

TOWN OF ERIE
BOARD OF TRUSTEES REGULAR MEETING 1
Tuesday, August 11, 2015
6:30 p.m.
Board Room, Erie Town Hall, 645 Holbrook, Erie, CO 80516

I. CALL MEETING TO ORDER

Mayor Harris called the August 11, 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	Present

III. APPROVAL OF THE AGENDA

Action: Trustee Schutt moved to approve the August 11, 2015 Town of Erie Board of Trustees Meeting Agenda; the motion was seconded by Trustee Charles. The motion carried with all present voting in favor thereof.

IV. CONSENT AGENDA

- a. Approval of the July 28, 2015 Meeting Minutes
- b. Resolution 15-105; A Resolution Adopting A Drought Mitigation Plan
- c. Resolution 15-106; A Resolution Approving Storm Sewer Repair in Vista Ridge

Action: Trustee Charles moved to approve the August 11, 2015 Consent Agenda; the motion was seconded by Mayor Pro Tem Gruber. The motion carried with the following Roll Call vote:

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

V. PROCLAMATIONS AND PRESENTATIONS

a. **Parks and Recreation Presentation - Leadership Camp Kids Video**

The Parks and Recreation Department would like to recognize the efforts of the Trailblazers Leadership Camp Director, Adrienne Barlow and the participants of this program offered at the Erie Community Center. The Trailblazer's Leadership Camp is a program that strives to help participants meet their full potential as young leaders. The program is open to pre-teen's ages 12-14. Each week, the program focuses on a different concentration, including building confidence, problem solving, team building, goal setting and community involvement. Participants also get to take part in the best parts of summer camp - swimming and rock climbing at the ECC in addition to going on field trips on Thursdays.

Some of the projects this summer included:

- Assisting the Parks Division mulch trees in Town parks
- Serving as junior counselors on Camp Erie field trips
- Volunteering at Sister Carmen Community Gardens composting, harvesting and building
- Planning and organizing a food drive that collected 578 items weighing over 350 pounds

b. **Communicator Awards-Town of Erie Government Website-Award of Distinction Inside Erie "Water" Edition – Award of Distinction**

Town of Erie Website: As the online gateway to the Town of Erie, the new www.erieco.gov is a more welcoming, informative and easier to navigate local government website - that doesn't look like a government website. Since its launch in June of last year, the site has enjoyed an approximately 24% increase in Unique Site Visits and a 34% decrease in Total Page Visits. Our customers are getting to where they want to go in fewer clicks. Inside Erie "Water" Edition: Nationwide, many utilities are grappling with the problem of aging infrastructure. Fortunately, as Erie is a younger community, our water customers enjoy the benefits of our newer - state of the art infrastructure. And at the heart of that infrastructure is the Lynn R. Morgan Water Treatment Facility. The "Water" edition of Inside Erie shows where Erie's water comes from and what it takes to deliver it to our community. The Communicator Awards is an international awards program recognizing marketing and communications. Founded two decades ago, The Communicator Awards is sanctioned and judged by the Academy of Interactive & Visual Arts (AIV A), an invitation-only group consisting of professionals from media, communications, advertising, creative and marketing firms. The Communicator Awards receives over 6,000 entries from companies and agencies of all sizes, making it one of the largest awards of its kind in the world.

VII. LAND DEVELOPMENT RESOLUTIONS AND ORDINANCES

PUBLIC HEARING

a. **Ordinance 20-2015; An Ordinance of the Town of Erie, Colorado, Approving Canyon Creek Planned Development Amendment No. 9; Making Findings Supporting Canyon Creek Planned Development Amend No. 9; and Setting Forth Details in Relation Thereto**

The proposal for the Canyon Creek Filing No. 10 portion of the Canyon Creek PD is to designate three Principal Land Uses: 14.55 acres of CC-Community Commercial; 19.74 acres of HR-High Density Residential; and, 12.32 acres of MR-Medium Density Residential.

