

**TOWN OF AULT, WELD COUNTY, COLORADO
MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF
AULT, COLORADO. MEETING HELD IN THE TOWN HALL IN SAID TOWN OF AULT ON
THE 10th DAY OF APRIL 2024 AT 7:00 P.M.**

PRESENT:	MAYOR	Gary D White
	Trustees:	Tyrell Anderson
		Corry Cole
		Michael Biwer
		Scott Riley
		Adam Ferrell
		Judy Ruff

ABSENT:

ALSO PRESENT:	Town Administrator/Clerk	Sharon Sullivan
	Town Attorney	Jed Scott
	Police Chief	Tom Nissen
	Lieutenant	Dakota Germer

AUDIENCE: Daniella Chennel, Nicole Riley, Nancy White, Will, Johnny Fabrizio, Sheryl Fabrizio, Corbin Magg, Andrew Jackson, Taylor Brooks

REGULAR MEETING 2024 -04 April 10, 2024

MEETING PROCEDURE: Comments from the Public are welcome at two separate times during the course of the meeting: 1) Comments on items not scheduled on the agenda will be heard under public comments. 2) Comments on all scheduled Agenda items will be heard immediately following the presentation by Staff or the Petitioner. Please wait until you are recognized by the mayor and keep comments as brief as possible. The Town Board of Trustees will act on an Agenda item after comments from the Staff and the Public has been heard.

The meeting was called to order by Mayor White at 7:00 p.m.

- I. PLEDGE OF ALLEGIANCE**
- II. ROLL CALL: All members were present.**
- III. OATH OF OFFICE: Attorney Scott swore in incumbents Tyrell Anderson and Michael Biwer and new member Martin Bassett.**
- IV. APPROVAL OF AGENDA: A MOTION WAS MADE BY TRUSTEE ANDERSON and seconded by Trustee Ferrell to approve the agenda for regular meeting 2024-04. Motion passed with a unanimous vote.**
- V. CONSIDERATION OF MINUTE APPROVAL: Regular Meeting 2024-03 March 13, 2024: A correction was made to attendance to show Trustee Ruff and PW Supervisor Ruff absent. A MOTION WAS MADE BY TRUSTEE COLE and seconded by Trustee Anderson to approve the 2024-03 minutes as amended. Motion passed with a unanimous vote.**

VI. COMMITTEE REPORTS

Finance- Balances are still running in the black.

Library- The Library Director gave notice to terminate employment.

Parks and Cemetery- A banner is posted at the tennis courts and social media for the proposed renovation to receive community input.

Water and Sewer- We are adding 300 feet of pipe to the water line repair to extend it to Third Ave. The manhole on Fry Street is to be replaced.

Streets: Patching will be done on Fourth Street from Hayden to RR Avenue.

Police- There were 575 calls for service. E tickets are out, and the PD are fixing the glitches that go along with a new system. The new officers have been released from FTO and are now on their own.

Beautification- No report.

Planning Commission- No report.

Staff Reports: Permits have been received and work will begin on Monday. Public Works has received a bid for \$6,000 to \$8,000 to take trees down.

VII. APPROVAL OF ACCOUNTS PAYABLE: March 13 to April 10, 2024, after review, **A MOTION WAS MADE BY TRUSTEE ANDERSON** and seconded by Trustee Biwer to approve the accounts payable as presented. **Motion passed with five (5) yes votes** with one (1) no abstention, being Trustee Bassett.

VIII. REFERRALS REQUESTS AND PRESENTATIONS

1). Public Hearing for Schwazze dba Starbuds for Conditional Use Permit

- **Open Public Hearing. At 7:17 p.m.**
- **Receive report from Staff.** This is a conditional use permit review for 729 Highway 85. A review of the process was given to the Board. Brad Curtis presented his report with comment to continue with the Site Plan reviewal process following CUP criteria as defined in the engineering comments.
- **Applicant presents his position.** Dan from Schwazze gave a brief presentation of their organization and the intended project.
- **Ask to hear from anyone who supports the issue. N/A**
- **Ask to hear from anyone who opposes the issue.** John Fabrizius, 100 Jackie Ann stated he owns a home next to this location where his grandkids play in the front yard, does not feel it is an appropriate location to have on a residential street, open as late as 9:00 p.m. at night.
- **Close the Public Hearing.** The public hearing closed at 7:45 p.m.
- **Discussion among the Town Board:** Trustee Biwer stated that he had similar concerns with the location and feels the access is too close to the intersection.
- **Motion from Town Board when appropriate.** After discussion, **A MOTION WAS MADE BY TRUSTEE ANDERSON** and seconded by Trustee Ruff to approve the Conditional Use Permit with conditions for staff and CDOT through the approval of the Site Plan the traffic impacts, access and parking. **Motion passed with a unanimous vote.**

