COLORADO SPRINGS, COLORADO
CITY COUNCIL CHAMBERS
CITY HALL – 107 N. NEVADA AVENUE
MARCH 12, 2013 – 1:00 P.M.

Council met in Regular Session.

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

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

The meeting was opened with an invocation by Mark Dezuba, Chaplain with Crossroads USA Ministry and One Hour Volunteers.

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

Council Administrator Cox, Council Administrator, stated there has been a request to postpone Item 8 regarding the Dublin Terrace Townhomes as recommended by staff. President Hente confirmed the postponement was to align the presentation of the ordinance forfeiting vested rights along with the appeal so both may be heard at the same Council meeting on March 26th.

Motion by Martin, second by Bennett to postpone Item 8.

Ayes: Bennett, Dougan, Hente, Herpin, Martin, Snider, Williams
Noes: Leigh
Absent: Czelatdko

President Hente declared the motion passed on a 7-1 vote.

Council Administrator Cox stated there had been a request to move the New Business Calendar prior to the Unfinished Business to expedite the meeting. President Hente clarified the proposal was to move Item 9 relative to Oil & Gas Regulation to be the last item after Item 13. Council Administrator Cox concurred. President Hente approved the move.

No other changes were requested.

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CONSENT CALENDAR

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

SECOND PRESENTATION:

A-1. ORDINANCE NO. 13-7 entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 12-108 (2013 APPROPRIATION ORDINANCE) FOR A SUPPLEMENTAL APPROPRIATION TO THE AIRPORT CAPITAL FUND IN THE AMOUNT OF $180,000 FOR SECURITY CHECKPOINT EXPANSION AT THE COLORADO SPRINGS AIRPORT" was presented for final passage.

A-2. AR V 12-00518 Ordinance No. 13-8 entitled: "AN ORDINANCE VACATING A PORTION OF EAST COLORADO AVENUE PUBLIC RIGHT-OF-WAY CONSISTING OF 2,682 SQUARE FEET LOCATED SOUTH OF THE EAST PIKES PEAK AVENUE AND SOUTH CORONA STREET INTERSECTION" was presented for final passage.

A-3. ORDINANCE NO. 13-9 entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 11-95 (2012 APPROPRIATION ORDINANCE) FOR A SUPPLEMENTAL APPROPRIATION TO THE STORMWATER ENTERPRISE FUND IN THE AMOUNT OF $15,258,000 FOR THE PURPOSE OF CLOSING THE FUND AND TRANSFERRING THE REMAINING ASSETS TO THE GENERAL FUND" was presented for final passage.

A-4. ORDINANCE NO. 13-10 entitled: "AN ORDINANCE AMENDING PART 13 (WATER SHORTAGE) OF ARTICLE 4 (WATER CODE) OF CHAPTER 12 (UTILITIES) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO WATER SHORTAGE" was presented for final passage.

A-5. ORDINANCE NO. 13-11 entitled: "AN ORDINANCE ANNEXING TO THE CITY OF COLORADO SPRINGS THAT AREA KNOWN AS PARK VISTA ADDITION NO. 4" was presented for final passage.

A-6. ORDINANCE NO. 13-12 entitled: "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 0.57 ACRE LOCATED ON THE NORTH SIDE OF THE INTERSECTION OF HAMLET ROAD AND SIFERD BOULEVARD" was presented for final passage.

FIRST PRESENTATION:

B-1. Resolution No. 22-13 was presented: "A RESOLUTION APPROVING THE CONVEYANCE OF A PARCEL OF LAND FROM THE CITY OF COLORADO SPRINGS TO JAMES LITTLE AND PEGGY MCKINLAY."

B-2. Resolution No. 23-13 was presented: "A RESOLUTION SUPPORTING A SCHOOL PLAY YARD INITIATIVE GRANT APPLICATION TO GREAT OUTDOORS COLORADO FOR THE ENHANCEMENT OF MOUNTAIN SHADOWS PARK AND CHIPETA ELEMENTARY SCHOOL PLAYGROUND.

