

RECORD OF PROCEEDINGS

February 4, 1991

CALL TO ORDER:	A regular meeting of the Commerce City Council was called to order by Mayor David R. D. Busby on Monday, February 4, 1991 at 7:40 p.m.	1 2 3 4
ROLL CALL:	Roll was called by City Clerk Betty Martin, as follows:	5 6 7
	Present: Busby, Christiansen, Cole, Hagaman, Hayes, Mitchell, Russell, Szymanski, Tate	8 9 10 11
STAFF PRESENT:	City Manager Steven S. Crowell, Jr. City Attorney Bob Gehler Finance Dir./Asst. C.M. Don Wilson Public Works Director Gregg Clements Police Chief Jim Sanderson Parks & Recreation Director Dick Byler Community Development Director Steve House Economic Development Coordinator Marlene Goettelman Planning Coordinator Neil Goodenough Parks Superintendent Rob Thames	12 13 14 15 16 17 18 19 20 21 22
SILENT INVOCATION:		23 24
PLEDGE OF ALLEGIANCE:		25 26
APPROVAL OF MINUTES OF 1/21/91	Council considered the minutes of their meeting of January 21, 1991. Councilman Cole asked that page 2 be amended on line 15 by changing the word "hearings" to "meetings." He also asked that page 7 be amended by adding the following wording at the end of line 16: "however, a specific bill has not been introduced." Mayor Busby asked that page 2 be corrected at line 39 by inserting the following after the word 'estimated': "by representatives of RTD that were present." Councilman Russell moved the approval of the amended minutes of the meeting of January 21, 1991, and Councilwoman Christiansen seconded the motion.	27 28 29 30 31 32 33 34 35 36 37 38 39 40 41
	VOICE VOTE: ALL PRESENT AFFIRMED.	42 43
CITIZENS COMMUNICATIONS:		44 45
Max Martinez	Max Martinez, of 5501 E. 65th Avenue, advised Council that he is going to be a candidate for a Council seat at the next election.	46 47 48 49
CONSENT CALENDAR:		50 51
	Councilman Russell asked that Ordinance 918 and the liquor license renewal of 7-Eleven be removed from the Consent Calendar.	52 53 54 55
	Councilman Tate moved the approval of the Consent Calendar as amended, and Councilwoman Szymanski seconded the motion.	56 57 58 59 60

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City Attorney Gehler read the title of Ordinance 916: 1
AN ORDINANCE AMENDING THE 1987 ZONING ORDINANCE OF THE 2
CITY OF COMMERCE CITY, COLORADO BY ADDING THERETO 3
CHAPTER XXIV ENTITLED "FLOOD OVERLAY DISTRICT" IN 4
ORDER TO CREATE A FLOOD OVERLAY DISTRICT IN THE CITY 5
OF COMMERCE CITY AND PROVIDE FOR THE ADMINISTRATION 6
AND ENFORCEMENT THEREOF IN THE CITY OF COMMERCE CITY, 7
COLORADO. 8
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City Attorney Gehler read the title of Ordinance 915: 10
AN ORDINANCE REPEALING ARTICLE IV OF CHAPTER 17 OF THE 11
CODE OF ORDINANCES OF THE CITY OF COMMERCE CITY, 12
COLORADO, ENTITLED "FLOODPLAIN AREAS" AND REENACTING 13
SAID ARTICLE WITH AMENDMENTS THERETO. 14
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City Attorney Gehler read the title of Ord. 919: AN 16
ORDINANCE REPEALING SECTION 14-39 OF THE CODE OF 17
ORDINANCES OF THE CITY OF COMMERCE CITY REGARDING 18
NOTIFICATION OF TRAFFIC SIGHT OBSTRUCTIONS AND 19
RE-ENACTING THE SAID SECTION WITH AMENDMENTS THERETO. 20
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City Attorney Gehler read the title of Ord. 920: AN 22
ORDINANCE AMENDING THE 1991 BUDGET OF THE CITY OF 23
COMMERCE CITY, COLORADO, BY TRANSFERRING A PORTION OF 24
THE UNENCUMBERED FUND BALANCE IN THE STREET AND BRIDGE 25
FUND AND AUTHORIZING THE EXPENDITURE THEREOF. 26
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Mayor Busby enumerated the items remaining on the 28
Consent Calendar as Ordinances 916, 915, 919 and 920. 29
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ROLL CALL VOTE: Aye: Tate, Szymanski, Busby, Chris- 31
tiansen, Cole, Hagaman, Hayes, Mitchell, Russell, 32
Nay: None Absent: None 33
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ORD. 918

