

TOWN OF ERIE
BOARD OF TRUSTEES REGULAR MEETING 1
Tuesday, September 8, 2015
6:30 p.m.
Board Room, Erie Town Hall, 645 Holbrook, Erie, CO 80516

I. CALL MEETING TO ORDER

Mayor Harris called the September 8, 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	Joined the Meeting at 7:40 pm
	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 September 8, 2015 agenda; the motion was seconded by Trustee Schutt. The motion carried with all present voting in favor thereof.

IV. CONSENT AGENDA

- a. Approval of the August 25, 2015 Meeting Minutes
- b. Ordinance No. 22-2015; An Ordinance Of The Town Of Erie, Colorado, Regarding The Bridgewater PUD Overlay Map – Amendment No. 3, Adopting Certain Findings Of Fact And Conclusions Favorable To The PUD Overlay Rezoning.
- c. Resolution 15-108; A Resolution of the Town of Erie Approving the Subdivision Plat for Bridgewater Master Subdivision Amendment No. 1
- d. Resolution 15-118; A Resolution Authorizing the Purchase of a Toro Infield Groomer

CONSENT AGENDA (continued)

Action: Trustee Charles moved to approve the September 8, 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 Charles	Yes
Mayor Pro Tem Gruber	Yes
Mayor Harris	Yes

V. PUBLIC COMMENT

Ann Carto, Community Outreach Coordinator, Colorado Oil & Gas Association, 1800 Glenarm Pl., Suite 1100, Denver, CO. asked on behalf of COGA to consider delaying a decision on passing Ordinance 21-2015.

VI. LAND DEVELOPMENT RESOLUTIONS AND ORDINANCES

CANYON CREEK

- 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. 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.

- 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.

LAND DEVELOPMENT RESOLUTIONS AND ORDINANCES (continued)

Action: Trustee Schutt moved to approve Ordinance 20-2015; the motion was seconded by Trustee Woog. The motion carried with all present voting in favor thereof.

Action: Trustee Charles moved to approved Resolution 15-101; the motion was seconded by Trustees Schutt. The motion carried with all present voting in favor thereof

VISTA RIDGE FILING 14

- c. Resolution 15-113; A Resolution Authorizing the Town of Erie, Colorado, to Enter Into the Following Agreements: A Purchase And Sale Agreement With Montex (Brownlee) LLC And Montex (Vista Ridge) LLC, A Purchase and Sale Agreement With Dillon Companies Inc., A Reciprocal Easement and Restriction Agreement With Montex (Vista Ridge) LLC, And a Repayment Option Agreement With Dillon Companies, Inc.; Authorizing and Directing the Appropriate Town Officers to Sign Said Agreements; and, Setting Forth Details in Relation Thereto.**

The Resolution, provided for consideration by the Board of Trustees, authorizes the appropriate Town Official to sign the following:• Purchase and Sale Agreement of 20.2528 acres within Vista Ridge Filing No. 14 between the Town of Erie and Montex (Vista Ridge) LLC and Montex (Brownlee) LLC;• Reciprocal Easement and Restriction Agreement on 20.2528 acres within Vista Ridge Filing No.14 between the Town of Erie and Montex (Vista Ridge) LLC and Montex (Brownlee) LLC and the future developer, Dillon Companies, Inc.;• Purchase and Sale Agreement of 20.2528 acres within Vista Ridge Filing No. 14 between the Town of Erie and Dillon Companies, Inc; and• Repayment Option Agreement between the Town of Erie and Dillon Companies, Inc. The Montex (Vista Ridge) LLC and Montex (Brownlee) LLC representative has signed the Purchase and Sale Agreement and Reciprocal Easement and Restriction Agreement without notarization of signatures due to timing conflicts. The signatures express the intention and support by Montex (Vista Ridge) LLC and Montex (Brownlee) LLC for the project and their intention to provide final notarized signatures before the September 8, 2015 Board of Trustee if travel allows.

- d. Resolution 15-114; A Resolution Authorizing the Town of Erie, Colorado, to Enter Into the Vista Ridge Filing No. 14 Non-Residential Development Agreement; Authorizing and Directing the Appropriate Town Officers to Sign Said Development Agreement; and, Setting Forth Details in Relation Thereto.**

The Resolution, provided for consideration by the Board of Trustees, authorizes the appropriate Town Official to sign the Vista Ridge Filing No. 14 Non-residential Development Agreement which outlines obligations of the Town and the Owners for Vista Ridge Filing No. 14 Minor Subdivision final plat.

- e. Resolution 15-115; A Resolution Authorizing the Town of Erie, Colorado, to Enter Into a Grant of Permanent Avigation Easement Agreement; Authorizing and Directing the Appropriate Town Officers to Sign Said Grant of Permanent Avigation Easement Agreement; And, Setting Forth Details in Relation Thereto.**

LAND DEVELOPMENT RESOLUTIONS AND ORDINANCES (continued)

VISTA RIDGE FILING 14

The Resolution, provided for consideration by the Board of Trustees, authorizes the appropriate Town Official to enter into a grant of permanent avigation easement agreement for a portion of the Vista Ridge Filing No. 14 Minor Subdivision final plat.

