

**TOWN OF ERIE  
BOARD OF TRUSTEES REGULAR MEETING 1  
Tuesday, July 28, 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 July 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	Present
	Trustee Schutt	Present
	Mayor Pro Tem Gruber	Present
	Trustee Moore	Present
	Trustee Charles	Absent/Excused
	Trustee Woog	Absent/Excused
	Mayor Harris	Present

**III. APPROVAL OF THE AGENDA**

Action: Trustee Moore moved to approve the July 28, 2015 Town of Erie Board of Trustees Meeting Agenda with the amendment of moving item c. from IV. Consent to item d. VIII Resolutions; the motion was seconded by Trustee Schutt. The motion carried with all present voting in favor thereof.

**IV. CONSENT AGENDA**

- a. Approval of the July 14, 2015 Meeting Minutes
- b. Resolution 15-94; A Resolution Authorizing the Payment to Boulder County for Emergency Dispatch Services Provided to the Erie Police Department
- c. Resolution 15-97; A Resolution Approving Access Easement and Additional Cost for Walkway Adjacent to Blue Sky Condominiums in Vista Ridge
- d. Resolution 15-93; A Resolution Authorizing the Engagement of Summit Bank & Trust for Banking Services

Action: Mayor Pro Tem Gruber moved to approve the July 28, 2015 Consent Agenda as amended; the motion was seconded by Trustee Schutt. The motion carried with the following Roll Call vote:

Trustee Schutt	Yes
Trustee Carroll	Yes
Trustee Moore	Yes
Mayor Pro Tem Gruber	Yes
Mayor Harris	Yes

## V. PUBLIC COMMENT

Doug Geiling, 864 Pope Drive, Erie, CO. expressed concerns about the Town of Erie Police policy on dogs at large.  
Daniel Hoback, 826 Shuttleworth, Erie, CO. expressed concerns about the proposed North Water Reclamation Facility Capacity Upgrade Project.  
Joe Carnival, 1656 Bain Dr., Erie, CO. also expressed concerns about the NWRP Capacity Upgrade Project.  
Helene Jewett, 500 Briggs St., Erie, CO. provided the Board with an update from the Erie Economic Development Council.

## VI. PROCLAMATIONS AND PRESENTATIONS

### a. Town of Erie 2015 Citizen Survey Presentation: Damema Mann, Senior Survey Associate –

The results of the 2015 Town of Erie Community Survey were presented to the Board of Trustees. This scientific, statistically valid survey was conducted to provide residents an opportunity to rate their satisfaction with the quality of life in the Town, the community's amenities and satisfaction with local government. The survey was administered by the National Research Center (NRC) and mailed to 3,000 randomly selected households within the Town. A total of 1,191 completed surveys were obtained, giving a high response rate of 41%. The margin of error for this survey is no greater than plus or minus three percentage points around any given percent reported for the entire sample. With this margin of error, you may conclude that when 60% of survey respondents report that a particular service is "excellent" or "good," somewhere between 57%-63% of all Erie residents are likely to feel that way. The Citizen Survey reports that more than four in five residents rate their overall quality of life as excellent or good and that 90% rate Erie as an excellent or good place to live! Furthermore, almost all residents rate their neighborhoods as excellent or good. 93% rate Erie as an excellent or good place to raise children – a rating higher than in comparison to communities nationwide. At least three in five residents give excellent or good ratings to the overall image/reputation of Erie; Erie as a place to retire; the overall appearance of Erie; Erie's overall natural environment; Erie's air quality and the cleanliness of Erie – ratings for all of these characteristics increased from 2013 to 2015. Almost all residents feel safe in their neighborhoods and give high ratings to the overall feeling of safety throughout Erie – ratings higher than in comparison communities nationwide. All Safety services, including police, fire, ambulance and emergency preparedness are rated positively by a majority of respondents. Ratings for the availability of paths and walking trails, travel by bicycle, travel by car, public parking and traffic flow are all higher than the national benchmarks. Four in five residents are likely to recommend Erie as a place to live to someone who asks and plan to remain in Erie for the next five years. In terms of public trust, a majority of residents give positive ratings to the value of services for taxes paid; welcoming citizen involvement; being honest and treating all residents fairly. 80% rate the overall customer service provided by Town employees as excellent or good. Additionally, the Town remains a trusted source for information. The most popular source of information is the Town's website (93%) followed by Erie Edition newsletter and flyers mailed with utility bills (84%). With the current moratorium on retail marijuana businesses in Erie set to expire on December 31, 2015, the Board of Trustees wanted to know how much residents would support or oppose potential future types of retail marijuana businesses and potential locations. A majority of residents (62% to 67%) strongly oppose all types of retail marijuana businesses listed and a majority (60% to 74%) opposed all locations listed. Almost all residents (84%) opposed marijuana businesses in any residential neighborhood.