B-3. Resolution No. 24-13 was presented: "A RESOLUTION APPROVING THE INTERGOVERNMENTAL AGREEMENT FOR THE MANITOU SHUTTLE SERVICE BETWEEN THE CITY OF COLORADO SPRINGS AND CITY OF MANITOU SPRINGS, COLORADO."

B-4. Ordinance No. 13-13 entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 12-108 (2013 APPROPRIATION ORDINANCE) FOR A SUPPLEMENTAL APPROPRIATION TO THE AIRPORT CAPITAL FUND IN THE AMOUNT OF $130,000 FOR EQUIPMENT IMPROVEMENT AT THE COLORADO SPRINGS AIRPORT" was introduced and read.

B-5. Ordinance No. 13-14 entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 12-108 (2013 APPROPRIATION ORDINANCE) FOR A SUPPLEMENTAL APPROPRIATION TO THE AIRPORT CAPITAL FUND IN THE AMOUNT OF $4,000,000 FOR THE WESTSIDE REINVESTMENT PROJECT AT THE COLORADO SPRINGS AIRPORT" was introduced and read.

B-6. Ordinance No. 13-15 entitled: "AN ORDINANCE EXCLUDING CERTAIN PROPERTY FROM THE BOUNDARIES OF THE POWERS AND WOODMEN COMMERCIAL BUSINESS IMPROVEMENT DISTRICT" was introduced and read.

B-7. Ordinance No. 13-16 entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 12-108 (2013 APPROPRIATION ORDINANCE) FOR A SUPPLEMENTAL APPROPRIATION TO THE GENERAL FUND UNAPPROPRIATED FUND BALANCE IN THE AMOUNT OF $75,000 FOR THE PURPOSE OF THE SUBMITTING AN APPLICATION BY THE CITY OF COLORADO SPRINGS IN ACCORD WITH THE STATE OF COLORADO REGIONAL TOURISM ACT" was introduced and read.

B-8. Appointments to various Boards and Commissions.

Motion by Herpin, second by Martin, that all matters on the Consent Calendar be passed:

Ayes: Bennett, Dougan, Herpin, Hente, Martin, Snider, and Williams.
Noes: Leigh
Absent: Czelatdko

President Hente declared that the motion carried on a 7-1 vote.

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4. **<u>Resolution of Appreciation.</u>**

Councilmember Williams acknowledged those who competed in the Pikes Peak Regional MATHCOUNTS Competition held on February 2nd, 2013, at Colorado College. This was the 30h anniversary of the math contest for 6th, 7th and 8th graders developed by the National Society of Professional Engineers. She introduced, Coordinator, Mike Bartusek, who called out the names of local winners:

1st Place Team: Monument Academy School
Spencer Shook(M), Andrew Beaudoin(M), Dylan Hall(M), Xander Christoff(M)
2nd Place Team: Mountain Ridge Middle School
Amy Wang(F), Nicholas Lin(M), Varun Roy(M), Lauren Layton(M)

Other outstanding individual finalists going to the State competition included:

Bradley Mo(M) from Mountain Ridge Middle School
Keshav Nambiar(M) from Mountain Ridge Middle School
Calvert Bystroff(M) from Mountain Ridge Middle School
Rachel Wilsey(F) from Holmes Middle School
George Liu(M) from The Classical Academy
Samantha Wells(F) from West Middle School
Sarah Keller(F) from West Middle School

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CITIZEN DISCUSSION

Charles Barber spoke about lifestyle code.

William Murray appears to make a formal ethics complaint. President Hente advised him that these matters are investigated confidentially through the Independent Ethics Commission asked him to contact the City Attorney's office for those Rules of Procedure.

Dennis Warnecke, owner of Eco Solutions, spoke about upcoming water restrictions. He explained that he's been in the green industry in Colorado Springs for the last 25 years and was here to encourage Council to look at the upcoming water restrictions and requested they consider three days a week rather than the proposed two days a week due to the damage to established landscaped trees and shrubs. President Hente asked that Mr. Warnecke provide Council Administrator Cox with his contact information for future reference.

