



IGNACIO TOWN BOARD MEETING
MONDAY, April 16, 2018 – 6:30 PM
570 Goddard Ave – Ignacio Town Hall

I. CALL REGULAR MEETING TO ORDER: PLEDGE OF ALLEGIANCE

Mayor Stella Cox called the meeting to order at 6:32PM and led in the pledge of allegiance.

II. OATH OF OFFICE FOR MAYOR (Cox) AND TRUSTEES (Atencio, Melton, Craig)

The four elected officers were sworn in by Tuggy Dunton, Notary Public and Administrative Assistant. They were all applauded.

III. ROLL CALL

Present: Mayor Stella Cox, Mayor Pro Tem deKay, Trustee Atencio, Trustee Box, Trustee Craig, Trustee Maez, Trustee Melton

Staff Present: Mark Garcia, Town Manager; Tuggy Dunton, Administrative Assistant; Wes Crume, Ignacio Police Sargent; Dan Naiman, Community Development Administrator; Jeremy Schulz, Public Works Director

Guests: Teresa Campbell, Ron Dunavant, Dayna Talamante-Montoya, Max Montoya, Willow Schulz, Kathy Kent, Merissa Craig, Chris deKay, Lauren deKay, Lincoln deKay, Avon Boyack, Matt Montoya, Larsen, Kasey Correia, Tava Wilson

IV. APPOINTMENT OF MAYOR PRO TEM

Trustee Atencio moved to appoint Alison deKay as the Mayor Pro Tem; Trustee Maez seconded the motion; it carried unanimously by show of hands.

V. PUBLIC COMMENTS:

Mr. Ron Dunavant, 4162 CR 516, Bayfield, CO, and President of First National Bank in Bayfield, spoke of First National Bank's intention of establishing a branch in Ignacio. He just learned on Monday, April 9, that the Bank has been bought out by TBK Bank out of Dallas. The change should happen by early Fall that First National becomes part of TBK Bank. TBK Bank is very community oriented; most of their banks are in small towns. Mr. Dunavant stated that he is very excited about the possibilities and will keep the Town Board informed. He expressed appreciation for the encouragement from the Planning Commission and Town Board in the process of seeking a location here in Ignacio.

VI. CONSENT AGENDA:

- A. Regular Town Board Meeting Minutes of March 19, 2018
- B. Financial Records – Check Register for March 2018

Trustee deKay moved to approve the consent agenda; Trustee Maez seconded; the motion passed unanimously by voice vote.

VII. UNFINISHED BUSINESS:

None.

VIII. NEW BUSINESS:

A. Reappointment of Appointed Positions for Clerk, Treasurer, Police Chief, Town Attorney

1. Mayor Cox called for a motion to reappoint Georgann Valdez as the Town Clerk. There was no motion to reappoint Georgann Valdez. Georgann Valdez was not reappointed as Town Clerk due to a lack of motion.
2. Mayor Cox called for a motion to reappoint Diana Briar as the Town Treasurer. Trustee Melton moved to appoint Diana Briar as Treasurer; Trustee Maez seconded the motion. Mayor Cox called for a show of hands; the motion passed 7 to 0.
3. Mayor Cox called for a motion to reappoint Kirk Phillips as the Chief of Police. Trustee deKay moved to appoint Kirk Phillips as the Chief of Police; Trustee Craig seconded. Mayor Cox called for a show of hands; the motion passed 7 to 0.
4. Mayor Cox called for a motion to reappoint David Liberman as the Town Attorney. Trustee deKay moved to appoint David Liberman as Town Attorney; Trustee Atencio seconded the motion. Mr. Garcia stated that Mr. Liberman had requested a rate increase; Mr. Liberman has not increased his rate since May of 2014. Mr. Garcia requested that, in the process of reappointment, the rate increase from \$135 per hour to \$153 per hour be considered. Trustee deKay restated her motion; she moved to appoint Mr. Liberman as the Town Attorney with his requested rate increase at \$153 per hour, effective at his annual evaluation in May. Mr. Atencio stated that the Town should wait until after Mr. Liberman's evaluation to give him the contract or increase his wages. He also requested information regarding the competitiveness of Mr. Liberman's rate increase. Mr. Box stated that it would be good to wait on the rate increase until his evaluation, but that it would be good to move forward with the appointment. Trustee deKay asked for clarification regarding appointment versus contract; Mr. Garcia stated that this is where confusion comes in because he is both a contract employee and an appointed officer. Mr. Garcia stated that the motion can include or exclude the rate increase, depending on what the Board consensus is. Trustee deKay amended her motion again, moving to reappoint David Liberman as the Town Attorney and, in May, complete an evaluation of his services and consider his request for a rate increase; Trustee Melton seconded the motion. Discussion ensued regarding whether the evaluation would be by the entire Board of Trustees or a Committee; the consensus was that Mr. Garcia, Mayor Cox and Mayor Pro Tem deKay would do the performance evaluation and report back to the remainder of the Board. Mayor Cox called for a show of hands on the motion on the floor; the motion to reappoint Mr. Liberman as the Town Attorney passed by vote of 7 to 0.

