

Town of Haxtun  
 November 7, 2024  
 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 Town Hall. Roll call was taken with the following council members present; Bob Cionek, Dave Green, Tana Pope, Ryan Horton, and Lori Lundgren. Jon Brammer 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, Carolyn Davis, Librarian, and Kelsey Harms, Town Clerk/Treasurer.

Candie Fix, HF Herald; Stephanie Fold and Tad Odell, Haxtun Supers, Andy Wernsman, First National Bank of Fleming were also present.

**Approval of Agenda:**

A motion was made by L. Lundgren and seconded by R. Horton to approve the agenda with the addition of PD salary adjustments to the discussion items. All present voted yes, the motion carried.

**Consent Agenda:**

A motion was made by D. Green and seconded by T. Pope to approve the consent agenda, which included the regular meeting minutes of October 7, 2024, the following monthly invoices, and transfers of cash. All present voted yes, and the motion carried.

Memo	Bill Memo	Cost
Oct Payroll	Salaries	\$ 49,852.51
Oct Payroll	Taxes	\$ 10,909.25
4S Feed	Economic Incentive	\$ 2,412.50
Amazon	Supplies	\$ 182.49
Black Hills Energy	Utilities	\$ 286.31
CHS	Fuel	\$ 1,020.52
CIRSA	Special Event Ins - CF	\$ 876.15
CIRSA	Kubota M5 addition	\$ 37.51
Colorado State Treasurer	3rd Qtr UITR	\$ 383.62
Davis, Carolyn	Supply Reimb/Cell Stipend	\$ 78.13
FPPA	Pension	\$ 1,478.60
GWRS	Benefits	\$ 2,608.75
Haxtun Hospital	Pre-employment screen	\$ 147.00
Highline Electric	Poles/Siren grant	\$ 2,984.94

Johnson Chiropractic	CDL Physical	\$	120.00
MetLife	Employee life insurance	\$	45.00
NE Safety & Fire	Inspections	\$	506.00
NMPP	September Power	\$	46,454.52
Phillips County Weed & Pest	Pest control	\$	427.64
Precision Plumbing	Library bathroom repairs	\$	193.85
Shipping & Stuff	Format scanning	\$	102.17
Wagoner, Sherri	Training mileage	\$	87.10
Wilson's Repair	Repairs/supplies	\$	1,275.92
Border States	Supplies	\$	458.28
Capital One	Road Rebuild Loan	\$	27,379.14
CDR	Oct. Sales tax	\$	2,896.91
CDR	Oct. Withholding	\$	1,785.00
CK Computers	IT Support	\$	85.00
Colorado Analytical	Water testing/supplies	\$	488.00
Data Shield	Shredding	\$	60.00
ERHBC	Books	\$	387.60
FirstNet	PD Phones	\$	264.13
Freemyer, Vicki	Supply reimbursement	\$	192.00
Gonzalez, Nancy	Library Cleaning	\$	75.00
Gray, Jean	MD Refund	\$	25.00
Great Copier Service	Meter billing	\$	84.42
Haxtun Building Center	Supplies	\$	607.22
Haxtun Telephone	Phones/Internet	\$	752.55
H-F Herald	Publications	\$	1,126.52
Highline	Utilities	\$	130.22
Kart Man	Supplies	\$	1,824.79
Kart-Man	supplies	\$	409.81
Kelly PC	Legal Services	\$	994.50
Kuehn, Chris	Cleaning services	\$	420.00
Lyle's Service	Repairs	\$	381.83
MASA	Benefits	\$	196.00
NE Safety & Fire	Maintenance	\$	1,378.00
Ober, Randy	MD Refund	\$	94.67
PC Telcom	Phone/Email	\$	41.86
Phillips County Landfill	Appliance Recycle	\$	264.00
Phillips County Treasurer	Oct. Sales Tax	\$	371.60
PSHCG	Benefits	\$	14,716.25
Red J Welding	Supplies	\$	38.66
Red J Welding	Repairs	\$	371.20
UNCC	Notifications	\$	19.35
USPS	Postage	\$	353.00

