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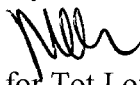
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**INTEROFFICE MEMORANDUM**

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**TO:** Deb Pearson, Community Development Director, Gary Behlen, Public Works Director  
Molly Kostelecky, Finance Director, Terry Andrews, Town Clerk

**FROM:** Mike Acimovic, Town Administrator 

**SUBJECT:** Board of Trustees' Maintenance Policy for Tot Lots, Neighborhood Parks and Land  
Adjacent to Arterial Streets.

**DATE:** December 5, 2005

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At the Board of Trustees meeting on November 8, 2005, (meeting minutes attached) the Board adopted policies for maintenance of tot lots, neighborhood parks, and land adjacent to arterial streets, and directed staff to inform the appropriate HOAs and Metro Districts as follows:

**TOT LOTS:** Park type areas located within neighborhoods and planned based on the use of about 80 homes. The Town currently maintains only two tot lots, all the rest are maintained by the HOAs and Metro Districts.

- **Policy: The Town will not maintain any tot-lots, as of November 8, 2005 (See Grace Period).**
  - **Staff is directed to reflect the Town's reduced maintenance cost in the annual budget projection as applicable each year until January 1, 2009 and thereafter.**
  - **Staff is directed to address a way for future tot lot properties to be owned by HOAs and Metro Districts, and public easements granted for tot lot use by the general public. Consensus of the Board is to have the planning documents address the ownership of tot lot properties. Staff will ask how other Towns deal with tot lot ownership/maintenance issues.**

**NEIGHBORHOOD PARKS:** Parks larger than about 7 acres and less than about 30 acres. The Town currently programs activities and maintains all but two neighborhood parks.

- **Policy: The Town will provide maintenance in Neighborhood Parks when the Town begins programming Town recreation activities in them.**

**MAINTENANCE OF ARTERIALS:** This includes Arapahoe Road, 111<sup>th</sup>, Leon A. Wurl Parkway, County Line Road 1 and Vista Ridge Parkway.

- **Policy: The Town will not assume maintenance of arterial streets or right-of-ways adjacent to commercial, residential or non municipal public property. It is the Town's intent to minimize or eliminate maintenance of right-of-ways in these areas (See Grace Period).**
  - **Staff is directed to reflect the Town's reduced maintenance cost in the annual budget projection as applicable each year until January 1, 2009 and thereafter.**
  - **Staff is directed to ensure that future development agreements be monitored to address arterial areas, including water rates, responsibility and type of landscaping materials, as well as finding non-potable water resources for irrigation purposes.**

**GRACE PERIOD:** The Board of Trustees initiated a grace period so that an HOA and/or Metro District could adjust its annual budgets, to include any additional maintenance requirement.

- **Policy: The Town will give all maintenance responsibility for tot lots and arterials that the Town currently maintains, back to the appropriate HOAs or Metro Districts, in 4-years and no later than the budget year beginning January 1, 2009.**

**TOWN OF ERIE**  
**BOARD OF TRUSTEES REGULAR MEETING**  
**Tuesday, November 8, 2005**  
**7:00 p.m.**  
**Board Room, Erie Town Hall, 645 Holbrook, Erie, CO 80516**

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**STUDY SESSION 6:30 P.M. COMMUNITY ROOM**

**I. CALL MEETING TO ORDER**

Mayor Moore called the November 8, 2005 Regular Meeting of the Board of Trustees to order at 7:00 p.m.

**II. PLEDGE OF ALLEGIANCE AND ROLL CALL**

Trustee Van Lone-present  
Trustee Callahan-present  
Trustee Klein-present  
Trustee Pink-present  
Trustee McCallum-present  
Trustee Massarotti-present  
Mayor Moore-present

**III. APPROVAL OF THE AGENDA**

Trustee McCallum moved to approve the Agenda as posted. The motion, seconded by Trustee Callahan, carried with all voting in favor thereof.

**IV. CONSENT AGENDA** (The consent agenda is intended to contain items that are prepared to be decided without discussion. Any Board member may request removal of any item they do not want to consider without discussion or wish to vote no on, without jeopardizing the approval of other items on the consent agenda. Items removed will be placed under XI. General Business, a. in the order they appear on the Agenda.) (This should be done prior to the motion to approve.)

- a. Approval of the October 25, 2005 Regular Meeting Minutes.
- b. Resolution 05-107: concerning Award of Contract for Water/Wastewater Master Plan Update.
- c. Resolution 05-108: concerning the BRETSA Agreement.
- d. Resolution 109: concerning Video Inspection of Sewer System.
- e. Resolution 110: concerning Video Inspection of Storm System.
- f. Resolution 111: concerning Investment Advisor Services RFP.
- g. Resolution 112: concerning Investment Custodial Services RFP.

