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TOWN BOARD MEETING AGENDA
Thursday, April 15, 2021
7:00 P.M.

To be held at the Carsten Board Room at 224 First Street.

1. Roll Call and Pledge of Allegiance.
2. Review of March 18, 2021 Meeting Minutes.
3. Bayswater Presentation – Tricia Oakes.
4. Financial Presentations – Time Value Investments and Colorado Trust.
5. Eaton Area Historical Society Presentation – Carolyn Prior.
6. Ordinance 616 – Amending Chapter VIII of the Eaton Municipal Code to Include Section VII Concerning Contractor Licenses – Second Reading.
7. Revocable Permit – Issuing a Revocable Permit for a Resident to Place a Mobile Storage Structure on a Town Sewer Easement.
8. Public Comment.*
9. Staff Reports.
10. Adjourn.

** If you have public comment but are not comfortable attending in person due to COVID-19, please send the comments to jeff@eatonco.org by Thursday at 12:00 p.m., and they will be read into the record or otherwise shared with the Board during the meeting.*

TOWN BOARD MINUTES

MARCH 18, 2021

A regularly scheduled meeting of the Town Board was held on March 18, 2021 at 7:00 p.m. in the Gary Carsten Board Chambers located at 224 First Street.

Item 1 – Roll call and Pledge of Allegiance. Those present and answering roll call: Trustees; Gentry, Heid, Winter, Trustee/Mayor Pro Tem (MPT) Isbell, Mayor Moser and Attorney Rocklin. Absent were Trustees: Ledall and Lewis.

Item 2 – Review of February 18, 2021 Minutes. Trustee/MPT Isbell moved to approve the February 18, 2021 minutes as written, seconded by Trustee Heid. Motion carried 4-0.

Item 3 – Town Recognition for Percy Hamilton for his years of service. Mayor Moser presented Percy Hamilton an engraved glass award for 25 Years of Service and expressed appreciation for all the time, dedication and commitment to the town and citizens.

Item 4 – Town of Eaton Proclamation – 2021 Holocaust Memorial Observances. Mayor Moser stated that this is a yearly proclamation and requested the board read the proclamation aloud in observance of the Holocaust.

Item 5 – Ordinance No. 615 – Repealing and Readopting the Eaton Municipal Code Concerning Street Vendors – Second Reading. Financial Director Smith stated that there were amendments made after the First Reading and Attorney Rocklin has made the amendments for the Second Reading in section 8-3-1, Definitions under *Stand*; food, beverage or merchandise were added and 8-3-2, License required; (7) added as an exemption from the licensing requirements for minors. Trustee/MPT Isbell moved to approve Ordinance No. 615, An Ordinance Repealing and Readopting Section III of Chapter VIII of the Eaton Municipal Code Concerning Street Vendors, seconded by Trustee Gentry. Mayor Moser requested a roll call per vote from Clerk Winter as follows: Trustee Gentry, Yes; Trustee Heid, Yes; Trustee/MPT Isbell, Yes; Trustee Winter, Yes. Motion carried 4-0.

Item 6 – Ordinance No. 616 – Amending Chapter VIII of the Eaton Municipal Code to Include Section VII Concerning Contractor Licenses – First Reading – Public Hearing. Mayor Moser opened the floor as a Public Hearing. Financial Director Smith stated that the Town's building official, ProCode, Inc., recommends that the Town adopts contractor licensing procedures and requirements to ensure that contractors doing business within the Town have the minimum qualifications and maintain adequate liability insurance to perform construction work and promulgate for the preservation of the public health, safety and welfare in the best interest of the citizens of the Town. Mayor Moser asked for public comment in favor of this ordinance to step forward and then asked for public comment not in favor of this ordinance to step forward, there were no public comments, and the public hearing was closed. Following board discussion, Trustee Winter moved to approve Ordinance No. 616, An Ordinance Amending Chapter VIII of the Eaton Municipal Code to include Section VII Concerning Contractor Licenses, seconded by Trustee Heid. Mayor Moser requested a roll call per vote from Clerk Winter, as follows: Trustee Gentry, Yes; Trustee Heid, Yes; Trustee/MPT Isbell, Yes; Trustee Winter, Yes. Motion carried 4-0.