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5. **Approval of Minutes.**

Motion by Bennett, second by Martin, that the Minutes of the Regular Council Meeting of February 26th be approved as written. The motion unanimously carried.

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6. **Mayor's Communications.**

Mayor Bach presented the nominees for the Colorado Health Foundation Board of Trustees and requested confirmation of said appointees.

Nominees for one year terms:

David Lord, Innovations in Aging Collaboration
Zack McComsey, Atlas Preparatory School
BJ Scott, Peak Vista Community Health Centers Foundation

Nominees for two year terms:
Deborah Chandler, Colorado Springs Health Partners
Lynette Crow-Iverson, Conspire and HealthQuest Medical Services, Inc.
Philip Lane, Culebra Properties
Nominees for three year terms:
Kathy Boe, Boecore, Inc.
Jon Medved, Chef's Catalog
Thayer Tutt, Jr., El Pomar Foundation
Ex Officio - City Attorney

Motion by Bennett, second by Williams, that the recommendations for the nominees to the Colorado Springs Health Foundation Board of Trustees for the terms identified be approved.

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

President Hente declared the motion carried on an 8-0-1 vote.

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UTILITIES BUSINESS

7. Ordinance 13-17 entitled: "AN ORDINANCE OF THE CITY OF COLORADO SPRINGS, COLORADO PROVIDING FOR THE REFUNDING OF CERTAIN OUTSTANDING UTILITIES SYSTEM REVENUE BONDS OF THE CITY AND AN ESCROW THEREFOR; PROVIDING FOR THE ISSUANCE AND SALE OF THE CITY OF COLORADO SPRINGS, COLORADO, UTILITIES SYSTEM REFUNDING REVENUE BONDS, SERIES 2013A IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED $110,000,000 PAYABLE SOLELY OUT OF THE NET REVENUES TO BE DERIVED FROM THE OPERATION OF THE CITY OF COLORADO SPRINGS UTILITIES SYSTEM; AUTHORIZING THE EXECUTION BY THE CITY OF AN ESCROW AGREEMENT AND AN OFFICIAL STATEMENT; AND PROVIDING OTHER MATTERS RELATING THERETO" was introduced and read.

Bill Cherrier, Chief Planning & Finance Officer for Colorado Springs Utilities, introduced this as the first of two readings of the ordinance to authorize the issuance of the 2013A Utilities System Refunding Revenue Bonds. The Bond issue will not exceed $110 million. It is likely to be $103 million based on the current interest rates we are seeing in the market. The Bond issue refinances portions of the remaining 2004B, 2004C, 2005B, and 2005C Bonds. The present value savings is estimated at $12.5 million, or 12.8% of the refinanced Bonds. In the current market we expect a 3.19% interest rate replacing an average rate of 4.86% for the Bonds being refunded. The Bonds are expected to be issued the first week of April through a competitive sale and the underwriters selected will be the bidder who submits the lowest price on the date of the sale. Mr. Cherrier explained that the preliminary official statement is subject to change up to the date of the Bond pricing, which is expected to be the first week of April. The second reading of this ordinance is scheduled for March 26th.

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

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

President Hente declared the motion carried on an 8-0-1 vote.

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UNFINISHED BUSINESS

8. **SEE ACTION TAKEN EARLIER IN MEETING.**

9. **SEE ACTION TAKE EARLIER IN MEETING.**

NEW BUSINESS

10. Ordinance 13-18 entitled: "AN ORDINANCE AMENDING SECTION 206 (POSSESSION OF CANNABIS) OF PART 2 (OTHER DANGEROUS WEAPONS AND SUBSTANCES) OF ARTICLE 7 (DANGEROUS WEAPONS AND SUBSTANCES) OF CHAPTER 9 (PUBLIC OFFENSES) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO POSSESSION OF MARIJUANA, AND PROVIDING PENALTIES FOR THE VIOLATION THERE" was introduced and read.