VSP	Benefits	\$	114.15
Wild Horse Machine	Fork Extensions	\$	523.14

Transfers of Cash

10/11/2024 Transfer #1: \$134,100.00 for accounts payable

10/15/2024 Transfer #2: \$21,200.00 for payroll

10/16/2024 Transfer #3: \$5,600.00 for accounts payable

10/30/2024 Transfer #5 \$29,200.00 for payroll

**Public Comment:**

Andy Wernsman with First National Bank of Fleming addressed the Council regarding the bank’s recent acquisition of the Haxtun Liquor Store. The bank is working on someone to run the store and get a current liquor license and then sell the small business once it is up and running again. The bank’s concern is if the grocery store obtains a beer and wine license the convince of getting those items at the grocery store will hurt potential business of the liquor store, and thinks it is in the Town’s best interest to support local small business.

**Regular Business:**

Mayor Ensminger opened the public hearing to consider the adoption of an ordinance adopting the Haxtun Code of Ordinances, published by the Haxtun Town Council and American Legal Publishing. The hearing opened at 7:07 pm and closed at 7:08 pm after no comment from the public.

Mayor Ensminger opened the public hearing for Haxtun Super’s Fermented Malt Beverage and Wine Retailer License at 7:09 pm. Tad Odell owner of the store addressed the Council. He understands the concerns Andy and the Bank presented during the public comment. He believes that competition is good for businesses and this allows customers to shop local and keep spending in Haxtun. Mr. Odell stated he has been asked by customers to carry beer and is currently licensed in his other stores located in Akron, Wiggins, Crook, and Walden. He believes the beer compliments the grocery items and the license would be good for the Town and Haxtun Supers. After no other comments, the hearing was closed at 7:14pm.

Mayor Ensminger opened the public hearing for the Haxtun Volunteer Fire Department Special Event Liquor License for their Annual Rocky Mountain Oyster Fry at 7:15pm. R. Carpenter spoke on behalf of the Fire Department stating this is the 3<sup>rd</sup> year of the event and it will be set up the same as previous years. Chief Bullard stated he does not have any concerns about the event. The hearing was closed at 7:16 pm

Mayor Ensminger opened the final public hearing for the evening for Little Sprouts Learning Center Special Event Liquor License for their Annual Gala Fundraiser. The event will be held in the Community Center and is set to be set up similarly as the years prior. No other discussion was held and the hearing closed at 7:17pm.

Librarian Carolyn Davis was present to present her proposed 2025 budget and discuss her report that was included in the board packet.

Clerk Harms has been working the American Legal Publishing and the Town attorney to codify the ordinances. A motion was made by L. Lundgren and seconded by T. Pope to approve the second reading of Ordinance 2024-7 an Ordinance Adopting by Reference and Enacting a New Municipal Code for the Town of Haxtun; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing for the Adoption of Secondary Codes by Reference: And Providing Penalties For the Violation Thereof". All present voted in favor motion passed.

### **ORDINANCE NO. 2024-7**

### **AN ORDINANCE ADOPTING BY REFERENCE AND ENACTING A NEW MUNICIPAL CODE FOR THE TOWN OF HAXTUN; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING FOR THE ADOPTION OF SECONDARY CODES BY REFERENCE; AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF**

WHEREAS, Town staff and American Legal Publishing Corporation have prepared a codification of the general and permanent ordinances of the Town of Haxtun; and

WHEREAS, the Town Council desires to adopt the new code of ordinances; and

WHEREAS, the Town Council after proper notice has held a public hearing on this ordinance providing for the adoption of the new Town of Haxtun Code of Ordinances.

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

**Section 1.** The code entitled the *Town of Haxtun, Colorado Code of Ordinances*, published by American Legal Publishing Corporation, consisting of Titles I through XV, and the tables and indices thereto, each inclusive (the "Code"), is hereby adopted.

