

## **Fire ban goes into effect**

**By Jeanne Davant**

Manitou Springs citizens are restricted from open fires and open burning because of high fire danger.

City Council imposed the restrictions Tuesday by passing an emergency ordinance after Fire Chief Keith Buckmiller said, "We are in some pretty volatile fire conditions."

Dry, windy weather for the past couple of weeks have contributed to those conditions. Buckmiller noted that there are a couple of wildland fires burning elsewhere in the state and said he hoped to prevent a blaze from being ignited near Manitou.

Under the restrictions, all types of outdoor fires are banned, including campfires, warming fires, charcoal grills, wood-burning stoves or grates. Fused explosives and fireworks also are banned.

"We don't want anything that creates ash," Buckmiller said.

Gas-fueled outdoor grills can still be used. The restrictions will remain in effect until they are lifted by City Council.

## **No new dispensaries yet**

Also Tuesday, Council voted against a medical marijuana dispensary application and postponed action on another one.

Council unanimously turned down the application of O Suk Park for a medical marijuana center at 304 Manitou Ave., a building adjacent to Subway that used to house a gas station.

Planning Director Dan Folke told Council that the applicant planned to use one-third of the building as a medical marijuana dispensary and the other two-thirds as a garden supply store. He said the building was about 600 feet from schools, which met the requirements of the city's medical marijuana licensing ordinance.

Manitou Springs School District 14 Superintendent Ed Longfield said that was too close.

"My greatest fear and apprehension about this project is its proximity to the schools," Longfield said. "I'm concerned about the image it presents. We've invested a lot of time and money to help kids understand there are healthy alternatives."

Other speakers said the proposed center was too close to recreation areas used by kids.

"The trail that runs through there runs right by this facility," Manitou resident Lane Williams said. "That stream now is a recreation area — a designated and advertised fishing area. It's probably 20 feet from the door."

Manitou Springs High School student Dorothy Klimzak said the Subway restaurant next door is "kind of like our second cafeteria." She said middle school students walk by the proposed center on their way to the pool, and she thought the center presented the wrong image to teams coming into Manitou for swim meets at the pool.

Motel owner Margie Klimzak expressed concerns about the impact of a medical marijuana center on restaurants and motels at the east end of town.

"This is one of the worst locations of all the ones we've looked at," she said.

Councilwoman Ingrid Richter moved to deny the application, saying she had concerns about the application not being complete, the lack of a restroom in the proposed center and incompatibility with the neighborhood.

Council also held a hearing on an application from M. Reza Hassani for a medical marijuana center at 2 Manitou Ave. The proposed Manitou location is next to Jerry's Auto

Service. Hassani also owns a nearby center, American Wellness Center at West Colorado Avenue and Columbia Road.

"My main concern with this location is that it's right in the middle • of the tourist industry," motel owner George James said. "I'm concerned about the impression it will make on the people that we need to make our living."

Skip Graham, speaking on behalf of the owner of the Santa Fe Motel said he thought the center would have a financial impact on the motel's business as well as the potential for decreasing property values.

"Before we took possession of the Santa Fe Motel, it was bad, there was a black cloud over it," Graham said. "Now there are no drugs permitted. If you add the dispensary, that black cloud comes back."

Graham also objected to having a medical marijuana dispensary right next to the Manitou gateway arch.

"We only get one opportunity to make a first impression," he said. "I'm not opposed to the industry, but does it need to be on every street corner?"

Richter said she had concerns about parking, entrance and exit issues and drainage related to the property.

"I don't feel we have adequate public safety information... for me to make a decision on this," Richter said.

Councilwoman Aimee Cox said she was concerned the proposed location is too close to Fields Park and trails.

"We denied a previous application with respect to the field," Cox said.

Mayor Marc Snyder questioned the recommendations of the Planning Commission that the applicant be required to put in a curb, gutter and sidewalk, stating that he thought those improvements might worsen drainage and access problems. He said he thought there were better ways to improve the front of the property and noted that the landlord had agreed to work with Hassani on parking.

Overall, though, "I just don't see the same critical mass of concern for this location as for the others," Snyder said.

Council voted 6-1 to postpone action on the application until its Oct. 19 meeting. Hassani was instructed to prepare a site plan addressing parking, access and landscaping in the meantime, and Folke will determine the building's distance from the field.

Councilman Michael Gerbig dissented, stating that, while he , doesn't like the appearance of Hassani's Westside center, he was "concerned we are going far beyond anybody else's application" in imposing conditions on Hassani.

Of the four applications it has reviewed, Council has approved only one medical marijuana center, at 1118 Manitou Ave. On Tuesday, Council granted a license to Physician Preferred Products to operate that center.

## **In other business, Council...**

- Learned through a report from the Finance Department that July taxable sales increased 13 percent over taxable sales in the same month of 2009. Year-to-date sales through July are running 10 percent ahead of last year. All sectors of the city's economy except for amusements and bars showed gains for the month.

- Approved on second reading an ordinance revising the notification requirements for shutting off overdue water/sewer accounts. Citizens now will have three weeks after the month of service ends to pay their water bills; previously, bills were due two weeks after the month of service. Bills must be paid by 5 p.m. on the due date. If a bill is not paid on time, customers will get a turn-off notice in the mail and a back-up reminder printed on their next bill.

- Unanimously approved revisions to standards of acceptable behavior at the library.
- Postponed until December further action on noise abatement at The Nature of Things, a chainsaw-art business on Manitou Avenue. Neighbors uphill on Manitou and Mayfair avenues and El Paso Boulevard have complained that noise from the business has continued, even though owner Bill Fee has met previously imposed noise abatement conditions. Folke said the Planning Commission would review the business's conditional use approval in December and that the conditions could be revised at that time.

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