

ALAMOSA CITY COUNCIL

Regular Meeting Agenda

Alamosa City Council Chambers
300 Hunt Avenue, Alamosa, CO
December 4, 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

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 Retiring Council Members
 - 1. Marcia Tuggle, At Large
 - 2. Leland Romero, Ward 4
 - 3. Kathy Rogers, Mayor

- B. Oath of Office for New Council Members
 - 1. Jan Vigil, At Large
 - 2. Rusty Johnson, Ward 2
 - 3. Michael Stefano, Ward 4
 - 4. Josef Lucero, Mayor

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. 7. a. Approve Minutes of Regular Meeting November 20, 2013

VII. REGULAR BUSINESS

A. Presentations from Outside Agencies

- 1. Early Iron Event Report

C. Business Brought Forward by City Staff

1. Public Works

- a. Public Hearing Ordinance No. 17, 2013 An Ordinance Approving The Annexation Of The 2013 Alamosa Rv Resort On The Rio Grande Petition For The Annexation Of A Tract Located In The SE $\frac{1}{4}$ Of The SE $\frac{1}{4}$ Of Section 3 Township 37 North, Range 10 East, New Mexico Principal Meridian, Alamosa County, Colorado
- b. Public Forum on Propsed RV Land Exchange

7. City Clerk/Municipal Court

- b. Discussion and Direction Regarding Process and Timeline to Fill At Large Vacancy

D. Committee Reports

E. Staff Announcements

COUNCIL COMMENT

ADJOURNMENT

Alamosa City Council Meetings and Events

Updated 11/26/2013

All events are held in Alamosa Colorado unless otherwise noted

CITY HALL IS LOCATED AT 300 HUNT

Date	Time	Event	Location	Additional Information
December 13, 2013	12:00 Noon	Lunch with ASU Trustees	Student Union Building	**
December 20, 2013	6:30 p.m.	Christmas Light Parade	Main Street	***
January 17 and 18, 2014	TBD	Alamosa Ice Fest	Downtown	***

* 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

ALAMOSA CITY COUNCIL
Wednesday, November 20, 2013
Minutes of the Meeting

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

AGENDA APPROVAL. It was moved by Councilor Lucero and seconded by Councilor Griego to approve the agenda as presented. The motion carried unanimously.

CITIZEN COMMENT

A. Audience Comments

Trudi Kretsinger spoke on behalf of the public access to trails along the river.

Ruthie Brown commented on the anonymous ad that was brought up last council meeting. She also commented on the corridor, the Train to Main.

Don Thompson, Marty Jones, and Renne Mackey spoke on behalf of the annexation, land swap, and zoning.

Dorothy Brandt thanked Council for the support of the museum and read a poem she wrote for the award that was presented to her in Denver.

B. Follow-Up. None.

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

Items:

- C. 2. a. Receive October 2013 Expenditure Report
- C. 7. a. Approve Minutes of Regular Meeting November 6, 2013
- C. 7. b. Resolution 23, 2013, A Resolution Rescheduling the January 1, 2014 Regular Meeting of the Alamosa City Council to be Held Concurrently With The Regular Meeting on January 15, 2014.
- C. 7. c. Compensation Change for City Clerk
- C. 8. a. Receive October 2013 Monthly Reports

REGULAR BUSINESS

C. Business Brought Forward by City Staff

1. Public Works

a. Public Hearing Ordinance No. 16, 2013 An Ordinance Amending Sections 21-1 (Concerning Definitions, Amending "Club" And "Lot Line") And 21-97, Schedule A (Concerning Use Groups And Permitted Uses) To The Code Of Ordinances Of Alamosa, Colorado, With Respect To Definitions And General Zoning Regulations.

Mayor Rogers opened the public hearing at 7:23 p.m. and asked for those wishing to speak on this ordinance.

Don Thompson stated that agriculture zoning is not appropriate for an RV Park, and encouraged Council to make a more appropriate destination. He also noted that it should reference C-10 instead of C-9. He hoped during discussion that the motion would include changing campground and RV parks to CB to Commercial zoning.

Trudi Kretsinger asked a question on how you would structure the assessment on an agriculture use since the assessment part is based the income from products that are generated by agriculture activity.

Don Koskelin replied that zoning is not the same as a tax assessment. Regardless of what your property is zoned, your tax depend on the use.

Erich Schwiesow stated that there is a difference between the use for which campground and RV is a commercial use. It's under the commercial grouping C-10 that particular commercial this ordinance is saying its appropriate in agriculture area rather than downtown business zoning.

With there being no one else wishing to speak, the hearing closed at 7:27 p.m.

In response to a question from Council, Mr. Koskelin explained that the Agricultural zoning would protect future development that would typically be permitted by right in a CB zone.

Counselor Schwiesow clarified the difference in use and zoning designation, saying that the current use of the proposed RV site currently meets the definition of agricultural use.

Heather Brooks further clarified that the ordinance proposed to allow RV parks by Permitted Use in agricultural zones, and the definition is in use group C-10.

It was moved by Councilor Tuggle and seconded by Councilor Griego to approve Ordinance 16, 2013 with the amendments presented. The motion carried unanimously.

b. Discussion and Direction on Proposed RV Park Land Exchange and Timeline

Ms. Brooks gave a review on the proosed RV park land exchange and timeline.

Council would like to ensure that the new council members coming on board have a good understanding on the land exchange and annexation and how important the timeline and suggested maybe a work session should take place as well.

Council would like a clear idea of what the parcel is going to look like and wants to have an appraisal on the different types of land (the wetland, parking lot other land) before they can make an assessment on which direction to go.

Council has many concerns, including losing the trials and what it going to look like and if the property is annexed, the easement along with the annexation. They would like to have public input on this.

c. First Reading Ordinance No. 17, 2013 An Ordinance Approving The Annexation Of The 2013 Alamosa RV Resort On The Rio Grande Petition For The Annexation Of A Tract Located In The SE ¼ Of The SE ¼ Of Section 3 Township 37 North, Range 10 East, New Mexico Principal Meridian, Alamosa County, Colorado.

Heather Brooks stated part of the discussion as staff was due to the newness of some council members and suggested that Mr. Russell could give a ten minute presentation and maybe part of that could include the annexation and land swap as to what it would look like.

It was moved by Councilor Tuggle and seconded by Councilor Romero to approve Ordinance No. 17, 2013 on first reading and set it for public hearing on December 4, 2013 at 7:00 p.m. or as soon thereafter as the matter may be heard. The motion carried unanimously.

c. Solid Waste Truck Bid Award

Mr. Koskelin reviewed the bids that were submitted and recommended that we purchase a new cab and chassis and packer for the amount of \$140,436.00.

It was moved by Councilor Johnson and seconded by Councilor Lucero to accept the bid for the complete unit in the amount of \$140,436.00. The motion carried unanimously.

E. Committee Reports

Councilor Tuggle reported on the Seniors Citizens meeting and reminded everyone of their bazaar this Saturday morning. Also, a note to council since she will not be on Council, the senior meeting is second Tuesday every month at 10:00 a.m. and reminded Council they may want to see if there may be someone interested who would like to attend that meeting.

Councilor Gillaspie reported on the Library board and golf board.

Councilor Lucero reported on the San Luis Valley Development Resource group and the Tourism board. He also stated that the Ice Fest is coming up and they are looking at Alamosa and wonderland.

Councilor Griego reported on the Airport Board.

Councilor Romero reported on the Housing authority and encouraged Council to change new position as a voting member.

F. Staff Announcements

Ms. Brooks reported that the Parks and Recreation is working on decoration for the celebration of lights that will take place at 5:30 this Friday at City Hall. Also, the County is celebrating their food warehouse grand opening at noon. Saturday, November 30, 2013 is small business day. We would like to encourage awareness that small business bring into the community and how shopping local is very important.

COUNCIL COMMENT

Councilor Romero asked that Council consider increasing the hours at the Recreation center now for the winter.

Councilor Griego thanked Don Koskelin and his crew for extending their hand to the City of Del Norte on their water issues they were having.

Councilor Tuggle thanked the staff for all of their hard work and great leadership. She also thanked the community for voting and their support.

Councilor Gillaspie thanked Don and crew for the repairs at Mulligan's parking lot.

Councilor Lucero thanked all who voted, and also thanked Councilor Tuggle and Councilor Romero, who served on council.

Mayor Rogers reminded everyone of the Christmas lighting at 5:30 November 22, 2013. Also, Santa is going to be downtown on Main and San Juan. Later in December Christmas light parade that the Honeycutt put on. She also recognized Jocelyn Lillpop and Phoebe Russell who were in the audience today.

ADJOURNMENT. The meeting adjourned at 8:39 p.m.

Sharon De Herrera, Deputy City Clerk

Kathleen J. Rogers, Mayor

COUNCIL COMMUNICATION

DATE: November 26, 2013	AGENDA NO. VII, C, 1, a	SUBJECT: Alamosa RV Resort on the Rio Grande Annexation Ordinance
Department Head: Public Works Don Koskelin		
City Manager: Heather Brooks		
PRESENTED BY: Don Koskelin		

Recommendation: That council conduct the public hearing on the annexation ordinance number 17-2013 to gather public input on this matter. Recommend that the ordinance not be considered for final action until at least the January 15, 2014 meeting since a significant amount of testimony is expected.

Background: Up to this point all council actions on this annexation have been focused on whether or not the property *can* be annexed. With consideration of the ordinance the question shifts to *should* it be annexed. Annexation serves a number of purposes for both parties. For the annexing party it is normally accessing city services in terms of utilities and in services, primarily public safety and public works. From the City's standpoint annexation is an issue of economic development and perhaps bringing in more area for development with the potential for increased tax revenues. Annexation by itself does not necessarily imply one type of development is better than another nor does it dictate what type of development will take place. It normally does make it possible for more types of development however. This public hearing provides the opportunity for the public to express their views and to introduce evidence for or against the annexation to council. One of the more significant issues to be addressed is continued access to the public trails in and around this property. This issue needs to be considered prior to final action on the ordinance whether it be part of the annexation process, the land exchange process or some combination of both.

Attached is a document that contains the correspondence that staff and/or Council have received regarding the annexation to date. Staff is continuing to work with Mr. Russell on the annexation agreement; the previous draft is attached again for reference. We have also attached the information provided by Mr. Russell regarding the annexation.

Issue Before the Council: Conduct public hearing to gather evidence before further consideration of the ordinance itself.

Alternatives: Conduct the public hearing as scheduled during the first reading of this ordinance.

Fiscal Impact: Any infrastructure improvements will be done by the developer, not by the City. Sales and property tax revenues from development should exceed the cost of City services to this area.

Legal Opinion: City Attorney will be present for comment.

Conclusion: This annexation has generated a great deal of discussion within the community. Bringing the annexation to public hearing will allow all concerned to bring their thoughts to council.

ORDINANCE NO. 17-2013

AN ORDINANCE APPROVING THE ANNEXATION OF THE 2013 ALAMOSA RV RESORT ON THE RIO GRANDE PETITION FOR THE ANNEXATION OF A TRACT LOCATED IN THE SE ¼ OF THE SE ¼ OF SECTION 3 TOWNSHIP 37 NORTH, RANGE 10 EAST, NEW MEXICO PRINCIPAL MERIDIAN, ALAMOSA COUNTY, COLORADO

WHEREAS, the owners of 100% of the real property included in an area proposed to be annexed, lying generally east of US Highway 17 and north of US Highway 160, Alamosa County, Colorado (which area is described in exhibit A attached hereto and made a part hereof by reference), excluding public streets and alleys and any land owned by the City of Alamosa, hereby found by the Alamosa City Council to be in substantial compliance with Section C.R.S. § 31-12-107(1); and

WHEREAS, all applicable requirements of the *Code of Ordinances of the City of Alamosa, Colorado*, have been fulfilled; and

WHEREAS, the property is eligible for annexation in accordance with the *Municipal Annexation Act of 1965*, as amended,

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

Section 1. That the property described in the attached Exhibit A is hereby annexed to the City of Alamosa, Colorado, which property has no street address applicable to the property as a whole.

Section 2. The zoning for said property is hereby determined and established to be: 33.46 acres "A", (Agricultural); 4.42 acres "CB" Commercial Business in accordance with the annexation map attached as Exhibit A.

Section 3. That, in annexing said property to the City of Alamosa, Colorado, the City does not assume any obligation respecting the construction of water mains, sewer lines, gas mains, electric service lines, streets, or any other services or utilities in connection with the property hereby annexed except as may be expressly provided by the ordinances of the City of Alamosa, Colorado, and that the owners of such annexed property shall be responsible for the cost of extension of such services and utilities.

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 ten (10) 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 20th day of November, 2013, and a public hearing hereon fixed for the 4th day of December 2013 at 7:00 p.m., or as soon thereafter as the matter may be heard.

APPROVED, AND ADOPTED after public hearing this ___ day of _____, 2013.

CITY OF ALAMOSA

By: _____
Kathleen J Rogers, Mayor

ATTEST:

Judy A. Egbert, City Clerk

EXHIBIT A
ALAMOSA RV RESORT ON THE RIO GRANDE
ANNEXATION

LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$ SE $\frac{1}{4}$)
OF SECTION 3, TOWNSHIP 37 NORTH, RANGE 10 EAST, NEW MEXICO PRINCIPAL
MERIDIAN, ALAMOSA COUNTY, COLORADO

PETITION

KNOW ALL MEN BY THESE PRESENTS that the undersigned "PETITIONERS" in
accordance with the Municipal Annexation Act of 1932 (Article 12, Chapter 31, C.R.S., as
amended) hereby petition the City Council of the City of Alamosa, Colorado, for annexation
to the City of Alamosa of the unincorporated territory more particularly described as follows:

A tract of land located in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of
Section 3, Township 37 North, Range 10 East, New Mexico Principal Meridian, Alamosa
County, Colorado, more particularly described by metes and bounds as follows:

Beginning at the southeast corner of the tract shown hereon from which the Southeast Corner
of said Section 3 bears N 88°51'34" E a distance of 46.09 feet; thence S 88°49'24" W
a distance of 1247.00 feet; thence N 00°12'00" W a distance of 1326.86 feet;
thence N 89°10'27" E to the West right of way of State Highway No. 17 a distance of 1240.22
feet; Thence S 00°06'54" W along said right of way a distance of 758.09 feet; thence
S 89°53'06" E along said right of way a distance of 25.00 feet; thence S 00°06'54" W along
said right of way a distance of 531.73 feet; thence S 20°50'16" W along said right of way a
distance of 31.30 feet to the point of beginning, containing 37.88 acres, more or less.

This tract is subject to any and all existing easements and/or rights of way.

SIGNED: Daniel M. Russell, Member
For and on Behalf of the Alamosa RV Resort on the Rio Grande, LLC.

STATE OF COLORADO } SS
COUNTY OF ALAMOSA }
The foregoing was acknowledged before me this ____ day of ____, 2013, by
Daniel M. Russell as Member for the Alamosa RV Resort on the Rio Grande, LLC.
Witness my hand and seal.

My commission expires ____
Notary Public

ACCEPTANCE OF ANNEXATION

The Annexation as shown on this plat is hereby accepted and approved
by the City of Alamosa on this ____ day of ____, 2013.
SIGNED: ATTEST:
Mayor City Clerk

CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO } SS
COUNTY OF ALAMOSA }
I hereby certify that this instrument was filed in my office at ____ O'Clock ____ M,
the ____ day of ____, 2013, and is duly recorded under Reception
No. ____ and is Filed In Plat Cabinet ____ Map No. ____
SIGNED: Recorder

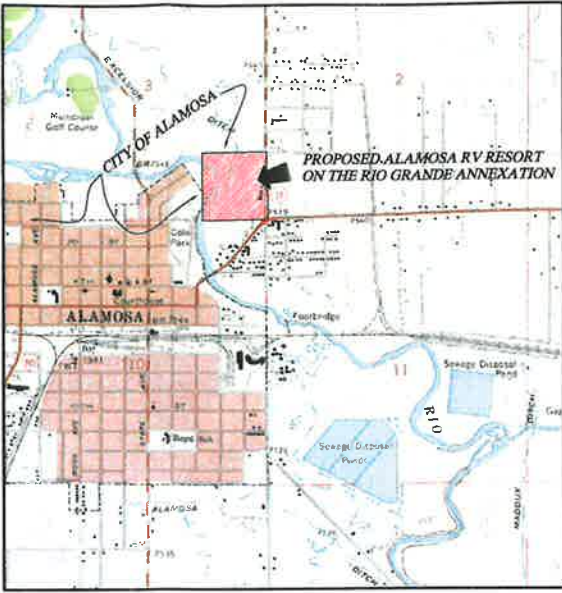
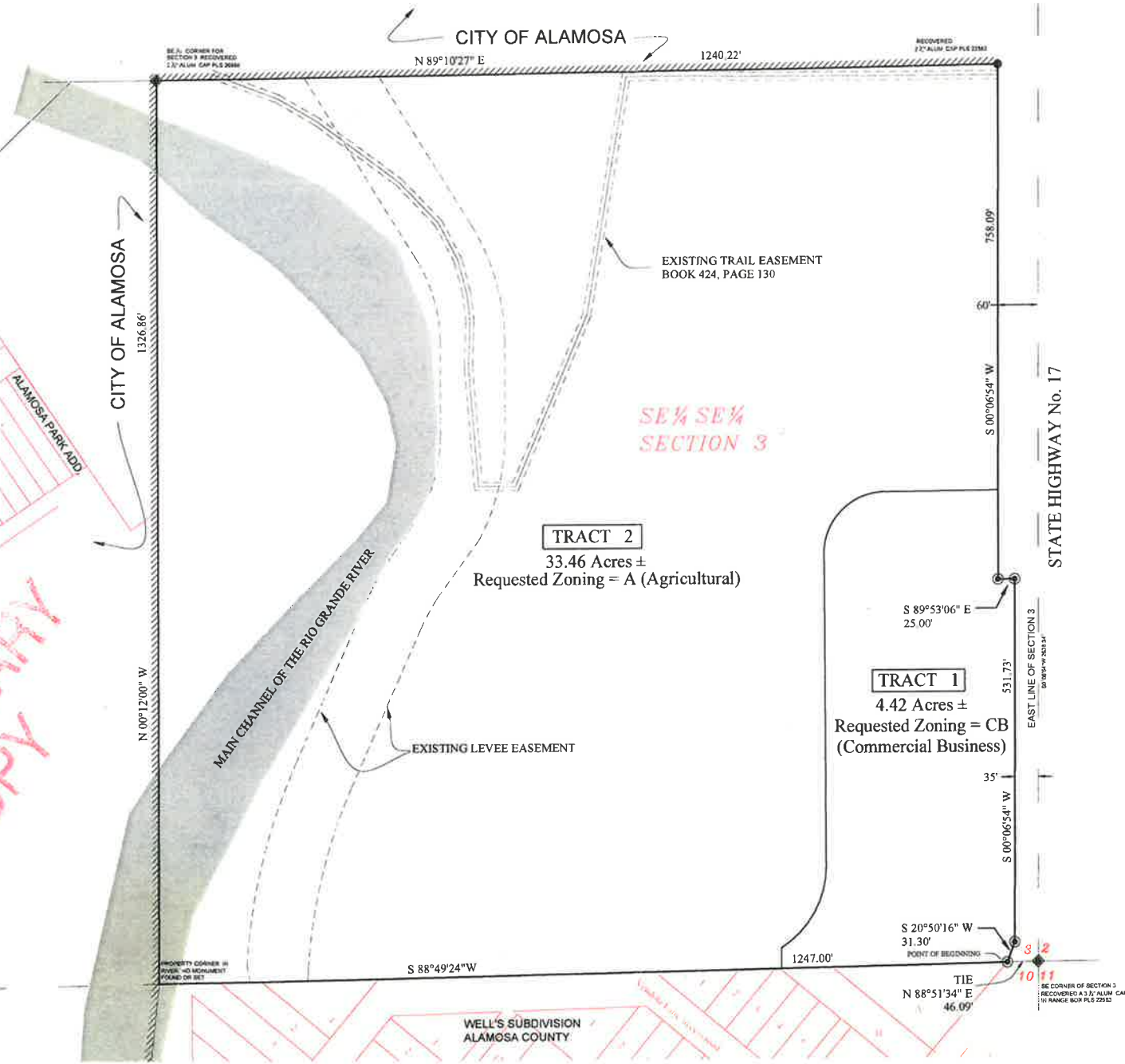
SURVEYOR'S STATEMENT

I, Martin Reynolds, a duly registered land surveyor in the State of Colorado,
do hereby state that this plat was prepared from the notes of an actual
field survey performed by me or under my direct supervision and is true
and correct to the best of my knowledge and belief.

