

Town of Haxtun

November 7, 2022

REGULAR MEETING

MINUTES

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

Staff members present were Ron Carpenter, Town Superintendent, and Kelsey Harms, Town Clerk/Treasurer.

Dave Green was in attendance.

A motion was made by B. Cionek and seconded by T. Pope to approve the agenda, all present voted yes, and the motion carried.

A motion was made by R. Horton and seconded by M. Ensminger to approve the consent agenda, which included the regular meeting minutes of October 3, 2022, special meeting minutes of October 24, 2022, and the following monthly invoices to be paid, and transfers of cash. All present voted yes, and the motion carried.

October Payroll	Salary	\$	45,292.32
October Payroll	Taxes	\$	9,855.14
Amazon	Laptop	\$	719.84
Black Hills Energy	Utilities	\$	258.49
Blochowitz Ditching	Repairs	\$	2,803.65
CHS High Plains	Fuel	\$	833.90
	Corn Fest Special	\$	787.05
CIRSA	Event	\$	82.00
CIRSA	Property/Casualty	\$	235.00
	Water/Wastewater	\$	313.15
Colorado Analytical	Report	\$	410.00
Colorado State		\$	16,499.00
Treasurer	Unemployment Ins.	\$	4,714.00
COVA	PD Annual Conference	\$	1,144.44
FPPA	22 Old Hire	\$	534.10
	Contribution/State	\$	41.06
FPPA	Match	\$	296.97
GWRS	Retirement	\$	275.00
Haxtun Telephone	Phones	\$	270.00
Haxtun Car Wash	PD Fleet	\$	392.00
H-F Herald	Supplies/Publication	\$	43,295.47
Kenyon P. Jordan, Ph.D.	PD Eval	\$	
Kuehn, Chris	Janitorial	\$	
NMPP	Training & Safety	\$	
NMPP	Sept. Power	\$	

Phillips Cnty. Abstract	Skyland Annex	\$	100.00
Phillips Cnty. Econ. Dev.	4th Qtr Dues	\$	1,750.00
Phillips Cnty Landfill	Dump Fee	\$	2,234.52
Rocky Mtn. Info. Network	Annual Membership	\$	50.00
School Lockers.com	Evidence Locker	\$	3,118.20
Smoketrails	PD Supplies	\$	2,353.93
Spelts Roofing	Repairs	\$	1,237.50
USPS	Postage	\$	236.00
Viaero	Cell Phone	\$	405.92
Viceroy Hotel	PD Conference	\$	511.91
Wilson's Repair	Repairs	\$	1,641.53
Apex Shredding	Shredding	\$	60.00
Atchison, Jeremy	Reimbursement	\$	287.57
Black Hills Energy	Utilities	\$	22.21
Border States	Tools/Equipment	\$	1,825.01
Buck's Painting	Repairs	\$	100.00
Capital One	Street Bond	\$	27,379.14
CEBT	Insurance	\$	14,310.00
Cerberus Munitions	PD Supplies	\$	7,286.52
CK Computers	Election	\$	195.00
Colorado Analytical	Water Testing	\$	1,805.40
Colorado Dept. of Revenue	Oct. Withholding	\$	1,584.00
Colorado Dept. of Revenue	Oct. Sales Tax	\$	2,447.42
Colorado Library Consortium	Courier Service	\$	941.59
Dana Kepner	Repairs	\$	169.05
Edward R Hamilton	Books	\$	77.17
Ensminger Construction	Repairs	\$	9,208.40
Every Bloomin' Thing	Memorial Plant	\$	50.00
Garrison, Cade	MD Refund	\$	55.34
GORBOW, LLC	MD Refund	\$	120.10
Haxtun Building Center	Supplies	\$	1,930.43
Haxtun Supers	Supplies	\$	112.47
Haxtun Telephone	Install	\$	1,214.40
Haxtun Telephone	Phones	\$	466.95
Highline Electric	Utilities	\$	141.19
Johnson Chiropractic	DOT Physical	\$	120.00
Kelly PC	Attorney	\$	2,682.50
Kinsco	PD Supplies	\$	1,280.69
Kuehn, Chris	Janitorial	\$	300.00
MASA	Supplemental	\$	196.00

