

Town of Sugar City
Regular Meeting Minutes
01/19/22

CALL TO ORDER: 7:02 by Mayor Dinsmore

PLEDGE OF ALLEGIANCE: Led by Mayor Dinsmore

ROLL CALL: Present- Dinsmore, Hjar, Paul, Willis, Massey. Town attorney Nathan Shultz

Letters of resignation:

Eric Roberts, read aloud by Mayor

Tom Schiro, read aloud by Mayor

Motion to accept letters of resignation from Eric and Tom made by Willis, 2nd by Hjar, motion carried.

Discussion over accepting letters of intent or declaring a vacancy.

Motion to declare a vacancy and not accept letters of intent made by Willis, 2nd by Paul, motion carried.

Motion to approve minutes dated 1/05/22 made by Willis, 2nd by Paul, motion carried.

Discussion to allow Blaine to step up and give report before executive session. Decision made to allow.

Blaine Arbuthnot: Thanks for a few minutes.

Ark Valley Conduit, they are asking our board to do is organize a meeting of all users in the county, to see if there is interest in pursuing the project. We have tentatively looked and picked out one of three options that they have provided our board. It does involve a spur coming from Ordway to Sugar City, as everyone knows it will bring a higher quality of water to our area, a more dependable long-term source of water. It does come with a price; they are still trying to put a number to that. The project we looked at and picked out was around \$6 million, that would take care of the entire county. Basically, I want to know if we can get one or two representatives from Sugar City to meet with the district and their engineering crew. Hopefully they have more solid numbers on the cost per thousand gallon that we can work off. We think that we have found an avenue if we can get an agreement throughout the valley. If our county becomes the owner /operator of the spur the federal government will build the trunk line. It also opens avenues on an enormous amount of grants and low-income loans to the county. In return we would not have to participate in paying everyone else's bill up and down the Arkansas Valley. We think we can blend the water about 50/50 and still have a very high-quality source of water for everyone. We are attempting to get a meeting set up so they can come down and present their ideas, we can get a consensus from everyone that we are all in or maybe not all in. Who would like to join us for the meeting? Discussion over how many can attend the meeting. Decision made that all Board members will attend the meeting. Everything will be sent via town email.

Executive session: For discussion of a personnel matter under CRS Section 24-6-402(4)(f) and not involving: any specific employee who have requested discussion of a matter in open session; any member of this body or elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to employees.

Motion to go into executive session at 7:15 made by Willis, 2nd by Paul, motion carried.

CALL TO ORDER: By Mayor Dinsmore

Shultz there was a misprint, reason for Executive Session was under Colorado Revised Statutes 24-6-402 Section B conference with city attorney. Members that participated in the executive session were Mayor Dinsmore, Willis, Hajar, Massey, Paul and Attorney Shultz. Do dispute over discussion return to Mayor.

PUBLIC COMMENT:

Dave Yount: any sick leave that has not been used they lose it, is that correct? Discussion over what handbook states. Decision made that it should carry over.

Mark Cloer: Hopefully we can solve things tonight. Have two concerns. First, during this last windstorm we had, with 30-40 mph winds blowing right at my house, they decided to light fireworks. I would like to see the town change the ordinances that states that anything above a sparkler you must first call and get a burn/fire permit from the sheriff's office. That is a reasonable request, we are in a drought, and I would like them to keep them at a distance.

Discussion over an ordinance in place. Decision made to get one in place.

2nd concern: there is no secondary fence to slow down the trash blowing in my area. **Dinsmore:**

Did Terry get that started? **Cloer:** No, my fence has been there for three months now, I feel cheated. Glad to see that Mr. Roberts is no longer with us, I think that was the big struggle in my case. The fact is I was told that the fence would come down and be put back almost immediately within a few feet of the original spot. It is still not up; I want my secondary fence before I have to take legal action. Once I hire an attorney your attorney is going to cost a lot more and I am going to sue the hell out of this town, because I was deceived. You did not keep the promise, I have video evidence of what was agreed to. I would really like that to start, I understand the other day it snowed. I understand the ground is starting to freeze, but if they would have done it when they were supposed to it wouldn't have been a problem. **Dinsmore:** Terry and I went and looked at it, he will start on it tomorrow. Discussion over where it is to be located. Decision made that the fence will be put up starting tomorrow.

