



# TOWN OF ERIE

645 Holbrook Street  
Erie, CO 80516

## Meeting Minutes - Final

### BOARD OF TRUSTEES MEETING

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Tuesday, November 14, 2017

6:30 PM

Board Room

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Pre-Meeting/Study Session 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 November 14, 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 Charles  
Trustee Woog  
Trustee Deakin

**Absent:** 1 - Trustee Schutt

#### III. APPROVAL OF THE AGENDA

Trustee Charles moved to approve the November 14, 2017 Meeting Agenda, with the amendment of moving VI. Proclamations and Presentations before V. Public Comment; the motion was seconded by Mayor Pro Tem Gruber. The Motion carried with all present voting in favor thereof.

#### IV. CONSENT AGENDA

[17-396](#) Approval of the October 24, 2017 Meeting Minutes

[17-395](#) A Resolution of the Town of Erie, Colorado Supporting Reauthorization by the General Assembly of the Colorado Lottery Division in 2018; and Setting Forth Details in Relation Thereto.

[17-399](#) A Resolution Authorizing the Award of a Consultant Contract to Merrick and Associates for Outfall Systems Plan Update East of Coal Creek in The Amount of \$125,995.00; and Setting Forth Details in Relation Thereto

[17-407](#) 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 655 Moffat Street, The Marie Wiggett House, 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.

[17-417](#) A Resolution By The Board Of Trustees Of The Town Of Erie, Colorado Accepting Dedications As Shown In The Rex Ranch Filing No. 1 Final Plat; Authorizing The Appropriate Town Official To Sign The Rex Ranch Filing No. 1 Development Agreement; Adopting Certain Findings Of Fact And Conclusions Favorable To Acceptance Of Rex Ranch Filing No. 1 Final Plat Dedications And Development Agreement; And, Setting Forth Details In Relation Thereto.

[17-427](#) A Resolution Authorizing the Town to Enter Into an Intergovernmental Agreement with City of Lafayette for Emergency Water Utility Service; and Setting Forth Details in Relation Thereto.

[17-428](#) A Resolution Finding Substantial Compliance Of Petitions For Annexation Of Certain Real Property To The Town Of Erie, Said Annexation To Be Known As Erie Gateway South Annexation No. 7.

[17-435](#) A Resolution By The Board Of Trustees Of The Town Of Erie, Authorizing The Appropriate Town Official To Sign The Lot 1A, Block 6, Town Of Erie Park West Amendment Non Residential Development Agreement; Adopting Certain Findings Of Fact And Conclusions Favorable To Acceptance Of The Lot 1A, Block 6, Town Of Erie Park West Amendment Non Residential Development Agreement; And, Setting Forth Details In Relation Thereto.

**Trustee Charles moved to approve the November 14, 2017 Consent Agenda; 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 Charles, Trustee Woog, and Trustee Deakin

## **V. PROCLAMATIONS AND PRESENTATIONS**

[17-393](#) 2017 Eagle Scout Projects Presentation

[17-364](#) VIA Presentation

[17-394](#) Erie Historic Preservation Advisory Board Report

**No Presentation-There were no representatives of the Historic Preservation Board in Attendance.**

## **VI. PUBLIC COMMENT**

Eileen Rojas, 1358 Washburn Street, Erie, CO. read a letter from Detlev Helmig, Ph.D which was his review and evaluation of Pinyon Environmental reports conducted for the Town adjacent to the Pratt Well Site.

The Following Citizens Expressed Concerns regarding a COGCC report regarding a violation at Vessels Minerals 'E-61N68W 19NWSW Wells Site and other Oil and Gas Drilling issues:

Christiaan van Wondenbergh, 1821 Crestview Lane, Erie, CO.

Ellie Kadlec, 2473 Vale Way, Erie, CO.

Mark Kadlec, 2473 Vale Way, Erie, CO.

Erika Cutlip, 1315 Serence Drive, Erie, CO.

Paula Ornasky, 920 Sumner Way, Erie, CO.

Cristen Logan, 15981 Williams Place, Broomfield, CO.

Courtney Morrone, 1856 Crestview Lane, Erie, CO.

Kristi Colalciuc, 5077 Brookside Drive, Broomfield, CO.

Erin Gallagher, 2058 Lodgepole Drive, Erie, CO.

Liz Fisher, 635 Moffat Street, Erie, CO.

Brooke Dryden, 807 Flamingo Cove, Lafayette, CO.

Amy Bennett, 605 E. Emma, Lafayette, CO.

Merrily Mazza, 581 Wild Ridge Lane, Lafayette, CO.

Tiffany Taskey, 1909 Alpine Dr. Erie, CO.

Kate D'Arcy, 2084 Primrose Lane, Erie, CO.

Gina Bollenger, 1831 Crestview Lane, Erie, CO.

Valerie Swanson, 1093 Greens Place, Erie, CO.

John Lamm, 590 E Sutton Circle, Lafayette

Following Public Comment, Mayor Harris called for a Break at 7:55 pm and reconvened the meeting at 8:02 pm.

