

A Regular Meeting of the Manitou Springs City Council was held in the City Council Chambers, 606 Manitou Avenue, Manitou Springs, Colorado, on August 16, 2011. Mayor Pro Tem Carpenter called the meeting to order at 7:02 pm.

COUNCILMEMBERS PRESENT FOR ROLL CALL:

Mayor Pro Tem Matt Carpenter
Councilwoman Aimee Cox
Councilman Ed Klingman
Councilman Rick Barry
Councilman Michael Gerbig, Jr.
Councilwoman Coreen Toll

COUNCILMEMBERS NOT PRESENT FOR ROLL CALL:

Mayor Marc A. Snyder

STAFF PRESENT:

City Administrator Jack Benson
City Attorney Jeff Parker
Planning Director Dan Folke
Public Services Director Bruno Pothier
Pool Director Roy Chaney
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 Mayor Snyder who was excused.

D. APPROVAL OF AGENDA

Mayor Pro Tem Carpenter requested the addition of an Item F.3 to approve a request from Colorado Springs Down Syndrome to hang a banner on August 22-29, 2011.

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

E. PUBLIC COMMENT ON NON-AGENDA ITEMS

Scott Harvey, a member of the Climate Action Committee, announced the formation of a new program designed to further the cause of lowering the carbon footprint. He expressed his desire for the City of Manitou Springs to participate in the program and the City Council directed him to meet with City Administrator Jack Benson to provide additional information.

Randy Hodges, a Manitou Springs resident, publicly announced his intention to run for a City Council At-Large Seat in November.

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 August 2, 2011 Regular City Council Meeting Minutes
3. Approve Request to Hang a Banner for the Buddy Walk, August 22-29, 2011 – Colorado Springs Down Syndrome (Larry Mitchell), Applicant

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

G. EXECUTIVE SESSION

1. **An Executive Session Pursuant to Chapter 5, Council Procedures, Section 5.1(c) of the Manitou Springs City Charter to Hold a Conference With the City Attorney To Receive Legal Advice on Pending Litigation or Imminent Court Action. The Following Additional Details are Provided for Informational Purposes: To Discuss Matters Related to Liability Claims.**

Upon a motion by Councilwoman Cox and a second by Councilman Barry, the City Council went into executive session at 7:12 pm.

Upon a motion by Councilman Gerbig and a second by Councilwoman Cox, the City Council moved out of executive session and reconvened in regular session at 7:40 pm.

H. NEW BUSINESS

1. **Council Bill No. 3111, Ordinance No. 1611, an Ordinance Repealing and Reenacting Chapter 15.04 of the Manitou Springs Municipal Code to Adopt by Reference the 2011 Edition of the Pikes Peak Regional Building Code – 1st reading**

Several members of the Pikes Peak Regional Building Department were in attendance.

Todd Welch, a member of the Regional Building Council, recommended adopting the 2011 Edition of the Building Code, explaining that it will help us to maintain a positive CRS insurance rating.

Bob Crawford provided a summary overview of the changes between the existing Building Code and the 2011 Edition.

Roger Level provided additional specifics regarding the Building Code, specifically noting changes to the Energy Code and the Residential Code.

Upon a motion by Councilwoman Cox and a second by Councilman Klingman, Ordinance No. 1611 was unanimously approved at 1st reading as presented. Motion carried 6-0.

2. **Resolution No. 1611, a Resolution Removing Restrictions on the Use of Water**

Upon a motion by Councilwoman Cox and a second by Councilman Barry, Resolution No. 1611 was unanimously approved as presented. Motion carried 6-0.

3. **Update on the Swimming Pool Business Plan**

A presentation and discussion of the proposed Manitou Springs pool expansion ensued, including a discussion on whether or not there is a conflict of interest by the City's Aquatics Director due to his involvement in other business ventures.

Mayor Pro Tem Carpenter called for a break at 9:03 pm. The meeting resumed at 9:08 pm.

I. HEARINGS

1. AP 1101 – Appeal of HPC Decision to Approve MCAC 1108 for the Construction of a New Single-Family Home at 5 Keithley Place, Douglass Edmondson on behalf of Nancy Galles, Bruce and Linda Blauvelt, Ed and Jan Koback, and Betty Armstrong, Appellant

Douglass Edmondson of 7 Keithley Place, an appellant, presented the reasons for appeal. He stated that stucco is not included in the historic guidelines as an option. In addition, the roofing material and color is inconsistent with the other roofs in the area. He explained that he and his neighbors are objecting partly on the grounds that allowing these things might set new precedents. He asked for an appeal of the MCAC approval and a remanding of the request back to the Historic Preservation Commission (HPC).

Nancy Galles, a property owner in the Keithly Log Cabin District and an appellant, said the HPC didn't listen to the objections of the neighbors when making their decision. She said the new building is not going to match the rest of the neighborhood.

