

TOWN OF ERIE
BOARD OF TRUSTEES REGULAR MEETING 1
Tuesday, February 25, 2014
6:30 p.m.
Board Room, Erie Town Hall, 645 Holbrook, Erie, CO 80516

I. CALL MEETING TO ORDER

Mayor Wilson called the February 25, 2014 Regular Meeting of the Board of Trustees to order at 6:30 p.m.

II. PLEDGE OF ALLEGIANCE AND ROLL CALL

Roll Call: Trustee Carnival –present
 Trustee Gruber – present
 Mayor Pro Tem Grassi – present
 Trustee Moore – present
 Trustee Mahe - present
 Trustee Woog – present
 Mayor Wilson – present

III. EXECUTIVE SESSION

a. 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 on the Golden Run Annexation.

Action: Mayor Pro Tem Grassi moved to go into Executive Session 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 on the Golden Run Annexation. The motion carried with all present voting in favor thereof.

Mayor Wilson announced its Tuesday, February 25, 2014, and the time is 6:34 p.m, For the record, I am the presiding officer, Mayor Joseph A. Wilson. 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 Joseph A. Wilson; Mayor Pro Tem Ronda Grassi; Trustees Mark Gruber, Joe Carnival, Janice Moore, Fred Mahe and Dan Woog; Town Administrator A.J. Krieger; Community Development Department Director Marty Ostholthoff; Town Attorney Mark Shapiro;

This was an executive session for the following purpose:

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 on the Golden Run Annexation.

EXECUTIVE SESSION (continued)

Upon completion of the Executive Session, Mayor Wilson announced that the time is now 7:20 a.m., and the executive session has been concluded. The participants in the executive session were:

Mayor Joseph A. Wilson; Mayor Pro Tem Ronda Grassi; Trustees Mark Gruber, Joe Carnival, Janice Moore, Fred Mahe and Dan Woog; Town Administrator A.J. Krieger; Community Development Department Director Marty Ostholthoff; 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 Mayor Wilson moved t the next agenda item.

IV. APPROVAL OF THE AGENDA

Action: Mayor Pro Tem Grassi moved to approve the February 25, 2014 Agenda with the amendment of moving items c & f. from IV. Consent to item b. & c. VIII. Resolutions and to remove items a. Ordinance 12-2104 and b. Ordinance 13-2014 from IX. Ordinance in their entirety; the motion was seconded by Mayor Wilson. The motion carried with a four (4) for and three (3) against vote with Trustees Moore, Gruber and Woog voting no. Mayor Pro Tem Grassi moved to approve the February 25, 2014 Agenda as amended; the motion was seconded by Mayor Wilson. The motion carried with a four (4) for and three (3) against vote with Trustees Moore, Gruber and Woog voting no.

V. CONSENT AGENDA

- a. Approval of the February 11, 2014 Meeting Minutes
- b. Ordinance 09-2014; An Ordinance Of The Town Of Erie, Colorado, Repealing And Re-Enacting Title 6, "Police And Traffic Regulations," Chapter 7, "Offenses Relating To Animals," Sections 6-7-3.A.2 And A.3, "Dogs," Sections 6-7-4.B.1 And B.3, "Impoundment And Redemption Provisions," And, Section 6-7-7 "Cruelty To Animals," Of The Municipal Code Of The Town Of Erie, Repealing And Re-Enacting Title 2, "Finance And Revenue," Chapter 10, "Fee Schedule," Section 2-10-8 "Miscellaneous Fees" Related To Dog License Fees, Of The Municipal Code Of The Town Of Erie; And, Setting Forth Details In Relation Thereto.
- c. Resolution 14-34; A Resolution Awarding a Construction Management Contract for the 4MG Water Tank
- d. Resolution 14-35; A Resolution Awarding a Contract for the Water Treatment Facility Backup Generator

CONSENT AGENDA (continued)

Action: Mayor Pro Tem Grassi moved to approve the February 25, 2014 Consent Agenda; the motion was seconded by Mayor Wilson. The motion carried with the following roll call vote:

Roll Call: Trustee Carnival - Yes
Trustee Gruber – Yes
Trustee Mahe - Yes
Mayor Pro Tem Grassi – Yes
Trustee Moore – Yes
Trustee Woog - Yes
Mayor Wilson – Yes

VI. PUBLIC COMMENT

Mike Mazzocco, 874 Quintana Lane, Erie, CO. spoke on behalf of the Keep Erie Safe Committee and urged the Board to support the Ballot question for the construction of a new public safety facility.

