

The May 2023 meeting of the Board of Trustees was held in regular session on Monday, May 8, 2023. Members present when this meeting was called to order by Mayor Hoschouer at 7:00 p.m. included Trustees Law, Campbell, Fraker, Sherman, Wilson and Mast as well as Clerk Hartwell, Manager Nein and Attorney Wells. A quorum was present, and the meeting could proceed after the Pledge of Allegiance. Guests included Julius Dobranski, Jess Smith, Mike Benson, Kent Frisell, Ron and Charlene Hooper, Bruce Gerck, Larry Steele, T.J. Amendt, Jeff Cook-Coyle, Marcia Hill, Rhonda Graham, Todd Barowsky, Ron Berges, Brad Simons, and News Correspondent Vickie Sandlin.

The **Agenda** for this meeting was reviewed. Clerk Hartwell requested Guest Amendt be added for the swimming pool bids and the Minutes from May 5th Special Meeting to be added for approval. Trustee Mast made a motion and seconded by Trustee Campbell to approve the agenda additions as requested.

Vote was unanimous.

A motion was made by Trustee Sherman and seconded by Trustee Mast approving the **Minutes** for the April 10, 2023 meeting as presented. Vote was unanimous. A motion was made by Trustee Mast and seconded by Trustee Sherman approving the Minutes for the May 5, 2023 Special Meeting as presented.

Vote was unanimous.

Clerk Hartwell presented the April 2023 **Claims** for review and payment consideration. Trustee Campbell made a motion and Trustee Sherman seconded to approve the claims as presented. Vote was unanimous. Clerk Hartwell presented the April 2023 Capital Improvement **Claim** for review and payment consideration. Trustee Wilson made a motion and Trustee Sherman seconded to approve the claim as presented for \$ 55,097.59 to Blochowitiz Ditching. Vote was unanimous.

	ELECT	WATER	SEWER	SANIT	GENERAL	TOTAL
TOTAL	102,215.22	21,188.36	16,117.05	19,412.07	63,716.64	222,649.34

Clerk/Treasurer Hartwell presented the March 31, 2023 **Financial Statement**. A motion was made by Trustee Sherman and seconded by Trustee Wilson approving this report, as presented. A unanimous vote was recorded.

Guest Benson noted he was working to become the realtor to sell lots in Campbell Subdivision once the new owner authorizes him to do so and his ask was if the Board would consider changing the available lots in Block 7 to allow commercial use and the lots in Blocks 4 and 5 to allow apartment buildings. Guest Benson noted he was opposed to the Board Members not allowing residential spaces on the ground level that are currently located within our downtown business district. No discussion was held at this time. Guests Benson and Frisell excused themselves at 7:22 pm.

Guest Steele recapped the two bids received for the swimming pool replacement project and that both bids exceeded the \$ 4 million voter approved bonding issue. Guest Amendt voiced his concerns regarding his unsubmitted bid and asked for an opportunity to discuss the scope of the project later in this meeting.

Premier Energy works with our power provider, MEAN / NMPP (Nebraska Municipal Power Pool), and Guest Cook-Coyle visited a few sites with Manager Nein that could be possible solar field sites. The Town would receive a payment for the land lease for a renewable resource and credit for power storage through a lease with Premier Energy. The preferred site should be readily accessible to 3-phase capability and could be built within a 6-week timeframe. The lease would need to be signed by September 2023 and would become operational in 2024. The Board Members directed Manager Nein to gather more information. Guest Cook-Coyle dismissed himself at 8:05 pm.

Guests Hill and Graham gave an update on the upcoming Cruise Night in August and noted the applications will be submitted later for Board Members to review. Attorney Wells noted the insurance request by the Town to be named as Additional Insured will be required as we communicated several months ago. Each year, adjustments and changes are made to better accommodate the crowds regarding the food trucks, alcohol service and fence/flag lines, picnic tables, trash receptacles and port-a-potties and the Board will have a chance to review the applications later as plans are organized.

Guest Barowsky reported since Bandimere Speedway in Denver has announced their closing, he would like to become a bigger event site and grow as a dragstrip. Currently he runs 120 cars and would like to expand to run 200 cars and wishes to have lights installed so that racing can occur on Friday evenings. Additionally, he would like to purchase the land at the dragstrip and no longer have a general aviation airport and grow and expand as a dragstrip. Attorney Wells responded that the Board would have to receive FAA approval to make this change and reimburse the Federal government for any recent grants that have been received at our airport. No decision was made at this time. Guest Barowsky dismissed himself at 8:20 pm.

