ALAMOSA CITY COUNCIL
Regular Meeting Minutes

Council Chambers
300 Hunt Avenue, Alamosa, CO
April 5, 2017

As a full service municipal government, our mission is to enhance the quality of life for our residents, visitors, and businesses. We strive to provide balanced business, employment, recreational, and residential opportunities.

Any person needing reasonable accommodation to attend or participate in a public meeting, please contact the Alamosa City Clerk's office by telephone (719) 589-2593, by email cityclerk@ci.alamosa.co.us, in person at 300 Hunt Avenue, or by mail at POB 419, Alamosa, CO 81101.

7:00 PM - Regular Meeting

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Regular Meeting of the Alamosa City Council was called to order by Mayor Josef Lucero at 7:00 p.m. The Pledge of Allegiance was recited.

II. ROLL CALL

Present all roll call: Mayor Josef Lucero, Councilors Charles Griego, Kristina Daniel, Michael Stefano, Ty Coleman, Liz Hensley, and Jan Vigil. A quorum was declared. Also present: City Manager Heather Brooks, City Attorney Erich Schwiesow, and City Clerk Holly Martinez.

III. AGENDA APPROVAL

Councilor Vigil moved, seconded by Councilor Daniel to approve the agenda as presented. The motion carried unanimously.

IV. CITIZEN COMMENT

Alamosa City Council welcomes your comments. Citizens wishing to speak may obtain and complete a speaker card through the City Clerk at the start of the meeting.

A. Audience Comments

Cynthia Walsh spoke in regards to personal marijuana grow regulations.

Terry Wiley spoke in regards to the impacts of marijuana.

Shanna Hobbs spoke in regards to the limitations of the personal grow regulations.

B. Follow-Up

None.

V. CEREMONIAL ITEMS

A. Child Abuse Prevention Month Proclamation

Angela Felice and Francisco Andrade spoke in regards to this proclamation, providing information related to this awareness proclamation.

Mayor Lucero read the proclamation and Council presented it to Ms. Felice and Mr. Andrade.

VI. CONSENT CALENDAR A

The Consent Calendar allows multiple actions with one motion. Consent Calendar A contains routine items which have been recommended for action by staff or advisory boards. Council may remove a consent calendar item for separate consideration.

Councilor Griego moved, seconded by Councilor Hensley to approve Consent Calendar A as presented. The motion carried unanimously.

C.7.a. Approve Minutes of Meeting March 15, 2017

VII. REGULAR BUSINESS

A. Presentations from Outside Agencies

1. 2017 Round-Up

Dawn and Jerry Honeycutt presented information to Council on the Alamosa Round-Up rodeo, providing statistics regarding the impact the rodeo has on Alamosa. They also provided the schedule of the Round-Up activities this year.

The Honeycutt's provided the budget for the Round-Up and informed Council that since they did make some money last year, they have lowered their request of the amount of money they are requesting for sponsorship. They requested funding in the amount of $4,000 from the City of Alamosa for this year's round-up.

Council further discussed this item.

Councilor Coleman moved, seconded by Councilor Daniel to fund the Alamosa Round-Up rodeo a sponsorship of $4,000. The motion carried unanimously.

B. Business Brought Forward by City Staff

1. City Manager/Legal

a. First Reading, Ordinance No. 8-2017, an ordinance amending sec. 2-17 of the Code of Ordinances of the City of Alamosa to confirm the ability of Council to cancel meetings at which there will not be a quorum present and increasing the notice required for special meetings.

Counselor Schwiesow presented information regarding this ordinance to Council. Section 2-17 of the *Code of Ordinances of the City of Alamosa* directs the Council to meet on the first and third Wednesdays of every month, with allowance for changing the time and place of the meeting by resolution. There are times when Council knows that for varying reasons sufficient Councilors to defeat a quorum will be excused from or otherwise unable to attend a regularly scheduled meeting, such as when the meeting date falls during the annual Colorado Municipal League conference, as has regularly occurred.

Council has in the past addressed such scheduling conflicts by rescheduling the meeting to be held concurrently with the next regular meeting, but such a practice is less than straightforward. Additionally, the ordinance currently provides for calling a special meeting upon one-hour's written notice, which is not a practice that comports with reasonable management of schedules, the Colorado Open Meetings Act, nor with Council's practice, and Council desires to make the process for calling special meetings provide for more adequate notice of such meetings. This Ordinance brings Section 2-17 into compliance with Council practice and the Open Meetings Act.

Councilor Vigil moved, seconded by Councilor Stefano to approve Ordinance No. 8-2017 on first reading and set for a public hearing on Wednesday, April 19, 2017 at 7:00 p.m. or as soon thereafter as the matter may be heard. The motion carried unanimously.

b. First Reading, Ordinance No. 9-2017, An ordinance extending the existing temporary moratorium on the placement of certain manufactured homes within the city of Alamosa other than in mobile home parks through September 30, 2017

Counselor Schwiesow presented information on this ordinance to Council. On December 21, 2016 through enactment of Ordinance 21-2016, the City Council of the City of Alamosa established a temporary moratorium on the placement of certain manufactured homes within the City through May 30, 2017, noting that the City was in the process of reviewing and revising its zoning code, part of which process is considering the appropriateness of manufactured housing with the City. The process of reviewing the zoning code is ongoing, and it does not appear that the committee working on the code will have a

recommendation for Council to consider and enact in advance of the expiration of the existing moratorium.

An extension of the moratorium on the placement of certain manufactured homes in other than mobile home parks will allow City staff, the Planning Commission, and City Council an opportunity to consider and develop regulations concerning the placement of such homes. Extending the moratorium through September 30, 2017, is a reasonable length of time to allow for the consideration, and if appropriate, development of such regulations.

Councilor Stefano moved, seconded by Councilor Daniel to approve Ordinance No. 9-2017 on first reading and set for a public hearing on Wednesday, April 19, 2017 or as soon thereafter as the matter may be heard. The motion carried unanimously.

c. First Reading, Ordinance No. 10-2017, An ordinance amending Sec. 20-83 of the *Code of Ordinances of the City of Alamosa* to recognize the ability of non-city haulers to haul commercial solid waste.

Heather Brooks presented information to Council. Section 20-83 of the *Code of Ordinances of the City of Alamosa* prohibits anyone who is not an agent or employee of the City of Alamosa from collecting and disposing of solid waste within the City of Alamosa. However, the City has not enforced this ordinance with respect to commercial properties or residences of eight or more units, because C.R.S. §30-15-401 prohibits municipalities from compelling industrial or commercial establishments, or multi-family residences of eight or more units, to use or pay user charges for waste services provided by the municipality rather than by a private person. The conflict recently caused confusion when notices of the new trash rates were sent out. The Ordinance should be aligned with State law and with the current practice of the City.

Councilor Vigil moved, seconded by Councilor Daniel to approve Ordinance No. 10-2017 on first reading and set for public hearing on Wednesday, April 19, 2017 at 7:00 p.m. or as soon thereafter as the matter may be heard. The motion carried unanimously.

d. Second reading and public hearing, Ordinance No. 7-2017, An ordinance amending Ordinance No. 4-2017 to include additional capital improvement projects related to water and sewer infrastructure and the Alamosa levee.

Heather Brooks reviewed this ordinance with Council, which was explained in further detail at the first reading of the ordinance on March 15, 2017.

Mayor Lucero opened the public hearing at 7:56 p.m. and asked for those wishing to speak on this ordinance.

There being no one wishing to speak, the hearing closed at 7:56 p.m.

Councilor Daniel thanked staff for the time and energy staff put into the changes that were discussed at the previous meeting.

Councilor Griego moved, seconded by Councilor Stefano to finally adopt Ordinance No. 7-2017. The motion carried unanimously.

e. Resolution No. 10- 2017, A resolution identifying the portion of the Alamosa ranch as the Leased Property to be leased to and subleased from the Alamosa Capital Leasing Corporation by the City under a Site Lease and Lease Purchase Agreement

Counselor Schwiesow spoke in regards to this resolution. This resolution identifies the portion of the Alamosa Ranch as the Leased Property to be leased to and subleased from the Alamosa Capital Leasing Corporation by the City under a Site Lease and Lease Purchase Agreement.

The plat version of the parcel that is part of this resolution was displayed. Public Works still needs to develop the legal description that will follow the plat but if the resolution is approved, the plat displayed will be the exhibit attached to the resolution and the legal description developed from that will be used in all of the documentation for the lease purchase agreement.

Councilor Vigil moved, second by Councilor Stefano to pass Resolution No. 10-2017. The motion carried unanimously.

C. Committee Reports

Councilor Vigil spoke in regards to the Alamosa School Board meeting that he attended.

Councilor Daniel spoke in regard to the Tree Board meeting that occurred today, which she was unable to attend but informed the Council that they will be at the next meeting.

Councilor Vigil also mentioned that the Library Board's 115th Birthday Celebration was held this past Sunday.

D. Staff Announcements

Heather Brooks informed Council of the following:

- Dog Park public forum is next week at the Rec Center.
- Financing for the augmentation and closing is the 18th.