Jim Hoffmeyer, 1168 Fletcher Drive, Erie, CO. spoke to the Board and offered suggestions on the Golden Run Development.

Michael Ward, 1233 Richard Ct., Erie, CO. spoke in favor of the Golden Run Development.

John Vandershins, 665 Moffat Street, Erie, CO. spoke in favor of Golden Run Development.

Helene Jewett, Vice Chair of the Erie Economic Development Council, provided an update of the EEDC's upcoming activities for 2014.

VII. PROCLAMATIONS AND PRESENTATIONS

a. Upstate Colorado Economic Development Award Presentation-Community Partner of the Year

During Upstate Colorado Economic Development's 2014 Annual Meeting on February 13th, the Town of Erie was presented with the Community Partner of the Year Award. Attending Upstate's Annual Meeting and Award Ceremony on behalf of the Town were: Mayor Wilson, Mayor Pro Tern Ronda Grassi, Economic Development Coordinator Paula Mehle and Communications & Marketing Coordinator Katie Jenkins.

VIII. RESOLUTIONS

a. Resolution 14-37; A Resolution Approving an Erie Employee Incentive Plan

At the February 11, 2014 Board of Trustees Meeting the Board directed Staff to prepare this Resolution.

Action: Mayor Wilson moved to approve Resolution 14-37; the motion was seconded by Trustee Carnival, the motion carried with the following roll call vote:

Roll Call: Trustee Mahe - Yes
Trustee Carnival - Yes
Trustee Gruber – Yes
Mayor Pro Tem Grassi – Yes
Trustee Moore – No
Trustee Woog - Yes

Mayor Wilson – Yes

RESOLUTIONS (continued)

b. Resolution 14-33; A Resolution Approving a Memorandum of Understanding for Irrigation Audits

Gary Behlen, Director of Public Works, presented staff recommendations for the approval of Resolution 14-33. From 2004 to 2009, and 2011 to 2013 the Town of Erie has partnered with the Center for ReSource Conservation (CRC), to provide an outdoor irrigation inspection program for commercial and residential irrigation systems. The irrigation inspection is designed to pinpoint inefficiencies in an irrigation system which contributes to water waste, unnecessary runoff, and increased run-time and maintenance costs. This program is valuable in studying the irrigation water use in the Town, and provides a service to Town residents. The program also meets conservation goals set by Northern Colorado Water Conservation District for the Windy Gap Project, Northern Integrated Supply Project and the Town of Erie's Water Conservation Plan. In 2013, the Town of Erie continued the Slow the Flow Irrigation Audit Program, as well as, the Slow the Flow Indoor Audit Program and the Water-Wise Landscape Seminar offered by CRC. All programs have appeared to be well received by the Town of Erie residents.

Slow the Flow Irrigation Audit Program

This program is consistently popular with our residents. The Center for ReSource Conservation inspected 86 residential properties in 2013. In addition, one large non-residential property took advantage of this program. The cost of the Irrigation Inspection Program this year will remain \$110.00 per residential audit and will include a full impact analysis. Due to the increased coordination and management time to process large inspections, the Town of Erie has appropriated \$1,400 to be applied to one non-residential irrigation audit. A copy of the 2013 Water Programs Final Report is attached to this memo. In addition to the Final Report, the Center for ReSource Conservation conducted an analysis of the conservation impact of the irrigation inspection program within the Town of Erie for 199 of the residential inspections from 2008 and 2009. The results of the Impact Analysis 2013 Final Report re-confirmed the results of the pilot study done in 2012. The average Slow the Flow participant from Erie saved approximately 6,600 gallons of water in the first year after the audit. The residents that tend to benefit most from the program are those who used the most water outdoors before the audit (see Table 9, Figures 8 and 9) – and their savings appear to be sustained, having a long term and increasing benefit on the average program savings. The cost for 85 residential irrigation audits and 1 non-residential irrigation audit would be \$10,750.

