

**Town of Haxtun
November 6, 2023
REGULAR MEETING
MINUTES**

The Haxtun Town Council met for their regularly scheduled meeting at 7:00 p.m. The meeting was opened by Mayor Mike Ensminger at the Haxtun Community Center. Roll call was taken with the following council members present; Lori Lundgren, Bob Cionek, Dave Green, Dean Anderson, and Tana Pope. Ryan Horton was absent. Mayor Ensminger led the group in the Pledge of Allegiance.

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

Kelly Elwood and Darcy Garretson were also in attendance.

Approval of Agenda:

A motion was made by L. Lundgren and seconded by T. Pope to approve the agenda. All present voted yes, and the motion carried.

Consent Agenda:

A motion was made by T. Pope and seconded by B. Cionek to approve the consent agenda, which included the regular meeting minutes of October 2, 2023, the following monthly invoices to be paid, and transfers of cash. All present voted yes, and the motion carried.

October Payroll	Salary	\$	45,786.61
October Payroll	Taxes	\$	9,799.63
Amazon	Equipment	\$	111.93
Black Hills Energy	Utilities	\$	151.30
Border States	Supplies	\$	161.75
Bornhoft, Chris	Clothing Allowance	\$	203.92
CHS High Plains	Fuel	\$	1,274.31
CIRSA	Special Event license - CF	\$	803.37
Colorado Analytical	Drinking water testing	\$	24.00
CO State Treasurer	2023 3rd Qtr UTR	\$	307.44
Davis, Carolyn	Books/Cell Phone stipend	\$	276.33
FPPA	Pension	\$	1,356.52
	Contribution to State/Matching		
FPPA	funds	\$	4,714.00
GWRS	Benefits	\$	2,389.10
Garretson's	Batting cage net	\$	2,089.45
Haxtun Car Wash	PD Fleet wash	\$	47.15
Haxtun Herald	Publications/Supplies	\$	174.95
Haxtun Super's	supplies	\$	256.02
Haxtun Telephone	phones	\$	542.83
Kelly PC	Legal	\$	1,128.50

Kuehn, Chris	Cleaning	\$	420.00
Kurtzer's	dust caps	\$	53.10
LEC	Basketball court	\$	102,823.70
Microsoft	Annual subscription	\$	99.99
Municipal Supply	Polytubing/Copper	\$	405.95
NMPP	Training & Safety	\$	148.25
NMPP	September Power	\$	41,707.01
Phillips County Landfill	Dump fees	\$	1,967.74
Potter Portable	Port-A-Potties	\$	200.00
Red J Welding	Plow repairs & supplies	\$	1,322.57
Rudy's	Tires - PD & Sanitation Truck	\$	885.08
Smoketrails	Equipment	\$	296.00
VAP	Steel Building/Spray foam	\$	39,195.00
Viaero	Phones	\$	191.24
Western United Electric	Testing glove	\$	9.55
Wyatt's Sprinkler	Pop-up Sprinkler/nozzles	\$	65.61
WAPA	Transformer/Radio maint.	\$	450.74
Amazon	Halloween Safety - PD	\$	578.98
Atchison, Jeremy	Clothing Allowance	\$	49.99
Border States	Repairs	\$	661.32
Capital One	Road Rebuild Bond	\$	27,379.15
Cavalli, Paul S	MD Refund	\$	127.60
CO Dept. Revenue	Withholding	\$	1,588.00
CO Dept. Revenue	Sales Tax	\$	2,795.16
CEBT	Benefits	\$	15,434.00
Center Point	Books	\$	22.77
CK Computers	Camera consulting/remote	\$	390.00
Colorado Analytical	Wastewater testing	\$	37.00
Davis, Tom	2023 Median Landscape	\$	500.00
Faris Machinery	Parts	\$	36.52
FirstNet	PD Phones	\$	263.98
Freemyer, Vicki	Halloween Reimbursement	\$	153.63
Gonzalez, Nancy	Cleaning Services/Lib	\$	75.00
Great Copier Service	Meter billing/PD	\$	110.59
Harms, LeeAnna	MD Refund	\$	131.67
Haxtun Building Center	Supplies	\$	912.02
Haxtun Telephone	Phones	\$	522.45
Highline Electric	Utilities	\$	109.67
Intermountain Sweeper	Parts/Sweeper	\$	380.00
Kelly PC	Attorney fees	\$	536.50
Kuehn, Chris	Cleaning Services	\$	420.00
	R&R Cross pan/sidewalk		
LEC	(chase)	\$	9,677.50
MASA	Benefits	\$	196.00

