

ORDINANCE NO. 189

AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO APPROVING AN INTERGOVERNMENTAL AGREEMENT FOR E-911 SERVICE AND FOR THE IMPOSITION OF AN EMERGENCY TELEPHONE CHARGE ON PHONE SERVICE WITHIN THE TOWN.

WHEREAS, the citizens of the Town of Ignacio are not currently served by E-911 service for emergency calls; and

WHEREAS, all other portions of La Plata County which are outside the 563 exchange are currently served by E-911 under the provisions of an existing emergency telephone agreement; and

WHEREAS, the Board of Trustees desires to cooperate with La Plata County, the City of Durango, the Town of Bayfield, and the Southern Ute Tribe to enter an intergovernmental agreement for the provision of E-911 service within the 563 exchange; and

WHEREAS, the Board of Trustees is authorized by statute to impose an emergency telephone charge on each telephone line and on each wireless service in the Town to pay the costs of the E-911 service; and

WHEREAS, the provision of E-911 service within the Town is necessary to preserve the health and welfare of the citizens of the Town.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, AS FOLLOWS:

1. The provisions of the document entitled "Intergovernmental Agreement Concerning the Implementation of an E-911 Emergency Telephone Service" (which is attached hereto as Attachment A) are hereby approved and the Town of Ignacio, Colorado is hereby authorized to enter the said Agreement with La Plata County, the City of Durango, the Town of Bayfield and the Southern Ute Tribe.
2. Century Tel and any other provider of telephone service within the Town of Ignacio is hereby authorized to impose and assess an emergency telephone charge on phone service and on wireless service within the Town of Ignacio under the provisions of C.R.S. §29-11-102, in an amount not to exceed the statutory limit, which is currently seventy cents (70¢) per month per exchange access facility or per wireless access facility. Such amounts shall be remitted after collection and expended in accordance with the provisions of C.R.S. §29-11-101 *et. seq.* and the Intergovernmental Agreement for E-911 service within La Plata County. The said fee shall be commenced on service users when the E-911 service is available to the service users within the Town of Ignacio.

ADOPTED AND ORDERED PUBLISHED ON August 14, 2001.

Attest
By: Jeannette M. Vardoy
Town Clerk

TOWN OF IGNACIO:
By: Gerardo W. Silva
Mayor

**INTERGOVERNMENTAL AGREEMENT
CONCERNING THE IMPLEMENTATION OF
AN "E-911" EMERGENCY TELEPHONE SERVICE**

THIS AGREEMENT is entered into this 31st day of July, 2001, by and between the following entities, hereinafter referred to singly as "Party" and collectively as the "Parties":

- A. The BOARD OF COUNTY COMMISSIONERS OF LA PLATA COUNTY, COLORADO, hereinafter referred to as "County;"
- B. The CITY OF DURANGO, a Municipal Corporation, hereinafter referred to as "Durango;"
- C. The TOWN OF BAYFIELD, a Municipal Corporation, hereinafter referred to as "Bayfield;"
- D. The TOWN OF IGNACIO, a Municipal Corporation, hereinafter referred to as "Ignacio;" and
- E. The SOUTHERN UTE INDIAN TRIBE, a federally recognized Indian Tribe acting by and through the Southern Ute Indian Tribal Council, hereinafter referred to singly as "SUIT."

WITNESSETH:

WHEREAS, pursuant to C.R.S. §§ 29-1-203 and 29-11-104, the state and governmental Parties are authorized to enter into Intergovernmental Agreements for the purpose of providing emergency telephone service;

WHEREAS, it would serve the public welfare and be in the best interest of the Parties to participate in the organization, administration and common use of a central emergency telephone service association;

WHEREAS, Bayfield, Durango and the County are currently members of an association that provides emergency telephone service; and

WHEREAS, the Parties desire to enter into this Intergovernmental Agreement for the following purposes:

1. To establish a new "Emergency Telephone Service Association," which shall be responsible for administering the operation of the emergency telephone service program; and

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2. To define the manner in which each of the Parties will participate in the Association.

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained, the Parties agree as follows:

1. Definitions

The definitions for the terms "emergency telephone charge," "emergency telephone," "exchange access facilities," "governing body," "public agency," "service supplier," "service user," and "tariff rates," as used in this Intergovernmental Agreement shall be the same as the definitions provided for those terms in C.R.S. § 29-11-101, as amended.

2. Formation

Pursuant to § 29-11-102(b) C.R.S., the Parties hereby establish a new Emergency Telephone Service Association (hereafter the "Association") of which each shall be a member.

3. Emergency Telephone Service Association Board

The governing board for the Association shall consist of one representative from each Party to this Agreement (hereafter the "Board"). Each agency shall utilize its own criteria for the selection of its member.

4. Rules and Regulations

The Board may pass supplementary rules and regulations for the conduct of its affairs in the exercise of its powers provided the supplementary rules and regulations are in compliance with Articles 1 and 11 of C.R.S. Title 29, as amended, and this Intergovernmental Agreement. A majority of the Board shall constitute a quorum of the Association. No proxy voting shall be allowed.

5. Provisions

- A. The Association shall have the following purposes, duties, and authority:
- 1) To determine the emergency telephone service, the service supplier, the equipment and the equipment suppliers, which best serve the needs of the public in the Parties' jurisdictions.

