



IGNACIO TOWN BOARD MEETING MINUTES

Monday, February 25, 2019 – 6:30 PM

570 Goddard Avenue — Ignacio Town Hall

- I. **CALL REGULAR MEETING TO ORDER:** Mayor Cox called the meeting to order at 6:33PM by leading in the pledge of allegiance.
- II. **ROLL CALL**

Present: Mayor Stella Cox, Mayor Pro Tem Alison deKay (arrived at 7:20PM), Trustee Tom Atencio, Trustee Edward Box III, Trustee Sharon Craig, Trustee Sandra Maez, Trustee Dixie Melton

Absent: None

Guests: Ron Dunavant, Clark Craig, Jessie O'Brien (reporter from Durango Herald)
- III. **PUBLIC COMMENTS:**

None
- IV. **CONSENT AGENDA**
 - A. Regular Town Board Meeting Minutes of January 22, 2019
 - B. Financial Records – Check Register for January 2019

Action: Trustee Craig moved to approve the consent agenda; Trustee Box III seconded; the motion passed unanimously by voice vote.
- V. **UNFINISHED BUSINESS**
 - A. ISD 11JT/Portion of CR 320 Annexations – Continued from January Meeting
Mr. Garcia stated that the school annexation agreement is still in process; a draft of that agreement will be brought to the March or April meeting. Joint Work Session is scheduled for March 18 with the ISD School Board and Town Board at the regular meeting of the Town Board.
 - B. Ordinance Number 337 – Annexation of a Portion of CR320
Action: Trustee Atencio moved to approve Ordinance 337, rename CR320 to Romero Avenue, and amend the ordinance to reflect the correction from Romero Street to Romero Avenue; Trustee Craig and Trustee Melton seconded. Mayor Cox asked for a roll call vote; the motion passed unanimously.
- VI. **NEW BUSINESS**
 - A. Resolution 02-2019 – Approval of CAP Cable License Transfer to Zito West Holding, LLC
Mr. Garcia gave a brief history of this license. Zito should uphold the current licensing agreement; this would be a good question to ask for confirmation. Mr. Garcia stated that the Board could continue this to the March meeting since there is no representative at this evening's meeting. We may need to call a Special Meeting to pass this ordinance as the sale of CAP Cable to Zito West may be pending based on this resolution. The current contract states that they are supposed to be providing cable TV to the Town and Shop; USA communications was not doing this. Chief would like this to happen. Mr. Garcia stated that the contract

stipulates that, per law, Community Access channels must be provided; this law may be changing. Mr. Garcia would like to ask Zito about rates and service intentions.

Trustee Melton expressed that her service has been horrible. Since USA Communications took over, there is no channel that covers community information. Is this something that Zito intends to provide? Can something be done about the quality of customer service? USA Communications' reviews are all horrible; does Zito intend to improve those reviews and ratings?

Mr. Garcia stated that the USA Communications representative will be moving to Zito; these are all excellent questions that should be asked of Dennis, the Zito representative.

Mr. Atencio stated that he would like to continue this to the next meeting. He stated that he would like to know a little more about Zito, their finances, their service, their ratings, etc. By consensus, the Board agreed.

B. Planning Commission Member Appointment – Gina Schulz Reappointment

Mr. Garcia stated that Ms. Schulz' term is up and she would like to continue serving on the Planning Commission; the Board needs to reappoint her if they wish her to serve in this capacity.

Action: Trustee Melton moved to reappoint Gina Schulz to the Planning Commission; Trustee Maez seconded the motion. The motion passed unanimously by voice vote.

VII. STAFF REPORTS

A. Police Department

School District recently received about \$82,000 in school safety grants from the State. They will use these funds for physical security and hardening entry points. They will put shielding glaze on all the glass that is bullet resistant.

School Resource Officer – Chief presented set-up costs; Dr. Fuschetto will take it to the school board for consideration.

Chief expressed appreciation to the Public Works Department for the great work they did in keeping the streets clear and safe in the most recent round of storms, even though they are short-staffed.

