

A Regular Meeting of the Manitou Springs City Council was held in the Council Chambers, 606 Manitou Avenue, Manitou Springs, Colorado, on February 15, 2011. Mayor Snyder called the meeting to order at 7:02 pm.

COUNCILMEMBERS PRESENT FOR ROLL CALL:

Mayor Marc A. Snyder
Mayor Pro Tem Aimee Cox
Councilman Ed Klingman
Councilman Michael Gerbig, Jr.
Councilman Matt Carpenter

COUNCILMEMBERS NOT PRESENT FOR ROLL CALL:

Councilman Rick Barry
Councilwoman Ingrid Richter

STAFF PRESENT:

Deputy City Administrator Michael A. Leslie
City Attorney Jeff Parker
Planning Director Dan Folke
City Clerk Donna Kast

A. CALL TO ORDER

The meeting was called to order at 7:02 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 Councilman Barry and Councilwoman Richter, who were excused.

D. APPROVAL OF AGENDA

Mayor Snyder requested an adjustment to the agenda as follows: (1) move Agenda Items J.1 and J.2 under Agenda Item H, (2) renumber Agenda Items J.1 and J.2 to make them Agenda Items H.3 and H.4, and (3) delete Agenda Item J.

Upon a motion by Mayor Pro Tem Cox and a second by Councilman Carpenter, the agenda was approved as amended. Motion passed unanimously, 5-0.

E. PUBLIC COMMENT ON NON-AGENDA ITEMS

Bennie Dowda of 801 Duclou Avenue informed the City Council of an ongoing parking problem he has had with the City off and on since 1967. He presented a letter dated 2/11/2011 that he previously presented to City Planner Michelle Anthony noting that it outlined the entire problem. Mr. Dowda was assured by City Council that Ms. Anthony was investigating the matter and would reply to his concerns once she returned from vacation.

F. CONSENT CALENDAR

Councilman Carpenter said that he didn't want to call any items up for separate consideration but he did have a question regarding the special event fees being charged to some of the applicants. He stated that under the existing policy, the \$25 special event fee should be charged only when city services will be required but some applicants

were being charged the fee even when not requiring services. Mayor Snyder asked Mike Leslie to speak to staff regarding the matter.

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

1. Warrants (Payables)
2. Request Approval of a Special Event for the Manitou Springs Colorado Wine Festival to be held Saturday, June 4, 2011 from 11:00 am – 7:00 pm in Memorial Park - Manitou Springs Chamber of Commerce, Visitors Bureau & Office of Economic Development, Applicant
3. Request Approval of a Special Event for the Gumbo Cook-off to be held Saturday, March 5, 2011 from 7:00 am – 2:00 pm in Soda Springs Park & Pavilion - Manitou Springs Chamber of Commerce, Visitors Bureau & Office of Economic Development, Applicant
4. Request Approval of a Special Event for a Fundraising Hike to be held Friday and Saturday, September 9-10, 2011 from 9:00 am – 9:00 pm in Mansions Park and Pavilion and Memorial Park – BIAC/Pikes Peak Challenge, Applicant
5. Request Approval of a Noise Variance in Mansions Pavilion for a Family Reunion on Sunday, July 24, 2011 from 10:00 am – 10:00, Bob Dover, Applicant
6. Approval of February 1, 2011 Regular City Council Meeting Minutes

Upon a motion by Mayor Pro Tem Cox and a second by Councilman Gerbig, all matters on the Consent Calendar, were passed, adopted and approved. Motion passed unanimously, 5-0.

G. NEW BUSINESS

1. **Request Approval of Appointment as an At-large Member of the Manitou Springs Chamber of Commerce, Visitors Bureau and Office of Economic Development – Marcy Morrison, Applicant**

Both Mayor Snyder and Councilman Carpenter expressed pleasure and excitement over Marcy Morrison's willingness to serve.

Marcy Morrison said she considered it an exciting opportunity for her as well as for the city and thanked the City Council for the opportunity to be appointed.

Upon a motion by Mayor Pro Tem Cox and a second by Councilman Klingman, the City Council unanimously approved the appointment of Marcy Morrison as an At-large Member of the Manitou Springs Chamber of Commerce, Visitors Bureau and Office of Economic Development. Motion carried 5-0.

2. **Request Approval of Appointment as a Regular Member of the Manitou Springs Planning Commission – Lisa Streisfeld, Applicant**

Upon a motion by Mayor Pro Tem Cox and a second by Councilman Gerbig, the City Council unanimously appointed Lisa Streisfeld as a Regular Member of the Manitou Springs Planning Commission. Motion carried 5-0.

3. **Request Approval of Appointment as a Regular Member of the Manitou Springs Park and Recreation Advisory Board – Carrie Delius, Applicant**

Upon a motion by Mayor Pro Tem Cox and a second by Councilman Gerbig, the City Council unanimously appointed Carrie Delius as a Regular Member of the Manitou Springs Park and Recreation Advisory Board. Motion carried 5-0.

H. HEARINGS**1. Ordinance No. 0411, an Ordinance Amending Chapter 5.20 of the Liquor Code of the City of Manitou Springs – 2nd reading**

Jeff Parker pointed out a needed correction on the Ordinance noting that in Section 1, the section referenced should be Section 5.20.050.

There was no public comment.

Upon a motion by Mayor Pro Tem Cox and a second by Councilman Carpenter, Ordinance No. 0411 was unanimously approved at 2nd reading as amended. Motion carried 5-0.

2. Ordinance No. 0511, an Ordinance Amending Section 10.04 of the Code of Ordinances to Delete Regulation Specific to One Block of Ruxton Avenue – 2nd reading

There was no public comment.

