



# Commerce City

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

## Meeting Minutes - Final

### City Council

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Monday, May 23, 2022

7:05 PM Council Chambers, 7887 E. 60th Ave Commerce City, CO 80022. The meeting will be live on Channel 8 and c3gov.com/video. Zoom Registration: [https://c3gov.zoom.us/webinar/register/WN\\_GTZbrqBzTZKYP5FiG4Uesg](https://c3gov.zoom.us/webinar/register/WN_GTZbrqBzTZKYP5FiG4Uesg)

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Or Immediately following the study session, before or after the posted time. Times given are estimates only. Special Meeting.

Updated on 5/23/2022 @ 2:20 PM

#### 1. Call to Order/Roll Call

*A special meeting of the City Council of the City of Commerce City was called to order by Mayor Huseman on May 23, 2022, at 7:05 PM.*

*A motion was made by Council Member Noble, seconded by Mayor Pro Tem Allen-Thomas, to continue Ordinances 2397, 2401, and 2398 to the June 6th meeting. VOTE: 3 - Aye (Allen-Thomas, Douglas, Noble), 6 - Nay. Motion failed.*

**Present:** 8 - Mayor Benjamin Huseman, Council Member Oscar Madera, Council Member Rick Davis, Council Member Susan Noble, Council Member Craig Hurst, Council Member Meghan Grimes, Council Member Sean Ford and Council Member Kristi Douglas

**Excused:** 1 - Mayor Pro Tem Jennifer Allen-Thomas

#### 2. Public Hearings

The public hearings will be conducted electronically via Zoom. There will be an opportunity to testify live during the meeting via Zoom or in advance via email or regular mail. Visit [c3gov.com/council](http://c3gov.com/council) and click on "Virtual Meeting and Public Comment Instructions" for instructions on how to register or submit comments. The deadline to register to comment and to submit written comments is noon on Monday, May 23. Please contact the City Clerk at [dgibson@c3gov.com](mailto:dgibson@c3gov.com) or 303-227-8791 to request paper copies of materials.

[Res 2022-31](#)

A RESOLUTION DETERMINING THE ELIGIBILITY FOR ANNEXATION TO THE CITY OF COMMERCE CITY, COLORADO OF THE PROPERTY GENERALLY LOCATED AT 10070 POTOMAC STREET IN CASE AN-260-22 KNOWN AS THE EBERLY PLACE ANNEXATION

*Mayor Huseman opened the public hearing.*

*Andrew Baker, City Planner, made the staff presentation on the annexation and zoning cases.*

*Daniel Jennings, Associate Planner with Norris Design, provided a brief overview of the site design.*

*A motion was made by Council Member Grimes, seconded by Council Member Madera, to limit Council debate to five minutes per member. VOTE: 8 - Aye, 1 - Nay (Noble)*

*Craig Campbell, representing the applicant, stated the Eberly family was requesting Council's support on the cases.*

*Ron Eberly, applicant, stated their support of the project planned for the site and requested Council support the cases.*

*Mayor Pro Tem Allen-Thomas left the meeting at 7:38pm.*

*Steve Douglas spoke on the Planning Commission hearing for the case.*

*Mayor Huseman closed the public hearing.*

*A motion was made by Mayor Huseman, seconded by Council Member Grimes, to enter into an executive session pursuant to C.R.S. 24-6-402(4)(b) for the purpose of receiving legal advice. VOTE: 8 - Aye, 1 - Excused (Allen-Thomas)*

*A motion was made by Council Member Grimes, seconded by Council Member Hurst, to accept the findings and recommendations of the Planning Commission on case #Z-971-21-22. VOTE: 8 - Aye, 1 - Excused (Allen-Thomas)*

**A motion was made by Council Member Grimes, seconded by Council Member Madera, that this resolution be adopted. VOTE:**

**Aye:** 8 - Mayor Huseman, Council Member Madera, Council Member Davis, Council Member Noble, Council Member Hurst, Council Member Grimes, Council Member Ford and Council Member Douglas

**Excused:** 1 - Mayor Pro Tem Allen-Thomas

[AN-260-22](#)

SECOND AND FINAL READING OF AN ORDINANCE ANNEXING THE PROPERTY GENERALLY LOCATED AT 10070 POTOMAC STREET, ADAMS COUNTY, COLORADO (PIN: 0172300000147) TO THE CITY OF COMMERCE CITY, COLORADO IN CASE AN-260-22 KNOWN AS THE EBERLY PLACE ANNEXATION

*A motion was made by Council Member Noble, seconded by Council Member Douglas, to amend the annexation agreement to include a contribution in the amount of \$600,000 to be put towards the improvement of Blackhawk in between 104th Avenue and the northern boundary of the subject property. VOTE: 7 - Aye, 1 - Nay (Grimes), 1 - Excused (Allen-Thomas)*

