

ALAMOSA CITY COUNCIL

Regular Meeting Agenda

Alamosa City Council Chambers
300 Hunt Avenue, Alamosa, CO
November 6, 2013

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.

LINK TO COUNCIL CALENDAR

6:30 p.m. – Council and Staff Photos

7:00 p.m. – Regular Meeting

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. AGENDA APPROVAL

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
- B. Follow-Up

V. CEREMONIAL ITEMS

- A. Recognition of Isabella Griffin, "Be A Buddy Not A Bully"
- B. Ayanna Espinola'Neal

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.

- C. 2. a. Accept Planning Commission's Recommendation To Approve Permitted Use By Special Review To Allow Outdoor Sales in a CB Zone at 428 San Juan
- C. 7. a. Approve Minutes of Regular Meeting October 16, 2013

VI. REGULAR BUSINESS

C. Business Brought Forward by City Staff

1. Public Works

- a. 2013 Alamosa RV Resort On The Rio Grande Annexation
 - 1. Eligibility Public Hearing
 - 2. Resolution No. 23, 2013, A Resolution Finding Property Subject to the 2013 Alamosa RV Resort On The Rio Grande Petition For Annexation To Be Eligible For Annexation

- b. Public Hearing, Ordinance No. 16, 2013, An Ordinance Amending Sections 21-1 (Concerning Definitions, Amending “Club” and “Lot Line”), 21-97, Schedule A, (Concerning Use Groups and Permitted Uses), and Adding A New Section 21-99 (Concerning Metal Siding In Residential And Commercial zones) To The Code of Ordinances of Alamosa, Colorado, With Respect To Definitions and General Zoning Regulations

D. Committee Reports

E. Staff Announcements

VIII. LOCAL LIQUOR LICENSING AUTHORITY ACTIONS

A. CONSENT CALENDAR B

The Consent Calendar allows multiple actions with one motion. Consent Calendar B contains routine items that are under Council's jurisdiction as the Local Licensing Authority. Council may remove a consent calendar item for separate consideration.

- B. 1. Approve Modification of Premises – SLV Brewery

B. Liquor Licensing Items

- 2. Decision – Tavern License Application by TimoRiv.llc d/b/a Ts Railroad Lounge

COUNCIL COMMENT

ADJOURNMENT

Alamosa City Council Meetings and Events

Updated 10/31/2013

All events are held in Alamosa Colorado unless otherwise noted

CITY HALL IS LOCATED AT 300 HUNT

Date	Time	Event	Location	Additional Information
November 6, 2013	6:30 p.m.	Council photo	Council Chambers	*
* Work sessions are informal Council meetings for the purpose of discussion among Council members. No action is taken. The public is invited to attend, but public comment is generally not received unless otherwise noted.				
**Sponsored by outside entity. Council members have been invited to attend. Please check with originating entity for registration information				
*** Citizens are encouraged to attend this community event				
**** This is a purely social event and not open to the public				

you make a difference

A W A R D

This certificate is awarded to

Isabella Griffin

Thank you for demonstrating courage and commitment in taking a stand to put a stop to bullying. You are an amazing young lady whom others can look up to. Because of you and the "*Be a Buddy, Not a Bully*" pledge we are one step closer to putting a stop to bullying. You took a stand for yourself and others and YOU made and continue to make a difference.

Kathleen J. Rogers, Mayor



Date

you make a difference

A W A R D

This certificate is awarded to

Ayanna Espinola

The kind and noble acts that you have taken upon yourself to do to help those in need and to show respect and honor for our US veterans and active soldiers truly shows the meaning of a humanitarian. You are a very compassionate and generous young lady, and we thank you for making a difference in the lives of those you've helped directly and the lives of those who have had the pleasure of witnessing such benevolence acts.

Kathleen J. Rogers, Mayor



Date

Hello Everyone! My name is Ayanna Espinola, I am 14 yrs old and in the 8th grade. When I was born I was a premature baby born at 26 weeks. I weighed 1 pound 12oz, I was only 13 inches long. I was in the hospital for 3 months before I could come home. If it hadn't been for the many people, drs., nurses helping to keep me alive, and the American Legion for helping my mom to be able to stay with me I don't think that I would be here today to tell you my story. I am a Jr member Dickey Springer Unit 113 in Alamosa , Colorado, I am under the membership of my grandfather Helder Espinola who served during the Vietnam era as a non citizen of the United States, he served 7yrs active and to this day is not a citizen, but if my grandpa can believe in this country so do I! I pray that one day there will be someone that can help him get his citizenship, but in the meantime I do what I do because of men and women like him, I'm proud that he is my grandpa.

I am the Unit's Jr. President and I am also the Honorary Department of Colorado Jr President. I have held this office for 2 terms now.

I would like to tell you what I and all the Jr's from Colorado have done the past 2 years. I've marched in all military parades here in Alamosa since I was 7. I even dressed up as Santa's Elf and my grandmother was Mrs. Claus and we went to HomeLake Veteran Center and handed out gifts to our elderly veterans.

I became involved with a program called Operation Sweet Dream Soldiers. This program sends pillows with messages written on them from people all over the United States to the soldiers over seas. I had all the Units in Colorado write messages on pillows and my grandmother helped me send them overseas. Just this summer I spent a week at Kirkland Air Force Base where my uncle is a Master Sargent, his platoon took 100 pillows and gave them to any soldier that wanted one and the rest went to the Veteran Center. I also became involved with Adopt A US Soldier which means that I write and email letters to soldiers over seas and send care packages. These are my soldiers -- Ronald Kammeyer United States Air Force, Wesley Berry United States Army, Daniel Penaloosa United States Navy, Eusebio Soliz United States Navy. Each one of these soldiers have received a message pillow and a care package from us. Ronald Kammeyer had a mission named in my honor and on this mission they put a US flag in a air craft and flew it on the mission, the flag was given to me along with a citation from the Air Force. Ronald had a little store where soldiers could come a get cleaning supplies and personal items, they also could take a pillow that we had decorated with messages and drawings of how much we love and care for them. We sent many boxes of these items over to fill the shelves. I sent 350 pillows over seas for our

military to get a piece of comfort from home they really loved them. I gave out blankets to the homeless. During the winter if I saw someone on the street cold, grandma would pull over and we gave them a blanket to keep warm. One day we ran out of blankets and grandma took off her windbreaker and I gave it to a man that was at Loaf n Jug standing under the light to keep warm, I asked my grandma for some change to get him a cup of hot chocolate. He started to cry and told me that God would Bless me one day. I think that I am already Blessed because I am alive and I am able to do what I do.

This year we also helped out with our Dept. Presidents program. I helped with an auction that brought in \$3,500.00 for the HBOT Program. HBOT stands for Hyper Baric Oxygen Treatment. A lot of soldiers are coming home with PTSD and brain trauma. This chamber helps them to deal with their conditions, to the point that they can function in the world and hold down jobs. Mid Year Convention the Jr's helped with a blood drive we took in 100 pints of blood. At the Fall Convention we bagged up 100 draw string bags with hygiene items to be given to our homeless veterans at a Stand Down. I held bake sales and collected pennies which I called Pennies From Heaven, all the proceeds went to the HOBOT and Homeless Veterans Programs which was \$150.00 in pennies and \$50.00 for bake sales. One of our units raised over \$1,500.00 to help fill back packs for our military kids. These back packs will contain items like stationary, envelopes, crayons, and things that they can use to write their loved ones overseas.

I believe that all that we do as Jr's will effect us as adults. If we can continue to stand with the Auxiliary and our Military we will make a huge dent in this organization in the future. I plan on joining the military after graduation and I want to become a Dr. of all living things, this could include animals and people. My main project for this year is to find ways to help when emergencies hit our state. I have come up with and idea of filling 5gallon red buckets with emergency supplies and passing them out to anyone that would like one. The floods made me think of what I can do to help and these buckets just might save a life. So I'm asking for help to fill them with supplies. I plan on continuing to help in all the ways that I can in the American Legion Auxiliary and to continue to spread the word to all our Veterans that We as kids, as Jr's of the Auxiliary still care and I will continue to Thank them for all they have done for me, my family and this country. I will continue to help get our Homeless Veterans off the streets and to make sure that they also know that we still care. They need all our Love and Support because these Veterans and Soldiers made a path for my future and the future of all your kids. Please Thank a Soldier they deserve all Our

Respect.

I want to thank you for your time and for all your support.

Thank You

Honorary Dept. Jr. President
of the State of Colorado

Ayanna Espinola



COUNCIL COMMUNICATION

DATE: April 8, 2013	AGENDA NO. VII, C, 2, a	SUBJECT: Permitted Use, 420 San Juan Avenue, SLV Brew Pub
Department Head: Public Works Don Koskelin		
City Manager: Heather Brooks		
PRESENTED BY: Don Koskelin		

Recommendation: That council approves the expansion of the permitted use by special review for outdoor sales (serving area), use group C-23 at the subject area as requested per the Planning Commission's recommendation.

Background: This expansion will allow the applicant to extend the current serving area north to the alley. While they have owned the property for some time they have not been using it for the brew pub. They do intend to expand their operations into the building to the south between their current operation and the alley. We have not had any significant problems from their current operations and I would not expect this expansion to create any.

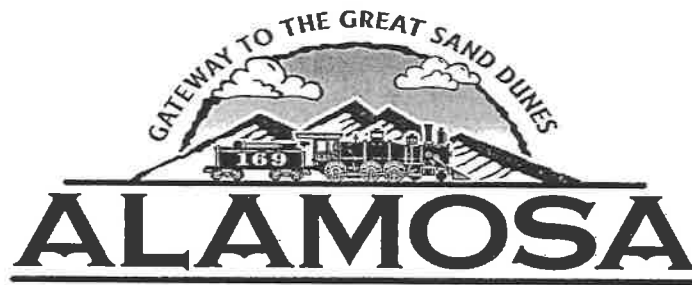
Issue Before the Council: Does council want to allow expansion of the outdoor sales at this location?

Alternatives: Council can approve the permitted use as presented; approve with conditions; deny the permitted use with or without further referral to the Planning Commission.

Fiscal Impact: There should be no significant fiscal impact.

Legal Opinion: City Attorney will be present for comment.

Conclusion: The current outdoor sales have brought a level of activity not otherwise seen in our downtown. The expansion can only help increase the vibrancy and continued viability of our core downtown area.



MEMO

To: Planning Commission Members
From: Pat Steenburg – Engineering Supervisor
Subject: Request for Expansion of Permitted Use by Special Review – 420 San Juan Avenue
Date: October 4, 2013

I have reviewed the proposed expansion of permitted use to allow outdoor eating areas, use group C-23 at the subject property and recommend that it be approved. These owners have maintained outdoor seating areas since June of 2006 with no significant problems; this proposal will be an expansion of this existing permitted use. This use is consistent with our Comprehensive Plan and helps provide a more pedestrian oriented and cohesive downtown. I do recommend that the applicants be reminded that any outdoor dining areas will have to be configured in such a way as to maintain adequate pedestrian traffic and that failure to do so could imperil their permitted use. Any changes that are outside the scope of their current liquor license will have to be addressed by the City Clerk's Office prior to the start of outdoor operations.

CITY OF ALAMOSA
APPLICATION FOR PERMITTED USE BY SPECIAL REVIEW EXPANSION

1. Name of property owner(s): Scott Graber
Angela Graber
2. Mailing address of property owner(s): 2319 Carroll St.
Alamosa, CO 81101
3. Phone number/E-mail: 719-580-1922 (Scott)
scott@slvbrewco.com
4. Applicant information if different from owner. Attach Power of Attorney.
 Name: N.A.
 Address: _____
 Phone: _____
5. Legal description of property: See attached "Real Estate" document
6. Street address of property: 420 San Juan Ave (Expansion Space)
631 Main + 428 San Juan (Current Brewpub)
7. Zoning of property: Commercial - Brewpub License
8. Describe proposed use in detail. Attached
9. Attach a list of adjacent property owners names and addresses for notification. (Available at County Assessors Office)
10. E-mail an electronic file of attached site plan to:
engineer@cc.alamosa.co.us
11. Attach time schedule for development.
12. Enclose application fee of \$50.00 non-refundable.

OWNER(S)

Scott Graber
 Signature(s)

Scott Graber Sept 16, 13
 Print Name Date

APPLICANT(S)

Scott Graber
 Signature(s)

Scott Graber Sept. 16, 13
 Print Name Date

SAN LUIS VALLEY BREWING COMPANY

631 MAIN ST. • ALAMOSA, CO 81101 • 719-587-BEER

City of Alamosa
Application for Permitted Use by Special Review
(Attachment #1: Description of Proposed Use)

The property at 420 San Juan Ave. is adjacent to our current business, the San Luis Valley Brewing Company. It is our intention to develop 420 San Juan Ave. to allow growth of our existing company in the areas of beer production, craft coffee roasting, and increased space for patrons to access our products. It is our desire to operate under our existing 'Brewpub' license, and modify the existing premise to allow increases in volume, variety, and seating. We hope to produce products for both wholesale (off-premise) accounts, and retail (on-premise customers) in the expanded space.