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- 2) To contract for advice from such consultants as deemed necessary concerning the configuration of the system and appropriate equipment.
 - 3) To contract for, acquire, and pay for such equipment, its installation and maintenance, to recommend any modifications to the emergency telephone charge, and to recommend amendments to this Agreement.
 - 4) All other powers and authority conferred by statute or necessary to provide emergency telephone services in accordance with this Agreement, including the power to perform any other lawful act as may be necessary for the provision of initial services and for the continued operation of the emergency telephone service, including, but not limited to, the ability to negotiate with equipment vendors and service suppliers for the purpose of obtaining the benefit of technological developments which the Association deems necessary to improve or enhance the quality and efficiency of service to be provided to the users.
- B. The Association and the Board shall not have the power to bind any of its constituent members to any expenditure of funds.
- C. This Agreement shall be interpreted in accordance with C.R.S. § 29-11-101, et seq.
- D. The emergency telephone charges imposed, pursuant to C.R.S. § 29-11-101, et. seq., shall be credited to an account of the Association separate and apart from the general fund of any public agency as provided below. Any funds remaining in the account at year end shall be carried over the next succeeding year for the purposes of supplying emergency telephone service. If this Agreement is discontinued, any balance in the account shall be transferred to the general fund of the Parties in accordance with the percentage of exchange access facilities within the jurisdiction of the entity imposing emergency telephone charges when compared with the total number of exchange access facilities within the territory of the Association.

6. Basis for Emergency Telephone Charges to be Imposed

The Association shall recommend the uniform rate of emergency telephone charge to be imposed on each service user to the governing bodies of the Parties by August of each year, and shall notify each service supplier of such rate annually. The Parties hereto agree that the basis for contribution and charges to be imposed on "service users" shall be in accordance with the provisions of C.R.S. § 29-11-101, et. seq.,

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7. Budget and Operating Costs

- A. The administrative budget of the Association shall be established and approved by the Association on an annual basis and shall be funded through the Durango/La Plata Emergency Communications Center budget and the SUIT, the exact percentages to be equitably allocated annually by the Board in its reasonable discretion.
- B. The Association's fiscal year shall be the calendar year.
- C. The Association shall not have employees.
- D. The Association shall to the greatest extent reasonably possible follow all the requirements of the "Sunshine Act" (Act Section 24-6-401, et seq.) but shall have no liability for its failure to do so.
- E. The Association shall follow accepted governmental accounting and budget principles, including state guidelines as set forth in the Financial Management Manual, published by the Office of the Colorado State Auditor.
- F. Administrative costs shall be paid to the Association, in care of the City of Durango, which shall maintain a separate account for utilization by the Association. The Parties agree to cooperate with City personnel in the setting up and the efficient operation of said account.

8. Funds and Operations

- A. The monies paid into the Association for administrative costs pursuant to Section 7, shall be used by the Association solely for administrative costs. Further, the various monies paid for the benefit of the Association, pursuant to the uniform charge per exchange access facility, shall be forwarded by the service supplier and the Parties hereto shall have no obligation to collect this uniform charge or to remit such monies. These monies shall be placed in a separate designated account and shall be paid from said fund only for those items authorized by C.R.S. § 29-11-101, et seq. Payments of the uniform charge per exchange access facilities shall be made to the Association, in care of the City of Durango, which shall maintain a separate account for use by the Association. Any interest on said account shall be credited to the account. The Parties agree to cooperate with City personnel in the opening and efficient operation of said account.

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- B. The Association, in consultation with the City of Durango, shall establish a policy for the expenditure, depositing, and investment of Association funds pursuant to Article 11 of C.R.S. Title 29, as amended. All monies remaining in the account at the end of each fiscal year shall remain therein for payment during any succeeding year.
- C. No disbursements shall be made, except by check, and unless a verified claim for services or commodities actually rendered or delivered has been first submitted. Financial reports shall be made to the Association on a regular basis.
- D. The Association shall not approve any claims or incur any obligations for expenditure unless there is sufficient unencumbered cash in the account credited to the Association with which to pay the same.
- E. Funds paid into the Association may be invested only in accordance with applicable laws of the State of Colorado governing the investment of public funds.
- F. No party to this Agreement shall be forced to pay any amount to the Association except as explicitly set forth herein or as otherwise agreed to by the parties.

9. Books and Records

- A. The Association, in cooperation with the City, shall maintain adequate and correct accounts of their funds, properties and business transactions. Accounts shall be open to public inspection at any reasonable time.
- B. The Association shall cause to be conducted an annual audit by an independent certified public accountant licensed to practice in the State of Colorado. As part of said audit, the Association shall perform an annual inventory of fixed assets. The Association shall file a copy of said audit with the governing bodies of the Parties.
- C. The Association shall also prepare and present such reports as may be required by law, regulation or contract to any authorized federal and/or state officials or to whom such reports are required to be made in the course and operation of the Association.
- D. All equipment, real property or other assets purchased or donated shall become the property of the Association except as otherwise agreed. In the event of the termination of this Agreement, pursuant to paragraph 11(C), the property of the Association shall be distributed in accordance with the percentage of exchange access facilities within the jurisdiction of the entity imposing

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emergency telephone charges when compared with the total number of exchange access facilities within the territory of the Association.

