

Dry conditions force Council to mandate water restrictions

By Anthony Welch

Mother Nature isn't cooperating, and the City is forced to require residents to follow Level 1 watering restrictions.

City Council unanimously approved a resolution declaring the existence of a water shortage and imposed restrictions at its regular meeting Tuesday night. The City asked residents to voluntarily follow Level 1 restrictions earlier in the month. Now it's required.

The Level 1 restriction means outdoor watering at properties with even-numbered addresses is restricted to Tuesdays, Thursdays and Saturdays and outdoor watering at properties with odd-numbered addresses is restricted to Wednesdays, Fridays and Sundays.

During a Level 1 restriction, outdoor watering is permitted for a maximum of two hours on a day on which watering is permitted, and such watering is permitted only between the hours of 6 a.m. and 8 a.m. or between 6 p.m. and 8 p.m. Unrestricted drip irrigation is permitted at any time.

Current flows in French Creek are not supporting water demands. Manitou's reservoir has experienced a five-inch drop since May 31, according to Public Services Director Bruno Pothier. It's no easy task to replenish the reservoir. Pothier strongly recommended Council impose the watering restrictions.

The City has to work a complicated exchange process which involves taking water from the Pueblo Reservoir via the Fry Ark project and exchanging it for water coming from French Creek. It could take months to make up for the loss of water, Pothier said.

"I think a lot of people in town are really close to this (Level 1)," Mayor Marc Snyder said. "I'm wondering if we should consider going to Level 2, if we're at that point that we really need to manage our water resource conservatively."

Councilwoman Aimee Cox feels Manitou should permanently be on Level 1 restriction. Councilman Matt Carpenter agreed and added that he thinks Council should tweak requirements of the restriction a little. He's concerned with the early morning watering, citing that once the sun comes up, lawns quickly dry up. Late night watering would be better.

"We need to move beyond the rainy day plan hoping it's going to rain," Carpenter said.

Councilman Michael Gerbig wondered if the City could actually enforce the restrictions. Pothier said Manitou Police officers would be made aware of it and would keep an eye out while on patrol. He added that a notice would be put in the Pikes Peak Bulletin, and he was contemplating installing signage at the entrance of town informing residents of the restrictions.

Artists' market and food cart OK'd

Council approved a conditional use permit for Lisa Ruch who plans to have an outdoor artists' market and food cart at the empty lot located at 722 Manitou Ave. next to Black Cat Books.

The permit passed 5-2, with Gerbig and Councilman Rick Barry opposing.

Planning Director Dan Folke advised Council that the planning commission recommended approval. He said reason for the conditional use permit was that City code requires all businesses to conduct business in a building.

The request for five spaces will include four vendors and a food cart. The four vendor spaces will be leased out, and Ruch will hold a single business license and collect sales tax for all

the vendors on the site. Ruch's plans include replacing the existing wooden lattice with a fence, and she would add landscaping to the site as well.

"It's an interesting case. We don't have a lot of vacant lots downtown," Folke said. "The preference would be to have a building on the site, but there are significant challenges with the flood plain. I think this idea of artists market can be a productive in-fill use."

Ruch will have use of the existing canopy on the site and can add two additional 10-foot by 10-foot canopies that shall be in colors to blend with the surroundings as approved by the planning commission. Ruch was also encouraged to provide on-site seating to be consistent with Manitou's streetscape, Folke said.

Gerbig was concerned with just how much seating the planning commission was encouraging at the site. He worried about the site being congested with people.

Folke called his approach similar to that of a public plaza. Vendors could take a break on the benches while their wives browse the art vendors, for example. Tables would not be included and would conflict with health department licensing.

Vendors at the site would not be able to load/unload from the center lane of Manitou Avenue, and would use the Wichita Parking Lot located within walking distance, Folke said.

Ruch's reason for the single business license is her hope to have a number of vendors rotate through the spaces. Rather than have a vendor go through the process of getting licensed and then finding out the market doesn't work for them, she'd rather take on the responsibility herself.

Ruch will be onsite daily as a vendor and site manager. She has signed a lease with the property owners through Oct. 1. If things are going well at that point, she will continue the market periodically until the weather gets too cold.