Betty Armstrong, who lives close to 5 Keithly Place and is an appellant, said that allowing this MCAC will establish an "anything goes" precedent.

Linda Blauvelt, a resident at 19 Keithley Place said she concurred with everything said by her neighbors. She said she had to spend a lot of money to conform to the guidelines when she moved into the District and others should have to conform as well. The HPC did not follow the spirit of the Log Cabin District when making their decision.

Jan Koback, a resident of 3 Keithley Place, said she had been required to conform to the guidelines at great cost and new owners should have to conform as well. She explained that the blue roof and contemporary design of the proposed cabin bothers both her and her husband.

Jay and Elaine Pretzer, MCAC applicants, said they have tried to accommodate their future neighbors by complying with many of their requests. They also noted several reasons they believe that MCAC approval by the HPC was based upon historic guidelines. They asked the City Council to deny the appeal based upon the finding that historic guidelines are being followed.

Following public comment, Dan Folke clarified that MCAC approval was granted with the condition that the Pretzers replace all stucco except for a minimal amount to cover the expose foundation.

Councilman Klingman made a motion to uphold and HPC decision and deny the appeal on the basis that the HPC followed historic guidelines, and directed the city attorney to draft a written order for City Council approval at the next meeting. Councilman Barry seconded the motion.

Councilwoman Toll said she will be voting against the motion because it is setting a precedent to allow roofing material that is inconsistent with what is already in the neighborhood.

Upon a call for the vote, the motion passed 5-1 with Mayor Pro Tem Carpenter, Councilwoman Cox, Councilman Klingman, Councilman Barry and Councilman Gerbig voting for; and Councilwoman Toll voting against.

2. Ordinance No. 1411, an Ordinance Repealing and Re-enacting Chapter 13.28 of the Manitou Springs Municipal Code Regarding Water Usage for Irrigation and Other Purposes – 2nd reading

Jack Benson informed the City Council that there were some minor revisions that he desired to include at 2nd reading in Section 13.28.040(A). He recommended removing all references to the words "either two hour period, not both" from paragraphs 1 and 2 of the section. Following the revisions, those paragraphs would read as follows:

1. Landscaping over 8000 Square Feet - for watering areas of lawn or garden, or lawn and garden, comprising more than eight thousand square feet, so that all zones of such areas may receive water, and only during periods of Level One, Two or Three water use restrictions. If a permit for such use is granted, it shall allow only two hours of additional watering on the days for which watering is permitted for the property. The permitted hours shall be either five (5) a.m. to eight (8) a.m. or seven (7) p.m. to ten (10) p.m. To maximize irrigation efficiency, area watering shall be limited to 20 minutes per zone or location.

2. Public School Athletic Fields and Public Parks - for daily watering of public school athletic fields and public parks requiring more water due to heavy use, and only during periods of Level One, Two or Three water use restrictions. If a permit for such use is granted, daily watering must occur no more than four hours per day. During a period of Level Four water use restriction, public school athletic fields and public parks may be watered only as frequently as all other properties. The permitted hours shall be either five (5) a.m. to eight (8) a.m. or seven (7) p.m. to ten (10) p.m. To maximize irrigation efficiency, area watering shall be limited to 20 minutes per zone or location.

Upon a motion by Councilwoman Cox and a second by Councilwoman Toll, Ordinance No. 1411 was unanimously approved at 2nd reading as amended. Motion passed unanimously 6-0.

3. Ordinance No. 1511, an Ordinance to Amend Funds for FY2011 and to Re-appropriate Fund 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 – 2nd reading

Upon a motion by Councilman Klingman and a second by Councilwoman Toll, Ordinance No. 1511 was unanimously approved at 2nd reading as presented. Motion carried 6-0.

J. MAYOR'S REPORT

None

K. RECEIVE OR ACT ON COUNCIL CORRESPONDENCE

None

L. CITY COUNCIL LIAISON REPORTS

Councilman Gerbig reported that the Library board of Trustees will be meeting with the Friends of the Library to discuss joining the Pikes Peak Library District.

Councilwoman Toll reported that the Parking Authority Board is creating a special event management plan and District 14 is creating a Sustainability master plan.

Councilman Carpenter informed everyone that the Manitou Springs police department stopped a potential robbery outside the 7-Eleven.

M. PLANNING DIRECTOR'S REPORT

None

N. FINANCE DIRECTOR'S REPORT

None

O. CITY ADMINISTRATOR'S REPORT

None

P. FUTURE AGENDAS

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

ADJOURNMENT

With no further business to conduct, Mayor Pro Tem Carpenter concluded the Regular Meeting at 10:43 p.m.

MAYOR AND CITY COUNCIL

CITY CLERK

Minutes Prepared by: Donna Kast, City Clerk