



# City of Colorado Springs

Plaza of the Rockies  
South Tower, 5th Floor  
Blue River Board Room  
121 S Tejon St  
Colorado Springs, CO  
80901

## Meeting Minutes City Council

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Tuesday, July 27, 2021

10:00 AM

Blue River Board Room

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### 1. Call to Order

**Present:** 9 - Councilmember Yolanda Avila, Councilmember Dave Donelson, Councilmember Randy Helms, Councilmember Nancy Henjum, Councilmember Bill Murray, Councilmember Mike O'Malley, President Pro Tem Richard Skorman, President Tom Strand, and Councilmember Wayne Williams

Councilmember Murray attended the meeting virtually.

President Pro Tem Skorman attended the meeting virtually and left the meeting at approximately 1:00 PM.

### 2. Invocation and Pledge of Allegiance

The Invocation was made by Pastor Cindy Fiske from Woodmen Valley Chapel.

President Strand's granddaughter, Piper, led the Pledge of Allegiance.

### 3. Changes to Agenda/Postponements

Councilmember O'Malley requested item 4A.B. be removed from the Consent Calendar.

Consensus of Council agreed to this change on 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. [21-314](#)** Ordinance No. 21-57 amending Ordinance No. 20-92 (2021 Appropriation Ordinance) for a supplemental appropriation to the 2C/2C2-Road Repair, Maintenance and Improvement Fund in the amount of \$10,416,414 for additional capital expenditures utilizing the final balance of the original 2C funding which ended December 31, 2020

Presenter:

Charae McDaniel, Chief Financial Officer

Travis Easton, P.E., Public Works Director

Corey Farkas, Manager of Operations and Maintenance Division of Public Works

**Attachments:** [Ordinance for Supplemental Approp-2C Final Balance](#)

**This Ordinance was finally passed on the Consent Calendar.**

##### **4B. First Presentation:**

- 4B.A. [21-438](#)** City Council Regular Meeting Minutes July 13, 2021

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [7-13-2021 City Council Meeting Minutes Final](#)

**The Minutes were approved on the Consent Calendar.**

- 4B.B. [21-441](#)** Appointments to Boards, Commissions, and Committees

Presenter:

Michael Montgomery, Deputy City Council Administrator

**Attachments:** [072721 Boards Commissions and Committee Appointments](#)

**This Item was approved on the Consent Calendar.**

- 4B.C. [21-431](#)** The City Clerk reports that on July 8, 2021 there was filed with her a petition for the annexation of Corral Bluffs Addition No. 1 Annexation. The City Clerk herewith communicates such to City Council and

recommends that the petition and map be referred to the City Administration for review and recommendation regarding whether the petition is in substantial compliance with Section 31-12-107(1).

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [Annexation Petition Corral Bluffs](#)  
[Vicinity Map Corral Bluffs Addition No.1](#)  
[Legal Description-Corral Bluffs Annexation](#)

**This Item was approved on the Consent Calendar.**

**4B.D. [21-432](#)**

The City Clerk reports that on July 8, 2021 there was filed with her a petition for the annexation of Jimmy Camp Creek Addition No. 1 Annexation. The City Clerk herewith communicates such to City Council and recommends that the petition and map be referred to the City Administration for review and recommendation regarding whether the petition is in substantial compliance with Section 31-12-107(1)

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [Annexation Petition Jimmy Camp Creek](#)  
[Vicinity Map Jimmy Camp Creek Addition No.1](#)  
[Legal Description-Jimmy Camp Creek Annexation Filing No. 1](#)

**This Item was approved on the Consent Calendar.**

**4B.E. [21-433](#)**

The City Clerk reports that on July 8, 2021 there was filed with her a petition for the annexation of Black Canyon Quarry Addition No. 1 Annexation. The City Clerk herewith communicates such to City Council and recommends that the petition and map be referred to the City Administration for review and recommendation regarding whether the petition is in substantial compliance with Section 31-12-107(1).

Presenter:

Sarah B Johnson, City Clerk

**Attachments:** [Annexation Petition Black Canyon Quarry](#)  
[Vicinity Map Black Canyon Quarry Addition No.1](#)  
[Legal Description-Black Canyon Quarry Annexation](#)

**This Item was approved on the Consent Calendar.**

**4B.F. [21-434](#)**

The City Clerk reports that on July 8, 2021 there was filed with her a petition for the annexation of North Gate Open Space Addition No. 1 Annexation. The City Clerk herewith communicates such to City Council

and recommends that the petition and map be referred to the City Administration for review and recommendation regarding whether the petition is in substantial compliance with Section 31-12-107(1) .

