



Meeting Minutes - Final City Council

Monday, October 15, 2012

6:30 PM

Council Chambers

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 Ford on October 15, 2012, at 6:30 PM.

Present: 9 - Mayor Sean Ford , Mayor Pro-Tem Dominick Moreno, Council Member Jim Benson, Council Member Jadie Carson, Council Member Rick A. Teter, Council Member René Bullock, Council Member Crystal Elliott, Council Member Jason McEldowney and Council Member Steven J. Douglas

3. Pledge of Allegiance

The Pledge of Allegiance was recited.

4. Audience Introduction

The audience introduced themselves.

6. Citizen Communication

Myana and Adrien Schimpf, 6081 Locust St., appeared before Council on behalf of the Adams 14 Supergroup to invite Council to attend several upcoming events.

7. Approval of Minutes

Council members McEldowney and Moreno moved and seconded to allow Councilwoman Elliott to abstain from voting on the minutes of the October 1, 2012, meeting because of her excused absence.

VOICE VOTE: 8 aye, 1 abstain (Elliott)

Mayor Pro-Tem Moreno stated that the vote for denying the findings of the planning commission should be recorded as 5 aye, 3 nay (Carson, Teter, Moreno) instead of 6 aye, 2 nay (Carson, Moreno).

[Min 12-019](#)

Meeting Minutes of October 1, 2012

A motion was made by Mayor Pro-Tem Moreno, seconded by Council Member Bullock, that the minutes of October 1, 2012, be approved as amended.

VOTE:

Aye: 8 - Mayor Ford, Mayor Pro-Tem Moreno, Council Member Benson, Council Member Carson, Council Member Teter, Council Member Bullock, Council Member McEldowney and Council Member Douglas

Excused: 1 - Council Member Elliott

8. Consent Agenda - 7:15

A motion was made by Council Member Jason McEldowney, seconded by Mayor Pro-Tem Dominick Moreno, that the consent agenda be approved as presented. ROLL CALL VOTE:

Aye: 9 - Mayor Ford, Mayor Pro-Tem Moreno, Council Member Benson, Council Member Carson, Council Member Teter, Council Member Bullock, Council Member Elliott, Council Member McEldowney and Council Member Douglas

[Z-902-12](#)

AN ORDINANCE REZONING FROM I-1 TO I-3 ZONE DISTRICT THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, COMMONLY KNOWN AS PARCELS 172121401002 AND 172121005015 AND ADJACENT TO 9101 YOSEMITE STREET, COMMERCE CITY, COLORADO, AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING.

[Ord 1927](#)

AN ORDINANCE amending section 11-23(3) of the commerce city revised municipal code to permit the operation of all terrain vehicles on city sidewalks for the purpose of snow removal, subject to certain limitations

[Ord 1929](#)

AN ORDINANCE AMENDING THE 2012 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF CRIMINAL JUSTICE GRANT FUNDS IN THE AMOUNT OF \$47,162 FOR THE SUPPORT OF LOW COST RECREATIONAL AND EDUCATIONAL CRIME PREVENTION PROGRAMS FOR THE YOUTH AND TEENS OF COMMERCE CITY AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

[Ord 1932](#)

AN ORDINANCE AMENDING THE 2012 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE DENVER REGIONAL COUNCIL OF GOVERNMENTS (DRCOG) GRANT FUNDS IN THE AMOUNT OF \$100,000 FOR THE STATION AREA MASTER PLAN AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

9. Public Hearings

[CU-97-12](#)

CONDITIONAL USE PERMIT FOR A NATURAL GAS TRANSMISSION PIPELINE AS PART OF THE CHEROKEE PIPELINE PROJECT

Mayor Ford reopened the public hearing continued from October 1, 2012.

City Attorney Bob Gehler entered the following documents in to the record :

Letter dated Oct 5, 2012, from Begay
Letter dated September 25, 2012, from Cowley Mgmt
Letter dated October 15, 2012, from ACED
Letter dated October 15, 2012, from David Foster

Preston Gibson appeared on behalf of the applicant. In response to comments made during the public hearing on October 1, 2012, Mr. Gibson stated that Xcel Energy has more than 60 existing and retired employees living in Commerce City, they have spent more than \$38 million with Commerce City suppliers, have paid more than \$1.8 million in franchise fees to Commerce City and have paid over \$2 million in taxes. He is unaware of any issues with the transmission pipelines currently in the city. The proposed natural gas pipeline will be installed four feet from the surface and 20 feet below the railroad tracks. Installing the pipeline any deeper would make it more difficult to detect gas leaks. Xcel would prefer the 104th Avenue alignment versus the alternate route of 96th Avenue because they own the property minimizing the risk from third-party damage. In regards to the alternate route, none of it is within existing Xcel's fee-owned property and there are future plans to widen 96th Ave from 60 to 120 feet.

Public Input:

Kathy McIntyre, 17503 E. 104th Wy,
Jodee Brekke, 17087 E. 106th Ave
David Stallworth, 8110 Brighton Rd.
Guillermo Serna, 14122 E. 102nd Ave.
Michael Gates, on behalf of Cowley Management
Kristi Douglas, 10970 Unity Parkway
Jeff Tarr, 120th Avenue

The public hearing portion was closed.

