

ALAMOSA CITY COUNCIL  
Wednesday, October 20, 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 7:00 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, Acting City Attorney Helen Sigmund, and City Clerk Judy Egbert.

AGENDA APPROVAL. It was moved by Councilor Griego and seconded by Councilor Gillaspie to approve the agenda as presented. On the roll call the vote was ayes seven, nays none. The motion carried.

CITIZEN COMMENT

A. Audience Comments

Marsha Klasing of D.M.S. Poultry told Council that the Police Department told her that she cannot sell poultry in the City limits. She read the ordinance, and said that she believes it applies to keeping animals, not restricting sale of animals.

Ruthie Brown requested crossing marks at 8<sup>th</sup> & State.

Leon Moyer:

- Requested speed enforcement on State Avenue.
- Believes that County residents should not have to pay for the shared cost of the city/county facilities.
- Objected to the resolution passed at the last meeting regarding smoking in parks.

B. Follow-Up

Chief Jackson explained the ordinance as it relates to the poultry sale business, saying that the ordinance prohibits a person from possessing chickens, while it does not prohibit an entity such as a corporation from doing so. In addition, the property owner at the location had not given permission for the sale. Council discussed this, with the comment that the ordinance in question had been historically interpreted to apply to citizens raising animals for consumption or egg production. Staff will research this further and bring information back to Council.

Mr. Cherpeski noted that discussions are underway with the Fire District regarding cost sharing options.

CONSENT CALENDAR A. It was moved by Councilor Gillaspie and seconded by Councilor Tuggle to approve Consent Calendar A as presented. On the roll call the vote was ayes seven, nays none. The motion carried. Items:

- C. 2. a. September 2010 Expenditure Report
- C. 3. a. 2011 Animal Control Services Contract
- C. 7. a. Minutes of Regular Meeting October 6, 2010
- C. 8. a. September 2010 Monthly Reports

## REGULAR BUSINESS

### C. Business Brought Forward by City Staff

#### 1. Public Works

a. Public Hearing Ordinance No. 15, 2010, An Ordinance Approving the Annexation of the City Ranch, Located in Sections 3 and 4, Township 37 North, Range 10 East, New Mexico Principal Meridian, and in Sections 28, 33, and 34, Township 38 North, Range 10 East, New Mexico Principal Meridian, Alamosa County Colorado, Lying Generally East and North of the Cottonwoods Subdivision

Mayor Rogers opened the hearing at 7:18 p.m. and asked for those wishing to speak on this ordinance.

Butch Jones, 5895 Highway 17, spoke in opposition. He said he represents the Maddux and Jones families, with property adjacent to the Ranch. Jean Maddux and Roy Maddux believe that the ranch property was sold to the City with the assumption that it would remain a ranch. When the request was considered for a trailer park, it did not develop because of opposition. The opposition is partly because the annexation will cause property values to go up, and is partly because of the need to share the water. The water that is returned is not being metered on City property, and therefore not credited toward the compact agreement. Jean and Roy Maddux oppose annexation because it puts their property in middle of City property. He recommended a conservation trust.

Mr. Cherpeski clarified that individual homes are excluded from annexation.

Mr. Jones continued, saying that Faustin Martinez and Tom Bobicki were the ones who first let him know of the annexation, and said that notice from the City would have been preferred. He pointed out that City property will border his on two sides, and encouraged cooperation between the City and ranchers. He wants to ensure that rights are protected and that the City property remains in use as a ranch.

Councilor Tuggle asked how the annexation would have a negative impact on his property. Mr. Jones replied that it will raise the assessed valuation. City property is naturally worth more so he expects his to go up also. There are nice homes in the area that will increase value also. It is already hard to pay taxes, and wants to keep it as low as possible.

Mr. Jones described an agreement when the ranch was first purchased that it would remain in use as a ranch. When questioned by Councilor Romero, Mr. Jones said that the agreement is not in writing, but rather a conversation between Mike Hackett and Mr. Maddux. He further clarified that his fear is the assessed valuation increase, as well as the need for cooperation. Neighboring ranchers have to share water and ditches with the City. The sub water is already high. Taking water to Highway 17 will cross his property line.

Council discussed that these shared issues would exist whether the property is annexed or not. The City's lessee would be responsible for implementing shared uses.