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [Annexation Petition North Gate Open Space](#)  
[Vicinity Map North Gate Open Space Addition No.1](#)  
[Legal Description-North Gate Open Space Annexation Filing No. 1](#)

**This Item was approved on the Consent Calendar.**

**4B.G. [21-435](#)**

The City Clerk reports that on July 8, 2021 there was filed with her a petition for the annexation of Bear Creek Canyon Addition No. 1 Annexation. The City Clerk herewith communicates such to City Council and recommends that the petition and map be referred to the City Administration for review and recommendation regarding whether the petition is in substantial compliance with Section 31-12-107(1) .

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [Annexation Petition Bear Creek Canyon](#)  
[Vicinity Map Bear Creek Canyon Park Addition No.1](#)  
[Legal Description-Bear Creek Park Annexation](#)

**This Item was approved on the Consent Calendar.**

**4B.H. [21-317](#)**

An Ordinance 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 Barclays Bank Plc, The Fee Agreement Between the City of Colorado Springs, Colorado and Barclays Bank Plc, 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:

Tristan Gearhart, Acting Chief Planning and Financial Officer, Colorado Springs Utilities

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [07.2021 2006B Liquidity Renewal Ordinance](#)  
[07.2021 CC - 2006B Liquidity Renewal](#)

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

- 4B.I.** [21-361](#) An Ordinance of the City of Colorado Springs, Colorado Approving and Authorizing the Execution and Delivery of a Notice Regarding Extension of a Standby Bond Purchase Agreement by and Among the City of Colorado Springs, Colorado, Barclays Bank Plc, and Wells Fargo Bank, National Association, as Tender Agent and Paying Agent, and a Letter Agreement by and Among the City of Colorado Springs, Colorado, Barclays Bank Plc, and Wells Fargo Bank, National Association, as Tender Agent and Paying Agent, Relating to the City of Colorado Springs, Colorado, Variable Rate Demand Utilities System Improvement Revenue Bonds, Series 2010c; and Providing Other Matters Relating Thereto.

Presenter:

Tristan Gearhart, Acting Chief Planning and Financial Officer, Colorado Springs Utilities

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [07.2021 2010C Liquidity Renewal Ordinance](#)

[07.2021 CC - 2010C Liquidity Renewal](#)

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

- 4B.J.** [21-342](#) A resolution approving a service plan allowing for the creation of the Freestyle Metropolitan District Nos. 1-4 located in the north-central area of Banning Lewis Ranch

(Legislative)

Presenter:

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

Peter Wysocki, Director of Planning and Community Development

**Attachments:** [Resolution](#)

[Exhibit - Final Service Plan - Freestyle MD Nos. 1-4](#)

[Powerpoint](#)

[SB 21-256](#)

[1- Transmittal Letter - Freestyle MD Nos. 1-4](#)

[2- Final Redline Service Plan - Freestyle](#)

[3- Freestyle - cost estimates](#)

[4- FREESTYLE PARCELS EXHIBIT-06-21-21](#)

[Signed Resolution 98-21](#)

**This Resolution was adopted on the Consent Calendar.**

- 4B.K.** [21-343](#) A resolution approving a service plan allowing for the creation of the

Meadoworks Metropolitan District Nos. 1-5 located in the southern part of Banning Lewis Ranch.

(Legislative)

Presenter:

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

Peter Wysocki, Director of Planning and Community Development

**Attachments:** [Resolution](#)

[Exhibit - Final Service Plan - Meadoworks MD Nos. 1-5](#)

[Powerpoint](#)

[1- Transmittal Letter - Meadoworks MD Nos. 1-5](#)

[2- Final Redline Service Plan - Meadoworks MD Nos. 1-5](#)

[3- Meadoworks - District Budget 6.3.21](#)

[4- MEADOWORKS PARCELS EXHIBIT-06-21-21](#)

[5- CCMD e-mail](#)

[Signed Resolution 99-21](#)

**This Resolution was adopted on the Consent Calendar.**

**4B.L. [21-346](#)**

A resolution approving a service plan allowing for the creation of the Gold Hill North Metropolitan District Nos. 1 & 2.