Martin Reynolds Date
PLS No 23847

SOURCE OF OWNERSHIP INFORMATION

Warranty Deed recorded under Reception No. 353300 in the records of the Alamosa County
Clerk and Recorder.



VICINITY MAP

ANNEXATION ELGIBILITY CALCULATION

Total perimeter length of annexation = 5160.20 feet.
1/6th of the perimeter required to be contiguous with existing city limits = 860.03 feet.
Length of perimeter that is contiguous with existing city limits = 2567.08 feet.
Parcel is 49.75% contiguous with existing city limits.

REQUESTED ZONING

Tract 1 - Commercial Business (4.42 ± Acres)
Tract 2 - Agricultural (33.46 ± Acres)

BEARING BASIS

All bearings are based on the assumption that the north line of the
parcel shown hereon bears N 89°10'27" E. Each end of this line is
monumented as shown.

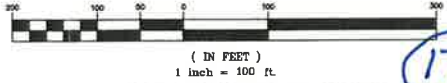
UNITS OF MEASURE

All distances for this survey have been measured in feet.

LEGEND

- FOUND MONUMENT AS DESCRIBED
- SET #4 REBAR WITH YELLOW PLASTIC CAP PLS #23847
- SECTION CORNER AS DESCRIBED
- PROPERTY LINE
- SECTION LINE
- EXISTING CITY LIMITS

GRAPHIC SCALE



NOTE: According to Colorado law, you must maintain any legal notice based upon any deed or other instrument
shown upon after you first discover such defect. In no event may any action based upon any defect in this
survey be commenced more than 10 years from the date of the notification herein.

REYNOLDS ENGINEERING COMPANY

21626 COUNTY ROAD AA 5
ALAMOSA, COLORADO 81101
(719) 274-3218

DATE: SEPTEMBER 2013
SCALE: 1"=100'
DRAWN: MR
CHECKED:
APPROVED:

CLIENT: ALAMOSA RV RESORT ON THE RIO GRANDE, LLC.

TITLE: ALAMOSA RV RESORT ON THE RIO GRANDE ANNEXATION EXHIBIT A

LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$ SE $\frac{1}{4}$) OF SECTION 3, TOWNSHIP 37 NORTH, RANGE 10 EAST, NEW MEXICO PRINCIPAL MERIDIAN, ALAMOSA COUNTY, COLORADO

JOB NO. 001 ALAMOSA RV RESORT
DRAWING ANNEXATION EXHIBIT A
SHEET 1 OF 1

EXHIBIT B – ORDINANCE NO. 17-2013

**ALAMOSA RV RESORT ON THE RIO GRANDE, LLC
PROPERTY TO BE ANNEXED**

A tract of land located in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 3, Township 37 North, Range 10 East, New Mexico Principal Meridian, Alamosa County, Colorado, more particularly described by metes and bounds as follows:

Beginning at the southeast corner of the tract shown hereon from which the Southeast Corner of said Section 3 bears N 88°51'34" E a distance of 46.09 feet; thence S 88°49'24" W a distance of 1247.00 feet; thence N 00°12'00" W a distance of 1326.86 feet; thence N 89°10'27" E to the West right of way of State Highway No. 17 a distance of 1240.22 feet; Thence S 00°06'54" W along said right of way a distance of 758.09 feet; thence S 89°53'06" E along said right of way a distance of 25.00 feet; thence S 00°06'54" W along said right of way a distance of 531.73 feet; thence S 20°50'16" W along said right of way a distance of 31.30 feet to the true point of beginning, containing 37.88 acres, more or less.

This tract is subject to any and all existing easements and/or rights of way.

NOTES:

RV SITES:

- 41 Back-In Sites 45 Degree [65'x40']
- 28 Pull-Through Sites [60'x30']
- 23 River Cabin Sites

92 TOTAL SITES

Back-In Sites have an additional 8'x20' parking space.

- Office / Registration - 1800 sq.ft.
- Pavilion - 1800 sq.ft.
- Bath & Laundry - 600 sq.ft.
- 2 Dog Parks - 15,000+ sq.ft.

Property Setback - 15'

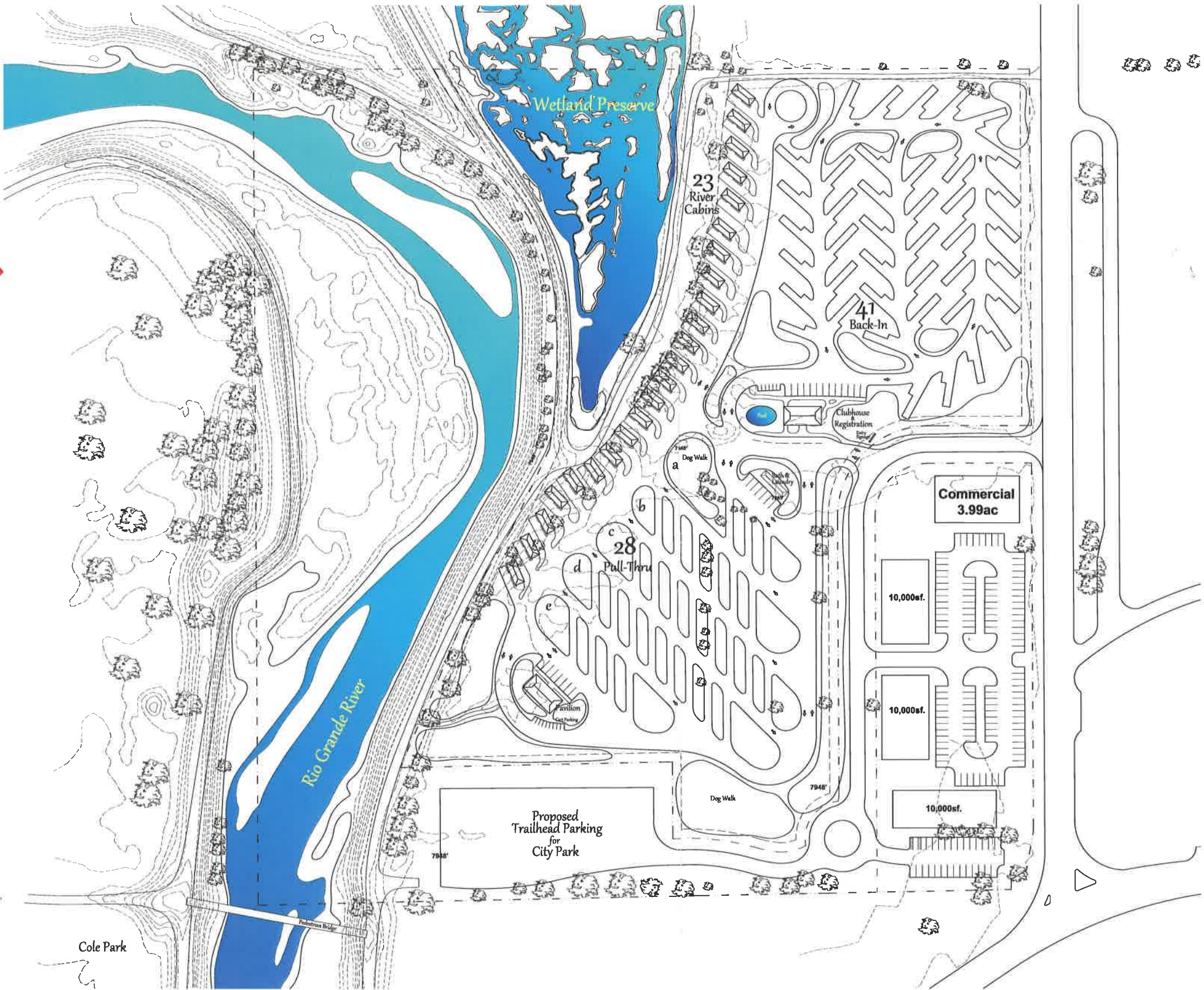
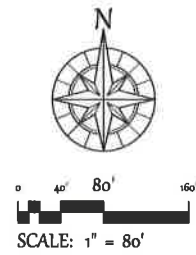
ROADWAYS:

- One-Way Traffic - 18'
- Two-Way Traffic - 24'
- Entrance Road - 30'
- Staging Lane - 10'
- Parking - 10'x 20'
- Golf Cart Parking 6'x 10'

- 12' Wide RV Pull-Through Sites
- 12' Wide RV Back-In Sites

DRAFT

DRAFT



Date: 9/10/2013

Scale: 1"=80'
(Layout 24"x36")

Rio Grande River - RV Resort
Alamosa, Colorado

Bud Surles Consulting Group, LLC.



ALAMOSA RV RESORT ON THE RIO GRANDE, LLC

ECONOMIC IMPACT / COST BENEFIT ANALYSIS

Revised 11-17-13

37.88 Acres located in the SE¹/₄SE¹/₄ of Section 3, T. 37 N., R. 10 E., NMPM,
Alamosa County, Colorado

a. General Description:

1. This property is bounded on the north by the Alamosa City Ranch, on the West by the Alamosa Park Addition and Cole Park, on the south by the Wells Subdivision and on the east by Colorado State Highway 17.
2. The proposed future use is for an RV Resort, a possible city parking lot and access street (pending a land exchange) and commercial property along highway 17.
3. The property is not anticipated to have any full time residential sites and should have no direct impact on the local school district planning in terms of added student load and expense. By raising the tax base, it is anticipated to produce added revenue for the school district without any added expense for the district.
4. There is currently a potable water line along the south boundary and east boundary of the property capable of providing an adequate water supply. A determination will need to be made to assure that the City of Alamosa can utilize this line to provide service to the subject property. The need for water for landscaping is currently under review as part of the design process. It is possible those needs may be met by utilizing current water rights associated with the property along with the onsite water storage capacity.
5. Sewer needs are anticipated to be met by connecting to the City of Alamosa. The cost for building all the internal sewer collection lines, the lift station and force main required is a development cost to be shouldered by the owner/developer. As an RV Resort, the estimated 100 sites should have a minimal impact.

6. It is not anticipated that Highway 17 will be included in the annexation. If the proposed land exchange is approved, the 1345 foot public street and 1 acre of constructed parking area will be built by the developer. It will be a gravel street and parking area and is not proposed to be asphalt surfaced. As a gravel road, the impact for maintenance should be minimal. If the land exchange is not approved, this area will not be dedicated as a street but will instead be utilized as part of the RV Resort.

b. Economic Impact

1. Property Tax Implications – Based on general information obtained from the Alamosa County Assessor, and extrapolated to match the estimated impact of this project, it is anticipated that the likely value of the property upon full build out of a 100 unit RV resort will be \$1,500,000. At an assessment rate of 29% that should produce an assessed value of \$435,000. With a mil levy of 88.594 (.088594) the property should generate \$38,538 per year in property taxes. Note that the approval of the proposed exchange will allow for a much higher end Resort and increase the number of sites by about 50 and will warrant the construction of a lodge. This exchange would likely double the ultimate taxable value of the resort and raise the tax revenues accordingly.
 - a) Our design consultants have produced preliminary numbers for the Economic Impact to the Alamosa community based on the complete development of the site including the proposed land exchange. We do not have the impact of just the current site although it can reasonably be extrapolated backwards to arrive at an estimate, if needed. Many assumptions have been made to arrive at the estimated impact that may not accurately reflect the final project. Due to litigation, we have had to postpone our consultants work and can only provide this preliminary data that is in the process of modification.

- b) \$ 220,700.00 State and local sales tax on the cost of construction
89,000.00 Sales tax on RV site rentals and or sales
10,800.00 Local Marketing District Tax
5,100.00 County Lodging District Tax
306,600.00 money spent within the community
by RV site guests based on \$160/day
100,000.00 Wages paid to RV site employees

Economic Impact estimated at **\$ 3,580,500.00** or more (based on overall proposed project, not limited to just the current 37.88 acres)

c. Development Schedule

1. It is anticipated that construction will begin in March of 2015. The project may be phased as needed to facilitate the development and financial considerations.
2. Current legal challenges have affected the project scheduling as has the proposed land exchange with the City.
3. It is unknown what the role of the legal challenges will be in the planning for the development of this resort. At this time, it is anticipated that the legal issues will be settled prior to the commencement of construction in spring of 2015.
4. We will table our planning until the issue of a possible land exchange has been resolved and the footprint available for this resort has been determined.

Draft RV Resort Project Timeline

Council Meetings	Annexation Timeline	Land Exchange Timeline
November 6th	PH & Resolution on Eligibility	Update on appraisal process
<i>November 13th</i>		
November 20th	First Reading of Annexation Ordinance (review of annexation agreement)	Discussion on Land Exchange
December 4th	Public Hearing on Annexation Ordinance	Public Discussion on Land Exchange
<i>December 11th</i>		
December 18th		
<i>December 31st</i>		Appraisal Complete
<i>January 8th</i>		
January 15th		
<i>January 22nd</i>	Work Session	Work Session
<i>January 29th</i>		
February 5th	Action on Annexation Ordinance and Agreement	Action on Land Exchange conditioned upon clear title
<i>February 12th</i>		
February 19th		
<i>February 26th</i>		
March 5th		



2. DRAFT ANNEXATION AGREEMENT

This ANNEXATION AGREEMENT (“Agreement”), is made and entered into this _____ day of _____, 2013, by and between THE CITY OF ALAMOSA, a Colorado municipal corporation, (“City”) and ALAMOSA RV RESORT ON THE RIO GRANDE, LLC, (“Owner”).

WHEREAS, Owner is the owner of the real property described in Exhibit “A” (“property”); and

WHEREAS, Owner proposes the annexation of the Property to the City; and

WHEREAS, The City has determined it to be in the best interest of the public health, safety, and welfare of its citizens to impose certain terms and conditions on the Owner in conjunction with the annexation of the Property to the City; and

WHEREAS, Owner and City have come to an Agreement, with respect to the terms and conditions of the annexation of the Property to the City, all as more fully set forth hereafter.

NOW, THEREFORE, in consideration of the recitals, promises, and covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows;

1. **Definitions.** As used in this Agreement, unless the context clearly requires otherwise:

“Annexation Ordinance” shall mean an ordinance adopted by the City Council to the City of Alamosa pursuant to the pending Petition for Annexation of the property, and in accordance with the Municipal Annexation Act of 1965 (Section 31-12-101, et seq., C.R.S.) Officially annexing the Property to the City of Alamosa.

“Applicable City Ordinances” shall mean all ordinances of the City which regulate the development, subdivision and use of the Property, as in effect from time to time. Such ordinances shall include, but shall not be limited to, the City’s (i) Zoning Ordinance, (ii) Street Standards, (iii) Drainage Ordinance, (iv) Flood Prevention Ordinance, (v) Subdivision Ordinance, (vi) Building, Technical and Construction Codes, (vii) Ordinances concerning annexation/water surcharges, (viii) Ordinances concerning payment of fees, (ix) Ordinances concerning public dedications; and (x) all other applicable City Ordinances, Resolutions, regulations and policies.

“Owner” shall mean Alamosa RV Resort on the Rio Grande, LLC, its successors and assigns, and all other subsequent owners of the Property.

“PIF” shall mean the current City Plant Investment Fee as provided for by the Ordinances or regulations of the City at the time such charges are due and payable to the City as provided in Paragraphs 7 & 8 of this Agreement.

“Property” shall mean that certain real property described on the attached Exhibit “A”.

2. DEVELOPMENT.

Upon the annexation to the City, development of the Property shall conform in all respects with all applicable City Ordinances.

3. PROPOSED USE OF THE PROPERTY.

3.1 **Land Use District Designation.** In the event of approval of the Petition for Annexation, upon annexation the Property shall be placed in the two zoning district, 4.42 acres to be placed in Commercial Business (CB) and 33.46 acres to be placed in Agricultural (A), but only if after receiving testimony at a public hearing the City Council determines that such zoning classification is justified as the most appropriate zoning classification for the property.

3.2 **General Plan of Development.** The City and Owner agree that the Property is presently vacant, and that any future development will be in accordance with applicable City Ordinances. A general development plan for the Property is shown within Exhibit “B”. However, this plan will change and any land exchange with the City will be incorporated into those changes.

