

**EDGEWATER CITY COUNCIL
REGULAR BUSINESS MEETING
MINUTES
DECEMBER 3, 2015**

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

ITEM 1. CALL TO ORDER

Mayor Kris Teegardin called the meeting to order at 7:01 PM.

ITEM 2. ROLL CALL

City Clerk Beth A. Hedberg called the roll.

Present: Mayor Kris Teegardin, Councilman Steve Conklin, Councilman Todd Riddle, Councilwoman Janet Spangenberg, Councilwoman Laura Keegan, Councilwoman Myra A. Keeble and Councilwoman Kate Mulcahy.

Absent: Councilwoman Kara Swanson.

Also Present: City Attorney Thad Renaud, City Manager HJ Staf, Community Services Director Dan Maples and Police Chief John Mackey.

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

Moved by Councilwoman Janet Spangenberg, **seconded by** Councilman Steve Conklin to amend the agenda by moving the Gold Crown Presentation after agenda item number 7 Public Comments. **Vote:** Motion carried by unanimous vote (**summary:** aye = 6). **Aye:** Councilman Steve Conklin, Councilman Todd Riddle, Councilwoman Janet Spangenberg, Councilwoman Laura Keegan, Councilwoman Myra A. Keeble and Councilwoman Kate Mulcahy.

ITEM 5. CONSENT AGENDA – MINUTES OF NOVEMBER 19, 2015

Moved by Councilwoman Laura Keegan, **seconded by** Councilman Todd Riddle to approve the consent agenda. Councilwoman Myra Keeble asked that information be added to the minutes regarding the swearing in of Councilman Todd Riddle. Councilwoman Laura Keegan and Councilman Todd Riddle agreed to the amendment

to the minutes. **Vote:** motion carried by unanimous vote (**summary:** aye = 6). **Aye:** Councilman Steve Conklin, Councilman Todd Riddle, Councilwoman Janet Spangenberg, Councilwoman Laura Keegan, Councilwoman Myra A. Keeble and Councilwoman Kate Mulcahy.

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

City Manager HJ Staff reported that the budget had been finalized.

Police Chief John Mackey noted that he had been with the City for approximately three (3) months. During this time, he had met with other Jefferson County Police Chiefs with the exception of Lakeside and he had also met with the Jefferson County District Attorney. Chief Mackey said that he would begin providing regular reports to Council as he now had had the opportunity to assess Police Department staff and risk areas in the City. His primary focus was on citizen safety. Police Chief John Mackey said that he was happy to take constructive criticism.

Community Services Director Maples reminded everyone of the Giving Tree and invited those in attendance to take a name or two (2) from the Tree. Mr. Maples said that the Lighting Festival and Gingerbread House building would take place on Friday, December 11th. The date for trash service would be changing from Thursday to Friday effective January 7th which would allow the City to be pro-active for trash pick-up misses.

No further reports were given.

Mayor Teegardin spoke about meeting decorum with respect to public comments.

ITEM 7. PUBLIC COMMENTS (NON-AGENDA ITEMS)

Pauline York expressed appreciation over the Police Department's patrol efforts bringing peace and security to the community. She reflected on recent events in the news. Mrs. York thought that a day should be set aside to thank the City's Police Officers.

Colin Anonsen, Constituent Services Representative for Congressman Perlmutter, invited the public to attend the District Office Open House on Saturday, December 5th from noon to 2 PM at the Office of Congressman Ed Perlmutter, 12600 West Colfax Avenue, Suite B400, Lakewood, Colorado.

ITEM 14. GENERAL BUSINESS – GOLD CROWN FOUNDATION PRESENTATION – RAY & FRAN BAKER AND KEVIN PETTY

Kevin Petty Executive Director and Fran Baker Enrichment Executive Director of the Gold Crown Foundation were present. Mr. Petty noted that Ray Baker, their Co-

Founder, and Tara Leipheimer the Accounting/Finance Director were also present. Mr. Petty thanked those Council and City Staff members who had attended the tour at their facility earlier that evening. Mr. Petty said that the Gold Crown Foundation was a youth sports and education non-profit foundation. Information was provided regarding: the history of the Foundation; their Mission Statement.; service areas; number and ages of children served; and programs offered. Kevin Petty spoke about their plans to possibly expand their enrichment program to the Heritage Center offering daytime programs and after school programs. Fran Baker provided information on the programs offered at their Lakewood facility. She said that the Gold Crown Foundation was confident in their model and noted that it had been replicated in one hundred (100) locations in twenty (20) countries. The Foundation believed that they were at the point where they could expand their programs into another community. They had looked for the right location and believed Edgewater was where they needed to be to make an impact on the community.

