

A Regular Meeting of the Manitou Springs City Council and Liquor Licensing Authority was held in the Council Chambers, 606 Manitou Avenue, Manitou Springs, Colorado, on January 4, 2011. Mayor Pro Tem Cox called the meeting to order at 7:00 pm.

COUNCILMEMBERS PRESENT FOR ROLL CALL:

Mayor Pro Tem Aimee Cox
Councilman Rick Barry
Councilman Michael Gerbig, Jr.
Councilman Matt Carpenter

COUNCILMEMBERS NOT PRESENT FOR ROLL CALL:

Mayor Marc A. Snyder
Councilman Ed Klingman
Councilwoman Ingrid Richter

STAFF PRESENT:

Deputy City Administrator Michael A. Leslie
City Attorney Jeff Parker
Planning Director Dan Folke
Public Services Director Bruno Pothier
City Planner Michelle Anthony
City Clerk Donna Kast

A. CALL TO ORDER

The meeting was called to order at 7:00 pm.

B. PLEDGE OF ALLEGIANCE

The meeting was opened with a reciting of the Pledge of Allegiance.

C. ROLL CALL

All Members of City Council were present for roll call with the exception of Mayor Snyder, Councilman Klingman and Councilwoman Richter, who were excused.

D. APPROVAL OF AGENDA

Upon a motion by Councilman Gerbig and a second by Councilman Barry, the agenda was approved as presented. Motion passed unanimously, 4-0.

E. PUBLIC COMMENT ON NON-AGENDA ITEMS

None

F. CONSENT CALENDAR

The following items were acted upon by unanimous consent of the members present:

1. Warrants (Payables)
2. Approval of the December 7, 2010 Regular City Council Meeting Minutes
3. Approval of the December 14, 2010 Special City Council Meeting Minutes
4. Approval of the December 21, 2010 Regular City Council Meeting Minutes

Upon a motion by Councilman Carpenter and a second by Councilman Gerbig, all matters on the Consent Calendar, were passed, adopted and approved. Motion passed unanimously, 4-0.

G. NEW BUSINESS

1. Approve Re-appointment of Lisa Quintana to the Manitou Springs Parking Authority Board

Upon a motion by Councilman Carpenter and a second by Councilman Barry, Lisa Quintana was re-appointed to the Manitou Springs Parking Authority Board. Motion passed unanimously 4-0.

2. Resolution No. 0111, A Resolution Establishing the Location for the Posting of Notices for the City of Manitou Springs

City Clerk Donna Kast explained that Colorado State Statute requires that a public place for posting of all public meetings shall be designated annually at the first meeting of each year. It was noted that the resolution identifies the window at the front of City Hall as the official posting location.

Upon a motion by Councilman Barry and a second by Councilman Carpenter, Resolution No. 0111 was unanimously approved as presented. Motion carried 4-0.

3. Resolution No. 0211, a Resolution Appointing Council Members as Liaisons to the Various Departments and Other Boards and Committees

It was noted that all liaison appointments would remain unchanged from last year.

Upon a motion by Councilman Carpenter and a second by Councilman Barry, Resolution No. 0211 was unanimously approved as presented. Motion carried 4-0.

4. Ordinance No. 0111, an Ordinance Amending Section 10.12 "Parking" of the Code of Ordinances Concerning the Location of Time Restricted Parking in the Downtown Area – 1st reading

City Planner Michelle Anthony presented the ordinance, explaining that it redefines and clarifies the downtown parking district and eliminates some 15-minute parking spaces that have gone virtually unused.

There was no public comment.

Upon a motion by Councilman Gerbig and a second by Councilman Carpenter, Ordinance No. 0111 was unanimously approved at 1st reading as presented. Motion carried 4-0.

5. Ordinance No. 0211, an Ordinance Amending Title 12 Streets and Other Public Places of the Manitou Springs Municipal Code to Regulate the Placement of Roll-off Dumpsters, Storage Pods or Other Immoveable Objects – 1st reading

City Planner Michelle Anthony presented the ordinance noting that it creates regulations for storage pods and roll-off dumpsters that affect streets and public parking.

Councilman Barry expressed concern about allowing storage pods to take up 6 prime parking spaces in commercial areas during the busy tourist season, noting that the ordinance permits this should it be approved by staff. He suggested a re-wording of Section 12.34.010 A.2 that would address this situation and its potential economic impact to downtown businesses.

There was no public comment.

Councilman Carpenter made a motion, seconded by Councilman Barry, to approve Ordinance No. 0211 at 1st reading with the understanding that some re-wording will be done to Section 12.34.010 A.2 to address economic impact. Upon a call for the vote, the motion was unanimously approved 4-0.

