



**TOWN BOARD REGULAR MEETING**  
**224 First Street, Eaton, CO**  
**Thursday, October 20, 2022, 7:00 P.M.**

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**MINUTES**

**CALL TO ORDER**

Mayor Moser called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

**ROLL CALL**

BOARD PRESENT	Mayor Scott Moser	Mayor Pro Tem Liz Heid	Trustee Lee Griffith
	Trustee Karla Winter	Trustee Nina Lewis	Trustee Coby Gentry
			Trustee Glenn Ledall

BOARD ABSENT            None

STAFF PRESENT: Interim Town Administrator - Wesley LaVanchy, Town Attorney - Avi Rocklin, Assistant Administrator - Greg Brinck, Financial Director - Faith Smith, Chief - Kevin Sturch, Northern Engineering - Brad Curtis and Baseline - Vince Harris and Lauren Richardson

**AGENDA AMENDED AND APPROVED**

Motion made by Mayor Pro Tem Heid, seconded by Trustee Lewis to approve the Board Agenda with two amendments, one in New Business, number thirteen (13.), move Library Appointments after Public Comment and the second item in the Executive Session, removing number twenty-four (24.), concerning Waste Management. Motion carried with a unanimous vote.

**PUBLIC COMMENT\***

Mayor Moser opened the floor at 7:03 p.m. for public comment.

- Jeff Groves – 1422 Prairie Hawk Road – Reconsider snowbird status letter.
- Pat Logan - 55 Juniper, #318 – Expressed confusion, issues and being bombarded with paperwork from SHO.
- Linda Herz – 1746 Westward Circle, Unit 1 – read a letter from Michael Cunningham in Unit 2 – Concerned about the vehicle entrance at CR 35/Collins Street for the commercial property and the access street that will be built for the commercial property will be approximately forty-five feet from the front porches of the townhomes. Linda then read her statement. Concerned about the impact that the roundabout has made in the Governor’s Crossing community with forty-three townhomes and twenty-four apartment units. There are limited parking spaces and limited areas for kids to play, would like the commercial space to be an open space or dog park, rather than commercial. Would like the board to assist and be supportive of families at Governor’s Crossing when considering the development of the commercial property.

Having no other public comment, the floor was closed at 7:16 p.m.

13. Library Appointments – Library Director, Amber Greene stated that there are currently two vacant trustee positions and a third upcoming vacancy effective November 3<sup>rd</sup>. The board received seven candidate applications and on October 5<sup>th</sup> the Library Board motioned to recommend the following candidates: Laura Van Wyck, Andrew Morehead, and Andrew Chadwick. These candidates will fill these uncompleted terms: John Isbell, term ending July 2024, Shelly McLatchie, term ending August 2024 and Dennie Kutcher, term ending May 2026. Motion was made by Mayor Pro Tem Heid, seconded by Trustee Lewis to approve the Library Appointments: Laura Van Wyck to fill Isbell’s term to July 2024, Andrew Morehead to fill McLatchie’s term to August 2024 and Andrew Chadwick to fill Kutcher’s term to May 2026. Motion carried with a unanimous vote.

**CONSENT AGENDA**

Motion made by Trustee Lewis, seconded by Trustee Gentry to approve the Consent Agenda. Motion carried with a unanimous vote.

1. Minutes – September 15, 2022, Regular Board Meeting

**CONSENT AGENDA CONTINUED**

2. Accounts Payable Invoice History Report – September 2022
3. Resolution No. 2022-23 – Rescind Declaration of Local Disaster Emergency
4. Resolution No. 2022-24 – Peace Officers Grant

**SPECIAL PRESENTATIONS**

5. Potable Source Water Master Plan – Clear Water Solutions, Steve Nguyen presented a power point presentation with the goal to develop a water supply master plan that strategically positions the town to meet current and future water demands while: Maintaining flexibility, Encouraging that growth pays its own way and Acquiring reusable water supplies to address well augmentation. The board had discussion; no action was taken at this time.
6. Reporting and Compliance SHO – Director of Operations, Mike Holbrook discussed the overall updates of the files, and the Re-Act or Life Safety Survey for Benjamin Square One and was rated with zero deficiencies and five small minor issues. The board did not have any questions; no action was taken at this time.

**PUBLIC HEARING (See Exhibit A)**

Mayor Moser opened the public hearing at 7:53 p.m.

