

**TOWN OF SAN LUIS**  
**408 MAIN STREET ... SAN LUIS, COLORADO 81152**  
**MINUTES – REGULAR MEETING**  
**TUESDAY, JANUARY 8, 2013**  
**CALLED TO ORDER at 6:32 P.M. in the Town Hall**

**ROLL CALL:**

<i>Board Of Trustees:</i>			
Theresa S. Medina, Mayor	<b>Excused</b>	Jake Mondragon, Maintenance	<b>Present</b>
France Lavoie, Finance	<b>Present</b>	Susan Sanderford, Office Manager	<b>Present</b>
Gabrielle Aragon, Planning & Zoning & Police Commissioner	<b>Present</b>	Acela Garcia, Purchasing Agent	<b>Excused</b>
Charlene Gallegos, Mayor Pro-Tem	<b>Present</b>	Attorney Matthew Hobbs	<b>Present</b>

(5) Board Member Present, Quorum Established.

Others present: Mr. Floyd N. Martinez, Jr. – Maintenance, Mary Jo Manzanres, Town Clerk

Mayor Pro Tem Charlene Gallegos chaired the meeting.

**CONSENSUS APPROVAL**

**Motion by Trustee France LaVoie, 2<sup>nd</sup> by Trustee Susan Sanderford that agenda be approved as written. Motion carried unanimously.**

**Motion by France Lavoie, seconded by Gabrielle Aragon that minutes be tabled until later in the meeting, giving Trustees a chance to read them. 2<sup>nd</sup> by Trustee Gabrielle Aragon.**

**AUDIENCE COMMUNICATIONS:**

Adrian Maestas introduced his business partner, Mr. Leonard Garcia and addressed Town Trustees regarding the renewal fee for the 2013 Medical Dispensary License. Mr. Maestas stated that:

- (1) when Dispensary was set up and Business license was originally acquired, a set fee was agreed on, (didn't say how much).
- (2) Town Clerk did not issue 2013 Business license because of question that she herself has. Town Clerk stated that she does not have questions regarding amounts, but is unsure of amount that is to be charged for 2013 (Figures discussed were \$100.00, \$500.00 and current fee schedule in the amount of \$3,000.00),
- (3) Mr. Maestas asked if a change did come about, shouldn't we, as a local business, of been advised or invited to the meeting when changes were going to take place? Shouldn't there at least have been some public comment? Mr. Hobbs explained that agenda's are posted, so that residents may look at the agenda and attend meeting if there is a need to attend and to comment.
- (4) Is it going to be \$100.00, amount paid for 2012. Are you asking for \$3,000.00, or are you asking for a fee of \$500.00? Mr. Maestas asked for clarification.
- (5) Trustee Gabrielle Aragon stated that fee schedule is approved every year in February and that once fee schedule is approved by Town Boards, approved fee schedule must be followed, went on to state that all Trustees have had a question as to where the \$3,000 figure within that 2012 Fee Schedule document came from.
- (6) Mr. Hobbs stated that \$100.00 fee that was paid was for Business License, but that for some reason fees for the Medical Marijuana Dispensary Center hasn't been collected. Mr. Maestas stated that Mr. John Seckman, with the Colorado Medical Marijuana Enforcement Division informed Mr. Maestas, by phone that the only thing holding up Dispensary State License is that paperwork mailed to Town of San Luis has yet to be returned. Paperwork was mailed on December 14, 2012. Mr. Maestas will bring Phone number and Town Clerk will contact Mr. John Seckman, so that necessary form may be signed/approved and mailed back to Mr. Seckman.
- (7) Mr. Hobbs stated that there is some confusion on what the Marijuana fee is. There is a business license fee and then a license that is required for operating a marijuana Dispensary. The \$3,000.00 comes from the

fee schedule that was adopted by form of resolution in 2012. Fees are not set in stone, the amount that you paid one year won't necessarily be the amount that you will pay the following year.

- (8) Mr. Maestas asked if fee is \$3,000.00? Are there other business paying the same amount that the town is asking us to pay? What were the basis for raising the fee? Our fee didn't jump 100%, it jumped 300% Are you going to ask us for \$3,000? Stated that Denver may charge \$3,000, but the volume of business in Denver out weights anything that they can do in this small community, but we are bringing income into this community, and we feel a part of the community, we have lived here all of our lives. \$500.00 is within reason but \$3,000.00 is outrageous, we want to be treated fairly, we are classified as a medicinal product that is being supplied to people who have prescriptions, it is a serious business and in all fairness, we need to be recognized just as much as the liquor stores. We introduced business to this community, a legitimate business and there is proof that our business does have beneficial benefits. Medical marijuana is one of the most scrutinized business and we pay some of the highest taxes paid to the state, county and city. The Marijuana Dispensary has not cost the city a penny, have a State of the Art Security System ..... Mr. Maestas asked that the \$3,000 fee be reconsidered.
- (9) Trustee Gabrielle stated that after reviewing the tax information from prior years, findings were that some businesses were not paying their fair share of taxes, it was then that Legal Counsel was asked to draw up a fee schedule, that is approved on a year to year basis. Trustees do not necessary review each line item, document is adopted as one document.
- (10) Mr. Hobbs stated that when ordinance was enacted, the fees were not \$3,000.00, there were \$100.00 for Business License and \$500.00 fee for Dispensary Center per year. .... Mr. Hobbs stated that he is not sure where the \$3,000 figure came from. Mr. Hobbs stated that there is no reason why Town's Business cannot be issued. It is the Medical Marijuana Dispensary Center that is in question.

