



City of Colorado Springs

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

Meeting Minutes City Council

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Tuesday, May 24, 2022

10:00 AM

Council Chambers

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1. Call to Order and Roll Call

Present: 7 - Councilmember Yolanda Avila, Councilmember Dave Donelson, Councilmember Stephannie Fortune, Councilmember Nancy Henjum, Councilmember Bill Murray, Councilmember Mike O'Malley, and President Tom Strand

Excused: 2 - President Pro Tem Randy Helms, and Councilmember Wayne Williams

Councilmember Murray attended the meeting virtually.

2. Invocation and Pledge of Allegiance

The Invocation was made by Chaplain Kristen Michalski from the Colorado Springs Fire Department.

President Strand led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

Dena Lozano, Deputy City Clerk, stated Councilmember Avila requested

item 4B.I. 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. [22-167](#) Ordinance No. 22-31 by the City of Colorado Springs, Colorado, authorizing the issuance and delivery of its Multifamily Housing Revenue Note (Copper Rose Apartments Project) Series 2022, in an aggregate amount not to exceed \$24,000,000, for the purpose of financing the acquisition, construction, improvement and equipping of a multifamily housing facility in the City of Colorado Springs, Colorado and to pay certain issuance expenses of such Note; approving and authorizing execution of a loan agreement with the funding lender, a loan agreement with the borrower, and a tax regulatory agreement with respect to the Note; making findings and determinations with respect to the Project and the Note; authorizing the execution and delivery of related documents; and repealing all action heretofore taken in conflict herewith

Presenter:

Katie Sunderlin, Senior Affordable Housing Coordinator
Steve Posey, Community Development Division Manager
John Bales, Fred Marienthal, Kutak Rock LLP
Peter Wysocki, Director of Planning and Community Development

Attachments: [Copper Rose - 2022 Ordinance](#)

This Ordinance was finally passed on the Consent Calendar

4B. First Presentation:

- 4B.A. [22-313](#) City Council Regular Meeting Minutes May 10, 2022

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [5-10-2022 City Council Meeting Minutes Final](#)

The Minutes were approved on the Consent Calendar.

- 4B.B. [22-268](#) The City Clerk reports that on April 22, 2022 there was filed with her a

petition for the annexation of Marksheffel Single-Family Residential 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: [2 Welborn Updated Petition](#)
[3 Oleszek Updated Petition](#)
[4 Trigon Updated Petition](#)
[6 Pulpit Rock Annexation Petition Signed](#)
[7 Stetson Ridge Metro Dist Annexation Petition Signed](#)
[11 Marksheffel Single-Family Residential.Vicinity Map](#)
[10 Marksheffel Single-Family Annexation Plat Overall Legal](#)

This Item was approved on the Consent Calendar.

4B.C. [22-283](#)

The City Clerk reports that on May 4, 2022 there was filed with her a petition for the annexation of T5 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 Colorado Revised Statute (“CRS”) Section 31-12-107(1).

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [T5 Annexation Petition - final](#)
[Vicinity Map Annexation T5](#)
[T5 Legal](#)

This Item was approved on the Consent Calendar.

4B.D. [22-269](#)

Request to Establish a Public Hearing Date for the Consideration of a Resolution Regarding Certain Changes to Colorado Springs Utilities’ Open Access Transmission Tariff

Presenter:

Tristan Gearhart, Chief Planning and Finance Officer

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

This Item was approved on the Consent Calendar.

4B.E. [22-291](#)

Request to set July 12, 2022 as the Public Hearing date to hear any

protests against or objections to dissolution of the Colorado Springs Spring Creek General Improvement District and to advertise as required by law

Presenter:
Charae McDaniel, Chief Financial Officer

Attachments: [Spring Creek Dissolution 2022](#)

This Item was approved on the Consent Calendar.

- 4B.F. [22-247](#)** A Resolution Authorizing the Acquisition of a 0.844-acre Permanent Easement from 4225 Sinton Road Properties, LLC for the North Douglas Creek Channel Restoration: I-25 to Union Pacific Railroad Project

Presenter:
Richard Mulledy, P.E. Stormwater Enterprise Manager
Darlene Kennedy, Real Estate Services Manager

Attachments: [4225 Sinton Rd Properties Easement - Resolution for City Council 2022-04-13](#)
[4225 Sinton Rd Properties Easement - Council Working Session Powerpoint](#)

This Resolution was adopted on the Consent Calendar.

- 4B.G. [22-271](#)** A Resolution Approving an Economic Development Agreement Between the City of Colorado Springs and Project Barrel.

