

Town of Haxtun
October 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, Lori Lundgren, and Jon Brammer. 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.

Candie Fix, HF Herald was also present.

Approval of Agenda:

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

Consent Agenda:

A motion was made by D. Green and seconded by J. Brammer to approve the consent agenda, which included the regular meeting minutes of September 3, 2024, the following monthly invoices, and transfers of cash. All present voted yes, and the motion carried.

October 7, 2024

Memo	Bill Memo	Cost
September Payroll	Salaries	\$ 50,549.74
September Payroll	Taxes	\$ 11,228.23
American Legal Publishing	Codification	\$ 4,678.00
Atchison, Jeremy	Mileage reimburse/school	\$ 89.78
Black Hills Energy	Utilities	\$ 2,215.96
Burgess, Todd	RV refund	\$ 390.00
CHS	Fuel	\$ 1,328.21
Coffin, Laura	Fuel reimbursement	\$ 47.80
Davis, Carolyn	Supply Reimb./Phone stip	\$ 31.96
El Paso	Ranger dinner	\$ 418.43
Fetzer Electric	Installation of lights	\$ 2,100.00
FPPA	Retirement	\$ 1,478.60
GWRS	Benefits	\$ 2,493.83
Haxtun Car Wash	Fleet washes	\$ 55.84
Haxtun Herald	Publications	\$ 201.30

Haxtun Supers	Supplies	\$	33.21
J&S Contractors Supply	Street signs	\$	1,713.63
League of NE Municipalities	Underground training	\$	425.00
LEC	sidewalks	\$	8,265.60
Lyle's Service	AC Repairs	\$	100.00
MASA	Benefits	\$	196.00
NMPP	August power	\$	48,803.73
PAK Ent.	PD Business Cards	\$	22.00
Phillips County Landfill	August dumping	\$	2,288.00
Pollard Water (Ferguson)	Supplies	\$	87.50
PowerManager	Utility envelopes	\$	169.94
Red J Welding	Repairs	\$	348.86
Smartforce	Subscription/crime data	\$	199.98
Viaero	Cell Phones	\$	151.56
Wickham Tractor	Kubota Tractor	\$	19,773.14
Advanced Pools and Spas	Final payment/winterization	\$	10,000.00
Amazon	Supplies	\$	504.19
American Legal Publishing	Web hosting annual fee	\$	495.00
Border States	Supplies	\$	3,222.17
Carpenter, Ron	Clothing allowance	\$	85.56
CDR	Sept. Sales tax	\$	3,463.79
CDR	Sept. Withholding	\$	1,767.00
CIRSA	Claim PC6023165-2 Ded.	\$	1,000.00
CIRSA	4th Qtr/Prop-Casualty	\$	17,124.63
CIRSA	4th Qtr/Work Comp	\$	4,878.10
City of Holyoke	2s Meters	\$	450.23
CO Water Resources & Power	Wastewater loan	\$	9,277.46
CO. Library Consortium	Courier Service Renewal	\$	570.95
Colorado Analytical	Water testing	\$	48.00
Data Shield	Shredding	\$	60.00
Davis, Tom	2024 Median maintenance	\$	750.00
FirstNet	PD Phones	\$	263.98
FPPA	Cont. to State matching fund	\$	4,714.00
Friedrich, Kyra	RV refund	\$	290.00
Gonzales, Nancy	September cleaning	\$	75.00
Guernsey, Salix	CC refund	\$	65.00
Haxtun Building Center	Supplies	\$	318.20
Haxtun Car Wash	PD fleet wash	\$	49.00
Haxtun Herald	Publications/Supplies	\$	350.25
Haxtun Supers	Supplies	\$	123.22
Haxtun Telephone	Phones/Internet	\$	752.55

Highline Electric	Repairs	\$	532.56
Highline Electric	Utilities	\$	92.98
Kelly PC	Attorney	\$	682.50
Kuehn, Chris	September cleaning	\$	390.00
MetLife	Life insurance	\$	45.00
Microsoft	Software subscription	\$	99.99
Mid America Books	Books	\$	1,111.00
PC Telcom	Phones/email	\$	41.91
PCED	4th Qtr contribution	\$	1,750.00
Phillips County Landfill	September dumping	\$	2,349.10
Phillips County Treasurer	Sept Sales Tax	\$	1,518.86
PSHCG	Benefits	\$	14,716.25
UNCC	Transmissions	\$	14.19
USPS	Postage	\$	443.00
VSP	Benefits	\$	114.15
Wyatt's Sprinkler	Repairs	\$	166.25

Transfers of Cash

09/04/2024 Transfer #1: \$35,000.00 for accounts payable

09/13/2024 Transfer #2: \$22,000.00 for payroll

09/18/2024 Transfer #3: \$73,100.00 for accounts payable

09/23/2024 Transfer #4: \$19,811.45 for accounts payable

09/30/2024 Transfer #5 \$22,900.00 for payroll

Public Comment:

None

Regular Business:

Resolution 2024-5 instructing the Town Clerk to Cancel the November 5, 2024 election and declaring candidates elected. Since there were no more candidates than offices the election will be canceled and Jon Brammer, Ryan Horton, and Tana Pope are elected to the Offices of Trustee for a four-year term. The terms will start at the regular meeting on December 2, 2024. The Town Clerk will publish such notice of the canceled election. A motion was made by B. Cionek and seconded by L. Lundgren, all present voted in favor motion passed.