- ACLC will meet next week to consider documents.

Holly Martinez asked for guidance from Council on what they would like to do with the receiving of two new board applications. Ms. Martinez received two applications for different board. One is for the Planning Commission and one is for the Library Board, that were both received before the board recruitment process went out. Council can either interview prior to the deadline of the recruitment process or if they would like to hold the applications and hold interviews all at the same time. Council directed Ms. Martinez to hold the applications until the deadline time and conduct interviews all at one time.

VIII. LOCAL LIQUOR LICENSING AUTHORITY ACTIONS

A. Decision, New Application, Hotel/Restaurant License, Thai Hut LLC d/b/a Thai Hut

Counselor Schwiesow informed Council that as is their practice, he has prepared the draft findings with regards to the Thai Hut, one providing the granting of the license, and one providing for the denial of the license. He also reminded Council that at the public hearing, no one spoke either for or against the issuance of this license other than the applicant himself who provided a petition with a total of 151 signatures.

Councilor Stefano moved, seconded by Councilor Hensley to approve the license for the Thai Hut. The motion carried unanimously.

B. Needs and Desires Hearing on the application of Wize Apples/Linda Cade, d/b/a Wize Apples, for a Hotel/Restaurant License at 408 4th Street

The applicant of this license is Linda Cade, representing Wize Apples/Linda Cade d/b/a Wize Apples.

Mrs.Cade presented the following information regarding the application.

- Mrs. Cade is the owner of Wize Apples, which has been open since 2008.
- She has held a liquor license since 2008 between the City of Alamosa and the County of Alamosa.
- She has never had an infraction on her license and has always practiced due diligence while having a license.
- Wize Apples is family restaurant open until 9:00 p.m. and the license would provide availability of enhancing people's meals.

Counselor Schwiesow gave an overview of the hearing procedure, and the licensee's obligation to affirmatively prove the needs of the neighborhood and the desires of the adult inhabitants of the neighborhood. The City's presumptive neighborhood is the city limits plus a one-mile radius. No request has been made to consider different boundaries, so this neighborhood will apply to this hearing.

Mrs. Cade presented the poster giving notice of the application and hearing that was posted at the establishment, which is identified as Exhibit A. The hearing

notice was posted on February 23, 2017. The legal notice was published in the Valley Courier on March 28, 2017.

Mrs. Cade also presented signed petitions in support of the hotel/restaurant license at this establishment, identified as Exhibit B. Mrs. Cade stated that the petitions were posted at the restaurant so that way returning customers and new customers would have the opportunity to sign the petition. There were approximately 300 signatures were obtained, all of which were in support of this license at this address. There were 7 petition pages of signature pages.

Mayor Lucero opened up the public hearing for those wishing to speak on this application at 8:16 p.m.

Jerry Honeycutt spoke in support of this license.

There being no one else wishing to speak, the hearing closed at 8:17 p.m.

Counselor Schwiesow informed council of the process of him preparing proposed findings of the license and also let them know that they would be able not only vote for or against the license, but could also change anything within those findings. He also made Council aware that they could also make a decision and direct him to prepare findings consistent with that decision. Typically the reason that proposed findings are prepared are due to Council not being ready to make a decision while they are sitting there right after they are conducting the hearing.

Councilor Coleman asked what the petition requirements were for liquor licenses. Counselor Schwiesow stated that the petition should recognize what the desires of the neighborhood are and residents of the neighborhood are typically the people who would address their desires to Council. The City does not confirm the address of people who sign these petitions as they are not the same as a petition for an election.

Councilor Daniel asked the applicant to provide information on how not having a liquor license has affected the business at Wize Apples since they're been open in the City. Mrs. Cade informed Council that she is asked on a daily basis when she is going to get her license and has had some customers leave due to not having a license.

Councilor Griego asked Mrs. Cade to provide information on the days that Wize Apples is open. Mrs. Cade confirmed that Wize Apples is Monday through Saturday; opening at 11:00 a.m. and closing at 8:00 p.m. on Monday, Tuesday and Wednesday; and closing at 9:00 p.m. on Thursday, Friday and Saturday.

Councilor Hensley asked Mrs. Cade if there are any concerns with the patio part of the license. Mrs. Cade stated that if there is something that would be done on the patio, it would only be on certain days or special things because she is also concerned with this due to the stairwell and would like to have someone up there at all times if they were to use it.

Councilor Stefano moved, seconded by Councilor Daniel to approve the license for Wize Apples since Mrs. Cade has held a liquor license before and has not had any infractions. Counselor Schwiesow will still prepare written findings and the applicant will know what the decision will be. The motion carried unanimously.

C. Approval of Colorado Liquor Sales Room for Square Peg Brewerks LLC

Counselor Schwiesow provided information for Council. This application is one Council is dealing with in their Liquor Licensing Authority but unlike a typical licensing process that they've been through before. This license is very limited in scope for a Liquor Sales Room and is handled the by the State Liquor Licensing Authority.

Council's role is limited to consideration of whether there might be particular impacts in the City because of this license. Those impacts that need to be considered are an impact on traffic, noise or other neighborhood concerns that would be inconsistent with local regulations or ordinances; or that the permit would result in violation of the Colorado liquor code or laws of the local government and those must be specified; or if this license would violate local zoning laws.

Public Works has reviewed this application with respect to those conditions and does not believe any of them are applicable.

The applicants of this license were present and provided Council with more information regarding this license.

Councilor Griego moved, seconded by Councilor Hensley to approve the application for the Liquor Sales Room for Square Peg Brewerks. Counselor Schwiesow asked for an amendment to the motion to include the direction of the Mayor signing the approval form. Councilor Griego amended his motion to include this and Councilor Hensley seconded the motion. The motion carried unanimously.

A. CONSENT CALENDAR B

The Consent Calendar allows multiple actions with one motion. Consent Calendar B contains routine items which have been recommended for action by staff or advisory boards. Council may remove a consent calendar item for separate consideration.

Councilor Vigil moved, seconded by Councilor Stefano to approve Consent Calendar B as presented. The motion carried unanimously.

Councilor Coleman thanked the applicants of the Early Iron for bringing this event to Alamosa and enhancing quality of life.

1. San Luis Valley Early Iron, Inc. Special Events Permit September 1 and 2, 2017

COUNCIL COMMENT

Councilor Daniel stated that she will not be at the meeting on the 19th as she will be at a meeting and asked to be excused.

Councilor Greigo spoke in regards to the upcoming County Commissioners Meeting. Council further discussed this issue. Councilor Griego also spoke in regards to the decision on which bank was awarded the bid for the proposal. Heather Brooks provided background information to Council on the reasoning for why this was chosen and done this way.

EXECUTIVE SESSIONS

Council Vigil moved, seconded by Councilor Daniel to enter into Executive Session (9:05 p.m.) pursuant to C.R.S. §24-6-402(4)(f) for Personnel Matters to discuss the Evaluation of the City Clerk. The motion carried unanimously.

After the executive session, no further business will be discussed.

1. Executive Session pursuant to C.R.S. §24-6-402(4)(f) for Personnel Matters - Evaluation of City Clerk

ADJOURNMENT

The meeting adjourned immediately after the Executive Session.

_____ _____

Holly C. Martinez, City Clerk Josef P. Lucero, Mayor

ALAMOSA CITY COUNCIL
COUNCIL COMMUNICATION

Subject/Title:
Child Abuse Prevention Month Proclamation

ATTACHMENTS:

	Description	Type
🗋	Child Abuse Prevention Month Proclamation	Backup Material

A PROCLAMATION:
APRIL 2017
NATIONAL CHILD ABUSE PREVENTION MONTH

As a Nation and as a community, it is our responsibility to build a safe and nurturing society so that our young people can realize their full potential. During **National Child Abuse Prevention Month,** we renew our commitment to preventing child abuse and rededicate ourselves to working together to ensure that all children can have a bright and hopeful future.

Whereas, preventing child abuse and neglect is a community problem that depends on involvement of all people throughout the community;

Whereas, child abuse and neglect not only directly harms children, but also increases the likelihood of long term physical and mental health problems, alcohol and substance abuse, continued family violence and criminal behavior;

Whereas, child maltreatment occurs when people find themselves in stressful situations, without community resources and don't know how to cope;

Whereas, the majority of child abuse cases stem from situations and conditions that are preventable in an involved and supportive community;

Whereas, child abuse and neglect can be reduced by making sure that each family has the support they need in raising their children in a safe and nurturing environment;

Whereas, effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, faith-based communities, civic organizations, law enforcement agencies and the business community;

Therefore, we do hereby proclaim

April 2017 as **Child Abuse Prevention Month in the City of Alamosa** and call upon all citizens, community agencies, faith-based groups, and businesses to increase their participation and commitment in our efforts to support families and protect our children from abuse and neglect, helping to ensure that each child can grow up in a secure and loving environment.

