

LOVELAND CITY COUNCIL MEETING
TUESDAY, MARCH 19, 2013
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

The City of Loveland is committed to providing an equal opportunity for citizens and does not discriminate on the basis of disability, race, color, national origin, religion, sexual orientation or gender. The City will make reasonable accommodations for citizens in accordance with the Americans with Disabilities Act. For more information, please contact the City's ADA Coordinator at bettie.greenberg@cityofloveland.org or 970-962-3319.

5:30 P.M. DINNER - City Manager's Conference Room
6:30 P.M. REGULAR MEETING - City Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

Anyone in the audience will be given time to speak to any item on the Consent Agenda. Please ask for that item to be removed from the Consent Agenda. Items pulled will be heard at the beginning of the Regular Agenda. You will be given an opportunity to speak to the item before the Council acts upon it.

Public hearings remaining on the Consent Agenda are considered to have been opened and closed, with the information furnished in connection with these items considered as the only evidence presented. Adoption of the items remaining on the Consent Agenda is considered as adoption of the staff recommendation for those items.

Anyone making a comment during any portion of tonight's meeting should come forward to a microphone and identify yourself before being recognized by the Mayor. Please do not interrupt other speakers. Side conversations should be moved outside the Council Chambers. Please limit your comments to no more than three minutes.

CONSENT AGENDA

- CITY CLERK** (presenter: Terry Andrews)
APPROVAL OF COUNCIL MINUTES
Motion to approve Council minutes from the March 5, 2013 regular meeting
This is an administrative action to approve the Council minutes.
- CITY MANAGER** (presenter: Bill Cahill)
BOARDS AND COMMISSION APPOINTMENTS
Motion to approve the following appointments:
 - **Appoint Eugene Culbertson as a City Commission Member on the Fire and Rescue Advisory Commission for a term effective until June 30, 2015**
 - **Appoint Audra Montoya as a regular member on the Human Services Commission for a term effective until June 30, 2015**This is an administrative action.

3. **PARKS & RECREATION** (presenter: Marilyn Hilgenberg)
SUPPLEMENTAL BUDGET AND APPROPRIATION - "FISHING IS FUN" GRANT
Motion to adopt and order published on second reading an ordinance enacting a supplemental budget and appropriation to the 2013 City of Loveland budget for a Federal grant from the United States Fish and Wildlife Service for construction of certain components of the River's Edge Natural Area Development Project
 This is an administrative action. The ordinance appropriates grant funding of \$90,000 for the River's Edge Natural Area project. The first reading of the ordinance was approved unanimously by City Council at the March 5, 2013 meeting.

4. **DEVELOPMENT SERVICES** (presenter: Bethany Clark)
PUBLIC HEARING
HISTORIC DESIGNATION LOVELAND ELKS LODGE-ORDINANCE AMENDMENT
A motion to approve on first reading an Ordinance amending Ordinance #5743 and Designating as a Historic Landmark the Loveland Elks Lodge/Loveland Hotel located at 103 East 4th Street in Loveland, Colorado
 A public hearing to consider a legislative action to adopt an ordinance on first reading amending Ordinance #5743 and designating as a Historic Landmark the "Loveland Elks Lodge" at 103 East 4th Street. This ordinance modifies the name under which the historic structure located at 103 East 4th Street is designated.

END OF CONSENT AGENDA

CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA

CITY COUNCIL

- a. **Citizens' Report** *Anyone who wishes to speak to an item NOT on the Agenda may address the Council at this time.*
- b. **Business from Council** *This is an opportunity for Council Members to report on recent activities or introduce new business for discussion at this time or on a future City Council agenda.*
- c. **City Manager Report**
- d. **City Attorney Report**

PROCEDURAL INFORMATION

Anyone who wishes to address the Council on any item on this part of the agenda may do so when the Mayor calls for public comment. All public hearings are conducted in accordance with Council Policy. When Council is considering adoption of an ordinance on first reading, Loveland's Charter only requires that a majority of the Council quorum present vote in favor of the ordinance for it to be adopted on first reading. However, when an ordinance is being considered on second or final reading, at least five of the nine members of Council must vote in favor of the ordinance for it to become law.

REGULAR AGENDA

CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

5. **CITY CLERK** (presenter: Terry Andrews)
APPROVAL OF COUNCIL MINUTES
Motion to approve Council minutes from the February 26, 2013 study session.
 This is an administrative action to approve the Council minutes. This item is on the regular agenda as not all Councilors were present at the meeting.

6. **DEVELOPMENT SERVICES**
PUBLIC HEARING

(presenter: Greg George)

OIL AND GAS DEVELOPMENT REGULATIONS

Motion to adopt on second reading an ordinance adding to the Loveland Municipal Code Chapter 18.77 for the regulation of oil and gas operations and Chapter 18.78 for setbacks for development from oil and gas operations in the City of Loveland

This item is a legislative action to consider adoption of an ordinance on second reading to establish regulations on oil and gas development. The first reading of the ordinance was approved with five councilors voting in favor of the ordinance and four against at the March 5, 2013 meeting. The ordinance would:

- Require operators to obtain a permit from the City prior to locating an oil and gas facility within Loveland city limits.
- Provide two processes and each with a different mix of standards for obtaining a permit.
 - **Mandatory process:** The mandatory process would require compliance with standards referred to as “baseline standards.” These standards are designed to protect public health, safety and welfare and the environment, while avoiding preemption by state law and the Colorado Oil and Gas Conservation Commission (COGCC) regulations. The permit would require approval by the Planning Commission, with possible appeal to City Council.
 - **Optional process:** The optional process would be strictly voluntary and would require compliance with standards referred to as “enhanced standards,” in addition to most of the baseline standards. These standards are designed to mitigate adverse impacts on public health, safety and welfare and the environment to a greater degree than required by the COGCC. To encourage operators to agree to comply with these higher enhanced standards that might otherwise be preempted by state law, the permit would be approved by the Director of Development Services, with no appeal to either the Planning Commission or City Council. Any appeal would be to Larimer County District Court.

ADJOURN