

TOWN OF SUGAR CITY
REGULAR MEETING MINUTES
09/06/2023

CALL TO ORDER 7:00 pm by Mayor John Del Rio

PLEDGE OF ALLEGIANCE Led by Mayor John Del Rio

ROLL CALL Roberts, Cloer, Del Rio, Willis, Larsen, Massey, Mr. Buchner; attorney via zoom

MEETING ETIQUETTE Trustee Cloer wanted to make comment to public. Everyone understands how the process works. We are a republic you vote and elect council, they are supposed hopefully to carry out your will and how you convey that is by talking to them, not yelling at them. That being said, it is a privilege or the right to serve you, it is also a privilege on your side to be allowed to speak. That is not required by state law, we allow that because we want to hear from you. That means during the open comments that is the time, unless you are on the agenda, that is the time to speak. It is not to yell out during the council meeting, all that does is extend the meeting unnecessarily. If you have a question and the mayor chooses to call on you that is fine. The bigger issue that I have right now is the poor upbringing of some individuals that think it is okay to harass some of our staff. The ladies that work for us are ladies, they should be treated as such. When you use poor language and call them names that reflect, in my opinion, on your upbringing. It doesn't show goodness when it comes to your parents' parenting skills. It is not appropriate to make this a hostile work environment, we will not tolerate it. If at some point, you can't keep your comments to yourself then you are disrupting the council; we may go ahead and take the next step and not allow you to come to the council meetings because you are disrupting the meeting. You are welcome to whisper to each other but not call our staff inappropriate names. Thank you.

APPROVAL OF MINUTES Motion to approve the minutes dated 08/16/2023 made by Willis, 2nd by Roberts, motion carried. Cloer abstaining.

PUBLIC COMMENT

Anthony Mora: Numerous people have told me that when you are a city employee you are allowed to use this hall one time a year as long as you paid the cleaning deposit, then someone else said no and I wanted to get some clarity. Discussion over use of hall. Decision made that Trustee Larsen would look into it and get back with him in a few days.

Cody Broyles: Letter of intent for council. Thank you.

REPORTS

Terry (maintenance): 1. Got floor drain done for the kennel. We got the parts in, and it is done. 2. Fire hydrants have come in, we are waiting on adapters to adapt them from the 6" to the 4", once those are in we can start on that. 3. The altitude valve (quote attached). Discussion over use of altitude valve, where funds would come from to pay for valve. Decision made for Terry to get the remaining cost and Davida will do a phone poll to get the final approval.

David (clerk): Jeffrey Thorp asked what steps would need to be taken for him to break apart the taps? Discussion over taps and pipeline. Decision made have a water board meeting within the next two weeks.

Matt Heimerich and Stacey Sober stopped in and asked about what we were doing down at tent city. I put them in touch with Tony, since he is the one who is heading that up. **Tony:** They wanted to verify that we were going to leave the easement there for the canal. Told them what we were doing, they said they would help in any way that we would need them.

Ordway New Era athlete of the week, \$10 and to sponsor 3 kids for \$44.25. Discussion over funds. **Motion** to move the money to pay for advertising made by Massey, 2nd by Willis, motion carried. Trustee Willis tell them we would like to have the Sugar City kids.

CML HUTF forecast increase. No discussion.

Secom sent Broadband letter of support. Discussion over what it is for. Decision made to support.

Complaint for citizens. Sent around for review. No discussion.

Letter of interest: for council. Sent around. No discussion.

Cirsa 2024 paperwork is in. Discussion over any changes. No decision made.

Judge. Have the third applicant, can we schedule a meeting. Discussion over applicants. Decision made to schedule an interview.

Vickie (deputy clerk): Asked if we can advertise for the harvest festival that is being planned. Discussion over advertisement. Decision made to no longer advertise in office.

Office keys: Keys have been found; Janet brought them in from the fire department.

Website: Continuing to update website with the documents that are requested. No discussion.

Halloween activity: Is the town doing anything for Halloween. Discussion over Halloween. Decision made to not have any event.

Christmas Fair: We will be switching up activities for this year. Discussion over event. No decision made.

OLD BUSINESS

Robert Smoot: Discussion over camera and set up change. No decision made.

Reason for being here tonight is two-fold. Not sure where to start. Maybe I should start with you Brian, I left the last meeting early enough, you have an actual concern about the stop sign as much as the engine braking. They are both related, now with school back in session. Those trucks go around that corner with no stoppage. Submitted to the council, an emailed photo of the signage. I would like to know where we stand with this. We are simply looking for the signage.

Discussion over signage and CDOT laws. Discussion over enforcement of the ordinance.

