



City of Colorado Springs

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

Meeting Minutes Council Work Session

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Monday, November 8, 2021

10:00 AM

Council Chambers

How to Watch the Meeting

Coloradosprings.gov/springstv | Facebook Live: Colorado Springs City Council
Facebook Page @coscity Council | SPRINGS TV - Comcast Channel 18 / 880 (HD)
- CenturyLink Channel 18

1. Call to Order and Roll Call

Present 8 - Councilmember Yolanda Avila, Councilmember Dave Donelson, Councilmember Randy Helms, Councilmember Nancy Henjum, Councilmember Bill Murray, President Pro Tem Richard Skorman, President Tom Strand, and Councilmember Wayne Williams

Excused 1 - Councilmember Mike O'Malley

Councilmember Murray attended the meeting virtually.

Councilmember Williams arrived at approximately 10:25 AM.

2. Changes to Agenda

There were no Changes to Agenda.

3. Regular Meeting Comments

President Strand stated the Planning Department has requested items 4B.N., 4B.O., and 4B.P. be removed from the November 9, 2021 City Council meeting Consent Calendar. Consensus of City Council agreed to these changes.

4. Review of Previous Meeting Minutes

4.A. [21-670](#) City Council Work Session Meeting Minutes October 25, 2021

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [10-25-21 City Council Work Session Meeting Minutes Final](#)

The minutes of the October 25, 2021 Work Session were approved by

Consensus of City Council.

5. Executive Session

5A. Open

There was no Open Executive Session.

5B. Closed

There was no Closed Executive Session.

6. Staff and Appointee Reports

6.A. [21-669](#) Agenda Planner Review

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [Agenda Planner Review 11-8-21](#)

There were no comments on this item.

7. Presentations for General Information

There were no Presentations for General Information.

8. Items for Introduction

8.A. [21-672](#) A resolution of the City Council of the City of Colorado Springs, Colorado Approving Revisions to the Bylaws of the Colorado Springs Health Foundation

Presenter:
R. Thayer Tutt, Jr., Board Chair
Cari Davis, Executive Director

Attachments: [CSHF_RESOLUTION-2021-10-05](#)
[Exhibit A - CSHF Bylaws](#)
[CSHF Bylaws_redline_v1_23Sep21](#)

R. Thayer Tutt, Jr., Board Chair Cari Davis, and Cari Davis, Executive Director, Colorado Springs Health Foundation (CSHF), presented the Resolution approving revisions to the bylaws of the Colorado Springs Health. Mr. Tutt stated the CSHF Board of Trustees is recommending four amendments to the bylaws in order to align the bylaws with recent changes to the investment policy, streamline election of officers and member terms,

and to eliminate an inapplicable bylaw provision.

Councilmember Henjum stated she and Councilmember Williams, City Council liaisons to CSHF, stated they are very supportive of these proposed changes.

8.B. [21-647](#)

A resolution of the City Council of the City of Colorado Springs, Colorado approving the issuance of the Westgate Metropolitan District Limited Tax General Obligation Bonds, Series 2021 in the amount not to exceed \$13,000,000 and related bond documents for a district located south of Platte Avenue and west of Powers Boulevard

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning & Community Development Department

Peter Wysocki, Planning and Community Development Director

Attachments: [Resolution](#)

[1- Westgate MD - Applicant Budget Committee Presentation](#)

[2- Term Sheet - Westgate MD \(as of 10.18.21\)](#)

[3- Westgate MD \(Co Spgs\) Financial Plan, Oct15](#)

[4- District Bond Resolution - 10-13-21](#)

[5- Indenture - 10-12-21](#)

[6- Westgate MD Opinion letter](#)

[PowerPoint](#)

Carl Schueler, Planning Manager, Comprehensive Planning, Planning and Development Department, presented the Resolution approving the issuance of the Westgate Metropolitan District Limited Tax General Obligation Bonds, Series 2021 in the amount not to exceed \$13,000,000 and related bond documents for a district located south of Platte Avenue and west of Powers Boulevard. He provided a summary and an overview of the vicinity map, district boundaries, development plan, questions/comments from the Budget Committee, and next steps.

There were no comments on this item.

