

TOWN OF ERIE
BOARD OF TRUSTEES REGULAR MEETING 1
Tuesday, February 10, 2015
6:30 p.m.
Board Room, Erie Town Hall, 645 Holbrook, Erie, CO 80516

I. CALL MEETING TO ORDER

Mayor Pro Tem Gruber called the February 10, 2015 Regular Meeting of the Board of Trustees to order at 6:30 p.m.

II. PLEDGE OF ALLEGIANCE AND ROLL CALL

Roll Call:	Trustee Carroll	Present
	Trustee Schutt	Present
	Mayor Pro Tem Gruber	Present
	Trustee Moore	Present
	Trustee Charles	Present
	Trustee Woog	Present
	Mayor Harris	Absent/Excused

III. APPROVAL OF THE AGENDA

Action: Trustee Charles moved to approve the February 10, 2015 agenda; the motion was seconded by Trustee Woog. The motion carried with all present voting in favor thereof.

IV. CONSENT AGENDA

- a. Approval of the January 27, 2015 Meeting Minutes
- b. Resolution 15-20; A Resolution Authorizing the Purchase of Land Pride Over-seeder
- c. Resolution 15-26; A Resolution Approving Compass Filing 1 Final Plat and Development Agreement
- d. Resolution 15-27; A Resolution Adopting The Seventh Amendment To the Intergovernmental Agreement For Collection Of County Use Tax Between Boulder County And The Town Of Erie

Action: Trustee Charles moved to approve the February 10, 2015 Consent Agenda; the motion was seconded by Trustee Moore. The motion carried with the following roll call vote:

Trustee Schutt	Yes
Trustee Woog	Yes
Trustee Moore	Yes
Trustee Carroll	Yes
Trustee Charles	Yes
Mayor Pro Tem Gruber	Yes

V. PUBLIC COMMENT

John Garcia, 148 Maplewood Dr., Erie, CO. spoke to the Board in favor of historic land marking of Building and preserving Erie's historic buildings.

Parkland Estates (Unincorporated Weld County) Safety Concerns with Neighboring Development:

Steve Schneider, 1137 Rue de Trust, Erie, CO.

Amy Kruse, 4677 Cathy Lane, Erie, CO.

Vicki Riedel, 4726 Betty Place, Erie, CO.

Emily Kruse, 4677 Cathy Lane, Erie, CO.

Hallie VanVleet, 4768 Cathy Lane, Erie, CO.

Erick Riedel, 4726 Betty Place, Erie, CO

Terri Miller, Rue de Trust, Erie, CO.

VI. PROCLAMATIONS & PRESENTATIONS

a. Historic Preservation Advisory Board Update

Jackie Connor and Mark Mavrogianes of the Erie Historic Preservation Board introduced their members to the Board of Trustees.

b. STAR Award

Jane Sloat, Human Resource Manager presented this award. The STAR Award has been created to recognize and express appreciation for services rendered by Town employees who demonstrate exceptional service and/or performance. The Town recognized Detective Dan Niemoth as a Town of Erie STAR Award recipient. Officer Niemoth is being recognized for demonstrating exceptional service and performance for work completed on behalf of the Town and its residents. Throughout 2014, Detective Dan Niemoth performed his role in an exemplary manner. Although he was a new Detective with less than a year of investigatory experience, Detective Niemoth performed much like a seasoned veteran as evident in his resolved cases.

VII. RESOLUTIONS

a. Resolution 15-11; A Resolution Approving Art in Public Places Project

Fred Diehl, Assistant to the Town Administrator presented staff recommendations for the approval of Resolution 15-11. On Thursday, January 22, 2015, the Historic Downtown Erie Art in Public Places Ad Hoc Committee selected "Spirit" by artist Denny Haskew as the preferred sculptural artwork to be commissioned for installation in the town-owned landscaped right of way at 554 Briggs Street. The attached Artwork Purchase Agreement is between the Town of Erie and the National Sculptor's Guild as they will work directly with Mr. Haskew to manage the fabrication, casting, finishing and installation of the artwork. The artwork is a multifaceted sculpture consisting of monolithic sandstone pillars at varied heights with a horse emerging from the tallest stone. This sculpture placement will utilize and enliven a large portion of the site. The artwork will be installed in the town-owned landscaped right of way at 554 Briggs Street. The two monolithic stones placed on site will range from 2ft. to 10ft in height. The 10 foot stone will have a cast bronze sculpted horse attached to the one side at an approachable height. The horse will face southeast toward the street. A 2-foot by 3-foot rough-cut stone ideal for reflective seating will be placed across from the sculpture. At the Town's request, the tall stone will be etched with words on the opposite side from the horse.

