



TOWN OF ERIE

645 Holbrook Street
Erie, CO 80516

Meeting Minutes - Final

BOARD OF TRUSTEES MEETING

Tuesday, June 27, 2017

6:30 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 6:30 PM IN THE BOARD ROOM

I. CALL MEETING TO ORDER

Mayor Pro Tem Gruber called the June 27, 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: 4 - Mayor Pro Tem Gruber
Trustee Carroll
Trustee Schutt
Trustee Woog

Excused: 3 - Mayor Harris
Trustee Charles
Trustee Deakin

III. APPROVAL OF THE AGENDA

Trustee Schutt moved to approve the June 27, 2017 Agenda with the amendment of moving IV. Consent Agenda Item 17-247 to VII. Resolutions. Trustee Carroll seconded the motion; the motion carried with all present voting in favor thereof.

IV. CONSENT AGENDA

[17-222](#) Approval of the June 13, 2017 Meeting Minutes

[17-249](#) A Resolution Authorizing the Town to Sign a License Agreement between the Town of Erie, and Erie Coal Creek Ditch & Reservoir Company, for a Waterline Crossing of the Ditch, and Pay a License Fee in the amount of \$2,500; And Setting Forth Details in Relation Thereto

[17-251](#) A Resolution Awarding a Consulting Agreement to Armstrong Consultants,

Inc. for Engineering Services for the Apron Rehabilitation Project at the Erie Municipal Airport in the amount of \$87,123.00; and Setting Forth Details in Relation Thereto.

[17-261](#)

An Ordinance Authorizing the Town of Erie, Colorado, To Enter into Lease Agreement with the Erie Chamber of Commerce for the Lease of Town Property Located at 235 Wells Street. Second Reading.

Trustee Schutt moved to approve the Consent Agenda as amended; the motion was seconded by Trustees Woog. The motion carried with all the following roll call vote:

Aye: 4 - Mayor Pro Tem Gruber, Trustee Carroll, Trustee Schutt, and Trustee Woog

V. PUBLIC COMMENT

VI. PROCLAMATIONS AND PRESENTATIONS

[17-245](#)

National Parks & Recreation Month Proclamation

Trustee Carroll sponsored this proclamation.

VII. RESOLUTIONS

[17-232](#)

A Resolution For The Purpose of Granting an Encroachment License Agreement to Zayo Group, LLC for Construction of a Fiber Optic Line in the Town Right-of-Way; and Setting Forth Details in Relation Thereto.

Trustee Woog moved to approve Agenda Item 17-232; the motion was seconded by Trustee Schutt. The motion carried with all present voting in favor thereof.

Aye: 4 - Mayor Pro Tem Gruber, Trustee Carroll, Trustee Schutt, and Trustee Woog

[17-243](#)

A Resolution for the Purpose of Granting an Encroachment License Agreement to Zayo Group, LLC for Construction of a Fiber Optic Line in the Town Right of Way; and Setting Forth Details in Relation Thereto.

Trustee Woog moved to approve Agenda Item 17-243; the motion was seconded by Trustee Schutt. The motion carried with all present voting in favor thereof.

Aye: 4 - Mayor Pro Tem Gruber, Trustee Carroll, Trustee Schutt, and Trustee Woog

[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.

Trustee Schutt moved to continue Agenda Item 17-247 to the July 11, 2017 Regular Meeting of the Town of Erie Board of Trustee to allow Trustee Charles as liaison to the Historic Preservation Board present this item. The motion was seconded by Trustee Woog; the motion carried with all present voting in favor thereof.

Aye: 4 - Mayor Pro Tem Gruber, Trustee Carroll, Trustee Schutt, and Trustee Woog

[17-257](#)

A Resolution Authorizing a Memorandum of Understanding with Xcel Energy Outlining Responsibilities Related to the Partners in Energy Program; and Setting Forth Details in Relation Thereto

Following a presentation from Xcel Energy Trustee Carroll moved to approve Agenda Item 17-257; the motion was seconded by Trustee Woog. The motion carried with all present voting in favor thereof.