*A motion was made by Mayor Huseman, seconded by Council Member Grimes, to amend the annexation agreement to require a contribution in the amount of fifty-percent of the cost of a traffic light located at Potomac and 96th Avenue. VOTE: 7 - Aye, 1 - Nay (Ford), 1 - Excused (Allen-Thomas)*

**A motion was made by Council Member Grimes, seconded by Council Member Ford, that this ordinance be introduced by council as seated and approved on first reading as amended. VOTE:**

**Aye:** 8 - Mayor Huseman, Council Member Madera, Council Member Davis, Council Member Noble, Council Member Hurst, Council Member Grimes, Council Member Ford and Council Member Douglas

**Excused:** 1 - Mayor Pro Tem Allen-Thomas

[Z-971-21-22](#)

SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO BY ZONING THE PROPERTY ANNEXED AS THE EBERLY PLACE ANNEXATION FROM ADAMS COUNTY A-3 TO COMMERCE CITY PUD AND APPROVING A ZONE DOCUMENT

*A motion was made by Mayor Huseman, seconded by Council Member Madera, to amend the ordinance to remove a permitted use within the PUD zone document of single-family attached homes. VOTE: 8 - Aye, 1 - Nay (Grimes), 1 - Excused (Allen-Thomas)*

**A motion was made by Council Member Grimes, seconded by Council Member Ford, that this ordinance be introduced by council as seated and approved on first reading as amended. VOTE:**

**Aye:** 8 - Mayor Huseman, Council Member Madera, Council Member Davis, Council Member Noble, Council Member Hurst, Council Member Grimes, Council Member Ford and Council Member Douglas

**Excused:** 1 - Mayor Pro Tem Allen-Thomas

### 3. Executive Session

[22-93](#)

An executive session pursuant to C.R.S. § 24-6-402(4)(e) for the purpose of determining positions relative to the 120th Avenue Project and existing financial and construction obligations of the Buffalo Ridge Metropolitan District related to 112th and 118th Avenues that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators.

**A motion was made by Council Member Grimes, seconded by Council Member Madera, to enter into an executive session pursuant to C.R.S. § 24-6-402(4)(e) for the purpose of determining positions relative to the 120th Avenue Project and existing financial and construction obligations of the Buffalo Ridge Metropolitan District related to 112th and 118th Avenues that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators. VOTE:**

**Aye:** 8 - Mayor Huseman, Council Member Madera, Council Member Davis, Council Member Noble, Council Member Hurst, Council Member Grimes, Council Member Ford and Council Member Douglas

**Excused:** 1 - Mayor Pro Tem Allen-Thomas

#### 4. Ordinances on 1st Reading

**Ord 2360**

FIRST READING OF AN ORDINANCE APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF COMMERCE CITY AND BUFFALO RIDGE METROPOLITAN DISTRICT FOR THE 120TH AVENUE ROAD IMPROVEMENT PROJECT AND AUTHORIZATION OF THE EXPENDITURES THEREOF

*Steve Douglas spoke on the ordinance.*

**A motion was made by Council Member Grimes, seconded by Council Member Madera, that this ordinance be introduced by council as seated and approved on first reading. VOTE:**

**Aye:** 8 - Mayor Huseman, Council Member Madera, Council Member Davis, Council Member Noble, Council Member Hurst, Council Member Grimes, Council Member Ford and Council Member Douglas

**Excused:** 1 - Mayor Pro Tem Allen-Thomas

[Ord 2379](#)

FIRST READING OF AN ORDINANCE ENACTING CHAPTER 13 - METROPOLITAN DISTRICTS OF THE COMMERCE CITY REVISED MUNICIPAL CODE.

*The following spoke on the ordinance:*

*Ronna Sanchez*

*Steve Douglas*

*Jennifer Tanaka*

*Ted Leighty*

*Tim Craft*

*Morgan Cullen*

*Zack White*

*Kristine Pollard*

*A motion was made by Council Member Noble, seconded by Council Member Hurst, to amend the ordinance to add Section 13-1000(d)(9) Create Consolidated-Service Metropolitan Districts to state "the City does not prefer service plans or modifications to existing service plans that create consolidated-service metropolitan districts."*

*VOTE: 5 - Aye, 3 - (Davis, Ford, Grimes), 1 - Excused (Allen-Thomas)*

*A motion was made by Council Member Noble, seconded by Council Member Douglas, to extend the automatic time of adjournment by 1/2 hour. VOTE: 8 - Aye, 1 - Excused (Allen-Thomas)*

**A motion was made by Council Member Noble, seconded by Council Member Douglas, that this ordinance be introduced by council as seated and approved on first reading as amended. VOTE:**

