



Meeting Minutes - Final City Council

Monday, September 17, 2012

5:30 PM

Council Chambers

Special Meeting

1. Call to Order/Roll Call

A special meeting of the City Council of the City of Commerce City was called to order by Mayor Ford on September 17, 2012, at 6:30 PM.

Present: 7 - Mayor Sean Ford , Mayor Pro-Tem Dominick Moreno, Council Member Jim Benson, Council Member Rick A. Teter, Council Member René Bullock, Council Member Crystal Elliott and Council Member Steven J. Douglas

Absent: 2 - Council Member Jadie Carson and Council Member Jason McEldowney

2. Executive Session

[12-0057](#)

An executive session pursuant to C .R.S. 24-6-402(4)(e) for the purpose of determining positions and discussing strategy related to an Intergovernmental Agreement with Denver International Airport.

A motion was made by Mayor Pro-Tem Dominick Moreno, seconded by Council Member Rick A. Teter, to enter into an executive session pursuant to CRS 14-6-402(4)(e) for the purpose of determining positions and discussing strategy related to an intergovernmental agreement with Denver International Airport.

ROLL CALL VOTE:

Aye: 7 - Mayor Ford, Mayor Pro-Tem Moreno, Council Member Benson, Council Member Teter, Council Member Bullock, Council Member Elliott and Council Member Douglas

3. Pledge of Allegiance

The Pledge of Allegiance was recited.

Council members Carson and McEldowney arrived sometime during the executive session.

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

4. Audience Introduction

The audience introduced themselves.

6. Citizen Communication

Bill Klaess, Managing Partner of Buffalo Highlands, LLC, asked Council's permission to be placed on their next study session agenda in order to make a presentation regarding a development project that requires funding, in the form of a loan, from the city.

Council members McEldowney and Bullock moved and seconded to place the Buffalo Highlands presentation on the October 8, 2012, study session agenda .

VOICE VOTE: Unanimous; all present affirmed

Daisy Anderson, 6470 E. 53rd Wy and Harvest Thomas 7110 E. 60th Wy, appeared before Council to discuss an issue with skunks, raccoons and feral cats in Ms. Anderson's neighborhood.

7. Approval of Minutes

[Min 12-009](#) Meeting Minutes of August 20, 2012

A motion was made by Council Member Bullock, seconded by Mayor Pro-Tem Moreno, that the minutes be approved. VOICE VOTE: Unanimous, all present affirmed.

8. Consent Agenda

Councilwoman Carson asked to remove Ordinance 1916 from the consent agenda for further discussion and a separate vote.

A motion was made by Council Member Bullock, seconded by Council Member McEldowney, that the consent agenda be approved as amended. ROLL CALL VOTE:

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

[Res 2012-67](#) RESOLUTION APPOINTING MEMBERS TO DESIGNATED BOARDS AND COMMISSIONS OF COMMERCE CITY

This Resolution was adopted

[Res 2012-74](#) RESOLUTION IN SUPPORT OF CITY OF COMMERCE CITY BALLOT QUESTION 2D

This Resolution was adopted.

[Ordinance
1910](#)

AN ORDINANCE AMENDING THE 2012 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO, BY APPROPRIATING A PORTION OF THE UNENCUMBERED FUND BALANCE OF THE GENERAL FUND IN THE AMOUNT OF \$79,935 AND TRANSFERRING A PORTION OF THE UNENCUMBERED FUND BALANCE IN THE GENERAL FUND TO THE FOLLOWING: CIPP FUND IN THE AMOUNT OF \$284,416; FINANCE AUTHORITY FUND IN THE AMOUNT OF \$500; FLEET MANAGEMENT FUND IN THE AMOUNT OF \$1,000; AND THE FACILITY SERVICES FUND IN THE AMOUNT OF \$600 AND APPROPRIATING A PORTION OF THE UNENCUMBERED FUND BALANCE IN THE URBAN RENEWAL AUTHORITY FUND IN THE AMOUNT OF \$84,306 AND THE POLICE DONATION FUND IN THE AMOUNT OF \$32,200 FOR A TOTAL AMOUNT OF \$482,957 AND REAFFIRMING PRIOR APPROPRIATIONS AND AUTHORIZING THE EXPENDITURE THEREOF.