3.3 **Annexation not Contingent.** Owner understands and acknowledges that the annexation of the Property is not contingent upon approval by the City of any particular plan of development of the Property, nor specific zoning classification and development plan, or zoning as may hereafter be approved by City. Owner assumes all risks of obtaining required subdivision and development permits for the Property in accordance with Applicable City Ordinances.

4 **UTILITY SERVICE AND PUBLIC IMPROVEMENTS.**

4.1 **Extensions of Utility Services and Public Improvements.** Owner shall pay all costs for design and construction of all public improvements and utility services necessary to serve the Property, including but not limited to, roads, curbs, gutters, sanitary and drainage sewers, water, street lights, electricity, telephone, gas, and cable television service all in accordance with applicable City or public utility company standards and specifications. Without an final footprint of the proposed RV Resort being available, it is unknown exactly what utilities will be required, their size or their location. It is anticipated that sanitary sewer needs will be met by the installation of a lift station on the property and the design and construction of a force main that will be attached to the foot bridge and return effluent into the city system on the west side of the river. That design will be commenced once the size, location and general design of the RV Resort has been determined. It is anticipated that one sewer service and one water service tap will be needed for the RV Resort and that all lines within the park, past the meter, will be owned and maintained by the Owner. Owner shall dedicate to the City and applicable public utility companies without charge, free and clear of all liens and encumbrances those easements and rights of way necessary for installation and maintenance of said utility lines and further, will dedicate easements for those lines currently on the property that have no record easement. No streets or trails are intended to be created or dedicated by this annexation, however, as part of the proposed land exchange those issues will be addressed.

5. **PUBLIC DEDICATIONS.** In addition to those dedications required in Paragraph 4 of this Agreement, Owner further agrees to dedicate to the City without charge and free and clear of any liens and encumbrances that certain real property which is described in Exhibit "D". Such dedicated property shall be insured in City, at the expense of Owner, in the manner and amount as is provided in the preceding paragraph regarding Utility Services and Public Improvements.

6. **WATER AND DITCH RIGHTS.** No water rights are anticipated to be deeded to the city – see attached Exhibit E

7. WATER CHARGES.

7.1 Payment of PIF's. NA

7.2 Water Rates. Water users on the Property shall pay the then-current rates for connection fees and water service paid by in-City users, subject to all decreases or increases in fees adopted in accordance with City ordinances and regulations. Water users on the property are subject to all rules, regulations and ordinances pertaining to the City's water system, including all future amendments.

7.3 Estimated water needs. Per occupied site, it is estimated that gross water needs will be 50 gallons per day. 100 sites at 60% occupancy will require 3,000 gallons per day for 150 days equals 450,000 gallons or 1.38 acre feet of water. Consumptive use on that amount (calculated at 7%) equates to a need for consumable water of 0.10 acre feet to meet the needs of a 100 unit RV Resort. This resort will have landscaping, gardens and some limited lawn associated with the lodge. Current estimates are that an additional 0.50 acre feet of water may need to be acquired in order to meet landscaping needs. The irrigation water that is associated with this property might be used for irrigation but that determination will not be made until further design considerations are addressed.

8. SEWER CHARGES.

8.1 Payment of PIF's. NA

8.2 Sewer Rates. Sewer users on the Property shall pay the then-current rates for connection fees and sewer service paid by in-City users, subject to all decreases or increases in fees adopted in accordance with City ordinances and regulations. Sewer system users on the property are subject to all rules, regulations and ordinances pertaining to the City's sewer system, including all future amendments.

9. VESTED PROPERTY RIGHTS. The Owner hereby waives any and all vested property rights that may exist on the property as they relate to the City of Alamosa. Further, nothing contained herein shall be construed as to constitute vesting of specific development rights, although it is understood that the approval and annexation will allow for sewer and water service for the property at the appropriated rates and fees.

10. MISCELLANEOUS.

10.1 Effective Date. This agreement is contingent upon the City approval of the annexation and shall become effective, as of the date on and the time when the annexation itself becomes effective.

10.2 Parties' Authority. The City and Owner represent that each has the authority to enter into this Agreement according to applicable Colorado law and the City's Home Rule Charter and Ordinance, and each represents that the terms and conditions hereof are not in violation of any agreement previously entered into by the City. This Agreement shall not become effective until resolution or other necessary authorizations for the execution of the Agreement are effective.

10.3 Recording. This Agreement may be recorded in the Alamosa County Clerk and Recorder's Office in order to put prospective purchasers or other interested parties on notice as to the terms and conditions contained herein and liens hereby created.

10.4 Entire Agreement. This Agreement and the exhibits hereto represent the entire understanding between the parties, and no other agreement concerning this Property, oral or written, made prior to the date of this Agreement, which conflicts with the terms of this Agreement, shall be valid as between the parties. In the event of disconnection for any reason, City infrastructure and service obligations shall be void and of no further force and effect.

- 10.5 **Disconnection.** In the event of disconnection of the Property for any reason, the City's infrastructure and service obligations shall be void and of no further force and effect, but all dedications and conveyances to the City made hereunder shall continue in full force and effect unless vacated in the manner provided by law.
- 10.6 **Modification.** This Agreement shall not be modified except in writing executed by all parties hereto.
- 10.7 **Addition Remedies.** If at any time any part hereof has been breached by the Owners, the City may in addition to other remedies, withhold approval of any or all building or other permits applied for by the Owner on its Property, or withhold issuance of certificates of occupancy until the breach or breaches has or have been cured.
- 10.8 **Binding Effect.** The agreements and covenants as set forth herein shall be binding upon the Owners, their heirs, successors, and assigns, and all persons who may hereafter acquire an interest in the Property, or any part hereof.
- 10.9 **Joint and Several Liability.** If there are two or more Owners, the responsibility of the Owners shall be joint and several.
- 10.10 **Severability.** In case one or more of the provisions contained in this Agreement shall be invalid, illegal or unenforceable in any respect, the validity, legality and enforce ability of the remaining provisions of this Agreement shall not in any way be affected or impaired thereby; provided, however, that if such invalid provision deprives either party of a material benefit to be derived from this prospective annexation, the parties acknowledge that such shall constitute irreparable injury, and entitle such party to relief in equity in the event a satisfactory adaptation of this agreement cannot be reached by the parties.
- 10.11 **Incorporation of Exhibits.** Exhibits "A" through "E" inclusive, which are attached hereto, are incorporated herein by reference.
- 10.12 **Notices.** Any notices required or permitted hereunder shall be sufficient if personally delivered or if sent by certified mail, return receipt requested, addressed as follows:

If City:

City Manager
P.O. Box 419
Alamosa, CO 81101

With A Copy
(Which Shall Not Constitute Notice)

To:

(City Attorney)

If to Owner: Alamosa RV Resort on the Rio Grande, LLC,
Daniel M. Russell, Manager
Mailing Address: 9042 CR 106 South
Alamosa, CO 81101

Notices mailed in accordance with the provisions of this Paragraph shall be deemed to have been given on the 3rd day following mailing. Notices personally delivered shall be deemed to have been given upon delivery. Nothing herein shall prohibit the giving of notice in the manner provided for in the Colorado Rules of Civil Procedure for service of civil process.

10.13 **Waiver.** The failure of either party to exercise any of its rights under this Agreement shall not be a waiver of those rights. A party waives only those rights specified in writing and signed by either party waiving such rights.

10.14 **Applicable Law.** This Agreement shall be interpreted in all respects in accordance with the laws of the State of Colorado.

10.15 **Counterparts.** This Agreement may be executed in several counterparts and/or signature pages and all counterparts and signature pages so executed shall constitute one agreement binding on all parties hereto, notwithstanding that if the parties are not signatories to the original or the same counterpart or signature page.

10.16 **Terminology.** Wherever applicable, the pronouns in this Agreement designating the masculine or neuter shall equally apply to the feminine, neuter and masculine genders. Furthermore, wherever applicable within this Agreement, the singular shall include the plural, and the plural shall include the singular.

IN WITNESS WHEREOF, the parties have executed this Agreement the date first written above.

City of Alamosa, a Colorado
Municipal corporation

ATTEST:

City Clerk

By _____
City Manager

Property Owner Alamosa RV Resort on the Rio Grande, LLC
by Daniel M. Russell, Manager

STATE OF COLORADO)
) ss.
COUNTY OF ALAMOSA)

The foregoing instrument was acknowledged before me this ____ day of _____ 2014, by _____, City Manager, and _____, City Clerk, of the City of Alamosa, a Colorado municipal corporation.

WITNESS my hand and official seal.

My commission expires: _____.

Notary Public

STATE OF COLORADO)
) ss.
COUNTY OF ALAMOSA)

The foregoing instrument was acknowledged before me this ____ day of _____, 2014, by Daniel M. Russell, Manager, Alamosa RV Resort on the Rio Grande, LLC.

WITNESS my hand and official seal.

My commission expires: _____

Notary Public

EXHIBIT A

ALAMOSA RV RESORT ON THE RIO GRANDE, LLC PROPERTY TO BE ANNEXED

A tract of land located in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 3, Township 37 North, Range 10 East, New Mexico Principal Meridian, Alamosa County, Colorado, more particularly described by metes and bounds as follows:

Beginning at the southeast corner of the tract shown hereon from which the Southeast Corner of said Section 3 bears N 88°51'34" E a distance of 46.09 feet; thence S 88°49'24" W a distance of 1247.00 feet; thence N 00°12'00" W a distance of 1326.86 feet; thence N 89°10'27" E to the West right of way of State Highway No. 17 a distance of 1240.22 feet; Thence S 00°06'54" W along said right of way a distance of 758.09 feet; thence S 89°53'06" E along said right of way a distance of 25.00 feet; thence S 00°06'54" W along said right of way a distance of 531.73 feet; thence S 20°50'16" W along said right of way a distance of 31.30 feet to the true point of beginning, containing 37.88 acres, more or less.

This tract is subject to any and all existing easements and/or rights of way.

.

EXHIBIT B

ALAMOSA RV RESORT ON THE RIO GRANDE, LLC Development Plan

Part of this project involves a proposed land exchange with the City of Alamosa. It is unknown if that exchange will occur. The attached sketch shows a proposed road and parking area that may come into existence as part of that land exchange but will not occur as part of the annexation and is not intended to be a public dedication.

Since the exchange is uncertain, at this point in the application it must be assumed that the exchange is not part of the application. Therefore, there will not be any public street dedications to consider in this annexation. All streets and roadways will be private.

EXHIBIT C

ALAMOSA RV RESORT ON THE RIO GRANDE, LLC Public Improvements

No Public Improvements are anticipated as a component of the proposed annexation. Public improvements will be required as the property is developed, and all necessary improvements will be completed at that time

EXHIBIT D

ALAMOSA RV RESORT ON THE RIO GRANDE, LLC Public Dedications

All existing easements will be honored and recognized. Additional public property is anticipated to be deeded to the City as part of the proposed land exchange and will include the creation of parking area, utility easements, trails and the river corridor.

It is estimated that the exchange will meet any future needs for the City in terms of access and public dedications.

EXHIBIT E

ALAMOSA RV RESORT ON THE RIO GRANDE, LLC Water Rights

The water needs of this project will be determined as part of the development planning. It is anticipated that water needs can be met by purchase from the San Luis Valley Water Conservancy District and conveyed to the City of Alamosa to offset any impact to the City water requirements.

The domestic well located on the property is not available for conveyance to the city as it would serve no useful purpose for the city.

The 1 cubic foot per second of the Independent Ditch that accompanies the property will be retained by the Alamosa RV Resort to be utilized in enhancing the existing wetlands on the property and to provide water for the landscaping within the property.

Heather Brooks

From: SARAH DIXON <sarahde1966@gmail.com>
Sent: Wednesday, November 27, 2013 10:32 AM
To: Heather Brooks
Subject: RV park

Hi Heather,

I was forwarded your email address so I can share my views with you about the new proposed RV Park. I do appreciate your time.

My Father, Hobey Dixon has owned the home in East Alamosa where I live in now since 1973. I spent summers in this house and purchased it in 1987. I have seen East Alamosa go through some changes, mostly small ones.

In my opinion, one of the biggest ones being the loss of our little East Side Market.

An entire block of hundreds year old trees torn down to leave a huge empty lot. Where a park could be.

My neighborhood has no street lights, other than ones that individuals have.

Having worked on the ambulance for 13 years I have cleaned up some horrible accidents in my neighborhood due to bad intersections and lack of street lights.

Our water prices tripling, even quadrupling. Our water department leaves a lot to be desired and this is not the time for that conversation.

I guess the point I am trying to arrive at is this, I can see a huge potential for good things coming from this. Not just the RV park itself.

Perhaps I am selfish, but I think my neighborhood will improve greatly due to an increase of people on my side of town, which quite frankly is neglected when it comes to restaurants and stores, among other things.

I have known Dan for nearly 30 years, he has been a friend of my Dad for many years. My brother worked for him for a number of years before he moved. I am also a fan of Carol! They are good people and have nothing but the good of this community in mind.

Another one of my selfish reasons for this park would be that I will feel comfortable having my children go across the highway and be able to get to the park and points beyond without having to worry about drunks and homeless people living by the garden (not to mention the man that they found dead there) or creeping under the bridge. Yet another issue gone long unattended and not for this conversation.

We are an athletic family and love to ride bikes and walk our dogs along the dyke, this will be done more as, not only will there be physical improvements, but also more people in that area will mean less drunks to loiter there. I see it making it safer in that part of our town.

I foresee intersection improvements. And perhaps it will force some of the businesses on the west side of 160 (across from Co-Op) to improve and clean up their lots.

Not only am I a homeowner in East Alamosa, a citizen of Alamosa County, but I also manage the Elks lodge. We have a number of visiting members come every year. A great majority of them travel in huge RVs.

A number of Elks lodges across the country have hook ups for RVs, we do not. But I have had them park in our lot numerous times. No electricity or water or dump sites.

I know they would stay longer if they had a place in town to park their 'house'. This is the perfect opportunity for more business, not only for my Elks lodge, but for Alamosa. A short, safe walk over the bridge into town would be optimal for these people. A few more cocktails as they could walk home, again my selfishness!

They would be more willing to eat at downtown restaurants if they were parked closer than the KOA or in South Fork! Win, win!!!

For so many of my visiting members they have expressed to me that they would like to stay longer, but we just have nowhere convenient to park.

As far as having yet another non-profit in this community. I could be no more against it! We have too many as it is. Non of them thriving by any means. Of course with the exception of La Puente which in my opinion is a huge cancer in my community and has encouraged more negative than positive!

Alamosa cannot afford anymore of this type of 'business'. I certainly do not see it doing well in the long run.

Plain and simple, a very clear 'no brainer': Dan has the money, not the thought of a maybe possibility of might getting money, someday!

These are my thoughts and I am excited at the prospect of this potentially huge improvement to our community. One with benefits that will last for many years to come.

Thank you for your consideration,
Sarah E. Dixon

Sar~

Heather Brooks

From: Pete Magee <pete.magee@intlsi.com>
Sent: Wednesday, November 20, 2013 11:54 AM
To: Charlie Griego; Greg Gillaspie; Josef Lucero; Kathy Rogers; Leland Romero; Marcia Tuggle; Rusty Johnson
Cc: Heather Brooks
Subject: Annexation Issue

Dear City Council,

The annexation issue of the Polston Property is now approaching Council. I believe that the annexation is a good idea and should move forward rapidly and then to engage in to the land swap issue with Mr. Russell.

The Rio Grande RV Resort offers a real promise of economic development here in Alamosa. In fact, I'm trying to remember the last true economic development project presented to the City. Seems it must have been some time ago and I don't even recall if it was successful or not. This is a "no-brainer" in terms of bringing outside monies into the City and Valley. I encourage City Council to move ahead with the annexation.

One of the issues that has come to light is the fact that Mr. Russell owns portions of the levee along both sides of the river. I believe this portion of the Polston property is part of what Mr. Russell wants to swap with the City. I think that is a wonderful idea in that it helps to clean up many issues that became apparent upon the purchase of the property. I understand that there is a group who wants the City to tie the successful annexation process to making Mr. Russell give that portion of the property to the City, without receiving anything in return. I find that very offensive as a private citizen. You'll hopefully note that those individuals who are pushing that agenda are the same group who have caused so much divisiveness within our Community. My fear is that if the City insists on Mr. Russell giving those levees to the City as part of the annexation process, then the City will only widen that division that has been created within the Community.

Try to put yourself in Mr. Russell's position. He now has a \$500,000 debt in trying to bring economic development to his Community. He has suffered all sorts of name-calling and vicious allegations through no fault of his (even the Judge agreed that Mr. Russell had done nothing wrong in his purchase of the property) and now, the City wants to extract their pound of flesh for annexation? Shame, shame, shame if this is the case. Can you not see how that path will go a long way to discourage any future development?

Perhaps the City is not the place for a RV Park? After all, Alamosa has a crime rate on par with a City of 100,000. We have the largest Community Correction facility in the State. We have agencies that recruit homeless. We're becoming the dumping ground for everyone else's problem citizens. That doesn't strike me as a positive factor in attracting development.

I strongly encourage the City to act on the annexation with no strings attached, and then enter into a meaningful discussion with Mr. Russell on a valid land swap that is beneficial to both parties.

Thank you for your time,
Pete Magee

November 19, 2013

Alamosa City Council and Councilors elect
PO Box 419
Alamosa, CO 81101-0419

Dear City Council:

I am writing to voice my concern over the proposal of land annexation and future land exchanges for the development of an RV Resort on the former Polston Property. There are a few reasons why I am opposed to annexation and ones I urge you to take into consideration when deliberating over this matter.

The first and most important to me personally, is the possibility of losing trails/paths along Cole Park, the Alamosa Ranch and the Rio Grande. Residents, tourists, Adams State University students and athletes, to name a few, use this land on a daily basis. We are not talking about desolate land space in need of repurposing. We are talking about the liquidation of a public asset. This land has historically been used as public space and I do not believe that a private developer has the right to use public land as a bargaining chip for private profit. It pains me that I even have to write this letter to defend this land, but here it is.

In addition, water conservation has been slated by the City, again, as a high priority goal for 2013. In 2012, the city reported having "reduced potable demand by almost 10%". I would imagine an RV Park would require potable water. What impact will annexation have on the city's already strained water resources? How will annexation of additional property needing water, fall in line with the City's high priority goal for water conservation?