Slow the Flow Indoor Audit Program

In addition to the Irrigation Inspection Program, the Center for ReSource Conservation offers an Indoor Water Inspection Program. The Indoor Water Inspection Program includes an evaluation of inside water use and water fixtures in each house, and an offer to install at least two aerators and one low-flow showerhead. The cost of the Indoor Water Inspection Program is increasing by 3% this year to \$77.25 per audit; which includes the purchase and installation of the faucet aerators and low-flow showerheads. In 2013, we budgeted for 50 Indoor Water Audits. The Town of Erie had a higher demand than expected, specifically in the fall. In order to accommodate our residents, the Center for ReSource Conservation granted us a one-time-only exception and allowed us to fund these extra Indoor Audits with funds we had remaining in our Irrigation Inspection Program. In total, the Center for ReSource Conservation conducted 66 Indoor Audits in 2013. The cost for indoor water inspections for 65 single family dwellings would be \$5,021.

Water-Wise Landscape Seminar

The Center for ReSource Conservation has also developed a Water-Wise Landscape Seminar. In 2013, we had 41 people attend the seminar that was held at the Erie Community Center. The cost for the Water-Wise Landscape Seminar is \$1,751; each additional seminar is \$1,442.

RESOLUTIONS (continued)

Outreach

The Town will advertise the 2014 program by posting it on the Town website, in the Town's bi-monthly emails and announced on two separate occasions in our resident's utility bill. Upon approval, advertising will start in March. The inside water inspections will begin in March, end in May, then resume in September and end in December. The irrigation inspections will begin in June and end in August. The Water-Wise Landscape Seminar will be the third week in April.

Action: Mayor Pro Tem Grasse moved to approve Resolution 14-33; the motion was seconded by Trustee Moore. The motion carried with the following roll call vote:

Roll Call:
Trustee Mahe - Yes
Trustee Carnival - Yes
Trustee Gruber - Yes
Mayor Pro Tem Grassi - Yes
Trustee Moore - Yes
Trustee Woog - Yes
Mayor Wilson - Yes

c. Resolution 14-36; A Resolution Approving the 2014 Tree Incentive Program Funding

The Tree Planting Initiative Program was established in 2005 based on a recommendation presented by the Town Tree Board, and has resulted in planting more than 5,000 new trees in Erie. The approved 2014 Operating Budget includes funds for the program to continue in 2014. The tree initiative program consists of four components: Residential, Homeowners Association, Town Tree Planting and local schools and non-profit organizations Cost share Programs.

2014 Residential Tree Incentive Program 2014, staff is recommending 300 certificates, available on a first come, first served basis for up to \$150 toward the cost of a tree to be planted on private residential property, with a maximum program cost for all certificates not to exceed **\$45,000**.

2014 Schools/Non-Profit Cost Share Program – 50% Town, 50% School/Non-Profit cost share, with a maximum expenditure for all approved applications not to exceed **\$3,000**.

2014 Homeowners Association (HOA) Cost-Share Reimbursement Program – 50% Town, 50% HOA cost share with a maximum expenditure for all HOAs not to exceed **\$12,000**. This program has contributed toward the planting of more than 1,000 trees in Erie since 2005.

2014 Town Tree Program - New and replacement trees for Town maintained parks, facilities and open space not to exceed \$7,000. The 2014 budget authorizes \$7,000 for new and/or replacement trees to be planted on Town-owned and maintained properties. The Town has planted 1173 trees since 2005 through this annual allocation from the Tree Impact Fund.

2014 Arbor Day Program – The 2014 budget authorizes \$2,500 to be spent for supplies and materials for the annual Arbor Day program, including trees for give-away to Erie residents. This event is to be held on Saturday, April 26th at Erie Community Park.

