



**AGENDA**  
**HAYDEN TOWN COUNCIL MEETING**  
**THURSDAY, MAY 7, 2015**  
**7:30 P.M.**  
**HAYDEN TOWN HALL – 178 WEST JEFFERSON AVENUE**

**WORK SESSION 7:00 P.M. – 7:30 P.M.**

**1. STAFF REPORTS**

**REGULAR MEETING – 7:30 P.M.**

**1a. CALL TO ORDER**

**1b. OPENING PRAYER**

**1c. PLEDGE OF ALLEGIANCE**

**1d. ROLL CALL**

**2. CONSIDERATION OF MINUTES**

A. Regular Meeting April 16, 2015

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**3. CONSIDERATION OF BILLS**

A. Consideration of payment bill vouchers dated May 4, 2015

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**4. PUBLIC COMMENTS**

**5. PROCLAMATIONS/PRESENTATIONS**

A. Presentation: Local Public Street Safety

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**6. CONSENT ITEMS**

**7. OLD BUSINESS**

A. Decision: YVEA Temporary Franchise Extension

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B. Public Hearing: Ordinance 665 Amending the Town of Hayden Municipal Code, Title 8 Health and Safety; an Title 9.22 Possession and Use of Marijuana, Marijuana Concentrate and Tobacco Products by Minors.

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C. Decision: 2<sup>nd</sup> Reading of Ordinance 665 Amending the Town of Hayden Municipal Code, Title 8 Health and Safety; an Title 9.22 Possession and Use of Marijuana, Marijuana Concentrate and Tobacco Products by Minors.

**8. NEW BUSINESS**

A. Decision: Resolution 2015-11 A Resolution updating and revising the Purchasing Policy

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B. Discussion: Adoption of a fee for the availability of water and sewer services from lot owners not currently connected to the Town's water and sanitary sewer distribution and collection systems.

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**9. PULLED CONSENT ITEMS**

**10. STAFF AND COUNCILMEMBER REPORTS (CONTINUED, IF NECESSARY)**

**11. EXECUTIVE SESSION**

**12. ADJOURNMENT**

*NOTICE: Agenda is subject to change. If you require special assistance in order to attend any of the Town's public meetings or events, please notify the Town of Hayden at (970) 276-3741 at least 48 hours in advance of the scheduled event so the necessary arrangements can be made.*

**Staff & Councilmember Reports**

**Sam Barnes** expected to hear from SGM and CDPHE regarding the Outfall project as early as next week for comments and when the Town of Hayden could begin work. Drexell, Barrell & Co. received comments from CDOT a couple weeks ago regarding the Harvest to Harvest Trail and we should hear from them shortly.

Police Chief **Greg Tuliszewski** reviewed monthly police incident statistics for March 2015. He talked about Hayden clean up and the pet vaccination and licensing clinic. Mike Andrews did contact HPD to resolve the neighbor dispute regarding garage sales. Police Chief Tuliszewski attended LLAC training and received updates on marijuana issues and body cameras. He answered questions regarding the police incident statistics he presented earlier about civil problem-standby, other sex offense, and damaged property.

**Sharon Johnson** introduced Kalli Deatherage, Town of Hayden utility clerk, who started April 6, 2015. Town employees received benefits information for the 2015 plan year at a benefits meeting today. ICMA-RC, Town of Hayden retirement providers, will be here April 28, 2015 to present features and benefits of the 457 Plan offered by the Town of Hayden to employees. The annual audit prep work continues and field work will occur next week. Summer help start work in May and we are processing their pre-employment testing and paperwork. Andrea Salazar is doing a great job getting up to speed on the Seneca Hill grant and loan tracking. Yampa Valley Brewing is close to receiving their building permit. We had a happy retirement party for Phyllis Moore today. Sharon requested that the councilmembers be sure to cash their checks in a timely manner to aid in the town accounting and bank reconciliation.

**David Torgler** reported the DOLA grant reimbursement for the Seneca Hill Tank Project was received and the report submitted looked great. At the Hayden Parks and Recreation meeting, softball coaches requested to purchase a pitching machine with funds they have available. There will have a joint meeting with Routt County Commissioners the Town Council meeting in May. Last week the Town of Hayden Planning Commission discussed the potential of having Marijuana grow operation in Hayden. The next Planning Commission agenda will continue the discussion and consider approving the submission by M&J storage to add two more buildings here in Hayden. Couple of meetings ago Tyson and Ashley Sweetser represented the Lake Village HOA and requested to waive the tap fee for the open space. We have followed up and will wait until they are prepared to present to the town council. David mentioned that the consent items on the agenda included the renewal of the Hayden Motorsports agreement and the Hayden Parks and Recreation Board recommended approval. CDOT responded on the unofficial study of the west end of town. CDOT shot the speed of vehicles in both directions in the unofficial study and discovered that an official study would show that it would be 60 or 65 miles per hour based on CDOT's predetermined formula.

Councilmember **Tim Redmond** reported he worked on the ice machine and sink at the Dry Creek concession and it is all coming together.

Councilmember **Bill Hayden** reported on the Yampa Valley Regional Airport board meeting and noted that only 90,000 de-planed this year compared to 140, 000 last year.

Councilmember **Jim Folley** indicated that another business is closing; Colton Reiser would be moving back to his family farm in Kansas. The movie store closed and a new massage business is coming into town.

Councilmember **Richard Hagins** reminded councilmembers that when a letter is received from a resident or another councilmember it should be given to the Town Clerk for distribution to all councilmembers.

*Draft minutes subject to editing and approval prior to becoming official record.*

**Staff reports will continue at the end of the meeting.**

**Town Clerk Sharon Johnson** called the regular meeting of the Hayden Town Council to order at 7:36 p.m. requested a nomination to have a councilmember preside over the meeting.

**Nomination of councilmember to preside over the Town Council Meeting** Councilmember Hayden moved to nominate Councilmember Richard Hagins to preside over the Regular Town Council Meeting for April 16, 2015. Councilmember Folley seconded. Roll call vote. Councilmember Hayden – aye. Councilmember Redmond – aye. Councilmember Folley – aye. Mayor Councilmember Hagins – aye. Motion carried.

Councilmembers Folley, Hagins, Hayden and Redmond present. Councilmember Johnson, Mayor Pro Tem Robinson and Mayor Haskins were absent. Also present were Town Manager, David Torgler, Public Works Director, Sam Barnes, Police Chief, Greg Tuliszewski, and Town Clerk, Sharon Johnson.

**Opening Prayer** Councilmember Redmond offered the opening prayer.

**Pledge of Allegiance** Councilmember Hagins led the Pledge of Allegiance.

**Minutes – April 2, 2015** Councilmember Hagins moved to approve the minutes of the Regular Town Council Meeting held on April 2, 2015. Councilmember Redmond seconded. Roll call vote. Councilmember Hayden – abstain. Councilmember Redmond – aye. Councilmember Folley – aye. Councilmember Hagins – aye. Motion carried.

**Consideration of Bill Payment Voucher dated April 13, 2015** Councilmember Hayden moved to approve the bill payment voucher dated 4/13/15 in the amount of \$54,568.75. Councilmember Redmond seconded. Roll call vote. Councilmember Hagins – aye. Councilmember Folley – aye. Councilmember Redmond – aye. Councilmember Hayden – aye. Motion carried.

**Public Comments** Corey Hunter updated the Town Council on the Hayden Speedway and Stokes Gulch MotoX Park. Corey requested that Town of Hayden Public Works water down the Stokes Gulch MotoX to reduce the dust and smooth the track. Corey indicated that there will be a parade August 22<sup>nd</sup> and Police Chief Greg Tuliszewski requested Greg get with him in the next 2 weeks for parade route approval and planning. It would Hayden Police and Routt County Sheriffs.

**Proclamations/** The Arbor Day Proclamation was read by Councilmember Hagins.  
*Draft minutes subject to editing and approval prior to becoming official record.*

**Presentations**                      **Town Council proclaimed Friday, April 17, 2015 to be Arbor Day in line with the State’s recognition. Bill Hayden offered 18 -25 trees and shrubs from a local landscaper and the trees and shrubs will be used and the Hayden Speedway.**

**Consent Items**

**Decision: Resolution 2015-05 approving a Lease with the Hayden Motorsports Association for use of the Hayden Speedway**                      **Councilmember Redmond moved to approve the Consent Items. Councilmember Folley seconded. Roll Call Vote. Councilmember Hayden – aye. Councilmember Redmond – aye. Councilmember Folley – aye. Councilmember Hagins – aye. Motion carried.**

**Decision: Approve Special Event Liquor License for the West Routt Rural Health Council, Inc.**

**Old Business**

**Discussion: Body Camera**                      **Police Chief Greg Tulisewski requested to move forward with the budgeted purchase of body cameras for the Hayden Police Department. The Hayden Town Council stated to proceed with no objections.**

**New Business**

**Decision: Resolution 2015-10 approving a professional engineering services agreement with JVA Consulting Engineering Inc. to complete preliminary street engineering, for the not-to-exceed amount of \$20,000**                      **Councilmember Folley moved to approve Resolution 2015-10 approving a professional engineering services agreement with JVA Consulting Engineering Inc. to complete preliminary street engineering, for the not-to-exceed amount of \$20,000. Councilmember Hayden seconded. Roll call vote. Councilmember Hagins – aye. Councilmember Folley – aye. Councilmember Redmond – aye. Councilmember Hayden – aye. Motion carried.**

**Decision: Consideration to set**                      **Councilmember Redmond moved to set Plant Investment Fee formulas that would be applied to Wagner Equipment per Section**

**a Plant Investment Fee for Wagner Equipment per Section 13.08 of the Hayden Town Code**      **13.08 of the Hayden Town Code**

**Decision:**      **Councilmember Hayden moved to approve the use of Hayden Parks and Recreation funds to purchase a pitching machine and soft toss machine for softball. Councilmember Folley seconded. Roll Call Vote. Councilmember Hagins – aye. Councilmember Folley – aye. Councilmember Redmond – aye. Councilmember Hayden – aye. Motion passed.**  
**Consideration to approve the use of Hayden Parks and Recreation funds to purchase a pitching machine and soft toss machine for softball.**

**Pulled Consent Items**      **None**

**Staff and Councilmember Reports Continued**      **None**

**Executive Session**      **To discuss the purchase, acquisition, lease, transfer or sale of real, personal, or other property interest so long as the executive session is not held to conceal an official’s personal interest in the property under C.R.S. 24-6-402(4)(a).**  
**Councilmember Hagins moved to begin Executive Session at 8:48 p.m. Councilmember Folley seconded. Roll Call Vote. Councilmember Hayden – aye. Councilmember Redmond – aye. Councilmember Folley – aye. Councilmember Hagins – aye. Motion carried. Executive Session was called to order at 8:54 p.m. Executive Session was adjourned by Councilmember Hagins at 9:17 p.m.**

**Adjournment**      **Councilmember Hagins adjourned the meeting at 9:18 p.m.**

Recorded by:

\_\_\_\_\_  
Sharon Johnson, Town Clerk

APPROVED THIS 16<sup>th</sup> DAY OF APRIL, 2015.

\_\_\_\_\_  
James M. Haskins, Mayor

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD
12134	A-1 Collection Agency, LLC	05012015	Case 2014C030173	04/30/2015	23.09		
Total 12134					23.09	.00	
7480	Accutest Mtn. States, Inc	D3-60979	Water Testing	04/02/2015	155.00		
Total 7480					155.00	.00	
5290	Advanced Auto & Truck Repair	7506	PD - Vehicle Maint	04/07/2015	93.62		
		7536	PD - Vehicle Maint	04/22/2015	92.72		
Total 5290					186.34	.00	
4560	Alpine Bank	05102015	Lease Payment - HPD	05/10/2015	57,125.00		
Total 4560					57,125.00	.00	
2440	Atmos Energy	APR2015	Town Hall Gas_R252006 ( 80)	04/14/2015	83.74		
			Rec Gas - R252006 (20%)		20.94		
			PD Gas_08K684037		195.96		
			Shop Gas_G0014687		294.64		
			Parks Gas_T820876_15192591		135.33		
			Water Plant Gas_T768776		733.25		
			Golden Meadows Gas_W816504		69.52		
			Crandell Pump House Gas_R331736		135.39		
			Sewer Plant Gas_R910225		131.73		
			Airport Lift Station Gas_6408226		27.30		
			Dry Creek Lift Station Gas_08K458739		14.13		
Total 2440					1,841.93	.00	
12150	Bank of Oklahoma	05062015	Deposit Refund	04/22/2015	125.01		
Total 12150					125.01	.00	
6970	Bear River Excavating	580	Sand & Gravel	04/16/2015	1,000.00		
			Sand & Gravel		670.43		
Total 6970					1,670.43	.00	
1200	Bear River Valley Co-Op	APR2015	Vehicle Expense	04/25/2015	810.75		
			Streets R&M		616.83		
			Streets Vehicle Expense		175.13		
			Parks R&M		28.16		
			Parks Vehicle		106.47		
			Parks Field & Turf_Gas		41.25		
			Water Operating Expense		165.02		
			Sanitary Sewer Operating Exp		62.62		
Total 1200					2,006.23	.00	
1310	Boy-Ko Supply Co	51495	Janitorial Supplies	04/13/2015	17.38		
Total 1310					17.38	.00	
7510	Caterpillar Financial	16322890	Loader Lease	04/17/2015	2,350.07		

