# TOWN BOARD REGULAR MEETING AGENDA
## Thursday, May 19, 2022, at 7:00 P.M.
### Held at the Carsten Board Room at 224 First Street

**CALL TO ORDER**

1. Pledge of Allegiance

**ROLL CALL**

**AGENDA APPROVAL / AMENDMENTS**
*Motion to approve agenda as is or approve agenda with amendment(s).*

**SPECIAL PRESENTATIONS**

1. Proclamation – May 2022 - Mental Health Month – Employees Roy True, Network & Communications Director and Shawna Cranmer, Community Outreach Team Lead – from North Range Behavioral Health
2. Magellan Strategies CEO & Founder – David Flaherty
3. Eaton Library Update – Brenda Carns, Director

**CONSENT AGENDA**
*The Consent Agenda is a group of routine matters to be acted on with a single motion and vote. Council or staff may request an item be removed from the Consent Agenda and placed under New Business for discussion.*

1. Minutes – April 21, 2022, Regular Meeting
2. Eaton Area Historical Society Shelton Fund Request

**PUBLIC COMMENT***
*Members of the audience are invited to speak at the Board of Trustees' meeting. Public Comment is reserved for citizen comments on items not contained on the printed agenda. Citizen comments are limited to three (3) minutes per speaker. When several people wish to speak on the same position on a given item, they are requested to select a spokesperson to state that position.*

**NEW BUSINESS**

1. Governor's Ranch/Aspen Meadows Non-Potable System – ATA Brinck
2. Plant Investment Fees (PIFs) Water – Brad Curtis, Northern Engineer
3. Rental of North Poudre MU Water to NWCWD and Purchase Wholesale Water Taps – ITM LaVanchy
4. Weld County IGA for WCR 33 and WCR 74 Improvement and Roundabout – ITM LaVanchy
5. Ordinance Concerning Water Capacity Fees
6. Roundabout Change Order Request

**STAFF REPORT**

1. Interim Town Administrator – Monthly Report
2. Assistant Town Administrator
3. Police Chief – April 2022 Report & Police Progress and Statistical Summary
4. Town Clerk
5. Town Attorney
6. Finance Director
7. Town Engineer – Roundabout Report

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

1. Planning Commission Meeting
2. Hometown Revitalization Committee
3. Great Western Trail/Park
4. Northern Front Range

**MAYOR'S COMMENTS**

**EXECUTIVE SESSION**

1. An executive session to obtain legal advice pursuant to C.R.S. § 24-6-402(4)(b) concerning the outstanding litigation, Public Service Company of Colorado vs. Town of Eaton and Eaton Board of Trustees, Case #2022CV30229.
2. An executive session to obtain legal advice pursuant to C.R.S. § 24-6-402(4)(b) relating to the 3rd Street water main break that occurred on April 29, 2021.

**ADJOURN**

** If you have public comment but are not comfortable attending in person due to COVID-19, please send the comments to wesley@eatonco.org by noon on the day of the meeting, and the comment will be read into the record or otherwise shared with the Board during the meeting.*

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AMERICANS WITH DISABILITIES ACT NOTICE

In accordance with the Americans with Disabilities Act, persons who need accommodation in order to attend or participate in this meeting should contact Town Hall at (970) 454-3338 within 48 hours prior to the meeting in order to request such assistance.

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# TOWN OF EATON PROCLAMATION

## MAY 2022 – MENTAL HEALTH MONTH

**WHEREAS,** behavioral health is as important as physical health, with the health of our minds affecting how we think, feel and live; and

**WHEREAS,** life's challenges can affect people's behavioral health, with more Weld County residents having reported experiences of depression, anxiety, or other mental health conditions than in years past; and

**WHEREAS,** while one in every four people are affected by mental illness, we know that hospitalizations, incarcerations, childhood trauma, suicides, and substance use disorder can be prevented through early and effective treatment, local collaboration, and community-based prevention; and

**WHEREAS,** without regard for ability to pay, Eaton residents have had access to critical crisis support services through North Range Behavioral Health, Weld County's community mental health center; and

**WHEREAS,** Eaton residents can find recovery through a variety of services at numerous North Range residential and outpatient facilities throughout Weld County; and

**WHEREAS,** Eaton residents are healthier because of North Range's commitment to collaboration with community health centers, school districts, human services, law enforcement, United Way, and many others; and

**WHEREAS,** National Mental Health Month is observed every May to raise awareness about behavioral health, recovery, and the importance of prevention and mental wellness.

**NOW, THEREFORE,** I, **Scott E. Moser**, the **Mayor**, do hereby proclaim **May 2022** as **MENTAL HEALTH MONTH** in **Eaton**, **Colorado**, and call upon the citizens, government agencies, public and private institutions, businesses and schools to recommit our community to increasing awareness and understanding of behavioral health, and the need for appropriate and accessible services for all citizens.

Signed the 19th day of May 2022 by _____.

Scott E. Moser, Mayor

ATTEST:

_____

Margaret Jane Winter, Town Clerk

**David Flaherty, Magellan Strategies CEO & Founder**

David Flaherty is the founder of Magellan Strategies, a public opinion survey research firm serving local governments, school districts, special districts, and public policy organizations. He has spent his 28-year career designing and managing hundreds of survey research projects measuring public and voter opinion. In addition, he is an expert public opinion pollster, focus group moderator, and ballot measure consultant.

Before forming Magellan Strategies in 2006, David worked in Washington DC for fourteen years, learning the art of voter opinion research, questionnaire design, qualitative research, and message development. David is proud to have helped more than one hundred Colorado governments, special districts, and school districts secure voter approval for various local ballot measures funding a wide array of government services, capital projects, and district operations.

David is a native of Wellesley, Massachusetts, and a 1991 graduate of the University of Delaware. He lives in Broomfield, Colorado, with his wife Jennifer and their two sons, Jack and Bobby.

Email: dflaherty@MagellanStrategies.com
Office: 303-861-8585
Cell: 703-862-0305
Website: MagellanStrategies.com

# EATON PUBLIC LIBRARY

# MAY
## LIBRARY UPDATE

**9,164**
LIBRARY VISITS

**631**
SNACKS DISTRIBUTED IN PARTNERSHIP WITH THE WELD COUNTY FOOD BANK

**2,663**
PROGRAM ATTENDEES

**251**
PROGRAMS OFFERED

ONCE UPON A PLANET

**335**
SUMMER READING PROGRAM REGISTRANTS

**16,422**
ITEMS CIRCULATED

**140+**
TEENS PUT IN VOLUNTEER HOURS AT THE LIBRARY

**917**
COMPUTER USES

**800**
UNIQUE WIFI USERS

**41**
MAKERSPACE VISITS

**1,923**
SOCIAL MEDIA FOLLOWERS

## LIBRARY HAPPENINGS:

### Summer Reading

- Summer Reading runs May 16th through July 16th
- 21 local businesses partnered with the library to provide prizes for the Summer Reading Program
- We had 335 people sign up for Summer Reading during the first 7 days of open registration

### MakerSpace

- Our MakerSpace is now open and available via walk-in or appointment Monday - Friday from 9 AM - 4:30 PM
- The MakerSpace currently features a 3D Printer, GlowForge laser engraver, Cricut, and photo scanner

### Children's Department

- The library partners with the Weld County Food Bank to supply an after school snack to community members ages 0-18
- Our Children's Librarian has resumed in-person school outreach including school visits and the donation of supplemental reading and math activity packets for summer school
- 18 classes of K-2 students from EES came to visit the library and sign up for Summer Reading
- The library partners with United Way of Weld County to provide free diapers to local caregivers

### Teen Department

- Our Teen Room has been transformed into a fun after school hang-out area where teens come to read and study
- We have given out 109 Mini Herb Garden kits to patrons

### Adult Department

- Hosted author Laurie Moore-Moore to discuss her new book *Gone to Dallas*
- Patrons are enjoying our public art display currently featuring local artist, Barb Smith
- The adult collection is currently being re-arranged in order to ensure the most efficient use of shelf space

# 2022 Summer Reading Community Sponsors:

Sinclair

CIRCLE K

ON POINTE DANCE & MOVEMENT

CASA MARIA

TEN24

EATON ANIMAL DEN

Culver's FROZEN CUSTARD BUTTERBURGERS

SUBWAY

BAD BITCH CELLARS

HERITAGE MARKET

DRAGON INN

EATON PUBLIC LIBRARY

EATON AREA PARK & RECREATION DISTRICT

McDonald's

EATON PIZZA & SUBS

Bank of Colorado THERE'S ONLY ONE

Eaton Family DENTAL

SHEAF & KETTLE BREWING CO.

A&W ALL AMERICAN FOOD

Ziggi's COFFEE

**TOWN BOARD REGULAR MEETING**
**224 First Street, Eaton, CO**
**Thursday, April 21, 2022, 7:00 P.M.**

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# MINUTES
## Existing Board

### I. CALL TO ORDER
Mayor Moser called the meeting to order at 7:05 p.m. and led the Pledge of Allegiance.

### II. ROLL CALL
PRESENT

Mayor Scott Moser
Trustee Coby Gentry
Trustee Glenn Ledall
Trustee Karla Winter
Trustee/Mayor Pro Tem Lanie Isbell
Trustee Liz Heid
Trustee Nina Lewis

Staff present: Interim Town Administrator Wesley LaVanchy, Town Attorney Avi Rocklin, Chief Sturch, Assistant Administrator Greg Brinck, Baseline Planner Vince Harris, and Brad Curtis, Northern Engineer.

### III. AGENDA APPROVAL/AMENDMENTS
Motion made by Trustee/MPT Isbell, seconded by Trustee Heid to approve the agenda. Motion carried 6-0.

### IV. CONSENT AGENDA
Motion made by Trustee/MPT Isbell, seconded by Trustee Lewis to approve the Consent Agenda. Motion carried 6-0.