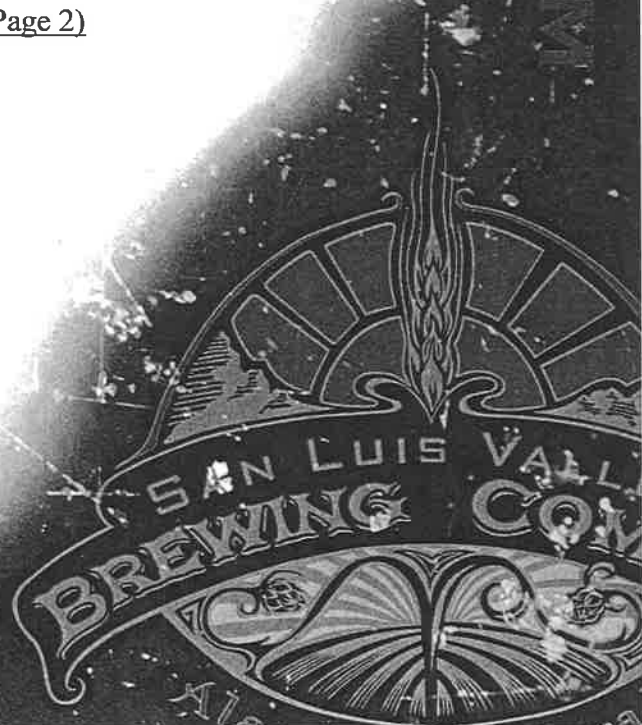
Craft Beer Production:

The planned expansion includes the addition of an automated bottling machine, new stainless tanks, wood barrels for aging new products, and the transfer of all kegging and bottling operations to the new space. We hope to offer new and existing products for sale to wholesale accounts, and to on premise customers who wish to enjoy our products within the new facility.

Craft Coffee Roasting:

A first for the San Luis Valley, we have invested in a German engineered, American made commercial coffee roaster that will allow us to roast 'green' (unroasted) coffee from the best coffee producing regions across the globe. We will roast, grind, package, and brew fresh coffee at our facility, offering freshness and variety not currently available locally. Whole bean and ground coffee will be packaged for wholesale and on premise sales. We would like to offer fresh coffee and espresso by the glass in the expanded space, and within the current Brewpub.

PAGE 1
(Attachment #1 Continued, See Page 2)



SAN LUIS VALLEY BREWING COMPANY

631 MAIN ST. • ALAMOSA, CO 81101 • 719-587-BEER

Increased Access to our Products

While much of the expansion space will be dedicated to the production of goods for distribution, we believe there will be interest in 'experiencing' the products at the source. With two pieces of equipment unique to our area (Bottler & Roaster), we hope to safely provide customers access to sights, smells, sounds, and tastes of craft production.

We would like to offer seating indoors for 30 people (6-bar; 24-tables); and outdoors (seasonally) via the San Juan sidewalk for 16 people. Quality food service is planned that would pair well with our coffee and brews; breakfast items during the day, and appetizers & desserts in the evening. Hours of retail operation are planned for 7 a.m.-1pm, and 5pm-10pm. The facility will remain open for production and 'to go' sales all day.

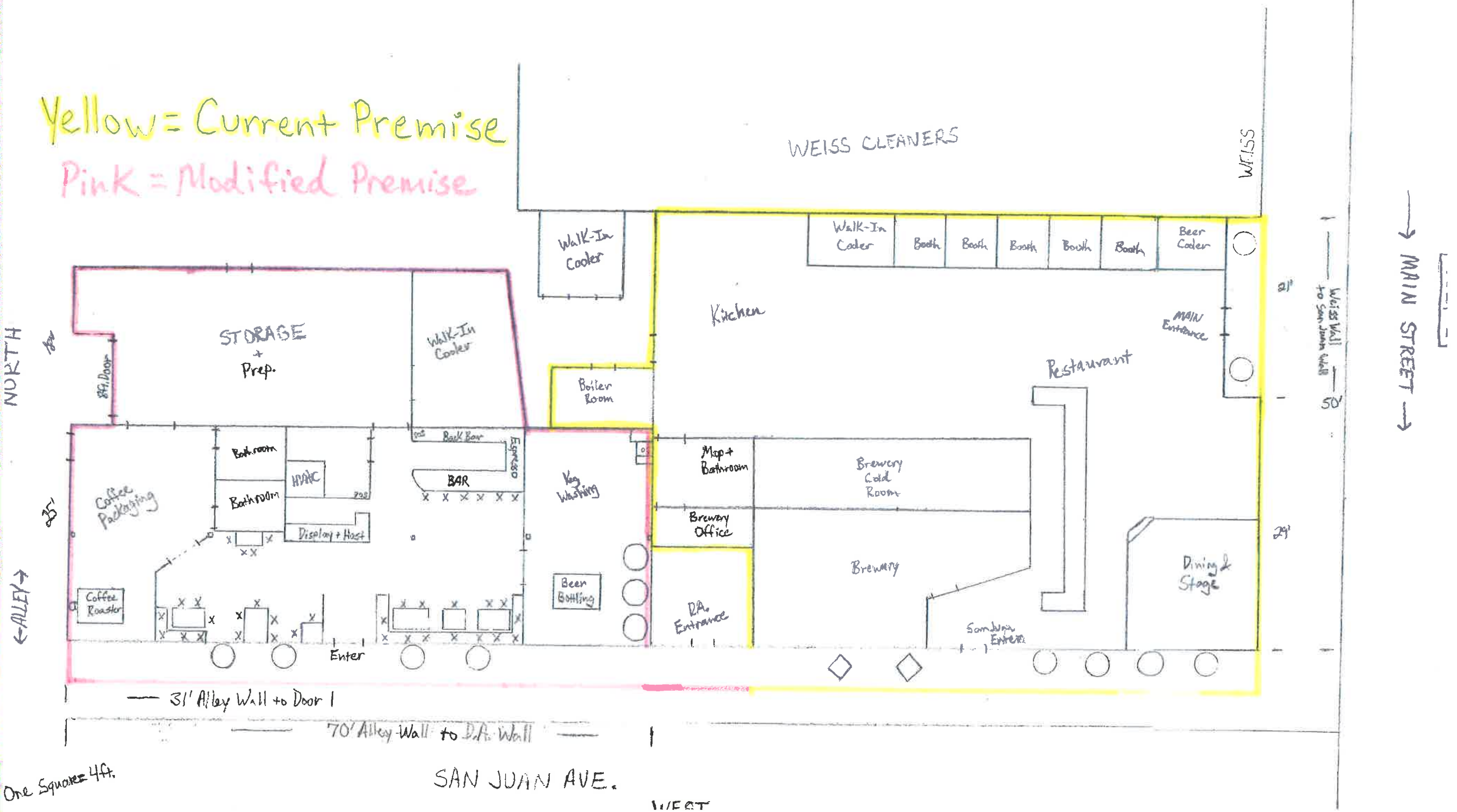
Time Schedule for Development

The roaster and bottling machine will be 'on-line' by December, 2013. We would begin packaging coffee and beer for sale to wholesale accounts at that time. The retail space would continue development until March 2014. It is our hope to 'Grand Open' the facility in conjunction with the Brewpub's 8th Anniversary, March 2014.

PAGE 2



Yellow = Current Premise
Pink = Modified Premise



City of Alamosa
Planning Commission
October 23, 2013
6:00 p.m.
Minutes of the Meeting

The regular meeting of the Planning Commission was called to order on the above date at 6:00 p.m. by Vice Chair Shirley White. Present were the following members: Farris Bervig, Debbie Clark, Barbara Kruse, and Robert McWhirter. Excused: Mark Manzanarez and Don Martinez. A quorum was declared. Staff present: Don Koskelin, Harry Reynolds, and Ashley Perea.

EXCERPT

The request of Scott and Angie Graber for an expansion of a Permitted Use by Special Review to allow outdoor sales (Use Group C-23) in a commercial business zone. The property affected is portions of Lots 31 & 32, Block 39, City of Alamosa also known as 420 San Juan Ave.

The public hearing opened at 6:02 p.m.

White: Is there someone here to speak for this? Scott, step up to the podium and state your name and address for the record. Please tell us about your request.

Additional information showing artist renderings were distributed to the Planning Commission members and staff for the permanent record.

Graber: Scott Graber, 2319 Carroll. We would like to use the sidewalk for additional seating area. We are expanding our business to include coffee roasting and additional bottling. It will be a combined roasting and bottling inside that space. Coffee will be available to the public and local coffee houses. The renters will be staying until the lease is up.

White: There will be fencing? Handicap accessibility?

Graber: I'm open to suggestion. If fencing is required, I will install it, it seems to me it sometimes fencing impedes pedestrian traffic. There will be handicapped accessibility. There is room for wheelchair access. We have never had a liquor license violation as long as we've been open.

Kruse: Will there be windows to view the operation?

Graber: Definitely. We plan to back light it and the roasters will be visible.

Koskelin: Scott, one thing you might want to think about is perhaps painting a line on the sidewalk as a visual barrier

Bervig: The liquor license modification will be done?

Scott: Yes, I spoke to Judy Egbert and coming to Planning Commission is the first part of the process, to apply for an expansion of the Permitted Use for outdoor sales.

After further discussion, the following motion was made:

M/S/C. McWhirter, Kruse. Motion made to recommend approval of the request of Scott and Angie Graber for the expansion of the Permitted Use by Special Review to allow outdoor sales in a commercial business zone. The property affected is portions of Lots 31 & 32, Block 39, City of Alamosa, Alamosa County (Unanimous)

ALAMOSA CITY COUNCIL
Wednesday, October 16, 2013
Minutes of the Meeting

The Regular Meeting of the Alamosa City Council was called to order on the above date by Mayor Pro Tem Charlie Griego at 7:00 p.m. The Pledge of Allegiance was recited. Present at roll call: Mayor Pro Tem Griego, Councilors Greg Gillaspie, Rusty Johnson, Josef Lucero, and Leland Romero. Mayor Kathy Rogers and Councilor Marcia Tuggle previously requested to be excused. A quorum was declared. Also present: City Manager Heather Brooks, City Attorney Erich Schwiesow, and City Clerk Judy Egbert.

AGENDA APPROVAL. It was moved by Councilor Gillaspie and seconded by Councilor Lucero to approve the agenda as presented and to excuse Mayor Rogers and Councilor Tuggle. The motion carried unanimously.

CITIZEN COMMENT

A. Audience Comments

Dan Russell requested that Council favorably consider both the annexation and land swap request in a timely manner.

Julie Mordecai encouraged Council to consider both the RV and Healthy Living Park projects as worthwhile, and find a way to work together. She asked that Council wait until the outcome of the trial next week to make any decision.

Diana Jones encouraged Council to seek expertise on determining the value of the land that is proposed for the swap.

Dan McCann spoke regarding the national economy.

B. Follow-Up None.

CEREMONIAL ITEMS

A. Recognition of Dave Hayden for 10 Years of Service as Tactical Team Negotiator and Mental Health Services

Captain Robert Jackson presented a SWAT t-shirt and plaque in recognition of the service provided by Dave Hayden in services assisting the Police Department.

B. Lifesaving Awards

Duane Oakes presented lifesaving awards to Brian Cooper, Ken Anderson, and Daniel Jimenez.

CONSENT CALENDAR A. It was moved by Councilor Lucero and seconded by Councilor Gillaspie to approve Consent Calendar A as presented. The motion carried unanimously. Items:

- C. 1. a. Accept Planning Commission's Recommendation To Approve Permitted Use By Special Review to Allow a Professional Office in a Residential Medium Zone at 113 State Ave.
- C. 2. a. Receive September 2013 Expenditure Report
- C. 7. a. Approve Minutes of Regular Meeting October 2, 2013
- C. 8. a. Receive September 2013 Monthly Reports

REGULAR BUSINESS

A. Presentations from Outside Agencies

- 1. Valley Educational Garden Initiatives (VEGI), Victoria Brunner Removed from the agenda at the request of the presenter.

C. Business Brought Forward by City Staff

- 1. Public Works

- a. Public Hearing, Ordinance No. 15, 2013, An Ordinance Approving the Annexation of the 2013 Peoples Place Addition No. 2 Petition for the Annexation of a Tract Located in the SE ¼ Section 16 Township 37 North, Range 10 East, New Mexico Principal Meridian, Alamosa County, Colorado

Don Koskelin noted that the annexation agreement has been added to Council's agenda packet, and offered three items within that agreement that warrants further discussion.

