

## Town of Haxtun

January 3, 2023  
REGULAR MEETING  
MINUTES

Mayor Ensminger opened the Public Hearing for the Skyland Annexation at 7:00pm at the Haxtun Community Center. The following citizens were present: Lori Lundgren, Bob Cionek, Dave Green, Tana Pope, Ryan Horton, Lori Lundgren, Ron Carpenter, Candi Fix, Nathon Nadow, Dean Anderson, Tom Bullard, and Kelsey Harms.

A discussion was held on the maps presented; no information had been changed since the zoning hearing held in December. After no further discussion, the hearing was closed at 7:02 pm.

The Haxtun Town Council met for their regularly scheduled meeting at 7:02 p.m. following the close of the Annexation Hearing. The meeting was opened by Mayor Mike Ensminger at the Haxtun Community Center. Roll call was taken with the following council members present; Bob Cionek, Dave Green, Tana Pope, Ryan Horton, and Lori Lundgren. Mayor Ensminger led the group in the Pledge of Allegiance.

Staff members present were Ron Carpenter, Town Superintendent, Tom Bullard, Interim Police Chief, and Kelsey Harms, Town Clerk/Treasurer.

Dean Anderson, Nathon Nadow, Candi Fix, *Haxtun-Fleming Herald*, and Town Attorney Melinda Culley via telephone were in attendance.

Before a motion was made, FPPA Old Hire Retirement Plan was added to the agenda. A motion was made by L. Lundgren and seconded by T. Pope to approve the agenda with the addition, all present voted yes, and the motion carried.

A motion was made by D. Green and seconded by R. Horton to approve the consent agenda, which included the regular meeting minutes of December 5, 2022, special meeting minutes of December 19, 2022, and the following monthly invoices to be paid, and transfers of cash. All present voted yes, and the motion carried.

### Town of Haxtun January 3, 2023

December Payroll	Salary	\$	53,662.32
December Payroll	Taxes	\$	11,401.35
Black Hills Energy	Utilities	\$	1,282.65
Blue 360 Media	PD Supplies	\$	304.98
CHS High Plains	Fuel	\$	718.21
CIRSA	Deductible	\$	1,000.00
CK Computers	Updates & Configuration	\$	175.00
Edward R Hamilton	Books	\$	387.98
FPPA	Pension	\$	2,007.08
GWRS	Retirement	\$	2,297.54
Happy Jacks	Christmas Lunch	\$	420.00
Haxtun Car Wash	PD Fleet Wash	\$	18.00

Haxtun FCU	Empl. Christmas Gifts	\$	4,300.00
Home Depot Pro	Supplies	\$	374.48
Ingram	Books	\$	49.96
Luft Machine	Repairs	\$	85.00
	reimb 2021 durango		
Nadow, Nathon	window tint	\$	350.00
NMPP	November Power	\$	44,701.62
O.K. Auto	Parts	\$	99.39
PAK Enterprises	Supplies	\$	32.00
PC Telcom	Phones	\$	208.25
Phillips Cnty. Landfill	Dump Expense	\$	2,031.48
Salt Lake Wholesale	PD Supplies	\$	304.00
Smith, Darrell	health insurance reimb.	\$	232.22
Viaero	Cell Phones	\$	145.53
Vine Print Studios	Council Gifts	\$	217.00
Bar Lo Café	Meter Deposit Refund	\$	42.27
Bivens, Trey	Clothing Reimburse	\$	138.35
Border States	Repairs	\$	218.88
Border States	Repairs	\$	1,178.88
Brown, Julayne	Meter Deposit Refund	\$	18.50
CEBT	Insurance	\$	14,310.00
Center Point	Books	\$	589.68
CIRSA	Property/Casualty	\$	14,122.12
CIRSA	Workers Comp	\$	4,745.25
CIRSA	Supplemental	\$	2,525.60
CO Municipal League	Dues	\$	730.00
Colorado Analytical	Water Testing	\$	1,844.00
Colorado Dept of Revenue	Dec Withholding	\$	1,663.00
Colorado Dept of Revenue	Dec Sales Tax	\$	3,254.13
Haxtun Building Center	Supplies	\$	2,105.68
Haxtun Telephone	Phones/Internet	\$	539.03
Highline Electric Assc.	Utilities	\$	97.68
J.P. Cooke Co	Dog Licenses	\$	107.00
Johnson, Malcom	Meter Deposit Refund	\$	148.35
Kelly PC	Legal	\$	4,569.50
Lyle's Service	Repairs	\$	80.00
MASA	Supplemental	\$	196.00
NE,KS, &CO Rail	Water Pipeline	\$	1,087.78
Nelson, Bill	Meter Deposit Refund	\$	156.26
NMPP	Annual Software Maint.	\$	2,680.00
PAK	Supplies	\$	108.00

