

STATE OF COLORADO)

SS.

THE TOWN OF SAN LUIS)

The Board of the Town of San Luis, upon duly given notice, held a continuance of the LaVoie Subdivision Public Hearing on the 14th 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; Town Clerk; Susan Sanderford, Town Manager, Mayor Pro Tem; Jared Sanchez; Barbara Zollars, Town Attorney.

Approval of the Agenda

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

I. Continued Public Hearing – LaVoie Land Subdivision

Town Attorney, Barbara Zollars, stated the purpose of the hearing was a continuation for the meeting held on November 12th, 2019. This meeting was to allow community members the opportunity to have their comments heard for the proposed subdivision.

Cornelio Arellano stated the LaVoie do not have water and well rights. Town Attorney, Barbara Zollars, stated that the Planning Commission sent a letter to the LaVoies to ask clarification about the well and water rights. Mr. Cornelio Arellano mentioned, the San Luis Water and Sanitation board made a motion they will not be able to drill a well placed at the LaVoie's property. Town Attorney, Barbara Zollars, told Cornelio they would have to go to the Colorado Division of Water Resources in Alamosa to apply for a well permit because San Luis Water and Sanitation does not issue well permits. Rene LaVoie stated that his wife, France LaVoie, went to the San Luis Water and Sanitation and they told her they could supply sewage and water 400 ft. from Casa Verde Street and any further than 400 feet would need to drill a well. Mr. Arellano stated the San Luis Water and Sanitation mentioned they would not allow any other well on the property due to cost expenses. Attorney Zollars told Mr. Arellano they would have to contact the San Luis Water and Sanitation and install water or sewage utilites.

Adrian Maestas stated he wanted to know where the water and sewage were going to come from being that the San Luis Water and Sanitation will not allow water and sewer beyond 400 feet. He felt there are many things to be looked at before any decision should be made. Mr. Maestas stated another concern was the traffic and how the entrance will be placed. Mr. Maestas stated there was an issue where the previous board approved road access on the ditch when they didn't have the right to do so. This issue has now been inherited by this Board. Mr. Maestas stated he has pictures of the flooding and the culvert needs to be removed because the ditch has priority. Town Attorney, Barbara Zollars, mentioned to Mr. Maestas the Board sent a letter to the LaVoies requesting more information concerning the source of water and sewage. Mr. Maestas mentioned the community needed to be informed.

Trustee, Brian Valdez, mentioned the LaVoie's had agreed to put in a larger culvert. Town Manager, Susan Sanderford, stated she did talk to the Lavoies and they are willing to install the larger culvert. Mr. Maestas stated the ditch and the town are not really tied together, but the way the roads are bladed, the ditch gets blocked up. Mr. Maestas also stated all he wants is for everyone to have a peaceful resolution.

Marjorie Narrimore stated the creek was narrow and the solution is to use a backhoe to widen the ditch for the water flow. Ms. Narrimore stated she approves for the LaVoies to get the subdivide approval they want.

Mr. Rene LaVoie read a letter from the Town Board stating they only had fifteen days to satisfy conditions before approval. He stated it would be hard to satisfy those conditions because they do not know what the buyers are going to want to do with the property. Mr. LaVoie also mentioned it was undeveloped land and it would be the buyer's obligation to decide what they want to do with their land.

Town Attorney, Barbara Zollars, stated before the Board can recommend approval of the plat or subdivision, they would have to satisfy that the concerns of the community have been taken into account, and the big concern from the meeting held on November 12th, 2019 was the water and sanitation issue. The concerns are where were utilities going to come from and where will they get their water? Town Attorney, Barbara Zollars, stated the Board was not asking for an engineered set of plans, the Town wants to know if are they eligible to dig a well on the property. Are the buyers aware that for any permits they must go through the Town for a permit. Mr. LaVoie stated the buyers were aware of the situation. Attorney Zollars stated all the Town wants is a letter from the buyers indicating that they are aware of that fact.

Trustee, Brian Valdez, mentioned to Mr. LaVoie, that the property wanting to be subdivided is annexed into the city limits. If it is annexed in the city, they are not eligible for a well. Mr. LaVoie asked if the buyers need to write a letter that they are aware they cannot have a well?

Town Manager, Susan Sanderford, mentioned she spoke with the Colorado Division of Water Resources, John Skinner, and Mr. Skinner stated there is no reason not to allow a well, but for them to give a permit for a well they would have to come before the Board of the Town for permission to dig a well. Mr. LaVoie mentioned that would be when they have acquired the land. Mr. LaVoie asked when the buyers come to get the permit, they would be allowed to get the well? Town Manager, Susan Sanderford, told Mr. LaVoie, only if the town approves it first. Unless, the approval is confirmed by the Town, the State of Colorado will not approve the well.