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD
Total 7510					2,350.07	.00	
1650	CEBT	21216	Admin Benefits - MAY	05/01/2015	1,746.55		
			Admin Benefits - MAY		2,574.90		
			Admin Benefits - MAY		2,305.72		
			Admin Benefits - MAY		2,885.06		
			Admin Benefits - MAY		865.23		
			Admin Benefits - MAY		1,274.20		
			Admin Benefits - MAY		3,397.35		
			Admin Benefits - MAY		7,633.35		
Total 1650					22,682.36	.00	
3770	CenturyLink	0029APR15	Water Phones_0029	04/01/2015	119.68		
		2535APR15	PD Phones_2535	04/04/2015	296.73		
		308APR2015	PD Phones	04/03/2015	30.19		
Total 3770					446.60	.00	
9230	Chaosink	7658	PWW Sack Packs	04/03/2015	380.25		
		7664	PWW Camp Shirts	04/07/2015	2,293.75		
Total 9230					2,674.00	.00	
1645	Charter Communications	1237APR15	Charter Internet_1237	04/07/2015	84.85		
Total 1645					84.85	.00	
10590	CIRSA	150640	Water Operating Insurance	04/21/2015	63.00		
			Sanitary Sewer Insurance		63.00		
			PD Insurance		64.00		
Total 10590					190.00	.00	
9410	Colorado Building Supply Inc	B76804	Parks R&M	03/16/2015	59.44		
		B76807	Streets R&M	03/16/2015	9.16		
		B76817	Dry Creek Kitchen	03/17/2015	47.44		
		B76825	Dry Creek Kitchen	03/17/2015	8.47		
		B76837	WTP Building Maintenance_various	03/18/2015	11.96		
		B76839	Parks R&M	03/18/2015	3.29		
		B76989	Streets R&M	03/27/2015	18.90		
		B77039	Streets R&M	03/28/2015	24.98		
		B77047	Water Ops R&M	03/30/2015	6.24		
		B77072	Water Ops R&M	03/31/2015	2.90		
		B77104	Parks R&M	04/01/2015	10.90		
		B77126	Parks R&M	04/02/2015	3.29		
		B77252	Parks Operating Costs	04/09/2015	18.28		
		B77254	Golden Meadows R&M	04/09/2015	1.49		
		B77313	Field & Turf Maintenance	04/13/2015	22.91		
		B77327	Field & Turf Maintenance	04/13/2015	3.78		
		B77332	Field & Turf Maintenance	04/13/2015	7.15		
Total 9410					260.58	.00	
2050	Dana Kepner Company Inc	1406754-00	Sewer Manhole Parts	04/22/2015	950.24		
		1406789-00	Streets R&M	04/15/2015	2,189.60		

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD
Total 2050					3,139.84	.00	
3220	Denver Industrial Sales&Servic	15838	Streets Maint Crack Sealer	04/01/2015	6,600.00		
Total 3220					6,600.00	.00	
9000	Dowling Land Surveyors	HAYV1502	Surveying	04/24/2015	270.00		
Total 9000					270.00	.00	
9955	Express Toll	2014498044	E470 Express Tollway	03/17/2015	1.45		
Total 9955					1.45	.00	
2230	Fans Machinery Company	SO026333-1	Street Sweeper Parts	04/07/2015	154.13		
Total 2230					154.13	.00	
4890	FedEx	2-995-36393	Water Sample Shipping	04/09/2015	8.89		
Total 4890					8.89	.00	
12151	Ferguson Enterprises, Inc	4485092	Fields & Turf Maintenance	04/13/2015	96.77		
Total 12151					96.77	.00	
12127	Garfield & Hecht, PC	126736	Professional Services	03/31/2015	71.70		
Total 12127					71.70	.00	
12109	Haskins Cleaning	APR2015	Town Hall Cleaning	04/01/2015	200.00		
Total 12109					200.00	.00	
2500	Hayden Auto Body Inc	113770	PD Vehicle Repair	04/07/2015	353.97		
Total 2500					353.97	.00	
1360	Hinton Burdick CPAs & Advisors	129007	Progress Billing 2014 Audit	03/31/2015	1,400.00		
Total 1360					1,400.00	.00	
12152	Hockaday, Kristen	04242015	Judicial - Travel Judicial - Education	04/27/2015	148.96 36.62		
Total 12152					185.58	.00	
2640	Holloran LLC, Michael J	04202015	Legal Services Legal Services Legal Services	04/20/2015	306.25 284.38 357.29		
Total 2640					947.92	.00	
4535	InSite Media, Inc	1715	Website Build/Hosting PWW	03/01/2015	325.00 90.00		
		1736	Website Build/Hosting Cog Run Baseball/Softball	04/01/2015	380.00 30.00 90.00		

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD
		1752	Cog Run	05/01/2015	30.00		
			Baseball/Softball		60.00		
			Website Build/Hosting		455.00		
Total	4535				1,460.00	.00	
12153	Johnson, Zachary & Connie	04082015	Utility Refund	04/08/2015	51.01		
Total	12153				51.01	.00	
12096	JVA, Inc	54704	Seneca Hill Tank/Water Sys Improv	03/23/2015	3,057.00		
Total	12096				3,057.00	.00	
6690	Lower Walker Ditch Company	03052015	Lower Ditch 2013 Assessment	03/05/2015	770.25		
		03052015-2	Lower Ditch 2014 Assessment	03/05/2015	587.30		
Total	6690				1,357.55	.00	
8375	MASON SIEDSCHLAW	1860	Admin Computer Support	03/30/2015	318.75		
Total	8375				318.75	.00	
5480	Meeker Peewee Wrestling	4.23.15	Peewee Wrestling Tournament	04/23/2015	216.00		
Total	5480				216.00	.00	
8920	Murdoch's Ranch & Home Craig	145789-19	Parks Clothing	03/26/2015	82.45		
Total	8920				82.45	.00	
6530	Murray, Meredith	04252015	Admin - Education	04/25/2015	35.85		
Total	6530				35.85	.00	
12154	Nemesis Multimedia, Inc	4-19-15	PD - Cat5e cable install	04/19/2015	312.48		
Total	12154				312.48	.00	
10080	Neve's Uniforms Inc	LN-312084	Bulletproof Vests	04/10/2015	248.74		
Total	10080				248.74	.00	
5010	Newman Traffic Signs	TI-0284191	Signs	04/03/2015	42.13		
Total	5010				42.13	.00	
4730	Northern Safety & Industrial	100778426	Collection - Parts	04/14/2015	350.50		
Total	4730				350.50	.00	
4080	Northwest CO Consultants Inc	14-9833-02	Soils Test	11/17/2014	5,165.00		
Total	4080				5,165.00	.00	
1350	Pinnacol Assurance	17513128	Legislative Work Comp AUDIT	03/20/2015	45.60		
			Court Work Comp AUDIT		22.80		
			Executive Work Comp AUDIT		22.80		
			Administration Work Comp AUDIT		182.40		

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD
			Police Work Comp AUDIT		1,824.00		
			Streets Work Comp AUDIT		1,413.80		
			Rec Work Comp AUDIT		136.80		
			Parks Work Comp AUDIT		136.80		
			Mosquito Work Comp AUDIT		91.20		
			Water Work Comp AUDIT		364.80		
			Water Adm Work Comp AUDIT		45.60		
			Sewer Work Comp AUDIT		228.00		
			Sewer Adm Work Comp AUDIT		45.60		
		17551855	Legislative Work Comp		29.18		
			Court Work Comp		14.60		
			Executive Work Comp		14.60		
			Administration Work Comp		116.72		
			Police Work Comp		1,167.20		
			Streets Work Comp		904.58		
			Rec Work Comp		87.54		
			Parks Work Comp		87.54		
			Mosquito Work Comp		58.36		
			Water Work Comp		233.44		
			Water Adm Work Comp		29.18		
			Sewer Work Comp		145.90		
			Sewer Adm Work Comp		29.16		
			Legislative Work Comp	04/20/2015	29.16		
			Court Work Comp		14.58		
			Executive Work Comp		14.58		
			Administration Work Comp		116.64		
			Police Work Comp		1,166.40		
			Streets Work Comp		903.95		
			Rec Work Comp		87.48		
			Parks Work Comp		87.48		
			Mosquito Work Comp		58.32		
			Water Work Comp		233.28		
			Water Adm Work Comp		29.16		
			Sewer Work Comp		145.80		
			Sewer Adm Work Comp		29.16		
			<b>Total 1350</b>		<b>10,394.00</b>	<b>.00</b>	
3270	Quill Corporation	26305	Office Supplies	04/07/2015	289.99		
			<b>Total 3270</b>		<b>289.99</b>	<b>.00</b>	
5015	Rangely Wrestling Club	2015	Peewee Wrestling Tourney	04/09/2015	224.00		
			<b>Total 5015</b>		<b>224.00</b>	<b>.00</b>	
6180	Resource Engineering Inc	14842	Water Rights Analysis	03/31/2015	143.00		
			<b>Total 6180</b>		<b>143.00</b>	<b>.00</b>	
7025	Rifle Peewee Wrestling	2015	Peewee Wrestling Fees	04/09/2015	216.00		
			<b>Total 7025</b>		<b>216.00</b>	<b>.00</b>	
2065	Routt County Auto Parts	343197	PD Vehicle Expense	03/13/2015	23.70		
		343282	PD Vehicle Expense	03/16/2015	13.85		

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD
Total 2065					37.55	.00	
6060	Royal Supply Co.	R289659-02	Streets R&M	03/26/2015	110.14		
Total 6060					110.14	.00	
10610	SAFEbuilt, Inc.	0019762-IN	Building Department Services	03/31/2015	925.00		
Total 10610					925.00	.00	
12155	Salazar, Andrea	05012015	Reimburse Clothing Allowance Withheld	05/01/2015	14.00		
Total 12155					14.00	.00	
7090	Samuelson's - Craig	24500	Fields & Turf Maintenance	04/14/2015	154.00		
		24504	Fields & Turf Maintenance	04/14/2015	107.41		
		24556	Main St Graffiti	04/14/2015	73.10		
Total 7090					334.51	.00	
1770	Schmueser Gordon Meyer, Inc.	0-414.008-23	Managerial Services WWTP Outfall Project	04/21/2015	440.00		
Total 1770					440.00	.00	
1655	STANDARD INSURANCE COMPANY INC	MAY2015	SWR LTD	05/01/2015	43.25		
			STREETS LTD		54.79		
			WATER LTD		50.46		
			PARKS LTD		24.51		
			SWR ADM LTD		14.42		
			WTR ADM LTD		14.42		
			ADMIN LTD		34.60		
			PD LTD		138.40		
Total 1655					374.85	.00	
10530	Staples Advantage	8033805626	Adm Office Supplies	03/28/2015	3.89		
			PD Office Supplies		104.47		
		8033909426	Adm Office Supplies	04/04/2015	63.98		
Total 10530					172.34	.00	
3550	Steamboat Medical Group P.C	13810	DOT Physical	04/02/2015	40.00		
			DOT Physical		40.00		
		13940	Drug Screen	04/10/2015	25.00		
		14070	Drug Screen	04/15/2015	25.00		
Total 3550					130.00	.00	
11499	Steele, Alan & Bonnie	04222015	Refund Overpayment	04/22/2015	10.54		
Total 11499					10.54	.00	
12029	Tuliszewski, Greg	04062015	Law Lunch	04/06/2015	13.23		
Total 12029					13.23	.00	
6750	Uline	66721401	PD - Folding tables	04/13/2015	648.56		

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD
Total 6750					648.56	.00	
3910	Upper Walker Ditch Co	04022015	Walker Ditch Expenses	04/02/2015	808.28		
Total 3910					808.28	.00	
7070	USA BlueBook	614585	Water Operating Expense	04/09/2015	71.38		
Total 7070					71.38	.00	
8740	Visa	APR2015	Water Vehicle Expense	04/03/2015	11.18		
			Sewer Vehicle Expense		11.17		
			Postage		15.99		
			Judicial - Travel		260.00		
			Admin Misc Expense		28.25		
			Admin Professional Services		6.85		
			Admin - Education		332.00		
			PD - Travel		440.00		
			PD Vehicle		108.98		
			PD - General Operating Expense		120.94		
			Streets R&M		76.65		
			Rec - Nametagcountry		65.28		
			Rec - Easter Supplies		190.19		
			Field & Turf Maintenance		190.40		
			Hosp Hill R&M		1,770.64		
			PD - Education		594.27		
Total 8740					4,222.79	.00	
3970	W.P.C.I	S103564	Drug Testing	03/31/2015	47.00		
Total 3970					47.00	.00	
6170	Walmart Community	009440	Paper Products	04/09/2015	8.42		
			Food		7.00		
		026438	PD Office Supplies	03/26/2015	81.67		
			Admin Office Supplies		3.96		
Total 6170					101.05	.00	
6085	Xerox Corporation	079075860	ADMIN COPIER/PRINTER	04/08/2015	359.12		
Total 6085					359.12	.00	
4010	Yampa Valley Electric	APR2015	Town Hall Electric 740003406 ( 80)	04/15/2015	370.32		
			PD Electric 660020401		378.73		
			Shop Electric 760016201		204.09		
			Community Tree Electric 760016002		31.91		
			Rec Electric 740003406 ( 20)		92.58		
			Parks Electric		464.00		
			Water Plant Electric 660007802		1,739.31		
			Golden Meadows Electric 780008803		807.01		
			Hospital Hill Electric 720008901		29.59		
			Crandell Pump House Electric 720009902		509.02		
			Key Pump Electric 730009402		65.70		
			Sewer Plant Electric 760007702		4,785.01		
			Washington Street Electric 700008001		123.57		
			Airport Lift Station Electric 660013202		323.43		

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD
			Dry Creek Lift Station Electric 720021002		185.39		
Total 4010					10,109.66	.00	
3390	Yampa Valley Medical Center	04022015	Pre-employment Screening	04/02/2015	75.00		
Total 3390					75.00	.00	

Total Paid: -  
 Total Unpaid: 148,238.57  
 Grand Total: 148,238.57

**REQUEST TO SUBMIT AGENDA ITEM  
FOR HAYDEN TOWN COUNCIL MEETING**

MEETING DATE: May 7<sup>th</sup> 2015 Local Public Street Safety  
AGENDA ITEM TITLE: Speed issue on Golden Meadows  
PRESENTED BY: Vanessa Tack PHONE: (476) 316 7645 (Day)  
(476) 314-1177 (Night)

**BACKGROUND REVIEW/PROPOSAL:**

Address the speed and lack of signs  
up on Golden Meadows, there is a lot  
of children at play.