- The agreement says that the City will waive tap fees. Mr. Koskelin recommends striking this from the agreement and consider on a case by case basis as it comes up. In response to a question from Council, he reviewed the price structure for tap fees.
- The County wants to do its own building inspections. This is unusual, but he does not have an issue with it.
- In the early 2000's, the City entered into an IGA agreeing to give up ten acre-feet of water because the County chose not to annex. If the City wants to require that that this annexation bring in water as with other annexations, this can be considered, but it is something Council should think about.

Counselor Schwiesow clarified that the earlier water action came about because the County withdrew an annexation petition at that time, and the City allowed the County to buy water at the standard double rate for services outside city limits, up to a cap of ten acre-feet. Without the IGA, water service would not be an option at that time. This annexation, if approved, would make that IGA moot.

Mayor Pro Tem Griego opened the hearing at 7:38 p.m. and asked for those wishing to speak on this ordinance.

Jason Kelly and Juan Altamirano presented background on the reason for requesting the tap fee waiver, mentioning that this assists with grant funding.

In response to a question from Council, Mr. Koskelin clarified that both the City and County use the same building codes, so standards should be the same.

Dan McCann encouraged the City and County to work together.

There being no one further wishing to speak, the hearing closed at 7:45 p.m.

Mr. Koskelin again reviewed tap fees at the request of Council.

Councilor Romero moved, seconded by Councilor Johnson to finally adopt Ordinance No. 15, 2013 subject to reaching a satisfactory annexation agreement regarding water issues. On discussion, Councilor Romero clarified that his motion includes removal of the tap fee waiver provision. With that clarification, Councilor Johnson withdrew his second.

Council asked Counselor Schwiesow to restate the motion. The motion is to finally adopt Ordinance No. 15, 2013 contingent on negotiation of an acceptable annexation agreement, with the parameters for the agreement to include working out a way to deal with the requirement to bring in water, and to remove the tap fee waiver provision.

The vote was three in favor (Griego, Lucero, Romero) to two opposed (Gillaspie, Johnson).

Later in the meeting, Counselor Schwiesow noted that passage of an ordinance requires four affirmative votes, and thus failed.

Council agreed to revisit the issue.

Councilor Johnson moved, seconded by Councilor Gillaspie to finally adopt Ordinance No. 15, 2013 contingent on the annexation agreement dealing with water issues and waiver of tap fees.

At Council's request, Counselor Schwiesow restated the motion. Motion is to approve Ordinance No. 15, 2013 contingent on the annexation agreement bringing in the requirement for water and allowing waiver of tap fees. On discussion, Council expressed concern on how this would affect the budget. Three voted in favor (Griego, Gillaspie, Johnson), and two opposed (Lucero, Romero)

Councilor Johnson moved, seconded by Councilor Lucero to adopt Ordinance No. 15, 2013 contingent on the annexation agreement reflecting appropriate water issues, and removing the water tap waiver from the agreement to allow consideration separately. On discussion, Counselor Schwiesow pointed out that this is the same action as the first motion. The motion carried unanimously.

b. First Reading, Ordinance No. 16, 2013, An Ordinance Amending Sections 21-1 (Concerning Definitions, Amending "Club" and "Lot Line"), 21-97, Schedule A, (Concerning Use Groups and Permitted Uses), and Adding A New Section 21-99 (Concerning Metal Siding In Residential And Commercial zones) To The Code of Ordinances of Alamosa, Colorado, With Respect To Definitions and General Zoning Regulations

Mr. Koskelin reviewed the changes proposed in this ordinance, including:

- Clarifies the definition of Club and changes it to a permitted use rather than permitted by right in CB zones.
- Clarifies how corner properties are addressed
- Adds a category for indoor firing ranges,
- Adds RV parks to use group C-9
- Cleans up footnotes
- Adds limitations to the use of metal siding

Councilor Johnson moved, seconded by Councilor Gillaspie, to introduce Ordinance No. 16, 2013 on first reading and to set a public hearing for Wednesday November 6, 2013 at 7:00 p.m. or as soon thereafter as the matter may be heard. The motion carried unanimously.

8. City Manager/Legal

a. Public Hearing, Ordinance No. 13, 2013, An Ordinance Adopting the Proposed 2014 Budget

Mayor Pro Tem Griego opened the hearing at 8:09 p.m. and asked for those wishing to speak on this ordinance. There being no one wishing to speak, the hearing closed at 8:09 p.m.

Councilor Romero moved, seconded by Councilor Lucero to finally adopt Ordinance No. 13, 2013. The motion carried unanimously.

b. Public Hearing, Ordinance No. 14, 2013, An Ordinance Establishing the Employee Pay Plan

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

Ruthie Brown stated that she did not know what the pay plan is, but hopes that Council remembers the crews below department heads even if they are at the top of the range. She said that even though salaries go up two percent, health insurance goes up thirteen percent. They need money more than a Christmas dinner.

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

Councilor Lucero moved, seconded by Councilor Romero to finally adopt Ordinance No. 14, 2013. The motion carried unanimously.

c. Resolution No. 22, 2013, A Resolution Of Intent To Construct Improvements By Use of a Special Improvement District Pursuant to Alamosa Charter Article XV, Section 3, and CRS §31-25-501 et. seq. for Portions of the Carroll Subdivision Addition No. 2

On August 24 Council held a work session to assess interest in forming and funding a Special Improvement District. Council was agreeable in moving forward, and this Resolution begins the process. There will be future options for public input prior to final action.

Councilor Johnson moved, seconded by Councilor Gillaspie to adopt Resolution No. 22, 2013. The motion carried unanimously.

d. Discussion on timing and Process for Consideration of Proposed Land Exchange with the Alamosa RV Resort on the Rio Grande, LLC

Ms. Brooks told Council that the annexation process is moving forward at the pace required by law. The land swap item is not tied to the annexation, and this discussion is for the purpose of Council to determine its future actions and venues for discussion and deliberation on this issue.

Council expressed interest in a work session to receive information from staff prior to receiving public input. A public forum was also discussed. The court decision on the school board's action is scheduled October 24. Council agreed by consensus to hold a work session for the

purpose of staff advisement on Oct 30 at 6:00 p.m. A public forum may be scheduled at a later date.

E. Committee Reports

Councilor Gillaspie reported on Golf Board activity.

F. Staff Announcements

Jim Belknap gave an update on the fiber project.

Chief Dodd invited Council to the firearms range opening event on October 29 at 1:00 p.m.

LOCAL LIQUOR LICENSING AUTHORITY ACTIONS

B. Liquor Licensing Items.

1. Hearing to Determine Needs and Desires for a New License Application by TimoRiv.llc d/b/a Ts Railroad Lounge

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.

Counselor Schwiesow opened the hearing at 8:45 p.m.

Duane Montano introduced himself as attorney for the applicant. In response to questions from his attorney, Tim Rivera provided the following:

He was born in Sanford Colorado, and has lived in Alamosa all of his life except the twenty-seven years when he worked as Vice President at Metro State College on the Auraria campus. He has no felony or misdemeanor convictions. He operated Mrs. Rivera's Kitchen for eighteen years, and the Downtown Cantina for five years. He had no liquor violations for either of the prior businesses. The Downtown Cantina is at 513 State Avenue, the same location where this license is proposed, and has been in use as a bar for sixty-three years. Prior businesses have been the Garcia's, Greco's, the Downtown Cantina, and Spuddy's.

His intention is to bring back the customer base he had before, bringing in local people and some college students. He would like to bring in people who ride the train during seasonal times.

Pam Trujillo, owner of the Rubi Slipper, is in favor, as is Andrew Trujillo who owns The Office, The Pig, and St. Ives. Al Lujan from the Bank Shot is in favor.

He circulated petitions in favor, and described that the application was described to the signers who signed in front of him. Additional petitions and a letter were delivered to the City Clerk separately as well.

He asked Council grant this license, and if possible to issue the license this month.

Mr. Rivera presented the petitions to Mr. Schwiesow. He went on to describe that there is a need for the license, as existing businesses are mostly eating establishments. His is the only one that is a drinking establishment. However, some food will be served. He provided a menu.

In response to questions from Counselor Schwiesow, Mr. Rivera described that he obtained signatures on the petition from residents of the neighborhood and people on the street.

Mr. Rivera continued, describing that the Rubi Slipper was located directly across the street, the Bank Shot located eight or nine blocks away on Highway 285, the Purple Pig is in the same block, St. Ives three blocks away, and The Office two blocks away.

Mr. Rivera operated the business until three years ago. The business met the needs and desires then, and still does now. He intends to operate it himself, with the help of family.

Counselor Schwiesow accepted the three petitions and the letter that were previously submitted to the Clerk as Exhibit A; the petitions presented tonight, approximately fifty-five or fifty-six pages, as Exhibit B; and the menu Exhibit C. Mr. Schwiesow pointed out that the wording on the petitions had blanks for the name of the applicant, business name, address, etc. Mr. Rivera confirmed that he did personally deliver the petitions to the signers and explained the business name, location, type of business to all signers.

In response to a question from Counselor Schwiesow, City Clerk Judy Egbert produced the poster, saying that it was posted on October 2, 2013 and removed tonight at 6:00 p.m.

In response to questions from Councilor Gillaspie, Mr. Rivera said that he would avoid incidents such as occurred under the Spuddy's ownership by his own presence. He does not drink. He invites the Police Department to visit, as before when he operated the business. He said that the smoking and chairs in front is an embarrassment, and didn't want that. He will always have security. He will ensure that smokers meet the fifteen foot requirement and would encourage smokers to move into the alley or in front of the next building which is currently vacant. Councilor Gillaspie added that he wasn't sure that was any better.

Councilor Lucero asked what he will do to enhance the appearance for train customers and entice people to come downtown. Mr. Rivera replied that he had just painted the building. He has had plumbers come to inspect it. He is changing the name. He is trying to entice train customers to create a different customer base.

Counselor Schwiesow asked for others in favor wishing to speak.

Lisa Trujillo told Council that she had worked for Mr. Rivera before. There were not even one third of the problems that arose from Spuddy's. Mr. Rivera is always there, always sober, and kept the employees sober. She wants to have a play to have fun and relax without having to drive to the Bank Shot. She respects Tim and Gloria. He wants to make it work.

Dan McCann, spoke in support of private business.

Sarah Dixon described that people choose to walk on the other side of the street, and don't want to go downtown. Saying that he will run it as he as in the past is not a good thing. The old Greco's crowd isn't wanted. She suggested raising the prices and class it up.

Counselor Schwiesow asked for those wishing to speak in opposition.

Leroy Polkowski, described himself as a La Jara resident, and also owns the business next door. He is not necessarily against the application, but has concerns. The smoking issues have caused some of the problem. He has had to wash urine off of the building. It is disgusting when people are hanging out in front to smoke. He supports small business. Nonprofits are parasites on the community. He hoped that Mr. Rivera could make the bar into something people want to go to, such as the brew pub. But the way it is, is a detriment to our community. Counselor Schwiesow asked what business he owns, and he replied Essentials, two doors down from the bar.

Carol Mondragon, introduced herself as the owner of business next door. In the past three years when the bar was leased, there were problems. She questioned how a landlord makes sure the building is secure. She owns the framing shop next door. She deals with the problems on a daily basis, such as smoking, and smoking pot. What does this say about our city. The area is a gateway to the railroad and visitors center. We have a national park, so many things to grow from. What do we have to do to change it? Personally, she had no complaints about Tim and Gloria. Her only concern is a leak in the common area. Mr. Rivera has provided no help or follow-through. Neighbors need to communicate and trust each other and help when needed. They still have the leak problem. But she feels there is capability to do great things. How do we make this something that will benefit the community? There are cigarette butts all over, and tourists cross the street. People are afraid to walk by. How do we make rules and regulations that will be followed? How will his actions be in the future if granted. She questioned the need. How many bars do we need? If we are going to have a bar, make it attractive, make it for everyone. It should be a place where people can meet and socialize, then go downtown. People arrive drunk and leave drunk. There was a situation where a person passed out on 6th street. Her concern is not to fight business, but we need business people with the right ideas in mind to do good. We need trust and communication to help each other be successful.

Councilor Gillaspie asked if she had witnessed drugs. She replied that she had seen drug deals at the door to the frame shop. People are so drunk they didn't know what they were doing. She is not judging what goes on behind closed doors, but it should not be downtown. Who is responsible if they leave drunk? Are the owners or bartenders drunk? What requirements do you have for bars? There should be requirements such as not letting people leave if they are drunk. This has not been followed for the past three years. She hopes that Mr. Rivera follows through. She never saw any petitions, and would not have signed if asked. She know that Papers of Distinction owners are opposed, and there may be others. No one wants to speak out. It needs to come to the forefront and talk about it. There are lots of good things here, ASU, TSJC, Sand Dunes. There is such potential to grow in right direction. This is a gateway, how do we keep it clean and inviting?

