



MINUTES
THORNTON CITY COUNCIL
1541ST REGULAR MEETING
DECEMBER 14, 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
4. ROLL CALL OF COUNCIL – Those Present were: Mayor Jan Kulmann; Mayor Pro Tem Jessica Sandgren; and Councilmembers David Acunto, Karen Bigelow, Kathy Henson, Julia Marvin, Adam Matkowsky, Jacque Phillips, and Tony Unrein.

STAFF MEMBERS PRESENT – Kevin Woods, City Manager; Tami Yellico, City Attorney; Joyce Hunt, Assistant City Manager; Jeff Coder, Deputy City Manager of City Development; Chris Molison, Executive Director of Management Services; Brett Henry, Executive Director of Infrastructure; Doug Romig, 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; Cheryl Steinberg Grant and Housing Supervisor; Emily Hunt, Deputy Director of Infrastructure; Jason Pierce Infrastructure Engineering Director; Darrell Alston, Traffic Engineer; Greg Wheeler, Chief Building Official; Jaylin Stotler, Community Connections Manager; Jesse Jimenez, Arts and Culture Coordinator; Jim Kaiser, Infrastructure Engineering Manager; Alisa Zimmerman, Arts and Culture Manager; Jessica Whitney, Acting Deputy City Attorney; Erika Senna, Budget Manager; Warren Campbell, Planning Manager; William Farr, Police Division Commander; Kim Nicholson, Customer Billing Manager; Stephen Kelley, Deputy Fire Chief; Robin Brown, Senior City Development Analyst; Chad Howell, Redevelopment Administrator; Matt Court, Assistant City Attorney; Collin Wahab, Acting Principal Planner; Jamie Miller, Senior Financial Analyst; Mary Kent, CMO Services Administrator; Joanna Chavez, Executive Assistant; Jessica Romito, Active Adult Program Manager; Kristen Rosenbaum, City Clerk; and Lori Leppek, Agenda and Licensing Coordinator.

5. APPROVAL OF THE AGENDA

MOTION WAS MADE BY COUNCILMEMBER ACUNTO AND SECONDED BY MAYOR PRO TEM SANDGREN TO APPROVE THE AGENDA AS PRESENTED. MOTION PASSED UNANIMOUSLY BY A ROLL CALL VOTE OF THE COUNCIL.

6. PRESENTATIONS

None

7. AUDIENCE PARTICIPATION

Chris Laws, 13511 High Circle, addressed Council regarding crime within the City and the Adams County guidelines for new arrests and provided a handout.

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Lotte Radoor, 491 E. 134th Avenue, addressed Council regarding speaking time for residents, Council behavior, and use of taxes.

Stacia Marcheso, 13497 Jersey Street, addressed Council regarding theft and parking in the Marshall Lake neighborhood and provided a handout.

Karin Baker, 8944 Fox Drive, addressed Council about the December 7 Planning Session and Council behavior.

Mary Schlener, 14385 Dahlia Street, spoke about the direction the City is headed and gratitude for the new police training facility and congratulated new and re-elected Council.

Courtney Potter, 14077 Hudson Street, thanked the Fire Department in regards to their involvement and support with the recent fires in the Signal Creek neighborhood and at the Star Point Condominiums.

David Armstrong, 11082 Fairfax Circle, read a Bible passage, spoke about stewardship, and wished everyone a Merry Christmas.

Mark Taylor, 12775 Washington Street, did not address Council.

Tracy Crespin, 9210 Clayton Street, did not address Council.

Taya Harold, address not provided, thanked Council for their service, expressed gratitude for being part of the community, and spoke about Council behavior.

Mary Payne, address not provided, addressed Council regarding City services and projects, Council plans for the City, Council behavior, and use of the budget; stated there was a community meeting regarding the new Community Center tomorrow night; and talked about Chief Terrence Gordon's first year and future with the City.

Suzanne Cabral, address not provided, addressed Council regarding the City Charter and Council behavior.

Roberta Ayala, address not provided, provided information about donations to the Thornton Arts, Sciences and Humanities Council (TASHCO) and thanked Council and residents for donating.

Jessica Garcia, address not provided, addressed Council regarding respect and time allowed for public comment, thanked Council and staff for Winterfest, and wished everyone Happy Holidays.

