



TOWN OF ERIE

645 Holbrook Street
Erie, CO 80516

Meeting Minutes - Final

BOARD OF TRUSTEES MEETING

Tuesday, December 12, 2017

6:00 PM

Board Room

Regular Meeting Time is 6:00 PM

I. CALL MEETING TO ORDER

Mayor Harris called the December 12, 2017 Regular Meeting to order at 6:05 pm.

II. PLEDGE OF ALLEGIANCE AND ROLL CALL

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

Absent: 1 - Trustee Deakin

III. APPROVAL OF THE AGENDA

Trustee Schutt moved to approve the December 12, 2017 Meeting Agenda; the motion was seconded by Trustee Charles. The motion carried with all present voting in favor thereof.

IV. EXECUTIVE SESSION

[17-441](#)

EXECUTIVE SESSION for a conference with the Town Attorney, the Town Prosecutor 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 and adjacent to the Town of Erie.

Trustee Schutt moved to go into Executive Session for the purpose of a conference with the Town Attorney, the Town Prosecutor 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 and adjacent to the Town of Erie. The motion was seconded by Trustee Charles. The motion carried with all present voting in favor thereof.

Mayor Harris announced; It's Tuesday, December 12, 2017, and the time is 6:08pm. 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 were the following persons:

Mayor Pro Tem Mark Gruber; Trustees Dan Woog, Scott Charles, Jennifer Carroll, Waylon Schutt, and Town Administrator A.J. Krieger; Assistant to the Town Administrator Fred Diehl; Assistant to the Town Administrator Marty Ostholthoff; Police Chief Kim Stewart; Chad Taylor, Environmental Planner; Todd Bjerkaas, Director of Planning and Development; Special Counsel Barbara Green; Special Counsel John Sullivan; Town Prosecutor Kristin Brown; and, Town Attorney Mark Shapiro.

Mayor Harris announced; The time is now 7:45 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, Jennifer Carroll, Waylon Schutt, and Town Administrator A.J. Krieger; Assistant to the Town Administrator Fred Diehl; Assistant to the Town Administrator Marty Ostholthoff; Police Chief Kim Stewart; Chad Taylor, Environmental Planner; Todd Bjerkaas, Director of Planning and Development; Special Counsel Barbara Green; Special Counsel John Sullivan; Town Prosecutor Kristin Brown; 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 Mayor moved onto the next agenda item.

V. CONSENT AGENDA

- [17-412](#) Approval of the November 14, 2017 Meeting Minutes
- [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)
- [17-415](#) A Resolution Finding Substantial Compliance Of The Annexation Petition Regarding The Annexation Of Certain Property In Boulder County, Colorado, To The Town Of Erie, Said Annexation To Be Known As The Stanley Annexation.
- [17-443](#) A Resolution Authorizing The Town Of Erie, Colorado, To Enter Into A Third Amendment To the 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 Third Amendment; And, Setting Forth Details In Relation Thereto.

- [17-449](#) A Resolution of the Town of Erie Authorizing a Construction Contract to Richdell Construction, Inc. for the Serene Park Construction Project in the Amount of \$1,174,000.00; And Setting Forth Details In Relation Thereto.
- [17-450](#) A Resolution Authorizing The Town Of Erie, Colorado To Enter Into an Agreement with Community Development Group to Accept Payment in the amount of \$385,000.00 for Settlement of Required Contribution of Construction Costs for the Colliers Hill Neighborhood Park; Authorizing and Directing the Appropriate Town Officers to Sign Said Agreement; And Setting Forth Details in Relation Thereto.
- [17-453](#) A Resolution Finding Substantial Compliance Of The Annexation Petition Regarding The Annexation Of Certain Property In Boulder County, Colorado, To The Town Of Erie, Said Annexation To Be Known As Rex Ranch Annexation No. 2.
- [17-454](#) A Resolution Acting By And Through Its Erie Water Activity Enterprise ("Erie") To Continue Its Participation In The Northern Integrated Supply Project (NISP), Phases 3A, 5 and 6, In the Amount of \$1,300,000; and Setting Forth Details in Relation Thereto.

