

A Regular Meeting of the Manitou Springs City Council was held in the City Council Chambers, 606 Manitou Avenue, Manitou Springs, Colorado, on August 2, 2011. Mayor Snyder called the meeting to order at 7:00 pm.

COUNCILMEMBERS PRESENT FOR ROLL CALL:

Mayor Marc A. Snyder
Councilwoman Aimee Cox
Councilman Rick Barry
Councilman Michael Gerbig, Jr.
Councilwoman Coreen Toll
Councilman Matt Carpenter

COUNCILMEMBERS NOT PRESENT FOR ROLL CALL:

Councilman Ed Klingman

STAFF PRESENT:

City Administrator Jack Benson
Deputy City Administrator/Finance Director Mike Leslie
City Attorney Elizabeth Gross
Planning Director Dan Folke
Public Services Director Bruno Pothier
Chief of Police MaryJo Smith
Deputy Finance Director Rebecca Davis
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 Councilman Klingman who was excused.

D. APPROVAL OF AGENDA

Mayor Snyder requested the addition of an Agenda Item No. G.2 "Report on Downtown Enforcement Plan." He also said he would like to move the consideration of Agenda Item No. H.10 "Resolution No. 1411," to the top of New Business, renumbering it as H.1.

Upon a motion by Councilwoman Cox and a second by Councilman Barry, the agenda was approved as amended. Motion carried 6-0.

E. PUBLIC COMMENT ON NON-AGENDA ITEMS

Dave Symonds, president of iManitou, announced the hiring of new Chief Operating Officer Roger Miller.

Roger Miller, iManitou COO, thanked everyone for the opportunity to serve in the position of COO and expressed excitement about sharing as an active member of the Manitou Springs community.

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. Approval of the July 19, 2011 Regular City Council Meeting Minutes
3. Approval of a Date Change for the Manitou-Au (Luau) Special Event and Noise Variance, Changing the Date from September 17, 2011 to September 24, 2011 in Soda Springs Park & Pavilion from 11:00 am – 7:00 pm – Manitou Springs Chamber of Commerce, Visitors Bureau & Office of Economic Development (Leslie Lewis), Applicant
4. Approval of a Date Change for the Mineral Springs 5K Run Special Event to be held in Conjunction with the Manitou-Au (Luau), Changing the Date from September 17, 2011 to September 24, 2011 in Soda Springs Park from 8:00 am – 11:30 am (race begins at 10:00 am) – Manitou Springs Mineral Foundation (Sue Graham), Applicant
5. Approval of a Noise Variance in Seven Minute Gazebo & Amphitheatre for a Wedding on July 21, 2012 at 7:00 pm – Rebekka Repenning, Applicant

Upon a motion by Councilwoman Cox and a second by Councilman Gerbig, all matters on the Consent Calendar were passed, adopted and approved. Motion passed unanimously, 6-0; however, Mayor Snyder abstained from voting on Item F.2 since he was absent from that meeting.

G. UNFINISHED BUSINESS**1. Review of the Comprehensive Parking Plan, Street Closure Plan, and Recycling Plan for the Assault on the Peak Special Event to be held on August 28, 2011**

Pat McDonough, an Assault on the Peak organizer, answered questions regarding the submitted plan. It was the consensus of City Council that the plan was acceptable as presented.

2. Report on Downtown Enforcement Plan

Police Chief MaryJo Smith reviewed her report regarding issues in the downtown area and the enforcement plan that has been implemented.

Gary Smith, a Manitou Springs resident, spoke in support of the police department and asked City Council to support the department and city staff.

Adam Withrow, Stephen Goodall, Vernon McCune, Amanda Lane and Benjamin Hatfield raised concerns they had regarding the police department and what they perceive to be unkind treatment of the public.

It was the consensus of City Council that this subject may be taken up again at a future City Council Work Session.

H. NEW BUSINESS**1. Resolution No. 1411, a Resolution Celebrating Diversity, Equality and Respect for All People**

Councilman Gerbig and Councilwoman Toll spoke in support of the resolution.

Upon a motion by Councilman Gerbig and a second by Councilman Barry, Resolution No. 1411 was unanimously approved as presented. Motion carried 6-0.

Mayor Snyder called for a break at 8:30 pm. The meeting resumed at 8:39 pm.

