

ALAMOSA CITY COUNCIL  
Wednesday, November 17, 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 Chereski, City Attorney Erich Schwiesow, and Deputy City Clerk Vickie Gardner.

AGENDA APPROVAL. It was moved by Councilor Griego and seconded by Councilor Lucero 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

Jan Oen requested that Council decline to adopt the proposed Ordinance No. 19 in order to receive community input.

Don Thompson:

- Commented on the board appointments on the HPAC
- Spoke in opposition to Ordinance No. 19.

Aileen Peek stated she is against Ordinance No. 19 and Ordinance No. 20.

VGail Vonderweidt submitted to Council a copy of an alternative for Ordinance No. 19.

Leon Moyer:

- Requested Ordinance No. 19 be put on hold.
- Questioned the function of the Planning Commission with regard to Zoning Board of Adjustment actions.
- Requested that the Bistro liquor license be removed from the consent calendar.
- Commented on Ordinance No. 20.

James Bird stated he was against Ordinance No. 19 and would like Council to consider allowing chickens in City Limits.

Stan Klasing stated that in order to sell eggs you must have a letter from the State Health Inspector.

B. Follow-Up

Nathan Chereski explained the proposal in Ordinance No. 20, saying that during calving season coyotes have been shot on the Ranch. BB guns would only be allowed on private property.

Don Koskelin clarified for Mr. Moyer that the Planning Commission and Zoning Board operate as two separate boards but have the same members.

## CEREMONIAL ITEMS.

### A. Introduction of Patrick Steenburg, Engineering Supervisor

Don Koskelin introduced Engineering Supervisor Patrick Steenburg, who was welcomed by Council.

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

- C. 1. a. Accept Planning Commission Recommendation to Allow Permitted Use By Special Review for Outdoor Sales at 716 Main Street
- C. 1. d. Consulting Engineering Contract Award to Olsson and Associates not to Exceed \$28,915.00
- C. 2. a. October 2010 Monthly Expenditure Report
- C. 2. b. Third Quarter Investment Summary
- C. 7. a. Minutes of Regular Meeting November 3, 2010
- C. 8. a. October 2010 Monthly Reports

## REGULAR BUSINESS

### B. Board/Commission Business

#### 1. Consider Appointments to fill Vacancies

Vickie Gardner informed Council That Bill Manshieim has resigned creating a additional vacancy on HPAC.

- By consensus Council decided to fill all three vacant seats on HPAC. Applicants are Geralyn Cummings, Pat Bryson and Karen Bates. Based on ballots cast, Geralyn Cummings was chosen for the term expiring 2013, Karen Bates for the term expiring 2012, and Pat Bryson for the term expiring 2011.
- Library Board. There is one seat available. Applicants are David Mize, Debra Bevington, Sara Bohrer and Lawrence Martinez. Lawrence Martinez received the most votes.
- Planning Commission, One Ward One position. Dave Duncan is the sole applicant, and received the most votes.
- Ranch Board, two seats available. Applicants are Debra Bevington, Jim Grant, Coni Grant, John Stump, Richard Luckemeier and Harvey Teyler.

Councilor Tuggle suggested that there be an opportunity to discuss the option of combining the Ranch Board and Recreation Board. The Ranch is now in City Limits, and the functions are connected.

It was moved by Charlie Griego and seconded by Marcia Tuggle to table the appointment of members to the Ranch Board and schedule a work session in January to discuss the possibility of combining the boards. On the roll call the vote was ayes four (Johnson, Tuggle, Griego and Rogers), nays three (Lucero, Romero and Gillaspie). The motion carried.

- Tree Board, one alternate seat available. Applicants are Debra Bevington and Karly Scarlett. Karyl Scarlet received the most votes.

It was moved by Councilor Tuggle seconded by Councilor Johnson to make board appointments based on the results of the ballots cast. On the roll call the vote was ayes seven, nays none. The motion carried.

C. Business Brought Forward by City Staff

1. Public Works

b. First Reading Ordinance No. 17, 2010, An Ordinance Rezoning Lot 2, Mobile Century Subdivision Lying Generally East of State Avenue and North of 17<sup>th</sup> Street as Portrayed on the Attached Exhibit A, in the City of Alamosa, Colorado From Industrial (I) to Commercial Business (CB)

Don Koskelin presented the Planning Commission's recommendation, explaining that CB zoning on this parcel would be compatible with the surrounding area since the property to the north and west is zoned CB and to the east is RH.

It was moved by Councilor Tuggle and seconded by Councilor Gillaspie to introduce Ordinance No. 17, 2010 on first reading and set a public hearing thereon for Wednesday December 1, 2010 at 7:00 p.m. or as soon thereafter as the matter may be heard. On the roll call the vote was ayes six, nays none. Councilor Romero was the applicant for this action and as such abstained due to a conflict of interest. The motion carried.

c. First Reading Ordinance No. 18, 2010, An Ordinance for the Regulation of Nuisance and Property Maintenance by the City of Alamosa, Colorado; Adopting by Reference the 2009 Edition of the "International Property Maintenance Code" Repealing All Ordinances in Conflict therewith; and Providing Penalties for Violation Thereof

Don Koskelin explained this Ordinance will update the City's current inadequate nuisance code and provide consistency with the City's codes governing property and buildings. The Building Official and the Code Enforcement Officer will be working together.