Councilor Lucero asked if she had called the police when she saw drug deals and illegal activity. Yes replied yes. But there are times when she is with a customer and can't make the call. She said that she is asking to clean up the area out of respect for each other.

Councilor Gillaspie asked if the neighborhood improved after Spuddy's closed. She replied that it did. It comes back to asking who is in charge when they leave the bar.

Ruthie Brown stated that Mr. Rivera had already made improvements to the building. The smoking is horrible. She has never been in the business, but just in that location. In her location, three drunks were passed out on the corner. There are cigarette butts, people dropping bags of cocaine at the gas station. She said that you can't judge Mr. Rivera on Spuddy's. If he is in violation, you will be after him. We need another business. I can choose

to go or not, but he should be allowed to win the business back and clean up. If we all can clean butts in the morning, it would make it better for tourists and residents.

Mr. Rivera was offered the opportunity for rebuttal.

Counselor Montano stated that he heard Ms. Mondragon say that the problems were in the past three years. Ms. Brown said that she would not judge him on Spuddy's. Everyone is well aware of the problems with Spuddy's, as the license was revoked. There has been a plumber in to look at the plumbing problem. Mr. Rivera described that there is a space behind all the building on State. Some of it is water seeping out of the brick, and the plumber determined that this was coming from Firedworks. The roofs incline into the alley, the surface water stays there and is absorbed by the ground. The speculation is that the water problem is coming from the roofs.

There being no one further wishing to speak, the hearing closed at 9:28 p.m.

Councilor Gillaspie stated that he had spoken with several business owners who were opposed but not at the meeting, and thanked Ms. Mondragon for coming. The City wants to attract people from the train and tourism in general. This is the perfect opportunity clean up State Avenue. The Pink Elephant project will bring in more business and tourists. Loitering deters people from attempting to come into downtown. Others who did not attend have told him how happy they are not to have tavern there. The problems go back before Spuddy's time. Now is the time to do it.

Councilor Romero added that there is an opportunity to help Mr. Rivera change the persona. He didn't have control over the tenants in his role as landlord. He believes he will change the situation. He doesn't want to stop a business based on someone else's actions. Mr. Rivera has had success with other businesses, and been positive in the community. He should have the opportunity to clean it up.

Councilor Lucero agreed with Councilor Gillaspie. Businesses are struggling. State has been the bar street. It is changing, and businesses are trying to clean it up. Everyone deserves an opportunity. Mr. Rivera has had no infractions in the past.

In accordance with established procedures, a decision will be made at the next meeting.

COUNCIL COMMENT

Councilor Johnson noted that McDonalds is changing the drive-through, and thanked Don Koskelin for help in solving that problem.

Councilor Gillaspie pointed out the xeriscape and thanked Public Works. Ms. Brooks added that the Parks and Recreation staff assisted with this project.

Councilor Lucero thanked Public Works for the construction on Brown. The bubble is up on the training facility.

ADJOURNMENT. The meeting adjourned at 9:45 p.m.

COUNCIL COMMUNICATION

DATE: October 23, 2013	AGENDA NO. VII, C, 1, a	SUBJECT: Conduct Public Hearing to Determine Eligibility, Alamosa RV Resort on the Rio Grande
Department Head: Don Koskelin, Public Works		
City Manager: Heather Brooks		
PRESENTED BY: Don Koskelin		

Recommendation: Conduct a public hearing to receive evidence about the eligibility of the subject property for annexation. If the property is found to be eligible for annexation, pass resolution 23-2013 to that effect.

Background: The property concerned is known as the former Polston School site east of the existing city limits and on the east side of the Rio Grande River. The property is currently vacant since the school was demolished a few years ago and some of it has recently been used for community gardens and a portion has been in alfalfa for a number of years. The current owner of the site wishes to develop it as an RV resort and will need city sewer and water services in order to do that. As of this writing the sales transaction to the current owner is under litigation but that does not impact whether or not the property is eligible for annexation which is the purpose of this public hearing.

Issue Before the Council: Determine the eligibility of the property for annexation. By statute the property is assumed to be eligible as long as there is 1/6th contiguity with current City limits unless certain conditions exist. This property meets the contiguity requirements with 49.7% contiguity or almost ½.

Alternatives: Determine if the property is eligible for annexation. If it is found to be eligible and the accompanying resolution 23-2013 is passed then council may, but is not required to introduce an ordinance for annexation of the property. If the property is not found to be eligible the annexation process stops unless or until the reason for the finding are addressed.

Fiscal Impact: Finding of eligibility in itself should have little or no financial impact on the City.

Legal Opinion: City Attorney will be present for comment.

Conclusion: Annexation eligibility is defined by state statute. Finding of eligibility does not imply approval or disapproval of the actual annexation, only that the property is eligible to be considered for annexation.

RESOLUTION No. 23-2013

**A RESOLUTION FINDING PROPERTY SUBJECT TO THE 2013 ALAMOSA RV RESORT ON
THE RIO GRANDE PETITION FOR ANNEXATION TO BE ELIGIBLE FOR ANNEXATION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALAMOSA, COLORADO:

The City Council of the City of Alamosa, Colorado, finds that the Petition for Annexation filed by Petitioners on September 23 , 2013, with the City of Alamosa, Colorado, for the annexation of certain land described in said Petition, complies with the applicable annexation laws; that all requirements of the applicable parts of C.R.S. § 31-12-104 and C.R.S. § 31-12-105 have been met; that the land described is eligible to be annexed because there is at least one-sixth contiguity between the municipality and the area to be annexed; and, after considering all competent evidence adduced at the hearing on this matter, City Council makes the following further findings:

A community of interest exists between the area proposed to be annexed and the City of Alamosa; that said area is urban or will be urbanized in the near future; that said area is integrated with or is capable of being integrated with the City of Alamosa, the City has not found two or more the following disqualifying conditions to exist:

(a) Less than fifty percent (50%) of the adult residents of the area proposed to be annexed use some of the recreation, civic, social, religious, industrial, or commercial facilities of the City; and less than twenty-five percent (25%) of the adult residents of the area to be annexed are employed in the City;

(b) Fifty percent (50%) or more of the land proposed to be annexed (including streets) is agricultural, and the landowners of such agricultural land have expressed an intention under oath to devote the land to such agricultural use for at least five (5) years;

(c) It is not physically practicable to extend urban services which the municipality normally provides in common to all of its citizens on the same terms and conditions as such services are made available to such citizens.

The City Council further determines that all applicable parts of the *Municipal Annexation Act* have been met, and further determines that an election is not required under said *Act* and that there are no other terms and conditions to be imposed upon said Annexation; and

Having found that the property subject to said petition is eligible to become annexed, the City Council of the City of Alamosa, Colorado, shall undertake further annexation proceedings as provided by law.

ADOPTED this 6th day of November, 2013.

CITY OF ALAMOSA

By: _____
Kathleen J. Rogers, Mayor

ATTEST: _____
Judy A. Egbert, Deputy City Clerk

COUNCIL COMMUNICATION

DATE: October 3, 2013	AGENDA NO. VII, C, 1, b	SUBJECT: Zoning Code Update
Department Head: Public Works Don Koskelin		
City Manager: Heather Brooks		
PRESENTED BY: Don Koskelin		

Recommendation: That council conduct a public hearing on ordinance number and at the conclusion of hearing pass the ordinance with or without amendment.

Background: Over time we have had instances where the definitions in our zoning ordinance do not adequately cover some areas or are unclear and questions come up on uses that are not adequately covered by our zoning code. This proposed zoning ordinance does the following: 1) Clarifies the definition of Club, use group C-10 and changes it to permitted use by special review rather than permitted by right in commercial business zones; 2) clarifies how corner properties are addressed under the definition of “Lot, line, front”; 3) adds a category for indoor firing ranges, making it a permitted use by special review in commercial zones and permitted by right in industrial zones; 4) adds RV parks to use group C-9; 5) cleans up a lot of the footnotes that did not always point to the right use group.

It also adds limitations to the use of metal siding in residential and commercial zones under the new section 21-99 by prohibiting any metal sided building over 120 square feet in all residential zones and prohibits metal siding on the primary street side façade in all commercial zones. Up to 10% of the affected wall area may have metal panels used for trim or accent features in both cases . The Planning Commission has considered these changes and recommended that they be approved.

Issue Before the Council: Does council wish to consider these changes to the zoning code?

Alternatives: Council can approve the ordinance with or without amendments or chose to not to approve the ordinance and provide staff further guidance.

Fiscal Impact: There should be no significant fiscal impact.

Legal Opinion: City Attorney will be present for comment.

Conclusion: The code is a living document and as issues of clarity or completeness arrive it can and should be modified to address them

ORDINANCE NO. 16-2013

AN ORDINANCE AMENDING SECTIONS 21-1 (CONCERNING DEFINITIONS, AMENDING "CLUB" AND "LOT LINE") , 21-97, SCHEDULE A (CONCERNING USE GROUPS AND PERMITTED USES), AND ADDING A NEW SECTION 21-99 (CONCERNING METAL SIDING IN RESIDENTIAL AND COMMERCIAL ZONES) TO THE CODE OF ORDINANCES OF ALAMOSA, COLORADO, WITH RESPECT TO DEFINITIONS AND GENERAL ZONING REGULATIONS

WHEREAS, established definitions in the zoning ordinance are incomplete or unclear; and

WHEREAS, new uses come up that are not addressed in the use groups; and

WHEREAS, development standards change due to community input and construction standards and materials;

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Alamosa, Colorado:

Section 1. Amendment of Section 21-1 of the Code of Ordinances of the City of Alamosa. Section 21-1 is hereby amended in its entirety to read as follows:

Sec. 21-1. Rules of construction and definitions.

- (a) *Rules of construction.* The words and terms used, defined, interpreted, or further described in this chapter may be construed as follows:
- (1) The particular controls the general;
 - (2) The word "shall" is always mandatory and not directory. The word "may" is permissive;
 - (3) Words used in the present tense include the future unless the context clearly indicates the contrary;
 - (4) Words used in the singular include the plural, and words used in the plural include the singular, unless the context clearly indicates the contrary.
- (b) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory structure or use means a structure or use incidental or subordinate to the main use of the property including a home occupation which is located on the same lot (or a contiguous lot in the same ownership with the main use).

Alley means a minor right-of-way dedicated to public use, which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street and which may be used for public utility purposes.

Animal hospital means a veterinary hospital where household pets are brought for medical and surgical treatment and may be held during the time of such treatment. All facilities for holding animals on the premises shall be housed in completely enclosed building and used incidental to such medical and surgical services only.

Board of adjustment means the zoning board of adjustment of the city.

Boardinghouse means a building other than a restaurant where, for compensation, directly or indirectly, meals are provided for three (3) or more boarders.

Building means a structure built for the shelter or enclosure of persons, animals, chattels, property or substances of any kind, excluding fences.

Building coverage means any area of a portion of a lot which is covered by all buildings on that lot.

Building height means the vertical distance measured from the average elevation of the finished grade along the front of the building:

- (1) To the highest point of the roof surface, if a flat roof;
- (2) To the deck line of a mansard roof; or
- (3) To the mean height level between eaves and ridge for a gable, hip or gambrel roof.

Business and professional office means the office of an engineer, dentist, doctor, attorney, real estate broker, insurance broker, architect or other similar professional persons, and any office used primarily for accounting, correspondence, research, editing or administration.

Cafe, restaurant or cafeteria means a commercial eating establishment where snacks or meals are vended for consumption indoors on the premises.

Central business district means the area bounded by Fourth Street on the north, Denver Avenue on the east, Sixth Street on the south and Bell Avenue on the west.

Child care center means a facility, by whatever name known, which is maintained for the whole or part of a day for the care of five (5) or more children under the age of sixteen (16) years and not related to the owner, operator, or manager thereof, whether such facility is operated with or without compensation for such care and with or without stated educational purposes. The term includes facilities commonly known as "day care centers," "day nurseries," "nursery schools," "kindergartens," "preschools," "play groups," "day camps," "summer camps," "centers for mentally retarded children," and those facilities which give twenty-four-hour care for dependent and neglected children, and includes those facilities for children under the age of six (6) years with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or parochial school, except that the term shall not apply to any kindergarten maintained in connection with a public, private, or parochial elementary school system of at least six (6) grades.

Clinic means offices for three (3) or more physicians, surgeons, dentists, or other practitioners of the healing arts, but not including rooms for the abiding of patients.

Club means any membership organization including a lodge catering exclusively to members and their guests and whose facilities are limited to meeting, eating and recreational uses.