Done this 5th day of April, 2017,

_____

Josef Lucero, Mayor

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ALAMOSA CITY COUNCIL
COUNCIL COMMUNICATION

Subject/Title:
Approve Minutes of Meeting March 15, 2017

ATTACHMENTS:

	Description	Type
🗋	Minutes of Meeting March 15, 2017	Cover Memo

ALAMOSA CITY COUNCIL
Regular Meeting Minutes

Council Chambers
300 Hunt Avenue, Alamosa, CO
March 15, 2017

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7:00 PM - Regular Meeting

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Regular Meeting of the Alamosa City Council was called to order on the above date by Mayor Josef Lucero at 7:00 p.m. The Pledge of Allegiance was recited.

II. ROLL CALL

Present at roll call: Mayor Josef Lucero, Councilors Kristina Daniel, Jan Vigil, Ty Coleman, Michael Stefano, Charles Griego, and Liz Hensley. A quorom was declared. Also present: City Manager Heather Brooks, City Attorney Erich Schwiesow, and City Clerk Holly Martinez.

III. AGENDA APPROVAL

Heather Brooks informed Council there needs to be a Ceremonial Item added under Citizen Comment and before Consent Calendar A for a proclamation for the Library's 115th Birthday Anniversary.

Councilor Vigil moved, seconded by Councilor Daniel to approve the agenda as amended. The motion carried unanimously.

IV. CITIZEN COMMENT

Alamosa City Council welcomes your comments. Citizens wishing to speak may obtain and complete a speaker card through the City Clerk at the start of the meeting.

A. Audience Comments

Ralph Symbleme spoke in regards to the Bains and KRZA buildings.

Brock Miller and Cheryl Smith spoke in regards to Tu Casa's upcoming events.

B. Follow-Up

Council thanked those citizens who commented for coming and speaking at the meeting.

V. CEREMONIAL ITEMS

A. Proclamation for the 115th Anniversary of the Library

Patty Campbell and Salai Taylor, representatives of the Alamosa Public Library, spoke regarding the celebration of the City of Alamosa Public Library 115th Birthday.

Mayor Lucero read the proclamation, proclaiming 2017 as the Alamosa Public Library 115th Celebration, and Council presented it to Ms. Campbell and Ms. Taylor, representatives of the library.

VI. CONSENT CALENDAR A

The Consent Calendar allows multiple actions with one motion. Consent Calendar A contains routine items which have been recommended for action by staff or advisory boards. Council may remove a consent calendar item for separate consideration.

Councilor Vigil moved, seconded by Councilor Griego to approve Consent Calendar A as presented. Councilor Vigil made the comment that the reason why the June 21st meeting is because canceled is because Council will be at the CML Annual Conference. The motion carried unanimously.

C.7.a. Approve Minutes of Meeting March 1, 2017

C.2.a. Receive February 2017 Financial Reports

C.8.a. Receive February 2017 Monthly Reports

C.1.a Resolution No. 7-2017; Addition of the KRZA Building to the City of Alamosa Register of Historic Places

C.1.b. Resolution No. 8-2017; Addition of the Bain's Building to the City of Alamosa Register of Historic Places

C.7.b. Resolution No. 9-2017; A Resolution Canceling the June 21, 2017 Regular Meeting of the Alamosa City Council.

VII. REGULAR BUSINESS

A. Presentations from Outside Agencies

1. **SLV Harm Reduction Program**

Charlotte Ledoni, a nurse coordinator with the Area Health Education Center and Della Vieta, Public Health Director for Alamosa County, spoke and gave a presentation about the SLV Harm Reduction Program.

B. Business Brought Forward by City Staff

1. **Police**

a. Public Hearing and Second Reading, Ordinance 5-2017, an ordinance repealing and replacing chapter 3 of the A*lamosa Code of Ordinances,* governing animals, to introduce a spay, neuter, return program for feral cats, allow for burial of pets in yards, revise terms under which animal impoundments take place, and make other clarifying changes to the chapter

Heather Brooks reviewed this ordinance with Council and restated the changes that are being proposed in this ordinance, including adding a section for feral cats, and allowing impoundment of stray cats, allowing pet burial on owners property, clearing up questions about dealing with nuisance animals that the City does not have shelter space for, better aligning the ordinance on rabbit and poultry with the general animal ordinance, removing the ability to allow the keeping of juvenile wild animals as pets, and making other housekeeping changes to clarify and streamline the ordinance.

Ms. Brooks also provided background information on discussions on procedures that have been utilized thus far to try to address the feral cat population. She also informed Council of discussions regarding grants that have been discussed to help with this issue as well and went over the changes in the proposed ordinance.

Councilor Vigil asked for clarification on the new language that was put into the ordinance and if it was due to the concerns that were heard from concerned citizens over the last week. Ms. Brooks confirmed that it was.

Mayor Lucero opened the public hearing at 7:56 p.m. and asked for those wishing to speak on this ordinance.

Ron Loser spoke in appreciation and in favor of this ordinance.

Kris Steinburg spoke in regards to statistics related to the feral cat issue and provided information on Trap, Neuter and Release.

Jennifer Stoughten thanked those that have been involved with this ordinance and for caring about the cats. She also stated her concerns with the ordinance as written and provided different ideas that could be addressed in the ordinance.

Margaret Doelle also thanked Council for the efforts to address the feral cat issue. She provided suggestions that she thought would make this ordinance better and will provide to anyone interested afterwards.

Aileen Peek spoke addressing her concerns and would like to see Alamosa be a no-kill animal city.

Marge Howard spoke in regards to Cats Alive and services they provide for the City.

Donna Ditmore spoke her concerns and thanked Council for taking action to take care of the cats and would like all the organizations to continue working together.

Margaret Geist spoke in regards to the non-feral cat problem.

Marina Husmann spoke to advocate for humane ordinances and believes that if everyone works together, a common goal can be reached.

Diana Hamilton reiterated what everyone else commented and hopes Council could give an extension so that way everyone can get together to possibly revise the ordinance and get it to what everyone is in agreement to.

There being no one else wishing to speak, the hearing closed at 8:29 p.m.

Councilor Vigil thanked everyone for showing up and speaking their opinions. He also shared his concerns of what others have stated and feels that education is an important piece. He also stated that if Council is going to partner with Cats Alive, it may be in Council's best interest to provide funding to them once a year, as they do for many other non-profits.

Councilor Daniel asked Counselor Schwiesow and Heather Brooks in regards to what needs to happen in order to have those 30 days that are being requested. Counselor Schwiesow stated that there are a number of different approaches Council can address. They can make changes tonight, they can reset the ordinance for consideration again at a subsequent meeting and in the interim, direct staff to reach out to these organizations and get their input and bring back to Council for consideration at a later meeting.

Mayor Lucero asked if this would entail another public hearing and third reading. Counselor Schwiesow stated that the public hearing is not needed again since one has been held.

Councilor Hensley stated that she feels there are some points that were brought up and feels that it does need to be looked at.

Councilor Coleman thanked the audience for the education they provided tonight and understands their concerns. He also stated he doesn't feel it would be a good idea to word anything tonight. He asked how Council could take enough time to make sure as much comments received tonight are included in the ordinance. Ms. Brooks suggested that staff could set up a meeting, made open to everyone who has an opinion, and get that information.

Councilor Stefano also feels this ordinance should be given more discussion.

Councilor Griego stated that everyone is concerned with the destruction of cats. He asked for clarification of this statement.

Councilor Daniel thanked staff for all the work that has gotten to this point of the ordinance.

Councilor Vigil moved, seconded by Councilor Hensley to table this issue to have the opportunities for meetings and discuss this item at the April 19th meeting. The motion carried unanimously.

2. City Manager/Legal

a. Public Hearing and Second Reading, Ordinance No. 6-2017, An ordinance establishing a temporary moratorium on the establishment of marijuana consumption clubs through September 30, 2017

Erich Schwiesow reviewed this ordinance with Council, which was presented on first reading at the last meeting on March 1st. Staff has since met with the applicants that spoke at that meeting and learned that they intend to make application for a special use permit for a club location in time for consideration at the next planning commission meeting. If that application occurs prior to the effective date of this ordinance, it will not be affected by the ordinance. At first reading, Council directed staff to propose a provision addressing the receipt of applications during the effective period of the ordinance. Accordingly, the draft ordinance before Council for second reading includes a provision addressing accepting applications during the moratorium, and processing them in the order received after the moratorium expires.

Mayor Lucero opened the public hearing at 8:51 p.m. and asked for those wishing to speak on this ordinance.

Martin Sowards spoke in regards to his opposition of this type of club being in Alamosa.

There being no one else wishing to speak, the hearing closed at 8:53 p.m.

Councilor Griego moved, seconded by Councilor Daniel to finally adopt Ordinance No. 6-2017. The motion carried unanimously.

b. First Reading, Ordinance No. 7-2017, An ordinance amending Ordinance no. 4-2017 to include additional capital improvement projects related to water and sewer infrastructure and the Alamosa levee.