Item 7 – Resolution 2021-03 – Resolution Adopting a Street Vendor License Fee. Attorney Rocklin stated that this fee correlates with the ordinance to pay an annual license fee. Following board discussion, Trustee/MPT Isbell moved to approve Resolution 2021-03, a Resolution Adopting Street Vendor License Fee, seconded by Trustee Winter. Mayor Moser requested a roll call per vote from Clerk Winter, as follows: Trustee Gentry, Yes; Trustee Heid, Yes; Trustee/MPT Isbell, Yes; Trustee Winter, Yes. Motion carried 4-0.

Item 8 – Resolution 2021-04 – Resolution Creating a Town Water Bank. Financial Director Smith stated that this resolution is to create a water bank to assist persons who are to dedicate a relatively small amount of raw water to the Town and allow such persons to pay cash-in-lieu of the required raw water dedication. The Town will hold approximately ten units of CBT water in the water bank and replenish as units are sold. Following board discussion, Trustee Winter moved to approve Resolution 2021-04, a Resolution Creating Town of Eaton Water Bank, seconded by Trustee/MPT Isbell. Mayor Moser requested a roll call per vote from Clerk Winter, as follows: Trustee Gentry, Yes; Trustee Heid, Yes; Trustee/MPT Isbell, Yes; Trustee Winter, Yes. Motion carried 4-0.

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Item 9 – Public Comment.* Scott Renfroe, 3530 Diane Place, here for the Land Use Code Updates.

Item 10 – Staff Reports. See attached handout. Additions made to staff reports as follows:

- ◆ Captain Sturch: 1) SAM radar trailer is in use. 2) Drug takeback kiosk in now located in the Police lobby. 3) Shooting Simulator; installed, will be utilized in April. 4) Accepting donations for Easter baskets and food baskets.
- ◆ Financial Director Smith: 1) CO Trust will give a presentation about market trends for investing at the April board meeting.
- ◆ Trustee Heid: 1) GWT; lawsuit still going on.
- ◆ Trustee/MPT Isbell: 1) MPO; Creating a citizen advisory committee, see web site. 2) RAQ; requesting feedback about the employer based trip reductions. 3) HTC; needing volunteers for May 22 Down Town/Main Street clean up.
- ◆ Mayor Moser: 1) CIRSA training; do not engage with staff on personnel issues but refer them to immediate supervisor.

Item 11 – Adjourn to Joint Study Session with Planning Commission on Land Use Code Updates. As there was no further business, Mayor Moser moved to adjourn at 7:32 p.m.

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Margaret Jane Winter, Town Clerk

**TOWN OF EATON, COLORADO
ORDINANCE NO. 616**

**AN ORDINANCE AMENDING CHAPTER VIII OF THE EATON
MUNICIPAL CODE TO INCLUDE SECTION VII CONCERNING
CONTRACTOR LICENSES**

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 authority to administer the affairs of the Town; and

WHEREAS, Chapter VIII of the Eaton Municipal Code regulates licensing in the Town; and

WHEREAS, the Town’s building official, ProCode, Inc., recommends that the Town adopt contractor licensing procedures and requirements to ensure that contractors doing business within the Town have the minimum qualifications and maintain adequate liability insurance to perform construction work in the Town; and

WHEREAS, based upon recommendation of the Town’s building official, the Town Board finds that it is in the best interest of the Town to amend Chapter VIII of the Eaton Municipal Code to include Section VII, Contractor Licenses; and

WHEREAS, the Town Board hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the preservation of the public health, safety, and welfare and that this Ordinance is in the best interests of the citizens of the Town.

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

Section 1. Chapter VIII of the Eaton Municipal Code shall be amended to include Section VII, Contractor Licenses, and shall read as follows:

SECTION VII – Contractor Licenses

Sec. 8-7-1. Intent.

