

**EDGEWATER CITY COUNCIL
REGULAR BUSINESS MEETING
MINUTES
NOVEMBER 19, 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 8:02 PM.

ITEM 2. ROLL CALL

Deputy City Clerk Jennifer Schartz called the roll.

Present: Mayor Bonnie McNulty, Councilman David Fleck, Councilman Kris Teegardin, Councilman Steve Conklin, Councilwoman Janet Spangenberg and Councilwoman Laura Keegan.

Absent: Councilman Todd Riddle

Also Present: City Attorney Thad Renaud, City Manager HJ Stalf, Finance Director Ken Keeley, Recreation Manager Patrick Martinez, Court Clerk Cesar Renteria and 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

Moved by Councilwoman Laura Keegan, seconded by Councilwoman Janet Spangenberg to approve the agenda as presented. **Vote:** Motion carried by unanimous vote (**summary:** aye = 6). **Aye:** Councilman David Fleck, Councilman Kris Teegardin, Councilman Steve Conklin, Councilwoman Janet Spangenberg and Councilwoman Laura Keegan.

ITEM 5. INSTALLATION OF MAYOR AND COUNCIL MEMBERS

Municipal Court Judge Jeffrey Cahn issued the oath of office to Council incumbents Myra Keeble and Steve Conklin. He then swore in Mayor Kris Teegardin and then new Council members Kara Swanson and Kate Mulcahy.

Former Mayor Bonnie McNulty and Councilman David Fleck were presented with tokens of appreciation for their service. Mayor McNulty received a standing ovation.

ITEM 6. CONSENT AGENDA – MINUTES OF NOVEMBER 5, 2015

Moved by Councilwoman Janet Spangenberg, seconded by Councilwoman Laura Keegan to approve the consent agenda as presented. **Vote:** Motion passed (**summary:** aye = 6; abstain = 1). **Aye:** Councilwoman Janet Spangenberg, Councilwoman Kara Swanson, Councilwoman Laura Keegan, Councilwomen Kate Mulcahy and Councilman Steve Conklin. **Abstain:** Councilwoman Myra A. Keeble.

ITEM 7. COMMUNICATIONS FROM THE CITY MANAGER, STAFF, AND BOARDS AND COMMISSIONS

City Manager HJ Staf welcomed the new members of Council. City Manager Staf noted that Community Services Director Dan Maples had been unable to attend the meeting due to family reasons. Mr. Staf provided an update on the lead line replacement and paving projects. He reported that Jefferson County Open Space refused to accept the City's grant application. The City would continue to pursue its goals with respect to the Heritage Center.

Recreation Manager Patrick Martinez said that the Holiday Lighting Festival and Ginger Bread house making would be held on December 11th beginning at 5:00 p.m. Santa would make an appearance.

No further reports were given.

Mayor Kris Teegardin recognized City Staff member Court Clerk Cesar Renteria and thanked him for his great customer service.

ITEM 8. PUBLIC COMMENTS (NON-AGENDA ITEMS)

Pauline York complimented the City on the bike lanes on West 26th Avenue. Mrs. York addressed City Council and said that it was good to look to the future of Edgewater but she asked that they did not forget the past for it was the past that built the foundation of Edgewater for what it was today. Mrs. York asked Council to use the common sense their parents and grandparents used.

Gina Hartley welcomed everyone that was new to Council. Ms. Hartley spoke about parking issues at the 25th Avenue parking lot. She also discussed what the City and County of Denver were doing in terms of tow truck drop fees.

Larry Welshon offered his congratulations to the newest Council members. He asked them to remember that not everyone in the community thought like they did. Those with philosophical differences wanted their voices heard. Mr. Welshon said that he liked the newly paved streets. Mr. Welshon referred to Section 11.8 of the City Charter regarding

the creation of community committees to study issues and create reports to assist in the crafting of good legislation.

Joel Newton thanked Community Services Director Dan Maples for his involvement on Nextdoor Edgewater in taking comments from citizens and responding to them regarding the recent infrastructure projects. That was an excellent example of how small communities could interact with citizens through social media.

