

**Regular Town Board Meeting  
Town of Del Norte, Colorado  
January 8, 2020**

The Board of Trustees of the Town of Del Norte, Rio Grande County, State of Colorado, met in regular session on January 8, 2020 in the Board Meeting Room, 140 Spruce Street, Del Norte, Colorado at the hour of 7:00 p.m. There being present at the CALL OF THE ROLL the following persons:

**ROLL CALL:**

**Town Board present: Trustee Bob Muncy, Trustee Brenton Williams, Mayor Pro Tem Sam Scavo, Trustee Tony Dinger, Trustee Gary Sabrowski, Trustee Laura Anzalone, and Mayor Chris Trujillo. Mayor declared a quorum present.**

**MINUTES:**

Trustee Gary Sabrowski made the motion to approve the Regular Board minutes for November 13, 2019 and December 11, 2020 Board Meeting, Trustee Brenton Williams seconded the motion. Roll call vote: All Ayes, Mayor Trujillo declared motion carried.

**CITIZENS COMMENTS:**

Lyle Tuoti – addressed the Board about his disappointment of the Chief Police Robert Fresquez leaving the Del Norte Police department.

**CONSENT AGENDA**

Kevin reported that they have been busy with snow removal and mentioned to the Board that if they noticed large piles of snow around Town they are down a dump truck. Element Engineering was not present but Kevin mentioned that the sewer project is on stand still until the frost has let up, right now some parts the frost is about three feet deep. They hope to start at the end of February or first part of March. Sergeant Archuleta gave the Police report and mentioned that he has submitted a grant to purchase new radios for the Police department. Motion was made by Trustee Gary Sabrowski to accept the grant that was submitted for new radios for the police department, seconded by Trustee Tony Dinger. Roll call: All yes, Mayor declared motion carried. Bobby Fresquez was present and wanted to let the Town Board that he did submit his resignation and hopes the Town Board will chose carefully the next Chief, the Town is changing and he also stated this is the hardest thing he will ever have to do; at this time he took out his badge and handed it to Town Administrator Bernadette Martinez. Motion was made and seconded to approve the consent agenda. Roll call all ayes, Mayor Chris Trujillo declared motion carried.

**UNFINISHED BUSINESS**

**Ordinance 723-Amend Ordinance 721-Levying of Property taxes**-Town Treasurer stated that she was contacted by the RG Assessors office that there was an error on their part and the Levying of property taxes that was submitted needed to be amended. Motion was made by Trustee Gary Sabrowski to approve the Ordinance 723, seconded by Trustee Brenton Williams. Roll call; All yes, Mayor declared motion carried.

**ORDINANCE NO. 723**

**AN ORDINANCE AMENDING ORDINANCE NO. 721 (LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2020, TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE TOWN OF DEL NORTE, COLORADO, FOR THE 2020 BUDGET YEAR.)**

**WHEREAS**, the Board of Trustees of the Town of Del Norte, has adopted the annual budget in accordance with the Local Budget Law, on December 11, 2019 and;

**WHEREAS**, the Board of Trustees thereafter adopted Ordinance No. 721 levying property taxes for the year 2020, and;

**WHEREAS**, Rio Grande County thereafter notified the Town that the County's certification to the Town was incorrect due to software problems which the County was using, and;

**WHEREAS**, the amount of money necessary to balance the budget for general operating purposes from property tax revenue is **\$128,873**, and;

**WHEREAS**, the 2019 valuation for assessment for the Town of Del Norte as certified by the County Assessor is **\$10,150,699**.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DEL NORTE, COLORADO THAT ORDINANCE NO. 721 BE AMENDED TO READ AS FOLLOWS:**

**Section 1.** That for the purpose of meeting all general operating expenses of the Town of Del Norte during the 2020 budget year, there is hereby levied a tax of 13.223 mills (plus refund abatement of .012 - **\$122.00**) and minus a **.539** Temporary Mill Levy Rate Reduction for a total of **12.696** upon each dollar of the total valuation for assessment of all taxable property within the Town for the year 2020. The temporary mill levy reduction includes a **\$5,471** reduction of property tax revenue to restrict the revenue in accordance with the 5.5% revenue limit.

**Section 2.** That the Mayor is hereby authorized and directed to immediately certify to the County Commissioners of Rio Grande County, Colorado, the mill levies for the Town of Del Norte as hereinabove determined and set.

**ADOPTED this 8<sup>th</sup> day of January 8, 2020 nunc pro tunc to December 11, 2019**

## **NEW BUSINESS**

**Resolution 2-2020- Designation of Official status for the calendar year 2020.** Motion was made by Trustee Tony Dinger and seconded by Trustee Bob Muncy to approve resolution 2020. Roll call: All yes, Mayor Chris Trujillo declared motion carried.

