

**TOWN OF ERIE**  
**BOARD OF TRUSTEES REGULAR MEETING 1**  
**Tuesday, September 22, 2015**  
**6:30 p.m.**  
**Board Room, Erie Town Hall, 645 Holbrook, Erie, CO 80516**

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**I. CALL MEETING TO ORDER**

Mayor Harris called the September 22, 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	Absent/Excused
	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 September 22, 2015 agenda; the motion was seconded by Mayor Pro Tem Gruber. The motion carried with all present voting in favor thereof.

**IV. CONSENT AGENDA**

- a. Agenda Item 15-063; Approval of the September 8, 2015 Meeting Minutes
- b. Agenda Item 15-041; Resolution 15-120; A Resolution Of The Town Of Erie, Colorado Authorizing A Purchase Order To Calgon Carbon Corporation For Carbon Reactivation For The Granulated Activated Carbon Filters At The Water Treatment Facility In The Amount Of \$83,400.00
- c. Agenda Item 15-045; Resolution 15-119; A Resolution Finding Substantial Compliance Of The Annexation Petition Regarding The Annexation Of Certain Properties In Boulder County, Colorado To The Town Of Erie, Said Annexation To Be Known As The 119<sup>th</sup> Jasper Jay Annexation To The Town Of Erie
- d. Agenda Item 15-048; Resolution 15-121; A Resolution Of The Town Of Erie Authorizing Award Of A Design Contract To Respec, Inc. For The Austin Avenue Waterline Connection, In The Amount Of \$57,173.00

CONSENT AGENDA (continued)

- e. Agenda Item 15-049; Resolution 15-122; A Resolution By The Board Of Trustees Of The Town Of Erie, Colorado Accepting Dedications As Shown In The Erie Highlands Filing No. 6 Final Plat; Authorizing The Appropriate Town Official To Sign The Erie Highlands Filing No. 6 Development Agreement; Adopting Certain Findings Of Fact And Conclusions Favorable To Acceptance Of The Dedications And Development Agreement
- f. Agenda Item 15-053; Resolution 15-123; A Resolution Finding Substantial Compliance Of The Annexation Petition Regarding The Annexation Of Certain Properties In Boulder County, Colorado To The Town Of Erie, Said Annexation To Be Known As The Strieby-Schofield Annexation To The Town of Erie

Action: Trustee Charles moved to approve the September 22, 2015 Consent Agenda; the motion was seconded by Trustee Woog. The motion carried with the following roll call vote:

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

V. PUBLIC COMMENT

Ken Martin, 1186 Cook Ct., Erie, CO. provided the Board with an update on the Community Garden Project.

VI. PRESENTATIONS

United Power Presentation of the Annual Report and Capital Credits Check; by Bill Meir, Customer Service Representative, Ginny Bussey, Director and Ron Ashe, CEO. Carolyn White, Esq., LEED AP, Brownstein Hyatt Farber Schreck and Anne Ricker, Principal/Owner, Ricker-Cunningham presented the Condition Surveys, Impact Reports and Urban Renewal Plans for the Four Corners Urban Renewal Area and the Highway 287 Urban Renewal Area.

Action: Mayor Harris called for a break at 7:30 p.m. and reconvened the meeting at 7:51p.m.

VII. ADJOURN TO TOWN OF ERIE URBAN RENEWAL AUTHORITY MEETING

Action: Trustee Charles moved to adjourn the September 22, 2015 to convene as the Town of Erie Urban Renewal Authority; the motion was seconded by Trustee Woog. The motion carried with all present voting in favor thereof. Mayor Harris adjourned the Board of Trustee Regular Meeting to convene the meeting of the Town of Erie Urban Renewal Authority at 7:51 p.m.

Action: Mayor Harris reconvened the Board of Trustees Regular Meeting at 8:10p.m.

## VIII. RESOLUTIONS

- a. **Agenda Item 15-057; Resolution 15-124; A Resolution Of The Town Of Erie, Colorado Approving The Conditions Survey For The Highway 287 Urban Renewal Area, Finding That Blight Exists Within The Highway 287 Urban Renewal Area And Adopting Certain Legislative Findings Regarding The Same**

Approval of Resolution 15-124 by the Town Board is a determination that the Highway 287 Area conditions meet the factors of "blighted area" consistent with the Colorado Urban Renewal Law, Part 1 of Article 25 of Title 31 based on a the Highway 287 Area Conditions Survey presented by Ricker Cunningham; that these factors impair or arrest the growth of the Area; and as such, designate the said area as appropriate for an urban renewal project. A presentation of the factors was made to the Town Board. The Town of Erie Urban Renewal Authority approved Resolution 15-09 finding blights exists within the Highway 287 Area and recommended the Town Board approve and adopt findings regarding the same.

