

**Regular Town Board Meeting
Town of Del Norte, Colorado
April 14, 2021**

The Board of Trustees of the Town of Del Norte, Rio Grande County, State of Colorado, met in regular session on April 14, 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, Mayor Pro Tem Bob Muncy, Trustee Shelly Burnett, Trustee Leigh Anne Lobato, and Trustee Laura Anzalone, Trustee Joe Archuleta and Mayor Chris Trujillo. Mayor Trujillo declared a quorum present.

MINUTES:

Mayor Pro tem Bob Muncy made the motion to approve the Regular Board minutes for March 10, 2021 Board Meeting, Trustee Shelly Burnett seconded the motion. Roll call vote: All Aye, Mayor Trujillo declared motion carried.

CONSENT AGENDA

Chief Archuleta mentioned that thefts are up. Kevin mentioned that he is working on clean up around Town, he does have the lights up on the town sign across the river and would like members to go by after the meeting to take a look. He presented the Town Board with a proposal for curb and gutters on Spruce Street across from Carthers Roadhouse and curb and gutter on Ninth and Spruce Street. Spruce was supposed to be done last year. With some discussion a motion was made by Trustee Laura Anzalone and seconded by Trustee Louie Velasquez to do these two sections of Town with curb and gutter. Roll call: All yes, Mayor declared motion carried. Kevin stated that he will work on the cost of asphalt for those areas. Trustee Laura Anzalone made motion and seconded by Trustee Joe Archuleta to approve the consent agenda. Roll call all ayes Mayor declared motion carried.

Items Removed from Consent Agenda- Element Engineering Report- Element Engineering Report-Dinking Water Preliminary report proposal and the Ninth Street proposal was submitted by Element Engineering- Motion was made by Trustee Shelly Burnett and seconded by Mayor Pro tem Bob Muncy. Roll call: All yes, Mayor declared motion carried.

NEW BUSINESS:

Kathryn Trujillo and Cindy Williams - Del Norte Library – Story walk presentation-Kathryn presented the concept to Town Board to propose from the Del Norte Library a way to help promote a literacy activity using the Town of Del Norte River walk trail. Laminated pages from a children's book are attached to wooden stakes with a shadow box, which are installed along an outdoor path. As you stroll down the trail, you're directed to the next page in the story, each story is 30 pages long. With some discussion the Town Board loved the concept and has offered to display the story walk in the North park and not along the river walk trail. Kathryn thanked the Town Board and stated they will start working on funding for the project and hope to have it displayed sometime next year.

Kehr & Company, LLC-Renewal of Hotel and Restaurant Liquor license –Motion was made by Trustee Shelly Burnett to approve the liquor renewal for Kehr & Company, seconded by Mayor Pro Bob Muncy. Roll call: All ayes, Mayor declared motion carried.

Ofelias's Taqueria, LLC-Renewal of Hotel and Restaurant Liquor License-Motion was made by Mayor Protem Bob Muncy and seconded by Trustee Shelly Burnett to approve Ofelias's liquor renewal. Roll call: All ayes, Mayor declared motion carried.

Timmy x2 LLC-Renewal of Hotel Restaurant Liquor License-Motion was made by Trustee Laura Anzalone and seconded by Trustee Louie Velasquez. Roll call: All ayes. Mayor declared motion carried.

New Life Fellowship Church-Special Events permit- Larissa Salazar and Cisco Aguilar presented to the Town Board a special events permit to allow the Church to bring music performers and events for children in the park on May 1 and May 2, 2021. With much discussion on the Town's moratorium on special events until July due to the pandemic, Larissa and Cisco explained that they will encourage social distancing and facial coverings to the attendees of the event. Trustee Laura Anzalone stated that she felt the Town should wait until the end of June before we allow events in the park. Kevin Larimore mentioned that the Governor has loosened restriction on outdoor events up to 500 people, if social distancing could be maintained. Cisco stated that he didn't know what the attendance was going to bring to this event. After more discussion, motion was made by Trustee Shelly Burnett to allow the special events for New Life Fellowship; motion was seconded by Mayor Pro tem Bob Muncy. Roll call: Burnett aye, Mayor Pro tem Muncy aye, Mayor Chris Trujillo nay, Trustee Velasquez and Trustee Archuleta abstained from voting; Trustee Anzalone aye, and Trustee Lobato nay, Mayor declared motion carried. Cisco and Larissa thanked the Town Board.

