

A Regular Meeting of the Manitou Springs City Council and Liquor Licensing Authority was held in the City Council Chambers, 606 Manitou Avenue, Manitou Springs, Colorado, on May 3, 2011. Mayor Snyder called the meeting to order at 7:05 pm.

COUNCILMEMBERS PRESENT FOR ROLL CALL:

Mayor Marc A. Snyder
Mayor Pro Tem Aimee Cox
Councilman Rick Barry
Councilman Michael Gerbig, Jr.
Councilwoman Ingrid Richter
Councilman Matt Carpenter

COUNCILMEMBERS NOT PRESENT FOR ROLL CALL:

Councilman Ed Klingman (arrived at 7:17 pm)

STAFF PRESENT:

City Administrator Jack Benson
Deputy City Administrator Mike Leslie
City Attorney Jeff Parker
Planning Director Dan Folke
Public Services Director Bruno Pothier
City Clerk Donna Kast

A. CALL TO ORDER

The meeting was called to order at 7:05 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 Klingman who arrived at 7:17 pm.

D. APPROVAL OF AGENDA

Upon a motion by Councilman Barry and a second by Mayor Pro Tem Cox, the agenda was approved as presented. Motion passed unanimously, 6-0.

E. PUBLIC COMMENT ON NON-AGENDA ITEMS

There was no public comment; however, Mayor Snyder used this opportunity to welcome new City Administrator Jack Benson to our city.

F. CONSENT CALENDAR (*These Items voted on in one Motion*)

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

1. Warrants (Payables)
2. Request Approval of a Noise Variance for a Wedding Ceremony in Seven Minute Spring Gazebo and Amphitheater on Sunday, July 17, 2011 at 1:07 pm– Hannah Wight, Applicant
3. Request Approval of a Noise Variance for a Thank-you Party in Mansions Pavilion on Sunday, June 5, 2011 from 3:00 pm-7:00 pm – Russell “Ben” Lewis, Applicant

4. Request Approval of a Noise Variance for Outdoor Concerts on the Library Lawn on Tuesday Evenings, June 7 – August 30, 2011 from 6:00 pm to 7:30 pm – Margaret Morris, Applicant

Upon a motion by Councilman Carpenter and a second by Mayor Pro Tem Cox, all matters on the Consent Calendar were passed, adopted and approved. Motion passed unanimously, 6-0.

G. NEW BUSINESS

1. **Approval of an Art Gallery Permit Application – Mountain Living Studio, Inc, Applicant**

Donna Kast presented the application, explaining what an art gallery permit is and what is included in the application process. She reported to the Liquor Licensing Authority that all required documentation has been submitted by the applicant and she recommended approval.

Upon a motion by Mayor Pro Tem Cox and a second by Councilman Gerbig, the Art Gallery Permit was unanimously approved. Motion carried 6-0.

2. **Approval of an On Call Services Agreement with NV5 (previously Nolte)**

NV5 representative Will Koger presented the agreement, explaining the scope of the services to be provided.

Upon a motion by Councilman Gerbig and a second by Mayor Pro Tem Cox, the On Call Services Agreement with NV5 was unanimously approved as presented. Motion carried 6-0.

3. **Establishing Parking Rate for the Barr Trail Parking Lot**

Dan Folke reminded the City Council that a recommendation of the recently approved *Manitou Incline Site Development and Management Plan* was the implementation of paid parking in the Barr Trail Parking Lot. This recommendation was made in order to promote long-term parking by Barr Trail and Barr Camp users as well as reduce the number of vehicle trips above Winter Street. The recommendation of staff is to establish a flat fee of \$5 per 24-hour period or as an alternate, \$8 for hours 0-4 and \$5 for hours 4-24.

Councilman Klingman arrived at 7:17 pm near the beginning of Mr. Folke's presentation.

Don Sanborn, Chairman of the Barr Camp Board of Directors, said he was supportive of the \$5 per day fee.

Spencer Wren, a resident of 320 Crystal Hills Blvd., commended staff on their efforts but inquired about the reason for setting the fee at \$5. He wondered if a higher or even a lower fee would be more appropriate. He also suggested staffing the lot with someone who could process credit card payments.

Councilwoman Richter moved to approve the establishment of a parking rate for the Barr Trail Parking Lot at \$5 per day, using a "pay and display" system, and directed staff to order a kiosk. Councilman Carpenter seconded the motion. Upon a call for the vote, the motion was unanimously approved as presented. Motion carried 7-0.

4. **Ordinance No. 0911, an Ordinance Amending Section 10-12 "Parking" of the Code of Ordinances Concerning the Adoption of Colors to Identify Various Types of Parking Restricted Areas Within the City of Manitou Springs – 1st reading**

Dan Folke explained that this ordinance is being introduced at the recommendation of the Parking Authority Board. The ordinance adopts a color system to designate different areas of restricted parking.

