



**MINUTES**  
**LOVELAND CITY COUNCIL MEETING**  
**Tuesday, October 2, 2018 CITY COUNCIL CHAMBERS 6:00 PM**

**COUNCIL PRESENT:** Mayor Marsh  
Councilors:  
Overcash, Fogle, Ball, Clark, Johnson, Olson, Jersvig, and Wright.

**COUNCIL ABSENT:** None

**1. INTRODUCTION**

**1.1 CALL TO ORDER**

**1.2 PLEDGE OF ALLEGIANCE**

**1.3 ROLL CALL**

**1.4 PROCLAMATION**

**PROCLAMATION DECLARING THE FALL SEASON OF 2018 AS FRONT RANGE COMMUNITY COLLEGE'S 50TH ANNIVERSARY CELEBRATION**

Councilmember Wright presented the proclamation to Jean Runyon (Larimer Campus Vice President) and Andy Dorsey (President).

**2. CONSENT AGENDA**

**2.1 CITY CLERK  
APPROVAL OF MINUTES**

Approval of the City Council minutes for the September 11 Study Session and Special Meeting.

*A Motion to Approve the City Council minutes for the September 11, 2018 Study Session and Special Meeting*

CARRIED.

**2.3 CITY CLERK  
CALL FOR A SPECIAL MEETING ON OCTOBER 9, 2018 FOR A  
PERFORMANCE REVIEW FOR THE CITY MANAGER WITH POSSIBLE  
EXECUTIVE SESSION**

This action is for City Council to conduct the City Manager's quarterly performance review meeting on October 9, 2018 at 6:00 PM, which may include an executive session to provide performance evaluation feedback.

*A Motion Calling For A Special Meeting To Be Held On October 9, 2018, At 6:00 PM, For The Purpose Of Conducting An Employee Performance Evaluation Meeting For The City Manager, Steve Adams, With A Possible Executive Session*

CARRIED.

**2.3 CITY CLERK  
PUBLIC COMMENT**

**AMENDMENT TO THE LOVELAND MUNICIPAL CODE WITH RESPECT TO THE DATE UPON WHICH LIQUOR OCCUPATION TAX RENEWAL FEES MUST BE PAID**

The purpose of this item is to change the collection date of the Liquor License Occupation Tax to coincide with liquor license renewals; this will allow licensees to submit their renewal and related fees along with the Occupation Tax at one time. This change in collection date will not create additional expense to the business owner and would allow them to complete all liquor licensing actions one time per year. The objective of this item is to create a more efficient process for liquor licensees. The Occupational Tax is a yearly tax on liquor licensees and is due January 1 of each year. The assessed tax is varied depending on the type of license held. Adoption of the ordinance would save the City the expense of mailing two separate notices to licenses; one for their annual renewal and one advising of the occupation tax due.

*A Motion To Adopt, On First Reading, An Ordinance Amending The Loveland Municipal Code With Respect To The Date Upon Which Liquor Occupation Tax Renewal Fees Must Be Paid.*

CARRIED.

**2.5 CITY CLERK  
PUBLIC COMMENT**

**AN ORDINANCE AMENDING SECTIONS 8.02.020 AND 8.04.020 OF THE LOVELAND MUNICIPAL CODE AUTHORIZING THE LOCAL LICENSING AUTHORITY TO ASSIGN ADMINISTRATIVE FUNCTIONS AND APPROVALS TO THE CITY CLERK**

The purpose of this item is to authorize the City Clerk to administratively approve routine, non-controversial liquor license applications. The objective of this ordinance is to provide expedited service for the liquor license process and also create a time savings for the Loveland Liquor Authority. Administrative approval of certain licenses and permits would save repeat applicants from having to appear at a local licensing meeting. If there are issues with a particular application that would otherwise be administratively approved, the City Clerk can set those applications for an Authority agenda to be heard at a public meeting. Issues that would move an application from administrative to appearance before

the Authority include liquor code violations by the applicant, failure to provide necessary information or other circumstances that may be indicative of a lack of fitness to conduct business in accordance with state or local laws.