LAND DEVELOPMENT RESOLUTIONS AND ORDINANCES (continued)

The Canyon Creek PD Amendment No. 9 CC-Community Commercial Land Use, HR-High Density Residential Land Use, and MR-Medium Density Residential Land Use will follow the Unified Development Code Table of Permitted Uses in CC-Community Commercial, HR-High Density Residential, and MR-Medium Density Residential zone districts.

PD Amendment No. 9 will allow Single Family Detached – Patio homes as a use by right, with the same architectural design guidelines as were adopted in Canyon Creek Filing No. 9 for the Boulder Creek Neighborhoods patio home development, within the HR-High Density Residential Land Use and MR-Medium Density Residential Land Use. Additionally, within 200 feet of the existing single family homes in Canyon Creek Filing 5, the applicant has proposed that the housing be restricted to alley loaded single family patio homes or duplexes. This will ensure an appropriate housing transition from the existing single family homes to the new development in Filing 10.

Action: Trustee Carroll recused herself from this Agenda Item, citing a conflict of interest. Her residence is within 300 feet of this project.

Action: Mayor Harris opened the public hearing for Ordinance 20-2015 at 6:44 p.m. Prior to taking evidence or testimony the Mayor got an affirmation that the evidence and or testimony from those wishing to give it was true.

Justin McClure, RMCS, 21 South Sunset Street, Longmont, CO. presented on behalf of the applicant.

Kristen Hepp Salto, 451 Graham Circle, Erie, Co. provided public comment, expressing concern regarding light pollution from this project.

Action: Following Board discussion and questions, Mayor Harris closed the Public Hearing for Ordinance 20-2015 at 8:05 p.m. This was the first reading of Ordinance 20-2015 and it will be returned for Board action at the August 25, 2015 Regular Meeting.

b. Resolution 15-101; A Resolution by the Board of Trustees of the Town of Erie, Colorado Approving the 4 Corners Pre-Development Agreement

The Resolution provided for the Board of Trustees authorizes Town officials to accept, and to sign the 4 Corners Pre-Development Agreement. The Pre-Development Agreement addresses the current development proposal for residential and commercial development of the property, as illustrated in the Canyon Creek PD Amendment No. 9 application and the Canyon Creek Filing No. 10 Sketch Plan application that is being reviewed concurrently with the Pre-Development Agreement.

Action: Trustee Schutt moved to continue Resolution 15-101 to the August 25, 2015 regular Meeting; the motion was seconded by Trustee Charles. The motion carried with all present (Trustee Carroll was recused) voting in favor thereof.

c. Review and Comment - Canyon Creek Filing No. 10 Sketch Plan Review

The applicant named Canyon Creek Filing No. 10 as "4 Corners" in the Sketch Plan application. The Sketch Plan illustration represents a mix of housing types and commercial development that could develop on the property based on the Canyon Creek PD Amendment No. 9 application that is being reviewed concurrently with this Sketch Plan application. The Sketch Plan is not part of a formal application for approval of a subdivision and any comments made by the Town in reaction to a Sketch Plan shall not be binding on the Town's consideration of any subsequent Preliminary or Final Plat application, nor result in a vested property right under this UDC or State Statute. Since the Sketch Plan is conceptual only, there are no lapse provisions applicable.

Action: Mayor Harris called for a break at 8:06 p.m. and reconvened the meeting at 8:19 p.m.

VIII. RESOLUTIONS

PUBLIC HEARING (continued from the July 28, 2015 Meeting)

- 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 Vista Ridge filing No. 14 Minor Subdivision Plat; Adopting Certain Findings of Fact and Conclusions Favorable to the Approval, Acceptance of the Dedications Contained Therein, and Setting Forth Details in Relation Thereto.**

Minor subdivision plats for non-residential lots require Board of Trustee approval with public hearings before the Planning Commission and Board of Trustees. Town staff has reviewed the Vista Ridge Filing No. 14 Minor Subdivision Plat and Construction Drawings for Vista Ridge Filing No. 14 and have found them to be in compliance with the Town Municipal Code and the Standards and Specifications for the Design and Construction of Public Improvements. The Vista Ridge Filing No. 14 minor subdivision plat consists of 6 commercial lots and 3 future development tracts. The plat includes the un-platted Parcels 1 & 2 of Subdivision Exemption No. 977 (Brownlee) and a re-plat of Parcels 33 & 34 of the Vista Ridge Master Final Plat. Approximately 13 acres of the western portion of this filing will be further subdivided.

