



**MINUTES of the IGNACIO TOWN BOARD
SPECIAL MEETING**

Monday, November 30, 2020 – 5:30 PM

Remote Public Meeting

I. CALL MEETING TO ORDER: Mayor Cox called the meeting to order at 5:43 PM.

II. ROLL CALL

Present: Mayor Stella Cox, Mayor Pro Tem Alison deKay, Trustee Tom Atencio, Trustee Edward Box III (left the meeting at 7:40 PM), Trustee Sharon Craig, Trustee Sandra Maez, Trustee Dixie Melton

Absent: None

III. EXECUTIVE SESSION: Executive Session for a conference with the Town attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) pertaining to the enforcement of Public Health Orders

Mayor Cox asked Mr. Garcia if he had any comments prior to the motion to go into Executive Session. Mr. Garcia stated that there is a second zoom meeting link for attendees to be able to rejoin after the Executive Session is over; that information is on the agenda. He apologized for the technical difficulties and the resulting delay. Mayor Cox suggested that the second meeting be delayed until 7 due to the technical difficulties and asked if the board concurred. Trustee Craig stated that she felt the second meeting should be held at the originally scheduled time due to the frustration that the participants may experience with all the time changes. Trustee Craig concurred. Mayor Cox called for a motion.

Action: Trustee Atencio moved to go into Executive Session for a conference with the Town attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) pertaining to the enforcement of Public Health Orders; Mayor Pro Tem deKay seconded the motion. Mayor Cox called for a voice vote. The vote was 6 in favor; Trustee Craig was opposed.

Upon returning to open meeting, Mayor Cox stated the time was and the individuals in attendance during the Executive Session were Mark Garcia, Interim Town Manager; Tuggy Dunton, Town Clerk/Treasurer; Sandra Maez, Trustee; Sharon Craig, Trustee; Edward Box, Trustee; Dixie Melton, Trustee; Alison deKay, Mayor Pro Tem; David Liberman, Town Attorney; Kirk Phillips, Chief of Police; Tom Atencio, Trustee. For the record, if any person who participated in the Executive Session believes that any substantial discussion of any matters not included in the motion to go into Executive Session occurred during the Executive Session, or that any improper action occurred during the Executive Session in violation of the Open Meeting Law, I ask that you state your concern for the record. Seeing none, the next agenda item is public comment; it is now 6:43 PM.

Open Meeting after Executive Session:

I. PUBLIC COMMENTS

Mandy Brown, 510 Arboles Street; David Silva, lives outside of town and declined to give his address; Sonya Silva, declined to give her address; Mickey O'Hare, 775 Goddard Avenue (Maralex Resources, Inc.).

Mayor stated that the public comment time was closed and prepared to move to the next agenda item. Mr. Garcia requested to add a new item to the agenda under new business (III B) to discuss potential participation with La Plata County and San Juan Basin Health on enforcement of public health orders. Mayor Cox asked for input from the Board. Trustee Craig stated that this was not announced to the public in advance. Trustee Atencio stated that he would like that discussed prior to the unfinished business, as he believed it may affect the discussion of the Ordinance. Trustees Melton, Maez and Mayor Pro Tem deKay were in agreement.

II. NEW BUSINESS

A. Change of date of Board Meetings to second Monday of each month – Action Required

Ms. Dunton stated that, at a minimum, four Board Meetings each year need to be changed from the third Monday of the month due to either holidays or statutory filing deadlines, and suggested that the Board consider changing their regular meetings from the third Monday of each month to the second Monday of each month, beginning in December 2020.

Action: Trustee Atencio moved to change the regular Board Meeting to the second Monday of each month, beginning December of this year; the motion was seconded by Trustee Craig. The motion passed unanimously.

B. Discussion of potential participation with La Plata County and San Juan Basin Health on enforcement of public health orders

Mr. Garcia stated that La Plata County had initiated a discussion with Bayfield, Durango, Ignacio, and San Juan Basin Health and asked the jurisdictions of present if there was interest in coordinating in public health order enforcement, understanding that each entity would need to present the concept to their individual boards. This was part of the discussion during executive session; no decision was made during executive session, so this item was added to the agenda during open meeting. The process that was presented by La Plata County (LPC) was as follows: LPC would initiate contact, through the Sheriff's Office, with businesses that are in violation of the public health order; there would be education concerning the order and a request for the business to come into compliance with the order; the next step would be action by San Juan Basin Health with licensing removal (for example, removing food handler's permits), followed by action from the Towns or City to remove business licenses, provided the language is in their code to remove business licenses.

The comments from the Town Attorney in the Executive Session is that the current Municipal Code lacks the language necessary to remove business licenses, and that is the reason for presenting Ordinance 344 to the Board for consideration.

Public Comments during this agenda item were made by the following people: David Silva; Misty Witt, 9598 Hwy 172, Ignacio; Holly Hott, 6675 Hwy 151, Ignacio; David Silva.

Trustee Craig commented that she disagrees with the mask mandate and also disagrees with the Ordinance. Trustee Atencio stated that he does not disagree with the mask mandate; he does agree that an employer should be required to tell their employees that they have to wear masks, but the customer should have the right to choose whether they wear a mask or not. He believes that it is not the intent of the Board to shut Farmers Fresh down; that is why there is a process outlines in the ordinance for businesses to come into compliance with the requirements of maintaining their license.

Mayor Cox returned to public comment. The following people commented: Audrey, 955 Shoshone; Ezra Lee.