Kim Koehler: Apologize, I am not quite prepared. I missed the last meeting, because I had to go out of town. You told Jay that you were going to handle that restraining order with Nikki, and you haven't. Some of the issues have been resolved, I am very glad to see that Eric is gone, but some of the issues with this council simply are not resolved. I am not going to wait till the next election for that to happen. I will find the statutes that I need, I will make sure that things are done correctly. Those of you who plan on running again. If you have been here two terms already, I don't think you are allowed to run again, you should look into that, I did. If you, do you are probably going to get recalled. The second thing, since Mr. Shultz has failed to communicate with us or the judge or to resolve any of these matters. We are going to have to hire an attorney, we are going to have to take this city to court now, plain and simple. You will not

solve this problem; you will not communicate with me. Those court costs and attorney fees are going to come back to you. **Dinsmore:** Have we had our court date for that yet? **Koehler:** February 5th is when Jay is going to court. **Shultz:** I spoke to your husband, and he was going to contact me when he got back in town. I entered on that case this week; he was supposed to give me a call when he got back into town. Normally I don't like speaking of open litigation in a public meeting, but this is not the proper time to come and threaten the Town. This is derailing the meeting and not helping anyone. **Koehler:** This is not derailing, I asked for resolutions. Do you realize I have been coming to this meeting since November, that I can recall. Simply trying to get stuff done. **Shultz:** Ma'am you have now told me you intend to hire an attorney. **Koehler:** Yes. **Shultz:** So, I am not able to speak to you or your husband, I will only speak through your attorney. **Koehler:** Will you be representing the Town on February 5th? **Shultz:** Yes. **Koehler:** You will be representing Nikki? **Shultz:** If it is still pending, yes. **Koehler:** Will the Town still be representing Julie? **Dinsmore:** I think the issue here is we ourselves can't drop it just because we have all gone different. We still have to see the judge. We are still on a good path for that for everything that has gone back and forth. I don't believe anything can be done until action is seen. **Koehler:** You see the position that we are left in, where we want to help resolve some of these problems, we do. This is our town, we care about this town. However, it is dysfunctional and at this point I don't understand how you all want citizens to continue to help you when you all aren't willing to help us. Then you fight against us. **Shultz:** Again Ma'am I had a very, what I thought was a productive conversation, with your husband, prior to you leaving town, he was going to contact me when you got back into town. I never heard from him, I was able to speak to the town and employees that it involved. I believe that we have a perfectly fine resolution it does not need to be brought up in a public meeting. Now you are the second member at public comment who has threaten to sue this board. **Koehler:** But don't you see that is a problem. You don't, this our town, OUR TOWN. You guys are in charge of it and running it. But this is our town, if you all want our help. **Shultz:** There is an election in April. **Koehler:** Why aren't you working with us? Because we are the same people who are looking up the ordinances and the statutes and helping. Nathan we are. Now believe that or not if you want to, this man got kicked out of this building, this very building, because he was doing something for this town. **Shultz:** We have pending litigation; I believe we have it all resolved until tonight I thought it was completely resolved. Now I am thinking that we just take it to court. **Koehler:** Nathan, I just asked you, did you resolve that? **Shultz:** And I said I will talk to you after this meeting. It is a pending litigation it is not something that you discuss in an open meeting. **Koehler:** That is fair. Do you understand my frustration, I keep coming back and I keep coming back to the point, that is a hundred and something body cam that I now where to come down here. To make sure that if this does go to court that it is all recorded. Then I have to go back and look up every little bit to make sure that it is legal. I consult with the Mayor; I consult with lots of people. I told the Mayor I will not do anything else against this town. I believe that you are taking steps to fix this and since that day I have not been in this town, I haven't even been in Colorado. **Shultz:** And your first day back you came at a public meeting and threatened to sue the town? That is my point. **Koehler:** Let me say I apologize. I do not want to threaten, I do want to say, I have watched Mr. Cloer come. He is to the point, how many of us have to get together to say look what is the deal. Now tonight your going to say, we are going to run it with this amount of council members. We