E. The Association shall also render to the Parties hereto, at reasonable intervals, such reports and accounting as the Parties hereto may from time to time request.

10. Default in Performance

A. In the event any Party fails to perform any of its covenants and undertakings under this Agreement, the Association shall consider said Party in default and cause written notice of the Association's intention to terminate said Party from membership in the Association to be given to that Party's governing body, together with a statement of the nature of the default. Upon failure to cure said defaults with thirty (30) days from the receipt of written notice by the Party, the membership in the Association of the defaulting Party shall thereupon terminate. After termination, a defaulting Party shall thereafter have no voting rights as a member of the Association at any annual or specific meeting thereof, nor be entitled to representation on the Association, and said Party shall thereafter be denied service by the Association.

B. Any defaulting Party whose membership is terminated shall forfeit all right, title and interest in and to any property acquired by the Association to which said Party may otherwise be entitled upon the dissolution of the Agreement.

C. Emergency communications services shall not be provided to the constituents of any defaulting Party.

D. This paragraph (10) is not intended to limit the rights of any Party under this Agreement to pursue any and all other remedies it may have for breach of this Agreement.

11. Termination of Agreement

A. This Agreement shall be in full force and effect upon the execution of this Agreement by all of the Parties listed herein, and shall continue in full force and effect subject to amendment or until sooner terminated as herein provided.

B. Any Party's participation in this Agreement may be terminated by written notice to the Association at least Ninety (90) days before the date such termination becomes effective.

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- C. Upon termination by mutual agreement of a majority of the Parties to this Agreement, the powers granted to the Association under this Agreement shall continue, but only to the extent necessary to make an effective disposition of the property, equipment and monies held pursuant to this Agreement.
- D. In the event that any Party elects to terminate its participation in this Agreement not in accordance with Subsection B or C of this Section, such Party shall be considered in default of this Agreement pursuant to paragraph 10 and accordingly shall forfeit its entire interest in the emergency telephone service.
- E. Nothing herein contained shall be construed to affect the legislative discretion of the Parties in the determination of whether to continue the Emergency Telephone Service charge.

12. Amendment

This Agreement may be amended by the Parties from time to time. Any amendment shall be in writing and executed by the Parties hereto.

13. Liability of Board of Directors, Officers, and Employees

The members of the governing board for the Association and its officers shall not be personally liable for any acts performed or omitted in good faith and with due care. The Association may purchase insurance to provide coverage for the governing board members and the Association against suit or suits which may be brought against said members of the board or the Association involving or pertaining to any of their acts or duties performed or omitted for the Association in good faith.

14. Assignment

This Intergovernmental Agreement shall be construed to be an assignment of the right to receive the charges imposed, pursuant to C.R.S. § 29-11-101, et. seq., to the Association, in care of the City of Durango, for the sole purposes as set forth in Sections 6, 7 and 8.

15. Superseded Prior Agreement

This Intergovernmental Agreement shall replace and supersede the prior Agreement between some of the Parties dated January 18, 1994.

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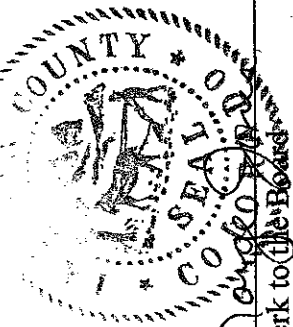
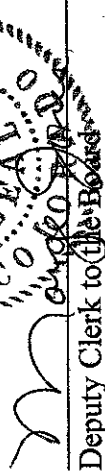
16. Severability Clause

If any provision of this Agreement, or the application hereof, to any Party or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Agreement which can be given effect without the invalid provision of application, and to this end the provisions of the Agreement are declared to be severable.

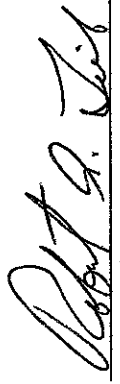
17. Third Party Beneficiaries

The Parties do not intend to benefit any person not a party to this Agreement. No person or entity, other than the Parties, their heirs and assigns, shall have any right, legal or equitable, to enforce any provision of this Agreement.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement the day and year first above written.

(SEAL)  ATTEST

Deputy Clerk to the Board

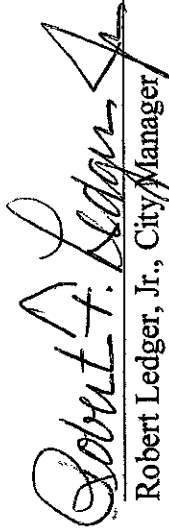
BOARD OF COUNTY COMMISSIONERS
LA PLATA COUNTY, COLORADO


Robert Lieb (Chair)

(SEAL)  ATTEST

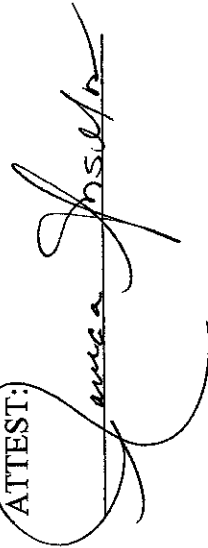
Cynthia J. Keisler, Deputy

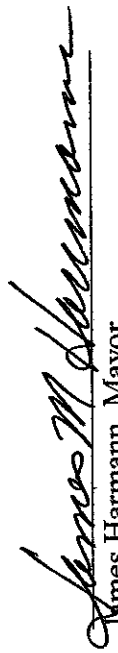
CITY OF DURANGO, COLORADO


Robert Ledger, Jr., City Manager

(SEAL)