Trustee Atencio stated that he believes the phrase in the Ordinance that states the having a business license is a privilege should be struck from the ordinance. Mayor Pro Tem deKay stated that she agreed. She further stated that she would like to go through the Ordinance phrase by phrase to ensure that it says what the Board wants it to say, emphasizing the desire for safety for the citizens of the Town. Both Trustee Atencio and Mayor Pro Tem deKay stated that they believe the responsibility lies with San Juan Basin Health to enforce public health orders. Mayor Pro Tem deKay stated that she does not want to shut down Farmers Fresh but she does want the store to consider the safety of the citizens over the issue of personal freedom.

Mayor Cox returned to public comment. Chris May, 8 El Paso Road in Ignacio

Mayor Cox closed the public comment and moved to the next agenda item.

III. UNFINISHED BUSINESS

A. Ordinance 344 – Modifying Chapter IX, Section 9-1 of the Town of Ignacio Municipal Code Regarding Business Licensing

Mr. Garcia stated that at the previous meeting there was a request by Trustee Atencio to reach out to the businesses in Ignacio, with the help of Clark Craig, President of the Chamber of Commerce, to receive input regarding this Ordinance. There were changes to the Ordinance based on direction from the Board at the previous meeting and the Ordinance version in the packet reflect those changes, as well as an emergency version of the Ordinance in the event that the Board feels the need to adopt this Ordinance as an emergency Ordinance.

Trustee Atencio stated that the businesses in Town were approached with by email or personal contact, providing the Ordinance. The majority of the businesses are opposed to the Ordinance or had questions about it. One of the suggestions that came out of the contacts that Trustee Atencio made was that the Town hire an enforcement officer to enforce the Codes already in place. Three or four of the responses were that the language of the proposed Ordinance is too strong, but they were in favor of the Ordinance in principle. Trustee Atencio then invited Clark Craig to share comments.

Clark expressed appreciation to the Trustees for allowing him and Trustee Atencio to go through this process. He stated that he sent the Ordinance to the Chamber of Commerce email distribution list. Copies were printed and hand-delivered to the businesses as well. He stated it was a good experience; some businesses did not know

there is a Chamber of Commerce, so that was good exposure. The responses were around 60% opposed to the Ordinance and 20-30% are in favor of it. The feedback was included in the packet; it is well thought out and articulated. Some believe that there are components of the Ordinance that need to be amended. He again expressed appreciation for being involved in this process.

Mayor Cox expressed appreciation for the input from Trustee Atencio and Clark Craig.

Trustee Craig requested to read a statement. Mayor Cox gave her the floor. She stated that she will not support any version of Ordinance 344. She does not believe in the science behind wearing masks; she believes in the science of how our immune systems work. She believes that the mandate to wear a mask is an overreach of government. She expressed appreciation for the opportunity to speak. Mayor Cox expressed appreciation for her input.

Trustee Atencio requested to make a motion. Mayor Cox asked what his motion was.

Trustee Atencio moved to table Ordinance 344 at this time, study it more, listen to what the business people have told us, and bring it up at a later date. Let's not let it drop, but bring it up at a later date when the community as a whole can look at it. Trustee Craig seconded the motion.

Mayor Pro Tem deKay stated that, if this motion passes, the Ordinance should be removed completely and not be entertained again.

Trustee Melton stated that she understood where Trustee Craig and Trustee Atencio are coming from because it is a really hot topic. Being a medical professional, she believes in wearing masks. She feels this Ordinance needs to be re-worded; she is also a business owner, and she sees that a lot of businesses are not in favor of this. She stated that she is not in favor of closing Farmers Fresh. She believes we need an Ordinance that provides for revocation of a business license in the event that is necessary. She cannot accept this ordinance as it is.

Mayor Cox stated that she is not in favor of closing down any business; she is in favor of ensuring that the well-being of the community is taken into consideration. She expressed sympathy for those who feel they are being bullied during this pandemic. She encouraged unity and respect in the middle of disagreements.

Trustee Melton stated that she believed that enforcement should have been San Juan Basic Public Health's responsibility from the beginning. That responsibility should never have been placed on the communities.

Mayor Cox called for a vote on the motion by Trustee Atencio to table Ordinance 344, seconded by Trustee Craig. The motion passed 4 to 2, with Trustee Maez and Mayor Pro Tem deKay opposed.

Mr. Garcia stated that staff will await further direction from the Board, and staff will also report back to La Plata County that the Municipal Code does not contain language that allows for the revocation of business licenses and what their follow-up suggestions might be.

Trustee Atencio directed staff to inform San Juan Basin Public Health that the Town does not want to do their job. They now have the Sheriff's Office to assist with enforcement. That is what the governor hired them for.

Mayor Cox allowed public comment at this time. The following people commented: Sonya Silva, 135 Goddard Avenue;

Mayor Pro Tem deKay stated that she appreciates the members of the Board for their ability to hash things out and disagree respectfully, to have the forum for discussion, and then move forward together in unity.

Trustee Atencio encouraged people to stay safe, stay home, and wear a mask.

Trustee Melton expressed appreciation for the Board for the hard work and investment of time and effort to make the best decision possible at this time for the future of the Town.

Mayor Cox stated that we are a community and that we need to be respectful to one another. She stated that the next agenda item is adjournment. Trustee Craig stated that there were still hands raised. Trustee Atencio stated that if someone made the effort to attend the meeting the Board should hear what they had to say, and suggested a two-minute time limit.

The following people commented: James Brown, 510 Arboles; Misti Witt, 9598 Hwy 172; David Silva.

IV. ADJOURNMENT

Being no further business before the Board, Mayor Cox adjourned the meeting at 8:34 PM. There will be a Work Session with Sagebrush Consulting on Monday, December 7, at 5:30 PM via Remote Public Meeting. The next regularly scheduled meeting will be on Monday, December 14, 2020, at 6:30 PM via Remote Public Meeting.



Stella Cox, Mayor



Date



Attest: Tuggy Dunton, Town Clerk