



Commerce City

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

City Council

Monday, November 16, 2015

6:00 PM

Council Chambers

AMENDED

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 16, 2015, at 6:00 PM.

A motion was made by Council member Amador, seconded by Council member Teter, to excuse Council member Benson from tonight's meeting.

VOTE: 8 aye, 1 excused (Benson)

Present: 8 - Council Member Andrew Amador, Council Member Jadie Carson, Council Member Jason McElDowney, Mayor Pro Tem René Bullock, Council Member Rick A. Teter, Council Member Crystal Elliott, Mayor Sean Ford and Council Member Steven J. Douglas

Excused: 1 - Council Member Jim Benson

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Audience Introduction

The audience introduced themselves.

4. Proclamations and Recognitions

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

[Proc 15-31](#)

GIS day Proclamation

City Attorney Gehler read a proclamation declaring November 18, 2015, as GIS Day.

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. Approval of Minutes

[Min 15-87](#)

Meeting minutes of October 19, 2015

A motion was made by Council member McEldowney, seconded by Council member Teter to allow Council member Carson to abstain from voting on the minutes of October 19, 2015, because of her excused absence.

VOTE: 8 aye, 1 abstain (Carson)

A motion was made by Council Member McEldowney, seconded by Council Member Amador, that the minutes be approved. VOTE:

Aye: 8 - Council Member Amador, Council Member McEldowney, Mayor Pro Tem Bullock, Council Member Teter, Council Member Elliott, Mayor Ford, Council Member Benson and Council Member Douglas

Abstained: 1 - Council Member Carson

7. Consent Agenda

A motion was made by Council Member McEldowney, seconded by Council Member Amador, that the consent agenda be approved as presented. VOTE:

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

[Res 2015-101](#)

RESOLUTION APPROVING GRANT OF EASEMENT TO PARK CREEK METROPOLITAN DISTRICT

8. Public Hearings

[Res 2015-91](#)

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 THE SOUTHERN RIGHT-OF-WAY FOR E. 96TH AVENUE BETWEEN STATE HIGHWAY 2 AND BUCKLEY ROAD, A QUARTER SECTION OF LAND AT THE NORTHEAST CORNER OF E. 96TH AVENUE AND PEORIA STREET, AND A SMALL PORTION OF CITY OWNED PROPERTY AT THE SOUTHWEST CORNER OF E. 96TH AVENUE AND BUCKLEY ROAD ALIGNMENT, COMMERCE CITY, COLORADO, IN AN-232-15

Mayor Ford opened the public hearing for Resolution 2015-91, Annexation Ordinance AN-232-15, and Zoning Ordinance Z-913-15.

City Attorney Gehler swore in Planner Paul Workman who testified that the annexation criteria outlined in state statutes have been met in Annexation Case Number AN-232-15.

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

[AN-232-15](#)

AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT THE SOUTHERN RIGHT-OF-WAY FOR E. 96TH AVENUE BETWEEN STATE HIGHWAY 2 AND BUCKLEY ROAD, A QUARTER SECTION OF LAND AT THE NORTHEAST CORNER OF E. 96TH AVENUE AND PEORIA STREET, AND A SMALL PORTION OF CITY OWNED PROPERTY AT THE SOUTHWEST CORNER OF E. 96TH AVENUE AND BUCKLEY ROAD ALIGNMENT, COMMERCE CITY, COLORADO.

Planner Workman testified that this is a joint annexation application of the city and Shell Oil Company. There are three different areas that make up this property: Area 1 being the northeast corner of Peoria Street and 96th Avenue, Area 2 being 96th Avenue and the Buckley Road alignment, and Area 3 being the southern portion of right-of-way for 96th Avenue between Highway 2 and Buckley Road. The Comprehensive Plan calls out area 1 for public use, some residential development, and open space. Area 2 is called out in the Comprehensive Plan as open space. The purpose of this petition is to bring some of the last remaining Adams County properties along the East 96th Avenue Corridor, between Highway 2 and Buckley Road, into the city to streamline future development opportunities for Shell and bring city-owned properties into the city's jurisdiction.

No one came forward to provide testimony on the annexation and related zoning case and the public hearing was closed.

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

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

[Z-913-15](#)

AN ORDINANCE REZONING FROM ADAMS COUNTY ZONING OF A-3 TO COMMERCE CITY ZONING OF PUBLIC THE PROPERTIES DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT THE NORTHEAST CORNER OF E. 96TH AVENUE AND PEORIA STREET (PIN: 1721133000011, 1721133000003, AND 1721133000004), AND THE SOUTHWEST CORNER OF E. 96TH AVENUE AND BUCKLEY ROAD ALIGNMENT (PIN: 172320100001) COMMERCE CITY, COLORADO, AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING.

