



Commerce City

7887 E. 60th Ave.
Commerce City, CO 80022
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Meeting Minutes

City Council

Monday, September 16, 2019

6:00 PM

Council Chambers

Regular Meeting

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 September 16, 2019, at 6:00 PM.

A motion was made by Council Member Huseman, seconded by Mayor Pro Tem Teter, to excuse Council Member Douglas from the meeting. VOTE: 8 - Aye, 1 - Excused (Douglas)

Present: 8 - Mayor Sean Ford, Mayor Pro Tem Rick A. Teter, Council Member Oscar Madera, Council Member Nicole Frank, Council Member Steve Davis, Council Member Benjamin Huseman, Council Member Craig Hurst and Council Member Jose Guardiola

Excused: 1 - Council Member Steven J. Douglas

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Audience Introduction

No audience introduction was conducted.

4. Proclamations and Recognitions

[Proc 19-15](#)

Proclamation Honoring the 135th Anniversary of 27J Schools

Mayor Ford invited the representatives from 27J School District forward to receive the proclamation. The city attorney read the proclamation and council came forward for a photo.

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

Aye: 8 - Mayor Ford, Mayor Pro Tem Teter, Council Member Madera, Council Member Frank, Council Member Davis, Council Member Huseman, Council Member Hurst and Council Member Guardiola

Excused: 1 - Council Member Douglas

5. Citizen Communication

Jim Jones, representing South Adams County Water and Sanitation District, gave an update on the water quality test results in Commerce City.

The following spoke on oil and gas development in the city.

Lisa Gudmondson, no address given

Judy Doris, 11882 Chambers Drive

Susan Noble, no address given

Eric Jacobson and Spencer Crouch, representing Extraction Oil and Gas

John Myers, 16154 East 104th Avenue

Floyd Trijillo, 11232 West Mesa Run

Derek Seifried, 12411 East 106th Place

Guillermo Serna, 14122 East 102nd Place

Ryan Seastrum, representing the Colorado Oil and Gas Association

Russel Waterson, 11259 Kalispell Street

Megan Becker, representing the Board of Directors of Fronterra Village Metropolitan District 2, stated the board's support for council to take action on the administrative business item later in the meeting.

Tom Green, Troy Whitmore, Dave Rose, and Crystal Morgan, representing United Power, delivered the annual capital credit refunds to the city.

Jacob Katz, 7200 Quebec Parkway, Athletic Director for Adams City Highschool, spoke on the Adams City Highschool homecoming rescheduling due to an increase in player concussion rates.

BJ Jeffers, Principal at Adams City Highschool, came before council to give her history working in public education and the Adams 14 School District.

Erica Royer, 10243 Norfolk Street, spoke on the issue of prairie dogs in the city.

Sean Cuevo, no address given, spoke on the issue of climate change.

Paul Welander, 10030 Mobile Street, spoke on the issue of prairie dogs in the city.

6. Consent Agenda

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

Aye: 8 - Mayor Ford, Mayor Pro Tem Teter, Council Member Madera, Council Member Frank, Council Member Davis, Council Member Huseman, Council Member Hurst and Council Member Guardiola

Excused: 1 - Council Member Douglas

[Min 19-135](#)

Minutes of August 19, 2019

- [Ord 2234](#) AN ORDINANCE AMENDING THE 2019 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO, BY APPROPRIATING PORTIONS OF THE UNENCUMBERED FUND BALANCES OF THE GENERAL FUND AND FLEET FUND, TRANSFERRING TO DESIGNATED FUNDS PORTIONS OF THE UNENCUMBERED FUND BALANCE IN THE GENERAL FUND, AND REAFFIRMING CERTAIN PRIOR APPROPRIATIONS, FOR A TOTAL AMOUNT OF \$8,364,075.58 AND AUTHORIZING THE EXPENDITURE THEREOF.
- [Res 2019-100](#) RESOLUTION APPOINTING MEMBERS TO DESIGNATED BOARDS AND COMMISSIONS OF COMMERCE CITY
- [Res 2019-101](#) RESOLUTION AUTHORIZING PARTIAL TERMINATION OF TEMPORARY EASEMENT
- [Res 2019-102](#) RESOLUTION APPROVING GRANT OF REVOCABLE LICENSE TO SOUTH ADAMS COUNTY WATER AND SANITATION DISTRICT
- [Res 2019-103](#) RESOLUTION AMENDING COUNCIL POLICIES 2, 9, 16, 20, AND 22