1. Minutes – March 17, 2022, Regular Meeting & March 29, 2022, Special Meeting
2. Second Reading - Ordinance No. 622 – PUD Final Development Plan for Brown Farm – Attorney Rocklin
3. Resolution No. 2022-09 – Independent Financial Bank – Attorney Rocklin
4. Employment Agreement for Interim Town Administrator – Attorney Rocklin

### V. OLD BUSINESS & COUNCIL REPORTS (FROM March 17th MEETING)
1. Weld County (WC) Truck Route IGA – ITA LaVanchy – Staff recommends approving the IGA with WC on the truck route and WC will make road improvements to the route in the sum of $783,430 and Eaton will reimburse WC $125,000 for these improvements and WC will complete in the summer of 2022. Motion made by Trustee Lewis, seconded by Trustee Winter to approve the IGA between WC and Town of Eaton for a Truck Route on WC Roads 76 and 33. Motion carried 6-0.
2. Planning Commission Meeting – Report by Trustee Winter
3. Hometown Revitalization Committee – Report by Trustee/MPO Isbell
4. Great Western Trail/Park

### VI. COUNCIL REPORT
1. Northern Front Range – MPO Report by Trustee/MPO Isbell

### VII. SPECIAL PRESENTATIONS
1. Proclamation Recognizing and Honoring Trustee/Mayor Pro Tem Lanie Isbell – Mayor Moser

### VIII. ADJOURN
Mayor Moser adjourned the first part of the meeting at 7:15 pm.

## New Board

### IX. SWEARING IN OF NEW BOARD
Town Clerk Winter certified the Oath of Office for each elected Trustee.
Swearing in of newly elected board members: Glenn Ledall, Lee Griffith, and Coby Gentry

## X. APPOINTMENT OF OFFICERS

Trustee Winter moved to appoint Town Staff, seconded by Trustee Gentry. Motion carried 6-0.
Trustee Ledall moved to appoint Liz Heid as Mayor Pro-Tem, seconded by Trustee Gentry. Motion carried 6-0.
Mayor Moser moved to appoint Liz Heid as MPO, seconded by Trustee Lewis. Motion carried 6-0.
Mayor Moser moved to appoint Lee Griffith to GWT, seconded by Trustee/MPT Heid. Motion carried 6-0.

Interim Town Administrator – Wesley LaVanchy
Town Clerk – Jane Winter
Municipal Judge – Ms. Teresa Ablao
Board Member to North Front Range MPO – Liz Heid
Treasurer – Faith Smith
Town Attorney – Avi Rocklin
Mayor Pro-Tem – Liz Heid
Great Western Trail – Lee Griffith

## XI. SPECIAL PRESENTATION

1. 2022 Holocaust Memorial Observances Proclamation – Nomi Johnson, Representative for Holocaust Memorial Group & Brenda Carns, Eaton Library Director – The Board of Trustees read aloud the proclamation and Mayor Moser proclaimed the week of April 24-29, 2022, as Holocaust Memorial Observances.
2. United Way – Verniece Thomas – Unable to attend presentation.
3. EPL Art Task Force – Requesting funds from Shelton Fund – Nomie Ketterling, Library Board Trustee & Brenda Carns, Eaton Library Director – The Library Board of Trustees began discussions in 2020 about acquiring a significant and important art piece for outdoor placement and display at the Eaton Library. The art piece is a bronze statue of a young boy which will cost approximately $30,000 and the $10,000 request from the Shelton Fund is to secure the contract and instruct the artist, Daniel Borup, to begin his work. Trustee Lewis moved to approve and grant $10,000 dollars from the Shelton Fund as requested, seconded by Trustee Ledall. Motion carried 6-0.

## XII. PUBLIC COMMENT*

Mayor Moser gave direction that this public comment will be for all other comments and there will be public comment time for the non-potable service after the non-potable discussion.
Steve Poortinga, 1782 Pioneer Pl, concerned about CO Parkway speed sign says 30 mph when on CO Parkway in Maplewood Estates the speed sign says 25 mph and requesting a speed sign at Pioneer Place leading to the school at the green belt. The signs need to be uniform and remember, there are many kids in the area.
Kevin Ross, 1500 Falcon Ridge Rd, thanked Trustee/MPT Isbell for all her service and welcome the newest Trustee Lee Griffith. Congratulations to Trustee Gentry and Ledall and Heid for being Mayor Pro Tem and MPO Representative. MPO works on the infrastructure between the towns in Weld County area.
Mike Thornton, 313 Park Avenue, discussed alleys, proper grading, packed down and maintained. Would like the board to budget for this.

## XIII. NEW BUSINESS

1. Governor's Ranch/Aspen Meadows Non-Potable System – ATA Brinck – The main irrigation pump has been upsized with a new pump and upsizing the VFD and the electrical system. With unexpected delays for the project based on supply chain issues and labor shortages the Town is hopeful that the pump will be running by the second week of May. Staff recommended that the Board table discussion of rebates until the May regular board meeting when the full impact of the pump replacement is known. Mayor Moser then opened the floor for public comment at 8:00 pm. The following residents spoke about their dissatisfaction about the non-potable system: Jim Moore, 40 Westward Way; Dale Henrichs, 47 S Mountain View Dr; Leon Kuhn, 1336 Cimarron Circle; Steve Poortinga, 1782 Pioneer Place; Dan Cooch, 1371 Ridge Court; Bill Hudson, 144 Ridge Road; Dave Eckhardt, 706 Singletree Lane; Nancy Margheim, 1323 Sage Drive; and Gordon Margheim, 1323 Sage Drive. Mayor Moser closed the public comments at 8:30 p.m.

Mayor Moser called for a short break beginning at 8:30 p.m., reconvened at 8:38 p.m.

## XIV. EXECUTIVE SESSION – Moved up on agenda due to the time, 8:38 pm.

1. An executive session to obtain legal advice pursuant to C.R.S. § 24-6-402(4)(b) concerning the outstanding litigation, Public Service Company of Colorado vs. Town of Eaton and Eaton Board of Trustees, Case #2022CV30229.

**XIV. EXECUTIVE SESSION – Continued**

Motion made by Trustee Lewis, seconded by Trustee Winter to convene into Executive Session for the purpose to obtain legal advice pursuant to C.R.S. § 24-6-402(4)(b) concerning the outstanding litigation, Public Service Company of Colorado vs. Town of Eaton and Eaton Board of Trustees, Case #2022CV30229 at 8:38 p.m.
Motion carried 6-0. At 9:35 p.m., Trustee Gentry made a motion to move out of the Executive Session, seconded by Trustee Winter. Motion carried 6-0. Mayor Moser reconvened the regular meeting and stated that the only item discussed was the executive session motion.

**XIII. NEW BUSINESS - Continued**

2. Resolution No. 2022-10 - Adopting Criminal Justice Records Retrieval Fees – Chief Sturch & Attorney Rocklin – Staff is recommending setting police department fees for record and background checks and criminal justice records retrieval. Motion made by Trustee Winter, seconded by Trustee/MPT Heid to approve Resolution No. 2022-10, a Resolution Adopting Criminal Justice Records Retrieval Fees. Motion carried 6-0.
3. Resolution No. 2022-11- Adopting Amend to the Town's Personnel Policy – ATA Brinck & Attorney Rocklin – Staff has re-evaluated the benefits offered by the Town to ensure that the Town is a competitive employer in the Northern Colorado job market and recommends two half-holiday benefits and increase annual vacation time for full-time employees. Motion made by Trustee/MPT Heid, seconded by Trustee Lewis to approve Resolution No. 2022-11, a Resolution Modifying the Town of Eaton Employee Handbook concerning Holiday and Vacation Benefits. Motion carried 6-0.
4. Pavement Management Plan – Brad Curtis, Northern Engineering Services, Inc – Staff provided an overview/update regarding the importance of Pavement Management Plan to establish an annual roadway maintenance budget which includes asphalt preventive maintenance. Staff recommended to obtain the services of Infrastructure Management Services (IMS) to perform the work, which includes review of the pavement and asset data collection for approximately $50,000, which is already in the Town budget. The work will begin in May 2022 with a final report in November 2022.

**XV. STAFF REPORT**

1. Town Administrator – Monthly Report & Paid off loan for the property of Town Square.
2. Assistant Administrator – Monday, C-Dot will determine and release their grant decision.
3. Police Chief – March 2022 Report & Police Progress and Statistical Summary.
4. Town Clerk – Liquor License Renewal for Steven's Grill submitted to State of CO and new hire in office.
5. Town Attorney – The court ordered a Certification of Record by May 13th, for Public Service Company litigation, all materials relating to the applicant shall be directed to the lawyer managing the case by April 29th.
6. Finance Director - February 2022 Financials
7. Town Engineer – Roundabout is on schedule, approaching the contingency number, curb & gutter in the next couple of weeks. There will be a standing monthly report until finished.

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

1. Planning Commission Meeting
2. Hometown Revitalization Committee
3. Great Western Trail/Park
4. Northern Front Range-MPO

**XVII. MAYOR'S COMMENTS-None**

**XVIII. ADJOURN**

Mayor Moser moved to adjourn at 10:13 p.m.

*Margaret Jane Winter, Town Clerk*

Eaton Area Historical Society
Est. 1992
207 Elm Avenue, Eaton, Colorado 80615

May 13, 2022

Following is an outline of actual bid and projected requests from the EAHS:

1. Landscaping of the backyard:
    a. Bid #1 $7,770. Using cobble vs. bid #2 cedar mulch $6,855
2. Refinishing house front doors:
    a. Bid: $475
3. Back porch hand railing for north and south side to reflect same railing on carriage house:
    a. Projected amount: $1,000
4. An **unfinished** existing 8'x6' room upstairs is being turned into a sewing room.
    a. Needed: trim work for window; trim work for door frame; baseboard; floor to match other newly finished rooms; painting of drywall plus labor
    b. Projected amount: $3,000

If you have any questions, please contact Carolyn Prior 970-371-5958!

