

ORDINANCE # 230

AN ORDINANCE APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSES AS SET FORTH BELOW, FOR THE TOWN OF IGNACIO, COLORADO FOR THE 2006 BUDGET YEAR.

WHEREAS, the Board of Trustees has made provisions for revenues in an amount equal to or greater than the total proposed expenditures as set forth in said budget, and;

WHEREAS, it is not only required by law, but also necessary to appropriate the revenues provided in the budget to and for the purposes described below, so as not to impair the operations of the Town.

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Ignacio, Colorado;

Section 1. That the following sums are hereby appropriated from the revenues of each fund, to each fund, for the purpose stated.

GENERAL FUND:

Current operating expenses	\$1,057,166
Transfers	\$ 185,000
Total	\$1,242,166

CAPITAL IMPROVEMENT FUND:

Capital projects	\$ 0
Transfers	\$ 35,000
Total	\$ 35,000

IRRIGATION SYSTEM IMPROVEMENT FUND:

Current operating expenses	\$ 17,190
Transfers	\$ 0
Total	\$ 17,190

DEBT SERVICE FUND:

Debt service payments	\$ 139,148
Transfers	\$ 0
Total	\$ 139,148

ECONOMIC DEVELOPMENT FUND:

Current operating expenses	\$ 0
Transfers	\$ 0
Total	\$ 0

WATER FUND:

Operating expenses	\$ 650,549
Transfers	\$ 0
Total	\$ 650,549

GAS FUND:

Operating expenses	\$ 839,203
Transfers	\$ 0
Total	\$ 839,203

CONSERVATION TRUST FUND:

Operating expenses	\$ 1,000
Transfers	\$ 0
Total	\$ 1,000

ADOPTED this 14th day of December A.D. 2004.

Kirk Allen, Mayor

ATTEST: _____
Town Clerk

ORDINANCE # 231

AN ORDINANCE APPROPRIATING ADDITIONAL SUMS OF MONEY TO DEFRAID EXPENSES IN EXCESS OF AMOUNTS BUDGETED FOR THE TOWN OF IGNACIO, COLORADO.

WHEREAS, the Town's General Fund started the year with a healthy beginning balance of \$105,440 and after the audited figures was actually \$271,438 which was an increase of \$165,998 and received \$95,373 in unanticipated revenues from severance tax, franchise tax, business license, building permits, contractor license, other permits, CDJ MST Grant, motor vehicle, mineral lease, copy machine income, VIN inspections, finger printing, baseball rec fees, misc. income, interest income, gas royalties, building space rental, bad check charges, fax machine income, notary public, and website listing, not assured at the time of the adoption of the budget, and,

WHEREAS, the Town's General Fund expenses are expected to be \$225,939 higher than anticipated due to administrative salaries, overtime, FICA/Medicare tax, workers comp, contract work, audit fees, engineer fees, water, sewer, telephone, internet line, cell phone, office equipment repair & maintenance, building repair & maintenance, misc. expense, printing services, bank service charge, travel & meetings, meeting expense, office supplies, operating supplies, repair & maintenance supplies, transfer out, building inspector, police cell phones, animal control, advertising, printing services, operating supplies, gas and oil etc, public works dental insurance, repair & maintenance service, DCJ MST program, recreation FICA/Medicare tax, workers comp, misc. expense, youth baseball, parks dept. workers comp, water, community service park, and Ignacio transit, not assured at the time of the preparation of the budget, and,

WHEREAS, the Town's Debt Service Fund started the year with a healthy beginning balance of \$225,929 and received \$23,217 in unanticipated revenues from interest income and transfer in from General Fund, not assured at the time of the adoption of the budget, and,

WHEREAS, the Town's Debt Service Fund expenses are expected to be \$6,091 higher than anticipated due to debt service payment not assured at the time of the preparation of the budget, and,

