COLORADO SPRINGS, COLORADO
CITY COUNCIL CHAMBERS
CITY HALL – 107 N. NEVADA AVENUE
SEPTEMBER 25, 2012 – 1:00 P.M.

Council met in Regular Session.

There were present: President Hente, President Pro Tem Martin, Councilmembers Bennett, Czelatdko, Dougan, Herpin, Leigh, Snider, and Williams. Also present, Mayor Bach, Chief of Staff Neumann and City Attorney/Chief Legal Officer Melcher.

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1. **Invocation and Pledge of Allegiance.**

The meeting was opened with an invocation by Mohamad Jodeh, Muslim Chaplin, U.S. Air Force Academy.

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2. **Changes to Agenda/Postponements.**

Aimee Cox, City Council Administrator, requested consideration of an Extra Item Agenda for an ordinance relating to MHS-PERA Dispute Escrow Agreement, an ordinance relating to MHS Bond Defeasance & Bond Defeasance Escrow Agreement, and a resolution relating to initial Articles of Incorporation and Bylaws for City Healthcare Foundation.

President Hente announced Council will give leave for the Extra Item Agenda to be heard under New Business.

CONSENT CALENDAR

3. The following items were acted upon by unanimous consent of the members present:

SECOND PRESENTATION:

A-1. CPC ZC 12-00066: (Quasi-Judicial Matter) Ordinance No. 12-62 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 0.25 ACRE LOCATED AT 105 NORTH SPRUCE STREET" was presented for final passage. (C-5 [Intermediate Business] to C-6/HR [General Business with High-Rise Overlay])

A-2. AR V 12-00351: Ordinance No. 12-63 entitled "AN ORDINANCE VACATING A PORTION OF CEDARMERE DRIVE PUBLIC RIGHT-OF-WAY CONSISTING OF 0.093 ACRE (4,051 SQUARE FEET)" was presented for final passage.

A-3. Ordinance No. 12-64 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 11-95 (2012 APPROPRIATION ORDINANCE) FOR THE TOPS FUND IN THE AMOUNT OF $627,500 FOR THE ACQUISITION OF 37.4 ACRES OF REAL PROPERTY IN CHEYENNE CAN□ON" was presented for final passage.

A-4. Ordinance No. 12-65 entitled "AN ORDINANCE AMENDING SECTION 201 (DEFINITIONS ENUMERATED) OF PART 2 (DEFINITIONS) AND SECTION 302 (DEFINITIONS OF USE TYPES) OF PART 3 (LAND USE TYPES AND CLASSIFICATIONS) OF ARTICLE 2 (BASIC PROVISIONS, DEFINITIONS, AND LAND USE TYPES AND CLASSIFICATIONS) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO DEFINITIONS" was presented for final passage.

A-5. Ordinance No. 12-66 entitled "AN ORDINANCE AMENDING SECTIONS 103 (PERMITTED, CONDITIONAL AND ACCESSORY USES) OF PART 1 (RESIDENTIAL DISTRICTS), SECTIONS 203 (PERMITTED, CONDITIONAL AND ACCESSORY USES) AND 204 (OFFICE, COMMERCIAL, INDUSTRIAL AND SPECIAL PURPOSE ZONE DISTRICT DEVELOPMENT STANDARDS) OF PART 2 (COMMERCIAL DISTRICTS) OF ARTICLE 3 (LAND USE ZONE DISTRICTS) AND SECTION 203 (PARKING SPACE REQUIREMENTS BY USE) OF PART 2 (OFF STREET PARKING STANDARDS) OF ARTICLE 4 (SITE DEVELOPMENT STANDARDS) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO PERMITTED, CONDITIONAL ACCESSORY USE TABLES, OFFICE, COMMERCIAL AND INDUSTRIAL DEVELOPMENT STANDARDS AND THE PARKING USE TABLES" was presented for final passage.

A-6. Ordinance No. 12-67 entitled "AN ORDINANCE AMENDING SECTION 507 (P-PLANNED PROVISIONAL OVERLAY/CONDITIONS OF RECORD) OF PART 5 (OVERLAY 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 PLANNED PROVISIONAL OVERLAY AND CONDITIONS OF RECORD" was presented for final passage.