11. Ordinance 13-19 entitled: "AN ORDINANCE CREATING NEW SECTIONS 207 (CONSUMPTION OF MARIJUANA IN PUBLIC PROHIBITED) AND 208 (CONSUMPTION OF MARIJUANA IN VEHICLES PROHIBITED) OF PART 2 (OTHER DANGEROUS WEAPONS AND SUBSTANCES) OF ARTICLE 7 (DANGEROUS WEAPONS AND SUBSTANCES) OF CHAPTER 9 (PUBLIC OFFENSES) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO THE CONSUMPTION OF MARIJUANA IN PUBLIC, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF" was introduced and read.

Deputy Chief Vince Niski provided a brief background regarding the proposed changes to the Municipal Ordinance governing possession of marijuana and the proposed new ordinances limiting consumption of marijuana in public and in a vehicle. The proposed ordinances are designed to address issues regarding the possession and consumption of marijuana which were raised in Amendment 64. The recommendations are to harmonize our current Statute with Amendment 64's express allowance of possession of up to one ounce of recreational marijuana by persons 21 and over.

Bob Wylie spoke relative to the intent to regulate marijuana like alcohol. Hopes any ordinance we pass will do that, but also reminds the Council that Amendment 20, Medical Marijuana, and Amendment 64, Recreational Use of Marijuana, are two separate constitutional issues and each has its own rights and responsibilities.

Mark Slaugh with I Comply Cannibis and Hemp Regulatory agencies, as well as the CSMCC

(Colorado Springs Medical and Cannibis Council), asked that Council harmonize the City Code to match the intention of Amendment 20 and Amendment 64.

Councilmember Williams asked if there is anything, or has there been anything in our Code for the last two years that said anything specific about Medical Marijuana?

Municipal Attorney Kyle Sauer responded no and explained some of his experience from having worked in Prosecution.

Councilmember Williams asked whether affirmative defense aligns with standard operating procedure when you find someone in possession?

Deputy Chief Niski answered yes, similar to proof of insurance, if they bring that proof in at that time, then the charge is dropped.

Councilmember Williams asked whether our legal counsel sees an issue with the way that it is currently written?

Ms. Massey responded no, in fact there are a number of criminal charges in our criminal code to which affirmative defenses apply and we do not articulate those with each individual violation.

Councilmember Herpin stated Amendment 20 allows two ounces, Amendment 64 allows one ounce, so can one combine those into the three ounces of possession?

Mr. Sauer responded that there is no case law on the issue and that this may be an issue that may also be addressed by the Governor's Task Force. The report is expected to be this week.

Councilmember Dougan stated she wants to make sure she understands that this is just possession being discussed.

Deputy Chief Niski responded that yes, this is just possession and open consumption. That's what these laws are. DUI Laws aren't governed by Municipal Court. They are governed by the County Court, so those laws are still in effect.

Councilmember Dougan stated she wants people to understand this is just putting in place policy rules and laws for open consumption and possession, and emphasized the discussion is still to come for opting-in or out.

Chief Niski stated the reason the Police Department is asking for these ordinances to be implemented is because they need guidelines for our street level officer. Amendment 64 is very clear on open consumption, as well as public consumption.

Councilmember Bennett remarked that he believes our Police Department and our legal department brought something forward very clear and very succinct. He suggested that we move forward and asked if there were any other public comments.

Bryon Tuck addressed the Council and described additional opportunities regarding state tax and licensing revenues for recreational and medical marijuana uses.

Doug Wenchel discussed his perspective on the value of industrial hemp.

Andrea Hassler, a UCCS graduate student specializing in environment for sustainability studies spoke on post fire restoration and the benefit of the cannabis plant in remediating soil loss after a fire.

Motion by Bennett, second by Martin, that the two ordinances, Items 10 & 11, be passed as introduced.

