



## IGNACIO TOWN BOARD MEETING MINUTES

Monday, January 8, 2024 – 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 6:00 PM by leading in the pledge of allegiance.
- II. **ROLL CALL**

Present: Mayor Clark Craig, Mayor Pro Tem Edward Box III, Trustee Joseph Atencio, Trustee Tom Atencio, Trustee Alison deKay, Trustee Sandra Maez, Trustee Jeremy Schulz

Absent: Tom Atencio
- III. **APPROVAL OF AGENDA**

Mayor Craig called for a motion to approve the agenda.

**Action:** Trustee Maez moved to approve the agenda as presented; Trustee deKay seconded the motion. Mayor Craig called for a roll call vote. The motion passed unanimously.
- IV. **PUBLIC COMMENTS:** None
- V. **CONSENT AGENDA**
  - A. Regular Town Board Meeting Minutes from December 11, 2023
  - B. Financial Records – December 2023 Accounting Reports

**Action:** Trustee deKay 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. Rock Creek Update

Weekly meeting with SEH and Canyon Construction; on pause until the weather clears. Also working with Fading West & local contractors on the build portion. Attempting to secure construction financing through TBK; also working with the Alliance and First SW Bank. Some ARPA Funds will be used for this. Working with HomesFund; they are rolling out 2024 Home Buyer Education and looking for qualified buyers.

Short break was taken to address technical issues on the Zoom meeting.

Need a website that interested home buyers can visit. Looking for a web designer that can create something for us like RuralHomes.org. Infrastructure should be completed by June; hope to have houses up shortly thereafter. This is the big push for 2024.
  - B. ELHI Lease Purchase Agreement Discussion

Memorandum of Lease in the packet for review. Purchase has not happened yet because of title issues. Title Company requested the Memorandum of Lease; it has been reviewed by Mr. Liberman. This will be brought back for approval at the February meeting. Need a resolution for closing that would clarify signature authority. Ordinance authorizing the purchase of the ELHI

building was signed by Mayor Craig; Mr. Garcia signed the Lease Purchase Agreement and will sign the title documents; the Title Company wants a resolution to clarify that Mr. Garcia has authority to sign these documents. Technically the Town will not close on the property until the final payment is made in July of 2025.

Mr. Garcia stated that the tenant at the ELHI Building reported a major repair that needed to happen for about \$1200; the process flowed smoothly and the Town paid our half of that cost.

Mr. Garcia stated that he had Mr. Liberman review the documents from the title company and requested that he be given opportunity to speak. Mayor Craig asked if he had any input. Mr. Liberman stated that the title company is still showing about 5 feet that appears to not be owned by the school and they are showing a reversion exception that affects a portion of the property.

## VII. NEW BUSINESS

### A. Friends of the Library Special Event Liquor Permit – Public Hearing and Action Item

Ms. Dunton stated that Friends of the Library has requested a Special Event Permit for the 2<sup>nd</sup> Annual Denim and Diamonds Fundraiser; this was granted for last year's event. She stated that this was noticed per statute in the newspaper as a Public Hearing and it was posted on the property. Kate Lehman is on the Zoom meeting and is available to answer any questions that the Board may have.

Kate Lehman introduced herself as the President of the Friends of the Library and expressed appreciation for the thoughtful consideration by the Board of this Special Event Permit application. She stated that the library will be closed to the general public and only those who have purchased tickets will be able to attend; there are measures in place to monitor consumption. Offering wine and beer and some good food; there have not been issues in the past and she does not foresee any issues this year.

Mayor Craig opened the Public Hearing at 6:21:12; Kate stated that last year this event raised significant funds for the library and they hope to raise even more this year. There were no public comments; Mayor Craig closed the Public Hearing at 6:22:12.

Mayor Craig called for a motion.

**Action:** Trustee deKay moved to approve the Friends of the Library Special Event Liquor Permit; Trustee Schulz seconded the motion. Mayor Craig called for a roll call vote. The motion passed unanimously.

