

**EDGEWATER CITY COUNCIL
REGULAR BUSINESS MEETING
MINUTES
JUNE 4, 2015**

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

ITEM 1. CALL TO ORDER

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

ITEM 2. ROLL CALL

City Clerk Beth A. Hedberg called the roll.

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

Absent: Mayor Bonnie McNulty

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

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

Councilwoman Keegan moved, seconded by Councilman Fleck, 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 MAY 28, 2015

Councilman Fleck moved, seconded by Councilman Conklin, 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

City Manager HJ Stalf reported that one of his daughters were getting married the following Saturday. Another daughter was set to get married on July 4th.

Community Services Director Dan Maples provided information on the street sweeping schedule and the future use of no-parking signs. Directed Maples gave an update on the 26th Avenue water main replacement project and the lead line replacement project. Thirty-five residents had expressed interest in having the City price out the cost for replacing their lines from the valve box into their homes. Director Maples said that Q3, an Xcel Energy contractor, were in the area replacing gas lines at forty-one (41) locations. They indicated that would be back in July to replace fifty plus (50+) lines.

A pothole on 25th Avenue and Chase Street was addressed with respect to sinkhole concerns. Further leak testing would be conducted.

Concerns over the storm drain and pothole at 26th Avenue and Sheridan Boulevard were expressed. Director Maples said that Denver Water were actually releasing water at 29th Avenue and Sheridan Boulevard. City staff had met with CDOT regarding repaving Sheridan and re-doing the storm drain.

No further reports were given.

ITEM 7. PUBLIC COMMENTS (NON-AGENDA ITEMS)

Frances Sgarletti said that there was a lot of construction going on near her home and it made her think about the noise and smell pollution you would have if you lived nextdoor to goats or chickens. Ms. Sgarletti suggested that the City utilize robocalls to inform citizens of issues. Ms. Sgarletti inquired as to why the distance requirements had been recently removed between marijuana centers and childcare facilities. She thanked Council for limiting the number of marijuana centers to be located in the City. Ms. Sgarletti said that she liked the type of signs being used on the 26th Avenue Water Line Replacement Project.

Larry Welshon said that Mayor Pro Tem Riddle had reached out to him about his fourteen (14) page diatribe that he had sent to all of Council on Monday. They had spoken about the goat issue from last week's work session. There was a distinct possibility that within a year citizens would see initial drafts of new ordinances that would address goats, among other animals. It promised to be as big a deal or bigger

than the rental questions for later that evening. Mr. Welshon said that, without betraying where he stood on the issue, he wished to suggest a course of action that the City could take now to forestall another large tome from him and that Council could apply to other high stakes issues where intense public involvement was expected: 1) Direct the City staff, including the Police Department and Code Enforcement to keep track of all calls lodged about animals. If staff saw a pattern to calls, they needed to be proactive and bring it up at staff meetings and then start documenting; 2) Conduct focus group sessions with citizens on the topic. Mr. Welshon said that he thought this would only be useful for controversial issues; 3) Provide via the website archived, streaming audio of both business meetings and work sessions. This would help interested citizens keep up on Council's reasoning and their research; 4) Encourage members of Council to submit their reasoning and their research for positions they had in some sort of public way. It would assist the public in understanding where Council was coming from and it would push Council to engage in thorough research that was open to public scrutiny; 5) The Council as a whole should produce a written defense of the whereas statements written by the City Attorney. Mr. Welshon said that, from his reading of them, they were often lofty unsubstantiated assertions used to sway public opinion as opposed to well researched assertions backing up a new law. Also, the phrase, "from time to time" was suspect in his mind because it was somewhat vague; and 6) Mr. Welshon said that he wanted to hear spirited debate between members of the Council on the issues at hand.

Ronald Garcia said that he was a fifty (50) year resident of the city. Mr. Garcia was a neighbor to the goats and it smelled pretty bad and it was noisy. Mr. Garcia expressed concerns over trash and weeds in the City. He took pride in his yard and alley would like to see his neighbors do the same. Mr. Garcia would like Code Enforcement to enforce weed compliance and snow removal.

Gerard V. Frank said he'd lived at 16th Avenue and Yates Street. He spoke about traffic issues that included fatalities and severe injuries at the 17th Avenue and Sheridan Boulevard intersection. Mr. Frank said that he was forming a task force to address the issue with the goal of including intersection improvements in the DRCOG 2021 or 2037 Transportation Plan. Traffic engineering was needed. Mr. Frank spoke about the cost and possible sources of funding. He said that he would be approaching Denver in late July when Rafael Espinoza took office for his support. He would also approach the City of Lakewood and some legislators he was familiar with. He would provide the Council with a draft resolution in the near future.