This Ordinance was approved on second & final reading

[Ordinance
1916](#)

AN ORDINANCE AMENDING SECTION 21-5214 OF THE LAND DEVELOPMENT CODE

Council discussed their support and challenges with this ordinance as written. The main point of discussion was regarding the 2,500 foot distance restriction for retail liquor stores, taverns and beer and wine licenses. Some members felt the distance restriction should be removed all together while others felt it should remain for retail liquor stores. Concern was expressed about making any changes now during second reading.

Council members Carson and Benson moved and seconded to amend the original motion to exclude all other alcohol license types other than retail liquor stores.

VOICE VOTE: 2 aye, 7 nay (Teter, Moreno, Ford, Bullock, McEldowney, Elliott, Douglas)

The following citizens addressed Council regarding this ordinance:

*Joy Bishop, 6491 Glencoe St.
Al Hardt, 5621 E. Demott Ave.
Guillermo Serna, 14122 E. 102nd Pl.*

A motion was made by Council Member Bullock, seconded by Council Member McEldowney, that this Ordinance be approved on second & final reading.

ROLL CALL VOTE:

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

[Ordinance
1926](#)

AN ORDINANCE AMENDING THE 2012 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE DEPARTMENT OF JUSTICE - JAG/BYRNE GRANT FUNDS IN THE AMOUNT OF \$14,328 FOR TECHNOLOGY ENHANCEMENTS TO BE USED BY THE POLICE DEPARTMENT PERSONNEL AND AUTHORIZATION OF THE EXPENDITURE THEREOF.

This Ordinance was approved on second & final reading

9. **Public Hearings**

[Z-902-12](#)

AN ORDINANCE REZONING FROM I-1 TO I-3 ZONE DISTRICT THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, COMMONLY KNOWN AS PARCELS 172121401002 AND 172121005015 AND ADJACENT TO 9101 YOSEMITE STREET, COMMERCE CITY, COLORADO, AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING.

Planner Jared Draper appeared before Council. The applicant, BNSF Railroad is requesting to rezone 9101 Yosemite, consolidate three parcels, and expand the automobile staging area and rail yard. These parcels were brought into the city as part of the northern enclave annexation. The planning commission held a public hearing on this application and voted to forward this application to Council with a favorable recommendation.

Chris Lisberg, appeared before Council on behalf of the applicant. In response to questions and comments from Council, Mr. Lisberg stated that the entrance has been realigned for safety reasons.

Interested Parties:

*Al Hardt, 5621 E. Demott Ave.
Thelma Cole 5841 E. 67th Pl.*

No one else came forward to address Council and the public hearing portion was closed.

Council members Bullock and McEldowney moved and seconded to accept the findings and recommendations of the planning commission on Ordinance Z-902-12.

VOICE VOTE: Unanimous; all present affirmed

A motion was made by Council Member McEldowney, seconded by Council Member Bullock, that this Zoning Ordinances be introduced by council as seated and approved on first reading. ROLL CALL VOTE:

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

[CU-98-12](#)

CONDITIONAL USE PERMIT FOR THE EXPANSION OF AN AUTOMOTIVE STAGING FACILITY AND RAIL YARD

Council members McEdlowney and Moreno moved and seconded to accept the findings and recommendations of the planning commission for Conditional Use Permit CU-98-12

VOICE VOTE: Unanimous; all present affirmed

A motion was made by Council Member McEldowney, seconded by Council Member Bullock, that this Conditional Use Permit be adopted. VOICE VOTE: Unanimous, all present affirmed.

10. Resolutions[Res 2012-38](#)

RESOLUTION APPROVING SUBDIVISION PLAT IN CASE #S-588-12

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

[Res 2012-65](#)

RESOLUTION APPROVING DEVELOPMENT PLAN #D-214-12

Planner Jenny Axmacher addressed Council to inform them of the re-development of the Diamond Shamrock gas station at 56th and Quebec.

Corey Steiner appeared before Council on behalf of the applicant.

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

[Res 2012-69](#)

RESOLUTION APPROVING FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF COMMERCE CITY AND BRIGHTON SCHOOL DISTRICT 27J REGARDING THE PAYMENT AND EXPENDITURE OF USE TAXES

Terry Lucero, appeared before Council on behalf of Brighton School District 27J.