Heather Brooks presented information to Council. This ordinance is an amendment to Ordinance No. 4-2017, which would allow the City to direct any amount of the $4.3 Million authorized by Ordinance No. 4-2017 not used for the Water Projects for the Infrastructure Projects. The Amendment does not change the fiscal impact of the lease purchase arrangement for $4.3 Million as set forth in Ordinance No. 4. This ordinance amends the parameters ordinance to allow greater flexibility in addressing some of the City's other capital improvement needs if because of circumstances beyond the City's control use of the entire amount authorized in the parameters ordinance is not feasible for the Water Projects as specified therein.

Councilor Vigil moved, seconded by Councilor Hensley to approve Ordinance No. 7-2017 on first reading and set for a public hearing on Wednesday, April 5, 2017 or as soon thereafter as the matter may be heard. The motion carried unanimously.

C. Committee Reports

Councilor Vigil reported on the Rio Grande Healthy Living Park retreat that he attended this past weekend. He also reported on the school board meeting that he attended.

Councilor Hensley reported on the Marketing Board meeting that she attended.

D. Staff Announcements

Heather Brooks informed Council in regards to the upcoming executive sessions that will be coming up and reminded them of the procedure in how those happen, which is the first meeting is Council meeting with the employee, the second one Council reviewing and meeting by themselves, and the final one when Council and the employee all meet together again.

Councilor Daniel asked for clarification on if the executive session can be held a different time other than after the City Council meeting. Ms. Brooks confirmed that that is an option and if Council is available and wants to have an executive session on an off-Wednesday, they can.

Councilor Hensley asked if there could be a continuation of the work session that was held today. Ms. Brooks stated that polls could be sent out to see what dates would work best for Council.

Ms. Brooks also informed Council of the July 5th Council meeting date and to have them be thinking on if they want to reschedule that meeting or not since it is close to a holiday.

Heinz Bergann updated Council on different park activities that are starting to go on now as the season are changing. He also informed them that there will be an Arbor Week Proclamation in April as well as a second dog park forum scheduled for April.

Councilor Vigil asked for an update on the disc golf course. Mr. Bergann stated that they are waiting for the final drawings and recommendations for the disc golf club to be taken to the rec board.

Councilor Griego asked when the ranch grazing is being put out. Mr. Bergann stated it is an annual automatic renewal with two payments. Councilor Griego asked how it can be brought back to Council if other people wanted the opportunity for this. Ms. Brooks stated that they can look at what the contract says and see what the time-frame is for notice and most likely do a competitive process.

VIII. LOCAL LIQUOR LICENSING AUTHORITY ACTIONS

A. Needs and Desires Hearing on the application of Thai Hut LLC, d/b/a Thai Hut, for a Hotel/Restaurant License at 525 Main Street

Counselor Schwiesow gave an overview of the hearing procedure, and the licensee's obligation to affirmatively prove the needs of the neighborhood and the desires of the adult inhabitants of the neighborhood. The City's presumptive neighborhood is the city limits plus a one-mile radius. No request has been made to consider different boundaries, so this neighborhood will apply to this hearing.

The applicant is Soranai Srasom, representing Thai Hut LLC d/b/a Thai Hut.

Mr. Srasom presented the poster giving notice of the application and hearing that was posted at the establishment, which is identified as Exhibit A. The hearing notice was posted on February 14, 2017 and taken down today, March 15, 2017 to present at hearing. The legal notice of this hearing was published in the Valley Courier on March 3, 2017.

Mr. Srasom also presented signed petitions in support of the hotel/restaurant license at this establishment, identified as Exhibit B. Mr. Srasom stated that a total of 151 signatures were obtained, all of which were in support of this license at this address.

Mr. Srasom presented the following information regarding the application.

- Mr. Srasom is the owner and manager of the Thai Hut restaurant. He moved here from Florida to serve Thai food and sushi and many customers have been asking for wine, beer, and liquor to be served so they are trying to meet their requests.
- He stated that he posted the notice for one month for everyone to know about the hearing and that they were applying for a liquor license.

Counselor Schwiesow asked Mr. Srasom to clarify how the petitions were circulated. Mr. Srasom stated that the signatures were collected at the Thai Hut establishment from customers at the register, which is located at 525 Main Street. Counselor Schwiesow presented the petitions to Council to take a look at.

Counselor Schwiewsow stated that if there is nothing further to be presented, he would open up the hearing (9:33 p.m.) and asked for anyone in the audience wishing to speak to the needs and desires for the application of the liquor license for the Thai Hut. There being no one wishing to speak, Counselor Schwiesow moved the hearing back to Council and asked if they had any questions.

Councilor Daniel asked Mr. Srasom about the type of training that will be offered to the staff of the Thai Hut to be sure that underage patrons aren't served. Mr. Srasom stated that ID's are checked and that they are able to purchase alcohol.

Councilor Coleman asked how many employees are staffed at the Thai Hut. Mr. Srasom stated that there are about 4-5 employees there. Councilor Coleman also asked how long Mr. Srasom has been in business so far. Mr Srasom stated that he used to work in Florida in the restaurant business for over 20 years and has been in business in Alamosa for about two months. Councilor Coleman also asked if in prior opportunities in the restaurant business if he had the opportunity to serve alcohol before and if he was familiar with laws and regulations regarding such. Mr. Srasom confirmed that he had and is familiar with this.

Councilor Griego asked Mr. Srasom to tell them about his business and the times that the restaurant is open. Mr. Srasom stated that the Thai Hut is open every day, opening at 11:00 a.m. and closing at 9:00 p.m. Councilor Griego asked for clarification on if alcohol would be served every day. Mr. Srasom confirmed this as well.

Councilor Hensley asked if there were any issues or problems that occurred with him while serving alcohol in Florida. Mr. Srasom confirmed that there was never any problems. Counselor Hensley also asked if he felt comfortable with serving alcohol and if he understood the importance of not serving alcohol to anyone underage. Mr. Srasom confirmed he was comfortable and does understand the importance.

Mayor Lucero asked Mr. Srasom if the process for the liquor license application was easy or difficult for him. Mr. Srasom stated it was difficult for him to understand the question and hard for him to speak.

Councilor Vigil asked for clarification on who made the petitions. Holly Martinez stated that the petitions were made by the applicant. Councilor Vigil stated his appreciation for how professional the applicant was with the petitions and being prepared for the hearing tonight.

Counselor Schwiewsow stated if there were no other questions by the Council, the hearing would be closed. The hearing closed at 9:38 p.m.

Counselor Schwiesow informed Council that the typical practice is to direct the City Attorney to prepare proposed findings of fact with respect to this license, which will be presented at the next meeting, which is Wednesday, April 5, 2017.

Council directed Counselor Schwiesow to prepare the proposed findings to be presented at the next meeting.

Councilor Griego asked if the applicant was aware of the procedure and the next steps. City Clerk Holly Martinez confirmed that he was made aware and does know that the final decision will be made on April 5, 2017.

A. CONSENT CALENDAR B

The Consent Calendar allows multiple actions with one motion. Consent Calendar B contains routine items which have been recommended for action by staff or advisory boards. Council may remove a consent calendar item for separate consideration.

Councilor Greigo moved, seconded by Councilor Stefano to approve Consent Calendar B as presented. The motion carried unanimously.

1. San Luis Valley Arts & Entertainment Committee, Summerfest on the Rio, Special Events Permit June 2, 3 and 4, 2017.

COUNCIL COMMENT

Councilor Vigil apologized to Council and staff for his absence at the meeting on Monday. He also stated his concerns for the discussions of the marijuana topics.

Councilor Griego stated that he would still like to listen to the people about their thoughts towards this issue.

Mayor Lucero stated that this is an opportunity to get involved with their constituents and educate themselves on both the pros and cons of this issue and topic and believes in the end, Council will do what the people want them to do, as that is what they are here for.

Councilor Coleman commended Councilor Vigil for playing the devil's advocate.

Councilor Hensley commented and wished everyone to have an enjoyable and nice spring break.

ADJOURNMENT

The meeting adjourned at 9:46 p.m.

_____	_____
Holly C. Martinez, City Clerk	Josef P. Lucero, Mayor

ALAMOSA CITY COUNCIL
COUNCIL COMMUNICATION

Subject/Title:
Decision, New Application, Hotel/Restaurant License, Thai Hut LLC d/b/a Thai Hut

Recommended Action:
Consider the evidence presented at the needs and desires hearing on the application of Thai Hut and the proposed findings and conclusions prepared by the City Attorney, and either grant or deny the license.

Background:
Council must adopt written findings and conclusions when it takes action on a liquor license application. Thai Hut LLC d/b/a Thai Hut presented its application for a Hotel/Restaurant License at 525 Main Street at the meeting on March 15, 2017. Based on matters presented at the hearing, the City Attorney has prepared drafts of findings and conclusions for Council's consideration, one granting and one denying the license.

Issue Before the Council:
Does Council determine that the reasonable requirements of the neighborhood and the desires of the adult inhabitants of the neighborhood support issuance of the requested license, and that the applicant is of sound character?

