



City of Colorado Springs

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

Meeting Minutes City Council

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Tuesday, September 10, 2024

1:00 PM

Council Chambers

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Estimated agenda item times are provided for planning purposes and do not constitute notice of a specific time for any item. Items may take more or less time than estimated. City Council may amend the order of items.

1. Call to Order and Roll Call

President Helms called the meeting to order at 10:00 AM.

Present: 9 - Councilmember Yolanda Avila, President Pro Tem Lynette Crow-Iverson, Councilmember Dave Donelson, President Randy Helms, Councilmember Nancy Henjum, Councilmember David Leinweber, Councilmember Mike O'Malley, Councilmember Brian Risley, and Councilmember Michelle Talarico

2. Invocation and Pledge of Allegiance

The Invocation was made by Associate Care Pastor John Elsberry from the Vanguard Church.

President Helms led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

President Helms stated a citizen has requested items 4B.C. to 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:

4B. First Presentation:

4B.A. [24-494](#) City Council Regular Meeting Minutes August 27, 2024

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [8-27-2024 City Council Meeting Minutes Final](#)

The Minutes were approved on the Consent Calendar.

4B.B. [24-436](#) An Ordinance Certifying Delinquent Stormwater Fees and Charges to the El Paso County Treasurer for Collection

Presenter:
Richard Mulledy, P.E., Public Works Director
Erin Powers, P.E., Acting Stormwater Enterprise Manager

Attachments: [SWENT-StormwaterFees-CertificationORD-2024-07-30](#)
[2024 Exhibit A](#)
[Signed Ordinance No. 24-88.pdf](#)

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

4B.D. [24-433](#) Request to Establish an October 22, 2024 Public Hearing Date for the Consideration of Resolutions Setting Electric, Natural Gas, Water, and Wastewater Rates Within the Service Areas of Colorado Springs Utilities, and Certain Changes to Electric, Natural Gas, Water, and Wastewater Rate Schedules, and Utilities Rules and Regulations.

Presenter:
Travas Deal, Chief Executive Officer, Colorado Springs Utilities

Tristan Gearhart, Chief Planning and Finance Officer, Colorado Springs Utilities

This Item was approved on the Consent Calendar.

Approval of the Consent Agenda

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

Aye: 9 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, O'Malley, Risley, and Talarico

5. Recognitions

5.A. [24-487](#) A Resolution honoring September 11, 2024 as a Day of Remembrance

Presenter:

Randy Helms, Council President and Councilmember District 2

Attachments: [A Day of Remembrance](#)

President Helms provided an account of his experience during the events of September 11, 2001 (9/11), read a Resolution honoring September 11, 2024 as a Day of Remembrance, and honored former Colorado Springs resident and Mitchell High School graduate Kathryn Yancey LaBorie who tragically lost her life on United Flight 175.

Don Addy spoke about the commemorative ceremony taking place at the Peace Officer Memorial in Memorial park and the response of citizens to the tragedy which took place on 9/11.

Councilmember Donelson spoke about the sacrifices of military veterans and their families due to the consequences of 9/11.

Councilmember Avila recognized the people who lost their lives in the World Trade Center.

Motion by Councilmember Henjum, seconded by Councilmember Risley, that the Resolution honoring September 11, 2024 as a Day of Remembrance be adopted. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, O'Malley, Risley, and Talarico

5.B. [24-517](#) A Resolution recognizing September 17 to September 23 as Constitution Week

Presenter:

Dave Donelson, Councilmember District 1

Attachments: [Constitution Week](#)

Councilmember Donelson stated The Daughters of the American Revolution (DAR) brought forward the recognition of Constitution Week and presented the Resolution recognizing September 17 to September 23 as Constitution Week.

Jessica Morgan, Region of the Cheyenne Mountain Chapter of the National Society DAR, provided an overview of DAR, identified the reasons behind Constitution Week, and thanked City Council for the recognition.

