

TOWN OF SUGAR CITY
REGULAR MEETING MINUTES
08/16/2023

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

PLEDGE OF ALLEGIANCE Led by Mayor John Del Rio

ROLL CALL Hijar, Roberts, Del Rio, Larsen, Massey, Willis, Attorney Buchner via zoom. Not present – Cloer

Motion to change the agenda, add Corina Arellanos and Cody Broyles to New Business made by Massey, 2nd by Larsen, motion carried.

Meeting Etiquette Tabled

APPROVAL OF MINUTES Motion to approve minutes dated 08/02/2023 made by Willis, 2nd Massey, motion carried. Hijar abstaining.

APPROVAL OF MINUTES Motion to approving minutes dated 08/08/2023 made by Willis, 2nd by Massey, motion carried. Hijar abstaining.

Hearing re: Trustee Hijar

Larsen: Perfecto we requested your resignation, you refused.

Hijar: Missing meetings for surgeries. Can't get to in front have to go around the back. If you'll have me then I would like to stay on.

Larsen: Didn't know about that.

Hijar: Had COVID: took three (3) months for it to clear. April has something else happen. The last time my sugar was up. Will not heal if sugar is up. Going to go back in a couple of months.

Del Rio: Anything from your doctor?

Hijar: Didn't think I would need a doctors note.

Massey: Citizens need a person, not an empty seat.

Hijar: Could communicate with Davida more.

Larsen: That is what we need.

Willis: Fact is we need someone here.

Motion to removed Perfecto Hijar from council per C.R.S. 31-4-307 made by Massey, 2nd by Larsen, motion carried. Roberts opposing.

Cloer: Thank you and take care of your health.

Interviews

Karen Gates: Municipal Court Judge, continuing my education. Currently clerk in Ordway.

Larsen: Case about your family?

Karen: That was in Cimarron, Texas.

Willis: Why were you removed?

Karen: Conflict of interest. Husband was the sheriff.

Larsen: Not handling the cases that involved your husband?

Karen: I didn't realize that the other officer's cases I could not handle. I resigned from the position. He is still in law enforcement there.

Willis: How can you be a para-legal and not know that you can't do that?

Thank you

Angela Davis: Criminal justice major at Aimes College. Have completed about 90% of classes.

Massey: Do you live locally?

Angela: I live in Rocky Ford.

Massey: Do you have any family or people you know in the area?

Angela: No, not in Sugar City. Wanted to let you know that I do work with Vets in the area.

Larsen: What traits do you have to offer for this position.

Angela: I believe I am empathic on all the different situations.

Thank you

Discussion over third interview. Decision made to not interview Jeremy Boyce.

PUBLIC COMMENT

Tracy Reece: Have more bricks and cement for the town to pick up. No discussion.

Robert Smoot: Six (6) months ago I brought before the board Engine braking. Mr. Mark, not here, worried about the cost of signs. When Robbie cried about his back the town paid \$3000 for speed bumps, now they are wasting away.

Willis: Who will enforce it?

Robert: Enforce with an ordinance, then the code enforcer will enforce it. Never thought I would enforce it.

Thank you

Jonathon Slusher: Most of you know my complaints. House is in a sink hole with a crushed furnace. Been in front of the council four times. Have worn out the girl in the office. Now I am having theft on my property, neighbor put fence in the ally, now they drive through my land. They have moved the hydrant. I am a snitch, and have contacted Governor Polis, Senator Hickenlooper, Colorado Housing Authority, and Colorado Department of Local Affairs. I have received papers back.

Del Rio: That....

Jonathon: Not speaking to you sir. I have had two (2) court dates and they both have gotten cancelled. Spoke with the judge because I was told that he cancelled. The judge told me that he didn't cancel the town cancelled. I want my house fixed.

Thank you

Scarlett Markus: Don't know if anybody is noticing. Had to get a ring doorbell. Have people yelling at my child he is going to kill children. Seems on the west side of town nobody cares. Something needs to be done. Don't know what, but something.

Tracy: Town needs to hire their own sheriff.

Scarlett: Have number to the deputies. Have an ordinance for them to enforce. This town is out of control. Neighbor across the street was broken into.

Cindy: Construct a letter to the Commissioners.

