

**INFORMAL CITY COUNCIL MEETING  
CITY OF COLORADO SPRINGS  
FEBRUARY 25, 2013**

Present: President Hente, President Pro Tem Martin, Councilmembers Bennett, Dougan, Leigh, Snider and Williams. Absent: Councilmembers Czelatdtko and Herpin. Also present, Chief of Staff Laura Neumann and City Attorney Corporate Division Chief Massey.

1. **INFORMAL AGENDA CHANGES**

There were no changes.

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2. **FORMAL AGENDA CHANGES/COMMENTS – 02/26/13**

A request by Chief of Staff Neumann to postpone the two Marijuana Ordinances, Items 11 and 12.

President Hente questioned an item on the Consent Calendar, item 3-B-4, indicating that it stated in Section 4 that the President of City Council is authorized to execute the resolution on behalf of the City of Colorado Springs; however, the signature block was prepared for the Mayor's signature. City Attorney Corporate Division Chief Massey further noted that there was also no signature block for the City Attorney's Approval as to Form. Therefore, the signature page would be revised to conform with the language of the resolution and it would be available for the Formal Council meeting to follow.

Councilmember Snider requested to add the proposed joint city-county Stormwater Resolution that was discussed on February 11th also be added as the last item to the Formal Council agenda. After considerable exchange between Councilmembers with concern about the item not having been fully vetted for a vote, it was determined the item could be added to the Formal Council Agenda for discussion purposes.

President Pro Tem Martin stated she would be calling-up Item 3-B-8 due to a few questions she had.

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3. **REVIEW OF FEBRUARY 11, 2013 INFORMAL COUNCIL MEETING MINUTES**

Councilmember Williams believed a correction should be made to Item 7 to reflect that it was Councilmember Bennett rather than Councilmember Herpin who had read the email to Councilmembers inviting Mayor Bach to the March 12<sup>th</sup> work session. Councilmember Bennett acknowledged this to be true.

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The Minutes will be revised to reflect this change.

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### 4. **STAFF REPORTS**

#### A. **Agenda Planner**

There was nothing to report.

Councilmember Williams inquired about the status of the Public Intoxication Report. City Attorney Corporate Division Chief Massey responded that the report had been signed by City Attorney/Chief Legal Officer Melcher; however, it is his intention to personally distribute the report. She will ask him to expedite, as requested.

#### B. **Memorial Health Systems Enterprise Financial Report**

Various questions were put forth by Councilmembers relative to specific line item entries and the current reporting format of the Memorial Health Systems Enterprise Financial Report. City CFO, Kara Skinner, provided justification for each of the line item questions. Councilmember Williams confirmed the reasoning for the report format.

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### 5. **PRESENTATIONS**

#### A. **General Information**

##### (1) **Colorado Springs Together Update**

Bob Cutter, President of Colorado Springs Together, reported on Colorado Springs Together's effectiveness in the recovery of the Mountain Shadows neighborhood most affected by the Waldo Canyon Fire. His statistical report included a timeline, fund allocations, lessons learned, team composition, partnerships and results achieved, thus far. Mountain Shadows Community Association President, Eddie Hurt, then provided the neighborhood's summary and appreciation.

No direction was given.

#### B. **Items for Future Action**

##### (1) **Oil and Gas Regulations Work Session Update**

LGD (Local Government Designee) Kyle Campbell provided a recap from the January 15<sup>th</sup> Oil and Gas Regulations Work Session. A PowerPoint presentation

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was provided to both answer questions brought up at the work session and to provide an update on the February 11<sup>th</sup> COGCC rulemaking session finalizing setback rules.

- President Pro Tem Martin expressed concerns as to how Council could be assured the LGD would take into consideration their concerns when that representative is appointed by the Mayor with Council having no authority over that person. Chief of Staff Neumann stated the concern is duly noted acknowledging the concern.
- Councilmember Leigh stressed that our law would need to ensure the entity had enough insurance to pay for any spills, etc. Nancy Prince, Community Liaison for the COGCC, confirmed a state form exists that requires the contact information for the entity doing the drilling. She also stated there are state forms that detail when there is an issue and steps for repair.
- President Pro Tem Martin asked if we can establish our own insurance/surety bond on top of what the state requires. City Attorney Marc Smith stated he had researched this and, at this time, is unable to confirm that this could be done and whether it would be a conflict with state requirements.

### **Councilman Herpin Arrived**

- Scott Campbell, Executive Director of the Palmer Land Trust, spoke on conservation land issues and mineral rights.
- Councilmember Bennett asked if the requirement that monthly reporting to Council by the LGD should be included in the ordinance. LGD, Kyle Campbell, responded that it is administrative and he recommended that it not be included in the ordinance.
- Councilmember Bennett then asked if confirmation of ownership should be in the ordinance. LGD, Kyle Campbell, answered that it is procedural and he does not recommend it go in the ordinance.
- Councilmember Bennett asked if the requirement to have the LGD work with Parks to identify who owns mineral rights needs to be in the ordinance. LGD, Kyle Campbell, responded that it is procedural and should not be in the ordinance.
- Councilmember Williams asked about conservation easements for Palmer Park and Corral Bluffs and if he knew who owned the mineral rights to those two pieces of property. LGD Campbell did not know.

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- Councilmember Bennett further asked LGD, Kyle Campbell, if we should make any changes to the current ordinance that has already had a first reading. Mr. Campbell responded that he does not see any changes needed to the ordinance.
- Councilmember Bennett then asked if there needs to be some sort of letter of understanding between Mayor and Council on how Council interacts with LGD and Mayor to ensure all needs are met. He asked if the City Attorney could draft a Letter of Agreement on the issue. Chief of Staff, Laura Neumann, agreed we need to work together and that a conversation should be started on this matter, suggesting Denver may be a model to follow since they have the same form of government.
- President Pro Tem Martin asked for an update on the Banning Lewis Ranch zoning change/annexation and lawsuits. City Attorney Corporate Division Chief Massey responded that the City Attorney had briefed two councilmen on the issue. Those present said they also wanted an update.
- President Pro Tem Martin asked what happens if council does not pass this ordinance. City Attorney Smith replied that lawsuits could be filed, but there are no certain answers at this time. LGD Kyle Campbell pointed out that the ordinance does set forth a number of review criteria for the permits that would not be in place should the ordinance not be enacted.
- Councilmember Williams expressed concern about the frequency of water quality monitoring and asked if we would be able to codify this aspect in the Conditions of Approval. She further asked whether her fellow councilors would support a public hearing prior to approving the ordinance. Councilmember Bennett responded, and LGD Kyle Campbell agreed, that this ordinance is not about fracking.
- President Hente then asked if council supports a need to have a public hearing. A head nod indicated there is no consensus on support for a public hearing on this issue, further emphasizing a strong desire to move ahead so that this council can decide the issue before the new council is seated. Therefore, the second reading of the Oil and Gas Ordinance will be scheduled for the first meeting in March.

### B. Items For Future Action

There were none.

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6. **OPEN LEGAL ITEMS**

There were none.

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7. **COUNCILMEMBER REPORTS AND OPEN DISCUSSION**

Councilmember Williams issued a public service announcement stating that the Stormwater Phase I report detailing concluding the number of projects and funds available as a result of their work in 2012 was issued in January 2013. Therefore, the Citizens' Task Force and Business Task Force would be moving to Phase II with a meeting scheduled for Thursday, February 28<sup>th</sup>, beginning at 8:30.

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8. **CLOSED EXECUTIVE SESSION**

Moved to Closed Session at 3:49 p.m.