### **RESOLUTION NO. 2-2020 DESIGNATION OF OFFICIAL STATUS FOR THE CALENDAR YEAR 2020 FOR THE TOWN OF DEL NORTE**

**WHEREAS**, the provisions of CRS 31-4-304 impose a duty on the Board of Trustees of statutory towns to confirm/appoint official status of town officers and posted positions within thirty days after newly elected officers have assumed their offices; and

**WHEREAS**, Section 2-3-80 of the Del Norte Municipal Code reserves the right of appointment of certain municipal officials to the Town Board of Trustees.

**NOW THEREFORE**, be it resolved by the Board of Trustees of the Town of Del Norte that the following official status is hereby designated for the Town of Del Norte for the Year 2020:

1. Bernadette Martinez is hereby appointed as Town Administrator/Clerk.
2. Ramona Dordan is hereby appointed as Town Treasurer.
3. Dan Allee is hereby appointed as Municipal Judge.
4. Eugene L. Farish is hereby appointed as Town Attorney.
5. Kevin Larimore is hereby appointed as Public Works Supervisor.
6. Wall, Smith & Bateman is hereby appointed as the Town Auditing Firm.
7. The Del Norte Prospector and the Valley Courier are hereby designated as the Town's two official newspapers.

8. First Southwest Bank, Del Norte Bank, Community Banks of Colorado, and ColoTrust is hereby designated as the depository for Town funds.
9. Town Board meetings shall be held at Town Hall, 140 Spruce Street, Del Norte, Colorado, on the second (2<sup>nd</sup>) Wednesday of each month at 7:00 pm, unless notice is otherwise provided.
10. The official posting places for Notice of Meetings of the Board of Trustees shall be the front door of Town Hall and the Town's website at DelNorteColorado.com.

This Resolution may be supplemented with further personnel appointments duly passed by the Board of Trustees.

APPROVED this 8<sup>th</sup> day of January, 2020.

### **Attorney Report**

**Resolution 1-2020- Finding of Facts regarding the proposed annexation of parcels of land.** Motion was made by Trustee Laura Anzalone and seconded by Trustee Gary Sabrowski to approve Resolution 1-2020. Roll call: All yes, Mayor Chris Trujillo declared motion carried.

### **RESOLUTION NO. 1-2020**

#### **A RESOLUTION MAKING CERTAIN FINDINGS OF FACT REGARDING THE PROPOSED ANNEXATION OF PARCELS OF LAND TO THE TOWN OF DEL NORTE, COLORADO**

**WHEREAS**, the Town Board of Trustees of the Town of Del Norte, Colorado, has found a petition for the annexation of the hereinafter described parcels of land to be in substantial compliance with the requirements of Section 31-12-1 07(1), Colorado Revised Statutes; and

**WHEREAS**, the Town Clerk has provided notice of public hearing on the proposed annexation by publication once per week for four successive weeks and by registered mail to the Clerk of the Board of County Commissioners, the County Attorney, the school district and to any special district having territory in the area to be annexed; and

**WHEREAS**, the Town Board has completed a public hearing to determine if the proposed annexation complies with Article II, Section 30 of the Colorado Constitution and Sections 31-12-104 and 105, Colorado Revised Statutes, to establish eligibility for annexation.

#### **NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF DEL NORTE, COLORADO:**

That the Town Board of Trustees hereby finds and concludes with regard to the annexation of the territory' described in Exhibit A attached hereto and incorporated herein, that not less than one- sixth of the perimeter of the area proposed to be annexed is contiguous with the existing boundaries of the Town; and therefore, because of such contiguity, a community of interest exists between the territory proposed to be annexed and the Town; the territory proposed to be annexed is urban or will be urbanized in the near future, and that the territory proposed to be annexed is integrated or is capable of being integrated with the Town; and

#### **BE IT FURTHER RESOLVED:**

That the Town Board of Trustees finds and determines that no land held in identical ownership has been divided or included without written consent of the owner thereof; that no annexation proceedings have been commenced by another municipality; that the annexation will not result in the detachment of area from a school district; that the annexation will not result in the extension of a municipal boundary more than three miles; that the Town has in place a plan for said three mile area; and that in establishing the boundaries of the area to be annexed the entire width of any street or alley is included within the area annexed.

#### **BE IT FURTHER RESOLVED:**

That an election is not required, and no additional terms or conditions are to be imposed upon the area to be annexed.

