



Commerce City

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

City Council

Monday, June 18, 2018

6:45 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 June 18, 2018, at 6:45 PM.

A motion was made by Council Member Madera, seconded by Council Member Huseman, to excuse Mayor Pro Tem Teter.

VOTE: 8 - Aye, 1 - Excused (Teter)

Mayor Ford stated that citizens had requested to amend the agenda to move the citizen communication portion of the agenda before the executive session. City Attorney Sheesley recommended the proclamation portion be moved before the executive session as well.

A motion was made by Council Member Huseman, seconded by Council Member Madera, to amend the agenda to move proclamations and recognitions and citizen communication before the executive session.

VOTE: 8 - Aye, 1 - Excused (Teter)

Present: 8 - Mayor Sean Ford, Council Member Crystal Elliott, Council Member Steven J. Douglas, Council Member Paolo Diaz, Council Member Benjamin Huseman, Council Member Jose Guardiola, Council Member Nicole Frank and Council Member Oscar Madera

Excused: 1 - Mayor Pro Tem Rick A. Teter

5. Executive Session

[18-50](#)

Executive session, pursuant to CRS 24-6-402(4)(e) for the purpose of determining positions relative to matters that may be subject to negotiations concerning incentives for a potential economic development project within the city.

A motion was made by Council Member Douglas, seconded by Council Member Guardiola, to enter into executive session, pursuant to CRS 24-6-402(4)(e) for the purpose of determining positions relative to matters that may be subject to negotiations concerning incentives for a potential economic development project within the city. VOTE:

Aye: 8 - Mayor Ford, Council Member Elliott, Council Member Douglas, Council Member Diaz, Council Member Huseman, Council Member Guardiola, Council Member Frank and Council Member Madera

Excused: 1 - Mayor Pro Tem Teter

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

6. Audience Introduction

The audience introduced themselves.

3. Proclamations and Recognitions

[Proc 18-20](#)

Proclamation celebrating George Seader, Junior's 100th Birthday

City Attorney Sheesley read a proclamation in honor of George Seader, Jr.'s 100th Birthday.

A motion was made by Council Member Huseman, seconded by Council Member Guardiola, that this proclamation be approved. VOICE VOTE:

Aye: 8 - Mayor Ford, Council Member Elliott, Council Member Douglas, Council Member Diaz, Council Member Huseman, Council Member Guardiola, Council Member Frank and Council Member Madera

Excused: 1 - Mayor Pro Tem Teter

4. Citizen Communication

David Juarez, municipal court judge, appeared before council to speak on the issue of an ordinance on the misdemeanor fines and mandatory sentences for possessions of illegal amounts of marijuana and its inconsistency with state statutes.

Gail Bates, 8696 Willow St, appeared before council on the Irondale Plan on the agenda later. The Mayor instructed Ms. Bates to give her comments during the public hearing.

Chris and Christopher Sevens, 9812 Chambers Drive, appeared before council to speak on the new recreation center's pool and its lack of a sauna, steam room, therapy pool, and hot tub.

7. Consent Agenda

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

Aye: 8 - Mayor Ford, Council Member Elliott, Council Member Douglas, Council Member Diaz, Council Member Huseman, Council Member Guardiola, Council Member Frank and Council Member Madera

Excused: 1 - Mayor Pro Tem Teter

[Res 2018-50](#)

RESOLUTION APPROVING GRANT OF A DRAINAGE EASEMENT TO SCHUCK COMMUNITIES, INC.

- [Res 2018-51](#) RESOLUTION APPROVING GRANT OF A DRAINAGE EASEMENT TO BIG BLACK DOG, LLC.
- [Res 2018-53](#) Resolution Approving Second Amendment to Professional Services Agreement with Atkins North America, Inc. for the Colorado Boulevard and 72nd Avenue Rail Line Station Area Improvements Project
- [Res 2018-54](#) Resolution authorizing the Metropolitan Wastewater Reclamation District to enter City owned properties to perform land surveys, utility locates and limited excavations

8. Public Hearings

- [SAP-005-18](#) SAP-005-18: The City of Commerce City is requesting adoption of the Irondale Neighborhood and Infrastructure Plan. The Irondale Neighborhood is located between East 80th and East 88th Avenues and the Union Pacific Railroad and Highway 2.

Mayor Ford opened the public hearing at 7:25 p.m.

Planner Jenny Axmacher and Consultant Matt Ashley presented on the Irondale Neighborhood Area Infrastructure Plan. They provided background information, future land use, and the recommended improvements included in the plan.

In response to council questions, the consultant explained that the drainage routes were designed to follow the existing road routes and railroad berm would not be significantly impacted. The plan is designed to balance residential needs with future market trends of the area.