Action: Mayor Harris continued the public hearing for Resolution 15-92 at 8:19p.m. Prior to taking evidence or testimony the Mayor got an affirmation that the evidence and or testimony from those wishing to give it was true.

Drew Warot, King Soopers, 65 Tejon Street, Denver, CO. spoke on behalf of the applicant.

Action: Mayor Harris closed the public hearing for Resolution 15-92 at 8:34 p.m. Mayor Pro Tem Gruber moved to approve Resolution 15-92; the motion was seconded by Trustee Charles. The motion carried with all present voting in favor thereof.

PUBLIC HEARING

- b. **Resolution 15-102; A Resolution Making Certain Findings of Fact and conclusions Favorable to the Vista Ridge Filing No. 2, 1st Amendment Preliminary Plat; Imposing Conditions of Approval; Approving Vista Ridge Filing No. 2, 1st Amendment Preliminary Plat with Conditions**

Action: Mayor Harris opened the public hearing for Resolution 15-102 at 8:35p.m. Prior to taking evidence or testimony the Mayor got an affirmation that the evidence and or testimony from those wishing to give it was true.

Vista Ridge Filing No. 2, 1st Amendment is located on the north side of Ridge View Drive between Mountain View Boulevard and Sheridan Boulevard. The applicant proposal includes 25 single family residential lots in Vista Ridge Filing No. 2, 1st Amendment. The proposed lots are less than 5,000 square feet in size which requires separate Site Plan approval. A Site Plan application is being processed concurrent with this preliminary plat and has been conditionally approved by the Planning Commission. 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 Vista Ridge Filing No. 2, 1st Amendment Preliminary Plat application. Staff has provided Resolution 15-102, for Board of Trustee consideration, approving the application with the following conditions: 1. The proposed utility easement to be dedicated to the Town of Erie within Tract B shall meet the Town of Erie Standards and Specifications for Design and Construction of Public Improvements 2. Technical corrections to Vista Ridge Filing No. 2, 1st Amendment Preliminary Plat shall be made to the Town's satisfaction.

RESOLUTIONS (continued)

PUBLIC HEARING

Ward Ritter, Chartered Development Corporation, 3160 Vista Village Drive, Erie, CO. presented on behalf of the applicant.

Action: Mayor Harris closed the public hearing for Resolution 15-102 at 8:49 p.m. Trustee Schutt moved to approve Resolution 15-102; the motion was seconded by Trustee Woog. The motion carried with all present voting in favor thereof.

PUBLIC HEARING

- c. **Resolution 15-103; A Resolution of the Board of Trustees of the Town of Erie, Colorado, Approving the Service Plan for the Sierra Vista Metropolitan District with a Condition; and Authorizing the Town of Erie Colorado to Enter into an Intergovernmental Agreement Between the Town of Erie and the Sierra Vista Metropolitan District, Ensuring Compliance with the Approved Service Plan and the Erie Municipal Code**

The Town has received the Service Plan (Plan) for the Sierra Vista Metropolitan District (District). The District encompasses approximately 60 acres of land located at the northwest corner of State Highway 7 and Bonanza Drive. State Statute requires the Board of Trustees to approve the Plan by resolution of any special district organized within the municipal limits of the Town. This is a required step for the District to participate in the November 2015 Title 32 district election. The Board of Trustees adopted a special district ordinance and model service plan in June 2007. The special district ordinance was amended in 2013. The Plan has been submitted in accordance with the ordinance and amendment thereto. The Plan was submitted using the model service plan as a guide and the Districts have complied with the amended Town ordinance. The District will provide public improvements and services to a new residential community, Sierra Vista. The Plan identifies improvements and services expected to be provided by the District, the Plan also describes how activities will be financed. The Plan identifies powers of the Districts as well as describes the limitations. In addition, disclosure of the District is included that advises potential property owners to investigate financing, servicing of indebtedness, etc. Town staff and Kim Crawford, Special Counsel to the Town has reviewed the Plan and have found it to be in general compliance with the model service plan and the Town ordinance as amended. Approval of Plan does not constitute the Town's approval of any future development plan or zoning.