NE Safety & Fire	Fire Extinguisher Inspections	\$	1,308.00
Otto, Jeff & Yvonne	MD Refund	\$	113.17
PAK Enterprises	Receipt Books	\$	227.49
PC Telcom	Phones/Internet	\$	122.61
Phillips County Landfill	Dumping fees	\$	2,163.16
Phillips County Treas.	October Sales Tax	\$	647.19
Precision Plumbing	Wellhouse/Hydrant Repairs	\$	1,394.88
Red J Welding	BB court	\$	398.82
Rudy's	Tire replacement	\$	2,665.37
Spelts Roofing	MD Refund	\$	5.13
UNCC	Transmissions	\$	12.90
USPS	Postage	\$	387.00
Via Espana Maint., LLC	BP #1431 Adjustment	\$	25.77
VSP	Benefits	\$	126.23
Wacker, Jeanette	MD Refund	\$	132.01
Wilson's Repair	Repairs	\$	161.10

Transfers of Cash

- 10/05/2023 Transfer #1: \$26,902.11 for pool accounts payable
- 10/05/2023 Transfer #2: \$77,000.00 for accounts payable
- 10/13/2023 Transfer #3: \$19,100.00 for payroll
- 10/18/2023 Transfer #4: \$97,700.00 for accounts payable
- 10/18/2023 Transfer #5: \$63,000.00 Conservation Trust to Checking for BB Court
- 10/18/2023 Transfer #6: \$39,195.00 for pool accounts payable
- 10/31/2023 Transfer #7: \$20,600.00 for payroll

Public Comment:

Kelly Elwood addressed the Council about the alley being closed behind his place of business. The alley has been closed while the construction is being done to the new downtown hospital clinic. Elwood told the Council, the alley being closed is an inconvenience when he has to unload freight and he also views it as a safety hazard. The Council thanked him for his time and bringing the issue to their attention.

Regular Business:

At 7:06 pm Mayor Ensminger opened the public hearing for the Haxtun Volunteer Fire Department Special Event Liquor License for the Annual Rocky Mountain Oyster Fry. A map for the event was presented to the Council. The hearing was closed at 7:08 pm after some discussion from the Council.

A motion was made by L. Lundgren and seconded by D. Green to approve the Special Event Liquor License for the Haxtun Volunteer Fire Department. All present voted in favor, motion passed.

T. Pope: YES
L. Lundgren: YES
D. Anderson: YES

B. Cionek: YES
D. Green: YES
M. Ensminger: YES

Ordinance 2023-5 Designating and Establishing the Electric Utility Enterprise. The Town's electric utility is already operating as an enterprise and has for many years, but this ordinance will formally recognize it as such. This is important because the MEAN contract that is being proposed is a multi-year fiscal obligation (30-years), which would require voter approval under TABOR. However, enterprises are not subject to TABOR so the Town, acting through its electric utility enterprise, can enter into the MEAN contract without voter approval. Ron is working with the attorney and the MEAN board as they update the current language in the contract. A motion was made by D. Green and seconded by B. Cionek to approve Ordinance 2023-5. All who were present voted in favor, motion carried.

ORDINANCE NO. 2023-5

AN ORDINANCE DESIGNATING AND ESTABLISHING THE TOWN OF HAXTUN ELECTRIC UTILITY ENTERPRISE AND RATIFYING ACTIONS PREVIOUSLY TAKEN BY THE TOWN COUNCIL OF THE TOWN

WHEREAS, the Town of Haxtun (the "Town") is a municipal corporation duly organized and existing as a statutory town pursuant to the Constitution and laws of the State of Colorado; and

WHEREAS, the Town owns and operates an electric utility that furnishes electric service within the Town and imposes fees for such service; and

WHEREAS, Section 20 of Article X of the Colorado Constitution exempts from all provisions thereof, "enterprises," which are defined as government-owned businesses authorized to issue their own revenue bonds and that receive less than ten percent of their annual revenue in grants from all Colorado state and local governments combined; and

WHEREAS, the Town Council intends that its electric utility enterprise will receive less than ten percent of its annual revenue in grants from all Colorado state and local governments combined; and

WHEREAS, the Town Council finds that it would be in the public interest to create an electric utility enterprise and to expressly recognize the activities thereof as an enterprise within the meaning of said Section 20 of Article X.