2). **Consideration of yearly increase by Waste Management for Trash Services:** After discussion, **A MOTION WAS MADE BY TRUSTEE COLE** and seconded by Trustee Anderson to approve the 5.5% increase but not pass it on to the customers. **Motion passed with a unanimous vote.**

IX. PUBLIC COMMENTS: The purpose of the Public Comments Section of the Agenda is for members of the public to speak to Town Council on any subject not scheduled on the Regular Agenda. In order to accomplish scheduled agenda items, comments should be limited to a five-minute time period. Town Council shall make no decision or action, except to schedule the matter for Council discussion at a later date. ***THOSE ADDRESSING COUNCIL ARE REQUESTED TO COME TO THE PODIUM AND TO STATE THEIR NAME TO THE BOARD***

X. OLD BUSINESS

XI. NEW BUSINESS

1). **Appointment of Municipal Judge:** The attorney and Police spoke on behalf of Tom Grant as doing a great job, approachable, adaptable, fair judgement and hearings. **A MOTION WAS MADE BY TRUSTEE ANDERSON** and seconded by Trustee Ferrell to re-appoint Tom Grant as Municipal Judge. **Motion passed with a unanimous vote.**

2). **Appointment of Town Attorney:** **A MOTION WAS MADE BY TRUSTEE RUFF** and seconded by Trustee Cole to reappoint Jed Scott and firm as Town Attorney. **Motion passed with a unanimous vote.**

3). **Appointment of Interim Town Clerk:** **A MOTION WAS MADE BY TRUSTEE COLE** and seconded by Trustee Anderson to re-appoint Sharon Sullivan as interim Town Clerk. **Motion passed with a unanimous vote.**

4). **Appointment of Mayor ProTem:** Tyrell Anderson and Michael Biwer were nominated for Mayor Protem. A paper vote was taken and counted by Attorney Scott and Sharon Sullivan. Tyrell Anderson will be Mayor-Protem.

Committees will be discussed at the next work session, but the Finance will be Tyrell Anderson as Mayor Protem and Library will be Corry Cole.

With no further business to come before the Board, the meeting was adjourned at approximately 8.43 p.m.



Attest:

Sharon Sullivan, Town Administrator/Interim Clerk

TOWN OF AULT

Gary D. White

TOWN OF AULT
ORDINANCE NO. 547

AN ORDINANCE OF THE TOWN OF AULT, COLORADO REPEALING AND
REENACTING SECTIONS OF THE AULT MUNICIPAL CODE WITH
AMENDMENTS
AND CORRECTIONS

WHEREAS, the Town Board for the TOWN OF AULT (the "Town") has determined that the Ault Municipal Code has accumulated inconsistencies as well as linguistic and technical flaws which have been reviewed and corrected, as discovered, by staff;

WHEREAS, the Town Board finds that the correction of linguistic, grammatical, and technical errors as well as inconsistencies, while updating provisions to match state statutes that have also changed, is in the best interest of the Citizens of Ault;

WHEREAS, the Town Board finds that minimizing errors, inconsistencies, and outdated provisions enhances efficient administration and enforcement of the Municipal Code; and

WHEREAS, the Town Board, having reviewed a version of the Code showing the corrections and revisions finds that the Code revisions made part of this Ordinance significantly improves the existing Code, and that repealing the existing sections of the Code and re-enacting the same sections of this Code as set forth in this Ordinance is a substantial and immediate benefit to the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF AULT, COLORADO THAT:

1. The following sections of the Ault Municipal Code are hereby repealed and immediately re-enacted in the form set forth in this Ordinance, under Exhibit A.


2.04.040	2.04.140
2.04.070	2.04.160
2.04.090	2.04.170
2.04.120	3.26.010
2. The Town Clerk shall maintain a record of the Municipal Code as it existed prior to this Ordinance and the alterations thereto, which prior Code shall continue to be the effective law for all occurrences taking place prior to the effective date of this adoption. 3. All sections of the Ault Municipal Code inconsistent with the foregoing are hereby repealed.

Pursuant to C.R.S." 31-11-105(1); 31-16-105, the Board of Trustees finds and concludes that this Ordinance is necessary for the immediate preservation of the peace, health, welfare, safety, and economic wellbeing of the TOWN OF AULT, and shall therefore take effect immediately upon passage by the Board of Trustees.

The Board further finds and determines that immediate effectiveness of this Ordinance and the immediate implementation of the amended code is necessary (a) to avoid confusion and/or uncertainty of the Town's current enforcement obligations; (b) because the amendments are modest in form and content, and serve to clarify select parts of the Code; (c) to protect the Town from nuisances that occur within Town limits and present a direct threat to the health, safety and welfare of the community.

INTRODUCED, READ, and PASSED unanimously this 8th Day of May, 2024.

TOWN OF AULT



Gary B. White, Mayor

