend and approve the agenda by moving Item 21-306 Boulder County Co-Responder Program Update and 21-374 Air Quality Monitoring Program Status update to September 28, 2021 and moving Item 21-362 First Reading: An Ordinance of the Board of Trustees of the Town of Erie Granting a Natural Gas Franchise to Black Hills Colorado Gas, Inc. d/b/a Black Hills Energy to a future meeting. Trustee Gippe seconded the motion. The motion passed by the following vote at 7:00 p.m.

**Ayes** 7 - Mayor Pro Tem Haid  
Mayor Carroll  
Trustee Gippe  
Trustee van Woudenberg  
Trustee Bell  
Trustee Harrison  
Trustee Loflin

## **V. CONSENT AGENDA**

[21-358](#) Approval of the August 24, 2021 Board of Trustee Meeting Minutes

**Attachments:** [August 24, 2021 BOT Minutes](#)

[21-319](#) 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 21-104](#)  
[20210830 Erie SVVSD SRO IGA A081121.docx](#)

[21-315](#) A Resolution of the Board of Trustees of the Town of Erie Approving the First Amendment to the Services and Reimbursement Agreement with Latitude Digital

**Attachments:** [Resolution 21-103](#)  
[1st Amendment to Latitude Agreement](#)

[21-356](#) A Resolution of the Board of Trustees of the Town of Erie Approving the Distribution of Funds to the Downtown Erie Business Association in the amount of \$74,632

**Attachments:** [Resolution 21-121](#)  
[Holiday Lights Project](#)  
[Benches and receptacles](#)  
[Concerts](#)  
[Erie Bucks](#)

[21-375](#) 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. 4I Subdivision

**Attachments:** [Resolution 21-116](#)  
[Colliers Hill Filing No. 4I Final Plat](#)  
[Development Agreement](#)

[21-369](#) A Resolution of the Board of Trustees of the Town of Erie Approving Change Order No. 1 to the Professional Services Agreement with Wenk Associates for the Coal Creek Park Final Construction Documents

**Attachments:** [Resolution 21-038](#)  
[Professional Services Agreement](#)  
[Change Order](#)

[21-370](#) A Resolution of the Board of Trustees of the Town of Erie Approving Change Order No. 1 to the Construction Contract with Wagner Construction, Inc. for the Austin Avenue Water Main

**Attachments:** [Resolution 21-120](#)  
[Construction Contract](#)  
[Change Order 1](#)

[21-382](#) A Resolution of the Board of Trustees of the Town of Erie Approving a 2021 Great Outdoors Colorado (GOCO) Community Impact Program Application for a Grant for the Coal Creek Park Redevelopment Project

**Attachments:** [Resolution 21-122](#)

[21-378](#) A Resolution of the Board of Trustees of the Town of Erie Approving the Ninth Amendment to the Disposition and Development Agreement with Evergreen-287 & Arapahoe, L.L.C. and the Town of Erie Urban Renewal Authority for the Nine Mile Corner Development

**Attachments:** [Resolution 21-117](#)  
[Agreement](#)

[21-384](#) A Resolution of the Board of Trustees of the Town of Erie Approving a Consent to Assignment of the Development Agreement for Colliers Hill

Filing No. 5

**Attachments:** [Resolution 21-118](#)  
[Town of Erie Consent to Assignment - Colliers Filing 5 DA](#)  
[Assignment and Assumption of Development Agreement Rights and Obligations](#)  
[Colliers Filing No. 5 Development Agreement, dated October 13, 2020](#)

[21-377](#) A Resolution of the Board of Trustees of the Town of Erie Approving a Consent to Assignment of the Development Agreement for Colliers Hill Filing No. 4I

**Attachments:** [Resolution 21-127](#)  
[Town Consent to Assignment](#)

[21-366](#) A Resolution of the Board of Trustees of the Town of Erie Authorizing an Amendment to the Agreement Regarding Final Design, Right-of-Way Acquisition and Construction of Drainage and Flood Control Improvements for Coal Creek from County Line Road to Kenosha Road

**Attachments:** [Resolution 21-115](#)  
[Amendment](#)  
[Figure 9-12](#)

[21-386](#) A Resolution of the Board of Trustees of the Town of Erie Approving a Purchase and Sale Agreement with Hunt Brothers Properties, Inc. for the Purchase of an Easement for a Well Field

