



Commerce City

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

City Council

Monday, June 3, 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 June 3, 2019, at 5:59 PM.

Present: 9 - Mayor Sean Ford, Mayor Pro Tem Rick A. Teter, Council Member Oscar Madera, Council Member Nicole Frank, Council Member Steve Davis, Council Member Steven J. Douglas, Council Member Benjamin Huseman, Council Member Craig Hurst and Council Member Jose Guardiola

2. Executive Session

[19-42](#)

An executive session, pursuant to CRS 24-6-402(4)(b) and (e), of the City Council and its attorneys and staff for the purpose of receiving legal advice and for determining positions, developing strategy, and instructing negotiators relating to the purchase and sale agreement for the Mile High Greyhound Park.

Council Member Huseman stated he believed the discussion should happen during the open meeting.

A motion was made by Council Member Frank, seconded by Council Member Madera, to enter into an executive session, pursuant to CRS 24-6-402(4)(b) and (e), of the City Council and its attorneys and staff for the purpose of receiving legal advice and for determining positions, developing strategy, and instructing negotiators relating to the purchase and sale agreement for the Mile High Greyhound Park. ROLL CALL VOTE:

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

Nay: 2 - Council Member Douglas and Council Member Huseman

3. Pledge of Allegiance

The Pledge of Allegiance was recited.

4. Audience Introduction

The audience introduced themselves.

5. Proclamations and Recognitions

[19-34](#)

Quality Community Foundation 2019 Scholarship Recipients

Charles Dukes and Ed Hanson, representing the Quality Community Foundation, presented the 2019 scholarship winners. The mayor and council came forward for a photo with the foundation members and scholarship recipients.

[19-35](#)

Recognition of the 2019 Memorial Day Parade Winners

Jodi Hardee, Community Relations Manager, presented the 2019 Memorial Day Parade winners. The mayor and council came forward for a photo with the winners.

6. Citizen Communication

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

Rene Bullock, 6130 Ivanhoe Street, thanked the council for their support of the recent Sand Creek Regional Green Way event. Mr. Bullock also invited the council to a legislative update event at Firestation #8 on Wednesday, June 5.

Meghan Grimes, 11788 Fairplay Street, asked council to not consider a moratorium on oil and gas development in the city.

Jeff Annable, 10433 Yosemite Street, came before council to state his support of oil and gas development in the city.

7. Consent Agenda

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

Aye: 9 - Mayor Ford, Mayor Pro Tem Teter, Council Member Madera, Council Member Frank, Council Member Davis, Council Member Douglas, Council Member Huseman, Council Member Hurst and Council Member Guardiola

[Min 19-74](#)

Minutes of May 20, 2019

[Res 2019-56](#)

RESOLUTION APPROVING GRANT OF A DRAINAGE EASEMENT TO PASS PUBLIC STORM DRAINAGE THROUGH A NEXUS AT DIA TECH CENTER

[Z-948-19](#)

AN ORDINANCE REZONING FROM AG TO I-2 THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 8600 VERBENA STREET, COMMERCE CITY, COLORADO, AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING.

8. Public Hearings

[CU-121-19](#)

CU-121-19: Conditional Use Permit to allow mulch pile storage up to 25' in height for the property located at 9109 Monaco Street.

Mayor Ford opened the public hearing.

Steve Timms, Planning Manager, presented case CU-121-19 to council. This case was continued from April 1, 2019. Mr. Timms provided an overview of the case, including its current zoning compliance, adjacent properties to the subject property, site characteristics, history of the site, and the applicant's request for the conditional use permit to allow for higher piles of outdoor product for efficiency and safety reasons.

Council Member Douglas asked about a 20-foot fence being installed around the perimeter. Mr. Timms clarified one of the conditions approved by the planning commission was a minimum 8-foot fence and council may opt to require a 20-foot fence if they chose.

Council Member Huseman asked if the applicant was continuing to store outdoor materials after their original application was denied by the zoning board of adjustment. Mr. Timms clarified that the applicant was not operating in compliance in the past but was going through the approval process to be in compliance.

Council Member Davis asked if any other concerns were expressed at the neighborhood meeting on May 30, 2018. City Planner Domenic Martinelli stated that concerns expressed at the neighborhood meeting were regarding the impact to the surrounding air and water quality and that one of the results of that discussion was the 8-foot fence condition added by the planning commission to the permit.

Erin Verneris, representing A1 Organics, requested that she be allowed to respond to public comment later in the hearing. There was no objection on the council to the request. Ms. Verneris requested to enter into record updates to their weekly reports. Mr. Verneris highlighted each additional exhibit entered into the record.

Council Member Guardiola asked if the exhibits entered into the record were given to planning commission as well. Mr. Verneris stated the exhibits are new for the council and were not given to the planning commission.

Council Member Frank asked what the height limits were in the other cities where A1 Organics operates. Ms. Verneris stated she was not sure of those limits.

Kent Penley, vice president of A1 Organics, clarified that other cities that A1 Organics operate in also have 25-foot height limits.