Motion by Councilmember O'Malley, seconded by Councilmember Talarico, that the Resolution recognizing September 17 to September 23 as Constitution Week be adopted. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, O'Malley, Risley, and Talarico

5.C. [24-489](#) A Resolution celebrating September 15th to October 15th as Hispanic Heritage Month

Presenter:

Yolanda Avila, Councilmember District 4

Attachments: [Hispanic Heritage Month](#)

Councilmember Avila thanked Alex Ryden, City Council Public Communication Specialist, who assists her in recording the reading of Resolutions and she read a Resolution celebrating September 15 to October 15 as Hispanic Heritage Month.

Councilmember Avila introduced Jackie Jaramillo, Claudia Contreras, and Dora Gonzalez who provided a brief overview of their Latina heritage and have made great contributions to the community.

Cory Arcarese identified the events for Fiestas Patrias and expressed appreciation for the recognition.

Councilmember Avila spoke about her father's experience being deported to Mexico during a round up and his military service.

Councilmember Henjum and Councilmember Talarico expressed

appreciation for Councilmember Avila and speakers sharing and educating about their Hispanic Heritage.

Motion by Councilmember Henjum, seconded by Councilmember Avila, that the Resolution celebrating September 15th to October 15th as Hispanic Heritage Month be adopted. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, O'Malley, Risley, and Talarico

5.D. [24-491](#) City Council Appointments to Boards, Commissions, and Committees

Presenter:

Randy Helms, Council President and Councilmember District 2

Attachments: [09102024 Boards Commissions and Committee Appointments](#)

President Helms presented the City Council Appointments to Boards, Commissions, and Committees.

Councilmember Risley expressed appreciation for the nominees who wish to serve on Boards, Commissions, and Committees.

Motion by Councilmember Talarico, seconded by Councilmember Risley, that the City Council Appointments to Boards, Commissions, and Committees be approved. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, O'Malley, Risley, and Talarico

6. Mayor's Business

There was no Mayor's Business.

7. Items Called Off Consent Calendar

4B.C. [24-468](#) An Ordinance amending Article 6 (Trails, Open Space and Parks Program) of Chapter 4 (Parks, Recreation and Cultural Services) of the Code of the City of Colorado Springs as Amended, pertaining to the Trails, Open Space and Parks Program

Presenter:

Britt Haley, Director, Parks, Recreation and Cultural Services Department

Lonna Thelen, Program Manager, Trails, Open Space and Parks (TOPS) Program

Attachments: [TOPS Resolution 03-23](#)
[TOPS-BallotORD-2024-08-05](#)
[TOPS Ordinance Amendment Powerpoint.1](#)
[Signed Ordinance No. 24-89.pdf](#)

Susan Davies, Trails and Open Space Coalition, stated seventy-five percent of the Trails, Open Space and Parks (TOPS) fund must be used for acquisition and they are starting to see some concerns because in the past, they had the flexibility to use the open space part of TOPS funding to not only buy open space but to also plan the open space in order to add trails, trail heads, and parking lots to be used by the public and that is no longer the case. She stated now they have plenty of money to buy property, but they do not have as much money to put it into the public use.

Motion by Councilmember Henjum, seconded by Councilmember Risley, that the Ordinance amending Article 6 (Trails, Open Space and Parks Program) of Chapter 4 (Parks, Recreation and Cultural Services) of the Code of the City of Colorado Springs as Amended, pertaining to the Trails, Open Space and Parks Program be approved on first reading. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, O'Malley, Risley, and Talarico

8. Utilities Business

There was no Utilities Business.

9. Unfinished Business

There was no Unfinished Business.