Action: Trustee Charles moved to approve Resolution 15-113; the motion was seconded by Mayor Pro Tem Gruber. The motion carried with all present voting in favor thereof.

Action: Trustee Charles moved to approve Resolution 15-114; the motion was seconded by Trustee Moore. The motion carried with all present voting in favor thereof.

Action: Trustee Woof moved to approve Resolution 15-115; the motion was seconded by Trustee Charles. The motion carried with all present voting in favor thereof.

Action: Mayor Harris called for a break and reconvened the meeting at 7:38p.m. Trustee Carroll arrived and joined the meeting at this time.

VII. RESOLUTIONS

a. Resolution 15-86; A Resolution Awarding a Design Contract for the Pedestrian Taxiway Underpass Repair at the Erie Municipal Airport

At the May 26, 2015 Board of Trustees meeting, the Board approved a new appropriation for the design and construction of flood mitigation for the Coal Creek Trail Underpass. A Request for Proposal was solicited from three design firms that have direct knowledge of the underpass. Two of the three design firms submitted proposals. One of the design firms submitted a letter explaining that based on their current commitments, they need to pass on this opportunity. The following are the fee proposals for the two firms that did submit proposals: Staff is recommending awarding Loris and Associates this project based on their qualifications, approach to the project, and design cost. Loris and Associates has experience with this type of project design and has successfully completed several projects for the Town. Loris and Associates designed the new pedestrian crossing of Coal Creek near Bonnell Ave, the two AARA Funded bike lane projects for Erie Parkway and County Line Road, the Safe Routes to School Sidewalk project from Telleen north to the railroad tracks and conducted the Coal Creek Trail – Erie Municipal Airport Taxiway Underpass Conceptual Alternative Analysis.

Action: Trustee Moore moved to approve Resolution 15-86; 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 Carroll	Yes
Trustee Schutt	Yes
Trustee Moore	Yes
Trustee Woog	Yes
Mayor Harris	Yes

RESOLUTIONS (continued)

b. Resolution 15-110; A Resolution Authorizing a Lease Agreement with Bijou Irrigation Company for the Lease of Nine Hundred and Eighty Colorado Big Thompson Units

Erie is currently participating in the Windy Gap Firming Project ("WGFP") and the Northern Integrated Supply Project ("NISP"). Construction of the WGFP is currently scheduled to commence in 2018 and completion in 2020, if there are no further delays with permitting or other issues. The construction of NISP is currently scheduled to commence in 2018 with completion in 2023, again if there are no further delays. The Town has carefully planned to utilize these projects to meet water demands as the Town grows. Based on the current status of both the WGFP and NISP, it is recommended that the Town secure an interim water supply in the event that either project is delayed. The 980 CBT Units would provide security for the Town while the projects are being built. Bijou is seeking a long term lease for the CBT Units to generate revenue. Staff was successful in negotiating a lease for five years with Bijou at a price of \$250.00 per acre foot with a 2% annual escalator. The average yield of 686 acre feet would cost \$171,500.00 per year (and increased annually at 2%) which could be very valuable security while the WGFP and NISP are being built. These were the terms proposed by Staff except the term. Staff proposed a ten year term and Bijou indicated that it would only be interested in leasing the water for five years. However, the Town would be given a First Right of Refusal to lease for an additional term if it is interested. This may be more beneficial to the Town if the WGFP is constructed on schedule. A price of \$250.00 per acre foot is within the market for municipal uses, especially for a term of 5 years, under which water would be available in all years including droughts. It should be noted that the Town could also have an opportunity to lease a like amount of water under its CBT Units to recoup a portion of the lease costs in years when it does not require additional water. Leases of CBT water for agricultural and other uses are significantly less. Leases on an annual basis are also substantially less because there is no guarantee of water in dry years. Historically, the Town has leased water on an annual basis for agricultural and other uses at a rate to cover its assessments. Staff is recommending that the Board authorize Staff to enter into a lease with Bijou with substantially the same terms as the Lease attached hereto.

Action: Mayor Pro Tem Gruber moved to approve Resolution 15-110; the motion was seconded by Trustee Charles. 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
Mayor Harris	Yes

c.. Resolution 15-116; A Resolution Granting An Extension Of The Time Within Which To Record The Canyon Creek Filing No. 9, 1ST Amendment Final Plat, From September 9, 2015 To November 6, 2015; And Setting Forth Details In Relation Thereto.

RESOLUTIONS (continued)

The Resolution, provided for consideration by the Board of Trustees, accepts dedications for the Canyon Creek Subdivision Filing No. 9, 1st Amendment Final Plat and authorizes the appropriate town official to sign the Canyon Creek Subdivision Filing No. 9, 1st Amendment Development Agreement which outlines obligations of the Town and the Owners for the Canyon Creek Subdivision Filing No. 9, 1st Amendment Final Plat.