B. Space Camp Fundraising Efforts

Mayor Pro Tem deKay stated that she will recuse herself on this issue, as she has children who are involved in the space camp fundraising efforts. Chris deKay, 26 County Road 320, had the students who were presenting introduce themselves: Lauren deKay, Avon Boyack, Lincoln deKay, Max Montoya, Willow Schulz, and Autumn Schulz. Each student read a short paragraph about what will happen at space camp, what it will cost, the date and location of space camp, etc. The students talked about their various fundraising efforts over the summer, and expressed that they each desire to raise \$1000 by September first of this year, which is when the down-payment is due. Mayor commended the students for their fundraising efforts, including coming to request the

funds from the Town Board; she stated that the Board will need to determine the amount they are able to donate.

C. Inspiration Square Project Presentation

Kasey Correia gave a brief history of Dancing Spirit, talked about the flags on the poles that are drawn by kids in the community, and stated that they have applied for a Creative District and Inspiration Square is a part of this. She gave a description of what Inspiration Square will look like. She also stated that she brought clay for the Board Members to trace and cut their hands out and write whatever they desire on the hands that will be placed in a piece of art. She is hoping to reflect that we are “Rooted in Culture” and the hands will express that we are Reaching for Inspiration. Tava Wilson showed a slide show with ideas of what they are planning to have at Inspiration Square. Because of the time that the presentation took, there was not time to do the cut-outs of the Board members’ hands; Mayor Cox stated that the individual board members would make it a point to go to Dancing Spirit to do this.

D. TP Lounge Liquor License Renewal

Trustee Atencio made the motion that we grant the TP Lounge their liquor license for 2018; Mayor Pro Tem deKay seconded the motion. The motion passed unanimously by voice vote.

E. IES 2018 Field Day Fund Request

Oscar Cosio, K-5 PE Teacher from Ignacio Elementary School, presented his request for financial support for the T-Shirt order for the 2018 Field Day. The PE program serves over 350 students, 4 days a week, 40 minutes each day; most other schools in this area get about ½ hour of PE once or twice a month. Oscar designs these T-Shirts which represent Bobcats and that show the sponsors for Field Day. Last year included a memorial for Ms. Chris White, and they were able to donate T-Shirts to Ms. Chris White’s family members. He requested \$500.00. Trustee Atencio made the motion to give Ignacio Elementary School \$300.00 for their annual field day event; the motion was seconded by Sandra Maez. Mayor Cox requested a roll call vote. The motion passed with 6 votes for, and one abstention.

F. Planning Commission Alternate 2 Application – Justin Manley

Mayor Cox requested that Mr. Manley introduce himself. Mr. Manley stated that he desires to get involved in his community because he recognizes that his generation will one day be responsible for keeping Ignacio running; he desires to get involved now. Mr. Naiman stated that Mr. Manley has been attending the Planning Commission meetings. Ms. Teresa Campbell, 106 Maple, stated that she would like to express her support of Mr. Manley joining the Planning Commission. Trustee Melton moved to appoint Justin Manley as a second alternate to the Planning Commission; Trustee Box seconded the motion, and it passed unanimously.