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

11. Ordinances on 1st Reading[Ord 1927](#)

AN ORDINANCE amending section 11-23(3) of the commerce city revised municipal code to permit the operation of all terrain vehicles on city sidewalks for the purpose of snow removal, subject to certain limitations

A motion was made by Council Member René Bullock, seconded by Council Member Jason McEldowney, that this Ordinance be introduced by council as seated and approved on first reading. ROLL CALL VOTE:

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

[Ord 1929](#)

AN ORDINANCE AMENDING THE 2012 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF CRIMINAL JUSTICE GRANT FUNDS IN THE AMOUNT OF \$47,162 FOR THE SUPPORT OF LOW COST RECREATIONAL AND EDUCATIONAL CRIME PREVENTION PROGRAMS FOR THE YOUTH AND TEENS OF COMMERCE CITY AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

A motion was made by Mayor Pro-Tem Dominick Moreno, seconded by Council Member René Bullock, that this Ordinance be introduced by council as seated and approved on first reading. ROLL CALL VOTE:

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

[Ord 1932](#)

AN ORDINANCE AMENDING THE 2012 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE DENVER REGIONAL COUNCIL OF GOVERNMENTS (DRCOG) GRANT FUNDS IN THE AMOUNT OF \$100,000 FOR THE STATION AREA MASTER PLAN AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

A motion was made by Mayor Pro-Tem Dominick Moreno, seconded by Council Member Jason McEldowney, that this Ordinance be introduced by council as seated and approved on first reading. ROLL CALL VOTE:

12. Presentations

[Pres 12-203](#)

Senior Advisory Committee Annual Update

Sandy Curruthers, Thelma Cole, George Maxie and Beth Scott addressed Council on behalf of the Senior Advisory Committee. Their updates included: the expansion of drop in activities, implementation of new health and wellness committee activities such as N'Balance and Tai Chi, a reorganization within the advisory committee, and the newly formed umbrella committee.

There was a discussion regarding whether or not there was a need for a formal senior commission. The presenters indicated there is not a burning need for a commission at this time.

This Presentation was discussed and closed

[Pres 12-258](#)

27J Facilities Fee Foundation Presentation

Bill Ankele, Joy Gerdom, Joan Kniss and Allan Windmiller addressed Council on behalf of the foundation. The 27J Facilities Fee Foundation is a non-profit organization with a purpose of receiving donations from builders and developers. There are three partners in the foundation: school district, cities and builders and developers. The role of the cities is to encourage builders and developers to participate in the foundation and appoint representatives to serve on the board of directors. The group asked for Council's continued support.

Council members McEldowney and Bullock moved and seconded to draft a resolution in support of the 27J Facilities Fee Foundation

VOICE VOTE: Unanimous; all present affirmed

This Presentation was discussed and closed

13. Administrative Council Business

Council members Benson and Carson moved and seconded to direct staff to bring forward a study session item on mileage-based user fees.

VOICE VOTE: 3 ayes, 6 nays (Carson, Teter, Moreno, Ford, McEldowney, Elliott)

Mayor Ford and Councilman McEldowney moved and seconded to direct staff to pursue mechanisms for improving the railroad crossing at Yosemite

VOICE VOTE: Unanimous; all present affirmed

Council members Bullock and Teter moved and seconded to begin the Council meeting of October 1, 2012, at 5:30 pm in order to conduct an executive session.

VOICE VOTE: Unanimous; all present affirmed

Councilman Douglas would like to know the cost of the city's dog park and if any more are planned.

[12-0054](#)

Motion to approve RTD letter

Council members Bullock and McEldowney moved and seconded approve a letter to RTD.

Council expressed various concerns with the content of the letter such as the tenor and dates.

VOICE VOTE: Unanimous; all present affirmed

[12-0055](#)

Motion to approve I-70 realignment letter

Council members McEldowney and Moreno moved and seconded to approve a letter regarding the I-70 realignment.

VOICE VOTE: Unanimous; all present affirmed

14. Reports

Mayor and Council reported on their attendance at various meetings and events.

15. Adjourn

The meeting adjourned at 10:00 p.m.