Attornies Carolyn White and Nadia El Mallakh appeared before Council on behalf of the applicant to respond to Councilman Benson's question regarding absolute liability

Council members Benson and Douglas moved and seconded to amend the original motion to approve the conditional use permit by adding the requirement of Xcel providing absolute indemnity.

VOICE VOTE: 2 aye, 7 nay (Carson, Teter, Moreno, Ford, Bullock, McEldowney, Elliott)

AMENDED MOTION FAILS

Mayor Ford and Councilman Bullock moved and seconded to amend the original motion to add 6 feet of cover over the pipeline along the 103rd corridor.

VOICE VOTE: 3 aye, 6 nay (Carson, Teter, Moreno, McEldowney, Elliott, Douglas)

A motion was made by Council Member Carson, seconded by Council Member Teter, that this Conditional Use Permit be adopted. VOTE:

Aye: 6 - Mayor Pro-Tem Moreno, Council Member Carson, Council Member Teter, Council Member Bullock, Council Member Elliott and Council Member McEldowney

Nay: 3 - Mayor Ford, Council Member Benson and Council Member Douglas

[Res 2012-80](#) Public Hearing on 2013 Budget

Mayor Ford called a recess at 9:27 pm. The meeting reconvened at 9:36 pm

Mayor Ford opened the public hearing.

Budget & Performance Analyst Jason Leslie stated that projected revenues and expenditures are in balance for a total budget of \$48.4 million

No one came forward to address Council.

Council members McEldowney and Moreno moved and seconded to continue the public hearing to November 5, 2012.

VOICE VOTE: Unanimous; all present affirmed

A motion was made by Council Member McEldowney, seconded by Mayor Pro-Tem Moreno, that the public hearing on Resolution 2012-80 be continued to November 5, 2012. VOICE VOTE: Unanimous, all present affirmed.

10. Resolutions

[Res 2012-78](#) Resolution Approving Agreement to Terminate Intergovernmental Agreement Regarding Construction, Use and Maintenance of Salt Storage Dome

Street & Traffic Operations Manager Sam Hoover responded to Council questions by stating that the salt dome is located at 8080 Dahlia Street. The city currently uses more ice slicer and needs more room to store the slicer material.

A motion was made by Council Member Bullock, seconded by Mayor Pro-Tem Moreno, that this Resolution be adopted. VOICE VOTE: Unanimous, all present affirmed.

[Res 2012-79](#) Resolution Approving First Amendment to Intergovernmental Agreement between the City of Commerce City and the County of Adams Regarding the Maintenance of Public Rights-of-Way

Street & Operations Manager Sam Hoover responded to Council questions by stating that adopting this resolution will allow for the automatic renewal each year of the rights-of-way intergovernmental agreement.

A motion was made by Council Member McEldowney, seconded by Council Member Bullock, that this Resolution be adopted. VOICE VOTE: Unanimous, all present affirmed.

14. Administrative Council Business - 9:25

Councilman Bullock asked for Council input on two topics for an upcoming CML Policy Committee meeting: increased court fees and scrap metal issues and stricter regulations on scrap metal recycling.

Councilman Benson asked about the status of his request regarding the establishment of an ordinance regarding foreclosed properties. Mayor Ford suggested another study session be scheduled on this topic.

Councilman McEldowney asked about a potential funding source to add a right turn lane at 120th & Buckley to discourage drivers from cutting through the empty lot on the corner and asked about the addition of a little more asphalt on the shoulder for bicycle travel. Councilman McEldowney asked about adding project cost and projected annual operation and management financial information to the future park site signs. Additionally, he would like to see that information added to the city's website along with the future transportation corridors.

[12-0058](#)

Motion to allow the Mayor to sign a letter of Council support of the city clerk's nomination application to the International Institute of Municipal Clerks Board of Directors.

Mayor Pro-Tem Moreno and Councilman McEldowney moved and seconded to allow the Mayor to sign a letter, on behalf of Council, supporting the city clerk's nomination application to the International Institute of Municipal Clerks board of directors.

VOICE VOTE: Unanimous; all present affirmed

[12-0059](#)

Appointment of Director to SD 27J Capital Facility Fee Foundation

Mayor Pro-Tem Moreno and Councilman Bullock moved and seconded to reappoint Councilman McEldowney to the School District 27J Capital Fee Foundation.

VOICE VOTE: Unanimous; all present affirmed

[12-0060](#)

Motion to start the November 5, 2012 meeting at 5:30 p.m.

Mayor Pro-Tem Moreno and Councilman McEldowney moved and seconded to move the start time of the November 5, 2012, meeting to 5:30 p.m. for the purpose of holding an executive session.

VOICE VOTE: Unanimous; all present affirmed

15. Reports

City Manager Brian McBroom provided Council with highlights from his weekly report.

Mayor Ford and Council reported on attending meetings and events from the previous week.

16. Adjourn

The meeting adjourned at 10:15 pm.