Councilman Russell asked that Ord. 918 be amended on 36
page 2, line 30, by deleting the words "other than 37
the street right-of-way", and then moved the adoption 38
of the amended ordinance on second reading. 39
Councilman Hagaman seconded the motion. 40
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City Attorney Gehler read the title of Ord. 918: AN 42
ORDINANCE REPEALING SECTIONS 15-1 AND 15-2 OF CHAPTER 43
15 ENTITLED "PARKS AND RECREATION" OF THE CODE OF 44
ORDINANCES OF THE CITY OF COMMERCE CITY, COLORADO AND 45
RE-ENACTING SECTION 15-2 TO PROVIDE FOR RENUMBERING 46
THEREOF IN THE CODE OF ORDINANCES OF THE CITY OF 47
COMMERCE CITY AND FURTHER AMENDING CHAPTER 15 OF THE 48
CODE OF ORDINANCES OF THE CITY OF COMMERCE CITY, 49
COLORADO, BY ADDING A NEW ARTICLE III THERETO ENTITLED 50
"TREE MANAGEMENT" IN ORDER TO ESTABLISH A TREE 51
MANAGEMENT PROGRAM FOR PUBLIC WAYS AND PUBLIC PROPERTY 52
IN THE CITY OF COMMERCE CITY, TO PRESCRIBE MINIMUM 53
DISTANCES OF TREES AND SHRUBS FROM UTILITIES, TO 54
PROVIDE FOR A TREE PLAN FOR THE CITY OF COMMERCE CITY 55
AND TO PROVIDE FOR LICENSING OF ARBORISTS ENGAGED IN 56
BUSINESS IN THE CITY OF COMMERCE CITY. 57
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ROLL CALL VOTE: Aye: Russell, Hagaman, Busby,
Christiansen, Cole, Hayes, Mitchell, Szymanski, Tate
Nay: None Absent: None

7-Eleven
license

There was discussion as to whether the license appli-
cation had been changed to reflect the name of the
store manager, not a district manager. The City Clerk
said the change had been made, and the City Attorney
stated that, in his opinion, the application was
valid.

It was determined, however, that a representative of
7-Eleven was not present, and the matter was continued
until later in the agenda.

Floodplain
procedural
changes

Councilman Russell moved that Council direct the
implementation of the procedures outlined in a memo
from Steve House, Director of Community Development, to
the Mayor and Members of Council, dated January 11,
1991, copy of which is attached hereto. Councilman
Tate seconded the motion.

VOICE VOTE: ALL PRESENT AFFIRMED.

ORDINANCES ON FIRST READING:

Z-498-88-89-91 Mayor Busby opened the public hearing on Lyle Ewing's
Lyle Ewing time request for an extension of time for development of
line for 5470 5470 Newport Street. City Attorney Gehler reviewed
Newport St. action taken previously by the Planning Commission.

Lyle Ewing was present.

The Mayor asked if there were anyone in the audience
to speak regarding the requested change. There being
no response, the Mayor closed the public hearing.

Councilman Cole moved approval of the Findings and
Recommendations of the Planning Commission in Z-498-
88-89-91, and Councilwoman Christiansen seconded the
motion.

