



TOWN OF ERIE

645 Holbrook Street
Erie, CO 80516

Meeting Minutes - Final

BOARD OF TRUSTEES MEETING

Tuesday, September 12, 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 Harris called the September 12, 2017 Regular Meeting of the Town of Erie
Board of Trustees to Order at 6:30pm.

II. PLEDGE OF ALLEGIANCE AND ROLL CALL

Present: 6 - Mayor Harris
Mayor Pro Tem Gruber
Trustee Carroll
Trustee Schutt
Trustee Woog
Trustee Deakin

Excused: 1 - Trustee Charles

III. APPROVAL OF THE AGENDA

Trustee Woog moved to approve the September 12, 2017 Regular Meeting
Agenda with the amendment of moving Agenda Item 17-345 from IV. Consent to
IX. Resolutions. The motion was seconded by Trustee Schutt. The motion
carried with all present voting in favor thereof.

IV. CONSENT AGENDA

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

Aye: 6 - Mayor Harris, Mayor Pro Tem Gruber, Trustee Carroll, Trustee Schutt, Trustee
Woog, and Trustee Deakin

[17-311](#)

Approval of the August 22, 2017 Meeting Minutes

[17-338](#)

A Resolution of the Town of Erie Authorizing a Construction Contract to

Children's Playstructures & Recreation for the BPE Playground Resurface Project in the Amount of \$29,109.40; and Setting Forth Details in Relation Thereto.

[17-316](#) An Ordinance Regarding The Morgan Hill PUD Zoning Map Amendment No. 1, Adopting Certain Findings Of Fact And Conclusions Favorable To The PUD Overlay Rezoning Amendment. The Morgan Hill PUD Amendment No. 1 Proposes To Add Architectural Standards To The Approved PUD. (SECOND READING)

[17-341](#) A Resolution For The Purpose Of Granting an Encroachment License Agreement to Unite Private Networks, LLC, for Existing and New Fiber Optic Line in Town Property and Right-of-Way.

V. PUBLIC COMMENT

Dan Haley-President COGCC-1800 Glenarm Place, Denver, CO. offered on behalf of the COGCC to be a resource for the Town and help with processess and reviews of our local legislation on Oil and Gas.
Tony Fater, 685 Moffat Street, Erie, CO. asked the Board of Trustee to consider more traffic signs on Countyline Road, near Balcom Moffat Street, to slow down the Traffic.
Fred Mahe, 401 Pleades Place, Erie, CO. expressed concerns about the Town's Oil & Gas Attorney.

VI. PROCLAMATIONS AND PRESENTATIONS

[17-335](#) United Way of Weld County-Cassy Westmoreland, Coordinator for Weld's Way Home

[17-333](#) STAR Award presented to Brendan Beggan, Erie Police Department and Samantha Cruz, Parks & Recreation

VII. EXECUTIVE SESSION

[17-336](#) EXECUTIVE SESSION for discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f) and 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; specifically, to discuss employment of special counsel; and, for 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 oil and gas operations within the Town of Erie.

Trustee Deakin moved to go in to an Executive Session for discussion of a

personnel matter under C.R.S. Section 24-6-402(4)(f) and 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; specifically, to discuss employment of special counsel; and, for 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 oil and gas operations within the Town of Erie. The motion was seconded by Trustee Schutt; the motion carried with all present voting in favor thereof.

Mayor Harris announced that it's Tuesday, September 12, 2017, and the time is 6:48 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 8:21 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 Department Director Marty Ostholthoff; Special Counsel John T. Sullivan and Barbara Green; Town Attorney Mark Shapiro; Environmental Planner Chad Taylor; Town Prosecutor Kristin Brown and Chief of Police Kim Stewart.

