



**TOWN BOARD REGULAR MEETING**  
**224 First Street, Eaton, CO**  
**Thursday, August 18, 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 Coby Gentry                      Trustee Glenn Ledall  
Trustee Lee Griffith                      Trustee Karla Winter                      Trustee Nina Lewis

**STAFF PRESENT:** Interim Town Administrator Wesley LaVanchy, Town Attorney Avi Rocklin, Assistant Administrator Greg Brinck, Financial Director Faith Smith, and Northern Engineering, Brad Curtis

**AGENDA APPROVAL**

Motion made by Mayor Pro Tem Heid, seconded by Trustee Winter to approve the Board Agenda. Motion carried with a unanimous vote.

**PROCLAMATION**

1. Library Card Sign-Up Month, September – Amber Greene, Town of Eaton Library Director – The Board of Trustees read aloud the proclamation and Mayor Moser proclaimed the month of September 2022, Library Card Sign-Up Month.

**PUBLIC COMMENT\***

Mayor Moser opened the floor at 7:06 p.m. for public comment.

Kenneth Powell of 1175 Eagle Drive discussed the need for another jake break sign at the north end of Hawkstone on CR 39.

Jason Radke of 1393 Sage Drive thanked the Town for all the support they give before and during Eaton Days.

Having no further comment, Mayor Moser closed the floor at 7:12 p.m.

**CONSENT AGENDA**

Motion made by Mayor Pro Tem Heid, seconded by Trustee Lewis to approve the Consent Agenda. Motion carried with a unanimous vote.

1. Minutes – July 21, 2022, Regular Board Meeting
2. Accounts Payable Invoice History Report – July 2022
3. Northern Integrated Supply Project (NISP): EPA Water Infrastructure Finance and Innovation Act (WIFIA) Letter of Interest (LOI)
4. Resolution No. 2022-17 – Personal Identifying Information Policy
5. Resolution No. 2022-19 – Water Main Break Release

**SPECIAL PRESENTATIONS**

1. Upstate Colorado Economic Development – Rich Werner – An overview of how their business divides their services into four primary areas; market, connect, facilitate, and advocate was discussed. Upstate Colorado supports job opportunities throughout Weld County communities while fostering regional collaboration and creating meaningful connections.
2. Well Update – State Requirements on Current Wells – Steve Nguyen, Clear Water Solutions – The Town Board heard a presentation on the update of the Eaton Wells. Steve Nguyen met with the State Engineer's Office and challenged the State's assumptions about the well having been moved from the original decree. Steve also found a couple of arial photos from the

### **SPECIAL PRESENTATIONS CONTINUED**

1940s and 1950s that confirms the well in its present location. There is an erroneous water right location statute that allows for a water right holder to take the water right to Water Court to correct the location. The Town has engaged water attorney, Matt Montgomery, who suggested and met with the State Attorney General's office along with State staff to discuss this Water Court filing. The filing will be treated as a procedural filing for the location of the Maplewood decree and no other portions of the Maplewood well decree would be challenged. Motion was made by Trustee Ledall, seconded by Trustee Griffith to direct and give authorization to file a Water Court application to correct the location of the Maplewood well. Motion carried with a unanimous vote.

Discussion continued about the two options for the Elementary Well and Centennial Park Well, use potable water or augmentation. A plan will be worked on this fall/winter and the plan will be in place before the next watering season.

### **NEW BUSINESS**

1. First Reading - Ordinance No. 624 – Amending Section 2-2-2 of Eaton Municipal Code Concerning Meeting Procedures – ITA LaVanchy and Attorney Rocklin – Mayor Moser opened the floor for public hearing, at 7:44 p.m. and heard from staff. This ordinance gives revision and edits to the meeting procedures such as removal of the order of the agenda from the code to give flexibility, simplify the notices for special meetings and ordinances will change from two readings to one reading, then followed with a 30-day publication. Having no public comment, the mayor closed the hearing at 7:46 p.m. Motion was made by Trustee Winter, seconded by Trustee Ledall to approve First Reading of Ordinance No. 624 – Amending Section 2-2-2 of the Eaton Municipal Code Concerning Meeting Procedures. Motion carried with a unanimous vote.