Please attach any extra information, including maps, that you wish to have included in the Council packets.



## Town Council Agenda Item

MEETING DATE: May 7, 2015

AGENDA ITEM TITLE: YVEA Temporary Franchise Extension

AGENDA SECTION: New Business

PRESENTED BY: David Torgler

CAN THIS ITEM BE RESCHEDULED: No

### BACKGROUND REVIEW:

At the December 18, 2014 Town Council meeting an extension to the current YVEA franchise agreement was approved through May 30, 2015. Language has been drafted that will lead to LED streetlights being part of the lighting options to be installed on Hayden streets. YVEA has proposed language regarding how they use non-R-O-W properties of the Town and we are working on language that will meet their needs and preserve the use of Town properties for Town purposes.

On February 3, 2005 the Town of Hayden entered into a ten (10) year franchise extension agreement with Yampa Valley Electric Association allowing the electric utility provider to use Town owned rights-of-way and property to operate and maintain the electric utility and for YVEA to pay a franchise fee equal to three percent (3%) of the gross revenue generated through sales of electricity within the Town. That agreement expired February 3, 2015 and continues until May 30<sup>th</sup> through a previous extension agreement.

### RECOMMENDATION:

Approve by motion a temporary extension of the Yampa Valley Electric Association franchise agreement through August 1, 2015 and authorize the Mayor to execute any documents necessary.

### MANAGER'S RECOMMENDATION/COMMENTS:

The updated franchise agreement is proceeding and I am waiting to hear back from YVEA regarding the above stated Town property issue. An extension of time will be necessary to complete the revised franchise agreement and have it reviewed and approved through the YVEA and Town processes. We should have a date to fill in the above blank by Thursday's meeting and this extension is a housekeeping matter.



Town Council Agenda Item

MEETING DATE: May 7, 2015

AGENDA ITEM TITLE: Public Hearing and 2<sup>nd</sup> Reading of Ordinance 665 Amending the Town of Hayden Municipal Code, Title 8 Health and Safety; and Title 9.22 Possession and Use of Marijuana, Marijuana Concentrate and Tobacco Products by Minors.

AGENDA SECTION: Old Business

PRESENTED BY: Chief Greg Tuliszewski and David Torgler

CAN THIS ITEM BE RESCHEDULED: If needed

BACKGROUND REVIEW:

Town Code revisions are recommended to eliminate inconsistencies within the Town Code for 1) enforcement purposes; 2) to provide consistent administrative processes for property owners objecting to code enforcement citations; 3) to update very old codes regarding explosives and fireworks that were inconsistent with state and federal laws and currently adopted fire and building codes; 4) to update open burn codes to align with West Routt Fire District's codes; and 5) to address marijuana use by minors in light of the 2012 Colorado Constitutional amendment allowing marijuana use by adults. To accomplish this goal the Town Codes, Title 8 Health and Safety needed to be revised in its entirety and sections of Title 8 regarding tobacco use by minors are recommended to be moved to Title 9 Public Peace, Morals and Welfare and adding language prohibiting marijuana use by minors.

At the April 2, 2015 Town Council meeting where 1<sup>st</sup> Reading was given for consideration of the recommended code changes, Councilmember Redmond introduced a letter (attached) from Councilmember Hayden stating three concerns about the proposed Ordinance. Those concerns, with staff input, are below:

1. Section 1 (of Ordinance 665) to repeal the Town Code in its entirety – Do we need to do this without more discussion and input from the citizens- or better said- do we throw the baby out with the bath water?.

**Town Manager response:** a red-line version of Chapter 8 of the Town Code was provided to the Town Council showing the extensive rewrite to Chapter 8. When extensive redrafts to Town Codes are made it is generally less confusing to the public to read the proposed code then to have to pick through many changes, and the ordinance is less costly to reproduce when publishing it in full as the Town traditionally does. This

process to revise the Town Code has been used by the Town for over 100 years. It might be helpful at the 2<sup>nd</sup> Reading if staff walks the Town Council through the proposed revisions and explains why each revision is recommended.

Because the public did not receive red-line versions of the proposed code rewrite below is a summary of the proposed revisions to Chapter 8.

- A. Eliminating section 8.02 **Administrative Process** entirely since it is redundant and confusing. The Town Charter provides for a Municipal Court which *shall have jurisdiction for all alleged violations of the Town ordinances* and the Town Code includes Section 1.08 addressing code violations. By utilizing the Town Charter and existing Town codes in this consistent manner it will allow for the public and Town staff to be consistent in administration of the Town's Chapter 8 Health and Safety codes. Section 8.02 was added to the Town Code in 2010 and has been a problem because of inconsistencies with the "standard process" when implementing the nuisance codes, particularly the weeds and refuse section and the nuisance section.
- B. Revise section 8.04 **Trees** to clarify how the Town can recover costs from property owners when the property owner does not maintain the public trees adjacent to their property and that property owner *fails or neglects to comply with notice provided* regarding the maintenance needed. This change is clarification only.
- C. Revise section 8.05 **Addressing** to use the administrative process in Section 1.08 of the Town Code as stated in A above.
- D. Revise section 8.08 **Burning** to include the necessity to obtain burn permits and adding a penalty clause similar to other code violations using the administrative process in Section 1.08 of the Town Code as stated in A above.
- E. Revise section 8.12 **Nuisances** eliminating the penalty clause and using the administrative process in Section 1.08 of the Town Code as stated in A above. The manufacturing of drugs was added to the list of specific nuisances. Inoperable vehicles was added to specific nuisances (recommend that Councilmembers review the definitions of "inoperable" and "junk vehicle" when reviewing when the code will apply to inoperable vehicles).
- F. Eliminate section 8.16 **Explosives** written (and last revised) in 1915 so that explosives are regulated using state law, fire codes and building codes.
- G. Revise section 8.20 **Fireworks** to be consistent with state laws and adding a penalty clause similar to other code violations using the administrative process in Section 1.08 of the Town Code as stated in A above.

- H. Revise section 8.24 **Garbage and Refuse** adding a penalty clause similar to other code violations using the administrative process in Section 1.08 of the Town Code as stated in A above.
  - I. Revise section 8.28 **Weeds and Brush** by changing the definition of “developed” and defining what is meant by weeds and overgrown grass; and, adding a penalty clause similar to other code violations using the administrative process in Section 1.08 of the Town Code as stated in A above. This new definition of “developed” should help staff to address Councilmember Hayden’s concerns regarding lots within substantially improved subdivisions.
  - J. Revise section 8.30 **False Alarms** adding a penalty clause similar to other code violations using the administrative process in Section 1.08 of the Town Code as stated in A above.
  - K. Eliminate section 8.32 **Inoperable Vehicles** and add the definition of inoperable vehicles to section 8.12 Nuisances.
  - L. Move section 8.34 **Possession and Use of Tobacco Products by Minors** to Chapter 9 Public Peace, Morals and Welfare; and, add language to also include marijuana and marijuana concentrate possession and use by minors, per the 2012 Colorado Constitutional amendment.
2. Chapter 8.02 Trees, section 8.02.010 Town Manager powers- Councilmember Hayden expressed concerns stating “I feel that the wording is incorrect in the first sentence stating (amend and repeal rules and regulations) in no disrespect an emperor ruling, in that amending and repealing should be the decision of the Council to reflect the concerns of the citizens that it affects.”

**Town Manager response:** Chapter 8.02 **Trees** was adopted by the Town Council in 1977 and has not been amended since. The provisions of section 8.02.010 were not changed in the proposed revisions to Chapter 8 which only applies *to trees, shrubs, vines, hedges, and other plants within the limits of any street, alley, sidewalk or other public place*. If the Town Council believes the provisions of section 8.02.010 should be amended that direction can be given during the discussion at 2<sup>nd</sup> Reading with amended language brought back for review prior to adoption.

3. Chapter 8.02.020, line six uses the measurement of 3 meters (9.75 feet) should be listed in feet to clarify any question of height.

**Town Manager response:** Section 8.02.020 was adopted in 1977 when it might have been appropriate to use the metric system; perhaps the height of ten (10) feet is preferred. The intent of this code section is *to trim any tree, shrub, vine, hedge or other plant, which may project beyond the property line of such owner, onto or over public property, at a height of less than three (3) meters, or which may obstruct the light from any street lamp, obstruct signs, the movement of pedestrians or the vision of drivers of vehicles at*

*intersections, or which may interfere with power lines.* Whichever measuring system the Councilmembers believe appropriate for this policy can be used in the code revision.

**RECOMMENDATION:**

Town officials, including the Town Manager, Town Attorney, Chief of Police and Community Service Officer, have reviewed and revised Title 8 Health and Safety in its entirety and Title 9 regarding tobacco and marijuana use by minors and recommend approval of Ordinance 665. Public input at the May 7<sup>th</sup> public hearing and Councilmember concerns may lead to further revisions prior to adoption of a revised Title 8.

**MANAGER'S RECOMMENDATION/COMMENTS:**

I concur with the above recommendations and have provided responses above to Councilmember Hayden's concerns as written in his letter and read to the Town Council at their April 2, 2015 meeting.

LETTER TO BE READ AT HAYDEN COUNCIL MEETING 4/02/15 –

FELLOW MEMBERS,

I AM ASKING TIM REDMOND TO READ THIS LETTER AND MEMO AT THE MEETING TONITE SINCE I WILL NOT BE ABLE TO ATTEND BECAUSE OF MINOR SURGURY ON MY WIFE'S BACK AND SHE WILL NOT BE ABLE TO DRIVE FOR SEVERAL DAYS. SO, I BEG YOUR INDULGUNCE FOR MY UNTIMELY ABSENENCE.

ON NEW MATTERS- I HAVE A CONCERN OVER THE NEWLY PROPOSED REPLACE MENT OF THE TOWN TITLE 8 HEALTHS AND SAFETY CODE:

1. SECTION 1- TO REPEAL THE TOWN CODE IN IT'S ENTIRETY- DO WE NEED TO DO THIS WITHOUT MORE DISCUSSION AND INPUT FROM THE CITIZENS- OR BETTER SAID- DO WE THROW THE BABY OUT WITH THE BATH WATER?.

2. CHAPTER 8.02 TREES

SECTION 8.02.010 TOWN MANAGER POWERS-

I FEEL THAT THE WORDING IS INCORRECT IN THE FIRST SENTENCE STATING (AMEND AND REPEAL RULES AND REGULATIONS) IN NO DISRESPECT AN EMPEROR RULING. IN THAT AMENDING AND REPEALING SHOULD BE THE DECISION OF THE COUNCIL TO REFLECT THE CONCERNS OF THE CITIZENS THAT IT AFFECTS.

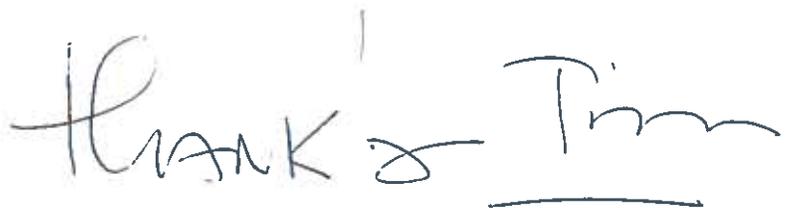
3. CHAPTER 8.02.020

LINE SIX USES THE MEASUREMENT OF 3 METERS (9.75 FEET) SHOULD BE LISTED IN FEET TO CLARIFY ANY QUESTION OF HEIGHT.

I WOULD LIKE MORE DISCUSSION BEFORE REPEALING AND INSTALLING A NEW REVISED CODE. SINCE THE OLD SAYING MY JUNK IS ANOTHER MANS TREASURE SHOULD VIEWED.

THANK YOU.

BILL





**PLEASE TAKE NOTICE** that a public hearing on the following ordinance will be held on the 7th day of May, 2015 at 7:30 p.m. at the Hayden Town Hall at 178 West Jefferson Avenue, Hayden, Colorado:

**ORDINANCE NO. 665**

**AN ORDINANCE AMENDING THE TOWN OF HAYDEN MUNICIPAL CODE, TITLE 8 HEALTH AND SAFETY; AND TITLE 9.22 POSSESSION AND USE OF MARIJUANA, MARIJUANA CONCENTRATE AND TOBACCO PRODUCTS BY MINORS; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH AND PROVIDING PENALTIES FOR VIOLATION THEREOF**

The full text of this ordinance is on file at the Town Hall and West Routt Public Library for public viewing.

/s/Sharon Johnson, Town Clerk

**ORDINANCE NO. 665**

**AN ORDINANCE AMENDING THE TOWN OF HAYDEN MUNICIPAL CODE, TITLE 8 HEALTH AND SAFETY; AND TITLE 9.22 POSSESSION AND USE OF MARIJUANA, MARIJUANA CONCENTRATE AND TOBACCO PRODUCTS BY MINORS; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH AND PROVIDING PENALTIES FOR VIOLATION THEREOF**

**RECITALS**

1. The Town of Hayden has previously adopted and amended regulations and codes regarding trees, the addressing of properties, open burning, nuisances, explosives, fireworks, garbage and refuse, weeds and brush, alarm systems, inoperable vehicles, possession and use of tobacco products by minors, marijuana establishments and the medical marijuana industry.
2. The Town Council believes that the Town Codes currently addressing trees, the addressing of properties, open burning, nuisances, explosives, fireworks, garbage and refuse, weeds and brush, alarm systems, inoperable vehicles, possession and use of tobacco products by minors, marijuana establishments and the medical marijuana industry need to be updated and restated.
3. The Town Council states that Town Code revisions herein and this adopting Ordinance are in the best interest of the citizens of Hayden, Colorado.
4. Article 3, Section 3-1 of the Hayden Home Rule Charter requires that action must be taken by ordinance when repealing a prior ordinance and when establishing any rule or regulation for the violation of which a penalty is imposed.
5. These changes have been reviewed and discussed during public meetings and hearings.

