



Town of Ignacio

P.O. Box 459
540 Goddard Ave
Ignacio, CO 81137

970/563-9494 
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Town of Ignacio Planning Commission Meeting Minutes

Wednesday, 6:00 pm, June 13, 2018

Handicapped Accessible

Abel F. Atencio Municipal Room, 570 Goddard Ave., Ignacio, CO 81137

I. Call to Order – Teresa Campbell called the meeting to order and took roll call.

II. Roll Call

Present: Members: Teresa Campbell, Bill Baird, Clark Craig, Justin Manley – Alternate (1);
Town Board Representative: Dixie Melton, Trustee (left the meeting at 8 pm); Interim Town
Manager: Mark Garcia.

Absent: Chair: Pete Vigil; Vice Chair: Gina Schulz; Member: Bernadette Lopez – resigned as of
June 8; Ignacio Chamber of Commerce Representative: Vacant

Guests: Ron Dunavant, Kathryn Kent

III. Public Comments: None.

IV. Approval of Minutes April 11, 2018 and May 23, 2018

Action: Mr. Craig moved to approve the minutes of April 11, 2018 as written. Mr. Baird
seconded the motion. The motion carried by unanimous voice vote.

Action: Mr. Manley moved to approve the minutes of May 23, 2018; Mr. Baird seconded the
motion. The motion carried by unanimous voice vote.

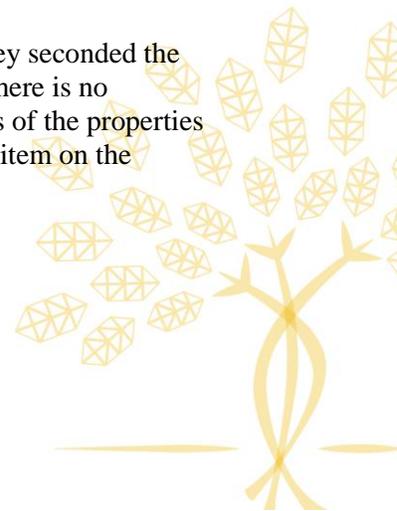
V. Old Business

a. **Annexations:** Mr. Craig asked if there was an update on annexations. Ms. Campbell stated
that the agenda needs to be amended by motion to add this item.

Action: Mr. Craig moved to add Annexations under old business; Mr. Manley seconded the
motion; it passed by unanimous voice vote. Mr. Garcia stated that there is no
progress to report at this time. Dr. Fuschetto has stated that the plats of the properties
should be provided soon. Mr. Garcia stated that he would keep this item on the
agenda for future discussions and updates.

VI. New Business

a. Municipal Code Update





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Mr. Garcia has submitted a grant request letter to assist with the completion of this project; this letter includes the costs associate with the updates for Chapters 2, 3, 4, 5 and 7 of the Municipal Code; some of these changes will actually be part of Chapter 8, and Mr. Garcia does not believe there will be any issue adding this Chapter to the grant request. Mr. Craig asked when Mr. Garcia anticipates a response to the request letter. Mr. Garcia stated that he had anticipated a response by now; however Mr. Patrick Rondinelli, our Regional Representative from DOLA who handles these administrative grants, has been working on grants to assist with firefighting efforts and has not been able to respond to Mr. Garcia's request. Mr. Garcia stated that the cost estimates were provided by Russell Engineering; Mr. Garcia added costs because Russell Engineering's estimate only included Chapters 2 and 3, and Mr. Garcia is including the other chapters mentioned as well. Mr. Garcia stated that Tuggy is working through the other Chapters of the Municipal Code as well, so we are looking at a full codification, hopefully by the end of this year. The two companies that have submitted estimates for publishing and web-hosting our Municipal Code want our work completed prior to beginning their work. Discussion ensued regarding the recodification process. Chapters 1, 8, 9 and 10 are the chapters Tuggy is working on; Russell Engineering will do the chapters mentioned above. Mr. Garcia stated that Russell Engineering already has the code sections that they will work on; he will apprise the Planning Commission of progress on the grant and on the updates. There will be public meetings to discuss significant code changes so that there are no surprises to the citizens.