ITEM 9. PAVING IGA RESOLUTION – DISCUSSION AND POSSIBLE ACTION ON RESOLUTION 2015-14, A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF EDGEWATER AND THE CITY OF WHEAT RIDGE TO APPORTION THE COSTS OF REPAVING 26TH AVENUE

Moved by Councilwoman Laura Keegan, seconded by Councilwoman Myra A. Keeble to approve Resolution 2015-14, a resolution approving an Intergovernmental Agreement between the City of Edgewater and the City of Wheat Ridge to apportion the costs of repaving 26th Avenue as presented. Project costs, inlay and striping were discussed. **Vote:** Motion carried by unanimous vote (**summary:** aye = 6). **Aye:** Councilman Kris Teegardin, Councilwoman Janet Spangenberg, Councilwoman Kara Swanson, Councilwoman Laura Keegan, Councilwoman Myra A. Keeble and Councilwomen Kate Mulcahy.

ITEM 10. 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 (FIRST READING)

Moved by Councilman Steve Conklin, seconded by Councilwoman Janet Spangenberg to approve on first 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. City Attorney Thad Renaud provided background information on the ordinance. He noted that the changes were very limited and that it was very unusual for municipalities to allow change of use by variance. Planning and Zoning Commission Chair Karen Hing said that the Commission had recommended adopted of the ordinance by unanimous vote. **Vote:** Motion carried by unanimous vote (**summary:** aye = 6). **Aye:** Councilman Kris Teegardin, Councilwoman Janet Spangenberg, Councilwoman Kara Swanson, Councilwoman Laura Keegan, Councilwoman Myra A. Keeble and Councilwomen Kate Mulcahy.

ITEM 11. 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 7-6-83, CONCERNING THE EXPIRATION OF REGULATIONS CONCERNING MINIATURE GOATS (FIRST READING)

Moved by Councilwoman Janet Spangenberg, seconded by Councilwomen Kate Mulcahy to approve on first 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 7-6-83, concerning the expiration of regulations concerning miniature goats as presented. City Attorney Thad Renaud noted that the Council had discussed the ordinance during two (2) work sessions. He explained the changes the ordinance would make to the existing provisions in the Edgewater Municipal Code "Code" concerning: number of dogs and cats allowed; prohibited animals; exceptions to prohibited animals; and new sections entitled, "License required for specially regulated animals", "License application; denial or revocation of license" and "Expiration of regulations concerning miniature goats".

Public comment was called for.

Karen Hing referenced Section 7-6-70 of the ordinance concerning the number of allowed cats and dogs. Animals caused nuisances. Ms. Hing requested that the total number of allowed cats and dogs be taken back down to three (3). She expressed concerns over the expiration of regulations concerning miniature goats and said that it was irresponsible. She believed Section 7-6-83 should be eliminated.

Pauline York said she agreed with Ms. Hing regarding the number of cats and dogs that should be allowed. She wanted to be certain that a prohibition of slaughtering was included.

Larry Welshon said that he did not agree with the assertion that animals may create adverse impacts and he suggested that the word "may" be changed to "will" in the "whereas" statement. Mr. Welshon said that smells and sounds of miniature goats were a nuisance and he was opposed to allowing them. He lived in the City and did not want to experience farm life in the City. Mr. Welshon spoke about Section 10-14-30 of the Code with respect to citizen complaints placing an additional burden on the Edgewater Police Department. Mr. Welshon said that Section 7-6-83 was bad governance. If goats were allowed, Mr. Welshon asked that a license requirement be added that goats must be kept inside during normal sleeping hours.

Discussion was held regarding: protecting the needs and desires of the general public from adverse impacts; whether goats should be allowed; the number of dogs and cats

that should be allowed; the noise ordinance; compliance; the distinction between indoor and outdoor rabbits; and the effective date of the ordinance.

