



Commerce City

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

Meeting Minutes

City Council

Monday, March 18, 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 March 18, 2019, at 6:00 PM.

A motion was made by Mayor Pro Tem Teter, seconded by Council Member Guardiola, to excuse Council Members Davis and Huseman from the meeting. VOTE: 7 - Aye, 2 - Excused (Davis, Huseman)

Present: 7 - Mayor Sean Ford, Mayor Pro Tem Rick A. Teter, Council Member Crystal Elliott, Council Member Steven J. Douglas, Council Member Jose Guardiola, Council Member Nicole Frank and Council Member Oscar Madera

Excused: 2 - Council Member Benjamin Huseman and Council Member Steve Davis

2. Executive Session

19-11

An executive session, including only the City Council and City staff and legal counsel, pursuant to CRS 24-6-402(b,e) for the purpose of determining negotiating positions, developing negotiation strategy, and instructing negotiators and receiving legal advice relating to the negotiation of a regional operator agreement with Extraction, LLC, and the City's responses to state oil and gas permit applications.

A motion was made by Mayor Pro Tem Teter, seconded by Council Member Madera, to enter into an executive session, including only the City Council and City staff and legal counsel, pursuant to CRS 24-6-402(b,e) for the purpose of determining negotiating positions, developing negotiation strategy, and instructing negotiators and receiving legal advice relating to the negotiation of a regional operator agreement with Extraction, LLC, and the City's responses to state oil and gas permit applications. VOTE:

Aye: 6 - Mayor Ford, Mayor Pro Tem Teter, Council Member Elliott, Council Member Guardiola, Council Member Frank and Council Member Madera

Nay: 1 - Council Member Douglas

Excused: 2 - Council Member Huseman and Council Member Davis

3. Pledge of Allegiance

The Pledge of Allegiance was recited.

4. Audience Introduction

The audience introduced themselves.

A motion was made by Council Member Frank, seconded by Vice Chair Teter, to amend the agenda to move the monthly oil and gas update presentation before the recognitions portion of the agenda. VOTE: 7 - Aye, 2 - Excused (Davis, Huseman)

5. Proclamations and Recognitions

[19-10](#)

Quality Community Foundation Grant Awards Recognition

Jennifer Prather, President, and Billy Gurr, Vice President, presented the grant awards to the winners. The mayor and council came forward for a photograph.

[19-18](#)

Civic Academy Graduation

Jodie Hardee, Community Relations Manager, presented the civic academy graduates with their graduation certificates. The mayor and council came forward for a photograph.

[19-19](#)

GFOA Certificate of Achievement for Excellence in Financial Reporting Award Recognition

Mayor Ford invited the finance department staff forward. Mayor Ford read the award and the mayor and council came forward for a photograph.

[19-20](#)

GFOA Award for Outstanding Achievement in Popular Financial Reporting Award Recognition

Mayor Ford read the award and the mayor and council came forward for a photograph.

6. Citizen Communication

Susan Noble, 10642 Olathe Street, spoke on the Extraction Oil and Gas spacing application and stated it had expanded an additional 4,000 acres.

Shae Devlin, no address given, spoke on the issue of an apartment complex not paying taxes in to the North Range Metropolitan District.

Charles Wolfersburger, representing North Range Village Metropolitan District board of directors, spoke on the metro district board members concern on the same apartment complex not paying taxes into the metro district.

Guillermo Serna, 14122 E 102nd Place, spoke on the same apartment complex not paying taxes into the metro district.

Austin Rollison, 7095 Pontiac Street, spoke on the issue of oil and gas negotiations.

Nick Clabensine, Broomfield, spoke on the issue of oil and gas negotiations.

7. Consent Agenda

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

Aye: 7 - Mayor Ford, Mayor Pro Tem Teter, Council Member Elliott, Council Member Douglas, Council Member Guardiola, Council Member Frank and Council Member Madera

Excused: 2 - Council Member Huseman and Council Member Davis

[Res 2019-28](#)

RESOLUTION FINDING SUBSTANTIAL COMPLIANCE OF AN ANNEXATION PETITION AND SETTING A PUBLIC HEARING TO DETERMINE IF THE PROPOSED ANNEXATION COMPLIES WITH STATUTORY REQUIREMENTS FOR SUCH ANNEXATION AN-252-19

[Res 2019-32](#)

RESOLUTION APPROVING RULES OF PROCEDURE FOR THE COMMERCE CITY LIQUOR LICENSING AUTHORITY AND REPEALING RESOLUTION 2007-41

8. Public Hearings

Mayor Ford opened the public hearing for the three items concurrently.

Planner Jenny Axmacher presented the annexation case to council. Ms. Axmacher provided an overview of the annexation area, current zoned use of the site, and the zoning request to change from agricultural use to a nexus north at DIA use to provided for an employment center.

Council Member Douglas asked if the northern access road would be available for emergency vehicles. Ms. Axmacher clarified that access would be available to emergency vehicles and not regular traffic.

Mr. Brock Chapman, representing Schuck Properties, stated that Schuck Properties was in full agreement with the findings of the planning commission and the staff report on the property.