VOICE VOTE: ALL PRESENT AFFIRMED.

Councilwoman Christiansen moved the introduction of
Z-498-88-89-91 by Council as seated, there being no
objections, and approval of the ordinance on first
reading; Councilman Tate seconded the motion.

City Attorney Gehler read the title of Z-498-88-89-91:
AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING
MAP OF THE CITY OF COMERCE CITY, COLORADO, IN ORDER TO
EXTEND THE PERIOD FOR COMMENCEMENT OF CONSTRUCTION AND
COMPLETION OF CONSTRUCTION ON THE PROPERTY DESCRIBED
AS TRACT 14, KEMP SUBDIVISION, LOCATED AT 5470 NEWPORT
STREET, COMMERCE CITY, COLORADO.

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ROLL CALL VOTE: Aye: Christiansen, Tate, Busby, 1
Cole, Hagaman, Hayes, Mitchell, Russell, Szymanski 2
Nay: None Absent: None 3

Z-525-90-91 Mayor Busby opened the public hearing on Z-525-90-91; 5
Paul Gidlund however, it was determined that neither the applicant 6
rezone of 8101 nor a representative was present. 7
Pontiac St. 8

The Mayor inquired if there were anyone present who 9
wished to speak in regard to the rezoning. Deborah 10
Kreutzer, who lives near the property, was present but 11
said she would wait to testify when the applicant 12
appeared. 13

Councilman Cole moved to continue Z-525-90-91 to the 15
next regular Council meeting, February 18, 1991, at 16
7:30 p.m. Councilman Hagaman seconded the motion, 17
with direction to staff to notify the applicant of the 18
continuance and requiring him to advise the City if he 19
would be present. 20

Councilman Hagaman asked that Mrs. Kreutzer also be 22
notified of the meeting. 23

It was determined that the applicant should be advised 25
that the hearing would proceed as scheduled and a 26
decision would be made at that time, even if the 27
applicant were not present. 28

Councilmen Cole and Hagaman agreed to the amendments. 30

There was discussion as to whether the applicant's 32
purchase agreement with the School District may have 33
expired, but Councilman Russell said he had recent 34
information that it did not expire until February 14. 35

VOICE VOTE: ALL PRESENT AFFIRMED. 37

Setting aside Councilman Russell moved to set aside the rules so 39
rules Council could consider Ordinances 921 and 922. 40
Councilman Cole seconded the motion. 41

VOICE VOTE: ALL PRESENT AFFIRMED 43

ORD. 921 - Comp Councilwoman Szymanski moved to introduce Ord. 921 by 45
plan consult- Council as seated, there being no objections, and 46
ing fees approve the ordinance on first reading. Councilwoman 47
Christiansen seconded the motion. 48

City Attorney Gehler read the title of Ord. 921: AN 50
ORDINANCE AMENDING THE 1991 BUDGET OF THE CITY OF 51
COMMERCE CITY, COLORADO, BY TRANSFERRING A PORTION OF 52
THE UNENCUMBERED FUND BALANCE IN THE GENERAL FUND, 53
REAFFIRMING PRIOR APPROPRIATION, AND AUTHORIZING THE 54
EXPENDITURE THEREOF. 55

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ROLL CALL VOTE: Aye: Szymanski, Christiansen, Busby, 1
Cole, Hagaman, Hayes, Mitchell, Russell, Tate 2
Nay: None Absent: None 3

ORD. 922 - Councilwoman Szymanski moved to introduce Ord. 922 as 5
Monaco Park seated, there being no objections, and to approve the 6
Restroom ordinance on first reading. Councilman Tate seconded 7
the motion. 8

City Attorney Gehler read the title of Ord. 922: AN 10
ORDINANCE AMENDING THE 1991 BUDGET OF THE CITY OF 11
COMMERCE CITY, COLORADO, BY TRANSFERRING A PORTION OF 12
THE UNENCUMBERED FUND BALANCE IN THE LOTTERY FUND TO 13
THE PARKS AND RECREATION CAPITAL PROJECT FUND AND 14
AUTHORIZING THE EXPENDITURE THEREOF. 15