## VII. LAND DEVELOPMENT RESOLUTIONS AND ORDINANCES

- ### a. Ordinance 15-2015 An Ordinance of the Town of Erie, Colorado, Regarding the Rezoning of the Wise Farms Property, Adopting Certain Findings of Fact and Conclusions Unfavorable to the Planned Unit Development Overlay Rezoning; and, Setting Forth Details in Relation Thereto

**LAND DEVELOPMENT RESOLUTIONS AND ORDINANCES (continued)**

On Tuesday, May 26, 2015 and June 23, 2015 the Board of Trustees considered Ordinance 15-2015 for the Rezoning of the Wise Farms property. During the June 23, 2015 Board of Trustees meeting, staff was directed to draft an ordinance denying the Rezoning of the Wise Farms property. Staff has provided revised Ordinance 15-2015 denying the proposed the Rezoning of the Wise Farms property for not being in compliance with three of the Approval Criteria in Municipal Code Title 10, Section 7.5.B.9.

**Action:** Trustee Carroll was not present at the second reading of the Public Hearing for the approval of this item and recused herself from the vote to deny. Trustee Moore moved to approve Ordinance 15-2015 Regarding Rezoning and Adopting Certain Findings of Fact and Conclusions Unfavorable to the Planned Unit Development Overlay Rezoning of the Wise Farms Property; the motion was seconded by Trustee Schutt. The motion carried with a three (3) for and one (1) against vote, with Mayor Pro Tem Gruber voting no.

- b. **Ordinance 16-2015 An Ordinance Of The Town Of Erie, Colorado, Regarding The Wise Farms PUD Zoning Map Overlay Rezoning, Adopting Certain Findings of Fact and Conclusions Unfavorable to the Planned Unit Development Overlay Rezoning; and, Setting Forth Details In Relation Thereto**

On Tuesday, May 26, 2015 and June 23, 2015 the Board of Trustees considered Ordinance 16-2015 for the Wise Farms PUD Zoning Map Overlay Rezoning. During the June 23, 2015 Board of Trustees meeting, staff was directed to draft an ordinance denying the Rezoning of the Wise Farms property. Staff has provided revised Ordinance 16-2015 denying the proposed the Wise Farms PUD Zoning Map Overlay Rezoning for not being in compliance with four of the Approval Criteria in Municipal Code Title 10, Section 7.6.D.9.

**Action:** Trustee Carroll was not present at the second reading of the Public Hearing for the approval of this item and recused herself from the vote to deny. Trustee Moore moved to approve Ordinance 16-2015 Regarding PUD Zoning Map Overlay Rezoning Adopting Certain Findings of Fact and Conclusions Unfavorable to the Planned Unit Development Overlay Rezoning of the Wise Farms Property; the motion was seconded by Trustee Schutt. The motion carried with a three (3) for and one (1) against vote, with Mayor Pro Tem Gruber voting no.