Alternatives:
1) Adopt the proposed findings granting the license, with or without modification.
2) Adopt the proposed findings denying the license, with or without modification.
3) Reopen the hearing for further evidence

Fiscal Impact:
None

Legal Opinion:
The City Attorney will be available for comment.

Conclusion:
After the hearing is concluded, Council generally adopts its findings granting or denying the license at the following meeting. It must act within 30 days of the hearing.

ATTACHMENTS:

Description	Type
Thai Hut findings grant	Exhibit
Thai Hut deny	Exhibit

FINDINGS OF FACT AND CONCLUSIONS;
GRANT OF LIQUOR LICENSE APPLICATION

In Re the Matter of the Public Hearing Concerning: Thai Hut, LLC for a Hotel/Restaurant License at 525 Main Street

I. THE HEARING

This matter came on for public hearing at a regularly scheduled meeting of the Alamosa City Council sitting as the Local Licensing Authority (the Authority) on March 15, 2017. Notice of the hearing was given pursuant to §12-47-311, C.R.S. All members of Council were present.

A. Preliminary Issues.

The Authority considered the contents of the application and the results of its own investigation as part of the hearing record.

By virtue of a resolution that has been in effect for approximately twenty years, the Authority has established a presumptive neighborhood applicable to any liquor license application to be the entire City of Alamosa, plus a one-mile radius surrounding the City's perimeter. An applicant or any opponent to an application may rebut the presumption as to the definition of the applicable neighborhood by providing evidence that another definition of neighborhood applies to the particular application. No party proposed a different definition of the neighborhood for this application.

The poster giving notice of the application was introduced as Exhibit A and the Clerk confirmed it was posted on February 14, 2017, and remained posted through the date and time of the hearing. Exhibit B, consisting of petitions containing approximately 150 signatures in support of the application filed with the Clerk and presented at the hearing.

The Authority takes administrative notice of the existence and location of the 16 hotel/restaurant licenses granted by the Authority for premises within the City, and of the total of 41 liquor licenses of all types granted by the Authority for premises within the City. The Authority takes administrative notice that the central commercially zoned corridor in Alamosa generally runs from east to west, one block north and south of Main Street; that additionally there is an intermittent (i.e. mixed zoning) corridor north and south along U.S. Highway 285, and along State Avenue.

B. Applicant. Applicant, Thai Hut, LLC, appeared through its manager, Sorani Srasum.

C. Documentary Evidence. Mr. Srasum presented a petition containing approximately 150 signatures in support of the application. Each page of the petition contained a statement that the signer owned property, lived, or was engaged in a job or business within the neighborhood, and an indication that the signers were at least twenty-one years of age. The petitions were obtained at the restaurant. No verification was done with respect to the addresses, as to whether or not the signatories were inhabitants within the definition in the *Colorado Liquor Code*, Section 12-47-103(12) C.R.S., or parties in interest, as defined in

Section 12-47-311(5) C.R.S . No Petitions opposed to the Application were presented. The Authority takes into account the infeasibility of it verifying the signatures, and the lack of verification tendered as part of the Exhibit, when it considers the weight to be given the petitions.

D. Witnesses. The applicant provided Council with a brief background. He has been managing the Thai Hut for about two months, having more than 15 years previous restaurant management experience in Florida. Customers have asked them to provide liquor with meals, and many signed the petition.

Prior to opening the public hearing, Council questioned the applicant concerning the nature of his business, and his understanding of the liquor code, particularly as it relates to underage consumption. The applicant presented the petitions, and further indicated that his customers desired alcoholic beverages to be available with the meals served at the restaurant.

There was no one wishing to speak at the public hearing.

II. APPLICABLE LAW

A hotel restaurant liquor license, under the *Colorado Liquor Code*, may be issued to persons selling only malt, vinous and spirituous liquors in the place where such liquors are to be consumed. In addition, a Hotel/Restaurant shall sell such liquors only if meals are actually and regularly served, and provide not less than 25% of the gross income from sales of food and drink of the business of the licensed premises. C.R.S. § 12-47-411.

Before entering any decision approving or denying the application for a liquor license, the Local Licensing Authority shall consider the reasonable requirements of the neighborhood for the type of license for which the application has been made and the desires of the adult inhabitants of the neighborhood (as evidenced by petitions, testimony, or otherwise), and all reasonable restrictions that are or may be placed upon the new district. §12-47- 301(2), C.R.S.

Whether a license should be granted or denied is a matter resting within the discretion of the licensing authority. *Harvey v. Schooley*, 383 P2d 189 (Colo. 1963). The burden is on the applicant to establish a *prima facie* showing of facts which satisfy the requirements of the liquor code. *Geer v. Hall*, 333 P.2d 1040 (Colo. 1959). The local licensing authority has no authority to regulate the sale of alcohol, but only to grant, deny, suspend, or revoke licenses as provided in the liquor code. *Gettman v. Board of County Commissioners*, 221 P.2d 363 (Colo., 1950). A city council may not prejudge any application by trying to legislate a limitation of the number of licenses based on population. Each application must be considered on its own merits. *City of Colorado Springs v. Graham*, 352 P.2d 363 (Colo. 1950). Unless a second or additional license is applied for by the same licensee, no consideration of the effect on competition of the granting or disapproving of the license shall be made. *See* C.R.S. § 12-47-301(2).

Pursuant to Colorado liquor regulation 47-310(E), when considering whether or not an applicant is of good moral character, the licensing authority may consider, among other factors, whether the applicant or licensee has a criminal history of crimes of moral turpitude. By way of example, crimes of moral turpitude shall include but not be limited to, murder, burglary, robbery, arson, kidnapping, sexual assault, illegal drugs or narcotics convictions. Furthermore, if criminal history is considered, then pursuant to C.R.S. § 24-5-101, the licensing authority shall also consider

evidence of rehabilitation. Such evidence may include, but not be limited to, evidence of no criminal history record information, educational achievements, financial solvency, community standing, lack of additional arrests or convictions, or the lack of parole or probation violations since the date of last conviction. The intent of this section is to expand employment opportunities for persons who, notwithstanding that fact of conviction of an offense, have been rehabilitated and are ready to accept the responsibilities of a law-abiding and productive member of society.

III. FINDINGS

The location of the premises for which the license is sought is 525 Main Street in Alamosa, Colorado. This location is within the Alamosa City Limits and falls under the jurisdiction of the Alamosa City Council sitting as the Local Licensing Authority.

In the two years preceding the date of application acceptance, there has not been a denial of a Hotel/Restaurant License application for the reason that the reasonable requirements of the neighborhood were satisfied by the existing outlets.

It appears from the application documents that Applicant is entitled to possession of the premises where it proposes to exercise the license applied for, and that the possession will continue throughout the initial term of the license, if granted.

The sale of liquor on the proposed premises is not a violation of City of Alamosa zoning, building, and fire laws or regulations.

The premises, 525 Main Street, is not within 500 feet of a school.

The Applicant is a limited liability company authorized to do business in the State of Colorado and is in good standing.

The evidence presented at the public hearing supports the proposition that there is a need and desire for the issuance of this liquor license. The applicant operates a well known and respected established restaurant in the community, and that business would be enhanced by the ability to provide alcohol with the meals it offers.

IV. CONCLUSIONS

Applicant has satisfied Council that there is a need and desire in the neighborhood for the issuance of the hotel/restaurant liquor license applied for. Therefore, the Alamosa City Council acting as the Local Licensing Authority hereby GRANTS the Application submitted by Thai Hut, LLC, for a new hotel/restaurant liquor license at 525 Main Street, Alamosa, Colorado.

Dated this 5th day of April, 2017.

_____

Mayor Josef P. Lucero
City of Alamosa

Local Licensing Authority

Attest:
(SEAL)

_____
Holly C. Martinez, City Clerk

FINDINGS OF FACT AND CONCLUSIONS;
DENIAL OF LIQUOR LICENSE APPLICATION

In Re the Matter of the Public Hearing Concerning: Thai Hut, LLC for a Hotel/Restaurant License at 525 Main Street

I. THE HEARING

This matter came on for public hearing at a regularly scheduled meeting of the Alamosa City Council sitting as the Local Licensing Authority (the Authority) on March 15, 2017. Notice of the hearing was given pursuant to §12-47-311, C.R.S. All members of Council were present.

A. Preliminary Issues.

The Authority considered the contents of the application and the results of its own investigation as part of the hearing record.

By virtue of a resolution that has been in effect for approximately twenty years, the Authority has established a presumptive neighborhood applicable to any liquor license application to be the entire City of Alamosa, plus a one-mile radius surrounding the City's perimeter. An applicant or any opponent to an application may rebut the presumption as to the definition of the applicable neighborhood by providing evidence that another definition of neighborhood applies to the particular application. No party proposed a different definition of the neighborhood for this application.

The poster giving notice of the application was introduced as Exhibit A and the Clerk confirmed it was posted on February 14, 2017, and remained posted through the date and time of the hearing. Exhibit B, consisting of petitions containing approximately 150 signatures in support of the application filed with the Clerk and presented at the hearing.