Commercial amusement means any enterprise whose main purpose is to provide the general public with an amusing or entertaining activity, where tickets are sold or fees collected at the gates of the activity. Commercial amusements include carnivals, expositions, miniature golf courses, driving ranges, arcades, fairs, exhibitions, athletic contest, rodeos, tent shows, bowling alleys, pool parlors and similar enterprises.

Common open space means a parcel of land or an area of water or a combination of both land and water within any site designated as a planned unit development. Common open space does not include streets, alleys, parks, off-street parking and loading areas, public open space or other facilities dedicated by the developer for public use. Common open space shall be substantially free of structures, but may contain such improvements that are approved as part of the planned unit development and are appropriate for the recreation of residents of the planned unit development.

Common property means a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the individual building sites in planned unit development or other described land area.

Comprehensive development plan means the comprehensive plan for the city which has been officially adopted to provide long-range development policies for the city and which includes, among other things, the plan for land use, land subdivision, circulation and public facilities.

Corner lot means a lot abutting upon two (2) streets at their intersection or upon two (2) parts of the same street and where, in either case, the interior angle formed by the intersection of street lines does not exceed one hundred thirty-five (135) degrees.

Density means the number of dwelling units per acre of land devoted to housing and related open space.

Disposition means a contract of sale resulting in the transfer of equitable title to an interest in subdivided land; an option to purchase an interest in subdivided land; a lease or an assignment of an interest in subdivided land; or any other conveyance of an interest in subdivided land which is not made pursuant to one (1) of the foregoing.

District means an area or areas within the limits of the city for which the regulations and requirements governing use, lot, and bulk of building and premises are uniform.

Drive-in establishment means an establishment which is designed to provide, wholly or in part, service to customers, while they remain in their automobiles parked upon the premises.

Dwelling, multiunit or multifamily means a building used by two (2) or more families living independently of each other in separate dwelling units, but not including hotels, motels or resorts.

Dwelling, single-family, means a detached principal building other than a mobile home designed for or used as a dwelling exclusively by one (1) family as an independent living unit.

Dwelling unit means one (1) room or rooms connected together constituting a separate independent housekeeping establishment for owner occupancy or rental or lease on a monthly or longer basis, physically separated from any other rooms or dwelling units which may be in the same structure and served by not more than one (1) gas meter and one (1) electric meter.

Easement means authorization by a property owner for the use by the public, a corporation or person of any designated part of his property for specific purposes.

Employees means all persons including proprietors, working on the premises during the largest shift at peak season.

Essential governmental or public utilities services means the erection, construction, alteration or maintenance by public utilities or municipal departments of underground or overhead gas, electrical, steam or water transmission distribution systems, collection, communication, supplier-disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health, safety or general welfare.

Family means a single individual doing his own cooking and living upon the premises as a separate, independent, housekeeping unit; or a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth or marriage; or a group of not more than two (2) unrelated persons doing their own cooking and living together upon the premises as a single housekeeping unit. Single persons of eighteen (18) years of age or older not living with parents or legal guardian are considered to be unrelated to each other.

Family care home means a facility for child care in a place of residence of a family or person for the purpose of providing family care and training for a child under the age of sixteen (16) years who is not related to the head of such home.

Fence or wall means a free-standing structure of metal, masonry, composition, wood or any combination thereof resting on, or partially buried in the ground and rising above ground level which is used for confinement, screening or decorative purposes.

Floodplain means the same as defined in the floodplain ordinance of the city, chapter 8.

Floor area means the area included within the outside walls of a building or portion thereof including habitable tenant houses and attic space, but not including vent shafts, courts or uninhabitable areas below ground level or in attics.

Fraternity, sorority, dormitory or group student house means a building occupied by and maintained exclusively for students affiliated with an academic or vocational institution.

Frontage means that portion of a lot, parcel, tract or block abutting upon a street.

Garage, parking, means a building or portion thereof, other than a private garage, used exclusively for parking or storage of self-propelled vehicles, but with no other services provided except facilities for washing.

Garage, private, means an accessory building or accessory portion of the main building designed for the shelter or storage of motor vehicles owned or operated by occupants of the main building only.

Garage, public, means a building other than a private or parking garage used for the care or repair of self-propelled vehicles or where such vehicles are kept for remuneration, hire or sale.

Gasoline service station means a building or premise on, or in which, the principal use is the retail sale of gasoline, oil or other fuel for motor vehicles which may include as an incidental use only, facilities used for polishing, greasing, washing or otherwise cleaning or light servicing of motor vehicles, but may not include liquefied petroleum gas distribution facilities, facilities for major repairs for motor vehicles or rental operations.

Grade (ground level) means the average of the finished ground level at the center of all walls of the building or at the center of the structure.

Guest house means an accessory structure which is physically detached from a single-family dwelling unit, does not contain cooking facilities, is serviced through the same utility meters or connections as the principal use, and is intended for occupancy only by guests of the family residing in the single-family dwelling.

Guest room means a room in a hotel, apartment hotel, motel or tourist home offered to the public for compensation in which room no provision is made for cooking and which room is used only for transient occupancy.

Hedge means a fence or boundary formed by a dense row of shrubs or low trees.

Home occupation means an occupation carried on in the dwelling or accessory building by members of the family occupying the dwelling with no servant, employee, or other person being engaged, provided the residential character of the building is maintained and the occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the right of neighboring residents to enjoy a peaceful occupancy of their homes.

Homeowners association means an incorporated, nonprofit organization operating under recorded land agreements through which 1) each lot and/or homeowner in a planned unit development or other described land area is automatically a member, 2) each lot is automatically subject to charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and 3) the charge, if unpaid, becomes a lien against the property.

Hospital means any building or portion thereof used for diagnosis and treatment and care of human ailments, but not including medical clinics, rest homes, convalescent homes, nursing homes and retirement homes.

Hotel means an establishment that provides temporary lodging in guest rooms and in which meals, entertainment, and various personal services for the public may or may not be provided.

Junk (salvage) means scrap iron, scrap tin, scrap brass, scrap copper, scrap lead, or scrap zinc and all other scrap metals and their alloys, bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old cotton; used utensils, used boxes or crates, used pipe or pipe fittings, used automobiles or airplane parts, and other manufactured goods that are too worn, deteriorated or obsolete as to make them unusable in their existing condition; and all other products subject to being dismantled or recycled.

Junkyard (salvage yard) means any lot, parcel or tract used for storage, keeping, sale or abandonment of automobiles, or other junk or parts thereof.

Kennel means a lot or building in which four (4) or more dogs or cats at least four (4) months of age are kept commercially for board, propagation or sale.

Lot means a parcel of land of at least sufficient size to meet minimum requirements for use, coverage and area, and to provide required yards and other open space. Such lot shall have frontage on an improved public street and may consist of the following provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirement of this chapter:

- (1) A single lot of record;
- (2) A portion of a lot of record;
- (3) A combination of complete lots of record, of complete lots of record and portion of lots of record, or of portions of lots of record.

Lot area means the total horizontal area within the lot lines of a lot.

Lot corner: See corner lot.

Lot coverage means the percentage of the total lot area available for bulk or buildings.

Lot depth means the average horizontal distance between front and rear lot lines.

Lot, double frontage, means a lot which runs through a block from street to street.

Lot, interior, means a lot other than a corner lot.

Lot line, front, means the property line dividing a lot from the right-of-way of the street. For a corner lot, the shortest street right-of-way line shall be considered as the front line. The address assignment will be based on the main building entrance for corner lots even if this is not the front lot line.

Lot line, rear, means, except on a double frontage lot, the property line opposite the front lot line.

Lot line, side, means any lot line other than a front or rear lot line.

Lot width means the distance on a horizontal plane between the side lot lines of a lot, measured at right angles to the line establishing the lot depth at the established building setback line.

Mobile home means the same as defined in the mobile home ordinance of the city, section 12-16 et seq.

Mobile home park means the same as defined in the mobile home ordinance of the city.

Motel means a hotel which usually is arranged in such a manner that individual guest rooms are directly accessible from an automobile parking area.

Nonconforming structure or use means a legally existing structure or use at the time this ordinance from which this chapter was derived becomes effective which does not meet all of the requirements of this chapter.

Off-street loading space means a space located outside of a public street or alley for the discharge of passengers or a space directly accessible to the building it serves for bulk pickups and deliveries by delivery vehicles.

Off-street parking area means any parking area located wholly within the limits of one (1) or more lots.

Open space means land which is free of structures which are not directly related to the function of the open space. Examples of such structures include park shelters, grandstands, boathouses and clubhouses.

Parking space means a rectangular area containing not less than two hundred (200) square feet plus adequate, convenient maneuvering and access space.

Permitted use means a use specifically allowed in one (1) or more of the various districts without the necessity of obtaining a use permit.

Personal service shop means an establishment for the purpose of supplying limited personal services such as, but not limited to, barber, shoe, boot or beauty shops.

Planned unit development means a project of a single owner or a group of owners acting jointly, involving a related group of residences, or businesses, or industries and associated uses, planned as a single entity and

therefore subject to development and regulation as one (1) land use unit rather than as an aggregation of individual buildings located on separate lots. The planned unit development includes usable, functional, open space for the mutual benefit of the entire tract and is designed to provide variety and diversity through the variance of normal zoning and subdivision standards so that maximum long range benefits can be gained and the unique features of the development or site is preserved and enhanced, while still being in harmony with the surrounding neighborhood. Approval of a planned unit development does not eliminate the requirements of subdividing. A preliminary plat and a final plat must be submitted and processed through the subdivision procedures as provided in the subdivision regulations of the city, chapter 17.

Planning commission means the officially appointed planning commission of the city.

Premises means a general term meaning part or all of any lot parcel or tract or part or all of any building or structure or group of buildings or structures located thereon.

Private utility means any utility other than a municipally owned and operated utility including telephone, electric, gas and other privately owned and operated utilities.

Property line means the boundary of any lot, parcel or tract as the same is described in the conveyance to the owner, and shall not include the streets or alleys upon which the lot, parcel or tract may abut.

Public hearing means a meeting called by a public body for which public notice has been given and which is held in a place in which the general public may attend to hear issues and express their opinions.

Retail means any sale to the ultimate consumer for direct consumption and/or use and not for resale.

Right-of-way, public, means all streets, roadways, sidewalks, alleys and all other areas reserved for present or future use by the public, as a matter of right, for the purpose of vehicular or pedestrian travel.

Roominghouse means a building other than a hotel or motel where for compensation, directly or indirectly, lodging is permitted for three (3) or more roomers.

Rooming unit means a room providing minimal housing accommodations for a roomer, arranged primarily for sleeping and study in which may be included a private bath, but shall not include any kitchen equipment such as refrigerator, sink or cooking device.

Salvage yard: See junkyard.

Screening means decorative fencing, evergreen hedges or earth berms maintained for the purpose of concealing from view the area behind such screening.

Setback line means a line or lines designating the area outside of which buildings may not be erected.

Shopping center means a composite arrangement of shops and stores which provide a variety of goods and services to the general public, when developed as an integral unit.

Sign means any object, device or part thereof situated outdoors or indoors which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination or projected images. Signs do not include flags of nations, or an organization of nations, state and cities, fraternal, religious and civic organizations, merchandise, pictures or models of products or services incorporated in a window display; also time and temperature devices not related to a product; national, state, religious, fraternal, professional and civic symbols or crests; works of art which in no way identify a product; and scoreboards located on athletic fields.

If for any reason it cannot be readily determined whether or not an object is a sign, the zoning administrator shall make such determination.

Sign, animated, means any sign or part of a sign which changes physical position by any movement or rotation.

Sign, bulletin board, means a sign not exceeding fifteen (15) feet gross surface area that indicates the name of an institution or organization on whose premises it is located and which contains the name of the institution or organization, the name or names of persons connected with it, and announcements of persons, events or activities occurring at the institution. Such sign may also present a greeting or similar message.

Sign, business, means a sign which directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or an entertainment offered, on the premises where the sign is located or to which it is affixed.

Sign, construction, means a temporary sign not exceeding twenty (20) square feet gross surface area indicating the names of architects, engineers, landscape architects, contractors, and similar artisans involved in the design and construction of a structure or project only during the construction period and only on the premises on which the construction is taking place.

Sign, flashing, means any directly or indirectly illuminated sign either stationary or animated, which exhibits changing natural or artificial light or color effects by any means whatsoever.

Sign, ground, means a sign supported by poles, uprights or braces extending from the ground, or an object on the ground but not attached to any part of any building.

Sign, historical, means any sign or marker so designated by the planning commission of the city.

Sign, identification, means a sign not exceeding thirty-two (32) square feet gross surface area giving the name and address of a building, business, development or establishment. Such signs may be wholly or partly devoted to a readily recognized symbol.

Sign, illuminated, means a sign lighted by or exposed to artificial lighting either by lights on the sign or directed toward the sign.

