



City of Colorado Springs

City Hall
107 N. Nevada Avenue
Colorado Springs, CO
80903

Meeting Minutes City Council

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Tuesday, August 13, 2019

1:00 PM

Council Chambers

1. Call to Order

Present: 9 - Councilmember Yolanda Avila, Councilmember Jill Gaebler, Councilmember David Geislinger, Councilmember Bill Murray, Councilmember Don Knight, Councilmember Andy Pico, President Richard Skorman, President Pro Tem Tom Strand, and Councilmember Wayne Williams

Councilmember Williams was excused at approximately 5:30 PM.

2. Invocation and Pledge of Allegiance

The Invocation was made by Nori Ross from All Souls Unitarian Church.

President Skorman led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

There were no changes to the Agenda.

4. Consent Calendar

These items will be acted upon as a whole, unless a specific item is called for discussion by a Councilmember or a citizen wishing to address the City Council. (Any items called up for separate consideration shall be acted upon following the Mayor's Business.)

4A. Second Presentation:

4A.A. [19-374](#)

Ordinance No. 19-50 amending Part 1 (Municipal Airport Advisory Commission) of Article 1 (Municipal Airport) of Chapter 14 (Municipal Enterprises) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the Airport Advisory Commission

Presenter:

John Maier, Chairman, Airport Advisory Commission

Attachments: [7-1-19 - AAC ORD \(2\).pdf](#)
[Signed Ordinance 19-50.pdf](#)

This Ordinance was finally passed on the Consent Calendar.

**4A.B. [CPC ZC
19-00047](#)**

Ordinance No. 19-51 amending the zoning map for the City of Colorado Springs pertaining to 8.69 acres located at 2420 Victor Place, changing the zoning from C-6/AO/cr (General Business with Airport Overlay and Conditions of Record) to PIP-2/AO (Planned Industrial Park with Airport Overlay).

(QUASI-JUDICIAL)

Related File: CPC CP 15-00119-A1MJ19

Presenter:

Peter Wysocki, Director Planning and Community Development
Tasha Brackin, Senior Planner, Planning & Community Development

Attachments: [ZC ORD VictorPlace.docx](#)

[EXHIBIT A](#)

[EXHIBIT B](#)

[vicinity map 1](#)

[Signed Ordinance 19-51.pdf](#)

This Ordinance was finally passed on the Consent Calendar.

4A.C. [19-314](#)

Ordinance No. 19-52 of the City of Colorado Springs, Colorado approving and authorizing the execution and delivery of the Standby Bond Purchase Agreement among the City of Colorado Springs, Colorado, Wells Fargo Bank, National Association, as Tender Agent, and Bank of America, N.A., the Fee Agreement between the City of Colorado Springs, Colorado and such Banking Organization, and the Official Statement for the Utilities System Revenue Bonds previously issued by the City to which the agreement relates; ratifying certain action heretofore taken.

Presenter:

Tamela Monroe, Chief Planning and Financial Officer
Aram Benyamin, Chief Executive Officer

Attachments: [CSU Ordinance Approving Replacement SBPAs - 2019_](#)

[4820-3994-3064_3.docx](#)

[2005A Fee Agreement \(CSU - BANA\)\[2\]\[1\].docx](#)

[SBPA \(CO Springs Utilities Series 2005A\) 4845-8480-3993 v9.doc](#)

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

4B.A. [19-441](#) City Council Regular Meeting Minutes July 23, 2019

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [7-23-2019 City Council Meeting Minutes Final.pdf](#)

The Minutes were approved on the Consent Calendar.

4B.B. [19-391](#) A Resolution Approving the March 27, 2019, Update of the Airport Advisory Commission's Rules and Procedures.

Presenter:

John Maier, Chairman, Airport Advisory Commission

Attachments: [AAC Resolution - Rules07152019-7-10-19 - AAC Rules and Procedures.docx](#)
[Rules and Procedures Briefing.pptx](#)
[Signed Resolution 71-19.pdf](#)

This Resolution was adopted on the Consent Calendar.