(Legislative)

Presenter:

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

Peter Wysocki, Director of Planning and Community Development

**Attachments:** [Resolution](#)

[Exhibit - Final Service Plan - Gold Hill MD Nos. 1 and 2](#)

[Powerpoint](#)

[2- Final Redline Service Plan](#)

[1- Transmittal Letter - Gold Hill North Districts](#)

[3- Gold Hill North Districts - Cost Estimates](#)

[Signed Resolution 100-21](#)

**This Resolution was adopted on the Consent Calendar.**

**4B.M. [21-347](#)**

An ordinance organizing the Gold Hill North Business Improvement District and Appointing an Initial Board of Directors

(Legislative)

Presenter:

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

Peter Wysocki, Director of Planning and Community Development

**Attachments:** [ORD Gold Hill North BID](#)

[Exhibit A- Petition for Organization - Gold Hill North BID](#)

[Exhibit B- Gold Hill North BID Certificate of Mailing of Corrected Notice of Publication](#)

[Exhibit C- 2021-2022 Gold Hill North BID Operating Plan and Budget](#)

[Exhibit D- SpecialDistrictPolicyJan06](#)

[1- Transmittal Letter - Gold Hill North Districts](#)

[2 - Final Redline Operating Plan - Gold Hill North BID](#)

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

- 4B.N.** [CPC MPA 06-00206-A1 3MJ21](#) A Resolution of the City Council of the City of Colorado Springs approving a Major Amendment to the Woodmen Heights Master Plan illustrating changes to convert the previously identified school site to residential consisting of 22.65 acres located southeast of Forest Meadows Avenue and Cowpoke Road.

(Legislative)

Related Files: CPC PUZ 21-00023, CPC PUP 21-00024

Presenter:

Katie Carleo, Planning Supervisor, Planning & Community Development  
Peter Wysocki, Director of Planning & Community Development

**Attachments:** [RES\\_WoodmenHeightsMPA](#)  
[Exhibit A - WOODMEN HEIGHTS MASTER PLAN](#)  
[Staff Presentation Aspen Meadows No.4](#)  
[CPC Staff Report Aspen Meadows No.4](#)  
[ASPEN MEADOWS NO.4 PROJECT STATEMENT](#)  
[PUBLIC COMMENT](#)  
[APPLICANT RESPONSE LETTER](#)  
[SCHOOL DISTRICT 49 LETTER](#)  
[DISTRICT 49 WOODMEN HEIGHTS APPLICATION LETTER](#)  
[FIA ASPEN MEADOWS NO.4](#)  
[ASPEN MEADOWS TRAFFIC LETTER](#)  
[ASPEN MEADOWS NO. 4 CONCEPT PLAN](#)  
[PLAN COS VIBRANT NEIGHBORHOODS](#)  
[PLAN COS STRONG CONNECTIONS](#)  
[7.5.408 Master Plan](#)  
[Signed Resolution 101-21](#)

**This Resolution was adopted on the Consent Calendar.**

- 4B.O.** [CPC PUZ 21-00023](#) An ordinance amending the zoning map of the City of Colorado Springs from A (Agricultural) to PUD/AO/SS (Planned Unit Development; single-family residential, 3.5-7.99 DU/AC, 45-foot maximum building height with Airport and Streamside overlay) consisting of 22.65 acres located southeast of Forest Meadows Avenue and Cowpoke Road. (Quasi-judicial)

Related Files: CPC MPA 06-00206-A13MJ21, CPC PUP 21-00024

Presenter:

Katie Carleo, Planning Supervisor, Planning & Community Development  
 Peter Wysocki, Director of Planning & Community Development

**Attachments:** [ORD\\_ZC\\_AspenMeadowsNo.4](#)  
[EXHIBIT A Aspen Meadows No. 4 Legal](#)  
[EXHIBIT B Aspen Meadows No.4](#)  
[7.5.603.B Findings - ZC](#)  
[7.3.603 Establishment & Development of a PUD Zone](#)

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

- 4B.P.** [CPC PUP 21-00024](#) Aspen Meadows No. 4 PUD Concept Plan for single-family residential development consisting of 22.65 acres located southeast of Forest Meadows Avenue and Cowpoke Road. (Quasi-judicial)



Related Files: CPC MPA 06-00206-A13MJ21, CPC PUZ 21-00023

Presenter:

Katie Carleo, Planning Supervisor, Planning & Community Development  
Peter Wysocki, Director of Planning & Community Development

**Attachments:** [ASPEN MEADOWS NO. 4 CONCEPT PLAN](#)

[7.5.501.E Concept Plans](#)

[7.3.605 PUD Concept Plan](#)

This Item was approved on the Consent Calendar.