A motion was made by Mayor Pro Tem Bullock, seconded by Council member Amador to accept the findings and recommendations of the planning commission on Zoning Ordinance Z-913-15.

VOTE: Unanimous; all present affirmed

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

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

[Z-928-15](#)

AN ORDINANCE REZONING FROM AG TO PUBLIC ZONE DISTRICT THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT THE NORTHWEST CORNER OF E. 96TH AVENUE AND PEORIA STREET, COMMERCE CITY, COLORADO, AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING.

Mayor Ford opened the public hearing.

Planner Paul Workman testified that the city is the applicant and is seeking to rezone the property from AG to a public designation in order to match the designation on the East side of Peoria Street and to address stormwater issues in the area.

*Public Input:
Glen Murray, 16550 E. 116th Ct.*

There was no further public input and the public hearing was closed.

A motion was made by Mayor Pro Tem Bullock, seconded by Council member Amador, to accept the findings and recommendations of the planning commission on Zoning Ordinance Z-928-15.

VOTE: Unanimous; all present affirmed

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

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

[Res 2015-112](#)

RESOLUTION APPROVING SUBDIVISION PLAT IN CASE #S-428-04-15

Mayor Ford opened the public hearing on both Resolution 2015-112 and Resolution 2015-111

Planner Robin Kerns testified that the applications are for the subdivision of residential properties. These subdivision requests are included in a larger planned unit development and would allow for 138 lots in one subdivision and 151 lots in the other.

Some council members expressed concern with the affect this development will have

on School District 27J.

Mark Busch, appeared on behalf of the applicant. He stated that there was a large public land dedication at the inception of this entire project. This development has always planned as a suburban subdivision development.

Public Input:

Dan Beaver, 11598 Nucla
Glen Murray, 16550 E. 116th Ct
DeLilah Collins, 9830 Jasper St.
Donald Renkin, 11598 Lewiston St
Susan Renkin, 11598 Lewiston. St.

Mayor Ford closed the public hearing.

Mayor Ford, Council member McEldowney, and Council member Douglas all disclosed a working relationship with the developer or having a conversation with the Columbine Ranch residents.

City Attorney Gehler asked the council members if they could vote, without bias, on this matter, and they stated they could.

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 Teter, that this resolution be adopted. VOICE VOTE: Unanimous, all present affirmed.

[Res 2015-111](#)

RESOLUTION APPROVING SUBDIVISION PLAT IN CASE #S-426-04-15

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

9. Resolutions

[Res 2015-87](#)

RESOLUTION APPROVING FIRST AMENDMENT TO INTERGOVERNMENTAL WATER RESOURCES AGREEMENT

Deputy City Manager Hayes addressed council to explain the current status of the Prospect Valley ERUs. In 2006, the city entered into an intergovernmental agreement with Prospect Valley Metro District and the South Adams County Water and Sanitation District that council is now being asked to amend. South Adams County Water and Sanitation District owns the water rights to 1,266 acre feet. Prospect Valley Metro District owned the right to sell the ERU water connections, that back in 2006 was 4,775 ERUs. The agreement states that all the Prospect Valley ERUs need to be used on properties annexed into the city and included into South Adams County Water and Sanitation District. After a series of purchases from some of the

developers, there was default on the obligation to purchase the ERUs. The city exercised some of those options and currently owns 458.63 ERUs. There are approximately 3608 ERUs that remain to be sold. The proposed amendment to the agreement would allow small water users in the general service area to purchase some water rights in the future. ERUs could be purchased without annexing into the city if certain criteria are met and no dual systems would be required in the general service area.

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

10. Presentations

[Pres 15-414](#)

Quality Community Foundation Follow-up

Finance Director Carstens stated that based on council input to date, there will be changes in the 2016 grant process. She provided background information on the foundation and statistical data on the 2015 applications. Ms. Carstens outlined the 2016 application process and asked council what their goals are for the program and if the presentation material appears to be in alignment.

11. Administrative Council Business

Council member Douglas brought up the following concerns: the new light poles in the Buffalo Run parking lot are too low, an alleged grow house in the northern area of the city, will the design elements at the new recreation center be shared with council, lighting needed along 96th between Chambers and Tower, and the blinking signal light at 104th & Revere is not sufficient.

Council member McEldowney asked if a traffic signal is warranted at 96th & Chambers.

Council member Amador stated he heard concerns about the city holiday party conflicting with the municipal court schedule.

Council member Elliott expressed concern about speeding near Second Creek Elementary.

Council member Carson asked for council's support of a resolution for SCFD.

A motion was made by Council member Benson, seconded by Council member Douglas to improve lighting on Tower Road before the large construction project begins.

The motion failed at vote.

12. Reports

City Manager McBroom stated the Deputy City Manager Hayes would be acting city manager over the Thanksgiving holiday week.

13. Adjourn to URA Meeting

The meeting adjourned at 9:00 pm.

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