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. OIL AND GAS

17-317

PUBLIC HEARING CONTINUED: An Ordinance Of The Town Of Erie, Colorado, Repealing The January 2017 Title 10 Unified Development Code; Adopting By Reference The October 2017 Title 10 Unified Development Code; Providing For The Effective Date Of This Ordinance; Setting Forth Details In Relation Thereto. (SECOND READING)

Mayor Harris continued the Public Hearing for Agenda Item 17-317 from the August 22, 2017 Regular Meeting. Public Comment was heard from:

Mark Mathews, Attorney for COGCC, 410 17th Street, Ste 21, Denver, CO. expressed concerns over pending ordinance due to conflicts with State Laws.

Trustee Deakin moved to approve Agenda Item 17-317 as presented with the amendment that they strike 10.6.14.B.4 regarding final plat requirements; to 10.12.1.E.3.a., add a date of October 31, 2017 to describe operations subject to the mapping requirement; 10.12.1.E.3.c., rewrite as follows: A plan for removing abandoned flowlines or other subsurface facilities, where such removal is

practicable, by October 31, 2018. The plan should identify those flowlines and other subsurface facilities where removal is not practicable with a brief explanation of why not; and 10.12.2.D.7.K.-Strike reference to COGCC rule 1101.e and add a date of October 31, 2017 for an effective date. The motion was seconded by Mayor Pro Tem Gruber. The motion carried with a five (5) for and one (1) against vote, with Trustee Woog voting no.

Trustee Deakin moved that they approve Agenda Item 17-317 as amended; the motion was seconded by Mayor Pro Tem Gruber. The motion carried with a five (5) for and one (1) against vote, with Trustee Woog voting no.

Aye: 5 - Mayor Harris, Mayor Pro Tem Gruber, Trustee Carroll, Trustee Schutt, and Trustee Deakin

Nay: 1 - Trustee Woog

IX. RESOLUTIONS

17-345

A Resolution Authorizing the Award of Construction Contract to CoCal Landscaping for Town Xeriscape Garden Project at Town Hall in The Amount of \$121,045.00; and Setting Forth Details in Relation Thereto

Trustee Deakin moved to approve Agenda Item 17-345; the motion was seconded by Mayor Pro Tem Gruber. The motion carried with a five (5) for and one (1) against vote with Trustee Woog voting no.

Aye: 5 - Mayor Harris, Mayor Pro Tem Gruber, Trustee Carroll, Trustee Schutt, and Trustee Deakin

Nay: 1 - Trustee Woog

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 for Agenda Item 17-331 at 8:31pm.

Mayor Harris moved to continue the Public Hearing to the September 26, 2017 Regular Meeting. The motion was seconded by Trustee Woog; the motion carried with all present voting in favor thereof.

Aye: 6 - Mayor Harris, Mayor Pro Tem Gruber, Trustee Carroll, Trustee Schutt, Trustee Woog, and Trustee Deakin

17-327

A Resolution Authorizing the Award of a Design Contract to Felsburg Holt & Ullevig for the Moffat Street Extension and Bridge over Coal Creek in The Amount of \$340,000; and Setting Forth Details in Relation Thereto.

Mayor Pro Tem moved to approve Agenda Item 17-327; the motion was seconded

by Trustee Deakin. The motion carried with the following roll call vote:

Aye: 6 - Mayor Harris, Mayor Pro Tem Gruber, Trustee Carroll, Trustee Schutt, Trustee Woog, and Trustee Deakin

[17-328](#)

A Resolution Authorizing the Award of a Pre-Construction Contract to Fransen Pittman for Town Hall Expansion in The Amount of \$34,973; and Setting Forth Details in Relation Thereto.

Trustee Deakin moved to approve Agenda Item 17-328; the motion was seconded by Mayor Pro Tem Gruber. The motion carried with the following roll call vote:

Aye: 6 - Mayor Harris, Mayor Pro Tem Gruber, Trustee Carroll, Trustee Schutt, Trustee Woog, and Trustee Deakin

[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 Schutt moved to continue Agenda Item 17-329 to the September 26, 2017 Regular Meeting; the motion was seconded by Trustee Deakin. The motion carried with all present voting in favor thereof.