*A Motion To Adopt, On First Reading, An Ordinance Amending Sections 8.020.020 And 8.04.020 Of The Loveland Municipal Code Authorizing The Local Licensing Authority To Assign Administrative Functions And Approvals To The City Clerk*

CARRIED.

## 2.9 HUMAN RESOURCES

### PUBLIC COMMENT

#### **SUPPLEMENTAL APPROPRIATION TO THE 2018 BUDGET FOR PROPERTY AND LIABILITY CLAIMS IN THE AMOUNT OF \$1,600,000.00.**

A recent large loss of \$1.3M due to a July hail storm requires an appropriation from the Risk Reserve funding to cover the initial loss amount. Insurance proceeds (minus our \$250,000 deductible) will be deposited back into the Risk Reserve Fund once payments and claims are processed. The Supplemental Appropriation will replenish the budgeted Risk Management Property and Casualty claims payments fund and allow the City to continue payments on other claims/losses or court awards. The City's ability to pay property and casualty claims received and accepted would be affected. The current project to replace hail damaged roofs at the service center would have to be stopped while pending claims that are due to be paid would not be paid and any settlements with a stated payment deadline would be in jeopardy.

City Council heard this item on September 18, 2018 with a vote of 9-0 on the consent agenda.

*A Motion To Adopt, On Second Reading, Ordinance No. 6239 Enacting A Supplemental Budget And Appropriation To The 2018 City Of Loveland Budget For The Risk And Insurance Fund For Property And Liability Claims*

CARRIED.

## 2.6 PUBLIC WORKS

### PUBLIC COMMENT

#### **AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2018 CITY OF LOVELAND BUDGET RELATED TO A LOAN REPAYMENT AGREEMENT BETWEEN LOVELAND FIRE RESCUE AUTHORITY (LFRA) AND THE CITY OF LOVELAND**

The Fire Training Center (FTC) emergency access road construction was originally part of a much larger multi-part project including: Elimination of the current impoundment pond at the FTC, due to environmental issues; Establishment of a new drainage system as a result of the impoundment pond elimination; Construction of a new bridge on Railroad Avenue to mitigate flooding, which included construction of the emergency access road for fire apparatus. These projects were originally approved by City Council in 2016 and re-appropriated in 2017.

The Railroad Avenue construction project has resulted in the elimination of Fire Engine Red Street. An alternate emergency access road was planned to be built to allow emergency access in and out of

the Fire Training Center. Currently the only access is from Garfield Avenue, which will increase response time when responding to the north and west. The new emergency access road onto Railroad Avenue will maintain the response time criteria experienced before the elimination of Fire Engine Red Street. There is no impact on unassigned fund balance due to the requested funding being already appropriated within the 2018 Budget. The portion of the project which will construct the new bridge on Railroad Avenue has begun and has blocked access to Fire Engine Red Road. Response times for apparatus located at the Fire Training Center have been reduced, thus the urgent need for the emergency access road on Railroad Avenue. The emergency access road was re-bid and the contract is in process pending the approval of this ordinance. Cost will be \$72,167.65 with a contingency of \$7,832.35 for a total of \$80,000. Any remaining contingency at the end of the project will be returned to the LFRA loan. There is no impact on unassigned fund balance due to the requested funding being already appropriated within the 2018 Budget.

This item was presented to City Council on September 18, 2018 with a vote of 9-0 on the regular agenda.

*A Motion To Adopt, On Second Reading Ordinance No. 6238 Enacting A Supplemental Budget And Appropriation To The 2018 City Of Loveland Budget Related To A Loan Repayment Agreement Between Loveland Fire Rescue Authority (LFRA) And The City Of Loveland*

CARRIED.

*A Motion To Adopt Resolution #R-92-2018 Of The City Of Loveland Approving An Intergovernmental Agreement Regarding A Loan To The City Of Loveland From The Loveland Fire Rescue Authority For The Construction Of An Emergency Access Road*

CARRIED.