Discussion over mayors' abilities as mayor. Discussion over getting the approval of CDOT.

Larsen: Need to have a sound ordinance, no engine braking: no louder than x number of decibels. Spoke with several different individuals and the last person I spoke with said that the only way they will put up a sign is if they a signed letter from a law enforcement agency that will enforce it. Spoke with him about the stop sign and what is happening with that. Sending him videos with trucks at that intersection. Once they get this, they may change the signage and that in effect should slow this down. **Smoot:** Would like to have a resolution, whether or not you make a penny off of it. Discussion over CDOT and proper laws. **Larsen:** Mr. Buchner what are

your recommendations for working up an ordinance for something to do with engine braking?

Mr. Buchner: I don't think that is really your job to determine the geography and grading isn't something that you can do. If you wanted to do an ordinance that is something to prohibit jake braking that is something that is in your purview. As discussed it is going to come down to whether or not you are going to be able to follow through with the signage and that requires CDOT approval. Moving forward with the ordinance is the best thing to do at this time, until you have CDOT approval then the whole thing would be moot. Discussion over what to include in the ordinance. Decision made to do it simple, i.e. No engine braking within city limits.

Motion to create ordinance to put up signage and in violation of CDOT and let CDOT handle it made by Cloer, 2nd by Massey, motion carried with friendly amendment to complete ordinance and wait to put up signs. **Roll Call:** Roberts: Aye, Cloer: No, Del Rio: Aye, Willis: Aye, Massey: Aye.

Smoot (2nd): Coming to you about the truck next door again. Filed complaints about him parking his truck there and leaving it run. Discussion over the truck driver and his work history. Discussion over Nebraska street being destroyed from the semi sitting in that location. Discussion over where semi's should be parked.

Scott Noel: I am actually glad you brought that up. It seems all we get from you (inaudible). Nobody resolves anything, week after week, week after week, people give in CORAs they do everything they can you get nothing. All you guys want to do is make a motion. Does anybody here know what they are supposed to be doing? Any one of you, please tell me. You made a motion then went against it. Is that what you teach your kids? **Cloer:** Sir, that is a legal way of doing it, at least he got his answer. You can vote against the motion, but he deserves the right to have that motion. The other council members voted for it. I wanted to make sure that Mr. Smoot had a process so that he had a vehicle so that it could be reached. **Noel:** He has gotten jerked for all these months. **Cloer:** And we just put that to rest. **Noel:** Then you voted against it. **Cloer:** Yes, I said I would vote against it. **Noel:** It made no sense. **Cloer:** It doesn't have to make sense. He got what he asked for, at least he has movement. **Noel:** He got nothing still. **Cloer:** He has movement, so we have somebody working on it. **Noel:** And everything else that you bring up to these meetings, we have nothing. Nobody gets anything resolved. We get nothing. This man don't know the time of day. Everybody wants to talk and do motions. I just want to know does anybody know what they are here for? Janet, what are you here for? **Roberts:** To decide what best on... **Noel:** Motions right? **Roberts:** Yea **Noel:** Mark? **Cloer:** I am here to represent the town. **Noel:** You guys aren't representing us. Not a one of you. **Cloer:** There is an open seat. **Noel:** You want to ignore us, you blow us off, you all want to talk over us. You don't care what we have to say. **Larsen:** You're assuming our motives are incorrect, by the way there is an election in April you can get a packet from the clerk. **Noel:** How many months does it take to make a decision? **Larsen:** I would invite you to take some time sitting back here seeing the various differences we have to... **Noel:** I would love to... **Larsen:** There is a packet you can get from the clerk.. **Noel:** I would love to. **Larsen:** There is an election in April. **Noel:** I would love to. **Larsen:** I look forward to seeing that. **Noel:** I would love to do it. Does anybody know where are budget is at? **David:** For this year? **Noel:** How about any for the last three years? **David:** For the last three years, no. **Noel:** Why? **David:** Everything got messed up in 21 and we are still trying to fix it. **Noel:** We got 21, 22, 23, and you guys are talking about 24 already. How do you