Councilwoman Janet Spangenberg amended her motion to approve Ordinance 2015-19 to insert a prohibition against slaughtering, to reduce the number of allowed cats and dogs from five (5) to a total of three (3) for single family detached residences, to strike Section 7-6-83 and to have an effective date of May 1, 2016. Councilwoman Mulcahy consented to the amended motion.

Vote: Motion carried by vote (**summary:** aye = 4; nay = 2). **Aye:** Councilman Kris Teegardin, Councilwoman Janet Spangenberg, Councilwoman Kara Swanson and Councilwomen Kate Mulcahy. **Nay:** Councilwoman Myra Keeble and Councilwoman Laura Keegan.

ITEM 12. COMCAST FRANCHISE AGREEMENT ORDINANCE – DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 2015-XX, AN ORDINANCE APPROVING THE CABLE TELEVISION FRANCHISE AGREEMENT BETWEEN THE CITY OF EDGEWATER AND COMCAST OF COLORADO, LLC, FOR A TERM TO EXTEND TO NOVEMBER 1, 2025 (SECOND AND FINAL READING)

Moved by Councilwoman Myra A. Keeble, seconded by Councilwoman Kara Swanson to approve on second and final reading and order published by law, Ordinance 2015-18, an ordinance approving the Franchise Agreement between the City of Edgewater, Colorado, and Comcast of Colorado IV, LLC (“Comcast”), that is attached hereto and that grants to Comcast the nonexclusive authorization to use City rights-of-way and similar locations to construct, operate and maintain a cable system to provide cable television service within the City, and that fixes the terms, condition and compensation therefor as presented. City Attorney Thad Renaud noted for the record that there had been no changes to the ordinance or the Franchise Agreement since its adoption on first reading. **Vote:** Motion carried by unanimous vote (**summary:** aye = 6). **Aye:** Councilman Kris Teegardin, Councilwoman Janet Spangenberg, Councilwoman Kara Swanson, Councilwoman Laura Keegan, Councilwoman Myra A. Keeble and Councilwomen Kate Mulcahy.

ITEM 13. GENERAL BUSINESS

Mayor Kris Teegardin appointed Councilman Todd Riddle as his Mayor Pro Tem.

ITEM 14. PUBLIC COMMENTS

There were no public comments.

ITEM 15. MAYOR AND COUNCIL COMMENTS

Councilman Steve Conklin no comments.

Councilwoman Kate Mulcahy said she was excited to be there and she hoped that she did well.

Councilwoman Myra Keeble said that she was excited to be there and she thanked the citizens for trusting her for another term. Councilwoman Myra Keeble welcomed the new Council members and said she was looking forward to working together.

Councilwoman Kara Swanson said that she was excited to be there and she was excited that there were members of the public in attendance.

Councilwoman Laura Keegan said that Mayor Kris Teegardin did a good job running the meeting. She said it was good to hear the new Council members' voices that evening and she welcomed them. Councilwoman Laura Keegan said that she believed they had a strong Council.

Councilwoman Janet Spangenberg welcomed the new Council members and returning Council members. She agreed with Councilwoman Laura Keegan that they had a strong Council.

Mayor Kris Teegardin thanked the citizens for attending. He thanked Judge Cahn for his patience. Mayor Kris Teegardin said that he enjoyed using the parliamentary system as a tool not as a weapon. He liked a lot of discussion so long as it was constructive and Council moved forward. Good dialogue happened in front of the public and between Council members.

ITEM 16. BUSINESS MEETING ADJOURNMENT

There being no further business, Mayor Teegardin adjourned the meeting at 8:45 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 9:05 p.m., Municipal Court Judge Jeffrey Cahn issued the oath of office to Council incumbent Todd Riddle.

At 9:15 p.m. Councilwoman Myra Keeble moved, seconded by Councilwoman Laura Keegan to enter into executive session for the purposes of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S. § 24-6-402(4)(e), and to discuss the purchase of certain real property by the City and the sale of certain other real property by the City, under C.R.S. § 24-6-402(4)(a).