4B.C. [19-352](#) Resolution to Carryforward the City's 2019 Private Activity Bond Allocation for Qualified Residential Rental Projects

Presenter:

Steve Posey, HUD Program Manager, Community Development Division

Peter Wysocki, Director of Planning and Community Development

Attachments: [2019 PAB Carryforward Resolution](#)
[PAB Carryforward 7 22 2019 CC Materials](#)
[Signed Resolution 72-19.pdf](#)

This Resolution was adopted on the Consent Calendar.

4B.D. [19-355](#) A Resolution approving and authorizing the Mayor to execute and administer the Intergovernmental Agreement (IGA) between the City of Colorado Springs and the Colorado Department of Transportation (CDOT) and the Pikes Peak Rural Transportation Authority (PPRTA) for landscaping costs associated with the I-25/Cimarron Expressway Interchange Project.

Presenter:

Mike Chaves P.E., Engineering Manager

Attachments: [PPRTA-3-Way-I-25LandscapingRES-2019-06-06-final](#)
[IGA 3 Party PPRTA Landscape Funding revised 30Apr2019](#)

This Resolution was adopted on the Consent Calendar.

- 4B.E. [19-387](#)** Ordinance No. 19-53 amending Ordinance No. 18-118 (2019 Appropriation Ordinance) for a supplemental appropriation to the General Fund up to the amount of \$2,400,000 for a transfer to the Capital Improvement Program Fund, and to the Capital Improvement Program Fund up to the amount of \$2,400,000 for capital transportation infrastructure projects due to additional funding from the Highway Users Tax Fund

Presenter:

Charae McDaniel, Chief Financial Officer
Travis Easton, Public Works Director

Attachments: [Version 2-Supplemental Approp Ordinance for addl HUTF funding-2019](#)
[2019 HUTF Bridge Maps-pdf](#)

This Ordinance was approved on first reading on the Consent Calendar.

Approval of the Consent Agenda

Motion by President Pro Tem Strand, seconded by Councilmember Gaebler, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Gaebler, Geislinger, Murray, Knight, Pico, Skorman, Strand, and Williams

5. Recognitions

- 5.A. [19-412](#)** A Resolution of Appreciation Proclaiming August to be STEM Month

Presenter:

Don Knight, City Council Member

Attachments: [Resolution STEM August 2019](#)
[Signed Resolution 74-19.pdf](#)

Councilmember Knight read the Resolution proclaiming August 2019 to be Science, Technology, Engineering and Mathematics (STEM) Education Month and introduced several STEM representatives from the community who gave an overview of the program.

Motion by President Pro Tem Strand, seconded by Councilmember Williams, that the Resolution be adopted. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Gaebler, Geislinger, Murray, Knight, Pico, Skorman, Strand, and Williams

5.B. [19-411](#) In Honor and Support for A Day of Remembrance and Community Commemoration of September 11, 2001

Presenter:

David Geislinger, City Council Member

Attachments: [A day of Remembrance - 2019- FINAL](#)

Don Addy and Reggie Ash, Colorado Thirty Group, invited City Council to the September 11, 2001 commemoration ceremony which will be held September 11, 2019 at Memorial Park.

Councilmember Geislinger read a Proclamation in honor and support for a day of remembrance and community commemoration of September 11, 2001.

6. Citizen Discussion For Items Not On Today's Agenda

Citizen Katherine Szot-Torrez spoke regarding bus surveillance footage and public safety.

Citizen Tom O'Brien spoke regarding the double stormwater billing for Homeowner's Associations.

Citizen David Brown spoke against a four-story apartment building at Colorado Avenue and Chestnut Street.

Citizen Robert Kinsey, Bill Sulzman, and Mary Sprunger-Froese spoke about a Resolution for a United Nations treaty ban of nuclear weapons and about climate change.

Citizen Margaret Brett Schneider spoke against Accessory Dwelling Units in residential areas.

Citizen Ken McLaughlin spoke in favor of Accessory Dwelling Units in residential areas.

Citizen Margaret Ringsred spoke about issues with neighboring tenants at Cedar Creek Club Apartments.

