

**Regular Town Board Meeting
Town of Del Norte, Colorado
September 8, 2021**

The Board of Trustees of the Town of Del Norte, Rio Grande County, State of Colorado, met in regular session on September 8, 2021 in the Board Meeting Room, 140 Spruce Street, Del Norte, Colorado at the hour of 6:00 p.m. There being present at the **CALL OF THE ROLL** the following persons:

ROLL CALL:

Town Board present: Trustee Louie Velasquez, Trustee Shelly Burnett, Trustee Leigh Anne Lobato, Trustee Laura Anzalone, Trustee Joe Archuleta and Mayor Chris Trujillo, with Mayor Pro tem Bob Muncy absent. Mayor Trujillo declared a quorum present.

MINUTES:

Motion was made by Trustee Shelly Burnett and seconded by Trustee Louie Velasquez to approve the minutes for August 11, 2021 Town Board meeting. Roll call: All ayes, Mayor declared motion carried.

CITIZENS COMMENTS

Marty Asplin approached the Town Board for a letter of support for submission of a new trails grant to finish the upper east side of the mountain trail there is no matching cost to the Town. Motion was made by Trustee Laura Anzalone and seconded by Trustee Joe Archuleta to sign the letter of support. Roll call: All ayes, Mayor Trujillo declared motion carried.

CONSENT AGENDA

Chief Archuleta reviewed his report with the Town Board. Public Works Kevin Larimore also reviewed his report with the board, stated that he would like clarification of the placement of some of the stop signs in Town. He also mentioned that Chris Casias was hired to fill the open position in his department. Motion was made by Trustee Joe Archuleta to approve the consent agenda, seconded by Trustee Shelly Burnett. Roll call all ayes Mayor declared motion carried.

Unfinished Business:

Armando Ross-RG Weed District- Armando gave the Town Board an update of spraying the noxious weeds on the town right-a-ways. He did mention that he was under budget on the amount that he had quoted us, and submitted the last bill. It was consensus of the Board to continue spraying with the remaining funds left which equal to approximately \$2500.00 left in grant.

Woods and River RV Park annexation-Gene Taylor was present and gave the Board an update on the process of his annexation that he had started three years ago. His submission of the petition for annexation and the annexation agreement was available for review. Attorney Farish gave the Town Board the annexation regulations and procedures that need to follow before this goes to public hearing. Gene stated to the Town Board that he is not adding any more rv sites to the new annexation area, he feels that the rv sites he has now is plenty and he doesn't believe in cramming rv's into tight spaces. Attorney Farish explained to the Town Board, Resolution 5-2021 states that Mr. Taylor has met all the requirements for annexation, and a public hearing can be set. Motion was made by Trustee Shelly Burnett to approve Resolution 5-2021 set hearing for November 10, 2021 at 5:30 p.m, seconded by Trustee Louie Velasquez. Roll call: Yes, Mayor declared motion carried.

RESOLUTION 5-2021

A RESOLUTION FINDING SUBSTANTIAL COMPLIANCE OF A PETITION FOR THE ANNEXATION OF A TRACT OF LAND TO THE TOWN OF DEL NORTE, COLORADO AND SETTING HEARING FOR THE SAME

WHEREAS, the landowner, who comprises 100% of the landowners of the territory in the forty-acre tract of land proposed to be annexed, has petitioned for annexation to the Town of Del Norte the following described territory, to wit:

A tract of land in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 30, T. 40N, R. 6E, N.M.P.M. described as follows:

Beginning at a point on the east line of said subdivision, 50 feet Northerly at right angles from the center line of said main track as now located; thence North along the East line of said subdivision about 880 feet to the Northeast corner of said subdivision; thence west along the North line of said subdivision about 160 feet; thence South parallel with said East line of subdivision, about 865 feet to a point 50 feet Northerly at right angles from said center line of main track; thence East parallel with said main track, about 162 feet to the point of beginning, containing 2.16 acres, more or less.