A-7. Ordinance No. 12-68 entitled "AN ORDINANCE AMENDING SECTIONS 602 (REQUIREMENTS), 603 (ESTABLISHMENT AND DEVELOPMENT OF A PUD ZONE), 605 (REVIEW CRITERIA FOR PUD PLANS), 606 (REVIEW CRITERIA FOR DEVELOPMENT PLAN), 608 (PUD PLAN AND DEVELOPMENT PLAN AMENDMENTS), 610 (SUBDIVISION), 611 (WAIVER OR MODIFICATION OF SUBDIVISION CODE REQUIREMENTS), ALL OF PART 6 (PLANNED UNIT DEVELOPMENT 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 PLANNED UNIT DEVELOPMENT DISTRICTS" was presented for final passage.

A-8. Ordinance No. 12-69 entitled "AN ORDINANCE AMENDING SECTIONS 101 (PURPOSE) AND REPEALING SUBSECTION 1 (TND TRADITIONAL NEIGHBORHOOD DEVELOPMENT) OF SECTIONS 102 (PURPOSE AND SPECIFIC REQUIREMENTS OF THE RESIDENTIAL ZONE DISTRICTS) OF PART 1 (RESIDENTIAL DISTRICTS) AND CREATING A NEW PART 9 (TRADITIONAL NEIGHBORHOOD DEVELOPMENT) ALL 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 RESIDENTIAL USE TYPES AND TRADITIONAL NEIGHBORHOOD DEVELOPMENT" was presented for final passage.

A-9. Ordinance No. 12-70 entitled "AN ORDINANCE AMENDING SECTIONS 102 (CITY COUNCIL), 103 (CITY PLANNING COMMISSION), 104 (MANAGER OF COMMUNITY DEVELOPMENT) AND 105 (THRESHOLD OF REVIEW) OF PART 1 (PURPOSE, REVIEW AUTHORITIES) 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 REVIEW AUTHORITIES AND THRESHOLD OF REVIEW" was presented for final passage.

A-10. Ordinance No. 12-71 entitled "AN ORDINANCE AMENDING SECTIONS 403 (LAND USE MASTER PLANS; WHEN REQUIRED, WAIVER OF REQUIREMENTS, AMENDMENTS AND MINOR ADJUSTMENT), 404 (APPLICATION), 406 (PLAN REQUIREMENTS AND LAND USE CLASSIFICATIONS), 409 (CHANGED CONDITIONS) AND 410 (MASTER PLAN LAND USE CLASSIFICATIONS) OF PART 4 (MASTER PLANS) 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 MASTER PLANS" was presented for final passage.

A-11. Ordinance No. 12-72 entitled "AN ORDINANCE AMENDING PART 5 (CONCEPT PLANS AND DEVELOPMENT PLANS) 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 CONCEPT AND DEVELOPMENT PLANS" was presented for final passage.

A-12. Ordinance No. 12-73 entitled "AN ORDINANCE AMENDING SECTIONS 1201 (PURPOSE), 1203 (NONCONFORMING USES), 1204 (NONCONFORMING BUILDINGS OR STRUCTURES) AND 1205 (NONCONFORMING LOTS) OF PART 12 (NONCONFORMING DEVELOPMENT) 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 NONCONFORMING DEVELOPMENT" was presented for final passage.

A-13. Ordinance No. 12-74 entitled "AN ORDINANCE AMENDING SECTIONS 704 (AUTHORIZATION AND FINDINGS), 705 (AMENDMENTS) AND 706 (EXPIRATION) AND CREATING NEW SECTIONS 707 (EXPIRATION OF APPROVAL) AND 708 (TRANSFERABILITY) OF PART 7 (CONDITIONAL USES) 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 CONDITIONAL USES" was presented for final passage.