## Approval of the Consent Agenda

**Motion by Councilmember Avila, seconded by Councilmember Donelson, 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:** 8 - Avila, Donelson, Helms, Henjum, Murray, Skorman, Strand, and Williams

## 5. Recognitions

**5.A.** [21-442](#) A Resolution honoring July 27, 2021 as National Korean War Veterans Armistice Day

Presenter:

Dave Donelson, Councilmember District 1

**Attachments:** [National Korean War Veterans Armistice Day](#)

[Signed Resolution 102-21](#)

Councilmember Donelson provided a brief history of the Korean War and read a Resolution honoring July 27, 2021 as National Korean War Veterans Armistice Day.

Robert Roper Chaplain and Dick Stapp, Sergeant at Arms, Dutch Nelsen Chapter of Korean War Veterans, provided a brief history of their service during the Korean War and invited Korean War veterans to join their group.

Several Councilmembers expressed appreciation for the service of Korean War veterans.

**Motion by Councilmember Henjum, seconded by Councilmember Avila, that the Resolution honoring July 27, 2021 as National Korean War Veterans Armistice Day be adopted. The motion passed by a vote of 9-0-0-0**

**Aye:** 8 - Avila, Donelson, Helms, Henjum, Murray, Skorman, Strand, and Williams

- 5.B.** [21-444](#) A Resolution recognizing August 2021 as STEM (Science, Technology, Education, and Math) Education Month

Presenter:

Randy Helms, Councilmember District 2

**Attachments:** [STEM Month](#)  
[Signed Resolution 103-21](#)

Councilmember Helms read the Resolution proclaiming August 2021 to be Science, Technology, Engineering and Mathematics (STEM) Education Month.

Karen McWhorter, Director, Ascend College Prep, provided an overview of STEM education opportunities.

Councilmember Henjum spoke about Tierra Tisby, Founder of Teaching Girls to Love (TGLS) STEM.

Councilmember O'Malley gave an overview of how STEM changed his life.

**Motion by Councilmember Henjum, seconded by Councilmember O'Malley, that the Resolution recognizing August 2021 as STEM Education Month be adopted. The motion passed by a vote of 9-0-0**

**Aye:** 8 - Avila, Donelson, Helms, Henjum, Murray, Skorman, Strand, and Williams

- 5.C.** [21-356](#) A Resolution Acknowledging Public Safety Communications Center Employees as First Responders

Presenter:

Tom Strand, President of City Council

Vincent Niski, Chief, Colorado Springs Police Department

Renee Henshaw, Public Safety Communications Manager, Colorado Springs Police/Fire Department

**Attachments:** [Public Safety Telecommunicators Resolution 2021](#)  
[Signed Resolution 104-21](#)

President Strand read the Resolution acknowledging Public Safety Communications Center employees as first responders.

Renee Henshaw, Public Safety Communications Manager, Colorado Springs Police/Fire Department, gave an overview of the Public Safety

Communications Center and expressed appreciation for the telecommunicator's service to the City.

Councilmember Murray asked how their staffing level was. Ms. Henshaw stated it is challenging at this time.

Several Councilmembers expressed appreciation for the service of the telecommunicators to the City.

**Motion by Councilmember Avila, seconded by Councilmember O'Malley, that the Resolution as presented be adopted. The motion passed by a vote of 9-0-0-0**

**Aye:** 9 - Avila, Donelson, Helms, Henjum, Murray, O'Malley, Skorman, Strand, and Williams

- 5.D.** [21-443](#) A Resolution celebrating July 31, 2021 as the Sesquicentennial for the City of Colorado Springs

Presenter:

Wayne Williams, Councilmember At-large

**Attachments:** [Sesquicentennial](#)

[Signed Resolution 105-21](#)

Norm Steen, District Director for Congressman Doug Lamborn, provided an overview of the Congressional Record recognizing the history of Colorado Springs and its 150th anniversary.

Councilmember Williams read the Resolution celebrating July 31, 2021 as the Sesquicentennial for the City of Colorado Springs.

Carly Kobasiar, Special Events Supervisor, Parks, Recreation, and Cultural Services, gave an overview of the events scheduled for the celebration of the City's sesquicentennial on Saturday, July 31, 2021.

**Motion by Councilmember Helms, seconded by Councilmember O'Malley, that the Resolution celebrating July 31, 2021 as the Sesquicentennial for the City of Colorado Springs be adopted. The motion passed by a vote of 9-0-0-0**

**Aye:** 9 - Avila, Donelson, Helms, Henjum, Murray, O'Malley, Skorman, Strand, and Williams

- 5.E.** [21-439](#) A Resolution of Appreciation of John "Jack" Glavan, Pikes Peak - America's Mountain Manager, Parks, Recreation and Cultural Services, for their 25 years of service to the City of Colorado Springs.