John Alge, address not provided, addressed Council regarding Council behavior and wished everyone a Merry Christmas and a Happy New Year.

8. COUNCIL COMMENTS/COMMUNICATIONS

Councilmember Bigelow reported on an event she attended; thanked voters, those who are currently serving or have served in the military, and staff and the community for Winterfest; and announced the start of Mac's Service Shout Outs to honor individuals who currently serve or served in the military.

Councilmember Phillips spoke about last week's Planning Session, Council behavior, and compassion.

Councilmember Henson spoke about last week's Planning Session, reported on events she attended, provided information about the upcoming community meetings regarding the new Community Center and the gift card drive for those impacted by the fire at the Star Point Condominiums, and wished everyone Happy Holidays.

Councilmember Acunto reported on events he attend and wished everyone a Merry Christmas and a Happy New Year.

Councilmember Unrein reported on events he attended, thanked staff for Winterfest, and wished everyone Happy Holidays.

Mayor Pro Tem Sandgren reported on meetings and events she attended, thanked staff for their overall efforts, addressed comments from earlier this evening, and wished everyone a Merry Christmas and a Happy New Year.

Councilmember Marvin reported on events she attended, thanked staff for Winterfest and the individuals who spoke at tonight's meeting, provided information about the Thornton Assistance Funds Committee, and wished everyone Happy Holidays.

Mayor Kulmann reported on board and committee vacancies and events and meetings she attended, thanked staff for Winterfest, addressed public comments, spoke about Council behavior, thanked those who spoke tonight, and wished everyone a Happy New Year and a Merry Christmas.

9. STAFF REPORTS

A. Monthly Financial Report for September 2021.

Kim Newhart, Finance Director, and Erika Senna, Budget Manager, presented slides and information on this item.

10. CONSENT CALENDAR

MOTION WAS MADE BY MAYOR PRO TEM SANDGREN AND SECONDED BY COUNCILMEMBER MARVIN TO APPROVE THE CONSENT CALENDAR AS PRESENTED BY A ROLL CALL VOTE OF THE COUNCIL.

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 – November 30, 2021 Regular City Council Meeting.
- B. Monthly Financial Report for October 2021.
- C. A resolution amending Council Policy 1.1 of Resolution CD. No. 2019-168 regarding appointment of City Council representatives to various boards and commissions.

- D. An ordinance amending Subsections 2-1(a)(2) and (3) of the Thornton City Code pertaining to posting of legal notices to add Trail Winds Recreation Center as an additional required location to post public notices and approved ordinances. (First Reading)

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 a resolution authorizing the submission of the Consolidated Annual Performance and Evaluation Report for the 2020 Community Development Block Grant program year.

The Public Hearing was opened at 8:40 p.m.

Cheryl Steinberg, Grant and Housing Supervisor, stated she was previous sworn. The notice of hearing published on the City's official website, at three physical locations as required by City Code, and in the Northglenn-Thornton Sentinel was previously submitted electronically to the City Clerk to be made part of the record and marked as City's Exhibit 1.

Ms. Steinberg presented slides and information regarding the proposed resolution, which were later marked as City's Exhibit 2.

No one signed up nor spoke in support of or in opposition to the proposed resolution.

The Public Hearing was closed at 8:51 p.m.

MOTION WAS MADE BY COUNCILMEMBER MARVIN AND SECONDED BY COUNCILMEMBER ACUNTO TO APPROVE A RESOLUTION AUTHORIZING THE SUBMISSION OF THE CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT FOR THE 2020 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM YEAR. MOTION WAS DISCUSSED AND PASSED UNANIMOUSLY BY A ROLL CALL VOTE OF THE COUNCIL.

- B. A public hearing regarding an ordinance authorizing the Thornton Development Authority to exercise its power of eminent domain to acquire all or a portion of certain real property located within the South Thornton Urban Renewal Area.

The Public Hearing was opened at 8:54 p.m.

Tami Yellico, City Attorney, stated she was previously sworn. The notice of hearing published on the City's official website, at three physical locations as required by City Code, and in the Northglenn-Thornton Sentinel was previously submitted electronically to the City Clerk to be made part of the record and marked as City's Exhibit 1.

The City Attorney presented slides and information and answered questions from Council regarding the proposed ordinance, which were later marked as City's Exhibit 2.

