

CALL TO ORDER

Mayor Gutierrez called the regular meeting of the Loveland City Council to order on the above date at 6:30 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

Roll was called and the following responded: Gutierrez, Farley, Klassen, Trenary, McKean, Shaffer, Fogle, Taylor. Councilor Clark arrived at 6:50 p.m.

PROCEDURAL INFORMATION

Mayor Gutierrez made the following procedural announcement: 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

Mayor Gutierrez asked if anyone in the audience, Council or staff wished to remove any of the items or public hearings listed on the Consent Agenda. Councilor Shaffer moved to approve the Consent Agenda, including the amended minutes. The motion was seconded by Councilor Trenary and a roll call vote was taken with all councilors present voting in favor thereof.

1. CITY CLERK

**Approval of Council Minutes
Motion**

Administrative Action: The minutes from the March 5, 2013 regular meeting were approved as amended.

2. CITY MANAGER

BOARDS AND COMMISSION APPOINTMENTS

Administrative Action: The following appointments to the Fire and Rescue Advisory Commission, Human Services Commission were approved.

Eugene Culbertson to City Commission Member on the Fire and Rescue Advisory Commission for a term effective until June 30, 2015.

Audra Montoya to Human Services Commission for a term effective until June 30, 2015.

3. PARKS & RECREATION

**Supplemental Budget And Appropriation—"Fishing is Fun" Grant
Ordinance # 5752**

Administrative Action: An ordinance on second reading 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 was approved and ordered published on second reading.

4. DEVELOPMENT SERVICES

Historic Designation – Elks Lodge Public Hearing and Ord.

A Public Hearing was held and Ordinance amending Ordinance #5743 and Designating as a Historic Landmark the Loveland Elks Lodge Located at 103 East 4th Street in Loveland, Colorado was approved and ordered published on first reading.

CITY CLERK READ TITLES OF ORDINANCES ON THE CONSENT AGENDA.

CITY COUNCIL

a) Citizens' Reports

None.

b) Business from Council

Shaffer

Attended the Cheryl Meyers art exhibit as well as the "Look. Think. Make. Connect! Annual Thompson School District Art Show" going on at the Museum. Expressed appreciation for the Boards and Commission Summit, especially Nikki Garshelis. Attended an open house for Housing Authority Mirasol project, Phase II, which is currently being occupied. Asked for support from three other councilors to bring the question of a ban on oil and gas operation or "fracking" back to Council for discussion at a future Study Session. Councilors Trenary, Farley and Gutierrez supported the direction. There will be no public hearing at that time. Staff was directed to bring information on what other communities have done including any legal ramifications, for those actions.

Trenary

Attended the Water and Power open house to listen to the history of the City's water rights.

Gutierrez

Warned residents to beware of scammers requesting financial assistance for family or neighbors stranded in a foreign country. Encouraged citizens that see or suspect vandalism to report it to the Police right away.

c) City Manager Report

None

d) City Attorney Report

None

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 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

APPROVAL OF COUNCIL MINUTES

Administrative action: Councilor Taylor was not present at the Study Session. Councilor Shaffer moved to approve the February 26, 2013 Study Session minutes. The motion, seconded by Councilor Trenary, carried with all voting in favor and Councilor Taylor abstaining.

6. DEVELOPMENT SERVICES

PUBLIC HEARING

OIL AND GAS DEVELOPMENT REGULATIONS

Ordinance #5753

Legislative Action: Development Services Director, Greg George introduced this item to Council. 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:

- a. Require operators to obtain a permit from the City prior to locating an oil and gas facility within Loveland city limits.
- b. Provide two processes and each with a different mix of standards for obtaining a permit.

- i. 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.


- ii. Option 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 impact 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. Mayor Gutierrez opened the public hearing at 8:46. Jake Matters, Assistant to the Attorney General related to matters of Oil and Gas, answered questions from Council. Mr. Matters told Council that the Commission was comfortable with the changes and would recommend Council approve the ordinance. Mr. Matters discouraged Council from considering a ban on oil and gas fracturing; Bill Watry, 2208 Mugho Place spoke in support, and questioned the need for enhanced standards; Carl Wagner, Equalizer Lake, spoke in support; Carla Westin, 226 S. Washington spoke in opposition; Steve Fancher, 2001 Frances, spoke in support; Mike Eberhard, Anadarko, spoke in support, Council asked Mr. Eberhard to summarize his comments and direct them to the City Clerk, to be forwarded to City Council; Deanna Ball, 2591 Begonia, spoke in opposition; Sharon Anhorn, 303 N. Garfield, deferred her time to Colt Dole, Mr. Dole spoke in opposition; Carla Massaro, 425 Ontero, spoke in opposition; Robert Winkler, resident of Weld County, spoke in opposition. Ann Harroun, 3321 Apple Ave, spoke in opposition; Ryan Millard, 2903 Montana Pl, spoke in opposition; Dr. Nathan Pole, no address given, spoke in opposition; Irene Fortune, 1430 Avon, spoke in opposition; Richard ??, Ft. Collins resident, spoke in support; Daniel Largon, 2830

Corina Dr, spoke in opposition; Steve Johnson, Johnstown resident, spoke in opposition; Tom Buchanan, 910 W. 8th St, spoke in support; Bonnie McClathy, non-resident, spoke in opposition; Linda Sandahl, 4170 Garfield, spoke in opposition, Jack Canty, 6295 Bluff Ln, spoke in support; Linda Schlotsty, 1761 E. 7th St, spoke in opposition; Kathy Hartman, 945 S. 6th, spoke in opposition, Tommy Thompson, Colorado resident, spoke in support; Layton Birsch, 2075 Grays Peak Dr., spoke in opposition; Susan Aldridge, Anadarko, spoke in support of the ordinance. Staff will put together a white paper that identifies the differences between the City of Loveland "Baseline Standards" and the State Regulations. Dawn Autsin, 1630 20th St, spoke in opposition; Ethel Mininger, 2874 Chicory, spoke in support; Matthew Fredrecek, 1360 20th St S.W., spoke in opposition; Judy Freeman, 1641 Pinon St. spoke in opposition; Stan Dempsey 1660 Lincoln, president of the Colorado Petroleum Association, spoke in support; Kim Orr, no address given, spoke in opposition, Evi Buckner Osler, 3354 Valley Oak Drive, spoke in opposition; Jeannie Essling, 2108 Skyrock, spoke in opposition; Linda Owen, 1642 Pinon Ct. spoke in opposition; Barbara Case, 2475 Glendale Ct. spoke in opposition; Weldon Thees 4933 Filbert Dr., spoke in opposition; Sal Vadivia 800 block of 4th St, spoke in opposition. Mayor Gutierrez closed the public hearing at 10:30 p.m. and called for a break. Council reconvened at 10:41 p.m. Staff addressed questions that arose during public comment. Discussion ensued. City Attorney John Duval recommended Council consider the ordinance identified as "Clean draft incorporating City Attorney's changes made today". Councilor Shaffer moved to adopt and ordered published 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". The motion, seconded by Councilor McKean, carried five Councilors voting in favor and Councilors Gutierrez, Farley, Shaffer, and Trenary voting no.

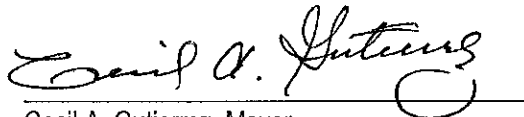
ADJOURNMENT

Having no further business to come before Council, the March 19, 2013 Regular Meeting was adjourned at 1:00 a.m.

Respectfully Submitted,


Teresa G. Andrews, City Clerk




Cecil A. Gutierrez, Mayor