7. Public Hearings

[Res 2019-71](#)**RESOLUTION DETERMINING THE ELIGIBILITY OF CERTAIN UNINCORPORATED TERRITORY KNOWN AS THIRD CREEK WEST (1 OF 2) FOR ANNEXATION TO THE CITY OF COMMERCE CITY, COLORADO**

Mayor Ford opened the continued consolidated public hearing on Cases AN-253-19, AN-254-19, and Z-946-17-19.

City Attorney Sheesley entered into the record an updated annexation signature on the petition for AN-254-19. Mr. Sheesley, provided a background on the pending cases, an overview of the annexation process that requires council to determine the eligibility of the properties at the meeting, and the possible actions council can take on the eligibilities of the properties and the pending annexation and zoning cases. Mr. Sheesley confirmed Council Member Huseman reviewed the previous meeting's video and was eligible to hear the case.

David Foster, representing Cowley Companies, introduced into the record a letter addressed to City Manager McBroom on September 13, 2019 regarding modifications Cowley Companies was proposing to make to the annexation agreements. Susan Stanton, representing Cowley Companies, gave an overview of the proposed sites characteristics related to the E-470 corridor.

Council Member Davis asked if there have been public meetings held by Cowley Companies for residential input. Ms. Stanton stated there were two meetings held by Cowley Companies and that most of the feedback residents gave them was they wanted to keep the area rural.

Council Member Huseman asked how Cowley Companies was different than other companies promising to bring restaurants and retail businesses to the city. Ms. Stanton stated that Cowley Companies was working aggressively to target the right partners to bring those businesses to the city.

Council Member Huseman asked Brook Hutchins with Cowley Companies what the fully built out non-residential properties would be estimated for value. Ms. Hutchins estimated the non-residential to have a value of \$32 million dollars.

Mayor Ford asked if the residential or the commercial development will be built out first. Mr. Foster stated they believe the residential development will get built first.

Guillermo Serna, 14122 East 104th Place, expressed concern for increased traffic around the proposed annexation areas.

Mayor Ford closed the public hearing.

A motion was made by Council Member Huseman, seconded by Council Member Davis, that this resolution be adopted. VOTE:

Aye: 8 - Mayor Ford, Mayor Pro Tem Teter, Council Member Madera, Council Member Frank, Council Member Davis, Council Member Huseman, Council Member Hurst and Council Member Guardiola

Excused: 1 - Council Member Douglas

[Ord AN-253-19](#)

AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED TERRITORY KNOWN AS THIRD CREEK WEST (1 OF 2) TO THE CITY OF COMMERCE CITY, COLORADO

A motion was made by Council Member Huseman, seconded by Council Member Hurst, to accept the terms of the proposed annexation agreements for annexations AN-253-19 and AN-254-19. VOTE: 6 - Aye, 2 - Nay (Guardiola and Madera), 1 - Excused (Douglas)

A motion was made by Council Member Huseman, seconded by Council Member Hurst, that this ordinance be continued to the October 7 meeting. VOTE:

Aye: 8 - Mayor Ford, Mayor Pro Tem Teter, Council Member Madera, Council Member Frank, Council Member Davis, Council Member Huseman, Council Member Hurst and Council Member Guardiola

Excused: 1 - Council Member Douglas

[Res 2019-72](#)

RESOLUTION DETERMINING THE ELIGIBILITY OF CERTAIN UNINCORPORATED TERRITORY KNOWN AS THIRD CREEK WEST (2 OF 2) FOR ANNEXATION TO THE CITY OF COMMERCE CITY, COLORADO