Aye: 6 - Mayor Harris, Mayor Pro Tem Gruber, Trustee Carroll, Trustee Schutt, Trustee Woog, and Trustee Deakin

X. 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).

Mayor Harris opened the Public Hearing for Agend Item 27-332 at 8:59 pm. Public Comment was heard from the applicant. Ben Krenshaw of SLC Development.

This was the First Reading of Agenda Item 27-332 it will be returned to the September 26, 2017 Regular Meeting for Board Action.

Mayor Harris closed the Public Hearing for Agenda Item 17-332 at 9:23pm.

[17-322](#)

An Ordinance Of The Town Of Erie, Colorado, Enacting Title 1, "Administration And Personnel," Chapter 4, "Municipal Court; General

Penalty," Section 1-4-13, Entitled "Sealing Of Records," Of The Municipal Code Of The Town Of Erie And, Setting Forth Details In Relation Thereto. (SECOND READING)

Trustee Deakin moved to approve Agenda Item 17-322, the motion was seconded by Mayor Pro Tem Gruber. The motion carried with all present voting in favor thereof.

[17-323](#)

An Ordinance Of The Town Of Erie, Colorado, Revising Title 6, "Police And Traffic Regulations," Chapter 11, "Motor Vehicles And Traffic," Section 6-11-1, Entitled "Model Traffic Code," Of The Municipal Code Of The Town Of Erie And, Setting Forth Details In Relation Thereto. (SECOND READING)

Mayor Pro Tem Gruber moved to amend the Agenda Item 17-323 to add a provision to the ordinance specifically indicating that electrical assisted bicycles are prohibited on all Town owned bike and pedestrian pathways the motion was seconded by Trustee Carroll. The motion failed due to a tie vote, three (3) for and three (3) against; with Mayor Harris, and Trustees Schutt and Woog voting no.

Trustee Deakin moved to approve Agenda Item 17-323; the motion was seconded by Trustee Woog. The motion carried with a five (5) for and one (1) against vote, with Mayor Pro Tem Gruber voting no.

[17-324](#)

An Ordinance Of The Town Of Erie, Colorado, Revising Title 1, "Administration And Personnel," Chapter 4, "Municipal Court; General Penalty," Section 1-4-4.B, Entitled "Penalty Provision Generally," Of The Municipal Code Of The Town Of Erie And, Setting Forth Details In Relation Thereto. (SECOND READING)

Trustee Schutt moved to approve Agend Item 17-324; the motion was seconded by Trustee Woog. The motion carried with all present voting in favor thereof.

[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)

This was the First Reading of Agenda Item 17-330; it will be returned for Board Action at the September 26, 2017 Regular Meeting.

XI. GENERAL BUSINESS

[17-344](#)

Board Consideration-Motion to Cancel November 28th and December 26th 2017 Regular Meetings.

Trustee Woog moved to cancel the November 28th and December 26th, 2017 Regular Meetings. The motion was seconded by Mayor Pro Tem Gruber. The motion carried with all present voting in favor thereof.

XII. STAFF REPORTS[17-342](#)

Planning and Development Monthly Building Permit Report

XIII. BOARD OF TRUSTEES REPORTS & APPOINTMENTS

Mayor Pro Tem Gruber asked staff to look into algae issues at a detention pond on the Vista Ridge Golf Course and putting up some additional signage at the waterline project. Mayor Pro Tem announced that this Saturday was Biscuit Day in Erie, put on by the Erie Historical Society. Trustee Carroll asked the Board to consider a proposal for composting from the Tree Board and the Sustainability Committee.

Trustee Woog moved to allow Mayor Harris to share information from the earlier Executive Session with Trustee Charles. The motion was seconded by Mayor Pro Tem Gruber. The motion carried with all present voting in favor thereof.

XIV. 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 Harris moved to continue Agenda Item 17-343 to the September 26, 2017 Regular Meeting. The motion was seconded by Trustee Schutt. The motion carried with all present voting in favor thereof.

XV. ADJOURNMENT

Mayor Pro Tem Gruber moved to adjourn the September 12, 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 9:46 pm.