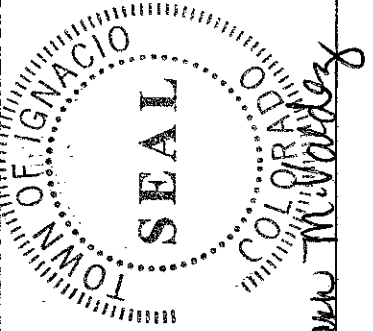
TOWN OF BAYFIELD, COLORADO

ATTEST:



James Harmann, Mayor

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(SEAL)

TOWN OF IGNACIO

ATTEST

George M. Vadez

Gerardo W. Silva
Gerardo Silva, Mayor

(SEAL)

SOUTHERN UTE INDIAN TRIBE

ATTEST:

Catherine S. McClure

Clement J. Frost Vice Chairman
for Leonard C. Burch, Chairman

APPROVED AS TO FORM:

Distribution:

- City of Durango
- Town of Bayfield
- County Attorney
- Southern Ute Indian Tribe
- Town of Ignacio

ORDINANCE NO. 188

AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO ANNEXING CERTAIN PROPERTY INTO THE TOWN OF IGNACIO.

WHEREAS, the Town of Ignacio has received a petition requesting Annexation for the property described herein as Exhibit A; and

WHEREAS, the tract to be annexed is a stretch of Colorado State Highway 172 adjacent to the existing Town limits; and

WHEREAS, the Town of Ignacio for health and safety concerns desires jurisdiction over traffic and other law enforcement matters on said tract; and

WHEREAS, the Town Board has conducted a hearing as per the requirements of C.R.S. 31-12-101et. seq..

NOW, THEREFORE, be it ordained by the Town of Ignacio Board of Trustees that the property described in Exhibit A attached to this ordinance be annexed into the Town of Ignacio, Colorado.

Said tract is also know as Goddard Avenue Annexation number 2 and named as such on the Annexation Plat recorded with the La Plata County Clerk and Recorder. The Reception Number is 805616, Date Recorded 5/18/2001.

Said tract contains 1.69 acres more or less.

PASSED, APPROVED AND ORDERED PUBLISHED this 8th day of May 2001.

MAXOR PRO TEM:

Leroy Herrera
Leroy Herrera

ATTEST:

Georgann M. Valdez
Town Clerk

Letto

EXHIBIT "A"

KNOW ALL MEN BY THESE PRESENTS:

That the Colorado Department of Transportation, being the legal and record owner of all the area of the territory on this plat of the GODDARD AVENUE ANNEXATION NO. 2 to the Town of Ignacio, Colorado, which said territory is not embraced within any City, County or Incorporated Town, is contiguous with the Town of Ignacio, Colorado, more than one-sixth of the aggregate external boundaries of said territory coincides with the existing boundaries of the Town of Ignacio, Colorado and which said territory is more particularly described as follows:

A parcel of land located in the SE1/4NW1/4 of Section 8, Township 33 North, Range 7 West of the New Mexico Principal Meridian, County of La Plata, State of Colorado, being more particularly described as follows:

COMMENCING at the center-north one-sixteenth corner of said Section 8, whence the northwest one-sixteenth corner of said Section 8 bears N 88°38'56" W, a distance of 1338.45 feet;
 THENCE N 88°38'56" W, along the northerly line of said SE1/4NW1/4 of Section 8 a distance of 613.08 feet, more or less, to a point on the easterly right-of-way of Colorado State Highway 172, according to the Right-of-way plans for Project No. RS0172(6), the POINT OF BEGINNING;

THENCE along said easterly Right-of-way the following seven (7) courses:

- 1) THENCE S 18°13'30" E, a distance of 138.2 feet;
- 2) THENCE S 11°41' E, a distance of 156.7 feet;
- 3) THENCE along the arc of a curve to the left having a radius of 5649.6 feet, a distance of 313.4 feet;
- 4) THENCE S 22°59' E, a distance of 161.0 feet;
- 5) THENCE S 20°14'45" E, a distance of 211.0 feet;
- 6) THENCE S 8°58'15" W, a distance of 83.2 feet;
- 7) THENCE S 7°17'15" E, a distance of 46.1 feet to a point on the existing corporate limits of the Town of Ignacio, Colorado, according to the plat thereof filed July 2, 1913, in the Office of the La Plata County Clerk and Recorder under Reception No. 67139;

THENCE along said corporate limits the following three (3) courses:

- 1) THENCE N 89°12' W, a distance of 11.2 feet, more or less;
- 2) THENCE N 0°48' E, a distance of 145.0 feet;
- 3) THENCE N 89°12' W, a distance of 107.62 feet to a point on the westerly Right-of-way of said Colorado State Highway 172;
- THENCE N 14°40' W, along said westerly Right-of-way of Colorado State Highway 172, a distance of 11.59 feet;
- THENCE N 22°59' W, continuing along said westerly Right-of-way of Colorado State Highway 172, a distance of 158.54 feet to a point on said existing corporate limits of the Town of Ignacio, Colorado;
- THENCE N 0°48' W, along said existing corporate limits of the Town of Ignacio, Colorado, a distance of 83.34 feet to a point on the southerly line of Aspaas-Payne Subdivision, according to the plat thereof filed July 31, 1948 in the Office of the La Plata County Clerk and Recorder under Reception No. 198007;
- THENCE S 89°13' E, along said southerly line of Aspaas-Payne Subdivision, a distance of 19.8 feet to said westerly Right-of-way of Colorado State Highway 172;
- THENCE N 18°56' E, along said westerly Right-of-way of Colorado State Highway 172 a distance of 701.90 feet to said northerly line of said NE1/4NW1/4 of Section 8;
- THENCE S 88°38'56" E, along the northerly line of said NE1/4NW1/4 of Section 8 a distance of 70.2 feet, more or less, to the POINT OF BEGINNING.

Said parcel contains 1.56 acres, more or less.

ORDINANCE NO. 187

AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO ANNEXING CERTAIN PROPERTY INTO THE TOWN OF IGNACIO.

WHEREAS, the Town of Ignacio has received a petition requesting Annexation for the property described herein as Exhibit A; and

WHEREAS, the tract to be annexed is a stretch of Colorado State Highway 172 adjacent to the existing Town limits; and

WHEREAS, the Town of Ignacio for health and safety concerns desires jurisdiction over traffic and other law enforcement matters on said tract; and

WHEREAS, the Town Board has conducted a hearing as per the requirements of C.R.S. 31-12-101et. seq..

NOW, THEREFORE, be it ordained by the Town of Ignacio Board of Trustees that the property described in Exhibit A attached to this ordinance be annexed into the Town of Ignacio, Colorado.

Said tract is also know as Goddard Avenue Annexation number 1 and named as such on the Annexation Plat recorded with the La Plata County Clerk and Recorder. The Reception Number is 805615, Date Recorded 5/18/2001.

Said tract contains 1.83 acres more or less.

PASSED, APPROVED AND ORDERED PUBLISHED this 8th day of May 2001.

MAYOR PRO TEM:

Leroy P Herrera
Leroy Herrera

ATTEST:

Georgina M. Valdez
Town Clerk

Town of Ignacio
POB 454
Ignacio Co 81137

805617

EXHIBIT "A"

KNOW ALL MEN BY THESE PRESENTS:

That the Colorado Department of Transportation being the legal and record owner of all the of the territory on this plat of the GODDARD AVENUE ANNEXATION NO. 1 TO THE TOWN OF IGNACIO, which said territory is not embraced within any City, County, and County, or incorporated Town, is contiguous with the Town of Ignacio, Colorado, more than one-sixth of the aggregate external boundaries of said territory coincides with the existing boundaries of the Town of Ignacio, Colorado and which said territory is more particularly described as follows:

A parcel of land being located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17, Township 33 North, Range 7 West of the New Mexico Principal Meridian, County of La Plata, State of Colorado, being more particularly described as follows:

COMMENCING at the north one quarter corner of said Section 17, whence the center-north one-sixteenth corner of said Section 17 bears S 02°48'49" W, a distance of 1327.73 feet;
THENCE N 88°55'38" W along the northerly line of said Section 17, a distance of 330.60 feet to the easterly right of way of Colorado State Highway 172, also known as Goddard Avenue, being the POINT OF BEGINNING;
THENCE S 02°14'13" W along said easterly right of way being the present Town of Ignacio boundary, a distance of 1325.52 feet to the southerly line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17;
THENCE N 88°35'23" W along said southerly line, a distance of 60.01 feet to the westerly right of way of said Colorado State Highway 172;
THENCE N 02°14'13" E along said westerly right of way, a distance of 1325.17 feet to said northerly line of Section 17;
THENCE S 88°55'38" E along said northerly line and present Town of Ignacio boundary, a distance of 60.01 feet to the POINT OF BEGINNING.

Said parcel contains 1.83 acres, more or less.

ORDINANCE NO. 186

AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO, ADDING TO SECTION 5-3 AND 5-4 OF THE TOWN CODE REGARDING THE DISPOSAL OR ALLOWANCE OF USED TIRES.

WHEREAS, the Town of Ignacio, Colorado (the "Town") had adopted municipal codes; and

Whereas, special waste and trash have specific definitions and tires are not included,

Whereas, the Board of Trustees determined in two visual surveys of the town that used tires accumulating in back yard areas are potential health and fire hazards; and

Whereas, the Town Staff has routinely scheduled town sponsored and paid clean up weeks; and,

Whereas, the Board of Trustees desires to continually upgrade the health and safety of the community,

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO AS FOLLOWS:

Section 5-3-7 of the Town Code is amended to include the disposition of used tires, which shall read as follows:

No flammable, toxic, explosive or hazardous materials, used tires, materials contaminated with contagious diseases and no dead animals shall be placed in any cans, bags or containers for collection. Special arrangements must be made with the Town or its contractor for collection of such items or collection of other large or unusual loads. The Town or its contractor may refuse to collect such items or may charge an additional fee for doing so.

Section 5-4-2 of the Town Code is amended to include the disposition of used tires, which shall read as follows:

It shall be unlawful for the owner, agent, lessee or occupant of any lots, tracts or parcels of land within the Town to allow refuse, rubbish, garbage, trash, solid wastes, used tires or debris to accumulate upon such property within the Town.

