

VERBATIM DECISION OF THE CITY OF THORNTON
BUILDING CODE ADVISORY BOARD RE:

THORNTON LLC'S APPEAL OF NOTICE OF VIOLATIONS OF THE SOUTH
THORNTON URBAN RENEWAL AUTHORITY NON-RESIDENTIAL PROPERTY
MAINTENANCE CODE AS IT RELATES TO THE THORNTON SHOPPING CENTER

Appeal Hearing before the Board
held on April 30, 2020
via Zoom

Board Members Present:

John Soper, Chairman
David Lucy, Vice Chairman
Kerry Babin
Nelson Wolfmeier

Board Members Absent:

None

VERBATIM TRANSCRIPTION OF DECISION

VICE CHAIRMAN LUCY: I will make a motion that we split this, split into two.

CHAIRMAN SOPER: All right, you want to make that motion by itself. So, do I hear a second?

MEMBER BABIN: I'll second.

CHAIRMAN SOPER: Ok, Kerry seconded that we break this into two parts. One, we vote are there actual code violations there and they are to be repaired and think we ought to do a roll call vote on this. I don't know if still got if, yeah, April is still here. Why don't you do a roll call vote and see if we want to split in half?

RECORDING SECRETARY O'CONNELL: Sure. Um, John Soper? Yes. David Lucy? Yes. Kerry Babin? Yes. Nelson Wolfmeier? Yes.

CHAIRMAN, SOPER: Well, the first part of the motion is that we split it into two parts. Now we vote on the first part now. We vote on the first part of it, are the actual code violations violations of the code? And are we gonna stand by the City's direction that these are violations?

MEMBER WOLFMEIER: I will make a motion that these are code violations.

VICE CHAIRMAN, LUCY: I'll second.

CHAIRMAN, SOPER: I guess the way that I ought to read this, that we have heard the Board from the discussion of the City on the code violations. That way it is in the terminology that they want to see. Ah, April, do you want to call a roll?

RECORDING SECRETARY O'CONNELL: John Soper? Yes. David Lucy? Yes. Kerry Babin? Yes. Nelson Wolfmeier? Yes.

MEMBER WOLFMEIER: At this point, I would like to make a motion that given the time of date of February 20th, the weather, the timing and everything, I don't think that 15 days was a reasonable amount of time to get this stuff accomplished. That's my motion.

CHAIRMAN SOPER: Yeah, I agree with that because if there was a blacktop repair and stuff like that, the time of year wasn't good. Now is the time of year to put that paving down. It seems like they've got that done. The other items they could probably take care of.

VICE CHAIRMAN LUCY: I would second that motion.

CHAIRMAN, SOPER: Who seconded it?

VICE CHAIRMAN, LUCY: Dave Lucy.

CHAIRMAN, SOPER: Lucy seconded it and Nelson Wolfmeier made the motion. I guess we will roll call it. Any discussions of the motion? Then, April, will you, um, hold a roll call?

RECORDING SECRETARY O'CONNELL: Yes, sir. John Soper? Yes.

VICE CHAIRMAN, LUCY: Could you, could you, could you read back, say back the motion back to me again?

CHAIRMAN, SOPER: Nelson made the motion, but I can paraphrase it, that he said that he didn't think, in the time of year that all this went down, that the 15 days was an appropriate amount of time and they should be allowed to get together to make a timeframe that they both agree on, the City and the LLC.

VICE CHAIRMAN LUCY: I second that motion.

CHAIRMAN, SOPER: Yes, you seconded it.

RECORDING SECRETARY O'CONNELL: So, again, for the vote. John Soper? Yes. David Lucy? Yes. Kerry Babin? Yes. Nelson Wolfmeier? Yes.

MEMBER WOLFMEIER: I'll make another motion.

CHAIRMAN SOPER: That will be 2B.

UNIDENTIFIED: Yes.

MEMBER WOLFMEIER: I move that we modify as follows the decision of the City, through Chris Kruhmin, Property Maintenance Inspector, as set forth in the Notice of Violations of the South Thornton Urban Renewal Authority Non-Residential Property Code: All parties should meet within 30 days, come to an acceptable timeline for getting this project completed and taken care of.

VICE CHAIRMAN, LUCY: I second it.

CHAIRMAN SOPER: Did you want to put a not to exceed date on that?

MEMBER WOLFMEIER: 30 days.

CHAIRMAN SOPER: 30 days for the hearing, but how much more time to complete it? Or, that's up to them?

MEMBER WOLFMEIER: That is up to them when they, they meet. I'm just saying within 30 days they should be able to come to a conclusion and get it going. Now what the City's...

CHAIRMAN SOPER: The motion and a second. Any debate to the motion? April, will you poll forward?

RECORDING SECRETARY O'CONNELL: Yes. John Soper? Yes. David Lucy? Yes. Kerry Babin? Yes. Nelson Wolfmeier? Yes.

CITY ATTORNEY CORCHADO: Just for clarification: we don't need to return to the Board. It sounds like the order was passed. The parties need to get together in 30 days and...

CHAIRMAN SOPER: 30 days to get together and put a plan together that everybody accepts.

CITY ATTORNEY CORCHADO: And this appeal is concluded and final right now?

CHAIRMAN SOPER: Right.
CITY ATTORNEY CORCHADO: Ok.

(Meeting adjourned at 6:47 p.m.)

RECORDING SECRETARY'S ATTESTATION

I, April O'Connell, Recording Secretary for the City of Thornton Building Code Advisory Board, attest that the foregoing is, to the best of my knowledge and ability, an accurate transcription of the Board's proceedings concerning the Board's final decision for the above appeal hearing held on April 30, 2020.

Copies sent May 7, 2020, via email and certified mail to the appellant, appellant's attorney and the City of Thornton code official and attorney.

Attested to by me this 7th day of May, 2020.

BUILDING CODE ADVISORY BOARD
CITY OF THORNTON, COLORADO



April O'Connell, Recording Secretary