



Meeting Minutes - Draft

City Council

Monday, November 20, 2017

6:00 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 November 20, 2017, at 6:05 p.m.

Present: 9 - Mayor Sean Ford , Council Member Jadie Carson, Council Member Rick A. Teter, Mayor Pro Tem René Bullock, Council Member Crystal Elliott, Council Member Jason McEldowney, Council Member Steven J. Douglas, Council Member Andrew Amador and Council Member Paolo Diaz

2. Pledge of Allegiance

Girl Scout Troop 6147 presented the colors and led the assembly reciting the Pledge of Allegiance.

3. Audience Introduction

The audience introduced themselves.

4. Proclamations and Recognitions

Proc 17-23 A proclamation supporting first responders to traffic crashes and incidents, urging the public to drive safely, adhere to traffic laws, and respect the lives of responders who safeguard those at the scene of a crash

City Attorney Sheesley read a proclamation of support for first responders.

Local first responders were on hand to accept the proclamation.

A motion was made by Council Member McEldowney, seconded by Council Member Teter, that this proclamation be approved. VOICE VOTE: Unanimous, all present affirmed.

5. Citizen Communication

None.

6. Consent Agenda

A motion was made by Council Member McEldowney, seconded by Council Member Teter, to approve the consent agenda as presented. ROLL CALL VOTE:

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

- Res 2017-108** Resolution Supporting Reauthorization by the General Assembly of the Colorado Lottery Division in 2018
- Res 2017-117** RESOLUTION APPOINTING MEMBERS TO DESIGNATED BOARDS AND COMMISSIONS OF COMMERCE CITY
- Res 2017-118** A Resolution Approving the 2018 City of Commerce City Legislative Principles
- Res 2017-124** RESOLUTION APPROVING INTERGOVERNMENTAL AGREEMENTS BETWEEN THE CITY OF COMMERCE CITY, COLORADO AND THE SOUTH ADAMS COUNTY FIRE PROTECTION DISTRICT AND THE GREATER BRIGHTON FIRE PROTECTION DISTRICT REGARDING THE ASSESSMENT, COLLECTION, AND REMITTANCE OF EMERGENCY SERVICES IMPACT FEES
- Res 2017-125** RESOLUTION AUTHORIZING TEMPORARY EXTENSION FOR MUNICIPAL JUDGE AGREEMENT AND APPOINTMENT
- Res 2017-128** RESOLUTION APPROVING SECOND CREEK AMENDMENT TO AGREEMENT FOR REIMBURSEMENT OF COSTS WITH EAGLE CREEK METROPOLITAN DISTRICT

7. Public Hearings

- Res 2017-112** RESOLUTION MAKING FINDINGS OF FACT BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY AND ITS CONCLUSION RELATIVE TO ELIGIBILITY OF ANNEXATION TO THE CITY OF COMMERCE CITY OF THE PROPERTY LOCATED AT 8330 ULSTER STREET, COMMERCE CITY, COLORADO IN AN-249-17

Mayor Ford opened the public hearing for the following items:

*Resolution 2017-112
Annexation Ordinance AN-249-17
Vacation Ordinance V-87-17
Zoning Z-943-17*

City Attorney Sheesley swore in Planning Manager Steve Timms who testified to the following findings:

*City Council adopted a plan for the area,
At least one-sixth of the area proposed to be annexed is contiguous with the existing boundaries of the city,
A community of interest exists between the area proposed to be annexed and the city,*

*The area proposed to be annexed is urbanized or will be urbanized in the near future,
The area proposed to be annexed is integrated or is capable of being integrated with the city,
All the land owners signed the annexation petition,
No annexation proceedings have been effectively commenced for the annexation to another municipality,
The proposed annexation will not result in the detachment of area from any school district and attachment of the same to another school district,
The proposed annexation will not have the effect of extending a municipal boundary more than three miles in any direction from any point of the city boundary in any one year,
The entire width of any street or alley to be annexed is included within the annexation.*

Mr. Timms presented the case. He stated that the applicant, Mid Rail Real Estate is seeking to annex, vacate, and rezone property located in the vicinity of 84th Avenue and Ulster that includes approximately 54 acres of various zoning designations. Future development includes a rail spur.

Sam Stein came forward on behalf of the applicant.

No one came forward to speak in favor or opposition to the proposals, and the public hearing was closed.