The Authority takes administrative notice of the existence and location of the 16 hotel/restaurant licenses granted by the Authority for premises within the City, and of the total of 41 liquor licenses of all types granted by the Authority for premises within the City. The Authority takes administrative notice that the central commercially zoned corridor in Alamosa generally runs from east to west, one block north and south of Main Street; that additionally there is an intermittent (i.e. mixed zoning) corridor north and south along U.S. Highway 285, and along State Avenue.

B. Applicant. Applicant, Thai Hut, LLC, appeared through its manager, Sorani Srasum.

C. Documentary Evidence. Mr. Srasum presented a petition containing approximately 150 signatures in support of the application. Each page of the petition contained a statement that the signer owned property, lived, or was engaged in a job or business within the neighborhood, and an indication that the signers were at least twenty-one years of age. The petitions were obtained at the restaurant. No verification was done with respect to the addresses, as to whether or not the signatories were inhabitants within the definition in the *Colorado Liquor Code*, Section 12-47-103(12) C.R.S., or parties in interest, as defined in

Section 12-47-311(5) C.R.S . No Petitions opposed to the Application were presented. The Authority takes into account the infeasibility of it verifying the signatures, and the lack of verification tendered as part of the Exhibit, when it considers the weight to be given the petitions.

D. Witnesses. The applicant provided Council with a brief background. He has been managing the Thai Hut for about two months, having more than 15 years previous restaurant management experience in Florida. Customers have asked them to provide liquor with meals, and many signed the petition.

Prior to opening the public hearing, Council questioned the applicant concerning the nature of his business, and his understanding of the liquor code, particularly as it relates to underage consumption. The applicant presented the petitions, and further indicated that his customers desired alcoholic beverages to be available with the meals served at the restaurant.

There was no one wishing to speak at the public hearing.

II. APPLICABLE LAW

A hotel restaurant liquor license, under the *Colorado Liquor Code*, may be issued to persons selling only malt, vinous and spirituous liquors in the place where such liquors are to be consumed. In addition, a Hotel/Restaurant shall sell such liquors only if meals are actually and regularly served, and provide not less than 25% of the gross income from sales of food and drink of the business of the licensed premises. C.R.S. § 12-47-411.

Before entering any decision approving or denying the application for a liquor license, the Local Licensing Authority shall consider the reasonable requirements of the neighborhood for the type of license for which the application has been made and the desires of the adult inhabitants of the neighborhood (as evidenced by petitions, testimony, or otherwise), and all reasonable restrictions that are or may be placed upon the new district. §12-47- 301(2), C.R.S.

Whether a license should be granted or denied is a matter resting within the discretion of the licensing authority. *Harvey v. Schooley*, 383 P2d 189 (Colo. 1963). The burden is on the applicant to establish a *prima facie* showing of facts which satisfy the requirements of the liquor code. *Geer v. Hall*, 333 P.2d 1040 (Colo. 1959). The local licensing authority has no authority to regulate the sale of alcohol, but only to grant, deny, suspend, or revoke licenses as provided in the liquor code. *Gettman v. Board of County Commissioners*, 221 P.2d 363 (Colo., 1950). A city council may not prejudge any application by trying to legislate a limitation of the number of licenses based on population. Each application must be considered on its own merits. *City of Colorado Springs v. Graham*, 352 P.2d 363 (Colo. 1950). Unless a second or additional license is applied for by the same licensee, no consideration of the effect on competition of the granting or disapproving of the license shall be made. *See* C.R.S. § 12-47-301(2).

Pursuant to Colorado liquor regulation 47-310(E), when considering whether or not an applicant is of good moral character, the licensing authority may consider, among other factors, whether the applicant or licensee has a criminal history of crimes of moral turpitude. By way of example, crimes of moral turpitude shall include but not be limited to, murder, burglary, robbery, arson, kidnapping, sexual assault, illegal drugs or narcotics convictions. Furthermore, if criminal history is considered, then pursuant to C.R.S. § 24-5-101, the licensing authority shall also consider

evidence of rehabilitation. Such evidence may include, but not be limited to, evidence of no criminal history record information, educational achievements, financial solvency, community standing, lack of additional arrests or convictions, or the lack of parole or probation violations since the date of last conviction. The intent of this section is to expand employment opportunities for persons who, notwithstanding that fact of conviction of an offense, have been rehabilitated and are ready to accept the responsibilities of a law-abiding and productive member of society.

III. FINDINGS

The location of the premises for which the license is sought is 525 Main Street in Alamosa, Colorado. This location is within the Alamosa City Limits and falls under the jurisdiction of the Alamosa City Council sitting as the Local Licensing Authority.

In the two years preceding the date of application acceptance, there has not been a denial of a Hotel/Restaurant License application for the reason that the reasonable requirements of the neighborhood were satisfied by the existing outlets.

It appears from the application documents that Applicant is entitled to possession of the premises where it proposes to exercise the license applied for, and that the possession will continue throughout the initial term of the license, if granted.

The sale of liquor on the proposed premises is not a violation of City of Alamosa zoning, building, and fire laws or regulations.

The premises, 525 Main Street, is not within 500 feet of a school.

The Applicant is a limited liability company authorized to do business in the State of Colorado and is in good standing.

The evidence presented at the public hearing is insufficient to support the proposition that there is a need and desire for the issuance of this liquor license. There are many restaurants that do offer liquor with meals if that is a desire for patrons. Additionally, the evidence shows that there is a market for a restaurant without the availability of alcoholic beverages.

IV. CONCLUSIONS

Applicant has not satisfied Council that there is a need and desire in the neighborhood for the issuance of the hotel/restaurant liquor license applied for. Therefore, the Alamosa City Council acting as the Local Licensing Authority hereby DENIES the Application submitted by Thai Hut, LLC, for a new hotel/restaurant liquor license at 525 Main Street, Alamosa, Colorado.

Dated this 5th day of April, 2017.

_____

Mayor Josef P. Lucero

City of Alamosa
Local Licensing Authority

Attest:
(SEAL)

_____
Holly C. Martinez, City Clerk

ALAMOSA CITY COUNCIL
COUNCIL COMMUNICATION

Subject/Title:
Needs and Desires Hearing on the application of Wize Apples/Linda Cade, d/b/a Wize Apples, for a Hotel/Restaurant License at 408 4th Street

Recommended Action:
Conduct hearing to receive evidence regarding whether this application will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants of the neighborhood.

Background:
Wize Apples/Linda Cade d/b/a Wize Apples has applied for a Hotel/Restaurant License at 408 4th Street. The application was administratively accepted on February 10, 2017.

Application Details:
- Business address is 408 4th Street.
- The licensed premise is proposed to be the entirety of the interior of the structure including the roof top.
- Applicant has current sales tax license.
- Applicant is eligible for a liquor license.
- The location is eligible to be licensed.
- Manager is Linda Sue Cade.
- Applicant does not hold any other liquor licenses in Colorado.
- Applicant is an Individual.
- Possession of the property is documented through a lease.
- Preliminary factual findings are attached, and have been mailed to the applicant as required.
- The property was posted on February 23, 2017. The legal notice was published in the Valley Courier on March 28, 2017.

Issue Before the Council:
This hearing is for the purpose of receiving evidence and testimony regarding this license application. This is a quasi-judicial issue where Council's action may only be based on evidence presented at the hearing.

Alternatives:
Council is limited to the option of conducting the needs and desires hearing as required by law.

Fiscal Impact:
N/A

Legal Opinion:
Counselor Schwiesow will be available at the meeting to conduct the hearing.

Conclusion:
Council should conduct the hearing as required. Standard procedure is to make a decision at the following meeting, which is Wednesday, April 19, 2017.

ATTACHMENTS:

Description	Type
Preliminary Factual Findings	Backup Material
Drawing of Premises	Backup Material

THE CITY OF ALAMOSA

March 31, 2017

Linda Cade/Wize Apples
d/b/a Wize Apples
Attn: Linda Cade
408 4th Street
Alamosa, CO 81101

Greetings:

You are hereby advised that an investigation has been made with regard to the application made by Wize Apples/Linda Cade d/b/a Wize Apples for a new Hotel/Restaurant License at 408 4th Street. Based on the results thereof, the following has been determined:

1. The location of the premises for which the license is sought is 408 4th Street in Alamosa, Colorado.

2. In the two years proceeding the date of application acceptance, there has not been a denial of a Hotel/Restaurant license application for the reason that the reasonable requirements of the neighborhood were satisfied by the existing outlets.

3. It appears from the application documents that you are entitled to possession of the premises where you propose to exercise the license applied for, and that the possession will continue throughout the initial term of the license, if granted.

4. The sale of liquor on the proposed premises is not a violation of City of Alamosa zoning, building, and fire laws or regulations.

5. The proposed location is not within 500 feet from a school.

6. The Alamosa City Council has designated the Neighborhood to be the city limits plus a one-mile radius. You, as the applicant, may accept that designation or present alternative evidence.

7. Preliminary background investigation results have been received for the sole member of the applicant entity and has not given rise to anything that would cause the Local Licensing Authority to question the good moral character of this individual. Fingerprint results are not yet received.

