

**EDGEWATER CITY COUNCIL
REGULAR BUSINESS MEETING
MINUTES
MAY 7, 2015**

A regular business meeting of the Edgewater City Council was held in the City Council Chambers.

ITEM 1. CALL TO ORDER

Mayor McNulty called the meeting to order at [7:00:04 PM](#).

ITEM 2. ROLL CALL

City Clerk Beth A. Hedberg called the roll.

Present: Mayor Bonnie McNulty
Councilwoman Laura Keegan
Councilman Todd Riddle
Councilman David Fleck
Councilwoman Myra A. Keeble
Councilman Kristian A. Teegardin
Councilwoman Janet Spangenberg
Councilman Steve Conklin

Absent: None

Also Present: City Attorney Thad Renaud
Community Services Director Dan Maples
City Manager HJ Staf
Police Chief John Hough
Finance Director Ken Keeley

Full and timely notice of the meeting had been given and a quorum was present.

ITEM 3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ITEM 4. APPROVAL OF AGENDA

Councilman Riddle moved, seconded by Councilman Conklin, to approve the agenda as presented. The motion **PASSED** on the following vote: **AYES:** Councilwoman Keegan, Councilman Riddle, Councilman Fleck, Councilwoman Keeble, Councilman Teegardin, Councilwoman Spangenberg and Councilman Conklin. **NAYS:** None. **ABSENT:** None. **ABSTAIN:** None.

ITEM 5. CONSENT AGENDA – MINUTES OF APRIL 16, 2015

Councilwoman Spangenberg moved, seconded by Councilwoman Keegan, to approve the consent agenda as presented. The motion **PASSED** on the following vote: **AYES:** Councilwoman Keegan, Councilman Riddle, Councilman Fleck, Councilwoman Keeble, Councilman Teegardin, Councilwoman Spangenberg and Councilman Conklin. **NAYS:** None. **ABSENT:** None. **ABSTAIN:** None.

ITEM 6. COMMUNICATIONS FROM THE CITY MANAGER, STAFF, AND BOARDS AND COMMISSIONS

Community Services Director Dan Maples reported on: the 26th Avenue water line replacement project; the status of the lead line replacement project; investigating water leaks at 25th Avenue and Chase Street; results of the alley way clean-up; the clean-up event to be held on May 9th; and the 5K run scheduled for May 9th.

Finance Director Ken Keeley provided a report on the Xpress Bill Pay program. He noted that four hundred twenty-three (423) utility customers had signed up, the total amount of review received and the net cost for the service. Director Keeley said that the field work for the annual audit should begin on May 18th. During 2014 the State Legislature had requested the Colorado Municipal League (CML) to review sales tax definitions for Home Rule municipalities. CML had created a sub-committee and Director Keeley had actively participated on it. A report on their work should be available in the fall.

Karen Hing, Chair of the Planning and Zoning Commission, provided an update on the Commission's implementation of the Comprehensive Plan and spoke about how they were working with City Attorney Beery and Real Estate Economist Anne Ricker. Chair Hing addressed the concept of an overlay district with respect to building height. The accessory dwelling unit discussion had been postponed. The Commission would be addressing parking at their next work session. Chair Hing reported that the Commission had recently received legal training from Attorney Beery regarding quasi-judicial hearings.

No further reports were given.

ITEM 7. PUBLIC COMMENTS (NON-AGENDA ITEMS)

Amy Kasson said that she was an Edgewater resident and now lived next door to goats. She spoke about the challenges that goats presented. Ms. Kasson asked Council to address whether or not goats should be allowed in the City. Ms. Kasson handed out information that she had previously emailed to Council Members.

Pauline York spoke about the average lot size in the City and her concerns regarding allowing goats on such small lots. Mrs. York stated that she had spoken with Allison

Williams regarding her goats. Mrs. York spoke about an incident with a horse in Edgewater when she had first moved to the City and the flies that it had drawn.

ITEM 8. MAY IS MENTAL HEALTH MONTH PROCLAMATION

Mayor McNulty read the proclamation and presented it to Erin Linehan a school-based clinician at Jefferson High School. Ms. Linehan said that she and the Jefferson Center for Mental Health appreciated the Council's support. Councilman Teegardin thanked Ms. Linehan for her work.

ITEM 9. NOISE ORDINANCE – DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 2015-05, AN ORDINANCE AMENDING SECTION 10-14-10 OF THE EDGEWATER MUNICIPAL CODE CONCERNING UNREASONABLE NOISE (FIRST READING)

Councilwoman Keeble moved, seconded by Councilwoman Keegan, approve on first reading and order published by law, Ordinance 2015-05, an ordinance amending Section 10-14-10 of the Edgewater Municipal Code concerning unreasonable noise as presented. A brief discussion was held regarding whether or not animal noises should be included in the ordinance. A minor typographical error was noted. Attorney Renaud advised that there were animal noise provisions currently contained in Chapter 7 of the Code and that the typographical error would be corrected prior to second reading of the ordinance. The motion **PASSED** on the following vote: **AYES:** Councilwoman Keegan, Councilman Riddle, Councilman Fleck, Councilwoman Keeble, Councilman Teegardin, Councilwoman Spangenberg and Councilman Conklin. **NAYS:** None. **ABSENT:** None. **ABSTAIN:** None.

