



MINUTES
THORNTON CITY COUNCIL
1536TH REGULAR MEETING
SEPTEMBER 14, 2021

1. CALL TO ORDER – By Mayor Jan Kulmann at 7:00 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
4. ROLL CALL OF COUNCIL – Those Present were: Mayor Jan Kulmann; Mayor Pro Tem Jessica Sandgren; and Councilmembers David Acunto, Angie Bedolla, Julia Marvin, Adam Matkowsky, Sam Nizam, and Jacque Phillips. Councilmember Sherry Goodman arrived late.

STAFF MEMBERS PRESENT – Kevin Woods, City Manager; Jessica Whitney, Interim Deputy 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; Gordon Olson, Fire Chief; Kim Newhart, Finance Director; John Cody, Economic Development Director; Jason O'Shea, Deputy City Development Director; Grant Penland, Planning Director; Cassie Free, Development Engineering Manager; Jay Ruchti, Senior Planner; Greg Reeves, Deputy Police Chief; Darrell Alston, Traffic Engineer; Chad Howell, Redevelopment Administrator; Ben Nichols, Housing Coordinator; Julie Jacoby, Retail Administrator; Mary Kent, CMO Services Administrator; Jaylin Stotler, Community Connections Manager; Warren Campbell, Planning Manager; Collin Wahab, Senior Planning; Matt Court, Assistant City Attorney; Lori Hight, Senior Planning; Dan Mauser, Police Lieutenant; Kristen Rosenbaum, City Clerk; and Lori Leppek, Agenda and Licensing Coordinator.

5. APPROVAL OF THE AGENDA

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

6. PRESENTATIONS

None

7. AUDIENCE PARTICIPATION

Suzanne Cabral, 13575 Franklin Street, addressed Council regarding a lawsuit involving the Mayor and City.

Kathy Henson, address not provided, congratulated the Fire Department for receiving the Congressional Fire Services Institute award and requested information regarding the reception in Washington, DC.

8. COUNCIL COMMENTS/COMMUNICATIONS

Councilmember Phillips commented and made a request regarding vaccinated police officers patrolling Ward 1.

Councilmember Bedolla spoke about the 20th anniversary of September 11 and thanked the Police Department and Fire Department for the September 11 ceremony that was held.

Councilmember Acunto reminded everyone about the Ward 3 meeting on September 27.

Mayor Kulmann reported on meetings and events she attended, stated that she will be going to the reception in Washington, DC for the award received by the Fire Department, and read a proclamation regarding Constitution Week.

9. STAFF REPORTS

None

10. CONSENT CALENDAR

MOTION WAS MADE BY COUNCILMEMBER NIZAM AND SECONDED BY MAYOR PRO TEM SANDGREN 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 17, 2021 Special and August 24, 2021 Regular City Council meetings.
- B. Monthly Financial Report for July 2021.
- C. A resolution authorizing an Intergovernmental Agreement between the City and Pinnacle Charter School for a joint School Resource Officer Program.
- D. A resolution approving an Intergovernmental Agreement between the City and Adams County regarding construction of a sanitary sewer pipeline from the Remington Sanitary Sewer Lift Station to the Riverdale Park Sanitary Sewer Lift Station.
- E. An ordinance amending Thornton City Code Section 1-2 and adding Section 2-3 to allow the continued use of electronic signatures. (First Reading)
- F. A resolution approving Dedication of Public Road Right-of-Way and Temporary Construction Easements to Weld County on Thornton's Farm 58.
- G. A resolution appointing a member to the Development Permits and Appeals Board.

- B. A public hearing regarding a resolution approving a Conceptual Site Plan to allow for the development of a motor vehicle fueling station and general merchandise store (convenience store) on approximately one acre of land generally located at the southwest corner of West 84th Avenue and I-25.

The Public Hearing was opened at 8:05 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 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 and Darrell Alston, Traffic Engineer, stated he was sworn by previously submitting a written oath to the City Clerk, which was later marked as City's Exhibit 4, presented slides and information and answered questions from Council regarding the proposed resolution, which were later marked as City's Exhibit 5.

Greg Reeves, Deputy Police Chief, was sworn in by the City Clerk, answered questions from Council regarding security.

John Cody, Economic Development Director, was sworn in by the City Clerk, answered questions from Council regarding the economic development of the site and the vacancy of the building next to the Village Inn.