do that? You have to have a prior year, budget after budget to even have a new one, how can you do that? You guys make dead promises to us, we're getting a grant for the roads, you ain't getting grants, you can even have a grant. **David**; I never made a promise to you at all. **Noel**: Everybody here has made promises to us. **David**: I have not. **Larsen**: I came on the council with the intent to get the roads fixed which takes grant money. Then I learned the barriers to getting grant money, and now we are in the process of knocking down those barriers cause we need to fix these stinking roads there horrible. That is why I agreed to.. **Noel**: Instead we spending money on a garbage truck. We get lied to on the garbage truck. We are told that its gonna get turned in, its gonna get paid off, there is gonna be enough money left over to have a down payment on a new one. That was you and it is in the minutes, so you can't deny it. **Larsen**: He is not denying it. **Massey**: Why would I? **Noel**: That is not true. I just found out recently that you got to pay that off. Now you got the pay off on that, plus you got the full amount of payments on the new one. So where is the new truck? **Massey**: I should be here at the end of the month. Since I'm not making it, I'm not determining when.... **Noel**: You're the one talking all the talk in the beginning to talk them into it. **Massey**: OK. What's your point? **Noel**: The point is we're all lied to all the time. **Massey**: You need to be more specific. I have never lied to you one time. I guarantee you. **Noel**: You said that truck was gonna get turned in and it was gonna pay off the note and there was money left over **Massey**: Absolutely, there was. **Noel**: to cover the down payment on the new one. That is a false statement. **Massey**: No, its not. **Noel**: The paperwork in the minutes showed it otherwise. **Massey**: NO. **Noel**: Did it or did it not Joan show it otherwise that it was more money than you said it was? **Massey**: NO. **Noel**: And now you guys have got to pay the note off. **Massey**: No, it did not. I guarantee it didn't. The note got paid off when it got traded in. I don't know where your getting your numbers but there wrong. **Noel**: We get our numbers from what we hear from here in this council. **Massey**: Well we got \$140,000 back from the truck on the trade in and the payoff on it was 120, 119 and something. Which leaves \$20,000 for the down payment on the other truck. **Noel**: And, what's the new payments gonna run? **Massey**: About \$80 less every time than what the other truck was. **Noel**: Less? **Massey**: Less. **Noel**: How can you have less? **Massey**: inaudible **Noel**: I would have to see the contract to believe it. **Massey**: OK. Well... **Noel**: I will turn in a CORA request to see that, and I know I won't get it cause no one ever gets anything they ask for. They just get charged for paper that is worthless. **Massey**: Ok... (inaudible.) I don't appreciate being called a liar. I do not lie. I have no need to. **Noel**: Really? **Massey**: Absolutely. **Noel**: OK. I will prove you wrong. **Massey**: Well go ahead. I welcome you to try. **Noel**: I will. Someone that doesn't have a cell phone doesn't use a computer. **Massey**: I'm not here to be insulted. **Noel**: Your so smart. Hello.

Eric Roberts: Just a little refresher back on the 10th of last month I turned around and submitted a CORA request to David for a copy of this last years bank statements and the reconciliation on all the bank statements. This was done on the 10th, the 14th she calls me on the phone in the afternoon and tells me she has all the paperwork done. I quizzed her about the reconciliation. She tells me there wasn't nothing on the paperwork about reconciliation. Right here is a copy of the paperwork I gave her. You can pass it around; you can read it yourself. If you want copies of it I will have to charge you for it. That same day she wrote this letter, mailed it on the 15th; I got it on the 16th. Guess what the letter tells me. (Reading letter) August 10th you submitted a sheet of paper, consider this an official CORA request, this is not an official CORA request form. Please

note that if you cannot fill out the correct forms for a CORA request, we will not be required to fulfill your request. The town form uses the availability on the town hall and at the town website. At the bottom of the letter she tells me that my CORA request has been completed. I still have yet to get my reconciliation papers on the paperwork that I come in and paid for. She told me on the phone that she didn't have the reconciliation done for this year at this time. I asked her why. She said she hasn't had the time to do so. I said can you send me an email stating that, why you don't have the reconciliation done on these papers? She tells me on the telephone, that would be a waste of my time. Two days later I get the letter in the mail. So apparently it was a waste of her time to type out the letter and tell me that my CORA request was complete when its not complete. I still have yet to get the reconciliation papers. She also took it upon herself to tell me on the phone when I asked her about the reconciliation, I said we're not going back to 21 we're dealing with 23. She says well uh, I think its Baker Tilly, your using for your reconciliation.

