



TOWN BOARD REGULAR MEETING
224 First Street, Eaton, CO
Thursday, April 20, 2023, 7:00 P.M.

MINUTES

CALL TO ORDER

Mayor Moser called the meeting to order at 7:04 p.m. and led the Pledge of Allegiance.

ROLL CALL

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

BOARD ABSENT Trustee Coby Gentry

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

AGENDA APPROVAL / AMENDMENT(S)

Trustee Lewis moved to amend the agenda with the removal of number 28. An executive session to determine matters subject to negotiation and instruct negotiators related to the Eaton Housing Authority pursuant to C.R.S. § 24-6-402(4)(e) and approve amended agenda.

Trustee Ledall seconded, and the motion passed unanimously.

PROCLAMATION

1. 2023 Holocaust Memorial Observances

The Board of Trustees and Mayor Moser read the proclamation aloud in hope that we will be better prepared to address words or deeds of racism, bigotry, intolerance and hate and whenever confronted with manifestations of hate, respond to it from a core of truth, humanity, and dignity so as lawfully to mitigate the spread of hateful actions. The Board of Trustees proclaim April 23-30, 2023, as “Holocaust Memorial Days of Remembrance”.

PUBLIC COMMENT - Mayor Moser opened and closed public comment at 7:15 p.m., to which there was none.

CONSENT AGENDA

- 2. Minutes – March 16, 2023, Regular Board Meeting**
- 3. Accounts Payable Invoice History Report – March 2023**
- 4. Financial Statements – February 2023**
- 5. Treasurer Report – February 2023**
- 6. Resolution No. 2023-05 – Statewide Land Use and Zoning Preemptions in SB-213**
- 7. Resolution No. 2023-06 – Colorado Surplus Asset Fund Trust (CSafe)**

Mayor Pro Tem Heid moved to approve the Consent Agenda.

Trustee Lewis seconded, and the motion passed unanimously.

PUBLIC HEARING - Mayor Moser opened the Public Hearing at 7:16 p.m.

8. Resolution No. 2023-07 – Amendment to Comprehensive Plan to Incorporate Downtown Revitalization Plan

Vince Harris, Baseline Planner, presented a request to approve the Downtown Revitalization Plan as an amendment to the Town of Eaton 2020 Comprehensive Plan. The plan is a redevelopment of First Street into a thriving downtown core. The plan was developed from a variety of community outreach meetings and responses that were incorporated and now proposed for imminent and future improvements. The Planning Commission recommended approving the Downtown Revitalization Plan.

April 20, 2023

PUBLIC HEARING CONTINUED

Mayor Moser opened the floor for public comment, Michael Yancey spoke to the impact of parking spaces. As there was no other public comment, Mayor Moser closed the public comment.

Trustees discussed the concerns for parking, handicap parking, the parklets and the plan which includes First Street from Oak Avenue to Cheyenne Avenue.

Trustee Lewis moved to approve Resolution 2023-07 Approving Amendment to Comprehensive Plan to Incorporate Downtown Revitalization Plan.

Trustee Winter seconded, and the motion passed unanimously.

NEW BUSINESS

9. Proposal/Service Agreement with Downtown Streetscape Design

Greg Brinck, Assistant Administrator, stated that the Hometown Revitalization Committee contracted with Baseline Engineering to develop a concept plan for the downtown streetscape. Northern Engineering (NE) has provided a proposal to create construction plans for a total of \$237,500. The Town budgeted \$2,000,000 for the design and partial construction for this project. The Town has received a \$110,000 grant from DOLA for the design expenses and a \$1,150,000 grant from CDOT for construction. The Town does not anticipate construction to happen until 2024. Brad Curtis, NE, gave key points on providing the Town with final design plans which will include the full scope of the concept providing phased, 30, 60, 90 and 100% plans. They will coordinate with CDOT for review and retain documentation required for construction grant reimbursement and construction administration will be a separate service agreement with NE. Staff recommends the Board to approve the Downtown Streetscape Improvements agreement.

Trustee Winter moved to approve the Northern Engineering proposal/service agreement for Downtown Streetscape Design.

Trustee Ledall seconded, and the motion passed unanimously.

10. Ratify Appointment of Library Trustee

Amber Greene, Library Director, discussed the vacant trustee position, the process used to fill this vacancy, the Library Board's selection and recommendation of a qualified candidate, Emily Wallin.

Trustee Ledall moved to Ratify the Appointment of Emily Wallin, beginning May 2023 for a 5-year term.

Mayor Pro Tem Heid seconded, and the motion passed unanimously.

11. Certified VIN Inspection Fee addition to Town Fee Schedule

Chief Sturch, EPD, spoke to the proposal of adding a Certified VIN Inspection Fee to the Town Fee Schedule. Certified VIN's are more in depth and are conducted on vehicles that require specialized inspections. Officer Pettit has been trained for these inspections in the State of CO. The fee of \$50 for a Certified VIN Inspection is set by the State. Staff recommends approval for this fee to be added to the Town Fee Schedule.

Mayor Pro Tem Heid moved to approve the Certified VIN Fee of \$50 be added to the Town Fee Schedule.

Trustee Griffith seconded, and the motion passed unanimously.

12. Ordinance No. 634 Amending Section 10-4-4-(a)(4) of the Eaton Municipal Code Concerning Harassment

Avi Rocklin, Town Attorney, stated that the CO Supreme Court held, with respect to the state harassment statute, the phrase "intended to harass" when communicated by telephone, telephone network, data network, text message, instant message, computer, computer network, computer system, or other interactive electronic medium is facially overbroad and restricts protected free speech and is thus unconstitutional. Town staff recommends amending Section 10-4-4(a)(4) of the Code to omit the unconstitutional phrase. Having no public comment, Mayor Moser closed the floor at 7:52 p.m.