PC Telcom	Phones/Internet	\$	208.60
Phillips County			
Treasurer	Dec Sales Tax	\$	214.59
Precision Plumbing	Repairs	\$	200.00
Rudy's	Repairs	\$	56.00
Standard	Supplemental	\$	79.25
Storey Kenworthy	Tax Forms	\$	347.02
Sun Life	Supplemental	\$	116.32
Town of Kersey	PD CORA Training	\$	100.00
UNCC	Transmissions	\$	5.20
VSP	Supplemental	\$	128.04

Transfers of Cash

- 12/7/22 Transfer #1 - \$32,000 for accounts payable
- 12/15/22 Transfer #2 - \$31,000 for payroll
- 12/19/22 Transfer #3 - \$52,000 for accounts payable
- 12/30/22 Transfer #4 - \$21,500 for payroll

**Public Comment:**

Candie Fix representing the Haxtun Chamber of Commerce addressed the Council, informing them that Jessica Ayala was hired to fill the vacant Chamber Director position. The Chamber received 4 applications and they are excited to have Jessica join the Chamber, she will be starting later in the week. This position will be split 50/50 with the Holyoke Chamber. Jessica will be back to introduce herself to the Council.

**Regular Business:**

Resolution 2023-01 Skyland Annexation Eligible for Annexation. There was no discussion following the hearing that took place earlier in the evening. A motion was made by L. Lundgren and seconded by B. Cionek to adopt the resolution. All present voted in favor, motion passed.

**RESOLUTION NO. 2023-1**

**A RESOLUTION CONCERNING A PETITION FOR THE ANNEXATION OF PROPERTY TO THE TOWN OF HAXTUN, COLORADO, KNOWN AS THE SKYLAND ANNEXATION TO THE TOWN OF HAXTUN, AND FINDING THE AREA PROPOSED TO BE ANNEXED ELIGIBLE FOR ANNEXATION**

**WHEREAS**, a petition for annexation of property described in Exhibit A attached hereto has been filed with the Town Council of the Town of Haxtun; and

**WHEREAS**, pursuant to state law, the Town Council has held a hearing and desires to adopt by Resolution its findings in regard to the petition and eligibility for annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF HAXTUN, COLORADO:

**Section 1.** The Town Council finds and concludes that:

1. It is desirable and necessary that the territory described in Exhibit A attached hereto and incorporated herein be annexed to the Town of Haxtun.
2. The applicable requirements of Sections 31-12-104 and 31-12-105, C.R.S., as amended, exist or have been met, including without limitation:
  - a. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the Town of Haxtun; in accordance with Section 31-12-104(1)(a), C.R.S., contiguity may be established by the annexation of two or more parcels in a series.
  - b. A community of interest exists between the area proposed to be annexed and the Town of Haxtun.
  - c. The area proposed to be annexed is urban or will be urbanized in the near future.
  - d. The area proposed to be annexed is integrated with or is capable of being integrated with the Town of Haxtun.
  - e. No land within the boundary of the territory proposed to be annexed which is held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels were separated by a dedicated street, road, or other public way.
  - f. No land within the boundary of the area proposed to be annexed which is held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty acres or more, and which, together with the buildings and improvements situated thereon, has an assessed value in excess of two hundred thousand dollars (\$200,000.00) for ad valorem tax purposes for the year next preceding the annexation, has been included within the area proposed to be annexed without the written consent of the landowners.
  - g. No annexation proceedings have been commenced for any portion of the territory proposed to be annexed for the annexation of such territory to another municipality.
  - h. The annexation of the territory proposed to be annexed will not result in the detachment of area from any school district.
  - i. The annexation of the territory proposed to be annexed will not have the effect of extending the boundary of the Town of Haxtun more than three miles in any direction from any point of the boundary of the Town of Haxtun in any one year.