**Action:** Trustee Charles moved to approve Agenda Item 15-057; A Resolution Approving the Conditions Survey for the Highway 287 Urban Renewal Area; the motion was seconded by Mayor Pro Tem Gruber. The motion carried with a five (5) for and one (1) against vote with Trustee Moore voting no.

- b. **Agenda Item 15-059; Resolution 15-125; A Resolution Of The Town Of Erie, Colorado Approving The Highway 287 Boulder County Impact Report**

A Highway 287 Area Boulder County Impact Report was developed in accordance of the provisions of the Urban Renewal Law of the State of Colorado, Part 1 of Article 25 of Title 31, Colorado Revised Statutes, as amended. The Reports purpose is to identify the duration of the time to complete the urban renewal project, the estimated annual property tax increment to be generated by the project and the portion of such property tax increment to be allocated during the time to fund the project, the estimated impact of the project on the County revenues, and other potential impacts. Approval of a resolution will be an approval of the Highway 287 Boulder County Impact Report. The Town of Erie Urban Renewal Authority approved Resolution 15-11 approving the Highway 287 Boulder County Impact Report and recommended to the Town Board to approve and adopt the said Report.

**Action:** Trustee Charles moved to approve Agenda Item 15-059; A Resolution Approving the Boulder County Impact Report for the Highway 287 Urban Renewal Area; the motion was seconded by Mayor Pro Tem Gruber. The motion carried with a five (5) for and one (1) against vote with Trustee Moore voting no.

### PUBLIC HEARING FOR THE HIGHWAY 287 URBAN RENEWAL PLAN

- c. **Agenda Item 15-058; Resolution 15-126; A Resolution Of The Town Of Erie, Colorado Making Certain Legislative Findings And Approving The Highway 287 Urban Renewal Plan**

An Urban Renewal Area Plan for the Highway 287 Area was developed in accordance of the provisions of the Urban Renewal Law of the State of Colorado, Part 1 of Article 25 of Title 31 Colorado Revised Statutes as amended. The Plan's purpose is to reduce, eliminate and prevent the spread of blight within the Highway 287 Area and to accomplish this; the Plan promotes objectives and priorities in adopted community plans. Approval of a resolution will make certain legislative findings and approve the Urban Renewal Plan for the Highway 287 Area. The Town of Erie Urban Renewal

**RESOLUTIONS (continued)**

Authority approved Resolution 15-10 that approved and adopted the Highway 287 Area Renewal Plan and made a recommendation that the Town Board approve and adopt the said Plan.

**Action:** Mayor Harris opened the Public Hearing for Agenda Item 15-058 at 8:17p.m.; hearing no one wishing to make public comment; Mayor Harris closed the Public Hearing at 8:18p.m.

**Action:** Trustee Charles moved to approve Agenda Item 15-058; A Resolution Approving the Urban Renewal Plan for the Highway 287 Urban Renewal Area as amended; the motion was seconded by Mayor Pro Tem Gruber. The motion carried with a five (5) for and one (1) against vote with Trustee Moore voting no.

**d. Agenda Item 15-060; Resolution 15-127 A Resolution of the Town Of Erie, Colorado Approving The Conditions Survey For The Four Corners Urban Renewal Area, Finding That Blight Exists Within The Four Corners Urban Renewal Area And Adopting Certain Legislative Findings Regarding The Same**

Approval of a resolution by the Town Board is a determination that the Four Corners Area conditions meet the factors of "blighted area" consistent with the Colorado Urban Renewal Law, Part 1 of Article 25 of Title 31 based on a the Four Corners Area Conditions Survey presented by Ricker Cunningham and attached; that these factors impair or arrest the growth of the Area; and as such, designate the said area as appropriate for an urban renewal project. A presentation of the factors was made to the Town Board. The Town of Erie Urban Renewal Authority approved Resolution 15-12 finding blights exists within the Four Corners Area and recommended to the Town Board approve and adopt findings regarding the same.

**Action:** Trustee Woog moved to approve Agenda Item 15-060; A Resolution Approving the Conditions Survey for the Four Corners Urban Renewal Area; the motion was seconded by Trustee Carroll. The motion carried with a five (5) for and one (1) against vote with Trustee Moore voting no.

