



IGNACIO TOWN BOARD MEETING MINUTES

Monday, November 14, 2022 – 6:00 PM

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

I. **CALL MEETING TO ORDER:** Mayor Craig called the meeting to order at 6:01 PM by leading in the pledge of allegiance.

II. ROLL CALL

Present: Mayor Clark Craig, Trustee Joseph Atencio, Trustee Tom Atencio, Trustee Alison deKay, Trustee Sandra Maez, Trustee Jeremy Schulz

Absent: Mayor Pro Tem Edward Box III

III. APPROVAL OF AGENDA

Mayor Craig stated that the item that is listed as a funding request is actually a report. He asked if there were any other changes to the agenda. There were none. He called for a motion to approve the agenda with the minor change.

Action: Trustee deKay moved to approve the agenda; Trustee Schulz seconded the motion. Mayor Craig called for a voice vote. Although all the votes were “Ayes,” when Mayor Craig asked Ms. Dunton about Trustee Joseph Atencio (who was attending remotely), she reminded him that any time a Trustee is attending remotely all votes need to be roll call votes. Mayor Craig requested that Ms. Dunton do a roll call vote. The motion passed unanimously.

IV. PUBLIC COMMENTS

Doug Little, 7 El Paso Road – He suggested that the Town sell the property that is under consideration for annexation this evening and that the Town rezone the empty lot next to Family Dollar as Residential and build affordable housing there.

Chris May, 8 El Paso Road – Expressed concern about how much property that Town now owns because all property owned by the Town is tax exempt; he believes that means that the residents are paying higher taxes to cover the tax burden of the Town. He also believes that if the Town banks land, it interferes with private persons and businesses being able to purchase that land. He believes that even if the Town is able to acquire grants to build, those grants will require a 50% match which, he believes, will place even more burden on Town citizens. He accused staff of taking shortcuts on things that should be brought before the Planning Commission and have notices sent to neighboring residents. He stated that, just like at the previous meeting, he is concerned about the appearance of corruption. He asked why the Manager’s Report is not in the Board Packet; he wants to know what is going on.

Mayor Craig asked if there were any other public comments; there were none. He asked Ms. Dunton to check if there were any attendees online; she stated there is one, but their hand is not raised. Mayor Craig closed the Public Comments time and asked if staff wanted to respond. There was no response at this time from staff.

V. CONSENT AGENDA

- A. Regular Town Board Meeting Minutes from October 10, 2022
- B. Special Town Board Meeting Minutes from October 24, 2022
- C. Financial Records for September 2022
- D. Liquor License Renewal Application – Side Kick Lounge
- E. Liquor License Renewal Application – Pinon Liquors

Mayor Craig commented that Chief stated in his report that there have been no violations with either of these establishments.

Action: Trustee Schulz moved to approve the Consent Agenda; Trustee Maez seconded the motion. Mayor Craig called for a roll call vote; the motion passed unanimously.

VI. UNFINISHED BUSINESS

- A. RHA Funding Agreement

Mr. Garcia stated that the RHA is coming out of dormancy and that he and Mayor Craig are on the Board of this organization. The Funding Agreement is based on population of the member communities; the Town’s part is \$4,500 per year for the next three years (unless one or more member communities opt out of the agreement).

Action: Trustee deKay moved to approve the RHA Funding Agreement; Trustee Tom Atencio seconded the motion. Mayor Craig called for a roll call vote; the motion passed unanimously.

- B. Ord.351 – Ignacio South Annexation – Public Hearing

The Public Hearing at our last meeting has been continued to this evening; the annexation agreement with the Young property has been verbally agreed to and the only thing lacking are the signatures. Mr. Garcia stated that this will clean up some property boundary issues and he is excited about that; he is also looking forward to the annexation of the Ignacio South, Slaughterhouse, and Phillips properties into the corporate boundaries of the Town. He stated that there is a Public Hearing on this agenda item; if the Board is inclined to approve the Ordinance, he recommended that they make it contingent upon obtaining all the necessary signatures on both the annexation agreement. After the annexation agreement is signed, the boundary plat will be presented to the Planning Commission and all the proper notices will be sent and published for the Public Hearing process at the Planning Commission level. After that process, the Planning Commission will make a recommendation to the Town Board. All of this will happen at some point in the future.

