



## IGNACIO TOWN BOARD MEETING MINUTES

Monday, January 10, 2022 – 6:30 PM

Abel F. Atencio Community Room, 570 Goddard Avenue  
and via Remote Public Meeting

**I. CALL MEETING TO ORDER:** Mayor Cox called the meeting to order at 6:34 PM. She stated that this is a remote-only meeting. She opened the meeting by honoring the passing of Bill Baird, former Planning Commission Member, with a moment of silence.

### II. ROLL CALL

**Present:** Mayor Stella Cox, Mayor Pro Tem Alison deKay, Trustee Tom Atencio, Trustee Edward Box III (joined at 6:38 PM), Trustee Sharon Craig, Trustee Sandra Maez, Trustee Dixie Melton

**Absent:** None

**Guests:** Clark Craig, Elle, Malanie Mazur

### III. PUBLIC COMMENTS

### IV. CONSENT AGENDA

A. Regular Town Board Meeting Minutes from December 13, 2021

B. Financial Records – December 2021 Check Register and Accounting Reports

**Action:** Trustee Craig moved to approve the Consent Agenda; Mayor Pro Tem deKay seconded the motion. The motion passed unanimously.

### V. UNFINISHED BUSINESS

None

### VI. NEW BUSINESS

A. Resolution 01-2022 – Posting Places for Meeting Notices

Ms. Dunton stated this is an annual resolution of the meeting times and locations and posting places for the meeting notices. There are no changes from last year's resolution; the primary posting place for meeting notices is the Town's website; the physical posting locations are the Community Room, Library and Post Office. This Resolution requires action from the Board.

Mayor Pro Tem deKay moved to approved Resolution 01-2022; Trustee Box III seconded the motion. The motion passed unanimously.

B. Supplemental Budget Public Hearing

Mr. Garcia stated that this meeting has been published as a public hearing for the Supplemental Budget per our auditor's findings from last year. He asked Tuggy to review the supplemental budget. Ms. Dunton stated that the Supplemental Budget is to appropriate additional monies to those funds where the expenses exceeded the originally

budgeted amount; the funds were the general fund, the gas fund, and the economic development fund. There were ample funds to cover the expenses; however, those funds needed to be appropriated to the specific funds and that requires a public hearing and Board action. The notice was published, per statute, on two consecutive Fridays, December 24 and 31 2021.

Various trustees asked for more detail on the supplemental budget; Mr. Garcia answered the questions.

Mayor Cox opened the public hearing at 6:51 PM. There were no public comments, and Mayor Cox closed the public hearing at 6:51 PM.

C. Ordinance 349 – Supplemental Budget for 2021

**Action:** Trustee Craig moved to adopt Ordinance 349, an Ordinance for the 2021 Supplemental Budget for the Town of Ignacio; both Trustee Maez and Mayor Pro Tem deKay seconded the motion. The motion passed unanimously.

Trustee Atencio requested that, in the future, there be an explanation included on why each fund was overdrawn and where the funds came from to cover that expense that exceeded the budgeted amount. Mr. Garcia reiterated that there was no loss of revenue; there were enough revenues in each fund to cover the expenses; it is simply that the expenses exceeded the budgeted amounts. Trustee Craig stated that this is already explained in the manager's report.

D. Resolution 02-2022 – E-911 Surcharge

Chief Phillips stated this is an annual resolution to set the E-911 surcharge. It is currently \$1.72 per line; this is the same as last year. It is required by statute.

**Action:** Trustee Atencio moved to approve Resolution 02-2022; Trustee Melton seconded the motion. The motion passed unanimously.

E. Marijuana Ballot Language Discussion

Mr. Garcia stated that the sample language included in the packet is a joint effort between himself, Ms. Dunton, and Mr. Liberman. The Board directed staff to prepare this for submittal to the voters. There are two questions: do we allow marijuana (medical, retail or both) and do we tax them and, if so, how do we tax them. He stated there are different elements that the state licenses: dispensaries for medical or retail, cultivation, product testing, and manufacturing. All of this needs to be included in the ballot language. He asked if the Board wants to allow medical and retail or only one or the other, cultivation, manufacturing and/or testing. The language needs to be structured around these desires. He asked if Ms. Dunton or Mr. Liberman wanted to add to what he had said.

Mr. Liberman mentioned a hospitality business (a place to be able to sample the product) and a delivery service as other types of licenses. The manufacturing and growing facilities have the most complaints due to the fumes emitted.

Mayor Cox asked Ms. Dunton if she had anything to add; she did not. Trustee Craig stated that Pagosa Springs has a clause that limits larger retail marijuana companies from coming into their town and it also limits the number of dispensaries within the Town. She asked if that type of language would be included. Mr. Garcia stated that, if the question passes, those types of restriction would be included in an ordinance adopted after the fact. Mr.

Garcia stated that if the ballot language is too descriptive it might not pass. Mayor Pro Tem deKay stated that it should be as descriptive as possible so that it does not pass. Trustee Melton asked if each of those ordinances would be on the ballot; they will not all be on the ballot, they will be decided if the question passes. Trustee Atencio stated that the questions should be as simple as possible for the people to be able to decide. Mayor Pro Tem deKay stated that, because of the size of our community, she hesitates putting the manufacturing and growing on the ballot. Various Board Members concurred. Trustee Craig stated that she would like the medical and retail questions separated so that people can distinguish between these. The Board concurred.

Mr. Liberman stated that, if the questions (allowance and tax) are separated, the possibility exists that the allowance questions could pass and the tax questions would not. Mr. Garcia stated that it would be possible to draft the question so that, if it is allowed, the tax must also be adopted.