**Section 2.** All ordinances of a general and permanent nature enacted on or before the adoption date of this Ordinance, which are inconsistent with the provisions of the *Town of Haxtun, Colorado Code of Ordinances*, to the extent of such inconsistency, are hereby repealed.

**Section 3.** The repeal established in Section 2 of this Ordinance shall not be construed to revive any ordinance or part thereof that had been previously repealed by any ordinance which is repealed by this Ordinance.

**Section 4.** The following secondary codes were previously adopted by reference and incorporated in the *Town of Haxtun, Colorado Code of Ordinances*. Copies of each are on file in the Town Clerk's office:

- (1) The *Model Traffic Code for Colorado*, 2003 edition, promulgated and published by the Colorado Department of Transportation, Traffic Engineering and Safety Branch, as adopted in Chapter 70 of the Code.

(2) The *Uniform Building Code*, 1991 Edition, as published by the International Conference of Building Officials, as adopted in Chapter 150 of the Code.

(3) The *Uniform Housing Code*, 1991 Edition, as published by the International Conference of Building Officials, as adopted in Chapter 150 of the Code.

(4) The *Uniform Fire Code*, 1991 Edition, as published by the International Conference of Building Officials, as adopted in Chapter 150 of the Code.

(5) The *National Electric Safety Code*, 1990 Edition, as published by the Institute of Electrical and Electronics Engineers, as adopted in Chapter 150 of the Code.

(6) The *Uniform Plumbing Code*, 1991 Edition, as published by the IAPMO Publications Department, as adopted in Chapter 150 of the Code.

(7) The *Dangerous Building Code*, 1991 Edition, as published by the International Conference of Building Officials, as adopted in Chapter 150 of the Code.

**Section 5.** The penalties provided by the *Town of Haxtun, Colorado Code of Ordinances* are hereby adopted as follows:

**§ 10.99 General Penalty (Chapter 10, General Provisions)**

(A) (1) *Violation; misdemeanor; exception.* Any person violating any of the provisions or failing to comply with any of the mandatory requirements of any ordinances of the town is guilty of a misdemeanor, unless the violation is made an infraction by ordinance.

(2) *Misdemeanor; penalty.* Except in cases where a different punishment is prescribed by any ordinance of the town, any person convicted of a misdemeanor for violation of an ordinance of the town is punishable by a fine of not more than \$300.

(3) A petty offense includes those offenses for which a fine only may be imposed upon conviction of a violation.

(4) *Infraction; penalty.* Any person convicted of an infraction for violation of an ordinance of the town is punishable by:

(a) A fine not exceeding \$50 for first violation;

(b) A fine not exceeding \$100 for a second violation of the same ordinance within one year; and

(c) A fine of not exceeding \$300 for each additional violation of the same ordinance within one year.

(5) *Each a separate offense.* Each such person is guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the town is committed, continued or permitted by any such person, and he or she is punishable accordingly.

**§ 50.99 Penalty (Chapter 50, Water)**

Any person who does or performs any act or thing prohibited by this chapter or otherwise than in accordance with its provisions, or violates any or either of the rules or regulations, shall be guilty of a misdemeanor and, on conviction therefor, in addition to the enforcement of the forfeitures, liabilities, stipulations and reservations, shall be fined in the sum of not more than \$100.

**§ 51.99 Penalty (Chapter 51, Sewer)**

Any person violating any provision of this chapter shall be subject to § 10.99 of this code of ordinances.

**§ 70.99 Penalty (Chapter 70, Traffic)**

The following penalties, herewith set forth in full, shall apply to this traffic code.

(A) It is unlawful for any person to violate any of the provisions adopted in this traffic code.

(B) Every person convicted of a violation of any provision adopted in this traffic code shall be punished by a fine not exceeding \$300.

**§ 71.99 Penalty (Chapter 71, Recreational Vehicles)**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § [10.99](#) of this code of ordinances.