Trustee Schulz stated that the only decision that is being made this evening is in regard to the annexation of these properties into Town limits. All other items (re-platting, subdivision, etc.) will happen through the Planning Commission and Public Hearing processes. Mr. Garcia and Mayor Craig concurred.

Trustee deKay asked who would be responsible for extending utilities to the currently vacant properties. Mr. Garcia said that the annexation agreement states that extension of utilities is the property owner’s responsibility.

Mayor Craig asked if there were any other questions from Trustees. There were none.

Mayor Craig opened the Public Hearing at 6:25 PM.

Doug Little stated that he would like the Board to invest in a sound system that would allow attendees to hear what is being said.

Rick Wheelock asked if public comments made in previous meetings are part of the record. Mayor Craig stated that they are.

Mayor Craig asked if there were any other public comments, either from those present or those attending online; there none.

Mayor Craig closed the Public Hearing at 6:26 PM.

Action: Trustee Tom Atencio moved to accept Ordinance 351, An Ordinance of the Town of Ignacio, Annexing Properties Along County Roads 320, 320A, and El Paso Alley into the Municipal Corporate Boundaries, contingent upon receiving the necessary signatures; Trustee Schulz seconded the motion. Mayor Craig called for a roll call vote; the motion passed unanimously.

VII. NEW BUSINESS

A. Report from Pine River Shares – Pam Wilhoite and Darlene Bovee

Darlene and Pam introduced themselves and the organization, which serves the Pine River Valley from Vallecito to Navajo Dam (275 square miles and about 15,000 people) by providing access to affordable, healthy food. They serve about 3,000 people per month, and that number continues to increase each month. They talked about the Field to Fork plan which is outlined on their website. They provide 50-60 backpacks to Ignacio Elementary per week, and they have a weekly food share that serves about 50 households. They also assist with utility bills to prevent people from getting shut off.

In the past, communities shared in processing, preservation and storage of food resources. La Plata County asked Pine River Shares (PRS) to inform them what communities need to be food secure. PRS stated that the communities want to return to having that food security, and the County has granted them \$390,000 to create that same type of food system. Now PRS is looking for land to have community gardens that can grow the food and a commercial kitchen that can process the food for preservation and storage space. They have been working with ELHI to get their kitchen up to commercial grade and they lack about \$35,000 dollars to do this. The vision has been to use the land behind ELHI to be the grow facility. There have been some changes recently with the Town attempting to acquire ELHI, and PRS is here this evening to open a dialogue about their vision with the Town. They want to continue to invest in Ignacio with the funding they have received from the County and want to talk with the Board about how to go about this.

There were multiple comments from the Board and the public that were encouraging and inquisitive. After this discussion, Mr. Garcia expressed appreciation for all that PRS does and extended an invitation for them to request funds when they need it for special events. He also stated that he would be willing to meet with PRS regarding ELHI and their vision and plans, and was willing to include Ann (with ELHI) in those discussions so there is full transparency. Pam clarified that if ELHI is not an option, where could they fulfill this vision? Mr. Garcia reiterated that he would meet with them at their convenience.

Mayor Craig expressed appreciation to the ladies for presenting PRS, for their work in the community, and extending the invitation to publish upcoming meetings in the Town newsletter.

B. Ordinance 352 – Policy for Fee Waivers – Public Hearing

Mr. Garcia stated this is a draft ordinance for the Board's consideration; it contains language that would amend the Town Code sections regarding utilities fee waivers and building permit fee waivers (different chapters within the Code). Based on previous input from the Board, those fee waivers are set at up to 50% waiver of each of those fees. Mr. Liberman provided information regarding the need to make those funds whole (because they are enterprise funds). Mr. Garcia suggested transferring funds from the General Fund to the Economic Development Fund; requests for fee waivers would be entertained through Economic Development and the funds would then be transferred from the Economic Development Fund to the appropriate enterprise fund to cover the other 50% of the fees. He stated that the decision on this agenda item would impact the next agenda item, which is a current request from Dancing Spirit for building permit and tap fee waivers. Mr. Garcia stated that he has had conversations with the Tribe as well, and the Tribe is waiting to see what our policy looks like before they make a decision on waiving any plant investment fees. He stated that Mr. Liberman is on the Zoom webinar and would be able to answer any questions that the Board may have regarding the language of the Ordinance.

