

**CITY OF MANITOU SPRINGS
CITY COUNCIL**

Regular Meeting Minutes
606 Manitou Avenue
August 19, 2025

The City Council of Manitou Springs met in Regular Session on Tuesday, August 19, 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

COUNCIL MEMBERS ABSENT FOR ROLL CALL:

Councilor Michelle Whetherhult (Excused)

A. CALL TO ORDER

Mayor Graham called the meeting to order at 6:02 PM.

Mayor Graham expressed concern and sympathy regarding the recent assault of a Pikes Peak Cog Railway (COG) employee. He emphasized that such violence is not reflective of the city's values, and acknowledged the City Council's support for the victim and those affected.

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, except for Councilor Whetherhult.

D. APPROVAL OF AGENDA

Mayor Pro Tem Johnson moved to approve the agenda as presented. The motion was seconded by Councilor Fortuin. The motion carried unanimously (6-0).

E. PUBLIC COMMENT ON NON-AGENDA ITEMS

Craig Miller, 809 Duclo Avenue, shared that a ticket was received for a dumpster that has been on Duclo Avenue for the past 5 years and that they were asked to remove the dumpster within 30 days. He noted that it does not impede traffic. He explained that they previously had trash cans that the bears would get into. He expressed interest in trying to find a practical solution for the multifamily residence with stairs and stated that the dumpster issue is present throughout the city.

Shannon Norgord, 801 Duclo Avenue, stated that there are three dumpsters on Duclo Avenue and presented pictures on the trash containers on the street. She referred to city rules, stating that they were imposed on immovable objects and requested that the Council reconsider the rules regarding trash containers.

F. CONSENT CALENDAR

1. Presentation of Warrants

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

2. August 5, 2025 City Council Regular Meeting Minutes

3. Request to Approve the Professional Services Agreement with Rocksol Consulting Group for Creek Walk Phase 4 Construction Support Services

4. Request to Approve a Professional Services Agreement with Hord Coplan Macht Inc. for Soda Springs Park Phase III Construction Drawings

5. Request to Approve a General Services Agreement with 633 Construction LLC for Sandra Lane repairs

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

6. Fund Transfer from Phase 2 to Phase 1 – Hiawatha Gardens

Councilor Chandler moved to approve the consent calendar as amended. The motion was seconded by Councilor Wolfe. The motion carried unanimously (6-0).

F1. Presentation of Warrants

There was a brief discussion about funds paid to the Pikes Peak Bulletin (PPB) during which Finance Director Rebecca Davis explained that the \$7,000 donation was separate from the \$441 payment for city publications.

Councilor Wolfe expressed concern about PPBs decision to discontinue publishing local events and art in light of the money given by the city and inquired about a rebate or refund for unused funds from the donation.

Finance Director Davis stated that the unused donated funds were from a Manitou Arts, Culture and Heritage (MACH) grant and that the board would be discussing the issue at an upcoming meeting.

Councilor Wolfe moved to approve item F1 Presentation of Warrants. The motion was seconded by Councilor Shada. The motion carried unanimously (6-0).

F5. Request to Approve a General Services Agreement with 633 Construction LLC for Sandra Lane Repairs

Public Services Director Ben Smchitt shared that the project came in \$179,000 under budget, less any contingencies.

Finance Director Davis confirmed that the budgeted fund balance for the Storm Drainage Fund at the end of 2025 is \$749,477, not accounting for the fact that the project is coming in under budget.

Councilor Chandler moved to approve item F5, General Services Agreement with 633 Construction LLC for Sandra Lane Repairs. The motion was seconded by Mayor Pro Tem Johnson. The motion carried unanimously (6-0).

G. BUSINESS

1. Appointment of Darlene Kennedy to the URA Board of Directors

Mayor Graham explained that appointments to the Urban Renewal Authority Board (URA) are made by the mayor and subject to the ratification by the City Council.

Applicant Darlene Kennedy shared that she is excited to join the board and that she believes her experience supports the role, noting experience with city development projects and cross community relationships.

Councilor Fortuin stated that she would be voting no, not due to the applicant's qualifications, but because of concerns about the appointment process. She cited a lack of coordination with the URA Board and described the approach as inconsistent with Manitou Springs' values of collaboration and mutual respect.