Town Attorney, Barbara Zollars, stated they would have to check with the utility district for the Town to make sure that they can provide services. Attorney, Barbara Zollars, stated they wanted to make sure the buyers were aware of this situation. The Board doesn't want people just drilling wells without proper permits because it may mess with the aquifer. Mr. LaVoie stated he agreed.

Town Manager, Susan Sanderford, told Mr. LaVoie the Town does not issue permits for wells and septic, that is why they have to make sure San Luis Water and Sanitation provides water and sewer service. And, because the land is now annexed into the town, that creates a problem of where that sewage is going to go. Mr. LaVoie mentioned that would be something they would have to discuss with the new owners.

Town Manager, Susan Sanderford, stated the town wants assurances when the new owners are ready to install utilities, that they know what is viable and possible or they will have a big surprise spending a lot of money on land that they cannot build on because they cannot drill a well or install a septic system.

Mrs. Shirley Otero-Romero mentioned the Colorado Division of Water Resources just denied local folks here for all well permits. She asked what makes the new owners think they will get a well? Attorney, Barbara Zollars stated to Mrs. Romero she doesn't think that's what they are saying. Whoever buys the property would have to go through the local utility services. If that district says they cannot provide service for the property then they would have as a back up to come to the Town to ask for a permit for a well and septic system. Ms. Otero-Romero asked who the buyers were? Mr. Duarte stated the question Shirley asked was irrelevant.

Adrian Maestas asked if it is up to the new owners to let the Town know what they are going to do on the property, being the citizens have a right to know, and what if it isn't a beautiful home? Town Attorney, Barbara Zollars, stated before they do anything, there is a planning and zoning restrictions in the town that the new owners have to follow.

Adrian Maestas asked how was the land zoned? Trustee, Roberta Romero, stated it was residential. Mayor Pro-Tem, Jarad Sanchez, indicated the reason why the LaVoies have a business at their property is because the previous board changed the ordinance in order to keep business in the district. The LaVoie's business is grandfathered in.

Shirley Otero Romero asked Mr. LaVoie why would he like to subdivide? Shirley mentioned he lived in a community that is the most subdivided county in the nation. Town Attorney, Barbara Zollars, stated the municipal law allows approvals of the subdivides. Ms. Romero stated her concern is relevant because we are the largest subdivided county in the nation. Shirley stated she was concerned because the subdivide will be in her back yard.

Adrian Maestas mentioned he wants to take every concern into consideration.

Town Manager, Susan Sanderford, stated to the public, before any building starts on the new subdivided land, the owners have to go through the Town permitting process and the Town has strict Planning and Zoning ordinances.

Adrian Maestas asked if there was a proposed entrance on the subdivision? Town Attorney, Barbara Zollars, stated when the folks who are buying the property would have to develop plans for the site and buyers would have to know the Town will not be able to provide utility services to the property except for 400 feet into the property. They would have to deal with the sanitation first before building a home. The Town does not provide those services. If, for some reason, the San Luis Water and Sanitation does not allow sewage they would have to come before the Board to discuss installation of a septic system. They buyers would then have to make site plans for a septic system.

Ms. Narrimore mentioned some of the people in town already have wells. Trustee, Roberta Romero, stated any current wells are grandfathered in.

Mr. Maggie Duarte mentioned the new owners indicated the entrance to the new subdivision would be from the County Road on the south side of the property. Adrian Maestas asked Mr. Duarte why is this situation being hushed, earlier when they were asking Mr. LaVoie, they knew nothing, and now they know where the entrance wants to be? Mr. Maestas asked if we know what they are going to build there and that we, as the community, have a right to know what is going to be built on the property.

Town Attorney, Barbara Zollars, stated the board does not know what they plan on doing with the property, but the buyers will have to go through the state, county, and town land use code. Attorney Zollars stated what the law requires as a Town Board is to make a decision whether to approve the subdivision which is based on four separate criteria which does not require the proponent of subdivision to provide detailed information on what is going to happen with the property. When the buyers decide to develop or if they decide they will have to apply detail plans to the Town.

Trustee, Shantae Martinez, asked Mr. LaVoie if the owners know what procedures they will need to go through, such as getting water and sewer? Mr. LaVoie said he would let Mr. Maggie Duarte answer that question. Mr. Duarte stated as far as he knew they may not be completely aware of what exactly needs to take place in the process. He stated he would be very honest and knew nothing about this property until he sold it. He disclosed the information he knew to the prospective buyers, but he did know the new owners plans on building a new home. They are planning on coming in on the County Road property for the entrance. The new owners probably don't know where they want to build yet.