- j. The territory proposed to be annexed is 6.46 acres, more or less.
  - k. The Comprehensive Plan adopted by the Planning Commission and approved by the Town Council of the Town of Haxtun, as amended, shall serve as the plan for the area proposed to be annexed, in accordance with Section 31-12-105(1)(e), C.R.S.
  - l. Any portion of a platted street or alley to be annexed will result in the entire width of the street or alley having been included within and made a part of the Town of Haxtun and reasonable access will not be denied to any landowners, owners of any easement, or the owners of any franchise adjoining any platted street or alley which is to be annexed to the Town of Haxtun but is not bounded on both sides by the Town of Haxtun.
3. Four copies of an annexation map of the area proposed to be annexed have been submitted to the Town Council and are on file with the Town.
  4. Upon the annexation ordinance becoming effective, all land within the area proposed to be annexed will become subject to all ordinances, resolutions, rules, and regulations of the Town of Haxtun, except that general property taxes of the Town of Haxtun, if applicable, shall become effective as of the January 1 next ensuing.
  5. No election for annexation of the area proposed to be annexed has been held in the preceding twelve months, and no election is required under Sections 31-12-107(2) or -112, C.R.S.
  6. No additional terms and conditions are to be imposed other than those set forth in the annexation petition or otherwise agreed to by all owners, which are not to be considered additional terms and conditions within the meaning of Sections 31-12-107(1)(g), -110(2) or 112, C.R.S.
  7. The landowners of one hundred percent (100%) of the area proposed to be annexed signed the petition requesting annexation, in compliance with Article II, Section 30 of the Colorado Constitution and Section 31-12-107(1), C.R.S.

**Section 2.** The Town Council concludes that all statutory requirements have been met, that the proposed annexation is proper under the laws of the State of Colorado and the area proposed to be annexed is eligible for annexation to the Town. The Town Council, acting in its legislative capacity and pursuant to authority granted to it by state law, may adopt one or more ordinances annexing the subject property to the Town of Haxtun.

INTRODUCED, READ, and ADOPTED this 3<sup>rd</sup> day of January, 2023.

Michael Ensminger, Mayor

ATTEST:

Kelsey Harms, Town Clerk

**EXHIBIT A - LEGAL DESCRIPTION**

A tract of land located in the SW 1/4 of the NE 1/4 of Section 29, T.8 N., R.47 W. of the 6<sup>th</sup> P.M., Phillips County, Colorado being more particularly described as follows:

Beginning at the SW corner of Block 8, Wheatland Heights Addition to Haxtun, Phillips County, Colorado; thence N 88°06'17" E on the south line of Block 8 and 9 of said Wheatland Heights Addition, 671.78 feet to the SE corner of said Block 9; thence S 01°33'27" E 418.09 feet to the S 1/16 corner of the NE 1/4 of said Section 29; thence S 87°55'38" W on the South line of the SW 1/4 of the NE 1/4 of said Section 29 671.24 feet to the SE corner said Wheatland Heights Addition; thence N 01°38'02" W on the east line of Mulberry Ave., 420.17 feet to the Point of Beginning containing 6.46 +/- acres, more or less. passed.

Ordinance 2023-01 Approving Skyland Annexation, a motion was made by T. Pope and seconded by R. Horton. All present voted in favor; the motion passed.

**ORDINANCE NO. 2023-1**

**AN ORDINANCE APPROVING AN ANNEXATION KNOWN AS THE SKYLAND ANNEXATION TO THE TOWN OF HAXTUN, COLORADO**

**WHEREAS**, a petition for annexation of certain unincorporated property, to be known as the Skyland Annexation, and described in Exhibit A attached hereto, has been filed with the Town Council of the Town of Haxtun; and

**WHEREAS**, pursuant to C.R.S. §§ 31-12-108 to -110, the Town Council on January 3, 2023 held a duly-noticed public hearing to consider the proposed annexation; and

**WHEREAS**, notice of the hearing was published on November 30, December 7, 14 and 21, 2022 in the Haxtun-Fleming Herald; and

**WHEREAS**, the Town Council, by resolution, has determined that the petition is in substantial compliance with the applicable laws of the State of Colorado, that the area proposed to be annexed is eligible for annexation, and further has determined that an election is not required, and further found that no additional terms and conditions are to be imposed upon said annexation except any provided for in said petition.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAXTUN, COLORADO:**

**Section 1.** The annexation to the Town of Haxtun of the property described in Exhibit A, attached hereto and incorporated herein by this reference, and known as the Skyland Annexation, is hereby approved and such property is made a part of and annexed to the Town of Haxtun.

