

## **Del Norte Regular Town Board Meeting**

**September 11, 2023**

The Board of Trustees of the Town of Del Norte, Rio Grande County, State of Colorado, met in regular session on September 11, 2023, in the Board Meeting Room, 140 Spruce Street, Del Norte, Colorado at the hour of 5:00 p.m. There being present at the **CALL OF THE ROLL** the following persons:

### **ROLL CALL:**

Town Board present: Trustee Leigh Anne Lobato, Mayor Pro tem Bob Muncy, Trustee Shelly Burnett, Trustee Marty Asplin, Trustee Louie Velasquez, Mayor Chris Trujillo, with Trustee Brenton Williams absent. Mayor Trujillo declared a quorum present.

### **MINUTES:**

Trustee Shelly Burnett had some questions about the items that were not in the minutes, along with Trustee Leigh Anne Lobato, both are being addressed, we are revamping the special events application, and Del Norte Trails Organization is being addressed by them and what they want to do, but nothing final. A motion was made by Trustee Shelly Burnett and seconded by Trustee Louie Velasquez to approve the August 9, 2023 Regular Board meeting. Roll call: All ayes. Mayor Trujillo declared the motion carried.

### **CONSENT AGENDA**

Kevin mentioned the timeline of the downtown improvement project, Element has submitted the revised scope of the CDOT project, which will be from Cedar Street to Cherry Street and the revised paperwork should be coming in, with added monies that we're awarded by the other CDOT grant that was awarded in June. He also asked if there were any questions on the PER report, the engineers would like to submit to USDA for a funding grant. Motion was made by Trustee Marty Asplin to accept the PER for the wastewater, and submit to USDA for funding, motion was seconded by Trustee Louie Velasquez. Roll call: All ayes, Mayor declared motion carried. Administrator Martinez also mentioned that she had submitted an email from Kevin McCann on the water improvement project, and he did state preliminary grant funding could be as high as \$13 million for the \$21 million dollar project which would be about a 67% of grant funding for the project. It was consensus that we have USDA proceed forward on the water project funding. Chief Archuleta gave his report. Motion was made by Trustee Marty Asplin and seconded by Mayor Protem Bob Muncy to approve consent agenda. Roll call: All ayes, Mayor Trujillo declared motion carried.

### **UNFINISHED BUSINESS:**

**NFC Fitness court and studio pad-** Dr. Kolawole Bankole approached the Town Board and thanked them for the Agreement, but he is here to ask for more monies to put in the studio pad, in the amount of \$60k. He has not been in contact with the other stakeholders to see if they would also contribute but he thought he would start with the Town. With some discussion the Town Board asked that they will take this under advisement during the work session scheduled for September 19<sup>th</sup>, at 5:00 p.m.

### **NEW BUSINESS:**

**Suicide Prevention Awareness Month Proclamation-** Mayor Chris Trujillo read the proclamation. A motion was made Trustee Shelly Burnett and seconded by Trustee Louie Velasquez to proclaim the month of September Suicide Prevention Awareness for the Town of Del Norte. Roll call: All ayes, Mayor Chris Trujillo declared motion carried.

**Rio Grande Hospital Wellness Center Campus-** Arlene Harms, CEO of Rio Grande Hospital and her construction manager Joe Aldrich, from Synergy Construction Concepts approached the Town Board. Arlene mentioned that the RG Wellness center campus will have 4-6 small homes and rv sites to accommodate out of town patients' family if a loved one is having a procedure or medical emergency that will require them to stay a few days in the hospital. And according to Town codes none of the hospital campuses fits with housing since it's health care patients and not rentals to the general public. With more discussion the Town Board also concluded that what she is doing is not for the general public, and motion was made Trustee Shelly Burnett and seconded by Trustee Louie Velasquez for RG Hospital Wellness center campus to move forward the guest cottages and rv park. Roll call: All ayes, Mayor declared motion carried, and Town Board thanked Arlene and Joe for what they are doing for the community.

**Ronald Niemann 1100 8<sup>th</sup> Street- Home encroachment on Town property-** Mr. Niemann approached the Town Board that when he purchased his home that six feet of his home is on town property. He would like the Town Board to give him an encroachment easement to make it easier if he was ever to sell his home, so that this would not be an issue for him or the buyer. With some discussion a motion was made by Trustee Shelly Burnett and seconded by Trustee Louie Velasquez to have the Town Attorney draw up the necessary paperwork to allow the encroachment easement for Mr. Niemann. Roll call: All yes, Mayor declared motion carried.