RESOLUTIONS (continued)

Thematically these words will tie into the Spirit of the West and reflect upon the Town's quality of life. The artist has invited the Ad Hoc Committee to be involved in the selection of the patinas which at the time of the execution of this agreement will include "charcoal" for the horses head and "black" for the horse's mane. On August 12, 2014, the Board of Trustees approved Resolution 14-83, a resolution supporting the issuance of an RFQ for the Historic Downtown Erie Public Art Project. This one-time project is funded through the generous donation of the Dr. C. W. Bixler Family Foundation. The project makes funds available to commission an artist to create sculptural artwork that will have a welcoming visual impact and enhance the Downtown Erie guest experience. Resolution 14-83 also approved the appointment of a special purpose ad hoc committee to review responses to the RFQ and make a recommendation to the Board of Trustees. The ad hoc committee consists of: 1 Trustee (non-voting), 1 member of the Arts Coalition of Erie, 1 member of the Erie Chamber of Commerce, 2 Historic Downtown business owners and 1 member of the Historic Preservation Board. Staff elicited professional assistance for the development of the RFQ from Suzanne Janssen the Cultural Arts Coordinator with the City of Louisville. Prior to Louisville, Suzanne was the Public Art/Business Services Manager at City of Loveland.

Action: Trustee Charles moved to approve Resolution 15-11; the motion was seconded by Trustee Moore. The motion carried with the following roll call vote:

Trustee Schutt	Yes
Trustee Woog	Yes
Trustee Moore	Yes
Trustee Carroll	Yes
Trustee Charles	Yes
Mayor Pro Tem Gruber	Yes

b. Resolution 15-25; A Resolution of the Board of Trustees Approving the 1st Amendment to the Service Agreement with Granicus, Inc. for Comprehensive Agenda Workflow Software

Fred Diehl, Assistant to the Town Administrator presented staff recommendations for the approval of Resolution 15-11. Town Staff is recommending upgrading our existing software as a service agreement with Granicus to include their "Legislative Management Suite". The software upgrade will allow the Town to implement a fully searchable "all in one" legislative research center where citizens, board and commission members and staff can easily find all agendas, minutes, voting results, legislative files and other public documents. Specifically, the SaaS upgrade would support the current Board's "Transparency Initiative"; enhance ease of access to public information; improve process for uploading/publishing agendas integrate seamlessly with our existing online streaming video service; automate process of putting agendas together; centralize agendas, minutes, videos and documents making information easier to access; and seamlessly connect all agenda data to iPads / tablets, automatically updating the device with the latest information when online, and available for review when offline. Since 2008, the Town has contracted with Granicus, Inc. to provide online streaming video services.

RESOLUTIONS (continued)

Action: Trustee Schutt moved to approve Resolution 15-25; the motion was seconded by Trustee Charles. The motion carried with the following roll call vote:

Trustee Carroll	Yes
Trustee Charles	Yes
Trustee Moore	Yes
Trustee Woog	Yes
Trustee Schutt	Yes
Mayor Pro Tem Gruber	Yes

VIII. ORDINANCES

- a. Ordinance No. 02-2015; An Ordinance of the Town of Erie Authorizing the Town to Enter into the First Amendment to the Lease Agreement with Option to Purchase with Echo Brewing Cask & Barrel, Inc. **(FIRST READING)**

A.J. Krieger, Town Administrator presented staff recommendations for the approval of Ordinance 02-2015 Echo has requested to amend the original Lease Agreement with Option to Purchase to change the lease term to four (4) years. The request is in part the result of two conditions: 1) Echo made additional improvements to the building above and beyond the original scope and 2) obtaining required licenses took longer than anticipated. On June 25, 2013, the Board of Trustees approved Ordinance 25-2013. Pursuant to this ordinance, the Town entered into an agreement, with Echo Brewing Cask and Barrel, Inc. ("Echo"), for a term of three (3) years for the lease of Town-owned property located at 600 Briggs Street and 620 Briggs Street. Under the terms of the agreement, the lease term ends thirty-six (36) months from the date the Echo obtains the last of all required federal, state and local licenses necessary to operate its business. Additional terms of the agreement include but are not limited to: improvements to the premises shall be in exchange for monthly lease payment and the tenant has the exclusive option to purchase the premises for \$350,000.