**2.7 DEVELOPMENT SERVICES  
PUBLIC HEARING  
BIGHORN FIRST ADDITION AND ANNEXATION**

This is an application to annex a 5.02-acre vacant property at the northwest corner of the intersection of N. Garfield Avenue/Highway 287 and W. 57th Street (see Attachment 6) and zone it B-Developing Business. Future development of the property would be subject to the standards of that district and other Municipal Code requirements. The objective is to annex the property into City limits (Attachment 1) and zone it to allow business uses (Attachment 2). Any development of the property would then be reviewed by the City rather than Larimer County. No specific developments are being reviewed in conjunction with the annexation and zoning ordinances, but the applicant is interested in a special review for an indoor recreational vehicle storage facility if the annexation and zoning are approved. See the Planning Commission staff report, Attachment 3, for a more detailed description of the proposed development on the property. As proposed, the annexation would be effective on the future approval of the special review application. If annexed and zoned B-Developing Business, the property will be subject to the City's development standards. Without annexation, it would remain in unincorporated Larimer County and any development of the property will be subject to County standards. It would also remain in Xcel's service area

rather than being brought into the City's service area for Power. City water and wastewater lines are already available to the property. The second reading of the Bighorn Annexation and Zoning ordinances was delayed at the request of the petitioner to allow the petitioner to modify the annexation ordinance to make the annexation of the property contingent upon the approval of a special review permit within one year to allow an indoor recreational vehicle storage facility. As such, the property will remain unincorporated unless and until a special review is approved. Since the time of the first reading of the Bighorn Annexation and Zoning ordinances, a special review application for a recreational vehicle storage facility was submitted to the City and is currently under review by City staff. The special review approval process is administrative, but requires a neighborhood meeting, which has not yet been scheduled for the special review.

This item was brought to City Council on July 3, 2018 for first reading, where it passed unanimously 8-0 with one member absent.

*A Motion To Adopt, On Second Reading, Ordinance No. 6219 Approving The Annexation Of Certain Territory To The City Of Loveland, Colorado, To Be Known And Designated As "Bighorn First Addition" To The City Of Loveland*

CARRIED.

*A Motion To Adopt, On Second Reading, Ordinance No. 6220 Amending Section 18.04.040 Of The Loveland Municipal Code, The Same Relating To Zoning Regulations For "Bighorn First Addition" To The City Of Loveland*

CARRIED.

## **2.8 FISCAL ADVISOR INVESTMENT REPORT**

Through August of 2018, the market value of the City's investment portfolio is \$236,334,706. The budget revenue projection for the year 2018 was \$2,527,729. So far this year, actual interest received is \$281,540 ahead of schedule. Using the portfolio's beginning balance, the rate need to reach the annual interest earning target is 1.13%. The interest rate at the end of August reached 1.88%. For the month, accounting staff posted \$179,159 to various City fund accounts. The year to August month-end total is \$1,925,017.

U.S. short-term (under 5 years) Treasury interest rates have moved sharply higher since November 2016. In June of the year, the Federal Open Market Committee increased the federal funds rate for the second time this year to the range of 1.75% to 2.00%. Another rate increase will likely occur on September 26. The Fed has also announced their intention to stay on a path of gradual increases, with a high probability of an increase in December. For 2019, three more increases are being contemplated.

The Fed will be watching economic conditions closely and also paying attention to the yield curve. When short-term rates are higher than longer term rates, the yield curve is "inverted." An inverted yield curve usually precedes a recession by about a year on average.

**2.9 FINANCE**  
**FINANCE REPORT**

The Snapshot Report is submitted for City Council review and includes the reporting of the City's revenue and expenditures, including detailed reports on tax revenue and health claims, as of August 31, 2018. Citywide Revenue of \$224.8 million is 59.6% of total annual budget; this is 7.1% below projections. Sales Tax collections August YTD are 2.7% above August 2017 YTD, and 67.3% of the total annual budget; this is 0.6% above projections. Building Material Use Tax collections for August are 24.4% above August 2017 YTD, and 76.1% of the total annual budget; this is 9.4% above projections. Sales and Use Tax collections combined are 67.7% of total annual budget; this is 1.1% above projections. Citywide total expenditures of \$221.6 million are 47.7% of the total annual budget; this is 19.0% below projections.