Councilor Shada moved to approve the appointment of Darlene Kennedy to the URA Board of Directors. The motion was seconded by Councilor Chandler. The motion carried (5-1), with Councilor Fortuin as the dissenting vote.

2. Resolution No. 1225, A Resolution of the City of Manitou Springs, Colorado, Approving an Intergovernmental Agreement Between the El Paso County Clerk and Recorder and the City of Manitou Springs Regarding the Conduct of a Coordinated Election on November 4, 2025

City Clerk Elena Krebs explained that adoption of the resolution designates the City Clerk as the city's Designated Election Official (DEO) and authorizes her to enter into an Intergovernmental Agreement (IGA) with the county, enabling the city to participate in the coordinated election.

Mayor Pro Tem Johnson moved to approve Resolution No. 1225, A Resolution of the City of Manitou Springs, Colorado, Approving an Intergovernmental Agreement Between the El Paso County Clerk and Recorder and the City of Manitou Springs Regarding the Conduct of a Coordinated Election on November 4, 2025. The motion was seconded by Mayor Graham. The motion carried unanimously (6-0).

3. Approval of Emergency Ordinance No. 1725, An Emergency Ordinance of the City of Manitou Springs, Colorado, Authorizing the Execution and Delivery of a Base Lease, A Lease Purchase Agreement, An Escrow Agreement and Related Documents in Connection with the Acquisition and Improvement of Certain Facilities for City Purposes; Approving the Forms of Such Documents, Ratifying Action Previously Taken Concerning Referenced Documents; and Providing for other Matters Relating Thereto

Mayor Graham noted that the ordinance is for a Lease Purchase Agreement related to the finance agreement for the Dillon Mobility Hub Parking Lot.

Finance Director Davis stated that the lease-purchase process, which began in April, is coming to completion, with the agreement expected to close on August 28, 2025, pending ordinance approval.

Councilor Chandler commented that City Council does not like passing emergency ordinances unless absolutely necessary, but she supports adopting the ordinance to lock in a favorable interest rate and keep costs low.

There was a brief discussion about what is being leased, during which Bond Counsel Dillon Peters explained that the ordinance authorizes a lease-leaseback transaction involving the Dillon Mobility Hub property. The city will lease the property to the bank and immediately lease it back to the city for continued use and project completion. This structure allows the city to receive funds without prior voter approval, with payments subject to annual appropriation. If the city does not appropriate funds in a given year, it would lose use of the property for up to 20 years. The ordinance sets maximum parameters for the financing terms, including caps on principal, annual payments, total payments, and interest rate, enabling staff to finalize the agreement and lock in a favorable rate.

Finance Director Davis added that the payback timeframe for the lease is 10 years and that the payments will come from the Parking Enterprise Fund.

There was a brief discussion about the interest rate, during which Bond Counsel Peters stated that the bank had most recently quoted a rate of 5.04%, but it cannot be locked in for more than 30 days. Finance Director Davis confirmed that locking in the rate is contingent upon City Council's approval of the emergency ordinance. Bond Counsel Peters further explained that the ordinance includes a not-to-exceed rate of 6.5%, allowing staff to secure a rate at or below that threshold if the quoted rate changes.

Mayor Graham moved to adopt Emergency Ordinance No. 1725, An Emergency Ordinance of the City of Manitou Springs, Colorado, Authorizing the Execution and Delivery of a Base Lease, A Lease Purchase Agreement, An Escrow Agreement and Related Documents in Connection with the Acquisition and Improvement of Certain Facilities for City Purposes; Approving the Forms of Such Documents, Ratifying Action Previously Taken Concerning Referenced Documents; and Providing for other Matters Relating Thereto. The motion was seconded by Councilor Wolfe. The motion carried unanimously (6-0).

