



MINUTES
THORNTON CITY COUNCIL
1535TH REGULAR MEETING
AUGUST 24, 2021

1. CALL TO ORDER – By Mayor Jan Kulmann at 7:01 p.m. in the Council Chambers of the Thornton City Hall and by way of an electronic meeting through Zoom software.
2. PLEDGE OF ALLEGIANCE
3. MOMENT OF SILENCE

Councilmember Acunto left the meeting at 7:03 p.m. due to technical issues.

4. ROLL CALL OF COUNCIL – Those Present were: Mayor Jan Kulmann; Mayor Pro Tem Jessica Sandgren; and Councilmembers David Acunto, Angie Bedolla, Sherry Goodman, Julia Marvin, Adam Matkowsky, Sam Nizam, and Jacque Phillips.

STAFF MEMBERS PRESENT – Kevin Woods, City Manager; Bill Tuthill, Interim City Attorney; Joyce Hunt, Assistant City Manager; Robb Kolstad, Assistant City Manager; Jeff Coder, Deputy City Manager of City Development; Chris Molison, Executive Director of Management Services; Brett Henry, Executive Director of Infrastructure; Chris Steinke, Interim Director of Parks, Recreation and Community Programs; Terrence Gordon, Police Chief; Gordon Olson, Fire Chief; Kim Newhart, Finance Director; Jason O’Shea, Deputy City Development Director; Grant Penland, Planning Director; Robin Brown, Senior City Development Analyst; Cassie Free, Development Engineering Manager; Jay Ruchti, Senior Planner; Mary Kent, CMO Services Administrator; Warren Campbell, Planning Manager; Darrell Alston, Traffic Engineer; Jessica Whitney, Interim Deputy City Attorney; Cliff Brown, Deputy Police Chief; Lori Hight, Senior Planner; Tricia Hinton-Potter, Human Resources Director; Stephen Kelley, Deputy Fire Chief; Amy Agredano, Senior Human Resources Analyst; Kristen Rosenbaum, City Clerk; and Lori Leppek, Agenda and Licensing Coordinator.

5. APPROVAL OF THE AGENDA

MOTION WAS MADE BY COUNCILMEMBER NIZAM AND SECONDED BY COUNCILMEMBER BEDOLLA TO APPROVE THE AGENDA AS PRESENTED. MOTION PASSED UNANIMOUSLY BY A ROLL CALL VOTE OF THE COUNCIL.

6. PRESENTATIONS

None

7. AUDIENCE PARTICIPATION

Craig Memmer, 386 Starlight Road, addressed Council regarding an appeal for a fence permit and provided Council with a handout.

Councilmember Acunto returned to the meeting at 7:06 p.m.

Glenn Mommens, 6880 E. 132nd Place, was not present.

Steve Weltman, 13396 Olive Street, was not present.

8. COUNCIL COMMENTS/COMMUNICATIONS

Councilmember Marvin reported on meetings and events she attended and thanked everyone who worked on Sky Park.

Mayor Pro Tem Sandgren reported on a meeting and event she attended and provided information on the upcoming Active Adult Center grand opening and North Area Transportation Alliance meeting.

Councilmember Phillips reported on an event she attended and thanked the Fire Department for providing vaccinations and everyone who made Sky Park happen.

Councilmember Acunto reported on an event he attended and provided information about the upcoming Ward 3 meeting.

Councilmember Nizam thanked everyone who attended the Ward 3 Ice Cream Social and spoke about candidate campaigning.

Mayor Kulmann reported on a meeting and events she attended.

9. STAFF REPORTS

None

10. CONSENT CALENDAR

MOTION WAS MADE BY COUNCILMEMBER NIZAM AND SECONDED BY COUNCILMEMBER BEDOLLA TO APPROVE THE CONSENT CALENDAR AS PRESENTED.

The City Clerk read into the record the title of the ordinance contained on the Consent Calendar.

MOTION PASSED UNANIMOUSLY BY A ROLL CALL VOTE OF THE COUNCIL.

THE FOLLOWING COUNCIL DOCUMENTS WERE APPROVED ON THE CONSENT CALENDAR:

- A. Approval of Minutes – August 7, 2021 Special and August 10, 2021 Special and Regular City Council meetings.
- B. An ordinance amending the Thornton City Code to establish operating requirements for mobile food trucks. (Second Reading)
- C. A resolution approving Perpetual Easements and Temporary Construction Easements to DCP Operating Company, LP on Thornton's Farms 75, 84, and 116.
- D. A resolution approving an Intergovernmental Agreement by and between the City and the Urban Drainage and Flood Control District d/b/a Mile High Flood District regarding funding of a Hoffman Drainageway hydrology update.