Attorney Report

Ordinance No. 733-Amending Art. 1 Nuisances Chapter 7-Outdoor Lighting- Attorney Farish mentioned that he had drafted the Ordinance, but there may be some revision to the height of the pole for mounted lights. Motion was made by Trustee Laura Anzalone to adopt Ordinance No. 733 with the revision that pole mounted lights not exceed 16 feet in height, motion was seconded by Mayor Pro tem Bob Muncy. Roll call: All ayes, Mayor Trujillo declared motion carried.

ORDINANCE NO. 733

AN ORDINANCE OF THE TOWN OF DEL NORTE AMENDING ARTICLE 1 (NUISANCES) OF CHAPTER 7 (HEALTH, SANITATION, AND ANIMALS) OF THE DEL NORTE MUNICIPAL CODE BY ADDING A SECTION RELATING TO OUTDOOR LIGHTING

WHEREAS, the Board of Trustees of the Town of Del Norte has become aware of nuisance issues regarding glare and illumination emanating from unshaded lighting in the Town, and

WHEREAS, the Board of Trustees has reviewed provisions of codes in other nearby towns concerning lighting, illumination, and glare and believe it would contribute to public health and safety to provide regulations relating to outdoor lighting in the Town.

NOW THEREFORE, be it ordained by the Board of Trustees of the Town of Del Norte, that the following section be enacted and added to Article 1, Chapter 7 of the Del Norte Municipal Code:

Sec. 7-1-320 Outdoor lighting, shaded lighting requirements.

(a) It shall be unlawful to allow, permit, or maintain any residential use or operation of exterior lighting from any source to be located or concentrated so as to produce glare or light trespass causing direct illumination across a neighboring property line or to be of such intensity as to detract from the use and enjoyment of an adjacent property. Such usage is hereby deemed a trespass. Light sources shall be concealed or shielded to the maximum extent feasible to minimize the potential for glare, light trespass, and unnecessary diffusion on bordering property and away from the vision of passing motorists. All lights shall be directed downward and the light source shall be equipped with cutoff devices so that it will not be visible from any adjacent property and to ensure that ambient skyward light is eliminated. Pole mounted light fixtures shall be mounted no higher than sixteen (16) feet from the ground. Lighting mounted on a building or structure shall not exceed the height of the building or structure. The failure to shade exterior lighting fixtures as above described in order to avoid causing sky glow, direct light on any adjacent property or on any public right-of-way is declared to be a nuisance.

DONE and SIGNED this 14th day of April 2021.

Ordinance No. 734-Amending Short Term rental owner/occupied in CB and CH districts-Attorney Farish explained that in a CB and CH zones, it was not feasible to have owner/occupied in these zones and change will need to amend the ordinance. Motion was made by Mayor Pro-tem Bob Muncy to amend the short term rental ordinance and seconded by Trustee Joe Archuleta. Roll call: All ayes, Mayor declared motion carried.

ORDINANCE No. 734

AN ORDINANCE AMENDING ORDINANCE NO. 726

(AN ORDINANCE OF THE TOWN OF DEL NORTE, COLORADO AMENDING THE DEL NORTE MUNICIPAL CODE BY ADDING "SHORT-TERM RENTAL" AS ARTICLE THIRTEEN OF THE ZONING CODE)

WHEREAS, the Town Planning Commission of the Town of Del Norte has received several requests from property owners in the Town regarding owner-occupied mandates in the CH and CB districts for residences contained therein, and

WHEREAS, the Board of Trustees desires to accept the recommendation of the Planning Commission.