WHEREAS, the Town's Gas Fund started the year with a healthy beginning balance of \$98,195 and after the audited figures was actually \$155,725 which was an increase of \$57,530 and received \$126,294 unanticipated revenues from CDOT Grant, gas commercial, gas stand-by fees, tap fees, gas taxes, interest income, and transfer in from General Fund, not assured at the time of the adoption of the budget, and,

WHEREAS, the Town's Gas Fund expenses are expected to be \$123,116 higher than anticipated due to administrative salaries, FICA/Medicare taxes, Unemployment

insurance, Worker's comp, Operating unemployment insurance, clinic & hospital, repair & maintenance services, bank service charges, travel & meetings, gas sales tax, and supplies for resale, not assured at the time of the preparation of the budget, and,

WHEREAS, the Town's Conservation Trust Fund started the year with a beginning balance of \$4,554 and after the audited figures was actually \$103,912 which was an increase of \$99,358 and received \$42,850 unanticipated revenues from Lottery income, miscellaneous income, and interest income, not assured at the time of the adoption of the budget, and,

WHEREAS, the Town's Conservation Trust Fund expenses are expected to be \$113,150 higher than anticipated due to park improvements and trails, not assured at the time of the preparation of the budget,

NOW THEREFORE BE IT ORDAINED by the Town Board of Trustees of the Town of Ignacio Colorado;

Section 1. That the 2005 appropriation for the General Fund is hereby increased from \$1,232,578 to \$1,458,517 for the purpose of administrative salaries, overtime, FICA/Medicare tax, workers comp, contract work, audit fees, engineer fees, water, sewer, telephone, internet line, cell phone, office equipment repair & maintenance, building repair & maintenance, misc. expense, printing services, bank service charge, travel & meetings, meeting expense, office supplies, operating supplies, repair & maintenance supplies, transfer out, building inspector, police cell phones, animal control, advertising, printing services, operating supplies, gas and oil etc, public works dental insurance, repair & maintenance service, DCJ MST program, recreation FICA/Medicare tax, workers comp, misc. expense, youth baseball, parks dept. workers comp, water, community service park, and Ignacio transit. The expenses will be covered by unanticipated revenues and beginning balance.

Section 2. That the 2005 appropriation for the Debt Service Fund is hereby increased from \$140,909 to \$147,000 for the purpose of debt service payment. The expenses will be covered by unanticipated revenues and beginning balance.

Section 3. That the 2005 appropriation for the Gas Fund is hereby increased from \$521,915 to \$645,031 for the purpose of administrative salaries, FICA/Medicare taxes, Unemployment insurance, Worker's comp, Operating unemployment insurance, clinic & hospital, repair & maintenance services, bank service charges, travel & meetings, gas sales tax, and supplies for resale. The expenses will be covered by unanticipated revenues and beginning balance.

Section 4. That the 2005 appropriation for the Conservation Trust Fund is hereby increased from \$103,000 to \$216,150 for the purpose of park improvements and trails. The expenses will be covered by unanticipated revenues and beginning balance.

ADOPTED, this 14th day of December A.D. 2004.

Kirk Allen, Mayor

ATTEST: _____
Town Clerk

ORDINANCE 233

AN ORDINANCE OF THE TOWN OF IGNACIO AMENDING THE TOWN OF IGNACIO MUNICIPAL CODE, CHAPTER ENTITLED SUBDIVISION OF LAND.

WHEREAS, the Town of Ignacio, Colorado has adopted municipal codes and the municipal codes are being reviewed; and

WHEREAS, the needs of the town have made it necessary to revise the Subdivision section of the municipal code; and

WHEREAS, developmental standards for infrastructure improvements need to be updated with uniform current standards to promote appropriate growth within the town

WHEREAS, the Subdivision chapter shall be amended per the attached document, those changes superseding any ordinance or portions of ordinances related to subdivisions prior to this date; and

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO, THE MUNICIPAL CODE SUBDIVISION CHAPTER IS AMENDED AS ATTACHED.