Council Member Guardiola asked if A1 Organics participated in any city-wide events. Mr. Penley stated that A1 Organics offered two events that allowed residents to drop off limbs and other debris for free.

Council Member Davis asked if any other A1 Organics site received any fines or violation notices from other communities they operate in. Mr. Penley stated they have received no fines or violations from any of the communities or the state.

Council Member Huseman asked when the dust and material mitigation fence would be installed. Mr. Penley stated pending council approval of the permit that an installation was scheduled for the last week of June.

Council Member Huseman asked staff where the 8-foot limit comes from in the Land Development Code. Mr. Timms stated the intent was that the limit was designed for structures to be hidden behind a standard height fence or wall.

Robert Sheesley, City Attorney, asked Ms. Verneris on record if the applicant had any written documentation issued by the city that is different than the requirements of outdoor storage heights as stated in the land development code. Ms. Verneris did not have any such document.

Mr. Sheesley asked Mr. Timms on record what role Mr. Draper had at the city and if Mr. Draper had the authority in his capacity with the city to issue any waivers to land development code requirements. Mr. Timms stated Mr. Draper was a planner, is no longer with the city, and that he did not have the authority to issue any waiver to the Land Development Code requirements.

Perry Johnson, 9225 Monaco Street, stated he believed that A1 Organics moved a pile directly behind his property in response to his complaint about product being carried over into his property.

Perri Anne Hohn and Rick Hill, 14755 Picadilly Road, stated their opposition to the conditional use permit.

The following spoke in support of A1 Organics:

Bill Paige, 7281 E 96th Avenue

Ryan Puckit, no address given

James Reuger, no address given

Council Member Douglas asked Mr. Perry Johnson what would satisfy his concerns. Mr. Johnson stated the construction of a fence to block the debris or to move the piles further away from his property would satisfy his concern.

Mayor Ford closed the public hearing.

A motion was made by Council Member Madera, seconded by Council Member Davis, to accept the findings and recommendations of the planning commission. ROLL CALL VOTE: 6 - Aye, 3 - Nay (Douglas, Guardiola, Huseman)

Council Members Douglas and Huseman stated they would be voting no on the permit.

Council Member Davis stated he would be voting yes on the permit.

The council took a five minute recess after the passage of the permit.

A motion was made by Council Member Davis, seconded by Council Member Madera, to approve the conditional use permit. ROLL CALL VOTE:

Aye: 6 - Mayor Ford, Mayor Pro Tem Teter, Council Member Madera, Council Member Frank, Council Member Davis and Council Member Hurst

Nay: 3 - Council Member Douglas, Council Member Huseman and Council Member Guardiola

[Z-418-87-95-19](#)

AN ORDINANCE AMENDING ORDINANCE Z-418-87-95 TO REMOVE ALL REMAINING CONDITIONS FROM THE ZONING FOR THE PROPERTY LOCATED AT 8150 SYRACUSE STREET COMMERCE CITY, COLORADO.

Mayor Ford opened the public hearing.

Stacy Wassinger, city planner, provided an overview of case Z-418-87-95-19. Ms. Wassinger outlined the subject property, the history of the case, stated the request is to remove the outdated requirements from the time the case was brought before council in 1987, and that the rezoning complies with the city's Future Irondale Plan.

Paul Mattorano, Jr, 8150 Syracuse Street, applicant, stated the intent was to build a garage in the future.

There was no public comment.

Mayor Ford closed the public hearing.

A motion was made by Mayor Pro Tem Teter, seconded by Council Member Huseman, to accept the findings and recommendations of the planning commission. VOICE VOTE: Unanimous, all present affirmed.

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

Aye: 9 - Mayor Ford, Mayor Pro Tem Teter, Council Member Madera, Council Member Frank, Council Member Davis, Council Member Douglas, Council Member Huseman, Council Member Hurst and Council Member Guardiola

[Z-956-19](#)

AN ORDINANCE REZONING FROM AGRICULTURAL TO INDUSTRIAL-1 THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED ON A PORTION OF 8705 ROSEMARY STREET AND THE SOUTHWEST CORNER OF ROSEMARY STREET AND EAST 88th AVENUE, 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.

Stacy Wassinger, city planner, provided an overview of case Z-956-19. Ms. Wassinger outlined the subject property, the history of the case, the request of the applicant to rezone a portion of the property to construct a 7/11 fuel and convenience store, and that the rezoning complies with the city's Future Irondale Plan.

Kay Stallworthy, 2568 Columbine Street, Denver, representing the applicant Cadence, presented before council on who Cadence is, previous projects within Commerce City that Cadence has completed, and an overview of 7/11 as a company.

Mayor Ford closed the public hearing.

A motion was made by Mayor Pro Tem Teter, seconded by Council Member Huseman, to accept the findings and recommendations of the planning commission. VOTE: Unanimous, all present affirmed.