B. Public Works

Only 4 one-call tickets this past month; working on gas reporting; installed new gas and water service on 100 Browning; 20 new smart registers on water meters not working well, so have not order the remaining needed for the Town, and are working on this; met with Russell Engineering and Ramco to discuss bid on domestic water project – project awarded to Ramco; turned in semi-annual water tests; sewer done until spring sewer flushing; meeting with Tribe on rate study; Parks and Rec pretty slow right now; Sunnyside Gravel has dug the pond, dirt work has been done to form the pond and they will proceed with lining when the weather warms up; new pump house at shop, and will pour new pad for it; have been plowing snow as the priority; continuing to order sand/salt mix for the roads (28 tons so far this year!); oil change on a patrol car, and all equipment running well. Mr. Orie Rivas has been let go; interviews were conducted today with a couple of worthy candidates. Pipeline safety training on Thursday that Mr. Howlett and Mr. Smithson will attend. Mr. Howlett will work with CDOT to remove center snow off Goddard during the night tonight, hopefully before morning traffic. Mr. Atencio requested that, when snow removal is being done, they would leave spaces where each of the streets intersects with Goddard so that cars do not have to go over a pile of snow.

Trustee Box talked about the placement of his gas meter; his vehicle slides on the ice and he is concerned about hitting this. Mr. Howlett stated he has some bollards up at the shop that will protect the meter; these will be installed after the weather warms up this summer. Trustee Box III complimented the Public Works for doing a good job with snow removal; Trustee Craig added her appreciation as well.

Mayor Cox asked about the pot holes; Mr. Howlett stated that CDOT can patch the worst section on Goddard after the snow is removed and the street dries up.

C. Treasurer

Mr. Garcia stated that Ms. Briar was absent due to conflict of scheduling when the Board meeting was moved to this evening. Mayor Cox asked about the round-up program that Ms. Briar had mentioned in her written report. Mr. Garcia gave history on how this came up, expressed some of the challenges of implementing this idea, and asked if the Board was interested in Ms. Briar pursuing this further in spite of the inherent difficulties. Ms. Craig stated that she felt it was worth checking into it. Mayor Cox asked what the cost through Black Mountain would be; Mr. Garcia stated that it would cost thousands of dollars; manual tracking would cost staff time. Mayor Cox asked if these are people that would qualify for LEAP; Mr. Garcia stated that policies would need to be developed regarding who would qualify to receive funds from this program. For those who would choose to participate, it would cost less than \$12.00 per year. Trustee Box III asked if the staff is encountering hardship cases on a regular basis; Mr. Garcia deferred to Ms. Dunton. She stated that it is regular and the LEAP has changed the guidelines to qualify for funding, so some residents that have received LEAP assistance in the past did not receive it this year. Mr. Garcia added that perhaps there can be the added policy that staff can waive late fees or reconnect fees for a period of time so that they can get caught up. Ms. Briar has been in touch with our auditor to see what other communities have this type of program and have policies in place that we could use. He asked the Board for direction if this should be pursued further. Mayor Cox asked if this would be a volunteer program or if it would be mandatory; it is something that a customer would sign up for. Mr. Atencio asked if staff would need to add the roundup amount to each account. Ms. Dunton stated that most likely that is what will happen. Mr. Atencio asked if there are other providers that could handle the utilities; is there something better? Mr. Garcia stated that last year Ms. Briar researched changing to a different software program; the initial cost is not the biggest expense, it is the annual technical support costs. He added that there will be staff time to manually track and enter the information into the accounts. He also confirmed that it will be a volunteer program, not mandatory.

D. Clerk

Ms. Dunton reviewed current numbers for dog, businesses, and business services licenses. Mayor Cox & Ms. Dunton will meet with the Census representative on Friday to learn about establishing a Complete Count Committee. She gave information on a webinar if the Trustees wanted to learn more about the upcoming Census. She asked for confirmation from each of the Trustees if they will be able to attend the LPBCC dinner at Willows Café at 5:30PM on March 14; each confirmed, and Mayor Cox requested that Ms. Dunton request that the time be changed to 6:30PM. Family Dollar will be applying for a new FMB off-premises license. Mr. Atencio asked what avenue there is if the Board does not want them to have this license. Ms. Dunton stated that, as the local licensing authority, they have the authority to deny the license; Mr. Atencio stated that he would like to have discussion about it. Ms. Dunton clarified that they only want to sell FMB, not spirituous or vinous. Mr. Atencio asked Chief what he thought

about this; Chief stated that he imagines that 7-2-11 will also jump on the opportunity to sell FMB; he stated that he does not see any potential problems with this. Trustee Melton asked if there would be a public hearing; Ms. Dunton stated that is a requirement prior to granting a new license.

