

ALAMOSA CITY COUNCIL  
Wednesday, September 1, 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 7:02 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. It was moved by Councilor Griego and seconded by Councilor Lucero to approve the agenda as presented with a typographical correction on the agenda title for Resolution 16. On the roll call the vote was ayes seven, nays none. The motion carried.

CITIZEN COMMENT

A. Audience Comments

Leon Moyer:

- Showed Council his drivers license to dispel the rumor that he did not have one.
- Said that a building should last 500 years rather than 50
- There is not much wrong with the police cars on the auction site; the City should keep the cars longer before replacing them.
- The fines proposed in the Resolution are excessive.

Linda Cosart:

- Objected to use of the Ranch for the disc golf site, advocating wildlife protection.

Don Thompson:

- Objected to the disc golf being located on the Ranch.

Dave Montgomery:

- Spoke of alternative sites on the Ranch for the disc golf.
- There are two management plans to deal with these issues, one from the City's consultant Design Concepts and also the management plan prepared by Citizens for the Alamosa Ranch.

Marilyn Loser:

- Invited everyone to participate in the Cole Park tree planting sessions next week.
- Encouraged Council to consider impact on trees in the disc golf site choice.

Jon Brownell

- The Ranch Board has considered the alternate site proposals from Dave Montgomery, and reviewed the pros and cons of each. The bottom line is that the Ranch Board recommends the proposed site as the best choice.

B. Follow-Up

Mr. Cherpeski added that the US Fish and Wildlife did visit the proposed disc golf site and agreed that it was an appropriate use. Both the Recreation Board and Ranch Board have recommended approval of the site.

Chief John Jackson noted that the decision of when to retire a vehicle is when the cost to maintain it exceeds the cost of replacing.

CONSENT CALENDAR A. Ms. Egbert pointed out a correction to the minutes, reflecting the voice vote on the Habitat action. It was moved by Councilor Tuggle and seconded by Councilor Johnson to approve Consent Calendar A as presented. On the roll call the vote was ayes seven, nays none. The motion carried. Items:

- Minutes of the Regular Meeting August 18, 2010
- Accept DOLA Grant for City Facility Complex

## REGULAR BUSINESS

### A. Presentations from Outside Agencies

#### 1. Dillon Vance, Disc Golf Eagle Scout Project

Dillon Vance described the criteria for an Eagle Scout project, and explained the disc golf game and course. He spoke about meeting with community leaders, City staff, and the Recreation Board to propose the project, and said that all the reaction has been positive.

Council asked staff to place this item on the next meeting agenda for action.

#### 2. Dawn Honeycutt, Alamosa Roundup Rodeo

Ms. Honeycutt thanked Council for support of the rodeo as it transitioned to a PRCA licensed event this year. She presented a post-event evaluation packet, and talked about plans for the next year.

The City's mechanism for future funding would be from the newly-created sponsorship budget line item.

#### 3. Joe Bullen, Solar Parking Garage

Mr. Buellen presented the offer to construct a solar structure that would cover the Recreation Center parking lot. There would be no cost to the City, and would pay the City \$10,000 up front and lease the premises for 10 years. This partnership is beneficial because of tax credits and use of alternate energy.

Butch Burgener presented financial information showing potential savings of \$500,000 over 20 years. At the end of the lease, the City could continue to purchase the electricity as during the lease, or could purchase the system for \$75,000.

The Recreation Center location is appealing because it is on a single electric meter and the bill is at least \$1500 per month. The far end of the parking lot matches the needs exactly.

The ice rink was discussed as another possible site, using the electricity to keep the ice cool.

Council asked staff to present a recommendation for action at the next meeting.

B. Board/Commission Business

1. Tree Board Presentation – Resolution No. 15, 2010, A Resolution Amending the Structure of the Alamosa Tree Board

This request from the Tree Board was presented at the prior meeting.

It was moved by Councilor Tuggle and seconded by Councilor Romero to adopt Resolution No. 15, 2010. On the roll call the vote was ayes seven, nays none. The motion carried.

C. Business Brought Forward by City Staff

1. Public Works

a. Public Hearing, Ordinance No. 14, 2010, An Ordinance Rezoning Lot 55, Alamosa Park Addition Lying Generally North of First Street and Bell Avenue As Portrayed on the Attached Exhibit A, in the City of Alamosa Colorado From Residential Light (RL) to Residential Medium (RM)

Mr. Cherpeski reviewed the application and clarified the location.

Mayor Rogers opened the hearing at 8:42 p.m. and asked for those wishing to speak on this ordinance.

Dan McCann spoke in favor, saying new development would be beneficial.

Leon Moyer cited the criteria for neighborhood changes. He was not allowed to speak at the Planning Commission meeting because the hearing had closed in July, with action table to August. He said that the property was not posted as required, and believed that the sign may have been stolen. He recommended another hearing before Planning Commission. The neighborhood has raised objections and setbacks are not met.

George Wilkinson spoke objecting to the proliferation of duplex and four-plex development.