Action: Mayor Pro Tem Grassi moved to approve Resolution 14-36; the motion was seconded by Trustee Moore. The motion carried with the following roll call vote:

RESOLUTIONS (continued)

Roll Call: Trustee Mahe - Yes
 Trustee Carnival - Yes
 Trustee Gruber – Yes
 Mayor Pro Tem Grassi – Yes
 Trustee Moore – Yes
 Trustee Woog - Yes
 Mayor Wilson – Yes

IX. ORDINANCES

- c. Ordinance 11-2014; An Ordinance Of The Town Of Erie, Colorado Approving An Option To Purchase Agreement By And Among Brothers Redevelopment, Inc., The Town Of Erie And The Erie Housing Authority Providing For The Transfer Of All Assets Of The Erie Housing Authority And The Transfer Of Certain Real Property From The Town Of Erie To Brothers Redevelopment, Inc.; And, Declaring an Emergency Therefore.**

A.J. Krieger, Town Administrator presented staff recommendations for the approval of Ordinance 11-2014. The Town established the Erie Housing Authority (ERA) in 1999 and built a 12-unit senior housing complex in 2001. From January 2002 through November 2012 the complex was managed by the Boulder County Housing Authority. Since then the property has been managed by Pillar Management, a partner of Brothers Redevelopment, Inc. (BRI) Small housing authorities do not enjoy the same economies of scale experienced by larger authorities. As a result of this and other factors, the Town's housing authority has never had positive cash flow. In addition, the Town does not have the staff to properly manage and operate a housing authority that receives federal rent subsidies. As a result, the Town is working with BRI to expand the number of units and ultimately transfer ownership of the property to BRI. BRI plans to [mance the acquisition of the property and its renovation and expansion in part with a Low Income Housing Tax Credit (LIITC) allocation from the Colorado Housing and Finance Authority (CHF A). Allocation of these credits is a competitive process, with two rounds of applications each year. Applications for the first round are due March 1, 2014. BRI is required to show that it either owns or has the right to acquire the property underlying the LIITC application. To do that, this Ordinance is passed, the Town will enter an option agreement with BRI giving them the right to acquire the existing buildings, underlying land and certain surrounding lots at their appraised value, subject to approval by CHF A of an allocation of LIITC adequate to complete the project. The property is currently subject to a mortgage with Great Western Bank that has a balloon payment of approximately \$685,000 due September 2014. Staff is currently working with the bank to extend this loan for another year to allow enough time for the transfer of the property to BRI to take place. The appraised value of the property to be sold to BRI approximately \$200,000 less than the mortgage balance, requiring the General Fund to make up the difference. In spite of the funding requirement on the part of the General Fund, Town staff strongly recommends that theTown move forward with the project as proposed with BRI. The Town currently incurs annual subsidies to the property of a minimum of \$20-30 thousand. In addition, as the property is 15 years old, major maintenance items are coming due. While no necessary maintenance has been deferred, approximately \$100,000 of major maintenance work (e.g., new roofs) is planned by BRI in the first couple of years of ownership. In addition, should BRI decide not to manage the property at some point (ours is the only property they manage that they do not own), the Town would have to add at least one staff member to manage the property, costing an estimated \$75,000 per year, including benefits. And finally, should the project go forward, the Town will receive in excess of \$250,000 of various types of fees (permits, impact, tap, etc.) as a result of the expansion of the property.

ORDINANCES (continued)

Action: Trustee Carnival moved to suspend Resolution 02-44 to allow passage of Ordinance 11-2014 on and first reading and as an emergency. The motion was seconded by Mayor Wilson; the motion carried with all present voting in favor thereof.

Action: Trustee Carnival moved to approve Ordinance 11-2014 as an Emergency; the motion was seconded by Mayor Pro Tem Grassi. The motion carried with all present voting in favor thereof.

Action: Mayor Wilson called for a break at 8:00 p.m. and reconvened the meeting at 8:09 p.m.

X. BREAK FOR ERIE HOUSING AUTHORITY (EHA) MEETING

a. Convene EHA Meeting

Action: Mayor Pro Tem Grassi moved to adjourn from the Board of Trustees meeting and convene to the Erie Housing Authority; the motion was seconded by Trustee Mahe. The motion carried with all present voting in favor thereof.

b. Adjourn EHA Meeting and Reconvene BOT meeting.