Susan Noble, 10642 Olathe Street, commented that the proposed property has proposed oil and gas development that would impact residents living or working in the area.

Mayor Ford closed the public hearing.

[Res 2019-18](#)

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 WITH PIN NO. 172300000106 GENERALLY LOCATED SOUTHEAST CORNER OF EAST 88TH AVE AND BUCKLEY ROAD, COMMERCE CITY, COLORADO IN AN-250-19

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

Aye: 7 - Mayor Ford, Mayor Pro Tem Teter, Council Member Elliott, Council Member Douglas, Council Member Guardiola, Council Member Frank and Council Member Madera

Excused: 2 - Council Member Huseman and Council Member Davis

[Ord AN-250-19](#)

AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, GENERALLY LOCATED AT THE SE CORNER OF BUCKLEY RD & E 88TH AVE. COMMERCE CITY, COLORADO.

A motion was made by Council Member Frank, seconded by Council Member Madera, 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 Elliott, Council Member Douglas, Council Member Guardiola, Council Member Frank and Council Member Madera

Excused: 2 - Council Member Huseman and Council Member Davis

[Z-945-17-19](#)

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 DESCRIBED IN EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF GENERALLY LOCATED ON THE SOUTHEAST CORNER OF BUCKLEY ROAD AND E. 88TH AVENUE FROM ADCO (UNINCORPORATED ADAMS COUNTY) TO PUD (PLANNED UNIT DEVELOPMENT).

A motion was made by Council Member Madera, seconded by Mayor Pro Tem Teer, to accept the findings and recommendations of the planning commission. VOTE: 7 - Aye, 2 - Excused (Davis, Huseman)

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

Aye: 7 - Mayor Ford, Mayor Pro Tem Teter, Council Member Elliott, Council Member Douglas, Council Member Guardiola, Council Member Frank and Council Member Madera

Excused: 2 - Council Member Huseman and Council Member Davis

9. Resolutions

[Res 2019-13](#)

RESOLUTION DECLARING SUPPORT OF PUBLIC ART INSTALLATION FOR TOWER ROAD

Public Art Consultant Kendall Peterson and Ed Hanson, President of the Cultural Council, presented on the resolution. Ms. Peterson provided an overview of the public art selection process which included limiting the selection to regional artists only, designating the medians along Tower Road as the installation locations, and summaries of each proposals.

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

Aye: 7 - Mayor Ford, Mayor Pro Tem Teter, Council Member Elliott, Council Member Douglas, Council Member Guardiola, Council Member Frank and Council Member Madera

Excused: 2 - Council Member Huseman and Council Member Davis

10. Ordinances on 1st Reading

[Ord 2206](#)

AN ORDINANCE AMENDING THE 2019 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY APPROPRIATING PORTIONS OF THE UNENCUMBERED FUND BALANCE OF THE GENERAL FUND IN THE AMOUNT OF \$517,950 FOR COSTS ASSOCIATED WITH ECONOMIC DEVELOPMENT INCENTIVES AND AUTHORIZATION OF THE EXPENDITURE THEREOF.

A motion was made by Council Member Douglas, seconded by Council Member Madera, 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 Elliott, Council Member Douglas, Council Member Guardiola, Council Member Frank and Council Member Madera

Excused: 2 - Council Member Huseman and Council Member Davis

11. Administrative Council Business

Council Member Douglas asked staff to follow up with the residents' complaint on the tax exempt apartment complex and update council on their findings.

Council Member Madera requested staff update council on an overview of metro districts. He also requested staff look into traffic signal lights that were blown off-center after the latest snowstorm.

Council Member Douglas wanted to recognize city staff responsible for clearing streets during the latest snowstorm and asked staff to look into updating priority routes.

Mayor Ford asked staff to look into a damaged guardrail on Highway 2 and for an update on the speed study requested on Highway 2.

Council Member Elliott announced her resignation from council effective April 1.

A motion was made by Council Member Madera, seconded by Council Member Guardiola, to hold a reception in honor of Council Member Elliott at the next regular city council meeting. VOTE: 7 - Aye, 2 - Excused (Davis, Huseman)

Mayor Ford asked staff to research when the last oil well was drilled or fracked in the city.

[Pres 19-76](#)

Oil and Gas Monthly Update

Community Development Director presented the monthly oil and gas update. Mr. Cramer went over the oil and gas activity map and outlined the submitted applications and new proposed sites, provided a general update of the status of negotiations with oil and gas companies on the city's best management practices and regional operator agreement, and outlined oil and gas update speaker series presenters for upcoming council meetings.

Council Member Douglas asked for clarification if any citizen groups were invited to present at an upcoming oil and gas speaker series. Mr. Cramer stated if council requested citizen groups to speak that staff will work to coordinate those groups to present to council.

A motion was made by Council Member Madera, seconded by Mayor Pro Tem Teter, to amend the agenda to move the public hearing section of the agenda to follow the oil and gas monthly update. VOTE: 7 - Aye, 2 - Excused (Davis, Huseman)

12. 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.

13. Adjourn

The meeting adjourned at 9:01 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, Deputy City Clerk