**e. Agenda Item 15-062; Resolution 15-128; A Resolution Of The Town Of Erie, Colorado Approving The Four Corners Boulder County Impact Report**

A Four Corners Area Boulder County Impact Report was developed in accordance of the provisions of the Urban Renewal Law of the State of Colorado, Part 1 of Article 25 of Title 31, Colorado Revised Statutes, as amended. The Reports purpose is to identify the duration of the time to complete the urban renewal project, the estimated annual property tax increment to be generated by the project and the portion of such property tax increment to be allocated during the time to fund the project, the estimated impact of the project on the County revenues, and other potential impacts. To date no written objection to the said impact report has been received from Boulder County. Approval of a resolution will be an approval of the Four Corners Area Boulder County Impact Report. The Town of Erie Urban Renewal Authority approved Resolution 15-14 approving the Four Corners Area Boulder County Impact Report and recommended to the Town Board to approve and adopt the said Report.

**RESOLUTIONS (continued)**

**Action:** Mayor Pro Tem Gruber moved to approve Agenda Item 15-062; A Resolution Approving the Boulder County Impact Report for the Four Corners Urban Renewal Area; the motion was seconded by Trustee Carroll. The motion carried with a five (5) for and one (1) against vote with Trustee Moore voting no.

**PUBLIC HEARING FOR THE FOUR CORNERS URBAN RENEWAL PLAN**

- f. **Agenda Item 15-061; Resolution 15-129; A Resolution Of The Town Of Erie, Colorado Making Certain Legislative Findings And Approving The Four Corners Urban Renewal Plan**

An Urban Renewal Area Plan for the Four Corners Area was developed in accordance of the provisions of the Urban Renewal Law of the State of Colorado, Part 1 of Article 25 of Title 31, Colorado Revised Statutes, as amended. The Plan's purpose is to reduce, eliminate and prevent the spread of blight within the Four Corners Area and to accomplish this; the Plan promotes objectives and priorities in adopted community plans. Approval of a resolution will make certain legislative findings and approve the Urban Renewal Plan for the Four Corners Area. The Town of Erie Urban Renewal Authority approved Resolution 15-13 that approved and adopted the Four Corners Area Renewal Plan and recommended that the Town Board approve and adopt the said Plan.

**Action:** Mayor Harris opened the Public Hearing for Agenda Item 15-061 at 8:19p.m.; hearing no one wishing to make public comment; Mayor Harris closed the Public Hearing at 8:20p.m.

**Action:** Mayor Pro Tem Gruber moved to approve Agenda Item 15-061; A Resolution Approving the Urban Renewal Plan for the Four Corners Urban Renewal Area; the motion was seconded by Mayor Pro Tem Gruber. The motion carried with a five (5) for and one (1) against vote with Trustee Moore voting no.

**PUBLIC HEARING**

- g. **Agenda Item 15-046; Resolution 15-130; A Resolution Making Certain Findings Of Fact And Conclusions Favorable To The Special Review Use For The Morgan Hills 1a-7h-A168, 1b-7h-A168, 1c-7h-A168, 1d-7h-A168, 1e-7h-A168, 1f-7h-A168, 1g-7h-A168, 1h-7h-A168 And 1i-7h-A168 Well Sit**
- h. **Agenda Item 15-047; Resolution 15-131; A Resolution Making Certain Findings Of Fact And Conclusions Favorable To The Site Plan For The Morgan Hills 1a-7h-A168, 1b-7h-A168, 1c-7h-A168, 1d-7h-A168, 1e-7h-A168, 1f-7h-A168, 1g-7h-A168, 1h-7h-A168 And 1i-7h-A168 Well Site**

**RESOLUTIONS (continued)**

Review of the Morgan Hills Oil and Gas Wells for compliance with Municipal Code regulations. The applicant is proposing to drill nine horizontal wells from a new drilling location. At the September 2, 2015 public hearing, the Planning Commission approved Resolution P15-26 and Resolution P15-27, by a 6-1 vote, recommending approval of the Morgan Hills Well Site Special Review Use application and the Site Plan application with the conditions listed below and made part of the staff recommendation

Approval with the following conditions:

- a. Prior to construction a Grading and Stormwater Quality Permit shall be obtained from the Town.
- b. Prior to construction a Right of Way Permit shall be obtained from the Town.
- c. A burrowing owl survey will be required if prairie dogs are euthanized or colonies are disturbed by proposed pad development or drilling between March 15<sup>th</sup> and October 31<sup>st</sup>. The applicant shall use the recommended Survey Protocol and Actions in Protecting nesting burrowing owls from Colorado Parks and Wildlife.
- d. Abandoned flowlines shall be removed, by the operator, at the Town's discretion.
- e. Applicant shall amend COGCC Form 2A (Oil and Gas Location Assessment) to include the BMP's from Appendix A of the Town of Erie/EnCana Operator Agreement.