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

**SECTION 1. REPEAL**

Title 8 Health and Safety of the Hayden Town Code is repealed in its entirety.

**SECTION 2. ADOPTION**

1. **Title 8 Health and Safety is adopted as stated herein below.**

**Chapters:**

- 8.02 TREES**
- 8.04 ADDRESSING PROPERTIES**
- 8.06 BURNING**
- 8.08 NUISANCES**

- 8.10 FIREWORKS**
- 8.12 GARBAGE AND REFUSE**
- 8.14 WEEDS AND BRUSH**
- 8.16 ALARM SYSTEMS**

**Chapter 8.02**

**TREES**

**Sections:**

- 8.02.010 Town Manager Powers.**
- 8.02.020 Trimming, Spraying, Removal, Planting and Protecting of Trees and Other Vegetation.**
- 8.02.030 Removal of Dead or Dangerous Trees.**
- 8.02.040 Owner Responsibility for Care of Trees.**
- 8.02.050 Permit Required to Plant or Remove Trees, etc.**
- 8.02.060 Violation–Penalty.**

**8.02.010 Town Manager Powers.**

The Town Manager shall have the power to promulgate, amend and repeal rules, regulations, and specifications for the trimming, spraying, removal, planting, pruning, and protection of trees, shrubs, vines, hedges, and other plants within the limits of any street, alley, sidewalk or other public place in the Town and shall be charged with the enforcement of this Chapter.

**8.02.020 Trimming, Spraying, Removal, Planting and Protecting of Trees and Other Vegetation.**

The Town Manager shall have the power to have all trees, shrubs, hedges, vines and other plants within the limits of any public street, alley, sidewalk or other public place trimmed, sprayed, removed, planted, and protected; or to require the owner of any property, abutting on any street, alley, sidewalk or other public place, after written notice to such owner and at the expense of such owner, to trim any tree, shrub, vine, hedge or other plant, which may project beyond the property line of such owner, onto or over public property, at a height of less than three (3) meters, or which may obstruct the light from any street lamp, signs, the movement of pedestrians or the vision of drivers of vehicles at intersections, or which may interfere with power lines.

**8.02.030 Removal of Dead or Dangerous Trees.**

It shall be the duty of the owner or occupant of any property to remove any dead trees or dead overhanging boughs dangerous to life, limb or property located on the premises of such owner or upon public property abutting the premises of such owner, upon receipt of written notice of the Town Manager so to do and within such reasonable time as specified in said notice.

**8.02.040 Owner Responsibility for Care of Trees.**

The Town Manager is authorized to require any owner or agent of any premises to plant, trim, spray, remove or otherwise care for trees upon that portion of any public sidewalk or street upon which such premises abut. It shall be the duty of such owner, agent or occupant of such premises

to comply with such requirements within a reasonable time after receiving written notice so to do from the Town Manager, such time to be stated in said notice. In the event the owner, agent or occupant of any premises fails or neglects to comply with notice provided herein or notices provided for in Sections 8.02.020 , 8.02.030 and 8.02.040 of this Chapter, the Town Manager is authorized to take the action required by said notice at the expense of the owner, agent or occupant of the property, which expenses shall be collected in an appropriate action at law to recover or collect any amounts, including but not limited to late fees, legal fees, interest and administrative costs, owing under this Chapter Such costs shall be assessed and filed as a lien against such owner's property and shall be a first and prior lien upon the property.

**8.02.050 Permit Required to Plant or Remove Trees, etc.**

It is unlawful to cut, trim, spray, remove or plant any tree, vine, shrub, hedge or other plant within the limits of any street, alley, sidewalk or other public place within the Town without first having obtained a permit from the Town Manager. No charge shall be made for any such permit. No permit shall be refused by the Town Manager, except for good and substantial reasons, such as the potential hazard to pedestrian safety in the use of the public sidewalks.

**8.02.060 Violation–Penalty.**

Any person, firm or corporation violating or failing to comply with any of the provisions of this Chapter shall result in a penalty as provided in Chapter 1.08 of this code.

**Chapter 8.04**

**ADDRESSING PROPERTIES**

**Sections:**

- 8.04.010 Definitions.**
- 8.04.020 Assignment of Addresses.**
- 8.04.030 Requirements.**
- 8.04.040 Posting Unauthorized Numbers.**
- 8.04.050 Removing or Damaging Addresses.**
- 8.04.060 Violation–Penalty.**

**8.04.010 Definitions.**

A. "Building" shall mean the principal residence, business or industrial structure on any lot within the Town of Hayden having a water or sewer tap.

B. "Address" shall mean that series of numbers, as defined below, used to identify the location of a building on the streets of the Town of Hayden, as such address and building are shown on the records of the Hayden Town Clerk.

C. "Numbers" (numerals) shall be defined as Arabic numerals (e.g. 1, 2, 3), which shall be not less than two and one-fourth (2¼) inches high, and of a contrasting color to the background to which they are attached.

D. "Owner" shall be defined as the owner of the lot and its agent, tenant, manager, lessee or the person having control of the lot or building.

**8.04.020 Assignment of Addresses.**

All addresses shall be assigned by the Hayden Town Clerk and shall be reflected on records maintained by the Hayden Town Clerk.

**8.04.030 Requirements.**

A. Each Owner of a lot in the Town of Hayden shall cause to be displayed an address indicating the address of the building in a manner so that the numerals are visible from the adjacent street.

B. If there is more than one (1) building located on a lot, the Hayden Town Clerk shall assign an address together with a letter of the English alphabet to indicate the separate building(s) and the Owner shall attach such addresses.

C. Any buildings located in areas of the Town of Hayden having rural mail delivery shall display its address on the mail receptacle.

**8.04.040 Posting Unauthorized Numbers.**

No address or street number shall be placed upon any house or building within the Town of Hayden unless such number has been furnished by the Hayden Town Clerk.

**8.04.050 Removing or Damaging Addresses.**

It is unlawful for any person to tear down, take off or in any way mutilate or injure any address, or part thereof, placed upon any building within the Town of Hayden in accordance with the provisions of this Article.

**8.04.060 Violation–Penalty.**

Any person, firm or corporation that violates any of the provisions of this Section shall be punished in accordance with Chapter 1.08 of the Municipal Code. Each day's violation thereof shall constitute a separate offense.

**Chapter 8.06**

**BURNING**

**Sections:**

**8.06.010 Open Burning – Within Town Boundaries.**

**8.06.020 Open Burning – Outside Town Boundaries.**

**8.06.030 Containers.**

**8.06.040 Violation – Penalty.**

**8.06.010 Open Burning – Within Town Boundaries.**

Open burning in a safe manner of paper, limbs, leaves and weeds accumulated from private households from a non-commercial use shall be allowed within the boundaries of the Town after obtaining such permits as may be required.

**8.06.020 Open Burning – Outside Town Boundaries.**

Open burning in a safe manner of paper, limbs, leaves and weeds accumulated from private households from a non-commercial use shall be allowed within two (2) miles of the boundaries of the Town after obtaining such permits as may be required.

**8.06.030 Containers.**

All paper burned pursuant to this Chapter must be burned in a safe container. Any container used for burning must be covered with a wire mesh screen.

**8.06.040 Violation – Penalty.**

Any person, firm or corporation that violates any of the provisions of this Chapter shall be punished in accordance with Chapter 1.08 of the Municipal Code. Each day's violation thereof shall constitute a separate offense.

**Chapter 8.08**

**NUISANCES**

**Sections:**

- 8.08.010 Definitions.**
- 8.08.020 Complaint of Nuisance.**
- 8.08.030 Right of Entry Generally.**
- 8.08.040 Right of Entry in an Emergency.**
- 8.08.050 Summary Abatement; Notice to Abate; Action to Abate a Nuisance.**
- 8.08.060 Assessment and Collection of Costs of Abatement.**
- 8.08.070 Acts Constitute Violation of Chapter.**
- 8.08.080 Specific Nuisances Declared.**
- 8.08.090 Violation – Penalty**

**8.08.010 Definitions.**

When used in this Chapter, the following words shall be interpreted as follows, unless the context indicates otherwise:

A. "Administrative officer" means the Town Manager or his or her designee, the Chief of Police or his or her designee or a Building Official.

B. "Agent" means and includes any person acting on behalf of or in place of an owner.

C. "Building" means any dwelling, office building, store, warehouse or structure of any kind, whether or not the building is permanently affixed to the ground upon which it is located, and any trailer, semi-trailer, mobile home or any other vehicle designed or used for occupancy by persons for any purpose.

D. "Inoperable" means a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned or unable to perform the functions or purpose for which it was originally constructed.

E. "Junk" means any material or object, used or new, which is not presently usable, including but not limited to scrap metals and their alloys, bones, rags, cloth, rubber pieces, rope, tinfoil, bottles, tools, fixtures, utensils, lumber, boxes, crates, pipes or pipe fittings, automobile or airplane tires, vehicle parts, machinery and appliances. Objects or materials shall be considered junk if they are so worn, deteriorated or obsolete as to make them unusable in their existing condition; if they are not capable of being used in their present location on the property; or if they cannot legally be used due to the absence of legal prerequisites to use.

F. "Junk vehicle" means any vehicle not capable of traveling under its own powers, not bearing current registration plates and insurance, or which, for thirty (30) days or more, is inoperable or has not been in a condition to be legally operated on the streets; provided, however, that such definition shall not include vehicles which are capable of travel under their own power but which do not bear current registration plates when such vehicles are located upon vehicle sale lots which hold current auto dealer's licenses or when such vehicles are being repaired at garages, body shops or other vehicle repair businesses which hold current state sales tax licenses.

G. "Litter" means any and every rubbish, waste material, refuse, garbage, trash, debris, excrement, urine, dead bird(s), dead fish, fishing line, bait, chemical compound, petroleum product or compound, automobile part or accessory, tire, wheel, junk, paper, cardboard, can, lid, bottle, cap, carton, wrapper, box, wooden object, plastic object, clothing, cloth, metal object, rubber object, leather object, hide, feather, grass clippings, leaves, cut weeds, tree branches, bush clippings, bricks, cinderblock, building material, wood, port-o-potties, paint, concrete, sand, dirt, mud, gravel, stone, glass, asphalt, ashes, cigarette, cigar, food or food product, solvent, dye, beverage, liquid except clean water, offal composed of animal matter or vegetable matter or both or any noxious or offensive matter whatever.

H. "Owner" means and includes:

1. Any owner or holder of any legal or equitable estate in real property, including a dominant or servient estate, except a future or reversionary interest and except the interest of a public trustee, lien holder, mortgagee or beneficiary of a deed of trust.

2. The owner of record, as reflected by the records of the office of the County Assessor.

I. "Person" means and includes any individual, partnership, corporation, association, agent, servant or employee of any individual, partnership, corporation, association or other type of organization.

J. "Public" or "private property" includes, but is not limited to, the real property, building or structure thereon of any person, state, county, town, public or private corporation of the United States; the right-of-way of any street, road, railroad or highway; any body of water, irrigation ditch or watercourse, including frozen areas thereof and the shores and beaches thereof; any park, playground, building or recreation area; and any school grounds, school building or property used for school purposes.

K. "Statute" means a statute of the State of Colorado.

L. "Vehicle" means any trailer (including contents of the trailer), boat or machine, whether or not self-propelled, and any nonaquatic, self-propelled vehicle which, as originally built, contained an engine, regardless of whether it contains an engine at any other time, including, without limitation, automobiles, airplanes, trucks, buses, motor homes, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, wagons, dune buggies and other off-the-road vehicles.

#### **8.08.020 Complaint of Nuisance.**

A person may make a complaint of the existence of a nuisance to a Police Officer, Community Service Officer, a Building Official, a Code Enforcement Official, the Town Manager or his or her designee. Such complaint shall be in writing on a form supplied by the Town of Hayden and is to include whenever possible the nature of the nuisance, the location, including the address, the name of the owner, occupant or manager of the property, the duration of the nuisance and the name and address of the complainant.

#### **8.08.030 Right of Entry Generally.**

Whenever necessary to make an inspection to enforce any of the provisions of this Chapter, or whenever an administrative officer has reasonable cause to believe that there exists in any building or upon any premises any condition which constitutes a nuisance hereunder, such inspector may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed on him or her; provided, however, that, if such building or premises is occupied, such inspector shall first present proper credentials and request entry; and, if such building or premises is unoccupied, he or she shall first make a reasonable effort to locate the owner or occupant or other person or persons having charge or control of the building or premises and, upon locating the owner, occupant or other person or persons, shall present proper credentials and request entry. If entry is refused, the authorized inspector shall give the owner or occupant, or if the owner or occupant cannot be located after a reasonable effort, he or she shall leave at the building or premises, a written notice of intention to inspect not sooner than twenty-four (24) hours after the time specified in the notice. After complying with all notice requirements and prior to entry into an occupied premises, the inspector shall first obtain an order from the court finding sufficient probable cause of a violation of the nuisance law and issuing an inspection warrant authorizing entry into the occupied premises. The requirements of this Section shall not apply to public places, including privately owned vacant land, as defined in Section 8.08.010 which may be inspected by an administrative officer at any time without notice.

#### **8.08.040 Right of Entry in an Emergency.**

A. Whenever an administrative officer has reason to believe that a nuisance exists and that such nuisance constitutes an emergency presenting imminent danger of serious injury to persons or property, the administrative officer, his or her authorized representative or a police officer may immediately enter into any building or upon any premises within the jurisdiction of the Town for purposes of inspection and/or abatement.

B. In the emergency situation, such person or his or her authorized representative may use such reasonable force as may be necessary to gain entry into the building or upon the premises.

C. For purposes of this Section, an emergency situation includes any situation where there is imminent danger of loss of or injury or damage to life, limb or property. It is unlawful for any owner or occupant of the building or premises to deny entry to any administrative officer or to resist reasonable force used by the authorized official acting pursuant to this Section.