Amy Kasson said that she had conducted additional research regarding goats. She provided some regulations that were in the Cities of Lakewood and Wheat Ridge. Ms. Kasson offered to email her research to Council Members. Ms. Kasson spoke about the smell and noise caused by the goats.

Denise Shine said that she was also a neighbor to the goats. She was concerned with health issues that might be caused by excrement and urine. Ms. Shine spoke about the unpleasant smell. She said that she believed the enclosure for the goats was too small.

ITEM 8. MUTUAL AID RESOLUTION – DISCUSSION AND POSSIBLE ACTION ON RESOLUTION 2015-07, A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT FOR LAW ENFORCEMENT MUTUAL AID BETWEEN THE CITY OF EDGEWATER AND THE CITY OF MOUNTAIN VIEW

Councilman Fleck moved, seconded by Councilwoman Keeble, to approve Resolution 2015-07, a resolution approving an Intergovernmental Agreement for law enforcement mutual aid between the City of Edgewater and the City of Mountain View as presented. Discussion was held regarding self-dispatch, non-emergency mutual aid request and liability. A minor typographical error had been noted and corrected. Attorney Renaud provided a brief explanation of mutual aid and advised on statutory regulations. 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 9. RENTAL PROPERTY REGISTRATION ORDINANCE – DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 2015-08, AN ORDINANCE AMENDING CHAPTER 6 OF THE EDGEWATER MUNICIPAL CODE, CONCERNING BUSINESS LICENSES AND REGULATIONS, BY THE AMENDMENT OF SECTION 6-1-30, CONCERNING THE REQUIREMENT FOR A BUSINESS LICENSE AND EXCEPTIONS TO SUCH REQUIREMENT, AND BY THE ADDITION OF A NEW ARTICLE 12, CONCERNING THE ESTABLISHMENT OF A RENTAL PROPERTY REGISTRATION REQUIREMENT, WHICH REQUIREMENT, IN CONJUNCTION WITH THE ADOPTION OF THE CITY OF EDGEWATER RENTAL PROPERTY MAINTENANCE CODE, IS NECESSARY IN ORDER TO PROVIDE MINIMUM STANDARDS TO SAFEGUARD LIFE OR LIMB, HEALTH, PROPERTY, AND PUBLIC WELFARE BY REGULATING AND CONTROLLING THE USE, OCCUPANCY AND MAINTENANCE OF ALL RESIDENTIAL STRUCTURES AVAILABLE FOR RENT WITHIN THE CITY OF EDGEWATER (FIRST READING)

Councilwoman Spangenberg moved, seconded by Councilwoman Keegan, to approve on first reading and order published by law, Ordinance 2015-08, an ordinance amending Chapter 6 of the Edgewater Municipal Code, concerning business licenses and regulations, by the amendment of Section 6-1-30, concerning the requirement for a business license and exceptions to such requirement, and by the addition of a new Article 12, concerning the establishment of a rental property registration requirement, which requirement, in conjunction with the adoption of the City of Edgewater Rental Property Maintenance Code, is necessary in order to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the use, occupancy and maintenance of all residential structures available for rent within the City of Edgewater as presented. Attorney Renaud noted the changes that had

made to the ordinance as result of direction he had received at the work session held on May 28, 2015. Public comment was called for.

Larry Welshon noted the document he had submitted to Council Monday morning that raised questions about the intent and the necessity of the contemplated changes to Chapters 6 and 7. Mr. Welshon said that he was still not satisfied that enough research was done to substantiate the whereas statements. The phone call and email records didn't pass muster because they were haphazardly collected and were scatter shot. They might show a pattern of general discontent, but to say they demonstrated Council's finding that dangerous, substandard, unsanitary and/or deficient residential dwelling units was a stretch even if you allow for the weasel word phrase, "from time to time." Mr. Welshon said that he remained convinced that it would harm the very people it was intended to help and that he remained unconvinced that there was an actual need.

Francis Sgarletti requested Council to consider not enacting the code. She understood that landowners would be charged for complaint based inspections. Ms. Sgarletti asked Council to consider adding that, if a tenant caused the problem or if it was a false report, the tenant would have to pay for the inspection. She also asked that inspections only be performed if the tenant planned to stay in the unit. Ms. Sgarletti spoke about tenants making false reports to get back at the landlord. Ms. Sgarletti asked Council to vote no; the ordinance was not needed. She questioned the research presented by Councilwoman Keegan. Ms. Sgarletti said she had spoken with legal services at the Action Center and they told her they had not received any complaints from Edgewater tenants.