10. New Business

- 10.A.** [24-278](#) A Resolution Approving an Intergovernmental Agreement between the City of Colorado Springs, Colorado, El Paso County, Colorado and the Colorado Department of Transportation for a Comprehensive Roadway Access Control Plan for SH 83

Presenter:

Gayle Sturdivant, PE, PMP, Deputy Public Works Director/City Engineer
Todd Frisbie, PE, PTOE, City Traffic Engineer, Public Works

Attachments: [COS CDOT SH 83 ACP 09242024](#)
[IGA-SH83ACP-RES-2024-06-11](#)
[Complete Draft Co 83 ACP 331002877 August 28 2024](#)

Gayle Sturdivant, Deputy Public Works Director/City Engineer, presented the Resolution approving an Intergovernmental Agreement (IGA) between

the City, El Paso County, and the Colorado Department of Transportation (CDOT) for a Comprehensive Roadway Access Control Plan for the regulation of vehicle access to State Highway (SH) 83 between the southbound CO 21 ramp and County Line Road and stated there was a discrepancy of the text and the Exhibits regarding a full-movement access located northeast of the intersection CO 21 and SH 83 due to an agreement put in place in 2002 that it would be full-movement intersection in the future.

Councilmember Risley stated this Resolution will codify access to some property along SH 83.

Motion by Councilmember O'Malley, seconded by Councilmember Talarico, that the Resolution approving an Intergovernmental Agreement between the City of Colorado Springs, Colorado, El Paso County, Colorado and the Colorado Department of Transportation for a Comprehensive Roadway Access Control Plan for SH 83 be adopted. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, O'Malley, Risley, and Talarico

- 10.B.** [24-397](#) An Ordinance amending City Code Section 7.3.303.F (Marijuana-Related Services) of the Unified Development Code of the City of Colorado Springs. (Legislative)

Presenter:

Kevin Walker, Interim Director, Planning and Neighborhood Services

Attachments: [Draft Ordinance to City Council CAO Approved](#)
[Staff Report - RMS Council Ordinance Referral v3](#)
[UDC 7.5.702 Text changes](#)
[UDC 7.3.303 Marijuana-Related Uses](#)
[Charter Amendment](#)
[Statement of Insufficiency](#)
[MMC Facilities One Mile Separation Map8 24v2](#)
[2024 Presentation 8.28.24](#)
[City Council Draft Minutes](#)
[CPC Minutes 8.14.24 DRAFT](#)
[CPC Minutes 8.28.24 DRAFT](#)
[Letter Adinoff Opposition CS City Council ban on adult use sales](#)
[Public Comments Combined](#)
[Signed Ordinance No. 24-90.pdf](#)

Kevin Walker, Interim Planning Director, Planning and Neighborhood Services, presented the Ordinance amending City Code Section 7.3.303.F

(Marijuana-Related Services) of the Unified Development Code (UDC) and provided an overview of an addition to UDC requiring separation of uses from retail recreational marijuana sales, proposed language, map of proposed regulation depicting a one-mile radius from certain uses, UDC separation references, application review criteria, and optional motions.

Councilmember Donelson asked why the Planning Commission recommended denial of this item. Mr. Walker stated the Planning Commission heard a lot of testimony about the fear of marijuana use especially among the youth in the community, but they did not see the logic between a one mile versus 1/2 mile versus another distance setback.

Councilmember Donelson asked if it was because it violated another Section of City Code. Mr. Walker stated not to his knowledge.

Councilmember Henjum asked if 1,000 feet is the current setback for medical marijuana facilities. Mr. Walker confirmed that it is.

Councilmember Henjum asked how that distance was established. President Pro Tem Crow-Iverson stated it was recommended by the City Council Marijuana Workforce Group.

Councilmember Henjum asked if there is evidence that a mile setback for a recreational marijuana establishment is required over 1,000 feet for a medical marijuana establishment. Mr. Walker stated none was presented to the Planning Commission.

Councilmember Henjum asked if stakeholders have been involved in this proposed Ordinance. Mr. Walker stated not with the Planning and Neighborhood Services Department. President Pro Tem Crow-Iverson stated the opposition had the opportunity to speak at both Planning Commission meetings.

Councilmember Henjum asked why this Ordinance is being proposed. Mr. Walker stated due the request of City Council.

Councilmember Henjum stated Zoning Code should not be used to manage businesses and she will be voting against this proposed Ordinance.

President Pro Tem Crow-Iverson stated she feels the Planning Commission went off track as to what was before them.

Councilmember O'Malley stated the City is a national security community and anything that City Council can do to further strengthen that partnership, he supports.

