



MINUTES  
THORNTON CITY COUNCIL  
1538TH REGULAR MEETING  
OCTOBER 12, 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, Sherry Goodman, Julia Marvin, Adam Matkowsky, Sam Nizam, and Jacque Phillips.

STAFF MEMBERS PRESENT – Kevin Woods, City Manager; Tami Yellico, 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; John Cody, Economic Development Director; Jason O'Shea, Deputy City Development Director; Grant Penland, Planning Director; Cassie Free, Development Engineering Manager; Darrell Alston, Traffic Engineer; Erika Senna, Budget Manager; Robin Brown, Senior City Development Analyst; Alisa Zimmerman, Arts and Culture Manager; Jesse Jimenez, Arts and Culture Coordinator; Chad Parker, Police Division Commander; William Farr, Police Division Commander; Adam Krueger, Deputy Economic Development Director; Jessica Whitney, Interim Deputy City Attorney; Warren Campbell, Planning Manager; Collin Wahab, Senior Planner; Mary Kent, CMO Services Administrator; Brian Stockton, Development Inspection Supervisor; Doug Buchanan, Deputy Finance Director; Jill Collins, Wellness Coordinator; Karen Widomski, Senior Policy Analyst; Tricia Hinton-Potter, Human Resources Director; Jaylin Stotler, Community Connections Manager; Jerry Peters, Deputy Police Chief; Julie Jacoby, Retail Administrator; Stephen Kelley, Deputy Fire Chief; Kristen Rosenbaum, City Clerk; and Lori Leppek, Agenda and Licensing Coordinator.

5. APPROVAL OF THE AGENDA

The City Manager requested to remove Action Item 12E, a resolution approving an Agreement for a Development Incentive between the City and BRC BIG CO JV I LLC, which will result in an amendment to Action Item 12F, adopting the fourth amendment to the 2021 Budget.

Mayor Pro Tem Sandgren requested to add Action Item 12G, a resolution declaring October 2021 as Italian Heritage Month.

MOTION WAS MADE BY COUNCILMEMBER NIZAM AND SECONDED BY COUNCILMEMBER ACUNTO TO APPROVE THE AGENDA AS AMENDED. MOTION PASSED UNANIMOUSLY.

6. PRESENTATIONS

A. Employee BeWell Program National Awards.

Jill Collins, Wellness Coordinator, presented slides and information and answered questions from Council on this item.

B. Thornton Communication Center Award Recognition.

William Farr, Police Division Commander, presented a slide and information on this item.

Terrence Gordon, Police Chief; Jerry Peters, Deputy Police Chief; and Gordon Olson, Fire Chief; presented the Communication Center staff with merit service awards from the City.

7. AUDIENCE PARTICIPATION

Mary Payne, Ward 3, addressed Council regarding Council behavior and budget spending.

Cherish Salazar, Ward 1, addressed Council regarding Council behavior.

Karin Baker, Ward 1, addressed Council regarding Council behavior.

Kathy Henson, Ward 1, thanked the City for Harvest Fest and addressed Council regarding Council behavior.

Kelly Murillo, address not provided, addressed Council regarding the Council values and mission.

Francois Safieddine, 2015 Market Street, was not present.

Mia Jones, 2015 Market Street, was not present.

Brad Manske, 2015 Market Street, was not present.

Sandra Wolfe, Ward 1, addressed Council regarding Council behavior.

Rebecca Bean, 2090 Fir Drive, addressed Council regarding Council behavior.

Tracy Crespin, address not provided, addressed Council regarding Council behavior.

Jonathan Rodriguez, address not provided, spoke about the Fire Department and Police Department being recognized by the State and nationally and addressed Council regarding Council behavior.

8. COUNCIL COMMENTS/COMMUNICATIONS

Councilmember Goodman reported on events she attended and thanked everyone that spoke this evening.