(B) (1) The first violation of § [71.01](#) of this chapter shall carry a fine of up to \$50. The second violation by the same truck, trailer, recreational vehicle, semi-trailer, truck-tractor or oversized vehicle or same person shall carry a fine of up to \$150. The third violation and any further violation shall carry a fine of up to \$300. Each day that the violation continues shall be considered a separate violation.

(2) Upon a third violation or more, or whenever a truck, trailer, semi-trailer, truck-tractor, oversized vehicle or recreational vehicle has been left on a public street or right-of-way of the town for a period of more than 72 consecutive hours, such truck, trailer, semi-trailer, truck-tractor, oversized vehicle may be towed and impounded by or at the direction of the Police Department or the Town Administrator. In the case of towing and impoundment of any motor vehicle or trailer pursuant to § [71.01](#) of this chapter, the town and/or Police Department shall follow the procedures set forth in C.R.S. Title 42, Art. 4, part 18, as now existing or as hereafter amended, relating to abandoned motor vehicle for the purposes of such procedures.

(C) Any operator who violates any provision of §§ [71.15](#) through [71.19](#) of this chapter shall be charged with a misdemeanor and shall be punished by a fine of not more than \$500.

(1) A permit issued under §§ [71.15](#) through [71.19](#) of this chapter may be revoked or modified at any time by the Chief of Police or designee if there is evidence that the permit holder cannot safely operate a motorized golf cart on the town streets. For purposes of §§ [71.15](#) through [71.19](#) of this chapter, not following any of the regulations and limitations constitutes evidence that the operator cannot safely operate a motorized golf cart on the town streets.

(2) An operator whose permit has been revoked may appeal the revocation to the Municipal Court Judge. Appeals shall be submitted in writing to the Municipal Court within 20 days of the date of revocation.

(D) Any person who violates any provision of §§ [71.30](#) through [71.34](#) of this chapter shall be subject to the penalties as set forth in § [10.99](#) of this code of ordinances.

**§ 90.99 Penalty (Chapter 90, Animal Control)**

(A) Fines and penalties generally.

(1) Any person who violates any provision of this chapter shall be punished by a fine of not more than \$300. Each day during any portion of which any violation of any provision of this chapter is committed, continued or permitted by any such person shall be a separate offense.

(2) The remedies contained in this division (A) are cumulative and are in addition to all other remedies available to the town.

(B) Fines and penalties for violations regarding dangerous dogs.

(1) First offense: mandatory court appearance and fine of \$100 minimum and \$500 maximum; and

(2) Second offense: mandatory court appearance and fine of \$200 minimum and \$500 maximum and animal to be disposed of.

**§ 91.99 Penalty (Chapter 91, Nuisances)**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Whenever in any section of §§ 91.01 through 91.08 of this chapter the doing of any act is required, prohibited or declared to be unlawful, any person who shall be convicted of a violation of any section of §§ 91.01 through 91.08 of this chapter shall be fined in a sum not more than \$300. Each day that such condition continues shall be regarded as a new and separate offense.

**§ 92.99 Penalty (Chapter 92, Fire Prevention and Protection)**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § [10.99](#) of this code of ordinances.

(B) (1) (a) Any person, firm or corporation, except members of the Fire Department in the performance of their duties as such and others acting under orders of the Chief of the Fire Department, violating any of the provisions of §§ [92.01](#) through [92.07](#) of this chapter shall, upon conviction thereof, be fined not less than \$5 and not more than \$300 for each offense. Members of the Fire Department, when acting as such, violating any of the provisions of §§ [92.01](#) through [92.07](#) of this chapter shall be dealt with in accordance with the bylaws of the Fire Department.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions and the imposition of one penalty for any violation of §§ [92.01](#) through [92.07](#) of this chapter shall not excuse the violation, or permit it to continue; and all persons convicted thereof shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

(2) Upon conviction of violating the provisions of § [92.07](#) of this chapter, the offender shall be fined not less than \$5, nor more than \$100, and the cost of suit for each and every offense.