Kay Stallworthy, Cadence Capital, 6400 Fiddlers Green Circle, stated she was sworn by previously submitting a written oath to the City Clerk, which was later marked as Applicant's Exhibit C, presented slides and information regarding the proposed resolution, which were later marked as Applicant's Exhibit D.

Ms. Stallworthy and John Aldridge, Aldridge Transportation Consultants, 1082 Chimney Rock Road, stated he was sworn by previously submitting a written oath to the City Clerk, answered questions from Council regarding cleanliness of the store; security; traffic concerns; ADA compliance; the possibility of a park, play area, walkway, or water feature; and liquor licensing.

Mayor Pro Tem Sandgren left the Chambers at 8:38 p.m. and returned at 8:41 p.m.

Councilmember Matkowsky left the Chambers at 8:42 p.m. and returned at 8:45 p.m.

Councilmember Nizam left the Chambers at 8:50 p.m. and returned at 8:53 p.m.

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

The following individuals spoke in opposition to the proposed resolution and expressed concerns regarding public safety/security, if this is the best use for the property, another gas station in the area, and traffic.

Kathy Henson, 1069 E. 96th Place, stated she was previously sworn.
Cherish Salazar, 601 W. 87th Place, was sworn in by the City Clerk.

Ms. Stallworthy and Mr. Alston responded to public comments regarding security and traffic concerns.

The Public Hearing was closed at 8:58 p.m.

MOTION WAS MADE BY COUNCILMEMBER MATKOWSKY AND SECONDED BY COUNCILMEMBER BEDOLLA TO APPROVE A RESOLUTION APPROVING A CONCEPTUAL SITE PLAN TO ALLOW FOR THE DEVELOPMENT OF A MOTOR VEHICLE FUELING STATION AND GENERAL MERCHANDISE STORE (CONVENIENCE STORE) ON APPROXIMATELY ONE ACRE OF LAND GENERALLY LOCATED AT THE SOUTHWEST CORNER OF WEST 84TH AVENUE AND I-25. MOTION WAS DISCUSSED AND PASSED BY A MAJORITY ROLL CALL VOTE OF THE COUNCIL AS FOLLOWS:

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

- C. A continued public hearing regarding a resolution approving a Conceptual Site Plan to allow for the development of a 312-unit multifamily development on approximately 23.44 acres of land generally located north of East 104th Avenue and east of York Street (Village at Sunny Acres Filing No. 1).

The Public Hearing was opened at 9:01 p.m.

Grant Penland, Planning Director, stated he was previously sworn, and Darrell Alston, Traffic Engineer, stated he was sworn by previously submitting a written oath to the City Clerk, which was marked as City's Exhibit 3, presented slides and information regarding the proposed resolution, which were later marked as City's Exhibit 5.

Councilmember Acunto left the Chambers at 9:03 p.m. and returned at 9:07 p.m.

Councilmember Goodman arrived to the meeting at 9:09 p.m.

Connor Culligan, Harris Kocher Smith, 1120 Lincoln Street, stated he was previously sworn, and Andrew Clay, Alliance Residential, 5500 Greenwood Plaza Boulevard, stated he was previously sworn, presented slides and information and answered questions from Council regarding the proposed resolution, which were later marked as Applicant's Exhibit D.

The following individuals signed up to speak or spoke in support of the proposed resolution and provided comments regarding the community, buyers, and sellers working together; traffic; and fixing up the Villas at Sunny Acres.

Ken Connell, 2503 E. 104th Avenue #312, stated he was previously sworn.
Kathleen Zahller, 2501 E. 104th Avenue #205, stated she was previously sworn.
Laird Washburn, Turnberry Healthcare Holdings, 314 Red Ledges Village Way, stated he was previously sworn.

The following individual signed up to speak in opposition to the proposed resolution.

Mary Welsch, 10145 Fillmore Street, stated she was previously sworn, expressed concerns with traffic.

The Public Hearing was closed at 9:44 p.m.