8.C. [21-649](#)

A resolution of the City Council of the City of Colorado Springs, Colorado approving the issuance of the Upper Cottonwood Creek Metropolitan District No. 3 Limited Tax General Obligation Bonds, Series 2022 in the amount not to exceed \$4,710,000 and related bond documents located in the Wolf Ranch area in northern Colorado Springs

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development Department

Attachments: [RESOLUTION](#)

[PowerPoint](#)

[1- Second 2021 Bond Issuance Cover Letter - UCC Nos. 3 & 4](#)

[2- 2021-10-07 UCC MD No. 3 2022 - Bond Details](#)

[3- 2021-10-07 UCC MD No. 3 2022 - Bond Cash Flows](#)

[4- 2021-10-13 UCC MD No. 3 - 2022 LT GO Fairness Letter](#)

[5- Draft 2022 UCCMD No 3 BOND RESOLUTION](#)

[6- Draft 2022 UCCMD # 3 Bond Counsel Opinion](#)

[7- Draft GC Bond Opinion - UCC3](#)

Carl Schueler, Planning Manager, Comprehensive Planning, Planning and Development Department, presented the Resolutions approving the issuance of the Upper Cottonwood Creek Metropolitan District No. 3 and No. 4 Limited Tax General Obligation Bonds, Series 2022 in the amount not to exceed \$4,710,000 and \$5,530,000 respectively and related bond documents located in the Wolf Ranch area in northern Colorado Springs. He provided a summary and an overview of the vicinity map, district boundaries, district history/evolution, revised debt limits, questions/comments from the Budget Committee, and next steps.

There were no comments on this item.

8.D. [21-650](#)

A resolution of the City Council of the City of Colorado Springs, Colorado approving the issuance of the Upper Cottonwood Creek Metropolitan District No. 4 Limited Tax General Obligation Bonds, Series 2022 in the amount not to exceed \$5,530,000 and related bond documents located in the Wolf Ranch development in northern Colorado Springs.

Presenter

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development

Attachments: [Resolution](#)

[1- 2021-10-07 UCC MD No. 4 2022 - Bond Cash Flows](#)

[2- Draft 2022 UCCMD No 4 BOND RESOLUTION](#)

[3-District No. 4 Fairness Letter -RBC](#)

[4-Draft GC Bond Opinion - UCC4](#)

[5- 2022 UCCMD # 4 - Bond Counsel Opinion](#)

Please see comments in Agenda item 8.C.

- 8.E. [21-688](#) A resolution Approving and Authorizing the Mayor to Execute the First Amendment to the Cooperation Agreement with the Colorado Springs Urban Renewal Authority Regarding the South Nevada Area Urban Renewal Project.

Presenter:

Bob Cope, Economic Development Officer
Jariah Walker, CSURA Executive Director

Attachments: [Resolution South Nevada Amendment Cooperation Agreement File 21-688](#)
[S. Nevada First Amendment to Cooperation Agreement CSURA- File 21-688](#)
[SNA Urban Renewal - Public Improvements - City Council Work Session 11.8.21 - File 21-688](#)

Bob Cope, Economic Development Officer, introduced Sam Arnold, Fellow, First Presbyterian Church, and presented the Resolution approving and authorizing the Mayor to execute the first amendment to the cooperation agreement with the Colorado Springs Urban Renewal Authority (CSURA) regarding the South Nevada Area Urban Renewal Project. He stated SNA Development, LLC is requesting an increase in the sales tax sharing formula from 1.5 percent to 2.0 percent and the Administration is recommending an increase of 1.75 percent.

Danny Meintka, Managing Member, The Equity Group, who provided an overview of the South Nevada existing conditions, Cheyenne Creek before reclamation, Cheyenne Creek vision, Cheyenne Creek after reclamation, East Cheyenne Road in 2019, East Cheyenne Road improved streetscape, intersection of Cascade Avenue and Cheyenne Road in 2019, Cascade Avenue improved streetscape, overhead electrical transmission lines on South Nevada, and public improvements for Creekwalk North.

Jariah Walker, CSURA Executive Director, stated this project has been very challenging and the CSURA Board was supportive of the developer's request for two percent sales tax sharing.

Councilmember Helms asked if the City should support the request of two percent sales tax sharing. Mr. Cope stated staff took all factors into consideration as well as maintaining precedence and consistency.