Adopted and ordered published this 13th day of March, 2001

TOWN OF IGNACIO, COLORADO

By: Herando W. Silva
Mayor

Attest:

By: Jonathan Valdez
Town Clerk

ORDINANCE NO. 185

AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO REGARDING THE TRANSFER OF VEHICLE IDENTIFICATION INSPECTION FEES TO THE GENERAL FUND OF THE TOWN.

WHEREAS, the Police officers of the Town are authorized to conduct vehicle identification number inspections (hereafter VIN Inspections) under the provisions of C.R.S. §42-5-206; and

WHEREAS, the provisions of C.R.S. §42-5-204 provides that fees charged for VIN Inspections shall be used by the Town to support the administration of the inspection program unless provided otherwise by Ordinance; and

WHEREAS, the Board finds that the fees charged by the Town for VIN Inspections can be best utilized by transferring those fees to the Town's general fund,

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES AS FOLLOWS:

All fees charged to any person by the Town for VIN Inspections performed by the Town's police officers shall be credited to and shall be paid into the general fund of the Town pursuant to the provisions of C.R.S. §42-5-204(2)(b).

Passed and ordered published by the Board of Trustees at their regular meeting on February 13, 2001.

TOWN OF IGNACIO, COLORADO:

By: Gerardo W. Silva

Attested:

By: Gerardo M. Valdez

Town Clerk

Ordinance #184

AN ORDINANCE CHANGING THE ZONING CODE FOR LOCATION AND PERMITTING OF CERTAIN ACCESSORY DWELLINGS.

WHEREAS, the Town of Ignacio requires all detached accessory buildings to be permitted; and

WHEREAS, even small detached sheds often require a variance process in order to be placed where a citizen desires on the property; and

WHEREAS, the Planning Commission and Town Staff see a need to streamline the process for citizens to erect and place small detached sheds; and

WHEREAS, the need to maintain open space requirements according to the current zoning code must also be maintained;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO:

Zoning Code 8-6-4 .1 be amended to read as follows:

They may be constructed anywhere the main building would be permitted. An exception may be made if a one-story accessory building is less than 10' x 12' x 6' high, then a zero rear and side set-back is allowed and does not require a building permit or variance process, as long as the slope of the roof does not result in drainage into the neighbors' property and the structure is not on a permanent foundation so as to respect utility easement requirement. A non-permitted accessory building must also conform to requirements under zoning codes 8-6-4 .2 and 8-6-4 .3.

Approved and Ordered Published by the Board of Trustees on this 9th day of January, 2001.

TOWN OF IGNACIO:

By: Gerardo Silva
Mayor

Attest:

By: Jesus M. Valdez
Town Clerk

ORDINANCE NO. 183

AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO AMENDING SECTION 7-10 OF THE TOWN CODE REGARDING THE CONSOLIDATION OF LOTS AND THE USE OF A COVENANT ON ADJOINING LOTS TO COMPLY WITH LAND USE REGULATIONS.

WHEREAS, the Town of Ignacio, Colorado (the "Town") had adopted zoning and land use regulations which include set back and other requirements for certain land uses; and

WHEREAS, certain existing lots in the Town are too small to allow a land use or the construction of a structure under the existing regulations without the combination of one (1) or more of those lots; and

WHEREAS, the existing process for combination of lots is costly and time consuming; and

WHEREAS, the Board of Trustees desires to simplify the process whereby two (2) or more lots may be treated as a single lot in order to comply with setback and other land use requirements;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO AS FOLLOWS:

1. Section 7-10 of the Town Code is amended by the addition of subsection (c), which shall read as follows:

(c) Covenant Procedure

As an alternative to the Amended Plat procedure provided for herein, more than one (1) tract or lot may be used for a land use or for the location of a structure and/or to satisfy required setbacks or other regulations, provided that the lots to be used are in common ownership, and provided the Owner records at the office of the La Plata County Clerk and Recorder a document which commits the lots or tracts to be used as a single parcel in order to create the desired or required parcel size for the intended use or structure or to meet setbacks from the exterior lot lines. The required commitment shall continue during the period of the proposed land use. The commitment may be terminated if the land use ceases and if the Owner obtains approval from the Town to record a document with the La Plata County Clerk and Recorder which states that the land use has ceased and that the prior covenant is terminated. The Owner shall be required to certify that there are no existing utilities, rights or way or easements which will be impaired by the proposed use, and no document recorded or created pursuant to the provisions of this section shall have any impact on or otherwise effect any existing easement or right of way.

Adopted and ordered published this 12th day of December, 2000.