Action: This was the first reading of Ordinance 02-2015 it will be returned for a second reading at the February 24, 2015 regular meeting of the Town of Erie Board of Trustees for action.

IX. LAND DEVELOPMENT RESOLUTIONS AND ORDINANCES

CANYON CREEK FILING 9

- a. Resolution 15-22; A Resolution of the Town of Erie Regarding an Amendment to the Town of Erie Colorado 2005 Comprehensive Plan, Land Use Plan Map for a Portion of the Canyon Creek Subdivision Property, Adopting Certain Findings of Fact and Conclusion Favorable to Amending the Town of Erie 2005 Comprehensive Plan

LAND DEVELOPMENT RESOLUTIONS AND ORDINANCES (continued)

- b. **Ordinance 04-2015; An Ordinance of the Town of Erie Approving Canyon Creek Planned Development Amendment No. 8; Making Findings Supporting Canyon Creek Planned Development Amendment No. 8; and Setting Forth Detail in Relation Thereto**
- c. **Resolution 15-23; A Resolution of the Town of Erie Making Certain Findings of Fact and Conclusions Favorable to Canyon Creek Filing No. 9; 1st Amendment Preliminary Plat; Imposing Conditions of Approval; Approving Canyon Creek Filing No. 9, 1st Amending Preliminary Plat with Conditions and Setting Forth Detail in Relation Thereto**

Deborah Bachelder, Senior Planner presented staff recommendations for the approval of Resolution 15-22. The application request is for an approval of an amendment to the Town of Erie, Colorado, 2005 Comprehensive Plan, Land Use Plan Map within the Canyon Creek Subdivision to: Remove the NC – Commercial and MDR – Medium Density Residential Land Use designations on a portion of the Canyon Creek Filing No. 9 property and replace it with the LDR - Low Density Residential Land Use designation. The change will result in approximately 26.6 acres of a portion the Canyon Creek Subdivision being designated as LDR – Low Density Residential. The gross density of the proposed development is 4.9 dwelling units per acre which fall within the 2-6 dwelling unit per acre gross density range for the LDR-Low Density Residential Land Use in the Comprehensive Plan. Staff finds the application consistent with the Comprehensive Plan Amendment approval criteria and recommends approval of the Comprehensive Plan Amendment application. Staff has provided Resolution 15-22, for Board of Trustee consideration. Staff is requesting that the Board of Trustees continue the decision on the Comprehensive Plan Amendment Resolution until the February 10th meeting so that the Board of Trustees can vote, at the same meeting, on all three (Comprehensive Plan Amendment, PD-Planned Development Amendment, Preliminary Plat) of the applications being presented concurrently at this meeting.

Deborah Bachelder, Senior Planner presented staff recommendations for the approval of Ordinance 04-2015. The applicant has a Comprehensive Plan Amendment land use application in concurrent review with the PD Amendment Land Use application. The Comprehensive Plan Amendment proposes to change the land use designation from NC-Neighborhood Commercial and MDR-Medium Density Residential to LDR-Low Density Residential on the 2005 Comprehensive Plan, Land Use Plan Map. Approval of the Comprehensive Plan Amendment will bring the Canyon Creek PD Amendment No. 8 into compliance with the Comprehensive Plan. Canyon Creek PD Amendment No. 8 proposes amendments to address development of the proposed townhomes and single family patio homes. The only change that staff is requesting is that the modification to allow attached sidewalks in front of the single family detached patio homes be removed from the PD Amendment. Staff finds the application consistent with the PD Amendment approval criteria in Municipal Code Section 10.7.6 D.9 and recommends approval of the Canyon Creek PD Amendment No. 8 application, on a second reading of the Ordinance, with the condition that the applicant remove the section titled "STANDARDS FOR PEDESTRIAN FACILITITES IN SFD-P SINGLE FAMILY" from Sheet 3 of the Canyon Creek PD Amendment No. 8 document. Staff has provided draft Ordinance 04-2015 approving the application for the Board of Trustees to consider.

Deborah Bachelder, Senior Planner presented staff recommendations for the approval of Resolution 15-23. The property is currently platted as Canyon Creek Filing No. 9, Block 4, Lots 1, 2 and 3. The applicant will need to vacate the current plat before the proposed development can proceed with recording a final plat. The applicant has a Comprehensive Plan Amendment Land Use application in concurrent review with the Preliminary Plat land use application. The Comprehensive Plan Amendment proposes to change the land use designation from NC-Neighborhood Commercial and MDR-Medium Density Residential to LDR-Low Density Residential on the 2005 Comprehensive Plan, Land Use Plan Map.