**Section 2.** The annexation of said territory is subject to the conditions provided for in the petition for annexation of said property filed with the Town of Haxtun.

INTRODUCED, READ, ADOPTED, APPROVED BY THE TOWN COUNCIL, AND ORDERED PUBLISHED this 3<sup>rd</sup> day of January, 2023.

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Michael Ensminger, Mayor

ATTEST:

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Kelsey Harms, Town Clerk

**EXHIBIT A – LEGAL DESCRIPTION**

A tract of land located in the SW 1/4 of the NE 1/4 of Section 29, T.8 N., R.47 W. of the 6<sup>th</sup> P.M., Phillips County, Colorado being more particularly described as follows:

Beginning at the SW corner of Block 8, Wheatland Heights Addition to Haxtun, Phillips County, Colorado; thence N 88°06'17" E on the south line of Block 8 and 9 of said Wheatland Heights Addition, 671.78 feet to the SE corner of said Block 9; thence S 01°33'27" E 418.09 feet to the S 1/16 corner of the NE 1/4 of said Section 29; thence S 87°55'38" W on the South line of the SW 1/4 of the NE 1/4 of said Section 29 671.24 feet to the SE corner said Wheatland Heights Addition; thence N 01°38'02" W on the east line of Mulberry Ave., 420.17 feet to the Point of Beginning containing 6.46 +/- acres, more or less.

Ordinance 2023-02 Zoning Property Annexed known as the Skyland Annexation. A motion was made by L. Lundgren and seconded by B. Cionek. All present voted in favor; motion passed.

**ORDINANCE NO. 2023-2**

**AN ORDINANCE ZONING PROPERTY ANNEXED TO THE TOWN OF HAXTUN  
AND KNOWN AS THE SKYLAND ANNEXATION**

WHEREAS, a petition for annexation of certain property, known as the Skyland Annexation, was filed with the Town Council of the Town of Haxtun; and

WHEREAS, the property was annexed to the Town by ordinance; and

WHEREAS, the Town Council must provide for the zoning of the property; and

WHEREAS, the Town Council provided notice of the public hearing on said zoning by publication as provided by law; and

WHEREAS, no protests were received by the Town pursuant to C.R.S. § 31-23-305; and

WHEREAS, the landowner of the property requested the property set forth in Exhibit A be zoned R-A Residential District; and

WHEREAS, the R-A Residential District zoning classification as requested is consistent with the Town's plan for the area encompassed by the Skyland Annexation; and

WHEREAS, the Haxtun Planning and Zoning Commission has held a public hearing on the landowner's zoning request and forwarded its recommendation to the Town Council, and the Town Council has duly considered that recommendation.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAXTUN, COLORADO:

**Section 1.** That certain property contained within the Skyland Annexation to the Town of Haxtun, the legal description of which is set forth in Exhibit A attached hereto and made a part hereof, is hereby zoned R-A Residential District pursuant to the zoning ordinances of the Town, and the Town zoning map shall be amended accordingly.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED this 3<sup>rd</sup> day of January, 2023.

TOWN OF HAXTUN, COLORADO

\_\_\_\_\_  
Michael Ensminger, Mayor

ATTEST:

\_\_\_\_\_  
Kelsey Harms, Town Clerk



**EXHIBIT A – LEGAL DESCRIPTION**

A tract of land located in the SW 1/4 of the NE 1/4 of Section 29, T.8 N., R.47 W. of the 6<sup>th</sup> P.M., Phillips County, Colorado being more particularly described as follows:

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Resolution 2023-02 Approving the Final Plat for the Skyland Subdivision. A motion was made by R. Horton and Seconded by T. Pope. All present voted in favor; the motion passed.

**RESOLUTION NO. 2023-2**

**A RESOLUTION APPROVING A FINAL PLAT FOR THE SKYLAND SUBDIVISION**

WHEREAS, there has been submitted to the Town Council of the Town of Haxtun a request for approval of a Final Plat for the Skyland Subdivision; and

WHEREAS, all materials related to the proposed Final Plat have been reviewed by Town staff and found to be in compliance with Colorado subdivision statutes; and

WHEREAS, after a noticed public hearing, at which evidence and testimony were entered into the record, the Town Council finds that the proposed Final Plat should be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF HAXTUN, COLORADO:

**Section 1.** The Town Council hereby approves the proposed Final Plat for the Skyland Subdivision.

PASSED AND ADOPTED this 3<sup>rd</sup> day of January, 2023.