Councilmember Risley stated there seemed to be some confusion at the Planning Commission as to what the purview of land use is, and this is about protecting vulnerable populations, and he will be supporting the proposed Ordinance.

Councilmember Avila stated this Ordinance is a way of avoiding the process and to make sure the medical marijuana establishments are not able to sell retail marijuana, marijuana is already in the City, and she will not be supporting this.

Councilmember Henjum stated recreational marijuana is already legal and highly regulated in the state of Colorado, the initiative will be on the ballot, and highly regulated and there is an issue of freedom at stake here.

Councilmember Talarico stated she has seen the effects of the toxic levels of THC firsthand in family members. Councilmember Avila stated citizens are still permitted to purchase retail marijuana even if it is outside the City limits and it is already here. Councilmember Talarico stated she feels she needs to do whatever she can to protect the children.

Julie Dreifaldt, Director of Community Engagement, One Chance to Grow Up, identified marijuana commercialization and impacts on youth, fifty-five percent of new users are underage, 2022 Child Well-Being Index with marijuana licenses for the City and County of Denver, vulnerable family and child health comparison, education campaigns, profit from addiction, THC potency, marketing audience, and statistics regarding marijuana use.

Danielle Hendrix, Resident Navigator, We Fortify, provided a brief overview of We Fortify, how young adults struggle with substance use, their harm reduction approach, and protecting vulnerable populations.

Motion by Councilmember O'Malley, seconded by President Pro Tem Crow-Iverson, that the Ordinance amending City Code Section 7.3.303.F (Marijuana-Related Services) of the Unified Development Code of the City of Colorado Springs based upon the findings that the code text amendment

complies with City Code Section 7.5.702 be approved on first reading. The motion passed by a vote of 7-2-0-0

Aye: 7 - Crow-Iverson, Donelson, Helms, Leinweber, O'Malley, Risley, and Talarico

No: 2 - Avila, and Henjum

11. Public Hearing

There was no Public Hearing.

12. Added Item Agenda

There were no items added to the Agenda.

13. Executive Session

There was no Executive Session.

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

President Helms stated he made a decision to permit fifty citizens on a first come basis to speak for two minutes each and asked them to identify how far from the Ford amphitheater they live and if they can hear the noise from it. Councilmember Donelson requested speakers also identify if they have a financial interest in the Ford Amphitheater.

Councilmember Donelson made a motion to permit twenty-five citizens in opposition and twenty-five citizens in support of the Ford Amphitheater be allowed to speak. Ben Bolinger, Corporate Division Chief, Office of the City Attorney, stated he does not advise City Council to change a rule where they already defined the limits of their form already because if those who wish to speak are sorted into two groups based on what they are going say, they may not get the opportunity to speak. Councilmember Donelson withdrew his motion.

Councilmember Donelson made a motion, Seconded by President Pro Tem Crow-Iverson to allow an additional thirty speakers of citizens who have been adversely affected by the Ford Amphitheater. Councilmember Leinweber stated two weeks ago City Council heard from thirty-seven citizens in opposition. President Helms stated he will allow additional speakers after the first fifty speakers regardless of if they are speaking for or against the amphitheater. Councilmember Donelson and President Pro Tem Crow-Iverson withdrew their motion.

Citizen Dallas Gardner spoke about the power of love.

Citizens Joe Aldaz, Erik Hilman, Greg Wolff, Liz Hansen ceded their time to Leasa Segura, Cindy Carter, Jack Hoskins, Lara Matissek, Jahara Matissek, Steve Marmel, Terry Josiah Sharpe, Jim Vacik, Tommy Foyer, Thor Hansen, Annette Verones, John Street, Joe McCreary, Jeff Dreyer, Dr. Vicki Wynn, Michael Shipley, David Hamershock, Brian Abraham, Brian Cooper, Ginger Winnop, Hillary Wolf Saba, Debbie Havens, Sandy Fenton, Scott Scarborough, Chris Jeub, Roger Patterson, James Anderson, Audra Cooper ceded their time to Margaret Edal, Trevor Nolan, Ron Rubins, Andrew Cain, Jerry Grant, Jacob Londgren, Jessica De La Luna, Sherman Terry, Ryan Fitzpatrick, Eilein Fink, Mike McGraw, Amy Gronhof, Karen Garaza, and Robert Mudd, spoke in favor of the Ford Amphitheater.