Thank You!!

Dygert Landscape Contractors

126 Elm Ave.
Eaton, CO 80615

# Estimate

| Date |
|---|
| 4/16/2022 |

| Name / Address |
|---|
| Ken Bell |

| Project |
|---|
| Eaton museum |

| Description | Qty | Rate | Total |
|---|---|---|---|
| regrade area south of patio to raise area near concrete patio to approximately 4" below patio and lower area at fence | 24 | 50.00 | 1,200.00 |
| excavate form and pour concrete drain pan from AC. unit east to fence, form and pour concrete pad for shed 8'X 10' light broom finish | 32 | 50.00 | 1,600.00 |
| 3 yds concrete with delivery | 3 | 270.00 | 810.00 |
| plant 3 Korean Spice Viburnum 5 gal, 4 Miss Kim Lilac 5 gal, 6 Salvia 1 gal, 3 Tall Garden Phlox 1 gal, 4 Hydrangea 5 gal, 4 Penstemon Pink, 5 Soapwort 1 gal, 5 Dianthus 1 gal, 3 Candy Tuft 1 gal, 3 Cone Flower 1 gal. | 1 | 1,396.00 | 1,396.00 |
| install Dewitt weed barrier | 951 | 0.40 | 380.40 |
| install 2" - 4" grey cobble 15 tons | 951 | 2.25 | 2,139.75 |
| install mulch ring around plants | 1 | 144.00 | 144.00 |
| install drip to plants | 1 | 100.00 | 100.00 |
| | | **Total** | $7,770.15 |

May 13, 2022
VIA EMAIL
Mr. Wes LaVanchy, Interim Town Manager
Town of Eaton
223 1st Street
Eaton, CO 80615

**RE: NWCWD / EATON WATER IMPACT FEE RECOMMENDATION**

North Weld County Water District (NWCWD) has increased its Plant Investment Fees (PIFs) required to cover the costs for increased demands, due to development, to treat and deliver water to their direct and wholesale customers, which also includes the Town of Eaton.

Through Northern's development of the Town's Treated Water Master Plan, it was identified that the current Town Water Impact Fees may be insufficient to cover the assessed fees from NWCWD, while also maintaining the Town's needs and requirements for future water supplies, reserve requirements, infrastructure and resiliency.

Northern Engineering has been working with its subconsultant, Ally Utility Consulting and Town staff to determine the short term and long term impacts related to the increase in NWCWD fees. See attached memo by Ally Utility Consulting.

In general, the Town historically has assessed approximately 1/3 of a full NWCWD PIF, based on the Town's average level of service as part of the Town's Water Impact Fee to each new tap as sold through the Town's Building Permit process.

After review and analysis by Town staff and its consultants, with increases to NWCWD PIFs from $12,100 to $21,250 over the past 3 years, and to maintain currently established Town assessment for internal system improvements, staff RECOMMENDS increasing the Town of Eaton Water Impact Fee from $10,200 to $13,494.

Sincerely,
**NORTHERN ENGINEERING SERVICES, INC.**

**BRADLEY A CURTIS, PE, CPM, LEED AP**
Director of Municipal Services

cc: Greg Brink, Assistant Town Administrator

att: Increase Recommendation Letter, Ally Utility Consulting

**Memo**

To: Bradley Curtis PE, Eaton Town Engineer

Cc: Wesley LaVanchy, Town Manager

Greg Brinck, Assistant Town Manager

Faith Smith, Town Finance Director

From: Chris Matkins PE, Ally Utility Consulting

Date: 5/12/2022

Subject: Town of Eaton Water PIF Increase Recommendation

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This memo summarizes a review of the Town's historic documents and practices with respect to determining and assessing Impact Fees / Plant Investment Fees ("PIFs") for potable water service for new taps. The Town requested assistance in determining how to ensure recent increases from your water supplier (North Weld County Water District) were fairly passed along to new Development. Based on my understanding and conversations with Town staff, I'm recommending an increase that passes these NWCWD fee increases to new Eaton taps, while also ensuring that Eaton continues to collect funds for other future water project investments.

In 2019, NWCWD updated how they assess PIFs to cover the costs to increase the treating and delivery of water to the connection point with Eaton's distribution system. These fees also adjust the Maximum Delivery on a per gallon per minute (gpm) basis and million gallons (MG) basis as Eaton requires increases to flow and volume delivery from NWCWD. Eaton in turn charges "Water Impact Fees" to new water taps sold through the Town's building permit process. Eaton's Water Impact Fees are designed to cover the NWCWD PIFs, and provide additional funds for future water Eaton projects including NISP. Water Rights are handled separately and while these costs are significant, they have not been included in this apples-to-apples comparison of infrastructure ("plants, pipes and pumps") fees.

To ensure that these recent NWCWD fee increases are accurately "passed through" to new Eaton water taps, an increase in Eaton's Impact Fees are recommended. This is good business practice and will continue to ensure that new growth pays its way, and doesn't burden existing Eaton water customers with growth related costs. This will also ensure that Eaton preserves its ability to collect additional money for NISP and related water infrastructure investments.

Based on review of historic studies and conversations with Town staff, I've summarized the historic tap fee assessments in the table below. The far right column (in blue text) is

the recommended approach based on NWCWD tap fees which recently increased from $12,100 to $17,650.

The table illustrates that by increasing Eaton's Water Impact Fees from $10,200 to $13,494, the Town can ensure new water taps cover the increased NWCWD fees as well as protect the Town's fees for future water supplies, infrastructure needs and resiliency.

| | **Prior to 2019 IGA** | **(2019 Restated NWCWD IGA)** | **Late 2020 (Town Increase)** | **(Proposed)** |
|---|---|---|---|---|
| Water Rights (Excluded) | n/a | n/a | n/a | n/a |
| NWCWD PIF for 1 gpm | $6,500 | $8,500 | $8,500 | $17,650 |
| NWCWD Distance Fee for 1 gpm | $0 | $3,600 | $3,600 | $3,600 |
| **Total NWCWD Fee for 1 gpm** | **$6,500** | **$12,100** | **$12,100** | **$21,250** |
| Reduction Factor for Average Eaton Tap | 0.36 | 0.36 | 0.36 | 0.36 |
| Prorated NWCWD PIF for 1 Eaton Tap | $2,340 | $4,356 | $4,356 | $7,650 |
| Additional PIF for Eaton's System | $0 | $0 | $5,844 | $5,844 |
| **Total Water Impact Fee paid by 1 New Eaton Tap** | **$2,340** | **$6,500** | **$10,200** | **$13,494** |

If the Town Board is supportive of this 'Growth Pays its Way' administrative approach, it should consider authorizing Town staff to make similar adjustments in the future as NWCWD fees increase periodically.

| | |
|---|---|
| THE TOWN OF EATON COLORADO | EATON<br>**EATON TOWN BOARD**<br>Report |
| TO: Town Board of Trustees | |
| FROM: Wesley LaVanchy | |
| DATE OF MEETING: May 19, 2022 | |
| TITLE / SUBJECT: Lease of NPIC to NWCWD | |

## SUMMARY

An annual water lease of one hundred acre-feet of the Town's North Poudre Irrigation Company to North Weld County Water District (NWCWD) in exchange for the sale of 20 wholesale water taps.

## DESCRIPTION

An annual water lease of one hundred acre-feet of the Town's North Poudre Irrigation Company water designated for municipal water use, to begin May 1 and terminate in November of 2022. This lease has a 2-year renewal option at the Town's discretion.

In consideration of the use of the water rights, the District shall pay the Town's costs and expenses associated with the ownership of the water rights, which include Rule 11 Fees and North Poudre Assessments, as set forth on Exhibit A. This estimated to be $11,600.

In further consideration of the use of the water rights, the District hereby agrees to sell twenty (20) Standard Plant Investment Taps, along with the corresponding Standard Water Taps, as those terms are defined in the water agreement, to the Town per year during the Initial Term and Renewal Terms of this Agreement. The sale shall be made pursuant to the terms of and in accordance with the Water Agreement. The current wholesale tap at NWVWD is $13,237.50 a tap.

The purchase of the whole sale tap is the in essence the purchase of capacity in the system for the town and is important to secure during this time of partial moratorium and the construction of the NEWT III pipeline from Fort Collins area.

## KEY POINTS

The lease of 100-acre feet of the Town's NPIC water rights. The Town has consistently had an excess of NPIC water rights the past 5 years well in excess of 200-acre feet and in most years above 300-acre feet. (see attachment).

- This leased water will be used primarily to help the rural agricultural community that NWCWD serves.

- NWCWD will cover the Rule 11 transfer fees. Estimated at **$11,600.00.**
- The water will be put to beneficial use.
- The Town gains the right to purchase 20 wholesale taps in 2022 during a partial moratorium. **$13,237.50 per taps**

**COST & BUDGET**

- The Town budget includes **$300,000** in funds allocated in the Eaton Water Enterprise for Water Bank. These funds could be used for the purchase of water taps to increase capacity within the town's distribution system.
- NWCWD will cover the Rule 11 transfer fees. Estimated at **$11,600.**

**RECOMMENDATION**

1. Staff Recommendation:
    a. Motion to approve the annual water lease with North Weld County Water District pursuant to the terms of the attached lease and to authorize staff to acquire 20 wholesale water taps for the Town of Eaton's water distribution system pursuant to the terms and conditions of the water service agreement.
2. Alternatively:
    a. Amend the motion
    b. Deny the motion.

