



CITY COUNCIL PROCEEDINGS

January 10, 2012

Civic Center
350 Kimbark Street
Longmont, CO 80501

REGULAR SESSION

The January 10, 2012, Regular Session of the Longmont City Council was called to order at 7:00 p.m. by Mayor Dennis Coombs in the City Council Chambers.

1. ROLL CALL – PLEDGE OF ALLEGIANCE

Valeria Skitt, City Clerk, called the roll. Those present were: Mayor Coombs and Council Members Brian Bagley, Bonnie Finley, Sarah Levison, Alex Sammoury, Gabe Santos, and Katie Witt.

Mayor Coombs led the assembly in reciting the Pledge of Allegiance.

2. CHAIR REMINDER TO THE PUBLIC:

The Mayor reviewed the procedures for Public Invited to be Heard and Public Hearings.

3. APPROVAL OF MINUTES

A. December 13, 2011 – Regular Session

Council Member Santos moved, seconded by Sammoury, to approve the minutes of the December 13, 2011, meeting as printed. Motion carried: 7-0.

B. December 20, 2011 – Regular Session

Council Member Santos moved, seconded by Levison, to approve the minutes of the December 20, 2011, meeting as printed. Motion carried: 7-0.

4. AGENDA REVISIONS AND SUBMISSION OF DOCUMENTS

Gordon Pedrow, City Manager, indicated that a map was placed at Council desks for item 8B, the public hearing and second reading of a bill for an ordinance approving the land use amendment to the Longmont area comprehensive plan for the Mill Village Neighborhood.

5. CITY MANAGER’S REPORT

Sandra Seader, Assistant to the City Manager, reviewed the plan for Council’s team building opportunity in February.

Karen Roney, Director of Community Services, provided information to Council on the free 90 day recreation center pass for post 9-11 veterans which will begin on Monday, January 23, 2012.

6. SPECIAL REPORTS AND PRESENTATIONS

- A.** A Proclamation Designating January 16 -20, 2012 As “Honoring Dr. Martin L. King, Jr., Week” In Longmont, Colorado

Mayor Coombs read into the record a proclamation designating January 16-20, 2012, as “Honoring Dr. Martin L. King, Jr. Week” in Longmont, Colorado.

Glenda Robinson accepted the proclamation and was honored for her commitment and guidance over the years in producing the annual Dr. King event in Longmont.

Ms. Robinson spoke briefly regarding Dr. Martin Luther King, Jr.’s work to insure civil rights for all people. She invited the members of the choir that have been part of the MLK celebration for several years; City staff Bobby King, Chief Human Resources Officer and Carmen Ramirez, Community Relations Program Coordinator; Strider Benston, community activist, and students from Silver Creek High School, to join her at the center of the room during her remarks.

- B.** A Proclamation Designating January, 2012 As “Official Radon Action Month” In Longmont, Colorado

Mayor Coombs read into the record a proclamation designating January, 2012, as “Official Radon Action Month” in Longmont, Colorado.

There was no one present to accept the proclamation.

7. FIRST CALL – PUBLIC INVITED TO BE HEARD

Joe Bassman, 3414 Lakeview Circle, spoke on behalf of himself and Longmont ROAR.org (Longmont citizens for reasonable oil and gas regulations), in opposition to TOP Operating Company drilling over 832 wells within City boundaries and expressed concern with the pollution that will come with drilling. He asked for four specific items from Council:

- Say no to Cougar Surveyors so City staff can stop working on the permit
- Ask City staff for their projections and recommendations about how the new regulations will protect the City; will Longmont’s comprehensive plan be in jeopardy, how many wells can our city endure, what are staff’s recommendations for greater protection?

- Vow that the City will not promote, sell, or lease water or mineral rights for fracking wells
- Vow to place all revenue from pre-existing water and mineral contracts into a dedicated fund to be administered by a new oil and gas department with the City of Longmont, which will regulate and enforce new ordinances and will administrate the fund to mitigate the damages that will be suffered by citizens from 832 wells in the City.

Chris Porezchez, 12642 Weld County Road 1, thanked Council for putting the oil and gas drilling moratorium in place and Mayor Coombs for publicly saying that the Colorado Oil and Gas Conservation Commission (COGCC) has its flaws. He asked the City to challenge the COGCC.