### B. Resolution 01-2024 – Town Board Posting and Meeting Locations – Action Item

Ms. Dunton stated that this is a standard Resolution that is passed each year designating posting and meeting locations. She stated that in 2024 the only conflict with second Monday is the November meeting which would fall on Veterans Day. By consensus, the Board stated this particular date can be addressed later in the year.

**Action:** Trustee Schulz moved to approve Resolution 01-2024, Town Board Posting and Meeting Locations; Trustees Joseph and Thomas Atencio seconded the motion at the same time. Mayor Craig called for a roll call vote. The motion passed unanimously.

### C. Ordinance 360 – Setting Compensation for Trustees and Mayor – Public Hearing and Action Item

Ms. Dunton stated that this ordinance, if passed, would not change the currently seated Board's compensation. This would change the compensation for the new Trustees that will be seated

after the April 2<sup>nd</sup> Election and the remainder of the seats will have the new compensation after the 2026 Election. Board Compensation has not been updated since 1986.

Mr. Garcia stated that the 2024 Budget has funding allocated for this increase in the event that this Ordinance is passed this evening.

Trustee deKay asked about the section that states that Trustees will not be compensated if they miss meetings. Ms. Dunton clarified that there is no compensation on the third absence; the Trustees will still receive compensation for the first two absences in a year. This is before the Board for discussion and action; if the Board wishes to change any portion of it, she would be happy to oblige and bring it back at the March meeting. The Board expressed they were okay with it as written.

Mayor Craig opened the Public Hearing at 6:30:16; there were no public comments. Mayor Craig closed the Public Hearing at 6:30:34.

Mayor Craig asked if there was any further discussion among the Board; there was none, so he called for a motion.

**Action:** Trustee Schulz moved to approve Ordinance 360, Setting Compensation for Trustees and Mayor; Trustee deKay seconded the motion. Mayor Craig called for a roll call vote. The motion passed unanimously.

D. 2024 Fines and Fees Schedule – Public Hearing and Action Item

Mayor Craig asked if this year's schedule is different from last year. Ms. Dunton stated that the Court Fines and Fees section was added to the 2024 schedule.

Mr. Garcia stated there should be an addition for the use of Town Equipment. Ms. Dunton stated that is included in the budget section; she did not realize it needed to be included with the Fines and Fees Schedule. Mr. Garcia requested that it be included in this section. It is new this year; in the past, the Town allowed for rental and use of Town equipment, but we have done away with that policy. The Town has a grant with DOLA where in-kind monies can be attributed to the use of Town equipment and staff time; this is the documentation that they are requesting. Mr. Garcia stated that this is not for public use; it is for Town use as we do projects and use grant monies that require a match.

Ms. Dunton stated that, if the fees for the use of Town equipment and staff time are part of the Fines and Fees Schedule, it could cause confusion with the public to think that they can rent Town equipment and staff time for personal use. Mr. Garcia apologized for the confusion; he stated that the memorandum can be updated to state that this is for internal use only; he recommended that the memorandum be added to the Fines and Fees Schedule and approved together this evening.

Mayor Craig stated that, if these items are not available for public use, he feels they should not be part of the Fines and Fees Schedule. Trustee deKay stated it was confusing to her; she also thought they would be available for personal use.

Mr. Garcia stated that this item can be punted to next month; there are not reimbursements to be turned in at this time. Mayor Craig clarified that there are only two pages to the Fines & Fees Schedule; Mr. Garcia agreed.

Trustee deKay stated that the impact fees are still listed on the Fines and Fees Schedule; she was under the impression that we no longer charge impact fees. Mr. Garcia stated that the impact fees need to be repealed by Ordinance; he will work on that.

Mayor Craig stated that this item has been published as a Public Hearing; he opened the Public Hearing at 6:41:42 PM. There were no public comments; the Public Hearing was closed at 6:42:00. Mayor Craig called for a motion on the 2024 Fines & Fees Schedule.

**Action:** Trustee Maez moved to approve the 2024 Fines and Fees Schedule; Trustee Tom Atencio seconded the motion. Mayor Craig called for a roll call vote. The motion passed unanimously.