Action: Mayor Wilson reconvened the Board of Trustees meeting at 8:15 p.m.

XI. LAND DEVELOPMENT RESOLUTIONS AND ORDINANCES

PUBLIC HEARING

a. Resolution 14-26; A Resolution Making Certain Findings of Fact and Conclusion Favorable to the Sunset Preliminary Plat; Imposing Conditions of Approval; Approving the Sunset Preliminary Plat with Conditions; and Setting Forth Detail in Relation Thereto.

Action: Mayor Wilson opened the Public Hearing for Resolution 14-26 and Ordinance 10-2014 at 8:17 p.m.

Todd Bjerkaas, Planner, presented staff recommendations for the approval of Resolution 14-26. Staff finds the application consistent with the Preliminary Plat approval criteria in Municipal Code, Section 10.7.7.C.10, and recommends approval of the Sunset Preliminary Plat application. Staff has provided Resolution 14-26, for Board of Trustee consideration, approving the application. The Sunset Preliminary Plat proposes development of single family lots around the perimeter of the property. The applicant is preserving a large open space area in the center of the property. The residential development proposed is not in close proximity to the primary ranges in the Green Mill Sportsman's Club to the west of the property. Blake's Auto Salvage yard is immediately to the northeast of the property while Town-owned open space abuts the length of the property to the south. Western Area Power Administration (WAPA) lines diagonally cross the property from the southeast to the northwest. The Sunset Preliminary Plat proposes development of single family lots around the perimeter of the property. The applicant is preserving a large open space area in the center of

the property. The residential development proposed is not in close proximity to the primary ranges in the Green Mill Sportsman's Club to the west of the property. Blake's Auto Salvage yard is immediately to the

LAND DEVELOPMENT RESOLUTIONS AND ORDINANCES (continued)

northeast of the property while Town-owned open space abuts the length of the property to the south. Western Area Power Administration (WAPA) lines diagonally cross the property from the southeast to the northwest. The entire property is currently zoned LR – Low Density Residential. The applicant's proposed single family lot development in the Sunset Preliminary Plat meets the zoning requirements of the LR – Low Density Residential zoning district. Staff finds the application consistent with the Preliminary Plat approval criteria in Municipal Code, Section 10.7.7.C.10, and recommends approval of the Sunset Preliminary Plat application. Staff has provided Resolution 14-26, for Board of Trustee consideration, approving the application with the following conditions: A license agreement between the Town and WAPA will be required to allow the 75' wide WAPA easement and transmission lines within the proposed ROW and street cross section prior to final plat approval. The 50' oil and gas pipeline easement that encumbers several lots shall be vacated before a final plat can be approved for the lots affected. Improvement plans for the relocated Encana and Anadarko underground distribution lines are required at such time and relocation of the lines must occur concurrent with or prior to development of affected Sunset phases. An agreement with Green Mill Sportsman Club and dedication of an easement thereof for location of the proposed water line and sanitary sewer line across its property will be required prior to final plat approval. A construction easement by the Town of Erie and an approved alignment and design will be required prior to final plat approval for the proposed sanitary sewer line across Town-owned open space. An agreement with the property owner to the north, Dearmin J., LLC, and dedication of an easement for location of the proposed water line across its property and an easement for off-site drainage improvements and grading will be required prior to final plat approval. An agreement with the property owner to the west, GSX Denver Regional Land Fill, Inc., and dedication of an easement for relocation of the Anadarko and Encana pipeline and easement will be required prior to final plat approval. At final plat and building permit the applicant shall follow recommendations made by Western Environment and Ecology, Inc. and Terracon in the soils, geotechnical, and geological subsidence reports and the Colorado Geological Survey (CGS) recommendations. The approval of the Sunset Preliminary Plat shall not come into effect until the Sunset PUD Zoning Map is approved and recorded for the property. Technical corrections to Sunset Preliminary Plat shall be made to the Town's satisfaction.

b. Ordinance 10-2014; An Ordinance of the Town of Erie, Colorado Regarding the Sunset PUD Zoning Map Overlay Rezoning, Adopting Certain Findings of Fact and Conclusion Favorable to the Planned Unit Development Overlay Rezoning