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

Aye: 8 - Mayor Ford, Mayor Pro Tem Teter, Council Member Madera, Council Member Frank, Council Member Davis, Council Member Huseman, Council Member Hurst and Council Member Guardiola

Excused: 1 - Council Member Douglas

[Ord AN-254-19](#)

AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED TERRITORY KNOWN AS THIRD CREEK WEST (2 OF 2) TO THE CITY OF COMMERCE CITY, COLORADO

A motion was made by Council Member Huseman, seconded by Council Member Hurst, that this ordinance be continued to the October 7 meeting. VOTE:

Aye: 8 - Mayor Ford, Mayor Pro Tem Teter, Council Member Madera, Council Member Frank, Council Member Davis, Council Member Huseman, Council Member Hurst and Council Member Guardiola

Excused: 1 - Council Member Douglas

[Z-946-17-19](#)

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 ANNEXED AS THIRD CREEK WEST FROM ADCO (UNINCORPORATED ADAMS COUNTY) TO PUD (PLANNED UNIT DEVELOPMENT)

A motion was made by Council Member Huseman, seconded by Council Member Hurst, that this ordinances be continued to the October 7 meeting.
VOICE VOTE:

Aye: 8 - Mayor Ford, Mayor Pro Tem Teter, Council Member Madera, Council Member Frank, Council Member Davis, Council Member Huseman, Council Member Hurst and Council Member Guardiola

Excused: 1 - Council Member Douglas

[Res 2019-86](#)

RESOLUTION APPROVING BOTH THE AMENDED AND RESTATED THIRD CREEK METROPOLITAN DISTRICT (NOS 1 THROUGH 3, INCLUSIVE) SERVICE PLAN AND THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF COMMERCE CITY AND THE THIRD CREEK METROPOLITAN DISTRICT IN CASE MD-110-19

A motion was made by Council Member Huseman, seconded by Council Member Hurst, that this resolution be continued to the October 7 meeting.
VOICE VOTE:

Aye: 8 - Mayor Ford, Mayor Pro Tem Teter, Council Member Madera, Council Member Frank, Council Member Davis, Council Member Huseman, Council Member Hurst and Council Member Guardiola

Excused: 1 - Council Member Douglas

[Z-777-19](#)

AN ORDINANCE AMENDING THE PUD ZONING OF THE CITY OF COMMERCE CITY, COLORADO FOR THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, AND LOCATED AT 15060 EAST 103RD PLACE, COMMERCE CITY, COLORADO.

Mayor Ford opened the public hearing.

Steve Timms, Planning Manager, presented on Case Z-777-19. Mr. Timms stated for the record the hearing was noticed properly and could proceed. Mr. Timms gave an overview of the site, its current zoning, a history of the site, and the applicant's request to amend the zoning of approximately seven acres of the site to allow for multi-family housing.

Mark Campbell, President of Southwestern Property Corporation, applicant, gave an overview of other Southwestern Properties developments in the city and the characteristics of the units that will be developed on the site. Jackson Gibbons, Southwestern Properties Corporation, presented on the proposed units and their pricing.

Council Member Davis asked what the average square footage of the apartments will be. Mr. Gibbons stated the average square footage will be approximately 982 square feet.

Council Member Huseman asked about the estimated valuation of the property. Mr. Gibbons stated the estimated valuation was \$34 million.

Mayor Ford closed the public hearing.

*A motion was made by Council Member Huseman, seconded by Council Member Madera, to accept the findings and recommendations of the planning commission.
VOTE: 8 - Aye, 1 - Excused (Douglas)*

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

Aye: 8 - Mayor Ford, Mayor Pro Tem Teter, Council Member Madera, Council Member Frank, Council Member Davis, Council Member Huseman, Council Member Hurst and Council Member Guardiola

Excused: 1 - Council Member Douglas

LUP-55-19

AN ORDINANCE AMENDING THE FUTURE LAND USE PLAN, OF THE COMPREHENSIVE PLAN OF THE CITY OF COMMERCE CITY, FOR THE PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF EAST 104TH AVENUE AND POTOMAC STREET, FROM OFFICE/FLEX TO MIXED USE (CORRIDOR AND COMMERCIAL)

Mayor Ford opened the public hearing.