E. Utility Rate Increases – Public Hearing and Action Item

Ms. Dunton stated that, based on the rate study that was done, the base rate for gas, water and sewer will each be increased by 4.5% and that is reflected on the rate sheet in the packet. There is no base charge for irrigation; that has been increased from 27.50 to 28.70 per month. It is before the Board for discussion, Public Hearing, and action. Mr. Garcia stated that the rate study was done several years ago and the recommendation was to raise base rates each year based on the Consumer Price Index for Utilities. That is the basis for the base rate increase that is being recommended this year.

Mayor Craig asked if the Board had questions for staff. Trustee deKay asked if the water loss had decreased from 10%. Mr. Garcia stated that we are actually losing more than 10% on some months and we are working on leak detection.

Ms. Dunton stated that, in previous meetings, the Board had discussed the possibility of increasing the 10% that is added to the SUUD gas rate; that is also before the Board for discussion and action.

Mr. Garcia stated that he would like to reach out to the firm that did our previous rate analysis and have them do another one in 2024; the Board concurred.

Mayor Craig stated this item has been published as a Public Hearing; he opened the Public Hearing at 6:48:41 PM. There were no public comments; Mayor Craig closed the Public Hearing at 6:49:00. He then called for a motion.

**Action:** Trustee deKay moved to approve the Utility Rate Increases for 2024 with the 10% on gas and the remainder as presented; Trustee Maez seconded the motion. Mayor Craig called for a roll call vote. The motion passed unanimously.

F. Resolution 02-2024 – Adopting 2024 Budget – Public Hearing and Action Item

Mr. Garcia stated that this is usually adopted in December of each year; however, with the Special Legislative Session on property taxes, this was delayed to now. He pointed out the Capital Improvement and Economic Development Funds, explaining each fund's revenues and expenses for 2024. He commended Dee for her work on the Budget Notes, which explain each of these items very clearly. He stated that the impact to the Town with the new property tax legislation is a loss of about \$3,500 for 2024; he wanted the Board to be informed so they could answer any questions that might come from the public.

Mayor Craig stated that this item has been published as a Public Hearing; he opened the Public Hearing at 7:12:08. There were no public comments; Mayor Craig closed the Public Hearing at 7:12:27. Mayor Craig called for a motion.

**Action:** Trustee Tom Atencio moved to approve Resolution 02-2024, Adopting the 2024 Budget; Trustee Joseph Atencio seconded the motion. Mayor Craig called for a roll call vote. The motion passed unanimously.

G. Ordinance 361 – Appropriating Funds for the 2024 Budget – Action Item

Ms. Dunton stated that this is the formal appropriation of the funds to be expended in 2024 that were approved in the budget approval process; this ordinance outlines the expenses for each of the funds from the 2024 budget.

**Action:** Trustee Joseph Atencio moved to approve Ordinance 361, Appropriate Funds for the 2024 Budget; Mayor Pro Tem Box III seconded the motion. Mayor Craig called for a roll call vote. The motion passed unanimously.

H. Resolution 03-2024 – Certifying the Mill Levy for 2024 – Action Item

Mr. Garcia asked Ms. Wesner to address this item. She stated that the mill levy for 2024 is based on the legislation that was approved in the Special Legislative Session. The mill levy for 2024 is 4.841 and this will be submitted to the La Plata County Board of Commissioners by January 10.

**Action:** Trustee deKay moved to approve Resolution 03-2024, Certifying the Mill Levy for 2024; Trustee Maez seconded the motion. Mayor Craig called for a roll call vote. The motion passed unanimously.

I. Ordinance 362 – Repealing Ordinance 151 – Burns Avenue Vacation

Mr. Garcia stated that in 1995 the Town passed Ordinance 151, which vacated a portion of Burns Avenue off of County Road 320A. The right-of-way that was denoted in the Aaspas First Addition plat that was approved in 1917 is unclear. The affected property owners, Mr. Walker and the Youngs, have stated that they don't believe that was right-of-way. This came to light as we are trying to get the boundary plat completed for the annexation of the properties along County Road 320 A, Ignacio South, and the Slaughterhouse Property. Mr. Garcia stated that his recommendation would be to repeal Ordinance 151 and, in doing so, theoretically the land that was vacated becomes right-of-way again that will then be deeded to the Town in the boundary plat adjustment that will be the next step after this repeal process. He asked Mr. Liberman to comment on this.