**3. CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA**

**4. MOTION TO ADOPT THE CONSENT AGENDA**  
**A Motion To Adopt The Consent Agenda, Items 2.1 to 2.9.**

Moved by Councilor Jersvig, seconded by Councilor Olson

*A Motion To Adopt The Consent Agenda, Items 2.1 to 2.9.*

CARRIED UNANIMOUSLY, 9-0.

**5. PUBLIC COMMENT**

Sharon Carlisle addressed Council regarding expenditures by the City.

Kathryn Bullard commended City Council and Councilor Olson on the budget presentation last week.

Larry Sarner addressed Council regarding the issuance of revenue bonds without getting the consent of the citizens of Loveland.

Glen Gibson stated that it is difficult to hear the speakers when watching the meetings on television.

**6. INFORMATION ONLY**

**6.1. PUBLIC WORKS**  
**UPDATE FOR THE NORTH TRANSIT CENTER DESIGN/CONSTRUCTION**  
**& COLT OPERATIONS**

Mark Jackson presented this item to Council as a project update to City Council on the North Transit Center design. The Schematic Design (SD) is complete, and the architect and project team are moving the design into the Design Development (DD) phase. Secondly, staff will provide information on the upcoming changes to the COLT system transit routes, and provide a comprehensive project report on the design progress for the North Transit Center, and next steps.

Rachel Henderson, Capital Projects Manager, reviewed the schematic design along with the budget and funding information. Candice Folker, Transit Manager, presented transit routes noting the current routes compared to adjusted routes; the anticipated future ridership was noted.

Council discussed extending the service to the schools as requested by the school superintendent. Ms. Folker stated that a student pass to ride the bus was available for \$25. Several Council Members supported extended hours for students. They inquired how much ridership could increase if hours were extended and requested a cost benefit analysis be conducted.

*Information Only*

**6.2. WATER & POWER  
UPDATE ON WINDY GAP FIRING PROJECT (ALSO KNOWN AS CHIMNEY  
HOLLOW RESERVOIR)**

Joe Bernowsky noted this item is to update City Council on the Windy Gap Firing Project (WGFP). The City of Loveland owns 40 units of Windy Gap Project water. Without storage, firm yield of this water is zero during both drought and wet years. Because of storage in Green Ridge Glade Reservoir, the City's current firm yield of Windy Gap water is 1,300 acre-feet. The City is currently planning for 9,587 acre feet (AF) of storage in the Chimney Hollow Reservoir, which will produce 3,730 AF of additional firm yield. Continued development of the City's firm yield raw water supplies depends on participation in this project, or in other projects to purchase or develop water. The Chimney Hollow Reservoir is the most cost effective and feasible option available at this time.

*Information Only*

**7. REGULAR AGENDA  
PROCEDURAL INFORMATION**

**RECESS AS LOVELAND CITY COUNCIL AND CONVENE AS THE GENERAL  
IMPROVEMENT DISTRICT BOARD**

**7.1 DEVELOPMENT SERVICES**

**GENERAL IMPROVEMENT DISTRICT #1 PROPERTY INCLUSION**

Troy Bliss, The property at 323 N. Railroad Avenue within the downtown area of Loveland has petitioned for inclusion into the General Improvement District #1 (GID). The property itself is comprised of three (3) separate lots, whereas only one (1) of the lots is within the GID. In the older parts of Loveland, particularly downtown, it is common for a property to consist of more than one (1) lot. However, not always do the GID boundaries follow whole properties as is the case in this particular instance and very similar to what was discovered with the Foundry development. Consequently, this particular GID inclusion is seen as a "clean-up" to the boundaries of the GID and how it relates to this specific property. The respective owner and developer has provided supplementary information attached to this AIR (see Attachment 3) regarding a proposed redevelopment for a taproom and outdoor eating/entertainment/gathering venue referred to as the Backyard Tap.

The objective of the property is to develop/operate a nonresidential use in downtown without having to provide required on-site parking. In-lieu, an ad valorem tax would be applied to the property tax assessment to be collected by the City and used in continuing to provide and maintain downtown public parking lots and landscaping. The GID is structured under the premise "pay as you go". In order to be removed from providing on-site parking, respective non-residential/mixed use developments contribute to the GID, resulting in more public parking areas and maintenance. The property is situated directly west (across N. Railroad Avenue) from a public parking lot that contains 36 parking spaces. Parking within vicinity of the subject property is also available along W. 4th Street, W. 3rd Street, N. Railroad Avenue, and N. Garfield Avenue. City Council heard the first reading of this item on September 18, 2018, where it passed with an 8-1 vote on the regular agenda.