Presenter:

Richard Skorman, President Pro Tem

Karen Palus, Parks, Recreation and Cultural Services Director.

**Attachments:** [Retiree Resolution John \(Jack\) Glavan - Final](#)  
[Signed Resolution 106-21](#)

President Pro Tem Skorman read the Resolution of appreciation for John “Jack” Glavan, Pikes Peak - America’s Mountain Manager, Parks, Recreation, and Cultural Services Department, for his twenty-five years of service with the City

Mr. and Mrs. Glavan expressed gratitude for the opportunities Mr. Glavan was given during his time with the City.

Kim King, Recreation & Administration Manager, Parks, Recreation, and Cultural Services, Jeff Greene, Chief of Staff, expressed appreciation for Mr. Glavan’s many accomplishments during his career with the City.

**Motion by Councilmember Williams, seconded by Councilmember Helms, that the Resolution be adopted. The motion passed by a vote of 9-0-0**

**Aye:** 9 - Avila, Donelson, Helms, Henjum, Murray, O’Malley, Skorman, Strand, and Williams

## **6. Citizen Discussion For Items Not On Today’s Agenda**

Citizen Michelle Knight and Ashley Perales requested the decriminalization of psilocybins.

Citizens Pamela Horten and Christine Vercellino spoke about the extensive health issues of puppies purchased from retail pet stores and requested the City pass a humane pet store Ordinance.

Citizen Mark Beals spoke about the issues he has experienced with Silverhawk Campground and Auto Shop and the lack of parking on Silverhawk Avenue which will be created with the new apartments being built.

Citizen Bill Carson requested additional resources to address the problem of garbage along bike paths.

Citizen Jaymen Johnson gave a brief overview of his civic engagement during his time living in Colorado Springs.

Citizen James Davis spoke about safety issues on Luster Drive.

## **7. Mayor's Business**

There was no Mayor's Business.

## **8. Items Called Off Consent Calendar**

- 4A.B. [21-316](#)** Ordinance No. 21-58 amending Ordinance No. 20-92 (2021 Appropriation Ordinance) for a supplemental appropriation to the General Fund in the amount of \$3,000,000 to fund the replacement of the heating, ventilation and air conditioning (HVAC) system at the Colorado Springs Pioneers Museum (CSPM)

Presenter:

Charae McDaniel - Chief Financial Officer

Karen Palus - Parks, Recreation and Cultural Services Director

**Attachments:** [Ordinance for Supplemental Approp-Pioneer Museum HVAC](#)

Councilmember O'Malley requested the City's artifacts not be stored by a third-party and that they are relocated to the City Auditorium during the repairs of the heating, ventilation and air conditioning (HVAC) system at the Colorado Springs Pioneers Museum (CSPM), a plan for asbestos abatement, and cost benefit analysis be completed with the assistance of Colorado Springs Utilities (CSU) to see if electric units can be used.

Ryan Trujillo, Support Services Director, stated there is a challenge in attempting to retrofit such an old system with electric boilers, but will evaluate that request through the Request for Proposal (RFP) process. Karen Palus, Director, Parks, Recreation and Cultural Services, stated the project manager is coordinating with CSU and there is no HVAC system at the City Auditorium, but as part of the museum's governance model, they do have a nonprofit off-site facility for storage of the City's artifacts. Jeff Greene, Chief of Staff, stated staff will work with Councilmember O'Malley and CSU regarding his recommendations.

**Motion by Councilmember Avila, seconded by Councilmember Williams, that the Ordinance for the supplemental appropriation to the General Fund in the amount of \$3,000,000 to fund the replacement of the HVAC system at the Colorado Springs Pioneers Museum be finally passed. The motion passed by a vote of 9-0-0**

**Aye:** 9 - Avila, Donelson, Helms, Henjum, Murray, O'Malley, Skorman, Strand, and Williams

## **9. Utilities Business**

There was no Utilities Business.

## **10. Unfinished Business**

- 10.A. [21-318](#)** Ordinance No. 21-59 Assessing Costs for Work Performed in Building Demolition at 1326 W. Kiowa Street, Charging the Work Against the

Property Upon Which the Work was Done and Certifying this Assessment to the County Treasurer for Collection as a Priority Lien.