# Exhibit A - DRAFT

| | 2022 Rule 11 Differential Charge - Fixed to Municipal Use | | |
|---|---|---|---|
| 1 | Transferred MU | 1.0 | acre-feet |
| 2 | Quota | 0.7 | af/AFU |
| 3 | AFU Difference | 1.4 | AFU |
| 4 | Municipal C-BT assessment | $49.10 | |
| 5 | North Poudre fixed assessment | $1.50 | |
| 6 | Differential Rate | $47.60 | $/AFU |
| 7 | Rule 11 fee per AF | **$68.00** | |

**NOTES:**

Row 1 = Amount of MU Transferred
Row 2 = quota for water year
Row 3 = 1.0 af/ Row 2
Row 4 = 2022 Municipal C-BT assessment
Row 5 = Fixed assessment NPIC C-BT allotment contract
Row 6 = Row 4 - Row 5
Row 7 = Row 3 * Row 6

| | 2022 North Poudre Assessment per share | $180.00 |
|---|---|---|
| 8 | North Poudre MU allocation (acre-feet) | 2.25 |
| 9 | North Poudre Ag allocation (acre-feet) | 1.5 |
| 10 | Total Allocation per share (acre-feet) | 3.75 |
| | **Assessment per acre-foot** | **$48.00** |

| | | |
|---|---|---|
| 11 | **North Poudre MU cost per acre-foot** | **$116.00** |
| 12 | **Cost for rental of 100 acre-feet** | **$11,600.00** |

## 2021 Rule 11 Differential Charge

| | | | |
|---|---|---|---|
| 1 | Transferred MU | 1.0 | af |
| 2 | Quota | 0.7 | af/AFU |
| 3 | AFU Difference | 1.4 | AFU |
| 4 | North Poudre Assessment | $1.50 | |
| 5 | Municipal Assessment | $47.80 | |
| 6 | Differential Rate | $46.30 | $/AFU |
| 7 | Amount per AF | **$66.14** | |

**NOTES:**

Row 1 = Amount of MU Transferred
Row 2 = quota for water year
Row 3 = 1.0 af/ Row 2
Row 4 = North Poudre Assessment
Row 5 = Municipal Assessment
Row 6 = Assessment differential, Row 5 - Row 4
Row 7 = Row 3 * Row 6

## Summary of Town of Eaton Water Usage - DRAFT

| | 2017 | 2018 | 2019 | 2020 | 2021 |
|---|---|---|---|---|---|
| **C-BT Carryover** | | | | | |
| Allocated | 201 | 201 | 201 | 201 | 201 |
| Used | 201 | 201 | 201 | 201 | 201 |
| Unused | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| **C-BT Quota** | | | | | |
| Allocated | 804.0 | 804.0 | 703.5 | 804.0 | 703.5 |
| Used | 804.0 | 804.0 | 703.5 | 804.0 | 703.5 |
| Unused | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| **NPIC MU** | | | | | |
| Allocated | 500.5 | 546.0 | 606.0 | 606.0 | 518.8 |
| Used | 155.0 | 174.0 | 231.0 | 210.0 | 290.0 |
| **Unused** | **345.5** | **372.0** | **375.0** | **396.0** | **228.8** |

**Notes**

1 All values in acre-feet

# Effective Date: April 11,2022

| | Raw Water* | Plant Investment | Distance Fee | Meter Set Fee** | Water Allocation (Annually) | Plant Investment Allocation (Annually) |
|---|---|---|---|---|---|---|
| **Full Standard Tap** | 100% | 100% | 100% | 100% | 228,000 Gallons | 228,000 Gallons |
| | $62,500.00 | $17,650.00 | $300 per Mile from Main Tank Site at Hwy 257-Hwy 14 Minimum Distance Fee will be 5 miles or $1,500 | Variable - will be provided on Letter of Intent (For Subdivisions, Meter Set Fee is fixed) | | |
| Restrictions | Lot Size greater than 0.33 Acres( 14,375 sq ft) | | | | | |
| **75% Tap** | 75% | 75% | 75% | 100% | 171,000 Gallons | 171,000 Gallons |
| | $46,875.00 | $13,237.50 | $225 per Mile from Main Tank Site at Hwy 257-Hwy 14 Minimum Distance Fee will be 5 miles or $1,125 | Variable - See above | | |
| Restrictions | Lot sizes greater than 0.20 acres (8,712 sq ft) but less than 0.33 Acres (14,375 sq ft) OR landowners with adequate, verifiable irrigation rights or well permits for outside water use | | | | | |
| **50% Tap** | 50% | 50% | 50% | 100% | 114,000 Gallons | 114,000 Gallons |
| | $31,250.00 | $8,825.00 | $150 per Mile from Main Tank Site at Hwy 257-Hwy 14 Minimum Distance Fee will be 5 miles or $750 | Variable - See above | | |
| Restrictions | Lot size less than .2 acres (8,712 sq ft) OR with a Board Approved Irrigation System OR a Board Approved Commercial Enterprise | | | | | |
| **Conservation Blue Tap** | 100% | $0 initially - Plant Investment Surcharge will apply | $0 initially - Plant Investment Surcharge will apply | 100% | 228,000 Gallons[1] | 0 Gallons |
| | $62,500.00 | | | Variable - See above | | |
| Payment of Plant Investment Fee and Distance Fee for Conservation Blue Tap is deferred and will be paid by imposition of surcharge in amount determined by the Board of Directors. | | | | | | |
| Restrictions | Only applicable to: 3/4-inch meters; property must have conditional or final approval from legislative body on or before 08/13/2018 and the final plat must be recorded on or before 08/13/2019. If final plat is recorded on or before 08/13/2019, payment of all tap fees must occur on or before 08/13/2023. | | | | | |
| | If Qualified, taps may be used in combination with Conservation Tap (i.e. 50% Water with a Conservation 0 Plant Investment)<br>[1]Gallons may vary depending on qualifying combination | | | | | |

A tap may be allotted more than 1 unit of Water and/or Plant Investment. In this case the allotment is the class X 228,000 gallons = Annual Allocation. (i.e. Water Allocation 5 x 228,000 = 1,140,000 gallons Annual Allocation)

*Upon Board Approval you may transfer Colorado Big Thompson (C-BT) shares or North Poudre shares to fulfill the water requirement for the tap. Water transfer must be completed prior to tap being activated.

**Meter Set Fee includes installation of meter, pit, and connection to mainline. Fee will vary depending on the need for road bores, line extensions, labor and/or materials. The Letter of Intent will state the exact fee for your property. Subdivisions may have a fixed Meter Set Fee. Please contact the office for details specific to your lot.

Basic Monthly Water Rates: 0 to 6,000 gallons = $24.90 Minimum 6,000 gallons and up = $4.15 Per 1,000 Gal (Kgal)

Allotment: The water and plant investment allotment for a standard tap is 228,000 gallons per year or 70% of 1 Acre Foot. The allotment on your account may vary due to additional purchases, transfers, or possible Plant Investment grandfathering. Please contact our office to discuss your individual account.

Basic Non-Potable Monthly Water Rates: ** $1.50 per Kgal **Applicable Subdivisions Only

**The water year runs from your October meter reading to the following meter reading in October.**

**Surcharge will be assessed when an account's year to date usage exceeds the Water and/or Plant Investment Allotment.**

**Plant Investment Surcharge** will be assessed when an account's year to date usage exceeds the Plant Investment Allotment. The transfer of additional water will not remove this charge. Additional Plant Investment Units must be purchased to increase the allotment and reduce the Plant Investment Surcharges. These rates are in addition to the standard monthly usage fee. Currently, the surcharge is $3.95 per 1,000 gallons (kgal) in addition to the standard monthly usage fee.

**Water Surcharge** will be assessed when an account's year to date usage exceeds the annual water allotment. Currently, the surcharge is $6.00 per Kgal in addition to the standard monthly usage fee. This fee is to recover the District's cost to obtain additional water rights for delivery.

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**MEMORANDUM** CWS File #21-130

To: Wesley LaVanchy

From: Steve Nguyen, P.E. SN

Date: October 7, 2021

Subject: Town of Eaton Water Supply and Potential Lease Opportunities

---

This memorandum provides an overview of Eaton's water supplies and potential leasing opportunities. We understand the Town owns 1,005 Colorado-Big Thompson (C-BT) units and 207.5 North Poudre Irrigation Company (NPIC) shares. Each NPIC share consists of a native agricultural component and four units of C-BT. The C-BT units can be used for the Town's municipal uses while the NPIC agricultural component can be used for irrigation as a non-potable supply within the NPIC service area (unless changed in Water Court in the future). The estimated average yield of a C-BT unit is 0.7 acre-feet per year (AFY) and the firm yield is 0.5 AFY. The estimated average yield of the NPIC agricultural component is 2.5 AFY and the firm yield is 0.5 AFY. The NPIC agricultural component yields are based on the yields provided in the 2018 Municipal Water Efficiency Plan, which were obtained from the ditch company.

In total, Eaton's potable water supply of C-BT units averages 1,285 AFY and the firm yield is 918 AFY. The average and firm yields of the NPIC agricultural component for Eaton's shares are 519 AFY and 104 AFY, respectively. A summary is provided in **Table 1**. Note that the Town also uses wells for non-potable uses, which are not included in Table 1.

**Table 1 - Eaton's Water Supply**

| Water Right Name or Source | No. of Shares or Units Owned | Average Year Yield (AFY) | Firm Yield (AFY) |
|---|---|---|---|
| C-BT | 1,005 | 704 | 503 |
| NPIC - C-BT Component | 207.5 | 581 | 415 |
| **Total C-BT** | **1,212.5** | **1,285** | **918** |
| NPIC - Agricultural Component | 207.5 | 519 | 104 |
| **Total Water Supplies** | - | **1,804** | **1,022** |

*Notes:*
The average and firm yield of a C-BT unit is 0.7 AFY and 0.5 AFY.
The average and firm yield of an NPIC share agricultural component is 2.5 AFY and 0.5 AFY.