Mr. Jones described further his concern that the lack of metered flow is negatively affecting the Compact. He has talked to the Water Conservation District about this.

Councilor Tuggle said that the annexation has no affect on any of these issues. The City wants to be a good neighbor and good partner. There is no intention to develop the property.

Mr. Cherpeski added that the proposed zone is Agricultural. If this zoning were to be changed, it would involve a separate public process.

Mr. Jones described the history of the ranch. Council noted that there is no notice requirement to adjoining property owners. Mr. Cherpeski reiterated that the County Assessor has said that annexation itself does not change the assessed value, and that the intent is that the property remains a ranch. There are no known forthcoming requests for development.

Ruth Brown spoke, saying she was surprised to see this issue as public hearing, and questioned the need for annexation. She noted the former request for a trailer park. Even if Council has good intentions now, it can't be guaranteed for future Councils. This land should be open space, with vistas, wildlife, and walking paths. She asked if Council had considered a conservation easement, which would remove any development from future discussion. She compared this to the proposed development on Wolf Creek. She supported a conservation easement and was opposed to annexation.

Leon Moyer said that if annexed, it could easily be turned into a park. The disc golf portion will likely be designated as a park. This makes it easier to make rules and regulations. The staff report says that the ranch belongs to everyone. This type of mindset causes problems. He opposes government owning property, and suggested selling the property back to citizens with the City keeping the water rights. Sooner or later some future Council will give in to development. Annexation is not necessary.

There being no one further wishing to speak, the hearing closed at 7:38 p.m.

Council continued discussion, making the following comments:

- The best way to keep the property safe from development is to keep it under City control. This is valuable asset.
- There is concern from those who sold it to the City that they didn't want development. The intent is for it to stay open space.
- Council is the steward of the property and doing the right thing to protect it.
- Development would not be prevented by choosing not to annex.
- Development requests will always be made. Some development, such as the disc golf, will be for recreational purposes.
- This Council can't guarantee actions of future Councils.
- The ranch was initially purchased for the water rights and recreational opportunities. The 1996 Comprehensive Plan recommends that Council strive to maintain natural resources of the community.
- Council apologized to the Jones and Maddux family, saying they thought that they had been made aware of the proposed annexation. Council's intent is to be a good neighbor.
- The exclusion of private property has been addressed and resolved.
- The property is zoning as Agricultural, so any development would involve a rezone and public hearing.
- Citizens are encouraged to use the ranch for its recreational purposes, and encouraged to participate in any public process that may arise if and when a change is requested.
- Annexation will not affect the taxes neighboring properties.
- Council declined a conservation easement in the past. The City would have had to give up all rights to the property in exchange for \$80,000.
- A Zoning change has a public process.
- Another option would be to create an Open Space zone.
- The reason annexation is desired is so that the City has control over property it owns.

- The disc golf project will involve approval by the County Planning Commission and the County Commissioners.
- Annexation should have been done years ago, but had not because a survey had not been done.

Staff clarified that the City's Planning Commission is not required to make a recommendation on an annexation.

It was moved by Councilor Romero and seconded by Councilor Gillaspie to finally adopt Ordinance No. 16, 2010. On the roll call the vote was ayes six (Johnson, Romero, Tuggle, Gillaspie, Griego, Rogers), nays one (Lucero). The motion carried.

b. Used Equipment Purchase Opportunity

The Town of Dillon advertised some used equipment for sale. One piece is an International hook truck with five different bodies as well as a snow plow: Dump truck; flat bed; sander/mag chloride dispenser; snow hauler. While the truck is 12 years old it only has 37,000 miles on it. It has the advantage of being a heavy duty truck with an automatic transmission and has the proper hydraulic controls for the sander and plow. Current trucks have standard transmissions, requiring the operator to operate the clutch while shifting and having to operate switches for sanding and plowing. Street Department personnel have looked at this truck and feel that it is very suitable. If purchased, the sand truck and one of our dump trucks would be sold. The purchase price for the vehicle and all attachments is \$25,000.