**Aye:** 4 - Mayor Huseman, Council Member Madera, Council Member Noble and Council Member Douglas

**Nay:** 4 - Council Member Davis, Council Member Hurst, Council Member Grimes and Council Member Ford

**Excused:** 1 - Mayor Pro Tem Allen-Thomas

[Ord 2397](#)

FIRST READING OF AN ORDINANCE AMENDING THE 2022 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO, BY TRANSFERRING \$10,627,240 FROM THE UNENCUMBERED FUND BALANCE IN GENERAL FUND TO THE CAPITAL IMPROVEMENTS AND PRESERVATION PLAN FUND (CIPP) FOR COSTS ASSOCIATED WITH THE BUFFALO RUN GOLF CLUBHOUSE AND MAINTENANCE FACILITY EXPANSION PROJECT AND THE AUTHORIZATION OF THE EXPENDITURES THEREOF

**This ordinance was tabled.**

[Ord 2401](#)

SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE 2022 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY TRANSFERRING \$12,077,240 FROM THE UNENCUMBERED FUND BALANCE IN THE GENERAL FUND TO THE CAPITAL IMPROVEMENT AND PRESERVATION PLAN FUND (CIPP) FOR COSTS ASSOCIATED WITH THE BUFFALO RUN GOLF CLUBHOUSE AND MAINTENANCE FACILITY EXPANSION PROJECT TO INCLUDE NEW PAVILION WITH ROOFTOP PATIO AND THE AUTHORIZATION OF THE EXPENDITURES THEREOF.

*A motion was made by Council Member Grimes, seconded by Council Member Madera, to amend the ordinance to include an acquisition of a food truck in the amount of \$100,000 to be used during the renovation and at outreach events. VOTE: 8 - Aye, 1 - Excused (Allen-Thomas)*

**A motion was made by Council Member Madera, seconded by Council Member Grimes, that this ordinance be introduced by council as seated and approved on first reading as amended to include an amount not to exceed \$1,500,000 for the inclusion of an elevator as part of the renovation. VOTE:**

**Aye:** 8 - Mayor Huseman, Council Member Madera, Council Member Davis, Council Member Noble, Council Member Hurst, Council Member Grimes, Council Member Ford and Council Member Douglas

**Excused:** 1 - Mayor Pro Tem Allen-Thomas

[Ord 2398](#)

SECOND READING OF AN ORDINANCE AMENDING THE 2022 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO, BY APPROPRIATING PORTIONS OF THE UNENCUMBERED FUND BALANCE OF THE GENERAL FUND AND TRANSFERRING TO DESIGNATED FUNDS PORTIONS OF THE UNENCUMBERED FUND BALANCE IN THE GENERAL FUND, AND REAFFIRMING CERTAIN PRIOR APPROPRIATIONS, FOR A TOTAL AMOUNT OF \$1,687,658 AND AUTHORIZING THE EXPENDITURE THEREOF

*A motion was made by Council Member Madera, seconded by Council Member Hurst, to extend the automatic time of adjournment by 1/2 hour. VOTE: 8 - Aye, 1 - Excused (Allen-Thomas)*

**A motion was made by Council Member Madera, seconded by Council Member Hurst, that this ordinance be introduced by council as seated and approved on first reading. VOTE:**

**Aye:** 8 - Mayor Huseman, Council Member Madera, Council Member Davis, Council Member Noble, Council Member Hurst, Council Member Grimes, Council Member Ford and Council Member Douglas

**Excused:** 1 - Mayor Pro Tem Allen-Thomas

## 5. Resolutions

[Res 2022-52](#)

A RESOLUTION AWARDING 2022 CONCRETE FLATWORK REPLACEMENT AND REPAIR PROJECT TO SILVA CONSTRUCTION, INC.

**A motion was made by Council Member Madera, seconded by Council Member Hurst, that this resolution be adopted. VOTE:**

**Aye:** 8 - Mayor Huseman, Council Member Madera, Council Member Davis, Council Member Noble, Council Member Hurst, Council Member Grimes, Council Member Ford and Council Member Douglas

**Excused:** 1 - Mayor Pro Tem Allen-Thomas

### **Administrative Council Business**

[22-92](#)

South Adams County Water and Sanitation District Request for Letter Supporting Infrastructure Grant Funding

*A motion was made by Council Member Noble, seconded by Council Member Hurst, to approve the Mayor's signature on the letter. VOTE: 8 - Aye, 1 - Excused (Allen-Thomas)*

**This Administrative Business was discussed and closed**

## **6. Adjourn**

*The meeting adjourned at 11:08 PM.*

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

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*Dylan A. Gibson, City Clerk*

**Any citizen requesting accommodations, with respect to rights under the Americans with Disabilities Act, to attend or participate in any public meeting, and/or to obtain this notice in alternate formats, is asked to please contact the City Clerk at 303-227-8791 as soon as possible before the meeting.**