**Action:** Mayor Harris opened the Public Hearing for Resolution Item 15-046 and Resolution Item 15-047 at 8:20 p.m.

**Public Comment was provided by the applicant:**

Miracle Pfister of EnCana Oil & Gas (USA) Inc. 370 17<sup>th</sup> Street, Suite 1700, Denver, CO 80202

**Action:** Hearing no requests for further public comment Mayor Harris closed the Public meeting for Agenda Item 15-046; A Resolution Approving the Special Review Use for Morgan Hill Well Site and Agenda Item 15-047; A Resolution Approving the Site Plan for Morgan Hill Will Site at 8:48 p.m.

**Action:** Mayor Pro Tem Gruber moved to approve Agenda Item 15-046; A Resolution Approving the Special Review Use for Morgan Hill Well Site; the motion was seconded by Trustee Moore. The motion carried with all present voting in favor thereof.

**Action:** Mayor Pro Tem Gruber moved to approve Agenda Item 15-047; A Resolution Approving the Site Plan for Morgan Hill Well Site; the motion was seconded by Trustee Moore. The motion carried with all present voting in favor thereof.

- i. Agenda Item 15-043; Resolution 15-133; A Resolution Of The Town Of Erie, Approving A Contract For Asbestos Abatement At 602 Holbrook Street To Ram Environmental Services LLC, In The Amount Of \$36,414.13

## RESOLUTIONS (continued)

On July 14, 2015, The Board of Trustees approved Resolution 15-88, awarding the Contract to Alpine Demolition LLC for the demolition of the existing house located on 602 Holbrook Street for the purpose of constructing a parking lot for Town Hall and United Methodist Church. At the time that Alpine began the permitting process they were directed by the State to provide an environmental study. Town staff reached out to RDS Environmental to perform the study. RDS Environmental is a Colorado-based company. They are BBB accredited and maintain an A+ rating. RDS works closely with governing organizations, including AARST, EPA, NEHA, IAQA and ACAC. RDS Environmental performed the environmental study on August 17, 2015. Materials were sampled and shown to contain asbestos <1% though out the house. by the State of Colorado Regulation 8, all materials identified as containing < 1% asbestos, should be removed prior to demolition in a non-friable manner and/or in accordance with OSHA guidelines for removal of <1%containing material. As well as the landfill accepting said material should be notified of the Asbestos containing material. Subsequently staff requested information from Alpine Demolition LLC for references that specialized on asbestos abatement and they referred staff to RAM Environmental Services. RAM Environmental Services LLC has been in business since 2014 and the owner has been in the industry for 17 years. They have an A rating with the BBB and are on the Colorado General Abatement Contractors. RAM Environmental Services provided staff with a proposal to perform the asbestos abatement. Staff has reviewed proposal and contacted other references form RAM Environmental Services LLC and are confident that the pricing is fair and equitable.

**Action:** Mayor Pro Tem Gruber moved to approve Agenda Item 15-043; A Resolution Approving Asbestos Abatement at 602 Holbrook Street; the motion was seconded by Trustee Woog. The motion carried with the following roll call vote:

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

## IX. ORDINANCES

- a. Agenda Item 15-051; Ordinance 14-2015; An Ordinance Of The Town Of Erie, Colorado Amending Title 9, "Building Regulations," Chapter 4, "Special Districts," Sections 9-4-5, "Model Service Plan," And 9-4-12, "Compliance; Modification; Enforcement," Of The Erie Municipal Code

Per Board of Trustee direction, three amendments are proposed to Title 9, Chapter 4-Special Districts as it relates to metropolitan districts and their associated service plans.

- I. Section 9-4-5 B 2 The proposed amendment caps the mill levy assessed by the district at 50 mil is for both debt service and operations and maintenance. The mill levy assessed by the district on real or personal property within the district shall be capped at fifty (50) mills for both debt service and twenty five (25) mills for operation and maintenance purposes, as provided in the service plan. The debt service mill levy may be subject to adjustment in future years to reflect changes in the residential assessment ratio, The debt service mill levy will terminate when the bonds are no longer outstanding, The district shall not impose a debt service mill levy for more than forty (40)

**ORDINANCES (continued)**

years after the year of the initial imposition of such debt service mill levy unless: a) a majority of the board of directors of the district imposing the mill levy are residents of such district, and b) such board has voted in favor of issuing debt with a term which requires or contemplates the imposition of a debt service mill levy for a longer period of time than the limitation contained herein,  
2, Section 9-4-5 B 6 a

The proposed amendment requires a district to provide written notice to the Town prior to the use of eminent domain powers. Condemn property inside or outside the district boundaries without Condemn property inside or outside the district boundaries first providing prior written notice to the board of trustees of the district's intention to use the power of eminent domain.