Citizen Carl Strow spoke about the cost of needed repairs on Barr Trail.

Citizen William Haaln spoke about the needed maintenance on the sidewalk near Infinity of Colorado Springs which is owned by FPI Management on Tutt Boulevard.

Citizen Deborah Stout-Meininger spoke about how all lives matter.

Citizen Gerald Miller spoke about his issues getting a court-appointed attorney and with Code Enforcement.

Citizen Scooter Henson spoke against the proposed twenty-one unit complex to be built at 6 El Paso Street due to traffic issues.

7. Mayor's Business

There was no Mayor's Business.

8. Items Called Off Consent Calendar

There were no items called off the Consent Calendar.

9. Utilities Business

There was no Utilities Business.

10. Unfinished Business

There was no Unfinished Business.

11. New Business

- 11.A. [19-390](#) A Resolution Approving an Intergovernmental Agreement between the El Paso County Clerk and Recorder and the City of Colorado Springs regarding the conduct and administration of the November 5, 2019 Coordinated Election

Presenter:

Sarah B Johnson, City Clerk

Attachments: [Election IGA Resolution.docx](#)
[2019 IGA Agreement-City of CS.pdf](#)
[Signed Resolution 75-19.pdf](#)

Sarah B. Johnson, City Clerk, presented the Intergovernmental Agreement (IGA) with the El Paso County Clerk and Recorder for the November 5, 2019 Coordinated Election. Ms. Johnson stated if an item is approved to be referred to the election ballot, this IGA would need to be filed with the El

Paso County Clerk and Recorder by August 27, 2019 and the estimated cost for participation is \$283,389.84.

There were no comments on this item.

**Motion by Councilmember Williams, seconded by Councilmember Murray, that this Ordinance be adopted Proposed Motion:
Adopt a Resolution Approving an Intergovernmental Agreement between the El Paso County Clerk and Recorder and the City of Colorado Springs regarding the conduct and administration of the November 5,2019 Coordinated Election. The motion passed by a vote of**

Aye: 9 - Avila, Gaebler, Geislinger, Murray, Knight, Pico, Skorman, Strand, and Williams

11.B. [19-400](#)

A resolution submitting to the registered qualified electors of the City of Colorado Springs, Colorado, at the coordinated election conducted by mail ballot to be held on Tuesday, November 5, 2019, the question of extending for a five-year period the temporary sales and use tax for road repairs and improvements at a reduced rate of 0.57% as a voter approved revenue change exempt from spending and revenue limitations; providing for the form of the ballot title; providing for certain matters with respect to the election; and providing the effective date of this resolution.

Presenter:

John Suthers, Mayor of Colorado Springs

Travis Easton, Director of Public Works Department

Attachments: [EXHIBIT A to Proposed Road Tax Extension Resolution-7-10-19](#)
[2C2 Roadway Maintenance Presentation to council 7-22 19.pptx](#)
[Resolution Referring 2C Extension-FINAL-7-30-2019.docx](#)
[Signed Resolution 76-19.pdf](#)

Councilmember Knight, Councilmember Geislinger, Councilmember Williams, and President Pro Tem Strand, and Councilmember Pico spoke in support of the item.

**Motion by Councilmember Murray, seconded by President Pro Tem Strand, that this Resolution be adopted Proposed Motion:
Move to approve - A resolution submitting to the registered qualified electors of the City of Colorado Springs, Colorado, at the coordinated election conducted by mail ballot to be held on Tuesday, November 5, 2019, the question of extending for a five-year period the temporary sales and use tax for road repairs and improvements at a reduced rate of 0.57% as a voter approved revenue change exempt from spending and revenue limitations; providing for the form of the ballot title; providing for certain matters with respect to the election; and providing the effective date of this resolution.. The motion passed by a vote of**

Aye: 9 - Avila, Gaebler, Geislinger, Murray, Knight, Pico, Skorman, Strand, and Williams

11.C. [19-401](#)

A resolution submitting to the registered qualified electors of the City of Colorado Springs, Colorado, at the coordinated election conducted by mail ballot to be held on Tuesday, November 5, 2019, the question of retaining and spending up to \$7,000,000, the estimated 2018 fiscal year revenue above the 2018 fiscal year revenue and spending limitations, for City parks, sports and cultural facilities and trail improvements, as a voter approved revenue change; providing for the form of the ballot title; providing for certain matters with respect to the election; and providing the effective date of this resolution.