E. Town Manager

Mr. Garcia introduced Jessie O'Brien from the Durango Herald; he gave her an opportunity to introduce herself. He stated that he will talk about the rate analysis in executive session. Mr. Howlett continues work on the water project that we received grant monies for; this bid was awarded to Ramco, and the project should be within budget. Town has received the majority of the funding from irrigation grant. Code Update is underway with the Planning Commission. The gaming grant was for \$126,800; the budgeted amount was \$145,000.

In Building and Planning, there will be a Board of Adjustment meeting in March to make a determination on a variance request.

Raw water easement with BIA will be discussed in executive session, as well as the draft of the jurisdictional agreement.

The meeting with CDOT, regarding signalization of Becker and Goddard, which was scheduled for the past week, was postponed due to the storms we had; it will be rescheduled.

Recycling efforts are moving forward. Mr. Garcia gave a review of the meetings he has attended; he brought special attention to the "Meet and Greet" with the new DOLA executive director, Rick Garcia, and expressed appreciation for each Trustee and Planning Commissioner that represented the Town.

There is a letter of appreciation from Axis Health in the Board packet for the funding that the Town has provided for them this year.

F. Attorney

No report; attorney was not present. There is an email in the Board Packet regarding the raw water right decree; this is a productive element of the joint work session with the Tribal Council. There are actionable items in this document that need to be addressed prior to 2025; these will be addressed in the future.

VIII. TRUSTEE REPORTS

Trustee Craig stated that Amos Lee is interested in growing hemp hops and wanted to let the Board know that this is something that may need to be addressed in the future. There is a processing facility in Dove Creek; there are local farmers that are currently growing hemp that would like a more local processing facility. Mayor Pro Tem deKay asked if the purpose of growing is for clothing manufacturing; Ms. Craig stated that it would not be for that purpose. Mr. Craig stated that it might be good to have Mr. Lee come and talk to the Board about this potential business opportunity; we would be the first community in this area to enter into this business. The Board consensus was openness to hear what Mr. Lee has to say. Mr. Garcia stated that the extraction process creates CBD oil which is sold statewide; there are other hemp products that can be produced as well. Mr. Garcia asked Ms. Craig to extend the invitation to Mr. Lee; she agreed.

Mr. Atencio stated that the church approached him for St. Ignatius Festival's Saturday night Dance. The Casino has a larger revenue stream for the date of the dance, so the church is wondering if the Town would allow them to use the Park. The church is open to any suggestions. Mayor Pro Tem deKay suggested a special event permit; Mr. Garcia stated that the Tribe would have to grant a

special event permit. Trustee Box III suggested a block party; Trustee Melton mentioned the possibility of a street dance for the church; Mr. Garcia suggested using the courtyard and gym at ELHI; Trustee Maez suggested asking Farmers Fresh to use their parking lot. The consensus of the Board was that the Town is definitely willing to work with the church; this will be put on the agenda at a future meeting.

IX. MISCELLANEOUS

X. EXECUTIVE SESSION: C.R.S. 24-6-402-(4)(e) – Determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations and/or instructing negotiators

Action: Mayor Pro Tem deKay moved to go into executive session; Trustee Box III seconded. The motion passed unanimously.

The Board went into Executive Session at 7:44 PM. When they came out of Executive Session at 9:15PM, Mayor Cox stated that the participants were (each participant stated their own name for the record): Mark Garcia - Town Manager, Sandra Maez - Trustee, Dixie Melton - Trustee, Alison deKay - Mayor Pro Tem, Sharon Craig - Trustee, Edward Box – Trustee, and Kirk Phillips - Chief of Police. She read the following statement: “For the record, if any person who participated in the executive session believes that any substantial discussion on any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record.” No concerns were expressed.

Mr. Garcia asked if there is any direction for staff based on the discussions that happened during executive session. Mayor Pro Tem deKay asked for these items to be followed up on:

- Town Manager and Chief of Police reach out to Tribal Legal on the Jurisdictional Agreement, stating that the Board likes our first version of this agreement
- Town Manager to continue research on the sewer being independent of sewer and water with the Tribe, letting the rates ride for a time if it seems quiet; if rates are increased by the Tribe now, inform the Tribe of our intent to become independent from their utilities
- Proceed with the BIA on raw water easements, purchase the easements on allotments and fee simple lands

Mr. Atencio stated that he would like to stipulate that, when Chief and Town Manager meet with the Tribe regarding the jurisdictional agreement, they do not sign the Tribe’s version of the agreement. The Board concurred.