**8.08.050 Summary Abatement; Notice to Abate; Action to Abate a Nuisance.**

A. Whenever a nuisance exists which constitutes an emergency presenting imminent danger of serious injury to persons or property, an administrative officer may summarily abate the nuisance or order it abated by removal, destruction or mitigation without notice or judicial action.

B. Unless a specific provision of this Code states otherwise, when a nuisance does not require summary abatement, an administrative officer, his or her authorized representative or a police officer shall prepare and serve a notice to abate on the owner, manager, occupant or possessor of any property on which a nuisance exists, or to the person conducting or maintaining the business, occupation, operation or activity which constitutes the nuisance. Such personal service, or such written notice mailed by certified mail to the last known address of the record owner of the property, or to the manager, lessee, occupant, person responsible for conducting or maintaining the nuisance, or the agent of such owner, lessee or occupant, shall be deemed adequate notice. Such notice shall:

1. State that the nuisance is a Class A violation of the Hayden Municipal Code, punishable by a fine and, if the nuisance is not abated within ten (10) days or other appropriate time period as determined by the administrative officer and specified in the notice, an action may be brought in the Municipal Court for said violation and/or to abate the nuisance, and that if the responsible party fails to abate the nuisance and the nuisance is abated by the Town, the costs of abatement, plus twenty percent (20%) of such cost for inspection and other administrative costs, shall be assessed against the owner, manager, occupant or possessor of the property on which the nuisance is found and shall become a lien upon the property on which the abatement was performed.

2. Be served, either in person, by certified mail or by means of posting on the premises upon which the nuisance exists. If notice is served by posting, a copy of the notice shall also be mailed by certified mail, return receipt requested, to the owner of record of the property at his or her last known address or the address shown on the records of the Routt County Assessor.

C. When a nuisance has not been voluntarily abated within the time specified in the notice to abate, the Town may:

1. Bring a criminal action for enforcement of the ordinance in Municipal Court;

2. Bring an action in the Municipal Court to have the nuisance declared as such by the Court and for an order enjoining the nuisance or authorizing its restraint, removal, termination or abatement by the owner, manager, occupant, agent or possessor of the property or by an administrative officer of the Town, his or her authorized representative, a Police Officer, Code Enforcement Official, Building Official or any person under contract with the Town to perform such services; or

3. Bring an action to declare and abate a public nuisance in the name of the people of the Town by the filing of a summons and complaint. A summons shall be issued and served as in civil cases,

D. The remedies specified in this Section shall be in addition to all other remedies provided by law.

**8.08.060 Assessment and Collection of Costs of Abatement.**

A. If the Town has abated the nuisance, the owner, manager, occupant or possessor of the property shall pay the costs of inspection and other administrative expenses. Such costs shall be assessed and filed as a lien against any property on which the abatement was performed and shall be a first and prior lien upon the property.

B. A statement of the costs of the abatement plus twenty percent (20%) of such costs for administrative expenses shall be mailed to or personally served upon the owner of the property. The owner may request a hearing before the Town Manager to contest the cost of abatement. Such request must be made in writing within fifteen (15) days of the date the statement was mailed or served. The owner shall be given at least forty-eight (48) hours' notice of the hearing before the Town Manager. The decision of the Town Manager shall be final. If the statement remains unpaid, a lien shall be filed with the County Clerk and Recorder and the amount shall be certified by the Town Clerk Director to the County Treasurer for collection at tax sale.

**8.08.070 Acts Constitute Violation of Chapter.**

Any person who makes or causes any nuisance to exist shall be deemed responsible and liable for the nuisance. Moreover, any person who has possession or control of any private ground or premises, whether he or she is the owner of the property or not, where any nuisance exists or is found, shall be deemed responsible and liable for the nuisance, notwithstanding the fact that he conveys interests in the property to another after such notice or order was issued and delivered.

It shall not be a defense to the determination that a nuisance exists or to an action to abate a nuisance that the property is boarded up or otherwise enclosed, or that the nuisance is not visible by the general public, unless such enclosure or lack of visibility is a defense specified in this Chapter.

**8.08.080 Specific Nuisances Declared.**

A. The following are specifically declared to be nuisances and are prohibited:

1. Abandoned containers, open wells, cisterns or excavations.

a. Abandoning or discarding, in any public or private place accessible to children, any chest, closet, piece of furniture, refrigerator, icebox, motor vehicle or other article having a compartment of a capacity of one and one-half (1½) cubic feet or more and having a door or lid which, when closed, cannot be opened easily from the inside, or who, being the owner, lessee, agent or manager of such place, knowingly permits such abandoned or discarded article to remain in such condition or public or private place.

b. Wells, cisterns, gasoline storage tanks, excavations containing water and excavations exceeding five (5) feet in depth on private property, unless the same are

adequately covered with a locked lid or other covering weighing at least sixty (60) pounds or are securely fenced with a solid fence to a height of at least six (6) feet. Any abandoned or unused well or cistern.

2. Attachments to utility poles.

a. It is unlawful for any person, firm or corporation to attach, affix, place, install or maintain or permit or suffer to be attached, affixed, placed, installed or maintained, any telegraph, radio, wireless telephone or wireless telegraph apparatus, or any metal, wood or other substance to, on or upon any telegraph, telephone, electric light, electric railway or power wires or poles or attachments belonging to another person, firm or corporation without the consent of such person, firm or corporation given in writing.

b. Any person, firm or corporation that violates any of the provisions of this Section shall pay, upon conviction, a fine in accordance with Section 1.06.010. Each day's violation thereof shall constitute a separate offense.

3. Fire hazards. Combustible materials on public or private property within the Town which are not stored in conformance with the Uniform Fire Code; dried shrubs, trees, refuse or waste on public or private property which, by reason of its size, location, manner of growth or condition, constitutes a fire hazard to a building, improvement, crop or other property.

4. Hazardous or unsanitary property. Any building or real property, whether open to the public or not, which presents a hazard of fire or accident or a hazard to health because of structural defects, decay, deterioration, litter, garbage, rodent infestation, broken glass, stagnant or polluted water, dry rot, termite infestation, accumulated manure or animal waste, dead animals, raw sewage seepage, hazardous or chemical waste.

5. Junk or litter. Any articles or materials classified as junk or litter, according to the definition set forth in Section 8.08.010, on any vacant land or parcel, or adjacent to or in close proximity to any schoolhouse, church, public park, residence, business or in a zoning district prohibiting outdoor storage or processing of junk unless such junk is screened from public view by an approved solid fence not less than five (5) feet in height or, if the topography requires such an enclosure, in a building with four (4) solid walls and a roof.

6. Junk and Inoperable vehicles. Any junk or inoperable vehicle as defined in Section 8.08.010, or parts thereof, on public or private property, unless screened from public view by an approved solid fence not less than five (5) feet in height or, if the topography requires such an enclosure, in a building with four (4) solid walls and a roof; or unless such vehicle is stored in a lawful storage, junk or auto wrecking yard in a zone permitting such storage, junk or auto wrecking yard. Nothing in Section 8.08.040 shall be deemed or construed to prevent the Town from acquiring, operating and maintaining a facility for the storage of motor vehicles, vehicles, boats, machinery or equipment. (The intent of this section is that no junk or inoperable vehicles are visible or an eyesore)

7. Unlawful activities. Any public or private place or premises which has become the location for frequent or repeated criminal activity, including but not limited to professional gambling, unlawful use of drugs, unlawful manufacturing, sale or distribution of drugs, furnishing or selling intoxicating liquor or fermented malt beverages to underage persons,

solicitation for prostitution, theft, trafficking in stolen property or assaults and disturbances of the peace.

8. Any unlawful pollution or contamination of any land, surface or subsurface water in the Town or of any water substance or material intended for human consumption.

9. Any activity, operation or condition which, after being ordered abated, corrected or discontinued by a lawful order of a department or officer of the Town or the County, continues to be conducted or continues to exist in violation of statute or ordinance or in violation of any ordinance, rule or regulation of the Town, County or the State.

10. Trees, shrubs and other vegetation which are dead, broken, diseased or infested by insects so as to endanger the well-being of other trees, shrubs or vegetation or constitute a potential threat or hazard to people or property within the Town.

11. Any nuisance defined or declared as such by federal or state statute or county resolution.

12. Any building, land, substance or personal property:

a. The use or condition of which presents a substantial danger or hazard to the physical health or safety of the public; or

b. Used repeatedly for any purpose which is in violation of the provisions of any ordinance, law, statute, rule or regulation.

13. The conduct or maintenance of any business, occupation, operation or activity in violation of the provisions of any ordinance, law, statute, rule or regulation.

14. Any business, occupation, operation, activity or any building, land, substance or personal property, the use or condition of which has been identified as a nuisance in this Code, the Colorado Revised Statutes or the common law.

#### **8.08.090 Violation – Penalty**

Any person, firm or corporation that violates any of the provisions of this Chapter shall be punished in accordance with Chapter 1.08 of the Municipal Code. Each day's violation thereof shall constitute a separate offense

**Chapter 8.10**  
**FIREWORKS\***

**Sections:**

- 8.10.010**    **Definitions.**
- 8.10.020**    **Unlawful to Sell or Use.**
- 8.10.030**    **Permits for Display.**
- 8.10.040**    **Bond Required.**
- 8.10.050**    **Construction of Chapter.**
- 8.10.060**    **Seizure of Fireworks.**
- 8.10.070**    **Violation – Penalty.**

**8.10.010**    **Definitions.**

A. "Fireworks" means and includes any article, device or substance prepared for the primary purpose of producing a visual or auditory sensation by combustion, explosion, deflagration or detonation, including without limitation the following articles and devices commonly known and used as fireworks: toy cannons or toy canes in which explosives are used, blank cartridges, the type of balloon which requires fire underneath to propel the same, except hot air balloons used for transportation, firecrackers, torpedoes, skyrockets, roman candles and daygo bombs. "Fireworks" does not include toy pistols, toy guns, sparklers or torches which do not contain explosive charges or other devices which contain paper caps manufactured in accordance with United States Interstate Commerce Commission regulations for packing and shipment of toy paper caps, manufactured as provided in this Chapter.

B. "Governing body" means the Town Council of the Town.

C. "Person" includes an individual, partnership, co-partnership, firm, company, association or corporation.

**8.10.020**    **Unlawful to Sell or Use.**

Except as provided in Sections 8.10.030 and 8.10.040 of this Chapter, it is unlawful for any person to offer for sale or to sell or to use or explode any fireworks within the corporate limits of the Town.

**8.10.030**    **Permits for Display.**

The Town Council of the Town may grant permits for supervised public displays of fireworks within the corporate limits of the Town. Application for such a permit shall be made in writing to the Town Council at least fifteen (15) days in advance of the date of display. Every such display shall be handled by a competent operator and shall be of such character and so located, discharged and fired as not to be hazardous to property or endanger any person. Before a permit is granted, the operator and the location and handling of the display shall be approved, after investigation, by the Town Council in accordance with such rules and regulations as shall be adopted by the Town Council for the granting of such permits. No permit shall be transferable or

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\* For statutory provisions authorizing municipalities to regulate and restrain the use of fireworks, see CRS § 31-15-601(1)(j) (1975 Supp.)

assignable. No permit shall be required for any public display of fireworks at any county fair duly organized under the laws of the state.

**8.10.040 Bond Required.**

The Town Council shall require each permittee to give a satisfactory bond or liability insurance in amounts to be determined by the Town Council), which shall insure the payment of all damages which may be caused either to persons or property by reason of the licensed display and arising from any acts of the permittee, his agents, employees or subcontractors.

**8.10.050 Construction of Chapter.**

This Chapter shall not be construed to prohibit the following, if permitted by the statutes of the State of Colorado:

A. Any person offering for sale, exposing for sale, selling or having in his possession with intent to offer for sale or sell, fireworks to any municipality, fair association, amusement park or other organization or group holding a permit issued as provided in this Chapter, or to the governing body of the Colorado State Fair or of any county or district fair organized under the laws of the state;

B. Any person using or exploding fireworks in accordance with the provisions of any permit issued as provided in this Chapter or as a part of a supervised public display at the Colorado State Fair or of any county or district fair organized under the laws of the state;

C. Any person offering for sale, exposing for sale, selling or having in his possession with intent to offer for sale any fireworks which are to be and are shipped directly out of the state;

D. Any person offering for sale, exposing for sale, selling or having in his possession with intent to offer for sale, or sell, or using or exploding, any article, device or substance for a purpose other than display, exhibition, noise, amusement or entertainment;

E. Any person offering for sale, exposing for sale, selling or having in his possession with intent to offer for sale, or sell, or using or exploding, blank cartridges for a show or theater, or for signal or ceremonial purposes, in organized athletics or sports; or

F. Any person offering for sale, exposing for sale, selling or having in his possession with intent to offer for sale, or sell, or use of sparklers or torches.

**8.10.060 Seizure of Fireworks.**

The Chief of Police, police officer, or designee, shall seize, take and remove, at the expense of the owner, all stocks of fireworks or combustibles offered or exposed for sale, stored or held in violation of the provisions of this Chapter.

**8.10.070 Violation – Penalty.**

Any person, firm or corporation that violates any of the provisions of this Section shall be punished in accordance with Chapter 1.08 of the Municipal Code. Each day's violation thereof shall constitute a separate offense.

## Chapter 8.12

### GARBAGE AND REFUSE

#### Sections:

- 8.12.010 Definitions.
- 8.12.020 Maintenance; Unlawful Accumulations.
- 8.12.030 Scattering Garbage on Streets.
- 8.12.040 Removal of Building Materials.
- 8.12.050 Spilling and Littering Unlawful.
- 8.12.060 Depositing Garbage or Refuse in or Around Others' Receptacles.
- 8.12.070 Refuse Escaping From Vehicles.
- 8.12.080 Violation – Penalty.