We evaluated how much excess C-BT water the Town could potentially lease to other water users. We analyzed the North Weld County Water District (NWCWD) master meter data and Eaton's customer water usage. Based on the Water Service Agreement between Eaton and NWCWD, the Town provides raw water in the amount of 110% of the total measured potable water usage at the master meter for the previous year, plus any anticipated increases in use. The 10% is used to cover losses that occur within NWCWD's system.

The average of the last five years (2016-2020) of master meter data from NWCWD is 848 AFY. The 2020 master metered volume was 900 AF. Including the additional 10% surcharge, Eaton's estimated total water supply needed for treatment is 990 AFY based on 2020 data or 933 AFY based on the last five years of data. On average, Eaton would have approximately 352 AF of excess C-BT water it could rent out and had 295 AF of C-BT available to lease in 2020. The excess lease amounts for the Town's C-BT water is shown in **Table 2**.

**Table 2. Potential Lease Amount of C-BT**

| Description | NWCWD Meters (AFY) | Eaton Usage (AFY) | Water Supply Needed with Surcharge (+10%) (AFY) | Excess C-BT Water Supply - Avg Year (AFY) |
|---|---|---|---|---|
| Average (Last 5 Years) | 848 | 751 | 933 | 352 |
| 2020 Data | 900 | 782 | 990 | 295 |

These calculations exclude C-BT carryover, which is the lesser of the Town's October 31st quota account with 10% shrink or 20%*(C-BT units owned). The C-BT carryover is excluded as it is assumed the Town will maximize its carryover from year-to-year as added drought protection, so it is recommended only to lease excess supplies beyond what is needed for carryover.

We can monitor the lease potential after the initial quota is set in November by the Northern Colorado Water Conservancy District (Northern Water) Board and reevaluate if a supplemental quota is issued in April. If water is leased early in the irrigation season, the lease rate is higher. We typically help clients lease excess supplies in April and then evaluate again in August if there is any additional water to lease later in the season. C-BT units can be leased to other water users within Northern Water's district boundary.

The Town can also lease its NPIC agricultural component to other irrigation shareholders in the NPIC system, and we recommend that it does so every year to keep the NPIC water in use. The agricultural component of an NPIC share could also be changed in Water Court in the future for potable use. The City of Fort Collins and other water providers are currently in the process of changing this component of the NPIC water right.

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Finally, the Town of Eaton has a bulk water station that uses potable water and sells it to industrial users. Since the Town's potable water is C-BT units, there are limitations on where the water can be used. Northern Water has policies in place that require all C-BT water to be used within Northern Water's district boundary. Water should not be hauled outside of these areas for oil and gas, construction or other projects. We recommend the Town only provide bulk water to customers with projects inside of Northern Water's boundary.

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April 30, 2021
Jeff Schreier
Town Administrator
Town of Eaton
223 1st Street
Eaton, CO 80615

**RE: TOWN OF EATON C-BT AND NPIC SHARES CLARIFICATION**
**NE PROJECT NO. 1127-001**

The Town of Eaton has requested Northern Engineering Services (Northern) to perform research on the potential of cash in lieu or rental options for unused water tied to Colorado Big Thompson (C-BT) and North Poudre Irrigation Company (NPIC).

## BACKGROUND

The Town of Eaton (Town) has had several years where there has been surplus of unused water shares. The Town currently owns 1,005 shares of C-BT and 207.5 shares of NPIC stock. One C-BT share equals 1 acre-foot of water and one NPIC share varies between 4.5 to 5 acre-feet of water.

For 2021:

- C-BT shares have an allocation quota of 70% from Northern Water Conservancy District with an additional 10% for system losses claimed by North Weld.
- NPIC shares are comprised of 4.5 acre-feet with 2 acre-feet for agricultural and 2.5 acre-feet for multi-use (MU).

These quotas are typically determined each year in April and can vary from year to year. It is important and recommended to wait each year for these allocations before selling or renting any shares to secure enough water for the Town. We understand the Town is looking for potential alternatives for the surplus of water that is not currently being used by the Town.

## NPIC SUMMARY

Northern met with Richard Raines from Tri District and Tet Clapham from NPIC to verify the possibility of renting out the agricultural portion of an NPIC stock. After these conversations, it was made clear the Town can rent out the agricultural portion of NPIC stocks to other stockholders.

- Eaton has a total of 207.5 shares of NPIC, that totals to 415 acre-feet of AG to rent out (allocation is 2 acre-feet of AG water per stock this year).
- Northern has received multiple calls from NPIC stockholders interested in renting AG water from Eaton. Calls and emails will now be directed to Jeff and/or Faith from the Town of Eaton. Other towns are renting their water between $42-$44 per acre-foot per water year. There seems to be a shortage since it sounds like Ft. Collins is not renting out any water due to last year's fires.
- Eaton must get in contact with the stockholders and figure out how much water they want to rent and come to agreement with the terms/contract Eaton wants to set in place for this rental. NPIC does not need to be involved in contract or invoicing of this water. Contracts and invoicing will be between Eaton and the stockholder only.
- Once Eaton knows who they are renting the AG water to and how much they are transferring, they can contact Tet Clapham with this information, and he will transfer the water. It is a very straightforward process. Tet's contact information is below.

- The NPIC Municipal Use (MU) portion of a stock can also be rented to stockholders or portions of a stock can be allocated to a new tap within the Town as cash in lieu.

## C-BT SUMMARY

After meeting with Richard Raines from Tri District, it was confirmed that the Town currently owns 1,005 shares of C-BT. The allocation quota varies year by year and is reported in April. During drought years, Northern Water has allocated a 50% quota in the past. There is a maximum 20% carryover of shares permitted for the next water year.

- This year, 2021, the C-BT allocation quota is 70% and an additional 10% from North Weld to account for system losses. During drought years, a 50% allocation quota is likely, plus the additional 10% from North Weld.
- There is a 20% maximum carryover of C-BT shares.
- For the years 2017 to 2020, the Town has used all its C-BT water allocations and the 20% carryover.

## CONCLUSIONS AND RECOMMENDATIONS

Based on our conversations with Richard Raines, it is recommended that an analysis be performed of current NPIC MU usage and what that usage would be during a drought year, where C-BT and NPIC allocations will be stricter. This would help the Town understand the surplus and flexibility of any unused NPIC MU water that has the potential of being rented or allocated to a tap within a water year. This analysis will protect the Town from any water usage overages.

## CONTACT INFORMATION

**Table 1. Tri District and NPIC Personnel Contact Information**

| Contact Name | Organization | Phone Number | Email |
|---|---|---|---|
| Richard Raines | Tri District | 970.218.2738 | rraines@scwtp.org |
| Tet Clapham | NPIC | 970.568.3612 | tclapham@npicwater.com |

If you have any questions or concerns regarding our review of the materials, please do not hesitate to contact me at 970.488.1119 or bcurtis@northernengineering.com .

Sincerely,
**NORTHERN ENGINEERING SERVICES, INC.**

**BRADLEY A CURTIS, PE, CPM, LEED AP**
Director of Municipal Services

| | |
|---|---|
| THE TOWN OF EATON COLORADO | EATON<br>**EATON TOWN BOARD**<br>Report |
| TO: Town Board of Trustees | |
| FROM: Wesley LaVanchy | |
| DATE OF MEETING: May 19, 2022 | |
| TITLE / SUBJECT: Weld County IGA for Road Improvement | |

## SUMMARY

Intergovernmental Agreement (IGA) for improvements to the intersection at WCR 74 and WCR 33 and the construction of a roundabout.

## DESCRIPTION

The Town of Eaton provided a financial commitment letter to Weld County's Surface Treatment Block Grant (STBG) application in 2018 in the amount of $22,696 for the North Front Range Metropolitan Planning Organization (NFRMPO) Fiscal Year (FY) 2022-2023 call for Projects. (See Attached letter from then mayor Kevin Ross). This this partnership assisted Weld County's STBG application in receiving $1,091,818 in federal funding to improve the intersection of WCR 74 & WCR 33. The 74/33 intersection improvements are mutually beneficial for both jurisdictions and both respective Parties agreed to contribute financially to the costs of such improvements.

At present the 33/74 Roundabout is currently scheduled to have utilities relocation work from September through December and contract awarded in January of 2023. The Town of Eaton would budget these funds in its 2023 Budget appropriation for its financial contribution in 2023.The total cost for the improvements for this intersection area are estimated at 9.3 million.

## KEY POINTS

- The Town of Eaton provided a financial commitment letter to Weld County's Surface Treatment Block Grant (STBG) application in 2018 in the amount of $22,696.
- Weld County's STBG application received $1,091,818 in federal funding to improve the intersection of WCR 74 & WCR 33.
- If the IGA is approved, the Town would budget funds in 2023 for its portion.

## COST & BUDGET

- If approved, the include this funding would be included in the 2023 from the Street Fund, subject to the annual appropriation process. Payment would be made in 2023.
- The Town of Eaton's portion is $22,696.

## RECOMMENDATION

1. Staff Recommendation:
    a. Motion to approve the Intergovernmental Agreement 9IGA) with Weld County for contribution for roadway improvements for the Weld County Road 74/33 Intersection pursuant to the terms of the attached IGA and directing staff to include funding in the amount of $22,696 in the 2023 budget appropriation for the Street Fund for the Town's Board's consideration.
2. Alternatively:
    a. Amend the motion.
    b. Deny the motion.

THE TOWN OF EATON COLORADO
Incorporated 1892

223 1st Street
EATON CO 80615
970.454.3338
Fax: 970.454.3339
www.eatonco.org

Weld County Board of County Commissioners
Mr. Steve Moreno, Chair
1150 O Street
Greeley, CO 80632

Commissioner Moreno,

This letter of support recognizes Weld County's efforts to improve the intersection of Weld County Road (WCR) 74 and WCR 33 near the Town of Eaton. With WCR 74 running through the Town of Eaton, your funding of this project will provide another very important intersection on this regionally significant corridor.