**Lauren Coleman-Mellow Moon Lodge-** Approval of trash receptacle on Town property encroachment- Lauren approached the Town Board that she would like the opposite of Mr. Niemann's she wants to encroach on town property for the installation of concrete pad to house her trash receptacle. Attorney Farish mentioned a temporary use agreement could be made, if the Town Board wanted to allow it, with more discussion it was tabled until further information could be submitted.

**Special Events Permit-** Upper Rio Grande School District-Homecoming parade- Motion was made by Trustee Leigh Anne Lobato to approve the special events permit for Upper Rio Grande school district, seconded by Trustee Louie Velasquez. Roll call: all ayes, Mayor declared motion carried.

### **COMMITTEE/OTHER BUSINESS:**

Chamber Update- Will was present and stated that Oktoberfest was a success. They did make some money on the event and will be back to submit the special events application for Parade of lights next month. But he did ask that they are accepting monies for fireworks at this year's parade of lights.

A motion was made by Trustee Leigh Anne Lobato to give DN Chamber a \$1000 to go towards fireworks for parade of lights, seconded by Trustee Shelly Burnett. Roll call: All ayes, Mayor declared motion carried.

**Ordinance No. Sidewalk food service permit regulations-** Town Board was presented the draft copy and will have it on the work session for September 19, 2023.

*Correspondence email Andy Hill, Director CDO on Prop 123-* Trustee Marty Asplin answered the questions that the Town Board may have had if the Town was to opt in, he mentioned that he has been corresponding back and forth with DOLA on questions, it seems that all of the questions on non pro.

*Correspondence email Patti Kelly on Baseball Park update-* Patti's email stated that they are hoping to have Garrison fencing installed on September 15<sup>th</sup>, depending on getting the in-field dirt put in before then.

*Set work session with La Mesa Ranchettes property owners-* Work session is scheduled for September 19, 2023, at 5:00 p.m.

## **ATTORNEY REPORT**

**Attorney Farish** mentions if we had held public hearing on Ordinance 756 for the 1041 rules and regulations. The hearing will have to be posted of 30-day requirement. Administrator Martinez stated one was not scheduled and that we will have to schedule it for the November meeting.

## **EXECUTIVE SESSION**

Motion was made by Trustee Leigh Anne Lobato and seconded by Trustee Shelly Burnett to go into executive session for a conference with Town and Water Attorneys for the purpose of receiving legal advice on Town water credit leases under C.R.S. 24-6-402(4)(b). Roll call: All ayes, Mayor declared motion carried. Mayor Trujillo stated it is September 13, 2023, the time is approximately 6:43 p.m. as required by open meeting law; this executive session is being electronically recorded. Also present at this executive session are the following persons at different times, Trustee Leigh Anne Lobato, Trustee Shelly Burnett, Mayor Pro tem Bob Muncy, myself, Mayor Chris Trujillo, Trustee Marty Asplin, Trustee Louie Velasquez, Town Attorney Gene Farish, Town Administrator Bernadette Martinez, Kevin Larimore, Public Works, Treasurer Ramona Dordan and on zoom for water credits is Town Attorney Water Megan Gutwein. For the purpose of receiving legal advice on specific legal questions, under CRS Section 24-6-402 (4)(b) on Town water credit leases. I caution each participant to confine all discussion to the stated purpose of the executive session, and that no formal action may occur in the executive session. If at any point in the executive session any participant believes that the discussion is going outside the proper scope of the executive session, please interrupt the discussion and make an objection. Attorney Eugene Farish stated it was his opinion, that this is an executive session for Attorney Client communication. So, I am therefore recommending that the recording of executive session is to be turned off at approximately 6:45 p.m. Executive session took place, until motion was made and carried to exit executive session. Motion was made by Trustee Marty Asplin and seconded by Trustee Leigh Anne Lobato to come out of executive session at approximately 7:12 p.m. Mayor Pro tem Bob Muncy stated those present in executive session was himself, Trustee Shelly Burnett, Trustee Louie Velasquez, Trustee Marty Asplin, Trustee Leigh Anne Lobato, along with Town Administrator Bernadette Martinez, and Town Attorney Eugene Farish and Megan Gutwein, Town Water Attorney. Kevin Larimore Public Works and Town Treasurer Ramona Dordan. For the record, if any person who participated in the executive session believes that any substantial discussion of a matter not include in the motion to into executive session occurred during executive session, of that any improper action occurred during executive session in violation of the Open meeting law, I would ask that you stated your concerns for the record. Hearing none the next item is adjournment.

With nothing further before the Town Board meeting was adjourned.

Submitted on the 11<sup>th</sup> day of October 2023.