
TOWN BOARD MINUTES
SEPTEMBER 16, 2021

A regularly scheduled meeting of the Town Board was held on September 16, 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 – Recognition of Gary Carsten: Years of Service. Mayor Moser presented Gary Carsten with a framed character drawing of Carsten, in recognition of his service to the Town as the Administrator Interim for three months.

Item 3 – Review of August 19, 2021, Regular Meeting Minutes. Trustee/MPT Isbell moved to approve the August 19, 2021, Regular Meeting Minutes as written, seconded by Trustee Ledall. Motion carried 6-0.

Item 4 – Ordinance 617 – Amending the Eaton Municipal Code Concerning Disorderly Conduct and Harassment – Second Reading – TAI Wesley LaVanchy/Attorney Avi Rocklin. Attorney Rocklin stated that this ordinance is to update two provisions; disorderly conduct needs to comport with decisions of the CO Supreme Court and harassment to comport with current technology. As there was no further discussion, Trustee Winter moved to approve Ordinance No. 617, An Ordinance Amending Sections 10-4-3 and 10-4-4 of Section IV of Chapter X of the Eaton Municipal Code Concerning Disorderly Conduct and Harassment, 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 5– Ordinance 618 – Amending the Eaton Municipal Code Concerning Surcharges on Municipal Fines and Municipal Court Costs – First Reading – Attorney Avi Rocklin/Chief Kevin Sturch. Attorney Rocklin stated that the purpose of this ordinance is to remove the amount of the surcharges and court costs from the town code, after conferring with Chief Sturch, the last update of the surcharges was in 2014 and the last update to court costs was in 1992, so this is to modernize the code provisions and allow the board to make these changes going forward pursuant to a resolution. Chief Sturch added that in his research, the traffic fines are not comparable, they are the lowest of low and need to come up to the medium range compared to other entities. Fine structure should be based off the point system. Eaton Court and EPD should be separate entities for the budget and to separate the bias thinking that the EPD runs the Eaton Court. Following discussion, Trustee/MPT Isbell 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 – First Reading, 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 6 – Backflow Prevention Program – Building Official Jon Gesick, ProCode, Inc. TAI LaVanchy reminded the board of last week’s discussion about the Town’s sanitary survey and the need to move forward to implement a program for backflow and/or cross-connection waterlines in businesses and multi-family residential structures and to become in compliance with the State rules, in which Jon Gesick, the Building Official for the Town has a solution. Jon Gesick presented the purpose of the Backflow Prevention and Cross-Connection Compliance (BPCCC) as to ensure that the Town meets the State requirements set forth in Regulation 11 by demonstrating compliance by conducting surveys of all non-residential water connections located within the Town of Eaton. The scope of the program is to send educational notification letters to qualifying property owners about the new requirements, perform inspections and surveys for the BPCCC for each qualifying property and work with the property owner to become compliant within a set time frame. There will be a software program implemented for the Town which will provide annual letters and monthly/annually reports and violation reports. Every 3 years a survey of the properties will be completed for the State’s BPCCC program. The cost and fees associated with this program were discussed.

Item 7 – Ordinance 619 – Amending the Eaton Municipal Code Concerning Adoption of a Revised Cross-Connection Control Program – First Reading – Attorney Avi Rocklin. Attorney Rocklin stated that this ordinance will implement the backflow prevention program and gives the authority for preventing water from unapproved sources and for preventing any other substances from entering the Town’s public water distribution system. This ordinance will update and revise the cross-connection to be current with Regulation 11. 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 – First Reading, 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 Ledall, Yes; Trustee Lewis, Yes; Trustee Winter, Yes. Motion carried 6-0.

Item 8 – Roundabout Update (Collins Street & Fall Line Road) – Planning Director Vince Harris, Baseline Corp.