H. HEARINGS

1. Public Hearing to Consider Issuance of a New Entertainment Facility Liquor License at 404 Manitou Avenue, Z Golf Food & Beverage Services, LLC, dba Briarhurst Manor Estate by Wedgewood Weddings

City Clerk Krebs presented the administrative report, including an overview of the Entertainment Facility Liquor License type. She stated that state statute does not allow the same Registered Manager at two establishments and noted that the manager listed on the application, Kayla May, is also registered with another Z Golf Food and Beverage Services location, Craftwood Peak. Clarification was provided that a different manager will be registered at Craftwood Peak before the current manager transitions to Briarhurst Manor. City Clerk Krebs reported that the Clerk's Office conducted a site inspection after the agenda packet was published, confirmed the property matches the submitted diagram, and noted that a follow up inspection is preferred once the business is operating. She stated that the location previously held a Hotel and Restaurant Liquor License until January 12, 2025, and has not historically been denied a license. She added that the applicant submitted a master file, typically granted to businesses with more than 5 licenses in the state, which confirms continuous monitoring for criminal activity over the past 10 years. A petition with 76 signatures was submitted, with 100% of business signatures and 98% of residential signatures in support of the license. City Clerk Krebs shared that hearing notices were posted and that one letter was received after publication and provided to the City Council. The City Clerk confirmed that she has no concerns about the application.

City Attorney Dan Harvey advised the City Council to obtain confirmation for the record from the applicant regarding management, noting the potential issue if the same registered manager is listed on the two licenses. He understood there may be overlap but anticipated separate managers based on facility start dates, and recommended the applicant address this during the public hearing.

Attorney Brandon Sandburg with the law firm Dill Dill Carr Stonbraker and Hutchings, representing the applicant, introduced Eva Gerretson, Co-owner of Liquor Processionals (Liquor Pros), the business which circulated the petition.

Ms. Garretson explained the process on how her business conducts needs and desires surveys for liquor license applications. Ms. Garretson acknowledged that the City Clerk permitted surveyors to circulate beyond the 100-foot radius defined in the city code and collect signatures throughout the city, as there were no businesses or residences located within the 100-foot area.

There was a brief discussion about whether the single signature opposed indicated why they are not in favor of the license. Ms. Garretson stated that Liquor Pros tries to be respectful of signers and does not pry into the reasons why signers support or don't support a license. She added that there was one concern about apple trees around the property.

Councilor Wolfe expressed concern about compliance with quiet hours after 10:00 PM based on the letter submitted by residents that raised concerns about noise at another establishment with the same owners as the applicant.

There was a brief discussion about the Noise Ordinance, during which City Clerk Krebs confirmed that there is not an exception in the ordinance for any particular type of business. City Attorney Harvey confirmed that the business would be expected to follow state laws and local requirements. He stated that noncompliance could potentially be grounds for revocation of the liquor license, with documented violations, but he would want to do more research to confirm.

Attorney Sandburg addressed the registered manager matter, by stating that his understanding of statute is different than the City Attorney's, but that the applicant is happy to comply with the local request to register a separate manager for each license.

Wedgewood Weddings Multi-Unit Manager Nicole Manders stated that she oversees four locations in Colorado Springs and Manitou Springs, is on site at each location every other week, and communicates with on-site managers daily. She described Wedgewood Weddings as a small-town oriented family business offering all-inclusive wedding and event packages that include food, beverage, security, and more. She confirmed that the ability to include liquor in their packages is a key attraction for customers, many of whom are drawn to Manitou Springs for its small-town setting. Manager Manders noted that approximately 5 to 15 employees would be assigned to the new location. Bartending staff will receive three to five training shifts at a Colorado Springs venue, along with one-on-one training and manuals covering liquor policies and

procedures. It was noted that they use one-ounce pours, which is less than the standard, to help prevent overconsumption, and that security staff monitor events and ensure guests get home safely. Liquor is stored securely with limited access, and identification is checked. She reviewed the site diagram and explained how liquor will be served and consumed in relation to the layout of the property. Manager Manders shared that the anticipated opening date for Briarhurst Manor is October 7, 2025.

Mayor Graham opened the hearing for public comment at 7:07 PM.

Mayor Graham read the letter submitted on August 19, 2025 by the Smit Family into the record.

Richard Smit, 17 Mayfair Avenue, inquired about the anticipated operations of the business, including whether the business is the same owner as Craftwood Peak, if there are plans for outdoor amplified sound, whether events will end at 10:00 PM, the maximum number of people per event, and if the business expects any large delivery trucks on El Paso Boulevard.

There was a brief discussion between the Council and Mr. Smit about whether they had contacted the police during loud events, during which Mr. Smit stated that he believes they had called the police one time.

Tom Lundgren, 415 El Paso Boulevard, attested to the allegations of loud events at Craftwood Peak mentioned in the letter. He stated that he was glad to see Briarhurst Manor occupied and expressed concerns about quiet hours. He added that he would like to see the 10:00 PM quiet hours enforced and noted that he has experienced intoxicated persons wandering from Briarhurst Manor onto his front patio. He asked if the patio on the licensed property will be fenced.

