

CITY OF MANITOU SPRINGS
HOUSING ADVISORY BOARD MEETING
MINUTES

Monday, July 8, 2019, 6:00 pm

Council Chambers

City Hall, 606 Manitou Avenue, Manitou Springs, Colorado

- I. CALL TO ORDER** Board chair Coreen Toll called the meeting to order at 6:03 pm. The following individuals were in attendance:

PRESENT:

Coreen Toll, chair
Alea German, vice-chair
Alan Delwiche, member
Alison Gerbig, member
Andy Wells, member
Dale Latty, member
Whitney Lewis, member
Mike Maio, alternate member

STAFF:

Karen Berchtold, Staff Liaison
Kim Johnson, Planning Director

CITY COUNCIL:

Becky Elder, Council Liaison

ABSENT:

Regina DiPadova, alternate member

II. APPROVAL OF MINUTES:

The June 2019 Minutes were approved with a few noted typos that Planner Berchtold will send to member German. With the noted changes, the Minutes were approved unanimously by members present. Dale Latty and Alison Gerbig recused themselves due to absence last month.

III. PUBLIC COMMENTS ON NON-AGENDA ITEMS

There was no public comment. Chair Toll introduced James Griesemer to the Board, a potential HAB alternate who has applied as such, but not yet been approved by City Council.

IV. BOARD TRAINING

Jeff Parker, City Attorney was present by phone. He asked the group to watch a 17.19-minute video titled: *In the Scope of Your Authority: Preventing Public Officials* by CIRSA, a Public Official Liability Guide. The best practices highlighted were: (1) Think and act as we, not I. (2) Be fair and impartial. (3) Refrain from ex parte contacts. (4) Declare and excuse self from conflicts of interest. (5) Avoid willful and wonton contacts. (6) Don't act out of personal motivations. (7) Delegate personnel issues to staff. (8) Never retaliate. (9) Stay in the scope of authority and maintain civility. After the video Jeff spoke how our role as a Housing Advisory Board is different than City council as we don't legislate. HAB's advisory role is less restrictive but HAB should follow the best practices and must act within the scope of our role in public meetings and as individuals. (This is based on Chapter 2.5 of municipal code). There are some immunities that protect us.

City Attorney noted that no individual board member can act as the sole spokesperson of a board. In public settings, unless delegated by the board, they may speak on behalf of HAB but never on behalf of the City. No board member can direct staff, municipal employees or contractors. HAB has no authority to bind the city in contracts and/or in the name of HAB because the city is the only legal entity to sign contracts. HAB Alternates can attend and participate in any matter but can't vote unless appointed by the Chair as a voting alternate due to an absent member.

An open meeting law ensures that there is advanced notice to the public so they may attend. The rules require 24 hours' notice and must be open to the public. Agendas need to list the details of the meeting. Once an agenda is set, it is not recommended that members add new items to agendas. It is also not recommended to allow a motion to add more items to the agenda due to lack of public notice. Any gathering to discuss HAB business by email, phone, gathering, or any means of communication involving 2+ people is not allowed unless published and posted to the public 24 hours prior to the meeting. Not all meetings have to be published unless 3+ members. Executive sessions are closed to the public. Executive session minutes may be recorded but are not public. HAB rarely has the need for executive sessions which are allowed for a few legitimate reasons – like real estate purchases. Recent case law won't allow an emergency exception for Executive Sessions of less than 24 hours' notice. Board members should be careful with all emails, texts or voice messages which could be a subject of an open records request. It is best to use email for administrative items - never for group discussion.

There are Conflict of interest laws, in city code, state statute and the federal constitution. Ethics violations do come in through state agencies and even though we are only an advisory board it still applies. If a board member has any sort of gut reaction that it seems inappropriate to be involved or could be benefiting the member and/or their family personally the member needs to recuse him/herself. Declare why, recuse formally, and leave room entirely. Stay out of entire meeting concerning that item in order to refrain from exerting any influence.