A-14. Ordinance No. 12-75 entitled "AN ORDINANCE AMENDING SECTIONS 108 (DEFINITIONS), 109 (ANCIENT PLATS AND SUBDIVISIONS), CREATING A NEW SECTION 110 (AMENDMENTS TO THE TEXT OF THE SUBDIVISION CODE) OF PART 1 (GENERAL PROVISIONS), AMENDING SECTION 201 (PRELIMINARY PLAT REQUIRED) OF PART 2

(PRELIMINARY PLATTING PROCEDURES), SECTIONS 305 (RECORDING PROCEDURES) AND 306 (REPLAT REQUIREMENTS) OF PART 3 (FINAL PLATTING PROCEDURES), SECTIONS 402 (VACATION PROCEDURES) AND 405 (RECORDING PROCEDURES) OF PART 4 (VACATION PLATS, PLATTING PROCEDURES), SECTION 505 (ISSUANCE OF BUILDING PERMITS TO PREVIOUSLY PLATTED LANDS OR WAIVER OF REPLAT) OF PART 5 (MINOR ADMINISTRATIVE PROCEDURES), SECTION 607 (EASEMENTS) OF PART 6 (DESIGN STANDARDS), SECTION 704 (REGULATIONS FOR STREETS SHOWN ON PLATS SUBMITTED FOR APPROVAL) OF PART 7 (STREETS IN SUBDIVISIONS) ALL OF ARTICLE 7 (SUBDIVISION REGULATIONS) AND SECTION 102 (AMENDMENTS TO RBC313) OF PART 1 (GENERAL PROVISIONS) OF ARTICLE 8 (FLOODPLAIN MANAGEMENT) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO SUBDIVISION AND FLOODPLAIN REQUIREMENTS" was presented for final passage.

A-15. Ordinance No. 12-76 entitled "AN ORDINANCE AMENDING SECTION 105 (ADDITIONAL STANDARDS FOR SPECIFIC USES ALLOWED IN RESIDENTIAL ZONES) OF PART 1 (RESIDENTIAL DISTRICTS), SECTION 205 (ADDITIONAL STANDARDS FOR SPECIFIC LAND USES) OF PART 2 (COMMERCIAL DISTRICTS), SECTIONS 402 (PURPOSE AND SPECIFIC REQUIREMENTS OF THE SPECIAL PURPOSE ZONE DISTRICTS) AND 405 (ADDITIONAL STANDARDS FOR SPECIFIC LAND USES) OF PART 4 (SPECIAL PURPOSE DISTRICTS), SECTIONS 502 (DFOZ-DESIGN FLEXIBILITY OVERLAY) AND 503 (HR-HIGH RISE OVERLAY) OF PART 5 (OVERLAY DISTRICTS) ALL OF ARTICLE 3 (LAND USE ZONING DISTRICTS); SECTION 102 (GENERAL STANDARDS) OF PART 1 (GENERAL STANDARDS), SECTIONS 202 (GENERAL REGULATIONS), 204 (ACCESSIBLE PARKING SPACE REQUIREMENTS FOR THE DISABLED) AND 205 (GENERAL PROVISIONS, RESTRICTIONS, AND PROHIBITIONS) OF PART 2 (OFF STREET PARKING STANDARDS), SECTIONS 602 (APPLICABILITY), 604 (PROCESSING OF CMRS APPLICATIONS) AND 606 (HEIGHT AND SETBACK STANDARDS) OF PART 6 (COMMERCIAL MOBILE RADIO SERVICE (CMRS) REGULATIONS) ALL OF ARTICLE 4 (SITE DEVELOPMENT STANDARDS); SECTION 603 (FINDINGS) OF PART 6 (ZONE CHANGE REQUESTS AND ZONING CODE AMENDMENTS), SECTIONS 802 (NONUSE VARIANCES) AND 803 (USE VARIANCES) OF PART 8 (VARIANCES) AND SECTION 1302 (DEFINITIONS) OF PART 13 (SEXUALLY ORIENTED BUSINESS) ALL OF ARTICLE 5 (ADMINISTRATION AND PROCEDURES) ALL OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO STANDARDS AND REGULATIONS FOR VARIOUS LAND USES AND ZONE DISTRICTS" was presented for final passage.

FIRST PRESENTATION:

B-1. Ordinance No. 12-79 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 11-95 (2012 APPROPRIATION ORDINANCE) FOR CITY-FUNDED CIP IN THE AMOUNT OF $50,000 TO CONSTRUCT THE DUBLIN BOULEVARD AND SHIMMERING CREEK TRAFFIC SIGNAL PROJECT" was introduced and read.

B-2. Resolution No. 118-12 was presented: "A RESOLUTION REGARDING CERTAIN CHANGES TO COLORADO SPRINGS UTILITIES TARIFF ELECTRIC RATE SCHEDULES."