(C) Every person convicted of a violation of § [92.08](#) of this chapter shall be fined in the sum of \$25.

(D) (1) Any person, firm or corporation violating any provision of §§ [92.20](#) through [92.36](#) of this chapter shall, upon conviction thereof, be fined in a sum not less than \$5, nor more than \$300, for each offense. Each 25 hours of use of equipment not meeting the requirements of §§ [92.20](#) through [92.36](#) of this chapter or use of flammable gas without a permit, or of operating as a dealer without a dealer's license shall constitute a separate offense.

(2) Any person failing to abate such nuisance, per § [92.36](#) of this chapter, after written notice is served upon him or her that it has been declared such by the Board of Trustees shall be deemed guilty of a separate offense for each 24 hours he or she permits such nuisance to exist and, upon conviction for each such offense, he or she shall be fined not less than \$50, nor more than \$300.

(E) (1) Any person, firm, association or corporation who violates or causes to be violated any provision of §§ [92.50](#) through [92.58](#) of this chapter shall, upon conviction thereof, be fined not more than \$300 for each offense.

(2) Any person who aids, abets or assists, or advises and encourages the violation of §§ [92.50](#) through [92.58](#) of this chapter shall upon conviction thereof be fined not more than \$300 for each offense.

#### **§ 93.99 Penalty (Chapter 93, Smoking in Public Places)**

(A) It is unlawful for a person who owns, manages, operates or otherwise controls the use of a premises subject to this chapter to violate any provision of this chapter.

(B) It is unlawful for a person to smoke in an area where smoking is prohibited pursuant to this chapter.

(C) A person who violates this chapter, upon conviction thereof, shall be punished by a fine not to exceed \$200 for a first violation within a calendar year, a fine not to exceed \$300 for a second violation within a calendar year and a fine not to exceed \$500 for each additional violation within a calendar year. Each day of a continuing violation shall be deemed a separate violation.

#### **§ 94.99 Penalty (Chapter 94, Parks and Recreation)**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § [10.99](#) of this code of ordinances.

(B) Any person who violates §§ [94.01](#) through [94.05](#) of this chapter may be fined the sum of not more than \$300 for each such violation.

#### **§ 110.99 Penalty (Chapter 110, Alcoholic Beverages)**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § [10.99](#) of this code of ordinances.

(B) Any person found guilty of violating § [110.17](#) of this chapter shall be fined in an amount not to exceed \$300.



**§ 111.99 Penalty (Chapter 111, Marijuana Businesses).**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § [10.99](#) of this code of ordinances.

(B) A violation of the provisions of §§ [111.01](#) and [111.02](#) of this chapter shall be punishable as follows:

(1) By a fine of not more than \$300;

(2) Each and every day a violation of the provisions of §§ [111.01](#) and [111.02](#) of this chapter is committed, exists or continues shall be deemed a separate offense;

(3) The town is specifically authorized to seek an injunction, abatement, restitution or any other remedy necessary to prevent, enjoin, abate or remove the violation; and

(4) Any remedies provided for herein shall be cumulative and not exclusive, and shall be in addition to any other remedies provided by law or in equity.

(C) A violation of the provisions of §§ [111.15](#) through [111.17](#) of this chapter shall be punishable as follows:

(1) By a fine of not more than \$300;

(2) Each and every day a violation of the provisions of §§ [111.15](#) through [111.17](#) of this chapter is committed, exists or continues shall be deemed a separate offense;

(3) The town is specifically authorized to seek an injunction, abatement, restitution or any other remedy necessary to prevent, enjoin, abate or remove the violation; and

(4) Any remedies provided for herein shall be cumulative and not exclusive, and shall be in addition to any other remedies provided by law or in equity.

**§ 112.99 Penalty (Chapter 112, Peddlers and Solicitors)**

Any person who violates any provision of this chapter shall be guilty of a municipal offense, punishable as provided in § [10.99](#) of this code. Each and every day during any portion of which any violation of any provision of this chapter is committed, continued or permitted by any such person shall be deemed a separate offense.