Councilman Ed Klingman had a concern with food vending. A previous barbecue business located near the lot left a lot of grease stains on the sidewalk. Klingman asked Ruch to ensure the food vendor was careful about that sort of thing.

Gerbig stressed he'd really like to see each vendor have a business license and see seating limited to one or two benches. Gerbig was also curious why this particular business couldn't use the center lane of Manitou Avenue for loading.

Folke said the planning commission didn't feel it was appropriate for the particular request. Council briefly discussed that something needs to be done to enforce what the center lane of Manitou Avenue can and can't be used for. Too many cars are taking up the lane for inappropriate things.

"It's my understanding the center lane could be used for deliveries," Folke said. "It wasn't meant to be used by customers who want to run in and get a cup of coffee."

Toll mentioned the idea of having one business license was efficient, from her own experience of managing vendors at shows. It's an advantage to the City having less bookkeeping to deal with, with one person collecting taxes, she said.

Cox was in favor of the request. She likes the idea of seeing more outdoor vendors in Manitou.

"I love to go places where there's lots of street activity," she said. "I think (the planning commission) has done a really good, job of trying something different in Manitou. I'd love to give this a shot and see how it works."

Barry didn't like the idea of going against City code.

"It's my belief that we have codes for land use and property use that don't give property owners free reign. I strongly believe it's the duty of Council to protect the landowners surrounding the property in question," he said. "We get caught in this decision in what's best for property owners. Property owners can't do whatever they darn well choose. You buy it with the expectation that the code be followed."

Carpenter disagreed saying he believed in property owners' rights.

"I always feel if someone doesn't want something going on in a property, they should buy it," he said.

Toll fills vacant Ward 2 seat

Council unanimously voted to appoint Coreen Toll to the Ward 2 seat, vacated by Ingrid Richter.

Toll and last-minute applicant Gary Smith fielded questions from Council prior to the vote.

"We are very fortunate to have two qualified people stepping up," Snyder said. "Having seen Coreen out here for the last couple of years, really, it's a sure sign of her catching the buzz. She's been one of our most engaged citizens, and I think she really gets it."



Toll is heavily involved with the Manitou Springs Climate Protection Campaign. While her focus has been on environmental issues, Toll said she's been coming to Council meetings and work sessions to be better informed on issues the City is facing.

When asked what she thought were some of the bigger things Manitou was facing, Toll cited parking issues.

"In addition to that, and I think they go hand in hand, the decision Manitou needs to make regarding tourism and residents," she said. "We want our businesses to be successful but at the same time we need to listen to our residents."

Snyder asked how Toll would respond if votes didn't always go her way.

"I believe in consensus. If you don't get your way, at least live with it," Toll said. "I think I'm perfectly capable of being gracious and working with the whole community and working with all of you."

Smith was previously employed by the City and served as public works director and Manitou Springs fire chief. He has 20 years of experience managing the parks department, the water/sewer department and the street department. He's also married to Manitou Police Chief Mary Jo Smith.

"I've seen the way improvements were made downtown. It's attracting tourism and also attracting locals. It's bringing in more of things I like to see," Smith said. "I feel I have a lot to offer. I know the ins and outs of making people happy. I think there's a lot of good the council's doing and I'd really like to be a part of it."

When asked if there would be conflicts with him being married to the police chief, Smith said he and his wife try not to mix business.

"If it were an issue where I feel it couldn't be resolved, I'd probably have to recuse myself," he said.

Cox encouraged Smith to run for an at-large Council seat in November.

"With your history in the community and connection to the community, I think you'd be very good for that," she said.

In other business, Council...

- Approved funding for two benches to be built by Concrete Couch in The Fields Park. Cost for the two benches is \$9,600.

- Approved an ordinance amending the City of Manitou Springs' personnel manual giving the city administrator decision-making authority on the majority of personnel dealing. The old process required the city administrator to make a recommendation to Council and then it would make a decision on employee suspensions or terminations. The amendment allows for a quicker process.

- Approved the second reading for an ordinance amending Title 17, Historic Preservation, of the Municipal Code of the City of Manitou Springs.
- Heard a presentation from El Paso County Health.
- Heard a presentation of the 2010 Manitou Springs Housing Authority Audit Report.
- Recognized former Council-woman Richter and retiring city employee Denny Strackbein.

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