ITEM 10. RC-2 DISTRICT ORDINANCE – DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 2015-06, AN ORDINANCE AMENDING CHAPTER 16 OF THE EDGEWATER MUNICIPAL CODE, CONCERNING ZONING, BY REPEALING ARTICLE 9 THEREOF, CONCERNING THE R-C2, RESIDENTIAL-COMMERCIAL 2 ZONE DISTRICT, AND BY AMENDING SECTION 16-3-10, CONCERNING THE ESTABLISHMENT OF ZONE DISTRICTS, AND SUBSECTION 16-30-130(D), CONCERNING BULK PLANE LIMITATIONS, TO REMOVE REFERENCES THEREIN TO THE R-C2 ZONE DISTRICT (FIRST READING)

Councilwoman Keegan moved, seconded by Councilman Riddle, to approve on first reading and order published by law, Ordinance 2015-06, an ordinance amending Chapter 16 of the Edgewater Municipal Code, concerning zoning, by repealing Article 9 thereof, concerning the R-C2, Residential-Commercial 2 Zone District, and by amending Section 16-3-10, concerning the establishment of zone districts, and Subsection 16-30-130(d), concerning bulk plane limitations, to remove references therein to the R-C2 Zone District as presented. A minor typographical error was noted. Attorney Renaud advised that the error would be corrected prior to second reading of the ordinance. The motion **PASSED** on the following vote: **AYES:** Councilwoman Keegan, Councilman

Riddle, Councilman Fleck, Councilwoman Keeble, Councilman Teegardin, Councilwoman Spangenberg and Councilman Conklin. **NAYS:** None. **ABSENT:** None. **ABSTAIN:** None.

ITEM 11. MARIJUANA REGULATION ORDINANCE – DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 2015-07, AN ORDINANCE AMENDING ARTICLES 30 AND 32 OF CHAPTER 16 OF THE EDGEWATER MUNICIPAL CODE, CONCERNING MEDICAL MARIJUANA AND RETAIL MARIJUANA, RESPECTIVELY, TO ESTABLISH LIMITS ON THE NUMBER OF MARIJUANA BUSINESSES WITHIN THE CITY AND TO AMEND EXISTING CITY REGULATIONS CONCERNING THE LOCATIONS OF SUCH BUSINESSES, BY AMENDING SECTIONS 16-30-100 OF THE CODE, CONCERNING THE LOCATION OF MEDICAL MARIJUANA BUSINESSES, 16-30-130 OF THE CODE, CONCERNING PROHIBITED ACTS RELATED TO MEDICAL MARIJUANA BUSINESSES, 16-32-90 OF THE CODE, CONCERNING THE LOCATION OF RECREATIONAL MARIJUANA BUSINESSES, AND 16-32-130 OF THE CODE, CONCERNING PROHIBITED ACTS RELATED TO RETAIL MARIJUANA BUSINESSES; AND REPEALING THE TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING, AND APPROVAL OF ANY APPLICATION FOR A CITY OF EDGEWATER PERMIT OR LICENSE RELATED TO THE OPERATION OF A MARIJUANA-RELATED BUSINESS (FIRST READING)

Councilwoman Spangenberg moved, seconded by Councilwoman Keeble, to approve on first reading and order published by law, Ordinance 2015-07, an ordinance amending Articles 30 and 32 of Chapter 16 of the Edgewater Municipal Code, concerning medical marijuana and retail marijuana, respectively, to establish limits on the number of marijuana businesses within the City and to amend existing City regulations concerning the locations of such businesses, by amending Sections 16-30-100 of the Code, concerning the location of medical marijuana businesses, 16-30-130 of the Code, concerning prohibited acts related to medical marijuana businesses, 16-32-90 of the Code, concerning the location of recreational marijuana businesses, and 16-32-130 of the Code, concerning prohibited acts related to retail marijuana businesses; and repealing the temporary moratorium on the submission, acceptance, processing, and approval of any application for a City of Edgewater permit or license related to the operation of a marijuana-related business as presented.

Councilman Conklin said he supported the ordinance in spirit although he did not agree with the elimination of the distance requirements between marijuana establishments. It was noted that the distance requirements had been eliminated due to: a lack of undue problems at those locations currently closer than five hundred feet (500') to each other; would provide flexibility as the non-conforming status in those businesses would be removed; and the ability of facilities to relocate.

VOTE was called for. The motion **PASSED** on the following vote: **AYES:** Councilwoman Keegan, Councilman Riddle, Councilman Fleck, Councilwoman Keeble, Councilman Teegardin, Councilwoman Spangenberg and Councilman Conklin. **NAYS:** None. **ABSENT:** None. **ABSTAIN:** None.

ITEM 12. GENERAL BUSINESS

There was no general business to discuss.

ITEM 13. PUBLIC COMMENTS

There were no public comments.

ITEM 14. MAYOR AND COUNCIL COMMENTS

Councilman Fleck, Councilman Teegardin, Councilwoman Spangenberg, Councilman Riddle, Councilwoman Keegan and Mayor McNulty had no comments.

Councilwoman Keeble said that she had participated in the historic walking tour that had taken place on May 2nd. It was a combination of Jane's Walk and Edgewater Walks. Jane's Walk was an international event that took place in the first week of May. There had been fifteen (15) participants.

Councilman Conklin said that he had attended the Mayor's Commissioners Breakfast earlier that week. It had been good to hear what was going on in other Jefferson County communities. Councilman Conklin said that he was involved in the Love Hope Strength program which hosted bone marrow drives at concerts and major musical events.

ITEM 15. BUSINESS MEETING ADJOURNMENT

There being no further business, Mayor McNulty adjourned the meeting at [7:40:45 PM](#).

Submitted by:

/s/ Beth A. Hedberg, MMC
City Clerk