The second item under consideration is a snow blower which attaches to the front of a loader or backhoe. The current unit is nearly impossible to find parts for. The Dillon unit only has 315 hours on it and should have many years of life remaining. The snow blower is used for picking up windrows from streets, especially in the downtown area. This is a much safer and faster operation than using a loader. Dillon is asking \$5,000 for this unit.

Purchase of this equipment will allow retirement of three current equipment pieces.

It was moved by Councilor Griego and seconded by Councilor Lucero to purchase both units and return with an appropriate budget resolution. On the roll call the vote was ayes seven, nays none. The motion carried.

c. Award of Bid for Jet Vacuum Truck

Four bids were received for a Jet Vac unit to replace the current 1996 Aquatec. MacDonald Equipment is the low bidder, with a net price of \$241,866. This price reflects the unit itself at a cost of \$179,505, plus the cost of the cab/chassis of \$87,361, less the trade-in of \$25,000.

When the budget was developed, the cost of the cab and chassis was not included in the budgeted amount of \$185,000. A budget amendment will be necessary, and funds are available from the enterprise fund reserves.

It was moved by Councilor Lucero and seconded by Councilor Tuggle to award the bid for a Jet Vacuum truck to MacDonald Equipment Company in the amount of \$241,866. On the roll call the vote was ayes seven, nays none. The motion carried.

8. City Manager/Legal

a. Public Hearing Ordinance No. 16, 2010, An Ordinance Making the Annual Appropriation for Fiscal Year 2011, City of Alamosa, Colorado

Mr. Cherpeski presented the budget. The change to the Senior Citizens' funding has been made as directed on first reading, and incorporated into the final version.

Mayor Rogers opened the public hearing at 8:10 p.m. and asked for those wishing to speak on this ordinance.

Leon Moyer objected to receiving grants such as the COPS grant.

Dan McCann questioned the trend of sales tax revenues. Mr. Cherpeski said that it is currently about 4.75% above the cash flow projections. The level is close to that of last year. Mr. McCann noted that this is a much better situation than other jurisdictions.

There being no one further wishing to speak, the hearing closed at 8:13 p.m.

It was moved by Councilor Tuggle and seconded by Councilor Lucero to finally adopt Ordinance No. 16, 2010. On discussion, Council thanked staff for work in developing a balanced budget. In response to a question from Council, Mr. Cherpeski said that an alternate budget has been developed in the event Amendments 60 and 61 and Proposition 101 pass in November. On the roll call the vote was ayes seven, nays none. The motion carried.

E. Committee Reports

Councilor Johnson reported on the Tree Board meeting today.

Councilor Gillaspie reported on the Recreation Board meeting last week.

Councilor Lucero reported that the COG meeting will take place in November.

Councilor Tuggle reported skateboard participants that are happy with the plans for the new park.

Councilor Griego reported attending the CML Policy Committee meeting.

F. Staff Announcements

Ms. Egbert reported that the new process for administrative approval of routine liquor actions was working well. More information will be provided in the Friday Update.

Jim Belknap announced that the City of Alamosa is now on Facebook, and is working on Twitter.

Heinz Bergann reported that the trees on the new facility site have been moved to the Ranch. Two of the three pine trees successfully made the move. The skateboard park has been moved to its temporary home in Friends Park and will be usable by the weekend. The rodeo bull statue monument is nearly complete.

Chief Jackson reported that the accreditation process has been completed.

## COUNCIL COMMENT

Councilor Tuggle noted that she would not be able to attend the groundbreaking event tomorrow. She also requested more conversation with ranch neighbors regarding shared water issues.

Councilor Griego asked that Mr. Cherpeski follow up with communication with ranch neighbors.

Councilor Lucero spoke of the need for policy development regarding sharing staff assets with other communities, and recommended a work session.

Councilor Gillaspie noted the Ranch fencing improvements.

Councilor Johnson added that the cooperation between the Ranch Board and Recreation Board has been excellent.

Councilor Griego applauded staff for developing skills and being available to assist other communities.

Mayor Rogers presented a request from Alamosa County to re-join Action 22. She also brought up a concern from a local subcontractor urging Council to reconsider their bid on the city facility project. However, the choice of subcontractors is up to the contractor and out of Council's control.

ADJOURNMENT. The meeting adjourned at 8:41 p.m.

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Judy A. Egbert, City Clerk

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Kathleen J. Rogers, Mayor