



Commerce City

7887 E. 60th Ave.
Commerce City, CO 80022
c3gov.com

Meeting Minutes - Final

City Council

Monday, September 21, 2020

6:00 PM This meeting will be conducted electronically via Zoom.

There will be no physical meeting. Public access to this meeting can be found in the agenda below. The meeting will also be live on Channel 8 and c3gov.com/video

Regular Meeting via Zoom

Per Ordinance 2271 the City Manager is authorized to conduct this meeting via Zoom

1. Call to Order/Roll Call

A regular meeting of the City Council of the City of Commerce City was called to order by Mayor Huseman on September 21, 2020, at 6:00 PM.

A motion was made by Council Member Grimes, seconded by Council Member Allen-Thomas, to excuse Council Member Hurst from the meeting. VOTE: 8 - Aye, 1 - Excused (Hurst)

Council Member Hurst joined the meeting at 6:02 p.m.

Present: 9 - Mayor Benjamin Huseman, Mayor Pro Tem Nicole Frank, Council Member Oscar Madera, Council Member Jennifer Allen-Thomas, Council Member Susan Noble, Council Member Jose Guardiola, Council Member Craig Hurst, Council Member Meghan Grimes and Council Member Robyn Smith

2. Citizen Communication

[20-71](#)

Citizen Communication - City Council will conduct this meeting virtually via Zoom as the Civic Center remains closed out of precaution for COVID-19. There will be the opportunity for public comment at the meeting during citizen communication and/or for each agenda item. Comments may be consolidated under the Citizen Comment part of the meeting. The public can submit their comments live during the meeting via Zoom or in advance using the online form or mail. Visit c3gov.com/council and click on "Meeting agendas" for the full meeting agenda and "Virtual Meeting and Public Comment Instructions" for instructions on how to submit live verbal and written comments. The deadline to register to comment and to submit written comments is noon on September 21.

Elizabeth Fuhr spoke on the issue of pollution from the Suncor refinery.

Sara Kettler spoke on a dog attack and animal code revisions.

The following spoke on a proposed warehouse at the corner of 104th Avenue and Joliet:

Megan Landreth

Renee Millard-Chacon

Lisa Amato

The following spoke on Council Member Grimes employment within the oil and gas industry:

Steve Douglas

Ronna Sanchez

3. Presentations

[Pres 20-323](#)

South Adams County Fire Department Ballot Question

South Adams County Fire Department Chief Kevin Vincel came before council requesting council support the Department's ballot question 6A to keep their residential assessment rate for the November 2020 election.

A motion was made by Mayor Huseman, seconded by Council Member Hurst, to direct staff to draft a resolution in support of the Fire Department's ballot question 6A.

VOTE: 9 - Aye

[Pres 20-324](#)

COVID-19 Update

Interim City Manager Tinklenberg and Deputy City Manager Smith provided updates on the city's response during the COVID-19 pandemic.

[Pres 20-291](#)

Oil and Gas Monthly Update

Domenic Martinelli, Environmental Planner, provided the oil and gas monthly updated.

A motion was made by Council Member Noble, seconded by Council Member Allen-Thomas, to remove the Suncor portion of the Oil and Gas monthly update and move it to a study session at a later date. VOTE: 3- Aye (Allen-Thomas, Guardiola, Noble), 6 - Nay (Frank, Grimes, Hurst, Huseman, Madera, Smith). Motion failed.

A motion was made by Council Member Hurst, seconded by Council Member Grimes, to proceed with the Suncor presentation that night and schedule future Suncor updates as study session items. VOTE: 8 - Aye, 1 - Nay (Noble)

Donald Austin, Vice President of Suncor Refinery, provided Sunor's quarterly update.

[Pres 20-278](#)

Animal Code Updates

John Bourjaily, Management Analyst, presented the proposed animal code updates.

4. Consent Agenda

A motion was made by Mayor Pro Tem Frank, seconded by Council Member Hurst, to approve the consent agenda as presented. ROLL CALL VOTE:

Aye: 9 - Mayor Huseman, Mayor Pro Tem Frank, Council Member Madera, Council Member Allen-Thomas, Council Member Noble, Council Member Guardiola, Council Member Hurst, Council Member Grimes and Council Member Smith

[Min 20-140](#)

Minutes of the July 21, 2020 Special Meeting

[Min 20-141](#)

Minutes of August 3, 2020

[Min 20-143](#)

Minutes of August 17, 2020

[Min 20-142](#)

Minutes of the August 10, 2020 Special Meeting

[Min 20-144](#)

Minutes of the August 31, 2020 Special Meeting

[Min 20-145](#)

Minutes of the September 8, 2020 Special Meeting

[Ord 2289](#)

AN ORDINANCE AMENDING THE 2020 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE ADAMS COUNTY OPEN SPACE GRANT FUNDS IN THE AMOUNT OF \$400,000 FOR THE VETERAN'S MEMORIAL PARK RENOVATION PROJECT AND AUTHORIZING RELATED MATTERS.