TOWN OF IGNACIO, COLORADO:

By: Stevan W. Silva
Mayor

Attest:

By: Benjamin M. Vadey
Town Clerk

826863

826863

COVENANT REGARDING THE COMMON USE OF ADJACENT LOTS

WHEREAS, Section 7-10 of the Land Use Plan of the Town of Ignacio, Colorado provides that more than one (1) land tract or lot in the same ownership may be used to satisfy required setbacks(s) or other regulations, provided the owner records, at the office of the La Plata County Clerk and Recorder, a document committing attachment of these tracts or lots in order to create the desired or required parcel size for the use/structure and/or its setback(s) during the period of such use; and

WHEREAS, the undersigned Owner of the property described herein desires to use two (2) or more lots for a land use or location of a structure which would not comply with the regulations of the Town of Ignacio; and

WHEREAS, the undersigned Owner, by this document, desires to treat the lots described herein as a single tract in order to meet the requirements of the Town of Ignacio;

NOW THEREFORE, the undersigned Owner for himself, his heirs, successors and assigns, does hereby covenant and agree that the lots described herein shall be and are hereby treated as a single lot for the purposes of establishing a land use and to satisfy setbacks from exterior lot lines in accordance with Section 7-10 of the Land Use Plan of the Town of Ignacio. The provisions of this covenant shall remain in force during such time as the land use is continued.

The property to which this covenant pertains is located within La Plata County, Colorado, and is more particularly and legally described as follows:

The Owner hereby certifies that no existing utilities, easements or rights of way will be impaired by the proposed use, and nothing contained in this covenant shall impair or otherwise impact any such existing easements or rights of way.

This covenant shall run with the real property hereinabove described and shall be binding upon the Owners, his heirs, successors and assigns. This covenant may be terminated in the event the land use ceases and if the Owner obtains approval from the Town to record a document with the La Plata County Clerk and Recorder which states that the land use has ceased and the covenant is terminated.

IN WITNESS WHEREOF, this covenant of consolidation is executed this _____ day of _____, 20____.

OWNER:

826863

THE STATE OF COLORADO }
 }ss.
COUNTY OF LA PLATA }

The foregoing was subscribed, sworn to and acknowledged before me by _____, this _____ day of _____, 20____.

My commission expires:

Notary Public

ORDINANCE # 182

An ordinance appropriating additional sums of money to defray expenses in excess of amounts budgeted for the Town of Ignacio, Colorado.

WHEREAS, the Town's General Fund started the year with a healthy beginning balance of \$268,417 and received \$138,846 in unanticipated revenues from local sales tax, county sales tax, cigarette tax, business license, building permits, contractor license, Cops Universal Grant, Limited Gaming Grant, severance tax, mineral lease, court costs, court fines, other fines & forfeits, interest income, space rental and miscellaneous income including fax/copy machine income, finger prints, notary service, and vehicle inspections, not assured at the time of the adoption of the budget, and,

WHEREAS, the Town's Capital Improvement Fund started the year with a healthy beginning balance of \$70,030 and received \$535,500 in unanticipated revenues from Energy Impact grant, Limited Gaming Grant, interest income and bond revenue, not assured at the time of the adoption of the budget, and,

WHEREAS, the Town's Irrigation Improvement Fund started the year with a healthy beginning balance of \$11,140 and received \$2,768 in unanticipated revenues from tap fees and irrigation water revenues, not assured at the time of the adoption of the budget, and,

WHEREAS, the Town's Debt Service Fund started the year with a healthy beginning balance of \$133,990 and received \$26,350 in unanticipated revenue from a transfer from the General Fund, not assured at the time of the preparation of the budget, and,

WHEREAS, the Town's General Fund expenses are expected to be \$68,140 higher than anticipated due to \$26,350 transfer to Debt Service Fund to cover new bond payment, salary increase which also affects FICA and retirement, increase in health insurance costs, office supplies, vehicle repair & maintenance, building repair & maintenance, addition of building department which includes building inspector services and memberships, contract work, printing services, publication of legal notices for Board of Adjustment and Planning Commission, higher cost of unleaded fuel, police printing/binding, police telephone calls, purchase K-9 dog for police, steam washer for public works, uniforms, Christmas decorations, new electric service at Cedar Landscape, and miscellaneous trails expenses, not planned at the time of the preparation of the budget, and,

WHEREAS, the Capital Improvement Fund expenses are expected to be \$91,800 higher than anticipated due to Shoshone Addition expenses, higher than anticipated bids on the street improvement project and landscaping expenses, not planned at the time of the preparation of the budget, and,

WHEREAS, the Irrigation Improvement Fund expenses are expected to be \$5,500 higher than anticipated due to contract work by surveyor on raw water line, not planned at the time of the preparation of the budget, and,

WHEREAS, the Debt Service Fund expenses are expected to be \$26,350 higher than anticipated due to additional bond payment expense, not planned at the time of the preparation of the budget,

NOW THEREFORE, be it ordained by the Town Board of Trustees of the Town of Ignacio, Colorado:

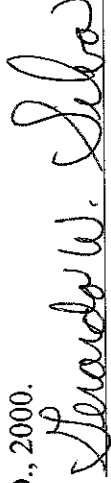
Section 1. That the 2000 appropriation for the General Fund is hereby increased from \$873,975 to \$942,115 for the purpose of transferring \$26,350 transfer to Debt Service Fund to cover new bond payment, salary increase which also affects FICA and retirement, increase in health insurance costs, office supplies, vehicle repair & maintenance, building repair & maintenance, addition of building department which includes building inspector services and memberships, contract work, printing services, publication of legal notices for Board of Adjustment and Planning Commission, higher cost of unleaded fuel, police printing/binding, police telephone calls, purchase K-9 dog for police, steam washer for public works, uniforms, Christmas decorations, new electric service at Cedar Landscape, and miscellaneous trails expenses. The expenses will be covered by unanticipated revenues and beginning balance.