Guest Fowler had his questions regarding use tax answered by Manager Nein prior to the meeting.

Under **Legal Matters**, Attorney Wells noted the bus barn agreement for the school's new bus barn is pending since the new plat for the third filing has not been submitted or approved by the Town. He presented Ordinance 23-473 allowing the current high school site to have a zoning overlay allowing the County to use this facility as commercial or a community building. Trustee Wilson made a motion and seconded by Trustee Campbell approving the ordinance. Vote was unanimously approved.

ORDINANCE NO. 23-473

AN ORDINANCE DEFINING THE TERM “COMMUNITY BUILDING” IN 17.12.010(c) OF THE ZONING CODE

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF JULESBURG, COLORADO:

WHEREAS, the Sedgwick County Commissioners (“County”) intend to take ownership and possession of the former Julesburg public High School to promote community and economic development in the Town of Julesburg and Sedgwick County; and

WHEREAS, clarification of the terms of use by right under the Town of Julesburg zoning code found at §17.12.010(c) need clarification to allow for various uses intended by the County in the redevelopment of the High School; and

WHEREAS, the term “Community Building” is listed as a use by right in the ‘A’ District in the zoning code; and

WHEREAS, it is necessary to clarify the meaning of “Community Building” under the code to ensure compliance and enforceability with the code.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Julesburg, Colorado:

1. The Town of Julesburg’s zoning code shall be amended to include a definition of the term “Community Building” in §17.12.010(c).
2. §17.12.011 – Definitions shall be added to the code.
3. §17.12.011(a) – Community Buildings are any structure owned by a government or non-profit entity, other than a public building or an occupied dwelling, which is used for conducting business, meetings, gatherings or functions of local civic organizations or other community groups set up to support the social and economic development within the town or county. Any for-profit entities that rent or use all or a portion of a community building for more than 30 days is subject to all sales, use, and property taxes a for-profit business would normally pay if located in another type of building.

Passed, adopted, signed and approved this 8th day of May, 2023.

Mayor

ATTEST:

Town Clerk

Attorney Wells noted the I-76 project does not have any concerns for us this month and the building permit and new ordinance code should be ready at next month’s meeting. The Board Members received a request to allow commercial use in Block 7 within Campbell Subdivision. After discussion, Attorney Wells stated “spot zoning” is frowned upon by the State. The Board Members did not act on this matter.

As mandated by the State, large retailers and stores must charge their customers a fee for single-use bags and remit a portion of the fee to the local municipality. Ordinance 23-471 is needed to fulfill the requirements for the Town to collect the fee. Trustee Law made a motion and seconded by Trustee Campbell to approve Ord. 23-471. Vote was unanimous.

ORDINANCE 23-471

**AN ORDINANCE ADOPTING THE FEES REMITTED FOR SINGLE USE CARRYOUT BAGS AS
CREATED IN COLORADO HOUSE BILL 21-1162 or
MANAGEMENT OF PLASTIC PRODUCTS ACT**

WHEREAS, the Town of Julesburg is a Colorado statutory municipal corporation duly organized and existing under the laws of the State of Colorado, authorized to enforce laws applicable to local governments; and

WHEREAS, on July 6, 2021, Governor Polis signed HB 21-1162, adding a Part 5 to Article 17 of Title 25 of the Colorado Revised Statutes entitled the Plastic Pollution Reduction Act ("Act" or "the Act") into law; and

WHEREAS, the Act requires that certain retailers ("Stores" as defined in the Act not to include "Small Stores" as that term is defined) charge a bag fee of at least 10 cents per bag provided to a customer and phase out the provision of plastic single-use carryout bags entirely by January 1, 2024; and

WHEREAS, among other things, the Act requires that 60% of the bag fee collected be remitted to the municipality in which the "Large Stores" are located to be used for certain specified purposes. The Act also directs "Large Stores" to begin remitting the municipality's portion of the bag fee revenue quarterly, beginning April 1, 2024; and

WHEREAS, as declared by the State of Colorado on January 1, 2023, certain retailers and large retail stores operating within the state must discontinue providing single-use carryout bags to customers at no cost and collect a 10-cent per bag fee if customers wish to purchase the single-use bags. A portion of the fee will be remitted to the local municipality.

NOW THEREFORE BE IT ORDAINED by the Board of Trustees of the Town of Julesburg, Sedgwick County, Colorado, as follows:

1. All Stores required by the Act to collect fees for providing shopping bags will collect the fees. The fees remitted to the Town will be placed into the General Fund to assist with the payment of municipal services offered to our residents.
2. Remittance of bag fees shall begin the first quarter after April 1, 2024.