Citizens Karen Lavee-Myers, Lyn Myers, Kristen Rising, Sheryl Hobbs, Janine Sledz, Shirley Dale, Kat Gayle, Mariana Baley, and Terrance Connolly, spoke in opposition of the Ford Amphitheater.

J.W. Roth, Founder, Chairman and Chief Executive Officer, Venu, Ford Amphitheater, stated his job is to do the best he can for everybody, including the neighbors, he has made a commitment to be the best neighbor he can, he cannot make the venue completely quiet, but he is working on sound configuration and assured that neighbors are not experiencing sound above the ambient levels of the neighborhood. He stated they are also studying how new physical mitigation can work to the north and northeast, and they are working on scheduling for next year especially regarding Sunday nights events.

Ms. Sledz asked why the hardship noise variance permit was approved. Mr. Roth stated the hardship permit does not have anything to do with the decibels coming off the stage, the hardship permit was due to the levels of decibels which hit the apartment complex to the south of the amphitheater.

Mr. Roth stated the two sound meters located at Voyager Parkway and Northgate Boulevard and ten sound monitoring systems located throughout the neighborhoods have not measured the concert noise levels above the neighborhood ambient noise levels.

Mr. Roth stated he would be happy to put sound monitoring systems on neighborhood porches of those who would like them to measure both the

ambient sound levels and concert noise levels.

President Helms asked if the volume could be turned down. Mr. Roth stated the remainder of the shows are contractually preprogrammed, and they can address that for next year, but fifteen shows have already been contracted for 2025 and 2026.

President Helms asked if Mr. Roth will be committed to providing additional noise mitigation. Mr. Roth stated he is going to do whatever he can do to make the experience for the ticket buyer, the concert goer, the artist, and the neighbors happy.

President Helms asked if he will be meeting with the neighbors. Mr. Roth confirmed they will be holding an open house at the venue on October 5, 2024 at 3:00 PM to show them what they have done configuration-wise to adjust/mitigate the sound and discuss the planned physical mitigation.

Councilmember Leinweber asked if this is a parallel experience as Fiddler's Green. Mr. Roth confirmed it is and stated that as the area around the venue is built up, it will create a quasi-sound barrier.

Councilmember Leinweber asked if there will be restaurants incorporated into the sound wall. Mr. Roth confirmed there will be.

Councilmember Donelson asked where the statistic that eighty-five percent of voters approve of the amphitheater came from. Mr. Roth stated WPA Intelligence and Research out of Washington D.C. put together a poll, by district.

Councilmember Donelson asked if the hardship waiver permit was requested due to the apartment complex to the south. Mr. Roth confirmed it was.

Councilmember Donelson asked if neighborhoods farther away from the two sound monitors are experiencing higher decibels. Mr. Roth stated there are areas showing higher decibels, but those areas are showing higher decibels of ambient noise even without a concert occurring.

Councilmember Donelson requested Mr. Roth fund noise monitors which the City will install in the affected neighborhoods, collect data via a third

neutral party, and if the noise levels are exceeding fifty decibels after 7:00 PM when a concert is occurring, then Mr. Roth would need to make changes. Mr. Roth stated he will not because the ambient noise levels in those areas are already exceeding sixty decibels even without a concert occurring. Councilmember Donelson asked if Mr. Roth would do something if the ambient noise levels were measured below fifty decibels, but then spike to above fifty decibels when a concert is playing. Mr. Roth confirmed he would.

Councilmember Henjum asked if Mr. Roth wants to make the negative experiences of the neighbors better. Mr. Roth confirmed he does.

15. Adjourn

There being no further business to come before City Council, President Helms adjourned the meeting at 6:20 PM.

Sarah B. Johnson, City Clerk