Gale Bates, 8696 Willow Street, expressed her concern of the area between Willow and Xanthia and the ability for emergency services to get through the area due to the blocking of the railroad.

Guillermo Serna, 10122 E 102nd Place, expressed his concern of the plans and how it could impact traffic and quality of life in the area.

A motion was made by Council Member Frank, seconded by Council Member Madera, to accept the findings and recommendations of the planning commission in Case SAP-005-18.

VOTE: 8 - Aye, 1 - Excused (Teter)

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

Aye: 8 - Mayor Ford, Council Member Elliott, Council Member Douglas, Council Member Diaz, Council Member Huseman, Council Member Guardiola, Council Member Frank and Council Member Madera

Excused: 1 - Mayor Pro Tem Teter

[Res 2018-35](#)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, MAKING CERTAIN LEGISLATIVE FINDINGS AND APPROVING THE MILE HIGH GREYHOUND PARK URBAN RENEWAL PLAN IN CASE # SAP-006-18 / URP-002-12-16-18

Mayor Ford opened the public hearing at 8:04 p.m.

Chris Cramer, Director of Community Development, presented on Resolution 2018-35 for the public hearing, as well as presenting on the following resolutions, Resolution 2018-41 and Resolution 2018-42. Chris covered the Mile High Greyhound Park plan, the planning commission recommendations, and the purpose of each resolution before the council regarding the plan.

Kathy , from the Boys and Girls club, appeared before the Council to express her and her organizations support of the plan moving forward.

Elliot Smith, appeared before the Council to express his and his organizations support of the plan moving forward.

Guillermo Serno appeared before the Council to encourage them to work with the school district on the plan.

Ed Hanson, came before the Council to express his support of the plan moving forward and consider a cultural center in the plan.

A motion was made by Council Member Madera, seconded by Council Member Frank, to accept the findings and recommendations of the planning commission on Case SAP-006-18. VOTE: 8 - Aye, 1 - Excused (Teter)

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

Aye: 8 - Mayor Ford, Council Member Elliott, Council Member Douglas, Council Member Diaz, Council Member Huseman, Council Member Guardiola, Council Member Frank and Council Member Madera

Excused: 1 - Mayor Pro Tem Teter

9. Resolutions

[Res 2018-41](#)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AUTHORIZING AND APPROVING A COOPERATION AGREEMENT WITH THE URBAN RENEWAL AUTHORITY OF THE CITY OF COMMERCE CITY

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

Aye: 8 - Mayor Ford, Council Member Elliott, Council Member Douglas, Council Member Diaz, Council Member Huseman, Council Member Guardiola, Council Member Frank and Council Member Madera

Excused: 1 - Mayor Pro Tem Teter

[Res 2018-42](#)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE

CITY, COLORADO, APPROVING THE AMENDED AND RESTATED PHASED REDEVELOPMENT AGREEMENT FOR THE FORMER MILE HIGH GREYHOUND PARK

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

Aye: 8 - Mayor Ford, Council Member Elliott, Council Member Douglas, Council Member Diaz, Council Member Huseman, Council Member Guardiola, Council Member Frank and Council Member Madera

Excused: 1 - Mayor Pro Tem Teter

10. Ordinances on 1st Reading

[Ord 2169](#)

AN ORDINANCE AMENDING THE 2018 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE ADAMS COUNTY OPEN SPACE GRANT FUNDS IN THE AMOUNT OF \$115,000.00 FOR THE SAND CREEK OPEN SPACE REMEDIATION PHASE 1 PROJECT AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

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

Aye: 8 - Mayor Ford, Council Member Elliott, Council Member Douglas, Council Member Diaz, Council Member Huseman, Council Member Guardiola, Council Member Frank and Council Member Madera

Excused: 1 - Mayor Pro Tem Teter

[Ord 2170](#)

AN ORDINANCE AMENDING THE 2018 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE ADAMS COUNTY OPEN SPACE GRANT FUNDS IN THE AMOUNT OF \$250,804.00 FOR THE EAGLE POINTE RECREATION CENTER AQUATIC ENHANCEMENTS PROJECT AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

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

Aye: 8 - Mayor Ford, Council Member Elliott, Council Member Douglas, Council Member Diaz, Council Member Huseman, Council Member Guardiola, Council Member Frank and Council Member Madera

Excused: 1 - Mayor Pro Tem Teter

[Ord 2171](#)

AN ORDINANCE AMENDING THE 2018 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE STATE OF COLORADO DEPARTMENT OF NATURAL RESOURCES FUNDING AGREEMENT IN THE AMOUNT OF \$228,523.00 FOR THE

SAND CREEK OPEN SPACE REMEDIATION & RESTORATION
PROJECT AND THE AUTHORIZATION OF THE EXPENDITURE
THEREOF.