**PASSED, APPROVED and ADOPTED** by the Town Board of Trustees this 8th day of January, 2020.

**Ordinance No. 724**-Motion was made by Trustee Tony Dinger and seconded by Trustee Bob Muncy to approved Ordinance 724-Annexing property known as the Upper Rio Grande School District. Roll call: All Yes, Mayor Trujillo declared motion carried

**ORDINANCE NO. 724  
OF THE TOWN BOARD OF TRUSTEES OF DEL NORTE ANNEXING THE PROPERTY  
KNOWN AS THE UPPER RIO GRANDE SCHOOL DISTRICT ANNEXATION TO THE  
TOWN OF DEL NORTE, COLORADO**

WHEREAS, Resolution 4-2019, finding substantial compliance and initiating annexation proceedings for the Upper Rio Grande School District (URGSD) Annexation to the Town of Del Norte, as defined therein and described below, was previously adopted by the Town Board of Trustees; and

WHEREAS, Resolution 4-2019 setting forth findings of fact and determinations regarding the URGSD Annexation was adopted concurrently with the passage of this Ordinance; and

WHEREAS, the Town Board of Trustees has determined that it is in the best interests of the Town to annex the property to be known as the URGSD Annexation (the "Property") to the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF DEL NORTE as follows:

Section 1. That the Town Board of Trustees hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the Town Board of Trustees hereby incorporates the findings of Resolution 4-2019 and further finds that it is in the best interests of the Town to annex the Property to the Town.

Section 3. That the Property, more particularly described as:

**Survey Description for Tract 1-First Annexation**

A tract of land located in a fraction of the East Half of the West Half of the northwest Quarter (E1/2W1/2NW1/4) Section 32, Township 40 North, Range 6 East, New Mexico Principal Meridian, Rio Grande County, Colorado, and being more particularly described by metes and bounds as follows to-wit Beginning at the North Quarter Corner of said Section 32; Thence S63°12'45"W a distance of 1491.83 feet to the Southeast corner of Block 41, Gredig's Addition to the Town of Del Norte and the True Point of Beginning; Thence S83°44'30"E a distance of 142.66 feet; Thence S83°55'49"E a distance of 152.66 feet; Thence S0°02'23"W a distance of 459.52 feet; Thence N74°07'07"W a distance of 215.01 feet; Thence N88°52'00"W a distance of 86.96 feet to a point on the East Boundary of the Town of Del Norte; Thence N0°03'36"E a long said East Boundary a distance of 430.66 feet to the True Point of Beginning, containing 2.946 acres, more or less. The above described tract of land is subject to all existing easements and rights-of-way of what-so-ever nature.

**Survey Description for Tract 2-Second Annexation**

A tract of land located in a fraction of the East Half of the West Half of the northwest Quarter (E1/2W1/2NW1/4) Section 32, Township 40 North, Range 6 East, New Mexico Principal Meridian, Rio Grande County, Colorado, and being more particularly described by metes and bounds as follows to-wit:Beginning at the North Quarter Corner of said Section 32; Thence S44°04'08"W a distance of 1806.71 feet to the Northeast corner of La Mesa Subdivision and the True Point of Beginning; Thence N20°23'00"W a distance of 80.00 feet; Thence S87°23'00"E a distance of 295.00 feet; Thence S20°23'00"E a distance of 420.00 feet; Thence N87°23'00"W a distance of 295.00 feet; Thence N20°23'00"W along the East Boundary of La Mesa Subdivision a distance of 340.00 feet to the True Point of Beginning, containing 2.618 acres, more or less. The above described tract of land is subject to all existing easements and rights-of-way of the what- so- ever nature.

**Survey Description for Tract 3-Third Annexation**

A tract of land located in a fraction of the East Half of the West Half of the northwest Quarter (E1/2W1/2NW1/4) Section 32, Township 40 North, Range 6 East, New Mexico Principal Meridian, Rio Grande County, Colorado, and being more particularly described by metes and bounds as follows to- wit: Beginning at the North Quarter Corner of said Section 32; Thence S16°02'42"W a distance of 1317.44 feet to the True Point of Beginning; Thence 80°04'30"W a distance of 1077.26 feet; Thence N77°01'48"W a distance of 420.00 feet; Then along the East Boundary of the La Mesa Subdivision for the following three (3) courses; Thence N17°17'00"E a distance of 92.67 feet; Thence N37°43'00"W a distance of 594.17 feet; Thence N20°23'00"W a distance of 78.69 feet; Thence S87°23'00"E a distance of 295.00 feet; Thence N20°23'00"W a distance of 420.00 feet; Thence S87°18'00"E a distance of 626.35 feet to the True Point of Beginning, containing 13.206 acres, more or less. The above described tract of land is subject to all existing easements and rights-of-way of what-so-ever nature.