WHEREAS, said Petitioner and the Board of Trustees have jointly entered into an Annexation Agreement concerning the annexation of said 2.16 acres + tract, which Agreement provides for a division of said 2.16 acres \pm tract into two parcels, designated as Tract 1, composed of 2.59 acres \pm , Tract 2, which, combined with other property of Woods & River is composed of 2.24 acres \pm upon assumption of jurisdiction and incorporation of said tract into the Town of Del Norte by annexation, and;

WHEREAS, the annexed portion of Tract 1 will be zoned RVP, Recreational Vehicle Park zone – consistent with adjacent zoning to the East of said tract. The annexed portion of Tract 2 will be zoned R2, Residential High Density zone – consistent with zoning to the east – all at the time of annexation, and;

WHEREAS, having received the petition for annexation, the Board of Trustees is required under the Municipal Annexation Act of 1965, as amended, to determine whether said petition is in substantial compliance with C.R.S. 31-12-104(1), and, if so, to follow the procedure set forth in C.R.S. 31-12-108, 109, 110 and 111.

NOW THEREFORE, be it resolved by the Board of Trustees of the Town of Del Norte, Colorado:

1. The Town Board hereby finds that the petition for annexation is signed by 100% of the landowners in the area proposed to be annexed and owning 100% of the area excluding public street and alleys and any land owned by the Town of Del Norte.
2. The Town Board hereby finds that the petition for annexation is in substantial compliance with the requirements of C.R.S. 31-12-104(1).
3. The Town Board hereby finds that it has the necessary jurisdiction to proceed with the annexation of said territory.
4. The Town Board hereby determines that it shall hold a public hearing to determine if the proposed annexation complies with C.R.S. sections 31-12-104 and 31-12-105, as amended, to establish whether or not said area is eligible for annexation under the Municipal Annexation Act of 1965, said hearing to be held at a regular meeting of the Town Board on October 28, 2021, at 5:30 p.m., in the Town Hall, Del Norte, Colorado.
5. The Town Administrator is hereby directed to give notice of said public hearing in accordance with the provisions of C.R.S. 31-12-108(2), as amended.
6. This resolution shall take effect upon its adoption.

DONE and **SIGNED** this 8th day of September 2021.

/s/ Chris Trujillo, Mayor

/s/Bernadette Martinez, Town Administrator

EXHIBIT A

A tract of land in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 30, T. 40N, R. 6E, N.M.P.M. described as follows:

Beginning at a point on the east line of said subdivision, 50 feet Northerly at right angles from the center line of said main track as now located; thence North along the East line of said subdivision about 880 feet to the Northeast corner of said subdivision; thence west along the North line of said subdivision about 160 feet; thence South parallel with said East line of subdivision, about 865 feet to a point 50 feet Northerly at right angles from said center line of main track; thence East parallel with said main track, about 162 feet to the point of beginning, containing 2.16 acres, more or less.

NEW BUSINESS:

Ms.Fowler- Call in and stated she will not be attending the meeting.

Special Events Permit-DN Mercado-Farmers Market change in location-A member of the DN Mercado organization stated that they would like to move their last Thursday night of year Farmers market to the Town north park. They have a band coming in from Denver to perform and they would like to have the vendors also sell their product. Discussion was brought up that no vehicles drive into the park area and no alcohol in the parks. The member of the group stated that he was advertising the event along the same lines as Trustee Anzalone, music in the park (*bring along family & friends, drinks, food, & blanket/chairs*) it was iterated that drinks doesn't mean (alcoholic) drinks. With more discussion motion was made by Trustee Laura Anzalone to approve the event for Mercado and allow the time to change from 7:00 p.m.to 9:00 p.m., seconded by Trustee Shelly Burnett. Roll call: All ayes, Mayor Trujillo declared motion carried.