IX. STAFF REPORTS:

- A. Police Department – Chief Phillips is out of town; Sgt. Crume was present to answer any questions that may arise. Mr. Atencio asked if there needed to be an action on the proposed school resource officer; Mr. Naiman stated he thought that the action should wait until after the MOU is formulated. Mr. Atencio stated that in his report, Chief

requested an action on this item. Mayor Pro Tem deKay made the motion that the Board authorize Chief Phillips to move forward with the school resource officer position and the formulation of an MOU between the school district and the Town of Ignacio. Trustee Maez seconded the motion; it passed unanimously.

- B. Public Works – 340 gas meters replaced in about 2 ½ weeks with some overtime to ensure that customers had their services restored in a timely fashion. Water leak repaired. Unable to turn on irrigation on the 1st of May; dependent on BIA ditch, which will not be available until about the middle of May. Currently looks like first of June to begin irrigation, and unsure how long it will last. PRID looking at about 60 days of water; may have a short irrigation season this year, and unsure how that will affect billing. Mr. Box stated that a tribal member complimented the Town for keeping their citizens informed. Mr. Garcia stated that we will bring the issue of billing back to the Board once we get more information.
- C. Treasurer – Out of town with a family commitment.
- D. Town Clerk – Requested those who are interested in the shirt order let her know the style, color, size, etc. Asked who all would be interested in or able to attend the CML Annual Conference. Only Trustee Craig will attend this year.
- E. Community Development Administrator – Mr. Naiman stated that his staff report had been sent to the Trustees and he would be happy to answer any questions. Mayor Cox said that she has received expressions of appreciation for the removal of the building that was across from the TP Lounge. Mr. Atencio stated that since the sales tax passed he would like to explore the possibility of paying off the loans that we still carry on the sewer, and the water and irrigation. Mayor Pro Tem deKay stated that she agrees with Mr. Atencio in not liking to carry loans; however, we need to be careful to keep the use of the sales tax revenues tied to capital improvements. Mr. Garcia stated that the rate analysis will show how much rates can drop if the loans are paid off; he stated he would like to do a work session on the rate analysis. Mayor Pro Tem deKay asked for the loan amounts, the time left on each loan, and the interest rates on each of these loans.
- F. Town Manager – Mr. Garcia stated that he did not include his reappointment in the list of reappointments at the beginning of the meeting. He believes that we should follow statute and not create more work than necessary. The Chief of Police is not a statutory requirement for reappointment. He stated that the more appointments are done than necessary, the more potential there is for work in dealing with personnel matters later. Statute only requires appointment of the Clerk, the Treasurer and the Town Attorney. He stated that he included the Chief of Police this year because of past practice. He stated that he did not include himself in the reappointments because he is a contract employee that serves at the pleasure of the Board.

Mr. Naiman requested permission to comment on this issue. He said that the statute states those positions, or any other necessary appointees, shall be appointed. Mr. Naiman stated that the Town Code and the Building Code and a couple of ordinances of the Town state that “the building official shall be appointed.” He stated that he believes it is his responsibility in Code Enforcement to inform the Town Board of a possible violation in not having an appointed Building Official. Mr. Garcia stated that he intended, before Mr. Naiman spoke up, to state that he has been working with Mr. Naiman on several items. (Mr. Naiman left the room at this point.) Mr. Garcia stated that there are a number of conflicts in our land use code; he believes that in the

recodification process that language needs to be struck from the code because it becomes clouded when there are more appointed people than the statute requires. He stated that, if the Town of Ignacio were home ruled, statute would not dictate whether a particular position is appointed or not. The conflict of language is something that needs to be remedied as quickly as possible. He gave an example from the Town of Silverton regarding the mess that was created from having their Town Manager as both a contract employee and an appointed position.

Mr. Naiman returned to the room as Mr. Garcia was finishing this illustration. Mr. Garcia stated he would like to speak further with Mr. Naiman about this and not have it addressed this evening. Mr. Naiman read the CRS statute and section 5-2-1 and 5-2-2 of the Municipal Code. He stated that he is not requesting to be appointed as the building official; he simply wants to inform the Board of what the Municipal Code says. He also read the International Building Code Section 103.1 and 103.2. The word "shall" is what is driving his conversation, especially because he has been tasked with code enforcement. Mr. Naiman apologized to Mr. Garcia, stating that he was under the impression that Mr. Garcia was going to address this issue.