TOWN OF HAXTUN
RESOLUTION NO 2024-5

**A RESOLUTION INSTRUCTING THE TOWN CLERK TO CANCEL THE
NOVEMBER 5, 2024 ELECTION AND DECLARING CANDIDATES ELECTED**

WHEREAS, the Town's regular election is scheduled to be held on November 5, 2024;
and

WHEREAS, the election is to be conducted in accordance with the Municipal Election Code and the Haxtun Municipal Code; and

WHEREAS, the only matter before the electors at the election is the election of three seats on the Board of Trustees; and

WHEREAS, pursuant to C.R.S. § 31-10-507, the Town adopted Section 2-44-010 of the Haxtun Municipal Code, which requires that affidavits of intent of write-in candidates be filed prior to sixty-four days before the election, which for the November 5, 2024 election is September 2, 2024; and

WHEREAS, as the date of this Resolution there are not more candidates than officers to be filled at the November 5, 2024 election and no write-in affidavits have been filed; and

WHEREAS, pursuant to its authority under Section 2-44-020 of the Haxtun Municipal Code, the Board of Trustees desires to instruct the Town Clerk to cancel the November 5, 2024 election and declare the candidates elected:

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

Section 1. Pursuant to Section 2-44-020 of the Haxtun Municipal Code, the Board of Trustees does hereby instruct the Town Clerk to cancel the November 5, 2024 election and declares Jon Brammer, Ryan Horton, and Tana Pope elected to the Offices of Trustee, each for a four-year term. Such terms are to commence upon being sworn into office at the regular meeting of the Board of Trustees on December 2, 2024.

Section 2. The Board of Trustees does hereby further instruct the Town Clerk to publish such notice of the canceled election as required by law.

INTRODUCED, ADOPTED, AND RESOLVED THIS 7th DAY OF OCTOBER, 2024.

TOWN OF HAXTUN

ATTEST:

Michael Ensminger, Mayor

Kelsey Harms, Town Clerk/Treasurer

Ordinance 2024-6 an ordinance approving a Lease-Purchase Agreement for a Tractor to be used in the operation of public works was approved. At the last meeting lease-purchase options

were presented to the Council, and the ordinance is needed to complete the lease. A motion from D. Green and seconded by B. Cionek, all present voted in favor motion passed.

ORDINANCE NO. 2024-6

**AN ORDINANCE APPROVING A LEASE-PURCHASE AGREEMENT
FOR A NEW TRACTOR**

WHEREAS, the Town is authorized by applicable law, including but not limited to C.R.S. § 31-15-801 et seq., to acquire equipment and to enter into leases for the same, which leases may include an option to purchase and acquire title to the leased property; and

WHEREAS, the Board of Trustees deems it necessary and desirable for the efficient and proper functioning of the Town and for the health and safety of the Town's inhabitants to acquire a new tractor; and

WHEREAS, the Board of Trustees has determined it is in the best interest of the Town and its inhabitants to enter into the lease contemplated herein for the lease with option to purchase of one new Kubota tractor with cab, loader, and pallet forks to be used by the Town's public works department.

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

Section 1. The Lease-Purchase Agreement between the Town and Kubota Credit Corporation, U.S.A. (the "Lease") for lease and acquisition of one new Kubota tractor, loader, and pallet forks ("Equipment"), which Lease includes an option to purchase and acquire title to the Equipment, is hereby approved in essentially the same form as the copy of such Lease accompanying this ordinance.

Section 2. The Mayor and Town Clerk are authorized to execute the Lease on behalf of the Town, except that the Mayor is further hereby granted the authority to negotiate and approve such revisions to said Lease as determined necessary or desirable for the protection of the Town, so long as the essential terms and conditions of the Lease are not altered. The Lease shall be in a principal amount not to exceed \$79,245.80, will bear interest at a rate not to exceed 2.35% per annum and the aggregate of the initial term and all renewal terms shall not exceed 48 months. The Lease shall contain an option to purchase by the Town as therein set forth.

Section 3. The Mayor, Town Clerk, Town Attorney, and Town staff are further authorized to execute such other documents as are necessary to implement the Lease, and Town staff is authorized and directed to make payments under the Lease for which funds are legally available.

