

ALAMOSA CITY COUNCIL  
Wednesday, March 3, 2010  
Minutes of the Meeting

The Regular Meeting of the Alamosa City Council was called to order on the above date by Mayor Kathy Rogers at 7:06 p.m. The Pledge of Allegiance was recited. Present at roll call: Mayor Rogers, Councilors Greg Gillaspie, Charles Griego, Rusty Johnson, Josef Lucero, Leland Romero, and Marcia Tuggle. A quorum was declared. Also present: City Manager Nathan Cherpeski, City Attorney Erich Schwiesow, and City Clerk Judy Egbert.

AGENDA APPROVAL. Mayor Rogers requested an Executive Session just prior to adjournment for the purpose of receiving legal advice on pending litigation. It was moved by Councilor Griego and seconded by Councilor Lucero to approve the agenda as amended. On the roll call the vote was ayes seven, nays none. The motion carried.

CITIZEN COMMENT

A. Audience Comments

Maureen Orr read a letter from Terry Uyeki, wife of former City Manger Mike Hackett, asking that the Ranch be named the Mike Hackett Preserve. His family also desires to hold a memorial service on the Ranch property in June.

Ted McNeilsmith spoke in support of the new City complex, saying he had changed his stance since the project was introduced; and echoed Ms. Orr's request.

Kristina Daniel of the SLV Prevention Coalition read a letter to Council regarding medicinal marijuana regulation.

Ruth Brown noted that she did not request a response from Council for her comments. She introduced Sydney, who she described as not able to give two days notice for meeting accessibility. She further requested a thank-you from the City for her part in painting the handicapped parking spots. She presented a petition with 711 signatures in opposition to the City Complex location, and asked why citizens were not allowed to vote on this. She will remove Mr. McNeilsmith's name from the petition based on his comment tonight. She went on to complain about ice on sidewalks and in gutters.

Alfred Petros and Donna Wood presented a request to develop a dog park at Boyd Park. They also asked if the rule on the levee could be changed to leash dogs within 100 feet of the roadway instead of the entire levee.

B. Follow-Up

Dog Park: The Recreation Board has discussed the concept of a dog park in the past, and it can be revived. Mr. Cherpeski directed Mr. Petros to speak with Heinz Bergann.

Mike Hackett: The June 26 memorial service for Mr. Hackett should be requested through the parks reservation process. Council has a naming policy adopted. The process would start with the Ranch board and Recreation Board. The Ranch Plan has not yet been adopted, but it does not address the naming process.

Marijuana regulation: The current discussion is to prohibit use at dispensaries. Use in public is not allowed. Advertising issues may be directed to state legislators. The delivery option is being discussed at the state level.

CONSENT CALENDAR A. Council discussed how the utility and street bids affect projects in the planning stages. It was moved by Councilor Romero and seconded by Councilor Gillaspie to approve Consent Calendar A as presented. On the roll call the vote was ayes seven, nays none. The motion carried. Items:

- 2010 Utilities Improvement Project Bid Award to Gardner Excavating, Inc. in the amount of \$247,092.50
- 2010 Street Improvement Project Bid Award to Asphalt Constructors Inc. in the amount of \$478,596.00
- Minutes of Regular Meeting February 17, 2010

## REGULAR BUSINESS

### A. Presentations from Outside Agencies

#### 1. Alamosa High School AP Government Class

Students presented ideas to Council regarding website improvements to better report citizen issues; extended Recreation Center weekend hours with teen programs and rates; a link on the City's website to teen summer jobs; and a way to let teens that live outside the City Limits vote in City elections.

#### 2. Development Resources Group Update

Mike Wisdom presented annual reports from the Enterprise Zone program and the Revolving Loan Fund. The Council of Governments is still in the formation stages.

### C. Business Brought Forward by City Staff

#### 1. Public Works

a. First Reading – Ordinance No. 3, 2010 – An Ordinance Vacating that Portion of Stadium Avenue Adjacent to and West of the College Subdivision and That Portion of Richardson Avenue Adjacent to and West of Block 3, Groenings Subdivision

Adams State College has requested to vacate Stadium Avenue between First Street and El Rio Avenue; and Richardson Avenue between Second and First Streets. The purpose of this is to more fully integrate that portion of the college and make it more pedestrian friendly.

It was moved by Councilor Griego and seconded by Councilor Tuggle to introduce Ordinance No. 3, 2010 on first reading and that a public hearing thereon be set for Wednesday March 17, 2010 at 7:00 p.m. or as soon thereafter as the matter may be heard. On the roll call the vote was ayes seven, nays none. The motion carried.

#### 8. City Manager/Legal

a. Public Hearing, Ordinance No. 2, 2010, An Ordinance Extending the Current Temporary Moratorium on the Submission, Acceptance, Processing, and Approval of any Application for a City of Alamosa Sales Tax Permit or License, or for any Use of Property Within the City of Alamosa Related to the Operation of a Business That Sells Medical Marijuana Pursuant to the Authority Granted by Article 18, Section 14 of the Colorado Constitution

The moratorium that was imposed on November 4, 2009 will expire on March 4. The additional 90 days allowed by this ordinance will allow time to further study appropriate approaches and review regulations that develop at the state level.

Mayor Rogers opened the public hearing at 8:18 p.m. and asked for those wishing to speak on this ordinance.

Fawn Tatro said that the zoning restrictions were going overboard, and that dispensaries should have the same standards as liquor stores. She added that Frisbee Golf is a good activity for kids.

Kristina Daniel supported the extension, saying that this gives time to create an ordinance that works for our community.

There being no one further wishing to speak, the hearing closed at 8:21 p.m.

It was moved by Councilor Griego and seconded by Councilor Romero to finally adopt Ordinance No. 2, 2010. On the roll call the vote was ayes seven, nays none. The motion carried.

#### E. Committee Reports

The Economic Development meeting scheduled for this morning was cancelled.

F. Staff Announcements. None.

### LOCAL LIQUOR LICENSING AUTHORITY ACTIONS

#### A. Consent Calendar B

It was moved by Councilor Tuggle and seconded by Councilor Johnson to approve Consent Calendar B as presented. On the roll call the vote was ayes six, nays none. Councilor Griego abstained as the spouse of a liquor license holder. Items:

- 3.2% Beer License Renewal – Wal Mart

### COUNCIL COMMENT

Mayor Rogers commented that Council is aware of the pending litigation resulting from the Salmonella contamination. There is a process in place to deal with this, and that process takes some time. The City's insurance company will handle this.

In response to a question from Councilor Tuggle, Ms. Egbert described the planning progress for the Ride the Rockies event.

Councilor Lucero spoke about state legislative issues.

Mayor Rogers noted that even though there was not a Council liaison appointed to the Historic Preservation Advisory Committee, any Councilor was welcome to attend who wishes to.

EXECUTIVE SESSION. Pursuant to CRS §24-6-402(4)(b)

It was moved by Councilor Lucero and seconded by Councilor Tuggle to move into Executive Session (8:31 p.m.) pursuant to CRS §24-6-402(4)(b) to receive legal advice regarding pending litigation, specifically the claims filed regarding the salmonella contamination. On the roll call, the vote was ayes seven, nays none. The motion carried.

When back in Regular Session, Mayor Rogers confirmed that the Executive Session was held solely for the stated purpose.

ADJOURNMENT. The meeting adjourned immediately following the Executive Session.

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Judy A. Egbert, City Clerk

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Kathleen J. Rogers, Mayor