



# City of Colorado Springs

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

## Meeting Minutes City Council

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Tuesday, January 11, 2022

10:00 AM

Council Chambers

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### 1. Call to Order and Roll Call

**Present:** 8 - Councilmember Yolanda Avila, Councilmember Dave Donelson, President Pro Tem Randy Helms, Councilmember Nancy Henjum, Councilmember Bill Murray, Councilmember Mike O'Malley, President Tom Strand, and Councilmember Wayne Williams

### 2. Invocation and Pledge of Allegiance

The Invocation was made by Chaplain Colonel Terry McBride United States Army Retired.

President Strand led the Pledge of Allegiance.

### 3. Changes to Agenda/Postponements

President Strand stated item 12.A. will be postponed to the January 25, 2022 City Council meeting.

Consensus of Council agreed to this change on the agenda.

**12.A.** [CPC PUD 20-00109](#) An appeal of the Planning Commission's decision to approve a PUD development plan for Creekside at Rockrimmon, subdividing 17.47

acres into 43 single-family residential lots and open space areas, located at 252 Heavy Stone View.

(Quasi-Judicial)

Presenter:

Kerri Schott, Planner II, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development

**Attachments:** [Appeal statement](#)

[Appeal statement supplement](#)

[CPC Minutes CreeksideAtRockrimmon draft](#)

[CC Creekside at Rockrimmon Presentation-KLS](#)

[CPC Report Creekside at Rockrimmon](#)

[PUD Development Plan](#)

[Project Statement](#)

[Physical Characteristics](#)

[Public Comments](#)

[CreeksideAtRockrimmon Re-review Public Comments](#)

[Context Map](#)

[Emergency Evacuation Letter](#)

[Auckland Environmental Analysis for ACOE](#)

[Wetland Mapping](#)

[NWP 29 Verification](#)

[Approved Jurisdictional Determination](#)

[CGS Final Review Letter GeoHazard](#)

[Environmental Consultant Letter](#)

[Plan COS Vibrant Neighborhood Map](#)

[7.3.606 PUD Development Plan](#)

[7.5.502.E Development Plan Review](#)

[Postponment Request](#)

**Motion by Councilmember Williams, seconded by Councilmember Donelson, that the postponement for the appeal and PUD development plan for Creekside at Rockrimmon to the January 25, 2022 City Council meeting be approved. The motion passed by a vote of 9-0-0-0. The motion passed by a vote of 8-0-0-0**

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

**3.A.** [CPC AP  
21-00157](#)

An appeal of the Planning Commission's decision to uphold the administrative denial of the Short Term Rental permits for 116 South Fourteenth Street for an ownership change, pursuant to City Code Section 7.5.1702.B and 7.5.1704.C, and that the appellant has not substantiated that the appeal satisfies the review criteria outlined in City

Code Section 7.5.906.B.

(Quasi-Judicial)

Presenter:

Carli Hibben, Program Coordinator

Peter Wysocki, Director of Planning and Community Development

**Attachments:** [Postponement Confirmation 116 S 14th St](#)

[Staff Report - 116 S 14th St STR](#)

[Ueland Appeal Statement](#)

[116 S 14th Street - 500' Buffer](#)

[PlanCOS Vision Map](#)

[116 S 14th St STR Appeal Public Comments](#)

[CPC Minutes 116 S Fourteenth St](#)

[7.5.1702.B ShortTermRentalPermitRequired](#)

[7.5.1704.C ShortTermRentalPermitReviewCriteria](#)

[7.5.906 \(A\)\(4\) Administrative Appeal](#)

**Motion by Councilmember Williams, seconded by Councilmember Donelson, that the postponement for the appeal for the Short Term Rental permit for 116 South Fourteenth Street to the January 25, 2022, City Council meeting in order for staff to refine the internal STR policy regarding ownership per the request of the Planning Commission discussion be approved. The motion passed by a vote of 8-0-0-0**

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

- 3.B.** [CPC AP 20-00146](#) Postpone an appeal of the Planning Commission's decision to uphold the Notice and Order to Abate for violation of a carport in the 25-foot front yard setback to the February 22, 2022 City Council meeting.