The public hearing on your application has been set for Wednesday, April 5, 2017 beginning at 7:00 p.m. or shortly thereafter (generally, the hearings are scheduled near the end of the Regular Council Agenda but there is not a guaranteed time in which the hearing will begin). The hearing will take place in Alamosa Council Chambers, 300 Hunt Avenue in Alamosa. At said hearing, you shall have an opportunity to be heard regarding all matters of consideration of your application. Be advised that you, as the applicant, are burdened with persuading City Council, who is the Local Liquor Licensing Authority, that the granting of this license will meet the needs of the neighborhood and the desires of the adult inhabitants of the neighborhood. If you fail to present convincing evidence, the application will be denied.

City Council's procedure is to consider a final decision at the meeting following the hearing, in this case April 19, 2017.

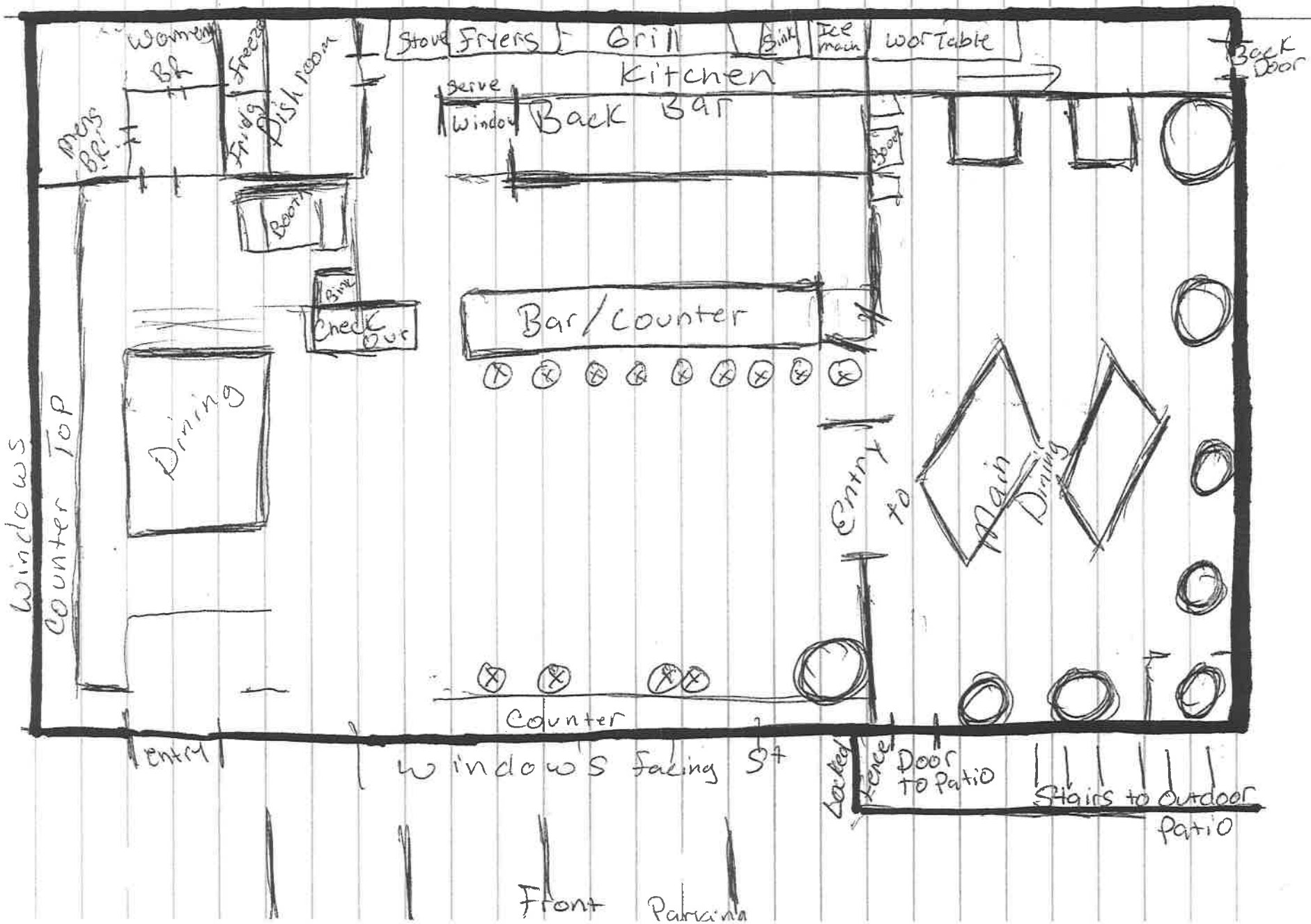
Should you have any questions or concerns regarding the procedure involved in this public hearing, please feel free to contact me.

Sincerely,

Holly C. Martinez
City Clerk

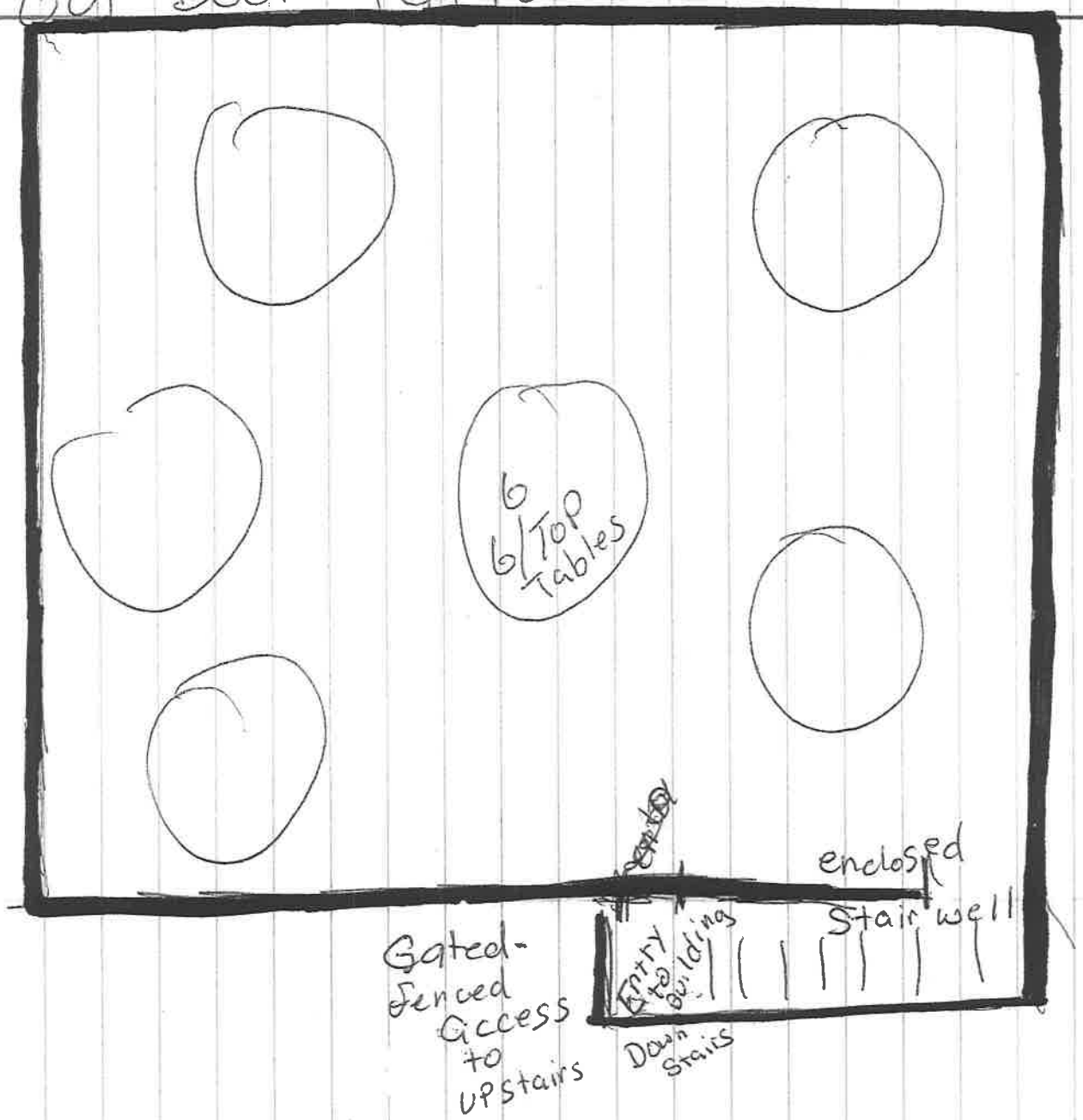
Wize Apples
408 4th St
Alamosa Co 81101

2000 Sq. Foot



Wize Apples

Out Door Patio



ALAMOSA CITY COUNCIL
COUNCIL COMMUNICATION

Subject/Title:
Approval of Colorado Liquor Sales Room for Square Peg Brewerks LLC

Recommended Action:
Determine if any of the conditions listed on the application apply, and if not, approve the Colorado Liquor Sales Room application.