B-3. Ordinance No. 12-80 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 11-95 (2012 APPROPRIATION ORDINANCE) IN THE AMOUNT OF $165,074 FOR TERMINAL IMPROVEMENTS AT THE COLORADO SPRINGS AIRPORT" was introduced and read.

B-4. Ordinance No. 12-81 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 11-95 (2012 APPROPRIATION ORDINANCE) IN THE AMOUNT OF $150,000 FOR AIRFIELD PAVEMENT IMPROVEMENTS AT THE COLORADO SPRINGS AIRPORT" was introduced and read.

B-5. AR APR 12-00366: (Quasi-Judicial Matter) Resolution No. 119-12 was presented: "A RESOLUTION DELETING A BUILDING SETBACK REQUIREMENT FROM LOT 30, MESA SPRINGS ADDITION NO. 3, ADDRESSED AS 975 WEST FILLMORE STREET".

Motion by Bennett, second by Snider, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present.

Ayes: Bennett, Czelatdko, Dougan, Hente, Herpin, Leigh, Martin, Snider, Williams
Noes: None
Absent: None

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4. **Resolutions of Appreciation.**

There were none.

CITIZEN DISCUSSION

Mike Crepeau spoke regarding the proposed no panhandling ordinance and transparency.

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5. **Approval of Minutes.**

Motion by Martin, second by Herpin, that the Minutes of the regular Council Meeting of September 11, 2012 be approved as written. The motion unanimously carried.

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6. **Mayor's Communications.**

Mayor Steve Bach stated subsequent to the Mayor's Counsel meeting last week, he was informed that over the past six years, our region has received $188 Million, or approximately $30 Million per year less than the 9.49% provided by the existing MOU between Pikes Peak Area Council of Governments (PPACG) and the Colorado Department of Transportation (CDOT). He requested Councilmembers serving on the PPACG Board, as well as other Board members call upon CDOT to treat the City fairly; that the current MOU with CDOT expires

June 30, 2013, at which time consideration may be given to not extending the MOU and instead move to resource allocation.

Mayor Bach spoke requested Council direct Colorado Springs Utilities (CSU's) participation in the costs of stormwater improvements, and that its position on the study in progress be reconsidered; that he believes City Council should pursue an independent, objective study by an outside expert to look at the ownership, governance, and operations of Utilities.

UNFINISHED BUSINESS

7. **An ordinance forfeiting vested rights for the undeveloped portion of CPC PUD 05-00301 (Dublin Terrace Townhomes) in accord with the provisions of Section 7.9.101 (c) of the Code of the City of Colorado Springs 2001, as amended**.

Rick O'Connor, Land Use Review, stated this item was previously postponed 60 days until today, and an additional postponement is being requested.

In response to Council, Mr. O'Connor stated if it is beneficial, staff supports a postponement; that there are issues involved that have some ramifications, both with the townhome residents and adjoining property owners; that the receiver met with the property owners last week and he assumes more discussions may be necessary to address concerns.

Attorney Allen Zeigler, Alpern Myers Stuart, LLC, stated this is a complex situation; that the receiver is working to resolve this matter, but it has not been possible within the timeframe.

In response to President Hente, Mr. Zeigler stated he believes a determination could be reached within 60 days; that at that time, the status will be reported to Council.

Bill Sheridan and Jeannie English, townhome residents, requested the matter be considered today; that a meeting held with residents and the receiver did not result in any information different than what was already apparent.

Elizabeth Wooley, townhome resident, spoke in support of the postponement.

Andrew Checkley, representative for the receivership, stated a supplemental report provided to Council outlines the steps taken to resolve some of the issues, as well as potential solutions; that within 60 days, they will know whether an amended development plan can be submitted for Planning Commission review and City Council action.

In response to Councilmember Dougan, Kyle Campbell, Interim Director of Planning, stated approval of the proposed ordinance today, would void the development plan and require the townhome height issue be resolved prior to future development on the vacant lots; that the proposed ordinance ties both the existing buildings and the undeveloped lots together, to ensure a package deal moves forward; that the process would not necessarily speed up or slow down if the proposed ordinance were passed.

Motion by Herpin, second by Bennett, that this matter be continued to the Council Meeting of November 27, 2012. The motion unanimously carried.

