

STATE OF COLORADO)

SS.

THE TOWN OF SAN LUIS)

The Board of the Town of San Luis, upon duly given notice, did hold a Regular Board Meeting on the 12th of November, 2019 A.D., in the Town Hall meeting room in San Luis, Colorado. Mayor, Tiffany Gallegos, called the meeting to order at 6:05 p.m. The following were present to wit:

Tiffany Gallegos, Mayor; France LaVoie, Trustee; Shantae Martinez, Trustee; Roberta Romero, Trustee; Jessica Durgan, Trustee; Rebecca Romero; Susan Sanderford. Town Manager; Jared Sanchez. Mayor Pro-Tem; Barbara Zollars, Town Attorney.

Approval of the Minutes

Trustee, Jessica Durgan, moved to table the approval of the October 8th Regular Meeting Minutes until the Board has time for review. Trustee, Shantae Martinez, seconded. Motion carried unanimously.

Approval of the Agenda

Trustee, Shantae Martinez, moved to approve the agenda. Trustee, France LaVoie, seconded. Motion carried unanimously.

I. Public Hearing

A. LaVoie Land Subdivision

Mayor, Tiffany Gallegos, informed the public present the Public Hearing was being held for sub-dividing of the LaVoie property at 1018 Casa Verde Street into two parcels. The eighteen-acres will be subdivided from the original 43-acre property owned by France and Rene LaVoie, to be sold to a private buyer.

Mayor, Tiffany Gallegos, asked Trustee, France LaVoie, to recuse herself from any discussion or decisions regarding the proposed sub-divide.

Trustee, France LaVoie, recused herself from the proceedings.

The Public Hearing was then moved to later in the meeting until Town Attorney, Barbara Zollars, arrived. The Board continued on to regular meeting business.

II. New Business

A. 2020 Budget

Town Manager, Susan Sanderford stated the spreadsheet presented to the Board of the 2020 budget now includes October figures. She asked the Board to review the budget so it can be approved at the December 10th, 2019 Town Hall meeting.

B. Manito Christmas

Town Manager, Susan Sanderford, stated the tree from Trinchera will be delivered within the next couple of weeks. Trustee, Brian Valdez, stated he will contact the county to see if they will be willing to help put the tree up with the backhoe.

Mrs. Sanderford, stated snacks will be offered for the Town Hall Open House from 5-8 pm on Saturday, December 7th, 2019 and suggested the Board bring some goodies. Santa will be driven to the Town Hall on the Costilla County Fire Truck.

C. Donation for Jessica Durgan and Family

Town Manager, Susan Sanderford, asked the Board of Trustees if they would like to give a donation to the Durgan Family to help them out because of their house fire.

Trustee, Shantae Martinez, moved to donate \$1,000.00 to the Durgan Family.

Trustee, Roberta Romero, seconded the motion. Motion carried unanimously.

D. Closing for 100 N. Church Place

Town Manager, Susan Sanderford, stated the closing for the 100 N. Church Place will take place on November 19, 2019. Mrs. Sanderford asked the Board for approval of two resolutions to be the signer on the closing documents and for her to withdraw the funds from for the purchase from the bank.

Trustee, Jessica Durgan, moved to approve the closing on 100 N. Church Place on November 19, 2019. Trustee, Shantae Martinez, seconded. The motion carried unanimously.

III. Planning and Zoning

A. Donna Hernandez

Donna Hernandez was not present so the issue was tabled. Trustee, Shantae Martinez, moved to table the issue. Trustee, Brian Valdez, seconded. Motion carried unanimously.

B. Richard Kuhn – Meat Market

Town Manager, Susan Sanderford, stated Richard Kuhn came in to asked if he was on the next agenda. Ms. Sanderford asked to him to consider using a mobile unit and he liked the idea and withdrew his request to be on the agenda to ask for a variance to slaughter animals within the town limits.

V. Reports by Officers

A. Sheriff's Report

Sergeant, Robert Clark, reported 38 cases within the last two months. In September there were eighteen cases and October there were twelve. Deputy Clark stated the issues in town were mainly domestic violence and burglary.

Municipal Clerk, Rebecca Romero stated there have not been many traffic citations turned in to the town.

