



Commerce City

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

Meeting Minutes - Final

City Council

Monday, June 20, 2022

6:00 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_9cYcylJcSJem3IIIxAJsSg

Regular Meeting. Times given are estimates only.

Updated 6/20/2022 @ 2:45 PM

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 June 20, 2022 at 6:07 PM.

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Grimes, to excuse those members not present. VOTE: 7 - Aye, 1 - Excused (Ford)

Present: 8 - Mayor Benjamin Huseman, Mayor Pro Tem Jennifer Allen-Thomas, Council Member Oscar Madera, Council Member Rick Davis, Council Member Susan Noble, Council Member Craig Hurst, Council Member Meghan Grimes and Council Member Kristi Douglas

Excused: 1 - Council Member Sean Ford

Times given are estimates only.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Citizen Communication

[22-112](#)

Citizen Communication - City Council will conduct this meeting in person at the Commerce City Civic Center, 7887 E 60th Ave, Commerce City, CO 80022. 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 in person, via Zoom, or in advance through mail or email. 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 via Zoom or submit written comments is noon on Monday, June 20.

Erik Carlson spoke on case S-787-22.

4. Noticed Council Business

[22-94](#)

City Council Automatic Adjournment

A motion was made by Council Member Madera, seconded by Council Member Grimes, to have the City Attorney draft amendments to the ordinance concerning automatic adjournment for City Council meetings as specified by Council Member Madera. VOTE: 8 - Aye, 1 - Excused (Ford)

[22-108](#)

Request for Public Hearing Regarding Case S-787-22

A motion was made by Council Member Douglas, seconded by Council Member Noble, to have a public hearing on case S-787-22 . Motion Failed. VOTE: 3 - Aye (Allen-Thomas, Douglas, Noble), 5 - Nay, 1 - Excused (Ford)

[22-113](#)

Motion to Rescind the Direction to Staff to Pursue Purchase of the Echo Property

A motion was made by Mayor Huseman, seconded by Mayor Pro Tem Allen-Thomas, to rescind the direction to staff to pursue purchase of the Echo Property. VOTE: 5 - Aye, 3 - Nay (Davis, Grimes, Madera), 1 - Excused (Ford)

5. Proclamations and Recognitions

[Proc 22-07](#)

Proclamation Declaring July 2022 as Parks & Recreation Month in Commerce City

City Clerk Gibson read the proclamation.

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Madera, that this Proclamation be approved. VOICE VOTE:

Aye: 8 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Davis, Council Member Noble, Council Member Hurst, Council Member Grimes and Council Member Douglas

Excused: 1 - Council Member Ford

6. Presentations

[Pres 22-120](#)

Imagination Library Update

Roger Gundenkauf, Westminster Rotary Club, gave the presentation.

[Pres 22-349](#)

Quality Community Foundation (QCF) Annual Update

Jenny Penoncello, Staff Liaison, introduced the item and the QCF President Laura Hellewell.

President Hellewell provided an overview of the Quality Community Foundation's fundraising efforts and presented the 2022 Curt Holland Memorial scholarships.

7. Consent Agenda

Council Member Noble requested that Ordinance 2398 and Resolution 2022-64 be removed from the consent agenda.

Mayor Pro Tem Allen-Thomas also requested that Ordinance 2398 be removed from the consent agenda.

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Grimes, to approve the consent agenda as amended. ROLL CALL VOTE:

Aye: 8 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Davis, Council Member Noble, Council Member Hurst, Council Member Grimes and Council Member Douglas

Excused: 1 - Council Member Ford

[Min 22-142](#)

Minutes of the May 16, 2022 Regular Meeting

[Min 22-155](#)

Minutes of the June 6, 2022 Regular Meeting

[Ord 2398](#)

SECOND AND FINAL 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 Mayor Pro Tem Allen-Thomas, seconded by Council Member Noble, to amend Ordinance 2398 to dedicate \$10,000 to all boards and commissions as outlined. VOTE: 8 - Aye, 1 - Excused

A motion was made by Council Member Madera, seconded by Council Member Grimes, that this Ordinance be approved on second & final reading as amended. VOTE:

Aye: 8 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Davis, Council Member Noble, Council Member Hurst, Council Member Grimes and Council Member Douglas

Excused: 1 - Council Member Ford

[Ord 2401](#)

SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE 2022 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY TRANSFERRING \$13,677,240 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.