MOTION WAS MADE BY COUNCILMEMBER NIZAM AND SECONDED BY MAYOR PRO TEM SANDGREN TO APPROVE A RESOLUTION APPROVING A CONCEPTUAL SITE PLAN TO ALLOW FOR THE DEVELOPMENT OF A 312-UNIT MULTIFAMILY DEVELOPMENT ON APPROXIMATELY 23.44 ACRES OF LAND GENERALLY LOCATED NORTH OF EAST 104TH AVENUE AND EAST OF YORK STREET (VILLAGE AT SUNNY ACRES FILING NO. 1). MOTION WAS DISCUSSED AND PASSED UNANIMOUSLY BY A ROLL CALL VOTE OF THE COUNCIL.

12. ACTION ITEMS

- A. 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). (First Reading)

Grant Penland, Planning Director, 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 FIRST READING, WHICH APPROVES 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) OPTION 1. MOTION WAS SECONDED BY COUNCILMEMBER PHILLIPS, DISCUSSED, AND FAILED BY A MAJORITY ROLL CALL VOTE OF THE COUNCIL AS FOLLOWS:

Ayes: Acunto, Kulmann, and Phillips

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

The Interim Deputy City Attorney clarified Robert's Rules of Order.

MAYOR PRO TEM SANDGREN INTRODUCED, READ BY TITLE, AND MOVED TO APPROVE AN ORDINANCE, ON FIRST READING, WHICH APPROVES 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) OPTION 2. MOTION WAS SECONDED BY COUNCILMEMBER MATKOWSKY, DISCUSSED, AND PASSED BY A MAJORITY ROLL CALL VOTE OF THE COUNCIL AS FOLLOWS:

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

- B. 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). (Second Reading)

Grant Penland, Planning Director, presented slides and information on this item.

COUNCILMEMBER BEDOLLA INTRODUCED, READ BY TITLE, AND MOVED TO APPROVE AN ORDINANCE, ON SECOND 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, DISCUSSED, AND PASSED BY A MAJORITY ROLL CALL VOTE OF THE COUNCIL AS FOLLOWS:

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

- C. 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). (Second Reading)

Grant Penland, Planning Director, presented slides and information on this item.

COUNCILMEMBER BEDOLLA INTRODUCED, READ BY TITLE, AND MOVED TO APPROVE AN ORDINANCE, ON SECOND 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 AND PASSED BY A MAJORITY ROLL CALL VOTE OF THE COUNCIL AS FOLLOWS:

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

- D. A resolution authorizing assignment of the City's 2021 Private Activity Bond allocation to Colorado Housing Finance Authority, pursuant to the Colorado Private Activity Bond Ceiling Allocation Act.

Mayor Pro Tem Sandgren recused herself from this item, due to a possible conflict of interest, and left the Chambers at 10:08 p.m.

Ben Nichols, Housing Coordinator, presented slides and information on this item.

MOTION WAS MADE BY COUNCILMEMBER NIZAM AND SECONDED BY COUNCILMEMBER BEDOLLA TO APPROVE A RESOLUTION AUTHORIZING ASSIGNMENT OF THE CITY'S 2021 PRIVATE ACTIVITY BOND ALLOCATION TO COLORADO HOUSING FINANCE AUTHORITY, PURSUANT TO THE COLORADO PRIVATE ACTIVITY BOND CEILING ALLOCATION ACT. MOTION PASSED UNANIMOUSLY BY A ROLL CALL VOTE OF THE COUNCIL NOTING THE ABSTENTION.

Mayor Pro Tem Sandgren returned to the Chambers at 10:11 p.m.

- E. A resolution approving the First Amendment of the Intergovernmental Agreement between the City and Village at North Creek Metropolitan District to allow a Public Improvement Fee.

Carolynne White, Brownstein Hyatt Farber Schreck, presented slides and information and answered questions from Council on this item.

MOTION WAS MADE BY COUNCILMEMBER BEDOLLA AND SECONDED BY COUNCILMEMBER MATKOWSKY TO APPROVE A RESOLUTION APPROVING THE FIRST AMENDMENT OF THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY AND VILLAGE AT NORTH CREEK METROPOLITAN DISTRICT TO ALLOW A PUBLIC IMPROVEMENT FEE. MOTION WAS DISCUSSED AND PASSED BY A MAJORITY ROLL CALL VOTE OF THE COUNCIL AS FOLLOWS:

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


13. ADJOURNMENT

MOTION WAS MADE BY COUNCILMEMBER MATKOWSKY AND SECONDED BY COUNCILMEMBER PHILLIPS TO ADJOURN THE MEETING AT 10:21 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 28, 2021 City Council meeting.