Mr. Atencio stated that he thinks there are a lot of avenues that need to be opened up before we inform the Tribe that we are seeking independence from their utilities. We do not have the right-of-way yet for the water line, we still do not know how much water La Plata Archuleta Water District can deliver to the Town and at what rate; he stated we need to have this information in hand before we inform the Tribe that we will be looking for independence from them. He stated we also need to have funding secured to proceed with independence.

Mayor Pro Tem deKay stated that she hopes that informing them of the intent to separate will cause them to reconsider raising the water rate by 46% and the sewer rate as well.

Mr. Atencio asked how much notice we are required to give the Tribe before breaking contract with them; Mr. Garcia stated that it is three (3) years.

Mayor Pro Tem deKay stated that, if the Tribe raises rates, we will know about it soon; Mr. Garcia would not inform the Tribe of the Town's intent to separate without the Board having prior knowledge that such announcement will be made.

Mr. Atencio stated that he believes the Tribe will increase rates whether we stay with them or not; Mayor Pro Tem deKay stated she was not sure if that was a true statement. She believes that, if the Tribe thinks we may leave, they may question the decision to raise those rates; she is hopeful they would leave rates as they are.

Mr. Garcia stated that he understood that he was receiving direction from the Board as to how to proceed. He stated that he understood Trustee Atencio's points. He and Chief will not do anything decisive; they will return to the Board with the information they gather.

Mayor Pro Tem deKay stated that the Board may soon need to discuss whether or not the Town's rates need to increase due to the fact that the Town has absorbed so many rate increases over the past two years and now the fund balances are headed toward operating in the hole. She asked Mr. Garcia to put some numbers together to see what that looks like from the Town's perspective. Mr. Garcia asked her to add that to the list that will be given to him. She said that she would add all rates (gas, sewer, water, irrigation) to the list.

Mr. Garcia stated that, if there is consensus from the Board on the list that Mayor Pro Tem deKay just read, he will commence work on it and report back to the Board. He suggested having another executive session on the March Meeting Agenda to discuss these items further; the Board concurred.

Trustee Melton asked if Mayor Cox would be reaching out or if there was consensus and direction on this or not. Mayor Pro Tem deKay stated that she felt it was up to the Mayor; she didn't think it would hurt if the Mayor chose to reach out. Mayor stated that she has considered reaching out to the Chairman for a while, but feels that it would be a waste of both of their time because of the ones around her that would perceive such a meeting as a negative thing and would speak against the Chairman; Mayor did not want to put the Chairman in that situation.

Mr. Atencio asked about a letter being sent to the Chairman so she has opportunity to seek the advice of those around her; Mayor Cox stated that she has sent letters to other Tribal leaders and there has been no response. Trustee Box III stated that the Chairman does not have a vote (unless there is a tie vote, then she would break the tie) and therefore she would direct a decision to the Council; he suggested that Mr. Garcia gather the information requested, report back to the Board, and then the Board can make a decision. The Board concurred.

Mr. Garcia stated that he just learned that the Chairman does not vote. Mayor Pro Tem deKay stated that she likes that because it serves to keep the leader out of a lot of trouble that can be created.

Mr. Atencio suggested that, if the Board decides that the Town should move toward establishing its own waste water system, the Board should visit some sewer plants to have a better understanding of what is being considered. Mr. Garcia suggested that the Board go to Bayfield; Jeremy Schulz would probably be the tour guide. The Board concurred and asked Mr. Garcia to proceed with finding out about this.

Mayor Cox asked for an update regarding the way-finding signage from the Branding & Marketing work that was done. Mr. Garcia stated that his contact with San Juan Signs in Farmington had a heart attack; he is still on the mend and they do not have anyone in place to pick up where he left

off. Mr. Garcia stated he has also had some conversations with Cody at ISD; there is potential there in what he can do (he will not pass this project on to his students); however, Mr. Garcia thinks we should explore a professional sign company that will incorporate all the items that were included in the proposal (lighting, various colors, etc.). He stated that he hopes to have something for the Board to look at for the next meeting.