Councilmember Henjum asked why this project is so challenging. Mr. Walker explained it is due to the magnitude of the size of this URA, how high the sales tax base is, multiple developers, and many independent, private business owners which do not have a development agreement with the URA.

President Pro Tem Skorman and Councilmember Murray stated they are supportive of this project.

Councilmember Williams stated he is supportive of the developer's request for two percent and asked what would occur if the developer were paid back more quickly. Mr. Cope stated once all the eligible public improvements costs have been reimbursed, the tax increment financing (TIF) is discontinued. Mr. Walker stated the revenue would then flow back into the taxing entities.

Councilmember Henjum asked what the consequence would be if only 1.75 percent sales tax sharing is approved. Mr. Meintka stated in order to make the economics of public improvements for Sprouts work, it had to be underwritten at two percent because a vast majority of sales at Sprouts is not taxable.

Councilmember Donelson recommended the increase go to 2.0 percent.

- 8.F. [21-653](#) An ordinance including certain property into the boundaries of the Creekwalk Marketplace Business Improvement District located along South Nevada Avenue.

(Legislative)

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning & Community Development

Attachments: [Ordinance](#)

[Exhibit A- Petition For Inclusion - Creekwalk Marketplace BID](#)

[Exhibit B \(Draft\) Notice of Inclusion - Creekwalk Marketplace BID](#)

[PowerPoint](#)

[1- Applicant Budget Committee Presentation - Creekwalk Marketplace BID](#)

[2- Creekwalk BID Map 10.19.21](#)

Carl Schueler, Comprehensive Planning Manager, Planning and

Community Development, gave a brief summary of the proposed voluntary inclusion of five parcels into the Creekwalk Marketplace Business Improvement District. He provided a brief background of the district, presented a map of the area and district, existing boundaries, proposed inclusions, and staff recommendation.

There were no comments on this item.

8.G. [21-652](#)

A resolution of the City of Colorado Springs, Colorado approving the issuance of tax supported and special revenue bonds by the Creekwalk Marketplace Business Improvement District located at the South Nevada Avenue corridor.

(Legislative Item)

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning & Community Development

Attachments: [Resolution](#)

[Staff PowerPoint-Creekwalk Debt](#)

[1- Series 2021 Bond Cover Letter - Creekwalk Marketplace BID](#)

[2- Creekwalk MD Cash Flow Model 10.18.2021](#)

[3- DRAFT Creekwalk Marketplace BID - 2021 - Bond Resolution](#)

[4- DRAFT Bond Counsel Opinion Sub Bonds - Creekwalk BID 2021](#)

[5- Draft GC Bond Opinion](#)

[6- Stifel Financing Letter](#)

[7- Creekwalk - First Supplemental Trust Indenture\(Senior Bonds\)](#)

[8- Creekwalk - First Supplemental Trust Indenture\(Subordinate Bonds\)](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Development Department, presented the Resolution approving the issuance of tax supported and special revenue bonds by the Creekwalk Marketplace Business Improvement District (BID) located at the South Nevada Avenue corridor. He gave a summary of debt issuance, background of the Creekwalk Marketplace BID, identified the district location map, BID properties pending 2021 inclusions, improvements to be funded, questions/comments from the Budget Committee, and next steps.

President Strand asked if the Series B bonds were still anticipated to be at eight percent interest. Russ Dykstra, Spencer Fane, LLC, representing the petitioner, introduced Alan Matlosz, Managing Director, Stifel, Nicolaus Company, Inc., bond underwriter confirmed it is which is about average for

subordinate bonds.

- 8.H. [CPC MP 21-00123](#) A resolution making certain legislative findings and approving the Almagre Urban Renewal Plan.

Related Files: 21-574

Presenter:

Jariah Walker, CSURA Executive Director

Attachments: [RES AlmagreURA](#)

[Exhibit A - Almagre URA Plan](#)

[Panorama Heights Almagre Updated Presentation City](#)

[URA Conditions Survey](#)

[Almagre impact Report](#)

[URA application-Tax Increment Financing](#)

[URA Resolution 01-21](#)

[Development Plan](#)

[vicinity map](#)

[CPC Minutes Almagre draft](#)

Jariah Walker, CSURA Executive Director, presented the Resolution making certain legislative findings and approving the Urban Renewal Plan for the Almagre Urban Renewal Area and the Resolution approving a cooperation agreement with the Colorado Springs Urban Renewal Authority (CSURA) authorizing the CSURA to use annual sales tax increments generated within Almagre Urban Renewal Area for qualifying public improvements related to the affordable housing Panorama Heights project. He provided an overview of the project initiatives, unit mix, rents, market study data of the 137 affordable apartment homes. Mr. Walker identified the site location, site plan, public improvements, compatibility with PlanCOS, project viability, letter from the Mayor, economic benefits, and community involvement.