7. First Reading – Ordinance No. 626 - Adopt International Fire Code, 2018 Edition – Fire Inspector, Thea Lucht stated that the last code update was in 2005, adopting International Fire Code 2003. The fire district wants to stay in line with ProCode and Weld County which uses the 2018 Edition. The Board of Directors of the Eaton Fire Protection District did adopt the 2018 Edition with local amendments on August 16, 2022. By updating this IFC to this edition, it will help the fire protection district with prevention efforts with the purpose of establishing codes and standards to protect life, health, property, security, and welfare of inhabitants of the Eaton Fire Protection District. The floor was closed at 7:56 p.m., as there were no public comments. Motion made by Trustee Winter, seconded by Trustee Ledall to approve the first reading of Ordinance No. 626 – Adopt International Fire Code, 2018 Edition. Motion carried with a unanimous vote.
8. Variance – 1335 2<sup>nd</sup> Street Road – Owner, Jason Evenson and Baseline Staff, Harris, and Richardson. Trustee Winter recused herself and left the board room, since the Variance pertains to her neighbor. Mayor Moser opened the public hearing at 7:57 p.m. Staff Harris gave the purpose of the Variance to consider a request for approval to R-1 zone district dimensional side yard setback standard. A concrete foundation for a residential addition and third car garage was recently built and the width of foundation is 4.5 feet away from the property line, the setback standard requires five feet. The Board heard staff give additional information and heard testimony from the property Owner Evenson to warrant an action of approval, denial, or continuation to a future date. Mayor Moser asked for any public comment at 8:16 p.m. Brittany Turnbull, 1345 2<sup>nd</sup> Street Road, next door neighbor to the west of the Evenson property stated that her husband and herself have no opposition against the project. The floor was closed at 8:22 p.m., as there were no other public comments. The Board asked questions and had discussions with staff. Motion made by Mayor Pro Tem Heid, seconded by Trustee Ledall to approve the Land Use Request for a Variance on 1335 2<sup>nd</sup> Street Road. Motion carried with a 5-0 vote; Trustee Winter abstained.
9. First Reading – Ordinance No. 627 – Designated Truck Route – Attorney Rocklin stated that this ordinance will codify the truck route and promulgated under the general police power of the Town, is promulgated for the preservation of public health, welfare, peace, safety, and property and is in the best interest of the Town. This ordinance will meet the needs of the farming community surrounding the Town. Mayor Moser opened the public hearing at 8:27 p.m. and closed the public hearing at 8:28 p.m., as there were no public comments. Motion made by Mayor Pro Tem Heid, seconded by Trustee Gentry to approve the first reading of Ordinance No. 627 - Designation of a Truck Route. Motion carried with a unanimous vote.
  - Amendment to Weld County IGA – Truck Route – ITA LaVanchy stated that this is the first amendment to the 3/17/22 IGA between Weld County and the Town, is not a part of the public hearing but coincides with Ordinance No. 627. The county is requesting additional time to secure easements and make additional improvements for the turn radius for large trucks. This additional right of way will also require utility and irritation relocations. This construction of improvements shall be complete prior to the end of the 2024 construction season. There are no additional costs to the Town. Motion made by Trustee Lewis, seconded by Trustee Ledall to approve the first amendment to the Weld County IGA for the Truck Route with the Town. Motion carried with a unanimous vote.

**PUBLIC HEARING (See Exhibit A) CONTINUED**

10. First Reading – Ordinance No. 628 – Special Review Use – Attorney Rocklin stated that this ordinance will amend section 7-2-38 of the Eaton Municipal Code Concerning Administration of Certain Land Use Applications. Based on inconsistency and ambiguities in this section, which arose in the past, such as the Xcel litigation, at to which board, Town Board or Planning Board, has the final determination. This will add clarity to the special review use and be consistent with our practice that the Town Board has the final determination. Mayor Moser opened the public hearing at 8:35 p.m. and closed the public hearing at 8:35, there were no public comments. Motion made by Trustee Winter, seconded by Trustee Griffith to approve the first reading of Ordinance No. 628 – Concerning Administration of Certain Land Use Applications. Motion carried with a unanimous vote.

**NEW BUSINESS**

11. Resolution No. 2022-25 – Pillars for the Community – ITA LaVanchy stated that this resolution is a desire of the Town Board, to adopt guiding principles for the Board’s conduct and for the community. The Board finds the guiding principles to be as follows; Embrace Guided Growth, Maintain and Develop Premier Resources, Facilitate Engagement and a Sense of Community, Foster Trust through Transparency, Sustain a Safe Community, and Ensure Generational Needs are Met. Motion was made by Trustee Lewis, seconded by Trustee Winter to approve Resolution 2022-25 - Pillars for the Community. Motion carried with a unanimous vote.