Quasi-Judicial

Presenter:

Kurt Arnoldussen, Senior Code Enforcement Officer, Planning and Community Development

Peter Wysocki, Director of Planning and Community Development

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

[Master](#)

**Motion by Councilmember Donelson, seconded by Councilmember Williams, that the postponement for the appeal for the Short Term Rental permit for 116 South Fourteenth Street to the February 22, 2022, City Council meeting in order for staff to refine the internal STR policy regarding ownership per the request of the Planning Commission discussion be approved. The motion passed by a vote of 8-0-0-0**

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

#### **4. Consent Calendar**

Motion by Councilmember Williams, seconded by President Pro Tem Helms, that this be approved 4. Consent Calendar The motion passed by a vote of

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

**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. [CPC A 20-00102](#) Ordinance No. 21-113 annexing to the City of Colorado Springs that area known as Park Vista Addition No. 9 Annexation consisting of 1.29-acres located southeast of Hopeful Drive and Siferd Boulevard (Legislative)

Related Files: CPC A 20-00102R, CPC A 20-00102, CPC ZC 21-00016

Presenter:

Katie Carleo, Land Use Planning Manager, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development Director

**Attachments:** [ORD\\_ParkVistaAdditionNo.9Annexation](#)

[Exhibit A - Legal annexation](#)

[PARK VISTA ADD. NO. 9 ANNEXATION PLAT](#)

[Signed Ordinance 21-113](#)

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

- 4A.B. [CPC ZC 21-00011](#) Ordinance No. 21-114 amending the zoning map of the City of Colorado Springs pertaining to 1.16 acres located southeast of Hopeful Drive and Siferd Boulevard establishing the R1-6000 (Residential) zone. (Legislative)

Related Files: CPC A 20-00102R, CPC A 20-00102

Presenter:

Katie Carleo, Land Use Planning Manager, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development Director

**Attachments:** [ORD\\_ParkVistaAddNo9\\_ZoneChange](#)  
[Exhibit A - Legal zone change](#)  
[Exhibit B - Zone Change](#)  
[Signed Ordinance 21-114](#)

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

- 4A.C.** [CPC V 21-00082](#) Ordinance No. 21-115 vacating portions of a public right-of-way known as Crestone Lane consisting of 0.984 acres located south of downtown near Motor City and Brookside Drive

(LEGISLATIVE)

Presenter:

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

**Attachments:** [ORD\\_VROW\\_CrestoneLane](#)  
[EXHIBIT A - CRESTONE LEGAL DESC](#)  
[EXHIBIT B - Crestone Lane\\_ROW Vacation Plat\\_ltr](#)  
[Signed Ordinance 21-115](#)

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

- 4A.D.** [CPC CA 21-00130](#) Ordinance No. 21-110 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 Option A 2021-12-06](#)  
[CarportCh7 Option B-2021-12-07](#)  
[Ordinance with Changes Underlined](#)  
[CC 11-23-2021 carports powerpoint](#)  
[Signed Ordinance 21-110](#)

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

- 4A.E. [21-746](#)** Ordinance No. 21-116 Repealing Ordinance Nos. 21-50 (An Ordinance Repealing Ordinance No. 19-95 and Amending Ordinance No. 14-20, Section 3, Prescribing the Salary of the City Attorney), Ordinance No. 21-51 (An Ordinance Amending Section 3 of Ordinance No. 21-06 and Prescribing the Salary of the City Auditor), and Ordinance No. 21-52 (An Ordinance Repealing Ordinance No. 21-07, and Amending Ordinance No. 18-120, Section 3, Prescribing the Salary of the City Council Administrator) and Prescribing the Salaries of the City Attorney, City Auditor, and City Council Administrator

Presenter:

Mike Sullivan, Human Resources Director  
Mayor John Suthers

**Attachments:** [2022AppointeeSalaryOrd-2021-11-18](#)  
[Signed Ordinance 21-116](#)

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

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

- 4B.A. [22-035](#)** City Council Regular Meeting Minutes December 14, 2021

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [12-14-2021 City Council Meeting Minutes Final](#)

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

- 4B.B. [22-028](#)** Appointments to Boards, Commissions, and Committees

Presenter:

Michael Montgomery, Deputy City Council Administrator

**Attachments:** [011122 Boards Commissions and Committee Appointments](#)

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

- 4B.C. [22-038](#)** Annual Designation of the City Clerk's Office as the public place for posting of public notices for public meetings.