[Res 2020-67](#) RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR RECONSTRUCTION OF BRIGHTON ROAD BETWEEN EAST 104TH AVENUE AND EAST 112TH AVENUE TO RME LTD., LLC DBA ELITE SURFACE INFRASTRUCTURE

[Res 2020-68](#) RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR INSTALLATION OF TRAFFIC SIGNALS ON EAST 104TH AVENUE AT BRIGHTON ROAD AND PEORIA STREET TO W.L. CONTRACTORS, INC.

[Res 2020-69](#) RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR INSTALLATION OF TRAFFIC SIGNALS ON EAST 120TH AVENUE AT E-470 TO W.L. CONTRACTORS, INC.

[Res 2020-73](#) RESOLUTION AUTHORIZING RENEWAL OF TYLER TECHNOLOGIES AGREEMENT FOR THE PURCHASE AND USE OF NEW WORLD ERP SOFTWARE

[Res 2020-75](#) RESOLUTION AUTHORIZING COST SHARE AGREEMENT WITH ADAMS COUNTY SCHOOL DISTRICT 14 FOR ELEMENTARY SCHOOL GYMNASIUM IMPROVEMENTS

5. Public Hearings

[CU-123-20](#)

Metro Wastewater Reclamation District is requesting a Conditional Use Permit for a 6.4 mile long wastewater pipeline project, along Second Creek, known as the Second Creek Interceptor (Extends from E. 81st Ave. and Tower Rd to E. 120th and Wheeling Street) and the extension of the existing Sand Creek Interceptor an additional 0.8 miles (near E. 64th Ave. and York St.).

Mayor Huseman opened the public hearing.

Jon Wicke, with Metro Wastewater Reclamation District, and Steve Pool, lead design engineer with HDR, Inc., presented their case to council. Mr. Wicke and Mr. Pool provided an overview on the Metro Wastewater Reclamation District, services that Metro Wastewater provides to the city, an overview of the project, technical details of the pipeline and construction methods that will be used, regional benefits, and next steps if the project was approved by the council.

Jenny Axmacher, City Planner, provided the city's presentation to council. Ms. Axmacher provided a route map, the zoning of properties along the pipeline, the need for the conditional use permit, statistics of the pipeline, construction schedule, the planning commission's analysis and recommendations with conditions.

The following spoke in favor of the case:

Abel Moreno, representing South Adams County Water and Sanitation District

The following spoke against the case:

Todd Messenger, representing Farmers Reservoir and Irrigation Company

Troy Thompson, consultant for Farmers Reservoir and Irrigation Company

The following spoke on the case:

Steve Douglas

Mayor Huseman closed the public hearing.

A motion was made by Mayor Pro Tem Frank, seconded by Council Member Madera, to accept the findings and recommendations of the Planning Commission on case CU-123-20. VOTE: 7 - Aye, 2 - Nay (Allen-Thomas, Noble)

A motion was made by Mayor Huseman, seconded by Council Member Hurst, that this conditional use permit be continued. VOTE:

Aye: 7 - Mayor Huseman, Mayor Pro Tem Frank, Council Member Allen-Thomas, Council Member Noble, Council Member Guardiola, Council Member Hurst and Council Member Smith

Nay: 2 - Council Member Madera and Council Member Grimes

6. Resolutions

[Res 2020-78](#)

RESOLUTION APPROVING INTERGOVERNMENTAL AGREEMENT
WITH THE METRO WASTEWATER RECLAMATION DISTRICT FOR
THE SECOND CREEK INTERCEPTOR PROJECT

A motion was made by Council Member Noble, seconded by Council Member Hurst, that this resolution be continued to the same meeting as Case CUP-123-20. VOTE:

Aye: 9 - Mayor Huseman, Mayor Pro Tem Frank, Council Member Madera, Council Member Allen-Thomas, Council Member Noble, Council Member Guardiola, Council Member Hurst, Council Member Grimes and Council Member Smith

[Res 2020-65](#)

RESOLUTION ESTABLISHING COMPREHENSIVE PLAN CITIZEN'S
ADVISORY COMMITTEE

Jenny Axmacher, City Planner, presented the resolution to council.

A motion was made by Mayor Pro Tem Frank, seconded by Council Member Hurst, that this resolution be adopted. VOTE:

Aye: 8 - Mayor Huseman, Mayor Pro Tem Frank, Council Member Madera, Council Member Allen-Thomas, Council Member Guardiola, Council Member Hurst, Council Member Grimes and Council Member Smith

Nay: 1 - Council Member Noble

[Res 2020-77](#)

RESOLUTION ESTABLISHING THE COMMERCE CITY DIVERSITY
AND INCLUSION COMMISSION

Interim City Manager presented the resolution to council.