**§ 114.99 Penalty (Chapter 114, Sexually Oriented Businesses)**

Any person who violates any provisions of this chapter shall be punished by a fine of not more than \$300. Each day during any portion of which any violation of any provision of this chapter is committed, continued or permitted by any such person shall be a separate offense.

**§ 130.99 Penalty (Chapter 130, General Offenses)**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § [10.99](#) of this code of ordinances.

(B) (1) It is unlawful to keep any house or room within the corporate limits of the town for the purpose of gambling, per § [130.07\(A\)](#) of this chapter and any person or persons offending against the provisions of this section shall, upon trial and conviction of the offense, be fined in any sum not to exceed \$300 and costs of suit.

(2) If any person or persons engage in any game of chance within the corporate limits of the town, per § [130.07\(B\)](#) of this chapter, he or she shall, upon trial and conviction thereof, be deemed guilty of a misdemeanor and be fined in any sum not less than \$10, nor more than \$300 and costs of suit.

(3) If any person or persons found guilty of a violation of § 130.07 of this chapter fails immediately to pay his or her fine and costs, the town may, at its option, collect the fine and costs at a civil action brought for that purpose.

(C) (1) A violation of § 130.11(A) of this chapter is a petty offense and, upon conviction, only a fine, not to exceed \$100, shall be imposed.

(2) A violation of § 130.11(B) of this chapter is a petty offense and, upon conviction, only a fine, not to exceed \$100, shall be imposed.

(D) The penalty for a violation of § 130.12 of this chapter shall be at the discretion of the Court, not to exceed \$300.

(E) Any person found guilty of violating § 130.17 of this chapter shall be fined in an amount not to exceed \$300.

(F) Any person found guilty of violating § 130.19 of this chapter shall be fined in an amount not to exceed \$300.

#### **§ 131.99 Penalty (Chapter 131, Curfew)**

(A) Every parent, guardian or other person having the legal care, custody or control of any person under the age of 18 years who allows or permits such person to violate any provision of this chapter shall be in violation of the Municipal Code and, upon first conviction, shall be fined not less than \$100, nor more than \$300.

(B) Upon conviction of a second offense, every parent, guardian or other person having the legal care, custody or control of any person under the age of 18 years who allows or permits such person to violate this chapter shall be fined not less than \$200.

#### **§ 150.99 Penalty (Chapter 150, Building Codes)**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Anyone violating any of the provisions of §§ 150.20 through 150.27 of this chapter shall, upon conviction, be subject to a fine not exceeding \$25.

(C) It shall be unlawful for any person, firm or corporation to maintain any property of cause or permit the same to be done in violation of the terms of §§ 150.40 through 150.44 of this chapter. Those persons or entities in violation of the provisions of §§ 150.40 through 150.44 of this chapter may be subject to a fine not to exceed \$500 for each violation of §§ 150.40 through 150.44 of this chapter, for each day that the property is not in compliance with the provisions of §§ 150.40 through 150.44 of this chapter.

#### **§ 151.99 Penalty (Chapter 151, Housing Code)**

Any person who violates this chapter, upon conviction thereof, shall be punished by a fine not to exceed \$300. Each day of a continuing violation shall be deemed a separate violation. It shall be the duty of the town's Building Inspector to enforce the provisions of this chapter and to bring to the attention of the proper enforcement officers of the town any violations thereof, and when required for the proper enforcement of this chapter, it shall be the duty of the town's Building Inspector to make and file with the Police Department a written complaint against any such violator.

#### **§ 152.99 Penalty (Chapter 152, Sidewalk Construction)**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person violating the provisions of § 152.01 of this chapter shall, upon conviction, be fined any sum not exceeding \$10 and costs of conviction, to be enforced and collected in the manner provided by law therefor.

(C) Any violation of § 152.02 of this chapter shall subject the offender to a fine of not more than \$25 and costs of conviction, to be enforced and collected in the manner provided by law therefor.