Aye: 4 - Mayor Pro Tem Gruber, Trustee Carroll, Trustee Schutt, and Trustee Woog

[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.

Mayor Pro Tem Grube opened the Pubilc Hearing for Agenda Item 17-259 at 7:03 pm.

At the request of the application Trustee Schutt moved to continue the Public Hearing on Agenda Item 17-259 to the July 11, 2017 Regular Meeting. The motion was seconded by Trustee Woog. The motion carried with all present voting in favor thereof.

Aye: 4 - Mayor Pro Tem Gruber, Trustee Carroll, Trustee Schutt, and Trustee Woog

[17-262](#)

A Resolution For The Purpose Of Granting an Encroachment License Agreement to Kerr-McGee Gathering LLC for Construction of Oil and Gas Related Pipelines in Town Right-of-way

Trustee Schutt moved to approve Agend Item 17-262; the motion was seconded by Trustee Woog. The motion carried with all present voting infavor thereof.

Aye: 4 - Mayor Pro Tem Gruber, Trustee Carroll, Trustee Schutt, and Trustee Woog

[17-263](#)

A Resolution of the Town of Erie, Colorado, Authorizing the Town Attorney to Sign on Behalf of the Town of Erie, Colorado a Motion For Leave to File an Amicus Curiae Brief in Opposition to the Petition For Writ of Certiorari and an Amicus Curie Brief in Support of the Respondents/Appellants and Opposing a Grant of Certiorari in Colorado Oil and Gas Conservation Commission V. Martinez (2017sc297); and, Setting Forth Details in Relation Thereto.

Trustee Schutt moved to approve Agenda Item 17-263; the motion was seconded by Trustee Carroll. The motion carried with a (3) three to (1) one vote with Trustee Woog voting no.

Aye: 3 - Mayor Pro Tem Gruber, Trustee Carroll, and Trustee Schutt

Nay: 1 - Trustee Woog

VIII. 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

At the direction of the Board the Town Attorney will amend the proposed ordinance; That Title 5, "Public Health and Safety," Chapter 1, "Abatement of Nuisance Code," Section 5-1-6, "Specific Nuisances Enumerated," of the Erie Municipal Code shall be and hereby is amended to add a new sub-paragraph H. to read as follows:

H. Odor Emissions. It shall be unlawful and a public nuisance for any person, tenant, occupant or property owner to permit the emission of odor from any source to result in detectable odors that leave the premises and are detected by a reasonably prudent person with a normal sense of smell to the exterior of the premises or at any adjoining property or public right-of way, and that causes annoyance or otherwise detrimentally affects the general health, safety, welfare and use and enjoyment of one's property.

This item will be returned for Board action at the July 11, 2017 Regular Meeting.

IX. GENERAL BUSINESS

[17-258](#)

Sketch Plan for Erie Highlands Planning Areas 8 and 9

[17-260](#)

Erie Commons Filing No. 4 Apartments

X. STAFF REPORTS

Gary Behlen, Director of Public Works addressed concerns about the crossing safety for the new Boulder Valley Elementary School.

[17-256](#)

Boulder County Improvements to Arapahoe Road

XI. BOARD OF TRUSTEES REPORTS & APPOINTMENTS

Trustee Carroll reported that Parks and Recreation would have a booth this Thursday at the Farmers Market to solicit citizen input on the Coal Creek Park, Erie Community Park and Schofield Farm Master Plan projects. Trustee Woog asked that the Parks Department look at alternate ground cover for the Dog Park, that was easier to maintain. In addition he noted that he had received feedback from a citizen that they felt that the Building Inspector Ed Kotlinisky was doing a really great job. Trustee Gruber noted that according to Rule 529, anybody may propose a rule change to the COGCC and that the Town of Erie could propose changes to address applicable zones or redirect zoning regarding rules for urban interface and rules for rural interface.

XII. ADJOURNMENT

Trustee Schutt moved to adjourn the June 27, 2017; the motion was seconded by Trustee Woog. The motion was carried with all present voting in favor thereof.

Mayor Pro Tem Gruber adjourned the meeting at 9:41 pm.