Mayor Pro Tem Heid moved to approve Ordinance No. 634 an Ordinance Amending Section 10-4-4(a)(4) of the Eaton Municipal Code Concerning Harassment.

Trustee Lewis seconded, and the motion passed unanimously.

13. Second Amendment to Solid Waste Services Agreement

Greg Brinck, Assistant Administrator, stated that the Town has been in discussion with Waste Management (WM) since last August regarding a requested increase to the cost of services citing extraordinary adjustments due to the increased cost for providing services. Section 4(d)(v) of the Agreement provides that WM may be entitled to an extraordinary adjustment

April 20, 2023

13. Second Amendment to Solid Waste Services Agreement Continued

to the rates based on an increase of at least 10% in the cost of transportation, including fuel costs. Evidence was provided and reviewed by staff that fuel costs have increased by more than 10%. The fuel surcharge of 4.56% would be applied for a fixed date starting May 1, 2023 – April 30, 2024, and WM will provide evidence by February 1 of each year to adjust the surcharge. For every 10% change in the 12-month rolling average, the fuel surcharge will be increased or decreased by 1%. Staff recommends the Board approve the Second Amendment to the Solid Waste Services Agreement.

Trustee Griffith moved to approve the Waste Management Second Amendment to Solid Waste Services Agreement.

Mayor Pro Tem Heid seconded, and the motion passed unanimously.

14. Aspen Meadows Open Space

Greg Brinck, Assistant Administrator, stated that the Town owns the open space located in the southwest corner of Aspen Meadows that is used as a stormwater detention and drainage area. The irrigation was installed in 2020 and was completed in 2021. The Town intends to seed the space with a native grass and buffalo grass mix which requires less water and less frequent maintenance than bluegrass. Sage Landscape Industries, LLC installed the irrigation in phase one and has bid a quote for \$126,235.50 which does not include startup costs billed at \$85/hour plus material which may cost \$6-12,000. The Town only budgeted \$75,000 for the project; this is a budget increase of \$63,235.50. If approved, the project will begin this June. Staff recommends the Board to authorize the budget not to exceed \$139,000 for the development of the Aspen Meadows open space.

Trustee Winter moved to authorize the budget for Aspen Meadows Open Space development plan, not to exceed \$139,000.

Mayor Pro Tem Heid seconded, and the motion passed.

15. Police Policy Restructure with Lexipol

Chief Sturch, EPD, presented a proposal to partner with Lexipol to update, follow case law, and protocol changes for the day-to-day police department functions on the Eaton Police Policy. The proposal would build a policy manual and allow a subscription to the yearly service. The EPD would own the policy, in the case of ending the subscription. The cost breakdown is as follows: \$6,758.92, prorated subscription for May-December 2023; \$19,440.00, implementation of new policy five tier; \$10,138.40, service policy for full year of 2024; total is \$26,198.92. EPD recommends approving the proposal with Lexipol.

Trustee Ledall moved to approve the Lexipol proposal for \$26,198.92.

Trustee Lewis seconded, and the motion passed unanimously.

OLD BUSINESS

16. Ordinance No. 635 Concerning the Dedication of Water Rights

Brad Curtis, NE, presented a summary of water dedication requirements for future developments, dedicated to the Town. This summary draws on the Water Master Plan, Water Supply Mater Plan, historical water dedications within Eaton, and as well as the recent water use analysis. Staff and Town consultants recommend the Board approve Ordinance No. 635.

Trustee Winter moved to approve Ordinance No. 635 Adding Section VI to Chapter IX of the Eaton Municipal Code Concerning the Dedication of Water Rights.

Trustee Griffith seconded, and the motion passed unanimously.

STAFF REPORT(S)

17. Interim Town Administrator – Monthly Report.

18. Assistant Town Administrator – Non-potable breaks in Maplewood, parts ordered.

19. Police Chief – March 2023 Power Point Report and Progress & Statistical Summary.

20. Town Clerk – Circle K requesting modifications, to floor plan to add Wine. Trip to IIMC Conference in MN.

21. Town Attorney – None.

22. Finance Director – Anderson & Whitney auditors have been present in Town Hall. Two-day training in May, on Caselle accounting software.

23. Town Engineer – None.

April 20, 2023

COUNCIL REPORTS AND REQUEST FOR FUTURE AGENDA ITEMS

24. Planning Commission Meeting – Chairman Winter – April 6, 2023, PC Meeting Summary.

25. Hometown Revitalization Committee – None.

26. Great Western Trail/Park – None.

27. Northern Front Range/MPO – None.

MAYOR’S COMMENTS – None.

EXECUTIVE SESSION

~~**28.** An executive session to determine matters subject to negotiation and instruct negotiators related to the Eaton Housing Authority pursuant to C.R.S. § 24-6-402(4)(e). See Agenda Amendment For Removal.~~

29. An executive session to determine an employment agreement with Wesley LaVanchy for the Town Administrator position pursuant to C.R.S. § 24-6-402(4)(f).

Trustee Lewis moved to adjourn to an executive session to determine an employment agreement with Wesley LaVanchy for the Town Administrator position pursuant to C.R.S. § 24-6-402(4)(f).

Mayor Pro Tem Heid seconded, and the motion passed unanimously.

At 9:21 the Board reconvened, and Mayor Moser asked to let the record show that no other topics were discussed besides the topics listed under executive session, and no decisions were made.

ADJOURN

Mayor Moser adjourned the April 20, 2023, Regular Meeting at 9:21 p.m.

Margaret Jane Winter, Town Clerk