Presenter:

Gayle Sturdivant, City Engineer, Deputy Public Works Director  
Ben Bolinger, Senior Attorney, City Attorney's Office

**Attachments:** [Lien-1326W KiowaORD](#)  
[Demolition Documentation](#)

President Strand recused himself due to the proximity in which he lives to the property and previous inquiries regarding the status of it from PPRBD and Public Works.

Gayle Sturdivant, City Engineer, Deputy Public Works Director, presented the Ordinance assessing costs for work performed in building demolition at 1326 W. Kiowa Street, charging the work against the property upon which the work was done and certifying this assessment to the County Treasurer for collection as a priority lien.

Citizen Jaymen Johnson stated he had experienced a similar situation where the City did not disclose all the repairs which needed to be made on his property at the same time.

**Motion by Councilmember Murray, seconded by Councilmember Helms, that the Ordinance assessing costs for the demolition of a dangerous building at 1326 W. Kiowa Street and certifying this assessment to the County Treasurer for collection as a priority lien be finally passed. The motion passed by a vote of 6-2-0-1**

**Aye:** 6 - Avila, Helms, Henjum, Murray, Skorman, and Williams

**No:** 2 - Donelson, and O'Malley

**Recused:** 1 - Strand

## **11. New Business**

### **11.A. [21-319](#)**

An Ordinance ordering that the question of organization of the Colorado Springs Briargate General Improvement District 2021 and approving a mill levy be submitted to the electors of the proposed district at the coordinated election conducted by mail ballot to be held on Tuesday, November 2, 2021; providing for the form of the ballot title and text; providing for certain matters with respect to the election; and providing the effective date of this ordinance

Presenter:

Council Member Randy Helms, District 2  
Eric Becker, Special Improvement Maintenance District Administrator

**Attachments:** [BriargateGID ORD-2021-07-07](#)  
[2020042B-DESCRIPTION PG 2 Final](#)  
[2020042B-DESCRIPTION PG 1 Final](#)  
[2020042B-PLAN Final](#)  
[Briargate GID Presentation.7.8.21](#)  
[Final Hearing Notice Letter](#)  
[Petition Statement of Sufficiency](#)

Eric Becker, Special Improvement Maintenance District (SIMD) Administrator, presented the Ordinance ordering that the question of organization of the Colorado Springs Briargate General Improvement District (GID) 2021 and approving a mill levy be submitted to the electors of the proposed district at the November 2, 2021 coordinated election. He gave an overview of SMIDs, funding mechanism, property tax statement, the Briargate SMID, maintained areas, boundary map of taxed and untaxed parcels. Mr. Becker provided the Briargate thirteen-year revenue history, budget shortfall cuts, community objectives, proposed district boundary map, SIMD funding comparison, and new district formation processes.

Councilmember Williams asked if he would need to recuse himself due to living in a zero-tax area that is in the proposed new GID area. Marc Smith, Deputy City Attorney, stated he does not believe so because there would be no personal substantial interest.

Councilmember Henjum asked if the ballot question would go to all registered voters within the City or just the district boundaries. Mr. Becker stated it would only be for voters in the new district boundaries. Sarah B. Johnson, City Clerk, stated there are approximately 30,000 registered voters in that area.

Councilmember O'Malley asked if the taxpayer burden could be lessened by converting 65-acres to non-irrigated indigenous grasses. Mr. Becker stated they have done as much as they are able to with the available funding and an initial capital investment would be required to convert the areas.

Councilmember Helms stated he will be doing his part getting the word out to the residents of this district regarding the tax inequity.

Citizen Tom Hayden, Briargate SMID resident, and Jim Keuning spoke in

favor of the proposed ballot measure.

Mr. Smith explained the question before City Council is to refer the measure to the ballot for the formation of the GID and set the mill levy. He stated there is intent in the referring Ordinance to set the SMID mill levy at zero and they need to make sure the ballot question is a yes or no answer without indication of advocacy.

Councilmember Williams stated he believes the question is informing people, not advocacy. Wynetta Massey, City Attorney, stated the fiscal assessment for the public improvements which will need to be made will not be completed prior to the City Code's requirement of August 1 and this question is about the GID, not the SMID.

Councilmember Williams asked if clarification that residents will not be double taxed be added to the ballot question. Ms. Massey stated they will research that request and citizens may also submit pro/con statements.

Citizen Pat McDivitt requested City Council pass an Ordinance regarding their commitment to permanently set the SMID mill levy to zero if the ballot measure passes and that if the GID mill levy is ever proposed to exceed a mill levy of 4.409, it needs to go to a vote of the people. Mr. Smith stated any increase in the mill levy would require a separate TABOR vote of the people. Councilmember Donelson gave his assurance that if the GID passes, City Council will set the SMID mill levy to zero.