Presenter:  
Sarah B. Johnson, City Clerk

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

**4B.D.** [CPC MP 03-00279-A2 MJ21](#) A resolution of the City Council of the City of Colorado Springs, Colorado approving a major amendment to the Woodmen Heights Master Plan changing 11.7 acres from Community Commercial/Office land use designation to Residential located southwest of East Woodmen Road and Black Forest Road.  
(Legislative)

Presenter:  
Katie Carleo, Land Use Planning Manager, Planning & Community Development Department  
Peter Wysocki, Planning Director, Planning & Community Development Department

Related Files: CPC V 21-00170, CPC ZC 21-00135, CPC CP 21-00136

- Attachments:** [RES WoodmenHeights Avanterra MPA](#)  
[Exhibit A - WOODMEN HEIGHTS MASTER PLAN AMENDMENT](#)  
[Staff Avanterra PowerPoint Presentation](#)  
[Applicant Avanterra PowerPoint Presentation](#)  
[CPC Staff Report Avanterra KAC](#)  
[AVANTERRA PROJECT STATEMENT](#)  
[AVANTERRA CONCEPT PLAN](#)  
[CPC ConsentCalendar minutes](#)  
[7.5.408 Master Plan](#)  
[Signed Resolution 01-22](#)

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

**4B.E.** [CPC V 21-00170](#) Ordinance No. 22-01 vacating portions of a public right-of-way described as Tract B, Blackwood Crossing, a replat of lots 1 and 2 of Glover Subdivision consisting of 0.093 acres located southwest of East Woodmen Road and Black Forest Road.  
(Legislative)

Related Files: CPC MP 03-00279-A2MJ21, CPC ZC 21-00135, CPC CP 21-00136

Presenter:  
Katie Carleo, Land Use Planning Manager, Planning & Community

Development Department  
Peter Wysocki, Planning Director, Planning & Community Development  
Department

- Attachments:** [ORD ROW Vacation Avanterra](#)  
[Exhibit A - Avanterra ROW Vacation LegalDescription](#)  
[Exhibit B - BLACKWOOD CROSSING VACATION PLAT](#)

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

- 4B.F.** [CPC ZC 21-00135](#) Ordinance No. 22-02 amending the zoning map of the City of Colorado Springs relating to 11.7 acres located southwest of East Woodmen Road and Black Forest Road from A/AO (Agricultural with Airport Overlay) to PBC/AO (Planned Business Center with Airport Overlay) (Quasi-judicial)

Related Files: CPC MP 03-00279-A2MJ21, CPC V 21-00170, CPC CP 21-00136

Presenter:  
Katie Carleo, Land Use Planning Manager, Planning & Community Development Department  
Peter Wysocki, Planning Director, Planning & Community Development Department

- Attachments:** [ORD AvanterraZoneChange](#)  
[Exhibit A - Avanterra ZoneChange LegalDescription](#)  
[Exhibit B - Avanterra REZONE](#)  
[Signed Ordianance 22-02](#)

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

- 4B.G.** [CPC CP 21-00136](#) Establishment of the Avanterra Concept Plan for single unit horizontal multi-family residential development consisting of 11.7 acres located southwest of East Woodmen Road and Black Forest Road. (Quasi-judicial)

Related Files: CPC MP 03-00279-A2MJ21, CPC V 21-00170, CPC ZC 21-00135

Presenter:  
Katie Carleo, Land Use Planning Manager, Planning & Community Development Department  
Peter Wysocki, Planning Director, Planning & Community Development Department



**Attachments:** [AVANTERRA CONCEPT PLAN](#)  
[7.5.501.E Concept Plans](#)

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

- 4B.H.** [21-741](#) A resolution of the City of Colorado Springs approving a Service Plan for the One Place Metropolitan District Nos. 1, 2, and 3 within Downtown Colorado Springs

(Legislative)

Presenter:

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

Peter Wysocki, Director of Planning and Community Development

Bob Cope, Economic Development Director

**Attachments:** [Resolution](#)  
[Exhibit 1- Consolidated Service Plan for One Place MD Nos. 1-3](#)  
[Submittal Letter to City of Colorado Springs, 2021-11-16](#)  
[Redlined Consolidated Service Plan for One Place MD Nos. 1-3](#)  
[Park Union Overview](#)  
[Staff Powerpoint](#)  
[Applicant Presentation](#)  
[Signed Resolution 02-22](#)

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

- 4B.I.** [22-046](#) Request for approval of settlement amount in Case No. 21-cv-01903-RM-KMT

Presenter:

Wynetta Massey, City Attorney/Chief Legal Officer

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

- 4B.J.** [21-754](#) A Resolution Authorizing the Acquisition of 1.856 Acres of Land and Easements from El Paso County School District No. 20 Using PPRTA Funds for the Black Forest Road, Roadway Improvements: Woodmen Road to Research Parkway Project

Presenter:

Gayle Sturdivant, City Engineer/Deputy Public Works Director

Mike Chaves, Engineering Manager

Darlene Kennedy, Real Estate Services Manager

**Attachments:** [Draft Resolution 10-11-21](#)  
[SD-20 Council Presentation-2](#)  
[Exhibit A-Res 102-12](#)  
[Signed Resolution 03-22](#)

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

## Approval of the Consent Agenda

**Motion by Councilmember Williams, seconded by President Pro Tem Helms, 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 8-0-0-0**

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

## **5. Recognitions**

**5.A. [22-029](#)** A Joint Proclamation in Recognition of Martin Luther King Jr. Day

Presenter:

Randy Helms, Council President Pro Tem/Councilmember District 2

**Attachments:** [Martin Luther King Jr Day](#)

Councilmember Helms read a joint Proclamation recognizing January 17, 2022 as Martin Luther King Jr. Day.

Rosalie Rodriguez, Senior Associate Dean of Students at Colorado College and Chair, Martin Luther King Jr. Planning Committee, requested everyone recognize this day by attending the virtual event being held on Monday, January 17, 2022.

Henry Allen, Pikes Peak Southern Christian Leadership Conference, spoke about their organization and expressed appreciation for the Proclamation and the support of City Council and the Administration.

Councilmember Henjum read her favorite Martin Luther King, Jr. quote.

**5.B. [22-030](#)** A Resolution recognizing January 16, 2022 as Religious Freedom Day

Presenter:

Wayne Williams, Councilmember At Large

**Attachments:** [Religious Freedom Day](#)  
[Signed Resolution 04-22](#)

Councilmember Williams gave a brief history of Thomas Jefferson and the importance religious liberty and read the Resolution recognizing January 16, 2022 as Religious Freedom Day.

President Jonathon Harvey, Colorado Springs East Stake of the Church of Jesus Christ of Latter-Day Saints, expressed appreciation for the Resolution and stated religious freedom gives citizens dignity and meaning and allows diverse faith and beliefs to coexist and flourish.

John Paul, Vice President of State Alliance for Family Policy Alliance spoke about the the First Amendment and the right to religious freedom.

Citizen Jaymen Johnson spoke about the significance of respecting diversity.

Pastor Jeff Anderson expressed gratitude for the Resolution.

**Motion by Councilmember O'Malley, seconded by Councilmember Donelson, that the Resolution recognizing January 16, 2022 as Religious Freedom Day. The motion passed by a vote of 8-0-0**

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

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

Citizen Alex Cullen spoke about his forced leave of absence from University of Colorado, School of Medicine, due to his religious and medical exemption from being vaccinated.

Citizen Jaymen Johnson spoke about the appointment of the District 3 City Councilmember.

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

There was no Mayor's Business.

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

There were no items called off the Consent Calendar.

