
TOWN BOARD MINUTES

OCTOBER 21, 2021

A regularly scheduled meeting of the Town Board was held on October 21, 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; Heid, Gentry, Ledall, Lewis, Winter, Trustee/Mayor Pro Tem (MPT) Isbell, Mayor Moser, and Attorney Rocklin.

Item 2 – Review of September 16, 2021, Regular Meeting Minutes. Trustee/MPT Isbell moved to approve the September 16, 2021, Regular Meeting Minutes as written, seconded by Trustee Heid. Motion carried 6-0.

Item 3 – Ordinance 618 – Amending the Eaton Municipal Code Concerning Surcharges on Municipal Fines and Municipal Court Costs – Second Reading – Attorney Rocklin. Attorney Rocklin stated that the purpose of this ordinance is to remove the amount of the surcharges and court costs from the town code and adopt the two fees going forward pursuant to a resolution. Following discussion, Trustee Winter moved to approve Ordinance No. 618, An Ordinance Amending Sections 5-2-18 and 5-2-19 of Section II of Chapter V of the Eaton Municipal Code Concerning Surcharges on Municipal Fines and Municipal Court Costs – Second Reading, seconded by Trustee Ledall. Mayor Moser requested a roll call per vote from Clerk Winter, as follows: Trustee Gentry, Yes; Trustee Heid, Yes; Trustee/MPT Isbell, Yes; Trustee Ledall, Yes; Trustee Lewis, Yes; Trustee Winter, Yes. Motion carried 6-0.

Item 4 – Ordinance 619 – Amending the Eaton Municipal Code Concerning Adoption of a Revised Cross-Connection Control Program – Second Reading – Attorney Rocklin. Attorney Rocklin stated that this ordinance will implement the backflow control program and delegates the authority to the Town Administrator or designees to implement the program by requiring backflow preventions in commercial and all units non-residential, along with entry to perform inspections. To stay in compliance with the State, two letters have been mailed to non-residential and commercial businesses about the backflow prevention program. Following discussion, Trustee/MPT Isbell moved to approve Ordinance No. 619, An Ordinance Amending Section III of Chapter IX of the Eaton Municipal Code Concerning Adoption of a Revised Cross-Connection Control Program – Second Reading, 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 Ledall, Yes; Trustee Lewis, Yes; Trustee Winter, Yes. Motion carried 6-0.

Item 5 – NISP Update – Carl Brouwer, Project Management and Stephanie Cecil with Northern Water. Carl Brouwer, Northern Water in Berthoud, CO and NISP presented a power point update. NISP is a water project that will provide water to the 15 participants with approximately 40,000 acre-feet of municipal water supply annually through a regional project coordinated by the district. The NISP components are Glade Reservoir at 170,000 acre-feet and Galeton Reservoir with 45,600 acre-feet capacity and a lot of pipelines for delivery. Major milestones in permitting: 2020 – State 401 Water Quality Certification, 2020 - Larimer County 1041, 2021 – City of Fort Collins SPAR and Larimer County Highway 287 Location & Extent Review. Major milestone in design and construction: 2019 – Watson Fish Hatchery and 2021- Glade Construction Manager/General Contractor. The Record of Decision: Biological Opinion from US Fish & Wildlife service is complete, and Corp of Engineers is working on the final draft with the State/Historic Preservation office to deal with cultural resources at the site and then the Corp of Engineer’s legal council is going through the whole response to comments. These Federal Record of Decision began back in 2002 and will hopefully conclude in 2021/2022. Greg Dewey, Project Manager spoke about Galeton – Water Secure. Working on obtaining agreements with irrigation companies, purchase land and ROW for facilities and continue water-secure program development. Carl Brouwer finished the presentation discussing the Environmental Commitments: Water Quality, River Enhancement, Construction Impact & Mitigation Planning and Wetlands and Riparian, Water Conveyance Work and Implementation Schedule.

Item 6 – Revised School District Agreement – Town Administrator Interim (TAI) LaVanchy/Attorney Rocklin. TAI LaVanchy stated that after several months of working with Jay Tapia, Superintendent of Weld County School District RE-2, they both agree with the IGA, which also includes the school’s commitment of \$600,000.00 for the roundabout. Vince Harris with Baseline interjected a purposed timeline for the roundabout: November, accept construction bids; mid-December, review bids and select contractor; January, start construction; and July 1st, complete construction. Following discussion, Trustee Winter moved to approve the Intergovernmental Agreement Concerning High School Property between the Town of Eaton and the Weld County School District RE-2, subject to modifications, if any by the Town Administrator Interim and Town Attorney, 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 Ledall, Yes; Trustee Lewis, Yes; Trustee Winter, Yes. Motion carried 6-0.