3. Section 9-4-12 f

The proposed amendment adds a new requirement for a disclosure statement indicating the existence of a metropolitan district(s). This disclosure would be added to all future development agreements for developments having metropolitan district(s). Every development that creates or proposes to create a district shall have, as a requirement in its development agreement with the town, a disclosure statement indicating the existence (or proposed formation) of a district that may impose up to fifty (50) mills upon all taxable property within the district's boundaries. Such disclosure statement shall be signed by the property owner with the execution of the sales contract for the purchase of the property.

**Action:** Trustee Moore moved to approve Agenda Item 15-051; Ordinance 14-2015; An Ordinance Of The Town Of Erie, Colorado Amending Title 9, "Building Regulations," Chapter 4, "Special Districts," Sections 9-4-5, "Model Service Plan," And 9-4-12, "Compliance; Modification; Enforcement," Of The Erie Municipal Code; the motion was seconded by Trustee Charles. The motion carried with all present voting in favor thereof.

**X. GENERAL BUSINESS**

**a. Agenda Item 15-052; Dog Park at Reliance Park – Update and Request for Funding**

In 2015 \$15,000 was allocated in the Parks Improvement Fund capital budget to begin construction on a ten acre dog park at Reliance Park. To date a total of \$23,922.45 has been spent on the following:

- Expansion of the parking lot for increased capacity
- Grading of site
- Native grass seeding of site
- Installation of prairie dog fencing
- Initial concept design of park
- Branding logo design

An eight member citizen committee has organized and they have assisted in the park design, branding, and leading community education and fund raising efforts by:

- Hosting a booth at 13 community events to provide information and accept cash donations
- Selling merchandise, such as t-shirts, water bottles, and pup-cakes (for dogs only!)
- Connecting with PayPal to accept direct private donations via credit card
- Setting up "Buy-a-Brick" campaign where donors can purchase a personalized brick to be used in the entrance to the dog park - potential funds raised if all bricks are "sold" \$65,000

Staff and the citizen committee are seeking Board of Trustee direction as to next steps for funding the project and offer the following possible options: 1. Fund the entire \$150,000 from the Park Improvement Fund in 2015 and direct any privately raised funds to a specific amenity. This option would allow for an

GENERAL BUSINESS

opening in the spring of 2016. 2. Fund Phase 1 from the Park Improvement Fund in 2015 (approximately \$100,000) to include fencing, gates, irrigation set up, crusher fine path, entrance design, signage, drinking water fountain, doggie bag stations, design and completion of bull pen and maintenance entrances. Fund and complete Phase 2 (approximately \$50,000) when the private funds have been raised to provide trees, shelters, and benches. This option would allow for a target opening by the end of 2016. 3. Don't allocate any additional funds to the project and rely solely on privately raised funds. With this option the projected opening would be in the spring of 2018. Staff and the citizen committee are eager to move this project forward and complete the Town of Erie's dog park - The Boneyard.

Action: No definitive action was taken on this item at this time.

X. BOARD OF TRUSTEES REPORTS

Trustee Woog requested a straw poll of the Board based on the Citizen Survey to give direction to staff to prepare an ordinance prohibiting Medical Marijuana Dispensaries in the Town of Erie. Mayor Harris indicated that this would be a topic of discussion at the October 10, 2015 Board Study Session.

Trustee Charles provided an update from the Historic Preservation Board.

Mayor Pro Tem Gruber noted an upcoming Highway 7 Coalition Meeting at the Erie Community Center.

XI. ADJOURNMENT

Action: Trustee Woog moved to adjourn the September 22, 2015 Regular Meeting of the Town of Erie Board of Trustees; the motion was seconded by Mayor Pro Tem Gruber. The motion carried with all present voting in favor thereof.

Action: Mayor Harris adjourned the September 22, 2015 Regular Meeting of the Town of Erie Board of Trustees at 9:46 p.m.

Respectfully Submitted,

  
Nancy J. Parker, CMC, Town Clerk

  
Tina Harris-Mayor - Pro Tem  
Mark Gruber