don't want anyone else to come in here until election. **Shultz:** If you look at the timeline, the packets have to be turned back in Monday, to be put on the ballot. If they accepted letters of intent at the very next meeting, which is in February. They would vote and get sworn in the second meeting of February, those individuals' term would end at the first meeting in April. Then they would no longer eligible to pull a packet unless they have already done that. **Koehler:** I get that, but that is February. We still got February, March and April. I realize that is only 90 days but, in this town, and this office, with just these people in charge, 90 days is a long time. **Willis:** It wouldn't be 90 it would be 60 wouldn't it, because you don't count the first April because of the elections. **Shultz:** It would be less than that, and the people that put in the letters of intent may not be able to run. We have limited number of people in town that want to serve and are willing to serve. **Koehler:** Why would we as citizens want to serve this? Why would we want to do that? Why when my husband and other good citizens, like Mr. Cloer be an excellent person to have up here. He knows the laws, he understands it, he is here more than most of your council members. Instead, he is on the other side, why are so many of us on the other side? Why? **Shultz:** Have them pull packets. What I am saying is, this way when they get put on, they get put on for a two-year term not for one meeting. **Koehler:** We can't fight for you if we are still fighting against you. Do you understand that? I am for the people, I can't fight for the city when I am fighting for the people, we have no choice but to seek attorneys because we are for the people. We are fighting our local small government, that is what is going on here and it is hard. What we want, we come, and the small government says we are going to do this. Then two weeks later, two weeks later not all of us have two weeks later. I am sorry I come, and I interrupt your meeting, but this town interrupts my life all the time. You're an attorney, its your job. I apologize this is my business. I apologize if I interrupted anyone's meeting to discuss my personal lawsuit or my personal business. I don't mind putting it out there because Jay got that restraining order coming here and reporting what we thought was some missing information that none of that showed back up. Do you know nothing was ever really said to us about the misbehavior from the council members that behaved like that? They are still sitting on the council, nothing happened, and it is still just fine. Do you see my frustration? **Shultz:** I think things have improved quite a bit the last month and we should see what direction we are going before you go down that path. I will be happy to stay late and talk to you about it. **Koehler:** I can do that, and that is very fair. If we can resolve that I don't have anything else to discuss today.

REPORTS

CLERK: Applications will send around the table.

There are some dumpsters that I am not use are we doing the twice a month pickup or just the flat rate? **Dinsmore:** No if they want dumped twice a month, they are still billed regular price.

Moreland: There are several that are being billed that way. **Dinsmore:** That should never have been changed back.

Rindy Relaford was told she would get a discount because she is cleaning out her mom's house, what is the discount? **Willis:** Why would she qualify for a discount? **Moreland:** I don't know, she came in and told me she would get a discount because she was cleaning her mom's house. Same with Scarlett Markus, she was told the same thing. Discussion over discounts and offers made from office personnel. Decision made no discounts are given for disposal services.

Doyle Sebold has been charged \$30 a month when it should have been \$15/dump. Discussion

over bill. Decision made to credit his account for overcharges also be sure to go over Mark Cloer's bill and credit him back as well.

Pastor Eddie from Hands of God Ministry would like to have the bills from 206 Colorado switched to Town of Sugar City. No discussion. Decision made to change bills to Town of Sugar City.

JJ Keller: would we like to purchase subscriptions? No discussion. Tabled.

Building permits were due from July, they are now up to date.

Paul Schur has water permit, paid for building permit, and is waiting on sewer access. No discussion.

Clifford Bunch would like to build a shed on his property. **Motion** to approve building permit for a storage shed at 410 Iowa made by Willis, 2nd by Hajar, motion carried.

Annual Stockholders meeting for Twin Lake and Lake Henry are coming up. Does anyone want to go? Discussion over meeting. Decision made that Mayor Dinsmore, and Trustee Hajar would attend meeting.

Department of Transportation would like to tap into our sewage ponds. Discussion over them tapping in. Decision made that Mayor Dinsmore would reach out to DOT.

Massey: We still do not have the pumps for down at the lagoons or for over in the bullpen.

Going to have to reorder those and make sure everything is cancelled out.

Price of all the dumpsters from MCS, what they charge us to purchase them. Dave asked if we could order some dumpsters.

Fire Extinguishers \$185.95 ea., Bob from Ark Valley recommends we buy covers for them \$37 ea. Brackets are \$72.50 ea. Discussion over mounting extinguishers on trucks.

Nancy Proctor will be here Tuesday Jan 25 at 2:00 to meet with office personnel for Aflac.

CDOT needs signature on any road changes. No discussion.

Univar: order sodium hypochlorite need signature.

CML: trying to collaborate to appoint six members from local government to the Opioid Abatement council. Discussion over opioid council. No decision.

AGRA: pumping 2022-2023; 96.88-acre feet. No discussion.

Pittsburgh Tank & Tower: schedule same time as Ordway, quoted \$1500. Discussion over cleaning tower. Decision made to table.

Neptune training: Jan 26th, close the office till noon? Decision made to close office till noon.

Triad: our contract is up. Sent me another contract. Discussion over continuing to utilize Triad.

Dinsmore: Have Triad do a defrag on the computers when they are here tomorrow. Tabled.

Tried to contact Wayne Walter about fixing the flagpole. No discussion.