Council discussed parking requirements inside and outside of the GID.

Councilor Fogle requested a Rule of 4 to revisit the GID in the downtown area in a study session as he does not believe it will serve our purposes in the future and expressed concerns regarding parking.

Council inquired about the status of the parking study. Brett Limbaugh, Development Service Director, stated he anticipates it will be done next year. An initial inventory has been done and recommendations will be provided which include possible needs for parking garages.

It was requested to have the GID study in conjunction with the parking study.

Moved by Councilor Jersvig, seconded by Councilor Johnson

The Mayor open for public comment to which there was none.

*A Motion To Adopt, On Second Reading, Ordinance No. 6237 Granting A Petition For Inclusion Of 323 N. Railroad Avenue, City Of Loveland, County Of Larimer Within The Loveland General Improvement District No. 1 In Loveland, Colorado*

CARRIED.



**6.2 ADJOURN AS THE GENERAL IMPROVEMENT DISTRICT BOARD AND RECONVENE AS LOVELAND CITY COUNCIL**

**6.3 DEVELOPMENT SERVICES  
TITLE 16, 17 AND 18 CODE AMENDMENTS**

Brett Limbaugh, Director of Development Services introduced the topic noting they have taken the annexation, subdivision and zoning chapters from the municipal code and combined them into a single document.

Robert Paulson, Current Planning Division, reported on the purpose of the Uniform Development Code (UDC) stating it is to establish development standards to achieve policies in the 2016 Comprehensive Plan - Create Loveland. The UDC simplifies the development approval process by eliminating redundant and inefficient procedures. The UDC includes provisions to promote new types of innovative development and standards to ensure quality and compatibility with existing neighborhoods. The objective is to replace the City's existing development codes with a single unified code that is more resilient, flexible, comprehensive, and responsive to modern development trends. The UDC will allow innovations in land uses, such as micro homes, cluster development, mixed use, walkable neighborhoods, and smaller lot sizes for single-family detached dwellings. The UDC includes modernized standards for commercial and multi-family housing. Design standards are clear, yet flexible, affording developers the ability to adjust designs based on site conditions and market demands. Submittal requirements allow expensive engineering drawings to be postponed until projects obtain initial approval. The number of potential public hearings is reduced by augmenting standards to insure land use compatibility, with public hearings occurring when neighborhood concerns arise. As such, the UDC will stimulate economic development and foster quality development in Loveland.

City Council appropriated \$175,000 for the UDC project in 2016. During the development phase of the UDC, the Planning Commission held 26 study sessions and 3 public hearings; the Title 18 Committee held 25 meetings; and City Council held four study sessions. On September 10, 2018, the Planning Commission conducted a public hearing on the UDC Public Hearing Draft, where six members of the Commission were present and all voted affirmatively on a motion recommending that City Council adopt the UDC Public Hearing Draft. Council will conduct the second reading and public hearing of this item on November 6, 2018.

Carol Downing, Chair of Loveland Planning Commission, addressed Council regarding the process and commended the document that has been produced.

Mayor Marsh opened the meeting up for public comment.

Deb Strucklund stated that the November 6 public hearing is on the same day as the election and does not feel it is a good date for the meeting and public hearing.

Moved by Councilor Jersvig, seconded by Councilor Fogle.

*A Motion To Adopt Resolution #R-91-2018 Establishing A Date, Time, And Place For A Public Hearing To Consider Approval Of An Ordinance Repealing Titles 16, 17 And*

*18 Of The Loveland Municipal Code And Replacing Such Titles With A New Title 18 Referred To As The Unified Development Code And Adopting The Same By Reference*

CARRIED 8-0.