Trustee, Brian Valdez, stated he saw Officer Nobles parked at the beginning of town.

Mayor, Tiffany Gallegos stated we need to talk to the Town Attorney, Barbara Zollars, to see what options we have about law enforcement for the Town.

B. Manager Report

Town Manager, Susan Sanderford, she needed approval of Resolution 2019-06 – Approving the Great Outdoors Colorado grant application.

Trustee, Brian Valdez, read resolution 2019-06.

Trustee, Brian Valdez, moved to approve Resolution 2019-06. Trustee, Shantae Martinez, seconded. Motion carried unanimously.

Town Manager, Susan Sanderford, asked the Board to approve the 2020 Preliminary Budget so it can be published in the local newspapers.

Trustee, Jessica Durgan, moved to approve the 2020 Preliminary Budget. Trustee, France LaVoie, seconded. Motion carried unanimously.

C. Code Enforcement

Code Enforcer, Roberta Romero, stated letters have been sent out to the properties owners that were not cleaned.

Mayor Pro-Tem, Jarad Sanchez, stated there is a grant for a can compactor. Trustee, Brian Valdez, stated Marcello Martinez had the idea of having a crusher on the side of the can bins. No decision was enacted.

From the public, Adrian Maestas, asked how ordinances worked or how to present an ordinance to go before the Board of Trustees. Town Manager, Susan Sanderford replied he would need to have a petition signed by town citizens.

Earl Valdez asked if there was already an ordinance in place for burning trash in town, as there is a complaint about the smell of burning trash. Mayor, Tiffany Gallegos, stated there was not an ordinance in place.

VI. For Approval

A. MOU Colorado Department of Revenue -- Confidential Appointee

Town Manager, Susan Sanderford, stated the Board needs to approve for her to have access to the Colorado Department of Revenue Online website to monitor the sales and Marijuana Tax for the Town.

Mayor Pro-Tem, Jarad Sanchez, moved to appoint Town Manager, Susan Sanderford, as the appointee for Colorado Department of Revenue Online website. Trustee, Shantae Martinez, seconded. Motion carried unanimously.

B. Gus Liquor Store License

Trustee, Roberta Romero, moved to approve Gus Liquor License for 2020. Trustee, Brian Valdez, seconded the motion. Motion carried unanimously.

C. Survey – 614 Main Street

Trustee, Jarad Sanchez, moved to approve the survey for the 614 Main Street property to be purchased as additional land for the park. Trustee, France LaVoie, seconded the motion. The motion carried unanimously.

D. Purchase of 614 Main Street – \$50,000 plus closing costs.

Town Manager, Susan Sanderford, stated the cost to purchase 614 Main Street, to expand the park property would be \$50,000 plus closing costs. The closing will hopefully take place by the end of December.

Trustee, Jessica Durgan, moved to approve the purchase of 614 Main Street to expand the community park. Trustee, Shantae Martinez seconded. Motion carried unanimously.

E. Resolution 2019-08, Authorization of Signature – 100 N. Church Place

Trustee, Jarad Sanchez, moved to approve Resolution 2019-08 for the Authorization of Signature for Town Manager, Susan Sanderford, to sign the closing documents for 100 North Church Place. Trustee, Brian Valdez, seconded the approval. Motion carried unanimously.

F. Resolution 2019-09, Authorization to Withdraw Funds – 100 N. Church Place

Trustee, Jarad Sanchez, moved to approve the Resolution 2019-08 for authorization for Town Manager, Susan Sanderford, to withdraw \$67,502.65 to purchase 100 N. Church Place from the General Fund Reserves. Trustee, Jessica Durgan, seconded the approval. Motion carried unanimously.

G. Resolution 2019-10, Authorization of Signature – 614 Main Street

Trustee, Jarad Sanchez, moved to approve Resolution 2019-8 for Authorization of Town Manager, Susan Sanderford, to sign the closing documents on the 614 Main Street property. Trustee, Shantae Martinez, seconded the motion. The motion carried unanimously.

H. Resolution 2019-11, Authorization of Funds – 614 Main Street

Trustee, Jarad Sanchez, moved to approve the Resolution 2019-11 for Authorization for Town Manager, Susan Sanderford, to withdraw \$50,000 plus closing cost to purchase 614 Main Street from the General Fund Reserves. Trustee, France LaVoie, seconded the approval. Motion carried unanimously.