John Moreno inquired as to whether or not the Council had received an email from him through the City Clerk. Mr. Moreno said that the overall tone of the ordinance created a subclass of residential property owners primarily in the R-1 Zone without the benefit of a distinctive zone classification. It painted that sub-class, the landowner, as inherently criminal in matters which were traditionally civil. It was a contract between two (2) private parties. Landlords were not the only ones that could be absentee. Mr. Moreno provided examples. He said that property owner contact information was available through the Jefferson County Assessor's Office. Mr. Moreno said that he disagreed that property management companies needed to be within fifty (50) miles from the City of Edgewater and said that the requirement was for legal service purposes. He believed the ordinance was biased.

Darrin Levy referenced Section 6-12-50 of the ordinance and said he didn't understand why it was forcing multiple property owners to register for one property rather than just one owner. Mr. Levy said he had received and reviewed Councilwoman Keegan's research and that he agreed with other comments that the case was not particularly compelling. Except for the personal emails Councilwoman Keegan had received, none of the statistics were Edgewater specific. Mr. Levy said that he believed one of the biggest problems facing the country was the erosion of individual responsibility. The ordinances before Council were steps in that direction. The lease that renters sign

should contain provisions to protect renters. The previous comment that it was a civil matter was apropos. This was a step toward a nanny state. It was where the government got involved when people should have taken responsibility for their own lives. Mr. Levy said he agreed with the comments that this would hurt the people it was supposed to help. He urged a no vote on both ordinances.

Karen Hing said she agreed with many of the comments. It disturbed her that the legislation had been on the floor for years. It had been an expensive piece of legislation with the amount of time that it had taken. She believed that the reason it had taken so long was that, if it had been a great idea and made sense, it would have passed right away. She was disappointed that the legislation had not died from lack of support. Ms. Hing asked Council to vote no.

Pauline York said she supported the ordinances. It was too bad that people did not take responsibility and that regulations were necessary. Mrs. York said that, when she worked with community service, it was often difficult to find out who owned certain property. Mrs. York said one problem property could depreciate property values. It was good to know who to go to if there were problems with a property. Mrs. York provided an example.

Councilman Conklin asked City Attorney Renaud to weigh in on the multiple owner registration requirement.

Attorney Renaud advised that it would not be possible to determine who was in charge of a property with multiple owners. It was not a privacy issue as property owners were a matter of public record.

Limited liability entities acting as a property management company was considered.

Mayor Pro Tem Riddle spoke about Council's due diligence and said that Council had spent many hours on these ordinances. During the work sessions, Council had held many spirited debates. The public had been involved all along the way. Council had heard from tenants, land owners and the public. It was a complex issue. Council had learned the lesson that what was good for one community was not necessarily good for Edgewater.

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 10. RENTAL PROPERTY MAINTENANCE ORDINANCE – DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 2015-09, AN ORDINANCE AMENDING CHAPTER 7 OF THE EDGEWATER MUNICIPAL CODE, CONCERNING HEALTH, SANITATION AND ANIMALS, BY THE ADDITION OF A NEW ARTICLE 7, CONCERNING THE

ESTABLISHMENT OF A RENTAL PROPERTY MAINTENANCE CODE, IN ORDER TO PROVIDE MINIMUM STANDARDS TO SAFEGUARD LIFE AND LIMB, HEALTH, PROPERTY, AND PUBLIC WELFARE BY REGULATING AND CONTROLLING THE USE, OCCUPANCY AND MAINTENANCE OF ALL RESIDENTIAL STRUCTURES AVAILABLE FOR RENT WITHIN THE CITY OF EDGEWATER, INCLUDING BUT NOT LIMITED TO STANDARDS FOR BASIC EQUIPMENT AND FACILITIES, FOR OCCUPANCY, FOR PLUMBING, HEATING AND ELECTRICAL SYSTEMS, AND FOR EXITS, PEST CONTROL AND THE SANITARY MAINTENANCE OF SUCH PROPERTIES (FIRST READING)

Councilwoman Keegan moved, seconded by Councilwoman Spangenberg, to approve on first reading and order published by law, Ordinance 2015-09, an ordinance amending Chapter 7 of the Edgewater Municipal Code, concerning health, sanitation and animals, by the addition of a new Article 7, concerning the establishment of a Rental Property Maintenance Code, in order to provide minimum standards to safeguard life and limb, health, property, and public welfare by regulating and controlling the use, occupancy and maintenance of all residential structures available for rent within the City of Edgewater, including but not limited to standards for basic equipment and facilities, for occupancy, for plumbing, heating and electrical systems, and for exits, pest control and the sanitary maintenance of such properties as presented. Attorney Renaud noted the changes that had made to the ordinance as result of direction he had received at the work session held on May 28, 2015.