Trustee Van Lone moved to approve the November 8, 2005 Regular Meeting Consent Agenda as read into the record. The motion, seconded by Trustee Callahan, carried with all voting in favor thereof.

Trustee Van Lone-yes  
Trustee Callahan-yes  
Trustee Klein-yes  
Trustee Pink-yes  
Trustee McCallum-yes  
Trustee Massarotti-yes  
Mayor Moore-yes

**V. PROCLAMATIONS/PRESENTATIONS** (This agenda item is intended to contain Proclamations, Special Citations Awards and Presentations to the Board that do not require any Board action.)

6M-HOK ΓΓΔO ΓΓOZ6

6M-HOK ΓΓΔO ΓΓOZ6

- a. **Recognition of Erie High School Tigers; Ladies Softball Team. – Mayor Moore recognized the players and the coaches from the 2005 lady Tiger Softball Team. Mayor Moore also recognized Coach Bob Bledsoe, who spoke a few words.**

**VI. PUBLIC COMMENT** (This agenda item provides the public an opportunity to discuss items other than ordinances on second reading, public hearings and consent agenda items that are not on the agenda. The Board of Trustees is not prepared to decide on matters brought up at this time, but if warranted, will place them on a future agenda.)

**None**

**VII. ORDINANCES** (This item is for the approval of ordinance on both readings.)

- a. **Ordinance 40-2005: concerning an Easement Agreement with Kerr-McGee Gathering, LLC. Second Reading.**

Public Works Director, Gary Behlen, gave the Board a summary of Ordinance 40-2005.

**Mayor Moore asked for public comment. There was no public comment  
Trustee Callahan moved to approve Ordinance 40-2005 on Second Reading. The motion, seconded by Trustee Pink carried with all voting in favor thereof.**

- b. **Ordinance 41-2005: concerning a Lease Agreement: T- Mobile. Second Reading.**

Town Administrator, Mike Acimovic, gave the Board a brief summary of Ordinance 41-2005.

**Mayor Moore asked for public comment. There was no public comment.**

**Trustee Massarotti moved to approve Ordinance 41-2005 on Second Reading. The motion, seconded by Trustee McCallum, carried with all voting in favor thereof.**

**VIII. RESOLUTIONS** (This agenda items is for all matters that should be decided by resolutions.)

**None**

**IX. GENERAL BUSINESS** (This agenda item is reserved for matters that are ready for Board action, and do not fit into other categories, i.e. resolutions, ordinances...)

- a. **Maintenance of Public Lands: Town Administrator Mike Acimovic gave the Board a summary of this item.**

**1) TOT LOTS:**

- Definition: Park type areas located within neighborhoods for planned use of about 80 homes.
- The Town currently maintains two Tot Lots in Town. All the rest are maintained by the HOAs.

**Motion: Trustee Van Lone moved to have the Town adopt a policy to not maintain any tot lots, from this day forward. Trustee McCallum seconded the motion.**

Trustee Callahan discussed the appropriateness of whether the Town should own these properties if they are going to require the HOAs to maintain them.

Community Development Director, Debra Pearson told the Board an expert in this field had been hired to create language based on her experience and the Boards discussion tonight, for both the Comprehensive Plan and the UDC.

- a) Diana Walley, 3287 McClure Drive, Arapahoe Ridge Homeowners Association. Disappointed that the parks will not be maintained in the same fashion they are now.
- b) Brad Beck, 1277 St. John, Erie Village HOA President. Would like to see uniform policy for parks and tot lots maintenance.
- c) Lisa Jacoby 2750 Vista Ridge Parkway, Representative of the Development and the HOA, Tot Lot in Vista Ridge will be maintained by the HOA.

Trustee McCallum explained that this makes sense for two reasons: 1) It would be Cost prohibitive to the Town to maintain approximately 200 future tot lot areas and smaller greenbelts and landscape areas adjacent to a street (not arterials). 2) HOA can set their own level of service.

**Vote on Motion:** Mayor Moore asked for a vote. The motion carried with all voting in favor thereof.

**Direction to Staff :** In the future tot lot properties could be owned by the HOA, and access easements could be granted for use by the general public. Consensus of the Board would be to have the Planning documents address the ownership of Tot Lot properties. Staff will ask how other Towns deal with issues.