Action: Trustee Charles moved to approve Resolution 15-116; the motion was seconded by Trustee Moore. The motion carried with all present voting in favor thereof.

- d. **Resolution 15-117; A Resolution Authorizing The Town Of Erie, Colorado, To Enter Into The Flatiron Meadows Second Amended And Restated Master Development Agreement; Authorizing And Directing The Appropriate Town Officers To Sign Said Agreement; Extending The Approval Of The Flatiron Meadows Preliminary Plat No. 1 From January 14, 2015 To June 14, 2016; And, Setting Forth Details In Relation Thereto.**

The Flatiron Meadows Master Development Agreement outlines the obligations of the Owner and the Town and provides a basic framework for the development of the 367 acres Flatiron Meadows property, including, among other things, density, phasing of development, land dedications, utility services, and various on-site and off-site public improvements. The Flatiron Meadows Second Amended and Restated Master Development Agreement propose modifications to multiple sections/subsections of the First Amended and Restated Master Development Agreement as outlined below. Attachment A is a redline comparison of the substantive changes between the First Amended and Restated Master Development Agreement and the proposed Second Amended and Restated Master Development Agreement.

Action: Trustee Charles recused himself from voting on Resolution 15-117 citing a conflict of interest.

Action: Trustee Moore moved to approve Resolution 15-117; the motion was seconded by Trustee Woog. The motion carried with of unanimous vote of the remaining six members of the Board.

VIII. ORDINANCES

- a. **Ordinance No. 21-2015; An Ordinance Of The Town Of Erie, Colorado, Repealing The June 2015 Title 10 Unified Development Code; Adopting By Reference The August 2015 Title 10 Unified Development Code; Providing For The Effective Date Of This Ordinance; Setting Forth Details in Relation Thereto**

Per Board of Trustees direction, the Town's Special Counsel is proposing an amendment to Title 10 and has provided the proposed amendment attached to Ordinance 21-2015

Action: Trustee Schutt moved to approve Ordinance 21-2015; the motion was seconded by Mayor Pro Tem Gruber. The motion carried with a (6) six for and (1) against vote, with Trustee Woog voting no.

IX. GENERAL BUSINESS

a. Approval of Letter of Support for Aspen Ridge Preparatory School Grant Application- Great Outdoors Colorado 2016 School Play Yard Initiative

Staff has been working with Aspen Ridge Preparatory School (ARPS) to provide support and assistance as they design an outside play space for their school. As a part of this process ARPS is in the process of completing an application for the Great Outdoors Colorado (GO CO) 2016 School Play Yard Initiative. This program is aimed at improving school grounds and to bring nature to the spaces youth and families access most often. To achieve this, GOCO offers a grant for professional design services; whereby the consultants help students to think through the technicalities of construction on school grounds, and engage student in the design process to think creatively about bringing nature to the school grounds. In order for ARPS to apply for the 2016 School Play Yard Initiative they must partner with a local government or school district. Since 2012, the Town and ARPS have collaborated to share available space and staff through programs and services offered through our Parks and Recreation Department and because of this close association and the Parks and Recreation Department's expertise in playgrounds ARPS has requested that the Town be the sponsoring partner. As the sponsoring partner, the Town is required to provide a letter signed by a member of the Board of Trustees confirming support of the application and recognizing the further obligations if ARPS is successful in their request. The Parks and Recreation Department would provide administrative support outlined above, should ARPS be successful.

Action: Trustee Charles moved to approve sending a letter of confirmation and support for the GOCO Grant Application; the motion was seconded by Trustee Moore. The motion carried with all present voting in favor thereof.

X. BOARD OF TRUSTEES REPORTS

Trustee Woog asked if anyone on the Board would be interested in replacing him as liaison to DRCOG.

Trustee Moore encouraged residents to participate in the upcoming Clean Up Day.

Trustee Charles reported on a meeting he attended regarding a new Boulder Valley School District School being built in Erie. Trustee Charles also noted the upcoming Biscuit Day event.

Mayor Pro Tem reported on recent Transportation meetings he attended.

Trustee Carroll reported on the success of the recent Outdoor Adventure event.

Action: Trustee Carroll moved to appoint Brian O'Connor to one of the Tree Board vacancies; the motion was seconded by Trustee Moore. The motion carried with all present voting in favor thereof.

Mayor Harris reported on the upcoming Ribbon Cutting Ceremony for the new Police and Municipal Court Building and encouraged the public to attend.

XI. ADJOURNMENT

Action: Trustee Moore moved to adjourn the September 8, 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 September 8, 2015 Regular Meeting of the Town of Erie Board of Trustees at 8:48 p.m.

Respectfully Submitted,


Nancy J. Parker, CMC, Town Clerk


Tina Harris-Mayor

