

**CITY OF MANITOU SPRINGS
CITY COUNCIL**

Regular Meeting Minutes
606 Manitou Avenue
July 1, 2025

The City Council of Manitou Springs met in Regular Session on Tuesday, July 1, 2025, at 606 Manitou Avenue, in the City of Manitou Springs, County of El Paso, and State of Colorado.

COUNCIL MEMBERS PRESENT FOR ROLL CALL:

Mayor John Graham
Mayor Pro Tem Natalie Johnson
Councilor Judith Chandler
Councilor John Shada
Councilor Julie Wolfe
Councilor Nancy Fortuin
Councilor Michelle Whetherhult

A. CALL TO ORDER

Mayor Graham called the meeting to order at 6:00 PM.

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

C. ROLL CALL

All members of the City Council were present for the roll call.

D. APPROVAL OF AGENDA

Councilor Fortuin moved to approve the agenda as presented. The motion was seconded by Councilor Chandler. The motion carried unanimously (7-0).

E. PUBLIC COMMENT ON NON-AGENDA ITEMS

There was no public comment.

F. CONSENT CALENDAR

Mayor Graham shared that he had received correspondence from City Clerk, Elena Krebs regarding the approval of minutes. He read her email, which explained that, under Robert's Rules, members do not need to be present at the meeting in order to vote on the approval of the minutes. Furthermore, the approval represents a collective judgment by the body that the written record accurately reflects what occurred.

Councilor Wolfe stated that she was not comfortable voting to approve the minutes of a meeting she did not attend, as she could not confirm whether the minutes were accurate.

1. June 3, 2025 City Council Regular Meeting Minutes – AMENDED

Note for the Record – This item was pulled from the consent calendar as requested by Mayor Pro Tem Johnson.

2. June 17, 2025 City Council Regular Meeting Minutes

Note for the Record – This item was pulled from the consent calendar as requested by Councilor Wolfe.

3. Consider Reappointing Ralph Routon to the Manitou, Arts, Culture and Heritage Board

4. Consider Reappointing Kinsey Watts to the Manitou, Arts, Culture and Heritage Board

Councilor Chandler moved to approve the consent calendar as amended. The motion was seconded by Councilor Fortuin. The motion carried unanimously (7-0).

F1. June 3, 2025 City Council Regular Meeting Minutes – AMENDED

Councilor Chandler moved to approve the minutes as amended. The motion was seconded by Councilor Shada. The motion was carried (6-0) with Mayor Pro Tem Johnson abstaining.

F2. June 17, 2025 City Council Regular Meeting Minutes

Mayor Pro Tem Johnson moved to approve the minutes as presented. The motion was seconded by Councilor Fortuin. The motion was carried (4-0) with Councilor Chandler, Councilor Wolfe and Mayor Graham abstaining.

G. PRESENTATION

1. Proclamation No. 1025, A Proclamation to Recognize July as Parks and Recreation Month

Councilor Chandler read Proclamation No. 1025 into the record, recognizing July as Parks and Recreation Month.

Parks and Recreation Director Gillian Rossi thanked the City Council for the proclamation and noted that the timing was fitting, as the ribbon cutting for Soda Springs Park Phase Two was on June 30, 2025.

Councilor Chandler expressed appreciation for the Parks and Recreation Advisory Board (PARAB).

Councilor Wolfe requested that city parks be made more available to the public, especially Memorial Park. She stated that when the parks are roped off for events during the summer it is detrimental to local businesses and prevents people from being able to enjoy the park.

H. BUSINESS

1. Consider Appointing Erin Handlin to the Historic Preservation Commission as a Regular Member

Vice Chair Matthew Rose introduced applicant Erin Handlin. He shared that the Chair and himself feel that she would be a great addition to the commission.

Ms. Handlin expressed interest in joining the Historic Preservation Commission (HPC). She stated that she cares about continuity, the unique character of Manitou Springs and protecting the historic buildings in the community.

Councilor Shada moved to approve the appointment of Erin Handlin to the Historic Preservation Commission as a regular member. The motion was seconded by Councilor Chandler. The motion was carried unanimously (7-0).

I. HEARINGS

1. Appeal of Planning Commission decisions regarding ADJ 2501 Boundary Adjustment, VAR 2502 – Variance (Setback), and VAR 2503 – Variance (Lot Frontage) at 360 Via Linda Vista and 370 Via Linda Vista

Senior Planner Chelsea Royston gave a presentation on the two properties, which addressed background information about the neighboring lots, the appellants' requests, city staff's assessment, and approval criteria as established in the Land Use and Development Code (LUDC).