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8. **Appointments to various Boards and Commissions.**

Motion by Herpin, second by Martin, that David Litzelman be appointed to a term as a member of the Briargate Special Improvement Maintenance District Advisory Committee, said term to expire September 25, 2015. The motion unanimously carried.

Motion by Herpin, second by Martin, that Dr. Julie Kiley be appointed to a term as a member of the Emergency Services Agency (ESA), said term to expire August 17, 2015. The motion unanimously carried.

Motion by Herpin, second by Martin, that Greg Howard be appointed to a term as a member of the Greater Downtown Business Improvement District Board of Directors, said term to expire July 24, 2015. The motion unanimously carried.

Motion by Herpin, second by Martin, that Paul York be appointed to a term, taking an unexpired term, and Fred Veach be appointed as alternate, as members of the Lodgers and Automobile Rental Tax Advisory Committee (LART), said terms to expire July 22, 2013, and indefinite, respectively. The motion unanimously carried.

Motion by Herpin, second by Martin, that Kathy Read be appointed and Jim Heikes be reappointed, to a term as members of the Old Colorado City Security and Maintenance District Advisory Committee, said terms to expire November 27, 2015. The motion unanimously carried.

NEW BUSINESS

9. **An ordinance amending Section 103 (Permitted, Conditional and Accessory Uses) of Part 1 (Residential Districts), Section 203 (Permitted, Conditional and Accessory Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts), Section 906 (Appeals) of Part 9 (Notice, Hearings and Appeals) and Creating a New Part 17 (Oil and Gas Regulations) 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 Oil and Gas Regulations.**

Mr. Campbell gave a presentation and stated the proposed ordinance establishes regulations for oil and gas operations; that he has been designated as the Local Government Designee (LGD) for the City.

Councilmember Herpin inquired about permitting drilling in a residential zone, and Mr. Campbell stated it is within Council's purview to examine and make changes, but based upon the recommendations and litigations that have taken place in other municipalities in the state, when a municipality has restricted where oil and gas may be operated, litigation has resulted.

Wynetta Massey, Deputy City Attorney of Municipal Operations, stated the State's position is that it should determine where drilling can occur; that regarding operational conflicts, the

ordinance was drafted to not conflict with the State and sustain scrutiny by the State and the courts.

Councilmember Snider requested Council receive a copy of an Intergovernmental Agreement (IGA) prior to voting on the proposed ordinance.

Mr. Campbell stated he can obtain a copy from another municipality for Council review.

President Hente stated now is the time to enter into an IGA, and inquired if the City enters into an IGA after approval of the regulations could the State refuse, and Mr. Campbell stated what is proposed is keeping flexibility; that in the interim, before an IGA is completed, individuals requesting a permit could enter into a Memorandum of Understanding (MOU).

Ms. Massey stated the County is on the verge of negotiating and completing its IGA; that part of the question is, does the City want land use regulations in place in case something comes in sooner, or would it rather have an IGA in place; that an IGA would be in the City's best interest, as everyone would understand the rules before getting involved, but the proposed ordinance is also part of those rules.

Councilmember Czelatdko suggested Council wait to see the finalized County IGA, as it would be similar. She expressed concern about the possibility of a MOU not being enforced.

President Pro Tem Martin agreed, that if there is going to be an IGA, the time is now; that she is uncomfortable passing proposed regulations without having the IGA, as it needs to be very clear of how to move forward before permits are issued. She stated she has expressed concern regarding inspectors, and air and water quality monitoring.

Councilmember Dougan inquired how long it would take to finalize an IGA, and Mr. Campbell stated it depends on whether they could take a successful IGA and modify it.

Mark Smith, City Staff Attorney, stated El Paso County is waiting for the State to complete the process; that he is uncertain how long it will take to finalize an IGA; that in terms of inspectors, Gunnison County entered into an IGA with the State to hire an inspector locally; that they would not be able to write violations of State law, but could inspect for violations; that at this time, there are two permit applications with the State and it is his understanding, the State is able to put conditions of approval that go beyond State regulations and City ordinances, and in these cases, he believes there has been conditions of approval regarding water quality testing; that he does not know the parameters of those conditions, but there are some protections in terms of water quality monitoring for the two pending Banning Lewis Ranch applications pending.