12. Xcel Electronic Charging Station Agreement – ITA LaVanchy confirmed that the Town of Eaton has been awarded a grant by Xcel to install and operate an electronic charging station in the parking lot owned by the Town that will be capable of charging two cars and will be ADA accessible. The cost of equipment and installation will be borne by Xcel who will also be responsible for its maintenance. Xcel will set and establish rates of the use. This is a ten-year agreement post installation. Andrew Holder with Xcel explained that this is one of only four pilot programs in Colorado. This will be a super charger that will charge a vehicle in 45 minutes. These charging stations will provide Xcel to stay on pace with their goal of reaching 80 to 85% carbon free by the year 2030 and total carbon free by the year 2050. Motion was made by Trustee Griffith, seconded by Trustee Ledall to approve the Xcel Electronic Charging Station Agreement, subject to modifications on the IGA by the Town Staff. Motion carried with a unanimous vote.

13. Library Appointments—Amber Greene, Library Director **Motion moved 13. under Public Comments.**

**STAFF REPORT(S)**

14. Interim Town Administrator – Monthly Report

- Eaton/PSCo (NCAP) Settlement Agreement Reports – Located on town website, Xcel page.
  - 2022 Market Study - Paired Sales Analysis – Transmission Lines (M. Earley)
  - Information Regarding EMF from Health Organizations Around the World (with links)
  - 07\_Appendix H Agricultural Impact Mitigation Plan

15. Assistant Town Administrator – Staff Updates: Roundabout signs should be installed in a couple of weeks, Juan Romero was offered and accepted the position of Public Works Director and starts October 31<sup>st</sup>, three solar lights on Third Street are out and waiting on parts, and temporary one day road closure on CR 74 just west of roundabout due to NWCWD water valve leaking, repair scheduled for next Monday or Tuesday.

16. Police Chief – Reviewed the September 2022 Report & Police Progress and Statistical Summary, also discussed a retreat that he and command staff attended which was hosted by the FBI and Officer Megan Moore is the Employee of the Quarter.

17. Town Clerk – Absent – Clerk Assistant Montoya – EAP&RD approved for Special Event Permit for October 21, 2022. A Trustee stated that the event was cancelled.

18. Town Attorney - None

19. Finance Director – Participating in the corn hole event, and highlighted areas on the Treasurer’s Report; Building Permit Revenue, Planning & Development, Sewer, and EHA Budget.

October 20, 2022

**COUNCIL REPORTS AND REQUEST FOR FUTURE AGENDA ITEMS**

- 20. Planning Commission Meeting – No November meeting.
- 21. Hometown Revitalization Committee - MPT Heid, Update Report
- 22. Great Western Trail/Park – Angry landowner in the vicinity about the GWT and after re-reviewing the budget, GWT will not be asking for increase from municipalities in the 2023 year.
- 23. Northern Front Range/MPO - MPT Heid, Update Report

**MAYOR'S COMMENT**

Mayor Moser asked Baseline Staff Harris if the long punch list for the roundabout is normal or not and the response was yes, it is a normal size punch list.

**EXECUTIVE SESSION**

Mayor Pro Tem Heid moved to convene into executive session, to obtain legal advice pursuant to C.R.S. § 24-6-402(4)(b) concerning NISP and EHA, seconded by Trustee Ledall at 9:20 p.m. Motion carried unanimously.

- ~~24. An executive session to obtain legal advice pursuant to C.R.S. § 24-6-402(4)(b) concerning the Town of Eaton's Waste Services Agreement with Waste Management of Colorado, Inc. Motion moved to delete 24. from Executive Session.~~
- 25. An executive session to obtain legal advice pursuant to C.R.S. § 24-6-402(4)(b) concerning the Town of Eaton's NISP Allotment Contract.
- 26. An executive session to obtain legal advice pursuant to C.R.S. § 24-6-402(4)(b) concerning the Eaton Housing Authority.

Trustee Lewis made a motion to exit executive session, seconded by Trustee Griffith. Mayor Moser reconvened the regular meeting at 10:02 p.m. and stated that the board made no decisions during executive session.

**ADJOURN**

Mayor Moser moved to adjourn at 10:02 p.m.

*Margaret Jane Winter, Town Clerk*