- E. A resolution approving a Memorandum of Understanding between the City, the Federal Bureau of Investigation, and other Colorado participating law enforcement agencies in the Denver Metro Area operating Rocky Mountain Safe Streets Task Force.
- F. A resolution approving a Memorandum of Understanding between the City and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

11. PUBLIC HEARINGS

At this time, individuals wishing to provide testimony during the Public Hearing were sworn in by the City Clerk.

- A. A public hearing regarding the Annexation, Findings of Fact, Zoning, and a Conceptual Site Plan for property generally located north and south of East 164th Avenue and west of York Street, and assigning the annexed property to Ward 4 (164th Avenue and York Street Annexation).
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The Public Hearing was opened at 7:24 p.m.

Grant Penland, Planning Director, stated he was previously sworn. The notice of the hearing published in the Northglenn/Thornton Sentinel, on the City's official website, and at three physical locations as required by City Code; the notice mailed to property owners within 1,500 feet; and additional correspondence received after packet distribution were previously submitted electronically to the City Clerk to be made part of the record and marked as City's Exhibits 1, 2, and 3, respectively. The Notice of the Affidavit of Posting and Posting Log and Certificate of Mailing to mineral estates owners were previously submitted electronically to the City Clerk to be made part of the record and marked as Applicant's Exhibits A and B, respectively.

Mr. Penland; Darrell Alston, Traffic Engineer, stated he previously submitted a written oath to the City Clerk; and Brett Henry, Executive Director of Infrastructure, stated he previously submitted a written oath to the City Clerk, presented slides and information and answered questions from Council regarding the proposed annexation, which were later marked as City's Exhibit 4. All written oaths that were previously submitted to the City Clerk were marked as City's Exhibit 5.

Samantha Crowder, Norris Design, 1101 Bannock Street, stated she previously submitted a written oath to the City Clerk, which was marked as Applicant's Exhibit C, presented slides and information and answered questions from Council regarding the proposed annexation, which were later marked as Applicant's Exhibit D.

Councilmember Phillips left the meeting at 8:07 p.m. due to technical issues.

No one signed up to speak or spoke in support of the proposed annexation.

The following individuals signed up to speak or spoke in opposition of the proposed annexation and expressed concerns regarding impacts on the nearby open space, vandalism, density, infrastructure, traffic, areas for kids to play, and impacts on the school district.

Gwen Muller, 2210 E. 160th Place, was sworn in by the City Clerk.
Melissa Sowers, 16537 Josephine Place, was sworn in by the City Clerk.
Elizabeth Reed, 16367 Josephine Place, was sworn in by the City Clerk.

Ms. Crowder, Mr. Alston, and Mr. Penland answered questions from Council regarding pricing, traffic, and the open space.

Councilmember Phillips returned to the meeting at 8:12 p.m.

The Public Hearing was closed at 8:13 p.m.

- 1) An ordinance approving the annexation of approximately 24 acres of property situated in the east half of Section 2, Township 1 South, Range 68 West of the Sixth Principal Meridian, County of Adams, State of Colorado, generally located north and south of East 164th Avenue and west of York Street, and assigning the annexed property to Ward 4 (164th Avenue and York Street Annexation).

COUNCILMEMBER BEDOLLA INTRODUCED, READ BY TITLE, AND MOVED TO APPROVE AN ORDINANCE, ON FIRST READING, WHICH APPROVES THE ANNEXATION OF APPROXIMATELY 24 ACRES OF PROPERTY SITUATED IN THE EAST HALF OF SECTION 2, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, GENERALLY LOCATED NORTH AND SOUTH OF EAST 164TH AVENUE AND WEST OF YORK STREET, AND ASSIGNING THE ANNEXED PROPERTY TO WARD 4 (164TH AVENUE AND YORK STREET ANNEXATION). MOTION WAS SECONDED BY MAYOR PRO TEM SANDGREN AND DISCUSSED.

Councilmember Phillips abstained from voting on this item due to technical difficulties during the Public Hearing.

MOTION PASSED BY A MAJORITY ROLL CALL VOTE OF THE COUNCIL AS FOLLOWS NOTING THE ABSTENTION:

Ayes: Acunto, Bedolla, Matkowsky, and Sandgren
Nays: Goodman, Marvin, and Nizam

- 2) A resolution adopting certain Findings of Fact for the annexation of certain unincorporated territory of approximately 24 acres of property situated in the east half of Section 2, Township 1 South, Range 68 West of the Sixth Principal Meridian, County of Adams, State of Colorado, generally located north and south of East 164th Avenue and west of York Street, and assigning the annexed property to Ward 4 (164th Avenue and York Street Annexation).