#### 8.12.010 Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings ascribed to them in this Section.

##### A. "Debris" means:

1. Discarded automobile parts or tires, household furnishings or equipment;
2. Silt or refuse from automobile wash racks and floor drains;
3. Manure other than a light application on lawns or gardens for fertilizing purposes;
4. Any refuse resulting from the wrecking, construction or reconstruction of any building, fence, sidewalk or structure of any kind or character;
5. Large or bulky boxes, barrels, tanks or containers;
6. Any discarded refuse of a highly explosive or inflammable nature; or
7. Any waste materials of any unusual or excessive amount.

B. "Dwelling" means a building designed to be used as the living place for one (1) or more persons or families.

C. "Garbage" means any and all kitchen refuse, rejected or waste food, meat, fish, fowl, offal, carrion or other similar refuse, accumulation of fruit, vegetable or animal matter that attends the preparation, use, cooking of, dealing in or storage of meats, fish, fowl, fruits, vegetables or other substances which may decompose, or become foul, offensive, unsanitary or dangerous to health.

D. "Rubbish" means any refuse, excepting garbage, normally accumulated for disposal on and about a dwelling or place of business, such as cans, jars, bottles, containers, papers, glass,

ashes, boxes, shavings, excelsior, clothing, dishes, lawn or shrubbery clippings or trash of any kind or character not otherwise classified as garbage or debris in this Section.

E. "Sanitary landfill site" means any site where debris is being dumped.

**8.12.020 Maintenance; Unlawful Accumulations.**

It shall be the duty of every owner or occupant of any premises to keep and maintain the same at all times, including the sidewalk and parking in front and the alley in back thereof, including any easement or other right-of-way, between the property line and the curb or middle of the alley in a clean and orderly condition, permitting no deposit or accumulation of garbage, rubbish, litter, weeds or debris other than as authorized in this Chapter. Any unauthorized deposit or accumulation constitutes a nuisance. The owner or proprietor of each business establishment shall be responsible for keeping the sidewalk in front of such establishment free of any accumulation of dirt, papers or rubbish, which shall be taken up and deposited in a proper receptacle with other refuse from such establishment.

**8.12.030 Scattering Garbage on Streets.**

It is unlawful for any person to scatter, deposit, throw or sweep any garbage, rubbish or debris on or into any street, gutter, sewer intake, alley, vacant property or public right-of-way.

**8.12.040 Removal of Building Materials.**

All plaster, broken concrete, bricks, cinder blocks, stones, wood, roofing material, wire or metal binding, sacks or loose discarded or unused material of any kind resulting from the wrecking, constructing or reconstructing of any room, basement, wall, fence, sidewalk or building shall be promptly removed or discarded in such a manner as not to be scattered about by the wind or otherwise and as soon as possible be removed by the person responsible for such work. Such person shall be held liable for any scattering of such refuse upon adjacent property.

**8.12.050 Spilling and Littering Unlawful.**

It is unlawful for any person to spill or deposit any rubbish, garbage or debris on any street, alley or any other public or private property, or for rubbish, garbage or debris to be spilled, blown or littered by him or her upon any street, alley or any other private or public property.

**8.12.060 Depositing Garbage or Refuse in or Around Others' Receptacles.**

It is unlawful for any person to knowingly deposit garbage, refuse or rubbish in or around the Dumpster, container or receptacle of another without permission of the owner, occupant, lessor or tenant of the residence. The minimum fine imposed for violation of this Section shall be one hundred dollars (\$100.00) for a first offense and double for a second or subsequent offense in accordance with Section 1.08.010.

**8.12.070 Refuse Escaping From Vehicles.**

No vehicle shall be driven or moved on any Town street, alley or other public thoroughfare unless such vehicle is constructed or loaded or the load thereof secured to prevent any of its load from dropping, shifting, leaking or otherwise escaping therefrom; except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway.

**8.12.080 Violation – Penalty.**

Any person, firm or corporation that violates any of the provisions of this Section shall be punished in accordance with Chapter 1.08 of the Municipal Code. Each day's violation thereof shall constitute a separate offense.

**Chapter 8.14**

**WEEDS AND BRUSH**

**Sections:**

- 8.14.010 Definitions; Weeds and Brush.**
- 8.14.020 Nuisance.**
- 8.14.030 Removal Required.**
- 8.14.040 Failure to Comply.**
- 8.14.050 Violation – Penalty**

**8.14.010 Definitions; Weeds and Brush.**

As used in this Chapter, brush, trees, shrubs and weeds shall have the following meanings:

A. "Brush" is a volunteer growth of bushes or shrubbery over the average height of twelve (12) inches; or any combination of dead brush, tree trimmings and weeds; or poison oak or other injurious, poisonous, unsightly bushes or shrubbery.

B. "Developed" shall mean any parcel of ground subdivided in accordance with the subdivision regulations of the Town or subject to the Zoning Regulations of the Town, on which any improvement has been permitted or which is used for parking or storage.

C. "Noxious weeds" means plants that are determined by the State, the County or the Town as a noxious weed or an alien plant, including but not limited to leafy spurge, Russian knapweed, spotted knapweed, diffuse knapweed, Canada thistle, musk thistle, field bindweed, volunteer rye, hounds tongue and jointed goatgrass.

D. "Trees and shrubs" include all trees, shrubs, bushes and all other woody vegetation.

E. "Weeds" are herbaceous plants or vegetation over the average height of six (6) inches; or any combination of dead weeds or vegetation; or poison ivy, ragweed or other injurious, poisonous or unsightly plants.

**8.14.020 Nuisance.**

A. It is unlawful and shall be deemed a nuisance, for the owner or occupant to allow such owner's or occupant's property to become overgrown with weeds or grass of any kind or nature. The owner or occupant shall keep the property substantially free of weeds. Weeds shall be controlled by removal or use of herbicides. It is unlawful and deemed a nuisance for the owner or occupant of any developed lot or parcel located on premises within the corporate limits of the Town to allow turf grass to grow to a height of twelve (12) inches or greater.

**B. Exceptions.**

1. A natural growth of sagebrush, chokecherry or other brush or plants common to this area that are on undeveloped or unsubdivided land shall not be considered a nuisance unless, in the opinion of the Town Manager or his or her authorized representative, a fire danger exists to a structure or structures from such natural growth. If such a fire danger exists, the owner, lessee, occupant or an agent of such owner, lessee or occupant shall cut a fire break at least fifty (50) feet wide between the brush or plants and any structures.

2. Flowers or vegetable gardens, cultivated or tended shrubbery or agricultural crops, including but not limited to hay or grass grown for feed, fodder or forage shall not be considered a nuisance.

3. The Town Council may, after written request from the owner or occupant and by resolution, exempt certain areas in the Town, whether publicly or privately owned, from the prohibitions contained in this Section if the Town Council determines that such areas are: natural open space, natural park, conservation areas, erosion control areas, agricultural zoned property or irrigation or drainage ditch rights-of-way.

**8.14.030 Removal Required.**

A. It shall be unlawful for any person who is an owner, lessee, occupant or an agent of such owner, lessee or occupant, having control over any occupied or unoccupied lot or any parcel of land in the Town not exempted under Section 8.14.020, to permit or maintain on any such lot or parcel of land or on or along the sidewalk, street or alley adjacent to the same, including any easement or other right-of-way, between the property line and the curb or middle of the alley, any growth of weeds, grass, brush and any trees, bushes or other vegetation that interfere with vehicle movement in the alley or street; or any vegetation which conceals junk. It shall also be unlawful for any such person or persons to cause, suffer or allow an accumulation of noxious weeds, poison ivy, ragweed or other poisonous or narcotic plants or plants detrimental to health, to grow on any such lot or land in such manner that seeds, pollen or emanations therefrom may be carried through the air into any public place. The foregoing enumeration is not intended to be all-inclusive but rather is intended to be indicative of those types of plants which are considered a nuisance.

B. It shall be the duty of such owner, lessee, occupant or agent of such owner, lessee or occupant to cut and remove or cause to be cut and removed, sprayed and destroyed by any other lawful means all such weeds, grass, noxious weeds or other vegetation as often as may be necessary, and it shall be unlawful for any such person to neglect such duty.

**8.14.040 Failure to Comply.**

If the person upon whom said notice is served fails, neglects or refuses to correct the violation within ten (10) days (or other date established by the authorized representative) of the date said notice was served or received, the Town Manager or his or her authorized representative may abate the nuisance as set forth in Section 8.08.070, may cite such person into Municipal Court as set forth in Section 8.08.060, or may do both.

**8.14.050 Violation – Penalty.**

Any person, firm or corporation that violates any of the provisions of this Section shall be punished in accordance with Chapter 1.08 of the Municipal Code. Each day's violation thereof shall constitute a separate offense.

**Chapter 8.16**

**ALARM SYSTEMS**

**Sections:**

**8.16.010 General Provisions and Definitions.**

**8.16.020 Fee; False Alarms.**

**8.16.030 Violation - Penalty.**

**8.16.010 General Provisions and Definitions.**

A. "Alarms distinguishable" means alarms received at the designated dispatch center must be distinguishable by type, and no alarm shall be for multi-purpose usage.

1. Robbery-in-progress or robbery-just-occurred;
2. Burglary-in-progress or intrusion;
3. Trouble (fight or other disturbance); or
4. Fire/smoke.

B. "Alarm owner" means any person, firm or corporation which leases an alarm system to any other person, firm or corporation. "Alarm owner" also includes the subscriber.

C. "Burglary-in-progress or intrusion alarm" means any alarm, as is defined in this Section, which is designed to indicate a burglary is in progress or intrusion into the premises. "Intrusion" shall mean any entry into the premises which is unauthorized during which time a business or firm is closed to the public or an intrusion into a residence by an unauthorized person.

D. "Dialing alarms" means those alarms which automatically dial the telephone number of the police or fire department and shall be subject to all the provisions of this Chapter.

E. "False alarm" means any signal emanating from an alarm, as defined in this Section, to which the police or fire department respond to investigate, and shall be unlawful if the alarm results from:

1. False activation, including activating an alarm for a purpose for which the alarm was not designed;
2. Alarm malfunction, except mechanical or electrical failure over which the subscriber or owner had no control to prevent;

3. Activation of an alarm by the subscriber, owner or agent due to negligence or oversensitive settings; or

4. Activation of the alarm system for testing purposes when the police or fire department had not been given prior notice or did not approve the testing.

F. "Fire/smoke alarm" means any alarm, as defined in this Section, which is designed to indicate the presence of fire or smoke.

G. "General alarm" means any device which, when activated by any means, produces and/or transmits a signal, visual or audible, to indicate intrusion, trouble, fire, smoke or other activity for which the alarm was designed and/or used which notifies any person, or causes any person to summon the police or fire department to respond to the premises, from which the alarm emanates, to investigate.

H. "Misuse of alarm" means any use of an alarm system, by a subscriber or alarm owner, for a purpose for which the alarm system was not designed, for which a permit was not granted, and is unlawful.

I. "Robbery-in-progress" or "robbery-just-occurred" alarm means any alarm, as defined in this Section, which is designed to indicate that a robbery is in progress or that a robbery just occurred.

J. "Subscriber" means any person, firm or corporation which installs, subscribes to or uses any alarm or alarm system in or about its residence, business or other premises.

K. "Trouble alarm" means any alarm, as defined in this Section, which is designed to indicate a fight or a threat to life or limb.

L. "Vehicle alarm" means an alarm installed in a motor vehicle and shall not be subject to the provisions of this Chapter.

M. "Year" means a calendar year (365 days), beginning January 1 of each year.

#### **8.16.020 Fee; False Alarms.**

A. The subscriber shall pay to the Town a fee for false alarms per the adopted Town fee schedule. It shall be prima facie evidence of a false alarm if the police or fire department responds and discovers that the alarm was false based on its investigation.

B. The false alarm fee schedule shall be per the adopted Town fee schedule.

#### **8.16.030 Violation – Penalty.**

Any person, firm or corporation that violates any of the provisions of this Section shall be punished in accordance with Chapter 1.08 of the Municipal Code. Each day's violation thereof shall constitute a separate offense.

**2. Chapter 9.22 Possession and Use of Marijuana, Marijuana Concentrate and Tobacco Products by Minors is adopted as stated herein below.**

**Chapter 9.22**

**POSSESSION AND USE OF MARIJUANA, MARIJUANA CONCENTRATE AND TOBACCO PRODUCTS BY MINORS**

**Sections:**

- 9.22.010 Intent.**
- 9.22.020 Definitions.**
- 9.22.030 Unlawful Possession or Use of Tobacco Products by Minors.**
- 9.22.040 Unlawful Possession or Use of Marijuana or Marijuana Concentrate by Minor**
- 9.22.050 Furnishing cigarettes, Tobacco Products, e-cigarettes or Nicotine to Minors**
- 9.22.060 Unlawful Possession or Use of Tobacco Products or Marijuana or Marijuana Concentrate by Minors–Penalty.**

**9.22.010 Intent.**

It is the intent of this Chapter to protect the public health, safety, and welfare by prohibiting the possession and use of tobacco and marijuana products by minors.

**9.22.020 Definitions.**

As used in this Chapter, the following words or phrases are defined as follows:

- A. "Minor" means any person under the age of eighteen (18) years of age.
- B. "Tobacco product" means any substance containing tobacco leaf or tobacco product, including, but not limited to, cigarettes, e-cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.
- C. "Marijuana and Marijuana Concentrate shall be defined in accordance with the definitions set forth in C.R.S. 18-18-102 (18) and (19)

**9.22.030 Unlawful Possession or Use of Tobacco Products by Minors.**

- A. It is unlawful for any minor to possess any tobacco product.
- B. It is unlawful for any minor to use, either by smoking, ingesting, absorbing or chewing, any tobacco product. "Smoking" means the holding or carrying of a lighted pipe containing tobacco products, electronic cigarette, lighted cigar or lighted cigarette of any kind containing tobacco products and includes the lighting of a pipe, cigar or cigarette of any kind containing tobacco products.
- C. It is unlawful for any minor to purchase, obtain, or attempt to purchase or obtain any tobacco product by misrepresentation of age or by any other method.
- D. It shall be rebuttably presumed that the substance within a package or container is a tobacco product if the package or container has affixed to it a label which identifies the package or container as containing a tobacco product. (Ord. 492 (part), 2000)

**9.22.040 Unlawful Possession or Use of Marijuana or Marijuana Concentrate by Minors.**

- A. It is unlawful for any minor to possess any Marijuana or Marijuana Concentrate.