Trustee deKay stated that she thought the Ordinance language would state that, if an individual or organization meet certain requirements, they would automatically receive a waiver of fees (whether that is 50% or 100% waiver). Mr. Garcia stated that there may be a situation where the Board would believe that a particular non-profit does not provide the value to the community that it purports to provide and that the current language allows for the Board to use its discretion in this situation. He stated that the language could be expanded to include affordable housing efforts as well (not just non-profit organizations). For profit and private efforts would not be included in the waiver.

Trustee Schulz asked that the criteria be included in the language of the Ordinance so that it is more definitive.

Trustee Tom Atencio suggested that reference to non-profits and affordable housing be removed, and that the main criterion be Economic Development.

Trustee Joseph Atencio stated that he agreed that the criteria needs to be more specific.

Mayor Craig opened the Public Hearing on Ordinance 352 at 7:03 PM.

Rick Wheelock wondered where the money would come from to cover the fee waiver costs.

Liz Wheelock stated that she agrees that there is no criteria and it is necessary to have the criteria in place.

Doug Little asked what the costs are for building an affordable house and how the housing will be paid for.

Chris May stated that waiving a fee shifts the burden onto someone else. He wanted to know who will pay for the waiver of the fees. He believes that businesses pay a little more than an individual for tap and plant investment fees, but that it should be equal regardless of whether it is a for-profit, non-profit or individual.

Anthony Box asked for clarification on what fees would be waived; he wanted to ensure that it was tap fees or permit fees and not the monthly cost of utilities.

Because there were no other public comments, Mayor Craig closed the Public Hearing at 7:09 PM.

Trustee deKay stated this is the first attempt to come up with a system and criteria which would allow for equity for everyone. She stated that as the Code is currently written it allows for the discretion of the Board and this Ordinance is an attempt to make it less abstract.

Mayor Craig stated that there are monies already in the Economic Development Fund that would be used to keep the Enterprise Funds whole; the Board sees tap fee waivers as assisting in future economic development.

Mr. Garcia suggested that the term “charitable organization” also be struck from the language of the Ordinance; a non-profit is designated as such by the IRS and they are required to meet the IRS criteria that is known and understood by all. Mr. Garcia reminded the Board of the research that Deputy Clerk/Treasurer Michala had done, hoping to find criteria that is used by other communities but there was none. He also clarified that the waiver would apply only to the tap fee, not to the meter or inspection fees or monthly usage charges. Mr. Garcia reminded the Board that the Tribe is waiting to see what the Town does in order to make decisions on what their potential fee waivers might be.

Mayor Craig called for a motion on this agenda item.

Action: Trustee Schulz moved to continue this item to the next meeting; Trustee Joseph Atencio seconded the motion. Trustee Atencio asked how tabling this item would impact the next item on the agenda, and if Dancing Spirit is needing a decision within a certain timeframe. Mayor Craig asked Anthony Box if they were on a timeframe; Mr. Box stated that if the decision is made within the next four or five months they can wait. Mayor Craig called for a roll call vote to continue this item; the motion passed unanimously.

C. Dancing Spirit Fee Waiver Request

Mayor Craig invited Mr. Anthony Box to address the Board concerning this request. Mr. Box introduced himself as the Dancing Spirit (DS) Board President, and stated that DS is requesting the fee waivers and they are in a holding pattern until the Town makes its decision. They would like to break ground on the new building but need to make sure they have sufficient funds to begin the work; the fee waivers will determine how much is needed to start the building.