Chair Toll asked if Board members have a legal question, should the HAB go through the staff. Planning Director Johnson stated yes, as attorney time costs the city money but if needed, the staff liaison can coordinate a group call or meeting,

Member Delwiche asked advice about the use of social media. The City Attorney stated if using social media as part of a governmental platform you must allow public discourse and comment even if you don't like it. You can't block people's freedom of speech. HAB members should not use a personal social media site to advocate for or against an issue. If HAB wants a social media account they must work through the city and follow their rules.

Member Latty asked if a board member speaks as a citizen about a related issue can they be subject to a law suit. City Attorney said, as a board member, you don't lose freedom of speech but if speaking about a HAB issue or ordinance and arguing in public, you could lose your board seat by making statements that are harmful to the city.

Alternate Maio asked, "What is the procedure for filing a conflict of interest complaint"? Mr. Parker said there is no official process he remembers but he will review city code. Only city council members are allowed to file a formal complaint but anyone can write a letter to the city council or administration.

Mr. Maio asked is there any way to bypass local city council or administration if there ever was a need? The City Attorney stated there is a Colorado Independent Ethics Committee.

The call between our Municipal Lawyer and the HAB ended at 6:55pm.

Planner Johnson said if members have additional questions to direct them to staff.

V. OLD BUSINESS

1. Final Review and approval of Strategic Housing Plan (10 minutes)

Member German reviewed edits from last month and asked for feedback. Member Delwiche brought up a potential conflict regarding percent of household with kids vs seniors. Member German noted that the data is from the 2014 community profile and the community survey website. Member German stated she will include footnotes with the report to make it clearer.

Planning Director Johnson said she will have staff "package the document" more formally and City Council would adopt it to be an official document of the city. Council Liaison Elder will ask council what they prefer, but thinks City Council will simply want to review and approve without making any changes unless there is a glaring red flag. Planning Director Johnson said she would get it on the council agenda for 1st meeting in August 2019. Member Toll asked if 2-5 years the timeframe of the plan. Planner Berchtold said it goes through 2023.

After discussion on minor grammatical changes, Chair Toll entertained a motion to adopt this document. Member Latty made the motion and Member Gerbig seconded and it passed unanimously. Chair Toll and the group made a special thanks to Member German for working on the details and edits.

2. Report on Planning Tour of Cheyenne Village Land Plat and Possible Changes (15 min)

Chair Toll indicated she would call on the public after the board has had an opportunity to ask questions. She also asked that the public identify themselves before they speak.

Planning Director Johnson shared some thoughts on the property. She said that essentially there are challenges with the property including historic factors and the flood plain area, yet there is vacant land in the back that could be accessed from Sutherland Place. Would it be possible to separate the area housing the historic log cabins from the rest of the property? Planning Director recognizes that Rocky Mountain Land Trust's (RMLT) mission is to house families. The small log cabin sizes of some of the buildings might not accommodate family needs.

Member German asked do all of the cabins and have kitchens. Planning Director said not all do. During the tour the 1-2 bedrooms cabins all had kitchens. Director Johnson said some cabins are more modern than others and could be used as vacation rentals especially since they were not originally designed for year-round occupancy.

Alternate Maio said, according to the map, at least 12 cabins are structurally sound but still have rehab needs and he is unsure if all are even viable for rehab. Planning Director Johnson said it is up to the person who buys it. Members expressed concerns about the extent of the rehab work that needs to be done. If the existing conditions do not meet the mission of RMLT the property could be sold to an out of state developer.

Alternate Maio asked what is the city role in supporting RMCLT. Planning Director Johnson said the city does not have money to put toward the purchase but the city can help facilitate and bring partners to explore options, solutions, funding sources and deliver a community-driven and focused project.

Member Latty asked if there were any potential funding sources. Planning Director Johnson said it was brought up in the last meeting with RMCLT. John Ballweber will get in touch with the state historic preservation Commission to check on grants. Perhaps they might help with funding. Member Latty asked about private funders and would the city allow fiduciary parties? Perhaps the City could help bring people together such as a nonprofit and for-profit and look at different structures. Member Latty asked if we could set up a package of resources. Planning Director Johnson said there are no staff resources to work on this, but they can help facilitate partnerships and bring parties together and keep ears and eyes open to opportunities. The City can't get involved in RFPs or subdividing because that is up to the seller, but overall, we are here to explore any and all opportunities that might help make good things happen on site.