In addition, this project exemplifies cooperative collaboration of Weld County working with their municipal partners to improve the general health, safety, and welfare of our communities. Therefore, Eaton is committed to financially support this project with a **$22,696** contribution.

Eaton is extremely pleased to work with Weld County and hopes you will look favorably upon their STBG application. Thank you for the opportunity to participate in this program. Please do not hesitate to contact me if you have any questions.

Sincerely,

Kevin Ross
Mayor

# INTERGOVERNMENTAL AGREEMENT
## FOR CONTRIBUTION FOR ROADWAY IMPROVEMENTS FOR THE WELD COUNTY ROAD ("WCR") 74/33 INTERSECTION

THIS AGREEMENT is made and entered into this ____ day of _____, 2022, by and between the Town of Eaton, State of Colorado, whose address is 223 1st Street, Eaton, Colorado 80615, hereinafter referred to as "Eaton" and the County of Weld, State of Colorado, by and through the Board of County Commissioners of the County of Weld, Colorado whose address is P.O. Box 758, 915 10th Street, Greeley, Colorado 80632, hereinafter referred to as "Weld County".

WITNESSETH:

WHEREAS, Eaton provided a financial commitment letter to Weld County's Surface Treatment Block Grant (STBG) application in 2018 in the amount of $22,696 for the North Front Range Metropolitan Planning Organization (NFRMPO) Fiscal Year (FY) 2022-2023 call for projects; and

WHEREAS, this partnership assisted Weld County's STBG application in receiving $1,091,818 in federal funding to improve the intersection of WCR 74 & WCR 33; and

WHEREAS, both Parties recognize the 74/33 intersection improvements are mutually beneficial for both jurisdictions and the Parties agree to contribute financially to the costs of such improvements, hereinafter referred to as "Project", as identified in Exhibit A.

WHEREAS, the Parties hereto desire to enter into this Agreement to define the roles and responsibilities of each of the parties regarding the completion of the Project, and

WHEREAS, both parties are authorized to enter into intergovernmental agreements with one another, pursuant to C.R.S. § 29-1-203 and Colorado Constitution Article XIV, § 18(2) (1), for the purpose of achieving greater efficiencies for the provision of services to the public.

**NOW THEREFORE**, in consideration of the above and the mutual promises and covenants contained herein, the Parties hereto agree as follows:

1. TERM: The term of this Agreement shall be from the date first written above to and until such time as the Project described herein shall be completed.

2. DESCRIPTION OF IMPROVEMENTS: Weld County will be responsible for designing, acquiring right-of-way, obtaining utility relocations, and constructing and managing the Project.

3. CONTRIBUTION BY EATON: Eaton agrees to pay to Weld County by December 31, 2023 the sum of $22,696 as a proportional share contribution to the Project.

4. ENTIRE AGREEMENT: This writing, together with any exhibits attached hereto, constitutes the entire Agreement between the parties hereto with respect to the subject matter herein, and shall be binding upon said parties, their officers, employees, agents and assigns and shall inure to the benefit of the respective survivors, heirs, personal representatives, successors and assigns of said parties.

5. NO THIRD-PARTY BENEFICIARY ENFORCEMENT: It is expressly understood and agreed that the enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the undersigned parties and nothing in this Agreement shall give or allow any claim or right of action whatsoever by any other person not included in the Agreement. It is the express intention of the undersigned parties that any entity other than the undersigned parties receiving services or benefits under this Agreement shall be an incidental beneficiary only.

6. SEVERABILITY: If any term or condition of this Agreement shall be held to be invalid, illegal, or unenforceable, this Agreement shall be construed and enforced without such provision to the extent that this Agreement is then capable of execution within the original intent of the parties hereto.

7. MODIFICATION AND BREACH: This Agreement contains the entire agreement and understanding between the Parties of this Agreement and supersedes any other agreements concerning the subject matter of this transaction, whether oral or written. No modification, amendment, notation, renewal, or other alteration of or to this Agreement shall be deemed valid or of any force or effect whatsoever, unless mutually agreed upon in writing by the undersigned parties. No breach of any term, provision, or clause of this Agreement shall be deemed waived or excused, unless such waiver or consent shall be in writing and signed by the party claimed to have waived or consented. Any consent by any party hereto, or waiver of, a breach by any other party, whether express or implied, shall not constitute a consent to, waiver of, or excuse for any other different or subsequent breach.

8. NOTICES: All notices required herein shall be mailed via First Class Mail to the Parties' representatives at the addresses set for below:

| EATON | WELD COUNTY |
|---|---|
| Town of Eaton | Board of County Commissioners |
| Attn: Wes LaVanchy | Weld County; Attn: Jay McDonald |
| 233 First Street | P.O. Box 758 |
| Eaton, CO 80615 | Greeley, CO 80632 |
| Phone: 970-454-3338 | Phone: 970-400-4200 |

Notwithstanding the foregoing, notice of routine matters related to this Agreement may be accomplished by electronic mail on the condition that the recipient of the electronic mail correspondence acknowledges receipt thereof.

9. NO WAIVER OF GOVERNMENTAL IMMUNITY: No portion of this Agreement shall be deemed to constitute a waiver of any immunities the parties or their officers or employees may possess, nor shall any portion of this Agreement be deemed to have created a duty of care which did not previously exist with respect to any person not a party to this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in duplicate of the day and year first hereinabove written.

**ATTEST:**

By: _____
Margaret Jane Winter, Town Clerk

**TOWN OF EATON**

By: _____
Scott Moser, Mayor

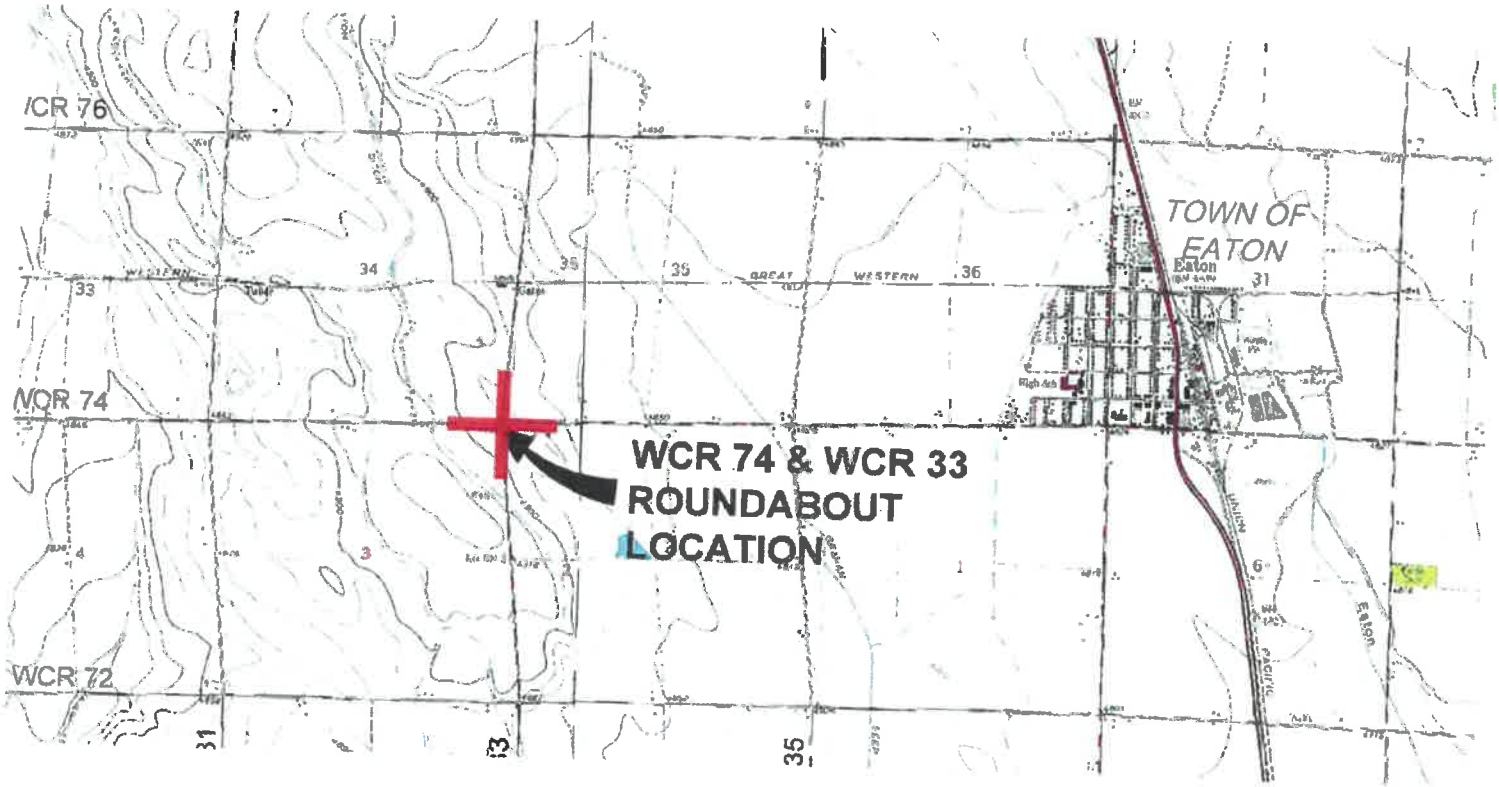
**ATTEST:**
**WELD COUNTY Clerk to the Board**

By: _____
Deputy Clerk to the Board

**BOARD OF COUNTY COMMISSIONERS**
**WELD COUNTY, COLORADO**

By:_____
Scott K. James, Chair

# EXHIBIT A


ICR 76
NCR 74
WCR 72
TOWN OF
EATON
Eaton
GREAT WESTERN
WCR 74 & WCR 33
ROUNDABOUT
LOCATION

**TOWN OF EATON, COLORADO**
**ORDINANCE NO. __**

**AN ORDINANCE AMENDING SECTION 9-2-7 OF THE EATON MUNICIPAL CODE CONCERNING WATER SYSTEM CAPACITY FEES**

**WHEREAS,** the Town of Eaton, Colorado ("Town") is a municipal corporation duly organized and existing under the Constitution and laws of the State of Colorado; and

**WHEREAS,** the Town Board of Trustees ("Town Board") is vested with the authority to administer the affairs of the Town; and

**WHEREAS,** Section II of Chapter IX of the Eaton Municipal Code ("Code") regulates water main taps and Section 9-2-7 contained therein addresses water system capacity fees; and

**WHEREAS**, to eliminate the codification of amendments to the Town's water system capacity fees, Town staff recommends that the Town Board amend Section 9-2-7 to provide that water system capacity fees be set by resolution of the Town Board; and

**WHEREAS**, the Town Board desires to adopt Town staff's recommendations; and

**WHEREAS,** the Town Board finds, determines and declares that this Ordinance is 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 interests of the Town of Eaton.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF EATON, COLORADO, THAT:**

**Section 1.** Section 9-2-7. Eaton Municipal Code Section 9-2-7 shall be amended in full to read as follows:

**Sec. 9-2-7. Water System Capacity Fee.**

Water system capacity fees shall be paid simultaneously with the issuance of a building permit in the amount set forth by resolution of the Town Board.