President Strand asked what area is included when determining the Area Median Income (AMI) for Colorado Springs. Steve Posey, HUD Program Manager, Planning and Community Development, stated the AMI includes El Paso and Teller County.

Lisa Sorenson, Cohen-Esrey Development Group and Lupe Cantu, Davis, Partnership Architects, stated they are working with Wells Fargo Bank and CitiBank for equity financing.

Councilmember Avila stated she appreciated how much the developer

listened to the community regarding this project.

Councilmember Henjum asked how additional affordable projects can be implemented throughout the City. Mr. Walker stated the URA is looking at these types of projects everywhere within the City.

Councilmember Donelson asked how the podium parking will free up parking spaces. Ms. Sorenson stated it put the parking under the building along Zebulon Road. Councilmember Donelson requested the amount of cost for podium parking. Ms. Sorenson stated approximately \$4M.

Councilmember Donelson asked how this project compares to other affordable housing projects in relation to the number of units. Mr. Posey stated this is a medium sized project in comparison.

Mr. Cope identified the results of the fiscal impact analysis and the regional economic

Councilmember Helms and Councilmember Henjum stated they support this project.

- 8.I.** [21-574](#) A resolution approving a Cooperation Agreement between the Colorado Springs Urban Renewal Authority and the City of Colorado Springs to promote redevelopment and assist with financing of public improvements for the Almagre Urban Renewal project and to approve the amount of annual sales tax increment revenue allocated pursuant to Colorado Revised Statute Section 31-25-107(9)(a)(II)

Related File: CPC MP 21-00123

Presenter:

Jariah Walker, CSURA Executive Director

Attachments: [RES Almagre PanoramaHeights URACooperationAgreement](#)
[Almagre Cooperation Agreement CSURA City v2](#)

Please see comments in Agenda item 8.H.

- 8.J.** [21-455](#) An ordinance by the City of Colorado Springs, Colorado authorizing the issuance and delivery of its Multifamily Housing Tax-Exempt Mortgage-Backed Bonds (M-Tems) (Draper Commons), Series 2022A, in an amount not to exceed \$26,000,000 and its Multifamily Housing Taxable Mortgage-Backed Bonds (M-Tmbs) (Draper Commons Project), Series 2022B, in an amount not to exceed \$5,000,000;

authorizing the execution and delivery by the City of any and all necessary documents to effectuate the issuance of such bonds; authorizing officials of the City to take all action necessary to carry out the transactions contemplated hereby, and providing for related matters

Presenter:

Steve Posey, Community Development Division Manager

John Bales, Fred Marienthal, Kutak Rock LLP

Peter Wysocki, Director of Planning and Community Development

Attachments: [Draper Commons - 2021 Ordinance](#)

[Draper Commons - Financing Agreement](#)

[Draper Commons - Indenture of Trust](#)

[Bond Purchase Agreement \(Draper Commons\)](#)

[Draper Commons - 2021 Tax Regulatory Agreement](#)

[Preliminary Official Statement \(Draper Commons\) \(2022A\)](#)

[Preliminary Official Statement \(Draper Commons\) \(2022B\) \(Taxable\)](#)

[Bond Ordinance Draper Commons](#)

Steve Posey, HUD Program Manager, Planning and Community Development, presented the Ordinance to issue Multifamily Housing Tax-Exempt Mortgage-Backed Bonds (M-Tems) (Draper Commons), Series 2022A, in an amount not to exceed \$26M and its Multifamily Housing Taxable Mortgage-Backed Bonds (M-Tmbs) (Draper Commons), Series 2022B, in an amount not to exceed \$5M. He provided a background of the preliminary inducement Resolution, Private Activity Bond (PAB) allocations, site location, and project description.