2. First Reading - Ordinance No. 625 – ALLO Franchise Agreement – ITA LaVanchy and Attorney Rocklin – Mayor Moser opened the floor for public hearing, at 7:47 p.m. and heard from staff and Bob Beiersdorf, General Manager of ALLO. This non-exclusive Cable Television Franchise Agreement is between the Town of Eaton and ALLO Eaton LLC. This fiber cable will support fast internet, for televisions and cell/land line phones for residents, businesses, and schools. ALLO will operate a Cable System and construct, maintain, extend, and operate its Cable Services throughout the Franchise Area. Having no public comment, the mayor closed the hearing at 8:14 p.m. Motion was made by Trustee Winter, seconded by Trustee Lewis to approve First Reading of Ordinance No. 625 – Granting to ALLO Eaton, LLC a Nonexclusive Franchise to Construct, Install and Operate a Cable System and Provide Cable Television Service Within the Town and, In Connection Therewith, to Make Reasonable Use of Town Street and Other Public Places Withing the Town. Motion carried with a unanimous vote.

3. Settlement concerning Public Service Company of Colorado v. Town of Eaton and Eaton Board of Trustees, Case No. 2022CV30229, and In the Matter of the Application of Public Service Company of Colorado Concerning an Appeal of a Local Governmental Land Use Decision Issued by the Town of Eaton, Proceeding No. 22A-0322E – Attorney Rocklin – Nick Poppe, Special Counsel, partner with NDM Attorneys at Law, has been working on this settlement. The Settlement Agreement proposes that the Court Dismiss PSCo's first, third and fourth claims for relief and enter judgement on PSCo's second claim for relief. The second claim for relief is for judicial review under C.R.C.P 106(a)(4) for exceeding jurisdiction. PSCo alleges that, with respect to the manner in which the Town Board considered the Application, the Town Board exceeded its jurisdiction. For purposes of settlement, the Town Board would thus agree that the Planning and Zoning Commission's approval of the Application constituted the final decision. The Settlement Agreement further requires the Town Board to agree that the substation is a permitted principal use in the Town's I-2 District, subject to administrative review in the form of a plot plan, which, with minor modification as to the form of approval, has been the Town's position since the Application was filed. Staff recommends the approval of Resolution No. 2022-18.

a. Resolution 2022-18 – Approve Public Service Company of Colorado Settlement – Motion was made by Mayor Pro Tem Heid, seconded by Trustee Winter to approve Resolution 2022-18 – a Resolution Approving the Settlement Agreement between the Town of Eaton and Public Service Company of Colorado. Roll call vote: Trustee Gentry – aye, Trustee Griffith – aye, Mayor Pro Tem Heid – aye, Trustee Ledall – nay, Trustee Lewis – aye, and Trustee Winter – aye. Motion carried 5-1.

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**STAFF REPORT(S)**

1. Interim Town Administrator – Monthly Report
2. Assistant Town Administrator – Project updates.
3. Police Chief – July 2022 Report & Police Progress and Statistical Summary, End of Summer Bash on Saturday, August 27<sup>th</sup>.
4. Town Clerk
5. Town Attorney
6. Finance Director – Budget Session on August 25<sup>th</sup> and transitioned from Caselle to Paylocity for payroll.
7. Town Engineer – Roundabout Report – Schedule for opening is August 19<sup>th</sup> and working with Weld County on the Truck Route IGA.

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

1. Planning Commission Meeting – Trustee Winter reported that the next meeting is in September.
2. Hometown Revitalization Committee – MPT Heid stated that Downtown CO gave a presentation on Special Districts.
3. Great Western Trail/Park – Trustee Griffith reported the count per day is fifty-five to sixty walkers/bikes for the month of July. GWT is available on Amazon Smile to accept donations.
4. Northern Front Range/MPO – MPT Heid stated that MPO Passed a resolution to adopt 2050 Regional Transportation Plan.
5. Eaton Area & Park District – Trustee Lewis wanted to acknowledge all the extra effort that Chief Sturch, and his staff and team are doing for the community and all the engagement with the youth.

**MAYOR’S COMMENT**

Mayor Moser reached out to Jason Radke to fill the vacancy seat on the Planning Commission Board. Motion was made by Mayor Pro Tem Heid, seconded by Trustee Griffith to approve the appointment of Jason Radke, to fill the Planning Commission vacancy seat. Motion carried with a unanimous vote.

**ADJOURN**

Mayor Moser moved to adjourn at 8:59 p.m.

*Margaret Jane Winter, Town Clerk*