Mayor Cox asked when these need to be approved; Ms. Dunton stated the ballots need to be printed mid-February. The Board can opt to schedule another meeting or a work session between now and then to revisit this discussion or simply have it on the agenda for the February 14 Board Meeting. Mayor Pro Tem deKay requested that staff work on drafting the ballot language and send it to the trustees prior to the Feb 14 meeting so they can ask any questions prior to that meeting. Mr. Garcia stated that, if there are lots of questions, we will schedule a work session between now and then.

Mr. Garcia stated that staff will work on addressing Mr. Liberman's comment about separate questions (allowance and tax). He referenced the spreadsheet that Mr. Liberman forwarded from CML showing all the ballot language questions since 2014. He pointed out all the various taxation possibilities: sales tax, excise tax, occupational tax or fee against transactions, or a fee tied to bulk marijuana that comes into the community. Trustee Atencio had asked at the last CML meeting what other communities are doing and all the communities spoke favorably about this issue and shared the various ways they chose to tax the sale of marijuana. He stated these will be addressed more specifically in the executive session.

#### F. SouthWEST Opioid Response District (SWORD) IGA

Mr. Garcia stated that, at the special meeting in November, a resolution was passed that dedicated our opioid settlement money into a regional effort. This is the formation of the regional entity, and the IGA spells out the different roles and responsibilities of various organizations and communities. Region 9 is heading this up; there will be some minor changes that will not affect the smaller communities. The recommendation is to approve the current IGA that is before the Board, and include the future minor changes. If those changes become major, the IGA will be brought back to the Board for reconsideration.

**Action:** Trustee Craig moved to adopt the SWORD IGA; Trustee Maez seconded the motion. The motion passed unanimously.

#### G. COVID-19 Update

Mr. Garcia stated that several staff members have tested positive for COVID and that we are taking responsive measures to prevent it from spreading. Testing is available for staff, Board Members, and their families. Some staff will be working remotely. San Jan Basin Public Health (SJBPH) received over 600 positive test results today alone, which is six

times more than they have seen at any other time. Mercy is operating at beyond surge status; FEMA will help with staffing and supplies. There was conversation about a regional mask mandate; the governor has not passed a statewide mandate. SJBPH is asking for input from the various communities; some are in favor of it, others expressed concern about the previous mask mandate and the lack of enforcement and other challenges associated with it. He stated that he is asking for input from the Board regarding the regional mask mandate and/or supporting messaging that encourages people to wear masks and practice social distancing.

After some discussion among Board Members regarding enforceability of a mandate, the consensus was to get communication about the current status of the crisis, but none of the Board Members want to put a mandate in place. The request of the Board was that any communication be from the Town, not SJBPH.

## **VII. STAFF REPORTS**

### **A. Police Department**

Chief Phillips had to leave the meeting; his written report is in the packet. Mr. Garcia offered to answer any questions. There were none from the Board.

### **B. Public Works Department**

Mr. Mickey stated that his department has been working with several frozen pipe issues; the 320A water and gas projects are on hold until Spring.

Snow plowing is taking place with no complaints from citizens.

PW met with BIA regarding the inlet into the irrigation pond next to ELHI; removed three beaver dams to allow the water to flow more freely.

Cleaning and organizing the shop and the yard.

### **C. Clerk/Treasurer**

Ms. Dunton stated that her report is in the packet. The only thing not included in her report is the time that she and Mr. Garcia and Mr. Liberman have been working on the marijuana ballot question language.

There is a notice on our website, on our Facebook page and on the Community Room door to inform the public that tonight's meeting is a remote only meeting.

No staff will be in the office on January 17 in observance of Martin Luther King Jr. Day.

### **D. Town Manager**

Budgets are available for Board Members if they want to come by the office to pick them up.

Wrapping up final invoicing on the Becker/Goddard intersection project and came in under budget overall.

Rock Creek Housing Plan and Broadband Plan have been completed. Final reports will be included in the February meeting.

Downtown Redevelopment Plan with Colorado University's Technical Assistance will have a crew in Town on Wednesday; they will tour the Town so they can give us ideas on redevelopment opportunities in the community.

Regional Housing Alliance and SWCCOG have on-going work that is outlined in the report. RFQ out for a director for the RHA; Mayor Cox will be coming off the Board and there is a need for another Town Trustee to fill her place. SWCCOG Director has resigned; retreat at the end of the month to determine the future of this organization.

E. Town Attorney

Mr. Liberman has been working with Tuggy and Mark on the marijuana ballot language issue and some on the Land Use and Development Code update.

**VIII. TRUSTEE REPORTS**

Trustee Box III represented the Town in the swearing in of Council Lady Torres; he brought out again (like in the swearing in of Council Lady Cloud) that all decisions of the Tribe impact the Town because of the number of Tribal members that live within Town limits. He requested communication and collaboration between the Tribe and the Town since we are a community.

**IX. MISCELLANEOUS**

Mayor Pro Tem deKay stated there is a meeting with Building a Better Colorado regarding education on Thursday and she will attend; Trustee Box III stated he received it as well. Mayor Cox stated that she has registered for it also.

**X. EXECUTIVE SESSION** for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) regarding taxation negotiations

Mayor Cox read the purpose of the Executive Session and stated that no action will be taken during the executive session.

**Action:** Mayor Pro Tem deKay moved to go into executive session for the stated purpose; Trustee Maez seconded the motion. The motion passed unanimously.

**XI. ADJOURNMENT**

Being no further business before the Board, Mayor Cox adjourned the meeting at 8:04 PM. She stated that the Board will not return to open session at the end of the executive session. The next regularly scheduled meeting will be on Monday, February 14, 2022, at 6:30 PM in the Abel F. Atencio Community Room and via Remote Public Meeting.



**Stella Cox, Mayor**



**Date**



**Attest: Tuggy Dunton, Town Clerk**