D. Ordinance 353 – Kratom Moratorium – Public Hearing

Mr. Garcia stated that Mr. Liberman crafted this Ordinance as an emergency ordinance so that no one would apply for a sales permit for Kratom. Mr. Liberman clarified that it would require $\frac{3}{4}$ vote of the quorum to pass as an emergency ordinance. Mr. Garcia stated that there have been discussions about this at prior meetings and Mr. Liberman included a lot of “Whereas” statements that give background on this issue. This Ordinance would put a moratorium on all sales and use of Kratom. It is set up as an emergency Ordinance, but if the Board does not want to pass it as such, they can vote to pass it as a standard ordinance that would take effect in 30 days and it would create a Town-wide moratorium on Kratom indefinitely.

Mayor Craig opened the Public Hearing at 7:25 PM.

There were no public comments. Mayor Craig closed the Public Hearing at 7:25 PM.

There were no comments from staff or the Board Members. Mayor Craig called for a motion on Ordinance 353.

Action: Trustee deKay moved to approve Ordinance 353 – A Moratorium on Kratom in the Town of Ignacio.

Mr. Garcia asked if she was moving to approve the emergency ordinance. Trustee deKay stated that if it does not pass as an emergency ordinance she would amend her motion to make it a standard ordinance which would go into effect in 30 day.

Action: Trustee deKay clarified her motion to approve, as presented, the Ordinance 353; Trustee Maez seconded the motion. Mayor Craig called for a roll call vote. The vote was five ayes and one nay by Trustee Tom Atencio.

Mr. Garcia stated that we should confirm with the Town Attorney regarding the number of votes required to pass as an emergency ordinance. Mr. Liberman stated that his understanding is that there need to be 6 members of the entire Board, not just $\frac{3}{4}$ of the quorum.

Action: Trustee deKay moved to approve Ordinance 353 with the amendment to strike the emergency language, which would put it into effect in 30 days; Trustee Maez seconded the motion. Mayor Craig called for a roll call vote. The motion passed unanimously.

Ms. Dunton clarified that with a standard ordinance, per Colorado Revised Statutes, it goes into effect 30 days after publication; it will be published on Friday, November 18. Mayor Craig thanked her for the clarification.

E. Resolution 11-2022 – E-911 2023 Surcharge

Chief Phillips stated that the 911 Board met a couple of weeks ago and determined that the 2023 surcharge would remain at the current rate of \$1.72. PUC allows the price to be \$1.82, but the current fee is covering costs so there will be no increase in the fees. This is a standard annual Resolution for the Board. Mayor Craig asked if there were any questions or comments from the Board; there were none, so he called for a motion.

Action: Trustee Schulz move to approve Resolution 11-2022; Trustee Tom Atencio seconded the motion. Mayor Craig called for a roll call vote; the motion passed unanimously.

F. Ignacio School District Land Lease

Mr. Garcia stated that, after our last meeting where there were challenges with the proposed builds on the now-annexed sites in Ignacio South, he had approached the Ignacio School District (ISD) Superintendent about the possibility of using the Romero lot that had previously been traded to ISD during the annexation process of their properties. Mr. deKay is in favor of the idea, but wants to get approval from the ISD Board. Mr. Garcia and Mayor Craig had set an appointment to meet with the ISD Board (this was not intended as a full Board Work Session, simply an attempt to get the temperature of the ISD Board for the idea); they are interested in this idea. There was concern about this being connected to the discussion of housing provided by the Town for the acquisition of ELHI; we are a long way off from having those discussions, so Mr. Garcia stated that this

Romero lot idea is not a part of the other discussion. This is strictly a model build. There have been no follow up discussions with Mr. deKay. The Romero lot already has utilities and is pretty much ready to turn dirt at any time; that is why Mr. Garcia wanted to discuss this option with ISD. He really would like the model build to move forward. The plans still need to be drawn up and the costs estimated; hoping to hit \$250,000, but it might be closer to \$300,000. The team that is working on this consists of the Town, possibly the ISD, TimberAge Systems, Sinton Development, and HomesFund. The plan is that, if this all comes together, ISD would purchase this model home and make it available to their staff. Good momentum on this project and discussions with the County on available funds for Rock Creek.