Councilmember Herpin inquired whether a permitting fee is being charged, if there is a local severance tax, and what the economic benefit is to concurring with the drillings.

Mr. Smith stated an application fee can be applied, but the severance tax issue is more complex; that this is a land use ordinance and the State has given the authority to have reasonable regulations that do not operationally conflict with State operational regulations.

Lucy Bell, Elizabeth Santisteven, Sandra Paragine, Laurel Biederman, Judith Lee, Eric Verlo, Lotus, Jim Lockhart, Lorena Townsend, Barbara Allen, Elaine Doudna, Bill Koerner, Trails and Open Space Coalition, and Bob Kinsey, Green Party of the Pikes Peak Region, spoke against and expressed concerns about the proposed ordinance and oil and gas drilling in Colorado Springs.

Nancy Prinz, Local Government Liaison for the Colorado Oil and Gas Conservation Commission (COGCC), presented Council with two Oil and Gas Location Assessments and an IGA between the Board of County Commissioners of Gunnison County and the COGCC to help address questions related to location assessments, inspections and enforcement.

Mary Talbott stated, according to the COGCC, there are 48,192 active wells in the State of Colorado and 13 inspectors, and requested Council think about local regulations in that context; that El Paso County Commissioners had a comprehensive set of local oil and gas rules to read, review, and discuss; that Council has not had that chance, and was served the minimum of rules from the outset.

Motion by Snider, second by Martin, that this matter be continued for 30 days and Staff is directed to bring back an IGA specific to Colorado Springs.

Councilmember Williams inquired about the status of the annexation agreement, as it hinges where the City is in the process, and who owns the mineral rights for the City owned property.

A vote being taken on the motion:

Ayes: Bennett, Czelatdko, Hente, Herpin, Leigh, Martin, Snider, Williams
Noes: Dougan
Absent: None

President Hente declared the motion carried.

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10. Ordinance No. 12-82 entitled "AN ORDINANCE CREATING A NEW SECTION 120 (ROADSIDE SALE OF ANIMALS PROHIBITED) OF ARTICLE 7 (REGULATION OF ANIMALS – GENERAL PROVISIONS) OF CHAPTER 6 (NEIGHBORHOOD VITALITY/COMMUNITY HEALTH) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO ROADSIDE SALE OF ANIMALS" was introduced and read.

Jan McHugh-Smith, Humane Society of the Pikes Peak Region, stated the proposed ordinance is intended to discourage people from breeding and selling animals on the roadside, and encourage responsible pet ownership.

In response to President Hente, Ms. Massey stated the ordinance prohibits the sale of animals roadside; that tickets for an offense may be issued; that through the Animal Control Contract, the Humane Society is responsible for enforcing animal control ordinances.

Motion by Martin, second by Leigh, that the ordinance be passed as introduced.

Ayes: Bennett, Czelatdko, Dougan, Hente, Herpin, Leigh, Martin, Snider, Williams
Noes: None
Absent: None

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11. Ordinance No. 12-83 entitled "AN ORDINANCE AMENDING SECTION 102 (PERSONNEL POLICIES AND PROCEDURES) OF PART I (EMPLOYEE RULES AND REGULATIONS) OF ARTICLE 4 (CITY EMPLOYEES) OF CHAPTER 1 (ADMINISTRATION, PERSONNEL AND FINANCE) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO ACCEPTANCE OF CHANGES TO THE PERSONNEL POLICIES AND PROCEDURES MANUAL" was introduced and read.

Ms. Cox stated the proposed ordinance clarifies the process of amendments to the Policies and Procedures Manual (PPM).

Motion by Bennett, second by Martin, that the ordinance be passed as introduced.

Ayes: Bennett, Czelatdko, Dougan, Hente, Herpin, Leigh, Martin, Snider, Williams
Noes: None
Absent: None

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Extra Item
No. 1

Ordinance No. 12-77 entitled "AN EMERGENCY ORDINANCE OF THE CITY OF COLORADO SPRINGS, COLORADO APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT WITH RESPECT TO MEMORIAL HEALTH SYSTEM BETWEEN THE CITY OF COLORADO SPRINGS, COLORADO, THE PUBLIC EMPLOYEES RETIREMENT ASSOCIATION OF COLORADO, THE UNIVERSITY OF COLORADO HEALTH AUTHORITY, UCH-MHS, POUDRE VALLEY HEALTH CARE, INC. AND WELLS FARGO BANK, NATIONAL ASSOCIATION.; RATIFYING CERTAIN ACTION HERETOFORE TAKEN; AND DECLARING AN EMERGENCY" was introduced and read.

