

MCGC Neighbors' Notes to Provide Context: The Agenda Item 12 a. below was taken directly from the bottom of Page 7 through the top of Page 10 of the minutes of the December 8, 2014, City Council Meeting. The complete minutes can be found on the city's [website](#).

12. ORDINANCES FOR INTRODUCTION

" a. 2014-44

Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, amending Sections and 146-1711 of the City Code of the City of Aurora, Colorado, regarding oil and gas regulations.

ORIGINAL MOTION

Motion by Cleland, second by Roth, to introduce item 12a.

Jim Sayre, Manager of Planning, Planning & Development Services, gave a presentation on the item.

Polly Page, Arapahoe Responsible Energy Advocates (AREA), spoke in favor of the item.

Council Member Peterson asked Ms. Page if she was requesting the item be tabled. Ms. Page answered no.

Margaret Sobey, Aurora, Colorado, East Aurora Community Development group, spoke in opposition to the item.

Council Member Peterson asked if the tower height allowance made the tanks safer.

Dan Money, Assistant City Attorney, answered affirmatively, noting the air was cleaner the higher the tanks went.

Mr. Sayre concurred, discussing the separation of oil and gas as it related to tower height.

Nichole Johnston, Aurora, Colorado, spoke in opposition to the item.

Council Member Berzins asked if this removed the height requirement. Mr. Sayre answered no.

AMENDMENT I

Motion by Peterson, second by Markert, to amend Aurora City Code 146-1207 by adding a subsection that would contain new language creating a new Oil and Gas Board. The language shall read: There is hereby created and established an Oil and Gas Board. The Oil and Gas Board shall be appointed by City Council to determine whether to grant waivers requested by applicants pursuant to the provisions on subsection (H) of this section, and to serve as an advisory board to City Council. Waivers to existing law for such facilities shall require the majority approval of the board members. Members shall meet monthly in public, and shall publish a record of their proceedings. The board will consist of up to six members, with one members serving as a nonvoting member of the board. The members are as follows:

1. Planning Director or representative of the planning director (non-voting);
2. Citizen representative from each ward with Oil and Gas operations;
3. Citizen representative who is engaged by the Oil and Gas industry;
4. Citizen representative who is a registered Colorado professional engineer with experience in the Oil and Gas industry;
5. Citizens not employed by the Oil and Gas industry, as may be appointed by Council.

Council Member Cleland expressed concerns regarding the difficulty in filling a board with specific citizen requirements.

Council Member Broom asked if someone involved in oil and gas operations included someone who worked at a gas station. Council Member Peterson answered no, noting it referred to someone involved in drilling.

Council Member Pierce expressed concerns regarding the board having the authority to grant waivers.

Council Member Peterson expressed concerns regarding the administrative waivers being approved in this matter, noting she would like to see Planning & Zoning approve the waivers.

Council Member Pierce expressed concerns regarding a citizen group approving waivers, noting the landscaping and fencing would not require waivers if the item were approved.

Council Member Cleland stated the amendment was a good idea and suggested the item go to committee for review because she would like the opportunity to call the item up in the future.

Council Member LeGare stated his opposition to the amendment.

SUBSTITUTE MOTION I

Motion by Cleland, second by Markert, to send the topic of an oil and gas board to the PED&R Committee for review to be returned to Council with a recommendation by the end of January.

VOTE ON SUBSTITUTE MOTION

Voting Aye: Broom, Cleland, Hunter Holen, Markert, Peterson, Pierce, Roth

Voting Nay: Berzin, LeGare, Mounier

AMENDMENT II

Motion by Pierce, second by Roth, to amend the Aurora City Code section 146-1207(F)(10) to read as follows: "Ponds and Modular Large Volumes Tanks. The use of uncovered ponds and modular large volume tanks for storage of liquids associated with the drilling or stimulation of wells is permitted on a temporary basis. All ponds and modular large volume tanks must be removed once the drilling phase and the completion phase of the well is finished."

Council Member Peterson asked what was contained in the tanks. Council Member Pierce stated water used to frack the wells. Council Member Peterson asked if it was fresh water. Council Member Pierce answered affirmatively.

Council Member Markert asked the depth of the ponds. Council Member Pierce stated three or four feet, noting it was a state regulated item.

Voting Aye: Berzins, Broom, Cleland, Hunter Holen, LeGare, Mounier, Peterson, Pierce, Roth

Voting Nay: Markert

AMENDMENT III

Motion by LeGare, second by Markert, to amend the proposed language in Aurora City Code 146-1207(F)(8), to include the language, "The applicant/oil and gas operator shall be responsible for installing the required landscaping unless they have a surface use agreement that transfers the responsibility to the landowner when the land is developed."

Voting Aye: Berzins, Broom, Cleland, Hunter Holen, LeGare, Markert, Mounier, Peterson, Pierce, Roth

AMENDMENT IV

Motion by Peterson, second by Markert, to amend Aurora City Code 146-1207(G) to require that all applications for oil and gas permits and any requests for waivers associated therewith be submitted to the Planning and Zoning Commission for review and consideration.

Council Member Peterson withdrew her motion.

Council Member Berzins asked staff if there was currently an oil and gas committee. Mr. Sayre answered affirmatively, noting there was currently an informal committee with one vacancy.

Mayor Hogan asked if the committee had a sunset date. Mr. Sayre answered no.

MOTION ON ORIGINAL MOTION AS AMENDED

Voting Aye: Berzins, Broom, Cleland, Hunter Holen, LeGare, Markert, Mounier, Peterson, Pierce, Roth