

TOWN OF ERIE
BOARD OF TRUSTEES REGULAR MEETING 1
Tuesday, April 28, 2015
6:30 p.m.

Board Room, Erie Town Hall, 645 Holbrook, Erie, CO 80516

I. CALL MEETING TO ORDER

Mayor Harris called the April 28, 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	Absent/Excused
	Trustee Schutt	Present
	Mayor Pro Tem Gruber	Present
	Trustee Moore	Present
	Trustee Charles	Present
	Trustee Woog	Present
	Mayor Harris	Present

III. APPROVAL OF THE AGENDA

Action: Trustee Charles moved to approve the April 28, 2015 agenda; the motion was seconded by Trustee Moore. The motion carried with all present voting in favor thereof.

IV. CONSENT AGENDA

- a. Approval of the April 14, 2015 Meeting Minutes
- b. Resolution 15-59; A Resolution Approving a Treadmill Purchase For the Erie Community Center
- c. Resolution 15-60; A Resolution Approving a Stationary Bike Purchase for the Erie Community Center
- d. Resolution 15-61; A Resolution Approving the Eleventh Interim Participation Agreement between the Town of Erie and Northern Colorado Water Conservancy District for the Northern Integrated Supply Project
- e. Ordinance 12-2015; An Ordinance of the Town of Erie Colorado; Vacating Block 4, Lots 1, 2 & 3 of Canyon Creek Fling No. 9, Final Plat.

Action: Trustee Charles moved to approve the April 28, 2015 Consent Agenda; the motion was seconded by Trustee Schutt. The motion carried with the following Roll Call vote:

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

V. PUBLIC COMMENT

Jeff Handlin, 9033 E. Easter Place, Centennial CO.; spoke on behalf of the Sierra Vista Development with concerns regarding the Airport Master Plan recommendations.

VI. PROCLAMATIONS & PRESENTATIONS

- a. Police Week-Mayor Harris proclaimed the week of May 12, 2015 as National Police Weeks and Peace Officers Day.
- b. Northern Colorado Water Conservancy District/NISP-Brian Werner-Public Information Officer provided an update on the Northern Integrated Supply Project.

VII. RESOLUTIONS

- a. Resolution 15-57; A Resolution of the Town of Erie Approving a Memorandum of Understanding and Easement agreement for the South Coal Creek Sanitary Sewer

The Sierra Vista Annexation Agreement dated June 25, 2012, provides for the Town to design and construct a sanitary sewer to extend sewer service to the Sierra Vista development. The design of the sanitary sewer is complete. In order to extend the sanitary sewer, easements are required across two properties. Easement negotiations have been completed with Reynolds Erie Property LLC which is one of the property owners. The easement negotiations are nearing completion with the second property owner. An agreement will be brought before the Board for the second property once it is complete. This agenda item is a memorandum of agreement, a grant of permanent access and utilities easement agreement, and a grant of temporary construction easement agreement. Staff is recommending approving the acquisition of the easements and authorizing the Mayor to sign the Memorandum of Agreement and execute said easements.

Action: Trustee Schutt moved to approve Resolution 15-57; the motion was seconded by Trustee Charles. The motion carried with the following roll call vote:

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

VIII. ORDINANCES

- a. Ordinance 08-2015; An Ordinance of the Town of Erie, Colorado, Amending Title 6, "Police and Traffic Regulations," Chapter 4, "Offenses Against the Person," Sections 6-4-4.A.4. And C "Harassment," of the Municipal Code of the Town of Erie.

ORDINANCES (continued)

The state statutory provisions related to the crime of harassment contain provisions that prohibit harassment via electronic means (i.e.: text message, instant message, etc.). The local provision on harassment does not contain such prohibition. It is not infrequent that a harassment case involves harassment via electronic means. The attached ordinance adds language that will allow the prosecution for such violation in the municipal court.

- b. Ordinance 09-2015 An Ordinance of the Town of Erie, Colorado, Revising Title 6, "Police and Traffic Regulations," Chapter 9, "Offenses Related to Alcohol," of the Municipal Code of the Town of Erie; and Revising Title 6, "Police And Traffic Regulations," Chapter 10.**

House Bill 14-129 modified several provisions of Title 18, C.R.S. related to illegal possession of alcohol by an underage person (less than 21 years of age) and illegal possession of marijuana by an underage person, to create an affirmative defense to such crimes. The affirmative defense exempts an underage person from criminal liability if the person reports to authorities that another underage person is in need of medical assistance due to alcohol or marijuana consumption. The intent behind the legislation is to encourage underage persons to call for medical help when necessary without the fear of criminal charges. The ordinance incorporates the affirmative defense into the municipal code provisions.

- c. Ordinance 10-2015 An Ordinance of The Town of Erie, Colorado, Revising Title 6, "Police And Traffic Regulations," Chapter 6, "Offenses Involving Property," of the Municipal Code of The Town of Erie; and Revising Title 6, "Police And Traffic Regulations," Chapter 10, of the Municipal Code of the Town of Erie**

House Bill 14-1266 enacted changes to the statutory provisions related to the crimes of damage to property and fraud by check. The ordinance amends Erie Municipal Code 6-6-4, Damage to Property, to increase the value of the aggregate damage to \$750. The ordinance also amends Erie Municipal Code 6-6-2, Fraud by Check, to increase the value of the fraudulent check to \$750. The changes are consistent with the revised statutory provisions.

