



TOWN OF ERIE

645 Holbrook Street
Erie, CO 80516

Town Council

Board Meeting Date: 7/14/2020

File #: 20-203, Version: 1

SUBJECT: CONSENT AGENDA

A Resolution of the Board of Trustees of the Town of Erie Amending Resolution 10-155 to Eliminate the Annual Fee for the Coal Creek Culvert Crossing License Agreement

DEPARTMENT: Public Works

PRESENTER: Todd Fessenden, Public Works Director

FISCAL INFORMATION:

Cost as Recommended: \$ (5,200)
Balance Available: \$ N/A
Budget Line Item Number: 530-00-000-434100
New Appropriation Required: No

STAFF RECOMMENDATION:

Approve the Resolution to amend Resolution 10-155.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

The 2010 Capital Budget included design and construction of an asphalt airport access pavement crossing over Coal Creek including installation of a 16'x10' and a 12'x9' concrete box culvert. This project was undertaken to replace the existing crossing of Coal Creek, on Town-owned property, between the Erie Municipal Airport and South Main Street. The replacement culvert provided a safer access, additional flow capacity in Coal Creek and accommodated the spine trail along Coal Creek.

The Board of Trustees accepted a Pre-Disaster Mitigation Grant to replace the crossing. Ultimately, after some value engineering the cost of the construction project came in at about \$360,000, roughly \$128,000 of which was funded by the Town through its Storm Drainage, Airport and Trails budgets. This does not include design and project management fees which were in addition.

The Town determined that it would be appropriate to recover a portion of the cost of this project from adjacent business owners directly west of the airport and set a fee of \$400 per month per unit to be collected until a total of \$26,000 had been collected. Upon collection of the full \$26,000 the Town would then reduce annual fees to \$1.00 per year. Resolution 10-155 was adopted by the Town Board on December 14, 2010 (attached) to include a license agreement as a means to collect these fees.

Thus far the Town has collected \$20,800 of these fees. Staff can find no record of any executed License Agreements with any of the nine (9) existing parties. Some business owners have paid diligently through out the years, some paid for a period of time and then stopped and some have paid intermittently. There has been turnover of businesses in this area, some continue to utilize the crossing while others have no planes and/or are businesses that are unrelated to aviation or are vacant.

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Due to these circumstances, and the apparent lack of ability to consistently collect these fees as a result of not finding any signed agreements, staff is recommending that the Town conclude this effort and eliminate any ongoing fee collections. It is our opinion, and we have worked with the Town Attorney on this issue, that the ongoing attempts to collect fees will result in greater costs in staff time and legal fees than will ultimately be collected. Staff is asking that the Board amend Resolution 10-155 to write off the unpaid \$5,200 fees and eliminate the ongoing \$1.00 annual fees.

Board Priority(s) Addressed:

- ✓ Effective Governance
- ✓ Fiscally Responsible

ATTACHMENTS:

- a. Resolution
- b. Resolution 10-155
- c. Coal Creek Crossing Replacement Exhibit