Presenter:
Bob Cope, Economic Development Officer
Shawna Lippert, Senior Economic Development Specialist

Attachments: [EconDev-ProjectBarrelCouncilRES-2022-04-19](#)
[Project Barrel EDA Presentation for City Council v2 WORK](#)
[Project Barrel Economic Development Agreement - WORK](#)

This Resolution was adopted on the Consent Calendar.

- 4B.H. [22-188](#)** A resolution finding a petition for annexation of the area known as Space Village Addition No. 1 consisting of 21.82 acres to be in substantial compliance with section 31-12-107(1), C.R.S. and setting a hearing date of June 28, 2022, for the Colorado Springs City Council to consider the annexation of the area.

(Legislative)

Presenter:

Gabe Sevigny, Planning Supervisor, Planning & Community Development
Peter Wysocki, Planning and Community Development Director

Attachments: [RES_SpaceVillageAdditionNo.1_HearingDate](#)
[Exhibit A_Space Village Add. No. 1_Annexation Petition](#)
[Vicinity Map_Annexation](#)

This Resolution was adopted on the Consent Calendar.

- 4B.J.** [22-331](#) A Resolution Approving Consent to the Assignment of an Economic Development Agreement Between the City of Colorado Springs and Mining Exchange Group, LLC, to KWHP Mining Exchange Group, LLC

Presenter:
Bob Cope, Economic Development Officer

Attachments: [MiningExchangeHotelEDA_RES-2022-05-16](#)
[Assignment and Assumption of Economic Development Agreement](#)
[Mining Exchange EDA](#)
[Mining Exchange Hotel EDA Assignment Presentation](#)

This Resolution was adopted on the Consent Calendar.

Approval of the Consent Agenda

Motion by Councilmember Henjum, 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 7-0-2-0

Aye: 7 - Avila, Donelson, Fortune, Henjum, Murray, O'Malley, and Strand

Excused: 2 - Helms, and Williams

5. Recognitions

- 5.A.** [22-302](#) A Resolution of Appreciation of Kurt Schroeder, Parks Maintenance and Operations Manager, Parks Recreation & Cultural Services, for their 23 years of service to the City of Colorado Springs.

Presenter:
Britt Haley, Parks Development Manager.

Attachments: [Retiree Resolution \(Employee Will Attend\) Kurt Schroeder](#)

Britt Haley, Acting Director, Parks, Recreation, and Cultural Services, provided an overview of the achievements of Kurt Schroeder, Parks Maintenance and Operations Manager, Parks Recreation and Cultural

Services, and read the Resolution of appreciation for his twenty-three years of service with the City.

Several Councilmembers and Jeff Greene, Chief of Staff expressed appreciation for Mr. Schroeder's many accomplishments during his career with the City and the County.

Mr. Schroeder expressed gratitude for the opportunities he was given during his time with the City and the County.

Motion by Councilmember Henjum, seconded by Councilmember O'Malley, that the Resolution of appreciation of Kurt Schroeder, Parks Maintenance and Operations Manager, Parks Recreation and Cultural Services, for their 23 years of service to the City of Colorado Springs be adopted. The motion passed by a vote of 7-0-2-0

Aye: 7 - Avila, Donelson, Fortune, Henjum, Murray, O'Malley, and Strand

Excused: 2 - Helms, and Williams

- 5.B.** [22-310](#) A Resolution recognizing June 4th to June 8th as Small Business Week in the Pikes Peak Region

Presenter:

Nancy Henjum, Councilmember District 5

Paul Myers-Bennett, Vice President of Marketing & Events, Better Business Bureau of Southern Colorado

Attachments: [Small Business Week](#)

Councilmember Henjum introduced Paul Myers-Bennett, Vice President of Marketing and Events, Better Business Bureau of Southern Colorado, Todd Baldwin, Red Leg Brewing, Travis Bockenstedt, Pinnacle Advanced Primary Care, Moni Hernandez, CEO Fiesta Viva Marketing, and Aitka Marcoulier, Director, Colorado Springs Small Business Development Center (SBDC), and read a Resolution recognizing June 4th to June 8th as Small Business Week in the Pikes Peak Region.

Ms. Marcoulier, identified the scheduled events designed to create awareness, celebrate, and award the top small businesses in the Pikes Peak Region.

Mr. Myers-Bennett introduced Lauren Shanks, President, SBDC, Christa Gustafson, BBB, and expressed appreciation to Ms. Marcoulier and for the recognition.

Mr. Baldwin and Mr. Bockenstedt conveyed gratitude for the support given to small businesses in the community.

Councilmember Fortune and President Strand expressed appreciation for Ms. Marcoulier and for all the support for small businesses.