Presenter:

John Suthers, Mayor of Colorado Springs
Karen Palus, Director of the Parks, Recreation and Cultural Services
Department

Attachments: [City Council July 222019.Tabor.PP.pptx](#)

[RESOLUTION REFERRING EXCESS REV RETENTION
-FINAL-7-30-2019.docx](#)
[City Council August 132019.Tabor.PP](#)
[Signed Resolution 77-19.pdf](#)

Councilmember Pico stated he is not comfortable with asking the voters for a Taxpayer Bill of Rights (TABOR) retention.

Councilmember Geislinger stated he is in support of this item because it clearly defines what the money will be used for.

Councilmember Williams stated parks are a very important and an appropriate use for the money and this allows voters to decide.

President Skorman asked how much each household would receive if the TABOR retention was refunded. Charae McDaniel, Chief Financial Officer, stated each household would receive approximately \$30.00 through their Colorado Springs Utilities bill.

President Pro Tem Strand and Councilmember Murray stated they are in favor of this item.

Councilmember Avila stated parks and park improvements are needed in all communities across the City.

Citizens Deborah Stout-Meininger and Gerald Miller spoke in opposition of the TABOR retention.

Citizen Ken Behar spoke in favor of the ballot item.

David Siegel, Parks Advisory Board member, stated the Parks Advisory Board voted unanimously in favor of this ballot item.

Susan Davies, Trails and Open Space Coalition, stated the Board of Directors voted unanimously to support this ballot item.

**Motion by Councilmember Murray, seconded by Councilmember Gaebler, that this Resolution be adopted Proposed Motion:
Move to approve - A resolution submitting to the registered qualified electors of the City of Colorado Springs, Colorado, at the coordinated election conducted by mail ballot to be held on Tuesday, November 5, 2019, the question of retaining and spending up to \$7,000,000, the estimated 2018 fiscal year revenue above the 2018 fiscal year revenue and spending limitations, for City parks, sports and cultural facilities and trail improvements, as a voter approved revenue change; providing for the form of the ballot title; providing for certain matters with respect to the election; and providing the effective date of this resolution.. The motion passed by a vote of**

Aye: 7 - Avila, Gaebler, Geislinger, Murray, Skorman, Strand, and Williams

No: 2 - Knight, and Pico

11.D. [19-399](#)

Ordinance No. 19-54 submitting a Charter amendment to the registered qualified electors of the City of Colorado Springs, Colorado at the special municipal election to be held at the coordinated election conducted by mail ballot to be held on November 5, 2019, adding a new section 11-80 of the City Charter relating to conveyances of City-owned parkland, providing for the form of the ballot title, providing for certain matters with respect to the election, and providing the effective date of this ordinance.

Presenter:

Marc Smith, Corporate Division Chief, City Attorney's Office

Karen Palus, Parks, Recreation and Cultural Services Director

Attachments: [Charter-Amendment-ParklandConveyances-2019-08-20-Option1-Clean](#)

[Exhibit A-Parkland Designation List 07312019](#)

[Charter-Amendment-ParklandConveyances-2019-08-20-Option1-Redlin](#)

[e](#)

Mayor Suthers stated the citizens elected the members of City Council to make decisions in the best interest of the people of Colorado Springs. He stated the Parks Advisory Board, which is a citizen committee, is also a safeguard and an assurance that parks will be protected on behalf of the citizens. Mayor Suthers asked City Council to take into consideration that if

there is a transaction which is needed to address a situation, they would not be able to do if it requires a vote of the people to have the transaction approved.

President Skorman gave an overview of the exclusions and of the three options for the proposed City Charter amendments related to the conveyance of City-owned parkland. He stated Option 1, which originated from the Protect Our Parks (POPs) working group, would require a vote by the people for the conveyance of every City-owned parkland.