6. **Ordinance No. 0311, an Ordinance Amending Sections of Chapter 9.24 of the Manitou Springs Municipal Code Regarding Marijuana – 1st reading**

City Attorney Jeff Parker explained that the State legislature recently changed the limits of marijuana possession and consumption to make possession or consumption of 2 ounces or less an offense chargeable in municipal court. Ordinance No. 0311 was drafted to make the City's municipal code consistent with State law.

There was no public comment.

Upon a motion by Councilman Barry and a second by Councilman Gerbig, Ordinance No. 0311 was unanimously approved at 1st reading as presented. Motion carried 4-0.

7. **Modification of Parking Related Fines**

City Planner Michelle Anthony presented a chart outlining amendments to parking related fines noting that the primary reason for fining violators is to help discourage unwanted activities and to help recover costs of enforcement. The proposed revisions lower fines on violations that may have less impact on public safety. However, when there are multiple offenses within a 12-month period the Parking Authority Board is recommending the City enact a schedule of escalating fines in order to provide additional incentive for adherence with the laws.

There was no public comment.

Upon a motion by Councilman Carpenter and a second by Councilman Gerbig the modification of parking related fines was unanimously approved as presented. Motion carried 4-0.

8. **Approval of Agreement for Professional Services for Design Services for Canon Avenue and Park Avenue Bridges**

Planning Director Dan Folke presented the agreement noting that staff was recommending Atkinson-Noland & Associates for this project because of the firm's unique knowledge of our bridges.

There was no public comment.

Upon a motion by Councilman Carpenter and a second by Councilman Gerbig, the agreement for professional services with Atkinson-Noland & Associates for design services for Canon Avenue and Park Avenue bridges was unanimously approved as presented. Motion carried 4-0.

H. HEARINGS

1. **Approval of a Beer and Wine License Renewal – Savelli's Pizza, Applicant**

City Clerk Donna Kast opened the public hearing by explaining that our Municipal Code permits the City Clerk to act as the Local Licensing Authority for liquor license renewals only when the licensee has not violated any provisions of the Colorado liquor or beer codes during the preceding year. Savelli's Pizza has applied for a renewal of their beer and wine license. During the past year Savelli's entered into an agreement with the State Licensing Authority whereby they agreed that they had violated the beer code by serving beer to an underage purchaser. The agreement called for the payment of a \$200 fine, which Savelli's Pizza paid.

Brad Dreher, owner and manager of Savelli's Pizza, informed the Liquor Licensing Authority that he hired a new hostess that served the underage purchaser at the front counter. He recently enacted a new policy that no longer allows hostesses to serve beer at the counter, but only allows servers to serve it to customers seated at tables. He is confident this new policy will prevent future violations. He also noted that this was the first violation the restaurant has ever received in 13 years of business.

There was no public comment.

During discussion, the Liquor Licensing Authority expressed satisfaction that the problem has been adequately addressed and expressed a willingness to renew the beer and wine license.

Upon a motion by Councilman Barry and a second by Councilman Gerbig the beer and wine license renewal for Savelli's Pizza was unanimously approved. Motion carried 4-0.

I. MAYOR'S REPORT

Mayor Pro Tem Cox mentioned the Pikes Peak RTA Board announcement that was recently received and asked Deputy City Administrator Mike Leslie to comment on it.

Mike Leslie noted that the PPRTA Board has requested that all five member governments begin the process of preparing their Capital Project List because it is likely the Board will select the November 2012 timeframe for the Capital renewal ballot measure.

J. RECEIVE OR ACT ON COUNCIL CORRESPONDENCE

Councilman Carpenter commented on the email that was sent to City Council from Al Foster regarding a trash pickup complaint, noting that he forwarded the email to Bestway Disposal, who provided an immediate response by working directly with the customer.

K. CITY COUNCIL LIAISON REPORTS

None

L. PLANNING DIRECTOR'S REPORT

Dan Folke distributed and reviewed a 2010 Year-end Summary Report for planning department applications. He also reported on the Incline Management Plan Task Force Meetings and Open House that will be held and the Creekwalk Trail project.

M. DEPUTY CITY ADMINISTRATOR'S REPORT

Mike Leslie reported that KRW Associates placed our City Administrator advertisement on the ICMA website. The ad generated 300 hits the first day and resumes are already being received.

He also reported on four Memorial Hall fee waiver requests he has processed noting that two have been approved, one denied, and one is still pending.

He then introduced Public Services Director Bruno Pothier who updated the City Council on a water main break that recently occurred and pressure regulating valve repairs that his staff has made.

FUTURE AGENDAS

- January 11, 2011 – Worksession
- January 18, 2011 – Regular Meeting
- February 1, 2011 – Regular Meeting
- February 8, 2011 – Worksession
- February 15, 2011 – Regular Meeting

ADJOURNMENT

With no further business to conduct, Mayor Pro Tem Cox concluded the Regular Meeting at 8:27 p.m.

MAYOR AND CITY COUNCIL

CITY CLERK

Minutes Prepared by: Donna Kast, City Clerk