President Pro Tem Skorman expressed appreciation for this affordable housing project being located in downtown.

Councilmember Avila asked if this will be a universal design project. Mr. Posey confirmed it will be.

Councilmember Donelson requested the criteria for who would qualify to live in these apartments. Mr. Posey stated they will be marketed to the community in the same way any other apartment would be, but residents would have to meet the income level below the Area Median Income and that amount depends on the number of rooms and people per unit.

8.K. [21-415](#)

A resolution Fixing and Certifying the 2021 Tax Levy for Taxes Payable in 2022 at 5.000 Mills for the Colorado Springs Downtown Development Authority in Colorado Springs, Colorado

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [01 Res to Fix Mill Levy for DDA 11 23 21](#)

Charae McDaniel, Chief Financial Officer, presented the property tax mill levy and the 2022 budget for the Downtown Development Authority. She said the mill levy remains the same as 2021 at 5.0 mills and the 2022 budget appropriation is approximately \$3.66M which leaves a fund balance remaining of just under \$1M.

There were no comments on this item.

- 8.L.** [21-416](#) A resolution Approving the 2022 Budget for the Colorado Springs Downtown Development Authority in Colorado Springs Colorado

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [02 Res to Approve Budget for DDA 11.23.21](#)
[DDA 2022 October Preliminary Budget](#)

Please see comments in Agenda item 8.K.

- 8.M.** [21-407](#) A resolution fixing and certifying the 2021 annual assessment mill levy for assessments payable in 2022 at 4.409 mills upon each dollar of assessed valuation within the Briargate Special Improvement Maintenance District

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [2022 bq signed budget letter](#)
[Briargate SIMD map](#)
[Resolution re Mill Levy for Briargate SIMD 11.23.21](#)

Charae McDaniel, Chief Financial Officer, presented the Resolution fixing and certifying the 2021 annual assessment mill levy for assessments payable in 2022 upon each dollar of assessed valuation within the Briargate Special Improvement Maintenance District (SIMD), Colorado Avenue Gateway SIMD, Nor'wood SIMD, Old Colorado City Security and Maintenance District, Platte Avenue SIMD, Stetson Hills SIMD, and Woodstone SIMD. She stated the 2022 mill levies for the seven SIMDs in the City are remaining the same as they were in 2021. She stated each of the district's budget is included in the City's regular annual budget

appropriation.

There were no comments on this item.

- 8.N.** [21-408](#) A resolution fixing and certifying the 2021 annual assessment mill levy for assessments payable in 2022 at 1.009 mills upon each dollar of assessed valuation within the Colorado Avenue Gateway Special Improvement Maintenance District

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [2022 gw signed budget letter](#)
[Colo Ave Gateway SIMD map](#)
[Resolution re Fix Mill Levy for Colo Ave Gateway SIMD 11.23.21](#)

Please see comments in Agenda item 8.M.

- 8.O.** [21-409](#) A resolution fixing and certifying the 2021 annual assessment mill levy for assessments payable in 2022 at 3.935 mills upon each dollar of assessed valuation within the Nor'wood Special Improvement Maintenance District

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [2022 nw Signed Budget Letter](#)
[Norwood SIMD map](#)
[Resolution re Set Mill Levy for Norwood SIMD 11.23.21](#)

Please see comments in Agenda item 8.M.

- 8.P.** [21-410](#) A resolution fixing and certifying the 2021 annual assessment mill levy for assessments payable in 2022 at 13.416 mills upon each dollar of assessed valuation within the Old Colorado City Security & Maintenance District

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [2022 occ Signed Budget Letter](#)
[Old Colo City SIMD map](#)
[Resolution re Set Mill Levy for Old Colorado City SIMD 11.23.21](#)

Please see comments in Agenda item 8.M.

- 8.Q.** [21-411](#) A resolution fixing and certifying the 2021 annual assessment mill levy for

assessments payable in 2022 at \$1.10 per front footage of real property within the Platte Avenue Special Improvement Maintenance District

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [2022 pa Signed Budget Letter](#)
[PLATTEAVESID-Tax-Map](#)
[Resolution re Set Mill Levy for Platte Ave SIMD 11.23.21](#)

Please see comments in Agenda item 8.M.