Sign, nameplate, means a sign not exceeding two (2) square feet gross surface area giving the name and/or address of the owner or occupant of a building or premises on which it is located, and where applicable, a professional status.

Sign, real estate, means a sign pertaining to the sale or lease of the lot or tract of land on which the sign is located, or to the sale or lease of one (1) or more structures, or a portion thereof located thereon. Maximum gross surface area shall not exceed five (5) square feet, provided that one (1) sign not more than one hundred (100) square feet in area announcing the sale of lots and/or structures in a subdivision may be located on such development. Such signs shall be removed when all of the lots and/or structures in the subdivision have been sold.

Sign, wall, means a sign attached to, painted on, or erected against a wall of a building whose display surface is parallel to the face of the building to which the sign is attached.

Sign, window, means a sign which is applied or attached to or located within three (3) feet of the interior of a window, which sign can be seen through the window from the exterior of the structure.

Special review use means a use which, although not permitted outright in a particular district, may be permitted by the planning commission or city council in accordance with the standards and procedures of this chapter.

Street means the entire width between the boundary line of every way which provides for public use for the purpose of vehicular and pedestrian traffic and placement of utilities and including the term "road," "highway," "land," "placing," "avenue" or other similar designations, but not including the term "alley."

Street, collector, means any street designed primarily to gather traffic from local or residential streets and carry it to the arterial system.

Street, marginal access (frontage), means a local street lying parallel to and adjoining an arterial street or freeway right-of-way, which provides access to abutting properties and protection from through traffic.

Street, minor arterial, means any street serving major traffic movements which is designed primarily as a traffic carrier between various sections of the city, which forms part of a network of through streets, and which provides service and access to abutting properties only as a secondary function and serves a collector function for access to principal arterial streets.

Street, principal arterial, means a highway which is designed primarily as a traffic carrier between cities.

Structural alteration means any change to the supporting members of a structure including foundations, bearing walls, or partitions, columns, beams, girders or any structural change in the roof.

Structure means anything constructed or erected with a fixed location from the ground above grade, but not including poles, lines, cables, or other transmission or other distribution facilities of public utilities.

Use means the purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

Use, accessory, means a subordinate use which is customarily incidental to the principal building or to the principal use of the lot.

Use, nonconforming, means a use which lawfully occupies a building or land at the time the ordinance from which this chapter was derived or an amendment hereto becomes effective and which does not now conform with the use regulations applicable in the zone district in which it is located.

Use, principal, means the main use of land or structures as distinguished from a subordinate or accessory use.

Variance means a legal modification of the district provisions such as yard, lot width and yard depth, signs, setback and off-street parking and loading regulations granted due to the peculiar conditions existing within a single piece of property.

Vision clearance area means a triangular area on a lot at the intersection of two (2) streets or a street and a railroad, two (2) sides of which are lot lines measured from the corner intersection of the lot lines to a distance specified in the regulations. The third side of the triangle is a line across the corner of the lot joining the ends of the other two (2) sides. Where the lot lines and intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection. The vision clearance area contains no plantings, walls, structures, or temporary or permanent obstructions exceeding two and one-half (2.5) feet in height measured from the top of the curb or existing grade.

Yard means an open space on a lot which is unobstructed from the ground upward except as otherwise provided in this chapter.

Yard, front, means the yard between the side lot lines measured horizontally at right angles to the front line to the nearest point of the principal structure.

Yard, rear, means the yard extending between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of the principal structure.

Yard, side, means the yard between a principal structure and the side lot line measured horizontally at right angles to the side lot line from the side lot line to the nearest point of the principal structure.

Section 2. Amendment of Section 21-97, Schedule A of the Code of Ordinances of the City of Alamosa. Section 21-97, Schedule A is hereby amended in its entirety to read as follows:

SCHEDULE A

		ZONING DISTRICTS						
USE GROUPS		A	RE/ RL	RM	RH	CL	CB	I
AGRICULTURAL USE GROUPS								
A-1	Agricultural or commercial crop production	Yes	R	R	R	No	No	R
A-2	Keeping and pasturing of livestock ¹	Yes	R	R	R	No	No	R
A-3	Routine farm production activities	Yes	R	R	R	No	No	R
RESIDENTIAL USE GROUPS								
R-1	Single-Family Detached Dwellings	Yes	Yes	Yes	Yes	R	R	No
R-2	Duplexes	No	No	Yes	Yes	R	R	No
R-3	Townhouses	No	No	Yes	Yes	R	R	No
R-4	Multi-Family Dwellings	No	No	Yes	Yes	R	R	No
R-5	Group Home for the Developmentally Disabled, Mentally Ill, or Elderly	No	No	R	R	R	No	No
R-6	Assisted Living for the Elderly	No	No	Yes	Yes	Yes	No	No
R-7	Fraternity, Sorority, or Group Student House	No	No	R	R	R	No	No
R-8	Mobile Home Parks ²	No	No	R	R	No	No	No
COMMERCIAL USE GROUPS								
C-1	Boarding and Lodging Houses	No	No	R	R	No	No	No
C-2	Family Day Care Home	R	R	Yes	Yes	Yes	No	No
C-3	Day Care Centers	No	No	R	R	R	R	No
C-4	Hotels and Motels (including restaurants and other incidental commercial uses located inside the principal building)	R	No	No	No	Yes	Yes	No
C-5	Bed and Breakfast Inns	No	No	R	R	R	R	No
C-6	Golf Courses; Sports and Recreation Membership Clubs (including tennis and swimming clubs)	R	R	R	R	R	R	R
C-7	Commercial Amusements, Outdoor (excluding firing/gun ranges but including miniature golf, driving ranges, batting cages, amusement parks, archery ranges, boat rental, fishing pier operations, ice skating rings, and similar activities)	No	No	No	No	R	R	No
C-8	Indoor Amusement, Recreation, and entertainment Establishments (including movie theaters, health clubs, aerobic exercise studios, video and amusement arcades, and similar services)	No	No	No	No	Yes	Yes	No

¹ No commercial feed lots are permitted; dog kennels must be located 660 feet or further from any residential district.

² Subject to City of Alamosa Mobile Home Ordinance.

		ZONING DISTRICTS						
USE GROUPS		A	RE/ RL	RM	RH	CL	CB	I
C-9	Indoor firing/gun ranges	No	No	No	No	R	R	Yes
C-10	Campgrounds, RV Parks	R	No	No	No	No	No	No
C-11	Private, Civic, Social, or Fraternal Membership Clubs or Associations	No	No	No	No	R	R	No
C-12	Automobile Parking Lots (as a principal use)	R	No	No	No	Yes	Yes	Yes
C-13	Automobile Parking Garages	R	No	No	No	Yes	Yes	Yes
C-14	Gasoline Service Stations	No	No	No	No	R	R	R
C-15	Automotive Repairs and Services (including vehicle rentals, vehicle repair shops, carwashes, and similar activities)	R	No	No	No	R	R	Yes
C-16	Automotive Dealers	R	No	No	No	No	R	Yes
C-17	Business Services	Yes	No	R	R	Yes	Yes	Yes
C-18	Personal Services (including, but not limited to barbershops and beauty shops, dry cleaning outlets, photographic studios, self-service laundries, shoe repair shops, music/dance studios or schools, and similar activities)	No	No	R	R	Yes	Yes	No
C-19	Repair Services	No	No	No	No	Yes	Yes	Yes
C-20	Retail Establishments (except those retail uses more specifically defined in the Schedule and including but not limited to variety stores, clothing and accessory stores, supermarkets, hardware, sporting goods, shoe stores, drugstores, and general merchandisers)	No	No	No	No	Yes	Yes	R
C-21	Large Retail Establishments (containing more than 25,000 square feet of gross floor area)	No	No	No	No	R	R	No
C-22	Indoor Eating and Drinking Establishments	R	No	No	No	Yes	Yes	R
C-23	Convenience Store (no gas sales permitted)	R	No	R	R	Yes	Yes	R
C-24	Outdoor Sales, Repair, and Activities) including mobile home sales, outdoor eating areas, outdoor garden, nursery, or other retail sales, and similar activities)	Yes	No	No	No	R	R	Yes
C-25	Commercial Uses with Drive-Through Facilities	R	No	No	No	R	Yes	R
C-26	Adult Businesses ³	No	No	No	No	No	R	R
C-27	Self-Service Storage Facilities	No	No	No	R	R	Yes	Yes
C-28	Wholesale Trade Businesses	No	No	No	No	No	Yes	Yes
C-29	Funeral Homes	R	No	R	R	R	R	No
C-30	Medical Clinics and Financial Institutions	R	No	No	R	Yes	Yes	R

³ Subject to screening, grade of excavations, vehicular access and other requirements of the City of Alamosa and located 660 feet or further from schools and residential districts.

		ZONING DISTRICTS						
USE GROUPS		A	RE/ RL	RM	RH	CL	CB	I
C-31	Professional and Business Offices	R	No	R	R	Yes	Yes	R
C-32	Veterinary and Animal Facilities (including animal hospitals and kennels)	Yes	No	No	No	R	Yes	R
C-33	Wireless Telecommunication Facilities	R	No	No	No	R	R	Yes
INSTITUTIONAL/CIVIC/PUBLIC USE GROUPS								
ICP-1	Public and Private Schools (including vocational and business schools)	R	R	R	R	R	R	R
ICP-2	Hospitals	R	No	R	R	R	R	No
ICP-3	Nursing Home Facilities	R	No	R	R	R	R	No
ICP-4	Places of Worship (including churches, chapels, temples and synagogues)	R	R	R	R	R	R	No
ICP-5	City, County, State and Federal Uses and Buildings	R	R	R	R	R	R	R
ICP-6	Essential Governmental or Public Utility Services ⁴	Yes	Yes	Yes	Yes	Yes	Yes	Yes
ICP-7	Private Utility Uses ⁴	R	R	R	R	Yes	Yes	Yes
ICP-8	Public Parks and Recreation Facilities	Yes	Yes	Yes	Yes	Yes	Yes	Yes
ICP-9	Municipal Sewage Treatment Plants and Solid Waste Disposal Sites and Facilities	R	No	No	No	No	No	R
ICP-10	Airports	R	No	No	No	No	No	R
ICP-11	Heliports	R	No	No	No	R	R	R
ICP-12	Cemeteries/Mausoleums	R	No	No	No	No	No	No
ICP-13	Museums and Art Galleries	Yes	No	No	R	Yes	Yes	No
INDUSTRIAL USE GROUPS								
I-1	Extractive Industries	R	No	No	No	No	No	R
I-2	Building Contractors Yards; Lumber Yards, Transportation Center, Terminals, and Maintenance/Repair Services; Warehousing, Distribution and Storage Activities	No	No	No	No	No	R	Yes
I-3	Industrial uses, provided such use is completely enclosed and provided that no effects from noise, smoke, glare, vibrations, fumes, or other environment factors are measurable at the property line	No	No	No	No	No	R	Yes
I-4	Salvage or Junk yards	R	No	No	No	No	No	R
I-5	Research and Development Facilities	R	No	No	No	R	R	Yes

⁴ Primary structures such as electric substations, sewer lift stations, etc. must be located more than 100 feet from residential units; no office, repair, storage, or production facilities may be located in residential (R) districts.

		ZONING DISTRICTS						
USE GROUPS		A	RE/ RL	RM	RH	CL	CB	I
ACCESSORY USES & STRUCTURES - See Article V, "Use Regulations"								
	Accessory uses and structures	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Section 3. New Section 21-99, of the Code of Ordinances of the City of Alamosa. Insert new Section 21-99, to read as follows:

21-99. Exterior Siding. Corrugated or ribbed preformed metal panels shall not be used as the primary exterior siding on any structure over 120 sq. ft. in any residential zone. Corrugated or ribbed preformed metal panels shall not be used as the primary exterior siding on the street side façade of any building in a commercial light or commercial business zone. Metal panels may be used for trim or accent features in commercial or residential zones but may not represent more than 10% of any wall area.

Section 4. General Repealer. All acts, orders, ordinances, resolutions, or portions thereof in conflict herewith, are hereby repealed to the extent of such conflict.

Section 5. Recording and Authentication. This ordinance, immediately upon its passage, shall be authenticated by the signatures of the Mayor and City Clerk, recorded in the City Book of Ordinances kept for that purposes, and published according to law.

Section 6. Publication and Effective Date. This ordinance shall take effect thirty (30) days after publication following final passage. Publication both before and after final passage shall be by the title of this ordinance, which Council determines constitutes a sufficient summary of the ordinance, together with the statement that the full text of the ordinance is available for public inspection and acquisition on the City's website and in the office of the City Clerk.

Section 7. Declaration of Public Interest. This ordinance is necessary to preserve the peace, health, safety, welfare, and to serve the best interest of the citizens of the City of Alamosa, Colorado.