APPROVED BY THE BOARD OF TRUSTEES on this 10th day of May, 2006.

TOWN OF IGNACIO, COLORADO

George Whitt, Mayor

Attest:

Town Clerk

ORDINANCE 234

AN ORDINANCE OF THE TOWN OF IGNACIO AMENDING THE TOWN OF IGNACIO MUNICIPAL CODE, CHAPTER ENTITLED LAND USE, TO ADD A SECTION ENTITLED ANNEXATION GUIDELINES UNDER THE STATE OF COLORADO 1965 MUNICIPAL ANNEXATION ACT AND STATE STATUTE CRS § 31-12-101.

WHEREAS, the Town of Ignacio, Colorado, Board of Trustees desires to adopt standards for continually improving the health and welfare of the citizens of the Town, and

WHEREAS, the needs of the town have made it necessary to revise the Land Use section of the municipal code; and

WHEREAS, annexation procedures need to be added to address and promote the appropriate growth within the town limits;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO, AS FOLLOWS:

II. Chapter III is amended as follows:

**3-9 Annexation Guidelines.
See attached**

APPROVED BY THE BOARD OF TRUSTEES on this 12th day of April, 2006.

TOWN OF IGNACIO, COLORADO

George Whitt, Mayor

Attest:

Town Clerk

ORDINANCE NO. 235

AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO AUTHORIZING THE SALE AND CONVEYANCE OF CERTAIN REAL PROPERTY COMMONLY KNOWN AS THE IVES PROPERTY TO THE SOUTHERN UTE INDIAN TRIBE, AND AUTHORIZING OFFICERS OF THE TOWN TO EXECUTE APPROPRIATE DOCUMENTS TO COMPLETE THE CONVEYANCE.

WHEREAS, the Town is the owner of a parcel of real property and improvements commonly known as the IVES Property (the Property), and

WHEREAS, the Board of Trustees finds that the Property is not being held for any town governmental purpose, and

WHEREAS, the Board finds that the conveyance of the property to the Southern Ute Indian Tribe (the Tribe) is in the best interests of the Town and will benefit the health and welfare of the citizens of the Town and the immediate area, and

WHEREAS, the Board of Trustees has the authority to convey the Property by Ordinance, and

WHEREAS, the Board desires to authorize certain officers of the Town to execute all documents reasonably necessary to complete the conveyance,

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO AS FOLLOWS:

1. The Board hereby approves and ratifies the Contract to Buy and Sell Real Estate between the Town and the Tribe dated April 12, 2006.
2. The Board hereby authorizes the sale and conveyance of the Property described on Attachment A, attached hereto, to the Tribe on the terms and conditions more fully described in the above referenced Contract to Buy and Sell Real Estate between the parties.
3. The Mayor and the Town Clerk are hereby authorized to execute any and all documents reasonably required to complete the conveyance of the Property to the Tribe, including, but not limited to contracts, amendments to contracts, closing instructions, settlement sheets, deeds, assignments, bills of sale, covenants, affidavits, or other customary closing documents.

APPROVED BY THE BOARD OF TRUSTEES on this 10th day of May, 2006.

THE TOWN OF IGNACIO, COLORADO

George T. Whitt, Mayor

ATTEST

Town Clerk

ATTACHMENT A
Attached to
ORDINANCE NO 235
THE TOWN OF IGNACIO, COLORADO

The following property is located in La Plata County:

LOT 18, 19, 20 AND THE NORTH 15 FEET OF LOT 21 ADJOINING SAID LOT 20, ALL IN BLOCK 7 OF THE ASPAAS FIRST ADDITION TO THE TOWN OF IGNACIO, according to the plat thereof filed for records June 7, 1910 as Reception No. 57476.

ORDINANCE NO. 236

AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO REGARDING THE AMENDMENT OF THE DISTANCE RESTRICTIONS OF LICENSED LOCATIONS FOR ALCOHOLIC BEVERAGES FROM PUBLIC SCHOOL PROPERTY.