The intent and purpose of this Section is to ensure that contractors doing business within the Town have the minimum qualifications and maintain adequate liability insurance to perform construction by issuance of a contractor’s license as set forth herein.

Sec. 8-7-2. General.

Except as delegated to the Town Administrator herein, the Building Official shall administer the provisions of this Section. The Building Official may, with approval of the Town Administrator, adopt reasonable rules and procedures for such purposes.

Sec. 8-7-3. Definitions.

For the purposes of this Section, the following terms shall have the following meanings:

Building Code means the codes adopted by the Town in Chapter VI of the Code by reference to regulate the construction and maintenance of buildings, structures and systems, including the International Building Code, International Residential Code, International Mechanical Code, International Fuel Gas Code, International Plumbing Code, International Fire Code, International Energy Conservation Code, International Property Maintenance Code, International Existing Building Code, National Electrical Code, and International Swimming Pool and Spa Code, as amended from time to time.

Building Official means the Building Official appointed by the Town Administrator or, upon approval of the Town Administrator, the Building Official's designee.

Building permit means the permit required by the Building Code.

Code means the Eaton Municipal Code.

Construction means the work, including the erection, alteration, demolition, movement, repair or remodeling, of any building or structure, or portion thereof, requiring a building permit pursuant to the Building Code and any work within the public ways or on any public facility in the Town.

Contractor means any person, firm, partnership, corporation, association, other organization or any combination thereof performing construction work within the Town, unless otherwise specified in this Section.

Contractor's license means the license issued to a contractor performing construction work within the Town.

Employee means a person who is employed by a contractor to perform construction work that is paid a wage or salary and is eligible for Colorado workers' compensation insurance and unemployment insurance benefits. A worker who qualifies as an independent contractor under Colorado law is not considered an employee of a contractor.

Sec. 8-7-4. License Required.

- (a) Prior to performing construction work in the Town, a contractor shall obtain a contractor's license, except as otherwise permitted in this Section.
- (b) For any construction requiring a contractor's license, building permits shall only be issued to a property owner or to a contractor holding a contractor's license.

Sec. 8-7-5. Exemptions.

A contractor's license shall not be required for the following:

- (a) Construction that does not require a building permit;
- (b) Construction undertaken by the owner of a detached single-family dwelling and associated accessory buildings who personally performs construction on the dwelling and associated accessory buildings;
- (c) Construction undertaken by a person performing work as a contractor's employee on behalf of and in the name of the contractor holding a contractor's license; or
- (d) Construction undertaken by a person performing work without pay or compensation of any kind who is supervised directly by a contractor holding a contractor's license.

Sec. 8-7-6. Building Official issuance of contractor license; variance by Town Administrator.

- (a) The Building Official shall have the authority to issue contractor's licenses and, except as otherwise set forth herein, determine all matters related to the suspension or revocation of any contractor's license.
- (b) The Town Administrator, in his or her discretion, is authorized to grant a variance from the terms of this Section in specific cases where the strict application of any provision of this Section would result in extraordinary practical difficulties or cause undue hardship or where, upon any other substantial reasonable basis, the Town Administrator determines that a variance is warranted.

Sec. 8-7-7. Forms; fees; validity.

- (a) The Building Official shall prepare a contractor licensing application, which shall contain, among other potential requirements, the items required in Section 8-7-8, and is subject to approval of the Town Administrator. The Building Official shall prepare any and all other forms necessary to satisfy the provisions of this Section, which are subject to approval of the Town Administrator.
- (b) Prior to issuance of a contractor's license, the applicant shall complete the contractor licensing application.
- (c) The contractor shall pay a non-refundable fee in the amount set forth by resolution of the Town Board, due and payable with the submission of the contractor licensing application, which fee shall be applied to offset the Town's costs associated with regulating the Building Code and administering the contractor licensing program.
- (d) A contractor's license is valid for a period of one year from the date of issuance, and may be renewed by payment of a renewal fee in the amount set forth by resolution of the Town Board.
- (e) A contractor who performs construction prior to obtaining a contractor's license shall, in addition to the other remedies set forth in this Section, be required to pay an investigation fee in an amount equal to, and in addition to, the license fee, which fee shall be paid before a contractor's license may be issued.