**Section 2.** Severability. If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance that can be given effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

**Section 3.** Effective Date. This Ordinance shall be effective thirty (30) days after its publication. The Town Clerk shall certify the date of publication and such certification shall be maintained with the original of this Ordinance. The Town Clerk shall make not less than three copies of the adopted Town Code available for inspection by the public during regular business hours.

**INTRODUCED, AND APPROVED** on first reading by the Board of Trustees of the Town of Eaton, Colorado, this ____ day of May, 2022.

**TOWN OF EATON, COLORADO**

**ATTEST:**

By:_____
Margaret Jane Winter, Town Clerk

By:_____
Scott Moser, Mayor

**PASSED UPON FINAL APPROVAL AND ADOPTED** on second reading by the Board of Trustees of the Town of Eaton, Colorado, this _____ day of June, 2022.

**TOWN OF EATON, COLORADO**

**ATTEST:**

By:_____
Margaret Jane Winter, Town Clerk

By:_____
Scott Moser, Mayor

**FROM:** Bradley A Curtis, PE, CPM, LEED AP
Northern Engineering
Town Engineer Consultant

**SUBJECT:** WCR35 / Collins Roundabout Construction [ACTION REQUESTS]

**DATE:** May 11, 2022

**MEETING DATE:** May 19, 2022

**PROJECT CHANGES:** The Roundabout Project is currently under construction with Duran Excavating in at the intersection of WCR 74 (Collins Street) and WCR 35. Several Change Orders have been issued to deal with various items related to the construction of the roundabout.

Items range from applying Mag Chloride and providing Messages Boards for a longer duration at the request of Weld County, to utility conflicts that require engineering redesign and utility relocation to resolve the conflicts. Some items were not part of the original and have been added to the project such as a water service to the roundabout island and additional sidewalk improvements. Additional milling was required of the existing roadway pavement when the thickness was greater than the geotechnical report had provided.

A large portion of cost overruns is directly related to unstable and unsuitable soil that was uncovered in isolated roadway areas. This soil was required to be removed and approved soil installed with geogrid to provide the stability and compaction required for the base of the asphalt pavement. These types of costs are not uncommon on roadway projects.

Additional construction costs applied to the project have been a direct result of the current economy and inflation of material prices and supply chain issues that delay the delivery of material. A fuel cost surcharge has been applied by several companies to offset the increase in oil and gas prices that continue to rise.

**CHANGE ORDER SUMMARY:** The following table provides a Summary of Change Orders that have been issued to date and changes that have been approved but actual costs have not been received from the Contractor. Underground utility conflicts and the design and construction of the island signage are large cost items that once addressed, will not be recurring in future change orders.

With the majority of underground work complete and the roadways stabilized, work can begin on the concrete curb and gutter, medians, sidewalks, and the roundabout apron.

## CHANGE ORDER SUMMARY

| Item | CO Number | Roundabout C.O. Expense | Landscape Island C.O. Expense |
|---|---|---|---|
| Gas Line Relocation | - | $9,000.00 | |
| Driveway Access & Temporary Easements | - | $30,000.00 | |
| Mag Chloride | 1 | $12,030.00 | |
| Message Boards | 2 | $5,360.00 | |
| Barricade Lights | 2 | $1,250.00 | |
| Storm 5 Manhole | 2 | $2,334.00 | |
| Irrigation System Electrical | 3 | | $16,750.00 |
| Island Waterline and Backflow Preventer | 4 | | $4,169.00 |
| Governors Crossing Sidewalk | 4 | $15,309.00 | |
| Remove Signs | 5 | $600.00 | |
| Additional Milling Thickness | 5 | $24,000.00 | |
| **TOTAL** | | **$99,883.00** | **$20,919.00** |
| Additional Expenditure Approved (Base) | | $117,476.60 | |
| Additional Expenditure Approved (Landscape Island) | | | $19,867.00 |
| **Balance Remaining** | | **$17,593.60** | **($1,052.00)** |

### PENDING CHANGE ORDERS

| | | |
|---|---|---|
| Fuel Surcharges | Pending | $6,630.00+ |
| Storm 2 Conflict | Estimated | $30,000.00 |
| Storm 1 Conflict | Estimated | $4,500.00 |
| Mailbox Relocation | Estimated | $1,000 |
| Curb and Gutter Modifications | Estimated | $2,500 |
| Base/Geotextile over Waterline | Estimated | $120,000 |
| Island Signage | Estimated | $16,000-$30,000 |
| Driveway Improvement Deduction | Estimated | ($20,000) |
| Earthwork | Pending | |
| Valves, Manhole Rim Adjustments | Pending | |

### OPTIONAL WORK

| | | |
|---|---|---|
| Color/Stamped Concrete Median | Estimated | $89,650.00 |
| Stamped Concrete Median | Estimated | $57,050.00 |

**ACTION REQUESTED:**

On January 20, 2022, the Town Board approved Town Staff to authorize additional expenditures for the base bid of up to $2,550,000.00 on the project as needed. In addition, Town Board approved Town Staff to authorize additional expenditures for the Landscape Island up to $90,000.00 on the project as needed. For reference, below were the bids evaluated:

| Company | Base Bid | Alt Bid-Landscape Island |
|---|---|---|
| Duran Excavating, Greeley, CO | $2,432,532.40 | $70,132.75 |
| Connell Resources, Ft. Collins, CO | $2,449,402.95 | $104,424.85 |
| Jalisco International, Commerce City, CO | $2,677,733.55 | $79,926.00 |
| Mountain Constructors, Platteville, CO | incomplete bid / removed from consideration | |

From the Change Order Summary Table above, expenditures have almost met the previously authorized amounts. Additional funds are requested to meet the impending construction cost modifications and to assure the project can keep moving forward on schedule.

Staff recommends the Town Board to authorize additional expenditures, for both base bid and landscaping alternative, to the total project in the amount, not to exceed, $3,000,000.00. This would be a total additional expense of $360,000 above the currently approved expenditures.

**OPTIONAL ACTION REQUIRED:**

The Construction has been approved to install medians with standard grey concrete. However, conversations have indirectly been heard about possible changes to its look. Northern has engaged the Contractor for options to construct colored and/or stamped medians. These approximate costs for optional additional services have been provided.

Due to the planned landscape island improvements and visual impacts, the changes to colored and/or stamped medians would not provide a significant look at the intersection. Should the Board desire to pick one of the 2 options, the following additional expenditures would be recommended:

| | |
|---|---|
| Color/Stamped Concrete Median | $89,650.00 * 10% = $98,615 |
| Stamped Concrete Median | $57,050.00 * 10% = $62,755 |

# Administrative Report: Board of Trustees Meeting
# May 2022

Wesley LaVanchy, ITM

TOWN OF EATON 223 First Street Eaton, CO 80615

## Administration:

- **Eaton Housing Authority Management Services –** Senior Housing Options has recently completed a CHAFA MOR audit of the Housing Authority tenant files and requisite documentation. This has been an enormous chore given the condition of the files. SHO has provided CHAFA with a plan to bring all the files into compliance and to introduce new standard operating procedures (SOP's) for maintaining compliance. We are awaiting their response. SHO is planning to provide the Board with an update at the June Board of Trustees meeting and answer questions.

## Planning:

Development Activity Update:

- **Xcel Energy –** The town's attorney has filed Motion with the Court for an extension of time to submit a responsive pleading and to certify the record. In addition, Mr. Poppe has reached out to Xcel to discuss the case. We are hoping to have a more substantive update for the May 19th Board of Trustees meeting and have scheduled and executive session to discuss the matter with attorneys.

- **ALLO Franchise Agreement:** Town staff continues to work with representatives of ALLO Communication to develop a recommended franchise agreement to provide high speed broadband to the community. We are getting closer to recommendation but still have some substantive issues to work through such as fees, requirements for amendments and the permitting processes.