At this time, Councilman Barry made a statement in support of the City's police department, commending them for all they do. He said the City Council is behind them and asked Chief Smith to pass that message on to her staff. Councilwoman Cox concurred.

2. Approval of Appointment of Curt Heimsoth as a Business Member of the Parking Authority Board

Councilman Barry made a motion, seconded by Councilman Carpenter, to appoint Curt Heimsoth to the Parking Authority Board with the understanding that the Board could decide if he should serve as the Business Member or Resident Member. Motion carried unanimously, 6-0.

3. Approval of Appointment of Ron Heine to either the Historic Preservation Commission, the Parking Authority Board or the Planning Commission; Wherever There is the Greatest Need

City staff suggested the appointment of Ron Heine as a Member of the Urban Renewal Authority and an Alternate to the Planning Commission. Mr. Heine said he was agreeable to that suggestion.

Upon a motion by Councilman Carpenter and a second by Councilwoman Cox, Ron Heine was appointed as a Member of the Urban Renewal Authority and an Alternate to the Planning Commission. Motion carried unanimously, 6-0.

4. Approval of Appointment of Nancy Fortuin as an Alternate on the Manitou Springs Open Space Advisory Committee

Upon a motion by Mayor Pro Tem Cox and a second by Councilman Barry, Nancy Fortuin was approved as an Alternate on the Manitou Springs Open Space Advisory Committee. Motion carried unanimously, 6-0.

5. Approval of Appointment of Jack Benson as the Manitou Springs Liaison to the El Paso County Community Development Advisory Board

Upon a motion by Councilwoman Cox, and a second by Councilman Gerbig, Jack Benson was appointed as the Manitou Springs Liaison to the El Paso County Community Development Advisory Board. Motion carried unanimously, 6-0.

6. Update on the Fountain Creek Watershed, Flood Control and Greenway District

Larry Small, Executive Director of the Fountain Creek Watershed, Flood Control and Greenway District, presented a power point presentation regarding the background, current status, and future goals of the District.

7. Approval of Nolte NV5 Phase 5B Final Design Revision and Reduced Scope Construction Management Contract

Upon a motion by Councilman Carpenter and a second by Councilwoman Toll, the Nolte NV5 5B Final Design Revision and Reduced Scope Construction Management Contract was approved contingent upon City Attorney approval. Motion carried unanimously, 6-0.

8. Resolution No. 1311, a Resolution Authorizing the Mayor to Sign an Agreement with the Colorado Department of Transportation for Project SAR M850-022 (18079), the El Paso Student Connector

Upon a motion by Councilwoman Cox and a second by Councilman Barry, Resolution No. 1311 was unanimously approved as presented. Motion carried 6-0.

9. Ordinance No. 1411, a Ordinance Repealing and Re-enacting Chapter 13.28 of the Manitou Springs Municipal Code Regarding Water Usage for Irrigation and Other Purposes – 1st reading

Councilman Carpenter suggested changing the wording in the first paragraph of *Section 4. Level Four Restrictions* as follows:

- Change the second sentence to read: *At all days and times the filling or refilling of ornamental pools, hot tubs and swimming pools is prohibited.*
- Change the last sentence to read: *Hand watering or drip irrigation is only allowed during the permitted times.*

Upon a motion by Councilwoman Cox and a second by Councilman Gerbig, Ordinance No. 1411 was unanimously approved at 1st reading as amended. Motion carried, 6-0.

Following the vote, Bruno Pothier reported on the current levels in the city reservoir and updated the City Council on regulated exchange requirements.

10. Ordinance No. 1511, an Ordinance to Amend Funds for FY2010 and to Re-appropriate Funds for Expenditures Necessary to Preserve Public Safety and Health and to Safeguard Public Facilities by Amending the Annual Budget for the Fiscal Year Ending December 31, 2011 – 1st reading

Mike Leslie reviewed a memo he prepared that outlined the changes that were made to the budget based upon the discussion that occurred at the July 26, 2011 City Council Work Session. Those changes were as follows:

- Legislative Department: Account line 10-410-880 Community Projects – with the removal of the request from Manitou Springs Ahead for an additional \$3,500, this line has been revised from \$14,500 to \$11,000.
- Library Department: Account line 10-455-320 Services-Professional - \$10,000 has been added back into this account line to appropriate for ADA needs assessment related to CDBG grant applications.
- The effect of the change request on the unreserved fund balance of the general fund was a reduction from \$230,093 at the end of FY2011 to an unreserved fund balance of \$223,593.
- Funding for the pool weight room expansion budgeted in FY2010 in the Capital Improvements Fund has been reallocated to line 39-499-835 Pool Improvements, which increased that line from \$14,000 to \$68,106. This reduced the unreserved fund balance of the Capital Improvements Fund from \$128,187 at the end of FY2011 to \$74,081.