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Michael Ensminger, Mayor

ATTEST:

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Kelsey Harms, Town Clerk

A motion was made by R. Horton and seconded by D. Green to post public meeting notices on the front door of the Town Hall, 145 S Colorado Ave, Haxtun, CO. Motion passed.

A discussion was held about who would serve as the Mayor Pro Tem, and a motion was made by B. Cionek and seconded by R. Horton to appoint Lori Lundgren as Mayor Pro Tem. All voted in favor, motion passed.

Colorado Highland Wind sent the Town a \$1,000.00 donation to use as the Council sees fit to best support the community. After some discussion, the Council thought about the AEDs that the Haxtun Hospital Foundation is working on to replace batteries. A motion was made by D. Green and seconded by R. Horton to use the donation towards replacing the needed AED machines. All voted in favor, motion passed.

After the November election, the Council was left with a vacant Trustee seat. The Council received two letters of interest from Dean Anderson and Jon Brammer expressing interest in serving on Town Council. A motion was made T. Pope and seconded by B. Cionek to appoint Dean Anderson to fill the 2-year Trustee position. Dean will be given his oath at the next Council meeting scheduled for 2/6/23.

Before giving his statement about the Chief of Police employment matter, Mayor Ensminger asked Nathon Nadow, if he would like to address the Council. Nadow stated his achievements from the last year, including training, education, the promotion of T. Bullard to sergeant, and the hire of the third officer. Nadow believed he did everything he could to make the department successful. Nadow stated that he had made a mistake and instead of being fired for the incident, he decided to resign from his position as Chief of Police. His resignation was accepted by the board. Some discussion was held by the Council, T. Bullard would remain as the interim Chief while the Council made a long-term decision.

FPPA Old Hire Pension was an old pension plan that was put in place many years ago for former Police Chief Davis, since his passing, his spouse was collecting the monthly benefit. Upon a recent audit done with the Town Clerk and the FPPA office, there is a provision in the plan that the benefit terminates upon the remarriage of the spouse. Kelsey contacted the spouse and was informed that she remarried in July 2022. FPPA was notified and the benefits were stopped immediately, but the Council would need to decide if they would require the spouse to pay back the 5 months of benefits she collected. After some discussion about the fault on both parties and the service and dedication Chief Davis gave the Town of Haxtun, they felt they could not ask for her to repay the funds. Kelsey will work with FPPA to get the account closed and see what further steps are needed.

**Discussion Items:**

None

**Staff Reports:**

Ron Carpenter, Town Superintendent

- The Town Crew is working to remove/move what snow that they can. With all the snow that has fallen from mid-December until now, the guys are running out of places to pile snow.
- The South well is down after a check valve froze and broke. The cold snap was hard on the wells and currently, the Town is running on 1 well which would not be a problem with the cooler temperatures. Ron is gathering estimates to get the well fixed. He is also hoping to use funds to build new and improved well houses this summer.
- With the adverse weather, the Town has luckily not had any power outages and the upgrades are proving to be worth the expense.
- Working with Fetzer electric to get an emergency generator for the Community Center, due to the facility being all electric it will need a very large generator still getting all the numbers put together.

Tom Bullard, Interim Chief of Police

- Wanted to give his appreciation to Ron and the guys for doing a great job keeping streets and EMS routes open

Kelsey Harms, Town Clerk/Treasurer

- Council training with CIRSA will be Tuesday, February 21<sup>st</sup>.
- Golf carts need to be licensed by January 31, 2023
- Dog licenses are due by April 30, 2023
- GOCO orientation this week and then we will be moving forward with the grant process.

**Council Concerns:**

- B. Cionek was curious about what information for the Council members was on the website.
- T. Pope asked if any news on the new restaurant coming to Town.
- R. Horton inquired about any new businesses that have picked up the Incentive Policy paperwork.
- M. Ensminger wanted to know if there was any progress in getting rid of the old generator. Ron informed the Council because of all the snow, progress has been slow, but the removal crew is slowly working on the smaller items.

A motion was made by L. Lundgren and seconded by R. Horton to adjourn the meeting. The meeting adjourned at 7:53 pm subject to the call of the Mayor.

Kelsey Harms  
Town Clerk