Discussion was held regarding: programs that could be offered at the Heritage Center; utilizing the ground floor as a community room; anticipated opening date; funding; and challenges that might be faced as the location was a historic property.

Public comment was called for. Gina Hartley asked if homeless children would be served as well.

Kevin Petty answered in the affirmative and said that all of the programs that were offered were free of charge.

Mayor Teegardin thanked Kevin Petty and Fran Baker and said that the City was looking forward to partnering with the Gold Crown Foundation.

City Manager HJ Stalf indicated that the City would need to enter into negotiations for a long-term lease. He said that it was a wonderful opportunity for the City as the Heritage Center might be able to be finished without any significant monetary contributions from the City.

Ray Baker, Chair of the Gold Crown Foundation, said that Bill Hanzlik, Gold Crown Foundation Chief Executive Officer, had sent his regrets that he had been unable to attend and he asked for support from City Council. Ray Baker said that City Management had been excellent to work with. The Gold Crown Foundation was excited for the consideration.

ITEM 8. BUDGET RESOLUTION – PUBLIC HEARING AND DISCUSSION AND POSSIBLE ACTION ON RESOLUTION 2015-15, A RESOLUTION ADOPTING AN ANNUAL BUDGET AND APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS FOR FISCAL YEAR 2016

Mayor Kris Teegardin opened the public hearing at 8:30 PM. He opened the floor to testimony. No testimony was given. Mayor Kris Teegardin closed the public hearing at

8:31 PM. **Moved by** Councilman Todd Riddle, **seconded by** Councilman Steve Conklin to approve Resolution 2015-15, a resolution adopting an annual budget and appropriating sums of money to the various funds for fiscal year 2016 as presented. City Manager HJ Stalf provided information on the minor changes that had been made to the budget since the work session of November 5, 2015. **Vote:** Motion carried by unanimous vote (**summary:** aye = 6). **Aye:** Councilman Steve Conklin, Councilman Todd Riddle, Councilwoman Janet Spangenberg, Councilwoman Laura Keegan, Councilwoman Myra A. Keeble and Councilwoman Kate Mulcahy.

ITEM 9. MILL LEVY RESOLUTION – DISCUSSION AND POSSIBLE ACTION ON RESOLUTION 2015-16, A RESOLUTION SETTING THE TAX LEVY FOR FISCAL YEAR 2016 AND CERTIFYING THE SAME TO THE JEFFERSON COUNTY ASSESSOR

Moved by Councilwoman Myra A. Keeble, **seconded by** Councilwoman Janet Spangenberg to approve Resolution 2015-16, a resolution setting the tax levy for fiscal year 2016 and certifying the same to the Jefferson County Assessor as presented. **Vote:** Motion carried by unanimous vote (**summary:** aye = 6). **Aye:** Councilman Steve Conklin, Councilman Todd Riddle, Councilwoman Janet Spangenberg, Councilwoman Laura Keegan, Councilwoman Myra A. Keeble and Councilwoman Kate Mulcahy.

ITEM 10. JUDGE APPOINTMENT RESOLUTION – DISCUSSION AND POSSIBLE ACTION ON RESOLUTION 2015-17, A RESOLUTION APPOINTING JEFFREY CAHN AS THE PRESIDING MUNICIPAL COURT JUDGE AND APPOINTING THOMAS G. ELLIOT AND BRUCE JOSH AS DEPUTY MUNICIPAL COURT JUDGES, AND APPROVING A JUDICIAL SERVICES AGREEMENT WITH EACH SUCH JUDGE

Moved by Councilwoman Laura Keegan, **seconded by** Councilwoman Myra A. Keeble to approve Resolution 2015-17, a resolution appointing Jeffrey Cahn as the Presiding Municipal Court Judge and appointing Thomas G. Elliot and Bruce Josh as Deputy Municipal Court Judges, and approving a Judicial Services Agreement with each such Judge as presented. It was noted that this was a reappoint for all of the Judges. **Vote:** Motion carried by unanimous vote (**summary:** aye = 6). **Aye:** Councilman Steve Conklin, Councilman Todd Riddle, Councilwoman Janet Spangenberg, Councilwoman Laura Keegan, Councilwoman Myra A. Keeble and Councilwoman Kate Mulcahy.