Shelley Bassman, 3414 Lakeview Circle, spoke in opposition to the City allowing oil and gas development within the City limits.

Selwyn Goldstein, 649 Wade Road, spoke about Longmont animal control officers aggressiveness toward people walking their dogs off a leash and to look at Boulder's ordinance requiring sight and voice control.

Dr. Tiffany Beechy, 331 Vivian Street, also expressed concern about Longmont animal control officers issuing citations for having a dog off leash.

Dan Ditslear, 1541 Chukar Drive, read a story about a Colorado couple's experience with oil and gas drilling by Encanta. He then asked Council to establish at least a 1,000 foot setback from residences.

Teresa Foster, 712 Thornwood Way, stated that she gave Council a DVD about oil and gas fracking, saying it would behoove Council to learn as much about the process as possible and questioned whether Council believes COGCC's 350 foot setback requirement is safe. She also reviewed the side effects from exposure to the chemicals used in fracking.

Judith Blackburn, 3724 Oakwood Drive, spoke regarding oil and gas drilling and hydraulic fracturing and expressed concern about the gross overuse of Longmont's water supply during the process. She asked Council to ask for adequate liability insurance to compensate homeowners and community members for health and property issues that may come from fracking close to homes.

David Pelster, 1574 Goshawk Drive, spoke about the consolidated drilling operation between Fall River Elementary School and Trail Ridge Middle School and encouraged Council to listen to the Endocrine Disruption Exchange DVD. He also asked for a 2,000 foot setback from schools, and to have regulations that require the applicant to prove they own the mineral rights.

Tom Seaman, 12566 County Road 1, thanked Council for implementing the moratorium on oil and gas drilling and shared a story about his exposure to chemicals during his career as a painter and that this is similar to what is emitted from oil and gas wells.

Strider Benston, 951 West 17th Avenue, thanked Council for the Martin Luther King Jr. Day proclamation and spoke briefly about oil and gas fracking, as well as his experiences with the City's animal control laws.

Jeff Thompson, 1616 Sumner Street, talked about the raw water demand study and why Council should not accept the study.

Linda Marquez, 828 S. Bross Street, invited Council Members to a benefit fundraiser to help a family that tragically lost two young children in a fire.

Council Member Finley moved, seconded by Santos, to direct staff to change the Council agenda to have a 30 minute time limit at the first Public Invited to Be Heard.

Council discussed this topic at length.

Council Member Bagley moved, seconded by Coombs, to table the motion until an unspecified time. Vote was taken the motion to table and it carried: 4-3 (Finley, Levison, and Santos dissenting).

8. ORDINANCES ON SECOND READING AND PUBLIC HEARINGS ON ANY MATTER

- A. Public Hearing for Citizen Input Regarding Proposed Funding and Approval of Final Funding for 2012 Community Development Block Grant Program, HOME Program, and Affordable Housing Funding**

Kathy Fedler, Community Development and Block Grant Coordinator, introduced this item and reviewed the final funding recommendations for the 2012 Community Development Block Grant Program, HOME Program, and Affordable Housing Funding programs.

Mayor Coombs opened a public hearing on this item. There being no one present to speak on this issue, the public hearing was closed.

Council Member Levison moved, seconded by Bagley, to follow the recommendation of the Longmont Housing and Human Services Advisory Board to approve the 2012 funding recommendations as shown.

Council Member Sammoury moved, seconded by Santos, to amend the motion to make the Thistle project funding a forgivable loan rather than a grant.

Vote was taken on the motion to amend and it passed: 6-1 (Levison dissenting).

Vote was taken on the original motion as amended and it passed: 6-1 (Sammoury absent).

- B. O-2012-01**, Public Hearing And Second Reading Of A Bill For An Ordinance Approving The Land Use Amendment To The Longmont Area Comprehensive Plan For The Mill Village Neighborhood, Generally Located South Of Colorado State Highway 119, West Of Third Avenue, North Of Great Western Drive And West Of County Line Road

Gordon Pedrow, City Manager, read the title of the ordinance into the record.

Ava Pecherzewski, Senior Planner, reviewed the location of the properties, the surrounding uses, and the uses allowed within the current land use designation. She also provided historical information on the development of the entire Mill Village area and surrounding community improvements since the development was annexed in 1994 as well as the details of the proposal for multi-family residential housing.