Vince Harris, Planning Director (PD) for Baseline, stated that on October 7, 2021, the Brown farm development should have the final plans ready to submit to the Planning Commissioners for review and a study session format on the new version of the Zoning & Subdivision Code should be in place for review. PD Harris then began a power point presentation along with handouts entitled “Development Projects in the Town of Eaton”. The following list, are projects that have either taken place or are projects that may or may not take place but have submitted an application for review: Roundabout @ CR 35 & Collins Street, Eaton High, BEE, Middle & Old High School, 509 Maple Avenue lot split, Maple & Elm Avenue alley repair, Home Town Main Street plan, Sugar Factory Subdivision, Duffy Crane Loading Facility, Kamm Annexation, Renewable Fiber Landscape Yard, Pinnacle Trailers, Xcel Sub-Station, EDS Bus Barn, Eaton Cemetery, Ace Hardware new building structure, Circle K Store, Ziggi’s Coffee Shop, Barclay Roofing, South Elm Avenue new office building, Scooter’s Coffee, Brown Farm Development, and Governor’s Ranch new office building. There was an exhibit of the Collins-35 Roundabout, along with pictures of features in the center of the roundabout. 95% construction documents on the roundabout are currently in review with Weld County and Northern Engineering and comments are expected in the next 10 days. Staff plans to let out a bid for proposals in October 2021, with construction schedule planned for January 1, 2021, to July 1, 2022, a six-month building window. The brand-new Eaton High School is planning to open in August of 2022.

Item 9 – Purchase of Police Vehicle – Chief Kevin Sturch. TAI LaVanchy opened the discussion that at least one police vehicle needs to be replaced now, there is no way to salvage it. Chief Sturch stated that the 2009 Crown Victoria has 113,633 miles and an estimated cost of repair is \$6,500 to \$9,000, the car is worth \$700.00. The replacement vehicle is a used 2020 Dodge Durango Police SUV from KS Highway Patrol. Following discussion, Trustee/MPT Isbell moved to approve the Purchase of the Police Vehicle, 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 Ledall, Yes; Trustee Lewis, Yes; Trustee Winter, Yes. Motion carried 6-0.

Item 10 – Public Comment. * Mayor Moser opened the floor for public comment. Stephen Poortinga, of 1782 Pioneer Place requested that a sign be posted disallowing the use of jake brakes, as the back of his house faces Fall Line Road and the semi-trucks that are heading north to the stop sign are continuously using their jake brakes. Chief Sturch stated that the PD will continue to investigate the situation to come up with a solution. Mayor Moser closed the floor to public comments, as no one else came forward.

Item 11 – Staff Reports.

- ◆ TAI LaVanchy: 1) Reviewed the Staff Report handout. Trustee Winter commended the staff report.
- ◆ Attorney Rocklin: 1) Inquired if the Mayor and Board of Trustees would like to modify the Eaton Municipal Code 2-2-7, Compensation for the Mayor and Trustees. The last increase was back in 2008. The Mayor and Trustees serve the capacity of several boards and/or attend several other board meetings to keep up on subjects that impact the Town. The mayor gave Attorney Rocklin direction to investigate the compensation other towns pay to their mayor and board of trustees. If an increase is moved for approval, it will not be effective until April 2022.
- ◆ Chief Sturch: 1) September 12th was National Policewomen Day and Officer Susie Daigle was recognized for her contribution to the EPD. 2) Police Officers training hours for 2021 to date is 213 hours compared to 42 hours for the year 2020. 3) The EPD is looking for land to build a shooting range. 4) Meeting with the Weld County Sheriff’s Department was held to mend the past and move forward and to work together.
- ◆ Mayor Moser: 1) Chief Sturch’s willingness to open the communication with the Sheriff’s Department is commendable, the communication has been closed for a long time. Along with communication, Chief Sturch asked if they would like to partner on land for a shooting range and reached out to partner with Ault and Nunn.
- ◆ Trustee/MPT Isbell: 1) MPO, discussed the greenhouse gas reduction. There is also a new call for projects. 2) Commended Chief Sturch and Officers along with the Eaton Fire Department on participating in the 9/11 Memorial Climb at the football stadium.

Item 12 – Adjourn. Mayor Moser moved to adjourn at 8:54 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.