



**TOWN BOARD REGULAR MEETING**  
**224 First Street, Eaton, CO**  
**Thursday, November 16, 2023, 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**

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

**BOARD ABSENT**

**STAFF PRESENT:** Town Administrator - Wesley LaVanchy, Town Attorney - Avi Rocklin, Assistant Town Administrator - Greg Brinck, Financial Director - Faith Smith(Virtual), and Police Chief – Kevin Sturch

**AGENDA APPROVAL / AMENDMENT(S)**

*Mayor Pro Tem Heid moved to approve the agenda as is.*

Trustee Gentry seconded, and the motion passed unanimously, 6-0.

**PROCLAMATIONS**

**1. Wreaths Across America 2023**

Mayor Moser and the Board of Trustees read the proclamation aloud to inspire the theme of, “Serve and Succeed” for the Eaton American Legion Post #26, who is partnered with Wreaths Across America. Mayor Moser proclaimed Saturday, December 16<sup>th</sup>, as Wreaths Across America, a national mission to “Remember the Fallen, Honor Those Who Serve and Teach Our Children the Value of Freedom.”

**2. Eaton Reds High School Softball Team 2023**

Mayor Moser and the Board of Trustees read the proclamation aloud to honor our youth and show their appreciation for their hard work and dedication. Mayor Moser congratulated the Eaton Reds Softball Team for their outstanding achievement and proclaimed the evening as the “Night of Champions.”

**STAFF RECOGNITION**

**3. Spencer Brown – Public Works**

Juan Romero, Public Works Director, recognized Spencer Brown as a new member of the Public Works staff. Brown served as a seasonal employee for two summers and has graciously accepted a full-time position with the Town after graduating from Eaton High School.

**4. Martin Salazar - Public Works**

Juan Romero, Public Works Director, acknowledged Martin Salazar, who has been with the Town for nearly 25 years. Martin worked in the Parks Department for years before changing over to the Water Distribution Department a couple of years ago and is now studying to become a certified operator. Martin has a wealth of knowledge about the workings of the Town, his work ethics and leadership is commendable and an asset to the Town.

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## **PUBLIC COMMENT**

*Mayor Moser opened the floor for public comment at 7:16 p.m.*

Jason Maxey, 27668 CR 62.75, Gill, CO introduced himself and announced that he will be running for Weld County Commissioner of District 1. He gave a synopsis of his personal life growing up in Weld County and currently works for Weld County as the Director of Oil & Gas Energy Department. His ending statements were wanting to serve Weld County with the continued respect of the private property rights and agricultural heritage that county was built on. Energy development, water, growth, and transportation are an important part between the county and the towns and wants to foster and build those relationships to work together for the future.

*Mayor Moser closed the floor for public comment at 7:20 p.m. as there were no other comments.*

## **CONSENT AGENDA**

### **5. Minutes – October 19, 2023, Regular Board Meeting**

### **6. Minutes – October 19, 2023, EHA Meeting**

### **7. A/P Invoice History Report – October 2023**

### **8. Financial Statements – September 2023**

### **9. Treasurer Report – September 2023**

*Mayor Pro Tem Heid moved to approve the Consent Agenda.*

Trustee Griffith seconded, and the motion passed unanimously, 6-0.

## **NEW BUSINESS**

### **10. Ordinance No. 639, Sales and Use Tax**

Wesley LaVanchy, Town Administrator stated the Town of Eaton Sales Tax Ballot 2A passed earlier this month. The next step is for the Town to amend its ordinances to account for this dedicated sales tax. This 1% sales tax and use tax will be placed in our special revenue funds, Street. This voter approved increase of Eaton's sales tax by \$1,575,000 will begin the first fiscal year of January 1, 2024. Staff recommends adopting Ordinance No. 639 to codify the voter approved sales and use tax increase in the amount of 1%.

*Mayor Pro Tem Heid moved to approve Ordinance No. 639, Amending Section 16-1-3(e), Section 16-1-3(h), Section 16-1-5, Section 16-4-1, Section 16-4-2 and Section 16-4-4 of the Eaton Municipal Code to Implement a Voter Approved Sales and Use Tax Increase in the Amount of One Percent (1%) for Street Improvement and Transportation Purposes; Omitting Section 16-1-6 and Section 16-1-7 of the Eaton Municipal Code; and Adding Section 3-1-8 to the Eaton Municipal Code Establishing a Designated Street Fund.*

Trustee Ledall seconded, and the motion passed unanimously, 6-0.

### **11. Resolution No. 2023-15, A Ratification Appointment to BOT for HPLD**

Dr. Matthew Hортt, HPLD Executive spoke to the ratification of appointment. The Selection Committee for new High Plains Library District Board Trustees is recommending the following names for the two open positions; Michael Wailes will represent Region 3: Berthoud, Johnstown, Mead, Milliken, and Platteville and Deana Lemos-Garcia will be an At Large candidate and represent the entire District. Both will serve four-year terms, running from 2024 through 2027.

*Trustee Winter moved to approve Resolution No. 2023-15, A Resolution Ratifying the Appointment of Certain Nominees to the Board of Trustees of the High Plains Library District.*

Trustee Ledall seconded, and the motion passed unanimously, 6-0.

### **12. Cobb Lake Regional Water Treatment Plant**

Avi Rocklin, Town Attorney spoke to the fact the Town staff has been meeting with the four entities participating in the Treatment Plant (Eaton, Windsor, Severance, Fort Collins-Loveland Water District) on a monthly basis for approximately one year. Subject to approval of the governing bodies, the parties anticipate the creation of an "authority," as permitted by state statute, to operate and manage the Treatment Plant. Town staff anticipates bringing an agreement to the Town Board in the next few months that would establish authority, this agreement will be called the Creation Agreement. This agreement will lay out the foundation of how the authority would operate.