The City Attorney; Grant Penland, Planning Director, stated he was previously sworn; and Kevin Woods, City Manager, stated he was previously sworn, answered a questions from Council regarding zoning of the area, the timeline, repercussion, and contamination clean up.

The following individuals signed up to speak or spoke in support of the proposed ordinance and addressed Council regarding moving forward to keep businesses in the area; appreciation for City, staff, and community efforts; full potential of the area; the contaminated area being the priority; concerns with the current property owner; the process taking too long; taking possession of the entire property instead of in two parts; support of getting rid of toxic chemicals; the City's efforts to make sure this doesn't happen again; the City's vision for the property; surety the community will be involved with Council's support; and concerns with the City's commercial property regulations.

Blake Feik, 9001 Washington Street, stated he was previously sworn.
Ernestine Garcia, 3573 E. 94th Avenue, stated she was previously sworn.
Seamus Blaney, Original Thornton, stated he was previously sworn.
Tracy Crespin, 9210 Clayton Street, stated she was previously sworn.
Roberta Ayala, 3316 E. 115th Drive, stated she was previously sworn.
Yasaman Taylor, 8885 Washington Street, was sworn in by the City Clerk.
Eleanor Burns, Original Thornton, was sworn in by the City Clerk.
Rebecca Bean, address not provided, stated she was previously sworn.

The City Attorney answered questions from the public and Council regarding what the City is doing to keep this from happening again, accessing environmental standards, budget, possession of parcels separately instead of as a whole, timeframe for the property owner to clean up the property, liability, and clarification of the ordinance.

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

COUNCILMEMBER ACUNTO INTRODUCED, READ BY TITLE, AND MOVED TO APPROVE AN ORDINANCE, ON FIRST READING, WHICH AUTHORIZING THE THORNTON DEVELOPMENT AUTHORITY TO EXERCISE ITS POWER OF EMINENT DOMAIN TO ACQUIRE ALL OR A PORTION OF CERTAIN REAL PROPERTY LOCATED WITHIN THE SOUTH THORNTON URBAN RENEWAL AREA. MOTION WAS SECONDED BY MAYOR PRO TEM SANDGREN.

AMENDED MOTION WAS MADE BY COUNCILMEMBER PHILLIPS AND SECONDED BY COUNCILMEMBER HENSON TO AMEND THE ORDINANCE TO AUTHORIZE THE THORNTON DEVELOPMENT AUTHORITY TO EXERCISE ITS POWER OF EMINENT DOMAIN TO ACQUIRE ALL OF THE CERTAIN REAL PROPERTY LOCATED WITHIN THE SOUTH THORNTON URBAN RENEWAL AREA.

Mayor Kulmann raised a Point of Order.

The City Attorney clarified Robert's Rules of Order.

Councilmember Phillips withdrew the amended motion.

ALTERNATIVE MOTION WAS MADE BY COUNCILMEMBER PHILLIPS AND SECONDED BY COUNCILMEMBER HENSON TO DIRECT STAFF TO GO BACK AND REDRAFT THE ORDINANCE TO AUTHORIZE THE THORNTON DEVELOPMENT AUTHORITY TO EXERCISE ITS POWER OF EMINENT DOMAIN TO ACQUIRE ALL OF THE CERTAIN REAL PROPERTY LOCATED WITHIN THE SOUTH THORNTON URBAN RENEWAL AREA.

The City Attorney clarified Robert's Rules of Order.

ALTERNATIVE MOTION WAS DISCUSSED AND FAILED BY A ROLL CALL VOTE OF THE COUNCIL AS FOLLOWS:

Ayes: Henson and Phillips

Nays: Acunto, Bigelow, Kulmann, Marvin, Matkowsky, Sandgren, and Unrein

ORIGINAL MOTION WAS DISCUSSED AND PASSED UNANIMOUSLY BY A ROLL CALL VOTE OF THE COUNCIL.

The meeting was recessed at 9:57 p.m. and reconvened at 10:14 p.m.

- C. A public hearing regarding a resolution approving a Conceptual Site Plan to allow for the development of a motor vehicle fueling station, general merchandise store (convenience store), restaurant, and multi-tenant commercial building on approximately five acres of land generally located at the southwest corner of East 128th Avenue and Washington Street.