Municipal Supply, Inc. of NE	Water Repairs	\$	1,867.00
NE Safety & Fire	Inspections/FE	\$	1,552.00
NMPP	Power	\$	40,478.47
PC Telcom	Internet	\$	208.25
PCN Strategies	PD Computers	\$	9,986.61
Phillips Cnty Landfill	Dump Fee	\$	1,676.88
Phillips Cnty Sheriff's Office	COVA Conference	\$	503.52
Phillips County Treasurer	Oct. Sales Tax	\$	2,676.93
Positive Promotions	Halloween Supplies	\$	278.55
Precision Plumbing	Repairs	\$	6,731.01
Rudy's	Repairs	\$	249.69
Simon	Street Project	\$	497,042.80
Standard	Supplemental	\$	158.50
Sun Life	Supplemental	\$	116.32
UNCC	Transmissions	\$	15.60
US Postmaster	Postage	\$	236.00
VSP	Supplemental	\$	230.11
Wilson's Repair	Repairs	\$	90.99
Wyatt's Sprinkler	Repairs	\$	19.63

Transfers of Cash

09/08/22 Transfer #1 - \$516,847.56 for Street Project

10/11/22 Transfer #1 - \$418,938.36 for Street Project

10/11/22 Transfer #2 - \$137,000 for accounts payable

10/13/22 Transfer #3 - \$19,300 for payroll

10/18/22 Transfer #4 - \$8,303.98 Cap Savings to Savings

10/19/22 Transfer #5 - \$16,000 for accounts payable

10/19/22 Transfer #6 - \$25889.25 returning pool funds from rendering/plans

10/31/22 Transfer #7 - \$20,200 for payroll

Public Comment:

None

Regular Business:

A Public Hearing was held for the special event liquor license permit for the Haxtun Volunteer Fire Department Rocky Mountain Oyster Fry. The fire department and the American Legion are hosting the oyster fry on the opening day of pheasant season. A meal will be served, and a silent auction will take place. There was no public comment, and the hearing closed. R. Horton made the motion to approve the liquor and was seconded by T. Pope. A roll call vote was taken:

BC: YES

RH: YES

RM: YES

ME: YES

TP: YES

Motion passed.

Discussion was held on T. Bullard's salary as Interim Police Chief. A motion was made by M. Ensminger and seconded by R. Horton to increase his salary to an amount equal to \$63,000 annual. Motion passed.

7:21 pm R. Horton left the meeting to respond to a fire call close to his place of business.

A motion was made by T. Pope and seconded by M. Ensminger to adopt Ordinance 2022-6 Golf Cart. Motion passed, and the ordinance was adopted as follows:

TOWN OF HAXTUN

ORDINANCE NO. 2022-6

AN ORDINANCE AMENDING TITLE 10 OF THE HAXTUN MUNICIPAL CODE, MOTOR VEHICLES AND TRAFFIC, TO ADOPT A NEW CHAPTER 10.40 REGULATING GOLF CARTS ON TOWN STREETS AND HIGHWAYS.

WHEREAS, The Town of Haxtun, Colorado, acting by its Board of Trustees, may regulate the operation of golf carts on streets and highways within the Town; and

WHEREAS, a golf cart may be operated on the public streets, roads, and highways within the Town when authorized by the Town; and

WHEREAS, the Town acknowledges that no street or road that is part of the state highway system may be so designated, and it is not the intent of the Board of Trustees when adopting this ordinance to designate any such street or road; and

WHEREAS, many of the residents of the Town of Haxtun own and use golf carts, and the Town Board of Trustees believes that the use of golf carts is an efficient mode of transportation on Town roadways when operated safely; and

WHEREAS, the Board finds it is in the best interest of the health, welfare, and safety of its residents to amend the Haxtun Municipal Code to repeal and reenact in its entirety Ordinance 2020-5.