Mayor Cox stated that this issue will be addressed and expressed appreciation to Mr. Naiman for bringing this to the Board's attention. Mayor Pro Tem deKay stated that there appears to be a need for further discussion between Mr. Garcia and Mr. Naiman; the role of the Board is to manage the changes that need to take place in the code and not deal with personal issues between staff members.

Mr. Naiman insisted that this is not a personal issue; it is a code enforcement issue. Mayor Pro Tem deKay stated that the Board would like to know the choices and then make an informed decision based on the choices. Mr. Naiman stated that he simply wants to inform the Board that, based on our current code, this is a violation; revising the code is always an option. He stated there have been other violations that he has brought to Mr. Garcia's attention and these have already been addressed, but this one has not.

Mr. Garcia stated that he believes Mr. Naiman's behavior this evening was totally inappropriate in bringing this up; there are multiple issues with the code that need to be addressed, and he has shared that with the Board. He stated that Mr. Naiman has been adamant about this appointment process and Mr. Garcia believes that bringing it to the Board the way that he did this evening is totally inappropriate and he will speak with Mr. Naiman about this tomorrow. Mr. Garcia stated that he had previously expressed to Mr. Naiman his desire to continue this conversation tomorrow and that Mr. Naiman had agreed that he would continue it then, so Mr. Garcia is disappointed that it came up this evening. Mr. Garcia requested permission to move on in his report.

At this point Georgann Valdez spoke up, apologizing that she arrived late, and expressing that she was here to discuss the appointment of the Town Clerk.

Mr. Garcia requested permission again to move on with his report; Mayor Cox granted that permission. Mr. Garcia stated that, based on the Board's desire not to reappoint Georgann as the Town Clerk, he is seeking direction from the Board. He presented a couple of options to the Board: (1) appoint Tuggy as the Interim Town Clerk, allowing him time to discuss the position and restructuring of responsibilities within the organization and bring that back to the Board for consideration, as well as a salary; (2)

to advertise the position. He also stated that he had intended to contact Ms. Valdez and give her the Board's decision this evening. He offered Ms. Valdez the opportunity to meet the following morning to discuss next steps. He repeated his request for direction from the Board on next steps.

Ms. Valdez asked if she was not reappointed. Mr. Garcia stated that, in the reappointment process, there was no motion to reappoint Ms. Valdez as the Town Clerk, so she was not reappointed due to a lack of motion.

Ms. Valdez asked if she could read a statement; Mayor Cox granted her permission. Ms. Valdez handed the board members the statute regarding removal of officers, stating that she is entitled to a hearing and written charges against her. She then read, "I have served the Town Board as your clerk since 1998 with pride and honor, and a certified clerk since 2002. I've done my job to the best of my ability. On September 13 I had an accident at work; I required surgery, and that happened on December 6. This normally takes six months to a year to fully recover. I anticipated returning back to work mid-January; I was released to come back to work January 19. I brought that release back to the office and I let Diana know that I was able to come back to work with restrictions. She let Mark know by email because he was in Mexico. Before the end of the day Chief Phillips hand-delivered me a memo, written by Mark, stating that I was not to return to work 'until you hear from me, you should not return to work.' So that Saturday I came into the office to get my personal items and the locks were changed on the office. I was not told about that. I could not get my personal items so I came in on Monday and Diana said I could not come in the office until Chief Phillips was escorting me into the office. How do you think that made me feel after 20 years of working? I got my personal items out of the office and Chief Phillips told me that I was going to be put on administrative leave. I asked him why and he said he did not know, that it was Mark's direction that I was going to be placed on leave. I have been released by both doctors and they both have a question why Mark will not let me return back to work, saying that this was not normal practice. State statute requires that appointed positions are not to be removed without a written charge by the Board and I'm entitled to a hearing. And so right now I understand that I do not have a job, and I don't even know why and what I've done to deserve this kind of treatment."

Mr. Garcia requested permission to speak. Mayor Cox granted it. Mr. Garcia asked Ms. Valdez if they could meet and discuss this further tomorrow. Ms. Valdez stated that she would like a Board Member present in that meeting; there were no Board Members available.

Ms. Valdez gave the Board copies of the memo from Mark and the releases from the doctor.