Moved by Councilor Jersvig, seconded by Councilor Olson

*A Motion To Adopt, On First Reading, An Ordinance Repealing Titles 16, 17 And 18 Of The Loveland Municipal Code And Replacing Such Titles With A New Title 18 Referred To As The Unified Development Code And Adopting The Same By Reference*

CARRIED 8-0.

**7.3 DEVELOPMENT SERVICES**

**DISCUSSION ON MAGPIE OPERATING, INC. NOTICE OF PLAN TO DRILL AND OPERATE WITH POSSIBLE EXECUTIVE SESSION**

Brett Limbaugh, Director of Development Services, provided a map of the proposed pad site area in Larimer County and noted the date that the notice was received. He stated that the City of Loveland has jurisdiction on surface drilling and has a permitting process, similar to the state. In this case, since the pad site is in Larimer County, the City does not have jurisdiction. The City of Loveland is a mineral rights owner on this project.

Phil Barber, special counsel, was introduced and he stated that represents City Council and no individual members of the Council regarding oil and gas matters. Mr. Barber's roll is to provide direction to Council on Magpie Operating, Inc. Notice of Plan to Drill and Operate and possibly enter into Executive Session to discuss legal strategy. The City has received a Notice of Magpie's intent to locate a pad site in Larimer County which will drill and operate on land below the City limits. The City has until October 5, 2018 to make any objection regarding the Notice. The property is in Larimer County and Mr. Barber was unsure as to the permitting process and noted that the operator will have to comply with the state permitting process.

Mr. Barber reported that as far as he knows there has not been an application submitted to the Colorado Oil & Gas Commission. The next step is for operator to determine who the mineral interest owners are.

Sam Bradley, representing Magpie, addressed the Council providing an overview of his experience. He stated that Magpie was formed in the early 1990's and is a family owned business. Mr. Bradley reported on the safety of water and air quality and earthquakes related to fracking. He stated that Greeley has a high number of drill sites and that home prices have doubled in that city.

Mr. Bradley reported that to develop the Loveland site it will take four to six pads; the intent is to take the 60 existing wells and parsing it down to six horizontal pads. All of

the wells produced a combination of gas and oil and there is no intent on flaring any of the gas. It was noted that you only get 10% back of the water that you pumped; the flowback water is moved to a certified location in eastern Colorado.

There will be 12 vertical holes on the Coffman location; there will be one separator for each well, two tanks per well and occasionally the operator has to put a compressor on the pad. Mr. Bradley stated that wells in this area have produced between 300-900 barrels of oil per day and 500,000 mcf to 1,000,000 mcf of gas per day. It takes approximately 8-12 days per well to drill each lateral.

Sam Bradley explained what Magpie would be pumping in relation to hydraulic fracturing; over 99.5% is sand mixed with water, a friction reducer (soap), biocide (similar to bleach) are also in the mixture.

Mr. Bradley stated that Magpie is participating on the 402 corridor advisory committee; council noted that communication and having a concrete plan is important.

Mr. Bradley noted that there will be no injection wells; all flowback water and waste will go east to disposal facilities. The water for hydraulic fracturing will be procured from outside sources and transferred to the site through a pipeline. Municipal water is typically expensive and not used. The gas will also be transported through a pipeline.

Mayor Marsh opened the meeting for public comment.

Dan Haas, resident of Boise Village, has approximately \$80,000 in surface value and requested the city protect their value. He stated that an orphan well is one that has been abandoned and noted that an un-cemented well is an inherent danger. He voiced concern regarding the orphan wells.

Marta Turman, Loveland resident, expressed concern with economic and health ramifications. It was requested that the City of Loveland request an extension to make any objection regarding the Notice.

Vickie Jansh, Loveland resident, stated that she believes this is not safe and citizen's safety needs to be addressed. She requested Council help them.

Connor Osborne, Loveland resident, spoke in full support of oil and gas industry and the project.

Joe Turman, Loveland resident, urged the Council to request an extension of the comment period. He also noted that there was a Magpie failed reclamation report online.

Jennifer Monk, Loveland resident, provided concern regarding water to people downstream. She requested Council request the extension.

Sally Hartsorne, Loveland resident, spoke in opposition to fracking and addressed the Council regarding fracking and health risks as found in her experience as a respiratory nurse.