MOTION WAS MADE BY COUNCILMEMBER BEDOLLA AND SECONDED BY MAYOR PRO TEM SANDGREN TO APPROVE A RESOLUTION ADOPTING CERTAIN FINDINGS OF FACT FOR THE ANNEXATION OF CERTAIN UNINCORPORATED TERRITORY OF APPROXIMATELY 24 ACRES OF PROPERTY SITUATED IN THE EAST HALF OF SECTION 2, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, GENERALLY LOCATED NORTH AND SOUTH OF EAST

164TH AVENUE AND WEST OF YORK STREET, AND ASSIGNING THE ANNEXED PROPERTY TO WARD 4 (164TH AVENUE AND YORK STREET ANNEXATION).

Councilmember Phillips abstained from voting on this item due to technical difficulties during the Public Hearing.

MOTION PASSED BY A MAJORITY ROLL CALL VOTE OF THE COUNCIL AS FOLLOWS NOTING THE ABSTENTION:

Ayes: Acunto, Bedolla, Matkowsky, and Sandgren

Nays: Goodman, Marvin, and Nizam

- 3) An ordinance approving the Zoning for approximately 25 acres of land generally located north and south of East 164th Avenue and west of York Street to Single-Family Attached (164th Avenue and York Street Zoning).

COUNCILMEMBER BEDOLLA INTRODUCED, READ BY TITLE, AND MOVED TO APPROVE AN ORDINANCE, ON FIRST READING, WHICH APPROVES THE ZONING FOR APPROXIMATELY 25 ACRES OF LAND GENERALLY LOCATED NORTH AND SOUTH OF EAST 164TH AVENUE AND WEST OF YORK STREET TO SINGLE-FAMILY ATTACHED (164TH AVENUE AND YORK STREET ZONING). MOTION WAS SECONDED BY MAYOR PRO TEM SANDGREN.

Councilmember Phillips abstained from voting on this item due to technical difficulties during the Public Hearing.

MOTION PASSED BY A MAJORITY ROLL CALL VOTE OF THE COUNCIL AS FOLLOWS NOTING THE ABSTENTION:

Ayes: Acunto, Bedolla, Matkowsky, and Sandgren

Nays: Goodman, Marvin, and Nizam

- 4) A resolution approving a Conceptual Site Plan for residential development on land generally located north and south of East 164th Avenue and west of York Street (164th Avenue and York Street Annexation).

MOTION WAS MADE BY COUNCILMEMBER BEDOLLA AND SECONDED BY MAYOR PRO TEM SANDGREN TO APPROVE A RESOLUTION APPROVING A CONCEPTUAL SITE PLAN FOR RESIDENTIAL DEVELOPMENT ON LAND GENERALLY LOCATED NORTH AND SOUTH OF EAST 164TH AVENUE AND WEST OF YORK STREET (164TH AVENUE AND YORK STREET ANNEXATION).

Councilmember Phillips abstained from voting on this item due to technical difficulties during the Public Hearing.

MOTION PASSED BY A MAJORITY ROLL CALL VOTE OF THE COUNCIL AS FOLLOWS NOTING THE ABSTENTION:

Ayes: Acunto, Bedolla, Matkowsky, and Sandgren

Nays: Goodman, Marvin, and Nizam

- B. A public hearing regarding an ordinance approving an Amendment to an Overall Development Plan/Conceptual Site Plan and Planned Development Standards for the Amber Creek commercial development generally located on the southwest corner of East 136th Avenue and Quebec Street (Amber Creek Subdivision Filing No. 1).

The Public Hearing was opened at 8:23 p.m.

Grant Penland, Planning Director, stated he was previously sworn. The notice of the hearing published on the City's official website, and at three physical locations as required by City Code; the notice mailed to property owners within 1,500 feet; and additional correspondence received after packet distribution were previously submitted electronically to the City Clerk to be made part of the record and marked as City's Exhibits 1, 2, and 3, respectively. The Notice of the Affidavit of Posting and Posting Log was previously submitted electronically to the City Clerk to be made part of the record and marked as Applicant's Exhibit A.

Mr. Penland and Darrell Alston, Traffic Engineer, stated he previously submitted a written oath to the City Clerk, which was marked as City's Exhibit 4, presented slides and information and answered questions from Council about the proposed ordinance, which were later marked as City's Exhibit 5.

Jenny Romano, Galloway, 6162 S. Willow Drive, stated she previously submitted a written oath to the City Clerk, which was marked as Applicant's Exhibit B, presented slides and information and answered questions from Council about the proposed ordinance, which were later marked as Applicant's Exhibit C.