Trustee Charles moved to approve the December 12, 2017 Consent Agenda; the motion was seconded by Trustee Schutt. The motion carried with the following roll call vote:

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

V. PUBLIC COMMENT

Cindy Allen, 1099 18th Street, Denver, CO. on behalf of Anadarko provided an Oil & Gas update to the Board of Trustees.
Linda Foos, 1688 Bain St., Erie, CO. expressed concerns on Oil and Gas issues in Erie.
Bruce Bailey, 215 S. Briggs St. Erie, wanted to express issue on Erie Commons Filing 4 Development, but was told by the Mayor that this was set for a Public Hearing and they would take public comment at that time.

VI. PROCLAMATIONS AND PRESENTATIONS

- [17-451](#) Pinyon Environmental Presentation

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 a continuation of a Public Hearing from the November 11, 2017 Regular Meeting. Mayor Harris closed the Public Hearing at 8:28 pm. Mayor Pro Tem Gruber moved to approve Agenda Item 17-421; the motion was seconded by Trustee Charles. The motion carried with all present voting in favor thereof.

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

[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.

This was a continuation of a Public Hearing from the November 11, 2017 Regular Meeting. Mayor Harris closed the Public Hearing at 8:28 pm. Trustee Charles moved to approve Agenda Item 17-422; the motion was seconded by Mayor Pro Tem Gruber. The motion carried with all present voting in favor thereof.

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

[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)

This was a continuation of a Public Hearing from the November 11, 2017 Regular Meeting. Mayor Harris closed the Public Hearing at 8:28 pm. Trustee Charles moved to approve Agenda Item 17-425; the motion was seconded by Mayor Pro Tem Gruber. The motion carried with all present voting in favor thereof.

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

[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 a continuation of a Public Hearing from the November 11, 2017 Regular Meeting. Mayor Harris closed the Public Hearing at 8:28 pm. Trustee Charles

moved to approve Agenda Item 17-426; the motion was seconded by Mayor Pro Tem Gruber. The motion carried with all present voting in favor thereof.

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

VIII. RESOLUTIONS

17-455

PUBLIC HEARING: A Resolution Providing For The Supplemental Appropriation Of Money To Various Funds In The Amounts And For The Purposes Set Forth Below, For The Town Of Erie, Colorado, For The 2017 Budget Year

Mayor Harris opened the Public Hearing for Agenda Item 17-455; Agenda Item 17-456 and 17-457 at 8:30 pm. Hearing no one wishing to make public comment, the Mayor closed the Public Hearing at 8:37 pm.

Trustee Schutt moved to approve Agenda Item 17-455; 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 Charles, and Trustee Woog

17-456

PUBLIC HEARING: A Resolution Summarizing Expenditures And Revenues For Each Fund And Adopting A Budget For The Town of Erie, Colorado, For The Calendar Year Beginning The First Day Of January, 2018 And Ending On The Last Day Of December, 2018

Trustee Schutt moved to approve Agenda Item 17-456; 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 Charles, and Trustee Woog

17-457

PUBLIC HEARING: A Resolution Appropriating Sums Of Money To The Various Funds In The Amounts And For The Purpose As Set Forth Below For The Town Of Erie, Colorado, For The 2018 Budget Year.

Trustee Schutt moved to approve Agenda Item 17-457; 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 Charles, and Trustee Woog

17-459

A Resolution Establishing And Certifying The Property Taxes For The Town Of Erie, Colorado, In Weld And Boulder Counties For The Year 2018

Trustee Charles moved to approve Agenda Item 17-459; the motion was seconded by Trustee Schutt. The motion carried with all present voting in favor thereof.