ROLL CALL VOTE: Aye: Szymanski, Tate, Busby, 17
Christiansen, Cole, Hagaman, Hayes, Mitchell, Russell 18
Nay: None Absent: None 19

SUBDIVISIONS 21
S-174-91 Mayor Busby asked that he be allowed to abstain from 22
Pamela Knoll voting on S-174-91. 23
5801 Olive St. Councilman Russell moved Mayor Busby be allowed to ab- 24
& 6951 E. 58th stain from voting on S-174-91. Councilwoman Szymanski 25
Ave. seconded the motion. 26

VOICE VOTE: ALL PRESENT AFFIRMED. 29

Pamela Knoll, 13337 E. Arkansas Avenue, was present on 31
behalf of the applicants, whom she represented based 32
on a Power of Attorney, a copy of which is in the 33
file. 34

City Attorney Gehler reviewed action taken previously 36
by the Planning Commission. 37

There was discussion concerning the alleged gas 39
service for both residences being on one meter, and 40
whether this was a violation of zoning. Application 41
has been made for separate residential service, 42
according to Pam Knoll. 43

There was discussion also concerning the sub-standard 45
size of the lots, for which the applicant has appeared 46
before the Board of Adjustment; the apparent upgrading 47
of the property because it will be owner-occupied 48
rather than a rental, and the possibility of setting a 49
precedent by subdividing into sub-standard size lots. 50

City Attorney Gehler said that in the past, Council 52
has considered each case on its own merits and it 53
could be specifically recited, if a favorable decision 54
is rendered, that it does not set a precedent. 55

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There was lengthy discussion concerning a requirement to pave the driveway. Information indicates this would be a financial hardship on the prospective owner, but there were questions as to the de-valuation of the property without a paved drive, and whether this has always been a requirement in the past.

Councilwoman Christiansen said the Planning Commission had waived that requirement because of the benefit believed to be derived because the property would become owner-occupied. In answer to a question, Council was advised there is no ordinance concerning the tracking of dirt onto City streets.

Councilman Cole moved approval of the Findings and Recommendations of the Planning Commission and the subdivision plat, with the proviso that this approval does not set a precedent, but recognizes the change from rental to owner-occupied property. Councilman Tate seconded the motion.

VOICE VOTE: ALL PRESENT AFFIRMED, WITH BUSBY ABSTAINING.

COUNCIL BUSINESS:

CU-13-91 Mayor Busby opened the public hearing on CU-13-91, the Colorado Seal & Stripe request of Colorado Seal & Stripe for a conditional use permit at 3200 E. 58th Avenue. City Attorney Gehler reviewed action taken previously by the Planning Commission.

Mike Staebell, Secretary-Treasurer, and Bruce Girvan, Plant Manager, of Colorado Seal & Stripe, were present on behalf of the company's request. They said the deed for the property contains the required easement.

There was discussion as to whether the Colorado Bureau of Mined Land Reclamation Board was aware of the use proposed for the land. Staebell and Girvan said this provision is contained in their original permit, and that their move to the new location would be part of their annual report. Safety is a problem at the present location but will be much better at the future location.

Staebell and Girvan acknowledged that Total Petroleum had expressed concerns about the proposed plant location but said an agreement had been signed with Total and that they would furnish a copy of that agreement to the City. They hope to build an additional facility on the property in 1992.

In view of a recent bankruptcy filing, Staebell was asked to furnish a profit and loss statement; he said the up-dated report should be ready in 60 to 90 days and when it was ready, a copy would be furnished to the City.