ITEM 11. SUPPLEMENTAL APPROPRIATION ORDINANCE – DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 2015-20, AN ORDINANCE APPROPRIATING FUNDS FROM THE CAPITAL IMPROVEMENT FUND, THE GENERAL FUND, THE SEWER UTILITY FUND AND THE TRASH UTILITY FUND, AND AUTHORIZING A TRANSFER FROM THE GENERAL FUND TO THE CAPITAL IMPROVEMENT FUND, FOR PURPOSES OF ADJUSTING THE 2015 CAPITAL IMPROVEMENT FUND BUDGET, GENERAL FUND BUDGET, SEWER UTILITY FUND

BUDGET, AND TRASH UTILITY FUND BUDGET, AND ADOPTING A REVISED QUARTERLY BUDGET (FIRST READING)

Moved by Councilman Todd Riddle, **seconded by** Councilwoman Laura Keegan to approve on first reading and order published by law, Ordinance 2015-20, an ordinance appropriating funds from the Capital Improvement Fund, the General Fund, the Sewer Utility Fund and the Trash Utility Fund, and authorizing a transfer from the General Fund to the Capital Improvement Fund, for purposes of adjusting the 2015 Capital Improvement Fund Budget, General Fund Budget, Sewer Utility Fund Budget, and Trash Utility Fund Budget, and adopting a Revised Quarterly Budget as presented. City Attorney Thad Renaud advised that a public hearing would need to be conducted on second reading of the ordinance. **Vote:** Motion carried by unanimous vote (**summary:** aye = 6). **Aye:** Councilman Steve Conklin, Councilman Todd Riddle, Councilwoman Janet Spangenberg, Councilwoman Laura Keegan, Councilwoman Myra A. Keeble and Councilwoman Kate Mulcahy.

ITEM 12. VARIANCE BY USE ORDINANCE – DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 2015-16, AN ORDINANCE AMENDING SECTION 16-24-60 OF THE EDGEWATER MUNICIPAL CODE CONCERNING VARIANCES (SECOND AND FINAL READING)

Moved by Councilwoman Laura Keegan, **seconded by** Councilwoman Janet Spangenberg to approve on second and final reading and order published by law, Ordinance 2015-16, an ordinance amending Section 16-24-60 of the Edgewater Municipal Code concerning variances as presented. **Vote:** Motion carried by unanimous vote (**summary:** aye = 6). **Aye:** Councilman Steve Conklin, Councilman Todd Riddle, Councilwoman Janet Spangenberg, Councilwoman Laura Keegan, Councilwoman Myra A. Keeble and Councilwoman Kate Mulcahy.

ITEM 13. ANIMAL ORDINANCE – DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 2015-19, AN ORDINANCE AMENDING CHAPTER 7 OF THE EDGEWATER MUNICIPAL CODE, CONCERNING HEALTH, SANITATION AND ANIMALS, BY REPEALING AND REENACTING SECTIONS 7-6-70, CONCERNING THE NUMBER OF DOGS AND CATS PERMITTED, AND 7-6-80, CONCERNING A PROHIBITION OF CERTAIN ANIMALS, AND BY THE ADDITION OF NEW SECTIONS 7-6-81, CONCERNING A LICENSE REQUIREMENT FOR THE KEEPING OF CERTAIN ANIMALS, 7-6-82, CONCERNING LICENSE APPLICATIONS AND THE DENIAL OR REVOCATION OF SUCH LICENSES, AND BY THE AMENDMENT OF SECTION 7-6-360, CONCERNING CRUELTY TO ANIMALS, TO ESTABLISH A PROHIBITION ON THE SLAUGHTERING OF ANIMALS WITHIN THE CITY (SECOND AND FINAL READING)

Moved by Councilwoman Janet Spangenberg, **Seconded by** Councilwomen Kate Mulcahy to approve on second and final reading and order published by law, Ordinance

2015-19, an ordinance amending Chapter 7 of the Edgewater Municipal Code, concerning health, sanitation and animals, by repealing and reenacting Sections 7-6-70, concerning the number of dogs and cats permitted, and 7-6-80, concerning a prohibition of certain animals, and by the addition of new Sections 7-6-81, concerning a license requirement for the keeping of certain animals, 7-6-82, concerning license applications and the denial or revocation of such licenses, and by the amendment of Section 7-6-360, concerning cruelty to animals, to establish a prohibition on the slaughtering of animals within the City as presented. City Attorney Thad Renaud advised of the changes that had been made per Council's direction since first reading which included: number of cats and dogs allowed; prohibition of slaughtering; deletion of section which caused goat regulations to sunset after one year's time; and the effective date of May 1, 2016. Public comment was called for.