- 8.R.** [21-412](#) A resolution fixing and certifying the 2021 annual assessment mill levy for assessments payable in 2022 at 3.858 mills upon each dollar of assessed valuation within the Stetson Hills Special Improvement Maintenance District

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [2022 sh Signed Budget Letter.pdf.1](#)
[Stetson Hills SIMD map](#)
[Resolution re Set Mill Levy for Stetson Hills SIMD 11.23.21](#)

Please see comments in Agenda item 8.M.

- 8.S.** [21-413](#) A resolution fixing and certifying the 2021 annual assessment mill levy for assessments payable in 2022 at 3.615 mills upon each dollar of assessed valuation within the Woodstone Special Improvement Maintenance District

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [2022 ws signed budget letter](#)
[Woodstone SIMD map](#)
[Resolution re Set Mill Levy for Woodstone SIMD 11.23.21](#)

Please see comments in Agenda item 8.M.

- 8.T.** [21-387](#) An Ordinance Making and Certifying the 2021 Tax Levy for Taxes Payable in 2022 at 3.929 Mills (comprised of a general operating mill levy of 4.279 mills and a temporary tax credit of 0.35 mills) Upon Each Dollar of Assessed Valuation of All Taxable Property and a Tax Credit of 3.929 Mills Upon Each Dollar of Assessed Valuation of All Taxable Business Personal Property Within the Corporate Limits of the City of Colorado Springs

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [TaxLevy2022-BPPT CreditORD](#)

Charae McDaniel, Chief Financial Officer, presented the Ordinance certifying the 2021 tax levy for taxes payable in 2022 at 4.279 mills upon each dollar of assessed valuation of all taxable property and stated they anticipate the property tax mill levy revenue will exceed the Taxpayer Bill of Rights (TABOR) property tax limit. She stated a temporary mill levy credit reduction of 0.35 mills can be established for the amount of taxes paid

There were no comments on this item.

8.U. [CPC CA
21-00130](#)

An ordinance amending Section 201 (Definitions Enumerated) of Part 2 (Definitions) of Article 2 (Basic Provisions, Definitions and Land Use Types and Classifications), Section 105 (Additional Standards for Specific Uses Allowed in Residential Zones) of Part 1 (Residential Districts) of Article 3 (Land Use Zoning Districts), Section 105 (Threshold of Review) of Part 1 (Purpose; Review Authorities) of Article 5 (Administration and Procedures), and creating a new Part 18 (Front Yard Carports) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to front yard carports

Presenter:

Mitch Hammes, Manager, Neighborhood Services

Peter Wysocki, Director of Planning and Community Development

Mike Tassi, Assistant Director of Planning and Community Development

Attachments: [CarportCh7-CC_11-23-2021_final](#)

[carport cost comparison](#)

[CCWS_11-8-2021_carports powerpoint](#)

[HNP Recommendations & Question on Carport Ordinance Language](#)

Peter Wysocki, Director of Planning and Community Development, provided a brief background of City Code pertaining to carports, summary of the Ordinance, examples of front yard carports which will and will not be permitted, and an overview of the proposed City Code Sections 7.5.1802 and 7.5.1803.

Councilmember Williams asked if the non-permitted carports are only applicable to being located in the front yard setback. Mr. Wysocki confirmed they are not permitted in the front yard setback.

Councilmember Donelson asked if the far end of the carport which is against the house is permitted to be enclosed. Mr. Wysocki confirmed it is.

Councilmember Donelson requested pricing on permitted carport structures. Mr. Wysocki stated they will provide some estimates.

Councilmember Williams asked if a carport located in a side yard/rear yard can be appealed if a neighbor does not want it. Mr. Wysocki stated it can not be appealed, but a variance process might apply. Councilmember Williams requested the language "unless good cause is presented" be added to the Ordinance which allows flexibility for this type of situation where neighbors object. Mr. Wysocki stated they will look into that.

Councilmember Henjum asked when the appeals which are currently on hold be addressed. Mr. Wysocki stated once there is a final decision on the Ordinance, they will hear the appeals or determine if they can be grandfathered.

Councilmember Avila and President Pro Tem Skorman stated they believe this Ordinance is too prohibitive and will be difficult for some people to afford.

