

A Regular Meeting of the Manitou Springs City Council was held in the City Council Chambers, 606 Manitou Avenue, Manitou Springs, Colorado, on December 20, 2011. Mayor Snyder called the meeting to order at 7:04 pm.

COUNCILMEMBERS PRESENT FOR ROLL CALL:

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

COUNCILMEMBERS NOT PRESENT FOR ROLL CALL:

Councilman Rick Barry

STAFF PRESENT:

City Attorney Jeff Parker
Planning Director Dan Folke
Interim Finance Director Rebecca Davis
City Clerk Donna Kast

A. CALL TO ORDER

The meeting was called to order at 7:04 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 who was excused.

D. APPROVAL OF AGENDA

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

E. PUBLIC COMMENT ON NON-AGENDA ITEMS

None

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 December 6, 2011 Regular City Council Meeting Minutes
3. Request Approval of a Special Event on Saturday, February 18, 2012 from 12:45 pm – 3:00 pm for the Carnivale Parade – Manitou Carnivale (Jack Elder), Applicant
4. Request Approval to Hang a Banner over CDOT Right-of-Way for Carnivale Parade subject to payment of the \$200 fee or approval of City sponsorship from Saturday, February 4, 2012 – Saturday, February 18, 2012 – Manitou Carnivale (Jack Elder), Applicant

Upon a motion by Mayor Pro Tem Carpenter and a second by Councilman Gerbig, all items were passed, adopted and approved. Motion carried unanimously, 6-0.

G. NEW BUSINESS

1. **Approve Re-appointment of Marcy Morrison as an At-Large Member of the iManitou Board of Directors**

Upon a motion by Mayor Pro Tem Carpenter and a second by Councilwoman Cox, Marcy Morrison was unanimously re-appointed as an At-large Member of the iManitou Board of Directors. Motion carried 6-0.

2. **Approve Re-appointment of Curt Heimsoth as a Business Member of the Manitou Springs Parking Authority Board**

Upon a motion by Councilwoman Toll and a second by Councilman Gerbig, Curt Heimsoth was unanimously re-appointed as a Business Member of the Manitou Springs Parking Authority Board. Motion carried 6-0.

3. **Approve Re-appointment of Spencer Wren as a Business Member of the Manitou Springs Parking Authority Board**

Upon a motion by Councilwoman Toll and a second by Councilman Klingman, Spencer Wren was unanimously re-appointed as a Business Member of the Manitou Springs Parking Authority Board. Motion carried 6-0.

4. **Approve Re-appointment of Gil Price as a Regular Member of the Manitou Springs Planning Commission**

Upon a motion by Councilman Gerbig and a second by Councilwoman Cox, Gil Price was unanimously re-appointed as a Regular Member of the Manitou Springs Planning Commission. Motion carried 6-0.

5. **Request Approval of a Fee Reduction or Full City Sponsorship for the Carnivale Parade on Saturday, February 18, 2012 – Manitou Carnivale (Jack Elder), Applicant**

Upon a motion by Mayor Pro Tem Carpenter and a second by Councilman Gerbig, a 50% fee reduction up to \$1,500 for the Carnivale Parade was unanimously approved. Motion carried 6-0.

6. **Resolution No. 1811, a Resolution Appointing the Mayor and City Administrator as Authorized Signatories for ARRA Loan Agreements with the Colorado Water Resources and Power Development Authority**

Upon a motion by Councilwoman Toll and a second by Councilman Klingman, Resolution No. 1811 was unanimously approved as presented. Motion carried 6-0.

H. HEARINGS

1. **CU 1111 – Conditional Use Permit (Outdoor Chainsaw Carving with request to revise conditions) – 347 Manitou Avenue - Bill Fee, Applicant**

Dan Folke asked the City Council if they had any *ex parte* contacts or conflicts of interest to declare for the hearing that was about to be held. Mayor Pro Tem Carpenter, Councilwoman Toll and Mayor Snyder all disclosed that they have visited the site in the past but all three believed this not to be a conflict of interest.

Dan Folke opened the hearing by stating that the applicant requested the Conditional Use to be approved with several revisions to the current conditions. The first is to change the condition which limits carving days and hours to allow carving 7 days a week, not to exceed 55 decibels 7:00 am to 7:00 pm and 50 decibels 7:00 pm to 7:00 am. The second change is to remove condition #10 which requires an annual review of the Conditional Use.

Mr. Folke informed the City Council that the Planning Commission recommended approval of the Conditional Use with no changes to the existing conditions.

Applicant Bill Fee clarified his request stating that he would be happy to receive approval to carve Monday-Friday between the hours of 9:00 am – 5:00 pm and Saturday and Sunday between the hours of 10:00 am - 4:00 pm, with the understanding that on rare occasions he would be allowed to carve outside those hours for quick repairs and customizations. He explained that the reduced carving hours required by the existing Conditional Use has created a hardship as he has lost business as a result.