LVLCE Hotel Group, Ltd-New Liquor Lodging and Entertainment License- Jessica Lovelace, the owner of Mellow Moon Lodge is requesting a liquor license for her lodging establishment and has submitted application. A public hearing will need to be set, along with the posting of the premises, and to give ample time for the applicant to show evidence of the needs and desires of the neighborhood, which is usually submission of a petition. Motion was made by Trustee Shelly Burnett to accept application of public hearing, and set public hearing for October 13, 2021 at 5:30 p.m.; motion was seconded by Trustee Laura Anzalone. Roll call: All ayes, Mayor Trujillo declared motion carried.

Attorney Report

Attorney Farish was made aware that the public hearing that was set earlier in the meeting for annexation was beyond the required date by Colorado Revised Statues. Motion was made by Trustee Joe Archuleta to reconsider the previous motion and set hearing date for October 28, 2021 at 5:30 p.m., motion was seconded by Trustee Louie Velasquez. Roll call: All yes, Mayor Trujillo declared motion carried.

Sidewalk Ordinance- With much discussion and review this ordinance was set for a work session for October 5, 2021 at 5:00 p.m. Trustee Laura Anzalone asked and stated that it wasn't personal to any one individual but ask about request for proposals, for example and did point out our Town Attorney; and would like to add the work session a discussion of who as board members who do they appoint. Because every year they just make motion to appointments and there is no discussion. Town Administrators stated every January the Town Board appoints, Town Administrator, Town Clerk, Town Attorney, Municipal Judge, Town Treasurer, and also Chief of Police, and Public Works. Attorney Farish stated by CRS, Town Board appoints the Town Clerk, Town Attorney, Town Treasurer and may appoint the other officers, like the Chief of Police and Public Works for the necessary of good government. Mayor Chris Trujillo reminded Trustee Laura Anzalone and corrected her that she needs board approval before she can discuss other items or add more to a work sessions. Mayor Chris Trujillo took a consensus of the Board to acknowledge Trustee Laura Anzalone request to add the discussion of request for proposals and or appointments to the October 5th work session. All were in favor of those present to have to a work session, with Mayor Chris Trujillo stating that he didn't feel appointment needed to be discussed.

Committee Updates/Other Business

Memorandum of Understanding (MOU) with CDOT on Pedestrian Crossing Signs-Town Administrator Martinez mentioned to that she has been in contact with CDOT about the installation of pedestrian crossing signs on some of the intersection in Town. They have submitted a Memorandum of Understanding if we want to proceed. The signs will have to be ordered by the Town and installed, but the installation will not be done until the spring, since CDOT limits the months of placement for those signs, so they don't interfere with snow removal. Motion was made by Trustee Shelly Burnett and seconded by Trustee Louie Velasquez to sign the agreement with CDOT, and add the west side of Columbia Avenue on Grand. Roll call: All ayes, Mayor Trujillo declared motion carried.

Chamber of Update-Del Norte Chamber has made the determination that Oktoberfest will be canceled this year.

Xcel Energy Street Lights-Trustee Laura Anzalone state that she would like contact Xcel about the inventory of some of the street lights in Town. It was consensus of the Board to allow Trustee Laura Anzalone to discuss with Xcel street light inventory.

Planning Commission Meeting-Town Administrator Martinez stated to the Town Board that with no quorum being present at the September 21, 2021, Planning Commission has requested that the date be changed, or if it should be canceled and move any agenda item to the October Planning Commission. It was decided that Planning Commission cancel the September meeting.

Executive Session

Motion was made by Trustee Shelly Burnett to go into executive session with motion being seconded by Trustee Louie Velasquez for the a conference with Town Attorney for the purpose of receiving legal advice on specific legal question under CRS 24-6-405(4) (b) and to discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest of old town shop under CRS 24-6-402(4) (a);

Trustee Shelly Burnett and motion seconded Laura Anzalone made a motion to leave the executive session, seconded by Trustee Louie Velasquez. Roll call: All ayes, Mayor declared motion carried.

The executive session is closed and the Board returned to the open meeting. The Town will start a discussion with parties interested in the old Town shop.

ADJOURNMENT

With no further business the meeting was adjourned
Submitted and approved this 13th day of October 2021.