Sec. 8-7-8. Application for contractor's license.

Prior to being issued a contractor's license, the applicant shall complete a contractor licensing application containing, among other potential requirements, the following information:

- (a) The applicant's business name, the names of all principals of the contractor, a current mailing address and telephone number;
- (b) A written summary documenting the applicant's relevant experience and identifying the last three construction projects with references, if requested by the Building Official;

- (c) A copy of all licenses issued to the applicant by the State of Colorado;
- (d) Certificates of insurance setting forth the insurance maintained by the applicant for work performed within the Town, including, but not limited to, workers' compensation, builder's risk insurance, if any, and general liability coverage; and
- (e) A signed statement by the applicant acknowledging the obligations associated with the contractor's license.

Sec. 8-7-9. Responsibilities of contractor.

The contractor shall observe the following standards:

- (a) The contractor shall obey all notices and orders issued by the Town Administrator or the Building Official;
- (b) The contractor shall observe generally accepted safety standards;
- (c) The contractor shall maintain liability insurance and workers' compensation insurance as set forth in the contractor's application, proof of which shall be provided to the Town Administrator or the Building Official upon request;
- (d) The contractor shall identify all subcontractors performing construction and contracting with the contractor upon request of the Town Administrator or Building Official;
- (e) The contractor shall maintain a current address and contact telephone number with the Town and the Building Official;
- (f) The contractor shall not proceed with construction until after the issuance of a building permit and any other required permits, and shall obtain the required inspections and authorizations to proceed with the work authorized under the permit(s); and
- (g) If a contractor is released from or abandons construction, the contractor shall immediately notify the Building Official in writing. No further work shall be done on a construction project until the Building Official is notified in writing of the intended resumption by an owner or a different contractor entitled to obtain a building permit and a contractor's license.

Sec. 8-7-10. Disciplinary procedures, violations and penalties.

- (a) Building Official. When the Building Official determines that a contractor has committed a violation of this Section, the Building Code or the Code, the Building Official may order a suspension or revocation of the contractor's license and the contractor shall thereafter cease performing construction in the Town until the license is reinstated, if at all. Notification of the suspension or revocation shall be in writing and shall be delivered to the contractor by certified mail to the contractor's last known address, as contained on the contractor's application or as set forth in a written notice submitted subsequent to submission of the contractor's application, or by personal delivery to the contractor or to the contractor's representative at a construction project, and shall be effective within three days of mailing or upon personal delivery. The notification shall state in reasonable detail the essential facts and reasons for said action and shall advise the contractor of the right to submit a written appeal to the Town Administrator within fifteen (15) days, setting forth in detail the basis of the appeal.
- (b) Town Administrator. The Town Administrator may, in his or her discretion, conduct a hearing or take any reasonable action to investigate the facts and circumstances giving rise to the Building Official's suspension or revocation of the contractor's license. The Town Administrator shall have the power to affirm the suspension or revocation and take any other

disciplinary action when the Town Administrator determines that the contractor has committed any of the following:

- (1) Knowing or deliberate disregard of this Section, the Building Code or the Code;
- (2) Failure to comply with any lawful requirement of the Building Official;
- (3) Misrepresentation of a material fact in obtaining a building permit or a contractor's license;
- (4) Employing subcontractors to perform construction for which a contractor's license is required under this Section when such workers are neither employees nor exempt as defined under this Section; or
- (5) Requesting repeated inspections when such inspections reveal that the work performed by the contractor fails to comply with the Building Code and such repeated noncompliance occurs in a manner or to an extent that demonstrates that the contractor either is negligent, not providing adequate supervision or not qualified to perform or supervise the work.