It was moved by Councilor Griego and seconded by Councilor Tuggle to introduce Ordinance No. 18, 2010 on first reading and set a public hearing thereon for Wednesday December 1, 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

b. First Reading Ordinance No. 19, 2010, An Ordinance Amending Article I of Chapter 3 of the Code of Ordinances of the City of Alamosa, Colorado, To Allow for the Keeping of Certain Livestock, Under limited Conditions, Within the Boundaries of the City of Alamosa

Nathan Cherespki stated this Ordinance would permit the sale of chicks within City Limits and would not affect the agricultural zones that allow livestock.

It was moved by Councilor Griego and seconded by Councilor Tuggle to decline to adopt Ordinance 19, 2010 and direct staff to obtain more information and set a work session with public input. On the roll call the vote was ayes seven, nays one. The motion carried.

c. First Reading Ordinance No. 20, 2010, An Ordinance Amending Article VII of Chapter 11 of the Code of Ordinances of the City of Alamosa, Colorado, To Update Concealed Carry Portions of the Ordinance, Allow for the Discharge of Firearms on the Alamosa Ranch for Predator Control, and Allow for Air Guns and Others Discharged within the Confines of Private Residential Property

Nathan Cherespki explained that this Ordinance updates the current Ordinance as it relates to weapons offenses. It would allow the discharge of weapons for predator control on the Alamosa Ranch and for the recreational use of low velocity "weapons" on private property.

It was moved by Councilor Tuggle and seconded by Councilor Romero to introduce Ordinance No. 20, 2010 on first reading and set a public hearing thereon for Wednesday December 1, 2010 at 7:00 p.m. or as soon thereafter as the matter may be heard. On the roll call the vote was ayes six (Griego, Johnson, Romero, Tuggle, Gillispie and Rogers), nays one (Lucero). The motion carried.

d. Discussion Regarding Next Steps for Medical Marijuana Dispensaries

Erich Schwiesow explained that since the City's current moratorium ends on December 31, Council needs to decide whether or not there is interest in banning dispensaries or moving forward with regulations to allow dispensaries within City Limits.

It was moved by Councilor Tuggle and seconded by Councilor Griego to direct staff to return with more information and solicit input from the community. On the roll call the vote was ayes two (Tuggle and Griego), naves five (Johnson, Lucero, Romero, Gillaspie and Rogers). The motion failed.

It was moved by Councilor Romero and seconded by Councilor Lucero to direct staff to prepare an Ordinance to ban the operation of medical marijuana faculties in the City Limits. On the roll call the vote was ayes five (Johnson, Lucero, Romero, Gillaspie and Rogers), naves two (Tuggle and Greigo). The motion carried.

E. Committee Reports

Councilor Tuggle gave a report on Senior Citizens and the Recreation Board.

Councilor Johnson reported on the Tree Board.

Councilor Lucero reported on the Ranch Board.

F. Staff Announcements

Nathan Cherespki gave an update on the building project. Work will begin on the Fire Station next week and foundation work will continue on City Hall.

Heinz Bergman reminded Council of the Celebration of Lights on Friday and announced that the Ice Festival will be in January.

## VIII. LOCAL LIQUOR LICENSING AUTHORITY ACTIONS

### B. Liquor Licensing Items

1. Decision – Hotel/Restaurant License Application, Wapiti Walk LLC d/b/a Bistro Rialto

After considering potential Findings of Fact to approve or deny, it was moved by Councilor Tuggle and seconded by Councilor Romero to approve the hotel/restaurant license for the Bistro Rialto. On the roll call the vote was ayes six, nays none. Councilor Griego abstained as the spouse of a liquor license holder. The motion carried.

#### COUNCIL COMMENT

Council Romero asked Council for suggestions how to promote the City of Alamosa in a positive manner to encourage businesses to locate here.

Councilor Gillespie requested to be excused from the December 1 meeting.

Councilor Romero requested to be excused from the December 15 meeting.

Mayor Rogers requested Council meet for the tree lighting as a group.

#### EXECUTIVE SESSIONS Pursuant to CRS §24-6-402(4)(a) and §24-6-402(4)(e)

It was moved by Councilor Lucero and seconded by Councilor Gillaspie to move into Executive Session (9:55p.m.) pursuant to CRS §24-6-402(4)(a) and (e) for the purposes of 1) discussing acquisition of real property and 2) negotiations. 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 Sessions were held solely for the stated purposes.

ADJOURNMENT. The meeting adjourned immediately following the Executive Sessions.

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Vickie L. Gardner, Deputy City Clerk

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Kathleen J. Rogers, Mayor