



TOWN BOARD REGULAR MEETING
224 First Street, Eaton, CO
Thursday, February 16, 2023, 7:00 P.M.

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 Trustee Karla Winter Trustee Coby Gentry
 Trustee Nina Lewis Trustee Glenn Ledall Trustee Lee Griffith

BOARD ABSENT Mayor Pro Tem Liz Heid

STAFF PRESENT: Interim Town Administrator - Wesley LaVanchy, Town Attorney - Avi Rocklin, Assistant Administrator - Greg Brinck, Financial Director - Faith Smith, Police Sergeant - Matt Rundle, Northern Engineering - Brad Curtis, and Baseline Corporation - Lauren Richardson

AGENDA AMENDMENT AND APPROVAL

Motion made by Trustee Lewis, seconded by Trustee Ledall to amend the wording, as follows in Executive Session, 22. An executive session to determine matters that may be subject to negotiation and instruct negotiators pursuant to C.R.S. 24-6-402(4)(e) concerning Eaton Housing Authority, and beyond that, move to approve the amended agenda. Motion carried 5-0.

PUBLIC COMMENT* Mayor Moser opened the floor at 7:05 p.m. for public comment.

Ben Varner spoke to request a dog park in the Parks Master Plan and issued a written proposal to the board members.

Having no other public comments, floor was closed at 7:05 p.m. by Mayor Moser.

CONSENT AGENDA

Motion made by Trustee Ledall seconded by Trustee Lewis to approve the Consent Agenda. Motion carried 5-0.

1. Minutes – January 19, 2023, Regular Board Meeting
2. Accounts Payable Invoice History Report – January 2023
3. Financial Statements – December 2022
4. Treasurer Report – December 2022

PUBLIC HEARING (See Exhibit A) Mayor Moser opened the Public Hearing at 7:08 p.m.

5. Smokin' Bros Barbecue – Hotel & Restaurant (City) Liquor License – Brantley, Gavan & Les Maitland.

- Staff Report – Clerk Winter reported that all requirements of the applicant have been met, petitions were completed with 132 residential addresses petitioned; 126 in favor, five oppose and one underage signature, twenty-three business addresses were petitioned; twenty-three were in favor. All requirements have been met; recommendation to the board is to approve Smokin' Bros Barbecue Liquor License.

Les Maitland approached the board and discussed the history of Smokin' Bros Barbecue and stated that they are a family restaurant and priority is the food, not being a bar. A board member asked what type of liquor license, which Les Maitland answered as Beer, Wine, and Spirits. Mayor Moser opened the floor for public comment, having none, the floor was closed at 7:12 p.m. Motion made by Trustee Winter, seconded by Trustee Gentry to approve the Hotel & Restaurant (City) Liquor License for Smokin' Bros Barbecue. Motion carried 5-0.

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NEW BUSINESS

6. “Jake Brake” Usage within Town Limits – Sergeant Rundle stated that this findings report, with an ordinance, is to ban the use of engine compression braking device or a dynamic braking device commonly referred to as a Jake Brake. Attorney Rocklin added that there are only two circumstances when the Jake Brake can be used within the town limits; incase of an emergency and when using an emergency vehicle. This ordinance will bring clarity to the municipal code and staff recommends approval. Board inquired about the cost of the fine; \$500 per offense and can be issued a summons per officer’s discretion.

- Ordinance No. 631 – Amending Section IV of Chapter X of the Eaton Municipal Code to Include Section 10-4-14 Concerning Motor Vehicle Braking

Motion made by Trustee Ledall, seconded by Trustee Winter to approve Ordinance No. 631, Amending Section IV of Chapter X of the Eaton Municipal Code to Include Section 10-4-14 Concerning Motor Vehicle Braking. Motion carried 5-0.

7. 25 Ash Ave Variance Extension Request – Baseline Corporation, Lauren Richardson stated that the applicant is requesting a six-month extension of the Variance Resolution No. 2022-04 which will expire February 17, 2023. The extension will push the Variance Expiration date 180 days forward to August 16, 2023. This request is based on Town staff not completing a process for the dedication of water regulations for this type of use, which is required to final the design plans of turning a single-family dwelling into four multifamily units. Staff recommends approving this six-month extension request to the approved Variance Resolution No. 2022-04. The applicant, Tyson Thompson then addressed the board and reiterated that he is waiting on the water requirements to move forward. Motion made by Trustee Gentry, seconded by Trustee Winter to approve Tyson and Laura Thompson’s request for an extension of time to construct the improvements authorized by Resolution No. 2022-04, a resolution approving a variance for property located at 25 Ash Avenue, and to amend Condition 2 set forth in Section 3 of the Resolution to provide that commencement of the construction of the improvements shall occur on or before August 16, 2023. Motion carried 5-0.

Trustee Ledall recused himself from item 8. Concerning the Cemetery.

8. Cemetery Memo – Attorney Rocklin stated that this Ordinance No. 632 for the Cemetery is to update the code since the last ordinance adopted was in 1978 and revised to reflect new policies and procedures. The ordinance redefines a burial space to include the garden space of the Cremation Garden and niche located within the Columbarium, delegates authority from the board to Town Administrator and Town staff including the Town Clerk and Cemetery Sexton, designates the allocation of cemetery funds and acknowledges the Cemetery Perpetual Care Fund, directs cemetery fees to the Town Fee Schedule and sets forth conduct that is prohibited in the cemetery so that such conduct may be enforced in municipal court.