Background:
Square Peg Brewerks LLC has applied for a wholesaler's and manufacturer's license through the State of Colorado Department of Revenue. This is an application that does not require any Local Liquor License Authority action except for the option of the Liquor Sales Room.

The LLA must determine that the none of the below conditions apply:

- Issuance of this permit would impact traffic, noise, or other neighborhood concerns in a manner that is inconsistent with local regulations or ordinances.
- If granted this permit would result in violations of the Colorado liquor code or the laws of the local government. (Must be specified)
- If granted this permit would violate local zoning laws.

The applicant has spoken with Public Works and the only need they are aware of is a need for a downtown design variance, which is supposedly going to be held at the next Planning Commission meeting.

Issue Before the Council:
Does Council wish to approve the application for the Colorado Liquor Sales Room for Square Peg Brewerks LLC?

Alternatives:
1. Approve the application as submitted.
2. Object to the approval and determine the reasons why.

Fiscal Impact:
N/A

Legal Opinion:
Counselor Schwiesow will be available at the meeting.

Conclusion:
If none of the conditions listed on the application apply, approve the application for Square Peg Brewerks Inc.

ATTACHMENTS:

Description	Type
Application for Colorado Liquor Sales Room	Backup Material

DR 8057 (02/11/16)
COLORADO DEPARTMENT OF REVENUE
Liquor Enforcement Division - 108
PO Box 173350
Denver, CO 80217-3350
Fax (303) 205-2341
Phone (303) 205-2300

Application for Colorado Liquor Sales Room

Regulation 47-428, 1 C.C.R. 203-2

☒ Malt Liquor ☐ Limited Winery ☐ Winery ☐ Distillery | ☐ Temporary (3 days or less) ☒ Permanent

1. Name of Applicant exactly as it appears on your current Colorado Liquor License.
Square Peg Brewerks LLC

2. Trade Name of Applicant
Square Peg Brewerks

3. State Sales Tax No.
31575597

Applicant Liquor License No.

4. Business Address of Applicant (Number and Street)
625 Main Street

City: Alamosa | State: CO | ZIP: 81101

5. Mailing Address (Number and Street)
625 Main Street

City: Alamosa | State: CO | ZIP: 81101

6. Phone Number
719-580-3880

7. Email Address
derek@squarepegbrewerks.com

8. Sales Room Location (Full Address)
625 Main Street Alamosa, CO 81101

9. Dates of Events: From Date: _____ Time: _____ ☐ AM ☐ PM
To Date: _____ Time: _____ ☐ AM ☐ PM

10. Rights to Premises Granted by: (attach a copy of the Premises Use Authorization letter or lease if not previously submitted)

11. Renting/Leasing % Basis
☒ Yes ☐ No

12. If Yes, List % and Interested Party. Use Additional Sheet if Necessary.
Ken Swinehart, cash rent

13. Alcohol will be sold (check all that apply)
☒ For on-premises consumption ☒ For off-premises consumption

14. Additional Required Documents
☒ Attach an outlined diagram of proposed premises
☒ Attach a copy of the premises control plan describing how the premises will be controlled to ensure compliance with liquor code and rules. It must include restricting sales to minors and visibly intoxicated persons and insuring that customers cannot leave the premises with an open container of alcohol.
☒ Attach a copy of any contracts and/or operating agreements pertaining to the sales room.

Local Licensing Authority Name
City of Alamosa - City Council

Date Application Copy Submitted to Local Licensing Authority
3/27/17

Applicant Signature

Title: co-owner

Date: 3/24/17

Notice to Local Licensing Authority

This application for a Sales Room will be granted to the above name applicant unless any of the below listed conditions apply. If any of these conditions apply please contact the State Licensing Authority immediately.

☐ Issuance of this permit would impact traffic, noise, or other neighborhood concerns in a manner that is inconsistent with local regulations or ordinances.

☐ If granted this permit would result in violations of the Colorado liquor code or the laws of the local government. (specify)

☐ Issuance of this permit would violate local zoning laws.

For events lasting three consecutive days or less, the Local Licensing Authority has **ten (10) business days** to submit its determination to the State Licensing Authority.

For events lasting four or more consecutive days, the Local Licensing Authority has **forty-five (45) days** to submit its determination to the State Licensing Authority.

Local Licensing Authorities can send the approval via mail or email to dor_led@state.co.us

If the Local Licensing Authority does not submit a response or determination within the time specified, the State Licensing Authority shall deem that the Local Licensing Authority has determined that the proposed sales room will not impact traffic, noise, or other neighborhood concerns in a manner that is inconsistent with local regulations or ordinances or that the applicant will sufficiently mitigate any impacts identified by the Local Licensing Authority.

Licensing Authority Signature
☐ Object
☐ Do Not Object

Local Licensing Authority Contact Name/Phone Number

If the Local Licensing Authority objects to the sales room, provide a separate page with details of the objection.

ALAMOSA CITY COUNCIL
COUNCIL COMMUNICATION

Subject/Title:
San Luis Valley Early Iron, Inc. Special Events Permit September 1 and 2, 2017

Recommended Action:
Approve Special Event Permit for the San Luis Valley Early Iron, Inc. events as described below.

Background:
Applicant: San Luis Valley Early Iron, Inc.

Event Description:
1. San Luis Valley Early Iron, Inc. is holding its annual events as follows:
   - September 1, 2017 from 12:00 p.m. to 10:00 p.m.
   - September 2, 2017 from 6:00 a.m. to 10:00 p.m.
2. Application is for Malt, Vinous, and Spirituous Liquor
3. The event will be held at Cole Park, within the confines of the paved track. (See attached)

Factual Findings:
- Applicant has possession of the premise through a permit.
- Applicant qualifies as a non-profit corporation.
- The application was submitted in a timely manner.
- No objections were received.
- All applicable fees have been paid.

Issue Before the Council:
Does Council wish to approve this Special Events Permit?

Alternatives:
1. Approve the Special Events Permit.
2. Do not act on approval. Determine potential reasons for denial and set a hearing date.

Fiscal Impact:
N/A

Legal Opinion:
No legal issues have been raised regarding this application. Counselor Schwiesow will be available at the meeting if needed.

Conclusion:
Approve Special Events Permit application for San Luis Valley Early Iron, Inc. for the dates of September 1 and 2, 2017

ATTACHMENTS:

Description	Type
San Luis Valley Early Iron, Inc. SEP Application	Backup Material
Drawing of Premises	Backup Material

Rev. 9/24/12

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City Clerk's Office
City of Alamosa
POB 419
Alamosa, CO 81101
719/589-2593 ext. 8

City of Alamosa
Special Events Permit Application

Fees payable to the City of Alamosa:
$100 per day
$50 for rush processing

Name of Applicant Non-Profit Organization or Political Candidate:
San Luis Valley Early Iron

Entity Address:	Address of Event:	Off-site storage address (if applicable):
PO Box 442, Alamosa, CO	Cole Park	

Authorized representative name: Phone no. where you can be reached prior to and during event: email address:
Roni Wisdom, 719-580-0842 earlyironclub@gmail.com

Event Manager name: Phone no. where you can be reached prior to and during event: email address:
Jeff Woodward, 719-580-0026, papa_j33@yahoo.com

State Sales Tax No. 710815
City Sales Tax No. 2037

Would you like to receive your permit by email? Yes X No___

Malt, Vinous, Spirituous Liquor X
3.2 Beer ___

Is this location within 500 feet of a school? Yes___ No X If yes, are classes in session during event: Yes___ No___

Date(s) of event

Date:	Date:	Date:
Start time: 12 noon	Start time: 6 am	Start time:
End time: 10 pm	End time: 10 pm	End time:

ATTACH ADDITIONAL PAGES IF NECESSARY

Describe the purpose of the event: Annual Car festival

How many people are expected to attend? 600 cars, approx 5,000 participants

Describe your control plan (physical barriers, security, etc.) Fencing around rodders party on friday night with controlled access gate for participants with tickets. Saturday the park is open to the public.

Describe how you will meet the food service requirements: We will serve food fri night and have a concession stand Sat

Please attach:
- ⇒ Qualifying non-profit documentation
- ⇒ Drawing of licensed premises
- ⇒ Separate drawing of storage location, if applicable
- ⇒ Proof of property possession

Oath of Applicant: I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein in true, correct, and complete to the best of my knowledge

Signature: Roni Wisdom **Title:** Sec/Treas **Date:** 3/13/17

The City of Alamosa hereby finds that this application has been examined and the premises, business, and character of the applicant is satisfactory and this Permit is hereby approved
Signature: _____ Date: _____

Faxed to Colorado Liquor Enforcement Division by: _____ on: _____

bing maps

Cole Park

Data from: Foursquare

ALAMOSA CITY COUNCIL
COUNCIL COMMUNICATION

Subject/Title:
Executive Session pursuant to C.R.S. §24-6-402(4)(f) for Personnel Matters - Evaluation of City Clerk