Discussion ensued regarding whether or not the City desired to move forward with the weight room expansion at the pool, noting that a floodplain variance would need to be approved before work could commence.

Councilwoman Cox made a motion to approve Ordinance No. 1511 at 1st reading to include the items in the memo prepared by Michael Leslie, except for the additional funds for the pool expansion pending approval of a floodplain variance.

The motion failed due to lack of a second.

Councilman Barry made a motion to approve Ordinance No. 1511 at 1st reading to include the changes listed in the memo prepared by Michael Leslie, with the exception of leaving line item 39-499-835 at \$14,000. Councilwoman Cox seconded the motion. Upon a call for the vote, the motion failed 2-4 with Councilman Barry and Councilwoman Cox voting for; and Mayor Snyder, Councilman Gerbig, Councilwoman Toll, and Councilman Carpenter voting against.

Councilman Carpenter made a motion to approve Ordinance No. 1511 at 1st reading as presented (including all the changes as outlined in Mike Leslie's memo). Councilwoman Toll seconded the motion. Upon a call for the vote, the motion passed 4-2 with Mayor Snyder, Councilman Gerbig, Councilwoman Toll and Councilman Carpenter voting for; and Councilman Barry and Councilwoman Cox voting against.

11. Resolution No. 1511, a Resolution Authorizing and Directing the City Clerk to Participate with the Election Department of the El Paso County Clerk and Recorder in the November 1, 2011 Coordinated Election

Upon a motion by Councilwoman Cox and a second by Councilman Carpenter, Resolution No. 1511 was unanimously approved as presented. Motion carried 6-0.

12. Election of Mayor Pro Tem

Councilwoman Cox resigned her position as Mayor Pro Tem effective August 2, 2011 explaining that she accepted the position as City Council liaison to the Colorado Springs City Council. She stated that she will continue to serve as a Manitou Springs Councilwoman for the balance of her term but will remove herself from any regional matters or matters pertaining to Colorado Springs. She will also recuse herself from any issues that come before Manitou Springs that pertain to the City of Colorado Springs and Colorado Springs Utilities.

Mayor Snyder nominated Matt Carpenter to serve as Mayor Pro Tem. There were no other nominations.

Upon a motion by Mayor Snyder and a second by Councilwoman Toll, Councilman Carpenter was appointed as the new Mayor Pro Tem. Motion carried unanimously 6-0.

I. MAYOR'S REPORT

None

J. RECEIVE OR ACT ON COUNCIL CORRESPONDENCE

None

K. CITY COUNCIL LIAISON REPORTS

Councilman Gerbig reported on a visit to our city and library by a group of children from Korea.

Councilwoman Toll reported that the city finance department has posted an RFP for a new finance software program.

L. PLANNING DIRECTOR'S REPORT

None

M. FINANCE DIRECTOR'S REPORT

Mike Leslie said the city has applied for, and received, an extension on our financial audit.

N. CITY ADMINISTRATOR'S REPORT

Jack Benson suggested to City Council that it would be more advantageous for Department Head monthly reports to be due at the second Council meeting each month instead of the first. It was the consensus of City Council to place department head reports on the second City Council meeting agenda only from now on.

O. FUTURE AGENDAS

- August 9, 2011 – Work Session
- August 16, 2011 – Regular Meeting
- September 6, 2011 – Regular Meeting
- September 13, 2011 – Work Session
- September 20, 2011 – Regular Meeting

ADJOURNMENT

With no further business to conduct, Mayor Snyder concluded the Regular Meeting at 11:08 p.m.

MAYOR AND CITY COUNCIL

CITY CLERK

Minutes Prepared by: Donna Kast, City Clerk