Wesley LaVanchy, Town Administrator added the timing of this project. Fort Collins-Loveland Water District (FCLWD) is basically wanting to build the treatment plant to compacity including our portion of .4 MGD. The town's initial intent in participating in the Treatment Plant was to have the ability to treat its NISP water. NISP still has some uncertainty, which may be premature for Eaton to fund the costs associated with the Treatment Plant which include, in addition to the cost of the construction, the construction and installation of pipelines to deliver the water to the Town's water system. To postpone such

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## **12. Cobb Lake Regional Water Treatment Plant Continued**

expenses, negotiations with FCLWD, at staff level and not formalized as of yet, to pay for Eaton's share of the construction of the Treatment Plant. This would preserve the Town's place for the future. When Eaton is ready to construct the requisite pipeline and take delivery of the treated water, the Town will provide notice to FCLWD and repay the share of the cost of construction. If the Town chooses not to participate in the agreement and the Treatment Plant, there is an exit clause. The staff's intent is to bring a final draft of the Creation Agreement in the next few months for the Board's deliberation. Staff recommends entering into the agreement and reserving treatment alternatives for the Town in the years ahead.

## **OLD BUSINESS**

### **13. Downtown Development Authority (DDA) Consultant**

Greg Brinck, Assistant Town Administrator gave a quick recap that last month EHRC has brought two statements of qualification from two firms and the interview committee recommended entering into a professional service contract with Ayers Associates Inc., for the formation of a Downtown Development Authority. The Board of Trustees tabled the contract until more information could be presented.

Mike Scholl, of Ayres Associates, gave thanks for the opportunity to develop the DDA. Their core value is providing quality work. Mike continued about the work history and of the three main partners that will be working on the Eaton project. They are currently helping Berthoud with a DDA and in the past, created DDA's with downtown Windsor and Loveland and Main Street development with Wellington. A DDA at the core is a vehicle to promote private investment. Private investment is then reinvested into the area and generates more investment and creates a robust economy where businesses can thrive and survive in the community. DDA's are focused on supporting private investment. They are a governmental entity, independent, but still work with town as a hand and glove, are still at the will of the board to be created. Focus is the private investment to get the economy working. Mike then discussed the steps to create a DDA also involves the business owners, property owners and residents to create the body of local leadership. Define the legal boundaries and create a plan of development. This contract takes you to the Planning and Development portion. Once the Planning and Development portion is developed it will be sent to the Planning Commissioner's Review and Recommendation to the Board of Trustees. The Board of Trustees' action will be to establish the tax increment that is collected. There can be three elections; formation of the body election, tabor election, if you plan on issuing debt, which is the plan on what the money collected will be spent on (if no tabor election, then there is no need for a formation of body election) and optional election for a property Mill Levy up to \$5 million, within the boundary. These elections are only eligible for certain registered voters; Business owner's, property owner or a registered resident, all within the boundary. Once the DDA is established, it is good for 25 years and renewal for 20 years.

Ayres has provided a breakdown of Phase I of the project for a total cost of \$36,115 which engages the Town to the Planning & Development and then there is an election. Phases Two and Three are estimated to be \$15,000 and \$25,000, respectively. All phases after Phase I would require approval from the Board of Trustees as an amendment to the PSA.

*Trustee Griffith moved to approve the DDA Professional Services Agreement between the Town and Ayres Associates Inc.*

Trustee Ledall seconded, and the motion passed unanimously, 6-0.

## **STAFF REPORT(S)**

### **14. November Staff Report**

### **15. Great Western Tail Authority Board Opening**

Wesley LaVanchy, Town Administrator stated that Tom Jones, Chairperson of GWTA stated that he received Steve Bagley's resignation from the board effective at the end of this year. The Town Board will need to appoint a replacement.

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

**16. Planning Commission Meeting** – Trustee Winter - No meeting was held in November.

**17. Hometown Revitalization Committee** – Greg Brinck, ATA – November 25<sup>th</sup> Small Business Saturday

**18. Great Western Trail/Park** – Lee Griffith – GWTA Report

**19. Northern Front Range/MPO** – Mayor Pro Tem Heid – The MPO meeting is being held here in the Town of Eaton, December 7<sup>th</sup>.

**MAYOR PRO TEM COMMENTS** – Mayor Moser, December 8<sup>th</sup> is the Town Employee Christmas Party.

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**EXECUTIVE SESSION**

*Mayor Moser explained that the board is moving into executive session and the audience is asked to leave the board room at this time, 8:32 p.m.*

*Trustee Winter made a motion to move into an Executive Session to obtain legal advice pursuant to C.R.S. § 24-6-402(4)(b) concerning the Northern Integrated Supply Project (NISP).*

Trustee Griffith seconded, and the motion passed unanimously, 6-0.

**20. An Executive Session to obtain legal advice pursuant to C.R.S. § 24-6-402(4)(b) concerning the Northern Integrated Supply Project (NISP).**

*Mayor Moser stated that the board is moving out of the executive session and there were no decisions made and no other topics were discussed, 9:15 p.m.*

**ADJOURN**

Mayor Moser adjourned the November 16, 2023, Board of Trustees Regular Meeting at 9:15 p.m.

*Margaret Jane Winter Town Clerk*