- Ordinance No. 632 – Repealing and Readopting Section V of Chapter XIV of the Eaton Municipal Code Concerning the Eaton Cemetery

Motion made by Trustee Griffith, seconded by Trustee Gentry to approve Ordinance No. 632, an Ordinance Repealing and Readopting Section V of Chapter XIV of the Eaton Municipal Code concerning the Eaton Cemetery. Motion carried 4-0.

- Rules & Regulations – Clerk Winter and Attorney Rocklin – ITA LaVanchy has authority to approve by signature.

9. Utility Rate Study Bid Memo & Approval – Northern Engineering, Brad Curtis presented a request to approve Raftelis of Greenwood Village, CO to develop financial plans for a 10-year study period, on rate and fee adjustments for 2024 through 2034 to generate sufficient revenue to fund annual operations, maintenance, and capital improvements, meet annual revenue requirements, sustain adequate cash reserves, provide appropriate debt service coverage, and encourage water conservation. The project budget was estimated to be \$100,000 which included a \$20,000 grant. Costs are to be distributed amongst the three Enterprise Funds: Water, Sewer, and Irrigation. Staff is requesting the Board’s approval to accept Raftless’ Utility Rate Study bid of \$73,513 and authorization to expend up to \$75,000 on the project as needed. Motion made by Trustee Griffith, seconded by Trustee Ledall to approve Raftless’ Utility Rate Study bid of \$73,513 with authorization to expend up to \$75,000 on the project as needed. Motion carried 5-0.

10. Water Use/Dedication for Development – Northern Engineering, Brad Curtis presented a memorandum on water use and dedication for development with the background and historical water use to reach a recommended water dedication for single family residents with non-potable and without non-potable as follows:

Use	Water Allocation
Potable Irrigation	
Single Family Res. up to 3,000 SF lawn	0.50 AF

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10. Water Use/Dedication for Development Continued

Use	Water Allocation
Per additional 1,000 sq ft of lawn	0.05 AF
Non-Potable Irrigation	
Single Family Res	0.30 AF
Multifamily	Case by Case/TBD
Commercial and Industrial	Case by Case

Allowable water supply is Colorado Big Thompson (CBT) and North Poudre Irrigation Company (NPIC). Other water supplies should be evaluated on a case-by-case basis. The Town is 100% dependent on the North Weld County Water District (NWCWD) for their potable water, therefore any water supply considered should be able to be treated at NWCWD’s Solider Canyon Water Treatment Plant. Staff will continue to pursue with a plan and present a code draft in March, to update the municipal code with the new water allocation as an industrial standard.

STAFF REPORT(S)

- 11. Interim Town Administrator – Monthly Report and NWCWD is moving forward with Phase 1 of construction.
- 12. Assistant Town Administrator – HTRC – Main Street Concept Plan will be formally adopted to the Master Plan as an addendum. The committee reviewed the history of the concept plan and there are a few minor amendments that will be brought to the PC Board and Board of Trustees for approval. Construction commencement will be in 2024.
- 13. Police Sergeant – January 2023 Report & Police Progress in a Power Point presentation and first ever Police Cadet Brooke Brodt started February 6th and will graduate in May of 2023. Two new Durango’s are being outfitted this week to add to the fleet.
- 14. Town Clerk – Casa Dona Maria Inc applied for Liquor License renewal and there will a public hearing next month for Venezia Italian Restaurant and Bar.
- 15. Town Attorney – No report.
- 16. Finance Director – No report.
- 17. Town Engineer – Roundabout Proposed Street Lighting Update Report gave a recommendation to secure an Electrical Engineer to analyze and provide a street lighting model.

COUNCIL REPORTS AND REQUEST FOR FUTURE AGENDA ITEMS

- 18. Planning Commission Meeting – No meeting held.
- 19. Hometown Revitalization Committee – Discussed under Staff Reports, number 12.
- 20. Great Western Trail/Park – Trustee Griffith submitted a report.
- 21. Northern Front Range/MPO – No report.

EXECUTIVE SESSION – See executive session motion for wording change under Agenda Amendment, above.

Trustee Lewis, seconded by Trustee Gentry to move into the executive session to determine matters that may be subject to negotiation and instruct negotiators pursuant to C.R.S. 24-6-402(4)(e) concerning Eaton Housing Authority at 8:09 p.m. Motion carried 5-0.

~~22. An executive session to obtain legal advice pursuant to C.R.S. § 24-6-402(4)(b) concerning the Eaton Housing Authority.~~

22. An executive session to determine matters that may be subject to negotiation and instruct negotiators pursuant to C.R.S. 24-6-402(4)(e) concerning Eaton Housing Authority.

Trustee Ledall, seconded by Trustee Winter to move out of executive session at 8:35 p.m. Motion carried 5-0.

Mayor Moser asked to let the record show that no other topics were discussed besides the topic that was listed under executive session, and no decisions were made about the Eaton Housing Authority.

ADJOURN

Mayor Moser moved to adjourn at 8:36 p.m.

Margaret Jane Winter, Town Clerk