- c. **Resolution 15-66 A Resolution Making Certain Findings of Fact And Conclusions Unfavorable To The Wise Farms Preliminary Plat; And Setting Forth Details In Relation Thereto.**

On Tuesday, May 26, 2015 and June 23, 2015 the Board of Trustees considered Resolution No. 15-66 for the Wise Farms Preliminary Plat. During the June 23, 2015 Board of Trustees meeting, staff was directed to draft a resolution denying the Wise Farms Preliminary Plat. Staff has provided revised Resolution No. 15-66 denying the proposed the Wise Farms Preliminary Plat for not being in compliance with seven of the Approval Criteria in Municipal Code Title 10, Section 7.7 C.10

**Action:** Trustee Carroll was not present at the second reading of the Public Hearing for the approval of this item and recused herself from the vote to deny. Trustee Moore moved to approve Resolution 15-66 Making Certain Findings of Fact and Conclusions Unfavorable to the Preliminary Plat of the Wise Farms Property; the motion was seconded by Trustee Schutt. The motion carried with a three (3) for and one (1) against vote, with Mayor Pro Tem Gruber voting no.

## VIII. RESOLUTIONS

### PUBLIC HEARING

- a. **Resolution 15-92; A Resolution By The Board Of Trustees Of The Town Of Erie, Colorado Approving The Vista Ridge Filing No. 14 Minor Subdivision Plat With Conditions; Accepting Dedications As Shown On The Minor Subdivision Plat Filing No. 14 Minor Subdivision Plat; Authorizing The Appropriate Town Official To Sign The Vista Ridge Filing No. 14 Development and Incentive Agreement; Authorizing The Appropriate Town Official To Sign The Vista Ridge Filing No. 14 Avigation Easement Agreement; Adopting Certain Findings Of Fact And Conclusions Favorable To The Approval, Acceptance Of The Dedications and the Development Agreement**

Staff is requesting continuance of the Public Hearing for the Vista Ridge Filing No. 14 Minor Subdivision Plat application until the August 11, 2015 Board of Trustees meeting.

- Action:** Mayor Harris opened the Public Hearing for Resolution 15-92 at 7:15 pm. Trustee Schutt moved to continue the Public Hearing for Resolution 15-92 to the August 11, 2015 regular meeting of the Board of Trustees; the motion was seconded by Trustee Carroll. The motion carried with all present voting in favor thereof.

- b. **Resolution 15-95; A Resolution Awarding a Design Build Contract for the North Water Reclamation Facility Capacity Improvement**

The Wastewater Capital Improvement budget contains funds for capacity improvements to the hydraulic, organic, and biosolids handling equipment at the North Water Reclamation Facility (NWRF). The NWRF was completed in 2011. The Colorado Department of Health and Environment (CDPH&E) permitted the NWRF to receive 1.5 million gallons of water a day (hydraulic capacity), and 3,223 pounds of organic solids a day (organic capacity). The Biosolids handling equipment was sized to handle the permitted organic capacity. The NWRF has exceeded organic capacity in every month of 2015. The CDPH&E require wastewater facilities to increase capacity when they have exceeded 95% of either hydraulic or organic capacity. The Board of Trustees awarded a contract to Frachetti Engineering, Inc, at the November 11, 2013 Board meeting to study options for increasing wastewater capacity. The study was complete in November of 2014 and the results were presented to the Board of Trustees at the March 24, 2015 meeting. The study indicated that the most economically feasible option for the Town was to increase capacity at the NWRF. Town staff issued a Request for Qualifications for the NWRF Capacity Improvements Project on March 25, 2015. Six design/build teams submitted qualifications on April 15, 2015. Staff evaluated the qualifications and issued a Request for Proposal to three of the teams on May 19, 2015. Proposals were received on July 7, 2015. The request for proposal allowed the design/build teams to propose innovative design and construction approaches to the project. Staff evaluated the proposals by proposers experience, proposers innovative design approach, and by price. The improvements recommended in the Frachetti Engineering report were the basis of the Lump Sum Base Bid for the Design-Build Request for Proposal. Based on staff experience, in addition to the recommendations in the report, a further analysis is needed for biosolids capacity upgrades. The design/build teams were asked to provide an allowance for an alternative analysis to determine the system that would best fit the Town's needs and an allowance for several options for biosolids thickening. Staff is recommended awarding the design/build contract for the NWRF Capacity Improvements project to BMCI, a joint venture of Burns and McDonnell Engineering and Moltz Construction in the amount of \$3,234,582.00 BMCI's proposal had the lowest base bid and the lowest alternative analysis bid for the biosolids capacity systems upgrades. The BMCI design and construction approach was innovative as it provided for short term needs while looking at the long term plans for the facility. They proposed keeping the existing process system. Their proposal will save the Town both operational and capital costs, without limiting the capacity of the

**RESOLUTIONS (continued)**

NWRF. It will also not require a reconfiguration of the process for loading beyond this expansion. Burns and McDonnell originally designed the NWRF. The Town has used Burns and McDonnell for many successful projects. Moltz Construction recently constructed the 4 MG potable water tank for the Town which was a successful project. The base bid lump sum amount will cover the hydraulic and organic capacity improvements.