Action: Mayor Harris opened the public hearing for Resolution 15-103 at 8:50 p.m. Prior to taking evidence or testimony the Mayor got an affirmation that the evidence and or testimony from those wishing to give it was true.

Jeff Handlin, 9033 Easter Place, Centennial, CO., presented on behalf of the applicant.

George M. Rowley, Esq., 2154 E Commons Ave, Suite 2000, Centennial, CO., presented on behalf of the applicant.

James Sharp, D.A. Davidson & CO., 1600 Broadway, Suite 1100, Denver, CO., presented on behalf of the applicant.

Elizabeth and Aaron Miller, 3040 Cherokee Ct., Erie, CO., presented public comment to the Board expressing concerns regarding the proximity of this project to the Erie Municipal Airport.

Action: Mayor Harris closed the public hearing for Resolution 15-103 at 9:10 p.m. Trustee Schutt moved to approve Resolution 15-103; the motion was seconded by Mayor Pro Tem Gruber. The motion carried with a four (4) for and three (3) against with Trustees Carroll, Charles and Moore voting no.

RESOLUTIONS (continued)

d. Resolution 15-100; A Resolution Authorizing the Engagement of TischlerBise, Inc. for Completion of an Impact Fee Study

The Town's municipal code requires the performance of a professional impact fee study at least every five years in order to determine the adequacy of fees charged. The Town's last rate study was performed in 1999 (2002 for the storm drainage impact fee) and impact fees were last changed in 2002. Future capital demands for parks, public facilities, storm drainage and streets are significant, and the current impact fees do not reflect those demands or cost increases since the time of the last studies. As a result, in accordance to policy and at the request of the Board, a new rate study is required. Staff requested proposals from three firms – BBC Research & Consulting, TischlerBise Inc. and Willdan Financial Services. TischlerBise performed the Town's last fee study and Willdan performed the Town's water, wastewater and storm drainage rate and fee study in 2014. Tischlerbise's fee proposal was \$59,440 while Willdan's was \$36,430. BBC did not provide a response to the request for proposal. Although TischlerBise's fee is more than Willdan's, staff is recommending the selection of TischlerBise. Tischlerbise is recognized as the national leader in the performance of impact fee studies, having conducted over 900 impact fee studies across the country. They have conducted numerous studies in Colorado, including for Boulder, Castle Rock, Colorado Springs, Longmont, Louisville and Thornton, and therefore are fully familiar with the legal requirements for the establishment of impact fees, which are governed by State statute and case law. On the other hand, Willdan, has conducted 100 impact fee studies, with only a few in Colorado. Two Colorado municipalities that used Willdan for impact fee studies in the past have recently utilized other firms to update their fees. TischlerBise also brings to the table some innovative approaches to the establishment of impact fees to ensure they are as equitable as possible, in addition to the traditional approach of simply projecting the cost of future growth-related capital projects and dividing by the number of projected residential and commercial units. Willdan's methodology only encompasses this more traditional approach. (Note: TischlerBise requested that the description of their approach as described in their proposal remain confidential as it is proprietary. Therefore, a portion of their proposal attached to the consulting agreement has been omitted. Any Board members desiring to see these sections will be provided a copy upon request.) TischlerBise would begin its study immediately upon signing of a contract, which would follow the Board's approval. It is anticipated that the study would be concluded within approximately 120 days after initiation of the project for presentation to the Board at a study session. This rate and fee study would help ensure that impact fees for parks improvement, public facilities, storm drainage and streets/transportation are established at appropriate levels, with the objective of implementing any resulting changes effective January 1, 2016.

Action: Trustee Moore moved to approve Resolution 15-100; the motion was seconded by Trustee Charles. The motion carried with the following roll call vote:

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

RESOLUTIONS (continued)

- e. **Resolution 15-107; A Resolution Approving an Intergovernmental Agreement with Boulder County Sheriff's Department Communications Center for Dispatch Services**

Boulder County Communications and the Town of Erie Police Department are asking the Town of Erie to sign an Intergovernmental Agreement to provide police dispatch services. Previously the town had signed an IGA that was renewable yearly in 2000. This agreement will cover the years 2016 through 2020 and set a new fee schedule for those years.