LAND DEVELOPMENT RESOLUTIONS AND ORDINANCES (continued)

Please see the Comprehensive Plan Amendment memo to view the map change. Approval of the Comprehensive Plan Amendment will bring the proposed Preliminary Plat into compliance. The applicant has a PD Amendment Land Use application in concurrent review with the Preliminary Plat. Canyon Creek PD Amendment No. 8 designates the townhomes as TH Townhomes; and, the patio homes as SFD-P Single Family Detached – Patio Home. The proposed PD Amendment will bring the proposed Preliminary Plat into compliance with the regulations. 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 Canyon Creek Filing No. 9, 1st Amendment Preliminary Plat application. Staff has provided Resolution 15-23, for Board of Trustee consideration, approving the application with the following conditions: Canyon Creek PD Amendment No. 8 shall be approved and recorded before the Preliminary Plat approval comes into effect. The Canyon Creek Filing No. 9, Block 4, Lots 1, 2 and 3 Final Plat shall be vacated prior to recordation of a final plat for Canyon Creek Filing No. 9, 1st Amendment. The Town and Owner will enter into a Development Agreement, prior to recordation of the Canyon Creek Subdivision Filing No. 9, 1st Amendment Final Plat. If construction is proposed to begin between March 15th and August 31st, a formal migratory bird survey shall be conducted before construction commences.

Action: Trustee Carroll moved to approve Resolution 15-22; the motion was seconded by Trustee Charles. The motion carried with all present voting in favor thereof.

Action: Trustee Schutt moved to approve Ordinance 04-2015; the motion was seconded by Trustee Charles. Trustee Carroll moved for a friendly amendment to this motion to remove the condition requiring detached sidewalks; this was seconded by Trustee Charles. Trustee Schutt did not accept the amendment.

Action: The Board voted on the motion to amend. The motion carried with a (5) five for and one against vote with Trustee Schutt voting no.

Action: The Board voted on the motion to approve Ordinance 04-2015 with the amendment to remove the condition requiring detached sidewalks. The motion carried with a (5) five for and one against vote with Trustee Schutt voting no.

Action: Trustee Charles moved to approve Resolution 15-23; the motion was seconded by Trustee Moore. The motion carried with all present voting in favor thereof.

X. GENERAL BUSINESS

a. School Traffic Safety Problem Solving Project

Russell Pennington, Deputy Public Works Director and Sgt. Mike Haefele of the Police Department presented this agenda item. During the course of the school year, residents have noticed and voiced concerns regarding traffic flow and pedestrian safety at the schools in Erie during the hours of student drop-off in the mornings and pick-up in the afternoon. Some of the issues that have been observed include parking violations, students crossing busy roads, traffic congestion for long stretches while cars are unable to complete a turn at an intersection or into a school parking lot, and speeding. Both Public Works and the Police Department have investigated traffic issues at the different schools in Erie. Previously, traffic concerns had been monitored at a few of the schools for any potential solutions.

GENERAL BUSINESS (continued)

