

ALAMOSA CITY COUNCIL
Wednesday, September 4, 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: Acting City Manager Don Koskelin, City Attorney Erich Schwiesow, and City Clerk Judy Egbert.

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

CITIZEN COMMENT

A. Audience Comments

Farris Bervig commended Council for its recent action regarding prohibiting marijuana businesses.

Chuck Cooper lodged a complaint regarding a park use permit.

B. Follow-Up

Mayor Rogers told Mr. Cooper that staff will research his issue.

CONSENT CALENDAR A. It was moved by Councilor Gillaspie and seconded by Councilor Griego to approve Consent Calendar A as presented. The motion carried unanimously. Items:
C. 7. a. Approve Minutes of Regular Meeting August 21, 2013
C. 7. b. Approve Minutes of Special Meeting August 26, 2013

REGULAR BUSINESS

A. Presentations from Outside Agencies

1. Small Business Development Center Update, Donna Wehe

Ms. Wehe presented the quarterly report to Council, and said that a new Director has just been hired.

C. Business Brought Forward by City Staff

2. Finance

a. Resolution No. 17, 2013, A Resolution Making Supplemental Appropriations And Authorizing Expenditures In Excess of Amounts Budgeted For The City Of Alamosa In Ordinance 12, 2012, and Known As the 2nd Budget Amendment

Amanda Valdez reviewed this budget amendment. This recognizes firearms range purchase, additional calls at the airport, fiber project, library upgrade, and recreation programs. This also aligns fund balances with the audit.

Councilor Tuggle moved, seconded by Councilor Lucero to adopt Resolution No. 17, 2013. On discussion, the amount of the firearms grant was clarified as correct on the document. The motion carried unanimously.

7. City Clerk/Municipal Court

b. Resolution No. 18, 2013, A Resolution Adopting the Attached Policy Establishing Selection of Mayor Pro Tem

The Charter specifies that Council select one of its member as Mayor Pro Tem. Recent practice is that this be done following each election for a two year term. This formalizes that practice.

Councilor Johnson moved, seconded by Councilor Tuggle to adopt Resolution No. 18, 2013. The motion carried unanimously.

8. City Manager/Legal

a. IRS Audit of Employee Classifications

1. Executive Session Pursuant to C.R.S. § 24-6-402(4)(b) to Receive Legal Advice Regarding Proposed IRS Agreements

Councilor Griego moved, seconded by Councilor Lucero to enter into Executive Session Pursuant to C.R.S. § 24-6-402(4)(b) to Receive Legal Advice Regarding Proposed IRS Agreements (7:22 p.m.). The motion carried unanimously.

When back in Regular Session at 8:04 p.m., Mayor Rogers confirmed that the Executive Session was held solely for the stated purpose.

2. Decision Regarding IRS Proposed Agreements

Counselor Schwiesow gave an overview of the IRS decision regarding the City Attorney, Prosecutor, Judge, and Recreation Program Instructors. The IRS position is that these should be employees rather than independent contractor. Kevin Paul was selected as outside legal counsel, and he appeared by telephone at the Executive Session to provide legal advice to Council.

The settlement offered by the IRS is that the City would pay payroll taxes in approximately \$15,000, and begin in 2014 to reclassify these positions as employees. In return, the IRS will waive any interest, and 2012 and 2013 would not be subject to audit. The City may choose to accept or reject the offer for each category separately.

If the City chooses to reject the offer, it would cost about \$15,000 to appeal within the IRS. If it is unsuccessful at that level, it would cost considerably more if it were to go to tax court.

Councilor Romero moved, seconded by Councilor Gillaspie to authorize the City Manager to sign documents agreeing to the IRS offer on all four positions.

b. Potential Participation in the Best and Brightest Internship Program

This program would allow a full time intern for two years at a minimal cost to the City. This position could be used to get projects off the ground.

Councilor Tuggle moved, seconded by Councilor Lucero to approve participation in the Best and Brightest program, and authorize the City Manager to proceed. The motion carried unanimously.

E. Committee Reports

Councilor Griego reported on airport bid activity, saying all the bids were well over budget.

F. Staff Announcements

Don Koskelin reported on a successful Early Iron event.

LOCAL LIQUOR LICENSING AUTHORITY ACTIONS

A. Consent Calendar B

Councilor Johnson moved, seconded by Councilor Tuggle to approve Consent Calendar B as presented. The motion carried. Items: Alamosa Elks Lodge #1297 Special Events Permit 9/21/13 James Duran Memorial.

B. Liquor Licensing Items

2. Determine Penalty for Liquor Violation – Spuddy's Cantina

This decision follows Council's action at the Special Meeting of August 26 that determined that the violation occurred. Council's decision tonight is to determine the appropriate penalty.

Councilor Tuggle disclosed that she had received ex-parte information separate from the hearing. She is confident that she is able to make a decision based solely on the evidence at the hearing.

Councilor Griego moved, seconded by Councilor Johnson to approve the Findings of Fact as drafted. The motion carried.

Councilor Tuggle urged Council to consider equity among other licensees in making this decision.

Councilor Lucero moved, seconded by Councilor Johnson that this license be revoked. On discussion, Councilor Griego expressed concern that this action puts this licensee out of business. Council further debated the appropriateness of this sanction. Councilor Gillaspie compared this incident as equal in seriousness to the revocation of the license at Othello's, and supported revocation. The motion carried six to one, with Councilor Griego casting the no vote.

COUNCIL COMMENT

Councilor Tuggle

- Responded to Farris Bervig's comment, saying that she supported the Police Chief and her no vote was not a stand on marijuana use.
- Asked if Council is interested in developing guidelines for metal buildings. Mr. Koskelin reported that this is in progress, and will be presented at a future meeting.

Councilor Griego invited Council to a hundred year celebration of the Spanish Cemetery on September 14, 2013 at noon. The location is at Foster and Coop Road.

Councilor Lucero

- Noted that marijuana is a reality even though it is not pleasant to deal with.
- Encouraged Council to allow advisory boards to choose their own members.

Councilor Johnson commended the Early Iron group and staff for a successful event, and noted that the disturbance at the motel Friday night was not connected to the event.

Councilor Gillaspie echoed compliments for the Early Iron event and the fireworks.

Councilor Tuggle agreed, and thanked law enforcement for their efforts.

ADJOURNMENT. The meeting adjourned at 8:51 p.m.

Judy A. Egbert, City Clerk

Kathleen J. Rogers, Mayor