There was a brief discussion regarding the property line that was reestablished by the owners in 2023, in which Senior Planner Royston clarified that the line was reestablished to build on the 370 Via Linda Vista property, which staff believe created the hardship.

There was a discussion regarding whether there was any risk to the city if the variances and boundary adjustment were to be approved, during which Senior Planner Royston explained that there was no known risk and that boundary adjustments are essentially an agreement between two property owners, and typically an administrative process managed by the Planning Department. However, because this request required

variances, it required review by the City Planning Commission (CPC) and then the City Council for the appeal.

Councilor Wolfe expressed concern about setting a precedent if the Council were to approve the requests without meeting four of the required criteria and acknowledged that the hardship was self-imposed.

City Attorney Jeff Parker advised the City Council to follow the criteria in the city code when considering the appeal.

Senior Planner Royston noted a section of code stating that no decision of CPC shall set a precedent. She stated that she believes this would also apply to decisions made by the City Council.

Councilor Wolfe stated that while she appreciated the reference, she did not believe the cited code would be upheld in court.

There was a brief discussion regarding ownership, co-applicants and co-appellants, during which Senior Planner Royston clarified that Roy and Jane Rosenthal owned both properties at the beginning of the process, so they were on all applications in the beginning. The Rosenthals then sold 360 Via Linda Vista to Derek and Carly Keller, making the new owners the applicant for the Setback Variance and co-applicants on the boundary adjustment.

Jane Rosenthal, Owner of 370 Via Linda Vista, stated that the circumstance is unique. She emphasized that all property owners are in agreement regarding the boundary adjustment and expressed disappointment in the government's hindrance in their agreed adjustment. She explained that they had previously combined the lots under one tax number without legally vacating the boundary, a condition known as an abeyance. Heeding the advice of the former Planning Director, they reestablished the original lot line, as it had never been formally vacated. Ms. Rosenthal added that they had received feedback from several potential buyers while trying to sell 360 Via Linda Vista that the easement for the carport was not sufficient.

Roy Rosenthal, Owner of 370 Via Linda Vista, contended that both variances should be evaluated using the same set of criteria, as their approval is jointly necessary for the boundary adjustment to proceed. He noted that the applicants jointly meet three criteria for both variances and shared multiple reasons that the owners of 360 Via Linda Vista are experiencing hardship without the variances, including difficulty selling the home in the future, maintenance for a structure they do not own and the fact that the easement is conditional. He argued that the restored boundary should not count against them, as they were only recovering a preexisting boundary that was never officially vacated and not establishing a new boundary. Mr. Rosenthal also introduced a claim under criterion 5, citing recent precedent and the fact that co-applicant Derrick Keller is a 100 percent service connected disabled veteran at risk for future mobility issues, thereby asserting that together the applications now meet criteria 1 through 5.

There was a brief discussion regarding the survey included in the presentation and whether the carport is encroaching on the public right of way, during which Councilor Fortuin expressed concern about a potential encroachment from the carport and whether the survey was accurate.

Derek Keller, owner of 360 Via Linda Vista, stated that he has a disability, indicating that the related criterion was met. He also addressed the issue of the parking easement, explaining that the current easement does not allow him to make modifications to the structure and that because the agreement is conditional, it could be revoked at any time, removing their ability to use the carport. He noted that the proposed changes would have no negative impact on neighbors and that the county recognizes the carport as part of 360 Via Linda Vista. He stated that there is no alternative parking due to the topography and reiterated that they are the only homeowners out of 27 in the neighborhood who do not have parking on their property.

There was a brief discussion about whether the new owners were aware of the current boundary prior to purchasing 360 Via Linda Vista. Mr. Keller confirmed that they knew the applications were being submitted to CPC and stated that they felt they had a strong argument for approval.

Mayor Graham opened public comment at 7:06 PM.

City Clerk Krebs read a public comment from Frank Reiff, received via online submission, into the record. Mr. Reiff's comment expressed support for the boundary adjustment.

Realtor for Derek and Carly Keller, Sean Warner, commented that there were competing offers on the property and that Mr. and Mrs. Keller were at risk of losing the property if they were to wait for the issue to be resolved.

Due to no further public comment, Mayor Graham closed the public comment portion of the hearing at 7:10 PM.