Larry Welshon said that his comments were based on an email he had sent to City Council on December 1, 2015. Mr. Welshon said that he strongly objected to Section 7-6-81 allowing goats as it sacrificed urban peace and quiet in violation of Section 10-14-10 of the Edgewater Municipal Code. Mr. Welshon noted that the average lot in the City was small and that, even with low density, six (6) dwellings were allowed per acre. He also believed that allowing goats would be inconsistent with Goal 1, Objective 1 of 2013 Comprehensive Plan, "Preserve and enhance Edgewater's unique urban fabric." Larry Welshon said that, from a consistency stance, the Council might be asked to approve miniature horses and potbellied pigs in the future.

Karen Hing said that police powers, by its definition, was the power of a governmental body to impose laws that were reasonably related to the protection and promotion of the public good, health, safety and welfare. Municipalities extended their police powers through their ordinances. Ms. Hing said that she had attended all of the work sessions on this ordinance and had not heard how goats would promote the public welfare or enhance public safety. There was a problem regarding the current regulations which allowed herd animals. An ordinance did need to be passed. Goats caused nuisances. Karen Hing reminded Council that they had taken an oath of office wherein they promised to uphold the City's ordinances. Some of those ordinances addressed nuisances. The 2013 Comprehensive Plan stated that the character of the City would be maintained. She had never heard citizen complaints regarding chickens, rabbits or snakes. Ms. Hing requested that references allowing goats be stricken from the ordinance.

Gina Hartley noted that she currently resided in the City of Wheat Ridge. She said that she drove passed the entrance sign to the City of Edgewater that read, "The City of Choice." She was thankful for the goats coming into the community. If it had not been for the goats, Council would not have addressed the animal ordinance. Ms. Hartley spoke about being raised around animals. She was thankful that Council listened to speakers from other communities regarding sustainability. Gina Hartley asked Council to consider the entrance signs to the City and to consider the history of allowing animals in the City.

Discussion was held regarding: problems with the existing Code provisions that did not prohibit livestock; if goats were pets or sustainability animals; restrictions placed on goats in the ordinance; sunset of goats; grandfathering in existing goats; expectations of living in an urban environment; and considering the greater good of the community.

Pauline York expressed concerns over enforcement if the ordinance passed.

Alison Rose said that she had sought legal counsel as she considered her goats a part of her family and said, if she were forced to get rid of her goats, it would violate her constitutional rights. Ms. Rose requested that Council consider grandfathering in existing goats.

Vote: Motion failed (**summary:** aye = 2, nay = 4). **Aye:** Councilwoman Janet Spangenberg and Councilwoman Kate Mulcahy. **Nay:** Councilman Steve Conklin, Councilman Todd Riddle, Councilwoman Laura Keegan and Councilwoman Myra A. Keeble.

Moved by Councilwoman Laura Keegan, **seconded by** Councilwoman Myra A. Keeble to amend Ordinance 2015-19 as follows: Section 7-6-81(a) striking the words, “and miniature goats” in the first sentence of the section; Section 7-6-81(b) striking the words “goats less than twelve (12) weeks old and” in the last sentence in the section; Section 7-6-81(d) striking the last sentence in the section; Section 7-6-81 (e) striking the words, “or miniature goats” in the first sentence of the section; Section 7-6-81(f) striking the entire section and to approve on second and final reading and order published by law, Ordinance 2015-19, an ordinance amending Chapter 7 of the Edgewater Municipal Code, concerning health, sanitation and animals, by repealing and reenacting Sections 7-6-70, concerning the number of dogs and cats permitted, and 7-6-80, concerning a prohibition of certain animals, and by the addition of new Sections 7-6-81, concerning a license requirement for the keeping of certain animals, 7-6-82, concerning license applications and the denial or revocation of such licenses, and by the amendment of Section 7-6-360, concerning cruelty to animals, to establish a prohibition on the slaughtering of animals within the City as amended.

Vote: Motion failed (**summary:** aye = 3, nay = 4). **Aye:** Councilman Steve Conklin, Councilwoman Laura Keegan and Councilwoman Myra A. Keeble. **Nay:** Councilman Todd Riddle, Councilwoman Janet Spangenberg and Councilwoman Kate Mulcahy. As the vote was a tie, Mayor Kris Teegardin broke the tie pursuant to Section 2.3(2) of the Edgewater City Charter by voting **nay**.