Due to no further public comment, Mayor Graham closed the public comment portion of the hearing at 7:14 PM.

Attorney Sandburg confirmed that the same group that owns Craftwood Peak also owns Briarhurst Manor. He stated that outdoor amplified sound will be turned off as required by municipal code and that El Paso Boulevard is expected to be utilized by the business. He noted that the maximum number of people is currently unknown and expected to be determined by the city following completion of inspections. Attorney Sandburg stated that they understand concerns about the area being residential and reiterated that the business will require security for all events and maintains a practice of controlled pours. He added that the business has decibel readers to ensure compliance. He also noted that there are driving services, such as Lyft or Uber and plenty of hotels walking distance from the venue to keep everyone safe. Attorney Sandburg also expressed interest in establishing an open dialogue with residents and a commitment to being a positive member of the community.

Councilor Wolfe suggested that the business consider notifying guests that they are in a residential area, encouraging them not to participate in loud celebratory acts that you might normally hear at a wedding venue.

Attorney Sandburg stated that the business understands its legal obligations and recognizes the importance of being a courteous neighbor. He reiterated that security measures are in place to support this responsibility to the community.

There was a brief discussion about delivery trucks, during which Attorney Sandburg stated that he believes the matter is legally out of the scope of the hearing, but that the road is expected to be utilized for deliveries.

Attorney Sandburg explained that the layout clearly designates where alcohol may be served and consumed, and it is not permitted beyond those areas, which guests will be made aware of.

Mayor Graham acknowledged the challenges of managing behavior, particularly with alcohol involved, and emphasized the importance of maintaining a peaceful neighborhood. He expressed a desire for stronger enforcement to ensure guests behave appropriately and noted that the business can involve law enforcement if necessary.

City Clerk Krebs confirmed that there haven't been any complaints officially filed, or any violations reported from the state regarding either establishment.

Councilor Wolfe moved to approve the Entertainment Facility Liquor License at 404 Manitou Avenue, Z Golf Food & Beverage Services, LLC, dba Briarhurst Manor Estate by Wedgewood Weddings, subject to the testimony that there will be separate managers for the Briarhurst Manor and Craftwood Peak. The motion was seconded by Mayor Graham. The motion carried unanimously (6-0).

Note for the Record – City Council took a break at 7:30 PM and reconvened the meeting at 7:47 PM.

2. Second Reading and Public Hearing of Ordinance No. 1625, An Ordinance Submitting a Ballot Issue to the Registered Electors of the City of Manitou Springs at the City's November 4, 2025 Regular Election to Increase the Excise Tax on Ticket Sales and Admission Fees and to Permit the City Council to Decrease and Increase Such Excise Tax

Mayor Graham opened the hearing for public comment at 7:48 PM.

Steve Czariki, 331 Crystal Hills Boulevard, acknowledged the complexity of the city's budget deficit but raised three concerns about addressing it through the proposed Excise Tax. He questioned the unusually high rate compared to national norms, the effectiveness of the tax on its own, especially with ongoing litigation that could undermine the value, and the impact on various local events and businesses. He also expressed regret over the late timing of the discussion, suggesting that earlier dialogue could have allowed for consideration of alternatives such as increasing the lodging and camping tax. He recognized that it can be challenging to get voters to approve multi-faceted solutions, which is probably the best way to go. He acknowledged that it can be

challenging to gain voter approval for multiple tax measures but stated that he believes a combination of solutions is likely the most effective approach.

Robert Hefner, 10 Cliff Road, shared that he is owner and operator of the Manitou Cliff Dwellings. He noted that as a business owner, who pays property tax in the city, he does not get a vote in the matter, but that the tax would have a direct impact on the business. He expressed concern about driving customers away and a potential loss in revenue. He questioned if enough time and attention was given to the issue.

Due to no further public comment, Mayor Graham closed the public comment portion of the hearing at 7:57 PM.

Councilor Wolfe stated that she thinks moving forward with the Amusement Tax is worth trying and noted that there is no guarantee with the ongoing litigation with the COG. She added that COG visitors have not changed even with increased costs. Councilor Wolfe stated that she is not concerned about the increase and is in favor of moving forward.