IV. Public Hearing – LaVoie Land Subdivision – Continued

Town Attorney, Barbara Zollars, asked for the list of people from the public who wanted to speak. Mayor, Tiffany Gallegos, asked France LaVoie, who is a Trustee on the Town Board, to recuse herself from any decision making of this matter. France LaVoie recused herself from any discussion or decision of the sub-divided property.

Mayor, Tiffany Gallegos, asked for a motion to continue the hearing.

Trustee, Brian Valdez, moved to approve the continuation of the Public Hearing. Mayor Pro-Tem, Jarad Sanchez, seconded the motion. Motion carried unanimously.

Juanita Martinez stated she had issues with the subdividing of the LaVoie property. She stated the water rights of the acequias in the subdivision would be affected. Town Attorney, Barbara Zollars questioned Mrs. Martinez how the acequias would be affected, and Mrs. Martinez stated the acequias have already been affected because of the fiber optic being brought into town. Ms. Martinez stated she was concerned about allowing any other subdividing of property.

Earl Valdez stated the LaVoie property does not have water rights. The only thing They only have is the culvert in the acequia.

Adrian Maestas stated they have had issues with the LaVoies because of the too small culverts. Mr. Maestas was concerned that the LaVoies haven't fixed the flooding with the culvert they were supposed to fix. Mr. Maestas also stated there was a water meeting concerning the

culvert placed at the LaVoies driveway entrance and the acequia board voted that the culvert be removed.

Cornelio Arellano stated the LaVoie's property does not have water rights, and they shouldn't be able to live on the property. Mr. Rene LaVoie stated they had the right to have a well for domestic use only. After property was sub-divided, they should be able to drill a well. Town Attorney, Barbara Zollars, stated the buyers of the subdivided property will have to deal with the well issues.

Marjorie Narrimore stated the town needs outsiders for revenue reasons and the people who are buying the property are building a house, garage, and a shop. Ms. Narrimore stated she wants outsiders in the town of San Luis.

Maggie Duarte stated he has been a realtor for years here in Costilla County and that we need clean development here in Costilla County. Mr. Duarte stated the property has already been subdivided. He also stated they were waiting on the Board to make the decision so they can close the sales contract. Town Attorney, Barbara Zollars, asked if there was a well on the subdivided property and Mr. Duarte stated they would be able to have a domestic well.

Eugene Jacquez stated he came before the board in the past about the flooding that occurred on the surrounding properties because of the LaVoies' small culvert that was placed in the water ditch. He mentioned the LaVoies have failed to put the proper size culvert to stop the flooding. He mentioned if there were legal issues the Board shouldn't continue with the subdivide without fixing the existing culvert problem. Mr. Duarte also mentioned the new owners will be putting their driveway next to the Costilla County Shop and asked how the LaVoies are going to open up the driveway by the county shop when they put up a barricade? The other issue that concerned Mr. Jacquez was the new buyers are going to build a machine shop and how is that going to affect the aquifer? Mr. Earl Valdez asked if the property subdivide goes through, would they need road access permits from Costilla County? Mr. Valdez also stated he is in favor of the subdividing of the property and selling the property.

Mr. Cornelio Arellano stated all they want was at least thirty more days so more people can be aware of the meeting, being that the first one was cancelled. Mr. Arellano felt there wasn't proper notice of the change of the Public Hearing.

Trustee, Shantae Martinez, stated the Board would like an extension of time so the community could be heard that couldn't be here tonight.

Town Manager, Susan Sanderford, stated there was a notice with the date change on the website, at the post office and on the front door of the Town Hall the night of the cancelled public hearing. Ms. Sanderford, stated there was proper notice given to the community of the date change.

Mayor Pro-Tem, Jarad Sanchez stated there were a couple of things to clarify and the public hearing should be extended another 15 days to get the correct clarification on the well issue.

Mr. Earl Valdez asked if someone attending the public meeting was not living in the town if they had a right to speak. Town Attorney, Barbara Zollars stated they have the first amendment right to speak. Mr. Valdez stated he just wanted clarification.