Mr. Rosenthal shared that he was optimistic about approval based on a positive pre-application meeting with the Planning Department, during which no negative feedback was received.

There was further discussion about whether there was any risk in approving the boundary adjustment and variances, during which Planning Director Fred Rollenhagen clarified that risk is not one of the criteria to be considered.

Councilor Wolfe stated that based on the facts presented she did not believe the request complied with the code. She noted that the City Council could consider revising the code in the future, and that the applicants might choose to return at that time. She reiterated that although the applicants may not have intended for reestablishing the boundary to create an issue, the hardship was clearly self-imposed. She further stated that purchasing the home without including a condition requiring approval of the boundary adjustment and variances also constituted a self-imposed hardship. Councilor

Wolfe added that the disability criterion requires a current impairment and an inability to access the property, which she did not believe was met based on the information presented.

Councilor Fortuin agreed with Councilor Wolfe and expressed frustration with not being able to meet criteria under the circumstances. She stated that while the proposed solution made sense, the City Council does have to follow the code.

Councilor Chandler stated that she is also not in favor of approving the requests. She commented that homeowners must take responsibility when entering into property agreements. She noted that factors such as topography and market interest are outside the Council's purview. While she expressed that these situations are difficult, she emphasized that the Council must adhere to the LUDC, and the proposed boundary adjustment and variances do not meet the required criteria.

Mayor Pro Tem Johnson stated that it is important to support the LUDC as well as the work of the city's boards and commissions. She acknowledged that the code could be revised if changes are needed. However, she noted that based on the current code and the information presented, the request does not meet the criteria required for a different determination.

Councilor Whetherhult agreed with the consensus and stated that she would be interested in revisiting the code.

Councilor Shada agreed that the requests did not meet all the required criteria and suggested that the City Council revisit the LUDC.

Mayor Graham commented on the significant effort previously made by many parties to review the code with the intent of ensuring fairness for all. He added that the city must operate according to established procedures. While he expressed sympathy that the situation could not be easily resolved, he emphasized the importance of consistency in applying the law and avoid setting precedent.

Councilor Fortuin moved that denial of any of the three applications be denial of all. The motion was seconded by Councilor Chandler. The motion was carried unanimously (7-0).

Councilor Fortuin moved to approve the Boundary Adjustment at 360 Via Linda Vista and 370 Via Linda Vista, based upon the findings that the request meets the review criteria for granting a Boundary Adjustment, as set forth in City Code 18.06.4.20, with staff's conditions as outlines in the agenda packet. The motion was seconded by Councilor Chandler. The motion was carried (4-3) with Mayor Graham, Councilor Wolfe and Councilor Whetherhult as the dissenting votes.

Councilor Whetherhult moved to deny the Variance at 360 Via Linda Vista based upon the findings that the request does not meet the review criteria for granting a Variance, as set forth in City Code Section 18.06.4.2. The motion was seconded by Councilor Wolfe. The motion was carried unanimously (7-0).

Mayor Pro Tem Johnson moved to deny the Variance at 370 Via Linda Vista based upon the findings that the request does not meet the review criteria for granting a Variance, as set forth in City Code Section 18.06.4.2. The motion was seconded by Councilor Wolfe. The motion was carried unanimously (7-0).

City Attorney Parker clarified for the record that the two variance requests were expressly denied based on the applicable criteria. Because a condition was in place stating that the denial of any one request would result in the denial of all three, the boundary adjustment, although originally granted, is also considered denied.

Note for the Record – The City Council took a break at 7:37 PM and reconvened at 7:54 PM.

2. Second Reading and Public Hearing of Ordinance No. 1425, an Ordinance Amending the Budget for Fiscal Year 2025

Finance Director Rebecca Davis presented the ordinance, noting an increase of \$300,000 to the Sewer Enterprise Fund budget since first reading due to the sewer project at Manitou Avenue and Crystal Park Road. All other budget items remain unchanged. Finance Director Davis also highlighted concerns regarding the General Fund unassigned fund balance, stating that while current funding levels are appropriate, if the loss in sales tax revenue is not replaced, the fund balance will be depleted, and city services could be reduced if current trends continue. In addressing recent cutbacks, she stated that several departments reduced training expenses.