Also, the question of zoning codes is raised as this annexed land is proposed to be classified as agricultural. The city's zoning codes on their website defines an Agricultural zone as one that "comprises areas that are primarily in an unimproved, natural state, as well as areas which are utilized for keeping and pasturing livestock and growing crops and plant materials, and where routine farm production activities are practiced." In contrast a Commercial Business zone is defined as "areas to be used for a full range of retail sales and commercial services, serving both residents and transients. Retail uses that contain more than twenty-five thousand (25,000) square feet in gross floor area are allowed in this district, except where specifically limited elsewhere in this chapter and includes mixed commercial-residential development—such as residential apartments or condominiums located above retail shops." Schedule A of the same Article describes several user groups where this proposed annexed RV

Resort could fall: Commercial Amusement, Outdoor; Large Retail Establishment; Outdoor Sales, Repair. While some of these are deemed Agricultural outright, there are provisions in place that allow for review of allowing for a different zoning code. I think it is imperative for Council to review such a designated zone for this proposal and change it to Commercial Business. The reason I feel strongly about this is because this project has promised quite a bit in economic development by way of tax revenue. While I was unable to find exact monetary figures for the difference between Agricultural zoning versus Commercial, it is my understanding that properties zoned as Agricultural pay less than the latter.

As I mentioned before, it is important to me, my friends, and my family to protect public land. Further, annexation of this kind will open the door to hurting the Alamosa Ranch property – something that should be protected indefinitely and not placed on the chopping block every couple of years. I look to the Council to invest their efforts into long term solutions for the conservation of the Alamosa Ranch land.

The developer has stated on several occasions that this annexation and additional land exchanges are necessary in order for the RV Resort to be economically viable. I believe that his business plan – if it is to accomplish everything that has been promised since day one – should be viable without the pressure being placed on the City Council and Alamosa tax payers to just “make it happen”. We should not be threatened with a truck stop, as mentioned by the developer. Nor shall we play monopoly with the public's assets; the river, the walking trails that we all cherish so much.

Thank you for your attention to this serious matter.

Sincerely,

Alexandra A. Pipitone
217 La Veta Ave.
Alamosa, CO

Cc: Ms. Heather Brooks, City Manager

Heather Brooks

From: Jim Belknap
Sent: Tuesday, November 19, 2013 2:53 PM
To: Heather Brooks
Subject: FW: Citizen Comments



James A. Belknap
Information Technology Director
City of Alamosa
719-587-2500 Direct
719-580-4197 Cell



Follow the City of Alamosa on Twitter and Facebook



From: WebSpamProtect [<mailto:support@webspamprotect.com>]
Sent: Tuesday, November 19, 2013 2:52 PM
To: Jim Belknap
Subject: Citizen Comments

IP Address: 70.59.212.236

Date Time: November 19, 2013, 9:51:53 pm

First Name: Kay

Last Name: Malouff

Street Address: 510 Brown

City, State, Zip: Alamosa, CO 81101

Contact Phone:: 719-589-4352

E-mail Address:: duh_com@hotmail.com

Comment: I want to once again make my support for Dan Russell's annexation/RV plan plain. My husband & I owned the Sands restaurant & know first hand how important it is to keep Alamosa's economy healthy. Although I am not 'against' the KPP plan for gardens I firmly believe they have the option for other location and should no longer be allowed to employ their 'entitled' yowling & personal attacks to attempt to intimidate those who disagree with their 'vision'. We need & look forward to

new economic growth & vital support for new business. Thank you. K. Malouff

Heather Brooks

From: Elizabeth Kinney <bethkinney4377@yahoo.com>
Sent: Tuesday, November 19, 2013 7:38 AM
To: Heather Brooks
Subject: RV Resort Annexation

Dear Heather Brooks,

I live in Alamosa and use the city trails over by the proposed RV part daily. I strongly believe no annexation should occur unless public access to existing walking paths remains in place along the Alamosa Ranch and the Rio Grande. Otherwise the city is giving up valuable assets for the citizens of Alamosa for private gain. That will be more than a little disappointing.

Such an RV part is a commercial enterprise and should be zoned and taxed accordingly. Also, it should pay its fair share--so any water taps required should be charged appropriately.

I really do not believe the RV resort deserves any financial or property "breaks" from the city. It has already received a \$250,000 break from the school board. If that isn't enough, then the RV part is just plain not viable.

Sincerely,

Elizabeth Kinney

Jan L. Oen / Donald R. Thompson

924 Eighth Street, Alamosa, CO 81101-3108, 719-587-5529

18 November 2013

Alamosa City Council and Councilors elect
PO Box 419
Alamosa, CO 81101-0419

Dear City Council:

We support, with reservations, the proposed annexation of what was the Polston School property believing that it is a logical addition to the City of Alamosa. We do however have a substantial concern regarding the proposal since we understand that areas of historic public use are not designated as public rights-of-way on the annexation maps. It is our understanding that the normal procedure is to show on the annexation map any utility easements, public roads, alleys, etc. We believe that the trails along the river must be recognized as they have historically been used, and be shown on the maps. While these areas of historic public access have never been officially dedicated to the city, like an unused alley easement or other public withdrawal, now is the time to recognize their public purpose. To not recognize them will do a substantial disservice to those you are sworn to represent. At the time of annexation is the rational time to officially show their public purpose. As taxpayers in Alamosa, we believe that the public's giving of the benefits of annexation support the property owner's gift of the historic public usage to the citizens of Alamosa.

As volunteers at the Colorado Welcome Center, we are well aware of the large number of tourists who make use of Cole Park and then the trails along the Rio Grande River. We are asked often where visitors may go and stretch their legs. The trails along the river are ideal in meeting such requests and that is where we direct those visitors.

As residents, the trails are also extremely important to us. We own property in East Alamosa currently being used by our Son and his partner. To travel to that property we bicycle through Cole Park, across the pedestrian bridge, and along the dike and public rights-of-way to their house. The loss of that access would substantially impact us requiring that we either bicycle on US 160 across the river or take a far longer route.

Sincerely,



Jan Oen / Don Thompson

cc: Ms. Heather Brooks, City Manager

Heather Brooks

From: Heather Brooks
Sent: Monday, November 18, 2013 10:07 AM
To: All_City Councilors; vigiljc@grizzlies.adams.edu; m_stefano@msn.com
Cc: Judy Egbert; Don Koskelin
Subject: FW: Annexation of former Polston Property

Tracking:	Recipient	Read
	All_City Councilors	
	vigiljc@grizzlies.adams.edu	
	m_stefano@msn.com	
	Judy Egbert	Read: 11/18/2013 10:25 AM
	Don Koskelin	

Just fyi

Heather

-----Original Message-----

From: mbjones@adams.edu [<mailto:mbjones@adams.edu>]
Sent: Monday, November 18, 2013 9:28 AM
To: Heather Brooks
Subject: Annexation of former Polston Property

Dear Ms. Brooks,

As a tax-paying citizen of Alamosa, I request that City Council consider these issues when deciding whether to approve annexation of the former Polston School property:

(1) While the property belonged to the school district (and even now for the majority of the residents), the levees along the Rio Grande were accessible to the public and extensively used by the public for recreation purposes. Annexation of the Polston property should be contingent upon maintaining such accessibility to the existing walking/bicycling paths on the property, to encourage healthy exercise amongst our population.

(2) Zoning of the property should be commercial, not agricultural. Mr. Russell's intended use for the property is a commercial RV park, not a ranch or farm. The additional tax revenues from commercial designation should help offset the costs to the city for the proposed annexation.

Thank you for considering these matters prior to making the annexation decision.

Martin Jones
710 Diamond Drive
Alamosa, CO 81101

mbjones@adams.edu

Heather Brooks

From: mbjones@adams.edu
Sent: Thursday, November 21, 2013 8:20 AM
To: Heather Brooks; Kathy Rogers; jlucero@ce.alamosa.co.us; Marcia Tuggle; Greg Gillaspie; Rusty Johnson; Charlie Griego; Leland Romero
Subject: Annexation of former Polston Property

Dear City Council, Mayor Rogers, and City Manager Brooks,

The City Council meeting last evening was very informative - thanks! After learning the reasoning for proposing that the former Polston Property be zoned agricultural, I withdraw my earlier request (both in email form and in person last night) that the zoning be changed to commercial.

I am pleased that Council recognizes the value of the walking/bicycling trails on the levees, and I encourage Council to include public access to said trails as part of the annexation ordinance.

See you all on the 4th!

Marty Jones
710 Diamond Drive
Alamosa, CO 81101

Heather Brooks

From: Mathew Abbey <AbbeyM@IowaPacific.com>
Sent: Friday, November 22, 2013 3:41 PM
To: Heather Brooks; Kathy Rogers (Kathy.Rogers@slvrnc.org)
Subject: property swap - RV / Russell

I am sure you are getting bombarded, so I will keep it brief.

I strongly recommend that the City go along with Dan's proposal. Personally/citizen, and as the Railroad.

Thanks for your hard work and hang in there.

Matt

Mathew W Abbey
General Manager
San Luis and Rio Grande Railroad
Rio Grande Scenic Railroad
601 State Avenue
Alamosa, CO 81101
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Heather Brooks

Subject: FW: Denver Westword: "How Alamosa's garden plot got paved over"

From: Kathy Rogers

Sent: Wednesday, November 20, 2013 3:20 PM

To: Heather Brooks

Subject: FW: Denver Westword: "How Alamosa's garden plot got paved over"

Kathy Rogers

Mayor, City of Alamosa

From: danny_ledonne@hotmail.com [danny_ledonne@hotmail.com] on behalf of Danny Ledonne [danny_ledonne@gmail.com]

Sent: Wednesday, November 20, 2013 12:56 PM

Subject: Denver Westword: "How Alamosa's garden plot got paved over"

The story of Keep Polston Public has now reached a prominent Denver publication:

"The controversial land deal has been a divisive issue in this town of 9,000, fueling a steady stream of impassioned letters and editorials in the newspaper about clueless newcomers and deplorable old-boy networks. It has generated debate about whether an RV park can be a true engine of economic development or if too many locals suffer from a "nonprofit mentality." It's resulted in the ten Keep Polston Public plaintiffs being banned from the formerly public trails on the property and led to a testy encounter between Russell and one of his most vocal critics."

<http://www.westword.com/2013-11-21/news/healthy-living-park-alamosa/full/>

How Alamosa's garden plot got paved over

By Alan Prendergast *Thursday, Nov 21 2013*



Right up until everything fell apart last May, Lurette Frost thought the deal was actually going to happen. The seed that she and a few others had planted, then nurtured for five years, was ready to bear fruit.

Frost had moved to Alamosa in 2002 as the coordinator of a San Luis Valley nutrition-education program sponsored by the University of Colorado. She soon became the head volunteer at a community garden that had sprung up at Polston Elementary School, next to a bend in the Rio Grande as it turns south toward New Mexico. The garden had begun as a way to teach kids about the environment and healthy eating, but over time it had evolved into a magnet for some of Alamosa's most civic-minded residents — the kind of people who serve on nonprofit boards and volunteer at food banks, people who champion locally produced foods and farmers' markets and sustainable agriculture.

"People who are active in nonprofits, people who show up to feed the community at Christmas — those were the ones who were interested," Frost says. "People who believe we're not going to bring our community out of poverty with more minimum-wage jobs."



At public meetings and in court, park supporters Renee Mackey and others challenged the Alamosa school board's decision to sell property to RV-resort developer Dan Russell for \$250,000 less than their group was offering.



At public meetings and in court, park supporters Renee Mackey and others challenged the Alamosa school board's decision to sell property to RV-resort developer Dan Russell for \$250,000 less than their group was offering.



Designs for the Rio Grande Healthy Living Park envisioned trails, botanic gardens, a commercial kitchen and small farm plots.



Danny Ledonne for Keep Polston Public

Following the bankruptcy of a local mushroom farm, immigrant workers received permission to raise crops in the rich topsoil of the Polston site.

In 2008, Frost learned that the school district was planning to close Polston and replace it with a new school at a new location. It was likely that the old building, too burdened with asbestos to be repurposed, would be demolished. Frost and several of her fellow gardening enthusiasts began kicking around ideas about what could be done with the 38-acre site — which, because of its proximity to the river, contained some of the richest topsoil in the entire region.

"We got super-inspired to think beyond the garden," recalls Liza Marron, executive director of the San Luis Valley Local Foods Coalition. "It was all these different community ideas that converged."

Alamosa's central greenspace, Cole Park, was situated right across the river from Polston, and one of the ideas involved extending trails and better connecting the site to the existing park. There was talk of a botanical garden, modeled after a popular one in Cheyenne, an all-weather clamshell amphitheater for live music, and other amenities that could appeal to tourists as well as locals. But as it took shape, the dream project also featured a number of daring innovations: small farm plots that could help struggling families and train aspiring growers in sustainable methods; a production greenhouse that could supply produce to valley schools, as well as a farm-fresh restaurant on the site; a commercial kitchen, available to small-batch bakers and chefs trying to launch their own microbusinesses; and much more.

In short, the place was to be a community-owned, community-operated park, business incubator, food hub and ecotourism generator. There was nothing like it anywhere in Colorado, let alone in Alamosa County, where more than 40 percent of households earned less than \$25,000 last year, making it one of the poorest counties in the state.

All the high-flown discussions eventually coalesced into a single proposal for the project, which backers called the Rio Grande Healthy Living Park. The group also acquired a down-to-earth partner, the Trust for Public Land, a national organization with a lengthy track record of protecting and revitalizing parks, farms and natural areas. When it came time to obtain an appraisal of the property, TPL split the cost with the school district. TPL officials were confident that the organization could raise the appraised value, \$755,000, from funders such as the Colorado Health Foundation (which has committed millions to promoting better nutrition and fighting obesity in economically

disadvantaged regions like the San Luis Valley) and Great Outdoors Colorado (which allocates lottery funds to local heritage and open-space projects).

Supporters of the project presented their proposal at several public forums and sought input from a long list of government agencies. "We met with the city, the county, the parks-and-rec people, the school board," Frost says. "We thought we did a pretty good job of that."

Last April, the Alamosa Board of Education signed a letter of intent with TPL to sell the Polston property for \$755,000. The agreement was non-binding, but the property had been on the market for two years with no other serious offers, and many backers regarded the sale as virtually a done deal, just as soon as TPL could negotiate its way through the grant process with its funders.

But on May 2, Frost received a call from a reporter with the local newspaper, the *Valley Courier*, who informed her that another suitor for the Polston property had surfaced at the school-board meeting that morning. Dan Russell, who operates his own surveying firm as well as serving as the elected county land surveyor, had presented a plan for purchasing the property and developing it into a "high-end RV park" for tourists motoring through southern Colorado.

Polston's prime location, near the intersection of state highway 17 (which heads north to Great Sand Dunes National Park) and U.S. 160, the main east-west highway across the valley, made it particularly attractive for commercial development. In his remarks to the board, Russell had scorned the idea of wasting the site on a "community garden" and stressed that his venture would generate tax revenues for the county.

Frost was shocked — not so much by Russell's proposal, but by the fact that no one at the school board had bothered to inform the healthy living park backers of its existence, despite months of discussions about the Polston property. Russell's offer had apparently been in the works for some time but hadn't been made public before.

A week later, Frost and other supporters, wearing green clothing and stickers that declared, "The healthy living park loves our schools," turned out in force for the board's vote on the sale of Polston. TPL project manager Wade Shelton fielded questions from boardmembers about the financing of his group's proposal, stressed the positive impact it would have on the community and nearby property values, and predicted that the trailblazing venture "will generate national attention and increase tourism." Russell presented his case for an RV resort that, by his calculations, would pump millions of tourist dollars annually into the local economy.

The board then went into executive session, closing its discussion of both proposals to the public. When the public meeting resumed, there was no debate over the merits of each offer, just the obligatory comments about this being a tough decision and the terrific job both sides had done in their presentations. The only sour note came from board vice-president Neil Hammer, the manager of a local radio station. "One of my biggest concerns is the difference in price between the two," he said, shortly before the

vote was called. "Two hundred fifty thousand dollars buys a lot of computers and school supplies."

Hammer's observation puzzled audience member Aaron Miltenberger. "Was Mr. Russell's price \$250,000 more than the TPL price?" he asked.

"No," Hammer replied. "Less."

And with that, the board voted 6-1 to accept Russell's offer of \$500,000 for the Polston property. Hammer cast the only dissenting vote.

Frost was stunned. The board had decided to sell Polston to a private developer for a third less than its appraised value, a quarter of a million dollars less than the Trust for Public Land was offering. What just happened?

Over the past six months, plenty of folks in Alamosa have been asking the same question. Several of them — not just the park enthusiasts, but others concerned about transparency in local government — formed a group called Keep Polston Public. They soon raised more than \$30,000 to hire attorneys, intent on challenging the sale process in court and finding out what had gone on during the board's frequent executive sessions, which they believed were conducted improperly.

The controversial land deal has been a divisive issue in this town of 9,000, fueling a steady stream of impassioned letters and editorials in the newspaper about clueless newcomers and deplorable old-boy networks. It has generated debate about whether an RV park can be a true engine of economic development or if too many locals suffer from a "nonprofit mentality." It's resulted in the ten Keep Polston Public plaintiffs being banned from the formerly public trails on the property and led to a testy encounter between Russell and one of his most vocal critics.

Along the way, the school board has been compelled to release tapes detailing much of the hush-hush deliberation that prompted the board to approve Russell's offer. For those supporting the park proposal, the recordings have been a bitter education in how the public's business really gets done — behind closed doors.

"This went way beyond the park," says farmer Trudi Kretsinger, one of the plaintiffs in the Keep Polston Public litigation. "It was like unpeeling an onion. A really *bad* onion."

A high desert girded by mountains on three sides, the San Luis Valley has never been the easiest place to raise crops of any kind. The growing season is a brutally short ninety days. Average rainfall hovers around seven inches a year. The Great Sand Dunes hug the flanks of the Sangre de Cristo range, a constant reminder that this is arid and formidable country.

Perhaps because of its harsh conditions, the valley has been a cradle of innovative farming practices, dating back to the Hispanic settlers who started arriving in the 1840s. Today most of the old family farms and ranches have been subsumed by large potato or alfalfa operations, but a respect for locally raised produce and meats is as acute here as in any California foodie haven. Alamosa has had a community greenhouse and a farmers' market for decades, long before such offerings became standard in larger cities.

The tradition of community gardens was one of the factors involved in Jan Oen's decision to move to Alamosa after retiring from the financial industry ten years ago. Along with Frost and other volunteers, Oen, who has a master gardener certification from Colorado State University, soon became involved in turning the Polston plot into one of the most productive in town. As overworked teachers found less and less time to work the garden into their lesson plans, Oen and others stepped in to run the operation and see that the yield got to the local food bank.