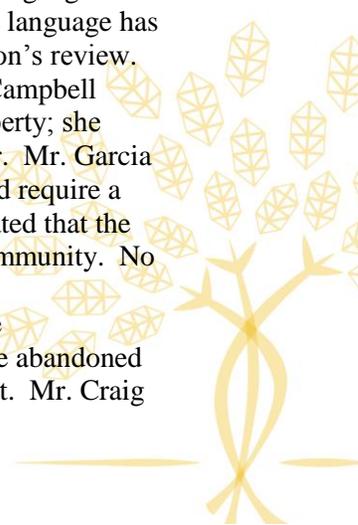
b. Municipal Code Discussion regarding Chapters 7-4 and 7-5

Mr. Garcia stated that Chapters 7-4 and 7-5 are geared toward solid waste practices (garbage services that we provide), not nuisance items, and this section will not be amended at this time as Mr. Garcia had previously stated. The proposed language changes and additions for nuisances and abandoned vehicles fit better under the Criminal Code (Chapter 8).

c. Municipal Code Changes to Chapter 8 regarding Nuisance and Abandoned Vehicles

Mr. Garcia stated that one of the challenges that staff faces is dealing with nuisances because they are not clearly defined in the code. Section 8-3-7 is all that currently addresses nuisances such as abandoned vehicles; this section has no teeth to it, nothing that enables enforcement. Mr. Garcia proposes deleting this section altogether; he is using language that is drawn from Bayfield's Municipal Code that he has edited to fit Ignacio. This language has been reviewed by Chief Phillips and Mr. Garcia is waiting to hear Judge Harrison's review. Discussion ensued regarding various elements of the proposed language. Ms. Campbell expressed concern for the safety of the Town Manager entering someone's property; she stated that it should be a law enforcement officer rather than the Town Manager. Mr. Garcia defined property as premises, not a structure or home; entering a structure would require a search warrant. Ms. Campbell opened the floor for comment; Mr. Dunavant stated that the responsibility of the staff and board is to make the town livable for all in the community. No other comments came from the public.

Ms. Campbell pointed out that under the section for abandoned vehicles it is the responsibility of the Police Chief or other law enforcement officer to address the abandoned vehicle; this makes the code inconsistent in terms of who is responsible for what. Mr. Craig