City Administrator Denise Howell explained that the Capital Fund has been nearly depleted, and its balance transferred to support the General Fund. Several positions, such as a Police Officer and the City Arborist will remain unfilled this year and certain programs have been reduced or cut to manage costs. The pool closure for part of the year is expected to provide unanticipated savings. She emphasized that the cuts have been substantial, exceeding initial requests and noted that savings from unfilled positions also include reduced benefits and payroll costs. City Administrator Howell reiterated the importance of developing long-term solutions to address the loss in sales tax revenue.

There was a brief discussion about services that could be reduced, during which City Administrator Howell stated that there are several options that would be discussed with the Council. Services and programs that could be affected include the recycling program, Emergency Medical Services (EMS), the city pool, and Chipping Days.

Mayor Graham opened the public comment at 8:00 PM. Due to no public comment, Mayor Graham subsequently closed the public comment portion of the hearing.

Councilor Chandler moved to adopt on second reading Ordinance No. 1425, an Ordinance Amending the Budget for Fiscal Year 2025. The motion was seconded by Councilor Fortuin. The motion was carried unanimously (7-0).

J. RECEIVE OR ACT ON COUNCIL CORRESPONDENCE

Councilor Wolfe shared that resident Joanne Baily reached out about street signs on Crystal Park Road, suggesting that the city move the signs further south and consider adding higher speed bumps. Councilor Wolfe also expressed concern that an ordinance had not yet been adopted following the state's updated Accessory Dwelling Unit (ADU) guidelines.

There was a brief discussion regarding ADU guidelines during which City Attorney Parker advised that there are two aspects to the State's ADU law. One is the legal requirement for the city to allow ADUs in certain areas, particularly in single-family residential zones, based on population thresholds. The second is a report the city must file with the Department of Local Affairs (DOLA), which would designate the city as an ADU friendly community and make it eligible for certain State grants. The report was due June 30th, but an extension is available, allowing the city to still file and qualify for those grants. However, the extension does not affect the underlying legal requirement to allow ADUs. The City Attorney clarified that while the city currently lacks specific ADU regulations, such as those related to size, it does have zoning regulations like height limits and setbacks that would still apply. The City Attorney recommended that these be put in place as soon as possible.

Mayor Graham shared that the Police Department is sponsoring a homeless camp clean up in Black Canyon Open Space on July 13, 2025. He announced that there will be no meeting July 8, 2025, and that there will be City Council meetings on July 15, 2025, and July 22, 2025. He added that there will potentially be a community meeting on July 29, 2025.

K. CITY ADMINISTRATOR REPORT

City Administrator Howell reported on the following items:

- The mural behind the pool will start soon.
- Staff's goal is to have Manitou Avenue and Crystal Park Road open by the afternoon on Friday, July 4, 2025, as a temporary patch, with permanent repairs before school starts.
- Staff did a great job repairing a watermain break on Ruxton Avenue in six hours.
- Soda Springs Phase Two Ribbon cutting was on June 30, 2025.

L. EXECUTIVE SESSION

1. An Executive Session to determine positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators, pursuant to Section 5.1(d) of the Manitou Springs Municipal Charter. This executive session concerns the Manitou Springs Metropolitan District.
2. An Executive Session to hold a conference with the City Attorney for legal advice pursuant to Section 5.1(c) of the Manitou Springs Home Rule Charter, concerning *Manitou and Pikes Peak Railway Company v. City of Manitou Springs Colorado*, El Paso County District Court Case No. 2025CV30766

Mayor Graham read the purpose of the Executive Session into the record at 8:08 PM.

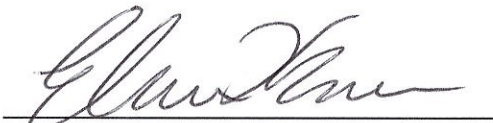
Councilor Wolfe moved to enter the Executive Session for the stated purpose. The motion was seconded by Mayor Pro Tem Johnson. The motion was carried unanimously (7-0).

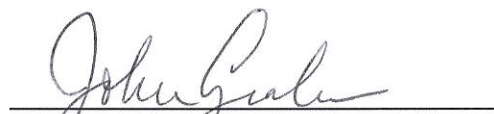
The City Council moved back to Regular Session at 9:48 PM. Mayor Graham confirmed the Executive Session was held solely for the stated purpose and that no formal decision was made.

ADJOURN

With no other items to discuss, Mayor Graham adjourned the meeting at 9:48 PM.

Attest:


Elena Krebs, City Clerk


John Graham, Mayor

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