2) **NEIGHBORHOOD PARKS:**

- Parks Larger than about 7 acres, less than about 30 acres.
- The Town currently maintains all but two Neighborhood Parks.

**Motion:** Trustee Van Lone moved that the Town provide maintenance in Neighborhood Parks when the Town begins programming Town recreation activities programs in them. The motion, seconded by Trustee McCallum, carried with all voting in favor thereof.

- a) Lisa Jacoby 2750 Vista Ridge Parkway, Representative of the Development and the HOA, expressed concern regarding 2 year warranty period vs. programming. Decision of the Board was to use programming as the maintenance criteria and not address the warranty period.

3) **MAINTENANCE OF ARTERIALS:**

- Including Arapahoe Road; 111<sup>th</sup>, Leon A. Wurl Parkway, County Line Road and Vista Ridge Parkway

- a) Diana Walley, 3287 McClure Drive, Arapahoe Ridge Homeowners Association. Having the Town turn over the responsibilities to the HOA could double the cost for landscaping. The HOA sets the rate of thier dues based on the Town. HOAs may not have the budget to maintain these facilities in the same manner.

**Mayor Moore called for a break at 8:25 p.m. The Meeting reconvened at 8:32 p.m.**

**Motion:** Trustee Massarotti moved that the policy would state “the Town will not assume maintenance of arterials or right of ways adjacent to of commercial, residential or non municipal public property. It is the Towns intent to minimize or eliminate maintenance of right of ways in these areas.” The motion, seconded by Trustee Callahan, carried with all voting in favor thereof.

4) **WATERING AND ASSOCIATED COSTS OF ARTERIALS:**

- Leon Wurl Parkway.
- HOAs are currently being charged commercial rates. Town is also charged commercial rates.

Staff proposed consideration of a rebate system. 25% 22,000, 50% 44,000, 75% 66,000.  
Along Residential arterials using potable water.

**Consensus:** Consensus of the Board was to explore a "Gray Water Irrigation System."

**Direction for Staff:** Trustee Callahan asked Staff to ensure that future development agreements would be monitored to address these areas, including, water rates, responsibility and type of landscaping materials, as well as finding non-potable water resources for irrigation purposes.

**Consensus:** Consensus of the Board was to not pursue the establishment of a rebate policy to HOAs, for watering of arterials.

5) **GRANDFATHER CLAUSES IN AGREEMENTS:**

- Tot Lots and Arterials:

**Motion:** Trustee Van Lone moved to have the Town relinquish or give back maintenance responsibility for tot lots and arterials that the Town currently maintains back to the appropriate entity and give the entity up to four years to take over the maintenance where legally possible. Anticipated date for responsibility transfer is in 4 years and no later than the budget year beginning January 1, 2009. The motion, seconded by Trustee Callahan, carried with six voting in favor and Trustee McCallum voting against.

Implementation of item 5: Staff will send out notice giving the entities 4 years to conform to the new policy and the budget project reduction in the maintenance line item, will be included in the budget every year, along with an explanation.

- a) Diana Walley, Diana Walley, 3287 McClure Drive, Arapahoe Ridge Homeowners Association objected to the motion, stating a deal is a deal.

X. **STAFF REPORTS** (This agenda item is reserved for specific items from Staff requiring Board direction or just relaying important information.)

a. **Mike Acimovic, Town Administrator:**

- i. Bid opening for monument signs is Thursday, November 10, 2005.
- ii. Medians along Leon Wurl and Canyon Creek hardscape and sprinklers will be installed this year and plant material when the weather allows.
- iii. Candlelight Ridge Developer: BOT should not waive the water dedication fee. Water Tap fees are waived in the agreement. Staff would recommend the developer not widen Leon Wurl at this time. The Development agreement does not provide for the waiving of the park water tap or dedication fees.

b. **Deb Pearson, Community Development Director**

- i. Comp Plan-Committee will meet tomorrow. Public Hearing November 21, 2005 for the Planning Commission and a follow up meeting November 30, 2005, if necessary.

- ii. **UDC-modules 1 and 2 have been completed in draft form. Module 3 is taking longer. November 28, 2005 will be the UDC Committee meeting. December 19, 2005 is the anticipated public hearing in front of the Board.**

**c. Molly Kostelecky, Finance Director**

- i. **Introduced Glenn Scott, Financial Advisor. Staff along with Mr. Scott will be bringing an investment policy back to the Board soon.**

**XI. BOARD OF TRUSTEES REPORTS & APPOINTMENTS** (This agenda item is for all Board of Trustees reports, Board & Commission Appointment, and items of information as well as Board discussion items, not listed on the agenda.)