The Public Hearing was opened at 10:15 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 and the notice mailed to property owners within 1,500 feet were previously submitted electronically to the City Clerk to be made part of the record and marked as City's Exhibits 1 and 2, 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 previously sworn, presented slides and information and answered questions from Council regarding the proposed resolution, which were later marked as City's Exhibit 3.

Herndon Luce, Verdad Real Estate, 3000 Lawrence Street, stated was previously sworn and Krista Houchens, 501 S. Cherry Street, stated she was previously sworn, presented slides and information and answered questions from Council regarding the proposed resolution, which were later marked as Applicant's Exhibit C.

Mr. Alston answered questions from Council about traffic.

Councilmember Phillips left the Chambers at 10:44 p.m. and returned at 10:48 p.m.

No one signed up to speak nor spoke in support of the proposed ordinance.

The following individuals signed up or spoke in opposition to the proposed ordinance and expressed concerns regarding the traffic study, environmental hazards, the commercial property, the water study, safety, and the projects impact on water and surrounding businesses and properties.

Lotte Radoor, 491 E. 134th Avenue, stated she was previously sworn.

Mark Taylor, 12775 Washington Street, stated he was previously sworn.

Rory Moore, 21473 E. Layton Lane, was sworn in by the City Clerk.

Ms. Houchens; Mr. Alston; Mr. Penland; Mr. Luce; and Eric Carlson, Foster Graham Milstein & Calisher, 360 S. Garfield Street, stated he was previously sworn, responded to the public comments and answered questions from Council.

There was discussion by Council regarding continuing the Public Hearing to January 25, 2022.

The City Attorney clarified Rules of Order.

MOTION WAS MADE BY COUNCILMEMBER PHILLIPS AND SECONDED BY MAYOR PRO TEM SANDGREN TO LEAVE THE PUBLIC HEARING OPEN AND CONTINUE IT TO DATE CERTAIN JANUARY 25 TO SPECIFICALLY ADDRESS THE CONCERNS RELATED TO THE NEIGHBORS AND THE PROPERTY OWNERS ADJACENT. MOTION WAS DISCUSSED AND PASSED UNANIMOUSLY.

12. ACTION ITEMS

- A. An ordinance repealing and reenacting Chapter 10, Article IV Sections 10-166, 10-170, and 10-172 adopting by reference the 2019 Edition of the Safety Code for Elevators and Escalators, the 2017 Edition of the Safety Standards for Platform Lifts and Stairway Chair Lifts, and the 2013 Automated People Mover Standards, of the Thornton City Code and setting the Public Hearing date for January 11, 2022.

The City Manager recommended to move Action Item B to January 25.

The City Attorney clarified Rules of Order.

Greg Wheeler, Chief Building Official, presented slides and information on this item.

COUNCILMEMBER PHILLIPS INTRODUCED, READ BY TITLE, AND MOVED TO APPROVE AN ORDINANCE, ON FIRST READING, WHICH REPEALS AND REENACTS CHAPTER 10, ARTICLE IV SECTIONS 10-166, 10-170, AND 10-172 ADOPTING BY REFERENCE THE 2019 EDITION OF THE SAFETY CODE FOR ELEVATORS AND ESCALATORS, THE 2017 EDITION OF THE SAFETY STANDARDS FOR PLATFORM LIFTS AND STAIRWAY CHAIR LIFTS, AND THE 2013 AUTOMATED PEOPLE MOVER STANDARDS, OF THE THORNTON CITY CODE AND SETTING THE PUBLIC HEARING DATE FOR JANUARY 11, 2022. MOTION WAS SECONDED BY COUNCILMEMBER ACUNTO AND PASSED UNANIMOUSLY BY A ROLL CALL VOTE OF THE COUNCIL.

- B. An ordinance repealing Ordinance 3604 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.

MOTION WAS MADE BY COUNCILMEMBER PHILLIPS AND SECONDED BY COUNCILMEMBER ACUNTO TO MOVE THIS ITEM TO JANUARY 11. MOTION PASSED UNANIMOUSLY BY A ROLL CALL VOTE OF THE COUNCIL.

- C. A resolution approving an Intergovernmental Agreement between Adams County and the cities of Commerce City, Federal Heights, Northglenn, Thornton, and Westminster; and the Town of Bennett for contributions towards motel vouchers for the 2021 Severe Weather Activation Plan Program.