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

Section 1. Ordinance 2020-5 of the Haxtun Municipal Code is hereby repealed in its entirety and replaced by the new Ordinance 2022-6, to read as follows:

Chapter 10.40 GOLF CARTS

Sections:

10.40.010	Definitions
10.40.020	Designation of Golf Cart Routes
10.40.030	Requirements and Limitations
10.40.040	Safety Equipment Required
10.40.050	Violations
10.40.060	Limitation of Liability

10.40.010 Definitions. As used in this Chapter 10.40, unless the context otherwise requires, the following words and terms shall have the following meanings:

A. "Golf Cart" is a gas or electric powered vehicle having three or four wheels designed and intended to transport golf equipment and people while playing golf and not designed primarily for travel on public highways, with a designed speed of less than twenty-five miles per hour.

B. "Town Streets" is that portion of a town highway, road, street, alley, or right of way; that is improved, designed, or ordinarily used for vehicular travel or parking. Town streets do not include Colorado state highways.

C. "Operator" is the person who is in actual physical control of the vehicle.

D. "Insured" is the same liability insurance requirements needed to operate a vehicle in the state of Colorado.

E. "State and Town traffic laws" means laws of the State of Colorado regulating traffic and any traffic codes adopted by the Town.

F. "Valid driver's license" is any current, legal license not subject to revocation or suspension.

10.40.020 Designation of Golf Cart routes. All Town streets, not including Colorado state highways, are hereby designated as Golf Cart routes.

10.40.030 Requirements and limitations. Operation of a golf cart by permit is hereby authorized on all the Town Streets within the Town of Haxtun. Any person operating a golf cart under permit has all the rights and duties applicable to the driver of any other vehicle, except when those provisions cannot reasonably be applied to operating a golf cart. Town Streets are open for golf cart use under the following conditions and restrictions:

A. The Operator must have in their possession a valid, current, and un-revoked driver's license.

B. The Operator is a licensed driver sixteen (16) years of age or older.

C. The Operator must have in their possession a valid, current, and un-revoked permit issued to the operator by the Chief of Police or designee. Any person, 16 years and older, holding a valid, current driver's license may apply for a permit. All permits shall expire annually on January 1, unless renewed. The fee for the permit shall be set by resolution. The Town of Haxtun Board of Trustees may amend the permit fee from time to time.

1. Permit Application shall include the name and address of the applicant and other information as the Chief of Police or the Town of Haxtun may require.
2. The Haxtun Police Department or designee shall conduct an inspection of the golf cart prior to the issuance of the permit to assure that the golf cart has all required equipment.
3. Each permit application, whether for an initial permit or renewal, shall be accompanied by evidence of a current liability insurance policy.

D. The Operator must not operate the golf cart during inclement weather or when visibility is impaired by weather, smoke, fog, or other condition, or at any time when there is insufficient light to clearly see persons or vehicles on the roadway at a distance of 500 feet.

E. The Operator must equip the golf cart with the required equipment described under Chapter 10.40.040.

F. The Operator must carry the same liability insurance requirements needed to operate a vehicle in the state of Colorado.

G. The Operator may not carry a number of persons in the golf cart that exceeds the number of seats in the vehicle.

H. The Operator may not carry a passenger under the age of 6 years or 60 pounds or according to the Colorado State Statutes regarding car seat restraints.

I. The Operator must observe all traffic laws and regulations set forth by the State of Colorado, and the Town of Haxtun, except when those provisions cannot reasonably be applied to motorized golf carts;

J. The Operator must not impede traffic without yielding to the right away of faster moving vehicles; and

K. All alcohol related violations will be pursuant to the Colorado Revised Statutes.

10.40.040 Safety equipment required. Every golf cart must meet all the following safety equipment requirements:

A. Headlamps; must be white lamp, visible at a distance of at least 500 feet to the front;

B. Tail lamps and stop lamps, must be a red lamp visible at a distance of a least 500 feet to the rear;

C. Parking brake;

D. Rear view mirror, or mirrors, properly mounted on the golf cart so as to reflect to the operator a view of the street for a distance of at least 200 feet to rear of the cart;

E. A safety flag installed on rear of vehicle extending no less than 7 feet above the ground;

F. A slow moving vehicle emblem, properly mounted on the rear of the golf cart pursuant to state statutes.

10.40.050 Violation and penalty. Any Operator who violates any provision of this Chapter 10.40 shall be charged with a misdemeanor and shall be punished by a fine of not more than \$500.00.