Discussion was held regarding: complaints without merit with respect to inspection fees; warranty of habitability as it applied to lease agreements; window locks; egress; public education outreach; building codes; and the concept of safety.

Public comment was called for. Darrin Levy said that he had been remorse in not thanking Council for their work. The ordinances presented that evening were in a more palatable form than first presented. Mr. Levy said that he still urged a no vote. He believed that even college graduates needed to be responsible and to read their leases. Children needed to be raised to ask questions.

Larry Welshon said that he agreed the ordinances were nanny state. The more safe things got the less free we were. Mr. Welshon urged a no vote.

John Moreno said that he saw disadvantages to landowners under penalty of law. He believed that some renters were responsible for fixing items that broke during their occupancy. Mr. Moreno said that he believed the ordinances could be used to impose backdoor eminent domain. Under the Constitution of the United States, the City was not supposed to interfere in private contracts between individuals. Mr. Moreno said he believed it was a nanny state. People were not responsible on both sides of the fence. It was a civil contract that belonged in a civil court not a criminal court. There were services available for mediation between landlords and tenants and there was small

claims court. Mr. Moreno said that the ordinances were misguided and he did not believe that they would be used.

Pauline York said that she cared for people and made improvements to her rental properties when necessary. She provided an example when one of her tenants had electrical problems and her duty to fix them. Mrs. York said that some people did not care.

Francis Sgarletti thanked the Council for allowing the public to speak. She addressed affirmative defenses. She did not believe the ordinance was needed. Ms. Sgarletti referenced Councilwoman Keegan's research and said that many tenants did not always report property problems to the landowner. Ms. Sgarletti said that she could volunteer to go to the Action Center to sort out just how many complaints were from Edgewater. She urged Council to vote no.

Nancy Gimberline said that she did not agree with the definition of family. Attorney Renaud advised that the definition of family was contained in the Zoning Code and had nothing to do with the ordinance before Council. Ms. Gimberline said there were many different forms of leases. If someone complained, the City would need to look over their lease to see who was responsible. Ms. Gimberline said people complained about the ordinance when the City had neglected property. She appreciated the work the Council had done but the May 7th handout referenced an inaccurate number of rental units in the City.

Councilman Teegardin said that he believed the ordinance was reflective of a great many concerns from those opposed to it. Council tried to have the ordinance written to reflect the original intent of Council. The ordinance was not perfect but it could always be reviewed in the future. Councilman Teegardin said he would vote in favor of the ordinance as he respected Council's due process.

Councilman Conklin said that he had gotten on Council during the process of crafting the ordinances. The ordinances had changed form over that time. Council had listened to a lot of feedback and had acted on it. Had Council taken it far enough, for some people, probably not. Had Council taken it further than over people were comfortable with, absolutely. Councilman Conklin feared that he would regret Council removing the egress window requirement. The ordinance had been watered down to try and take into account everyone's beliefs. Council might find that to be a mistake. Councilman Conklin said that he had looked up the definition of nanny state. One definition described it as, "A state whose government institutions are authoritative and over-paternalistic, interfering with and controlling people's lives." Councilman Conklin said that the ordinance was far from controlling people's lives. The Council were trying to do something that aligned with state law and to take care of basic needs. Councilman Conklin said that he hoped that the regulations would not be used but it provided the structure if needed. The ordinance had been crafted over time and he would vote in favor of it.

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 11. GENERAL BUSINESS

There was no general business to discuss.

ITEM 12. PUBLIC COMMENTS

Nancy Gimberline said that the Council acted as the Liquor Licensing Authority. The Council was concerned about renters but they were not concerned about all of the establishments that served liquor. She referenced the number of weekly DUI offenses and accidents. Ms. Gimberline said that it did not appear that Council was concerned for the citizens. She referenced the number of liquor establishments and marijuana establishments.