## **9. Utilities Business**

- 9.A.**    [22-001](#)    A Resolution Authorizing the Purchase of Fort Lyon Canal Company Stock Owned by Caleb Wertz for Colorado Springs Utilities and Authorizing the Filing of Water Court Applications for Changes of Water Rights and Appropriative Rights of Exchange

Presenter:

Abby Ortega, Water Resources Management Manager, Colorado Springs Utilities

Michael Gustafson, Senior Attorney, Utilities Division, City of Colorado Springs

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [CSU Purchase Caleb Wertz Water Rights RES 12-16-2021](#)

[CC water acquisitions 1-11-22](#)

[Signed Resolution 05-22](#)

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities (CSU) presented a Resolution authorizing the purchase of Fort Lyon Canal Company stock owned by Caleb Wertz, Mark Wertz, and Heather Wertz for CSU and authorizing the Filing of Water Court applications for changes of water rights and appropriative rights of exchange and gave an overview of the principles of the Integrated Water Resource Plan

Councilmember Williams and Councilmember Henjum expressed appreciation for all the hard work which went into this program in an effort of water conservancy.

Citizen Jaymen Johnson asked if these agreements will assist farmer in purchasing equipment in order for them to use less water. Abby Ortega, Water Resources Management Manager, CSU, explained how the investment in new, more efficient sprinkler irrigation will be a more productive and efficient use of the water for fields which were previously flood irrigated.

**Motion by Councilmember Williams, seconded by President Pro Tem Helms, that the proposed Resolution authorizing the purchase of Fort Lyon Canal Company Stock owned by Caleb Wertz for Colorado Springs Utilities and authorizing the filing of Water Court Applications for changes of water rights and appropriative Rights of Exchange be adopted. The motion passed by a vote of 8-0-0-0**

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

**9.B.** [22-022](#)

A Resolution Authorizing the Purchase of Fort Lyon Canal Company Stock Owned by Mark Wertz and Heather Wertz for Colorado Springs Utilities and Authorizing the Filing of Water Court Applications for Changes of Water Rights and Appropriative Rights of Exchange

Presenter:

Abby Ortega, Water Resources Management Manager, Colorado Springs Utilities

Michael Gustafson, Senior Attorney, Utilities Division, City of Colorado

Springs

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [CSU Purchase Mark Heather Wertz Water Rights RES 12-16-2021](#)

[CC water acquisitions 1-11-22](#)

[Signed Resoltuion 06-22](#)

Please see comments in Agenda item 9.A.

**Motion by Councilmember Avila, seconded by Councilmember Henjum, that the Resolution authorizing the purchase of Fort Lyon Canal Company Stock owned by Mark Wertz and Heather Wertz for Colorado Springs Utilities and authorizing the filing of Water Court Applications for Changes of Water Rights and Appropriative Rights of Exchange be adopted. The motion passed by a vote of 8-0-0-0**

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

## **10. Unfinished Business**

There was no Unfinished Business.

## **11. New Business**

### **11.A. [22-041](#)**

A Resolution Extending the Deadline for Issuance of the USAFA Visitors Center Business Improvement District Series A, B and C Bonds Previously Authorized by Resolution Nos. 103-19, 94-20 and 18-21

(Legislative Item)

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning & Community Development

Peter Wysocki, Director of Planning and Community Development

Bob Cope, Chief Economic Development Officer

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

[PowerPoint](#)

[Resolution 18-21](#)

[Resolution 94-20](#)

[Resolution 103-19](#)

[Signed Resolution 07-22](#)

Councilmember Helms recused himself due to being on the Association of Graduates Board of Directors.

Bob Cope, Chief Economic Development Officer, presented the Resolution extending the deadline for issuance for the USAFA Visitors

Center Business Improvement District. He provided a brief summary and stated it is critical this project move forward which will benefit the community for decades to come, and the bond closing is scheduled for January 31, 2022.

Councilmember Murray stated he previously had concerns regarding the financing of this project, but now will be supporting this extension.

**Motion by Councilmember O'Malley, seconded by Councilmember Donelson, hat the Ordinance extending the deadline for issuance of USAFA Visitors Center Business Improvement District Series A, B and C Bonds previously authorized by Resolution Nos. 103-19, 94-20 and 18-21 be approved on first reading. The motion passed by a vote of 7-0-0-1**

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

**Recused:** 1 - Helms

## **12. Public Hearing**

This item was postponed to the January 24, 2022 City Council meeting.

## **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