Councilmember Murray asked if this Ordinance addresses American Disability Act (ADA) accommodations. Mr. Wysocki stated any homeowner can seek necessary accommodations under ADA provisions.

President Strand stated he also believes there needs to be more waivers and flexibility included in this Ordinance.

Councilmember Donelson asked if downspouts would be required. Mr. Wysocki stated it would be if roof drainage was a concern.

8.V. [21-646](#)

An ordinance amending Section 102 (Definitions), section 120 (Roadside Sale of Animals Prohibited), and creating Section 122 (Pet Store Sales Prohibited) of Article 7 (Regulation of Animals - General Provision) of Chapter 6 (Neighborhood Vitality / Community Health) pertaining to the prohibition of sales and certain other transactions involving dogs or cats by pet stores and providing penalties for the violation thereof

Presenter:

Tom Strand, Council President Pro Tem / Councilmember At-Large

Attachments: [PetStoreORD-2021-10-14](#)

[Opposition Document 1 - Combined Legislation and PACFA](#)

[Proponents of Ord. Document 1 PP - Colorado Springs Nov. 9 2021](#)

Ben Bolinger, Senior Attorney, City Attorney's Office, presented the Ordinance creating Section 122 (Pet Store Sales Prohibited) of Article 7 (Regulation of Animals - General Provision) of Chapter 6 (Neighborhood Vitality / Community Health) pertaining to the prohibition of sales and certain other transactions involving dogs or cats by pet stores and providing penalties for the violation thereof. He stated the proposed Ordinance would make it unlawful for pet stores to sell a dog or cat except under a very narrow exception that the dog or cat was obtained from an animal rescue organization or public animal control shelter and if certain transaction documentation showing the source of the dog or cat is retained by the store for three years after the sale.

President Strand asked if this Ordinance would affect interstate trade. Mr. Bolinger stated he does not believe there would be any implications for interstate commerce because the Ordinance allows pet stores to obtain dogs or cats from animal rescue organization not located in Colorado.

Councilmember Williams asked why this law would only apply to brick and mortar retailers, but not retailers who sold cats and dogs from their home. President Strand stated other communities have drafted this type of Ordinance, which have sustained appellate action, in order to control where these animals are brought in from. Mr. Bolinger summarized State House Bill 21-1102 which is essentially a consumer information and financial protection law.

Councilmember Williams asked if the controlling precedence out of the United States Court of Appeals for the Tenth Circuit or the Colorado Court of Appeals. Mr. Bolinger stated he does not believe there is mandatory precedence out of Colorado law, but there are other cases around the country which state a few different things, and this would not be a risk-free proposition since the City has an operating pet store.

President Strand asked if the Ordinance is proposed to take effect on July 1, 2022. Mr. Bolinger confirmed it is.

Councilmember Williams requested the expiration date of the pet store's lease. Mr. Bolinger agreed to provide that information.

9. Items Under Study

There were no Items Under Study.

10. Councilmember Reports and Open Discussion

Councilmember Helms congratulated the United States Military Academy football team for their victory over the United States Air Force Academy football team.

Councilmember Henjum stated the Pikes Peak Area Council of Governments (PPACG) is requesting nominees for their Communities Working Together Award and she and several other Councilmembers attended the 30th Anniversary of the Friends of Garden of the Gods.

Councilmember Avila stated she and Councilmember Henjum hosted a well-attended Town Hall Meeting on Saturday, November 6, 2021 for Districts 4 and 5.

Councilmember Williams expressed appreciation for the professionalism and hard work of the El Paso County Election Judges during the November 2, 2021 Election and stated he and Councilmember Donelson attended the Centennial Dinner and the AdAmAn Club Dinner. He stated he and several other Councilmembers also attended the Veterans Day Parade.

Councilmember Donelson expressed gratitude to the Daughters of the American Revolution for placing a memorial at the Veterans Cemetery on October 29, 2021.

President Strand stated he attended the Historic Gazebo Ribbon Cutting Ceremony and Sesquicentennial COS150 Tree Challenge Finale on November 1, 2021 and gave recognition to the Grand Marshals of the Veterans Day Parade, Army Sergeant Major retired Andrew Bell, Jr., and Army Sergeant 1st Class retired Arnold Johnson.

11. Adjourn

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

Sarah B. Johnson, City Clerk