



# TOWN OF ERIE

645 Holbrook Street  
Erie, CO 80516

## Meeting Minutes - Final

### BOARD OF TRUSTEES MEETING

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Tuesday, May 9, 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 Harris called the May 9, 2017 Regular Meeting of the Town of Erie Board of Trustees to Order at 6:30pm.

#### 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

Mayor Pro Tem Gruber moved to approve the May 9, 2017 Agenda with the amendment of adding a discussion on Oil and Gas Setbacks to IX. General Business; the motion was seconded by Trustee Schutt. The motion carried with all present voting in favor thereof.

#### IV. CONSENT AGENDA

[17-179](#) Approval of the April 25, 2017 Meeting Minutes

[17-155](#) A Resolution Authorizing The Town Of Erie, Colorado, To Enter Into A Second Amendment To Disposition And Development Agreement With The Town Of Erie Urban Renewal Authority And Evergreen-287 & Arapahoe, LLC Authorizing And Directing The Appropriate Town Officers To Sign Said Second Amendment; And, Setting Forth Details In Relation Thereto.

- [17-174](#) A Resolution Authorizing Award of a Construction Contract To Aqua Care Solar LLC. for the repair of the Solar Thermal System at the Erie Community Center in The Amount of \$18,450.00 and a Contingency amount of \$1,500.00 Setting Forth Details in Relation Thereto
- [17-188](#) A Resolution By The Board Of Trustees Of The Town Of Erie, Colorado Accepting Dedications As Shown In The Erie Highlands Filing No. 12 Final Plat; Authorizing The Appropriate Town Official To Sign The Erie Highlands Filing No. 12 Development Agreement; Adopting Certain Findings Of Fact And Conclusions Favorable To Acceptance Of Erie Highlands Filing No. 12 Final Plat Dedications And Development Agreement; And, Setting Forth Details In Relation Thereto.
- [17-191](#) A Resolution Authorizing A Contract With Security Central Inc. for the Town Hall Video Surveillance System In The Amount Not to Exceed \$24,242.71; And, Setting Forth Details In Relation Thereto.
- [17-192](#) A Resolution Authorizing The Town Of Erie, Colorado, To Enter Into A Sixth Amendment To The Bridgewater Annexation Agreement; Authorizing And Directing The Appropriate Town Officers To Sign Said Sixth Amendment; And, Setting Forth Details In Relation Thereto.
- [17-193](#) A Resolution of The Town of Erie Board of Trustees Approving the Certificate of Appropriateness Application Submitted For Renovation Work to the Property Located at 365 Main Street and Accepting the Recommendations From The Historic Preservation Advisory Board (EHPAB); And Setting Forth Details in Relation Thereto
- [17-194](#) A Resolution of The Town Of Erie, Colorado For The Purpose Of Accepting A Permanent Access And Utilities Easement Agreement From St. Vrain Valley School District Re-1J; And Setting Forth Details In Relation Thereto
- [17-195](#) A Resolution Authorizing the Town to Enter Into a Reimbursement Agreement With St. Vrain Valley School District RE-1J For Two Non Potable Waterlines; And Setting Forth Details in Relation Thereto.
- [17-201](#) A Resolution of the Town of Erie Authorizing a Construction Contract to Goodland Construction Inc. for the Star Meadows Park Construction Project in the Amount of \$2,163,987.50; And Consideration of a Resolution Authorizing Award of A Contract To Design Concepts For The Construction Administration In The Amount Of \$32,880.00; And Setting Forth Details In Relation Thereto.
- [17-205](#) A Resolution Approving a Joint Use Agreement with Aspen Ridge Preparatory School.

- [17-206](#) A Resolutions Authorizing Award of a Rectangular Rapid Flash Beacon Purchase Contract to Gades Sales Co. Inc. In The Amount of \$7,900 and a RRFB Installation Contract to W. L. Contractors In The Amount of \$3,000; and a Contingency amount of \$1,540.00; And Setting Forth Details in Relation Thereto Setting Forth Details In Relation Thereto.

Trustee Charles moved to approve the May 9, 2017 Consent Agenda; 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**

Bill Gippe; 118 Montgomery Drive, Erie, CO. expressed appreciation to the Erie Police Department for the recent Citizens Academy.  
Monica Korber, 1559 Hickory Drive, Erie, CO. expressed concerns over Oil & Gas activity in Erie.  
Ed Taylor; 167 Baker Lane, Erie, CO. expressed concerns over Crestone Peak Resources Oil & Gas activity in Erie.  
Gary Gianetti; 1379 Padfield Place, Erie, CO. also expressed concerns over Crestone Peak Resources Oil & Gas activity in Erie.  
Jon File, Farfrumwurkin LLLC, P.O. Box 983, Broomfield, CO. expressed opinions on Oil & Gas activity.

## **VI. PROCLAMATIONS AND PRESENTATIONS**

- [17-204](#) Presentation by Coal Creek Meals on Wheels-Lesley Jackson Director  
Coal Creek Meals on Wheels Director Lesely Jackson asked the Board to consider a \$2,000.00 donation to the CCMOW. Town Staff was directed to send Coal Creek Meals on Wheels an application for a Community Grant.
- [17-211](#) Erie Municipal Airport - April 2017 Monthly Report
- [17-183](#) Honorary Proclamation Police Week and Peace Officers' Memorial Day  
May 15, 2017
- [17-186](#) 2017 National Public Works Week Proclamation
- [17-196](#) A Proclamation Declaring June 2nd 2017 as Gun Violence Awareness Day

[17-212](#) Older Americans Month Proclamation

[17-214](#) Economic Development Week Proclamation

## **VII. RESOLUTIONS**

[17-189](#) PUBLIC HEARING: A Resolution Approving An Amendment To The 2015 Town Of Erie Comprehensive Plan, Land Use Plan Map To Designate Property Located In Sections 31 And 32, Township 2 North, Range 68 West Of The 6th Principal Meridian As LDR-Low Density Residential And MU-Mixed Use, Adopting Certain Findings Of Fact And Conclusions Favorable To Amending The 2015 Town Of Erie Comprehensive Plan.