Mayor Snyder opened the hearing for public comment and the following individuals spoke in support of revisions to the Conditional Use:

- Dave Symonds, owner of the Craftwood Inn located at 404 El Paso Blvd
- Roger Miller, iManitou COO whose office is located at 354 Manitou Avenue

The following individuals spoke against making revisions to the Conditional Use:

- Tom Lundgren, resident at 415 El Paso Blvd
- Sally Thurston, owner and resident of Blue Skies Inn
- Debra Fortenberry, attorney representing Tom Lundgren

Mayor Pro Tem Carpenter moved to recommend approval of CU 1111 to allow Outdoor Wood Carving within the Commercial Zoning district with 10 conditions and 3 findings. Councilman Klingman seconded the motion. Upon a call for the vote, the motion passed 5-1 with Mayor Snyder, Mayor Pro Tem Carpenter, Councilman Klingman, Councilwoman Toll, and Councilman Gerbig voting for; and Councilwoman Cox voting against. The conditions and findings were as follows:

Conditions

- 1) Gas powered chainsaws may operate within the 10' x 20' work area identified on the site plan, Monday through Friday between the hours of 10 am and 6 pm and on Saturday between the hours of 12 noon and 5 pm. No operation of gas powered chainsaws is permitted on New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving Day and Christmas Day. Outdoor operation of all other tools such as but not limited to electric saws, drills, sanders, and similar tools are permitted Monday through Friday between the hours of 10am and 5pm. Operation of hand tools on Saturday and Sunday are limited to non-production repairs, personalization and similar minimal operation between the hours of 11 am and 4 pm.
- 2) The owner shall comply with the 55 decibel level contained in Colorado Revised Statute 25-12-103(1) but the exception granted by C.R.S. 25-12-103(2) shall not apply.
- 3) The owner will maintain permission to park a minimum of 7 vehicles at 341 Manitou Avenue.
- 4) No more than one chainsaw carver may operate at a time.
- 5) Surrounding residential and business owners may contact Mr. Fee in advance of outdoor special events and reasonable efforts will be made not to operate chainsaws during those times.
- 6) Sawdust, wood chips and debris will be cleaned up on a regular basis and properly disposed.
- 7) All parking areas will be kept free of debris.

- 8) Fire extinguishers and other safety measures will be provided as required by the Manitou Springs Fire Department.
- 9) Operator will comply with OSHA and City regulations for discarding flammable and toxic materials.
- 10) The Conditional Use is specific to the applicant and non-transferable to another business owner without approval of a new Conditional Use. The Conditional Use approval is valid until December 31, 2012.

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, 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.

Mayor Snyder called for a break at 9:01 pm. The meeting resumed at 9:06 pm.

D. MAYOR'S REPORT

None

E. RECEIVE OR ACT ON COUNCIL CORRESPONDENCE

Mayor Pro Tem Carpenter expressed appreciation for the department head reports included in the council meeting packet, noting that they were very informative.

F. CITY COUNCIL LIAISON REPORTS

Councilman Gerbig informed the City Council that the task force formed by the Library Board of Trustees for the purpose of exploring the possibility of joining the Pikes Peak Library District will be meeting with the PPLD after the first of the year.

Councilwoman Toll informed the City Council that the Parking Authority Board received four proposals for Parking Management Consultant and negotiations with the top candidate will soon begin. She also stated that the Parking Authority Board is developing a phased parking plan but concerns have arisen over whether City Council will support the plan. Therefore, the plan will be brought before the City Council once the new Council Members are seated.

Mayor Pro Tem Carpenter announced that the City received a \$397,500 GOCO grant to be used toward the purchase of Iron Mountain Open Space. He said that the Open Space Advisory Committee was pleased to learn about the grant as there will now be money available for other purchases.

Councilwoman Cox spoke about the proposed amendment to the Colorado Constitution that would change the primary recipients of lottery proceeds to veterans. She explained that if passed, there will be a reduction in the money that currently goes into the Conservation Trust Fund. A group called "Friends of the Outdoors" is being created to investigate the impact this reduction would have on local communities with the intention of bringing their findings to local City Councils.

G. PLANNING DIRECTOR’S REPORT

Dan Folke informed the City Council that the City is currently advertising a Request for Proposals for Professional Engineering Services for the El Paso Student Connector project. He also updated the City Council on the design of the bridge project, noting that once final plans are received, the City will advertise for construction bids.

H. FINANCE DIRECTOR’S REPORT

Rebecca Davis reported that the auditors have finished their preliminary testing and will return in May to begin the audit. She also informed the City Council that she has been working on a Fishing is Fun reimbursement request.

Mayor Snyder commended Ms. Davis for the fabulous job she’s been doing as the City’s Interim Finance Director.

I. CITY ADMINISTRATOR’S REPORT

None

J. FUTURE AGENDAS

- January 3, 2012 – Regular Meeting
- January 10, 2012 – Worksession
- January 17, 2012 – Regular Meeting
- February 7, 2012 – Regular Meeting
- February 14, 2012 – Worksession
- February 21, 2012 – Regular Meeting

ADJOURNMENT

With no further business to conduct, Mayor Snyder concluded the Regular Meeting at 9:31 pm.

MAYOR AND CITY COUNCIL

CITY CLERK