Larsen: Mr. Buchner first, do you have any comment on the engine braking? Second, people on drugs, one drive by, people breaking into cars and homes?

Mr. Buchner: These are competing, town expresses concern, give the council time to think. Jake braking goes to noise ordinance, code enforcing it not cost effective. Coordinate with CDOT have them investigate and look into. Sorry to hear about the drive-by, something needs to be done by the police. Have to have a stronger municipal criminal court.

Larsen: Draft a letter and submit it to the board in three (3) weeks.

Mr. Buchner: Good idea, if the town uses court, then you need a criminal municipal judge practicing in Colorado that knows Colorado procedure.

REPORTS

Clerk:

Have the profit & loss sheet. The beginning numbers are not in yet. No discussion.

Different performance evaluations for review. No discussion.

Southeast water began laying the conduit. No discussion.

SIPA conference on September 20th. No discussion.

Grant opportunities from the senate. No discussion.

SGS chain of custody and report on water. No discussion.

Coronavirus state and local fiscal recovery funds. No discussion.

DOLA has two (2) grants. No discussion.

Tucker Holmes: accident in April of 2022, asking for \$30,096.50 - \$35,096.50 for injuries. No discussion.

Received two (2) complaints in the suggestion jar. Sent around table. No discussion.

Flag, need to look into a new one. No discussion.

Hix Risk insurance, met with and they will have a quote at the next meeting. No discussion.

Sign for tent city. Discussion over sign. No decision.

Fall clean up days, Terry and Steven chose Sept. 22, 23, and 24. No discussion.

Employee rental of community center. Discussion over cost. Decision made employees do not get center at no cost.

Cirsa received payment for ram door of \$3165 and for the hail damage to ram and truck 5 \$5796.58. No discussion.

Philanthropy days September 12-14, which trustee are we sending? Discussion over dates. Decision made Larsen will go on 13th.

Deputy Clerk:

Complaint from citizen on Denver. No discussion.

PAFCA visit, copy each trustee. (Attached). No discussion.

OLD BUSINESS

Cindy Fetherkile – Not present

Mike Thibault: been a month, what is going on with my water bill? Brian you said you would look into it and straighten it out. Haven't heard anything.

Larsen: Remind me.

Mike: Terry said I had a leak, used 1000 gallons less. Now it is back to normal.

Larsen: did you get the pressure tested?

Del Rio: have we changed the meter?

Mike: Is the meter reading correct?

Massey: If the meter is functioning now then we have to assume that it was functioning then. Discussion over meter and readings. Decision made that Mike would pay minimum due, town will replace the meter and revisit.

The house on Montana is burned up. Spoke with Rick Ferraro and he said there is no asbestos. I have reached out to the owner and offered to purchase it. He will not call back. Discussion over house and the winds. Decision to have the attorney work on and have a certified letter to the land owner.

Eric Roberts: Budget if you have it complete would like a copy. And the Code book pages 1-15 and 15-43 where that is at would like a copy of that as well.

Where are our ordinances? The office can't find; don't know where they are. Discussion over ordinances.

Last May turned in a CORA request to Davida, she replied with a letter via email that it would be over \$100 for three (3) hours. On the website it says it is \$30/hr. Don't know where she got her figures but apparently she can't read. At the bottom of the letter it states that the bank reconciliations are not done at that time. The previous meetings you have discussed 2021 and Baker Tilly. On the 10th I came in and submitted another CORA request. Called and stated that the request is complete, asked again about the reconciliation and again she said they are not complete. She told me it was a waste of her time. I asked her to email me her response and she said no. If I submit a request in writing then I want an answer in writing.

Roberts asks Mr. Buchner; can you give me the definition of a statutory town?

Buchner: I don't have the definition in front of me. Broad strokes of the statutory town versus a home rule town. Actually would be better defined as a statutory municipality versus a home rule municipality and broken down even further into varying levels based on population towns, cities, etc.

Roberts: so what mandates that you have a strong mayor? Does a strong mayor exist in a statutory town?

Buchner: It can depend on what ordinances are in place in that town. What you are talking about....

Roberts: Apparently we don't have any ordinances in this town. That is what we are trying to come up with.