Todd Bjerkaas, Planner, presented staff recommendations for the approval of Ordinance 10-2014. The PUD Overlay District is generally used when there is special public interest that doesn't coincide with the traditional zoning in a geographic area. The PUD Overlay District may only be used when an application is not able to meet the requirements of a standard zone classification. The PUD is a mapped area with restrictions in addition to, or less than, those in the underlying traditional zone. Rather than attempt to create a new zoning category, an overlay zone is superimposed over the traditional zone and establishes additional regulations, or reduces or extends the existing uses. The underlying zoning identifies permitted land uses; the overlay zone may provide design restrictions, additional setbacks, or other exceptions to the base district regulations. Staff recommends the Board of Trustees approve Ordinance 10-2014, an Ordinance approving the Sunset PUD Zoning Map with the following conditions: The approval of the Sunset PUD Zoning Map shall not come into effect until a Final Plat is approved and recorded for the property. The PUD Zoning Map shall not be recorded until after a Final Plat is recorded. Technical corrections to the Sunset PUD Zoning Map shall be made to the Town's satisfaction.

LAND DEVELOPMENT RESOLUTIONS AND ORDINANCES (continued)

Public Testimony

Raymond Clark, President of the Green Mill Sportsman's Club, 249 WCR 3, Erie, CO. asked the Board for consideration of water rate charges for allowing an easement across their property for water and sewer lines. **Yvonne Seaman** FS Land Development 6321 South Newport Court, Englewood, CO. spoke on behalf of the applicant.

Action: Mayor Wilson closed the Public Hearing for Resolution 14-26 and Ordinance 10-2104 at 8:50 p.m.

Action: This was the first reading of Ordinance 10-2014, it will be brought back for Board action with Resolution 14-26 at the March 25, 2014 Regular Meeting of the Board of Trustees.

XII. GENERAL BUSINESS

- a. Letter of Support to Host the 2016 Republican National Convention to Denver.

Action: Mayor Wilson moved to send a letter of support on behalf of the Town of Erie supporting the 2016 Republican National Convention being held in Denver. The motion was seconded by Trustee Gruber, the motion carried with all present voting in favor thereof.

XIII. BOARD OF TRUSTEES REPORTS

Trustee Gruber asked for an update on the reconstruction of the Coal Creek Trail. Gary Behlen Director of Public works said that there would be bids in for the project next week. Trustee Gruber also asked for an update on other trails. Gary Behlen said he would provide updates within the next two meetings. **Trustee Moore** noted that there was an opening on the Open Space and Trails Board and that the Town had received two applications.

Action: Trustee Moore moved to appoint Joseph Martinez to the OSTAB Board; the motion was seconded by Trustee Gruber. The motion carried with all present voting in favor thereof.

Trustee Grassi asked for an update on the traffic light at Erie Parkway and Meller St. Gary Behlen Director of Public works said that depending on weather it is expected to be operational the first or second week in March. **Trustee Woog** asked for an update on the transfer of funds from the General Fund to the Airport Enterprise Fund for legal costs. A. J. Krieger noted that action would be taken when it was determined what the Town would recover in legal fees and then a resolution would be brought before the Board.

Trustee Mahe encouraged citizens to participate in Engage Erie on the Town website.

Mayor Wilson noted that Troop 62 welcomed a new Eagle Scout and that he and Mayor Pro Tem Grassi attended the Boulder Creek Housing open house on Powers and Erie Parkway. Mayor Wilson presented Chief Vasquez with a request for an investigation against Trustee Gruber.

XIV. ADJOURNMENT

Action: Trustee Carnival moved to adjourn the February 25, 2014 regular Meeting of the Town of Erie Board of Trustees; the motion was seconded by Mayor Wilson. The motion carried with all present voting in favor thereof.

Action: Mayor Wilson adjourned the February 25, 2014 Regular Meeting of the Town of Erie Board of Trustees at 9:00 p.m.

Respectfully Submitted,



Nancy J. Parker, CMC, Town Clerk



Joseph A. Wilson, Mayor