A motion was made by Council Member Guardiola, seconded by Council Member Allen-Thomas, that this resolution be adopted. VOTE:

Aye: 9 - Mayor Huseman, Mayor Pro Tem Frank, Council Member Madera, Council Member Allen-Thomas, Council Member Noble, Council Member Guardiola, Council Member Hurst, Council Member Grimes and Council Member Smith

7. Ordinances on 1st Reading

[Ord 2293](#)

AN ORDINANCE AMENDING THE COMMERCE CITY REVISED
MUNICIPAL CODE TO AMEND THE PARK PROPERTY CURFEW
AND TO PROVIDE FOR PARKING RESTRICTIONS AND
ENFORCEMENT IN AND AROUND CITY PARKS AND DECLARING
AN EMERGENCY

A motion was made by Councilmember Grimes, seconded by Councilmember Noble, to continue Ordinance 2293 to the September 29 special meeting. VOTE 8 - Aye, 1 - Nay (Allen-Thomas)

A motion was made by Council Member Allen-Thomas that this ordinance be introduced by council as seated and approved on first reading. Motion failed for a lack of second.

8. Ordinances on 2nd Reading

[Ord 2285](#)

AN ORDINANCE AMENDING THE 2020 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE TONY GRAMPSAS YOUTH SERVICES GRANT FUNDS IN THE AMOUNT OF \$5,000 FOR THE COSTS ASSOCIATED WITH COVID-19 SUPPORT OF THE EPIC YOUTH PROGRAM AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

A motion was made by Mayor Pro Tem Frank, seconded by Council Member Hurst, that this ordinance be approved on second & final reading. VOTE:

Aye: 9 - Mayor Huseman, Mayor Pro Tem Frank, Council Member Madera, Council Member Allen-Thomas, Council Member Noble, Council Member Guardiola, Council Member Hurst, Council Member Grimes and Council Member Smith

[Ord 2290](#)

AN ORDINANCE AMENDING THE COMMERCE CITY REVISED MUNICIPAL CODE TO ESTABLISH AN AUTOMATIC TIME OF ADJOURNMENT OF CITY COUNCIL MEETINGS

A motion was made by Council Member Allen-Thomas, seconded by Council Member Noble, that this ordinance be approved on second & final reading. VOTE:

Aye: 7 - Mayor Pro Tem Frank, Council Member Madera, Council Member Allen-Thomas, Council Member Noble, Council Member Guardiola, Council Member Grimes and Council Member Smith

Nay: 2 - Mayor Huseman and Council Member Hurst

9. Administrative Council Business

A motion was made by Councilmember Grimes, seconded by Councilmember Allen-Thomas, to schedule a special meeting on September 29 following the joint meeting with 27J School District. VOTE: 9 - Aye

A motion was made by Mayor Huseman, seconded by Mayor Pro Tem Frank, to direct the police department to host a virtual town hall the first week of October to allow residents to express their concerns and learn about ways they can partner together to reduce crimes and restore safety in the community. VOTE: 9 - Aye

A motion was made by Mayor Huseman, seconded by Councilmember Allen-Thomas, to direct staff to explore what it would take to install a Shotspotter system in Commerce City and the expectations of staff would be to define the requirements of such a system, identifying how a system can be installed in the city, identifying a cost of such a system, and identifying funding and grant opportunities for such a system to provide the city council with the utmost and accurate and comprehensive information to make an informed budget decision for the deployment of a system in the city. VOTE: 9 - Aye

A motion was made by Mayor Huseman, seconded by Councilmember Allen-Thomas, to establish a council economic development subcommittee to meet bi-weekly with city staff. VOTE: 9 - Aye

A motion was made by Mayor Huseman, seconded by Mayor Pro Tem Frank, to refer Councilmember Grimes to an independent ethics commission related to her involvement in oil and gas industry and voting on oil and gas related matters. After council discussion, Mayor Huseman withdrew his motion.

[20-70](#)

Mayor's Meeting with Adams County and Maiker Housing Partners

Council did not weigh in on discussion topics for the Mayor to bring to his meeting with Adams County and Maiker Housing Partners on September 30.

[20-72](#)

Council Policy Committee Appointment

A motion was made by Mayor Huseman, seconded by Council Member Madera, to appoint Council Members Grimes, Guardiola, and Noble to the Council Policy Subcommittee. VOTE: 9 - Aye

10. Council Reports

Interim City Manager Tinklenberg highlighted items presented in his weekly report provided to council earlier. The mayor and council reported on their attendance at various meetings and events.

11. Adjourn

The meeting adjourned at 11:09 p.m.

In accord with the city charter, the city clerk read the title to all ordinances and resolutions adopted by Council at this meeting.

Respectfully submitted by:

Dylan A. Gibson, City Clerk