Section 4. All financial obligations of the Town under the Lease shall be subject to annual budgeting and appropriation, and nothing herein shall be deemed to authorize, or construed to authorize, any multiple-fiscal year direct or indirect obligation whatsoever.

Section 5. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Town Council hereby declares it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 6. All actions heretofore taken by Town employees, officers and members of the Town Council, not inconsistent with the provisions of this ordinance, are hereby ratified, approved and confirmed.

Section 7. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED this 7th day of October, 2024.

TOWN OF HAXTUN

Mike Ensminger, Mayor

ATTEST:

Kelsey Harms, Town Clerk

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 first 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 7th day of OCTOBER, 2024.

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

TOWN OF HAXTUN

Mike Ensminger, Mayor

ATTEST:

Kelsey Harms, Town Clerk

A motion was made by D. Green and seconded by T. Pope to set the Public Hearing to Consider Adoption of an Ordinance Adopting the Haxtun Code of Ordinances, published by the Haxtun Town Council and American Legal Publishing. The hearing date was set for November 4, 2024. All present voted in favor; motion passed.

Each year the Colorado Department of Revenue requests an updated MOU for Control of Confidential Data concerning local sales taxes collected. A motion was made by T. Pope and seconded by J. Brammer to approve the MOU and name Clerk Harms as the appointee. All present voted in favor; motion passed.

4S Feed submitted an economic incentive application asking for \$2,412.50 reimbursement for use tax and building permit fee refunds. The Council agreed that the business is a large community supporter, and the new building is an upgrade to the area. A motion was made by J. Brammer and seconded by L. Lundgren to approve the full amount of the incentive. All present voted in favor; motion passed.

Each year FPPA requests an updated MOU for the Volunteer Plan Pension Authorization and Employer Portal Access. A motion was made by J. Brammer and seconded by D. Green to approve Clerk Harms and assistant S. Wagoner as the authorized contacts. All present voted in favor; motion passed.

FEMA is working on conducting a Phillips County Risk Mapping Assessment and Planning Project specifically a floodplain study. FEMA is asking for the surrounding areas to sign an MOA to participate in the study. The MOA states that the communities do not have to agree or participate with the findings, but the MOA serves as notifying communities of the study, selected engineering models, and methodologies. A motion was made by D. Green and seconded by L. Lundgren. All present voted in favor; motion passed.

Discussion Items:

An update from D. Garretson was emailed to the Council. The Drake building has been deemed eligible for the National Historical Designation. If the Council would like to proceed with the historical designation the next historical application deadline is January 31, 2025. Garretson is also working to create a Main Street Colorado Board with members including Tana Pope, Rick Pope, Theresa Davis-Grogan, James Gorgan, Jeff Stroyek, Lori Allphin, Pat Meakins, Jim Helfer, and Steve Starkebaum.

The wastewater discharge permit expired in 2019 at that time R. Carpenter applied for a renewal. It takes time for CDPHE to approve the renewals but the pandemic in 2020 backlogged the application process. CDPHE gave temporary approval for the Town at that time to continue using the permit issued. Now, CDPHE is getting back to approving the permits for wastewater discharge. With the renewal CDPHE sent mandates for the Town to get approved. CDPHE is requiring a certified Colorado engineer do all the mandated work. Carpenter contacted Element Engineering and is working with them to comply with CDPHE in the most cost-effective way. Carpenter is hoping to have more information at the October work session.

The Council discussed how they would like to complete the employee evaluations for the 3 supervisors that report directly to the Council including Bullard, Carpenter, and Harms. Mayor Ensminger and D. Green volunteered to complete the evaluations and report their findings to the Council.

The proposed 2025 budget was presented to the Council as they went over each account.

Staff Reports:

Ron Carpenter, Town Superintendent

- Building Permits per Agenda Packet
- Lead and Copper Survey deadline is 10/16/24, Haxtun's report has been submitted and working on the follow up requirements

Tom Bullard, Police Chief

- Corn Festival was successful with no related incidents
- Received an application for the 3rd officer position. The applicant is not POST certified, but Chief Bullard is looking at options for a cadet program or pre-POST employment. Further discussion will be brought to the October work session.

Kelsey Harms, Town Clerk/Treasurer

- October work session will be 10/21/24
- The Town of Haxtun received a thank you note from the Haxtun Chamber of Commerce thanking them for all of the staffs' help during Corn Festival.

- The Town received a thank you note from CIRSA for the 2025 workers' comp and property/casualty renewal.

Council Concerns:

L. Lundgren asked Chief Bullard about details on the camper ordinance and how long someone could leave a camper parked on the street. Chief Bullard was going to follow up after the meeting.

J. Brammer asked about the status of the liquor license for the Cenex Zip Trip. Clerk Harms informed the Council the license was approved by the State and the store was working to make room.

Adjournment:

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

Kelsey Harms
Town Clerk/Treasurer