Wendell Pickett, 3813 Florentine Circle, and applicant, reviewed the project history and how the area has evolved since the original development plan was introduced, presented sketches showing setbacks, and very preliminary elevations for the main buildings. Mr. Pickett provided the benefits this development will provide to the neighborhood as well as the City as a whole.

Mayor Coombs opened a public hearing on this item.

The following citizens spoke in opposition to the changes to the Mill Village proposal:

Jonah Reger, 238 Sweet Valley Court;
Will Spaulding, 243 Mill Village Boulevard;
Suzanne Eyerman, 236 Cattail Court;
Michael Warner, 323 Sugarbin Court;
Jeff Roberg, 301 Harvest Street;
Jen Hawkinson, 307 Mill Village Boulevard;
Michael Farnsworth, 25 College Court;
Jim Hetherington, 241 Sugarbin Court;
Justin Rivens, 309 Riverview Court;
Janet Walker, 1617 Kylie Drive;
Rich Marsh, 318 Maggie Street;
Christina Albetta, 237 Riverview Court;
Laura Reiker, 238 Sweet Valley Court;
Paul Heart, 237 Mill Village Boulevard;
Carrie Ought, 240 Cattail Court;
Valerie Graham, 234 Mill Village Boulevard;
Nicole Lee, 238 Mill Village;
Chris Johnson, 1901 Marty Circle;
Jeff Medwets, 309 Harvest Street;
Michelle Steffen, 1539 Kiley Drive;
Mike Hackenson, 307 Mill Village Boulevard;
Shelley Bassman, 3414 Lakeview Circle

Mayor Coombs moved, seconded by Witt, to remove General Business Items A & B from the agenda. Motion carried: 7-0.

Mayor Coombs closed the public hearing.

Council discussed at length the issues of the Mill Village proposal.

Council Member Santos moved, seconded by Levison, to extend the meeting to finish the agenda. Motion carried: 6-1 (Finley dissenting).

Council Member Santos moved, seconded by Witt, to adopt Ordinance O-2012-01 with the map as attachment A on second reading. Motion carried: 5-2 (Coombs and Levison dissenting).

- C. O-2012-02, Public Hearing And Second Reading Of A Bill For An Ordinance Approving The First Amendment To The Agreement In Furtherance Of Annexation For The Kubat/Archdiocese Annexation To The City Of Longmont, Colorado**

Gordon Pedrow, City Manager, read the title of the ordinance into the record.

Brien Schumacher, Senior Planner, reviewed this item as well as the benefits associated with annexation of the property.

Mayor Coombs opened a public hearing on this item.

David Suits, 76 Cherryvale Road, Boulder, applicant, stated that he has tried to work out a plan that is attractive to builders but the main stumbling block was the inclusionary zoning on this property.

There being no one present to address Council on this issue, the public hearing was closed.

Council Member Witt moved, seconded by Sammoury, to adopt Ordinance O-2012-02 on second reading. Motion carried: 6-1 (Levison dissenting).

- D. O-2012-03, Public Hearing And Second Reading Of A Bill For An Ordinance Conditionally Approving The Boggot Annexation (Generally Located East Of Weld County Road 1 And North Of Weld County Road 26), And Zoning The Property A (Agriculture)**

Gordon Pedrow, City Manager, read the title of the ordinance into the record.

Brien Schumacher, Senior Planner, provided an overview of this item.

Mayor Coombs opened a public hearing on this item. There being no one present to address Council on this issue, the public hearing was closed.

Council Member Witt moved, seconded by Bagley, to adopt Ordinance O-2012-03 on second reading. Motion carried: 7-0.