Option 2, the Parks Advisory Board recommendation, would not require a vote of the people for the conveyance for City-owned parkland, but would require a super-majority (at least six Councilmembers) of City Council.

Option 3, which was suggested by Councilmember Williams, would require a vote of the people for the conveyance of only seven regional parks and the rest of the parks owned by the City would require a super-majority of City Council. Option 4 would be to leave things as they are.

Councilmember Williams asked if all of the first three options could go before the people for a vote. Councilmember Pico, Councilmember Knight, and Councilmember Murray stated that would add a lot of confusion to the issue.

Councilmember Geislinger stated more of a public process needs to take place in order to get additional information on the issues.

Councilmember Gaebler stated they have reviewed all the options and exceptions and should be voting on it today.

Councilmember Knight and Councilmember Pico stated a definitive list of parks should be outlined for Option 1 before it goes on the ballot.

Councilmember Knight stated a discussion of what the exceptions should be needs to take place prior to a vote.

President Pro Tem Strand asked if the list of parks included in Option 1 was the list provided in the City Council agenda packet. Marc Smith, Corporate Division Chief and Legislative Counsel, Office of the City Attorney, stated the list will be passed by Ordinance if the Charter provision is approved.

Councilmember Williams asked if there were public hearings that took place. Jeff Greene, Chief of Staff, identified the stakeholders who were invited to the working group meetings. Ms. Palus identified the Park Advisory Board meetings which were posted and open for public discussion.

Mr. Greene stated there needs to be more information provided to citizens and Councilmembers to make sure they have all of the information they need before making a decision.

Councilmember Murray stated they have worked for months on the definition of parks and parkland and there has been a very robust public process.

President Skorman stated Option 1 is a safeguard for the taxpayer's parks.

Citizens Sharon Jameson, Jim Lockhart, Conservation Chair Sierra Club, Kent Obee, Save Cheyenne, Bruce Hamilton, Citizen Linda Hodges, Aiken Audubon, Judith Rice-Jones, League of Women Voters, Cathy Meinig, Marcy Morrison, League of Women Voters, Donna Strom spoke in favor of Option 1.

Susan Davies, Trails and Open Space Coalition, stated a majority of the Coalition is in support of Option 2, but was not able to consider Option 3 because it was not presented at the time.

Ms. Palus stated David Siegel, Mina Lieber, Ron Elgin, members of the Parks Advisory Board, are in support of Option 2, but were also in favor of additional time for discussion and review.

Councilmember Knight stated the POPs working group acted in good faith and there needs to be better communication from City Council liaisons who have been attending these meetings with the rest of City Council

Councilmember Pico stated the Option 1 measure by itself does not add protection to a single park because it requires a separate action by City Council to put the list of parks together. He stated he is very uncomfortable voting for an item which is only ninety percent ready and will be locked in for generations.

President Skorman stated he feels City Council will put the list together in the future based on parks which are dedicated and in use. He stated he trusts the citizens to make the right decision and supports Option 1.

Councilmember Williams stated he has an issue with going against the recommendations of the City's long-standing, broad based, parks advocacy groups including the Parks Advisory Board and the Trails, Open Space, and Parks Coalition. He stated the Parkland Designation List is not a defined list because there are exceptions which would exclude some of the parkland on it and this issue is not straight forward.

Councilmember Avila stated she will not be supporting Option 3 because she feels it would be too much of a compromise from the list the POPs committee was given. She stated she also will not be supporting Option 2 because it leaves too many parks vulnerable. Councilmember Avila said she will be supporting Option 1 because it would be the ultimate public process.

Motion by Councilmember Murray, seconded by Councilmember Gaebler, that the Ordinance ordinance submitting a Charter amendment to the registered qualified electors of the City of Colorado Springs adding a new section 11-80 of the City Charter relating to conveyances of City-owned parkland, specifically a voluntary conveyance of parkland which is included on the Parkland Designated List as defined and designated by this ordinance and as provided by Parks and Rec dated July 31, 2019, shall only be permitted with the approval of a majority of votes cast at a general or special election of the qualified electors of the City except as provided below be approved on first reading. The motion passed by a vote of 5-4-0-0

Aye: 5 - Avila, Gaebler, Murray, Skorman, and Strand

No: 4 - Geislinger, Knight, Pico, and Williams

Councilmember Williams stated he believes they need to trust the voters to make the decision and give credence to the Parks Advisory Board and the Trails, Open Space, and Parks Coalition.