WHEREAS, the Colorado Liquor Code provides that no application for a license to sell alcoholic beverages may be granted to a location where the building where sales are to occur is located within five hundred feet of any public parochial school property, and

WHEREAS, the Colorado Liquor Code provides that the Town of Ignacio as a local licensing authority may, by Ordinance, eliminate or reduce those distance restrictions imposed by the Liquor Code for any class of license, or may eliminate one or more types of schools from the distance restrictions, and

WHEREAS, the Town of Ignacio occupies a very small geographical area, and

WHEREAS, a very large portion of the Commercial zones in the Town where alcoholic beverage licenses could be issued is within the restricted five hundred foot limit, thereby unduly limiting potential licensed locations in the Town,

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO AS FOLLOWS:

Part 3-4 of the Town Code is amended by the addition of a section 3-4-10 to read as follows:

3-4-10 Reduction of the distance restrictions on liquor licenses from schools.

The distance restriction for locations seeking a license to sell or serve alcoholic beverages within the Town from public or parochial schools is hereby reduced from the five hundred foot restriction imposed by the Colorado Liquor Code in CRS 12-47-313 to a minimum limit of three hundred (300) feet for all classes of licenses described in CRS 12-47-401.

The provisions regarding the measuring of distances and other restrictions, except as specifically amended herein, shall not be affected by this Ordinance.

APPROVED BY THE BOARD OF TRUSTEES on this 10th day of May, 2006.

THE TOWN OF IGNACIO, COLORADO

Mayor

ATTEST

Town Clerk

ORDINANCE NO. 237

AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO ANNEXING CERTAIN PROPERTY OWNED BY TIERRA GROUP, LLC., COMMONLY KNOWN AS THE TIERRA ANNEXATION INTO THE TOWN OF IGNACIO AND DESIGNATING THE LAND USE FOR THE PROPERTY.

WHEREAS, the TOWN OF IGNACIO received a petition for Annexation from the owner of the property described herein; and

WHEREAS, TIERRA GROUP, LLC., is the current owner of 100% of the property to be annexed herein and hereby ratify the Annexation petition; and

WHEREAS, the Town Board has conducted a hearing and has found that all of the requirements of C.R.S. §31-12-101 *et seq.* have been fully complied with; and

WHEREAS, the Town desires to establish a land use designation for the property at the time of annexation; and

WHEREAS, the Town and the Owner have negotiated agreements regarding the Annexation and Development of the property; and

WHEREAS, no additional conditions have been imposed on the Annexation; and

NOW, THEREFORE, BE IT ORDAINED BY THE TRUSTEES OF THE TOWN BOARD OF THE TOWN OF IGNACIO AS FOLLOWS:

1. The following described property commonly known at the Tierra Annexation is hereby annexed into the Town of Ignacio:

See Exhibit A, attached hereto and incorporated herein by this reference for the Legal description.

2. The property is annexed subject to the terms of the Annexation and Development Agreement entered between the Town and the Owner.
3. The property is designated with the land use of R-1, Single Family Residential as further described in the Annexation and Development Agreement.

PASSED, APPROVED AND ORDERED PUBLISHED this _____ day of _____, 2006.

MAYOR:

George Whitt

ATTEST:

Town Clerk

**EXHIBIT A
ATTACHED TO
ORDINANCE NO. _____
TO ANNEX PROPERTY OWNED BY TIERRA GROUP, LLC.,
INTO THE TOWN OF IGNACIO, COLORADO**

The following described property is located in La Plata County, Colorado:

ORDINANCE NO. 238

AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO ALTERING THE RADIUS OF THE AREA INCLUDED WITHIN AN ENTRYWAY FOR THE PURPOSES OF THE COLORADO CLEAN INDOOR AIR ACT

WHEREAS, the provisions of the Colorado Indoor Clean Air Act (C.R.S. 25-14-201, et seq.) provides that smoking is not allowed within a radius of fifteen feet of any entryway to a building subject to the law; and