B. It is unlawful for any minor to use, either by smoking, ingesting, absorbing or chewing, any Marijuana or Marijuana Concentrate product. "Smoking" means the holding or carrying of a lighted pipe containing Marijuana or Marijuana Concentrate products, lighted cigar or lighted cigarette of any kind containing Marijuana or Marijuana Concentrate products and includes the lighting of a pipe, cigar or cigarette of any kind containing Marijuana or Marijuana Concentrate products.

C. It is unlawful for any minor to purchase, obtain, or attempt to purchase or obtain any Marijuana or Marijuana Concentrate product by misrepresentation of age or by any other method.

D. It shall be rebuttably presumed that the substance within a package or container is a Marijuana or Marijuana Concentrate if the package or container has affixed to it a label which identifies the package or container as containing Marijuana or Marijuana Concentrate.

**9.22.050 Furnishing cigarettes, Tobacco Products, e-cigarettes or Nicotine to Minors - Unlawful for a Person over 18 years of age to Provide Tobacco / Marijuana Products to a Juvenile**

A. A person shall not give, sell, distribute, dispense, or offer for sale a cigarette, tobacco product, marijuana or marijuana concentrate or nicotine product to any person who is under eighteen years of age.

B. Before giving, selling, distributing, dispensing, or offering to sell to an individual any cigarette, tobacco product, or nicotine product, a person shall request from the individual and examine a government-issued photographic identification that establishes that the individual is eighteen years of age or older; except that, in face-to-face transactions, this requirement is waived if the individual appears older than thirty years of age.

**9.22.060 Violation–Penalty.**

Any person, firm or corporation that violates any of the provisions of this Section shall be punished in accordance with Chapter 1.08 of the Municipal Code. Each day's violation thereof shall constitute a separate offense.

**Section 3. EFFECTIVE DATE.**

This Ordinance, immediately on final passing and adoption, shall be published by the Town Clerk in accordance with Section 3-3h of the Home Rule Charter and recorded in the Town Book of Ordinances kept for that purpose, authenticated by the signatures of the Mayor and Town Clerk. This Ordinance shall be in force and take effect fifteen (15) days after second publication in accordance with Section 3-3h of the Hayden Home Rule Charter.

**Section 4. PUBLIC HEARING.**

A public hearing on this Ordinance will be held on the 7<sup>th</sup> day of May 2015, at or about 7:30 p.m. at the Hayden Town Hall, 178 West Jefferson Ave, Hayden, Colorado.

INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SECTION 3-3 (d) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF HAYDEN, ON THE 2<sup>nd</sup> DAY OF APRIL 2015.

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James M. Haskins, Mayor

ATTEST

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Sharon Johnson, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SECTION 3-3 (h) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF HAYDEN, ON THE 7<sup>th</sup> DAY OF MAY 2015.

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James M. Haskins, Mayor Pro-Tem

ATTEST

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Sharon Johnson, Town Clerk



## Town Council Agenda Item

MEETING DATE: May 7, 2015

AGENDA ITEM TITLE: Resolution 2015-11 Updating and Revising the Purchasing Policy

AGENDA SECTION: New Business

PRESENTED BY: David Torgler

CAN THIS ITEM BE RESCHEDULED: If needed

### BACKGROUND REVIEW:

Prior to voter approval of a new Town Charter the Town's elected officials adopted a Purchasing Policy to ensure that the Town received the kind of services, supplies and equipment that were needed at the lowest possible cost and best value. The quotation and bid process established under these procedures gave vendors who offer specified services and items equal chance to sell to the Town. The intent of the Purchasing Policy was to provide a method of accounting for maintaining budgetary control over purchases, to provide a method of enhancing organizational efficiency and to comply with applicable federal and state laws and regulations.

When voters approved the Town Charter in July 2009 Section 8-2. Contracts stated *Except as otherwise prescribed by the Town Council, the Town Council shall approve all contracts for the Town.* The Town Council has not reaffirmed the purchasing policy since the adoption of the Town Charter which has delayed approval of certain contracts that prior to July 2009 could have been approved at the staff level. Recent examples, e.g. within the past two years, of contracts staff could have approved prior to July 2009 include:

1. Hiring Dowling Land Surveyors to provide survey work and legal descriptions for work on the Seneca Hill water tank CIP - \$2800.
2. Hiring Metcalf Archaeological Consultants to provide archaeological survey work for the Seneca Hill water tank CIP - \$4520.
3. Hiring required bond counsel for the Seneca Hill water tank CIP loan - \$9000.
4. Hiring Colorado Center for Community Development (CCCD) to complete a parking analysis - \$2100.
5. Hiring JVA to complete preliminary street engineering - \$20,000.

The recommended update more clearly defines the use of joint purchasing, encouraging its use and setting spending limit approvals that are identical to those non-joint purchases. Examples are the materials, equipment and vehicles bid out by the State and County. This type of "piggy-back" purchasing has been successfully used by the Town in the past.

Added to the Purchasing Policy is a section (1.12) addressing Memorandums of Understanding, which are contracts. It is proposed that MOU's not involving monetary considerations should be included in this update. Some examples of MOU's entered into by the Town are Victim Services which spells out how various agencies will interact for victim needs for services; and, for human services which defines how agencies will respond pursuant to Colorado Revised Statutes.

**RECOMMENDATION:**

To approve an updated and revised Purchasing Policy and prescribe a means to allow staff to approve certain contracts.

**MANAGER'S RECOMMENDATION/COMMENTS:**

I concur with the above recommendation.

**RESOLUTION 2015-11**

**A RESOLUTION UPDATING AND REVISING THE PURCHASING POLICY FOR THE TOWN OF HAYDEN**

**RECITALS**

1. Prior to voter approval of a new Town Charter the Town's elected officials adopted a Purchasing Policy to ensure that the Town received the kind of services, supplies and equipment that were needed at the lowest possible cost and best value. The quotation and bid process established under these procedures gave vendors who offer specified services and items equal chance to sell to the Town. The intent of the Purchasing Policy was to provide a method of accounting for maintaining budgetary control over purchases, to provide a method of enhancing organizational efficiency and to comply with applicable federal and state laws and regulations.
2. When voters approved the Town Charter in July 2009 Section 8-2. Contracts stated *Except as otherwise prescribed by the Town Council, the Town Council shall approve all contracts for the Town.* The Town Council has not reaffirmed the purchasing policy since the adoption of the Town Charter or prescribed any policies or procedures to allow for staff to enter into contracts that prior to July 2009 could have been approved by staff.
3. Some Town business is met by entering into contracts otherwise referred to as Memorandums of Understanding (MOU) with other governmental and quasi-governmental agencies. At times these MOU's do not require financial commitments of the Town. Instead these MOU's define how agencies will work together to meet common goals and/or mandates.
4. The Town Council has reviewed the proposed update and revisions to the Purchasing Policy and deems that adoption is in the best interest of the Town.

**NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO THAT:**

**Section 1.** The Town of Hayden, Purchasing Policy, shall be revised to read as stated in Attachment A.

**Section 2.** This Resolution shall be in full force and effect upon adoption.

**PASSED, APPROVED, AND RESOLVED THIS 7<sup>TH</sup> DAY OF MAY, 2015.**

\_\_\_\_\_  
James M. Haskins, Mayor

ATTEST:

\_\_\_\_\_  
Sharon Johnson, Town Clerk



**Town of Hayden  
Purchasing Policy  
Adopted: Resolution 2015-~~XX~~11**

**OBJECTIVE:**

The Town of Hayden shall purchase materials, equipment and services from reliable vendors that are of the best quality, available for use in a timely manner, ~~and~~ at the best possible price and in accordance with state and federal requirements. When price, cost of procurement, quality and availability are comparable, priority shall be given to local vendors.

**PURPOSE AND INTENT:**

The purpose of these ~~bid process purchasing policies~~ is to prescribe contracts that require approval by the Town Council, to ensure that the Town receives the kind of services, supplies and equipment that are needed at the lowest possible-available cost and best value, and to provide for the efficient and effective procurement of services, supplies and equipment necessary to provide budgeted Town services. ~~Also, the~~The quotation and bid process established under these procedures gives vendors who offer specified services and items equal chance to sell to the Town. The intent of this purchasing policy is to provide a method of accounting for maintaining budgetary control over purchases, to provide a method of enhancing organizational efficiency and to comply with applicable United States federal and Colorado state laws and regulations.

**POLICY**

All purchases of materials and supplies shall be done in accordance to the following guidelines:

1.0 General

- a. The ~~Finance Director's office~~ Town Manager, or their designee, is responsible for monitoring purchases, for establishing purchasing systems, and for providing assistance to departments making purchases.
- b. All purchases must be made with funds that have been appropriated by the Town ~~Board~~ Council for the intended purpose.
- c. In considering prices from local vendors and where a special trip would be required to purchase outside of Town, the cost of time and travel may be included in the cost comparison.
- d. Purchase of quantities of materials and supplies shall not be broken down with the intent of applying a less restrictive purchasing procedure.
- e. The Town ~~Board~~ Council and/or Town Manager may, from time to time, restrict any or all budgeted purchases if there is a shortage of available cash.
- f. Written or verbal quotations for materials, equipment, and supplies may be rejected on the basis of inferior quality or unacceptable delivery time.

- g. Purchases to meet **bona fide emergencies**, which may include purchases where prior review and approval by the **BoardTown Council** is not available due to time constraints, may, if necessary, be made exclusive of this policy. Department heads are responsible for prompt and appropriate documentation of the rationale for making emergency purchases.
- h. Having received a low quotation or bid, department heads are enabled to negotiate the price further with the vendor, if necessary, to bring purchases into the range of the approved budget.
- i. In general, quotations or bids should be awarded to the lowest, qualified, responsive vendor.
- j. The Town reserves the right to reject any and all quotations and bids. The Town **BoardCouncil** may direct the Town Manager or department head to negotiate with particular bidders if all bids are over budget, provided no negotiated price exceeds the lowest bid received.

#### 1.1 Accounts Payable

The Town pays bills semimonthly, ~~or i.e.~~ two (2) times per month. The Town **Board-of TrusteesCouncil** approves payments at their regularly scheduled meetings on the 1<sup>st</sup> and 3<sup>rd</sup> Thursdays of each month. Invoices must be submitted to the **Finance Directoraccountants** by 5:00 p.m. on the ~~Thursday-Monday ten days~~ preceding the **BoardTown Council** meeting so that payment can be approved by the Town **BoardCouncil**.

~~On certain occasions, where time constraints to avoid payment penalties for paying an invoice are a factor, the Town Manager and/or Town Clerk are authorized to process and sign such checks, as long as the amount of each check is under \$5,000 and said pre-payment is reported to the Town Council.~~

#### 1.2 Credit Card Purchases

The Town has issued credit cards to **the Town Manager and** each department head to be used only on a limited basis. Examples include to: expedite purchases, secure lodging, pay for meals and associated costs of travel, and make purchases from one-time vendors who require payment at the time of purchase (e.g., online vendors).

#### 1.3 Purchases under \$1,500

Buyers of materials, equipment, supplies and services totaling less than \$1,500 may make purchasing decisions on the basis of experience without obtaining formal price comparisons. In all cases, buyers are expected to be prudent and to exercise good judgment in purchasing decisions that will result in quality and value to the Town without unnecessarily delaying or interfering with the Town's operations. Purchases shall be made on the basis of comparative information **such as** from vendor catalogs, ~~and/or~~ from telephone or e-mail quotations **and/or from on-line information**. Buyers must make a reasonable effort to obtain the best possible price and value for items purchased.

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1.4 Purchases between \$1,500 and \$5,000

Purchases of materials, equipment, supplies and services between ~~\$1,500-500~~ and \$5,000 in total cost shall be made on the basis of at least three INFORMAL QUOTATIONS from vendors, as practical. Quotations may be received verbally, but must be followed by written confirmation. Documentation of all written quotations shall be forwarded to the ~~Finance Director's~~ Town Clerk's office ~~where a master file of quotations will be maintained~~ attached to payment invoices. The informal quotations shall also be retained by the department making the purchase for a period of two years.

1.5 Purchases between \$5,000 and \$30,000

Purchases of materials, equipment, supplies and services between ~~\$5,000-000~~ and \$30,000 shall be made on the basis of required WRITTEN QUOTATIONS from at least three vendors, as practical. ~~Quotations-~~ Written quotations are to be received on vendor letterhead and shall be signed by an official of the vendor. ~~Formal-~~ Written quotations may be faxed, mailed, e-mailed or hand-delivered. Documentation of all written quotations shall be forwarded to the ~~Finance Director's office where a master file of quotations will be maintained~~ Town Clerk's office attached to the payment invoices. ~~The~~ A copy of written quotations resulting in purchases shall ~~also be~~ retained by the department making the purchase for a period of two years.