Steve Timms, Planning Manager, presented on Case LUP-55-19. Mr. Timms stated for the record the hearing was noticed properly and could proceed. Mr. Timms gave an overview of the site, its current zoning, the future land use zoning for the site, a history of the site, and the applicant's request to amend the future land use plan to change the zoning from office to mixed use. Mr. Timms stated that the future land use plan amendment was required first and then the applicant would have to submit an application to rezone the property.

Mark Campbell, President of Southwestern Property Corporation, applicant, stated they conducted a marketing study on the site and found that rezoning the property to mixed use would be the best use for the site. Jackson Gibbons, Southwestern Properties Corporation, stated the mixed use will make the property more marketable and provide more flexibility for the use of the site in the future. Adams Canter, representing Community Planning Architecture, stated that the mix of multi-family with mixed use was the best use for the site.

Guillermo Serna, 14122 East 104th Place, expressed concern about increased traffic due to the development.

Nancy LaPointe, 14131 102nd Avenue, expressed concern on the effects the development will have on the adjacent neighborhoods.

Mayor Ford closed the public hearing.

A motion was made by Council Member Huseman, seconded by Council Member Madera, to accept the findings and recommendations of the planning commission. VOTE: 7 - Aye, 1 - Nay (Guardiola), 1 - Excused (Douglas)

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

Aye: 7 - Mayor Ford, Mayor Pro Tem Teter, Council Member Madera, Council Member Frank, Council Member Davis, Council Member Huseman and Council Member Hurst

Nay: 1 - Council Member Guardiola

Excused: 1 - Council Member Douglas

8. Administrative Council Business

A motion was made by Council Member Huseman, seconded by Council Member Frank, to direct staff to schedule a future study session item on allowing small quantity beekeeping. VOTE: 8 - Aye, 1 - Excused (Douglas)

A motion was made by Council Member Huseman, seconded by Council Member Guardiola, to direct staff to engage property owners at Foxton Village and North Range Crossing Apartments in discussions on separating properties with a fence. VOTE: 8 - Aye, 1 - Excused (Douglas)

A motion was made by Council Member Hurst, seconded by Council Member Frank, to have the Mayor draft a letter of support for Council Member Huseman seeking the Colorado's Municipal League's endorsement of Council Member Huseman applying for seats on the National League of Cities' Board of Directors and the Environment & Natural Resources Federal Advocacy Committee. VOTE: 8 - Aye, 1 - Excused (Douglas)

[Pres 19-435](#)

Oil and Gas Monthly Update

Dominic Martinelli gave the oil and gas monthly update.

[19-64](#)

Fronterra Village Metro District 2 Refunding Request

A motion was made by Council Member Huseman, seconded by Council Member Madera, to authorize the City Manager to sign the Acknowledgement and Consent document. VOTE: 8 - Aye, 1 - Excused (Douglas)

[19-65](#)

Buffalo Highlands Metropolitan District Temporary Appointment of Board Members

A motion was made by Council Member Madera, seconded by Council Member Davis, to schedule a special meeting on September 23 for the purpose of appointing members to the Buffalo Highland Metropolitan District Board. Council Member Madera withdrew his motion.

A motion was made by Council Member Huseman, seconded by Council Member Hurst, to appoint Lisa Kaiser, Patricia Lloyd, Brandon Young, and Nicholas Webb to the Buffalo Highlands Metropolitan District Board. VOTE: 6 - Aye, 2 - Nay (Davis and Madera), 1 - Excused (Douglas)

9. Reports

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

A motion was made by Council Member Huseman, seconded by Council Member Davis, to direct staff to research alternative solutions to the prairie dog management with Prairie Preservation Colorado. VOTE: 5 - Aye, 3 - Nay (Guardiola, Madera, Teter), 1 - Excused (Douglas)

10. Adjourn

The meeting adjourned at 11:37 p.m.

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

Respectfully submitted by:

Dylan A. Gibson, CMC, Deputy City Clerk