Item 7 – Timberline SCADA Quote for Upgrades – Town Administrator Interim (TAI) LaVanchy/Brad Curtis, Northern Engineering. TAI LaVanchy stated that the SCADA is inadequate, all needs to be upgraded to allow more control, so employees are reactive instead of pro-active. Brad Curtis, with Northern Engineering added that the upgrade may lower the risk assessments with the EPA and State, and with this protection it may help with the town’s liability insurance. Faith Smith, Financial Director stated that this amount will be taken out of this year’s budget and will be spread over three funds: water,

sewer, and irrigation. Following discussion, Trustee/MPT Isbell moved to ratify the agreement with Timber Line Electric & Control Corporation to complete the SCADA upgrade of \$137,412.00, 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 Ledall, Yes; Trustee Lewis, Yes; Trustee Winter, Yes. Motion carried 6-0.

Item 8 – Colorado Opioid Settlement – Attorney Rocklin. Attorney Rocklin stated that CML represented the local government in the negotiations of this settlement which for our state is approximately \$385 million. Many other states have also entered this settlement with the “Big 3” Distributors and Johnson & Johnson. Colorado has created a process where local governments will be entitled to 20%, the state 10%, 60% to created regions and 10% to specific abatement infrastructure projects. The funds are used for approved purposes such as abatement, treatment and/or preventions with the understanding that to have funds released, only when 95% participation by certain local governments has been reached. The States AG Office is requesting four signed documents: Memo of Understanding, two Settlements of Participation and an Escrow Agreement with CML as the agent holding the funds. Following discussion, Trustee Heid moved to approve the CO Opioid Settlement MOU and related Documents that are a part thereof, seconded by Trustee Lewis. Mayor Moser requested a roll call per vote from Clerk Winter, as follows: Trustee Gentry, Yes; Trustee Heid, Yes; Trustee/MPT Isbell, Yes; Trustee Ledall, Yes; Trustee Lewis, Yes; Trustee Winter, Yes. Motion carried 6-0.

Item 9 – Public Comment. * Mayor Moser opened and closed the floor for public comment, no public comments.

Item 10 – Staff Reports.

- ◆ Vince Harris: 1) Municipal Code Update: 11/4/21 PC will have another study session, 12/1/21 PC will have public & developer comment, 12/16/21 BOT information/summary, 1/6/22 PC recommendation to BOT and 1/20/22 BOT adoption of code.
- ◆ TAI LaVanchy: 1) Staff Report handout. 2) NWCWD has a moratorium in place with a Ft. Collins ordinance to carve out the 1041 regulation that would affect statewide pipeline projects, Ft. Collins did carve it out. 3) Met with EAP&RD to discuss IGA and share resources.
- ◆ Attorney Rocklin: 1) Board Compensation Comparison Chart handout was discussed. 2) Reviewed the meanings of Quasi-Judicial versus Legislative.
- ◆ Chief Sturch: 1) The social media for kids, following Tik Tok, is getting out of control at the middle school. Chief Sturch went to a school assembly to discuss the behavior and consequences for following Tik Tok. 2) Police Officer Swartz was named Officer of the Quarter with the lead in the department of DUI arrests. 3) Detective Torres passed a 40-hour Field Evidence Technician class, the hardest class in the state and passed with flying colors. He is trying to get on the 19th Judicial Officer involved shooting team as an investigator and evidence technician. 4) Officer Pettit is conducting inspections on semi-trucks, to make them aware that the police department is watching.
- ◆ Trustee Heid: 1) 10/22/21 will be attending the High Plains Library Board interviews for a board position.
- ◆ Trustee/MPT Isbell: 1) MPO, CDOT discussed the Greenhouse Gas Emission Standards and has extended public comment to 11/18/21 and there is one additional rule making hearing on 11/10/21.

Mayor Moser seeks to amend the agenda: An executive session to obtain advice pursuant to C.R.S. § 24-6-402(4)(b) related to the Swabb Co. oil spill that occurred on February 11, 2021, and the 3rd Street water main break that occurred on April 29, 2021, and the purchase of water taps pursuant to the Amended and Restated Water Service Agreement with North Weld County Water District.

Item 11 – An executive session to obtain legal advice pursuant to C.R.S. § 24-6-402(4)(b) related to the Swabb Co. oil spill that occurred on February 11, 2021, and the 3rd Street water main break that occurred on April 29, 2021, and the purchase of water taps pursuant to the Amended and Restated Water Service Agreement with NWCWD. Trustee/MPO Isbell moved to go into an executive session to obtain legal advice pursuant to C.R.S. § 24-6-402(4)(b) related to the Swabb Co. oil spill that occurred on February 11, 2021, and the 3rd Street water main break that occurred on April 29, 2021, and the purchase of water taps pursuant to the Amended and Restated Water Service Agreement with NWCWD, seconded by Trustee Winter. Motion carried 6-0. **Board moved into executive session at 8:31 p.m.**

Item 12 – Adjourn. Came out of executive session and no decisions were made and no discussions were had except those subjects listed in the executive session. Mayor Moser moved to adjourn at 9:36 p.m.

Margaret Jane Winter, Town Clerk

* If you have public comment but are not comfortable attending in person due to COVID-19, please send the comments to wesley@eatonco.org by the 3rd Thursday of the month before noon, and they will be read into the record or otherwise shared with the Board during the meeting.