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

Section 1) Enterprise Declaration and Creation. There is hereby recognized, established and designated the "Town of Haxtun Electric Utility Enterprise" (the "Enterprise"). The Town Council hereby finds and determines that it will provide electric services by means of the Enterprise in conformity with all applicable Colorado laws. The Town Council further (i) recognizes and confirms that the Enterprise is an "enterprise" within the meaning of the TABOR, and (ii) declares its intent that the Enterprise be operated and maintained so as to exclude its activities from the application of TABOR. The Town Council shall take all actions on behalf of the Enterprise as hereinafter further provided.

Section 2) Governing Board. The Town Council of the Town of Haxtun shall constitute the governing board of the Enterprise (the "Governing Board"). The Governing Board shall

conduct the business of the Enterprise in the same manner and follow the same procedures as the Town Council of the Town. All official business of the Enterprise shall be conducted at regularly scheduled or special meetings of the Town Council. It shall not be necessary for the governing body to meet separately from the regular and special meetings and study sessions of the Town Council, nor shall it be necessary for the governing body to specifically announce or acknowledge that actions taken thereby are taken by the governing body of the Enterprise. The record of the proceedings of the Governing Board may be incorporated in the minutes of the Town Council and shall not be required to be recorded separately. No additional oath of office, qualification or procedure shall apply with respect to service as a member of the Governing Board. All business and actions of the Governing Board shall be governed by and made subject to all requirements, privileges, immunities, protections, limitations, and other provisions of law.

Section 3) Enterprise Powers. The Enterprise shall exercise the powers of an Enterprise under TABOR, including, without limitation, the power to issue or reissue bonds, notes, or other obligations, payable from the revenues derived or to be derived from its provision of services. The Enterprise shall also be entitled to exercise such powers as are set forth in any applicable Colorado law, including the power to set rates, fees and charges for services provided by the Enterprise; provided, however, in no event shall the Enterprise have the authority to levy or collect taxes, whether sales taxes, use taxes or ad valorem taxes, nor shall the Enterprise have the power to direct the Town to exercise its taxing power on behalf of the Enterprise.

Section 4) Assets. Assets to be operated and maintained by the Enterprise shall either remain in the ownership of the Town or be owned by the Enterprise, as the Town Council determines. The Town hereby assigns the use and management of all assets owned by the Town, whether real or personal, to the Enterprise. The Enterprise shall hold title to assets it owns in the name of the “Town of Haxtun, Colorado acting by and through its Electric Utility Enterprise.”

Section 5) Enterprise Fund. An Enterprise Fund shall be established to separately account for all revenues and expenditure incurred by the Enterprise. The Enterprise shall prepare an annual budget which may be included in the budget prepared for the Town. All budgets, reports, audits, and financial operations of the Enterprise shall conform to and be prepared in accordance with generally accepted accounting principles applicable to governmental units and other requirements of law.

Section 6) Ratification and Approval of Prior Actions. All actions heretofore taken by the Mayor, any member of the Town Council, officers and employees of the Town, not inconsistent with the provisions of this Ordinance, relating to the Enterprise, or actions to be taken in respect thereof, are hereby ratified, approved, and confirmed.

Section 7. Severability. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 8. Repealer. All orders, resolutions, bylaws, ordinances or regulations of the Town, or parts thereof, inconsistent with this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw, order or other instrument, or part thereof, heretofore repealed. Neither this repealer nor any other provision of this Ordinance shall be construed to adversely affect or impair any contract entered into by the Town or any enterprise thereof prior to the effective date of this Ordinance.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED this
6 day of November 2023.

TOWN OF HAXTUN, COLORADO

By: _____
Mike Ensminger, Mayor

ATTEST:

Kelsey Harms, Town Clerk

Phillips County is looking for a representative from the Town of Haxtun to join the E911 Board. The E911 board is in charge of the operation (not Comm Center operations) of the 911 service. After some discussion, Ron volunteered to be the representative. A motion was made L. Lundgren and seconded by T. Pope to appoint Ron as the Haxtun representative for the Town of Haxtun, all present voted in favor. Motion passed.