Councilor Chandler expressed support in pursuing a single admissions tax rather than multiple smaller tax increases, explaining that too many ballot measures could overwhelm voters and risk none passing. She emphasized that the ordinance allows flexibility to adjust the rate if needed and added that the approach could be revised later if proved ineffective.

Councilor Wolfe clarified that the ballot language was revised to allow a tax rate up to 14%, giving Council flexibility to lower it if needed, and expressed confidence that the modest per-person cost would not significantly discourage attendance at local attractions.

Mayor Graham stated that the Council has long been aware of the city's reliance on marijuana tax revenue and the potential risk of decline. He emphasized that the Council has made consistent efforts to control spending while addressing critical infrastructure needs and maintaining basic services. Given the city's limited options for raising revenue and its dependence on tourism, he described the admissions tax as a necessary first step in rethinking the city's tax base. He added that the proposed tax offers flexibility and is one of the few tools available to the Council and stressed the urgency of acting in time to place the measure on the ballot.

Councilor Chandler shared that the matter has been discussed for years, at least since 2020 and that the city has been working towards a healthy reserve and cutting back on spending in the long term. She added that the Amusement Tax has not been raised since the early 1970s.

Councilor Wolfe moved to approve Ordinance No. 1625, An Ordinance Submitting a Ballot Issue to the Registered Electors of the City of Manitou Springs at the City's November 4, 2025 Regular Election to Increase the Excise Tax on Ticket Sales and Admission Fees and to Permit the City Council to Decrease and Increase Such Excise Tax. The motion was seconded by Councilor Chandler. The motion carried unanimously (6-0).

I. RECEIVE OR ACT ON COUNCIL CORRESPONDENCE

Councilor Fortuin shared that she was contacted by a resident who expressed concern about losing the Route 36 bus and advised them to talk with the Parking and Mobility Director.

Mayor Graham mentioned that he reached out to Mountain Metro Transit for bus schedules. He explained that Mountain Metro is changing their summer schedule to include March through October. Mayor Graham explained that starting in March the Route 36 bus services would end, and the Route 33 bus will be free.

Councilor Wolfe expressed concern about the buses traveling after dark. She suggested that the hours should be cut back during the winter.

Mayor Graham reviewed the current plan for the summer schedule, including weekday service running every 15 minutes from 6:00 AM to 5:00 PM, then every 30 minutes until 8:00 PM. On weekends, service runs every 10 minutes from 6:00 AM to 5:00 PM, then every 30 minutes until 8:00 PM. He noted that while there is still daylight at 8:00 PM in summer, the evening service operates at reduced frequency.

City Administrator Denise Howell confirmed that Mountain Metro will present the bus route to City Council in May 2026, with changes to go into effect in September 2026.

Councilor Chandler noted that although the 36 shuttle is being discontinued, the 33 shuttle will stop at Fields Park to help maintain service in the area, effectively replacing much of the 36's route and ensuring continued access for nearby residents.

City Administrator Howell confirmed that the Fields Park stop will remain in service until the Dillon Mobility Hub is fully built out over the next couple of years.

J. CITY ADMINISTRATOR REPORT

City Administrator Howell reported that the Water Meter Change Program meeting, held at City Hall on August 14, 2025, at 6:00 PM, was well attended with approximately 20 residents. The program is expected to begin in mid-September.

K. EXECUTIVE SESSION

1. 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 8:19 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 (6-0).

The City Council moved back to Regular Session at 9:35 PM. Mayor Graham confirmed the Executive Session was held solely for the stated purpose and that no formal decision was made.

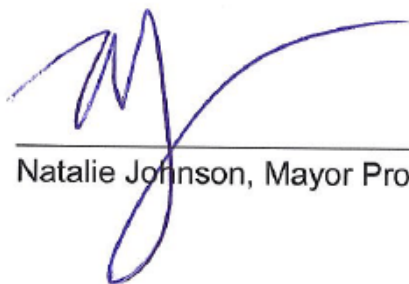
ADJOURN

With no other items to discuss, Mayor Pro Tem Johnson moved to adjourn the meeting. The motion was seconded by Councilor Chandler. The motion was carried unanimously (6-0).

The meeting adjourned at 9:36PM.

Attest:



Elena Krebs, City Clerk

Natalie Johnson, Mayor Pro Tem

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