

Council gets tough with Shady Dell owners

Story and photo by Jeanne Davant

A fed-up Manitou Springs City Council on Tuesday denied a request from the owners of the Shady Dell Motel property to spare two buildings on the property from demolition.

Under an order approved earlier this year, all five buildings on the property at 1202 Manitou Avenue were to be removed by the owner, Tenzing LLC. The ramshackle buildings had become a haven for squatters, and the property was littered with trash and human waste. Fearful neighbors have been complaining about the situation for months.

Planning Director Dan Folke has been working with the company's attorney, Michael Pixley, who hired a security guard to help alleviate the transient problem. But neighbors said problems such as a broken, unsafe sidewalk are still worrisome.

Folke told Council on Tuesday night that the owners have made progress, and have removed the three original motel buildings. Now, Folke said, the owners want to fix up and rent the single-family home and storage shed that remain.

"Their intent is to clean, repair and rehabilitate the house and shed and lease to a full-time tenant," Folke said. However, he said, "the home is in worse repair now because they stripped out the appliances." The Historic Preservation Commission originally approved a demolition request from the owner that would have allowed the house to remain as long as it was repaired to a habitable condition.

The commission specified that if the improvements to the house and shed were not completed within 30 days of the revised order, the structures would have to be removed within 60 days.

The owners later obtained a modified order for demolition of all the buildings but changed their minds again when they learned the cost would exceed \$100,000.

Folke said he thought it would be beneficial to have someone living on the property, but "I go back and forth on this. My fear is that I'll be back here in 30 days and they won't have fixed it up."

He said in recent correspondence with Pixley, the owners agreed to the HPC conditions and said they had a tenant lined up, but also asked for 45 days to complete the renovations.

"The house is in the flood plain," observed Councilwoman Aimee Cox. "If the remodel costs more than 50 percent of its assessed value, they would have to bring it up to full code," which would entail raising the building some 6 feet.

Folke said he was skeptical all the necessary work could be accomplished in 30 days.

That would leave Council with the alternative of getting a court order, getting the demolition done and billing the owners and/or placing a lien on the property.

Councilwoman Donna Ford said the shed was the source of most of the squatter problems.

"I think it should come down," she said.

Mayor Eric Drummond said he recommended giving Pixley 30 or 45 days to get the work done and proceeding with a court order for demolition if it doesn't happen.

Other Council members wanted to take swifter action.

"I vote to demolish it," Councilman Ed Klingman said. "I'm not swayed by his argument. This is a property that's been abandoned and become a nuisance and detriment to the community."

Cox said she agreed.

"I'm not convinced you could actually remodel the building within the constraints of Regional Building. There are zoning and nuisance issues, too," she said.

Council voted unanimously for Klingman's motion to deny Tenzing's request to let the house and shed remain and upheld the order to demolish them.

Barr Trail lot plan discussed

Also Tuesday, Council reviewed a proposed license agreement between Manitou and Colorado Springs Utilities for the Barr Trail parking lot.

The agreement is the result of months of negotiations between the two parties since Manitou found that the utility company was the owner of the parking lot. Manitou does own the restrooms near the trailhead.

A renewable lease agreement between the two parties expired in 2001 and never was renewed, a fact that apparently escaped everyone's notice until the utility pointed it out earlier this year.

Under the agreement, Manitou will be allowed to collect fees for parking, previously set at \$5 per vehicle, and may use them to continue maintenance and operation of the lots under an approved list of uses. Those uses include addressing parking and congestion issues, rehabilitation and maintenance of the trail.

The agreement would remain in place until a comprehensive management plan is finalized that will address the larger issue of legalizing use of the Manitou Incline trail. The cities are seeking a grant from Great Outdoors Colorado to develop the management plan.

City Planner Michelle Anthony said the Parking Authority hopes to realize funding next year to purchase a kiosk that would enable more flexible fees. For example, users who just want to hike the trail for an hour might be able to park for a lesser amount.

"People are assuming (the fees will raise) a gigantic amount of money," Anthony said. "I don't think that's the case. We need to get some experience and see what revenues will be before determining how they will be spent."

Council would have the final say on how any revenues would be expended. The agreement makes clear, however, that one of CSU's primary goals is to protect its facilities, including the underground water transmission lines that flow water to the hydro plant.

Council members were not entirely satisfied with the document.

Drummond questioned some provisions he thought needed revision.

"It's important to make sure what CSU's needs are as a party and capture that in this document, and also to protect ourselves," Drummond said. "Some of the grammatical issues put requirements on us that aren't clear."

City Attorney Jeff Parker said he had some concerns about insurance and indemnification clauses in the agreement that might obligate the city to perform an expensive environmental hazards study.

Council voted to postpone final action on the agreement until Parker has fully reviewed the issues and will take it up again at its Dec. 1 meeting. The Colorado Springs City Council is scheduled to vote on the agreement Dec. 8.

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