**Action:** Trustee Moore moved to approve Resolution 15-95; the motion was seconded by Mayor Pro Tem Gruber. The motion carried with the following Roll Call vote:

Trustee Carroll	Yes
Mayor Pro Tem Gruber	Yes
Trustees Moore	Yes
Trustee Schutt	Yes
Mayor Harris	Yes

**c. Resolution 15-99; A Resolution Authorizing The Town Of Erie, Colorado, To Enter Into An Intergovernmental Agreement Between The Town Of Erie And The Erie Farm Metropolitan District Ensuring Compliance With The Approved Service Plan And The Erie Municipal Code**

The Town previously approved the Amended and Restated Service Plan (Plan) for the Erie Farm Metropolitan District (District) in March 2013. The District encompasses approximately 158 acres of land located at the northwest corner of Arapahoe Road and County Line Road. In accordance with the approved Plan and Title 9-4-6 of the Town of Erie Municipal Code, the Town requires the District to enter into an Intergovernmental Agreement (IGA) with the Town ensuring compliance with approved Plan and the Erie Municipal Code.

**Action:** Trustee Schutt moved to approve Resolution 15-99; the motion was seconded by Mayor Pro Tem Gruber. The motion carried with a four (4) for and one (1) against vote, with Trustee Carroll voting no.

**d. Resolution 15-96; A Resolution Approving an Agreement with CDG for Re-Use Waterline Reimbursement**

The Town recently completed an update to the Non-Potable Water Master Plan. This plan outlines improvements needed to provide non-potable water for irrigation use for future development. The Town has constructed a non-potable pump station at the North Water Reclamation Facility and a raw waterline that currently terminates at the old South Water Reclamation Facility. The Daybreak Metropolitan District Development Agreement No. 1 dated May 3, 2013, requires the Developer to construct an 8-inch raw waterline from the terminus of the existing 16-inch raw waterline near the South Water Reclamation Facility into the Colliers Hill Development to serve non-potable water for their use. The Town's current Non-Potable Water Master Plan identifies that the raw waterline should be 16-inch from the terminus of the existing line south along Coal Creek, and the raw waterline going east into Colliers Hill should be 12-inch. The upsizing from the 8-inch required to serve Colliers Hill to the 16-inch and 12-inch lines is desired to accommodate future growth. The funding for this upsizing is in the Town's Capital Improvement Project (CIP) Water fund. Town Staff and the Town Attorney have negotiated a Raw Water Line Agreement with Community Development Group of Erie to design and construct an upsized Raw Water Line to be consistent with the current Non-Potable Water Master Plan. This upsizing is eligible for reimbursement. This agreement before you tonight defines the roles and responsibilities of each party for funding this raw water line. Once the design is complete and the project is bid, the approval to award the construction contract will be brought back before the Board of Trustees for final approval. Staff is recommending approving Resolution 15-96 and authorizing the Mayor to sign the Raw Water Line Agreement.

## RESOLUTIONS (continued)

**Action:** Trustee Moore moved to approve Resolution 15-96; the motion was seconded by Trustee Schutt. The motion carried with all present voting in favor thereof.