"The kids got some educational benefits," Oen recalls, "but the school year was basically done before we planted, and we were harvesting as they came back to school."

Even as the school was being phased out, the garden evolved into what Oen calls a "grassroots collaboration" among several community groups, producing up to a ton of produce a year. When a local mushroom farm filed for bankruptcy in early 2012, school-district officials agreed to let some of its laid-off employees, immigrants from Guatemala, cultivate another section at Polston, growing corn, beans, squash and other staples for their families — at least until the property was sold. By the following fall, the Guatemalans had some of the tallest corn ever seen in the valley.

That was no surprise to local agronomist Patrick O'Neill, who says the eight-inch topsoil at Polston, nourished for centuries by sediment from the Rio Grande, is about the best he's ever come across. "That soil is incredibly rich in organic matter," says O'Neill, another plaintiff in the lawsuit. "There are not many places in the San Luis Valley that could compare to it. It's river-bottom soil, with all these minerals that have washed out of the river. It isn't something you can develop without thousands of years to do it."

When Danny Ledonne came home to Alamosa from college a few years ago, he was struck by all the activity around the garden, the way people talked about it as a special or even magical place. Ledonne had attended Polston Elementary as a kid, and he began filming people at work in the garden, intrigued by how it had become a community resource for groups like La Puente, a local nonprofit that operates a food bank and homeless shelter. When he returned again from graduate school a few years later, he found the proposal for a healthy living park moving ahead at full steam.

"It was such a good idea that it seemed obvious to me that it would prevail, right up until the board's vote," says Ledonne, who now teaches film and video production at Adams State University.

Yet if the healthy living park seemed logical, even inevitable, to its supporters, other locals tended to regard the proposal with suspicion and even resentment. Some

considered the involvement of people from La Puente, the local-foods coalition and other do-gooders as proof that the project was some kind of handout to the poor. The microenterprise and business-incubator elements were largely ignored or seen as nuisance competition for established merchants. And the backing of the Trust for Public Land, a nonprofit headquartered in exotic San Francisco, prompted at least one *Valley Courier* letter writer to denounce the whole scheme as an insidious plot by outsiders: "Maybe the true motivation for owning this property is a move to keep the water rights from getting into private hands. Is this just another California water grab? Think about it Alamosa!"

The supporters tried to respond to such canards with their public presentations. They pointed to TPL's role in converting a railyard in Santa Fe into a thriving park and plaza, its transformation of a weed-and-glass-choked vacant lot in east Denver into a community park and garden ("Grand Opening of East 13th Avenue and Xenia Street Park and Gardens," June 26, 2012). But misperceptions about the project persisted — even, the group would discover much later, among school-board members who seemed enthused about it.

"It feels so sad that this was so misunderstood," says Renee Mackey, the lead plaintiff in the lawsuit challenging the Polston sale. "There are so many things it could have been. I pictured a playscape for my kids, a place for music, a way to connect with trails. This was a multimillion-dollar project that our community couldn't afford to put together on its own, and that property was absolutely ideal for the design we had in mind."

As the day of the vote approached, Mackey took comfort in the fact that TPL's offer was the only one that reflected the appraised value of the property. Even if the school board was skeptical about the park, surely the members had a fiscal duty to accept the highest legitimate offer, she told herself.

"Even if they think we're just dirty hippies, we were offering them \$250,000 more," Mackey points out. "There was no way they could turn us down without looking like idiots."

When Mackey, Oen and others decided to challenge the school board's decision in court, they had little difficulty raising funds or finding allies. As it turned out, there was no shortage of residents who had no direct stake in the healthy living park but believed that the school board had been high-handed and furtive in many of its dealings.

"The school board has a long history of making decisions behind closed doors and not being fully responsible with taxpayer money," says Bill Brinton, a primary-care physician who's lived in the area since 1986 — and is one of the plaintiffs in the lawsuit. "They spend more time in executive sessions than in public meetings. Too much was going on without allowing people to come and listen to what they were deciding."

The board had discussed the Polston property during at least six executive sessions in the weeks leading up to the sale. In the uproar that followed, boardmembers insisted that the sessions had been conducted properly but conceded that they'd failed to provide proper notice about the topics to be discussed in those sessions. In response to claims by the plaintiffs that state open-meeting requirements had been violated, the board agreed to release the recordings of the confidential discussions about Polston — which proved to be cassette tapes, recorded on antiquated equipment and reused over and over. (The tape of a seventh session, held three days before the vote, was completely inaudible, triggering quips about Rose Mary Woods and the famous eighteen-minute gap in the Watergate tapes.)

The tapes were a revelation. While some boardmembers seemed genuinely torn between the two buyers, others had been almost contemptuous of the park proposal from the start — treating it, at best, like a loonbag cause, to be humored only until something serious came along. In particular, board president Bill Van Gieson and member Arlan Van Ry, both military veterans who now work for construction companies, had inveighed heavily against the project.

In a meeting last March — evidently the first time that Russell's interest in the property became known to the board — Van Gieson and Van Ry can be heard agreeing that "this TPL thing" (the park proposal) is "kind of a long shot."

Over the next two months, as the discussion becomes more detailed, their enthusiasm for Russell's RV park is obvious. They seem convinced that the project will stimulate the local economy, while describing the healthy living park as a venture with uncertain financing, a "donation" that will burden the city with ongoing maintenance costs.

"One way to look at it," Van Ry comments at an April meeting, "[Russell] develops this thing, puts in a four- or five-million-dollar RV park, our property taxes may go up and we're going to start making money on it for the school district...compared to donating it to some free-thinking nonprofit, and we'll never get a penny off it for the next hundred years."

"There is a lot to consider," Van Gieson agrees. "It's like Arlan's saying, it could actually generate revenue. Whereas, you know, this garden thing, that's not gonna generate anything.... Just a bunch of hippies from Crestone.... It would be the summer campground for La Puente." He then reminds the board that the school district had already okayed a community garden at another elementary school: "Shit, we gave them property over there at the school."

"They want more money from us to maintain a free piece of property," Van Ry says, drawing laughter from the board.

In subsequent executive sessions, Van Ry again rails against selling the land to a nonprofit: "Do we have any more La Puente free gifts out there?" He jokes about being "worried about marijuana plants being put there" if the garden boosters buy the property.

Van Giesen scoffs at the notion that the healthy living park, with its botanic gardens and trails and local-foods restaurant, would be any kind of tourist draw: "I don't think this garden thing is gonna attract people.... Why would you want to come to Alamosa to see this garden? You can drive all over the valley and see fields."

As the weeks dragged on, the constant carping about the park proposal's reputed drawbacks seems to have swayed members who'd been on the fence. "I'd love to sell that land for 750,000 [dollars], but it's pie-in-the-sky," says board secretary Christine Haslett in one of the final sessions before the vote. "We don't know what that's actually going to look like. That may be an eyesore. It may be something that's started and never finished."

Even though Russell's offer was substantially lower, boardmembers seemed to have a preference for a "cash up front" deal, rather than waiting months for TPL to line up its grants. (Russell would later disclose that he'd obtained a \$495,000 loan from a local bank at advantageous terms, which meant he only had to present 1 percent of the purchase price from his own funds at closing.) But many of the board's objections to the TPL plan seemed to be gross distortions. The funding would take time, but the prospects for such funding were hardly "pie-in-the-sky." Title in the property would be held by the city or county, not La Puente or any other nonprofit. The concept was not simply a garden but a vast array of amenities, including several for-profit enterprises, such as the restaurant and commercial kitchen, that were designed to be self-supporting and defray maintenance costs.

Tim Wohlgenant, the Colorado state director for TPL, says concerns about the long-term viability of the project would have been addressed as different elements were implemented over several years: "That was something we were just going to have to work out over time. It was not going to be an easy project. There were a lot of moving parts."

Wohlgenant says his organization typically has a piece of property under contract before granters will consider a request for funding, leaving a gap of several months before the closing can occur. "There aren't any great examples around the country of projects like this," he observes. "This would have been cutting-edge — several nonprofits partnering not only to create a public-access park but a community food-distribution system. That's why we needed a year [to secure funding]. But if you want to do something cutting-edge, you have to take a risk. It would really take a partnership, and the school board wasn't ready to do that."

It wasn't exactly a surprise to learn that the board was wary of such a partnership. But what the Keep Polston Public group found most startling about the recordings was the extent to which a private citizen had played a central role in the sale discussions. Preston Porter runs a real-estate company in Alamosa and represented the school district on the recent sales of several properties, including Polston. In the executive sessions, he describes the healthy living park as "sort of a crap shoot," a project that "has about a 20 percent chance of happening." He complains that TPL had suggested that he forgo part of his commission to make the deal more viable — a common request in

public-land deals, Wohlgenant says — and warns the board that the group would be "hitting everybody up" for funds.

By contrast, Porter extols the deal presented by Russell, with whom he's "been having conversations about this on and off." He describes Russell as having "the ability to get some stuff done" and points out that "an appraisal is just an opinion of value," one of several factors that need to be taken into account in deciding between a private-sector buyer and the TPL offer.

Minutes before the vote was taken on May 9, boardmembers pressed Porter for his take on what they should do. Porter, who conceded that he wore "several" hats in the community, replied, "Are you asking my advice? As an economic-development board member and a downtown businessperson, I certainly prefer private enterprise."

Porter didn't respond to a request for comment about the Polston sale, but testimony in a court hearing a few weeks ago suggests that there was some confusion among boardmembers about Porter's role in the deal. He had begun as a seller's agent and advisor to the board, but the closing documents list him as a "transaction broker" for the sale of the property to Russell. Under Colorado regulations, a transaction broker works with both sides without being an agent of either one. Porter collected a full 6 percent commission (\$30,000) for the sale.

"In court, six out of seven school boardmembers testified that they didn't know if [Porter] was a seller's agent or a broker or when that had changed," says longtime activist Francisco Martinez, one of the attorneys for the park plaintiffs. "They were unaware of the difference." The seventh boardmember, an attorney, stated that Porter had properly performed and disclosed his part in the sale.

"The school board was very complacent," says gardener Oen. "They did not do their work, looking at TPL. I feel that Preston Porter had undue influence on the board. He planted the seed that they'd never see the money, that it would take too long."

Russell told the board that his project would provide as much as \$50,000 a year in property taxes; he hoped to build around 200 RV lots, a private fishing pond, and eventually a gated community that would have ready access to a nearby golf course. But his project came with many caveats and "moving parts," too; it hinged on a land swap with the city, trading several acres of Polston land closest to Cole Park for ranch land owned by the city at the north end of the property, and annexation by the city to reduce tap fees and other costs. Yet those complexities didn't seem to bother Porter or the board nearly as much as similar uncertainties concerning the healthy living park.

Many in the Keep Polston Public group believed that Russell's tax calculations were overly optimistic. In the end, they maintained, the decision wasn't about who could offer the best price or which proposal would be best for Alamosa economically — assuming the school board had any business making that call. It was about the close-knit professional and personal relationships that exist in a small town, the web of influence and mutual backscratching that can skew policy and shape sweetheart deals.

As he kept reminding the board, Dan Russell belongs to a family that's lived in Alamosa for four generations; he's a graduate of Alamosa High School and Adams State, a respected local businessman and public official. Of the ten Keep Polston Public plaintiffs, only Danny Ledonne is an Alamosa native. Several of the others have lived there for fifteen, twenty or thirty years, but in the eyes of some natives, they are still newcomers, outliers — possibly even hippies from Crestone. Given a choice between two very different futures for the property, the board chose the known quantity.

Months later, Ledonne is still wrapping his head around the idea that his former elementary school, the place where he filmed all that gardening magic, is slated to be a stable for Winnebagos.

"I think Russell's RV resort is a great idea — for 1955," he says. "It's based on disposable income through tourism and a number of resources that continue to cost more, and I don't think that's a very recession-proof model. One reason I moved back to the valley is that I saw a lot of resilience coming from local communities that were able to support themselves. This model where you get your salad from 3,000 miles away is ending. We should really start thinking about how we build our infrastructure to be more self-sustaining, and that's why the healthy living park is a great idea for 2013."

The school board concluded its sale of the Polston property to Russell on July 2, a month earlier than anticipated. The Keep Polston Public leaders promptly filed a lawsuit against the board, the school district and Russell, claiming that the open-meeting law had been violated and that the board had illegally provided a gift to a private entity by selling the property for \$250,000 less than its appraised value.

The KPP plaintiffs soon obtained a temporary order halting work that Russell had begun on the property, including removing an acre of topsoil for a parking lot. In public meetings, Russell indicated that he'd be willing to give some of the topsoil to the "garden people," but he also complained in an affidavit that the plaintiffs were interfering with his plan to help finance construction on the property by selling the topsoil to landscapers; by his estimate, the alluvial topsoil is worth between \$30,000 and \$45,000 an acre.

If Russell's estimate is correct, says agronomist O'Neill, then he could recoup the entire purchase price of the property by scraping and selling off the topsoil in areas of his resort that are simply going to be paved over. "There are probably sixteen or seventeen acres that are going to be scraped away," O'Neill says. "It would be prohibitively expensive to put it back, ever. They sold it at an incredibly low price; I don't know any two ways about it."

The lawsuit and temporary suspension of work on the property didn't improve relations between Russell and the plaintiffs. The developer had agreed to let the Guatemalans harvest their crops this year, and he allowed the public to continue to use the trails that were on his property — except for the people who were suing him. That led to a heated

encounter this summer between Russell and Ledonne, who had been heading toward the Guatemalans' garden with his camera to shoot more footage.

"I was walking along the dike, and I saw through the corner of my eye this figure running through the trees," Ledonne recalls. "It was Dan Russell. He just started swearing at me."

According to Ledonne, Russell called him a "little dickhead" and told him to "get the fuck off my property." He then called police to report a trespasser as Ledonne left, banished from the garden he'd been filming for years.

Russell declines to comment about his conversation with Ledonne or other Polston-related matters, citing the still-pending litigation. But he says he's confident that his resort will have a positive impact on his town: "Tourism is an important industry, and I think that Alamosa will benefit from the increase in tourism that this RV project offers."

Last month, both sides went to court over a preliminary-injunction motion filed by Keep Polston Public in an effort to halt the sale and development. No local judge would take the case because of perceived conflicts, so it fell to a visiting senior district judge, Scott Epstein, to sort things out.

Epstein seemed genuinely impressed, both by the "unquestionable merit" of a healthy living park and Russell's "visionary" effort to enhance tourism. He conceded that removing the topsoil would cause irreparable harm to the plaintiffs' hopes for that property. And he scolded the school board for its "fairly shabby treatment" of the park supporters who'd been wooing them for two years, only to be dumped at the altar: "I think it could have been handled so much better, and perhaps without the drama that we now are faced with."

But shabby treatment didn't equate to illegal conduct. Epstein ruled that the plaintiffs hadn't met all the elements required to obtain a preliminary injunction. The board's executive sessions had been irregular, but the crucial vote had been done in public. He said he couldn't reverse the sale at this point and didn't think the plaintiffs would prevail if the case ever went to trial. He ordered the parties to mediation and lifted the temporary order that prevented Russell from removing topsoil or developing the land.

An unsigned editorial in the *Valley Courier* hailed Epstein's decision as "a victory for free enterprise." The writer lamented, "Unfortunately, sometimes the [San Luis Valley] could be defined as having a nonprofit mentality.... A region that thrives on nonprofits will soon suffer overall." That notion soon brought a flood of letters from park supporters, who said their project had been misunderstood.

"I see these two paradigms," says Karen Lemke, who works with the San Luis Valley Local Foods Coalition. "The old model is one big solution, this savior who comes and saves our community by generating all this tax revenue. Our proposal was, 'Wouldn't it be great to have a hundred people make \$10,000 more in their family income?'"

The mediation has not yet been scheduled, but Russell has moved ahead with his annexation and land-swap plans, which have been received well by city officials. The project has the strong support of the downtown business community, many of whom signed letters published in the *Valley Courier* that carried over 300 names.

Ledonne was not one of those signers. "I would be sad to see the RV resort fail, but I also would be sad to see it succeed," he says. "Is it going to be filled all summer, so that every time I walk or bike along that area I'm going to see some Texan out there, shaving and waving at me? Or is it going to be a black concrete abandoned space? Neither one of those appeal to me."

The Keep Polston Public plaintiffs say they haven't decided yet whether to proceed with further discovery in the case; Oen says she's hopeful that mediation could at least lead to some of the topsoil being used in other gardens around town. Several are now focused on looking for other sites for a potential food-distribution center and maybe even a healthy living park.

After the rumpus over the Polston sale, three local landowners contacted the local-foods coalition to offer other possible sites. None had water rights or topsoil comparable to what was at Polston, but the offers led a few of the park supporters to believe that something good might come out of their battle after all.

"One of my goals was to get people thinking about the local food system, and we have definitely done that," says farmer Kretsinger. "We've started to talk about transparency in government. We've got three commercial kitchens now in the valley, coming online in the next few months. This is huge for us. I think we're going to make a big difference in the economy."

The irony of being portrayed as hippies hasn't been lost on the park supporters. You could pick any of them at random — physician, educator, small-business owner — and just as easily describe them as members of the town's professional class. Lurette Frost, who's now lived in Alamosa for almost twelve years, figures it's up to "newcomers" like her to keep challenging the status quo.

"It raises a question for me about whether this community wants to move forward in new ways," she says, "versus the same old economic line, which is, 'Let's try to get in these chain stores.' Some people want Cinnabon to come to the corner of State and Main, and they think that's going to save their community. You have to have alternatives. In the end, something like the healthy living park is a step along the way."

Judy Egbert

From: Heather Brooks
Sent: Tuesday, November 26, 2013 2:16 PM
To: All_City Councilors
Cc: Judy Egbert
Subject: Fwd: RV Resort Support

FYI

Sent from my iPhone

Begin forwarded message:

From: Teri McCartney <tjmccart@adams.edu>
Date: November 26, 2013 at 12:31:50 PM MST
To: <hbrooks@ci.alamosa.co.us>
Subject: RV Resort Support

I am writing to register my support for the land swap that Mr. Dan Russell is proposing for his RV resort. My understanding is that the swap will leave the levees, trails, and river corridor in the hands of the city. In addition, Mr. Russell has proposed a much needed parking lot to be built and turned over to the city once the court cases have been settled.