Alternate Maio asked about the "public hearing" we had with RMCLT and the discussion of a Planned Unit Development (PUD). Planning Director Johnson clarified it was a public meeting not a hearing. She did start looking into it and believes the city removed the PUD provision because they never used it. Member Delwiche said he has copy of the Manitou Springs 2005 provision for Planned Unit Development (PUD). Chair Toll noted the importance of having a PUD and said this is needed as we look into ADUs, tiny homes, etc.

Planner Berchtold asked about historic designation and if it works with add-ons. Planning Director Johnson said yes, add-ons are okay as long as the integrity of the original structure and exterior appearance remain. Karen asked if RMCLT was willing to consider this option. Chair Toll mentioned it could be more expensive based on the historic codes. She mentioned that

perhaps these codes could be updated and the HAB should consider a joint meeting with the Historic Planning Commission.

Member Latty asked about allowing greater use of the back corridor to make the deal more viable. Planner Johnson said all conversations are potential. Chair Toll moved on to public comment.

Community Member, Dustin McCunder asked about not seeing 'For Sale' signs on the property and asked if the HAB had spoken to Director Ann Turner from Cheyenne Village. Are they interested in remaining there? Chair Toll explained that new federal laws require the clients be moved out of this group/communal home-type setting into more mainstreamed habitations. Currently the land/buildings are not yet listed for sale. HAB members have met with Ms Turner more than once.

Resident Kathy Nimz asked if any action is scheduled for PUD. Kim said nothing is scheduled as of now but hopefully will be. Kathy is concerned about how PUDs could alter zoning laws. Kim said that any zoning changes would continue to include public meetings regarding changes. PUD development is just for a specific project and a tool for Planning.

3. Further Discussion on City Owned Property (5 minutes)

Planner Berchtold shared a table with updated links on parcel data including slopes and other constraints. Chair Toll explained to the public that after looking at these sites which are mostly Utility Easements, most are not viable to build on.

Member German noted that the formerly considered Crystal Hills property is private and should be removed from the City-owned Lots table.

Chair Toll asked if the board is interested in pursuing more information on the lots. Alternate Maio will look at the High St. property in more detail based on public records. Oak Place is out as it has a city interest in drainage per the Keithly Cabin district.

Chair Toll will follow up and said next steps will be added to an agenda when have more information.

VI. NEW BUSINESS

1. Recommendations for 2020 HAB Budget Requests (30 minutes)

Planning Director Johnson said the Planning Department's budget narrative was due last week. Kim was not able to bring anything detailed from the HAB as we had not formulated our 2020 requests yet. Next year HAB must have this discussion earlier. Kim said, as a new staff hire, she was told to write it up a narrative based on HAB accomplishments and goals and council priorities. Page 21 highlights areas in the budget related to the HAB. Planning Director Johnson didn't provide a specific narrative for 2020 about the HAB so it can still be modified. She did insert the HAB budget allocation for 2019 as a legitimate reference.

In reviewing the budget, Alternate Maio asked about the \$20K property assessments allocation and what that includes. Member German said HAB included it to pay for a surveyor if needed, or if planning staff needed to get more legal or engineering/professional scrutiny on the parcels.

Chair Toll asked to move on to the HAB Budget Requests 2020 draft discussion. Member German said she likes what's added and that we have only spent \$1880 of our 2019 budget for the revised needs assessment. We should think about what we can effectively accomplish with the remaining 2019 budget in the next 6 months. We discussed the possibility of adding funding to other programs such as the Bothers Redevelopment rehab program for income qualified home owners. Member German said Brothers has asked the HAB for support in marketing. Our 2019 budget also included \$10k for energy efficiency upgrade grants. Brothers has applied for funding from CDBG money for a pilot energy efficiency/rehab program in Manitou. (Ordinarily their program does not include the criteria of energy efficiency). They will find out if they receive funding by September. Since they may only receive enough money for two properties it makes sense to supplement them to allow for work on two more needy properties.