Moved by Councilman Steve Conklin, **seconded by** Councilwoman Janet Spangenberg to approve on second and final reading and order published by law, Ordinance 2015-19, an ordinance amending Chapter 7 of the Edgewater Municipal Code, concerning health, sanitation and animals, by repealing and reenacting Sections 7-6-70, concerning the number of dogs and cats permitted, and 7-6-80, concerning a prohibition of certain animals, and by the addition of new Sections 7-6-81, concerning a license requirement for the keeping of certain animals, 7-6-82, concerning license

applications and the denial or revocation of such licenses, and by the amendment of Section 7-6-360, concerning cruelty to animals, to establish a prohibition on the slaughtering of animals within the City as presented. **Vote:** Motion failed (**summary:** aye = 3, nay = 4). **Aye:** Councilman Steve Conklin, Councilwoman Janet Spangenberg and Councilwomen Kate Mulcahy. **Nay:** Councilman Todd Riddle, Councilwoman Laura Keegan and Councilwoman Myra A. Keeble. As the vote was a tie, Mayor Kris Teegardin broke the tie pursuant to Section 2.3(2) of the Edgewater City Charter by voting **nay**.

Moved by Councilman Todd Riddle, **seconded by** Councilwoman Laura Keegan to table Ordinance 2015-19 to January 7, 2016. **Vote:** Motion passed (**summary:** aye = 4, nay = 2). **Aye:** Councilman Todd Riddle, Councilwoman Janet Spangenberg, Councilwoman Laura Keegan, Councilwoman Myra A. Keeble and Councilwoman Kate Mulcahy. **Nay:** Councilman Steve Conklin.

**ITEM 14. GENERAL BUSINESS – GOLD CROWN FOUNDATION
PRESENTATION – RAY & FRAN BAKER AND KEVIN PETTY**

This item had been previously discussed.

ITEM 15. PUBLIC COMMENTS

Pauline York asked if the City employees would receive a raise in 2016.

City Manager HJ Stalf said that merit raises had been budgeted.

ITEM 16. MAYOR AND COUNCIL COMMENTS

Councilwoman Janet Spangenberg said that she was honored to work with Council in this difficult time. She had confidence that Council would do their best.

Councilwoman Laura Keegan said that she was excited about the Gold Crown Foundation and had enjoyed the tour. It was a wonderful opportunity for all of the children. She thanked City Manager HJ Stalf and Community Services Director Maples for encouraging the partnership. Councilwoman Laura Keegan said that she had attended the Tobacco Free quarterly meeting the previous evening. Progress had been made with cigarette smoking but the youth use of E-cigarettes and vaping were on the rise. The liquids contained in E-cigarettes and vaping were not regulated. She suggested that Council consider strengthening the smoking ordinance.

Councilman Todd Riddle said that his daughter was a senior at Lakewood High. She had told him that vaping was everywhere. He supported the efforts against vaping. Councilman Todd Riddle said that Council had difficult issues to discuss and he appreciated the candid conversations.

It was noted that the City of Edgewater was the first jurisdiction in Colorado to address vaping in their smoking ordinance.

Councilwoman Myra A. Keeble said she was happy to hear about the Gold Crown Foundation possibly preserving the Heritage Center and she was excited about their programming. Councilwoman Myra Keeble said that Council had participated in healthy discord. She apologized if she had come across as upset. As a Council, it was really important to set aside personal opinions for the greater good. She said that she was confident Council would come up with something good.

Councilwoman Kate Mulcahy said that she too was extremely excited about the Gold Crown Foundation and it was amazing to tour their facility. It made her want to be a kid again. Councilwoman Kate Mulcahy said that she hoped everyone attended the Holiday Lighting Festival as it was a great community event.

Councilman Steve Conklin said that the Lighting Festival was one of the highlights of the year. The Gold Crown tour had been amazing. He thanked everyone for the vibrant debate and the public feedback.

Mayor Kris Teegardin thanked the public for attending and for all of the dialogue. He said that Council would come to a solution. Mayor Kris Teegardin said he would rather do it the right way even if it took some time. Mayor Kris Teegardin said that he was thankful for his colleagues.

ITEM 17. BUSINESS MEETING ADJOURNMENT

There being no further business, Mayor Kris Teegardin adjourned the meeting at 9:49 PM.

Submitted by:

/s/ Beth A. Hedberg, MMC
City Clerk