Buchner: Well.... I will answer your questions sir. But I am not going to talk over you. If you want me to answer the question then I will, but I am not going to try to talk over you.

Roberts: Back when we had out other mayor in here they supposedly changed things. They changed this from a statutory town to where we have a strong mayor.

Buchner: I can clarify that. A strong mayor is a form of it has to do with the form of the board of trustees. It doesn't have anything to do with whether or not you are a statutory or home rule. When you are talking about statutory town it means you are subject to matters of the statewide statute then you have some matters that you can control that are not considered statewide concern then they are local concerns.

Roberts: Who sets it in place? Does the council set that in place or does CML?

Buchner: Well there are options set in place by state statute, then those options are determined by the local government if they have the ability to do so.

Roberts: How do you know if they have the ability to do so?

Buchner: The statute says so, as an example the statute allows for your town and the board of trustees to determine whether or not and how to run the government. The local government can be as you suggested, there is a strong mayor form of government and there is a weak mayor form of government and then are varying numbers that you can have on a board. You can have up to seven (7) members or you can go down to five (5) members of the board. There are a lot of different factors that you can control and that is done through. There are multiple ways you can do it through petition, or you can vote.

Roberts: You just stated that we had to vote to change from a statutory town. Never a vote to change from a statutory town to where he is a strong mayor.

Buchner: We're talking apples and oranges here. If the board has another question for me I would be happy to answer. But when you are talking about a statutory town versus a strong mayor we are not talking about the same thing. You can have a statutory town and have a strong mayor and/or a weak mayor form of government.

Larsen: About three (3) months ago we had a conversation about whether or not the mayor could vote. That was a discussion about whether he was going to simply conduct the meeting and the rest of us did the voting. We voted that night and it said that he can also vote.

Buchner: I will go back to those minutes and talk to the town staff. Also I will look to see if you had the authority to do that.

Citizens asking questions.

Buchner: This is why you should have something on the books and not have impromptu discussions. It requires research of statutes, ordinances and resolutions.

Roberts: Neither one of those certain things are in place to do that?

Buchner: That depends sir.

Roberts: Everything depends.

Massey: The default is a strong mayor, but since we could not produce the resolution where it had been changed. It had been known as a weak mayor system for years and when Mr. Koehler came in. It once again became a strong mayor system because we did not have that resolution proving that it was changed.

Scott Noel: What is this board designed to do?

Larsen: We are designed to look after the community in a lot of different ways from the yard to the trash to dog safety to a number of different issues. As long as we are looking at the best interest of the community.

Noel: Then why is it every time I come to most of the meetings the same stuff is brought up over and over and over and nobody's got an answer. What are you guys really doing? Everything you talk about do I hear a vote; do I hear a vote? The problems aren't getting cured, they are not. Everybody comes in here over and over. You seem to want to run the show anymore. Seems like you what to be the spokesmen everybody else is sleeping, I don't get it. What rights do you have as a strong mayor? Do you know?

Del Rio: As a strong mayor I don't but I know there are certain things I can do. I can't change things just because it is a strong mayor.

Noel: That is not the definition that I found. You are able to vote. Is that correct?

Massey & Larsen: Yes.

Del Rio: Yes to vote.

Noel: You should if you are a strong mayor. Aren't you on top of these people? Yes or no? Are you the mayor or not?

Del Rio: Yes.

Noel: Thank you. That wasn't hard. You are supposed to be in charge here, you are supposed to be doing the meetings. It seems like this one here does everything in here. It seems like it is her way or the highway and you guys just all just follow along.

Larsen: Nope, she keeps a lot of things running.

Del Rio: No it is not that way.

Noel: I have asked you personally to your face, and you told me I don't know what I am talking about. And now you just told me you don't know what rights you have being a mayor. Do you know what a mayors responsibility is? What is it?

Del Rio: To oversee the town and the council.

Noel: That's it? You should be able to vote as well. And you should be able to veto as well?

Massey: No

Larsen: No, he is not a ruler.

Del Rio: No I can not veto.

Noel: Is that right?

Del Rio: That is what I tried to tell you I can not veto.

Noel: Is that right, Mr. Attorney?

Buchner: It depends on what form of government we are talking about. In a weak mayor form of government there is no veto but you have voting power the mayor acts as a chairman of the meeting.