Trustee, Shantae Martinez, mentioned all the board wants to know is if the new owners were aware of the situation which is the main concern. Trustee, Roberta Romero, asked Maggie Duarte, "so when you say sold, do you mean the property is already sold?" Mr. Duarte replied by sold we mean we placed it under contract. Mayor Pro-Tem, Jarad Sanchez, asked if it says in the contract water rights are included? Mr. Duarte replied when he sold the property, he was not aware of every single detail that needed to be done. Mayor Pro Tem Sanchez asked if there was a water rights contract? Mr. Duarte answered, no. Mr. Duarte stated the owners probably aren't even sure whether they want to use the San Luis Water and Sanitation or dig a well. Trustee, Brian Valdez, stated the Board wants to know is if the buyers are aware of the situation now? Mr. Duarte mentioned to Mr. LaVoie he needed to let the new buyers know what's going on. Mr. LaVoie, stated it would be up to the buyers to deal with all regulations.

Town Attorney, Barbara Zollars, stated to Mr. LaVoie the community is questioning the water issue and that is why the Board and the community are concerned about the new buyers knowing there is going to be a problem getting utilities. They can just not come in and dig a well, they have to follow procedures. Mr. Duarte mentioned in the contract, the seller has already signed, it specifically says the buyer can walk away before two weeks of closing. Mr. Duarte stated they will advise the buyers to the best of their ability so that at some point they can say "yes" or "no" with the contract. Attorney Zollars stated there wasn't written verification they are aware of this problem. Adrian Maestas asked how can you make a contract before even subdividing with all the issues going on?

Trustee, Roberta Romero, stated if the owners do not know what is going on, they will come in and realize they cannot do anything with the property and there will be a can of worms opened because then everybody will want to start subdividing. Trustee Romero told Mr. Duarte that is something they are going to have to take into consideration.

Mayor Pro-Tem, Jarad Sanchez, asked if the owners understood they have permission for 400 feet into the property to install water and sewage and in the years of the ordinances in this town they have not permitted a septic system. Mr. LaVoie stated they were approved for a well before they annexed into the town. The annexation took place into 2003 and the purchase of the property was in 2005. Town Attorney, Barbara Zollars, mentioned the most the town and

commission can do is to get verification from the buyers and the process has to be followed by the book. Mr. Duarte mentioned the buyers will be told what needs to be done.

Adrian Maestas asked if it is right to sell the property before the approved subdivide.

Shirley Otero-Romero asked for the subdivision not to be granted. If they are going to buy 18 acres what is it going to do to the view? Town Attorney, Barbara Zollars, stated there has not been any subdivision within the last year.

Mr. Rene LaVoie, stated, the last part of this, is they will need legal counsel and they have contacted an attorney and are asking for seven days from today to have time to prepare their attorney who will assisting them at the next town meeting. Town Attorney, Barbara Zollars, stated, these are public meetings and not legal proceedings. If they want, they can go to the county courts and a halt will be set on the subdivide of the property. A final judgement will have to be set by the courts, not the Town. The LaVoie's attorney is welcome to come but will not be able to speak at the Town meeting. Mr. LaVoie mentioned, if that is the case, then tell him what they need to do. Attorney Zollars stated she already told them what was needed to be done, the Town needs a letter that spells out that the Town does not provide permits for wells or septic systems and they will need to go through the San Luis Water and Sanitation for their utilities. If the Town does not get this letter then the application will be denied.

Mayor Pro Tem, Jarad Sanchez, stated before any decision is made, we are having this meeting to answer the 45-day mark. The Town is waiting for a response by the owners/buyers by a signed letter. The owners have 15 days to respond.

Shirley Otero-Romero asked if any decision can be made at any time? Mayor Pro Tem, Jarad Sanchez, stated it was all up to the LaVoies to get everything we asked for in order before a decision can be made and the board wants to satisfy everyone's concerns. Ms. Otero-Romero stated the board is entrusted with the right decision, at the end of the day we have to live here and consider pros and cons of your decision.

VI. Executive Session – LaVoie Subdivision

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

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

VII. Adjournment

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



ATTEST:

Rebecca Romero

Rebecca Romero, Town Clerk

THE BOARD OF THE TOWN OF SAN LUIS

Tiffany A. Gallegos
Tiffany A. Gallegos, Mayor