## **VII. LAND DEVELOPMENT RESOLUTIONS AND ORDINANCES**

17-421

An Ordinance Of The Town Of Erie, Colorado Vacating Portions Of A Utility Easement Located In Erie Commons Filing No. 3, 1st Amendment, Lot 1A, Block 1, Final Plat; And, Setting Forth Details In Relation Thereto.  
(SECOND READING)

**This was the First Reading of Agenda Item 17-421 it will be returned for Board Action at the December 12, 2017 Regular Meeting.**

17-422

PUBLIC HEARING : (continued from 11/14/2017) A Resolution By The Board Of Trustees Of The Town Of Erie, Colorado Regarding The Minor Subdivision Plat Of Erie Commons Filing No. 3, 3rd Amendment, Lot 1A1 And Lot 2, Block 1; Adopting Certain Findings Of Fact And Conclusions Favorable To The Minor Subdivision Plat; And, Setting Forth Details In Relation Thereto.

**Deborah Bachelder, Senior Planner presented Agenda items 17-421 and 17-422 to the Board of Trustees.**

**Mayor Harris opened the Pubic Hearing for Agenda Item 17-422 at 8:07 pm.**

**Following Staff Presentation, hearing no one wishing to make Public comment, the Mayor asked for a motion to continue Agenda item 17-422.**

**Mayor Pro Tem Gruber moved to continue Agenda Item 17-422; the motion was seconded by Trustee Charles. The motion carried with all present voting in favor thereof.**

17-423

PUBLIC HEARING: A Resolution By The Board Of Trustees Of Erie, Colorado Making Certain Findings Of Fact And Conclusions Favorable To The Special Review Use for Vista Ridge Tunnel Wash; Imposing Conditions Of Approval; Approving Vista Ridge Tunnel Wash Special Review Use With Conditions; And Setting Forth Details In Relation Thereto

**Mayor Harris opened the Public Hearings for Agenda Items 17-423 and 17-424 at 8:08 pm.**

**Todd Bjerkaas, Director of Planning & Development presented staff recommendations for Agenda Item 17-423 and Agenda Item 17-424.**

**The applicant Grant Huntely answered questions and concerns of the Board of Trustees.**

[17-424](#)

PUBLIC HEARING: A Resolution By The Board Of Trustees Of Erie, Colorado Making Certain Findings Of Fact And Conclusions Favorable To The Site Plan For Lot 7A, Vista Ridge Filing No. 14, Fourth Amendment; Imposing Conditions Of Approval; Approving The Lot 7A, Vista Ridge Filing No. 14, Fourth Amendment Site Plan With Conditions; And Setting Forth Details In Relation Thereto

Mayor Harris closed the Public Hearing for Agenda Item 17-423 and and Agenda Item 17-424 at 8:32 pm.

Trustee Charles moved to approve Agenda Item 17-423; the motion was seconded by Trustee Woog. The motion carried with all present voting in favor thereof.

Trustee Charles moved to approve Agenda Item 17-424 with the condition that staff add a technical condition to provide adequate screening to the north section of the lot. The motion was seconded by Trustee Gruber; the motion carried with all present voting in favor thereof.

[17-425](#)

PUBLIC HEARING : (continued from 11/14/2017)An Ordinance Amending The Flatiron Meadows Planned Unit Development (PUD) Overlay Map Amendment No. 2, Pursuant To The Rezoning Application of the Owner Thereof, Adopting Certain Findings Of Fact And Conclusions Favorable To The PUD Overlay Rezoning; And, Setting Forth Details in Relation Thereto. (SECOND READING)

Mayor Harris opened the Public Hearings for Agenda Items 17-425 and 17-426 at 8:32 pm.

Todd Bjerkaas, Director of Planning & Development presented staff recommendations for Agenda Item 17-425 and Agenda Item 17-426.

Present to answer questions from the Board was Chad Murphy of Hines HT Flatiron LP.

Public Comment was heard from Scott Griffith, 1694 Walker Street, Erie, CO., expressed concerns about traffic.

[17-426](#)

PUBLIC HEARING : (continued from 11/14/2017)A Resolution By The Board Of Trustees Of Erie, Colorado Making Certain Findings Of Fact And Conclusions Favorable To The Flatiron Meadows Preliminary Plat, Amendment No. 3; Imposing Conditions Of Approval; Approving the Flatiron Meadows Preliminary Plat, Amendment No. 3 With Conditions; And Setting Forth Details In Relation Thereto

This was the First Reading of Agenda item 17-425 and it will be returned for Board Action at the December 12, 2017 Regular Meeting.

Trustee Charles moved to continue the Public Hearing for Agenda Item 17-425 and Agenda Item 17-426 to the December 12, 2017 Regular Meeting; the motion was seconded by Mayor Pro Tem Gruber. The motion carried with all present voting in favor thereof.

**VIII. RESOLUTIONS****17-405**

A Resolution Authorizing A Contract With Design Workshop, Inc. for the I-25 & Erie Parkway Master Plan In The Amount of \$449,841.00; and, Setting Forth Details In Relation Thereto.

