ALAMOSA CITY COUNCIL
Wednesday, December 04, 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 Holly Martinez.

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

CITIZEN COMMENT

A. Audience Comments

Ron Brink commented in regard to steel buildings, congratulated the new Council members, thanked the retiring Council members, and made a comment that the new Council members should be respected.

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

CEREMONIAL ITEMS

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

Councilor Tuggle, Councilor Romero, and Mayor Rogers thanked the community and staff for all their support and were presented with plaques for their years of service.

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

City Clerk Judy Egbert administered the oath of office to these newly elected Councilors.

Mayor Lucero, Councilor Vigil and Councilor Stefano carried out the remainder of the meeting.

REGULAR BUSINESS

A. Presentations from Outside Agencies

1. Early Iron Event Report

Jeff Woodward gave a review of the Early Iron festival this year. He presented a check to the City in the amount of $1,000 to be seed money toward a public address system in Cole Park.

Council thanked the Early Iron staff for all that they do.

C. Business Brought Forward by City Staff

1. Public Works

Note: Items a and b were combined into one.

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 ¼ Of The SE ¼ Of Section 3 Township 37 North, Range 10 East, New Mexico Principal Meridian, Alamosa County, Colorado

b. Public Forum on Propsed RV Land Exchange

Heather Brooks reviewed the annexation. At the last Council meeting, there was discussion related to the annexation petition and if the easements should be required for the public trails. Following that, several discussions were held with Mr. Russell, the developer and owner of the property, and it was apparent that he was not open to that possibility. This is is a voluntary annexation. The agreement is a negotiation where the City works to try to protect what it sees as the needs of the community and the developer works as what they see is appropriate for those needs but also maintaining a proper business plan. Where it leaves the City is with essentially two options: to purchase or to do condemnation. To purchase, it requires a willing seller.

Ms. Brooks continued, saying that as discussions occurred, it was made clear that if the land exchange does not occur, that Mr. Russell may not be interested in the annexation at all. It would make it simplistic at a staff level, as language could be added in to the annexation that refers to the land exchange. Staff would still negotiate appraisals and work on other language in the draft, but this would also overcome time issues.

An appraisal is being done and the numbers are anticipated to be received back from the appraiser no later than December 31, 2013. If there is a difference between the property and the land Mr. Russell is willing to give the City, negotiations will be conducted to get as close to 1:1 as possible.

Ms. Brooks also informed Council of the numerous emails and communication that came in after the 9:00 p.m. deadline. For the record, those included emails from Elizabeth Gales, Michelle Shioshista, Kay Malouff, Judy Crisco, Sue Patterson, and information from Dan Russell.

Mayor Lucero opened the public hearing at 8:13 p.m. and asked for those wishing to speak on this ordinance.

Dan Russell reviewed the proposal of the RV resort and the annexation. On May 2, 2013, he met with the school board to let them know of his interest in purchasing the property. That same day, he also met with the City of Alamosa to see if they would be interested in a land exchange and annexating the property to provide the services. In that meeting, he offered to build the parking area, and front the money required to excave the overburden and replace it with compacted fill and roadbase, which would be able to be done by the time the Early Iron festival came around. If this proposal occurred, the City would own or acquire the river, the levees, the trials, and a parking area. And in exchange for this, Mr. Russell would acquire some grazing property owned by the City. Mr. Russell continued to review the timeline of this proposal, and again asked the City to come to a decision on it.

Mr. Russell explained what the City would gain by agreeing the land exchange and annexation. It would own a continuous stretch of the river through the heart of our town, it will own the levees that are currently on Mr. Russell's property and any significant changes to that system won't require negotiations with the land owner, and it will have the opportunity to easily clear up the odd issue of having built a levee on the western boundary without acquiring an easement for it. The City will own a continuous trail system on both banks of the river.

The Alamosa RV Resort will have a parking area next to the foot bridge, which will allow access to Cole Park. There will be an opportunity to work with a developer to place a "Welcome to Alamosa" feature and it will have an opportunity to encourage economic growth. It will also have an opportunity to increase sales tax revenue and have gained on the tax revenue for the construction phase of the project.

Mr. Russell read a quote that he read at the May 9th school board meeting and stated that he looks forward to working with the City, appreciates the support, and that he would be happy to answer any questions if there were any.

Marcia Tuggle thanked Mr. Russell for his idea and recommended to Council to reconfigure the easement on the side of the levee. Mayor Lucero asked for a show of hands in agreement to this comment. There were about ten in agreement.

Don Thompson stated he supports the idea of the annexation as long as it included public right of way. He also commented that he doesn't feel that the parking area is necessary, as there are many other parking areas. The land exchange allows Mr. Russell to exchange property that has no development potential and gain property that he can use. By show of hands, about 20 were in agreement with Mr. Thompson's comments.

Ron Brink stated that he believes the parking area is a good idea but the condemnation is bad. By show of hands, there were about 30 in agreement.

Lyle Hood stated that he applauds Mr. Russell to carry on with his project and asked Council to encourage and embrace the success of the potential project. He also applauds the vision of the Healthy Living Park. By show of hands, there were about 35 in agreement.

Robert Frederick asked that Council consider using some common sense and use a binding contract. He also stated that he advises everyone to negotiate on their purchases. There were about 35 by show of hands in agreement to his comments.

Renee Mackey read a statement on behalf of the KPP project stating that they believe the existing walking trails along the Rio Grande are unique resource for Alamosa residents and visitors alike and should be owned by the City. They also believe the Alamosa Ranch is an important public asset for everyone to enjoy and that any future development or sale of the property requires careful long term planning by the Council and Alamosa citizens. By show of hands, there were about 15 in agreement with her comments.