Councilmember Phillips thanked everyone that spoke this evening and responded to public comments made during Audience Participation; reminded everyone about the election in

November; and spoke about the previous week's Planning Session and Council behavior, safety, equity and amenities, and community engagement. She also provided information about the upcoming Niver Creek community meeting on November 5.

Councilmember Marvin reported on meetings and events she attended, thanked everyone that spoke this evening, and spoke about Council behavior and the upcoming election.

Mayor Pro Tem Sandgren spoke about the upcoming election, Council behavior, and the previous week's Planning Session and responded to a public comment made during Audience Participation.

Councilmember Bedolla reported on an event she attended, thanked and congratulated the Fire Department and the Communication Center for the awards, responded to public comments made during Audience Participation, and spoke about Council behavior.

Mayor Kulmann reported on board and commission vacancies and meetings and events she attended.

9. STAFF REPORTS

A. 2022 Public Art Plan.

Alisa Zimmerman, Arts and Culture Manager, presented slides and information on this item.

10. CONSENT CALENDAR

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

The City Clerk read into the record the titles of the ordinances contained on the Consent Calendar.

MOTION PASSED UNANIMOUSLY.

THE FOLLOWING COUNCIL DOCUMENTS WERE APPROVED ON THE CONSENT CALENDAR:

- A. Approval of Minutes – September 28, 2021 Regular City Council meeting.
- B. Monthly Financial Report for August 2021.
- C. An ordinance making appropriations for the City, for the fiscal year 2022 for all operating funds and making appropriations for all capital improvement projects for the City, for the fiscal year beginning January 1, 2022 and ending December 31, 2022, and continuing for each project until that project is completed or cancelled, and regulating the payment of money out of the City treasury. (Second Reading)
- D. An ordinance repealing Ordinance 3573 and enacting a new ordinance revising and prescribing sewer rates and charges and solid waste charges for 2022. (Second Reading)

- E. An ordinance providing for the tax levy upon all taxable property in the City for municipal purposes. (Second Reading)
- F. An ordinance amending Sections 66-60 and 66-65 of the Thornton City Code to modify the requirements and procedures for the formation of Metropolitan Districts and amending the City's model Service Plan and model Intergovernmental Agreement which serve as the application forms for Metropolitan Districts. (Second Reading)
- G. An ordinance repealing Ordinance 3480 and reenacting an ordinance revising and prescribing water rates and charges for the operation and maintenance of the Water System for the City of Thornton, Colorado. (Second Reading)
- H. A resolution designating a plan for the purposes of the Municipal Annexation Act regarding land in Adams and Weld Counties.
- I. A resolution approving temporary construction and permanent easements to NWC Development, LLC on Thornton's Farm 20.
- J. A resolution appointing a member to the Thornton Arts, Sciences and Humanities Council Board of Directors.

#### 11. PUBLIC HEARINGS

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

Councilmember Phillips left the meeting at 8:18 p.m.

- A. A public hearing regarding an ordinance approving a Rezoning of approximately 15 acres of land located southwest of East 136<sup>th</sup> Avenue and Grant Street from Business Park to Planned Development, including an Overall Development Plan/Conceptual Site Plan and Planned Development Standards (Rolling Hills Subdivision Amended, Amendment No. 3, Lots 4A and 7A).

The Public Hearing was opened at 8:18 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 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 regarding the proposed ordinance, which were later marked as City's Exhibit 5.

Nancy Kerr, Sky to Ground, 1550 Larimer Street Suite 605, stated she was previously sworn, presented slides and information and answered questions from Council regarding the proposed ordinance, which were later marked as Applicant's Exhibit C.

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

The following individuals signed up to speak or spoke in opposition to the proposed ordinance and expressed concerns regarding conflicts with the City's Comprehensive Plan; building height; economic significance; drive-through businesses; traffic; and impacts on property values, other developments in the area, footprint, open space, and wildlife.