Mr. Garcia stated that he has been telling the Board about 2019 and what it might mean for him. He has been looking at various opportunities here in Ignacio and is in negotiations to buy the Commercial Kitchen Warehouse Building and will try to put a restaurant in there. If this goes through, he will need to talk with the Board about it; there will be liquor licensing and other items that may cloud his ability to keep the two roles (Interim Town Manager and Restaurant Owner) separate. He believes it would be an asset to the community, as it would provide 8-17 jobs and other opportunities in the community. He expressed that he also has a commitment to the Board and wants to make sure that, if he moves out of the Interim Town Manager position, there is ample time to bring someone else in or work on whatever the Board desires. Trustee Box III joked that he should simply move his office to the restaurant.

Mr. Atencio asked if that would mean that Mr. Garcia would leave the Town if the purchase goes through; Mr. Garcia stated that this is what would need to be discussed. There are areas where there would be conflict of interest that he would need to pull himself out of; however, long-term, there may be the ability to manage a little bit of both. The Board expressed anticipation of the new restaurant, which would be a wood-fired pizza restaurant. He stated that he simply wanted to give the Board advance notice if this goes through.

He stated that he sees opportunity to continue working together; however, he recognizes that there will be questions about conflict of interest. He recapped the projects that are currently underway: negotiations with the Tribe and the institutional knowledge that he has from his four years of experience here; the various grants and their associated projects, plus the list of potential grants and projects that he has in mind such as a new Town Hall site, the CBD business opportunity potentially using the slaughterhouse property as a grow area for hemp, etc. Mr. Garcia stated that he found an access off El Paso Road to the slaughterhouse property; if the Town ever decides to sell that property, this access will increase the value of the property.

He stated that, if the personal project of a restaurant does go through, he will bring it before the Board again for direction regarding the role they desire him to play, if any. He expressed a willingness to work through the recruiting process with the Board if they decide to hire another person. He mentioned a couple of people that he feels might be potential options.

Trustee Melton asked, if Mr. Garcia leaves the Town, would he assist in finding a part-time planner for the Town. Mr. Garcia stated that he has a part-time planner in mind (Ron Profit) and his salary would be \$50.00 per hour. Or Mr. Garcia is willing to continue in that role part-time if that is what the Board desires. Mr. Garcia talked about some of the building projects that are underway or anticipated soon. Trustee Melton mentioned all the work that the Planning Commission is doing with the building code and stated that she hopes that continues. Mr. Garcia stated that he plans to pull out and put Ron in there; Ron has worked with Nancy Dodsall in the past. He stated that, when that time comes, he will present options to the Board.

Mayor Pro Tem deKay stated that she feels that all that Mr. Garcia has to offer is worth trying to figure out how to work through any potential conflicts of interest if he has the desire to stay. Mr. Garcia expressed appreciation for that sentiment.

Mr. Garcia asked for input from the Board regarding his restaurant idea. He stated that he had had an idea for a name for his restaurant but, after talking with Chief about it he learned some history of the Town and realized that the name he had in mind would not be a good association for most people. He appreciated knowing that and hopes to get similar feedback from the Board members as citizens of the community. He again expressed his excitement over the potential benefits to the Town if this moves forward. Mayor Pro Tem deKay stated that the restaurant does not have to be fancy; just make good pizza and be open when you say you will be; Trustee Melton added to not be over-priced.

Trustee Craig asked if Mr. Garcia knows what is going on with the gas station property; there had been a "For Sale" sign there and it is now gone. Mr. Garcia stated that it has been leased by the Pawn Shop for some of their equipment, but he did not know the long-term plans. The Board members reminisced about some of the many things that have been on that property – a dance hall, a furniture store, a bingo parlor, movie theater, American Legion Hall, etc.

Mayor Cox asked if Mr. Garcia has made contact with the new director of SoCoCAA; he stated they are scheduled to meet later this week.

XI. ADJOURNMENT

Action: Being no further business before the Board, Mayor Cox called for a motion to adjourn. Trustee Box III moved to adjourn the meeting; Trustee Craig seconded the motion. The motion passed unanimously and the meeting adjourned at 9:44 PM. The next regularly scheduled meeting will be on Monday, March 18, 2019, at 6:30 PM in the Abel F. Atencio Community Room at 570 Goddard Avenue.

Stella Cox, Mayor

Date

Attest: Tuggy Dunton, Town Clerk