**Attachments:** [Resolution 21-119](#)  
[Purchase Agreement](#)

[21-383](#) An Ordinance of the Board of Trustees of the Town of Erie Amending Section 3-6-3 of the Erie Municipal Code Regarding the Initial Terms for Members of the Diversity, Equity and Inclusion Advisory Board

**Attachments:** [Ordinance 27-2021](#)

[21-359](#) A Resolution of the Board of Trustees of the Town of Erie Approving the Additional Lease of Vehicles with Enterprise FM Trust

**Attachments:** [Resolution 21-114](#)  
[Quotes](#)

Trustee Harrison made a motion to approve the Consent Agenda. Trustee Bell seconded the motion. The motion passed by the following vote at 7:01 p.m.

**Ayes: 7**  
Mayor Pro Tem Haid

Mayor Carroll  
Trustee Gippe  
Trustee van Woudenberg  
Trustee Bell  
Trustee Harrison  
Trustee Loflin

## **VI. PUBLIC COMMENT AND NON-AGENDA ITEMS**

Mayor Carroll read the Public Comment Rules and opened Public Comment at 7:35 p.m. with the following speakers:

1. Megan Bryant spoke about the mask mandate.
2. Rich Hiegel spoke about funding for fall concerts, holiday lights project, benches and receptacles and Erie Bucks.
3. Jeff Percell spoke about the emergency declaration and the mask mandate.
4. Theresa Reinam spoke about the mask mandate.
5. Ben Soelberg spoke about the mask mandate and re-vote on the emergency declaration.
6. Miguel Zuniga spoke about the mask mandate.
7. Kevin Diaz spoke about spoke about the mask mandate.
8. Sandra Duggan spoke about the mask mandate and air quality monitoring.
9. John Bryant spoke about the mask mandate.
10. Shyela Swiatek spoke about the mask mandate.
11. Jacquelyn Thomas spoke about the mask mandate.
12. Ryan P spoke about the mask mandate.
13. Nick Zehring spoke about the mask mandate.
14. Lindsey Larson spoke about the mask mandate.
15. Jeff spoke about the mask mandate.
16. Erica spoke about the mask mandate.
17. Amber Lyons spoke about the mask mandate.
18. Lisa Crowe spoke about the mask mandate.
19. Jessica Hakanson spoke about the mask mandate.
20. Katie Staudt spoke about the mask mandate.
21. Kelsey Barnholt spoke about the mask mandate.
22. Kylie McBride spoke about the mask mandate.
23. Candace Whitehouse spoke about the mask mandate.
24. Amanda Sarti spoke about the mask mandate.
25. Liz Fisher spoke about the mask mandate and stronger measures for oil and gas setbacks.
26. Emily Roberts spoke about the mask mandate.
27. Donald Pittser spoke about the mask mandate.
28. Chris Nelson spoke about the mask mandate.
29. Michael Baker spoke about the mask mandate.

Public Comment closed at 8:45 p.m.

**VII. GENERAL BUSINESS****21-306** Boulder County Co-Responder Program Update

This item was moved to the September 28, 2021 Board of Trustees Meeting.

**21-393** A Resolution of the Board of Trustees of the Town of Erie Regarding Face Coverings in the Town of Erie

**Attachments:** [Resolution 21-124](#)  
[Face Coverings Order 09-08-2021](#)  
[2021.09.02 BoCoPH Mask Order](#)  
[Resolution Extending Local Disaster Emergency 2020.04.28](#)

Malcom Fleming, Town Administrator, presented the item at 8:46 p.m.

**Trustee van Woudenberg made a motion to approve Resolution 21-124. Trustee Gippe seconded the motion. The motion passed by the following vote at 8:45 p.m.**

**Ayes** 5 - Mayor Carroll  
Trustee Gippe  
Trustee van Woudenberg  
Trustee Harrison  
Trustee Loflin

**Nayes** 2 - Mayor Pro Tem Haid  
Trustee Bell

**21-374** Air Quality Monitoring Program Status Update

**Attachments:** Presentation of Air Quality Status Update  
Map of Air Quality Monitoring Locations

This item was moved to the September 28, 2021 Board of Trustees Meeting.

**21-357** Results of Downtown Infrastructure Improvements Community Engagement

**Attachments:** [Presentation](#)  
[Rock Sol Downtwon Infrastructure Report](#)

This item was moved to a future Board of Trustees Meeting.

