

Council approves first medical pot center

By Jeanne Davant

The first medical marijuana dispensary in Manitou Springs could open in about two weeks. City Council on Tuesday night approved the application of Physician Preferred Products to open a medical marijuana center at 1118 Manitou Ave.

Council denied a second application for a center at 30 Manitou Ave. on grounds that it did not fit the character of the neighborhood.

Physician Preferred Products will not be "a pot shop on Dispensary Avenue," said Joseph Ramos, attorney for owner Marcos Ronquillo of Thornton. "It's actually a business. Medical marijuana is a medicine."

Ronquillo also owns a medical marijuana dispensary in Northglenn and a grow facility in Denver, Ramos said. He added that Ronquillo plans to improve the front of the building and will deliver the product to the shop discreetly.

Ronquillo's application was approved by the Manitou Springs Planning Commission Aug. 25. Council agreed with the commissioners that the proposed center met the requirements for conditional use, including that the neighborhood would not be adversely affected by the business.

All applicants for medical marijuana centers must obtain conditional use approval. They must also comply with a list of rules Council approved in June, including a provision that a center cannot be within 500 feet of a school. Applicants also must get a Manitou Springs business license and a state medical marijuana license.

Ronquillo provided a detailed security and lighting plan and a business plan, which council found to be in order.

Several citizens spoke against the application Tuesday night.

"I want you to think about whether this improves the image of Manitou," Jay Pretzer said, adding that he was concerned about how the product would be delivered. "You are now asking these tourists to go by this shop."

Resident Judy Lancaster said she thought "there will be a negative fiscal impact on the Police Department and businesses ... Wisdom begs us to consider whether all things lawful promote the interest of our town."

Motel owner George James said he was concerned about "how it's going to affect the tourism business. I think it's going to have a serious impact on our tourism industry," adding that other motel owners shared his concern.

In approving Ronquillo's application, Council adopted four conditions specified by the Planning Commission. Ronquillo, who said he will commute to Manitou from his home and will employ one person, must buy parking permits for himself and his employee in the Smischny Parking Lot. He also must provide the name of his employee to the city for a background check; install a locked gate to block public access at the back of the property; provide a copy of his state license within five days of obtaining it; and schedule a walkthrough by the Planning Department to confirm he has met all of the requirements.

Ronquillo said he plans to accomplish all of the requirements within a few weeks.

Council denied the application of Nancy and Gerald Garrigan to open Manitou Alternative Center LLC at 30 Manitou Ave.

This location was different, council members said, because it is close to the playing fields used by District 14 schools. Council members also had concerns about access to the business and impact on the character of the neighborhood.

Nancy Garrigan said the couple had decided to go into the dispensary business after a doctor prescribed marijuana for a family member who has a seizure disorder.

"We hope this will be a plus for the city," she said.

Bob Martin, who lives next door to the proposed center, said he was opposed to the application. He said he had lived there for more than 50 years.

"To have this come right in and set on me, I'm floored," Martin said.

James said this facility would be in the middle of "Motel Row," where there are a number of tourist facilities.

Motel owner Margie Klimzak said she was concerned about the impact on her business. She said she has been getting questions from tourists this summer about the proliferation of medical marijuana shops on Colorado Avenue.

High school student Dorothy Klimzak said a pot shop so close to the District 14 activities field "is not in my best interest. You could easily go over the creek and the fences."

Councilman Rick Barry noted that the proposed center would be within 500 feet of the athletic fields and said the application should be denied because the fields "are part and parcel of the school. It does not meet the requirements."

City Attorney Jeff Parker said that the wording of the requirement also could be interpreted as applying to a school building and suggested Council could deny the application on the basis of conditional use criteria.

Councilwoman Aimee Cox noted that the opponents "live in proximity to this location. If they say it's not compatible, we need to listen to them."

Council voted 6-1 to deny the Garrigans' application. Mayor Marc Snyder voted against the denial.

"While I'm sensitive to where Mr. Martin lives, it is a commercial zone," Snyder said. He said a lot of the negativity about pot shops "comes from bias. Lacking any empirical evidence (of potential harm), I don't think we can deny the application on that basis. I don't think a lot of negative things are going to happen."