Passed, adopted, signed and approved this 8th day of May, 2023.

TOWN OF JULESBURG

ATTEST:

Mayor

Town Clerk

Attorney Wells presented Ordinance 23-472 which updates a portion of our ordinances regarding plumbing and electrical licensure with the Town. After discussion, Trustee Campbell made a motion and seconded by Trustee Sherman to approve the ordinance and to increase the annual license fee from \$ 5.00 to \$ 20.00 for the license. Vote was unanimous.

ORDINANCE 23-472

**AN ORDINANCE UPDATING REQUIREMENTS FOR PLUMBING AND
ELECTRICAL LICENSURE WITHIN THE TOWN LIMITS**

The ordinances for the Town of Julesburg need reviewed and updated from time to time and the licensing requirements for plumbing and electrical licensure as created in Chapter 15 of the Julesburg Municipal Code is no exception.

The following ordinance amends and revises Sections 15.08.020, 15.08.100, and 15.08.180 through 15.08.210 of the Julesburg Municipal Code and shall supersede said sections regarding plumbing licensure and 15.12.070 and 15.12.090 for electrical licensure.

15.08.020 Plumbing inspector – Office created.

There is created the position of plumbing inspector or inspectors who are employed by the town. As directed by the board of trustees, the plumbing inspector may be the Town Manager, or their designee. (Ord. 268(4) § 2(a), 1967, Ord. 472, § 1, 2023)

15.08.100 Permit – Application Fee.

A. All applications will be subject to the market fee for items to be inspected.

B. An additional fee of twenty-five dollars shall be charged for each additional trip on the part of the plumbing inspector, caused by the negligence of the plumber of not being ready for inspection or a return for inspection of a corrected installation. (Ord. 268(4) § 3(b), 1967, Ord. 472, § 2, 2023)

15.08.180 License – Required.

Any person, firm or corporation desiring to engage in the business of plumbing construction or repairs shall, before doing so, obtain a license therefor, the fee for which shall be set by the board of trustees, and which shall be paid into the town treasury before the license becomes effective. (Ord. 472, § 3, 2023)

15.08.190 License – Qualification.

No license shall be issued until the party applying for it has given satisfactory evidence to the Town Manager or designee of his or their ability to do the plumbing work in a safe and satisfactory manner. No permit for installation or alteration of any plumbing fixtures and apparatus shall be issued until the license, bond and insurance required in Sections 15.08.180 and 15.08.210 have been obtained by the town. (Ord. 472, § 4, 2023)

15.08.200 License – Individual.

Any individual desiring to perform his own plumbing work personally shall not be required to make the required bond or to obtain the required license, but shall be required to obtain the regular permit for that particular job. The work done by an individual must be done by him personally on his own particular job and not be a way of performing a service to the public generally. (Ord. 472, § 5, 2023)

15.08.210 Bond or proof of insurance.

Every person, firm or corporation doing plumbing business in the town shall execute and deliver to the town a bond or proof of insurance in the sum to be determined by the board of trustees, to indemnify the town or any citizen for any damage caused by the failure of the person, firm or corporation doing the plumbing work to comply strictly with the provisions of this chapter. (Ord. 472, § 6, 2023)

15.12.070 License – Qualification.

No license shall be issued until the party applying for it has given satisfactory evidence to the Town Manager or designee of his or their ability to do the electrical work in a safe and satisfactory manner. No permit for installation or alteration of any wiring, heating devices, motors, appliances and apparatus shall be issued until the license, bond and insurance required in Sections 15.12.070 and 15.12.090 have been obtained by the town. (Ord. 472, § 7, 2023)

15.12.090 Bond or proof of insurance.

Every person, firm or corporation doing electrical business in the town shall execute and deliver to the town a bond or proof of insurance in the sum to be determined by the board of trustees, to indemnify the town or any citizen for any damage caused by the failure of the person, firm or corporation doing the electrical work to comply strictly with the provisions of this chapter. (Ord. 472, § 8, 2023)

SAFETY CLAUSE: The Julesburg Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police powers of the Town of Julesburg; that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of the health, safety and for the protection of the public convenience and welfare. The Town Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

SEVERABILITY: If any part or parts of this Ordinance are for any reason held to be invalid, the invalidity of such provision shall not affect the validity of the remaining provisions of the Ordinance. The Town Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any one part or parts thereof be declared invalid.