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

Aye: 8 - Mayor Ford, Council Member Elliott, Council Member Douglas, Council Member Diaz, Council Member Huseman, Council Member Guardiola, Council Member Frank and Council Member Madera

Excused: 1 - Mayor Pro Tem Teter

[Ord 2172](#)

AN ORDINANCE DECLARING AN EMERGENCY AND AMENDING
THE COMMERCE CITY REVISED MUNICIPAL CODE TO ESTABLISH
MINIMUM PENALTIES FOR THE UNLAWFUL POSSESSION,
MANUFACTURE, SALE, HANDLING, USE, AND DISCHARGE OF
FIREWORKS

Mayor Ford invited City Attorney Robert Sheesley to present on the ordinance. Mr. Sheesley gave the council the background on fireworks laws within the cities, the impacts of fireworks on the community and city services, and the purpose of the ordinance as proposed.

In response to questions from council, Police Chief Nichols assured the council that the police department will have officers working overtime to ensure enforcement during the 4th of July season.

A motion was made by Council Member Huseman, seconded by Council Member Guardiola, to amend the ordinance to amend the fine in the second offense to \$750 to comply with the state statutes.

VOTE: 8 Aye, 1 Excused (Teter)

A motion was made by Council Member Douglas, seconded by Mayor Diaz, that this ordinance be approved as an emergency ordinance. VOTE:

Aye: 8 - Mayor Ford, Council Member Elliott, Council Member Douglas, Council Member Diaz, Council Member Huseman, Council Member Guardiola, Council Member Frank and Council Member Madera

Excused: 1 - Mayor Pro Tem Teter

[Ord 2173](#)

AN ORDINANCE AMENDING THE 2018 BUDGET OF THE CITY OF
COMMERCE CITY, COLORADO BY TRANSFERRING \$375,000 FROM
THE GENERAL FUND TO THE CIPP FUND FOR COSTS
ASSOCIATED WITH THE AQUISITION AND DEMOLITION OF THE
FOREST DRIVE PROPERTY LOCATED AT 6017 FOREST DRIVE IN
COMMERCE CITY AND AUTHORIZATION OF THE EXPENDITURE
THEREOF

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

Aye: 8 - Mayor Ford, Council Member Elliott, Council Member Douglas, Council Member Diaz, Council Member Huseman, Council Member Guardiola, Council Member Frank and Council Member Madera

Excused: 1 - Mayor Pro Tem Teter

11. Presentations

Pres 18-59

Derby Annual Update

Planner Caitlin Hasenbalg Long presented the Derby Area update. Ms. Long advised council that goals for the area are in alignment with council's goals. She provided highlights of the past year and the activities and successes of the Derby Review Board. Ms. Long outlined the catalyst fund program and its utilization in Derby. In response to council questions, she explained how businesses can apply for sign funding.

A motion was made by Council Member Huseman, seconded by Council Member Madera, to excuse Council Member Douglas for the remainder of the meeting.

VOTE: 7 - Aye, 2 - Excused (Douglas, Teter)

Pres 18-86

Annual Commerce City Cultural Council Presentation

The board president presented the annual update from the Cultural Council. He described the council's volunteer hours and where and how they volunteered throughout the city. Mr. Hansen highlighted their 2017 successes and funding sources. He laid out their plans and events for 2018.

12. Administrative Council Business

Mayor Ford introduced a letter drafted to Adams 14 School District. The Council asked the letter be amended before approval.

A motion was made by Council Member Huseman, seconded by Council Member Guardiola, to table the discussion of the letter to next Monday's study session.

VOTE: 7 - Aye, 2 - Excused (Douglas, Teter)

Council Member Huseman brought up an organization called Upward Trees in Tulsa, OK. The organization has businesses and community groups donate trees to the urban areas in Tulsa. Council Member Huseman asked staff to look into an organization out of Tulsa, Oklahoma called Upward Trees, to see if the city can participate in a similar program.

Council Member Huseman also brought up a complaint from a resident about odors and asked if the neighborhood services and code enforcement divisions have followed up on the complaint. The city attorney stated the marijuana licensing authority has jurisdiction to act on his complaint and there is a process for getting that complaint addressed.

13. Reports

City Manager McBroom highlighted item presented in his weekly report provided to council earlier.

Community Development Director Chris Cramer presented an oil and gas updated and confirmed that no applications have been presented to the city. In response to council questions, Mr. Cramer clarified that a pad application is further that 1,000' from the new recreation center.

The mayor and council reported on their attendance at various meetings and events.

14. Adjourn

The meeting adjourned at 9:49 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 Gibson, Deputy City Clerk