Mr. Arfilio Gurule asked if the property was in the town limits. Trustee, Roberta Romero, stated it was approved and annexed into the town in 2003.

Junita Martinez stated that permitting a well now in town was rare. Town Attorney, Barbara Zollars, stated the buyers are going to have to comply with the regulations from the County, Town, and State.

Mayor Pro-Tem, Jarad Sanchez, stated they wanted everyone to be heard so they are going to figure out dates to have a second hearing. Mr. Sanchez asked Mr. LaVoie if he can clarify how the well is currently set up specific to 35 acres. Mr. LaVoie stated their current well is limited to watering one acre. By selling the 18 acres, they will no longer have access to water one acre. Mr. LaVoie said he spoke to Mr. John Skinner from the Colorado Division of Water Resources in Alamosa, and said once the town has approved subdividing the property they will change the use of the well to household use only. Mr. Sanchez asked how the buyers would be able to put a well, when a well has already been drilled on the LaVoies property? Mr. LaVoie stated once the property is subdivided, the buyers would have to go to the Colorado Division of Water Resources in Alamosa to apply for a permit to drill the well. Mr. LaVoie mentioned it wasn't going to be his problem, and he didn't know where they want to build their house on the property. Mr. LaVoie stated the Town of San Luis will have no say so over the placement of the new buyer's house.

Earl Valdez stated when Mr. LaVoie will be restricted to drill a well due to selling of the 18-acre property. The buyers will be in the same situation, same rules would apply.

Town Manager, Susan Sanderford, addressed the problem with the culvert and the LaVoie's have agreed to put in a larger culvert and the town offered to install. They are replacing the culvert out of act of good will. The culvert is in the works and has not been ignored by the LaVoies.

Town Attorney, Barbara Zollars asked if there were any more comments from the public with the regards to the subdivision?

Mayor, Tiffany Gallegos stated the 14th of November makes the 45 days for the subdivision to be approved, denied or issues that the applicants need to address.

Ronda Lobato, Deputy County Assessor, stated she is not for or against the subdivision. Mrs. Lobato stated the County Assessor's Office have a lot of issues with subdivisions in the county and wants the board to realize the decision made will affect the ownership on the side that is adjacent to the school the Town owns as well. She stated that what they do is going to set precedence one way or the other of whether property can be subdivided within the town and if the Town is wanting to subdivide town property and they don't agree with the LaVoie's subdivision, then it would not be fair.

Mr. Eugene Jacquez stated the other issue would be that subdividing the land and building a mechanic shop on the property would make the taxes go up. Deputy Assessor, Ronda Lobato stated that would not affect property taxes.

Mayor Pro-Tem, Jarad Sanchez, asked Mr. LaVoie if the proposed plan of the new owners was to build a mechanic shop? Mr. LaVoie stated he did not have that answer. He does not know what the buyers are planning to do with the property. Mayor Pro-Tem Sanchez stated the property cannot be permitted for business to place the mechanic shop there because it is zoned residential.

Maggie Duarte stated the new property owners have never mentioned trying to come into and establish a business. They want to build a nice house for their retirement.

Cornelio Arellano asked if there can be more time extended for the public hearing. Town Attorney, Barbara Zollars, stated we need to respond by the 45 days, if not, the LaVoies will automatically be allowed to subdivide.

The Board decided the second public hearing would be set for Thursday, November 14th, 2019 at 6:00 p.m.

Mayor Pro-Tem, Jarad Sanchez, moved to approve the second public hearing for Thursday, November 14th, 2019 @ 6:00 p.m. for new comments only. Trustee, Shantae Martinez, seconded. Motion carried unanimously.

VII. Executive Session – LaVoie Subdivision

Trustee, Brian Valdez moved to enter into executive session. Trustee, Roberta Romero seconded. Motion carried unanimously.

Let the record reflect that no action or decisions were made in executive session.

VIII. Adjournment

Trustee, Jessica Durgan, moved to adjourn at 8:32 pm. Trustee France LaVoie seconded. Motion carried unanimously.



ATTEST:

Rebecca Romero

Rebecca Romero, Town Clerk

THE BOARD OF THE TOWN OF SAN LUIS

Tiffany A. Gallegos

Tiffany A. Gallegos, Mayor