Discussion over the form of government. Decision made to make agenda items for future discussion.

Citizens discussing what has been happening in this town and what the council is doing about it.

NEW BUSINESS

Sheila Carpenter: The reason I am here. First of all who is in charge of the office. You are correct mayor. Then how come Joanie is telling them what to do?

Del Rio: She isn't.

Capenter: Well she is getting blamed for it. How come our code enforcer, I don't want to have to give you the definition of enforcer. But how come she not giving no warnings, no tickets? When I come up here with a complaint about someone getting a bill for \$328 dollars for a mowing they didn't happen. Which is when you got brought into it. Why in the world would any body in the office think that she is the one that would tell them what to do?

Del Rio: I asked who had sent them?

Carpenter: It doesn't matter, you are supposed to be over the office and these girls have a boss not a title. And you should be over the code enforcer and know the definition of enforcer. And there should not be any stealing, this bs that somebody has to come in and tell people that they got robbed on them tickets before they get their money back. Somebody should be looking that up, and they should say o lordy we gave all these people. But you know everybody I know that

got one of those tickets without a warning don't live in Sugar City. They just own property here. It seems to me like we got someone who thinks that they can ticket people who live out of town. I got the excuse that we couldn't get a warning to them in time to get something done in the ten (10) days. That is not true, you can over to this post office and I can send you a letter in one day. There is no excuse as to why you cannot give people that warning and you can't see to it that people are treated fairly. Because its stealing and I don't want my tax dollars supporting a thief. That is just wrong. John if you can't handle the office and the regulations in the office, just say so. Joanie I know she is trying to cover for you a lot, but she don't need to being doing that either.

Willis: I don't do nothing with the office.

Del Rio: We tell her to what to put on and what to do.

Carpenter: And Crissy don't give no tickets either.

Willis: What's that?

Carpenter: Crystal, excuse me. Crystal don't give no tickets or warnings either.

Willis: Yes, she does.

Carpenter: No, she doesn't she screamed it at me out here.

Reece: She told me that the council told her recently that the council told her not to give out the warnings.

Carpenter: I don't care if you agree with me on anything. I don't. But that is illegal. That is flat out illegal to give people tickets because they are out of town.

Discussion over code enforcement and the office.

Lonnie Carpenter: Not present

Mark Cloer: Not present

Corina Arellanos: Contacted the office and spoke with Vickie about doing a harvest fest here in town on my own property. I wanted to know if there are any type of ordinances that I need, I didn't want to get everything going and then an ordinance from 300 years ago pops up and says you can't do this. Every time I ask someone in the office, they say they can't find this. Would like to know if there is anything in place telling us we can't have this.

Discussion over ordinances and event planning. Decision made a letter would be provided to Ms. Arellano stating there is nothing to prevent us from doing this.

Cody Broyles: There are state laws, so why are there bags on hydrants?

Del Rio: I looked into that, about four (4) months ago we ordered new hydrants. There is only one (1) that is not operable. The others can be used if necessary. We did order them, have they come in? See that is the problem on the delivery.

Discussion over hydrants and why they are covered. Decision to have an update on them.

APPROVAL OF BILLS

Dauida: have to change the trash's amount by \$2.12, it is now \$13,438.42, a customer that had cancelled service changed their mind and would like to continue service. Removed the refund check.

Motion to approve the bills in the amount of \$15,364.35 made by Massey, 2nd by Willis, motion carried.

TRUSTEE REPORT

Roberts: No comment

Del Rio: No comment

Willis: Explain that I have nothing to do with money. Discussion over code enforcement and money.

Larsen: Concern over 96 and Colorado can't do with state has to deal with. Explanation of tractor/trailers. Discussion over contacting state to fix.

Massey: No comment

Executive Session: §24-6-402(4)(f), C.R.S., Personnel matters, discussion regarding Davida Moreland.

Motion to go into executive session at 9:22 made by Willis, 2nd by Larsen, motion carried.

CALL TO ORDER: 9:40 pm by Mayor John Del Rio

ADJOURN

Motion to adjourn at 9:40 pm by Larsen, 2nd by Willis, motion carried.

Mayor

Clerk