**a. BOT Reports**

**i. Trustee Van Lone:**

- 1. **Announced that the newly elected St. Vrain School District Board Representative for District D was his wife, Dori Van Lone.**

**ii. Trustee McCallum**

- 1. **Erie Economic Development Committee was glad to hear the Town is moving forward with an economic development plan in 2006. The EEDC would like to let the Board know they are available to the Town in this process. Would like to have a joint meeting.**

**iii. Trustee Pink:**

- 1. **DRCOG awards in April: Would like to see the Town apply for a DRCOG award. Coal Creek corridor could be eligible for the "Public/Private Endeavor". Trustee McCallum asked for the Board to get a list from of the specific awards to see what other Town Projects might be eligible for recognition.**

**iv. Trustee Klein:**

- 1. **There has been Methane gas release in the vicinity of the Denver Regional Landfill. Staff needs to keep the Board updated. The State and County currently keep the Town notified on all landfill inspections.**

**v. Mayor Moore:**

- 1. **Discussion regarding commercial development.**
- 2. **2A passed for the Library Measure.**
- 3. **Concern regarding Pit Bulls and/or vicious dogs and whether or not the Town can pass a law prohibiting Pit Bulls within the Town of Erie. The Town was advised by the Town Attorney, that because we are a statutory Town we are unable to pass breed specific legislation.**

**XIII. ADJOURNMENT**

**Mayor Moore adjourned the November 8, 2005 meeting of the Board of Trustees at 9:55 p.m.**

Respectfully Submitted,

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Teresa G. Andrews, Town Clerk

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Andrew J. Moore, Mayor

**NOTICE OF THE NEW MAINTENANCE POLICY WAS MAILED  
CERTIFIED RETURN RECEIPT TO THE FOLLOWING:**

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**ARAPAHOE RIDGE HOME OWNERS ASSOCIATION**

Ms. Monica Kash, President  
1611 Pickett Court  
Erie, Colorado 80516

**ARAPAHOE RIDGE HOME OWNERS ASSOCIATION**

c/o Hammer Smith Management, Inc.  
Ms. Nicki Parmenter  
1707 Cole Blvd, Suite 300  
Golden, Colorado 80401

**BAXTER FARM HOME OWNERS ASSOCIATION**

Ms. Katrina Diener, President  
55 Baxter Farm Lane (P.O. Box 894)  
Erie, Colorado 80516

**CANDLELIGHT RIDGE HOME OWNERS ASSOCIATION**

c/o Mr. Tom Stenz, President  
2471 Marshall Ct.  
Erie, Colorado 80516

**CANDLELIGHT RIDGE HOME OWNERS ASSOCIATION**

c/o Managed with Care  
Attn: Pat Artch  
8670 Wolff Ct, Suite 290  
Westminister, CO 80031

**CANYON CREEK SOUTH II HOA FILING 4, 5 & 6  
HOME OWNERS ASSOCIATION**

Attn: Sherrie Carey  
Colorado Management Associates, Inc.  
8100 Southpark Way, Unit A  
Littleton, CO 80120

**CANYON CREEK SOUTH II HOA FILING 4, 5 & 6**

**Mr. Ken Taggart,  
1607 Brimble Drive  
Erie, CO 80516**

**COUNTRY FIELDS HOME OWNERS ASSOCIATION 2 & 3**

c/o Managed with Care  
Attn: Pat Artch  
8670 Wolff Ct, Suite 290  
Westminister, CO 80031

**COUNTRY FIELDS HOME OWNERS ASSOCIATION**

Ms. Lacey Bingham, President  
1652 Palmer Lane  
Erie, CO 80516

**COUNTRY MEADOWS/CANYON CREEK SOUTH 2 & 3  
HOME OWNERS ASSOCIATION**

c/o Managed with Care  
Attn: Pat Artch  
8670 Wolff Ct, Suite 290  
Westminister, CO 80031

**COUNTRY MEADOWS/CANYON CREEK SOUTH 2 & 3  
HOME OWNERS ASSOCIATION**

Mr. James Balliett, President  
359 Tynan Drive  
Erie, Colorado 80516

**ERIE AIRPARK HOME OWNERS ASSOCIATION**

Mr. Jack Horn  
130 Cessna Drive  
Erie, CO 80516

**ERIE COMMONS METROPOLITAN DISTRICT NOS. 1-3**

Mr. Gary R. White, Attorney at Law  
**WHITE ▪ BEAR ▪ ANKELE, P. C.**  
1805 Shea Center Drive, Suite 100  
Highlands Ranch, Colorado 80129