NOW THEREFORE, be it ordained by the Board of Trustees of the Town of Del Norte, that Sec. 16-13-20(c) of the Del Norte Municipal Code be amended to read as follows:

ARTICLE 13

Short-term Rentals

Sec. 16-13-20. Permits, insurance, and taxes.

The number of short-term rentals within the Commercial Highway zoned corridors and commercial business districts shall not exceed ten (10) each for said districts, **and residences need not be owner-occupied in said districts.**

DONE and **SIGNED** this 14th day of April, 2021

Ordinance No. 735-Amend Section 16-2-20 Town Code on accessory structures side setbacks-Motion was made by Trustee Louie Velasquez to amend section 16-2-20 of Town code as stated, seconded by Trustee Shelly Burnett. Roll call; all ayes Mayor Trujillo declared motion carried.

ORDINANCE NO. 735

AN ORDINANCE REPEALING SUBSECTION (b)(3) OF SECTION 16-6-20 OF THE DEL NORTE MUNICIPAL CODE

WHEREAS, the Del Norte Town Planning Commission has reviewed Section 16-6-20 (Accessory uses and structures) of the Del Norte Municipal Code and deems subsection (b)(3), which addresses accessory structures in corner lots in RU, R1, R2, and MHP Districts and allows such structures to be set back from a side street a distance of 15 feet if built behind a principal structure and deems said provision impractical and unnecessary.

NOW THEREFORE, be it ordained by the Board of Trustees of the Town of Del Norte, that Sec. 16-6-20(b)(3) (Accessory uses and structures) of the Del Norte Municipal Code is hereby repealed.

DONE and **SIGNED** this 14th day of April, 2021.

Chamber Update- Will was present and stated that Del Norte Middle school students will be helping with Clean up day and if we could get more trash bags. Oktoberfest is still a big maybe and has not been confirmed yet. Parade of lights they are still working on. He also stated that Chamber has been approached by RG County to handle the monies and they are still working on that. Will also stated that he had talked to Scott who will be doing the Rhythms on the Rio next year and they are planning on holding the event in the park next summer.

Tree Board-Tree Board approval of the Xcel Energy grant for planting trees in the park. Motion was made by Trustee Laura Anzalone to accept the grant from Xcel for planting of trees in the park, grant amount is \$4000. Motion was seconded by Mayor Pro tem Bob Muncy. Roll call: All ayes, Mayor Trujillo declared motion carried.

Old Town Signs-Administrator Martinez mentioned that Val Dillely has been working with RG Hospital and they would like to advertise hospital on the sign. Martinez mentioned that she has been asked by several businesses if they could advertise also on the sign. With some discussion motion as made Trustee Shelly Burnett and seconded by Mayor Pro tem Bob Muncy to give the sign to Rio Grande Hospital. Roll call: All ayes, Mayor Trujillo declared motion carried.

RG Hospital Wellness Center-Administrator Martinez mentioned that RG Hospital is wanting to relocate the pipeline easement so it doesn't interfere with Wellness center project. Town Board stated to allow RG Hospital to relocate the water pipeline easement at their expense once they start construction on site.

Executive Session

Motion was made by Trustee Laura Anzalone and seconded by Trustee Shelly Burnett to go into executive session for a conference with Town Attorney for the purpose of receiving legal advice on specific legal questions under CRS 24-6-402(4)(b), on the Rio Grande County athletic fields. Mayor Trujillo carried. Mayor Trujillo asked for a motion to

come out of the executive session, Trustee Laura Anzalone made a motion to leave the executive session, seconded by Trustee Louie Velasquez. The executive session is closed and the Board returned to the open meeting. The Town will be submitting a proposal to the Rio Grande County Commissioners for ownership of the athletic fields.

ADJOURNMENT

With no further business the meeting was adjourned
Submitted and approved this 12th day of May 2021.