(D) Any person, firm or corporation who fails to comply with any of the provisions of § 152.03 of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, be fined in a sum not less than \$1, nor more than \$25, and costs of suit; and, provided further that, the town may cause all the aforesaid work or duties to be done by the duly authorized person or persons acting for the town, and the expense thereof shall be charged up to and assessed and taxed against the property or properties of the persons who fail to comply with the provisions aforesaid, the sum or any sums thus expended may be recovered against the owner or occupant of the property, convicted of a violation of § 152.03 of this chapter in a civil action brought for that purpose.

(E) (1) If any person, association or corporation destroys or injures any sidewalk, crosswalk, bridge, culvert or causeway within the town, by the transportation over the same of any of the heavy machinery or vehicles as set out in § 152.04 of this chapter, or in any way or manner violates § 152.04 of this chapter, he or she shall be guilty of a misdemeanor and, upon conviction, shall be fined in a sum of not less than \$5, nor more than \$100, and costs of suit and shall also be liable for all damages occasioned thereby, and for the necessary cost of rebuilding and repairing the sidewalk, crosswalk, bridge, culvert or causeway so injured.

(2) It is further provided that the penalty and damages provided for by § 152.04 of this chapter may be, at the option of the Board of Trustees, recovered in a civil action brought in a court of record in the county for that purpose.

(F) Any person or persons who fail to make such walk or repairs after notice, per § 152.29 of this chapter, or shall be guilty of a violation of any of the provisions of §§ 152.20 through 152.35 of this chapter shall, upon conviction thereof, be fined in a sum not less than \$50 and costs of suit.

**§ 153.99 Penalty (Chapter 153, Trees)**

Violation under this chapter will be punishable by fine, pursuant to this municipal code.

**§ 154.99 Penalty (Chapter 154, Airport)**

Any person, firm or corporation violating any provision of this chapter, upon conviction thereof, shall be fined not less than \$25, nor more than \$100, for each offense.

**§ 156.999 Penalty (Chapter 156, Zoning)**

Failure to comply with all of the provisions of this chapter, unless a variance has been authorized by the Board of Adjustment, shall constitute a misdemeanor and upon conviction is punishable by a fine not to exceed \$100 for each offense, such fine to inure the town. Each day that such a violation continues to exist shall be considered as a separate offense.

**Section 6.** Additions or amendments to the Code, when passed in the form as to indicate the intention of the Town to make the same a part of the Code, shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

**Section 7.** Ordinances adopted after this Ordinance that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to those provisions of the Code.

**Section 8.** If any paragraph, section, sub-section, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid, unconstitutional and/or unenforceable, such provisions shall be deemed to be separate, distinct and independent and the remaining provisions of this Ordinance shall continue in full force and effect.

**Section 9.** This Ordinance shall become effective thirty (30) days after publication thereof as provided by Colorado Revised Statutes § 31-16-105.

INTRODUCED, READ, ADOPTED ON FIRST READING THIS 7<sup>th</sup> day of OCTOBER, 2024.

READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED this 4<sup>th</sup> day of NOVEMBER, 2024.

TOWN OF HAXTUN

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Mike Ensminger, Mayor

ATTEST:

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Kelsey Harms, Town Clerk

B. Cionek recused himself from the Haxtun Super's Liquor License discussion and vote due to his involvement with the Liquor Store. A motion was made by D. Green and seconded by R. Horton to approve the Fermented Malt Beverage and Wine Retailer License Application. A roll call vote was taken, motion passed.

L. Lundgren: YES  
D. Green: YES  
T. Pope: YES  
R. Horton: YES  
M. Ensminger: YES  
B. Cionek: RECUSED

A motion was made by L. Lundgren and seconded by T. Pope to approve the Special Event Liquor License for the Haxtun Volunteer Fire Department. A roll call vote was taken, all present voted in favor, motion passed.

A motion was made by D. Green and seconded by B. Cionek to approve the Special Event Liquor License for Little Sprouts Learning Center. A roll call vote was taken, all present voted in favor, motion passed.