**Trustee Woog moved to approve Agenda Item 17-405; the motion was seconded by Trustee Charles. The motion carried with the following roll call vote:**

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

**17-406**

A Resolution Authorizing the Award of a Design Consultant Contract for Town Hall Expansion to Oz Architecture in the amount of \$754,774 and a Contingency amount of \$37,700.

**Mayor Pro Tem Gruber moved to approve Agend Item 17-406; the motion was seconded by Trusee Deakin. the motion carried with the following roll call vote:**

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

**Nay:** 1 - Trustee Carroll

**IX. ORDINANCES****17-414**

An Ordinance Authorizing The Town Of Erie, Colorado, To Enter Into A Purchase And Sale Agreement With United Power, Inc. For The Sale Of Real Property and a Non-Exclusive Right of Way and Easement for Utility Distribution Lines. Authorizing And Directing The Appropriate Town Officers To Sign Said Purchase And Sale Agreement; And, Setting Forth Details In Relation Thereto. (STAFF IS REQUESTING ADOPT ON FIRST READING)

**Mayor Pro Tem Gruber moved to suspend Resolution 02-44 to adopt Agenda Item 17-414 on the First Reading; the motion was seconded by Trustee Charles. The motion carried with all present voting in favor thereof.**

**Trustee Charles moved to approve Agenda 17-414; the motion was seconded by Mayor Pro Tem Gruber. The motion carried with all present voting in favor thereof.**

- [17-397](#) An Ordinance Of The Town Of Erie, Colorado, Repealing The 2017 Edition Standards And Specifications For The Design And Construction Of Public Improvements; Adopting By Reference The 2018 Edition Standards And Specifications For Design And Construction Of Public Improvements; And, Setting Forth Details In Relation Thereto. (Second Reading)

Mayor Harris opened the Public Hearing for Agenda Item 17-397 at 9:56 pm. Russell Pennington, Town Engineer presented staff recommendations for the approval of Agenda Item 17-397.

Hearing no one wishing to make Public Comment, Mayor Harris closed the Public Hearing for Agenda Item 17-397 at 8:57pm.

This was the First Reading of Agenda Item 17-397 and it will be returned for Board action at the December 12, 2017 Regular Meeting.

## **X. GENERAL BUSINESS**

- [17-413](#) Update to Board of Trustees Policies-Board Discussion

Mayor Harris moved to direct the Town Attorney to draft an Ordinance making the Town Board of Trustees and the Appointed Boards and Commissions subject to the certain portions and procedures of the Town personnel policy regarding conduct. The motion was seconded by Trustee Charles. The motion carried with all present voting in favor thereof

- [17-401](#) Wise Homestead Certificate of Appropriateness-Demolition of Structures

Mayor Pro Tem Gruber moved to approve Agenda Item 17-401; the motion was seconded by Trustee Deakin. The motion carried with a five (5) for and one (1) against vote with Trustee Carroll voting no.

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

**Nay:** 1 - Trustee Carroll

## **XI. STAFF REPORTS**

- [17-416](#) Planning and Development Monthly Building Permit Report
- [17-418](#) Water Treatment and Water Reclamation Report
- [17-419](#) North Water Reclamation Facility Project Completion Report
- [17-420](#) WCR 6 & 7 Intersection Closure

[17-430](#)

111th Street Road Closure

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

Trustee Carroll asked for and received a general consensus from the Board to approve additional funding for the leaf composting project for the total amount of \$3,320.00 for both events, and to add an additional \$8,000.00 to the 2018 Budget for this project.

Trustee Woog had a question regarding money budgeted for additional maintenance staff and wanted to know if that was a position that was necessary. Farrell Buller, Assistant to the Town Administrator for Community Services noted that the additional staff was needed for new parks that would be completed in 2018.

Trustee Charles thanked everyone involved in the recent Town events and that the Parade of Lights event will be coming up on the 1st of December. Mayor Pro Tem Gruber asked for the status of the Allan Farm demolition and the Town Administrator noted that the permits have been issued. Mayor Pro Tem also asked to get a copy of a report that was referenced by citizens in Public Comment, the Earth Works Report, and request a response from the relevant operators. Also the report from Detlev Helmig, Ph.D. and to ask Pinyon to comment on this report. In addition he requested Town Staff to make a demand on COGCC as to what they are going to do regarding Crestone's alleged violation. Mayor Pro Tem also wanted to know what is our ability to pass an ordinance(s) that would make it illegal to emit hazardous fumes and/or spill hazardous liquids and that the Board needs to have a discussion on 150 foot setbacks and have a study session.

Trustee Deakin thought it would be worthwhile to have the Town Prosecutor and Special Counsel at the December 12, 2017 meeting. The Town Administrator will see if they are available.

Trustee Carroll asked that we explore putting wording in the operator agreement about using the most current emissions technology. Trustee Carroll would also like to add Town wide Trash collection to the January Study Session.

Mayor Harris had a quarterly meeting with the Boulder County Mayors and discussed regional efforts on Oil and Gas issues. Mayor Harris talked about going on the Washington DC trip regarding highway and roads funding in 2018.

**XIII. ADJOURNMENT**

Mayor Harris adjourned the November 14, 2017 Regular Meeting of the Town of Erie Board of Trustees at 10:43 pm