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stated that the police have access to information about vehicles that the Town Manager does not. Mr. Garcia referred to the International Building Code for language regarding access to an individual's property. "Right of Entry: Where it is necessary to make an inspection to enforce the provisions of this code, or where the Building Official has reasonable cause to believe that there exists in a structure or on a premise a condition that is contrary to or in violation of this code that makes the structure or premises unsafe, dangerous, or hazardous, the Building Official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code provided that if such structure or premise is occupied that credentials be presented to the occupant and entry requested. If such structure or premise in unoccupied, the Building Official shall first make reasonable effort to locate the owner or other person having charge or control of the structure or premise and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry." Mr. Garcia stated that we can use this language and replace "Building Official" with Town Manager or his/her designee. Ms. Campbell stated that this language needs to be included in section 8-3-2. Ms. Campbell asked if the phrase "or his/her designee" should be added to section 8-3-5 under "Declaration of Nuisance" as well. Mr. Craig suggested it also be added to Section 8-3-6. Mr. Craig asked if Mr. Garcia believes the Town Manager should be involved in this process; Mr. Garcia stated that was his intent – even if there is a designee who does inspections, the Town Manager should be involved in the process of declaring something a nuisance. Mr. Garcia stated that he is not involving the Board in declaring something a nuisance; Ms. Melton stated that, as the Town Board Representative to the Planning Commission, she is in agreement that this needs to stay at the staff level provided that the Board is kept informed. Mr. Craig asked if perhaps "Declaration of Nuisance" should be moved to Section 8-3-3; Mr. Garcia stated that the intent is to have the property owner work with the Town Manager before the property is declared a nuisance. Mr. Craig asked if there is an appeal process for the property owner once their property is declared a nuisance. Ms. Melton gave the illustration of an HOA – there is not an appeal process once the rules are made clear; it is the responsibility of the home owner to abide by the rules. Mr. Garcia stated that the suggested language is lacking an outline of the process of citing into court, fines, penalties, etc. and stated that perhaps a property should not be declared a nuisance unless the judge declares it to be so and charges the Town with the abatement of that nuisance. Mr. Garcia stated that he would work on all of this. Mr. Garcia asked if the Commissioners had any comments or questions on the abandoned vehicle portion of the proposed language. He suggested that perhaps there needs to be language concerning living in a vehicle. Mr. Manley asked if we have laws against transients living in vehicles, whether they are operable or not. Mr. Garcia stated that we do not. Mr. Craig asked if this topic should be under recreational vehicles or under nuisance – WalMart allows people to park their motorhomes in their parking lot; would Mr. Walker be able to do the same? Discussion ensued regarding land use (residential versus commercial). The new language states that a vehicle has to be operated as intended; a car is not intended to operate as a home. Mr. Garcia stated that he will add that it is not permissible to live in an abandoned vehicle. Ms. Campbell asked for the definition of abandoned; Mr. Garcia read the following: "For the purpose of this section, any vehicle which has not been operated as intended for a period of 30 days shall be conclusively deemed to be abandoned." Mr. Garcia stated that he would like approval from the Planning Commission, pending the expressed desired changes, so that he can move this forward to the Town Board as an



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emergency ordinance, due to public health and safety issues, that would be acted on at the next Town Board Meeting (June 16, at 6:30PM). Ms. Campbell stated that most of the changes are pretty straightforward; however, the incorporation of the Municipal Court has not been written or discussed yet and, therefore, she is not comfortable approving something that she does not know what it will say. Mr. Craig agreed; he stated that he is comfortable approving it electronically, after Mr. Garcia makes the changes, so that it can move forward on Monday to the Board. Ms. Campbell agreed.

Ms. Melton excused herself and left the meeting at this point.

Mr. Craig asked how this can be put into a motion. Mr. Garcia stated that it could be listed as “The consensus of the Planning Commission members is to proceed with this draft language, making minor changes as discussed, and present it to the Town Board for consideration at their next meeting, and that the Commissioners will have opportunity to review the changes in advance of that meeting.” Mr. Craig added “and provide feedback electronically via email.” Mr. Garcia agreed. The Commissioners all agreed.

VII. Other Business

Mr. Garcia stated that he has had conversation with a property owner regarding changes to their property that will affect parking. Mr. Garcia acknowledged that the Commissioners had worked with Mr. Naiman extensively on parking regulations; those regulations have not yet gone to the Board of Trustees for approval, and they would adversely affect this particular property owner. Mr. Craig stated that the issue of parking was addressed prior to him and Mr. Manley joining the Commission, so only two members of the Commission have history regarding parking regulations. The consensus was to discuss this at the work session; Mr. Garcia gave the Commissioners information to review prior to the work session. Mr. Garcia stated that the Community Church desires to do an addition to their current church building. The current code states that parking can be created off-site, at a different location; they are proposing using the Southern Ute Educational Building and Farmers Fresh as their designated parking areas. This will be reviewed and discussed at the work session on June 27 at 6:00pm. Mr. Garcia stated that the Church cannot do what they desire because it would exceed the maximum lot usage for a structure in an R2 zone. He requested that the Commissioners review the parking code for discussion at the work session.

VIII. Adjourn

Being no further business before the Planning Commission, Ms. Campbell called for a motion to adjourn. Mr. Baird so moved; Mr. Craig seconded; the motion passed unanimously. The work session is scheduled for June 27 at 6:00pm.