At the October work session, R. Carpenter presented a contract from Element Engineering to help the Town of Haxtun come into compliance with the WWTP Discharge Permit. The contract includes the initial seepage analysis for \$7,500 and the study and data analysis for \$1,500. A motion was made by L. Lundgren and seconded by D. Green to approve the contract. All present voted in favor, motion passed.

R. Carpenter presented a contract from Advanced Pools and Spas for a 2025 dewinterization to get the pool prepped and ready for the 2025 season for \$4,650 and to supply and install a Levolor Electronic Auto Fill and Sensor for \$2,750. Carpenter explained that with the all-new mechanical room and pool he would like Advanced to come out in April and show the Town crew how to prep and get the pool ready since winterizing. The Auto filler will help maintain the water level for the 2025 season so that does not have to be done manually multiple times each day. A motion was made by T. Pope and seconded by D. Green to approve the contract for 2025. All present voted in favor, motion passed.

A motion was made by L. Lundgren and seconded by R. Horton to set the 2025 budget hearing for December 2, 2024 at 7:00 pm at Haxtun Town Hall. All present voted in favor, motion passed.

### **Discussion Items:**

The proposed 2025 budget was presented to the Council as they went over each account. No changes were made except for in the airport fund. R. Carpenter is working on a grant for a new concrete apron at the airport. If awarded the grant from CDOT it would be a 90/10 split on an \$87,000 project. The Town would be responsible for 10% of the project. Carpenter explained he budgeted for the project but would not know if he received the grant until January.

Chief Bullard presented possible numbers for a Police Salary adjustment. Chief Bullard is hoping that if increasing the salaries it would attract more candidates for the open 3<sup>rd</sup> officer position. Currently a new officer would start at \$41,000 annual salary. Chief Bullard also presented increases for the rest of the Police staff. The Council would like to see more information if the new hire salary was bumped to \$48,000 annual salary but keeping everyone else on the current pay scale. The adjustment will be presented to the Council at the November work session.

### **Staff Reports:**

Ron Carpenter, Town Superintendent

- Building Permits per Agenda Packet
- Discussed the airport grant with the budget discussion

- Simon started working 11/4 on the S. Colorado paving project. The project starts at Highway 6 and goes South to Third Street. The project is projected to take 2 weeks, weather permitting.
- The Division of Oil and Public Safety was doing fuel tank inspections in the area earlier this month. They noticed the large fuel tank and the Town's shop. All fuel tanks are supposed to be registered with the State. Ours is not registered and currently does not meet regulations. Carpenter is working with the division to come into compliance and is working to get quotes on a new tank that would meet requirements. Carpenter noted that buying fuel in bulk saves the Town money and is much more economical than purchasing at the pump.

Tom Bullard, Police Chief

- Approached by business owner Jim Helfer about the stretch of no parking on the street across from his Store. R. Carpenter explained it was put in place years ago to keep the street from being completely blocked off when the Building Center deliveries were being unloaded. Carpenter and Chief Bullard were going to look at possibly opening some of the street back up to parking.
- The PD Deployed a rollable stop sign and speed bump at the school to help better direct traffic. The Ag department at the school is also working to build a metal sign that can also be used to direct traffic during school pickup.

Kelsey Harms, Town Clerk/Treasurer

- Thank you from the Triple R Saddle club for the new crow's nest and old tractor donation to the arena. The card came with a \$300 donation.
- CML is hosting an effective governance class in Sterling 12/5/24 from 10am – 2pm. If Council members would like to attend let Clerk Harms know.
- Election Day is 11/5/24. The polls close at 7pm

**Council Concerns:**

D. Green asked Carpenter if he had come up with a solution to the concrete that is tight around the trees on Colorado Ave. Carpenter informed the Council he is still working on a solution.

**Adjournment:**

The meeting adjourned at 8:39 pm subject to the call of the Mayor.

Kelsey Harms  
Town Clerk/Treasurer