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The agreement Colorado Seal & Stripe has with the purchaser of the property on which their plant is presently located, requires the batch plant to be moved within 45 days after closing. 1
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Mayor Busby inquired if there were anyone in the audience to testify either in favor of, or in opposition to the proposed conditional use. There being no response, he closed the public hearing. 5
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Councilman Tate moved the approval of the Findings and Recommendations of the Planning Commission in CU-13 91, with the addition of condition "I. Relocation of the asphalt plant shall be commenced within 6 months and completed within 18 months of the date of approval." Councilwoman Christiansen seconded the motion. 10
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VOICE VOTE: ALL PRESENT AFFIRMED. 18
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Councilman Cole moved approval of CU-13-91, Colorado Seal & Stripe, and Councilman Tate seconded the motion. 20
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VOICE VOTE: ALL PRESENT AFFIRMED. 24
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Study Session Councilwoman Mitchell moved Council hold a study session on February 11 at 7:00 p.m., and Councilwoman Szymanski seconded the motion. 26
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VOICE VOTE: ALL PRESENT AFFIRMED. 30
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7-Eleven license renewal No one having appeared on behalf of the 7-Eleven license renewal, Councilman Cole moved the matter be continued to the Council meeting of February 18, 1991, at 7:30 p.m. Councilman Russell seconded the motion. 32
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Councilmen Tate and Russell spoke in favor of the motion, recognizing that the present license expires February 16. 38
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VOICE VOTE: ALL PRESENT AFFIRMED. 42
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COMMITTEE REPORTS: 44

Hayes Councilman Hayes said recently he had attended a meeting of the Stapleton Tomorrow Committee. One of the options discussed at that meeting was a golf course on the north side of I-70; the construction of a 4-lane from 56th Ave. and Havana to 56th Ave. and Quebec; the designation of a park in the southwest corner; the extension of Martin Luther King Blvd. east; setting up a wildlife trail system near Sand Creek to tie in with the Aurora system and removing the conduit and making the drainage ditch open to encourage wildlife. Plans will be discussed in more detail at a retreat later this week, and when finalized will be presented to Council. 45
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	Councilman Russell asked about other intergovernmental agreements previously made which may have to be honored when the property is no longer used for an airport.	1 2 3 4 5
Szymanski	Councilwoman Szymanski, Chairman of the Parks and Recreation Advisory Board, moved that the City Attorney prepare the necessary documents for the formation of a Commerce City Cultural Council. Councilwoman Christiansen seconded the motion.	6 7 8 9 10 11
	VOICE VOTE: ALL PRESENT AFFIRMED.	12 13
Tate	Councilman Tate reported that he expected the IGA Water Quality Control Agreement to be ready for the February 18 Council meeting. This agreement is between South Adams Water & Sanitation District, the City of Commerce City, Brighton and Adams County.	14 15 16 17 18 19
	Councilman Tate moved that this agreement be an item on the February 18, 1991 Council meeting agenda. Councilman Russell seconded the motion.	20 21 22 23
	VOICE VOTE: ALL PRESENT AFFIRMED.	24 25
	Councilman Tate moved an RFP be prepared for the second phase of the Water and Wastewater Study. Councilman Cole seconded the motion.	26 27 28 29
	VOICE VOTE: ALL PRESENT AFFIRMED.	30 31
CDBG	Councilman Tate provided information concerning CDBG funding. There have been discussions with Thornton, as to what they perceive to be underfunding, and their future funding.	32 33 34 35 36
SID for Stapleton Industrial Park	Councilman Russell moved the preparation of a resolution of intent to form a Special Improvement District for Stapleton Industrial Park. Councilman Cole seconded the motion.	37 38 39 40 41
	VOICE VOTE: Aye: Russell, Cole, Busby, Hagaman, Hayes, Mitchell, Szymanski, Tate Nay: Christiansen Absent: None	42 43 44 45
Improvements to Special Improvement Districts	Councilman Russell moved to direct the City Attorney to draft an ordinance amending the existing ordinance regarding improvements to Special Improvement Districts. Councilman Cole seconded the motion.	46 47 48 49 50
	VOICE VOTE: Aye: Russell, Cole, Busby, Hagaman, Hayes, Mitchell, Szymanski, Tate Nay: Christiansen Absent: None	51 52 53 54
Russell	Councilman Russell reported on a recent meeting of the Water Board and City Council and said another meeting will be held this month.	55 56 57 58 59 60