Upon a motion by Councilman Carpenter and a second by Councilwoman Richter, Ordinance No. 0911 was unanimously approved at 1st reading as presented. Motion carried 7-0.

H. HEARINGS

1. Approval of a New Hotel and Restaurant Liquor License Application – Crystal Park Cantina (Justin Armour and Susan Pisaneschi), Applicants

City Clerk Donna Kast opened the hearing by explaining that the applicant recently purchased the Mission Bell Inn at 178 Crystal Park Road, renaming it Crystal Park Cantina. The business changed hands just two weeks before the existing liquor license was scheduled to expire so a transfer of the license was not possible. However, a temporary permit was issued to allow the new owners to continue to serve alcohol for up to 120 days.

Ms. Kast reviewed the status of the application, noting that all documentation was received and in order, with one exception. She explained that the CBI background check results were not yet available as the original fingerprints submitted by the applicant were unusable and had to be re-done. She recommended that should the Liquor Licensing Authority choose to approve this application, it should be with the understanding that the license will immediately be revoked should the CBI background result prove to be unsatisfactory.

Ms. Kast announced that a notice of the public hearing had been posted on the premises and in the local newspaper and no comment had been received.

Justin Armour, Crystal Park Cantina LLC Member, described his restaurant concept and explained that he and his family have a successful background in the restaurant business. He also stated that he has read the Colorado Liquor Code and is familiar with it.

There was no public comment.

Councilman Barry made a motion, seconded by Mayor Pro Tem Cox, to approve a new Hotel and Restaurant Liquor License to Crystal Park Cantina.

Following discussion, Councilman Barry amended his motion, seconded by Mayor Pro Tem Cox, to approve a new Hotel and Restaurant Liquor License to Crystal Park Cantina with the understanding that the license will immediately be revoked should the CBI background check result prove to be unsatisfactory. Upon a call for the vote, the amended motion was unanimously approved as presented. Motion carried 7-0.

Following the vote, Mayor Pro Tem Cox left the meeting at 8:25 pm.

I. MAYOR'S REPORT

Mayor Snyder announced that for the second year in a row, the City of Manitou Springs received the Greenie Award from the Veda Salon in the category of Best Community.

J. RECEIVE OR ACT ON COUNCIL CORRESPONDENCE

None

K. CITY COUNCIL LIAISON REPORTS

Councilman Carpenter said he has an upcoming meeting with the president of the BID who has inquired as to how water restrictions, if imposed, would impact their ability to power wash downtown sidewalks. Mike Leslie and Bruno Pothier replied that there should be no impact to their ability to clean the sidewalks unless level one restrictions are imposed.

Councilman Gerbig informed the City Council that Greater Communities Greater Parks have been conducting polls to ascertain whether or not to place the parks initiative referendum on a future ballot.

L. PLANNING DIRECTOR’S REPORT

Dan Folke reviewed the April Building Permit Applications Report.

He also reported that load tests will be conducted next week in conjunction with the Canon Avenue and Park Avenue Bridge Project, so traffic control will be ongoing in the area.

Mr. Folke informed the City Council that the Parking Authority Board has \$8,000 in the budget for consulting services and will be seeking public input regarding how best to use these funds.

M. DEPUTY CITY ADMINISTRATOR’S REPORT

Mike Leslie informed City Council that the auditors will arrive Monday morning to begin the city’s audit. He also stated that he is working on the mid-year amended budget and will present it to City Council in June.

Mr. Leslie reported that on May 1, a raw water transmission line owned by CSU failed and caused sewer backup in our downtown area. A meeting with representatives of CSU to discuss the situation has been scheduled for tomorrow morning. He introduced Public Services Director Bruno Pothier who provided the City Council with a detailed report of the situation and the current status of repairs.

Bruno Pothier also reported that the City received a check for over \$32,000 from Travelers Insurance Company to reimburse us for our loss when the city’s boiler at the swimming pool failed.

It was the consensus of the City Council that the May 10, 2011 City Council Worksession will consist of a discussion regarding a community workshop on parking management and another discussion regarding water rates and water restrictions.

N. FUTURE AGENDAS

- May 10, 2011 – Worksession
- May 17, 2011 – Regular Meeting
- June 7, 2011 – Regular Meeting
- June 14, 2011 – Worksession
- June 21, 2011 – Regular Meeting

ADJOURNMENT

With no further business to conduct, Mayor Snyder concluded the Regular Meeting at 9:10 p.m.

MAYOR AND CITY COUNCIL

CITY CLERK