This seems like a fair offer in exchange for another 18 acres of undeveloped land on the north end of the Polston property.

It is time to move forward with the RV Resort idea and to try to bring the community back together. The longer this goes on, and the longer it is "news", the more acrimony we see among community members.

Respectfully,
Dr. Teri McCartney

Teri McCartney, PhD, LPC
Professor, Department of Counselor Education
Adams State College
208 Edgemont Blvd., Suite 3160
Alamosa, CO 81101
Phone: 719/587-7551
Fax: 719/587-8421

Judy Egbert

From: Liza Marron <directorslvlocalfoods@gmail.com>
Sent: Wednesday, June 05, 2013 8:59 PM
To: Judy Egbert
Cc: Luette Frost; Jan Oen; Renee Mackey; Julie Gallegos; Patrick O'Neill; Paul Tigan; Trudi; Alexandra Angel Pipitone; Melissa Emminger; Elaine Patarini
Subject: Please share with City Council and Mayor
Attachments: Community Benefits Info Sheet.docx; Polston property history fact sheet.doc; Rio Grande Healthy Living Park ED Fact Sheet (1).docx; Why.docx

Follow Up Flag: Follow up
Flag Status: Completed

Hi Judy,

Would you please share the following Polston Farm Art and Cultural Center fact sheets with City Council?

This project is very important to 100's of people and we would like City Council to make an informed decision as they move forward.

It is our position to Keep Polston Public.

www.keppolstonpublic.org

Thank-you!

--

Liza Marron
Executive Director
San Luis Valley Local Foods Coalition
P.O. Box 181
613A Fourth Street
719-937-2319
719-539-5606 cell
directorslvlocalfoods@gmail.com
sanluisvalleylocalfoods.blogspot.com

Community Benefits of Supporting a Healthy Living Park

Keeping this land in public ownership allows for public voice in the decision of how to develop it. Once the land is secured, there will be opportunity for an open process that values the input of **all** members of our community.

The initial plan includes spaces and amenities not currently offered in our community:

- a distribution center for the Valley's farmers and ranchers
- a USDA-certified commercial kitchen for small business and micro-enterprise use
- a community building for graduation parties, wedding receptions, reunions, etc
- an amphitheatre for concerts, ceremonies, and public events
- farm plots for new farmers to produce crops for market sale
- landscaped park, garden, and picnic areas for families and children
- preservation of the wetlands and walking trails
- classroom and office space
- a restaurant or café that highlights and utilizes local products.
- recreational opportunities (canoes, developed pathways, outdoor exercise centers, play areas, etc)

In order to create this facility, millions of dollars will be brought into our area from a reputable outside source, The Trust for Public Land and its partner agencies (see www.tpl.org), to build a major community asset without raising taxes locally.

Plans come from us, money comes from elsewhere!!

Many jobs will be created for the development, construction and maintenance of this project. It is intended to be self sustaining (through for-profit aspects) without burdening the taxpayers.

Studies show an increase in property values of the surrounding areas within 15 minutes walking distance of facilities such as this (source?)

This project is meant to honor, preserve and highlight the SLV agricultural heritage.

Provide true economic development for all people through

- encouraging small business growth and micro-enterprise
- drawing long term residents who will choose to move here, and choose to stay because we have shown our commitment to children and families
- drawing tourists that are interested in heritage, agriculture, food systems and ecologically innovative spaces (a rapidly growing tourist group according to a recent CSU study- <http://www.news.colostate.edu/Release/988>)
- empowering children and adults through the knowledge of growing, preserving and distributing food
- helping to create a self sufficient local food system

Protect our most precious resource, our water, by allowing it to re-enter the water table, conserving it through wise use practices on the property, and educating our community about the wise use of water in agriculture

Support the ongoing work of the city to maintain a trails system accessible to all community members as well as the beauty of the land and views that make that trails system popular.

Create a space that Alamosa can be proud of and that we will be happy to pass on to our grandchildren!

For more information visit:

www.keeppolstonpublic.org

History of Trust for Public Land purchase of Polston Property

- 12 years previous public use by Polston Elementary School and Alamosa Community Gardens.
- Pre-2009: citizens meet with Cheyenne Botanical Gardens.
- 2007: Polston property appraised \$1.2M.
- Fall 2009: Local Foods Coalition (LFC) forms, researches USDA food hubs, future component of Polston proposal.
- 2010: The Trust for Public Land (TPL) expresses interest in Polston, their landscape architect draws initial plans after community meetings.
- Spring 2012: Ron Barrier bids \$550K to build RV park, bid rejected by Alamosa Board of Education (ABOE).
- Spring 2012: Rahkra Mushroom Farms' financial difficulties leave families without work; with ABOE permission, some families farm small plots at Polston to feed their families.
- May 2012: TPL meets with ABOE as well as realtor; enters into "Letter of Intent" with ABOE, expressing mutual interest in negotiations, TPL begins seeking preliminary non-SLV funders.
- Summer 2012: meetings with TPL, LFC, City and County officials, A&M Salazar and others for tour, presentation, partnering discussions. City and County show interest in taking ownership of property per TPL proposal. Discuss GOCO as one funding source.
- August 2012: LFC develops detailed 9 year budget plan with Small Business Development Center.
- Sept. 2012: TPL and Porter Realty agree to getting new appraisal, cost split by TPL and ABOE, ABOE accepts new appraisal of \$755K.
- March 15, 2013: TPL makes formal Purchase Proposal to ABOE, ABOE requests changes.
- April 15, 2013: Purchase Proposal re-submitted with requested revisions.
- April 22, 2013: ABOE makes motion to continue negotiations with TPL.
- End of April 2013: Formal option agreement completed and submitted.
- May 2, 2013: Dan Russell speaks at ABOE meeting proposing an RV Resort, even though not on agenda, makes offer of \$450K, ABOE makes counter offer for \$650K, Russell counters with \$500K.
- May 2013: LFC requests chance to respond to Mr Russell's misstatements about TPL's plans.
- May 6, 2013: Polston Property not on agenda. ABOE goes into executive session (ES) but states they are not discussing Polston. After ES, state they want to hear from TPL/LFC and Russell at special meeting. 6:30 A.M., May 9.
- May 9, 2013, 6:30 A.M.: Shelton of TPL and Russell present. ABOE goes into ES, Porter included. Return with motion to give purchase option to Russell for \$500K, \$255K less than TPL's offer and appraised value. One dissenting vote from ABOE.

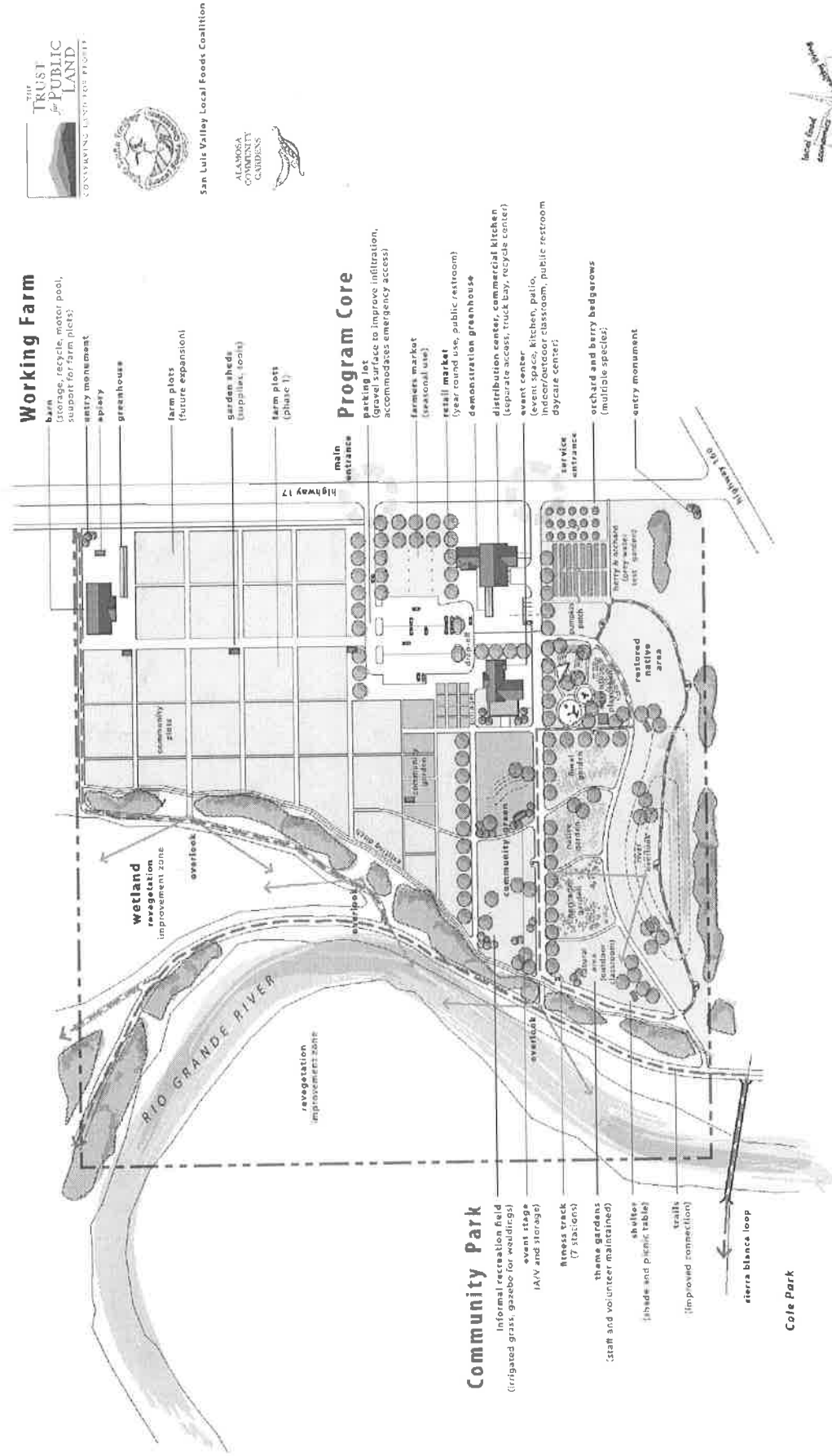
Rio Grande Healthy Living Park – Economic Fact Sheet

- **Project Description:** The RGHLP plan is being developed with community input as an agricultural food hub complete with: farm plots to teach farming as a viable vocation, a production greenhouse(s) able to serve Valley schools/restaurants, a food hub distribution center to serve SLV businesses/schools, a business incubator commercial kitchen, a farm restaurant, a community education/event center, a Sites-of-the-SLV playground, an exercise loop, a clamshell amphitheater, trails to connect East and West Alamosa and a beautiful landscaped northeastern entrance to Alamosa.
- **USDA:** This concept is part of the strategic plan of the USDA, "The USDA is committed to food hubs because we believe that food hubs offer strong and sound infrastructure support to producers across the country which will also help build a stronger regional food system.
- **Private Funding:** The Trust for Public Land has identified the Colorado Health Foundation and Greater Outdoors Colorado funding to acquire the land – keeping tax dollars out of the plan; contributing to the wealth of the community without draining its resources.
- **Community Ownership:** The project development plan deeds the land to the County or City depending on which is the most appropriate landowner.
- **Maintenance:** The project development plan provides a dedicated trust funded by private sources and project income to maintain the food hub.
- **Business Development:** From SLV Development Resources Group "Our review of available information flags the following five primary development opportunities for the SLV Region: High Altitude Production Agriculture & Niche Value Added Food Processing, Renewable Energy Development, People Attraction & Allied Development, Regional Trade Center Development, Artisan Businesses."
- **Eco-Tourism:** The park would be a destination for a growing sector of Eco-tourists. Eco-tourism is a form of tourism The International Ecotourism Society defines as "responsible travel to natural areas which conserves the environment and sustains the well-being of local people."
- **Ecotourism's Economic Impact** Eco-tourism is capturing \$77 billion of the global market and experiencing double-digit gains that are likely to accelerate as concern about global warming rises. The Kiplinger Letter. "Ecotourism is Booming". Vol. 84, No. 17 April 27, 2007.
- According to *Travel Weekly*, sustainable tourism could grow to 25% of the world's travel market by 2012, taking the value of the sector to approximately \$473 billion a year. LOHAS "Lifestyles of Health and Sustainability". "Green Travel: Trends in Ecotourism".
- Agri-Tourism: "Mandala Research LLC reported in 2013 that 76% of all leisure travelers nationwide participate in cultural and/or heritage activities while traveling. These visitors tend to spend more and stay longer than other kinds of travelers, spending on average \$1,319 per trip compared to \$820 for all U.S. travelers." (A Three-Year Action Plan For the Promotion of Agri-tourism in the State of Colorado - <http://www.colorado.com/sites/colorado.com/master/files/HAGPLANFINAL.pdf>)
- "Colorado's abundant wildlife, vineyards and vast agricultural landscapes help draw thousands of visitors to the state and are ripe in potential to anchor emerging agri-tourism markets, according to a recent Colorado State University study. In terms of popularity:
 - Farm activities were the top draw (60 percent of visits in south-central Colorado; 61 percent in the mountain region).
 - Culinary activities came in second (39 percent of Western Slope visits; 34 percent of Front Range visits).
 - Heritage activities such as visiting farm and ranches or museums that showcase the agricultural history of the state were third."
- **Attracting and Retaining Professionals** The National Rural Health Association Policy Brief describes the challenges of recruiting and keeping healthcare and other professionals in rural areas. The Healthy Living Park provides a progressive attraction focused on health and well-being that could contribute to the appeal for professionals and their families to stay in Alamosa with a potential to increase per pupil funding to the ASD and contribute to economic development overall.
- **Regional Examples – Cheyenne Botanical Gardens-** More than 41,000 people from all over the world visited the gardens in 2010 <http://www.plancheysenne.com/sites/default/files/documents/Community%20Plan%20Snapshot%20-%20March%202012%20Revised.pdf>
- **Sante Fe Railyard Park+ Plaza** – maintained by "Railyard Stewards". is the city's newest award-winning 10-acre park and large paved and landscaped Plaza in the heart of Santa Fe, Was voted most popular destination in Santa Fe over the Sante Fe Plaza <http://www.railyardsantafe.com>

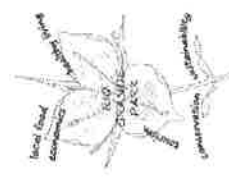
For more information visit:

www.keppolstonpublic.org

Rio Grande Healthy Living Park – Economic Fact Sheet



San Luis Valley Local Foods Coalition



Rio Grande Healthy Living Park | Conceptual Site Plan

Alamosa, Colorado
May 2012

Landscape Architect: Carol Spier, RLA

For more information visit:
www.keeppubliclandpublic.org

Judy Egbert

From: danny_ledonne@hotmail.com on behalf of Danny Ledonne
<danny.ledonne@gmail.com>
Sent: Monday, June 10, 2013 12:59 PM
To: Kathy Rogers; Josef Lucero; Marcia Tuggle; Greg Gillaspie; Rusty Johnson; Charlie Griego; Leland Romero
Cc: Judy Egbert
Subject: Alamosa: Why visit? Why Stay?

Alamosa City Council members:

In reading the Valley Courier op-ed section on the Alamosa Board of Education sale of the Polston property this past month, what started as a conversation about school board accountability (in gifting a private buyer with a quarter million dollar discount – what critics called “Pouting over Polston”) somehow turned into a surreal tirade against SLV non-profits generally and allegations of “creeping socialism” (you know, because keeping a public school property in public ownership for community use is the hallmark of Marxist ideology). The deeper debate seems to be about much more than a 38 acre property in East Alamosa; it seems to strike at the core of how Alamosans view themselves and the future of their community. That is why Keep Polston Public, a growing group of concerned community members, has become a relevant voice for the development of this unique and important site.

I grew up in Alamosa, earned my BA in Visual Media Arts at Emerson College in Boston, my MFA in Film/Electronic Media at American University in DC, and moved back to Alamosa in 2011 to continue my video business and start a video production program at Adams State University. I could be living in New York, LA, or almost anywhere I want. I could be earning much more than I do now. So when a colleague or friend asks, “You escaped! So why did you move back to Alamosa?” I can understand their bewilderment. And when I notice just how many of my high school classmates left, earned an advanced degree, and never returned, I can understand why.

At Adams State, at the Alamosa Hospital, at Valley Wide Health Systems and elsewhere, the very same employment problem exists: attracting and retaining qualified professionals – ones willing to work for less (often far less) than they would elsewhere in the state or region for the same job description. With substantial student loan debt from their PhD or MD looming overhead, why would candidates settle for a salary far lower than in Metro Denver, Colorado Springs, or Albuquerque?

There is at least one plausible answer to this: “quality of life.” I love Alamosa for the same reasons most of us probably do: the cool sunshine, clean air, scenic daily commute, and friendly community. I suspect that many who stay here do so because they view Alamosa as an ideal location to raise a family. That is how I myself came to grow up in “the Valley.” If Alamosa is to attract and retain qualified, educated professionals in their field, the town needs to offer a vibrant and attractive community that offsets the lower pay (and sometimes brutally cold winter weather). Which brings us right back to the Polston property.

Rather than attempting to grow Alamosa's population and tax base with gimmicky tourist traps at the expense of public access to the Alamosa Ranch, and rather than an economic model of sucking tourists dry (as though city government were a swarm of tax-thirsty mosquitoes), Alamosa's growth should be based on adding value to local economy and public spaces, thereby creating and retaining high-skill residents in a broad variety of fields. I am talking about residents who decide to start their family in Alamosa, send their children to Alamosa School District, enroll them at Adams State University, and choose to stay with their advanced knowledge in the field because Alamosa has made the many decisions necessary to be a great place for generations to come. To paraphrase an old fishing proverb: if you invite a tourist to visit, he will stay for a few days; if you create a place he wants to live, he will stay for a

lifetime... and so will his family!

It seems to me that this debate about projected tax revenues from an RV resort on the Polston property is misguided for at least two reasons. Firstly, the school board was promised increased property taxes from the RV resort project, however the state of Colorado pays the balance of funding to the school district - meaning that the district gets the same funding whether or not it is raised locally through property taxes. More broadly, it assumes that property taxes for the surrounding area would not be negatively affected by the increased noise, visual pollution and higher traffic density virtually guaranteed by a 200 space RV resort - yielding what could be a net loss on this same property tax calculation alone.

