

STATE OF COLORADO)

SS.

THE TOWN OF SAN LUIS)

The Board of the Town of San Luis, upon duly given notice, held a Public Hearing on the 11th of July 2022 A.D. at the San Luis Town Hall at 408 Main Street, San Luis, Colorado. Mayor, Tiffany Gallegos, called the meeting to order at 6:13 p.m. The following were present to wit:

Tiffany Gallegos, Mayor; Brian Valdez, Mayor Pro Tem; Jessica Durgan, Trustee; Vivian Gallegos, Trustee; Connie Gurulé, Trustee; Shantae Martinez, Trustee; Conrad Gallegos, Trustee; Susan Sanderford, Town Manager; Barbara Zollars, Town Attorney.

Adoption of the Agenda

Mayor, Tiffany Gallegos, presented the July 11, 2022 Public Hearing agenda regarding the Family Dollar Fermented Beverage Liquor License Application for approval.

Trustee, Vivian Gallegos, moved to adopt the July 11, 2022 Public Hearing agenda as presented. Trustee, Connie Gurulé, seconded. Motion carried unanimously.

I. Opening the Public Hearing

Mayor, Tiffany Gallegos, asked for a motion to open the Public Hearing regarding the Family Dollar Fermented Beverage Liquor License Application.

Trustee, Connie Gurulé, moved to open the Public Hearing. Trustee, Vivian Gallegos, seconded. Motion carried unanimously.

II. Appointment of Hearing Officer

Mayor, Tiffany Gallegos, appointed Town Attorney, Barbara Zollars, as the Hearing Officer for the purposes of considering the Family Dollar Fermented Beverage Liquor License Application.

III. Review of the Application

Town Attorney stated she had reviewed the 29-page application. One of the jurisdictional issues regarding the application is the distance between the Family Dollar and the Centennial School District property.

Attorney Zollars swore in Town Manager, Susan Sanderford, to testify as to her research of the distance between and what she had determined the distance is between the Family Dollar and Centennial School District property.

Ms. Sanderford stated she measured the distance on Google Earth and had determined the distance from the Family Dollar front door and the football field was 340 feet.

Attorney, Pete Cordova, representing opposing businesses against the application, stated he had determined the distance was 304 feet from the school property. Attorney Cordova sited

case law from the Colorado Revised Statute, CRS 44-3-313 and CRS 44-107-1 which states no liquor license application shall be received or acted on if the establishment is within 500 feet of a school property. Attorney Cordova felt the application should fail and the Town Board of Trustees do not have jurisdiction to act on this application because it violates the above State of Colorado Revised Statute laws.

Town Attorney, Barbara Zollars, stated she concurred with Attorney Cordova because it is a basic jurisdictional requirement the school cannot be within 500 feet of the liquor sales establishment. Attorney Zollars therefore ruled the application is null and void, does not warrant consideration and therefore ruled to denied the Family Dollar Fermented Beverage Liquor License application.

IV. Closing of Public Hearing

Mayor, Tiffany Gallegos, asked for a motion to close the Public Hearing.


Trustee, Vivian Gallegos, moved to close the Public Hearing at 6:27 p.m. Trustee, Conrad Gallegos, seconded. Motion carried unanimously.



THE BOARD OF THE TOWN OF SAN LUIS


Tiffany A. Gallegos, Mayor

ATTEST:


Susan Sanderford, Town Clerk