## IX. GENERAL BUSINESS

### a. School Traffic Safety Problem Solving Project Update

During the course of the school year, residents have noticed and voiced concerns regarding traffic flow and pedestrian safety at the multiple 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 periods of time while cars are unable to complete a turn at an intersection or into a school parking lot, and speeding. Both the Public Works Department 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. In 2012 Public Works performed a signal warrant analysis at the intersection of County Line Road and Austin Avenue near Aspen Ridge Preparatory School. 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. A new signal warrant analysis is scheduled to occur later this year. County Line Road is currently being designed for expansion and will include the intersection of County Line Road and Austin Avenue. If a signal is warranted, the proposed 2016 budget will include the cost of a signal along with the above mention expansion. In November of 2013, the Public Works Department 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 from parents driving their children to school rather than allowing them to walk or bike from the neighborhoods. Staff members from the Public Works Department 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. In 2014, 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

At the Board of Trustees Meeting on January 27, 2015, Staff presented a proposed plan to the Board of Trustees. Since that time, Staff has had numerous meetings with the St. Vrain School District and the Principals of each school. The plan presented to the Board of Trustees in January has been modified slightly with the involvement of the school district.

**GENERAL BUSINESS (continued)**

The following is a general description of the plan at each school site:

**Erie High School**

- Post School Zone on WCR 5 per the Manual of Uniform Traffic Control Devices (MUTCD)

**Aspen Ridge Preparatory**

- Add flashing crosswalk signs on County Line Road
- Allow Parking on east side of Lloyd Lane
- Add signage at school entrance to only allow right in and right out traffic during school hours

**Red Hawk Elementary**

- Restripe Jasper Road to allow parking on west side
- Add No Stopping Signs on east side of Jasper Road
- Add Crosswalk at Stanley Drive and Meller St.

**Erie Elementary**

- Add No Stopping Signs along east side of County Line Road
- Add additional No Left Turn Sign on west side of County Line Road
- Add Crosswalk across Jay Road at County Line Road

**Erie Middle School**

- Add two crosswalks across Main Street at Cheesman Street and Wells Street
- Add Striping for Turn Lane into school drop off area
- Add No Stopping Signs adjacent to proposed turn lane and between drop off entrances

**Black Rock Elementary**

- Continue to work with School District on Parent Education

Staff recommends that the improvements listed above be coordinated with the school district and installed before the beginning of school. The project will cost approximately \$23,000 and will be paid for from savings within other transportation capital project budgets that having savings left in their accounts.

**Action:** Trustee Carroll moved to approve expenditures up to \$23,000.00 to cover the project costs; the motion was seconded by Mayor Pro Tem Gruber. The motion carried with the following Roll Call vote:

Trustee Schutt	Yes
Trustee Moore	Yes
Mayor Pro Tem Gruber	Yes
Trustee Carroll	Yes
Mayor Harris	Yes

**b. Motion to Request Party Status with North West Colorado Council of Governments for Colorado Oil & Gas Conservation Commission Rule Making Process Participation**

At the July 14, 2014 Regular Meeting, General Board consensus was to place an item on General Business for a motion to allow the Town to request for party status with the Northwest Colorado Council of Governments (headwaters towns and counties). This would enable the Town to participate in the COGCC rulemaking process. NWCCOG regularly has other local governments outside the COG region who share a common interest in the rule at hand join in the request for party status and participate together in the rulemaking proceedings.

GENERAL BUSINESS (continued)

Action: Mayor Pro Tem Gruber moved to request party status with North West Colorado Council of Governments for Colorado Oil & Gas Conservation Commission Rule Making Process Participation; the motion was seconded by Trustee Carroll. The motion carried with all present voting in favor thereof.

X. BOARD OF TRUSTEES REPORTS

Mayor Pro Tem Gruber reported on recent meetings he attended held by COGCC and NISP.

Trustee Carroll reported that there were two applications being reviewed to fill the Tree Board vacancies.

Trustee Schutt announced the upcoming Air Fair on August 8<sup>th</sup>.

Trustee Moore thanked staff for completing an agreement with the Blue Sky Condominium HOA for the Highway 7 sidewalk extension.

Mayor Harris thanked Mayor Pro Tem Gruber and Trustee Harris for representing the Board in negotiations for an Operating Agreement with EnCana.

XI. ADJOURNMENT

Action: Trustee Schutt moved to adjourn the July 28, 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 July 28, 2015 Regular Meeting of the Town of Erie Board of Trustees at 8:37 p.m.

Respectfully Submitted,

  
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Nancy J. Parker, CMC, Town Clerk



  
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Tina Harris, Mayor