In 2012 Public Works performed a signal warrant analysis at the intersection of County Line Road and Austin Avenue near Aspen Ridge. Although a signal was not warranted at this intersection at that time, Public Works installed a crosswalk across County Line Road and added the appropriate signage and additional paving. In November of 2013, Public Works hired Fox Tuttle Group to perform an analysis of traffic congestion concerns around Black Rock Elementary School. At that time, it was found the school was not designed to accommodate the amount of vehicle traffic they ended up with from parents driving their children to school rather than allowing them to walk or bike from the neighborhoods. Staff members from Public Works and the Police Department met with representatives from St. Vrain School District and the Principal at Black Rock to discuss options that the school could perform on their site. In January 2014, Officer Turner with the Erie Police Department conducted a survey of traffic issues surrounding Erie Middle School. He submitted proposals to the school for improvements along Cheeseman Street and re-structuring of the drop-off lane at the school. Initially, Officer Turner did not receive a response from the school in regards to his suggestions. However, in the Fall of 2014, Officer Turner learned the Erie Middle School had their teachers quit parking in the "kiss and go lane" on the north end of the school, making it a bit easier for parents and guest to park as necessary or to proceed through the lane. The Police Department began monitoring each of the school zones during the morning drop-off hours and during the afternoon pick-up hours. During these times, officers watched for any traffic violations as well as any other issues that might hinder the general flow of traffic in the area during these times. Their observations and any enforcement actions taken were documented. Additional research was conducted by the Police Department via two websites, IACP.net and POPCenter.org to obtain information regarding similar issues in other municipalities. Studies and action plans were assessed for relevance to this issue and a few common suggestions were found in those studies. The common suggested courses of action included the following: 1) Map out safe walk/bike routes and encourage more students to walk to school. Also, parents could implement a "walking school bus program" to help escort groups of kids to the school. 2) Educate parents regarding traffic laws and best practices with regards to parking and drop-off areas of the schools. 3) Establish/expand curbing or parking areas for drop-off and pick-up. 4) Re-route traffic such as with one-way signs or no left turn signs. Chief Vasquez, Commander Stewart, and Sergeant Nevarez met with Gary Behlen and Russell Pennington to discuss the ideas that were developed through the Police Departments Problem Solving Project. Some of the ideas that were developed consist of additional signage, adding crosswalks, and left hand turning restrictions. Although the suggested improvements may help to some degree, not all of the issues can be solved within the Town Right of Ways. Staff recommends that the improvements listed above be coordinated with the school district and installed. If approved by the Board of Trustees, funding will need to be appropriated since these improvements are not in the 2015 budget. If the proposed improvements are funded, Staff from the Police Department and Public Works will meet as soon as possible with the school district to discuss and coordinate the improvements.

Action: General consensus of the Board was for staff to meet with the School District and continue with the Project.

GENERAL BUSINESS (continued)

b. Vista Ridge Filing 11 Commercial – Traffic Project

Chris Jensen, Vista Commercial Advisors, Inc. presented a request to the Board of Trustees for the Town to fund the removal of a traffic safety issue at the east entrance next to the 7 Eleven at the Village at Vista Ridge Shopping Center.

Action: General Board consensus was to direct staff to come back in two weeks with the cost to mitigate and improve the issue and a means for reimbursement to the Town from future developers of the remaining four vacant pad sites at this location.

XI. BOARD OF TRUSTEES REPORTS

Mayor Pro Tem Gruber provided the Board with an update on Transportation and got a general consensus to allow the Town to become a member of the US 36 Mayors and Commissioners Round Table.

XII. 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 concerning potential litigation involving the Town.

Action: Trustee Carroll 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 concerning potential litigation involving the Town; the motion was seconded by Trustee Charles. The motion carried with all present voting in favor thereof.

It's Tuesday, February 10, 2015, and the time is 9:50 a.m. For the record, I am the presiding officer, Mayor Pro Tem Mark Gruber. As required by the Open Meetings Law, this executive session is being electronically recorded. Also present at this executive session are the following persons:

Mayor Pro Tem Mark Gruber; Trustees Janice Moore, Dan Woog, Scott Charles, and Jennifer Carroll; Town Administrator A.J. Krieger; Community Development Director, Marty Ostholthoff; Assistant to the Town Administrator, Fred Diehl; and Town Attorney Mark Shapiro

This is an 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 concerning potential litigation involving the Town.

Upon completion of the Executive Session, Mayor Pro Tem Gruber announced that the time is now 10:27 p.m., and the executive session has been concluded. The participants in the executive session were:

EXECUTIVE SESSION (continued)

Mayor Pro Tem Mark Gruber; Trustees Janice Moore, Dan Woog, Scott Charles, and Jennifer Carroll;; Town Administrator A.J. Krieger; Community Development Director, Marty Ostholthoff; Assistant to the Town Administrator, Fred Diehl; 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.

Action: Trustee Schutt moved to allow the Board to disclose the information presented to the Board in the 02-10-2014 Executive Session to Mayor Harris who was absent; the motion was seconded by Trustee Charles. The motion carried with all present voting in favor thereof.

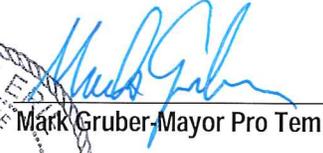
XIII. ADJOURNMENT

Action: Trustee Charles moved to adjourn the February 10, 2015 Regular Meeting of the Town of Erie Board of Trustees; the motion was seconded by Trustee Moore. The motion carried with all present voting in favor thereof.

Action: Mayor Pro Tem Gruber adjourned the February 10, 2015 Regular Meeting of the Town of Erie Board of Trustees at 10:29 p.m.

Respectfully Submitted,


Nancy J. Parker, CMC, Town Clerk


Mark Gruber, Mayor Pro Tem