Mr. Garcia asked Ms. Valdez if he could confer with the Board when they might be available and then contact her to set up a time. Ms. Valdez stated that she would be at the office by 9 AM. Mr. Garcia asked what she would do if there was no Board Member available; she stated that she would not meet with him alone. He asked if a staff person would work; she said yes, or possibly the judge or someone else. Mr. Garcia addressed the Board and asked them to contact him if they would be available, and then asked for direction regarding an interim Clerk and the position in general.

Mayor Pro Tem deKay stated that she liked the idea of appointing Tuggy as interim; Mr. Garcia requested a consensus of the Board. Mayor Pro Tem deKay made the motion to appoint Tuggy as the Interim Town Clerk; Trustee Maez seconded the motion; the motion passed unanimously by show of hands.

Amber Harrison requested permission to address the Board, stating that she is not sure if she has a job either, since she was appointed by the Board but did not receive a reappointment at this meeting. Mr. Garcia stated that Ms. Harrison is on a two-year contract unless she is removed by the Board.

Mr. Garcia moved on in his report, expressing congratulations to the Board for the passage of the sales tax issue. He stated that he would like to schedule a work session to discuss the capital improvements plan project options. Although the tax takes effect on July 1, revenues will not begin to be realized until September.

Rate analysis update – Mr. Garcia will meet with RG & Associates tomorrow. RPI analysis is almost complete, and debt analysis is included in this report.

Next regular meeting is Monday, May 21; this is also the CML outreach meeting and Mayor Cox will be gone. If the Board so desires, we could cancel the May meeting. Consensus of Board was to meet on May 21; Mayor Pro Tem deKay will chair this meeting.

La Plata County Board of Commissioners dinner on May 10 at 5:30; Mayor Cox and Trustee Atencio will not be able to attend; all others will.

Grants update - \$21,000 grant for way-finding signs. Gas pipeline of 5400 linear feet, gas meter replacement complete and gas meters are fully automated. Received full funding on water grant, which includes the water meter replacement, and this should be accomplished by the end of this year. We also have two fully-funded irrigation grants.

Annexations – Dan is working on these. Costs to the resident: \$1500 application fee and the cost of platting. Mr. Garcia would like to waive the annexation fees, leaving the platting fee for the resident to cover. Discussion ensued regarding specific proposed annexations. Consensus of the Board was to waive the annexation fees during this push to annex various properties until October of this year.

Spring cleaning will happen in the coming weeks and months in the office and community room.

A year's worth of meetings have been scheduled with the Tribal Chairman, beginning next week.

G. Town Attorney - None

- X. TRUSTEE REPORTS:** Mayor Pro Tem deKay stated that there are times when the job of the Board is hard and encouraged everyone to continue the good work and be cautious in moving forward; if you don't know what to say, it may be best to say nothing.

Mayor Cox stated that in her absence May 11 to June 6, Mayor Pro Tem deKay will handle all matters with the Town. Blood drive on April 6 was a great success; the goal was 15 donors, we actually had 20 donors. We also had sponsors give door prizes. 27 units were donated that day!

Trustee Atencio stated that he feels the Board and Town Manager need to meet to discuss next steps with Ms. Valdez. Trustee Melton clarified that Mr. Garcia will do his job and report to the Board if there is anything that they need to do per Statute.

Trustee Box reported that he attended this month's SUCAP meeting.

Trustee Melton stated that she has been the ex officio of the Board to the Planning Commission and is willing to continue that in her new term as Trustee unless someone else on the Board would like that position. Trustee Atencio stated that Trustee Melton is doing a good job.

- XI. MISCELLANEOUS:** Mayor Cox expressed appreciation and welcome to Trustee Craig and Commissioner Manley for their desire to serve the community and make a positive impact in the county. It is an honor and privilege to serve on the Town Board.

Trustee Box stated that he is encouraged to see a young person like Commissioner Manley step into positions of leadership and speak for his generation. He stated that, eventually, Commissioner Manley will be sitting on the Town Board.

- XII. ADJOURNMENT:** Being no further business before the Board, Mayor Cox adjourned the meeting at 9:16 p.m. The next regular meeting will be Monday, May 21, 2018, at 6:30 p.m. in the Abel F. Atencio Community Center at 570 Goddard Avenue.