Francis Sgarletti thanked Council for allowing the public to speak. She referenced a problem with the gutter at West 26th Avenue and Sheridan Boulevard. Ms. Sgarletti asked again why the Council had eliminated some of the distance requirements for marijuana establishments. She said that she was sorry that Council passed the two ordinances that evening.

ITEM 13. MAYOR AND COUNCIL COMMENTS

Councilman Fleck said he wanted to address one of the public comments that had been made. Councilman Fleck said that he had not seen a community board in terms of the Council serving as the Liquor Authority, more concerned about how serious they took that role. The Police Department went above and beyond what most of the neighboring communities did to prevent drunk driving. Councilman Fleck commended the Police Department for helping keep the streets safe.

Councilman Teegardin said he wanted to give another reason why he loved Edgewater. Erik Struthers of Colorado Senior Connections had contacted Mike Duran of Mills Roofing regarding an elder resident's leak. Mr. Duran fixed it for no charge. That was community. Individual liberties and civic duty had both been lost. There should be a balance. Councilman Teegardin spoke about Thomas Jefferson and the help he had received from a Baptist minister to get the Bill of Rights approved.

Councilwoman Keegan thanked Council for the many hours of work spent on the ordinances. The Zoning Code had been changed to allow different property sizes which saved many properties from being illegal. The ordinances had merit. They had made Council aware of the large population of rental units in the City. Tenants needed to have a voice. Council had given them a voice. Council had listened to and appreciated both sides.

Councilwoman Keeble said that, although Council did not necessarily agree with all public comments, they did listen. She appreciated the eloquence of the speakers especially Darrin Levy. Councilwoman Keeble appreciated the presence of Mr. Garcia, one of her neighbors who had attended a Council meeting for the first time. Denise Shine had also attended a Council meeting for the first time. She appreciated Mr. Frank who lived in Denver for coming and sharing a safety issue. It had been powerful to see all of the citizens Council did not normally see at the meeting. It meant a lot that people felt comfortable speaking up. It was nice to see that there was more citizen involvement than there used to be. Councilwoman Keeble said that the HEAL group had recently been speaking about access to healthy foods. They had discussed the Farmer's Market and what had been available in terms of fresh produce. The idea of a consignment system was addressed. Councilwoman Keeble said that she would like Council to consider discussing the cottage food industry at a future work session.

Councilwoman Spangenberg thanked everyone who had attended the meeting. Council did hear the public and the public was a big part of how the ordinances were crafted. Council had to represent everyone who lived within Edgewater, not only those that had voted for them or that they agreed with, but also for those who had not voted for them or agreed with them. Everyone deserved equal respect and consideration. That included the excellent orators and those who could only whisper. It had been mentioned by several providing public comment that Council were forcing out the poor. The ordinance was based on a complaint system only. Anyone who lived in substandard housing and preferred to live there could do so and not lose anything unless they complained. Councilwoman Spangenberg thanked everyone again for assisting Council to come up with a compromise and finding the best way they could do it at the moment they had.

Councilman Conklin said that it had been a very passionate topic with other passionate topics to come. Councilman Conklin thanked everyone who had participated and he thanked the Council for their thoughtful contemplation. The amount by which the ordinances had changed showed a Council body that had taken into account the public feedback and that was to be respected and appreciated.

Mayor Pro Tem Riddle said that what bothered him was the public perception that there was something going on behind closed doors that they were not aware of. The comments of no spirited debate or Council coming to the meeting with everything already planned and their minds made up was very troublesome to him. Councilman Riddle said he would spend some time thinking about how that could be improved. All of the spirited debate took place during the work sessions. Mayor Pro Tem Riddle requested Clerk Hedberg to advise the public on how they could obtain a recording of the work sessions. He encouraged the public to attend work sessions.

Clerk Hedberg said that it was a matter of making an open records request. If the requestor supplied their own disc, there would be no cost.

ITEM 14. BUSINESS MEETING ADJOURNMENT

There being no further business, Mayor Pro Tem Riddle adjourned the meeting at [8:55:14 PM](#).

Submitted by:

/s/ Beth A. Hedberg, MMC
City Clerk

Below is the action that occurred during the work session that followed the business meeting.

At [9:35:13 PM](#) Councilwoman Spangenberg moved, seconded by Councilwoman Keegan to enter into executive session (i) pursuant to Section 24-6-402(4)(a), C.R.S., concerning the purchase or acquisition of certain real property by the City and the sale of certain other real property by the City; and (ii) pursuant to Section 24-6-402(4)(e), C.R.S. for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators concerning real estate matters. 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.