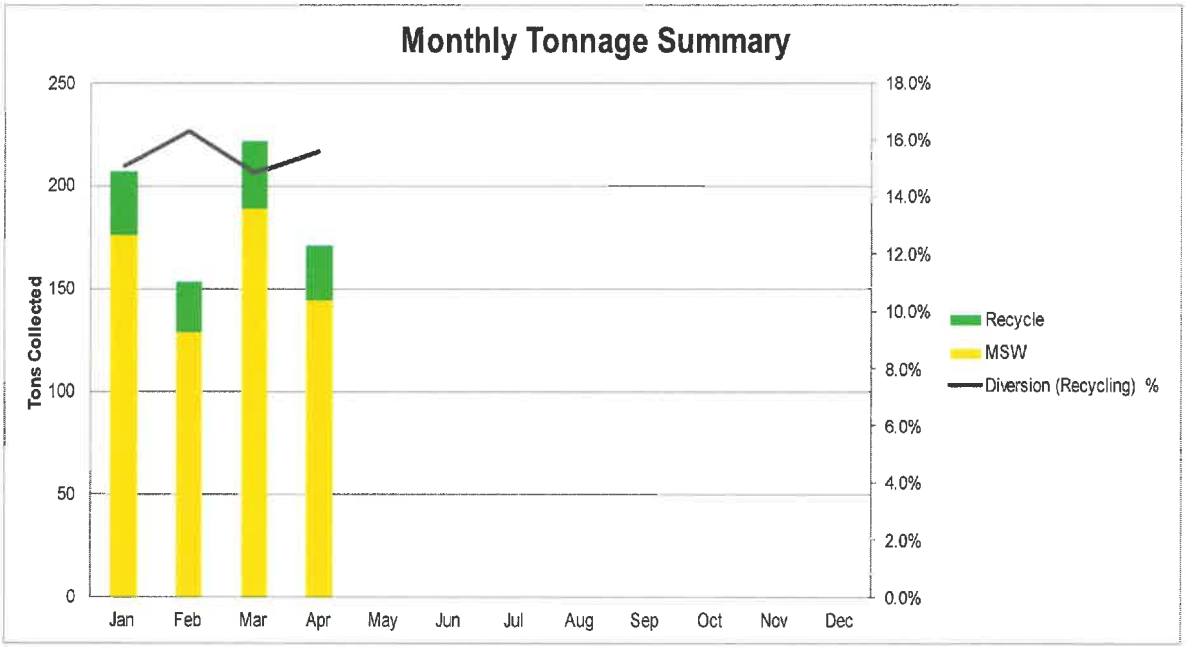
- **Town Code Update:** With the March / April public hearings on Brown's Farm and Xcel behind us for the time being, staff is circling back to the Town code update and are making revisions as recommended by the planning and zoning commissions. We are hopeful to have a draft for your consideration in the coming months.

## Public Works

- **Pavement Management Program - Street Condition Survey**. We have completed a professional services contract for these services and will provide an update on a targeted start date for this effort.

- **Four Way Stop @ 3rd / Juniper –** Based on an analysis of the surrounding area and the changes coming to the current middle school, the Town's engineer is recommending the installation of a 4 way stop at this intersection. This change is permitted as outlined within MUTCD for such criteria.

- **Waste Management** – Please find attached a year-to-date summary of services.

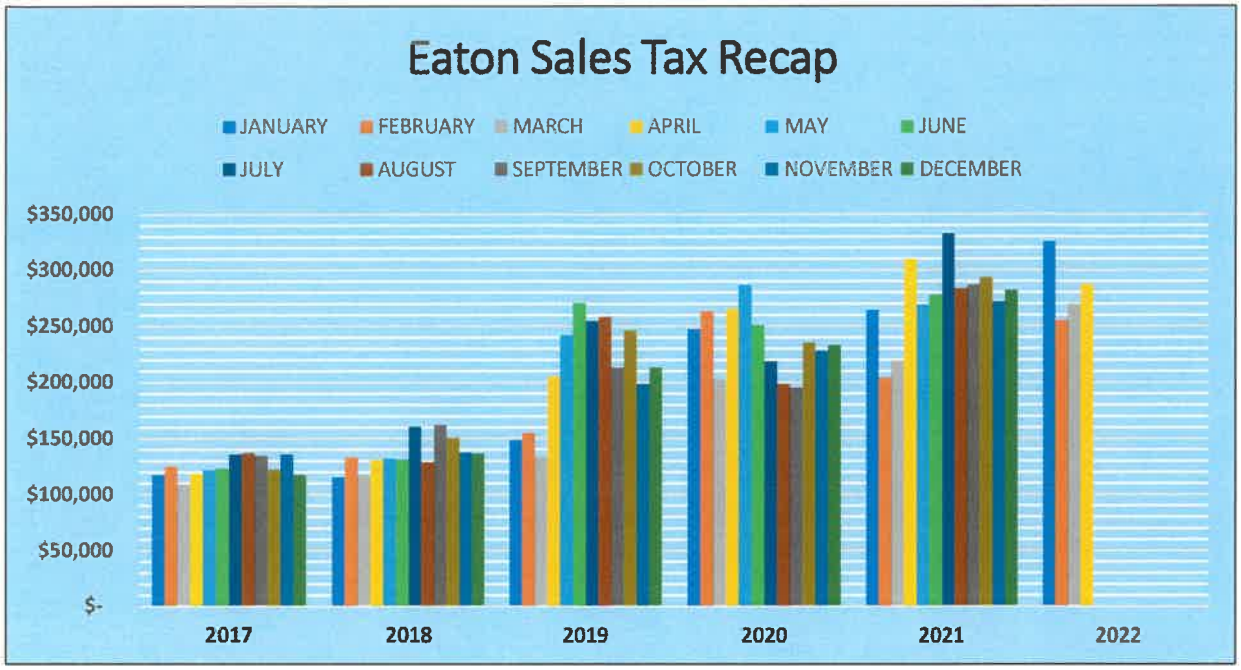



## Finance:

- **Sale Tax –** Please see the attached spreadsheet. Although the Town's collections were down 7% for the month of April year over year, we are at an overall 14% increase year to date. This translates to a $140,538 increase year to date. This is of course a very healthy start to the year!

**EATON SALES TAX REVENUE**

| MONTH | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | |
|---|---|---|---|---|---|---|---|
| JANUARY | $ 117,383 | $ 115,508 | $ 148,478 | $ 247,302 | $ 264,114 | $ 325,462 | 23% |
| FEBRUARY | $ 125,168 | $ 133,449 | $ 155,032 | $ 263,335 | $ 204,045 | $ 255,289 | 25% |
| MARCH | $ 108,650 | $ 116,585 | $ 132,633 | $ 201,606 | $ 218,997 | $ 269,309 | 23% |
| APRIL | $ 119,001 | $ 131,067 | $ 205,063 | $ 265,572 | $ 309,747 | $ 287,382 | -7% |
| MAY | $ 121,707 | $ 131,726 | $ 241,561 | $ 286,634 | $ 268,755 | | |
| JUNE | $ 122,883 | $ 131,016 | $ 270,446 | $ 250,556 | $ 278,204 | | |
| JULY | $ 135,483 | $ 160,449 | $ 254,460 | $ 218,448 | $ 332,329 | | |
| AUGUST | $ 137,205 | $ 128,922 | $ 258,373 | $ 198,349 | $ 283,600 | | |
| SEPTEMBER | $ 134,308 | $ 161,560 | $ 212,889 | $ 194,457 | $ 286,652 | | |
| OCTOBER | $ 122,284 | $ 150,232 | $ 245,980 | $ 235,241 | $ 293,425 | | |
| NOVEMBER | $ 135,816 | $ 137,568 | $ 198,571 | $ 227,873 | $ 271,386 | | |
| DECEMBER | $ 117,311 | $ 136,501 | $ 213,118 | $ 233,058 | $ 281,838 | | |
| **TOTALS** | **$1,497,199** | **$1,634,583** | **$2,536,604** | **$2,822,432** | **$3,293,091** | **$1,137,441** | **14%** |
| | | *$ 137,384* | *$ 902,021* | *$ 285,828* | *$ 470,659* | *YTD* | |
| | | *9%* | *55%* | *11%* | *17%* | *14%* | |


Eaton Sales Tax Recap
JANUARY
FEBRUARY
MARCH
APRIL
MAY
JUNE
JULY
AUGUST
SEPTEMBER
OCTOBER
NOVEMBER
DECEMBER
$350,000
$300,000
$250,000
$200,000
$150,000
$100,000
$50,000
$-
2017
2018
2019
2020
2021
2022

**FROM:** Bradley A Curtis, PE, CPM, LEED AP
Northern Engineering
Town Engineer Consultant

**SUBJECT:** WCR35 / Collins Roundabout Construction

**DATE:** May 11, 2022

**MEETING DATE:** May 19, 2022

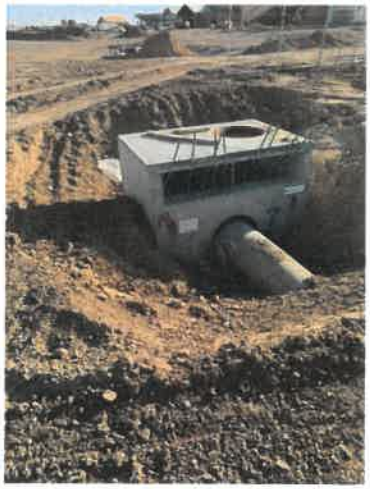
**PROJECT SUMMARY:** The Project Notice to Proceed was issued to Duran Excavating on March 1, 2022.

Work began with rough grading of the roundabout area and the four connection roadway legs along WCR 74 (Collins Street) east-west and WCR 35 north-south. Installation of storm drain lines and inlets were installed on the south and north roadways. Existing utilities are in the process of being relocated outside of the roundabout construction area.

Earthwork has been removed at roadways to subgrade along the north, east and south legs of the roundabout. Areas that were found to be unstable were removed and replaced with approved material and geotextile fabric to provide support for future pavement. Aggregate base course was installed and compacted in preparation for future asphalt pavement.

The curb and gutter has recently been installed along the east and south outside legs of the roundabout.

**SCHEDULED WORK:** Work within the next few weeks will continue on the remaining storm drain lines and inlets on the west leg of the roundabout. Curb and gutter will be installed on the outside north leg. Earthwork to prepare the subgrade along the west leg will begin and aggregate base course will be installed and compacted.

The water service line will be installed to the roundabout island for landscape irrigation.

Layout work will begin for the interior median curb and gutter along the east and south legs of the roundabout.