#### **Survey Description for Tract 4-Fourth Annexation**

A tract of land located in a fraction of the East Half of the West Half of the northwest Quarter (E1/2W1/2NW1/4) Section 32, Township 40 North, Range 6 East, New Mexico Principal Meridian, Rio Grande County, Colorado, being Tract 2 of the Mann Minor Subdivision as filed in Drawer 11, Map No. 391 of the Rio Grande County Records, and being more particularly described by metes and bounds as follows to-wit: Beginning at the North Quarter Corner of said Section 32; Thence S0°04'09"W along the North-South Centerline of said Section 32, a distance of 203.21 feet to the True Point of Beginning; Thence continuing 80°04' 09"W along said North-South Centerline a distance of 2223.59 feet; Thence N77°02'32"W a distance of 372.08 feet; Thence N0°04'30"E a distance of 1077.26 feet; Thence N87°18'00"W a distance of 626.35 feet; Thence N87°23'00"W a distance of 295.00 feet; Thence S20°23'00"E a distance of 80.00 feet; Thence S89°06'00"W a distance of 70.61 feet; Thence N81°15'12"W a distance of 5.24 feet to a point on the East limits of the Town of Del Norte; Thence N0°03'36"E along the East Limits of the Town of Del Norte, a distance of 195.44 feet, Thence S88°52'00"E a distance of 86.96 feet; Thence S74°07'07"E a distance of 215.01 feet; Thence N0°02'23"E a distance of 459.52 feet; Thence N0°07'59"W a distance of 484.74 feet; Thence N89°06'49"E a distance of 1039.13 feet to the True Point of Beginning, containing 34.996 acres, more or less. The above described tract of land is subject to all existing easements and rights-of-way of what-so-ever nature.

#### **Survey Description for Tract 5-Fifth Annexation**

A tract of land located in a fraction of the East Half of the West Half of the northwest Quarter (E1/2W1/2NW1/4) Section 32, Township 40 North, Range 6 East, New Mexico Principal Meridian, Rio Grande County, Colorado, and being more particularly described by metes and bounds as follows to- wit Beginning at the North Quarter Corner of said Section 32; Thence S0°04'09" W along the North- South Centerline of said Section 32, a distance of 203.21 feet; Thence S89°06'49"W a distance of 1039.13 feet; Thence S0°07'59"E a distance of 484.74 feet; Thence N83°05'49"W a distance of 152.66 feet; Thence N83°44'30"W a distance of 142.66 feet; Thence N0°03'36"E along the existing town limits of the Town of Del Norte, a distance of 651.75 feet; Thence N89°06'49"E along the North line of said Section 32 a distance of 1331.21 feet to the point of beginning, containing 9.347 acres, more or less. The above described tract of land is subject to all existing easements and rights-of-way of what-so-ever nature.

NOTE: The Upper Rio Grande School District was formerly known as the Del Norte School District Consolidated No.7

The above described tract of land is hereby annexed to the Town of Del Norte and made a part of said Town, to be known as the "Upper Rio Grande School District" Annexation to the Town of Del Norte (URGSD Annexation), which annexation shall become effective upon completion of the conditions contained in Section 31-12-113, C.R.S., including, without limitation, all required filings for recording with the Rio Grande County Clerk and Recorder.

Section 4. The Town Board of Trustees has considered the recommendation of the Town Planning Commission and hereby zone the above-described property being annexed as R-1 Residential Medium Density, as compatible with adjacent zones.

Section 5. That, in annexing the Property to the Town, the Town does not assume any obligation respecting the construction of water mains, sewer lines, gas mains, electric service lines, streets or any other services or utilities in connection with the Property hereby annexed except as may be provided by ordinances of the Town.

HEALTH AND SAFETY CLAUSE: Due to the necessity of school children being moved into new school buildings occupying a substantial portion of the property being annexed and in consideration of a determination of the responsible entity responsible for law enforcement protection of the same, it is hereby declared that this Ordinance is necessary for the immediate health, welfare, and safety of the public and shall become effective upon passage of the same.

**PASSES AND APPROVED THIS** 8th day of January, 2020.

**IGA-Upper Rio Grande School District** this is tabled until we know if RG County is going to give property to the Town or School.

Town sign meeting with be January 17<sup>th</sup> at 3:00 p.m. at Eco-dynamics.

#### **ADJOURNMENT**

With no further business the meeting was adjourned  
Submitted and approved this 12th day of February 2020.