9. CONSENT AGENDA AND INTRODUCTION AND READING BY TITLE OF FIRST READING ORDINANCES

- A. O-2012-04**, A Bill For An Ordinance Making Additional Appropriations For The Expenses And Liabilities Of The City Of Longmont For The Fiscal Year Beginning January 1, 2012 (Ordinance introduced and public hearing scheduled for January 24, 2012)
- B. O-2012-05**, A Bill For An Ordinance Amending The 2012 - 2016 Capital Improvement Program (Ordinance introduced and public hearing scheduled for January 24, 2012)
- C. O-2012-06**, A Bill For An Ordinance Creating A Moratorium On Accepting Or Processing Land Use Applications, Permit Applications, Or Other Applications Seeking Approval To Conduct Oil And Gas Exploration, Extraction, Or Related Operations Within The City Limits (Removed from Consent Agenda)
- D. O-2012-07**, A Bill For An Ordinance Amending Section 2.90.020 Of The Longmont Municipal Code On The Transportation Advisory Board (Ordinance introduced and public hearing scheduled for January 24, 2012)
- E. R-2012-01**, A Resolution Of The Longmont City Council Approving An Intergovernmental Agreement Between The City And The Organized Crime Drug Enforcement Task Forces Program For The Use Of The State And Local Overtime And Authorized Expense/Strategic Initiative Program (Resolution adopted)
- F. R-2012-02**, A Resolution Of The Longmont City Council Approving An Intergovernmental Agreement Between The City And The City And County Of Denver For The Use Of Denver-Owned Property For Police Department Training Purposes (Resolution adopted)
- G.** Approve And Authorize Mayor To Sign The Application And Agreement For Two Residential Outside Water Taps For The Willis Property And Direct The Mayor To Sign The Outside Water Tap Agreement (Agreement approved and Mayor authorized to sign)

Gordon Pedrow, City Manager, read the titles of the ordinances into the record and reviewed all of the items on the Consent Agenda.

Council Member Levison moved, seconded by Witt, to adopt the Consent Agenda with the exception of Item C which was pulled for additional discussion. Motion carried: 7-0.

10. ITEMS REMOVED FROM CONSENT AGENDA

- C. O-2012-06**, A Bill For An Ordinance Creating A Moratorium On Accepting Or Processing Land Use Applications, Permit Applications, Or Other Applications Seeking Approval To Conduct Oil And Gas Exploration, Extraction, Or Related Operations Within The City Limits

Eugene Mei, City Attorney, made two corrections to Item 9C. The first correction has to do with the calendar page in the item, the open house and combined board meeting that was originally scheduled for February 8 has been changed to February 6 in the City Council Chambers. The second correction is that the word “exploration” should be struck from the title of the ordinance and from the operative provision of the ordinance on pages 196 line 4 and page 198 line 21.

Council Member Santos moved, seconded by Witt, to introduce O-2012-06 with the edits recommended by the City Attorney. Motion carried: 7-0.

Eugene Mei, City Attorney, told Council that there is a meeting scheduled for January 20 with some Weld County cities, including Frederick, Greeley, and Longmont to try to cooperate and take a more regional approach to this issue rather than each municipality doing their own thing.

11. GENERAL BUSINESS

- A.** Future Water Demand Evaluation

This item was pulled from the agenda.

- B.** Focus on Longmont Strategic Plan-Second Update

This item was pulled from the agenda.

12. FINAL CALL – PUBLIC INVITED TO BE HEARD

Joe Bassman, 3414 Lakeview Circle, thanked Council for the gas and oil moratorium and asked Council to share a bit of the credit with some of the public who have brought their concerns before them.

Kaye Fissinger, 2199 Creekside Drive, asked that Council consider the meeting between the Weld County cities and Longmont, scheduled for January 20 be a public meeting.

Shelley Bassmen, 3414 Lakeview Circle, stated that the kind of mining that is going on today is very different than it used to be.

13. MAYOR AND COUNCIL COMMENTS

Council Member Levison explained that she received an email from a Girl Scout troupe asking for a proclamation for their 100th anniversary. She also reminded everyone of the open forum at the next meeting.

Mayor Coombs explained that he participated in the Police Ride Along program last Friday night and is impressed with how well Longmont police officers are trained.

14. CITY MANAGER REMARKS

Gordon Pedrow, City Manager, reminded Council of the legislative dinner on January 12 at 6:00 p.m. at the Museum.

15. CITY ATTORNEY REMARKS

The City Attorney had no additional items to bring before City Council.

16. ADJOURN

There being no further business to come before the City Council, the meeting was adjourned at 11:50 p.m.

CITY OF LONGMONT, COLORADO

Mayor

ATTEST:

City Clerk