Kelly PC has served as the Town attorney for the last 23 years. They will be raising the rates for 2024. After some discussion, a motion was made by D. Green and seconded by D. Anderson to approve the 2024 rate schedule for legal services. All present voted in favor, motion passed.

CIRSA's 2024 supplemental insurance quotes were discussed by the Council. A motion was made by D. Green and seconded by L. Lundgren to approve the quotes and all present voted in favor. Motion passed.

A motion was made by T. Pope and seconded by B. Cionek to set the 2024 budget hearing for December 4, 2024 during the regular Council meeting. All present voted in favor, motion passed.

The Haxtun Hospital Main Street Clinic project is asking the Council for a continued letter of support. The Council wrote a letter at the beginning of the project and are being asked to continue that support. A motion was made by D. Green and seconded by D. Anderson to continue the letter of support. All present voted in favor, motion passed.

The Town is currently an affiliate of member of the DOLA Colorado Main Street Program. In an October work session a representative of the DOLA Main Street Program presented to the Council to discuss the potential for Haxtun's main street and possibly filing the application to becoming a member. There are a number of benefits made available to those that join and not just for the municipality but also the privately owned businesses. There would need to be a main street manager and a board will need to be organized, Darcy Garretson has so generously volunteered to take on the manager position and help get this started if the Town moves forward. A motion was made by L. Lundgren and seconded by T. Pope to start the application process and move forward to becoming a DOLA Main Street Member and appointing Darcy as the manager. All present voted in favor, motion passed.

The property located at 205 S Colorado Ave known as the old hospital building, also known as the Drake Building. The owners have passed on and the heirs would like to have the building used by local non-profits. The heirs have since agreed to donate the

building to the Town of Haxtun with the understanding it will be used to help the local non-profits. If the Town pursues ownership, there are potentially more resources and grant opportunities to preserve and revitalize the building. Some discussion was held by the Council how this project goes perfectly with what the Main Street Program is trying to do. A motion was made by T. Pope and seconded by L. Lundgren to pursue ownership, all present voted in favor, motion passed.

Discussion Items:

The Council was presented with a couple of examples of Historic Preservation Ordinances. They decided they needed to see a few more examples at the next work session the two examples were either too simplified or too specific and they would like to see something more middle ground.

Some discussion was held on the proposed draft 2024 budget. Some of the discussion included a 4% COLA increase for employees and upping the contribution \$1,000.00 for the county communication center.

2024 water utility rates were discussed. Ron presented some proposed increases. The last increase was done in 2018. We are one of the last communities that have flat rate residential water. The council asked Ron to put together more information what it would look like to have a \$4.00 or \$5.00 increase and present at the next work session.

Staff Reports:

Ron Carpenter, Town Superintendent

- VAP Construction, has completed a majority of the building with a few minor things that they are waiting on replacement parts. When the parts arrive they will complete the construction and finish the spray foam insulation.
- Advanced Pools will be back to finish the decking and install the equipment. Because of the weather turning cold, they will return in the spring to plaster the pool.
- The next steps for the pool include electric and gas installation and more dirt work
- Ron is working on new requirements sent down from EPA regarding lead and copper in water services. An inventory must be done by October 2024, and Ron has requested assistance offered from CDPHE.

Tom Bullard, Chief of Police

- The Police Department participated in Halloween Safety at the Elementary School.
- Tom is gearing up to do some recruitment for a third officer
- As budget discussions happen, Tom would like to eventually replace the Tahoe, but maybe not for another 2 years.

Kelsey Harms, Town Clerk/Treasurer

- The Town Hall is currently getting a new roof
- Election day is on Tuesday the 7th
- The Town received a thank you form CIRSA for continued 2024 membership.

Council Concerns:

- T. Pope was curious what the status was with the Chicken Ordinance, if Tom was having an issues with an increase in predators in Town. Tom noted he has not had any issues.
- L. Lundgren wanted to know if the rest of Prospect Circle would be getting crushed asphalt work done to that road. After last winter she had many complaints from residents

about how rough the dirt road became. Ron is hoping to have enough crushed asphalt to work on that road.

- B. Cionek would like to see Council meetings moved back to Town Hall. Meetings moved to the community center in 2020 so there was more room to follow COVID protocols.

The meeting was adjourned at 8:35 pm subject to the call of the Mayor.

Kelsey Harms
Town Clerk