INTRODUCED, READ AND ORDERED published the 16th day of October, 2013 and a public hearing hereon fixed for the 6th day of November 2013, at 7:00 p.m., or as soon thereafter as the matter may be heard.

APPROVED, AND ADOPTED after public hearing the __ day of ____, 2013.

CITY OF ALAMOSA

By _____
Kathleen J Rogers, Mayor

ATTEST:

Judy A. Egbert, City Clerk

COUNCIL COMMUNICATION

DATE: October 28, 2013	AGENDA NO. VIII. A. B.1.	SUBJECT:
Department Head: Judy A. Egbert, City Clerk		Approve Modification of Premises – SLV Brewing Company
City Manager: Heather Brooks, City Manager		
PRESENTED BY: Judy A. Egbert		

Recommendation

Approve Modification of Premises to allow SLV Brewery to expand into the adjacent building at 428 San Juan.

Background

The San Luis Valley Brewing Company has applied to expand its business into the building adjacent and to the north of the existing premises (428 San Juan). Because this increase in total space is greater than 75%, this requires Council approval, rather than an administrative action.

The attached drawing shows the proposed area. There is no interior access between the two buildings, so allowing use of the City's sidewalk is essential to make this contiguous. The currently licensed sidewalk on San Juan ends at the end of the currently licensed premises; the proposal is to extend it to the alley, following the proposed extension of the licensed premises building. Pedestrian travel between the two areas would be to exit the existing premises from the San Juan doorway, travel north on the sidewalk and enter the 428 San Juan entrance. Planning Commission has reviewed and recommended approval to allow outdoor sales on the sidewalk as proposed.

This application is a bit unusual. I presented the concept to state Liquor Enforcement Division staff in advance to ensure that this configuration would be allowed. I have email confirmation that it is.

More information about the use of the expanded area is found on the attached documents.

Council is not required to hold a needs and desires hearing on Modifications of Premises, but is however obligated to consider whether or not the modification changes the way the business currently meets needs and desires of the neighborhood. If you should determine that a hearing is necessary, all the posting/publishing requirements will apply.

Issue Before the Council

Does Council wish to approve this Modification of Premises?

Alternatives

1. Approve the Modification as requested.
2. Determine that a needs and desires hearing is appropriate for this application, and schedule a hearing. The first opportunity for a hearing at a regular Council meeting would be December 18.
3. Deny the Modification. This action requires documentation of the reasons for denial.

Fiscal Impact

All applicable fees have been paid.

Legal Opinion

Counselor Schwiesow has been consulted through the application process and will be available at the meeting if needed.

Conclusion

Acting on this application is part of Council's obligation as the Local Licensing Authority.

SAN LUIS VALLEY BREWING COMPANY

631 MAIN ST. • ALAMOSA, CO 81101 • 719-587-BEER

City of Alamosa
Application for Permitted Use by Special Review
(Attachment #1: Description of Proposed Use)

The property at 420 San Juan Ave. is adjacent to our current business, the San Luis Valley Brewing Company. It is our intention to develop 420 San Juan Ave. to allow growth of our existing company in the areas of beer production, craft coffee roasting, and increased space for patrons to access our products. It is our desire to operate under our existing 'Brewpub' license, and modify the existing premise to allow increases in volume, variety, and seating. We hope to produce products for both wholesale (off-premise) accounts, and retail (on-premise customers) in the expanded space.

Craft Beer Production:

The planned expansion includes the addition of an automated bottling machine, new stainless tanks, wood barrels for aging new products, and the transfer of all kegging and bottling operations to the new space. We hope to offer new and existing products for sale to wholesale accounts, and to on premise customers who wish to enjoy our products within the new facility.

Craft Coffee Roasting:

A first for the San Luis Valley, we have invested in a German engineered, Amercian made commercial coffee roaster that will allow us to roast 'green' (unroasted) coffee from the best coffee producing regions across the globe. We will roast, grind, package, and brew fresh coffee at our facility, offering freshness and variety not currently available locally. Whole bean and ground coffee will be packaged for wholesale and on premise sales. We would like to offer fresh coffee and espresso by the glass in the expanded space, and within the current Brewpub.



SAN LUIS VALLEY BREWING COMPANY

631 MAIN ST. • ALAMOSA, CO 81101 • 719-587-BEER

Increased Access to our Products

While much of the expansion space will be dedicated to the production of goods for distribution, we believe there will be interest in 'experiencing' the products at the source. With two pieces of equipment unique to our area (Bottler & Roaster), we hope to safely provide customers access to sights, smells, sounds, and tastes of craft production.

We would like to offer seating indoors for 30 people (6-bar; 24-tables); and outdoors (seasonally) via the San Juan sidewalk for 16 people. Quality food service is planned that would pair well with our coffee and brews; breakfast items during the day, and appetizers & desserts in the evening. Hours of retail operation are planned for 7 a.m.-1pm, and 5pm-10pm. The facility will remain open for production and 'to go' sales all day.

Time Schedule for Development

The roaster and bottling machine will be 'on-line' by December, 2013. We would begin packaging coffee and beer for sale to wholesale accounts at that time. The retail space would continue development until March 2014. It is our hope to 'Grand Open' the facility in conjunction with the Brewpub's 8th Anniversary, March 2014.

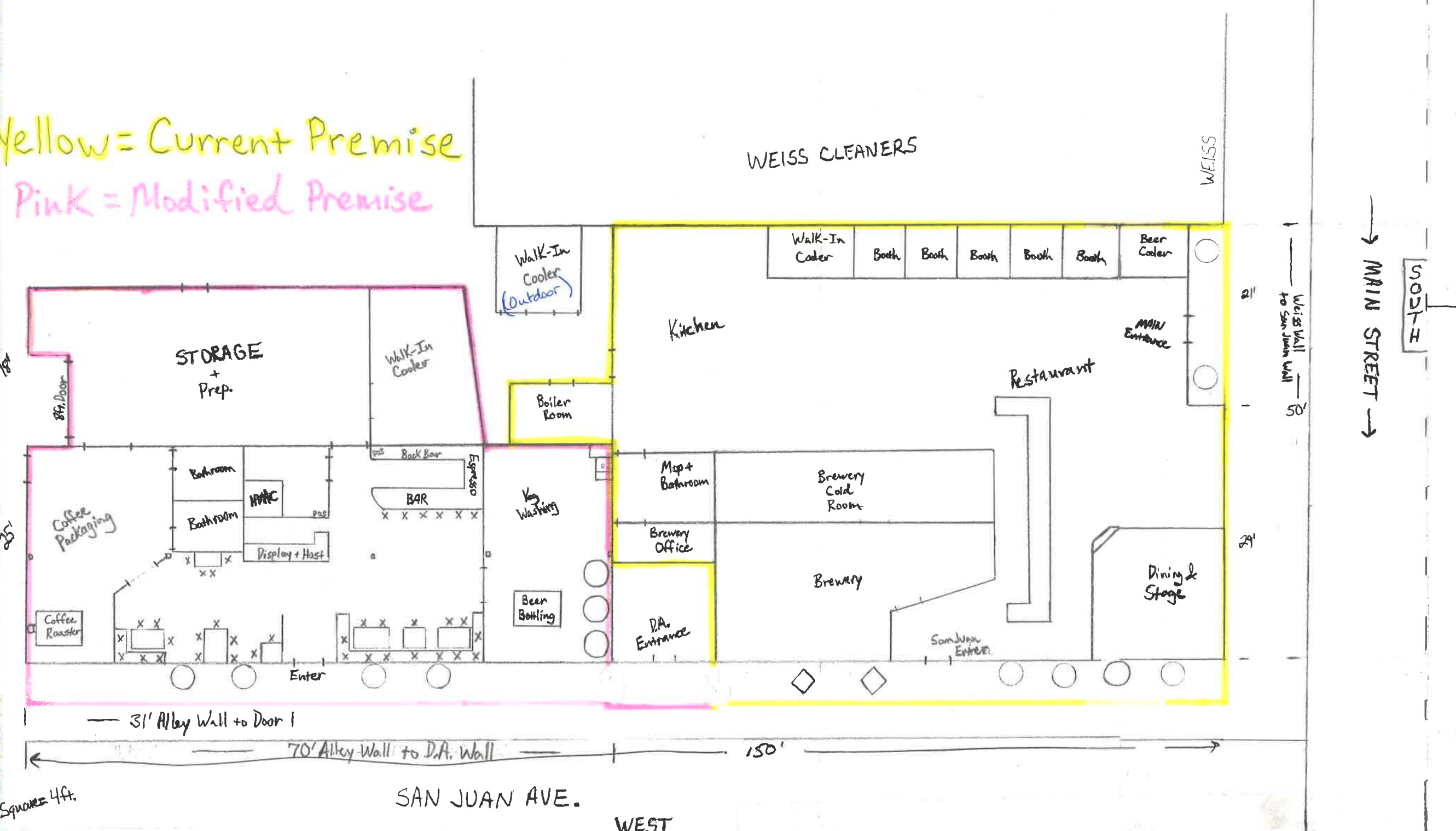
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WWW.SLVBRWCO.COM



EAST

Yellow = Current Premise
Pink = Modified Premise



Square 4A.

SAN JUAN AVE.

WEST

NON-EXCLUSIVE LICENSE FOR LIMITED USE

THIS LICENSE, granted this 6th day of November, 2013 by the city of Alamosa, Colorado ("City"), 300 Hunt Avenue (P.O. Box 419), Alamosa, Colorado, 81101, as Licensor, and San Luis Valley Brewing Company, LLC, as Licensee;

WITNESSETH:

THAT WHEREAS, City owns the public streets and sidewalks adjacent to Licensee's building at 631 Main Street/420/428 San Juan Avenue extending along the east side of the 400 block of San Juan Avenue from Main Street to the alley between Main Street and Fourth Street; and

WHEREAS, Licensee has requested the right to intermittent use of a portion of the sidewalk along the west side of Licensee's facility (being on the east side of San Juan Avenue) for an outdoor patio serving area for Licensee's restaurant/pub; and

WHEREAS, City has approved the liquor licensing aspects of said request, and by this instrument intends to memorialize its permission for Licensee to use a portion of the sidewalk generally described above;

NOW, THEREFORE, City does by these premises hereby grant to Licensee a license, revocable by City at any time, and from time to time, to utilize a portion of the City's sidewalk described particularly below, within the parameters of Licensee's brew pub liquor license, upon the following terms and conditions;

1. Such uses shall be in strict conformity to the limitations in Licensee's liquor license.
2. The property to be affected (the "Licensed Premises") is described as follows:

Commencing at the southwest corner of Lot 32, Block 39 of the City of Alamosa, County of Alamosa, and State of Colorado, according to the plat filed of record thereof; thence north beginning at the western wall of Licensee's building on San Juan Avenue a distance of one hundred fifty feet (150.0'); thence west a distance of four feet (4.0'); thence south a distance of one hundred fifty feet (150.0'); thence east a distance of four feet (4.0') to the point of beginning.

3. This license is subject and subordinate to the right and power of the City to construct, maintain, repair, renew, use, operate, change modify or relocate any present or future aspect of the street, curb, gutter, and sidewalk on or adjacent to the Licensed Premises.
4. All structures placed in the Licensed Premises shall be temporary, shall be completely removable, and shall be removed from the sidewalk at all times that Licensee is not in operation.

5. Licensee shall bear the entire cost and expense incurred in connection with the construction, maintenance, repair and renewal, and any and all modification, revision, extension, relocation, removal or reconstruction of its equipment, materials and facilities, including any and all expenses which may be incurred by the City in connection therewith for supervision or inspection or otherwise. The City will notify Licensee at its liquor license address of any expenses before they are incurred with respect to this paragraph.
6. Licensee's use of the permitted premises requires that such facilities by Licensee shall be constructed, and, at all times maintained, repaired, extended, reconstructed, renewed and operated in such manner as to cause as little interference as reasonably practicable to the use of the public way adjacent to the Licensed Premises.
7. Licensee shall, at all times, at its expense, comply with all applicable laws, regulations, rules and orders, regardless of when they become affective, including, but without limitation, those relating to health, safety, noise, environmental protection, waste disposal, and waste and air quality, and furnish satisfactory evidence of such compliance upon request of Licensors.
8. Licensee shall indemnify and hold the City harmless from and against any and all liability, loss, damage, claims, including claims of negligence against the City, demands, costs, and expenses of whatsoever nature relating to the existence of Licensee's equipment on City's property, including claims of negligence of City (but not City's gross negligence or its willful acts), and including court costs and attorneys fees, which may result from injury or death of persons whomsoever (including employees, agents or contractors of the City) or damage to or loss of or destruction of property whatsoever (including damage to the property of the City) whether such injury, death, loss, destruction, or damage grows out of or arises from the condition of the Licensed Premises as a result of the existence of Licensee's property on the premises or the operation, construction, maintenance, repair, extension, renewal, modification, reconstruction, revision, relocation, or removal of Licensee's property, or any part thereof, or to the contents therein, and Licensee does hereby release the City from all liability for damages on account of injury or damages to Licensee's facilities from any cause whatsoever, except City's gross negligence or its willful acts.
9. For the further protection of the City, Licensee agrees to procure and maintain at Licensee's own expense, in a company acceptable to the City, comprehensive general liability insurance, in limits at least those necessary for the City to comply with the *Governmental Immunity Act*, Section 24-10-101 *et seq.* (10A C.R.S. 1988), as now in effect or as may be subsequently modified during the existence of this Licensee, which policy shall specifically insure the liability assumed by Licensee under this agreement. Licensee shall furnish City a certificate of insurance, evidencing such insurance to be in full force and effect and that the same will not be canceled without at least thirty (30) days or advance written notice by the underwriter to City. Said insurance shall be maintained throughout the existence of this license. In addition, Licensee shall obtain and maintain at its own expense any applicable workmen's compensation insurance and shall provide City with evidence of the same, upon request.