Motion by Councilmember Donelson, seconded by Councilmember Fortune, that the Resolution recognizing June 8th to June 8th as Small Business Week in the Pikes Peak Region be adopted. The motion passed by a vote of 7-0-2-0

Aye: 7 - Avila, Donelson, Fortune, Henjum, Murray, O'Malley, and Strand

Excused: 2 - Helms, and Williams

- 5.C. [22-282](#) A Resolution in appreciation of The Center for Strategic Ministry for operating the Westside Community Center

Presenter:

Stephannie Fortune, Councilmember District 3

Attachments: [Center for Strategic Ministry](#)

Councilmember Fortune read the Resolution in appreciation of The Center for Strategic Ministry for operating the Westside Community Center.

Councilmember Fortune, Britt Haley, Acting Director, Parks, Recreation, and Cultural Services, Councilmember Henjum, and Jeff Greene, Chief of Staff, expressed gratitude for The Center for Strategic Ministry.

Stu Davis, Director, The Center for Strategic Ministry, introduced several members of his team and expressed appreciation for their partnership with the City over the past twelve years.

Motion by Councilmember Donelson, seconded by Councilmember Henjum, that the Resolution in appreciation of The Center for Strategic Ministry for operating the Westside Community Center be adopted. The motion passed by a vote of 7-0-2-0

Aye: 7 - Avila, Donelson, Fortune, Henjum, Murray, O'Malley, and Strand

Excused: 2 - Helms, and Williams

- 5.D. [22-309](#) A Resolution honoring May 30, 2022 as Memorial Day

Presenter:

Tom Strand, Council President and Councilmember At Large

Attachments: [Memorial Day](#)

President Strand identified the Memorial Day Remembrance Service

scheduled for Monday, May 30, 2022 at 11:00 AM at Memorial Park and read the Resolution honoring May 30, 2022 as Memorial Day.

Councilmember Donelson and President Strand expressed the importance of honoring those who gave their life for their country.

Motion by Councilmember Donelson, seconded by Councilmember O'Malley, that the Resolution honoring May 30, 2022 as Memorial Day be adopted. The motion passed by a vote of 7-0-2-0

Aye: 7 - Avila, Donelson, Fortune, Henjum, Murray, O'Malley, and Strand

Excused: 2 - Helms, and Williams

5.E. [22-266](#) City Council Appointments to Boards, Commissions, and Committees

Presenter:

Tom Strand, Council President and Councilmember At Large

Attachments: [052422 Boards Commissions and Committee Appointments](#)

President Strand presented the appointments to Boards, Commissions, and Committees.

Councilmember Henjum expressed appreciation for the citizens who work on the City's boards, commissions, and committees.

Motion by Councilmember Murray, seconded by Councilmember Donelson, that the appointments to Boards, Commissions, and Committees be approved. The motion passed by a vote of 7-0-2-0

Aye: 7 - Avila, Donelson, Fortune, Henjum, Murray, O'Malley, and Strand

Excused: 2 - Helms, and Williams

6. Items Called Off Consent Calendar

4B.I. [22-300](#) Request for approval of settlement amount for a claim arising from a police canine bite on March 23, 2021.

Presenter:

Wynetta Massey, City Attorney

Motion by Councilmember Henjum, seconded by Councilmember Murray, that the \$190,000.00 settlement amount in Correll v. City of Colorado Springs, et al be approved. The motion passed by a vote of 6-1-2-0

Aye: 6 - Avila, Fortune, Henjum, Murray, O'Malley, and Strand

No: 1 - Donelson

Excused: 2 - Helms, and Williams

7. Mayor's Business

There was no Mayor's Business.

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

Citizen Charles Barber spoke about the importance of water conservation.

Citizen Kathy Perry spoke about the long-term solutions for the Westside Community Center.

Citizen Tom Noonan spoke about Military Appreciation Month and honored a Navy Vietnam veteran Coach William "Bill" Stowe who gave his life to serve his country.

Citizen Jaymen Johnson expressed appreciation for the recognitions given today, spoke about the City's history of alcohol prohibition, and stated that he supports the proposed name change of the Law Enforcement Transparency and Accountability Commission.

9. Utilities Business

There was no Utilities Business.

10. Unfinished Business

There was no Unfinished Business.

11. New Business

- 11.A. [22-306](#) A Resolution Approving the City of Kranj, Slovenia as a Sister City of the City of Colorado Springs, Colorado, USA
Britt Haley, Parks, Recreation and Cultural Services
Donna Nelson, Spirit of the Springs Program Coordinator

Presenter:

Britt Haley, Parks, Recreation and Cultural Services
Donna Nelson, Spirit of the Springs Program Coordinator

Attachments: [05-24-22 - New Sister City - RES](#)

Donna Nelson, Spirit of the Springs Program Coordinator, gave a brief overview of the City's Sister Cities and presented the Resolution approving the City of Kranj, Slovenia as a Sister City of the City and described the importance of establishing the Sister City relationship with them.