1.6 Purchases over \$30,000

All purchases of materials, equipment, supplies, and work for public improvements with a value in excess of \$30,000 shall be subject to competitive sealed bids. The following requirements for sealed bidding shall be observed:

- a. Requesting departments shall develop a project budget and prepare, or have prepared by a pre-approved engineering firm, a bid package, consisting of a contract, specifications, bid instructions, and a bid cover sheet, and a list of potential suppliers and/or vendors.
- b. All proposed bid documents shall be submitted to the Town Manager and Town Attorney for approval prior to advertising for bids.
- c. An advertisement for bids shall be published in a newspaper of general circulation at least once and at least 10 days prior to the scheduled bid opening. The advertisement for bids may also be published or posted in any ~~trade journals (e.g., The Daily Journal)~~ manner as determined appropriate by the Town Manager or department head.
- d. Bid packages shall be ~~mailed-delivered~~ to identified and requesting-responsive vendors.
- e. Bid instructions and bid packages shall provide that all sealed bids shall be submitted to the ~~Finance Director~~ Town Clerk at or prior to a bid opening, and that a Every bid opening will be held at the date, time and location specified in the bid advertisement. At each bid opening the Town Clerk or their designee shall

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~~ask for any bids to be submitted and after giving vendors time to respond shall close the bid reception time and proceed to publically open and record all bids received. All bids will be available at the Town Hall for inspection by the public after they are opened.~~

- f. The Town ~~Board~~**Council** will be presented the results of ~~the all~~ bid openings ~~at its next regularly scheduled meeting along with recommendations from the Town Manager or their designee(s)~~ and shall award the contract to the lowest, qualified, responsible and responsive bidder, or take such other action as is permitted by these procedures and State Statute. ~~The A~~ notice of award will be published ~~by the Town Clerk in a newspaper of general circulation accordance with the Town Charter. -and all bids will be available at the Town Hall for inspection by the public after they are opened.~~

#### 1.7 Professional services

Professional services, including legal, consulting and engineering services, are not procured on a price basis. Within the constraints of the approved budget, professional services may be obtained on the basis of proposals, detailing company credentials, proposed scope of work, method of performing work, coordination with the Town, delivery dates, and references. Contracts for professional services exceeding \$30,000 must be approved by the Town ~~Board~~**Council**.

#### 1.8 Sole source purchases

Sole source purchases may be made if it has been determined by the department head that there is only one good or service that can reasonably meet the need and there is only one vendor who can provide the good or service.

For purchases between \$1,500 and \$30,000, the requesting department head must justify the sole source purchase in writing and submit justification to the ~~Finance Director~~**Town Manager**. If the sole source purchase has been justified, the purchase will be approved as determined by review of the ~~Finance Director~~department head and the Town Manager. If the sole source purchase is not warranted, the ~~Finance Director~~**Town Manager** will notify the requesting department head that ~~it-they~~ needs to obtain two more quotations in accordance with the procedure in Section 1.5.

For purchases over \$30,000, the requesting department head must justify the sole source purchase in writing and provide justification to the Town ~~Board~~**Council**. If the sole source purchase has been justified, it will be approved and the bidding requirements will be waived. If the sole source purchase is not warranted, the requesting department must comply with the bidding procedure in Section 1.7.

#### 1.9 Use of state or national purchasing agreements/cooperative bids

In certain cases, the Town may be able to purchase items using the purchasing power of the state of Colorado or that of a state or national organization. If all bids received by the

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Town are in excess of the cost of the items under such purchasing agreement or cooperative bid, the purchase of the item using the agreement or bid will be approved. For purchases \$30,000 or less the Town Manager may waive the requirements of Sections 1.4 and 1.5 of the Purchasing Policy when state or federal purchasing is available. For purchases exceeding \$30,000 the Town Council may waive the requirements of Section 1.6 of the Purchasing Policy when state or federal purchasing is available.

#### 1.10 Surplus Supplies and Equipment

At such times as determined by a department head and justified by the Town Manager, supplies and equipment shall be identified that are no longer used or become worn out. The Town Manager from time to time may cause any surplus supplies or equipment to be destroyed or sold after advertisement to the highest bidder, and the proceeds of the sale deposited to the General Fund or Enterprise Fund of the Town.

#### 1.11 Fixed Asset Threshold

The ~~Finance Director~~Town Clerk shall maintain a master file of fixed assets owned by the Town. The Town of Hayden defines a fixed asset as any item valued over \$2,500 with a useful life of more than 5 years, as set forth in C.R.S. §29-1-504. Each department head shall keep their department list maintained and will add capital items or note "destroyed, disposed or sold" for all surplus supplies and equipment. Departmental lists shall be submitted to the ~~Finance Director~~Town Clerk no later than ~~the~~ January 15<sup>th</sup> of each year.

#### 1.12 Memorandums of Understanding (MOU's)

From time to time the Town of Hayden, as a result of providing the best possible services to its citizens, may need to enter into memorandums of understanding with other various governmental agencies. At times these MOU's are mandated by state or federal law, or are the result of agencies attempting to provide the most efficient or best services possible. In cases where the MOU's do not require or have 'hard' financial expense attached to them (e.g. cash outlay outside of personnel costs, providing equipment or supplies, etc.) the Town Manager may review, approve, and designate the Department Head to sign on behalf of the Town of Hayden.

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Town Council Agenda Item

MEETING DATE: May 7, 2015

AGENDA ITEM TITLE: Discussion regarding adoption of a fee for the availability of water and sewer services from lot owners not currently connected to the Town's water and sanitary sewer distribution and collection systems.

AGENDA SECTION: New Business

PRESENTED BY: David Torgler

CAN THIS ITEM BE RESCHEDULED: If needed

BACKGROUND REVIEW:

Water districts are able to charge an Availability of Service fee to properties not connected to the water utility but having direct access to water lines (at the property). The Town Council should consider adopting a code and fees as there are water and sanitary sewer mains installed in some subdivisions where development has stalled. The Town's treatment plants are sized to meet these needs and along with the collection and distribution systems are in need of regular maintenance and repair, however there are no funds coming into the Town to service these maintenance and repair costs. According to a recent review of Town records there are at least 188 lots that could be connected to the Town's water and sanitary sewer systems. The breakdown of these vacant properties is:

Subdivision	Total Vacant Lots
Dry Creek Village	46
Lake Villages, Phase 1, Filing 1	71
Sagewood Subdivision	15
The Meadow/Pagoda Peak	6
Valley View Industrial Park	44
Vista Verde	4
Yampa View Estates	<u>2</u>
<b>Total</b>	188

**RECOMMENDATION:**

The Town Council should consider adoption of a fee that is commonly used by special districts in the State to provide funding for the repair and maintenance of the Town's water and sanitary sewer system.

**MANAGER'S RECOMMENDATION/COMMENTS:**

The capital review of the water treatment plant and distribution system recently completed by consultants to the Town indicates the infrastructure requires significant investment over the next five years. The Town currently has approximately 960 water customers and another 188 vacant lots where the owners can connect to the water system. As the Town looks for ways to finance the identified and unidentified water system treatment and distribution problems asking property owners benefitting by the system availability to help pay for the systems maintenance and repair costs may be reasonable.

The 2015 residential monthly base rate is \$37.58 and Key Pump customers pay a monthly base rate of \$50.68. Vacant properties, where water is available, are not contributing to the system maintenance.

Research into this fee by the Town Manager, Town Clerk and Town Attorney finds that C.R.S. 31-35-402(1) (f) grants authority to municipalities, without any election, to charge for the availability of service. However, we were unable to find any Colorado municipality that charges this fee. Special districts providing water services in Colorado are known to charge this fee, particularly to service debt.

TITLE 31. GOVERNMENT - MUNICIPAL  
POWERS AND FUNCTIONS OF CITIES AND TOWNS  
ARTICLE 35. WATER AND SEWAGE  
PART 4. SEWER AND WATER SYSTEMS  
C.R.S. 31-35-402 (2014)

**31-35-402. Powers**

**(1) In addition to the powers which it may now have, any municipality, without any election of the qualified electors thereof, has power under this part 4:**

(a) To acquire by gift, purchase, lease, or exercise of the right of eminent domain, to construct, to reconstruct, to improve, to better, and to extend water facilities or sewerage facilities or both, wholly within or wholly without the municipality or partially within and partially without the municipality, and to acquire by gift, purchase, or the exercise of the right of eminent domain lands, easements, and rights in land in connection therewith;

(b) To operate and maintain water facilities or sewerage facilities or both for its own use and for the use of public and private consumers and users within and without the territorial boundaries of the municipality, but no water service or sewerage service or combination of them shall be furnished in any other municipality unless the approval of such other municipality is obtained as to the territory in which the service is to be rendered;

(c) To accept loans or grants or both from the United States under any federal law in force to aid in financing the cost of engineering, architectural, or economic investigations or studies, surveys, designs, plans, working drawings, specifications, procedures, or other action preliminary to the construction of water facilities or sewerage facilities or both;

(d) To accept loans or grants or both from the United States under any federal law in force for the construction of necessary water facilities or sewerage facilities or both;

(e) To enter into joint operating agreements, contracts, or arrangements with consumers concerning water facilities or sewerage facilities or both, whether acquired or constructed by the municipality or consumer, and to accept grants and contributions from consumers for the construction of water facilities or sewerage facilities or both. When determined by its governing body to be in the public interest and necessary for the protection of the public health, any municipality is authorized to enter into and perform contracts, whether long-term or short-term but in no event exceeding fifty years, with any consumer for the provision and operation by the municipality of sewerage facilities to abate or reduce the pollution of waters caused by discharges of wastes by a consumer and the payment periodically by the consumer to the municipality of amounts at least sufficient, in the determination of such governing body, to compensate the municipality for the cost of providing, including payment of principal and interest charges, if any, and of operating and maintaining the sewerage facilities serving such consumer.

(f) To prescribe, revise, and collect in advance or otherwise, from any consumer or any owner or occupant of any real property connected therewith or receiving service therefrom, rates, fees, tolls, and charges or any combination thereof for the services furnished by, or the direct or indirect connection with, or the use of, or any commodity from such water facilities or sewerage facilities or both, including, without limiting the generality of the foregoing, minimum charges, charges for the availability of service, tap fees, disconnection fees, reconnection fees, and reasonable penalties for any delinquencies, including but not necessarily limited to interest on delinquencies from any date due at a rate of not exceeding one percent per month or fraction thereof, reasonable attorneys' fees, and other costs of collection without any modification, supervision, or regulation of any such rates, fees, tolls, or charges by any board, agency, bureau, commission, or official other than the governing body collecting them; and in anticipation of the collection of the revenues of such water facilities or sewerage facilities, or joint system, to issue revenue bonds to finance in whole or in part the cost of acquisition, construction, reconstruction, improvement, betterment, or extension of the water facilities or sewerage facilities, or both; and to issue temporary bonds until permanent bonds and any coupons appertaining thereto have been printed and exchanged for the temporary bonds;

(g) To pledge to the punctual payment of said bonds and interest thereon all or any part of the revenues of the water facilities or sewerage facilities or both, including the revenues of improvements, betterments, or extensions thereto thereafter constructed or acquired, as well as the revenues of existing water facilities or sewerage facilities or both;

(h) To enter into and perform contracts and agreements with other municipalities for or concerning the planning, construction, lease, or other acquisition and the financing of water facilities or sewerage facilities or both and the maintenance and operation thereof. Pursuant to any such contracts or agreements, such municipalities may obligate themselves to make payments in amounts which shall be sufficient to enable any municipality which finances such water facilities or sewerage facilities or both to meet its expenses, the interest and principal payments for its bonds, its reasonable reserves for debt service, operation and maintenance, and renewals and replacements, and the requirements of any rate covenant with respect to debt service coverage contained in any resolution, ordinance, or other security instrument. Such contracts or agreements may contain such other terms and conditions as the municipalities may determine, including but not limited to provisions whereby a municipality is obligated to pay for the output, capacity, or use of any project irrespective of whether such output, capacity, or use is produced or delivered to the municipality or whether any project contemplated by any such agreement is completed, operable, or operating, and notwithstanding suspension, interruption, interference, reduction, or curtailment of the output, use, or service of such project. Subject to local charter and state constitutional limitations, such contracts or agreements may also provide that if one or more of the municipalities default in the payment of its obligations under any such contract or agreement, the remaining municipalities which also have such agreements shall be required to accept and pay for, and shall be entitled proportionately to use or otherwise dispose of, the output, capacity, or use of the project contracted for by the defaulting municipalities. The obligations of a municipality under such contracts or agreements shall either constitute special obligations of the municipality, payable solely from the revenues and other moneys derived by the municipality from its

water facilities, sewerage facilities, or both, and shall be treated as expenses of operating such facilities or, in the discretion of such municipality and subject to satisfaction of any requirements of law governing or limiting the incurrence of debt by such municipality, shall constitute a general obligation of such municipality. Notwithstanding the provisions of section 6 (3) of article XI of the state constitution, where such contract or agreement is to constitute a general obligation of such municipality and where such contract or agreement provides that the municipality shall be required to accept and pay for the output, capacity, or use of the project contracted for by a defaulting municipality, such contract or agreement shall not be entered into unless the question of incurring a general obligation for such project has been submitted to and approved at an election conducted by such municipality in accordance with the election laws applicable to such municipality. Any such municipalities so contracting may also provide in any contract or agreement for a board, commission, or such other body as they deem proper for the supervision and general management of the water facilities or sewerage facilities or both and for the operation thereof and may prescribe its powers and duties, including the power to issue revenue bonds pursuant to this part 4, and fix the compensation of the members thereof. For the purposes of this paragraph (h), "municipality" means a municipality as defined in part 1 of article 1 of this title and any other political subdivision of this state, including any entity formed pursuant to intergovernmental contract or agreement, authorized by any law of this state to acquire, operate, and maintain the facilities which are the subject of such contract or agreement.

(i) To make all contracts, execute all instruments, and do all things necessary or convenient in the exercise of the powers granted in this section, or in the performance of its covenants or duties, or in order to secure the payment of its bonds if no encumbrance, mortgage, or other pledge of property, excluding any pledged revenues, of the municipality is created thereby, and if no property, other than money, of the municipality is liable to be forfeited or taken in payment of said bonds, and if no debt on the credit of the municipality is thereby incurred in any manner for any purpose; and

(j) To issue water or sewer or joint water and sewer refunding revenue bonds to refund, pay, or discharge all or any part of its outstanding water or sewer or joint water and sewer revenue bonds issued under this part 4 or under any other law, including any interest thereon in arrears or about to become due, or for the purpose of reducing interest costs, effecting a change in any particular year or years in the principal and interest payable thereon or in the related utility rates to be charged, effecting other economies, or modifying or eliminating restrictive contractual limitations appertaining to the issuance of additional bonds or to any municipal water facilities or sewerage facilities, or both, as provided in section 31-35-412.