Within thirty (30) days of receipt of an appeal, the Town Administrator shall provide notification to the contractor of the Town Administrator's order. The notification shall be in writing and shall be delivered to the contractor by certified mail to the contractor's last known address, as contained on the contractor's application or as set forth in a written notice submitted subsequent to submission of the contractor's application, or by personal delivery to the contractor or to the contractor's representative, and shall be effective within three days of mailing or upon personal delivery. If the Town Administrator affirms the suspension or revocation of the contractor's license, the notification shall state in reasonable detail the essential facts and reasons for said action and shall advise the contractor of the right to submit a written appeal to the Town Board within fifteen (15) days, setting forth in detail the basis of the appeal.

- (c) Town Board. An appeal to the Town Board shall be in writing, filed with the Town Clerk and allege with particularity the errors and omissions contained in the Town Administrator's order. The contractor shall, at that time of making such appeal, pay to the Town Treasurer a docket fee in the amount set forth by resolution of the Town Board. Written notice of the hearing shall be given to the contractor and to any other parties concerned at least five (5) days prior to the hearing. The contractor shall have the burden of proof on appeal. Within thirty (30) days of the hearing, the Town Board shall make its final determination and affirm, modify or reverse the Town Administrator's order. The decision of the Town Board shall be final and conclusive, except as provided by the laws of the State of Colorado.
- (d) Effect of Revocation. When the contractor's license is revoked as set forth herein, the contractor shall not be granted another contractor's license without approval of the Town Administrator. The Town Administrator, in deciding whether to approve a new contractor's license, shall determine whether the contractor has demonstrated that any previous governmental disciplinary action has resulted in the rehabilitation of the contractor to good and disciplined character for lawful conduct as a contractor.
- (e) Enforcement. In addition to the suspension or revocation of a contractor's license as provided herein, any person violating any of the provisions of this Section shall be subject to the penalties set forth in Section III of Chapter I of the Code

Section 2. Code revisions. Minor changes such as the format and other changes to unify the revised Code may be necessary. The Town Clerk is hereby authorized to make such changes, provided that neither the intent nor substantive content will be altered by such changes.

Section 3. Severability. If any section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the constitutionality or validity of the remaining portions of this Ordinance. The Town Board hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4. Effective Date and Publication. 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 18th day of March, 2021.

TOWN OF EATON, COLORADO

ATTEST:

By: Margaret Jane Winter
Margaret Jane Winter, Town Clerk

By: Scott E. Moser
Scott E. Moser, Mayor

PASSED UPON FINAL APPROVAL AS AMENDED AND ADOPTED on second reading by the Board of Trustees of the Town of Eaton, Colorado, this 15th day of April, 2021.

TOWN OF EATON, COLORADO

ATTEST:

By: _____
Margaret Jane Winter, Town Clerk

By: _____
Scott E. Moser, Mayor



April 15, 2021 Staff Report to Board of Trustees

Administration:

- The Town has disbursed \$7,000 through the Small Business Grants awarded by the State.
- Staff has met and will continue to meet with the Eaton Days Committee to ensure an orderly return of the festival to our Town.

Public Works:

- Due to technical impracticalities with the existing system that the Town and Baseline have learned from Xcel Energy, the design of the Roundabout will have to shift again to work around issues. This is also in line with feedback given to the Town from Weld County, who has approval authority on the project per our IGA.
- Staff is working with Stantec to review our Cemetery fees to ensure that as we expand, we are preparing the cemetery for the eventuality that it will need to run without new lots being sold once it is full. The hope is to maximize what we put into the perpetual care fund to minimize the amount of tax dollars needed to run the cemetery.

Planning:

- The Town staff have slowed down the timeline for the land use code update to allow more feedback from the public and reevaluate how it fits in our code.

Utilities:

- As previously discussed during the budget cycle last year, we currently are reviewing the proposal from Northern Engineering regarding a water and sewer masterplan that will match the boundaries and needs outlined in our comprehensive plan.
- The Town is reviewing options for how we deliver water to the Hawkstone Pond, particularly in the shoulder weeks of the irrigation season to ensure access to water. In particular, we are looking to formalize written agreements on water sharing that previously were handled verbally.

Finance:

- The auditor for 2020 has been ongoing and the onsite work should be finalized soon.