Lotte Radoor, 491 E. 134<sup>th</sup> Avenue, stated she was previously sworn.  
Cheryl Kendall, 13381 Pearl Circle, was sworn in by the City Clerk.  
Kelly Chung, 13565 Grant Street, stated she was previously sworn.  
Courtney Vigil, 1104 E. 130<sup>th</sup> Drive, stated she was previously sworn.  
Barbara Morey, 13399 Pearl Circle, was sworn in by the City Clerk.  
Joe Martinez, 461 E. 134<sup>th</sup> Avenue, was not present.

Mr. Penland responded to public comments and answered questions from Council regarding economic significance, building height, protection of wildlife, and marijuana dispensaries.

The Public Hearing was closed at 9:12 p.m.

COUNCILMEMBER NIZAM INTRODUCED, READ BY TITLE, AND MOVED TO APPROVE AN ORDINANCE, ON FIRST READING, WHICH APPROVES A REZONING OF APPROXIMATELY 15 ACRES OF LAND LOCATED SOUTHWEST OF EAST 136<sup>TH</sup> AVENUE AND GRANT STREET FROM BUSINESS PARK TO PLANNED DEVELOPMENT, INCLUDING AN OVERALL DEVELOPMENT PLAN/CONCEPTUAL SITE PLAN AND PLANNED DEVELOPMENT STANDARDS (ROLLING HILLS SUBDIVISION AMENDED, AMENDMENT NO. 3, LOTS 4A AND 7A) AND AMEND IT TO DISALLOW DISPENSERY AS AN USE-BY-RIGHT. MOTION WAS SECONDED BY COUNCILMEMBER ACUNTO, DISCUSSED, AND PASSED UNANIMOUSLY.

## 12. ACTION ITEMS

- A. An ordinance amending Chapter 10 of the Thornton City Code by enacting a new Article VI, entitled the Neglected and Derelict Buildings Code, pertaining to preventing nonresidential, multifamily, and common area buildings and spaces within private developments from becoming or remaining neglected or derelict.

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

COUNCILMEMBER BEDOLLA INTRODUCED, READ BY TITLE, AND MOVED TO APPROVE AN ORDINANCE, ON FIRST READING, WHICH AMENDS CHAPTER 10 OF THE THORNTON CITY CODE BY ENACTING A NEW ARTICLE VI, ENTITLED THE NEGLECTED AND DERELICT BUILDINGS CODE, PERTAINING TO PREVENTING NONRESIDENTIAL, MULTIFAMILY, AND COMMON AREA BUILDINGS AND SPACES WITHIN PRIVATE DEVELOPMENTS FROM

BECOMING OR REMAINING NEGLECTED OR DERELICT. MOTION WAS SECONDED BY COUNCILMEMBER MATKOWSKY, DISCUSSED, AND PASSED UNANIMOUSLY.

- B. An ordinance repealing Section 38-270 of the Thornton City Code, pertaining to Unlawful Use of Telephones and amending Thornton City Code, Chapter 38, Section 38-209.5, pertaining to Harassment.

Chad Parker, Police Division Commander, presented slides and information on this item.

COUNCILMEMBER ACUNTO INTRODUCED, READ BY TITLE, AND MOVED TO APPROVE AN ORDINANCE, ON FIRST READING, WHICH REPEALS SECTION 38-270 OF THE THORNTON CITY CODE, PERTAINING TO UNLAWFUL USE OF TELEPHONES AND AMENDS THORNTON CITY CODE, CHAPTER 38, SECTION 38-209.5, PERTAINING TO HARASSMENT. MOTION WAS SECONDED BY COUNCILMEMBER BEDOLLA AND PASSED UNANIMOUSLY.

- C. An ordinance amending Section 390 of Chapter 26 of the Thornton City Code to eliminate the sales and use tax exemption for cigarettes.

Doug Buchanan, Deputy Finance Director, presented slides and information and answered questions from Council on this item.