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

IX. ORDINANCES

[17-445](#) An Ordinance Of The Town Of Erie, Colorado, Enacting Title 6, "Police And Traffic Regulations," Chapter 6, "Offenses Against Property," Section 6-6-15, Entitled "Fire Setting," Of The Municipal Code Of The Town Of Erie And Revising Title 5, "Public Health And Safety," Chapter 1, "Abatement Of Nuisance Code," Section 5-1-6.F, Entitled "Specific Nuisances Enumerated," Of The Municipal Code Of The Town Of Erie, And Setting Forth Details In Relation Thereto. (SECOND READING)

This was the first reading of Agenda Item 17-445 it will be brought back for Board action at the January 9, 2018 Regular Meeting.

[17-446](#) An Ordinance Of The Town Of Erie, Colorado, Enacting Title 6, "Police And Traffic Regulations," Chapter 10, "Miscellaneous Offenses," Section 6-10-13, Entitled "Posting, Possession, Or Exchange Of Private Image By A Juvenile," Of The Municipal Code Of The Town Of Erie And, Setting Forth Details In Relation Thereto. (SECOND READING)

This was the first reading of Agenda Item 17-446 it will be brought back for Board action at the January 9, 2018 Regular Meeting.

[17-447](#) An Ordinance Of The Town Of Erie, Colorado, Amending Title 1, "Administration And Personnel," Chapter 5, "Town Mayor And Board Of Trustees," Of The Erie Municipal Code To Add A New Section 5, "Applicability Of Certain Town Administrative Policies And Procedures;" And, Setting Forth Details In Relation Thereto. (SECOND READING)

This was the first reading of Agenda Item 17-447 it will be brought back for Board action at the January 9, 2018 Regular Meeting.

[17-448](#) An Ordinance Authorizing The Town Of Erie, Colorado, To Enter Into The Second Amendment To The Lease Agreement With Option To Purchase With Echo Brewing Cask & Barrel, Inc.; Authorizing And Directing The Appropriate Town Officers To Sign Said Second Amendment; And, Setting Forth Details In Relation Thereto. (SECOND READING)

This was the first reading of Agenda Item 17-448 it will be brought back for Board action at the January 9, 2018 Regular Meeting.

X. GENERAL BUSINESS

NONE SCHEDULED

XI. STAFF REPORTS

[17-437](#) Water and Waste Water Monthly Report

[17-440](#)

Planning & Development Monthly Building Permit Report

XII. BOARD OF TRUSTEES REPORTS & APPOINTMENTS

Trustee Woog thanked the Erie Chamber of Commerce for the recent Parade of Lights event.

Mayor Pro Tem Gruber reported serving on a panels hosted by the Colorado Municipal League.

Trustee Charles reported on a recent planning meeting for Schofield Farms.

XIII. EXECUTIVE SESSION[17-452](#)

EXECUTIVE SESSION 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 a personnel matter.

Trustee Charles moved to go into Executive Session 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 a personnel matter. The motion was seconded by Trustee Woog. The motion carried with all present voting in favor thereof.

Mayor Harris announced; It's Tuesday, December 12, 2017, and the time is 9:00 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 were the following persons:

Mayor Pro Tem Mark Gruber; Trustees Dan Woog, Scott Charles, Jennifer Carroll, Waylon Schutt, and Town Administrator A.J. Krieger; Town Human Resources Director Jan Sloat; and, Town Attorney Mark Shapiro.

Mayor Harris announced; The time is now 9:43 pm, and the executive session has been concluded. The participants in the executive session were:

Mayor Pro Tem Mark Gruber; Trustees Dan Woog, Scott Charles, Jennifer Carroll, Waylon Schutt, and Town Administrator A.J. Krieger; Town Human Resources Director Jan Sloat; 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 Mayor moved onto the next agenda item.

XIV. ADJOURNMENT

Trustee Woog moved to adjourn the December 12, 2017 Regular Meeting of the Town of Erie Board of Trustees; the motion was seconded by Trustee Schutt. the motion carried with all present voting in favor thereof.

Mayor Harris adjourned the meeting at 9:44 pm.