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

Aye: 9 - Mayor Ford, Mayor Pro Tem Teter, Council Member Madera, Council Member Frank, Council Member Davis, Council Member Douglas, Council Member Huseman, Council Member Hurst and Council Member Guardiola

9. Resolutions

[Res 2019-55](#)**RESOLUTION DECLARING THE SUPPORT OF THE CITY OF COMMERCE CITY, COLORADO FOR THE PRESERVATION OF SECOND AMENDMENT RIGHTS**

The following spoke in favor of the resolution:

*John Zeiler, 6910 Locust Street
Lesley Hollywood, no address given
Jafar Partomah, 11459 East Virginia Drive
Lance Cayko, 12755 Strawberry Circle
Jeff Hall, 14832 East 118th Place
Richard Williams, 11475 Olathe Street
Megan Kauffman, 10016 Crystal Circle
Taylor Ellis, no address given
Larry Pace, no address given*

The following spoke against the resolution:

*Maria Zuba, 6295 East 66th Avenue
Sean Cuevo, 11754 Hannibal Street
Susan Noble, no address given
Cassie Ratliff 1153 East 118th Place
Hellen Canon, no address given*

Mayor Pro Tem Teter stated his support for the resolution.

Council Member Frank stated her support for the resolution.

Council Member Douglas stated his opposition to the resolution.

Council Member Davis stated he will abstain on voting on the resolution.

Council Member Madera stated he will abstain on voting on the resolution.

Mayor Ford stated his support for the resolution.

*A motion was made by Mayor Pro Tem Teter, seconded by Council Member Huseman, to allow Council Members Davis and Madera to abstain from voting on the resolution.
VOTE: Unanimous, all present affirmed.*

Council Member Huseman stated his support for the resolution.

A motion was made by Mayor Pro Tem Teter, seconded by Council Member Huseman, that this resolution be adopted. VOTE:

Aye: 5 - Mayor Ford, Mayor Pro Tem Teter, Council Member Frank, Council Member Huseman and Council Member Hurst

Nay: 2 - Council Member Douglas and Council Member Guardiola

Abstained: 2 - Council Member Madera and Council Member Davis

10. Ordinances on 1st Reading

[Ord 2203](#)

AN ORDINANCE ENACTING NEW SECTION 21-5225 OF THE LAND DEVELOPMENT CODE ALLOWING AND REGULATING COMMERCIAL INDOOR SELF-STORAGE FACILITIES, AMENDING SECTION 21-11200 TO ADD THE DEFINITION OF COMMERCIAL INDOOR SELF STORAGE, AND AMENDING TABLE V - 1 - LAND USE TABLE TO INCLUDE COMMERCIAL INDOOR SELF STORAGE

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

Nay: 1 - Council Member Douglas

[Ord 2215](#)

AN ORDINANCE AMENDING THE 2019 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE E-470 TRANSPORTATION SAFETY FOUNDATION GRANT IN THE AMOUNT OF \$2,500 TO BE UTILIZED TO TRANSFORM AN EXISTING POLICE VEHICLE IN TO A HYBRID POLICE/TAXI VEHICLE, AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

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

Aye: 9 - Mayor Ford, Mayor Pro Tem Teter, Council Member Madera, Council Member Frank, Council Member Davis, Council Member Douglas, Council Member Huseman, Council Member Hurst and Council Member Guardiola

11. Ordinances on 2nd Reading

[Ord AN-252-19](#)

AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED TERRITORY KNOWN AS RONQUILLO ANNEXATION, LOCATED AT 10560 & 10650 BRIGHTON ROAD. HENDERSON, CO 80640 PIN(S): 172109400011 & 172109400010 TO THE CITY OF COMMERCE CITY, COLORADO

A motion was made by Council Member Davis, seconded by Council Member Frank, that this ordinance be approved on second & final 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

Nay: 1 - Council Member Douglas

[Z-955-19](#)

AN ORDINANCE REZONING FROM ADCO AG TO AG THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 10560 AND 10650 BRIGHTON ROAD HENDERSON, COLORADO, AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING.

Mayor Ford opened the limited public hearing.

Robert Sheesley, City Attorney, stated the limited public hearing is being conducted to allow property owners who were missed due to a GIS error for the first public hearing to speak on the rezoning ordinance.

No public comment was made.

Council Member Douglas asked if the issue of livestock was part of the notice. Mr. Sheesley clarified only the zoning itself was part of the notice and not specifics for the use.

Mayor Ford closed the public hearing.

A motion was made by Council Member Madera, seconded by Council Member Frank, that this ordinance be approved on second & final reading. VOTE:

Aye: 9 - Mayor Ford, Mayor Pro Tem Teter, Council Member Madera, Council Member Frank, Council Member Davis, Council Member Douglas, Council Member Huseman, Council Member Hurst and Council Member Guardiola

12. Administrative Council Business

Mayor Ford thanked Mayor Pro Tem Teter for chairing the May 20, 2019 council meeting in his absence.

A motion was made by Council Member Madera, seconded by Council Member Guardiola, to direct staff to look into quiet crossing opportunities in the city. VOTE: Unanimous, all present affirmed.

Council Member Douglas asked public works staff to fill cracks in the road along 96th Avenue.

13. 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.

14. Adjourn

The council entered again into the same executive session from earlier in the meeting at 11:17 pm.

The meeting adjourned at 12:12 am.

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