- d. Ordinance 11-2015; An Ordinance Of The Town Of Erie, Colorado, Revising Title 6, "Police And Traffic Regulations," Chapter 3, "Offenses Involving Weapons," Of The Municipal Code Of The Town Of Erie And, Setting Forth Details In Relation Thereto.**

The proposed ordinance revises Title 6, Chapter 3 related to weapons violations. A definitions section has been added. The section addressing prohibited use of weapons has been streamlined and now addresses discharge of such items as pellet guns and airsoft guns. The provisions related to the carrying of a concealed weapon have not been amended, and are consistent with the relevant statutory provisions.

Action: This was the first reading of Ordinance 08-20-15; Ordinance 09-2015; Ordinance 10-2015; and Ordinance 11-2015. Following Board discussion there was an indication from some of the Board to amend wording in Ordinance 11-2015 regarding the discharge of pellet and airsoft guns. These ordinances will be brought back for final Board action at the May 12, 2015 Regular Meeting of the Town of Erie Board of Trustees.

IX. GENERAL BUSINESS

a. Airport Master Plan Alternative

Steve Marshall, ADG Project Manager presented Erie Airport Master Plan Alternatives to the Board of Trustees. The Board indicated that a Study Session would be needed to make any decisions on the plan alternatives.

X. BOARD OF TRUSTEES REPORTS

Mayor Pro Tem Gruber received Board support in addressing an increase in open space requirements in the Unified Development Code. Staff was asked to bring back a presentation on how to make that work.

Trustee Woog asked Staff to come up with clarification on the population projections based on the Comprehensive Plan numbers. In addition Trustee Woog has questions on the Storm Drainage fees, the Finance Director will get back to the Board with additional information.

Trustee Charles thanked the Board of Trustees and Staff for a successful retreat and thanked Staff for the arranged tours of the new Police Facility.

XI. EXECUTIVE SESSION

- a. EXECUTIVE SESSION** for a conference with the Town Attorney and the Town Water 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 water system matters, and litigation involving the Town; and, for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e); specifically, to discuss negotiation of new Memorandums of Understanding with oil and gas companies.

Action: Trustee Moore moved to go into Executive Session for a conference with the Town Attorney and the Town Water 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 water system matters, and litigation involving the Town; and, for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e); specifically, to discuss negotiation of new Memorandums of Understanding with oil and gas companies.; the motion was seconded by Trustee Charles. The motion carried with all present voting in favor thereof.

As required by the Open Meetings Law, this executive session was 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 Waylon Schutt; Town Administrator A.J. Krieger; Public Works Director, Gary Behlen; Assistant to the Town Administrator, Fred Diehl; Town Water Attorney Eric Reardon and Town Attorney Mark Shapiro.

This is an executive session for a conference with the Town Attorney and the Town Water Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-402(4)(b); specifically, to receive legal advice concerning water system matters, and litigation involving the Town; and, for the

EXECUTIVE SESSION (continued)

purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e); specifically, to discuss negotiation of new Memorandums of Understanding with oil and gas companies.

Upon completion of the Executive Session, Mayor Harris announced that the time is now 9:43p.m., and the executive session has been concluded. The participants in the executive session were:

Mayor Tina Harris; Mayor Pro Tem Mark Gruber; Trustees Janice Moore, Dan Woog, Scott Charles, and Waylon Schutt; Town Administrator A.J. Krieger; Public Works Director, Gary Behlen; Assistant to the Town Administrator, Fred Diehl; Town Water Attorney Eric Reardon 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. Seeing none, the next agenda item is adjournment.

XII. ADJOURNMENT

Action: Trustee Moore moved to adjourn the April 28, 2015 Regular Meeting of the Town of Erie Board of Trustees; the motion was seconded by Trustee Charles. The motion carried with all present voting in favor thereof.

Action: Mayor Harris adjourned the April 28, 2015 Regular Meeting of the Town of Erie Board of Trustees at 9:45 p.m.

Respectfully Submitted,


Nancy J. Parker, CMC, Town Clerk


Tina Harris, Mayor



RESOLUTION NO. 15-62

A RESOLUTION OF THE TOWN OF ERIE, COLORADO, AUTHORIZING THE PURCHASE AND INSTALLATION OF CARPET FROM FLOORZ FOR THE ERIE COMMUNITY CENTER IN THE AMOUNT OF \$16,499.00 AND SETTING FORTH DETAILS IN RELATION THERETO

WHEREAS, the Town of Erie, Colorado wishes to purchase and have installed carpet from Floorz for the Erie Community Center in the amount of \$16,499.00 and

WHEREAS, the Board of Trustees of the Town of Erie believes it is in the best interest of the Town to enter into such an agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO, AS FOLLOWS:

Section 1. That the agreement between the Town of Erie and Floorz., is found to be a reasonable and acceptable agreement for the purpose of purchase and installation of carpet for the Erie Community Center.

Section 2. That the Town of Erie be and is hereby authorized and directed to enter into the agreement with Floorz, and the appropriate Town Officer is hereby authorized and directed to sign and bind the Town of Erie to said agreement for the purchase and installation of carpet.

Section 3. That entering into the agreement is found to be in the best interest of the Town of Erie, and necessary for the preservation of the public health and safety.

ADOPTED AND APPROVED THIS 12TH DAY OF MAY, 2015 BY THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO.

TOWN OF ERIE,
a Colorado municipal corporation

By: 
Tina Harris - Mayor

ATTEST:

By: 
Nancy J. Parker, C.M.C., Town Clerk