WHEREAS, the provisions of C.R.S. 25-14-207 provides that the Town has the authority to reduce the radius of the area around an entryways to buildings where smoking is prohibited; and

WHEREAS, the Board of Trustees has determined that the unique circumstances of establishments subject to the law within the Town makes a reduction in the radius where smoking is prohibited appropriate,

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO AS FOLLOWS:

Pursuant to the provisions of C.R.S. 25-14-207, the radius of the area that is included within the definition of an "Entryway" under the provisions of the Colorado Indoor Clean Air Act is reduced from fifteen feet (15') to _____ feet for all buildings within the Town that are subject to the Colorado Indoor Clean Air Act.

APPROVED BY THE BOARD OF TRUSTEES on this _____ day of _____, 2006.

THE TOWN OF IGNACIO, COLORADO

Mayor _____

ATTEST

Town Clerk

ORDINANCE NO. 239

AN ORDINANCE OF THE TOWN OF IGNACIO AMENDING THE TOWN OF IGNACIO MUNICIPAL CODE CHAPTER TITLED CRIMINAL OFFENSES, PREVIOUSLY APPROVED AS ORDINANCE 207, OCTOBER 14, 2003.

WHEREAS, the Board of Trustees desires to adopt standards for continually improving the health and welfare of the citizens of the Town; and

WHEREAS, the Municipal Judge for the Town of Ignacio has requested approval of the content for use in court proceedings; and

WHEREAS, the organization of the code is being upgraded to include new numbering and sections, even though Section 2, Words and Terms Defined is incomplete; and

WHEREAS, Section 8-1-3 Harassment has not changed but just been re-numbered and Section 8-5-5-(1),(2),(3) Drug Paraphernalia has been moved to 8-5-9 (1), (2), (3) Parental Responsibility, and Section 8-5-8 Probation Department has been added,

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO, THE MUNICIPAL CODE CRIMINAL OFFENSES CHAPTER IS AMENDED AS ATTACHED.

APPROVED BY THE BOARD OF TRUSTEES on this 13th day of September, 2006.

THE TOWN OF IGNACIO, COLORADO

George Whitt

Town Mayor

ATTEST:

Town Clerk

AMENDMENTS UNDER ORDINANCE 239, SEPTEMBER 13, 2006, TO THE TOWN OF IGNACIO MUNICIPAL CODE 2006, CHAPTER CRIMINAL OFFENSES

Amended Title and Section CHAPTER VIII:
 Criminal Offenses
(Ordinance 207, ~~October 14, 2003 +0-14-03,~~
Ordinance 239, September 13, 2006)

Section 1

8-1-3 Harassment.

- (1) Any person commits harassment if, with the intent to harass, annoy or alarm another person, he or she:
 - (a+) Strikes, shoves, kicks or otherwise touches a person or subjects that person to physical contact; or
 - (b2) In a public place directs obscene language or make obscene gesture to or at another person; or
 - (c) Follows a person in or about a public place; or
 - (d4) Initiates communication with a person, anonymously or otherwise by telephone, computer, computer network, or computer system in a manner intended to harass or threaten bodily injury or property damage, or makes any comment, request, suggestion, or proposal by telephone, computer, computer network or computer system that is obscene.
 - (e5) Engages in conduct or repeatedly commits acts that alarm or seriously annoy another person and that serve no legitimate purpose.

8-5-5 Drug Paraphernalia.

It shall be unlawful for any person under the age of eighteen (18) years to be in possession of any drug paraphernalia as defined in C.R.S. 18-18-426.