Larsen: Yeah **Roberts:** Well there doin it for 2022 now as well. Are you guys aware of them doin your book work for 2022, that's her job to be doin. **Larsen:** Its my understanding that they have to reconstructing some.. **Roberts:** Why do they have to reconstruct? **David:** That is from 21. **Larsen:** That's from 21. **Roberts:** If she was here in 22.. **Cloer:** Weren't you on the board at that time? **Roberts:** how come she can't be doin the reconciliation on the books for the bank statements each month like she should be doin? **Cloer:** If you were on the board at that time, you could answer that question. I was not. **Roberts:** Ok, well she needs to be the one answering the questions because she is the one doing the office work, she is the one that takes cares of all the finances for this community. But when she tells me on the phone, that she does not have the reconciliation done and can't give me a reasonable answer other than I don't have the time or haven't had the time. Ain't that her job? **Cloer:** So under a CORA request, I wanna make sure you understand. You have the right to see any records that we have. **Roberts:** Well if she don't have them to provide for me to see, how can I see 'em? **Cloer:** Then you are correct, then she would be correct in telling you there is nothing to provide. You said you paid for this; did you get a receipt. Did he actually pay for them? **David:** No he did not pay for the bank rec's. **Roberts:** I did not pay for the reconciliation papers, but I paid the \$19 for the paper I got on all the bank records. Then lets go back to the bank records. Since I've been going over them a little bit. I would like to know what this miscellaneous debit on all the accounts. Can anybody explain to me what miscellaneous is? Because there is 13 of them, one on 1/27/23 for \$42,000, one on 2/10/23 for \$4,952, another one on 2/15/2023 for \$9,400, another one on 2/15/2023 for \$20,802, and the very last one is down at the very bottom is the one that really blows my me out of the water. It was done on 7/6/2023 for \$123,462.42. What did it go for? Where did it go? **Massey:** Payoff on the truck. **Roberts:** So why don't it say payoff or put something in there on what it goes to on the paperwork instead of miscellaneous? **Cloer:** So you're asking for bank statements, the bank doesn't necessarily respond to our things. But if you asked for the bills that have been paid I'm sure you could match them up. **Massey:** She said they paid it when they received the money from it. **Noel:** You said you paid it when you turned it in. Don't lie again. **Massey:** We got the check a couple of weeks after that, we paid it as soon as we got it. **Larsen:** The gentleman at the front has the time. It is his turn. **Roberts:** Well, I don't feel that it is right. That there are so many miscellaneous on our bank statements are they all the same? Are any of you on the council aware that we have to general accounts? **Massey:** Yeah. **Roberts:** Why? **Massey:**

Because the one they can't close because its got auto deposits in it. **Roberts:** So what's the purpose of the other one? Ain't much money in it. **Massey:** That's the one I'm talking about. It's got accounts that are deposited into it. **Roberts:** And then back on seven, I should have brought my other paperwork, in the seventh month from what I seen on the bank statements it showed the remaining balance on 7/31 was about \$2,000 for the trash. And in that month from 6/30 to 7/31 there was no deposits for credit for the trash period. Why is that? **Massey:** They didn't get put in that month. Most of them go into the general. **Roberts:** Why? Why are you talking when it should be her? **Massey:** Well you're the one looking at me asking me the question. **Roberts:** You're the one that always takes over and talks for everybody else. Just like Mr. Larsen does a lot to. You all speak for the council, when this is supposed to be a team here, there ain't no I in team. **Massey:** No there is not. If you had been paying attention... **Roberts:** I pay attention. Better than you can. **Massey:** For two years, it took to get that trash account separated from the general fund, so I could tell how much was in trash. **Roberts:** Who put it in the general fund in the first place? **Massey:** Good question, you was on the council when it happened. **Roberts:** No I wasn't. **Massey:** Yes, you was. **Roberts:** And who was the first person that got rid of the Caselle program? Do you remember that? **Massey:** I remember it happening. Yes. Shortly after I joined the council. **Roberts:** Ok. Mr. Larsen a couple of meetings back said in here and pitched a big spiel on the person that got rid of the Caselle program to begin with was the cause of the problem we are having now with our billing situation. **Larsen:** Which was my understanding at that time. **Roberts:** Well the person that got rid of the Caselle program to start with, just so you know, was her. **Davida:** No it was not. **Roberts:** Yes, it was. You was the one that **Davida:** No, it was not. **Roberts:** You was the one that told the council you couldn't work it. **Massey:** It was Julie who couldn't run Caselle. **Roberts:** I'm done. I was on the council when you told them that. **Larsen:** Sir, you left the podium.

NEW BUSINESS

Susan Ross: Not present

Mark Cloer: tabled

APPROVAL OF BILLS Motion to approve the bills in the amount of \$46,041.51 made by Massey, 2nd by Cloer, motion carried.

TRUSTEE REPORTS

EX Motion to go into executive session at 8:52 pm by Massey, 2nd by Larsen, motion carried.

9:07 Trustee Willis left meeting.

CALL TO ORDER 9:08 pm by Mayor John Del Rio

Motion to approve employee advancement raise made by Massey, 2nd by Cloer, motion carried.

ADJOURN Motion to adjourn at 9:12 pm by Massey, 2nd by Cloer, motion carried.

Mayor

Clerk