Section 2. That the 2000 appropriation for the Capital Improvement Fund is hereby increased from \$271,700 to \$363,500 for the purpose of Shoshone Addition wetlands expenses, street improvements, and landscaping. The expenses will be covered by unanticipated revenues and beginning balance.

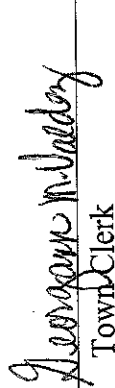
Section 3. That the 2000 appropriation for the Irrigation Improvement Fund is hereby increased from \$17,490 to \$22,990 for the purpose of contract work by surveyor of raw water line. The expenses will be covered by unanticipated revenues and beginning balance.

Section 4. That the 2000 appropriation for the Debt Service Fund is hereby increased from \$132,795 to \$159,145 for the purpose of debt service payment on new bonds. The expenses will be covered by a transfer from General Fund.

ADOPTED, this 12th day of December, A.D., 2000.



Mayor, Gerardo W. Silva

ATTEST 
Town Clerk

DATE December 12, 2000

ORDINANCE # 181

AN ORDINANCE APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSES AS SET FORTH BELOW, FOR THE TOWN OF IGNACIO, COLORADO FOR THE 2001 BUDGET YEAR.

WHEREAS, the Board of Trustees has made provisions for revenues in an amount equal to or greater than the total proposed expenditures as set forth in said budget, and;

WHEREAS, it is not only required by law, but also necessary to appropriate the revenues provided in the budget to and for the purpose described below, so as not to impair the operation of the Town.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO;

Section 1. That the following sums are hereby appropriated from the revenues of each fund, to each fund, for the purpose stated.

GENERAL FUND:

Current operating expenses:	\$ 786,569
Transfers:	\$ 214,543
Total:	\$1,001,112

CAPITAL IMPROVEMENT FUND:

Capital projects:	\$838,200
Transfers:	\$ 0
Total:	\$838,200

IRRIGATION SYSTEM IMPROVEMENT FUND:

\$ 23,915

DEBT SERVICE FUND:

\$187,053

WATER FUND:

Operating expenses:	\$156,551
Transfers:	\$ 0
Total:	\$156,551

GAS FUND:

Operating expenses:
Transfers:
Total:

\$402,124
\$ 3,600
\$405,724

CONSERVATION TRUST FUND:

\$117,275

ADOPTED THIS 12TH DAY OF DECEMBER A.D. 2000.

Gerardo W. Silva

Gerardo W. Silva, Mayor

ATTEST: *Georgina M. Volney*
Town Clerk

ORDINANCE NO. 180

AN ORDINANCE OF THE TOWN OF IGNACIO AMENDING THE PROVISIONS REGARDING EXCAVATION PERMITS AND ADDING REQUIREMENTS FOR OBTAINING THE LOCATION OF UNDERGROUND FACILITIES PRIOR TO EXCAVATION.

WHEREAS, the Town of Ignacio requires a permit prior to excavation on public property within the Town; and

WHEREAS, there are numerous underground utilities located throughout the Town on public and private property which are subject to damage from excavations within the Town; and

WHEREAS, the State of Colorado has established a statewide notification association which provides a central system for locating underground facilities prior to conducting an excavation, and

WHEREAS, the Board of Trustees has determined that the location of underground facilities are often not requested for excavations within the Town, and

WHEREAS, the Town desires to take steps to assure that requests are made for the location of underground facilities to protect the health and welfare of the citizens of the Town of Ignacio,

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO AS FOLLOWS:

1. Section 2-8-1.1 of the Code of the Town of Ignacio shall be amended to read as follows:

2-8-1.1 Same - Application

Applications for an excavation permit shall be made on forms provided by the Town Clerk and shall contain the following information:

- A. Name and mailing address of applicant.
- B. Location of proposed excavation.
- C. Reason for excavation.
- D. Estimated square yards of surface excavation and linear feet of curb excavation.
- E. Agreement to comply with all requirements regarding the location of underground utilities and other facilities pursuant to the provisions of the Colorado Excavation Requirements Statute set forth in C.R.S. §9-1.5-101 *et seq.*
- F. Signature of Applicant.

G. Signature of Town Manager.

All applications shall be accompanied by a fee of ten dollars (\$10.00), appropriate insurance certificates as required herein and any payment to the Ignacio General Fund.

2. Section 2-8-1.92 is added to the Code of the Town of Ignacio as follows:

2-8-1.92 Location of Existing Facilities Prior to Excavation

It shall be unlawful for any person to make or begin any excavation within the Town of Ignacio, either on public or private property, without first notifying the statewide notification association of the intent to excavate at least two (2) business days prior thereto, not including the day of actual notice. Such notice may be given in person, by telephone or in writing if delivered and shall be in the format and shall meet all requirements of the Colorado Excavation Requirements Statute set forth at C.R.S. §9-1.5-101 *et seq.* In addition to any fine imposed, any person who is found to have violated this section, the Municipal Judge is hereby granted the specific authority to require that person to pay restitution or other damages caused to any party by the failure to comply with the provisions of this section.

Approved and Ordered Published by the Board of Trustees on this 12th day of December, 2000.

TOWN OF IGNACIO:

By: Bradford W. Silva
Mayor

Attest:

By: Georgina M. Valdez
Town Clerk