Wynetta Massey, City Attorney, stated if there were more than one of these measures referred to the ballot, there would need to be a review of each of them to determine if they are consistent or conflicting with the City Charter and each other and figure out a procedure for handling that. She stated it would have to be communicated to the voters on each of the questions that the measure with the greater majority of affirmative votes would be the measure that would go into the City Charter.

Councilmember Geislinger recommended the specified conveyance of

City-owned parkland be submitted the voters for approval only upon a super-majority of City Council.

Councilmember Knight stated the approval of the super-majority of City Council could save the City the cost of an election in certain circumstances.

Motion by Councilmember Williams, seconded by Councilmember Knight, that the Ordinance submitting to the registered qualified electors of the City a City Charter Amendment to section 3-70 of the City Charter, relating to the conveyance of City-owned parkland that every Resolution approving a voluntary conveyance of a property interest in parkland to an individual or entity that is not a part of or controlled by the City shall only be permitted by a super-majority of Council, consisting of with the affirmative vote of not less than six (6) members of the Council be approved on first reading. The motion passed by a vote of 6-3-0-0

Aye: 6 - Geislinger, Knight, Pico, Skorman, Strand, and Williams

No: 3 - Avila, Gaebler, and Murray

11.E. [19-316](#)

An Ordinance Submitting a Charter Amendment to the Registered Qualified Electors of the City of Colorado Springs, Colorado at the Special Municipal Election to be Held at the Coordinated Election Conducted by Mail Ballot to be Held on November 5, 2019, Relating to Selection of the President of City Council and Amending Section 3-20 of the City Charter

Presenter:

David Geislinger, City Councilmember

Attachments: [Charter-Amendment-Elect President - Draft 5-30-2019.docx](#)

[Council-Officer-Elections 05-30-19.docx](#)

[Version 2 Council-Officer-Elections_v2-07-16-19](#)

Councilmember Geislinger presented an Ordinance for a Charter amendment relating to the selection of the President of City Council. He stated this amendment would remove the date certain for the election of City Council officers after the new Councilmembers are sworn into office.

Motion by Councilmember Geislinger, seconded by President Pro Tem Strand, that this Ordinance submitting to the registered qualified electors of the City a City Charter amendment to section 3-20 of the City Charter relating to selection of the President of the City Council be approved on first reading. The motion failed by a vote of 4-4-0-0

Aye: 4 - Geislinger, Knight, Pico, and Strand

No: 4 - Avila, Gaebler, Murray, and Skorman

Absent: 1 - Williams

12. Public Hearing

- 12.A. [CPC AP 19-00069](#) An appeal of the City Planning Commission's decision to uphold administrative approval of a site plan for a building permit for the construction of a 10-foot tall fence on portions of the Flying W Ranch.

(QUASI-JUDICIAL)

Related Files: CPC AP 19-00069

Presenter:

Peter Wysocki, Director of Planning and Community Development
Meggan Herington, Assistant Planning Director

Attachments: [Staff PPnt Flying W Fence](#)
[Exhibit 1 Appeal request](#)
[Exhibit 2 Flying W Notification](#)
[CPC Staff Report Flying W Ranch Fence](#)
[FIGURE 1 Buiding Permit Submittal](#)
[FIGURE 2 Appeal Package](#)
[FIGURE 3 Opposition](#)
[FIGURE 4 Stormwater Email](#)
[AdditionalCorrespondence FlyingW](#)
[7.3.105.A.1](#)
[7.5.906 \(A\)\(4\) Administrative Appeal](#)
[7.4.102.A Fences or Walls](#)
[Draft CPC FlyingWAppeal_min](#)

Councilmember Knight disclosed he has had multiple conversations regarding different parts of the Flying W Ranch coming back to business, but has avoided discussing the details of this matter. He stated he believes he could vote on it, but in order to preserve the sanctity of the process, recused himself.

