

Residents get feisty over vacant Council seat

By Jeanne Davant

Manitou Springs City Council got an earful Tuesday night about issues ranging from the vacant Council seat to noise at Venue 515.

Former mayor Nancy Hankin was first up.

"I am saddened that (former Councilman) Shannon (Solomon) resigned," Hankin said. "I'm more disturbed that Council did not replace him."

Solomon resigned his Ward 3 Council seat after the July 14 Council meeting. Matt Carpenter, Karen Cullen, Sheryl Cline Matthews and Phillip St. Cloud applied for an interim appointment, but a 3-3 tie vote at the Aug. 4 meeting between Carpenter and Cullen prevented anyone from being selected.

"I want representation," said Hankin, who lives in the ward. "I request that Council fill the seat immediately."

Hankin said the vacancy makes more split votes likely at a time when Council will be tackling crucial items like the 2010 budget.

I don't like going through the budget process with a six-member Council," she said. She added that when she was on Council, "we voted until we got the job done."

"I too was a little upset with the appointment process," Carpenter said. "It's not about winning or losing, it's not about egos or betrayals. I do feel it's about fairness and how the decision was made."

Carpenter said the city's notice soliciting applicants for the seat specified a deadline of July 31 to submit resumes and supporting documents. Cullen's packet contained five letters of support dated Aug. 1, 3 and 4.

"To me, that is not right," he said.

Carpenter placed the blame squarely on Mayor Eric Drummond.

"I was told you helped facilitate that," he said. "I strongly feel, sir, that that is not putting everyone on the same playing field. The public should not have been able to see those. I feel strongly that a very bad decision was made on that part."

"I strongly feel just the opposite," Drummond responded. "People had to get their request in by the deadline, but people who wanted us to look at information, if more came in for you or any of the candidates, that is the way we operated.... I don't think I did anything wrong. I don't think I was prejudicing the process."

Drummond said all he did was to forward the letters to the other Council members.

"Any one of the other three, if you had sent something to me and said 'Would you forward this to the Council,' I would have sent it on.... I didn't think it was fair to have something sent to me and not forward it on."

City Attorney Jeff Parker said there was no legal violation.

"My interpretation was that the deadline was for the candidates, not for the public," Parker said.

Councilman Marc Snyder said he was "fairly well persuaded by Mr. Carpenter's argument.... That deadline should be the deadline, and we should not be allowing documents to be submitted after the deadline."

Councilwoman Aimee Cox said she thought, in the absence of a Council policy, that Drummond had done "the thing you thought most equitable. But I do think there are a lot of problems with our process. We're all fairly new at this. I think we need a set of guidelines on how we will handle appointments... so there is no confusion."

Carpenter also chastised Council for not asking questions of any candidate during the Aug 4 meeting.

"I apologize in retrospect," Cox said. "I had a list of questions, but at some point I thought, I don't know what to say anymore."

Jonathan Veteto, who lives near the site of a proposed second water storage tank, broadened the criticism.

"I have been coming to Council meetings for many years," Veteto said. "Recently, in my personal opinion, it seems like a preponderance of times when citizens come to you with concerns, they are met with flowery talk and a lot of hand-wringing. I find it absurd that the Mayor, an attorney, was confused by a legal notice. It seems like the same thing with the water tower project. It seems like a lot of excuses, a lot of talk, and the concerns of citizens are not being addressed. I don't think anyone else was confused by the deadline."

Parker said Council could still make an appointment to fill the Ward 3 seat.

"We might want to discuss this at a future meeting," Cox said.

Numbers and noise

The city got a "clean" opinion from its auditor, Swanhorst & Co., for 2008, but Audit Director Kyle Logan said there are areas where improvement is needed.

"The General Fund balance is low for a city your size," Logan said. The city ended 2008 with a fund balance of \$268,000, which represents about 6 percent of revenues.

"A lot of times Councils will shoot for 18 to 25 percent."

Manitou's General Fund balance has decreased every year the firm has been doing the audit, he said.

"If the trend continues, it could be detrimental to the General Fund (and) may put you in a deficit situation."

The city is required by law to balance the budget. For the year to date, Leslie has projected a General Fund deficit of more than \$14,000.

Logan noted that two other funds had deficits, which were covered by the Water Fund.

The city reported numerous transfers of money between funds, which "reduce the integrity of these funds," according to Swanhorst's report.

Logan said his firm had to make "significant audit adjustments" to the city's financial statements related to grant money, revenues and expenditures.

Grants often are paid on a reimbursement basis after the money has been spent. Tracking grant transactions and a lack of accounting records for the Manitou Springs Urban Renewal Authority delayed the audit, he said.

He recommended that the city establish written accounting policies and procedures to gain better control over its financial procedures.

Noise at the Business of Art Center's Venue 515 was the subject of a complaint by neighboring resident Donald Weeks.

Weeks said he has been repeatedly disturbed by live band music and "patrons shouting and screaming while under the influence of alcohol."

Weeks said noise from Venue 515 has continued until after midnight on several occasions, despite his calls to the police.

The city's noise ordinance prohibits loud noise after 10 p.m. and limits variances to three per week and six per month.

Interim Executive Director Linda Boedecker said the BAC has taken steps to mitigate noise after hours, including closing off the back patio, installing sound board over the back windows and hiring a sound person who will control the music volume.

"We can easily cut off events at 10 during the week," she said, "if we could have a variance on weekends until 11 (p.m.)."

Council postponed Boedecker's request for a general variance until Sept. 1 and advised Boedecker to apply for variances for specific events.

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