A. Revocation or modification of Permit. A permit issued under this ordinance 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 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.

B. An Operator whose permit has been revoked may appeal the revocation to the Municipal Court Judge. Appeals shall be submitted in writing to the Haxtun Municipal Court within 20 days of the date of revocation.

10.40.060 Limitation of liability. Nothing in this Chapter 10.40 shall be construed as an assumption of any duty of care by the Town of Haxtun with respect to, or the assumption of any liability by the Town for any injuries to, persons or property that may result from the operation of a golf cart on Town streets.

Section 2. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 3. The repeal or modification of any ordinance of the Town of Haxtun by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 4. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portions hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, APPROVED, ADOPTED, AND ORDERED PUBLISHED IN FULL THIS 7th DAY OF November 2022.

Lori Lundgren, Mayor

ATTEST:

Kelsey Harms, Town Clerk

Resolution 2022-13 substantial compliance for an annexation petition, known as the proposed Skyland Annexation was brought to the Council. After some discussion, a motion was made by M. Ensminger and seconded by T. Pope to move forward with the annexation and to set the public hearing for January 3, 2023. Motion passed.

RESOLUTION NO. 2022-13

A RESOLUTION FINDING SUBSTANTIAL COMPLIANCE FOR AN ANNEXATION PETITION FILED WITH THE TOWN OF HAXTUN, COLORADO, KNOWN AS THE PROPOSED SKYLAND ANNEXATION TO THE TOWN OF HAXTUN, AND SETTING A PUBLIC HEARING THEREON.

WHEREAS, a petition for annexation of certain property to be known as the **Skyland Annexation** has been filed with the Town Clerk of the Town of Haxtun, Colorado, and referred to the Town Council of the Town for a determination of substantial compliance with applicable law; and

WHEREAS, the Town Council wishes to permit simultaneous consideration of the subject property for annexation and zoning, if requested in the petition; and

WHEREAS, the Town Council has reviewed the petition and desires to adopt by Resolution its findings in regard to the petition.

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

Section 1. The petition, the legal description for which is attached hereto as Exhibit A and incorporated herein by reference, is in substantial compliance with the applicable laws of the State of Colorado.

Section 2. No election is required under § 31-12-107(2), C.R.S.

Section 3. No additional terms and conditions are to be imposed within the meaning of Sections 31-12-107(1)(g), -110(2) or -112, C.R.S.

Section 4. The Town Council will hold a public hearing for the purpose of determining if the proposed annexation complies with Sections 31-12-104 and 31-12-105, C.R.S., and will hold a public hearing to determine the appropriate zoning of the subject property, if requested in the petition, at the Haxtun Community Center, 125 E Wilson Street, Haxtun, CO 80731, on **January 3, 2023 at 7:00 p.m.**

Section 5. Any person may appear at such hearing and present evidence relative to the proposed annexation, or the proposed zoning if requested in the petition.

Section 6. Upon completion of the hearing, the Town Council will set forth, by resolution, its findings and conclusions with reference to the eligibility of the proposed annexation, and whether the statutory requirements for the proposed annexation have been met, and further, will determine the appropriate zoning of the subject property if requested in the petition.

Section 7. If the Town Council concludes, by resolution, that all statutory requirements have been met and that the proposed annexation is proper under the laws of the State of Colorado, the Town Council may pass one or more ordinances annexing the subject property to the Town of Haxtun, and will pass one or more ordinances zoning the subject property if requested in the petition.

INTRODUCED, READ, and ADOPTED this 7th day of November 2022.