Cirsa: no claim for the awnings. Discussion over claim. Decision to file a claim with flagpole included.

'98 Dodge Ram over at Perkins in La Junta, spoke with Charles transmission is not good, needs replaced, and it has been discontinued. The radiator has a severe coolant leak, need a new radiator, and it has been discontinued. There is no oil leak. No price looking for parts. Discussion over truck and where to purchase items. Decision made council members will look into parts needed. Tabled.

MAINTENANCE: Caleb Bandimere's tap is completed.

Have all the parts for Paul Schur's, not sure when they are going to schedule putting it in.

Fuel tank; pit in progress.

Where are the shelves for the shop? Discussion over shelves. Decision made Davida will get them ordered once receives dimensions.

SANITATION: Pick up truck 7 Friday, \$2287.63. They changed the universals out and the power take off and fixed some lighting issues.

Rush price for them to do our oil changes and grease chassis on the new trucks. Each truck is \$335 each trip. Discussion over utilizing Rush and how often they need completed. **Motion** to approve maintenance four times a year on two new trucks \$335 per trip made by Hajar, 2nd by Massey, motion carried.

Need dumpsters 1 and 2 yards. Discussion over ordering dumpsters. **Motion** to order 8-1 yd and 8-2 yd dumpsters including tax and shipping around \$13,000 made by Willis, 2nd by Hajar, motion carried.

Dave Yount would like to be fulltime trash now. No discussion. Decision made he can go full time trash.

CODE: Last meeting discussed revamping or writing new ordinances. Do we want to get that ball rolling? **Shultz:** The ordinances are a mess, as you will see the numbers don't make sense. Believe that we would be a lot more efficient if we adopted a new code, which we can tweak as needed. Have everything in Microsoft word format, which we can renumber easily and change. Discussion over cost effectiveness. Working a CML and DOLA, way to publish that there is going to be a new ordinance code book available for inspection. Discussion over publishing and costs. **Motion** to put \$3500 into legal fund set to address the extra work associated with ordinances and hiring the legal assistant made by Paul, 2nd by Willis, motion carried.

Gone to Pueblo three times with animals that have been surrender, finally able to speak with someone who is on Board of the Colorado Animal Humane Society. Town needs to create our own packet, basically this form makes the Town the owner of the animal. Gail stated she would reach out to the town and the mayor.

Place to take animals for the 10 days to hold for the town. No discussion.

TOWN ATTORNEY: Covered some, remaining under old business. Other than that, the Ordinances were the main.

OLD BUSINESS:

First National Bank. Discussion over office staff. Tabled.

CRW: who is going? Discussion over who will go. Decision made Mayor Dinsmore and Trustee Hajar will attend.

#318 Ordinance: states there will be no dispensaries in town. Discussion over that being repeal by previous attorney. Decision made that Mayor would look into the state having a copy of the ordinance for the repeal.

Black Hills Energy franchise: Ordinance is put together for you, looks like you have a franchise agreement with Utilicorp. With Utilicorp you are asking for 3% of there gross revenue, for Black Hills it is left blank. Discussion over what we are putting in for gross revenue. Decision that Mayor would reach out to Black Hills and try to get an answer.

Sugar City Gates: Need work to make them look better. Discussion over getting work to make gates look better. \$100 in metal and time to fix them. Decision made to look into a welder.

NEW BUSINESS:

Home Sync Security: need to get someone added for the system. Discussion over security program. **Motion** to approve resolution to have Mayor make changes as needed made by Hjar, 2nd by Willis, motion carried.

Zoom: be sure is set up before next meeting.

Budget work session: Discussion over budget and where finances are sitting. Hiring someone separate to come in and catch up all the records. Decision made to look into hiring someone parttime temporarily.

BILLS: Discussion over bills. **Motion** to pay the bills \$45,517.58 made by Willis, 2nd by Hjar, motion carried.

TRUSTEE REPORTS:

Hjar: Vehicles for trash, maintenance is using it. Discussion over maintenance using trash vehicle. No decision.

Paul: Committee for Opioid funds potentially use funds to utilize old gym as a Community Center, that could possibly help opioid addiction. Propose to School board that we use that building for Community Center. Discussion over funds and building to use. **Koehler:** Why are we worried about that building when we don't have water pumps? Discussion.

Willis: No Comment

Massey: Quote for the tires short by \$5 per tire. **Motion** to pay the additional \$5 per tire made by Willis, 2nd by Paul, motion carried.

ADJOURN: **Motion** to adjourn meeting at 9:07 pm by Willis, 2nd by Massey, motion carried.

Mayor

Clerk