Doug Romig, Director of Parks, Recreation, and Community Programs, presented slides and information on this item.

MOTION WAS MADE BY MAYOR PRO TEM SANDGREN AND SECONDED BY COUNCILMEMBER PHILLIPS TO APPROVE A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN ADAMS COUNTY AND THE CITIES OF COMMERCE CITY, FEDERAL HEIGHTS, NORTHGLENN, THORNTON, AND WESTMINSTER; AND THE TOWN OF BENNETT FOR CONTRIBUTIONS TOWARDS MOTEL VOUCHERS FOR THE 2021 SEVERE WEATHER ACTIVATION PLAN PROGRAM. MOTION PASSED UNANIMOUSLY BY A ROLL CALL VOTE OF THE COUNCIL.

- D. A resolution approving the Second Amendment to the Intergovernmental Agreement between the City and the Regional Transportation District regarding artwork for the North Metro Rail Line stations within the City's boundaries.

Joyce Hunt, Assistant City Manager, presented slides and information on this item.

MOTION WAS MADE BY COUNCILMEMBER PHILLIPS AND SECONDED BY COUNCILMEMBER ACUNTO TO APPROVE A RESOLUTION APPROVING THE SECOND AMENDMENT TO THE LNTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY AND THE REGIONAL TRANSPORTATION DISTRICT REGARDING ARTWORK FOR THE NORTH METRO RAIL LINE STATIONS WITHIN THE CITY'S BOUNDARIES. MOTION PASSED UNANIMOUSLY BY A ROLL CALL VOTE OF THE COUNCIL.

- E. An ordinance amending Article VI of Chapter 10 of the Thornton City Code, entitled the Neglected and Derelict Buildings Code.

Jessica Whitney, Acting Deputy City Attorney, presented slides and information and answered questions from Council on this item.

COUNCILMEMBER PHILLIPS INTRODUCED, READ BY TITLE, AND MOVED TO APPROVE AN ORDINANCE, ON FIRST READING, WHICH AMENDS ARTICLE VI OF CHAPTER 10 OF THE THORNTON CITY CODE, ENTITLED THE NEGLECTED AND DERELICT BUILDINGS CODE. MOTION WAS SECONDED BY COUNCILMEMBER HENSON, DISCUSSED, AND PASSED UNANIMOUSLY BY A ROLL CALL VOTE OF THE COUNCIL.

- F. An ordinance adopting the first amendment to the 2022 Budget amending section one of Ordinance 3600, making appropriations for the City of Thornton, Colorado for the fiscal year 2022 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 (Fire Station 7).

Erika Senna, Budget Manager, presented a slide 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 ADOPTS THE FIRST AMENDMENT TO THE 2022 BUDGET AMENDING SECTION ONE OF ORDINANCE 3600, MAKING APPROPRIATIONS FOR THE CITY OF THORNTON, COLORADO FOR THE FISCAL YEAR 2022 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 (FIRE STATION 7). MOTION WAS SECONDED BY COUNCILMEMBER PHILLIPS AND PASSED UNANIMOUSLY BY A ROLL CALL VOTE OF THE COUNCIL.

G. City Council Direction by Motion regarding the appeal of the Court's decision in Case No. 2021CV030611.

Tami Yellico, City Attorney, presented slides and information and answered questions from Council on this item.

MOTION WAS MADE BY MAYOR PRO TEM SANDGREN AND SECONDED BY COUNCILMEMBER ACUNTO TO APPEAL THE COURT'S DECISION IN CASE NO. 2021CV030611. MOTION WAS DISCUSSED AND PASSED BY A MAJORITY ROLL CALL VOTE OF THE COUNCIL AS FOLLOWS:

Ayes: Acunto, Kulmann, Matkowsky, Sandgren, and Unrein
Nays: Bigelow, Henson, Marvin, and Phillips

13. ADJOURNMENT

MOTION WAS MADE BY COUNCILMEMBER PHILLIPA AND SECONDED BY COUNCILMEMBER ACUNTO TO ADJOURN THE MEETING AT 12:10 A.M. MOTION PASSED UNANIMOUSLY BY A VOICE VOTE OF THE COUNCIL.

Respectfully submitted,



Lori Leppke, Agenda and Licensing
Coordinator

ATTEST:



Mayor at time of approval

Approved at the January 11, 2022 City Council meeting.