[Res 2022-24](#)

A RESOLUTION TO ACKNOWLEDGE AND ACCEPT A GRANT FOR AN OUTDOOR FITNESS COURT AS PART OF THE 2022 NATIONAL FITNESS CAMPAIGN

[Res 2022-64](#)

A RESOLUTION AWARDDING 2022 MILL AND OVERLAY CONTRACT TO RME LTD., LLC D/B/A ELITE SURFACE INFRASTRUCTURE

A motion was made by Council Member Noble, seconded by Council Member Madera, that this Resolution be adopted. VOICE VOTE:

Aye: 8 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Davis, Council Member Noble, Council Member Hurst, Council Member Grimes and Council Member Douglas

Excused: 1 - Council Member Ford

[Res 2022-66](#)

A RESOLUTION AMENDING COUNCIL POLICY #CP-2, COUNCIL NORMS AND STANDARDS, SECTION F, COUNCIL OPTIONS FOR KEEPING INFORMED

[Res 2022-69](#)

A RESOLUTION GRANTING AN EASEMENT TO THE SOUTH ADAMS COUNTY WATER AND SANITATION DISTRICT FOR SANITARY SEWER AND WATER PIPELINES ON CITY PROPERTY SOUTHWEST OF TOWER ROAD AND 120TH AVENUE

8. Administrative Appeal

Council took a five minute recess.

[22-100](#)

Lot Line and Terminology Adjustment per Section 21-3244 of the Land Development Code (LDC), appeal by Clayton Properties Group II, LLC (doing business as Oakwood Homes) of the denial by the decision of the Community Development Director.

Mayor Huseman gave an overview of the procedures.

Steve Timms, Planning Manager, gave the staff presentation. Steve presented a background of the case, the Planning Commission's disposition, and the Land Development Code with applicable criteria.

Michelle Berger, counsel for Oakwood Homes, presented a procedural concern regarding exhibits that were not entered into the record.

A motion was made by Council Member Madera, seconded by Mayor Pro Tem

Allen-Thomas, to enter into executive sessions pursuant to C.R.S 24-6-402(4)(e)(1) for the purpose of receiving legal advice on specific legal questions. VOTE: 8 - Aye, 1 - Excused (Ford)

Michelle Berger presented the appellant's presentation. Michelle presented a history and context of the appeal, and highlighted the City's stance and approval criteria applicable to the application.

A motion was made by Council Member Madera, seconded by Council Member Douglas, to instruct the City Attorney to draft a written decision of denial based on criteria A and to continue this case to July 18th, where the letter will be reviewed and ratified. VOTE: 6 - Aye, 2 - Nay (Davis, Grimes), 1 - Excused (Ford)

9. 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 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, June 20. Please contact the City Clerk at dgibson@c3gov.com or 303-227-8791 to request paper copies of materials.

[Res 2022-50](#)

A RESOLUTION APPROVING THE LEGATO FILING NO. 1 SUBDIVISION GENERALLY LOCATED BETWEEN TOWER ROAD AND E-470, SOUTH OF 96TH AVENUE, WEST OF HIMALAYA PARKWAY, AND BETWEEN E. 93RD PLACE AND E. 95TH AVENUE

Mayor Huseman opened the public hearing.

Anita Riley, Principal Planner, provided the staff presentation to Council. Anita provided an overview of the case summary, proposed plat - filing No. 1 and 2, analysis, the Development Review Team and Planning Commission recommendations.

A motion was made by Council Member Grimes, seconded by Council Member Madera, to limit debate to five minutes per council member. Motion Failed. VOTE: 4 - Aye, 4 - Nay, 1 - Excused (Ford)

Brad Burns, Legato Development, gave the applicants presentation and answered questions from Council.