Councilmember Williams asked if setting the SMID mill levy to zero if the GID is passed could be included in the ballot language. Mr. Smith stated he will research that information.

Citizen Charles Conser spoke in opposition to the proposed ballot question.

Mr. Smith requested a two-week postponement to clarify the ballot language regarding the SMID. Ms. Johnson stated the Ordinance will need to be fully passed prior to September 3, 2021 which is the State mandated deadline she has to provide the ballot language to the El Paso County Clerk and Recorder.

**Motion by Councilmember Helms, seconded by Councilmember O'Malley, that the Ordinance referring a measure to the November 2nd Coordinated Election to approve the formation of the Colorado Springs Briargate General Improvement**



District 2021 be approved on first reading. The motion was superceded by a motion for postponement.

**Motion by Councilmember Williams, seconded by Councilmember Helms, that the Ordinance referring a measure to the November 2nd Coordinated Election to approve the formation of the Colorado Springs Briargate General Improvement District 2021 be postponed to the August 9 and August 10, 2021 City Council meetings. The motion passed by a vote of 8-0-1-0**

**Aye:** 8 - Avila, Donelson, Helms, Henjum, Murray, O'Malley, Strand, and Williams

**Absent:** 1 - Skorman

- 11.B. [CPC CA 21-00059](#) 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) of Chapter 7 (Planning, Development, and Building) of the Code of the City of Colorado Springs 2001, As Amended, pertaining to front yard carports.

(Legislative)

Presenter:

Mitch Hammes, Neighborhood Services Manager

Peter Wysocki, Director of Planning and Community Development

**Attachments:** [ORD\\_Carport\\_7-20 \(Revised\)](#)  
[Front Yard Carport Code for Council Review](#)  
[Email & App Stakeholder Communications](#)  
[Late comments re carports](#)  
[Results \(anything else to consider\)](#)  
[Results \(how likely to construct\)](#)  
[Results \(setbacks & safety\)](#)  
[Results \(size & design\)](#)  
[Results \(zip codes\)](#)  
[CarportCh7-2021-6-17v2 \(FINAL VERSION\)](#)

Mitch Hammes, Neighborhood Services Manager, presented the Ordinance amending Chapter 7 of City Code pertaining to front yard carports. He provided a brief background, and gave an overview of the community outreach, definition of carport, permitted zones, provisions, Planning Commission comments, and current carport cases.

President Strand asked if this Ordinance would apply to back yard

carports. Mr. Hammes stated it would not, only front yard carports.

Councilmember Williams asked if the “Call before you dig” provision in the proposed Ordinance should be three days. Ben Bolinger, Senior Attorney, City Attorney’s Office, stated they will change it to three days.

Councilmember O’Malley asked how this Ordinance will apply to electric vehicle solar panel charging stations. Peter Wysocki, Director, Planning and Community Development, stated any covered exterior charging stations will need to be located in the front yard setback or the driveway in front of the garage.

Councilmember Murray asked if the fifty-five pending carport cases are due to the moratorium or the proposed changes in the carport Ordinance. Mr. Hammes stated they are related to the moratorium.

Diane Bridges, Chair, Michael Anderson, Judith Rice-Jones, and Dutch Schultz, Historic Neighborhoods Partnership (HNP), gave an overview of their mission and recommendations for a carport overlay, delay the implementation of carports in historic neighborhood, and language changes they would like made to the proposed Ordinance.

Councilmember Avila asked what the height restriction is for carports. Mr. Hammes stated he will provide that information.

Citizens Collette Cook, Sarah Brown, Robert Gallagher, and Mike McNancy spoke in favor of the proposed Ordinance.

Cheryl Brown, Secretary, Near North End, and Tim Boddington, President, Historic Preservation Alliance (HPA), spoke in support of the HNP’s recommended amendments.

Councilmember Williams asked what the purpose of the additional cost and burden on the Pikes Peak Regional Building Department (PPRBD) would be to require a building permit if a carport is within the required dimensions. Ms. Bridges stated safety, to ensure up front that the zoning is being complied with, it would reduce the enforcement time needed for violators, and to protect demarcation of the historic overlay district.

Councilmember Williams stated he is more supportive of the conditional use Planning Department process over the implementation of carport overlays. Ms. Bridges stated their goal is for the neighborhoods within the overlay district to do the evaluations.