Upon a motion by Councilman Gerbig and a second by Councilman Carpenter, Ordinance No. 0511 was unanimously approved at 2nd reading as presented. Motion carried 5-0.

3. CU 1101 - Conditional Use (Operation of a Mobile BBQ in the Commercial Zone) Manitou Avenue (Schedule #7404410021) – Charles Davis, Applicant

Dan Folke asked the City Council if they had any *ex parte* contacts or conflicts of interest to declare for either of the two hearings that were about to be held. None were declared.

Mr. Folke opened the public hearing by explaining that the applicants were requesting approval to operate a mobile barbecue unit in the parking lot adjacent to the Manitou Pancake & Steak House within the Commercial (C) zoning district. He informed the City Council that the Planning Commission recommended approval with 5 conditions and 3 findings.

Michelle Angelo, the applicant's partner, informed the City Council that she and the applicant were in full agreement with the recommendations of the Planning Commission.

There was no public comment.

Councilman Carpenter made a motion, seconded by Mayor Pro Tem Cox, to approve CU 1101 to allow a mobile restaurant at 0 Manitou Avenue (Schedule #7404410021) with the following conditions:

- 1) The approval is limited to the current applicant as shown on the attached site plan.
- 2) The Conditional Use will expire if discontinued for a continuous twelve month period. (Municipal Code 18.30.090)
- 3) The mobile unit will not be stored on the property overnight and all equipment and refuse will be removed at the close of business each day.
- 4) No permanent signage will be installed. One, eight square foot sandwich board sign is permitted.
- 5) An El Paso County Health Department license must be maintained with a copy kept on file with the Manitou Springs' business license.

And the following findings:

- A. That the value and qualities of the neighborhood surrounding the conditional use will not be substantially injured and the proposed use, under the conditions imposed, has no impact on the character of the community and is compatible in function and design with surrounding land uses.

- B. That the conditional use is consistent with the intent and purpose of the Zoning Code to promote public health, safety and general welfare.
- C. That the conditional use is consistent with the Rainbow Vision/Comprehensive Plan of the City.

Upon a call for the vote, the motion passed unanimously. Motion carried 5-0.

4. **VAC 1101 – Vacation of ROW (Utility Easement) – 18 Lincoln Avenue – Todd Elworthy & Deb Reuter, Applicants**

Dan Folke opened the public hearing by explaining that the applicants were requesting the vacation of a right-of-way in order to resolve encroachment of an existing garage over existing lot lines. He informed the City Council that the Planning Commission recommended approval with 1 finding.

City Attorney Jeff Parker noted that should this application be approved, an ordinance will need to be drafted to legally authorize the vacation.

Todd Elworthy, applicant, told the City Council that title insurance on the property excludes coverage on this section of the property which is one of the reasons he is requesting the vacation. He stated that he is in full agreement with the recommendation of the Planning Commission.

There was no public comment.

Mayor Pro Tem Cox made a motion, seconded by Councilman Klingman, to approve VAC 1101 to resolve encroachment of an existing garage over existing lot lines at 18 Lincoln Avenue with the following finding: That the portion of right-of-way where the garage exists is not necessary or feasible for future public access and that approval will not deprive abutting properties of adequate, legal access.

Upon a call for the vote, the motion passed unanimously as presented. Motion carried 5-0.

I. EXECUTIVE SESSION

An Executive Session Pursuant to Section 5.1(a) of the City of Manitou Springs Charter to Discuss a Personnel Matter if Requested by a Council Member, an Employee or an Applicant for Employment. The Following Additional Details are Provided for Identification Purposes: To Consider Applicants for Employment as City Administrator

Upon a motion by Mayor Pro Tem Cox and a second by Councilman Carpenter, the City Council went into executive session at 8:03 p.m.

Upon a motion by Councilman Carpenter and a second by Councilman Gerbig, the City Council went out of executive session and reconvened in regular session at 9:48 p.m.

Mayor Snyder announced that no decisions were made and no votes were taken during the executive session.

J. HEARINGS

This item was deleted at the start of the meeting.

K. MAYOR'S REPORT

Mayor Snyder informed the City Council that he spoke to Commissioner Sallie Clark and a representative of the county regarding the Snyder Quarry and was told that they would consult with the county attorney in our behalf to see what is required to mitigate some of the problems being caused by the reclamation project.

L. RECEIVE OR ACT ON COUNCIL CORRESPONDENCE

Mayor Pro Tem Cox commented on the letter received from Michelle Carvelle about parking issues on Washington Avenue.

M. CITY COUNCIL LIAISON REPORTS

Councilman Carpenter reported on the progress being made by the website committee and said that he hoped to soon provide a “sneak preview” of the site to the City Council.

N. PLANNING DIRECTOR’S REPORT

None

O. DEPUTY CITY ADMINISTRATOR’S REPORT

Mike Leslie referenced the Sales Tax Report for the end of 2010 and the Monthly Budget Report for December 2010 noting that sales tax collections for the year ended up 6.9% over the prior year.

FUTURE AGENDAS

- March 1, 2011 – Regular Meeting
- March 8, 2011 – Worksession
- March 15, 2011 – Regular Meeting
- April 5, 2011 – Regular Meeting
- April 12, 2011 – Worksession
- April 19, 2011 – Regular Meeting

ADJOURNMENT

With no further business to conduct, Mayor Snyder concluded the Regular Meeting at 9:52 p.m.

MAYOR AND CITY COUNCIL

CITY CLERK

Minutes Prepared by: Donna Kast, City Clerk