Greg Goodwin, applicant and owner, explained that this lot is more conducive to a duplex rather than a single family home. There are many multi-family homes all along First Street. Mr. Wilkinsen's lot has two houses on an area that is the same size as the single lot proposed for the duplex. The lot is 80 feet by 150 feet. He has no intention of developing a four-plex there. He has tried unsuccessfully to sell the lot for single family development for over a year. During that time he had only two inquiries, and one wanted a duplex and one a manufactured home. A manufactured home is allowed by right. New, larger houses aren't appealing at that location surrounded by an older neighborhood with smaller houses. Cindy Chapman did have concerns expressed at the Planning Commission hearing, but her concern was not about a duplex, only that she wanted to see the plans. Her garage faces west, and she was concerned about traffic patterns. This will be addressed through the building permit process. The construction must meet setbacks. In looking at Preston's plan for the lot across the street, that development could put that on this lot with a 25-foot setback. There is a need for rentals, and this is a great location on the corridor close to the college and the park.

Staff clarified that if rezoned as proposed, a four-plex would be allowed by right. There is no size limit to the size of the house, but setbacks, lot coverage, and parking restrictions must be met.

Mr. Goodwin assured Council that setbacks would be met. He further added that the sign did get knocked down, and was replaced three times. He believes that the notice was adequate.

Mayor Rogers acknowledged that she lives one block away, and realizes that the zoning is not done in straight lines. If the City were in a planning phase, it may be a better choice not to make a zoning choice specifically for this lot. But because the lot has been empty for a very long time, it would be an improvement. She is also concerned about the allowance for a four-plex. She noted that she had asked the City Attorney if she may vote on this matter and he has advised her that she may.

Council held informal discussion regarding modulars, duplexes and four-plexes, and setbacks. Mr. Koskelin noted that a lot across the street had requested a variance to allow a triplex, but was ultimately approved for a duplex.

Leon Moyer added that modulars look better than most houses, and would fit well in the location.

There being no one further wishing to speak, the hearing closed at 9:09 p.m.

It was moved by Councilor Griego and seconded by Councilor Gillaspie that Ordinance No. 14, 2010 be finally adopted. On the roll call the vote was ayes six (Lucero, Tuggle, Gillaspie, Griego, Johnson, Rogers), nays one (Romero). The motion carried. Many who voted in favor clarified that their vote was based on their respect for Mr. Goodwin's word that this would be a duplex.

#### 7. City Clerk/Municipal Court

##### a. Resolution No. 16, 2010, A Resolution Approving An Amended Schedule of Presumptive Fines for Violation of the Code of Ordinances of Alamosa, Colorado

Ms. Egbert presented the proposed fine schedule, with changes to better match other jurisdictions and to reflect an appropriate penalty. It was pointed out that the "use of engine brakes prohibited" had a blank amount, and \$60 was agreed upon.

It was moved by Councilor Gillaspie and seconded by Councilor Lucero to adopt Resolution No. 16, 2010 as amended. On the roll call the vote was ayes seven, nays none. The motion carried.

#### E. Committee Reports

Councilor Johnson reminded the group about the upcoming Cole Park tree planting.

Councilor Gillaspie reported that the fall festival golf tournament will be held October 9.

#### F. Staff Announcements

Mr. Cherpeski made the following announcements:

- He spoke with Matt Abbey of the railroad, and will invite him to a future meeting to inform citizens of the train whistle requirements.
- He reminded Council of the September 29 EOC training and the September 22 City Services Fair.
- Mike Gibson has invited Council to tour the riparian area.

- He has met with the architect on the building project, and has received a letter confirming the low bidder's intent to honor the amount previously bid. The bonds will be pre-marketed by the end of next week, with a closing planned for September 27. After that time, a contract could be executed. Councilor Griego added that the ACLC had met and reviewed the plans. The change order amount are expected to be in the neighborhood of \$50,000, which will include winter conditions and the larger restrooms.

Counselor Schwiesow reported that the City, as well as multiple other defendants, had been named in a lawsuit filed by Pedro Trujillo stemming from a traffic stop.

#### LOCAL LIQUOR LICENSING AUTHORITY ACTIONS

##### A. Consent Calendar B

It was moved by Councilor Romero and seconded by Councilor Gillaspie 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:

- Brew Pub Renewal – SLV Brewing Co.
- Special Events Permit – Elks 9/18/10
- Special Events Permit – ASC Alumni Assn 10/9/10
- Retail Liquor Store License Renewal – Terry's Liquor
- Retail Liquor Store License Renewal – Beer Keg Depot

#### COUNCIL COMMENT

Councilor Tuggle reported on the recent ASC Foundation event.

Councilor Lucero noted that the traffic changes in the college were going well.

Mayor Rogers wished Mr. Cherpeski a Happy Birthday, and passed out cookies.

Council thanked DOLA for the city facility grant.

#### EXECUTIVE SESSION. Pursuant to C.R.S. §24-6-402(4)(b)

It was moved by Councilor Romero and seconded by Councilor Tuggle to enter into Executive Session (9:44 p.m.) pursuant to C.R.S. §24-6-402(4)(b) to receive legal advice regarding potential litigation. Counselor Schwiesow added that the subject matter deals with an officer-involved shooting. 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