Further, I believe this Polston sale has revealed a pernicious ideology entrenched in small town politics - one that celebrates multi-generational nepotism (if you haven't been here at least three generations, you aren't trustworthy; if you have, you get the green light at a 44% discount on the taxpayer's dollar). At the Keep Polston Public booth during Summerfest on the Rio, visitors signing our petition quickly identified this sale as another example of "the good ole boys network." Their words, not mine. To date we have collected nearly 500 signatures from residents and visitors alike - demanding accountability for the fiduciary irresponsibility of the ABOE decision and petitioning Alamosa City Council not to privatize this gateway to Alamosa for a private RV resort.

We should welcome the many educated professionals who move here with fresh ideas and new perspectives rather than regarding them with disdain. Ironically, the very non-profits currently under criticism have brought many new families to raise children in the San Luis Valley and create significant cultural and economic value for this community. It is only a mindset of inbred ideas that believes Alamosa should reject a Trust For Public Land project such as the Healthy Living Park at its fully appraised value even as Santa Fe enjoys the Railyard Park and Plaza (a TPL project). With a 90% or better track record for bringing millions of dollars to fund projects that benefit the community, the ABOE made a serious mistake to turn away such a valuable opportunity with TPL. Much has been written to clarify that the Healthy Living Park project is much more than "just a community garden" and I encourage readers to get the facts at www.keeppolstonpublic.org.

The future of Alamosa is bound up in its residents. Rather than attempting to annex East Alamosa (a highly unpopular idea that may be dead on arrival), the city council should look to grow the size of Alamosa by attracting and retaining new residents with the micro-enterprise development and community-accessible spaces outlined in the Healthy Living Park proposal. Meanwhile, the school board should address the many issues related to the education and well-being of Alamosa's youth rather than concerning themselves with "giving back to the business community" (in the words of ABOE member Keith Vance) or generating imagined property taxes through outdated projections from RV resort revenues (even as they sell off the Polston property at 66% of its appraised value).

From conversations Keep Polston Public has had with the community, it's clear that the public was largely unaware of the ABOE sale and I believe efforts to keep the pilfering of Polston silent were deliberate (the school board has still yet to issue an official statement despite repeated formal and informal attempts to hold them accountable for this decision). Alamosans should learn as much as they can about this issue before it's too late and contact their city council representatives with their informed opinions.

As for myself, I recently got engaged to a Canadian woman who plans to relocate to Alamosa. The outcome of the Polston property will serve as one good indicator as to whether or not we want to stay and raise our future family in Alamosa.

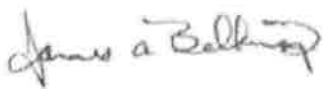
Danny Ledonne, MFA
filmmaker & professor
danny.ledonne@gmail.com | 719.480.2507
Skype: DannyLedonne | emberwildeproductions.com

Judy Egbert

From: Jim Belknap
Sent: Wednesday, June 19, 2013 1:23 PM
To: Heather Brooks; Judy Egbert
Subject: FW: Citizen Comments

Follow Up Flag: FollowUp
Flag Status: Completed

Citizen comment from website.



James A. Belknap
Information Technology Director
City of Alamosa
719-587-2500 Direct
719-580-4197 Cell



From: WebSpamProtect [<mailto:support@webspamprotect.com>]
Sent: Wednesday, June 19, 2013 12:20 PM
To: Jim Belknap
Subject: Citizen Comments

IP Address: 24.8.211.112

Date Time: June 19, 2013, 6:19:51 pm

First Name: Sharon

Last Name: Shortridge

Street Address: 251 Curtis Lane

City, State, Zip: Alamosa, CO 81101

Contact Phone:: 719 480-2443

E-mail Address:: sherishortridge47@hotmail.com

Comment: Dear City Council,
I am writing with concerns about the proposed RV park on the Polston Property. I am opposed to this plan because I don't feel it is the best use for this property, it is a poor first impression for visitors coming to our town, and frankly I just don't want an RV park 5 blocks from my house. I bought in my current location because it is a beautiful, quiet, clean neighborhood with easy access to the river, the Alamosa Ranch and all the trails that are a part of that. If the proposed RV park does get built, it will remove easy access to those areas, will make traffic horrible (that

intersection of Hwy 160 and 17 is already a bad one) and I don't like the increase in noise, traffic and pollutants. I don't think Mr. Russell did enough research on what it would really take to make this an RV park. I can't believe that the Corps of Engineers would allow any golf cart traffic on the levies and I don't want to walk with motorized vehicles on the walking paths.

This has been an educational gardening spot for many years. The river and the surrounding wetlands and native areas would be disturbed too much.

The Trust for Public Land has helped communities develop areas that improve economics while creating and preserving green spaces and parks for the use of the community population. Those are the things that make people want to live in specific towns. The Railroad Yards in Santa Fe are a perfect example of an industrial area that has been improved and renewed through the help of the TLP. Think what could be done with an area like the Polston Property that is NOT industrial and has everything needed for community gardening, recreation and education!

I ask you to be forward thinking in planning for our community development and support the plans made between our local food and gardening coalitions and the Trust for Public Lands.

Thank you,

Sharon Shortridge

Judy Egbert

From: Judy Crisco <judycrisco@yahoo.com>
Sent: Wednesday, May 29, 2013 12:57 PM
To: Judy Egbert
Subject: JHi Judy, please forward this letter to Ala. City Council

Open letter to the community:

I hope that the city council members, school board members and the public have been paying attention to the recent letters to the editor regarding the sale of the Polston property to a private developer . If you have missed any please check out the website KeepPolstonPublic at <http://keeppolstonpublic.org/> for all the pertinent information and past letters. You can also sign the petition to city council there as well.

I believe that the recent decision was a definite misstep on the part of the school board . This group is charged with making decisions about the schools and its assets, not economic development.

As a taxpayer I am incensed that the school board has just handed off an asset worth \$755,000 to a private developer for \$500,000, thereby transferring the \$255,000 to him. That money could offset so many worthwhile projects in the school system – projects I voted for and will be paying for with my tax dollars. There is nothing stopping Mr. Russell and his investors from reselling that property at its full appraised value as soon as they acquire it. Why should the school board give away \$255,000 to a private party instead of using it to improve our public schools? Is this even legal to accept a lower bid?

I also question the assumptions made about tax revenue from the proposed RV park. The other RV parks in the area are not doing a booming business. The tourist season is very short here and that means the property will be idle a good part of the year. I also find it amazing that the city would consider waiving tap fees for water and utilities – what a sweetheart deal this would be! It makes me wonder who is connected to whom – seems too sweet a deal to me.

On the other hand, the Polston property is quite unique and is a local treasure. I believe that the public has a right to keep that property and to repurpose it into more beneficial uses. The Rio Grande Health Living Park is designed to be a wonderful community space. It will be used by people of all ages, will provide educational opportunities and activities that promote a healthy Colorado lifestyle. Demonstration gardens, playgrounds, an amphitheater, community garden plots, a food hub for small growers, etc. are all being planned. These things are all designed to bring a community together and to attract eco-tourism, a growing new industry.

Over the past 30 years I have been privileged to be involved in many community projects and to witness many others: the creation of La Puente homeless shelter, the fight for our water against AWDI, the SLV Solar Energy Association, the Alamosa Community Greenhouse, Splashland Hot Springs swimming pool, Sunshine Festival (now Summerfest on the Rio), Valley Community Fund (local united way project), the Valley Food Co-op, the SLV Local Foods Coalition, the Farmers' Markets all around the Valley, the Alamosa Live Music Association, to name a few. These projects were started and run by relatively small groups of individuals who believed in the value of bringing the community together in creative ways.

When we think about what we value in a community, it isn't just the number of businesses that we have. Economic health is a part of the picture – but not the most important, in my opinion. Rather, it is the feelings we create about our hometown.

The decisions we make about our city will be felt for generations. Aren't we glad that the decision was made to create Cole Park, to plant all those trees so long ago? Can we put a dollar value on the good feelings we have about coming together for family and friend reunions at the Summerfest? Would we feel the same way if Cole Park had been turned into a truck stop or RV park? Are we proud of the fact that the entire valley united to fight for our water and to save our local swimming pool? Those were huge efforts that paid big dividends – in pride and spirit. Hundreds of people have benefitted as well – from having a summer job at the pool, to running a booth at a festival, to having a showcase for musicians and artists, for a helping hand to those in need of food and shelter, etc.

The other great benefit from these community projects is that they attract young idealist folks into our Valley community. They come to work as volunteers at La Puente's many projects and thru the local churches. Then, many of them stay here, adding to the rich mix of citizens we enjoy here.

For these reasons and more, I urge the city council to reject the land swap and to put an end to this project. The healthy Living Park is a great idea and should go forward.

Sincerely,
Judy Crisco

COUNCIL COMMUNICATION

DATE: December 4, 2013	AGENDA NO.	SUBJECT: Public Forum on Proposed RV Land Exchange
Department Head: Heather Brooks, City Manager		
City Manager: Heather Brooks		
PRESENTED BY: Heather Brooks		

Recommendation

Staff recommends that City Council hold a public forum regarding the proposed land exchange with the Alamosa RV Resort on the Rio Grande, LLC.

Background

Mr. Russell has submitted a proposal to exchange a portion of ranch property for a portion of Polston property. City Council has held several meetings to learn more about the RV Resort project and the details related to the proposed land exchange. Staff has hired Williams Valuation Services based out of Pueblo to conduct an appraisal of the property with an expected delivery date of December 31st. Attached is a draft timeline that City Council can decide to change.

Although an official public hearing is not required for City Council's consideration of a land exchange; given the enormity of public discussion regarding this project, staff recommends that City Council hold a public forum to allow residents to express their opinions related to the proposed project. Staff also recommends that City Council continue to discuss this project and what information they may need in order to make a decision.

Issue Before the Council

Hold a public forum to allow residents an opportunity to express their opinions regarding the project and time for City Council to discuss any questions it has related to the proposed land exchange?

Alternatives

This is a public forum intended to collect public opinion and time for City Council to discuss the proposed exchange.

Fiscal Impact

Discussion of the proposed land exchange does not have a fiscal impact.

Legal Opinion

The City Attorney will be present at the meeting for any questions.

Conclusion

This project has received a large amount of public attention and this public forum will allow residents to share their opinions on the proposed land exchange with the City Council as it considers the merits of the proposal.

Draft RV Resort Project Timeline

Council Meetings	Annexation Timeline	Land Exchange Timeline
November 6th	PH & Resolution on Eligibility	Update on appraisal process
<i>November 13th</i>		
November 20th	First Reading of Annexation Ordinance (review of annexation agreement)	Discussion on Land Exchange
December 4th	Public Hearing on Annexation Ordinance	Public Discussion on Land Exchange
<i>December 11th</i>		
December 18th		
<i>December 31st</i>		Appraisal Complete
<i>January 8th</i>		
January 15th		
<i>January 22nd</i>	Work Session	Work Session
<i>January 29th</i>		
February 5th	Action on Annexation Ordinance and Agreement	Action on Land Exchange conditioned upon clear title
<i>February 12th</i>		
February 19th		
<i>February 26th</i>		
March 5th		

ALAMOSA RV RESORT ON THE RIO GRANDE, LLC

September 23, 2013

Alamosa City Council
300 Hunt Avenue
P.O. Box 419
Alamosa, CO 81101

RE: Proposed land exchange with the Alamosa RV Resort on the Rio Grande, LLC

Dear Members of the Alamosa City Council;

On May 22nd I made a presentation to the City regarding our proposed development of an RV Resort abutting Cole Park on the east. During that presentation, our desire to annex the property to the City and a proposed land exchange between the Alamosa RV Resort on the Rio Grande, LLC, and the City was presented.

Since that time, we have closed on the purchase of the property and moved forward with our planning process. As you are likely aware, our purchase has evoked a negative response from a group of people that ultimately have filed a law suit, including a request for a temporary injunction and temporary restraining order. The temporary restraining order was granted pending a hearing on the preliminary injunction.

The timing for any court hearings on any of those issues is unknown. What is known is that the Alamosa RV Resort on the Rio Grande, LLC, is the record owner of the property as per the Warranty Deed from the School District and has every legal right to continue with its development plans. We recognize that final action on annexation and any proposed land exchange will likely need to wait on the outcome of the court hearings to affirm our ownership.

We are confident that we will be successful in defending our ownership of the property and in order to avoid additional extremely costly delays in the development of the Resort, we would like to begin the annexation and land exchange considerations. An annexation application will be submitted this week and should proceed on its own merits and calendar.

At this time, separate from the annexation, we would like to request a land exchange with the City of Alamosa as outlined in the attached drawing and the two associated descriptions of the proposed exchange parcels. Several issues need to be addressed, not the least being the relative values of the proposed parcels. It is not expected that the values will be identical, rather it is anticipated that some adjustments may need to be made in either the acreage proposed for the exchange or financial considerations to balance the equity. Those are issues that can be addressed if we reach a general agreement to the proposed exchange. In order to justify development planning that can include the exchange parcels, we would like to enter into a contract with the City agreeing to the exchange but that can also allow for equity considerations if they are needed.

9042 County Road 106 South
Alamosa, CO 81101
719-587-3630 ext. 1101

ALAMOSA RV RESORT ON THE RIO GRANDE, LLC

During the four months that the City Council has had to consider the proposed land exchange, it is our hope that the merits of the exchange have been sufficiently reviewed by each of you in order for you to make a determination as to the desirability for the community at large and to the development of a viable RV Resort in particular.

Our project represents a strong economic stimulus for our community and Valley. The RV Resort is willing to convey to the City all of the River corridor, a section of the levee trail system that is currently private and a proposed parking area that will greatly enhance access to both the trail system and Cole Park. The City can provide additional development area and consolidation of a wetland wildlife area that will greatly enhance the RV Resort and resultant economic impact that the resort can have on the community. We also propose to relocate the trail system that is currently on the north side of the property to the south and east side of the property, effectively allowing better access from the foot bridge to East Alamosa (including the Loaf and Jug store).

We have consulted with Tim Walters concerning a possible appraisal of the exchange parcels. Due to the complexities of the two tracts, his recommendation is to not attempt an in depth appraisal, rather he feels that the best equity can be reached by simply applying the per acre value of the recent Polston property purchase (\$13,200 per acre) to both parcels to arrive at the respective valuations. Any additional considerations could be addressed by negotiation to reach an equitable land exchange.

Sincerely,



Dan Russell

Manager

Alamosa RV Resort on the Rio Grande, LLC
9042 CR 106 South
Alamosa, CO 81101
719-588-0773

9042 County Road 106 South
Alamosa, CO 81101
719-587-3630 ext. 1101

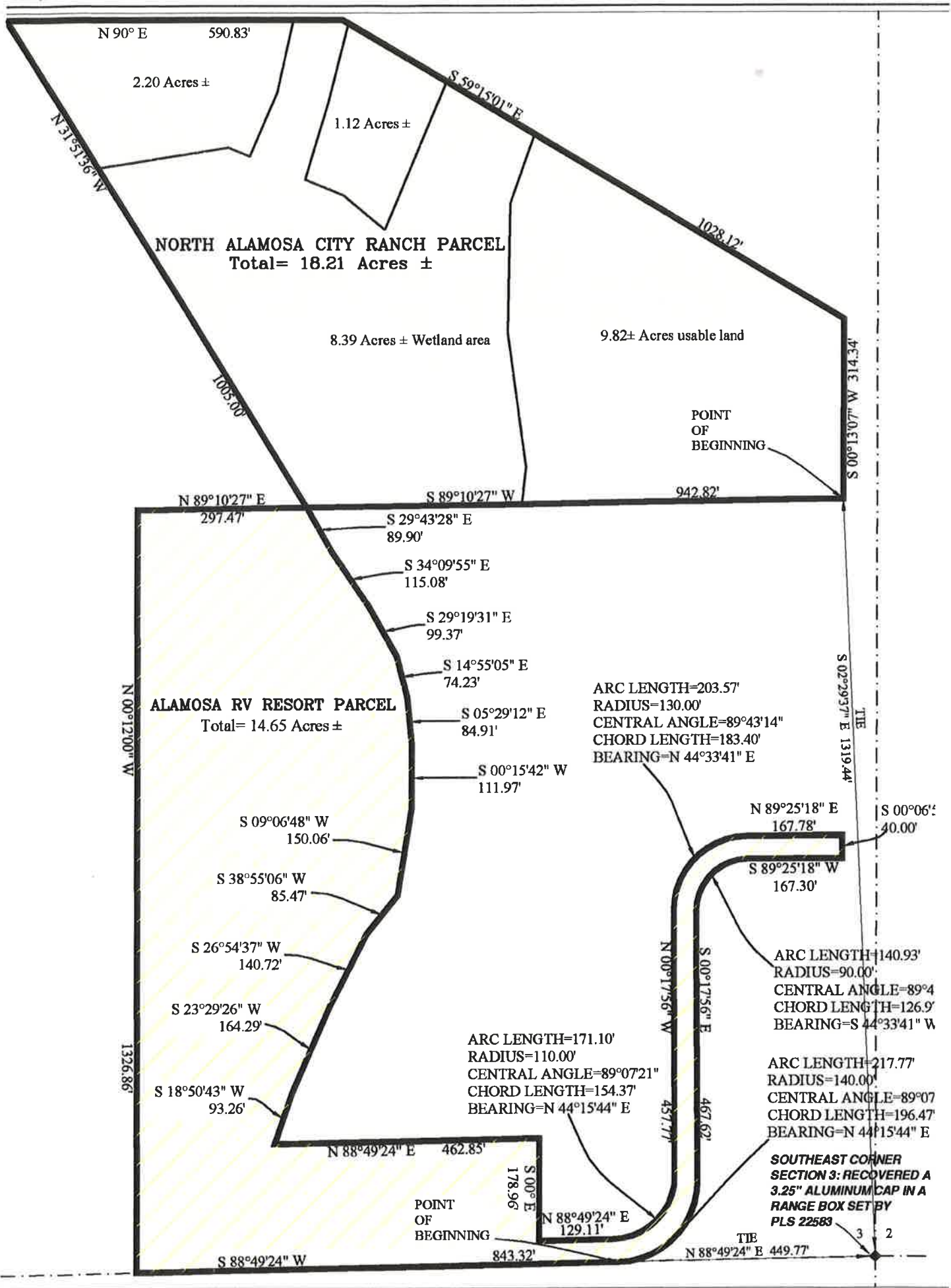


EXHIBIT F

Exchange Tract to the City Parcel to be conveyed to the City of Alamosa by the Alamosa RV Resort on the Rio Grande, LLC

A tract of land located in the Southeast Quarter of the Southeast Quarter of Section 3, Township 37 North, Range 10 East, N.M.P.M, City of Alamosa, Alamosa County, Colorado, more particularly described as follows:

Beginning at the Southeast corner of the Alamosa RV Resort Parcel, from which the Southeast Corner of Section 3, being a 3.25" aluminum cap, set by PLS. 22583, bears N 88°49'24" E a distance of 449.77 feet; thence S 88°49'24" E a distance of 843.32 feet; thence N 00°12'00" W a distance of 1326.86 feet; thence N 89°10'27" E a distance of 297.47 feet; thence S 29°43'28" E a distance of 89.90 feet; thence S 34°09'55" E a distance of 115.08 feet; thence S 29°19'31" E a distance 99.37 feet; thence S 14°55'05" E a distance of 74.23 feet; thence S 05°29'12" E a distance of 84.91 feet; thence S 00°15'42" W a distance of 111.97 feet; thence S 09°06'48" W a distance of 150.06 feet; thence S 38°55'06" W a distance 85.47 feet; thence S 26°54'37" W a distance of 140.72 feet; thence S 23°29'26" W a distance of 164.29 feet; thence S 18°50'43" W a distance of 93.26 feet; thence N 88°49'24" E a distance of 462.85 feet; thence South a distance of 178.96 feet; thence N 88°49'24" E a distance of 129.11 feet; thence following the arc of a curve to the left (Curve Data: Radius = 110.00'; Central Angle = 89°07'21"; Chord Bearing = N 44°15'44" E; Chord Length = 154.37') a distance of 171.10 feet; thence N 00°17'56" W a distance of 457.77 feet; thence following the arc of a curve to the right (Curve Data: Radius = 130.00'; Central Angle = 89°43'14"; Chord Bearing = N 44°33'41" E; Chord Length = 183.40') a distance of 203.57 feet; thence N 89°25'18" E a distance of 167.78 feet; thence S 00°06'54" W a distance of 40.00 feet; thence S 89°25'18" W a distance of 167.30 feet; thence following the arc of a curve to the left (Curve Data: Radius = 90.00'; Central Angle = 89°43'14"; Chord Bearing = S 44°33'41" E; Chord Length = 126.97') a distance of 140.93 feet; thence S 00°17'56" E a distance of 467.62 feet; thence following the arc of a curve to the right (Curve Data: Radius = 140.00'; Central Angle = 89°07'21"; Chord Bearing = N 44°15'44" E; Chord Length = 196.47') a distance of 217.77 feet to the True Point of Beginning, containing 14.65 acres, more or less. This tract is subject to any and all existing easements and/or rights of way of whatsoever nature.