A suggestion was made that perhaps funding could be secured for the development of an Accessory Dwelling Unit (ADU) ordinance. Planner Johnson said that with the robust community engagement process required by the city she is including \$50k in the Planning Department budget for hiring a professional consultant to write an ADU Ordinance and engage the public.

Chair Toll asked for 5-minute break: 8:45p,

2. Short-Term Rental Ordinance & Accessory Dwelling Unit Community Engagement (30 minutes) Resumed at 8:53p

Staff Berchtold said we need to determine what role the HAB will play in the Community Engagement Process for these two items. David Chorpenning is the leader of this process and was present.

Director Johnson explained that the Planning Commission has agreed to take the lead on the review of the Short-Term Rental Ordinance. Council would like the HAB to take the lead on ADUs. Since housing is involved in both, Council is suggesting there be two members representing the HAB for each process. Each will occur as a separate process with separate meetings.

Council has created a detailed Community Process led by Project Teams. The responsibility of the Team is to assist in the engagement process involving the community in any decisions. Planner Berchtold explained that the teams help frame the issues to help community members understand. For example, identify how we get the word out/Outreach process; helping ID what questions do we ask for the community and what information do we provide for the process. The Project team would have meetings to work out the details. David Chorpenning said meetings would last about 1.5 hours and won't be too numerous. The Teams will work with CONO (Coalition of Neighborhood Organizations) who has been hired by the city as community

facilitators. . Coreen asked if CONO charges \$50 per hour/ per person and Kim said she would look into this but the budget would not come out of the HAB.

Member Latty asked who would be engaged and Alea said that's up to the community to decide on what can work for the neighborhoods. Mr. Latty asked if we will reach out to stakeholders we have already defined and Alea said we want to find out if the community is in agreement with our recommendations. Planner Johnson said if she brings in a consulting service she may seek input from the project team to help create an RFP or scope of work based on the community input.

Alison said as an owner of the VRBO she would like to ask the alternate to join a team. Jim Griesemer said, if appointed by council, he would like to work on the Short-Term Rental team.

Planner Johnson asked if the HAB is willing to take the lead on the ADU Ordinance. Coreen said we need a robust engagement process and Alea said we can't do it alone, so we should take the opportunity to participate in the engagement process. Member Latty questioned if we are spreading ourselves too thin based on the work we have already done and if we should do this big ordinance process now. He said the ADU is a new ordinance and short-term rentals already have an ordinance. Dale said we can get a finished ordinance and invite people to come and hear the process. Coreen said Council does not want a finished Ordinance without a public process. Dale thinks we have already done work on this and now are essentially having a new start. HAB Members believe the HAB's previous work on ADUs won't be lost but will be a path of least resistance to have the community be engaged.

Coreen mentioned that HAB alternate Regina DiPadova would like the HAB to sponsor a housing summit in Manitou Springs to educate the community on a variety housing issues. She said that perhaps if we do a Housing Summit we could have an ADU community process during the potential Summit. The HAB group decided to stick to the municipal public engagement process described above and use the work we have ready put together as the topics of discussion.

Member Lewis asked about funding for the community engagement process. Staff Johnson said the city has \$30k and there are 3-4 projects we can do within that budget, including a contract with CONO. Coreen said it sounds like there is a plan in place; many people have invested hours creating the engagement process so we should move forward with it.

HAB Assigned the following staff to the engagement groups: Alan Delwiche and Coreen Toll for the ADU project team and Andy Wells and Jim Griesemer for Short Term Rentals.

3. Discussion of Community Engagement Strategy (10 minutes)

- a. Plan Manitou Webpage
- b. Manitou Springs Housing Summit

It was Moved and approved to postpone item 3 to the next meeting.

VII. REPORTS (3 min per report)

1. City Council Liaison

Green Cities coalition at Heritage Center July 25th at 5:30p,. Green drinks – not alcohol but ablut setting goals.

Tiny House Festival Aug 2-4 at Pikes Peak Raceway. Tours and programs.

2. Staff Liaison: Nothing more to add.

3. Board members: Nothing more to add.

VIII. ADJOURNMENT

Chair Toll adjourned the meeting at 9:27p