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

President Hente declared the motion passed unanimously, with Councilmember Czelatdko excused.

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12. Resolution 25-13 was presented: "A RESOLUTION SUPPORTING BALLOT ISSUE 1 REGARDING THE TRAILS OPEN SPACE AND PARKS (TOPS) PROGRAM."

Council Administrator Cox presented that, per the Fair Campaign Practices Act, City Council may adopt a resolution taking a position of advocacy in a ballot measure. Included in Council's packet is a resolution supporting issue #1, otherwise known as the TOPS ballot measure scheduled for the April 2nd, 2013, election. Council was presented a revised resolution at Informal Council on Monday for consideration today. She drew Council's attention to the changes underlined in the 5th whereas you'll see a today at the end of that sentence. And then the final whereas, the language "….*without using this new money to replace current park funding from the general fund except in the case of emergency*" has been added.

President Pro Tem Martin remarked that this really helps clarify Council's position, and for the voters to understand their position.

Councilmember Bennett applauded Council and the Mayor in moving this forward and believes this is critical for the health of our parks system.

Councilmember Herpin asserted that the Mayor stated that he would keep Parks Maintenance whole unless there were an emergency that required him to move the funds.

Ms. Massey confirmed the resolution does say that the intent is to not replace current park funding from the General Fund, except in those emergency cases.

Councilmember Williams stated that although she did not vote personally to put this on the ballot without the maintenance of effort, she stated she was pleased that the Mayor has written

a letter saying that he will do everything in his power to keep the monies in the Parks' budget and that we have a resolution before Council to really get the intent of what we're looking for in this ballot initiative.

Susan Davies, Executive Director of TOSC (Trails and Open Space Coalition), shared they are very pleased that this proclamation resolution has been written. They are pleased that the Mayor has taken time to explain his position and while they know that if it passes, it does not bind the next Council, it doesn't change the potential that down the road we would see General Fund support for Parks be lowered in lieu of this TOPS money.

Councilmember Herpin, TOPS has taken the position opposing the ballot issues. Does this change your position at all?

Ms. Davies expressed her Board is just as excited about improved maintenance as the policy makers are; however, it probably won't change their position, but it will change their rhetoric. She will carry both the proclamation and the Mayor's letter with her for their reconsideration.

Councilmember Herpin reiterates the goal is to maintain our parks as best as we can, especially going into a drought season. And the passage of this will certainly give us more flexibility. He acknowledged sharing their concern about the possibility of reducing park maintenance if this were to pass, but he is very heartened by the Mayor's statement that he gave verbally here and in writing.

Councilmember Leigh suggested it would be incumbent upon TOPS to have a special meeting and have a vote to support this initiative to guarantee that it will pass.

Ms. Davies responded it's a great gesture, but she doesn't think this will change her Board's mind. She's willing to suggest it to them, however.

Richard Skorman applauded the debate believing it is absolutely the right thing to do at the right time. We don't need to keep debating the maintenance of effort, because it does not exist in the ballot language.

Doug Wenchel suggested the City put cisterns in the parks.

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

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

President Hente declared the motion carried unanimously.

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PUBLIC HEARING

13A. Public hearing to consider the adoption of Amendments to the Pikes Peak Regional Building Code, 2011 edition, and the adoption of penalty provisions in accord with the provisions of Part 2 of Article 16 of Title 31, CRS.

13B. ORDINANCE NO. 13-6 entitled: "AN ORDINANCE AMENDING SECTION 102 (CODE ADOPTED BY REFERENCE) OF PART 1 (GENERAL PROVISIONS) OF ARTICLE 10 (BUILDING CODE ADMINISTRATION) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO ADOPTION OF AMENDMENTS TO THE 2001 REGIONAL BUILDING CODE AND TO PENALTIES FOR THE VIOLATION OF THE REGIONAL BUILDING CODE" was presented for final passage.

President Hente was excused.
In the absence of President Hente, President Pro Tem presided.