Mr. Liberman stated that, once the Town vacates property, the title vests in the adjoining property owners and that, after it is recorded, it cannot be undone by repealing the Ordinance. He does not believe there is any harm if the Board chooses to adopt Ordinance 362; however, he believes that a conveyance and a recorded plat are what is necessary to convey the property to the Town.

Mayor Craig asked for clarification from Mr. Garcia regarding who would be assisted if this Ordinance were passed.

Mr. Garcia explained that the surveyor stated that Ordinance 151 muddied the waters in the attempted boundary plat adjustments for annexing the properties into the Town. Mayor Craig asked for clarification if this would assist in the boundary plat adjustment process; Mr. Garcia concurred. He further asked if there would be any negative effect if this ordinance were passed; Mr. Garcia stated that the only negative effect would be on Mr. Walker because he has not been paying taxes on that portion of the property, but Mr. Walker believes this is how it should be.

Questions were asked by the Board about where exactly the property is located that is being talked about, wanting to ensure the legality of the proposed Ordinance, wanting to ensure that there are no negative effects to its passage, etc. Mr. Garcia answered each of the questions, stating that, in the end, the property will be deeded back to the Town for utility easements. The process has taken over a year due to the death of Mrs. Young and the estate going through

probate, etc. He clarified that the Town will not be giving up easements for utilities and will not in any way be negatively affected by this Ordinance.

Trustee deKay stated that she would like to recuse herself from the vote as she is in negotiations with some of these properties and does not want to muddy the waters. Mayor Craig expressed appreciation for her recusing herself.

Mayor Craig called for a motion.

**Action:** Trustee Maez moved to approve Ordinance 362. Mayor Craig called for a second. The motion died for lack of second.

J. Draft Town Property Development RFP

Mr. Garcia stated that, in prior work sessions, there have been conversations about the development of Town Properties; this RFP creates the language for seeking potential developers. Comments from the Board for adjusting the RFP were as follows: extend the time frame to the end of April; possibly re-zoning the properties; adding the property south of the car wash to the list of properties on the RFP; process for selecting which proposals to accept; etc. Mr. Garcia clarified the acreage of each of the properties and attempted to answer the questions from the Board, offering to add language to clarify the economic benefit. He stated that changing the zoning will be part of the process down the road. Mr. Garcia stated he will update the RFP per Board suggestions and will bring it back to the Board for approval.

**No action was taken on this item.**

K. Wreaths Across America

Mayor Craig stated this item was added to the agenda due to Trustee Tom Atencio's request in response to an email from Sharon Craig who is present at the meeting. Mayor Craig asked Trustee Tom Atencio to express his desire concerning this issue.

Trustee Tom Atencio stated that he would like the Town to get involved with the cemeteries and take the opportunity to show the pride we feel in our veterans, absorbing the cost for the wreaths for the East and West Cemeteries. Mayor Craig asked Sharon to address the Board. Sharon stated she has been in communication with Shauna Star with Post 108 of the American Legion and Vets for Vets. Shauna is looking for someone to take on ensuring that wreaths are posted at the East and West Cemeteries in Ignacio and at Crestview Cemetery at Elmore's Corner. The cost, if ordered this week, would be about \$250 per cemetery. She stated this needs to be done under one of the organizations, whether the American Legion or Vets for Vets. While she is working on setting this up, the funds that come in through donations will pass through a local organization, possibly the Chamber of Commerce.

After discussion among the Board members, the consensus was to cover Ignacio East and West Cemeteries, as there will be donations from other individuals and organizations that will cover Crestview Cemetery.

**Action:** Trustee Tom Atencio moved to cover the cost of ordering the wreaths for the East and West Cemeteries, paying \$600.00 to support Wreaths Across America; Trustee Joseph Atencio seconded the motion. Mayor Craig called for a roll call vote. The motion passed unanimously.