**21-385** Discussion of Development Setbacks to Oil and Gas facilities

**Attachments:** [2021.09.14 Presentation](#)[Revised Draft Ordinance amending Section 10-6-14 of the Unified Development Code](#)[Tracked Changes of Revised Draft Ordinance amending Section 10-6-14 of the Unified Development Code](#)  
[500ft & 2000ft Setbacks Map](#)[Plugged & Abandoned Setbacks Map](#)[Revised Draft Setbacks Ordinance Presentation](#)

David Frank, Energy & Environmental Program Specialist presented the item at 10:06 p.m.

No action.

[21-362](#)

First Reading: An Ordinance of the Board of Trustees of the Town of Erie Granting a Natural Gas Franchise to Black Hills Colorado Gas, Inc. d/b/a Black Hills Energy

**Attachments:** [Ordinance 26-2021](#)[Franchise Agreement](#)

First reading of this item was moved to the October 12, 2021 Board of Trustees Meeting.

[21-381](#)

PUBLIC HEARING: An Ordinance of the Board of Trustees of the Town of Erie Approving the Bridgewater PUD Overlay Map, Amendment No. 6

**Attachments:** [Ordinance 25-2021](#)[Proposed Bridgewater PUD Amendment No. 2](#)[Staff Report](#)[Application and Narrative](#)[Other Applicant Materials](#)[Referral Comments](#)[Neighborhood Meeting Summary](#)[Notifications](#)[Staff Presentation](#)[Applicant Presentation](#)[PC Resolution P21-11](#)

Chris LaRue, Senior Planner, presented on both items at 9:39 p.m.

Eva Mather, Daybreak Recovery Aquisition, presented on both items at 9:44 p.m.

The Public Hearings for both Item 21-381 and Item 21-380 were combined and opened at 9:50 p.m.

With no speakers, the Public Hearing closed at 9:51 p.m.

**Trustee Harrison made a motion to approve Ordinance 25-2021. Trustee Bell seconded the motion. The motion passed by the following vote at 10:02 p.m.**

**Ayes** 7 - Mayor Pro Tem Haid  
Mayor Carroll  
Trustee Gippe  
Trustee van Woudenberg  
Trustee Bell  
Trustee Harrison  
Trustee Loflin

[21-380](#)

**PUBLIC HEARING: An Ordinance of the Board of Trustees of the Town of Erie Rezoning a Portion of the Colliers Hill Property from Suburban Residential to Low Density Residential**

**Attachments:** [Ordinance 24-2021](#)

[Proposed Rezoning - Bridgewater Zoning Map - Amendment No. 2](#)

[Staff Report](#)

[Application and Narrative](#)

[Other Applicant Materials](#)

[Referral Comments](#)

[Neighborhood Meeting Summary](#)

[Notifications](#)

[Staff Presentation](#)

[Applicant Presentation](#)

[PC Resolution P21-10](#)

Chris LaRue, Senior Planner, presented on both items at 9:39 p.m.

Eva Mather, Daybreak Recovery Aquisition, presented on both items at 9:44 p.m.

The Public Hearings for both Item 21-381 and Item 21-380 were combined and opened at 9:50 p.m.

With no speakers, the Public Hearing closed at 9:51 p.m.

**Trustee Bell made a motion to approve Ordinance 24-2021. Mayor Pro Tem Haid seconded the motion. The motion passed by the following vote at 10:03 p.m.**

**Ayes** 7 - Mayor Pro Tem Haid  
Mayor Carroll  
Trustee Gippe  
Trustee van Woudenberg  
Trustee Bell  
Trustee Harrison  
Trustee Loflin



**VIII. STAFF REPORTS**[21-361](#)

Vector Air Airport Report

Attachments: [Report](#)**IX. BOARD MEMBER REPORTS AND ANNOUNCEMENTS**

Board members honored the 20th anniversary of 9/11 events, thanks to all first responders, reminder of Afghanistan refugees, National Hispanic Heritage Month, Erie Biscuit Day coming up on Saturday, September 18, 2021, reminder of Landfill Voucher Days, Pickle Ball Grand Opening, information on County Road 5 construction work and the October 10 Coffee & Donuts for AEDAB at the airport,.

**X. ADJOURNMENT**

Mayor Carroll adjourned the meeting at 11:15 p.m.

Approved \_\_\_\_\_  
Mayor

Attest \_\_\_\_\_  
Town Clerk