Meggan Herington, Assistant Planning Director, stated this is an appeal of an administrative approval of a site plan for a building permit for the construction of a 10-foot tall fence on portions of the Flying W Ranch (Ranch). She gave an overview of the vicinity map, fence profile, background, appeal concerns, City Code requirements, and staff recommendation.

James Berdon, representing the appellant, spoke about the public notice signage on the Flying W Ranch not being readable, the mailed public

notification not going to all the adjacent properties within one thousand feet of the site, the benefits and adverse impacts between Mountain Shadows and the Ranch. He identified their community goals, the City Code requirements that were waived, and the specifics of the appeal.

Councilmember Geislinger asked what variance is being asked for by the applicant. Ms. Herington stated there is no variance being requested.

Aaron Winter, General Manager, Flying W Ranch, representing the applicant, gave an overview of the Flying W Ranch, Chuckwagon rebuilding plans, Flying W Ranch circumstances, and the fence plans. He identified the justifications for the fence which include erosion control, to keep predators away from patrons, staff, and livestock, and provide security to the Chuckwagon business. Mr. Winter stated fences are allowed all over Colorado and gave a summary of the claims, and misinformation.

Bruce Wright, representing the applicant, stated the development plan was already approved by the City which specifies where the front of the property is location and the setback requirements. He commented that if the Chuckwagon is successful, it will preserve 1,300 acres of open space.

Ms. Herington identified the public notification process which was determined by the Planning Commission to be appropriate.

Citizens Julia Owens, Roger Humphries, Rich Boyle, Lawrence Star, Mary Beth Netherton, and Bjorn Braun spoke in support of the appellant.

Councilmember Murray asked if there will be a fire hydrant. Mr. Winter stated there will be one on the inside of the fence for the Wilson water tank and there will be a lock box on the gate in which the Colorado Springs Fire Department and Colorado Springs Utilities has access to. He stated this was approved by Steve Smith with the Colorado Springs Fire Department.

President Skorman asked if it is necessary to have the fence ten feet from the neighborhood. Mr. Wright confirmed it was because after the Waldo Canyon fire, all the interior access roads except one were destroyed from the erosion and it does not make sense to put the only access road on the outside of the fence. He stated Colorado Springs Utilities approved the placement of the fence on the north side of the utilities easement.

President Pro Tem Strand asked why the fence has to be ten feet high. Mr. Wright stated it is to prevent the wildlife such as deer from trying to jump it and for security.

Mr. Berdon, representing the appellant, stated the existing four-foot high fence is still on the property and is located one hundred feet from the property line, the hillside overlay was violated when a tree was moved, and there was never a perimeter, security, or wildlife fence previously in place.

Mr. Winter, representing the applicant, stated there has been many false statements made about the Flying W Ranch and the fence is simply to protect the Chuckwagon business and the ranch.

Councilmember Murray stated he will not be supporting the appeal.

Councilmember Geislinger and Councilmember Gaebler stated the appeal has not met the criteria for an appeal.

Motion by Councilmember Geislinger, seconded by Councilmember Gaebler, to deny the appeal and uphold the City Planning Commission's decision for the administrative approval of the site plan for the installation of a 10-foot tall fence on portions of the Flying W Ranch, based upon the findings that the appeal does not meet the appeal criteria in City Code Section 7.5.906.A.4 and that the site plan meets the requirements in City Code Sections 7.3.105.A and 7.4.102.A. The motion passed by a vote of 7-0-1-1

Aye: 7 - Avila, Gaebler, Geislinger, Murray, Pico, Skorman, and Strand

Absent: 1 - Williams

Recused: 1 - Knight

13. Added Item Agenda

There were no items added to the Agenda.

14. Executive Session

There was no Executive Session.

15. Adjourn

There being no further business to come before City Council, Council adjourned.

Sarah B. Johnson, City Clerk