Mayor Craig reiterated that this conversation with ISD is completely separate from the ELHI conversations and hopes that the partnership with ISD will come together. He hopes that HomesFund will also meet with ISD to teach them about funding opportunities for teacher housing.

Trustee Tom Atencio stated he would like to see blueprints on the proposed house. He asked for clarification is \$250,000 includes utility fees; it does not. He stated that \$250,000 would only provide for a 900 square foot house and suggested a modular building instead. Mr. Garcia stated he will have plans shortly for the Board to review.

Trustee deKay stated that the average cost for building a home is \$300 per square foot; a 1,100 square foot home comes in at \$330,000.

Trustee Joseph Atencio asked why we don't use a modular. Mr. Garcia clarified the difference between modular, manufactured, stick built, etc. as outlined in our current code. He stated that TimberAge is part of the team; if they cannot provide the home at the price that we are looking for, Mr. Sinton is willing to consider other housing options. Conversations ensued regarding electric home versus gas, the cost of various types of homes, etc. Mr. Garcia stated he will get plans to the Board as soon as possible.

G. COVID-19 Update

Mr. Garcia stated that there is no update at this time; this item is simply on the agenda because the emergency declaration at the State and County levels is still in place. The consensus of the Board is that this no longer needs to be on the agenda. If there is anything concerning this item Mr. Garcia can include it in his staff report.

VIII. STAFF REPORTS

A. Police Department

Chief reminded the Board about the Taste of Christmas on December 2, starting with a fly-over by Santa, followed by the parade and events at the ELHI.

B. Public Works Department

Mr. Mickey is absent this evening. Mr. Garcia stated that the Town participated in CDOT's auction and won the bid on a couple of trucks and tool cabinets for the shop for only \$8,400 for all of it.

C. Clerk/Treasurer

Ms. Dunton stated that she has registered with the State on November 2, 2022, to opt out of FAMLI. We are done with this for 8 years.

Holiday Party will be Friday, December 9, at the Casino. Invitation will be sent as quickly as possible.

The Town Board appoints a representative to the Region 9 Economic Development Board every two years; Ms. Dunton has served in that capacity for the past four years and would like to recommend that Mr. Garcia move into that position as the primary representative and Michala as the alternate (or the other way around). SWCCOG has been incorporated under Region 9 and Mr. Garcia already serves on that Board. The Board concurred.

Mr. Garcia stated that Michala would like to get out into the community more and is taking initiative to ask for these opportunities, so this will be good for her.

Mayor Craig asked who all is invited to the Holiday Party. Ms. Dunton stated that in the past few years it has been the staff, Board and spouses; the consensus of the Board was to also invite the Planning Commission and/or Board of Adjustment.

D. Town Manager

Mr. Garcia stated that his report was emailed to the Board members and asked if there were any questions. There were none.

E. Town Attorney

Mr. Liberman stated that he has been working on water line, FOIA request to the BIA, spoke with BIA officer who informed Mr. Liberman that there are 200 documents that are being reviewed in-house to see what redactions need to be made. Once the documents are received, there will be more understanding of the current situation.

Worked on the Kratom and Fee Waiver Ordinances and will continue working on the Fee Waiver Ordinance.

Worked with the Cable Franchise Agreement; have a call set up with an expert Franchise Attorney (this will be paid for by SWCCOG's contract).

Working with Mark on housing issues.

IX. TRUSTEE REPORTS: None.

X. MISCELLANEOUS: None

XI. 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 agreements with the Southern Ute Indian Tribe: None

XII. ADJOURNMENT


Being no further business before the Board, the meeting was adjourned 8:09 PM. The next regularly scheduled meeting will be on Monday, December 12, 2022, at 6:00 PM in the Abel F. Atencio Community Room and via Remote Public Meeting.



Clark Craig, Mayor

12/12/2022

Date



Attest: Tuggy Dunton, Town Clerk