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

AN-249-17

AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 8330 ULSTER STREET, COMMERCE CITY, COLORADO.

A motion was made by Mayor Pro Tem Bullock, seconded by Council Member Douglas, that this annexation ordinance be introduced by council as seated and approved on first reading. VOTE:

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

V-87-17

AN ORDINANCE VACATING A RIGHT-OF-WAY ON THE PROPERTY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF CONSISTING OF A PORTION OF ULSTER STREET, CITY OF COMMERCE CITY, COLORADO.

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

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

Z-943-17

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO FOR REZONING TO PUD ZONE DISTRICT AND APPROVING A PUD ZONE DOCUMENT FOR THE PROPERTY DESCRIBED IN EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF GENERALLY LOCATED ON THE NORTH AND SOUTH SIDE OF EAST 84TH AVENUE WEST OF ULSTER STREET; NORTHEAST OF ULSTER STREET AND EAST OF 83RD AVENUE; AND A PORTION OF THE ADJACENT PROPERTY AT ULSTER STREET AND EAST 83RD AVENUE, COMMERCE CITY, COLORADO

A motion was made by Council Member Teter, seconded by Council Member McEldowney, to accept the findings and recommendations of the planning commission on case Z-943-17.

VOTE: Unanimous; all present affirmed

A motion was made by Mayor Pro Tem Bullock, seconded by Council Member Douglas, that this zoning ordinance be introduced by council as seated and approved on first reading. VOTE:

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

CU-113-17

CONDITIONAL USE PERMIT FOR THE SALE AND STORAGE OF FLAMMABLE, CORROSIVE, EXPLOSIVE, AND TOXIC SUBSTANCES

Mayor Ford opened the public hearing.

Planner Kerns presented the case to council. The applicant, Blue Skies, LLC, is seeking a conditional use permit for property located at approximately 4308 60th Avenue. The applicant is seeking the permit for the sale and storage of flammable, corrosive, explosive and toxic substances associated with a roofing supply company.

Steve Wilson, appeared on behalf of the applicant. In response to council questions he stated that the hazardous material is moved by truck.

No one else appeared to address council and the public hearing was closed.

A motion was made by Council Member McEldowney, seconded by Council Member Teter, to accept the findings and recommendations of the planning commission.

VOTE: Unanimous; all present affirmed

A motion was made by Mayor Pro Tem Bullock, seconded by Council Member Amador, that this Conditional Use Permit be adopted. VOICE VOTE: Unanimous, all present affirmed.

8. Ordinances on 1st Reading**Ord 2153**

AN ORDINANCE VACATING A NON ACTIVE UTILITY EASEMENT FOR

THE PROPERTY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF CONSISTING OF A PORTION OF LOT 3 OF THE HOGAN COMMERCIAL SUBDIVISION FILING NO. 7, CITY OF COMMERCE CITY, COLORADO

Planner Martinelli gave a brief presentation on behalf of the applicant. The applicant, Christian Brothers Automotive, is seeking a vacation of a city-owned, non-active utility easement. The applicant is proposing to construct a 5,000 square foot automotive service facility. No objections have been received to the proposed vacation.

No one came forward to address council in support or opposition to this matter, and the public hearing was closed.

A motion was made by Mayor Pro Tem Bullock, seconded by Council Member McEldowney, that this ordinance be introduced by council as seated and approved on first reading. VOTE:

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

Ord 2154

AN ORDINANCE AMENDING THE 2017 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE BULLETPROOF VEST PARTNERSHIP GRANT FUNDS IN THE AMOUNT OF \$8,625.27 FOR THE BULLETPROOF VEST PROGRAM IN THE POLICE DEPARTMENT AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

A motion was made by Mayor Pro Tem Bullock, seconded by Council Member Teter, that this ordinance be introduced by council as seated and approved on first reading. VOTE:

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

9. Presentations

Pres 17-110

Consideration for adoption of the drafted 2016 Consolidated Annual Performance Evaluation Report (CAPER)

CDBG Coordinator Cheryl Steinberg appeared before council. Ms. Steinberg reported that HUD requires a Consolidated Annual Performance Report on an annual basis. She reviewed the 2016 projects and fund expenditures.

10. Administrative Council Business

Mayor Ford submitted a C.R.M. regarding a property that is using old, unlicensed trucks to house homeless.

Council Member McEldowney participated in an emergency exercise and he would like to see it offered to newly elected officials.