EXHIBIT G

Exchange Tract to the Alamosa RV Resort Parcel to be conveyed to the Alamosa RV Resort on the Rio Grande, LLC by the City of Alamosa

A tract of land located in the Southeast Quarter of the Southeast Quarter of Section 3, Township 37 North, Range 10 East, N.M.P.M, City of Alamosa, Alamosa County, Colorado, more particularly described as follows:

Beginning at the Southeast corner of the North Alamosa City Ranch Parcel, also being a point on the west right of way of State Highway No. 17, from which the Southeast Corner of Section 3, being a 3.25" aluminum cap, set by PLS. 22583, bears S 02°29'37" E a distance of 1319.44 feet; thence S 89°10'27" W a distance of 942.82 feet; thence N 31°51'36" W a distance of 1005.00 feet; thence N 90° E a distance of 590.83 feet; thence S 59°15'01" E a distance of 1028.12 feet; thence S 00°13'07" W along said right of way a distance of 314.34 feet to the True Point of Beginning, containing 18.21 acres, more or less. This tract is subject to any and all existing easements and/or rights of way of whatsoever nature.

NORTH ALABAMA CITY RANCH PARCEL

Beginning at the Southwest corner of the North Alabama City Ranch Parcel, also being a part on the west right of way of State Highway No. 17, from which the Southwest Corner of Section 31, being a 325' aluminum cap, and by PLS. 22442, bears S 02°57'37" E distance of 3131.64 feet, thence S 89°1027" W, by a distance of 947.82 feet, thence S 11°15'16" W, by a distance of 1005.00 feet, thence S 09°33'07" W, by a distance of 590.43 feet, thence S 29°10'11" W, by a distance of 1028.12 feet, thence S 04°13'30" W, along and right of way, a distance of 314.34 feet, to the True Point of Beginning, containing 18.21 acres, more or less. This tract is subject to any and all existing easements and/or rights of way, watercourse, and/or mineral interests.

RV RESORT PARCELS

A part of those located in the Southeast Quarter of Section 3 Township 37 North, Range 10 East, N.M.P.M. City of Alamosa, Alamosa County, Colorado, were particularly described as follows:

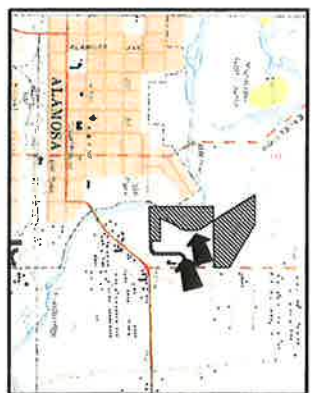
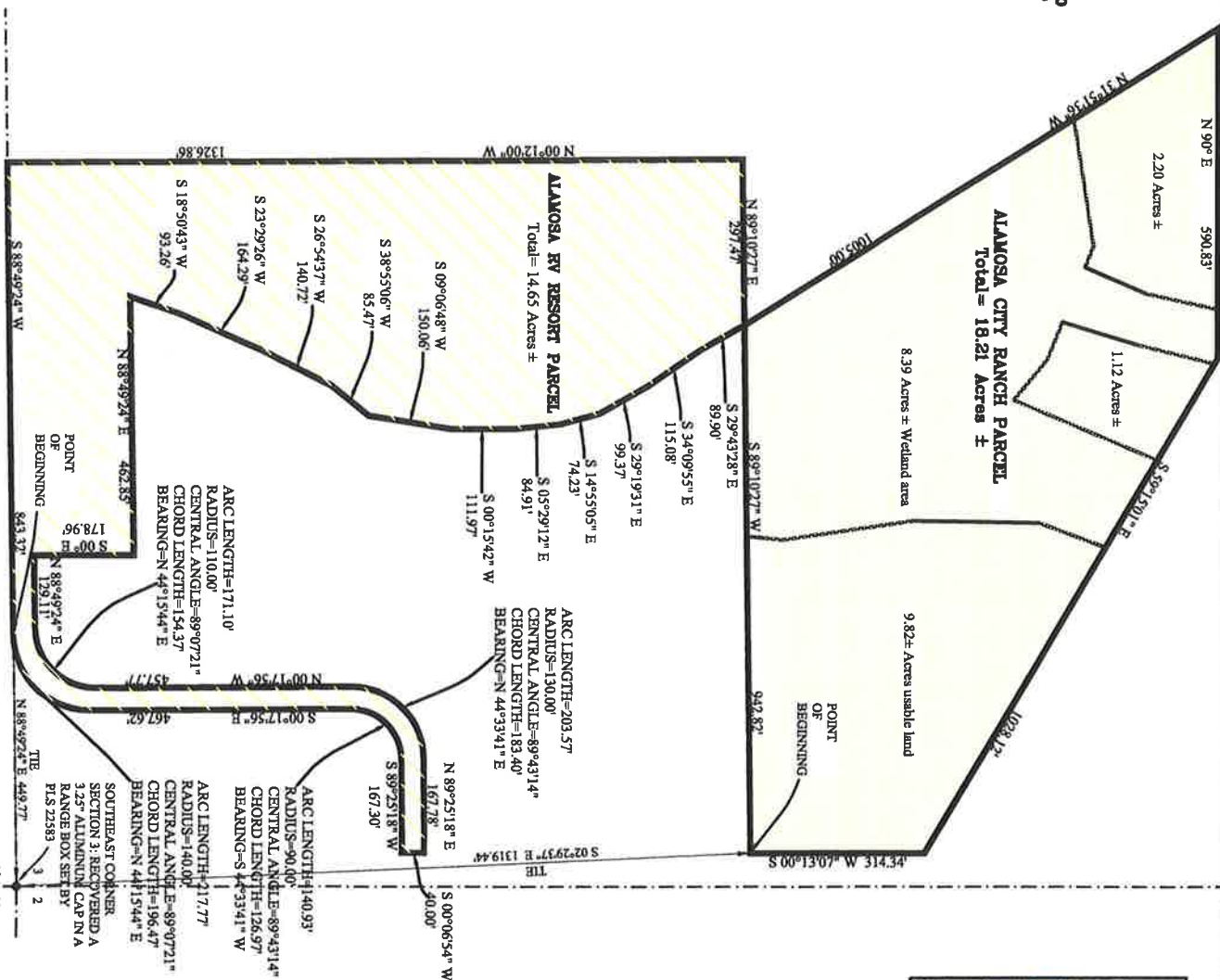
independent at the 5% level of significance (ANOVA P -value). First, three cases were considered: (1) $\text{Cu} = 1.5$ mg/L, $\text{Zn} = 1.5$ mg/L, $\text{Pb} = 0.05$ mg/L, $\text{Cd} = 0.01$ mg/L; (2) $\text{Cu} = 1.5$ mg/L, $\text{Zn} = 1.5$ mg/L, $\text{Pb} = 0.05$ mg/L, $\text{Cd} = 0.01$ mg/L; (3) $\text{Cu} = 1.5$ mg/L, $\text{Zn} = 1.5$ mg/L, $\text{Pb} = 0.05$ mg/L, $\text{Cd} = 0.01$ mg/L. The results are shown in Table 1. The results show that the distance of 100 m is the most appropriate distance for the assessment of the risk of heavy metal contamination in the study area. The results also show that the distance of 100 m is the most appropriate distance for the assessment of the risk of heavy metal contamination in the study area. The results also show that the distance of 100 m is the most appropriate distance for the assessment of the risk of heavy metal contamination in the study area.

MONUMENTED SURVEY PLAT

Deposited this _____ day of _____, A.D. 2013, at _____, O'zbek _____
in Book _____ of the Land Survey Plaza at Page _____, Receipt No. _____
Map No. _____ of the Records of Alameda County, California.
Signed: _____ Title: _____

SURVEYOR'S STATEMENT

I, David M. Russell, a duly registered land surveyor in the State of Colorado, do hereby state that this plat was prepared from the notes of an actual field survey performed by me or under my direct supervision and is true and correct to the best of my knowledge and belief.



Location Map
Not to Scale



BEARING PASTES

ALL BEARING ARE BASED ON THE ASSUMPTION THAT THE SOUTH LINE OF THE NORTH ALAMOSA CITY RANCH PARCEL SHOWN HEREON, BEARS S 89° 10' 27" W, AS SHOWN HEREON

GRAPHIC SCALE



LEGEND

Aluminum Canister, no Description
Set 24" No. 4 Rubber Pin with
1 1/2" Aluminum Cap Marked "Russell 22583"
Recovered No. 4 Rubber with 1" Plastic Cap
marked P.T.S.
Recovered No. 4 Rubber with 1" Plastic Cap
marked P.T.S.

Amusement Boundary
Adjunction Boundary
Alliquot or Fractional Section Line
City Limit Line
Public Utility Easement

NOTE: According to Colorado law you must consume any legal amounts based upon any defect in this survey within 90 days after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification herein.



BOUNDARY FOR APPRAISAL

LOCATED IN THE SOUTHWEST QUARTER OF THE
SOUTHWEST QUARTER (NEEDED) OF SECTION 2,
TOWNSHIP OF NORTH, RANGE 16 EAST, NEW MEXICO
PUBLIC LANDS, ALAMOSA COUNTY, COLORADO





NOTES:

RV SITES:

- 41 Back-In Sites 45 Degree [65'x40']
- 28 Pull-Through Sites [60'x30']
- 23 River Cabin Sites

92 TOTAL SITES

Back-In Sites have an additional 8'x20' parking space.

- Office / Registration - 1800 sq.ft.
- Pavilion - 1800 sq.ft.
- Bath & Laundry - 600 sq.ft.
- 2 Dog Parks - 15,000+ sq.ft.

Property Setback - 15'

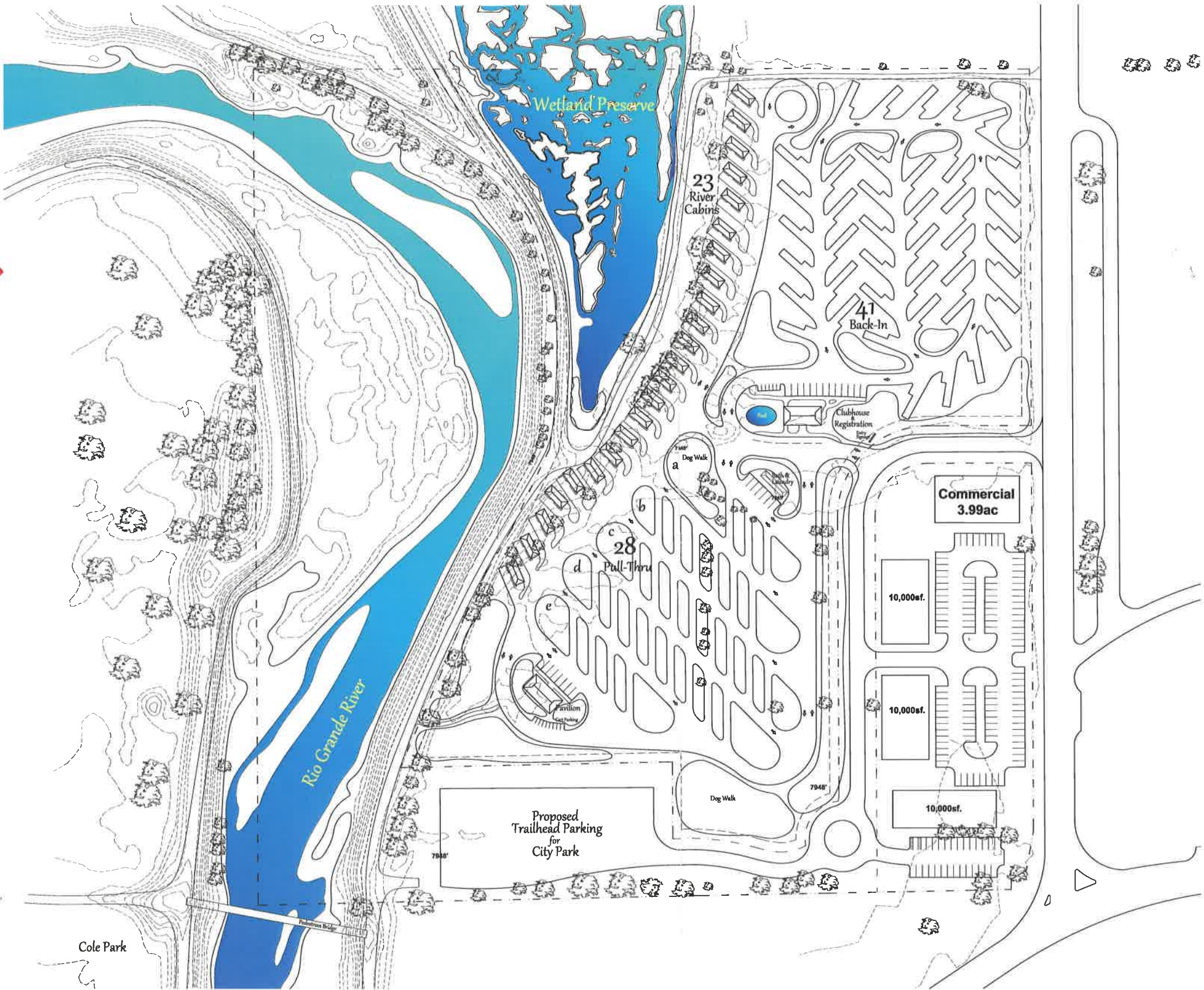
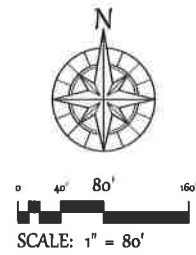
ROADWAYS:

- One-Way Traffic - 18'
- Two-Way Traffic - 24'
- Entrance Road - 30'
- Staging Lane - 10'
- Parking - 10'x 20'
- Golf Cart Parking 6'x 10'

- 12' Wide RV Pull-Through Sites
- 12' Wide RV Back-In Sites

DRAFT

DRAFT



Date: 9/10/2013

Scale: 1"=80'
(Layout 24"x36")

Rio Grande River - RV Resort
Alamosa, Colorado

Bud Surles Consulting Group, LLC.



COUNCIL COMMUNICATION

DATE: November 25, 2013	AGENDA NO. VII. C.7. b.	SUBJECT: Discuss and Direct Staff Regarding Process and Timeline to Fill At Large Vacancy
Department Head: Judy A. Egbert, City Clerk		
City Manager: Heather Brooks, City Manager		
PRESENTED BY: Judy Egbert		

Recommendation

Discuss and direct staff.

Background

Josef Lucero is scheduled to be sworn in as Mayor earlier in tonight's meeting. This leaves his current At-Large seat vacant. The Charter directs that Council make appointment to fill any vacancies that occur; however, it does not specify how the recruitment or appointment process is to happen. In the past, vacancies have generally occurred separate from an election. Council has solicited letters of interest, interviewed those persons, and made an appointment by ballot during a regular meeting.

The following persons have formally requested to be considered for this vacancy:

- Marcia Tuggle
- Farris Bervig
- Ty Coleman
- Darrel Cooper
- Leland Romero
- David Mize
- Donna Wehe

It's quite possible that there are others who may be interested also but have not come forward yet.

Issue Before the Council

Council is asked to determine how to consider those interested in this vacancy and direct staff toward that process.

Items to consider include:

- Do you want to actively recruit for interested persons?
- Do you want to consider only those who ran but were not elected?
- Do you want to consider only those on the above list that have already expressed interest?
- Do you want to conduct interviews? Or not?
- What process do you want to do to make your choice?
- When do you want to consider action?

Alternatives

Council has any number of options, some of which are described above.

Fiscal Impact N/A

Legal Opinion. Counselor Schwiesow will be available at the meeting if needed.

Conclusion. Filling this vacancy is part of Council's obligation under the Charter. It's important that Council determine the most effective process to accomplish this.