Action: Trustee Charles moved to approve Resolution 15-107; 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
Trustee Carroll	Yes
Mayor Harris	Yes

- f. **Resolution 15-104; A Resolution Awarding a Contract for Street Maintenance Program**

The 2015 Capital Budget includes the annual Street Maintenance Program (SMP). The purpose of this program is to protect and preserve the value of the street assets and to maintain their safety and drivability. Maintaining the Town's streets is important for public safety and as a means to extend the useable life of the streets. This also keeps with the Town's commitment to perform preventative maintenance of our infrastructure. Over the past several years, there have been significant advances in street seal coat technology as compared with the more traditional asphalt overlays. By using the surface treatments identified, the Town is able to extend the life of roads that have not degraded to a point where they need an overlay. This is the most cost-effective way to maintain street conditions with the advances in technology and the current economic times. This strategy also results in a greater number of miles being treated each year. The Town of Erie annually budgets to make needed repairs to the Town's street system. Repair work generally consists of asphalt patching, overlay & reconstruction, and various surface treatments including: micro-surfacing, rock seal, cape seal, slurry seal, chip seal, double chip seal, and/or hot applied chip seal. Work needed is identified using a pavement management program. The program evaluates needs at various locations throughout the Town. The street conditions are assessed using a standardized method of pavement distress identification developed by the United States Department of Transportation's Federal Highway Administration. Distresses for each street are stored in a pavement management database that, when applied to a formula, calculates the Remaining Service Life (RSL) of a street section where RSL 20 = New, and RSL 0 = Failed. The system is used as a tool by staff to determine the type and desired timing of maintenance treatment for the streets. Hot Chip Seal is a surface treatment that combines a Chip Seal and a thin lift of open graded friction course (OGFC) providing a double application of material. The Chip Seal provides a waterproof membrane and the Hot Chip Seal provides a strong wearing surface that will improve the profile of the existing asphalt. A hot chip seal will bring the roadway back to a Remaining Service Life (RSL) of 20 years.

RESOLUTIONS (continued)

Action: Trustee Moore moved to approve Resolution 15-104; the motion was seconded by Trustee Charles. The motion carried with the following roll call vote:

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

IX. ORDINANCES

- a. **Ordinance 14-2015; An Ordinance of the Town of Erie, Colorado, Amending Title 9, 'Building and Development Regulations,' Chapter 4, "Special Districts," of the Erie Municipal Code; and Setting Forth Detail in Relation Thereto**

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.

Section 9-4-5 B.2

The proposed amendment caps the mill levy assessed by the district at 50 mills 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) 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.

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 **approval by first providing prior written notice to the board of trustees of the district's intention to use the power of eminent domain.**

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: This was the first reading of Ordinance 14-2015; it will be returned for Board Action at the September 8, 2015 Regular Meeting.

X. BOARD OF TRUSTEES REPORTS

Mayor Pro Tem Gruber reported that the Colorado Municipal League Policy Committee was asking for suggestions for items of concern to bring to the State level.

Trustee Carrol noted that there would probably be two appointments to the Tree Board at the next regular meeting.

Trustee Woog noted the success of the recent Erie Air Fair.

Trustee Moore reported on the recent Open Space and Trails meeting and the upcoming Concert in the Park.

Trustee Charles reported that the Historic Preservation Board was taking a month off this summer but was regrouping and would be presenting new ideas.

Mayor Harris was working with Paula Mehle, Economic Development Coordinator for the Town to revamp the Economic Plan. The Mayor also reported that the Dog Park Committee was moving along with plans and fundraisers.

XI. ADJOURNMENT

Action: Trustee Schutt moved to adjourn the August 11, 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 August 11, 2015 Regular Meeting of the Town of Erie Board of Trustees at 9:53 p.m.

Respectfully Submitted,



Nancy J. Parker, CMC, Town Clerk



Tina Harris, Mayor