Mayor ProTem, Charlene stated that the Town wants to be fair. Mr. Hobbs suggested that Fee Schedule be put on the Agenda for February 12, 2013 meeting. Trustee France LaVoie stated that fee schedule must be reviewed/revised/amended before it is approved for year 2013.

Trustee Susan asked what happens if someone wants to grow marijuana in their home, what are we going to do. According to Mr. Hobbs, based on amendment 64, if they want to grow Marijuana in their homes, they can do it.

Mr. Maestas will come in tomorrow for the Medical Marijuana Dispensary's Business License and will pay a \$100.00 fee, the issue again is the \$3,000.00 fee for the Center.

#### MAINTENANCE:

Mr. Martinez --- nothing to report other than turning in fuel log sheet, used 100 gallons, staying busy clearing roads/streets. Trustee Gabrielle asked if there is something that can be done to clear icy cross roads/streets, a mixture of sand and Ice melt are the only real solutions.

Mr. Martinez asked about the Car Auction ... Trustee Gabrielle responded that Sheriff's Office will inform her when Police car auction is scheduled. Undersheriff informed Gabrielle that they are ready to pick up the Town's Tahoe, Trustee Gabrielle is supposed to drive it over, hasn't done it yet, hopes to be able to drive Tahoe to the sheriff's dept. tomorrow, and that Denver Police Dept is selling their Crown Victorias for \$700.00, cars are in super good condition, Officer suggested to Trustee Gabrielle that money from sale of two (2) Town cars could be used to purchase a Crown Victoria. Mr. Martinez stated that town is in real need of a 4 wheeler with plow and that the money from sale of cars could be used to purchase a 4 wheeler, stated that he has been getting on sidewalks with the truck. Cost of 4-wheeler is between 8,000/10,000...

Town Clerk will call HUTF regarding 4 wheeler and police cars.....

#### SHERIFF'S OFFICE:

**NO ORAL/WRITTEN DISPATCH REPORT AVAILABLE FROM THE SHERIFF'S DEPARTMENT.**

#### TOWN CLERK

- (1) Reports are not ready, bank statements are not in yet .... Do have a list of checks issued detail and deposit detail for January, 2013.
- (2) Liquor License for Leroy Medina has been signed by Mayor, Mrs. Medina, waiting for Mr. Medina to come in and pay for Business License.
- (3) Reminded Sgt. Clark that San Luis Police bank account needs to be closed. Doesn't come to work until 3 pm... Trustee Gabrielle stated that Sgt. Clark was originally going to be pick up the Tahoe, she tried to call he, he never answered.
- (4) Letter of apology mailed to Mr. Van Gieson, along with 4 Building Permits for 4 homes currently under construction. Will issue additional permits when contractor is ready to start on the next 4 homes.

- (5) Received certificate of liability from CIRSA for parade organized by Town of San Luis.
- (6) Letters to business were sent out .. 10 business have either mailed or walked in with their payment there were 27 letters, mailed out 24 ... Didn't mail out Gus's Liquors, Marijuana Dispensary and Alta Fuels,.
- (7) Checked with Alamosa County regarding their Marijuana Dispensary, spoke with Judy at the City, Dispensary went under due to non-compliance with distance requirements.
- (8) Blanca dispensary is not shut down, it is still open.
- (9) Crestone has a \$500.00 Business License fee
- (10) Received Invoices from CIRSA -- General Liability/Property/Auto is \$4,522.00, Workman's Compensation is \$1,729.00 (\$979.00 is for Maintenance position) Payment will be made quarterly
- (11) Received letter from Mr. Williamson – (1) Fire extinguishers were outdated. Fire extinguishers (8) have been charged. (2) Smoke Detector is not working. Will install new battery, make sure it works. (3) Playground surface needs to be roto-tilled -- Town will wait until ground thaws out, snow was cleared from basket-ball court. (4) The S-Hook on swing is broken. Jake will check it out in the morning.
- (12) Letter from Mr. Williamson reflecting casualty claims for 2012 reveals 2 property casualty claims totaling \$1,514.25, no payment for frozen boiler water line, 2<sup>nd</sup> claim was for vehicle damage by snow plow. Two workman's comp claims totaling \$1,046.52 --- one incident involved leg & shoulder injury, while loading lawn mower. The other was due to strained neck & shoulder, while working with tractor bucket.