The Interim City Attorney and Mr. Penland answered questions from Council regarding approving the amendment without approving the allowed use for a carwash.

Roger Hollard, 4663 S. Fountain Circle, stated he previously submitted a written oath to the City Clerk, which was marked as part of Applicant's Exhibit B, answered questions from Council regarding water use, if the carwash will be attached to the gas station or stand-alone, and if the carwash can only go on Tract B.

No one signed up to speak or spoke in support of the proposed ordinance.

The following individuals signed up to speak in opposition of the proposed ordinance.

Katie Paukert, 6700 E. 134th Circle, was sworn in by the City Clerk, read part of an email she previously sent to City Development, which expressed concerns regarding the loss of landscaping and outdoor space.

Kyle Paukert, 6700 E. 134th Circle, was sworn in by the Clerk, continued reading the email sent to City Development where Ms. Paukert left off and expressed concerns of a bait and switch.

Mr. Penland, Ms. Romano, and Mr. Hollard answered questions from Council regarding a study for the water use of a carwash, the location of a carwash, confirmation that the ordinance has two requests within it, and the Applicant's willingness to make changes to the Amendment.

The Public Hearing was closed at 9:05 p.m.

Nizam asked for clarification of language for the motion.

The Interim City Attorney advised Council that Exhibit B, the proposed Planned Development Standards, was missing from the packet and proposed, since the Public Hearing was closed, to continue the item and entertain discussion.

Council discussed and Mr. Penland answered questions from Council regarding the criteria.

The Interim City Attorney provided clarification on Robert's Rules of Order.

MAYOR PRO TEM SANDGREN MADE A MOTION TO CONTINUE THIS ITEM TO THE SEPTEMBER 14, 2021 COUNCIL MEETING FOR DISCUSSION IN ADDITION OF THE DOCUMENTS NEEDED TO BE SEEN FOR THE DEVELOPMENT. MOTION WAS SECONDED BY COUNCILMEMBER NIZAM AND PASSED UNANIMOUSLY BY A ROLL CALL VOTE OF THE COUNCIL.

12. ACTION ITEMS

- A. An ordinance amending Section 18-761 of the Thornton City Code to incorporate allowances for temporary signs and banners displayed on vehicles and amending Section 18-901 to clarify the definition of temporary sign.

Robin Brown, Senior City Development Analyst, presented slides and information and answered questions from Council on this item.

COUNCILMEMBER ACUNTO INTRODUCED, READ BY TITLE, AND MOVED TO APPROVE AN ORDINANCE, ON SECOND READING, WHICH AMENDS SECTION 18-761 OF THE THORNTON CITY CODE TO INCORPORATE ALLOWANCES FOR TEMPORARY SIGNS AND BANNERS DISPLAYED ON VEHICLES AND AMENDING SECTION 18-901 TO CLARIFY THE DEFINITION OF TEMPORARY SIGN. MOTION WAS SECONDED BY COUNCILMEMBER MATKOWSKY, DISCUSSED, AND PASSED BY A MAJORITY ROLL CALL VOTE OF THE COUNCIL AS FOLLOWS.

Ayes: Acunto, Bedolla, Kulmann, Matkowsky, and Sandgren
Nays: Goodman, Marvin, Nizam, and Phillips

- B. A resolution appointing Tami Yellico as City Attorney for the City of Thornton, effective October 4, 2021, and approving the associated Employment Agreement.

MOTION WAS MADE BY COUNCILMEMBER ACUNTO AND SECONDED BY COUNCILMEMBER NIZAM TO APPROVE A RESOLUTION APPOINTING TAMI YELICO AS CITY ATTORNEY FOR THE CITY OF THORNTON, EFFECTIVE OCTOBER 4, 2021, AND APPROVING THE ASSOCIATED EMPLOYMENT AGREEMENT. MOTION WAS DISCUSSED AND PASSED BY A MAJORITY ROLL CALL VOTE OF THE COUNCIL AS FOLLOWS.

Ayes: Acunto, Bedolla, Kulmann, Marvin, Nizam, Phillips, and Sandgren
Nays: Goodman and Matkowsky

13. ADJOURNMENT

MOTION WAS MADE BY COUNCILMEMBER NIZAM AND SECONDED BY COUNCILMEMBER BEDOLLA TO ADJOURN THE MEETING AT 9:24 P.M. MOTION PASSED UNANIMOUSLY BY A VOICE VOTE OF THE COUNCIL.

Respectfully submitted,



Lori Leppek, Agenda and Licensing
Coordinator

ATTEST:



Mayor at time of approval

Approved at the September 14, 2021 City Council meeting.