Mayor Huseman closed the public hearing.

A motion was made by Council Member Madera, seconded by Council Member Grimes, to accept the findings and recommendations of the Planning Commission in case # S-772-20-22. VOTE: 5 - Aye, 3 - Nay (Allen-Thomas, Douglas, Noble), 1 - Excused (Ford)

A motion was made by Council Member Noble, seconded by Mayor Pro Tem Allen-Thomas, to not adopt Resolution 2022-50 based on criteria F & G of the Land Development Code. Motion Failed.

VOTE: 3 - Aye (Allen-Thomas, Douglas, Noble), 5 - Nay, 1 - Excused (Ford)

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Madera, to extend the automatic adjourn time by 30 minutes. VOTE: 8 - Aye, 1 - Excused (Ford)

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

Aye: 6 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Davis, Council Member Hurst and Council Member Grimes

Nay: 2 - Council Member Noble and Council Member Douglas

Excused: 1 - Council Member Ford

[Res 2022-51](#)

A RESOLUTION APPROVING THE LEGATO FILING NO. 2 SUBDIVISION GENERALLY LOCATED BETWEEN TOWER ROAD AND E-470, SOUTH OF 96TH AVENUE, WEST OF HIMALAYA PARKWAY, AND BETWEEN CATHAY COURT AND ARGONNE STREET

Council Member Noble recused themselves from the public hearing.

Mayor Huseman opened the public hearing.

Anita Riley, Principal Planner, was available to answer questions from Council.

Brad Burn, Legato Development, was available to answer questions from Council.

Mayor Huseman closed the public hearing.

A motion was made by Council Member Madera, seconded by Council Member Grimes, to approve the finding and recommendations of the Planning Commission in case # S-771-20-22. VOTE: 6 - Aye, 1 - Nay (Douglas), 1 - Recused (Noble), 1 - Excused (Ford)

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

Aye: 6 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Davis, Council Member Hurst and Council Member Grimes

Nay: 1 - Council Member Douglas

Excused: 1 - Council Member Ford

Recused: 1 - Council Member Noble

[Res 2022-54](#)

A RESOLUTION DETERMINING THE ELIGIBILITY FOR ANNEXATION TO THE CITY OF COMMERCE CITY, COLORADO OF THE PROPERTY GENERALLY LOCATED AT 7001 COLORADO BLVD, ADAMS COUNTY, COLORADO IN CASE AN-265-22 KNOWN AS THE 7001 COLORADO BOULEVARD ANNEXATION

A motion was made Mayor Pro Tem Allen-Thomas, seconded by Council Member Madera, to extend the automatic adjourn time by 30 minutes. VOTE: 8 - Aye, 1 - Excused (Ford)

Mayor Huseman opened the public hearing on Resolution 2022-54, AN-265-22, Z-984-22, and Ordinance 2396.

Anita Riley, Principal Planner, provided the staff presentation to Council. Anita presented on a case overview, current conditions, master plan, Urban Land Institute Advisory Panel report, annexation approval criteria, zoning approval criteria, vacation background, Development Review Team and Planning Commission recommendations.

Marcus Pachner, The Pachner Company, gave the applicants presentation and was available to answer questions from Council.

Mayor Huseman closed the public hearing.

A motion was made by Council Member Grimes, seconded by Council Member Noble, to accept the findings and recommendations of the Planning Commission in case # Z-984-22. VOTE: 8 - Aye, 1 - Excused (Ford)

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Grimes, that this Resolution be adopted. VOTE:

Aye: 8 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Davis, Council Member Noble, Council Member Hurst, Council Member Grimes and Council Member Douglas

Excused: 1 - Council Member Ford

[AN-265-22](#)

FIRST READING OF AN ORDINANCE ANNEXING THE PROPERTY GENERALLY LOCATED AT 7001 COLORADO BOULEVARD, ADAMS COUNTY, COLORADO (PIN: 0182501100015) TO THE CITY OF COMMERCE CITY, COLORADO IN CASE AN-265-22 KNOWN AS THE 7001 COLORADO BLVD ANNEXATION