Town Clerk will visit with Mr. Jay Williamson when he comes on Tuesday, January 29, 2013, to do the Paper Audit. Town of San Luis had zero casualty claims in the year 2012. Information is incorrect.

- (13) Received a call from Lisa Beal, Communication Officer for the Alamosa Colorado State Patrol, wondered if I could check out cases that date from 2008/2009/2010, that need to be re-entered back as stolen. Trustee Gabrielle as Police Commissioner stated that all evidence was transferred to Costilla County Sheriff's Department. Town Clerk will talk to Sgt. Clark at Sheriff's Office.
- (14) Received call from Marie Pacheco regarding client that wants to purchase 2 lots (San Luis Bock 33, lots 9 and 10) wants to build a home and an art studio business. Is there anything on Town codes that would not allow him to have a residence and a business on this property, (Property where Morada used to be) Trustee Susan stated that as per zoning map, property in question is residential, if art studio is for him to do his art and sell somewhere else, it is okay as residential. If it is a business where people are going in and out, then it would have to be re-zoned as commercial. Mr. Hobbs stated that Town needs to know what kind of business they are talking about, there are a number of businesses that are allowed, but they have to go through a conditional use process.
- (15) Ben Doon sent a different application for purposes of applying for a GOCO Grant. Gave to Trustee Gabirelle
- (16) Call from an Irene requesting zoning map, zoning code descriptions, lot size requirements, set-backs requirements, number of parking spaces, her company is doing an appraisal of the Conjos-Costilla Headstart, appraisal is for the bank, wanting to up-grade the Headstart building. Mr. Hobbs stated that a lot of the above mentioned detail was eliminated when codes were reviewed and amended, went on to explain that Planning/Zoning can get so involved that it can get away time from other Town work that must get done.

Discussion regarding Website ensued, Trustee Susan can and is willing to set up website, Must get approval to reserve/buy space, must look at the prices. Susan has all the software, so town doesn't need to purchase.

- (17) Purchased an additional 200 gallons of propane, fuel was down to 7% at \$2.10 per gallon
- (18) Received call from Personnel Concepts regarding additional OSHA/MSHA regulations. I did order and town has paid \$15.95, for 2014 State and Federal wage information. Mr. Hobbs suggested that I talk to CIRSA
- (19) Mr. Hobbs & Town Clerk will at another time continue discussion regarding land use application form and other planning and zoning concerns.

#### PLANNING AND ZONING:

Trustee Aragon stated that grant application e-mailed by Ben Doon looks more like what the town needs. Suggested that until we decide what we are doing to do, that no money be spend from the Conservation Trust Fund account, in case that we need matching funds. Also suggested that Trustees read application, jot down ideas/plans and get together to start working on application which due on March 6, 2013. Awarding of money is not until June, if we are awarded any kind of money, we can start using CTF funds to start working on the park. Ben Doon, Administrator for Costilla County is willing to assist with the writing of Proposal. Have about 6 weeks to get it done. Maybe we can meet for the first time the week of the 21<sup>st</sup>, on January at 6 pm and then maybe meet once a week after that, until done.

**ATTORNEY:**

Mr. Hobbs requested that two (2) resolutions: (1) Resolution designating the official posting place for notice of Public Meetings and (2) Resolution establishing a Fee Schedule in connection with the specific services of the Town of San Luis for the year 2013 be placed on February 12, 2013 agenda for approval by Trustees.

**Codification** .... Mr. Hobbs asked if the 2013 budget include money for Codification .... \$8,500.00 was set up for Codification purposes. Mr. Hobbs will solicit bids. A lot of codification companies for a small annual fee will put code on their web site, with a link to the town's website.

**MAYOR/STAFF REPORTS:**

Mayor Pro-Tem, Charlene Gallegos stated that since Christmas Dinner never happened, if Trustees are still in a the mood, Our Mayor, Mrs. Theresa Medina would enjoy a Valentine's Dinner. Trustees all in agreement that Dinner be scheduled for Friday, February 15, 2013 at 5:30 pm, at ALL-GON Restaurant in Fort Garland. \$19.99 Menu is still good.

Trustee Jake Mondragon informed Trustees plowing of snow is being done at the Low Income Housing Apartments, had issue with Floyd, he hit some landscape rock with the plow. Floyd never reported accident to Town Trustees. Need to make sure that Floyd knows to stay out of the Housing property. Trustee Jake did report accident to Town Clerk and to the Board. Trustee Jake will instruct Mr. Martinez not to go into private property.

Personnel Policies and Procedures must be addressed at the regular meeting scheduled for Tuesday, February 12, 2013, will be included on agenda.

Trustee Susan Sanderford informed Trustees that she hasn't heard from Carol Romero, it is very possible that Carol won't qualify.

No other business to come before the Board, meeting was duly adjourned.

Meeting adjourned at 7:55 PM

Prepared by

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Mary Jo Manzanares

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Theresa S. Medina, Town Mayor

ATTEST:

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Mary Jo Manzanares, Town Clerk