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Mayor Busby	The Mayor commented that he and other Council members have received many compliments regarding the flags on Hwy. 85.	1 2 3 4
	He requested that staff determine the amount of RTD sales tax collected in the City.	5 6 7
Banner	The Mayor said the Business and Professional Association had requested the City help pay for two banners honoring service personnel, the cost of which is \$570.	8 9 10 11 12
	Mayor Busby moved the City pay half the cost of the banners to be erected by the Business and Professional Association. Councilman Russell seconded the motion, with the proviso that hereafter requests be made of the City before the expense is incurred.	13 14 15 16 17 18
	Councilman Hayes asked to amend the motion by adding "in an amount not to exceed \$300." This was agreed to by the Mayor and Councilman Russell.	19 20 21 22
	VOICE VOTE: ALL PRESENT AFFIRMED.	23 24
Workmen's Comp. limits	Mayor Busby moved that staff draft a letter to state legislators voicing objection to raising the limit to \$400,000; that a copy of the letter also be sent to CIRSA, and that pending legislation be defeated. Councilman Tate seconded the motion.	25 26 27 28 29 30
	Councilmen Hayes and Russell spoke against the motion because they do not feel the present limits are high enough. (See page 9A attached)	31 32 33 34
	VOICE VOTE: Aye: Busby, Tate, Christiansen, Cole, Hagaman, Mitchell, Szymanski Nay: Hayes, Russell Absent: None	35 36 37 38
	Councilman Cole commented he had been advised that the higher limit would cost the City an additional \$95,000 in premiums.	39 40 41 42
Busby	Mayor Busby read a letter from the owners of the Lamplighter Mobile Home Park, expressing their appreciation of the Christmas lights in the City, and especially the lighted trees at the south entrance of the City.	43 44 45 46 47 48
Gehler racetrack legislation	City Attorney Gehler asked that persons be designated who will be available for testimony when the new legislation on racetracks is scheduled.	49 50 51 52
	Councilman Russell moved that the previous committee members, being Councilmembers Russell and Busby and City Attorney Gehler, continue in their positions. Councilwoman Christiansen seconded the motion.	53 54 55 56 57 58 59 60

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Councilmembers Russell and Hayes expressed the concern 1
that there may be instances in which the current limit 2
of \$150,000 per occurrence and perhaps the proposed 3
limit of \$400,000 per occurrence may not be adequate to 4
reasonably compensate individuals who are severely 5
injured or killed as a result of negligence on the part 6
of the City. Councilmembers Russell and Hayes 7
acknowledged that increasing the limit may increase the 8
premiums the City pays, but that there may be some limit 9
which was fair and reasonable, particularly for severe 10
injuries or accidents resulting in death. In any event, 11
Councilmembers Russell and Hayes indicated that the 12
issue, as previously stated, was a concern and they 13
would appreciate that concern being noted in any letter 14
sent on the subject. The Mayor and the remainder of the 15
Councilmembers concurred with the request. 16
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Councilwoman Szymanski asked if staff could also be included and the concensus was in favor.

VOICE VOTE: ALL PRESENT AFFIRMED.

Adjournment There being no further business to come before the meeting, it was adjourned at 9:05 p.m.

CITY OF COMMERCE CITY, COLORADO

BY: David R. D. Busby
Mayor David R. D. Busby

ATTEST:

Betty J. Martin
Betty J. Martin, City Clerk

These minutes constitute a summary of the action taken by the City Council on the date indicated. Said proceedings were tape recorded; the recordings are maintained as part of the official records of the City and are available for reference.

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