Chris Melcher, City Attorney, gave an overview of the proposed ordinance stating the parties involved have agreed to resolve the dispute through a coordinated effort, and requested approval of the ordinance prior to the projected closing date of October 1, 2012, with the understanding that the City Attorney and City Staff may make any necessary changes, which do not conflict with the spirit or intent of the agreement.

Motion by Bennett, second by Herpin, that the ordinance be introduced, read and finally passed, adopted, and approved as an emergency.

Ayes: Bennett, Czelatdko, Dougan, Hente, Herpin, Leigh, Martin, Snider, Williams
Noes: None
Absent: None

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Extra Item
No. 2

Ordinance No. 12-78 entitled "AN EMERGENCY ORDINANCE OF THE CITY OF COLORADO SPRINGS, COLORADO APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT WITH RESPECT TO MEMORIAL HEALTH SYSTEM BETWEEN THE CITY OF COLORADO SPRINGS, COLORADO AND WELLS FARGO BANK, N.A.; RATIFYING CERTAIN ACTION HERETOFORE TAKEN; AND DECLARING AN EMERGENCY" was introduced and read.

Mr. Melcher gave an overview of the proposed ordinance.

Motion by Bennett, second by Martin, that the ordinance be introduced, read and finally passed, adopted, and approved as an emergency.

Ayes: Bennett, Czelatdko, Dougan, Hente, Herpin, Leigh, Martin, Snider, Williams
Noes: None
Absent: None

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Prior to addressing Extra Item No. 3, Mr. Melcher announced a fourth item, which he stated was included in Council's legal packet for review prior to the Council meeting, but not filed with the City Clerk. He stated Part 2, Section 1.C.1 of City of Colorado Springs Rules and Procedures states, "Matters not filed with the City Clerk in accordance herewith shall not be considered but shall lie over until the next meeting unless leave for immediate consideration be granted by a majority vote of the members of the Council present at the meeting". He stated the item he is requesting be considered is a resolution, which is simply a statement of intent at the request of UCH and affiliates as part of the lease agreement, that states wherever in the current City Charter, or City Code there is mention of Memorial, it is understood and intended that mention of Memorial refers only to the current Memorial Enterprise and does not refer to the new Memorial that will be operated by UCH.

President Hente stated the item was discussed at the Informal Council Meeting of September 24, 2012, in Closed Executive Session.

Motion by Bennett, second by Herpin, that Council give leave for immediate consideration of Extra Item No. 2-A. The motion unanimously carried.

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Extra Item
No. 2-A

Resolution No. 120-12 was presented: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS, COLORADO, IN CONNECTION WITH THE CLOSING OF THAT CERTAIN HEALTH SYSTEM OPERATING LEASE AGREEMENT AND INTEGRATION AND AFFILIATION AGREEMENT, EACH DATED JULY 2, 2012.

Mr. Melcher gave an overview of the proposed resolution.

Motion by Herpin, second by Bennett, that the resolution be adopted.

Ayes: Bennett, Czelatdko, Dougan, Hente, Herpin, Leigh, Martin, Snider, Williams
Noes: None
Absent: None

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Extra Item
No. 3

Resolution No. 121-12 was presented: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS, COLORADO, APPROVING ARTICLES OF INCORPORATION AND BYLAWS FOR THE COLORADO SPRINGS HEALTH FOUNDATION".

Mr. Melcher gave an overview of the proposed resolution.

At the request of Council, Attorney Jim Wheel, Hogan Lovells US LLP, and Mr. Melcher reviewed sections of the proposed resolution.

Motion by Bennett, second by Martin, that the resolution be adopted.

Ayes: Bennett, Dougan, Hente, Herpin, Leigh, Martin, Snider, Williams
Noes: Czelatdko
Absent: None

President Hente declared the motion carried.

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At 6:05 P.M., there being no further business to come before City Council,

COUNCIL ADJOURNED

Sarah B. Johnson

Sarah B. Johnson
City Clerk