COUNCILMEMBER NIZAM INTRODUCED, READ BY TITLE, AND MOVED TO APPROVE AN ORDINANCE, ON FIRST READING, WHICH AMENDS SECTION 390 OF CHAPTER 26 OF THE THORNTON CITY CODE TO ELIMINATE THE SALES AND USE TAX EXEMPTION FOR CIGARETTES. MOTION WAS SECONDED BY MAYOR PRO TEM SANDGREN AND PASSED UNANIMOUSLY.

- D. A resolution approving an Agreement for a Development Incentive between the City and Emery Inc. dba Meati Foods.

Adam Krueger, Deputy Economic Development Director, presented slides and information on this item.

MOTION WAS MADE BY COUNCILMEMBER BEDOLLA AND SECONDED BY COUNCILMEMBER NIZAM TO APPROVE A RESOLUTION APPROVING AN AGREEMENT FOR A DEVELOPMENT INCENTIVE BETWEEN THE CITY AND EMERY INC. DBA MEATI FOODS. MOTION WAS DISCUSSED AND PASSED UNANIMOUSLY.

- F. An ordinance adopting the fourth amendment to the 2021 Budget amending section one of Ordinance 3569, making appropriations for the City of Thornton, Colorado for the fiscal year 2021 for all funds except that appropriations for certain individual projects shall not lapse at year end but continue until the project is completed or cancelled (Coronavirus Disease 2019 Testing and Vaccination, 2021 American Rescue Plan Act, Additional Funding for Approved Incentive and Revenue Sharing Agreements, and Payment in Lieu of Cost of Living Adjustment).

Erika Senna, Budget Manager, presented slides and information on this item.

Ms. Senna recommended the ordinance be amended to remove the additional funding for approved incentive and revenue sharing agreements.

MAYOR PRO TEM SANDGREN INTRODUCED, READ BY TITLE, AND MOVED TO APPROVE AN ORDINANCE, ON FIRST READING, WHICH ADOPTS THE FOURTH AMENDMENT TO THE 2021 BUDGET AMENDING SECTION ONE OF ORDINANCE 3569, MAKING APPROPRIATIONS FOR THE CITY OF THORNTON, COLORADO FOR THE FISCAL YEAR 2021 FOR ALL FUNDS EXCEPT THAT APPROPRIATIONS FOR CERTAIN INDIVIDUAL PROJECTS SHALL NOT LAPSE AT YEAR END BUT CONTINUE UNTIL THE PROJECT IS COMPLETED OR CANCELLED (CORONAVIRUS DISEASE 2019 TESTING AND VACCINATION, 2021 AMERICAN RESCUE PLAN ACT, ADDITIONAL FUNDING FOR APPROVED INCENTIVE AND REVENUE SHARING AGREEMENTS, AND PAYMENT IN LIEU OF COST OF LIVING ADJUSTMENT) AND AMEND IT TO REMOVE THE ADDITIONAL FUNDING FOR APPROVED INCENTIVE AND REVENUE SHARING AGREEMENTS. MOTION WAS SECONDED BY COUNCILMEMBER NIZAM, DISCUSSED, AND PASSED UNANIMOUSLY.

- G. A resolution declaring October 2021 as Italian Heritage Month in the City of Thornton, Colorado.

MAYOR PRO TEM SANDGREN INTRODUCED, READ IN ITS ENTIRETY, AND MOVED TO APPROVE A RESOLUTION DECLARING OCTOBER 2021 AS ITALIAN HERITAGE MONTH IN THE CITY OF THORNTON, COLORADO. MOTION WAS SECONDED BY COUNCILMEMBER NIZAM, DISCUSSED, AND PASSED UNANIMOUSLY.

13. ADJOURNMENT

MOTION WAS MADE BY COUNCILMEMBER NIZAM AND SECONDED BY COUNCILMEMBER BEDOLLA TO ADJOURN THE MEETING AT 9:43 P.M. MOTION PASSED UNANIMOUSLY.

Respectfully submitted,

  
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Lori Leppak, Agenda and Licensing  
Coordinator

ATTEST:

  
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Mayor at time of approval

Approved at the October 26, 2021 City Council meeting.