Council will review two more medical marijuana center applications at its Sept. 21 meeting.

Divided Council OKs energy contract

Also Tuesday night, Council approved by a 5-2 vote a contract with Ennovate Corp. of Aurora for nearly \$390,000 worth of energy-saving upgrades and retrofits to city facilities. The work would be financed through lease-purchase agreements.

Ennovate guarantees that the work would save more than \$33,000 in direct energy costs the first year, as well as savings of almost \$11,000 resulting from equipment replacement that the city would have had to pay for anyway with its own capital funds. Savings would grow over the years.

The guarantee means that if the specified energy cost savings are not realized, Ennovate will make up the difference. The company also estimates that the projects will begin to pay for themselves after eight years.

The Aquatics Center would receive the lion's share of upgrades, since it is the biggest consumer of energy in the city. Improvements would include lighting retrofits, a new high-efficiency furnace, a pool cover, boiler, supply and exhaust fans to improve air flow, and push-button shower valves with automatic shut-off.

City Hall and the Police Station would get a lighting retrofit with sensors that turn off lights when no one is present, an exhaust system in the evidence room. The Fire Station, library, Public Works Facility and Water Filtration Plant would also receive lighting upgrades and ventilation improvements.

Ennovate would act as a general contractor, said Coreen Toll, a member of the citizens' Green Team that has been working on the energy-saving project for several years. The company also would find the best financing terms for the city. The energy-saving program is sponsored by the Governor's Energy Office.

Toll said the projects also would reduce carbon emissions by some 200 tons a year.

The Green Team chose Ennovate to perform an energy audit of all city buildings. After the audit, Ennovate recommended almost \$500,000 worth of work. Council asked that the proposed projects be scaled down. The resulting contract focused on the projects that would provide the biggest energy savings.

Barry said he was concerned that the proposed improvements do not address all of the needs of City Hall but focuses on the pool. Heating improvements were among the proposed projects that were cut because of a lengthy payback period.

"We have to look at the broader picture," Barry said.

Toll said Ennovate had prepared a change order, not included in the contract, that would add some of those projects.

"We have to look at projects which we think of as higher priority projects, not just energy-saving projects," Cox said. She said previous discussions were "that we were very concerned about City Hall and there were concerns about the amount of money we've spent on the pool."

"I don't think this Council has come up with a decision on where we're going (with capital expenditures) in the next couple of years," Councilman Michael Gerbig said. "I want to know our priorities before we start writing checks." He noted that city departments have requested improvements such as new vehicles, radios and equipment for the fire department and that \$100,000 has already been spent on improvements to the pool.

Gerbig suggested that some of the projects could be done by the city itself on a project-by-project basis.

But Green Team member Jerry Unruh said the proposed energy savings would not result if the work were done piecemeal.

Snyder said he thought it was unlikely that most of the work would get done if the city attempted to do it.

"The attractiveness of this project is financing that allows us to do the work now and pay for it over time," Snyder said. "This is the only way I know of to pay for it."

Councilwoman Ingrid Richter said she wants Council to look at the city's existing long-term obligations in a work session, along with the details of the costs and fees proposed in the contract.

Snyder said he would vote to approve the contract.

"I'm committed to getting this city's finances in order," Snyder said. "There are only two ways to do that: increase revenues and decrease costs. This decreases costs."

Councilman Matt Carpenter said he was comfortable relying on the expertise of Ennovate, which is an energy service specialist that has experience in energy performance and contracting.

Council voted 5-2 to approve the contract, with the contingency of having a work session on the city's long-term obligations before final approval of lease-purchase financing. Barry and Gerbig voted against approval.

In other business, Council...

- Passed on first reading an ordinance changing notification requirements for shutting off water and sewer service because of delinquent bills. The ordinance, proposed by Carpenter, extends the period for paying accrued charges from two weeks to three weeks after the month of service. Bills not paid by 5 p.m. on the due date will be considered delinquent. Property owners and/or tenants will be notified by mail that service will be shut off if the bill is not paid. Carpenter said that provision would relieve public works personnel of notification duties.

- Approved a request for proposals for executive search services intended to field candidates for city administrator. Deputy City Administrator Mike Leslie said the proposals would be sent out immediately.

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