Councilmember Avila expressed support for the partnership.

Motion by Councilmember Fortune, seconded by Councilmember O'Malley, that the Resolution approving an Intergovernmental Agreement between the City of Colorado Springs and El Paso County Clerk and Recorder regarding the conduct and administration of the November 7, 2017 Coordinated Election be adopted. The motion passed by a vote of 7-0-2-0

Aye: 7 - Avila, Donelson, Fortune, Henjum, Murray, O'Malley, and Strand

Excused: 2 - Helms, and Williams

12. Public Hearing

- 12.A.** [CPC CU 21-00196](#) An appeal of City Planning Commission's decision to approve a conditional use development plan for a licensed large daycare home with a maximum of twelve (12) children and infants at 8265 Clifton Drive.

(Quasi-Judicial)

Presenter:

Tamara Baxter, Senior Planner, Planning & Community Development Department

Peter Wysocki, Director, Planning and Community Development Department

Attachments: [Appellant Statement](#)
[CC_Little Monkeys Treehouse Childcare](#)
[CPC Staff Report Little Monkey Treehouse](#)
[Conditional Use Development Plan](#)
[Project Statement](#)
[PlanCOS_Vision Map](#)
[Public Comment](#)
[Public Comment 4.28.22](#)
[Public Comment 5.13.22 Wren](#)
[Public Comment Response](#)
[LittleMonkeyTreeDaycare_AdditionalPublicComment](#)
[Context Map](#)
[CPC_Minutes_LittleMonkeyTreehouseDaycare_draft](#)
[7.5.704 Conditional Use Review](#)
[7.5.502.E Development Plan Review](#)

Tamara Baxter, Senior Planner, Planning and Community Development, presented the appeal of City Planning Commission's decision to approve a conditional use development plan for a licensed large daycare home with a maximum of twelve children and infants at 8265 Clifton Drive. She provided

an overview of the site map, a brief background, project description, business operation, application, Planning Commission's action, stakeholder notice/comment, appeal of Planning Commission's approval, appellant's statement, conformance with PlanCOS, and staff recommendation.

Sandra Voss, representing the appellant, stated this application goes against the covenant of the neighborhood and has decreased property values, increased traffic, increased noise, increased parking issues, destruction of personal property, verbal abuse, and City Code violations.

Anna Marie Johnson, representing the applicant, owner of Little Monkey's Treehouse, provided an overview of her business, operations, and the amount of time the children are outside.

President Strand asked how many children she is currently authorized to provide daycare for. Ms. Johnson stated six and her application would increase it to twelve.

Councilmember Avila asked how many families have more than one child attending the daycare. Ms. Johnson state two.

Councilmember Henjum asked if there has been a conversation with the appellant. Ms. Johnson stated they have not.

Councilmember Henjum and Councilmember Murray asked if there is a covenant in place. Ms. Johnson stated there not.

Ben Bolinger, Assistant City Attorney, stated the City does not have jurisdiction over covenants.

Citizen Diane Henderson spoke in opposition to the application.

Ms. Johnson stated if her application is approved, she will enforce the parking requirements.

Ms. Voss provided a copy of the covenant for the neighborhood.

Councilmember Avila asked when the covenant was filed with El Paso County. Ms. Voss stated March 6, 1998.

Councilmember Murray stated by approving this application, the Council is taking away the communities right of self-government.

Mr. Bolinger reiterated that the City does not have jurisdiction to enforce covenants and City Council should review the application based on review criteria set forth in City Code

Councilmember Henjum stated based on the review criteria, she will be voting against the appeal.

Councilmember Donelson asked if the Homeowner's Association was contacted. Ms. Baxter stated they attempted to contact them but did not receive a response.

Councilmember Donelson stated this conditional use already impacts the quality of the neighborhood and will be voting in support of the appeal.

Councilmember Avila stated she will be supporting the applicant.

Councilmember Murray stated the intent of the community is to not have this business in the neighborhood and will be voting in support the appeal.

Motion by Councilmember Henjum, seconded by Councilmember Avila, to deny the appeal, thereby upholding Planning Commission's action to approve the Little Monkey's Treehouse Childcare Large Home Daycare conditional use development plan, based on the findings that the applicant complies with the review criteria set forth in City Code Sections 7.5.704 (Conditional Use) and 7.5.502.E (Development Plan), and that the appeal criteria found in City Code Section 7.5.906.B are not met. The motion passed by a vote of 4-3-2-0

Aye: 4 - Avila, Fortune, Henjum, and Strand

No: 3 - Donelson, Murray, and O'Malley

Excused: 2 - Helms, and Williams

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