Councilmember Donelson asked if there is social pressure in historic neighborhoods which would result in ostracization if a homeowner constructed a carport. Ms. Bridges agreed there is, but there needs to be a construct for that formal speak-up with specifics of compliance.

President Strand asked what the impact of enforcing the recommended overlays would be on the City. Mr. Wysocki stated carports are already permitted outside of the front yard, side yard, and rear yard setback, an overlay is a zone change which adds an additional set of regulations to the property, and they would need to work with each of the neighborhoods to establish the boundaries of the overlay which would be very challenging and time consuming to reach a consensus. He stated the Planning Department would need to hold neighborhood meetings, it would need to go before the Planning Commission and then the public hearing would go before City Council.

Councilmember Donelson asked if the Historic Preservation Overlay could be amended to not allow carports in the setback. Mr. Wysocki stated that is an option, but it will need to go through a public process to determine if residents want that restriction added.

Councilmember Avila asked if the Historic Preservation (HP) District would be impacted by the Ordinance since carports do not normally meet the historic characteristics of the neighborhood. Mr. Wysocki stated this Ordinance does apply to the HP properties and if approved, a carport could be installed in the front yard setback.

Councilmember Williams asked what the cost for application for a non-use variance and conditional use permit is. Mr. Wysocki stated the non-use variance permit is \$575 and conditional use permit is \$1,445. Ms. Cook stated she has not ever felt like she would be approved for a non-use variance permit.

Councilmember Williams requested a broader range of allowances be considered for the non-use variance process. Mr. Wysocki stated

RetoolCOS will be researching that process.

Councilmember Murray requested the number of carport violations which have occurred in the last ten years. Mr. Hammes stated there have been approximately one hundred in the past five years which have all come into compliance. Councilmember Murray recommended the moratorium be ended and not move forward with the proposed Ordinance.

Mr. Wysocki stated that another option that could be considered is creating a separate permit for carports.

Councilmember Henjum stated a goal of PlanCOS is to give residents the tools to identify and prioritize the uniquely important attributes of their neighborhood that make them safe, livable, and desirable and recommended a postponement to allow time to find a solution for all City residents.

Councilmember Williams asked how much time would be needed to draft a model which provides an Administrative process with the neighborhoods input. Mr. Wysocki stated late September or early October. Marc Smith, Deputy City Attorney, stated the two pending carport appeals will also need to be postponed in line with the postponement of the moratorium. Councilmember Williams requested that Staff continue to work on an Ordinance that would allow for input from the neighbors before a front yard carport could be erected.

Councilmember Henjum asked if the City had assistance for citizens in which the \$575 non-use variance permit fee would be a financial hardship. Mr. Wysocki stated there is a provision for the Director to reduce land use review fees if necessary.

Councilmember Helms asked if citizens could put up carports during this postponement. Mr. Smith stated if it is constructed in the front yard setback, it would be illegal under City Code. Mr. Wysocki stated the fifty-five cases of carports located in the front yard setback which were reported to Code Enforcement are not permitted under current City Code, but enforcement was suspended under the moratorium. Ms. Cook stated there were eighty complaints total.

Councilmember Avila stated the Southeast is struggling with hail, the cost of the variance, and they took down their carports in order to be compliant

with City Code. She stated she does not support additional bureaucracy to appease another neighborhood.

Councilmember Williams requested an overview of the variance process be presented at a Work Session meeting. Mr. Wysocki agreed to that request.

**Motion by Councilmember Donelson, seconded by Councilmember Donelson, that the 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) of Chapter 7 (Planning, Development, and Building)of the Code of the City of Colorado Springs 2001, as Amended, pertaining to front yard carports be postponed to the October 26, 2021 City Council meeting and that Staff put on the Planning Commission and City Council Consent Calendar the appropriate postponements of the extension of the carport moratorium and any related quasi-judicial matters. The motion failed by a vote of 4-4-1-0**

**Aye:** 4 - Donelson, Henjum, Murray, and Williams

**No:** 4 - Avila, Helms, O'Malley, and Strand

**Absent:** 1 - Skorman

**Motion by Councilmember Williams that the 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) of Chapter 7 (Planning, Development, and Building)of the Code of the City of Colorado Springs 2001, As Amended, pertaining to front yard carports be approved on first reading. The motion failed by a vote of 4-4-1-0**

**Aye:** 4 - Avila, Helms, O'Malley, and Strand

**No:** 4 - Donelson, Henjum, Murray, and Williams

**Absent:** 1 - Skorman

## **12. Public Hearing**

There was no Public Hearing.

## **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