## VIII. STAFF REPORTS

A. Police Department

Planning to replace body armor this year; will bring in an officer next month that is outfitted with body armor for the Board to see the cost and benefit of their equipment.

Still waiting for confirmation from the National Incident Based Reporting System (NIBERS) on the stats from last year; will report back to the Board once confirmation is received (at Feb meeting).

Planning to revise the Special Event Permit Application, the dates the application is due by, etc.

Currently in compliance with all POST mandated training; 21 agencies that are not in compliance in the state. If we are not in compliance and/or do not get into compliance, we would lose all the reimbursements from POST for the training that officers receive; this adds up to about \$12,000 per year. Met with Chief Barrow of SUPD to discuss school safety and emergency response plans.

There are two new patrol cars; these are the cars that were ordered and should have been received in previous years but were not available. We are still waiting on the invoices, so they will be paid out of funds that were budgeted in 2024.

#### B. Public Works

Mr. Garcia stated that Mr. Mickey is not at the meeting due to snow plowing schedules. Mr. Mickey's report is in the packet and Mr. Garcia would be happy to answer any questions the Board might have; there were none.

#### C. Clerk / Treasurer

Ms. Dunton stated that there are 3 seats open for the election on April 2: Mayor Pro Tem Edward Box III, Trustee Alison deKay, and Trustee Sandra Maez. Nomination packets are available and must be returned prior to 5 PM on Monday, January 22.

She suggested a work session to discuss establishing a policy on public comment and adopting Bob's Rules of Order for the conduct of Board Meetings. The consensus of the Board was to wait to have these work sessions until after the April 2 Election when the new Board will be seated. Mayor Craig requested this be added to Ms. Dunton's February report for further discussion.

Monday, January 15, Town Hall will be closed in observance of Martin Luther King Jr. Day. The next regular Town Board Meeting is Monday, February 12. The Senior Admin Assistant for the La Plata Board of County Commissioners would like to schedule the 2024 Meetings and sent options to be considered. The consensus of the Board was that Ms. Dunton email the options to the Board and they would respond to her individually with what works best for each Board Member.

Trustee deKay asked if the election is in the newsletter. Ms. Dunton replied that it is and stated that it is also on the library's electronic sign. So far, no nomination packets have been picked up.

#### D. Town Manager

Mr. Garcia stated that his report is in the packet and the only item that he would like to discuss with the Board is that he needs consensus from the Board that it is okay for the Town to act as the fiscal agent for the Capacity Building Grant for the Regional Housing Authority. By consensus, the Board agreed.

#### E. Attorney

Mr. Liberman stated that he has worked with Mr. Garcia on the ELHI Title work and attended the Board Meeting.

Trustee Tom Atencio asked for an update on the Jurisdictional Agreement and the Raw Water Easement items. Mr. Liberman stated that the Jurisdictional Agreement is with the Tribe at this

time; there has not been any movement with the Raw Water Easement. An appeal has been filed for the Freedom of Information Act denial; the next step, which he advises against, would be to sue in Federal Court for the documents. If the Town opted to do that and was successful in the suit, we would have attorney's fees covered and get the records; if we lose, we still wouldn't have the records. Mayor Craig gave direction to staff (Mr. Garcia and Mr. Liberman) to see what the next steps should be. Mayor Pro Tem Box III stated that, when he was at the inauguration for the new Tribal Council Members, he sat next to the new SUPD Chief; Chief Barrow stated that the Tribe needs to get the jurisdictional agreement taken care of, so they are aware that it is in their hands at this time and Chief Barrow stated that he desires to work with the Town.

**IX. TRUSTEE REPORTS**

None.

**X. MISCELLANEOUS**

Mr. Garcia noted that there was an Executive Session listed on the agenda in the event that it was needed, but it was not.

**XI. ADJOURNMENT**

Being no further business before the Board, the meeting was adjourned at 8:15 PM. The next regularly scheduled meeting will be on Monday, February 12, 2024, at 6:00 PM in the Abel F. Atencio Community Room and via Remote Public Meeting.

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**Clark Craig, Mayor**

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**Date**

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**Attest: Tuggy Dunton, Town Clerk**