Dave Montgomery stated that one of his concerns is that there seems to be a lack of negotiation. He believes that with creative thinking, the annexation and project could function and prosper without the land exchange. By show of hands, there were about 15 in agreement.

Melissa Emminger stated to Council how much her family loves Alamosa and the community and urged Council not to allow private development on City Ranch property. She also encouraged Council to not lump the annexation and land exchange together. There were about 13 in agreement with her statements.

Jan Owen stated that the two priorities that the ranch has was for the water and leasing of agriculture. She asked council that the ranch board be reinstated. There were about 18 in agreement with her statements.

Patrick O'Neal spoke in regards to the soil that is on the Polston property and the Alamosa Ranch. He encouraged Council to think about the future of the property they are being asked to make a decision on. There were about 14 in agreement with his comments.

Pete Magee stated that he believes the levees need to be preserved and is in favor of the land exchange and the annexation being approved. He encouraged Council to move forward on this action. There were about 32 in agreement with Mr. Magee's comment.

Elizabeth Kinney stated she feels there is really no negotiation from Mr. Russell and that they need to preserve the Ranch. There were about 13 in agreement with Ms. Kinney's comments.

David Mize encouraged the City to look at the land swap because they get something they want and need. It is a negotiated exchange at this point. There were about 38 in agreement with Mr. Mize's comments.

Danny Ledonne stated that what makes the Valley special is the open space and the opportunity to be able to share it with the world without altering the places that make the San Luis Valley so special. There were about 22 in agreement with his statements.

Marilyn Loser added that the 2% of the Alamosa Ranch that is being proposed to be exchanged is where many people go to look at wildlife and the mountains. It is a very special and valuable part of the land that has been open to the public. There were about 33 in agreement with her statements.

Judy Crisco questioned Mr. Russell as to the reason why he needs the land that is being proposed to be exchanged. There were about six in agreement to the question.

Bill Brenton stated that he is becoming more conservative and feels there is a bit of a rush and asked Council to take a step back and give it a bit more time. There were about 13 in agreement to his comments.

Ruthie Brown stated that the letters sent in regarding the RV Resort proposal are all Alamosa people that are in support of Dan and Carol Russell's project. She encouraged Council to act on this proposal, as she feels that Mr. Russell is only wanting to make our community better. There were about 40 people in agreement with Ms. Brown's comments.

With there being no one else wishing to speak, the hearing closed at 9:29 p.m.

Councilor Gillaspie thanked everyone that sent in letters both in favor and opposed to the proposed RV park. He urged that Council move forward with the land exchange and annexation as there is a benefit to the RV park, and that is that it will bring money into the City.

Councilor Griego asked that Counselor Schwiesow clarify whether or not the public hearing should have been closed because the annexation and the land swap was previously separate.

Counselor Schwiesow clarified that there was no public hearing requirement for the land swap, there was a public forum, and people addressed both things because they are tied together and it was appropriate to close the hearing. He also stated that he felt more comfortable if there were an annexation agreement that was contigent upon the annexation in place.

Councilor Johnson stated he thinks ownership of the levee is probably the most important part of the project. He also stated that Council has the option to get ownership of this right now, and should acquire the levee.

Mayor Lucero read the vision statement of the City of Alamosa and thanked everyone for their comments in the public hearing. He stated the Council would like to conclude with the apprasial and allow staff to make recommendation to Council, have a work session, and go from there.

Councilor Griego agreed with Mayor Lucero and also stated that he believes they need to move forward with this as well, and thinks staff needs some direction from Council. Councilor Johnson also agreed.

Ms. Brooks clarified that staff wanted to get the proper public input for Council to take into consideration and be a neutral role. When Council feels its appropriate if they have a direction of what they definitely want staff to do, that would be very positive direction for staff to understand.

Councilor Stefano also agreed that they should wait to make a decision on this until the appraisal.

Councilor Johnson moved, seconded by Councilor Griego, to direct staff to work with Mr. Russell on the buffer zone area included with the land swap and the annexation agreement based on the appraisal, and to do negotiations based on the appraisal and a 1:1 land swap. The motion carried unanimously.

7. City Clerk/Municipal Court

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

Ms. Egbert asked Council for direction as to how they wanted to fill the at large vacancy.

Councilor Stefano stated that he thinks Council should open it up to anyone interested in the at large seat. Councilor Johnson agreed.

Councilor Vigil suggested that Council could minimize the list of candidates to about five and then did a weighted vote, and whoever had the lowest score, would get the seat.

Councilor Griego stated that a letter stating why they are interested in being appointed would be great. Council further discussed this.

Council recommended that the application process be open to the public and reviewed on the January 15th meeting.

E. Committee Reports

None.

F. Staff Announcements

Ms. Brooks congratulated the County on their warehouse opening. She also thanked staff for the Celebration of Lights and remininded Council of the National Guard ribbon cutting ceremony, which is this Friday at 1:00 p.m. She also reminded council of lunch with ASU Board of Trustees and updated them on discussions with the Community Corrections activities, which are to begin discussions and address concerns.

Ms. Egbert informed Council of the training sessions that Council will have which will include the following:

- Subjects that are contained in the CML starter kit, which include core parts of their job.
- Liquor License Authority training
- Kathy Novak to do communication training
- Departmental tour of the City

COUNCIL COMMENT

Councilor Gillaspie thanked Public Works and Parks and Recreation for the snow removal on the recent snow storm. He also informed Council that he may have a conflict with the December 18th meeting.

Councilor Stefano thanked staff for his introduction to his position.

Councilor Johnson informed Council that he will be out of town for the December 18th meeting.

Mayor Lucero welcomed the new Council members.

ADJOURNMENT. The meeting adjourned at 10:06 p.m.

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Holly C. Martinez, Deputy City Clerk   Josef L. Lucero, Mayor