Alison Caline, Loveland resident and physician, stated her concern regarding fracking noting that we don't know the full effect of fracking but stated it has found that fracking is likely harmful to our health.

Benjamin Gindle, Loveland resident, stated he supports Magpie and looks forward to the tax revenue to the city.

Bob Thrash, Loveland resident, read from an email from Magpie stating they were trying to get out ahead of Senate Bill 112 and permitting wells as quickly as possible.

Bob Whitaker, Loveland resident, stated that the traffic issue for Mountain View High School is finally getting resolved and this project would create more traffic problems.

Seth Mathey, Loveland resident, stated that he has been around oil and gas his whole life and is comfortable with the operation and Magpie project.

Eric Jelk, Loveland resident, stated that when you are drilling underground you do not know what is happening. He does not support the project and does not want it in his backyard.

Andy Peterson, Loveland resident, stated he has a degree in petroleum engineering and is in support of hydraulic fracking; he provided that there have been no issues in Greeley. He stated that it can be done safely and is being done safely all around the country all the time.

Juliann, Loveland resident, inquired what her rights are and how they can force pool and sell their mineral rights. She is trying to understand the process and was hoping Council would request an extension.

Karen Speed, Windsor resident, addressed Council regarding COGCC information and statistics regarding the number of wells (including orphaned) in Colorado. She stated that multiple wells in the proposed area are plugged and abandoned which were drilled between 1980-1983; they are often older when drilled and plugged. Ms. Speed reported that even if records state that a well is plugged, there is no positive proof that the plugged and abandoned wells were done correctly. She noted the various ditches and reservoirs that intersect the spacing unit and drought concerns due to water usage for fracking. She also reported on violation by Magpie which were listed on the COGCC website.

Moved by Councilor Johnson, seconded by Councilor Fogle

*A Motion To Extend The Meeting To 10:45 p.m.*

CARRIED 8-0.

Susan Dowdan, Loveland resident, requested that Council to do due diligence in what they do and requested to extend the time for the objection period.

Mike Bradley, petroleum geologist, stated that the oil and gas industry has evolved and has become high tech. He stated that the United States is producing 5.5 million gallons per day and in July over 11 million gallons were produced per day which is more than being importing from another country. Nebraska and Kansas refer to Colorado as having the toughest and best regulations.

Erica Villabosa, Loveland resident, stated that when she spoke with Magpie that they said that they are trying to get ahead of Senate Bill 112 and was running behind. She requested to extend the objection period.

Sheila Walsh, Loveland resident, stated that no one in her neighborhood received a packet from Magpie. Ms. Walsh stated that she is against this and inquired about the housing development going in and what is going to happen to those homes that are being built.

Kathryn Bullard, Loveland resident, requested to keep Loveland lovable.

The Mayor closed the public comment.

Councilor Jersvig requested to authorize the City Manager to request an extension of the objection period and stated that the topic could continue to be discussed at special meeting.

Mr. Bradley stated that Magpie is planning a neighborhood meeting to address concerns and noted that the notification packet only went to those who own mineral rights.

Council requested to add information regarding the Magpie operation on the City website.

Moved by Councilor Jersvig, seconded by Councilor Fogle

*Motion To Direct The City Manager To Request A 10-Day Extension Of The Comment And Objection Period In Order To Allow For Further Discussion.*

CARRIED 7-1; Nay, Councilor Clark.

Moved by Councilor Fogle, seconded by Councilor Jersvig

*A Motion To Have A Special Meeting To Address The Magpie Operating Plan.*  
CARRIED 7-1; Nay, Councilor Clark.

**6.2 CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA**

**7. REPORTS**

**7.1 BUSINESS FROM CITY 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.*

There were no reports from City Council.

**7.2 CITY MANAGER REPORT**

There was not a report from the City Manager.

**7.3 CITY ATTORNEY REPORT**

The City Attorney did not have a report.

**8. ADJOURN**

Upon a motion duly made, Mayor Marsh adjourned the meeting at 10:45 p.m.

Respectfully Submitted,



  
\_\_\_\_\_  
Patti Garcia, City Clerk

  
\_\_\_\_\_  
Jacki Marsh, Mayor