- ~~(2) When any person under the age of eighteen (18) years, as a result of the violation of any section of this Code, is sentenced or otherwise ordered by the Municipal Judge to pay a fine, court costs, restitution or any other fee~~

~~or is sentenced or otherwise ordered to perform community service, attend counseling, attend classes or perform any other action, then the parent or guardian of the minor shall become jointly responsible for payment of any amounts ordered to be paid and shall have a duty to assure that the minor performs any ordered community service or other action, and the failure of any parent or guardian to assure that the minor complies with an Municipal Court order shall be a separate offense for which a Summons may be issued, or which may be punishable as Contempt of Court.~~

~~(3) The provisions of the Section 6 4 5 shall not be applicable to any parent or guardian who demonstrates to the Municipal Judge that the minor is emancipated, which shall mean any minor who is over sixteen (16) and under eighteen (18) years old and who does not reside with the parent or guardian and who is solely responsible for his or her own support, or who is married.~~

8-5-6 Probation Department (Ordinance 155, April 8, 1996)

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(1) The Ignacio Probation Department is hereby established to have the duties set forth herein and on the conditions set forth herein.

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(a) The Board of Trustees shall have the authority to budget for salary and administrative requirements for a Probation Officer for the Town of Ignacio, as the Board may deem necessary from time to time.

(b) The Ignacio Municipal Court Judge shall have the authority to refer any juvenile who has been summoned to appear in Municipal Court or who has been convicted of the violation of any provision of the Code of the Town of Ignacio to the Probation Officer for any review requested by the Court or for supervision of any sentence imposed by the Court. The Court is authorized to impose conditions of probation on any juvenile convicted of violating the Code of the Town of Ignacio as the Court deems necessary or appropriate in its discretion to assist the juvenile and to deter the juvenile from future violations of the law.

(c) It shall be the duty of the Probation Officer to investigate and report upon any juvenile case referred to him or her by the Court for investigation. The Officer shall keep informed concerning the conduct and condition of each person who has been sentenced to probation by the Municipal Court, and shall make such reports as the Court may direct. The Probation Officer shall use all suitable

methods, not inconsistent with the conditions imposed by the Court, to aid persons on probation and to bring about improvement in their conduct and condition.

8-5-7 Parental Responsibility (Ordinance 155, April 8, 1996)

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- (1) When a Summons, Complaint or other Municipal Court Order of any type is issued to any person under the age of eighteen (18) years, then notice of the issuance of the Summons, Complaint or other Order shall be provided to the parent or guardian of the minor by personal service or by mailing a notice by certified mail, return receipt requested at least ten (10) days prior to the scheduled court appearance. The notice shall include the alleged violation, date of violation, and the date, time and place of the scheduled court appearance, and shall provide notice that the parent or guardian is required to appear in Municipal Court on the specified date and time with the minor. The parent or guardian of any minor who is required to appear in Municipal Court shall have the duty to assure that the minor appears as ordered and it shall be unlawful for any parent or guardian to fail to appear at each and every court appearance with the minor, and the Municipal Judge, in addition to any other penalty, may issue a warrant for the arrest of any parent, guardian or minor who fails to appear as provided herein.

This section applies to criminal matters only. Traffic citations are exempted from this notification requirement.

- (2) When any person under the age of eighteen (18) years, as a result of the violation of any section of this Code, is sentenced or otherwise ordered by the Municipal Judge to pay a fine, court costs, restitution or any other fee or is sentenced or otherwise ordered to perform community service, attend counseling, attend classes or perform any other action, then the parent or guardian of the minor shall become jointly responsible for payment of any amounts ordered to be paid and shall have a duty to assure that the minor performs any ordered community service or other action, and the failure of any parent or guardian to assure that the minor complies with an Municipal Court order shall be a separate offense for which a Summons may be issued, or which may be punishable as Contempt of Court.
- (3) The provisions of the Section 8-5-9 shall not be applicable to any parent or guardian who demonstrates to the Municipal Judge that the minor is emancipated, which shall mean any minor who is over sixteen (16) and under eighteen (18) years old and who does not reside with the parent or guardian and who is solely responsible for his or her own support, or who is married.

Amended Section

Chapter VIII
Criminal Offenses

Section 2
Words and Terms Defined

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