Ms. Massey stated the ordinance approving this particular code has already been adopted on first reading. It was set over an additional meeting to conduct the Public Hearing since we are adopting the Code by reference. The Regional Building Attorney, Todd Welch was here at the last meeting and gave a presentation on the Regional Building Code and today's meeting was just scheduled for any public comment and a vote on second reading.

President Pro Tem Martin confirmed this to be the second reading.

No Public Comment was given.

Councilmember Herpin stated that as the Regional Building Commissioner, he has reviewed this and recommends approval.

Herpin moved, Leigh second, that the ordinance be finally passed.

Ayes: Bennett, Dougan, Herpin, Leigh, Martin, and Williams
Noes: Martin
Absent: Czelatdko, Hente

President Pro Tem Martin declared the motion carried with a 6-1 vote, with President Hente and Councilmember Czelatdko excused.

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9. CPC CA 12-00071 Ordinance 12-106 was presented for final passage: "ORDINANCE NO. 12-106 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." (Second presentation.)

LGD Kyle Campbell provided two brief updates and one question that arose in between Informal Council and today's meeting. He's been working with CAO to put together a policy summary that pertains to the items that Councilmember Bennett brought up at Informal requesting an outline of those specific items as it pertains to inspections, and various other matters that the Council felt was appropriate to have a separate, stand-alone agreement to outline and define what those were to move forward. They are continuing to work the CAO on that matter.

Although there was a recent announcement in the media regarding ULTRA Petroleum suspending their exploration within the Banning Lewis Ranch area, at least for the time being, he cautions that others may come along. Therefore, he was here to discuss adopting these ordinances. He acknowledged all the hard work of all the various parties who have been a part of this lengthy process allowing us to get to this point.

LGD Campbell described the history and progression of moving from a 350 foot requirement to the 1,000 foot setback requirement.

Councilmember Leigh thanked all for their hard work.

Councilmember Bennett asked if these regulations are not approved should someone else decide they wanted to get a permit, what would be the process and would they be able to drill even without these regulations?

LGD Campbell responded currently oil and gas drilling is only allowed in agriculturally zoned properties. The ordinance we have in place right now allows us to request a development plan and there's a part of that review of that plan that we can look at future utility corridors, future parks, the language we just added, future trails, future open spaces, we can take a look at where these locations are being proposed at and then work with that operator to say it's not going to work there. The ordinance in the front of Council today defines items to review applications with.

President Hente explained that, with only eight Councilors present, any tie vote would fail. He asked that the public be succinct and concise in their commentary.

Those who spoke against fracking and the proposed ordinance: Phillip Doe-from Denver,Wes Wilson-from Denver; Linda K. Watts, Amanda Harrison, Eric Verlo, Ebo Thorbas, Michaela Kobsa-Mark, Dave Gardner, Mary J. Talbott, Mark Kissinger, Andrea Hassler, Vanessa Ferona, Jim Lockhart, Danielle Cummings, Luke Paulson, Shana Gemoules, Ellen Johnson-Fay, Karyn Lemus, Lotus, Joyce Cheney, Pat Hansen, Paul Burke, Rita Ague, Zivia Bird, Cyndy Kulp, Doug Wechell, Strand Barnes, Lilly Kempf, Kyle Smith, Walter Lawson, and Chris Winkoop.

Those who spoke for fracking and support for the ordinance: Jon Macomber, Ann Macomber, and Sean Paige.

Councilmember Bennett described the history of the research Council has done on this topic and the extensive due diligence exercised, and stated we need guidelines.

Motion by Bennett, second by Dougan to approve the ordinance as recommended by the Planning Commission and as approved by Council at the November 27th, 2012, first reading.

Ayes: Bennett, Dougan, Herpin and Leigh
Noes: Hente, Martin, Snider, and Williams
Absent: Czelatdko

President Hente declared the motion failed.

At 5:22 p.m., there being no further business to come before City Council,

COUNCIL ADJOURNED

Sarah B. Johnson

Sarah B. Johnson
City Clerk