**ERIE COMMONS METROPOLITAN DISTRICT NOS. 1-3**

Mr. Jon R. Lee, President  
**C/O WHITE ▪ BEAR ▪ ANKELE, P. C.**  
Attn: Mr. Gary R. White, Attorney at Law  
1805 Shea Center Drive, Suite 100  
Highlands Ranch, Colorado 80129

**ERIE VILLAGE HOME OWNERS ASSOCIATION**

Mr. Brad Beck, President  
1277 St. John Street  
Erie, Colorado 80516

**ERIE VILLAGE HOME OWNERS ASSOCIATION**

c/o Vista Management  
Attn: Betty Gillegos  
8700 Turnpike Drive, Ste 230  
Westminister, CO 80031

**GRANDVIEW HOME OWNERS ASSOCIATION**

**Board of Directors**  
c/o PCMS - Jenny Heinze  
7000 So. Yosemite St., Suite 150  
Englewood, CO 80112

**GRANDVIEW HOME OWNERS ASSOCIATION**

c/o Professional Community Management Specialist  
Attn: Jenny Heinze  
7000 So. Yosemite St., Suite 150  
Englewood, CO 80112

**HUNTLEY CREEK CONDO  
HOME OWNERS ASSOCIATION**  
Ms. Susan Honse, President  
112 Huntley Creek Ct.  
Erie, Colorado 80516

**KENOSHA ESTATES HOME OWNERS ASSOCIATION**  
c/o Property Management of Longmont  
Attn: Janet Paul  
715 Main Street  
Longmont, CO 80501

**KENOSHA ESTATES HOME OWNERS ASSOCIATION**  
Mr. Jim Hudson, President  
1200 28th Street. Suite 100  
Boulder, Colorado 80303

**KENOSHA FARMS HOME OWNERS ASSOCIATION**  
c/o Vista Management  
Attn: Betty Gillegos  
8700 Turnpike Drive, Ste 230  
Westminster, CO 80031

**KENOSHA FARMS HOME OWNERS ASSOCIATION**  
Ms. Debbie Barker, President  
1379 Holden Ct.  
Erie, CO 80516

**MELODY AT MEADOW SWEET FARMS  
HOME OWNERS ASSOCIATION**  
Mr. Walter Lunzer  
2101 Wheatberry Circle  
Erie, Colorado 80516

**MELODY AT MEADOW SWEET FARMS  
HOME OWNERS ASSOCIATION**  
c/o Management Specialist  
Attn: Sharon Riggert  
2725 Rocky Mountain Ave., #220  
Loveland, CO 80538

**ORCHARD GLEN HOME OWNERS ASSOCIATION**  
c/o Premier Property Management  
Attn: Ed Lampe  
PO Box 842  
Lafayette, CO 80026

**ORCHARD GLEN HOME OWNERS ASSOCIATION**  
Ms. Jackie Sturm, President  
795 Pope Drive  
Erie, CO 80516

**SUNWEST HOME OWNERS ASSOCIATION**  
c/o Realty One Inc  
Attn: Forrest Scruggs  
1426 Pierce Street  
Lakewood, Colorado 80214

**SUNWEST HOME OWNERS ASSOCIATION**  
Ms. Linda Green, President  
1450 Akers Court  
Erie, Colorado 80516

**VISTA POINT HOME OWNERS ASSOCIATION  
BOARD OF DIRECTORS**  
c/o Management Specialists  
Attn: Garon Duncan  
390 Interlocken Crecent, Suite 500  
Broomfield, CO 80021

**VISTA POINT HOME OWNERS ASSOCIATION**  
c/o Management Specialists  
Attn: Garon Duncan  
390 Interlocken Crecent, Suite 500  
Broomfield, CO 80021

**VISTA RIDGE HOME OWNERS ASSOCIATION  
BOARD OF DIRECTORS**  
c/o Management Specialists  
Attn: Michelle Rio  
390 Interlocken Crecent, Suite 500  
Broomfield, CO 80021

**VISTA RIDGE HOME OWNERS ASSOCIATION**  
c/o Management Specialists  
Attn: Michelle Rio  
390 Interlocken Crecent, Suite 500  
Broomfield, CO 80021

Mr. James Spehalski, Chair  
**VISTA RIDGE METROPOLITAN DISTRICT**  
141 Union Boulevard, Suite 150  
Lakewood, Colorado 80228-1898

Ms. Kammy K. Tinney  
**VISTA RIDGE METROPOLITAN DISTRICT**  
141 Union Boulevard, Suite 150  
Lakewood, Colorado 80228-1898