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Grimes, that this Ordinance be introduced by council as seated and approved on first reading. VOTE:

Aye: 8 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Davis, Council Member Noble, Council Member Hurst, Council Member Grimes and Council Member Douglas

Excused: 1 - Council Member Ford

[Z-984-22](#)

FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO BY ZONING THE PROPERTY ANNEXED AS 7001 COLORADO BOULEVARD ANNEXATION FROM ADCO ADAMS COUNTY A-1 TO COMMERCE CITY R-3 (MULTI-FAMILY RESIDENTIAL)

A motion was made by Council Member Grimes, seconded by Mayor Pro Tem

Allen-Thomas, to extend the automatic adjourn time by 30 minutes. VOTE: 5 - Aye, 3 - Nay (Allen-Thomas, Davis, Madera), 5 - Aye, 1 - Excused (Ford)

A motion was made by Council Member Grimes, seconded by Mayor Pro Tem Allen-Thomas, that this Zoning Ordinance be introduced by council as seated and approved on first reading. VOTE:

Aye: 6 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Davis, Council Member Hurst and Council Member Grimes

Nay: 2 - Council Member Noble and Council Member Douglas

Excused: 1 - Council Member Ford

[Ord 2396](#)

FIRST READING OF AN ORDINANCE VACATING RIGHT-OF-WAY ALONG COLORADO BOULEVARD CONSISTING OF THE NORTHWEST SIDE OF THE REALIGNED COLORADO BOULEVARD SOUTH OF THE BURLINGTON DITCH AT EAST 72ND AVENUE, COMMERCE CITY, COLORADO.

A motion was made by Council Member Madera, seconded by Mayor Pro Tem Allen-Thomas, that this Ordinance be introduced by council as seated and approved on first reading. VOTE:

Aye: 8 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Davis, Council Member Noble, Council Member Hurst, Council Member Grimes and Council Member Douglas

Excused: 1 - Council Member Ford

10. Resolutions

[Res 2022-68](#)

A JOINT RESOLUTION APPROVING THE FIRST AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT FOR THE CONSTRUCTION OF THIRD CREEK WEST REGIONAL IMPROVEMENTS

Council Member Noble and Council Member Douglas left the meeting.

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

Aye: 6 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Davis, Council Member Hurst and Council Member Grimes

Excused: 3 - Council Member Noble, Council Member Ford and Council Member Douglas

11. Ordinances on 1st Reading

A motion was made by Council Member Grimes, seconded by Council Member Madera, to adjourn the meeting and to continue all unfinished items to a future date. VOTE: 4 - Aye, 2 - Nay (Allen-Thomas, Huseman)

[Ord 2399](#)

SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE 2022 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE COLORADO DEPARTMENT OF LOCAL AFFAIRS GRANT IN THE AMOUNT OF \$13,000 FOR DEFENSE COUNCIL FIRST APPEARANCE AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF

This Ordinance was continued

[Ord 2400](#)

SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE 2022 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE TONY GRAMPSAS YOUTH SERVICES (TGYS) GRANT FUNDS IN THE AMOUNT OF \$79,739 FOR THE SUPPORT OF ACTIVITIES AND CLASSES TO COMMUNITY YOUTH AND THE AUTHORIZATION OF THE EXPENDITURES THEREOF.

This Ordinance was continued

[Ord 2403](#)

SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE 2022 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE COLORADO DEPARTMENT OF TRANSPORTATION GRANT IN THE AMOUNT OF \$13,000 FOR DRIVING UNDER THE INFLUENCE (DUI) ENFORCEMENT EFFORTS AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

This Ordinance was continued

[Ord 2404](#)

SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE 2022 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE COLORADO DEPARTMENT OF HUMAN SERVICES GRANT IN THE AMOUNT OF \$79,449 FOR SUPPORT LICENSED FACILITIES THAT SERVE CHILDREN THEREOF.

This Ordinance was continued

12. Administrative Council Business

13. Council Reports

14. Adjourn

The meeting adjourned at 12:17 AM.

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

Jordan D. Roberts, Deputy City Clerk

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