REPEAL: All ordinances and or resolutions or parts of ordinances and or resolutions inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

EFFECTIVE DATE: In order to preserve the immediate health and safety of Julesburg and its residents, this Ordinance shall take effect immediately upon its adoption as provided in C.R.S. Section §31-16-105.

INTRODUCED, READ, ADOPTED, APPROVED, PASSED, AND ORDERED PUBLISHED by the Board of Trustees of the Town of Julesburg this 5th day of May, 2023.

TOWN OF JULESBURG

Mayor

ATTEST:

Town Clerk

Attorney Wells presented Ordinance 23-474 regarding a zoning overlay to prohibit residential spaces on the ground level in the downtown business district and comply with the Town's standing ordinances. He will make revisions and prepare for next month's meeting. Concerns were noted regarding code enforcement issues and more discussion will occur next month.

For **Old Business**, Manager Nein noted no update on the I-76 project but as he understood, the County was planning to begin moving dirt at the Cobblestone Inn site towards the end of the month.

Guest Simon gave an update on the water and wastewater projects including the lift station is at the end of its useful life and we need to consider replacing, the booster pumps rotate operation and we need three booster pumps for service to maintain proper rotation of "in use, standby and next," and the deep well injection system for disposing of the nitrate concentration while maintaining our plant's capacity and strength of service is our best option moving forward. Mayor Hoschouer will be the Town's representative with Guest Simon for pursuing grants and loans for these projects. Guest Simon dismissed himself at 9:23 pm.

The Board Members discussed the swimming pool project, scope of work that was bid and what items of the pool could be plumbed now and added back into the project once additional funding is raised. Trustee Campbell made a motion and seconded by Trustee Law to reject the two bids that were received since they exceeded the \$ 4 million voter approved limit on the bond issue. A unanimous vote was recorded. Trustee Sherman made a motion and seconded by Trustee Mast to re-open the bid process to see if contractors could get closer to our needed cost limit and adjust the scope of work. Vote was unanimous. A Special Meeting to open bids was tentatively scheduled for May 19th at 2:00 pm. Guests Steele and Amendt dismissed at 9:50 pm.

Trustee Law provided an update for the Community Economic Development of Sedgwick County including the sign has been posted at the new Cobblestone Inn site, no bids were received for the revitalize Cedar Street project and inquiries were made regarding grants by the Gates Family Foundation for child-based programs. Trustee Law agreed with discussion for Cruise Night given earlier in the meeting.

Under **New Business**, Manager Nein reported Spring Clean Up Days went smoothly and completed timely; (2) the southern lights along Hwy 138 have been purposely turned off for the past month and only one call was received regarding the lights. The Board agreed to proceed with the plan to remove these lights and install at the proposed location near the new school facility; (3) vandalism continues to be a problem at Thompson Park; (4) the pipe has begun to arrive for the storm drainage project and the asphalt is being installed on West 5th Street in Campbell Subdivision; (5) bids are being reviewed for the sprinkler revisions at the baseball field and football field once the football field is turned over to the Town from the School; (6) a variance to allow a shipping container to be placed at 212 Oak Street was approved by the Board of Appeals. Trustee Wilson made a motion and seconded by Trustee Law to approve the request. Vote was unanimous; and (7) in years past, the Town has lent the use of dump trucks to the County while they perform repairs on their roads and the County has lent the Town use of the street chipper and packer while the Town performs our street repairs. This year, the County is stating the equipment must be rented per day and do not need our dump trucks. Manager Nein stated he is pricing equipment rental elsewhere to see if the equipment can be obtained at a lower cost to the Town. Cedar Street is scheduled for chip seal on June 7th and 8th.

The CML District Meeting will be held in Wray on May 18th.

Guest Graham reported that the Westerners horse riding group will be in Julesburg for a performance on June 14th. The participants and horses will be lodged at the fairgrounds and she would like to have the drivers for the group housed at the Fire Hall for the evening. Trustee Sherman made a motion and seconded by Trustee Law to allow the drivers to use the Fire Hall for the evening at no charge. Vote was unanimous.

No **Correspondence** was received this month.

Trustee Concerns included concerns about the baseball field and getting the field and bleachers arranged and prepared for the soon approaching baseball and softball season.

There being no additional business, a motion was made by Trustee Wilson and seconded by Trustee Fraker at 10:42 pm for adjournment.



MAYOR

June 5, 2023
APPROVED

Carrie Hantwell
TOWN CLERK