10. No person entering in or upon the permitted premises for or on behalf of Lessee or Lessee's equipment shall be deemed at any time or for any reason whatsoever to be an agent or employee of Licensor.
11. Licensee acknowledges that the license granted herein shall be terminable by either party upon reasonable written notice thereof to other party. Upon written notification of termination by either party, Licensee, within a reasonable time thereafter, shall remove at its expense all equipment and materials from the Licensed Premises.
12. The waiver by the City of the breach of any condition, covenant, agreement or term herein contained, to be kept observed and performed by Licensees, shall in no way impair the right of City to avail itself of any subsequent breach thereof.
13. Licensee shall not sublet, in whole or in part, the license herein granted, and shall not assign any rights hereunder without the prior express written consent of City, and it is agreed that any transfer or assignment or attempt to transfer or assign any rights hereunder, whether voluntary or by operation of law, or otherwise, without such consent in writing, shall be absolutely void and, at the option of City, shall terminate this license.
14. This license shall take effect the 20th day of November 2013, and shall continue in full force and effect until terminated as herein provided.
15. Subject to the provisions of Section 13 above, this agreement shall be binding upon and inure to the benefit of the parties hereto, their heirs, administrators, representatives, successors and assigns.

IN WITNESS WHEREOF the parties have caused this license to be executed on the dates specified below.

CITY OF ALAMOSA

By _____
Kathleen J. Rogers, Mayor

ATTEST:

Judy A. Egbert, City Clerk

San Luis Valley Brewing Company, LLC

By _____

COUNCIL COMMUNICATION

DATE: October 29, 2013	AGENDA NO. VII. B. 2.	SUBJECT: Decision, New License Application TimoRiv.Ilc d/b/a Ts Railroad Lounge
Department Head: Judy A. Egbert, City Clerk		
City Manager: Heather Brooks		
PRESENTED BY: Judy A. Egbert		

Recommendation

Make decision on this application based on evidence presented at the hearing.

Background

TimoRiv.Illc d/b/a Ts Railroad Lounge has applied for a Tavern License at 513 State Avenue. This application was accepted administratively on September 16, 2013, and a needs/desires hearing held October 16, 2013.

Issue Before the Council

Does the evidence presented at the hearing support granting of this application?

Alternatives

- Determine that sufficient evidence was presented to support granting of the license and adopt the draft Findings to approve.
- Determine that there was not sufficient evidence presented, and adopt the Findings to deny.

Fiscal Impact N/A

Legal Opinion

Counselor Schwiesow has provided draft Findings of Fact for your consideration. One document is for approval and one for denial. Only one may be adopted.

Conclusion

Council should act on this license application in accordance with the evidence presented at the hearing. Council is obligated to make this decision in its role as the Local Licensing Authority under the Colorado Liquor Code.

**FINDINGS OF FACT AND CONCLUSIONS;
APPROVAL OF LIQUOR LICENSE APPLICATION**

In Re the Matter of the Public Hearing Concerning:

TimoRiv.Ilc d/b/a Ts Railroad Lounge for a new tavern liquor license at 513 State Avenue, Alamosa, Colorado.

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 October 16, 2013. Notice of the hearing was given pursuant to §12-47-311, C.R.S. Mayor Kathy Rogers and Councilor Marcia Tuggle previously requested to be excused from the meeting. All other 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.

Exhibit A, consisting of three petitions (single signatures) and a letter in support of the application filed with the Clerk, Exhibit B, consisting of 55 petitions (single signatures) presented at the hearing, and Exhibit C, a proposed menu, as identified in the hearing tapes, were made part of the hearing record. The poster giving notice of the application was produced and the Clerk confirmed it was posted October 2, 2013, and removed October 16, 2013, at 6:00 p.m.

The Authority takes administrative notice of the existence and location of the 6 tavern liquor licenses granted by the Authority for premises within the City, and of the total of 40 liquor licenses of all types granted by the Authority for premises within the City, including one inactive license. 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, TimoRiv.Ilc. appeared through its manager, Timothy Rivera, and was represented by its attorney, Duane Montano.

C. Documentary Evidence. Timothy Rivera presented 58 petitions in support of the application, each containing one name. 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. However, each petition was blank with respect to the name and address of the applicant. Mr. Rivera testified that he personally circulated the petitions, and personally informed each signer of the details of the application. 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. Testimony in favor of the Application was given by four witnesses. 1) Timothy Rivera represented the Applicant; 2) Lisa Trujillo, a former employee; 3) Dan McCann; 4) Ruthie Brown, owner of a nearby business. Testimony opposing the Application was given by Leroy Polkowski and Carol Mondragon, both of whom own nearby businesses. Comments questioning the application were made by Sarah Dixon.

1. In support:

Mr. Rivera testified that he has lived in Alamosa all of his life except the twenty-seven years when he worked as Vice President at Metro State College on the Auraria campus. He has no felony or misdemeanor convictions. He operated Mrs. Rivera's Kitchen for eighteen years, and the Downtown Cantina for five years. He had no liquor violations for either of the prior businesses. The Downtown Cantina is at 513 State Avenue, the same location where this license is proposed, and has been in use as a bar for sixty-three years. Prior businesses have been the Garcia's, Greco's, the Downtown Cantina, and Spuddy's. His intention is to bring back the customer base he had before, bringing in local people and some college students. He would like to bring in people who ride the train during seasonal times. He testified that Pam Trujillo, owner of the Rubi Slipper, is in favor, as is Andrew Trujillo who owns The Office, The Pig, and St. Ives. Al Lujan from the Bank Shot is in favor. He went on to describe that there is a need for the license, as existing businesses are mostly eating establishments. His is the only one that is a drinking establishment. However, some food will be served. He provided a menu.

Mr. Rivera further stated that the Rubi Slipper was located directly across the street, the Bank Shot located eight or nine blocks away on Highway 285, the Purple Pig is in the same block, St. Ives three blocks away, and The Office two blocks away.

Mr. Rivera operated the business until three years ago. The business met the needs and desires then, and still does now. He intends to operate it himself, with the help of family. Mr. Rivera said that he would avoid incidents such as occurred under the Spuddy's ownership by his own presence. He does not drink. He invites the Police Department to visit, as before when he operated the business. He said that the smoking and chairs in front is an embarrassment, and didn't want that. He will always have security. He will ensure that smokers meet the fifteen foot requirement and would encourage smokers to move into the alley or in front of the next building which is currently vacant. Mr. Rivera replied that he had just painted the building. He has had plumbers come to inspect it. He is changing the name. He is trying to entice train customers to create a different customer base.

Lisa Trujillo told Council that she had worked for Mr. Rivera before. There were not even one third of the problems that arose from Spuddy's. Mr. Rivera is always there, always sober, and kept the employees sober. She wants to have a place to have fun and relax without having to drive to the Bank Shot. She respects Tim and Gloria. He wants to make it work.

Dan McCann, spoke in support of private business.

Ruthie Brown stated that Mr. Rivera had already made improvements to the building. The smoking is horrible. She stated has never been in the business, but just in that location. In her location, three drunks were passed out on the corner. There are cigarette butts, people dropping bags of cocaine at the gas station. She said that you can't judge Mr. Rivera on Spuddy's. If he is in violation, the City will be after him. In her opinion, we need another business. He should be allowed to win the business back and clean up. If we all can clean butts in the morning, it would make it better for tourists and residents.

Sarah Dixon described that people choose to walk on the other side of the street, and don't want to go downtown. In her opinion, a promise to run it as he as in the past is not a good thing. The old Greco's crowd isn't wanted. She suggested raising the prices and creating a classier establishment.

2. In Opposition:

Leroy Polkowski testified that he owns Essentials, a business two doors down. He is not necessarily against the application, but had concerns. The smoking issues have caused some of the problem. He has had to wash urine off of the building. It is disgusting when people are hanging out in front to smoke. He supports small business. Nonprofits are parasites on the community. He hoped that Mr. Rivera could make the bar into something people want to go to, such as the brew pub. But the way it is, is a detriment to our community.

Carol Mondragon introduced herself as the owner of the framing shop next door. In the past three years when the bar was leased, there were problems. She questioned how a landlord makes sure the building is secure. She deals with the problems on a daily basis, such as smoking, and smoking pot. She questioned what this says about our city. The area is a gateway to the railroad and visitors center. We have a national park, so many things to grow from. Personally, she had no complaints about Tim and Gloria. There are cigarette butts all over, and tourists cross the street. People are afraid to walk by. She questioned how many bars the City needs. She suggested if we are going to have a bar, make it attractive, make it for everyone. It should be a place where people can meet and socialize, then go downtown. People arrive drunk and leave drunk, which is inappropriate. There was a situation where a person passed out on 6th street. Her concern is not to fight business, but we need business people with the right ideas in mind to do good. She has seen drug deals at the door to the frame shop. People are so drunk they didn't know what they were doing. She knows that Papers of Distinction owners are opposed, and there may be others. She said that she is asking to clean up the area out of respect for each other. Ms. Mondragon stated that the area improved after Spuddy's closed.

II. APPLICABLE LAW

A tavern liquor license, under the *Colorado Liquor Code*, may be issued to persons selling alcohol beverages by the drink only to customers for consumption on the premises. The licensee shall have sandwiches and light snacks available for consumption on the premises, but need not have meals. C.R.S. § 12-47-412.

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 P.2d 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 prejudice 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).

III. FINDINGS

The premises, 513 State Avenue, is not located within any distance restrictions established by the *Colorado Liquor Code*,

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 supported the proposition that there is a need and desire for the issuance of this liquor license. The evidence presented indicates that the Applicant would operate its business in a responsible manner if granted the license, in contrast to the previous licensee at this location, whose license was revoked for failure to operate responsibly. The evidence presented indicates that a tavern is desired in this location not only by the residents of the neighborhood, but by other liquor license holders in the neighborhood. Although concern was expressed with respect to the operation of the establishment in a manner consistent with the liquor code, that concern goes to the manner in which the establishment is run, not to the needs or desires of the neighborhood for this particular license.

IV. CONCLUSIONS

Applicant established that there is a need and desire in the neighborhood for this tavern liquor license. Therefore, the Alamosa City Council acting as the Local Licensing Authority hereby APPROVES the Application submitted by TimoRiv.llc d/b/a Ts Railroad Lounge for a new tavern liquor license at 513 State Avenue, Alamosa, Colorado.

Dated this 6th day of November, 2013.

Mayor Kathleen J. Rogers
City of Alamosa
Local Licensing Authority

Attest:
(SEAL)

Judy A. Egbert, City Clerk

**FINDINGS OF FACT AND CONCLUSIONS;
DENIAL OF LIQUOR LICENSE APPLICATION**

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III. FINDINGS

The premises, 513 State Avenue, is not located within any distance restrictions established by the *Colorado Liquor Code*,

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 did not support the proposition that there is a need and desire for the issuance of this liquor license. The evidence presented indicates that there are already four tavern license establishments within nine blocks of this location. The evidence further established that in particular in this location a tavern license has been and will continue to be inconsistent with the desired development of this area, including family oriented tourism and service as a gateway to the downtown area.

IV. CONCLUSIONS

Applicant failed to establish that there is a need and desire in the neighborhood for this tavern liquor license. Therefore, the Alamosa City Council acting as the Local Licensing Authority hereby DENIES the Application submitted by TimoRiv.llc d/b/a Ts Railroad Lounge for a new tavern liquor license at 513 State Avenue, Alamosa, Colorado.

Dated this 6th day of November, 2013.

Mayor Kathleen J. Rogers
City of Alamosa
Local Licensing Authority

Attest:
(SEAL)

Judy A. Egbert, City Clerk