Lori Lundgren, Mayor

ATTEST:

Kelsey Harms, Town Clerk

A motion was made by M. Ensminger and seconded by R. Martinez to approve the 2023 CIRSA supplemental insurance policies of VAMP, CSVAMP, Equipment Breakdown, and Occupational Death and Disability for all employees. Motion passed.

Some discussion was held about the grant opportunity for a new emergency siren. The proposed grant is for \$56,316.80. The grant is a 75% and 25% split. The Town will be responsible for 25% in the amount of \$14,079.20 while the grant will cover \$42,237.50 or 75%. A motion was made by R. Martinez and seconded by B. Cionek for a letter of commitment from the Town to proceed with the grant process. Motion passed.

Little Sprouts Learning Center has been working with Ron to come up with a solution for their failing hot water heater. Ron was able to present two options to the Health Department and received approval. A bid from Precision Plumbing in the amount of \$8,510.00 for the complete removal and replacement. After some discussion, the Council feels it is their responsibility to take care of their building. A motion was made by B. Cionek and seconded by R. Martinez to replace the hot water heater for Little Sprouts. All those present voted in favor and the motion passed.

A motion was made by T. Pope and seconded by M. Ensminger to set 2023 Budget hearing for December 5, 2022 at 7:00 pm. The mill levies must be certified to Phillips County by December 15, 2022. Motion Passed.

Discussion Items:

Truck Routes: There was no discussion.

Pool Update: The Pool Committee met again with the Phillips County Recreation District to talk about their pool pledge. They will be turning their \$120,000 pledge into a cash donation. After the meeting, they notified the committee that after March 1, 2023, they will be donating an additional \$125,000 to the pool project. The GOCO board meeting is scheduled for later this week, and we should hear back if our outdoor pool project has been awarded grant money.

Staff Reports:

Ron Carpenter, Town Superintendent

- Building permits were reviewed as included in the board packet.
- Ron has a contract to have the generator removed. The contract gives them 6-months to remove the generator at no cost to the Town. The contract also states they must take the whole thing. Once the Town receives proof of insurance a contract will be signed.
- The 2011 street bond was paid off, so the Town is no longer required to hold the 23,289.13-reserve fund. Ron is proposing to the Council to use that money and transfer it to the capital savings account to continue saving money for a new trash truck.
- Ron got a bid from LEC Construction for a new concrete pad to update the basketball court. If the Town is awarded the GOCO grant for the pool, Ron would like to see the improvements made to the basketball court. The Town has Conservation Trust money that could be used to help with the updates. There was some discussion about the current park shed and if that would need to be relocated, if there are other options, or if it was necessary to move the building at all.

Tom Bullard, Interim Chief of Police

- None

Kelsey Harms, Town Clerk/Treasurer

- Thank you notes from Triple R Saddle Club as well as Steve and Nora Hofmeister in the HF Herald from last week.
- Election Day is tomorrow 11/8 - Town Hall will be open 7am - 7pm for people to drop off their ballots
- 2022 Employee Christmas Party. Does anyone have any suggestions, Ron and Kelsey discussed the possibility of just having an employee luncheon due to the community center being booked every weekend in December.

Council Concerns:

B. Cionek: asked Ron if he saw the street in front of the hospital clinic. The new street was damaged when a trailer sunk into the new 5-inch pavement. Ron was going to look into it.

R. Martinez: reported that evaluations were completed for 2 department heads. They went well and there is a good basis for a starting point. Whoever does the evaluations next year will have a great start.

L. Lundgren: Wanted to know if there was an update on the hospital clinic downtown. Do we need to have the hospital come and update the Council? A report was given that the hospital is waiting to receive full funding before moving forward. She was also curious when the Town would be moving out of the old shop. Ron informed her as soon as the plumbers were done they would be ready to move.

A motion was made by T. Pope and seconded by R. Martinez to adjourn. The meeting adjourned at 8:14 pm subject to the call of the Mayor.

Kelsey Harms
Deputy Town Clerk