**Mayor Harris opened the Public Hearing for Agenda Item 17-189 at 7:10pm. Following staff presentation, public comment was heard from the applicant: Meliss Leyba, Permontes Group, 625 Main Street, Longmont, CO. Jon File, Farfrumwurkin, LLLP, P.O. Box 983, Broomfield, CO.**

**Following Board discussion, Mayor Harris closed the Public Hearing for Agenda Item 17-189.**

**Trustee Charles moved to approve Agenda Item 17-189; the motion was seconded by Trustee Woog. The motion carried with a five(5) to two (2) vote in favor thereof; with Trustees Carroll and Schutt voting no.**

**Aye:** 5 - Mayor Harris, Mayor Pro Tem Gruber, Trustee Charles, Trustee Woog, and Trustee Deakin

**Nay:** 2 - Trustee Carroll, and Trustee Schutt

### **17-200**

**Mayor Harris opened the Public Hearing for Agenda Item 17-200 at 7:35pm**

**Trustee Schutt moved to continue the Public Hearing for this item to the June 13, 2017 Regular Meeting; the motion was seconded by Trustee Carroll. 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

[17-198](#) A Resolution Approving An Agreement With The Platte River Power Authority ("PRPA") For The Purchase Of Six (6) Windy Gap Units From Platte River Power Authority ("PRPA"), Authorizing The Appropriate Town Officer To Execute Said Contract, Complete The Design, And Finalize Construction Documents. Authorize Staff To Expend Contracted Funds And Contingency Funds; And Setting Forth Details In Relation Thereto.

**Mayor Pro Tem Gruber moved to approve Agenda Item 17-198; 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

[17-203](#)

A Resolution Authorizing the Award of a Consultant Contract to OZ Architecture for Town Hall Expansion Program Update in The Amount of \$55,500.00 and a Contingency Amount of \$5,500.00.

**Trustee Deakin moved to approve Agenda Item 17-203; 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

[17-217](#)

A Resolution Approving an Agreement with Pinyon Environmental, Inc. for Additional Monitoring of Oil & Gas Operations During the Completion Phase at both the Pratt and Waste Connections Well Sites in an Amount Not to Exceed \$25,700.00.

**Trustee Schutt moved to approve Agenda Item 17-217 increasing the amount to \$50,000.00 to include additional monitoring of well sites at Morgan Hills and the Wooley Becky Sosa Site. The motion was seconded by Mayor Pro Tem Gruber; 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

## **VIII. ORDINANCES**

## **IX. GENERAL BUSINESS**

[17-197](#)

Commercial Wastewater Rate Discussion

**General Board consensus was for staff to return with an Ordinance that would allow some exceptions to rate computations for Commercial Wastewater Rates to accomodate commercial user that do not have a separate irrigation taps or irrigation areas.**

[17-228](#)

Oil & Gas Setback Discussion

**At the request of Mayor Pro Tem Gruber the Board had a discussion on the set back requirements for Oil and Gas Wells. He introduced the idea of establishing set backs for Flow Lines. Following Board discussion, direction was given to Town Attorney to create an Ordinance that required mapping of flow lines.**

## **X. STAFF REPORTS**

[17-190](#)

Community Development Monthly Report

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

Mayor Harris reported on the upcoming Town Fair on May 20, 2017. Trust Woog thanked Chief Stewart and the Erie Police Department for coordinating the use of the County Force Simulator. Mayor Pro Tem Gruber provided the Board with Transportation updates and requested a speed study be done on Erie Parkway. Trustee Deakin reported on the recent Arbor Day Celebration and noted that the Open Space and Trails Advisory Board would be at the Town Fair with maps and seed packets. Trustee Carroll requested that Sharon Clark be appointed to the Tree Board.

Trustee Carroll moved to appoint Sharon Clark the Tree Board; the motion was seconded by Trustee Schutt. The motion carried with all present voting in favor thereof.

**XII. EXECUTIVE SESSION**

[17-213](#)

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 oil and gas issues.

Trustee Schutt moved to go into an 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 oil and gas issues; the motion was seconded by Mayor Harris. The motion carried with all present voting in favor thereof.

Trustee Carroll left the meeting before the Board adjourned to Executive Session.

At the start of the Executive Session Mayor Harris announced:

It's Tuesday, May 9, 2017, and the time is 9:01 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.

Also present at this executive session are the following persons:

Mayor Pro Tem Mark Gruber; Trustees Dan Woog, Scott Charles, 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; and, Town Attorney Mark Shapiro.

This is an executive session for the following purpose:

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 oil and gas issues.

At the conclusion of the Executive Session Mayor Harris announced:

The time is now 10:10 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, 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; 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 next agenda item is adjournment.

### **XIII. ADJOURNMENT**

Trustee Charles moved to adjourn the May 9, 2017 Regular Meeting of the Town of Erie Board of Trustees; the motion was seconded by Mayor Pro Tem Gruber. The motion carried with all present voting in favor thereof.

Mayor Harris adjourned the meeting at 10:12 pm.